

<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>	
Tony Young			2019/3958/P & 2019/4406/A	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pavement outside 100-110 Euston Road London NW1 2AJ			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 06/09/2019 and expired on 30/09/2019</p> <p>In response to the proposal, the following comments/objections were received:</p> <p><u>Local resident at Durdans House, Royal College Street</u> objected as follows:</p> <ul style="list-style-type: none"> <li>No longer needed and an eyesore for the community.</li> </ul> <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 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.</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</li> </ul>					

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:

- 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:

- The proposal is unlikely to be hazardous to road users. And the proposal involves the removal of other kiosks as mitigation. I therefore conclude that it would be acceptable subject to a S278 agreement.

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 impairments.

## Site Description

The application site comprises an area of the public footway on the northern side of Euston Road adjacent to nos. 100-110. The site currently has an existing New World Payphone telephone kiosk. There are a number of mature street trees and 2 x BT telephone kiosks located directly adjacent to this kiosk and within approximately 5-7m towards the south-west. A street lamp, 2 x cycle parking stands and a utility cabinet are also located in close proximity towards the pavement edge, including

traffic lights and a pedestrian crossing located within approximately 5m to the south-east.

The site is located on a major road for both vehicular and pedestrian traffic near various transport interchanges, including Euston, Kings Cross and St Pancras Underground and Mainline Stations, and is on one of the busiest pedestrian corridors in the borough. The site lies within the Central London Area and is part of Transport for London's (TfL's) Road Network (TLRN).

The site is not located within a conservation area, and while it is not immediately adjacent to a listed building, the Grade II listed, Rocket Public House (120 Euston Road) is to the north-west and the Grade II listed, British Library (96 Euston Road) is to the south-east.

## **Relevant History**

### **Site history:**

**2018/5557/P** - Installation of 1x telephone kiosk on the pavement. Prior approval refused 20/12/2018; Appeal dismissed 09/01/2020

**2018/0954/A** - Display of 1 x LCD illuminated digital advertisement to telephone kiosk. Advertisement consent withdrawn 22/05/2019

**2018/0879/P** - Erection of freestanding telephone kiosk providing phone and Wi-Fi facilities, location based information, payment facilities with 1 x LCD illuminated digital advertisement following the removal of 1 x telephone kiosk. Prior Approval withdrawn 22/05/2019

**2018/0326/P** - Installation of 1x telephone kiosk on pavement. Prior Approval refused 15/03/2018; Appeal dismissed 22/07/2019

**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

**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

**2017/1078/P** – Installation of 1 x telephone box on pavement. Prior Approval refused 07/04/2017

Outside The British Library, 96 Euston Road

**2009/1771/P** – Installation of a telephone kiosk on the public highway. Prior Approval refused 22/05/2009; Appeal dismissed 04/05/2010

Land adjacent to Unison Centre, 130 Euston Road

**2018/5536/P** – Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 20/12/2018; Appeal dismissed 09/01/2020

**2018/0313/P** – Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 16/03/2018; Appeal dismissed 29/07/2019

**2017/2705/P** – Erection of a freestanding BT panel providing phone and Wi-Fi facilities with 2 x internally illuminated digital advertisement. Full planning application withdrawn 28/09/2017

**2017/1195/P** – Installation of 1 x telephone box on pavement. Prior Approval refused 06/04/2017

Pavement outside Premier Inn, Euston Road

**2017/3449/P** – Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 03/08/2017; Appeal allowed 06/08/2018

Land adjacent to 137-139 Euston Road

**2018/5525/P** – Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 20/12/2018; Appeal dismissed 09/01/2020

**2018/0330/P** – Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 15/03/2018; Appeal dismissed 22/07/2019

**2017/1091/P** – Installation of 1 x telephone box on pavement. Prior Approval refused 05/04/2017

**2009/1170/P** – Installation of a telephone kiosk on the public highway. Prior Approval refused 22/05/2009. Appeal dismissed 04/05/2010

#### **Recent appeals dismissed re. telephone kiosks (dated 18<sup>th</sup> September 2018):**

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

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

#### **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/m<sup>2</sup>), 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/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 2 other phone kiosks located within approximately 5-7m from the proposed 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.
- 2.5 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 The proposed structure, by reason of its size and scale, when there is no need for a kiosk in this location, would be a obtrusive piece of street furniture in this location detracting from the streetscene. The height and width (2499mm high and 1096mm wide) are 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.
- 3.6 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.
- 3.7 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.

