

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	03/10/2024
		n/a		<b>Consultation Expiry Date:</b>	15/09/2024
<b>Officer</b>			<b>Application Numbers</b>		
Tony Young			1. 2024/3312/P 2. 2024/3452/A		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Pavement outside of 27 Chalk Farm Road London NW1 8AG			Refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposals</b>					
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.					
<b>Recommendations</b>		1. Refuse Planning Permission 2. Refuse Advertisement Consent			
<b>Application Types</b>		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					
Adjoining Occupiers & local groups	No. notified	0	No. of individual responses	2	No. of objections No. of supports No. of comments	2 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.

**A local resident** objected to the proposal as follows:

- This hub cannot be placed to impede mobility. As viewers or users are likely to gather for information or study thus can cause an obstacle to disabled, elderly or young families. Camden needs to ensure this structure is placed to the side of the thoroughfare to prevent obstructing access and causing stressful encounters.

**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 proposed location sits opposite Camden Market, a popular venue for Camden's famous nighttime economy. Due to the venue opposite a large number of persons are in this area which often brings opportunists looking to commit theft of mobile phones, purses, wallets etc. This is also an active area for drug dealing.
- The close vicinity is a High Street setting with commercial and business on ground floor. This will serve 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 'overused' 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 of an area of the footway adjacent to nos. 27-28 Chalk Farm Road on the north side of the road. Immediately to the north-west is the corner junction with Hartland Road.

The site is situated near to a number of existing street features and furniture, including a row of trees, a pole with directional sign, a lamppost, two public benches, two litter and recycling bins and a row of fixed cycle parking stands. The site is located directly opposite a principal entrance to the Stables Market which is part of the wider Camden Market.

Although the site does not fall within a conservation area, it is located directly opposite the boundary of Regent's Canal Conservation Area. The Stables Yard, Stables Market, which is a Grade II\* listed building; and Stanley Sidings, which is a Grade II listed building, are both also located directly opposite the application site.

### Relevant History

**2018/3828/P** - Installation of 1 x telephone kiosk on pavement. GPDO Prior Approval refused 25/09/2018 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 the adjacent Regent's Canal Conservation Area and harm the setting of the adjacent Grade II listed building / highway safety / community safety and security / and accessibility grounds / Appeal dismissed (APP/X5210/W/19/3225170) 27/03/2020 (see Appendix C)

**2018/0342/P** - Installation of 1 x telephone kiosk on pavement. GPDO Prior Approval refused 15/03/2018 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 the adjacent Regent's Canal Conservation Area and harm the setting of the adjacent Grade II listed building / highway safety / community safety and security / and accessibility grounds / Appeal dismissed (APP/X5210/W/18/3211455) 31/07/2019 (see Appendix B)

**2017/5427/P** - Installation of 1 x telephone kiosk on the pavement. GPDO Prior Approval refused 22/11/2017 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 the adjacent Regent's Canal Conservation Area and harm the setting of the adjacent Grade II and II\* listed buildings / highway safety / community safety and security / and accessibility grounds / Appeal allowed (APP/X5210/W/17/3202786) 19/12/2018 (see Appendix A)

**2017/1079/P** - Installation of 1 x telephone box on the pavement. GPDO Prior Approval refused 06/04/2017 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 the adjacent conservation area

**2012/5945/P** - Installation of 1x solar powered telephone kiosk on the pavement. GPDO Prior Approval refused 20/12/2012 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 the adjacent conservation area.

#### Other neighbouring / nearby sites:

- Pavement outside 85 Chalk Farm Road

**2024/3313/P & 2024/3453/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

**2017/2487/P** – Installation of 1 x telephone box on the pavement. GPDO Prior Approval refused 22/03/2017 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 harm the setting of the adjacent conservation area and Grade II\* listed building / highway safety / community safety and security / and accessibility grounds / Appeal allowed (APP/X5210/W/17/3180682) 23/07/2018

- Land Adjacent to Roundhouse Theatre on corner of Chalk Farm Road and Regent's Park Road  
**2018/3151/A** - Temporary display of an internally illuminated LED digital display board measuring 12.6m in width by 3.5m in height and 0.6m in depth sitting atop existing timber fence, on the corner of Chalk Farm Road and Regent's Park Road. Advertisement consent refused 19/11/2018 / Appeal dismissed 28/06/2019

- Pavement outside 31 Chalk Farm Road

**2017/5425/P** – Installation of 1 x telephone box on the pavement. GPDO Prior Approval refused 22/11/2017 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 the adjacent Regent's Canal Conservation Area and harm the setting of the adjacent Grade II\* listed building / highway safety / community safety and security / and accessibility grounds / Appeal dismissed (APP/X5210/W/17/3202782) 19/12/2018

- Bus shelter outside Stables Market (opposite 23 Chalk Farm Road)

**2016/4467/A** – Installation of double-sided structure to existing bus shelter no. 0107/1074 to display 2x internally illuminated digital screens. Advertisement consent refused 24/01/2017 / Appeal dismissed 24/04/2017

- O/S 10 Chalk Farm Road

**2015/2856/P** - Replacement of existing public telephone kiosk with combine public telephone and Automated Teller Machine (ATM) kiosk. Planning permission refused 09/12/2015

