

Delegated Report		Analysis sheet	Expiry Date:	19/03/2018
		N/A / attached	Consultation Expiry Date:	28/02/2018
Officer			Application Number(s)	
Charlotte Meynell			2018/0352/P	
Application Address			Drawing Numbers	
Pavement outside 255 Finchley Road London NW3 6LU			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of 1 x telephone kiosk on 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	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p><u>A site notice was displayed on 09/02/2018 and expired on 28/02/2018.</u></p> <p>In response to the proposal, an objection was received from the O2 Centre, 255 Finchley Road.</p> <p>Objections were made on the following grounds:</p> <ul style="list-style-type: none"> • There are already two telephone boxes outside the O2 Centre – neither of these are maintained by their owners, they are not in working order, and they attract refuse and graffiti. <p>Metropolitan Police – Designing Out Crime Officer objects on the following grounds:</p> <ul style="list-style-type: none"> • 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 telephones. 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). • 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’, graffiti, sexual activities and a fixed location for begging. All of which have occurred within the current telephone kiosks. Also, due to poor maintenance any that are damaged or are dirty do not get cleaned, which makes the telephone kiosk unusable and an eye sore. Following the ‘Broken Window’ theory, if a location looks and feels that it is uncared for and in a state of disrepair then this leads to other criminal activity occurring within that location. • The introduction of a 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/near there. This generates for the latter a fear of crime especially in regards to begging. As they will use the phone box as a cover and as a back rest when they sit on the floor, when the footpath is reduced in width even more by their presence pedestrians have to walk past closely and therefore this generates an uncomfortable feeling for them. • 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/detection properties they produce is lost. • Recent media reports have highlighted the increase in planning applications submitted to local planners for the construction of telephone kiosks. These were proven to have very little or no benefit 					

to the local community especially in regards to the facilities that they are alleged to supply. The main reason busy locations with a high pedestrian and vehicle activity is chosen so that the telephone kiosk can be used as advertising space.

TfL Spatial Planning objects on the following grounds:

- TfL understands from previous discussions with the Council and statements in the application materials that this proposal for a new phone box is not part of a deal between the Council and BT to renew the entire BT phone box estate across the borough. It is 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.
- This application should be carefully considered by the Council, as similar units installed in London elsewhere function mainly as advertising, not communications infrastructure. TfL Planning has supported the introduction of BT InLink units only in exchange for removal of at least 2 redundant and dilapidated phone boxes. Removal of at least 2 phone boxes prior to installation of the new unit proposed in this application should therefore be secured by appropriate planning obligations.
- TfL reminds the applicant and Council that the current London Plan Policy 6.10 (Walking) refers to 'promoting simplified streetscape, decluttering and access for all' and also states that Planning Decisions 'should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space'. TfL Spatial Planning takes a view that the phone box proposed would not contribute in any way to a high quality pedestrian environment or emphasise the quality of pedestrian and street space.
- Decluttering the streetscape is also prioritised in TfL Streetscape Guidance (available from <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit>). TfL expects the standards and principles in this document to be applied to all phone box replacement applications by the council. Part E, page 241 of the guidance is about phone boxes and states: 'New open-sided units, such as the ST6, are now in use and include a 1.36-metre wide illuminated advert on one side. ST6 units should be fitted so that the advertisement faces the flow of traffic. A footway width of minimum 4,200mm is required but designers should also consider pedestrian flows to determine appropriate placement. They are not appropriate for conservation areas and require planning consent for illuminated advertisements.' The unit proposed in this application is similar to the ST6 discussed in the current TfL Streetscape guidance.
- We remind the Council that the draft new London Plan was launched for consultation on 1st December 2017. This document is now a material consideration determining applications and in assessing general conformity of emerging local policy. As such, TfL now has regard to this Plan, inter alia, when assessing and responding to relevant consultations. Policy D7 (Public realm), part I, states: 'Ensure that shade and shelter are provided with appropriate types and amounts of seating to encourage people to spend time in a place, where appropriate. This should be done in conjunction with the removal of any unnecessary or dysfunctional clutter or street furniture to ensure the function of the space and pedestrian amenity is improved. Applications which seek to introduce unnecessary street furniture should normally be refused.' The street furniture proposed

would be unnecessary due to the widespread popularity of mobile phones. It is also likely to be dysfunctional as a telephone kiosk due to extremely low usage. Policy T2 (Healthy Streets), part D, states: 'Development proposals should: 1) demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance.' This development proposal would not deliver any improvements that support any of the ten Healthy Streets Indicators.

