

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)**  
**(ENGLAND) REGULATIONS 2007**

**APPEAL STATEMENT**

**ADDRESSING MULTIPLE APPEALS BY**

**NEW WORLD PAYPHONES**

**IN RESPECT OF MULTIPLE TELEPHONE KIOSKS**

**LOCATED ACROSS**

**LONDON BOROUGH OF CAMDEN**

**Version 2**  
**June 2020**

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## 1.0 INTRODUCTION

- 1.1 In July 2019, 20 related applications for Full Planning Permission (under section 62 of the Town and Country Planning Act 1990) and Advertisement Consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007) were submitted by the appellant, New World Payphones (“NWP”) to London Borough of Camden (“the Council”). The Full Planning Applications were for new telephone kiosks to replace existing kiosks located at 20 separate locations across the Borough. The applications for Advertisement Consent were for single internally illuminated digital advertisement displays which are integrated within the respective replacement Kiosks.
- 1.2 In late March and early April this year, all 20 related applications were Refused by the Council. The Full Planning Applications were refused for the following reasons:
1. The proposed kiosk, by reason of its location, size and lack of evidence to justify the need for an additional kiosk in the location, would add to visual clutter and detract from the character and appearance of the street scene, contrary to London Borough of Camden Local Plan policy;
  2. The proposed kiosk, by virtue of its location, size, detailed design and lack of evidence to justify the need for an additional kiosk, 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 Local Plan policy;
  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, contrary to Local Plan policy; and
  4. In absence of a legal agreement to secure the removal of 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 Local Plan policy.
- 1.3 The Advertisement Consent applications were refused in the main for amenity related reasons and, in some cases, for public safety reasons.

## 2.0 BACKGROUND

- 2.1 The appellant is an Electronic Communications Code Operator under the terms of the Telecommunications Act 1984, and has statutory powers enabling it to operate electronic communications apparatus within the highway for the purpose of its electronic communications network. Accordingly, the appellant operates an electronic communications network of circa 2000 telephone kiosks across the UK, 70 of which are

in London Borough of Camden. NB. Since the applications' submission ten months ago, this number has reduced slightly to 68 following removals during 2019.

- 2.2 The applications the subject of these appeals were submitted following a lengthy process undertaken with the Council which began in June 2016, nearly four years ago. In June 2016, the appellant submitted a Pre-Planning application enquiry (LPA Ref. 2016/3367/PRE) proposing to upgrade 35 telephone kiosks to the new kiosk design, and the removal of 35 kiosks as part of an overall estate rationalisation exercise. The Council responded to this pre-planning consultation in September 2016, a copy of which is included in the applications bundle. Responding to the Council's response, applications were submitted in June 2018 to upgrade 26 kiosks and to remove the outstanding 45. The then applications were for prior approval, reflecting provisions contained in the Town and Country Planning (General Permitted Development) Order (the GPDO), and for advertisement consent. 23 of the 26 applications were subsequently approved internally within the Council subject to completion of a S.278 agreement relating to kiosk removal, tree planting and cleaning and maintenance of the kiosks.
- 2.3 Shortly before the S.278 agreement was concluded, judgement was handed down in the High Court (Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin)), the effect of which was to clarify the scope of Schedule 2 Part 16 of the GPDO. In light of the judgment, the Council wrote to the applicant stating it was unable to determine the applications and requested they be withdrawn. The Council invited the applicant to instead apply for Full Planning Permission, bringing us to the applications the subject of these appeals.
- 2.4 The foregoing bears witness to the fact that the appellant has been trying to secure the upgrade of a modest number of its existing kiosks in Camden for nearly four years.

### **3.0 TELEPHONE KIOSK RATIONALISATION**

- 3.1 As noted earlier, the appellant's electronic communications network consists of 68 kiosks across Camden. The kiosks themselves, which date back to the 1990's, are tired-looking structures and also outmoded in terms of their telephony equipment. In addition, the current enclosed kiosk has experienced historic problems including anti-social behaviour and lack of access for people with mobility impairments. These factors notwithstanding, the kiosks are in use with the majority of calls made to mobile and 0800 numbers, including the emergency services. Moreover, the Appellant's experience is that kiosks are used more post-upgrade than before.
- 3.2 The appellant recognises that with the mobile phone, the use of public telephone boxes has declined. The opportunity exists therefore to rationalise the existing kiosk network and with it to achieve decluttering of the public realm. The appellant therefore proposes upgrading a small number of existing kiosks across the Borough to the new, enhanced electronic communications services offering, and the removal of those kiosks not upgraded, the initiative being part-funded by revenues from advertising.

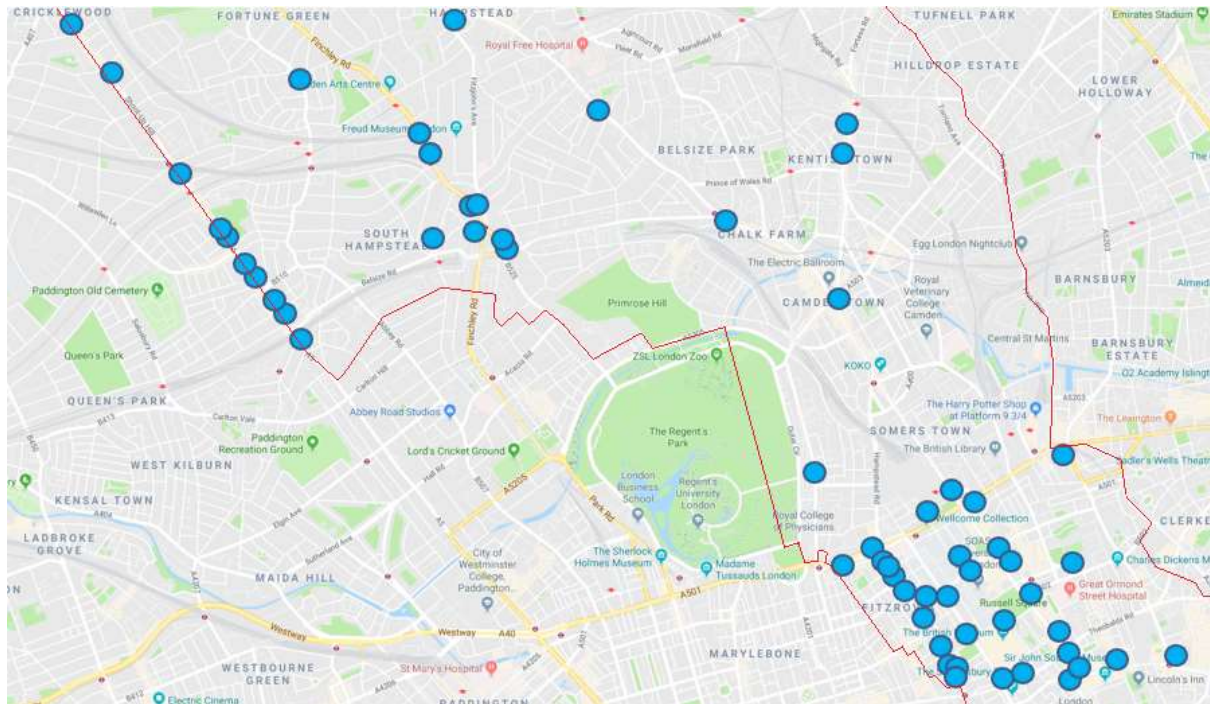


Fig.1 Map illustrating existing NWP telephone kiosks across London Borough of Camden.

3.3 The appellant applied to upgrade 20 of the existing kiosks across the Borough with the remaining 50 kiosks to be removed as part of a Borough-wide rationalisation exercise, equating to a 71% reduction across the Borough. The associated kiosk removal would deliver significant, Borough-wide public realm decluttering and with it commensurate significant, Borough-wide amenity benefits.

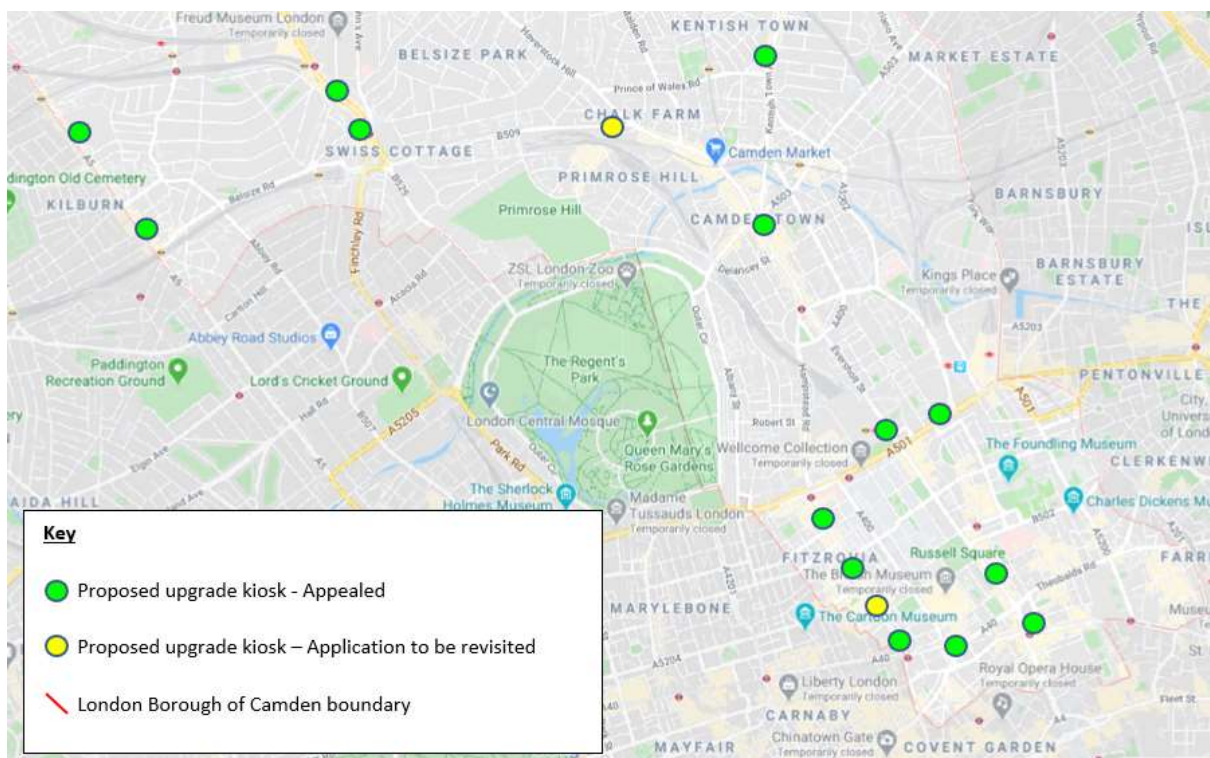


Fig.2 Map illustrating telephone kiosks proposed for upgrade to the replacement kiosk.

- 3.4 The appellant has decided to further consolidate the proposed kiosk upgrades across the Borough from 20 to 16. With the upgrade kiosks o/s 39 Tottenham Court Road and o/s 2-3 Adelaide Rd, given the issues that arose during the application determination period, the appellant will not appeal these refusals and will instead revisit the proposals in due course. These kiosks and the associated removals kiosks will therefore remain outside of this process. Beyond the current appeals, the remaining 46 kiosks would be removed as part of the Borough-wide rationalisation exercise, representing a 68% reduction across the Borough.
- 3.5 These appeals represent therefore an opportunity to achieve significant Borough-wide telephone kiosk removal and with it significant Borough-wide public realm decluttering. Commensurate with successful such initiatives in nearby Westminster among others, this kiosk removal would be delivered by means of agreement, in this case under Section 106 of the Town and Country Planning Act 1990 linked to the various upgrade appeals.

#### **Maintenance and management plan**

- 3.6 The appellant is acutely aware of the condition of the existing NWP kiosks and, as evidenced above, has been working for nearly four years trying to secure the upgrade and associated removal of its kiosks in Camden.
- 3.7 The appellant proposes a maintenance and management plan alongside the upgrade proposals. The new replacement kiosks would be inspected and maintained weekly. Full details of the proposed maintenance and management plan will be included in the Section 106 agreement, to be linked to the various upgrade appeals.

#### **Tree planting**

- 3.8 As part of its environmental commitments, the Appellant has partnered with 'Trees for Cities', which is a global charitable organisation working to create greener cities internationally. As part of this commitment, in addition to kiosk removal, the Appellant offers to plant a tree in a location to be agreed with the Borough for every kiosk proposed for upgrade. This obligation would also be secured by agreement under Section 106 of the Town and Country Planning Act 1990.

#### **Council communications**

- 3.9 In addition to kiosk removal and tree planting, the proposal includes an offer for the Council to make use of the advertisement panel within the replacement Kiosk for Council communication purposes, the proposal being for the Council to utilise one ten second slot in each hour (at no cost to the Council), to be secured by agreement.

### **4.0 APPEAL PROPOSAL**

- 4.1 The proposed replacement kiosks will form part of the appellant's electronic communications network. The kiosk is manufactured from robust, high quality

materials and in functional terms, appropriate to today's technological conditions, would deliver the following multi-functional communications capability:

- New telephone equipment with the ability to accept credit/debit card, contactless and/or cash payment;
- A 24inch LCD display providing interactive wayfinding capability;
- Equipment for provision of public Wi-Fi access points and/or public small-cell access nodes;
- Equipment for other location based wireless connectivity (including Bluetooth and near-field communication (NFC); and
- On the reverse side, a 1650mm H x 928mm W LCD display for digital advertising purposes, recessed behind toughened glass.

4.2 In designing the replacement kiosk, the intention was to create an instantly recognisable yet modern telephone kiosk. The Appellant therefore pursued a traditional approach in the design process, drawing appropriate influence from UK kiosk design heritage. The new kiosk is also purposefully 'open' in design terms to enable unfettered access for all users, including the accessibility impaired, and to help eradicate anti-social behaviour sometimes associated with kiosks.

4.3 The existing NWP Telephone Kiosk is box-shaped and enclosed, is 2430mm high, 948mm wide, 948mm deep, with therefore a footprint measuring 0.89sq.m. In comparison, the proposed replacement kiosk is 2499mm high (a difference of just 69mm), 1096mm wide (148mm wider than the existing kiosk), 762mm deep (186mm less deep than the existing kiosk) with therefore a footprint measuring 0.83sq.m, which is slightly smaller than that of the existing kiosk.



Fig.3 Proposed replacement telephone kiosk

4.4 As noted, the reverse side of the proposed kiosk incorporates a 1.5sq.m integrated digital advertising display, measuring 1650mm H by 928mm W. Advertising has supported the viability of telephone kiosks for many years and until recently, the Advertisement Regulations included advertisements displayed on the external surface



of kiosks among the classes of advertisement for which deemed consent was granted (Class 16 of Schedule 3 of the Regulations referred). However, the advertising element has traditionally been added as an afterthought. The proposed replacement kiosk is different in that the advertising element is an integral part of the kiosk design and, as noted, is also integral to the funding of the overall rationalisation initiative.

- 4.5 The proposed advertising panel would display static advertising images in sequence, changing no more frequently than every 10 seconds, the change via smooth fade. The illumination brightness of the display is controlled via light sensor which monitors ambient light. During periods of darkness, the display's illumination would be restricted to a maximum brightness of 280cd/m<sup>2</sup>, which is within the levels recommended by the Institute of Lighting Professionals. The display would never therefore appear overly bright or cause glare.

## 5.0 ENDORSEMENT OF THE REPLACEMENT KIOSK

- 5.1 The proposed replacement Telephone Kiosk is an aesthetically pleasing contemporary design that would represent an improvement on the existing kiosk, both visually and functionally. In this respect, we refer to a series of appeal decisions from 2016 in respect of various appeals in LB of Hillingdon (lead case APP/R5510/Z/16/3157043) which involved replacing the same old kiosks with the same new design as proposed in this case. In these cases the Inspector commented, *"the existing phone box, which would be replaced as part of the proposed advertisement, is a tired looking feature"*. He added, *"the new kiosk would introduce a more appropriate, modern feature and in this respect it would improve visual amenity"*.
- 5.2 We refer also to the more recent findings of a number of Planning Inspectors in respect of 40 appeals in the City of Westminster in 2017, in which all 40 Prior Approval Appeals for the proposed replacement telephone kiosk were Allowed. Below are relevant excerpts from a sample of these appeal decisions addressing the design and utility aspects of the proposal. The Appeal decisions concerned are included among the application supporting documentation.

**Appeal Ref: APP/X5990/W/17/3182187 - 50-52 Buckingham Palace Road, London, SW1W 0RN**

- "10. *The proposed kiosk would be more modern in appearance than the double kiosk that is currently positioned on the site. It would be finished in a black colour (according to the accompanying specification) and so would assimilate well into the street-scene. It would have a more contemporary appearance in relative terms, but not so contemporary that it would be to the detriment of the overall character and appearance of the immediate locality. Furthermore, its open sided design would have the effect of minimising its scale and dominance when viewed from public roads.*
11. *The screen to the rear would have the effect of breaking up the rear elevation of the kiosk. The use of a screen in such an elevation (for display purposes) would not be an alien concept in what is a very urban environment.*

14. *In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.*
27. *I have taken into account comments made by other interested parties, but I do not consider that the proposal would constitute poor design, have an adverse impact upon the ease of walking in the locality or unacceptably add to street clutter.*
21. *... The Council state that the proposed kiosk would not be well used for telephone call purposes given the rise in mobile telephone use. Need is not a matter under consideration in terms of the prior approval criteria and, in any event, the kiosk would include additional functionality and not all people have a mobile telephone.*
23. *... The kiosk would perform a public function and, in any event, the degree of public benefit is not a prior approval consideration.*
24. *I note that the proposed kiosk would include mapping functionality which may be of benefit for tourists. It would also include telephone use, public Wi-Fi capability and advertisement space including urgent messages that could potentially be displayed by the Council. Furthermore, its open sided design would enable ease of access for wheel chair users."*

**Appeal Ref: APP/X5990/W/17/3182001 - Payphone o/s 105 Charing Cross Road, London, WC2H 0DT**

- "12. *The proposed kiosk would be more modern in appearance than the kiosk that is currently erected on the site. However, it would be finished in a black colour and would not be too dissimilar in size to the existing kiosk. Taking into account its size, position, design and colour, I am satisfied that the proposed telephone kiosk would assimilate well into the street-scene and that it would not constitute an alien feature in this urban environment.*
14. *I conclude that the overall effect of the siting and appearance of the development upon the character and appearance of the Conservation Area would be a neutral one.*
27. *I have taken into account comments made by other interested parties, but I do not consider that the proposal would constitute poor design, have an adverse impact upon the ease of walking in the locality or unacceptably add to street clutter."*

**Appeal Ref: APP/X5990/W/17/3182218 - Payphone outside 1-3 Craven Road, London, W1F 9JT**

- "11. *The proposed kiosk would be more modern in appearance than the kiosk it would replace. It would be finished in black matching street furniture nearby, would be open sided, of relatively simple design and an overall less bulk than the existing kiosk. Thus there would be no increase in street clutter.*

20. ... I am satisfied the proposed kiosk would perform a public function”.

**Appeal Ref: APP/X5990/W/17/3182287 - Payphone outside 3-4 London Street, London, W2 1HL**

- “10. The proposed kiosk would be marginally wider and slightly shallower than the existing box, but would be the same colour and be roughly the same height. It would be open on two sides and would contain the telephone equipment and a 24 inch wayfinder display screen.
11. Overall its scale is similar to the existing kiosk, and its design has regard to more traditional K6 phone boxes in terms of its slightly domed roof and the fenestration pattern on the side panel. The existing phone box appears bland and dated. The proposal would therefore represent an opportunity to improve and, due to the wayfinding screen, modernise its appearance in keeping with the commercial character of this part of the Bayswater Conservation Area.”

**Appeal Ref: APP/X5990/W/17/3182344 – Payphone o/s 508-520 Oxford Street, London, W1C 1NB**

- “10. The replacement kiosk would have a more modern and contemporary appearance than the existing kiosk but the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street. It would be no more visually prominent than the kiosk that would be replaced.
11. Overall it would be no more bulky and imposing than the kiosk it would replace and in being sited in the same position it would assimilate well into the street scene and would not add to street clutter. Therefore its siting and appearance would have a neutral effect on the character and appearance of the surrounding area. As such, the character and appearance of the Conservation Area would not be harmed and would be preserved.

23. ... I am satisfied the proposed kiosk would perform a public function”.

- 5.3 We refer also to recent Appeal decisions from 2018 in the Royal Borough of Kensington and Chelsea, in respect of 11 kiosk sites the subject of related prior approval and advertisement consent appeals, therefore 22 Appeals in total. 19 Of the 22 appeals were Allowed. The Inspector who handled ten of these appeals commented as follows in relation to the proposed kiosk:

**Appeal A Ref: APP/K5600/W/17/3190377 - Pavement o/s 96c Kensington High Street, London, W8 4SH**

- “26. The appellant explains that the new kiosk design, while modern in function draws influence from UK telephone kiosk design heritage. This appears to be particularly the case with regard to the roof shape and glazed side panel. These design features and particularly the incorporation of the ‘telephone’ signage to each side of the roof, would clearly indicate its principal purpose and function, despite the advertisement panel to the rear. While the proposed kiosk would include obscured glazing this forms a small part of it and while it would have a broader frame than the existing kiosk, its open design

*contrasts favourably with the existing enclosed kiosk. Taking these factors as a whole, as well as the broadly similar dimensions of the two kiosks, the replacement would not be significantly more visually prominent than the existing kiosk.*

27. *Within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area's appearance. The black colour scheme would integrate visually with other forms of street furniture of a similar colour, notably the nearby equipment boxes and frame of the bus shelter on the opposite side of the road."*

- 5.4 The Inspector who handled the twelve other Appeals in the Royal Borough commented as follows in relation to the proposed kiosk:

**Appeal Ref: APP/K5600/W/17/3190287 - 29 Duke of York Square, London, SW3 4LY**

- "9. *The kiosk is designed to be wheelchair accessible and would provide modern telecommunications equipment. It would be located within the pavement in the location of the existing kiosks. It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area. I consider that the size and design of the telephone kiosk preserves the character and appearance of the Conservation Area and its siting and appearance would be acceptable."*

- 5.5 The above-mentioned appeals are included in the application supporting documentation.

- 5.6 We refer also to recent Appeal decisions in Hammersmith and Fulham in 2018, in respect of seven kiosk sites. The replacement kiosk was Allowed in five of the seven prior approval appeals. In these appeals, the Inspector commented as follows in relation to the replacement kiosk:

**Appeal A - Ref: APP/H5390/W/17/3192419 - Outside 74 Shepherd's Bush Road, London W6 7PH**

- "7. *The appeal proposal would replace an existing kiosk and would be positioned in the same location, set in slightly from the edge of the generous footway. The new kiosk would be open sided with a comparable height and footprint as the existing structure, and the black finish and straightforward design would reflect nearby street furniture. As a result the proposal would be no more visually intrusive than the existing kiosk and would integrate well into the street scene."*

- 5.7 We refer lastly to various Full Planning Applications for replacement of the same old Telephone Kiosks with the same new Kiosk design as per the subject application, submitted to Wakefield City Council. These applications were all approved by the City Council in early July 2019. We reproduce below the Council's 'Design and Amenity' comments on the replacement Kiosk (in respect of application LPA Ref. 19/01082/FUL):

*"The proposed kiosk will replace two existing (back to back) telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the*

*overall visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF.”*

- 5.8 As demonstrated above, the design and utility merits of the proposal are widely recognised. The replacement kiosk has been consented in 48 local authorities across the United Kingdom, including 30 (90%) of the 33 London Boroughs, including Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham, to name a few. These local authorities, three of which are neighbouring, have public realms, planning and heritage asset characteristics that are very comparable to Camden. In total, approx. 470 replacement kiosks are consented in cities across the country.

## 6.0 DEVELOPMENT PLAN

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission, the authority shall have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations. These provisions also apply to appeals.

### The London Plan (adopted 2016)

- 6.2 Policy 4.11 of the London Plan, ‘Encouraging a connected economy’, states that the Mayor and the GLA Group will and all other strategic agencies should, *“facilitate the provision and delivery of the information and communications technology (ICT) infrastructure a modern and developing economy needs, particularly to ensure: adequate and suitable network connectivity across London (including well designed and located street-based apparatus) and affordable, competitive connectivity meeting the needs of small and larger enterprises and individuals.”* (our emphasis)
- 6.3 Supporting policy 4.11, para. 4.57 of the London Plan states, the Mayor *“will work with infrastructure providers, developers and other stakeholders to support competitive choice and access to communications technology, not just in strategic business locations but more broadly for firms and residents elsewhere in inner and outer London, and to address e-exclusion, especially among disadvantaged groups and small and medium sized enterprises.”*

- 6.4 Policy 4.1, ‘Developing London’s economy’ states, *“the Mayor will work with partners to maximise the benefits from new infrastructure to secure sustainable growth and development.”* Para. 4.3 supporting the policy states, *“providing the basis for the continued growth and economic development of all parts of London is a key theme of this Plan. The capital has had a history of change and innovation, and this is likely to remain the case for the future. The role of planning is to facilitate that change in ways which ensure that all parts of London and all kinds of enterprises can flourish and contribute to the prosperity of the whole city, and all of its people. This is a key contributor to the strategy set out in Chapter 1.”* (our emphasis)
- 6.5 Policy 7.5 addresses the ‘Public realm.’ Part A of Policy 7.5 states, *“London’s public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.”*
- 6.6 Part B states, *“Development should make the public realm comprehensible at a human scale, using gateways, focal points and landmarks as appropriate. Landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space. Opportunities for the integration of high quality public art should be considered, and opportunities for greening (such as through planting of trees and other soft landscaping wherever possible) should be maximised.”* (our emphasis)
- 6.7 Policy 7.2, ‘An inclusive environment’ states, *“the Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design which seek to ensure that developments: a. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances; b. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.”*
- 6.8 Policy 7.13, ‘Safety, security and resilience to emergency’ states in relation to planning decisions, *“Development should include measures to design out crime”*. Supporting para. 7.46 adds, *“measures to design out crime, including counter terrorism measures, should be integral to development proposals”*.

#### **The London Plan – Intend to publish (December 2019)**

- 6.9 Policy SI 6 ‘Digital connectivity infrastructure’ states, *“A To ensure London’s global competitiveness now and in the future, development proposals should:”* inter alia *“(4) support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure.”* (our emphasis)

- 6.10 Policy D5 'Inclusive design' states, *"B Development proposal should achieve the highest standards of accessible and inclusive design."*
- 6.11 Policy T2 'Healthy Streets', states, *"D Development proposals should: 1) demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance."*

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

- 6.12 The Camden Local Plan is the key strategic document in Camden's development plan. It sets out the vision for shaping the future of the Borough and contains policies for guiding planning decisions. It was adopted by the Council in July 2017.
- 6.13 Local Plan Policy G1 'Delivery and location of growth' states that the Council *"will create the conditions for growth to deliver the homes, jobs, infrastructure and facilities to meet Camden's identified needs and harness the benefits for those who live and work in the borough."* Under the sub-heading 'Location of growth' the policy adds, *"Development will take place throughout the borough with the most significant growth expected to be delivered through:*
- e. a concentration of development in the growth areas of, King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
  - f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead; and*
  - g. the Council's Community Investment Programme (CIP)."*
- 6.14 Policy A1 entitled, 'Managing the impact of development' states, *"the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will: a. seek to ensure that the amenity of communities, occupiers and neighbours is protected; b. 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; c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and d. require mitigation measures where necessary."* (our emphasis)
- 6.15 Policy D1 'Design' states, *"The Council will seek to secure high quality design in development. The Council will require that development:*
- a. respects local context and character;*
  - b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*

- c. *is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
  - d. *is of sustainable and durable construction and adaptable to different activities and land uses;*
  - e. *comprises details and materials that are of high quality and complement the local character;*
  - f. *integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
  - g. *is inclusive and accessible for all;*
  - h. *promotes health;*
  - i. *is secure and designed to minimise crime and antisocial behaviour;*
  - j. *responds to natural features and preserves gardens and other open space;*
  - k. *incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
  - l. *incorporates outdoor amenity space;*
  - m. *preserves strategic and local views;*
  - n. *for housing, provides a high standard of accommodation; and*
  - o. *carefully integrates building services equipment.” (our emphasis)*
- 6.16 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.”*
- 6.17 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”* The Council will support advertisements that *“a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas.”*
- 6.18 Policy C5 ‘Safety and security’ states, the Council will aim to make Camden a safer place and, to this end, it will *“a. work with our partners including the Camden Community Safety Partnership to tackle crime, fear of crime and antisocial behaviour; b. require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in wards with relatively high levels of crime, such as Holborn and Covent Garden, Camden Town with Primrose Hill and Bloomsbury; c. require appropriate security and community safety measures in buildings, spaces and the transport system; d. promote safer streets and public areas.”* (our emphasis)
- 6.19 Policy C6, ‘Access for all’ states, *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* To this end, it will *“a. expect all buildings and places to meet the highest practicable standards*



of accessible and inclusive design so they can be used safely, easily and with dignity by all." (our emphasis)

- 6.20 Policy T1, 'Prioritising walking, cycling and public transport' states that the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments:

*"a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;*  
*c. are easy and safe to walk through ('permeable');*  
*d. are adequately lit;*  
*e. provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate; and*  
*f. contribute towards bridges and water crossings where appropriate."* (our emphasis)

## 7.0 MATERIAL CONSIDERATIONS

### UK Digital Strategy (March 2017)

- 7.1 The Ministerial forward to the UK Digital Strategy states that the Government is committed to seeing the enormous potential of the digital sector, one of the UK's most important sectors, fulfilled and therefore the provision of a first-class digital infrastructure. The forward adds that this approach must go hand-in-hand with ensuring the benefits are felt across the economy, throughout society and in every corner of the country:

*"Every individual and every business should have the skills and confidence to seize the opportunities of digital technology and have easy access to high-quality internet wherever they live, work, travel or learn."*

*"The Digital Strategy will deliver the first-class digital infrastructure and advanced skills base that businesses across the country need to be able to take advantage of digital tools. And it will close the digital divide - to ensure that everyone is able to access and use the digital services that could help them manage their lives, progress at work, improve their health and wellbeing, and connect to friends and family."*

### National Planning Policy Framework (February 2019)

- 7.2 The National Planning Policy Framework ("NPPF") sets out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions.

- 7.3 Para. 7 of the NPPF states, the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 7.4 Under the heading, 'Building a strong, competitive economy' para. 80 of the NPPF states, *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."* (our emphasis)
- 7.5 Para.s 112 to 116 of the NPPF address the issue of 'Supporting high quality communications'. Para. 112 states, *"Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections."* (our emphasis)
- 7.6 Para. 113 states, *"Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged."*
- 7.7 Para. 114 states, *"Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development."*
- 7.8 Para. 115 states, *"Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development."*
- 7.9 Para. 116 states, *"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."* (our emphasis)
- 7.10 Under the heading, 'Promoting healthy and safe communities', para. 91 states, *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places" that "are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion."* Para. 95 adds, *"Planning policies and decisions should promote public safety and take into account wider security requirements."*

### Planning Practice Guidance – Advertisements (updated July 2019)

- 7.11 This guidance states that “amenity” includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The test to be applied is whether the proposed advertisement is in scale and in keeping with these features.
- 7.12 In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of a proposed advertisement, where residents or passers-by will be aware of the advertisement. The guidance adds, *“This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.”*

### Camden Planning Guidance - Advertisements (March 2018)

- 7.13 In relation to all advertisements para. 1.8 of the guidance states, *“Advertisements and signs should respect the form, fabric, design and scale of the host building and setting. All signs should serve as an integral part of the immediate surroundings and be constructed of materials that are sympathetic to the host building and the surrounding area. Interesting and unique styles of advertisements and signs will be considered acceptable where they are compatible with the host buildings and surrounding environment.”*
- 7.14 Under the heading ‘Advertising on street furniture’, para. 1.12 of the guidance states *“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.”*
- 7.15 In respect of Illumination, para. 1.13 of the guidance states, *“The illumination levels of advertisements should be in accordance with the guidance set by the Institute of Lighting Engineers PLG05 The Brightness of Illuminated Advertisements.”*
- 7.16 The guidance addresses Digital advertisements. Para. 1.34 states *“Digital advertisements can project video but are often used to show a still image or to cycle through a number of still images. They have the advantage of being remotely controlled by computer and being illumined. They can be large in size or smaller (e.g. screens integrated into bus shelters).”*

7.17 Para. 1.36 states, *“Proposals for digital advertisements should adhere to the best practice guidance set out in the Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013).”* This best practice guidance sets out detailed considerations and requirements including siting considerations, position and orientation to the carriageway, message duration, transitions and sequencing, and lighting levels.

7.18 Para. 1.37 of the guidance adds, *“The Council support the development of digital signboards provided they meet the criteria set out in Local Plan Policy D4 on advertisements, the guidance set out in this document, TfL best practice, and where they are located in a suitable location.”*

7.19 Para. 1.38 states, *“Digital advertisements are by design visual prominent and attention grabbing with their illuminated images, especially when they are large in size. They are not suitable for locating in some areas. Factors which make a location less suitable for digital billboards include locations:*

- *Within conservation areas;*
- *Within predominantly residential areas;*
- *With a uniform heritage character,*
- *Near listed buildings; and*
- *Where the advertisement could become the most prominent feature of the street scene.*

*Factors which make a location more suitable for digital billboards include locations:*

- *In predominantly commercial areas,*
- *Along major roads carrying high levels of traffic, and*
- *In areas with larger buildings where signage can be integrated into the architecture.”*

### **Camden Streetscape Design Manual**

7.20 Section 3.00 of the Design Manual deals with Footway Widths and establishes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic, including *“Reducing clutter”*. Section 3.01 of the manual 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 a 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. Combining or ‘bunching’ of street furniture can help achieve this.”*

### **Transport for London Streetscape Guidance, Third Edition (2016, Rev 1)**

7.21 In Part E of the guidance entitled, ‘Footway amenities’, para. 11.1 ‘Vision’ states, *“poorly placed or excessive street furniture can create a cluttered environment resulting in obstructions, reduced legibility and a blighted character. Successful public spaces have had every piece of street furniture rationalised and creatively placed to achieve multiple aims.”*

7.22 Para. 11.2 ‘Footway zones’ states, *“the area between the kerb line and the highway boundary can be divided into four zones, which serve distinct functions within the streetscape:*

- *Kerb zone*
- *Furniture and planting zone*
- *Footway clear zone*
- *Frontage zone*

*The relative importance, scale and treatment for each of the zones will vary according to the context.”*

7.23 Under the heading, ‘Furniture zone design standards’ page 206 of the guidance states, *“Street furniture that can be accommodated in the furniture zone”* includes:

- *Barriers*
- *Bollards*
- *Street lights, CCTV, traffic signals, signs*
- *Control boxes*
- *Exceptionally, utility cabinets (see section 12.7)*
- *Seats*
- *Bins*
- *Cantilevered bus shelters with perch seats, but no end panels*
- *Cycle stands parallel to the kerb*
- *Wayfinding signs*
- *Telephone boxes and other larger items*
- *Cycle stands angled at greater than 45 degrees to the kerb line (echelon cycle parking)*
- *Street trees.”* (our emphasis)

7.24 Para. 11.4 ‘Colour of street furniture’ states that the colour of metal components for any piece of street furniture should comply with the following colour criteria:

- *“Black street furniture is preferred as a default for the TLRN with the exception of higher speed routes that do not provide for pedestrian movement.”*

7.25 Para. 11.11 ‘Telephone boxes’ states, *“where more telephone boxes exist than deemed necessary, or where a unit or units adversely impact on the quality and functionality of the streetscape, the highway authority should work with the operator to reach an agreement to relocate or remove the structure, while retaining adequate service coverage.”*

7.26 Para. 11.11 continues, *“The impact of any new telephone box on the coherence and quality of the streetscape should be considered. Locations need to be assessed on their own merits, with due consideration for available footway widths, the impact on pedestrian and cycle desire and sightlines, existing footway demand from surrounding activities and buildings, availability of ATMs, and an analysis of local antisocial behavioural issues.”*

7.27 Under the sub-heading ‘Location’, para. 11.11 states:

- *“Telephone boxes should not be installed where the footway clear zone is less than 2,000mm wide.*
- *They should not be installed if doing so would create an obstruction which could pose a safety hazard ie. at the front of a kerb in close proximity to a junction or side road.*
- *They should be located away from loading bays, service access points and crossovers.*
- *The doors should not open into the path of pedestrians.*
- *The box should be no less than 450mm from the kerb face.*
- *Boxes should be positioned to ensure that there is sufficient space to allow mechanised cleaning.”*

#### **Transport for London ‘Guidance for Digital Roadside Advertising and Proposed Best Practice’ (2013)**

7.28 This document is used by Transport for London (“TfL”) and by London Boroughs in assessing proposed roadside digital advertisement displays. Key provisions within the document that are relevant to this proposal are reproduced below:

##### *“Locations*

- *Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.*

#### **5. Summary and Conclusion**

5.2. *Sites at locations with increased driver cognitive demand should not immediately be excluded or discounted, but should be subject to detailed assessment.*

5.4. *Controls over the use of digital adverts should follow the best practice guidelines in this report and should be secured by special condition, with more careful management required in higher risk locations. As a minimum, the OMC roadside digital code should be complied with.*

5.5. *Not all sites will be appropriate for [digital] advertising, but with appropriate controls, digital advertising should be no more or less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl etc)."*

7.29 The above TfL Guidance takes a pragmatic approach to proposed roadside digital advertising displays, stating that static digital advertising (which is proposed in this case) is likely to be acceptable in locations where static advertising exists or would be accepted, and that with appropriate controls digital advertising should be no less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl, etc).

## 8.0 PLANNING ASSESSMENT - FULL PLANNING APPLICATIONS

8.1 With all the planning applications, the Council refused planning permission for the following reasons:

- i. The proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter, would:
  - Add to visual clutter and detract from the character and appearance of the streetscene and, if applicable, the wider conservation area and, if applicable, setting of a nearby listed building, contrary to policy D1 (Design) and, if applicable Policy D2 (Heritage) of the London Borough of Camden Local Plan 2017;
  - 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.
- ii. The proposed telephone kiosk 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) of the London Borough of Camden Local Plan 2017.

- iii. In absence of a legal agreement to secure removal of existing kiosks and a maintenance plan for the proposed kiosk, the proposal would be detrimental to 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.

8.2 With this statement addressing multiple appeals, we address first those points of objection by the Council common to all the appeals.

### **Detailed design**

8.3 In designing the replacement kiosk, the intention was to create an instantly recognisable yet modern telephone kiosk. The Appellant therefore pursued a traditional approach in the design process, drawing due and appropriate influence from UK kiosk design heritage. The new kiosk is also purposefully 'open' in design terms to enable unfettered access for all users, including the accessibility impaired, and to help eradicate anti-social behaviour sometimes associated with kiosks.

8.4 As the below excerpts from various recent Inspector's decisions referenced above (in section 5) illustrate, the replacement kiosk is an aesthetically pleasing contemporary design that would represent an improvement on the existing kiosk(s), visually and functionally.

**Appeal Ref: APP/X5990/W/17/3182187 - 50-52 Buckingham Palace Road, London, SW1W ORN**

- "10. The proposed kiosk would be more modern in appearance than the double kiosk that is currently positioned on the site. It would be finished in a black colour (according to the accompanying specification) and so would assimilate well into the street-scene. It would have a more contemporary appearance in relative terms, but not so contemporary that it would be to the detriment of the overall character and appearance of the immediate locality. Furthermore, its open sided design would have the effect of minimising its scale and dominance when viewed from public roads.*
- 11. The screen to the rear would have the effect of breaking up the rear elevation of the kiosk. The use of a screen in such an elevation (for display purposes) would not be an alien concept in what is a very urban environment.*
- 14. In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.*



27. *I have taken into account comments made by other interested parties, but I do not consider that the proposal would constitute poor design, have an adverse impact upon the ease of walking in the locality or unacceptably add to street clutter."*

**Appeal Ref: APP/X5990/W/17/3182001 - Payphone o/s 105 Charing Cross Road, London, WC2H 0DT**

- "12. *The proposed kiosk would be more modern in appearance than the kiosk that is currently erected on the site. However, it would be finished in a black colour and would not be too dissimilar in size to the existing kiosk. Taking into account its size, position, design and colour, I am satisfied that the proposed telephone kiosk would assimilate well into the street-scene and that it would not constitute an alien feature in this urban environment."*

**Appeal Ref: APP/X5990/W/17/3182287 - Payphone outside 3-4 London Street, London, W2 1HL**

- "11. *Overall its scale is similar to the existing kiosk, and its design has regard to more traditional K6 phone boxes in terms of its slightly domed roof and the fenestration pattern on the side panel. The existing phone box appears bland and dated. The proposal would therefore represent an opportunity to improve and, due to the wayfinding screen, modernise its appearance in keeping with the commercial character of this part of the Bayswater Conservation Area."*

**Appeal Ref: APP/X5990/W/17/3182344 – Payphone o/s 508-520 Oxford Street, London, W1C 1NB**

- "10. *The replacement kiosk would have a more modern and contemporary appearance than the existing kiosk but the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street."*

**Appeal A Ref: APP/K5600/W/17/3190377 - Pavement o/s 96c Kensington High Street, London, W8 4SH**

- "26. *The appellant explains that the new kiosk design, while modern in function draws influence from UK telephone kiosk design heritage. This appears to be particularly the case with regard to the roof shape and glazed side panel. These design features and particularly the incorporation of the 'telephone' signage to each side of the roof, would clearly indicate its principal purpose and function, despite the advertisement panel to the rear. While the proposed kiosk would include obscured glazing this forms a small part of it and while it would have a broader frame than the existing kiosk, its open design contrasts favourably with the existing enclosed kiosk. Taking these factors as a whole, as well as the broadly similar dimensions of the two kiosks, the replacement would not be significantly more visually prominent than the existing kiosk.*

27. *Within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area's appearance. The black colour scheme would integrate visually with other forms of street furniture of a similar colour, notably the nearby equipment boxes and frame of the bus shelter on the opposite side of the road."*

**Appeal Ref: APP/K5600/W/17/3190287 - 29 Duke of York Square, London, SW3 4LY**

- "9. *The kiosk is designed to be wheelchair accessible and would provide modern telecommunications equipment. It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area. I consider that the size and design of the telephone kiosk preserves the character and appearance of the Conservation Area and its siting and appearance would be acceptable."*

### **Size of replacement kiosk**

- 8.5 Given that the proposal is to replace an existing kiosk, the assessment required involves comparing the existing kiosk with the proposed replacement. The existing NWP telephone kiosk is box-shaped and enclosed, is 2430mm high, 948mm wide, 948mm deep, with a footprint measuring 0.89sq.m. In comparison, the proposed replacement kiosk is 2499mm high (a difference of just 69mm), 1096mm wide (148mm wider than the existing kiosk), 762mm deep (186mm less deep than the existing kiosk) with therefore a footprint measuring 0.83sq.m, which is slightly smaller than the existing kiosk.
- 8.6 As mentioned earlier, the design and utility merits of the proposal are widely recognised, as is the acceptability of the replacement kiosk in terms of size. By way of evidence, please see the below excerpts from some of the recent Inspector's decisions referenced above in section 5.

