Delegated Report	Analysis sheet	Expiry Date:	29/11/2021
	N/A	Consultation Expiry Date:	29/11/2021

Officer	Application Number(s)
Jennifer Dawson	1. 2021/3915/P 2. 2021/4375/A
Application Address	**Drawing Numbers**
Pavement o/s 88 Tottenham Court Road Tottenham Court Road London W1T 1BJ	Refer to draft decision notice

PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature

Proposal(s)

1. Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens following the removal of associated BT kiosks.
2. Display of 1 x LCD illuminated digital advertisement panel to new phone hub unit.

Recommendation(s):	**1. Refuse Planning Permission** **2. Refuse Advertisement Consent**
Application Types:	**1. Planning Permission** **2. Advertisement Consent**

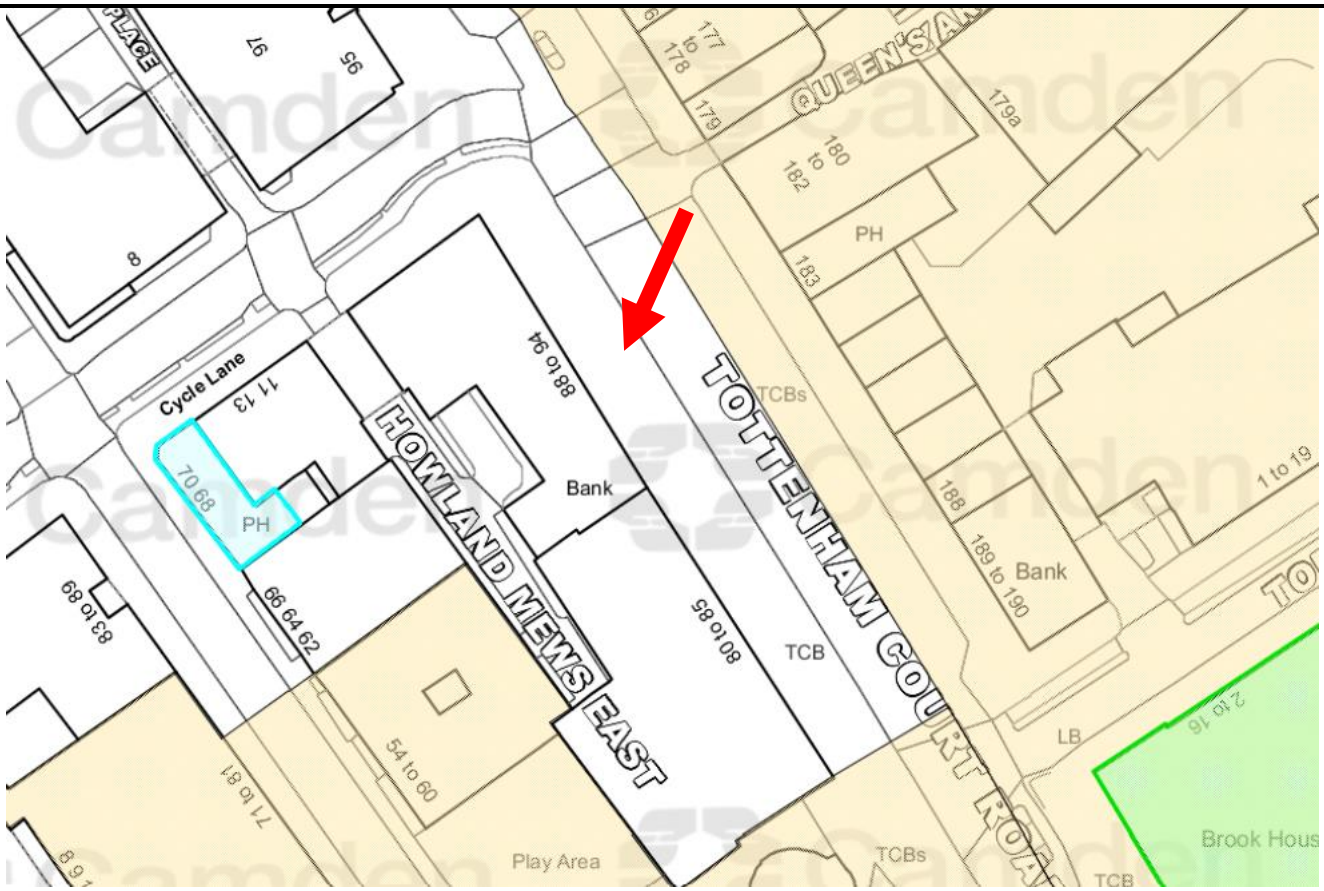
Reason(s) for refusal:	**Refer to Draft Decision Notice**					
Consultations						
Adjoining occupiers and/or local residents/groups	No. notified	**00**	No. of responses	**03**	No. of objections	**03**

