

Date: 17/12/2024
Your Ref: APP/X5210/W/24/3354410 &
APP/X5210/H/24/3354409
Our Ref: 2024/3313/P & 2024/3453/A

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The Planning Inspectorate
FAO. Jessica Werrett
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Dear Jessica,

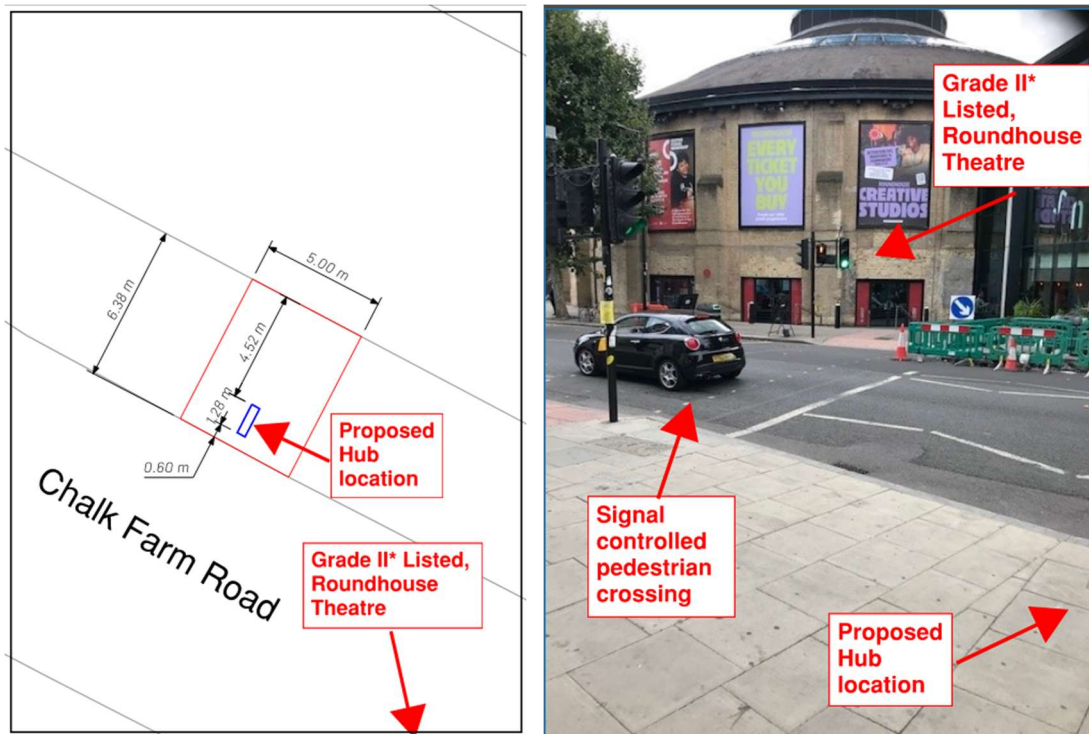
**Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Town and Country Planning Act 1990
Appeals by Urban Innovation Company (UIC) Ltd
Site Address: Pavement outside 85 Chalk Farm Road London, NW1 8AR**

I write in connection with the above appeal against the refusal of planning permission and advertisement consent (Ref. 2024/3313/P & 2024/3453/A) for the **Installation of a Pulse Smart Hub with integrated digital screens and emergency functionality including provision of defibrillators and Display of illuminated content on digital screens integrated within new communication Hub.**

