

Delegated Report		Analysis sheet	Expiry Date:	25/06/2021
		N/A	Consultation Expiry Date:	25/07/2021
Officer			Application Number(s)	
Enya Fogarty			1. 2021/2107/P 2. 2021/3140/A	
Application Address			Drawing Numbers	
Pavement Corner of Shaftesbury Avenue and Earlham Street London WC2H 8JA			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
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.				
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	02	No. of objections	02

A site notice was displayed on 02/07/2021 and expired on 24/07/2021

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

Summary of Crime Design Advisor:

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 areas have major crime issues with street crime and antisocial behaviour. These are common areas for commuters with large amounts 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 advertising screen 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.*

Clr Adam Harrison

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

Bloomsbury CAAC

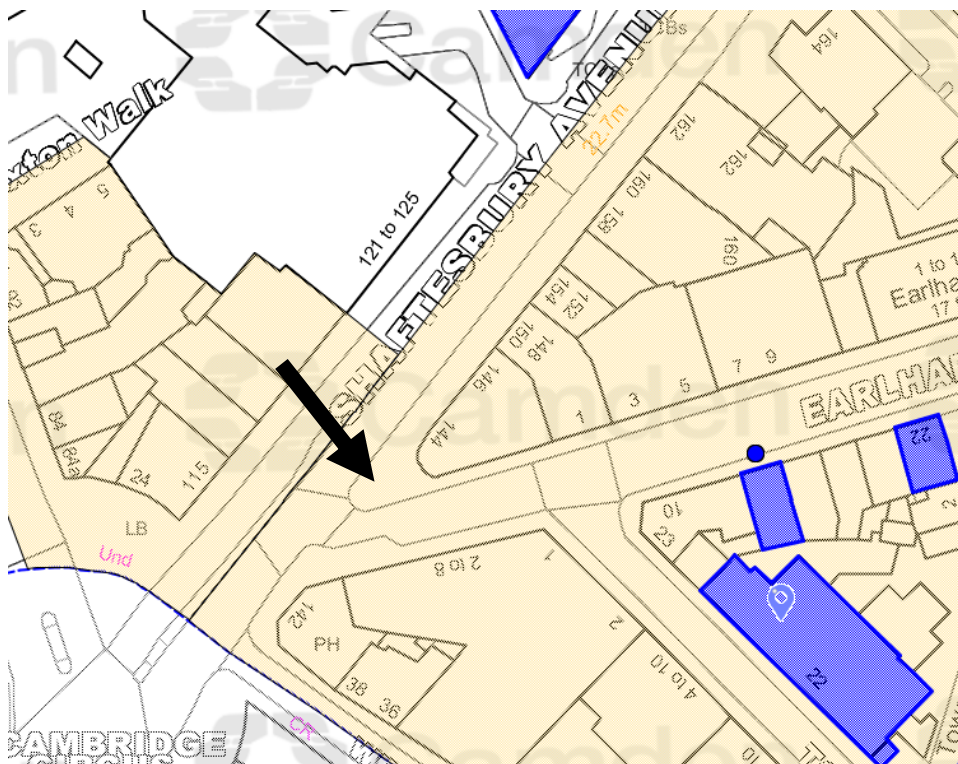
**Summary of
consultation
responses:**

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 site is located on the southeast side of Shaftesbury Avenue at the junction with Earham Street. It is located near Tottenham Court Road Underground Station on one of the busiest pedestrian corridors in the borough.

It is also within a very busy road for both vehicular traffic and pedestrians alike. Existing street furniture along the pavement in close proximity comprises street signs, trees, A-boards and benches. The site is located within the Seven Dials (covert garden) conservation area (light yellow colour) and is close proximity to Grade 11 listed buildings (see blue below).



