

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>04/10/2019</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>28/09/2019</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Sofie Fieldsend			1. 2019/4100/P 2. 2019/4894/A	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Outside 23-24 Tottenham Court Road London W1T 1BJ			Refer to draft decision notice	
<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>		1. Refuse Planning Permission 2. Refuse Advertisement Consent		
<b>Application Types:</b>		1. 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	<b>00</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>

A site notice was displayed on 04/09/2019 and expired on 28/09/2019

In response to the proposal, the following comments were received:

Two objections were received from Flat 21, 45 New Compton Street and Centre Point House. Their objections can be summarised as follows:

- Creates obstructions on the footpath for pedestrians, wheelchair users and infant buggies
- No longer needed due to mobile phones.
- Creates places for ASB, drug use and rubbish. Health and safety risk for the public
- Only used for advertising - no public benefit
- Contrary to Camden Local Plan

Metropolitan Police – Designing Out Crime Officer commented as follows:

- Telephone kiosks are no longer used for their original purpose due to the fact that nearly every person is in possession of some kind of mobile device thus negating the need to use fixed land line telephones. As a result of this the phone boxes in The London Borough of Camden have now become 'crime generators' and a focal point for anti-social behaviour (ASB).
- My own previous experience of policing Camden highlights the above ASB, ranging from witnessing the taking of Class A drugs, urination, littering, the placing of 'Prostitute Cards', graffiti, sexual activities and a fixed location for begging. All of which have occurred within the current telephone kiosks. Also, due to poor maintenance any that are damaged or are dirty do not get cleaned, which makes the telephone kiosk unusable and an eye sore. Following the 'Broken Window' theory, if a location looks and feels that it is uncared for and in a state of disrepair then this leads to other criminal activity occurring within that location. I would recommend that the applicants submit a detailed maintenance and management plan for how often the pay phone is visited and cleaned to eliminate it becoming in a state of disrepair.
- The orientation of the pay payphone should be considered especially as this design is more open and has reduced overhead cover. The main issues along High Holborn is persistent and aggressive begging involving organised criminal networks from European countries. They will use the phone box as a cover and as a back rest when they sit on the floor, when the footpath is reduced in width even more by their presence pedestrians have to walk past closely and therefore this generates an uncomfortable feeling for them. I would suggest the longest side of the pay phone to always be on the side of the vehicle highway so that there is less room on the pavement side for a beggar sit. This will allow for the 'open' side of the pay phone to be on the pedestrian side and this will reduce the back rest space and increase the natural surveillance into the pay phone space as pedestrians walk by.
- Consideration to the light levels produced by the advertising unit to make sure it is not overly bright or creates a dazzling glare. This should take into account any CCTV that is in the area and it should be made sure it will not disrupt the quality of the images this CCTV provides.
- A previous application 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

**Summary of  
consultation  
responses:**

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:

No objection: However an obligation to enter into a S278 agreement with TfL as the highway authority should be sought.

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.

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.

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

- The assessment included reference to Local Plan Policy A1 (Managing the impact of development), Camden Planning Guidance document CPG Design and a document titled 'Guidance for Digital Roadside Advertising and Proposed Best Practice'. The document was commissioned by Transport for London (TfL) and was published in March 2013. Reference was also made to a Transport for London guidance documents titled 'Pedestrian Comfort Guidance for London', 'Streetscape Guidance' and 'Kerbside Loading Guidance'.

Removal of 3 existing telephone kiosks:

- The proposal would involve the installation of a new telephone kiosk on the footway outside 23-25 Tottenham Court Road. If approved, the proposal would include the removal of 3 existing telephone kiosks at the following locations:
  - *2nd Telephone Kiosk o/s 23-24 Tottenham Court Road;*
  - *Telephone Kiosk o/s 245 Tottenham Court Road; and*
  - *2nd Telephone Kiosk o/s 245 Tottenham Court Road.*
- The proposed removal of the 3 telephone kiosks discussed above would be most welcome and would improve the public realm for the benefit of pedestrians at the above locations.

