

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>30/09/2019</b>
		N/A	<b>Consultation Expiry Date:</b>	29/09/2019
<b>Officer</b>			<b>Application Number(s)</b>	
Tony Young			1. 2019/3989/P 2. 2019/4484/A	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pavement outside 29-30 High Holborn London WC1V 6AZ			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	00	No. of responses	00	No. of objections	00

A site notice was displayed on 05/09/2019 and expired on 29/09/2019  
A press notice was published on 05/09/2019 and expired on 29/09/2019

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

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 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:

**Summary of  
consultation  
responses:**

Overall, TfL objects to the proposed development on the following grounds:

- The proposed development is located on the A40 (High Holborn), which forms part of the Strategic Road Network (SRN). TfL have a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
- The draft London Plan sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. It is expected that all planning decisions within London should follow London Plan policies. As such, TfL will be expecting all new planning applications to be compliant with the policies as set out in within the new draft London Plan.
- TfL understands that this proposal for a new phone box is part of a deal between the Council and New World to renew their phone box estate across the borough. It is therefore contingent on removal of more than 1 phone box in exchange for the new unit proposed, leading to an overall reduction in phone boxes in the public realm across Camden.
- TfL reminds the applicant and Council that the current London Plan Policy 6.10 (Walking) refers to 'promoting simplified streetscape, decluttering and access for all' and also states that Planning Decisions 'should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space'. TfL Spatial Planning takes the view that the phone box proposed would have a negative impact on maintaining a high quality pedestrian environment and street space on High Holborn as it would increase the clutter on the street as there is currently no existing telephone kiosk at the proposed location.
- Decluttering the streetscape is also prioritised in TfL Streetscape Guidance (available from <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit>). TfL expects the standards and principles in this document to be applied to all phone box replacement applications by the Council.
- Policy T2 of the draft London Plan sets out London's Healthy Streets approach. The Healthy Streets approach uses 10 indicators, based on evidence of what is needed to create a healthy, inclusive environment in which people choose to walk, cycle and use public transport. This development would not deliver improvements against the healthy streets indicators.

In the event of LB Camden approving this application, TfL has the following requests:

- The footway and carriageway on the A40 must not be blocked during the construction of the proposed telephone kiosk. Temporary obstructions during the conversion must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A40.
- All vehicles associated with construction of the proposed telephone kiosk must only park/stop at permitted locations and within the time periods permitted by existing on street restrictions.
- The proposed advertisement shall operate at an illumination level of no brighter than 300cd/m<sup>2</sup> at night, consistent with the guidance set out in the institute of lighting professionals (ILP) publication: "The Brightness of Illuminated Advertisements2 (PLG05, January 2015).

- The minimum display time for each advertisement displayed shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
- There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, and three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
- Within New World Payphones letter to LB Camden regarding this application it is stated that the change between advertisements would be via a smooth fade. TfL requests that the interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.

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 CPG1 (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'. It also included a site visit on 8<sup>th</sup> September.

Removal of 3 existing telephone kiosks:

- The proposal would involve the installation of a new telephone kiosk on the footway outside 29-30 High Holborn. If approved, the proposal would include the removal of 3 existing telephone kiosks at the following locations:
  - *Telephone Kiosk o/s 148-149 Holborn*
  - *Telephone Kiosk o/s 72-78 Lambs Conduit Street*
  - *Telephone Kiosk o/s Holborn Station*
- 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 would not be located directly adjacent to a loading bay. However, it would be located directly adjacent to a section of carriageway where nearby commercial premises are likely to accept their deliveries from. In addition, observations indicate that taxis pick up and drop off passengers at this location. This section of footway should therefore be kept clear from bulky items of street furniture such as the type of telephone kiosk being proposed.
- The Council generally refuses any applications to install new items of street furniture of this scale in the public highway unless they can be located within a defined and established street furniture zone. This is

especially relevant where such proposals would constitute clutter or have a detrimental impact on pedestrian amenity, comfort or safety, as well as being detrimental to road safety generally.

