

Delegated Report		Analysis sheet	Expiry Date:	03/01/2019
		N/A / attached	Consultation Expiry Date:	10/12/2018
Officer			Application Number(s)	
Tony Young			2018/5562/P	
Application Address			Drawing Numbers	
Land Adjacent to 90 Tottenham Court Road London W1T 4TJ			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of 1 x telephone kiosk on the pavement.				
Recommendation(s):	Prior Approval Required – Approval Refused			
Application Type:	GPDO Prior Approval Determination			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers and/or residents:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p> <u>A site notice was displayed on 21/11/2018 and expired on 15/12/2018</u> </p> <p> In response to the proposal, the following objections were received from a local resident: </p> <p> <u>Flat 18, Russell Square Mansions:</u> </p> <ul style="list-style-type: none"> • I do not believe that it provides any public benefit as there are enough existing phone boxes for the very small number of people who need to use a telephone on the move but do not have a mobile phone. • I also believe that this will constitute a threat to public safety and an obstruction to free movement of people on the already crowded pavements. Phone boxes seem merely to serve as a place for pimps to place cards advertising prostitutes which merely results in litter on the pavement when one card poster removes one set of cards to replace them with another. I have witnessed some very unpleasant behaviour when the two parties argue. They provide a place for a variety of items to be stowed. They are often used as urinals. • This application seems merely an attempt to get advertising space on the street without admitting as much. <p> <u>The Fitzrovia Partnership</u> object, summarised as follows: </p> <ul style="list-style-type: none"> • The Fitzrovia Partnership is a Business Improvement District representing 300 businesses in the area of Tottenham Court Road. • Cleansing and appearance - The London Borough of Camden started a multi million pound project to improve Tottenham Court Road, the purpose of the scheme is to deliver a bold vision for the future of the area. Part of that is to improve the look of this street which has become cluttered run down and neglected. This presents several issues: <ul style="list-style-type: none"> • Waste and Fly-tipping - There are FORTY public telephone boxes spread along Tottenham Court Road; Boxes are not cleaned; Boxes are used by the homeless Damage - We currently have two telephone boxes that have been hit by a vehicle and are leaning at an angle with tape around. These phone boxes have been in this condition for a number of months. Apparently short of parts. • Crime - Organised crime is evident ass all of the phone boxes are covered with in excess of six prostitute advertising cards in each. These we tried to remove on a daily basis, averaging each year ten thousand cards removed each year. However, to prove the criminal use of the phone boxes we had to stop when our staff were threatened by the organised gang running the card scheme. These cards all show scantily clad females and are easily viewable by all including children and visitors to the area. The phone companies make no attempt to remove these cards. • Drug use - This is evident as several phone boxes have had their windows painted in a opaque substance restricting the view in. These boxes are suspected to be magnets for drug users especially those 					

from the street population who have no shelter in which to take their drugs. These boxes remain uncleaned and as a result the contamination from users remains in the phone box.

- Anti-Social Behaviour - The phone boxes also act as a cover for the many beggars who operate in the street, who sit behind the phone box.

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

- Telephone kiosks are no longer used for their original purpose due to the fact that nearly every person is in possession of some kind of mobile device thus negating the need to use fixed land line telephones. As a result of this the phone boxes in The London Borough of Camden have now become 'crime generators' and a focal point for anti-social behaviour (ASB).
- My own previous experience of policing Camden highlights the above ASB, ranging from witnessing the taking of Class A drugs, urination, littering, the placing of 'Prostitute Cards', graffiti, sexual activities and a fixed location for begging. All of which have occurred within the current telephone kiosks. Also, due to poor maintenance any that are damaged or are dirty do not get cleaned, which makes the telephone kiosk unusable and an eye sore. Following the 'Broken Window' theory, if a location looks and feels that it is uncared for and in a state of disrepair then this leads to other criminal activity occurring within that location.
- The proposed location of the device is close to a very busy pedestrian crossing due and also has a very high pedestrian footfall due to the number of businesses, offices and visitors to the number of shops. This area also has the 'Street Food Market' present, which during every lunchtime is massively crowded with customers queuing at each stall. These queues are so large that they always encroach into the normal flow of pedestrian traffic. The addition of the device to what is already an area with various objects disrupting freedom of movement will become a safety concern. Also the same applicant has applied for another device outside 80-85 Tottenham Court Road – Planning Application – 2018/5531/P. This would mean two (2) units, exactly the same, only metres apart would be present within the area if this proposal is successful. Totally unnecessary and detrimental to the local area.
- The design of the unit itself appears to be an issue as the operating unit, chargers and handset are situated on one side. Therefore if a person is using the unit they cannot see what is going on around them nor who could be approaching them from further up the foot path. Therefore creating a fear of crime whilst being used. The solar panels positioned at an angle on top of the device will act as a shelter from inclement weather.
- The hand set unit appears to be recessed into the main unit and therefore appears from the picture graphic to create a flat surface. Tottenham Court Road and the surrounding area is well known for Class A Drugs Misuse and therefore any well-lit and smooth surface is used for the preparation of such narcotics. This recess could also be used to store small objects and conceal them if police approach a suspect drug misuser preventing them from detecting crime.
- The introduction of the unit will also increase the above ASB, as it conceals the activities of what is occurring behind the actual space and prevents police or passers-by seeing what or who is in/near

there. This generates for the latter a fear of crime especially in regards to begging. As they will use the phone box as a cover and as a back rest when they sit on the floor, when the footpath is reduced in width even more by their presence pedestrians have to walk past closely and therefore this generates an uncomfortable feeling for them.

- The extra lighting produced by the kiosk and the space it uses up in the public realm will also create an added distraction to an already cluttered street space. Any CCTV monitoring the area will be effected by this and therefore any crime prevention/detection properties they produce is lost.
- Recent media reports have highlighted the increase in planning applications submitted to local planners for the construction of telephone kiosks. These were proven to have very little or no benefit to the local community especially in regards to the facilities that they are alleged to supply. The main reason busy locations with a high pedestrian and vehicle activity is chosen so that the telephone kiosk can be used as advertising space.