New kiosk:

- The site is located on one of the busiest pedestrian corridors in the borough. Pedestrian volumes are extremely high and are forecast to increase significantly when Crossrail services become operational later this year along with ongoing economic growth in the borough. Existing footway space is a scarce resource and must be safeguarded for pedestrians both now and in the future to accommodate economic growth.
- The existing telephone kiosks are located adjacent to the kerb on the west side of Tottenham Court Road, adjacent to the above property. It is not clear if these telephone kiosks have GPDO Prior Approval Determination consent. The plans submitted suggest that effective footway width between the telephone kiosks and the adjacent property is 7.36 metres. The proposal would not therefore have any impact on

pedestrian comfort, movement and safety. The proposed kiosk would be located approximately 5 metres northwest of the existing kiosks which are to be removed if planning permission is granted. The proposed kiosk would be located within 20m of the junction with Stephen Street. .

- There is potential for glare from the proposed digital sign to be hazardous to road users between dusk and dawn. However, illumination levels can be controlled by condition as per guidance. The proposal would not therefore constitute a significant distraction or hazard to road users and would be acceptable in transport terms subject to standard conditions being attached to any consent. A further condition should be imposed, requiring the exact location of the sign to be agreed with the Council's West End Project Team prior to implementation. This is necessary to allow for amended kerb lines to be delivered via the West End Project, while also allowing for the offset requirement of 0.5 metres in accordance with Camden's Streetscape Design Manual.
- It is understood that any permission will also be subject to a legal agreement to secure the removal of redundant telephone kiosks. This will involve Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980.

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 western side of Tottenham Court Road adjacent to nos. 23-24 Tottenham Court Road, which is subject to a significant amount of existing street clutter/furniture. There are a number of street lamps, benches, street trees, cycle stands and public bins in close proximity in addition to 9 existing telephone kiosks on this side of the road.

The site is located on Tottenham Court Road (A400) which forms part of the strategic road network (SRN).

The site is not within a conservation area or in close proximity to any listed buildings. The site is located within Fitzrovia Area Action Plan.

## Relevant History

### Site history:

**2018/2709/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 2 no. telephone kiosks - **Prior Approval Withdrawn 30/04/2019**

2018/2717/A - Display of 2 x LCD illuminated digital advertisement to telephone kiosk - **Withdrawn 30/04/2019**

### 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.

In Tottenham Court road in 2018 there were 10 appeals of which 8 were dismissed.

Land adjacent to 23 Tottenham Court Road	APP/X5210/W/18/3211168	2018/0310/P	Dismissed
Land Adjacent to 39 Tottenham Court Road	APP/X5210/W/18/3211169	2018/0311/P	Dismissed
Land Adjacent to 80 - 85 Tottenham Court Road	APP/X5210/W/18/3211171	2018/0312/P	Allowed
Land Adjacent to 145-149 Tottenham Court Road	APP/X5210/W/18/3211495	2018/0331/P	Allowed
Land adjacent to 23 Tottenham Court Road	APP/X5210/W/19/3231424	2018/5573/P	Dismissed
Land Adjacent to 39 Tottenham Court Road	APP/X5210/W/19/3231426	2018/5549/P	Dismissed
Land Adjacent to 90 Tottenham Court Road	APP/X5210/W/19/3231433	2018/5562/P	Dismissed
Land Adjacent to 80 - 85 Tottenham Court Road	APP/X5210/W/19/3231480	2018/5531/P	Dismissed
Pavement outside 145-149 Tottenham Court Road	APP/X5210/W/19/3225164	2018/3832/P	Dismissed

## Relevant policies

### **National Planning Policy Framework (2019)**

### **London Plan (2016)**

### **London Plan (Intend to Publish) (2019)**

### **TfL's Pedestrian Comfort Guidance for London (2010)**

### **Camden Local Plan (2017)**

A1 Managing the impact of development

C5 Safety and Security

C6 Access

D1 Design

D2 Heritage

D4 Advertisements

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

## Camden Planning Guidance

CPG Design (2019) - chapters 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)

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

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

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

## Fitzrovia Area Action Plan (2014)

## 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

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

## Assessment

### 1.0 Proposal

1.1 It is proposed to remove 3 x existing telephone kiosks to be replaced with 1 x kiosk of an updated design. The proposal would involve the removal of the following telephone kiosks:

- 2nd Telephone Kiosk o/s 23-24 Tottenham Court Road;
- Telephone Kiosk o/s 245 Tottenham Court Road; and
- 2nd Telephone Kiosk o/s 245 Tottenham Court Road.