- The footway on the north side of High Holborn at the above site is characterised by a complete lack of street furniture adjacent to the kerbside. There are some slender lamp columns and sign posts in the general vicinity of the site. However, these take up very little footway space. This helps to promote clear and unobstructed sightlines along the edge of the pedestrian environment. The street furniture zone adjacent to the pedestrian route (desire line) 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). The proposal to site a telephone kiosk at the proposed site would spoil this uncluttered design by introducing a prominent feature that would look out of place and be overly dominant. The proposal would therefore have an unacceptable impact on the street scene. It would also constitute an unnecessary obstruction to pedestrians wishing to cross the road at this location.
- The plan submitted suggests that the footway is 4.5 metres wide. It indicates that the telephone kiosk would be offset from the kerb by 450mm. This would be acceptable. The plan also suggests that the effective footway width between the telephone kiosk and the adjacent property would be 2.954 metres. 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 0.75 metres wide and reduces the effective footway width to approximately 3.75 metres. This would be reduced further to approximately 2.2 metres if a telephone kiosk were to be installed as proposed.
- Appendix B of 'Pedestrian Comfort Guidance for London (published by Transport for London) indicates that footways in high flow areas should be at least 5.3 metres wide with a minimum effective footway width of 3.3 metres. The proposed site plan indicates that the footway is approximately 4.5 metres wide. The proposal is clearly contrary to this guidance. The loss of any available footway space is considered to be unacceptable in this Central London location, in such close proximity to Chancery Lane underground station. Pedestrian footfall is exceptionally high and this is predicted to increase significantly with ongoing economic growth in Central London, Crossrail due to open shortly and High Speed Two (HS2) currently under construction.
- The proposal to install a telephone kiosk would introduce a significant physical and visual obstruction to a relatively clear and unobstructed pedestrian environment. This would result in the loss of at least 1.55 metres of footway space in the pedestrian desire line (telephone kiosk 1.1 metres wide, offset from the kerb by at least 0.45 metres). This is unacceptable in such a high footfall location in Central London. The proposal should be refused on this basis.
- The aforementioned TfL guidance documents are clear that siting street furniture in the pedestrian environment adjacent to a section of kerb where loading and unloading takes place is not appropriate. Doing so would impede or obstruct the transfer of goods which takes place from the kerbside. It would impede or obstruct

pedestrian movement adjacent to the kerbside when boarding and alighting taxis. It would also impede or obstruct pedestrian movement and sightlines along the footway, while constituting an unnecessary hazard to pedestrians wishing to cross the road by obstructing visibility. The proposal is therefore contrary to TfL guidance as well as Camden Local Plan policies A1 and T1. The proposal should be refused on this basis.

- The proposed telephone kiosk being located outside of the established street furniture zone, would encroach significantly into the effective footway width available for pedestrian movement (i.e. the pedestrian desire line). The proposed telephone kiosk would therefore obscure sightlines along and across the footway significantly while also constituting a significant impediment/obstruction to pedestrian movement along the pedestrian desire line. This would be a particular problem for pedestrians with visual impairments (e.g. blind and partially sighted) who rely on clear and unobstructed pedestrian routes. The proposed telephone kiosk would therefore constitute an unnecessary obstruction/impediment and a hazard for blind or partially-sighted people. The proposal should be refused on this basis.
- The proposed telephone kiosk, by being in a high footfall area, would have a detrimental impact on the walking experience due to a significant reduction in the level of service. It would lead to pedestrian congestion which could result in dangerous situations such as pedestrians walking in the carriageway and colliding with each other or vehicular traffic, or indeed with the telephone kiosk. The proposal should be refused on this basis.
- The proposed telephone kiosk would clearly have a significant impact on pedestrian amenity, comfort and safety. For these reasons, the proposal is considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.
- The applicant should go back to the drawing board and find sites where the footway width is at least 5.3 metres in accordance with TfL guidance. This would allow an effective footway width of at least 3.3 metres to be maintained adjacent to any proposed kiosks. I would be happy to meet with the applicant to consider alternative locations.

Most recent advice in relation to current application:

- Please find attached my previous observations for the application at 29-30 High Holborn (above). This application is unacceptable from a transport point of view.

The Council's Access Officer commented as follows:

Under the New BS8300-1:2018 and BS-2:2018 all telephone communication devices for public use should be fitted with assistive technology such as volume control and inductive couplers and there should be an indication of their presence.

- A kneehole should be provided at least 500mm deep and 700mm high to allow ease of access for wheelchair users.
- Telephone controls should be located between 750mm and 1000mm above the floor level. To benefit people who are blind or partially sighted, telephones should be selected which have well-lit keypads, large embossed or raised numbers that contrast visually with their background, and a raised dot on the number 5.

- Instructions for using the phone should be clear and displayed in a large easy to read typeface.
- A fold down seat (450-520mm high) or a perch seat (650-800mm high) should be provided for the convenience of people with ambulant mobility impartments.

## Site Description

The application site comprises an area of the public footway on the northern side of High Holborn adjacent to nos. 29-30 which is characterised by a complete lack of street furniture adjacent to the kerbside. There are some slender lamp columns and sign posts in the general vicinity of the site and a BT telephone kiosk towards the east approximately 10m away.

