

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	02/10/2019
		n/a	<b>Consultation Expiry Date:</b>	29/09/2019
<b>Officer</b>			<b>Application Number(s)</b>	
Josh Lawlor			2019/4035/P 2019/4928/A	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pavement outside 216-217 Tottenham Court Road London W1T 7PT			Refer to draft decision notice(s)	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
1. Installation of 1 x telephone kiosk on the pavement; and 2. Display of 1 x LCD illuminated digital advertisement panel to telephone kiosk				
<b>Recommendation(s):</b>		Refuse planning permission and advertisement consent		
<b>Application Type(s):</b>		1. Full Planning Permission 2. Advertisement Consent		

Reason(s) for refusal:	Refer to Draft Decision Notice					
<b>Consultations</b>						
Adjoining occupiers and/or local residents:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>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</p> <p>One objection was received from 112 Bedford Court Mansions, Bedford Avenue, WC1 B3AG, the objection can be summarised as:</p> <ul style="list-style-type: none"> <li>• I question why Camden Council continue to host existing, and listen to proposals for new, telephone kiosks</li> <li>• It seems to me that they are nothing more than unnecessary clutter on the footpath and provide no useful service to the public. My understanding is the only use they provide is for advertising</li> <li>• These telephone kiosks are not used any more.</li> <li>• I see from the converting letter that this applicant has thousands of these, many of which are in Camden.</li> <li>• Camden Council should test in law if these legacy structures, whose purpose has passed, are allowed to be used solely or predominantly as advertising structures</li> </ul> <p><u>Metropolitan Police – Designing Out Crime Officer</u> commented as follows:</p> <ul style="list-style-type: none"> <li>• Telephone kiosks are no longer used for their original purpose due to the fact that nearly every person is in possession of some kind of mobile device thus negating the need to use fixed land line telephones. As a result of this the phone boxes in The London Borough of Camden have now become 'crime generators' and a focal point for anti-social behaviour (ASB).</li> <li>• My own previous experience of policing Camden highlights the above ASB, ranging from witnessing the taking of Class A drugs, urination, littering, the placing of 'Prostitute Cards', graffiti, sexual activities and a fixed location for begging. All of which have occurred within the current telephone kiosks. Also, due to poor maintenance any that are damaged or are dirty do not get cleaned, which makes the telephone kiosk unusable and an eye sore. Following the 'Broken Window' theory, if a location looks and feels that it is uncared for and in a state of disrepair then this leads to other criminal activity occurring within that location. I would recommend that the applicants submit a detailed maintenance and management plan for how often the pay phone is visited and cleaned to eliminate it becoming in a state of disrepair.</li> <li>• The orientation of the pay payphone should be considered especially as this design is more open and has reduced overhead cover. The main issues along Tottenham Court Road is persistent and aggressive begging involving organised criminal networks from European countries. They will use the phone box as a cover and as a back rest when they sit on the floor, when the footpath is reduced in width even more by their presence pedestrians have to walk past closely and therefore this generates an uncomfortable feeling for them. I would suggest the longest side of the pay phone to always be on the side of the vehicle highway so that there is less room on the</li> </ul>					

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.

