

LOCATION: O/s Sainsburys, 836 High Road, London, N12 9RE,
PROPOSAL: Installation of public payphone/commercial hub

KEY DATES	
Statutory Expiry:	30th October 2019
Recommendation:	24th October 2019
Ex. of time (if applicable):	
Site Visit (if applicable):	18th September 2019

Case Officer:	Joe Mari
Area Team:	Finchley and Golders Green Area Team
Applicant:	Mr Nathan Still
Ward:	Woodhouse
CIL Liable?	

OFFICER'S ASSESSMENT

1. Site Description

The application site refers to an area outside Sainsburys at 836 High Road.

It is not within a designated conservation area and is not adjacent to any locally or statutory listed buildings.

2. Site History

None of relevance.

3. Proposal

The application seeks consent for the installation of a public payphone/commercial hub.

It would be sited on the public pavement outside Sainsburys, 836 High Road.

It would replace the existing advertisement column currently placed on the public pavement.

The new structure would measure 2.63 metres in height and 1.338 metres in width. It would have a depth of 0.317 metres. The payphone and protective canopy would project 0.6 metres and be sited at a height of 0.965 metres off the ground level and have a maximum height of 2.123 metres from the ground level. On the rear side of the structure, the display screen would be 1.065 metres by 1.895 metres. It will be finished in metal grey chain.

The supporting cover letter by Infocus Public Networks Ltd dated 03 September 2019 states: "One side of the unit will feature an portrait screen used to display commercial images and on the other side a touchscreen, which is the public interface with the range of functions available, from voice calls to video calls to web browsing or accessing Council services. The free WiFi service will complement the existing FreeBarnetWIFI network to provide a comprehensive free service. The method of display for both the advertising and community information screen will comprise the latest high definition LCD product with the luminance level adjusted via an inbuilt light sensor that will limit the output to a maximum of 600Cdm2 at night time."

4. Public Consultation

A site notice was erected 12 September 2019.

Consultation letters were sent to 71 neighbouring properties.
0 responses have been received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to

examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS12
- Relevant Development Management Policies: DM01, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Supplementary Planning Documents

- Design Guidance Note No.1: Advertising and Signs (1993)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the street scene and the surrounding area;
- Whether harm would be caused to the safety of road users and pedestrians;
- Whether the proposal would minimise and reduce opportunities of crime and anti-social behaviour

5.3 Assessment of proposals

Impact on character and appearance on the street scene and surrounding area:

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Design Guidance Note No.1: Advertising and Signs (1994) sets out guidance on signage and advertising. It states that on page 2 and 3 -

"Advertisement and signs should, where appropriate;

- be well related to their surroundings in terms of size, scale and siting;
- be located to avoid visual clutter;
- not conflict with traffic signs or signals or be likely to cause confusion or danger to road users;

- respect the character and architectural details of any building on which they are to be located;
- be carefully designed and controlled in sensitive areas such as conservation areas, in open countryside or on or near important buildings
- in the case of projecting signs overhanging the highway, project no more than 1m (3ft 3ins) from the face of the building or have a depth greater than 0.75m (2ft 5ins)"

The proposed structure is located on an area of wider pedestrian pavement. The setting is commercial in nature and character. It is not located within a conservation area and is not immediately adjacent to locally or statutory listed buildings.

On the basis that it is replacing an existing advertising column (which appears to be illuminated, albeit dim), and the replacement structure will be of a smaller scale, height and bulk than what is existing on site, this is deemed on balance, acceptable.

Impact on highways and pedestrian safety:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states in point a that the Council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Design Guidance Note No.1: Advertising and Signs (1993) sets out guidance on road and pedestrian safety.

The highways officer has reviewed the application and commented:

"The site is in a town centre, on a busy high road, close to a bus stop and pelican crossing. The proposal is to replace an existing information column with a public payphone/commercial hub. While the footway is wide at this point the sign will distract drivers from focussing on the crossing point ahead and this could have potential road safety implications.

Highways would therefore object to the proposal."

As such, the local authority are not satisfied that the proposed development would ensure the safety of all road users, contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and Design Guidance Note No.1: Advertising and Signs (1994).

Safety and security:

Policy CS12 of Barnet's Core Strategy DPD (2012) states that the council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together. This includes working with our partners to tackle crime, fear of crime and anti-social behaviour; require developers to demonstrate that they have incorporated design principles which contribute to community safety and security in all new development.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

London Plan Policy 7.3 states that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. In particular design should encourage a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times; places, buildings and structures should incorporate appropriately designed security features; and schemes should be designed to minimise on-going management and future maintenance costs of the particular safety and security measures proposed.

Paragraph 91 and 127 of the National Planning Policy Framework (2019) highlight the importance of reducing crime and the fear of crime.