Proposed location of the kiosk

Relevant History

Site history:

2003/0069/A - Display of two internally illuminated projecting signs at fascia level one to the Earham Street elevation and one to the Shaftesbury Avenue elevation. **Refused on 17/06/2003**

2003/1300/A - The display of two externally illuminated projecting signs. **Granted on 07/08/2003**

2017/5184/A- Display of a 6 sheet internally (back lit) LED illuminated advertisement panel to northeastern elevation of existing public payphone. **Refused on 02/08/2018**

Figure 1. Phone kiosk applications by decision type

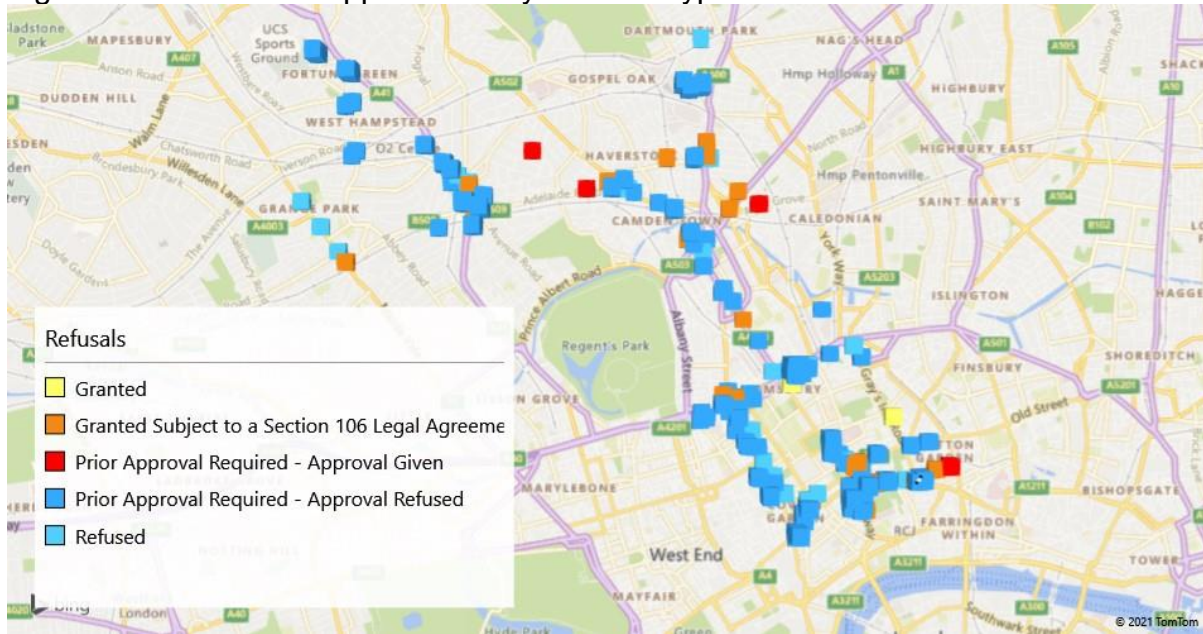
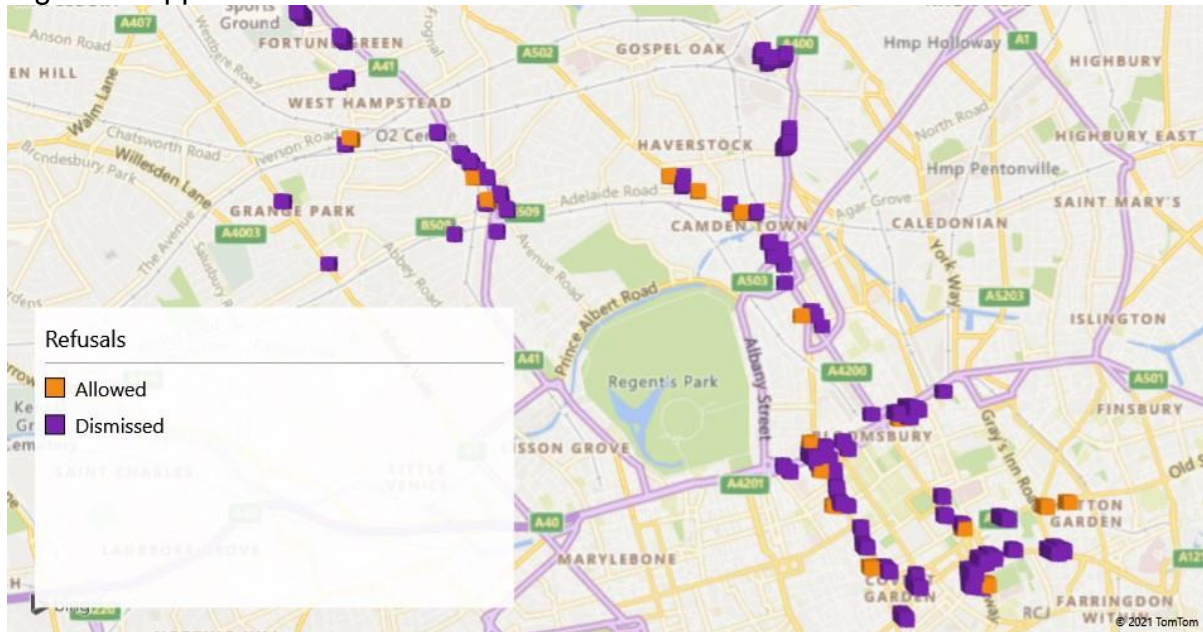