The site is located on High Holborn (A40) which forms part of the strategic road network (SRN) and Chancery Lane Underground Station is located approximately 100m towards the east.

The site is located within Bloomsbury Conservation Area and the Grade II listed, Cittie of Yorke Public House (22-23 High Holborn) and Gatehouse (21 High Holborn) are located in close proximity approximately 20m away towards the east.

## Relevant History

### Site history:

No relevant history directly applicable to this site.

### Nearby sites:

o/s 24 High Holborn

**2017/0450/P** - Erection of freestanding BT Panel providing phone and Wi-Fi facilities, with 2 x internally illuminated digital advertisements following the removal of 1no. BT telephone kiosks. Full planning permission application withdrawn 29/03/2017

o/s 24 High Holborn

**2017/0643/A** - Display of 2 x internally illuminated digital advertisement panels to freestanding BT panel. Advertisement consent application withdrawn 29/03/2017

o/s 24 High Holborn

**2007/1725/A** - Display of an internally illuminated advertisement on payphone kiosk. Advertisement consent refused 25/05/2007

Outside Napier House, 22-24 High Holborn

**PS9604087** - Upgrade existing telephone kiosks. Prior approval agreed in default 02/12/1996

Land adjacent to 7 High Holborn

**2018/5534/P** - Installation of 1 x telephone box on the pavement. Prior approval refused 20/12/2018. Appeal dismissed 09/01/2020

Land adjacent to 7 High Holborn

**2018/0328/P** - Installation of 1 x telephone box on the pavement. Prior approval refused 16/03/2018. Appeal dismissed 09/01/2020

Land adjacent to 7 High Holborn

**2017/1033/P** - Installation of 1 x telephone box on the pavement. Prior approval refused 07/04/2017

Bus Shelter, outside of 8-13 High Holborn



**2017/0269/A** - Display of 2x internally illuminated digital screens to bus shelter structure no. CAM00070AB. Advertisement consent granted 06/03/2017

**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 (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)

**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)**

**Bloomsbury Conservation Area Appraisal and Management Strategy (adopted 18 April 2011)**

**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:

- *Telephone Kiosk o/s 148-149 Holborn*
- *Telephone Kiosk o/s 72-78 Lambs Conduit Street*
- *Telephone Kiosk o/s Holborn Station*



The kiosk design subject of this application

1.2 The proposed replacement would be located on the northern side of High Holborn. Officers measured the footway width at the proposed site as being 4.5m. 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/m<sup>2</sup>.

### 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.
- 3.5 [Under paragraph 115 of the NPPF applications for electronic communications development should be supported by the necessary evidence to justify the proposed development]. If existing phone kiosks have limited usage and there are existing kiosks within the local area, the benefit of an additional/replacement kiosk in this location is limited and it is not considered that sufficient evidence has been provided to justify the proposed development. The replacement kiosk will essentially enable the provision of a digital advertisement panel. It is not considered that a structure of this type or scale is necessary to enable Wi-Fi provision. Moreover, there are already 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.

#### **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 Policy D2 (Heritage) of the Camden Local Plan recognises that the setting of a listed building is of great importance and should not be harmed by unsympathetic neighbouring development. Paragraph 7.60 advises that *"the value of a listed building can be greatly diminished if*

*unsympathetic development elsewhere harms its appearance or its harmonious relationship with its surroundings.”*

- 4.5 The Bloomsbury Conservation Area Appraisal and Management Strategy (2011) in paragraph 5.62 advises that *“the planning authority will seek to encourage improvements to the public realm including the reduction of street clutter and improved street lamps, way-finding and signage design.”*
- 4.6 Due to the prominence of the proposal within the Bloomsbury Conservation Area, as well as, being in close proximity to the settings of 2 Grade II listed buildings (the Cittie of Yorke Public House, 22-23 High Holborn and the Gatehouse, 21 High Holborn), 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, it’s conspicuous design, would have a harmful and negative impact on this clear and unobstructed part of the streetscape.
- 4.7 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 a 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 Policies D1 (Design) and D2 (Heritage).
- 4.8 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.
- 4.9 Considerable importance and weight has also been attached to the desirability of preserving the nearby listed buildings, their settings and features of special architectural or historic interest, and the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 4.10 Given the assessment in the design section, it is considered that the formation of the public telephone box would result in less than substantial harm to the character and appearance of the surrounding Bloomsbury Conservation Area and settings of the nearby listed buildings.
- 4.11 Paragraph 196 of the NPPF states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 4.12 It is acknowledged that the proposal would result in publically accessible Wi-Fi and thereby results in some limited public benefit as a result of the scheme. However it is considered that the limited benefit arising as a result of the proposal would not outweigh the harm caused to the character and appearance of the conservation area and settings of the nearby listed buildings.
- 4.13 The proposal is thereby considered to constitute less than substantial harm to this conservation area and settings of the nearby listed buildings, with no demonstrable public benefits derived from the scheme which would outweigh such harm. The proposal is therefore considered to be contrary to Section 16 of the NPPF which seeks to preserve and enhance heritage assets.

