

Date: 21/09/2022
Your Ref: 3291831 & 3291834
Our Ref: 2021/2113/P & 2021/3145/A
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The Planning Inspectorate
3D, Temple Quay House
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Bristol BS1 6PN

Dear Sir/Madam,

Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Town and Country Planning Act 1990
Appeals by JCDecaux UK Limited
Site Address: Pavement outside No 72 Russell Square London WC1B 5BA

I write in connection with the above appeals against the refusal of planning permission (Ref: **2021/2113/P**) and advertisement consent (Ref. **2021/3145/A**) for the ***Installation of a new phone hub unit following removal of existing kiosk as part of wider proposals to replace Infocus telephone kiosks and Display of LCD advertisement display with static images on the side of new phone hub unit.***

1.0 Summary

- 1.1 The planning and advertisement consent appeals for 124 Theobalds Road form 2 of 18 applications for new telephone kiosks with associated advertisement consent applications submitted by JCDecaux for 10 separate locations. All appeals are set out in the table below for ease of reference:

Addresses	Local Ref	PINS ref
148 Holborn	2021/2104/P & 2021/3166/A	3291828 & 3291826
29 Tottenham Court Road	2021/2105/P & 2021/3106/A	3290309 & 3290310
81 Tottenham Court Road	2021/2103/P & 2021/3104/A	3290304 & 3290306
191 Tottenham Court Road	2021/2111/P & 2021/3108/A	3290323 & 3290325
221 Camden High Street	2021/2110/P & 2021/3135/A	3290364 & 3290365

141 Euston Road	2021/2108/P & 2021/3117/A	3290320 & 3290322
371 Euston Road	2021/2101/P & 2021/3111/A	3290298 & 3290302
124 Theobalds Road	2021/2115/P & 2021/3151/A	3291847 &3291851
58 Kingsway	2021/2116/P & 2021/3155/A	3291843 & 3291844
72 Russell Square	2021/2113/P & 2021/3145/A	3291831 & 3291834
Shaftesbury Avenue (corner of Earlham Street)	2021/2107/P & 2021/3140/A	3290317 & 3290319
71 High Holborn	2021/2106/P & 2021/3115/A	3290312 & 3290314

- 1.2 The 20 applications (10 individual sites) were submitted as part of a larger set of 30 similar planning and advertisement consent applications in which the proposed development seeks the overall introduction of 15 new, replacement kiosks (following the removal of the entire stock of 28 Infocus older designed kiosks within the London Borough of Camden (a proposed net reduction of 13 kiosks in total).
- 1.3 As such, were planning permission and advertisement consent to be approved, a legal agreement would be required to ensure that all old kiosks were removed in a timely fashion and to include other possible management controls (see Appendix A).
- 1.4 In regard to the current set of appeals, and to assist the Inspectorate, the Council will submit 10 separate statements, each one addressing the two appeals in relation to the individual 10 sites. This current statement refers to the two appeals at 72 Russell Square.

2.0 Kiosk and advertisement screen details

- 2.1 Appendix JCD 4 'Hub Unit Detail and Examples' of the application submission states that the proposed new, replacement kiosk would measure 1.3 metres (W) x 2.6 metres (H) and occupy a site area of approximately 0.5sqm (see Images 1 and 2 below). The rear elevation of the proposed kiosk would contain an internally illuminated advert panel. Appendix JDC 4 confirms that the screen would measure 0.935 metres (W) x 1.67 metres (H) with a visible display area of 1.6sqm. The screen's luminance level would not exceed 300 cd/sqm at night-time and a suggested 'switch off' period between 23.59 and 06:00 hours.



Images 1 and 2 - proposed kiosk design subject of this appeal

- 2.2 The Council notes that the proposed units are larger than those refused in various locations in Camden in 2020 (see Appendix B), and subsequently dismissed on appeal, which measured 1.096m (W) x 2.499m (H) x 0.762m (L), and with a display area of 1.53sqm.