- The site of the proposed development is actually on Finchley Road, which forms part of the Transport for London Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposals which may affect the performance and/or safety of the TLRN. Section 31 of the Traffic Management Act specifically states that the term "traffic" includes pedestrians and cyclists, as well as motorised vehicles – whether engaged in the transport of people or goods. Unnecessary and dysfunctional street clutter at any location in the footway on the SRN or Transport for London Road Network (TLRN) has an obvious adverse impact on the movement of pedestrians, which goes against TfL's statutory network management duties.
- Finally, the application Cover Letter also mentions a legal decision on prior approvals for phone boxes *Infocus Public Networks Ltd v Secretary of State for Communities and Local Government* [2010] EWHC 3309, which ruled that matters of prior approval on siting and appearance should be treated as analogous to reserved matters following the granting of planning permission. However this decision should be revisited and national government should consider reforming the legislation on phone box prior approvals to halt the increasingly common and clearly negative practice of phone box prior approvals being used as an excuse to introduce advertising to London's streets by stealth, cluttering the streetscape against current and emerging London Plan policy and compromising TfL's statutory network management duties, as explained above.
- For the reasons above, TfL Spatial Planning objects to the application on behalf of TfL.

Transport Strategy object as follows:

- The site is located in one of our town centres near Finchley Road Underground Station and Finchley Road & Frognal Overground Station on a busy pedestrian route. Pedestrian volumes are high and are forecast to increase significantly when Crossrail services become operational later this year along with ongoing economic growth in the borough. Existing footway space is a scarce resource and must be safeguarded for pedestrians both now and in the future to accommodate economic growth.
- The telephone kiosk would be located adjacent to the kerb on a section of footway with very little in the way of street furniture, with the exception of slender lamp columns, cycle parking stands and a sign post. The telephone kiosk would be significantly wider than other items of street furniture in the general vicinity of the site. The proposal to install a telephone kiosk would therefore have a harmful and negative impact on the streetscape.
- The telephone kiosk would obstruct and impede pedestrian movement (especially for blind and partially sighted pedestrians) and visibility on and along the footway. This would have a significant impact on pedestrian comfort levels, both now and in the future. The

proposal therefore constitutes a hazard to public safety.

- The telephone kiosk would obstruct and impede kerbside activity such as deliveries, taxi pick-ups and drop-offs, refuse and recycling collections, and other servicing.
- I am also aware that the Metropolitan Police have raised concerns about this type of application. The telephone kiosk would facilitate crime and anti-social behaviour and would constitute a hazard to public safety. It would also obstruct CCTV visibility.
- The telephone kiosk would be located within 20 metres of 2 existing telephone kiosks. In addition, various BT InLink units with similar functionality to that being proposed are located nearby on Finchley Road. This includes wheelchair accessible, free calls, free wifi and mobile phone charging points. The proposal to install another telephone kiosk of similar functionality would merely represent unnecessary street clutter in a relatively clear and unobstructed pedestrian environment.
- The telephone kiosk would appear to be located within 20 metres of the nearest traffic signals. This would be a problem if a follow up application for digital advertising consent were to be submitted. Transport for London guidance for roadside digital advertising states that any such proposals will not be supported within 20 metres of traffic signals. Any such proposal would be strongly resisted due to the road safety implications on the approach to a traffic signal controlled junction.
- The proposal must be refused for the above reasons.

The Council's Access Officer objects as follows:

- Under the New BS8300-1:2018 and BS-2:2018 all telephone communication devices for public use should be fitted with assistive technology such as volume control and inductive couplers and there should be an indication of their presence.
- A kneehole should be provided at least 500mm deep and 700mm high to allow ease of access for wheelchair users.
- Telephone controls should be located between 750mm and 1000mm above the floor level. To benefit people who are blind or partially sighted, telephones should be selected which have well-lit keypads, large embossed or raised numbers that contrast visually with their background, and a raised dot on the number 5.
- Instructions for using the phone should be clear and displayed in a large easy to read typeface
- A fold down seat (450-520mm high) or a perch seat (650-800mm high) should be provided for the convenience of people with ambulant mobility impairments.

