

NEW WORLD PAYPHONES

Date: 30th July 2019

Planning and Regeneration,
London Borough of Camden,
2nd Floor,
5 Pancras Square,
London,
N1C 4AG

Dear Sir / Madam,

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND)
REGULATIONS 2007

Re. Telephone Kiosks outside 23-24 Tottenham Court Rd, Fitzrovia, London, W1T 1BJ

Introduction and background

This cover letter is submitted in support of two related applications; an application for full planning permission under section 62 of the Town and Country Planning Act 1990 [the 1990 Act] and an application for express advertisement consent under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 [the Regulations]. The full planning application is for a new telephone kiosk to replace the existing kiosks located outside the above-mentioned address. The new location for the replacement Kiosk would be marginally north of the existing kiosks, a location agreed with the Council's Principal Transport Planner. The application for advertisement consent is for an internally illuminated digital advertisement display which is integrated within the replacement Kiosk.

The Applicant is an Electronic Communications Code Operator under the terms of the Telecommunications Act 1984, and has statutory powers enabling it to operate electronic communications apparatus within the highway for the purpose of its electronic communications network. Accordingly, the applicant operates an electronic communications network of circa 2000 Telephone Kiosks across the United Kingdom, 70 of which are located in Camden.

NEW WORLD PAYPHONES

These applications are submitted following a lengthy and constructive process undertaken with the Council dating back to 2016. In June 2016, the applicant raised with the Council a Pre-Planning application enquiry (your Ref. 2016/3367/PRE) proposing the upgrade of 35 Telephone Kiosks to the new design, and the removal of 35 kiosks as part of an overall estate rationalisation exercise. The Council responded to this pre-planning consultation in September 2016; a copy of this response is included with the applications. Responding to the Council's response, applications were submitted in June 2018 for the upgrade of 26 kiosks and the removal of 45. The applications submitted were for prior approval, reflecting provisions contained in the Town and Country Planning (General Permitted Development) Order (the GPDO), and for advertisement consent. Applications for 23 of the 26 telephone kiosk sites were subsequently approved internally subject to completion of a S.278 agreement relating to the kiosk removal, tree planting, and cleaning and maintenance of the kiosks.

Shortly before the S.278 agreement was concluded, judgement was handed down in the High Court (*Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin)*), the effect of which was to clarify the scope of Schedule 2 Part 16 of the GPDO¹. In light of the judgment, the Council wrote to the applicant stating that it is unable to determine the above-mentioned applications and requested they be withdrawn. In addition, the Council invited the applicant to instead apply for planning permission.

The subject applications are submitted therefore following over 3 years' worth of constructive work by the Applicant and Council. Reasonably, in light of this work, the Applicant hopes that the subject applications will continue to be supported by the Council.

Telephone Kiosk rationalisation

As noted earlier, the Applicant's electronic communications network consists of 70 kiosks across Camden. The kiosks themselves, which date back to the 1990's, are tired-looking structures and also outmoded in terms of their telephony equipment. In addition, the current enclosed kiosk has experienced historic problems including anti-social behaviour and lack of access for people with mobility impairments. These factors notwithstanding, the kiosks are in use with the majority of calls made to mobile and 0800 numbers, including the emergency services. Moreover, the Applicant's experience is that kiosks are used more post-upgrade than before.

The Applicant recognises that with the advent of the mobile phone, the use of public telephone boxes has declined. The opportunity exists therefore to rationalise the existing kiosk network, and with it to achieve decluttering of the public realm. The Applicant therefore proposes upgrading a small number of existing Kiosks across the Borough to the new, enhanced electronic communications services offering, and the removal of those kiosks not upgraded, the initiative being part-funded by revenues from advertising.

¹ The judgement in the High Court case *Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin)* has been appealed to the Court of Appeal, with the hearing scheduled for 21/22nd Nov. 2019.