Summary of consultation responses:	In response to the proposal, the following comments/objections were received: **Metropolitan Police:** In relation to the locations of the kiosks around Tottenham Court Road 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. The close proximity to the carriageway will mean that the advertising screens will be in full view of vehicles driving past. This will be a distraction and could lead to an increase in reported collisions along these stretches of road. During hours of darkness the illuminated screens will offer increased distractions as these adverts pop out. 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. This proposed kiosk is located outside a Lloyds bank. People would be distracted using the cash machine and the concealment opportunities this kiosk provides means that Risk of theft at this location is higher. The new kiosk still has a large screen which can be used as a concealment opportunity. I am also concerned regarding the noise cancelling facility through the headphone port. This could mean that users of the hub might not hear persons approaching. This is a concern for safety. 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 inlink kiosks. The screens at night could cause drivers unnecessary glare. It is recommended that the advertising screen be switched off overnight. **Cllr Adam Harrison** Would add to the street clutter and due to the location would be considered a safety risk. The removal of one in Torrington place is of no benefit whatsoever. It is an isolated location away from Tottenham court road and in my view is too far away to be considered a viable option for removal. (it is also in a poor condition). I would prefer the removal of ones in TCR & 2 for 1 is not what we would consider a good deal considering the number in TCR. The location and orientation so close to a cashpoint machine should be considered as a safety risk. They would make a stronger case if they had an area wide strategy rather than just individual applications.

	Charlotte street association These large (more than 1.2m wide and nearly 3m high) and intrusive advertising displays will directly face onto the flow of pedestrians on the footway, and also towards the drivers and cyclists on the carriageway, along Tottenham Court Road. They will impede the flow of pedestrians and likely be a distraction to drivers and cyclists along the carriageway which could have a negative impact on road danger reduction. They will introduce not only physical clutter due to their width but also brash visual clutter due to the illumination. Tottenham Court Road has a number of listed buildings and most of it is within a conservation area. We also note the concerns raised by officers in the report to the Culture and Environment Scrutiny Committee in November 2021 about the unexpected negative impacts of similar Phone hubs where they have "attracted anti-social behaviour" and the free phone hubs have been used for criminal activity. "These activities include increased instances of loitering, as well as usage of the free calls facility to coordinate drug deals," states the report of 9 November 2021. While we welcome the proposed removal of the older phone boxes as part of the planning and advertising applications we are concerned that the proposals swap one form of unwanted street clutter for another - possibly worse - form of clutter. There are already several and similar large double-side adverting panels that are part of the clutter and visual intrusion along this shopping street. The sheer number of the units proposed is completely over-the-top and any positive aspects with regard to providing some public information (only five percent of the time) is outweighed by the negative aspects.

Site Description

The application site is located on the pavement along Tottenham court road and is located in front of a ground floor commercial units. The site is not located within a conservation area but is surrounded by two conservation areas Bloomsbury Conservation area and Charlotte Street conservation area. The site is next to a busy cycle lane along Tottenham Court Road. There is street furniture at this location including signposts and bicycle parking. There are also several established trees nearby.