1.0 Summary

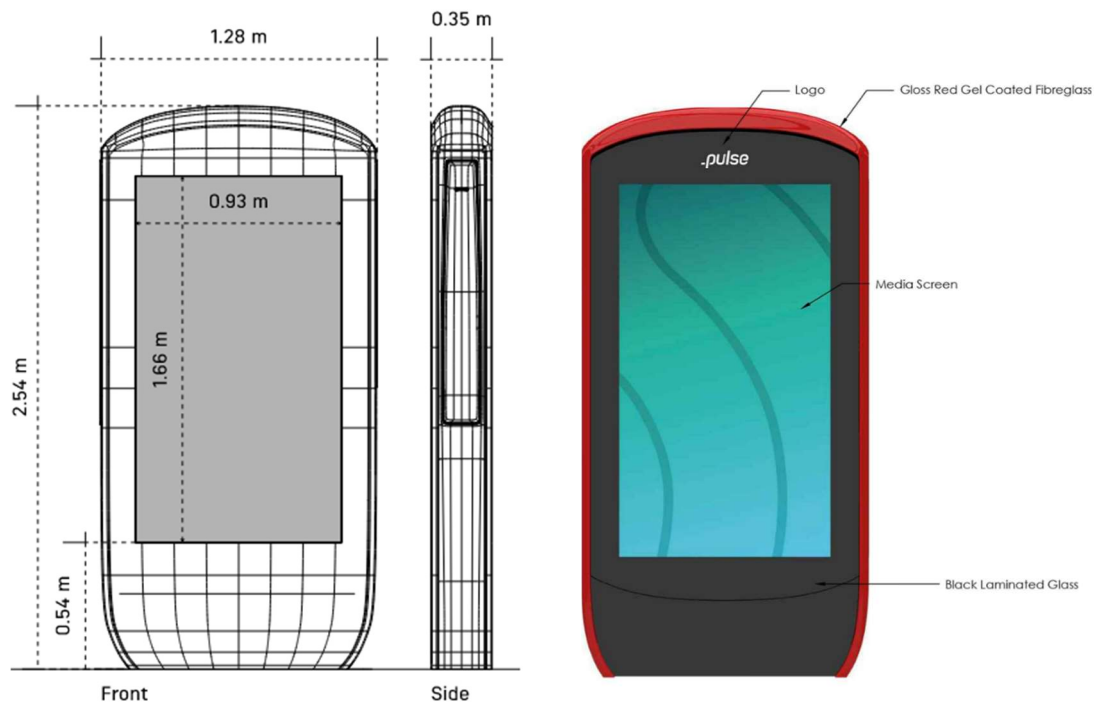
1.1 Appeal site

1.2 The appeal site comprises an area of the footway adjacent to no. 85 Chalk Farm Road (A502) on the north side of the road, with Chalk Farm Underground Station and the junctions with Haverstock Hill and Regent's Park Road to the north, and Camden Town Underground Station to the south-east (see Images 1 and 2 below).



Images 1 & 2 – showing appeal site (looking south-east on Chalk Farm Road)

- 1.3 Although the site does not fall within a conservation area, it is located directly opposite the boundary of Regent’s Canal Conservation Area. The Roundhouse Theatre, which is a Grade II* listed building, is also located opposite the appeal site.
- 1.4 Appeal proposals
- 1.5 The proposed communication hub principally comprises of double-sided display screens, made from dark grey anodised metal, black and clear laminated glass with a textured fiberglass coated finish. The structure measures 2.54m high x 1.28m wide x 0.35m deep (see Images 3 and 4 below).



Images 3 & 4 – proposed communications hub with integrated digital display screens

- 1.6 Two illuminated digital screens are integrated into the proposed structure with advertisements displayed on both sides of the hub on its larger elevations. The display areas both measure 1.66m high x 0.93m wide with the bottom of each area being elevated 0.54m above pavement level.
- 1.7 Advertising content would be displayed on both screens 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.
- 1.8 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.
- 1.9 In addition to advertisement displays, the communication hub is capable of providing 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.
- 1.10 Planning permission was refused on 03 October 2024 (a copy of the decision notice was sent with the questionnaire) for the installation of a Pulse Smart Hub with integrated digital screens and emergency functionality including provision of defibrillators. It was 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 Grade II listed building, 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 telephone kiosk, 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.*

1.11 Advertisement consent was refused on 03 October 2024 (a copy of the decision notice was sent with the questionnaire) for the display of illuminated content on digital screens integrated within new communication Hub. It was 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 setting of the adjacent Regent's Canal Conservation Area, and harm the setting of the adjacent Grade II* listed building, contrary to policies D1 (Design) 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.*

- 1.12 The Council's case is set out in detail in the Officer's Delegated Report and it will be relied on as the principal Statement of Case. The report details the appeal site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.
- 1.13 In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

- 2.1 In determining the above-mentioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.
- 2.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 03 July 2017 and replaced the Local Development Framework Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reasons for refusal are:
- 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
- 2.3 Additionally, 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).
- 2.4 The Council also refers to the following supporting guidance documents:
- 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)

Other guidance

- 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)
- Regent's Canal Conservation Area Appraisal and Management Strategy statement (adopted September 2008) [Adjacent conservation area]

2.5 The Council also refers to the following legislation, policies and guidance within the body of the Officer's Delegated Report:

- National Planning Policy Framework (2023)*
Section 12 (Achieving well-designed and beautiful places)
Section 16 (Conserving and enhancing the historic environment)
** Since replaced by National Planning Policy Framework (2024)
- Section 12 (Achieving well-designed places)*
- London Plan (2021)
Policy D8 (Public Realm)
Policy T2 (Healthy Streets)

3.0 Comments on the Appellant's Grounds of Appeal

3.1 The Appellant's grounds of appeal are summarised as follows:

- GPDO Prior approval and precedent
- Physical environment
- Harm and impacts assessment
- Public benefit
- Maintenance plan and legal agreement

4.0 GPDO Prior Approval and precedent

4.1 The Appellant argues that the appeal proposals for both the installation of a Pulse Smart Hub and advertising elements should be allowed as prior approval was previously granted on appeal for the installation of a public telephone box at the appeal location dated 23/07/2018 (ref. APP/X5210/W/17/3180682 – Appendix A).