NEW WORLD PAYPHONES

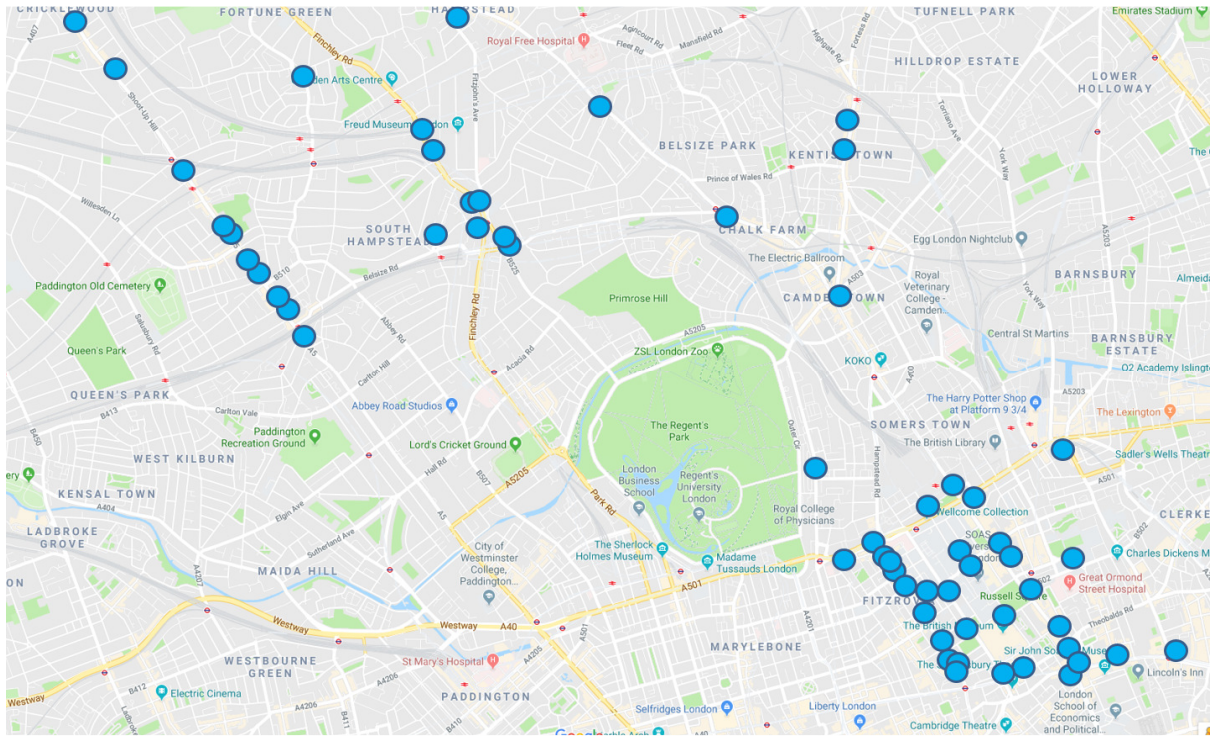


Fig.1 Existing NWP Telephone Kiosks across Camden

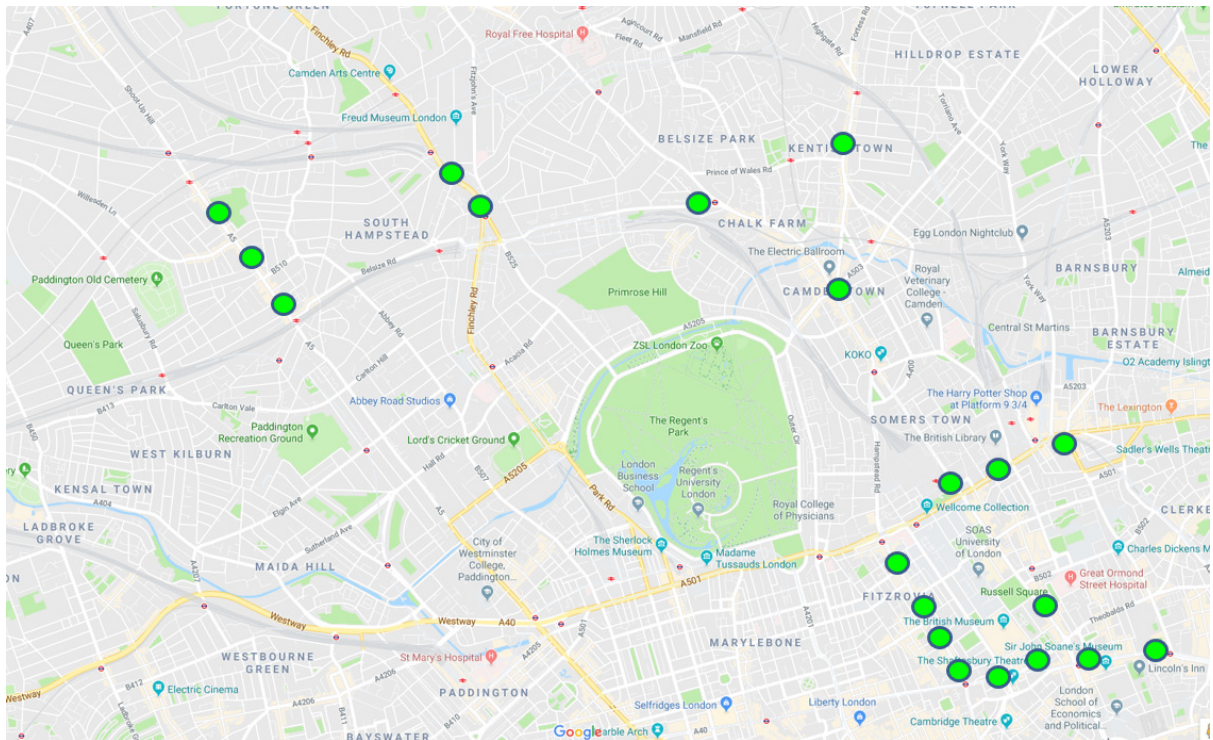


Fig.2 Telephone Kiosks proposed for upgrade to the replacement Kiosk

NEW WORLD PAYPHONES

The Applicant proposes upgrading 20 of the 70 existing kiosks across the Borough, meaning this is one of 20 sets of related Planning and Advertisement Consent applications. The remaining 50 kiosks would be removed as part of a Borough-wide rationalisation exercise, equating to a 71% reduction across the Borough. This associated kiosk removal would deliver significant and Borough-wide public realm decluttering and with it commensurate significant and Borough-wide amenity benefits.

These applications represent therefore an opportunity to achieve significant Borough-wide telephone kiosk removal and with it significant Borough-wide public realm decluttering. Commensurate with successful such initiatives in nearby Westminster, among others, this kiosk removal would be delivered by means of agreement under either Section 278 of the Highways Act 1980 or Section 106 of the Town and Country Planning Act 1990 linked to the various upgrade applications. To this end, the following kiosks are proposed for removal in association with this upgrade proposal:

- 2nd Telephone Kiosk o/s 23-24 Tottenham Court Road;
- Telephone Kiosk o/s 245 Tottenham Court Road; and
- 2nd Telephone Kiosk o/s 245 Tottenham Court Road.

Tree planting

In addition to kiosk removal, and as part of its environmental commitments, the Applicant has partnered with 'Trees for Cities', which is a global charitable organisation working to create greener cities internationally. As part of this commitment, the Applicant hereby offers to plant a tree in a location to be agreed with the Borough for every kiosk proposed for upgrade. If accepted by the Council, this obligation would also be secured by agreement under either Section 278 of the Highways Act 1980 or Section 106 of the Town and Country Planning Act 1990.

Council communications

In addition to proposed kiosk removal and tree planting, the proposal includes an offer for the Council to make use of the advertisement panel within the replacement Kiosk for Council communication purposes - the proposal being one ten second slot in each hour – at no cost to the Council, to be secured by agreement.

The Proposal

The proposed replacement Kiosk is for the purpose of the Applicant's electronic communications network. The Kiosk is manufactured from robust, high quality materials and in functional terms, appropriate to today's technological conditions, would deliver the following multi-functional communications capability:

- New telephone equipment with the ability to accept credit/debit card, contactless and/or cash payment;
- A 24inch LCD display providing an interactive wayfinding capability;

NEW WORLD PAYPHONES

- Equipment for provision of public Wi-Fi access points and/or equipment for provision of public small-cell access nodes;
- Location-based information (NFC, Bluetooth 4.0 LE); and
- On the reverse side, a 1650mm (h) x 928mm (w) LCD display for digital advertising purposes, recessed behind toughened glass.

In designing the replacement Kiosk, the intention was to create an instantly recognisable yet modern telephone kiosk. To this end, the Applicant pursued a traditional approach in the design process, drawing appropriate influence from UK kiosk design heritage. The new Kiosk is also purposefully 'open' to enable unfettered access for all users including the accessibility impaired, and to help eradicate anti-social behaviour sometimes associated with kiosks.

The existing NWP Telephone Kiosk is box-shaped and enclosed, with a footprint measuring 0.89sq.m, is 2430mm high, 948mm wide and 948mm deep. In comparison, the proposed replacement Kiosk has a footprint measuring 0.83sq.m (slightly smaller than that of the existing kiosk), is 2499mm high (a difference of just 69mm), is 1096mm wide (148mm wider than the existing kiosk) and is 762mm deep (186mm less deep than the existing kiosk).



