

Delegated Report		Analysis sheet	Expiry Date:	A. 30/12/0211 B. 30/12/0211 C. 30/12/0211 D. 30/12/0211
		N/A / attached	Consultation Expiry Date:	A. 21/12/2011 B. 21/12/2011 C. 21/12/2011 D. 21/12/2011
Officer		Application Number(s)		
David Glasgow		A. 2011/5700/P B. 2011/5701/P C. 2011/5697/P D. 2011/5699/P		
Application Address		Drawing Numbers		
A. 44 Hampstead Road London NW1 2PY B. 85 Hampstead Road London NW1 C. Outside of 1 Eversholt Street London NW12DN D. Outside of 297 Euston Road		Refer Draft Decision Notices		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
A. Installation of 1 x electronic communications apparatus (public payphone). B. Installation of 1 x electronic communications apparatus (public payphone). C. Installation of 1 x electronic communications apparatus (public payphone). D. Installation of 1 x electronic communications apparatus (public payphone).				
Recommendation(s):		A. Prior Approval Required - Approval Refused B. Prior Approval Required - Approval Refused C. Prior Approval Required - Approval Refused D. Prior Approval Required - Approval Refused		
Application Type:		A. GPDO Prior Approval Determination B. GPDO Prior Approval Determination C. GPDO Prior Approval Determination D. GPDO Prior Approval Determination		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	Site notices were erected at each site on 18/11/2011 expiring on 09/12/2011. One objection was received regarding the application at 44 Hampstead Road on the following grounds: I live in the sheltered accommodation at 40 Hampstead Road, which is the building in front of which this telephone would be located. Putting a telephone box here is a terrible idea, for several reasons. One, this is a very dangerous area at night, used by drug addicts and dealers, as well as prostitutes. This telephone box is going to give these unsavoury street characters a convenient way to communicate easily. Two, the telephone would be right next the recycling bins, which now are being used as a fly tip area. Every weekend this area fills up with rubbish, and there are rats and other vermin everywhere. A telephone box would only add to the unsightliness of the area because, as we all know, in an age of mobile telephone, the telephone box is really used by people to urinate and defecate. It is their public toilet, especially the addicts, dealers and prostitutes. Finally, there is a serious noise pollution problem at this location. A telephone box would be used all night long by the abovementioned undesirables. This box would be directly below my flat, too. You must consider the elderly in this matter. Therefore, I would beg you to reconsider your decision to put a telephone box at 44 Hampstead Road. Officer Comment: see Assessment section below.					
CAAC/Local groups* comments: *Please Specify	None relevant.					

Site Description

The sites are located adjacent to the highway. A fuller description of each site is given in the assessment section.

Relevant History

2009/2314/P -194 Euston Road Installation of telephone kiosk on the public highway. Refused 07/07/2009

1. The proposed telephone kiosk, by reason of its design, size and location would introduce an incongruous feature within the streetscape, add to visual clutter detracting from the pedestrian environment and the character and appearance of the Bloomsbury conservation area contrary to policies B1(General Design Principles), 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 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).

APP/X5210/A/09/2112782 dismissed

Building adjacent makes an important contribution to the character and appearance of the area. Footway wide therefore kiosk would not appear cluttered. But modern appearance would jar with architecture of adjacent building.

Recognised that with any payphone kiosk there is some risk of its being misused for both anti-social and criminal purposes. This general approach to crime and security applies to all appeals subject to this (04/05/2010) decision letter, and in this case, adds to reasons for dismissing the appeal. Inspector weighed the harm that he found against the advice in PPG8 which promotes the provision and growth of new telecommunications services. Also took into account kiosk could be accessed by wheelchair users and recognised would provide a service for tourists, students and others. However none of these factors outweighs the harm the Inspector found.

Also dismissed outside 96 Euston Road (outside the British library); 137-139 Euston Road; 18 Woburn Place; 25 Proctor Street; 247 – 251 High Holborn.

The appeal against refusal of kiosk at 22 Melton Street was allowed.

Would not create excessively cluttered appearance. Considered impact of possible advertisement needs to be taken into account outside of conservation areas due to deemed consent. Considered Melton Street provides a strong demarcation of the conservation area. Small scale kiosk in relation to much larger Grant Thornton House would not make a significant impact. Noted a B.T. telephone kiosk not far away, saw no sign of misuse of that kiosk, and added to his conclusion that the proposal would not cause significant harm in respect of crime and security. Recognised kiosk would add to clutter, harm it would cause is outweighed by the benefit of providing a new telecommunications facility accessible by the disabled.

