

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM NO:B4</b>
<b>Date:</b>	14 January 2020	<b>NON-EXEMPT</b>

Application number	P2019/1782/FULL & P2019/1799/ADV
Application type	Full Planning Application and Advertisement Consent
Ward	Caledonian
Listed building	<b>No</b>
Conservation area	Kings Cross (CA21) Within 50 metres of keystone Crescent CA
Development Plan Context	Kings Cross & Pentonville Road Core Strategy Area Kings Cross Local Shopping Area
Licensing Implications	None
Site Address	Telephone Kiosks Outside 23 Caledonian Road, London, N1
Proposal	Full planning permission and advertisement consent is sought for the Removal of 3 existing telephone booths and replacement with 1 no. InLink unit telephone kiosk and associated 2 LED digital display/advertisement panels and associated alterations.

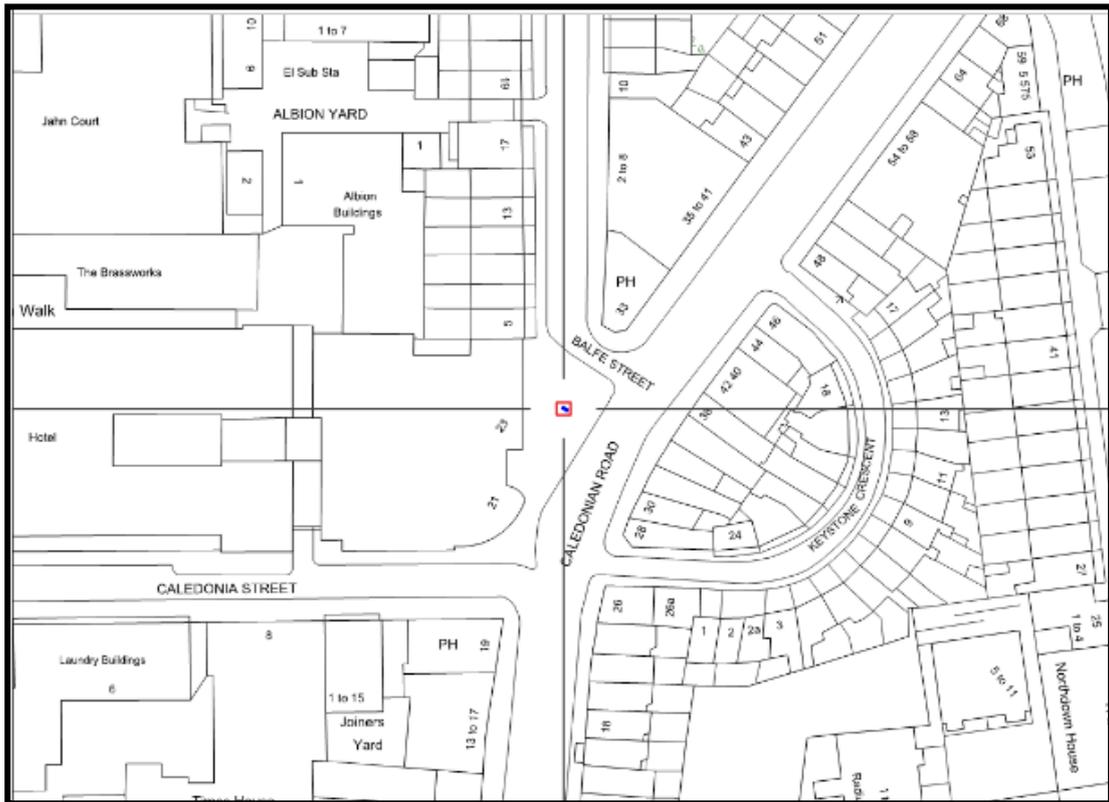
Case Officer	Jake Shiels
Applicant	British Telecommunications PLC – Mr Neil Scoresby
Agent	Primesight Ltd

## 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and advertisement consent:

1. subject to the conditions set out in Appendix 1.

