

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>30/09/2019</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>29/09/2019</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Enya Fogarty			1. 2021/2115/P 2. 2021/3151/A	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pavement outside No 124 Theobalds Road London, WC1X 8RX			Refer to draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
1. Installation of a new phone hub unit following removal of existing kiosk as part of wider proposals to replace Infocus telephone kiosks; and 2. Display of 1 x LCD illuminated digital advertisement panel to new phone hub unit.				
<b>Recommendation(s):</b>	1. Refuse Planning Permission 2. Refuse Advertisement Consent			
<b>Application Types:</b>	1. Planning Permission 2. Advertisement Consent			

Reason(s) for refusal:	Refer to Draft Decision Notice					
<b>Consultations</b>						
Adjoining occupiers and/or local residents/groups	No. notified	<b>00</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>

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

**Metropolitan Police:**

*Key design changes have been made, such as reducing the depth of the canopy and introducing an angled design which are considered positive changes. The inclusion of a management plan is important. The kiosk will not supply free calls which is a crime prevention. In relation to the location of the kiosks around Camden there is a common theme among crime statistics. All the area have major crime issue with street crime and antisocial behaviour. These are common areas for commuters with large amount of footfall. Due to the openness of the Kiosk, a person would be vulnerable to robbers. Due to the location of the kiosks being closer to the street, it will mean this crime can be carried out by moped or bicycle. The large faced where the advertising screen is proposed to the carriageway will mean that the advertising screens will act as an opportunity for concealment and increase the risk of theft and assault. The advertising screens will be a distraction and could lead to an increase in distractions and increase reported collisions. The other consideration would be safety of the user and the other road users. Due to the close proximity to the carriageway and the lack of visual permeability, a person could step onto the road with little or no warning for a road user. The potential of the traffic collision increases.*

*If considered the following is recommended:*

- *Strict compliance with Communication Hub Unit Management Plan (October 2020).*
- *Integrated CCTV camera (operational from Day 1 of official unit 'switch-on').*
- *Consider moving the kiosk slightly back from the carriageway where the risk of phone snatches will be higher. Also consider angling the hood of the kiosk to mitigate against this risk.*
- *The other consideration should be safety of the user as well as other road users. Due to the close proximity to the carriageway and the lack of visual permeability through the kiosk persons could step into the road with little to no warning for a road user. The potential for road traffic collisions increases.*
- *Having the advertising screens in such close proximity to the carriageway could be a distraction for road users leading to an increase in reported collisions in the vicinity of these proposed infocus kiosks. The screens at night could cause drivers unnecessary glare. It is recommended that the advertising screen be switched off overnight.*

*The display screen for the advertising is quite large and could be used for concealment which could lead to arise in opportunistic theft.*

- *Lines of sight along the street will be impeded. Consider a reduction in size of the kiosk.*

**Cllr Adam Harrison**

*Would add to the street clutter and would have a visual impact.*

**Bloomsbury CAAC**

**Summary of  
consultation  
responses:**

*The proposed Kiosk would cause street clutter and inappropriate advertisement would cause great harm to the conservation area and the setting of listed buildings. Large illuminated advertisement screens are a completely unacceptable feature within the historic environment. The design is poor quality and inappropriate within the setting of designated heritage assets. Due to the poor design and prominence the kiosks will likely attract antisocial behaviour resulting in vandalism, fly posting and public urination encouraging crime.*

### Site Description

The application site is located on the pavement on the north of Theobalds Road and is located in front of a 7-9 storey office building. To the north is an estate of residential ex-local authority blocks measuring approximately 7 storeys in height. To the west, south and east are commercial buildings. The site is not located within a conservation area but is adjacent to the Bloomsbury conservation area and there are no listed buildings in the immediate vicinity.



