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| Delegated Report | | Analysis sheet | Expiry Date: | 02/10/2019 |
| | | n/a | Consultation Expiry Date: | 15/10/2019 |
| Officer | | | Application Number(s) | |
| Joshua Ogunleye | | | 1) 2019/4046/P 2) 2019/4671/A | |
| Application Address | | | Drawing Numbers | |
| Pavement outside 39 Tottenham Court Road London W1T 2AR | | | Refer to draft decision notice(s) | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
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| Proposal(s) | | | | |
| (1). Installation of 1 x telephone kiosk on the pavement; and (2). Display of 1 x LCD illuminated digital advertisement panel to telephone kiosk | | | | |
| Recommendation(s): | | Refuse planning permission and advertisement consent | | |
| Application Type(s): | | (1) Full Planning Permission (2) Advertisement Consent | | |

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|---|---|----|------------------|----|-------------------|----|
| Reason(s) for refusal: | Refer to Draft Decision Notice | | | | | |
| Consultations | | | | | | |
| Adjoining occupiers and/or local residents: | No. notified | 00 | No. of responses | 00 | No. of objections | 00 |
| Summary of consultation responses: | <p><u>A site notice was displayed on 19/09/2019 and expired on 12/10/2019</u></p> <p>In response to the proposal, the following comments/objections were received:</p> <p><u>Metropolitan Police – Designing Out Crime Officer</u> commented as follows:</p> <ul style="list-style-type: none"> • 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. I would recommend that the applicants submit a detailed maintenance and management plan for how often the pay phone is visited and cleaned to eliminate it becoming in a state of disrepair. • The orientation of the pay payphone should be considered especially as this design is more open and has reduced overhead cover. The main issues along Euston Road is persistent and aggressive begging involving organised criminal networks from European countries. 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. I would suggest the longest side of the pay phone to always be on the side of the vehicle highway so that there is less room on the pavement side for a beggar sit. This will allow for the 'open' side of the pay phone to be on the pedestrian side and this will reduce the back rest space and increase the natural surveillance into the pay phone space as pedestrians walk by. • Consideration to the light levels produced by the advertising unit to make sure it is not overly bright or creates a dazzling glare. This should take into account any CCTV that is in the area and it should be made sure it will not disrupt the quality of the images this CCTV provides. • A previous applications submitted were part of a large upgrading of the New World Phones estate around the London Borough of Camden. As part of this restructuring it was stated that 45 payphones will be removed from within the area reducing the number of payphones by 63% which overall should reduce the amount of crime | | | | | |

being generated as a result of their presence. I would certainly like to be informed if this is still case and also if any removals promised, since the last application, have been implemented.

Transport for London (TfL) commented as follows:

- Policy T2 of the draft London Plan sets out London's Healthy Streets approach. The Healthy Streets approach uses 10 indicators, based on evidence of what is needed to create a healthy, inclusive environment in which people choose to walk, cycle and use public transport. 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 environments and emphasise the quality of the pedestrian and street space'. This proposal does not meet any of the Healthy Streets indicators and does not contribute to the decluttering of the streetscape.
- Decluttering the streetscape is also prioritised in TfL Streetscape Guidance (available at: <http://content.tfl.gov.uk/streetscape-guidance-.pdf>). TfL expects the standards and principles in this document to be applied to all phone box replacement applications by the council. Page 208 (Footway amenities sets out that the furniture zone should run from the kerb zone to between 1600mm-2000mm wide. The submitted Site Plan demonstrates that this would be exceeded because of the new pavement line. This serves as further grounds for objection.

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

- The proposal to remove the existing telephone kiosk at the site, the telephone kiosk outside 14 Store Street and the 2 telephone kiosks outside 114-115 Tottenham Court Road is welcomed. This would help the Council to declutter the public realm for the benefit of pedestrians, one of the objectives of the West End Project currently under construction, and one of our Transport Strategy objectives more generally.
- I have to raise an objection to the proposal to introduce a replacement telephone kiosk in the general vicinity of the existing telephone kiosk. The proposed kiosk would be located directly in a pedestrian desire line leading to/from the new pedestrian crossing on Tottenham Court Road. This is demonstrated in the photos attached which show pedestrians walking where the replacement kiosk would be located. The proposal would therefore impede/obstruct pedestrian movement and sightlines while constituting an unnecessary hazard to pedestrians.
- The proposed kiosk would be located 5 metres from the traffic signals at the new pedestrian crossing. Transport for London guidance suggests that street furniture including advertising should not be located within 20 metres of traffic signals. This element of the proposal would be highly distracting to road users at a point where they need to be focussed on the environment directly ahead of them. The proposal would therefore constitute an unnecessary hazard to road users.