Fig.3 Proposed Telephone Kiosk

As noted, the reverse side of the proposed Kiosk would incorporate a 1650mm high by 928mm wide 1.5sq.m integrated digital display panel. For many years, advertising has supported the viability of telephone kiosks, and is found on the majority of existing kiosks across Camden. The Advertisement Regulations recognise this hence Class 16 thereof including advertisements on telephone kiosks (on the single face of a kiosk) among the classes of advertisement for which deemed consent is granted. However, the advertising element has traditionally been added as an afterthought. The proposed replacement Kiosk is different in that the advertising element is an integral part of the kiosk design and, as noted, is also integral to the funding of the overall rationalisation initiative.

The proposed advertisement panel would display static advertising images in sequence,

NEW WORLD PAYPHONES

changing no more frequently than every 10 seconds, the change via smooth fade. The illumination brightness of the display is controlled via light sensor which monitors ambient light. During periods of darkness, the display's illumination would be restricted to a maximum brightness of 280cd/m², which is within the levels recommended by the Institute of Lighting Professionals. The display would never therefore appear overly bright or cause glare.

Endorsement of the replacement Kiosk

The proposed replacement Telephone Kiosk is an aesthetically pleasing contemporary design that would represent an improvement on the existing kiosk both visually and functionally. In this respect, we refer to a series of appeal decisions from 2016 in respect of various appeals in LB of Hillingdon (lead case APP/R5510/Z/16/3157043) which involved replacing the same old kiosks with the same new design as proposed in this case. In these cases the Inspector commented, *"the existing phone box, which would be replaced as part of the proposed advertisement, is a tired looking feature"*. He added, *"the new kiosk would introduce a more appropriate, modern feature and in this respect it would improve visual amenity"*.

We refer also to the recent findings of a number of Planning Inspectors in respect of 40 appeals in the City of Westminster, in which all 40 Prior Approval Appeals for the proposed replacement Telephone Kiosk were Allowed. Below are relevant excerpts from a sample of these appeal decisions addressing the design and utility aspects of the proposal. The Appeal decisions concerned can be provided on request.

Ref: APP/X5990/W/17/3182187 - 50-52 Buckingham Palace Road, London SW1W 0RN

- "10. The proposed kiosk would be more modern in appearance than the double kiosk that is currently positioned on the site. It would be finished in a black colour (according to the accompanying specification) and so would assimilate well into the street-scene. It would have a more contemporary appearance in relative terms, but not so contemporary that it would be to the detriment of the overall character and appearance of the immediate locality. Furthermore, its open sided design would have the effect of minimising its scale and dominance when viewed from public roads.*
11. *The screen to the rear would have the effect of breaking up the rear elevation of the kiosk. The use of a screen in such an elevation (for display purposes) would not be an alien concept in what is a very urban environment.*
14. *In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.*
27. *I have taken into account comments made by other interested parties, but I do not consider that the proposal would constitute poor design, have an adverse impact upon the ease of walking in the locality or unacceptably add to street clutter.*

NEW WORLD PAYPHONES

21. ... *The Council state that the proposed kiosk would not be well used for telephone call purposes given the rise in mobile telephone use. Need is not a matter under consideration in terms of the prior approval criteria and, in any event, the kiosk would include additional functionality and not all people have a mobile telephone.*
23. ... *The kiosk would perform a public function and, in any event, the degree of public benefit is not a prior approval consideration.*
24. *I note that the proposed kiosk would include mapping functionality which may be of benefit for tourists. It would also include telephone use, public Wi-Fi capability and advertisement space including urgent messages that could potentially be displayed by the Council. Furthermore, its open sided design would enable ease of access for wheel chair users."*

Ref: APP/X5990/W/17/3182001 - Payphone Outside 105 Charing Cross Road, London WC2H ODT

- "12. The proposed kiosk would be more modern in appearance than the kiosk that is currently erected on the site. However, it would be finished in a black colour and would not be too dissimilar in size to the existing kiosk. Taking into account its size, position, design and colour, I am satisfied that the proposed telephone kiosk would assimilate well into the street-scene and that it would not constitute an alien feature in this urban environment.*
14. *I conclude that the overall effect of the siting and appearance of the development upon the character and appearance of the Conservation Area would be a neutral one.*
27. *I have taken into account comments made by other interested parties, but I do not consider that the proposal would constitute poor design, have an adverse impact upon the ease of walking in the locality or unacceptably add to street clutter."*

Ref: APP/X5990/W/17/3182218 - Payphone Site Outside 1-3 Craven Road, London W1F 9JT

- "11. The proposed kiosk would be more modern in appearance than the kiosk it would replace. It would be finished in black matching street furniture nearby, would be open sided, of relatively simple design and an overall less bulk than the existing kiosk. Thus there would be no increase in street clutter.*
20. ... *I am satisfied the proposed kiosk would perform a public function"*.

Ref: APP/X5990/W/17/3182287 - Payphone site outside 3-4 London Street, London W2 1HL

- "10. The proposed kiosk would be marginally wider and slightly shallower than the existing box, but would be the same colour and be roughly the same height. It would be open on two sides and would contain the telephone equipment and a 24 inch wayfinder display screen.*

NEW WORLD PAYPHONES

11. *Overall its scale is similar to the existing kiosk, and its design has regard to more traditional K6 phone boxes in terms of its slightly domed roof and the fenestration pattern on the side panel. The existing phone box appears bland and dated. The proposal would therefore represent an opportunity to improve and, due to the wayfinding screen, modernise its appearance in keeping with the commercial character of this part of the Bayswater Conservation Area."*

Ref: APP/X5990/W/17/3182344 - Payphone Site Outside 508-520 Oxford Street, London W1C 1NB

"10. The replacement kiosk would have a more modern and contemporary appearance than the existing kiosk but the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street. It would be no more visually prominent than the kiosk that would be replaced.

11. *Overall it would be no more bulky and imposing than the kiosk it would replace and in being sited in the same position it would assimilate well into the street scene and would not add to street clutter. Therefore its siting and appearance would have a neutral effect on the character and appearance of the surrounding area. As such, the character and appearance of the Conservation Area would not be harmed and would be preserved.*

23. *... I am satisfied the proposed kiosk would perform a public function".*

We refer also to recent Appeal decisions in the Royal Borough of Kensington & Chelsea, in respect of 11 kiosk sites that went to appeal - therefore 22 Appeals in total - of which 19 of the 22 appeals were Allowed. The Inspector who handled ten of these appeals commented as follows in relation to the proposed Kiosk:

"26. The appellant explains that the new kiosk design, while modern in function draws influence from UK telephone kiosk design heritage. This appears to be particularly the case with regard to the roof shape and glazed side panel. These design features and particularly the incorporation of the 'telephone' signage to each side of the roof, would clearly indicate its principal purpose and function, despite the advertisement panel to the rear. While the proposed kiosk would include obscured glazing this forms a small part of it and while it would have a broader frame than the existing kiosk, its open design contrasts favourably with the existing enclosed kiosk. Taking these factors as a whole, as well as the broadly similar dimensions of the two kiosks, the replacement would not be significantly more visually prominent than the existing kiosk.