The kiosk design subject of this application

1.2 The proposed replacement would be located on the western side of Tottenham Court Road. Officers measured the footway width at the proposed site as being 9.3m. The kiosk would measure 1096mm (W) x 762mm (L) x 2499mm (H).

1.3 The rear elevation of the proposed kiosk would contain an internally illuminated advert panel. The screen would measure 928mm (W) x 1.65m (H) with a visible display area of 1.53sqm. The screen's luminance levels would be between 280 – 2500 cd/m2.

## **2.0 Assessment**

2.1 On 25 May 2019, the GPDO was amended through the adoption 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.

## **3.0 Planning Need**

3.1 As planning permission is now required for the installation of a telephone kiosk, the Council can take into consideration more than just the siting, design and appearance of the kiosk. The Council is able to take into consideration all relevant planning policies and legislation.

3.2 The current applications form 1 set of 20 similar sets of planning and advertisement consent applications in which the proposed development seeks the overall introduction of 20 new kiosks following the removal of the entire stock of New World Payphone (NWP) older designed kiosks within the London Borough of Camden (a reduction of 50 kiosks). The applicant previously indicated a willingness to sign up to a legal agreement to ensure that all old kiosks were removed in a timely fashion and to other management controls. If planning permission was to be approved a legal agreement would be required to secure these matters.

3.3 As part of a separate enforcement investigation following complaints about the underused and poorly maintained telephone kiosks along Tottenham Court Road, Planning Contravention Notices were served on all kiosks in that street in order to ascertain the lawful status of these kiosks and whether they are still required in accordance with condition A.2 (b) (Part 16 Class A) of the GPDO 2015.

3.4 As part of this planning application we asked the applicant to provide call data information for all the kiosks that are proposed to be removed as part of this scheme. This information was provided in full on the 29th January 2020. A review of the call data information indicates that the existing kiosks are substantially underused and have limited usage.

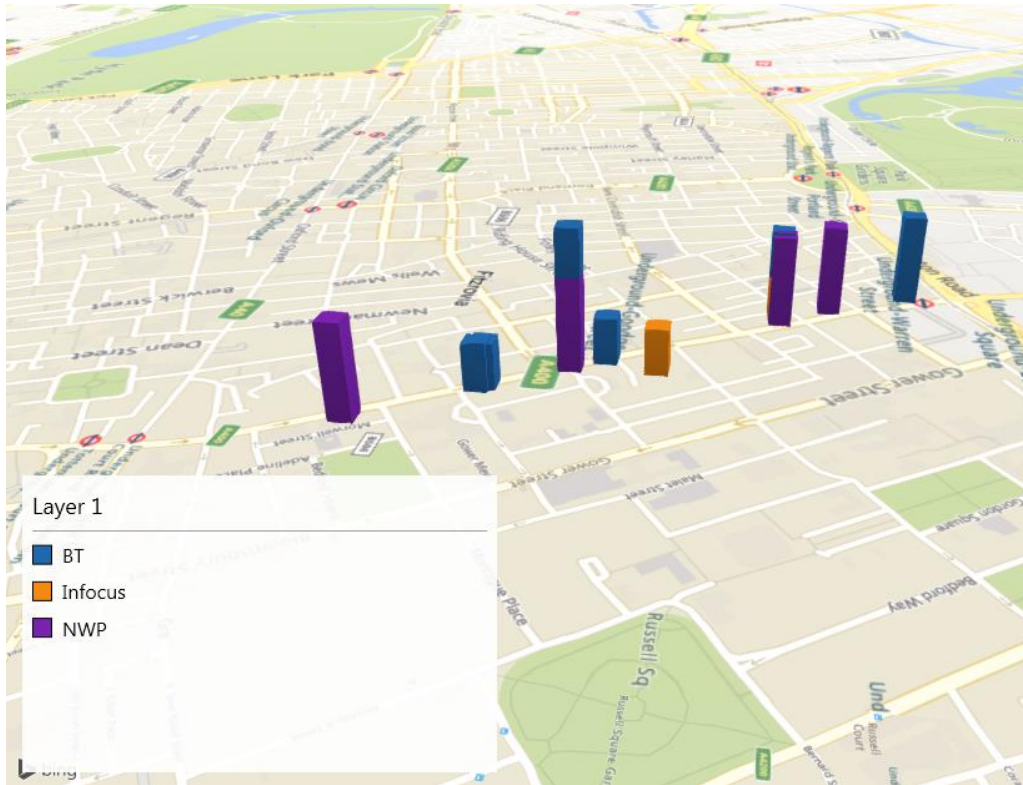
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3.8 Under paragraph 115 of the NPPF applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. If existing phone kiosks have limited usage and there are existing kiosks 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 11 other phone kiosks located within 65m from the proposed application site along Tottenham Court Road, and 33 other phone kiosks (of which 13 belong to the applicant) located within Tottenham Court Road, as shown below.



