

Delegated Report		Analysis sheet		Expiry Date:	11/10/2024
		n/a		Consultation Expiry Date:	15/09/2024
Officer			Application Numbers		
Tony Young			1. 2024/3448/P 2. 2024/3459/A		
Application Address			Drawing Numbers		
Pavement opposite 152 West End Lane (corner of Iverson Road) London NW6 2LJ			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					
Adjoining Occupiers & local groups	No. notified	0	No. of individual responses	9	No. of objections	9
					No. of supports	0
					No. of comments	0

**Summary of
consultation
responses**

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

- Proposal does not comply with Policy 9 (Pavements & Pedestrians: Pedestrian access in the Area) of Fortune Green and West Hampstead Neighbourhood Plan or related recommendations to reduce physical and visual street clutter from pavement, protect local neighbourhoods and pavements, and improve links between West Hampstead stations.

MDF West Hampstead Association objected to the proposal, summarised as follows:

- Commercial digital advertising at expense of health and safety of the public, extremely busy pavement and major junction for foot traffic, Thameslink, underground and overground stations
- Proposal would degrade visual identity of area and compromise the safety of foot traffic
- The proposed hub would be sited in the area of the weekend Farmer's market which is an integral part of the area's identity
- This is already a very dangerous corner and signs would be a distraction
- No one needs a charger in the middle of the street as everyone has one in 2024. Defibrillators can be better sited in the local stations or shop

7 x interested parties / local residents objected to the proposal, summarised as follows:

- The proposal relies on appeal to previous planning application 2017/5430/P in 2017 which was for a phone kiosk that was very different from what is being proposed now and had no digital screens.
- West Hampstead is notorious for its narrow pavements and high pedestrian traffic. The site it is on the route between 3 stations (Thameslink, Underground and Overground) and is consequently very busy. The illuminate digital screens will be highly intrusive in an area, add clutter to a busy pavement and cause obstruction which would force people to walk in the road.
- The user interface is at the side and therefore a user of the hub would need to stand on the street, reducing the available space for pedestrians.
- The proposed screens would be displayed at pedestrians and traffic on a corner, which is already dangerous because of its 3-way traffic lights and crossing point across Iverson Road, and would be distracting to pedestrians and drivers.
- Applicant should provide a full Comfort Assessment using the latest version of the TfL/Mayor of London guidance.
- Proposal is out of character for the neighbourhood.
- Proposal fails to assess the impact on the Farmer's Market days where stalls are installed in this area and crowds gather.
- The proposal is for the installation of advertising screens. The so-called 'community benefits' are already widely-available though the use of mobile phones (now almost universal in use) with medical equipment, such as, defibrillators better housed at the adjacent train station where there are staff with first aid training. Wifi can be found in all nearby coffee shops.

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 falls within the policing ward of Hampstead Town where the top reported crimes include anti-social behaviour (ASB), violence and sexual offences and shoplifting. Other offences of note for this area include other theft, criminal damage and theft from the person.
- The proposed location of the device is on a large section of pavement. The area does see a large amount of footfall as it falls between two transport hubs. 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. The venue is very close to Black Path (where I have conducted a visual audit due to ASB, drugs and crime), Potteries Path (which again has numerous intel for drug supply) and Billy Fury Way. 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.
- 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 an area of the footway on the western side of West End Lane, close to its corner junction with Iverson Road, opposite no. 152 West End Lane (which is located on the eastern side of the road). The site is situated between two main train stations, West Hampstead Thameslink (National Rail) station is located just west of the site in Iverson Road and West Hampstead Overground and Underground stations are located south of the site within close proximity.

The site is situated near to several items of existing street features and furniture, including 2 pedestrian crossings controlled by traffic signals, a row of trees, a bollard, a traffic sign, a utilities cabinet, a pole and a Legible London wayfinding sign.

The site lies within the West Hampstead Town Centre and the Fortune Green and West Hampstead Neighbourhood Area.

The site is not located within a conservation area and is not situated adjacent to any nearby listed buildings.

Relevant History

2017/5430/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 / highway safety / community safety and security / and accessibility grounds / Appeal allowed (APP/X5210/W/17/3202789) 19/12/2018 (see Appendix A)

Other neighbouring / nearby sites:

- Pavement outside Unit 1, Hardy Building, West End Lane, Opposite 126 West End Lane
2017/5429/P – Installation of 1 x telephone kiosk on the pavement. GPDO Prior Approval refused 22/11/2017 / Appeal dismissed 19/12/2018
- Pavement outside 272 and 274 West End Lane
2017/5432/P - Installation of 1 x telephone kiosk on the pavement. GPDO Prior Approval refused 22/11/2017 / Appeal dismissed 19/12/2018
- Pavement outside 319-323 West End Lane
2017/5431/P - Installation of 1 x telephone kiosk on the pavement. GPDO Prior Approval refused 22/11/2017 / Appeal dismissed 19/12/2018
- Tower Mansions, 134-136 West End Lane
2017/3770/A - Display of an internally illuminated LED digital display board measuring 4.5m in height by 3m in width. Advertisement consent refused 05/09/2017 / Appeal dismissed 23/01/2018
- Bus shelter o/s 245 West End Lane
2016/6868/A – Installation of double-sided structure to existing bus shelter no. 0107/0103 to display 2x internally illuminated digital screens. Advertisement consent refused 27/02/2017 / Appeal dismissed 30/06/2017
- Bus-Stop outside 258 West End Lane
2015/5204/A – Display of digital screen and non-illuminated static poster panel to existing bus shelter no. 0107/0132. Advertisement consent refused 22/01/2016 / Appeal dismissed 07/06/2016

Relevant policies

National Planning Policy Framework 2023

- Section 12 (Achieving well-designed and beautiful places)

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

- 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) 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)