2. SITE PLAN (enclosed in red)

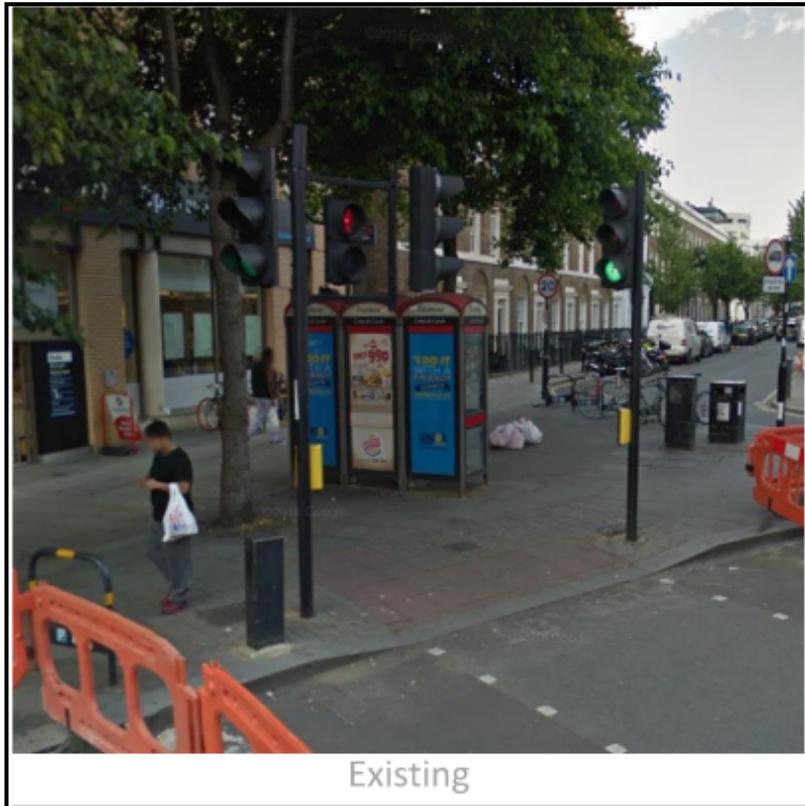


**3. PHOTOS OF SITE/STREET**

Application Site



**Image 1: Aerial view of the site**



Existing

**4. SUMMARY**

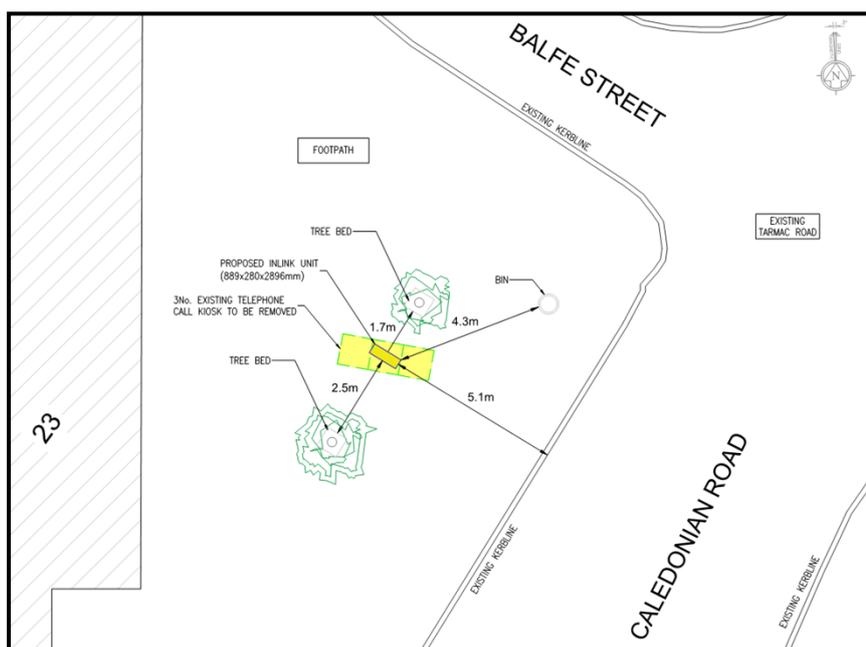
- 4.1 The applications propose the installation of a free-standing telecommunications structure (InLink) with 2no. LED digital display screens on a pavement area outside no. 23 Caledonian Road of which is located within the Kings Cross Conservation Area, Kings Cross and Pentonville Road Key Area and Kings Cross Local Shopping Area. The Inlink unit requires full planning permission and the two displays on the structure require advertisement consent. Therefore, the entire structure requires two separate planning consents from the council which is the case with both committee applications within this report.
- 4.2 The proposed unit would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. The link unit would house a touch screen and key pad and would facilitate free UK landline and mobile phone calls, Wi-Fi and emergency and civil services.
- 4.3 It is considered that the proposed structure and advert display, whilst not desirable in planning and visual terms would not materially harm the character and appearance of the streetscene or the Kings Cross Conservation Area bearing in mind the established and historical existing booths on site which are visually dominant and harmful within this section of the streetscene. The current development will enable these harmful features to be removed as a direct and secured as a direct result of the development and within these site specifics, it is considered to be therefore acceptable in this case.
- 4.4 The replacement single phone kiosk which takes up less space than the existing 3no. telephone boxes frees up pavement space and would not provide a concealed space which can attract anti-social behaviour. In addition, the single phone kiosk due to its position in place of 3 no. telephone booths is considered not to create an obstruction nor compromise pedestrian and highway safety.
- 4.5 The site is an area of high Anti-Social Behaviour and the 3no. existing phone boxes are used to facilitate criminal activity and are generally an eyesore due to the illegal uses associated with the telephone boxes. The proposal to remove these boxes is supported in this regard and is supported by the Design Out Crime Officer (Metropolitan Police) with the application and is supported by the BT InLink Anti-Social Behaviour (ASB) management plan which provides an algorithm to prevent the use of the InLink for crime and other misuses.
- 4.6 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is the pavement area outside no. 23 Caledonian Road of which is located within the Kings Cross Conservation Area, Kings Cross and Pentonville Road Key Area and Kings Cross Local Shopping Area.
- 5.2 No.23 is a 4 storey a mixed use building that supports a Tesco Supermarket at ground floor. The immediate vicinity is largely mixed use in character with Balfe Street to the north-west comprising 3 storey Grade II Listed residential properties, whilst directly north is the Institute of Physics a two storey building fronting the site that is currently being developed further for additional storeys to accommodate the use. 28-46 Caledonian Road is directly east of the site. These 2 storey properties comprise commercial elements (A1/A3) at ground floor with residential units on the upper floors.
- 5.3 The pavement area pertinent to this application is a large pedestrian area that bends around to Balfe Street to the north. The area is shaded by the 3no. large street trees that run north to south outside the A1 supermarket. 3 no. BT telephone boxes are located in between the Street Trees and run perpendicular to the access of the shop set almost 6m from the shop front.