- 3.8 The site currently has an existing New World Payphone telephone kiosk. There are a number of mature street trees and 2 x BT telephone kiosks located directly adjacent to the site 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).
- 3.9 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 As stated above, one of the aims of the Euston Area Plan (Strategic principle EAP 3 - Transport) is to improve and de-clutter existing footways across and along Euston Road in order to significantly enhance pedestrian movement and public realm. The proposed site falls within this area. However, there is no evidence in the application submission that any consideration has been given to the local aims of the Euston Area Plan, nor to attempt to integrate the Council's wider highway, urban realm and landscape proposals into the proposals. As such, the proposal is at odds with the broader, integrated approach of the Council (most notably, but not exclusively, demonstrated in the objectives of the West End Project for Tottenham Court Road) to improve and rationalised the public realm throughout the Borough, and is contrary to its objectives which, amongst other aims, seeks to enhance the visual appearance of the streetscene and declutter pedestrian footways.
- 3.11 There are also 3 existing telephone kiosks (in addition to the kiosk located at the application site) within approximately 90m of the site (2 kiosks located immediately adjacent to the application site and 1 on the opposite side of the road outside no. 141) and a further 2 kiosks within 200m outside (St. Pancras Church on Euston Road). No justification has been submitted for the need to install a new, replacement kiosk. Refusal is therefore recommended on this basis.
- 3.12 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).
- 3.13 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

- 3.14 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.

3.15 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.

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

#### **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 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*'.

4.3 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

4.4 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.

4.5 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.

4.6 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'.

4.7 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.

4.8 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.

4.9 The application site is located on a section of pavement and footway on Euston Road that consistently experiences exceptionally high pedestrian footfall, due to its close proximity to Euston, King's Cross, and St. Pancras Underground and Railway Stations, and this is predicted to increase significantly with ongoing economic growth in Central London and High Speed Two (HS2) currently under construction.

4.10 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 7.1m wide at this point. The proposed telephone kiosk would be located towards the middle of the pavement set in 2.3m from the building line of 100-110 Euston Road. 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 3.8m, it would in fact be only 2.9m given the presence of the adjacent cycle parking stands and utility box located between the proposed kiosk and pavement edge.

- 4.11 This would fall below 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. Whilst there is an existing kiosk, as it is proposed to be removed as part of this application and given the question of its lawful status, it is not considered justification to permanently allow the reduction of the available footway space.
- 4.12 Whilst any offer to remove older unsightly kiosks is welcomed, especially given the data which shows their usage is limited, this does not automatically mean our policies support the addition of further unnecessary clutter on the streets of Camden. In this case there are 2 x other telephone kiosks in close proximity. Whilst the removal of existing phone kiosks is welcomed, approving a new structure for which there is no need would set a precedent. 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*'.
- 4.13 In this location where there are multiple existing kiosks from different providers in close proximity to the application site it is considered that allowing the loss of footway and the impact on the public realm is not justified. No justification has been submitted for the need to install a new, replacement kiosk. Refusal is therefore recommended on this basis.

## **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/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>.
- 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/m<sup>2</sup> at certain times, the fact that the panel has the potential to operate with a maximum luminance level of up to 2500 cd/m<sup>2</sup> 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/m<sup>2</sup>. 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 scheme to reconfigure Euston Road and the King's Cross Gyratory are within the vicinity of the application site. This scheme aims to create a high quality place and improve pedestrian comfort and increase the safety of vulnerable road users through providing additional space for walking and cycling. The installation of the proposed telephone kiosk in this location would therefore add further street clutter to the streetscene, contrary to the aims of the committed scheme and the resulting reduction in the footway width may discourage active travel.
- 5.15 As stated previously above, 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.
- 5.16 Furthermore, the Planning Inspector concluded in paragraph 15 when considering an appeal against the Council's decision to refuse similar proposals on a pavement outside Fitzroy House, 355 Euston Road, London NW1 3AL (Appeal A Ref: APP/X5210/W/18/3195370) that the kiosk would impinge into the main pedestrian flow and hamper free movement of pedestrians (see Appendix A attached). The appeal was dismissed dated 18/09/2018.
- 5.17 As such, the proposal would result in the loss of footway for unnecessary street clutter and is considered to have significant pedestrian implications contrary to policies A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport), as well as, TfL guidance. Refusal is therefore 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. The advertisement would serve to harm visual amenity 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, 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, 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, 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 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

- 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.

