

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	17/11/2017
		N/A / attached	<b>Consultation Expiry Date:</b>	02/11/2017
<b>Officer</b>			<b>Application Number(s)</b>	
Sofie Fieldsend			2017/5432/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pavement outside 272 and 274 West End Lane London NW6 1LJ			Refer to draft decision notice	
<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 1 x telephone kiosk on the 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>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>	<p> <u>A site notice was displayed on 11/10/2017 and expired on 01/11/2017.</u>  <u>A press notice was advertised on 12/10/2017 and expired on 02/11/2017.</u> </p> <p>           In response to the proposal, an objection was received from 13 Lymington Road.         </p> <p>           Objections were made on the following grounds:         </p> <ul style="list-style-type: none"> <li>• Object to this and all three other related applications by the same applicant.</li> <li>• Key reasons are those already raised by the Fortune Green and West Hampstead Neighbour Development Forum.</li> <li>• There is no evidence to suggest that any such kiosks are required or would be utilised and they will just become advertising hoardings blocking an already congested pavement.</li> </ul> <p>           Metropolitan Police – Designing Out Crime Officer objects on the following grounds:         </p> <ul style="list-style-type: none"> <li>• Telephone kiosks are no longer used for their original purpose due to the fact that nearly every person is in possession of some kind of mobile device thus negating the need to use fixed land line telephone. As a result of this the phone boxes in The London Borough of Camden have now become 'crime generators' and a focal point for anti-social behaviour (ASB).</li> <li>• My own previous experience of policing Camden highlights the above ASB, ranging from witnessing the taking of Class A drugs, urination, littering, the placing of 'Prostitute Cards' and sexual activities. All of which have occurred in telephone kiosks.</li> <li>• The introduction of the telephone kiosk will only increase the above ASB, as it conceals the activities of what is occurring inside the actual space and prevents police or passers-by seeing what or who is in there. This generates for the latter a fear of crime.</li> <li>• The extra lighting produced by the kiosk and the space it uses up in the public realm will also create an added distraction to an already cluttered street space. Any CCTV monitoring the area will be effected by this and therefore any crime prevention they produce is lost.</li> <li>• In addition, the area in which the planned phone box is suggested is an extremely busy location throughout the day and night due to passengers crossing over from the West Hampstead Thameslink Station to West Hampstead Tube Station. At times this area is heavily congested with pedestrian traffic and do come into conflict with road users. Adding another hazard to an already narrow foot path will create further issues during the rush hour and subsequent busy periods.</li> <li>• For the above reasons I object to this planning application</li> </ul>					

TfL objects on the following grounds:

- TfL understands from previous discussions with the Council and statements in the application materials that these proposals for a new phone box does not form part of a deal between the Council and BT to renew the entire BT phone box estate across the borough. They are therefore not contingent on removal of more than 1 phone box in exchange for the new unit proposed, leading to an overall reduction in phone boxes in the public realm across Camden. They would actually clutter the streetscape further.
- TfL is responsible for planning and securing the operation of bus services in the capital and most other public transport. In addition it plans and operates the cycle hire scheme and Cycle Superhighways, Quietways and other cycle routes. We are concerned about impacts on these transport services and infrastructure.
- The submissions lack detail such that it is difficult to assess the acceptability of each kiosk in terms of siting and appearance. There is no photo montage with the site marked out nor are there drawings showing the kiosks in the context of the footway and carriageway and existing trees, street furniture, signs and so forth. Furthermore there is no indication as to the orientation of each kiosk.
- TfL would expect the siting of any kiosk to comply with our Streetscape design guidelines. The covering letters submitted suggest this is the case and there is at least 3.3m clear footway width (excluding any private forecourt) and there is a minimum of 0.45m set back from the carriageway. However it is not possible to check this and nor is it clear whether any account is taken of trees, street furniture etc. On this basis TfL would object to prior approval being given on the grounds of failure to demonstrate that the siting meets safety and comfort guidance.
- TfL reminds the applicant and Council that the London Plan favours decluttering and simplifying the streetscape wherever possible (see policy 6.10) and this is also prioritised in TfL Streetscape Guidance (available from <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit>). In addition we note that all the kiosks are proposed for locations in which there are already a number of existing phone kiosks in close proximity. There has been no evidence submitted as to the need for further provision of phone kiosks over and above those which exist already. We therefore also object to the principle of siting new phone kiosks in these parts of Camden.