Transport for London (TfL) objects on the following grounds:

- The site of the proposed telephone kiosk is on A400 Tottenham Court Road, which forms part of the Strategic Road Network (SRN). TfL have a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
- The current London plan Policy 6.10 (Walking) refers to 'promoting simplified streetscape, decluttering and access for all' and also states that Planning Decisions 'should ensure high quality pedestrian environment and emphasise the quality of the pedestrian and streetscape'.
- Decluttering the streetscape is also prioritised in TfL Streetscape Guidance (available at: <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit>). Part E, page 241 of the guidance is about phone boxes and states 'New open-sided units, such as the ST6, are now in use and include a 1.36 metre wide illuminated advert on one side. ST6 units should be fitted so that the advertisement faces the flow of traffic. A footway width of 4.2m is required but designers should also consider pedestrian flows to determine appropriate placement'. The unit proposed is similar to the ST6 discussed in the TfL Streetscape guidance.
- The Draft London Plan Policy D7 (Public Realm) states 'Ensure that shade and shelter are provided with appropriate types and amounts of seating to encourage people to spend time in a place, where appropriate. This should be done in conjunction with the removal of any unnecessary and dysfunctional clutter or street furniture to ensure the function of space and pedestrian amenity is improved. Applications which seek to introduce unnecessary street furniture should normally be refused'.
- Draft London Plan Policy T2 (Healthy Streets) states that 'Development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance'. TfL does not consider that this application will deliver any improvements which support any of the ten Healthy Streets Indicators.
- It is for Camden Council, as planning authority to consider the merits of the proposals, taking account of consultee comments, however TfL would urge that consideration is taken of the range of improvements

that have or are due to be undertaken in this area by developers and the public sector to the public realm for walking, cycling and public transport facilities and whether the proposals support or undermine these. TfL would also ask the council considers whether there is a need for the new facility, given the widespread use of mobile phones and the provision of Wi-Fi, as well as the proximity of a number of other phone kiosks and similar in the area, especially given the absence of any means of blocking traffic and other surrounding noise when making or receiving calls, the claimed purpose of the kiosk would be seriously undermined.

- In conclusion, TfL objects to the grant of prior approval for the above reasons.

West End Project (in conjunction with the Council Transport Strategy Team)
object as follows:

- All relate to proposed new phone kiosks on Tottenham court road. There are currently 42 phone kiosks on this one stretch of road which are operated by three separate operators. Applications are in for a further six kiosks by this additional operator. (Three of which are referred to in this document) This would give a total of 48 phone kiosks which would mean that there would be a kiosk approximately every 22m. Even before the advent of mobile phone technology this would be considered highly excessive with the recommendation at the time being something in the region of 200m and so these proposals are around one tenth of that recommendation.
- None of the applications make reference to existing street furniture which is relevant when assessing the siting of these new boxes.
- The additional kiosks are of no benefit to either residents, businesses or visitors and in fact are quite the opposite. The kiosk are used for everything bar making phone calls. There use for anti-social behaviour is renown in the area. They are used for drug dealing, they display an array of cards advertising prostitution and are used as urinals. They are used by rough sleepers. They are not maintained and are generally kept in a disgusting state. All irrespective of the operator. They add to street clutter all of which go against the cleaner safer street policy of the council. The additional kiosks will mean that we will get additional complaints because they will be used as the existing ones are putting additional pressure on what is already a challenging financial position that the council face.
- We are looking to declutter the highways of the borough and in particular Tottenham Court road as part of the council's west end project. The proposal to install additional street clutter in the form of additional phone kiosks which have no benefit bar affording the opportunity for advertising revenue for the operator will set back this program and send a message to all that we are not in a position to implement council policy. Safety must be a consideration here when reviewing as part of the siting element.
- Safety must also be considered as part of the design. The monolithic design has the phone apparatus on one side of the unit. This means that anyone using the unit is not visible to a people approaching from the opposite side. This cannot be considered safe. All other phone kiosk designs have the user visible at all times. My understanding from PD rights is that this has to be the case when looking at static advertising on the glass panels of phone kiosks. The design also utilises old technology in that it uses a traditional handset These are vandalised on a regular basis meaning unless regularly maintained

(which on past evidence they are not) means that the unit is not fit for purpose for long periods of time.

- None of the proposed sites have taken into consideration the major redevelopment that is taking place in this area the aim of which is to make the councils streets cleaner and safer for those who live work and visit the borough. This is also part of the modal shift which, supported by the mayors transport policy, aims to get more people walking thus reducing traffic congestion and improving air quality. This is also underpinned by the government and the Department for Transport cycling and walking investment strategy. Additional street clutter does not support this modal shift and would therefore not be in line with any transport policy either locally or nationally.
- Under the Ofcom electronic communications code, code of practice, under the heading new agreements for the installation of Apparatus section 1.14 States, “Additional apparatus can be required for a number of reasons such as Customer demand, To provide coverage to new areas, To provide additional network capacity, To provide new services, To replace obsolete sites or sites that are being redeveloped”.
- I would suggest that it can be reasonably argued that none of the above apply in the case of any location on Tottenham court road. Within the document there is a section Stage 2: Consultation and agreement. Which includes “consulting with the Local Planning Authority”. As there has been no pre-application then I would argue that they have not conformed to the regulators code of practice.
- In a recent article, Ashley Smatt a Director of Maximus Networks commented that” the units can successfully replace many public telephone boxes across the country” what he failed to mention is that Maximus are not replacing the existing telephone boxes as they do not belong to them but are in fact adding to the street clutter” he also states that “telephone boxes are part of our infrastructure like railways and utilities. Their purpose is only governed by the laws of public demand.” With 42 existing public telephone boxes in Tottenham Court Road I think it can be safely assumed there is no demand for further boxes. He also states “that the reality is that all too often our mostly urban boxes are neglected, badly maintained and a focus for vandalism.” This is very much the case in Tottenham Court Road and additional urban boxes that Maximus wish to install will not improve this situation but add to the problem that he by his own admission exists.

Transport Strategy (in conjunction with the Council Highways Team) object as follows:

- The site is located on Tottenham Court Road (A400) 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. Tottenham Court Road is currently a one-way road with vehicular traffic travelling in the northbound direction. Records indicate that 44 telephone kiosks are already located on the pavements along the Tottenham Court Road corridor. The Council is currently implementing a £35M package of measures which will transform the public realm in this part of the borough (West End Project). Tottenham Court Road will become a two-way road, with only buses and cyclists permitted at peak times. The project includes the

widening of pavements and rationalisation of street furniture zones with the aim of accommodating very high volumes of pedestrians both now and in the future. It should be noted that pedestrian volumes are forecast to grow significantly with economic growth in Central London, Crossrail due to open shortly and High Speed Two (HS2) currently under construction. The Council has been working closely with existing telephone kiosk owners such as BT and New World Payphones with a view to reducing the number of telephone kiosks within the project area. These operators have been (and are) coming forward with new proposals to replace existing telephone kiosks with modern designs which include various benefits to the general public. These include free phone calls, free Wi-Fi and internet usage and free charging points for mobile phones and other electronic devices (e.g. tablets). The operators have agreed to remove up to 4 existing telephone kiosks for every renewal which gains approval. This is of enormous public benefit and helps the Council achieve its decluttering objectives (one of the main objectives of the West End Project). I can provide a copy of the construction drawings for reference if that would be useful. The file size is 10MB.