Approximate location of the proposed Kiosk

### Relevant History

#### Site history

**2017/2711/P**-Erection of freestanding BT panel providing phone and Wi-Fi facilities with 2 x internally illuminated digital advertisements. **Granted 10/05/2018**

Figure 1. Phone kiosk applications by decision type

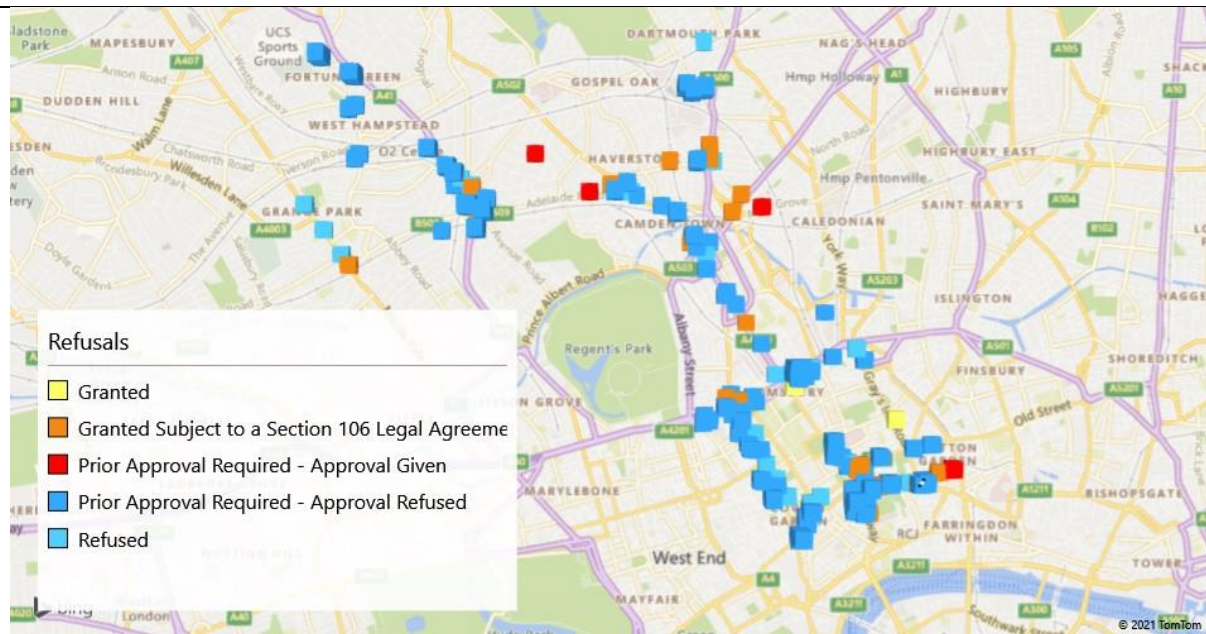
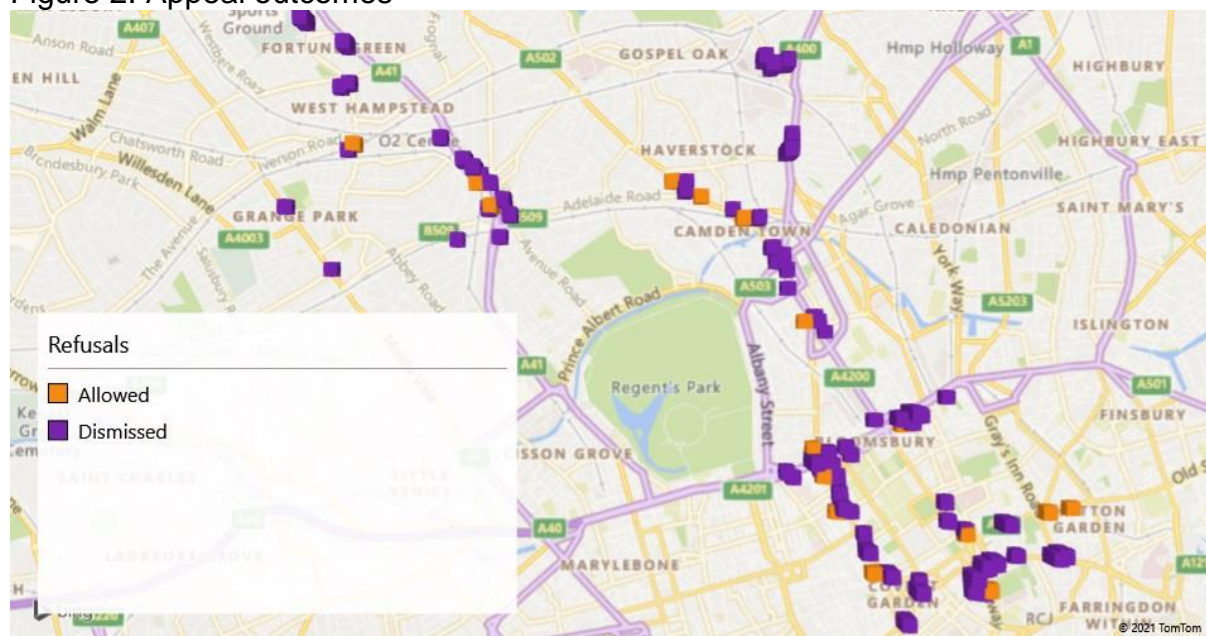