Figure 2. Appeal outcomes



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

Prior Approval Required - Approval Given	1
Prior Approval Required - Approval Refused	79
Withdrawn Decision	30

2019

Full Planning Permission	20
Refused	20
GPDO Prior Approval Determination	21
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 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.

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

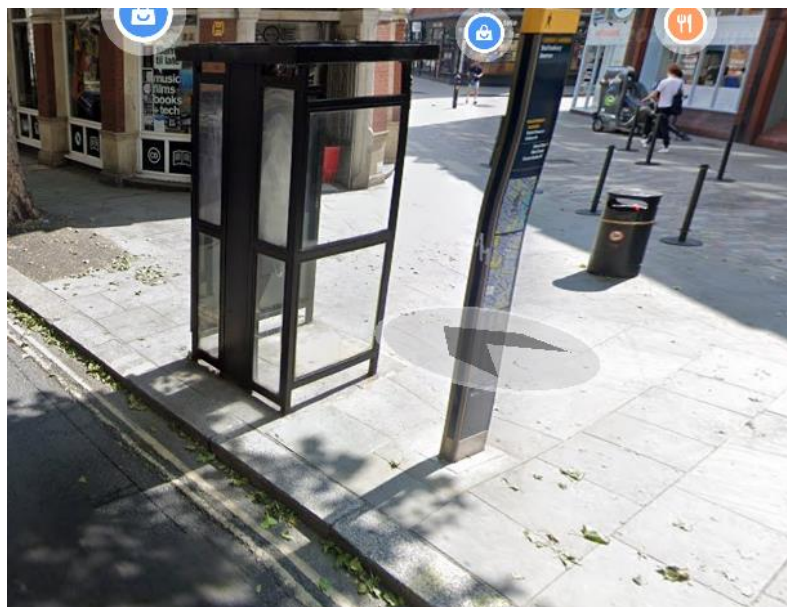
Seven Dials Conservation Area Appraisal and Management Strategy (adopted 1998)

Assessment

1. Proposal

1.1 It is proposed 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:

- Shaftesbury Avenue C/C Earlam Street and Holborn (see below)



Proposed Kiosk to be removed



The kiosk design subject of this application

1.2 The existing JCD telephone kiosks has a footprint of 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/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 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 JC DeCaux older designed kiosks within the London Borough of Camden (a reduction of 28 kiosks). If planning permission was to be approved a legal agreement would be required to secure these matters to ensure that all old kiosks were removed in a timely fashion and to other management controls.

2.4 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.

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 recognises that the setting of a listed building is of great importance and should not be harmed by unsympathetic neighbouring development. Paragraph 7.60 advises that “the value of a listed building can be greatly diminished if unsympathetic development elsewhere harms its appearance or its harmonious relationship with its surroundings.”
- 3.3 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.
- 3.4 Policy D2 (Heritage) of the Camden Local Plan seeks to protect other heritage assets including non-designated heritage assets such as those on the Local List. Paragraph 7.69 notes ‘Camden’s Local List identifies historic buildings and features that are valued by the local community and that help give Camden its distinctive identity...the Council will treat the significance of that asset as a material consideration when determining an application.
- 3.5 These kiosks have been designed 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 character and appearance of the conservation area. 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.
- 3.6 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 kerblines, 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.
- 3.7 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).
- 3.8 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.
- 3.9 The Seven-Dials Conservation Area Appraisal advises it is important that the need to preserve and enhance the historic character of the Conservation Area is recognised in the design and siting of all street furniture, including statutory undertakers and other services equipment and paving materials. The Council will make efforts to avoid any unnecessary visual clutter whilst seeking design solutions appropriate for the area...”
- 3.10 As such, 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 conservation area and nearby Grade 11 listed buildings. 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 existing and proposed Kiosk will be located in a pedestrian desire line

4.2 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4.3 It is considered that the formation of the public telephone box would result in less than substantial harm to the character and appearance of the area.

