

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	17/04/2015
		N/A		<b>Consultation Expiry Date:</b>	19/03/2015
<b>Officer</b>			<b>Application Number(s)</b>		
Rachel English			2015/0870/P 2015/0984/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
BT telephone kiosk outside British Museum Great Russell Street London WC1B 3DG			See decision notices		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
<ol style="list-style-type: none"> <li>1. Change of use of BT telephone box to self-contained retail kiosk (Class A1)</li> <li>2. Removal of telephone equipment, replacement of glass and modification to handle to allow locking</li> </ol>					
<b>Recommendation(s):</b>		<b>Refuse planning permission</b> <b>Grant listed building consent</b>			
<b>Application Type:</b>		<b>Full Planning Permission</b> <b>Listed Building Consent</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>03</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
			No. electronic	<b>00</b>		
Summary of consultation responses:	<p>Site notice displayed from 25/02/2015 until 18/03/2015  Press notice displayed from 26/02/2015 until 19/03/2015</p> <p>No responses received</p>					
CAAC/Local groups* comments: *Please Specify	<p><b>Bloomsbury CAAC</b> - objects strongly to the application to change the use of a BT telephone box to a self-contained retail kiosk.</p> <p>“This proposed commercial enterprise will impact negatively on the easy passage of pedestrians who flock in large numbers along Great Russell Street; it will also impact negatively on the quality of life of those who live and work opposite.</p> <p>In particular the proposal goes against Camden’s Policy DP25: Conserving Camden’s heritage. This policy is intended to take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas.</p> <p>Section 5.46 of Bloomsbury Conservation Area Appraisal and Management Strategy, adopted 18 April 2011. This states that “The British Museum is a cultural institution of international importance, occupying a major ensemble of outstanding grade I listed buildings which make a significant contribution to the character and appearance of this the Conservation Area as a whole. The principal South Front addresses Great Russell Street.” Section 3.15 details notable views to landmarks within and outside the Conservation Area that assist orientation and navigation. They include the view east and west along Great Russell Street of the British Museum. “Set back from the frontage behind tall railings and a mature line of trees, this frontage (of the British Museum) forms an impressive landmark along Great Russell Street.”</p> <p>The change of use of a BT phone box into a retail kiosk completely undermines the status of this Grade I listed landmark building. It will increase a sense of clutter on the street. It will have a negative impact on the views. The unwelcome intrusion of an inappropriate focus for commercial activity will certainly not preserve and enhance the character and appearance of the conservation area. The addition of advertising, self-service coffee machines or whatever else is proposed for the BT telephone kiosk will cause harm to the conservation area. The planning application should be refused.”</p> <p><b>Bloomsbury Association</b> object to the application for the following reasons:</p> <ol style="list-style-type: none"> <li>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</li> </ol>					

blocking of the public footway.

- 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.
- 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.
- 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.
- 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.

The **Bedford Estates** Object to the application on the following grounds:

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|  | <ol style="list-style-type: none"><li>1) Russell Square already has a large café and does not require a further café/ retail shop</li><li>2) Would be detrimental to the historic nature of Russell Square and an adverse effect on the character of the area</li><li>3) Would cause an increase in litter</li><li>4) Proposals would cause overcrowding</li><li>5) Would lead to noise and anti-social behaviour</li><li>6) The phone boxes should remain in the current use</li></ol> |
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## Site Description

The site contains a Grade II listed K6 phone kiosk, located on the north side of Great Russell Street opposite Museum Mansions. The site is located in the Bloomsbury Conservation Area.

The phone kiosk is located to the northwest of the main entrance to the British Museum. It is part of a pair of kiosks on the right of the entrance to the British Museum, opposite Museum Mansions. The two kiosks are separated by a Grade II\* listed granite column serving the Museum railings for the main entrance gateway.