3.0 The appeal site

- 3.1 The appeal site comprises of an area of the footway on the eastern side of Russell Square facing south bound traffic. The pavement here is approximately 6.6m in width. This is a major road and is very busy with vehicular traffic and used by lots of pedestrians. Existing along the pavement in close proximity is; street lights and street signage making it relatively uncluttered, with no other examples of digital signage.
- 3.2 Russell Square has a mix of commercial uses. The site is located within the Bloomsbury Conservation Area and is in close proximity to number of listed buildings including Russell Hotel Grade II listed and is also adjacent to a historic park, Russell square.
- 3.3 Planning permission was refused on 2 December 2021 (a copy of the decision notice was sent with the questionnaire) for the installation of a new phone hub unit on the pavement following removal of existing kiosk as part of wider proposals to replace the existing stock of Infocus telephone kiosks. It was refused for the following reasons:

1. The proposed telephone kiosk, by reason of its location, size and design, would add visual clutter, detrimental to the character and appearance of the streetscape, the setting of adjacent listed buildings and the wider Bloomsbury Conservation Area contrary to policies D1 (Design) and D2 (Heritage).
2. The proposed telephone kiosk, by virtue of its location and size, 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.
3. The proposed telephone kiosk, adding unnecessary street clutter, would create increased opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to Policy C5 of the London Borough of Camden Local Plan 2017
4. In absence of a legal agreement to secure the removal of the existing kiosk and others in the vicinity and a maintenance plan, 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), D2 (Heritage), 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.

3.4 Advertisement consent was refused on 2 December 2021 (a copy of the decision notice was sent with the questionnaire) for the display of LCD advertisement display with static images on the side of new phone hub unit located on the pavement. It was refused for the following reasons:

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

digital advertisements, add visual clutter, detrimental to the amenity of the streetscene, contrary to and policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.

- 3.5 The Council's case is set out in detail in the Officer's Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.
- 3.6 In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

4.0 Status of Policies and Guidance

- 4.1 In determining the above mentioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.

- 4.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 and has replaced the Local Development Framework Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reasons for refusal are:

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

- 4.3 The Council also refers to the following supporting guidance documents:

- CPG Design 2019 - 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 2021 – paragraphs 1.1 to 1.15 (General guidance and advertising on street furniture); and 1.34 to 1.38 (Digital advertisements)

- CPG Amenity 2021 - chapter 4 (Artificial light)
- Camden Streetscape Design Manual
- Design of an accessible and inclusive built environment: External environment - code of practice (2018)

4.4 The Council also refers to the following legislation, policies and guidance within the body of the Officer's Report:

- National Planning Policy Framework (2021)
- London Plan (2021)
- TfL's Pedestrian Comfort Guidance for London (2010)
- Digital Roadside Advertising and Proposed Best Practice (commissioned by Transport for London) March 2013
- Bloomsbury Conservation Area appraisal and management strategy

5.0 Comments on the Appellant's Grounds of Appeal

5.1 The appellant's grounds of appeal are summarised as follows:

1. Character, Appearance and Visual Clutter
2. Location, Size and Unit Design
3. Footpath Widths and Pedestrian Flow
4. Crime Prevention
5. Removal of Obsolete Equipment and Unit Maintenance

6.0 Character, Appearance and Visual Clutter

6.1 The Appellant argues in the first ground of appeal that the proposed kiosk is replacing an existing kiosk and it is not adding to the amount of furniture on the street and not creating clutter. The replacement structure would be smaller in design terms with additional public benefits and include an integral advertisement display.

6.2 The Appellant states more generally that all sites have a very similar context of a busy road frontage that are well trafficked, well-lit and active throughout the day and much of the night. The Appellant asserts that despite some of appeal sites being in conservation areas, illumination is a part of an area's character and that the defining factor in regard to the appropriateness of a kiosk is the prevailing character of an area.

- 6.3 The Appellant refers to a number of examples of consented digital display panels in 2018 along Tottenham Court Road (which is not in a conservation area) and where a similar structure was considered to be acceptable.
- 6.4 Additionally the appellant states that whether some streets within a conservation area or not, the prevailing character would apply for the concurrent activity and the character remains the constant in both conservation and non-conservation areas.

