

Delegated Report		Analysis sheet		Expiry Date:	03/10/2024
		n/a		Consultation Expiry Date:	15/09/2024
Officer			Application Numbers		
Tony Young			1. 2024/3310/P 2. 2024/3446/A		
Application Address			Drawing Numbers		
Pavement outside 133 Clerkenwell Road London EC1R 5DB			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposals					
1. <u>Planning application</u> - Installation of a Pulse Smart Hub with integrated digital screens and emergency functionality including provision of defibrillators. 2. <u>Advertisement consent application</u> - Display of illuminated content on digital screens integrated within new communication Hub.					
Recommendations		1. Refuse Planning Permission 2. Refuse Advertisement Consent			
Application Types		1. Full Planning Permission 2. Advertisement Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informative:						
Consultations						
Published notices	A <u>site notice</u> was displayed from 21/08/2024 to 14/09/2024 A <u>press notice</u> was published on 22/08/2024, expiring on 15/09/2024					
Adjoining Occupiers & local groups	No. notified	0	No. of individual responses	1	No. of objections No. of supports No. of comments	1 0 0

**Summary of
consultation
responses**

Fortune Green and West Hampstead Neighbourhood Forum objected to the proposal as follows:

- Fortune Green and West Hampstead NDF objects to this application to increase clutter on Camden's pavements and while we have no official influence on this particular application, we would like to support Camden citizens who want to protect their neighbourhoods and their pavements.

Metropolitan Police – Designing Out Crime Officer objects to the proposal due to the positioning of the hub in a high risk crime location; the lack of required information; and the proposition to supply a controlled medicine to the public.

High Crime Location

- The policing ward of Holborn and Covent Garden does see a high crime rate in comparison to other areas of the capital. This is in part due to the large number of tourists and students within this locality. Opportunistic thieves will operate around these areas looking to commit theft of mobile phones, purses, wallets etc.
- The close vicinity is a partial High Street setting with commercial and business on ground floor including a hotel a few feet away. The businesses will provide good natural surveillance during opening hours but this will diminish overnight. This could invite a more antisocial element within the later hours of the day and into the night. What the crime figures do not account for are the intel reports regarding drug dealing around the area. It is felt that the free calls, WI-Fi and a free charging facility can and will benefit the local drug trade. It is recommended that the charging elements be disabled on this device if the application is successful.
- I have seen the objections to the advertising screens in respect of their size and ability to distract. The orientation of the large screen should be considered and whether it could be used as a concealment opportunity. Theft from the person is already a problem for this area and this could exacerbate the issue. It is also recommended that the screen be dimmed or switched off during certain hours overnight to reduce the risk of distraction to drivers/cyclists. Bicycle enabled theft is high around Camden and with the position of the device close to the road this could make users phones vulnerable to theft.
- CCTV operation and storage needs further clarity. From review of the submitted documents CCTV is only triggered if emergency services are called, this won't record theft/snatches/robberies of mobile phones that will be on display while the owner is charging their phone. This needs to be reviewed. It is recommended that CCTV be on from day one. It would also be of benefit that a camera with viewing panel be visible on the panel to alert the users if someone is approaching them from behind. Visual markings on the pavement for where to stand and await use may also be of benefit.

Lack of management practice information

- Absence of a suitable ASB management plan.
- Unaware of any information sharing agreement with the Met Police (that would allow the police to communicate to the public in the way described in the submitted Design Management and Operational Statement).
- Unaware of any safety protocol agreements in place with the Met Police, London Ambulance Service or London Fire Brigade (and as such, it is unclear how the 999 Emergency button would operate).
- Further details are required on the automatic triggers (such as, restriction of Wi-Fi if misused, restriction on calls to 'over used' phone numbers).

Supply of a (usually by prescription) drug

- The provision to the public of 'Nasal Naloxone' needs to be explained. The applicant for this Multi-Functional Communication Hub must be able to demonstrate they are an approved supplier of 'Nasal Naloxone' and they are legally permitted to supply this drug in this way. This is currently a Prescription Only Medicine (POM) as defined by the 'Medicines and Healthcare products Regulatory Agency' (MHRA). It can only be prescribed or supplied by specific government bodies or drugs services. Although the regulations state the exceptions for use in an emergency, they are also very clear on who can supply/prescribe Naloxone.

Site Description

The application site comprises an area of public footway adjacent to no. 133 Clerkenwell Road, on the south side of the road, close to its intersection with Gray's Inn Road and Theobalds Road to the west.

The immediate buildings adjacent to the application site (including no. 133 Clerkenwell Road) have been demolished and the building site is currently surrounded by a street hoarding along this stretch of pavement. The building site has approval (ref. 2022/4259/P) to erect a mixed-use office led (Class E) development comprising a basement, ground plus 8-storey building for flexible retail / restaurant / office uses at ground floor and basement (Class E).

The application site is situated near to a number of existing street features and furniture, including a row of mature street trees (currently located inside the adjacent building site and surrounding by a hoarding), a sign post, 6 parallel cycle parking stands, a lamppost, 2 utilities cabinets, a Legible London wayfinding sign and sets of traffic lights associated with a number of signal controlled pedestrian crossings.

The site lies within the Central London Area and is part of Transport for London's (TfL's) Road Network (TLRN) and is located within the Hatton Garden Conservation Area.

There are a number of buildings located directly opposite the application site which are identified in the Hatton Garden Conservation Area Appraisal and Management Strategy Statement (adopted September 2017) as making a positive contribution to the Conservation Area. These include, Cavendish Mansions, 170-178 (even) Clerkenwell Road; and Gray's Inn Buildings, Rosebery Avenue.

The Grade II listed, (north side) Yorkshire Grey Public House, 2-6 Theobald's Road, is located diagonally opposite the application site to north-west.

Relevant History

2017/3550/P - Installation of 1 x telephone kiosk on the pavement. GPDO Prior Approval refused 07/08/2017 by reason of its location, size and detailed design, would add to visual clutter and detract from the character and appearance of the street scene and Hatton Garden Conservation Area / Appeal allowed (APP/X5210/W/18/3195374) 12/09/2018

Other neighbouring / nearby sites:

- Pavement outside 85 Clerkenwell Road

2024/3311/P & 2024/3450/A - Installation of a Pulse Smart Hub with integrated digital screens and emergency functionality including provision of defibrillators / Display of illuminated content on digital screens integrated within new communication Hub. Planning and advertisement consent refused 03/10/2024

2017/2491/P – Installation of 1 x telephone box on the pavement. GPDO Prior Approval refused 21/06/2017 by reason of its location, size and detailed design, would add to visual clutter and detract from the character and appearance of the street scene and Hatton Garden Conservation Area / Appeal allowed (APP/X5210/W/17/3180694) 12/09/2018

- Bus shelter outside 124-132 Clerkenwell Road (Stop E)

2017/1237/A - Display of 1x internally illuminated digital screen facing inwards to the existing bus shelter structure no. CAM00067AB. Advertisement consent granted 21/03/2017

- Bus Shelter outside 79 Clerkenwell Road

2015/5208/A - Display of digital screen and non illuminated static poster panel to existing bus shelter no. 0107/0224. Advertisement consent granted 11/01/2016

- Junction Clerkenwell Road / Laystall Street

2007/1731/A - Display of an internally illuminated advertisement on payphone kiosk. Advertisement consent refused 25/05/2007

- Bus shelter opposite 12-16 Theobalds Road

2016/2950/A - Installation of double-sided structure to existing bus shelter no. 0107/1034 to display of 2x internally illuminated digital screens. Advertisement consent refused 16/01/2017 / Appeal dismissed (APP/X5210/Z/17/3169020) 24/04/2017

- Bus Shelter outside 14-16 Theobald's Road

2015/5233/A - Installation of double-sided structure to existing bus shelter no. 0107/8760 for display of digital screen and non illuminated static poster panel. Advertisement consent refused 22/01/2016

- Bus-Stop Outside 45 Theobald's Road

2017/0288/A - Display of 1x internally illuminated digital screen facing inwards to the existing bus shelter structure no. CAM00161AB. Advertisement consent granted 09/03/2017

- Outside 83 Theobalds Road

2018/0618/P - Erection of freestanding BT Panel providing phone and Wi-Fi facilities, with 2 x internally illuminated digital advertisements. Planning permission granted subject to a Section 106 legal agreement dated 02/08/2018

2018/1369/A - Display of 2 x internally illuminated digital advertisement panels to freestanding BT panel. Advertisement consent granted 06/08/2018

2009/1029/P - Installation of telephone kiosk on the public highway. GPDO Prior Approval refused 19/05/2009

- Bus Stop outside 94 Grays Inn Road

2017/0266/A - Display of 1x internally illuminated digital screen facing inwards to the existing bus shelter structure no. CAM00068AB. Advertisement consent granted 07/03/2017

- Bus Shelter opposite 88 Grays Inn Road

2015/5201/A - Display of digital screen and non illuminated static poster panel to existing bus shelter no. 0107/0061. Advertisement consent refused 22/01/2016 / Appeal dismissed (APP/X5210/Z/16/3146801) 03/06/2016

Relevant policies

National Planning Policy Framework 2023

- Section 12 (Achieving well-designed and beautiful places)
- Section 16 (Conserving and enhancing the historic environment)

London Plan 2021

- Policy D8 (Public Realm)
- Policy T2 (Healthy Streets)

Camden Local Plan 2017

- A1 - Managing the impact of development
- C5 - Safety and security
- C6 - Access
- D1 - Design
- D2 - Heritage
- D4 - Advertisements
- G1 - Delivery and location of growth
- T1 - Prioritising walking, cycling and public transport

Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications which has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Camden Planning Guidance

- CPG Design (2021) - chapters 1 (Introduction), 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)
- CPG Transport (2021) - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)
- CPG Advertisements (2018) - paragraphs 1.1 to 1.15 (General advertising guidance); and 1.34 to 1.38 (Digital advertisements)
- CPG Amenity (2021) - chapters 1 (Introduction), 2 (Overlooking, privacy and outlook) and 4 (Artificial light)

Camden Streetscape Design Manual

Transport for London (TfL) - Streetscape Guidance (Fourth Edition, 2022 revision 2)

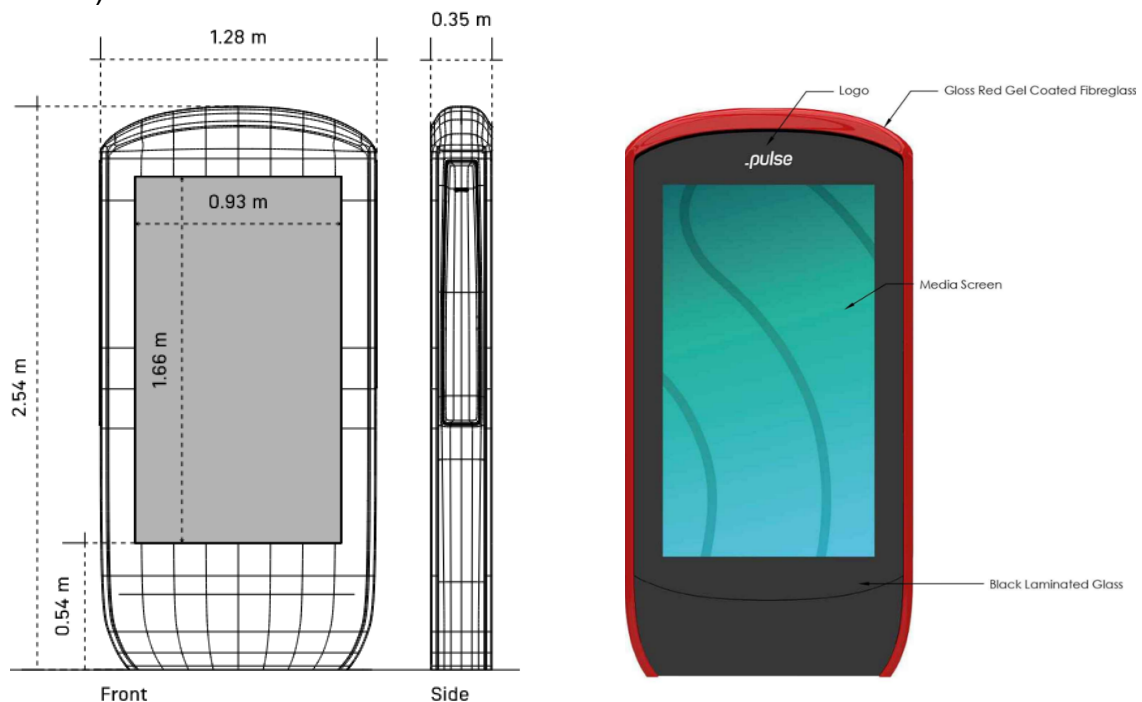
The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements Including Digital Displays' (published 2023)

Hatton Garden Conservation Area Appraisal and Management Strategy statement (adopted 2017)

Assessment

1. Proposal

- 1.1 Planning permission and advertisement consent are sought for the installation of a free-standing Pulse Smart Hub with two integrated digital screens which display illuminated advertising content.
- 1.2 The proposed communication hub would principally comprise of double-sided display screens, made from dark grey anodised metal, black and clear laminated glass with a textured fiberglass coated finish. The structure would measure 2.54m high x 1.28m wide x 0.35m deep (see Images 1 and 2 below).



Images 1 & 2 – proposed communications hub with integrated display screens

- 1.3 Two illuminated digital screens would be integrated into the proposed structure with advertisements displayed on both sides of the hub on its larger elevations. The display areas would both measure 1.66m high x 0.93m wide with the bottom of each area being elevated 0.54m above pavement level.
- 1.4 In addition to advertisement displays, the communication hub would also provide free Wi-Fi and phone calls with charging facilities, wayfinding / mapping services, local information provision, 999 emergency service and safety buttons, built-in defibrillator and nasal naloxone opioid antagonist.

1.5 Background

- 1.6 GPDO prior approval was refused by the Council on 07/08/2017 (ref. 2017/3550/P) for the proposed *installation of 1 x telephone box on the pavement* at the application site and that an appeal was subsequently allowed by the Planning Inspectorate (ref. APP/X5210/W/17/3195374 – Appendix A) on 12/09/2018 (see ‘Relevant history’ section above for details). The telephone box was never installed and prior approval has since expired.
- 1.7 The applicant argues in their current application submission that the proposal should be approved in this context given that the Planning Inspector allowed proposals for a free-standing structure at the same location.
- 1.8 However, it should be noted from the outset that the application that was assessed in that case was for GPDO Prior Approval which does not involve the same considerations as the current proposal which has been submitted as part of an application for Full Planning Permission. Equally important to note is that the previous proposal in 2017 was for a structure which did not include any form of advertising as part of the proposal, and as such, the Inspector was not able to and did not give any consideration at that time to the likely impact of any form of signage, illuminated or otherwise, within the setting of the application site.
- 1.9 In contrast, the current proposal being considered here in this report involves the introduction of two large illuminated digital screens within the setting of the application site and the associated submission of an application for Advertisement Consent in order that the impact of the advertisements can be fully considered.
- 1.10 As such, the current proposal has been assessed on its own individual merit, taking into account the particular site context and surroundings as they exist currently at the site, giving due attention to any relevant planning and appeal history, policies and guidance, as well as, any consultation responses received.

2. Assessment

- 2.1 The principal considerations in the assessment and determination of the planning application are:
- the design and impact of the proposal on the character and appearance of the immediate streetscene and Hatton Garden Conservation Area, as well as, the setting of any nearby listed buildings; and
 - the impact of the proposal on transport and public highway and security, crime and anti-social behaviour
- 2.2 The principal considerations in the assessment and determination of the advertisement consent application are:
- amenity – the design and visual impact of the proposal on the character and appearance of the immediate streetscene and Hatton Garden Conservation Area, as well as, the setting of any nearby listed buildings; and on neighbouring amenity (in so far as the Town and Country Planning (Control of Advertisements) Regulations 2007 allow consideration in this regard); and
 - public safety – the impact of the proposal on highway, pedestrian and cyclist’s safety.

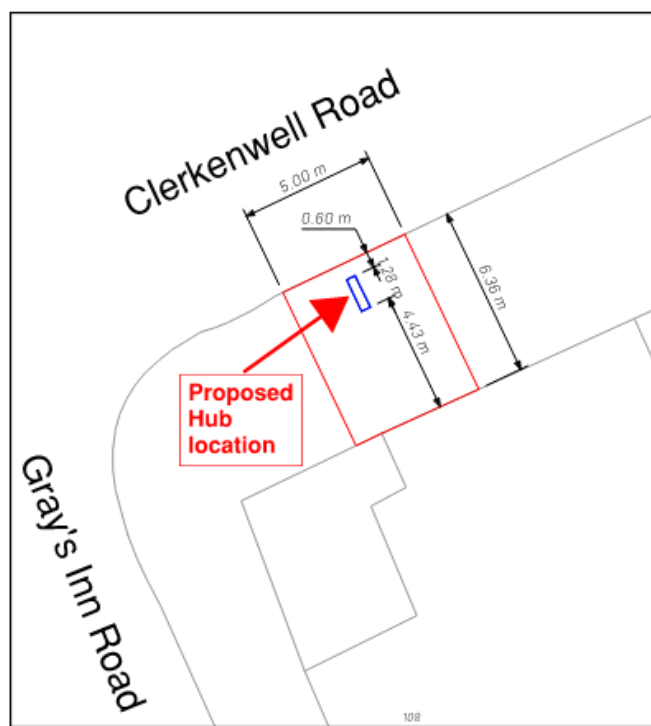
3. Planning application

3.1 Design and appearance

- 3.2 Camden Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates well into its surroundings. As such, the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

- 3.3 Camden Planning Guidance (CPG) Design in Paragraph 7.37 states that, ‘*The design of streets, public areas and the spaces between buildings, needs to be accessible, safe and uncluttered*’.