## Relevant History

### 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

2 x BT telephone kiosk opposite Imperial Hotel southeast corner of Russell Square  
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) and removal of telephone equipment, replacement of glass and modification to handles to allow locking. Granted planning permission and listed building consent on 14<sup>th</sup> April 2015

BT telephone kiosk opposite 43 Bloomsbury Square, southeast corner of Bloomsbury Square  
2015/0674/P and 2015/0980/L - Change of use of BT telephone box to self-contained retail kiosk (Class A1) and removal of telephone equipment, replacement of glass and modification to handle to allow locking. Granted planning permission and listed building consent on 14<sup>th</sup> April 2015

BT telephone kiosk opposite The Wiener Library northwest corner of Russell Square  
2015/0664/P and 2015/0974/L - Change of use of BT telephone box to self-contained retail kiosk (Class A1) and removal of telephone equipment, replacement of glass and modification to handle to allow locking. Granted planning permission and listed building consent on 14<sup>th</sup> April 2015

BT telephone kiosk opposite Hotel Russell, north corner of Russell Square  
2015/0987/P and 2015/0922/L - Change of use of 1 x BT telephone box to self-contained retail kiosk (Class A1) and removal of telephone equipment, replacement of glass and modification to handle to allow locking. Granted planning permission and listed building consent on 14<sup>th</sup> April 2015

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

## Relevant policies

### National Planning Policy Framework 2012

### London Plan March 2015, consolidated with alterations since 2011

### Local Development Framework 2010

#### Core Strategy

CS5 – Managing the impact of growth and development

CS7 – Promoting Camden's centres

CS8 – Promoting a successful and inclusive Camden economy

CS11 - Promoting sustainable and efficient travel

CS14 – Promoting high quality places and conserving our heritage

CS17 – Making Camden a safer place

CS19 - Delivering and monitoring the Core Strategy

#### Development Policies

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

DP20 – Movement of goods and materials

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) 2014 – chapters 1-3 and 9

CPG5 (Town Centres) 2013 – chapters 1-4 and 6

CPG6 (Amenity) 2011 – chapters 1, 4 and 9

CPG7 (Transport) 2011 – chapters 1, 4 and 8

Bloomsbury Conservation Area Appraisal and Management Strategy 2011 – pages 1-3, 11-19, 27-33, 104, 125, 140.

## Assessment

### Proposal

Planning and listed building consent is sought for change of use of one of the Grade II listed phone kiosk outside the British Museum on Great Russell Street.

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.

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.

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.

The applicant has indicated that the telephone box is currently redundant and the use would bring the phone kiosk back into use.

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.

### **Principal of the use**

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. There are no policies within the LDF which would prevent the introduction of new retail uses.

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.

If the proposals were considered acceptable then a condition would be 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.

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.

### **Impact on the listed building and the surrounding conservation area**

The phone kiosk would retain its original appearance with only minor upgrade works to fit new glass in order to provide security. The Bloomsbury CAAC, 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 building itself 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 kiosk would allow it to be revitalised and re-used. There would be no changes to the external appearance of the phone kiosk 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. The kiosk is located outside the gates of the British Museum. Due to the scale of the proposed kiosk compared to the scale of the British Museum, the proposed change of use would not cause harm to the setting of the Grade I listed building.

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 kiosk. 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.

The proposed kiosk unit would have a self-contained waste area which would be emptied daily. 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.

The proposals do not involve the display of any adverts and any advertisements would require separate advertisement consent and listed building consent.

As such the proposals are considered acceptable in design and listed building terms.

### **Impact on amenity and pedestrian and highway safety**

There is a distance of just 3.8metres from the phone kiosk to the edge of the pavement and there is a street tree, lamp post and parking meter within 5 metres of the kiosk. It is considered that were queues to form at the kiosk whilst it is in use, there is insufficient space for pedestrians to safely pass by without hindrance and potentially stepping into the road. The British Museum is a very busy tourist attraction and there is constant flow of tourists and commuters using the pavement. The footway would be obstructed by users of the kiosk. Whilst the Design and Access Statement says 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 kiosk it is considered that any sort of waiting on the pavement in the proposed location would hinder the flow of pedestrian movement.

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 any nearby residential occupiers (on the opposite side of Great Russell Street) in terms of noise. Were the proposals to be considered acceptable then conditions would be added to the decision notice that restrict the hours of opening and prevents any tables, bins, chairs or A-boards cluttering the pavement and prevent any primary cooking on site.

There would be little servicing required as the self-contained modular unit would contain everything required for the day to day running of the retail kiosks. The kiosk would need to 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. As there is a parking area adjacent to the pavement where the kiosk is located it considered that the servicing could make use of the parking bays. As a result there would be no adverse effect on highway safety.

### **Recommendation**

It is recommended that planning permission be refused on pedestrian safety grounds. As the proposals are considered acceptable in listed building terms it is recommended that listed building consent be granted subject to conditions.