7.0 Response to ground of appeal 1

- 7.1 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.
- 7.2 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.”
- 7.3 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.
- 7.4 It is noted in the Bloomsbury’s Conservation area appraisal that there is some notable views of landmarks; ‘*views of Senate House from Russell Square in the east and Store Street/Tottenham Court Road in the west*’. As the site is relatively uncluttered and there is no other examples of digital advertisements within close proximity to the site or the nearby listed building, it would have a harmful and negative impact on this clear and unobstructed part of the streetscape, the conservation area and the setting of the nearby listed building.
- 7.5 The appraisal states that ‘There is significant pressure for new development within the Bloomsbury Conservation Area...Other factors that have influenced the character and appearance of the area include the cumulative impact of advertisements, signage and street furniture within the street and the impact of traffic.’
- 7.6 Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) recognises the importance of design in managing and improving spaces, including the quality of place. The design of all built form,

including street furniture, must be sustainable, functional, visually attractive, safe, inclusive and accessible, encourage innovation, be sympathetic to local character, and promote health and well-being.

- 7.7 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'*.
- 7.8 Local Plan 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.'*
- 7.9 The Council disagrees with the Appellant's assertion that the proposed replacement structure would not add to clutter on the street by virtue of its dimensions. Firstly, as stated in the officer's delegated report, the exact dimensions of the kiosk were unclear from the application submission and confirmation was required. Within Appendix JCD 4 'Hub Unit Detail and Examples' of the application submission, the unit is described on page 3 as '2.6m in height and 1.3m wide'; however, it is shown as a 2400mm height, 1100mm width unit on page 12 of the elevational drawings. The appeal statement states that the proposed kiosk would measure 1100mm wide.
- 7.10 Although the Appellant states that the proposed kiosk would be smaller than the existing payphone box, this appears primarily through a reduction in depth rather than any noticeable reduction in width (the existing Infocus kiosk is marginally wider, it being 1300mm wide) and no reduction in height. Any reduction in size would therefore be minimal and not be something that would be experienced by pedestrians to any meaningful degree given that the height and width of the proposed structure would restrict views and movement along the pavement in the new location in much the same fashion as the existing Infocus kiosk.
- 7.11 The Inspector's is respectfully requested to also note at this point that the proposed kiosk would be larger than those refused in various locations in Camden in 2020 (see Appendix B) and subsequently dismissed on appeal, which measured 1.096m (W) x 2.499m (H) x 0.762m (L), and with a display area of 1.53sqm.
- 7.12 Moreover, as shown by the comparison images referred to below, the existing kiosk has some open areas within its' overall form which provides some degree of transparency or permeability along the footway, as well as, serving to reduce the impression of bulk and allow views through. This is not achieved with the design for the proposed kiosk unit where visual permeability would be worsened given the unit's solid appearance which would not only adversely impair visibility

by obscuring sightlines along the footway and creating an unnecessary obstruction or hazard to pedestrians, but would also result in more prominent, physical and visual clutter.



Images 3 & 4 of the existing kiosk and proposed kiosk

- 7.13 The Council also disagrees with the Appellant's view that the proposed structure would not add to clutter on the street given the presence of an existing telephone kiosk in the streetscene which it would replace. Notwithstanding the existence of this telephone kiosk in situ, the Council considers that the detailed design, size and large illuminated display panel of the proposed kiosk would serve to heighten the appearance of the structure considerably more, making it even more conspicuous than the existing kiosk which it would replace (see Sections 8.0 and 9.0 below for detailed design considerations).

The Appellant argues generally that the inclusion of the illuminated panel would be appropriate given the context of the site and that illumination is a part of an area's character. The Council strongly disagrees with this assertion. The Conservation Area Statement specifically notes the cumulative impact that advertisements, signage and street furniture can have within the street. Development proposals must preserve or enhance the character or appearance of the Bloomsbury Conservation Area. The proposed development does neither. Whilst the reduction in street clutter is sought, this is not at the expense of allowing developments which are themselves of a poor design and harmful to the conservation area.

- 7.14 The replacement of a fixed advertisement on the existing kiosk with one which is illuminated via an LCD screen would be more noticeable and have a more heightened impact than the existing kiosk, resulting in an inappropriately prominent illuminated structure, especially if illuminated during evening and night time.
- 7.15 In a recent appeal decision in Camden (REF: APP/X5210/W/20/3254037 and 3252962 – see Appendix C) in relation to a phone kiosk of a marginal smaller

scale, but with a similar design approach, the Planning Inspector noted in Paragraph 21 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 kerb line, 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'*.