**6. PROPOSAL (in Detail)**

- 6.1 The application seeks planning permission and Advertisement Consent for the installation of a free-standing telecommunications structure (InLink) with 2no. LED digital display screens.
- 6.2 The proposed unit itself would be a 'monolithic' structure which would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. The link unit would house a touch screen and key pad and would facilitate free UK landline and mobile phone calls, Wi-Fi and emergency and civil services.
- 6.3 The proposal also incorporates the removal of 3no. existing phone boxes. The phone boxes to be removed are in the same location as the proposed InLink. This is detailed on the proposed plan below:



**Image 2: Proposed site plan**

**7. RELEVANT HISTORY**

7.1 **P2017/0948/ADV:** Installation of a free standing internet/ wifi/ telephone kiosk known as a 'link unit', with internally illuminated advertisement screens to two sides. Withdrawn on **06/06/2017**.

7.2 The following previous planning applications relating to BT InLinks are considered particularly relevant to the current proposal:

- **P2018/1141/FUL & P2018/1255/ADV (Pavement outside 200 Pentonville Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway, and removal of 2no. existing BT payphones on the pavement. Approved with conditions 24/07/2018.
- **P2018/1128/FL & P2018/1280/ADV (Pavement outside 311 Holloway Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway, and removal of 2no. existing BT payphones on the pavement. Approved with conditions on 18/07/2019.
- **P2018/1150/FUL & P2018/1270/ADV (Pavement opposite 18-30 Clerkenwell Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway. Applications refused 20/06/2018, subsequent appeal dismissed.
- **P2018/1132/FUL & P2018/1243/ADV (Pavement outside 28 Junction Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway. Applications refused 20/06/2018, subsequently allowed at appeal without conditions.
- **2018 Refused Full Planning and Advertisement Consent Applications:** A number of Full Planning and associated Advertisement Consent applications for the installation of InLink units and associated digital advertisement displays across the Borough were refused in 2018. Appeals have been lodged for many, however these are yet to be decided by the Planning Inspectorate. These include:  
  
*Full Planning:* P2018/1117/FUL, P2018/1118/FUL, P2018/1119/FUL, P2018/1120/FUL, P2018/1121/FUL, P2018/1129/FUL, P2018/1130/FUL, P2018/1131/FUL, P2018/1141/FUL, P2018/1142/FUL, P2018/1147/FUL, P2018/1148/FUL, P2018/1148/FUL, P2018/1149/FUL, P2018/1151/FUL, P2018/1152/FUL, P2018/1153/FUL, P2018/1154/FUL, P2018/1155/FUL, P2018/1156/FUL, and P2018/1259/FUL.  
  
*Advertisement Consent:* P2018/1133/ADV, P2018/1135/ADV, P2018/1241/ADV, P2018/1260/ADV, P2018/1264/ADV, P2018/1266/ADV, P2018/1268/ADV, P2018/1272/ADV, P2018/1278/ADV, P2018/1282/ADV, P2018/1285/ADV, P2018/1286/ADV, P2018/1289/ADV, P2018/1290/ADV, P2018/1293/ADV, P2018/1295/ADV, P2018/1296/ADV, P2018/1300/ADV, P2018/1301/ADV, and P2018/1302/ADV.
- **2017 Approved Prior-Approval Applications:** A number of prior-approval applications for the installation of InLink units across the borough were approved on 17 August 2017. The approved applications include: P2017/2661/PRA, P2017/2662/PRA, P2017/2663/PRA, P2017/2664/PRA, P2017/2668/PRA, P2017/2669/PRA, P2017/2671/PRA, P2017/2672/PRA, P2017/2673/PRA, P2017/2674/PRA and P2017/2675/PRA.
- **2017 Approved Advertisement Applications:** In association with the approved Prior-Approval applications listed above, advertisement applications were lodged for the advert panels on either side of the InLink unit. Each of these were approved. The approved

applications include: P2017/0550/ADV, P2017/0553/ADV, P2017/0573/ADV, P2017/0599/ADV, P2017/0605/ADV, P2017/0697/ADV, P2017/0698/ADV, P2017/0900/ADV, P2017/0903/ADV, P2017/0922/ADV, and P2017/0949/ADV.

- **P2017/0922/ADV (pavement o/s 169-173 Old Street)**: Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure. Application refused 08/09/2017.

**REASON: The proposed advertisement display by reason of its height, method of illumination and proximity to existing traffic signals would cause a distraction to drivers which would be detrimental to public safety and cause a hazard. The proposal would be contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 and DM2.6 of the Islington Development Management Policies (2013) and the Islington Urban Design Guide (2017).**

- Following discussions with the Council, the applicant withdrew 52 advertisement consent applications for InLink units that had been recommended for refusal by officers in August 2017.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties at Caledonian Road, Balfe Street, Keystone Crescent, Joiners Yard and York Way on 9 July 2019.
- 8.2 At the time of the writing of this report a total of **24** responses have been received from the public with regard to the application, **23** in support of the application and **1** objection. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets)

#### **Anti-Social Behaviour**

- Existing phone boxes used for drug use, sex adverts, inappropriate advertising and are a magnet for anti-social behaviour
- Phone boxes are remnants of the old Kings Cross
- Phone boxes are used as toilets
- Removal of 'undesirables'
- Removal of telephone boxes would make community more safe.

(paragraphs 10.21-10.24)

#### **Street clutter and design**

- Proposal will remove clutter and will mitigate room for trash to be dumped like the current situation
- Phone boxes are an eyesore
- Current facilities detract from the local environment
- The area is located within the vicinity of the NC1 tech hub and therefore this type of facility is in keeping with local area
- The InLink will be far less unsightly than existing boxes
- Would be an improvement to the street scene.
- 

#### *Objection*

- Welcome the removal of structures, but against new replacement based on the fact that Tesco has free wi-fi, whilst there is another structure further down Caledonian Road, the motivation is therefore to be a structure for advertisement purposes only
- The pavement with 3 mature trees provides a shaded area for pedestrians to enjoy

- Already enough clutter within this pedestrian space
- The proposal would cause noise and light pollution.  
(paragraphs 10.3-10.13)

#### **Requirement for telephone boxes**

- In the age of mobile phones, there is no need for retaining existing telephone boxes

#### **InLink uses**

- It is important that the InLink cannot be used to facilitate continued drug related use
- InLink should have a no call out handset

(paragraphs 10.21-10.24)

#### **Other matters**

- Comment made on Islington Society and blanket objections to InLinks:
  - Comments made based on companies like BT using structures for advertisement purposes only. (**officer response: this is not the case here at this site.**)
  - Concerns also made with privacy issues and whether the structures can be used to track users and their information. (**officer response: BT is a heavily regulated company and combined with GDPR regulations means this privacy matter should not be a reason to deny this application.**)
  - Unsuccessful attempts to reach out to Islington Society and meet and discuss this proposal. (**Officer response: The council have no powers to enforce this or to refuse the application based on levels of discussions with local amenity groups**)

#### **Internal Consultees**

- 8.3 **Design and Conservation officer:** No objections from officers. Officers consider the existing booths to add considerable clutter and visual harm to this section of Caledonian Road. It is acknowledged that Inlink units are generally unwelcome additions to the boroughs streets but note the direct removal of the 3 existing booths which can be secured through this development. Bearing in mind the specific and existing site context the Inlink unit is considered to have a neutral impact on the character and appearance of the CA and the removal of the existing units would significantly enhance the character and appearance of the CA and wider urban setting and surrounding street scene.

#### **External Consultees**

- 8.4 **London Underground:** *No comment to make on this planning application.*
- 8.5 **TFL London Overground:** No objection, and made the following comments:

*The site is on A5203 Caledonian Road, which forms part of the Strategic Road Network (SRN). While the Local Authority is the Highway Authority for those roads, TfL has a*

duty under the Traffic Management Act 2004 to ensure that any proposal does not have an adverse impact on the SRN.

1. In line with Healthy Streets and Streetscape guidance, TfL welcomes the de-cluttering of street environments.

2. The location of the proposal is welcomed as it does not encroach on the clear space needed to provide safe passage for pedestrians.

It is understood that a separate advertisement consent application (ref: P2019/1799) has also been submitted. The following comments would reflect TfL's conditions on such consent being granted.

3. No special visual effects of any kind are permitted during the time that any message is displayed. The displayed image must not include animated, flashing, scrolling, intermittent or video elements.

4. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.

5. The minimum time between successive displayed images shall be 10 seconds.

6. The sequencing of messages relating to the same product is prohibited.

7. The intensity of the illuminance of the advertisement shall be no greater than 300Cdm<sup>2</sup> during hours of darkness.

8. The footway and carriageway on the A5203 Caledonian Road must not be blocked during the installation and maintenance of the InLink. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, obstruct the flow of traffic.

Provided the above comments are addressed, TfL have no objection to this proposal.

8.6 **TfL Underground Infrastructure Protection:** No comment to make on this planning application.

8.7 **Islington Society:** have objected to similar applications as there is no need for the structures and there is proliferation of street clutter.

8.8 **Metropolitan Police:** No objection, comments read:

Contact has been made with the local Neighbourhood Policing teams (NPT officers) regarding the replacement of the current telephone kiosks for an InLink and I am fully aware of the support for such a change.

The 'Algorithm' is currently active on all InLink devices within the UK and apparently identifies potential 'drug dealing' numbers and then puts a block on them...I have been working with Camden Council & InLink with two devices in Camden Town which have been used to test this operating procedure. This went on for 12 weeks and half way through we had to request the USB charging facility on one of them to be deactivated due to anti-social behaviour. But this was implemented immediately and stopped the problem of large groups congregating at the devices.

*The 'Anti-Social Behaviour Plan' details everything to help mitigate risk surrounding the devices and as the current three telephones are generating a large amount of ASB then 'Option B' will be recommended for the period of Three (3) months... this will allow for a guaranteed reduction and then can be reassessed after consultation with the local NPT and community. So I would recommend that a temporary restriction on free phone calls be implemented.*

8.9 **Network Rail:** *After reviewing the information provided in relation to the above planning application, Network Rail has no further observations or comments to make.*

## 9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

9.4 Since March 2014 Planning Practice Guidance for England has been published online

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions.

However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

#### **Development Plan**

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 Some weight is attributable to the Draft London Plan.

#### **Adverts**

- 9.12 The Town & Country Planning (Control for Advertisements) (England) Regulations 2017

#### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.13 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

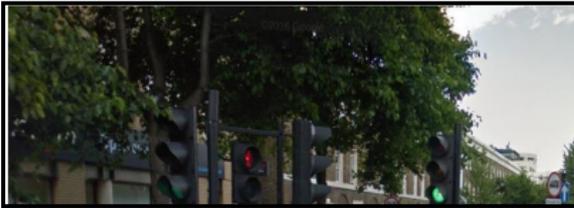
### **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:
- Design, appearance of the inlink kiosk/ structure and the impact on the character of the area;
  - Impact on public safety and neighbouring amenity;
  - Impact on highways and transport.

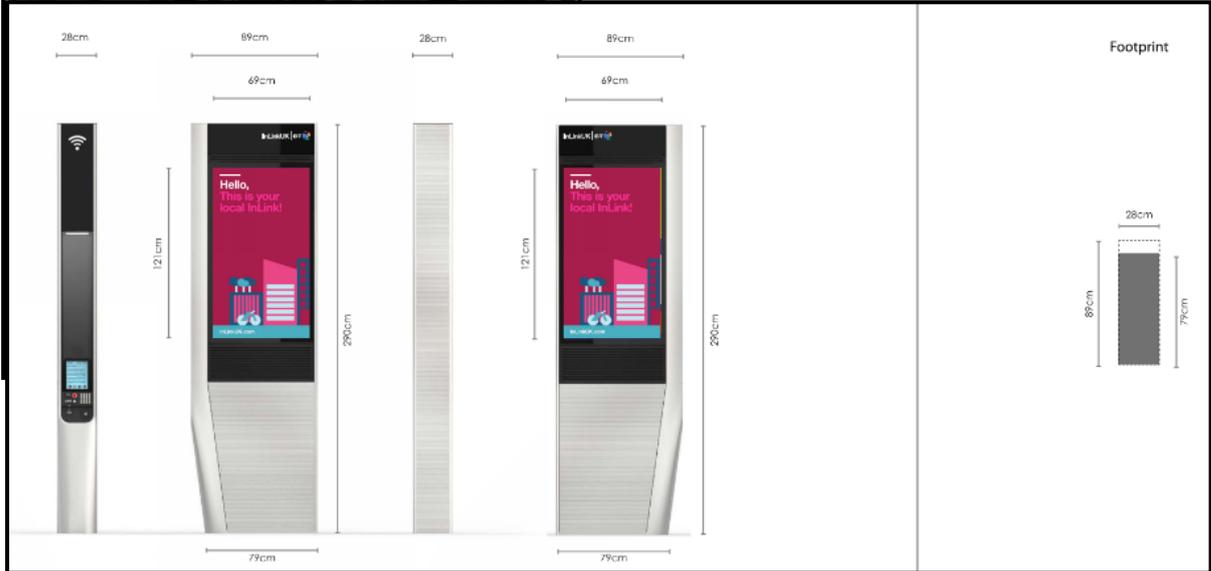
#### **Design, Conservation and Appearance**

- 10.3 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.4 Policy CS 8 and 9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.5 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.6 The Islington 'Streetbook' Supplementary Planning Document 2012 seeks to improve the appearance of public areas through avoiding street clutter, mismatched elements and a lack of visual coherence.
- 10.7 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.8 Policy DM6.2 of the Development Management Policies 2013 states that advertisements are required to be of the highest possible design standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. It also states that advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users
- 10.9 The proposed units are considered to be 'monolithic' structures. The InLink structure would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. It would contain an advertisement screen on both sides, measuring approximately 0.7m x 1.2m. The digital LED adverts would be statically illuminated with an illuminance level of **2,500 cd/m**.





**Image 3 & 4:** Existing and proposed street montage of the site showing existing phone boxes and proposed InLink



**Image 5:** BT InLink Dimensions

- 10.10 The proposal is located along the western footpath of Caledonian, at the southern entrance to Balfe Street. This is a prominent location on a busy highway, and is seen in the context of surrounding 3-4 storey contemporary developments and more traditional built form. The location is within a designated conservation area, and is within the setting of the Grade listed buildings at Balfe Street. Some concern is raised with regard to the detailed design of the structure. The advertisement screens on both sides of the apparatus are large and their illumination is at 2,500 cd/m. The InLink unit is contemporary in design and appearance, however it is noted that it would be located outside of 23 Caledonian Road, a contemporary 4 storey development with a retail unit with full width glazing at ground floor (Tesco). In addition to this, given the commercial nature of the surroundings, the scale of the adjacent building and the width of the pavement, on balance, it is not considered that it would detract from the character and appearance the streetscene and wider townscape.
- 10.11 Consideration is also given to the removal of 3 phone boxes from the pavement, to allow for a like for like replacement, but resulting in an overall less cluttered streetscape. The removal of these phone boxes would be welcomed, as it would result in the removal of clutter from the footpath on the western side of Caledonian Road in close proximity to the InLink unit. Overall, the pavement in this location is generous and there is a tall contemporary building adjacent, with substantial trees along the pavement. In this location, the InLink unit would not stand out and dominate the streetscene.
- 10.12 Concern is raised regarding the impact of the proposed adverts on the immediate streetscene. The proposed adverts would be internally illuminated with sequential changes in image that would draw the eye on this fairly open section of pavement. The proposed illuminance level of 2,500 cd/m during the day and 600 cd/m between

dusk and dawn is also considered to be excessive, and the form of illumination would be at odds with the generally more subtle advertisement lighting on many of the adjacent buildings. However, whilst undesirable, it is not considered that the proposed advert would warrant a reason for the refusal of the application in this instance.

- 10.13 Overall, it is considered that the proposed structure and advert, whilst not desirable, would not materially harm the character and appearance of the streetscene or the adjacent Conservation Area subject to restrictions or brightness (**condition**). The proposal therefore complies with the requirements of policy DM2.1 of the Development Management Policies 2013, and the Islington Urban Design Guide 2017.

