

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b> 15/09/2023		
		N/A		<b>Consultation Expiry Date:</b> 25/11/2023		
<b>Officer</b>			<b>Application Number(s)</b>			
Brendan Versluys			1) 2023/2990/P 2) 2023/4643/A			
<b>Application Address</b>			<b>Drawing Numbers</b>			
Existing Telephone Kiosk outside 221 Camden High Street London NW1 7HG			See decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>			
<b>Proposal(s)</b>						
1. Replace an existing telephone kiosk with an upgraded telephone kiosk.  2. Display of an LCD digital advertising screen attached to a replacement, upgraded telephone kiosk.						
<b>Recommendation(s):</b>		1. Refuse Planning Permission 2. Refuse Advertisement Consent				
<b>Application Type:</b>		1. Planning Permission 2. Advertisement Consent				
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice				
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	<b>No. notified</b>	0	<b>No. of responses</b>	0	<b>No. of objections</b>	0
<b>Summary of consultation responses:</b>	A site notice was displayed in proximity to the site from 3/11/2023 (expiring 25/11/2023).  No objections or comments were received from adjoining occupiers.  One objection was received from the Metropolitan Police. The Metropolitan Police object for the following reasons: <ul style="list-style-type: none"> <li><i>The location (at the junction with Inverness Market) is one of the major drug hotspots in Camden Town for dealing. The street is already cluttered at this location with the drug dealers using the environment to conceal themselves from the CCTV cameras at the</i></li> </ul>					

location. Having a larger product installed will increase the opportunity for drug activity.

- Could the applicant also provide details of usage of the phone and how it will benefit the area?
- Camden High Street is very busy especially during the evening and weekends. The volume of persons using the footpaths is very high. The High Street already has numerous items of street furniture (wooden seating cubes, planters and the like) that flow is often hindered. Having this installation in place does not do anything to alleviate this issue.

Officer response:

Design and crime effects are assessed in section 7 of this report.

1 x objection has been received from residents of surrounding properties, which can be summarised as follows:

- The existing telephone kiosk is unlikely has any significant use, is primarily used as an advertising hoarding, and obstructs pedestrian traffic.
- The existing telephone kiosk is used to conduct drug dealing.
- The existing kiosk should be removed and there are no benefits brought about by the upgraded kiosk.
- For any replacement new kiosk, it should not be higher than the existing kiosk, there should be no generator which emits noise, the kiosk should not be able to receive incoming phone calls, lighting of the kiosk should not be visible from surrounding properties.

Officer response:

Design and crime effects are assessed in section 7 of this report. Transportation effects are assessed in section 6 of this report.

## Site Description

The application site comprises an area of the public footway on the western side of Camden High Street near to the junction with Inverness Street.

The site is located on Camden High Street (A502) which forms part of the Strategic Road Network (SRN).

The footway is relatively uncluttered. The existing street furniture on the pavement includes: trees, rubbish/ recycling bin, an existing phone box, lampposts, and timber street boxes. These timber boxes have the primary function as a counter terrorism measure.

The application site does not sit within a conservation area; however, it would be sited adjacent to the Camden Town Conservation Area.

## Relevant History

## Site History:

### 2021/2110/P and 2021/3135/A -

1. Installation of a new phone hub unit following removal of existing kiosk as part of wider proposals to replace Infocus telephone kiosks; and
3. Display of 1 x LCD illuminated digital advertisement panel to new phone hub unit.

**Refused 20/12/2021. Appealed APP/X5210/W/22/3290298 allowed 14/11/2022**

### **2019/2698/P - Installation of 1 x replacement telephone kiosk on the pavement. – Prior Approval Required and Refused – 12/07/2019**

*RfR:*

1. *The proposed development, is not wholly for the purpose of the operator's electronic network and thereby falls outside the terms of Part 16, Class A of the General Permitted Development Order.*
2. *The proposed telephone kiosk, by reason of its location, size and detailed design, would add to visual clutter and detract from the character and appearance of the street scene and the adjacent Camden Town Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
3. *The proposed telephone kiosk, by virtue of its location, size and detailed design, and adding unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.*
4. *The proposed telephone kiosk, by virtue of its inappropriate siting, size and design, would fail to reduce opportunities for crime and antisocial behaviour to the detriment of community safety and security, and compromise the safety of those using and servicing the telephone kiosk contrary to policy C5 (Safety and Security) of the London Borough of Camden Local Plan 2017.*

### **2009/1766/P - Installation of a telephone kiosk on the public highway. – Prior Approval Required and Refused – 27/05/2009**

*RfR:*

1. *The proposed telephone kiosk, by reason of its design, size and location would introduce an incongruous feature with the streetscape, add to visual clutter detracting from the pedestrian environment and the setting of the adjoining Camden Town conservation area contrary to policies B1(General Design Principles), B5 (Telecommunications), B7 (Conservation Areas), T3 (Pedestrians and cycling) and T12 (Works affecting highways) of the London Borough of Camden Replacement Unitary Development Plan 2006, Camden Planning Guidance 2006 and PPG8 (Telecommunications).*
2. *The proposed telephone kiosk, by virtue of its inappropriate design and location would compromise the safety of pedestrians, those using and servicing the telephone kiosk and encourage criminal activity, contrary to policies SD1d (Community Safety) and T3 (Pedestrians and cyclists) of London Borough of Camden Replacement Unitary Development Plan 2006, Camden Planning Guidance and PPG8 (Telecommunications).*