- The general arrangement plans for the West End Project indicate that cycle parking stands are to be located on the footway at the same location where the proposed telephone kiosk would be located. The cycle parking stands are deemed to be essential items of street furniture and their location has been carefully considered by the scheme designers. The proposal to locate a telephone kiosk would mean the Council would be unable to deliver this important element of the West End Project (note that encouraging cycling is one of the Council's key transport policies). The proposal is therefore unacceptable and must be refused on this basis.
- A planning application for a nearby site on the pavement outside 84 Tottenham Court Road was submitted to the Council on 04/09/18 (planning reference 2018/4244/P). This followed a pre-application site meeting with representatives of the applicant on 19/06/18. The development description is as follows: *Erection of freestanding BT Panel providing phone and Wi-Fi facilities, with 2 x internally illuminated digital advertisements.*
- It is worth noting that the proposed BT Panel would be considerably smaller than the proposed telephone kiosk (435 mm narrower, as discussed below). In addition, the proposed BT Panel would provide various public benefits including free phone calls, free Wi-Fi and internet usage and free charging points for mobile phones and other electronic devices (e.g. tablets). The proposal if approved would include the removal of up to 4 existing kiosks on Tottenham Court Road. The specific kiosks are yet to be agreed. However, it would make sense for the 4 BT kiosks nearest to the site to be removed as part of any approval. The proposal if approved would help to deliver a key objective of the West End Project, namely decluttering the public realm for the benefit of pedestrians through the removal of redundant or unnecessary street furniture. I am supportive of the proposal as the public benefits are wide ranging and in my opinion outweigh any harm. However, this does not mean that consent will be granted.
- Policy T1 of Camden's Local Plan states that to promote sustainable transport choices, development should prioritise the needs of pedestrians and cyclists and ensure that sustainable transport will be the primary means of travel to and from the site. It goes on to state

that the Council will seek to ensure that developments improve the pedestrian environment, including the provision of high quality footpaths and pavements for the number of people expected to use them. It also states that features should be included to assist vulnerable road users where appropriate.

- Camden Planning Guidance document CPG1 (Design) provides some guidance on telephone kiosks. Paragraph 9.27 includes the following text: *All new phone boxes should have a limited impact on the sightlines of the footway. The size of the box or other supporting 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.*
- Camden Planning Guidance document CPG7 (Transport) provides some guidance on street furniture. Paragraph 8.6 states that the Council will seek improvements to streets and spaces to ensure good quality
 - access and circulation arrangements for all. This includes improvement to existing routes and footways that will serve the development. Key considerations informing the design streets and public spaces include:
 - ensuring the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities; taking account of surrounding context and character of area;
 - providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas;
 - avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by pavement parking or by street furniture.
- Paragraph 8.10 of CPG7 states that works affecting highways should avoid unnecessary street clutter; design of footways should not include projections into the footway, unnecessary and cluttered street furniture or other obstructions; and any minimum standards for footway widths should not be used to justify the provision of unnecessary street clutter or reduction in footway widths.
- 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 kiosks would have a footprint of 1.325 metres x 0.219 metres (0.29 sqm). The footprint of the proposed telephone kiosk is broadly similar to that of the new BT replacement kiosks. However, the longer of the 2 horizontal dimensions (1.325 metres) would be 435 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.
- 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.
- The proposed site is located in close proximity to the junction with Howland Street. This junction and pedestrian crossing is controlled by traffic signals. Transport for London (TfL) has published a document titled 'Streetscape Guidance'. This is available on TfL's

website at the hyperlink below:
<https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit#on-this-page-0>.

The section on safety at pedestrian crossings on page 142 includes the following text: *Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles.*

- The proposed kiosk would obstruct sightlines along the footway. This is a similar situation to a telephone kiosk application for which an appeal was dismissed on the pavement outside 29-31 Euston Road, London NW1 2SD. The Planning Inspector concluded that the proposal to locate a telephone kiosk in close proximity to traffic signals would constitute an unnecessary hazard. The decision is contained with the attached report covering various sites along the Euston Road corridor. Paragraph 36 and the conclusion of the report are particularly relevant. The proposal should be refused on the same grounds.
- The footway on the west side of Tottenham Court Road at the above site is unusually wide when compared with other sections of the corridor. There is a complete lack of bulky items of street furniture on the footway directly adjacent to the site. However there are some slender items including a lamp column, some cycle parking stands arranged parallel to the kerb and a small feeder pillar cabinet. The street furniture in the general vicinity of the site is defined by a row of mature trees which gives the area a leafy feel. The nearest telephone kiosks are located at the junction with Howland Street to the north and Torrington Place to the south. The Council are negotiating with the owners of these kiosks with a view to removing them. As an example, the BT kiosk near the junction with Howland Street would be removed if the aforementioned BT Panel were to be approved.
- A row of mature trees is located adjacent to the kerbside in the general vicinity of the site. These help to soften the landscape and define the street. Unfortunately, the street scene has been spoiled by the installation of a telephone kiosk to the north of the site, near the junction with Howland Street. However, the Council is working with BT to arrange for the removal of this kiosk. The proposal to install a further telephone kiosk would only worsen the situation through the introduction of unnecessary street clutter in an already cluttered pedestrian environment. The proposal would therefore have an unacceptable impact on the street scene. The street scene is somewhat similar to that adjacent to 297 Euston Road. It is worth referring to the recent appeal decision (planning reference 2017/5183/A) to provide advertising at an existing telephone kiosk at that location. The Planning Inspector notes at paragraph 5: *Due to its bulk and siting, the kiosk erodes the existing openness beyond the row of trees, and due to its depth and width, it disrupts the largely unrestricted routes of pavement users by the row of trees.*
- The proposal to site an additional telephone kiosk outside 90 Tottenham Court Road would also erode the existing openness of the street scene. It would also obstruct pedestrian desire lines along and across the footway. The proposal should be refused on the same grounds.
- 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 indicates that the footway is approximately 9 metres wide. The plan also indicates that

the resulting effective footway width would be reduced to 7.3 metres. This would exceed the minimum requirement of the guidance. However, the measurements provided are highly misleading. The plan submitted with the tables and chairs application for the neighbouring property (Greggs, 92 Tottenham Court Road, planning reference 2018/2268/TC) suggests that the footway is 8.4 metres wide. It also indicates that the effective footway width adjacent to the tables and chairs zone is 5 metres. This measurement essentially defines the existing effective footway width at the site (i.e. from kerb to tables and chairs zone). The proposal would therefore result in an effective footway width of approximately 3.2 metres (i.e. 5m - 1.325m - 0.45m). This is contrary to the aforementioned guidance. As a comparison, the proposed plan for the aforementioned BT InLink application outside 84 Tottenham Court Road indicates that the effective footway width between the BT InLink unit and the adjacent property would be 7.3 metres. The significant loss of footway space which would result from the proposed kiosk is considered to be unacceptable in this Central London location, in such close proximity to Tottenham Court Road station (Crossrail, Central Line and Northern Line). Pedestrian footfall is exceptionally high and this is predicted to increase significantly with ongoing economic growth in Central London, Crossrail due to open shortly and High Speed Two (HS2) currently under construction.