- 7.16 Contrary to the Appellant's view, the site character and context is not considered by the Council to be suitable for the siting of the proposed new, replacement kiosk. The footway is largely uncluttered and the proposed structure is dominant, visually intrusive and serves to detract from the appearance of the streetscene.
- 7.17 Additionally there is no evidence within the Appellant's statement or application submission that any consideration has been given to the impact the proposal would have on the conservation area and the nearby listed buildings.
- 7.18 The proposal fails to create something that might possibly be considered a genuine improvement on the poor condition of the underused existing kiosk.
- 7.19 While it is accepted that all advertisements are intended to attract attention, the introduction of an illuminated advertisement panel in this particular location, therefore, would appear as a visually obtrusive piece of street furniture which would detract from the character and appearance of the streetscene and the wider conservation area. The Council will make efforts to avoid any unnecessary visual clutter whilst seeking design solutions appropriate for the area'
- 7.20 The proposal is also at odds with the broader, integrated approach of the Council to improve and rationalise the public realm in the area, 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, poorly designed, street clutter. In this regard, the proposal would fail to adhere to the policies and guidance listed above and in the associated delegated report.
- 7.21 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.
- 7.22 The appellant has emphasised the potential public benefits from the inclusion of facilities, such as, 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 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 any potential benefit.

- 7.23 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 bus shelters within the street. It is also noted that public phone charging facilities of the type proposed can encourage anti-social behaviour (see also Sections 12.0 and 13.0 below, 'Crime Prevention').
- 7.24 Therefore, while due consideration has been given to any potential public benefit of the proposals, any such benefit is not considered to outweigh the harm caused to the character and appearance of the streetscene, public safety, the loss of footway and the impact on the public realm for the reasons as stated above (and in Sections 8.0 to 13.0 below).
- 7.25 The Appellant has made no effort to respond to the vast appeal history (see relevant site history section of the Officer's delegated report) for these types of digital structures where the Council's concerns about impact of digital advertising and the cumulative impact was supported in the main by the Planning Inspectorate. The Appellant has provided no evidence of why advertisement panels either in principle or of this scale are necessary.
- 7.26 The Appellant refers to some examples of consented schemes in 2018 (Paragraph 3.8 of the Appellant's statement) for freestanding advertisement panels, following the replacement of existing advertisement panels within Tottenham Court Road in support of the current proposal. However, the Appellant has made no effort reference to the vast appeal history (see relevant site history section of the Officer's delegated report) for similar types of applications where the Council's concerns about the impact of digital advertising panels/structures and their cumulative impact have been supported in the main by the Planning Inspectorate as evidenced by the weight of appeals dismissed over a significant period of time.

- 7.27 The Council also notes that the decision referred to by the Appellant were made prior to more recent appeal decisions to refuse planning permission and advertisement consent for similar proposals were supported by the Planning Inspector when dismissing a number of appeals, including proposals outside 216-217 Tottenham Court Road (REF: PP/X5210/W/20/3253878 and 3253540 – see Appendix D) dated 06/10/2020. In this case, the Inspector took the view in Paragraph 21 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 kerb line, 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’*. In the appeal location the proposed digital panel with phone capabilities would be unrelated to the services provided nearby and would appear prominent in views within the conservation area. The sign would be prominent on a road which is a principal thoroughfare in the area and the advertisement would have a significant adverse effect on the character and appearance of the Bloomsbury Conservation Area.
- 7.28 Additionally, it is noted that prior approval had most recently been refused dated 11/07/2019 (ref. 2019/2689/P) near the appeal site (see appendix E)

8.0 Location, Size and Unit Design

- 8.1 The Appellant’s argues that the replacement kiosk represents an improvement on the pre-existing position and that the size and design of the structure is appropriate for the roadside locations and would not appear as an intrusive feature.
- 8.2 The Appellant argues that the method of illumination would not be harmful to the amenity of the street, particularly as the luminance level could be tightly controlled and conditioned, and would be surrounded by other brightly lit shopfronts and glass facades.
- 8.3 The Appellant refers again to a number of examples of consented digital display panels in 2018 along Tottenham Court Road. The Appellant refers to a fundamental tenet of Planning that each case is judge on its own merit and the equal importance of being consistent in the application of policy and assessment of harm.