Figure 1. Phone kiosk applications by decision type

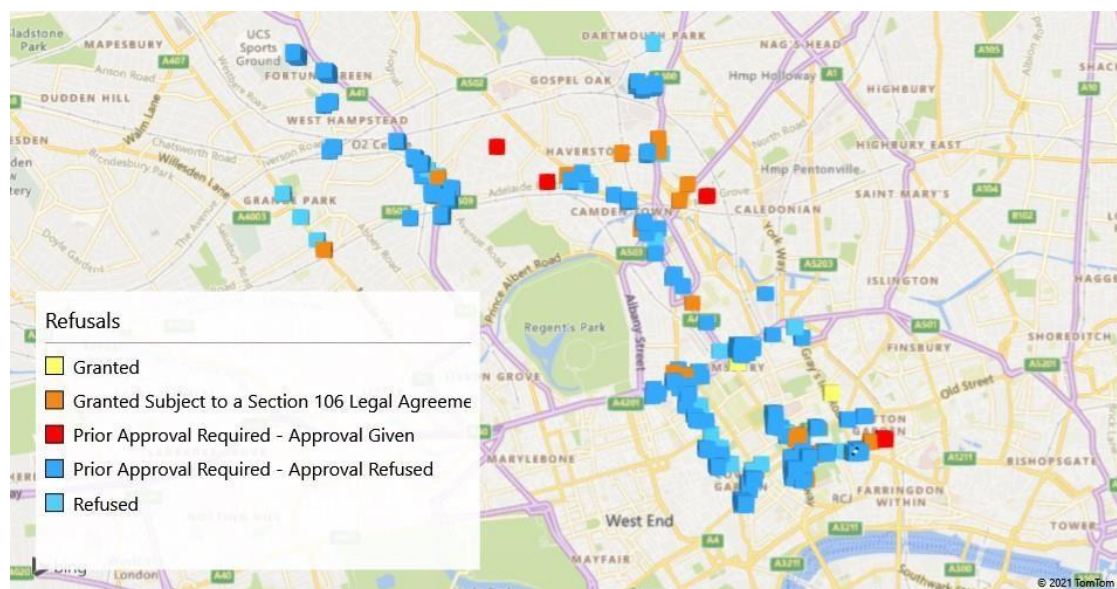
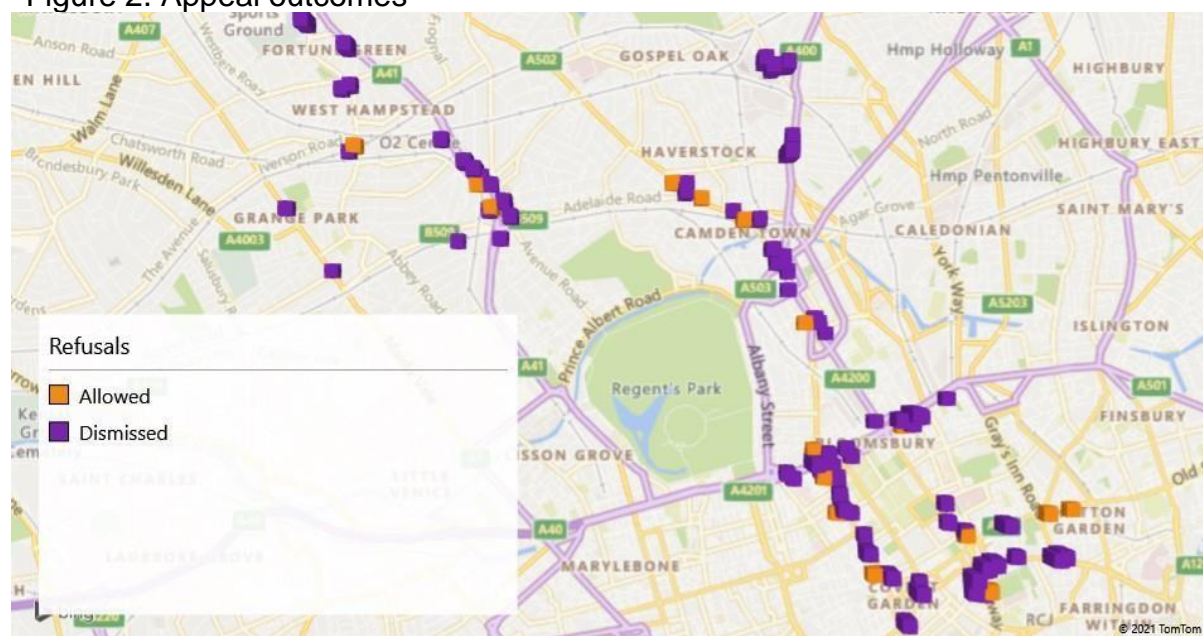


Figure 2. Appeal outcomes



## Total cases

### 2017

<b>Full Planning Permission</b>	<b>46</b>
Granted	1
Granted Subject to a Section 106 Legal Agreement	20
Refused	1
Withdrawn Decision	24
<b>GPDO Prior Approval Determination</b>	<b>92</b>
Prior Approval Required - Approval Given	3
Prior Approval Required - Approval Refused	89

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**2018**

<b>Full Planning Permission</b>	<b>16</b>
Granted Subject to a Section 106 Legal Agreement	4
Withdrawn Decision	12
<b>GPDO Prior Approval Determination</b>	<b>110</b>
Prior Approval Required - Approval Given	1
Prior Approval Required - Approval Refused	79
Withdrawn Decision	30

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**2019**

<b>Full Planning Permission</b>	<b>20</b>
Refused	20
<b>GPDO Prior Approval Determination</b>	<b>21</b>
Prior Approval Required - Approval Refused	21

**Since 2018, the Council has refused planning permission/prior approval for telephone kiosks for 120 kiosk sites. A full list of the cases has been provided in Appendix 1.**

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**2017**

Allowed	13
Dismissed	27
Withdrawn Appeal	1

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**2018**

Allowed	4
Dismissed	75

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**2019**

Allowed	1
Dismissed	13

**In 2018, 75 appeals were dismissed following the Council's decision to refuse permission. In 2019, 13 appeals were dismissed for kiosks comprising a large digital panel.**

On 18th September 2018, 13 appeals were dismissed for installation of payphone kiosks along Euston Road and in King's Cross. One appeal decision notice was issued covering all of the appeals and this is attached for convenience (see Appendix 2). He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.