4.2 The Appellant asserts that whilst it is the case that appeal proposals introduce a digital element, the context of the principle of the appeal proposals operating as a telecommunications apparatus is consistent with the previous prior approval proposal allowed on appeal, and therefore, the current appeals should also be allowed by virtue of consistency in decision making (the Appellant also submitted a number of Appendices in support of this assertion).

5.0 Response to ground of appeal 1

5.1 General Permitted Development Order (GPDO) Prior Approval was refused by the Council on 21/06/2017 (ref. 2017/2487/P) for the proposed *installation of 1 x telephone kiosk on the pavement* at the appeal site and an appeal was subsequently allowed by the Planning Inspectorate (ref. APP/X5210/W/17/3180682 – see Appendix A) on 23/07/2018 (see ‘Relevant history’ section of Officer’s Delegated Report for further details). The telephone kiosk was never installed and prior approval has since expired.

5.2 The Appellant argues that the current appeal proposals should be allowed in this context given that the Inspector at the time allowed an appeal in regard to the proposed installation of a telephone kiosk in the same location.

5.3 However, it should be noted from the outset that the proposal that was assessed in that case was for GPDO Prior Approval which does not involve the same considerations as the current appeal proposals which have been submitted as part of applications for Full Planning Permission and Advertisement Consent.

5.4 For instance, under a GPDO Prior Approval application, the principle of development is already established by the GPDO and prior approval relating to paragraph A.3 of Schedule 2, Part 16, Class A of the GPDO includes no requirement that regard be had to the development plan. As such, in the previous appeal for prior approval, the provisions of the GPDO required the local planning authority to assess the proposed development solely upon the basis of its siting and appearance (taking into account any representations received).

5.5 In contrast, the current appeal proposals have been made under an application for Full Planning Permission and Advertisement Consent, and as such, the Council is now able to take into account all relevant policies of the development plan, including any related guidance and policies in emerging plans, as well as, any other planning considerations material to the application (again, taking into account any representations received).

5.6 Equally important, the Council respectfully requests that the Inspector notes at the outset that the previous proposals in 2017 (allowed under appeal in 2018) were for a kiosk structure which did not include any form of advertising as part of the proposal. 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 appeal site.

- 5.7 In this regard the Inspector emphasised in the relevant Appeal Decision (ref. APP/X5210/W/17/3180682 – see Appendix A) that *‘The construction of a kiosk and the display of advertisements are distinct and separate matters requiring different applications. The appeal relates to the construction of a telephone kiosk only and not any advertisement consent that may otherwise be required. I have determined the appeal on that basis and, therefore, the matter of advertisements has not influenced this decision’*.
- 5.8 In contrast, the current appeal proposals include the introduction of two large illuminated digital screens within the setting of the appeal site and the associated submission of an application for Advertisement Consent in order that the impact of the advertisements can be fully considered. Again, this is an important and distinct difference between the previous and current appeals which the Appellant appears to have overlooked.
- 5.9 As such, it is emphasised that while the Council has given due consideration to the previous appeal decision in 2018, an assessment has also been based on the information and drawings provided by the Appellant as part of the current appeal proposals, taking into account the individual merits of the appeal proposals within the particular site context and surroundings as they exist currently. Due attention has also been made to all relevant planning applications and appeals history, policies and guidance, as well as, any consultation responses received.
- 5.10 Following a careful assessment as referred to above (and specified in detail in the Officer’s Delegated Report), it is the Council’s view that the appeal proposals are unacceptable for the reasons stated in the relevant decision notices (and as set out in Paragraphs 1.10 and 1.11 above), and the Inspector is respectfully requested to dismiss the current appeal on that basis.

6.0 Physical environment

- 6.1 The Appellant asserts that the physical environment at the appeal site has not materially changed since the 2018 decision for prior approval and the appeals should therefore be allowed on that basis.

7.0 Response to ground of appeal 2

- 7.1 Notwithstanding that the current appeal proposals require careful consideration relevant to both Full Planning Permission and Advertisement Consent applications as stated above (unlike in 2018 when an application for GPDO Prior Approval was determined), it is the Council’s view that not only has the physical environment altered since 2018, contrary to the Appellant’s assertion, but also that the Appellant

has failed to take into account or demonstrate any consideration for the site context and surroundings as they exist at present.