- It is also worth noting that objections submitted against the proposal have highlighted the close proximity of the proposed kiosk to various ATM machines in the façade of 2 adjacent banks. This is a section of footway where pedestrians congregate when waiting to use the ATM machines. The proposal would worsen existing levels of pedestrian congestion at this location. It would also introduce a potential hazard to the safety and security of people queuing to use the ATM machines. The proposal should be refused on this basis.
- The appeal decision to refuse a similar telephone kiosk on the pavement outside Fitzroy House, 355 Euston Road, London NW1 3AL (planning reference 2017/3544/P) is worthy of reference. This decision is within the attached report. Paragraph 15 is particularly relevant to this current application. The proposal should be refused on the same grounds.
- Observations indicate that pedestrians cross the road at the site where the telephone kiosk would be located. This is a similar situation to 2 similar applications on Hampstead Road adjacent to Euston Tower. The Planning Inspector in dismissing those appeals noted that pedestrians crossed the road at those locations even though there were dedicated pedestrian crossing facilities nearby. The Planning Inspector took the view that introducing a telephone kiosk where pedestrians cross the road would introduce an unnecessary hazard. Reference has been made to an appeal decision to refuse a similar telephone kiosk on the pavement outside Euston Tower on west side of Hampstead Road, London NW1 3DP (planning references 2017/3527/P and 2017/3542/P). This decision is within the attached report. Paragraphs 20-23 and the conclusions at the rear of the decision report are particularly relevant to this current appeal. The proposal should be refused on the same grounds.
- It should be noted that at least 4 existing telephone kiosks are located within 50 metres of the site (1 to the north, 1 to the south and 2 opposite). The proposal to introduce an additional telephone kiosk

directly adjacent to 2 existing telephone kiosks would merely introduce unnecessary street clutter. As mentioned, the Council is working with BT, NWP and others with a view to rationalising the number of telephone kiosks on Tottenham Court Road. However, this is subject to the outcome of relevant planning applications such as the one already discussed at the same site as is being considered by this appeal. The proposal to introduce a new telephone kiosk would work against these efforts.

- The proposed telephone kiosk would be significantly wider than the established street furniture zone (including existing kiosks) in the general vicinity of the site (bearing in mind that the street furniture zone is to be rationalised as part of the West End Project and existing kiosks and free standing information panels will be relocated closer to the kerb). It would as a result encroach significantly into the effective footway width available for pedestrian movement. 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. Paragraph 6.3.10 of the Manual for Streets states: *Obstructions on the footway should be minimised. Street furniture is typically sited on footways and can be a hazard for blind or partially-sighted people.*
- The proposed telephone kiosk, by being significantly wider than the established street furniture zone and encroaching significantly into the effective footway width available for pedestrian movement, is deemed to be a hazard for blind or partially-sighted people.
- Paragraph 6.3.23 of the Manual for Streets states: *Footway widths can be varied between different streets to take account of pedestrian volumes and composition. Streets where people walk in groups or near schools or shops, for example, need wider footways. In areas of high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided. The quality of service goes down as pedestrian flow density increases. Pedestrian congestion through insufficient capacity should be avoided. It is inconvenient and may encourage people to step into the carriageway.*
- The proposed telephone kiosk, by being in a high footfall area, would have a detrimental impact on the walking experience due to a reduction in the level of service. It would lead to pedestrian congestion which could result in dangerous situations such as pedestrians walking in the carriageway or pedestrians colliding with each other.
- The proposed telephone kiosk would clearly have a significant impact on pedestrian amenity, comfort and safety. For these reasons, the proposal is considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.

The Council's Access Officer comments as follows:

Under the New BS8300-1:2018 and BS-2:2018 all telephone communication devices for public use should be fitted with assistive technology such as volume control and inductive couplers and there should be an indication of their presence.

- A kneehole should be provided at least 500mm deep and 700mm high to allow ease of access for wheelchair users.
- Telephone controls should be located between 750mm and 1000mm

	<p>above the floor level. To benefit people who are blind or partially sighted, telephones should be selected which have well-lit keypads, large embossed or raised numbers that contrast visually with their background, and a raised dot on the number 5.</p> <ul style="list-style-type: none"> • Instructions for using the phone should be clear and displayed in a large easy to read typeface • A fold down seat (450-520mm high) or a perch seat (650-800mm high) should be provided for the convenience of people with ambulant mobility impairments.
<p>Bloomsbury Ward Councillors comments:</p>	<p><u>Bloomsbury Ward Councillors Harrison, Francis and Madlani</u> have objected on the following grounds:</p> <ul style="list-style-type: none"> • Street environment: use of space – great pressure already on existing space. The arrival of major transport infrastructure developments such as Crossrail and HS2, mean any new kiosk will cause significant detriment to the local authority’s ability to effectively manage the streets, hindering the achievement of the very valid public aims of keeping the street clear, moving and uncluttered. • Virtually zero public benefit of more pay phones in the era of the smartphone, and in an area already with a preponderance of phoneboxes, this is additional clutter. • Street environment: cleanliness – attract litter and mess. Not maintained or cleaned. • Crime and antisocial behaviour – on-street venues for crime and anti-social behaviour to the detriment to residents amenity and a burden on Camden’s resources.

Site Description

The application site comprises of an area of the footway adjacent to 90 Tottenham Court Road on the western side. The pavement here is approximately 9m in width. This is a busy road for both vehicular and pedestrian traffic. Existing along the pavement in close proximity are: bike racks, trees, street signage, utilities apparatus, an existing phone box, and litter bins.

The site lies within the Central London Area and is part of Transport for London’s (TfL’s) Road Network (TLRN). The site is not located within a conservation area and is not adjacent to any listed buildings.

Relevant History

Site history:

2018/0333/P - Installation of 1 x telephone box. Prior Approval refused 15/03/2018

2017/1026/P - Installation of 1 x telephone box. Prior Approval refused 07/04/2017

PS9604096 - Upgrade existing telephone kiosks. Prior Approval granted (in default) 04/12/1996

Neighbouring sites:

Land adjacent to 80 Tottenham Court Road

2018/5531/P - Installation of 1 x telephone box. Prior Approval refused 20/12/2018

80 Tottenham Court Road

2018/0333/P - Installation of 1 x telephone box. Prior Approval refused 15/03/2018. Appeal lodged

Outside 82 Tottenham Court Road

2018/0515/A - Erection of double-sided freestanding advertisement panel to display 2 x internally illuminated digital advertisements, following the removal of existing freestanding advertisement panel.