- 3.4 This is supported by Paragraph 4.89 of Camden Local Plan Policy C5 (Safety and security) which states that *'Careful consideration needs to be given to the design and location of any street furniture or equipment in order to ensure that they do not obscure public views or create spaces that would encourage antisocial behaviour'*.
- 3.5 Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) also recognises the importance of design in managing and improving spaces, including the quality of place. The NPPF states that the design of all built form, including street furniture, must be sustainable, functional, visually attractive and welcoming, safe, inclusive and accessible, encourage innovation, be sympathetic to local character and history, and promote health and well-being.
- 3.6 In regard to listed buildings/structures and conservation areas in particular, Camden Local Plan Policy D2 (Heritage) confirms that the Council has a proactive approach to conserving designated heritage assets. Supported by the Hatton Garden Conservation Area Appraisal and Management Strategy Statement (adopted September 2017), Policy D2 also confirms that the Council will require that all development within conservation areas preserves or, where possible, enhances the character or appearance of the area.
- 3.7 In addition, Policy D2 also states that while the setting of a listed building may be limited to its immediate surroundings, it can often extend some distance from it, and as such, the value of a listed building can be greatly diminished if unsympathetic development elsewhere harms its appearance or its harmonious relationship with its surroundings. As such, Policy D2 confirms on Page 212 of the Local Plan that the Council will *'resist development that would cause harm to the significance of a listed building through an effect on its setting'*.
- 3.8 The application site comprises an area of public footway adjacent to no. 133 Clerkenwell Road, on the south side of the road, close to its intersection with Gray's Inn Road and Theobalds Road to the west. The immediate buildings adjacent to the application site (including no. 133 Clerkenwell Road) have been demolished and the building site is currently surrounded by a street hoarding along this stretch of pavement. The site is located within the Hatton Garden Conservation Area (see Images 3 and 4 below).



Images 3 & 4 – proposed site location and streetscene (looking east along Clerkenwell Road)

- 3.9 There are a number of buildings located directly opposite the application site which are identified in the Hatton Garden Conservation Area Appraisal and Management Strategy Statement (adopted September 2017) as making a positive contribution to the Conservation Area. These include, Cavendish Mansions, 170-178 (even) Clerkenwell Road; and Gray's Inn Buildings,

Rosebery Avenue. The Grade II listed, (north side) Yorkshire Grey Public House, 2-6 Theobald's Road, is located diagonally opposite the application site to north-west.

- 3.10 The proposed hub structure is considered to be poor in design terms and appears to have been primarily designed around the inclusion of two large digital screens on each of the main elevations. It would seem from the images of the proposed hub included within the application submission (see Images 1 and 2 above) that the size of the hub unit itself has been determined by the dimensions of the advertising panels. As such, the two illuminated digital advertising display screens occupy the majority of area available on each elevation of the structure (facing south-west and north-east respectively).
- 3.11 This is an unfortunate ordering of the characteristics and design approach, strongly indicating the primary importance of the digital screens in the design process and the more incidental nature of other elements (such as, wayfinding screen, charging points, defibrillator, etc.). As a consequence, these other facilities are restricted to the narrower side of the hub's structure in the design process with a significantly more limited surface area, when the unit might otherwise have been designed around these items in order to provide better access and greater public benefit, with the overall unit (and therefore any advertising screens) being as small as an alternative design might allow, so minimising any adverse visual impacts at the application site.
- 3.12 However, this has not been the case and the design approach has resulted in the creation of a large monolithic structure which gives the overall appearance as a large free-standing, advertisement panel rather than a structure for any other purpose.
- 3.13 The dark grey anodised metal, black and clear laminated glass with textured fiberglass would have a shiny finish and incongruous contemporary appearance within the streetscene. While the applicant's planning statement describes the design of the proposed hub as referencing a traditional red phone box, it is the Council's view that the proposed structure bears little relation. Indeed, a comparison of both a traditional red phone box and the current proposal as shown in the application submission not only shows a lack of similarity in design of them both, but also a substantially larger profile (see Image 5 below).

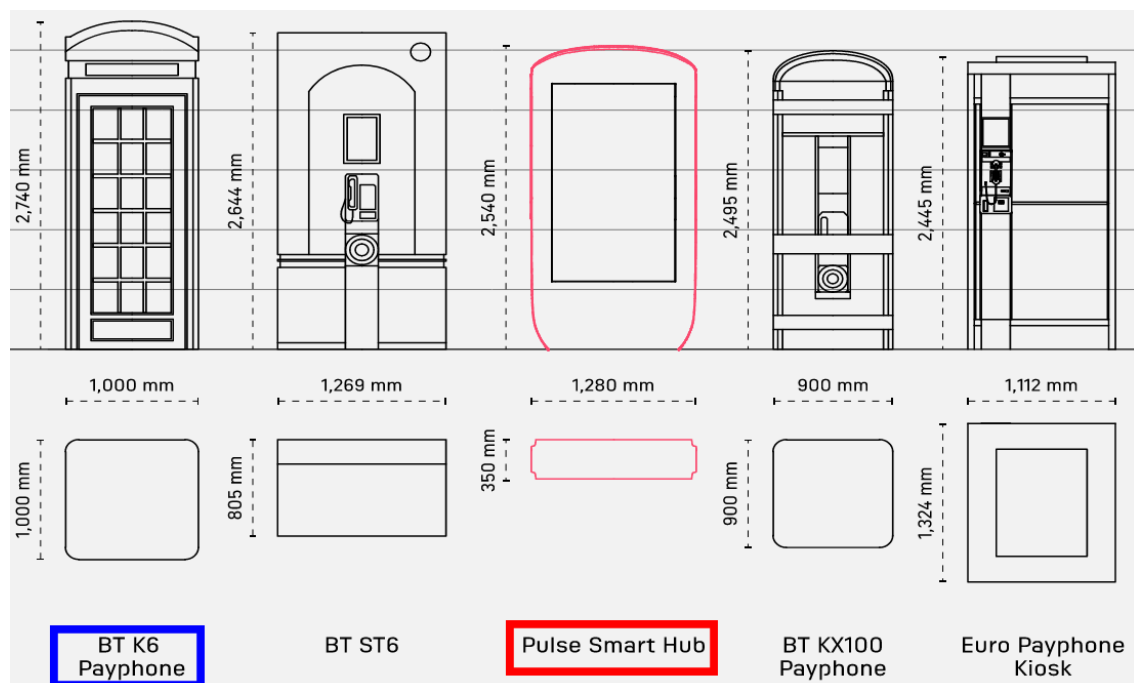


Image 5 – comparison of different communication kiosks/hubs (proposed hub structure in red)

- 3.14 In this particular case, the proposed hub structure would be introduced into a busy streetscene, characterised by a high volume of vehicle activity (including buses) and pedestrian movements typical of its Central London location and position on Clerkenwell Road (A5201), which is part of Transport for London's Road Network (TLRN).
- 3.15 This stretch of pavement in the area of the application site is situated near to a number of existing street features and furniture, including a row of mature street trees (currently located inside the adjacent building site and surrounding by a hoarding), a sign post, 6 parallel cycle

parking stands, a lamppost, 2 utilities cabinets, a Legible London wayfinding sign and sets of traffic lights associated with signal controlled pedestrian crossings.

- 3.16 In a previous appeal decision at the site in 2018 (Ref: APP/X5210/W/17/3195374 – Appendix A) in relation to a proposed phone kiosk, the Planning Inspector considered that the slim frame and laminated glass panels would mean that it would not be bulky or be an obtrusive visual addition in the location. However, in contrast, the current hub structure would necessarily have a solid appearance by virtue of the two large digital display screens integrated within the structure on either side.
- 3.17 Additionally, whilst the proposed hub structure is shown in Image 5 above as having a smaller footprint than, say, a traditional red telephone box, this is primarily through a difference in depth rather than in width. Any difference therefore is not something that would be experienced by a pedestrian as the large width and profile of the proposed structure would be most noticeable and prominent to the pedestrian on approach, restricting their views and visual amenity in this context. Furthermore, it is emphasised that there is no kiosk or hub of any kind in situ in this location, and therefore, the applicant's comparison of footprint dimensions with a traditional telephone box (or indeed any other communications kiosk/hub) is considered to be mainly irrelevant as the proposals are not for a replacement structure, but rather would introduce a new item of street furniture to an area of public highway that is presently open and uncluttered by large or bulky items.
- 3.18 Furthermore, there is nothing distinctive or responsive to context within the proposal, particularly when combined with its uncompromising bulk, and as such, it would appear as a prominent and discordant feature in the streetscene. In this regard, the unit is not considered to be the high-quality design that Camden expects across the borough's buildings, streets and open spaces, but rather, would add a visually obtrusive and dominant piece of street furniture that is out-of-keeping with the existing uncluttered streetscene,
- 3.19 Taking into account its bulky scale and incongruous design, along with the current absence of any other large or bulky items of street furniture in this part of the pedestrian highway, the proposed introduction of the hub structure into this area, would therefore detract from the existing character and appearance of the immediate streetscene and the conservation area, including a number of positive contributors located opposite and the setting of the Grade II listed building in which the proposed hub structure be visible within to the west.
- 3.20 This adverse impact would be further exacerbated by virtue of the fact that integrated digital screens would display illuminated advertising on both sides of the proposed structure. By design, this would appear as visually prominent and attention grabbing forms of display, particularly given the digital method of illumination, image transition and ability to display simultaneously in two directions. Both integrated digital screens would therefore serve to heighten the presence of the proposed structure, adding noticeable visual clutter and making it even more conspicuous, not least as a consequence of the large size of both of the display areas and the hub structure itself, but also by virtue of the prominent corner location that is otherwise absent of any form of illuminated signage.
- 3.21 In a recent appeal decision (Ref: APP/X5210/W/20/3254037 and 3252962 – Appendix B) in relation to a proposed phone kiosk and digital advertising display within the Borough, the Planning Inspector noted when dismissing the appeal that, *'The visual impact of the kiosk would be increased by the large illuminated advertising panel, which would be a dominating feature on the structure. The panel, close to the kerbline, would be a prominent standalone illuminated feature. The panel would be unrelated to the services provided by the adjacent commercial units and would appear prominent in views along the street both during the day and in hours of darkness'*.
- 3.22 Additionally, in a more recent appeal decision on 21/08/2024 for a proposed telephone kiosk with a digital advertisement screen within the Borough (Ref: APP/X5210/W/24/3341451 and APP/X5210/Z/24/3341453 – Appendix C), the Planning Inspector noted when dismissing the appeal that, *'The combination of the size of the kiosk, and size and illuminance of the display panel, would result in an overall form of development that would be prominent in views looking along Camden High Street towards Camden Lock, particularly at night'*.

