

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		17/04/2015	
		N/A		Consultation Expiry Date:		19/03/2015	
Officer				Application Number(s)			
Rachel English				1. 2015/0987/P 2. 2015/0922/L			
Application Address				Drawing Numbers			
BT Telephone Kiosk Opposite Hotel Russell North side of Russell Square London WC1B 5BE				See draft decision notices			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
1. Change of use of BT telephone box to self-contained retail kiosk (Class A1) 2. Removal of telephone equipment, replacement of glass and modification to handle to allow locking							
Recommendation(s):		1. Grant conditional planning permission 2. Grant conditional listed building consent					
Application Type:		1. Full Planning Permission 2. Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notices					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses No. Electronic	00 00	No. of objections	00
Summary of consultation responses:		Site notice displayed from 25/02/2015 until 18/03/2015 Press notice displayed from 26/02/2015 until 19/03/2015 No responses received.					
CAAC/Local groups comments:		The Bedford Estates object to the application on the following grounds: 1) Russell Square already has a large café and does not require a further café/ retail shop 2) Would be detrimental to the historic nature of Russell Square and an adverse effect on the character of the area 3) Would cause an increase in litter 4) Proposals would cause overcrowding 5) Would lead to noise and anti-social behaviour 6) The phone boxes should remain in the current use					

Officer response

- 1) See section 2 below
- 2) See section 3 below
- 3) See section 4 below
- 4) See section 4 below
- 5) See section 4 below
- 6) See section 2 below

The **Bloomsbury Association** object to this application for the following reasons listed below:

- 1) The proposed use of telephone boxes for retail sales would cause the pavements to be blocked by the unit, staff and customers queuing and waiting to be served. It is inevitable that public space outside the telephone box would be used for storage of goods causing further blocking of the public footway.

Officer response: See section 4

- 2) While Camden do not seem to have any specific policies relating to this in their LDF, the National Planning Policy Framework states in Policy 35: 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to... create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones...' We note the emphasis on safety and security and minimising conflicts between traffic and cyclists or pedestrians and avoiding street clutter, which is particularly important as the proposed development will not only affect the footprint of the kiosk but will also spread onto the adjacent footway as evidenced by the Council's unsightly and dangerous retail kiosks on Tottenham Court Road over which it is unable to exert any degree of control.

Officer response: See sections 2, 3 and 4

- 3) Policy 64 of the NPPF states: 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. While recognising the applicant's intent to help the local homeless community, the proposals are wholly inappropriate. Most red phone boxes are listed structures and turning them into essentially a fast-food stand is not in keeping with their special architectural and historic interest or with the character and appearance of the conservation area. The proposals would encourage litter, loitering and vandalism, creating a nuisance for local residents, businesses and visitors. See CMP 2.13 and 2.14.

Officer response: See section 3

- 4) In addition to objecting to this particular proposal, we are also opposed to the precedent that any approval would set, with the potential for these listed structures to be turned into essentially vending machines. While we recognise that these British landmarks no longer serve their original purpose, these proposals are not an

appropriate use. Camden LDF Policy DP25 is reinforced by Policy 133 of the NPPF states: 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...' There are no public, only private benefits in this proposal.

Officer response: There is considered to be public benefit from the proposals in the provision of bringing an under-utilised phone kiosk back into use.

- 5) BT have failed in their responsibility to maintain public telephone boxes for many years, although some efforts have been made to clean them. Policy 130 of the NPPF states: 'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision'. Nevertheless, some have effectively become unlicensed advertising hoardings and we suggest that redundant and only unlisted telephone boxes that make no positive contribution to the Bloomsbury Conservation Area should be removed.

Officer response: This is noted. This application relates to a listed phonebox which would require planning permission for removal

Site Description

The site contains a Grade II listed phone box located adjacent to the north entrance to Russell Square. On the opposite side of the road is the Hotel Russell, a Grade II listed building at 1-8 Russell Square.

The phone box is located adjacent to two other phone boxes. The site is located in the Bloomsbury Conservation Area.

Relevant History

Russell Square Gardens North, junction Woburn Place,
PS9704760 - Replacement of kiosks with 4 K6 types. GPDO Prior approval determination. Agreed on 25/08/1997

Russell Square Gardens West, junction Thornhaugh Street,
PS9704761 - Replacement of kiosk with a K6D type and install an additional K6C type. GPDO Prior approval determination. Agreed on 25/08/1997

Russell Square Gardens East, junction Southampton Row,
PS9704762 - Replacement of kiosk with a K6 type. GPDO Prior approval determination. Agreed on 25/08/1997

Russell Square Gardens South, junction Montague Place,
PS9704763 - Replacement of kiosk with a K6C type. GPDO Prior approval determination. Agreed on 25/08/1997

The Cafe Russell Square Gardens

PSX0005230 - Part demolition & extension of the existing café (class A3) on the northern side of the square, and the relocation of air monitoring unit within the parks service yard. Planning permission granted on 22/03/2001.

