

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>25/02/2020</b>
		N/A		<b>Consultation Expiry Date:</b>	<b>16/02/2020</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Tony Young			2019/6451/P 2019/6445/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
2 x BT telephone kiosks opposite Imperial Hotel Southeast side of Russell Square London WC1B 5BB			Refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
<p>1). Variation of condition 3 (approved drawings) and removal of condition 5 (restriction on placement of items on public highway) of planning permission (2015/0664/P) granted 14/04/2015 for the change of use of 2 x BT telephone boxes to 2 x self-contained retail kiosks (Class A1), namely to allow the placement of tables, chairs and associated furniture on the public highway to the side of the kiosks.</p> <p>2). Placement of tables, chairs and associated furniture on the public highway within the setting of the listed telephone kiosks in connection with listed building consent (2015/0974/L) granted 14/04/2015 for the removal of telephone equipment in both kiosks, replacement of glass and modification to handle to allow locking.</p>					
<b>Recommendation(s):</b>		<b>1). Refuse variation and removal of conditions; and</b> <b>2). Refuse listed building consent</b>			
<b>Application Type(s):</b>		<b>1). Variation and Removal of Conditions</b> <b>2). Listed Building Consent</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers / Local Groups:	No. notified	0	No. of responses	11	No. of objections	11
			No. Electronic	11	No. of supports	00
	Press notice advertised from 23/01/2020 to 16/02/2020					
	Site notice displayed from 21/01/2020 to 14/02/2020					
Summary of consultation responses:	<p><b>3 local residents in Russell Square</b> responded objecting to the proposal as follows:</p> <ol style="list-style-type: none"> <li>1. <i>Expansion of the kiosk renter's business into the paved area will create a pedestrian blockage in this very busy intersection. It is not a suitable space for tables, chairs and other furniture.</i></li> <li>2. <i>The renter has nowhere to store the table and other furnishings he already has. Some things are stored by being pushed into the narrow space between the telephone box and the railings which is unsightly and damaging to the telephone kiosk and railings. Should the renter arrange to deliver and pick up further furniture on a daily basis, it means more congestion to Southampton Row as well as to Russell Square's roadway and residential parking area.</i></li> <li>3. <i>This bit of public highway is on the direct route to the British Museum with its millions of visitors whose complaint is that London is the worst city in Europe for litter. Paper napkins, cups, bags and other extra litter is already being created by the kiosk renter's business. Camden's clean-up teams do their best to keep on top of it but there are long intervals where it gets blown about, even into the Gardens. Any expansion of the business will make even this worse.</i></li> <li>4. <i>Vital that these restrictions remain in place and that the applicant is forced to adhere to them. At present he regularly and flagrantly goes beyond the licence, and stores a large amount of clutter behind the phone box which can be seen from within the square. This is a conservation area and all the work that local residents and commissioners are doing to maintain the quality of the public realm are being undermined. If any changes are made, they should be to revoke this licence rather than extend it. I speak as a local resident and commissioner of Russell Square.</i></li> <li>5. <i>As a resident who lives near this facility, I think that adding tables, chairs, etc. would only add to the clutter of furniture, rental bikes, and other things that can be a blot on the beauty of the the Square and actually impede the movement of people on the pavements which were extended a few years ago for pedestrian use. We have surfeit of cafes on Southampton Row, and there is a family run restaurant in the Square which I thought had priority over these pop up facilities. Surely this is unfair competition. Also, the issue of hygiene must be considered as cakes and other edibles seem to be left uncovered and exposed. I cannot believe that this would meet with health and safety requirements. I oppose this application.</i></li> </ol> <p><b>A local resident in Marchmont Street</b> objected to the proposals as follows:</p> <ol style="list-style-type: none"> <li>6. <i>I wish to object to the proposal to change condition 5, below, attached to the historical planning consent 2015/0664/P to allow the previously forbidden items to be placed on the footway. This condition is no less</i></li> </ol>					

*relevant today than it was in 2015 and should remain in place.*

7. *I also query whether the existing use and proposed variation is valid in terms of the condition 6, below, because there is no apparent link between the organisation granted "personal " consent in 2015 and the current applicant, suggesting that the original application has now lapsed.*
8. *I also have concerns about the prospect of unsecured paraphernalia (folded tables and chairs) being left between the kiosks and the grade II listed garden railings or in between the historic BT kiosks where they can be accessed by members of the public and be used to perpetrate anti-social behaviour when the shop is closed.*

**An interested party working in the rear** objected to the proposals as follows:

9. *I work in SOAS University of London; I travel past the site of the planning application at least twice every working day. I believe that this is neither a reasonable nor an appropriate planning application for the following reasons:*
  - *there are already many coffee shops and other places (such as various local hotels) where coffee is available in the area.*
  - *it is inappropriate in terms of the built environment -- ie, adding to pavement clutter and possibly blocking access to the gardens at Russell Square.*
  - *it will create extra waste in the immediate area and, when there are strong winds, the rubbish will be blown far and wide (the south-east corner of Russell Square is particularly exposed).*
  - *it will not look at all appealing when considering the visual appeal of the area.*

**The Bedford Estates, freeholders of Russell Square**, objected to the proposal as follows:

10. *We wish to object to the proposal to place tables, chairs and associated furniture on the public highway outside the telephone kiosks. A previous planning consent specifically forbid items to be placed on the footway. and this condition is no less relevant today than it was in 2015 and should remain in place. A decision to allow this is detrimental both to the appearance of the immediate area and the free movement of pedestrians which is in accordance with your own policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17, DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.*
11. *I also believe it would be detrimental to the other F&B businesses in the area, in particular the Tropea Cafe which does an excellent job serving visitors, workers and residents of the area.*

**The Russell Square Commissioners** objected to the proposal as follows:

12. *We wish to object to the proposal to place tables, chairs and associated furniture on the public highway outside the telephone kiosks. A previous planning consent specifically forbids items to be placed on the footway. and this condition is no less relevant today than it was in 2015 and should remain in place.*
13. *A decision to allow this is detrimental both to the appearance of the immediate area and the free movement of pedestrians which is in accordance with your own policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17, DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.*

**CAAC/Local groups\*  
comments:**

\*Please Specify

**The Friends of Russell Square** objected to the proposals as follows:

14. *I object to this proposal as the representative of the Friends Group on the grounds that the telephone box is of heritage importance, and visually should not be impaired. The heritage should not be cluttered with tables, chairs and paraphernalia as it will lead to further litter and congestion on the pavement. The original planning rejection: 2015/0974/L and 2015/0664/P to allow trading to be conducted from outside the telephone box should be upheld, and bearing in mind that nothing has changed from the original rejection. Russell Square is listed grade II square. Please do not allow further congestion on the pavement and visual dismemberment of the kiosk and surrounding area. If allowed it will inevitably create extra litter and congestion, and the possibility of vandalism after closure, of items attached to the railings and the kiosk itself.*

**The Bloomsbury Association** objected to the proposal as follows:

15. *The proposed extension of commercial floorspace into a gazebo structure with tables, chairs and 'A' sign, described in Section 5 of the application form as 'the paraphernalia associated with the retail use', would be damaging to the setting and detract from the architectural importance of the adjacent Grade II listed telephone kiosks.*
16. *We are unhappy with the proposed use of the public highway for commercial use. There is a deficiency in public space provision in the area. Of the existing public open space, 80% is on streets and footpaths. It is an inappropriate balance of priority that this space should be cluttered by privately owned 'paraphernalia', serving a commercial purpose. Open space is a civic amenity to be enjoyed by all. This already happens with commercial 'creep' of retail 'paraphernalia' into public open space alongside the two kiosks at the north-east corner of Russell Square, which appear to be operated by the same company.*
17. *Intensification of use comes with impacts and, mindful of the relationship between existing and proposed floorspace, the visual impact of the change is significant. There is no provision for the storage and collection of waste; there is no explanation of how deliveries will be made and the proposal to store retail 'paraphernalia' in the gap between the kiosks and garden railings already presents an unattractive appearance from the gardens, which are also Grade II listed.*
18. *The proposed extension would be damaging to the setting of Russell Square and the Bloomsbury Conservation Area.*
19. *There is inconsistency between the application documents. The site address stated in Section 1 of the application form differs from that indicated on drawings EX01B and PL01C and in the Council's consultation. In its present form the application appears to be invalid and, if determined on this basis, likely to be overturned on judicial review.*

**The Bloomsbury Conservation Area Advisory Committee** objected to the proposal as follows:

20. *The use of these kiosks for business purposes we already find to be entirely inappropriate, but the proposed modifications to the kiosks essentially erases the special appearance of these Grade II listed assets. We feel that the modifications would cause them substantial harm.*
21. *We also take particular issue with the use of the public highway outside these kiosks for further business purposes. The vendors are known to take up an inordinate amount of space and clutter the public highway with their wares and advertisements. Once permission is granted for any use of the public highway whatsoever, it leads to a runaway effect where vendors over time expand their boundaries, with no powers to enforce*

against it. Fig. 1 shows an example of this occurring at the north-eastern corner of Russell Square.

22. In our opinion, the use of the public highway in this manner causes substantial harm to the setting of the Grade II listed telephone boxes, whilst also causing less than substantial harm to the Grade II listed Russell Square, and the Bloomsbury Conservation Area.
23. We therefore feel that the application fails to fulfil Policy D1 and D2 of the Camden Local Plan. The advertisements that will no doubt come with an approval of the application will most likely fail to fulfil Policy D4. In our opinion, the harm that would be caused to the setting of the designated Russell Square would also fail to fulfil Policy A2.
24. We would like to remind you that in the case of substantial harm being caused to a designated heritage asset, it must be demonstrated by the applicant that the substantial harm is necessary to achieve substantial public benefit, and that the public benefit should outweigh any harm caused. The modifications to the kiosks and the use of the public highway for business purposes does not carry any public benefit, in our opinion. It is certainly not substantial. We would also like to remind you that substantial harm to a Grade II listed heritage asset should be exceptional. We therefore recommend that this application is rejected.

**The Council's Markets Team** objected to the proposal as follows:

25. Market Team objects to the application and if the officer is minded to grant the application the following condition to be added to the planning namely: "Any sales taking place from the telephone kiosk and any area used for street trading activities in the immediate vicinity of the telephone kiosk will require a street trading licence in line with the London Local Authorities Act 1990 (As amended).
26. The placing of tables and chairs on the public highways will require a tables and chairs licence and the applicant will have to apply to the relevant team: [https:// www.camden.gov.uk/table-and-chairs-licence](https://www.camden.gov.uk/table-and-chairs-licence)

Officer response to points raised above:

See sections 2-6 below

## Site Description

The application site is a pair of Grade II listed K6 telephone boxes located in the southeast corner of Russell Square opposite Hotel Imperial. They are located on a pavement adjacent to the boundary railings and gates of Russell Square. The application proposal involves an area of pavement on the public highway adjacent to the kiosks.

The listed kiosks are located in the Bloomsbury Conservation Area. Russell Square is a Grade II listed square with public park and gardens that forms an integral part of Bloomsbury's special interest.

## Relevant History

2015/0664/P & 2015/0974/L - Change of use of 2 x BT telephone boxes to 2 x self-contained retail kiosks (Class A1); Removal of telephone equipment in both kiosks, replacement of glass and modification to handle to allow locking. Planning permission & listed building consent granted on 14/04/2015

EN19/0927 - Enforcement case: Telephone box used as kiosk not keeping to planning conditions, gazebos and advertisements on footpath. Breach ceased and case closed 08/11/2019 as furniture and alterations removed.

EN16/0418 - Enforcement case: Compliance check to confirm in accordance with the approved

scheme ref: 2015/0664/P (and 2015/0974/L). No breach 08/01/2018

Other relevant application history in locality:

**BT telephone kiosk outside British Museum, Great Russell Street**

2019/4797/P - Change of use from BT telephone box (Sui Generis) to retail unit (Class A1) and associated alterations. Planning permission refused on 23/12/2019 on the grounds that the proposed use of the kiosk for retail purposes, by virtue of its siting, would hinder pedestrian movement and result in a detrimental impact to the amenity and safety of pedestrians.

**BT telephone kiosk outside British Museum, Great Russell Street**

2019/5339/L - Change of use from BT telephone box (Sui Generis) to retail unit (Class A1) and associated alterations. Listed building consent granted on 23/12/2019

**BT telephone kiosk outside British Museum, Great Russell Street**

2015/0870/P - Change of use of 1 x BT telephone box to self-contained retail kiosk (Class A1). Planning permission refused on 17/04/2015 on the grounds that the proposed use of the kiosk for retail purposes, by virtue of its siting, would hinder pedestrian movement and result in a detrimental impact to the amenity and safety of pedestrians.

**BT telephone kiosk outside British Museum, Great Russell Street**

2015/0984/L - Removal of telephone equipment, replacement of glass and modification to handle to allow locking. Listed building consent granted on 17/04/2015

**BT telephone kiosk opposite Hotel Russell, Russell Square**

2015/0987/P and 2015/0922/L - Change of use of 1 x BT telephone box to self-contained retail kiosk (Class A1). Planning permission & listed building consent granted on 14/04/2015

**The Cafe Russell Square Gardens**

PSX0005230 - Part demolition & extension of the existing café (class A3) on the northern side of the square, and the relocation of air monitoring unit within the parks service yard. Planning permission granted on 22/03/2001

**BT telephone kiosk opposite Hotel Russell, Russell Square**

EN19/0997 – Enforcement case: Not keeping to planning conditions (2015/0987/P and 2015/0922/L) with gazebo and table on footpath. Breach ceased and case closed 08/11/2019 as phone kiosk no longer in use as tour company ticket stand and alterations removed.

**BT telephone kiosk, Northwest corner of Russell Square**

EN19/1044 – Enforcement case: Change of use of telephone kiosk to retail use and addition of hood to roof. Breach ceased and case closed 31/12/2019 as phone kiosk no longer in use as retail or office pod and alterations removed.

**BT telephone kiosk outside 69-70 Russell Square**

EN18/0093 – Enforcement case: Large, advertising posters attached and displayed on kiosk. Breach ceased and case closed 12/09/2018

**BT telephone kiosk in Russell Square**

EN16/1091 – Enforcement case: Advertising attached and displayed to listed kiosk. Breach ceased and case closed 03/03/2017

**Relevant policies**

**National Planning Policy Framework 2019**

**London Plan March 2016**

**Draft London Plan (intended to publish) 2019**

**Local Development Framework Core Strategy and Development Policies 2010\***

CS14 – Promoting high quality places and conserving our heritage

DP17 – Walking, cycling and public transport

DP24 – Securing high quality design

DP25 – Conserving Camden’s heritage

*\*Condition 5 of the original planning permission refers specifically to the above policies which have since been replaced by policies contained within the Camden Local Plan 2017 and listed below.*

### **Camden Local Plan 2017**

C6 - Access for all

D1 - Design

D2 - Heritage

T1 - Prioritising walking, cycling and public transport

### **Camden Planning Guidance**

CPG Design (March 2019) - chapters 2 (Design excellence), 3 (Heritage), 4 (Landscape and public realm) and 7 (Designing safer environments)

CPG Transport (2019) - chapter 9 (Pedestrian and cycle movement)

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

Part 1 - chapters 1 (Introduction) and 5 (Character analysis: sub area 6 - Bloomsbury Square / Russell Square / Tavistock Square); Part 2 - chapter 5 (Management of change, paragraphs 5.6, 5.14 and 5.60-5.62)

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

#### **Assessment**

#### **1. Proposal**

1.1 The proposal seeks to vary Condition 3 attached to planning permission (2015/0664/P) granted on 14/04/2015 which requires that the development must be carried out in accordance with the approved drawings.

1.2 The proposal also seeks to remove Condition 5 of the same approval which states the following:

*No tables, chairs, litter bins or A-boards shall be placed on the public highway without the prior approval in writing of the local planning authority.*

*Reason: To safeguard the appearance of the immediate area and enable free pedestrian movement in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17, DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.*

1.3 Through the proposed variation and removal of the respective conditions referred to above, along with an associated listed building consent application, the proposal seeks to allow the placement of tables, chairs and various furniture on the public highway adjacent to and within the setting of the Grade II listed telephone kiosks and Russell Square (see Images 1 and 2 below):

