

Delegated Report		Analysis sheet		Expiry Date: 15/09/2023		
		N/A		Consultation Expiry Date: 25/11/2023		
Officer			Application Number(s)			
Brendan Versluys			1) 2023/3147/P 2) 2024/0594/A			
Application Address			Drawing Numbers			
Existing Telephone Kiosk at the junction of Shaftesbury Avenue and Earlham Street London WC2H 8JA			See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
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.						
Recommendation(s):		1. Refuse Planning Permission 2. Refuse Advertisement Consent				
Application Type:		1. Planning Permission 2. Advertisement Consent				
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	0	No. of objections	0
Summary of consultation responses:	A site notice was displayed in proximity to the site from 16/02/2024 (expiring 11/03/2024). No objections or comments were received from adjoining occupiers. One comment was received from the Metropolitan Police. The Metropolitan Police do not object to the proposal but make the following comments: <ul style="list-style-type: none"> This is a busy and active junction. There have been numerous thefts and robberies around this location. The crimes could not be attributed to the presence of the phone kiosk but the local crime pattern should be considered. 					

- The design of the kiosk does not appear to have shelving or any ledge where items could be put. This is a good feature. There should be no charging docks around this location. A mobile phone on charge/display could be very attractive to the opportunistic thief.
- There appears to be a WIFI symbol on the design of the kiosk. If there is a proposal to have WIFI will this be free? How will misuse of this be monitored? Can this feature be deactivated if issues should arise or usage restricted? Can certain persons/devices be prevented from using this service?
- The proposed advertising screen maybe prone to criminal damage as this is a feature of the crime statistics for this policing ward. Will the installation have CCTV to record any abuse?

Officer response:

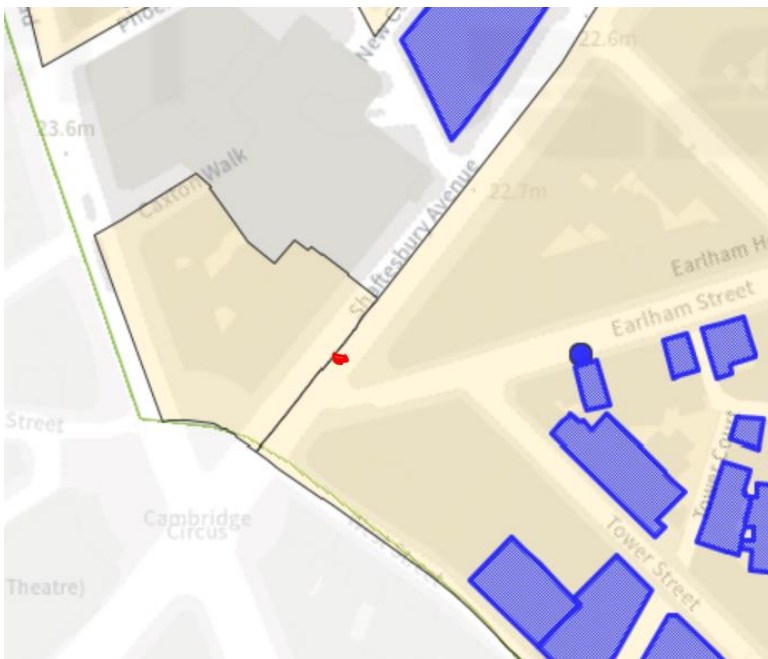
Design and crime effects are assessed in section 7 of this report.

Site Description

The application site comprises an area of the public footway on the south-eastern side of Shaftesbury Avenue, at the junction with Earham Street. The site is located near Tottenham Court Road Underground Station and Leicester Square Underground Station on one of the busiest pedestrian corridors in the borough.

Existing street furniture along the pavement in close proximity comprises street signs and a wayfinding plinth, trees, A-boards and benches.

