

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		02/09/2014	
		N/A / attached		<b>Consultation Expiry Date:</b>		18/09/2014	
<b>Officer</b>				<b>Application Number(s)</b>			
Katrine Dean				2014/4609/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Junction of Drake Street & Proctor Street London WC1V 6NY							
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Installation of a public payphone on pavement.							
<b>Recommendation(s):</b>		Prior Approval Required - Approval Refused					
<b>Application Type:</b>		GPDO Prior Approval Determination					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	01	No. of responses	00	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		N/A					
<b>Internal Comments from Transport Planning:</b>		The proposal to site a public payphone at this location would be contrary to DP21. It would constitute unnecessary street clutter and would have a negative impact on the streetscape (hence doing nothing towards the creation of high quality streets and public spaces). For these reasons the proposal is unacceptable on transport grounds and I recommend refusal of the application on this basis.					



## Site Description

The application site is located on a public footway at the junction of Drake and Proctor Street. There are trees and cycle racks on the southern side of the street. This proposal seeks prior approval for the installation of a public payphone at this location.

## Relevant History

Applications for prior approval for the installation of payphones on the public highway have been historically resisted by the London Borough of Camden because they introduce incongruous features to the streetscape, add to visual clutter detracting from the pedestrian environment, compromise the safety of those using and servicing the telephone kiosk and encourage criminal activity.

Applications for Prior Approval for the installation of public payphones/telephone kiosks have been refused in the past few years at the following locations:

- 2014/4606/P – Outside 235 Euston Road. Refused 22/01/2015.
- 2014/4607/P – Outside 250 Euston Road. Refused 22/01/2015.
- 2012/5949/P - Pavement adjacent to 350 Euston Road. Refused on 20/12/2012. Appeal dismissed on 16/07/2013.
- 2012/5945/P - Pavement adjacent to 28 Chalk Farm Road. Refused on 20/12/2012.
- 2012/2113/P - Pavement adjacent to 29 Tottenham Court Road. Refused on 07/06/2012.
- 2012/1700/P - Pavement adjacent to 128-144 Euston Road. Refused on 15/05/2012.
- 2012/1699/P - Pavement outside 141 Euston Road. Refused on 15/05/2012.
- 2012/1695/P - Pavement outside 105 Tottenham Court Road. Refused on 01/05/2012. Allowed on appeal on 24/10/2012.
- 2012/3807/P - Pavement to the north of Endeavour House 189 Shaftesbury Avenue. Refused 04/09/2012. Allowed on appeal on 11/04/2013.
- 2012/2119/P - Pavement outside 371 Euston Road. Refused on 07/06/2012.
- 2011/5701/P - 85 Hampstead Road. Refused on 23/12/2011.
- 2011/5700/P - 44 Hampstead Road. Refused on 23/12/2011.
- 2011/5697/P - Outside of 1 Eversholt Street. Refused on 23/12/2011.
- 2011/5699/P - Outside of 297 Euston Road. Refused on 23/12/2011.
- 2010/3271/P - Pavement to Hampstead Road elevation, Euston Tower, 286 Euston Road. Refused 06/08/2010. Appeal dismissed 24/03/2011.
- 2010/3268/P - Payphone outside 181 High Holborn. Refused on 03/08/2010. Appeal dismissed 24/03/2011.
- 2009/1771/P - Outside the British Library, 96 Euston Road. Refused 22/05/2009. Appeal dismissed 04/05/2010.
- 2009/1770/P - Outside 137-139 Euston Road. Refused on 22/05/2009. Appeal dismissed on 04/05/2010.

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core Strategy:

- CS5 (Managing the impact of growth and development)
- CS14 (Promoting high quality places and conserving our heritage)
- CS17 (Making Camden a safer place)

#### Development Policies:

- DP17 (Walking, cycling and public transport)

DP21 (Development connecting to the highway network)  
DP24 (Securing high quality design)  
DP26 (Managing the impact of development on occupiers and neighbours)

### **Camden Planning Guidance 2011:**

**CPG1 - Design** Section 9 (Designing safer environments)

**CPG7 - Transport** Section 8 (Streets and public spaces)

### **National Planning Policy Framework (March 2012)**

#### **Assessment**

#### **1. Proposal**

- 1.1 GPDO prior approval is sought for the siting of a payphone kiosk at the above location. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) sets out the details of the types of developments for which planning permission is 'deemed' to be granted, more commonly known as 'permitted development'. Much of the work carried out by a telecommunications operator will be permitted development under Part 24 of Schedule 2 of the GPDO. The proposed works fall under the criteria for assessment under Part 24 by virtue of the proposed apparatus' height and cubic content. The applicant has submitted detailed plans and specifications and thus the issues to which the Council can raise objections to are those relating to siting and design.
- 1.2 The proposal shall also consider anti-social behaviour associated with payphone kiosks, in addition to the impact of possible advertising placed on the payphone kiosk, as a result of the deemed consent provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, whereby advertisements may be displayed on the glazed surface of one side of a payphone kiosk.
- 1.3 The proposal seeks the installation of a payphone kiosk measuring 1.1m in width, 1.3m in length and 2.6m in height. In terms of appearance, the kiosk would comprise a black steel frame with clear polycarbonate toughened glass on all sides. The kiosk would be solar powered with wheelchair access.