27. *Within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area's appearance. The black colour scheme would integrate visually with other forms of street furniture of a*

NEW WORLD PAYPHONES

similar colour, notably the nearby equipment boxes and frame of the bus shelter on the opposite side of the road.”

The Inspector who handled the twelve other Appeals in the Royal Borough commented as follows in relation to the proposed Kiosk:

“8. The kiosk is designed to be wheelchair accessible and would provide modern telecommunications equipment. It would be located close to the edge of the pavement. It would replace two existing kiosks so would not add to street clutter but rather would replace tired looking telephone kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”

We refer also to recent Appeal decisions in Hammersmith & Fulham, in respect of seven kiosk sites that went to appeal. The replacement Kiosk was allowed in five of the seven Prior Approval appeals, in May 2018. In these appeals, the Inspector commented as follows in relation to the replacement Kiosk:

Appeal A - Ref: APP/H5390/W/17/3192419 - Outside 74 Shepherd's Bush Road, London W6 7PH

“7. The appeal proposal would replace an existing kiosk and would be positioned in the same location, set in slightly from the edge of the generous footway. The new kiosk would be open sided with a comparable height and footprint as the existing structure, and the black finish and straightforward design would reflect nearby street furniture. As a result the proposal would be no more visually intrusive than the existing kiosk and would integrate well into the street scene.”

We refer lastly to various Full Planning Applications for replacement of the same old Telephone Kiosks with the same new Kiosk design as per the subject application, submitted to Wakefield City Council. These applications were all approved by the City Council in early July 2019. We reproduce below the Council's 'Design and Amenity' comments on the replacement Kiosk (in respect of application LPA Ref. 19/01082/FUL):

“The proposed kiosk will replace two existing (back to back) telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.

In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF.”

As demonstrated above, the design and utility merits of the proposal are widely recognised across the UK. The replacement Kiosk has been consented in 49 local authorities across the

NEW WORLD PAYPHONES

United Kingdom, including 30 (90%) of the 33 London Boroughs, including Hammersmith & Fulham, Royal Borough of Kensington & Chelsea, the City of London, and the City of Westminster (to name a few). These local authorities have comparable public realm, planning and heritage asset characteristics to Camden. In total, approx. 470 replacement Kiosks are consented in cities across the country.

FULL PLANNING APPLICATION

Section 70 of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission, the authority shall have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations.

UK Digital Strategy (March 2017)

The Ministerial forward to the UK Digital Strategy states that the Government is committed to seeing the enormous potential of the digital sector, one of the UK's most important sectors, fulfilled and therefore the provision of a first-class digital infrastructure. The forward adds that this approach must go hand-in-hand with ensuring the benefits are felt across the economy, throughout society and in every corner of the country:

“Every individual and every business should have the skills and confidence to seize the opportunities of digital technology and have easy access to high-quality internet wherever they live, work, travel or learn.”

“The Digital Strategy will deliver the first-class digital infrastructure and advanced skills base that businesses across the country need to be able to take advantage of digital tools. And it will close the digital divide - to ensure that everyone is able to access and use the digital services that could help them manage their lives, progress at work, improve their health and wellbeing, and connect to friends and family.”

National Planning Policy Framework (February 2019)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions.

Para. 7 of the NPPF states, the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Under the heading, 'Building a strong, competitive economy', para. 80 of the NPPF states, *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support*

NEW WORLD PAYPHONES

economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

Para.s 112 to 116 of the NPPF address the issue of ‘Supporting high quality communications’. Para. 112 states, *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”*

Para. 113 states, *“Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.”*

Para. 114 states, *“Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development.”*

Para. 115 states, *“Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.”*

Para. 116 states, *“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.”*

Under the heading, ‘Promoting healthy and safe communities’, para. 91 states, *“Planning policies and decisions should aim to achieve healthy, inclusive and safe places” that “are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.”*

Para. 95 states, *“Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications.”*

THE DEVELOPMENT PLAN

The London Plan (2016)

Policy 4.11 of the London Plan, ‘Encouraging a connected economy’, states that the Mayor

NEW WORLD PAYPHONES

and the GLA Group will and all other strategic agencies should, *“facilitate the provision and delivery of the information and communications technology (ICT) infrastructure a modern and developing economy needs, particularly to ensure: adequate and suitable network connectivity across London (including well designed and located street-based apparatus) and affordable, competitive connectivity meeting the needs of small and larger enterprises and individuals”*.

Supporting policy 4.11, para. 4.57 of the London Plan states, the Mayor *“will work with infrastructure providers, developers and other stakeholders to support competitive choice and access to communications technology, not just in strategic business locations but more broadly for firms and residents elsewhere in inner and outer London, and to address e-exclusion, especially among disadvantaged groups and small and medium sized enterprises.”*

Policy 4.1, ‘Developing London’s economy’, states *“the Mayor will work with partners to maximise the benefits from new infrastructure to secure sustainable growth and development.”* Para. 4.3 supporting the policy states, *“providing the basis for the continued growth and economic development of all parts of London is a key theme of this Plan. The capital has had a history of change and innovation, and this is likely to remain the case for the future. The role of planning is to facilitate that change in ways which ensure that all parts of London and all kinds of enterprises can flourish and contribute to the prosperity of the whole city, and all of its people. This is a key contributor to the strategy set out in Chapter 1.”*

Policy 7.5 addresses the ‘Public realm.’ Part A of Policy 7.5 states, *“London’s public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.”*

Part B states, *“Development should make the public realm comprehensible at a human scale, using gateways, focal points and landmarks as appropriate. Landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space. Opportunities for the integration of high quality public art should be considered, and opportunities for greening (such as through planting of trees and other soft landscaping wherever possible) should be maximised.”*

Policy 7.2, ‘An inclusive environment’ states, *“the Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design which seek to ensure that developments: a. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances; b. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.”*

Policy 7.13, ‘Safety, security and resilience to emergency’ states in relation to planning decisions that *“Development should include measures to design out crime”*. Supporting para. 7.46 adds that *“measures to design out crime, including counter terrorism measures, should be integral to development proposals”*.

Camden Local Plan (2017)

The Camden Local Plan is the key strategic document in Camden's development plan. It sets out the vision for shaping the future of the Borough and contains policies for guiding planning decisions. It was adopted by the Council in July 2017.