**Appendix A** - 13 appeals dismissed for installation of payphone kiosks along Euston Road and in King's Cross (18<sup>th</sup> September 2018)



## Appeal Decisions

Site visit made on 10 September 2018

by **Nick Fagan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> September 2018

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### CASE DETAILS

#### All appeals

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeals are all made by Euro Payphone Ltd against the decisions of the Council of the London Borough of Camden.
  - In each case the development proposed is the installation of a telephone kiosk.
  - All the applications were dated 22 March 2017.
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#### **Appeal A Ref: APP/X5210/W/18/3195370**

##### **Pavement outside Fitzroy House, 355 Euston Road, London NW1 3AL**

- The application Ref 2017/3544/P was refused by notice dated 7 August 2017.
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#### **Appeal B Ref: APP/X5210/W/18/3195368**

##### **Pavement outside 350 Euston Road, London NW1 3AX**

- The application Ref 2017/3543/P was refused by notice dated 7 August 2017.
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#### **Appeal C Ref: APP/X5210/W/17/3180691**

##### **Pavement outside 286 Euston Road, London NW1 3DP**

- The application Ref 2017/2494/P was refused by notice dated 21 June 2017.
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#### **Appeal D Ref: APP/X5210/W/18/3195366**

##### **Pavement outside Euston Tower on west side of Hampstead Road, London NW1 3DP**

- The application Ref 2017/3542/P was refused by notice dated 7 August 2017.
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#### **Appeal E Ref: APP/X5210/W/18/3195365**

##### **Pavement outside Euston Tower on west side of Hampstead Road, London NW1 3DP**

- The application Ref 2017/3527/P was refused by notice dated 7 August 2017.
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#### **Appeal F Ref: APP/X5210/W/18/3195361**

##### **Pavement outside 250 Euston Road, London NW1 2PG**

- The application Ref 2017/3505/P was refused by notice dated 7 August 2017.
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#### **Appeal G Ref: APP/X5210/W/18/3195371**

##### **Pavement outside University College Hospital on Tottenham Court Road**

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**opposite Warren Street Underground Station, London NW1 2BU**

- The application Ref 2017/3548/P was refused by notice dated 7 August 2017.
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**Appeal H Ref: APP/X5210/W/18/3195362**

**Pavement outside 210 Euston Road, London NW1 2DA**

- The application Ref 2017/3508/P was refused by notice dated 7 August 2017.
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**Appeal I Ref: APP/X5210/W/18/3195903**

**Pavement outside 215 Euston Road, London NW1 2BF**

- The application Ref 2017/3450/P was refused by notice dated 25 September 2017.
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**Appeal J Ref: APP/X5210/W/17/3180688**

**Pavement outside 29-31 Euston Road, London NW1 2SD**

- The application Ref 2017/2493/P was refused by notice dated 21 June 2017.
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**Appeal K Ref: APP/X5210/W/18/3195000**

**Pavement outside St Pancras International Station, 3-13 Pancras Road, London NW1 2QB**

- The application Ref 2017/3444/P was refused by notice dated 3 August 2017.
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**Appeal L Ref: APP/X5210/W/18/3195002**

**Pavement outside King's Cross St Pancras Underground Station, 17-21 Euston Road, London N1 9AL**

- The application Ref 2017/3446/P was refused by notice dated 3 August 2017.
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**Appeal M Ref: APP/X5210/W/18/3195004**

**Pavement outside King's Cross Railway Station, opposite 2 York Way, London N1 9AP**

- The application Ref 2017/3448/P was refused by notice dated 3 August 2017.
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**Decisions**

1. All the appeals are dismissed.

**Procedural Matters**

2. The site addresses have either been taken from the application forms or from the Local Planning Authority's (LPA) decision notices, whichever most accurately describes the location of the proposed kiosk.
3. The LPA argues in respect of some of these cases that there are other telephone kiosks (public pay phones) nearby and that there is therefore no need for new ones. This is only relevant in terms of assessing their benefits because the General Permitted Development Order (GPDO) confers on the appellant, an electronic communications code operator, a general planning permission for new kiosks. The only matters for consideration are their siting and appearance. The appellant does not have to prove a need for new telephone kiosks.
4. The LPA refers to development plan policies in its refusal reasons. But such prior approval applications do not require regard to be had to the development plan because section 38(6) of the Planning and Compulsory Purchase Act 2004

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does not apply to them. Nonetheless, insofar as the identified policies relate to siting and appearance I have had regard to them as material considerations.

5. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018, after the Council determined the applications. Insofar as the NPPF is relevant to my determination of the appeals, its policies in relation to telecommunications have not been significantly altered such as to prejudice the case of either party by taking it into account.

### **Main Issues**

6. The main issues in all these cases are the effects of the siting and appearance of the proposed kiosks on:
  - a) the street scene including in some of the proposals in terms of whether they would preserve or enhance the character or appearance of the Conservation Areas (CA) within which they are located or the significance of any Listed Buildings (LB) within whose settings they may be located; and
  - b) the pedestrian environment.

### **Reasons**

#### *Siting and Appearance of the Kiosks*

7. The Euston Road (part of the A501) is essentially central London's northern inner ring road and as such is normally very busy, especially during the working week. The pavements on its north and south sides vary in width along its length but are generally well used by pedestrians accessing the commercial premises which front onto them and the road's bus stops, mainline railway and underground (tube) stations. The even number locations are on the north side of Euston Road and the odd numbers on the south side.
8. The proposed kiosk sites are spread along its length of just over a mile, Appeal A starting at its western end just to the east of Great Portland Street Tube station ending at Appeal M at its eastern extremity at the south eastern corner of King's Cross station. I saw on my visit that the greatest pedestrian flows occur around King's Cross and St Pancras stations and next to Warren Street and Euston Square Tube stations.
9. The design and specification of the proposed kiosks would be identical in each of the cases. The kiosks would have a footprint of 1.32m x 1.11m and be 2.45m high. They would have a powder coated metal frame with reinforced laminated glass panels and roof of a dark coloured finish which would include a solar panel on top.
10. The glass seems to be tinted but would appear to allow views through the kiosks. Two sides and a small return on the third side would be enclosed by the glass panels with two sides largely open, which would allow their use by a person in a wheelchair. I am confident that the revised drawing 001/01RevA, which shows the height of the payphone to be no higher than 1.4m above the ground would be useable for a customer in a wheelchair.<sup>1</sup> Consequently I find, in those cases where the Council has included a fourth refusal reason relating to a lack of access for wheelchair users, that such a reason is unjustified.

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<sup>1</sup> Appendix G in each of the appellant's Grounds of Appeal

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11. The LPA argues that it does not know the orientation of the kiosk in each location. However, it is clear to me from the site location montages in each of the appellant's Grounds of Appeal documents that the deeper part of the kiosk would be at 90° to the road and that its open, wheelchair accessible side would face away from the road in each instance.
  12. Nonetheless I note that the floor area of the appellant's kiosk would be considerably greater than BT's K2, K6 or modern kiosks and due to this and their height they would appear as substantial structures on the pavement. I also noticed that some of the existing kiosks of similar size in the area exhibited evidence of being used for sleeping in by homeless people. The phones in some of the kiosks also appeared not be functioning. These circumstances suggest that some of the existing kiosks are not being used for the purpose for which they were intended, which puts into question their primary purpose.

### **Appeal A – Outside Fitzroy House, 355 Euston Road, London NW1 3AL**

#### *Street Scene*

13. The kiosk would be sited approximately equidistant between two lampposts and about 70m east of an existing Infocus Media telephone kiosk in a similar position on the pavement. There was a folded up mattress and a number of opened up cardboard boxes in that kiosk and the phone was inoperable.
14. The kiosk would be prominent on this section of the pavement because it is narrower than the majority of Euston Road's pavements and is free of other street furniture. It would add unnecessary street clutter in this location because of the nearby presence of the Infocus kiosk and a BT kiosk in Fitzroy Street.

#### *Pedestrian Environment*

15. The pavement is relatively narrow here and the kiosk would impinge into the main pedestrian flow because it would extend for its full depth of 1.32m beyond the line of the lampposts back towards the entrance to No 355. I also observed that people, including smokers from the office at No 355, tend to congregate at this point near to where the pavement narrows even more to the west. I consider the kiosk would hamper the free movement of pedestrians at this location, where there appears to be moderate to high pedestrian flows.

### **Appeal B - Pavement outside 350 Euston Road, London NW1 3AX**

#### *Street Scene*

16. The kiosk would be sited in front of the glazed canopy of the adjacent office building, the entrance to the adjacent Wasabi restaurant and a line of street trees. It would be about 20m from a road sign to the east and there is a lamppost about 40m to the west. The street scene here is also characterised by the vertical and 45° columns of the office building. The kiosk would introduce another element of street furniture which in my view would amount to unnecessary clutter given the nearby alternative pay phones on the other side of the road within a short walking distance.