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

- The site of the proposed telephone kiosk is on A400 Tottenham Court Road, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
- The width of Tottenham Court Road footway must not be reduced or blocked and must maintain clear, unobstructed passage for pedestrians and cyclists at anytime. Blockages on the footway will result in a less effective navigation of the pedestrian footway and may result in some pedestrians diverting onto the carriageway which will be a highway safety issue. The street width must not fall below 3.3 metres, the minimum street width requirement for active streets such as this part of Tottenham Court Road. This requirement is based on safety and amenity grounds and is set out in TfL's Pedestrian Comfort Guidance for London Document (available from: <http://content.tfl.gov.uk/pedestrian-comfort-guidance-technical-guide.pdf>). The applicant should note that the private forecourt does not count towards the effective footway width of Tottenham Court Road.
- 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 is contingent on removal of 2 no. existing telephone kiosks outside 204-208 Tottenham Court Road phone box in exchange for the new unit proposed, leading to an overall reduction of phone boxes in the public realm across Camden. TfL request that these phone boxes are removed prior to the installation of the replacement telephone kiosk to ensure that this net benefit in terms of streetscape decluttering is realised.
- 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 Tottenham Court 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 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 Advertisements<sup>2</sup> (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 216-217 Tottenham Court Road. If approved, the proposal would include the removal of 2 existing telephone kiosks at:
  - 2 x Telephone Kiosks o/s 204-208 Tottenham Court Road
- The proposed removal of the 2 telephone kiosks discussed above would be welcome and would improve the public realm for the benefit of pedestrians at the above location.

The Council's Access Officer commented as follows:

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

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

## Site Description

The application site comprises an area of the public footway on the eastern side of Tottenham Court Road adjacent to nos. 216-217. The site currently has no telephone Kiosk and characterised by a complete lack of street furniture adjacent to the kerbside.

The site is located on a major road for both vehicular and pedestrian traffic, with Goodge Street underground station in close proximity, Tottenham Court road is on one of the busiest pedestrian corridors in the borough. The site lies within the Central London Area and is part of Transport for London's (TfL's) Road Network (TLRN).

The site is located within the Bloomsbury conservation area.

## Relevant History

### Site history:

**2018/2712/P** Erection of freestanding telephone kiosk providing phone and Wi-Fi facilities, location based information, payment facilities with 1 x LCD illuminated digital advertisement following the removal of 2 no. telephone kiosks Prior Approval Withdrawn 30/04/2019

**2018/2718/A** Display of 2 x LCD illuminated digital advertisement to telephone kiosk Advertisement Consent withdrawn 30/04/2019

**Neighbouring sites:**

Pavement outside Fitzroy House, 355 Euston Road

**2017/3544/P** - Installation of 1 x telephone kiosk on the pavement. Prior Approval refused 07/08/2017; Appeal dismissed 18/09/2018

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

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

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

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

Land adjacent to 23 Tottenham Court Road	APP/X5210/W/18/32111 68	2018/0310 /P	Dismissed
Land Adjacent to 39 Tottenham Court Road	APP/X5210/W/18/32111 69	2018/0311 /P	Dismissed
Land Adjacent to 80 - 85 Tottenham Court Road	APP/X5210/W/18/32111 71	2018/0312 /P	Allowed
Land Adjacent to 145-149 Tottenham Court Road	APP/X5210/W/18/32114 95	2018/0331 /P	Allowed
Land adjacent to 23 Tottenham Court Road	APP/X5210/W/19/32314 24	2018/5573 /P	Dismissed
Land Adjacent to 39 Tottenham Court Road	APP/X5210/W/19/32314 26	2018/5549 /P	Dismissed
Land Adjacent to 90 Tottenham Court Road	APP/X5210/W/19/32314 33	2018/5562 /P	Dismissed
Land Adjacent to 80 - 85 Tottenham Court Road	APP/X5210/W/19/32314 80	2018/5531 /P	Dismissed
Pavement outside 145-149 Tottenham Court Road	APP/X5210/W/19/32251 64	2018/3832 /P	Dismissed

**Relevant policies**

**National Planning Policy Framework 2019**

**London Plan 2017**

**TfL's Pedestrian Comfort Guidance for London 2010**

**Camden Local Plan 2017**

A1 Managing the impact of development

C5 Safety and Security

C6 Access for all

D1 Design

D4 Advertisements

G1 Delivery and location of growth  
T1 Prioritising walking, cycling and public transport

### **Camden Planning Guidance**

CPG Design (March 2019) - chapters 2 (Design excellence) and 7 (Designing safer environments)  
CPG Transport (March 2019) - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)

