

Delegated Report		Analysis sheet	Expiry Date:	12/07/2019
		N/A / attached	Consultation Expiry Date:	03/07/2019
Officer			Application Number(s)	
Alyce Jeffery			2019/2691/P	
Application Address			Drawing Numbers	
Outside 104 Eversholt Street London NW1 1BS			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of 1 x replacement 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 Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers and/or residents:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p><u>A site notice was displayed on 19/06/2019 and expires on 13/07/2019</u></p> <p><u>Metropolitan Police – Designing Out Crime Officer</u> objects on the following grounds:</p> <ul style="list-style-type: none"> • 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. This should be removed from the design to prevent this from occurring. The canopy is too large and 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. • Orientation - Due to there being limited vision through the device the screen/handset should be 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 - further information needed to explain how this will work and also explain if there is any mitigation in place to prevent misuse. • Payment - further information required to explain how calls and access to Wifi systems are 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 further information needed regarding the details of how often the device is visited upon installation for cleaning and maintenance. The current ones always appear to be uncared for and just add to the decline of area if not properly maintained. • Overall not enough 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. This particular location is well known for drug dealing and anti-social behaviour due to its central location along a very busy tourist area. 					

Insufficient thought has been shown as to where a device should be placed within the public realm or the impact it will have for pedestrian traffic and in this case a decent size foot way is reduced in size due to the device.

Transport Strategy (in conjunction with the Council Highways and West End Project Delivery Teams) object as follows:

- The footway on the east side of Eversholt Street at the above site is characterised by a row of mature trees. There is little in the way of bulky items of street furniture, except for the existing kiosk and a smaller kiosk located approximately 30 metres to the north. Other items of street furniture include cycle parking racks and lamp columns. This helps to promote clear and unobstructed sightlines along the edge of the pedestrian environment. The street furniture zone adjacent to the pedestrian route (pedestrian desire line) has been sensitively designed to provide a clear and uncluttered environment sufficient to accommodate high volumes of pedestrians walking on the footway during busy periods (e.g. morning, lunchtime and afternoon/evening peak periods). The proposal to site a replacement telephone kiosk at the proposed site would spoil this uncluttered design by introducing a prominent feature that would look out of place and be overly dominant, even when compared against the existing kiosk. This is because the existing kiosk is largely made of glass and is therefore transparent. The proposal would therefore have an unacceptable impact on the street scene.
- Appendix B of 'Pedestrian Comfort Guidance for London (published by Transport for London) indicates that footways in high flow areas should be at least 5.3 metres wide with a minimum effective footway width of 3.3 metres. The proposed site plan does not provide any dimensions. However, the kiosk be significantly wider than other items of street furniture in the vicinity of the site. It would therefore have a significant impact on sightlines along the footway. The loss of any available footway space at this location is considered to be unacceptable due to the high footfall location near Euston station. Pedestrian footfall is high at this location and this is predicted to increase significantly with ongoing economic growth in Central London and High Speed Two (HS2) currently under construction. The proposal should be refused on this basis.
- Observations indicate that pedestrians cross the road at this location, even though dedicated pedestrian crossing facilities are located nearby. The proposal represents a similar situation to 2 similar applications on the pavement outside Euston Tower on west side of Hampstead Road (appeal references APP/X5210/W/18/3195366 and APP/X5210/W/18/3195365; planning references 2017/3527/P and 2017/3542/P). The Planning Inspector in dismissing those appeals noted:
 - The kiosk would impinge here into a clear area uncluttered by any street furniture, which has been sensitively designed. As such it would spoil this uncluttered design by introducing a prominent feature that would look out of place.
 - The depth and height of the kiosk would interfere with pedestrians' visibility of traffic travelling north at this point, which in my view would present a needless hazard.
 - These decisions are within the attached report titled Various Appeal Decisions 18-09-18. Paragraphs 20-23 and the conclusions at the rear of the decision report are particularly relevant to this current

application. The proposal should be refused on the same grounds.

- The appeal decision to refuse a similar telephone kiosk application on the pavement outside 29-31 Euston Road (appeal reference APP/X5210/W/17/3180688; planning reference 2017/2493/P) is also worthy of reference. This decision is within the attached report titled Various Appeal Decisions 19-12-18. Paragraphs 34-36 and the conclusions at the rear of the decision report are particularly relevant to this current application. The proposal should be refused on the same grounds.

