

<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>	
Jennifer Dawson			i. 2021/2108/P ii. 2021/3117/A	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pavement outside No. 141 Euston Road, NW1 2AA			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>				
i. Installation of a new phone hub unit following removal of existing kiosk as part of wider proposals to replace Infocus telephone kiosks; and ii. Display of 1 x LCD illuminated digital advertisement panel to new phone hub unit.				
<b>Recommendation(s):</b>		i. Refuse Planning Permission ii. Refuse Advertisement Consent		
<b>Application Types:</b>		i. Full Planning Permission ii. Advertisement Consent		

<b>Reason(s) for refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Consultations</b>						
<b>Adjoining occupiers and/or local residents/groups</b>	No. notified	<b>00</b>	No. of responses	<b>05</b>	No. of objections	<b>05</b>
<b>Summary of consultation responses:</b>	<p><u>A site notice was displayed on 30/06/2021 and expired on 24/07/2021</u></p> <p>In response to the proposal, the following comments/objections were received:</p> <p>The occupiers/owners at nos. 33 Queen Alexandra Mansions, Judd Street have objected on the proposed scheme on the following grounds:</p> <ul style="list-style-type: none"> <li>the phone hub is merely the scaffolding for advertising, ugly and intrudes upon the public footpath.</li> <li>No need for the telephone kiosk - have never seen any person actually making a call in the existing local call boxes.</li> <li>The main use is to post advertising for prostitutes, toilet and anti-social activities.</li> <li>The aim is to make money from the advertising while hiding behind the nominal utility of providing a 'phone hub'.</li> <li>The poor state of the existing kiosk provision does not support the 'adoption of a management plan supported by the Police'. For example the red box outside the drive up to the Renaissance Hotel in St Pancras Station which damaged, full of prostitutes' cards and rubbish.</li> </ul> <p><u>Cllr Harrison Comments:</u></p> <p>Objects to the telephone kiosk on grounds of street clutter and visual impact</p>					
<b>Site Description</b>						
<p>The application site comprises an area of the public footway on South Eastern side of Euston Road. The site is located on Euston Road (A501) which forms part of the Strategic Road Network (SRN). The site is located in a high footfall area in Central London near Euston Station. Kings Cross and St Pancras International Stations are also located nearby, to the west of the site.</p> <p>The application site sits at 50m away from the start of Bloomsbury Conservation area and adjacent to a number of listed buildings, Church of St Pancras (Grade I listed), Euston Fire Station (Grade II* listed), Elizabeth Garrett Anderson Hospital (Grade II listed), The Rocket Public House (Grade II listed)</p>						