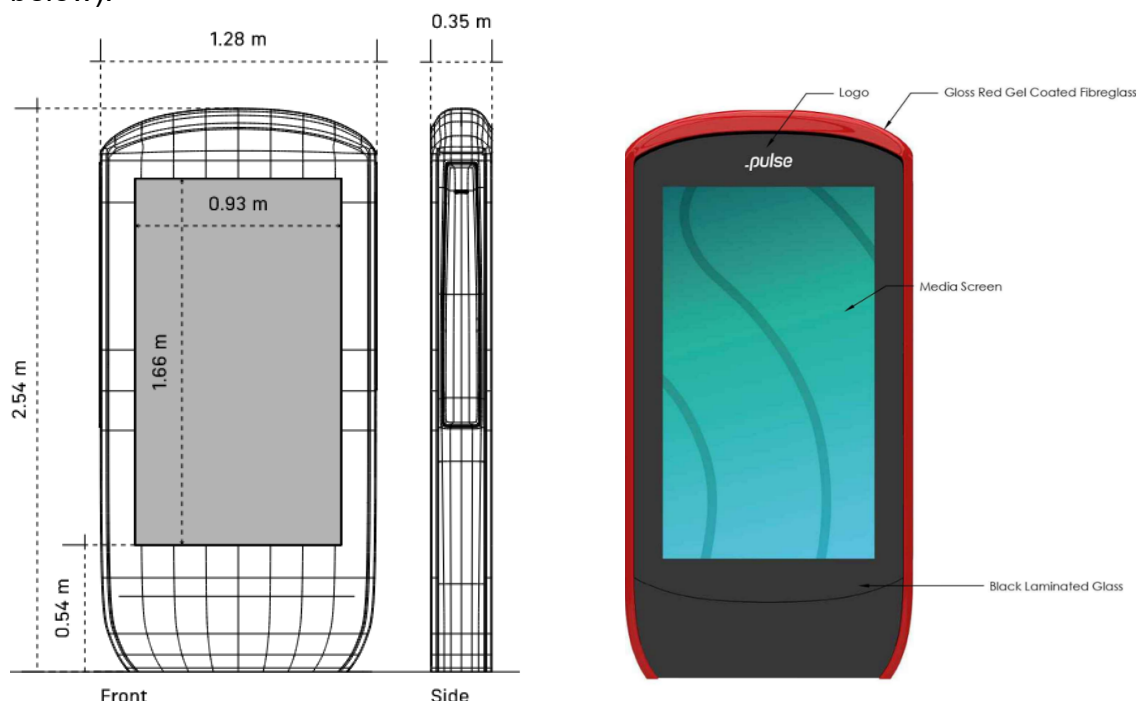
Fortune Green and West Hampstead Neighbourhood Area Plan (adopted September 2015)

- Policy 2 (Design & character)
- Policy 9 (Pavements & pedestrians)

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. 2017/5430/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/17/3202789 – 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. As such, the Planning Inspector confirms in the decision for the above 2017 appeal that the principle of development is established by the GPDO and the relevant part includes no requirement that regard be had to the development plan. The provisions of the GPDO require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received.
- 1.9 Equally important to note is that the previous appeal proposal in 2017 was for a structure which did not include any form of advertising as part of the proposal, and as such, the Planning 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.
- 1.10 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.
- 1.11 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

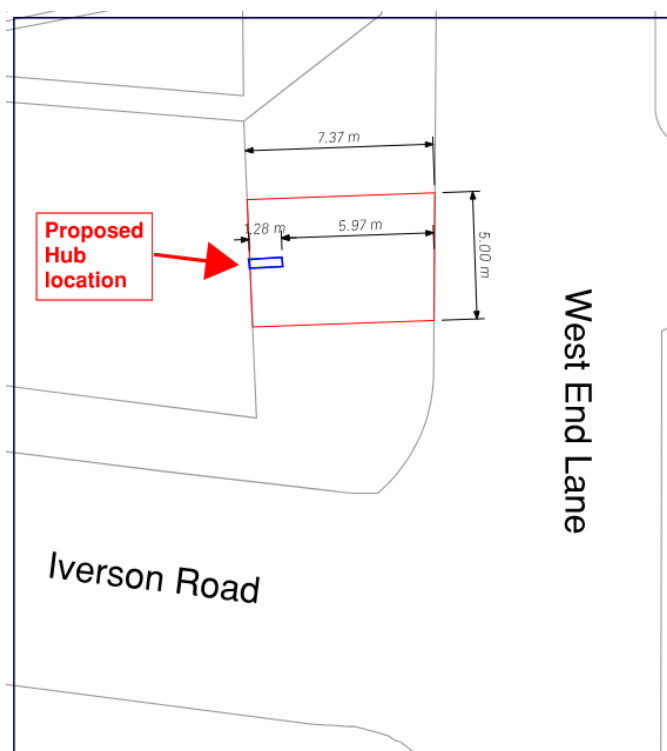
- 2.1 The principal considerations in the assessment and determination of the planning application are:
- the design and impact of the proposal on the character and appearance of the immediate streetscene and Fortune Green and West Hampstead Neighbourhood Area; and
 - the impact of the proposal on transport 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 Fortune Green and West Hampstead Neighbourhood Area; 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 Policy 2 (Design & character) of the Fortune Green and West Hampstead Neighbourhood Area Plan (adopted September 2015) emphasises that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead, through amongst other factors, the provision of high quality public realm and having regard to the impact on local views across the Area and the streetscapes within the Area.
- 3.7 The application site comprises an area of the footway on the western side of West End Lane, close to its corner junction with Iverson Road, opposite no. 152 West End Lane (which is located on the eastern side of the road) - see Images 3 and 4 below.



Images 3 & 4 – proposed site location and streetscene looking west (from the east side of West End Lane)

- 3.8 Although the site is not located within or adjacent to a conservation area or any listed buildings, it is located within the Fortune Green and West Hampstead Neighbourhood Area. The Neighbourhood Plan for this Area was adopted in September 2015. As an adopted Plan, the aims and objectives as set-out within the Plan are closely associated with the Camden Local Plan and have equal weight to those policies.
- 3.9 Policy 2 (Design & character) of the Fortune Green and West Hampstead Neighbourhood Area Plan emphasises that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead, through amongst other factors, the provision of high quality public realm and having regard to the impact on local views across the Area and the streetscapes within the Area.
- 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 and south along West End Lane 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 both, but also a substantially larger profile (see Image 5 below).

