

<b>Refusal Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	23/03/2018
		N/A / attached	<b>Consultation Expiry Date:</b>	22/02/2018
<b>Officer</b>			<b>Application Number(s)</b>	
Oluwaseyi Enirayetan			2018/0340/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Land Adjacent to 135 Camden High Street LONDON NW1 7JR			Refer to 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		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	N/A	No. of responses	1	No. of objections	1
			No. electronic			
Summary of consultation responses:	<p><u>A site notice was displayed on 31/01/2018 and expired on 21/02/2018.</u>  <u>A press notice was advertised on 01/02/2018 and expired on 22/02/2018.</u></p> <p>In response to the proposal, objections were received from 74 Durdans House, Royal College Street as follows:</p> <ul style="list-style-type: none"> <li>• Why? What serious use are telephone kiosks these days?</li> </ul> <p><b>Transport Strategy objects as follows:</b></p> <ul style="list-style-type: none"> <li>• The site is located near Camden Town Underground Station on one of the busiest pedestrian corridors in the borough. Pedestrian volumes are extremely high and are forecast to increase significantly when Crossrail services become operational later this year along with On-going 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</li> <li>• The telephone kiosk would be located within a narrow strip of defined street furniture zone on the footway, adjacent to the kerb. The telephone kiosk would be significantly wider than other items of street furniture such as lamp columns and sign posts in the general vicinity of the site. The proposal would therefore have a harmful and negative impact on the streetscape</li> <li>• 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. It would obstruct inter-visibility between vehicular traffic and pedestrians wishing to cross the road at this location. The proposal therefore constitutes a hazard to public safety</li> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>The Council's Access Officer comments as follows:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• A kneehole should be provided at least 500mm deep and 700mm high to allow ease of access for wheelchair users.</li> <li>• Telephone controls should be located between 750mm and 1000mm above the floor level. To benefit people who are blind or partially</li> </ul>					

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.

**Metropolitan Police – Designing Out Crime Officer objects on the following grounds:**

- 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).
- 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 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/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 Maximus. 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 ideally 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 the 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 in 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 on Camden High Street, which forms part of the Transport for London Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal 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. So the duty requires TfL to consider the movement of all road users: 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 Strategic Road Network (SRN) or TLRN has an 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 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.

**Ward Councillors**

Cllr Harrison, Cllr Francis and Cllr Madlani object on the following grounds:

- Street environment: use of space  
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 phonebox 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 phoneboxes 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 phoneboxes – 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 site is located close to the centre of the pavement on the west side of Camden High Street. It sits outside a retail unit at ground floor level. It is located in a designated Town Centre and near Camden Town Underground Station on one of the busiest pedestrian corridors in the borough. The site is located within the Camden Town Conservation area.

## Relevant History

### Site history:

2017/1099/P - Installation of 1 x telephone box on the pavement – Prior approval refused 05/04/2017

2017/0441/P - Erection of freestanding BT panel providing phone and Wi-Fi facilities, with 2 x internally illuminated digital advertisements following the removal of 2no. BT telephone kiosks – Withdrawn

### Neighbouring Sites:

#### **O/S 112-114 Camden High Street.**

2017/0442/P - Erection of freestanding BT panel providing phone and Wi-Fi facilities, with 2 x internally illuminated digital advertisements following the removal of 2no. BT telephone kiosk - Withdrawn

#### **o/s HSBC Bank at Camden Town Underground Station, Camden High Street**

2017/0440/P - Erection of freestanding BT panel providing phone and Wi-Fi facilities, with 2 x internally illuminated digital advertisements following the removal of 2no. BT telephone kiosks. – Granted 15/05/2017.

#### **Pavement outside Camden Town Underground Station, Opposite 197 Camden High Street**

2017/5421/P - Installation of 1 x telephone kiosk on the pavement – Prior approval refused 22/11/2017

#### **Telephone Kiosk outside 144-146 Camden High Street**

2018/0885/P - Erection of freestanding telephone kiosk providing phone and Wi-Fi facilities, location based information, payment facilities with 2 x LCD illuminated digital advertisement following the removal of telephone kiosk.- Prior Approval under consideration

## 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

D2 Heritage

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

#### **Camden Planning Guidance**

CPG1 Design (2015)

CPG7 Transport (2011)

#### **Camden Streetscape Design Manual**

# Camden Town Conservation Area Appraisal and Management Strategy adopted 4 October 2007.

## Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

### 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 1.32m by 1.12m with an overall height of 2.6m and would be located on the pedestrian footway outside of a retail shop along Camden High Street.
- 1.3 It would have a powder coated metal frame with reinforced laminated glass on three sides and a solar panel on roof.

#### 2 Assessment

2.0 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.

2.1 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;
- 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’.

2.2 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.

2.3 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.

2.4 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 Siting**

3.0 This section of Camden High Street is dominated by commercial activities. The pedestrian footpath is approximately 6.2m wide. Pedestrian volumes are extremely high and are forecast to increase significantly when Crossrail services become operational later this year. The site is located on a busy section of the high street which experiences extremely high pedestrian flow given its location on a busy and vibrant commercial high street and tourist area; in close proximity to Camden market and Camden Town Underground Station.

3.1 The stretch of Camden High Street near the proposed site contains a row of existing street furniture in the form of traffic lights, litter bins, cabinets, telephone boxes and bus shelter. The section of pavement on the proposed site is already cluttered with two existing phone boxes, two poles and cabinets.

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 1.32m by 1.12m. 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 1.9m of the footway. This would reduce the 'clear footway' to less than the minimum threshold, which would reduce pedestrian comfort, resulting in overcrowding, issues with highway safety through interfering with signals, visual

obstructions, visibility splays and may lead to the discouragement of sustainable travel. As such, the proposal would be contrary to Policies A1 and T1 and is considered unacceptable.

3.4 The applicant states there is a need for children to have access to public telephone kiosks in order to make free calls to Childline. There are existing telephone boxes in close proximity to the proposed site. Two outside 139 Camden High Street and two on the opposite side of the road outside No.112 Camden High Street. 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.

#### **4 Design and Appearance**

4.0 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 in locations outside conservation areas that it considers would cause harm to the character, appearance or setting of such an area.*"

4.1 Camden Town Conservation area states 'Development proposals will be expected to preserve or enhance the character or appearance of the Camden Town Conservation Area. This also applies to developments which are outside the conservation area but would affect its setting or views into or out of the area

4.2 Due to its location and the prominence of the proposal's siting within the Town Centre, 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 telephone kiosk would be significantly wider than other items of street furniture including existing telephone kiosks in the general vicinity of the site. The proposal would therefore have a harmful and negative impact on the streetscape.

4.3 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 steel frame and toughened glass incongruous design would provide an intrusive addition to the street. Consequently, the proposed kiosk would seriously affect the character, appearance and setting of the Camden Town 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

4.4 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 4 existing telephone kiosks within close proximity of the site there is considered to be no public benefit from the provision of another kiosk in this location.

4.5 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent Seven Dials (Covent Garden) Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

#### **Access**

4.6 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)

5.2 It is therefore considered that the design and siting of the proposal on this busy footway would introduce additional street clutter, as well as, increase opportunities for crime within a location where there are already 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. 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, appearance and setting of the Camden Town Conservation Area and 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