

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	14/11/2019
		N/A / attached	<b>Consultation Expiry Date:</b>	17/11/2019
<b>Officer</b>			<b>Application Number(s)</b>	
Josh Lawlor			2019/4797/P and 2019/5338/L	
<b>Application Address</b>			<b>Drawing Numbers</b>	
1no. Public Telephone outside British Museum Great Russell Street London WC1B 3DG			Refer to Decision Notices	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Change of use from BT telephone box (Sui Generis) to retail unit (Class A1) and associated alterations (retrospective)				
<b>Recommendation(s):</b>		Refuse Planning Permission and Grant Listed Building Consent		
<b>Application Type:</b>		Full Planning Permission and Listed Building Consent		

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notices			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Adjoining Occupiers:</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
<b>Summary of consultation responses:</b>	<p><u>A site notice was displayed between 23/10/2019 and 16/11/2019</u>  <u>A press advert was published between 24/10/2017 and 17/11/2017</u></p> <p>No comments were received.</p> <p>Officers note that objections were received for the identical applications ref. 2017/4458/P &amp; 2017/5510/L, which are listed in the delegated report for these decisions</p>			
<b>CAAC/Local groups* comments:</b> *Please Specify	<p>A consultation letter was sent to the Bloomsbury CAAC on the 21/10/2019</p> <p>No comments were received.</p> <p>Officers note that the CAAC has previously objected to the identical applications ref. 2017/4458/P &amp; 2017/5510/L, which are listed in the delegated report for these decisions</p>			
Metropolitan Police (designing out crime)	<p>The designing out crime officer raised no objection to the proposal however raised a number of comments:</p> <ol style="list-style-type: none"> <li>1. The lock should meet BS 3621, this not stated in the application form</li> <li>2. Recommend secure storage area within Kiosk</li> <li>3. Recommend crime prevention DNA marking Kit</li> </ol> <p>Officer response: The proposal is considered acceptable in regards to policy C5. As the proposal is considered unacceptable in terms of pedestrian safety it is not necessary to secure the additional security measures as described above.</p>			

## Site Description

The site contains a Grade II listed K6 phone kiosk, located on the north side of Great Russell Street opposite Museum Mansions. The site is located in the Bloomsbury Conservation Area.

The phone kiosk is located close to the south east corner of the British Museum. It is part of a pair of kiosks on the right of the entrance to the British Museum, opposite Museum Mansions. The two kiosks are separated by a Grade II\* listed granite column serving the Museum railings for the main entrance gateway.

## Relevant History

### APPLICATION SITE

**2017/4458/P & 2017/5510/L** Change of use from BT telephone box (Sui Generis) to retail unit (Class A1) and associated alterations **Refused planning permission on the grounds of impact on pedestrian safety; Granted Listed Building Consent**

*2017/4458/P Reason for Refusal:*

*The proposed use of the kiosk for retail purposes, by reason of its siting, would hinder pedestrian movement and result in a detrimental impact to the amenity and safety of pedestrians, contrary to policy T1 of the Camden Local Plan 2017.*

**2015/0870/P & 2015/0984/L** - 1. Change of use of BT telephone box to self-contained retail kiosk (Class A1) 2. Removal of telephone equipment, replacement of glass and modification to handle to allow locking – **Refused planning permission on the grounds of impact on pedestrian safety; Granted Listed Building Consent**

### NEARBY SITE

**2016/6047/P & 2016/6161/L** - Change of use of telephone box to office pod (sui generis) and associated alterations - **Granted 06/03/2017**

## Enforcement History

EN16/0414 Change of use of BT telephone box to retail kiosk (Class A1). No breach found 18/05/2019

EN19/1046 Use of telephone kiosk as retail without planning permission. Investigation ongoing

## Relevant policies

**National Planning Policy Framework (2019)**

**The London Plan 2016 as amended**

**The Camden Local Plan 2017**

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- TC1 Quantity and Location of retail development
- T1 Prioritising walking, cycling and public transport
- C5 Safety and Security

**Bloomsbury Conservation Area Appraisal and Management Strategy (2011)**

## Assessment

### 1.0 Proposal

1.1 The application seeks permission for the following:

- Change of use of BT telephone box (Sui Gen) to self-contained retail kiosk (Class A1)
- Removal of telephone equipment, replacement of glass and modification to handle to allow locking

1.2. An application for the same proposed works at the same application site has already been determined (see planning history). Given the policy context has not materially changed in relation to the main considerations, and there have been no changes in the proximity of the application site, the officer recommendation remains the same.

1.3 An enforcement case has been opened (see enforcement history) as photographic evidence has been received to show that the kiosk is being used for retail without planning permission.