- O/S 45-46 Chalk Farm Road

**2015/2853/P** - Replacement of existing public telephone kiosk with combine public telephone and Automated Teller Machine (ATM) kiosk. Planning permission refused 09/12/2015

- 44-45 Chalk Farm Road

**2005/0605/P** – Installation of a dual-purpose ATM/telephone kiosk. Planning permission refused 13/04/2005

#### **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)

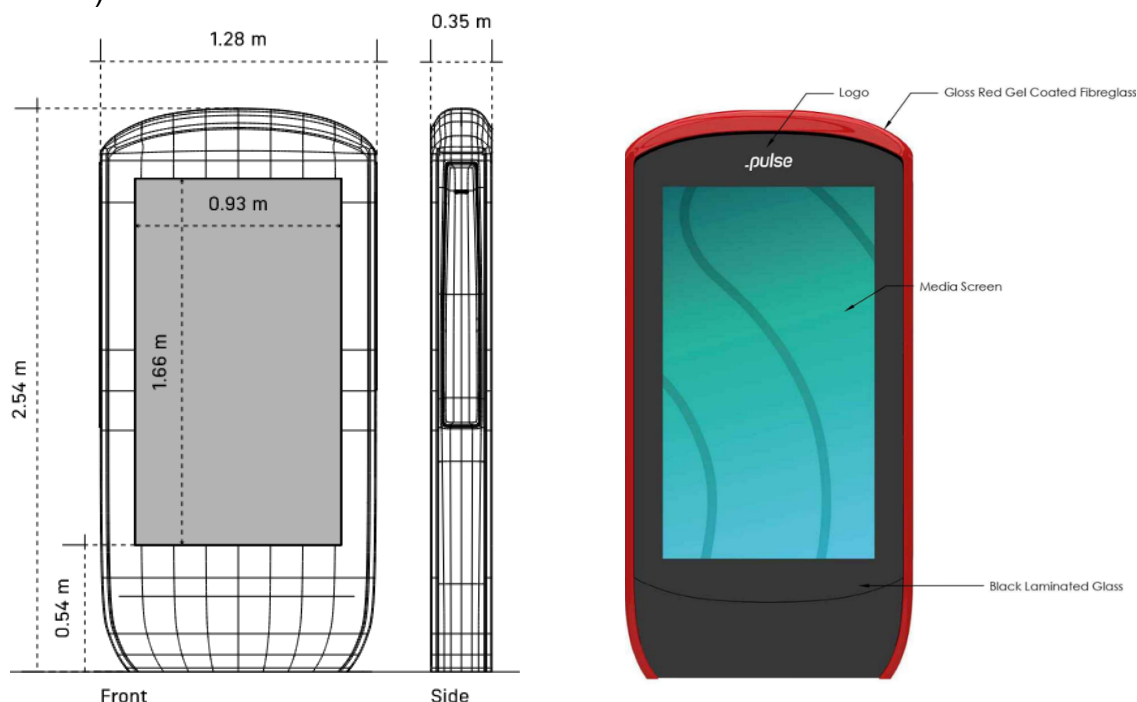
Adjacent conservation area:

**Regent's Canal Conservation Area Appraisal and Management Strategy statement** (adopted September 2008)

## 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 22/11/2017 (ref. 2017/5427/P) for the proposed *installation of 1 x telephone kiosk on the pavement* at the application site and that an appeal was subsequently allowed by the Planning Inspectorate (ref. APP/X5210/W/17/3202786 – Appeal F – see Appendix A) on 19/12/2018 (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 It should also be noted at this point that a more recent GPDO Prior Approval application to install a telephone kiosk in the same location as the current application was refused by the Council on 15/03/2018 (ref. 2018/0342/P) and a subsequent appeal was dismissed (Ref: APP/X5210/W/18/3211455 – Appeal G) on 31/07/2019 by the Planning Inspectorate (see Appendix B).

1.11 Additionally, the most recent planning GPDO Prior Approval application to install a telephone kiosk in same location as the current application was also refused by the Council on 25/09/2018 (ref. 2018/3828/P). In that case, the proposed drawings included an illustration of a non-illuminated display panel. A subsequent appeal was dismissed (Ref: APP/X5210/W/19/3225170 – Appeal E) on 27/03/2020 by the Planning Inspectorate (see Appendix C).

1.12 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, nearby Regent’s Canal Conservation Area and 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:

