

Delegated Report		Analysis sheet	Expiry Date:	04/10/2019
		N/A	Consultation Expiry Date:	30/09/2019
Officer			Application Number(s)	
Sofie Fieldsend			1. 2019/4101/P 2. 2019/4900/A	
Application Address			Drawing Numbers	
Pavement outside 12 New College Parade Finchley Road London NW3 5EP			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1. Installation of 1 x telephone kiosk on the pavement; and 2. Display of 1 x LCD illuminated digital advertisement panel to telephone kiosk				
Recommendation(s):		1. Refuse Planning Permission 2. Refuse Advertisement Consent		
Application Types:		1. Planning Permission 2. Advertisement Consent		

Reason(s) for refusal:	Refer to Draft Decision Notice					
Consultations						
Adjoining occupiers and/or local residents:	No. notified	00	No. of responses	00	No. of objections	00

A site notice was displayed on 06/09/2019 and expired on 30/09/2019

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:

- The site of the proposed telephone kiosk is on A41 Finchley Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned

**Summary of
consultation
responses:**

about any proposal which may affect the performance and/or safety of the TLRN.

- TfL understands that this telephone kiosk application is contingent on removal of more than one kiosk in exchange for the new unit proposed, so that it would contribute to an overall reduction of telephone kiosks across Camden's public realm.
- We request a condition to ensure that at least two telephone kiosks are removed from the TLRN prior to commencement, with proof provided to TfL before the condition is discharged.
- Should it be granted planning permission, the footway and carriageway on A41 Finchley Road must not be blocked during construction. Temporary obstructions 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.
- All associated construction vehicles must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- As it stands, the proposed telephone kiosk appears unlikely to have an unacceptable impact to the TLRN or London's public transport network. However, a condition must be secured to ensure that two existing old-style telephone kiosks are removed from the TLRN before installation of the new unit.
- They are happy in line with the Council's highways team feedback to ask for it to be moved further away from the loading bay.

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 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 8th September.

Removal of 4 existing telephone kiosks:

- The proposal would involve the installation of a new telephone kiosk on the footway outside 12 New College Parade. If approved, the proposal would include the removal of 4 existing telephone kiosks at the following locations:
 - Telephone Kiosk o/s 20 Northways Parade, Finchley Road;
 - Telephone Kiosk near 100 Avenue Road;
 - 2nd Telephone Kiosk near 100 Avenue Road;
 - Telephone Kiosk o/s 93-95 Fairfax Road.

The proposed removal of the 4 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 plan submitted suggests that the footway is 5,696 mm wide. It indicates that the telephone kiosk would be offset from the kerb by 500mm. This would be acceptable. The plan also suggests that the effective footway width between the telephone kiosk and the adjacent

property would be 4100 mm. This in theory would be in accordance with Transport for London Guidance (Pedestrian Comfort Guidance for London) which requires at least 3,300 mm to be provided.

- Officers measured the distance from the kerb to the adjacent property as being 5,650 mm. This means that the effective footway width would be reduced to 4,054 mm. This would in theory remain acceptable. However, I noted that the adjacent property has a private forecourt adjacent to the public highway. I measured this as being 1,800 mm wide. My feeling is that the strip of private forecourt cannot be included as part of the effective footway width. It should be noted that neighbouring property owners have constructed decking structures on their sections of private forecourt. I am not aware of such proposals in this case. However, the use of the strip of private forecourt could be activated quite easily in the future. This might involve the placing of books for sale on a table. A potential future use would be the placing of tables and chairs if the existing property were to be converted into a café.
- Based on the above, officers measured the footway width from the kerb to the private forecourt as being 3,850 mm wide. This would result in an effective footway width of 2,254 mm between the telephone kiosk and the private forecourt. This would be significantly less than the above requirement of 3,300 mm.
- The proposal is likely to create or worsen pedestrian congestion in a busy town centre location. This is already a problem at times (see photo attached). The proposal is therefore contrary to Policies A1 and T1. The proposal should therefore be refused on this basis.
- TFL's Streetscape Guidance on page 240 states that telephone kiosks *should be located away from loading bays*.
- Transport for London (TfL) has also published a document titled 'Kerbside Loading Guidance'. This is available on TfL's website at the hyperlink above. The section on kerb length required on page 36 of the document includes the following text:
"Railings and other kerbside street furniture (utility cabins, bins, signs) can deter and hinder loading activity and should therefore not be placed alongside lengths of kerb where loading is to be encouraged".
- The section on bollards, street furniture and other vertical obstacles on page 41 of the document includes the following text:
Strategic placement of bollards creates the opportunity to sign loading facilities or physically prevent access by inappropriate vehicles. However, bollards can impede reasonable movement by vehicles, so where possible avoid them. They can also interfere with the transfer of goods to the surface and their movement using manual handling aids. In particular, pallets will be impeded by bollards placed too close together. The same principles apply to other common street furniture and statutory undertakers' equipment. Examples include phone boxes.
- The TfL guidance documents are both clear that siting street furniture in the pedestrian environment directly adjacent to loading bays is not appropriate. Doing so would impede or obstruct the transfer of goods which takes place from the loading bay. The proposal is therefore contrary to TfL's guidance as well as Policies A1 and T1. The proposal should therefore be refused on this basis.

