

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		16/05/2024	
		N/A		<b>Consultation Expiry Date:</b>		11/05/2024	
<b>Officer</b>				<b>Application Number(s)</b>			
Brendan Versluys				1) 2024/1081/P 2) 2024/1109/A			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Existing Telephone Kiosk outside 371 Euston Road London NW1 3AR				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 a 'Communication hub unit', 12.63m east of the existing site.  2. Display of an LCD digital advertising screen attached to a 'Communication hub unit'							
<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 17/04/2024 (expiring 11/05/2024).  No objections or comments were received from adjoining occupiers.						
<b>Site Description</b>							
<p>The application site comprises an area of the public footway on the southern side of Euston Road. Euston Road is a major arterial road in the Camden Borough with substantial traffic. The site is located on Euston Road (A501) which forms part of the Strategic Road Network (SRN).</p> <p>The site is approximately 100m east of Great Portland Street Underground Station. The site sits in front of four and five storey buildings lining the southern side of the street block to Euston Road.</p>							

The footway is relatively uncluttered. The existing street furniture on the pavement includes: an existing phone box, a tree, lampposts and signposts.

The application site does not sit within a conservation area.

## Relevant History

### Site History:

#### 2023/2893/P and 2023/4641/A –

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.

**Refused 29/02/2024. Appeals APP/X5210/W/24/3340980 and APP/X5210/H/24/334098 allowed 11/07/2024**

#### 2021/2101/P and 2021/3111/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
2. Display of 1 x LCD illuminated digital advertisement panel to new phone hub unit.

**Refused 21/12/2021. Appealed APP/X5210/W/22/3290298 allowed 14/11/2022**

Figure 1. Phone kiosk applications by decision type

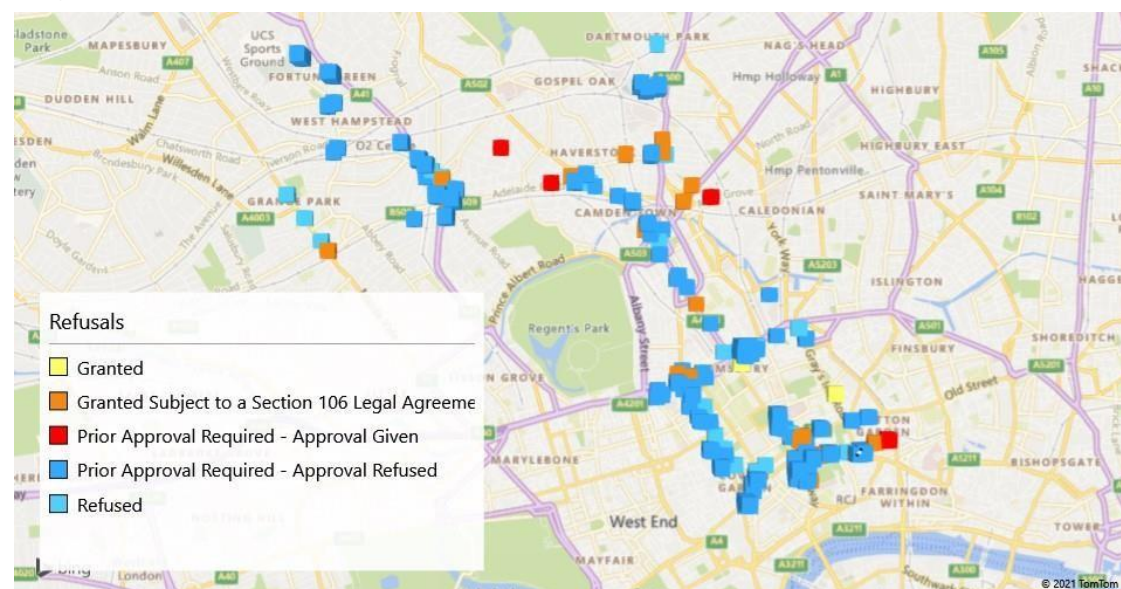
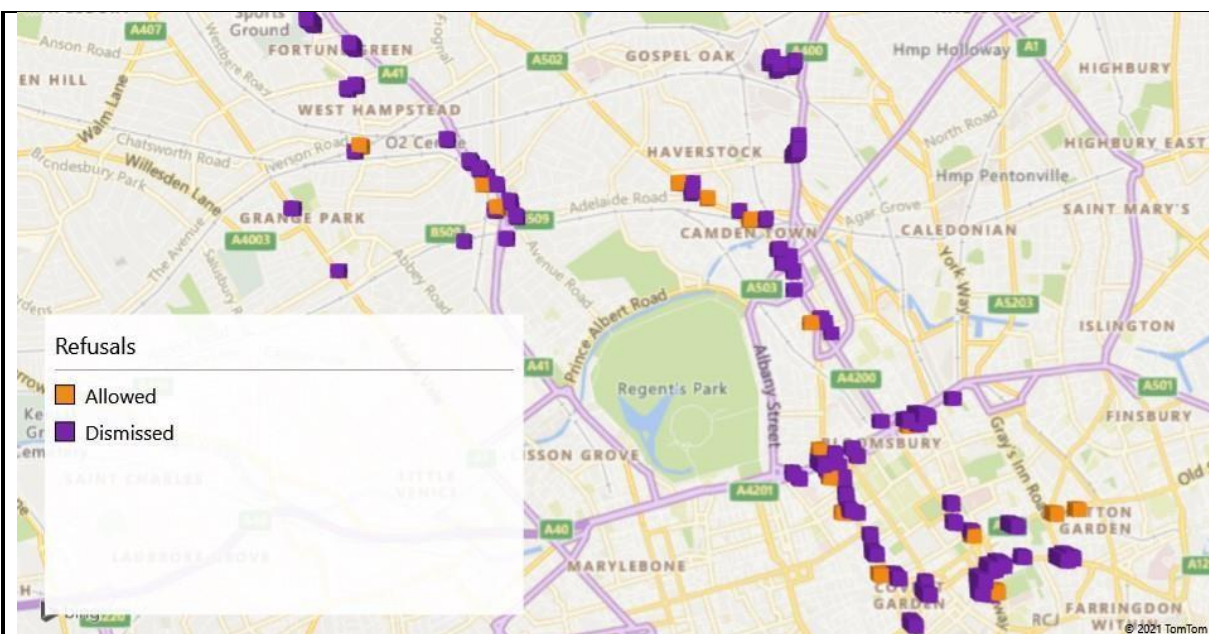