The site is located within the Seven Dials (Covent Garden) Conservation Area (light yellow colour), see red dot in map below:



Proposed location of the kiosk

Relevant History

Site History:

2021/2107/P - Installation of a new phone hub unit following removal of existing kiosk as part of wider proposals to replace Infocus telephone kiosks. **Refused 22/11/2021. Appeal APP/X5210/W/22/3290317 allowed 14/11/2022**

2019/2703/P - Installation of replacement 1 x telephone kiosk on the pavement. **Refused 11/07/2019**

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 telecommunications kiosk, by virtue of its siting, 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, 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.

2017/5184/A - Display of a 6 sheet internally (back lit) LED illuminated advertisement panel to northeastern elevation of existing public payphone. **Refused 02/08/2018**

2003/1300/A - The display of two externally illuminated projecting signs. **Granted 07/08/2003**

2003/0069/A - Display of two internally illuminated projecting signs at fascia level one to the Earlham Street elevation and one to the Shaftesbury Avenue elevation. **Refused on 17/06/2003**

Figure 1. Phone kiosk applications by decision type

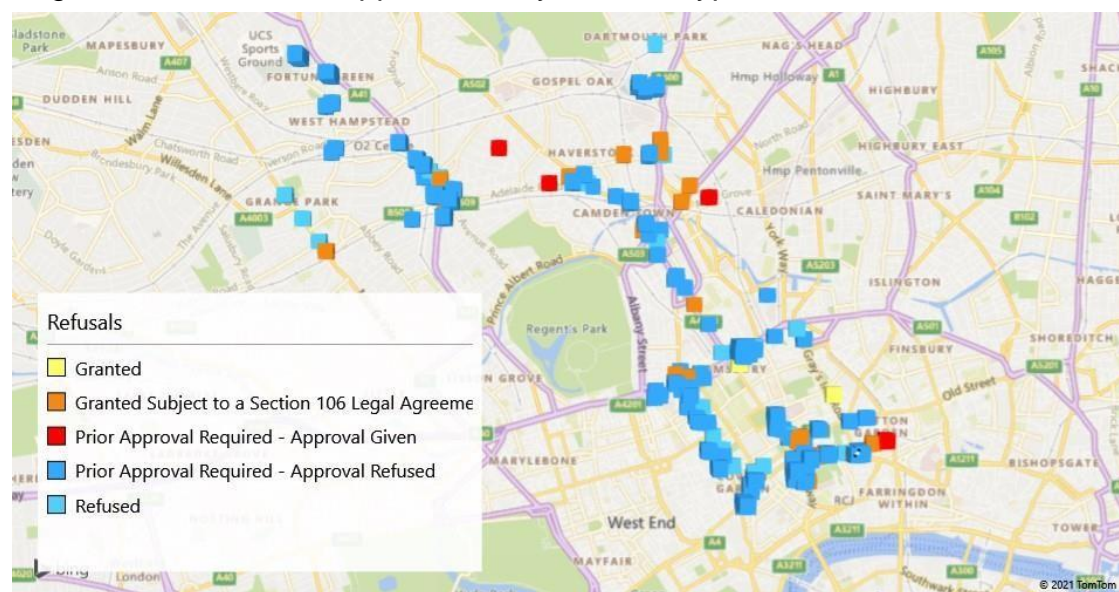
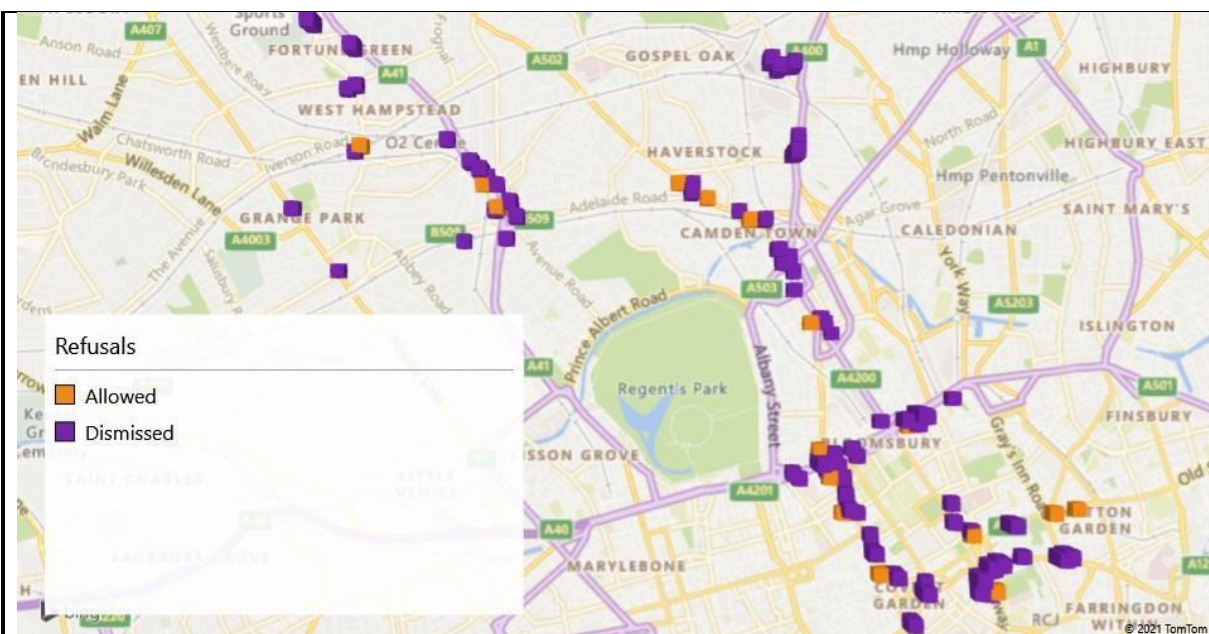


