

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	12/07/2019
		N/A / attached		<b>Consultation Expiry Date:</b>	20/07/2019
<b>Officer</b>			<b>Application Number(s)</b>		
Joshua Ogunleye			2019/2683/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Land Outside 29 Tottenham Court Road London W1T 7QP			Refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Installation of replacement 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 Draft Decision Notice					
Informatives:						
Consultations						
djoining Occupiers and/or residents:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	A site notice was displayed on 26/06/2019 and expired on 20/07/2019					
	In response to the proposal, an objection was received from a local resident as follows:					
	<ul style="list-style-type: none"><li>It begrudges me that I can't fully object to this application as I normally do for any telephone kiosks close to my flat. The design and rethink around the services provided have been updated to reflect our zeitgeist. Concerns around anti-social behaviour do still exist especially as there will be a USB powerpoint (a great idea for stranded tourists I know) which will support criminality in this area.</li><li>A further point I would like to add is that all new street furniture and services should consider how they can reduce their environmental impact. In this instance a structure like this could lend itself well to reducing pollution by incorporating a living tree of moss such as <a href="https://airqualitynews.com/2018/03/19/citytree-pollution-moss-filter-launched-in-westminster/">https://airqualitynews.com/2018/03/19/citytree-pollution-moss-filter-launched-in-westminster/</a></li></ul>					
	<u>Metropolitan Police – Designing Out Crime Officer</u> objects on the following grounds:					
	<ul style="list-style-type: none"><li>The issues surrounding telephone kiosks and communication devices within the London Borough of Camden are numerous and as such have become magnets for crime and anti-social behaviour. The issues surrounding them range from the placement of prostitute cards, graffiti, public urination, criminal damage and a location where Class A drugs misuse can occur.</li><li>The main reason why they are associated with crime and anti-social behaviour is because there is not the demand for their intended use anymore, as a result of the high number of the population owning a mobile phone.</li><li>The new design does mitigate some of the faults of the existing design and does reduce the 'foot print' taking up space within the public realm. The canopy covering the main screen/handset though is not ideal though as a result of the small shelf positioned to one side. Any flat surface which is protected from the elements will be favourable for the preparation and taking of Class A drugs. This should be removed from the design to prevent this from occurring.</li><li>The canopy contains the solar panels but question arise why it is so large . Ideally it should offer protection for a short period of time whilst the device is in use but not for extended periods by someone who can just 'loiter' at the location. This should be addressed prior to any approval.</li></ul>					
	<u>The Council's Access Officer</u> comments as follows: There are a number of requirements for an accessible phone booth that need to be considered. These are all taken from the BS8300-1:2018 and BS-2:2018:					

- whether this location obstructs the view of traffic for wheelchair users using the crossing close by;
- assistive technology requirements, such as, volume control and inductive couplers, and an indication of their presence;
- a knee hole 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;
- large easy to read typeface;
- fold down seat (450-520mm high) or a perch seat (650-800mm high) for the convenience of people with ambulant mobility impairments.

The Council's Highways Officer comments as follows:

- The proposal to install a replacement telephone kiosk at the above site would re-introduce a significant physical and visual obstruction to an otherwise clear and unobstructed pedestrian environment. The proposal would fail to improve the pedestrian environment at the site. This is unacceptable in such a high footfall location in Central London. The proposal should be refused on this basis.
- The TfL guidance documents are clear that siting street furniture in the pedestrian environment adjacent to a section of kerb where loading and unloading takes place is not appropriate. Doing so would impede or obstruct the transfer of goods which takes place from the kerbside. It would impede or obstruct pedestrian movement adjacent to the kerbside when boarding and alighting taxis. It would also impede or obstruct pedestrian movement and sightlines along the footway. The proposal is therefore contrary to TfL guidance as well as Camden Local Plan policies A1 and T1. The proposal should be refused on this basis.
- The proposed telephone kiosk, by being in a high footfall area, would have a detrimental impact on the walking experience due to a significant reduction in the level of service, as per the existing situation. It would lead to pedestrian congestion which could result in dangerous situations such as pedestrians walking in the carriageway and colliding with each other or vehicular traffic, or indeed with the telephone kiosk. The proposal should be refused on this basis.