**On 5<sup>th</sup> September 2023, 18 appeals were dismissed for the installation of BT street hub units with LCD advert screens, along Tottenham Court Road.** One appeal decision notice was issued covering all of the appeals and this is attached for convenience (see Appendix 3). He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.

**In 2023 the Council has secured the removal of the following telephone kiosk located on Tottenham Court Road following the issuing of Breach of Condition Notices**

EN19/1010 and EN19/1011 o/s 132 Tottenham Court Road (BT)  
EN19/0994 and EN19/0992 o/s 200-208 Tottenham Court Road (BT)  
EN19/0907 and EN19/0991 o/s 220-224 Tottenham Court Road (BT)  
EN19/0957 and EN19/0958 o/s 23 Tottenham Court Road (BT)  
EN19/0966 and EN19/0967 o/s 39 Tottenham Court Road (BT)  
EN19/1002 o/s 80 Tottenham Court Road (Infocus)  
EN19/1005 o/s 105 Tottenham Court Road (Infocus)  
EN19/0962 and EN19/0963 o/s 29 Tottenham Court Road (NWP)

EN19/1006 and EN19/1007 o/s 104 Tottenham Court Road (NWP)  
EN19/1008 and EN19/1009 o/s 114 Tottenham Court Road (NWP)  
EN19/0965 o/s 39-45 Tottenham Court Road (NWP)

## **Relevant Policies**

### **National Planning Policy Framework 2023**

### **The London Plan 2021**

#### **Camden Local Plan 2017**

A1 Managing the impact of development  
C5 Safety and Security  
C6 Access  
D1 Design  
D2 Heritage  
D4 Advertisements  
G1 Delivery and location of growth  
T1 Prioritising walking, cycling and public transport

#### **Camden Planning Guidance (CPG)**

CPG Design (2021) - chapters 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)  
CPG Transport (2021) - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)  
CPG Advertisements (2018) – paragraphs 1.1 to 1.15; and 1.34 to 1.38 (Digital advertisements)  
CPG Amenity (2021) - chapter 4 (Artificial light)

#### **Camden Streetscape Design Manual**

#### **Digital Roadside Advertising and Proposed Best Practice (commissioned by Transport for London) March 2013**

#### **Design of an accessible and inclusive built environment. External environment - code of practice (BS8300-1:2018 and BS-2:2018)**

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

#### **Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013**

#### **Draft Camden Local Plan**

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **Assessment**

### **3. Proposal**

- 3.1. The proposal is to install 1 x telephone kiosk following the removal of 1 x telephone kiosk close to the site at 221 Camden High Street (see Figure One). No permission, nor prior approval was granted for the existing kiosk.





Figure One: Existing and proposed location of telephone kiosk, centre

3.2. The proposal is to remove the existing kiosk located outside 221 Camden High Street and replace with a new kiosk. The proposed kiosk would measure 1.2m wide, 1.4m in depth, and up to 2.513m high (being 2.463m high at the lower end of the kiosk's sloping roof). The kiosk would include a digital advertisement screen on its southern elevation, facing northbound traffic on Camden High Street. The digital advertisement screen measures 1.005m wide and 1.86m high and take up most of the eastern elevation.

3.3. The kiosk would be semi-enclosed, with the western elevation fronting the footway being full-open, and the northern elevation having a half-width glazed panel enclosure.

3.4. The kiosk would have an approximate 200mm gap at the bottom.

#### 4. Assessment

4.1. On 25 May 2019, the GPDO was amended through the adoption of the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019. This amendment has had the effect of removing permitted development rights to install a public call box under Schedule 2, Part 16, Class A of the GPDO. Accordingly a planning application and associated advertisement consent application have been submitted.

4.2. As planning permission is now required for the installation of a telephone kiosk, the Council can take into consideration more than just the siting, design and appearance of the kiosk. The Council is able to take into consideration all relevant planning policies and legislation.

4.3. If planning permission was to be approved a legal agreement (Section 278) would be required to secure these matters to ensure that the existing kiosk was removed in a timely fashion and to other management controls.

4.4. **It is noted that a previous refusal for a digital screen was allowed on appeal APP/X5210/W/22/3290298 in 2022. Since this refusal there have been a number of other**

**appeal decisions which take a different view in relation to the harm caused by the prominence of digital screens, ASB and the need for legal agreements to secure adequate management. Accordingly it is appropriate to give these decisions weight in the review of the current proposal.**

Furthermore, the Council has demonstrated that there is a requirement under Part 24 16 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 is often breached. Paragraph A.2 of Part 24, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as follows:

“(2) Class A(a) and Class A(c) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land, building or structure on which it is situated (b) in any other case, as soon as reasonably practicable after it is no longer required for telecommunication purposes.

In this case, Prior approval was not sought for the existing kiosk and unfortunately it became lawful by passage of time. There are two other kiosks within 5-100m of the application site. These BT links were approved on 22/11/2017 (ref no.s 2017/5420/P and 2017/5421/P). Following which there has been associated ASB with these kiosks however they remain in operation. The Council alleges that it is for the function of an advertisement structure that the applicant wishes to replace the phone kiosk, rather than any genuine need for telecommunication purposes.