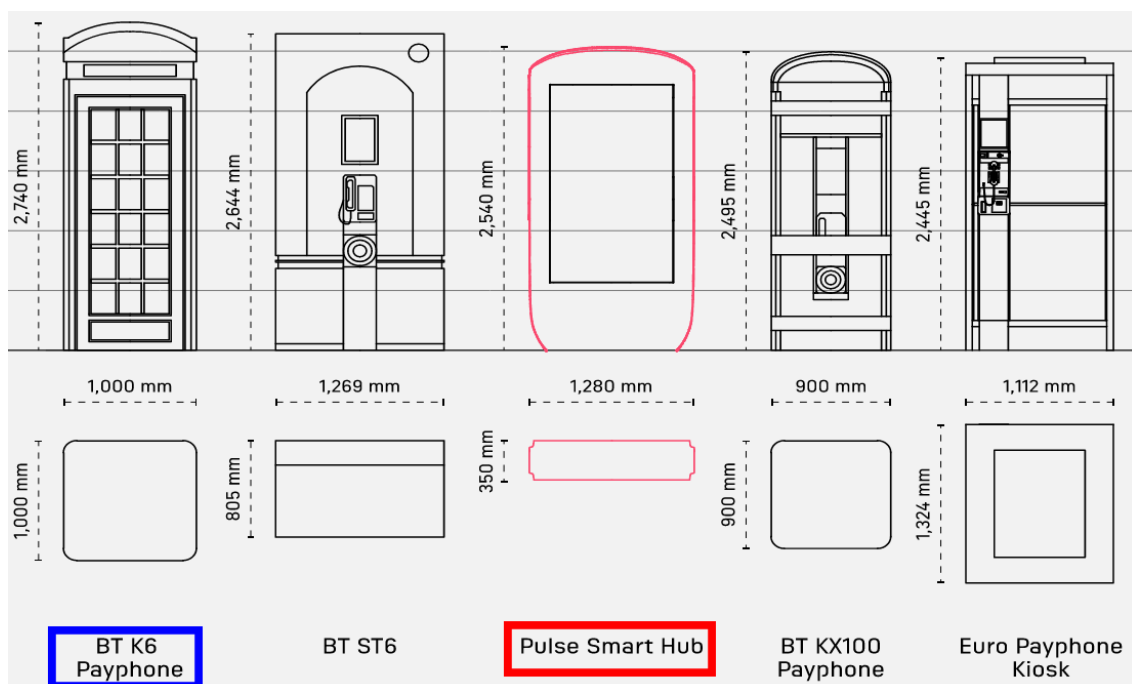


Image 5 – comparison of different communication kiosks/hubs (proposed hub structure in red)

- 3.14 The application site is located within one of Camden's Town Centres (West Hampstead Town Centre). It is also situated between two main train stations, West Hampstead Thameslink (National Rail) station is located just west of the site in Iverson Road and West Hampstead Overground and Underground stations are located south of the site within close proximity. Its position means that it is located within an extremely active transport interchange and busy pedestrian thoroughfare, characterised by a high volume of pedestrian movements between
- 3.15 The stretch of pavement in the area of the application site is characterised by a relatively wide footway on West End Lane and more restricted corner junction on Iverson Road. Given the high volumes of pedestrian movements in this area, the corner junction can become increasingly crowded depending on the time of day, especially given that pedestrians must stop at this junction to either cross Iverson Road or West End Lane given the close proximity of 2 x signalled controlled pedestrian crossings (see also Paragraphs 3.57 to 3.67 in this section below - Transport and public highway). Road vehicle activity (including buses and bicycles) is also extremely busy at this corner junction with vehicles turning in multiple directions on one of the busiest traffic corridors in the borough.
- 3.16 There is no active street furniture zone as such in this location; however, a row of street trees runs along Iverson Road to the corner junction with West End Lane along the roadside and vehicles park in the area adjacent to the railway line towards the rear of the open space behind the trees. There are several items of existing street features and furniture situated nearby including, several traffic signals associated with 2 x pedestrian crossings, a bollard, a traffic sign, a utilities cabinet, a pole and a Legible London wayfinding sign. Extremely high footfall in this location during peak periods is increased on Saturdays when a well-established Farmers Market operates in an area where the proposed hub structure would be positioned.
- 3.17 It is also noted that extremely high daily footfall in this location during peak periods is increased further on Saturdays when a long-established Farmers Market operates in the area where the hub structure is proposed to be positioned. The proposed hub structure would result in a physical obstruction to the footway on these weekly occasions, particularly by virtue of the structure's size (width), through the restriction it would place on pedestrian movement in a very crowded environment where queues typically also form in relation to the sale of goods from the market stalls.
- 3.18 Given the poor design of the proposed hub structure, extremely high volumes of footfall at this corner junction and locality in general, as well as, the relatively uncluttered appearance of the application site, the proposal would undermine Council efforts to improve the footway environment in this location and would instead add street clutter to the streetscene. This would be at odds with the aims of the Council as set-out with the Camden Local Plan, Policy 2 (Design & character) of the Fortune Green and West Hampstead Neighbourhood Area Plan, Policy D8 (Public Realm) of the London Plan, which require that development should 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, is considered to be unacceptable.
- 3.19 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.