Photograph dated 11/11/2019

### 2.0 Assessment

2.1 The main considerations in the assessment of the application for planning permission are:

- Principle of change of use
- Design and Heritage
- Impact on amenity and pedestrian and highway safety

#### Principle of change of use

2.2. The proposals involve changing the use to a retail unit (Class A1) primarily for the sale of drinks and/or ice cream to passing pedestrians. It is proposed that the retail unit be run with the door open and staffed by one person. The units would operate from 0800 to 1800 Monday to Friday, 0800 to 1900 on Saturdays and 0900 to 1800 on Sundays and Bank Holidays.

2.3 The proposed change of use from a phone box to a retail shop is supported by TC1 (Quantity and location of retail development) which seeks to increase retail floorspace in a Specialist Retail Areas. Phone boxes are generally underutilised due to the use of mobile phones and are recognised for attracting antisocial behaviour. The proposed use re-invents the phone box and enables a very small increase in retail floorspace.

2.4 Trading from the highway would require a trading licence and the retail kiosk proposed would need to be designated for street trading which would follow the licensing committee process for approval. If the proposals were considered acceptable then a condition would be added that ensures that the permission granted is personal to the applicant only and were the unit to not be used for retail purposes it would be returned to the original use as a telephone kiosk.

### **Design and Heritage**

2.5 Special regard has been attached to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, as well the character and appearance of the conservation area under s.16, s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

#### *Impact on Listed Phone Box*

2.6 The proposal would involve the removal of the telephone equipment and installation of a self-contained modular unit into the K6 phone kiosk. The glass would be replaced with toughened glass and a new locking mechanism behind the existing "pull" plate. The modular kiosk would be on rollers and would not be fixed to the existing K6 kiosk. It is not considered that these alterations would bring about any material change to the character and appearance of the phone box. The Applicant proposes a rolling maintenance programme to see the kiosks refurbished every two years. The maintenance programme would involve a complete overhaul, to include all exterior and interior paint and associate works and all paint used would be the same as that currently used by BT.

2.7 The use of the phone kiosk as a retail unit would secure the future of the under-utilised listed phone box. Whilst there would be some alterations to the original structure insofar that the telephone equipment would be removed and the use of the kiosk would not be as it was originally designed, it is considered that the benefits arising from the proposed maintenance programme, which would help ensure its continued conservation, would outweigh the loss of original fabric.

#### *Impact on Grade I Listed Building (British Museum)*

2.8 The kiosk is located outside the listed railings of the British Museum near to the south-east corner, a substantial distance from the main entrance. Due to the scale of the kiosk compared to the scale of the British Museum, the proposed alterations are not considered to cause harm to the setting of the Grade I listed building.

2.9 The proposals do not involve the display of any adverts and any advertisements would require separate advertisement consent and listed building consent.

2.10 Therefore it is considered the proposals would preserve the character and appearance of the Bloomsbury Conservation Area and as such the proposals are considered acceptable in design and listed building terms.

## **Impact on amenity and pedestrian and highway safety**

2.11 There is a distance of 3.8metres from the phone kiosk to the edge of the pavement and there is a street tree, lamp post and parking meter within 5 metres of the kiosk. The effective footway width from the telephone box to the adjacent tree is 2.45 metres on Great Russell Street. The Council's Transport Planner has been consulted on the proposal and considers that queues would form at the kiosk whilst it is in use and there would be insufficient space for pedestrians to safely pass by without hindrance and potentially stepping into the road. The British Museum is a very busy tourist attraction and there is constant flow of tourists and commuters using the pavement. The busy footway would be obstructed by users of the kiosk to an unacceptable extent, contrary to Policy T1, which seeks to ensure that the pedestrian environment promotes walking.

2.12 It is considered that due to the very small size of the kiosk and the proposed function the change of use would have no adverse impact on any nearby residential occupiers (on the opposite side of Great Russell Street) in terms of noise. Were the proposals to be considered acceptable then conditions would be added to the decision notice that restrict the hours of opening and prevents any tables, bins, chairs or A-boards cluttering the pavement and prevent any primary cooking on site.

2.13 There would be little servicing required as the self-contained modular unit would contain everything required for the day to day running of the retail kiosks. The kiosk would need to be serviced every day in respect of dry stock, water and / or saleable goods. Waste removal would be part of the same daily process, whereby the operators would remove any waste at the end of each day. As there is a parking area adjacent to the pavement where the kiosk is located it considered that the servicing could make use of the parking bays. As a result there would be no adverse effect on highway safety.

## **Recommendation**

2.14 It is recommended that planning permission be refused on pedestrian safety grounds. As the proposal is considered acceptable in listed building terms it is recommended that listed building consent be granted subject to conditions.