

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	31 July 2015
<b>Subject:</b> 46 - 47 Cheapside London EC2V 6AT Erection of combination payphone and ATM booth (Sui Generis) in lieu of existing public telephone kiosk (Sui Generis) and associated change of use.	<b>Public</b>
<b>Ward:</b> Cordwainer	<b>For Decision</b>
<b>Registered No:</b> 15/00171/FULL	<b>Registered on:</b> 2 March 2015
<b>Conservation Area:</b> Bow Lane	<b>Listed Building:</b> No

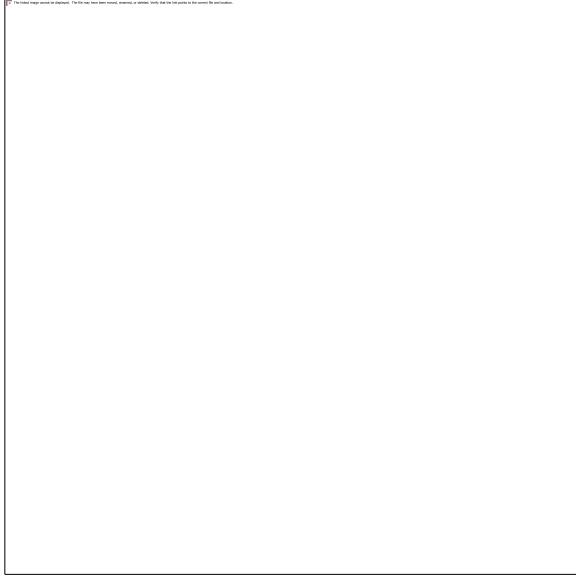
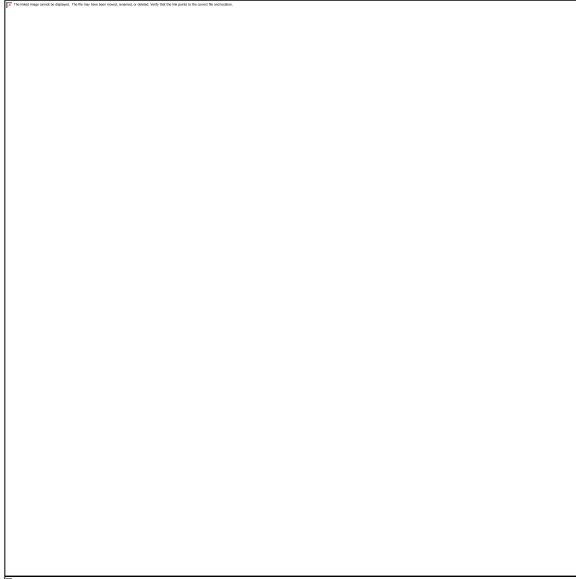
### Summary

Permission is sought for the replacement of an existing contemporary BT telephone box with a combination telephone and ATM kiosk. The existing box is one of an identical pair located on the south side of Cheapside within Bow Lane Conservation Area.

The replacement box would have a solid appearance, would unacceptably add to street clutter and would introduce an inappropriate retail activity into the public domain detrimental to the character and appearance of the Conservation Area, and the permeability of the pedestrian environment. The benefits associated with convenient access to an ATM facility and improved telephone accessibility for some would in this instance be insufficient to outweigh the harm to local character and the pedestrian environment.

### Recommendation

That the application be refused for the reasons set out in the attached schedule.



## **Main Report**

### **Site**

1. The application relates to one of a pair of telephone boxes of contemporary design located on the public footway on the south side of Cheapside and within the setting of St Mary-le-Bow Church, a Grade 1 listed building. The boxes are simple clear glazed structures each measuring 0.9m x 0.9m in plan x 2.02m in height.
2. The telephone box lies within Bow Lane Conservation Area, and is not a heritage asset.
3. The applicant has identified the site as lying within an area which has a high demand for ATM facilities.