3.9 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.

3.10 In addition, the Council sets out its full assessment as follows:

#### 4.0 Design

4.1 Policy D1 (Design) of the Camden Local Plan 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.

4.2 A 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.

4.3 CPG Design advises *'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.

4.4 The Fitzrovia Area Action Plan (2014) seeks to make more effective use of highway space to augment public open space in the area through reducing street clutter along Tottenham Court Road.

4.5 Due to the prominence of the proposal within Tottenham Court Road it is considered that the proposed development would add clutter to this busy stretch of pavement and would severely degrade the visual amenity of the area. The proposed structure is considered to be a poor pastiche of the classic K2 phone box, and on account of its increased width and height, as well as, its conspicuous design, would have a harmful and negative impact on this already cluttered part of the street.

4.6 As such, the proposed structure, by reason of its size and scale, when there is no need for a kiosk in this location, would be an obtrusive piece of street furniture detracting from the conservation area, settings of the nearby listed buildings, and wider streetscene. The incongruous design would therefore provide an intrusive addition to the street and in this regard would fail to adhere to policy D1 (Design).

4.7 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.

4.8 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 area.

## 5.0 Highways/footpath width

5.1 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*'.

5.2 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.

5.3 Policy A1 (Managing the impact of development) of the Camden Local Plan states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities, and that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users. Furthermore, Policy T1 (Prioritising walking, cycling and public transport) point e) states that the Council will seek to ensure that developments provide high quality footpaths and pavements that are wide enough for the number of people expected to use them, including features to assist vulnerable road users where appropriate, and paragraph 9.10 of CPG Transport highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.

5.5 Camden's Streetscape Design manual – section 3.01 footway width states: "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'.

5.4 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.

5.5 Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.

5.6 Policy T1 also states that where appropriate, development will be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.

5.7 Paragraph 9.7 of CPG Transport seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:

- Safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments and other disabilities;
- Maximising pedestrian accessibility and minimising journey times;
- Providing stretches of continuous public footways without public highway crossings;
- Linking to, maintaining, extending and improving the network pedestrian pathways;
- Providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas;
- Use of paving surfaces which enhance ease of movement for vulnerable road users; and,
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed e.g. by pavement parking or by street furniture.

5.8 Policy C5 (Safety and security) of the Camden Local Plan requires development to contribute to community safety and security, and paragraph 4.89 of policy C5 states that the design of streets needs to be accessible, safe and uncluttered, with careful consideration given to the design and location of any street furniture or equipment. Paragraphs 7.41 and 7.42 of CPG Design advise that the proposed placement of a new phone kiosk needs to be considered to ensure that it has a limited impact on the sightlines of the footway, and that the size of the kiosk should be minimised to limit its impact on the streetscene and to decrease opportunities for crime and anti-social behaviour.

5.9 The proposed kiosk would be located in a high footfall area in Tottenham Court Road.

5.10 The proposed telephone kiosk would be 1.1m wide and would be offset from the kerb by 500mm. The plan submitted indicates the footway width to be 9.3m and also suggests that the effective footway width between the telephone kiosk and the adjacent property would be 7.7m. However, the plan fails to indicate that the adjacent property has a licence to place tables and chairs on the public highway at the rear of the footway directly adjacent to their frontage. The tables and chairs zone is approximately 2m wide and reduces the effective footway width to approximately 7.3m.