Relevant similar telephone kiosk applications

BT Telephone Box land fronting 25-26 Hampstead High Street
2014/3243/P - Change of use from BT telephone box to shop (Class A1). Approved on 14 July 2014

BT telephone kiosk outside 75 Hampstead High Street
2014/6251/P and 2014/6250/L - Change of use of BT phonebox to retail kiosk (A1). Approved on 8 December 2014

BT telephone kiosk opposite The Wiener Library, Northwest corner of Russell Square
2015/0672/P and 2015/0979/L - Change of use of BT telephone box to self-contained retail kiosk (Class A1). Decision pending

BT telephone kiosk opposite 43 Bloomsbury Square
2015/0674/P and 2015/0980/L - Change of use of 1 x BT telephone box to self-contained retail kiosk (Class A1). Decision pending

BT telephone kiosk outside 21 Southampton Row
2015/0679/P - Change of use of 1 x BT telephone box to self-contained retail kiosk (Class A1). Decision pending

BT Telephone Kiosk outside 148 Southampton Row
2015/0923/P - Change of use of 1 x BT telephone box to self-contained retail kiosk (Class A1). Decision pending

BT telephone kiosk outside British Museum
2015/0870/P and 2015/0984/L - Change of use of 1 x BT telephone box to self-contained retail kiosk (Class A1). Decision pending

2 x BT telephone kiosks opposite Imperial Hotel Southeast side of Russell Square London
2015/0664/P and 2015/0974/L - Change of use of 2 x BT telephone boxes to 2 x self-contained retail kiosks (Class A1). Decision pending

Relevant policies

National Planning Policy Framework 2012

London Plan March 2015, consolidated with alterations since 2011

Local Development Framework 2010

CS5 – Managing the impact of growth and development
CS7 – Promoting Camden's centres
CS8 – Promoting a successful and inclusive Camden economy
CS14 – Promoting high quality places and conserving our heritage
CS17 – Making Camden a safer place

DP10 – Helping and promoting small and independent shops
DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
DP17 – Walking, cycling and public transport
DP21 – Development connecting to the highway network
DP24 – Securing high quality design
DP25 – Conserving Camden's heritage
DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance

CPG1 (Design) 2013

Bloomsbury Conservation Area Appraisal and Management Strategy 2011

Assessment

1. Proposal

- 1.1. Planning and listed building consent is sought for change of use of one of the Grade II listed phone kiosks at the north end of Russell Square.
- 1.2. The proposal would involve the removal of the telephone equipment and installation of a self-contained modular unit into the K6 phone kiosk. The glass would be replaced with toughened glass and a new locking mechanism behind the existing “pull” plate. The modular kiosk would be on rollers and would not be fixed to the existing K6 kiosk. There would be no changes to the external appearance of the phone box except new toughened glass fitted to the existing window and door frames and the insertion of a locking mechanism behind the pull plate. Internally the existing phone and equipment would be removed and a modular kiosk inserted which can be easily moved in and out. It is proposed that the units would operate from 0800 to 1800 Monday to Friday, 0800 to 1900 on Saturdays and 0900 to 1800 on Sundays and Bank Holidays.
- 1.3. The proposals involve changing the use to a retail unit (Class A1) primarily for the sale of drinks and/or ice cream to passing pedestrians. It is proposed that the retail unit be run with the door open and staffed by one person.
- 1.4. The application is made by charitable trust “Thinking Outside the Box” which supports homeless projects around the country through donating a percentage of earnings from the retail uses in the phone boxes to charity.
- 1.5. The applicant has indicated that the telephone box is currently redundant and the use would bring the phone kiosk back into use.
- 1.6. This application is assessed in terms of three key material considerations 1) the principal of the use 2) the effect of the proposal on the special interest of the telephone box and whether the proposals would preserve and enhance the character and appearance of the Conservation Area and 3) the effect of the proposal in terms of pedestrian circulation and highway safety.

2. Principal of the use

- 2.1. The proposed change of use from a phone box to a retail shop is supported. Phone boxes are generally underutilised due to the use of mobile phones and have been known to be used for anti-social behaviour. The proposed use re-invents the phone box and enables a very small increase in retail floorspace.
- 2.2. Trading from the highway would require a trading licence and the retail kiosk proposed would need to be designated for street trading which would follow the licensing committee process for approval. An informative is added to the decision reminding the applicant that a separate trading licence is required.
- 2.3. Concerns have been raised from Bedford Estates and local residents/businesses that there is no need for another retail/coffee kiosk in the area and it could harm the existing cafes in the area. There are no policies within the LDF which would prevent the introduction of new retail uses.
- 2.4. It is recommended that a condition is added that ensures that the permission granted is personal to the applicant only and were the unit to not be used for retail purposes it would be

returned to the original use as a telephone kiosk.