Advertisement consent granted 14/08/2018

Outside 105 Tottenham Court Road

2017/5185/A - Display of a 6 sheet internally (back lit) LED illuminated advertisement panel to south-eastern elevation of existing public payphone. Advertisement consent granted 12/02/2017

Pavement on Howland Street adjacent to 95 Tottenham Court Road

2015/0691/P - Installation of public payphone on the pavement. Prior approval refused and dismissed on appeal 26/08/2015

Pavement outside 105 Tottenham Court Road

2012/1695/P - Installation of 1 x telephone kiosk on pavement. Prior approval refused and allowed on appeal 24/10/2012

Outside 80 Tottenham Court Road

2017/1199/P - Installation of 1 x telephone box. Prior Approval refused 07/04/2017

Outside 80 Tottenham Court Road

2010/5338/A - Relocation of internally illuminated free-standing advertising column to the pavement. Advertisement consent granted 01/12/2010

Outside 80 Tottenham Court Road

2009/1037/P - Installation of telephone kiosk on the public highway. Prior Approval refused 19/05/2009

Outside 191 Tottenham Court Road

2009/1035/P - Installation of telephone kiosk on the public highway. Prior Approval refused 19/05/2009

Outside 80 Tottenham Court Road

A9601569 – Display of free standing illuminated advertisements. Advertisement consent granted 24/07/1997

Outside 185-186 Tottenham Court Road

PS9604101 - Upgrade existing telephone kiosks. Prior Approval granted (in default) 04/12/1996

Recent appeals dismissed re telephone kiosks (dated 18th September 2018):

On 18th September 2018, 13 appeals were dismissed for installation of Euro Payphone kiosks along Euston Road and in King's Cross. One appeal decision notice was issued covering all of the appeals and this is attached for convenience (see Appendix A). Particular paragraphs for the inspector's attention are highlighted in yellow. He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.

The Inspector agreed in all 13 cases with the council's concerns about the addition of street clutter whether the sites were or were not located inside a conservation area or affecting the setting of a listed building. In 11 cases he agreed that the impact on pedestrian movement was unacceptable and, when the issue was raised, that the impact on the visibility of traffic signals would also not be acceptable. He took on board the availability too of other telephone kiosks in the vicinity.

In summary, the inspector noted the following:

The only matters for consideration are the siting and appearance of the kiosk. The appellant does not have to prove a need for new telephone kiosks (paragraph 3). The kiosks however would appear as substantial structures on the pavement. He also noticed that some of the existing kiosks of similar size in the area exhibited evidence of being used for sleeping in by homeless people. The phones in some of the kiosks also appeared not be functioning. These circumstances suggest that some of the

existing kiosks are not being used for the purpose for which they were intended, which puts into question their primary purpose (paragraph 12).

He noted that the proposed kiosks would comply with the required minimum clear footway widths next to them as set out in the Transport for London Streetscape Guidance and Pedestrian Comfort Guidance, and with Camden's Streetscape Design Manual, Design Planning Guidance (CPG1) and Transport Planning Guidance (CPG7). He notes (paragraphs 45 and 46), however, that paragraph 8.10 of CPG7 states that works affecting highways should avoid unnecessary street clutter; design of footways should not include projections into the footway, unnecessary and cluttered street furniture or other obstructions; and any minimum standards for footway widths should not be used to justify the provision of unnecessary street clutter or reduction in footway width. Paragraph 8.6 seeks to ensure, amongst other things, that street clutter is avoided and the risk of pedestrian routes being obstructed is minimised.

He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement. The GPDO establishes the principle of the need for such telephone kiosks but the benefits of providing them are inevitably related to whether there are other existing pay phones in the vicinity. If there are no existing pay phones then the benefits of new pay phones must necessarily be enhanced, even despite the widespread use of mobile phones. He highlighted the availability of other such kiosks in the locality. The sites were also adjacent or within close walking distance of three mainline railway stations (Euston, St Pancras and King's Cross) all of which contain within them a number of pay phones. The benefit of providing additional kiosks in such circumstance is therefore limited.

Recent appeals dismissed re telephone kiosks (dated 19th December 2018):

On 19th December 2018, 10 appeals were dismissed and 2 allowed for the installation of kiosks in various locations in West End Lane, Camden Town and Kentish Town areas. One appeal decision notice was issued covering all of the appeals and this is attached for convenience (see Appendix B), summarised as follows:

Pavement outside Crowndale Centre, 218 Eversholt Road, London, NW1 1BD:

- would have some impact on pedestrian flows along this busy pedestrian route, especially at night when patrons are dispersing from late night uses in the vicinity.
- harm to the character and appearance of the CA would be localised and would, therefore, be less than substantial to the significance of the CA as a whole. the public benefits arising from the proposal, in terms of improved accessibility and security when compared to existing kiosks, do not, in this instance, outweigh the harm to the CA

Pavement outside 1A Camden High Street, London, NW1 7JE

- the proposed kiosk would appear incongruous in its setting within the largely open and uncluttered pedestrian space recently created at the southern end of Camden High Street.
- harm to the character and appearance of the CA would be localised and would, therefore, be less than substantial to the significance of the CA as a whole. the public benefits arising from the proposal, in terms of improved accessibility and security when compared to existing kiosks, do not, in this instance, outweigh the harm to the CA
- Given the extremely busy nature of the pedestrian area at the southern end of Camden High Street, the proximity of the proposed kiosk to the entrances of the Koko building, and the likely impact of the kiosk on footfall near a busy
- pedestrian crossing, it would be harmful to pedestrian safety in what is otherwise a relatively open, uncluttered area.

Pavement outside of Camden Town Underground Station, Camden High Street

- the design of the proposed kiosk would be unsympathetic to the character and appearance of the tube station, the façade of which comprises primarily red glazed tiles with glazed arches above the entrance.
- kiosk would be detrimental to pedestrian safety at this point the bank building immediately to the south.
- the public benefits in this instance do not outweigh the harm to the CA as identified

Pavement outside of 197-199 Camden High Street, London, NW1 7BT n, NW1 8NH

- The kiosk would not be harmful to the character or appearance of the CA in this location.
- the siting of the kiosk would result in harm to pedestrian safety and convenience along this section of Camden High Street, due to heavy pedestrian flows and the additional conflict with these flows that would be created by the movement of goods and equipment along the pavement. the character or appearance of the CTCA.

Pavement outside of 186-188 Camden High Street, London, NW1 8QP

- the kiosk would fail to preserve the character and appearance of the CA. It would cause less than substantial harm to the significance of the CA, but the harmful siting of the proposal, when taken together with the resultant likely harmful impact on pedestrian flows, justifies dismissal of the appeal.

Pavement outside of 27 Chalk Farm Road, London, NW1 8AG [allowed]

- the siting and appearance of the proposed kiosk could not be said to harm the character or appearance of the nearby CA, or to the setting of the listed buildings on the opposite side of the road. Moreover, on the basis of the information available to me, it appears that the kiosk would not be likely to result in any harm to the free and safe movement of pedestrians along this section of pavement

Pavement outside of 31 Chalk Farm Road, London NW1 8AH

- the kiosk would not be harmful to the character or appearance of the CA on the opposite side of Chalk Farm Road, or with the setting of nearby listed buildings. There is a strong possibility of harm to the safety of pedestrians by virtue of its proximity to the cycle stands, outside restaurant seating, a car parking layby, and especially the mature tree.

