

Committee:	Date:
Planning and Transportation	23 June 2015
Subject: Opposite Rising Sun Court Long Lane London EC1A 9EJ Replacement of public payphone kiosk with combined public payphone and ATM booth and associated change of use.	Public
Ward: Farringdon Within	For Decision
Registered No: 15/00426/FULL	Registered on: 12 May 2015
Conservation Area: Smithfield	Listed Building: No

Summary

The application relates to a single telephone box located within the public footway on the south east side of Long Lane opposite Smithfield East Market and in front of Rising Sun Court, a pedestrian thoroughfare which spurs off Long Lane between Nos. 56 and 58 Long Lane.

The telephone box lies within Smithfield Conservation Area, is of contemporary design and is considered not to be a heritage asset.

Planning permission is sought to replace the existing telephone box with a combined public payphone and ATM cashpoint box and to approve an associated change of use from sui-generis to Class A2 (financial and professional services). The replacement box would be of solid construction utilising a modified type K6 BT box design and would have both payphone and ATM machines located externally. The footprint of the proposed box would increase from 0.9m x 0.9m to 0.9m x 1.0m.

The applicant has maintained that the site falls within an area which has been identified as having a high demand for ATM facilities.

It is considered that the proposed change of use would introduce an inappropriate activity into the public domain resulting in a loss of visual permeability arising from the solidification of the structure. The proposal would increase the incidence of street 'clutter', detracting from the appearance of the street scene within Long Lane and would fail to preserve or enhance the character of Smithfield Conservation Area.

The City's streets are subject to increasingly high levels of footfall and improvements to pedestrian permeability and enhancement of the public realm is consequently a priority for the City. It is considered that the development would unnecessarily prejudice existing and future free pedestrian movement within the footway.

The resulting level of harm would not be mitigated by any perceived economic or social benefit.

Recommendation

That the application be refused for the reasons set out in the attached schedule.

Site Location Plan



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ADDRESS:
Opposite Rising Sun Court, Long Lane

CASE No.
15/00426/FULL

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT



Images of BT box for 15/00426/FULL

Main Report

Site

1. The application relates to an isolated telephone box that is located within the public footway on the south east side of Long Lane opposite Smithfield East Market, a Grade 2* listed building, and in front of Rising Sun Court, a pedestrian thoroughfare which spurs off Long Lane between Nos. 56 and 58 Long Lane, and which affords character views of St Bartholomew the Great Church a Grade 1 listed building to the south, and connects to a Grade 2 listed building fronting Cloth Fair.
2. The telephone box lies within Smithfield Conservation Area, and is of contemporary design. The box is considered not to be a heritage asset.

Proposal

3. Planning permission is sought for the change of use from a telephone payphone box which is classed as sui-generis, to a mixed use comprising a payphone and an ATM which falls within Class A2 (financial and professional services) of the Town and Country (Use Classes) Order 1987 (as amended).
4. The change of use would involve disposal of the existing telephone box and erection of a traditional type K6 BT telephone box design which would be substantially modified. The box would be sealed with no access to the internal space and would have payphone and ATM machines located externally.
5. The resulting conversion would dispense with clear glazing giving rise to a visually solid form. The footprint of the proposed box would increase from 0.9m x 0.9m to 0.9m x 1.0m.

Consultations

6. The application has been publicised on site and in the press.
7. The views of other City of London departments have been taken into account in the consideration of this scheme.
8. The City of London Conservation Area Advisory Committee (CAAC) support the City's policy of seeking to reduce street clutter and has objected to the proposal considering it to be detrimental to the street scene and to the conservation area.

Policy Context

9. The development plan consists of the London Plan and the City of London Local Plan. The London Plan and Local Plan policies and Supplementary Planning Documents that are most relevant to the consideration of this case are set out in Appendix A to this report. It is necessary to assess all of the policies and proposals in the Development Plan and to come to a view as to whether the proposal satisfies the requirements of the Plan.

10. Government planning guidance is contained within the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance (NPPG).
11. Although not a Development Plan Document, the City of London Corporation City Street Scene Manual is considered material as it provides specific guidance for developers in respect of telephone boxes and kiosks that are located within the highway.

