

Date: 03/08/2018  
Your Ref: APP/X5210/W/18/ 3202779  
Our Ref: 2017/5423/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 Koko, 1A Camden High Street, London, NW1 7JE**

I write in connection with the above appeal against the refusal of prior approval (Ref: 2017/5423/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 Koko at No. 1A Camden High Street, on the north-eastern side of Camden High Street. The site is directly adjacent to a street tree and bench. The site is part of Transport for London's (TfL's) Road Network (TLRN) and is situated within the Camden Town Conservation Area, and is adjacent to Koko nightclub, which is a Grade II listed building and in close proximity to a statue and Mornington Crescent Underground Station, both of which are also Grade II listed.
- 1.2 Prior Approval was refused on 22<sup>nd</sup> 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.*

1.3 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.

1.4 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 number of public benches, street trees, litter bins and a TfL wayfinding column*" 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 Eastern side of Camden High Street, outside the Koko music venue and in close proximity to Mornington Crescent Underground Station. The footway on the east 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 slender items of street furniture such as lamp columns and traffic signal posts. The public square adjacent to 1A Camden High Street has been designed with the functions of movement and place in mind. Various pedestrian desire lines have been accommodated along and through the public square. And a number of benches and small trees and a Legible London pedestrian wayfinding sign have been provided to encourage people to dwell rather than merely pass through. 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, directly adjacent to a live music venue which generates large numbers of patrons, and in close proximity to a pedestrian crossing. It would also protrude significantly upon an existing pedestrian desire line through the public square adjacent to the main entrance to Koko. 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. The appellant has clearly failed to minimise the size of the telephone kiosk in accordance with the guidance.
- 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 Sprague's Grade-II-listed 1901 Royal Camden Theatre, now Koko and also in the vicinity of a statue of Richard Cobden and Mornington Crescent Underground Station, both of which are also Grade II listed.
- 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 or to the setting of the Grade II listed KOKO music venue. However, the Council does not agree with this assessment and the Council's Conservation Officer has objected to the development.
- 6.4 The appellant states that the kiosk would not affect the setting of the Grade II-listed Koko music venue on the grounds that "the setting has been significantly compromised by the surrounding modern commercial development". The council would strenuously contest this assertion noting that, while some neighbouring buildings are modern in design, the principal western elevation is completely unobstructed by modern development other than low level benches. The proposed kiosk would be the only development in front of this elevation. In addition to interfering with this important view, the kiosk would be considered harmful to its setting on account of its bulky, monolithic design and unsympathetic placement.
- 6.5 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 20<sup>th</sup> 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. As such, the kiosk would harm the character and appearance of the conservation area, contrary to Local Plan Policy D2.

- 6.6 The Council have attached considerable importance and weight to the harm arising to both the conservation area and the neighbouring listed buildings, 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, and to give special regard to the desirability of preserving the adjacent listed building or its setting or any features of special architectural or historic interest which it possesses, under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In terms of the NPPF, the harm to the conservation area and to the setting of the adjacent listed building 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.
- 6.7 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.’
- 6.8 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.
- 6.9 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. 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 harm to the setting of the listed building and to the character and appearance of the conservation area would be

severe and would not be offset 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 a 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. This is particularly relevant when events are taking place at Koko and the public square in the vicinity of the site is extremely busy with patrons. 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 in close proximity to Mornington Crescent Underground Station where pedestrian footfall is extremely high (arguably the highest in the Borough at weekends when the entrances to Camden Town Underground Station are closed). 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 78 of the appellants statement of case suggests that the existing footway width is 16.1 metres at the location where the new telephone kiosk would be installed. However, this is disputed by the Council. The true effective footway width of the footway running parallel to 1A Camden High Street is approximately 5.64 metres (measurement derived from the appellants site plan). The 10.46 metres of public realm to the left of the proposed kiosk location is deemed to form part of the public square. However, it is acknowledged that this section of public realm still forms part of the footway and indeed provides an east-west pedestrian desire line through the public square. The plan also suggests that there would be 4.32 metres of effective footway width adjacent to the new telephone kiosk. It needs to be noted that the proposed telephone kiosk would be situated outside of the defined and established street furniture zone and would protrude significantly onto two existing pedestrian desire lines. The proposal would therefore significantly impede/obstruct pedestrian movement on the main north-south pedestrian desire line adjacent to 1A Camden High Street and the east-west pedestrian desire line through

the public square. In addition, the kiosk would be located directly outside the main entrance to a busy music venue in a town centre location where pedestrian footfall is arguably the highest in the borough and where pedestrians would be expected to dwell. The proposal would have a severe impact on pedestrian amenity, comfort and safety for these reasons. The application is therefore contrary to Local Plan Policy A1 and should therefore be refused.

- 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 accessing and dwelling outside of Koko. 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 leaving Koko. 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 and proximity to Mornington Crescent 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 (1.1m at the lowest point). 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