- 3.20 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,
- 3.21 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 Fortune Green and West Hampstead Neighbourhood Area in which the application site is located.
- 3.22 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 West End Lane that is otherwise absent of any form of similar illuminated signage.
- 3.23 In a recent appeal decision (Ref: APP/X5210/W/20/3254037 and 3252962 – Appendix B) 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 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'*.
- 3.24 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'*.
- 3.25 The current proposal would similarly be sited in a position affording open views along West End Lane, 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.
- 3.26 The Planning Inspector in the 2017 appeal at the application site (Ref. APP/X5210/W/17/3202789 – see Appendix A) considered when allowing the appeal that the simple modern design of the kiosk would not adversely affect the prevailing character or appearance of the area. Notwithstanding that the Council considered the current design and size of the proposed hub structure to be inappropriate for the reasons set out above, it is important to note in the 2017 appeal case that the proposal did not involve any form of illuminated advertisement screens or panels. 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 into the streetscene.
- 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 scheme. The simple and uncluttered arrangement of street furniture on the footway at the application site contributes to the streetscene. The illuminated screens would serve to adversely heighten the presence of the proposed structure within the immediate setting, 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 the corner

junction West End Lane and Iverson 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 streetscene and the Fortune Green and West Hampstead Neighbourhood Area in which the application site is located, contrary to policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 (Design & character) of the Fortune Green and West Hampstead Neighbourhood Area Plan.
- 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 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.
- 3.33 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 Policy D1 (Design), Camden Planning Guidance (CPG Design), Policy 2 (Design & character) of the Fortune Green and West Hampstead Neighbourhood Area Plan, 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 Transport and public highway
- 3.37 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.
- 3.38 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.

- 3.39 Policy D8 (Public Realm) of the London Plan states that, *'Applications which seek to introduce unnecessary street furniture should normally be refused'*.
- 3.40 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 3.46 to 3.67 in this section below - Transport and public highway) and People feel safe' (see Paragraphs 3.68 to 3.89 below for further details - 'Security, crime and anti-social behaviour').
- 3.41 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.
- 3.42 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.
- 3.43 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.
- 3.44 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.
- 3.45 Policy 9 (Pavements & pedestrians) of the Fortune Green and West Hampstead Neighbourhood Area Plan (adopted September 2015) states that pedestrian access in the Area shall be improved by development that amongst other factors takes into account the following:

- Provides safe and wide pavements, giving the maximum possible space to pedestrians
- Is set well back from the pavement, where appropriate, with the aim of giving additional pavement space.
- Improves accessibility for disabled people and those with push chairs.
- Contributes to improved and safer pedestrian crossings (particularly on the roads listed in Paragraph D14 of the Plan which includes West End Lane)
- Increases the amount of space for pedestrians around public transport facilities.

3.46 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.

3.47 The stretch of pavement in the area of the application site is characterised by a relatively wide footway on West End Lane and more restricted corner junction on Iverson Road. However, it is noted that the submitted plans fail to show any street items or furniture at all. Existing street furniture and features include, a bollard, a traffic sign, a utilities cabinet, a pole and a Legible London wayfinding sign. The site is also situated near to 2 x pedestrian crossing controlled by traffic signals which the applicant has also failed to show.

3.48 Similarly absent from the applicant's drawings are a row of street trees which run alongside the application site near the roadside from the western part of Iverson Road to the corner junction with West End Lane. Vehicles that park in an otherwise open space adjacent to the application site which runs parallel to the row of trees, nearer to a railway line, are also not shown. As such, the applicant's submitted plans have little contextual relevance.

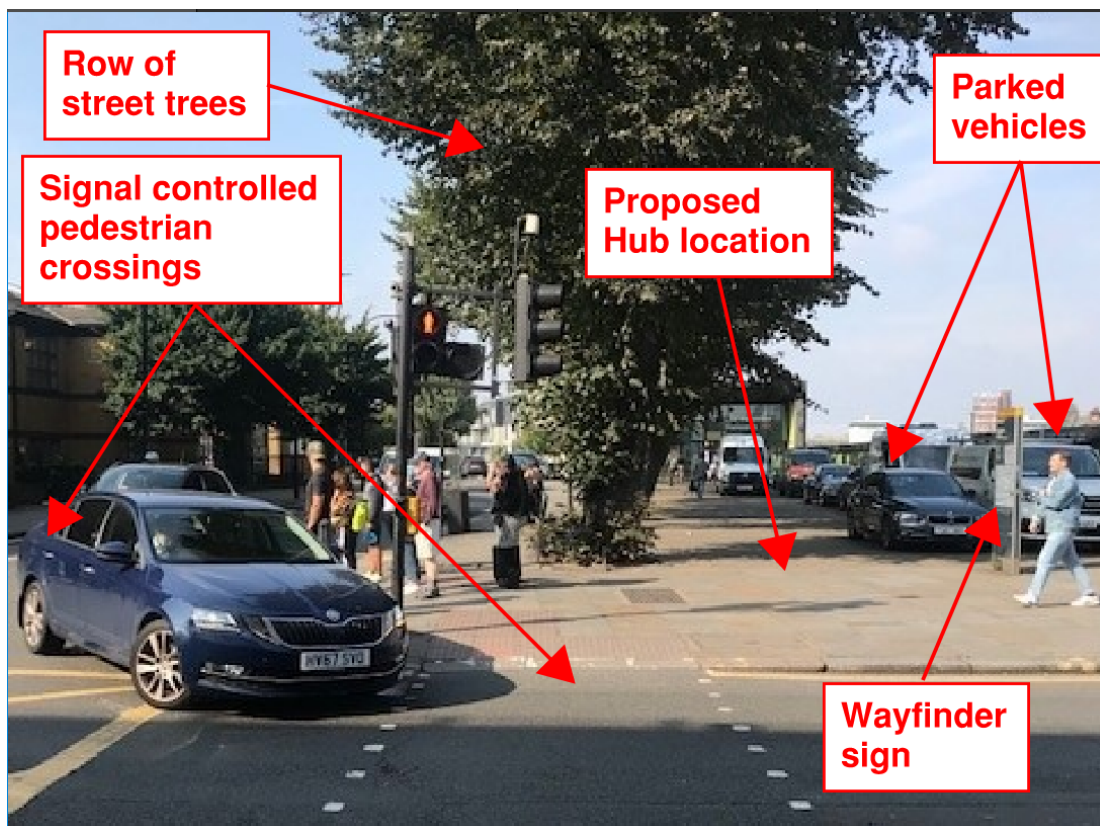


Image 6 – proposed site location and streetscene looking west (from the east side of West End Lane)

3.49 The footway width is shown on the proposed site plan as 7.37m wide on West End Lane with an effective footway width of 5.97m when measured from the kerb to the adjacent building. However, the exact location (and impact) of the proposed hub is unclear given the lack of accurate contextual information as highlighted above. For instance, the applicant's measurements are confined to the footway of West End Lane and do not show distances to Iverson Road which are also impacted by the proposals, particularly given the importance of the corner location as a crossing point (north to south, and vice versa) for pedestrians on the signal-controlled pedestrian crossing immediately adjacent to the application site.