4.4 Paragraph 196 of the NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

4.5 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, within the setting of the adjacent and nearby locally listed buildings.

4.6 The proposal is thereby considered to constitute less than substantial harm to the setting of the conservation area and nearby listed buildings, with no demonstrable public benefits derived from

the scheme which would outweigh such harm. The proposal is therefore considered to be contrary to Section 16 of the NPPF which seeks to preserve and enhance heritage assets.

5 Highways/footpath width

- 5.1 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 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.
- 5.2 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.
- 5.3 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'.
- 5.4 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.
- 5.5 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:
- 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'.
- 5.6 All development affecting footways in Camden is also expected to comply with Appendix B of Transport for London's (TfL's) Pedestrian Comfort Guidance, which notes that active and high flow locations must provide a minimum 2.2m and 3.3m of 'clear footway width' (respectively) for the safe and comfortable movement of pedestrians.
- 5.7 Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the

pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.

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

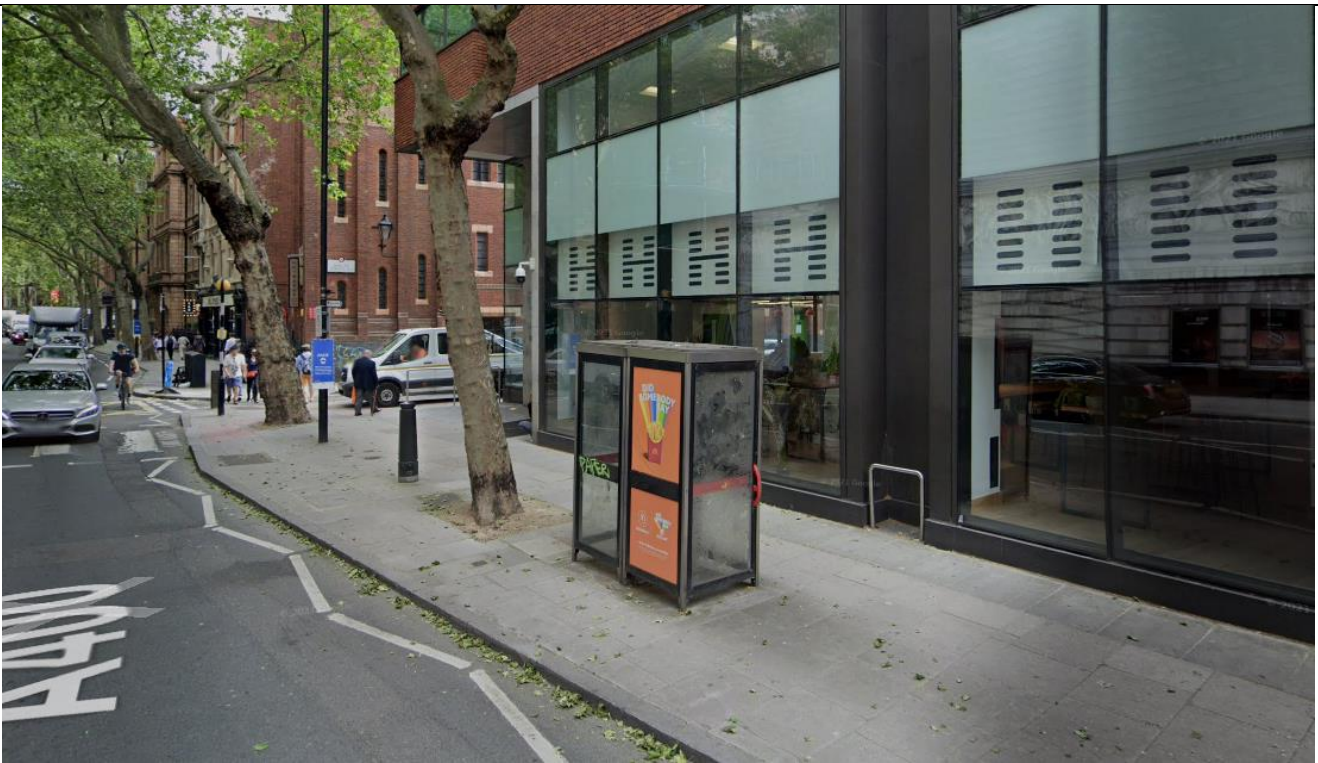
5.9 Paragraph 9.7 of CPG Transport seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:

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

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

5.11 The proposed telephone kiosk would be 1.1 metres wide x 0.765 metres deep and would be offset from the kerb by 600 mm. The Pedestrian Comfort Guidance for London (published by Transport for London) indicates that footways in high flow areas should be at least 5.3 metres wide with a minimum effective footway width of 3.3 metres. The plan submitted does not provide the footway dimensions, however, it is acknowledged that it would exceed these requirements.