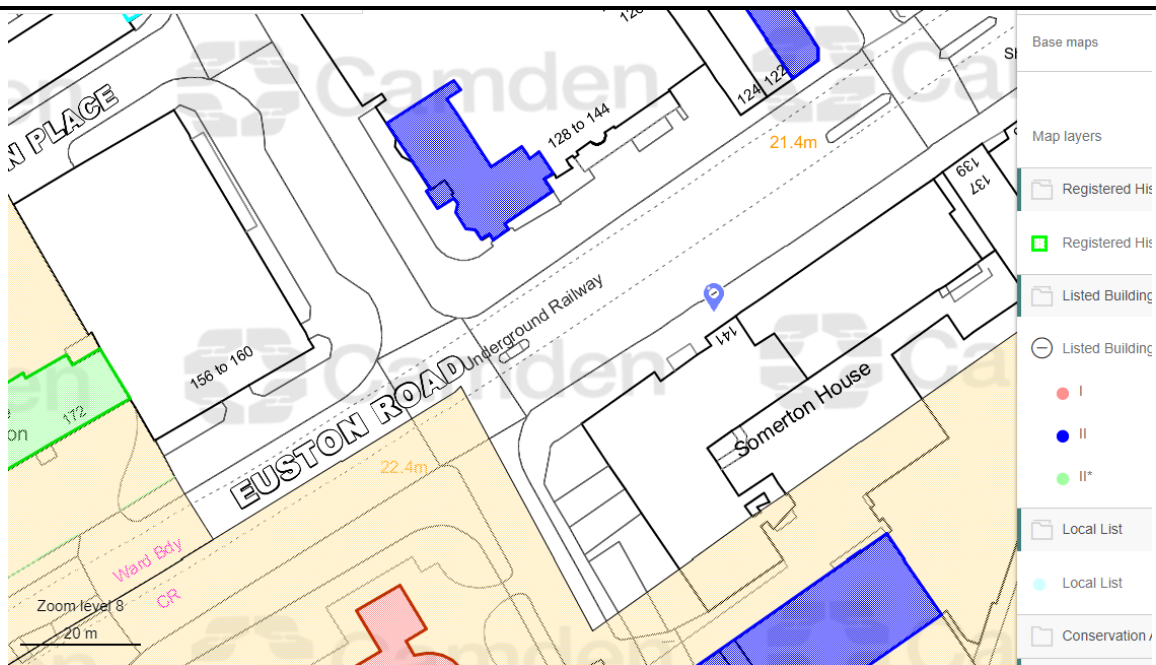


Image showing the application site o/s 141 Euston Road, and adjacent Bloomsbury Conservation area and surrounding Church of St Pancras - Grade I, Elisabeth Garrett Anderson Hospital – Grade II, Euston Fire Station – Grade II\* listed buildings.

## Relevant History

### Relevant planning history at the application site:

**2019/2695/P** – o/s 141 Euston Road - Installation of 1 x telephone kiosk on the pavement. – **Prior Approval Required and Refused 12.07.2019.**

RfR:

1. The proposed development, is not wholly for the purpose of the operator's electronic network and thereby falls outside the terms of Class 16, Part A of the General Permitted Development Order.
2. The proposed telephone kiosk, by reason of its location, size and detailed design, would add to visual clutter and detract from the character and appearance of the street scene, adjacent Conservation Area and the setting of the Grade II listed buildings opposite contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
3. The proposed telephone kiosk, by virtue of its location, size and detailed design, and adding unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm 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.
4. The proposed telephone kiosk, by virtue of its inappropriate siting, size and design, would fail to reduce opportunities for crime and antisocial behaviour to the detriment of community safety and security, and compromise the safety of those using and servicing the telephone kiosk contrary to policy C5 (Safety and Security) of the London Borough of Camden Local Plan 2017.

**2017/344/P** – 141 Euston Road - Installation of 1 x telephone kiosk on the pavement. – **Prior Approval Required and Refused – 03.08.2017. Appeal Allowed – 06.08.2018.**

RfR:

1. The proposed telephone kiosk, by reason of its location, size and detailed design, would add harmful visual clutter detracting from the character and appearance of the wider street scene, contrary to policy D1 (Design) of the Camden Local Plan 2017.

2. The proposed telephone kiosk, by virtue of its location, size and detailed design, and adding unnecessary street clutter, would reduce the amount of useable unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.
3. The proposed telephone kiosk, by virtue of its inappropriate siting, size and design, would fail to reduce opportunities for crime and antisocial behaviour to the detriment of community safety and security, and compromise the safety of those using and servicing the telephone kiosk contrary to policy C5 (Safety and Security) of the Camden Local Plan 2017.
4. The proposed telephone kiosk, by reason of its design, would not be accessible to wheelchair users, failing to promote fair access or meet sufficient standard of design contrary to policy C6 (Access for all) of the Camden Local Plan 2017.

*Inspector comments:*

- Will introduce a freestanding kiosk into the existing streetscene, however, the siting of the proposed kiosk would respect the pattern and arrangement of existing street furniture along the pavement.
- Sited sufficient distance away so as not to result in an over concentration or excessive proliferation of such structures to the south side of the road
- Would not result in a significant impediment to the operations of taxis and delivery vehicles.
- NO specific evidence or reason to consider that the proposed kiosk's presence would encourage or increase crime or anti-social behaviour

