

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	5 July 2016
<b>Subject:</b> Outside 8 Ludgate Circus London EC4M 7LF Change of use of 1 no. BT telephone box to 1 no. retail kiosk (A1).	<b>Public</b>
<b>Ward:</b> Castle Baynard	<b>For Decision</b>
<b>Registered No:</b> 16/00295/FULL	<b>Registered on:</b> 23 March 2016
<b>Conservation Area:</b> Fleet Street	<b>Listed Building:</b> No

### Summary

The application relates to an unlisted red K6 telephone box that is located on the south west side of Ludgate Circus.

The site is within the Fleet Street Conservation Area and the setting of the grade II listed 98-100 Fleet Street. It is considered to be a non-designated heritage asset.

Planning permission is sought to convert the telephone kiosk into a retail unit (Class A1) to sell pre-packed hot drinks and ice cream or cold beverages.

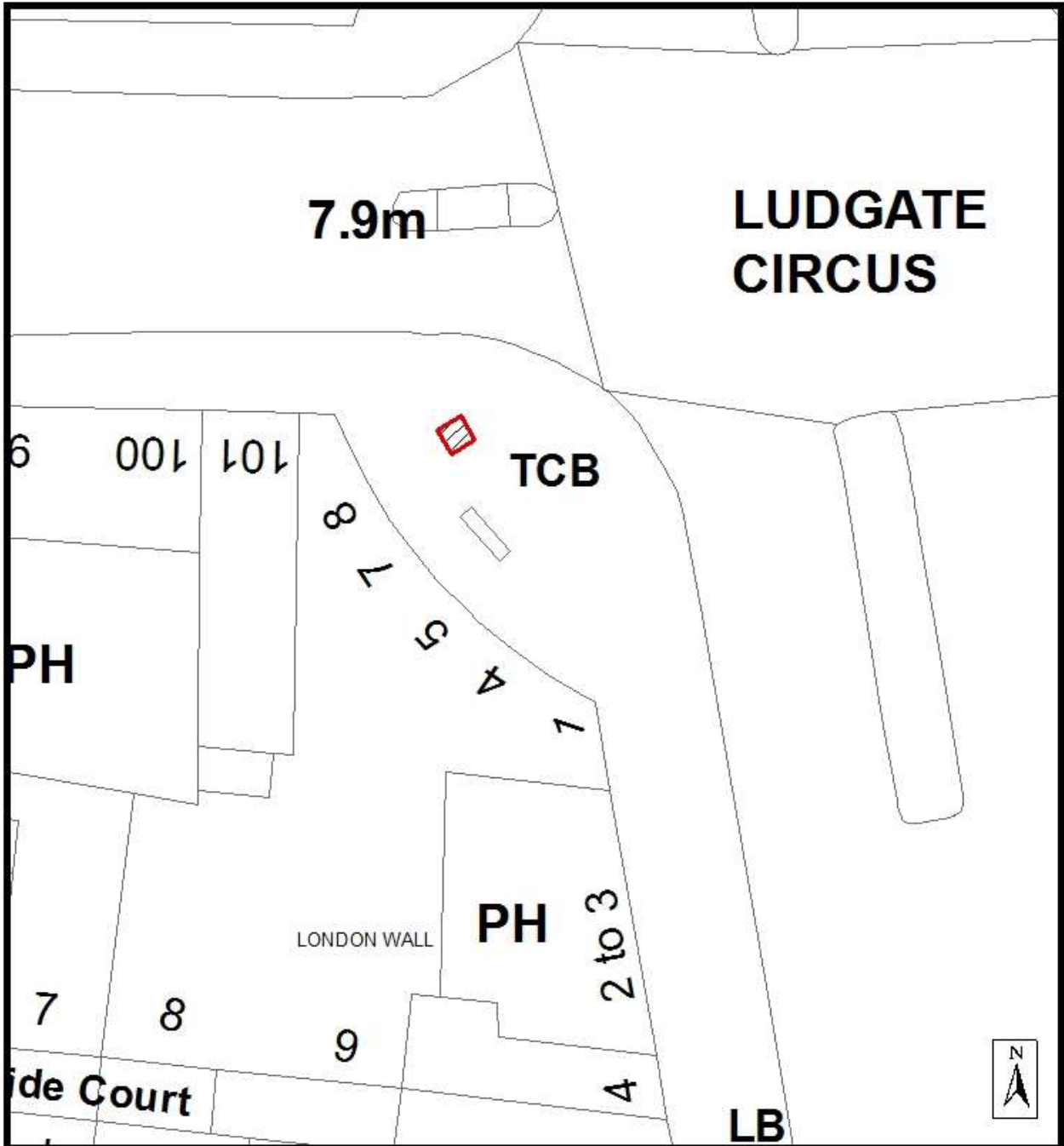
It is considered that the proposed use, its associated paraphernalia and the extent to which it would spill onto the highway would detract from the significance of the telephone box as a non-designated heritage asset and would result in some less than substantial harm to this part of the Fleet Street Conservation Area.