Considerations

12. The Corporation in determining the planning application has the following main statutory duties to perform:-
 - To have regard to the provisions of the development plan, in so far as it is material to the application, to local financial considerations so far as they are material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
 - In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building/structure or its setting or any features of special architectural or historic interest which it may possess. (S66 (1) Planning (Listed Building and Conservation Areas) Act 1990)
 - When considering the applications, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (S72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).
13. Chapter 12 of the NPPF is relevant in this instance as it sets out key policy considerations for applications relating to designated and non-designated heritage assets. Other relevant guidance is provided by Historic England including the document's Conservation Principles, and The Setting of Heritage Assets together with Building in Context (HE/CABE) and the PPS5 Practice Guide in respect of the setting of heritage assets.
14. Considerable importance and weight should be given to the desirability of preserving or enhancing the character or appearance of a conservation area and the setting of listed buildings, when carrying out any balancing exercise in which harm to the significance of conservation areas or the setting of listed buildings is to be weighed against public benefits. A finding that harm would be caused to a conservation area or the setting of a listed building gives rise to a strong presumption against planning permission being granted.

15. The principal issues in considering this planning application are:
 - The extent to which the proposal complies with Government policy advice (NPPF) and the relevant policies of the Development Plan, having particular regard to:
 - The acceptability of the proposed alterations in design and heritage terms.
 - The suitability of the site and its location

The Acceptability of the Proposal in Design and Heritage Terms

16. Policy DM12.2 of the Local Plan states that development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area. Policy DM12.1 seeks to ensure that the significance of heritage assets is sustained. Policy DM10.1 encourages a high standard of design in development proposals. Policy 7.8 of the London Plan seeks to ensure that development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Chapters 7 and 12 of the NPPF set out relevant design and heritage policies.
17. In this instance consideration needs to be given to the impact that the proposal would have on the significance of the Smithfield Conservation Area as a designated heritage asset. The existing telephone box is non-designated and is considered not to be a heritage asset. It is of contemporary design and appearance and although comprising an identifiable and commonplace element of street architecture does not contribute positively to the appearance or character of the conservation area. Accordingly the loss of the telephone box would not be detrimental to the conservation area. Although Conservation Area Consent is not required for its removal, and a telecom replacement would be subject to a deemed consent process, planning permission would be required where there would be a change of use.
18. The proposed development would lie directly opposite and within the wider setting of Smithfield East Market a large Grade 2* listed building. It also lies on a pedestrian approach to Rising Sun Court a Grade 2 listed building fronting Cloth Fair to the south east and adjoins an important local viewing point for the church of St Bartholomew the Great.
19. In the case of the impact upon the setting of Smithfield Market and the Grade 2 listed building within Rising Sun Court, it is considered that as a result of the separation distances and the scale of the proposed development, there would be less than significant harm to the setting of these listed buildings.
20. However Smithfield Conservation Area Character Summary and Management Strategy SPD (2.26MB) adopted 18 September 2012 records a significant public viewing point (View 8) adjacent to the existing telephone box, of the north transept of St Bartholomew-the-Great as seen from Long Lane through Rising Sun Court. The

solidification of the telephone box in conjunction with the likelihood that existing views would be further compromised by the potential assembly of persons using the box, would obstruct this important local view of the church of St Bartholomew-the Great, further detracting from the visual amenity of the locality and resulting in less than substantial harm to the significance of this part of Smithfield Conservation Area as a designated heritage asset.