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

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

### **Camden Streetscape Design Manual**

**Digital Roadside Advertising and Proposed Best Practice (commissioned by Transport for London) March 2013**

**Design of an accessible and inclusive built environment. External environment - code of practice (BS8300-1:2018 and BS-2:2018)**

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

**Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

**The Fitzrovia Area Action Plan (2014)**

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

## **Overall assessment**

### **1. Proposal**

1.1. It is proposed to remove 2 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 Kiosks (two) outside 204-206 Tottenham Court Road



The kiosk design subject of this application

1.2 The proposed replacement would be located on the eastern side of Tottenham Court Road.

Officers measured the footway width at the proposed site as being 5.3m. The kiosk would measure 1096mm (W) x 762mm (L) x 2499mm (H).

1.3 The rear elevation of the proposed kiosk would contain an internally illuminated advert panel. The screen would measure 928mm (W) x 1.65m (H) with a visible display area of 1.53sqm. The screen's luminance levels would be between 280 – 2500 cd/m<sup>2</sup>.

## **2. Assessment**

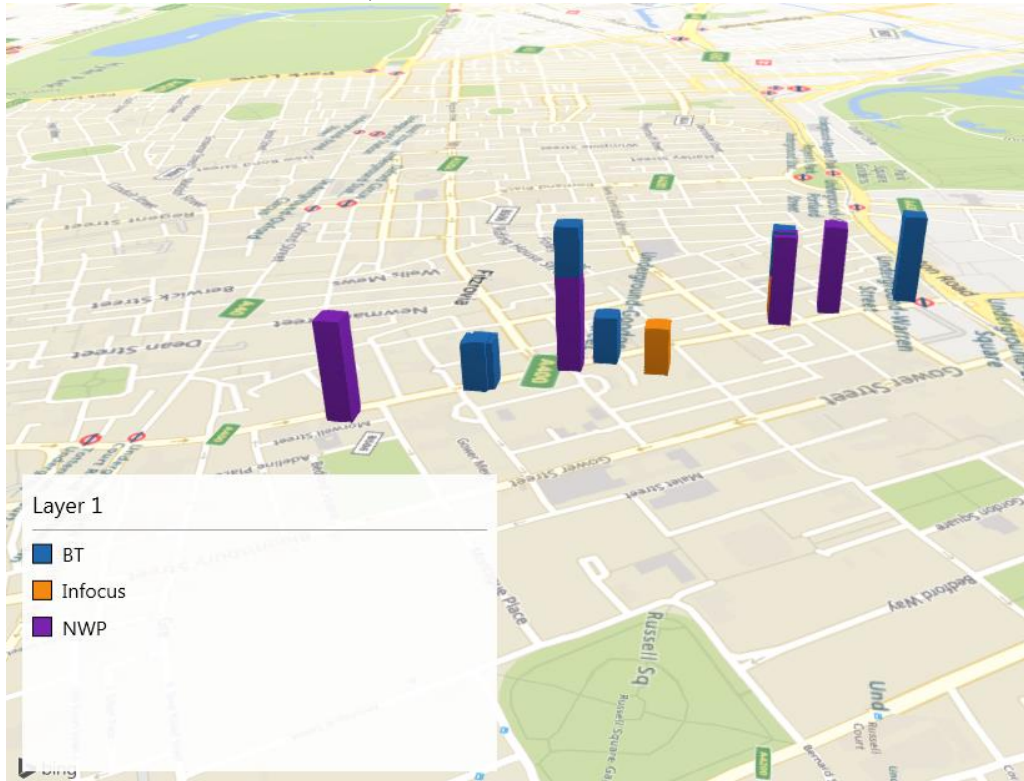
2.1. On 25 May 2019, the General Permitted Development Order (GPDO) was amended through the coming into force of the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019. This amendment has had the effect of removing permitted development rights to install a public call box under Schedule 2, Part 16, Class A of the GPDO. Accordingly a planning application and associated advertisement consent application have been submitted.