- 7.2 This is firstly evidenced in the Appellant's application submission where it is noted that the submitted plans fail to show any street items or furniture at all, when in fact some items form a narrow street furniture zone adjacent to the kerbside. The existing street furniture and features include, a number of trees, a lamp column and a bench near the kerbside. The site is also situated near to a pedestrian crossing controlled by traffic signals which the Appellant has also failed to show, along with a narrowing of the pavement at this point. The exact location of the proposed hub is therefore unclear from the Appellant's submission given the lack of contextual information, particularly as the narrowing of the pavement dictates where the kerb edge would be and the hub structure's proposed position relative to it.
- 7.3 As such, the Appellant's submitted plans have little contextual relevance and fail to reflect the physical environment or site context as it stands at present. This also brings into question what degree of consideration (if any) has been given by the Appellant to the proposed siting of the hub structure itself within the existing site context, particularly as the Appellant appears to rely heavily on the physical environment as it was in 2018 as a key factor in the hub's siting and to the acceptability of the appeal proposals.
- 7.4 Aside from this apparent lack of appreciation on the Appellant's part to the existing site context, the Appellant also asserts that the physical environment at the appeal site has not materially changed since 2018. This is not correct.
- 7.5 It is re-emphasised again at this point that the Council has taking into account the individual merits of the appeal proposals within the site context and surroundings as they exist currently. This includes a notable difference between the previous application for a telephone kiosk allowed in 2018 (Ref. APP/X5210/W/17/3180682 – see Appendix A) and the current appeal proposals; namely, the presence of a signal-controlled crossing. There was not a signal-controlled crossing (or indeed any other crossing) in this location in 2018.
- 7.6 This is a significant change in the physical environment relevant to the appeal proposal which has not been acknowledged by the Appellant in either the application submission or appeal statement.
- 7.7 The existing crossing was installed to the south-east of the appeal site at some time in 2021 in recognition of the busy nature and high footfall of the locality, and the need for a designated crossing point in light of this, particularly given the presence of the Roundhouse Theatre located opposite. As such, the Planning Inspector was not able to and did not take the presence of a crossing into consideration at the time of the 2018 appeal as it did not exist (see Images 5-8 below).

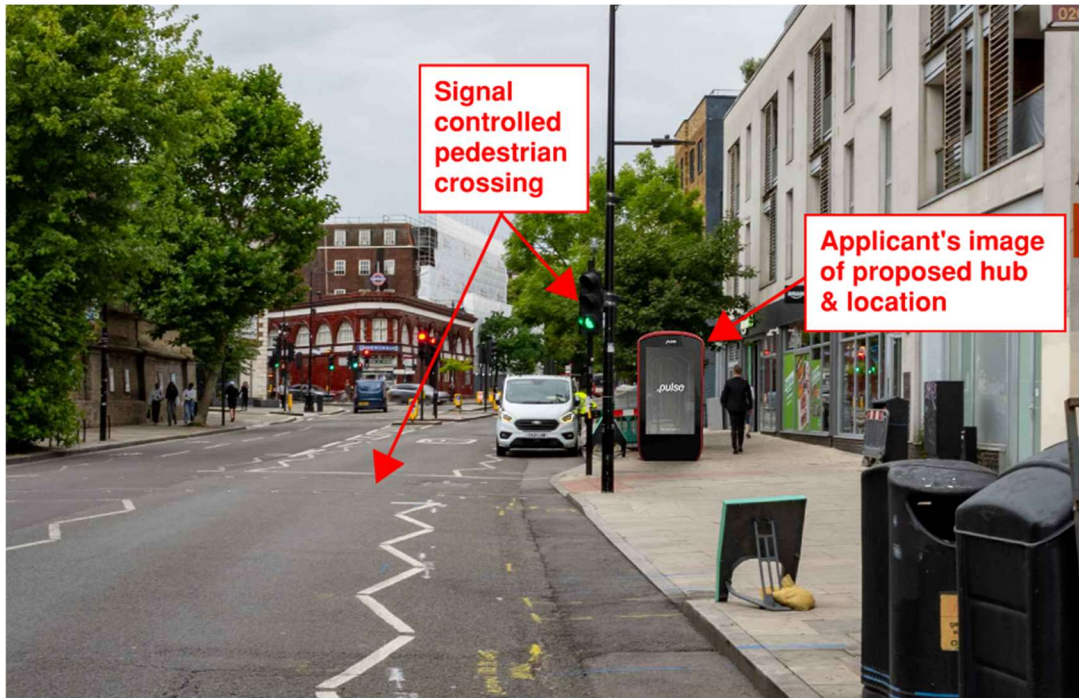
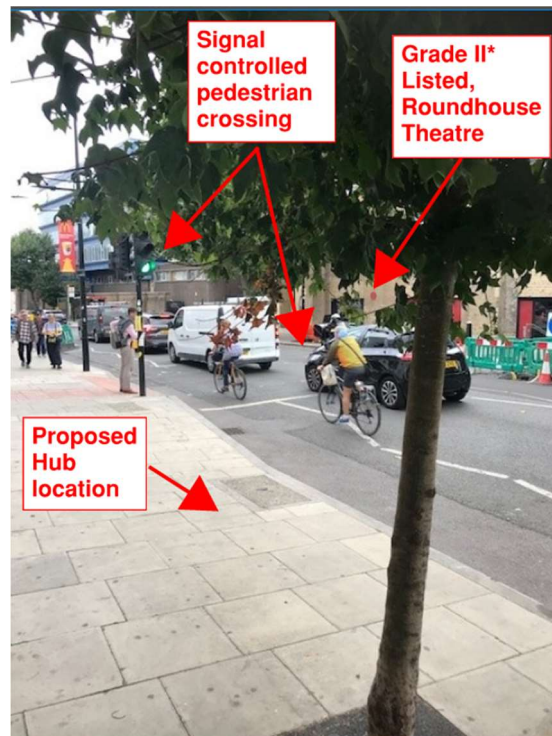