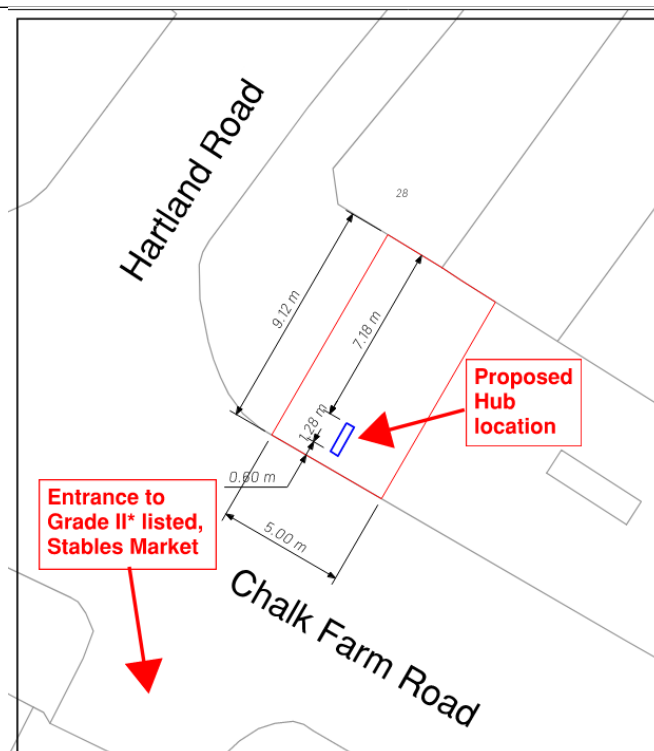
- amenity – the design and visual impact of the proposal on the character and appearance of the immediate streetscene and nearby Regent's Canal Conservation Area and the setting of any nearby listed buildings; and on neighbouring amenity (in so far as the Town and Country Planning (Control of Advertisements) 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

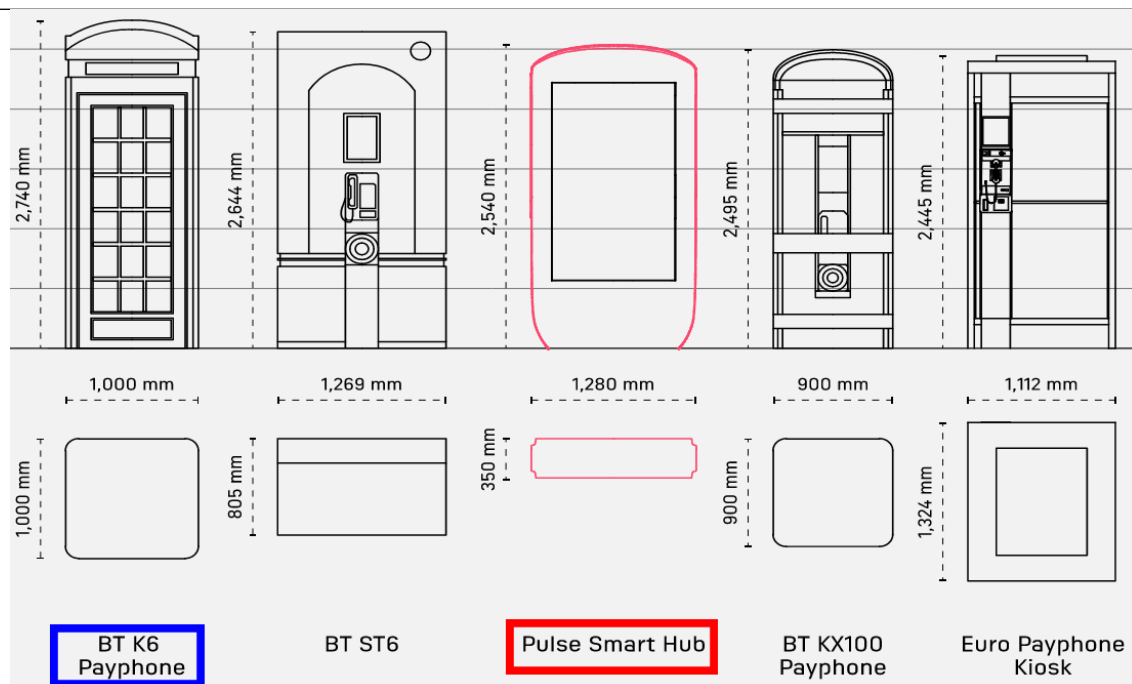
- 3.2 Camden Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates well into its surroundings. As such, the Council 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. Policy D2 recognises that due to the largely dense urban nature of Camden, the character or appearance of its conservation areas can also be affected by development which is outside of conservation areas, but visible from within them.
- 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 the footway adjacent to nos. 27-28 Chalk Farm Road on the north side of the road. Immediately to the north-west is the corner junction with Hartland Road (see Images 3 and 4 below).





*Images 3 & 4 – proposed site location and streetscene (looking north-west on Chalk Farm Road)*