## **5. Design**

5.1. Policy D1 (Design) of the Camden Local Plan states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

5.2. The proposed kiosk would be located in the same location as the existing kiosk and would have a generally similar bulk and form as the existing kiosk. The key difference is that on its southern elevation, the kiosk would have a large digital advertising panel, whereas the existing large advertising panel on the southern elevation of the existing kiosk contains a static, non-illuminated advertisement panel.

5.3. In a recent appeal decision (REF: APP/X5210/W/20/3254037 and 3252962 – see Appendix 3) in relation to a phone kiosk of a marginal smaller scale but similar design approach, the Inspector noted:

*The visual impact of the kiosk would be increased by the large illuminated advertising panel, which would be a dominating feature on the structure. The panel, close to the kerbline, would be a prominent standalone illuminated feature. The panel would be unrelated to the services provided by the adjacent commercial units and would appear prominent in views along the street both during the day and in hours of darkness.*

5.4. CPG Design advises ‘the design of streets, public areas and the spaces between buildings, needs to be accessible, safe and uncluttered. Well-designed street furniture and public art in streets and public places can contribute to a safe and distinctive urban environment’. Street furniture should not obstruct pedestrian views or movement.

5.5. The proposed site currently has an existing Infocus telephone kiosk located on the pavement west of Camden High Street, with no permission being granted. The pavement in this part of Camden High Street has been extended previously to allow more space for pedestrians. The existing kiosk is located within the extended pavement area, which is not a recognised street furniture zone and actively reduces the amount of usable space and creates a visual pinch point on the pavement.



Given the high volumes of pedestrians (which continue to increase) along the highstreet, the kiosk, due to its location, position and detailed design constitutes a physical obstruction in the pedestrian desire line along the footway. The kiosk has an adverse impact on pedestrian amenity and comfort on a section of footway which is otherwise clear and unobstructed by bulky items of street furniture.

- 5.6. It appears that the size of the unit is determined by the size of the advertising panel. This is an unfortunate ordering of the characteristics. The design of the unit is not considered to be the high quality that Camden expects across the borough's buildings, streets and open spaces. There is nothing distinctive or responsive to context within the proposal, which is a missed opportunity to create a uniquely Camden unit. At a time of re-invention of the street, with widening of pavements and appreciation of generous public realm, these proposals are a disappointing reinstatement of underused pavement clutter.
- 5.7. The enclosed nature of the kiosk would allow it to be filled with waste cardboard or other detritus, as has been a common occurrence for a number similar kiosks in Camden. There would therefore be little or no improvement to the existing situation in terms of encouraging anti-social behaviour. The proposal would only extend the permanence of a structure which encourages anti-social behaviour.
- 5.8. Camden Town Conservation area sits adjacent to the proposed kiosk. The proposed kiosk due to its position, it would sit with the advertising panel facing the start of the conservation area. Opposite the application site, there is an existing InLink Panel, which includes telecommunication facilities and advertising panels on both sides.
- 5.9. In appeal decision APP/X5210/W/20/3254037 and 3252962, 16/11/2020, for comparable illuminated digital advertisement displays, the Planning Inspector commented that 'while the luminance level and rate of image transition could be controlled by condition, the appeal proposal would as a result of the internal illumination associated with the panel, its position adjacent to the kerb and changing images, create a discordant feature within the street scene.' The inspector noted that 'Whilst such forms of advertisement are becoming increasingly familiar on the street scene, it would, nonetheless, create an additional, discordant feature within the street scene, adding visual clutter and hence adversely affect the way in which these buildings are experienced from the public realm.' This finding is also relevant to the proposed digital display at the application site.
- 5.10. The proposal would result in additional structure for the same purpose with a large digitalscreen in this location, which would add to the proliferation of digital advertising, and cause harm to the character of the streetscene and setting of Camden Town Conservation Area. Due to its detailed design, the size and large illuminated display panel, this would serve to heighten the appearance of the proposed kiosk, making it more conspicuous than the existing kiosk which it would replace.
- 5.11. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. As such, the proposed kiosk would appear as a particularly obtrusive piece of street furniture and unduly dominant in this context, adding to visual clutter harmful to the streetscene, which would not preserve nor enhance the character and appearance of the conservation area. In this regard, the proposal would fail to adhere to Local Plan Policies D1 (Design) and D2 (Heritage).
- 5.12. Furthermore in appeal decision the Inspector dealing with BT kiosks specifically referenced the poor quality of existing structures and the poor repair resulting in the new kiosk not being considered to have a positive effect on the street scene. The Inspector noted that they were *'conscious that the existing BT kiosks are dated and in a poor state of repair, with some being*

*covered in graffiti and showing signs of physical damage... If the proposed new kiosk were to be vandalised or to fall into similar disrepair, it would become even more of an eyesore than the existing kiosks due to its increased height, width, and general prominence.  
...there is no legal mechanism in place to ensure that an appropriate maintenance plan is implemented in perpetuity.*

*11. On this basis, I am unable to determine that the proposal would have a positive effect on the street scene in this location. Indeed, without a mechanism in place to ensure that the new kiosk is properly maintained, it is probable that it would fall into a similar level of disrepair as the existing kiosks. It would then become an unsightly feature which would significantly distract from the quality of the local street scene”.*

- 5.13. The Inspector concluded that the proposal would have a harmful effect on the character and appearance of the area. It is considered that without these controls the impact of the already poorly designed structure which has a detrimental impact on the street scene and the wider area would be exacerbated by a poorly maintained structure.
- 5.14. Notwithstanding the existence of a telephone kiosk in situ, the detailed design, size and large illuminated display panel would serve to heighten the appearance of the proposed kiosk, making it more conspicuous than the existing kiosk which it would replace.
- 5.15. As such, the proposed structure, by reason of its size and scale, adding unnecessary clutter, would be an obtrusive piece of street furniture detracting from the character and appearance of the streetscene and the setting of the adjacent Camden Town conservation area. The incongruous design would therefore provide an intrusive addition to the street and in this regard would fail to adhere to Policies D1 (Design) and D2 (Heritage).