21. A key characteristic of the existing telephone box is that the glazing is transparent and allows light and public views to permeate through the structure. The proposed replacement structure would be materially different, having no clear glazing and as a result appearing as a solid structure within the street scene. Notwithstanding the use of a more traditional K6 telephone box for the proposed combination payphone/ATM kiosk, the resulting conversion would no longer possess the design aesthetic or historic significance of that iconic structure and would consequently not deliver any enhancement to the character of the conservation area.
22. The proposal would require persons using the kiosk to stand within the footway extending the use of the site beyond its built footprint and further reducing the 2m 'pinch point' between the development and the nearest building.
23. Consideration has been given to paragraph 134 of the NPPF. It is considered that the less than substantial harm to the conservation area would not be outweighed by the public benefits of the proposal. The proposals would therefore be contrary to policies DM 12.2, DM12.1 and DM10.1 of the Local Plan, policy 7.8 of the London Plan and the aims of chapters 7 and 12 of the NPPF.
24. The Corporation's City Street Scene Manual recognizes that telecommunication kiosks have an important role to play within City streets and states that whilst providing a valuable amenity within the public realm they can also contribute positively to the street scene and act as a visual reference point to people unfamiliar with an area. Whilst every effort should be made to make telephone boxes accessible to people with disabilities, where the boxes are redundant and contribute to clutter, the manual confirms that the City will actively pursue their removal and will welcome the removal of unprofitable modern call boxes. The manual further recognizes that retail or other forms of kiosk as distinct from telephone boxes are not a common feature within the City's streets due to the general lack of space on the existing walkways and public spaces. Only (non-telecom) kiosks of high quality design that would not detract from the surrounding streetscape, would not obscure key views within the streetscape, would not compromise circulation in the footway or obstruct pedestrian flows, and would provide accessibility for disabled persons, would be acceptable. In this instance the proposal does not satisfy such criteria.

The Suitability of the Site

25. Policy CS20 of the Local Plan seeks to focus new retail development (including A2 uses) within the Principal Shopping Centres and encourage movements between the principal Shopping Centres by enhancing the retail environment in the retail links. The site is not within a Principal Shopping Centre or a Retail Link as defined by the Local Plan. It does however lie alongside a shopping parade that extends for some length along this part of Long Lane.
26. Policy DM10.4 of the Local Plan encourages the enhancement of highways, the public realm and other spaces. It states that enhancement schemes should be of a high standard of design, having regard to the following matters of relevance to the determination of this application:
 - Connections between spaces and the provision of pleasant walking routes;
 - The need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
 - The need for pedestrian priority and enhanced permeability.
27. Policy CS16 of the Local Plan aims to improve conditions for safe and convenient walking. London Plan Policy 6.10B states that development proposals should ensure high quality pedestrian environments. London Plan policy 7.5B advises that street furniture and infrastructure should be of the highest quality, maintain uncluttered spaces and should contribute to easy movement of people through space.
28. The City's streets currently have a high level of footfall particularly during peak hours. A report was presented to the Planning and Transportation Committee on the 13th January 2015 regarding items on the highway ('A' boards, bike racks etc.). The report noted that the City is expecting a significant increase in commuters, shoppers and visitors. The current daily population of users of the City is estimated to be around 330,000 people and with the growth of the 'Eastern Cluster' office developments, the construction of Crossrail, Bank upgrade and the Thameslink upgrade the City's daily population is predicted to rise to well over 400,000 in the next ten years. This could result in the streets becoming even busier. The London Plan reinforces the importance of planning for growth (e.g. "Context and Strategy" paragraph 1.47).
29. The application site is in close proximity to Smithfield Market and forms part of an east west route between Aldersgate and the market. The area has high levels of footfall not only during commuter and lunchtime periods but during those times associated with the operation of Smithfield Market.
30. The telephone box also lies in close proximity to the entrance of the Farringdon East Crossrail Station currently under construction which when completed would result in a significant increase in pedestrian footfall in the area.

31. The existing telephone box already forms a pinch point on the footway. The proposed mixed payphone and ATM use would spill onto the highway to such a degree that it could result in obstruction and detract from the permeability of the locality.
32. The clutter and highway obstruction that the proposed use would generate would detract from the public realm and pedestrian permeability contrary to the aims of policies DM10.4 and DM17.1 of the Local Plan and policies 6.10B and 7.5B of the London Plan.
33. Ease of pedestrian movement and the enhancement of the public realm is a priority for the City and in many instances there would be a preference for most non-listed telephone boxes unless regarded as non-designated heritage assets that are no longer required for telecommunication purposes to be removed from the highway.
34. It is acknowledged that accessibility to the payphone would be improved for disabled persons. However improved payphone accessibility could be achieved by alteration to the existing telephone box facility in accordance with the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. Provision of an ATM is not necessary in order to improve accessibility to the payphone.

