

Delegated Report		Analysis sheet	Expiry Date:	03/01/2019
		N/A / attached	Consultation Expiry Date:	10/12/2018
Officer			Application Number(s)	
Tony Young			2018/5545/P	
Application Address			Drawing Numbers	
Land Adjacent to 121 Shaftesbury Avenue London WC2H 8AD			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	07	No. of objections	07
Summary of consultation responses:	<p><u>A site notice was displayed on 21/11/2018 and expired on 15/12/2018</u></p> <p><u>A press notice was advertised in a local newspaper on 22/11/2018 and expired on 16/12/2018</u></p> <p>In response to the proposal, the following objections were received from local residents:</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>Centre Point House, 15A St. Giles High Street:</u></p> <ul style="list-style-type: none"> • Please reject this as these telephone kiosks are not needed in the mobile phone age (hands up who has seen anyone make a call from such kiosks in past 10 years) and all they do is create hubs for litter during the day and, vomiting , urination and drug use, sex trade flyers at night - anyone living in this area will have experienced this for decades. These are not needed in the digital age and most are just ploys to show out of home tacky advertising. This must be rejected. <p><u>Matilda Apartments, 4 Earnshaw Street (x5 residents):</u></p> <ul style="list-style-type: none"> • As a resident of Central St Giles I object to this application. There is a route from St Giles Piazza through to Shaftesbury Avenue so this can get very busy. I know this as this is directly in my path when I and others go jogging. When crossrail opens this route will get busier and any street furniture that is not absolutely necessary is going to make my neighbourhood harder for me to enjoy when doing simple tasks such as jogging. I am also concerned about how this will attract criminal activity at night. I often walk home in the evening past this location and it is already being used by people using drugs. This will only encourage this activity here. • As a resident close to this proposed site, I object to this planning request as I believe that it will cause congestion to an already over populated pathway and also give shelter to drug sellers and users who are rife in this area and are a cause of anti-social behaviour. 					

- I object to this. The other booths in the area are never used, are dirty and used for dubious advertising and drug use. there is already a drug issue in this area and this would impact safety.
- Object as not needed and will be misused.
- Please reject this application: Phone kiosk are used as public urinals or to advertise pornography.

68A Neal Street

- I strongly object to the installation of a public call box at this location. The proposed public call box would add to street clutter and presents a safety hazard as it obstructs the flow of pedestrian traffic in an area of high pedestrian and vehicle traffic density. There is no need for public call boxes in this location – existing public call boxes nearby are only used as a shield for drug dealing/using and other anti-social behaviours, and are never used for their intended purpose as virtually all UK residents and tourists carry mobile phones. Furthermore, the proposed development is adjacent to a conservation area and would have a negative impact on the Seven Dials (Covent Garden) Conservation Area.

Covent Garden Community Association object, summarised as follows:

- In principle the Covent Garden Community Association and other West End amenity groups object to all but a very few telephone terminals being placed on the streets of the West End of London. We therefore continue to support moves by you as a local authority to change the outdated laws on telecoms equipment that lead to modern units cluttering our streets, acting as magnets for antisocial and sometimes criminal behaviour, and placing large amounts of unwelcome advertising on footways.
- We will not repeat the data that shows low demand for telecoms equipment on the street. In the West End of London, in particular, such demand is largely satisfied by ample payphones in public houses, theatres, cinemas and department stores to serve people who are in emergency situations but with no functioning mobile phone.
- A 'Max 2' panel would not be at all appropriate by reason of:
 - a) Its disproportionate size at over 3 metres in height and 1.3 metres in width.
 - b) The introduction of intrusive advertising in the middle of a pavement on the border of the Seven Dials conservation area.
 - c) Obstruction of a busy footway, which is likely to become even busier when the Crossrail station opens nearby. An additional item installed on this footway would lead to an unacceptable level of obstruction, particularly in the context of local authorities expending resources to remove as much street furniture as possible in the West End.
 - d) The close proximity of the site to existing telephone kiosks on both sides of Shaftesbury Avenue.
 - e) The way in which these units attract criminal and antisocial behaviour, when this area is already plagued by street drug crime and prostitution. Existing kiosks in the area have become hang-outs for drug gangs, and we have reports from the police that existing telecommunication panels in other areas such as Kings Cross are no better. For example, on 09/03/18 Sgt. D. Hodges wrote "The new systems by 'Inlink' outside Euston station, which allows free calls, although they look great, they are now being used by drug users to

call their drug dealers. You now have a huge problem of drug users congregating around them, which is yet another problem for police to deal with. This is an example of no matter how much innovation you put into new boxes, the result is the same, drugs and crime.” We note that a Design Out Crime officer has also objected to this application.