- 3.9 Although the site does not fall within a conservation area, it is located directly opposite the boundary of Regent's Canal Conservation Area. The Grade II\* listed, The Stables Yard, Stables Market; and Grade II listed, Stanley Sidings, are both also located directly opposite the application site.
- 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 north-west and south-east along Chalk Farm Road 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 regard to the particular application site, it is important to note that the section of pavement and footway on Chalk Farm Road where the hub structure is proposed to be introduced has recently undergone a major public realm renewal programme to improve the physical environment, through measures to de-clutter the existing footway and so enhance pedestrian movement and provide an uplift to the streetscene. Wider footways and de-cluttered spaces are particularly important in this area given that the application site is located within one of Camden's Town Centres, near Camden Town and Chalk Farm Underground Stations, which is one of the busiest pedestrian corridors in the borough. As such, the site is characterised by an active and vibrant streetscene with a high volume of pedestrian movements and vehicle activity (including buses and bicycles).
- 3.15 As part of a wider programme of works partly funded by contributions secured by a Section 106 legal agreement in 2013 in relation to the redevelopment of Hawley Wharf (ref. 2012/4640/P), the Council has transformed the public realm along the length of Chalk Farm Road (between Adelaide Road and Castlehaven Road), which includes the area of footway on Chalk Farm Road where the proposed hub structure would be located (between Hawley Street and Hartland Road). These works have included the introduction of junction improvements, stepped cycle tracks on both sides of the road, a reappraisal and rationalisation of street furniture arrangements, and the removal of unnecessary street clutter from the footway (such as, a redundant bus stop shelter previously located a few metres to the south-east of the application site).
- 3.16 Following these improvement works, this stretch of pavement in the area of the application site is now characterised by a more open footway and narrow street furniture zone adjacent to the kerbside, which includes a row of street trees, a pole with directional sign, public benches, two litter and recycling bins, and a row of fixed cycle parking stands. The site is located directly opposite a principal entrance to the Grade II\* listed, Stables Market, which forms part of the wider Camden Market and is the fourth-most popular visitor attraction in London, attracting approximately 250,000 people each week.
- 3.17 As such, there have been concerted efforts to create a high-quality space in this location, free from unnecessary street clutter and to improve pedestrian comfort, especially in regards to the safety of vulnerable road users, through providing additional space for walking and cycling. The installation of the hub structure as proposed, therefore, would undermine Council efforts to improve the footway environment in this location and would instead add street clutter to the streetscene, contrary to the aims of the Council, Policy D8 (Public Realm) of the London Plan, and related Camden Local Plan policies, and is considered to be unacceptable.
- 3.18 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.

- 3.19 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,
- 3.20 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 adjacent conservation area, including the settings of the Grade II\* and II listed buildings which are located directly opposite the proposed hub structure.
- 3.21 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 adversely 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 location on Chalk Farm Road that is otherwise absent of any form of illuminated signage.
- 3.22 In a recent appeal decision (Ref: APP/X5210/W/20/3254037 and 3252962 – Appendix D) on 16/11/2020 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 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'*.
- 3.23 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 E), 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'*.
- 3.24 The current proposal would similarly be sited in a position affording open views along Chalk Farm 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.
- 3.25 In particular regard to the adjacent conservation area and settings of the Grade II\* and II listed buildings which are located directly opposite the application site, the Planning Inspector in the most recent planning application at the site (Ref: APP/X5210/W/19/3225170 – Appeal E on 27/03/2020 - Appendix C), considered when dismissing the appeal that the siting and appearance of the telephone kiosk would not cause harm to the character or appearance of the locality or nearby conservation area. While the Inspector did not refer to any consideration given to the

Grade II\* and II listed buildings, it is important to note in that case that the proposed drawings included an illustration of a single non-illuminated display panel. In contrast, the current proposal being considered here in this report involves the introduction of two large illuminated digital screens integrated within the hub structure to the streetscene.

- 3.26 It should also be noted that the Planning Inspector in dismissing an earlier appeal at the site for a proposed telephone kiosk (Ref: APP/X5210/W/18/3211455 – Appeal G on 31/07/2019 - Appendix B), took a different view to the Inspector in the case above when stating that *‘The introduction of the kiosk into this area, taking into account its bulky scale and basic modern design, would have an adverse impact on the simple character and appearance of the street, and the setting of the adjacent listed building and conservation area’*. Again, unlike the current proposals, the appeal proposal in that case did not include any form of illuminated advertisements and yet the adverse impact of the proposals was clearly evident to the Inspector when dismissing the appeal.
- 3.27 In contrast, the inclusion of two illuminated integrated digital screens as part of the current proposals would have a greater impact in the locality than the previous appeal schemes. The simple and uncluttered arrangement of street furniture on the footway at the application site contributes to the setting of the historic listed Camden Market buildings and Regent’s Canal Conservation Area located in close proximity on the opposite side of the road. The illuminated screens would serve to adversely heighten the presence of the proposed structure within these settings, 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 location on Chalk Farm Road that is otherwise absent of any form of illuminated signage.
- 3.28 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 in this location is considered to be inappropriate, by reason of its siting, 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 adjacent Regent’s Canal Conservation Area and within the settings of the Grade II\* listed, The Stables Yard, Stables Market; and the Grade II listed, Stanley Sidings (all located directly opposite the application site), contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
- 3.29 As mentioned previously, 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’*.
- 3.30 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.
- 3.31 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.
- 3.32 In addition to the public realm improvement works that have already taken place along the length of Chalk Farm Road as referred to above, another 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.

3.33 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*'.

3.34 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.

3.35 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.

### 3.36 Planning balance and public benefit

3.37 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.

3.38 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.

3.39 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 the Grade II\* listed (The Stables Yard, Stables Market) and Grade II listed (Stanley Sidings), and the adjacent Regent's Canal Conservation Area.

3.40 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*'.

3.41 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.

3.42 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 3.77 to 3.96 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.

3.43 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 90 metres of the proposed application site to the south-west and is freely available for public use.

3.44 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 3.77 to 3.96 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.

3.45 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.

3.46 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.

3.47 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.

#### 3.48 Transport and public highway

3.49 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.

3.50 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.