<p>Fortune Green and West Hampstead Neighbourhood Development Forum comments:</p>	<p>The Fortune Green and West Hampstead Neighbourhood Development Forum has objected on the following grounds:</p> <ul style="list-style-type: none"> • It conflicts with the Fortune Green and West Hampstead Neighbourhood Development Plan POLICY 9: Pavements & Pedestrians, in particular sub paragraphs, D14. Pavements & Pedestrians, D15. Street Clutter, and Recommendation H. • The proposal will increase antisocial behaviour and litter as outlined in the Metropolitan Police Objection already made to this, and other similar, applications. • There are two existing under-utilised phone boxes about 5metres to the south of the proposed site, so there is no need for further provision. • It seems clear from looking at the proposers' website, https://www.maximus-networks.com/ and its parent company, King Media Limited, that the purpose of the application is primarily to secure advertising sites and not provide (unnecessary) telecommunications services. • To quote from King Medias website "Maximus is the trading name of King Media Limited which is a privately owned UK based outdoor advertising company. Our three divisions and eve expanding network includes some of Europe's most iconic locations giving advertisers the opportunity to showcase their products to the world in a truly.... " • No regard has been taken of the policies of The Fortune Green and West Hampstead Neighbour Development Plan. • We support the comments made by Councillor Russell on this and other similar applications • The NDF has objected to and LB Camden has already refused similar applications. 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
<p>Bloomsbury Ward Councillors comments:</p>	<p>Bloomsbury Ward Councillors Harrison, Francis and Madlani object on the following grounds:</p> <ul style="list-style-type: none"> • <u>Street environment: use of space</u> As ward councillors for a central London ward, and one amongst us with executive responsible for street management and the environment, we are aware of the enormous demands that there are on space on the public highway. There are always a large number of competing claims from different items of street furniture. Their location can also impact on meeting other related demands, such as providing different types of parking or keeping the highway between a phone box and nearby buildings clear. Especially as London's population only grows, with the number of jobs projected to grow in the area (increasing the daytime population), and the arrival of major transport infrastructure developments such as Crossrail and HS2, permitting these new phone boxes to sprout up in these locations will cause significant detriment to the local authority's ability to effectively manage the streets, hindering the achievement of the very valid public aims of keeping the street clear, moving and uncluttered. When set against the virtually zero public benefit of more pay phones in the era of the smartphone – and in an area already with a preponderance of phone boxes – the additional clutter these would bring to the area form a strong reason for refusal. While we are here, one notes the brazenness of the pretence that these items are being proposed for

any reason other than to generate income through advertising, which in itself represents zero public benefit.

- Street environment: cleanliness

Phone boxes attract litter and mess of a variety of type, both inside the structures and adjacent. Getting the companies to properly and regularly clean them is a never ending struggle, and it is not a task where they have covered themselves in glory. On occasion the council has stepped in to clean. These applications should be refused on the grounds of (lack of) cleanliness, consequent impact on the appearance of the area, and the drain this can represent to the local authority.

- Crime and antisocial behaviour

As noted by the local police, phone boxes can attract and provide a place for crime and antisocial behaviour to take place in. Creating new semi-enclosed spaces runs counter to both good design when it comes to designing out crime, and their creation will also represent a further drain on the time and resources of the police and of the local authority whose community safety officers, we know from our experience of many years as ward councillors, are obliged to respond to residents' complaints about these on-street venues of crime.

Site Description

The application site comprises of an area of the footway adjacent to The O2 Centre at 255 Finchley Road, on the western side of Finchley Road. The site is directly adjacent to a number of Sheffield bicycle stands to the north-west, and a lamppost and two telephone boxes to the south-east. A bus stop is situated approximately 16.5m south-east of the site along this side of Finchley Road.

The site is part of Transport for London's (TfL's) Road Network (TLRN). The site does not fall within a conservation area and is not adjacent to any listed buildings.