Policy A1 entitled, 'Managing the impact of development' states, *"the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will: a. seek to ensure that the amenity of communities, occupiers and neighbours is protected; b. 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; c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and d. require mitigation measures where necessary."*

Policy D1 'Design' states, *"The Council will seek to secure high quality design in development. The Council will require that development:*

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*
- o. carefully integrates building services equipment."*

Policy D4 'Advertisements' states, *"the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail."* The Council will support advertisements that *"a. preserve the*

character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas.”

Policy C5 ‘Safety and security’ states, *“the Council will aim to make Camden a safer place”* and to this end, it *“will: a. work with our partners including the Camden Community Safety Partnership to tackle crime, fear of crime and antisocial behaviour; b. require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in wards with relatively high levels of crime, such as Holborn and Covent Garden, Camden Town with Primrose Hill and Bloomsbury; c. require appropriate security and community safety measures in buildings, spaces and the transport system; d. promote safer streets and public areas.”*

Policy C6 ‘Access for all’ states, *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* To this end, it *“will: a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*

Policy T1 ‘Prioritising walking, cycling and public transport’ states that the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments:

- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;*
- c. are easy and safe to walk through (‘permeable’);*
- d. are adequately lit;*
- e. provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate; and*
- f. contribute towards bridges and water crossings where appropriate.”*

Streetscape Design Manual

Section 3.00 of the Design Manual deals with Footway Widths and establishes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic.

‘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 a 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. Combining or ‘bunching’ of street furniture can help achieve this.*

Reducing Clutter

- *Footway obstructions are numerous and varied – some can be remedied quickly, while others require detailed consideration before removal or relocation can be approved.*
- *Some pavement obstructions are a permanent feature of the street, required by traffic law or current safety considerations.*

Transport for London Streetscape Guidance, Third Edition (2016, Rev 1)

In Part E ‘Footway amenities’ para. 11.1 Vision in the guidance states *“poorly placed or excessive street furniture can create a cluttered environment resulting in obstructions, reduced legibility and a blighted character. Successful public spaces have had every piece of street furniture rationalised and creatively placed to achieve multiple aims.”*

Para. 11.2 Footway zones states, *“the area between the kerb line and the highway boundary can be divided into four zones, which serve distinct functions within the streetscape:*

- *Kerb zone*
- *Furniture and planting zone*
- *Footway clear zone*
- *Frontage zone*

The relative importance, scale and treatment for each of the zones will vary according to the context.”

Under the heading, ‘Furniture zone design standards’ page 206 of the guidance states, *“Street furniture that can be accommodated in the furniture zone”* includes:

- *Barriers*
- *Bollards*
- *Street lights, CCTV, traffic signals, signs*
- *Control boxes*
- *Exceptionally, utility cabinets (see section 12.7)*
- *Seats*
- *Bins*
- *Cantilevered bus shelters with perch seats, but no end panels*
- *Cycle stands parallel to the kerb*
- *Wayfinding signs*
- *Telephone boxes and other larger items*
- *Cycle stands angled at greater than 45 degrees to the kerb line (echelon cycle parking)*
- *Street trees.”*

Para. 11.4 ‘Colour of street furniture’ states that the colour of metal components for any piece of street furniture should comply with the following colour criteria: • *“Black street furniture is preferred as a default for the TLRN with the exception of higher speed routes that do not provide for pedestrian movement.”*

Para. 11.11 'Telephone boxes' states *"where more telephone boxes exist than deemed necessary, or where a unit or units adversely impact on the quality and functionality of the streetscape, the highway authority should work with the operator to reach an agreement to relocate or remove the structure, while retaining adequate service coverage."*

Para. 11.11 continues, *"The impact of any new telephone box on the coherence and quality of the streetscape should be considered. Locations need to be assessed on their own merits, with due consideration for available footway widths, the impact on pedestrian and cycle desire and sightlines, existing footway demand from surrounding activities and buildings, availability of ATMs, and an analysis of local antisocial behavioural issues."*

Under the sub-heading 'Location', para. 11.11 states:

- *"Telephone boxes should not be installed where the footway clear zone is less than 2,000mm wide*
- *They should not be installed if doing so would create an obstruction which could pose a safety hazard ie at the front of a kerb in close proximity to a junction or side road*
- *They should be located away from loading bays, service access points and crossovers. The doors should not open into the path of pedestrians*
- *The box should be no less than 450mm from the kerb face*
- *Boxes should be positioned to ensure that there is sufficient space to allow mechanised cleaning."*

Transport for London, 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (2013)

This document is used by Transport for London (TfL) and by London Boroughs in assessing proposed roadside digital advertisement displays. Key provisions within the document that are relevant to this proposal are reproduced below:

"Locations

- *Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.*

5. Summary and Conclusion

5.2. *Sites at locations with increased driver cognitive demand should not immediately be excluded or discounted, but should be subject to detailed assessment.*

5.4. *Controls over the use of digital adverts should follow the best practice guidelines in this report and should be secured by special condition, with more careful management required in higher risk locations. As a minimum, the OMC roadside digital code should be complied with (Appendix B).*

5.5. *Not all sites will be appropriate for advertising, but with appropriate controls,*

NEW WORLD PAYPHONES

digital advertising should be no more or less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl etc).

'Advertising Safety Guidance Form – ASGF' ... "Adverts will not normally be permitted if:

1. ADU is proposed to be installed within the controlled zigzag area or within 20m of a pedestrian crossing (either on the approach or the exit), bus stops or change in carriageway characteristics (i.e. bus lane start, speed limit change)"*

The above TfL 'Guidance' takes a pragmatic approach to proposed roadside digital advertisement displays, stating that static digital advertising (which is proposed in this case) is likely to be acceptable in locations where static advertising exists or would be accepted and that with appropriate controls, digital advertising should be no less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl, etc).

Application site and surroundings

The locality containing the application site is predominantly commercial in character and appearance and, therefore, of the kind where roadside advertising may be acceptable. Tottenham Court Road is one of the Borough's key commercial thoroughfares, the character and appearance of which is accentuated by the constantly busy road itself, which is subject to current works that will see it become two-way.

The adjacent ground floor frontage consists of modern shop fronts featuring therefore modern features and associated signage, some of which is internally illuminated.

Reflecting the commercial and also movement-corridor nature and character of the location, the locality features the usual street furniture including bus shelters, telephone kiosks, trees, bicycle racks, lamp poles and so on; the location of some of this furniture is changing care of the West End Project. The principle of roadside advertising in the area is established by *inter alia* nearby internally illuminated 6-sheet advertising displays north and south of the application site.

