

<b>Delegated Report</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	27/03/2015
	N/A	<b>Consultation Expiry Date:</b>	10/03/2015
<b>Officer</b>		<b>Application Number(s)</b>	
Matthias Gentet		2015/0692/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
Pavement on Howland Street adjacent to Cleveland Mews London W1T 4TW		See Draft Decision	
<b>Proposal(s)</b>			
Installation of public payphone on the pavement.			
<b>Recommendation(s):</b>	Prior Approval Required – Approval Refused		
<b>Application Type:</b>	GPDO Prior Approval Determination		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	5	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>5 letters of consultations have been sent out expiring on 10/03/2015. No site notice has been displayed and no press advert has been published.</p> <p><b>Metropolitan Police – Crime Safety Team</b> – object as follows:  <i>The issues that arise are very much as previously stated and my own experience shows that the most common uses are as follow:</i></p> <ul style="list-style-type: none"> <li>- <i>Drug taking;</i></li> <li>- <i>Criminal Damage;</i></li> <li>- <i>Being used as toilet;</i></li> <li>- <i>Advertising sex workers.</i></li> </ul> <p><i>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></p> <p><i>The features to me that make locations unsuitable will include:</i></p> <ul style="list-style-type: none"> <li>- <i>Narrow pavements;</i></li> <li>- <i>Poor lighting;</i></li> <li>- <i>Signs of anti-social behaviour in the area;</i></li> <li>- <i>Other street furniture.</i></li> </ul> <p><i>With the above information, I object to these two applications.</i></p> <p><b>Transport Strategy</b> objected as follow:  <i>The proposed public payphone would reduce the amount of available footway with no benefit to pedestrians. The main driver for installing the public payphone is likely to be potential advertising revenue. Advertising of this kind represents an unnecessary distraction to road users which can lead to collisions. In addition, the proposal would create additional street clutter while reducing amenity for pedestrians, thus having a detrimental impact on the promotion of walking as an alternative to motorised transport.</i></p> <p><i>The proposed site is in close proximity to a London Cycle Hire docking station. Installation of a public payphone would compromise the Council’s ability to extend the capacity of this docking station in the future.</i>  <i>The proposal to site a public payphone at this location would clearly be contrary to DP21. It would compromise the Council’s ability to extend the capacity of this docking station in the future. The proposal is <b>unacceptable</b> on transport grounds for these reasons and the proposal should be refused.</i></p>					
Local groups comments:	<p><b>The Fitzrovia Partnership</b> objected and summarised as follow:  - <i>Businesses do not covet additional street furniture clutter on busy</i></p>					

- thoroughfare adjacent to or on Tottenham Court Road;*
- *Potentially serious obstruction to the free flow of people on foot;*
  - *Camden Council has approved plans for £41m investment via the West End Project for Tottenham Court Road and surrounding area. Such application for further telephone kiosks are detrimental to the positive effect engendered by the scheme and against both Camden's, Fitzrovia BID's, local business members' and local residents' wishes and interests as well as going against the character of the Fitzrovia Area Action Plan;*
  - *Proposal would encourage litter, loitering and vandalism, creating nuisance for local residents and business;*
  - *Over 50,000 prostitute cards were removed by BID in 2014 from telephone kiosks in Fitzrovia. These prostitute cards are explicit and offensive;*
  - *Phone boxes are used to order, buy and/or distribute illegal drugs and promote anti-social behaviour;*
  - *No agreement from the applicant to maintain or periodically clean the structure;*
  - *Issues with graffiti. Clean up operation to remove graffiti is unclear as per above;*
  - *There are already 40 telephone kiosks on Tottenham Court Road alone. There is no commercial or public service value for these additional kiosks other they generate revenue for Infocus. We do not see the need for any telephone unit as almost everyone has a mobile phone;*
  - *The application is not in keeping with BID's vision of a clean and engaging high street, and only serves to be an eyesore and a "blockage" on the public footway and streetscape;*

### Site Description

The site is set back from the kerb on Howland Street and is adjacent to the Cycle Hire Scheme docking stations and the Telephone Exchange - between Cleveland Mews to the east and Cleveland Street to the west. Although the site is not in a conservation area, the site is in close proximity to the Charlotte Street Conservation area only some 50 yards to the south and the BT Tower, a Grade II Listed Building, located to the north of the application site, demarking the boundary with Fitzroy Square Conservation Area.

### Relevant History

The following planning history is to demonstrate the large amount of existing public payphones already in existence Tottenham Court Road and representing 3 different telecommunication companies (BT, Infocus and Infolines), all in close proximity of the application site, providing a total of 12 public payphones covering an area starting from outside The American Church, 81 Tottenham Court Road to 107 Tottenham Court Road (south-east side) including 184 to 186 Tottenham Court Road (north-west side).

The applicant is also applying for the installation of a public payphone some 300yards away from the application site, near the junction of Howland Street with Tottenham Court Road. Details of the application have been added in the "Adjacent sites history" below.

### Site history:

N/A

### **Adjacent sites history:**

2015/0691/P - Installation of public payphone on the pavement – Pavement on Howland Street adjacent to 95 Tottenham Court Road - Currently being assessed.

2012/1695/P - Installation of 1 x telephone kiosk on pavement (Infocus) - Pavement outside 105 Tottenham Court Road – Refused on 01/05/2012. Appeal allowed on 24/10/2012.

2009/1037/P - Installation of telephone kiosk on the public highway (Infolines) - 80-81 Tottenham Court Road – Approval refused on 19/05/2009 issued too late. Approved by default.

PSX0104461 - Replacement of two existing phone boxes with two new design phone boxes (Infolines) – Outside 104 Tottenham Court Road – No objections on 10/07/2001.