Relevant History

Site history:

2017/1070/P – Installation of 1 x telephone box on pavement. **Prior Approval refused 04/04/2017**

2003/0795/P – The erection of two telephone kiosks on the pavement outside the entrance to O2 Centre, Finchley Road. **Prior Approval given 26/09/2003**

Neighbouring sites:

Bus Stop outside O2 Centre, 255 Finchley Road

2017/0275/A – Display of 1x internally illuminated digital screen facing inwards to the existing bus shelter structure no. CAM00097AB. **Advertisement consent granted 20/03/2017**

Bus Stop outside 140 Finchley Road

2017/0121/A – Display of 1x internally illuminated digital screen facing inwards to the existing bus shelter structure no. CAM0045AB. **Advertisement consent granted 20/03/2017**

2005/1973/A – The display of an internally illuminated advertising panel on bus shelter.

Advertisement consent granted 21/07/2005

152-156 Finchley Road

2005/1014/A – Display of internally illuminated projecting sign on the front elevation. **Advertisement consent granted 14/04/2005**

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

Draft New London Plan (2017)

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

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

Camden Planning Guidance

CPG1 Design (2015) – Section 9 Designing safer environments

CPG7 Transport (2011) – Section 8 Streets and public spaces

Camden Streetscape Design Manual

Fortune Green & West Hampstead Neighbourhood Plan (2015)

Policy 2 Design & character

Policy 3 Safeguarding & enhancing conservation area & heritage assets

Policy 9 Pavements & pedestrians

Assessment

1.0 Proposal

- 1.1 Confirmation is sought as to whether the installation of a telephone kiosk would require prior approval under Part 16 of Schedule 2 of the GPDO. The order permits the Council to only consider matters of siting, design and appearance in determining GPDO prior approval applications. The potential impact on crime and public safety are relevant considerations under siting, design, appearance and access.
- 1.2 The kiosk would measure 1.3m in width, 1.1m in depth and 2.6m in height, and would be located on the western pedestrian footway along Finchley Road, adjacent to The O2 Shopping Centre.
- 1.3 It would have a steel frame and casings with 8mm clear polycarbonate toughened glass on two 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 The application site is located on a pavement measuring roughly 5.0m wide. This area of the footway consistently experiences high pedestrian flows, due to its location adjacent to The O2 Shopping Centre.

3.2 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.

3.3 The footprint of the proposed telephone kiosk measures 1.325m in width. 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.

3.4 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 two existing telephone kiosks located immediately adjacent to the application site on the same side of Finchley Road, 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 and is considered unacceptable.

3.5 The applicant states there is a need for children to have access to public telephone kiosks in order to make free calls to Childline. As highlighted above, there are two existing telephone kiosks adjacent to the application site. As such, the applicant's reasoning is not considered to be sufficient justification for the installation of a further telephone kiosk. In addition to concerns about 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.

3.6 The proposed schemes to install Cycle Super Highway Route 11 and reconfigure the Swiss Cottage Gyrotory are within the vicinity of the site. The schemes aim to create a high quality place and improve pedestrian comfort and increase the safety of vulnerable road users through providing additional space for walking and cycling. The installation of a new telephone box in this location would add further street clutter to the streetscene, contrary to the aims of the committed schemes, and the resulting reduction in the footway width may discourage active travel. The siting of the proposal is therefore considered to be unacceptable.

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.

4.2 Due to its location adjacent to two existing telephone kiosks, 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. 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 stainless steel incongruous design would provide an intrusive addition to the street. Consequently, the proposed kiosk would result in a significant harm to the wider streetscene. As such the proposal would fail to adhere to Policy D1.

Access

4.3 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 maximum height of 1.2m 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 existing telephone kiosks within the London Borough of Camden have become 'crime generators' and a focal point for anti-social behaviour (ASB). 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 ASB, through reducing sight lines and natural surveillance in the area, and providing a potential opportunity for an offender to loiter. This would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would 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 to the detriment of pedestrian flows, as well as creating issues with safety and poor accessibility. The proposal, by virtue of its siting and appearance, is considered unacceptable.

7.0 Recommendation

7.1 Refuse Prior Approval