#### Public benefit

- 5.16. Policy A1 (Managing the impact of development) states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities.
- 5.17. Local Plan Policies D1 and D2, consistent with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, state that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
- 5.18. More specifically, Paragraph 196 of the NPPF states that ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.19. The Council acknowledges the need for greater connectivity with regards to telecommunication networks and facilities. There is another InLink panel at 90m south from the application site, in front of Camden Town TfL station, and two telephone kiosks at 280m north, corner with Castleheaven Road. Based on current and ongoing enforcement investigation it has been found that telephone kiosks are not used for telecommunication purposes, but rather for antisocial behaviour, and therefore the need for such facility in this location is not justified.
- 5.20. While it is acknowledged that the proposal would include public facilities, such as, a defibrillator, free Wi-Fi, possible free phone calls landlines and charities, wayfinding, device charging, public messaging capabilities and CCTV, there is no evidence that these facilities can only be provided on a kiosk of the proposed scale and with the inclusion of a large digital panel. It

is also noted more generally, that following the Covid-19 outbreak, many facilities such as public wayfinding facilities have been switched off and are unlikely to be used in the same way, so limiting the likely usage and benefit.

- 5.21. Furthermore, no evidence has been provided as to how these types of facilities might be appropriately and safely used under current circumstances, especially given the prevalence of personal mobile phone ownership which already provides many of the facilities proposed. Moreover, no details have been provided on the location of existing wayfinding or defibrillator coverage in the area or any consideration for whether there might already be scope for providing public messaging capabilities in some better way. It is also noted that public phone charging facilities of the type proposed can encourage anti-social behaviour (see also Section 5 below, 'Anti-Social Behaviour').
- 5.22. In addition, no evidence has been provided that such a kiosk is needed for telecommunication purposes as opposed to functioning as an advertisement structure with wifi capabilities. We have not been provided with phone records to show the usage of the kiosk. Weighing the less than substantial harm caused as a result of the proposed development against this limited public benefit, it is considered on balance that any benefit to the public arising from the new kiosk would not outweigh the harm arising to the character and appearance of the streetscene, and Camden Town Conservation Area.
- 5.23. Overall, therefore, on balance, the proposed development does not accord to Section 16 of the NPPF which seeks to preserve and enhance heritage assets, and the proposal is considered on balance to be unacceptable in design terms.

## **6. Highways/footpath width**

- 6.1. While it is recognised that there is an existing kiosk located at the application site, it was not approved by the prior approval process and only become lawful due to the passage of time. Given the number of other kiosks in the area and the poor condition of this kiosk, it is alleged it serves as an advertisement structure only. In addition planning permission is now required for the replacement and we are full considering the impact of the addition. There are no planning records to show the acceptability of the existing kiosk and therefore the proposed replacement is not justified. On 18th September 2018, 13 appeals were dismissed for installation of payphone kiosks along Euston Road and in King's Cross. One appeal decision notice was issued covering all of the appeals and this is attached for convenience (see Appendix 2). He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.
- 6.2. On 5th September 2023, 18 appeals were dismissed for the installation of BT street hub units with LCD advert screens, along Tottenham Court Road. One appeal decision notice was issued covering all of the appeals and this is attached for convenience (see Appendix 3). The inspector concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement. Whilst a different area, the characteristics of being in a commercial area with examples of other kiosks, did not overcome these concerns.
- 6.3. The Inspector agreed in all 13 cases with the Council's concerns about the addition of street clutter whether the sites were or were not located inside a conservation area or affecting the setting of a listed building. In 11 cases he agreed that the impact on pedestrian movement was unacceptable and, when the issue was raised, that the impact on the visibility of traffic signals would also not be acceptable. He took on board the availability too of other telephone kiosks in the vicinity.
- 6.4. Policy D8 (Public Realm) of the London Plan 2021 states that development should 'Applications which seek to introduce unnecessary street furniture should normally be refused'.

- 6.5. Policy A1 (Managing the impact of development) of the Camden Local Plan states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities, and that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users. Furthermore, Policy T1 (Prioritising walking, cycling and public transport) point e) states that the Council will seek to ensure that developments provide high quality footpaths and pavements that are wide enough for the number of people expected to use them, including features to assist vulnerable road users where appropriate, and paragraph 9.10 of CPG Transport highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.
- 6.6. Camden's Streetscape Design manual – section 3.01 footway width states: “‘Clear footway’ is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway:
- 1.8 metres – minimum width needed for two adults passing;
  - 3 metres – minimum width for busy pedestrian street though greater widths are usually required;
  - Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street’.
- 6.7. All development affecting footways in Camden is also expected to comply with Appendix B of Transport for London's (TfL's) Pedestrian Comfort Guidance, which notes that active and high flow locations must provide a minimum 2.2m and 3.3m of ‘clear footway width’ (respectively) for the safe and comfortable movement of pedestrians.
- 6.8. Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.
- 6.9. Policy T1 also states that where appropriate, development will be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.
- 6.10. Paragraph 9.7 of CPG Transport seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:
- Safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments and other disabilities;
  - Maximising pedestrian accessibility and minimising journey times;
  - Providing stretches of continuous public footways without public highway crossings;
  - Linking to, maintaining, extending and improving the network pedestrian pathways;
  - Providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas;
  - Use of paving surfaces which enhance ease of movement for vulnerable road users; and,
  - Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed e.g. by pavement parking or by street furniture.