Image 5 – showing proximity of appeal site to signal-controlled pedestrian crossing (looking north-west on Chalk Farm Road)



Images 6 & 7 – showing proximity of appeal site to signal-controlled pedestrian crossing (looking north and south-east on Chalk Farm Road respectively)

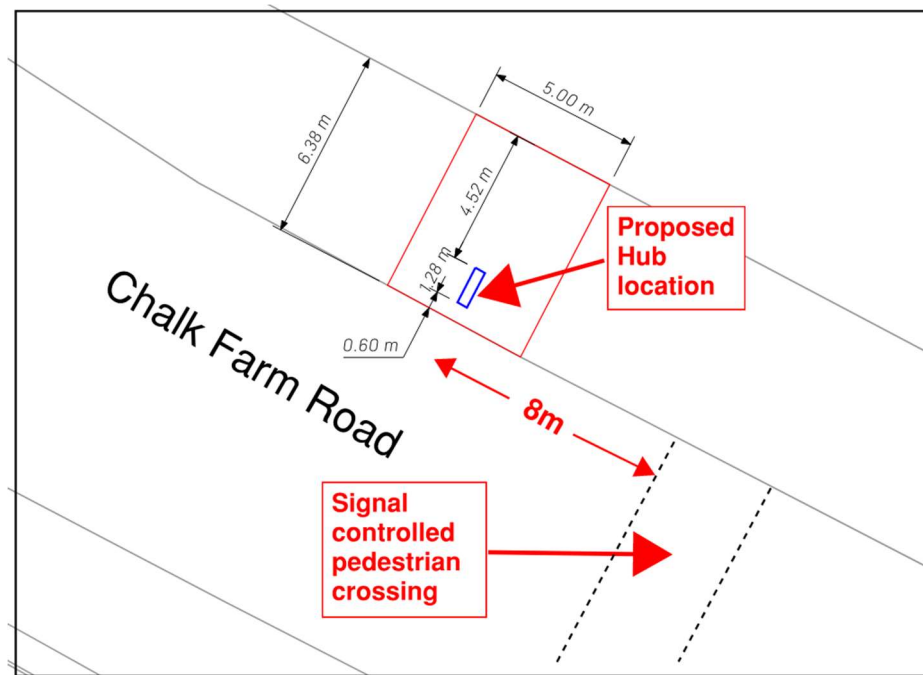


Image 8 – showing proximity of proposed hub structure (blue) to signal-controlled pedestrian crossing on Chalk Farm Road

- 7.8 The significance of the signal-controlled pedestrian crossing lies in its proximity to the appeal site as it raises some serious highway safety concerns. Firstly, the proposed hub structure (with integrated digital advertising screens on both sides) would be installed within approximately 8m of the crossing. This is contrary to Transport for London guidance ('Guidance for Digital Roadside Advertising and Proposed Best Practice' - Appendix A) which 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.
- 7.9 Secondly, the proposed hub structure would introduce a physical obstruction to visibility splays along Chalk Farm Road for pedestrians, especially at a point where 2 pedestrian desire lines merge, this being of particular concern for blind and partially sighted pedestrians, as well as, persons with mobility issues or with prams/push-chairs.
- 7.10 Additionally, it is also important to note that thousands of people arrive on mass in the area of the appeal site and in crowds to attend events each week in connection with the Roundhouse Theatre which is a Grade II* listed building located directly opposite the appeal site. As an historic and iconic music and arts venue, the Roundhouse Theatre houses up to 3,300 people throughout the week and at weekends. It's position between Camden Town and Chalk Farm Underground stations means that it is located within an extremely busy pedestrian thoroughfare and traffic corridor. This adds further public safety concerns as a result of the physical obstruction to visibility splays that the proposed hub structure would introduce for pedestrians congregating and moving in close proximity to the crossing and area around the appeal site.