Also allowed outside 72 Russell Sq; 71 High Holborn.

2010/3268/P - Installation of a public payphone to the pavement opposite 181 High Holborn. Refused 03/08/2010. Reasons:

1. The proposed telephone kiosk, by reason of its design, size and location would introduce an incongruous feature within the streetscape, add to visual clutter detracting from the pedestrian environment and the character and appearance of the Bloomsbury conservation area contrary to policies B1(general design principles), 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 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).

APP/X5210/A/10/2137694 - Refused. 24/03/2011.

2010/3271/P - Installation of a public payphone adjacent to Euston Tower, Hampstead Road. Refused 06/08/2010. Reasons

1. The proposed telephone kiosk, by reason of its design, size and location would introduce an incongruous feature within the streetscape, add to visual clutter detracting from the pedestrian environment and the character and appearance of the Bloomsbury conservation area contrary to policies B1(general design principles), 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 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).

APP/X5210/A/10/2137698 Refused 24/03/2011.

Relevant policies

LDF Core Strategy and Development Policies

CS11 - Promoting sustainable and efficient travel

CS14 - Promoting high quality places and conserving our heritage

CS17 - Making Camden a safer place

DP17 - Walking, cycling and public transport

DP21 - Development connecting to the highway network

DP24 - Securing high quality design

DP29 - Improving access

Camden Planning Guidance 2011

PPG8 Telecommunications

Assessment

Proposal

GPDO prior approval is sought for the installation of telephone kiosks on the pavement outside the following sites:

- A. 44 Hampstead Road London NW1 2PY
- B. 85 Hampstead Road London NW1
- C. Outside of 1 Eversholt Street London NW12DN
- D. Outside of 297 Euston Road NW13AQ

Part 24 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 permits the Council to only consider matters of siting and design in determining GPDO prior approval applications. The potential impact on crime and public safety are relevant considerations under siting.

The telephone kiosks proposed are simple, lightweight structures of clear polycarbonate/toughened glass sides and back supported by metal frames painted black. The front, facing away from the kerb, is completely open and 1112mm wide to allow wheelchair access. The width of the left side is 600mm, the right side 1325mm, and 1210mm to the rear. Its height is 2562mm; the phone pedestal is affixed to the inside of the rear elevation.

The design is similar to that considered by the inspector in APP/5210/A/10/2137694 where although dismissing the appeal considered the design to be '*clean and simple*' and the appearance '*not discordant in itself*'

Recent Appeals and Caselaw

With regards to the impact of potential advertising on the kiosks, in APP/X5210/A/09/2112784 the inspector stated '*I consider the impact of possible advertising needs to be taken into account. Under the deemed consent provisions of the Town and Country Planning (Control of Advertisements) England) regulations 2007, advertisements may be displayed on the glazed surface of one side of the telephone kiosks. I shall take this into account in assessing the likely impact of the proposal, and all other appeal proposals subject of this decision, excepting those in conservation areas, where the deemed consent provisions do not apply.*

In a later appeal APP/5210/A/10/2137694 the inspector referenced the case of *Infocus Public networks Ltd v SSCLG & the Mayor and Commonality of the Citizens of London (2010) EWHC 3309(Admin)* where the judge found that '*LPA's have ample powers to control advertisements including discontinuance procedures and that, once the principle of this kind of development is acknowledged, the primary issue to be considered are siting and the appearance of the Kiosk*'. The judge considered that '*appearance (though apt to include anything attached to the surface of the kiosk) would ordinarily be thought to be the intrinsic appearance of the kiosk itself*'. In reference to this decision, the inspector, whilst accepting that the kiosks all have the potential to be altered in appearance by advertising material, stated that such material cannot be a predominant determination in relation to whether or not prior approval should be approved.