9.0 Response to ground of appeal 2

- 9.1 Contrary to the Appellant's view, the proposed structure is considered to be poor in design terms given its size and position on an area of public footway.
- 9.2 The design of the unit is not considered to be the high quality that Camden expects across the borough's buildings, streets and open spaces. There is nothing distinctive or responsive to context within the proposal, which would appear to be a missed opportunity to try and improve the streetscene and perhaps create a uniquely Camden unit. The 'Metal Chain Grey' has a particularly unwelcoming and gloomy appearance, which combined with the uncompromising bulk would have an adverse visual effect. The proposed kiosk appears to have been designed around the inclusion of a large digital screen which has resulted in a large monolithic panel which gives the overall appearance as an advertisement panel rather than a phone kiosk. As a consequence of this design approach, the resultant structure would appear dominant, visually intrusive and serve to harm the character and appearance of the conservation and nearby listed buildings.
- 9.3 Additionally, the current kiosk appears to be replica of a poorly designed kiosk known as a 'ST6' from 2007 which we understand was a collaboration between BT and JCDecaux. Rather than be an innovative solution it is simply a pastiche of an older poorly designed kiosk which sought to give prominence to advertising.



Image 5: ST6 phone box

- 9.4 The ST6, a collaboration between BT and public advertising company JCDecaux, is a unit that incorporates a telephone on one side and a scrolling advertising billboard on the reverse.

- 9.5 As noted in Paragraph 7.6 above, any reduction in size in comparison with the existing payphone box is primarily through a reduction in depth rather than any noticeable reduction in width (the existing Infocus kiosk is marginally wider, it being 1300mm wide) and no reduction in height. Any reduction in size would therefore be minimal and not be something that would be experienced by pedestrians to any meaningful degree given that the height and width of the proposed structure would restrict views and movement along the pavement in the new location in much the same fashion as the existing Infocus kiosk.
- 9.6 As stated previously, at a time of re-invention of the street, with widening of pavements and appreciation of generous public realm, the proposals are a disappointing replacement and reinstatement of underused pavement clutter. The proposal lacks the initiative that has been shown elsewhere in the borough for creativity and reappraisal of streets and public spaces, and fails to create something that might possibly be considered a genuine improvement on the poor condition of the underused existing kiosk.
- 9.7 Furthermore, Camden has declared a climate emergency and considers the reduction in carbon emissions to be critical. These proposals go against that, with embodied carbon involved in the creation of the new units and the level of operational carbon associated with running an illuminated screen that is expected to be higher than that of the existing payphone box it would replace.
- 9.8 The Council disagrees with the view expressed by the appellant in regard to the illuminated display panel and its potential impact in amenity terms. The kiosk which essentially appears as a standalone 6-sheet advertisement would introduce illuminated digital advertising. 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 Russell Road resulting in an incongruous addition which would be harmful to the character and appearance of the conservation area and nearby listed buildings.
- 9.9 As referred to above, the Planning Inspector noted in Paragraph 21 of a recent appeal decision (Ref: APP/X5210/W/20/3254037 and 3252962 – see Appendix C) in relation to a phone kiosk of a marginally 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 kerb line, 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 Planning Inspector is therefore respectfully requested to dismiss this appeal on the same grounds.

- 9.10 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, especially given that the screen could be active throughout the majority of any 24 hour period, 7 days a week.
- 9.11 The Appellant refers in the appeal statement to a suggested screen's luminance level of 300 cd/sqm at night-time and a suggested 'switch off' period between 23.59 and 06:00 hours. While it is accepted that certain aspects of the display can be controlled by condition should consent be granted (such as, luminance levels, transition, sequencing, etc.) and that all advertisements are intended to attract attention, the addition of an illuminated digital advertisement in this location would nevertheless significantly raise the prominence of the proposed piece of street furniture,
- 9.12 In this regard, it is noted in 4 appeals for comparable illuminated digital advertisement displays (see Appendix F) dated 22/05/2018 (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.
- 9.13 Overall therefore, the screen would appear as an incongruous and dominant illuminated feature in this location, severely degrading the visual amenity of the immediate area and the streetscene through the creation of visual clutter, as well as, contributing to the over proliferation of illuminated signage in this location. As such, the proposal fails to adhere to Section 12 of the NPPF, and Local Plan Policies D1 (Design) and D4 (Advertisements).
- 9.14 Should the Inspector be minded to allow this appeal, conditions to control the brightness, orientation and frequency of the displays, and to prevent any moving displays, are suggested to be attached to any consent along with a legal agreement to secure removal of the existing stock of Infocus kiosk in the borough (see Appendix A).
- 9.15 Moving on, the Appellant highlights again specific examples of consented digital display panels in 2018 in support of the current application proposal. The

Council refers the Planning Inspector to Paragraphs 7.22 & 7.23 above in this regard in order to avoid repetition of response.