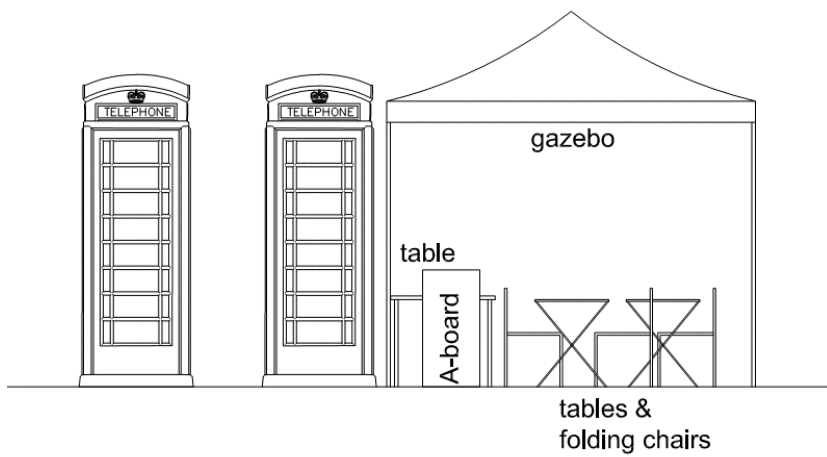


Image 1 – street facing elevation of kiosks and proposed furniture

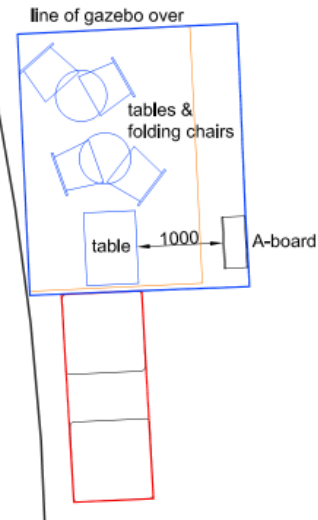


Image 2 – street plan of kiosks and proposed furniture area

## 2. Assessment

- 2.1 The principle of using the telephone boxes as retail units has already been considered under planning permission and listed building consent applications approved on 14/04/2015 (2015/0664/P & 2015/0974/L respectively). The use of the kiosks for retail purposes has therefore been established and does not form part of considerations under these current applications.
- 2.2 The principal considerations material to the determination of the current applications are:
- the impact of the proposal on the appearance of the immediate area, which includes the settings and special architectural and historic interest of the Grade II listed telephone kiosks and Russell Square with public park and gardens, and the character and appearance of the Bloomsbury Conservation Area; and
  - the impact of the proposal on pedestrian movement.

## 3. Background

- 3.1 In support of planning permission and listed building consent applications approved on 14/04/2015 (2015/0664/P & 2015/0974/L respectively), the applicant stated in the supporting Design & Access Statement that *“no external alterations are proposed and so the relationship with, and effect on, the conservation area remains unchanged by the proposal.”*
- 3.2 Further, in regard to the listed kiosks, that the *“aim of the proposal is to redefine their usage to suit modern day needs and requirements without compromising their external appearance on the street scene.”* In order to achieve this, the applicant confirmed that commuters will stop briefly to pick up a drink or snack and then move on to work or their train, and as such, *“there will be no seating, parasols or other paraphernalia outside the box at any times.”*
- 3.3 A photograph was also included in the Design & Access Statement as confirmation of the intentions and as an example of the typical operation of the kiosk (see Image 3 below showing a site near Brighton).





Image 3 - photograph provided in support of application approved in 2015

3.4 On this basis, the case officer states in Paragraph 3.1 of the report that the proposed retail units would be very limited in their potential due to their restricted size, the unchanged external appearance of the phone kiosks, and the absence of any seating, parasols or other paraphernalia outside the boxes. As such, the proposals were granted approval with the inclusion of additional Condition 5 which prevents the placing of items of furniture on the public highway.

3.5 It is clear from the officer assessment in 2015 that the absence of tables, chairs, litter bins or A-boards from the public highway was a key factor in approving the proposals. The addition of Condition 5 to the decision notice in order to secure this was a further indication of the level of importance attached.

#### **4. Impact on the listed kiosks, settings of designated heritage assets and conservation area**

4.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings. It advises that “*Good design takes account of its surroundings and preserves what is distinctive and valued about the local area*” and expects all development to specifically consider:

- its contribution to public realm and its impact on views and vistas;
- the wider historic environment and buildings, spaces and features of local historic value;
- character, setting, context and the form and scale of neighbouring buildings;
- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape; and
- the suitability of the proposed design to its intended use.