Transport Strategy object as follows:

- This proposed location is a borough road that experiences extremely high flows of pedestrians.
- The proposed telephone kiosk fails to tie in with the existing transport network as it physically obstructs existing loading and unloading arrangements. On this basis, the proposal has been deemed as unacceptable and should be refused.
- Development wishing to alter the existing layout of the public highway must design for Camden's road hierarchy giving pedestrians and cyclists priority above all other users. Any introduction of unnecessary street furniture and thus the removal of a permeable pedestrian environment, is seen to have a detrimental effect on pedestrian movement, specifically for vulnerable road users. Interrupting continuous stretches of public footways and increasing pedestrian journey time is unacceptable. With respect to the above points the proposed telephone kiosk has been deemed contrary to paragraph

10.10 of Camden's Planning Guidance (CPG7).

- Whilst the current proposal does not seek to introduce advertising at this stage, the potential for advertising on the rear panel of the kiosk raises concern. The Camden Streetscape Design Manual outlines advertising guidance that resists the introduction of commercial advertising. The proposals in that respect would be unacceptable as the suggested future use of these kiosks may be more for commercial advertising rather than for the benefit of the highway user.
- The enclosed nature of the proposed boxes raises concern with regards to antisocial behaviour.
- Additionally, it is unclear as to who would take financial responsibility if the proposed telephone box, if granted permission, would be required to be removed as a result of a committed scheme. Which party would pay for its removal or relocation?

The Council's Access Officer objects as follows:

There are a number of requirements for an accessible phone booth that need to be considered. These are all taken from BS8300 (current addition).

- A fold down seat (450mm to 520mm high) or a perch seat (650mm to 800mm high) should be provided for convenience of ambulant disabled people. Drop down arms should be provided for each seat.
- Telephone controls on accessible telephones for wheelchair users should be angled so they can be used by people when seated or when using a perch seat.
- Telephone controls should be located between 750mm and 1000mm above the floor.
- To benefit blind and partially sighted people, telephones should be selected which have well lit keypads, large embossed or raised numerals that contrasts visually with their background and a raised dot on the number '5'.
- Instructions for using telephones should be clear. They should be displayed in large easy-to-read typeface.

There should also be at least 1200mm, preferably 1800mm between the booth and any wall / guiding opposite.

<p><b>Councillor Russell comments:</b></p>	<p>Councillor Russell has objected on the following grounds:</p> <ul style="list-style-type: none"> <li>• West End Lane can be a very cluttered and busy road. Along the street, there are various bus stops, advertising boards, litter bins and outdoor seating areas that take up street space, and adding to this there are already telephone kiosks along the stretch of road, which are not seemingly used by the public to make phone calls.</li> <li>• The street also has heavy pedestrian traffic, particularly around the station interchange. Adding additional clutter to the pavement would reduce the space on the street for pedestrians, and would be particularly harmful to those using wheelchairs, pushing prams or with luggage.</li> <li>• I also note that the sites for the kiosk are in the West Hampstead Conservation area, the Appraisal and Management Strategy for which warns that the “street and pavements are overlaid with clutter”, including with “signs, barriers and advertisements”. These applications do not take account of the conservation area and the need to preserve the “village character” of West Hampstead, and so should be rejected</li> <li>• The telephone kiosks would serve no meaningful purpose and in fact could have a detrimental impact on local residents by encouraging crime.</li> <li>• As the Met Police has set out, across Camden these types of phone boxes have become “crime generators” and a focal point for anti-social behaviour, including: the taking of Class A drugs, urination, littering, the placing of ‘Prostitute Cards’ and sexual activities.</li> <li>• I am extremely concerned that the introduction of four new telephone kiosks along West End Lane would encourage such anti-social behaviour. Therefore these applications should be rejected.</li> </ul>
<p><b>CAAC/Local groups* comments:</b></p>	<p><u>West Hampstead Amenity and Transport (WHAT)</u></p> <p>Objects to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>• We believe that Euro-payphone is abusing its OFCOM licence as a telecoms operator, as these kiosks are being installed purely for advertising purposes, as evidenced by the company website, which heavily promotes their use for advertising, and makes no mention of the telephone facilities offered. See <a href="http://europayphone.co.uk/">http://europayphone.co.uk/</a></li> <li>• West End Lane NW6, the proposed located for these kiosks, is already provided with two telephone kiosks, which is more than adequate for the small usage of payphones these days</li> <li>• West End Lane has narrow and congested pavements, used not just by many local residents walking to its three railway station, but by many thousands of passengers who change trains between the stations every day.</li> <li>• The proposed kiosks will cause obstructions of the pavement, and one in particular (2017/5429/P) will despoil a new small pedestrian square that has been created in the heart of West Hampstead, opposite Marks &amp; Spencer.</li> <li>• It is highly probable that these kiosks will become a focus for anti-social behaviour, including fly-tipping, drug dealing and possibly even prostitution.</li> <li>• Please note that although the applications make no mention of advertising, it is only by means of advertising that kiosks could be made financially viable, as the business model of Euro-Payphone appears to be purely based on advertising.</li> </ul>