Figure 1. Phone kiosk applications by decision type

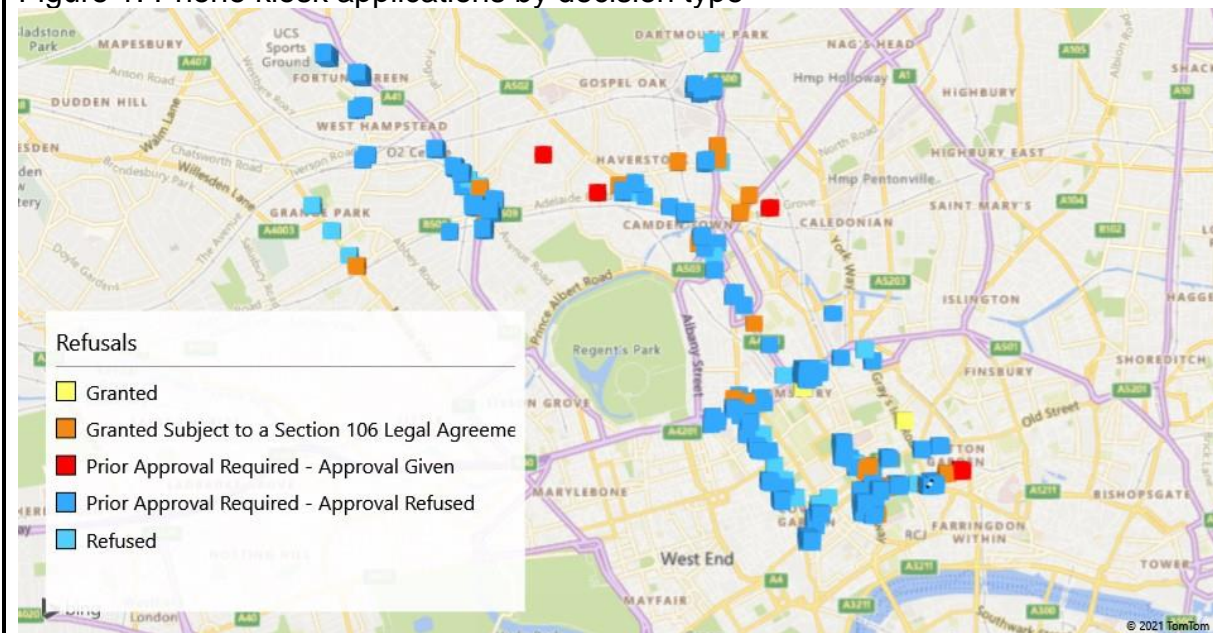
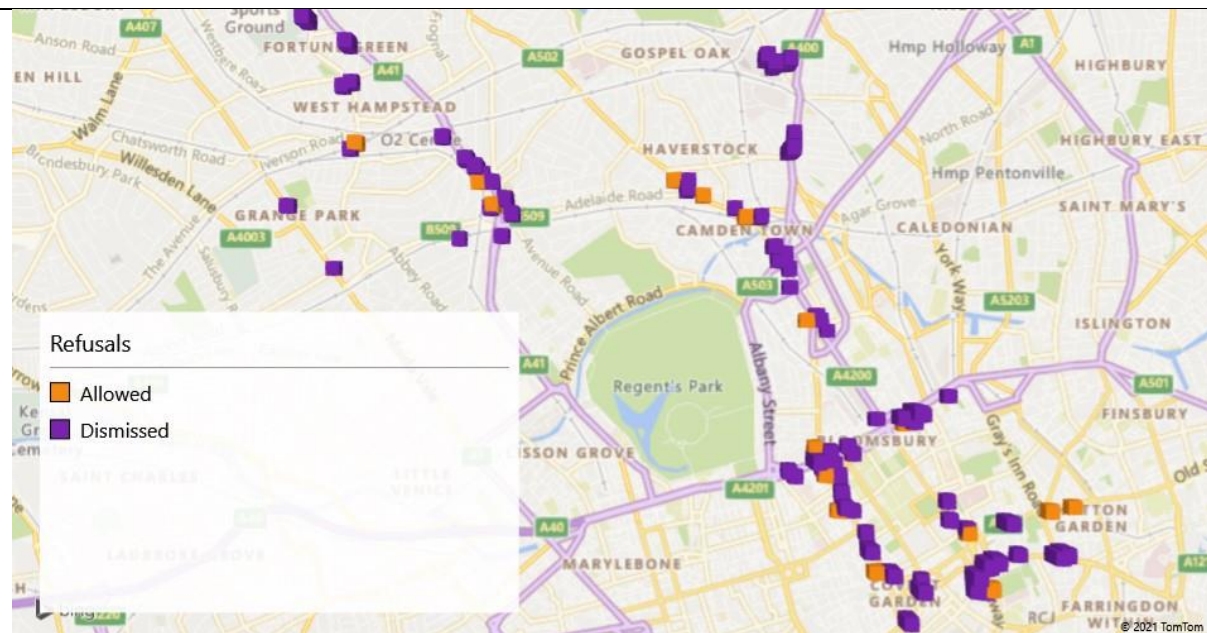


Figure 2. Appeal outcomes



	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
<b>2019</b>	
<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,**

<b>2017</b>	
Allowed	13
Dismissed	27
Withdrawn Appeal	1
<b>2018</b>	
Allowed	4



Dismissed	75
<b>2019</b>	
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 (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**

#### **Bloomsbury Conservation Area Appraisal and Management Strategy Adopted 18 April 2011**

## Assessment

### 1 Proposal

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

- Telephone Kiosk o/s 141 Euston Road, allowed at appeal – see planning history above.