Approximate location of the proposed Kiosk

Relevant History

Site history

2018/5562/P - Land Adjacent to 90 Tottenham Court Road London W1T 4TJ - Installation of 1 x telephone kiosk on the pavement. **Refused 20/12/2018. Appeal Dismissed 09/12/2019**

2018/0333/P - Land Adjacent to 90 Tottenham Court Road London W1T 4TJ - Installation of 1 x telephone kiosk on the pavement. **Refused 15/03/2018. Appeal Dismissed 16/10/2019**

2017/1026/P- Land Adjacent to 90 Tottenham Court Road London W1T 4TJ - Installation of 1 x telephone kiosk on the pavement. **Approval Refused 07/04/2017**

2018/5531/P- Land Adjacent to 80 - 85 Tottenham Court Road London W1T 4TE- Installation of 1 x telephone kiosk on the pavement. **Refused 20/12/2018. Appeal Dismissed 09/12/2019**

2018/4244/P- Land Adjacent to 80 - 85 Tottenham Court Road London W1T 4TE- Erection of freestanding BT Panel providing phone and Wi-Fi facilities, with 2 x internally illuminated digital advertisements. **Withdrawn 08/06/2021**

2017/1199/P- Land Adjacent to 80 - 85 Tottenham Court Road London W1T 4TE- Installation of 1 x telephone kiosk on the pavement. **Approval Refused 07/04/2017**

Summary of phone kiosk applications since 2017 - Please refer to appedix A for full details

Year	Phone kiosk applications received	Phone kiosk advert applications received	Approved	Refused	Appeals received	Appeals allowed	Appeals dismissed
2017	140	52	26	90	0	0	0
2018	127	41	26	83	63	13	30
2019	43	17	1	20	50	4	50
2020	2	0	0	40	28	2	52
2021	32	10	1	12	0	0	0
2022	1	0	0	5	0	0	0

Figure 1. Phone kiosk applications by decision type (2017-2019)