- 6.11. The proposed telephone kiosk, by being in an extremely high footfall area, and the loss of footpath to accommodate the kiosk would exacerbate the existing harm caused and have a harm the walking experience due to a significant reduction in the level of service. This is likely to be exacerbated further due to the features such as charging which encourage people to spend time by the kiosk. This is a problem that the Council has experienced from the existing in-link kiosks. Permitted a proposed telephone kiosk would set a precedent for harming the pedestrian amenity, comfort and safety, as per the existing situation.
- 6.12. Policy C5 (Safety and security) of the Camden Local Plan requires development to contribute to community safety and security, and paragraph 4.89 of policy C5 states that the design of streets needs to be accessible, safe and uncluttered, with careful consideration given to the design and location of any street furniture or equipment. Paragraphs 7.41 and 7.42 of CPG Design advise that the proposed placement of a new phone kiosk needs to be considered to ensure that it has a limited impact on the sightlines of the footway, and that the size of the kiosk should be minimised to limit its impact on the streetscene and to decrease opportunities for crime and anti-social behaviour.
- 6.13. The site is located in a high footfall area in Camden Town, and is near Camden Town station (London Underground). The site is located directly north of the junction with Inverness Street. Pedestrian volumes are extremely high (arguably the highest in the Borough) and are forecast to continue to increase along with ongoing economic growth in Kings Cross and Central London. Pedestrian volumes are also forecast to increase significantly when High Speed 2 (HS2) services become operational. Existing footway space is a scarce resource and must be safeguarded for pedestrians both now and in the future to accommodate economic growth.
- 6.14. The existing kiosk is located on the footway on the west side of Camden High Street in close proximity to the junction with Inverness Street. It is offset from the kerb by 650 mm. The existing kiosk has not been located in a recognised street furniture zone and is situated in the pedestrian desire line along footway. In addition, its location in such close proximity to a junction constitutes a hazard to road users due to the possibility of road users being distracted by the kiosk at a point when they need to be focussing on the junction ahead.
- 6.15. The footway on the west side of Camden High Street at the above site is characterised by a complete lack of bulky items of street furniture adjacent to the kerbside, except for the existing kiosk. There are some slender street trees in the general vicinity of the site. However, these take up very little footway space and do not impede or obstruct pedestrian movement or sightlines along the footway. There is also a wooden block directly to the north of the site. However, this does not obstruct sightlines along the footway and is also required in the pavement as a counter terrorism measure, so unlike the proposed kiosk, is a necessary element in the street. The relative unclutteredness of the pavement helps to promote clear and unobstructed sightlines along the edge of the pedestrian environment. The street furniture zone adjacent to the pedestrian route (pedestrian desire line) has been sensitively designed to provide a clear and uncluttered environment sufficient to accommodate extremely high volumes of pedestrians walking on the footway during busy periods (e.g. morning, lunchtime and afternoon/evening peak periods). The proposal to site a telephone kiosk at the proposed site would spoil this uncluttered design with a prominent feature that would look out of place and be overly dominant. The proposal would therefore have an unacceptable impact on the streetscene.
- 6.16. Appendix B of 'Pedestrian Comfort Guidance for London (published by Transport for London)' indicates that footways in high flow areas should be at least 5.3 metres wide with a minimum effective footway width of 3.3 metres. The proposed site plan indicates that the footway width is 6.9 metres wide and with the proposed telephone kiosk the remaining footway would be 5.2 metres. It is acknowledged that the footway would be wider than 5.3 metres at the site. The proposal would be in accordance with the aforementioned guidance. However, the kiosk be



significantly wider than other items of street furniture in the vicinity of the site. It would therefore have a significant impact on pedestrian movement and sightlines along the footway. The loss of any available footway space at this location is considered to be unacceptable due to the high footfall location in Camden Town. Pedestrian footfall is high at this location and this is predicted to increase significantly with ongoing economic growth in Central London and High Speed Two (HS2) currently under construction. The proposal should be refused on this basis.

6.17. The proposal represents a similar submission refused and dismissed at the appeal on the pavement outside 186-188 Camden High Street (appeal reference APP/X5210/W/17/3202896; planning reference 2017/5418/P) and 197-199 Camden High Street (appeal reference APP/X5210/W/17/3202763; planning reference 2017/5420/P). The Planning Inspector is dismissing those appeals noted:

- However, pedestrian flows are very heavy along Camden High Street. In addition loading and unloading facilities for the shops would appear to be restricted to a limited number of on-street loading bays which share space with pedestrians.
- ...the siting of the kiosk would result in harm to pedestrian safety and convenience along this section of Camden High Street, due to heavy pedestrian flows and the additional conflict with these flows that would be created by the movement of goods and equipment along the pavement.
- ...the addition of a further telephone kiosk would result in a somewhat cluttered appearance.
- The harm arising from the proposal would detrimentally affect the character and appearance of the CA, albeit to a limited extent. As the harm would be relatively localised, it would be less than substantial to the significance of the CA as a whole. As previously noted, there would be some public benefits arising from the proposal in terms of improved accessibility and security, when compared to existing kiosks. However, the public benefits in that respect do not outweigh the harm identified to the CA that would result from the somewhat cluttered appearance that would result from the siting of the kiosk.