- We would also like to point out that the otherwise very detailed diagram of the proposed unit provided by the applicant shows no part labelled explicitly as an advertising screen, although one is alluded to elsewhere. The diagram shows an area labelled ‘non-illuminated display panel’, but non-illumination seems unlikely.
- If you were in some way obligated to allow a new telecoms panel here then we ask, at the very least, that any consent would be conditioned upon:
 1. Advertising being rated at no older than age 12, for a family audience.
 2. Advertising being subject to other controls by the local authority from time to time, for example to exclude foods found to be unhealthy.
 3. Weekly cleaning and maintenance being an enforceable condition for planning permission, the penalty for non-compliance being permanent removal of the panel.
- However, we would like to draw your attention to the fact that Westminster City Council are refusing these telecoms panels. A typical decision notice from Westminster includes this rationale: “The City Council has considered your application pursuant to Part 16 of Schedule 2 of the above Order and determines that prior approval is required for the siting and appearance of the works set out in Schedule A in respect of the drawings set out in Schedule B. The City Council also determines that the approval is hereby REFUSED for the following reason(s):
 1. Because of its appearance, size and siting within the street scene, the freestanding advertising / telecommunications structure would be harmful to visual amenity and add street clutter to this part of the City. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 7 of our Unitary Development Plan that we adopted in January 2007.
 2. Because of its size and siting, the freestanding advertising / telecommunications structure will reduce the width of the footway to an unacceptable level, adversely impacting upon direct, safe and convenient pedestrian movement. This would be contrary to S41 of the Westminster City Plan (November 2016) and TRANS3 of the Unitary Development Plan (2007) and Westminster Way (2011).
 3. The application for prior approval does not fall within the ambit of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as it is not considered to be for the purpose of the electronic operator's communication network and it is not required for those purposes.”
- We urge Camden to use its powers in a similar way.

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 on the footpath which currently clear of any unnecessary street furniture and though narrow in places allows for free movement for pedestrians. I feel the addition of the unwanted device will just add to the problems the area is currently suffering one and have a detrimental effect on the local community.
- 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. Shaftesbury Avenue and the surrounding area is well known for Class A Drugs Misuse and therefore any well-lit and smooth surface is used for the preparation of such narcotics. This recess could also be used to store small objects and conceal them if police approach a suspect drug misuser preventing them from detecting crime.
- The introduction of the unit will also increase the above ASB, as it conceals the activities of what is occurring behind the actual space and prevents police or passers-by seeing what or who is in/near there. This generates for the latter a fear of crime especially in regards to begging. As they will use the phone box as a cover and as a back rest when they sit on the floor, when the footpath is reduced in width even more by their presence pedestrians have to walk past closely and therefore this generates an uncomfortable feeling for them.
- The extra lighting produced by the kiosk and the space it uses up in the public realm will also create an added distraction to an already cluttered street space. Any CCTV monitoring the area will be effected by this and therefore any crime prevention/detection properties they produce is lost.
- Recent media reports have highlighted the increase in planning applications submitted to local planners for the construction of telephone kiosks. These were proven to have very little or no benefit to the local community especially in regards to the facilities that they are alleged to supply. The main reason busy locations with a high pedestrian and vehicle activity is chosen so that the telephone kiosk can be used as advertising space.

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

- The site is located on Shaftesbury Avenue (A401) which forms part of the strategic road network (SRN). Camden Council is the highway

authority, although it should be noted that Transport for London (TfL) has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN. The site is located in a high footfall area in Central London near Leicester Square and Tottenham Court Road Underground Stations. Pedestrian volumes are extremely high and are forecast to increase significantly when Crossrail services become operational later (was due to be December 2018 but now forecast for Autumn 2019 at the earliest) along with ongoing economic growth in the borough. Existing footway space is a scarce resource and must be safeguarded for pedestrians both now and in the future to accommodate economic growth.