- The proposal is deemed to be contrary to policies A1 and T1 for the above reasons and both applications should therefore be refused.
- As discussed, the proposal to remove the existing telephone kiosk at the site, the telephone kiosk outside 14 Store Street and the 2 telephone kiosks outside 114-115 Tottenham Court Road is welcomed. It would be beneficial if the applicant could find an alternative location for the replacement telephone kiosk which could be found to be agreeable to officers. I have always found the applicant to be solution focussed and would be willing to meet to discuss alternative options.

The Council's Access Officer commented 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 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 impartments.

Site Description

The application site comprises of an area of land adjacent to 39 Tottenham Court Road, on the western side of the road. The footway on this west side is unusually wide when compared to other sections of the road. This footway section adjacent to 39-45 is known as Windmill Square. There are a variety of bulky items of street furniture within Windmill Square. This includes a large retail kiosk, a bus shelter and 5 telephone kiosks. Other items of street furniture include lamp columns, sign posts, telecommunications cabinets, cycle parking stands, benches, litter/recycling bins and pedestrian guardrail panels.

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

Relevant History

Site history:

2018/5549/P – Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 20/12/2018

2018/0909/A – Display of 2 x LCD illuminated digital advertisement to telephone kiosk. – Application withdrawn – 30/04/2019.

2018/0867/P – Replacement of 1 x existing telephone kiosk on pavement – Prior Approval Required – Approval Given – 14/06/18.

2018/0311/P – Installation of 1 x telephone kiosk on the pavement. – Granted – 15/03/2018

2017/1090/P – Installation of 1 x telephone box on pavement. Prior Approval refused 07/04/2017

2017/3524/P - Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 07/08/2017

2017/3507/P - Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 07/08/2017

2017/1022/P - Installation of 1 x telephone box on pavement. Prior Approval refused 05/04/2017

2015/2620/P - Replacement of an existing public telephone kiosk with a combined public telephone and Automated Teller Machine (ATM) kiosk. Planning permission refused 09/12/2015

Neighbouring Sites

2017/1775/A (Land adjacent to 110-118 Euston Road and junction with Mabledon Place) - Installation of digital advertisement screen and associated stand. Advertisement consent application withdrawn 30/11/2017

2015/2620/P (o/s 100 Euston Road) - Replacement of an existing public telephone kiosk with a combined public telephone and Automated Teller Machine (ATM) kiosk. Planning permission refused 09/12/2015

Neighbouring sites:

Pavement outside 210 Euston Road

2017/3508/P - Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 07/08/2017; Appeal dismissed 18/09/2018

Pavement outside 215 Euston Road

2017/3450/P - Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 25/09/2017; Appeal dismissed 18/09/2018

2017/3451/P - Installation of 1 x new telephone kiosk on the pavement. Prior Approval refused 05/12/2017

Pavement outside Fitzroy House, 355 Euston Road

2017/3544/P - Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 07/08/2017; Appeal dismissed 18/09/2018

Pavement outside 297 Euston Road

2017/5183/A - Display of a 6 sheet internally (back lit) LED illuminated advertisement panel to northeastern elevation of existing public payphone. Advertisement consent refused 18/05/2018; Appeal dismissed 08/10/2018 19/05/2009

Land adjacent to 101 Euston Road

2018/5546 – Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 20/12/2018; Appeal dismissed 09/01/2020

2018/0314/P – Installation of 1 x telephone kiosk on pavement. Prior Approval refused 14/03/2018; Appeal dismissed 22/07/2019

Relevant policies

National Planning Policy Framework 2019

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 for all

D1 Design

D4 Advertisements

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

Camden Planning Guidance

CPG Design (March 2019) - chapters 2 (Design excellence) and 7 (Designing safer environments)

CPG Transport (March 2019) - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)

CPG Advertisements (March 2018) – paragraphs 1.1 to 1.15; and 1.34 to 1.38 (Digital

advertisements)
CPG Amenity (March 2018) - chapter 4 (Artificial light)