On the basis of this decision, the impact of potential advertisements on the 'appearance' of the kiosks is not a pre-dominant determination, that is, a determination which has ascendancy over other determinations. It is still considered relevant in the assessment of the current applications where the sites lie outside of conservation areas and where the advertising benefiting from deemed consent alters the characteristics of the kiosks in respect to crime and safety. In considering APP/X5210/A/09/2112782 the inspector noted that the open design of the kiosk (similar to the current proposal) and use of large areas of clear glazing would lessen the risk of criminal or antisocial activities from taking place within them. However outside of conservation areas where one side will invariably be used for advertising (under deemed consent) this will offer screening for those inside which would negate some of the inherent design advantage.

Metropolitan Police Comments

The metropolitan police submitted a general objection to the proposed kiosks as follows:

The issues that arise are very much as previously stated and my own experience shows that the most common uses are as follows; Drug taking. Criminal Damage. Being used as toilet. Advertising sex workers. None of these activities should be given a potential new site. The additional clutter on the footway can also create problems in terms of street crime and robbery in particular. The kiosk can provide cover for an opportunist thief to select potential victims and then attack as the victim walks by. I note that the applicants have earmarked a

number of potential sites to locate these boxes. I would ask that every location is considered in detail and considerations made regarding suitability. The features to me that make locations unsuitable will include; Narrow pavements Poor lighting Signs of anti social behaviour in the area Other street furniture.

In considering recent appeals APP/X5210/A/09/2112784;2112784; 2112781; 2112748; 2112753; 2112776; 2112754; 2112772 & 2112750 the inspector noted that the individual merits of each case need to be assessed with regards to crime and safety . Evidence of existing anti social behaviour was contributory to dismissing some of these appeals.

Policy

DP24 requires all developments to be of the highest standard of design and to consider the character setting context and form and scale of neighbouring buildings and its contribution to the public realm, and its impact on wider views and vistas.

DP21 States that the Council will expect development connecting to the highway network to avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter; and contribute to the creation of high quality streets and public spaces.

CS17 requires development to contribute to community safety and security particularly in areas of relatively high crime levels such as Kings Cross.

Camden Planning guidance contains specific guidance on telephone boxes and seeks to ensure that such development is designed and located to limit its impact on the streetscene and to decrease the opportunities for crime and antisocial behaviour. It states that street furniture should not obstruct pedestrian views or movement or be positioned to encourage antisocial behaviour. It also states that designs which are dominated by advertising spaced are not acceptable.

In considering APP/X5210/A/10/2137694 the inspector also gave weight to a joint statement issued by 'Communities and Local Government' and the 'Department for Transport' in August 2010. This statement aims to reduce street clutter and stresses that, if not placed carefully street signage, advertising equipment and telephone kiosks can have a significant impact on the street environment.

In the context of the above each site is assessed on its merits as follows:

A. 44 Hampstead Road

Siting

The site is the pavement located outside 44 Hampstead Road, a 4- storey residential building, on the eastern side of the road between Drummond Street to the north and Euston Road to the south. Hampstead Road is located on the Transport for London Red Route Network (TLRN) and is one of the busiest traffic corridors in the borough. It is also a very busy pedestrian thoroughfare leading to nearby Euston Square Station and to Euston Road.

Although the pavement is wide at 9.0m, there is a large amount of existing street clutter in this location in the form of a large advertising hoarding, bicycle racks, bollards, recycling bins, and a nearby bus stop. When viewed from near and distant view points, all of these elements of street furniture already result in a much cluttered streetscape. It is considered the positioning of a kiosk in this location would exacerbate the perception of clutter and in doing so would be harmful to the character and appearance of the streetscene contrary to DP24 and CPG.

Pedestrians/Cyclists

Council's Transport Officers have objected to the proposal in this location noting that despite the width of the pavement, that the various items of street furniture prevent most of the footway from being usable. The footway experiences very high pedestrian flows, particularly during peak periods. DP21 states that Camden will expect developments connecting to the highway network to avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter; and contribute to the creation of high quality streets and public spaces. The new kiosk would reduce the amount of available footway with no benefit to pedestrians. It is considered that the installation of a telephone kiosk will lead to additional street clutter and will reduce amenity

for pedestrians, thus having a detrimental impact on the promotion of walking as an alternative to motorised transport. The proposal in this location is therefore considered to be contrary to DP21.