6.18. As such, the proposal to install a replacement telephone kiosk at the above site would re-introduce a significant physical and visual obstruction to an otherwise clear and unobstructed pedestrian environment. The proposal would fail to improve the pedestrian environment at the site. This is unacceptable in such a high footfall location in Camden Town. The proposed telephone kiosk being located outside of the established street furniture zone, would encroach significantly into the effective footway width available for pedestrian movement (i.e. the pedestrian desire line). The proposed telephone kiosk would therefore obscure sightlines along the footway significantly while also constituting a significant impediment/obstruction to pedestrian movement along the pedestrian desire line. This would be a particular problem for pedestrians with visual impairments (e.g. blind and partially sighted) who rely on clear and unobstructed pedestrian routes.

6.19. The proposed telephone kiosk, by being in a high footfall area, would have a detrimental impact on the walking experience due to a significant reduction in the level of service. It would lead to pedestrian congestion which could result in dangerous situations such as pedestrians walking in the carriageway and colliding with each other or vehicular traffic, or indeed with the telephone kiosk. Given the existing InLink panel opposite the proposed kiosk, the harm to the walking experience will be exacerbated, with significant impact on pedestrian amenity, comfort and safety. For these reasons, the proposal is considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.

6.20. Despite the inspector's previous decision for the open access Communication Hub at the site concluding that the replacement hub would not harm the safe and efficient operation of the highway network or public safety, Council's position is that the existing telephone kiosk is in poor

condition and there is no basis for it to remain in perpetuity in its existing condition, nor is its existing poor condition justification for a similar replacement structure. The recent appeal decisions demonstrate a recognition of the impact of large kiosks designed with the main purpose of accommodating a large digital screen and the harm that can be caused to the wider area.

## **7. Anti-social behaviour**

- 7.1. With regards to community safety matters, a number of issues have been raised by the Metropolitan Police Crime Prevention Design Advisor. In particular it has been noted that existing telephone kiosks within the London Borough of Camden, especially in this location, have become 'crime generators' and a focal point for anti-social behaviour (ASB). Specification, in relation to the locations of the kiosks around Camden there is a common theme among the crime statistics. All these areas have a major issue with street crime and in particular antisocial behaviour, pickpocketing and theft from person. These are areas of significant footfall with both commuters, local residents and numerous tourists. The design of these kiosks does not reduce the risk of these types of crime from occurring. Due to the openness of the kiosk any mobile phones on display at this location (either in hand or on charge) will be vulnerable to the opportunist phone snatch. With the new locations mostly closer to the carriageway this form of crime can be carried out by moped or bicycle. The large façade where the advertising screen is proposed will act as an opportunity for concealment and increase the risk of theft and assault.
- 7.2. The design and siting of a structure which is considered unnecessary and effectively creates a solid barrier to hide behind, on a busy footway would further add to street clutter and safety issues in terms of crime and ASB, through reducing sight lines and natural surveillance in the area, and providing a potential opportunity for an offender to loiter. This would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to Policy C5 (Safety and security) and CPG Design.
- 7.3. Whilst a maintenance strategy is proposed, it is not considered sufficient to address the fact that ASB would be encouraged by the design of the kiosk. In an Appeal decision ref: APP/X5210/W/20/3253878 and 3253540 – see appendix 4) the Inspector noted *'the appellants' proposed maintenance regime would be likely to reduce the effects of such ASB. However, the form of the structure provides a degree of screening for such behaviour and would be likely to encourage it.'*
- 7.4. As outlined in paragraph 11 in the appeal decision November 2022 (APP/X5210/W/22/3297273 and APP/X5210/W/22/3297276 the inspector determined that *'Indeed, without a mechanism in place to ensure that the new kiosk is properly maintained, it is probable that it would fall into a similar level of disrepair as the existing kiosks. It would then become an unsightly feature which would significantly distract from the quality of the local street scene. This adds to my concerns about the visual prominence of the structure. In reaching this decision, I am mindful that the proposed kiosk would become a permanent feature in a particularly busy part of Tottenham Court Road where it would be highly visible.'*
- 7.5. Designing out of crime officer has assessed the proposals and raised significant concerns in relation to the proposed kiosk, given the location which has already a record of high incidences of crime, its proposed position and detailed design. This would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to Policy C5 (Safety and security) and CPG Design.
- 7.6. This would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to Policy C5 (Safety and security) and CPG Design.

## 8. Advertisement

8.1. Advertisement consent is sought for a proposed integrated digital advertising panel on the rear elevation of the structure (facing southwards). The screen would measure 1.005m (W) x 1.86m (H) with a visible display area of 1.86sqm.

8.2. The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to consider amenity and public safety matters in determining advertisement consent applications.

### Amenity: Visual impact and impact on residential amenity

8.3. Section 12 (Achieving well-designed places) of the NPPF states in Paragraph 136 that 'The quality and character of places can suffer when advertisements are poorly sited and designed'.

8.4. Camden Planning Guidance for CPG Design advises that good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area. CPG Adverts states that 'free-standing signs and signs on street furniture will only be accepted where they would not create or contribute to visual and physical clutter or hinder movement along the pavement or pedestrian footway'.

8.5. Policy D4 (Advertisements) confirms that the "Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in the area." (paragraph 7.82).

8.6. Camden Planning Guidance for CPG Amenity advises that artificial lighting can be damaging to the environment and result in visual nuisance by having a detrimental impact on the quality of life of neighbouring residents, that nuisance can occur due to 'light spillage' and glare which can also significantly change the character of the locality. As the advertisement is not located at a typical shop fascia level and would be internally illuminated, it would appear visually obtrusive.