Camden Streetscape Design Manual

Digital Roadside Advertising and Proposed Best Practice (commissioned by Transport for London) March 2013

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

Euston Area Plan (adopted January 2015) – Strategic principle EAP 3: Transport

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Overall assessment

1. Proposal

- 1.1 The applications seek planning permission and advertisement consent for the replacement of an existing telephone kiosk with a new kiosk and integral digital advertising display panel.
- 1.2 The proposed replacement kiosk would measure 2499mm high (69mm taller than the existing kiosk), 1096mm wide (148mm wider) and 762mm deep (186mm slimmer) with a footprint measuring 0.83sqm (slightly smaller). The structure would be made from stainless steel and mainly powder coated black in colour with either glass or composite plastic material at the side. The roof would be made from either polycarbonate or another composite plastic material.
- 1.3 At the front, the kiosk would provide a telephone and keypad, payment facilities, a 24inch LCD display providing interactive wayfinding capability (with a luminance level of up to 1500 cd/m²), provision of public Wi-Fi access points, and other access facilities.



The kiosk design subject of this application

- 1.4 The rear elevation would incorporate a 1650mm high by 928mm wide integral LCD display panel for digital advertising purposes, recessed behind toughened glass. The digital panel would display static advertising images in sequence, changing no more frequently than every 10 seconds, and have a maximum luminance level of up to 2500 cd/m². The luminance level would be controlled via a light sensor during periods of darkness when the maximum

brightness would be restricted to a maximum of 280 cd/m².

Background

- 1.5 On 25 May 2019, the General Permitted Development Order (GPDO) was amended through the coming into force of the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019. This amendment has had the effect of removing permitted development rights to install a public call box under Schedule 2, Part 16, Class A of the GPDO. Accordingly a planning application and associated advertisement consent application have been submitted.
- 1.6 As planning permission and advertisement consent are now required, the Council can take into consideration more than just the siting, design and appearance of the kiosk which was previously allowed. The Council is now also able to take into consideration all relevant local and national planning policies and legislation.

2. Assessment

Planning need

- 2.1 As planning permission is now required for the installation of a telephone kiosk, the Council can take into consideration more than just the siting, design and appearance of the kiosk. The Council is able to take into consideration all relevant planning policies and legislation.
- 2.2 The current applications form 1 set of 20 similar sets of planning and advertisement consent applications in which the proposed development seeks the overall introduction of 20 new kiosks following the removal of the entire stock of New World Payphone (NWP) older designed kiosks within the London Borough of Camden (a reduction of 50 kiosks). The applicant previously indicated a willingness to sign up to a legal agreement to ensure that all old kiosks were removed in a timely fashion and to other management controls. If planning permission was to be approved a legal agreement would be required to secure these matters.
- 2.3 As part of a separate enforcement investigation following complaints about the underused and poorly maintained telephone kiosks along Tottenham Court Road, Planning Contravention Notices were served on all kiosks in that street in order to ascertain the lawful status of these kiosks and whether they are still required in accordance with condition A.2 (b) (Part 16 Class A) of the GPDO 2015.
- 2.4 As part of this planning application we asked the applicant to provide call data information for all the kiosks that are proposed to be removed as part of this scheme. This information was provided in full on the 29th January 2020. A review of the call data information indicates that the existing kiosks are substantially underused and have limited usage.
- 2.5 [Under paragraph 115 of the NPPF applications for electronic communications development should be supported by the necessary evidence to justify the proposed development]. If existing phone kiosks have limited usage and there are existing kiosks within the local area, the benefit of an additional/replacement kiosk in this location is limited and it is not considered that sufficient evidence has been provided to justify the proposed development. The replacement kiosk will essentially enable the provision of a digital advertisement panel. It is not considered that a structure of this type or scale is necessary to enable Wi-Fi provision. Moreover, there are already approx. 20 other phone kiosks located along Tottenham Court Road and in close proximity from the application site. The proposed development is therefore considered to add unnecessary street clutter, contrary to Camden planning policies and guidance. Therefore, on this basis, refusal is recommended.
- 2.6 In addition, the Council sets out its full assessment as follows:

3. Design

- 3.1 Policy D1 (Design) 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.
- 3.2 Policy C6 (Access for all) requires new buildings, spaces and facilities that the public may use to be fully accessible to promote equality of opportunity.
- 3.3 The Euston Area Plan adopted January 2015 (Strategic principle EAP 3 - Transport) promotes the improvement and de-cluttering of new and existing footways across and along Euston Road in order to significantly enhance pedestrian movement and public realm (pages 54-60).
- 3.4 A key design consideration of the structure, whilst replicating elements of a traditional kiosk is the inclusion of a digital advert. This has resulted in a structure which is dominant, visually intrusive and serves to detract from the appearance of the wider streetscene in a largely uncluttered part of the street.
- 3.5 CPG (Design) advises that *“the design of streets, public areas and the spaces between buildings, needs to be accessible, safe and uncluttered. Well-designed street furniture and public art in streets and public places can contribute to a safe and distinctive urban environment.”* Street furniture should not obstruct pedestrian views or movement.
- 3.6 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.
- 3.7 The site currently has an existing New World Payphone telephone kiosk. There are a number of mature street furniture's and 2no BT telephone kiosks located directly adjacent to the proposed kiosk within approximately 5-7m. The footway nearest the pavement edge is characterised by a slender street furniture zone consisting of a street lamp column, cycle parking stands, wayfinding sign and electrical feeder pillars. This zone 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).
- 3.8 The proposed structure, by reason of its size, scale and siting along the pavement, would appear as an obtrusive piece of street furniture in this location detracting from the streetscene and the wider conservation area. The proposed height and width (2499mm high and 1096mm wide) would be 69mm taller and 148mm wider than the existing NWP kiosk. This has resulted in the need for a taller, wider kiosk, and as such, a structure. The incongruous design would provide an intrusive addition to the street. As such, the proposal would fail to adhere to Policy D1.
- 3.9 The proposed replacement kiosk would introduce a taller and wider kiosk than the current NWP kiosk sited in this location (see paragraph 1.2 above for detailed dimensions). Notwithstanding the existence of a NWP kiosk and the adjacent 2 x existing telephone kiosks, and given the prominence of the proposal's siting, it is considered that the proposed development would worsen the situation through the installation of further prominent street clutter in an already cluttered pedestrian environment. The proposal would therefore have an unacceptable impact on the character and appearance of the street scene, contrary to Policies D1 (Design) and C6 (Access for all).
- 3.10 In addition to concerns about the infrequent use of NWP telephone kiosks and the prevalence of mobile phone use in general, it is considered that the proposed telephone kiosk would only act 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 (Managing the impact of development).

- 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 rather than adding additional clutter.

Inclusive design and accessibility

- 3.12 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.

- 3.13 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. Though the telephone controls in the proposed kiosk are shown as being located within the recommended height threshold, the payment facilities are shown as being higher than 1m above the floor level resulting in making payments more difficult for some users. There are also no details of 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. Nor is there 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.
- 3.14 If permission had been approved conditions in relation to access would have been recommended.

4. Highways and footpath width

- 4.1 While it is recognised that there is an existing NWP kiosk located at the application site, its lawful status is under investigation.
- 4.2 With regard to safety issues for both drivers and pedestrian at traffic junctions and crossings, CPG (Design) in paragraph 7.42 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.*"
- 4.3 This impact is likely to have an even more detrimental impact on disabled and elderly people 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 the characteristics of being disabled or elderly. In this regard, 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.”

4.4, the proposed design of this kiosk has been built around the need to provide a digital advertisement. This has resulted in a tall, wide solid structure which obstructs sightlines. CPG (Design) states in paragraph 7.42 specifically in regard to telephone boxes that “*designs which are dominated by advertising space are not acceptable.*” And further that “*designs should seek to maximise views into and through the phone box and along the footway.*” In this regard, the proposed telephone kiosk 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, as well as, reducing visibility for road users approaching a busy traffic signal controlled junction.

4.5 Policy D7 (Public Realm) of the New London Plan (Intend to publish) states that development should ‘*Applications which seek to introduce unnecessary street furniture should normally be refused.*’

4.6 Policy T2 (Healthy Streets) of the New London Plan (Intend to publish) 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.*’ It is considered that the application would fail to deliver any improvements which support any of the ten Healthy Streets Indicators

4.7 Policy A1 (Managing the impact of development) states that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. More specifically, 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 road users. In addition, policy C5 (Safety and security) promotes safer streets and public areas, as well as, pedestrian friendly spaces.

4.8 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. Paragraph 9.10 of Camden Planning Guidance document CPG (Transport) highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.