- 7.11 There is also the potential for drivers and cyclists to become distracted by the associated digital advertisements when they need to be concentrating on the traffic signals. Equally, pedestrians could also become distracted as they attempt to cross the road at the crossing when looking in a north-westerly direction towards the proposed hub structure, given the close proximity of both in relation to each other, as a result of the structure's size, location, illuminated displays and orientation.
- 7.12 In this regard, it should also be noted that while the crossing 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 section of road near to the appeal site, not least given its close proximity to the Roundhouse Theatre.
- 7.13 Overall, therefore, 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 movement around the appeal site, increasing the potential risk for collisions between motor vehicles, cyclists and pedestrians, particularly at night and during busy periods related to events at the Roundhouse Theatre and weekends related to the nearby Camden Market.
- 7.14 In regard to other physical changes in the area around the appeal 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.
- 7.15 As part of this wider programme of works, 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. These works have included the introduction of junction improvements, stepped cycle tracks on both ends of the road, a reappraisal and rationalisation of street furniture arrangements, and the removal of parking bays from the footway immediately adjacent to the appeal site.
- 7.16 Wider footways and de-cluttered spaces are particularly important in this area given that the appeal site is located within one of Camden's Town Centres, between 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).
- 7.17 Following these improvement works, this stretch of pavement in the area of the appeal site is now characterised by a relatively clear footway and narrow street furniture zone adjacent to the kerbside, which includes a number of trees, a lamp column and a bench near the kerbside. As stated above, a pedestrian crossing

controlled by traffic signals is also located in close proximity to the south-east of the appeal site.

- 7.18 As such, there have been concerted efforts to create a high-quality space with a clear and safe crossing point in this location, free from unnecessary street clutter and in an attempt to improve pedestrian comfort, especially in regard 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 at the appeal site 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 as listed above, and is considered to be unacceptable.
- 7.19 Overall, therefore, for the reasons outlined above, the changes that have taken place to the physical environment since 2018 and which have shaped the existing site context at the appeal site are material considerations which the Council has taken fully into consideration when determining the appeal proposals and refusing the applications.

8.0 Harm and impacts assessment

- 8.1 The Appellant argues that it has been demonstrated that the appeal proposals will not cause harm to the character of the area, including to any designated heritage assets, to highway / public safety or any other harm, and that the appeal proposals are acceptable in principle with regard to national and local planning policy.

9.0 Response to ground of appeal 3

- 9.1 The Council strongly disagrees with the Appellant's assertion in regard to the degree of impact and harm resulting from the appeal proposals. As set out in the Officer's Delegated report, it is the Council's view that the proposed hub, by reason of its location, size, detailed design, prominence and method of illumination, would add harmful visual clutter and detract from the character, appearance and amenity of the street scene and the adjacent Regent's Canal Conservation Area, as well as, harm the setting of the adjacent Grade II* listed building.
- 9.2 Additionally, the proposed hub would add unnecessary street clutter, reduce the amount of useable, unobstructed footway, and cause harm to highway safety and hinder pedestrian movement, which would be detrimental to the quality of the public realm and on the promotion of walking as an alternative to motorised transport.
- 9.3 Finally, the proposed hub would fail to reduce opportunities for crime and antisocial behaviour to the detriment of community safety and security, as well as, compromise the safety of those using and servicing the hub.

9.4 The Council's position in regard to the harmful impacts of the appeal proposals as stated above is set out in detail in the Officer's Delegated Report and is relied on as the principal Statement of Case. However, the Inspector is respectfully requested to note the following in relation to both Full Planning and Advertisement Consent appeal proposals:

Design, appearance and amenity

- 9.5 In terms of the design and impact of the proposals on the character and appearance of appeal site and surrounding area, it is firstly important to note that 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, Roundhouse Theatre, is also located directly opposite the appeal site (see Images 1 and 2 above).
- 9.6 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. The size of the hub unit itself appears, therefore, to have 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).
- 9.7 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 appeal site.
- 9.8 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.
- 9.9 The dark grey anodised metal, black and clear laminated glass with textured fibreglass would have a shiny finish and incongruous contemporary appearance within the streetscene. While the Appellant'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 appeal 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 9 below).

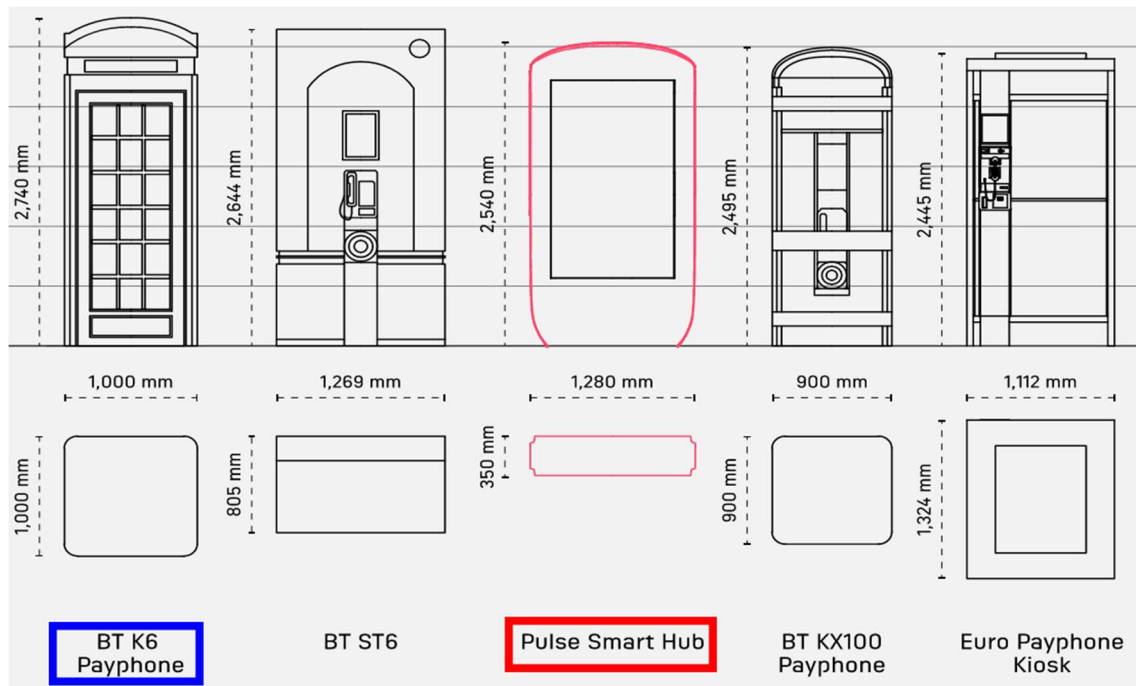


Image 9 – comparison of different communication kiosks/hubs (proposed hub structure in red)

- 9.10 Whilst the proposed hub structure is shown in Image 9 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.
- 9.11 Furthermore, it is emphasised that there is no kiosk or hub of any kind in situ at the appeal site, and therefore, the Appellant’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 appeal 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.
- 9.12 Furthermore, there is nothing distinctive or responsive to context within the appeal proposals, 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 poorly designed, street furniture that is out-of-keeping with the existing uncluttered streetscene,
- 9.13 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 setting of a Grade II* listed building (the Roundhouse Theatre) which are both located opposite the proposed hub structure, towards the south-east of the appeal site.

- 9.14 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 hub 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 hub 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 its prominent location on Chalk Farm Road that is otherwise absent of any form of illuminated signage.
- 9.15 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 setting of the Grade II* listed, Roundhouse Theatre (both located opposite the appeal site).
- 9.16 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'*.
- 9.17 It is noted that the current appeal proposals involve the introduction of two illuminated screens (rather than only one panel as in the previous appeal case referred to above) which would be displayed in two directions, and as such, the impact in the streetscene is considered to be greater.
- 9.18 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 Appellant 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.

- 9.19 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.
- 9.20 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'*.
- 9.21 The current appeal proposals 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 adversely dominant feature in the streetscene.
- 9.22 Paying particular regard to the adjacent conservation area and setting of the Grade II* listed building which are both located opposite the appeal site, the Planning Inspector in the 2018 appeal at the site (Ref. APP/X5210/W/17/3180682 – see Appendix A), considered when allowing the appeal that while the appeal site did form part of the setting of the Conservation Area and listed building, the siting and appearance of the proposed kiosk would not be unduly harmful within this setting given the presence and separation of the road. However, it is important to note in that case that the proposal did not involve any form of illuminated advertisement screens or panels. In contrast, the current appeal proposal being considered here involves the introduction of two large illuminated digital screens integrated within the hub structure to the streetscene.
- 9.23 It should also be noted that the Planning Inspector in dismissing an appeal at a site further south on Chalk Farm Road (Ref: APP/X5210/W/18/3211455 – Appeal G on 31/07/2019 - Appendix D) which is also located adjacent to the Regent's Canal Conservation area and the settings of a number of listed buildings with a road separation, 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 that appeal in 2019.