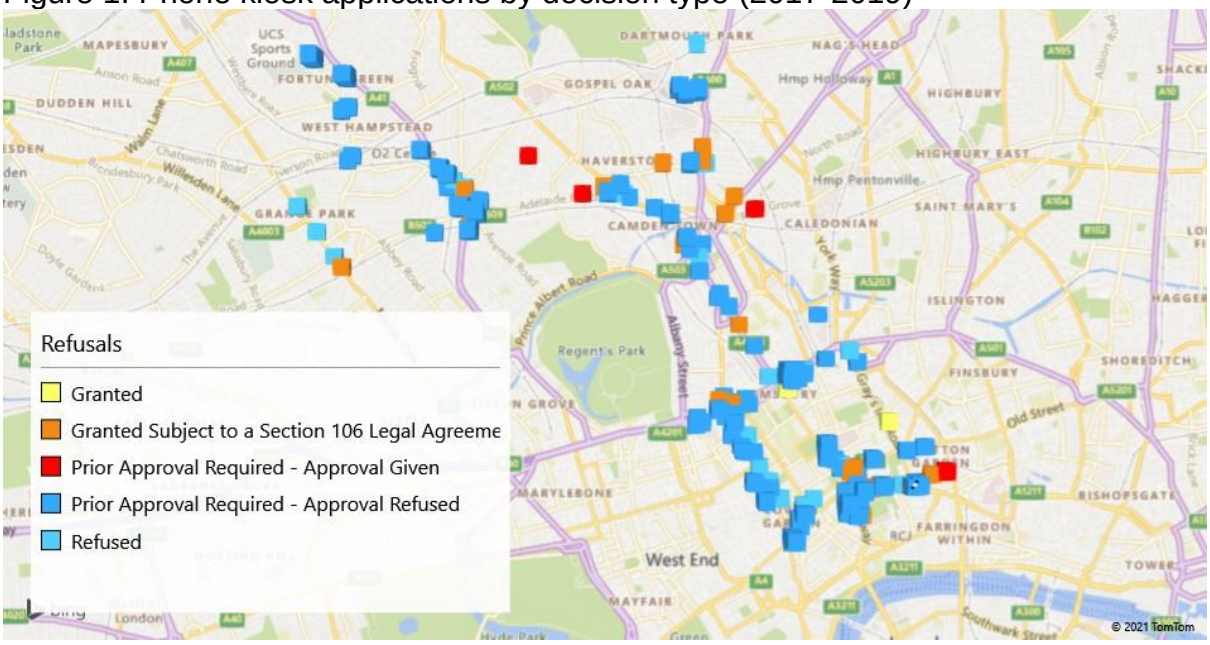
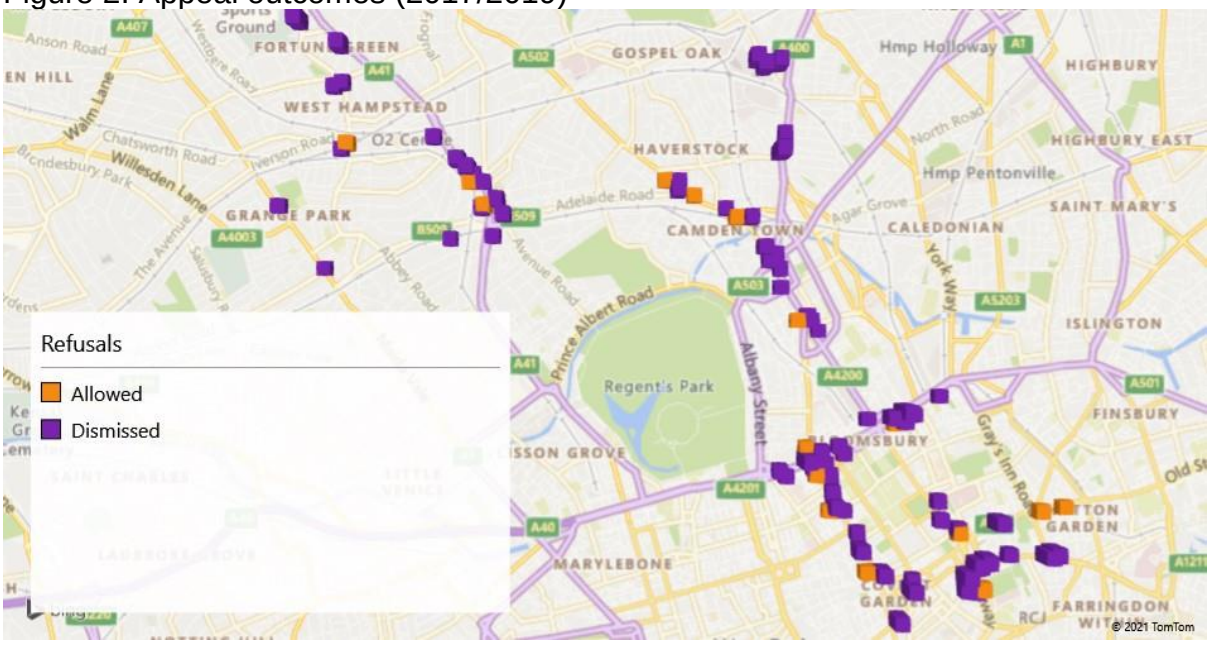


Figure 2. Appeal outcomes (2017/2019)



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 (2021) - chapters 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)
CPG Transport (2021) - 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 (2021) - 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