Figure 2. Appeal outcomes



### 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

#### 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

#### 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.**

## **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 distal 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). The Inspector concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.

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**

**Fitzrovia Action Plan 2014**

## **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 'Communications hub' kiosk following the removal of 1 x telephone kiosk close to the site at 371 Euston Road (see Figure One). The existing kiosk is considered to be in a poor condition and limited use demonstrated by the signs of ASB, including storage of cardboard and calling cards.

July 2022, February 2022, and 2020







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

3.2. The proposal is to remove the existing kiosk located outside 371 Euston Road and replace with a new kiosk, of a different form/design to the existing traditional 'box' kiosk.

3.3. The proposed 'Hub' kiosk would principally comprise a slimline, double-faced panel. It would measure 2.63m in height, 1.338m wide, and 0.317m in depth. The kiosk would include a digital advertisement screen on its eastern (rear) elevation, facing westbound traffic on Euston Road. The advertisement screen measures 1.065m wide and 1.895m high and be elevated 0.53m from the ground. The front elevation of the proposed kiosk would contain an internally illuminated touch screen for public phone use and other uses. The upper part of the front elevation would be semi-enclosed with a Perspex cover, with a solar panel built-in over the cover's roof.

## 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. The fact a kiosk previously approved under prior approval remains in place does not mean a new kiosk is automatically acceptable, especially when all relevant policies and guidance can be taken into consideration. Whilst the applicant proposes to remove their existing kiosk, no information has been provided as part of this application to confirm it is still necessary for telecommunications rather than its function as an advertisement hoarding and for use for wifi.