### **Proposal**

4. Planning permission is sought for the replacement of a telephone payphone box which is classed as sui-generis, with a mixed use kiosk comprising a payphone and an ATM which falls within Class A2 (financial and professional services) of the Town and Country (Use Classes) Order 1987 (as amended). This combination would result in a new sui-generis use.
5. The application relates to the box sited to the west of the pair. The telephone box to the east is to be retained as existing.
6. The development would involve disposal of the existing telephone box and erection of a replacement box of significantly different design and appearance. The box would be sealed with no access to the internal space and would have payphone and ATM machines located externally it would measure 0.9m x 1.0m in plan x 2.22m in height to include a semi-domed shape roof, 20cm higher than the retained box.
7. The box would have a visually solid form.
8. The application is supported by a Design and Access Statement. The Statement does not address heritage issues.

### **Consultations**

9. The application has been publicised on site.
10. The views of other City of London departments have been taken into account in the consideration of this scheme.
11. The City of London Conservation Area Advisory Committee (CAAC) supported the Council's policy of seeking to reduce street clutter and objected to the new payphone and ATM booth considering it to be 'bulky and intrusive in the conservation area and detrimental to the street scene'.

## **Policy Context**

12. The development plan consists of the London Plan and the City of London Local Plan. The London Plan and Local Plan policies and Supplementary Planning Documents that are most relevant to the consideration of this case are set out in Appendix A to this report. It is necessary to assess all of the policies and proposals in the Development Plan and to come to a view as to whether the proposal satisfies the requirements of the Plan.
13. Government planning guidance is contained within the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance (NPPG).
14. Although not a Development Plan Document, the City of London Corporation City Street Scene Manual is considered material as it provides specific guidance for developers in respect of telephone boxes and kiosks that are located within the highway.

## **Considerations**

15. The Corporation in determining the planning application has the following main statutory duties to perform:-
  - To have regard to the provisions of the development plan, in so far as it is material to the application, to local financial considerations so far as they are material to the application, and to any other material considerations (Section 70 (2) 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);
  - In considering whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving its setting. (S66 (1) Planning (Listed Building and Conservation Areas) Act 1990)
  - When considering the applications, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (S72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).
16. Chapter 12 of the NPPF is relevant in this instance as it sets out key policy considerations for applications relating to designated and non-designated heritage assets. The NPPF is supported by a Practice Guide (NPPG). Other relevant guidance is provided by Historic England including the 'The Setting of Heritage Assets – Historic Environment Good Practise Advice in Planning' 2015.
17. Considerable importance and weight should be given to the desirability of preserving or enhancing the character or appearance of a conservation area and the setting of listed buildings, when carrying out any balancing exercise in which harm to the significance of conservation

areas or the setting of listed buildings is to be weighed against public benefits. A finding that harm would be caused to a conservation area or the setting of a listed building gives rise to a strong presumption against planning permission being granted.

- 18 The principal issues in considering this planning application are:
- The extent to which the proposal complies with Government policy advice (NPPF) and the relevant policies of the Development Plan, having particular regard to:
  - The acceptability of the proposed development in terms of design and heritage.
  - The suitability of the site and its location.
  - The impact of the development on the permeability of the pedestrian environment and the potential for congestion.

### **The Acceptability of the Proposal in Design and Heritage Terms**

- 19 Policy DM12.2 of the Local Plan states that development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area. Policy DM12.1 seeks to ensure that the significance of heritage assets is sustained. Policy DM10.1 encourages a high standard of design in development proposals. Policy 7.8 of the London Plan seeks to ensure that development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Chapters 7 and 12 of the NPPF set out relevant design and heritage policies.
- 20 In this instance consideration needs to be given to the impact that the proposal would have on the significance of the Bow Lane Conservation Area as a designated heritage asset. The existing telephone box is non-designated and is not a heritage asset. It is of contemporary design and appearance and although comprising an identifiable and commonplace element of street architecture does not contribute positively to the appearance or character of the conservation area. Accordingly the loss of the telephone box would not be detrimental to the conservation area. Although permission is not required for its removal, and a telecom replacement would be subject to a deemed consent process, planning permission would be required on the basis of the new use including an ATM.
- 21 A key characteristic of the existing telephone box is that the glazing is transparent on three sides and allows light and public views to permeate through the structure. The proposed replacement structure would have no clear glazing and as a result would appear as a solid structure within the street scene. Furthermore, the introduction of advertising material would create visual clutter within this part of the Bow Lane Conservation Area.