## **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'.
- 5.6 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.
- 5.7 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.
- 5.8 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.
- 5.9 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.

5.10 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.

5.11 The proposed kiosk would be located in a high footfall area in Central London near Chancery Lane Underground Station. Pedestrian volumes are extremely high and are forecast to increase significantly when Crossrail services become operational (forecast for the end of 2020) and would increase further following the introduction of High Speed 2 (HS2).

5.12 The proposed telephone kiosk would be 1.1m wide and would be offset from the kerb by 450mm. The plan submitted indicates the footway width to be 4.5m and also suggests that the effective footway width between the telephone kiosk and the adjacent property would be 2.954m. 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 0.75m wide and reduces the effective footway width to approximately 3.75m.

5.13 This would be reduced further to approximately 2.2m if a telephone kiosk were to be installed as proposed and would be less than 3.3m; the recommended minimum for high footfall locations (see Appendix B of Transport for London guidance document titled 'Pedestrian Comfort Guidance for London'). The proposal would therefore impede/obstruct pedestrian movement and sightlines along the footway while constituting an unnecessary hazard to pedestrians, especially pedestrians with visual impairments.

5.14 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.

5.15 Transport for London (TfL) noted in their response (summarised in the Consultation section above) that they view the siting of any street furniture in the pedestrian environment adjacent to a section of kerb where loading and unloading takes place is not appropriate as it would impede or obstruct the transfer of goods which takes place from the kerbside. It would also impede or obstruct pedestrian movement adjacent to the kerbside when boarding and alighting taxis, as well as, impede or obstruct pedestrian movement and sightlines along the footway. On this basis, the proposed kiosk would constitute an unnecessary hazard to pedestrians wishing to cross the road by obstructing visibility. The proposal is therefore contrary to TfL guidance, as well as, Camden Local Plan policies A1 and T1.

5.16 It is also noted that pedestrians cross the road at the site where the telephone kiosk would be located. The kiosk due to its size would obstruct inter-visibility between pedestrians and vehicular traffic, including cyclists. This could lead to dangerous situations occurring at the edge of the carriageway. In this regard, the Planning Inspector in paragraphs 20-23 took the view when

considering appeals on a similar situation outside Euston Tower on west side of Hampstead Road, London NW1 3DP (Appeals D & E Ref: APP/X5210/W/18/3195365 & 3195366) that introducing a telephone kiosk where pedestrians cross the road would introduce an unnecessary hazard (see Appendix A attached). The appeals were dismissed dated 18/09/2018.

- 5.17 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 already 3 existing telephone kiosks within approximately 90m of the site. These include 1 immediately adjacent to the site (outside no. 24) and 2 kiosks on the opposite side of the road to the east (outside nos. 323 and 330). 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*'.
- 5.18 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 is not justified. No justification has been submitted for the need to install a new, replacement kiosk. 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 which is located within the Bloomsbury Conservation Area and within the settings of the nearby listed buildings. By reason of its siting, scale, design and illumination, the proposed advertisement would therefore form an incongruous addition to this relatively uncluttered part of the streetscene, 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 the Bloomsbury Conservation Area, settings of the nearby listed buildings, 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

- 7.8 Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users. The Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users.
- 7.9 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.*"
- 7.10 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.
- 7.11 The proposed digital advertising sign is not considered to be harmful to either pedestrian or vehicular traffic given that the proposed location of the screen is not close to any busy pedestrian crossings or traffic signal controlled junctions, and as such, would unlikely introduce any undue distraction or hazard in public safety terms.

#### **8.0 Conclusion**

- 8.1 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 the visual amenity of the area. The proposal is therefore considered to be unacceptable in compliance with the aforementioned policies.
- 8.2 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.

## **9.0 Recommendation**

### Refuse planning permission

- 9.1 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 conservation area, settings of nearby listed buildings, and wider streetscene, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- 9.2 The proposed telephone kiosk, by virtue of its location, size and detailed design, and and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.
- 9.3 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.
- 9.4 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

- 9.5 The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the conservation area, settings of nearby listed buildings, and wider streetscene, contrary to policies D1 (Design), D2 (Heritage) 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