### **Highways and Transportation**

- 10.14 Policy DM2.1 of the Development Management Policies 2013 accords with the NPPF in seeking to sustain and enhance Islington's built environment. The policy seeks to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and locally distinctive patterns of development.
- 10.15 The NPPG advises that proposed advertisements at points where drivers need to take more care are more likely to affect public safety, including locations at junctions, roundabouts, pedestrian crossings, on approach to a low bridge or level crossing, or other places where local conditions present traffic hazards.
- 10.16 Part E of Transport for London's Streetscape Guidance advises that, when considering applications for open-sided units (including the structure proposed as part of this application), a footway width of minimum 4,200mm is required but designers should also consider pedestrian flows to determine appropriate placement.
- 10.17 Policy T2 (Healthy Streets) of the draft London Plan states that 'Development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance.'
- 10.18 Unnecessary and dysfunctional street clutter in any location in the footway on a TLRN road has an obvious adverse impact on the movement of pedestrians, which goes against TfL's statutory network management duties.
- 10.19 It is proposed to remove the existing 3 no. telephone booths and replace with a single telephone kiosk. It is acknowledged that the pavement hosts a large amount of existing clutter within close proximity to the proposed structure including trees, kerbside bins, lampposts, traffic signals, cycle parking and traffic signs. However, given that the proposal would result in the removal of 3 no. phone booths which have been cited to attract anti-social behaviour to area. The replacement single phone kiosk which takes up less space thus freeing valuable pavement space and would not provide a concealed space which can attract anti-social behaviour the proposed structure is considered acceptable in principle. In addition, the single phone kiosk due to its position in place of 3 no. telephone booths it is considered not to create an obstruction nor compromise pedestrian and highway safety which would be detrimental to public safety and cause a hazard.
- 10.20 Transport for London does not object to the proposal subject to conditions and it is considered based on the width of the pavement and location of the InLink that the proposal is acceptable in this regard.

## **Crime prevention**

- 10.21 The site is an area of high Anti-Social Behaviour or 'Crime risk area' and as detailed within the comments from residents, the 3no. existing phone boxes are used to facilitate criminal activity and are generally an eyesore due to the illegal uses associated with the telephone boxes. In combination with local residents, local councillors and the Design Out Crime Officer, the proposal would be supported in this regard.
- 10.22 Comments have been received from the Design Out Crime Officer (Metropolitan Police) based on the BT InLink Anti-Social Behaviour (ASB) management plan which provides an algorithm to prevent the use of the InLink for crime and other misuses. Officers consider this algorithm to adequately address any concerns relating to the use of the InLink that would be closely monitored.
- 10.23 Option B relates to the InLink proposed in a 'Crime Risk area' as defined by a Designing Out Crime Officer (or equivalent) and agreed by their manager:
- A temporary restriction will be put in place on this InLink from activation as agreed with the Police Service, which for example could include the restriction of free calls to mobile numbers, for a minimum period of three (3) months and will not be removed without the Police Service being given a reasonable opportunity to agree in accordance with the escalation process detailed in the InLink Anti-Social Behaviour Management Plan.*
- The Design Out Crime Officer would under a full application identify crime related issues attributed to each site, and in the accordance advise conditions related to the above guidance.*
- 10.24 The intention of the Automatic Anti-Social Restriction technology is to significantly reduce the opportunities to misuse the free call services provided by an InLink.
- 10.25 The DOCO Officer does not object to the InLink within this location subject to a suitably worded condition based on the submitted information.

## **Neighbouring Amenity**

- 10.26 Policy DM2.1 states that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, noise pollution, anti-social behaviour, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook.
- 10.27 Due to the nature of the proposed telecommunications/advertisement structure, it is not considered that it would materially harm neighbouring amenity. The structure would be set away clear and acceptable distances from adjacent commercial and residential properties located on a much wide section of Caledonian Road which is more commercial in nature with a large Tesco located adjacent and the busy and heavily trafficked and pedestrian flows in and around Kings Cross Station and Pentonville Road. The inlink unit would be relatively narrow in scale and height compared to the existing structure and would be significantly better surveilled from adjacent commercial and residential properties therefore increasing the natural surveillance of the unit itself which is not present on site as existing as the existing booths form a wall and an area of seclusion which is inherently insecure and raises clear and already identified security and ASB issues. Within this specific urban context in and around the site, it is not considered that the proposal would give rise to any material adverse amenity impacts and would in fact significantly improve already occurring security and ASB issues in and around the site at present.

## **11. SUMMARY AND CONCLUSION**

- 11.1 Officers acknowledge that the BT InLink structures are generally not desirable additions to the streetscene within the Borough and cause undue and harmful visual clutter when seen within their context. However, in this instance the proposal results in the direct removal of 3no. telephone boxes with the replacement of a smaller 1no. InLink within the same site location, which significantly declutters the existing streetscape, improves permeability, security around the site and directly reduces anti-the occurrence and potential for Anti-social behaviour in and around the site. Additionally, by virtue of its siting in close proximity to more contemporary buildings and a mixed use environment the development is considered acceptable and would not appear out of character within the streetscene, nor would the development harm the Kings Cross Conservation Area and is considered conducive and a visually acceptable feature to the to the surrounding urban context within this part of Islington Borough.
- 11.2 Overall, subject to conditions the proposal would not harm the character or appearance of the host building nor that of the surrounding area. The proposal accords with policies DM2.1 & 2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the Urban Design Guide 2017. In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.3 It is recommended that planning permission and advertisement consent are both granted subject to conditions.