Figure 2. Appeal outcomes



Total cases	
2017	
Full Planning Permission	46
Granted	1
Granted Subject to a Section 106 Legal Agreement	20
Refused	1
Withdrawn Decision	24
GPDO Prior Approval Determination	92
Prior Approval Required - Approval Given	3
Prior Approval Required - Approval Refused	89
2018	
Full Planning Permission	16
Granted Subject to a Section 106 Legal Agreement	4
Withdrawn Decision	12
GPDO Prior Approval Determination	110
Prior Approval Required - Approval Given	1
Prior Approval Required - Approval Refused	79
Withdrawn Decision	30
2019	
Full Planning Permission	20
Refused	20
GPDO Prior Approval Determination	21
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.

2017

Allowed	13
Dismissed	27
Withdrawn Appeal	1

2018

Allowed	4
Dismissed	75

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 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). 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 the intersection of Shaftesbury Avenue and Earlham Street (see below)



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

3.2. The proposal is to remove the existing kiosk located at this junction 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 north-eastern elevation, facing west/southbound traffic on Shaftesbury Avenue. The digital advertisement screen measures 1.005m wide and 1.86m high and take up most of the north-eastern elevation.

3.3. The kiosk would be semi-enclosed, with the south-eastern elevation fronting the footway being full-open, and the south-western 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/22/3290317 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.**

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. Policy D2 (Heritage) of the Camden Local Plan states that the Council will require development to preserve and where possible enhance the character and appearance of an area.

5.3. 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 north-west elevation, the kiosk would have a large digital advertising panel, whereas the existing large advertising panel on the north-west elevation of the existing kiosk contains a static, non-illuminated advertisement panel.

5.4. 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.

