

Delegated Report		Analysis sheet	Expiry Date:	27/03/2015
		N/A	Consultation Expiry Date:	10/03/2015
Officer			Application Number(s)	
Matthias Gentet			2015/0691/P	
Application Address			Drawing Numbers	
Pavement on Howland Street adjacent to 95 Tottenham Court Road London W1T 4TW			See Draft Decision	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of public payphone on the pavement.				
Recommendation(s):		Prior Approval Required – Approval Refused		
Application Type:		GPDO Prior Approval Determination		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	27	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>27 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>Metropolitan Police – Crime Safety Team – 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">- Drug taking;- Criminal Damage;- Being used as toilet;- Advertising sex workers. <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">- Narrow pavements;- Poor lighting;- Signs of anti-social behaviour in the area;- Other street furniture. <p><i>With the above information, I object to these two applications.</i></p> <p>Transport Strategy 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. The public payphone would be located directly in the pedestrian desire line which is currently undisrupted by street furniture. 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> <i>In addition, our records indicate that there are at least 12 public payphones located on Tottenham Court Road, within 120 metres of the proposed site. The provision of a further public payphone in the local area is clearly unnecessary.</i></p>					
Local groups comments:	<p>The Fitzrovia Partnership objected and summarised as follow:</p> <ul style="list-style-type: none">- <i>Businesses do not covet additional street furniture clutter on busy thoroughfare adjacent to or on Tottenham Court Road;</i>- <i>Potentially serious obstruction to the free flow of people on foot;</i>- <i>Camden Council has approved plans for £41m investment via the</i>					

	<p><i>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;</i></p> <ul style="list-style-type: none"> <i>- Proposal would encourage litter, loitering and vandalism, creating nuisance for local residents and business;</i> <i>- Over 50,000 prostitute cards were removed by BID in 2014 from telephone kiosks in Fitzrovia. These prostitute cards are explicit and offensive;</i> <i>- Phone boxes are used to order, buy and/or distribute illegal drugs and promote anti-social behaviour;</i> <i>- No agreement from the applicant to maintain or periodically clean the structure;</i> <i>- Issues with graffiti. Clean up operation to remove graffiti is unclear as per above;</i> <i>- 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;</i> <i>- 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;</i>
--	--

Site Description

The site is located by the traffic junction of Howland Street and Tottenham Court Road. Although the application site is not in a conservation area, it is however, on the border with Bloomsbury Conservation Area to the north-east. There is little in terms of street furniture in the immediate vicinity at the exception of a post, a short push-button crossing box and a traffic light.

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, further down Howland Street, adjacent to the Telephone Exchange. Details of the application have been added in the "Adjacent sites history" below.

Site history:

N/A

Adjacent sites history:

2015/0692/P - Installation of public payphone on the pavement – Pavement on Howland Street adjacent to Cleveland Mews – 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 (Infoclines) - 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 (Infoclines) – Outside 104 Tottenham Court Road – No objections on 10/07/2001.

PSX0104459 - Replacement of two existing phone boxes with two new design phone boxes (Infoclines) – 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)

Bloomsbury Conservation Area Appraisal (April 2011)

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 to be sited next to the edge of the pavement running alongside 95 Tottenham Court Road, on Howland Street. 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.

It must be noted that Tottenham Court Road is part of the West End Project which has been approved by the cabinet this year. The West End Project aims to revamp the area to increase pedestrian movement and thus de-clutter the affected pavements.

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: 2015/0692/P) for the installation of a public payphone also on Howland Street and adjacent to Cleveland Mews and the Cycle Hire Scheme docking stations. The prior approval application ref: 2015/0692/P is to be refused *[Please refer to the officer’s report]*.

Siting:

The application site is located on a pavement measuring roughly 5m wide and allowing sufficient space for pedestrians, pedestrians with pushchairs and wheelchair users to navigate passed the phone booth without the need to step onto the adjacent road - and thus minimising the potential risks of traffic collision between vehicles and pedestrians. The risk of accidents involving cyclist is further reduced by the cycle lane being located along the south side of the Howland Street - a one way street - with the traffic travelling in a south west direction from Tottenham Court Road.

However, the proposed siting – adjacent to the kerb - raising concerns for the safety of visually impaired pedestrians who would not expect to find an obstacle of that size in such a prominent location which would force visually impaired pedestrians to either veer to the left or right – regardless of the direction of origin – and could find themselves having to step onto the road and thus on to the path of the traffic.

The proposed new telecommunication apparatus would be yet another addition to the long list of clutter on Tottenham Court Road and further aggravate the problem of visual clutter within the streetscape to this part of Tottenham Court Road already heavily laden with street furniture such as existing public payphones, lamp posts, litter bins, bicycle stands, traffic signs, traffic lights, bollards, bus shelters, telecommunication cabinets, post boxes, recycling bins.

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 a direct obstacle for pedestrians, pedestrians with pushchairs and wheelchair users as ample space is provided to navigate passed the phone booth undisturbed. However, this may not be the case for visually impaired pedestrians who will find the proposed kiosk in their path due to the booth unexpected location.

Anti-social Behaviour:

The application site being slightly set back from the main road would not benefit from a generous amount of natural surveillance and would thus provide opportunities 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 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 apparatus 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 and the adjacent Bloomsbury Conservation Area, and would only serve the purpose for advertisements. The proposal, by virtue of its siting, is considered unacceptable.

Recommendation:

It is recommended that this prior approval be refused.