8.7. While it is recognised that the proposed integrated digital advertising panel would be displayed on a replacement kiosk, the inclusion of the panel would introduce illuminated digital advertising, which by design is a more visually prominent and attention grabbing form of display than, say, a traditional 6-sheet advertising panel, by virtue of its method of illumination and image transition. The provision of a large digital screen would therefore add noticeable, visual clutter by virtue of its size (along with its' location, prominence and method of illumination) to this busy stretch of pavement on, resulting in an Camden High Street, addition which would contribute to the degradation of visual amenity within the streetscene and it would also be harmful to the setting of Camden Town Conservation Area.

8.8. Despite the inspector's previous decision for the open access Communication Hub at the site concluding that the proposal would not harm the character and appearance of the area or its amenity, in a subsequent appeal decision for a similar proposal, the inspector found that the digital screen would appear as a very conspicuous feature of the pavement. The inspector also noted in appeal decision APP/X5210/W/22/3297273, that despite the product/maintenance statement submitted by the appellant, circumstances can change over time and there is no legal mechanism in place to ensure that an appropriate maintenance plan is implemented in perpetuity. As such and for similar reasons as the earlier appeal decisions, the proposed kiosk would be unsightly and would have a harmful effect on the character and appearance of the area.

8.9. The provision of a digital screen in this location would add visual clutter to the streetscene. It would be a very prominent feature on the pavement due to its size and positioning. As discussed, the display would be unsightly as it would be highly vulnerable to being vandalised or falling into long-term disrepair. Whilst adjacent to commercial units the signage is generally modest and retained at fascia level. There are no other examples of digital or illuminated adverts in the parade. By reason

of its siting, scale, design and illumination, the proposed advertisement would therefore form an incongruous addition to this part of the streetscene, serving to harm the character and appearance of the area. It is therefore considered that the proposed advertisement would have an adverse effect upon the visual amenity of the area. Refusal is recommended on this basis.

- 8.10. If the application was to be recommended for approval, conditions to control the brightness, orientation and frequency of the displays, and prevent any moving displays would be required.

### Public Safety

- 8.11. Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users. The Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users.
- 8.12. CPG Design in paragraph 7.42 advises that, "All new phone boxes should have a limited impact on the sightlines of the footway." This is supported by Transport for London (TfL) in the document titled 'Streetscape Guidance' which on page 142 states that, "Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles." Paragraph 6.3.10 of the Manual for Streets advises that, "Obstructions on the footway should be minimised. Street furniture is typically sited on footways and can be a hazard for blind or partially-sighted people."
- 8.13. It is accepted that all advertisements are intended to attract attention. However, advertisements are more likely to distract road users at junctions, roundabouts and pedestrian crossings particularly during hours of darkness when glare and light spillage can make it less easy to see things, which could be to the detriment of highway and pedestrian and other road users' safety.
- 8.14. CPG Advertisements in Paragraph 1.10 advises that, 'Advertisements will not be considered acceptable where they impact upon public safety, such as being hazardous to vehicular traffic (e.g. block sight lines, are more visible than traffic signals, emit glare) or pedestrian traffic (e.g. disrupt the free flow of pedestrian movement).'
- 8.15. The proposed digital advertising sign would be in close proximity (less than 9m) to a busy pedestrian junction with Inverness Street. Given this such close proximity to a junction, the proposed advert constitutes a hazard to road users due to the possibility of road users being distracted by the kiosk at a point when they need to be focussing on the junction ahead. The proposal therefore raises public safety concern to road users approaching from the south due to the proximity of the proposed display panel to a busy pedestrian crossing and traffic signal controlled junction. As such, the proposal is contrary to the above TfL guidance and Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport), and related planning guidance.

## **9. Conclusion**

- 9.1. The proposal would result in unacceptable street clutter and contribute to an over proliferation of illuminated signage, harmful to the character and appearance of the streetscape, and the setting of the adjacent Camden Town Conservation Area. The proposal would also be detrimental to pedestrian flows, as well as, creating issues with safe pedestrian movement. The advertisement would also serve to harm the visual amenities of the area and cause harm to highway and public safety. The proposal is therefore considered to be unacceptable and contrary to the aforementioned policies.

- 9.2. If the applications were considered to be acceptable, the Council would seek an obligation

attached to any planning permission for the applicant to enter into a legal agreement to secure the removal of all kiosks prior to the installation of any new or replacement kiosk. This agreement would also secure controls to ensure that any new or replacement kiosk is well maintained and that the advertisement is only in place whilst the telephone element is in operation.

## **10. Recommendation**

### **Refuse planning permission**

- 10.1. The proposed telephone kiosk, by reason of its location, size detailed design, and proximity to other kiosks, would add to visual clutter and detract from the character and appearance of the street scene, and the setting of Camden Town Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- 10.2. The proposed telephone kiosk, by virtue of its location, size and detailed design, adding to unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.
- 10.3. The proposed telephone kiosk, by reason of its scale, location and design would add unnecessary street clutter which would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to policy C5 (Safety and security) of the London Borough of Camden Local Plan 2017.
- 10.4. In the absence of a legal agreement to secure the removal of the existing kiosks and a maintenance plan or the proposed kiosk, the proposal would be detrimental to the quality of the public realm, and detract from the character and appearance of the streetscene, contrary to policies D1 (Design), G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

### **Refuse advertisement consent**

- 10.5. The proposed advertisement, by virtue of its location, scale, prominence, method of illumination, resulting in a sequential series of static digital images due to proximity to an existing kiosk would add visual clutter and contribute to an over proliferation of illuminated signage, detrimental to the amenity of the streetscene and the setting of adjacent Camden Town Conservation Area, contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017.
- 10.6. The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce a distraction to traffic and pedestrians, causing harm to highway and public safety, contrary to Transport for London guidance, and to Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.