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

3.52 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 3.57 to 3.76 in this section below - Transport and public highway) and People feel safe' (see Paragraphs 3.77 to 3.96 below for further details - 'Security, crime and anti-social behaviour').

3.53 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.

3.54 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.

3.55 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.

3.56 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.

3.57 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.

3.58 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 kerbside. The existing street furniture and features include, a row of street trees, a pole with directional sign, public benches, two litter and recycling bins, and a row of fixed cycle parking stands. As such, the applicant's submitted plans have little contextual relevance.

3.59 Nevertheless, the Council acknowledges that the footway width is approximately 9m wide when measured from the kerb to the adjacent building as shown on the proposed site plan. The proposed hub structure would not be located on the primary pedestrian desire line which is located at the rear of the footway. It is therefore not considered to have a significant impact on pedestrian movement along the footway given that most pedestrians have been observed by Council Officers as using the primary pedestrian desire line towards the rear of the footway.

3.60 However, notwithstanding this, Council Officers also observed pedestrians frequently using this section of footway nearest the proposed application site to cross Chalk Farm Road, primarily as a crossing point in relation to a principal entry and exit point to the Stables Market (part of the wider Camden Market) which is positioned directly across the road. The proposed Pulse Smart Hub would obstruct visibility splay between such pedestrians and south-east bound drivers.

3.61 It is noted in this regard that the Planning Inspector in dismissing an earlier appeal at the site for a proposed telephone kiosk (Ref: APP/X5210/W/18/3211455 – Appeal G on 31/07/2019 - Appendix B) stated that '*Whilst a sufficient width of pavement would still be retained for*

pedestrians walking along the length of Chalk Farm Road, the introduction of the kiosk into this location would significantly disrupt pedestrian desire lines associated with the busy entrance of Camden Market on the opposite side of the road. This would be further exacerbated by the presence of the existing street trees to either side of the kiosk, which in combination with the proposed kiosk would restrict pedestrian flow'. Given that the character and appearance of the streetscene has remained predominantly the same as that which existed in 2019 when the Inspector dismissed this earlier appeal, then it is considered by the Council that these concerns still remain in relation to the current proposals in light of this context.

- 3.62 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. However, Image 6 below indicates how the proposed hub structure would obstruct visibility splays between pedestrians positioned on the south-east side of the unit and south-east bound drivers.

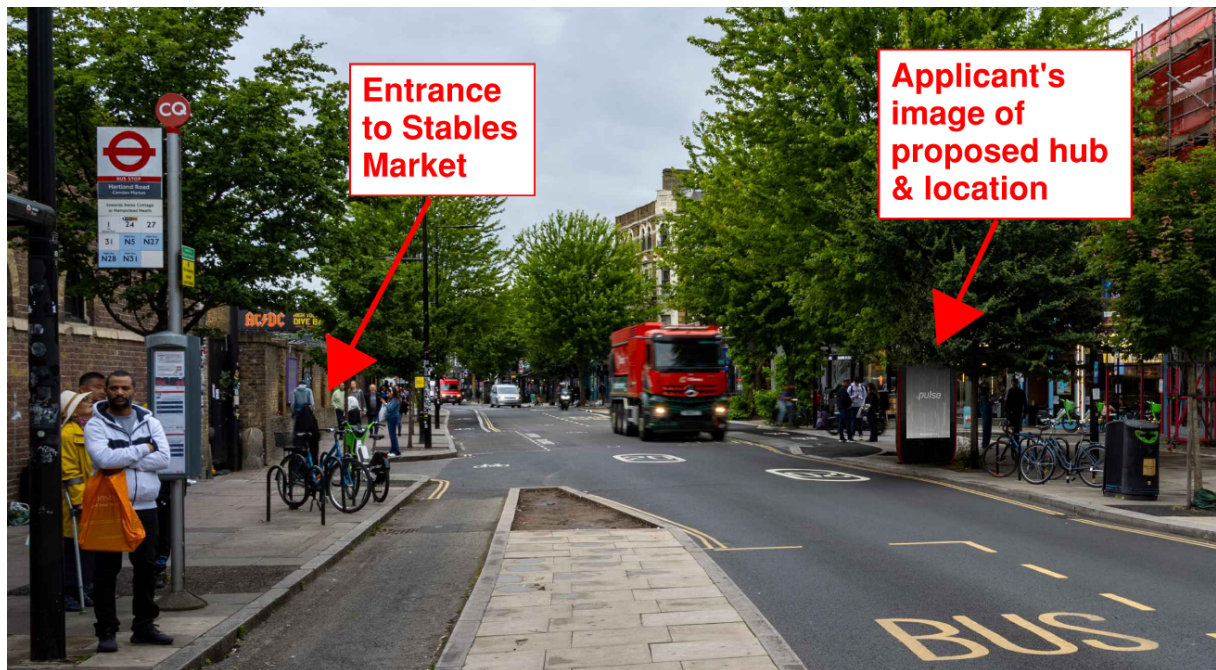
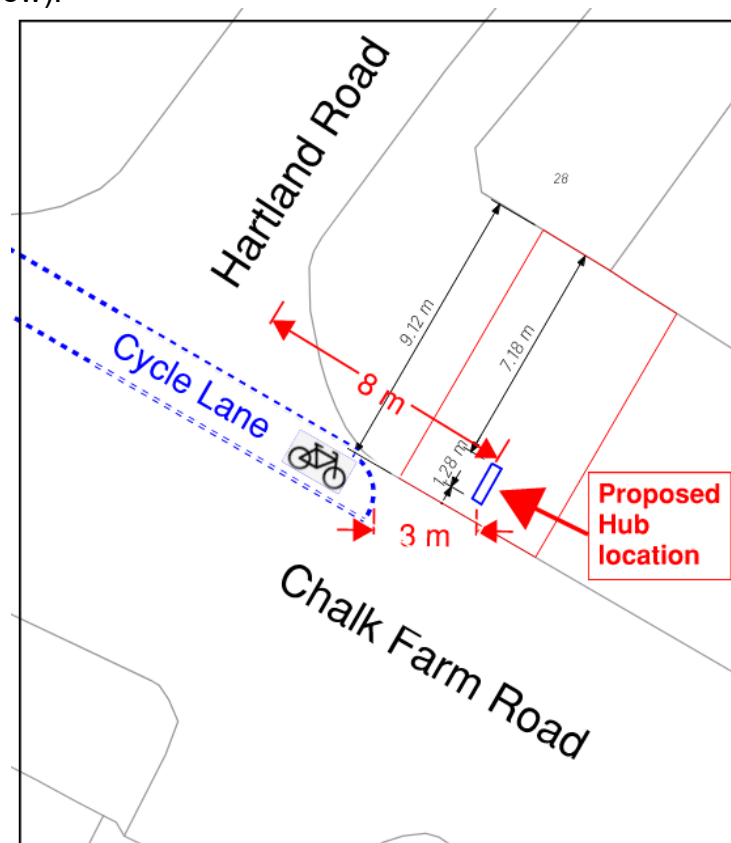


Image 6 – showing image of proposed hub structure in context with streetscene and entrance to Stables Market

- 3.63 This would firstly be through the introduction of a physical and visual obstruction close to the kerbside edge for pedestrians attempting to cross Chalk Farm Road at this point to enter a principal entry point to Stables Market or use the bus-stop located across the road, by virtue of the location, size, solid appearance and orientation of the proposed hub structure itself. As a result, pedestrians would have increased difficulty in seeing any traffic approaching from the north-west along Chalk Farm Road. This could lead to dangerous situations involving pedestrians leaving the pavement at this point and oncoming road traffic, this being of particular concern for blind and partially sighted pedestrians, as well as, persons with mobility issues or with prams/push-chairs.
- 3.64 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 creating an additional obstruction to pedestrian movement as a result of the proposed hub structure. As such, any pedestrians attempting to move in a north-westerly direction from the street furniture zone, perhaps after parking their bicycle in one of the fixed stands, might be forced to walk around the hub structure on the kerb side given the limited space otherwise available towards the inside of the pavement (due to the size of the unit, proposed location of the unit between two street trees and the user's position at the side of the hub structure). Again, this could lead to dangerous situations involving pedestrians being forced to leave the pavement on the roadside as a result of space restrictions and take an 'easier' less restricted route, so having to step off the pavement at a point where south-east bound road traffic might be arriving unseen to the pedestrian.