## **APPENDIX 1 – RECOMMENDATIONS**

### **RECOMMENDATION A**

That the grant of planning permission be subject to conditions to secure the following:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Plan, D0002 V3, Design and Access Statement; InLink Product Statement - May 2019, Anti-Social Behaviour Management Plan - April 2019, Existing and Proposed Views, Summary of Feedback from Local Community.</p>

	REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
<b>3</b>	<b>Removal of existing telephone boxes</b>
	<p>CONDITION: The InLink unit hereby approved shall not be erected until the 3 existing BT phone boxes shown on Drawing No. ISL-004 dated 5<sup>th</sup> June 2019 are removed in their entirety.</p> <p>REASON: In the interests of visual amenity and highway safety, in accordance with London Plan policy 6.3 and Development Management Policies DM2.1, DM2.6, DM2.7 and DM8.2 and DM8.4, the Islington Urban Design Guide SPD 2017, the Islington Streetbook SPD 2012 and the Transport for London Streetscape Guidance Third Edition 2017 Rev 1.</p>
<b>4</b>	<b>Crime Prevention</b>
	<p>Notwithstanding the approved plans, this device must at all times whilst operational comply with the agreed BT InLink Anti-Social Behaviour (ASB) management plan, <b>Option B</b> - Crime Risk area and the devices will be installed with full functionality. Any and all inappropriate use shall be dealt with by the algorithm and the management plan based on the following:</p> <ul style="list-style-type: none"> <li>• The agreed management plan v1.7 is to be followed and not altered without prior approval of the MPS Designing out crime team.</li> <li>• This device must also include the algorithm as agreed by BT and the Metropolitan Police Service (MPS). The algorithm 'threshold' must not be altered without prior approval of the MPS designing out crime team.</li> <li>• A temporary restriction will be put in place on this InLink from activation as agreed with the Police Service, which would include the restriction of free calls to mobile numbers, for a minimum period of three (3) months and will not be removed without the Police Service being given a reasonable opportunity to agree in accordance with the escalation process detailed in the InLink Anti-Social Behaviour Management Plan.</li> </ul> <p>REASON: To protect public safety and preventing anti-social behaviour and crime in accordance with policies 6.7,6.10 and 7.5 of the London Plan (2016), policies DM2.1, DM2.7 and DM8.2 of the Development Management Policies (2013).</p>

## RECOMMENDATION B

That the grant of advertisement consent be granted subject to conditions to secure the following:

### List of Conditions

<b>1</b>	<b>Standard advertisement conditions</b>
	CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

	<p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military)</p> <p>.</p>
<b>2</b>	<b>Luminance</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, the advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 300 candelas per square metre during the hours of darkness consistent with the guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
<b>3</b>	<b>Special effects</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
<b>4</b>	<b>Display functions</b>
	<p>CONDITION: The minimum time between <i>successive displayed images shall be 10 seconds</i>, the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.</p> <p>REASON: In the interests of highway safety.</p>
<b>5</b>	<b>Installation and maintenance</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, the footway and carriageway on the A5203 Caledonian Road must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the</p>

	clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.  REASON: In the interests of highway safety.
<b>6</b>	<b>Visual effects controls</b>
	CONDITION: Notwithstanding the hereby approved plans, <i>no visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.</i>  REASON: In the interests of highway safety.
<b>7</b>	<b>Sequencing prohibitions</b>
	CONDITION: Notwithstanding the hereby approved plans, The sequencing of messages relating to the same product is prohibited.  REASON: In the interests of highway safety.

## **APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1. National and Regional Guidance**

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2019)

### **Adverts**

The Town & Country Planning (Control for Advertisements) (England) Regulations 2017

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

- Policy 6.2: Providing public transport capacity and safeguarding land for transport
- Policy 6.3: Assessing effects of development on transport capacity
- Policy 6.7: Better streets and surface transport
- Policy 6.10: Walking
- Policy 7.4: Local character
- Policy 7.5: Public realm
- Policy 7.8: Heritage asserts and archaeology

## **B) Islington Core Strategy 2011**

Policy CS8 (Enhancing Islington's Character)  
Policy CS9 (Protecting and Enhancing

## **C) Development Management Policies June 2013**

- Policy DM2.1: Design
- Policy DM2.3: Heritage
- Policy DM2.6: Advertisements
- Policy DM2.7: Telecommunications and utilities
- Policy DM8.2: Managing transport impacts
- Policy DM8.4: Walking and cycling

## **3. Designations**

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

Kings Cross & Pentonville Road Core Strategy Area  
Kings Cross Local Shopping Area

## **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

Urban Design Guide (2017)  
Kings Cross Conservation Area Guidelines  
(2002)

### **Transport for London**

- Streetscape Guidance Fourth Edition  
2019 Revision 1