- 3.50 Additionally, no consideration has been shown for the impact of the proposals on the pedestrian desire line which exists between the row of street trees on Iverson Road and the Legible London wayfarer sign where the proposed hub structure would be positioned, especially as the proposals would lead to some obstruction to movement in this location. Council Officers noted this to be used by pedestrians from West End Lane, perhaps as a more direct route to the nearby West Hampstead Thameslink Station to the west.
- 3.51 As a consequence, the submitted information fails to take into consideration of the convergence of several pedestrian desire lines in the location where the hub structure is proposed to be sited and the cumulative effect that this might have at this point, not least when taking into account the existence of 2 separate signal-controlled crossings at this corner junction. The corner junction can therefore become extremely crowded as a result, depending on the time of day, especially given that pedestrians must stop at this point and wait for signals to change before crossing either Iverson Road or West End Lane, with crowds then merging together (see also Paragraphs 3.57 to 3.67 in this section below - Transport and public highway).
- 3.52 The close proximity of the application site to this junction, therefore, and introduction of a hub structure which is significantly wider than any other existing furniture or features within this locality, raises concern as it would encroach onto the public highway and introduce an obstruction to pedestrian movement.
- 3.53 This situation would be worsened by virtue of the hub's design, 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. Therefore, any members of public using the facilities will necessarily have to stand in an area beyond the hub structure itself, so further reducing the amount of pavement space available for pedestrians to comfortably move along the public highway and pass by. This would create an unacceptable additional obstruction to pedestrian movement as a result of the proposals.
- 3.54 The fact that users of the facilities provided by the proposed hub structure having 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/17/3202789 – 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.
- 3.55 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. In this regard, a utilities cover is noted as existing on the pavement at the application site.
- 3.56 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.
- 3.57 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.
- 3.58 A notable difference in this regard between the previous appeal for a telephone kiosk in 2017 (Ref. APP/X5210/W/17/3202789 – see 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.

3.59 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.

3.60 Image 7 below indicates that the proposed hub structure (with integrated digital advertising screens on both sides) would be installed within 20m of 2 x signal-controlled pedestrian crossings, contrary to the above Transport for London guidance. The approximate distances and degree of proximity are also indicated in Image 8 below.

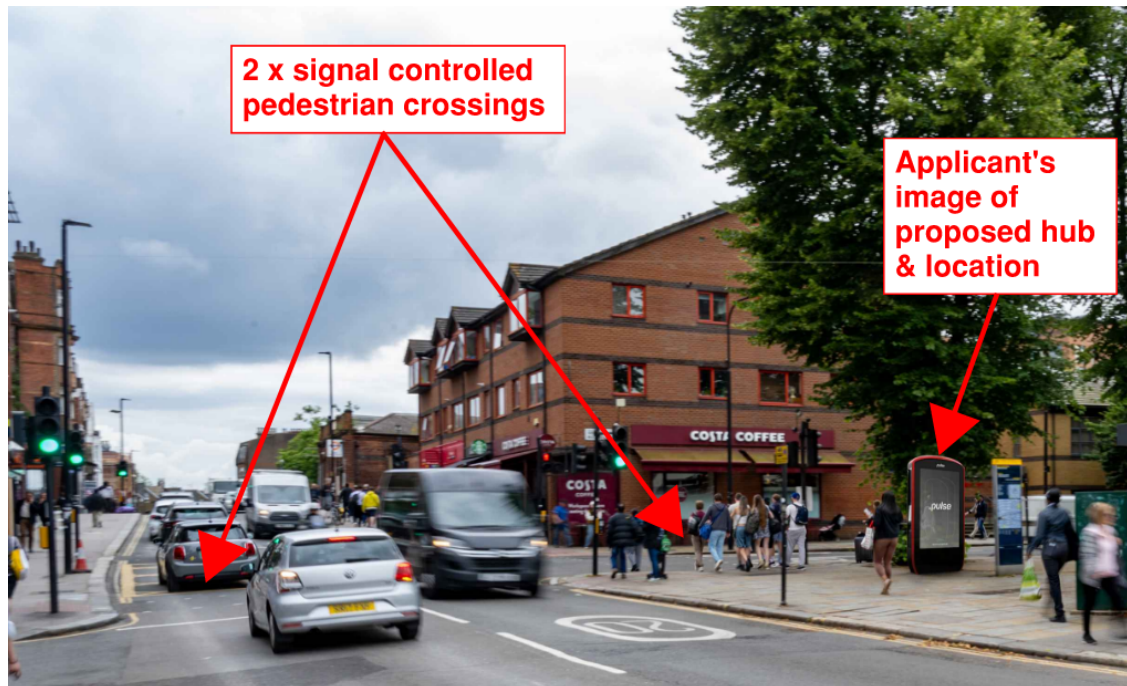


Image 7 – showing proximity of application site to 2 x signal-controlled pedestrian crossings (looking south-west along West End Lane)