- 9.16 The Appellant also expresses the general view that each case needs to be judged on its own merit and the equal importance of consistency in the application of policy and assessment of harm. The Council agrees with this approach and has been mindful throughout the application (and appeal) process of the need to assess the proposal on its own merits, taking into account any matters pertinent to the proposals in accordance with all relevant policy and guidance as set out in Section 4.0 above of this Statement of Case.
- 9.17 Notwithstanding this, the Council notes that though the Appellant highlights some specific examples of consented digital display panels in 2018 in support of this approach and by way of emphasising a need for consistency in relation to the assessment of the current proposal, the Appellant overlooks entirely the vast appeal history also available for other similar types of applications in comparative central London locations within the borough (see relevant site history section of the Officer's delegated report).
- 9.18 For the purposes of consistency, the Council associates equal importance to these and all relevant application and appeal history (including the examples highlighted by the Appellant) and has accordingly given full consideration to these in the application of policy and assessment of harm for the current appeal applications. In the majority of cases, the appeals history confirms that the Council's concerns about the harmful impact of digital advertising panels and associated structures/kiosks have been supported by the Planning Inspectorate, as evidenced by the weight of appeals dismissed over a significant period of time.

10.0 Footpath Widths and Pedestrian Flow

- 10.1 The Appellant states *'the suggestion therefore that a smaller unit with a far narrower footprint would somehow reduce the amount of available footpath is clearly incorrect'*. Furthermore the Appellant states as they replacing an existing kiosk, it would not result in clutter.
- 10.2 The Appellant asserts that the footpaths are sufficient to accommodate the unit. Furthermore the size, position and orientation of the kiosks would not impact pedestrians or result in unacceptable narrowing of the footpath.

11.0 Response to ground of appeal 3

- 11.1 Policy D7 (Public Realm) of the New London Plan (Intend to publish) states in regard to development proposals that *'Applications which seek to introduce unnecessary street furniture should normally be refused'*.
- 11.2 Policy T2 (Healthy Streets) of the New London Plan (Intend to publish) 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.
- 11.3 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.
- 11.4 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.
- 11.5 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'*.
- 11.6 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'*.

- 11.7 The Council disagrees with the Appellant's assertion in regard to the impact of the proposed kiosk on pedestrian movement in this location and that the proposed replacement structure would not add to clutter on the street by virtue of its dimensions.
- 11.8 Firstly, as outlined in more detail in Paragraphs 7.5 to 7.6 above, although the Appellant states that the proposed kiosk would be smaller than the existing payphone box, this appears primarily through a reduction in depth rather than any noticeable reduction in width (the proposed kiosk would be 1100mm wide and the existing Infocus kiosk is marginally wider, it being 1300mm wide) and no reduction in height. Any reduction in size would therefore be minimal and not be something that would be experienced by pedestrians to any meaningful degree given that the height and width of the proposed structure would restrict views and movement along the pavement in the new location in much the same fashion as the existing Infocus kiosk.
- 11.9 The Inspector's is respectfully requested to note that the proposed kiosk would be larger than those refused in various locations in Camden in 2020 (see Appendix B) and subsequently dismissed on appeal, which measured 1.096m (W) x 2.499m (H) x 0.762m (L), and with a display area of 1.53sqm.
- 11.10 While an existing kiosk is already located near to the appeal site and it is acknowledged by the Council that the footway is wider than the minimum width recommended by Transport for London (Appendix B of 'Pedestrian Comfort Guidance for London'), the loss of any available footway space in this location is considered to be particularly unacceptable given that pedestrian footfall is exceptionally high at this location and is predicted to increase significantly with ongoing economic growth in Central London and High Speed Two (HS2) currently under construction.