The Fortune Green and West Hampstead Neighbour Development Forum

Objects to the proposal on the following grounds:

- The site is in the West Hampstead Conservation area. The application incorrectly states that it is not in a Conservation Area.
- There are key and specific policies in the Neighbourhood Plan which require improvement to pavements and a reduction in pavement clutter in the Conservation Area which are ignored.
- The proposal ignores all the restrictions imposed by the Conservation Area
- The proposal will increase congestion and/or litter.
- There is an existing under-utilised phone box 50 metres to the south of the proposed site, so there is no need for further provision.
- The proposers have submitted another application for an identical phone box 20 metres across the road, clear over provision.
- It seems clear from looking at the proposers' website, <http://europayphone.co.uk/>, that this proposal is the first step in building an advertising panel, rather than for the provision of telecommunications.
- No regard has been taken of the policies of The Fortune Green and West Hampstead Neighbour Development Plan. We are also aware that LB Westminster has refused around ten similar proposals. <https://www.westminster.gov.uk/sites/www.westminster.gov.uk/files/decided-17-07-16-central.pdf>

## Site Description

The application site comprises of an area of the footway in front of No. 272 and 274 West End Lane, on the Northern side of West End Lane. The site is directly adjacent to a street lamp, street sign, street trees and a telecoms cabinet.

The site is located within the West Hampstead Town Centre and the West End Green Conservation Area. It is located adjacent to a Grade II listed public lavatory and West Hampstead Fire Station which is also Grade II listed.

## Relevant History

### Site history:

None

### Neighbouring sites:

#### **Bus Shelter outside 258 West End Lane**

2015/5204/A– Display of digital screen and non illuminated static poster panel to existing bus shelter no. 0107/0132. **Advertisement consent refused 22/01/2016, appeal dismissed 07/06/2016**

#### **Pavement outside 319-323 West End Lane**

**2017/5431/P–** Installation of 1 x telephone kiosk on the pavement. **Prior Approval under consideration**

## Relevant policies

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

### **London Plan 2016**

### **TfL's Pedestrian Comfort Guidance for London (2010)**

#### **Camden Local Plan 2017**

A1 Managing the impact of development

C5 Safety and Security

C6 Access

D1 Design

D2 Heritage

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

#### **Camden Planning Guidance**

CPG1 Design (2015)

CPG7 Transport (2011)

West End Green Conservation Area Appraisal and Management Strategy (2011)

Fortune Green and West Hampstead Neighbourhood Plan (2015)

Camden Streetscape Design Manual

## Assessment

### 1.0 Proposal

- 1.1 Confirmation is sought as to whether the installation of a telephone kiosk would require prior approval under Part 24 of Schedule 2 of the GPDO. The order permits the Council to only consider matters of siting and appearance in determining GPDO prior approval applications. The potential impact on crime and public safety are relevant considerations under siting.
- 1.2 The kiosk would measure 1.32m by 1.11m with an overall height of 2.45m, and would be located on the Northern pedestrian footway along West End Lane, adjacent to No. 272 and 274 West End Lane.
- 1.3 It would have a powder coated metal frame with reinforced laminated glass on three sides, and a solar panel on the roof.