## **3. Planning need**

- 3.1. As planning permission and advertisement consent are now required, the Council can take into consideration more than just the siting, design and appearance of the kiosk which was previously allowed. The Council is now also able to take into consideration all relevant local and national planning policies and legislation.
- 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 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. 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 kiosk will essentially enable the provision of a digital advertisement panel. It is not considered that a structure of



this type or scale is necessary to enable Wi-Fi provision. Moreover, there are already 11 other phone kiosks located within 65m from the proposed application site along Tottenham Court Road, and 33 other phone kiosks (of which 13 belong to the applicant) located within Tottenham Court Road, as shown below.



- 3.6. The proposed development is therefore considered to add unnecessary street clutter, contrary to Camden planning policies and guidance. Therefore, on this basis, refusal is recommended.
- 3.7. In addition, the Council sets out its full assessment as follows:

#### 4. Design and Heritage

- 4.1. Policy D1 (Design) states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.
- 4.2. A design consideration of the structure, whilst replicating elements of a traditional kiosk is the inclusion of a digital advert. This has resulted in a structure which is dominant, visually intrusive and serves to detract from the appearance of the wider streetscene in a largely uncluttered part of the street.
- 4.3. CPG Design advises *'the design of streets, public areas and the spaces between buildings, needs to be accessible, safe and uncluttered. Well-designed street furniture and public art in streets and public places can contribute to a safe and distinctive urban environment'*. Street furniture should not obstruct pedestrian views or movement.
- 4.4. The 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."*
- 4.5. Due to the prominence of the proposal within the Bloomsbury Conservation Area, 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.

- 4.6. As such, the proposed structure, by reason of its size and scale, when there is no need for a kiosk in this location, would be a obtrusive piece of street furniture detracting from the conservation area 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).
- 4.7. The proposal would also be contrary to the guidance of the National Planning Policy Framework (NPPF) which aims to keep telecommunication sites to a minimum and encourage applicants to explore shared facilities rather than adding additional clutter.
- 4.8. Considerable importance and weight has also been attached to the desirability of preserving or enhancing the character and appearance of conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 4.9. 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.
- 4.10. 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.”*
- 4.11. 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.
- 4.12. The proposal is thereby considered to constitute less than substantial harm to this conservation area 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. Highways and 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.

- 5.4. 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:
- 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 Goodge Street 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 5.3m and also suggests that the effective footway width between the telephone kiosk and the adjacent property would be 3.754m. The proposal would impede/obstruct pedestrian movement and sightlines along the currently unimpeded footway while constituting an unnecessary hazard to pedestrians, especially pedestrians with visual impairments.
- 5.13 The West End Project has sought to clean up the highway and reduce any clutter. Whilst the removal of existing phone kiosks is welcomed, approving a new structure for which there is no need would set a precedent. Policy D7 (Public Realm) of the New London Plan (Intend to publish) states that development should '*Applications which seek to introduce unnecessary street furniture should normally be refused*'. 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.
- 5.14 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.
- 5.15 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.
- 5.16 There are also 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). No justification has been submitted for the need to install a new, replacement kiosk. Refusal is therefore recommended on this basis.
- 5.17 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 on Tottenham Court Road and close to Goodge Street Underground Station, 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. 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. 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. 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 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 advertisement would introduce a large digital panel in direct eye-line of oncoming pedestrians on a section of relatively clear pavement on Tottenham Court Road next to a busy bus lane. If planning permission was approved a condition would be recommended to control the luminance levels, methods of display and changing mechanisms.

## **8. 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 and public safety 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. 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 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 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 or the proposed kiosk, the proposal would be detrimental to the quality of the public realm, and detract from the character and appearance of the streetscene, contrary to policies D1 (Design), D2 (Heritage), 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 and wider streetscene, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.