- 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 footway on the north side of Shaftesbury Avenue at the above site is characterised by a complete lack of bulky items of street furniture adjacent to the kerbside. The street furniture zone in the general vicinity of the site consists of slender lamp columns located at the kerbside. This helps to promote clear and unobstructed sightlines along the edge of the pedestrian environment at the proposed site. The footway has been sensitively designed to provide a clear and uncluttered environment sufficient to accommodate extremely high volumes of pedestrians walking on the footway during busy periods (e.g. morning, lunchtime and afternoon/evening peak periods). The proposed telephone kiosk would be significantly wider than the existing street furniture zone. This means that the proposed kiosk would protrude significantly into the pedestrian desire line along the footway, thereby having a detrimental impact on pedestrian amenity and comfort. The proposal should be refused on this basis.
- The proposed telephone kiosk would also constitute an unnecessary obstruction to pedestrians wishing to cross the road at this location. Reference has been made to the appeal decisions to refuse similar telephone kiosk applications 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 decisions are within the attached report. Paragraphs 20-23 and the conclusions at the rear of the decision report are particularly relevant to this current application. The proposal should be refused on the same grounds.
- 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. The proposal to install a telephone kiosk would spoil the uncluttered 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 would erode the existing openness of the street scene. It would also impede or obstruct pedestrian desire lines and sightlines 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 3.8 metres wide. The proposed offset from the kerb of 0.45 metres would be acceptable. The plan also indicates that the resulting effective footway width would be reduced to 2 metres. This is contrary to the aforementioned guidance and is considered to be insufficient for a footway with high pedestrian flows. 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.
- The proposed kiosk would be located in close proximity to the entrance to an adjacent commercial premises. Smokers have been observed congregating on the footway at this location (presumably staff from the adjacent property). This has the effect of reducing the effective footway width available for pedestrian movement, albeit intermittently during standard office hours. Reference should be made to the appeal decision to refuse a similar telephone kiosk on the pavement outside Fitzroy House, 355 Euston Road, London NW1 3AL. 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.
- The proposed telephone kiosk would be located in close proximity to a recessed door in the façade of the adjacent property. This raises concerns about public security. A similar telephone kiosk application at 137-139 Euston Road was refused for this reason on 22/05/09. A subsequent appeal was dismissed on 04/05/10. The planning reference was 2009/1770/P I have attached the decision report which includes the decision to refuse a telephone kiosk application at 137-139 Euston Road. I believe the reasons for refusal (paragraphs 35-38) to be applicable to this site. The proposal should be refused on the same grounds.
- The proposed telephone kiosk being located outside of the established street furniture zone, would encroach significantly into the effective footway width available for pedestrian movement (i.e. the pedestrian desire line). The proposed telephone kiosk would therefore obscure sightlines along the footway significantly while also constituting a significant impediment/obstruction to pedestrian movement along the pedestrian desire line. This would be a particular problem for pedestrians with visual impairments (e.g. blind and partially sighted) who rely on clear and unobstructed pedestrian routes. 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*

	<p><i>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.</i></p> <ul style="list-style-type: none"> • 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. <p><u>The Council's Access Officer</u> 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.</p> <ul style="list-style-type: none"> • 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 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 121 Shaftesbury Avenue on the north-western side. The pavement here is approximately 3.7m in width. This is a busy road for both vehicular and pedestrian traffic. Existing along the pavement in close proximity are: trees, street signage, and A-boards.

This site sits immediately adjacent to the Seven Dials (Covent Garden) Conservation Area and within the Central London Area. The site is not located adjacent to any listed buildings.

Relevant History

Site history:

2018/0324/P - Installation of 1 x telephone box on the pavement. Prior Approval refused 15/03/2018

2017/1017/P - Installation of 1 x telephone box on the pavement. Prior Approval refused 07/04/2017

2017/1194/P - Installation of 1 x telephone box on the pavement. Prior Approval refused 07/04/2017

Neighbouring sites:

Pavement adjacent to 167 - 169 Shaftesbury Avenue

2018/3830/P - Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 25/09/2018

Land Adjacent to 167 - 169 Shaftesbury Avenue

2018/0327/P - Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 16/03/2018

Land Adjacent to 167 - 169 Shaftesbury Avenue

2017/1028/P - Installation of 1 x telephone box on the pavement. Prior Approval refused 07/04/2017

Outside 167 - 169 Shaftesbury Avenue

2005/0667/P - Replacement of existing telephone kiosk with a combined ATM/Payphone. Full Planning Permission refused 13/04/2005

Outside 167 - 169 Shaftesbury Avenue

PS9904460 – The siting of two new telephone kiosks on public highway. Prior Approval approved (in default) 09/06/1999

Outside 164 Shaftesbury Avenue

PS9604018 – Upgrade existing telephone kiosks. Prior Approval approved (in default) 02/12/1996

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

- 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

D2 Heritage

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)

Seven Dials (Covent Garden) Conservation Area Statement (adopted February 2011)

Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

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 Shaftesbury Avenue, adjacent to 121 Shaftesbury Avenue.
- 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 3.7m wide. This area of the footway consistently experiences constant high pedestrian flows due to its busy commercial and office town centre location, and position as an active thoroughfare between Cambridge Circus and Princes Circus, not to mention its close proximity to numerous theatres, cinemas and restaurants. The proposed telephone kiosk would be positioned in front of ground floor entrances to a number of retail and restaurant units, and close to the nearby Odeon Cinema.
- 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 3.8m wide. The plan also indicates that the resulting effective footway width would be reduced to 2m. This would be contrary to the aforementioned guidance and is considered to be insufficient for a footway with high pedestrian flows. The pedestrian pathway is particularly narrow in this location, especially with trees lined all along this stretch of public highway, and is located in a high footfall area in Central London near Leicester Square and Tottenham Court Road Underground Stations, as well as, being situated in the heart of London's Theatreland with significant numbers of tourists. Pedestrian volumes are extremely high and are forecast to increase significantly when Crossrail services become operational later in Autumn 2019, along with ongoing economic growth in the borough. 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. 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.
- 3.5 In this regard, 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). Furthermore, with regard to a similar narrow pavement to the application site where smokers are seen to congregate on the footway in this location, the Planning Inspector concluded in paragraph 15 of the same appeal referenced above that a kiosk would

hamper the free movement of pedestrians. The appeal was dismissed dated 18/09/2018.

- 3.6 Further, with regard to a similar 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 a 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.
- 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 site is located on Shaftesbury Avenue (A401) which forms part of the strategic road network (SRN). Unnecessary and dysfunctional street clutter at any location on the footway on the SRN 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 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 3 existing telephone kiosks within 55m of the site, located across the road outside 164 Shaftesbury Avenue to the north-east and adjacent to 144 Shaftesbury Avenue to the south-east. As such, along with additional concerns about infrequent use of telephone kiosks due to the prevalence of mobile phone use, the applicant's reasoning is not considered to be sufficient justification for the installation of a further telephone kiosk.
- 3.10 Furthermore, the site sits within a zone subject to major public realm renewal as part of the Council's West End Project. There is no evidence in the application submission that consideration has been given to integrating the Council's highway, urban realm and landscape objectives and plans as part of the West End Project into the proposals. In particular, the proposal to add more street furniture in the form of a telephone kiosk is contrary to the objectives of the Project which seeks to declutter the area, and does not provide any public service for the benefit of highways users, contrary to Policy A1, and as such, should be resisted.
- 3.11 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.

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 D2 states that to preserve and enhance the borough's conservation areas and listed buildings, the Council will only grant permission for development that it considers would not harm the conservation area and setting of a listed building.
- 4.2 Policy C6 requires new buildings, spaces and facilities that the public may use to be fully accessible to promote equality of opportunity.
- 4.3 The Seven Dials (Covent Garden) Conservation Area Statement (guideline SD36) advises "*it is important that the need to preserve and enhance the historic character of the Conservation Area is recognised in the design and siting of all street furniture, including statutory undertakers and other services equipment and paving materials. The Council will make efforts to avoid any unnecessary visual clutter whilst seeking design solutions appropriate for the area.*"
- 4.4 It is considered that the introduction of a new telephone kiosk to this relatively clear, narrow section of footway in Shaftesbury Avenue would severely degrade the visual amenity of the area through the creation of unnecessary street clutter, especially as the position would be within close proximity of Seven Dials (Covent Garden) Conservation Area. These concerns are shared by local residents and groups, such as the Covent Garden Community Association, who all raised concerns about the design of the kiosk, the potential impact of advertising, the impact on street clutter, and its harm to the character, appearance and setting of the adjacent conservation area.
- 4.5 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. Consequently, the proposed kiosk would seriously affect the character, appearance and setting of the adjacent Seven Dials (Covent Garden) Conservation Area, and would result in significant harm to the wider streetscene, so failing to adhere to Policies D1 and D2.
- 4.6 The NPPF says that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. In this case there would be harm but it is considered that this would be less than substantial harm. In these circumstances the harm should be weighed against the public benefits of the proposals. As there are already 3 existing telephone kiosks within close proximity of the site, there is considered to be no public benefit from the provision of another kiosk in this location.
- 4.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent Seven Dials (Covent Garden) Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Access

- 4.8 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 knee-hole 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 impairments.

4.9 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 knee-hole 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.

4.10 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 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 It is also noted that the proposed telephone kiosk would be located in close proximity to a recessed door that raises concerns about public security given that it might provide an opportunity for criminal activity. The Planning Inspector stated when considering an appeal against the Council's decision to refuse similar proposals at 137-139 Euston Road (Appeal Ref: APP/X5210/A/09/2112748 – see Appendix D) that "*Although the payphone would be sited in the middle of the office frontage rather than in front of any of the recessed doorways, I consider that it is close enough to exacerbate the risk and fear of crime and safety for occupiers of the*

adjacent offices". The appeal was dismissed dated 04/05/2010.

5.4 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.

5.5 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