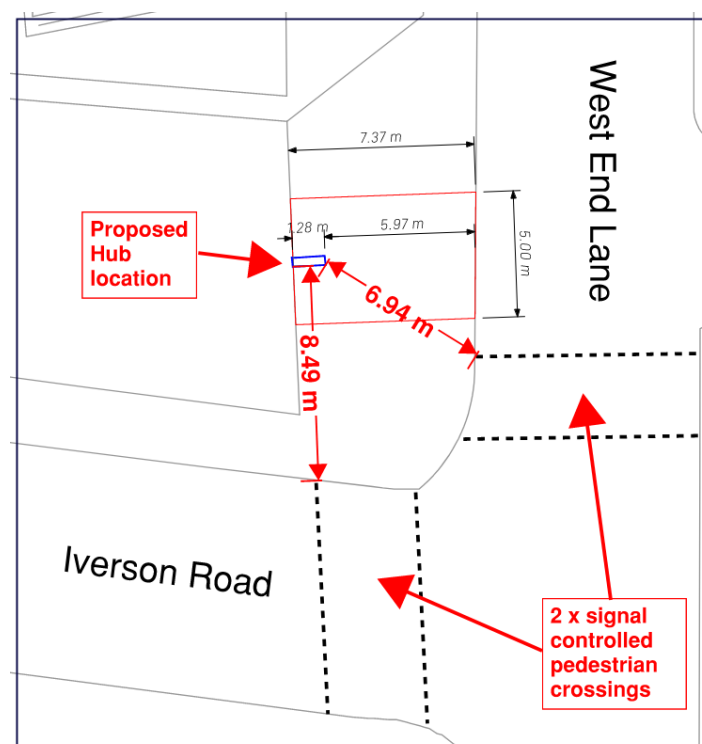


Image 8 – showing proximity of proposed hub structure (blue) to 2 x signal-controlled pedestrian crossings on Iverson Road and West End Lane

3.61 One crossing takes pedestrians over Iverson Road (see Image 9 below) and is positioned approximately 8.5m to the south of the application site. The other crossing takes pedestrians across West End Lane (see Image 10 below) and is positioned approximately 7m directly east of the application site.

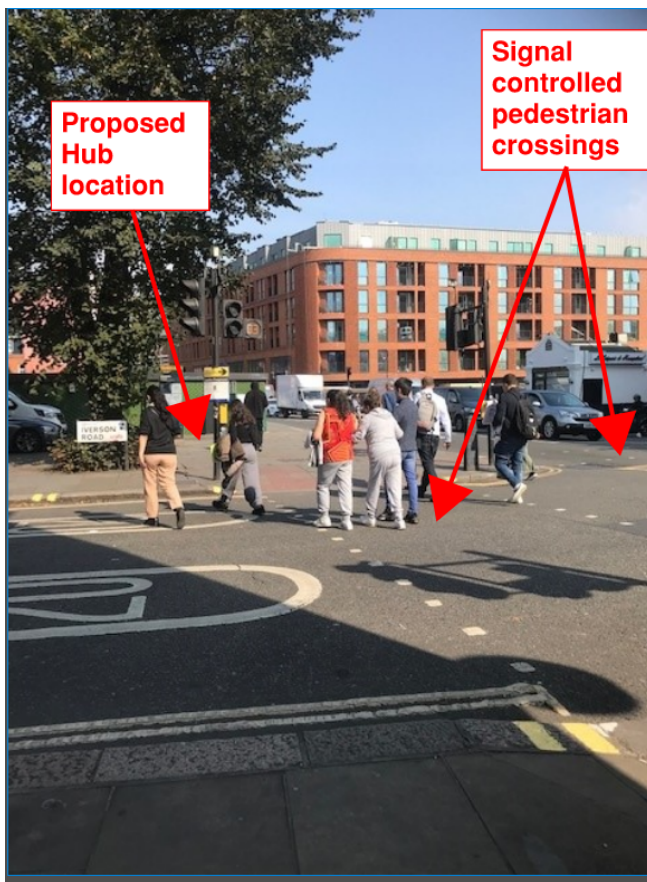


Image 9 – showing proximity of application site to signal-controlled pedestrian crossing (looking north over Iverson Road crossing)

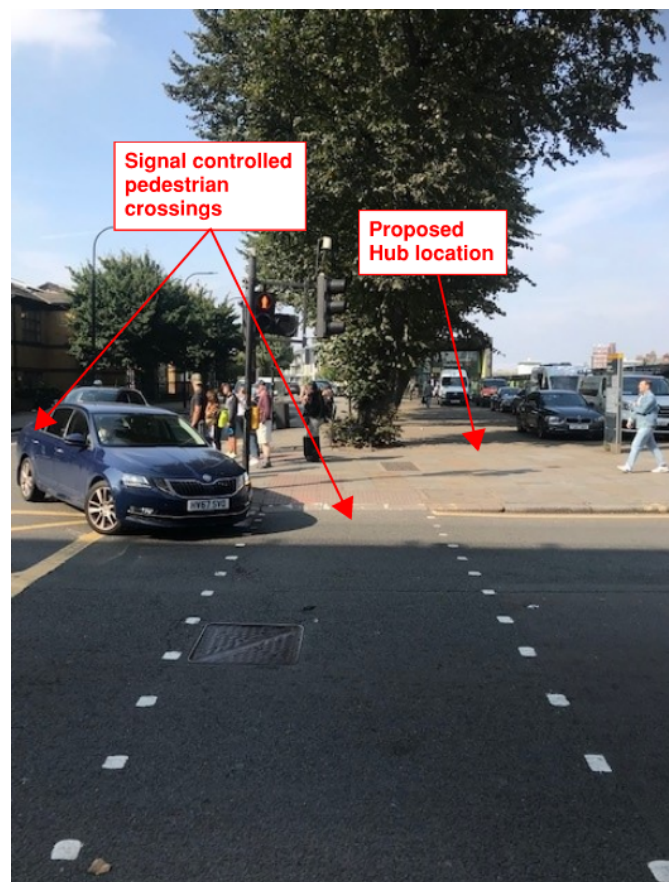


Image 10 – showing proximity of application site to signal-controlled pedestrian crossing (looking west over West End Lane crossing)

3.62 The orientation of one (of two) proposed illuminated digital advertising screens would face directly southwards towards northbound pedestrians attempting to cross Iverson Road (as shown in Image 9 above). The close proximity of the crossing and the proposed hub structure relative to each other raises serious highway safety concerns as the proposed south-facing illuminated digital advertising screen would introduce a large and conspicuous distraction which could conflict with visibility splays for north-bound pedestrians. Given that several pedestrian desire lines merge at the corner junction and crossings, this is of particular concern for blind and partially sighted pedestrians, as well as, persons with mobility issues or with prams/push-chairs.