The TfL Highways Officer comments as follows:

- Unnecessary and dysfunctional street clutter at any location in the footway on the highway has an obvious adverse impact on the movement of pedestrians, which also goes against TfL and the Council's statutory highway authority duties.

## Site Description

The application site comprises of an area of the footway on the western side of Tottenham Court Road facing north bound traffic. The pavement here is approximately 11.3m in width. This is a major road (A400) and is very busy with vehicular traffic and used by lots of pedestrians. Existing along the pavement in close proximity is; post box, litter bins, street lights, street signage, bus shelter, crossing junctions and 6 other phone boxes within a 20 meter radius of the site.

The site is not located within a conservation area and is not adjacent to any listed buildings.

## Relevant History

### Site history:

#### **Application Site**

2014/5815/A - The advertisement proposed is illumination of a six sheet advertisement which enjoys already non-illuminated deemed consent outside 29 Tottenham Court Road. - Prior Approval refused 26/08/2014 refused on Appeal - Appeal Ref: APP/X5210/H/14/2229783

2018/0311/P - Installation of 1 x telephone kiosk on the pavement outside 29 Tottenham Court Road. - Prior Approval refused 15/03/2018 – Not Determined

#### **Nearby Site**

2017/1031/P - Installation of 1 x telephone kiosk on the pavement outside 23 Tottenham Court Road. - Prior Approval refused 07/04/2017

2018/0310/P - Installation of 1 x telephone kiosk on the pavement outside 23 Tottenham Court Road. - Prior Approval refused 15/03/2018 refused on Appeal

2018/5573/P - Installation of 1 x telephone kiosk on the pavement outside 23 Tottenham Court Road. - Prior Approval refused 20/12/2018

2017/1090/P - Installation of 1 x telephone box on the pavement 39 Tottenham Court Road.- Prior Approval refused 07/04/2015

2018/5549/P- Installation of 1 x replacement telephone kiosk on the pavement outside 39 Tottenham Court Road. - Prior Approval refused 20/12/2018

2018/0867/P - Installation of 1 x replacement telephone kiosk on the pavement outside 39 Tottenham Court Road. – Withdrawn 30/04/2018

## Relevant policies

### **National Planning Policy Framework (2019)**

### **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**

CPG Design (2019) - Section 7 Designing safer environments

CPG Transport (2019) - Section 9 Streets and public spaces

CPG Access for all (2019)

CPG Amenity (2018)

## **Camden Streetscape Design Manual 2005**

### **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 proposal is for a telephone call box which measures 1.338m by 0.917m with an overall height of 2.63m, and would be located on the western pedestrian footway. The Kiosk would be a public call box, which comprises wifi and small cell antennas and would allow free calling.
- 1.2 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.
- 1.3 It would have a powder coated steel frame with toughened glass on three sides, and a solar panel on the roof.

#### **2.0 Assessment**

- 2.1 In the recent High Court decision in Westminster City Council V SSHCLG [2019] EWHC 176 (Admin) Ouseley J noted that the effect of the GDPO was that “the whole development for which prior approval is sought must fall within the Class relied on, and no part of it can fall outside it” ([37]) — in other words, “a proposed development falls outside [the GPDO], if part of it falls outside it” ([39]). Given that the kiosk in that case was partly for the purpose of advertising — and not wholly for the purpose of the operator’s network — it was held that it fell outside the terms of the GPDO. Accordingly, the Inspector erred in allowing the appeal against the refusal of prior approval and his decision was quashed ([48]). This decision confirms that telephone boxes which include advertising capabilities do not benefit from permitted development rights, on the basis that they serve a dual purpose. In this case, the proposals include a digital interactive screen and the size of the structure compared to the telecommunications equipment indicates that it has clearly been designed to accommodate a 6-sheet advertisement. On that basis, the proposed development is considered to fall outside the terms of the GPDO. Notwithstanding the fact the Council consider the development falls outside the terms of the GDPO for the sake of completeness an assessment of the proposals has been made.
- 2.2 Policy A1 of the Camden Local Plan 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 9.10 of CPG (Transport) highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.