4.9 Camden’s Streetscape Design manual – section 3.01 in regard to footway width states the following:

“Clear footway” is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway;

1.8 metres – minimum width needed for two adults passing;

3 metres – minimum width for busy pedestrian street though greater widths are usually required;

Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street’.

4.10 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.

4.11 Paragraph 9.7 of CPG (Transport) states that the Council will seek improvements to existing routes, footways, footpaths and cycling infrastructure. Key considerations would

include:

Ensuring the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities;
Maximising pedestrian and cycle accessibility and minimising journey times making sites 'permeable';
Providing stretches of continuous footways without unnecessary crossings;
Making it easy to cross where vulnerable road users interact with motor vehicles;
Linking to, maintaining, extending and improving the network of pedestrian and cycle routes;
Taking account of surrounding context and character of the area;
Providing a high quality environment in terms of appearance, design and construction, considering Conservation Areas and other heritage assets;
Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture; and
Having due regard to design guidance set out in the Camden Streetscape Design Manual, TfL's London Cycling Design Standards, TfL's Pedestrian Comfort Level Guidance and TfL's Healthy Street Indicators.

4.12 The application site is located on a section of pavement and footway on Tottenham Court Road that consistently experiences exceptionally high pedestrian footfall, due to its close proximity to Goodge Street and Tottenham Court Road Underground Stations, and this is predicted to increase significantly with ongoing economic growth in Central London and Cross Rail currently under construction. This section of the footway is subject to future plans by TFL to expand it width in order to accommodate increased pedestrian flow.

4.13 The footprint of the proposed telephone kiosk measures approximately 1.09m wide by 0.76m deep. The dimensions provided on the site location and block plans show the footway to be approximately 4.46m wide at this point. The proposed telephone kiosk would be located towards the kerbside with a 1m from the kerb and 9.8m from the building line of 39 Tottenham Court Road. This offset is considered to be insufficient and would constitute an obstruction to pavement cleaning and building maintenance activities. Furthermore, whilst the proposed block plan shows that the minimum footpath width would be met, officers consider the proposed kiosk by virtue of its bulky massing would serve to harm visual connectivity and pedestrian foot flow within the context. As such it would be contrary to Appendix B of TfL's Pedestrian Comfort Guidance, and any reduction of the available footway space at this location is considered to be unacceptable due to the close proximity to 2 mainline railway and underground stations and known high pedestrian flows.

4.14 In addition, CPG (Transport) states that a key consideration should be avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture. As outlined above, the provision of a kiosk where there is evidence demonstrating it is unnecessary, given the existing call data and the location of 2 x other telephone kiosks in close proximity, will result in the loss of footway detrimental to Policies T1 (Prioritising walking, cycling and public transport) and C5 (Safety and security). Therefore, on this basis, refusal is recommended.

5. Advertisement

5.1 Advertisement consent is also sought for the display of an LCD illuminated digital advertisement panel (1650mm high by 928mm wide) located within the rear elevation of the kiosk structure. The digital panel would display static advertising images in sequence, changing no more frequently than every 10 seconds, and have a maximum luminance level of up to 2500 cd/m². The luminance level would be controlled via a light sensor during periods of darkness when the maximum brightness would be restricted to a maximum of 280 cd/m².

5.2 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to consider amenity and public safety matters in determining advertisement consent

applications.