5.11 This would be reduced further to approximately 5.7m if a telephone kiosk were to be installed as proposed and would comply with the 3.3m which is recommended minimum for

high footfall locations (see Appendix B of Transport for London guidance document titled 'Pedestrian Comfort Guidance for London').

- 5.12 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 11 existing telephone kiosks with 12 individual adverts within approximately 65m of the site. These include 9 (outside No.'s 19-21, 23-24 and 27) kiosks on this side of the road with one free standing advert outside No.25 and 2 outside No.'s 245 on the opposite side of the road. The West End Project has sought to clean up the highway and reduce any clutter. 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*'.
- 5.13 In this location where there are multiple existing kiosks from different providers in close proximity to the application site it is considered that allowing a 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.
- 5.14 As outlined above, the provision of a kiosk where there is evidence demonstrating it is unnecessary (given the call data for existing NWP telephone kiosks within the borough and other kiosks in close proximity) in this busy shopping location on Tottenham Court Road, would result in the loss of footway and add to visual clutter. Refusal is therefore recommended on this basis.

## **6.0 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.

## **7.0 Advertisement**

- 7.1 Advertisement consent is sought for the digital screen covering the rear elevation of the structure. The screen would be 928mm (W) x 1.65m (H) with a visible display area of 1.53sq. m. The screen's luminance levels would be between 280 - 2500 cd/m<sup>2</sup>.
- 7.2 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.

### Amenity: Visual impact and impact on residential amenity

- 7.3 Camden Planning Guidance for CPG Design advises that good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area. CPG Adverts 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*'.

7.4 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).

7.5 Camden Planning Guidance for 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, that nuisance can occur due to ‘light spillage’ and glare which can also significantly change the character of the locality. As the advertisement is not located at a typical shop fascia level and would be internally illuminated, it would appear visually obtrusive.

7.6 The provision of a digital screen in this location would add visual clutter to the streetscene of Tottenham Court Road. By reason of its siting, scale, design and illumination, the proposed advertisement would therefore form an incongruous addition which adds to visual clutter in this area contrary to the aims of the Fitzrovia Area Action Plan, serving to harm the character and appearance of the area. It is therefore considered that the proposed advertisement would have an adverse effect upon the visual amenity of this area and wider streetscene. Refusal is recommended on this basis.

7.7 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

1.1 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.

1.2 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.

1.3 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.*” 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.*”

1.4 The Digital Roadside Advertising and Proposed Best Practice (commissioned by TfL) March 2013 requires digital advertising signs to be orientated to face oncoming traffic in the drivers nearside view and also advises that digital advertising signs will not normally be permitted if they are proposed within 20m of a traffic signals. While the proposed digital advertising sign would be orientated appropriately, it would be located within 20m the junction with Stephen Street adding a distraction to traffic and pedestrians.

## **2.0 Conclusion**

2.1 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.

2.2 If the applications were considered to be acceptable, the Council would seek an obligation attached to any planning permission for the applicant to enter into a legal agreement to secure the removal of all kiosks prior to the installation of any new kiosk. This agreement would also secure controls to ensure that the kiosk is well maintained and that the advertisement is only in place whilst the telephone element is in operation.

### **3.0 Recommendation**

#### Refuse planning permission

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 street and wider area, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017 and Fitzrovia Area Action Plan (2014).
2. The proposed telephone kiosk, by virtue of its location, size and detailed design, and lack of evidence to justify the for an additional kiosk in this location, adding unnecessary street clutter, impacting the amount of useable, unobstructed footway, would be detrimental to the quality of the public realm, 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.
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.
4. In absence of a legal agreement to secure the removal of the existing kiosks and a maintenance and management plan or the proposed kiosk, the proposal would be detrimental to the quality of the public realm, and detract from the character and appearance of the streetscene, contrary to policies D1 (Design), G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

#### Refuse advertisement consent

- 3.1 The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the wider streetscene, contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017.
- 3.2 The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce a distraction to traffic and pedestrians and obscure visibility of the traffic signals or any road signs near the junction with Stephen Street, causing harm to highway and public safety, contrary to TfL guidance, and to Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport).