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Our Ref: 2017/5420/P

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The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Sir/Madam,

Town and Country Planning Acts 1990 (as amended)
Appeal by Euro Payphone Ltd
Pavement outside Camden Town Underground Station, Opposite 197 Camden High Street, London, NW1 8NH

I write in connection with the above appeal against the refusal of prior approval (Ref: 2017/5420/P) for the ***Installation of 1 x telephone kiosk on the pavement.***

1.0 Summary

1.1 The application site comprises of an area of the footway adjacent to Nos. 197 and 199 Camden High Street, on the south-western side of Camden High Street. The site is situated approximately 4.0m to the north-west of a street lamp and bin, and the entrance to Camden Town Underground Station is directly opposite to the site on the north-eastern side of Camden High Street. The site is situated within the Camden Town Conservation Area. The site is not adjacent to any listed buildings.

1.2 The site is part of Transport for London's (TfL's) Road Network (TLRN) and is situated within the Camden Town Conservation Area. The site is not adjacent to any listed buildings.

1.3 Prior Approval was refused on 22nd November 2017 for the installation of 1 x telephone kiosk on the pavement. It was refused for the following reasons:

1. *The proposed telephone kiosk, by reason of its location, size and detailed design, would add to visual clutter and detract from the character and appearance of the street scene and the Camden Town Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

2. *The proposed telephone kiosk, by virtue of its location, size and detailed design, and adding unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017 .*

3. *The proposed telephone kiosk, by virtue of its inappropriate siting, size and design, would fail to reduce opportunities for crime and antisocial behaviour, and be detrimental to community safety and security, contrary to policy C5 (Safety and Security) of the London Borough of Camden Local Plan 2017.*

4. *The proposed telephone kiosk, by reason of its design, would not be accessible to wheelchair users, failing to promote fair access or meet sufficient standard of design contrary to policy C6 (Access for all) of the Camden Local Plan 2017.*

1.4 The Council's case is set out in detail in the attached Officer's Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

1.5 In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

2.1 In determining the abovementioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.

2.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 and has replaced the Local Development Framework Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reasons for refusal are:

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

2.3 The Council also refers to the following supporting guidance documents:

CPG1 Design (2015 updated March 2018)
CPG7 Transport (2011)
Camden Town Conservation Area Appraisal and Management Plan (2007)
Camden Streetscape Design Manual

2.4 The Council also refers to the following legislation, policies and guidance within the body of the Officer's Report:

Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015
National Planning Policy Framework (2012)
Draft National Planning Policy Framework (2018)
London Plan 2016
TfL's Pedestrian Comfort Guidance for London (2010)

3.0 Comments on the Appellant's Grounds of Appeal

3.1 The appellant's grounds of appeal are summarised as follows:

1. Visual clutter
2. Impact on historic environment
3. Highway safety
4. Crime and anti-social behaviour
5. Wheelchair accessibility
6. Potential for advertising

4.0 Visual clutter

4.1 The appellant's first grounds of appeal concerns the impact that the location, size and detailed design of the proposed telephone kiosk would have on the character and appearance of the street scene. The appellant argues that the only existing items of street furniture within close proximity of the appeal site are *"a lamp post and a litter bin"* and as such they do not consider that the addition of the proposed kiosk would constitute street clutter.

4.2 Street clutter is defined in Camden's Planning Guidance document CPG7 Transport paragraph 8.8 as 'excessive use of road signs, bollards and lampposts leading to an untidy street environment'. Paragraph 8.6 of CPG7 Transport states that the Council will seek improvements to streets and spaces to ensure good quality access and

circulation arrangements for all, and that key considerations informing the design of streets and open spaces include taking account of surrounding context and character of area; providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas, and using traditional materials where appropriate; and avoiding street clutter.

4.3 Camden Planning Guidance document CPG1 (Design) provides some guidance on telephone kiosks. Paragraph 9.27 states: *"All new phone boxes should have a limited impact on the sightlines of the footway. The size of the box or other supporting structure that the phone box is in should be minimised to limit its impact on the streetscene and to decrease the opportunities for crime and anti-social behaviour."*

4.4 It is worth noting that standard telephone kiosks have a footprint of 0.9m x 0.9m (0.81sqm). BT has minimised the size of their replacement kiosks (BT InLink) by designing a unit with a footprint of 0.89m x 0.27m (0.24sqm). The proposed telephone kiosk would have a footprint of 1.34m x 0.8m (1.07sqm). The footprint of the proposed telephone kiosk would be 4 times greater than the new BT replacement kiosks, and the longer of the 2 horizontal dimensions (1.34m) would be 450mm wider than the new BT replacement kiosks (0.89m). The applicant has clearly failed to minimise the size of the telephone kiosk in accordance with the guidance.

4.5 The appeal site is located on the pedestrian pavement on the Western side of Camden High Street, opposite the entrance to Camden Town Underground Station. The footway on the west side of Camden High Street at the above site has a clearly defined and established street furniture zone adjacent to the kerb. This consists of a small tree directly to the north and a lamp column and a recycling bin to the south. An existing telephone kiosk (BT InLink) is located approximately 20 metres south of the site on the opposite side of the road. There are no bulky items of street furniture such as telephone kiosks in the general vicinity of the site. The lack of bulky items of street furniture helps to accommodate extremely high volumes of pedestrians during busy periods (e.g. morning, lunchtime and afternoon/evening peak periods). The proposed site is situated outside of the defined and established street furniture zone, in close proximity to a junction. It would also protrude upon an existing pedestrian desire line. This goes against various best practice principles.

4.6 The proposed telephone kiosk would measure 2.45m in height and would be 1.3m x 1.1m in width and depth. This would remove 1.5sqm of pavement area while adding a bulky addition with an incongruous detailed design. The size and detailed design of the proposed kiosk would add a new bulky feature to the street and create visual clutter, which would degrade the open character of the area. This would occupy a considerable part of the pavement where pedestrians would normally be expected to walk and cross the street, particularly on entering/exiting from Camden Town Underground Station.

4.7 As such, the Council would continue to consider the siting of the proposed telephone kiosk as inappropriate due to the resulting impact on the quality of the public realm.

Contrary to the appellant's submissions, the Council correctly applied street furniture guidance and sufficiently demonstrated why the proposed kiosk would lead to clutter, and was therefore not acting unreasonably in refusing Prior Approval.

5.0 Impact on historic environment

6.0 The appeal site is located within the Camden Town Conservation Area outside an interwar Portland stone block from 191-209 Camden High Street which is noted in the Conservation Area Appraisal and Management Strategy as making a positive contribution to the conservation area. It is also sited opposite Lesley Green's 1907 tube station in characteristic oxblood tiles, which is a positive contributor to the conservation area.

6.1 Policy D1 of the Camden Local Plan 2017 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 of the Camden Local Plan 2017 states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance, and that to preserve and 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.

6.2 Paragraph 132 of the National Planning Policy Framework (NPPF) says that heritage assets are an irreplaceable resource and that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and any harm should require clear and convincing justification.

6.3 The appellant has stated that the proposed telephone kiosk would be a minor development which would cause no harm to the character and appearance of the Camden Town Conservation Area. However, the Council does not agree with this assessment and the Council's Conservation Officer has objected to the development.

6.4 The appellant argues that that the proposed design is less visually intrusive than the design of the traditional kiosk. This cannot be accepted. While there was indeed opposition to phone boxes in their early days, with attempts made to camouflage them in their surroundings, the traditional phone box was a high-quality design of the early 20th century that has become hallowed over the past century, is famed throughout the world and forms an integral part of the character of British streets. The same cannot be said of the brutish, massive slab proposed, which displays no design merit. There is no likelihood of it becoming a beloved part of the cherished urban scene. In no case is the proposed structure "commensurate to the surroundings", as

claimed by the appellant. Rather, it dominates its immediate surroundings, obscures views of the buildings it stands near and impinges in long views.

The proposed structure would be sited in the Camden Town Conservation Area adjacent to 191-209 Camden High Street which is noted as making a positive contribution to its character and appearance. This building is a former department store in the Stripped Classical style. Its complete front elevation is currently unobstructed by tall street clutter. As such, the erection of an inelegant and bulky structure at the centre of the façade would be considered and incongruous addition which is considered to occasion harm to the character and appearance of the conservation area, contrary to Local Plan Policy D2.

6.5 The Council have attached considerable importance and weight to the harm arising to the conservation area, given the duty of the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In terms of the NPPF, the harm to the conservation area would be less than substantial. That being the case, paragraph 134 advises that the harm should be weighed against the public benefits of the proposal, including securing optimal viable use.

6.6 NPPF guidance on telecommunications infrastructure states in paragraph 45 that 'Applications for telecommunications development … should be supported by the necessary evidence to justify the proposed development, [to include] the outcome of consultations with organisations with an interest in the proposed development.'

6.7 As the appellant has considered that the proposal would cause no harm to the conservation area, no justification for the proposal has been provided within the second grounds of appeal. However, section 2 of the appellant's statement claims that the proposed kiosk would be necessary to ensure that there are sufficient wheelchair accessible telephone kiosks within the area, to provide a communication service to members of the public who do not have access to a telephone, and to provide an additional contact point in case of emergencies.

6.8 Therefore, whilst the principle of the development is not disputed, the need for the telephone kiosk has to be balanced against the impact of the proposed kiosk on the urban environment. As stated in the Officer's Report, there are already numerous public telephones within the immediate vicinity of the site, including and one wheelchair accessible telephone kiosk approximately 63m north-west of the site on the north-western side of Camden High Street. The appellant has also not provided any evidence to demonstrate that there are no alternative locations for the development. In this case, it is considered that the damage to the character and appearance of the conservation area would be severe and would not be reduced by the provision of a wheelchair accessible telephone kiosk from a different operator.

7.0 Highway safety

7.1 The Council generally refuses any applications to install new items of street furniture of this scale in the public highway unless they can be located within a defined and established street furniture zone. This is especially relevant where such proposals would constitute clutter or have a detrimental impact on pedestrian amenity, comfort or safety, as well as being detrimental to road safety generally.

7.2 The appellant makes the case that the new telephone kiosk would be located on a section of footway which does not form part of the main pedestrian desire line. However, this is not the case. Observations at the site confirm that pedestrians walk on the section of footway where the telephone kiosk would be located (see photo attached). Pedestrians cross the road at this location to access the Underground Station. Pedestrians also walk parallel to the kerb. The telephone kiosk would therefore protrude significantly upon an existing pedestrian desire line. It is worth noting that the proposed site is located in a town centre location directly opposite Camden Town Underground Station where pedestrian footfall is extremely high (arguably the highest in the Borough at weekends). The appellant argues that the effective footway width at the proposed site is wide enough to accommodate a new telephone kiosk. However, they have not undertaken a Pedestrian Comfort Level (PCL) assessment to back this up. Pedestrian footfall is extremely high at the proposed site and pedestrian volumes are predicted to increase significantly in the future due to ongoing economic growth in Central London and the provision of increased capacity on public transport services. This includes Crossrail and HS2 as well as improvements to buses and underground services.

7.3 The site plan provided on page 76 of the appellants statement of case suggests that the existing footway width is 8.02 metres at the location where the new telephone kiosk would be installed (measured from the kerb to the adjacent property boundary). The plan also suggests that there would be 5.1 metres of effective footway width adjacent to the new telephone kiosk. However, this makes no allowance of the potential for pedestrians to dwell on the footway adjacent to the nearby retail/commercial properties. It is also noted that the proposed telephone kiosk would be situated outside of the defined and established street furniture zone and would protrude significantly onto an existing pedestrian desire line for pedestrians crossing to Camden Town Underground Station. The application is therefore contrary to Local Plan Policy A1.

7.4 In summary, the proposal would introduce a bulky item of street furniture to a section of footway otherwise uncluttered by street furniture of a similar type or size. This would intrude significantly upon existing pedestrian desire lines along and across the footway, and on pedestrians dwelling in the vicinity of nearby retail units and crossing to and from Camden Town Underground Station. It would also obstruct pedestrian movement while obstructing sightlines along the footway. This would be especially detrimental to blind and partially sighted pedestrians and wheelchair users. The

proposal would have a severe impact on pedestrian amenity, comfort and safety. The proposal is therefore contrary to Camden Local Plan policies A1 and T1

8.0 Crime and anti-social behaviour

8.1 The appellant concedes that old style telephone kiosks have issues with anti-social behaviour. Contrary to the appellant's assertions, the three-sided design of the proposed kiosk would not overcome these issues as it would allow beggars to use it as a backrest and position themselves to face the heavy footfall of pedestrians using Camden High Street. The proposed design would also result in an enclosed structure which would obscure activities taking place within the kiosk. This would likely involve criminal activity due to the poor design of the communication unit within the kiosk which juts out from the kiosk and creates a large flat surface which is ideal for the preparation of drugs. The design of the proposed kiosk would also provide easy access and ample space for the placing of 'Prostitute' cards advertising sexual services which would be visible to pedestrians, including children. The Metropolitan Police's Designing Out Crime Officer has confirmed that the main policing problems for this area are anti-social behaviour and drugs misuse, and that all of the existing telephone kiosks in the immediate vicinity suffer from the above issues. As such, the design of the proposed kiosk is considered to be inappropriate as it would increase opportunities for crime and anti-social behaviour at this location.

8.2 The siting of the proposed kiosk is also considered to be inappropriate in terms of its impact of crime and anti-social behaviour. Due to its location at a busy pedestrian junction on a primary retail frontage, and proximity to Camden Town Underground Station, the kiosk will reduce the pavement width and restrict people from dispersing from the area. Furthermore, the installation of a telephone kiosk at this location would obscure sight lines of local CCTV in operation around the area, thereby reducing their effectiveness. The installation of a telephone kiosk at the appeal site would therefore have a clear detrimental impact on community safety and security in the area, hence the refusal of the application on the grounds that it would fail to reduce opportunities for crime and anti-social behaviour.

9.0 Wheelchair accessibility

9.1 In response to the Council's fourth reason for refusal, the appellant has redesigned the telephone kiosk to lower the telephone controls by 0.3m to a maximum height of 1.4m above floor level (the bottom being at 1.1m). However, this would still not comply with the requirements for an accessible phone booth as set out in BS8300 (current standards) which requires, amongst other things, that telephone controls be located between 0.75m and 1.0m above the floor.

9.2 The appellant claims that the proposed kiosk is not required to meet these standards as they refer to the design of buildings and telephones within buildings only. This is

incorrect. The appellant refers to an old version of the British Standards – 'BS8300 – 2009+A1:2010 – Design of buildings and their approaches to meet the needs of disabled people – Code of Practice'. This has been superseded by BS8300 (current addition) which includes the guidance on public payphones outside of buildings. The London Plan policy 7.2 requires development to achieve the highest level of accessibility and uses BS8300 as an example of a higher standard. The appellant's argument is therefore not accepted, and the design and appearance of the proposed kiosk is still considered to be inappropriate as it would not be accessible to all users, and would thus fail to comply with Camden Local Plan policy C6.

10.0 Potential for advertising

10.1 Contrary to the appellant's claims, the Council did not raise objection to the proposal on the grounds of the potential for advertising on the proposed kiosk in the Officer's Report, and it did not have any bearing on the reasons for refusal. The only references to the potential for advertising in the Officer's Report are included in the 'Summary of consultation responses' section, which lists representations received on the proposal from the public, local groups, and internal and external consultees. As such, the Council have no comments to make on this matter.

11.0 Conclusion

8.1 Having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

8.2 If any further clarification of the appeal submissions are required, please do not hesitate to contact **Stuart Clapham** on the above direct dial number or email address.

Yours sincerely,

Stuart Clapham
Junior Planning Officer - Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

List of Appendices

Appendix A: Photos of existing street scene


STATION