PSX0104459 - Replacement of two existing phone boxes with two new design phone boxes (Infolines) – Outside 184 Tottenham Court Road – No objections on 10/07/2001.

PS9604097 - Upgrade existing telephone kiosks (BT) - Outside 101 Tottenham Court Road – Agreed by default on 04/12/1996.

PS9604096 - Upgrade existing telephone kiosks (BT) - Outside 93 Tottenham Court Road – Agreed by default on 04/12/1996.

PS9604101 - Upgrade existing telephone kiosks (BT) - Outside 185-186 Tottenham Court Road – Agreed by default on 04/12/1996.

PS9604100 - Upgrade existing telephone kiosks (BT) - Outside American Chapel, 81 Tottenham Court Road – Agreed by default on 04/12/1996.

### **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

DP29 - Improving access

##### **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) (Chap 42 to 46)

Charlotte Street Conservation Area Appraisal (July 2008)  
Fitzroy Square Conservation Area Appraisal (March 2010)

### Assessment

#### Proposal:

The application is seeking prior approval for the installation of a payphone kiosk measuring around 1.12m in width, 1.33 in depth and 2.57m in height, set back from the edge of the pavement on Howland Street and adjacent to the Cycle Hire Scheme - comprising 29 docking stations - and to the Telephone Exchange directly to the rear of the BT Tower. The phone booth would consist of a black coloured steel frame with clear polycarbonate toughened glass on 3 elevations. The kiosk would be solar powered and provide wheelchair access.

The proposed works fall under the criteria for assessment under Part 24 of Schedule 2 of the General Permitted Development Order 1995 (as amended) by virtue of the proposed apparatus' height and cubic content. The order 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.

It is considered relevant in the assessment of the current application as it lies outside of a conservation area and where the advertising benefiting from deemed consent will alter the characteristics of the kiosks to consider issues of crime and safety. 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 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.*

In considering recent appeals APP/X5210/A/09/2112784; 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.

#### Policies:

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.

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.

### **Context:**

There are currently 12 public payphone kiosks closely sited along Tottenham Court Road – on both sides of the pavements – from The American Church at 81 Tottenham Court Road to 107 Tottenham Court Road and including 184 to 186 Tottenham Court Road, as detailed above in “Relevant History” section of this report *[to be referred to]*.

A similar prior approval application has been submitted by the applicant (ref: 2015/0691/P) – for the installation of a public payphone also on Howland Street and adjacent to 95 Tottenham Court Road. The prior approval application ref: 2015/0691/P is to be refused *[Please refer to the officer’s report]*. Both applications have the potential to add a further 2 telecommunication apparatus to the 12 existing public phone kiosks currently in situ on Tottenham Court Road. It is therefore considered that the additional clutter is not justified by a need for additional apparatus.

### **Siting and design:**

The application site is located on a pavement measuring roughly between 8m to 9m wide. The phone box would be set back from the pavement edge adjacent to the lightwell with the neighbouring building. The booth would be positioned in front of the Telephone Exchange and adjacent to 29 docking stations supplied for the Cycle Hire Scheme. This pavement is relatively clear from street furniture along its entire length. The existing row of cycle stands are low level with only one pay terminate at the far end of the set of stands. Other than a number of low level bollards and one telecommunication cabinet the street is clear of visual clutter.

However, it must be noted that the proposed site sits within the “safeguard zone” of the Cycle Hire Scheme which prevents the addition or installation of any street furniture within the perimeter of this zone. Following internal consultation with the Council’s Transport Strategy Team, it has been pointed out that *the installation of a public payphone would compromise the Council’s ability to extend the capacity of this docking station in the future.*

The proposal is of a standard size for payphone kiosks, and kiosks of similar size and design have been granted prior approval in the past in various locations throughout the London borough of Camden. However the proposed booth which would project above the docking stations and bikes already in situ, would be visual dominant and disruptive within the streetscene.

The proposal would create visual clutter to the streetscape and would be an incongruous added feature contrary to policy DP21 clearly stating that *“the Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users.”*

**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 proposed public payphone, in terms of its location, would not be an obstacle for pedestrians, pedestrians with pushchairs and wheelchair users as ample space is provided to navigate passed the phone booth undisturbed.

### **Safety:**

The application site is somewhat in an isolated spot, in relation to a main thoroughfare such as Tottenham Court Road. Although the proposed public payphone would be adjacent to the Cycle Hire Scheme docking stations, the bikes are mainly used during the day. There is no natural surveillance from the window adjacent to the booth. Additionally as the site is located outside 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.

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. Due to the location and nature of the street the booth would provide opportunity for anti-social behaviour and criminal activities to take place.

The proposal is therefore considered to be unacceptable by virtue its siting in relation to the added street clutter and safety issues (crimes and anti-social behaviour) and would be contrary to the guidance of the NPPF, Camden Planning Guidance (CPG1) and policy CS17 (Making Camden a safer place).

### **Design:**

The proposal is of a standard size for payphone kiosks, and kiosks of similar size and design have been granted prior approval in the past in various locations throughout the London borough of Camden. In terms of its size, design, material used and setting amongst office buildings at upper floors and commercial units are ground floor level, the proposal is considered to be acceptable.

### **Conclusion**

The applicant has failed to provide genuine and reasonable evidence to justify the need for yet another public payphone which outweighs the resulting harm from another telecommunication device. As such, the proposal is contrary to the guidance of the NPPF requesting that the applicant *“should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified.”* Chap 43. The proposal would result in unacceptable street clutter and would be harmful to the character and appearance of the streetscape. The proposal, by virtue of its siting within the safeguarding zone of the Cycle Hire Scheme, is considered unacceptable.

**Recommendation:** It is recommended that this prior approval be refused.