Visual impact and impact on residential amenity

- 5.3 CPG (Design) advises that good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area.
- 5.4 Policy D4 (Advertisements) confirms that the “Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in the area.” (paragraph 7.82).
- 5.5 More specifically with regard to digital signage, CPG (Adverts) states in paragraph 1.38 that “Digital advertisements are by design visually prominent and attention grabbing with their illuminated images, especially when they are large in size. They are not suitable for locating in some areas.” Further, paragraph 1.12 states that “free-standing signs and signs on street furniture will only be accepted where they would not create or contribute to visual and physical clutter or hinder movement along the pavement or pedestrian footway.”
- 5.6 While it is accepted that all advertisements are intended to attract attention, the provision of an LCD illuminated digital panel is considered to be inappropriate in this location by virtue of its scale and prominence which would add visual clutter to the area and wider streetscene. As such, it is considered that the digital panel would have an adverse effect upon the visual amenity of the area and fail to adhere to policy D1 and the vision expressed within the Euston Area Plan in this regard. Refusal is therefore recommended on this basis.
- 5.7 Furthermore, chapter 4 of CPG (Amenity) advises that artificial lighting can be damaging to the environment and result in visual nuisance by having a detrimental impact on the quality of life of neighbouring residents, and that nuisance can occur due to ‘light spillage’ and ‘glare’ which can also significantly change the character of the locality.
- 5.8 As the advertisements are not located at a typical shop fascia level and would be illuminated, they can appear visually obtrusive and would have the potential to cause light pollution to neighbouring residential properties. While it is acknowledged that the proposal includes a light sensor which could restrict the maximum brightness of the digital screen to a maximum of 280 cd/m² at certain times, the fact that the panel has the potential to operate with a maximum luminance level of up to 2500 cd/m² could result in excessive brightness, light spillage and glare. It is also noted that the proposals include a 24inch LCD display panel on the front elevation of the kiosk (providing interactive wayfinding capability) which has a luminance level of up to 1500 cd/m². This could result in an additional nuisance in terms of excessive luminance levels and it is not clear from the information provided whether this is also controlled by a light sensor.
- 5.9 Accordingly, if the application was to be recommended for approval, conditions to control the brightness, orientation and frequency of the displays, and prevent any moving displays would be required.

Public safety

- 5.10 Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users. The Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users.
- 5.11 As stated previously above, it is accepted that all advertisements are intended to attract attention. The Council also acknowledges the level of illumination and display of moving images can be restricted by condition. However, advertisements are more likely to distract road users at junctions, roundabouts and pedestrian crossings particularly during

hours of darkness when glare and light spillage can make it less easy to see things, which could be to the detriment of highway and pedestrian and other road users' safety.

5.12 With regard to safety issues for both drivers and pedestrian at traffic junctions and crossings, CPG (Design) in paragraph 7.42 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."

5.13 This impact is likely to have an even more detrimental impact on disabled and elderly people 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 the characteristics of being disabled or elderly. In this regard, 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."

5.14 The proposed telephone kiosk would also be located 10m away from a junction with Percy Street 'Red Route' north bound on the A400 which forms part of the Transport for London Network (TLRN) and 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.

5.15 It is accepted that all advertisements are intended to attract attention. However, advertisements are more likely to distract road users at junctions, roundabouts and pedestrian crossings particularly during hours of darkness when glare and light spillage can make it less easy to see things, which could be to the detriment of highway and pedestrian and other road users' safety.

5.16 The proposed advertisement would be in direct eye-line of pedestrians and motorists, at this busy section junction with Percy Street. The proposal would constitute an unnecessary street clutter which would serve as a distraction to motorists and pedestrians, detrimental to public safety. Refusal is recommended on this basis.

6. Anti-social behaviour

6.1 With regards to community safety matters, a number of issues have been raised by the Metropolitan Police Crime Prevention Design Advisor. In particular it has been noted that existing telephone kiosks within the London Borough of Camden have become 'crime generators' and a focal point for anti-social behaviour (ASB). The design and siting of a structure which is considered unnecessary and effectively creates a solid barrier to hide behind, on a busy footway would further add to street clutter and 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. This would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to policy C5 (Safety and security) and CPG (Design).

7. Conclusion

7.1 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. The advertisement would serve to harm both the visual amenities and public safety of the area. The proposal is therefore considered to be unacceptable in compliance with the aforementioned policies.

8. Recommendation

Refuse planning permission

- 8.1 The proposed telephone kiosk, by reason of its location and size, and lack of evidence to justify the need for an additional kiosk in this location, would add to visual clutter and detract from the character and appearance of the streetscene, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017.
- 8.2 The proposed telephone kiosk, by virtue of its location, size and detailed design, , and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.
- 8.3 The proposed telephone kiosk, adding unnecessary street clutter, would create opportunities increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to policy C5 (Safety and security) of the London Borough of Camden Local Plan 2017.
- 8.4 In absence of a legal agreement to secure the removal of the existing kiosks and a management and maintenance plan or the proposed kiosk, the proposal would be detrimental to the quality of the public realm, and detract from the character and appearance of the streetscene, contrary to policies D1 (Design), G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

Refuse advertisement consent

- 8.5 The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the area and wider streetscene, contrary to policies D1 (Design), and D4 (Advertisements) of the Camden Local Plan 2017.