Figure 2. Appeal outcomes



	Total cases
<b>2017</b>	
<b>Full Planning Permission</b>	<b>46</b>
Granted	1
Granted Subject to a Section 106 Legal Agreement	20
Refused	1
Withdrawn Decision	24
<b>GPDO Prior Approval Determination</b>	<b>92</b>
Prior Approval Required - Approval Given	3
Prior Approval Required - Approval Refused	89
<b>2018</b>	
<b>Full Planning Permission</b>	<b>16</b>
Granted Subject to a Section 106 Legal Agreement	4
Withdrawn Decision	12
<b>GPDO Prior Approval Determination</b>	<b>110</b>
Prior Approval Required - Approval Given	1

Prior Approval Required - Approval Refused	79
Withdrawn Decision	30

## 2019

<b>Full Planning Permission</b>	<b>20</b>
Refused	20
<b>GPDO Prior Approval Determination</b>	<b>21</b>
Prior Approval Required - Approval Refused	21

**Since 2018, the Council has refused planning permission/prior approval for telephone kiosks for 120 kiosk sites. A full list of the cases has been provided in Appendix 1,**

## 2017

Allowed	13
Dismissed	27
Withdrawn Appeal	1

## 2018

Allowed	4
Dismissed	75

## 2019

Allowed	1
Dismissed	13

**In 2018, 75 appeals were dismissed following the Council's decision to refuse permission. In 2019, 13 appeals were dismissed for kiosks comprising a large digital panel.**

On 18<sup>th</sup> September 2018, 13 appeals were dismissed for installation of payphone kiosks along Euston Road and in King's Cross. One appeal decision notice was issued covering all of the appeals and this is attached for convenience (see Appendix 2). He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.

## Relevant policies

### National Planning Policy Framework (2021)

### London Plan (2021)

### TfL's Pedestrian Comfort Guidance for London (2010)

### Camden Local Plan (2017)

- A1 Managing the impact of development
- C5 Safety and Security
- C6 Access
- D1 Design
- D2 Heritage
- D4 Advertisements
- G1 Delivery and location of growth
- T1 Prioritising walking, cycling and public transport

### Camden Planning Guidance

- CPG Design (2019) - chapters 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)
- CPG Transport (2019) - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)
- CPG Advertisements (2018) – paragraphs 1.1 to 1.15; and 1.34 to 1.38 (Digital advertisements)
- CPG Amenity (2018) - chapter 4 (Artificial light)

## Camden Streetscape Design Manual

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

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

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

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

### Assessment

#### 3 Proposal

3.1 It is proposed to remove 1 x existing telephone kiosks to be replaced with 1 x kiosk of an updated design. The proposal would involve the removal of the following telephone kiosk:



*Existing Kiosk to be removed on site (marked with red arrow)*



*The kiosk design subject of this application*

3.2 The proposal is to remove the existing kiosk which measures 1.47 metres x 1.26 metres and are 2.5 metres high. The proposed kiosk would be at the exact location of the existing kiosk. The replacement kiosk would be 1.1 metres wide x 0.765 metres deep (includes 0.5 metres wide canopy above the telephone and associated touchscreen) and 2.4 metres high. The display screen would be 0.935 metres x 1.67 metres, which would take up most of the kiosk's rear façade. The screen would be powered using green energy and would emit a luminance level of 600 cd/m<sup>2</sup> during hours of darkness.

#### **4 Assessment**

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

4.2 As planning permission is now required for the installation of a telephone kiosk, the Council can take into consideration more than just the siting, design and appearance of the kiosk. The Council is able to take into consideration all relevant planning policies and legislation.

4.3 The current applications form 1 set of 15 similar sets of planning and advertisement consent applications in which the proposed development seeks the overall introduction of 15 new kiosks following the removal of the entire stock of JCDecaux older designed kiosks within the London Borough of Camden (a reduction of 28 kiosks). If planning permission was to be approved a legal agreement (Section 278) would be required to secure these matters to ensure that all old kiosks were removed in a timely fashion and to other management controls.

4.4 As part of a separate enforcement investigation following complaints about the underused and poorly maintained telephone kiosks along Tottenham Court Road, Enforcement notices have been served on a number of kiosks in the street as a breach of condition A.2 (b) (Part 16 Class A) of the GPDO 2015.

#### **5 Design**



5.1 Policy D1 (Design) of the Camden Local Plan states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

5.2 These kiosks have been design around the inclusion of a “6 sheet” large digital screen which has resulted in a large monolithic panel which visually appears as an advertisement panel rather than a phone kiosk. This design approach 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. The ‘Metal Chain Grey’ has a particularly unwelcoming and gloomy appearance, which combined with the uncompromising bulk would have an adverse effect. At a time of re-invention of the street, with widening of pavements and appreciation of generous public realm, these proposals are a disappointing reinstatement of underused pavement clutter.

5.3 In a recent appeal decision (REF: APP/X5210/W/20/3254037 and 3252962 – see Appendix 3) in relation to a phone kiosk of a marginal smaller scale but similar design approach, the Inspector noted:

*The visual impact of the kiosk would be increased by the large illuminated advertising panel, which would be a dominating feature on the structure. The panel, close to the kerbline, would be a prominent standalone illuminated feature. The panel would be unrelated to the services provided by the adjacent commercial units and would appear prominent in views along the street both during the day and in hours of darkness.*