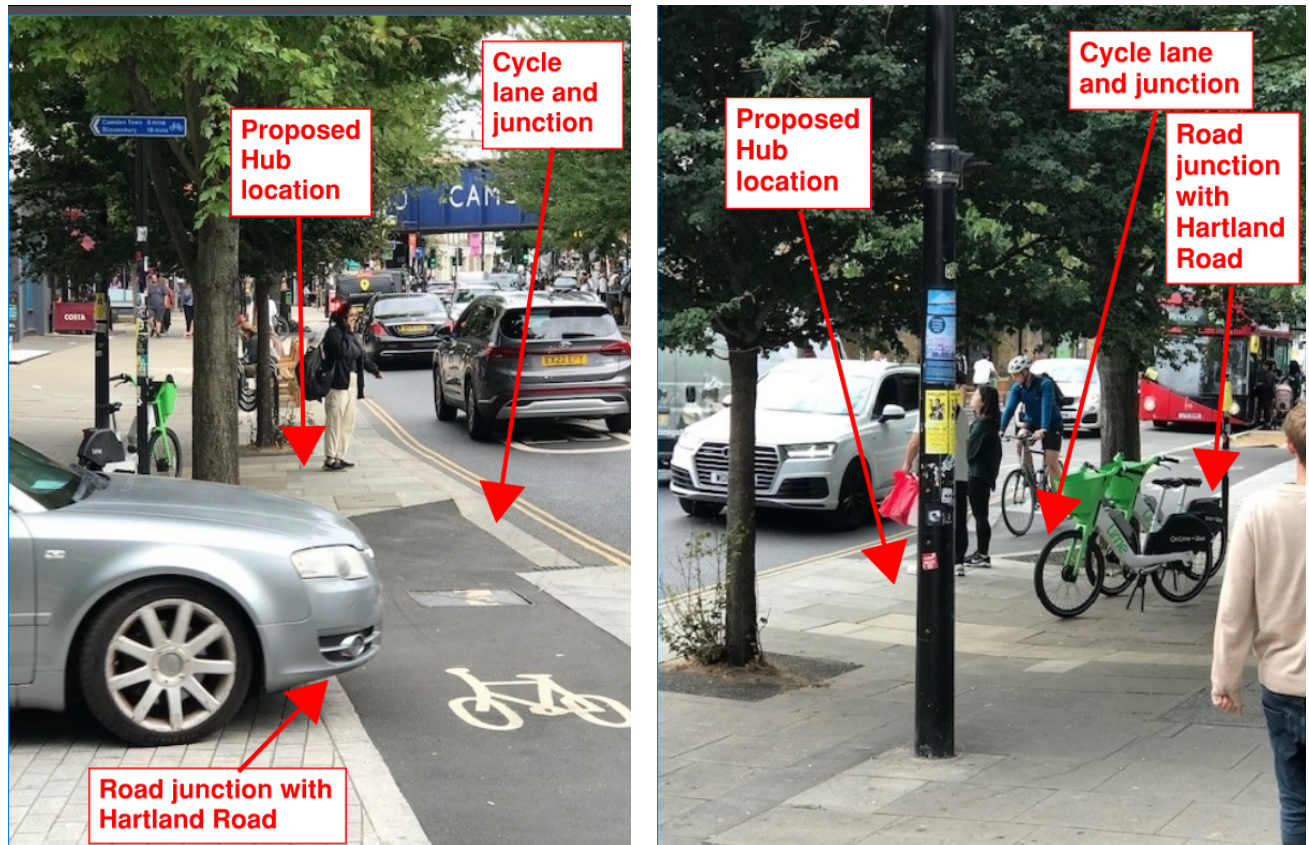
- 3.65 The fact that users of the facilities provided by the proposed hub structure have to stand at the side of the unit is an important and notable difference between the previous application for a telephone kiosk in 2017 (Ref. APP/X5210/W/17/3202786 – Appeal F – see Appendix A) and the current proposals as the users in that previous case would be able to stand inside the kiosk when accessing the facilities without creating any additional restrictions on footway space.
- 3.66 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 and safety at the application site in an area where pedestrian footfall is exceptionally high.
- 3.67 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.
- 3.68 A notable difference in this regard between the previous appeal for a telephone kiosk in 2017 (Ref. APP/X5210/W/17/3202786 – Appeal F – Appendix A) 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.
- 3.69 The proposed hub structure (with integrated digital advertising screens on both sides) would be installed within approximately 8m of the road junction with Hartland Road located just north-west of the hub's proposed position and within approximately 3m of the end of a designated cycle way (see Image 7 below).



*Image 7 – showing proximity of application site to junction with Hartland Road and to cycle lane*

- 3.70 The nearness of the application site to the junction with Hartland Road raises serious highway safety concerns as the proposed hub structure would obstruct visibility splays along Chalk Farm Road. Having an illuminated digital screen in close proximity to this road junction and facing in a

north-westerly direction towards oncoming traffic, therefore, could also lead to driver and cyclist distraction (see Images 8 and 9 below).



*Images 8 and 9 – showing proximity of application site to junction with Hartland Road and to cycle lane*

- 3.71 As can also be seen from Images 8 and 9 above, both the road and cycle lane converge at this junction. A large illuminated advertisement screen proposed to face in a north-westerly direction towards oncoming road traffic and cyclists, therefore, would not only provide an immediate illuminated distraction to motorists and cyclists alike when attempting to join south-east bound traffic along Chalk Farm Road at this point (or indeed when attempting to turn into Hartland Road), but would also impair clear views given the size and orientation of the wider façade of the proposed hub structure on which the illuminated screen would be integrated.
- 3.72 Given that this is also a very busy junction for pedestrian traffic attempting to cross the road at this point (see Paragraphs 3.57 to 3.66 above), the likely distraction and visual obstruction resulting from the proposed siting of the proposed structure in this location would adversely impact on public safety and increase the potential risk for collisions between motor vehicles, cyclists and pedestrians, particularly at night.
- 3.73 Overall, the proposals raise serious highway safety concerns, not least given the potential for drivers and cyclists to become distracted by integrated digital advertisement in close proximity when they need to be concentrating on safe road manoeuvres, as well as, the potential for pedestrians to become distracted as they attempt to cross the road at this location.
- 3.74 It should be noted that the Council has consulted on proposals to extend the existing Dockless Bike Hire and Rental E-Scooter (DBH&RES) parking bay on Hartland Road near the junction with Chalk Farm Road. If introduced, this is considered by the Council to represent a better and more integrated use of the public highway than a proposed hub structure as it would provide additional DBH&RES parking capacity in an area of high demand. This would leave no room for the proposed Pulse Smart Hub as this section of footway would need to be safeguarded for this purpose.
- 3.75 Finally, as can be seen from Image 8 above, the Council recently installed south-east bound stepped cycle track ends on the north side of the junction with Hartland Road, immediately adjacent to the application site. The Council is currently investigating the feasibility of extending this cycle track further southwards towards the junction with Castlehaven Road. This would require significant changes to the public highway, including removing a section of the footway

build-out (including trees and street furniture) where the proposed Pulse Smart Hub would be located, and therefore, this section of footway would need to be safeguarded for this purpose.