- 22 The proposed development would lie within the setting of St Mary-le-Bow Church, a Grade 1 listed building. The listed church is an important historic landmark in local views, including along Cheapside.
- 23 In the case of the impact upon the setting of the listed building, it is considered that as a result of the distance from the listed building and the small scale of the proposed development, there would be less than significant harm to the setting of the listed building.
- 24 However the solidification of the new structure along with the visual clutter associated with advertising material, would adversely affect local views of the church of St Mary-le-Bow from the west and east along Cheapside, further detracting from the visual amenity of the locality and resulting in less than substantial harm to the significance of this part of Bow Lane Conservation Area as a designated heritage asset.
- 25 A key characteristic of the existing telephone box is that the glazing is transparent and allows light and public views to permeate through the structure. The proposed replacement structure would be materially different, having no clear glazing and as a result appearing as a solid structure within the street scene. The resulting conversion would no longer possess the simple design aesthetic of the existing structure and would consequently not deliver any enhancement to the character of the conservation area. Furthermore being of strikingly different design to the retained structure to the east its presence in the streetscene would appear particularly unsympathetic to its surroundings.
- 26 Consideration has been given to paragraph 134 of the NPPF. It is considered that the less than substantial harm to the conservation area would not be outweighed by the public benefits of the proposal. The proposals would therefore be contrary to policies DM 12.2, DM12.1 and DM10.1 of the Local Plan, policy 7.8 of the London Plan and the aims of chapters 7 and 12 of the NPPF.
- 27 The Corporation's City Street Scene Manual recognizes that telecommunication kiosks have an important role to play within City streets and states that whilst providing a valuable amenity within the public realm they can also contribute positively to the street scene and act as a visual reference point to people unfamiliar with an area. Whilst every effort should be made to make telephone boxes accessible to people with disabilities, where the boxes are redundant and contribute to clutter, the manual confirms that the City will actively pursue their removal and will welcome the removal of unprofitable modern call boxes. The manual further recognizes that retail or other forms of kiosk as distinct from telephone boxes are not a common feature within the City's streets due to the general lack of space on the existing walkways and public spaces.
- 28 The proposal would require persons using the kiosk for ATM or phone purposes to stand within the footway extending the use of the site beyond its built footprint, compromising the pedestrian environment.

- 29 Only (non-telecom) kiosks of high quality design that would not detract from the surrounding streetscape, would not obscure key views within the streetscape, would not compromise circulation in the footway or obstruct pedestrian flows, and would provide accessibility for disabled persons, would be acceptable. In this instance the proposal does not adequately satisfy such criteria.