- 2.3 Paragraph 7.38 of CPG Design states: All features within public space and elements of street furniture should be designed to make a positive contribution to community safety and discourage anti-social behaviour. Careful consideration should therefore be given to their location and detailed design. Street furniture should not obstruct pedestrian views or movement or be positioned to encourage anti-social behaviour or concealed areas.
- 2.4 Paragraphs 7.41 and 7.42 of CPG Design provide guidance on telephone boxes (telephone kiosks). Paragraph 7.41 of CPG Design includes the following text: In all cases we will request that the provider demonstrates the need for the siting of the new facility. We will consider whether kiosks add to the street clutter and if there are existing phone kiosks in the vicinity.
- 2.5 Paragraph 7.42 of CPG Design states: All new phone boxes should have a limited impact on the sightlines from or of the footway and should not hamper pedestrian movement. The size of the 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. The remaining minimum footway width should comply with the Transport for London Streetscape Guidance and Pedestrian Comfort Guidance, and with Camden's Streetscape Design Manual. Designs which are dominated by advertising space are not acceptable. Any advertising should not be placed where it significantly reduces natural surveillance or CCTV coverage of, or into, the call box. Designs should seek to maximise views into and through the phone box and along the footway. Furthermore where any phone infrastructure also includes advertising, the guidance on advertising should be taken into account.
- 2.6 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’.
- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 Paragraph 9.17 and 9.19 of CPG (Transport) seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:
- Footways and footpaths should be well lit and well signed, but with care to avoid light pollution and obstructions. Wherever possible, lighting and signs should be placed on buildings or existing street furniture to minimise clutter.

- Applications for new telephone kiosks on the public highway will be resisted by the Council where proposals would result in a detrimental impact on pedestrians and/or the street environment. Applications of this nature must demonstrate that they would not interrupt the minimum area of footway or footpath required and would not impede or obstruct the desire lines for pedestrian movement. This is particularly important for people with protected characteristics such as people who are blind or partially sighted. The position of the kiosk must be within the existing street furniture zone and must not compromise highway safety or prevent kerbside activity such as loading/unloading and parking

2.11 Policy C5 of the Camden Local Plan 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 7.41 and 7.42 of CPG (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**

3.1 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.

3.2 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.

3.3 The application site is located on a pavement measuring approximately 11.2m wide. This area of the footway consistently experiences high pedestrian flows, due to its close proximity to the bus shelter and nearby parade of shops and Goodge Street and Tottenham Court Road Tube Station. The proposed telephone kiosk would be positioned along the Kerbside with a 0.5m setback from its edge and be set away from the nearby parade of shops by 8.1m. The proposed telephone kiosk by virtue of its width would be located outside of the established street furniture zone close to the kerbside aligned with existing lampposts and streets signage and would encroach significantly into the effective footway width available for high levels of pedestrian movement accessing local shops via the nearby Zebra crossing and bus shelter.

3.4 The proposed call box would face south bound traffic close to a pedestrian crossing along the road. The Transport officer objects to the proposal as due to the proposed location of the call box in close proximity to the signal-controlled junction. As a result, the proposal could present potential confusion to road users with respect to a conflict between the illuminated call box and nearby traffic signal heads.

3.5 The proposed telephone kiosk in its current and proposed position therefore obscure sightlines along the footway significantly while also constituting a significant impediment/obstruction to pedestrian movement along the pedestrian desire line. This would be a particular problem for pedestrians with visual impairments (e.g. blind and partially sighted) who rely on clear and unobstructed pedestrian routes. The proposed telephone kiosk would therefore constitute an unnecessary obstruction/impediment and a hazard for blind or partially-sighted people.