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### *Pedestrian Environment*

17. The pavement is wider here than in the Appeal A location on the south side of the road opposite. But the kiosk would be sited in the area of main pedestrian flow because of the lines of the building's columns and street trees and so it would restrict free pedestrian movement in an area of footway with moderate to high pedestrian flows.

### **Appeal C - Pavement outside 286 Euston Road, London NW1 3DP**

#### *Street Scene*

18. The kiosk would be sited opposite the main entrance to the Euston Tower offices in front and to the side of a row of well used cycle stands about 20m west of a lamppost. There is also a substantial planter and street trees to the west. The kiosk would comprise additional clutter to the street scene in this location with an unfortunate apparently random juxtaposition with the cycle stands.

#### *Pedestrian Environment*

19. The pavement is wide here including the area between the bike stands and the Euston Tower. But the location of the kiosk between the former and the curb would block a significant desire line for pedestrians, who I noticed were mainly walking between the planter and bike racks and the curb. It would therefore significantly curtail the free movement of pedestrians in this area of high footfall near to the junction of Hampstead Road and opposite the entrance to Warren Street Tube station.

### **Appeal D - Pavement outside Euston Tower on west side of Hampstead Road, London NW1 3DP**

#### *Street Scene*

20. The kiosk would be sited adjacent to a lamppost in an area where the pavement is wide. Just to the north west is a large planter with seats around the edge. There is a bench and street tree in the middle of the pavement about 10m away to the south west. The kiosk would impinge here into a clear area uncluttered by any street furniture, which has been sensitively designed. As such it would spoil this uncluttered design by introducing a prominent feature that would look out of place.

#### *Pedestrian Environment*

21. A kiosk here would not significantly interfere with pedestrian flows. But the site is close to the pedestrian crossing on Hampstead Road and I noticed that people also cross the road here. The depth and height of the kiosk would interfere with pedestrians' visibility of traffic travelling north at this point, which in my view would present a needless hazard.

### **Appeal E - Pavement outside Euston Tower on west side of Hampstead Road, London NW1 3DP**

#### *Street Scene*

22. This site is only about 50m north of the above site in Appeal D, also next to a lamppost. There is a tree and a bus shelter about 20m and 50m to the north

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respectively. There is another planter with seating round the edge set back about 8m from the curb. As above, this is a well-designed open area of footway in an area with high pedestrian flows within which the substantial sized kiosk would intrude as unwelcome clutter in the street scene at odds with the sensitive design of this part of the public realm.

#### *Pedestrian Environment*

23. People also cross the road here, notwithstanding the presence of the crossing to the south and again, as above, the size of the kiosk would present a needless obstruction of pedestrians' visibility of traffic travelling north on Hampstead Road.

### **Appeal F - Pavement outside 250 Euston Road, London NW1 2PG**

#### *Street Scene*

24. The kiosk would be roughly equidistant between a Plane tree and a lamppost near to the dwarf brick wall in front of the office building on this north east corner of Euston Road and Hampstead Road. It would be a relatively large structure in a location just where the pavement narrows considerably and as such would give this location an overly cluttered appearance.

#### *Pedestrian Environment*

25. The kiosk would extend further back into the pavement where it starts to narrow considerably, which would significantly hamper pedestrian flows on a stretch of pavement that is subject to heavy footfall levels.

### **Appeal G - Pavement outside University College Hospital on Tottenham Court Road opposite Warren Street Underground Station, London NW1 2BU**

#### *Street Scene*

26. The kiosk would be sited opposite the entrance to the tube station on the other side of Tottenham Court Road on a fairly wide pavement free of any street furniture. As such the kiosk would present a significant intrusion of a bulky structure into the open street scene and would give it a cluttered appearance. As documented by the LPA there are nine existing public telephones located between 32m and 136m from this location, so the benefits of providing this kiosk does not outweigh its harm to the street scene. The proximity of these public phones also applies to the kiosks in Appeals D, E and F.

#### *Pedestrian Environment*

27. There would remain a significant area of open footway behind this kiosk. But at present this area, which experiences high pedestrian flows, is entirely free of obstruction which means that walkers would have to step around the kiosk.