The phone kiosk hub design subject of this application.

1.2 The proposed replacement would be located on the western side of Melton Street. The kiosk would measure 1.1m (W), 2.4m (H) and 0.265m (L) and 0.43m deep canopy. The rear elevation of the proposed kiosk would contain an internally illuminated advert panel. The screen would measure 935mm x 1670mm with a visible display area of 1.6sqm. The screen's luminance levels would be between 600-2000 cd/m2.

1.3 The Phone Hub panel would include the following technological capabilities:

- touch screen with hands free phone
- wayfinding and access to Council services
- telephone handset
- induction and USB charger
- canopy with solar panel
- defibrillator

### 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 when considering the assessment of the structure. The fact a kiosk previously approved under prior approval remains in place does not mean a new kiosk is automatically acceptable, especially when all relevant current policies and guidance can be taken into consideration. Whilst the applicant proposes to remove the existing kiosk, no information has been provided to confirm it is still necessary for telecommunication purposes.

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 installed 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 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 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.

3.3 In a recent appeal decision (REF: APP/X5210/W/20/3254037 and 3252962) 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.*

3.4 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.

3.5 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.”

3.6 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.

3.1 Considerable importance and weight has been attached to the desirability of preserving the listed buildings, their settings and features of special architectural or historic interest, under s.66 of the



Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. The application site is located within 50m of a Grade I, Grade II and Grade II\* listed buildings. Also, to the west of the application site, starts Bloomsbury Conservation Area. Notwithstanding the existence of a telephone kiosk in situ, the detailed design, size and large illuminated display panel would serve to heighten the appearance of the proposed kiosk, making it more conspicuous than the existing kiosk which it would replace. As such, the proposed kiosk would appear as a particularly obtrusive piece of street furniture and unduly dominant in this context, adding to visual clutter harmful to the special architectural and historic interest of the adjacent Grade I, II, II\* Listed Buildings through the adverse effect on its' setting.

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). As such, given the close cumulation of historic buildings of national importance in this location, the proposed kiosk due to its bulk, projection, advertising panel and overall appearance would be harmful to the setting of the listed buildings and Bloomsbury Conservation Area.

3.8 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 and setting of the adjacent Grade I, II, II\* listed buildings, and adjacent Bloomsbury Conservation Area. 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).

#### Public benefit

3.9 Policy A1 (Managing the impact of development) 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.

3.10 Local Plan Policies D1 and D2, consistent with Paragraph 5.28 of the Bloomsbury Conservation Area Appraisal and Management Strategy, and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, state that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

3.11 More specifically, 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.*'

3.12 The Council acknowledges the need for greater connectivity with regards to telecommunication networks and facilities. There is one other telephone kiosks within 50m from the application site and another three within 150m. Based on current and ongoing enforcement investigation it has been found that telephone kiosks are not used for telecommunication purposes, but rather for antisocial behaviour, and therefore the need for such facility in this location is not justified.



Application site - with red dot, with green dots - existing telephone kiosk and JCDecaux digital advertising panel on bus stop within 50m.



Application site - with red dot, with green dots - existing telephone kiosks and JCDecaux digital advertising panel on bus stop, within 150m.

3.13 It is acknowledged that the proposal would include public facilities and thereby result in some public benefit as a result of the scheme. Public facilities would include, a defibrillator, free Wi-Fi, possible free phone calls landlines and charities, wayfinding, device charging, public messaging capabilities and CCTV. However, there is no evidence that these facilities can only be provided on a kiosk of the proposed scale and design with the inclusion of a large digital panel. It is also noted more generally, that as a result of the ongoing Covid-19 outbreak, many facilities such as public wayfinding facilities have been switched off and are unlikely to be used in the same way, so limiting the likely usage and benefit.