Pavement outside of 249 Kentish Town Road, London, NW5 2JT

- Not in CA or listed buildings
- the kiosk would be harmful to the general visual amenities of the area by way of adding a degree of clutter to a location already somewhat crowded by existing street furniture. In addition it would be located very close to a pinch point on the pavement and a busy parking bay on the road, to the detriment of pedestrian and vehicular safety.

Pavement outside of 272 West End Lane, London, NW6 1LJ

- fail to result in public realm improvement in this part of the CA and would introduce an alien feature of modern design and materials into the street scene, as opposed to improving materials and reducing clutter.

Pavement outside of 319 West End Lane, London, NW6 1RN

- the proposed kiosk would be harmful to the setting of the listed Fire Station, and it would fail to result in public realm improvement in this part of the CA by way of introducing an alien feature of modern design
- and materials into the street scene, as opposed to improving materials and reducing clutter. It would therefore be harmful to the character and appearance of this part of the WEGCA. It would appear unlikely that the kiosk would be harmful to pedestrian safety, but there may be some detriment to vehicular safety caused by the proximity of the kiosk to the exit/crossover serving the fire station

Pavement opposite 152 West End Lane, (corner of Iverson Road), London, NW6 2LJ [allowed]

- the proposed kiosk, by virtue of its modern simple design, would complement the modern frontages of nearby shops, and the designs of nearby buildings. It would not be harmful to the visual amenities of
- the area and it would not prejudice pedestrian safety.

Pavement outside Unit 1, Hardy Building, West End Lane, London, NW6 1BR

- the proposed kiosk would be harmful to the character and appearance of the general area, and that its siting would be harmful to pedestrian safety

Relevant policies

National Planning Policy Framework 2018

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

CPG1 Design (2018) - Section 9: Designing safer environments

CPG7 Transport (2011) - Section 8: Streets and public spaces

Camden Streetscape Design Manual

Design of an accessible and inclusive built environment. External environment - code of practice (BS8300-1:2018 and BS-2:2018)

Fitzrovia Area Action Plan - Part 3: Vision and objectives (adopted March 2014)

Assessment

1. Proposal

- 1.1 Confirmation is sought as to whether the installation of a telephone kiosk would require prior approval under Part 16 of Schedule 2 of the GPDO. The order permits the Council to only consider matters of siting, design and appearance in determining GPDO prior approval applications. The potential impact on crime and public safety are relevant considerations under siting, design, appearance and access.
- 1.2 The proposal is for installation of a solar powered 'totem' telephone kiosk. The kiosk would measure 1.32m in width by 0.88m in depth with an overall height of 3.12m including its solar panel canopy (2.8m high for the main body and 0.22m in depth without the solar panel canopy) and would be located on the eastern pedestrian footway along Tottenham Court Road, adjacent to 90 Tottenham Court Road.
- 1.3 The rear elevation would have phone facilities (handset and keypad) on a metal backing and frame with a rear solar panel; the front elevation would have a visual area be used entirely for a LED digital advertising display screen with 4 LED strips running the full height of the kiosk totem. A solar panel canopy would be located on top of the unit.

2. Assessment

- 2.1 Policy A1 (Managing the impact of development) 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 (Prioritising walking, cycling and public transport) 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 8.9 of CPG7 (Transport) highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.

2.2 Camden's Streetscape Design manual – section 3.01 footway width states the following:

- “Clear footway” is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway;
- 1.8 metres – minimum width needed for two adults passing;
- metres – minimum width for busy pedestrian street though greater widths are usually required;
- Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street’.

2.3 All development affecting footways in Camden is also expected to comply with Appendix B of Transport for London's (TfL's) Pedestrian Comfort Guidance, which notes that active and high flow locations must provide a minimum 2.2m and 3.3m of 'clear footway width' (respectively) for the safe and comfortable movement of pedestrians.

2.4 Policy T1 states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 points a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.

2.5 Policy T1 states that where appropriate, development will be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.

2.6 Paragraph 8.6 of CPG7 (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.

2.7 Policy C5 (Safety and Security) requires development to contribute to community safety and security, and paragraph 4.89 of policy C5 states that the design of streets needs to be accessible, safe and uncluttered, with careful consideration given to the design and location of any street furniture or equipment. Paragraphs 9.26 and 9.27 of CPG1 (Design) advise that the proposed placement of a new phone kiosk needs to be considered to ensure that it has a limited impact on the sightlines of the footway, and that the size of the kiosk should be minimised to limit its impact on the streetscene and to decrease opportunities for crime and anti-social

behaviour.

3. Siting

- 3.1 The application site is located on a pavement measuring approximately 9m wide. This area of the footway consistently experiences constant high pedestrian flows due to its busy commercial and office town centre location, as well as, its central position and close proximity to both Goodge Street Underground Station to the south-east and Warren Street Underground Station to the north-west. The proposed telephone kiosk would be positioned in front of entrances to a number of retail units and a cycle lane, as well as, within approximately 30m of a number of busy pedestrian crossings, road and cycle junctions with Howland Street and Tottenham Court Road.
- 3.2 The proposal to install a telephone kiosk would therefore have a harmful and negative impact on the streetscape by not only introducing additional street clutter, but also through the addition of a further obstruction and impediment to pedestrian movement (especially for blind and partially sighted pedestrians) and to visibility on and along the footway. This would have a significant impact on pedestrian comfort levels, both now and in the future. It would also obstruct inter-visibility between vehicular traffic and pedestrians wishing to cross the road at the traffic signal controlled junction nearby. The proposal therefore constitutes a hazard to public safety.
- 3.3 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 and indicates that footways in high flow areas should be at least 5.3m wide with a minimum effective footway width of 3.3m. Camden's Streetscape Design Manual (section 4.01), together with TfL's Pedestrian Comfort Guidance, states that street furniture should be placed a minimum of 0.45m back from the carriageway.
- 3.4 The site plan submitted indicates that the footway is approximately 9m wide. The plan also indicates that the resulting effective footway width would be reduced to 7.3m. These measurements would exceed the minimum requirement of the guidance. However, it is noted that the measurements on the submitted plan are misleading. The plan submitted with the tables and chairs application for the neighbouring property (Greggs, 92 Tottenham Court Road, planning reference 2018/2268/TC) suggests that the footway is 8.4m wide. It also indicates that the effective footway width adjacent to the tables and chairs zone is 5m. This measurement essentially defines the existing effective footway width at the site (i.e. from kerb to tables and chairs zone). The proposal would therefore result in an effective footway width of approximately 3.2m. This is contrary to the aforementioned guidance.
- 3.5 Pedestrian footfall is exceptionally high and this is predicted to increase significantly with ongoing economic growth in Central London, Crossrail due to open shortly and High Speed Two (HS2) currently under construction. Given that greater pathway widths are usually required in high pedestrian flow areas like this, it is considered that pedestrian comfort would be significantly reduced, resulting in overcrowding, issues of highway safety through interfering with signals, visual obstructions, visibility splays and possibly leading to the discouragement of sustainable travel. It is also noted that objections submitted against the proposal have highlighted the close proximity of the proposed kiosk to various ATM machines in the façade of 2 adjacent banks. This is a section of footway where pedestrians congregate when waiting to use the ATM machines. The proposal would worsen existing levels of pedestrian congestion at this location. It would also introduce a potential hazard to the safety and security of people queuing to use the ATM machines. As such, the proposed siting is considered to be wholly inappropriate and likely to provide a hindrance to pedestrian movement rather than providing a public service for the benefit of highways users, contrary to Policies A1 and T1 and is unacceptable.