- 3.23 The current proposal would similarly be sited in a position affording open views along Clerkenwell Road, and as such, would be prominent in both directions, particularly by virtue of the illumination on both sides of the hub structure, so resulting in a dominant feature in the streetscene.
- 3.24 Therefore, while it is accepted that all advertisements are intended to attract attention, the introduction of the proposed hub structure with two integrated digital advertisement screens is considered to be inappropriate at the application site, by reason of its location, size, detailed design and method of illumination, as it would introduce a visually obtrusive and dominant piece of illuminated street furniture, so adding harmful visual clutter that would detract from the character and appearance of the street scene and the Hatton Garden Conservation Area, including a number of positive contributors located opposite (Cavendish Mansions, 170-178 Clerkenwell Road and Gray's Inn Buildings, Rosebery Avenue), and within the setting of a Grade II listed building (Yorkshire Grey Public House, 2-6 Theobald's Road), contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
- 3.25 One of the Council's aims throughout the Borough in relation to street furniture and the public realm is to promote high quality physical environments through de-cluttering existing footways in order to enhance pedestrian movement and public realm. In this regard, Camden Local Plan Policy D4 (Advertisements) in Paragraph 7.84 states that, *'The Council aims to reduce visual street clutter, reducing the number of objects on the street, rationalising their location and limiting the palette of materials. Free standing signs and signs on street furniture will not normally be accepted where they contribute to visual and physical clutter and create a hindrance to movement along the pavement or pedestrian footway'*.
- 3.26 There is no evidence in the application submission that any consideration has been given to these local aims and objectives, nor is there any indication within the application submission that any attempt has been made to integrate the Council's wider highway, urban realm and landscape objectives into the current proposals.
- 3.27 To the contrary, at a time of re-invention of the street, with widening of pavements and appreciation of generous public realm, these proposals are a disappointing reinstatement of pavement clutter. The proposal lacks the initiative that has been shown elsewhere in the Borough for creativity and reappraisal of streets and public spaces, and fails to create something that might otherwise be considered a genuine improvement and positive addition to the streetscene.
- 3.28 An example of this approach by the Council is evidenced in the central London area around Tottenham Court Road which has been the subject of a major public realm renewal programme as part of the Council's 'West End Project' involving an investment of £35m intended to transform this part of the Borough. One of the objectives of the Project is to declutter the public highway and streets, and as such, significant works have already taken place over the last few years to realise these improvements in this location, including successfully securing the removal of 19 phone kiosks on Tottenham Court Road as part of a separate enforcement investigation.
- 3.29 This approach by the Council is noted as being in accordance with Policy D8 (Public Realm) of the London Plan which states in regard to the kind of development proposed that, *'Applications which seek to introduce unnecessary street furniture should normally be refused'*.
- 3.30 As such, the current application proposals are at odds with the broader, integrated approach of the Council to improve and rationalise the public realm throughout the Borough, and are contrary to its objectives which, amongst other aims, seeks to enhance the visual appearance of the streetscene and declutter pedestrian footways, rather than add additional street clutter.
- 3.31 Overall, therefore, as outlined above, the proposal would fail to adhere to Local Plan Policies D1 (Design) and D2 (Heritage), Camden Planning Guidance (CPG Design), as well as, the core design principles as set out in Section 12 of the NPPF and Policy D8 (Public Realm) of the London Plan.
- 3.32 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Hatton Garden Conservation Area, under s.72 of the Planning (Listed Buildings

and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act 2013.

3.33 Planning balance and public benefit

- 3.34 Policy A1 (Managing the impact of development) states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities.
- 3.35 Local Plan Policies D1 and D2, consistent with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, state that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
- 3.36 Given the assessment as outlined above, it is considered that the proposals would result in less than substantial harm to the significance of designated heritage assets within the settings of a Grade II listed building (Yorkshire Grey Public House, 2-6 Theobald's Road) and the Hatton Garden Conservation Area in which the site is located and a number of positive contributors located opposite (Cavendish Mansions, 170-178 Clerkenwell Road and Gray's Inn Buildings, Rosebery Avenue).
- 3.37 Paragraph 208 of the NPPF states in this regard that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 3.38 The proposed Pulse Smart Hub would provide free Wi-Fi and phone calls with charging facilities, wayfinding / mapping services, air quality and environmental sensors, local information provision, 999 emergency service and safety buttons, built-in defibrillator and nasal naloxone opioid antagonist. While these facilities would be available for public use, there is no evidence that these facilities can only be provided on a street-based hub structure of the scale proposed and with the inclusion of two large illuminated digital screens.
- 3.39 Furthermore, no details have been provided as to how these types of facilities might be appropriately and safely used, especially in regard to the defibrillator and available drug (nasal naloxone opioid antagonist). Particular concern has been raised by the Metropolitan Police in regard to the availability and supply of this drug in the way proposed from a street-based Pulse Smart Hub as it is currently a prescription only medicine (see Paragraphs 3.73 to 3.91 below for further details - 'Security, crime and anti-social behaviour'). The ability of members of the public to use a defibrillator in the correct way or administer a drug in a safe manner is questionable and raises concern, as does the potential for their misuse when made freely available from an unmanned and unsupervised structure on the public highway.
- 3.40 Moreover, no details have been provided on the location of other existing defibrillator coverage within the area or any consideration as to whether there might already be scope for providing public messaging capabilities in some better way. Additionally, given the prevalence of personal mobile phone and portable battery charger ownership amongst members of the public, opportunities to communicate via phone or internet are common and widespread. Therefore, many of the facilities provided by the Pulse Smart Hub are already available and easily accessible to the public by other means without the need for an additional street-based hub to be sited on an uncluttered section of the public highway. A Legible London wayfinding sign, for instance, is already located within a few metres of the proposed application site and freely available for public use.
- 3.41 It is also noted that providing some of the facilities of the type proposed by means of a street-based hub have the potential to encourage anti-social behaviour (see Paragraphs 3.73 to 3.91 below for further details - 'Security, crime and anti-social behaviour'). When considering this and other concerns highlighted above, the extent of benefit to the public from the facilities that are proposed to be provided by the Pulse Smart Hub is questionable and limited.
- 3.42 Finally, it is also important to note that Camden has declared a climate emergency and considers the reduction in carbon emissions to be critical. These proposals go against that, with

embodied carbon involved in the creation of the new hub unit and operational carbon associated with running two illuminated digital screens on a daily basis. The proposal would therefore contribute to the threat of climate change and the irreversible damage to our planet it may cause. This would be detrimental to health, well-being and living conditions of members of the public and is therefore also taken into consideration when weighing up the extent of public benefit arising from the proposals.

3.43 Overall, therefore, weighing the less than substantial harm caused as a result of the proposed development against any public benefit arising from the Pulse Smart Hub, it is considered on balance that any benefit to the public would be limited and would not outweigh the harm caused to the significance of the designated heritage assets identified in this report.

3.44 While due consideration has been given to any potential public benefit arising from the proposals, the proposed development would not accord with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, and would also be contrary in this regard to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan, and as such, unacceptable in design terms.

3.45 Transport and public highway

3.46 Local Plan Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter, as well as, addressing the needs of vulnerable users.

3.47 Local Plan Policy T1 (Prioritising walking, cycling and public transport) states that the Council will seek to ensure that developments improve the pedestrian environment, providing high quality footpaths and pavements that are wide enough for the number of people expected to use them, including features to assist vulnerable road users where appropriate. Camden Planning Guidance (CPG) Transport supports this in seeking to ensure that there is no adverse impact on the highway network, the public footway and crossover points.

3.48 Policy D8 (Public Realm) of the London Plan states that, '*Applications which seek to introduce unnecessary street furniture should normally be refused*'.

3.49 Policy T2 (Healthy Streets) of the 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*'. It is considered that the application would fail to deliver any improvements in regard to some of the ten Healthy Streets Indicators; namely, 'Easy to cross' (see Paragraphs 3.54 to 3.72 in this section below - Transport and public highway) and 'People feel safe' (see Paragraphs 3.73 to 3.91 below for further details - 'Security, crime and anti-social behaviour').

3.50 Camden's Streetscape Design manual – Section 3.01 (Footway widths) states the following:

- 'Clear footway' is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway;
- 1.8 metres – minimum width needed for two adults passing;
- 3 metres – minimum width for busy pedestrian street though greater widths are usually required;
- Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street.

3.51 All development affecting footways in Camden is also expected to comply with Appendix B of Transport for London's Pedestrian Comfort Guidance, which notes that active and high flow locations must provide a minimum 2.2m and 3.3m of 'clear footway width' respectively for the safe and comfortable movement of pedestrians.