3.63 There is also the potential for drivers and cyclist to become distracted by the associated digital advertisements when they need to be concentrating on the traffic signals. This would apply to traffic approaching the southward-facing proposed digital screen and heading north-bound along West End Lane, as well as, drivers turning left into Iverson Road.

3.64 The orientation of the other proposed illuminated digital advertising screen which would face directly northwards is also a concern for westbound pedestrians attempting to cross West End Lane on the other crossing (as shown in Image 10 above). While pedestrians would unlikely be distracted by the proposed digital screen given its orientation in a northwards direction, there is safety concern for pedestrians given the potential for drivers and cyclists heading south along West End Lane towards the crossing to become distracted by the screen. This raises serious highway safety concerns for drivers and cyclists interacting at the approach to the crossing, as well as, pedestrians attempting to use the crossing. Road vehicle activity (including buses and bicycles) is noted as being extremely busy at this corner junction with vehicles turning in multiple directions on one of the busiest traffic corridors in the borough. Therefore, the proposal would result in an increase in the potential risk of collisions between motor vehicles, cyclists and pedestrians, particularly at night.

3.65 As stated previously, the application site is located within one of Camden's Town Centres (West Hampstead Town Centre), situated between two main train stations (West Hampstead Thameslink (National Rail) and West Hampstead Overground and Underground stations), and as such, its position means that it is located within an extremely active transport interchange and busy pedestrian thoroughfare, characterised by a high volume of pedestrian movements.

3.66 Finally, it is noted that extremely high daily footfall in this location during peak periods is increased further on Saturdays when a long-established Farmers Market operates in the area where the hub structure is proposed to be positioned (see Image 11 below). The proposed hub structure would result in a physical obstruction to the footway on these weekly occasions through the restriction it would place on pedestrian movement in a very crowded environment where queues typically also form in relation to the sale of goods from the market stalls.

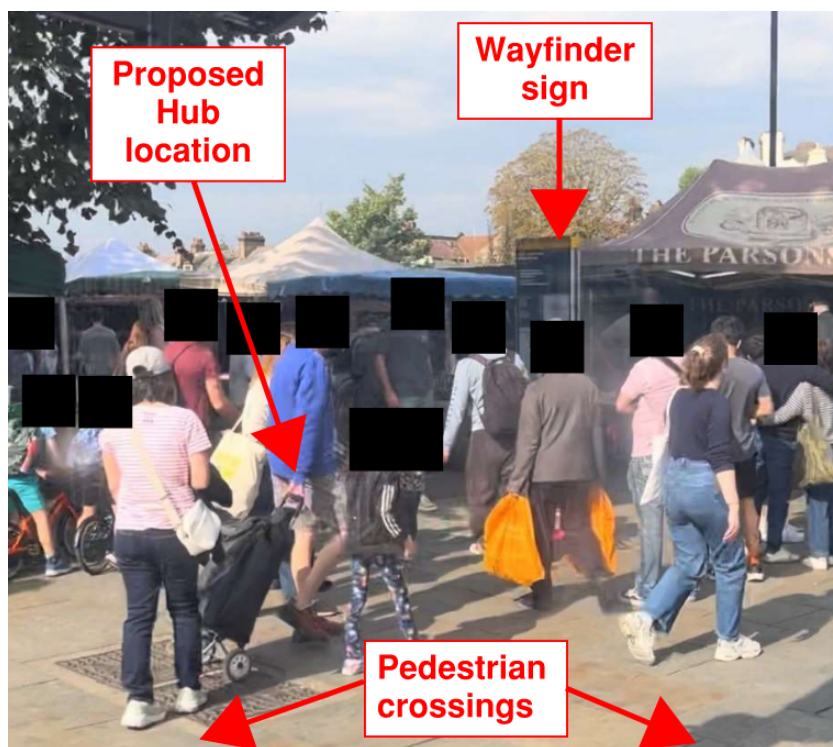


Image 11– showing proximity of proposed hub structure in context with weekend Farmer's Market

3.67 Overall, therefore, the proposal raises public safety concerns for road users, cyclists and pedestrians as outlined above, not least due to the likely distraction and physical obstruction that would result, 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.

3.68 Security, crime and anti-social behaviour

3.69 In regard to security, crime and anti-social behaviour, it is important to note that the outset that the previous application (ref. 2017/5430/P) in 2017 was for GPDO Prior Approval which does not involve the same considerations as the current proposals which has been submitted as part of an application for Full Planning Permission. The Planning Inspector confirmed in the appeal decision (ref. APP/X5210/W/17/3202789 – see Appendix A) that the principle of development is established by the GPDO and the relevant part includes no requirement that regard be had to the development plan, such as, Local Plan Policy C5 (Safety and security).

3.70 Consequently, the Planning Inspector did not give any consideration at that time to the likely impact of the previous proposals on security, crime and anti-social behaviour at the application site. In contrast, full consideration is given here in this report as part of the assessment of the current proposals submitted in relation to an application seeking Full Planning Permission.

3.71 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’.

