

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>27/09/2019</b>
		n/a	<b>Consultation Expiry Date:</b>	<b>30/09/2019</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Joshua Ogunleye			1) 2019/4049/P 2) 2019/4679/A	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pavement outside 55-59 New Oxford Street London WC1A 1BS			Refer to draft decision notice(s)	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
(1). Installation of 1 x telephone kiosk on the pavement; and (2). Display of 1 x LCD illuminated digital advertisement panel to telephone kiosk				
<b>Recommendation(s):</b>		Refuse planning permission and advertisement consent		
<b>Application Type(s):</b>		(1) Full Planning Permission (2) Advertisement Consent		

Reason(s) for refusal:	Refer to Draft Decision Notice					
<b>Consultations</b>						
Adjoining occupiers and/or local residents:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed on 18/09/2019 and expired on 12/09/2019</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"> <li>• 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).</li> <li>• 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.</li> <li>• The orientation of the pay payphone should be considered especially as this design is more open and has reduced overhead cover. The main issues 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.</li> <li>• 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.</li> <li>• 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</li> </ul>					

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:

- TfL will resist implementation of this planning permission via S278 or other highway licensing until we receive and approve proof of the other kiosks having been removed.
- Please ensure that the planning permission includes an obligation to enter into a S278 agreement with TfL as the highway authority.
- We also need to ensure that the kiosks being offered for removal are actually removed before a new one is installed. This should be secured by a pre-commencement condition.

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

- I visited the site and measured the footway width at the site as being 4.45 metres. The existing kiosk was measured as being 920mm wide. I measured the effective footway width adjacent to the existing telephone kiosk as being 1.95 metres. I also measured the existing telephone kiosk being offset from the adjacent kerb by 1.55 metres. The replacement kiosk would be 1.1 metres wide (180 mm wider than the existing kiosk) and would be offset from the kerb by 450 mm. The effective footway width between the proposed kiosk and the adjacent property would be 2.9 metres. This would represent an improvement when compared against the existing situation.

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 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.

**Covent Garden Association**

- Were the applications for new sites we would certainly object. And, armed with the new legislation, you would be able to refuse them (the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 that came into force on 25/05/2019, amending the General Permitted Development Order (GPDO) to remove the permitted development right to install a public call box under Schedule 2, Part 16, Class A of the GPDO).
- You may well already be working with Westminster to control the blight that many of these units have caused over recent decades, with all the issues that we know around crime (drug activity, prostitution advertising etc.), filth and unwelcome advertising in the middle of our pavements. However, in case it is of use, I a part of the email trail below. All the officers what we deal with on this at Westminster are very collaborative, so please do call them if you have not done so already and think that a joined-up approach would be helpful. I have to say that we do! Roald Piper, who heads up their enforcement, came with us to see a Minister for Housing and to lobby the House of Lords to help us get the 90 day rule on Airbnb a few years go; he is very determined and thinks around problems, but as you can see below the problem of existing kiosks seems to be proving pretty tough.

**Site Description**

The application site comprises of an area of the footway adjacent to New Oxford Street, on the northern side of the street outside No.55. The site is currently occupied by one existing red payphone, set off 0.65m from the kerb edge. It is situated on a 4m wide pavement. The surrounding area is predominantly commercial and the site is within a busy traffic junction.

The site is located in the Bloomsbury Conservation Area close to Hazelwood House which is a grade II Listed Building.

**Relevant History**

**Site history:**

**2018/0873/P** - Replacement of 1 x existing telephone kiosk on pavement. Prior approval withdrawn on 30/04/2019.

**2018/0948/A** - Display of 2 x LCD illuminated digital advertisement to telephone kiosk. Prior approval withdrawn on 30/04/2019.

**Neighbouring Site - 40 New Oxford Street**

**2018/0947/A** - Display of 2 x LCD illuminated digital advertisement to telephone kiosk. Advertisement Consent withdrawn on 30/04/2019.