3.52 Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the

pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.

3.53 Paragraph 9.7 of CPG Transport seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:

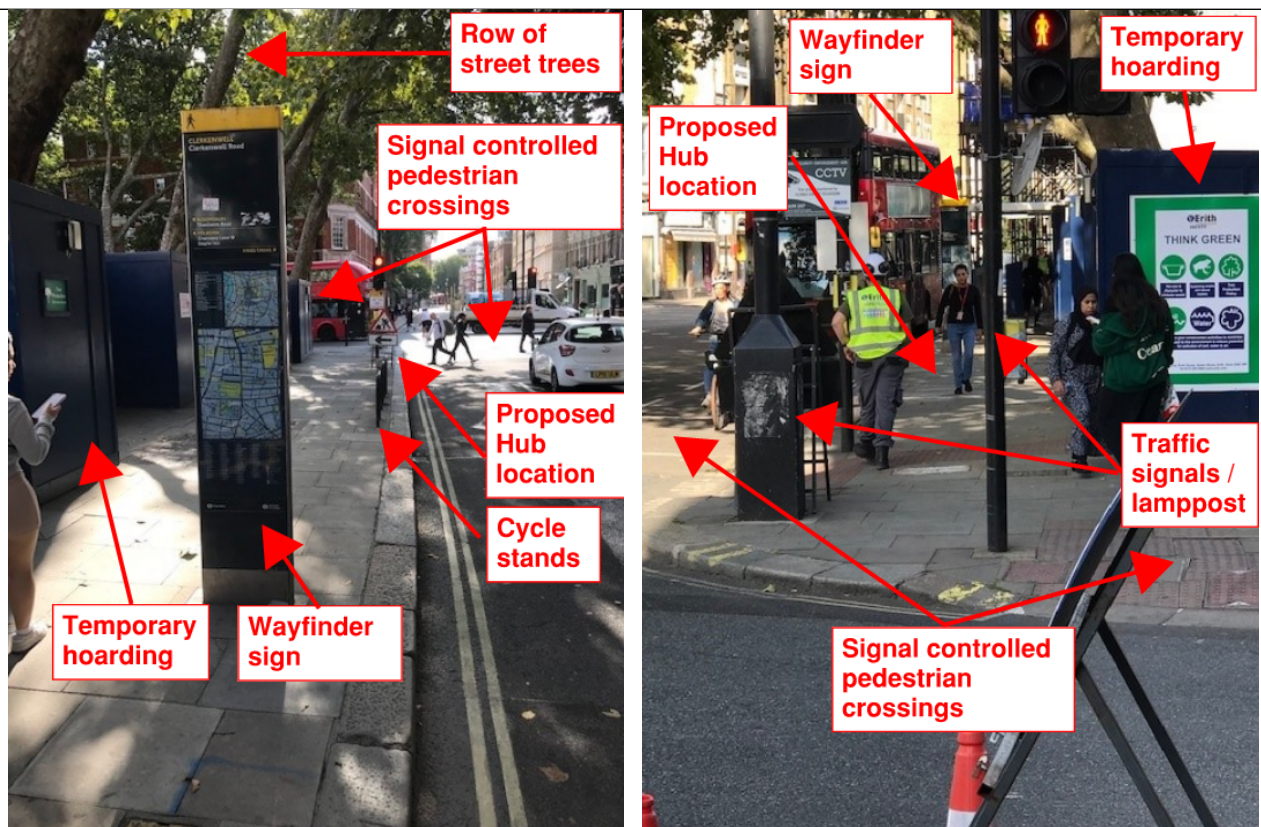
- Safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities;
- Maximising pedestrian and cycle accessibility and minimising journey times making sites 'permeable';
- Providing stretches of continuous footways without unnecessary crossings;
- Making it easy to cross where vulnerable road users interact with motor vehicles;
- Linking to, maintaining, extending and improving the network of pedestrian and cycle routes;
- Taking account of surrounding context and character of the area;
- Providing a high quality environment in terms of appearance, design and construction, considering Conservation Areas and other heritage assets;
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture; and
- Having due regard to design guidance set out in the Camden Streetscape Design Manual, Transport for London's (TfL) London Cycling Design Standards, TfL's Pedestrian Comfort Level Guidance and TfL's Healthy Street Indicators.

3.54 Appendix B of 'Pedestrian Comfort Guidance for London (published by Transport for London) indicates that footways in high flow areas such as the application site should be at least 5.3m wide with a minimum effective footway width of 3.3m.

3.55 It is noted that the submitted plans fail to show any street items or furniture at all, some of which form a narrow street furniture zone adjacent to the kerb. The existing street furniture and features include a row of mature street trees (currently located inside the adjacent building site and surrounding by a hoarding), a sign post, 6 parallel cycle parking stands, a lamppost, 2 utilities cabinets, a Legible London wayfinding sign and a set of traffic lights associated with a signal controlled pedestrian crossing. As such, the applicant's submitted plans have little contextual relevance.

3.56 Nevertheless, notwithstanding that the adjacent buildings along this stretch of pavement are currently under construction with a hoarding surrounding the building site which has temporarily narrowed the width of the pavement, the Council acknowledges that the footway width is approximately 6.36m wide when measured from the kerb to the former adjacent building (no. 133 Clerkenwell Road) as shown on the proposed site plan.

3.57 However, it must be noted that there is a row of mature trees along the middle of the previous footway (currently screened by the construction hoarding). In addition, there is a narrow street furniture zone adjacent to the kerb which is offset from the kerb by approximately 0.5m. The position of a row of street trees results in two pedestrian desire lines at this location. The primary pedestrian desire line is located near the kerbside between the street furniture zone and the row of street trees. This has been measured as 2.4m wide, with the street furniture zone taking up approximately 0.7m of footway space. The secondary pedestrian desire line is located at the rear of the footway between the row of street trees and the former building (no. 133 Clerkenwell Road) – see Images 8 and 9 below.



Images 8 & 9 – showing existing street furniture and features at the application site

- 3.58 The Pulse Smart Hub would be 1.28m wide and offset from the kerb by 0.6m. This means that it would result in the primary pedestrian desire line being narrowed in width from 2.4m to 1.4m with the Pulse Smart Hub encroaching onto the primary pedestrian desire line by approximately 1m. This would be significantly less than the minimum effective footway width of 3.3m as recommended by the Transport for London guidance referred to above and is unacceptable for a number of reasons.
- 3.59 Firstly, the proposal would introduce a physical and visual obstruction within the primary pedestrian desire line for pedestrians which could lead to dangerous situations involving pedestrians coming into conflict with other pedestrians or items of street furniture, this being of particular concern for blind and partially sighted pedestrians, as well as, persons with mobility issues or with prams/push-chairs.
- 3.60 Secondly, given that all user facilities associated with the proposed hub (such as, free Wi-Fi and phone, wayfinding / mapping services, local information provision, 999 emergency service and safety buttons, etc.) are provided at the side of the structure which faces onto the public highway, any members of public using the facilities will necessarily have to stand in an area beyond any existing furniture zone, so further reducing the amount of pavement space available for pedestrians to move comfortably along the public highway and pass by. This is an important and notable difference between the previous application for a telephone kiosk in 2017 and the current proposals as the user in that previous case would be able to stand inside the kiosk when accessing the facilities.
- 3.61 Moreover, the exact position of the proposed hub cannot be guaranteed due to the presence of sub-surface utilities, such as, Thames Water and Virgin Media, etc. which might require a relocation which could further reduce available effective footway space through any required repositioning of the proposed hub structure.
- 3.62 Overall, therefore, taking into account all of the above, including the width and orientation of the proposed hub structure, the presence of existing street items, and the anticipated additional space required for individuals or groups to use the facilities, it is considered that the loss of available footway space as a result of the proposal would have an unacceptable impact on pedestrian movement at the application site in an area where pedestrian footfall is exceptionally high within this busy Central London location.

- 3.63 Moving on to consideration of the impact of the proposal on road safety, guidance set out in the Camden's Streetscape Design Manual confirms that visibility splays or views at junctions must not be obstructed by street furniture.
- 3.64 A notable difference between this previous appeal for a telephone kiosk in 2017 (Ref. APP/X5210/W/17/ 3195374 – Appendix A) on 12/09/2018 (see 'Relevant history' section above for details) and the current proposals is both the larger size (width) of the proposed hub structure and the introduction of two large illuminated digital panels within the setting of the application site. The previous proposal in 2017 was for a structure which was not as wide and did not include any illuminated advertising as part of the proposal, and as such, the Inspector was not able to and did not give any consideration at that time to the likely impact of illuminated signage within the setting of the application site. As such, the potential to provide distraction to pedestrians and road users from illuminated signage was not considered and should now be taken into account as part of this current application, along with the larger size (width) of the current proposed hub structure and the site context as it appears now, especially given that the current proposals would encroach onto the primary pedestrian desire line.
- 3.65 In this regard, Appendix A of the 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (commissioned by Transport for London in March 2013) advises that digital advertisement panels will not normally be permitted if proposed to be installed within 20m of a pedestrian crossing, either on the approach or the exit.
- 3.66 Images 10 and 11 below show the approximate position of the proposed hub location in context with the surrounding streetscene. The proposed hub structure (with integrated digital advertising screens on both sides) would be installed within approximately 5m and 13m of two busy signal controlled pedestrian crossings located to the west of the hub's proposed position in Clerkenwell Road and Gray's Inn Road respectively, contrary to the above Transport for London guidance.

