

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>18/07/2019</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>14/07/2019</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Adam Greenhalgh			2019/2704/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pavement adjacent to 2 Pancras Road London N1C 4AG			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 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. 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><b>Transport Strategy objects as follows:</b></p> <p>The proposal to install a telephone kiosk at the above site would introduce a significant physical and visual obstruction to a clear and unobstructed pedestrian environment. This would result in the loss of at least 1.83 metres of footway space in the pedestrian desire line (includes the 500 mm offset from the kerb). This is unacceptable in such a high footfall location in Central London in such close proximity to 2 very busy transport interchanges. The proposal should be refused on this basis.</p> <p>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). 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. 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.</p> <p>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. 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.</p> <p>The proposed telephone kiosk would clearly have a significant impact on pedestrian amenity, comfort and safety. For these reasons, the proposal is considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.</p> <p><b>Metropolitan Police – Designing Out Crime Officer objects on the following grounds:</b></p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• 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</li> </ul>					

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 proposed location of the device does not have any natural surveillance covering it from neighbouring buildings and is also surrounded with mature trees which block any benefits that could be achieved from premises which are higher up and looking down.
- The design of the unit itself appears to be an issue as the operating unit, chargers and handset are situated on one side. Therefore if a person is using the unit they cannot see what is going on around them nor who could be approaching them from further up foot path. Therefore creating a fear of crime.
- The hand set unit appears to be recessed into the main unit and therefore appears from the picture graphic to create a flat surface. Shaftesbury Avenue and the surrounding area is well known for Class A Drugs Misuse and therefore any well-lit and smooth surface is used for the preparation of such narcotics. This recess could also be used to store small objects and conceal them if police approach a suspect drug misuser preventing them from detecting crime.
- The introduction of the unit will also increase the above ASB, as it conceals the activities of what is occurring behind 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.
- For the above reasons I object to this planning application

### Site Description

The site is on the pavement adjacent to 2 Pancras Road. The pavement here is approximately 5m wide. Pancras Road (A5202) is a busy commercial road which provides access to the Euston Road (A501) south and Camden to the north. It is heavily used by pedestrians and motorists, many of which visit St Pancras station immediately opposite the site on the other side of Pancras Road, and King's Cross station 150m to the east.

There are bays for disabled person vehicles and taxis on this side of Pancras Road and a zebra crossing approximately 7m to the north of the site of the proposal. Other than lamp posts, the pedestrian crossing beacon and a narrow parking sign there are no other private or utility company cabinets, columns or stands on the pavement which remains uncluttered and provides good access for pedestrians accessing adjoining buildings.

The site lies in the King's Cross/St Pancras Conservation Area.

## **Relevant History**

### **Site history:**

None

### **Neighbouring Sites:**

King's Cross Square, Euston Road - 2018/2317/P 'Installation of telecommunications apparatus comprising 2 cabinets alongside north elevation of tube station staircase canopy' - refused 06/07/2018

*The proposed cabinets and associated antennas and cabling, by reason of their incongruous siting and utilitarian design, would create visual clutter and would be detrimental to the appearance of the canopy enclosure and overall Square, the character and appearance of this part of the Kings Cross conservation area, and the setting of the adjoining listed building of Kings Cross station, contrary to policies D1 (design) and D2 (heritage) of the London Borough of Camden Local Plan 2017*

## **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**

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**

#### **King's Cross/St Pancras Conservation Area Statement (adopted 2003)**

**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 3.12m from the building and 500mm from the 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 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 GPDO 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 GPDO for the sake of completeness an assessment of the proposals has been made.

### 3 Planning Assessment

- 3.1 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 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 section 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 2.5 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 of the Camden Local Plan 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

#### 4 Siting

- 4.1 The application site is on the approximately 5m wide pavement adjacent to no.2 Pancras Road. Along this pavement there are no other private or utility companies' cabinets, columns or stands.
- 4.2 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.
- 4.3 The footprint of the proposed telephone communications hub measures 1.338m wide. Transport for London indicate that footways in high flow areas should be at least 5.3 metres wide. The proposed offset from the kerb of 0.5 metres would be acceptable. The plan also indicates that the resulting effective footway width would be reduced to 3.12 metres. The reduced effective footway width is contrary to the aforementioned guidance and is considered to be insufficient for a footway with high pedestrian flows in a Central London location. As such, the proposal would be contrary to Policies A1 and T1 and is considered unacceptable.
- 4.4 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. No justification has been submitted for the need to install a telecommunication hub at the location. Additionally, the proposed telecommunications hub is considered to be excessively wide such that it would have a significant impact on pedestrian comfort and movement. The width and siting of the proposal would impede 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 King's Cross Conservation Area Statement (para 7.3.1) advises "New development should be seen as an opportunity to preserve or enhance the character or appearance of the Conservation Area. New development should respect the built form and historic context of the area, local views, existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings.'
- 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 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 King's Cross 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 King's 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 CPG (Design).

## **8 Conclusion**

8.1 The proposal would result in unacceptable street clutter, harmful to the character, appearance and setting of the King's Cross/St Pancras Conservation Area and streetscape, and to the detriment of pedestrian flows and public safety. It would also result in a potential increased risk of crime and anti-social behaviour. The proposal, by virtue of its siting and appearance, is considered unacceptable.

## **9 Recommendation**

9.1 Refuse Prior Approval