5.12 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'.



Neighbouring Kiosk located in front of 164 Shaftesbury Avenue

- 5.13 Transport colleagues were consulted for this application and state that as the proposal is to install a replacement telephone kiosk at the above site it would re-introduce a significant physical and visual obstruction to an otherwise clear and unobstructed pedestrian environment. The proposal would fail to improve the pedestrian environment at the site. Indeed, it would make matters worse by obstructing sightlines along the footway (the existing kiosk is transparent). This is unacceptable in such a high footfall location in Central London. The proposal should be refused on this basis.
- 5.14 The proposed telephone kiosk being located outside of the established street furniture zone, would encroach significantly into the effective footway width available for pedestrian movement (i.e. the pedestrian desire line), as per the existing situation. The proposed telephone kiosk would therefore obscure sightlines along the footway significantly while also constituting a significant impediment/obstruction to pedestrian movement along the pedestrian desire line. Please note that the existing kiosk only partially obstructs sightlines, being largely transparent due to the absence of any end panels. This would be a particular problem for pedestrians with visual impairments (e.g. blind and partially sighted) who rely on clear and unobstructed pedestrian routes. The proposed telephone kiosk would therefore constitute an unnecessary obstruction/impediment and a hazard for blind or partially-sighted people. The proposal should be refused on this basis.
- 5.15 The proposed telephone kiosk, by being in a high footfall area, would have a detrimental impact on the walking experience due to a significant reduction in the level of service, as per the existing situation. It would lead to pedestrian congestion which could result in dangerous situations such as pedestrians walking in the carriageway and colliding with each other or vehicular traffic, or indeed with the telephone kiosk. The proposal should be refused on this basis. 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.
- 5.16 The proposed telephone kiosk would re-introduce an unnecessary hazard to the public highway by obstructing the visibility splays between Earlham Street and Shaftesbury Avenue. The proposal is therefore considered contrary to Local Plan policies A1 and T1 and should be refused on this basis.

~~5.17 It is also noted that the telephone unit would be orientated perpendicular to the kerbside on Shaftesbury Avenue. This differs from the existing Infocus Media telephone kiosks where the telephone units are orientated parallel to the kerbside.~~

~~5.18~~ 5.17 In addition in this location where there is an existing kiosk from a different provider (see above) 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 Whilst a maintenance strategy is proposed, 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.

6.4 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 The provision of a digital screen in this location would add visual clutter to the streetscene, which is located within a conservation area and a nearby listed buildings. By reason of its siting, scale, design and illumination, the proposed advertisement would therefore form an incongruous addition to this part of the streetscene, serving to harm the character and appearance of the conservation area. It is therefore considered that the proposed advertisement would have an adverse effect upon the visual amenity of the area, settings of the nearby Grade II listed buildings. Refusal is recommended on this basis.
- 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 sign is not considered to be harmful to either pedestrian or vehicular traffic given that the proposed location of the screen is not close to any busy pedestrian crossings or traffic signal controlled junctions, and as such, would unlikely introduce any 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 and to the detriment of pedestrian flows, as well as, creating issues with safety. The advertisement would also serve to harm the visual amenities 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 and conservation area, public safety and the loss of footway and the impact on the public realm is not justified.

8.3 The proposal is thereby considered to constitute less than substantial harm to the setting of the adjacent listed buildings, with no demonstrable public benefits derived from the scheme which would outweigh such harm. The proposal is therefore considered to be contrary to Section 16 of the NPPF which seeks to preserve and enhance heritage assets.

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

9 Recommendation

Refuse planning permission

9.1 The proposed telephone kiosk, by reason of its location, size and design, would add to visual clutter and detract from the character and appearance of the streetscene, nearby listed buildings and Seven Dials conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

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

9.5 The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would add visual clutter, detrimental to the character and appearance of the streetscape and Seven Dials Conservation Area contrary to policies D1 (Design), D2 (heritage) and D4 (advertisements).