The appeal site is located on busy highway (A4200) on a footway on the eastern side of Russell Square facing south bound traffic. This is a busy road for both vehicular and pedestrian traffic. The current footway width would be 6.3m. This would allow for an effective footway of 4.6m which does accord with the recommended minimum width for high footfall locations of 3.3m (see Appendix B of Transport for London guidance document titled 'Pedestrian Comfort Guidance for London'). However, it does not take into account that the private forecourt could be occupied by tables and chairs during office hours. The footway width has been measured as being 3.8 metres wide. The replacement kiosk would be offset from the kerb by 600 mm, resulting in an effective footway of 2.1 metres. This would be contrary to the aforementioned guidance and would therefore have a significant impact on pedestrian amenity and comfort. The loss of any available footway space at this location is considered to be unacceptable due to the Central London location

- 11.11 The proposal would therefore do nothing to improve matters for pedestrian movement in this location beyond a marginal reduction in width of available footway. Indeed, the proposal would simply re-introduce another significant physical and visual obstruction failing to improve the pedestrian environment at the site. This is considered to be unacceptable in such a high footfall location in Central London (arguably the highest footfall in the Borough).

12.0 Crime Prevention

- 12.1 The Appellant asserts that the kiosk would not result in an increase of crime and that work has been carried out with the Metropolitan Police to understand issues within Camden and Greater London (and Manchester), including pre-application discussions with the Metropolitan Police Design Out Crime unit.
- 12.2 The Appellant refers to measures to prevent misuse include no free calls to mobile numbers, the blocking of frequently call numbers and potential use of CCTV. Each unit is equipped with rapid access to the emergency services and provides a link to assistance when required. The Appellant also refers to a management plan included as part of the application documentation.

13.0 Response to ground of appeal 4

- 13.1 As set out in Policy C5 of the Camden Local Plan, the Council requires development to incorporate appropriate design, layout and access measures to help reduce opportunities for crime. As such, 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 anti-social behaviour (ASB). The design replicates a scheme from 2007, rather than seeking to respond to the current challenges faced on our highstreets or the lived experiences of ASB from traditionally designed kiosks and similar structures creating solid barriers.
- 13.2 Camden Planning Guidance document CPG1 (Design) in Paragraph 9.27 states with regard to telephone kiosks in particular that, *'The size of the box or other supporting 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.'*
- 13.3 The Appellant refers to pre-application discussions with the Metropolitan Police Design Out Crime unit. However, 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), in undertaking their detailed review of the application concerns still remains that the design of the proposed kiosk would not sufficiently reduce the risk of the types of crime listed above from occurring.

- 13.4 Metropolitan Police Crime Prevention Design Advisor noted that 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.
- 13.5 The Council reiterates that design and siting of a structure, which is considered to be poor, 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, as well as, providing a potential opportunity for an offender to loiter. The proposal would therefore likely increase opportunities for crime and the fear of crime taking place in an area which already experiences issues with crime. This view is supported by the Metropolitan Police Crime Prevention Design Advisor in spite of any design revisions made as a result of pre-application discussions.
- 13.6 In regard to the management plan referred to by the Appellant, it is not considered sufficient to address the fact that ASB would likely be encouraged by the design of the kiosk itself. In an Appeal decision ref: APP/X5210/W/20/3253878 and 3253540 – see Appendix D) for similar proposals, the Inspector stated in Paragraph 28 that, *‘the substantial form of the kiosk, with screening panels would reduce natural surveillance and so use of the kiosk to screen illegal activities such as drug dealing and use could increase, notwithstanding the maintenance regime proposed. Bringing these matters together I find that the proposed kiosk would, overall, have a harmful effect on pedestrian movement and public safety’*. The Council considers that this will be the same result in the appeal location by reason of the poor design and location of the structure.
- 13.7 Therefore, in spite of any limited benefits that the Appellant states that the facilities associated with the proposed kiosk might provide these do not outweigh the potential harm caused from increased opportunities for crime in an area which already experiences issues with crime, As such, the proposal would be contrary to Policies D1 and C5 (Safety and security), and CPG Design in this regard.

- 13.8 Furthermore, the Council reiterates again that 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. It is also noted that public phone charging facilities of the type proposed can encourage anti-social behaviour. 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 bus shelters within the street.