Safety

The proposed location is adjacent to the recessed entrances and stairwells of the residential building at 44 Hampstead Road. Recessed entrances are referred to in CPG as providing opportunity for concealment and subsequently crime and antisocial behaviour. Although the payphone would not be located directly outside the recessed stairwells it is considered that the location is sufficiently proximate to exacerbate the risk and fear of crime and safety for occupiers of the residential building, and nearby shops. The phonebox would also be located amongst the existing clutter caused by the advertising hoarding, bollards, bicycle racks, recycling bins and street trees which provide additional opportunities for concealment. Representations have been received from the occupier of the 44 Hampstead Road referring to existing problems of drug dealing and prostitution in the locality. In considering APP/X5210/A/09/2112782 the inspector noted that the open design of the kiosk (similar to the current proposal) and use of large areas of clear glazing would lessen the risk of criminal or anti-social activities from taking place within them. However, outside of conservation areas, where one side will invariably be used for advertising (under deemed consent), this will offer screening for those inside which would negate some of the inherent design advantage.

On the basis of this evidence, it is considered that the proposed kiosk, owing to its design and location, would compromise the safety of those using and servicing the telephone kiosk, as well as pedestrians and nearby residents and promote criminal activity and anti-social behaviour contrary to CS17 and CPG.

Access

Policy DP29 notes that all new development is expected to meet the highest standards of access and inclusion. The proposed telephone box has been designed with a flat entry and with a 1.21 metre wide open front to allow access for wheelchair users. The proposal is therefore consistent with DP29. However, this factor is not considered to outweigh the harm as discussed.

Recommendation

Refuse Prior Approval

B. 85 Hampstead Road London NW1

Siting

The site is the footway outside an existing office building with ground floor shops, on the western side of Hampstead Road between Drummond Street to the south and William Street to the north. The site is not within a conservation area. The phonebox would be located between existing street trees which line the kerbside. Hampstead Road is located on the Transport for London Red Route Network (TLRN) and is one of the busiest traffic corridors in the borough. It is also a very busy pedestrian thoroughfare leading to nearby Euston Square Station and to Euston Road. The footway in this location is reasonably uncluttered though there are a number of illuminated projecting signs at fascia level of the office building as well as a rubbish bin, streetlight and road signs.

A proposal for a telephone kiosk located within a similar line of street planting at 25 Procter Street was refused and upheld at appeal (Ref:APP/x5210/A/09/2112772). In that case the inspector considered the impact of advertising on the character of the streetscene. This reasoning has been called into question by the recent judgement in the case of *Infocus Public networks Ltd v SSCLG & the Mayor and Commonality of the Citizens of London (2010) EWHC 3309(Admin)*. In the current case, given the existing uncluttered nature of the streetscene and the location of the kiosk in between two existing street trees, the siting of the phone box in itself is not considered to be sufficiently incongruous to result in demonstrable harm to the streetscene or to significantly increase street clutter.

Cyclists and Pedestrians

DP21 states that Camden will expect developments connecting to the highway network to avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter; and contribute to the creation of high quality streets and public spaces. The footway in this location is over 9.0m in width and

although the area of footway nearest the kerb, where the kiosk would be located is not readily usable due to existing street trees, the usable area of pavement is still around 7m in width. The phone box would be located between two existing street trees and would not in itself result in a narrowing of the usable area of footway due to the linear characteristics of the pedestrian route. As such, the siting of the phonebox in this location is not considered to significantly hinder pedestrian movement and is considered to comply with DP21.

Safety

The proposed location is surrounded by existing street trees and close to the recessed entrance and covered forecourt of the adjacent shops at 85 Hampstead Road. Recessed entrances are referred to in CPG as providing opportunity for concealment and subsequently crime and anti social behaviour. Additionally as the site is located outside a conservation area, one side of the kiosk will be used for advertising offering screening for those inside which would negate some of the design advantage of glazing. Due to the proximity to the recessed entrance and covered forecourt of the adjacent building, and the degree of concealment provide by the surrounding street trees, it is considered that the siting of the kiosk in this location would exacerbate the risk and fear of crime for those using and servicing the kiosks as we as occupiers of the adjacent shops and pedestrians, promoting criminal activity and anti social behaviour contrary to CS17 and CPG.

Access

Policy DP29 notes that all new development is expected to meet the highest standards of access and inclusion. The proposed telephone box has been designed with a flat entry and with a 1.21 metre wide open front to allow access for wheelchair users. The proposal is therefore consistent with DP29. However, this factor is not considered to outweigh the harm as discussed.