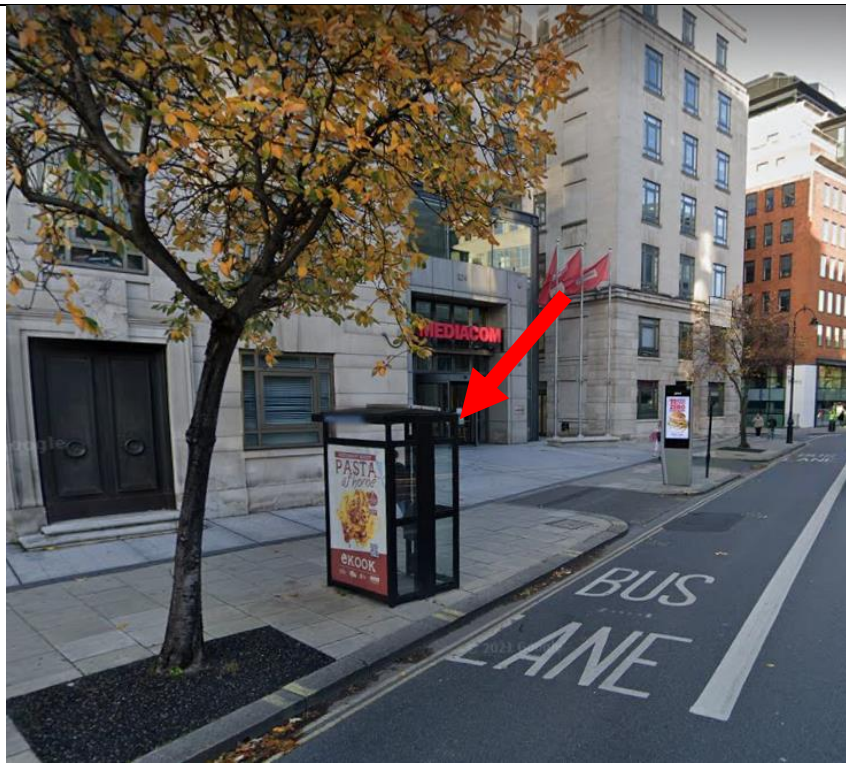
5.4 Based on most recent case law, considerable importance and weight has to be given to the desirability of preserving the setting of listed buildings, where preserving means doing no harm (See Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council, 2014).

5.5 CPG Design advises ‘*the design of streets, public areas and the spaces between buildings, needs to be accessible, safe and uncluttered. Well-designed street furniture and public art in streets and public places can contribute to a safe and distinctive urban environment*’. Street furniture should not obstruct pedestrian views or movement.

5.6 In this case, the proposed structure, by reason of its size and scale, adding unnecessary clutter, would be an obtrusive piece of street furniture detracting from the character and appearance of the streetscene. The incongruous design would therefore provide an intrusive addition to the street and in this regard would fail to adhere to Policies D1 (Design) and D2 (Heritage).

## **6 Planning Balance**

6.1 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. As shown on the photos below,



*The footway currently has two existing Kiosks, one of which would be removed and replaced (marked with red arrow)*

6.2 It is acknowledged that the proposal would include a defibrillator, free Wi-Fi & phone calls to emergency services and charities, defibrillator, wayfinding, device charging, public messaging capabilities, CCTV. There is no evidence before the Council that these benefits can only be achieved on a kiosk of the proposed scale with the inclusion of a large digital panel. Furthermore, as a result of Covid, many facilities such as wayfinding have been switched off and are unlikely to be used in the same way. We have no evidence of how well these types of facilities are appropriately used, especially most exist on personal mobile phones. We have no details on the locations of existing wayfinding or defibrillator coverage in the area. There is scope of public messaging capabilities on existing bus shelters within the street. Furthermore a number of these benefits, such as phone charging, is something that can encourage ASB and can be given limited weight. Whilst weight is given to some of the benefits, for the reasons they do not outweigh the harm caused to the character and appearance of the streetscene, public safety and the loss of footway and the impact on the public realm is not justified.

## **7 Highways/footpath width**

7.1 While it is recognised that there is an existing kiosk located at the application site, planning permission is now required for the replacement and we are full considering the impact of the addition. On 18<sup>th</sup> September 2018, 13 appeals were dismissed for installation of payphone kiosks along Euston Road and in King's Cross. One appeal decision notice was issued covering all of the appeals and this is attached for convenience (see Appendix 2). He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.

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

7.3 Policy D7 (Public Realm) of the New London Plan states that development should '*Applications which seek to introduce unnecessary street furniture should normally be refused*'.