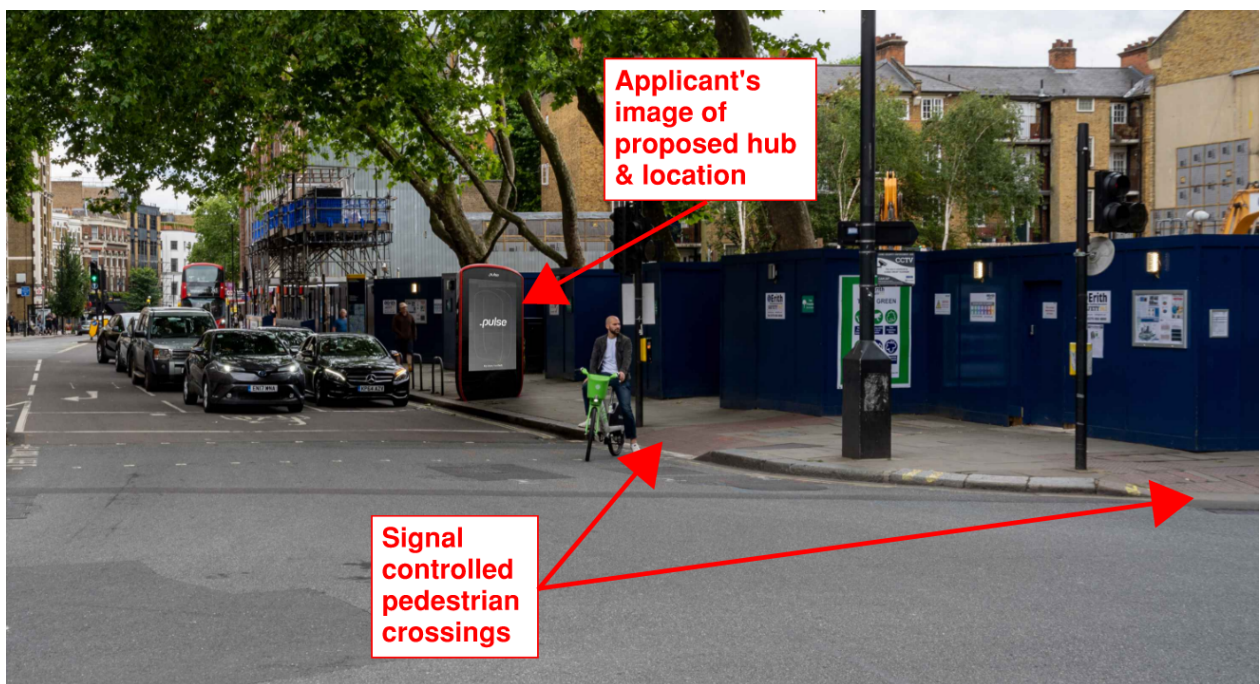


Image 10 – showing proximity of application site to 2 x signal controlled pedestrian crossings on Clerkenwell Road and Gray's Inn Road (looking south-east)

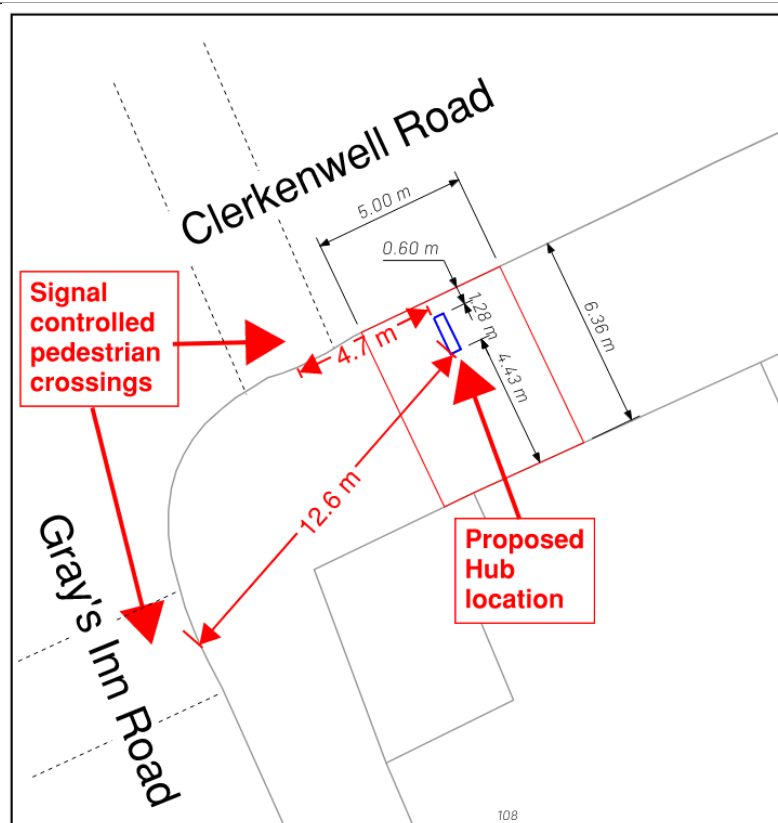


Image 11 – showing proximity of proposed hub structure (blue) to 2 x signal controlled pedestrian crossings in Clerkenwell Road and Gray's Inn Road

- 3.67 Having two illuminated digital screens in this location in close proximity to two major traffic junctions and facing oncoming traffic could lead to driver distraction, particularly at the junction of Clerkenwell Road and Gray's Inn Road for southwest-bound traffic, which has the potential to increase the risk of collision between motor vehicles, cyclists and pedestrians, particularly at night.
- 3.68 The proposals would also introduce a significant distraction to pedestrians attempting to use the crossings when looking in a north-easterly direction towards the proposed hub structure, given the close proximity of both in relation to each other, as a result of the structure's size, location, illuminated displays and orientation.
- 3.69 Overall, the proposals raise serious highway safety concerns, not least the potential for drivers to become distracted by any associated digital advertisements when they need to be concentrating on the traffic signals, as well as, the potential for pedestrians to become distracted as they attempt to cross the road on either of the signal controlled pedestrian crossings. In this regard, it should also be noted that while both crossings identified above are signalised, it is common practice generally for some pedestrians to 'anticipate' a green light or cross on a 'red man' signal at junctions. The proposed illuminated advertising screens would only exacerbate any current risks on these busy road junctions located in close proximity to the application site.
- 3.70 Finally, it should be noted that the hoardings currently located along the stretch of pavement adjacent to the applications site surround ongoing demolition and construction works following planning permission being granted subject to conditions and a Section 106 Legal Agreement on 20/12/2023 (ref. 2022/4259/P). The legal agreement includes a Highway Contribution (Clause 2.43) which places an obligation on the developer to fund the provision of 34 cycle parking stands on the public highway in the vicinity of the site. As mentioned above, the existing street furniture zone at the site includes a number of existing cycle parking stands. The Council intends to provide some of the required cycle parking stands where the proposed Pulse Smart Hub would be located (i.e. between the existing cycle parking stands outside no. 129 Clerkenwell Road and the traffic signals at the junction with Gray's Inn Road). This will leave no room for the proposed Pulse Smart Hub.
- 3.71 As mentioned above, the secondary pedestrian desire line is located at the rear of the footway between the row of street trees and the former building (no. 133 Clerkenwell Road). The approved ground floor plan for the above development indicates various retail units will be provided which are likely to be restaurants and/or cafes who would aspire to obtain licences from the Council to

place tables and chairs on the adjacent footway during opening hours. Any subsequent tables and chairs licence applications would normally be acceptable as long as an effective footway width of at least 1.8m can be maintained on the secondary pedestrian desire line. This would place even more importance on keeping the primary pedestrian desire line free of obstructions, such as, the area where the proposed Pulse Smart Hub would be located. As a consequence, the proposals are directly at odds with future proposed works in this location.

3.72 Overall, therefore, the proposal raises public safety concerns for road users and pedestrians as outlined above, and would have a significantly harmful impact on highway safety, pedestrian movement and the promotion of walking as an alternative to motorised transport, in accordance with Local Plan Policies A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport), and the related guidance.

3.73 Security, crime and anti-social behaviour

3.74 Local Plan Policy C5 (Safety and security) requires development to contribute to community safety and security. In particular, Paragraph 4.89 states that *'The design of streets, public areas and the spaces between buildings needs to be accessible, safe and uncluttered. Careful consideration needs to be given to the design and location of any street furniture or equipment in order to ensure that they do not obscure public views or create spaces that would encourage antisocial behaviour'*.

3.75 In regard to public realm and street furniture, CPG Design states in Paragraph 7.38 that, *'All features within public space and elements of street furniture should be designed to make a positive contribution to community safety and discourage anti-social behaviour. Careful consideration should therefore be given to their location and detailed design. Street furniture should not obstruct pedestrian views or movement or be positioned to encourage anti-social behaviour or concealed areas'*.

3.76 In regard to community safety matters, it is noted generally that street furniture within the London Borough of Camden (including existing telephone kiosks and communication hubs) have in many cases become 'crime generators' and a focal point for anti-social behaviour (ASB). Specifically, in relation to the locations of the kiosks or hubs around Camden, there is a common theme among the crime statistics as confirmed by the Metropolitan Police; namely, major issues with street crime, and in particular ASB, pickpocketing and theft. Many such areas fall within the central parts of the Borough similar to the application site, characterised by a significant footfall, typically made up of commuters, local residents and numerous tourists.