The City's streets have high levels of footfall. It is anticipated that footfall will increase further over the next ten years. The proposed use would obstruct the highway to an unacceptable degree.

### Recommendation

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





# City of London Site Location Plan



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ADDRESS:  
Outside 8 Ludgate Circus

CASE No.  
16/00295/FULL

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY
-  CITY OF LONDON BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT



View of existing telephone kiosk from Ludgate Circus

## **Main Report**

### **Site**

1. The application relates to an unlisted K6 telephone kiosk that is located on the south west side of Ludgate Circus, at the junction of New Bridge Street and Fleet Street.
2. The K6 is a public telephone kiosk designed by Sir Giles Gilbert Scott and introduced in 1936 to commemorate the silver jubilee of King George V.
3. It is considered to be a non-designated heritage asset. The site is within the Fleet Street Conservation Area. The grade II listed 98-100 Fleet Street to the west of the site is visible in views of the kiosk.

### **Proposals**

4. Planning permission is sought to convert the telephone kiosk into a retail unit (Class A1) that could sell pre-packed hot drinks, ice cream or cold beverages.
5. The existing telephone and associated equipment would be removed. A self-contained modular unit on wheels would be inserted into the telephone kiosk. The unit would fill the kiosk and would contain storage units for equipment, a counter, coffee/ice cream machine, power supply and refuse storage.
6. The modular unit would not be fixed in position. The unit would be positioned on retractable wheels that would enable it to be wheeled in and out of the telephone kiosk as and when required.
7. During operational hours the unit would be staffed at all times
8. Stock would be delivered to the site by bicycle or on foot. The applicant has advised small stock levels would be required due to the limited storage capacity within the kiosk. The applicant has not specified how this particular kiosk would be serviced.
9. The existing glazing would be replaced with toughened safety glass to match existing. A lock would be fitted to the door for security purposes.

### **Consultations**

10. The application has been publicised on site and in the press.
11. The views of other City of London departments have been taken into account in the consideration of this scheme.
12. Historic England states that the application should be determined in accordance with national and local policy guidance on and on the basis of the City's specialist conservation advice.
13. The City of London Conservation Area Advisory Committee support the City's policy of seeking to reduce street clutter and objected to the proposal considering it to be detrimental to the street scene within this setting and to the conservation area. They consider the change of use

would involve the telephone kiosk door being permanently open which would be detrimental to the conservation area.

14. The City of London's Licensing Manager has expressed concerns that the proposal would involve a person standing on the street selling goods. The applicant has been advised and has been asked to contact the licensing team for further advice on licensing requirements.

### **Policy Context**

15. The development plan consists of the London Plan, and the City of London Local Plan. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix A of this report.
16. Government Guidance is contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (PPG).

### **Considerations**

17. 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, 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).
  - In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990). In this case the duty is to the desirability of preserving the setting of listed buildings;
18. In considering the planning application before you, account has to be taken of the statutory and policy framework, the documentation accompanying the application, and the views of both statutory and non-statutory consultees.
19. Chapter 12 of the NPPF is relevant in this instance as it sets out the policy considerations for applications relating to designated and non-designated heritage assets. Other relevant guidance is provided by Historic England including the documents Conservation Principles, and Setting of Heritage Assets. Building in Context (HE/CABE) and the PPS5 Practice Guide in respect of the setting of heritage assets.
20. 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 a listed building, when carrying out any balancing exercise in which harm to the significance of the

conservation areas or the setting of listed buildings is to be weighed against public benefit. 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.

21. The principal issues in considering this application are:
  - The extent to which the proposals comply with Government policy advice (NPPF);
  - The extent to which the proposals comply with the relevant policies of the Development Plan, having particular regard to;
    - o The impact of the proposal on designated and non-designated heritage assets;
    - o The suitability of the site to accommodate the proposed retail unit.
22. Following a report to the Planning and Transportation committee on the 10<sup>th</sup> March 2016, the City Corporation is currently engaged in investigating long term options for the conservation and reuse of the historic telephone kiosks in the City and a report is before your committee.

