

Delegated Report		Analysis sheet	Expiry Date:	18/07/2019
		N/A	Consultation Expiry Date:	14/07/2019
Officer			Application Number(s)	
Adam Greenhalgh			2019/2703/P	
Application Address			Drawing Numbers	
Junction of Earlam Street with Shaftesbury Avenue London WC2H 8HJ			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of replacement 1 x telephone kiosk on the pavement.				
Recommendation(s):		Prior Approval Required – Approval Refused		
Application Type:		GPDO Prior Approval Determination		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	0	No. of objections	0
Summary of consultation responses:	<p>A site notice was displayed on 14/06/2019 and this consultation expired on 08/07/2019</p> <p>An advert was displayed in the local press on 20/06/2019 with expiry on 14/07/2019.</p> <p>No responses received.</p> <p>Transport Strategy objects as follows:</p> <ul style="list-style-type: none"> 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. Indeed, it would make matters worse by obstructing sightlines along the footway (the existing kiosk is transparent). This is unacceptable in such a high footfall location in Central London. The proposal should be refused on this basis. 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 being located outside of the established street furniture zone, would encroach significantly into the effective footway width available for pedestrian movement (i.e. the pedestrian desire line), as per the existing situation. The proposed telephone kiosk would therefore obscure sightlines along the footway significantly while also constituting a significant impediment/obstruction to pedestrian movement along the pedestrian desire line. Please note that the existing kiosk only partially obstructs sightlines, being largely transparent due to the absence of any end panels. 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. 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 proposed telephone kiosk would clearly have a significant impact on pedestrian amenity, comfort and safety, as per the existing situation. For these reasons, the proposal is considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.
- The proposed telephone kiosk would re-introduce an unnecessary hazard to the public highway by obstructing the visibility splays between Earlam Street and Shaftesbury Avenue. The proposal is therefore considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.
- It is also noted that the telephone unit would be orientated perpendicular to the kerbside on Shaftesbury Avenue. This differs from the existing Infocus Media telephone kiosks where the telephone units are orientated parallel to the kerbside. The Metropolitan Police has objected to the proposal on this basis as it would make users of the telephone unit more vulnerable to an incident of crime or anti-social behaviour due to not having clear sightlines along the footway in both directions.

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

- 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.
- 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.
- 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. Therefore I would advise that this is removed from the design to prevent this from occurring. I appreciate the canopy contains the solar panels but also does it need to be 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.
- Orientation (If approved) – Due to there being limited vision through the device I would suggest, if it can be achieved, that the screen/handset is positioned so that it faces oncoming traffic. This will mean extra natural surveillance will be on the device and will assist to reduce any anti-social behaviour that may occur.
- Emergency Button – Applicant is required to further explain how this will work and also explain if there is any mitigation in place to prevent misuse.
- Payment – Applicant is required to explain how calls and access to Wifi systems to be paid for as not clear within the 'Technical Specifications'. Issues have arisen with other 'communication devices' that provide free calls for users, namely the increase in people using the device to make contact with drug dealers and the associated problems this will bring to an area.
- Maintenance Strategy (If approved) – Applicant to supply details of how often the device is visited upon installation for cleaning and maintenance.
- Insufficient has been done to address the impact these devices have on the

public realm or acknowledge their relationship with generating crime and anti-social behaviour within a location. At this location there will still be a reduction in width of footpath which if nothing was there would be a safe and secure location for pedestrian activity.

Site Description

The site in question is on the pavement on the east side of Shaftesbury Avenue at the junction with Earlham Street. It is a very busy junction with a high footfall and heavy traffic. The pavement at the junction of Shaftesbury Avenue and Earlham Street is approximately 9m wide at the site.

There is an existing circa 1.3m square telephone kiosk at the site. There are no other private or utility companies' cabinets, columns, stands or kiosks in the immediate vicinity.

The site lies in the Seven Dials Estate Conservation Area. No. 1 Earlham Street is mentioned as making a positive contribution to the Conservation Area in the Seven Dials Estate Conservation Area Appraisal. There are no Listed Buildings in the immediate vicinity.

Relevant History

Site history:

None

Neighbouring Sites in WC2H:

2018/0324/P – Land adjacent to 121 Shaftesbury Avenue, WC2H 8AD - Installation of 1 x telephone kiosk on pavement – Prior approval refused 15/03/2018

2018/0325/P - Land adjacent to 1 St Giles High St, WC2H 8AG - Installation of 1 x telephone kiosk on pavement - Prior approval refused 14/03/2018

2018/0327/P – Land adjacent to 167-169 Shaftesbury Avenue, WC2H 8AN - Installation of 1 x telephone kiosk on pavement - Prior approval refused 16/03/2018

2018/3830/P – Pavement adjacent to 167-169 Shaftesbury Avenue, WC2H 8AN - Installation of 1 x telephone kiosk on pavement - Prior approval refused 25/09/2018

2018/5545/P – Land adjacent to 121 Shaftesbury Avenue, WC2H 8AD - Installation of 1 x telephone kiosk on pavement - Prior approval refused 20/12/2018

2018/5561/P - Land adjacent to 1 St Giles High St, WC2H 8AG - Installation of 1 x telephone kiosk on pavement - Prior approval refused 20/12/2018

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

D2 Heritage

G1 Delivery and location of growth
T1 Prioritising walking, cycling and public transport

Camden Planning Guidance

CPG1 Design (2019) – Section 7 – Designing safer environments
CPG7 Transport (2019) – Section 9 – Streets and public spaces
CPG Access for All (2019)
CPG Amenity (2018)

Camden Streetscape Design Manual 2005

Seven Dials Estate Conservation Area Statement (1998)

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 communication hub 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 hub would measure 1.338m wide, 0.317m deep (with a 600mm deep protective canopy on the front) and 2.63m high. It would be located on the pavement approximately 500mm from the Shaftesbury Avenue carriageway and approximately 6m from the Earlham Street carriageway.
- 1.3 The front would include a touch screen panel and handset under a protective cover and the rear would constitute a chain grey metal panel with images.