3.77 Having reviewed the current application proposal and supporting information, the Metropolitan Police Crime Prevention Design Advisor objects to the proposals due to concerns regarding public and community safety at the application site. These concerns are primarily in regard to:

1) High Crime Location

3.78 The application site is located within the policing ward of Holborn and Covent Garden within which the Metropolitan Police have confirmed experiences a high crime rate in comparison to other areas of the capital. This is due in part to the large number of tourists and students within the locality. Opportunistic thieves operate in the area look to commit theft of mobile phones, purses, wallets, etc. in particular. As such, the proposals would involve the siting of the hub structure in a high risk crime location.

3.79 It's important to note that Metropolitan Police crime figures for the last 12 months for this particular policing ward (Holborn and Covent Garden) indicate that theft (from person or otherwise) accounts for over 52% of recorded crime, while ASB and drug related reports of crime account for a further 16%.

3.80 While the commercial and business units at ground floor are considered to provide good natural surveillance during opening hours, this will diminish overnight and during the hours of darkness when the potential to attract a more anti-social element within the later hours of the day and into the night increases. Metropolitan Police intelligence reports in the area confirm drug dealing activity and it is considered that the provision of free calls, Wi-Fi and charging facilities provided

by the proposed hub unit would benefit the local drug trade, so increasing opportunities for criminal activity.

- 3.81 There is concern that the design of the proposed structure would not sufficiently reduce the risk of the types of crime listed above from occurring. Due to the openness of the hub unit, any mobile phones on display at this location (either in hand or on charge) would be vulnerable to the opportunist phone snatch. Bicycle and moped enabled theft is confirmed as being high in the area and the position of the proposed unit close to the road could make user's mobile phones vulnerable to theft.
- 3.82 Furthermore, the two large façades created to accommodate illuminated digital advertising screens would provide increased opportunities for concealment through their proposed orientation and size, as well as, providing a distraction to users, so increasing the potential risk of theft and assault. Incidents of theft are known by the Metropolitan Police to already be a frequent problem for this area and the proposed hub unit has the potential to exacerbate this issue.
- 3.83 CCTV provided by the proposed hub unit would not assist with recording possible theft, snatches or robberies of mobile phones or purse/wallets, etc. which might take place while using the unit as the application submission appears to indicate that CCTV is only triggered if emergency services are called.

2) Lack of management practice information

- 3.84 The Metropolitan Police Crime Prevention Design Advisor has raised concern in regard to the absence of a suitable ASB management plan and general absence of details in regard to any information sharing agreement and safety protocols with the Metropolitan Police, London Ambulance Service and London Fire Brigade.
- 3.85 There is also a lack of clarity on how the 999 Emergency button would operate and details in regard to the 'automatic triggers' referred to in the application submission (such as, restriction of Wi-Fi if misused, restriction on calls to 'over used' phone numbers, etc.).
- 3.86 Whilst a maintenance strategy is proposed, it is not considered sufficient to address the fact that ASB would be encouraged by the design of the kiosk itself. In an Appeal decision ref: APP/X5210/W/20/3253878 and 3253540 – Appendix D) the Inspector noted *'the appellants' proposed maintenance regime would be likely to reduce the effects of such ASB. However, the form of the structure provides a degree of screening for such behaviour and would be likely to encourage it'*.
- 3.87 This is also supported by the Planning Inspector when dismissing an appeal against the Council's refusal for a proposed installation of new BT Street Hub incorporating an LCD advert screens (Ref: APP/X5210/W/22/329723 & 3297276 – Appendix E) on 02/11/2022. In considering the applicant's intentions to maintain the new BT Street Hub, the Inspector concluded, *'Indeed, without a mechanism in place to ensure that the new kiosk is properly maintained, it is probable that it would fall into a similar level of disrepair as the existing kiosks. It would then become an unsightly feature which would significantly distract from the quality of the local street scene. This adds to my concerns about the visual prominence of the structure. In reaching this decision, I am mindful that the proposed kiosk would become a permanent feature in a particularly busy part of Tottenham Court Road where it would be highly visible'*.
- 3.88 It is similarly considered in the case of the current application that in the event of vandalism or disrepair of the proposed hub structure, it would become an eyesore within the streetscene by virtue of its size, bulk, illumination and general prominence.

3) Supply of a (usually by prescription) drug

- 3.89 The Metropolitan Police Crime Prevention Design Advisor objects to the proposition to supply a controlled medicine to the public as provided by proposed hub unit. 'Nasal Naloxone' is currently a Prescription Only Medicine (POM) as defined by the 'Medicines and Healthcare products Regulatory Agency' (MHRA). It can only be prescribed or supplied by specific government bodies or drugs services. Although the regulations state the exceptions for use in an emergency, they are also very clear on who can supply/prescribe Naloxone.

- 3.90 In the absence of details clearly demonstrating that the applicant for the proposed hub unit is an approved supplier of 'Nasal Naloxone' and is legally permitted to supply this drug in this way, then strong concerns remain in regard to the potential supply, secure storage and clear methodology for the safe access and use of the drug associated with the proposals
- 3.91 Overall, therefore, the design and siting of the proposed illuminated structure, which is considered unnecessary and effectively creates a solid barrier to hide behind on a busy footway, would add to street clutter and introduce safety issues in terms of crime and ASB, through reducing sight lines and natural surveillance in the area, as well as, providing a distraction and potential opportunities for an offender to loiter. This would increase opportunities for crime and the fear of crime taking place in an area which already experiences issues with crime. As such, for the reasons set-out above, the proposal is considered to be contrary to policies D1 (Design) and C5 (Safety and security) of the Camden Local Plan, and associated guidance.

4. Advertisement consent application

- 4.1 Advertisement consent is sought for a proposed display of illuminated content on two digital screens integrated within a new communication hub structure located on the public highway.
- 4.2 The two illuminated digital screens would be integrated into the proposed structure with advertisements displayed on both sides of the hub on its larger elevations. The structure would measure 2.54m high x 1.28m wide x 0.35m deep (see Images 1 and 2 above).
- 4.3 The display areas would both measure 1.66m high x 0.93m wide with the bottom of each area being elevated 0.54m above pavement level. Advertising content would be displayed by means of static images in sequence changing no more frequently than every 10 seconds. The proposed advertisements would not include moving elements, require close study, resemble traffic signs or embody directional or other traffic elements.
- 4.4 Luminance levels during hours of operation are proposed to be limited to 600 cd/m² (dusk to dawn) and daytime levels adjusted automatically up to a maximum potential brightness of 2000 cd/m².
- 4.5 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to consider amenity and public safety matters in determining advertisement consent applications.
- 4.6 Amenity: Visual impact and impact on residential amenity
- 4.7 Local Plan Policy A1 (Managing the impact of development) confirms that the Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties. Camden Planning Guidance (CPG) Amenity advises that artificial lighting can cause light spillage and glare, as well as, be damaging to the environment through having a detrimental impact on the quality of life of neighbouring residents and by changing the character of a locality.
- 4.8 Section 12 (Achieving well-designed and beautiful places) of the NPPF states in Paragraph 141 that *'The quality and character of places can suffer when advertisements are poorly sited and designed'*.
- 4.9 CPG Design advises that good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area. Local Plan Policy D4 (Advertisements) confirms that the *"Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in the area."* (Paragraph 7.82).
- 4.10 Policy D4 further states in Paragraph 7.83 that, *'Any advertisements on or near a listed building or in a conservation area must not harm their character and appearance and must not obscure or damage specific architectural features of buildings'*.
- 4.11 More specifically, in regard to street furniture and the public realm, Policy D4 in Paragraph 7.84 (supported by CPG Adverts) states that, *'The Council aims to reduce visual street clutter, reducing the number of objects on the street, rationalising their location and limiting the palette of materials. Free standing signs and signs on street furniture will not normally be accepted where they*

contribute to visual and physical clutter and create a hindrance to movement along the pavement or pedestrian footway'.

4.12 In regard to potential impacts on public safety, Policy D4 in Paragraph 7.86 advises that advertisements will not be considered acceptable where they:

- obstruct or impair sight lines to road users at junctions and corners
- reduce the effectiveness of a traffic sign or signal
- result in glare and dazzle or distract road users
- distract road users because of their unusual nature
- disrupt the free flow of pedestrian movement; or
- endanger pedestrians forcing them to step on to the road

4.13 The integrated digital screens would display illuminated advertising on both sides of the proposed hub structure, which by design would appear as visually prominent and attention grabbing forms of display given the digital method of illumination, image transition and ability to display simultaneously in two directions. Both integrated digital screens would therefore serve to heighten the presence of the proposed structure, adding noticeable, visual clutter and making it even more conspicuous, not least as a consequence of the large size of both of the display areas and the hub structure itself, but also by virtue of the prominent corner site location that is otherwise absent of any form of illuminated signage.

4.14 As a consequence, the proposal would appear as an incongruous addition which would be harmful to the character and appearance of the area and contribute to the degradation of visual amenity within the streetscene and the Hatton Garden Conservation Area, including a number of positive contributors located opposite (Cavendish Mansions, 170-178 Clerkenwell Road and Gray's Inn Buildings, Rosebery Avenue), and within the setting of a Grade II listed building (Yorkshire Grey Public House, 2-6 Theobald's Road).