- 3.72 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’.*
- 3.73 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. This is the case within this part of the Borough where there is an active transport interchange and busy pedestrian thoroughfare typical of a Camden Town Centre (West Hampstead Town Centre in this case), and location situated between two main train stations (West Hampstead Thameslink (National Rail) and West Hampstead Overground and Underground stations). As such, the area is characterised by a significant footfall, typically made up of commuters, local residents and numerous tourists.
- 3.74 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
- 3.75 The application site falls within the policing ward of Hampstead Town. The site’s position and distance across the road from commercial premises located in West End Lane and Iverson Road and near to the boundary wall and bridge of the railway line to north, means that the level of surveillance during opening hours is relatively low, and will likely diminish further 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.
- 3.76 The site location is very close to Black Path (where the Metropolitan Police Crime Prevention Design Advisor has conducted a visual audit due to ASB, drugs and crime issues), Potteries Path (which has numerous reports of drug dealing) and Billy Fury Way. Metropolitan Police intelligence reports in the locality confirm this drug dealing activity and that the provision of free calls, Wi-Fi and charging facilities provided by the proposed hub unit would likely benefit the local drug trade, so increasing opportunities for criminal activity.
- 3.77 It’s important to note that Metropolitan Police crime figures for the last 12 months for this particular policing ward (Hampstead Town) indicate that theft (from person or otherwise) accounts for over 21% of recorded crime, while ASB and drug related reports of crime account for a further 20%. Violence and sexual offences account for an additional 16% of recorded crime.
- 3.78 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.
- 3.79 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. The row of tall mature street trees immediately adjacent to the site is also considered to add additional opportunities for concealment. 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.

3.80 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

3.81 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.

3.82 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.).

3.83 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'*.

3.84 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 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'*.

3.85 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

3.86 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.

3.87 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.

3.88 Finally, it is noted in a recent planning application at a different site within the Borough (Ref: APP/X5210/W/19/3225170 – Appeal E on 27/03/2020 - Appendix F) 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, so raising concern with the current proposals.

3.89 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 Fortune Green and West Hampstead Neighbourhood Area in which the application site is located.
- 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 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/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 G - 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, 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, Image 7 indicates that the proposed hub structure (with integrated digital advertising screens on both sides) would be installed within approximately 20m of 2 x signal-controlled pedestrian crossings, contrary to the above Transport for London guidance. The approximate distances and degree of proximity are also indicated in Image 8 above.

4.30 One crossing takes pedestrians over Iverson Road (see Image 9 above) and is positioned approximately 8.5m to the south of the application site. The other crossing takes pedestrians across West End Lane (see Image 10 above) and is positioned approximately 7m directly east of the application site.

4.31 The orientation of one (of two) proposed illuminated digital advertising screens would face directly southwards towards northbound pedestrians attempting to cross Iverson Road (as shown in Image 9 above). The close proximity of the crossing and the proposed hub structure relative to each other raises serious highway safety concerns as the proposed south-facing illuminated digital advertising screen would introduce a large and conspicuous distraction which could conflict with visibility splays for north-bound pedestrians. Given that several pedestrian desire lines merge at the corner junction and crossings, this is of particular concern for blind and partially sighted pedestrians, as well as, persons with mobility issues or with prams/push-chairs.

- 4.32 There is also the potential for drivers and cyclist to become distracted by the associated digital advertisements when they need to be concentrating on the traffic signals. This would apply to traffic approaching the southward-facing proposed digital screen and heading north-bound along West End Lane, as well as, drivers turning left into Iverson Road.
- 4.33 The orientation of the other proposed illuminated digital advertising screen which would face directly northwards is also a concern for westbound pedestrians attempting to cross West End Lane on the other crossing (as shown in Image 10 above). While pedestrians would unlikely be distracted by the proposed digital screen given its orientation in a northwards direction, there is safety concern for pedestrians given the potential for drivers and cyclists heading south along West End Lane towards the crossing to become distracted by the screen. This raises serious highway safety concerns for drivers and cyclists interacting at the approach to the crossing, as well as, pedestrians attempting to use the crossing. Road vehicle activity (including buses and bicycles) is noted as being extremely busy at this corner junction with vehicles turning in multiple directions on one of the busiest traffic corridors in the borough. Therefore, the proposal would result in an increase in the potential risk of collisions between motor vehicles, cyclists and pedestrians, particularly at night.
- 4.34 As stated previously, the application site is located within one of Camden's Town Centres (West Hampstead Town Centre), situated between two main train stations (West Hampstead Thameslink (National Rail) and West Hampstead Overground and Underground stations), and as such, its position means that it located within an extremely active transport interchange and busy pedestrian thoroughfare, characterised by a high volume of pedestrian movements.
- 4.35 Finally, it is noted that extremely high daily footfall in this location during peak periods is increased further on Saturdays when a long-established Farmers Market operates in the area where the hub structure is proposed to be positioned (see Image 11 above). The proposed hub structure would result in a physical obstruction to the footway on these weekly occasions through the restriction it would place on pedestrian movement in a very crowded environment where queues typically also form in relation to the sale of goods from the market stalls.
- 4.36 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 this busy road junction located in close proximity to the application site.
- 4.37 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)*'.
- 4.38 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. As well as, *Policy 9 (Pavements & pedestrians) of the Fortune Green and West Hampstead Neighbourhood Area Plan 2015*.

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 Fortune Green and West Hampstead Neighbourhood Area, contrary to policy D1 (Design)*

of the Camden Local Plan 2017 and Policy 2 (Design & character) of the Fortune Green and West Hampstead Neighbourhood Area Plan.

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, and Policy 9 (Pavements & pedestrians) of the Fortune Green and West Hampstead Neighbourhood Area Plan 2015.*
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, and policies 2 (Design & character) and 9 (Pavements & pedestrians) of the Fortune Green and West Hampstead Neighbourhood Area Plan 2015.*

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 Fortune Green and West Hampstead Neighbourhood Area, contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017, and Policy 2 (Design & character) of the Fortune Green and West Hampstead Neighbourhood Area Plan.*
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, and Policy 9 (Pavements & pedestrians) of the Fortune Green and West Hampstead Neighbourhood Area Plan 2015.*

List of Appendices

Appendix A: Planning appeal decision 3180682 – dismissed dated 23/07/2018

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 3297276 – dismissed dated 02/11/2022

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

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