### **Appeal H - Pavement outside 210 Euston Road, London NW1 2DA**

#### *Street Scene and Heritage Assets*

28. The kiosk would be sited between two trees and between a lamppost and a road sign and would also be about 10m from a row of bike stands, which themselves abut a street food kiosk (King of Falafel). Combined with the

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relatively narrow footway at this location and high pedestrian flows the kiosk would make this area of the pavement very cluttered.

29. The LPA argues that a kiosk here would seriously affect the setting of the Bloomsbury CA. Although it would add to the street clutter here it is outside the CA and would not significantly affect its overall character.

*Pedestrian Environment*

30. Pedestrian flows are north of the line of street trees so the kiosk would not hinder pedestrian flow or desire lines in this location.

**Appeal I - Pavement outside 215 Euston Road, London NW1 2BF**

*Street Scene and Heritage Assets*

31. The appellant's location map for this kiosk is incorrect. The kiosk site is on the south side of Euston Road outside the Wellcome Institute near a lamppost and about 50m from a bus shelter to the west and a row of bike stands to the east. The street however is free of clutter in this location and the kiosk would be a bulky structure extending back into the footway on a stretch of pavement which is relatively narrow for Euston Road and its heavy pedestrian flows.
32. The site lies within the Bloomsbury CA. There are eight existing telephone kiosks located between 86m and 181m of the site, an easy walking distance. The benefit of providing an additional phone kiosk, which would create additional street clutter, is not considered to outweigh the harm to the street scene within the CA in this location.

*Pedestrian Environment*

33. The pavement is unobstructed here and so the kiosk would hamper pedestrian movement, albeit not significantly because it would be in line with the nearby lamppost and cycle stands.

**Appeal J - Pavement outside 29-31 Euston Road, London NW1 2SD**

*Street Scene and Heritage Assets*

34. This is the first of four sites in the King's Cross St Pancras area. The site abuts a mature Plane tree and litter bin near to a pedestrian crossing to the west and the entrance to the Tube station to the east adjacent to the entrance to Burger King. The remaining area of clear footway would be less than 4m in width. It is directly opposite the Grade I listed St Pancras Station and lies within the King's Cross St Pancras CA.
35. The kiosk would undoubtedly cumulatively add to the amount of street clutter on this narrow pavement in the CA, which the CA Statement seeks to avoid. It would obscure immediate views of St Pancras Station from this side of the road in this location, which undoubtedly lies within that LB's setting. The LB's setting is an important part of its significance despite the surrounding commercial uses. As such the proposal would cumulatively add to the 'less than substantial harm' already occurring to the LB. The benefits of providing this additional pay phone opposite King's Cross and St Pancras stations, which already contain an adequate number of pay phones, does not outweigh the harm to the CA or LB.

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### *Pedestrian Environment*

36. The kiosk is very near a pedestrian crossing and because of the high footfall in this location I observed that many pedestrians cross the road at this point also, so it would hamper the free movement of pedestrian traffic. Although the kiosk would be inset from the curb by the standard 0.6m I consider that it would, together with the adjacent Plane tree, serve to hinder visibility of the traffic signals by vehicles travelling west, which itself could be hazardous to pedestrians.

### **Appeal K - Pavement outside St Pancras International Station, 3-13 Pancras Road, London NW1 2QB**

#### *Street Scene and Heritage Assets*

37. This kiosk would be sited on the fairly narrow pavement at the eastern side of St Pancras station between two lampposts and about 50m from a bus shelter to the north and signalled pedestrian crossing to the south at the junction of Euston Road. It would add to the street clutter in this part of the CA and partly obstruct open views of the lower part of the Grade I listed station building from the other side of Pancras Road. As per Appeal J, the benefit of providing this additional pay phone opposite King's Cross and next to St Pancras stations, which already contain an adequate number of pay phones, does not outweigh the harm to the CA or LB.

#### *Pedestrian Environment*

38. The site is diagonally opposite a traffic island and I observed that many pedestrians cross the road at or near this location. The retained clear area of footway would only be about 4m wide and given its location next to the mainline stations this pavement is subject to constant high levels of pedestrian flow. I consider the kiosk in this location would hamper such flows and pedestrian desire lines.

### **Appeal L - Pavement outside King's Cross St Pancras Underground Station, 17-21 Euston Road, London N1 9AL**

#### *Street Scene and Heritage Assets*

39. The kiosk would be sited just inset from the curb on Euston Road next to the entrance to the Tube near a lamppost and kiosk. As such it would add to the street clutter on the open area in front of King's Cross station, albeit that it would not significantly affect views of the Grade I LB or harm the character or appearance of the CA because of these other structures around it.