The Council's Access Officer 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:

- Provision and location of accessible telephones and internet booths in buildings in which telephones or internet booths for public use are provided, at least one device mounted at a height suitable for use by a wheelchair user should be provided in an accessible location, preferably in the entrance space. Where several accessible devices are provided, they should be positioned at different heights to suit people with ambulant mobility impairments and wheelchair users.
- A fold-down seat (450 mm to 520 mm high) or a perch seat (650 mm to 800 mm high) should be provided for the convenience of people with ambulant mobility impairments. Drop-down arms should be provided for each seat.
- Where practicable, devices should be located to enable wheelchair users to approach and use the device from both the front and the side.
- Where it is only possible to approach a device from the front, a knee hole at least 500mm wide and 700mm high should be provided.
- Telephone controls on accessible telephones for wheelchair users should be angled so that they can be used by people when seated or when using a perch seat.
- Telephone controls should be located between 750 mm and 1000 mm above the floor (see Figure 15).
- To benefit people who are blind or partially sighted, telephones should be selected which have well-lit keypads, large embossed or raised numerals that contrast visually with their background, and a raised dot on the number 5.
- Instructions for using telephones should be clear. They should be displayed in a large easy-to-read.
- The proposal fails to meet the above requirements and needs to be reviewed against the guidance.

Site Description

The site is located on Eversholt Street (A4200) which forms part of the Strategic Road Network (SRN). Camden Council is the highway authority, although it should be noted that Transport for London (TfL) has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN. The site is located in a high footfall area in Central London near Euston station (National Rail, London Overground and London Underground). Mornington Crescent station (London Underground) is also located nearby.

The existing pavement outside 104 Eversholt Street is 6m in width.

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

Relevant History

Site history:

2014/4608/P - Installation of a public payphone on pavement. Prior Approval refused 09/02/2015.

No advertising consent has been found by officers for the existing payphone advert.

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 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 GDPO], 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 GDPO. 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.

- 1.2 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.
- 1.3 The proposed kiosk would be located at the same location as the existing kiosk. The proposed site plan fails to provide accurate measurements, the proposed kiosk measures approximately 400mm from the kerb on the site plan provided, however officers attended site and suggest the existing kiosk is approximately 1.3m from the kerb as it is possible, to walk between the existing kiosk and kerb. Given the applicant has failed to provide accurate measurements, officers are unable to assess whether the proposal would comply with footway guidance.
- 1.4 The replacement kiosk would be 1,338 mm wide, 2,630 mm high and 917 mm deep (includes 600 mm wide canopy above the telephone and associated touchscreen. Interestingly, the touchscreen would only be 392 mm wide. It is therefore unclear why the actual kiosk needs to be so much wider. It is clear that the proposed width is significantly greater than necessary.

2.0 Assessment

- 2.1 Policy A1 states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities, and that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users. Furthermore, Policy T1 point e) states that the Council will seek to ensure that developments provide high quality footpaths and pavements that are wide enough for the number of people expected to use them, including features to assist vulnerable road users where appropriate, and paragraph 9.10 of CPG (Transport) highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.
- 2.2 Pedestrian volumes are extremely high and are forecast to increase significantly when Crossrail services become operational (was due to be December 2018 but now forecast for the end of 2020) along with ongoing economic growth in Kings Cross and Central London. Pedestrian volumes are also forecast to increase significantly when High Speed 2 (HS2) services become operational. Existing footway space is a scarce resource and must be safeguarded for pedestrians both now and in the future to accommodate economic growth.
- 2.3 Policy C5 (Safety and Security) requires development to contribute to community safety and security which is echoed in paragraph 7.38 of CPG Design which states that 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. 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. 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.

2.5 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;

2.7 Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street, paragraph 8.6 of CPG (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.

2.8 Although there is an existing row of centred mature trees along Eversholt Street, there is sufficient space for pedestrians to walk either side of the trees, however the kiosk would be sited directly between the centre of the pavement and the kerb, resulting in an obstructed and cluttered pedestrian path, especially for vulnerable pedestrians. Given the applicant has failed to provide an accurate site plan or measurements, officers are unclear of the distance proposed between the kerb and kiosk, nor the distance between the existing trees and kiosk.

2.9 The proposed replacement telephone kiosk by virtue of its proposed materials, orientation and overall scale would likely obstruct pedestrian views and encourage anti-social behaviour, contrary to the above policies and guidance.

3.0 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 The site would not be located directly adjacent to a loading bay. However, it would be located

directly adjacent to a section of carriageway where nearby commercial premises are likely to accept their deliveries from. In addition, observations indicate that taxis pick up and drop off passengers at this location. This section of footway should therefore be kept clear from bulky items of street furniture such as the type of telephone kiosk being proposed.

3.3 Standard telephone kiosks have a footprint of 0.9 metres x 0.9 metres (0.81 sqm). BT has minimised the size of their replacement kiosks (BT InLink) by designing a unit with a footprint of 0.89 metres x 0.27 metres (0.24 sqm). The proposed telephone kiosk would have a footprint of 1.338 metres x 0.917 metres (1.227 sqm). The footprint of the proposed telephone kiosk is significantly larger than that of a standard telephone kiosk and would be 5 times greater than the new BT replacement kiosks. And the longer of the 2 horizontal dimensions (1.338 metres) would be 448 mm wider than the new BT replacement kiosks (0.89 metres). The applicant has clearly failed to minimise the size of the telephone kiosk in accordance with Camden's guidance.

3.4 The Council generally refuses any applications to install new items of street furniture of this scale in the public highway unless they can be located within a defined and established street furniture zone. This is especially relevant where such proposals would constitute clutter or have a detrimental impact on pedestrian amenity, comfort or safety, as well as being detrimental to road safety generally.

3.5 The footway on the east side of Eversholt Street at the above site is characterised by a row of mature trees. There is little in the way of bulky items of street furniture, except for the existing kiosk and a smaller kiosk located approximately 30 metres to the north. Other items of street furniture include cycle parking racks and lamp columns. This helps to promote clear and unobstructed sightlines along the edge of the pedestrian environment. The street furniture zone adjacent to the pedestrian route (pedestrian desire line) has been sensitively designed to provide a clear and uncluttered environment sufficient to accommodate high volumes of pedestrians walking on the footway during busy periods (e.g. morning, lunchtime and afternoon/evening peak periods). The proposal to site a replacement telephone kiosk at the proposed site would spoil this uncluttered design by introducing a prominent feature that would look out of place and be overly dominant, even when compared against the existing kiosk. This is because the existing kiosk is largely made of glass and is therefore transparent. The proposal would therefore have an unacceptable impact on the street scene.

3.6 Observations indicate that pedestrians cross the road at this location, even though dedicated pedestrian crossing facilities are located nearby. The proposal represents a similar situation to 2 similar applications on the pavement outside Euston Tower on west side of Hampstead Road (appeal references APP/X5210/W/18/3195366 and APP/X5210/W/18/3195365; planning references 2017/3527/P and 2017/3542/P). The Planning Inspector in dismissing those appeals noted:

- *The kiosk would impinge here into a clear area uncluttered by any street furniture, which has been sensitively designed. As such it would spoil this uncluttered design by introducing a prominent feature that would look out of place.*
- *A kiosk here would not significantly interfere with pedestrian flows. But the site is close to the pedestrian crossing on Hampstead Road and I noticed that people also cross the road here. The depth and height of the kiosk would interfere with pedestrians' visibility of traffic travelling north at this point, which in my view would present a needless hazard.*

3.8 These decisions are within the attached report titled Various Appeal Decisions 18-09-18. Paragraphs 20-23 and the conclusions at the rear of the decision report are particularly relevant to this current application. The proposal should be refused on the same grounds.

3.9 The appeal decision to refuse a similar telephone kiosk application on the pavement outside 29-31 Euston Road (appeal reference APP/X5210/W/17/3180688; planning reference 2017/2493/P) is also worthy of reference. This decision is within the attached report titled Various Appeal Decisions 19-12-18. Paragraphs 34-36 and the conclusions at the rear of the decision report are particularly relevant

to this current application.

4.0 Design and Appearance

- 4.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.
- 4.2 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 near Euston station.
- 4.3 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. 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.
- 4.4 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.
- 4.5 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.
- 4.6 It is also noted that the telephone unit would be orientated perpendicular to the kerbside on Eversholt Street. This differs from the existing Infocus Media telephone kiosks where the telephone units are orientated parallel to the kerbside. I note that 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.

Access

- 4.7 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 1.7m 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 condition would have been added requiring its compliance.

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 which this site is located. 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).
- 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, Pavement adjacent King's Cross Railway Station). Separately, the Planning Inspector, under reference APP/X5210/Z/18/3204104 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.

6.0 Conclusion

- 6.1 The proposal would result in unacceptable street clutter, harmful to the character and appearance of the streetscape and to the detriment of pedestrian flows, as well as creating issues with community safety and anti-social behaviour. The proposal, by virtue of its siting and appearance, is considered unacceptable and contrary to policies A1, C5, C6, D1, G1, and T1.

7.0 Recommendation

- 7.1 Refuse Prior Approval