**Appeal Ref: APP/X5990/W/17/3182218 - Payphone outside 1-3 Craven Road, London, W1F 9JT**

- "11. *The proposed kiosk would be more modern in appearance than the kiosk it would replace. It would be finished in black matching street furniture nearby, would be open sided, of relatively simple design and an overall less bulk than the existing kiosk. Thus there would be no increase in street clutter. (our emphasis)*

**Appeal Ref: APP/X5990/W/17/3182287 - Payphone outside 3-4 London Street, London, W2 1HL**

- "10. *The proposed kiosk would be marginally wider and slightly shallower than the existing box, but would be the same colour and be roughly the same height. It*

would be open on two sides and would contain the telephone equipment and a 24 inch wayfinder display screen.

11. Overall its scale is similar to the existing kiosk, and its design has regard to more traditional K6 phone boxes in terms of its slightly domed roof and the fenestration pattern on the side panel. (our emphasis)

**Appeal Ref: APP/X5990/W/17/3182344 – Payphone o/s 508-520 Oxford Street, London, W1C 1NB**

- “11. Overall it [the replacement kiosk] would be no more bulky and imposing than the kiosk it would replace and in being sited in the same position it would assimilate well into the street scene and would not add to street clutter.” (our emphasis)

**Appeal A Ref: APP/K5600/W/17/3190377 - Pavement o/s 96c Kensington High Street, London, W8 4SH**

- “26. .... While the proposed kiosk would include obscured glazing this forms a small part of it and while it would have a broader frame than the existing kiosk, its open design contrasts favourably with the existing enclosed kiosk. Taking these factors as a whole, as well as the broadly similar dimensions of the two kiosks, the replacement would not be significantly more visually prominent than the existing kiosk.” (our emphasis)

**Appeal A - Ref: APP/H5390/W/17/3192419 - Outside 74 Shepherd’s Bush Road, London W6 7PH**

- “7. ... The new kiosk would be open sided with a comparable height and footprint as the existing structure, and the black finish and straightforward design would reflect nearby street furniture. As a result the proposal would be no more visually intrusive than the existing kiosk and would integrate well into the street scene.” (our emphasis)

- 8.7 The foregoing demonstrates that the proposed replacement kiosk is of comparable / similar height and footprint to the existing kiosk, and overall it would be no more bulky and imposing than the kiosk(s) it would replace.

## Need

- 8.8 The issue of need was raised by the Council in late November 2019, when they wrote to the appellant stating, “Whilst we welcome any proposals to remove older kiosks, this would only be on the basis that the kiosks themselves are lawful. We do not appear to have any evidence of this as part of your current proposals. You will be aware that under permitted development rights, if kiosks no longer required for telecommunication purposes, the kiosk should be removed. Whilst this information can be obtained through a planning contravention notice, it would be helpful if you can provide details of total

*call numbers and types of calls for each kiosk for the last 10 years as part of these applications.”*

- 8.9 The appellant responded to this request in mid-December 2019, providing call usage data for the network within Camden between November 2014 and November 2019, the period for which it has data. At around the same time, the appellant received numerous Planning Contravention Notices (PCNs) from the Council which requested call information, details on adverts, complaints and repair for the kiosks concerned. These PCN’s were responded to timeously.
- 8.10 The Council wrote to the appellant again in late December 2019 requesting a spreadsheet with call information, details on adverts, complaints and repair (as requested in the PCNs) for each individual kiosk.
- 8.11 The appellant responded to his request in mid-January 2020, providing a spreadsheet and supporting information setting out call usage and call break down by call type for the NWP kiosk estate across Camden for the past 4 years.
- 8.12 On 10<sup>th</sup> February, the Council responded stating the information provided indicates that the existing kiosks are unlawful as they should have been removed in accordance with condition A.2 (b) (part 16 Class A) of the GPDO 2015. They opined, *“the call data clearly demonstrates that they are no longer required for telecommunication purposes.”* The Council added, *“On this basis, your offer to remove kiosks (thereby complying with the regulations) on the basis of securing permission for the new kiosks, is no longer a material consideration. Their removal could not be considered as a benefit of the current planning application.”* In addition, the Council stated, *“The provision of phone kiosks in areas where there is no need (and where there are other kiosks in close proximity) only serves to add to the many unnecessary structures on the footway.”*
- 8.13 With all the appeals, the reasons of refusal consequently refer to *“lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter.”*
- 8.14 Para. 2.5 of the various Delegated Reports address this issue. This is reproduced below:
 

*“2.5 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. Moreover, there are already other phone kiosks located within approximately [distance specific to each appeal] 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."*

8.15 Section 10 of the National Planning Policy Framework (NPPF) February 2019 version addresses 'Supporting high quality communications'. Para. 112 states, *"Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections."* Para. 113 adds, *"Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged."*

8.16 Para. 115 of the NPPF states:

*"115. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:*

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or*
- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met."*

8.17 The Council places considerable emphasis on paragraph 115 of the NPPF and the insufficiency in its view of evidence provided by the appellant. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development (in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

8.18 Para. 115 is followed by para. 116 and the two need to be read together. Para. 116 is reproduced below:

*“116. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure. (emphasis added)”*

- 8.19 The appellant accepts that any proposal should be supported by evidence or information justifying or explaining the proposed development, as far as it is relevant to the planning determination. This is addressed below. In accordance with NPPF para 116, it is the appellant’s position that need and/or usage is not a relevant planning consideration in the determination of these proposals. Notwithstanding, for information purposes some commentary is included in the below section around kiosk usage and need.
- 8.20 The Planning covering letter that accompanied the various applications includes information which explains or justifies the proposed development. As set out therein, the NWP electronic communications network across Camden consisted of 70 kiosks. Since the applications’ submission ten months ago, this number has reduced slightly to 68 following two removals, one requested by the Council and another for operational reasons.
- 8.21 The covering letter explains that the kiosks, which date back to the 1990’s, are tired-looking structures and also outmoded in terms of their telephony equipment. In addition, the current enclosed kiosk has experienced historic problems including anti-social behaviour and lack of access for people with mobility impairments. These factors notwithstanding, they are in use with most calls made to mobile and 0800 numbers, including the emergency services. The letter advises that the appellant’s experience is that kiosks are used more post-upgrade than before, suggesting that the age, condition and outmoded equipment within existing kiosks have contributed to use decline. As set out in section 2 above, for approaching four years now the appellant has been trying to upgrade its kiosks in Camden and to deliver the new and improved services offering.
- 8.22 The covering letter recognises that mobile phones have seen the use of public telephone boxes decline. The opportunity exists therefore to rationalise the existing kiosk network, and with it to declutter the public realm. The proposal therefore is to upgrade a small number of existing kiosks across the Borough to the new, enhanced electronic communications services offering, and to remove the balance of the estate, the initiative to be part-funded by revenues from advertising.
- 8.23 The covering letter explains that the replacement kiosk is manufactured from robust, high quality materials and, appropriate to today’s technological conditions, would deliver multi-functional communications capability. This would include:
- New telephone equipment with the ability to accept credit/debit card, contactless and/or cash payment;
  - Interactive wayfinding capability via a 24inch LCD display;

- Equipment for provision of public Wi-Fi access points and/or public small-cell access nodes;
- Equipment for other location based wireless connectivity (including Bluetooth and near-field communication (NFC); and
- On the reverse side, a 1650mm H x 928mm W LCD display for digital advertising purposes, recessed behind toughened glass.

8.24 Responding constructively and in good faith to the Council's requests for information in November and December 2019, the appellant provided the information requested. The Council has since adopted the position that the existing kiosks are unlawful as, in their opinion, the call data demonstrates they are no longer required for telecommunication purposes. In so doing, the Council is questioning the need for the NWP electronic communications system, something that para. 116 of the NPPF insists local planning authorities should not do.

8.25 Para. 116 is clear also that local planning authorities should not seek to prevent competition between different operators. We have evidence that in 2017, the Council handled a set of multiple Full Planning and Advertisement Consent applications by BT LinkUK in respect of 21 proposed telephone kiosk upgrades across the Borough in a manner very different to the subject NWP applications.

8.26 Earlier this year, we approached the Council under the Freedom of Information Act 2000 requesting for each BT InLink kiosk consented by the Council in 2017 and subsequently installed:

- the call usage details for those kiosks that were removed and replaced with a BT InLink kiosk that was requested by the Council as part of the planning process;
- call usage details for the said kiosk that was supplied by the applicant as part of the planning process; and
- documentation that shows the consideration and weight given by the Council to public call box call usage when determining whether to grant planning permission for each BT InLink kiosk.

8.27 We did so because the application supporting documentation contains no information whatsoever on call usage.

8.28 The Council responded to our request on 7<sup>th</sup> May 2020 (this response is appended to the Appeal). In it, the Council stated in respect of call usage details for kiosks that was requested by the Council as part of the planning process:

*"We can confirm that we did not request any call usage details for any kiosks removed and replaced with a BT Inlink" and:*

In respect of call usage details for kiosks that was supplied by the applicant as part of the planning process:

*“This information was not provided as part of the planning process.”*

- 8.29 It follows therefore that no consideration and or weight was given by the Council to public call box call usage when granting Full Planning Permission and Advertisement Consent for 21 BT InLink kiosks in 2017.
- 8.30 The foregoing is brought to the Inspector’s attention as an example of the local planning authority operating in a matter that effectively prevents competition between different operators, contrary to the clear provisions of NPPF para. 116.
- 8.31 As set out above, the appellant has provided information and evidence which justifies the proposed development. Notwithstanding, as stated above, we provide further information and commentary around usage for information purposes.
- 8.32 We provide below call usage data for 49 of the 68 kiosks that capture data for the 5 year period May 2015 to April 2020. The remaining kiosks contain so-called Platinum control equipment that does not generate data. Those kiosks highlighted grey have during the past 5 years been fitted with Platinum equipment hence the ceasing of data.
- 8.33 The data records a total of 33,634 calls made from 49 (72%) of the 68 kiosks. 12,023 or 36% of the calls were made to mobile numbers, 10,372 or 30% were made to 0800 numbers, 2,985 or 9% were made to Emergency services, 373 or 1% were made to help / crisis related services eg. the Samaritans, Refuge, National Domestic Abuse Helpline (run by Refuge), Women’s Aid (England), and Solace Women’s Aid, and 2,669 or 8% to national landlines. The remaining 16% of calls were to 0800, 0500, BT chargecard and international numbers.

**Fig.4 Call data for the 5 year period: May 2015 to April 2020**

Telephone kiosk address	Area	2015	2016	2017	2018	2019	2020	Total
o/s 121-123 Kingsway	Holborn	466	366	131	217	224	52	1456
o/s St Martins College Southampton Row	Holborn	169	186	85	51	65	13	569
o/s 100 Southampton Row	Holborn	105	82	12	91	76	23	389
o/s 88-94 Kingsway, Holborn Station	Holborn	148	227	407	49	126	48	1005
o/s 111 High Holborn	Holborn		3		1			4
o/s 29 Tottenham Court Rd	Tottenham Court Rd	85	72	87	44	79	81	448
o/s 114-115 Tottenham Court Rd	Tottenham Court Rd	291	478	269	203	288	140	1669
o/s 23-24 Tottenham Court Rd	Tottenham Court Rd	121	188	162	120	124	95	810
o/s 200-208 Tottenham Court Rd	Tottenham Court Rd	63	112	88	76	118	112	569
o/s 101-107 Tottenham Court Rd	Tottenham Court Rd	251	278	517	994	850	103	2993
o/s 38 Tottenham Court Rd	Tottenham Court Rd	121	501	398	52	71	45	1188
o/s 245 Tottenham Court Rd	Tottenham Court Rd	69	25	44	37	56	82	313
o/s 295 Euston Road	Tottenham Court Rd	789	292	246	147	67		1541
o/s 55 New Oxford St	New Oxford Street	36	43	28	32	52	3	194
o/s 40 New Oxford St	New Oxford Street	43	51	31	25	23	9	182



o/s 240 Kilburn High Rd	Kilburn High Road	141	179	147	140	165	71	843
o/s 106 Kilburn High Rd	Kilburn High Road	130	85	158	136	121	31	661
o/s 72 Kilburn High Rd	Kilburn High Road	340	153	208	166	173	24	1064
o/s 188 Kilburn High Rd	Kilburn High Road	200	178	182	210	134	24	928
o/s 24-32 Kilburn High Rd	Kilburn High Road					99	39	138
o/s 125-127 Finchley Rd	Swiss Cottage/Finchley Rd	213	217	214	128	149	51	972
o/s 20 Northways Parade Finchley Rd	Swiss Cottage/Finchley Rd	45	23	33	26	22	1	150
o/s 2 Harben Parade, Finchley Rd	Swiss Cottage/Finchley Rd	4						4
o/s 255 Finchley Rd	Swiss Cottage/Finchley Rd	117	94	126	101	93	45	576
Canfield Gardens, nr Finchley Road	Swiss Cottage/Finchley Rd	100	58	118	54	72	10	412
Adj. A41, nr 100 Avenue Rd	Swiss Cottage/Finchley Rd	6	68	81	32	51	11	249
o/s 197 Kentish Town Rd	Kentish Town	222	216	146	77	161	37	859
o/s 329-331 Kentish Town Rd	Kentish Town					172	144	316
o/s 140-144 Camden High St	Camden Town	373	211	453	1058	919	97	3111
Adj 1 Eversholt Street, Euston	Euston / Euston Rd	401	697	644	866	723		3331
Adj Church of St. Pancras, Euston Rd	Euston / Euston Rd	289	366	321	364	286	196	1822
o/s 100 Euston Road	Euston / Euston Rd	84	7	1	3			95
o/s 35 Hampstead High St	Hampstead/Belsize Park	471	469	412	198	212	51	1813
o/s 179 Haverstock Hill	Hampstead/Belsize Park	154	189	162	57	53	17	632
o/s 10-12 Cricklewood Broadway	Cricklewood Broadway					136	36	172
o/s 106-108 Cricklewood Bway	Cricklewood Broadway				130	203	83	416
Jcn Maygrove Rd / Kilburn High Rd		4	34	52	44	20	6	160
North Gower Street		57	102	154	18	48	9	388
o/s 93-95 Fairfax Rd						50	10	60
o/s 26 Bedford Way		76	73	103	60	111	15	438
Opp Chalk Farm Station						46	13	59
o/s 40 Bernard St		28	60	33	1	9	7	138
Malet Street		9	12		6	6		33
o/s 266 West End Lane						48	44	92
124 Robert Street		42	32	54	4	34		166
Guilford Street		26	58			1		85
o/s 14 Store Street		34	35	6		1		76
o/s 20 Bedford Way		36						36
o/s 72-78 Lambs Conduit St		1						1
o/s 366 Grays Inn Rd				8				8
<b>Grand Total</b>		<b>6360</b>	<b>6520</b>	<b>6321</b>	<b>6018</b>	<b>6537</b>	<b>1878</b>	<b>33634</b>

**Note 1** Where there are two kiosks is one location and both record data, the data provided above is the sum for the two kiosks.

**Note 2** With the two kiosks o/s 111 High Holborn, one is a Platinum kiosk meaning no data is available for the 5 year period. With the other kiosk, Platinum control equipment was fitted during the past 5 years.

- 8.34 Contrary to the position adopted by the Council that *“the call data clearly demonstrates that they are no longer required for telecommunication purposes”*, the information provided demonstrates that the NWP kiosk network is used and therefore required for telecommunications purposes.
- 8.35 Responding to the Council’s follow up position that the offer to remove kiosks is no longer a material consideration attracting any weight in the assessment of the current appeals, we say that the data provided demonstrates usage, that there is no defined threshold of usage below which the kiosks have fallen, and usage data is not a straight proxy for ‘need’. The Council has not sought the removal of the kiosks under the condition in Class A. If enforcement proceedings were taken then NWP would appeal them immediately.
- 8.36 Accordingly, for the purposes of these section 78 appeals against refusal of planning permission, we submit that full weight should be given to the considerable benefits flowing from rationalisation of the NWP kiosk estate across the Borough.
- 8.37 Of the usage information provided, we draw attention to the 2,985 calls (9% of the overall figure) made to Emergency services, and 373 calls made to help / crisis related services eg. the Samaritans, Refuge, National Domestic Abuse Helpline, Women’s Aid, and Solace Women’s Aid.
- 8.38 It is well recognised that some telephone calls require the caller to remain anonymous, for example to organisations like Refuge, the National Domestic Abuse Helpline and Childline. Calls from mobile phones are easily traced and public telephone kiosks are the safe and obvious means by which to make them.
- 8.39 The experience of ‘Solace Women’s Aid’, the leading specialist charity in London supporting women and children experiencing domestic abuse and sexual violence, is relevant to note. Last year, 752 women and their children found safety in Solace refuges, and all needed to communicate, at short notice, to arrange entry with most using a payphone to make the arrangements.
- 8.40 We point also to the experience of the charitable organisation, ‘Missing People’. They advise that *“about 26% of calls to their 116 helpline number came from landlines last year, which would include phone boxes.”* Alex Livingstone, Corporate Partnerships Manager for Missing People, said *“Speaking with our services team, it is clear how phone boxes are a crucial part of supporting those in need. When someone goes missing they are often at a crisis point in their life which can mean access to our helpline through their mobile might be impossible. They might have run out of credit, battery or even had it confiscated or stolen. It is vital that they still have a way of connecting with support and safety and phone boxes provide this service 24/7.”*
- 8.41 The information provided demonstrates that kiosks making up the NWP network as existing are in use. Moreover, the appellant’s experience with its network is that kiosks are used to make more calls post upgrade than before. For the year March 2018 – Feb

2019, call usage of its new upgraded kiosks was 48% higher than that of the old kiosks.

- 8.42 The new kiosks include a 24inch LCD interactive wayfinding display screen. In addition to the increased usage reported above, we report below use activity involving the interactive wayfinding display screen for the first three years of new kiosks being installed across the country. By the end of 2019, 416 new kiosks were installed across the country.

Year	Interactive wayfinding display screen: User sessions
2017	87,954
2018	150,601
2019	191,420

Fig.5

- 8.43 The information in Fig 4. above shows various areas of focused or clustered usage across the Borough, including Holborn, Tottenham Court Road, Euston, Kilburn High Road, Swiss Cottage/Finchley Road, Camden Town, Kentish Town, New Oxford Street, Hampstead/Belsize Park, and Cricklewood Broadway. The upgrade proposals respond to these areas of focused/clustered usage in all but two cases. In Hampstead, both kiosks in this area - o/s 35 Hampstead High St and o/s 179 Haverstock Hill - were proposed for upgrade in the original 2016 pre-planning enquiry to the Council. However, both proposals were not supported by the Council in its feedback note, for mainly Conservation Area reasons. The kiosks o/s 10-12 and 106-108 Cricklewood Broadway do not meet the appellant's upgrade requirements.
- 8.44 Where there are multiple NWP kiosks within an area of focused/clustered usage, the proposals seek to upgrade a small proportion of the kiosks, the intention being to consolidate usage within the area.
- 8.45 It must be recognised that the proposals the subject of these appeals are the result of nearly four years work. This began in June 2016 with the appellant raising a Pre-Planning application enquiry to upgrade 35 kiosks and to remove the balance of the estate. Following the Council's response to this exercise, applications for prior approval and advertisement consent were submitted in June 2018 to upgrade 26 kiosks and to remove those outstanding. 23 of the 26 related applications were approved internally at Members Briefing within the Council subject to completing a S.278 agreement for kiosk removal, tree planting, and cleaning and maintenance. However, shortly before the S.278 agreement was concluded, judgement was handed down in the High Court (Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin) the effect of which clarified the scope of Schedule 2 Part 16 of the GPDO. The appellant was requested to withdraw the applications and invited to apply for planning permission and advertisement consent, bringing us to this point.

- 8.46 Significantly the proposals reflect therefore a lengthy and detailed iterative process that

has unfolded over nearly four years, involving considerable work by the appellant with Council Planning Officers, the Council's Principal Transport Planner, and with TfL in respect of kiosks alongside the Transport for London Road Network (TLRN).

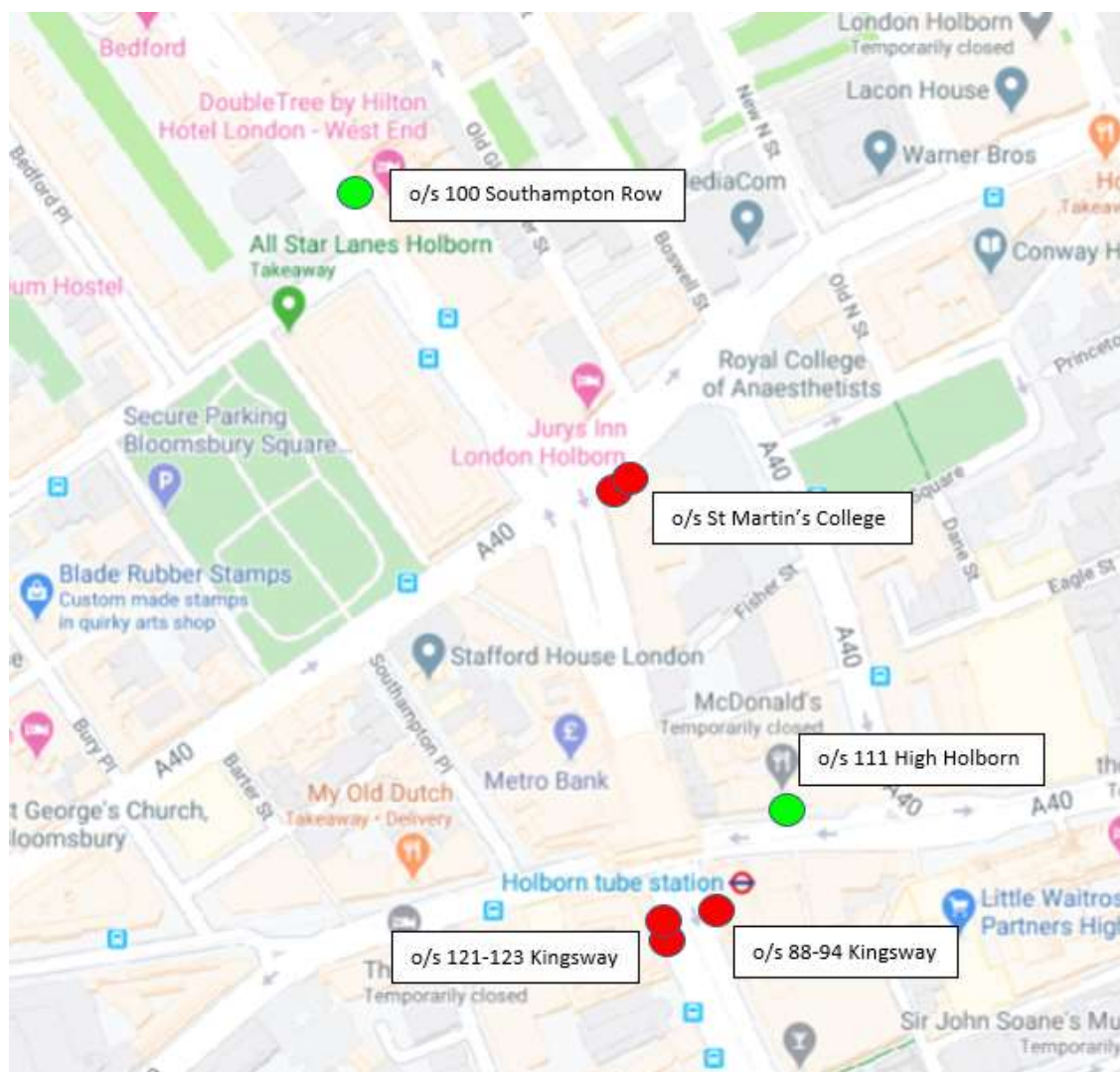
8.47 Several important considerations relating to planning, telecommunications and advertising have informed the proposals, including:

- The character and appearance of the locality, including predominant use characterisation;
- Adjoining frontage development considerations;
- Proximity to and the presence of heritage assets;
- Highways factors, including pavement conditions, existing street furniture and planned highway changes;
- Electronic communications network factors, including call usage;
- Advertising factors, including pedestrian and vehicle flows, and surrounding street furniture.

8.48 As stated above, the upgrade proposals respond to the areas of focused/clustered usage and do so reflecting the many factors informing a workable upgrade proposal. We set out below the rationale underpinning upgrade proposals within the various focused/clustered usage areas.

### Holborn

8.49 In this area there are 8 kiosks in five locations; o/s 100 Southampton Row and o/s St Martins College, Southampton Row in the north part of the area, and o/s 121-123 Kingsway, o/s 88-94 Kingsway, Holborn Station and o/s 111 High Holborn in central Holborn. The proposal is to upgrade kiosks in two of the five locations, one in what we term Holborn central and one in what we term Holborn north. See below map.



### Key

● Proposed upgrade kiosk – Appealed

● Kiosk to be removed

- 8.50 In Holborn north, the kiosks o/s St Martins College are not proposed for upgrade as they are outside the Grade II\* listed Central St Martin's College of Art and Design. Their associated removal would benefit the setting of this heritage asset. The upgrade kiosk in this area is therefore the kiosk o/s 100 Southampton Row.
- 8.51 In Holborn central, the kiosks o/s 121-123 Kingsway are unsuitable for upgrade given existing street furniture which obstructs visibility. The kiosk o/s 88-94 Kingsway, immediately outside Holborn Station is also unsuitable for upgrade given the general clutter of street furniture outside the station. See the below photos by way of evidence.



Kiosks o/s 121-123 Kingsway



Kiosk o/s 88-94 Kingsway, Holborn Station

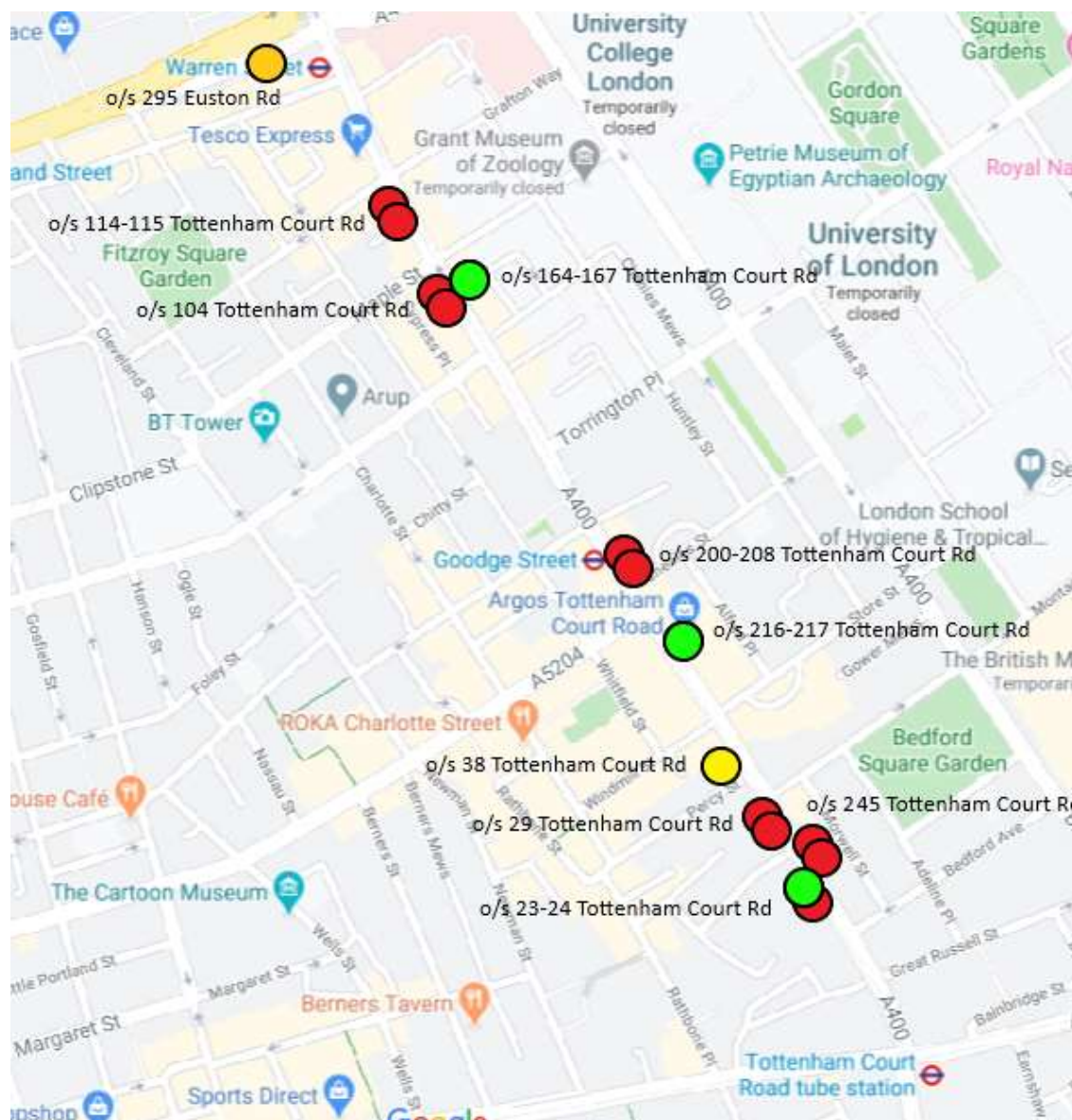
8.52 Within this area, only the kiosks o/s 100 Southampton Row and o/s 111 High Holborn meet the above-mentioned important upgrade considerations. In what we term Holborn north, the intention is for usage to consolidate with the proposed upgrade o/s 100 Southampton Row. The kiosks o/s St Martin's College are just 170m from the proposed upgrade kiosk (o/s 100 Southampton Row) making this a reasonable assumption.

8.53 In what we term Holborn central, the intention is for usage to consolidate with the proposed upgrade o/s 111 High Holborn. Respectively the kiosks o/s 121-123 Kingsway and o/s 88-94 Kingsway are 75m and 55m from the proposed upgrade kiosk (o/s 111 High Holborn) making this a reasonable assumption.

#### Tottenham Court Road

8.54 In this area there are 13 kiosks in seven locations. The kiosk o/s 295 Euston Road was removed in 2019 in response to a request by the Council, which the appellant acceded to. The proposal is to upgrade kiosks in four locations. As noted earlier, with the kiosk o/s 39 Tottenham Court Road, given site specific issues that arose during the application's determination, this kiosk will be revisited outside of this appeals process. See below map.





### Key

- |  |  |
|--|--|
| <span style="color: green;">●</span> Proposed upgrade kiosk – Appealed | <span style="color: yellow;">●</span> Proposed upgrade kiosk – To be revisited |
| <span style="color: red;">●</span> Kiosk to be removed                 | <span style="color: orange;">●</span> Kiosk removed in 2019                    |

8.55 The kiosks proposed for upgrade on Tottenham Court Road reflect the significant work undertaken in 2018 with the Council's Principal Transport Planner in connection with the then prior approval applications, when planned changes to Tottenham Court Road under the West End Project were discussed. The proposals were agreed with the Principal Transport Planner as working with the planned public realm improvement works.

8.56 The kiosks o/s 29 Tottenham Court Rd are unsuitable for upgrade given existing street furniture which obstructs visibility. See below photo.



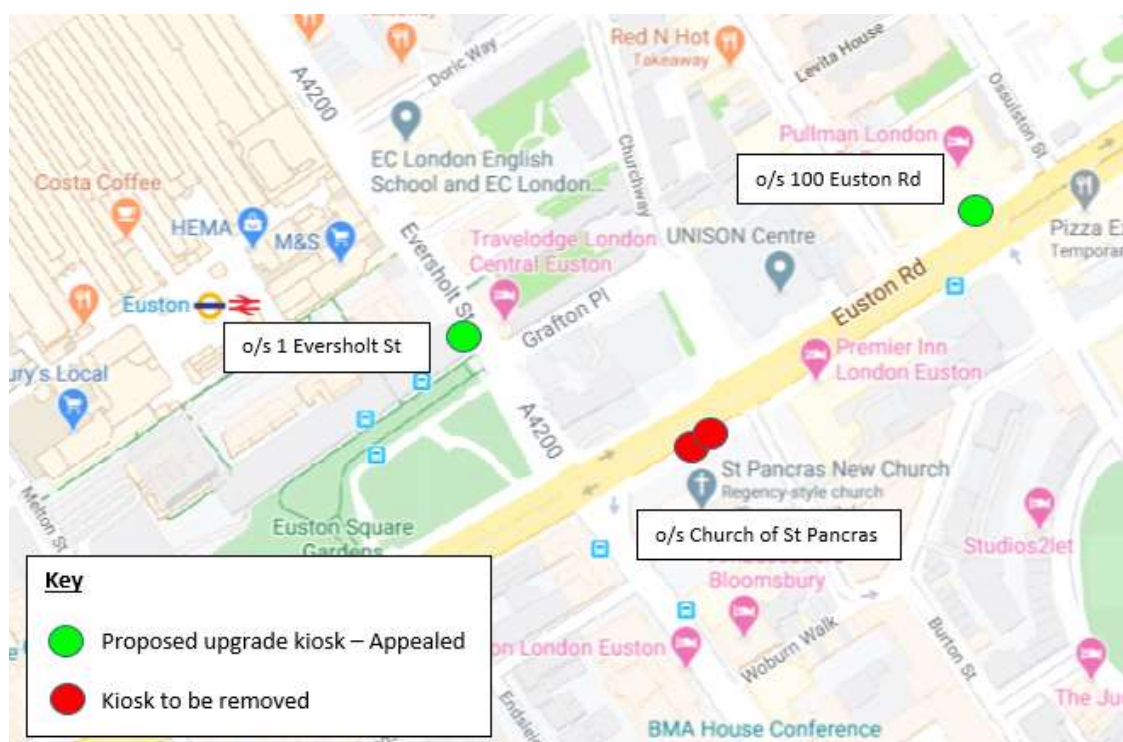
Kiosks o/s 29 Tottenham court Rd

- 8.57 The kiosks o/s 114-115 Tottenham Court Rd were the subject of an upgrade prior approval application in 2018, LPA Ref. 2018/0883/NEW. However, the Council's Principal Transport Planner advised the kiosk would adjoin a planned new loading bay to be provided as part of the public realm improvement works, the West End Project, contrary to TfL kerbside loading guidance. It was agreed therefore to withdraw the application.
- 8.58 The kiosks o/s 245 Tottenham Court Rd were also originally proposed for upgrade in 2018, LPA Ref. 2018/0889/NEW. However, the Council's Principal Transport Planner responded to the application raising concern over the footway, which is relatively narrow compared to other parts of Tottenham Court Rd. Following discussion, it was agreed that we would no longer pursue this proposal and, in its place, propose upgrade of the kiosks o/s 23-24 Tottenham Court Rd, located on the opposite side of the road. Application LPA Ref. 2018/0889/NEW was therefore withdrawn.
- 8.59 The kiosks o/s 200-208 Tottenham Court Rd and o/s 104 Tottenham Court Rd are proposed for upgrade, but in locations away from where they stand as existing. Again, this reflects discussion and agreement with the Council's Principal Transport Planner in 2018.
- 8.60 The appellant met with the Council's Principal Transport Planner in May 2018 on two occasions, to discuss the proposals. In relation to the kiosks o/s 101-107 Tottenham Court Rd (shown as 104 Tottenham Court Rd on the above map), the Principal Transport Planner expressed concern over an in situ upgrade in the context of the planned public realm works. Alternate options were investigated and the location o/s 164-167 Tottenham Court Rd was identified and agreed.
- 8.61 In relation to the kiosks o/s 200-208 Tottenham Court Rd, given the planned works to Tottenham Court Rd, the proposal discussed and agreed with the Principal Transport Planner was to relocate the proposal to a location o/s 216-217. The discussion then was informed by the fact that the building at 200-208 Tottenham Court Rd is Grade II listed.



## Euston

8.62 In this area there are 4 kiosks in three locations; one adj. 1 Eversholt Street, Euston, two adj. Church of St. Pancras, Euston Rd and one o/s 100 Euston Road. The proposal is to upgrade kiosks in two locations (see below map). Their usage notwithstanding, the kiosks adjoining the Church of St. Pancras, Euston Rd are unsuitable for upgrade given they adjoin the Grade I listed Church, and given the verdant qualities of the locality. See below photo.



Kiosks o/s Church of St Pancras, Euston Rd

8.63 Unlike the kiosks o/s Church of St Pancras, the kiosk o/s 100 Euston Rd is suitable for

upgrade, the locality being predominantly commercial. This kiosk is just 150m away from the Church of St Pancras kiosks, the intention being for usage in the area to consolidate at the proposed upgrade location.

### Kilburn High Road

- 8.64 In this area there are 6 kiosks in five locations; two o/s 240 Kilburn High Rd, o/s 188 Kilburn High Rd, o/s 106 Kilburn High Rd, o/s 72 Kilburn High Rd and o/s 24-32 Kilburn High Rd. The proposal is to upgrade kiosks in two of the five locations, o/s 240 Kilburn High Rd and 72 Kilburn High Rd. See below map.



- 8.65 With both kiosks o/s 188 Kilburn High Rd and o/s 106 Kilburn High Rd, it was agreed with the Council's Principal Transport Planner in 2018 that pavement conditions in these locations render upgrading unsuitable. See below photos.



Kiosk o/s 188 Kilburn High Rd



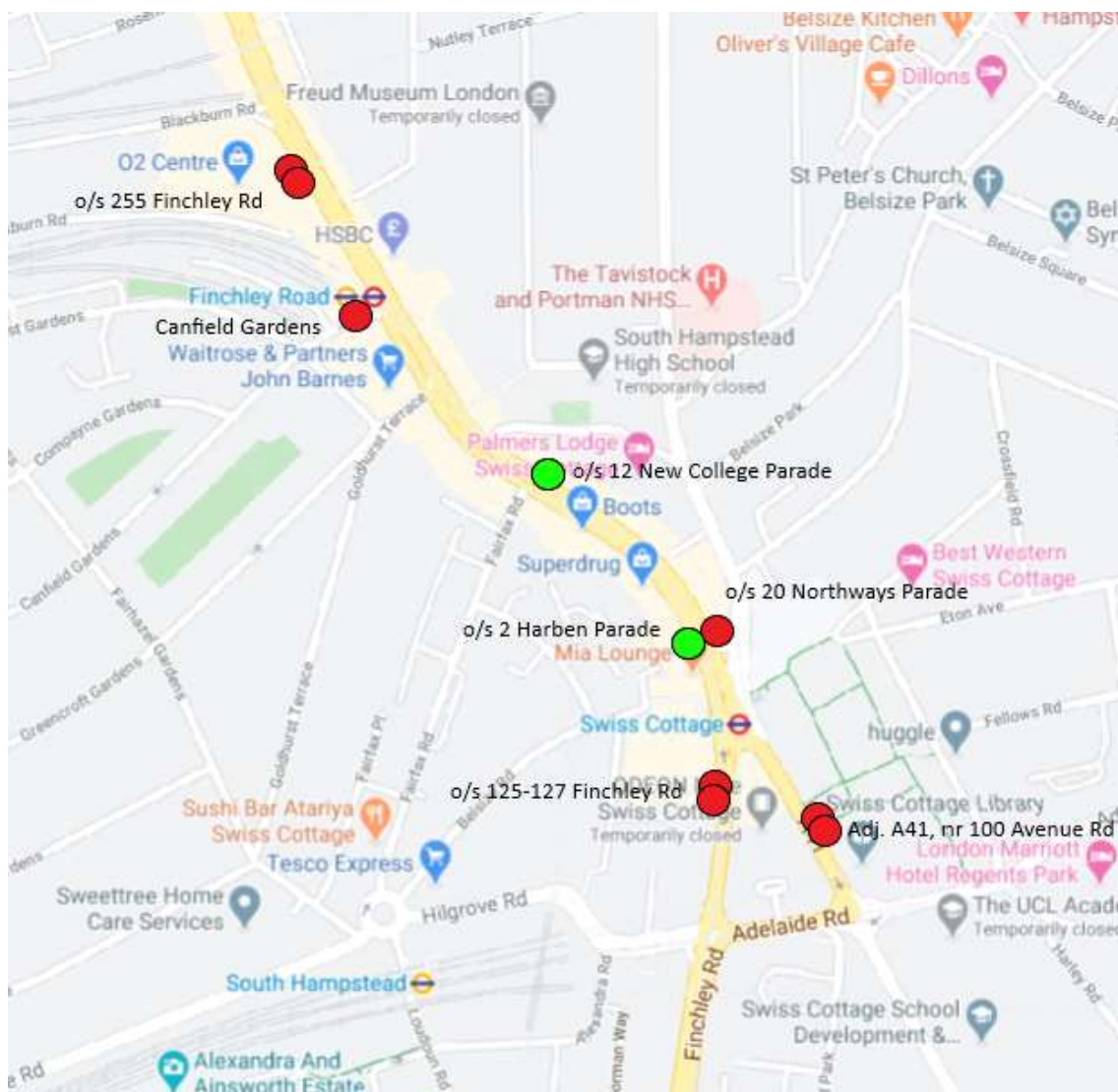
Kiosk o/s 106 Kilburn High Rd

- 8.66 With the kiosk o/s 24-32 Kilburn High Rd, the relationship of the existing kiosk to nearby street furniture renders this kiosk unsuitable for upgrade.

#### Swiss Cottage/Finchley Road

- 8.67 In this area there are 9 kiosks in six locations; two o/s 125-127 Finchley Rd, o/s 20 Northways Parade Finchley Rd, o/s 2 Harben Parade Finchley Rd, two o/s 255 Finchley Rd, o/s Finchley Road Station, Canfield Gardens, and two adj. the A41, near 100 Avenue Rd. The proposal is to upgrade kiosks in two of the six locations, o/s 2 Harben Parade, Finchley Rd and o/s 12 New College Parade, as a relocation for the kiosk o/s 20 Northways Parade. See below map.





### Key

- Proposed upgrade kiosk – Appealed
- Kiosk to be removed

8.68 Of the kiosks in and around Swiss Cottage, the kiosk o/s 2 Harben Parade, Finchley Rd meets the above-mentioned important upgrade considerations best, and is among the least constrained in planning terms.

8.69 The proposed kiosk o/s 12 New College Parade is designed to replace the existing kiosk o/s 20 Northways Parade. This relocation is proposed following extensive work with TfL in 2018 when it emerged that upgrading the 20 Northways Parade kiosk in situ was unworkable, due to planned TfL highway works in the area. After extensive work between the two parties, TfL agreed the relocation in email correspondence dated 10<sup>th</sup> Sept 2018.

8.70 The kiosks o/s 125-127 Finchley Rd were originally proposed for upgrade. However, this

proposal was objected to on highways safety grounds owing to the site's relationship to nearby traffic signals and existing street furniture, and subsequently not pursued. See below photo.



Kiosks o/s 125-127 Finchley Rd

8.71 The kiosks o/s 255 Finchley Rd, in Canfield Gardens near Finchley Road Station, and adj. the A41 near 100 Avenue Rd do not meet the upgrade considerations. The kiosks o/s 255 Finchley Rd are obstructed by existing adjoining street furniture (see below photo), while pavement and highway conditions render upgrade of the kiosk in Canfield Gardens, near Finchley Road Station, and the kiosk adj. the A41 near 100 Avenue Rd unworkable. See below photos.



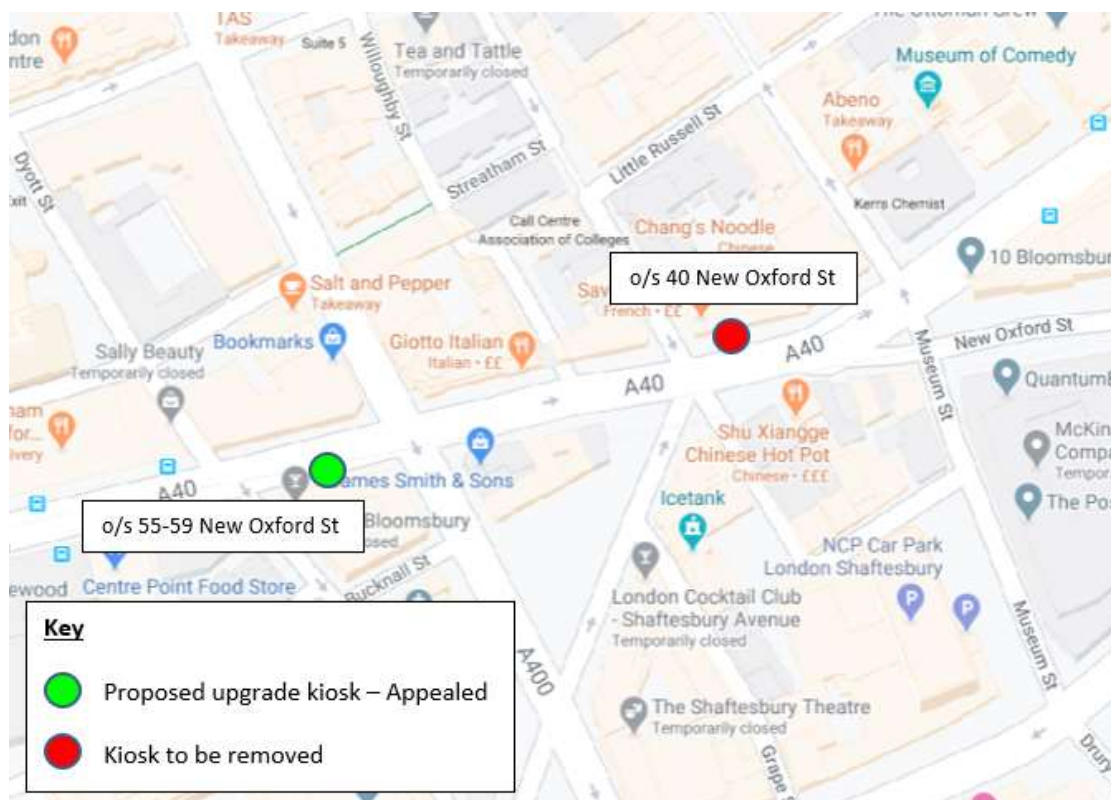
Kiosks o/s 255 Finchley Rd



Kiosks adj. A41 near 100 Avenue Rd

### New Oxford Street

8.72 In this area there are 2 kiosks in two locations; o/s 55-59 New Oxford St and o/s 40 New Oxford St. and the proposal is to upgrade one, the kiosk o/s 55-59 New Oxford St. See below map.

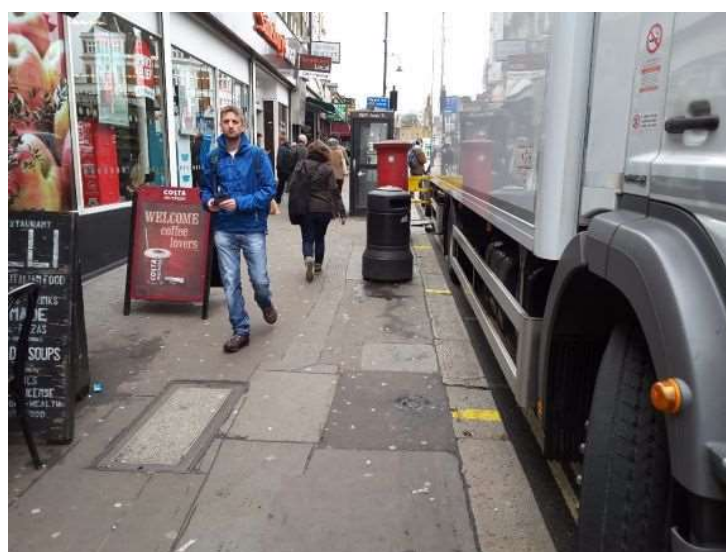
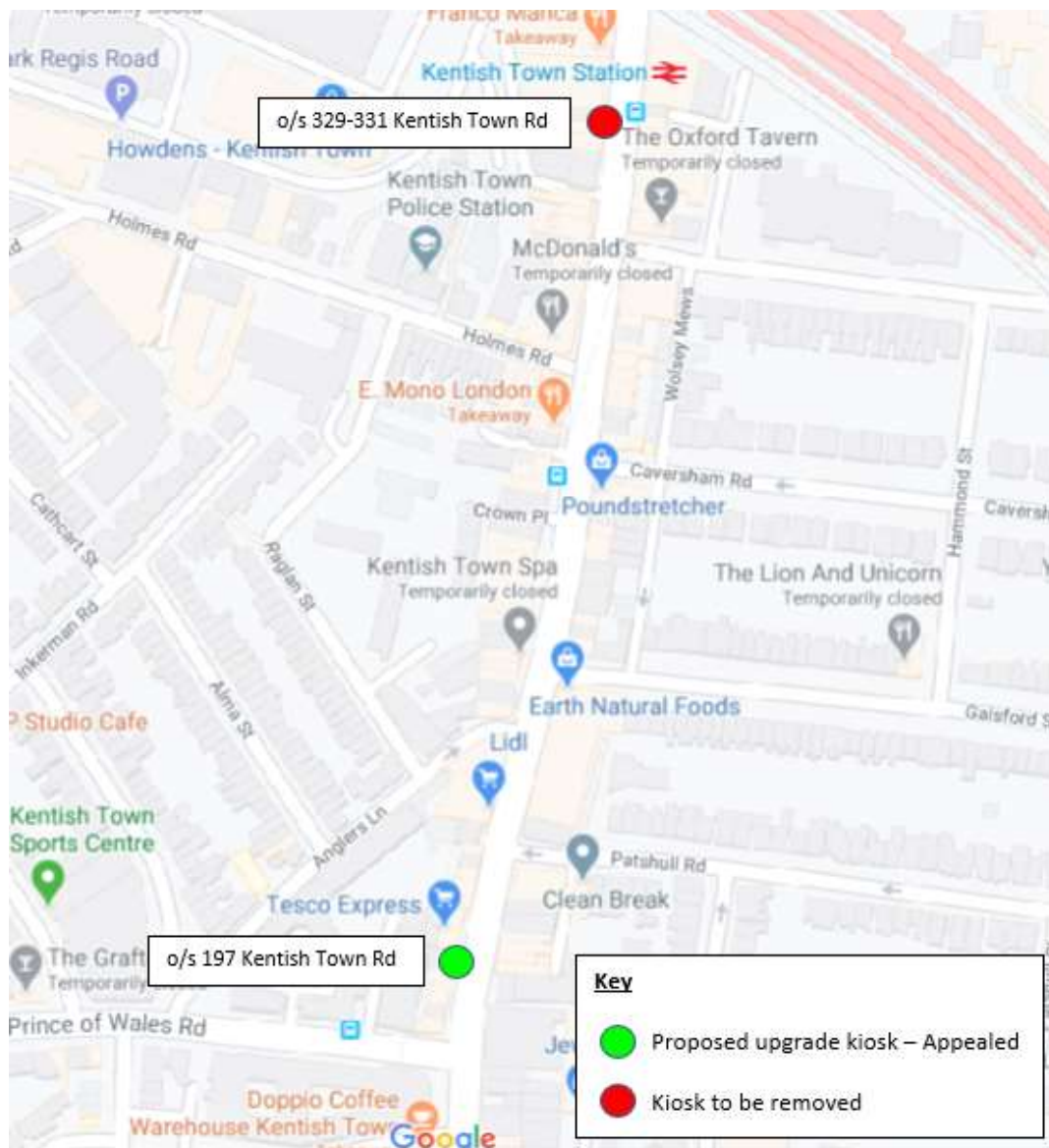


8.73 The kiosk o/s 40 New Oxford Street was the subject of recent upgrade applications refused by the Council. However, upon further consideration, the appellant has decided to pursue this proposal no longer and considers one upgraded kiosk for the area to be sufficient.

#### Kentish Town

8.74 In this area there are 2 kiosks in two locations; o/s 197 Kentish Town Rd and o/s 329-331 Kentish Town Rd, and the proposal is to upgrade one, the kiosk o/s 197 Kentish Town Rd. As per the below photo, pavement and highway conditions render upgrade of the other kiosk o/s 329-331 Kentish Town Rd unworkable. See below map.

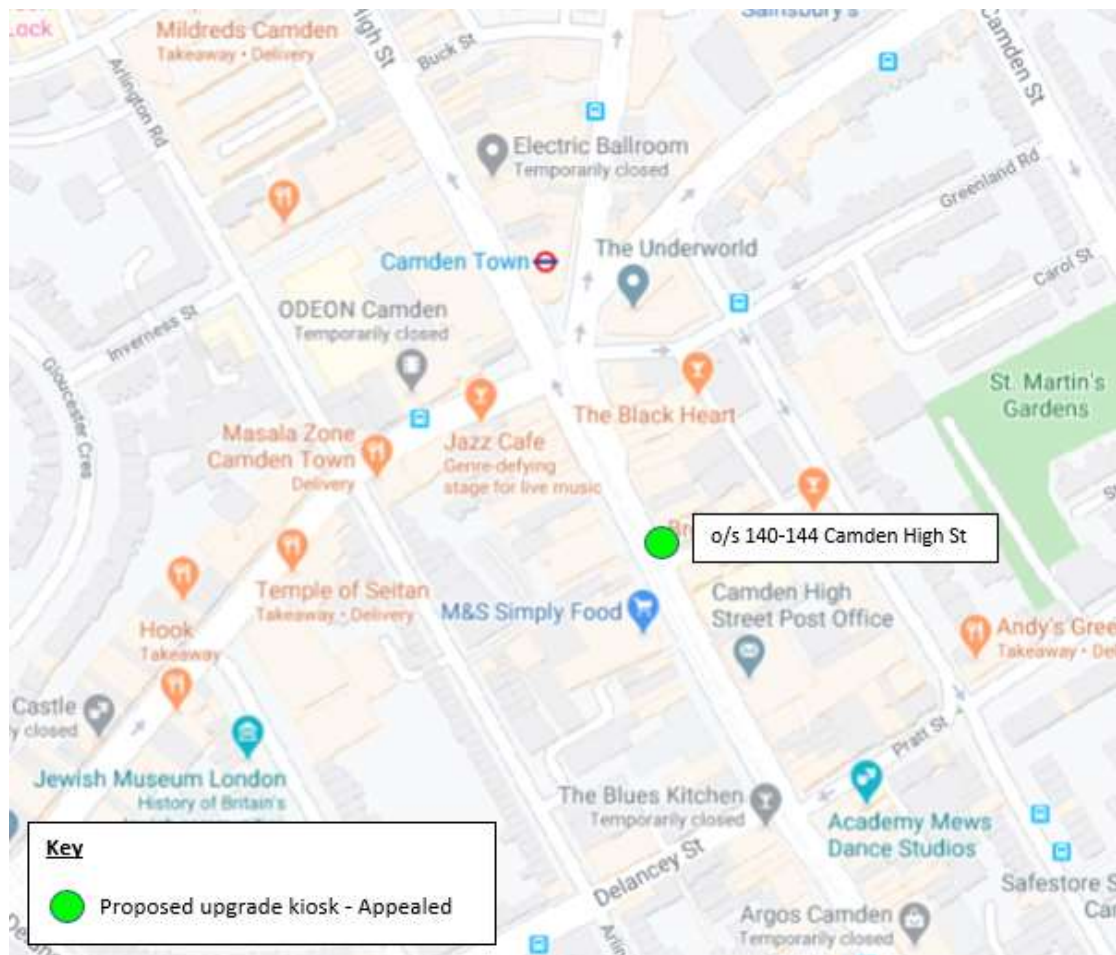




Kiosk o/s 329-331 Kentish Town Rd

### Camden Town

- 8.75 There is only one kiosk in Camden Town, that o/s 144-146 Camden High St. and this is proposed for upgrade to the new kiosk. See below map.



### Kiosks of other electronic communications operators

- 8.76 Para. 2.5 of the various Delegated Reports refer to the kiosks of other electronic communications operators stating, *“there are already other phone kiosks located within approximately [distance specific to each appeal] from the proposed application site.”*
- 8.77 This issue was addressed in the High Court judgement, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin). Para. 51 of the judgement states:

*“Under Class A, the “required” or “need” question can only be tested by whether it was “required or needed” for the network of the applicant operator. That cannot be affected by the profusion of kiosks of other operators, relevant though a profusion of them in the street scene might be to the siting of another one.”*



## Location

8.78 We address below for each appeal the location-related reasons for refusal set out in reasons for refusal 1 and 2.

Address: **Telephone Kiosk outside 1 Eversholt Street, London**

Proposal: **Replacement of existing telephone kiosk with new telephone kiosk.**

LPA Ref: **2019/3984/P**

8.79 The Council state that the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter would:

- Add to visual clutter and detract from the character and appearance of the streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.80 Local Plan Policy D1 'Design' states *"The Council will seek to secure high quality design in development"* and *"will require that development"* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;"*

8.81 Policy G1, under the sub-heading 'Location of growth', recognises that *"Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*

*f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;” (our emphasis)*

8.82 The appeal site was put to the Council as part of the pre-planning enquiry in 2016. In its response note dated 16<sup>th</sup> September 2016, the Council stated as follows:

*“Adjacent to 1 Eversholt Street*

*6.15 Whilst this site is adjacent to a listed building (Royal George public house), it is also within a very commercial area with very little, if any, neighbouring residential premises. Again, whilst the principle of roadside advertising may be considered acceptable, the applicant will however be required to demonstrate that the proposal does not affect the safety of road users and that the proposal is acceptable in design terms.”*

8.83 The appeal site is in the vicinity of Euston Station, an area identified in Local Plan Policy G1 as a “*growth area*” where development is expected to be concentrated.

8.84 The locality containing the appeal site is predominantly commercial in character and appearance, with modern commercial development adjoining the site and on the opposite side of the road. The area’s predominantly commercial character is accentuated by its location adjoining Euston Station, which results in the adjoining roads being constantly busy with vehicular and pedestrian traffic. The principle of roadside advertising in the locality is established by the nearby BT-InLink telephone kiosk located north of the appeal, closer to the nearby Listed public house albeit, like the appeal site, on the other side of the road. The site is not within a Conservation Area.

8.85 The Council states that the proposed kiosk would “*add to visual clutter*”. The proposal is to replace the existing kiosk with a replacement kiosk. As a matter of fact therefore the proposal would not add to visual clutter.

8.86 The replacement kiosk would appear as an up-to-date and aesthetically pleasing structure that would assimilate well in the street scene. It would be viewed by passers-by in the context of its predominantly commercial surroundings in the vicinity of Euston Station, in the foreground of large scale modern commercial development, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across central London, and therefore part of the fabric of predominantly commercial areas of this kind.

8.87 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity,

character and appearance of the locality, in accordance with London Plan Policy 7.5 and Local Plan Policy D1.

- 8.88 The Council claims that the proposal 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 Camden Local Plan 2017.
- 8.89 Policy A1 ‘Managing the impact of development’ states, inter alia, the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.90 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* To this end, it will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.91 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.92 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 1.8m minimum for two adults passing and 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.
- 8.93 The Council states the proposal would *“reduce the amount of useable unobstructed footway.”* As per the Site Plan accompanying the application, and responding to feedback from the Council’s Transport Officer in connection with the earlier withdrawn prior approval application, the replacement Kiosk would be relocated closer to the kerb line thereby freeing up clear footway and also achieving better alignment with nearby other street furniture. In so doing, the proposal would improve footway conditions for pedestrians by improving the amount of useable unobstructed footway. The proposal would not therefore reduce useable unobstructed footway, would not be detrimental to the public realm, would not cause harm to highway safety nor hinder pedestrian

movement, nor have any impact at all on the promotion of walking as claimed by the Council. It would therefore be acceptable.

8.94 Policy T1 above is clear that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. On a related note Policy D1 states, *“The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.”* The Council’s Streetscape Design Manual refers to the aspiration of ‘reducing clutter’ in the public realm.

8.95 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of a rationalisation exercise linked to the proposed kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area	Near / adjoining Listed Buildings
Kiosk o/s Church of St. Pancras, Euston Road	Yes. Bloomsbury Conservation Area.	Yes. Adjoins the Grade I listed Church of St. Pancras, Upper Woburn Place.
Second kiosk o/s Church of St. Pancras, Euston Road	Yes. Bloomsbury Conservation Area.	Yes. Adjoins the Grade I listed Church of St. Pancras, Upper Woburn Place.
Kiosk o/s 366 Gray’s Inn Rd	Yes. Kings Cross St Pancras Conservation Area.	Near Grade II listed Willing House and attached wall with railings, 356-364 Grays Inn Rd

NB. The kiosk o/s 366 Gray’s Inn Rd was not initially included in the application for removal. It was originally proposed for upgrade, but the appellant has since decided to pursue another upgrade proposal in this area, which is in Pentonville Rd and therefore within LB of Islington. Its inclusion among the removal kiosks notwithstanding, the proposal remains essentially what was considered by the local planning authority.

8.96 Not only would the proposal improve footway conditions for pedestrians at the appeal site, it would enable removal of three other kiosks elsewhere, thereby improving the pedestrian environment and reducing clutter in those locations as well. The proposal is therefore further compliant with Policy T1, D1 (as appropriate) and the Streetscape Design Manual.

8.97 As noted in the table above, the kiosks elsewhere proposed for removal are all within Conservation Area and also all adjoin / are near to Grade I or Grade II listed buildings. The removal of these kiosks would therefore arguably deliver both Conservation Area and listed building setting improvements, in accordance with Local Plan Policy D2 Heritage.

#### Comments on LPA Delegated Report

8.98 The Report includes the consultation response from Transport Strategy in conjunction with the Council Highways Team. The report states that objection has been raised but,

as set out below, the response is mainly supportive of the proposals and any issues raised are addressed by the application.

8.99 Transport Strategy state, *“The replacement telephone kiosk will be of a more modern design when compared with the existing telephone kiosk. The proposal is therefore likely to improve the streetscape slightly. The removal of other telephone kiosks and the planting of a small tree on a nearby street will certainly improve the streetscape elsewhere.”*

8.100 Transport Strategy comment that the proposed telephone kiosk would need to be offset from the adjacent kerb by 0.45 – 0.5 metres in accordance with the Camden Streetscape Design Manual, which would also ensure consistency with similar items of street furniture nearby.

**Appellant response** – The Site Plan included with the application reflects fully this feedback.

8.101 Transport Strategy comment that the proposed kiosk would be located directly adjacent to a traffic signal controlled junction. Transport Strategy adds, *“However, the proposal would not obscure visibility of the traffic signals or any road signs. The proposal is therefore in accordance with the guidance, subject to standard conditions for digital advertising being attached to any permission.”*

8.101 In relation to the nearby BT InLink unit, Transport Strategy states that while this initially raised concern, *“the impacts of this would not be severe and can be mitigated by the standard conditions for digital advertising being attached to any permission.”*

8.102 The Delegated Report refers in the Relevant history section to various appeals by Euro Payphone Ltd. in 2018.

**Appellant response** - However these appeals were materially different to the subject appeal given that they proposed new / additional telephone kiosks rather than replacement kiosks (as with the subject appeal). In addition, they did not include associated kiosk removal.

8.103 In the section entitled Design, the Report states, *“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.”*

**Appellant response** – We refer the Inspector to paras. 8.3 – 8.4 above under the heading, Detailed design. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense,*

*it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*

- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“Within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

As noted earlier, the replacement kiosk has been consented in 48 local authorities across the UK, including 30 (90%) of the 33 London Boroughs including Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham, to name a few.

- 8.104 Para. 4.4 of the Report refers to the Euston Area Plan (adopted 2015) which promotes the improvement and de-cluttering of new and existing footways across and along Euston Road and wider area in order to significantly enhance pedestrian movement and public realm.

**Appellant response** – The appeal proposal would improve footway conditions at the appeal site. In addition, it would facilitate kiosk removal along Euston Road in accordance with the Euston Area Plan.

- 8.105 Para. 5.12 of the Report under the heading ‘Highways/footpath width’ confirms the proposal’s acceptability in terms of footway conditions. It states, *“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 6.7m. This would allow for an effective footway of 5.15m which accords with the recommended minimum width for high footfall locations such as this (see Appendix B of Transport for London guidance document titled ‘Pedestrian Comfort Guidance for London’).”*

- 8.106 Regarding kiosk removal, para. 5.14 of the Report states, *“In this case, there are already 4 existing telephone kiosks (in addition to the existing kiosk to be replaced) located within 120m of the site. These include a kiosk 2m away from the application site, a kiosk on the pavement opposite 38 Eversholt Street, and 2 kiosks outside St. Pancras Church, Euston Road. Whilst the removal of existing phone kiosks is welcomed, approving a new structure for which there is no need would set a precedent.”* Para. 5.15 adds, *“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.”*

**Appellant response** – As demonstrated, the proposal would improve footway

conditions at the appeal site.

Apart from the two kiosks o/s St. Pancras Church, the other kiosks referred to are owned and operated by other electronic communications operators. Judgement in the High Court case Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin) established that the requirement or need question can only be tested by whether proposed apparatus was required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators. The two kiosks outside St. Pancras Church referred to (operated by the appellant) are in turn proposed for removal in association with this proposed upgrade.

**Address:** Telephone Kiosk outside 100-118 Euston Road, London, NW1 2AJ  
**Proposal:** Replacement of existing telephone kiosk with new telephone kiosk.  
**LPA Ref:** 2019/3958/P

8.107 The Council state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter, would:

- Add to visual clutter and detract from the character and appearance of the streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.108 Local Plan Policy D1 'Design' states *"The Council will seek to secure high quality design in development"* and *"will require that development "*inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;"*

8.109 Policy G1 under the sub-heading ‘Location of growth’ recognises that *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

*e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*

*f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)

8.110 The appeal site is located on the Euston Road between King’s Cross and Euston, areas identified in Local Plan Policy G1 as *“growth areas”* where development is expected to be concentrated.

8.111 The locality containing the appeal site is predominantly commercial in character and appearance dominated as it is by the modern, multi-storey Pullman London St. Pancras hotel with its modern frontage features and associated signage. This frontage is designated as Central London frontage and also Secondary frontage in the Local Plan 2017. The area’s predominantly commercial character is accentuated by the constantly and extremely busy adjoining Euston Road, which in linking King’s Cross, Euston and beyond, is busy with vehicular and pedestrian traffic throughout the day and night.

8.112 Reflecting the area’s commercial and movement-corridor character, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks, street light poles and so on. It features also public realm advertising in the form of internally illuminated 6-sheet advertising within nearby bus shelters, located outside 135 Euston Road opposite the appeal site, and outside the British Library, east of the appeal site.

8.113 The locality is not within a Conservation Area. The nearest listed building is The Rocket public house at the corner of Chalton Street and Euston Road, west of the appeal site.

8.114 The Council states that the proposed kiosk would *“add to visual clutter”*. The proposal is to replace the single existing kiosk with the replacement kiosk. As a matter of fact therefore the proposal would not add to visual clutter.

8.115 The replacement kiosk would appear as an up-to-date and aesthetically pleasing structure that would assimilate well in the street scene. It would be viewed by passers-by in the context of its predominantly commercial surroundings, in the foreground of large scale modern commercial development, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across central London, and therefore part of the fabric of predominantly commercial areas of this kind.



- 8.116 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality, in accordance with London Plan Policy 7.5 and Local Plan Policy D1.
- 8.117 The Council claims that the proposal 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 Camden Local Plan 2017.
- 8.118 Policy A1 ‘Managing the impact of development’ states, inter alia, the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.119 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* To this end, it will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.120 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.121 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 1.8m minimum for two adults passing and 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.
- 8.122 The Council states the proposal would *“reduce the amount of useable unobstructed footway.”* As per the Site Plan accompanying the application, the replacement kiosk would occupy the footprint of the existing kiosk with the slightly wider section thereof (compared to the existing kiosk) on the building as opposed to footway side. As per

the photograph accompanying the application, the useable footway past the kiosk is the 3.8m wide footway between the kiosk and the kerb line. Therefore the amount of useable unobstructed footway would remain unaltered. The proposal would not therefore reduce the amount of useable unobstructed footway, would not be detrimental to the public realm, would not cause harm to highway safety nor hinder pedestrian movement, nor have any impact whatsoever on the promotion of walking as claimed by the Council. It would therefore be acceptable.

8.123 Policy T1 above is clear that making improvements to the pedestrian environment will help promote sustainable transport including walking across borough. On a related note Policy D1 states *“The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.”* The Council’s Streetscape Design Manual refers to the aspiration of ‘reducing clutter’ in the public realm.

8.124 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of a rationalisation exercise linked to the proposed kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area	Near / adjoining Listed Buildings
Outside 82 Gower Street	Yes. Bloomsbury Conservation Area.	Yes. Adjoins Former Dillon's bookshop and attached railings and gates, 42-56 Torrington Place. Grade II listed.
Outside 40 Bernard Street	No.	Yes. Opposite Russell Square Underground Station. Grade II listed.
Outside 20 Bedford Way	Yes. Bloomsbury Conservation Area.	Yes. Adjoins Grade II* listed Institute of Education, Clore Institute of Advanced Legal Studies University College, 17, 20 and 26 Bedford Way.
Outside 26 Bedford Way	Yes. Bloomsbury Conservation Area.	Yes. Adjoins Grade II* listed Institute of Education, Clore Institute of Advanced Legal Studies University College, 17, 20 and 26 Bedford Way.

NB. The kiosk o/s 26 Bedford Way was not initially included in the application for removal. It was nevertheless proposed for removal but in association with another upgrade proposal, which is no longer being pursued. Its inclusion among the removal kiosks notwithstanding, the proposal remains essentially what was considered by the local planning authority.

8.125 Not only would the proposal not reduce useable unobstructed footway at the appeal site, it would enable removal of kiosks elsewhere in the area surrounding, thereby improving the pedestrian environment and reducing clutter elsewhere also. The proposal is therefore also compliant with Policy T1, D1 (as appropriate) and the Streetscape Design Manual.

8.126 As noted in the table above, the three kiosks elsewhere proposed for removal are either within Conservation Areas and or adjoin / are opposite Grade II / II\* listed

buildings. Arguably therefore the removal of these kiosks would deliver Conservation Area and listed building setting improvements, in accordance with Local Plan Policy D2 Heritage.

#### Comments on LPA Delegated Report

8.127 The Delegated Report refers to various appeals by Euro Payphone Ltd. in 2018. **Appellant response** - However these appeals were materially different to the subject appeal given that they proposed new / additional telephone kiosks rather than replacement kiosks (as with the subject appeal). In addition, they did not include associated kiosk removal.

8.128 The Delegated Report is directly contradictory. Para. 3.4 states *“A key design consideration of the structure, whilst replicating elements of a traditional kiosk is the inclusion of a digital advert. This has resulted in a structure which is dominant, visually intrusive and serves to detract from the appearance of the wider streetscene in a largely uncluttered part of the street.”* (our emphasis) Para. 3.9 then states, *“it is considered that the proposed development would worsen the situation through the installation of further prominent street clutter in an already cluttered pedestrian environment.”* (our emphasis)

8.129 Para. 3.10 states *“one of the aims of the Euston Area Plan (Strategic principle EAP 3 - Transport) is to improve and de-clutter existing footways across and along Euston Road in order to significantly enhance pedestrian movement and public realm. However, there is no evidence in the application submission that any consideration has been given to the local aims of the Euston Area Plan, nor to attempt to integrate the Council's wider highway, urban realm and landscape proposals into the proposals. As such, the proposal is at odds with the broader, integrated approach of the Council (most notably, but not exclusively, demonstrated in the objectives of the West End Project for Tottenham Court Road) to improve and rationalised the public realm throughout the Borough, and is contrary to its objectives which, amongst other aims, seeks to enhance the visual appearance of the streetscene and declutter pedestrian footways.”*

**Appellant response** - The proposal is to replace an existing item of street furniture so will not add to street furniture. Moreover, the proposal includes the removal of existing kiosks elsewhere, some being on Euston Road, so will contribute towards improving and rationalising the public realm in parts of the Borough, in accordance with the above-mentioned objectives.

8.130 Para 3.11 refers to other existing telephone kiosks within approx. 90m of the site (2 kiosks located immediately adjacent to the application site and 1 on the opposite side of the road) and a further 2 kiosks within 200m, outside St. Pancras Church on Euston Road, stating no justification has been submitted for the need to install a new, replacement kiosk.

**Appellant response** – Judgement in the High Court case, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin) established that the requirement or need question can only be tested by whether proposed apparatus was required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators. The other existing kiosks referred to - two close by and one on the opposite side of the road – are owned and operated by other operators. The two kiosks outside St. Pancras Church referred to are operated by the appellant, and these are proposed for removal in association with another proposed kiosk upgrade.

- 8.131 Para. 3.13 states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance referred to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development, in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area, statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

Address:           **Pavement outside 164-167 Tottenham Court Road, London**  
Proposal:       **Replacement of existing telephone kiosks with single new telephone kiosk**  
LPA Ref:         **2019/4032/P**

- 8.132 The Council state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter, would:

- Add to visual clutter and detract from the character and appearance of the Bloomsbury Conservation Area and wider streetscene, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.133 Local Plan Policy D1 ‘Design’ states *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;”*

8.134 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.”*

8.135 Policy G1, beneath the sub-heading ‘Location of growth’, recognises that *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)

8.136 This appeal is for a new telephone kiosk outside 164-167 Tottenham Court Road to replace the existing two NWP kiosks located directly opposite, outside 101-107 Tottenham Court Road, which would be removed. The relocation position outside 164-167 was agreed with the Council’s Principal Transport Planner in May 2018, in connection with the then prior approval applications, when planned changes to Tottenham Court Road under the West End Project were discussed. The proposed relocation was agreed as working with the planned public realm improvement works, and the Principal Transport Planner confirmed his support for the proposal from a siting and transport safety standpoint.

8.137 The appeal site is alongside Tottenham Court Road, an area identified in Local Plan Policy G1 as a *“growth area”* where development is expected to be concentrated.

8.138 Tottenham Court Road is one of the Borough’s key commercial thoroughfares, the character and appearance of which is accentuated by the constantly busy road itself. The road was recently converted from one to two-way, works that also involved

pavement widening. The appeal site locality is therefore predominantly commercial in character and appearance and therefore of the kind where roadside advertising may be acceptable. The adjacent ground floor frontage comprises modern shop fronts featuring modern features and signage, some of which is internally illuminated. This frontage is designated as Central London frontage and also Primary frontage in the Local Plan 2017.

- 8.139 Reflecting the commercial character and movement-corridor nature of the locality, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks, lamp poles and so on. The principle of roadside advertising in the area surrounding is established by the digital 6-sheet advertising displays within the bus shelter o/s 171 Tottenham Court Rd, and the free-standing internally illuminated 6-sheet advertising display o/s 110-113 Tottenham Court Rd (Halifax building society), north of the appeal site.
- 8.140 The appeal site is within Bloomsbury Conservation Area. There are no listed buildings in the vicinity of the appeal site.
- 8.141 The Council states that the proposal would *“add to visual clutter”*. The proposal is to replace two existing kiosks o/s 101-107 Tottenham Court Rd with a replacement kiosk. It would not therefore add to visual clutter.
- 8.142 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial surroundings alongside Tottenham Court Rd, in the foreground of tall, modern commercial development, adjacent ground floor commercial frontage with modern features and signage, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across central London, and therefore part of the fabric of commercial and movement-corridor areas of this kind.
- 8.143 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosks proposed for removal. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality within the Conservation Area, in accordance with London Plan Policy 7.5 and Local Plan Policies D1 and D2.
- 8.144 The Council states the proposal 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 Camden Local Plan 2017.

- 8.145 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council “will: c. *resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.*”
- 8.146 Policy C6 ‘Access for all’ states “*the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.*” To this end, it will “*a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.*”
- 8.147 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.148 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 1.8m minimum for two adults passing and 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that “*Combining or ‘bunching’ of street furniture*” can help keep the footway visually free.
- 8.149 The Council states the proposal 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.*” As noted above, the relocation position outside 164-167 was agreed with the Council’s Principal Transport Planner in May 2018, when the then prior approval application was under consideration. The proposal was agreed as working with the planned West End Project public realm improvement works, and the Principal Transport Planner confirmed his support for the proposal from a siting and transport safety standpoint.
- 8.150 As per the Site Plan accompanying the application, there would be 6.3m clear usable unobstructed footway between the proposed kiosk and the building line. The updated Site Plan included with this appeal (updated to show the now completed public realm works) shows that the proposed kiosk would combine / bunch with the nearby street light pole – as per Camden’s Streetscape Design Manual - within the street furniture zone alongside the kerb line. In providing 6.3m clear usable unobstructed footway the proposal complies with the Streetscape Design Manual, which indicates 3m minimum clear footway for busy pedestrian streets; the proposal would exceed this min. by 3.3m.

- 8.151 Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly Policy D1 states, *“The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.”* The Council’s Streetscape Design Manual refers to the aspiration of ‘reducing clutter’ in the public realm.
- 8.152 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of a rationalisation exercise linked to the proposed kiosk upgrades, including 11 kiosks along Tottenham Court Rd. In relation to this appeal the existing two kiosks o/s 101-107 Tottenham Court Road would be removed, in accordance with Policies T1, D1 (as appropriate) and the Streetscape Design Manual.

#### Comments on LPA Delegated Report

- 8.153 In its consultation response, Transport for London (TfL) states, *“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. The applicant should note that the private forecourt does not count towards the effective footway width of Tottenham Court Road.”*

**Appellant response** – As noted above, there would be 6.3m clear usable unobstructed footway between the proposed kiosk and the building line; the private forecourt is very narrow at this point. The proposal would therefore meet the requirements of both TfL’s Pedestrian Comfort Guidance and Camden’s Streetscape Design Manual.

- 8.154 TfL state, *“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.”*

**Appellant response** – The Ten Healthy Streets Indicators include “People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy”. The appeal proposal would enable replacement of two tired looking and outmoded telephone kiosks, which detract from the amenity of the locality, are inaccessible to sections of the population, and associated with anti-social behaviour, with a new aesthetically pleasing, ‘open’ kiosk that would deliver localised amenity, inclusivity and safety-related improvements. It is therefore supportive of the ten Healthy Streets Indicators.

- 8.155 The Report states, *“Transport Strategy (in conjunction with the Council Highways Team) objected to the application”.*



**Appellant response** - The response from Transport Strategy appears in fact to be supportive of the proposal. This is reproduced below:

- *“The proposal would involve the installation of a new telephone kiosk on the footway outside 164-167 Tottenham Court Road. If approved, the proposal would include the removal of 2 existing telephone kiosks at:  
- 2 x Telephone Kiosks o/s 101-107 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.”*

As stated earlier, the proposed relocation o/s 164-167 was agreed with the Council's Principal Transport Planner in May 2018, in connection with the then prior approval applications, when planned changes to Tottenham Court Road under the West End Project were discussed. The proposal was agreed then as working with the planned public realm improvement works, and the Principal Transport Planner confirmed his support for the proposal from a siting and transport safety standpoint.

8.156 The Delegated Report (page 7) refers to various appeals by Euro Payphone Ltd. in 2018. **Appellant response** - These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removal.

8.157 Page 7 of the Report refers also to 10 appeal cases along Tottenham Court Road in 2018, of which 8 were dismissed.

**Appellant response** – The appeals referenced were by Maximus Networks Ltd. for the development of proposed public call boxes. These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks (as with the subject appeal). In addition, they did not include associated kiosk removal.

8.158 Para. 3.5 of the Report refers to existing telephone kiosks along Tottenham Court Rd.

**Appellant response** – As noted earlier, the appellant has 11 existing kiosks along Tottenham Court Road and proposes via this initiative to rationalise its estate to 4 new upgraded kiosks. It is therefore endeavouring to play its part in renewing and improving the public realm.

As per the judgement in the High Court case, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin), the requirement / need for communications apparatus can only be tested by whether it is required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators.

- 8.159 Para. 4.5. states, *“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.”*

**Appellant response** – We refer the Inspector to paras. 8.3 – 8.4 above under the heading, Detailed design. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. The replacement kiosk has been consented in 48 local authorities across the UK, including 30 (90%) of the 33 London Boroughs including Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham, to name a few.

- 8.160 Para. 4.7 of the Report states, *“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.”*

**Appellant response** – As noted, the appellant is attempting via this initiative to significantly rationalise its estate, reflecting the need to keep telecommunications apparatus to a minimum.

The Council’s reference to applicants exploring shared facilities is in reference to NPPF para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development, in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area, statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.161 Paras. 4.9 - 4.12 of the Report address the Conservation Area impacts of the proposal stating, *“it is considered that the public telephone box would result in less than substantial harm to the character and appearance of the surrounding Bloomsbury Conservation Area.”* Para. 4.11. states, *“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.”*

**Appellant response** – Para. 196 of the NPPF establishes *“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.”* (our emphasis)

The proposal would enable replacement of two tired looking and outmoded telephone kiosks - that detract from the amenity of the locality, are inaccessible to sections of the population, and associated with anti-social behaviour - with a new aesthetically pleasing, 'open' kiosk that would deliver localised amenity, inclusivity and safety-related enhancements.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

In our view, these public benefits relating to amenity, inclusivity, safety and electronic communications outweigh any perceived harm to the character and appearance of the Conservation Area.

- 8.162 Para. 5.12 of the Report states, *"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 3.7554m."*

**Appellant response** – The Council is referring to what appears to be an incorrect plan. The Site Plan accompanying the application demonstrates there would be 6.3m clear usable unobstructed footway between the proposed kiosk and the building line.

- 8.163 Para. 5.15 of the Report states, *"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."*

**Appellant response** – The section of kerb alongside the appeal site is not a place where loading / unloading is permitted.

- 8.164 Para. 5.16 of the Report states, *"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."*

**Appellant response** – New pedestrian crossing facilities have been provided at the nearby intersection with University Street, north of the appeal site, as part of the West End Project. Pedestrians choosing to cross the road elsewhere, whether that be at/near the appeal site or beside say a bus shelter, would be obliged and responsible to take necessary precautions to do so safely.

- 8.165 Para. 5.17 of the Report refers to the proposal being close to Goodge Street Underground Station. **Appellant response** – The appeal site is approx. 250m from

Goodge Street Underground Station and not therefore close by.

**Address:** Pavement outside 216-217 Tottenham Court Road, London  
**Proposal:** Replacement of existing telephone kiosks with single new telephone kiosk  
**LPA Ref:** 2019/4035/P

8.166 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter, would:

- 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;
- 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 Camden Local Plan 2017.

8.167 Local Plan Policy D1 'Design' states *"The Council will seek to secure high quality design in development"* and *"will require that development"* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;"*

8.168 Policy D2 'Heritage' states, *"The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings."*

8.169 Policy G1 beneath the sub-heading 'Location of growth' states, *"Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. *a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. *development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;" (our emphasis)*

- 8.170 This appeal is for a new telephone kiosk outside 216-217 Tottenham Court Road to replace the existing two NWP kiosks located outside 204-208 Tottenham Court Road, which would be removed. This relocation position was agreed with the Council's Principal Transport Planner in May 2018, in connection with the then prior approval applications, when planned changes to Tottenham Court Road under the West End Project were discussed. The proposed relocation was agreed as working with the planned public realm improvement works and the Principal Transport Planner confirmed his support for the proposal from a siting and transport safety standpoint.
- 8.171 The appeal site is on Tottenham Court Road, an area identified in Local Plan Policy G1 as a "*growth area*" where development is expected to be concentrated.
- 8.172 Tottenham Court Road is one of the Borough's key commercial thoroughfares, the character and appearance of which is accentuated by the constantly busy road itself. The road was recently converted from one to two-way, works that also involved pavement widening. The appeal site locality is therefore predominantly commercial in character and appearance and therefore of the kind where roadside advertising may be acceptable. The adjacent ground floor frontage is commercial /retail and consists of modern shop fronts with modern features and signage, some of which is internally illuminated. This frontage is designated as Central London frontage and also Primary frontage in the Local Plan 2017.
- 8.173 Reflecting the commercial character and movement-corridor nature of the locality, the locality features the usual street furniture including bus shelters, telephone kiosks, tree planters and so on. The principle of roadside advertising in the area surrounding is established by the digital 6-sheet advertising displays at the nearby bus shelter, located outside 204-208 Tottenham Court Rd, north of the appeal site.
- 8.174 The appeal site is within Bloomsbury Conservation Area. There are however no listed buildings in the vicinity of the appeal site.
- 8.175 The reasons for refusal state the proposal would "*add to visual clutter*". The proposal as stated is to replace two existing kiosks o/s 204-208 Tottenham Court Rd – approx. 65m north of the appeal site - with a single replacement kiosk o/s 216-217. With both locations in mind it would not therefore add to visual clutter.
- 8.176 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial Tottenham Court Road surroundings, adjoining continuous modern ground floor commercial frontage featuring modern shop fronts

and signage, among existing street furniture including a nearby tree planter. It would be viewed as an example of modern street furniture the likes of which are now commonplace across central London, and therefore part of the fabric of commercial and movement-corridor areas of this kind.

- 8.177 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosks proposed for removal. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality within the Conservation Area, in accordance with London Plan Policy 7.5 and Local Plan Policies D1 and D2.
- 8.178 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.179 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.180 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* To this end it will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.181 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.182 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.

- 8.183 As noted above, the proposed relocation outside 216-217 was agreed with the Council's Principal Transport Planner in May 2018, when the then prior approval application was under consideration. The proposal was agreed as working with the planned West End Project public realm improvement works, and the Principal Transport Planner confirmed his support for the proposal from a siting and transport safety standpoint.
- 8.184 As per the Site Plan included with the application, the clear usable unobstructed footway between the proposed kiosk and the building line would be 3.754m; in excess of the 3m minimum set by the Council's Streetscape Design Manual. In addition, as per the updated Site Plan included with this appeal (updated to show the now completed public realm works), the proposed kiosk would be within the 'street furniture zone' of the pavement, nearby and in alignment with the new planter, demonstrating the benefits of 'combining' or 'bunching' street furniture.
- 8.185 Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly Policy D1 states, *"The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage."* The Council's Streetscape Design Manual refers to the aspiration of 'reducing clutter' in the public realm.
- 8.186 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the proposed kiosk upgrades, including 11 kiosks along Tottenham Court Rd. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area	Near / adjoining Listed Buildings
Outside 204-208 Tottenham Court Road	Yes. Bloomsbury Conservation Area.	Yes. Adjoins Grade II listed Glen House, 200-208, Tottenham Court Rd.
Outside 204-208 Tottenham Court Road	Yes. Bloomsbury Conservation Area.	Yes. Adjoins Grade II listed Glen House, 200-208, Tottenham Court Rd.

- 8.187 Following the recently completed pavement widening works as part of the West End Project, the existing kiosks o/s 204-208 (proposed for removal) now find themselves in the middle of the pavement presenting obvious clutter and obstruction to pedestrians. Their removal via the appeal proposal would deliver tangible improvements to footway conditions in accordance with Policy T1, D1 (as appropriate) and the Streetscape Design Manual.
- 8.188 As noted in the table above, the kiosks proposed for removal are within Bloomsbury Conservation Areas and also adjoin the Grade II listed Glen House. Arguably therefore their removal would also deliver Conservation Area and listed building setting improvements, in accordance with Local Plan Policy D2 Heritage.

**Address:** Pavement outside 23-24 Tottenham Court Road, London  
**Proposal:** Replacement of existing telephone kiosks with single new telephone kiosk  
**LPA Ref:** 2019/4100/P

8.189 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter, would:

- Add to visual clutter and detract from the character and appearance of the street and wider area, contrary to policy D1 (Design) of the Camden Local Plan 2017 and the Fitzrovia Area Action Plan (2014);
- Impact the amount of useable unobstructed footway, would be detrimental to the quality of the public realm, hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.

8.190 Local Plan Policy D1 ‘Design’ states *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. *respects local context and character;*
- b. *preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. *is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. *comprises details and materials that are of high quality and complement the local character;*
- f. *integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;”*

8.191 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. *a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. *development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)

8.192 As with the above-mentioned kiosks, this proposal was agreed with the Council’s Principal Transport Planner in May 2018, in connection with the then prior approval applications, when planned changes to Tottenham Court Road under the West End Project were discussed. The proposed upgrade was agreed as working with the



planned public realm improvement works and the Principal Transport Planner confirmed his support for the proposal from a siting and transport safety standpoint.

- 8.193 The appeal site is on Tottenham Court Road, an identified “*growth area*” in the Local Plan (Policy G1) where development is expected to be concentrated.
- 8.194 Tottenham Court Road is one of the Borough’s key commercial thoroughfares, the character and appearance of which is accentuated by the constantly busy road. The road itself was recently converted from one to two-way, works that also involved pavement widening. The appeal site locality is therefore predominantly commercial in character and appearance and of the kind therefore where roadside advertising is acceptable. The adjacent built frontage is modern and high-rise, with the ground floor comprising continuous commercial/retail frontage featuring modern shop fronts and signage. This frontage is designated as Central London frontage and also Primary frontage in the Local Plan 2017. The appeal site is not in Conservation Area and there are no listed buildings in the vicinity of the site.
- 8.195 Reflecting the commercial character and movement-corridor nature of the locality, the locality features the usual street furniture including bus shelters, telephone kiosks, tree planters and so on, some of which has been reconfigured as part of the West End Project. Further reflecting the character and movement-corridor nature of the area, the area surrounding features roadside advertising, this is the form of a free-standing internally illuminated 6-sheet advertising display o/s 28-29 Tottenham Court Rd, a site where we note consent was granted by the Council for a replacement free-standing digital advertising unit in August 2018 (LPA Ref: 2018/0516/A).
- 8.196 The reasons for refusal state the proposal would “*add to visual clutter*”. The proposal is to replace two existing kiosks with a single kiosk. It would not therefore add to visual clutter and would in fact lessen overall visual impact by reducing the overall built form.
- 8.197 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial Tottenham Court Road surroundings, adjoining modern commercial frontage development featuring modern shop fronts and signage, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across central London, and therefore part of the fabric of commercial, movement-corridor areas of this kind.
- 8.198 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosks. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality in accordance with London Plan Policy 7.5 and Local Plan Policy D1.

- 8.199 The reasons for refusal state the proposal would *“impact the amount of useable unobstructed footway, would be detrimental to the quality of the public realm, hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport”* contrary to policies G1, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.200 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.201 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* It will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.202 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”*
- 8.203 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.
- 8.204 As noted above, this proposal, including relocating the replacement kiosk approx. 3m north of the existing kiosks, was agreed in May 2018 with the Council’s Principal Transport Planner as working with the planned public realm improvement works along Tottenham Court Road, having regard for existing and proposed street furniture in the locality. As per the Site Plan included with the application, the existing kiosks are unnecessarily far from the kerb line (1005mm in fact) and alongside a nearby tree. The proposal is to relocate the replacement kiosk approx. 3m north of the existing kiosks and to position it 500mm from the kerb line. In so doing, the proposal would free up footway thereby improving the pedestrian environment.

The Council provided feedback on the various applications in email correspondence dated 19 November 2019. In relation to this application and related advertisement consent application (LPA Ref: 2019/4894/A) the Council stated, *“the proposed location would obstruct the view of vehicles exiting Stephen Street.”* The appellant responded stating that it would be happy for the replacement kiosk to remain on the footprint of

the existing kiosks. To assist the appeal process, and to give the Inspector the option either way, we include with the appeal a revised Site Plan showing the replacement kiosk on the footprint of the existing kiosks. This revised Site Plan is attached as an Appendix to the appeal. The inclusion of this revised Site Plan notwithstanding, the proposal remains essentially what was considered by the local planning authority.

8.205 Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly Policy D1 states, *“The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.”* The Council’s Streetscape Design Manual refers to ‘reducing clutter’ in the public realm.

8.206 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the proposed kiosk upgrades, including 11 kiosks along Tottenham Court Rd. In relation to this appeal, the following kiosks are proposed for removal:

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

8.207 In addition to freeing up footway at the appeal site, the proposal would enable removal of kiosks elsewhere in the locality, thereby improving the pedestrian environment and reducing clutter elsewhere also. It is therefore also compliant with Policy T1, D1 (as appropriate) and the Streetscape Design Manual.

#### Comments on LPA Delegated Report

8.208 **Appellant response** – We note that Transport for London’s consultation response is one of No objection.

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

*“The plans submitted suggest that effective footway width between the telephone kiosks and the adjacent property is 7.36 metres. The proposal would not therefore have any impact on pedestrian comfort, movement and safety.”*

**Appellant response** – The 7.36m width referenced relates to the existing kiosks. As per the Site Plan, the replacement kiosk would be closer to the kerb line than the existing kiosks thereby freeing up footway.

8.210 Transport Strategy (in conjunction with the Council Highways Team) commented further as follows:

*“There is potential for glare from the proposed digital sign to be hazardous to road users between dusk and dawn. However, illumination levels can be controlled by condition as per guidance. The proposal would not therefore constitute a significant distraction or hazard to road users and would be acceptable in transport terms subject to standard conditions being attached to any consent. A further condition should be imposed, requiring the exact location of the sign to be agreed with the Council’s West End Project Team prior to implementation. This is necessary to allow for amended kerb lines to be delivered via the West End Project, while also allowing for the offset requirement of 0.5 metres in accordance with Camden’s Streetscape Design Manual.”*

**Appellant response** – The appellant has no objection to the proposed condition requiring the exact location of the kiosk to be agreed with the Council’s West End Project Team prior to implementation.

- 8.211 Under the heading ‘Recent appeals dismissed re. telephone kiosks (dated 18th September 2018)’ the Delegated Report (page 6) refers to various appeals by Euro Payphone Ltd. in 2018.

**Appellant response** - These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removal.

- 8.212 Page 6 of the Report refers also to 10 appeal cases along Tottenham Court Road in 2018, of which 8 were dismissed.

**Appellant response** – The appeals referenced were by Maximus Networks Ltd. for the development of proposed public call boxes. These appeals are materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks as with the subject appeal. In addition, they did not include associated kiosk removal.

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

**Appellant response** – We refer the Inspector to section 5.0 above and also to paras. 8.3 – 8.4 under the heading, ‘Detailed design’. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense,*

*it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*

- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

We refer also to the findings of Wakefield City Council which approved several applications for the same kiosk and advertisement in July 2019. Their findings on ‘Design and Amenity’ are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*“The proposed kiosk will replace two existing (back to back) telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF.”*

The replacement kiosk has been consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.214 Para 4.6 of the Report states, *“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.”*

**Appellant response** – The appeal site is not within Conservation Area and there are no listed buildings in the vicinity of the appeal site.

- 8.215 Para. 4.7 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development (in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.216 Para. 5.2 of the Report states, *“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.”*

**Appellant response** – The Ten Healthy Streets Indicators include “People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy”. The appeal proposal would enable replacement of two tired looking and outmoded telephone kiosks, which detract from the amenity of the locality, that are inaccessible to sections of the population, and associated with anti-social behaviour, with a new aesthetically pleasing ‘open’ kiosk that would deliver localised amenity, inclusivity and safety-related improvements. In so doing, the proposal is supportive of the ten Healthy Streets Indicators.

- 8.217 Para. 5.11 of the Report states, *“This would be reduced further to approximately 5.7m if a telephone kiosk were to be installed as proposed and would comply with the 3.3m which is recommended minimum for high footfall locations (see Appendix B of Transport for London guidance document titled ‘Pedestrian Comfort Guidance for London’).”*

**Appellant response** – The Council here accepts that the proposal would accord with the recommended minimum requirements for high footfall locations (Appendix B of Transport for London guidance document titled ‘Pedestrian Comfort Guidance for London’ refers).

Address: Pavement outside 55-59 New Oxford Street, London  
Proposal: Replacement of existing telephone kiosk with new telephone kiosk  
LPA Ref: 2019/4049/P

- 8.218 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would add to visual clutter and detract from the character and appearance of the streetscene, and wider conservation area and setting of a nearby listed building, contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.219 Local Plan Policy D1 ‘Design’ states *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;”*

8.220 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings.”*

8.221 The appeal site was one of the sites put to the Council in the pre-planning enquiry in 2016. In the September 2016 response note, the Council stated as follows:

*“o/s 55 New Oxford St*

*6.38 This site is within the Bloomsbury conservation area and is opposite a Grade II listed building. It is however noted that the site is in a particularly commercial area. It is noted that whilst the land use of the surrounding area is such that advertising in this area may be suitable, it will be important to demonstrate that the site’s surrounding heritage assets will not be affected by such a proposal.”*

8.222 The appeal site is within the Tottenham Court Road “growth area”, where development is expected to be concentrated (Local Plan Policy G1 refers). New Oxford Street is a key commercial thoroughfare linking Oxford Street and Tottenham Court Rd in the west with Holborn to the east. The appeal site locality is

therefore predominantly commercial in character and appearance, this character further accentuated by the movement-corridor nature of the locality also. The appeal site adjoins a modern high-rise commercial development comprising Nos. 55-59 New Oxford Street. The appeal site is within Bloomsbury Conservation Area. The nearest listed building is No. 53 New Oxford Street, which is a Grade II\* listed building.

- 8.223 Reflecting the commercial character and movement-corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks and so on, some of which contains integrated roadside advertising. The latter includes the digital and internally illuminated 6-sheet advertising displays at nearby Bus Shelters west of the appeal site, located o/s 80-110 New Oxford Street on the north side of the road (granted advertisement consent in March 2017 for display of 1x internally illuminated digital screen facing inwards to the shelter), and on the south side of road, o/s 77-91 New Oxford Street, granted advertisement consent also in March 2017 for display of 1x internally illuminated digital screen facing inwards to the shelter.
- 8.224 The reasons for refusal state the proposal would *“add to visual clutter”*. The proposal as stated is to replace the existing kiosk o/s 55-59 New Oxford Street. It would therefore not add to visual clutter.
- 8.225 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial surroundings, adjoining modern commercial frontage development, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across central London, and therefore part of the fabric of commercial, movement-corridor areas of this kind.
- 8.226 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality within the Conservation Area and setting of the nearby listed building, in accordance with London Plan Policy 7.5 and Local Plan Policies D1 and D2.
- 8.227 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.228 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*



- 8.229 Policy C6 'Access for all' states *"the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities."* It will *"a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all."*
- 8.230 Policy T1 'Prioritising walking, cycling and public transport' states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- "a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;"*
- 8.231 Camden's Streetscape Design Manual includes guidelines for maintaining 'clear footway' widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *"Combining or 'bunching' of street furniture"* can help keep the footway visually free.
- 8.232 As with proposals elsewhere, this proposal was agreed with the Council's Principal Transport Planner in May 2018, in connection with the then prior approval applications. As per the Site Plan included with the application, the replacement kiosk would be resited closer to the recently completed new pavement line, 450mm to comply with TfL requirements. In so doing, the proposal would free-up and thereby improve footway conditions for pedestrians.
- 8.233 Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states *"The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage."* The Council's Streetscape Design Manual refers to 'reducing clutter' in the public realm.
- 8.234 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the proposed kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area	Near / adjoining Listed Buildings
Kiosk outside 29 Tottenham Court Road	No.	No.
Second kiosk outside 29 Tottenham Court Road	No.	No.
Kiosk outside 40 New Oxford Street	Yes. Bloomsbury Conservation Area.	Yes. Opposite Grade II listed 43 and 45 New Oxford Street.
Kiosk o/s 56-60 Guilford Street	Yes. Bloomsbury Conservation Area.	

- 8.235 The kiosks o/s 40 New Oxford St and o/s 56-60 Guilford Street were not initially included in the application for removal. While originally applied for, the kiosk o/s 40 New Oxford Street is no longer proposed for upgrade. The kiosk o/s 56-60 Guilford Street was proposed for removal but in association with another upgrade proposal, which is no longer being pursued. Their inclusion among the removal kiosks notwithstanding, the proposal remains essentially what was considered by the local planning authority.
- 8.236 In addition to freeing up footway and thereby improving footway conditions at the appeal site, the proposal would enable removal of kiosks elsewhere in the area surrounding, thereby improving the pedestrian environment and reducing clutter elsewhere also. In so doing it would accord with Policy T1, D1 (as appropriate) and the Streetscape Design Manual.
- 8.237 As noted in the table above, the kiosk o/s 40 New Oxford Street is within Bloomsbury Conservation Areas and opposite Grade II listed buildings. Accordingly, therefore its removal would also deliver Conservation Area and listed building setting improvements, in accordance with Local Plan Policy D2 Heritage.

#### Comments of LPA Delegated Report

- 8.238 We note that no objections are raised by TfL and by Transport Strategy in conjunction with the Council Highways Team.
- 8.239 Paras. 3.15 of the Report states, *“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.”* Para. 3.15 then states, *“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 listed buildings opposite.”*

**Appellant response** – Para. 196 of the NPPF states, *“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.”* (our emphasis)

The proposal would enable replacement of a tired looking and outmoded telephone kiosk - which detracts from the amenity of the locality, that is inaccessible to sections of the population, and that has been associated with anti-social behaviour - with a new aesthetically pleasing, ‘open’ kiosk that would deliver localised amenity, inclusivity and safety-related enhancements.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

In our view, these public benefits relating to amenity, inclusivity, safety and electronic communications outweigh any perceived harm to the character and appearance of the Conservation Area, and setting of nearby listed buildings.

- 8.240 Para. 9.3 of the Report states, in reference to Policy T2 (Healthy Streets) of the New London Plan (Intend to publish), *“It is considered that the application would fail to deliver any improvements which support any of the ten Healthy Streets Indicators.”*

**Appellant response** – The Ten Healthy Streets Indicators include, that “People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy”.

The appeal proposes replacement of a tired looking and outmoded telephone kiosk, that detracts from the amenity of the locality, is inaccessible to sections of the population, and associated with anti-social behaviour, with a new aesthetically pleasing, ‘open’ design kiosk that would deliver localised amenity, inclusivity and safety-related improvements. It is therefore in our view supportive of the ten Healthy Streets Indicators.

- 8.241 Para’s 9.13 – 9.15 of the Report attempt to assess the impact of the proposal on footway conditions. We would highlight the following concluding statements made therein:

*“9.13 ... The effective footway width between the proposed kiosk and the adjacent property would be 2.9 metres. This would represent an improvement when compared against the existing situation.”* (our emphasis)

*“9.15 ... The proposal would represent an improvement when compared against the existing condition.”*

Address: Pavement outside 111 High Holborn, London  
Proposal: Replacement of existing telephone kiosks with single new telephone kiosk  
LPA Ref: 2019/3994/P

- 8.242 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would add to visual clutter and detract from the character and appearance of the conservation area, settings of nearby listed buildings and streetscene, contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.243 Local Plan Policy D1 ‘Design’ states *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;”*

8.244 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings.”*

8.245 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)

8.246 The appeal site is in Holborn, an identified *“growth area”* in Local Plan Policy G1 where development is expected to be concentrated.

8.247 The appeal site was one of the sites put to the Council in the pre-planning enquiry in 2016. In its September 2016 response note, the Council stated as follows:

*“o/s 111 High Holborn*

*6.44 Whilst the site is within a conservation area, it is not adjacent to a listed building, or within a residential area. Further to this, the site is within a largely commercial area which is characteristic of this part of High Holborn. With this in mind, this is the type of site where the principle of roadside advertising may be considered acceptable. This is a particularly busy traffic junction so it will be important to demonstrate that the safety of road users will not be affected as a result of the proposal. The applicant will also be required to demonstrate that the proposal is acceptable in design terms. See the section above for the Council’s view on the design merits of the proposal.”*

- 8.248 The appeal site is within a predominantly commercial area in character and appearance, which is characteristic of this part of High Holborn. It is alongside High Holborn (the A40), an extremely busy one way gyratory, which is busy with vehicular and pedestrian activity throughout the day and night. As acknowledged by the Council, it is the type of area where roadside advertising is generally acceptable. The frontage adjoining the appeal site is designated ‘Central London frontage’ and also Primary frontage in the Local Plan 2017.
- 8.249 The appeal site is on the very edge of Bloomsbury Conservation Area. While it is not adjacent to a listed building, we note that there are two listed buildings nearby, at 114-115 High Holborn (west of the appeal site) and 233 High Holborn, on the opposite side of the road.
- 8.250 The ground floor frontage adjoining the appeal site consists of continuous commercial outlets featuring modern shop fronts and associated signage, some of which is internally illuminated.
- 8.251 Reflecting the commercial character and movement-corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture includes integrated roadside advertising, this being the digital and internally illuminated 6-sheet displays within the nearby bus shelter, o/s 247-261 High Holborn, on the south side of the road (LPA Ref: 2017/0291/A, granted in March 2017), the double-height free-standing advertising unit o/s 242-246 High Holborn, also on the opposite side of the road, and the digital advertising BT In-Link kiosk located outside 81 High Holborn (LPA Ref: 2017/0451/P, granted in May 2017), east of the appeal site.
- 8.252 The reasons for refusal state the proposal would “*add to visual clutter*”. The proposal is to replace two existing kiosks with a single kiosk. It would not therefore add to visual clutter and would in fact lessen overall visual impact by reducing the overall built form.
- 8.253 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial movement corridor surroundings, adjoining modern commercial frontage, among existing street furniture. It would be viewed as an

example of modern street furniture the likes of which are now commonplace across central London, and therefore part of the fabric of commercial, movement-corridor areas of this kind.

- 8.254 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosks. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality within the Conservation Area and setting of nearby listed buildings, in accordance with London Plan Policy 7.5 and Local Plan Policies D1 and D2.
- 8.255 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.256 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.257 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* It will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.258 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.259 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required.
- 8.260 As stated, the proposal is to replace a pair of existing kiosks with a single new kiosk. The existing arrangement comprises two box-like, bulky structures back-to-back which occupy a fairly large footprint within the middle of the pavement. The replacement

kiosk in comparison is open in design and would occupy a footprint half the size of the existing arrangement.

- 8.261 The Site Plan included with the application was agreed with the Council's Principal Transport Planner in May 2018 in connection with the then prior approval applications, when planned changes to High Holborn were discussed. As shown on the Site Plan, the proposal is to relocate the replacement kiosk to within 450mm of the new pavement line. In so doing it would free-up the currently obstructed middle section of the pavement, improving footway conditions for pedestrians.
- 8.262 Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states *"The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage."* The Council's Streetscape Design Manual refers to 'reducing clutter' in the public realm.
- 8.263 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the proposed kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area	Near / adjoining Listed Buildings
2 <sup>nd</sup> Kiosk o/s 111 High Holborn	Yes. Bloomsbury Conservation Area.	No.
Kiosk o/s 127-129 Kingsway	Yes. Kingsway Conservation Area.	Yes. Near Grade II listed Aviation House, 125, Kingsway, London, WC2B 6NH
2 <sup>nd</sup> Kiosk o/s 127-129 Kingsway	Yes. Kingsway Conservation Area.	Yes. Near Grade II listed Aviation House, 125, Kingsway, London, WC2B 6NH
Kiosk o/s Holborn Station, Kingsway	Yes. Kingsway Conservation Area.	No.
Kiosk o/s 147 Holborn	Near to Hatton Garden Conservation Area.	Yes. Near to Grade II* listed Prudential Assurance building, 142, Holborn Bars

- 8.264 The kiosks o/s Holborn Station and o/s 147 Holborn were not initially included as part of this application; they were nonetheless both attached to another upgrade proposal in relation to which they were proposed for removal. Their inclusion among the removal kiosks notwithstanding, the proposal remains essentially what was considered by the local planning authority.
- 8.265 In addition to freeing up footway and thereby improving footway conditions at the appeal site, the proposal would enable removal of kiosks elsewhere in the area surrounding, thereby improving the pedestrian environment and reducing clutter in those areas also. In so doing it would accord with Policy T1, D1 (as appropriate) and the Streetscape Design Manual.

- 8.266 As noted in the table above, the kiosks proposed for removal are all within / near Conservation Areas and those o/s 127-129 Kingsway are near a Grade II listed building, while the kiosk o/s 147 Holborn is near the Grade II\* listed Prudential Building. Accordingly, therefore their removal would also deliver Conservation Area and listed building setting improvements, in accordance with Local Plan Policy D2 Heritage.

Comments on LPA Delegated Report

- 8.267 TfL we note objects to the application. They state, *“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.”*

**Appellant response** – TfL states the proposal *“would increase the clutter on the street as there is currently no existing telephone kiosk at the proposed location.”* TfL appears to be ignoring the existing two NWP kiosks at the appeal site, and the fact that the proposal is to replace these existing kiosks with a single kiosk, that would be relocated closer to the new kerb line thereby freeing up footway conditions for pedestrians.

- 8.268 TfL raise also an objection in relation to Policy T2 of the draft London Plan, which addresses London’s Healthy Streets approach. They state, *“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.”*

**Appellant response** – The Ten Healthy Streets Indicators include the following; *“People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy”.*

The appeal proposes replacement of two tired looking and outmoded telephone kiosks, that detract from the amenity of the locality, that are inaccessible to sections of the population, and associated with anti-social behaviour, with a new aesthetically pleasing, ‘open’ design kiosk that would deliver localised amenity, inclusivity and safety-related improvements. It is therefore supportive of the ten Healthy Streets Indicators in our view.

- 8.269 The Council’s Transport Strategy (in conjunction with the Council Highways Team) raise various issues with the application.
- 8.270 In relation to the Site Plan, Transport Strategy state, *“However, the crucial consideration would actually be the effective footway width between the proposed telephone kiosk and the adjacent property at 111 High Holborn. Unfortunately, the site location plan does not provide this crucial dimension.”*



**Appellant response** – As shown on the Site Plan, the effective footway between the proposed replacement kiosk and 111 High Holborn would be 4.6m.

- 8.271 Transport Strategy state, *“An appropriate condition should be imposed on any permission, requiring the proposed telephone kiosk to be offset from the adjacent kerb by 0.45 - 0.5 metres in accordance with the Camden Streetscape Design Manual.”*

**Appellant response** – As shown on the Site Plan, the replacement kiosk would be offset from the new kerb by 0.45m.

- 8.272 Transport Strategy state the proposal has been assessed against the TfL document, ‘Guidance for Digital Roadside Advertising and Proposed Best Practice’. They add, *“However, the proposal would not obscure visibility of the traffic signals or any road signs. The proposal is therefore in accordance with the guidance, subject to standard conditions for digital advertising being attached to any permission.”*

- 8.273 Transport Strategy state, *“The aforementioned guidance and best practice also suggests that digital advertising signs should be oriented so that they are perpendicular to the kerb. The proposed orientation is for the digital advertising sign to be parallel to the kerb. ... The proposal should be amended slightly so that the digital advertising sign would be perpendicular to the kerb in accordance with the aforementioned guidance and best practice.”*

**Appellant response** – As shown on the Site Plan, the advertising display within the replacement kiosk would be perpendicular to the kerb, as per the above-mentioned requirements.

- 8.274 Pages 8 / 9 of the Delegated Report refers to various appeals by Euro Payphone Ltd. in 2018. **Appellant response** - These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removals.

- 8.275 Paras. 4.6 and 4.7 of the Report address matters Design. They state, *“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 more conspicuous design, would appear more prominent on the streetscape than the existing kiosks.”* Para.4.7 adds, *“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.”*

**Appellant response** – We refer the Inspector to section 5.0 above and also paras. 8.3 – 8.4 under the heading, ‘Detailed design’. As per these recent appeal decision

excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*
- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

We refer also to the findings of Wakefield City Council which approved several applications for the same kiosk and advertisement in July 2019. Their findings on ‘Design and Amenity’ are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*“The proposed kiosk will replace two existing (back to back) telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF.”*

The replacement kiosk has been consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including neighbouring Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.276 Para. 4.8 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent

with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development (in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.277 Para. 4.10 of the Report states, *“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. Para. 4.12 adds, “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 listed buildings.”*

**Appellant response** – Para. 196 of the NPPF states, *“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.”*

The proposal would enable replacement of two tired looking and outmoded telephone kiosks - which detract from the amenity of the locality, that are inaccessible to sections of the population, and that have associations with anti-social behaviour - with a new aesthetically pleasing, ‘open’ kiosk that would deliver localised amenity, inclusivity and safety-related enhancements.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

We would submit that these public benefits relating to amenity, inclusivity, safety and electronic communications outweigh any perceived harm to the character and appearance of the Conservation Area, and setting of nearby listed buildings.

- 8.278 Para. 5.13 of the Report refers to other telephone kiosks in the area surrounding, suggesting there is no need for the replacement kiosk.

**Appellant response** – As noted earlier, the proposal would enable removal of 4 kiosks in the area surrounding. The appellant is therefore playing its part in improving and decluttering the public realm in and around Holborn.

As per the judgement in the High Court case, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd

(2019) EWHC 176 (Admin), the requirement / need for communications apparatus can only be tested by whether it is required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators.

Address: **Pavement outside 100 Southampton Row, London**  
Proposal: **Replacement of existing telephone kiosk with new telephone kiosk**  
LPA Ref: **2019/3992/P**

8.279 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would add to visual clutter and detract from the character and appearance of the conservation area, settings of nearby listed buildings, and streetscene, contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.280 Local Plan Policy D1 'Design' states *"The Council will seek to secure high quality design in development"* and *"will require that development"* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;"*

8.281 Policy D2 'Heritage' states, *"The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings."*

8.282 Policy G1 'Location of growth' states, *"Development will take place throughout the borough with the most significant growth expected to be delivered through:*

e. a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;

f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;" (our emphasis)

8.283 The appeal site is within the Holborn "growth area", where development is expected to be concentrated (Local Plan Policy G1 refers).

8.284 The appeal site was one of the sites put to the Council in the pre-planning enquiry in 2016. In its September 2016 response note, the Council stated as follows:

"o/s 100 Southampton Row

*6.47 This site is not within a conservation area but it is opposite a number of Grade II listed buildings. The site is however opposite the boundary to the Bloomsbury conservation area. It will therefore be important to demonstrate the proposal will preserve the character of the Bloomsbury conservation area. With that in mind it will also be important to demonstrate that the safety of road users will not be compromised as a result of the proposal."*

8.285 As we see it, the appeal site is within the Bloomsbury Conservation Area. According to Historic England records, there is one listed building in the vicinity of the appeal site, No. 73 Southampton Row, on the opposite side of the road. The foregoing notwithstanding, the area is commercial in character and appearance – at ground floor level in particular – and the retail frontage adjoining the appeal site consists of generally modern shop fronts featuring modern features and signage, some of which is internally illuminated.

8.286 Reflecting the commercial character and movement-corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks, lamp poles and so on. Some of this street furniture includes integrated roadside advertising, this being the digital and internally illuminated 6-sheet advertising displays at the bus shelter o/s 140 Southampton Row, north of the appeal site (granted consent by the Council in March 2017 (LPA Ref. 2017/0109/A), the internally illuminated 6-sheet advertising displays at the bus shelter o/s 74 Southampton Row, south of the appeal site, and the non-illuminated advertising display within the Infocus telephone kiosk located o/s Frank Harris & Co (No. 104 Southampton Row).

8.287 The reasons for refusal state the proposal would "add to visual clutter". The proposal is to replace an existing kiosk with a new kiosk. It would not therefore add to visual clutter. NB. The Site Plan shows a second kiosk at the appeal site. This second kiosk was removed during 2019 for operational reasons.

- 8.288 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial movement corridor surroundings, adjoining modern commercial frontage, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across central London, and therefore part of the fabric of commercial, movement-corridor areas of this kind.
- 8.289 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality within the Conservation Area and setting of the nearby listed buildings, in accordance with London Plan Policy 7.5 and Local Plan Policies D1 and D2.
- 8.290 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.291 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.292 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* It will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.293 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.294 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual

recognises that “Combining or ‘bunching’ of street furniture” can help keep the footway visually free.

- 8.295 As stated, the proposal is to replace the existing kiosk with a new kiosk. The existing kiosk is a box-like enclosed structure. The replacement kiosk is an open design structure the footprint of which is slightly smaller than the existing kiosk.
- 8.296 As shown on the Site Plan, the effective footway in this location is 3,000mm wide. The existing kiosk is 560mm from the kerb face. The replacement kiosk would be closer to the kerb face, 450mm from the kerb face. This being the case, 110mm of the replacement kiosk’s 150mm wider width would be accommodated on the kerb side, meaning the replacement kiosk would reduce the effective footway alongside (for a very small section) by 40mm, a very small amount. This would mean the effective footway would be narrowed for only a very small section from 3,000mm to 2,960mm.
- 8.297 Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states “*The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.*” The Council’s Streetscape Design Manual refers to ‘reducing clutter’ in the public realm.
- 8.298 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the proposed kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area	Near / adjoining Listed Buildings
Kiosk in Malet Street, o/s Birkbeck University	Yes. Within Bloomsbury Conservation Area.	
Kiosk o/s Central St. Martin’s College of Art and Design, Southampton Row	Yes. Within Kingsway Conservation Area.	Yes. Adjoins the Grade II* listed Central St Martin’s College of Art and Design.
2 <sup>nd</sup> Kiosk o/s Central St. Martin’s College of Art and Design, Southampton Row	Yes. Within Kingsway Conservation Area.	Yes. Adjoins the Grade II* listed Central St Martin’s College of Art and Design.
Kiosk o/s 72-78 Lambs Conduit Street	Yes. Within Bloomsbury Conservation Area.	

- 8.299 We would point out that the kiosks o/s Central St. Martin’s College, Southampton Row and o/s 72-78 Lambs Conduit St were not initially included in the application; they were nonetheless attached to other upgrade proposals in relation to which they were proposed for removal. Their inclusion among the removal kiosks notwithstanding, the proposal remains essentially what was considered by the local planning authority.
- 8.300 The appeal proposal would enable removal of kiosks elsewhere in the area surrounding, thereby improving the pedestrian environment and reducing clutter in those areas. In so doing it would accord with Policy T1, D1 (as appropriate) and the Streetscape Design Manual.

- 8.301 As noted in the table above, the kiosks proposed for removal are all within Conservation Areas and those o/s Central St. Martin's College adjoin the Grade II\* listed College. Accordingly, therefore their proposed removal would also deliver Conservation Area and listed building setting improvements, in accordance with Local Plan Policy D2 Heritage.

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- 8.302 Transport Strategy (in conjunction with the Council Highways Team) state, *"The concept of the proposal is welcomed as it will help the borough to improve the public realm in the local area for the benefit of road users, particularly pedestrians. The removal of the other telephone kiosks and the planting of a small tree on a nearby street will certainly improve the streetscape elsewhere."*
- 8.303 Transport Strategy are supportive also of the replacement kiosk design stating, *"The replacement telephone kiosk will be of a more modern design when compared with the existing telephone kiosk. The proposal is therefore likely to improve the streetscape slightly."*
- 8.304 Concern however is raised over the dimensions provided on the Site Plan, and objection is raised that the effective footway includes the zone where tables and chairs are located o/s 102 and the private forecourt o/s 100 Southampton Row.

**Appellant response** - As shown on the Site Plan, the effective footway in this location is 3,000mm wide, excluding the aforementioned table/chairs zone and private forecourt o/s 102 and 100 Southampton Row. The existing kiosk is 560mm from the kerb face. The replacement kiosk would be closer to the kerb face, 450mm from the kerb face, as per TfL requirements. Therefore, 110mm of the replacement kiosk's 150mm wider width would be accommodated on the kerb side, meaning the replacement kiosk would reduce the effective footway alongside (for a very small section) by just 40mm, a very small amount. This would mean the effective footway would be narrowed for only a very small section from 3,000mm to 2,960mm, a reduction of 40mm or 1.3%.

- 8.305 Transport Strategy object that the *"The proposed digital advertising sign would be orientated parallel to face towards the southeast. This is contrary to the guidance which requires digital advertising signs to be orientated to face oncoming traffic in the drivers nearside view. The proposed digital advertising sign would also be located within 20 metres of traffic signals."*

**Appellant response** - As shown on the Site Plan, the advertising display within the replacement kiosk would be perpendicular to the road, therefore facing oncoming traffic in the drivers nearside view. It would therefore accord with TfL's 'Guidance for Digital Roadside Advertising and Proposed Best Practice'.



Transport Strategy state the proposed display would be within 20 metres of traffic signals and therefore contrary to the TfL guidance. This is incorrect. The proposed replacement kiosk would be 21m from the nearest traffic signal, again in accordance with the TfL guidance.

8.306 Page 6 of the Delegated Report refers to various appeals by Euro Payphone Ltd. in 2018. **Appellant response** - These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removals.

8.307 Paras. 4.6 and 4.7 of the Report address matters Design. They state, *“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 more conspicuous design, would appear more prominent on the streetscape than the existing kiosks.”* Para.4.7 adds, *“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.”*

**Appellant response** – We refer the Inspector to section 5.0 above and also paras. 8.3 – 8.4 under the heading, ‘Detailed design’. As per these recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*
- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

We refer also to the findings of Wakefield City Council which approved several applications for the same kiosk and advertisement in July 2019. Their findings on ‘Design and Amenity’ are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*“The proposed kiosk will replace two existing (back to back) telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall*

*visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF."*

The replacement kiosk is consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including neighbouring Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.308 Para. 4.8 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development (in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.309 Para. 4.10 of the Report states, *"it is considered that 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 listed buildings opposite.* Para. 4.12 adds, *"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 setting of the listed buildings opposite."*

**Appellant response** – Para. 196 of the NPPF states, *"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."*

The proposal would enable replacement of a tired looking and outmoded telephone kiosk, which detracts from the amenity of the locality, that is inaccessible to sections of the population, and that has associations with anti-social behaviour, with a new aesthetically pleasing, 'open' kiosk that would deliver localised amenity, inclusivity and safety-related enhancements.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

We would submit that the public benefits listed relating to amenity, inclusivity, safety and electronic communications outweigh any perceived harm to the character and appearance of the Conservation Area, and setting of the listed buildings opposite.

- 8.310 Referring to Policy T2 (Healthy Streets) of the New London Plan (Intend to publish), para. 5.2 of the Delegated Report states, *“It is considered that the application would fail to deliver any improvements which support any of the ten Healthy Streets Indicators.”*

**Appellant response** – The Ten Healthy Streets Indicators include the following; “People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy”.

The appeal proposes replacement of a tired looking and outmoded telephone kiosk, that detract from the amenity of the locality, that is inaccessible to sections of the population, and associated with anti-social behaviour, with a new aesthetically pleasing, ‘open’ design kiosk that would deliver localised amenity, inclusivity and safety-related improvements. It is therefore in our view supportive of the ten Healthy Streets Indicators.

- 8.311 Para. 5.14 of the report refers to a proposal o/s Fitzroy House, 355 Euston Road, London NW1 3AL (Appeal A Ref: APP/X5210/W/18/3195370) where the kiosk was found to impinge into the main pedestrian flow and hamper free movement of pedestrians.

**Appellant response** – The appeal referenced was for a materially different proposal. It was for a new / additional telephone kiosk rather than for a replacement kiosk, as in this case. In addition, the appeal referenced did not include associated kiosk removal.

- 8.312 Para. 5.16 of the Report refers to other telephone kiosks in the area surrounding, suggesting there is no need for the replacement kiosk.

**Appellant response** – As noted earlier, the proposal would enable removal of 3 kiosks elsewhere in the Borough. The appellant is therefore playing its part in decluttering the public realm.

As per the judgement in the High Court case, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd

(2019) EWHC 176 (Admin), the requirement / need for communications apparatus can only be tested by whether it is required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators.

Address: **Pavement outside 240 Kilburn High Road, London**  
Proposal: **Replacement of existing telephone kiosks with single new telephone kiosk**  
LPA Ref: **2019/4057/P**

8.313 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would add to visual clutter and detract from the character and appearance of the streetscene and setting of the nearby listed building, contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.314 Local Plan Policy D1 ‘Design’ states *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;”*

8.315 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings.”*

8.316 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;" (our emphasis)

- 8.317 The appeal site is within Kilburn High Road town centre, an identified "growth area" in Local Plan Policy G1 where development is expected to be concentrated. It also adjoins designated Secondary frontage.
- 8.318 The appeal site was one of the sites put to the Council in the pre-planning enquiry in 2016. In its September 2016 response note, the Council stated as follows:

"o/s 240 Kilburn High Rd

*6.46 This particular site is not in a conservation area, but it is adjacent to a Grade II listed building. Further to this, the site is within a largely commercial area. With this in mind, this is the type of site where the principle of roadside advertising may be considered acceptable. The applicant will however be required to demonstrate that the proposal does not affect the safety of road users and demonstrate that the proposal is acceptable in terms of its impact on the surrounding heritage asset."*

- 8.319 As noted above, the appeal site is not within Conservation Area. The nearest listed building is the National Club, No. 234 Kilburn High Rd, which is approx. 40m south of the appeal site off Grangeway. As also noted, the area containing the appeal site is predominantly commercial in character and appearance making it suitable in principle for accommodating roadside advertising. This commercial character is accentuated by its location adjoining the constantly busy Kilburn High Road, an important north-south movement corridor within the Borough.
- 8.320 The ground floor frontage adjoining the appeal site consists of modern commercial units featuring modern shop fronts and associated signage. Reflecting the commercial character and movement-corridor nature of the area, the area surrounding features the usual street furniture including bus shelters, telephone kiosks, bicycle racks, lamp poles and so on. Some of this street furniture in turn features integrated roadside advertising, this including the digital and internally illuminated 6-sheet advertising displays within the bus shelters near Brondesbury Station, and the internally illuminated 6-sheet displays within the bus shelter o/s 149-153 Kilburn High Rd, among others.
- 8.321 The reasons for refusal state the proposal would "add to visual clutter". The proposal is to replace two existing kiosks with a single kiosk. It would not therefore add to visual clutter and would in fact lessen overall visual impact by reducing the overall built form.

- 8.322 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial movement corridor surroundings, adjoining modern commercial frontage, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across London, and therefore part of the fabric of commercial, movement-corridor areas of this kind.
- 8.323 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosks. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality and setting of the nearby listed building, in accordance with London Plan Policy 7.5 and Local Plan Policies D1 and D2.
- 8.324 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.325 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.326 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* It will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.327 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.328 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual

recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.

- 8.329 As per the Site Plan included with the application, the replacement kiosk would be sited 5m south of the existing kiosks location, side on to the road, 450mm from the kerb face. This re-siting was requested by the Council’s Planning Officer in his response to the then prior approval application. In an email dated 27 April 2018, the Officer stated he was *“Minded to approve pending revised site plan for kiosk 5000mm south of current location.”* As shown, the proposed resiting would take the kiosk away from the adjacent tree, thus removing the current narrowing of footway there, and as shown the amount of clear footway adjoining the replacement kiosk would be an improvement on the current arrangement.
- 8.330 Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states *“The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.”* The Council’s Streetscape Design Manual refers to ‘reducing clutter’ in the public realm.
- 8.331 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the proposed kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area	Near / adjoining Listed Buildings
2 <sup>nd</sup> Kiosk o/s 240 Kilburn High Road		Approx. 40m from 234 Kilburn High Rd, which is Grade II listed.
Kiosk o/s 10-12 Cricklewood Broadway		Adjacent to 2 to 30 Cricklewood Broadway, a group of buildings included on the Local list.
Kiosk o/s 106-108 Cricklewood Broadway		
Kiosk o/s 188 Kilburn High Road		

- 8.332 We would point out that the kiosk o/s 188 Kilburn High Rd was not initially included in the application, for removal. It was nonetheless proposed for removal but in association with another upgrade proposal, which the appellant is no longer pursuing. We would submit that, with its inclusion among the removal kiosks, the proposal remains essentially what was considered by the local planning authority.
- 8.333 The appeal proposal would enable removal of kiosks elsewhere, reducing clutter in those locations and thereby improving the pedestrian environment. In so doing it would accord with Policies T1, D1 (as appropriate) and the Streetscape Design Manual.

#### Comments on LPA Delegated Report

- 8.334 Transport Strategy (in conjunction with the Council Highways Team) state on page 4 of the Report, *“The concept of the proposal is welcomed as it will help the borough to*

*improve the public realm in the local area for the benefit of road users, particularly pedestrians. The replacement telephone kiosk will be of a more modern design when compared with the existing telephone kiosk. The proposal is therefore likely to improve the streetscape slightly. The removal of the other telephone kiosks and the planting of a small tree on a nearby street will certainly improve the streetscape elsewhere.”*

On page 5 of the report, Transport Strategy confirm that the proposal is in accordance with TfL ‘Guidance for Digital Roadside Advertising and Proposed Best Practice’. They confirm also that by relocating the replacement kiosk 5m south of the existing kiosk arrangement, the effective footway width would be increased.

**Appellant response** – This support is welcomed.

8.335 Page 7 of the Delegated Report refers to various appeals by Euro Payphone Ltd. in 2018. **Appellant response** - These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removals.

8.336 Para. 4.5 of the Report addresses Design, stating, *“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 more conspicuous design, would appear more prominent on the streetscape than the existing kiosks.”*

**Appellant response** – We refer the Inspector to section 5.0 above and also paras. 8.3 – 8.4 under the heading, ‘Detailed design’. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*
- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

We refer also to the findings of Wakefield City Council which approved several Full Planning applications for the same kiosk and advertisement in July 2019. Their



findings on 'Design and Amenity' are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*"The proposed kiosk will replace two existing (back to back) telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF."*

The replacement kiosk is consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including neighbouring Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.337 Para. 4.7 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development (in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.338 Para. 4.9 of the Report states, *"it is considered that the public telephone box would result in less than substantial harm to the character and appearance of the area within the setting of the nearby listed building.* Para. 4.11 adds, *"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 streetscene within the setting of the nearby listed building."*

**Appellant response** – Para. 196 of the NPPF states, *"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."*

The proposal would enable replacement of two tired looking and outmoded telephone kiosks - that detract from the amenity of the locality, that are inaccessible to sections of the population, and that have associations with anti-social behaviour - with a new aesthetically pleasing 'open' kiosk that would deliver localised amenity, inclusivity and safety-related enhancements.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

We would submit that the public benefits arising, relating to amenity, inclusivity, safety and electronic communications, outweigh any perceived harm to the setting of the nearby listed building.

8.339 Para. 5.12 of the Delegated Report refers to other telephone kiosks in the area surrounding.

***Appellant response*** – As noted earlier, the proposal would enable removal of 3 kiosks elsewhere. The appellant is therefore playing its part in decluttering the public realm.

As per the judgement in the High Court case, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin), the requirement / need for communications apparatus can only be tested by whether it is required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators.

Address: Pavement outside 70-72 Kilburn High Road, London  
Proposal: Replacement of existing telephone kiosk with new telephone kiosk  
LPA Ref: 2019/4066/P

8.340 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would add to visual clutter and detract from the character and appearance of the streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.341 Local Plan Policy D1 ‘Design’ states *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;”*

8.342 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)

8.343 The appeal site is within Kilburn High Road town centre, an identified *“growth area”* in Local Plan Policy G1 where development is expected to be concentrated. It also adjoins designated Primary frontage. Reflecting these designations, the locality containing the appeal site is predominantly commercial in character and appearance. This commercial character is accentuated by its location adjoining the constantly busy Kilburn High Road, an important north-south movement corridor within the Borough with high levels of vehicular and pedestrian traffic. The appeal site adjoins a section of three storey frontage the ground floor of which is in commercial use and features modern shop fronts and associated signage, some of which is internally illuminated. The locality is not within Conservation Area and there are no listed buildings in the vicinity of the appeal site.

8.344 Reflecting the commercial character and movement-corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture features integrated roadside advertising, this including the internally illuminated 6-sheet advertising displays within the bus shelters o/s 97 Kilburn High Rd (on the opposite side of the road) and o/s 58 Kilburn High Rd (south of the appeal site), and the double-sided digital advertising displays within the BT-InLink kiosk o/s 54-56 Kilburn High Rd, granted consent by the Council in May 2017 (LPA Ref: 2017/0454/P and 2017/0583/A).

- 8.345 The reasons for refusal state the proposal would “*add to visual clutter*”. The proposal is to replace an existing kiosk with a new kiosk. It would not therefore add to visual clutter.
- 8.346 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial movement corridor surroundings, adjoining modern commercial frontage featuring modern shop fronts and signage, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across London, and therefore part of the fabric of commercial movement corridor areas of this kind.
- 8.347 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality in accordance with London Plan Policy 7.5 and Local Plan Policy D1.
- 8.348 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.349 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council “*will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.*”
- 8.350 Policy C6 ‘Access for all’ states “*the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.*” It will “*a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.*”
- 8.351 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “*a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;*” (our emphasis)

- 8.352 Camden's Streetscape Design Manual includes guidelines for maintaining 'clear footway' widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *"Combining or 'bunching' of street furniture"* can help keep the footway visually free.
- 8.353 The proposal is to replace an existing kiosk, not for a new kiosk. The assessment required therefore is an analysis of proposed siting considerations versus the existing.
- 8.354 Two Site Plans are included with the application documentation; one showing the proposal with the current highway layout (Rev. D), and the other showing the proposal if / when planned highway works go ahead (Rev. C). For information, both proposals were prepared in consultation and agreement with the Council's Principal Transport Planner, Steve Cardno in May 2018 in connection with the then prior approval application.
- 8.355 With the current highway layout (Rev. D), the replacement kiosk would occupy a position abutting the existing kiosk footprint, continuing the alignment of existing street furniture. The clear footway alongside the replacement kiosk would be 3100mm, 200mm wider than the existing 2900mm wide footway alongside the existing kiosk, representing an improvement for pedestrians.
- 8.356 If / when planned highway works take place (Rev. C), the replacement kiosk would be relocated (at the appellant's expense) to a location 600mm from the new kerb face (meeting the TfL standard), with the clear footway alongside being 4700mm. Under this scenario also, the proposal would be acceptable, reflecting the agreement reached with the Council's Principal Transport Planner in 2018.
- 8.357 Local Plan Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states *"The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage."* The Council's Streetscape Design Manual refers to 'reducing clutter' in the public realm.
- 8.358 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the various kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area	Near / adjoining Listed Buildings
Kiosk nr Jnc of Kilburn High Rd and Maygrove Road		
Kiosk o/s 266 West End Lane	Yes. West End Green Conservation Area.	
Kiosk o/s 106 Kilburn High Road		
Kiosk o/s 24-32 Kilburn High Road		

- 8.359 We would point out that the kiosks o/s 106 and o/s 24-32 Kilburn High Rd were not initially included in the application, for removal. Both were nonetheless proposed for removal but in association with another upgrade proposal, which the appellant is no longer pursuing. We would submit that, with their inclusion among the removal kiosks, the proposal remains essentially what was considered by the local planning authority.
- 8.360 The appeal proposal would enable removal of kiosks elsewhere, reducing clutter in those locations and thereby improving the pedestrian environment. In so doing it would accord with Policies T1, D1 (as appropriate) and the Streetscape Design Manual.
- 8.361 As noted in the table above, the kiosk in West End Lane proposed for removal is within Conservation Area. Accordingly, therefore its proposed removal would deliver a small Conservation Area improvement, in accordance with Local Plan Policy D2 Heritage.

#### Comments on LPA Delegated Report

- 8.362 Page 4 of the report includes feedback on the application from the Council's Transport Team. Objection is raised but on the basis that *"should the Kiosk be installed prior to the proposed widening on the footway, it would be 'stranded' in the middle of the footway causing a significant hazard to the visually impaired and impede the flow of pedestrian movement"*, and because the effective footway width *"would be reduced to 2.9m."*

**Appellant response** – As noted earlier, the application includes two Site Plans, Rev. D reflecting the current highway layout, and Rev. C reflecting the proposal if / when planned highway works take place. Both proposals were prepared and agreed in consultation with the Council's Principal Transport Planner, Steve Cardno in May 2018 in connection with the then prior approval application.

With the current highway layout (Rev. D), the replacement kiosk would occupy a position abutting the existing kiosk footprint, continuing the alignment of existing street furniture. The clear footway alongside the replacement kiosk would be 3100mm, 200mm wider than the existing 2900mm wide footway alongside the existing kiosk, representing an improvement for pedestrians.

If / when planned highway works take place (Rev. C), the replacement kiosk would be relocated (at the appellant's expense) to a location 600mm from the new kerb face (meeting the TfL standard), with the clear footway alongside being 4700mm.

The proposal therefore addresses both the current highway arrangement as well as potential changes were the Kilburn High Rd project to go ahead.

The foregoing information addresses the points raised by TfL in para's. 4 and 5 of their observations on the application.

8.363 Page 6 of the Delegated Report refers to various appeals by Euro Payphone Ltd. dated 18<sup>th</sup> September 2018. **Appellant response** - These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removals.

8.364 Paras. 3.4 and 3.5 of the Report address Design. Para. 3.4 states, *"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 more conspicuous design, would have a harmful and negative impact on this part of the streetscape."* "3.5 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 an obtrusive piece of street furniture detracting from the wider streetscene."

**Appellant response** – We refer the Inspector to section 5.0 above and also paras. 8.3 – 8.4 under the heading, 'Detailed design'. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *"In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area."*
- *"the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street";*
- *"the replacement would not be significantly more visually prominent than the existing kiosk";*
- *"within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area's appearance";*
- *"It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area."*

We refer also to the findings of Wakefield City Council which approved several Full Planning applications for the same kiosk and advertisement in July 2019. Their findings on 'Design and Amenity' are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*"The proposed kiosk will replace two existing (back to back) telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance."*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF."*

The replacement kiosk is consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including neighbouring Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.365 Para. 3.6 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development (in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.366 Referring to Policy T2 (Healthy Streets) of the New London Plan (Intend to publish), para. 4.2 of the Delegated Report states, *"It is considered that the application would fail to deliver any improvements which support any of the ten Healthy Streets Indicators."*

**Appellant response** – The Ten Healthy Streets Indicators include the following; "People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy".

The appeal proposes replacement of a tired looking and outmoded telephone kiosk, that detracts from the amenity of the locality, that is inaccessible to sections of the population, and associated with anti-social behaviour, with a new aesthetically pleasing 'open' design kiosk that would deliver localised amenity, inclusivity and safety-related improvements. The proposal is therefore we would contend supportive of the ten Healthy Streets Indicators.

- 8.367 Para. 4.10 of the Report states, *"The proposal would reduce the effective footway width at the site from 4.7m to 2.9m. This would be less than 3.3 metres, the recommended minimum for high footfall locations (see Appendix B of Transport for London guidance document titled 'Pedestrian Comfort Guidance for London'). In addition should the Kiosk be installed prior to the proposed widening on the footway*



*(Kilburn High Road Project), it would be in the middle of the footway causing a significant hazard to the visually impaired and impede the flow of pedestrian movement. 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.”*

**Appellant response** – With respect, the Report is being disingenuous in this claim, which disregards the existing kiosk, the presence of which establishes the current 2.9m wide footway. With the existing highway layout, the proposal would increase the effective footway at the appeal site from 2.9m to 3.1m.

Moreover, should the proposed kiosk be installed prior to the proposed widening of the footway (Kilburn High Road Project), it would be 450mm from the kerb line (as per TfL requirements, much closer than the existing kiosk) and therefore not, as claimed by the Council, *“in the middle of the footway.”*

- 8.368 Para. 4.11 of the Report refers to a proposal outside Fitzroy House, 355 Euston Road, London NW1 3AL (Appeal A Ref: APP/X5210/W/18/3195370) where the proposed kiosk was found to impinge into the main pedestrian flow and hamper free movement of pedestrians.

**Appellant response** – The appeal referenced was for a materially different proposal. It was for a new / additional telephone kiosk rather than for a replacement (of existing) kiosk, as in this case. In addition, the appeal referenced did not include associated kiosk removal.

- 8.369 Para. 4.12 of the Report states, *“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.”*

**Appellant response** – There is a pedestrian crossing facility not far from the appeal site, to the south. Pedestrians choosing to cross the road elsewhere, whether that be near the appeal site or elsewhere, would be obliged and responsible to take necessary precautions to do so safely.

Address: Pavement outside 197 Kentish Town Rd, London  
Proposal: Replacement of existing telephone kiosk with new telephone kiosk  
LPA Ref: 2019/3996/P

- 8.370 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would add to visual clutter and detract from the character and appearance of the streetscene and setting of the adjacent and nearby locally listed buildings, contrary

to policy D3 of the Kentish Town Neighbourhood Plan 2016 and policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017;

- 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 Camden Local Plan 2017.

8.371 Policy D3 of the Kentish Town Neighbourhood Plan 2016 sets out ‘Design principles’ and criteria relevant to “Applications for the development of new and the redevelopment of existing buildings (which may include demolition, alteration, extension or refurbishment).” It is not therefore relevant in this instance.

8.372 Local Plan Policy D1 ‘Design’ states *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;”*

8.373 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings.”*

8.374 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)

8.375 The appeal site was one of the sites put to the Council in the pre-planning enquiry in 2016. In the September 2016 response note, the Council stated as follows:

*“o/s 197 Kentish Town Rd*

*6.32 This particular site is not in a conservation area, adjacent to a listed building, or within a residential area. Further to this, the site is within a largely commercial area. With this in mind, this is the type of site where the principle of roadside advertising may be considered acceptable. The applicant will however be required to demonstrate that the proposal does not affect the safety of road users and demonstrate that the proposal is acceptable in design terms.”*

- 8.376 The appeal site is within Kentish Town town centre, an identified “growth area” in Local Plan Policy G1 where development is expected to be concentrated. It also adjoins designated Primary frontage. Reflecting these designations, the locality containing the appeal site is predominantly commercial in character and appearance making it the type of location where roadside advertising is often acceptable. This commercial character and appearance are accentuated by Kentish Town Road adjoining, which is constantly busy throughout the day and night with vehicular and pedestrian activity.
- 8.377 The ground floor frontage adjoining the appeal site consists of continuous units in commercial use featuring modern shop fronts and associated signage, some of which is internally illuminated. As noted above, the appeal site is not within Conservation Area, not adjacent to a listed buildings, nor is it a residential area. We note that the site adjoins a group of buildings on the local list, this being the former cinema on north side of Prince of Wales Road near junction with Kentish town Road.
- 8.378 Reflecting the commercial character and also movement corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture includes integrated roadside advertising, this including the internally illuminated 6-sheet advertising display within the bus shelter o/s Farmer’s Supermarket (175 Kentish Town Rd), south of the appeal site, and the digital advertising within the BT InLink kiosk on the opposite side of the road o/s 158 Kentish Town Rd, granted consent by the Council in May 2018, LPA Refs: 2017/2718/P and 2017/2758/A.
- 8.379 The reasons for refusal state the proposal would “add to visual clutter”. The proposal is to replace an existing kiosk with a new kiosk. It would not therefore add to visual clutter.
- 8.380 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial movement corridor surroundings, adjoining modern commercial frontage featuring modern shop fronts and signage, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across London, and therefore part of the fabric of commercial movement corridor areas of this kind.

- 8.381 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality and setting of the adjoining locally listed buildings, in accordance with London Plan Policy 7.5 and Local Plan Policies D1 and D2.
- 8.382 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.383 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.384 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* It will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.385 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.386 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.
- 8.387 The proposal is to replace an existing kiosk, not for a new kiosk. The assessment required therefore is an analysis of proposed siting considerations versus the existing.
- 8.388 As per the Site Plan included with the application, the replacement kiosk would occupy the footprint of the existing kiosk, albeit resited slightly closer to the pavement line to

meet the TfL standard. In so doing, it would continue the alignment of existing street furniture, including nearby a lamp pole, bike racks and planter, ensuring minimal impact on the clear footway alongside. In total, for a very small section alongside the replacement kiosk, the clear footway would reduce by 100mm from 2.7m to 2.6m.

- 8.389 The existing kiosk is a box-like, bulky structure whereas the replacement kiosk is open in design. In our view, the overall impact of the replacement kiosk on footway conditions, with its smaller less bulky footprint, would be neutral or immaterial.
- 8.390 We note that the proposal receives support in this regard, in the 'Highways/footpath width' section of the Delegated Report. Para. 5.11 thereof states:

*"5.11 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 4.1m. This would allow for an effective footway of 2.6m which does not accord with the recommended minimum width for high footfall locations of 3.3m as it is considered to be insufficient for a footway with high pedestrian flows (see Appendix B of Transport for London guidance document titled 'Pedestrian Comfort Guidance for London'). However, in this particular case, the proposal is not considered to be harmful to pedestrian movement and comfort along the footway and would not obscure visibility splays to the traffic signals, nor be overly distracting to road users." (our emphasis)*

- 8.391 Local Plan Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states *"The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage."* The Council's Streetscape Design Manual refers to 'reducing clutter' in the public realm.
- 8.392 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the various kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

- Kiosk o/s 329-331 Kentish Town Road;
- Kiosk o/s 255 Finchley Road;
- 2<sup>nd</sup> Kiosk o/s 255 Finchley Road.

- 8.393 The appeal proposal would enable removal of kiosks elsewhere, reducing clutter in those locations and thereby improving the pedestrian environment. In so doing it would accord with Policies T1, D1 (as appropriate) and the Streetscape Design Manual.

#### Comments on LPA Delegated Report

- 8.394 Page 5 of the report includes feedback on the application from Transport Strategy. In relation to the replacement kiosk they state, *"The dimensions provided on the site location plan are misleading. This suggests that the effective footway width between*

*the proposed telephone kiosk and the adjacent property at 197 Kentish Town Road would be 2.7 metres. This would be acceptable so long as it is not less than the existing dimension. However, the plan suggests that the digital advertising sign would be orientated parallel to the road. This would be unacceptable as will be discussed later in this report. The replacement telephone kiosk would be 150 mm wider than the existing telephone kiosk. The proposal would therefore reduce the effective footway width by the same amount. Please note that the Council cannot accept any reduction in effective footway width at this location due to the high volume of pedestrians. This would have a detrimental impact on pedestrian comfort, movement and safety. The proposal should therefore be refused."*

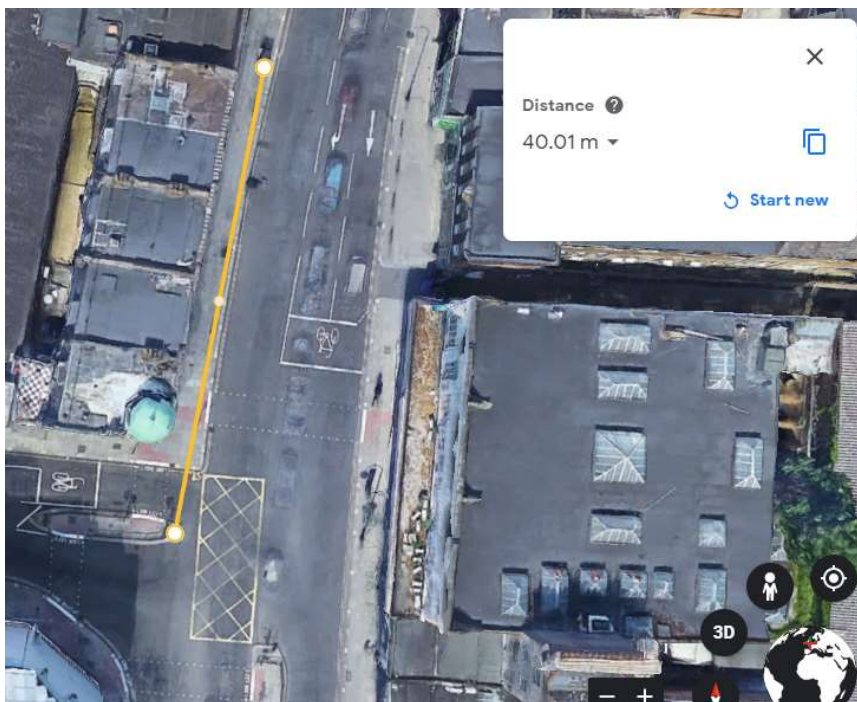
**Appellant response** – We apologise for the Site Plan being less than clear. As stated above, the replacement kiosk would occupy the footprint of the existing kiosk, albeit resited slightly closer to the pavement line to meet the TfL standard. In so doing, it would continue the alignment of existing street furniture, including nearby a lamp pole, bike racks and planter, ensuring minimal impact on the clear footway alongside. In total, for a very small section of pavement alongside the replacement kiosk, the clear footway would reduce by 100mm from 2.7m to 2.6m.

The existing kiosk is a box-like, bulky structure whereas the replacement kiosk is open in design. In our view, the overall impact of the replacement kiosk on footway conditions, with its smaller and less bulky footprint, compared with the existing kiosk, would be neutral or immaterial.

- 8.395 Transport Strategy state also, *"The proposed digital advertising sign would be orientated parallel to the road. This is contrary to the guidance which requires digital advertising signs to be orientated to face oncoming traffic in the drivers nearside view. The proposed digital advertising sign would also be located within 20 metres of traffic signals. Again, this is contrary to the guidance. The proposal should therefore be refused."*

**Appellant response** – This is incorrect. The Site Plan indicates that the proposed replacement kiosk would be side on to the road, but that the advertising display (the dark blue element shown) would be perpendicular to the road, facing towards oncoming traffic. This is in accordance with the March 2013 TfL 'Guidance for Digital Roadside Advertising and Proposed Best Practice' referred to.

The statement that the proposed digital display would be located within 20 metres of traffic signals is also incorrect. The relevant traffic signals to be considered are those controlling traffic passing through the nearby junction with Prince of Wales Rd. The nearest such traffic signal is located within the island of Prince of Wales Rd, which is 40m from the appeal site. See below evidence.



The appellant notes and welcomes the following Additional response by Transport Strategy (in conjunction with the Council Highways Team: *“I have reconsidered my position on this one. Having visited the site, I was also concerned that the proposed digital advertising display would be within 20 metres of the nearest traffic signals. The digital advertising display would face northbound traffic. However, it would not obscure visibility splays to the traffic signals. Nor would it be overly distracting to road users. I am therefore willing to remove my objection to this one, subject to the standard conditions for digital advertising signs being applied to any consent.”*

8.396 Page 7 of the Delegated Report refers to various appeals by Euro Payphone Ltd. dated 18<sup>th</sup> September 2018. **Appellant response** - These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removals.

8.397 Para. 4.6 of the Report under Design states, *“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 more conspicuous design, would appear more prominent on the streetscape than the existing kiosk.”*

**Appellant response** – We refer the Inspector to section 5.0 above and also paras. 8.3 – 8.4 under the heading, ‘Detailed design’. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense,*

*it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*

- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

We refer also to the findings of Wakefield City Council which approved several Full Planning applications for the same kiosk and advertisement in July 2019. Their findings on ‘Design and Amenity’ are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*“The proposed kiosk will replace two existing (back to back) telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF.”*

The replacement kiosk is consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including neighbouring Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.398 Para. 4.8 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires that applications for such development include the outcome of consultations with organisations with an interest in the proposed development (in particular relevant bodies where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that the cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new



masts or base stations, evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.399 Paras. 4.10 of the Report states, *“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 area within the setting of the adjacent and nearby locally listed buildings.”* Para. 4.12 adds, *“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 streetscene within the setting of the adjacent and nearby locally listed buildings.”*

**Appellant response** – Para. 196 of the NPPF establishes *“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.”* (emphasis added)

The proposal would replace a tired looking and outmoded telephone kiosks - that detracts from the amenity of the locality, is inaccessible to sections of the population, and associated with anti-social behaviour - with a new aesthetically pleasing ‘open’ kiosk that would deliver localised amenity, inclusivity and safety-related enhancements.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

In our view, these public benefits relating to amenity, inclusivity, safety and electronic communications outweigh any perceived harm to the setting of the adjacent and nearby locally listed buildings.

**Address:** Pavement outside 140-144 Camden High Street, London  
**Proposal:** Replacement of existing telephone kiosk with new telephone kiosk  
**LPA Ref:** 2019/4154/P

- 8.400 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would 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 Camden Local Plan 2017;

- Would reduce the amount of useable unobstructed footway/highway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian/vehicle 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 Camden Local Plan 2017.

8.401 Local Plan Policy D1 'Design' states *"The Council will seek to secure high quality design in development"* and *"will require that development"* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;"*

8.402 Policy D2 'Heritage' states *"The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings."*

8.403 Policy G1 'Location of growth' states, *"Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;"* (our emphasis)

8.404 The appeal site was one of the sites put to the Council in the pre-planning enquiry in 2016. In the September 2016 response note, the Council stated as follows:

*"o/s 144-146 Camden High St*

6.29 *Whilst this site is not located within a conservation area, it is located along one of the borough's key retail frontages. As such, it will be important to demonstrate that the character of this area is not undermined. Much like the other sites, and in particular*

*with this site being a key vehicular thoroughfare, it will be important to demonstrate that the proposal will not create a safety risk to drivers and pedestrians alike.”*

- 8.405 The appeal site is within Camden Town town centre, one of the Borough’s key retail frontages and an identified “*growth area*” in Local Plan Policy G1 where development is expected to be concentrated. It also adjoins designated Primary frontage. The locality is therefore predominantly commercial in character and appearance making it the type of location where roadside advertising is likely to be acceptable. This commercial character and appearance is accentuated by Camden High Street, which is constantly busy throughout the day and night with vehicular and pedestrian activity. The retail frontage adjoining the appeal site consists of generally modern shop fronts with modern features and signage, some of which is internally illuminated.
- 8.406 According to our research, the appeal site is within Camden Town Conservation Area. There are however no listed buildings in the vicinity of the appeal site.
- 8.407 Reflecting the commercial character and also movement corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture includes integrated roadside advertising, this including the digital and internally illuminated 6-sheet advertising displays at the nearby bus shelter located o/s 147 Camden High Street (Marks & Spencer), and the digital displays within the BT InLink kiosk located o/s 176 Camden High Street (HSBC Bank) granted consent by the Council in May 2017 (LPA Ref: 2017/0440/P and 2017/0536/A), 100m north of the appeal site.
- 8.408 The reasons for refusal state the proposal would “*add to visual clutter*”. The proposal is to replace an existing kiosk with a new kiosk. It would not therefore add to visual clutter.
- 8.409 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial movement corridor Camden High Street surroundings, adjoining modern retail/commercial frontage, among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across London, and therefore part of the fabric of commercial movement corridor areas of this kind.
- 8.410 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality within the Conservation Area, in accordance with London Plan Policy 7.5 and Local Plan Policies D1 and D2.

- 8.411 The reasons for refusal state the proposal would *“reduce the amount of useable unobstructed footway/highway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian/vehicle movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport”* contrary to policies G1, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.412 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.413 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* It will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.414 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:
- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”* (our emphasis)
- 8.415 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.
- 8.416 The proposal is to replace an existing kiosk, not for a new kiosk. The assessment required therefore is an analysis of proposed siting considerations versus the existing arrangement.
- 8.417 Two Site Plans are included with the application documentation, one showing the proposal with the current highway layout (Rev. B), and the other showing the proposal if / when planned highway works go ahead (Rev. A). These proposals were prepared in consultation with the Council’s Principal Transport Planner in 2018, who confirmed his agreement in email correspondence dated 6<sup>th</sup> June 2018 stating, *“This would be fine from my point of view as it would future proof TfL’s public realm improvement scheme proposals.”*

- 8.418 With the current highway layout, the replacement kiosk would occupy a position south of the existing kiosk footprint, alongside existing street furniture. In so doing, it would free up the currently constrained existing kiosk location outside No. 144. The clear footway alongside the replacement kiosk would be 2,836mm, an improvement on the existing situation where the clear footway is 2,600mm.
- 8.419 If / when planned highway works take place, the replacement kiosk would be relocated (at the appellant's expense) to a location 450mm from the new pavement line (meeting the TfL standard), with the clear footway alongside being 4,854mm. Under both scenarios, the proposal would be an improvement on the existing situation, making them acceptable in terms of siting considerations and in accordance with policies G1, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.420 Local Plan Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states *"The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage."* The Council's Streetscape Design Manual refers to 'reducing clutter' in the public realm.
- 8.421 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the various kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:
- Kiosk o/s 124 Robert Street / Albany Street;
  - Kiosk opp. 152 Euston Road, jnc North Gower Street.
- 8.422 In addition to the proposal improving existing footway conditions o/s 140-144 Camden High Street, the appeal proposal would enable removal of kiosks elsewhere, reducing clutter in those locations and thereby improving the pedestrian environment. In so doing it would accord with Policies T1, D1 (as appropriate) and the Streetscape Design Manual.

#### Comments on LPA Delegated Report

- 8.423 Page 4 of the Report includes feedback on the application from Transport for London (TfL). TfL state, *"Camden town centre is too busy and pedestrian movement needs to be prioritised. The footway space left over may be insufficient, particularly for interpeak and weekend flows. Whilst there is an existing furniture zone, we should be looking to improve or remove that clutter, not add to it."*

**Appellant response** – The proposal is to replace an existing kiosk, not for a new kiosk. It would not therefore add to clutter.

As noted above, under both scenarios, the proposal would be an improvement on the existing situation in terms of pedestrian conditions.

- 8.424 Page 4 of the Report refers also to feedback from Transport Strategy in conjunction with the Council Highways Team. The only issue of concern raised in this feedback is where Transport Strategy state, *“The proposed telephone kiosk would be slightly wider than these items of street furniture. of the resulting width of 2.84 metres not be sufficient in an area with in the highest footfall in Camden.”*

**Appellant response** – As stated earlier, with the current highway layout, the replacement kiosk would occupy a position south of the existing kiosk alongside existing street furniture. In so doing, it would free up the currently constrained existing kiosk location outside No. 144. The clear footway alongside the replacement kiosk would be 2,836mm, an improvement on the existing situation where the clear footway is 2,600mm.

- 8.425 The appellant welcomes the feedback from Transport Strategy that, *“The proposal would not therefore have any impact on forward visibility splays at the junction,”* that should the TfL public realm improvement scheme be implemented the proposal would increase the effective footway significantly, and that *“The proposal would not therefore constitute a significant distraction or hazard to road users and would be acceptable in transport terms subject to standard conditions being attached to any consent.”*

- 8.426 The appellant would accept the further condition suggested by Transport Strategy, requiring the exact location of the telephone kiosk to be agreed with TfL prior to implementation.

- 8.427 Page 6 of the Delegated Report refers to various appeals by Euro Payphone Ltd. dated 18<sup>th</sup> September 2018.

**Appellant response** - These appeals were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removals.

- 8.428 Para. 4.5 of the Report under Design states, *“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 more conspicuous design, would have a harmful and negative impact on this clear and unobstructed part of the streetscape.”*

**Appellant response** – We refer the Inspector to section 5.0 above and also paras. 8.3 – 8.4 under the heading ‘Detailed design’. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*

- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

We refer also to the findings of Wakefield City Council which approved several Full Planning applications for the same kiosk and advertisement in July 2019. Their findings on ‘Design and Amenity’ are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*“The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF.”*

The replacement kiosk is consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including neighbouring Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.429 Para. 4.7 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires applications for such development to include the outcome of consultations with organisations with an interest in the proposed development (in particular where a mast is to be installed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.430 Para. 4.9 of the Report states, *“it is considered that the public telephone box would result in less than substantial harm to the character and appearance of the surrounding Camden Town Conservation Area.”* Para. 4.11 adds, *“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.”*

**Appellant response** – Para. 196 of the NPPF states, *“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.”* (emphasis added)

The proposal would replace a tired looking and outmoded telephone kiosk - that detracts from the amenity of the locality, is inaccessible to sections of the population, and associated with anti-social behaviour - with a new aesthetically pleasing ‘open’ kiosk that would deliver localised amenity, inclusivity and safety-related enhancements.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

In our view, these public benefits in terms of amenity, inclusivity, safety and electronic communications provision outweigh any perceived harm to the character and appearance of the Conservation Area.

- 8.431 Para. 5.2 of the Report states, *“It is considered that the application would fail to deliver any improvements which support any of the ten Healthy Streets Indicators.”*

**Appellant response** – The Ten Healthy Streets Indicators include the following; *“People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy”.*

The appeal proposes replacement of a tired looking and outmoded telephone kiosk, that detracts from amenity, that is inaccessible to sections of the population and associated with anti-social behaviour, with a new aesthetically pleasing, ‘open’ design kiosk that would deliver localised amenity, inclusivity and safety-related improvements. In so doing it is supportive of the ten Healthy Streets Indicators.

- 8.432 Para. 5.15 of the Report states, *“There are also 5 existing telephone kiosks within approximately 60m of the site. These include 1 immediately adjacent to the site (outside no. 140-144), 2x outside No.124 and 2 kiosks on the opposite side of the road*



*(outside no. 141). No justification has been submitted for the need to install a new, replacement kiosk."*

**Appellant response** – As per the judgement in the High Court case, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin), the requirement or need for communications apparatus can only be tested by whether it is required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators.

Address: Pavement outside 2 Harben Parade, Finchley Road, London  
Proposal: Replacement of existing telephone kiosk with new telephone kiosk  
LPA Ref: 2019/4079/P

8.433 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would add to visual clutter and detract from the character and appearance of the streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.434 Local Plan Policy D1 'Design' states *"The Council will seek to secure high quality design in development"* and *"will require that development"* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;"*

8.435 Policy G1 'Location of growth' states, *"Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;" (our emphasis)

8.436 The appeal site was one of the sites put to the Council in the pre-planning enquiry in 2016. In the September 2016 response note, the Council stated as follows:

"o/s 2 Harben Parade

6.17 This site is not in a conservation area, adjacent to a listed building, or within a residential area. Further to this, the site is within a largely commercial area which is characteristic of this part of Finchley Road. With this in mind, this is the type of site where the principle of roadside advertising may be considered acceptable. The applicant will however be required to demonstrate that the proposal does not affect the safety of road users and demonstrate that the proposal is acceptable in design terms."

- 8.437 The appeal site is within Finchley Road / Swiss Cottage town centre, an identified "growth area" in Local Plan Policy G1 where development is expected to be concentrated. It also adjoins designated Primary frontage. The locality is therefore predominantly commercial in character and appearance and the appeal site adjoins modern commercial frontage development. The area's commercial character is accentuated by its location adjoining Finchley Road, which is constantly busy with vehicular and pedestrian traffic. The adjoining ground floor frontage comprises continuous commercial uses and features modern frontage elements and signage, some of which is internally illuminated.
- 8.438 Reflecting the commercial character and movement corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture features integrated roadside advertising, this including the digital 6-sheet displays within the bus shelter o/s 16 Northways Parade (on the opposite side of the road) granted advertisement consent by the Council in March 2017 (LPA Ref: 2017/0122/A), and the digital 6-sheet displays within the bus shelter o/s 9-10 Harben Parade (north of the appeal site), also granted advertisement consent in 2017 (LPA Ref: 2017/0119/A).
- 8.439 As noted, the appeal site is not within Conservation Area and there are no listed buildings in the vicinity of the site.
- 8.440 The reasons for refusal state the proposal would "add to visual clutter". The proposal is to replace an existing kiosk. It would not therefore add to visual clutter.

- 8.441 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial movement corridor surroundings, adjoining modern commercial frontage, and among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across London, and therefore part of the fabric of commercial movement corridor areas of this kind.
- 8.442 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality in accordance with London Plan Policy 7.5 and Local Plan Policy D1.
- 8.443 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Camden Local Plan 2017.
- 8.444 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.445 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* It will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.446 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:  
*“a. improve the pedestrian environment by supporting high quality public realm improvement works;*  
*b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”*
- 8.447 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. This is 3m minimum for busy pedestrian streets, with greater widths sometimes required. The Manual recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.

- 8.448 The proposal is to replace an existing kiosk. The assessment required therefore is an analysis of proposed siting considerations versus the existing arrangement.
- 8.449 As per the Site Plan accompanying the application, the replacement kiosk would occupy the footprint of the existing kiosk, continuing the alignment of existing street furniture. The clear footway alongside would be 3650mm, reducing for a very small section by just 50mm, and therefore more or less unaltered from the existing situation.
- 8.450 The existing kiosk is a box-like, bulky structure whereas the replacement kiosk is open in design and footprint. The overall impact of the replacement kiosk on footway conditions, with its reduced bulk and footprint, would be neutral or immaterial. The proposal therefore accords with policies G1, A1, C6 and T1 of the Local Plan.
- 8.451 Local Plan Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states *“The Council will require that development ... f. integrates well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.”* The Council’s Streetscape Design Manual refers to ‘reducing clutter’ in the public realm.
- 8.452 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the various kiosk upgrades. In relation to this appeal, the following kiosks are proposed for removal:

Removal kiosk address	In Conservation Area
Kiosk o/s 219 Canfield Gardens, near junction with Finchley Rd	Yes. In South Hampstead Conservation Area.
Kiosk o/s 125-127 Finchley Road	
2 <sup>nd</sup> Kiosk o/s 125-127 Finchley Road	

- 8.453 The appeal proposal would enable removal of kiosks elsewhere, reducing clutter in those locations and thereby improving the pedestrian environment. In so doing it would accord with Policies T1, D1 (as appropriate) and the Streetscape Design Manual.
- 8.454 As noted in the table above, the kiosk o/s 219 Canfield Gardens is within South Hampstead Conservation Area. Accordingly, its removal would also deliver Conservation Area improvements in accordance with Local Plan Policy D2 Heritage.

#### Comments on LPA Delegated Report

- 8.455 Page 3 of the Report includes feedback on the application from the Council’s Transport Team. We note and welcome the support expressed therein where it states, *“an effective footway width of 3.65 metres would be maintained between the new telephone kiosk and the rear of the footway adjacent to 2 Harben Place, Finchley Road. The proposal would not therefore have a significant impact on pedestrian comfort, movement and safety.”*

- 8.456 The Transport Team register some concern about the supposed close proximity of the proposal to a previously approved BT InLink kiosk o/s 14 Harben Parade stating, *“ideally, the proposed telephone kiosk would be located slightly further away from the aforementioned BT InLink unit, if practicable.”*

**Appellant response** – The appeal kiosk and the BT InLink kiosk o/s 14 Harben Parade are 120m apart meaning this is not a ground for concern.

- 8.457 Page 4 of the Report sets out TfL’s observations on the application. We note and welcome that no objections are raised.

- 8.458 TfL raise in their point 12 the matter of the change/transition between advertisements, stating it requests *“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”*. It states also, *“the display will include a mechanism to freeze the image in the event of a malfunction.”*

**Appellant response** – The proposed panel would display static advertising images in sequence, changing no more frequently than every 10 seconds, the change via smooth fade. The change is instantaneous, the complete screen changes, and there are no visual effects between successive adverts.

We confirm also that the display includes a mechanism that blanks the display in the event of malfunction.

- 8.459 Page 6 of the Delegated Report refers to several appeal decisions from 2019 for installation of payphone kiosks along Finchley Rd and Avenue Rd.

**Appellant response** – The appeals referenced were by Maximus Networks Ltd. They were materially different to the subject appeal in that they proposed new / additional telephone kiosks and not replacement (of existing) kiosks, as with the subject appeal. In addition, they did not include associated kiosk removals.

- 8.460 Para. 4.4 of the Report states the proposal *“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.”*

**Appellant response** – We refer the Inspector to section 5.0 above and also paras. 8.3 – 8.4 under the heading ‘Detailed design’. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date*

*and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*

- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

We refer also to the findings of Wakefield City Council which approved several Full Planning applications for the same kiosk and advertisement in July 2019. Their findings on ‘Design and Amenity’ are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*“The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF.”*

The replacement kiosk is consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including neighbouring Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.461 Para. 4.6 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. Para. 115 is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires applications for such development to include the outcome of consultations with organisations with an interest in the proposed development (in particular where a mast is proposed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations evidence that

the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.462 Para. 5.2 of the Report states, *“It is considered that the application would fail to deliver any improvements which support any of the ten Healthy Streets Indicators.”*

**Appellant response** – The Ten Healthy Streets Indicators include the following; “People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy”.

The appeal would replace a tired looking and outmoded telephone kiosk - that detracts from amenity, that is inaccessible to sections of the population, and associated with anti-social behaviour - with a new aesthetically pleasing, ‘open’ design kiosk that would deliver localised amenity, inclusivity and safety-related improvements. In so doing it is supportive of the ten Healthy Streets Indicators.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

- 8.463 Para. 5.11 of the Report states *“The proposed telephone kiosk would be 1.1m wide and would be offset from the kerb by 600-700mm.”*

**Appellant response** – We confirm that the replacement kiosk would be offset from the kerb by 600mm, meaning the effective footway alongside would be 3.65m.

- 8.464 Para. 5.12 of the Report refers to other existing telephone kiosks in the area surrounding, including BT kiosks.

**Appellant response** – As per the judgement in the High Court case, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin), the requirement or need for communications apparatus can only be tested by whether it is required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators.

Address: Pavement outside 12 New College Parade, Finchley Road, London  
Proposal: Replacement of existing telephone kiosk with new telephone kiosk  
LPA Ref: 2019/4101/P

8.465 The reasons for refusal state the proposed telephone kiosk, by reason of its location, size, detailed design, and lack of evidence to justify the need for an additional kiosk in this location, adding unnecessary street clutter:

- Would add to visual clutter and detract from the character and appearance of the area and wider streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017;
- 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 Camden Local Plan 2017.

8.466 Local Plan Policy D1 'Design' states *"The Council will seek to secure high quality design in development"* and *"will require that development"* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;"*

8.467 Policy G1 'Location of growth' states, *"Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;" (our emphasis)*

8.468 The appellant has been working with the various stakeholders – the Council and Transport for London – since 2016 attempting to agree a workable upgrade proposal



in this location.

- 8.469 This work culminated in applications for prior approval and advertisement consent being submitted in January 2019. The proposal then was to upgrade the existing kiosk o/s 20 Northways Parade, which is approx. 170m south of this appeal site. The site is on the A41 Finchley Road, which forms part of the Transport for London Road Network (TLRN) for which Transport for London (TfL) is the highway authority. TfL is therefore the highway authority responsible for assessing the impact of proposals on the performance and/or safety of the TLRN.
- 8.470 However, the proposal o/s 20 Northways Parade was found to be unworkable by TfL owing to planned works by them to reconfigure the nearby Finchley Rd / College Crescent junction; their finding was that the proposed upgraded kiosk would be located within the minimum 70m stopping sight distance of proposed traffic signals as part of the junction reconfiguration.
- 8.471 This being the case, the appellant was required to investigate alternate upgrade locations. This exercise was undertaken and the proposed relocation o/s 12 New College Parade was put to TfL for comment. In email correspondence dated 5<sup>th</sup> September 2018, TfL confirmed its support for the proposal. This is reproduced below:

**From:** Brooks Tamara <TamaraBrooks@tfl.gov.uk>  
**Sent:** 05 September 2018 16:15  
**To:** 'richardwilson@nwpstreet.co.uk'  
**Cc:** Carroll Peter (ST); Clapham, Stuart  
**Subject:** RE: CS11 Swiss Cottage- New World phone box discussion

Richard,

With regards to the 125-127 Finchley Rd location, I am waiting for a response from the Road Safety Team- they are very busy but I am hoping to have a response by the end of the week.

With regards to 12 New College Parade, TfL is happy with your proposal, conditional on that it does not obscure parking/loading signs mounted on adjacent lighting column.

Kind regards,

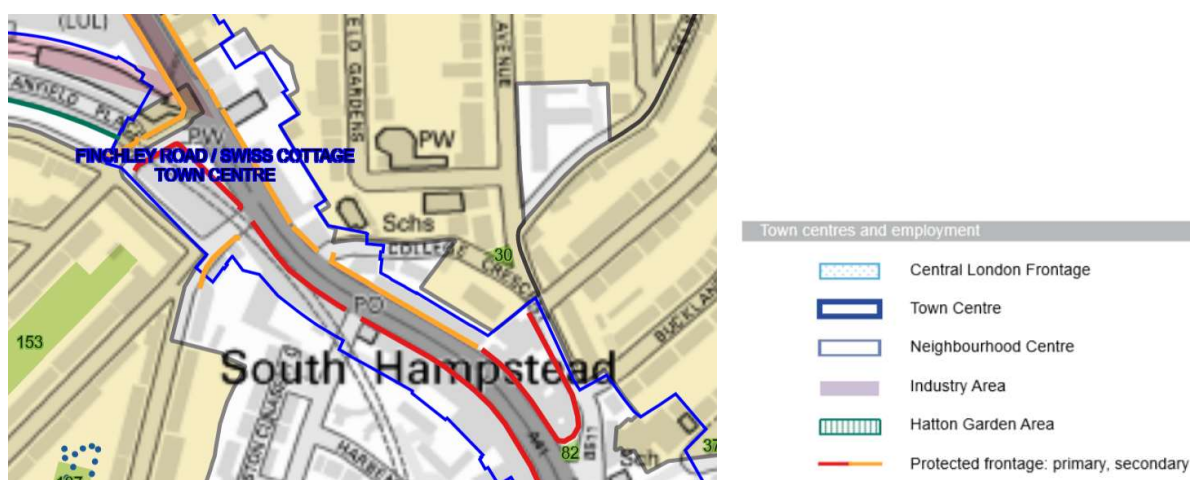
Tamara

- 8.472 With the approval of the highway authority responsible for the performance and/or safety of the TLRN, the proposal was taken forward culminating in the related full planning and advertisement consent applications the subject of these appeals. The location o/s 12 New College Parade is therefore put forward in place of the existing kiosk o/s 20 Northways Parade. If consented, the proposal would see the kiosk o/s 20 Northways Parade removed along with the following other kiosks in the area surrounding:

- Kiosk adj. A41, near 100 Avenue Road;

- 2<sup>nd</sup> Kiosk adj. A41, near 100 Avenue Road;
- Kiosk o/s 93-95 Fairfax Road.

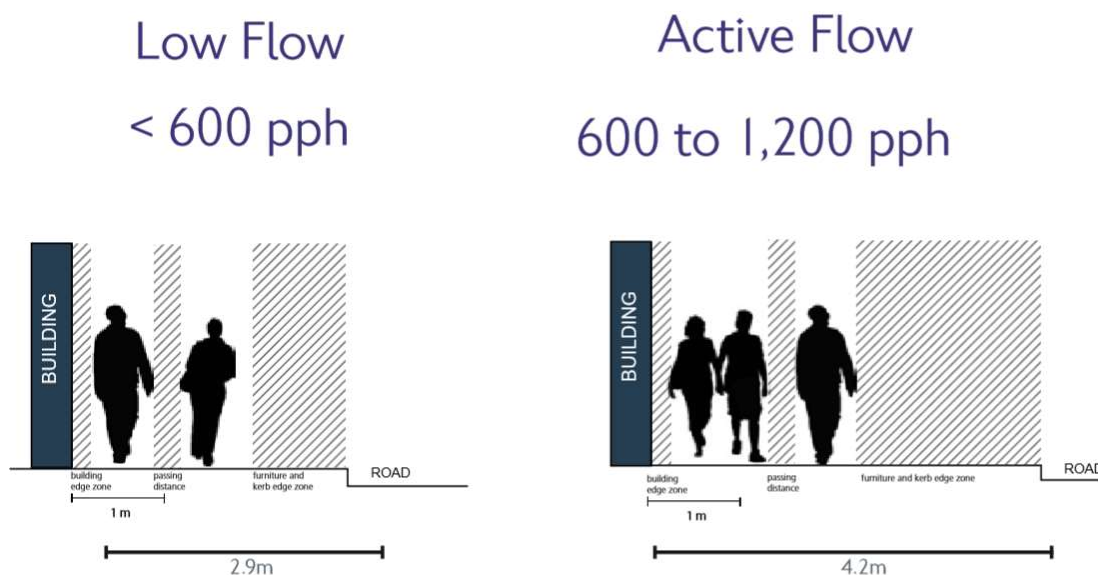
8.473 The appeal site is within Finchley Road / Swiss Cottage town centre, an identified “growth area” in Local Plan Policy G1 where development is expected to be concentrated. It also adjoins designated Secondary frontage. The locality is therefore predominantly commercial in character and appearance. As noted, the site adjoins a section of Secondary frontage; see below extract and related key from the Camden Local Plan 2017 Proposals Map:



- 8.474 The adjoining secondary frontage comprises continuous commercial uses and features modern shop fronts and signage, some of which is internally illuminated. The appeal site is not within Conservation Area and there are no listed buildings in the vicinity of the site.
- 8.475 Reflecting the commercial character and movement corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture features integrated roadside advertising, this including the digital advertising displays within the BT InLink kiosk o/s 3 Northways Parade, Finchley Rd, approx. 90m south of the appeal site (granted planning permission and advertisement consent by the Council in 2017 (LPA Ref: 2017/0447/P and 2017/0945/A)), and the BT InLink kiosk o/s 13-14 Harben Parade, on the opposite side of the road, also consented in 2017 (LPA Ref: 2017/0446/P and 2017/0550/A).
- 8.476 The reasons for refusal state the proposal would “add to visual clutter”. The proposal is to replace an existing kiosk, albeit one located o/s 20 Northways Parade. The proposal would also enable removal of three other kiosks in the area surrounding. Rather than adding to visual clutter it would enable decluttering to take place in the two areas concerned.

- 8.477 The replacement kiosk would be viewed by passers-by in the context of its predominantly commercial movement corridor surroundings, adjoining modern commercial frontage, and among existing street furniture. It would be viewed as an example of modern street furniture the likes of which are now commonplace across London, and therefore part of the fabric of commercial movement corridor areas of this kind.
- 8.478 In this context, the replacement kiosk would appear as an appropriate, up-to-date and aesthetically pleasing structure that would respect and maintain the scale and hierarchy of the existing kiosk proposed for removal. The black finish would be compatible with general street furniture in the area meaning it would assimilate well in the street scene respecting the local context. It would in our view contribute positively to the street frontage, enhancing the amenity, character and appearance of the locality, in accordance with London Plan Policy 7.5 and Local Plan Policy D1.
- 8.479 The reasons for refusal state the proposal 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, A1, C6 and T1 of the Local Plan.
- 8.480 Policy A1 ‘Managing the impact of development’ states *inter alia* the Council *“will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.”*
- 8.481 Policy C6 ‘Access for all’ states *“the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.”* It will *“a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 8.482 Policy T1 ‘Prioritising walking, cycling and public transport’ states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments *“a. improve the pedestrian environment by supporting high quality public realm improvement works.”*
- 8.483 Camden’s Streetscape Design Manual includes guidelines for maintaining ‘clear footway’ widths for different volumes of pedestrian traffic. The Manual states that 1.8 metres is the minimum width needed for two adults passing while 3 metres is the minimum *“for a busy pedestrian street.”* The Manual recognises that *“Combining or ‘bunching’ of street furniture”* can help keep the footway visually free.
- 8.484 Having regard to the Delegated Report, we note that TfL, the highway authority responsible for assessing the impact of proposals on the performance and/or safety of the TLRN, does not object to the proposal.

- 8.485 The Council's Transport Strategy do however object to the application. They do so given the private forecourt in front of 12 New College Parade which, in their view, would result in insufficient unobstructed footway alongside the proposed replacement kiosk.
- 8.486 One of the main reasons why this specific location was chosen was because of the existing street light, utility cabinet and bin, which pedestrians navigate past currently. (Please see the Site Plan included with the application). As proposed, the replacement kiosk would combine / bunch with this existing street furniture, an approach endorsed by the Camden Streetscape Design Manual.
- 8.487 The unobstructed footway between the replacement kiosk and the private forecourt o/s 12 New College Parade would be 2.3m wide. This would be 500mm greater than the stated 1.8 metres needed for two adults passing, included in the Streetscape Design Manual. This is relevant given that this section of frontage is secondary frontage, which will attract lower footfall compared with primary frontage. The 3 metre width threshold in the Council's Streetscape Design Manual is relevant for *"a busy pedestrian street."*
- 8.488 In addition, the amount of unobstructed footway provided would be greater than the 2m threshold included in the Transport for London Streetscape Guidance, Third Edition (2016, Rev 1) which states, *"Telephone boxes should not be installed where the footway clear zone is less than 2,000mm wide."* (para. 11.11 refers)
- 8.489 Transport Strategy state the amount of unobstructed footway provided would be significantly less than 3,300mm, a figure they claim is referenced in the Transport for London Guidance 'Pedestrian Comfort Guidance for London'.
- 8.490 Appendix B of the 'Pedestrian Comfort Guidance for London' addresses recommended widths. Diagrams are provided which show, *"recommended footway widths for different levels of flow."* As stated in Appendix B, *"They show the total width of the footway rather than the clear footway width."* (our emphasis) Appendix B *"provides an initial indication as to comfortable footway widths in different environments in advance of a full Pedestrian Comfort Assessment."* The diagrams for 'Low Flow' and 'Active Flow' scenarios are reproduced below:



- 8.491 For 'Low Flow' situations Appendix B states, *"The recommended minimum footway width (total width) for a site with low flows is 2.9 m. This is enough space for comfortable movement and a large piece of street furniture such as guard rail, cycle parking (parallel with the road), a bus flag for a low activity bus stop or a busy pedestrian crossing."*
- 8.492 For 'Active Flow' situations, Appendix B states, *"The recommended minimum footway width (total width) for a site with active flows is 4.2m. This is enough space for comfortable movement and a large piece of street furniture such as a wayfinding sign, a bench or a bus shelter."* (our emphasis) A large piece of street furniture has therefore been factored in to this recommended threshold including a bus shelter. Typically a bus shelter will be up to 1.4m in width, a good deal wider than the replacement kiosk at 1.09m wide.
- 8.493 Appendix B as stated above is concerned with *"the total width of the footway rather than the clear footway width."* The total width of the footway in this case, excluding the private forecourt, is 3.9m. This is 0.3m (or 7%) less than the recommended 4.2m for 'Active Flow' situations. As mentioned above, this section of frontage is secondary frontage which will attract lower footfall flows compared with primary frontage, which is on the opposite side of the road. Reasonably therefore flows along this section of footway are likely to be between 'Low Flow' and 'Active Flow' rates. It follows therefore that a 'total width of footway' marginally less than the 4.2m recommendation ought to be acceptable; as noted, the 4.2m already factors in the presence of a large piece of street furniture, including a bus shelter. Relevant also is that, unlike a hard building line on the one side, there is in this case a forecourt albeit private which allows a degree of flexibility not available with a hard building line.
- 8.494 Local Plan Policy T1 states that making improvements to the pedestrian environment will help promote sustainable transport including walking across the Borough. Similarly, Policy D1 states *"The Council will require that development ... f. integrates*

*well with the surrounding streets ..., improving movement through the ... wider area ... and contributes positively to the street frontage.”* The Council’s Streetscape Design Manual refers to ‘reducing clutter’ in the public realm.

- 8.495 As noted earlier, 46 existing NWP kiosks would be removed across the Borough as part of the rationalisation exercise linked to the various kiosk upgrades. In relation to this appeal, the following kiosks would be removed:

Removal kiosk address	Adj / near Listed building(s)
Kiosk o/s 20 Northways Parade, Finchley Rd	
Kiosk adj. A41, near 100 Avenue Road	Yes. Near to the Grade II listed Swiss Cottage Library, Avenue Road.
2 <sup>nd</sup> Kiosk adj. A41, near 100 Avenue Road	Yes. Near to the Grade II listed Swiss Cottage Library, Avenue Road.
Kiosk o/s 93-95 Fairfax Road	

- 8.496 The appeal proposal would enable removal of kiosks elsewhere, reducing clutter in those locations and thereby improving the pedestrian environment. In so doing it would accord with Policies T1, D1 (as appropriate) and the Camden Streetscape Design Manual.
- 8.497 As noted in the table above, the kiosks adj. the A41 near 100 Avenue Rd are close to the Grade II listed Swiss Cottage Library. Accordingly, their removal would also deliver listed building setting improvements, in accordance with Local Plan Policy D2 Heritage.

#### Comments on the LPA Delegated Report

- 8.498 Page 6 of the Delegated Report refers to several appeal decisions from 2018 for installation of payphone kiosks along Euston Road and in King’s Cross.

**Appellant response** – The appeals referenced were by Euro Payphone Ltd. These appeals were materially different to the subject appeal given that they proposed new / additional telephone kiosks rather than replacement kiosks (as with the subject appeal). In addition, they did not include associated kiosk removals.

- 8.499 Para. 4.4 of the Report states the proposal *“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.”*

**Appellant response** – We refer the Inspector to section 5.0 above and also paras. 8.3 – 8.4 under the heading ‘Detailed design’. As per the recent appeal decision excerpts provided, the design and utility merits of the proposal are widely recognised. Respectively the various Inspectors accepted the replacement kiosk would:

- *“In design terms, I consider that the new kiosk would appear as a more up to date*

*and aesthetically pleasing structure when viewed in the street-scene. In this sense, it would lead to some improvement to the overall setting of the listed statue and the Conservation Area.”*

- *“the simple and open sided design would not appear out of place within the context of the existing street furniture and the commercial nature of this part of the street”;*
- *“the replacement would not be significantly more visually prominent than the existing kiosk”;*
- *“within the immediate setting the replacement of the unsightly kiosk with a new kiosk of more modern and open design would be an improvement to the area’s appearance”;*
- *“It would replace the existing kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”*

We refer also to the findings of Wakefield City Council which approved several Full Planning applications for the same kiosk and advertisement in July 2019. Their findings on ‘Design and Amenity’ are reproduced below (in respect of application LPA Ref. 19/01082/FUL):

*“The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally the two open sides would provide improved user safety and surveillance.*

*In terms of general design principles the proposed kiosk would be an improvement in terms of quality, design and communication offering for members of the public and would therefore accord with policies CS10, D9, D15, CW9, CW10 and CW11 of the LDF.”*

The replacement kiosk is consented in 48 local authorities across the UK, including 30 of the 33 London Boroughs including neighbouring Islington, the City of London, City of Westminster, Royal Borough of Kensington and Chelsea, and Hammersmith and Fulham.

- 8.500 Para. 4.6 of the Report states the proposal would be contrary to guidance in the NPPF which aims to keep telecommunication sites to a minimum and encourages applicants to explore shared facilities rather than adding additional clutter.

**Appellant response** – The NPPF guidance alluded to is para. 115. This is intended to address telephone masts and base stations and is concerned to a very great extent with public safety. It requires applications for such development to include the outcome of consultations with organisations with an interest in the proposed development (in particular where a mast is proposed near a school/college, aerodrome, technical site or military explosives storage area), statements that self-certify that cumulative exposure will not exceed International Commission guidelines on non-ionising radiation protection, or for new masts or base stations evidence that

the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.

- 8.501 Para. 5.2 of the Report states, *“It is considered that the application would fail to deliver any improvements which support any of the ten Healthy Streets Indicators.”*

**Appellant response** – The Ten Healthy Streets Indicators include the following; “People choose to walk, Cycle and use public transport, People feel safe, Things to see and do, People feel relaxed, Clean air, Pedestrians from all walks of life, Easy to cross, Shade and shelter, Places to stop and rest, Not too noisy”.

The appeal would replace a tired looking and outmoded telephone kiosk - that detracts from amenity, that is inaccessible to sections of the population, and associated with anti-social behaviour - with a new aesthetically pleasing, ‘open’ design kiosk that would deliver localised amenity, inclusivity and safety-related improvements. In so doing it would be supportive of the ten Healthy Streets Indicators.

In addition, the replacement kiosk would be an improvement in terms of communication offering for members of the public including, new telephone equipment (able to accept all payment forms), interactive wayfinding via the 24inch LCD display, equipment for provision of public Wi-Fi access points and/or public small-cell access nodes, and equipment for other location based wireless connectivity (including Bluetooth and near-field communication).

- 8.502 Para. 5.16 of the Report states 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.

**Appellant response** – We note the section of loading along this part of the road, which extends for 72m from o/s 14-15 New College Parade to o/s 1 New College Parade.

One of the main reasons why this specific location was chosen was because of the existing street light, utility cabinet and bin, which pedestrians and those undertaking loading / unloading navigate around/past currently. As proposed, the replacement kiosk would combine / bunch with these existing street furniture items, an approach endorsed in the Camden Streetscape Design Manual.

- 8.503 Para. 5.17 of the Report states *“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.”*

**Appellant response** – We find this claim hard to believe for the reason that there is a physical barrier running along the central spine of Finchley Rd, presumably for the very reason to stop pedestrians crossing the road in an uncontrolled way.



There is in any event a signal-controlled crossing point about 30m north of the appeal site where pedestrians can cross the road safely.

- 8.504 Para. 5.18 of the Report refers to existing telephone kiosks/BT links within 180m of the site.

**Appellant response** – As per the judgement in the High Court case, Westminster CC v Secretary of State for Housing Communities and Local Government (SSHCLG) & New World Payphones Ltd (2019) EWHC 176 (Admin), the requirement or need for communications apparatus can only be tested by whether it is required or needed for the network of the applicant operator, and this cannot be affected by kiosks of other operators.

### Safety and security

- 8.505 The third reason for refusal states:

*“The proposed telephone kiosk, adding unnecessary street clutter, would create opportunities increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to policy C5 (Safety and security) of the London Borough of Camden Local Plan 2017.”*

- 8.506 Policy C5 ‘Safety and security’ states, the Council will aim to make Camden a safer place and, to this end, it will “a. work with our partners including the Camden Community Safety Partnership to tackle crime, fear of crime and antisocial behaviour; b. require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in wards with relatively high levels of crime, such as Holborn and Covent Garden, Camden Town with Primrose Hill and Bloomsbury; c. require appropriate security and community safety measures in buildings, spaces and the transport system; d. promote safer streets and public areas.” (our emphasis)

- 8.507 As per Policy C5, London Plan Policy 7.13 states, “Development should include measures to design out crime”. On this issue, the NPPF policy states at para. 95, “the design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications.”

- 8.508 The Delegated Reports on the applications include feedback from the Metropolitan Police – Designing Out Crime Officer. The appellant is aware of the issues raised by the Designing Out Crime Officer having addressed the same issues in 2018 in connection with the then prior approval applications.

- 8.509 Due in large part to the enclosed design and poor maintenance of the existing kiosks, factors which the appellant inherited when it acquired the estate in 2015, some of the

old kiosks have we acknowledge become focal points for anti-social behaviour, as mentioned by the Designing Out Crime Officer. The removal and replacement of old, enclosed kiosks with modern 'open' kiosks, that are well maintained, would therefore represent a positive in terms of safety and security. The Designing Out Crime Officer recognises that reducing the number of payphones by the amount proposed should help reduce crime being generated.

- 8.510 The Designing Out Crime Officer advises that some kiosks are used as a back rest for beggars. This being the case, they advise for the longer side of the kiosk to be on the vehicular carriageway side. This allows the 'open' side of the kiosk to be on the pedestrian side, increases natural surveillance into the kiosk as people pass by, and reduces the opportunity for the kiosk to be used as a back rest. In all cases, the replacement kiosk is proposed with the longer side of the kiosk to be on the vehicular carriageway side.
- 8.511 As noted earlier, the design of the new kiosk is purposefully 'open', specifically to increase natural surveillance into the kiosk for passers-by. Alongside the proposed cleaning and maintenance regime (to be captured in the Unilateral Undertakings) that will see the replacement new kiosks cleaned and repairs / maintenance actioned weekly, the firm intention is to eradicate the anti-social behaviour sometimes associated with kiosks.
- 8.512 The foregoing paragraphs demonstrate that the replacement kiosk incorporates design principles which contribute to community safety and security, and measures to design out crime and therefore should play a part in making Camden safer. Furthermore, the proposals would facilitate removal of many other old kiosks from the Borough's streets, a further positive in terms of safety. The proposal is therefore manifestly in accordance with Local Plan Policy C5, London Plan Policy 7.13 and related NPPF policy.

#### **Legal agreement – Kiosk removal, maintenance and management plan**

- 8.513 The fourth reason for refusal states:

*"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."*

- 8.514 Completed Unilateral Undertakings addressing kiosk removal, maintenance and management of the proposed kiosk, tree planting and Council communications will be submitted as stipulated by the Planning appeals – England Procedural Guide. Further

information on these matters is provided in section 3 above, ‘Telephone kiosk rationalisation.’

## 9.0 PLANNING ASSESSMENT - ADVERTISEMENT CONSENT

### Amenity

- 9.1 As noted earlier in the Planning Practice Guidance – Advertisements, “amenity” includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 9.2 In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of a proposed advertisement, where residents or passers-by will be aware of the advertisement. The guidance adds, *“This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.”* The test commonly applied in assessing amenity is whether the proposed advertisement is in scale and in keeping with the features that characterise a locality.
- 9.3 With all the applications, the Council refused advertisement consent for the following reason(s):

*“The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the area and wider streetscene, and if applicable the wider Conservation Area, and if applicable the setting of the adjacent / nearby listed buildings(s), contrary to policies D1 (Design), D2 (Heritage) if applicable, and D4 (Advertisements) of the Camden Local Plan 2017.”*

- 9.4 With this statement addressing multiple appeals, we address first those points of objection by the Council common to all the appeals.

### Scale of proposed advertisement

- 9.5 The reverse side of the proposed kiosk incorporates a 1.5sq.m integrated digital advertising display measuring 1650mm (H) x 928mm (W). Advertising has supported the viability of telephone kiosks for many years but has traditionally been added as an afterthought. The appeal proposal is different in that the advertising element is an integral part of the replacement kiosk design and, as noted, is also integral to the funding of the overall rationalisation initiative.
- 9.6 Traditional 6-sheet advertising displays found within Bus Shelters measure 1750mm (H)

x 1184mm (W) with an active area of 2sq.m. Therefore the proposed advertising display would be less tall, narrower and 0.5sq.m (25%) smaller in terms of display active area compared to a traditional 6-sheet advertising display which are relatively commonplace around central London within street furniture like Bus Shelters.

- 9.7 We refer below to a recent appeal decision in Kensington and Chelsea involving the same proposed advertising display within the same proposed replacement kiosk (Appeal B Ref: APP/K5600/Z/17/3190131 Pavement outside 94 Kensington High Street, London W8 4SH). We refer specifically to the Inspector's findings on the scale of the proposed display, the same display as proposed in this case.

Appeal B Ref: APP/K5600/Z/17/3190131 Pavement outside 94 Kensington High Street, London, W8 4SH

*"32. ... With regard to its size, the advertisement panel would be around 25% smaller in terms of display area than a standard 6-sheet advertising display. As such, and framed against these larger forms of advertisement, it would not be overly prominent due to its size. The Council expresses concern about the overall size of the advertisement housed in the surrounding panel of the kiosk. However, this reflects the integrated nature of the advertisement in the functional kiosk and as a whole the effect would not be overly prominent compared to the scale of existing advertisements and other street furniture.*

*33. Similar forms of illuminated advertisement exist on the bus shelter on the opposite side of the road, reflecting the busy, commercial nature of the High Street. The proposed form of illuminated advertisement would not, therefore, be uncharacteristic of the surrounding area. Moreover, as there are no other examples of this type of advertisement on this side of the street close to the kiosk the proposal would not appear cluttered or a form of overly-intensive signage."*

### **Method of illumination**

- 9.8 The proposed advertising panel would display static advertising images in sequence, changing no more frequently than every 10 seconds, the change via smooth fade. The illumination brightness of the display is controlled via light sensor which monitors ambient light. During periods of darkness, the display's illumination would be restricted to a maximum brightness of 280cd/m<sup>2</sup>, which is within the levels recommended by the Institute of Lighting Professionals<sup>1</sup>. The display would never therefore appear overly bright or cause glare.
- 9.9 The advertising panel would be a digital liquid crystal display (LCD) panel. This panel type represents the latest technology for outdoor signage applications and accordingly, displays of this kind are increasingly common in large cities across the UK, in particular across central London in centres of activity and/or alongside main movement corridors. There are currently in the region of 4,000 such digital street furniture displays across

<sup>1</sup> Institute of Lighting Professionals, Professional Lighting Guide 05, "The Brightness of Illuminated Advertisements."

the UK.

- 9.10 We would point out that in 2015, Transport for London awarded a contract that will see 1,000 bus shelters across Greater London converted to accommodate digital 6-sheet size advertising displays. In addition, in February 2019 and following a competitive tender process, London Borough of Camden signed a 10-year bus shelter advertising contract that will see 84 digital 6-sheet size bus shelter advertising displays installed across the borough. The locations where these displays will be installed will include Tottenham Court Road, Euston Road, High Holborn and New Oxford Street.
- 9.11 As demonstrated, digital advertising displays are increasingly accepted and therefore commonplace in major cities across the UK, in particular across central London as illustrated above. Supporting this view, we refer below to several recent appeal cases involving NWP kiosks. All cases need of course to be considered on their own merits, but we include the below appeal excerpts as evidence of how the digital displays were considered by Planning Inspectors concerned.
- 9.12 Firstly, we refer to a series of appeal decisions from London Borough of Hillingdon (lead case Appeal Ref: APP/R5510/Z/16/3157043) and London Borough of Islington (Appeal Ref: APP/V5570/Z/17/3169006). These cases all involved the exact same proposed LCD advertising display within a replacement telephone kiosk as proposed in these appeals. Specifically we refer to the Inspectors' findings on the digital nature of the proposed advertising displays, the same technology proposed in this case.
- 9.13 In the Hillingdon cases, the Inspector stated at para. 18 of the decision letter:

Lead Appeal Ref: APP/R5510/Z/16/3157043

*"18. Whilst I can appreciate the Council's concerns, there is no technical reason why digital displays should be any brighter or more intrusive than a conventional advertisement display unit with internal fluorescent lighting".* (our emphasis)

- 9.14 In the Islington case, the Inspector stated at para. 8:

Appeal Ref: APP/V5570/Z/17/3169006

*"8. I accept that this form of display technology is increasingly common in major urban areas, and I see no reason why it should be any brighter or more intrusive than some other forms of display such as those with fluorescent lighting."*

- 9.15 We refer also to two appeals in London Borough of Kensington and Chelsea. Again, these cases involved the exact same proposed LCD advertising display within a replacement kiosk as proposed in these appeals.

Lead Appeal A Ref: APP/K5600/Z/19/3227255 Telephone Kiosk outside 254-256 Earl's Court Road, London, SW5 9AD

*“10. The advertisement proposals are as described above. The appellant explains that the proposed advertisement panels would display static advertising images in sequence, changing no more frequently than every 10 seconds, the change would be via smooth fade. The illumination brightness of the display is controlled via light sensor which monitors ambient light. During periods of darkness, a display’s illumination would be restricted to a maximum brightness of 280 candelas per square metre. There are no technical reasons why digital displays of this nature should be any brighter or more intrusive than a ‘conventional’ advertisement display unit with internal lighting.” (our emphasis)*

Appeal B Ref: APP/K5600/Z/17/3190131 Pavement outside 94 Kensington High Street, London W8 4SH

*“34. The appellant explains that during periods of darkness the display’s illumination would be restricted to a maximum brightness of 280cd/m<sup>2</sup>, which is within the levels recommended by the Institute of Lighting Professionals for installations located in urban areas. With these controls in place, the advertisement would not be too bright or overly prominent in its commercial setting.” (our emphasis)*

- 9.16 The issue of brightness is raised in the Delegated Report dealing with applications 2019/3958/P & 2019/4406/A, pavement o/s 100-110 Euston Road. Acknowledging that the proposal includes a light sensor that restricts brightness of the display to 280cd/m<sup>2</sup> max. during periods of darkness para. 5.8 of the Delegated Report states, *“the panel has the potential to operate with a maximum luminance level of up to 2500 cd/m<sup>2</sup> could result in excessive brightness, light spillage and glare.”*
- 9.17 As per the ‘Specification’ included with the applications, the proposed display is *“A direct sunlight readable LCD (up to 2500 cd/m<sup>2</sup>)”*. As per this description, the maximum luminance up to 2500 cd/m<sup>2</sup> relates to direct sunlight conditions during the day, when ambient light is high.
- 9.18 The authority document addressing brightness of illuminated advertisements is ‘The Institute of Lighting Professionals Professional Lighting Guide 05, The Brightness of Illuminated Advertisements’. This includes in Table 4 therein recommended maximum luminance values for advertisements up to or over 10sq.m in area, during the night, in five zones ranging from Zone E0 (Protected, Dark environments) to Zone E4 (Urban, High district brightness) (our emphasis). Relevant parts of Table 4 are reproduced below.

Zone	Surrounding	Lighting environment	Examples	Table 4: Maximum recommended luminance (cdm.sq) during the night. Displays up to 10sq.m
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations	400
E3	Suburban	Medium district	Small town centres or	600

		brightness	suburban locations	
E4	Urban	High district brightness	Town/city centres with high levels of night time activity	600

9.19 The localities containing the various appeal sites vary between Zones E3 and E4, in which the recommended maximum luminance for advertisements up to 10sq.m in area during the night is 600 cdm.sq. As noted above, during periods of darkness, the display's illumination is restricted to 280 cdm.sq maximum, which is well within the recommended maximum, less than half in fact. The appeal advertising display is therefore in accordance with guidance set by the Institute of Lighting Engineers.

9.20 The Lighting Guide does not contain recommended maximum brightness levels for displays during the day. In respect of day time use of digital screens, the Lighting Guide states, *"Media screens that may be effective during the day are likely to exceed the night time luminance limits. They will require a system that controls luminance accordingly."* As noted above, the proposal includes a light sensor, and we confirm that the sensor restricts brightness throughout the day as well as during periods of darkness. The ILP Guide adds, *"The limit of luminance to be imposed as a condition of consent should be determined by relating the details of the application to Table 4 of this Report."*

9.21 The only other reference in the ILP Guide to maximum brightness levels for displays during the day is a series of Notes beneath Table 4. The first of these states:

*"1. For digital signs when the content may change then the rate of change should be limited to once every five seconds. Moving images, animation, video or full motion images should not be displayed at locations where they could present a hazard for example if they could be seen by drivers in moving traffic. During the daytime sign luminance should never exceed 5,000cdm-2."* (our emphasis)

9.22 The proposal is therefore in full accordance with guidance set by the Institute of Lighting Engineers.

### Location and prominence

9.23 We address now location and prominence related issues specific to each appeal.

**Address:** Telephone Kiosk outside 1 Eversholt Street, London

**Proposal:** Illuminated digital advertisement display integrated within replacement Telephone Kiosk

**LPA Ref:** 2019/4408/A

9.24 The LPA refused the application for the following reason:

*"The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the area and wider streetscene, contrary to policies D1 (Design) and D4 (Advertisements) of the*

*Camden Local Plan.*"

- 9.25 Policy D1 'Design' in relation to amenity states, *"The Council will seek to secure high quality design in development"* and *"will require that development"* inter alia:
- a. respects local context and character;*
  - b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
  - e. comprises details and materials that are of high quality and complement the local character;*
  - f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage."* (our emphasis)
- 9.26 Policy D4 'Advertisements' states, *"the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail."* The Council will support advertisements that *"a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas."*
- 9.27 The appeal site is located in Euston which, as noted in section 8.0 earlier, is an identified *"growth area"* in Local Plan Policy G1 where development is expected to be concentrated.
- 9.28 The appeal site locality is predominantly commercial in character and appearance, with modern commercial development adjoining the site and on the opposite side of the road. The area's predominantly commercial character is accentuated by its location adjoining Euston Station, which results in the adjoining roads being constantly busy with vehicular and pedestrian traffic. The principle of roadside advertising in the locality is established by the nearby BT-InLink telephone kiosk located north of the appeal. The site is not within a Conservation Area. The nearest listed building is the grade II listed public house, The Royal George Public House at 8-14 Eversholt Street, north of the appeal site on the opposite side of the road.
- 9.29 Reflecting the area's commercial and movement-corridor character, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. It features also public realm advertising in the form of internally illuminated 6-sheet bus shelter advertising, outside 24 Eversholt Street, and digital advertising outside 1 Eversholt St, in the form of a BT InLink kiosk. The latter - Erection of freestanding BT panel providing phone and Wi-Fi facilities with 2 x internally illuminated digital advertisements following removal of 2no. BT telephone kiosks - was granted advertisement consent by the Council in 2017 (LPA Ref: 2017/1127/P).
- 9.30 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore



respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found nearby as well as being evident across central London.

- 9.31 As noted above, similar forms of illuminated digital advertising exist in the locality, reflecting the busy, commercial nature of the area. The proposed form of digital advertising would not, therefore, be uncharacteristic of the surrounding area. In addition, the single-sided nature of the appeal proposal coupled with the intervening two trees and other Infocus kiosk would avoid the proposal creating unacceptable visual clutter.
- 9.32 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*

*Physical clutter* - There is already a structure at the appeal site, the existing kiosk. Therefore, the replacement kiosk would not create or contribute to physical clutter.

*Visual clutter* - The single-sided nature of the appeal proposal coupled with the intervening nearby trees and Infocus kiosk would avoid the proposal creating visual clutter.

*Movement along the pavement or pedestrian footway* - The replacement Kiosk would be relocated closer to the kerb line thereby freeing up clear footway and would achieve better alignment with nearby street furniture. The proposal would therefore improve footway conditions for pedestrians.

- 9.33 The proposed advertising display would be viewed in what are predominantly commercial surroundings near Euston Station, alongside a busy road with constant vehicular and pedestrian traffic, against and adjoining modern commercial frontage development, and among other street furniture which includes roadside digital advertising. In this context, the proposed display would appear as an appropriate form of development, would be in scale and in keeping with features that characterize the locality, and would assimilate well in the wider streetscape. It would therefore reflect rather than harm the amenity, character and appearance of the locality in accordance with Local Plan Policies D1, D4 and relevant Camden Planning Guidance. For the same reasoning, the proposal would preserve the setting of the nearby listed building.

#### Comments on the LPA Delegated Report

- 9.34 Para. 7.5 of the Delegated Report in relation to Camden Planning Guidance states, *"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."*

**Appellant response** – The locality is predominantly commercial and there are no residential properties in the vicinity of the appeal site. The Council states the advertisement is not located at a typical shop fascia level. However, the Council have already granted consent for a similar form of street level digital advertising in the locality, the BT kiosk. The appeal proposal is therefore not uncharacteristic of the locality.

Address: **Telephone Kiosk outside 100-118 Euston Road, London, NW1 2AJ**  
Proposal: **Illuminated digital advertisement display integrated within replacement Telephone Kiosk**  
LPA Ref: **2019/4406/A**

9.35 The LPA refused the application for the following reason:

*“The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the area and wider streetscene, contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017.”*

9.36 Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.” (our emphasis)*

9.37 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”* The Council will support advertisements that *“a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas.”*

9.38 We have addressed above the scale of the proposed advertisement and the proposed method of illumination. We turn now to location and prominence related issues specific to the appeal.

- 9.39 As noted in section 8.0 earlier, the appeal site is located on the Euston Road between King's Cross and Euston, areas identified in Local Plan Policy G1 as "*growth areas*" where development is expected to be concentrated.
- 9.40 The locality containing the appeal site is predominantly commercial in character and appearance dominated by the modern multi-storey Pullman London St. Pancras hotel. The immediate adjoining frontage comprises the hotel with its modern frontage features and associated signage. The area's predominantly commercial character is accentuated by the extremely and ever busy adjoining Euston Road, which in linking King's Cross, Euston and beyond, is busy with vehicular and pedestrian traffic throughout the day and night.
- 9.41 Reflecting the area's commercial and movement-corridor character, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks, street light poles and so on. It features also public realm advertising in the form of internally illuminated 6-sheet advertising within nearby bus shelters, located outside 135 Euston Road opposite the appeal site, and outside the British Library, east of the appeal site. We note that with the bus shelter opposite the appeal site outside 135 Euston Road, the Council granted advertisement consent for the display of 2x internally illuminated digital displays in March 2017 (LPA Ref: 2017/0280/A).
- 9.42 The locality is not within a Conservation Area. The nearest listed building is The Rocket public house at the corner of Chalton Street and Euston Road, west of the appeal site.
- 9.43 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found nearby as well as being evident across central London.
- 9.44 As noted above, similar forms of illuminated digital advertising exist in the locality, reflecting the busy, commercial nature of the area. The proposed form of digital advertisement would not, therefore, be uncharacteristic of the surrounding area. In addition, as there are no other examples of this type of advertisement on this side of the road in the vicinity of the subject kiosk, the proposal would not create visual clutter.
- 9.45 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, "*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.*"

*Physical clutter* – There is already a structure at the appeal site, the existing kiosk. Therefore, the replacement kiosk would not create or contribute to physical clutter.

*Visual clutter* - There are no other examples of this type of advertisement on this side of the road in the vicinity of the subject kiosk. Therefore the proposal would not create visual clutter.

*Movement along the pavement or pedestrian footway* - The replacement kiosk would occupy the footprint of the existing kiosk with the slightly wider section thereof (compared to the existing kiosk) on the building as opposed to footway side. It would therefore leave the footway and pedestrian conditions unaltered.

- 9.46 The proposed display would be viewed in what are predominantly commercial surroundings, alongside a busy movement corridor with constant vehicular and pedestrian traffic, against and adjoining modern commercial frontage development, among other street furniture some of which features roadside digital and internally illuminated advertising. In this context, the proposed display would appear as an appropriate form of development, would be in scale and in keeping with features that characterize the area surrounding, would assimilate well in the wider streetscape, and therefore would reflect rather than harm the amenity, character and appearance of the locality in accordance with Local Plan Policies D1 and D4, and relevant Camden Planning Guidance.

#### Comments on the LPA Delegated Report

- 9.47 Para. 5.7 of the Report references chapter 4 of CPG (Amenity) which 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.”* (our emphasis) Para. 5.8 adds, *“As the advertisements are not located at a typical shop fascia level and would be illuminated, they can appear visually obtrusive and would have the potential to cause light pollution to neighbouring residential properties.”* (our emphasis)

***Appellant response*** – There are no residential properties in the locality.

- 9.48 Para. 5.8, acknowledging that the proposal includes a light sensor which restricts the brightness of the display to 280cd/m<sup>2</sup> max. during periods of darkness, states *“the fact that the panel has the potential to operate with a maximum luminance level of up to 2500 cd/m<sup>2</sup> could result in excessive brightness, light spillage and glare.”*

***Appellant response*** – As per the Specification included with the application, the proposed display is “A direct sunlight readable LCD (up to 2500 cd/m<sup>2</sup>)”. As per this description, the max. luminance up to 2500 cd/m<sup>2</sup> relates to direct sunlight conditions during the day, when ambient light is high.

The authority document addressing brightness of illuminated advertisements is ‘The Institute of Lighting Professionals Professional Lighting Guide 05, The Brightness of Illuminated Advertisements’. This includes in Table 4 therein recommended maximum luminance values for advertisements up to or over 10sq.m in area, during the night, in five zones ranging from Zone E0 (Protected, Dark environments) to Zone E4 (Urban, High district brightness) (our underlining). Relevant parts of Table 4 are reproduced

below.

Zone	Surrounding	Lighting environment	Examples	Table 4: Maximum recommended luminance (cdm.sq) during the night. Displays up to 10sq.m
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations	400
E3	Suburban	Medium district brightness	Small town centres or suburban locations	600
E4	Urban	High district brightness	Town/city centres with high levels of night time activity	600

The locality containing the appeal site can be described as an E4 Urban High district brightness environment in which the recommended maximum luminance for advertisements up to 10sq.m in area during the night is 600 cdm.sq. As noted above, during periods of darkness, the display's illumination is restricted to 280 cdm.sq maximum, which is well within the recommended maximum, less than half in fact. The appeal advertising display is therefore in accordance with guidance set by the Institute of Lighting Engineers.

The Lighting Guide does not contain recommended maximum levels of brightness for displays during the day. In respect of day time use of digital screens, the Lighting Guide states, *"Media screens that may be effective during the day are likely to exceed the night time luminance limits. They will require a system that controls luminance accordingly."* As noted above, the proposal includes a light sensor, and we confirm that the sensor restricts brightness through the day as well as during periods of darkness. The Guide adds, *"The limit of luminance to be imposed as a condition of consent should be determined by relating the details of the application to Table 4 of this Report."*

The only other reference in the ILP Guide to maximum brightness levels for displays during the day is a series of Notes beneath Table 4. The first of these states, *"1. For digital signs when the content may change then the rate of change should be limited to once every five seconds. Moving images, animation, video or full motion images should not be displayed at locations where they could present a hazard for example if they could be seen by drivers in moving traffic. During the daytime sign luminance should never exceed 5,000cdm-2."* (our emphasis) The proposal is therefore in full accordance with guidance set by the Institute of Lighting Engineers.

- 9.49 Para. 5.8 of the Delegated Report states also, *"It is noted that the proposals include a 24inch LCD display panel on the front elevation of the kiosk (providing interactive wayfinding capability) which has a luminance level of up to 1500 cd/m<sup>2</sup>. This could result in an additional nuisance in terms of excessive luminance levels and it is not clear from the information provided whether this is also controlled by a light sensor."*

**Appellant response** – We confirm that the 24inch LCD display panel also includes a light sensor which restricts brightness to 280cd/m<sup>2</sup> max. during periods of darkness, in line with the ILP Guide.

- 9.50 Para. 5.14 of the Report states *“The installation of the proposed telephone kiosk in this location would therefore add further street clutter to the streetscene, contrary to the aims of the committed scheme and the resulting reduction in the footway width may discourage active travel.”*

**Appellant response** – The proposal is to replace an existing structure therefore would not add further street furniture. Contrary to the Council’s claim, the proposal would not result in a reduction in the footway.

- 9.51 Para. 5.16 of the Report references the planning appeal outside Fitzroy House, 355 Euston Road, London NW1 3AL (Appeal A Ref: APP/X5210/W/18/3195370) where the proposed kiosk was found to impinge on the main pedestrian flow and hamper free movement of pedestrians.

**Appellant response** – The appeal referenced was for a new/additional telephone kiosk. The subject appeal is materially different in that it is to replace an existing kiosk.

**Address:** Telephone Kiosk outside 164-167 Tottenham Court Road, London  
**Proposal:** Illuminated digital advertisement display integrated within replacement Telephone Kiosk  
**LPA Ref:** 2019/4927/A

- 9.52 The LPA refused the application for the following reason:

*“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.”*

- 9.53 Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- e. *comprises details and materials that are of high quality and complement the local character;*
- f. *integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.”* (our emphasis)

- 9.54 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, ... and locally listed heritage assets.”*
- 9.55 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”* The Council will support advertisements that *“a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas.”*
- 9.56 We have addressed above the scale of the proposed advertisement and the proposed method of illumination. We address now location and prominence related issues specific to the appeal.
- 9.57 The appeal site is on Tottenham Court Road, an identified *“growth area”* in Local Plan Policy G1 where development is expected to be concentrated.
- 9.58 Tottenham Court Road is one of the Borough’s key commercial thoroughfares, the character and appearance of which is accentuated by the constantly busy road itself. The road was recently converted from one to two-way, works that also involved pavement widening. The appeal site locality is therefore predominantly commercial in character and appearance and therefore of the kind where roadside advertising may be acceptable. The adjacent ground floor frontage consists of modern shop fronts featuring modern features and associated signage, some of which is internally illuminated.
- 9.59 Reflecting the commercial character and movement-corridor nature of the locality, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks, lamp poles and so on. The principle of roadside advertising in the area surrounding is established by the digital 6-sheet advertising displays within the bus shelter o/s 171 Tottenham Court Rd, and the free-standing internally illuminated 6-sheet advertising display o/s 110-113 Tottenham Court Rd (Halifax building society), north of the appeal site.
- 9.60 The appeal site is within Bloomsbury Conservation Area. There are no listed buildings in the vicinity of the appeal site.
- 9.61 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found nearby as well as being evident across central London.
- 9.62 As noted above, similar forms of illuminated digital advertising exist in the locality, reflecting the busy commercial nature of the area. The proposed form of digital

advertising would not therefore be uncharacteristic of the area. Moreover, the physical distance between the appeal site and the bus shelter to the south (containing advertising) is sufficient to avoid the proposal creating unacceptable visual clutter.

- 9.63 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*

*Physical clutter* – The relocation site o/s 164-167 was agreed with the Council's Principal Transport Planner in May 2018, and approved internally within the Council subject to completing a S.278 agreement for kiosk removal, tree planting and cleaning and maintenance. Agreement was reached then because the proposal is to replace two existing kiosks, albeit located on the opposite side of the road from the appeal site. Therefore, in the immediate locality, the replacement kiosk would not add to physical clutter.

*Visual clutter* - The physical distance between the appeal site and the bus shelter to the south (containing advertising) is sufficient to avoid the proposal creating unacceptable visual clutter.

*Movement along the pavement or pedestrian footway* - As per the Site Plan accompanying the application, there would be 6.3m clear usable unobstructed footway between the proposed kiosk and the building line. The updated Site Plan included with this appeal (updated to show the completed public realm works) shows that the proposed kiosk would combine / bunch with the nearby street light pole – as per Camden's Streetscape Design Manual - within the street furniture zone alongside the kerb line. The proposal complies with the Streetscape Design Manual, which indicates 3m minimum clear footway for busy pedestrian streets.

- 9.64 The proposed advertising display would be viewed in what are predominantly commercial, movement-corridor surroundings alongside Tottenham Court Road, amongst high levels of vehicular and pedestrian traffic, adjoining modern commercial frontage development featuring modern shop fronts and signage, among the usual street furniture found in areas of this kind some of which features digital and internally illuminated roadside advertising. In this context, the proposed display would appear as an appropriate form of development, would be in scale and in keeping with features that characterize the area surrounding, and would therefore reflect rather than harm the amenity, character and appearance of the locality, within the Conservation Area. The proposal would therefore accord with Local Plan Policies D1, D2 and D4, and relevant Camden Planning Guidance.



**Address:** Pavement outside 216-217 Tottenham Court Road, London  
**Proposal:** Illuminated digital advertisement display integrated within replacement Telephone Kiosk  
**LPA Ref:** 2019/4928/A

9.65 The LPA refused the application for the following reason:

*“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.”*

9.66 Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.”* (our emphasis)

9.67 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, ... and locally listed heritage assets.”*

9.68 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”* The Council will support advertisements that *“a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas.”*

9.69 We have addressed above the scale of the proposed advertisement and proposed method of illumination. We address now location and prominence related issues specific to the appeal.

9.70 The appeal site is on Tottenham Court Road, an identified *“growth area”* in Local Plan Policy G1 where development is expected to be concentrated.

9.71 Tottenham Court Road is one of the Borough’s key commercial thoroughfares, the character and appearance of which is accentuated by the constantly busy road itself. The road was recently converted from one to two-way, works that included pavement widening. The appeal site locality is therefore predominantly commercial in character

and appearance and therefore of the kind where roadside advertising may be acceptable. The adjacent ground floor commercial frontage consists of modern shop fronts with therefore modern features and signage, some of which is internally illuminated.

- 9.72 Reflecting the commercial character and movement-corridor nature of the locality, the locality features the usual street furniture including bus shelters, telephone kiosks, tree planters and so on. The locality features also roadside public realm advertising, this in the form of the digital 6-sheet advertising displays at the nearby bus shelter, located outside 204-208 Tottenham Court Rd, north of the appeal site.
- 9.73 The appeal site is within Bloomsbury Conservation Area. There are however no listed buildings in the vicinity of the appeal site.
- 9.74 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found nearby as well as being evident across central London.
- 9.75 As noted above, similar forms of illuminated digital advertising exist in the locality, reflecting the busy commercial nature of the area. The proposed form of digital advertising would not therefore be uncharacteristic of the area. The physical distance between the appeal site and the above-mentioned bus shelter o/s 204-208 would also ensure unacceptable visual clutter is avoided.
- 9.76 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*

*Physical clutter* - The relocation site o/s 216-217 was agreed with the Council's Principal Transport Planner in May 2018, and approved internally within the Council subject to completing a S.278 agreement for kiosk removal, tree planting and cleaning and maintenance. Agreement was reached then because the proposal is to replace two existing kiosks, albeit located o/s nearby 204-208 Tottenham Court Rd, a short distance north of the appeal site. Therefore, in the immediate locality, the replacement kiosk would not add to physical clutter.

*Visual clutter* - The physical distance between the appeal site and the above-mentioned bus shelter advertising o/s 204-208 would ensure unacceptable visual clutter is avoided.

*Movement along the pavement or pedestrian footway* - As per the Site Plan accompanying the application, the clear usable unobstructed footway between the proposed kiosk and the building line would be 3.7m; in excess of the 3m minimum set by the Council's Streetscape Design Manual. In addition, as per the updated Site Plan included with this appeal (updated to show completed public realm works) the

proposed kiosk would be within the ‘street furniture zone’ of the pavement, nearby and in alignment with the new planter, demonstrating the benefits of ‘*combining*’ or ‘*bunching*’ street furniture. The proposal would therefore have minimal impact on footway conditions.

- 9.77 The proposed advertising display would be viewed in what are predominantly commercial, movement-corridor surroundings alongside Tottenham Court Road, amongst high levels of vehicular and pedestrian traffic, adjoining modern commercial frontage development featuring modern shop fronts and signage, among the usual street furniture found in areas of this kind some of which features digital roadside advertising. In this context, the proposed display would appear as an appropriate form of development, would be in scale and in keeping with features that characterize the area surrounding, and would therefore reflect rather than harm the amenity, character and appearance of the locality, within the Conservation Area. The proposal would therefore accord with Local Plan Policies D1, D2 and D4, and relevant Camden Planning Guidance.

**Address:** Pavement outside 23-24 Tottenham Court Road, London  
**Proposal:** Illuminated digital advertisement display integrated within replacement Telephone Kiosk  
**LPA Ref:** 2019/4894/A

- 9.78 The LPA refused the application for the following reasons:

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

- 9.79 Policy D1 ‘Design’ in relation to amenity states, “*The Council will seek to secure high quality design in development*” and “*will require that development*” inter alia:

- a. *respects local context and character;*
- b. *preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- e. *comprises details and materials that are of high quality and complement the local character;*

*f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage."*

9.80 Policy D4 'Advertisements' states, *"the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail."* The Council will support advertisements that *"a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas."*

9.81 Policy A1 'Managing the impact of development' states, *"the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will: a. seek to ensure that the amenity of communities, occupiers and neighbours is protected; b. 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; c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and d. require mitigation measures where necessary."*

9.82 Policy T1 'Prioritising walking, cycling and public transport' states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments:

- "a. improve the pedestrian environment by supporting high quality public realm improvement works;*
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;*
- c. are easy and safe to walk through ('permeable');*
- d. are adequately lit;*
- e. provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate; and*
- f. contribute towards bridges and water crossings where appropriate."* (our emphasis)

9.83 We have addressed above the scale of the proposed advertisement and proposed method of illumination. We address now location and prominence related issues specific to the appeal.

9.84 The appeal site is on Tottenham Court Road, an identified *"growth area"* in Local Plan Policy G1 where development is expected to be concentrated.

9.85 Tottenham Court Road is one of the Borough's key commercial thoroughfares, the character and appearance of which is accentuated by the constantly busy road. The

road was recently converted from one to two-way, works that included pavement widening. The appeal site locality is therefore predominantly commercial in character and appearance and therefore of the kind where roadside advertising is typically acceptable. The adjacent commercial frontage consists of continuous modern ground floor commercial/retail units with therefore modern shop fronts and signage. The appeal site is not in Conservation Area and there are no listed buildings in the vicinity of the site.

- 9.86 Reflecting the commercial character and movement-corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, tree planters and so on, some of which has been reconfigured as part of the West End Project. Further reflecting the commercial character and movement-corridor nature of the area, the locality features roadside advertising, this is the form of a free-standing internally illuminated 6-sheet advertising display o/s 28-29 Tottenham Court Rd, a site where we note consent was granted by the Council in August 2018 for a replacement free-standing digital advertising unit (LPA Ref: 2018/0516/A).
- 9.87 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found nearby as well as being evident across central London.
- 9.88 As noted above, similar forms of internally illuminated and now consented digital advertising exist in the locality, reflecting the busy commercial nature of the area. The proposed form of digital advertising would not therefore be uncharacteristic of the area. While present in the locality, the physical distance between the appeal site and the above-mentioned free-standing internally illuminated 6-sheet advertising display o/s 28-29 Tottenham Court Rd (consented for change to digital advertising) is sufficient (circa 50m separation) to ensure visual clutter is avoided.
- 9.89 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*

*Physical clutter* - The proposal is to replace two existing kiosks with a single kiosk. Therefore, the proposal would not create or contribute to physical clutter.

*Visual clutter* - As noted above, the physical distance between the appeal site and the above-mentioned free-standing internally illuminated 6-sheet advertising display o/s 28-29 Tottenham Court Rd (consented for change to digital advertising) is sufficient (circa 50m separation) to ensure visual clutter is avoided.

*Movement along the pavement or pedestrian footway* – The proposal, including relocating the replacement kiosk approx. 3m north of the existing kiosks, was agreed in May 2018 with the Council's Principal Transport Planner. As per the Site Plan included

with the application, the existing kiosks are unnecessarily far from the kerb line (1005mm) and alongside a nearby tree. The replacement kiosk would be relocated approx. 3m north of the existing kiosks, 500mm from the kerb line. This being the case, the proposal would free up footway thereby improving footway conditions for pedestrians.

- 9.90 The proposed advertising display would be viewed in what are predominantly commercial, movement-corridor surroundings alongside Tottenham Court Road, amongst high levels of vehicular and pedestrian traffic, adjoining modern commercial/retail frontage development featuring modern shop fronts and signage, among the usual street furniture found in areas of this kind some of which features integrated roadside advertising. In this context, the proposed display would appear as an appropriate form of development, would be in scale and in keeping with features that characterize the area surrounding, and would therefore reflect rather than harm the amenity, character and appearance of the locality. The proposal would therefore accord with Local Plan Policies D1, D4 and relevant Camden Planning Guidance.
- 9.91 The reasons of refusal raise a public safety objection; *“The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce a distraction to traffic and pedestrians and obscure visibility of the traffic signals or any road signs near the junction with Stephen Street, causing harm to highway and public safety.”*
- 9.92 With public safety related objections, the normal practice is for these to be based on objections raised by the Council and/or outside agency responsible for highways safety. In this case, however, we note that Transport for London in their consultation response to the application raised ‘No objection’. In relation to the Council’s Transport Strategy response (in conjunction with the Council Highways Team), while the Delegated Report states that objection is raised, the detail of the response indicates that Transport Strategy in conjunction with the Council Highways Team does not object to the application. This makes perfect sense, given that the appeal proposal was agreed with the Council’s Principal Transport Planner in May 2018, when the then prior approval application was under consideration.
- 9.93 We reproduce below Transport Strategy’s response within the Delegated Report on the issue raised in the 2<sup>nd</sup> reason of refusal:

*“There is potential for glare from the proposed digital sign to be hazardous to road users between dusk and dawn. However, illumination levels can be controlled by condition as per guidance. The proposal would not therefore constitute a significant distraction or hazard to road users and would be acceptable in transport terms subject to standard conditions being attached to any consent. A further condition should be imposed, requiring the exact location of the sign to be agreed with the Council’s West End Project Team prior to implementation. This is necessary to allow for amended kerb lines to be delivered via the West End Project, while also allowing*

*for the offset requirement of 0.5 metres in accordance with Camden's Streetscape Design Manual."* (our emphasis)

- 9.94 On this issue, we believe that the Inspector can rely safely on the feedback of TfL and the Council's own Transport Strategy team (in conjunction with the Council Highways Team) that the proposal would not constitute a significant distraction or hazard to highway users and would be acceptable in transport terms, subject to the standard conditions being attached to any consent.

The Council provided feedback on the various applications in email correspondence dated 19 November 2019. In relation to this application and related planning application (LPA Ref: 2019/4100/P) the Council stated, *"the proposed location would obstruct the view of vehicles exiting Stephen Street."* The appellant responded stating that it would be happy for the replacement kiosk to remain on the footprint of the existing kiosks. To assist the appeal process, and to give the Inspector the option either way, we include with the appeal a revised Site Plan showing the replacement kiosk on the footprint of the existing kiosks. This is attached as an Appendix to the appeal. The inclusion of this revised Site Plan notwithstanding, the proposal remains essentially what was considered by the local planning authority.

#### Comments on the LPA Delegated Report

- 9.95 Para. 7.5 of the Report states, *"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."* Para. 7.6 of the Report adds, *"... the proposed advertisement would therefore form an incongruous addition which adds to visual clutter in this area contrary to the aims of the Fitzrovia Area Action Plan, serving to harm the character and appearance of the area."*

**Appellant response** – As noted above, reflecting the commercial character and movement-corridor nature of the area, the locality features roadside advertising in the form of a free-standing internally illuminated 6-sheet advertising display o/s 28-29 Tottenham Court Rd, a site where consent was granted by the Council in August 2018 for a replacement free-standing digital advertising unit (LPA Ref: 2018/0516/A). The locality therefore already features roadside advertising i.e. advertising beyond that at shop fascia level. The proposed advertisement would not therefore be an "incongruous addition" to the locality, as claimed by the Council.

**Address:** Pavement outside 55-59 New Oxford Street, London  
**Proposal:** Illuminated digital advertisement display integrated within replacement Telephone Kiosk  
**LPA Ref:** 2019/4679/A

9.96 The LPA refused the application for the following reason:

*“The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the area and wider streetscene, and the wider Bloomsbury Conservation Area contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.”*

9.97 Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.”*

9.98 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, ... and locally listed heritage assets.”*

9.99 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”* The Council will support advertisements that *“a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas.”*

9.100 We address above the scale of the proposed advertisement and proposed method of illumination. We address now location and prominence related issues specific to the appeal.

9.101 New Oxford Street is a key commercial thoroughfare linking Oxford Street and Tottenham Court Rd in the west with Holborn to the east. The appeal site locality is therefore predominantly commercial in character and appearance, this character further accentuated by the movement-corridor nature of the locality. The appeal site adjoins a modern high-rise commercial development comprising Nos. 55-59 New Oxford Street. The appeal site is also within Bloomsbury Conservation Area, while the



nearest listed building is No. 53 New Oxford Street, which is Grade II\* listed.

9.102 Reflecting the commercial character and movement-corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks and so on, some of which contains integrated roadside advertising. The latter includes the digital and internally illuminated 6-sheet advertising displays at nearby Bus Shelters west of the appeal site, located o/s 80-110 New Oxford Street on the north side of the road (granted advertisement consent in March 2017 for display of 1x internally illuminated digital screen facing inwards to the shelter (LPA Ref: 2017/0116/A), and on the south side of road, o/s 77-91 New Oxford Street, granted advertisement consent also in March 2017 for display of 1x internally illuminated digital screen facing inwards to the shelter (LPA Ref: 2017/0114/A). The bus shelter o/s 80-110 New Oxford Street is also within Bloomsbury Conservation Area.

9.103 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found nearby as well as being evident across central London.

9.104 As noted above, similar forms of digital and internally illuminated advertising exist in the locality, reflecting the busy commercial nature of the area. The proposed form of digital advertising would not therefore be uncharacteristic of the area. In addition, the physical distance between the appeal site and the above-mentioned bus shelter display o/s 77-91 New Oxford Street is sufficient (at approx. 70m) to ensure visual clutter is avoided.

9.105 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*

*Physical clutter* - The proposal is to replace an existing kiosk with a single kiosk. Therefore, the proposal would not create or contribute to physical clutter.

*Visual clutter* - As noted above, the physical distance between the appeal site and the nearest other roadside advertising, the bus shelter display o/s 77-91 New Oxford Street, is sufficient (at approx. 70m) to ensure visual clutter is avoided.

*Movement along the pavement or pedestrian footway* – This proposal was agreed with the Council's Principal Transport Planner in May 2018, in connection with the then prior approval applications.

As per the Site Plan included with the application, the replacement kiosk would be resited closer to the recently completed new pavement line, 450mm to comply with TfL requirements. In so doing, the proposal would free-up and thereby improve footway conditions for pedestrians.

9.106 The proposed advertising display within the host kiosk would be viewed in what are predominantly commercial movement-corridor surroundings, adjoining modern commercial frontage development, among high levels of vehicular and pedestrian traffic, and among other street furniture typical of areas of this kind some of which features integrated roadside advertising. In this context, the proposed display would appear as an appropriate form of development, would be in scale and in keeping with features that characterize the area surrounding, and would therefore reflect rather than harm the amenity, character and appearance of the locality, within the Conservation Area. For the same reasons, the proposal would preserve the setting of the nearby listed building. The proposal would therefore accord with Local Plan Policies D1, D2 and D4 and relevant Camden Planning Guidance.

**Address:** Pavement outside 111 High Holborn, London

**Proposal:** Illuminated digital advertisement display integrated within replacement Telephone Kiosk

**LPA Ref:** 2019/4486/A

9.107 The LPA refused the application for the following reason:

*“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, and the wider Bloomsbury Conservation Area contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.”*

9.108 Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.”*

9.109 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, ... and locally listed heritage assets.”*

9.110 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”* The Council will support

advertisements that *“a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas.”*

- 9.111 We address above the scale of the proposed advertisement and proposed method of illumination. We address now location and prominence related issues specific to the appeal.
- 9.112 The appeal site is within a predominantly commercial area in character and appearance, which is characteristic of this part of High Holborn. It is alongside High Holborn (the A40), an extremely busy one way connecting gyratory, which is busy with vehicular and pedestrian activity throughout the day and night. As acknowledged by the Council, it is the type of area where roadside advertising is generally acceptable.
- 9.113 The appeal site is on the very edge of Bloomsbury Conservation Area. While it is not adjacent to a listed building, we note that there are two listed buildings nearby, at 114-115 High Holborn (west of the appeal site) and 233 High Holborn, on the opposite side of the road.
- 9.114 The ground floor frontage adjoining the appeal site consists of continuous commercial outlets featuring modern shop fronts and associated signage, some of which is internally illuminated.
- 9.115 Reflecting the commercial character and movement-corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture includes integrated roadside advertising, this being the digital and internally illuminated 6-sheet displays within the nearby bus shelter, o/s 247-261 High Holborn, on the south side of the road (LPA Ref: 2017/0291/A, granted in March 2017), the double-height free-standing advertising unit o/s 242-246 High Holborn, also on the opposite side of the road, and the digital advertising BT In-Link kiosk located outside 81 High Holborn (LPA Ref: 2017/0451/P, granted in May 2017), east of the appeal site.
- 9.116 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found nearby as well as being evident across central London.
- 9.117 As noted above, similar forms of digital and internally illuminated advertising exist in the area surrounding, reflecting the busy commercial and movement corridor nature of the area. The proposed form of digital advertising would not therefore be uncharacteristic of the area. Moreover, with there being no other roadside advertising displays along this stretch of High Holborn, the proposal would not lead to visual clutter.

- 9.118 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*

*Physical clutter* - The proposal is to replace two existing kiosks with a single kiosk. Therefore, the proposal would not create or contribute to physical clutter.

*Visual clutter* - As noted above, with there being no other roadside advertising displays along this stretch of High Holborn, the proposal would not lead to visual clutter.

*Movement along the pavement or pedestrian footway* – As per the Site Plan included with the application, the proposal is to relocate the replacement kiosk to within 450mm of the new pavement/kerb line. In so doing it would free-up the currently obstructed middle section of the pavement, thereby improving footway conditions for pedestrians.

- 9.119 The proposed advertising display within the replacement kiosk would be viewed in what are predominantly commercial movement-corridor surroundings, adjoining and alongside modern commercial retail frontage, among constantly high levels of vehicular and pedestrian traffic, and among other street furniture within the area some of which features integrated roadside advertising. In this context, the proposed display would appear as an appropriate form of development, would be in scale and in keeping with features that characterize the area surrounding, and would therefore reflect rather than harm the amenity, character and appearance of the locality, within the Conservation Area. For the same reasons, the proposal would preserve the setting of the nearby listed building. The proposal would therefore accord with Local Plan Policies D1, D2 and D4 and relevant Camden Planning Guidance.

**Address:** Pavement outside 100 Southampton Row, London

**Proposal:** Illuminated digital advertisement display integrated within replacement Telephone Kiosk

**LPA Ref:** 2019/4485/A

- 9.120 The LPA refused the application for the following reasons:

1. *The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the conservation area, setting of listed buildings opposite, and wider streetscene, and the wider Bloomsbury Conservation Area contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017."*
2. *The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce a distraction to traffic and pedestrians and obscure visibility of the traffic signals or any road signs located to the south, causing harm to highway and public safety, contrary to TfL guidance, and to Local Plan*

*Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport)."*

9.121 Policy D1 'Design' in relation to amenity states, *"The Council will seek to secure high quality design in development"* and *"will require that development"* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage."*

9.122 Policy D2 'Heritage' states, *"The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, ... and locally listed heritage assets."*

9.123 Policy D4 'Advertisements' states, *"the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail."* The Council will support advertisements that *"a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas."*

9.124 We address above the scale of the proposed advertisement and proposed method of illumination. We address now location and prominence related issues specific to the appeal.

9.125 The appeal site is within Bloomsbury Conservation Area. There is a listed building in the vicinity of the appeal site, No. 73 Southampton Row, on the opposite side of the road to the appeal site. We note that Nos. 1-5 Bloomsbury Place and the ext. railings, south of the appeal site, are listed also. The foregoing notwithstanding, the area is commercial in character and appearance – at ground floor level in particular – and the retail frontage adjoining the appeal site consists of generally modern shop fronts featuring modern features and signage, some of which is internally illuminated.

9.126 Reflecting the commercial character and also movement-corridor nature of this part of Southampton Row, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks, lamp poles and so on. Some of this street furniture includes integrated roadside advertising, this being the digital and internally illuminated 6-sheet advertising displays at the bus shelter o/s 140 Southampton Row, north of the appeal site (granted consent by the Council in March 2017 (LPA Ref. 2017/0109/A), the internally illuminated 6-sheet advertising displays at the bus shelter o/s 74 Southampton Row, south of the appeal site, and the non-illuminated

advertising display within the Infocus telephone kiosk located o/s 104 Southampton Row.

- 9.127 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found nearby as well as being evident across central London.
- 9.128 As noted above, similar forms of digital and internally illuminated advertising exist in the area surrounding, reflecting the busy commercial and movement corridor nature of the area. The proposed form of digital advertising would not therefore be uncharacteristic of the area. Moreover, given the Infocus telephone kiosk located o/s 104 Southampton Row, which would obscure views towards the proposed display in many localised views, including from along the pavement north of the appeal site, the proposal would not lead to visual clutter.
- 9.129 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*

*Physical clutter* - The proposal is to replace an existing kiosk with a new kiosk. Therefore, the proposal would not create or contribute to physical clutter.

*Visual clutter* - As noted above, given the Infocus telephone kiosk located o/s 104 Southampton Row, which would obscure views towards the proposed display in many localised views, including from along the pavement north of the appeal site, the proposal would not lead to visual clutter.

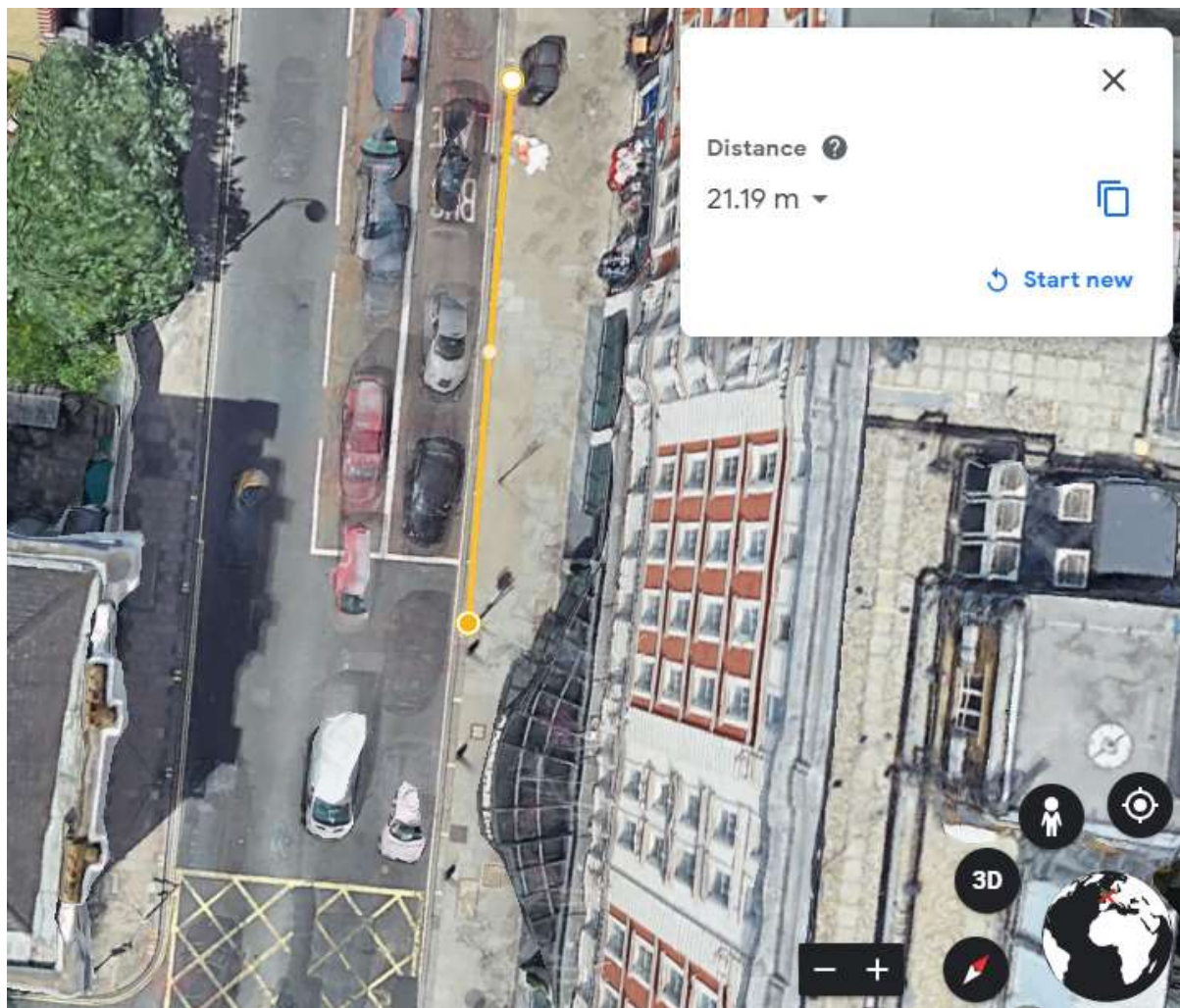
*Movement along the pavement or pedestrian footway* – As per the Site Plan included with the application, the effective footway in this location is 3,000mm wide, excluding the table/chairs zone and private forecourt o/s 102 and 100 Southampton Row. The existing kiosk is 560mm from the kerb face. The replacement kiosk would be closer to the kerb face, 450mm from the kerb face, as per TfL requirements. Therefore, 110mm of the replacement kiosk's 150mm wider width would be accommodated on the kerb side, meaning the replacement kiosk would reduce the effective footway alongside (for a very small section) by just 40mm, a very small amount. This would mean the effective footway would be narrowed for only a very small section from 3,000mm to 2,960mm, a reduction of 40mm or 1.3%.

In our view, the impact of this very minor reduction for a very small section of pavement would be immaterial.

- 9.130 The proposed advertising display within the replacement kiosk would be viewed in what are predominantly commercial movement-corridor surroundings along Southampton Row, adjoining and alongside modern commercial retail frontage, among high levels of vehicular and pedestrian traffic, and among other street furniture

within the area some of which features integrated roadside advertising, including digital. In this context, the proposed display would appear as an appropriate form of development and would be in scale and in keeping with features that characterize the area surrounding. It would therefore reflect rather than harm the amenity, character and appearance of the locality, within the Conservation Area, and preserve the setting of nearby listed buildings. The proposal would therefore accord with Local Plan Policies D1, D2 and D4 and relevant Camden Planning Guidance.

- 9.131 The second reason of refusal states, *“The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce a distraction to traffic and pedestrians and obscure visibility of the traffic signals or any road signs located to the south, causing harm to highway and public safety, contrary to TfL guidance, and to Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport).”*
- 9.132 We note that in responding to consultation on the application, Transport for London (TfL) raised No objection. This reason of refusal is based therefore on feedback from the Council’s Transport Strategy team, as detailed at para. 7.11 of the Delegated Report. This states, *“The Digital Roadside Advertising and Proposed Best Practice (commissioned by TfL) March 2013 requires digital advertising signs to be orientated to face oncoming traffic in the drivers nearside view and also advises that digital advertising signs will not normally be permitted if they are proposed within 20m of a traffic signals. While the proposed digital advertising sign would be orientated appropriately, it would be located within 20m of traffic signals to the south, and as such, would obscure visibility of the traffic signals or any road signs, and introduce a distraction to traffic and pedestrians.”*
- 9.133 As shown on the Site Plan, the advertising display within the replacement kiosk would be perpendicular to the road, facing oncoming traffic in the drivers nearside view. It would therefore accord with TfL’s ‘Guidance for Digital Roadside Advertising and Proposed Best Practice’.
- 9.134 Transport Strategy state the proposed display would be within 20 metres of traffic signals and therefore contrary to TfL guidance. This is incorrect. The proposed replacement kiosk would be 21m from the nearest traffic signal (located to the south), in accordance with TfL guidance (see below evidence of this). It would not obscure visibility of any traffic signals or any road signs and, therefore, assessed against relevant guidance, would not present a distraction to traffic and/or pedestrians.



**Address:** Pavement outside 240 Kilburn High Road, London

**Proposal:** Illuminated digital advertisement display integrated within replacement Telephone Kiosk

**LPA Ref:** 2019/4482/A

9.135 The LPA refused the application for the following reasons:

*“The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the streetscene and setting of the nearby listed building, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.”*

9.136 Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;



- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage."*

9.137 Policy D2 'Heritage' states, *"The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, ... and locally listed heritage assets."*

9.138 Policy D4 'Advertisements' states, *"the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail."* The Council will support advertisements that *"a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas."*

9.139 We address above the scale of the proposed advertising display and the proposed method of illumination. We address now location and prominence related issues specific to the appeal.

9.140 The area containing the appeal site is predominantly commercial in character and appearance making it suitable in principle for accommodating roadside advertising. This commercial character is accentuated by its location adjoining the constantly busy Kilburn High Road, an important north-south movement corridor within the Borough. The appeal site is not within Conservation Area. The nearest listed building is the National Club, No. 234 Kilburn High Rd, which is approx. 40m south of the appeal site off Grangeway.

9.141 The ground floor frontage adjoining the appeal site consists of modern commercial units featuring modern shop fronts and associated signage. Reflecting the commercial character and movement-corridor nature of the area, the area surrounding features the usual street furniture including bus shelters, telephone kiosks, bicycle racks, lamp poles and so on. Some of this street furniture in turn features integrated roadside advertising, this including the digital and internally illuminated 6-sheet advertising displays within the bus shelters near Brondesbury Station, and the internally illuminated 6-sheet displays within the bus shelter o/s 149-153 Kilburn High Rd, among others.

9.142 The proposed advertising display is an integrated part of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found along Kilburn High Road as well as being evident across London.

9.143 As noted above, similar forms of digital and internally illuminated advertising exist in the area surrounding, reflecting the busy commercial and movement corridor nature of Kilburn High Rd. The proposed form of digital advertising would not therefore be uncharacteristic of the area. Moreover, with there being no other roadside advertising in the immediate locality of this part of Kilburn High Rd, the proposal would not lead to visual clutter.