3.14 Furthermore, no evidence has been provided as to how these types of facilities might be appropriately and safely used under current circumstances, especially given the prevalence of personal mobile phone ownership which already provides many of the facilities proposed. Moreover, no details have been provided on the location of existing wayfinding or defibrillator coverage in the area or any consideration for whether there might already be scope for providing public messaging capabilities in some better way, for instance, on existing two bus shelters located within 50m and

150m from the proposed kiosk. It is also noted that public phone charging facilities of the type proposed can encourage anti-social behaviour (see also Section 5 below, 'Anti-Social Behaviour').

3.15 Weighting the less than substantial harm caused as a result of the proposed development against this limited public benefit, it is considered on balance that any benefit to the public arising from the new kiosk would not outweigh the harm arising to the character and appearance of the streetscene, and the setting of the adjacent Grade II\* listed building at 1-9 Melton Street.

3.16 Overall, therefore, on balance, the proposed development does not accord to Section 16 of the NPPF which seeks to preserve and enhance heritage assets, and the proposal is considered on balance to be unacceptable in design terms.

#### **4 Highways/footpath width**

4.1 While it is recognised that there is an existing kiosk located in the same location as the new kiosk (phone hub) proposed, and that the removal of redundant kiosks such as this are welcomed, planning permission is now required for the replacement and we are full considering the impact of the addition.

4.2 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*'.

4.3 Policy T2 (Healthy Streets) of the London Plan 2021 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.

4.4 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.

4.5 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.

4.6 Local Plan 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.

4.7 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.

4.8 Paragraphs 7.41 and 7.42 of CPG Design provide guidance on telephone boxes and kiosks. Paragraph 7.41 states that *'In all cases the Council will request that the provider demonstrates the need for the siting of the new facility. We will consider whether kiosks add to or create street clutter, particularly if there are existing phone kiosks in the vicinity'*. Paragraph 7.42 states that *'All new phone boxes should have a limited impact on the sightlines from or of the footway and should not hamper pedestrian movement. The size of the structure that the phone box is in should be minimised to limit its impact on the streetscene and to decrease the opportunities for crime and anti-social behaviour'*.

4.9 This is supported by Policy C5 (Safety and security) of the Camden Local Plan which requires development to contribute to community safety and security. In particular, Paragraph 4.89 states that *'The design of streets, public areas and the spaces between buildings needs to be accessible, safe and uncluttered. Careful consideration needs to be given to the design and location of any street furniture or equipment in order to ensure that they do not obscure public views or create spaces that would encourage antisocial behaviour'*.

4.10 The Council generally refuses any applications to install new items of street furniture of this scale in the public highway unless they can be located within a defined and established street furniture zone. This is especially relevant where such proposals would constitute clutter or have a detrimental impact on pedestrian amenity, comfort or safety, as well as being detrimental to road safety generally.

4.11 The footway on the south side of Euston Road at the above site is characterised by a complete lack of bulky items of street furniture adjacent to the kerbside, except for the existing kiosk. There are some slender lamp columns in the general vicinity of the site. However, these take up very little footway space with the lamp columns having a diameter of approximately 200 mm at their base. There are also some cycle parking stands directly to the east of the site. However, these do not obstruct sightlines along the footway. The design of the street furniture zone (with the exception of the kiosk) helps to promote clear and unobstructed sightlines along the edge of the pedestrian environment. The street furniture zone adjacent to the pedestrian route (pedestrian desire line) has been sensitively designed to provide a clear and uncluttered environment sufficient to accommodate extremely high volumes of pedestrians walking on the footway during busy periods (e.g. morning, lunchtime and afternoon/evening peak periods). The proposal to site a replacement telephone kiosk at the proposed site would spoil this uncluttered design by introducing a prominent feature that would look out of place and be overly dominant, even when compared against the existing kiosk. This is because the existing kiosk is largely made of glass and is therefore transparent. The proposal would therefore have an unacceptable impact on the street scene.

4.12 Appendix B of '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 proposed site plan indicates that the footway width is 5.1 metres wide and with the proposed telephone kiosk the remaining footway would be 3.4 metres. The loss of any available footway space at this location is considered to be unacceptable in such a high footfall area. Pedestrian footfall is exceptionally high at this location and this is predicted to increase significantly with ongoing economic growth in Central London and High Speed Two (HS2) currently under construction. The proposal should be refused on this basis.