The Design out Crime Office of the Metropolitan Police has reviewed the application. They have provided a rather extensive consultee comment, however on this particular site he comments:

"Persons begging in this area remains a concern, with beggars setting themselves up directly outside the entrance to Sainsbury's and within yards of the other proposed location. Please see the most recent crime statistics from the ward of Woodhouse in Appendix C. Theft, ASB and violence & sexual offences feature highly upon the ward and the proposed device may negatively influence these statistics if approved.

I am concerned about the applications as proposed for a number of reasons:

- Telephone kiosks would be seldom used for their original purpose, due to the fact that nearly every person is in possession of some kind of mobile device, thus negating the need to use a fixed landline telephone. As a result of this, the phone boxes in the London Borough of Barnet are decrepit, damaged and poorly maintained. They have also become 'crime generators' and a focal point for anti-social behaviour (ASB).
- My own previous experience of policing highlights various issues connected with telephone kiosks such as the taking of Class A drugs, urination, littering, the placing of 'Prostitute Cards', graffiti, sexual activities and a fixed location for begging. All of which have occurred within or very close by to telephone kiosks. Due to the poor maintenance of existing telephone kiosks, damages are not repaired and kiosks are left dirty and do not get cleaned. This makes the telephone kiosks unusable and an eye sore. Following the 'Broken Window' theory, if a location looks and feels that it is uncared for and in a state of disrepair, then this can quickly lead to other criminal activity occurring within that location.
- The design of the unit itself appears to be an issue. There is no visibility for the user upon the other side of the unit or beyond, therefore a perpetrator could conceal themselves in this area and remain out of sight of the user. This would leave the user vulnerable to crime and disorder or the fear of crime such as theft or attack. The many functions of the device could be misused i.e. school children using the induction panel or USB charger to charge their phones and having their phones stolen. Groups may also gravitate en masse to the device, therefore preventing any legitimate user from walking past or approaching to use it. The fear of crime for legitimate footway users would undoubtedly increase.
- Free to call devices in other parts of London have been grossly misused whereby drug users are using the device to phone their dealer. With a central point where the dealer can supply to a number of multiple users at any one time, this can become a

serious issue. An ASB management plan is therefore vital to attempt to negate this scenario and others.

- The solar panels positioned at an angle on top of the device will act as a shelter from inclement weather. This can attract street drinkers, drug users and vagrancy. Its depth of 0.6m is the uppermost limit to what is acceptable.
- The induction/USB charging 'shelf' upon the left side of the unit could become an area used to prepare and consume Class A drugs. The area above the defibrillator could also be misused in this way or used as an area to conceal items.
- The induction/USB charging shelf, if used legitimately, could also become an area targeted for theft/robbery. This could occur if the perpetrator snatches the phone from this area whilst it is being legitimately charged and could approach unforeseen from either the front or rear of the device. Mobile smartphones can be very expensive to replace if stolen.
- The introduction of the unit could also increase ASB in the local area, as the unit can conceal the activities of what might be occurring behind the actual space and it could prevent police or passers-by from seeing what or who is at/near there. This can generate the fear of crime especially in regards to begging, as they could use the phone box as a cover and as a backrest when they sit on the floor to beg for money.
- Media reports have highlighted the increase in planning applications submitted to local planners for the construction of telephone kiosks. These were proven to have very little or no benefit to the local community especially in regards to the facilities that they are alleged to supply. The main reason busy locations with a high pedestrian and vehicle activity is chosen is that the telephone kiosk can be used as advertising space and collect various information from users and passers-by electronically."

The DoC officer therefore concluded: "Due to the lack of an agreed ASB management plan and algorithm's to mitigate against the use of the device for drug related activity and in relation to the security concerns already highlighted, all nine proposals would not be supported in their current format by the Metropolitan Police Service."

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the application is recommended for refusal.

OFFICER'S RECOMMENDATION / PREVIEW OF DECISION

Refuse

- 1 The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994).

- 2 The proposed development would, by reason of its design, fail to adequately reduce opportunities for criminal and anti-social behaviour, and would fail to contribute to a sense of security for users and the wider community.

The application is therefore considered unacceptable and contrary to Policy CS12 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.3 and the National Planning Policy Framework (2019).

Informative(s):

- 1 The plans and documents accompanying this application are:

Application form

Site location plan x 2

JCDecaux information package including drawings

Covering letter by Infocus Public Networks Ltd dated 03 September 2019

Photo of proposed location of structure

- 2 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process

to ensure that the proposed development is in accordance with the Development Plan.

**Signature of Officer
with Delegated
Authority**

A handwritten signature in black ink that reads "L Feldman". The signature is written in a cursive style with a large, looped initial "L".

Lesley Feldman, Planning Manager