4.15 As referred to above, in a recent appeal decision (Ref: APP/X5210/W/20/3254037 and 3252962 – Appendix B) in relation to digital advertising proposed to be displayed on a telephone kiosk within the Borough, the Planning Inspector noted when dismissing the appeal that, *'The visual impact of the kiosk would be increased by the large illuminated advertising panel, which would be a dominating feature on the structure. The panel, close to the kerblines, would be a prominent standalone illuminated feature. The panel would be unrelated to the services provided by the adjacent commercial units and would appear prominent in views along the street both during the day and in hours of darkness'*. It is noted that the current application proposals involve the introduction of two illuminated screens (rather than only one panel as in the appeal case) which would be displayed in two directions, and as such, the impact in the streetscene is considered to be greater.

4.16 In terms of the proposed screen's luminance levels, the supporting information confirms that this would not exceed 600 cd/m² (dusk to dawn) during hours of operation and daytime levels would adjust automatically up to a maximum potential brightness of 2000 cd/m². While it is accepted that all advertisements are intended to attract attention and that certain aspects of the display can be controlled by condition should consent be granted (such as, luminance levels, transition, sequencing, etc.), the addition of two illuminated digital advertisement screens in this location would significantly raise the prominence of the proposed piece of street furniture. Moreover, notwithstanding that the applicant would consider powering off the screens between midnight and dawn, the screens would nevertheless be active throughout the majority of any 24 hour period, 7 days a week.

4.17 It is also considered relevant to note 4 appeals for comparable illuminated digital advertisement displays on telephone kiosks dated 22/05/2018 (Appendix F - Ref: APP/H5390/Z/17/3192478 (Appeal B); APP/H5390/Z/17/3192472 (Appeal B); APP/H5390/Z/17/3192470 (Appeal B); APP/H5390/Z/17/3188471 (Appeal B). In those cases, the Planning Inspector in dismissing the appeals commented that while the luminance level and rate of image transition could be controlled by condition, the appeal proposal would nevertheless create an isolated and discordant feature. In each case, the display of a sequential series of static digital images was considered to be conspicuous and eye-catching, and as such, would have a harmful effect upon visual amenity.

- 4.18 Overall, therefore, for the reasons set-out above, the proposed introduction of two digital screens integrated within the hub structure would appear as incongruous and dominant illuminated features in this location, severely degrading the visual amenity of the area and streetscene and settings of designated heritage assets located opposite, through the creation of conspicuous visual clutter. As such, the proposal fails to adhere to Section 12 of the NPPF, and Local Plan Policies D1 (Design) and D4 (Advertisements).
- 4.19 Should the application be recommended for approval, conditions to control the brightness, orientation and frequency of the displays, and to prevent any moving displays, would be required to be attached to any consent. As a further safeguard, a condition would also be added to any approval to ensure that the intensity of the illumination emitted from the proposed LED screen shall comply with the recommendations of the Institution of Lighting Professionals.
- 4.20 Finally, in regard to amenity considerations, there are no concerns to neighbouring residential properties as a result of this proposal given the site location and context.
- 4.21 Public Safety
- 4.22 Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users. The Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users.
- 4.23 Local Plan Policy A1 (Managing the impact of development) states that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.
- 4.24 Transport for London's (TfL) Streetscape Guidance states in Paragraph 11.1 (Vision) on page 203 in relation to footway amenities that '*poorly placed or excessive street furniture can create a cluttered environment resulting in obstructions, reduced legibility and a blighted character*'. The Guidance continues in Paragraph 9.3 (Controlled crossings) on page 143 that, '*Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles*'.
- 4.25 In particular regard to digital advertisements, CPG Advertisements in Paragraph 1.36, supported by Local Plan Policy D4, advises that detailed consideration should be given in regard to:
- *Siting of adverts including proximity to traffic signals, hazards, and longitudinal spacing;*
 - *Position and orientation to the carriageway;*
 - *Message duration, transitions, and sequencing; and*
 - *Lighting levels*
- 4.26 Additionally, CPG (Transport) also seeks to ensure that there is no adverse impact on the highway network, the public footway and crossover points.
- 4.27 While it is accepted that all advertisements are intended to attract attention, illuminated advertisements are more likely to distract pedestrians and road users at junctions, roundabouts and pedestrian crossings, particularly during hours of darkness when glare and light spillage can make it less easy to see things, which could be to the detriment of highway and pedestrian and other road users' safety.
- 4.28 Appendix A of the 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (commissioned by Transport for London in March 2013) advises that digital advertisement panels will not normally be permitted if proposed to be installed within 20m of a pedestrian crossing, either on the approach or the exit.
- 4.29 As previously outlined above, Images 10 and 11 above show the approximate position of the proposed hub location in context with the surrounding streetscene. The proposed hub structure (with integrated digital advertising screens on both sides) would be installed within approximately 5m and 13m of two busy signal controlled pedestrian crossings located to the west of the hub's proposed position in Clerkenwell Road and Gray's Inn Road respectively, contrary to the above Transport for London guidance.

- 4.30 Having two illuminated digital screens in this location in close proximity to two major traffic junctions and facing oncoming traffic could lead to driver distraction, particularly at the junction of Clerkenwell Road and Gray's Inn Road for southwest-bound traffic, which will increase the risk of collision between motor vehicles, cyclists and pedestrians, particularly at night.
- 4.31 The proposals would also introduce a significant distraction to pedestrians attempting to use the crossings when looking in a north-easterly direction towards the proposed hub structure, given the close proximity of both in relation to each other, as a result of the structure's size, location, illuminated displays and orientation.
- 4.32 The proposals, therefore, raise serious highway safety concerns, not least the potential for drivers to become distracted by any associated digital advertisements when they need to be concentrating on the traffic signals, as well as, the potential for pedestrians to become distracted as they attempt to cross the road on either of the signal controlled pedestrian crossings. In this regard, it should also be noted that while both crossings identified above are signalised, it is common practice generally for some pedestrians to 'anticipate' a green light or cross on a 'red man' signal at junctions. The proposed illuminated advertising screens would only exacerbate any current risks on these busy road junctions located in close proximity to the application site.
- 4.33 CPG Advertisements states in Paragraph 1.10 that, '*Advertisements will not be considered acceptable where they impact upon public safety, such as being hazardous to vehicular traffic (e.g. block sight lines, are more visible than traffic signals, emit glare) or pedestrian traffic (e.g. disrupt the free flow of pedestrian movement)*'.
- 4.34 Overall, therefore, in terms of public safety, the proposal would create an obstruction and distraction to both pedestrian and vehicular traffic, so raising public safety concerns, particularly as a result of the illuminated nature of the two large digital advertising screens and the close proximity of these screens to both a busy pedestrian crossing. As such, the proposal is contrary to the above Transport for London guidance and Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport), and related planning guidance.

5. Recommendation

5.1 It is therefore recommended that (1) **Full Planning Permission be refused** for the following reasons:

- The proposed Pulse Smart Hub, by reason of its location, size and detailed design, would add harmful visual clutter and detract from the character and appearance of the street scene and the Hatton Garden Conservation Area, including a number of positive contributors located opposite (Cavendish Mansions, 170-178 Clerkenwell Road and Gray's Inn Buildings, Rosebery Avenue), and be harmful to the setting of a Grade II listed building (Yorkshire Grey Public House, 2-6 Theobald's Road), contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*
- The proposed Pulse Smart Hub, by virtue of its location, size and detailed design, and adding unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.*
- The proposed Pulse Smart Hub, by virtue of its inappropriate siting, size and design, would fail to reduce opportunities for crime and antisocial behaviour to the detriment of community safety and security, and compromise the safety of those using and servicing the hub, contrary to policy C5 (Safety and Security) of the Camden Local Plan 2017.*
- In the absence of a legal agreement to secure a maintenance plan for the proposed Pulse Smart Hub, the proposal would be detrimental to the quality of the public realm, and detract from the character and appearance of the streetscene, contrary to policies D1 (Design), G1 (Delivery and*

location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

5.2 It is also recommended that (2) **Advertisement Consent be refused** for the following reasons:

1. *The proposed advertisement, by virtue of its location, scale, prominence, method of illumination, would add harmful visual clutter, detrimental to the amenity of the streetscene and the Hatton Garden Conservation Area, including a number of positive contributors located opposite (Cavendish Mansions, 170-178 Clerkenwell Road and Gray's Inn Buildings, Rosebery Avenue), and be harmful to the setting of a Grade II listed building (Yorkshire Grey Public House, 2-6 Theobald's Road), contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.*
2. *The proposed advertisement, by virtue of its location, scale, prominence, and method of illumination, would introduce a distraction to traffic and pedestrians, causing harm to highway and public safety, contrary to Transport for London guidance, and to policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.*

List of Appendices

Appendix A: Planning appeal decision 3195374 – allowed dated 12/09/2018

Appendix B: Planning appeal decisions 3254037 and 3252962 – dismissed dated 16/10/2020

Appendix C: Planning appeal decisions 3341451 and 3341453 – dismissed dated 21/08/2024

Appendix D: Planning appeal decisions 3253878 & 3253540 – dismissed dated 16/10/2020

Appendix E: Planning appeal decisions 3297273 and 329727 – dismissed dated 02/11/2022

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