### 2.0 Assessment

- 2.1 Policy A1 states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities, and that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users. Furthermore, Policy T1 point e) states that the Council will seek to ensure that developments provide high quality footpaths and pavements that are wide enough for the number of people expected to use them, including features to assist vulnerable road users where appropriate, and paragraph 8.9 of CPG7 (Transport) highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.
- 2.2 Camden's Streetscape Design manual – section 3.01 footway width states the following:
- “Clear footway” is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway;
  - 1.8 metres – minimum width needed for two adults passing;
  - 3 metres – minimum width for busy pedestrian street though greater widths are usually required;
  - Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street’.
- 2.3 All development affecting footways in Camden is also expected to comply with Appendix B of Transport for London's (TfL's) Pedestrian Comfort Guidance, which notes that active and high flow locations must provide a minimum 2.2m and 3.3m of 'clear footway width' (respectively) for the safe and comfortable movement of pedestrians.
- 2.4 Policy T1 states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 points a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.
- 2.5 Policy T1 (Public Transport) states that where appropriate, development will be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.



2.6 Paragraph 8.6 of CPG7 (Transport) seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:

- Safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments and other disabilities;
- Maximising pedestrian accessibility and minimising journey times;
- Providing stretches of continuous public footways without public highway crossings;
- Linking to, maintaining, extending and improving the network pedestrian pathways;
- Providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas;
- Use of paving surfaces which enhance ease of movement for vulnerable road users; and,
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed e.g. by pavement parking or by street furniture.

2.7 Policy C5 requires development to contribute to community safety and security, and paragraph 4.89 of Policy C5 states that the design of streets needs to be accessible, safe and uncluttered, with careful consideration given to the design and location of any street furniture or equipment. Paragraphs 9.26 and 9.27 of CPG1 (Design) advise that the proposed placement of a new phone kiosk needs to be considered to ensure that it has a limited impact on the sightlines of the footway, and that the size of the kiosk should be minimised to limit its impact on the streetscene and to decrease opportunities for crime and anti-social behaviour.

### **3.0 Siting**

3.1 Policy 9 (Pavements and Pedestrians) of the Fortune Green and West Hampstead Neighbourhood Plan outlines that development should 'provide safe and wide pavements, giving the maximum possible space to pedestrians'

3.2 The application site is located on a pavement measuring roughly 8.0m wide. This area of the footway experiences extremely high pedestrian flows, particularly at peak times.

3.3 Section 3.01 of Camden's Streetscape Design Manual requires a minimum unobstructed pathway width within the footway, known as the 'clear footway'. This guidance and Appendix B of TfL's Pedestrian Comfort Guidance, outlines the recommended minimum footway widths for different levels of pedestrian flows.

3.4 The footprint of the proposed telephone kiosk measures 1.32m by 1.11m. Detailed design drawings that include the orientation and exact proposed positioning of the new telephone kiosk on the pavement have not been submitted and so it is unclear as to how wide the 'clear footway' width would be once the proposed telephone kiosk has been installed. However, Camden's Streetscape Design Manual section 4.01, together with TfL's Pedestrian Comfort Guidance, states that street furniture should be placed a minimum of 0.45m back from the carriageway, therefore the proposal would result in the loss of a minimum of 1.8m of the footway.

3.5 Policy A1 emphasises that it is important that development balances the needs of development with the needs and characteristics of local areas and communities and ties into the existing transport network. Given there are already three existing telephone kiosks located between 16m and 108m of the site, there is not considered to be any benefit to highway users from this proposal. It is considered that the loss of any of the clear footway would reduce pedestrian comfort, may lead to the discouragement of sustainable travel, and could have an impact on highway safety through interfering with signals, visual obstructions, visibility splays and leading to overcrowding. As such, the proposal would be contrary to Policies A1 and T1 of Camden's Local Plan (2017) and Policy 9 of the Fortune Green and West Hampstead Neighbourhood Plan (2015) and is therefore considered unacceptable.

3.6 There are three existing telephone kiosks within approximately 108m of the site. These include one existing kiosk located approximately 16m South of the site adjacent 266 West End Lane, one

further telephone kiosk approximately 108m to the South adjacent No.234 West End Lane and one existing telephone kiosk 32m to the North of the site at West End Green. No justification has been submitted for the need to install a further one. Given the infrequent use of telephone kiosks due to the prevalence of mobile phone use, it is considered that the proposed telephone kiosk would act only as a hindrance to pedestrian movement, adding further clutter to the streetscene rather than providing a public service for the benefit of highways users, contrary to Policy A1.