- 7.4 Policy T2 (Healthy Streets) of the New London Plan 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.
- 7.5 Policy A1 (Managing the impact of development) of the Camden Local Plan states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities, and that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users. Furthermore, Policy T1 (Prioritising walking, cycling and public transport) point e) states that the Council will seek to ensure that developments provide high quality footpaths and pavements that are wide enough for the number of people expected to use them, including features to assist vulnerable road users where appropriate, and paragraph 9.10 of CPG Transport highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.
- 5.5 Camden's Streetscape Design manual – section 3.01 footway width states: "Clear footway' is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway:
- 8 1.8 metres – minimum width needed for two adults passing;
  - 9 3 metres – minimum width for busy pedestrian street though greater widths are usually required;
  - 10 Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street'.
- 10.1 All development affecting footways in Camden is also expected to comply with Appendix B of Transport for London's (TfL's) Pedestrian Comfort Guidance, which notes that active and high flow locations must provide a minimum 2.2m and 3.3m of 'clear footway width' (respectively) for the safe and comfortable movement of pedestrians.
- 10.2 Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.
- 10.3 Policy T1 also states that where appropriate, development will be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.
- 10.4 Paragraph 9.7 of CPG Transport seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:
- 11 Safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments and other disabilities;
  - 12 Maximising pedestrian accessibility and minimising journey times;
  - 13 Providing stretches of continuous public footways without public highway crossings;
  - 14 Linking to, maintaining, extending and improving the network pedestrian pathways;
  - 15 Providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas;
  - 16 Use of paving surfaces which enhance ease of movement for vulnerable road users; and,
  - 17 Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed e.g. by pavement parking or by street furniture.

- 17.1 Policy C5 (Safety and security) of the Camden Local Plan requires development to contribute to community safety and security, and paragraph 4.89 of policy C5 states that the design of streets needs to be accessible, safe and uncluttered, with careful consideration given to the design and location of any street furniture or equipment. Paragraphs 7.41 and 7.42 of CPG Design advise that the proposed placement of a new phone kiosk needs to be considered to ensure that it has a limited impact on the sightlines of the footway, and that the size of the kiosk should be minimised to limit its impact on the streetscene and to decrease opportunities for crime and anti-social behaviour.
- 17.2 The footways in high flow areas should be at least 5.3 metres wide with a minimum effective footway width of 3.3 metres. The remaining footway would exceed the minimum required. However, the loss of pavement in such close proximity to an existing kiosk adding additional unnecessary clutter cannot be supported.
- 17.3 Policy D7 (Public Realm) of the New London Plan states that development should 'Applications which seek to introduce unnecessary street furniture should normally be refused'.
- 17.4 Transport colleagues were consulted for this application and state that as the proposal is to install a replacement telephone kiosk at the above site forms part of the strategic road network (SRN) and is located at the corner of the footway between Theobald's road and Boswell Street. The site is approximately 8 metres east of a pedestrian crossing at the junction with Boswell Street.
- 17.5 The proposal to install a replacement telephone kiosk at the above site would re-introduce a significant physical and visual obstruction to an otherwise clear and unobstructed pedestrian environment. The existing and proposed Kiosk would be located 600 mm from the kerb of a strategic road and as a result would detrimentally impact the safety of pedestrian and road users. The proposal would fail to improve the pedestrian environment at the site. This is unacceptable in such a high footfall location in Central London. The proposal should be refused on this basis.
- 17.6 The aforementioned TfL guidance document is clear that siting street furniture in the pedestrian environment in close proximity to pedestrian crossings is not appropriate. The proposal is therefore contrary to TfL guidance as well as Camden Local Plan policies A1 and T1. The proposal should be refused on this basis.
- 17.7 The proposed telephone kiosk would obscure sightlines along and across the footway significantly. Please note that the existing kiosk only partially obstructs sightlines, being largely transparent due to the absence of any end panels. The proposed telephone kiosk would therefore constitute an unnecessary obstruction/impediment and a hazard to road users. The proposal should be refused on this basis.
- 17.8 The proposed telephone kiosk would clearly have a significant impact on pedestrian amenity, comfort and safety, as per the existing situation. For these reasons, the proposal is considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.
- 17.9 In this location where there is an existing kiosk it is considered that allowing the loss of footway and the impact on the public realm is not justified. No justification has been submitted for the need to install a new, replacement kiosk. Refusal is therefore recommended on this basis.