**2018/0872/P** - Replacement of 1 x existing telephone kiosk on pavement. Prior approval withdrawn on 30/04/2019.

**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  
D2 Heritage Asset  
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)**

**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/m<sup>2</sup>), provision of public Wi-Fi access points, and other access facilities.



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/m<sup>2</sup>. 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/m<sup>2</sup>.

### 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**

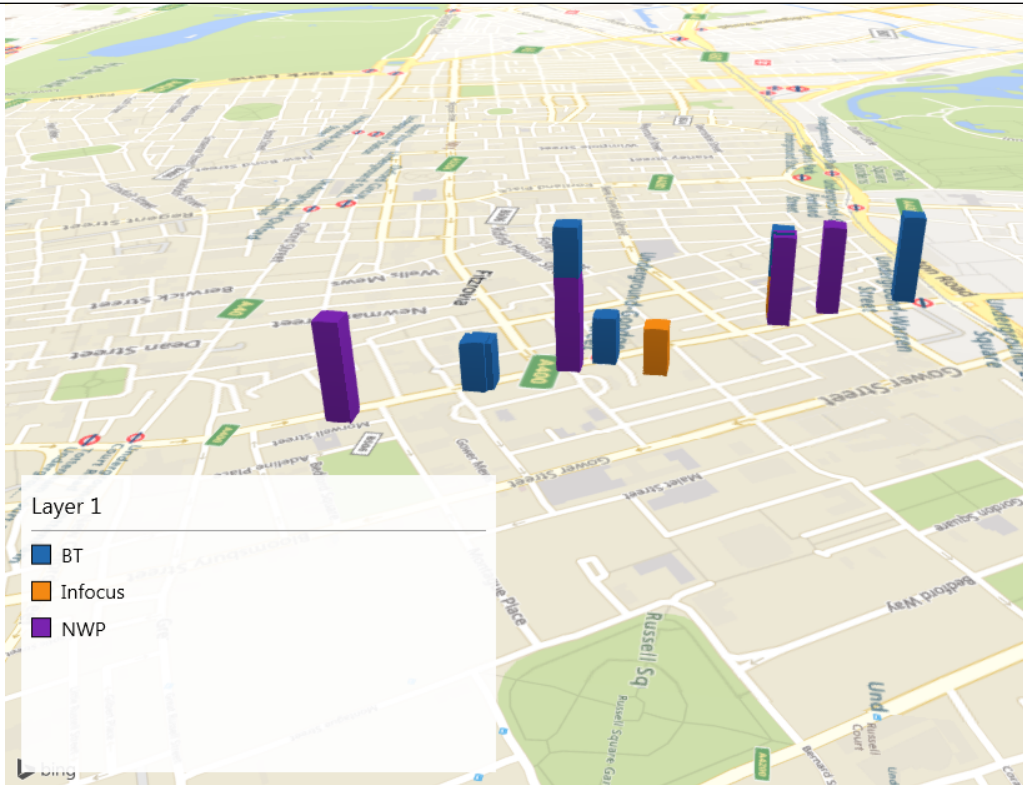
### Planning need

2.1 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.

2.2 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.

2.3 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.

2.4 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 33 other phone kiosks (of which 13 belong to the applicant) located within Tottenham Court Road, as shown below.



2.5 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 D2 (Heritage) states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets

3.3 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.

3.4 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 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 and would fail to preserve or enhance the area in accordance with Policy D2.
- 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), D2 (Heritage) 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.
- 3.12 Considerable importance and weight has also been attached to the desirability of preserving the listed buildings opposite, their settings and features of special architectural or historic interest, and the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 3.13 Given the assessment in the design section, it is considered that the formation of the public telephone box would result in less than substantial harm to the character and appearance of the surrounding Bloomsbury Conservation Area and settings of the nearby listed buildings.
- 3.14 Paragraph 196 of the NPPF states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"
- 3.15 It is acknowledged that the proposal would result in publically accessible Wi-Fi and thereby results in some limited public benefit as a result of the scheme. However it is considered that the limited benefit arising as a result of the proposal would not outweigh the harm caused to the character and appearance of the conservation area and settings of the



listed buildings opposite.