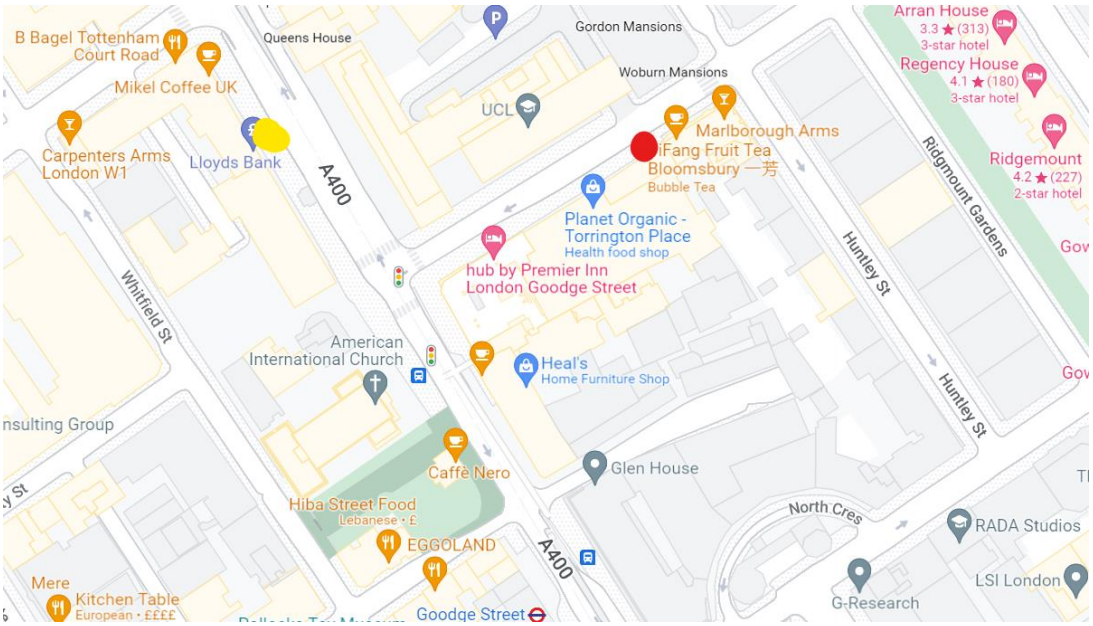
Fitzrovia Action Plan 2014
Bloomsbury Conservation area Statement 2011
Charlotte Street conservation area Statement 2008

Assessment

1 Proposal

1.1 It is proposed to install 1 x kiosk following the removal of 1 x kiosk close to the site at no. 80-81 Tottenham Court Road and 1 x kiosk at 24 Torrington Place, shown below.

A further kiosk located in red and shown below is also proposed to be removed. (New Kiosk marked with yellow arrow)



Existing Kiosk to be removed on site (marked with red dot) (New Kiosk marked with yellow dot)

The kiosk design subject of this application

1.2 The proposal is to remove two existing kiosks, one located outside no. 80 and one nearby at 24 Torrington Place which measures 0.9 metres wide and 2.5 metres high. The proposed kiosk would located nearby one of the existing kiosks and would measure 1.2 metres x 0.4 metres and are 3.0 metres high. The display screen would be 0.9 metres x 1.6 metres, which would take up most of the kiosk's façade. The screen would be powered using 100% renewable carbon-free energy and would emit a luminance level of 600 cd/m2 during hours of darkness.