## **18 Anti-social behaviour**

- 18.1 With regards to community safety matters, a number of issues have been raised by the Metropolitan Police Crime Prevention Design Advisor. In particular it has been noted that existing telephone kiosks within the London Borough of Camden have become 'crime generators' and a focal point for anti-social behaviour (ASB). Specification, in relation to the locations of the kiosks around Camden there is a common theme among the crime statistics. All these areas have a major issue with street crime and in particular antisocial behaviour, pickpocketing and theft from person. These are areas of significant footfall with both commuters, local residents and numerous tourists. The design of these kiosks does not reduce the risk of these types of crime from occurring. Due to the openness of the kiosk any mobile phones on display at this location (either in hand or on charge)

will be vulnerable to the opportunist phone snatch. With the new locations mostly closer to the carriageway this form of crime can be carried out by moped or bicycle. The large façade where the advertising screen is proposed will act as an opportunity for concealment and increase the risk of theft and assault.

18.2 The design and siting of a structure which is considered unnecessary and effectively creates a solid barrier to hide behind, on a busy footway would further add to street clutter and safety issues in terms of crime and ASB, through reducing sight lines and natural surveillance in the area, and providing a potential opportunity for an offender to loiter. This would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to Policy C5 (Safety and security) and CPG Design.

18.3 The Council has experienced ASB from the BT link panels within Camden. Residents and members have reported a rise in anti-social behaviour and crime as a direct result of these kiosks being installed. These activities include increased instances of loitering, as well as usage of the free calls facility to coordinate drug deals. This has been most apparently in areas such as Euston and Camden Town. Other boroughs such as Tower Hamlets and Islington have experienced similar issues and few boroughs are supporting the installation of more. One of the public benefits to these kiosks were the ability to provide free calls. Initially the free calls had to be removed until an algorithm was created to identify abnormal call levels to a single number and then blacklists this number. The intention being that this will result in the facility being available for legitimate use but will prevent abuse of the free calls for illegal activities.

18.4 A trial was undertaken in consultation with the Metropolitan Police and community safety team. As soon as the call facility was turned back on, the number of calls escalated very quickly, but very few numbers met the 'threshold' set by BT for call blocking. Data provided by BT and Link UK showed that the majority of calls were for less than 10 seconds. Officers concerns with these panels were that it was not possible to successfully demonstrate that the panels could operate without creating a 'honey pot effect' for crime and ASB.

18.5 Whilst a maintenance strategy is proposed for the application scheme, it is not considered sufficient to address the fact that ASB would be encouraged by the design of the kiosk. In an Appeal decision ref: APP/X5210/W/20/3253878 and 3253540 – see appendix 4) the Inspector noted '*the appellants' proposed maintenance regime would be likely to reduce the effects of such ASB. However, the form of the structure provides a degree of screening for such behaviour and would be likely to encourage it.*

18.6 This would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to Policy C5 (Safety and security) and CPG Design.

## **19 Advertisement**

19.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to consider amenity and public safety matters in determining advertisement consent applications.

### Amenity: Visual impact and impact on residential amenity

19.2 Camden Planning Guidance for CPG Design advises that good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area. CPG Adverts states that '*free-standing signs and signs on street furniture will only be accepted where they would not create or contribute to visual and physical clutter or hinder movement along the pavement or pedestrian footway*'.