#### **4.0 Design and Appearance**

- 4.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas. Policy D2 states that the Council will not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area, and that to preserve or enhance the borough's listed buildings, the Council will only grant permission for development that it considers would not harm the setting of a listed building.
- 4.2 The West End Green Conservation Area Appraisal and Management Strategy observes that 'this is an area of fairly low grade public realm and very little original surfacing or street furniture. Worn-out and outdated concrete paving is a characteristic of the pavements; side streets are predominantly tarmac and in many cases lifted by tree roots. The Lane has become cluttered with signs, barriers etc. and advertisements.'
- 4.3 Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Plan outlines that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead. Policy 3 (Safeguarding and enhancing Conservation Areas and heritage assets) states that Proposals which detract from the special character, and/or, architectural and/or historic significance, and setting of Conservation Areas and heritage assets in the Area will not be supported. It further adds that in West end Lane, development will be expected to deliver improvements to the street environment and public realm of West End Lane, where appropriate. Such improvements shall be of a high standard and shall preserve or enhance the character of the West End Green Conservation Areas.
- 4.4 This section of the footway is particularly clear of street furniture and it is considered that the introduction of a new telephone kiosk to this section of footway would severely degrade the visual amenity of the area through the creation of further unnecessary street clutter. Furthermore, due to its proposed location 16m from an existing telephone kiosk on the same side of West End Lane, it is considered that the proposed development would add to the over-proliferation of such structures and severely degrade the visual amenity of the area through the creation of further unnecessary street clutter.
- 4.5 The proposed structure is considered to be a very poor design in terms of size, scale, massing and proposed materials, and is not an appropriate or acceptable addition in this location. It would be an obtrusive piece of street furniture in this location detracting from the streetscene. The powder coated metal frame and reinforced laminated glass incongruous design would provide an intrusive addition to the street. Consequently, the proposed kiosk would seriously affect the setting of the Grade II listed public lavatory and West Hampstead Fire Station, and the West End Green Conservation Area, and would thus result in a significant harm to the wider streetscene. As such, the proposal would fail to adhere to Policies D1 and D2 of Camden's Local Plan (2017) and Policies 2 and 3 of Fortune Green and West Hampstead Neighbourhood Plan (2015).
- 4.6 The National Planning Policy Framework (The Framework) says that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. In this case there would be harm but it is considered that this would be less than substantial harm. In these circumstances the harm should be weighed against the public benefits

of the proposals. As there are already a number of existing telephone kiosks within close proximity of the site there is not considered to be any public benefit from the provision of another kiosk in this location.

### Access

4.8 Policy C6 requires new buildings, spaces and facilities that the public may use to be fully accessible to promote equality of opportunity. Although the proposed kiosk would allow for wheelchair users to 'access' the kiosk, this does not amount to the provision of a wheelchair accessible phone. The Council's Access Officer has highlighted that there are a number of requirements which need to be considered for an accessible phone booth, including the height of the telephone controls, which should be located between 0.75m and 1.0m above the floor. The telephone controls in the proposed kiosk would be located at a height of 1.5m above the floor, and so the proposed kiosk is considered unacceptable in terms of providing access for all, contrary to Policy C6.

## **5.0 Anti-social behaviour**

5.1 With regards to community safety matters, a number of issues have been raised by the Metropolitan Police Crime Prevention Design Advisor. In particular it has been noted that the area is currently experiencing an increase in crime and anti-social behaviour, and the design and siting of the proposal on a busy footway would further add to street clutter and safety issues in terms of crime and anti-social behaviour (ASB), through reducing sight lines and natural surveillance in the area, and providing a potential opportunity for an offender to loiter. The proposal would therefore be contrary to Policy C5 and CPG1 (Design).

## **6.0 Conclusion**

6.1 The proposal would result in unacceptable street clutter, harmful to the character and appearance of the streetscape and the West End Green Conservation Area and would cause harm to the setting of the adjacent Grade II Listed Buildings, and to the detriment of pedestrian flows, and would create opportunities for crime and ASB. The proposal, by virtue of its siting and appearance, is considered unacceptable.

## **7.0 Recommendation**

7.1 Refuse Prior Approval