- 3.6 Furthermore, the Planning Inspector concluded in paragraph 15 when considering an appeal against the Council's decision to refuse similar proposals on a pavement outside Fitzroy House, 355 Euston Road, London NW1 3AL (Appeal A Ref: APP/X5210/W/18/3195370) that the kiosk would impinge into the main pedestrian flow and hamper free movement of pedestrians (see Appendix A attached). The appeal was dismissed dated 18/09/2018.
- 3.7 With regard to safety issues for both drivers and pedestrian at traffic junctions and crossings, Camden Planning Guidance document CPG1 (Design) in Paragraph 9.27 advises that, '*All new phone boxes should have a limited impact on the sightlines of the footway.*' This is supported by Transport for London (TfL) in the document titled 'Streetscape Guidance' which on page 142 states that, '*Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles.*' Further, Paragraph 6.3.10 of the Manual for Streets advises that, '*Obstructions on the footway should be minimised. Street furniture is typically sited on footways and can be a hazard for blind or partially-sighted people.*' The proposed telephone kiosk would be located immediately adjacent to a TfL Network Road (TLRN) on Tottenham Court Road (A400) which forms part of the Strategic Road Network (SRN) with a constant and significant flow of pedestrian and vehicular traffic, including buses and cyclists. Unnecessary and dysfunctional street clutter at any location on the footway on the SRN or TLRN has an adverse impact on the movement of pedestrians and road users alike, as well as, obstructing sightlines which goes against TfL's statutory network management duties and guidance.
- 3.8 As well as, reducing visibility for road users approaching busy traffic signal controlled junctions, the kiosk's siting would likely obstruct and impede pedestrian movement (especially for blind and partially sighted pedestrians) and visibility on and along the footway and nearby pedestrian crossings. This impact is likely to have a more significant detrimental impact on the disabled and elderly and their use of the highway, given the more restricted width. Both disability and age are protected characteristics under the Public Sector Equality Duty, and they will suffer more harm than groups who do not share those characteristics. As such, the introduction of a kiosk is considered to have significant pedestrian and road safety implications in this location contrary to Policies A1 and T1, as well as, TfL guidance.
- 3.9 It is also noted that pedestrians cross the road at the site where the telephone kiosk would be located. The kiosk due to its size would obstruct inter-visibility between pedestrians and vehicular traffic, including cyclists. This could lead to dangerous situations occurring at the edge of the carriageway. In this regard, the Planning Inspector in paragraphs 20-23 took the view when considering appeals on a similar situation outside Euston Tower on west side of Hampstead Road, London NW1 3DP (Appeals D & E Ref: APP/X5210/W/18/3195365 & 3195366) that introducing a telephone kiosk where pedestrians cross the road would introduce an unnecessary hazard (see Appendix A attached). The appeals were dismissed dated 18/09/2018.
- 3.10 The applicant states there is a need for children to have access to public telephone kiosks in order to make free calls to Childline. There are 4 existing telephone kiosks within 50m of the site (1 to the north, 1 to the south and 2 opposite). Records indicate that 44 telephone kiosks are already located on the pavements along the Tottenham Court Road corridor. As such, the applicant's reasoning is not considered to be sufficient justification for the installation of a further telephone kiosk.
- 3.11 It is also important to note that Tottenham Court Road is subject to a major public realm renewal as part of the Council's 'West End Project' involving an investment of £35m intended to transform this part of the borough. One of the objectives of the Project is to reduce the number of telephone kiosks and to declutter the public highway and streets. With a view to achieving this, the Council has been working closely with existing telephone kiosk owners such as BT and New World Payphones (NWP) to provide an integrated approach to replacing existing telephone kiosks with new modern designs which include various benefits to the general public (including free phone calls, wifi, internet usage and charging points for mobile phones). Importantly, these operators have also agreed to remove up to 4 existing telephone kiosks for every renewal which

gains approval. Further, the Fitzrovia Area Action Plan adopted in March 2014 (Part 3: Vision and objectives) promotes the creation of high quality physical environments within the Area.

3.12 Therefore, the proposed introduction of a new telephone kiosk would be at odds with and contrary to the aims of the West End Project and the Fitzrovia Area Plan, and as such, there is no justification for its siting. In addition to concerns about the infrequent use of telephone kiosks due to the prevalence of mobile phone use, it is considered that the proposed telephone kiosk would act only as a hindrance to pedestrian movement, adding further clutter to the streetscene rather than providing a public service for the benefit of highways users, contrary to Policy A1 and the aims of both the West End Project and Fitzrovia Area Plan.

4. Design and Appearance

4.1 Policy D1 (Design) 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. Policy C6 requires new buildings, spaces and facilities that the public may use to be fully accessible to promote equality of opportunity.

4.2 The Fitzrovia Area Action Plan (Part 3: Vision and objectives) promotes the creation of high quality physical environments through, "*enhancing the interaction between streets and the ground floors of buildings by removing visual clutter and encouraging high quality design.*"

4.3 The proposed structure is considered to be a poor design in terms of its size, position, and materials, and as such, is not considered to be an appropriate or acceptable addition in this location. The kiosk would also include an illuminated digital advertising display screen with 4 LED strips running the full height of the kiosk totem. While it is accepted that all advertisements are intended to attract attention, the introduction of an illuminated advertisement panel in this particular location is considered to be inappropriate as it would introduce a visually obtrusive piece of street furniture detracting from the character and appearance of the wider streetscene, and so fail to adhere to Policy D1 and the vision expressed within the Fitzrovia Area Plan.

4.4 The footway on the west side of Tottenham Court Road at the above site is unusually wide when compared with other sections of the corridor. There is a complete lack of bulky items of street furniture on the footway directly adjacent to the site. However there are some slender items including a lamp column, some cycle parking stands arranged parallel to the kerb and a small feeder pillar cabinet. The street furniture in the general vicinity of the site is defined by a row of mature trees which gives the area a leafy feel. The nearest telephone kiosks are located at the junction with Howland Street to the north and Torrington Place to the south.