Recommendation

Refuse Prior Approval

C. Outside 1 Eversholt Street

Siting

The site is located outside of Euston Station on the Eversholt Street frontage near the corner of Eversholt Street and Grafton Place. The site is an exceptionally busy pedestrian thoroughfare located directly outside Euston Station. There is a large amount of existing street clutter in this location in the form of a bollards and three existing telephone boxes. When viewed from near and distant view points, all of these elements already result in a cluttered streetscape. It is considered the positioning of a phone box in this location would exacerbate the perception of clutter and in doing so would be harmful to the character and appearance of the streetscene contrary to DP24 and CPG.

Cyclists and Pedestrians

The applicant states that the footway at this location is 7.7m wide but actually much of this space is the station forecourt, and is separated from the pavement by a row of bollards. The main pedestrian flow uses the footway which is just 2m wide at this point significantly less than the minimum 3m prescribed by the CPG for streets which experience high pedestrian flows. The proposed kiosk would reduce the amount of available footway reducing amenity for pedestrians, thus having a detrimental impact on the promotion of walking as an alternative to motorised transport. The siting of the phone box in this location is considered to cause harm to pedestrian movement and increase unnecessary street clutter contrary to DP21.

Safety

The proposed location is surrounded by existing phone boxes and street trees and the forecourt area directly outside the station. Although the area is subject to casual surveillance from the forecourt there is evidence of existing antisocial behaviour within the existing BT phone boxes currently being used for sex advertising and smelling of urine. Evidence of anti-social behaviour at nearby telephone boxes was cited by the inspector as contributing to his reasons for dismissing appeals at 18 Woburn Place (ref APP/X5210/A/09/2112782) and 25 Proctor Street (ref APP/X5210/A/09/2112754). The site is located outside a conservation area therefore one side of the kiosk will invariably be used for advertising offering screening for those inside which would negate

the design advantage of the proposed glazing.

Given the evidence of existing anti social behaviour it is considered likely that the proposed kiosk owing to its siting and design, would compromise the safety of those using and servicing the telephone kiosk and pedestrians, as well as promote criminal activity and antisocial behaviour contrary to CS17.

Recommendation

Refuse Prior Approval

D. 297 Euston Road

The site is located on the pavement outside of Warren Street underground station on the southern side of Euston Road, not within a conservation area.

Siting

The kiosk would be located next to two existing phone boxes aligned with a group of street trees. The streetscene in this locality is cluttered to by the two existing phone kiosks road signs, cycle racks and street trees. When viewed from near and distant view points, all of these elements of street furniture already result in a cluttered streetscape. It is considered the positioning of a phone box in this location would exacerbate the perception of clutter and in doing so would be harmful to the character and appearance of the streetscene contrary to DP24 and CPG.

Cyclists/pedestrians

The footway width is wide at over 9.0m, However, it should be noted that part of the footway width is not usable by pedestrians due to the presence of street trees and various items of street furniture (e.g. 2 public payphone kiosks). The footway experiences exceptionally high pedestrian flows due to its proximity to Warren Street underground station, particularly during peak times. The proposed phonebox would reduce the amount of available footway reducing amenity for pedestrians, thus having a detrimental impact on the promotion of walking as an alternative to motorised transport. The siting of the phone box in this location is considered to cause harm to pedestrian movement and increase unnecessary street clutter contrary to DP21.

Safety

The proposed location is in close proximity to existing phone boxes and several street trees. Although located on a very busy road in full view of passing traffic and overlooked by nearby buildings, there is evidence of existing antisocial behaviour with the existing phone boxes currently being used for sex advertising and smelling of urine. Evidence of anti-social behaviour at nearby telephone boxes was cited by the inspector as contributing to his reasons for dismissing appeals against refusal of telephone kiosks at 18 Woburn Place (ref APP/X5210/A/09/2112782) and 25 Proctor Street (ref APP/X5210/A/09/2112754). The site is located outside a conservation area therefore one side of the kiosk will invariably be used for advertising offering screening for those inside which would negate the design advantage of the proposed glazing.