#### **2. Assessment**

- 2.1 Whilst the NPPF encourages local planning authorities to support the expansion of electronic communications networks, including telecommunications and high speed broadband, it appears to be more geared towards mobile telecommunication, 3G and broadband / wifi as opposed to payphone systems. For the purposes of this assessment, the Council shall consider payphone kiosks as falling within the definition of "other structures".
- 2.2 Notwithstanding that there is no clear guidance on payphone kiosks, the NPPF states that operators should make use of existing structures in order to keep the number of new installations to a minimum. The NPPF further states that applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. Where new sites are proposed, this should include evidence that the applicant has explored the possibility of erecting antennas (in this case payphones) on existing buildings. The applicant has failed to provide an adequate discussion of discounted sites and therefore consideration has not been given to attaching the payphones on any existing buildings or structures in the area. The proposal is therefore contrary to the guidance of the NPPF, which aims to keep telecommunication sites to a minimum and encourage applicants to explore shared facilities.

### **3. Siting**

- 3.1 Within the context of the site described above and namely the array of structures on a very busy stretch of footway in this prominent location, it is considered that the proposal would unacceptably add to a cluttered agglomeration of street furniture. Together with the likely advertising, which would emphasise its prominence and harm the character and appearance of the surrounding area the development is contrary to DP24 of the Council's LDF.
- 3.2 It is the opinion of the Council that these payphones are very rarely used for their intended purpose these days and the main driver for installing them is the potential advertising revenue. Road side advertising is an unnecessary distraction to road users and such distractions can lead to collisions. In addition, there are plenty of existing payphones located in the general vicinity of the proposed site.
- 3.5 Although the footway is approximately 6 metres in width, much of its width is not usable by pedestrians due to the presence of various items of street furniture (e.g. cycle parking racks and benches) and the proposal site is in a busy location which experiences extremely high pedestrian flows, particularly during peak times. Not only would the kiosk create additional street clutter, but in doing so, it would reduce the amount of available footway, to the detriment and quality of the public realm. This would reduce amenity for pedestrians, thus having a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to the aims and objectives of DP17 and DP21 which 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;
  - contribute to the creation of high quality streets and public spaces.

### **4. Appearance**

- 4.1 The proposal would not be unusually large and will be similar in appearance to other telephone kiosks found across the Borough. In terms of its general design, size, materials, appearance and setting amongst a number of modern buildings, the proposal is considered to be acceptable.

### **5. Anti- social behaviour**

- 5.1 Although there has been no consultation on the proposal with Metropolitan Police in this instance, the previous feedback on proposed payphones on Euston Road received the following responses from the Crime Prevention Design Adviser does not support such development. With regards to community safety matters it has been noted that the most common uses associated with the phone kiosks are: drug taking; criminal damage; being used as a toilet; and advertising sex workers. Furthermore, it is noted that "the additional clutter on the footway can also create problems in terms of street crime and robbery in particular".
- 5.2 In light of the above comments and the advice on the siting and need for additional payphones and their association with increased criminal activity, which is set out in paragraphs 9.26 and 9.27 of CPG1 (Design) it is considered that the proposed kiosk siting would exacerbate the opportunity for crime and reduce the perceived safety of the area. The proposed kiosk is therefore contrary to CS17 and DP24.

### **6. Conclusion**

- 6.1 The foregoing assessment has illustrated that there is a history of resisting proposals to install new payphones in the Borough and the majority of these decisions have been supported by Planning Inspectors. The applicant has failed to supply adequate reasoning for the selection of site and has failed to prove that there is a genuine requirement for such a facility at this location. The proposal therefore contradicts a number of Council policies and Guidance and is recommended for refusal.
- 6.2 Having regard to the above it is considered that the prior approval of the Local Planning Authority is required for the siting and appearance of the development under Part 24 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended). It is recommended that prior approval is refused in this instance, for the reasons given in this report.

## **7. Recommendation**

- 7.1 Refuse prior approval.