3.76 Overall, therefore, the proposal raises public safety concerns for road users, cyclists 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.

### 3.77 Security, crime and anti-social behaviour

3.78 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'*.

3.79 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'*.

3.80 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 this part of the Borough in close proximity to Camden Town and Camden Market, which are characterised by a significant footfall, typically made up of a daily influx of commuters, local residents and numerous tourists.

3.81 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

3.82 The application site is located opposite to Camden Market, a popular venue for Camden's famous day time markets and night-time economy. Due to the venue being located in such close proximity to Camden Market and a principal entrance to Stables Market in particular, a large number of people are in this area which the Metropolitan Police have confirmed often attracts opportunists looking to commit theft of mobile phones, purses, wallets, etc. This is also an active area for drug dealing. As such, the proposals would involve the siting of the hub structure in a high risk crime location.

3.83 It's important to note that Metropolitan Police crime figures for the last 12 months for this particular policing ward (Camden Town) indicate that theft (from person or otherwise) accounts for over 38% of recorded crime, while ASB and drug related reports of crime account for a further 20%.

3.84 While the commercial and business units at ground floor on Chalk Farm Road 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.

3.85 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.

3.86 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.

3.87 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

3.88 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.

3.89 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 'overused' phone numbers, etc.).

3.90 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 F) 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'*.

3.91 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/22/3297273 & 3297276 – Appendix G) 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'*.

3.92 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 could become an eyesore within the streetscene by virtue of its size, bulk, illumination and general prominence.

## 3) Supply of a (usually by prescription) drug

3.93 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.

3.94 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.

- 3.95 Finally, it is noted in the most recent planning application at the site (Ref: APP/X5210/W/19/3225170 – Appeal E on 27/03/2020 - Appendix C) that the Planning Inspector when dismissing the appeal stated, *'I accept the comments of the police that the siting of this proposal, at right angles to the movement of people along the street rather than parallel to the kerb, together with its sizeable appearance, would provide opportunities for criminals to approach users of the kiosk unseen and so would present a risk to personal security'*. The proposed hub structure would be orientated in a similar way and would provide opportunities for criminal activities in a similar fashion to the above appeal proposal.
- 3.96 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/m<sup>2</sup> (dusk to dawn) and daytime levels adjusted automatically up to a maximum potential brightness of 2000 cd/m<sup>2</sup>.
- 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 adjacent Regent's Canal Conservation Area and within the settings of the Grade II\* listed, The Stables Yard, Stables Market; and the Grade II listed, Stanley Sidings (all located directly opposite the application site).
- 4.15 As referred to above, in a recent appeal decision (Ref: APP/X5210/W/20/3254037 and 3252962 – Appendix D) 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 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'*. 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/m<sup>2</sup> (dusk to dawn) during hours of operation and daytime levels would adjust automatically up to a maximum potential brightness of 2000 cd/m<sup>2</sup>. 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 H - 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 As previously outlined above, Image 7 shows that the proposed hub structure (with integrated digital advertising screens on both sides) would be installed within approximately 8m of the road junction with Hartland Road located just north-west of the hub's proposed position and within approximately 3m of the end of a designated cycle way.

- 4.29 The nearness of the application site to the junction with Hartland Road raises serious highway safety concerns as the proposed hub structure would obstruct visibility splays along Chalk Farm Road. Having an illuminated digital screen in close proximity to this road junction and facing in a north-westerly direction towards oncoming traffic, therefore, could lead to driver and cyclist distraction (see Images 8 and 9 above).
- 4.30 As can also be seen from Images 8 and 9 above, both the road and cycle lane converge at this junction. A large illuminated advertisement screen proposed to face in a north-westerly direction towards oncoming road traffic and cyclists, therefore, would not only provide an immediate illuminated distraction to motorists and cyclists alike when attempting to join south-east bound traffic along Chalk Farm Road at this point (or indeed when attempting to turn into Hartland Road), but would also impair clear views given the size and orientation of the wider façade of the proposed hub structure on which the illuminated screen would be integrated.
- 4.31 Given that this is also a very busy junction for pedestrian traffic attempting to cross the road at this point (see Paragraphs 3.57 to 3.66 above), the likely distraction and visual obstruction resulting from the proposed siting of the proposed structure in this location would adversely impact on public safety and increase the potential risk for collisions between motor vehicles, cyclists and pedestrians, particularly at night.
- 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 at the signal controlled pedestrian crossing. In this regard, it should also be noted that while the crossing identified above is 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 this busy road 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 a road junction and cycle lane. 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:
1. *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 adjacent Regent's Canal Conservation Area, and harm the setting of the adjacent Grade II and II\* listed buildings, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*
  2. *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.*



3. *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.*
4. *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 adjacent Regent's Canal Conservation Area, and harm the setting of the adjacent Grade II and II\* listed buildings, 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 3202786 – dismissed dated 19/12/2018

**Appendix B:** Planning appeal decision 3211455 – allowed dated 31/07/2019

**Appendix C:** Planning appeal decision 3225170 – dismissed dated 27/03/2020

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

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

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

**Appendix G:** Planning appeal decisions 3297273 and 3297276 – dismissed dated 02/11/2022

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