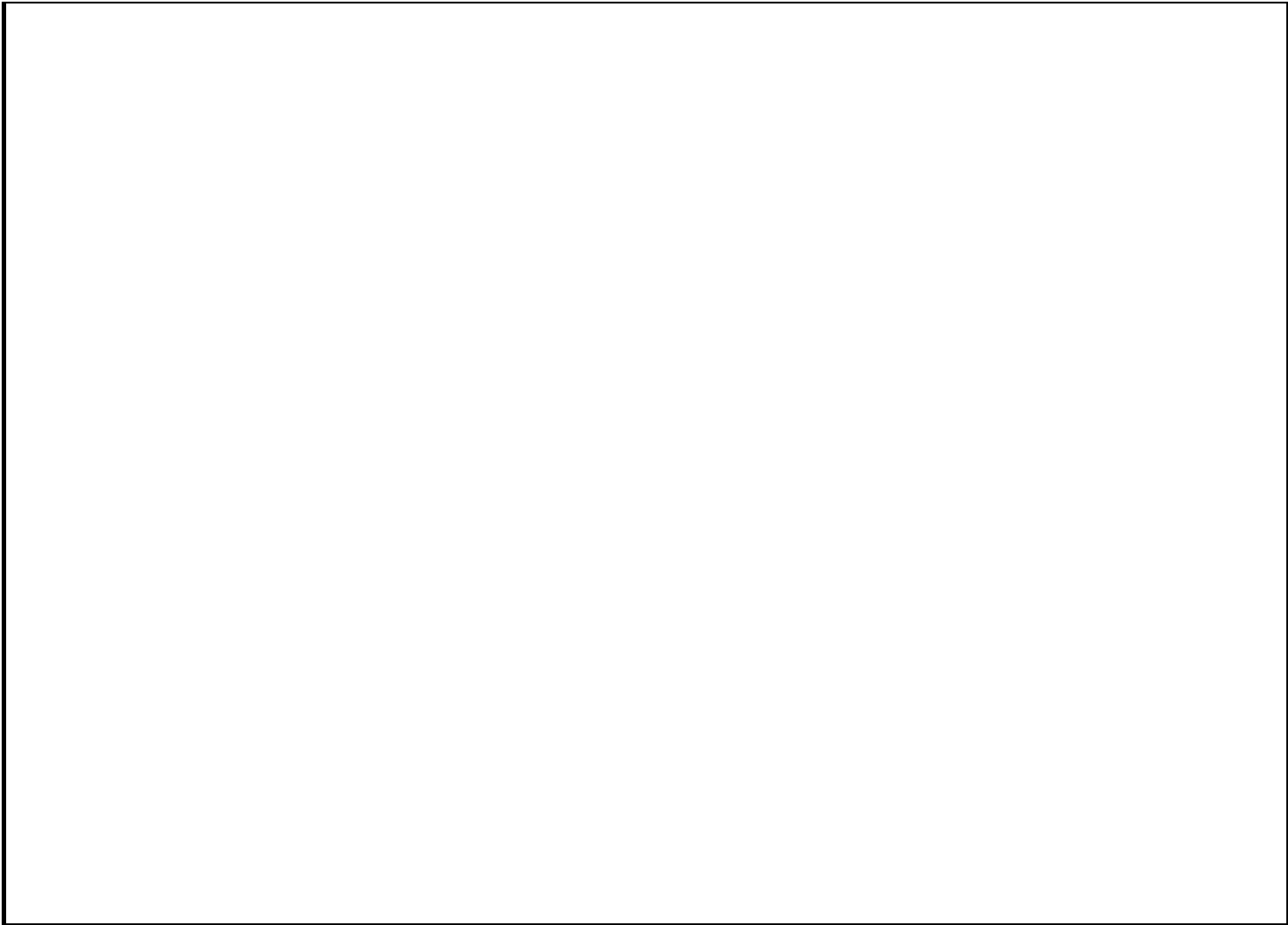
Given the evidence of existing anti social behaviour it is considered likely that the proposed kiosk owing to its siting and design, would compromise the safety of those using and servicing the telephone kiosk and pedestrians, as well as promote criminal activity and anti social behaviour contrary to CS17.

Access

Policy DP29 notes that all new development is expected to meet the highest standards of access and inclusion. The proposed telephone box has been designed with a flat entry and with a 1.21 metre wide open front to allow access for wheelchair users. The proposal is therefore consistent with policyDP29. However, this factor is not considered to outweigh the harm as discussed.

Recommendation

Refuse Prior Approval



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