4.2 Local Plan Policy D2 (Heritage) confirms that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm, and also requires that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

4.3 The siting of the proposed tables, chairs, gazebo and A-board sign would disrupt the otherwise open, uncluttered appearance of this part of Russell Square through the introduction of

unsympathetic and obtrusive furniture and additions, out of keeping with the local distinctiveness and character of the Grade II listed Russell Square with public park and gardens. This is especially the case given the open, corner location of the kiosks within this setting which serves to increase the prominence and visibility of the proposed furniture and other paraphernalia from several views within the public realm (see Images 4 and 5 below).



Images 4 and 5 – photographs of the existing telephone kiosks in Russell Square

- 4.4 Furthermore, given that the proposals would occupy a large area of pavement with customers encouraged to stay in the locality and sit on tables and chairs positioned on the public highway, it is likely that this would lead to an intensification of the retail use and increase pressures on the management of storage, collection and delivery of supplies, equipment, waste and litter. The supporting operational information provided as part of the application submission indicates that the gazebo, tables and chairs will be stored overnight between the Grade II listed kiosks and garden railings. This is considered to be wholly inappropriate and would have a detrimental visual impact on the appearance of the listed kiosks and railings. It is also noted that there is no detailed provision for the storage and collection of waste in the application submission.
- 4.5 Overall therefore, Condition 5 is considered to be no less relevant and necessary now than it was at the time in 2015. The proposed removal of the condition to allow the placement of furniture and other paraphernalia would be visually damaging within this setting and cause substantial harm to the special architectural and historic interest of the Grade II listed telephone boxes, garden railings, and this part of Russell Square, as well as, less than substantial harm to the wider Bloomsbury Conservation Area.
- 4.6 Considerable importance and weight has been attached to any harm caused to the setting and special architectural and historic interest of the designated heritage assets, and the desirability of preserving or enhancing the character or appearance of Bloomsbury Conservation Area, under s.16 and s.72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

#### Planning balance

- 4.7 Local Plan Policy D1, consistent with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, states that the Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and listed buildings, unless it can be demonstrated that the substantial harm



or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

4.8 It is noted that existing public space, benches and café in Russell Square park and gardens already provided a significant provision of seating areas for the purposes of enjoying a hot beverage in the locality. Numerous other retail and café outlets in the wider area also provide seating areas for the public. Therefore, there is not considered to be any significant, demonstrable public benefit from the proposals beyond the already approved retail use of the kiosks.

4.9 Weighing the substantial harm caused as a result of the proposal against the less than significant public benefit, it is considered on balance that the benefit to the public arising from the proposal does not outweigh the substantial harm arising to the setting and special architectural and historic interest of the Grade II listed telephone boxes and Russell Square, and the less than substantial harm to the wider Bloomsbury Conservation Area.

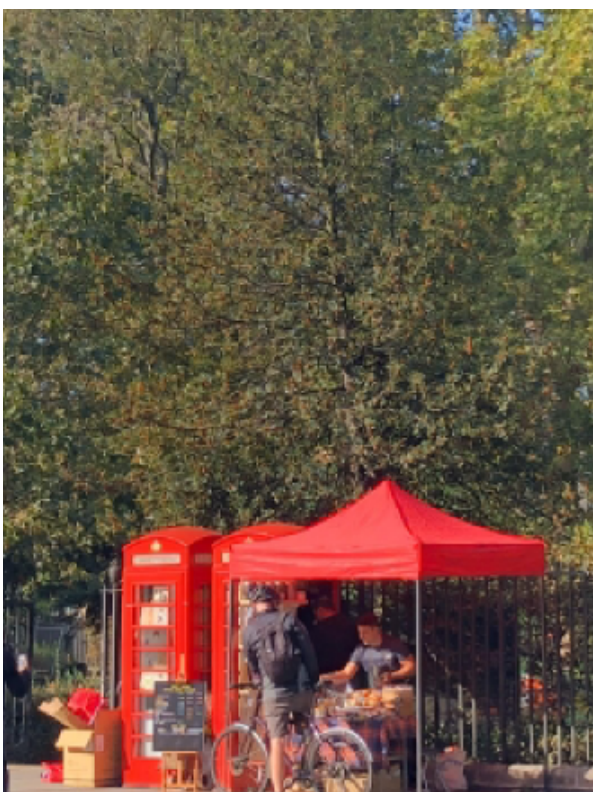
## 5. Impact on pedestrian movement

5.1 Local Plan Policy C6 (Access for all) seeks to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities. The Council expects 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.