## 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 design of the proposed 'Hub' kiosk is dominated by a "6 sheet" large digital advertisement screen. This creates a large monolithic structure which appears as an advertisement panel rather than a phone kiosk. This design approach has resulted in a structure which is dominant, visually intrusive and serves to detract from the appearance of the wider streetscene in a largely uncluttered part of the street. There are no other example of digital advertisement of this scale within this party of the street. There is very little illuminated advertisement on any of the retail properties. The 'Metal Chain Grey' has a particularly unwelcoming and gloomy appearance, which combined with the uncompromising bulk would have an adverse effect on this section of the street scene. Whilst this strip of Euston Road is not located in a conservation area, the fact it is uncluttered with no other examples of this type of digital structures is given great weight. At a time of re-invention of the street, with widening of pavements and appreciation of generous public realm, the proposal to make a more prominent structure which harms the area is disappointing.
- 5.3. The harmful visual prominence of large kiosks dominated by advertisement panels is recognised in the appeal decision (REF: APP/X5210/W/20/3254037 and 3252962). 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. In this case, there are no other examples of similar structures and the advertisement structure would be a *prominent standalone illuminated feature*.
- 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. In this parade, while the stretch of buildings largely accommodates commercial units at street level. The pavement in front is relatively clear and unobstructed. The only other example of digital advertisements is located on the other side of the street and is not read as part of this section of pavement.
- 5.7. The main function of the structure is clearly as an advertisement structure given the scale of the panel with a phone attached. 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. The fact there is a poorly designed structure previously allowed under prior approval does not mean that the Council will allow further development which will be harmful to the character of the area.
- 5.8. The poor condition of existing kiosks and the concern that any replacement kiosks will be similarly poorly maintained thereby exacerbating the harmful impact is shown the appeal decision APP/X5210/W/20/3254037 and 3252962. 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.*

*Given the poor condition of the existing kiosk and the lack of appropriate maintenance is a real concern in this case. The Council has received complaints about the poor condition of the existing kiosk, and it is unclear why the operator, without sufficient legal mechanisms would maintain the replacement kiosk. There is a real likelihood that the proposed kiosk would become of an eyesore than the existing kiosk.*

*The Inspector concluded that 'It would then become an unsightly feature which would significantly distract from the quality of the local street scene'.*

- 5.9. 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 structure, making it more conspicuous than the existing kiosk which it would replace. It would be a very conspicuous feature on the pavement, appearing as a large advertisement structure rather than a traditional phone box.
- 5.10. 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. The incongruous design would therefore provide an intrusive addition to the street and in this regard would fail to adhere to Policy D1 (Design).



## 6. Planning Balance

- 6.1. The proposal would also be contrary to the guidance of the National Planning Policy Framework (NPPF) which aims to keep telecommunication sites to a minimum and encourage applicants to explore shared facilities rather than adding additional clutter. As shown in Figure 2 below, there are 2 existing kiosks within 100m of the site (red circles).





Figure 2:

	Existing site
	Nearby site

- 6.2. 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.
- 6.3. 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, for instance, on existing bus shelters within the street. It is also noted that public phone charging facilities of the type proposed can encourage anti-social behaviour.
- 6.4. Whilst weight is given to some of the benefits, for the reasons they do not outweigh the harm caused to the character and appearance of the streetscene, public safety and the loss of footway and the impact on the public realm is not justified.

### 3. Highways/footpath width

- 6.5. While it is recognised that there is an existing kiosk located at the application site, planning permission is now required for the replacement and we are full considering the impact of the addition. 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.
- 6.6. 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). The Inspector also concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement. Whilst this site is not in a conservation and is located on a busy road, this does not lessen the impact that the structure and introduction of a large digital sign will have on the character of the area.
- 6.7. 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.
- 6.8. 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’.

- 6.9. 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.
- 6.10. 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’.
- 6.11. 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.
- 6.12. 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.
- 6.13. 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.
- 6.14. 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.

- 6.15. The proposed telephone kiosk, by being in an extremely high footfall area, and the continued loss of footpath would have a harm the walking experience due to a significant reduction in the level of service, as per the existing situation. Retaining a proposed telephone kiosk would continue to have a significant impact on pedestrian amenity, comfort and safety, as per the existing situation.
- 6.16. 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.
- 6.17. The proposed telephone kiosk would be 1.338m wide and would be offset from the kerb by 0.5m. The plan submitted indicates the footway width to be 6m. This would allow for an effective footway of 4.16m. Despite this exceeding 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 still creates an obstruction due to the bulk of the development. It is a structure which of the scale proposed purely to accommodate a digital advertisement. There would be scope to reduce the scale of the structure if this was not the case. Allowing a digital advertisement to be located in a prominent position to the detriment of those people using the footpath is not supported.
- 6.18. The proposal to install a replacement telephone kiosk at the above site would continue the physical and visual obstruction to an otherwise clear and unobstructed pedestrian environment. No evidence has been provided to support the justification of a kiosk in this location. The proposal would fail to improve the pedestrian environment at the site. This is unacceptable in such a high footfall location in Central London.
- 6.19. 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'.
- 6.20. In this location where there is an existing kiosk from a different provider in close proximity to the application site it is considered that allowing the loss of footway and the impact on the public realm is not justified. No justification has been submitted to justify why a structure of this scale is necessary in this location.
- 6.21. 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 existing kiosk would have been established under permitted development rights, which were granted subject to the condition that phone kiosks and equipment should be removed if they are no longer required for telecommunication purposes. Where the kiosks are no longer required for their intended telecommunication purpose they should be removed, removing clutter from the street and give back public realm to pedestrians.