The Council's Access Officer commented as follows:

Under the New BS8300-1:2018 and BS-2:2018 all telephone communication devices for public use should be fitted with assistive technology such as

volume control and inductive couplers and there should be an indication of their presence.

- A knee-hole should be provided at least 500mm deep and 700mm high to allow ease of access for wheelchair users.
- Telephone controls should be located between 750mm and 1000mm above the floor level. To benefit people who are blind or partially sighted, telephones should be selected which have well-lit keypads, large embossed or raised numbers that contrast visually with their background, and a raised dot on the number 5.
- Instructions for using the phone should be clear and displayed in a large easy to read typeface.
- A fold down seat (450-520mm high) or a perch seat (650-800mm high) should be provided for the convenience of people with ambulant mobility impairments.

Site Description

The application site comprises an area of the public footway on the northern side of New College Parade, Finchley Road adjacent to no. 12 New College Parade which is characterised by limited street furniture adjacent to the kerbside. There are some slender lamp column, cabinets and public bins in the general vicinity of the site and 5x telephone kiosks/BT links within 180m of the site. The site is adjacent to an existing loading bay.

The site is located on Finchley Road (A41) which is public highway and forms part of the strategic road network.

The site is within Finchley Road Town Centre which is not located within a Conservation Area and is not in close proximity to any listed buildings.

Relevant History

Site history:

2018/0862/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 3 x telephone kiosks. Prior Approval withdrawn 25/02/2019

2018/0894/A - Display of 1 x LCD illuminated digital advertisement to telephone kiosk. Advertisement consent application withdrawn 25/02/2019

Recent appeals dismissed re. telephone kiosks (dated 18th September 2018):

On 18th 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)

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 4 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 20 Northways Parade, Finchley Road;*
- *Telephone Kiosk near 100 Avenue Road;*
- *2nd Telephone Kiosk near 100 Avenue Road;*
- *Telephone Kiosk o/s 93-95 Fairfax Road.*



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 5.65m. 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.

- 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 5 other phone kiosks located within approximately 180m 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 Due to the prominence of the proposal within this town centre, 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 clear and unobstructed part of the streetscape.
- 4.5 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 the 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).
- 4.6 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.
- 4.7 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. But it does not outweigh the harm to character and appearance of the streetscene.

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 Finchley Road Town Centre. 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 500mm. The plan submitted indicates the footway width to be 5.65m and also suggests that the effective footway width between the telephone kiosk and the adjacent property would be 4.054m. This will leave an effective footway of more than 3.3m which complies with pedestrian comfort guidance.
- 5.13 However, Council highways officers note that the adjacent property has a private forecourt adjacent to the public highway which is 1.8m wide and is considered that it therefore cannot be included as part of the effective footway width. It should be noted that neighbouring property owners have constructed decking structures on their sections of private forecourt. It is considered that the use of the strip of private forecourt could be activated quite easily in the future. This might involve the placing of books for sale on a table. A potential future use would be the placing of tables and chairs if the existing property were to be converted into a café.
- 5.14 Based on the above, the footway width from the kerb to the private forecourt would be 3,850mm wide. This would result in an effective footway width of 2,254 mm between the telephone kiosk and the private forecourt. This would be significantly less than the requirement of 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 is likely to create or worsen pedestrian congestion in a busy town centre location. 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.
- 5.15 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.
- 5.16 Transport for London (TfL) guidance outlines that 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.
- 5.17 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.

5.18 There are also 5 existing telephone kiosks/BT links within 180m of the site. These include 1 BT link outside 4-6 Northways Parade, Finchley Road, 2x kiosks outside 17-23 Northways Parade, Finchley Road and 1 kiosk on the opposite side of the road outside nos. 2 Harben Parade, Finchley Road and 1x BT Link outside No.12 Harben Parade, Finchley Road. No justification has been submitted for the need to install a new, replacement kiosk. Refusal is therefore recommended on this basis.

5.19 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 location within the Finchley Town Centre, would result in the loss of footway, detrimental to the amenities and pedestrian movement of the area, and contrary to the aforementioned policies. 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/m².

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. 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 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 advertisement would introduce a large digital panel in direct eye-line of oncoming pedestrians on a narrow section of relatively clear pavement in New College Parade/Finchley Road next to a busy bus lane. The proposal would therefore constitute unnecessary street clutter which would serve as a distraction to pedestrians. Accordingly if permission was recommended for approval conditions would be recommended to control the luminance, display, and prevent any movement/noise.

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 both the visual amenities 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 area and wider streetscene, contrary to policy D1 (Design) 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 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 and management 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) and D4 (Advertisements) of the Camden Local Plan 2017.