The application site is not within a Conservation Area and there are no listed buildings in the vicinity of the application site.

FULL PLANNING APPLICATION - ASSESSMENT

Section 70 of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission, the authority shall have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations.

Provisions of the development plan material to the application

NEW WORLD PAYPHONES

Electronic communications development

Policy 4.11 of the London Plan and its supporting text support the provision and delivery of information and communications technology (ICT) infrastructure across London, including well designed and located street-based apparatus, to provide affordable and competitive connectivity for all, and to address e-exclusion, especially among disadvantaged groups and small and medium sized enterprises.

NPPF policy states the Government is committed to supporting the expansion of electronic communications networks, an approach that must see the ensuing benefits felt across the economy throughout society, closing the digital divide. The NPPF states further that the use of existing structures for new electronic communications capability (including wireless) should be encouraged. Local planning authorities are to determine applications on planning grounds only, should not seek to prevent competition between different operators, and should not question the need for an electronic communications system.

The proposed Kiosk, which would replace a tired-looking existing kiosk containing outmoded telephony equipment, is for the purpose of the Applicant's electronic communications network. As noted earlier, the Applicant recognises that with the advent of the mobile phone, the use of public telephone kiosks has declined. The opportunity exists therefore to rationalise the existing kiosk network and with it, to declutter the public realm, while retaining adequate service coverage. The subject kiosk is therefore one of a small number of existing Kiosks across the Borough proposed for upgrade to new and enhanced electronic communications services.

As noted above, NPPF policy states that the use of existing structures for new electronic communications capability (including wireless) should be encouraged. Consistent with this policy, appropriate to today's conditions, the replacement Kiosk would deliver multi-functional ICT infrastructure capabilities including new telephone equipment with the ability to accept credit/debit card, contactless and/or cash payment, a 24inch LCD display providing an interactive wayfinding capability, equipment for provision of public Wi-Fi access points and/or equipment for provision of public small-cell access nodes, and location based information (NFC, Bluetooth 4.0 LE). The proposal is therefore consistent with Policy 4.11 of the London Plan and relevant NPPF policy.

Sustainable economic growth and development

Policy 4.1 of the London Plan states the Mayor will work with partners to maximise the benefits from new infrastructure to secure sustainable growth and development, which is a key contributor to the Plan's strategy. Supporting para. 4.3 states, *"providing the basis for the continued growth and economic development of all parts of London is a key theme of this Plan"* and *"the role of planning is to facilitate change in ways which ensure that all parts of London and all kinds of enterprises can flourish and contribute to the prosperity of the whole city, and all of its people."*

NEW WORLD PAYPHONES

Camden Local Plan Policy A1 states, inter alia, 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.

As a material consideration, the NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development. It states further that *“planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*

Sustainable development is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The proposed development complies with this definition. It offers facilities which meet the needs of today (and tomorrow), it would contribute to the economic prosperity of a range of enterprises, and can be easily removed without any trace which might compromise the future.

As noted, the reverse side of the replacement Kiosk incorporates an integrated digital advertisement display, which is also integral to the rationalisation initiative proposition. In short, the advertising display is needed by the development.

London Plan Policy 4.1 states providing the basis for continued growth and economic development of all parts of London is a key theme of the plan, and the role of planning is to facilitate change in ways that ensure that all kinds of enterprises can flourish and contribute to prosperity. Camden Local Plan Policy A1 recognises the needs of development require balancing against the needs and characteristics of the local area and community. The NPPF goes further stating that ‘significant weight’ should be placed on the need to support economic growth – of which the proposal is a constituent part - taking into account local business needs and wider opportunities for development, and the approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

The proposed development would enable the Applicant to build on its strengths, counter its threats, and address the economic challenges of the future, in turn enabling it to contribute to the city’s prosperity. The proposal is therefore in accordance with Policy 4.1 of the London Plan, Camden Local Plan Policy A1 and related NPPF policy.

Inclusivity

Policy 7.5 of the London Plan states, *“London’s public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.”* Policy 7.2 states, *“the Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design”.*

NEW WORLD PAYPHONES

Camden Local Plan Policy D1 'Design' states, *"The Council will require that development: ... g. is inclusive and accessible for all."* Policy C6 in turn states, *"the Council will expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all."*

On this subject, the NPPF states, *"Planning decisions should aim to achieve healthy, inclusive and safe places."*

The latest inclusivity standards for public telephone kiosks are contained in the 2018 British Standards BS8300-1:2018 and BS-2:2018. BS 8300-1 and 2:2018 (the "Standard") is a code of practice and takes the form of guidance and recommendations. The proposed replacement Kiosk is compliant with guidance in the Standard relating to Public telecommunication equipment within the External environment.

In accordance with the Standard, the replacement Kiosk is an open design that is accessible from both the front and side enabling easy access for a wheelchair user, is fitted with assistive technology including volume control and inductive couplers and there is an indication of their presence, has a well-lit keypad, raised numbers that contrast visually with their background with a raised dot on the number 5, the instructions for using the phone are clear and displayed in a large easy to read typeface, and the telephone controls are located at 1060mm above floor level, the recognized comfortable height for a wheelchair user.

The proposed replacement Kiosk complies with the latest inclusivity guidance and recommendations contained within BS8300-1:2018 and BS-2:2018. The proposal is therefore in accordance with London Plan Policies 7.2 and 7.5, Camden Local Plan Policy D1 and related NPPF policy.

Design and local context

London Local Plan Policy 7.5 part A states, *"London's public spaces should ... incorporate the highest quality design, landscaping, planting, street furniture and surfaces."* Part B of the policy states, inter alia, *"street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space. Opportunities for ... greening (such as through planting of trees and other soft landscaping wherever possible) should be maximised."*

Camden Local Plan Policy D1 'Design' states, *"The Council will seek to secure high quality design in development. The Council will require that development:*

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*

NEW WORLD PAYPHONES

e. comprises details and materials that are of high quality and complement the local character;
f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage; ...”

As a material consideration, TfL’s Streetscape Guidance states *“black street furniture is preferred as a default for the TLRN with the exception of higher speed routes that do not provide for pedestrian movement”*.

In designing the new Kiosk, the Applicant’s intention was to create an instantly recognisable yet modern telephone kiosk. It pursued therefore a traditional approach in the design process, drawing what it sees as appropriate influence from UK kiosk design heritage. The design is also purposefully ‘open’ to enable unfettered access for all users, including the accessibility impaired, and to help eradicate anti-social behaviour sometimes associated with kiosks. The new Kiosk is finished in black and manufactured from durable, high quality materials.