5.2 Local Plan Policy T1 (Prioritising walking, cycling and public transport) seeks to promote walking in the borough and to improve the pedestrian environment by making it safe and easy to walk through.

5.3 One other reasons for attaching Condition 5 to planning permission (2015/0664/P) was to ensure that free pedestrian movement was maintained on the public highway adjacent to the telephone kiosks in accordance with the approved scheme.

5.4 While it is noted that the approved retail use associated with the telephone kiosks has not operated for several months, presumably due to current circumstances as a consequence of COVID-19, the retail use was in operation earlier this year operating with a serving table, gazebo, litter bin and A-board sign in breach of Condition 5 which restricts the placing of any items of this kind on the public highway (see Images 6 and 7 below).



- 5.5 While Images 6 and 7 show a less intensive operation of the retail use than is proposed under this current application given that there were no customer tables and chairs, a smaller area of the pavement was occupied, and a smaller sized gazebo was erected, it can nevertheless be seen that even under these circumstances, the general arrangement resulted in boxes of litter being placed near to garden entrance gates that encroach into public access routes in and out of the gardens, as well as, the presence of customers congregating on the pavement in front of the extended food and beverage display area.
- 5.6 Given that the proposals would occupy an even larger area of pavement and with customers encouraged to sit on tables and chairs positioned on the public highway, it is likely that this would lead to a much more intensive take-up of the retail offer than shown in Images 6 and 7, so potentially resulting in a greater footfall and congregation of customers on and around this area of pavement. This would impact detrimentally on the free movement of pedestrians along this section of public highway, especially given its' corner position, well established and busy pedestrian route, and close proximity to a public entrance way into and out of Russell Square public park and gardens.
- 5.7 It is noted that similar concerns have been raised by several local residents and groups (see Consultation Summary above). These concerns also include the potential for overcrowding on the pavement and public highway, increased litter and noise, lack of provision for the storage and collection of waste, uncertain delivery arrangements, and the reduction in public space and civic amenity as a result of an intensification of the retail use associated with the proposals.
- 5.8 As such, the proposal would be contrary to Policies C6 and T1 which seek to improve the pedestrian environment by making it safe and easy to walk through for all, and by promoting walking and fair access in the borough.

## **6. Other matters**

- 6.1 It is noted that the drawings also include the proposed display of an A-Board sign on the pavement which may require a separate advertisement consent application. Any proposal that affects the public highway would also need consent from the Council's Highways Service. However, the siting of this type of board on the public highway is discouraged as it introduces a trip hazard and impairs pedestrian movement, and as such, it would likely be refused any necessary consents.

## **7. Recommendation**

- 7.1 Refuse 1) variation and removal of conditions and 2) listed building consent for the following reasons:
- 1). Variation and Removal of Conditions
- 7.2 The proposal, by reason of design, location, scale and obtrusive appearance, would result in visual clutter and unsympathetic additions, harmful to the setting and special architectural and historic interest of the Grade II listed telephone boxes and Russell Square, and to the character and appearance of the Bloomsbury Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- 7.3 The proposal, by reason of design, location and scale, would introduce clutter to the public highway, detrimental to free pedestrian movement, contrary to policies C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.
- 7.4 The proposal, in the absence of an approved management plan for the day-to-day running of the retail use in connection with the proposed customer service and seating areas as shown on the submitted plans, would be likely to result in harm to the setting and special architectural and

historic interest of the Grade II listed telephone boxes and Russell Square, and to the character and appearance of the Bloomsbury Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2). Listed Building Consent

- 7.5 The proposal, by reason of design, location, scale and obtrusive appearance, would result in visual clutter and unsympathetic additions, harmful to the setting and special architectural and historic interest of the Grade II listed telephone boxes and Russell Square, and to the character and appearance of the Bloomsbury Conservation Area, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.