## 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 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. The Council has experienced ASB from the BT link panels within Camden. Residents and members have reported a rise in anti-social behaviour and crime as a direct result of these kiosks being installed. These activities include increased instances of loitering, as well as usage of the free calls facility to coordinate drug deals. This has been most apparently in areas such as Euston and Camden Town. Other boroughs such as Tower Hamlets and Islington have experienced similar issues and few boroughs are supporting the installation of more. One of the public benefits to these kiosks were the ability to provide free calls. Initially the free calls had to be removed until an algorithm was created to identify abnormal call levels to a single number and then blacklists this number. The intention being that this will result in the facility being available for legitimate use but will prevent abuse of the free calls for illegal activities.
- 7.4. A trial was undertaken in consultation with the Metropolitan Police and community safety team. As soon as the call facility was turned back on, the number of calls escalated very quickly, but very few numbers met the 'threshold' set by BT for call blocking. Data provided by BT and Link UK showed that the majority of calls were for less than 10 seconds. Officers concerns with these panels were that it was not possible to successfully demonstrate that the panels could operate without creating a 'honey pot effect' for crime and ASB.
- 7.5. Whilst a maintenance strategy is proposed for the application scheme, 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.'*
- 7.6. 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.'*



7.7. The Metropolitan Police's Designing out Crime Officer was consulted for a similar type of kiosk proposed at the application site, under planning application ref. 2021/2101/P. The Officer raised concerns for a proposed kiosk in this location, and in particular noted that *'The large façade where the advertising screen is proposed will act as an opportunity for concealment and increase the risk of theft and assault.'* Due to lack of 'active frontages' there is less opportunity for overlooking and monitoring the kiosk, which could lead to an increase in crime at this location, contrary to Policy C5 of the Local Plan.

7.8. 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. The current issues with ASB can be seen at the current kiosk and the design of the replacement does not serve to address the issues that have been experienced.

## **8. Advertisement**

8.1. 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

8.2. 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'*.

8.3. 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).

8.4. 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.

8.5. 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.

8.6. 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.

- 8.7. 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

- 8.8. 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.
- 8.9. 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.”*
- 8.10. 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.
- 8.11. The proposed digital advertising sign is not considered to be harmful to either pedestrian or vehicular traffic given that the proposed location of the screen is not close to any busy pedestrian crossings or traffic signal controlled junctions, and as such, would unlikely introduce any undue distraction or hazard in public safety terms.

## **9. Conclusion**

- 9.1. The proposal would result in unacceptable street clutter, harmful to the character and appearance of the streetscape and to the detriment of pedestrian flows, as well as, creating issues with safety. The advertisement would also serve to harm the visual amenities of the area. The proposal is therefore considered to be unacceptable in compliance with the aforementioned policies.
- 9.2. Whilst weight is given to some of the benefits, for the reasons they do not outweigh the harm caused to the character and appearance of the streetscene, public safety and the loss of footway and the impact on the public realm is not justified.
- 9.3. 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 kiosk. This agreement would also secure controls to ensure that the 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 and design, would add to visual

clutter and detract from the character and appearance of the streetscene, contrary to policy D1 (Design) 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 absence of a legal agreement to secure the removal of the existing kiosk and others in the vicinity and a maintenance plan, the proposal would be highly vulnerable to being vandalised or falling into long-term disrepair and 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.
- 10.5. The visual impact of the kiosk would be increased by the large illuminated advertising panel, which would be a dominating feature on the structure.

#### Refuse advertisement consent

- 10.6. The proposed advertisement, by virtue of its scale, prominence, method of illumination and location, would have a harmful visual impact adding visual clutter, detrimental to the amenity of the wider streetscene, contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017.