3.16 The proposal is thereby considered to constitute less than substantial harm within the conservation area and settings of the listed buildings opposite, with no demonstrable public benefits derived from the scheme which would outweigh such harm. The proposal is therefore considered to be contrary to Section 16 of the NPPF which seeks to preserve and enhance heritage assets.

3.17

#### Inclusive design and accessibility

3.18 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:

4. 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.
5. A knee-hole should be provided at least 500mm deep and 700mm high to allow ease of access for wheelchair users.
6. 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.
7. Instructions for using the phone should be clear and displayed in a large easy to read typeface
8. 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.

8.1 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.

8.2 In light of the above, and in terms of inclusive design and accessibility, if planning permission was to be approved conditions would be recommended in relation to access.

### **9. Highways and footpath width**

9.1 While it is recognised that there is an existing NWP kiosk located at the application site, it's lawful status is under review.

9.2 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*'.

9.3 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

9.4 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.

9.5 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.

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

9.7 "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;

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

9.9 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.

9.10 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;

- 9.11 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.
- 9.12 The application site is located on a section of pavement and footway on New Oxford Street that consistently experiences exceptionally high pedestrian footfall, due to its close proximity to Holborn 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.
- 9.13 The footprint of the proposed telephone kiosk measures approximately 1.09m wide by 0.76m deep. The existing kiosk was measured as being 920mm wide. The structure would measure the effective footway width adjacent to the existing telephone kiosk as being 1.95 metres. I also the existing telephone kiosk is measured as being offset from the adjacent kerb by 1.55 metres. The replacement kiosk would be 1.1 metres wide (180 mm wider than the existing kiosk) and would be offset from the kerb by 450 mm. The effective footway width between the proposed kiosk and the adjacent property would be 2.9 metres. This would represent an improvement when compared against the existing situation.
- 9.14 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 0.45m from the kerb and 2.9m from the building line of 55-59 New Oxford Street. This offset is considered to be insufficient and would constitute an obstruction to pavement cleaning and building maintenance activities. Furthermore, while the block plan shows the effective footway width to be 2.8m, it would in fact be only 2m given the presence of the adjacent utility box located between the proposed kiosk and pavement edge.
- 9.15 This would fall within the minimum required effective footway width available for pedestrian movement as recommended in 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 3 mainline railway and underground stations and known high pedestrian flows. The proposal would represent an improvement when compared against the existing condition.
- 9.16 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.

## **10. Advertisement**

- 10.1 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/m<sup>2</sup>. 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/m<sup>2</sup>.
- 10.2 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

- 10.3 CPG (Design) advises that good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area.
- 10.4 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).
- 10.5 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.*”
- 10.6 Paragraph 1.8 states that Advertisements in conservation areas and on or near listed buildings require detailed consideration given the sensitivity and historic nature of these areas or buildings. Any advertisements, of whatever type, on or near a listed building or in a conservation area must not harm their character and appearance and must not obscure or damage specific architectural features of buildings.
- 10.7 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. Refusal is therefore recommended on this basis.

## Public safety

- 10.8 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.
- 10.9 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.
- 10.10 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.*” In this case, it is located X m away from a junction.
- 10.11 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.
- 10.12 The proposed telephone kiosk would also be located 10m away from a junction with Dyott Street ‘Red Route’ west 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.

10.13 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.

10.14 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.

## **11. Anti-social behaviour**

11.1 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).

## **12. Conclusion**

12.1 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.

## **13. Recommendation**

### Refuse planning permission

13.1 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, and the wider Bloomsbury Conservation Area contrary to policy D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

13.2 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.

13.3 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.

13.4 In absence of a legal agreement to secure the removal of the existing kiosks and a management and maintenance plan for 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

13.5 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, and the wider Bloomsbury Conservation Area contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.