### **The Suitability of the Site**

- 30 Policy CS20 of the Local Plan seeks to focus new retail development (including A2 uses) within the Principal Shopping Centres (PSC's) and encourage movements between the principal Shopping Centres by enhancing the retail environment in the retail links. Although the site lies within a Principal Shopping Centre as defined by the Local Plan and is a location where ATM development would normally be deemed suitable, Policy CS20 emphasizes the need to improve conditions for pedestrians.
- 31 Policy DM10.4 of the Local Plan encourages the enhancement of highways, the public realm and other spaces. It states that enhancement schemes should be of a high standard of design, having regard to the following matters of relevance to the determination of this application:
- Connections between spaces and the provision of pleasant walking routes;
  - The need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
  - The need for pedestrian priority and enhanced permeability.
- 32 Policy CS16 of the Local Plan aims to improve conditions for safe and convenient walking. London Plan Policy 6.10B states that development proposals should ensure high quality pedestrian environments. London Plan policy 7.5B advises that street furniture and infrastructure should be of the highest quality, maintain uncluttered spaces and should contribute to easy movement of people through space.
- 33 The City's streets currently have a high level of footfall particularly during peak hours. A report was presented to the Planning and Transportation Committee on the 13th January 2015 regarding items on the highway ('A' boards, bike racks etc). The report noted that the City is expecting a significant increase in commuters, shoppers and visitors with the City's daily population predicted to rise to well over 400,000 in the next ten years. This could result in the streets becoming even busier. The London Plan reinforces the importance of planning for growth (e.g. "Context and Strategy" paragraph 1.47).

- 34 Cheapside forms an important east west 'visitor' route as defined in the Local Plan and is one of the five Principal Shopping Centres (PSC's) in the City having experienced a revival in recent years with a major increase in the amount of shopping floorspace. It is a major destination for workers, residents and visitors, seven days a week, with high levels of footfall particularly during commuter and lunchtime periods and has become re-established as the City's High Street. Policy CS6 seeks to enhance pedestrian links and the pedestrian environment and to promote visitor attractions in and around Cheapside. Alongside new development there is a continuing need for the area to be well managed and promoted in the long term to deliver an attractive pedestrian environment.
- 35 Overall it is considered that the proposed mixed payphone and ATM use would spill onto the highway to such a degree that it would generate clutter and detract from the pedestrian permeability of the locality, contrary to the aims of policies DM10.4 and DM17.1 of the Local Plan and policies 6.10B and 7.5B of the London Plan.
- 36 The City Transportation Section has recommended refusal on the grounds that the proposal would interfere with free pedestrian movement on the footway and would be contrary to the aims of the City to de-clutter the highway.
- 37 Ease of pedestrian movement and the enhancement of the public realm is a priority for the City and in many instances there would be a preference for non-listed telephone boxes unless regarded as non-designated heritage assets that are no longer required for telecommunication purposes, to be removed from the highway, particularly as public demand for public telephone boxes has fallen due to mobile phone usage.
- 38 It is acknowledged that the proposal could improve accessibility to the payphone for some disabled persons. However improved payphone accessibility could be achieved by alteration to the existing telephone box facility without a requirement for planning permission in accordance with the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. Provision of an ATM is not necessary in order to improve accessibility to the payphone.



## **Conclusion**

- 39 The solidified appearance of the replacement structure would detract from views of the listed Grade 1 church to the east, would clutter the street and would fail to preserve or enhance Bow Lane Conservation Area resulting in less than substantial harm to the significance of this part of the Conservation Area as a designated heritage asset.
- 40 Within the City it is projected that footfall will increase further over the next 10 years as a result of natural growth and improved public transport services. The proposed conversion of the telephone box would unacceptably reduce pedestrian permeability and would as a consequence represent a future impediment to the free passage of pedestrian movement in this part of the Principal Shopping Centre.
- 40 Although the proposal would provide a more accessible payphone for some, the convenience of an ATM would not outweigh the harm that has been identified. For these reasons the proposal is considered to be contrary to policies CS6, CS10, DM10.1, DM10.4, CS12, DM 12.1, DM12.2, CS16, CS20, and DM20.1 of the Local Plan 2015, policies 6.10A/B, 7.5A/B and 7.8D of the London Plan 2015 and the aims of chapters 7 and 12 of the NPPF.

## **Background Papers**

### Internal

City Transportation - Memo dated 8<sup>th</sup> April 2015

### External

Design and Access Statement

Drawing number T2 - Standard KX100 telephone kiosk as (elevations as existing)

Photographs (4) of the site as existing – Document dated 10<sup>th</sup> December 2014

City of London Conservation Area Advisory Committee – Memo dated 26<sup>th</sup> March 2015

## **Appendix A**

### **London Plan Policies**

Policy 6.10 Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.