- 5.5. 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.
- 5.6. The proposed site currently has an existing Infocus telephone kiosk located on the pavement south-east of Shaftesbury Avenue, with no permission being granted. Given the high volumes of pedestrians (which continue to increase) along this busy stretch of road in central London, the replacement telephone box, due to its location, position and detailed design constitutes a physical obstruction in the pedestrian desire line along the footway.
- 5.7. 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.
- 5.8. 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.
- 5.9. The proposed replacement box would be located within and the advertising panel would be seen in association with buildings in the Seven Dials (Covent Garden) Conservation Area.
- 5.10. 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.
- 5.11. The proposal would result in additional structure for the same purpose with a large digital screen in this location, which would add to the proliferation of digital advertising, and cause harm to the character of the streetscene and setting of the Seven Dials (Covent Garden) 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.

5.12. 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).

5.13. 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".

5.14. 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.

5.15. 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.

5.16. 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 surrounding Seven Dials (Covent Garden) 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

5.17. 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.

5.18. 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.

5.19. 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.

- 5.20. The Council acknowledges the need for greater connectivity with regards to telecommunication networks and facilities. There is another telephone kiosk on Shaftesbury Avenue less than 100m north-east of the application site, and a number of other telephone kiosks are clustered to the west Charring Cross Road, near Cambridge Circus and less than 100m from the application site. 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.
- 5.21. 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. The proposed defibrillator is not shown on the drawings submitted in support of the application. 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.
- 5.22. 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').
- 5.23. 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 Seven Dials (Covent Garden) Conservation Area.
- 5.24. 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). It 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 a very high footfall area, and the continued 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. Permitting the proposed telephone kiosk would continue to have a significant impact on 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 proposed telephone kiosk would be 1.2m wide and would be offset from the kerb by approximately 0.3m. The plan submitted indicates the footway width to be 3.85m. This would allow for an effective footway of approximately 2.65m, though acknowledging the approximate 0.3m gap between the edge of the pavement and the telephone box is a constrained space. Given the effective footway of the pavement is less than the recommended minimum width for high footfall locations (of 3.3m for a footway with high pedestrian flows (see Appendix B of Transport for London guidance document titled 'Pedestrian Comfort Guidance for London')), the location of the proposed phone kiosk would create an unacceptable obstruction due to the bulk of the development. Particularly, the proposal would retain the narrow 'pinch point' between the existing kiosk and the edge of the pavement, which otherwise sees the portion of the pavement being made redundant in terms of its usability, or unsafe to use. In contrast, the gap between the existing plinth sign immediately to the south-west and the edge of the pavement, is much wider and can more comfortably accommodate a pedestrian.

6.14. Transport colleagues were consulted and stated that as the proposal is to install a replacement telephone kiosk at the above site, it would re-introduce a significant physical and visual obstruction to an otherwise relatively clear and unobstructed pedestrian environment. The proposal would fail to improve the pedestrian environment at the site. Indeed, it would make matters worse by obstructing sightlines along the footway (the existing kiosk is transparent). This is unacceptable in such a high footfall location in Central London. The proposal as part of the new application for a replacement telephone box should therefore be refused for the same reasons in relation to transport effects as 2021/2107/P.

- 6.15. 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, as per the existing situation. 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. The proposal should be refused on this basis. The proposed telephone kiosk would clearly have a significant impact on pedestrian amenity, comfort and safety, as per the existing situation. For these reasons, the proposal is considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.
- 6.16. The proposed telephone kiosk would re-introduce an unnecessary hazard to the public highway by obstructing the visibility splays between Earlham Street and Shaftesbury Avenue. The proposal is therefore considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.
- 6.17. 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 regarding the replacement of telephone kiosks in Camden. In particular it has been noted that existing telephone kiosks within the London Borough of Camden, 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. While the Designing out of crime officer has not objected to this application, they have assessed similar proposals in similar contexts, and raised significant concerns in relation to the proposed replacement 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 Shaftesbury Avenue, being viewed as an addition which would contribute to the degradation of visual amenity within the streetscene and it would also be harmful to the setting of Seven Dials (Covent Garden) 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 to a busy pedestrian junction with Earlham Street, as well as Cambridge Circus. 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 Seven Dials 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 Seven Dials 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 Seven Dials 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.