2.0 Legal Background

- 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.

3.0 Planning Assessment

- 3.1 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 within that policy 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 9.7 of the Transport CPG calls for 'Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture.

3.2 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;
- 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'.

3.3 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.

3.4 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.

3.5 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.

3.6 Paragraph 9.7 of the Transport CPG seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all through:

- Ensuring the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities;
- Maximising pedestrian and cycle accessibility and minimising journey times making sites 'permeable'
- Providing stretches of continuous footways without unnecessary crossings;
- Making it easy to cross where vulnerable road users interact with motor vehicles;
- Linking to, maintaining, extending and improving the network of pedestrian and cycle routes;
- Maximising safety by providing adequate lighting and overlooking from adjacent buildings;
- Taking account of surrounding context and character of the area
- Providing a high quality environment in terms of appearance, design and construction, considering Conservation Areas and other heritage assets and using traditional materials (such as natural stone)
- SuDS and planting (trees, pocket parks etc.) where appropriate
- Investing in the public realm to create inclusive spaces that support greater social interaction (places to sit, sheltered, not too noisy, safe etc);
- Use of paving surfaces which enhance ease of movement for vulnerable road users;
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture and

- Having due regard to design guidance set out in the Camden Streetscape Design Manual, TfL's London Cycling Design Standards, TfL's Pedestrian Comfort Level Guidance and TfL's Healthy Street Indicators

3.7 Policy C5 requires development to contribute to community safety and security, and paragraph 4.89 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. With respect to telephone kiosks the Council's Design Planning Guidance (CPG) advises in Section 7.41: - '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. In certain areas of the Borough, telephone boxes can be seen as providing opportunities for crime and anti-social behaviour and in these areas we will consider whether the proposed location will have an impact on crime levels'. Section 7.42 continues '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.

4.0 Siting

4.1 The application site is on the busy pavement at the junction of Shaftesbury Avenue with Earlham Street. There are no other private or utility companies' kiosks, cabinets or columns in the vicinity.

4.2 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. No justification has been submitted for the need to install a telecommunication hub at the location. Additionally, the proposed telecommunications hub would be wider than the existing telephone kiosk which it would replace and as such, it would be an increased impediment to pedestrian flows along the busy pavement and result in increased risks to safety for pedestrians.

5 Design and Appearance

5.1 Policy D1 of the Camden Local Plan 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.

5.2 Policy D2 states that the Council will require development within a Conservation Area to preserve, or where possible, enhance the character and appearance of the area.

5.3 The Seven Dials Estate Conservation Area Statement has the following guidance in relation to street furniture: SD36: "It is important that the need to preserve and enhance the historic character of the Conservation Area is recognised in the design and siting of all street furniture, including statutory undertakers and other services equipment and paving materials. The Council will make efforts to avoid any unnecessary visual clutter whilst seeking design solutions appropriate for the area in line with recommendations in PPG15 (paras 5.13 - 5.18) and English Heritage Guidance "Street Improvements in Historic Areas"

5.4 Due to its design and appearance, it is considered that the proposed telecommunications hub would constitute an overly-sized and intrusive feature which would degrade the visual amenity and appearance of the area.

5.5 The telecommunications hub would be significantly wider than typical items of street furniture and it would therefore have a harmful and negative impact on the character and appearance of the Conservation Area.

5.6 The proposed structure is considered to be of a poor design in terms of size, scale and massing, and it is not an appropriate or acceptable addition in this location. Its incongruous design would result in an obtrusive and intrusive piece of street furniture in this location detracting from the streetscene. Consequently, the proposed telecommunications hub would seriously affect the character, appearance of the Seven Dials Estate 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.

5.7 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. No case has been made for the public benefit which would accrue from the proposal and which would potentially offset the harm that would be caused to the appearance of the Conservation Area.

5.8 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Seven Dials Estate Cross 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.

6 Access

6.1 Policy C6 requires new buildings, spaces and facilities that the public may use to be fully accessible to promote equality of opportunity. The Council has concerns over the accessibility of the touch screen panel and handset for wheelchair users. However, were the proposals to be considered acceptable, a condition could be imposed to ensure that the facility should be designed and retained for use by wheelchair users.

7 Anti-social behaviour

7.1 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)

7.2 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 Policies A1 and C5 of the Camden Local Plan and guidance contained within the Council's Design CPG.

8 Conclusion

8.1 The proposal would result in unacceptable street clutter, harmful to the character, appearance and setting of the Seven Dials Estate Conservation Area and streetscape, and to the detriment of pedestrian flows, as well as, creating issues of public safety and security. The proposal, by virtue of its siting and appearance, is considered unacceptable.

9 Recommendation

9.1 Refuse Prior Approval