Policy 7.5 Development should make the public realm comprehensible at a human scale. Landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space.

Policy 7.8 Development should identify value, conserve, restore, re-use and incorporate heritage assets, conserve the significance of heritage assets and their settings and make provision for the protection of archaeological resources, landscapes and significant memorials.

### **Relevant Local Plan Policies**

#### ***CS6 Meet challenges Cheapside/St Paul's***

To develop Cheapside and St Paul's area as the City's 'high street' and key visitor destination, increasing the amount of high quality retailing, promoting the City's unique cultural and leisure activities and heritage, and improving the pedestrian environment.

#### ***CS10 Promote high quality environment***

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

#### ***DM10.1 New development***

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;

- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

#### ***DM10.4 Environmental enhancement***

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces. Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City;
- f) sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i) the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;

- j) the use of high quality street furniture to enhance and delineate the public realm;
- k) lighting which should be sensitively co-ordinated with the design of the scheme.

### ***CS12 Conserve or enhance heritage assets***

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

#### ***DM12.1 Change affecting heritage assets***

1. To sustain and enhance heritage assets, their settings and significance.
2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

#### ***DM12.2 Development in conservation areas***

1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.
2. The loss of heritage assets that make a positive contribution to the character or appearance of a conservation area will be resisted.
3. Where permission is granted for the demolition of a building in a conservation area, conditions will be imposed preventing demolition commencing prior to the approval of detailed plans of any replacement building, and ensuring that the developer has secured the implementation of the construction of the replacement building.

### ***CS16 Improving transport and travel***

To build on the City's strategic central London position and good transport infrastructure to further improve the sustainability and efficiency of travel in, to, from and through the City.

### ***CS20 Improve retail facilities***

To improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.

#### ***DM20.1 Principal shopping centres***

1. Within Principal Shopping Centres (PSCs) the loss of retail frontage and floorspace will be resisted and additional retail provision will be encouraged. Proposals for changes between retail uses within the PSC will be assessed against the following considerations:

- a) maintaining a clear predominance of A1 shopping frontage within PSCs, refusing changes of use where it would result in more than 2 in 5 consecutive premises not in A1 or A2 deposit taker use;
- b) the contribution the unit makes to the function and character of the PSC;
- c) the effect of the proposal on the area involved in terms of the size of the unit, the length of its frontage, the composition and distribution of retail uses within the frontage and the location of the unit within the frontage.

2. Proposals for the change of use from shop (A1) to financial and professional service (A2) restaurant and cafes (A3) drinking establishments (A4) or hot food takeaways (A5), use at upper floor and basement levels will normally be permitted, where they do not detract from the functioning of the centre.

## SCHEDULE

APPLICATION: 15/00171/FULL

**46 - 47 Cheapside London EC2V 6AT**

**Erection of combination payphone and ATM booth (Sui Generis) in lieu of existing public telephone kiosk (Sui Generis) and associated change of use.**

### REASONS FOR REFUSAL

- 1 The proposal would result in the erection of a visually impermeable structure which in conjunction with and exacerbated by the nature of the proposed use would detract from views of the listed Grade buildings to the east, would clutter the street, would reduce pedestrian permeability, and would fail to preserve or enhance the character and appearance of this part of Bow Lane Conservation Area contrary to policies: CS6, CS10, DM10.1, DM10.4, CS12, DM 12.1, DM12.2, CS16, CS20, and DM20.1 of the Local Plan 2015, policies 6.10A/B, 7.5A/B and 7.8D of the London Plan 2015 and the aims of chapters 7 and 12 of the NPPF.

### INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:

detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;

a full pre application advice service has been offered;

where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.

However, notwithstanding the above, it has not been possible to achieve solutions to the problems as the proposals are contrary to planning policies, do not demonstrate other over-riding material considerations, and negotiations could not overcome the problems.