2.5 Chapter 12 of the NPPF establishes that any harm to heritage assets requires clear justification, and expects 'less than substantial' harm to be weighed against the proposal's public benefits, including securing its optimum viable use. The use of the phone kiosk as a retail unit would secure the future of the under-utilised listed kiosk which would be of public benefit. Whilst there would be some harm in the fact that the telephone equipment would be removed and the use of the building would not be as it was originally designed, it is considered that the benefits would outweigh any harm.

3. Design and impact on the listed phonebox and the Bloomsbury Conservation Area.

3.1 The phone kiosk would retain its original appearance with only minor upgrade works to fit new glass in order to provide security. The Bedford Estates and the Bloomsbury Association have objected to the application on the grounds that the proposals would harm the character and historic nature of the area and clutter the area. The proposals would not harm the fabric of the listed buildings as the proposals would simply remove the telephones from inside the kiosk and insert a self-contained modular box inside. The change of use of the phone kiosks would allow them to be revitalised and re-used. There would be no changes to the external appearance of the phone kiosks except for removal of the telephone and the insertion of the kiosk. The Applicant has confirmed in the Design and Access Statement that there would be no seating, parasols or other paraphernalia outside the box at any times and a condition is added to the decision notice to ensure nothing is placed on the pavement which could cause clutter. Therefore it is considered the proposals would preserve and enhance the character and appearance of the Bloomsbury Conservation Area.

3.2 With regard to the glazing, as the beading is removable to allow for the panes to be individually replaced, there will be no significant impact upon the historic fabric or appearance, and the proposed alterations would not cause any harm to the special architectural or historic interest of the kiosks. The Applicant proposes a rolling maintenance programme to see the kiosks refurbished every two years. The maintenance programme would involve a complete overhaul, to include all exterior and interior paint and associated works and all paint used would be the same as that currently used by BT.

3.3 The proposed kiosk unit would have a self-contained waste area which would be emptied daily. Concerns have been raised about the prospect of litter as a result of the proposals. There are a number of street bins around the site and the small site would not create sufficient litter from coffee cups or ice cream to refuse the application. The Design and Access Statement confirms that the unit would be staffed at all times with the phonebox locked and monies taken out of the box outside trading hours.

3.4 The proposals do not involve the display of any adverts. An informative is added to the decision notice to ensure that the applicant is aware that advertisement consent and listed building consent is required for any display of advertisements.

3.5 The proposals are therefore considered acceptable in design and listed building terms.

4 Impact on amenity and pedestrian and highway safety

4.1 Concerns have been raised regarding litter and harm to pedestrian safety as a result of the proposed changes of use. The retail unit would be open during business hours only. The pavement is wide where the kiosk is located. There is a distance of 8.7 metres from the phone kiosk door to the edge of the pavement and it is considered that were queues to form at the kiosk whilst it is in use, there is sufficient space for pedestrians to safely pass by without hindrance. The Design and Access Statement states that all the phone boxes will have an online presence allowing customers to pre-order their drink by mobile phone / tablet etc. and then pick it up as they walk by which has the aim of reducing any queueing at the phone kiosks. It is considered that due to the very small size of the kiosk and the proposed function

the change of use would have no adverse impact on nearby residential occupiers in terms of noise. It is recommended that a condition is added that prevents cooking on the premises.

4.2 Conditions are added to the decision notice that restrict the hours of opening and prevents any tables, bins, chairs or A-boards cluttering the pavement. There are three current applications for changes of use of phone kiosks in three of the four corners of Russell Square. This application is assessed with this in mind and the potential cumulative impact of giving permission for the kiosks (four in total) changing use to retail. It is considered that the kiosks in the northwest corner and southeast corner are of sufficient distance away from the kiosk in this application that there would be no additional or cumulative harm caused to pedestrian safety.

4.3 Due to the small scale of the proposals there would be very little servicing required as the self-contained modular unit would contain everything required for the day to day running of the retail kiosks. The Design and Access Statement indicates that the modular kiosk would be serviced every day in respect of dry stock, water and / or saleable goods. Waste removal would be part of the same daily process, whereby the operators would remove any waste at the end of each day. The small scale nature of the kiosk would mean there would be no adverse effect on highway safety.

5 Recommendation

5.1 It is recommended that planning permission and listed building consent be granted subject to conditions.

DISCLAIMER

Decision route to be decided by nominated members on Monday 13th April 2015. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.