As per the below excerpts taken from various appeal decisions, the design merits of the proposal are now widely accepted:

- *“The new kiosk would appear as a more up to date and aesthetically pleasing structure in the streetscene”* (Ref: APP/X5990/W/17/3182187);
- *“The design has regard to more traditional K6 phone boxes in terms of its slightly domed roof and the fenestration pattern on the side panel. ... The proposal therefore represents an opportunity to improve and modernise its appearance”* (Ref: APP/X5990/W/17/3182287);
- *“The appellant explains that the new kiosk design, while modern in function draws influence from UK telephone kiosk design heritage. This appears to be particularly the case with regard to the roof shape and glazed side panel. These design features and particularly the incorporation of the ‘telephone’ signage to each side of the roof, would clearly indicate its principal purpose and function, despite the advertisement panel to the rear”* (Ref: APP/K5600/W/17/3190377);
- *“The kiosk would replace tired looking telephone kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area”* (Ref: APP/K5600/W/17/3190422); and
- *“The new kiosk would be open sided with a comparable height and footprint as the existing structure, and the black finish and straightforward design would reflect nearby street furniture”* (Ref: APP/H5390/W/17/3192419).

The new Kiosk has been consented in 49 local authorities across the United Kingdom, including 30 (90%) of the 33 London Boroughs, including Hammersmith & Fulham, Royal Borough of Kensington & Chelsea, the City of London, the City of Westminster, Islington, Lambeth, Wandsworth, Hounslow, Ealing and Brent (to name a few). Many of these local authorities have comparable public realm, planning and heritage asset characteristics to Camden.

NEW WORLD PAYPHONES

As per the following further excerpts taken from various appeal decisions, the replacement Kiosk is also widely accepted as respecting local context and character:

- *“The black colour scheme would integrate visually with other forms of street furniture of a similar colour”* (Ref: APP/K5600/W/17/3190377);
- *“Taking in to account its size, position, design and colour, I am satisfied that the proposed kiosk would assimilate well in to the street-scene”* (Ref: APP/X5990/W/17/3182001);
- *“Therefore its siting and appearance would have a neutral effect on the character and appearance of the surrounding area. As such, the character and appearance of the Conservation Area surrounding would not be harmed and would be preserved”* (Ref: APP/X5990/W/17/3182344); and
- *“The proposal would be no more visually intrusive than the existing kiosk and would integrate well in to the street scene”* (Ref: APP/H5390/W/17/3192419).

The replacement Kiosk would appear as an up-to-date and aesthetically pleasing structure that would assimilate well in the street scene, in particular given the West End Project’s improvements to Tottenham Court Road. It would be viewed by passers-by as an example of modern street furniture the likes of which are now commonplace and thus part of the fabric of predominantly commercial areas of this kind. It would be viewed in the context of its predominantly commercial surroundings, alongside a busy main movement corridor within the Borough, in the foreground of continuous ground floor commercial frontage, among existing street furniture. In this context, it would appear as an appropriate form of development, would respect and maintain the scale and hierarchy of the existing kiosks in the street scene, and would therefore preserve (or leave unharmed) the amenity, character and appearance of the locality. The proposal would therefore meet the provisions of London Local Plan Policy 7.5, Camden Local Plan Policy D1 and relevant TfL Streetscape Guidance.

Safety and security

Camden Local Plan Policy D1 states, *“The Council will require that development ... is secure and designed to minimise crime and antisocial behaviour.”* Policy C5 ‘Safety and security’ states, *“the Council will require developments to demonstrate that they have incorporated design principles which contribute to community safety and security.”* London Plan Policy 7.13 states, *“Development should include measures to design out crime”.*

NPPF policy ‘Promoting healthy and safe communities’ states, *“Planning decisions should aim to achieve healthy, inclusive and safe places” ... “so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.”* Para. 95 adds, *“the design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications.”*

The Applicant is aware of the issues raised previously by the Metropolitan Police’s Design Out Crime Officer, in respect of the withdrawn prior approval applications. Due in large part to the enclosed design and poor maintenance (factors which the Applicant inherited on acquiring the company), some old telephone kiosks have become focal points for anti-social

NEW WORLD PAYPHONES

behaviour. Following the 'broken window' theory, if a location looks that it is uncared for and in a state of disrepair, then this often leads to other criminal or anti-social behaviour in that location. The removal and replacement therefore of old, enclosed kiosks with a modern, better designed (open) kiosk is welcomed by the Design Out Crime Officer. The ongoing cleaning and maintenance of the replacement Kiosks is then of great importance.

In principle, the Design Out Crime Officer is supportive of the Borough-wide kiosk estate rationalisation initiative, that will see a considerable number of old, tired-looking kiosks removed and with them potential focal points for anti-social behaviour.

The Police advise that some kiosks are used as a back rest for beggars. This being the case, they advise for the longer side of the kiosk to be on the vehicular carriageway side. This allows the 'open' side of the kiosk to be on the pedestrian side, increases natural surveillance in to the kiosk for passers-by, and reduces the opportunity for the kiosk to be used as a back rest.

As noted earlier, the design of the new Kiosk is purposefully 'open', specifically to increase natural surveillance in to the kiosk for passers-by. Alongside the proposed cleaning and maintenance regime, that will see the new kiosks cleaned and repairs / maintenance actioned weekly, the firm intention is to eradicate the anti-social behaviour sometimes associated with kiosks.

The foregoing paragraphs demonstrate that the replacement Kiosk is designed to minimise crime and antisocial behaviour, and that the proposal is informed by the latest information available from the Police. The proposal is therefore compliant with Camden Local Plan Policy D1 and C5, London Plan Policy 7.13 and related NPPF policy.

Improvements to the pedestrian environment

Camden Local Plan Policy T1 states the Council will promote sustainable transport by prioritising walking, cycling and public transport. In promoting walking and improvements to the pedestrian environment, the Council will seek to ensure that developments "*a. improve the pedestrian environment by supporting high quality public realm improvement works; b. make improvements to the pedestrian environment ...*" Policy D1 'Design' states, "*The Council will require that development: ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.*"

The Council's Streetscape Design Manual refers to the aspiration of 'reducing clutter' in the public realm.

TfL's Streetscape Guidance states, "*poorly placed or excessive street furniture can create a cluttered environment resulting in obstructions, reduced legibility and a blighted character. Successful public places have had every piece of street furniture rationalised ...*" The Guidance adds, "*where more telephone boxes exists than deemed necessary, ... the highway authority should work with the operator to reach an agreement to relocate or remove the structure, while retaining adequate service coverage*".