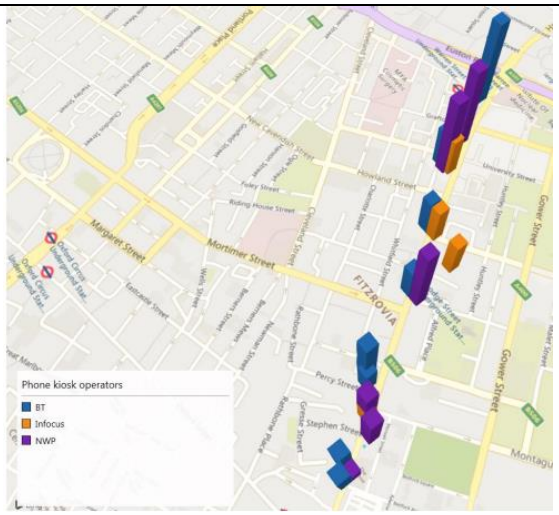
2 Assessment

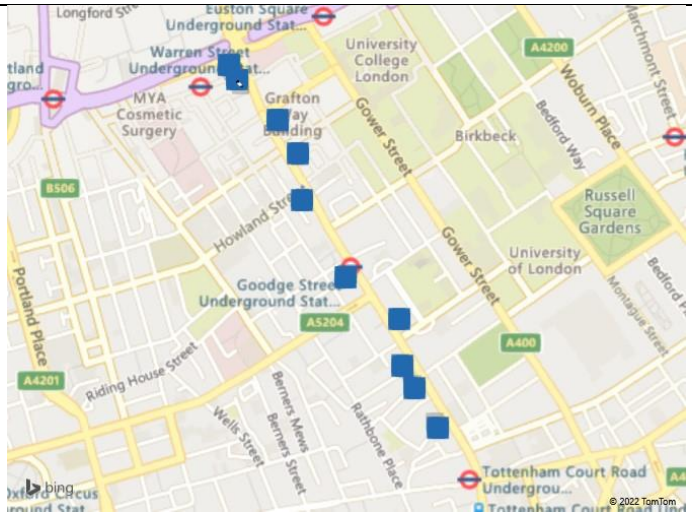
2.1 On 25 May 2019, the GPDO was amended through the adoption of the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019. This amendment has had the effect of removing permitted development rights to install a public call box under Schedule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

2.2 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.

2.3 The current applications form 1 set of 10 similar sets of planning and advertisement consent applications in which the proposed development seeks the overall introduction from 16 kiosks to 9 within Tottenham Court itself. There are proposed removals outside of TCR of the some of the older stock of BT kiosks. . If planning permission was to be approved a legal agreement (Section 278) would be required to secure the removal of the associated kiosks and to other management controls.

2.4 There are currently 33 kiosks within Tottenham Court, as shown on the plan below. Various operators has a number of kiosks within the street, of which all are in close proximity of each other (below left). BT have 16 kiosks which will be replaced with install 9 new 'BT Hub' kiosks on TCR and one on Euston Road (below right).





2.5 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.

2.6 As part of a separate enforcement investigation following complaints about the underused and poorly maintained telephone kiosks along Tottenham Court Road, 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.

3 Design

3.1 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.

3.2 Policy D2 (Heritage) of the Camden Local Plan states that the Council will require development to preserve and where possible enhance the character and appearance of an area. Despite not falling within the two conservation areas, the kiosk is visible.

3.3 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. 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.

3.4 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*.

3.5 In a recent appeal decision along 23 and 39 Tottenham Court Road (REF: APP/X5210/W/18/3211169) and 3211168 – see Appendix 3) in relation to a phone kiosk of a marginal smaller scale but similar design approach, the Inspector noted:

In these circumstances I consider that the proposed call box would constitute a harmful addition to the existing clutter of this part of the street scene. Moreover, whilst I have acknowledged that the principle of development and the need for the facilities are not issues that can be taken into account, I consider that an additional call box in a position where there are already so many nearby would be perceived as somewhat incongruous by passers-by. This is not a comment arguing that there would be unnecessary or unwarranted competition, but an observation as to the visual impact of the structure in cumulative terms.

3.6 The Bloomsbury Conservation Area is adjacent to the site, the conservation area statement specific highlights the clutter of street furniture as a current issue which is harming the conservation area. It goes on to state that 'The quality of the public realm and particularly the pedestrian spaces can make an important contribution to the character of the area. The quality can be adversely affected by a range of factors including the proliferation of visual clutter…'

3.7 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.

3.8 One of the aims of the Fitzrovia Area Action Plan (Part 3: Vision and objectives) adopted in 2014 is to promote high quality physical environments through de-cluttering existing footways in this locality in order to enhance pedestrian movement and public realm. Similarly, it is also important to note that Tottenham Court Road has been the subject of a major public realm renewal programme as part of the Council's 'West End Project' involving an investment of £35m intended to transform this part of the borough. One of the objectives of the Project is to reduce the number of telephone kiosks and to declutter the public highway and streets, and as such, significant works have already taken place over the last few years to realise these improvements in this location.

3.9 However, there is no evidence in the application submission that any consideration has been given to the local aims and objectives of either the Fitzrovia Area Action Plan or the West End Project, nor has any attempt been made to integrate the Council's wider highway, urban realm and landscape proposals into the proposals. As an adopted Area Action Plan, the aims and objectives of the Fitzrovia Area Action Plan are closely associated with the Camden Local Plan and have equal weight to Local Plan policies. As such, the proposal is at odds with the broader, integrated approach of the Council to improve and rationalise 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, rather than add additional street clutter. In this regard, the proposal would fail to adhere to Policy D1 (Design) and CPG Design, Part 3 (Vision and objectives) of the Fitzrovia Area Action Plan, as well, as the core design principles as set out in Section 12 of the NPPF.