4.5 A row of mature trees is located adjacent to the kerbside in the general vicinity of the site. These help to soften the landscape and define the street. Unfortunately, the street scene has been spoiled by the installation of a telephone kiosk to the north of the site, near the junction with Howland Street. One of the aims of the West End Project is to rationalise the amount of street furniture in this vicinity, including the removal of redundant telephone kiosks, and it is noted that the Council is working with BT to arrange for the removal of this kiosk. The proposal to install a further telephone kiosk would only worsen the situation through the introduction of unnecessary street clutter in an already cluttered pedestrian environment. The proposal would therefore have an unacceptable impact on the street scene.

4.6 The proposal to site another telephone kiosk on this section of footway would therefore degrade the visual amenity of the area and spoil the street scene by introducing another prominent feature. In this regard, the Planning Inspector in paragraphs 20-23 concluded when considering appeals on a similarly wide pavement outside Euston Tower on west side of Hampstead Road, London NW1 3DP (Appeals D & E Ref: APP/X5210/W/18/3195365 & 3195366) that the kiosk would spoil and impinge into a clear, uncluttered area of pavement (see Appendix A attached).

The appeals were dismissed dated 18/09/2018.

- 4.7 Further, with regard to a similarly open footway with trees lining the pavement edge, the Planning Inspector concluded in paragraph 5 (see Appendix C attached) of a recent appeal decision to provide advertising to an nearby kiosk outside 297 Euston Road, London NW1 3AQ (APP/X5210/Z/18/3204104) that, *'Due to its bulk and siting, the kiosk erodes the existing openness beyond the row of trees, and due to its depth and width, it disrupts the largely unrestricted routes of pavement users by the row of trees.* The appeal was dismissed dated 08/10/2018.
- 4.8 As stated previously, one of the aims of the the Fitzrovia Area Action Plan is to create high quality physical environments through, *"enhancing the interaction between streets and the ground floors of buildings by removing visual clutter and encouraging high quality design."* The proposed site falls within this area. However, there is no evidence in the application submission that any consideration has been given to the local aims of the the Fitzrovia Area Plan, nor to attempting to integrate the Council's wider highway, urban realm and landscape proposals into the proposals. As such, the proposal is at odds with the broader, integrated approach of the Council (most notably, but not exclusively, demonstrated in the objectives of the West End Project for Tottenham Court Road) to improve and rationalised the public realm throughout the Borough, and is contrary to its objectives which, amongst other aims, seeks to enhance the visual appearance of the streetscene and declutter pedestrian footways.
- 4.9 In this regard, the proposal would also be contrary to the guidance of the National Planning Policy Framework (NPPF) which aims to keep telecommunication sites to a minimum and encourage applicants to explore shared facilities. In addition to concerns about the infrequent use of telephone kiosks due to the prevalence of mobile phone use, it is considered that the proposed telephone kiosk would act only as a hindrance to pedestrian movement, adding further clutter to the streetscene rather than providing a public service for the benefit of highways users, contrary to Policy A1.

Access

- 4.10 Policy C6 (Access) requires new buildings, spaces and facilities that the public may use to be fully accessible to promote equality of opportunity. Further, BS8300-1:2018 and BS-2:2018 (Design of an accessible and inclusive built environment. External environment - code of practice) provides the following guidance with regards to design standards that would be expected for an accessible phone booth:
- All telephone communication devices for public use should be fitted with assistive technology such as volume control and inductive couplers and there should be an indication of their presence.
 - A kneehole should be provided at least 500mm deep and 700mm high to allow ease of access for wheelchair users.
 - Telephone controls should be located between 750mm and 1000mm above the floor level. To benefit people who are blind or partially sighted, telephones should be selected which have well-lit keypads, large embossed or raised numbers that contrast visually with their background, and a raised dot on the number 5.
 - Instructions for using the phone should be clear and displayed in a large easy to read typeface
 - A fold down seat (450-520mm high) or a perch seat (650-800mm high) should be provided for the convenience of people with ambulant mobility impartments.
- 4.11 Although the proposed kiosk would allow for wheelchair users to 'access' the kiosk to some degree, this does not amount to the provision of a wheelchair accessible phone. The telephone controls in the proposed kiosk are shown as being higher than 1m above the floor level which would not be compliant. There are also no details of well-lit keypads, large embossed or raised numbers for the controls. No fold down or perch seat, nor kneehole provision to allow ease of access for wheelchair users would be provided. Nor any indication that the kiosk is fully access

compliant in all other ways, such as, providing clear and suitably displayed instructions for using the phone in a large easy to read typeface.

- 4.12 In light of the above, and in terms of inclusive design and accessibility, the kiosk is not considered to be fully accessible and would unnecessarily exclude a proportion of society from using the kiosk by virtue of its poor functional design. As such, the design of the proposed kiosk is also considered to be contrary to policy C6 and standards advised under BS8300-1:2018 and BS-2:2018 as it would not be inclusive nor accessible to all.

5. Anti-social behaviour

- 5.1 Policy C5 of the Camden Local Plan requires development to incorporate appropriate design, layout and access measures to help reduce opportunities for crime. As such, careful consideration needs to be given to the design and location of any street furniture or equipment in order to ensure that they do not obscure public views or create spaces that would encourage anti-social behaviour (ASB). Camden Planning Guidance document CPG1 (Design) in Paragraph 9.27 states with regard to telephone kiosks in particular that, *'The size of the box or other supporting 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.'*
- 5.2 With regards to community safety matters, a number of issues were raised by both the Metropolitan Police Crime Prevention Design Advisor and the Fitzrovia Partnership associated with the design and siting of the kiosk. In particular it was noted that existing telephone kiosks within the London Borough of Camden have become 'crime generators' and a focal point for ASB. It is considered that the design of a kiosk sited on this busy footway would introduce increased opportunities for crime where there are already safety issues in terms of crime and ASB. In particular the size and design of the kiosk reduces sight lines and natural surveillance in the area, and providing a potential opportunity for an offender to loiter, contrary to Policy C5 and CPG1 (Design).
- 5.3 With regard to rough sleeping in the area, Paragraphs 48-49 and the conclusions contained within appeal decisions to refuse similar a number of telephone kiosk applications on the nearby Euston Road (see Appendix A) note that the Planning Inspector concluded that the size and design of the kiosk enabled it to be used for sleeping in and that it appeared to encourage rough sleeping within the wider Euston area.
- 5.4 Overall, 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).

6. Conclusion

- 6.1 The proposal would result in unacceptable street clutter, harmful to the character and appearance of the streetscape and to the detriment of pedestrian flows, as well as creating issues with safety and poor accessibility. The proposal, by virtue of its siting and appearance, is considered unacceptable.

7. Recommendation

- 7.1 Refuse Prior Approval