14.0 Removal of Obsolete Equipment and Unit Maintenance

- 14.1 The Appellant states that should the Inspector be minded to approve permission/consent, then it is considered feasible that a condition of such permission/consent could require the removal of all of the telephone boxes identified in Appendix JCD 2. In the alternate, a condition could require the Appellant to submit a plan to the Council that identifies the existing telephone boxes that are to be removed, prior to the implementation of a particular permission/consent.
- 14.2 The Appellant states that it is a common misconception that this type of free to use public facility is not needed or used. The Appellant asserts that the proposed kiosk units have been monitored in the UK over the last 18 month period and the data suggests that when modern reliable, secure and well-maintained technology is provided the public does engage and use it.
- 14.3 The Appellant's argues that it is unnecessary for the Council to seek to ensure the Appellant maintains its estate as it is in the interest of all parties that the proposed kiosk and equipment is properly maintained and in full working order.

15.0 Response to ground of appeal 5

- 15.1 While the Council considers the proposal to be unacceptable for the reasons set out in this statement, should the Inspector be minded to allow the appeals, the Council maintains that a plan for the removal of the entire existing stock of 28 Infocus kiosks located within the borough should be secured through a S106 legal agreement which will also combine as an agreement under Section 278 of the Highways Act 1980. A condition would not be appropriate for this purpose.
- 15.2 The Council is drafting a Legal Agreement to secure obligations to remove the kiosk and ensure the suitable management of the kiosk. Subject to the

willingness of the appellant, we hope to provide a final copy in time for final agreements.

- 15.3 In regard to usage, no call or usage data for the existing kiosk, nor usage data referred to by the Appellant for the proposed kiosk, has been provided to the Council as evidence that the existing kiosk is either in use or the degree to which it is used by the public, or in support of the proposed new, replacement kiosk. Therefore, in the absence of such data, it is not possible for the Council to comment specifically about either the current or potential need for a kiosk at the appeal site.
- 15.4 However, given Council concerns about the infrequent use of telephone kiosks by the public due to the prevalence of mobile phone use which already include many of the facilities that the proposed kiosk would provide, and the fact that many public facilities such as wayfinding service have been switched off and are unlikely to be used in the same way following the Covid-19 outbreak, the likely usage and benefit of such facilities are considered generally by the Council to be limited. In our considerable experience kiosks are poorly maintained which further limits the likely usability of a kiosk other than for ASB. As such, any need or benefit from the proposal is not considered to outweigh the harm from the proposal given the strong objections by the Council as outlined in this appeal statement.
- 15.5 In regard to maintenance of the proposed kiosk, the Appellant states that the kiosk would be visited once a week and cleaned by way of evidence in part that the proposed kiosk would be adequately maintained and therefore it is unnecessary to secure a detailed management plan with the Council. However, given the known existing poor condition of kiosks with signs of ASB (calling cards etc) within the Borough, the Council strongly disagrees with the Appellant and maintains that a more detailed and agreed management plan is required.
- 15.6 Additionally, the Council disagrees with the Appellant's assertion that an advertisers would not purchase the kiosk if it was in bad condition. It is the Council's experience of the existing kiosk stock throughout the borough that advertisements are regularly displayed on kiosks in spite of the poor condition of the unit itself. In these circumstances, advertisements typically remain in place and continue to be changed with new displays on a regular basis without any noticeable maintenance or upkeep in a kiosk's condition.
- 15.7 As stated in Paragraphs 13.6 to 13.7 above, the management plan referred to by the Appellant, it is not considered sufficient to address the fact that ASB would likely be encouraged by the design of the kiosk itself.

- 15.8 In this instance, the Council maintains a position that this mitigation must be secured via section 106 legal agreement rather than condition in order to fully mitigate against the identified impacts.

16.0 Conclusion

- 16.1 Having regard to the entirety of the Council's submissions, including the content of this statement and attached appendices (listed below for ease of reference), the Inspector is respectfully requested to dismiss the appeal.
- 16.2 If any further clarification of the appeal submissions are required, please do not hesitate to contact Enya Fogarty on the above direct dial number or email address.

Yours sincerely,

Enya Fogarty

Planning Officer - Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

List of Appendices

Appendix A-Suggested conditions

Appendix B-List of recent planning appeal decisions (x18 in total – x16 dismissed) dated November 2020

Appendix C-Planning appeal decision 3254037 & 3252962

Appendix D-Planning appeal decision 3253878 & 3253540

Appendix E-Decision notice (Ref 2019/2689/P)-prior approval refused

Appendix F-List of recent planning appeal decisions (x4 in total) – all x4 planning & advertisement consent appeals dismissed dated 22/05/2018