### **4 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 It is considered that the replacement phone box design would appear functional and utilitarian within its setting. It would comprise a modern appearance, however it would be bulky when viewed from the front or rear makes it a noticeable and significant piece of street furniture. This element of its appearance makes the apparatus sensitive to poorly considered siting and orientation of the call box.
- 4.3 The proposed unit would be located on a busy road with which is generally uncluttered. Officers consider the proposed call box in this position would constitute harmful street clutter along Crowndale Road. The replacement call box would be an incongruous addition to this streetscene; adding physical and visual clutter and negatively impact visual legibility along the streetscene.
- 4.4 The proposed unit would be locate on a busy road with spacious pavement which is already littered with multiple existing call boxes on both sides of the road impeding the foot path. Officers counted 6 other call boxes within 25m of the application, the proposal would add further street clutter along Tottenham court Road. The replacement call box would be an incongruous addition to this streetscene; adding physical and visual clutter and negatively impact visual legibility along the streetscene.
- 4.5 It is considered that the proposed development by virtue of its design would add to the over-proliferation of visual clutter along the streetscene to the detriment of visual amenity of the area through the creation of further unnecessary street clutter. This would also be contrary to the guidance of the National Planning Policy Framework (NPPF) which aims to keep telecommunication sites to a minimum and encourage applicants to explore shared facilities.
- 4.6 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. As such, the proposal would fail to adhere to Policy D1 of the Camden Local Plan.

#### Access

- 4.7 Policy C6 of the Local Plan 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.
- 4.8 Officers consider the proposal's design does not meet the required accessibility standards. Had the application been considered for approval, additional conditions would have been added requiring its compliance.

### **5 Anti-social behaviour**

- 5.1 With regards to community safety matters, a number of issues have been raised by both the Metropolitan Police Crime Prevention Design Advisor 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 The applicant noted that the proposal would, when necessary, allow the public to make emergency calls. Officers also note that conventional telephone kiosks create discreet areas that foster opportunities for anti-social behaviour, while the proposed structure would not create an enclosure



in the same way.

- 5.3 The Metropolitan Police Designing Out Crime Group, in referencing the siting of recently approved communications kiosks throughout London, have highlighted a number of issues that have compromised community safety. Their objection to the proposal has advised that they hold evidence to directly correlate the siting of on street free call facilities increase in drug misuse, dealing and related anti-social behaviour in the vicinity of where they are installed.
- 5.4 Recent appeal decisions relating to prior-approvals to install on-street kiosks in the London Borough of Camden have referenced anti-social behaviour (reference APP/X5210/W/18/3195004 Opposite 2 York Way). Separately, the Planning Inspector, under reference APP/X5210/Z/18/3204104 (outside 297 Euston Road), referred to observations made on a site visit to the vicinity of the proposal. It was explained that kiosks are commonly associated with antisocial behaviour. The function of the structure (although an advertisement in that instance) would highlight the presence of the kiosk, and it would be likely to increase the antisocial behaviour associated with it, especially so after dark. The Inspector noted that this could discourage some pavement users from using the nearby pavement, which would harmfully diminish its function. The presence of illumination would erode the utility of local CCTV recordings made close by, which would unacceptably disrupt endeavours to detect and prevent crime in a part of the street that is already unusually cluttered. The Inspector concluded that the proposal would harm public safety.
- 5.5 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 CPG (Design).

## **6 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. Furthermore by virtue of its inappropriate siting, size and design, would fail to reduce opportunities for crime and antisocial behaviour to the detriment of community safety and security, and compromise the safety of those using and servicing the telephone kiosk contrary to policy C5 (Safety and Security) of the London Borough of Camden Local Plan 2017.

## **7 Recommendation**

### **7.1 Refuse Prior Approval**