3.10 In this case, it is proposed to install a kiosk in a location where one does not currently exist, the kiosk to be removed is further north. 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).

4 Planning Balance

4.1 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 an existing Kiosk, (marked with red arrow)

4.2 It is acknowledged that the proposal would include Wi-Fi to public services, USB ports for charging devices; provide capacity and mobile coverage with small cells, free phone calls; display community and emergency messaging, wayfinding, and Environmental sensors to measure air quality, noise and traffic. Whilst the proposal involves the removal of other kiosks , it involves the introduction of a kiosk in a new location, outside a ATM in a pedestrian desire line adjacent to a conservation area. 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 or justification for the need for such a high numbers of kiosks within one street. 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 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.

5 Highways/footpath width

5.1 While it is recognised that there is an existing kiosk located near the application site which would be removed, the proposal is for a new site. Planning permission is now required for the replacement and we are full considering the impact of the addition.

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

5.3 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.

5.4 In an appeal decision for Proposed replacement Telephone Kiosk outside 216-217 Tottenham Court Road, London W1T 7PT (3253878 – see Appendix B), the Inspector noted that:

Furthermore, the proposal would have a harmful effect on pedestrian movement and public safety and so it would be contrary to Policies G1, A1, C6, T1 and C5 of the Local Plan in as much as these, amongst other things, promote streets and public areas which are fully accessible, easy and safe to walk through and provide high quality footpaths and pavements that are wide enough for the number of people expected to use them, and resist development that fails to adequately address transport impacts affecting communities and the existing transport network.

5.5 Policy D8 (Public Realm) of the London Plan 2021 states that development should '*Applications which seek to introduce unnecessary street furniture should normally be refused*'.

5.6 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.

5.7 Policy A1 (Managing the impact of development) of the Camden Local Plan states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities, and that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users. Furthermore, Policy T1 (Prioritising walking, cycling and public transport) point e) states that the Council will seek to ensure that developments provide high quality footpaths and pavements that are wide enough for the number of people expected to use them, including features to assist vulnerable road users where appropriate, and paragraph 9.10 of CPG Transport highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other.

5.5 Camden's Streetscape Design manual – section 3.01 footway width states: "'Clear footway' is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway:

- 1.8 metres – minimum width needed for two adults passing;
- 3 metres – minimum width for busy pedestrian street though greater widths are usually required;
- Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street'.

5.8 All development affecting footways in Camden is also expected to comply with Appendix B of Transport for London's (TfL's) Pedestrian Comfort Guidance, which notes that active and high flow locations must provide a minimum 2.2m and 3.3m of 'clear footway width' (respectively) for the safe and comfortable movement of pedestrians.

5.9 Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.

5.10 Policy T1 also states that where appropriate, development will be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.

5.11 Paragraph 9.7 of CPG Transport seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:

- Safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments and other disabilities;
- Maximising pedestrian accessibility and minimising journey times;
- Providing stretches of continuous public footways without public highway crossings;
- Linking to, maintaining, extending and improving the network pedestrian pathways;
- Providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas;
- Use of paving surfaces which enhance ease of movement for vulnerable road users; and,
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed e.g. by pavement parking or by street furniture.

5.12 Policy C5 (Safety and security) of the Camden Local Plan requires development to contribute to community safety and security, and paragraph 4.89 of policy C5 states that the design of streets needs to be accessible, safe and uncluttered, with careful consideration given to the design and location of any street furniture or equipment. Paragraphs 7.41 and 7.42 of CPG Design advise that the proposed placement of a new phone kiosk needs to be considered to ensure that it has a limited impact on the sightlines of the footway, and that the size of the kiosk should be minimised to limit its impact on the streetscene and to decrease opportunities for crime and anti-social behaviour.

5.13 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 kiosks (see below) adding additional unnecessary clutter cannot be support.