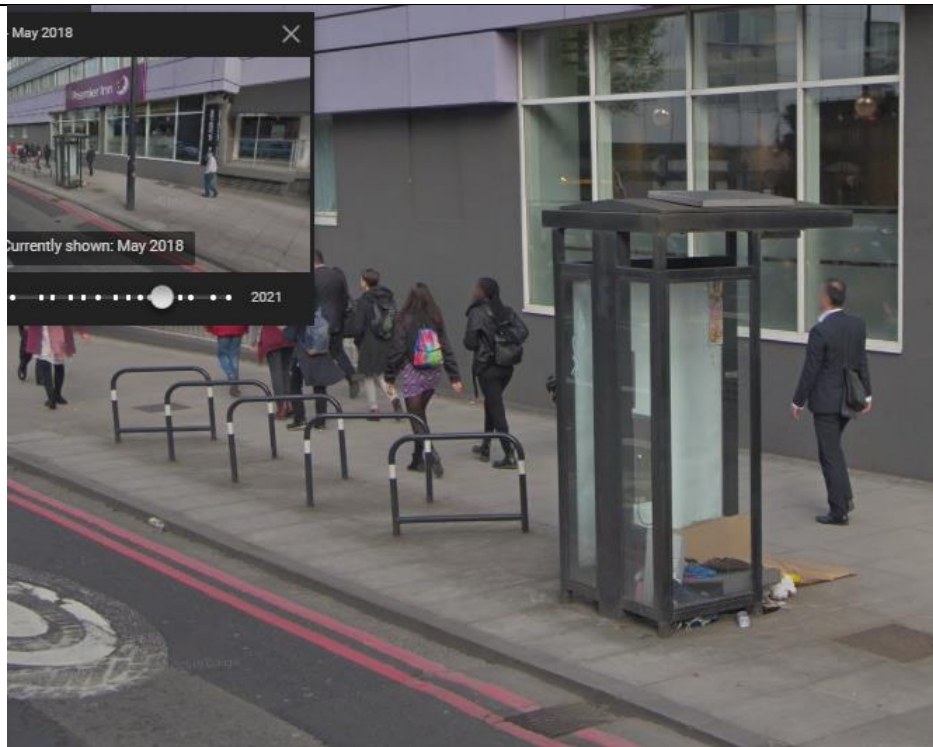


- 4.13 The proposal represents a similar situation to a similar application on the pavement outside Fitzroy House, 355 Euston Road (appeal reference APP/X5210/W/18/3195370; planning reference 2017/3544/P).
- 4.14 As such, the proposal to install a replacement telephone kiosk at the above site would re-introduce a significant physical and visual obstruction to an otherwise clear and unobstructed pedestrian environment. The proposal would fail to improve the pedestrian environment at the site. This is unacceptable in such a high footfall location in between Euston and St Pancras underground and train stations. The proposed telephone kiosk would be 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). 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. 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.
- 4.15 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. 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.

## **5 Anti-social behaviour**

- 5.1 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). Specifically, 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 ASB, pickpocketing and theft from person. They are also recognised as being areas of significant footfall with both commuters, local residents and numerous tourists, similar to the application site.
- 5.2 While the Metropolitan Police Crime Prevention Design Advisor noted some design revisions to the kiosk made prior to the submission of the application (for instance, removal of charging shelf, reduction in depth of the canopy, angled design to defibrillator housing, inclusion of a management plan and prevention of free calls), there is still concern that the design of the proposed kiosk would not sufficiently reduce the risk of the types of crime listed above from occurring. Due to the openness of the kiosk, any mobile phones on display at this location (either in hand or on charge) would be vulnerable to the opportunist phone snatch. The close proximity of the site to the carriageway, would also increase the opportunity of this form of crime being carried out by moped or bicycle from the roadside. Furthermore, the large façade created as a result of the advertising screen would provide the opportunity for concealment and so increase the potential risk of theft and assault.
- 5.3 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. Furthermore, the picture below also shows that bulky street furniture in this area has the potential for fly tipping, and provides space for prostitutes cards display. Due to the design of the proposed kiosk, it is likely that this ASB will continue.





*Image of the kiosk in 2018 with rubbish within and prostitutes cards on it.*

5.4 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.*

5.5 As such, and for the reasons set out above, the proposal is considered to be contrary to Local Plan Policies D1 and C5 (Safety and security), and CPG Design.