#### *Pedestrian Environment*

40. However, it would be sited immediately next to a bus lane in front of the station where I saw buses dropping off passengers including those with disabilities. The kiosk would undoubtedly hamper that operation.

### **Appeal M - Pavement outside King's Cross Railway Station, opposite 2 York Way, London N1 9AP**

#### *Street Scene and Heritage Assets*

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41. The kiosk would be sited near the south eastern corner of King's Cross station building opposite McDonald's on the other side of York Way near to bollards, a lamppost and a low level BT cabinet next to where the pavement narrows considerably on this side of the road. As such it would be a bulky and prominent structure that would give this area a cluttered appearance.
  42. Given its location so close to the corner of the Grade I LB it would also significantly impinge into the important views of the station from the south east and would consequently harm its setting. The LB's setting is an important element of its significance and such clutter so close to its front façade should be avoided if it all possible. It is clearly an important if not the most important building in the CA and adverse impact on its setting would also be harmful, at least cumulatively, to the character and appearance of the King's Cross CA. The benefit of providing such an additional pay phone where there are already plenty inside the station would not outweigh this 'less than substantial' harm to these designated heritage assets.

### *Pedestrian Environment*

43. The kiosk on this site would substantially narrow the pavement at this very busy corner location of King's Cross station in an area where a number of bollards already restrict pedestrian flows. It is also close to a very busy pedestrian crossing as a result of which people cross the road directly at this location. The kiosk would substantially obstruct pedestrian flows at this important entrance to the station – indeed in the very area which should be kept clear of such obstructions.

### **Conclusions**

44. The proposed kiosks would comply with the required minimum clear footway widths next to them as set out in the Transport for London Streetscape Guidance and Pedestrian Comfort Guidance, and with Camden's Streetscape Design Manual, Design Planning Guidance (CPG1) and Transport Planning Guidance (CPG7).
45. However, paragraph 8.10 of CPG7 states that works affecting highways should avoid unnecessary street clutter; design of footways should not include projections into the footway, unnecessary and cluttered street furniture or other obstructions; and any minimum standards for footway widths should not be used to justify the provision of unnecessary street clutter or reduction in footway width. Paragraph 8.6 seeks to ensure, amongst other things, that street clutter is avoided and the risk of pedestrian routes being obstructed is minimised. For the reasons set out above I conclude that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.
46. The GPDO establishes the principle of the need for such telephone kiosks but the benefits of providing them are inevitably related to whether there are other existing pay phones in the vicinity. If there are no existing pay phones then the benefits of new pay phones must necessarily be enhanced, even despite the widespread use of mobile phones. In these appeals, as set out above, I have already highlighted the availability of other such kiosks in the locality. The sites are also adjacent or within close walking distance of three mainline railway stations (Euston, St Pancras and King's Cross) all of which contain

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within them a number of pay phones. The benefit of providing additional kiosks in such circumstance is therefore limited.

47. Policy T1 of the Camden Local Plan 2017 (CLP) states that sustainable transport including walking will be the primary means of travel and will ensure that developments improve the pedestrian environment. CLP Policy C5 states that the design of streets needs to be accessible, safe and uncluttered with careful consideration given to the design and location of street furniture. Paragraph 9.27 of CPG1 says that the placement of new phone kiosks needs to ensure they have limited impact on the sightlines of the footway. For the reasons explained above, the proposed kiosks would not comply with these Policies and this guidance.
48. CLP Policy D1 seeks high quality design that integrates well with surrounding streets, improves movement within the wider area, minimises crime and antisocial behaviour and comprises high quality materials and details that complement local character. For the site specific reasons detailed above none of the kiosks would improve movement on their respective pavements and they would not integrate well in their surroundings.
49. The design of the kiosk appears overly large and is of a standard durable construction which whilst inoffensive in itself would appear as just another bulky piece of street furniture adding to existing clutter. The open-sided nature of the kiosks ensures visibility of users deterring the likelihood of antisocial behaviour. But their size and design enables them to be used for sleeping in, appearing to encourage rough sleeping in the area. For these reasons I conclude that none of the proposals would comply with Policy D1.
50. For the reasons given above I conclude that all the appeals should be dismissed.

*Nick Fagan*

INSPECTOR