5.14 Policy D8 (Public Realm) of the London Plan 2021 states that development should 'Applications which seek to introduce unnecessary street furniture should normally be refused'.

5.15 The site is located on Tottenham Court Road (A400) which forms part of the strategic road network (SRN) and is located in a high footfall area in Central London between Goodge Street and Warren Street stations (both London Underground), on the opposite side of the road. This is a busy road for both vehicular and pedestrian traffic. Pedestrian volumes are extremely high in this location and are forecast to increase significantly when Crossrail services become operational (forecast for 2022). The kiosk which is proposed to be removed is located on the footway of Tottenham Court Road and is not located in a recognised street furniture zone. The site is characterised by a complete lack of bulky items of street furniture adjacent to the kerbside, except for the existing kiosk and nearby kiosks. There are some slender lamp columns, trees traffic signal poles and sign posts and bicycle parking in the general vicinity of the site. There are also some established trees. The kiosk is slightly outside of the defined tree zone.

5.16 The proposal to install a telephone kiosk at the above site would reintroduce a significant physical and visual obstruction to the pedestrian environment. The new kiosk would encroach into pedestrian desire lines creating a physical obstruction to pedestrian movement in a very high footfall area. The new kiosk creates a visual distraction for cyclists using the adjacent cycle lane, which could lead to conflicts with pedestrians crossing the road

5.17 The proposed would detrimentally impact the safety of pedestrian 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.

5.18 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.

5.19 The proposed telephone kiosk would obscure sightlines along and across the footway significantly. 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.

5.20 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.

Existing Kiosks in the area (marked with red dots)(Crosses to be removed) (New Kiosk marked with yellow dot)

5.21 In this location where there are seven existing kiosks from a different providers in close proximity to the application site 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.

6 Anti-social behaviour

6.1 With regards to community safety matters, a number of issues have been raised by the Metropolitan Police Crime Prevention Design Advisor. In particular it has been noted that existing telephone kiosks within the London Borough of Camden have become 'crime generators' and a focal point for anti-social behaviour (ASB). 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.

6.2 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.

6.3 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.

6.4 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.

6.5 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.*

6.6 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.

7 Advertisement

7.1 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

7.2 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*'.

7.3 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).

7.4 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.

7.5 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 and the cumulative impact from the addition of 15 digital panels within one street 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.

7.6 If the application was to be recommended for approval, conditions to control the brightness, orientation and frequency of the displays, and prevent any moving displays would be required.

Public Safety

7.7 Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users. The Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users.

7.8 CPG Design in paragraph 7.42 advises that, "*All new phone boxes should have a limited impact on the sightlines of the footway.*" This is supported by Transport for London (TfL) in the document titled 'Streetscape Guidance' which on page 142 states that, "*Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles*." Paragraph 6.3.10 of the Manual for Streets advises that, "*Obstructions on the footway should be minimised. Street furniture is typically sited on footways and can be a hazard for blind or partially-sighted people.*"

7.9 It is accepted that all advertisements are intended to attract attention. However, advertisements are more likely to distract road users at junctions, roundabouts and pedestrian crossings particularly during hours of darkness when glare and light spillage can make it less easy to see things, which could be to the detriment of highway and pedestrian and other road users' safety.

7.10 The proposed digital advertising is adjacent to a cycle route, however it is considered subject to conditions it would be unlikely to introduce undue distraction or hazard in public safety terms.

8 Conclusion

8.1 The proposal would result in unacceptable street clutter, harmful to the character and appearance of the streetscape, adjacent conservation area 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.

8.2 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.

8.3 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.

9 Recommendation

Refuse planning permission

9.1 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 and adjacent conservation areas, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Part 3 (Vision and objectives) of the Fitzrovia Area Action Plan 2014..

9.2 The proposed telephone kiosk, by virtue of its location, size and detailed design, adding to 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 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.

9.3 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.

9.4 In absence of a legal agreement to secure the removal of the existing and others in the vicinity and a maintenance plan or the proposed kiosk, 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.

Refuse advertisement consent

9.5 The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the amenity of the streetscene and adjacent conservation area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.