NEW WORLD PAYPHONES

As noted earlier, the Applicant proposes upgrading 20 of its 70 existing kiosks across the Borough. The remaining 50 kiosks would be removed as part of a Borough-wide rationalisation exercise, equating to a 71% reduction across the Borough. This associated kiosk removal would deliver significant, Borough-wide decluttering of the public realm and with it Borough-wide improvements to the pedestrian environment. The proposals are therefore compliant with Local Plan Policy T1, and the above-mentioned Streetscape Design Manual and TfL Streetscape Guidance.

Localised siting considerations

The Council's Streetscape Design Manual establishes guidelines for maintaining 'clear footway' widths for different volumes of pedestrian traffic. *'Clear footway' is ... the unobstructed pathway width within the footway.*

- *1.8 metres - minimum width needed for two adults passing.*
- *3 metres - minimum width for a 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. Combining or 'bunching' of street furniture can help achieve this.*

TfL's Streetscape Guidance states, *"The impact of any new telephone box on the coherence and quality of the streetscape should be considered. Locations need to be assessed on their own merits, with due consideration for available footway widths, the impact on pedestrian and cycle desire and sightlines, existing footway demand from surrounding activities and buildings, availability of ATMs, and an analysis of local antisocial behavioural issues."* The guidance adds:

- *"Telephone boxes should not be installed where the footway clear zone is less than 2,000mm wide*
- *They should not be installed if doing so would create an obstruction which could pose a safety hazard ie at the front of a kerb in close proximity to a junction or side road*
- *They should be located away from loading bays, service access points and crossovers. The doors should not open into the path of pedestrians*
- *The box should be no less than 450mm from the kerb face*
- *Boxes should be positioned to ensure that there is sufficient space to allow mechanised cleaning."*

The Site Plan included with the applications was prepared following meetings with the Council's Principal Transport Planner in May 2018 (in connection with the then prior approval applications), when planned changes to Tottenham Court Road under the West End Project were discussed. The proposed Kiosk re-location was agreed as working with the planned public realm improvement works, and the Principal Transport Planner confirmed his support for the proposal from a siting and transport safety standpoint. The proposal is therefore acceptable in terms of siting considerations.

NEW WORLD PAYPHONES

ADVERTISEMENT CONSENT APPLICATION - ASSESSMENT

In accordance with the Advertisement Regulations, the key issues in relation to the Advertisement Consent application are *amenity* and *public safety*, taking in to account the development plan in so far as it is material, and any other relevant factors.

Amenity

As noted earlier, the locality containing the application site is predominantly commercial in character and appearance and, therefore, of the kind where roadside advertising may be acceptable. Tottenham Court Road is one of the Borough's key commercial thoroughfares, the character and appearance of which is accentuated by the constantly busy road itself, which is subject to current works that will see it become two-way.

The adjacent ground floor frontage consists of modern shop fronts featuring therefore modern features and associated signage, some of which is internally illuminated.

Reflecting the commercial and also movement-corridor nature and character of the location, the locality features the usual street furniture including bus shelters, telephone kiosks, trees, bicycle racks, lamp poles and so on; the location of some of this furniture is changing care of the West End Project. The principle of roadside advertising in the area is established by *inter alia* nearby internally illuminated 6-sheet advertising displays north and south of the application site.

The application site is not within a Conservation Area and there are no listed buildings in the vicinity of the application site.

The proposed advertisement display within the replacement Kiosk would be visually contained within the host kiosk, and would be viewed by passers-by as an example of a now familiar street furniture genre, examples of which are found nearby as well as being evident across London. It would be viewed in what are predominantly commercial surroundings, alongside a busy movement corridor in terms of vehicular and pedestrian traffic, against the backdrop of continuous ground floor commercial frontage, and among other street furniture which features roadside advertising. In this context, the proposed display would appear as an appropriate form of development, would be in scale and in keeping with features that characterize the area surrounding, would assimilate well in the street scene and, therefore, would reflect rather than harm the amenity, character and appearance of the locality.

Public safety

As per the Site Plan accompanying the application, the replacement Kiosk would be side on to the road, 500mm from the pavement line, with the advertisement display therein facing south-east.

National Planning Practice Guidance states, "*All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are*

NEW WORLD PAYPHONES

more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.”

Transport for London (“TfL”) has produced guidance on digital roadside advertising; ‘Guidance for Digital Roadside Advertising and Proposed Best Practice’ published by TfL in 2013. This states, *“static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.”* The guidance states further that *“not all sites will be appropriate for advertising, but with appropriate controls, digital advertising should be no more or less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl etc).”* The guidance adds that advertisements will not normally be permitted if they are proposed within the controlled zigzag area or within 20m of a pedestrian crossing.

Responding to the above-mentioned National Planning Practice Guidance, the application site is within a predominantly commercial area, the proposed display is of a type that is increasingly commonplace and thus ‘normal’ in the public realm across London, and the advertisement display would not impact on the skyline. The proposal is therefore of a type *“less likely to create road safety problems.”*

As noted earlier, the Site Plan accompanying the application was prepared following consultation with the Council’s Principal Transport Planner in May 2018, and was prepared having regard to changes to Tottenham Court Road as part of the West End Project. The Site Plan was agreed by the Principal Transport Planner and the Planning Officer handling the then prior approval and related advertisement consent applications, prior to their withdrawal. The proposal is unchanged meaning it can be inferred that it is again acceptable in terms of *public safety* factors.

Conclusions

The subject applications are submitted following over 3 years’ worth of constructive work between the Applicant and the Council. Reasonably, the Applicant hopes that this work will assist the positive determination of the subject applications.

The Applicant recognises that with the advent of the mobile phone, the use of public telephone boxes has declined. The opportunity exists therefore to rationalise the existing kiosk network, and with it to achieve decluttering of the public realm. The Applicant proposes upgrading a small number of existing Kiosks across the Borough to the new, enhanced electronic communications services offering, and the removal of those kiosks not upgraded, the initiative being part-funded by revenues from advertising.

The subject applications represent therefore an opportunity to achieve significant Borough-wide telephone kiosk removal and with it Borough-wide public realm decluttering, and associated improvements to the pedestrian environment.

NEW WORLD PAYPHONES

The proposed replacement Telephone Kiosk is an aesthetically pleasing contemporary design that would represent an improvement on the existing kiosk both visually and functionally. As demonstrated, the design and utility merits of the proposal are widely recognised across the United Kingdom.

The proposed replacement Kiosk is in accordance with relevant Development Plan policy, relevant national planning policy, and relevant supplementary planning policy, guidance and recommendations. The proposed advertisement display within the replacement Kiosk is also acceptable in terms of amenity and public safety factors.

Respectfully we hope very much that this set of applications, and those in respect of the other telephone kiosks proposed for upgrade, will receive favourable consideration.

Yours faithfully,



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Encs.