Conclusion

35. It is considered that the solidified appearance of the replacement structure would obstruct an important view of the Listed Grade 1 church to the south, would clutter the street and fail to preserve or enhance Smithfield Conservation Area resulting in less than substantial harm to the significance of this part of the Conservation Area as a designated heritage asset.
36. Within the City it is projected that footfall will increase further over the next 10 years as a result of natural growth and improved public transport services including the new Crossrail Farringdon East station. The proposed conversion of the telephone box would obstruct the highway to an unacceptable degree
37. Although the proposal would provide a more accessible payphone and the provision of an ATM such benefits would not outweigh the harm that has been identified. For these reasons the proposal is considered to be contrary to policies DM 12.1, DM12.2, DM10.1 and DM10.4 of the Local Plan, policies 6.10A/B, 7.5A/B and 7.8D of the London Plan and the aims of chapters 7 and 12 of the NPPF.

Background Papers

Internal

29.05.2015 City Transportation - Memo

External

Design and Access Statement

Design and Security Statement

Visual of converted telephone box

Standard KX100 telephone kiosk as existing: Drawing number - T2

Photographs of the site as existing

02.06.2015 City of London Conservation Area Advisory Committee - Memo

Appendix A

London Plan Policies

Policy 6.10 Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.

Policy 7.5 Development should make the public realm comprehensible at a human scale. Landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space.

Policy 7.8 Development should identify value, conserve, restore, re-use and incorporate heritage assets, conserve the significance of heritage assets and their settings and make provision for the protection of archaeological resources, landscapes and significant memorials.

Relevant Local Plan Policies

CS3 Ensure security from crime/terrorism

To ensure that the City is secure from crime, disorder and terrorism, has safety systems of transport and is designed and managed to satisfactorily accommodate large numbers of people, thereby increasing public and corporate confidence in the City's role as the world's leading international financial and business centre.

CS10 Promote high quality environment

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

DM10.1 New development

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;

- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

DM12.1 Change affecting heritage assets

1. To sustain and enhance heritage assets, their settings and significance.
2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

DM10.4 Environmental enhancement

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces. Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City;
- f) sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i) the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;
- j) the use of high quality street furniture to enhance and delineate the public realm;
- k) lighting which should be sensitively co-ordinated with the design of the scheme.

DM10.8 Access and inclusive design

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for of all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

CS12 Conserve or enhance heritage assets

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

DM12.1 Change affecting heritage assets

1. To sustain and enhance heritage assets, their settings and significance.
2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

DM12.2 Development in conservation areas

1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.
2. The loss of heritage assets that make a positive contribution to the character or appearance of a conservation area will be resisted.
3. Where permission is granted for the demolition of a building in a conservation area, conditions will be imposed preventing demolition commencing prior to the approval of detailed plans of any replacement building, and ensuring that the developer has secured the implementation of the construction of the replacement building.

SCHEDULE

APPLICATION: **15/00426/FULL**

Opposite Rising Sun Court Long Lane London

Replacement of public payphone kiosk with combined public payphone and ATM booth and associated change of use.

REASONS FOR REFUSAL

- 1 The proposal would result in the erection of a visually impermeable structure which in conjunction with and exacerbated by the nature of the proposed use would prejudice important public views of St Bartholomew the Great Church an important Grade 1 listed building to the south, would detract from the appearance of the street scene, and add to street 'clutter' which would fail to preserve or enhance the character and appearance of this part of Smithfield Conservation Area contrary to the following Local Plan policies: CS10, DM10.1, CS12, DM12.1, DM12.2, DM12.3.
- 2 The proposed structure & change of use and the activity associated therewith would obstruct the public footway and pedestrian environment and would be an impediment to the free flow of pedestrian movements along this part of Long Lane contrary to the following Local Plan policies: CS10, DM10.1, CS16, DM16.1, DM16.2.

INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:

detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;

a full pre application advice service has been offered;

where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.

However, notwithstanding the above, it has not been possible to achieve solutions to the problems as the proposals are contrary to

planning policies, do not demonstrate other over-riding material considerations, and negotiations could not overcome the problems.