## **6 Advertisement**

6.1 Advertisement consent is sought for a proposed integrated digital advertising panel on the rear elevation of the structure (facing southwards). The screen would measure 0.935m (W) x 1.67m (H) with a visible display area of 1.5sqm.

6.2 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

6.3 Section 12 (Achieving well-designed places) of the NPPF states in Paragraph 136 that *‘The quality and character of places can suffer when advertisements are poorly sited and designed’.*

6.4 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’.*

- 6.5 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).
- 6.6 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.
- 6.7 While it is recognised that the proposed integrated digital advertising panel would be displayed on a replacement kiosk, the inclusion of the panel would introduce illuminated digital advertising, which by design is a more visually prominent and attention grabbing form of display than, say, a traditional 6-sheet advertising panel, by virtue of its method of illumination and image transition. The provision of a large digital screen would therefore add noticeable, visual clutter by virtue of its size (along with its’ location, prominence and method of illumination) to this busy stretch of pavement on Euston Road, resulting in an incongruous addition which would contribute to the degradation of visual amenity within the streetscene and it would also be harmful to the special architectural and historic interest of the adjacent Grade I, II and II\* Listed Building through the adverse effect on its’ setting.
- 6.8 As referred to above, the Planning Inspector noted 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 with a similar design approach, that *‘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’*. The application is recommended for refusal on similar grounds.
- 6.9 In terms of the proposed screen’s luminance level, the supporting cover letter and conditions document confirm that this would not exceed 300 cd/sqm during the hours between dusk and dawn; however, the application form states that the level would be 600 cd/sqm. This is contradictory. It’s also not clear what the maximum luminance level would actually be during daylight hours. Nevertheless, while it is accepted that all advertisements are intended to attract attention and that certain aspects of the display can be controlled by condition should consent be granted (such as, luminance levels, transition, sequencing, etc.), the addition of an illuminated digital advertisement in this location would significantly raise the prominence of the proposed piece of street furniture, especially given that the screen is proposed to be active throughout the majority of any 24 hour period, 7 days a week.
- 6.10 In this regard, it is noted in 4 appeals for comparable illuminated digital advertisement displays (see Appendix 6 attached) 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.
- 1.1 There is already a large digital advertising panel 50m away from the application site, on a bus stop. Whilst some distance away, the proposal would result in additional digital advertising panel, not only worsen the current situation by introducing more prominent, additional visual and physical clutter, but also by contributing to the over proliferation of illuminated signage in this locality. Local Plan Policy D4 (Advertisements) states that the Council will resist advertisements that *‘contribute to an unsightly proliferation of signage in the area and contribute to street clutter in the public realm’*.

- 6.11 Should the application be recommended for approval, conditions to control the brightness, orientation and frequency of the displays, and to prevent any moving displays, would be required to be attached to any consent.

### Public Safety

- 6.12 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.
- 6.13 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.*"
- 6.14 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.
- 6.15 The proposed kiosk would be located at approximately 27m distance from a busy pedestrian crossing and traffic controlled signals to the west, crossroads with Duke's Road. Whilst the advertisement would introduce a level of distraction to the road users, given the distance to the crossing, this is not considered to result in harm to the pedestrian or vehicular traffic.

## **7 Conclusion**

- 7.1 The proposal would result in unacceptable street clutter, harmful to the character and appearance of the streetscape, the setting of the listed buildings and the adjacent Bloomsbury conservation area. The proposal would be detrimental to pedestrian flows, as well as creating issues with safe pedestrian movement. The advertisement would also serve to harm the visual amenities of the area. The proposal is therefore considered to be unacceptable, as it fails to comply with the aforementioned policies and guidance.
- 7.2 The proposal is thereby considered to constitute less than substantial harm to the setting of the nearby listed buildings and conservation area, 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.
- 7.3 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.

## **8 Recommendation**

### Refuse planning permission

- 8.1 The proposed telephone kiosk, by reason of its location, size and detailed design, would add to visual clutter and detract from the character and appearance of the streetscene and the setting of the adjacent Grade I, II, II\* listed building, and Bloomsbury Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

8.2 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.

8.3 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.

8.4 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

8.5 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 setting of the adjacent Grade I, II, II\* listed buildings and Bloomsbury Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.