9.144 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*

*Physical clutter* - The proposal is to replace two existing kiosks with a single kiosk. Therefore, the proposal would not create or contribute to physical clutter.

*Visual clutter* - As noted above, with there being no other roadside advertising in the immediate locality of this part of Kilburn High Rd, the proposal would not lead to visual clutter.

*Movement along the pavement or pedestrian footway* – As per the Site Plan included with the application, the replacement kiosk would be sited 5m south of the existing kiosks location, side on to the road, 450mm from the kerb face. This re-siting was requested by the Council's Planning Officer in his response to the then prior approval application in 2018. In an email dated 27 April 2018, the Officer stated he was *"Minded to approve pending revised site plan for kiosk 5000mm south of current location."*

The proposed resiting would move the replacement kiosk away from the adjacent tree, thus removing the current narrowing of footway there and, as shown, the amount of clear footway alongside the replacement kiosk would be an improvement on the current kiosk arrangement.

9.145 The proposed advertising display within the replacement kiosk would be viewed in what are predominantly commercial movement-corridor surroundings along Kilburn High Road, alongside modern commercial units featuring modern shop fronts and signage, among high levels of vehicular and pedestrian traffic, and among other street furniture along the road some of which features integrated roadside advertising, including digital. In this context, the proposed display would appear as an appropriate form of development and would be in scale and in keeping with features that characterize the area surrounding. It would therefore reflect rather than harm the amenity, character and appearance of the locality and streetscene.

9.146 The nearby listed building is experienced in the main from the surroundings south of the appeal site, from the junction of Grangeway to just beyond Messina Avenue. The proposed display would not in our view impact this setting, meaning it would preserve (or leave unharmed) the setting of the nearby listed building. The proposal would therefore accord with Local Plan Policies D1, D2 and D4 and relevant Camden Planning Guidance.

Address: **Pavement outside 70-72 Kilburn High Road, London**  
Proposal: **Illuminated digital advertisement display integrated within replacement Telephone Kiosk**  
LPA Ref: **2019/4925/A**

9.147 The LPA refused the application for the following reasons:

1. *"The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce unnecessary street clutter and a distraction to pedestrians, harmful to public safety, contrary to TfL guidance, and to Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport);"*
2. *The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce unnecessary street clutter and a distraction to pedestrians, harmful to public safety, contrary to TfL guidance, and to Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport)."*

9.148 The appellant notes that reasons for refusal 1 and 2 are identical.

9.149 Local Plan Policy D1 'Design' in relation to amenity states, *"The Council will seek to secure high quality design in development"* and *"will require that development"* *inter alia*:

- a. *respects local context and character;*
- b. *preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- e. *comprises details and materials that are of high quality and complement the local character;*
- f. *integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage."*

9.150 Policy D4 'Advertisements' states, *"the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail."* The Council will support advertisements that *"a. preserve the character and amenity of the area."*

9.151 Policy A1 'Managing the impact of development' states *inter alia* the Council *"will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network."*

8.152 Policy T1 'Prioritising walking, cycling and public transport' states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. In doing so it will seek to ensure that developments:

- “a. improve the pedestrian environment by supporting high quality public realm improvement works;*
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;”*

9.153 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)

9.154 We address above the scale of the proposed advertising display and the proposed method of illumination. We turn now to location and prominence related issues specific to the appeal.

9.155 The appeal site is within Kilburn High Road town centre, an identified *“growth area”* in Local Plan Policy G1 where development is expected to be concentrated. Reflecting Policy G1, the locality containing the appeal site is predominantly commercial in character and appearance. This commercial character is accentuated by its location adjoining the constantly busy Kilburn High Road, an important north-south movement corridor within the Borough with high levels of vehicular and pedestrian traffic. The appeal site adjoins a section of three storey frontage the ground floor of which is in commercial use and features modern shop fronts and associated signage, some of which is internally illuminated. The locality is not within Conservation Area and there are no listed buildings in the vicinity of the appeal site.

9.156 Reflecting the commercial character and movement-corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture features integrated roadside advertising, this including the internally illuminated 6-sheet advertising displays within the bus shelters o/s 97 Kilburn High Rd (on the opposite side of the road) and o/s 58 Kilburn High Rd (south of the appeal site), and the double-sided digital advertising displays within the BT-InLink kiosk o/s 54-56 Kilburn High Rd, south of the appeal site, granted consent by the Council in May 2017 (LPA Ref: 2017/0454/P and 2017/0583/A).

9.157 The proposed advertising display is an integrated feature of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found along Kilburn High Road as well as being evident across London.

- 9.158 As noted above, similar forms of digital and internally illuminated advertising exist in the area surrounding, reflecting the busy commercial and movement corridor nature of Kilburn High Rd. The proposed form of digital advertising would not therefore be uncharacteristic of the area. Moreover, with the nearest other roadside advertising that is perpendicular to the road being 60m away (the BT InLink kiosk, south of the appeal site), the proposal would not lead to visual clutter.
- 9.159 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*
- 9.160 *Physical clutter* - The proposal is to replace an existing kiosk with a new kiosk. Therefore, the proposal would not create or contribute to physical clutter.
- Visual clutter* - As noted above, with the nearest other roadside advertising that is perpendicular to the road being 60m away (the BT InLink kiosk, south of the appeal site), the proposal would not lead to visual clutter.
- Movement along the pavement or pedestrian footway* – The proposal is to replace an existing kiosk, not for a new kiosk. The assessment required therefore is an analysis of proposed siting considerations versus the existing arrangement.
- Two Site Plans are included with the application documentation; one showing the proposal with the current highway layout (Rev. D), and the other showing the proposal if / when planned highway works go ahead (Rev. C). For information, both proposals were prepared in consultation and agreement with the Council's Principal Transport Planner, Steve Cardno in May 2018 in connection with the then prior approval application.
- With the current highway layout (Rev. D), the replacement kiosk would occupy a position abutting the existing kiosk footprint, continuing the alignment of existing street furniture. The clear footway alongside the replacement kiosk would be 3100mm, 200mm wider than the existing 2900mm wide footway alongside the existing kiosk, representing an improvement for pedestrians.
- If / when planned highway works take place (Rev. C), the replacement kiosk would be relocated (at the appellant's expense) to a location 600mm from the new kerb face (meeting the TfL standard), with the clear footway alongside being 4700mm. Under this scenario also, the proposal would be acceptable, reflecting the agreement reached with the Council's Principal Transport Planner in 2018.
- 9.161 The proposed advertising display within the replacement kiosk would be viewed in what are predominantly commercial movement-corridor surroundings alongside Kilburn High Road, adjoining three storey frontage the ground floor of which is fully commercial and features modern shop fronts and signage, some of which is internally illuminated, among high levels of vehicular and pedestrian traffic, and among other street furniture along the road some of which features integrated roadside advertising, including digital. In this context, the proposed display would appear as an appropriate form of development and would be in scale and in keeping with features

that characterize the area surrounding. It would therefore reflect rather than harm the amenity, character and appearance of the locality and streetscene. The proposal would therefore accord with policies D1 and D4 of the Camden Local Plan 2017.

- 9.162 The reasons for refusal state the proposed advertisement would introduce *“a distraction to pedestrians, harmful to public safety, contrary to TfL guidance, and to Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport).”*
- 9.163 In assessing this issue, we look first at the Delegated Report on the application. Page 4 thereof includes feedback from the Council’s Transport Team. Objection is raised but on the basis that *“should the Kiosk be installed prior to the proposed widening on the footway, it would be ‘stranded’ in the middle of the footway causing a significant hazard to the visually impaired and impede the flow of pedestrian movement”*, and because the effective footway width *“would be reduced to 2.9m.”* As demonstrated in section 8 earlier, both claims are incorrect. Should the replacement kiosk be installed prior to the proposed widening of the footway, it would occupy a position abutting the existing kiosk footprint, 450mm from the kerb line, and the clear/effective footway alongside it would be 3100mm, 200mm wider than the existing 2900mm wide footway alongside the existing kiosk. It would therefore improve conditions for pedestrians.
- 9.164 We note that no objection is raised by the Council Transport Team claiming the proposal would introduce a distraction to pedestrians, harmful to public safety.
- 9.165 As noted above, the appellant worked closely with the Council’s Principal Transport Planner during 2018, in connection with the then prior approval applications. In email correspondence to the appellant dated 10<sup>th</sup> May 2018, the Principal Transport Planner confirmed in relation to this upgrade proposal o/s 70-72 Kilburn High Rd, *“The digital advertising sign is to face southbound traffic. The new kiosk is to be offset from the kerb by 450 mm.”*
- 9.166 Pages 4 and 5 of the Report set out Transport for London’s observations on the application, and they make a similar observation about the inclusion of two Site Plans with the application. Explanation addressing this matter though is provided by the Officer who states, *“Two Site Plans are included with the application because this part of Kilburn High Road is the subject of planned road/public realm works. The two Site Plans illustrate the proposal pre- and post these works.”*
- 9.167 We note also that TfL do not raise objection claiming the proposal would introduce a distraction to pedestrians, harmful to public safety.
- 9.168 The proposed advertising display within the replacement kiosk would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found along Kilburn High Road as well as being evident across London, especially in predominantly commercial areas. Similar forms of digital and

internally illuminated advertising exist in the area surrounding, reflecting the busy commercial and movement corridor nature of the locality, meaning it would not be uncharacteristic of the area. For these reasons, it would not in our view present “a distraction to pedestrians, harmful to public safety.”

#### Comments on LPA Delegated Report

- 9.169 Para. 6.5 of the Report states, “As the advertisement is not located at a typical shop fascia level and would be internally illuminated, it would appear visually obtrusive.” Para. 6.6 adds, “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 form an incongruous addition to this part of the streetscene, serving to harm the character and appearance of the area.”

**Appellant response** – In May 2017, the Council consented double-sided digital advertising displays within the tall BT-InLink kiosk o/s 54-56 Kilburn High Rd, approx. 60m south of the appeal site (LPA Ref: 2017/0454/P and 2017/0583/A). These advertisements are also not located at a typical shop fascia level and are digitally illuminated, but were considered acceptable and consented by the Council.

Given the existence in the area surrounding of digital and internally illuminated roadside advertising displays, the Council cannot claim that “the proposed display would be an incongruous [not in keeping or out of place] addition” to the area.

Address: **Pavement outside 197 Kentish Town Road, London**  
Proposal: **Illuminated digital advertisement display integrated within replacement Telephone Kiosk**  
LPA Ref: **2019/4481/A**

- 9.170 The LPA refused the application for the following reasons:

*“The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the streetscene and setting of the adjacent and nearby locally listed buildings, contrary to policy D3 of the Kentish Town Neighbourhood Plan 2016, and policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.”*

- 9.171 Policy D3 of the Kentish Town Neighbourhood Plan 2016 sets out ‘Design principles’ and criteria relevant to “Applications for the development of new and the redevelopment of existing buildings (which may include demolition, alteration, extension or refurbishment).” It is not therefore relevant to this appeal.

- 9.172 Local Plan Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:
- a. respects local context and character;*
  - b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
  - e. comprises details and materials that are of high quality and complement the local character;*
  - f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.”*
- 9.173 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings.”*
- 9.174 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”* The Council will support advertisements that *“a. preserve the character and amenity of the area.”*
- 9.175 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*
- e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
  - f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)
- 9.176 We address above the scale of the proposed advertising display and the proposed method of illumination. We turn now to location and prominence related issues specific to the appeal.
- 9.177 The appeal site was one of the sites put to the Council in the pre-planning enquiry in 2016. In the September 2016 response note, the Council stated as follows:

*“o/s 197 Kentish Town Rd*

*6.32 This particular site is not in a conservation area, adjacent to a listed building, or within a residential area. Further to this, the site is within a largely commercial area. With this in mind, this is the type of site where the principle of roadside advertising may be considered acceptable. The applicant will however be required to demonstrate*



*that the proposal does not affect the safety of road users and demonstrate that the proposal is acceptable in design terms.”*

- 9.178 The appeal site is within Kentish Town town centre, an identified “growth area” in Local Plan Policy G1 where development is expected to be concentrated. Reflecting Policy G1, the locality containing the appeal site is predominantly commercial in character and appearance making it the type of location where roadside advertising is often acceptable. This commercial character and appearance are accentuated by Kentish Town Road adjoining, which is constantly busy throughout the day and night with vehicular and pedestrian activity.
- 9.179 The ground floor frontage adjoining the appeal site consists of continuous units in commercial use featuring modern shop fronts and associated signage, some of which is internally illuminated. As noted above, the appeal site is not within Conservation Area, not adjacent to a listed buildings, nor is it a residential area. We note that the site adjoins a group of buildings on the local list, this being the former cinema on north side of Prince of Wales Road near junction with Kentish town Road.
- 9.180 Reflecting the commercial character and also movement corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture includes integrated roadside advertising, this including the internally illuminated 6-sheet advertising display within the bus shelter o/s Farmer’s Supermarket (175 Kentish Town Rd), south of the appeal site, and the digital advertising within the BT InLink kiosk on the opposite side of the road o/s 158 Kentish Town Rd, granted consent by the Council in May 2018, LPA Refs: 2017/2718/P and 2017/2758/A.
- 9.181 The proposed advertising display is an integrated feature of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found in the locality as well as being evident across London.
- 9.182 As noted above, similar forms of digital and internally illuminated advertising exist in the area surrounding, reflecting the predominantly commercial and movement corridor nature of Kentish Town Rd. The proposed form of digital advertising would not therefore be uncharacteristic of the area. There are no other roadside advertising displays along this side of the road in the locality meaning the proposal would not lead to visual clutter.
- 9.183 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to ‘Advertising on street furniture’. We assess now the proposal against this guidance. Para. 1.12 of the guidance states, *“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.”*

9.184 *Physical clutter* - The proposal is to replace an existing kiosk with a new kiosk. Therefore, the proposal would not create or contribute to physical clutter.

*Visual clutter* - As noted above, there are no other roadside advertising displays along this side of the road in the locality meaning the proposal would not lead to visual clutter.

*Movement along the pavement or pedestrian footway* – The proposal is to replace an existing kiosk, not for a new kiosk. The assessment required therefore is an analysis of proposed siting considerations versus the existing arrangement.

As per the Site Plan included with the application, the replacement kiosk would occupy the footprint of the existing kiosk, albeit resited slightly closer to the pavement line to meet the TfL standard. In so doing, it would continue the alignment of existing street furniture (including nearby a lamp pole, bike racks and planter) ensuring minimal impact on the clear footway alongside. In total, for a very small section alongside the replacement kiosk, the clear footway would reduce by 100mm from 2.7m to 2.6m.

The existing kiosk is a box-like, bulky structure whereas the replacement kiosk is open in design. The overall impact of the replacement kiosk on footway conditions, with its smaller less bulky footprint, would be neutral or immaterial.

We note that the Council also finds that the proposal is not considered to be harmful to pedestrian movement and comfort along the footway. See para. 5.11 of the Delegated Report in respect of ‘Highways/footpath width’ reproduced below:

*“5.11 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 4.1m. This would allow for an effective footway of 2.6m which does not accord with the recommended minimum width for high footfall locations of 3.3m as it is considered to be insufficient for a footway with high pedestrian flows (see Appendix B of Transport for London guidance document titled ‘Pedestrian Comfort Guidance for London’). However, in this particular case, the proposal is not considered to be harmful to pedestrian movement and comfort along the footway and would not obscure visibility splays to the traffic signals, nor be overly distracting to road users.”*  
(our emphasis)

9.185 The proposed advertising display within the replacement kiosk would be viewed in what are predominantly commercial movement corridor surroundings alongside Kentish Town Road, adjoining continuous ground floor commercial frontage featuring modern shop fronts and signage (some of which is internally illuminated), among high levels of vehicular and pedestrian traffic, and among other street furniture in the area some of which features integrated advertising, including digital. In this context, the proposed display would appear as an appropriate, congruent form of development and would be in scale and in keeping with features that characterize the area surrounding. It would therefore reflect rather than harm the amenity, character and appearance of the locality and streetscene. For the same reasons, the proposed display would preserve (or leave unharmed) the setting of the adjoining locally listed buildings. The proposal would therefore accord with policies D1, D2 and D4 of the

Camden Local Plan 2017.

Comments on LPA Delegated Report

- 9.186 Paras. 7.5 and 7.6 of the Delegated Report address the amenity factors. Para. 7.5 states, *“7.5 ... As the advertisement is not located at a typical shop fascia level and would be internally illuminated, it would appear visually obtrusive.”* And para. 7.6 states, *“By reason of its siting, scale, design and illumination, the proposed advertisement would therefore form an incongruous addition to this part of the streetscene, serving to harm the character and appearance of the area.”*

**Appellant response** – As noted above, some street furniture in the area surrounding features integrated roadside advertising, including digital. This includes the BT InLink kiosk on the opposite side of the road o/s 158 Kentish Town Rd, granted consent by the Council in May 2018, LPA Refs: 2017/2718/P and 2017/2758/A, and the internally illuminated 6-sheet advertising within the bus shelter o/s 175 Kentish Town Rd, south of the appeal site.

These other existing advertisements are also not located at typical shop fascia level and include digital, but were consented by the Council.

Given the existence in the area surrounding of digital and internally illuminated roadside advertising displays, the Council cannot credibly claim that the proposed advertisement would form *“an incongruous [not in keeping or out of place] addition”* to this part of the streetscene.

Address: Pavement outside 140-144 Camden High Street, London  
Proposal: Illuminated digital advertisement display integrated within replacement Telephone Kiosk  
LPA Ref: 2019/4929/A

- 9.187 The LPA refused the application for the following reasons:

*“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.”*

- 9.188 Local Plan Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:
- a. respects local context and character;
  - b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
  - e. comprises details and materials that are of high quality and complement the local character;

*f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.”*

9.189 Policy D2 ‘Heritage’ states, *“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings.”*

9.190 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”*

9.191 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

*e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*

*f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;”* (our emphasis)

9.192 We address above the scale of the proposed advertising display and the proposed method of illumination. We address now location and prominence related issues specific to the appeal.

9.193 The appeal site is within Camden Town town centre, one of the Borough’s key retail frontages and an identified *“growth area”* in the Local Plan where development is expected to be concentrated. The locality is therefore predominantly commercial in character and appearance making it the type of location where roadside advertising is likely to be acceptable. This commercial character and appearance is accentuated by Camden High Street, which is constantly busy throughout the day and night with vehicular and pedestrian activity. The retail frontage adjoining the appeal site consists of generally modern shop fronts with modern features and signage, some of which is internally illuminated.

9.194 The appeal site is within Camden Town Conservation Area. There are however no listed buildings in the vicinity of the appeal site.

9.195 Reflecting the commercial character and also movement corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture includes integrated roadside advertising, this including the digital and internally illuminated 6-sheet advertising displays at the nearby bus shelter o/s 147 Camden High Street (Marks & Spencer), and the digital displays within the BT InLink kiosk located o/s 176 Camden High Street

(HSBC Bank) granted consent by the Council in May 2017 (LPA Ref: 2017/0440/P and 2017/0536/A), 100m north of the appeal site.

- 9.196 The proposed advertising display is an integrated feature of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found in the locality as well as being evident across London.
- 9.197 As noted above, similar forms of digital and internally illuminated advertising exist in the area surrounding, reflecting the predominantly commercial and movement corridor nature of Camden High Street. The proposed form of digital advertising would not therefore be uncharacteristic of the area.
- 9.198 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture', and we now assess the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*
- 9.199 *Physical clutter* - The proposal is to replace an existing kiosk with a new kiosk. Therefore, the proposal would not create or contribute to physical clutter.  
*Visual clutter* - There are no other roadside advertising displays along this section of the High Street in the locality. The proposal would not therefore lead to visual clutter.  
*Movement along the pavement or pedestrian footway* – The proposal is to replace an existing kiosk, not for a new kiosk. The assessment required therefore is an analysis of proposed siting considerations versus the existing arrangement.  
 Two Site Plans are included with the application, one showing the proposal with the current highway layout (Rev. B), and the other showing the proposal if / when planned highway works take place (Rev. A). These were agreed with the Council's Principal Transport Planner in 2018, in connection with the then prior approval application.

With the current highway layout, the replacement kiosk would occupy a position south of the existing kiosk, alongside existing street furniture. In so doing it would free up the currently constrained existing kiosk location outside No. 144. The clear footway alongside the replacement kiosk would be 2,836mm, an improvement on the existing situation where the clear footway is 2,600mm.

If/when planned highway works take place, the replacement kiosk would be relocated (at the appellant's expense) to a location 450mm from the new pavement line (meeting the TfL standard), with the clear footway alongside being 4,854mm. With both scenarios, the proposal would improve conditions for pedestrians, in accordance with Camden Planning Guidance – Advertisements and Local Plan policies G1, A1, C6 and T1.

- 9.200 The proposed advertising display within the replacement kiosk would be viewed in

what are predominantly commercial movement corridor surroundings alongside Camden High Street, adjoining ground floor commercial/retail frontage featuring modern shop fronts and signage some of which is internally illuminated, among high levels of vehicular and pedestrian traffic, and among other street furniture in the area some of which features integrated advertising, including digital. In this context, the proposed display would appear as an appropriate, congruent form of development that would be in scale and in keeping with features that characterize the area surrounding. It would therefore reflect rather than harm the amenity, character and appearance of the locality within the Camden Town Conservation Area, preserving the area's character and appearance. The proposal would therefore accord with policies D1, D2 and D4 of the Camden Local Plan.

#### Comments on LPA Delegated Report

- 9.201 Para. 7.5 of the Delegated Report states *"As the advertisement is not located at a typical shop fascia level and would be internally illuminated, it would appear visually obtrusive."*

Para. 7.6 states, *"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."*

**Appellant response** – As noted earlier, the area surrounding features examples of roadside street furniture advertising, including digital. This includes the digital and internally illuminated 6-sheet advertising displays at the nearby bus shelter o/s 147 Camden High Street (Marks & Spencer), and the digital displays within the BT InLink kiosk o/s 176 Camden High Street (HSBC Bank) granted consent by the Council in May 2017 (LPA Ref: 2017/0440/P and 2017/0536/A), 100m north of the appeal site.

These other existing advertisements are also not located at 'typical shop fascia level' and include digital but were consented by the Council.

Given the existence in the area surrounding of digital and internally illuminated roadside advertising displays, the Council cannot credibly claim that the proposed display would form an *"incongruous [not in keeping or out of place] addition"* to this part of the streetscene.

Address: Pavement outside 2 Harben Parade, Finchley Road, London  
Proposal: Illuminated digital advertisement display integrated within replacement Telephone Kiosk  
LPA Ref: 2019/4924/A

- 9.202 The LPA refused the application for the following reasons:

1. *"The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the area and streetscene, contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017;*

2. *The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce unnecessary street clutter and a distraction to pedestrians, harmful to public safety, contrary to TfL guidance, and to Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport)."*
- 9.203 Local Plan Policy D1 'Design' in relation to amenity states, *"The Council will seek to secure high quality design in development" and "will require that development" inter alia:*
- a. respects local context and character;*
  - b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
  - e. comprises details and materials that are of high quality and complement the local character;*
  - f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage."*
- 9.204 Policy D4 'Advertisements' states, *"the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail."*
- 9.205 Policy G1 'Location of growth' states, *"Development will take place throughout the borough with the most significant growth expected to be delivered through:*
- e. a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
  - f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;" (our emphasis)*
- 9.206 Policy A1 'Managing the impact of development' states *inter alia* the Council *"will: c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network."*
- 9.207 Policy T1 'Prioritising walking, cycling and public transport' states the Council will promote sustainable transport by prioritising walking, cycling and public transport, and will seek to ensure that developments:
- "a. improve the pedestrian environment by supporting high quality public realm improvement works;*
  - b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;"*

9.208 We address above the scale of the proposed advertising display and the proposed method of illumination. We address now location and prominence related issues specific to this appeal.

9.209 The appeal site was put to the Council in the pre-planning enquiry in 2016. In the September 2016 response note, the Council stated:

*“o/s 2 Harben Parade*

*6.17 This site is not in a conservation area, adjacent to a listed building, or within a residential area. Further to this, the site is within a largely commercial area which is characteristic of this part of Finchley Road. With this in mind, this is the type of site where the principle of roadside advertising may be considered acceptable. The applicant will however be required to demonstrate that the proposal does not affect the safety of road users and demonstrate that the proposal is acceptable in design terms.”*

9.210 The appeal site is within Finchley Road / Swiss Cottage town centre, an identified “growth area” in Local Plan Policy G1 where development is expected to be concentrated. As recognised by the Council, the appeal site locality is predominantly commercial in character and appearance and the appeal site adjoins modern commercial frontage development. The area’s commercial character is accentuated by its location adjoining Finchley Road, which is constantly busy with vehicular and pedestrian traffic. The adjoining ground floor frontage comprises continuous commercial uses and features modern frontage elements and signage, some of which is internally illuminated.

9.211 Reflecting the commercial character and movement corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture features integrated roadside advertising, this including the digital 6-sheet displays within the bus shelter o/s 16 Northways Parade (on the opposite side of the road) granted advertisement consent by the Council in March 2017 (LPA Ref: 2017/0122/A), and the digital 6-sheet displays within the bus shelter o/s 9-10 Harben Parade (north of the appeal site), also granted advertisement consent in 2017 (LPA Ref: 2017/0119/A).

9.212 As noted, the appeal site is not within Conservation Area and there are no listed buildings in the vicinity of the site.

9.213 The proposed advertising display is an integrated feature of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found in the locality as well as being evident across London.



- 9.214 As noted above, similar forms of digital advertising exist in the area surrounding, reflecting the predominantly commercial and movement corridor nature of the Swiss Cottage / Finchley Road centre. The proposed form of digital advertising would not therefore be uncharacteristic of the area.
- 9.215 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to 'Advertising on street furniture'. We assess the proposal against this guidance. Para. 1.12 of the guidance states, *"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."*
- 9.216 *Physical clutter* - The proposal is to replace an existing kiosk. It would not therefore create or contribute to physical clutter.  
*Visual clutter* - There are no other roadside advertising displays along this particular localised section of Finchley Rd. The proposal would not therefore lead to visual clutter.  
*Movement along the pavement or pedestrian footway* – The proposal is to replace an existing kiosk, not for a new kiosk. The assessment required therefore is an analysis of proposed siting considerations versus the existing arrangement.  
 As per the Site Plan accompanying the application, the replacement kiosk would occupy the footprint of the existing kiosk, continuing the alignment of existing street furniture. The clear footway alongside would be 3650mm, reducing for a very small section by just 50mm, and therefore more or less unaltered from the existing situation.  
 The existing kiosk is a box-like, bulky structure whereas the replacement kiosk is open in design and footprint. The overall impact of the replacement kiosk on footway conditions, with its reduced bulk and footprint, would be neutral or immaterial.
- 9.217 The proposed advertising display within the replacement kiosk would be viewed in what are predominantly commercial movement corridor surroundings alongside Finchley Road, adjoining modern ground floor commercial frontage development featuring modern shop fronts and signage some of which is internally illuminated, among high levels of vehicular and pedestrian traffic, and among other street furniture in the area some of which features integrated advertising, including digital. In this context, the proposed display would appear as an appropriate, congruous form of development that would be in scale and in keeping with features that characterize the area surrounding. It would therefore reflect rather than harm the amenity, character and appearance of the locality within Swiss Cottage/Finchley Road town centre. The proposal would therefore accord with policies D1 and D4 of the Camden Local Plan.
- 9.218 The second reason for refusal states the proposed advertisement would introduce unnecessary street clutter and a distraction to pedestrians, harmful to public safety. In this respect we note para 7.11 of the Delegated Report which states:
- "7.11 The proposed advertisement would introduce a large digital panel in direct eye-line of oncoming pedestrians on Finchley Road next to a busy bus lane. The proposal*

*would therefore constitute unnecessary street clutter which would serve as a distraction to pedestrians in this restricted footway space. This would be especially hazardous for blind or partially-sighted people and detrimental to public safety."*

- 9.219 The Council appears to be suggesting that because the proposal would introduce an advertising display in the eye-line of oncoming pedestrians, it would therefore serve as a distraction to pedestrians harmful to public safety. This is an irrational conclusion to reach, which is without foundation in policy or guidance.
- 9.220 As to whether pavement conditions represent "*restricted footway space*," we refer the Inspector to page 3 of the Delegated Report which details feedback from the Council's Transport Team. They state, "*an effective footway width of 3.65 metres would be maintained between the new telephone kiosk and the rear of the footway adjacent to 2 Harben Place, Finchley Road. The proposal would not therefore have a significant impact on pedestrian comfort, movement and safety.*"
- 9.221 The Council claim that the proposal would be "*especially hazardous for blind or partially-sighted people*" is also without foundation. The proposal is to replace an existing structure within the pavement – which blind and partially-sighted people negotiate currently - with a new structure. In terms of ease of movement, therefore, the proposal would render conditions for blind or partially-sighted people unchanged.

#### Comments on LPA Delegated Report

- 9.222 Para. 7.5 of the Report states, "*As the advertisement is not located at a typical shop fascia level and would be internally illuminated, it would appear visually obtrusive.*" Para. 7.6 states, "*the proposed advertisement would therefore form an incongruous addition to this part of the streetscene, serving to harm the character and appearance of the area.*"

**Appellant response** – As noted earlier, some street furniture in the area surrounding features integrated roadside advertising, this including the digital 6-sheet displays within the bus shelter o/s 16 Northways Parade (on the opposite side of the road) granted advertisement consent by the Council in March 2017 (LPA Ref: 2017/0122/A), and the digital 6-sheet displays within the bus shelter o/s 9-10 Harben Parade (north of the appeal site), also granted advertisement consent in 2017 (LPA Ref: 2017/0119/A).

These other existing advertisements are also not located at 'typical shop fascia level' and include digital, but were considered acceptable and consented by the Council.

Given the existence in the area surrounding of digital roadside advertising displays, the Council cannot credibly claim that the proposed display would form an "*incongruous* [not in keeping or out of place] *addition*" to this part of the streetscene.

Address: Pavement outside 12 New College Parade, Finchley Road, London  
Proposal: Illuminated digital advertisement display integrated within replacement Telephone Kiosk  
LPA Ref: 2019/4900/A

9.223 The LPA refused the application for the following reasons:

*“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, setting of nearby listed buildings, and wider streetscene, contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017.”*

9.224 The appeal site is not within Conservation Area and there are no listed buildings in the vicinity of the appeal site.

9.225 Local Plan Policy D1 ‘Design’ in relation to amenity states, *“The Council will seek to secure high quality design in development”* and *“will require that development”* inter alia:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.”*

9.226 Policy D4 ‘Advertisements’ states, *“the Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”*

9.227 Policy G1 ‘Location of growth’ states, *“Development will take place throughout the borough with the most significant growth expected to be delivered through:*

- e. a concentration of development in the growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead;” (our emphasis)*

9.228 We address above the scale of the proposed advertising display and the proposed method of illumination. We address now location and prominence related issues specific to this appeal.

- 9.229 The appeal site is within Finchley Road / Swiss Cottage town centre, an identified “growth area” in Local Plan Policy G1 where development is expected to be concentrated. The locality is therefore predominantly commercial in character and appearance.
- 9.230 The appeal site adjoins secondary frontage that comprises continuous commercial outlets featuring modern shop fronts and signage, some of which is internally illuminated. As noted above, the appeal site is not within Conservation Area and there are no listed buildings in the vicinity of the site.
- 9.231 Reflecting the commercial character and movement corridor nature of the area, the locality features the usual street furniture including bus shelters, telephone kiosks, bicycle racks and so on. Some of this street furniture features integrated roadside advertising, this including digital advertising displays within the BT InLink kiosk o/s 3 Northways Parade, Finchley Rd, approx. 90m south of the appeal site (granted planning permission and advertisement consent by the Council in 2017 (LPA Ref: 2017/0447/P and 2017/0945/A)), and the BT InLink kiosk o/s 13-14 Harben Parade, on the opposite side of the road, also consented in 2017 (LPA Ref: 2017/0446/P and 2017/0550/A).
- 9.232 The proposed advertising display is an integrated feature of the replacement kiosk and is therefore framed and contained visually within the host kiosk. The display therefore respects the form, design and scale of the kiosk. It would be viewed by passers-by as an example of increasingly familiar street furniture advertising, examples of which are found in the locality as well as being evident across London.
- 9.233 As noted above, similar forms of digital advertising exist in the area surrounding, reflecting the predominantly commercial and movement corridor nature of Swiss Cottage / Finchley Road town centre. The proposed form of digital advertising would not therefore be uncharacteristic of the area.
- 9.234 Camden Planning Guidance - Advertisements (March 2018) includes guidance specific to ‘Advertising on street furniture’. We assess the proposal against this guidance. Para. 1.12 of the guidance states, “*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.*”
- 9.235 *Physical clutter* - The proposal is to replace an existing kiosk, albeit located south of the appeal site o/s 20 Northways Parade. In the area as a whole therefore the proposal would not create or contribute to physical clutter.  
The appeal site is already home to a street light, utility cabinet and refuse bin grouped together. The proposed kiosk is intended to combine / bunch with these existing street furniture items avoiding creating new clutter.  
*Visual clutter* – The nearest other roadside advertising display along this section of Finchley Rd is the BT InLink kiosk o/s 3 Northways Parade, approx. 90m south of the

appeal site. This is sufficiently distant to avoid visual clutter becoming an issue of concern.

*Movement along the pavement or pedestrian footway*

- Transport for London, the highway authority responsible for assessing the impact of proposals on the performance and/or safety of the TLRN, was pre-consulted on the proposal in 2018, and confirmed its support for the proposal. (See the related Full Planning Permission appeal in section 8 above).
- In its consultation response on the application TfL maintained its continued support for the proposal.
- One of the main reasons why this specific location was chosen was because of the existing street light, utility cabinet and refuse bin, which pedestrians navigate past currently. As proposed, the replacement kiosk would combine / bunch with this existing street furniture, an approach endorsed by the Camden Streetscape Design Manual.
- The unobstructed footway between the replacement kiosk and the private forecourt o/s 12 New College Parade would be 2.3m wide. This would be 500mm greater than the stated 1.8m needed for two adults passing, included in the Camden Streetscape Design Manual. This is relevant given that this section of frontage is secondary frontage, which will attract lower footfall compared with primary frontage.
- The amount of unobstructed footway provided would also be greater than the 2m threshold included in Transport for London's Streetscape Guidance, Third Edition (2016, Rev 1) which states *"Telephone boxes should not be installed where the footway clear zone is less than 2,000mm wide."*

- 9.236 The proposed advertising display within the replacement kiosk would be viewed in what are predominantly commercial movement corridor surroundings alongside Finchley Road, adjoining modern ground floor commercial frontage development featuring modern shop fronts and signage (some of which is internally illuminated), among high levels of vehicular traffic, and among other street furniture in the area some of which features integrated advertising, including digital. In this context, the proposed display would appear as an appropriate, congruous form of development that would be in scale and in keeping with features that characterize the area surrounding. It would therefore reflect rather than harm the amenity, character and appearance of the locality within Swiss Cottage/Finchley Road town centre. The proposal would therefore accord with policies D1 and D4 of the Camden Local Plan.

Comments on LPA Delegated Report

- 9.237 Para. 7.5 of the Report states, *"As the advertisement is not located at a typical shop fascia level and would be internally illuminated, it would appear visually obtrusive."* Para. 7.6 states, *"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."*

**Appellant response** – As noted earlier, some street furniture in the area features integrated roadside advertising, this including digital advertising displays within the BT InLink kiosk o/s 3 Northways Parade, Finchley Rd, approx. 90m south of the appeal site (granted planning permission and advertisement consent by the Council in 2017 (LPA Ref: 2017/0447/P and 2017/0945/A)), and the BT InLink kiosk o/s 13-14 Harben Parade, on the opposite side of the road, also consented in 2017 (LPA Ref: 2017/0446/P and 2017/0550/A).

These other existing advertisements are also not located at ‘typical shop fascia level’ and are digital, but were considered acceptable and consented by the Council nonetheless.

Given the existence in the area surrounding of digital roadside advertising displays, the Council cannot credibly claim that the proposed display would form an *“incongruous [not in keeping or out of place] addition”* to this part of the streetscene.

## 10. INCLUSIVITY / ACCESSIBILITY

- 10.1 The Council does not object to the proposal on inclusivity / accessibility grounds, and we note the comments of the Council Access Officer in the Delegated Reports.
- 10.2 Policy 7.5 of the London Plan states, *“London’s public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.”* Policy 7.2 states *“the Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design”*.
- 10.3 Local Plan Policy D1 ‘Design’ states, *“The Council will require that development: ... g. is inclusive and accessible for all.”* Policy C6 in turn states, *“the Council will expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.”*
- 10.4 The latest inclusivity standards for public telephone kiosks are contained in the 2018 British Standards BS8300-1:2018 and BS-2:2018. BS 8300-1 and 2:2018 (the “Standard”) is a code of practice and takes the form of guidance and recommendations. The proposed replacement kiosk is compliant with guidance in the Standard relating to Public telecommunication equipment within the External environment.
- 10.5 In accordance with the Standard, the replacement kiosk is an open design that is accessible from both the front and side enabling easy access for a wheelchair user, is fitted with assistive technology including volume control and inductive couplers and there is an indication of their presence, has a well-lit keypad, raised numbers that contrast visually with their background with a raised dot on the number 5, the instructions for using the phone are clear and displayed in a large easy to read typeface,

and the telephone controls are located at 1060mm above floor level, the recognized comfortable height for a wheelchair user.

- 10.6 The proposed replacement kiosk complies with the latest inclusivity guidance and recommendations contained within BS8300-1:2018 and BS-2:2018. The proposal is therefore in accordance with London Plan Policies 7.2 and 7.5 and Local Plan Policy D1.

## 11. SUPPORTING ECONOMIC GROWTH AND DEVELOPMENT

- 11.1 Policy 4.1 of the London Plan states the Mayor will work with partners to maximise the benefits from new infrastructure to secure sustainable growth and development, which is a key contributor to the Plan's strategy. Supporting para. 4.3 states, *"providing the basis for the continued growth and economic development of all parts of London is a key theme of this Plan"* and *"the role of planning is to facilitate change in ways which ensure that all parts of London and all kinds of enterprises can flourish and contribute to the prosperity of the whole city, and all of its people."*
- 11.2 Camden Local Plan Policy A1 states, inter alia, 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.
- 11.3 The NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development. It states further that *"planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."*
- 11.4 Sustainable development is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The proposed development complies with this definition. It offers facilities which meet the needs of today (and tomorrow), it would contribute to the economic prosperity of a range of enterprises, and can be easily removed without trace which might compromise the future.
- 11.5 As noted, the reverse side of the replacement kiosk incorporates an integrated digital advertising display, which is also integral to the rationalisation initiative proposition. In short, the advertising display is needed by the development. As noted above, Local Plan Policy A1 states 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. It is clear from the Delegated Reports that the needs of the development have received no weight in the Council's assessment of the applications.

- 11.6 London Plan Policy 4.1 states providing the basis for continued growth and economic development of all parts of London is a key theme of the plan, and the role of planning is to facilitate change in ways that ensure that all kinds of enterprises can flourish and contribute to prosperity. Local Plan Policy A1 recognises the needs of development require balancing against the needs and characteristics of the local area and community. The NPPF goes further stating “*significant weight*” should be placed on the need to support economic growth – of which the proposals are a constituent part - taking into account local business needs and wider opportunities for development. The NPPF adds, the approach taken should enable each area to build on its strengths, counter any weaknesses and address future challenges.
- 11.7 The proposed development would enable the appellant to build on its strengths, counter its threats, and address the economic challenges of the future, in turn helping enable its contribution to supporting economic growth. The proposal is therefore in accordance with London Plan Policy 4.1, Camden Local Plan Policy A1 and related NPPF policy.

## 12. CONCLUSIONS

- 12.1 These appeals follow nearly four years’ worth of largely constructive work involving the appellant, the Council and Transport for London.
- 12.2 The appellant’s electronic communications network consists of 68 telephone kiosks across Camden. The kiosks, which date back to the 1990’s, are tired-looking structures and also outmoded in terms of their telephony equipment. In addition, the current enclosed units have experienced historic problems including anti-social behaviour and lack of access for people with mobility impairments. Notwithstanding, the kiosks are used with the majority of calls made to mobile and 0800 numbers, including the Emergency services. Moreover, the appellant’s experience is that kiosks are used to make more calls post-upgrade than before.
- 12.3 The appellant recognises that mobile phones have seen use of public telephone boxes decline. The opportunity exists therefore to rationalise the existing kiosk network, and thereby to declutter the public realm. The appellant proposes upgrading a small number of existing kiosks across Camden to the new enhanced electronic communications services offering, and the removal of kiosks not upgraded, the initiative to be part-funded by advertising. The appeals therefore represent an opportunity to achieve significant Borough-wide telephone kiosk removal and with it Borough-wide public realm decluttering, and associated improvements to the pedestrian environment.
- 12.4 The replacement kiosk is an aesthetically pleasing contemporary design that would represent an improvement on the existing kiosk visually and functionally. The design and utility merits of the proposal are widely recognised across the UK, the replacement



kiosk having been consented in 48 local authorities nationally, including 30 (90%) of the 33 London Boroughs.

12.5 The replacement kiosk accords with relevant Development Plan policy, relevant national planning policy, relevant supplementary planning policy and British Standards guidance. As demonstrated above, the proposed advertising display within the replacement kiosk is acceptable in terms of amenity and public safety factors, at the various appeal sites.

12.6 Accordingly we request, respectfully, that the appeals be allowed.