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

23. Non-listed K6 telephone kiosks are considered to be non-designated heritage assets for their evidential, historical and aesthetic value. They are a valued element of the public domain due to the high quality of the design.
24. The kiosk complements the buildings facing Ludgate Circus and chimes with the spirit of Fleet Street as a processional thoroughfare that was once a centre of communication as part of the newspaper industry. In these respects the kiosk enhances the character of the Fleet Street conservation area.
25. The K6 kiosk lies within the wider setting of Nos. 98-100 Fleet Street, a grade II listed building. Though the kiosk is visible within views from Ludgate Circus of this building, its immediate setting is not considered to be affected by the proposals.
26. A key characteristic of the K6 telephone kiosks is their 8 by 3 pattern of glazing that allows light and transparency to enter the structure. The proposed replacement glazing would match the existing and the insertion of a locking system would not materially alter the appearance of the telephone kiosk.
27. The removal of the internal telephone equipment would be regrettable as it is visible and defines its original purpose. The proposed modular unit would fill the telephone kiosk and remove its transparent quality, detrimental to its aesthetic character.
28. The proposed retail use, open door, modular unit and its associated paraphernalia would detract from the significance of the telephone kiosk as a non-designated heritage asset. It would detract from the

visual amenity of the locality and result in less than substantial harm to the significance of this part of the Fleet Street conservation area as a designated heritage asset.

### **The Suitability of the Site to Accommodate the Proposed Retail Unit**

29. The applicants refer to examples elsewhere in England, where permission of a similar nature has been granted. These would not be comparable with this proposal. 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 13<sup>th</sup> 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.
30. Fleet Street is an important route from the City to the West End. It provides access to the Temples and the Royal Courts of Justice. The site location adjoining Ludgate Circus currently has high levels of footfall during morning and evening peak commuter periods and during the lunchtime periods
31. During operational hours the door to the telephone kiosk would remain open and project over the highway. A member of staff would stand on the highway to serve customers. Customers would stand and potentially queue on the highway whilst waiting to be served. This would result in severe obstruction to pedestrian movement in this busy area of the footway and potentially could reduce the pavement width to such an extent that it would make it difficult for wheelchair users to pass.
32. There is additional concern about the inadequacy of the proposed refuse storage arrangements which have the potential to cause further obstruction of the highway. The modular unit would provide a waste cupboard. The applicant has advised waste would be collected on a daily schedule by a pre-paid sac collection service. There is concern that the waste cupboard would be unable to accommodate a standard refuse sack. The applicant has not demonstrated that a waste sack could be satisfactorily accommodated or that the frequency and timings of collections would be sufficient to prevent the need for waste to be deposited on the highway.
33. The Waste and Amenity Manager expressed concern that the proposed use could give rise to spillages and staining on the highway requiring additional street cleansing.

### **Conclusions**

34. The proposed retail use and its associated paraphernalia would alter the form of the K6 telephone kiosk which would detract from its significance as a non-designated heritage asset and would result in less than substantial harm to the significance of this part of the Fleet Street Conservation Area.

35. The proposed conversion and use of the telephone kiosk would obstruct the highway to an unacceptable degree as could disposal of refuse.

**Background Papers**

Internal

Letter Conservation Area Advisory Committee 24 April 2016

Memorandum Department of Markets and Consumer Protection 27 April 2016

Memorandum Department of Markets and Consumer Protection 11 April 2016

External

Design and Access/Heritage Statement prepared by MB Design and Build Ltd

Letter Historic England 6 April 2016



## **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 London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.

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**

#### ***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.

## SCHEDULE

APPLICATION: **16/00295/FULL**

**Outside 8 Ludgate Circus London**

**Change of use of 1 no. BT telephone box to 1 no. retail kiosk (A1).**

### REASONS FOR REFUSAL

- 1 The proposed conversion of the telephone kiosk to a retail unit (Class A1) would detract from the significance of the K6 telephone kiosk as a non-designated heritage asset and would result in less than substantial harm to this part of the Fleet Street Conservation Area. The scheme would obstruct the public highway and would detract from the public realm contrary to policies DM17.1, DM12.2, DM12.1, DM10.1 and DM10.4 of the Local Plan and policies 6.10B, 7.5B and 7.8 of the London Plan.

### 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.

- 2 The Plans and Particulars accompanying this application are: PL01, EX01