- 19.3 Policy D4 (Advertisements) confirms that the “*Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in the area.*” (paragraph 7.82).
- 19.4 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.
- 19.5 Whilst a commercial area, there are limited examples of digital advertisements and the advert on the existing kiosk is non-illuminated. The provision of a further digital screen in this location would add visual clutter to the streetscene. Whilst there is an existing digital display on the BT link panel, the addition of a further screen in such close proximity would change the character of this part of the streetscene, serving to harm the character and appearance of the area. It is therefore considered that the proposed advertisement would have an adverse effect upon the visual amenity of the area.
- 19.6 In 4 appeals for comparable illuminated digital advertisement displays dated 22nd May 2018 (Ref: APP/H5390/Z/17/3192478 (Appeal B); APP/H5390/Z/17/3192472 (Appeal B); APP/H5390/Z/17/3192470 (Appeal B); APP/H5390/Z/17/3188471 (Appeal B), the Planning Inspector commented that while the luminance level and rate of image transition could be controlled by condition, the appeal proposal would nevertheless create an isolated and discordant feature. In each case, the display of a sequential series of static digital images was considered to be conspicuous and eye-catching, and as such, would have a harmful effect upon visual amenity.
- 19.7 If the application was to be recommended for approval, conditions to control the brightness, orientation and frequency of the displays, and prevent any moving displays would be required.

### Public Safety

- 19.8 Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users. The Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users.
- 19.9 CPG Design in paragraph 7.42 advises that, “*All new phone boxes should have a limited impact on the sightlines of the footway.*” This is supported by Transport for London (TfL) in the document titled ‘Streetscape Guidance’ which on page 142 states that, “*Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles.*” Paragraph 6.3.10 of the Manual for Streets advises that, “*Obstructions on the footway should be minimised. Street furniture is typically sited on footways and can be a hazard for blind or partially-sighted people.*”
- 19.10 It is accepted that all advertisements are intended to attract attention. However, advertisements are more likely to distract road users at junctions, roundabouts and pedestrian crossings particularly during hours of darkness when glare and light spillage can make it less easy to see things, which could be to the detriment of highway and pedestrian and other road users’ safety.
- 19.11 The proposed digital advertising sign is considered to be harmful to both pedestrian and vehicular traffic given that the proposed location of the screen is located adjacent to junction, which would likely introduce undue distraction or hazard in public safety terms.

## **20 Conclusion**

- 20.1 The proposal would result in unacceptable street clutter, harmful to the character and appearance of the streetscape and add the loss of footway for unnecessary clutter, as well as, creating issues with safety. The advertisement would also serve to harm the visual amenity of the

area. The proposal is therefore considered to be unacceptable in compliance with the aforementioned policies.

20.2 Whilst weight is given to some of the benefits, for the reasons they do not outweigh the harm caused to the character and appearance of the streetscene, public safety and the loss of footway and the impact on the public realm is not justified.

20.3 If the applications were considered to be acceptable, the Council would seek an obligation attached to any planning permission for the applicant to enter into a legal agreement to secure the removal of all kiosks prior to the installation of any new kiosk. This agreement would also secure controls to ensure that the kiosk is well maintained and that the advertisement is only in place whilst the telephone element is in operation.

## **21 Recommendation**

### Refuse planning permission

21.1 The proposed telephone kiosk, by reason of its height, bulk, design and location, would add visual clutter and detract from the character and appearance of the wider streetscene, contrary to policies D1 (Design) of the London Borough of Camden Local Plan 2017.

21.2 The proposed telephone kiosk, by virtue of its location, size and detailed design, [and cumulative impact of existing phone kiosks](#), adding to unnecessary street clutter in close proximity to a junction, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway and pedestrian 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.

21.3 The proposed telephone kiosk, by reason of its scale, location and design would add unnecessary street clutter which 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.

21.4 In absence of a legal agreement to secure the removal of the existing kiosks and a maintenance plan or the proposed kiosk, the proposal would be detrimental to the quality of the public realm, and detract from the character and appearance of the streetscene, contrary to policies D1 (Design), G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

### Refuse advertisement consent

21.5 The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, with the display of a sequential series of digital advertisements, add visual clutter, detrimental to the amenity of the streetscene, contrary to and policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.

21.6 The proposed advertisement, by virtue of its location, scale, prominence and method of illumination, would in combination with the display of a sequential series of digital advertisements, introduce a distraction to traffic and pedestrians, causing harm to highway and public safety, contrary to Transport for London guidance, and to Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.