- 9.24 As such, the inclusion of two illuminated integrated digital screens as part of the current appeal 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 appeal site contributes to the setting of the historic listed building 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 similar form of illuminated signage.
- 9.25 In regard to an appeal against a refusal for the proposed display of an internally illuminated LED digital display board on the corner of Chalk Farm Road and Regent's Park Road (Ref: APP/X5210/H/18/3216030 on 28/06/2019 - Appendix I), the Planning Inspector in dismissing the appeal stated that *'the settings of heritage assets, such as listed buildings or conservation areas, are the surroundings in which the heritage assets are experienced. Therefore, 'setting' is a potentially wider concept and can include views towards listed buildings and conservation areas, such as those from Haverstock Hill*'. As such, even though the appeal site in that case was further away from The Roundhouse than the current appeal site, the Inspector concluded that *'the proposal would harm the visual amenity of the area, with particular regard to the settings of 'The Roundhouse', a Grade II* listed building, and the adjacent Regent's Canal Conservation Area*'.
- 9.26 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 settings of the adjacent Regent's Canal Conservation Area and the Grade II* listed, Roundhouse Theatre (both located opposite the appeal site), contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
- 9.27 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’.

- 9.28 There is no evidence in the appeal submission that any consideration has been given to these local aims and objectives, nor is there any indication within the appeal submission that any attempt has been made to integrate the Council's wider highway, urban realm and landscape objectives into the appeal proposals.
- 9.29 To the contrary, at a time of re-invention of the street, with widening of pavements and appreciation of generous public realm, the appeal proposals are a disappointing reinstatement of pavement clutter. The proposals lack 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.
- 9.30 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.
- 9.31 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’.*
- 9.32 As such, the appeal 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.
- 9.33 Overall, therefore, for the reasons set out above, the appeal proposals would fail to adhere to Local Plan Policies D1 (Design), D2 (Heritage) and D4 (Advertisements), 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.
- 9.34 Should the Inspector be minded to allow the appeal, conditions to control the brightness, orientation and frequency of the displays, and to prevent any moving displays are listed to be attached to any advertisement consent (see Appendix J).

Transport and public highway

- 9.35 It is noted above, the Appellant's 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 number of trees, a lamp column and a bench near the kerbside. The appeal site is also situated near to a pedestrian crossing controlled by traffic signals which the Appellant has also failed to show, along with a narrowing of the pavement at this point. As such, the Appellant's submitted plans have little contextual relevance.
- 9.36 The footway width is shown on the proposed site plan as 6.38m wide when measured from the kerb to the adjacent building. However, the exact location of the proposed hub is unclear given the lack of contextual information highlighted above, as well as, any narrowing of the pavement which exists at present and which dictates where the kerb edge would be.
- 9.37 Nevertheless, given that the proposed hub structure would be significantly wider than any of the existing furniture or features within this locality, it is considered reasonable to assume that the proposed structure would extend beyond any existing furniture zone in this case and encroach further onto the public highway than any of the existing features, thereby impinging to some degree into the primary pedestrian desire line towards the rear of the footway.
- 9.38 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 any existing furniture zone, 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.
- 9.39 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 allowed on appeal in 2018 (Ref. APP/X5210/W/17/3180682 – see Appendix A) and the current appeal 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.
- 9.40 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 appeal site.

- 9.41 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 appeal site in an area where pedestrian footfall is exceptionally high.
- 9.42 Moving on to consideration of the impact of the appeal proposals 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.
- 9.43 A notable difference in this regard between the previous appeal for a telephone kiosk allowed on appeal in 2018 (Ref. APP/X5210/W/17/3180682 – see Appendix A) and the current appeal 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 appeal site. The previous proposal in 2018 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 appeal 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 a material consideration in the assessment of the current appeal proposals, along with the larger size (width) of the proposed hub structure.
- 9.44 As referred to previously, 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. However, the proposed hub structure (with integrated digital advertising screens on both sides) would be installed within approximately 8m of the crossing, contrary to this guidance.
- 9.45 Overall, therefore, the appeal 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, contrary with Local Plan Policies A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport), and the related guidance.

Security, crime and anti-social behaviour

- 9.46 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.

9.47 Many such areas fall within this part of the Borough in close proximity to the significantly busy Camden Town, Camden Market and the Roundhouse Theatre, which are characterised by a significant footfall, typically made up of a daily influx of commuters, local residents and numerous tourists.

9.48 Having reviewed the current appeal submission and supporting information, the Metropolitan Police Crime Prevention Design Advisor objected to the proposals due to concerns in regard to public and community safety matters at the appeal site. These concerns are primarily in regard to:

1. High Crime Location:

9.49 The appeal site is located opposite to the Roundhouse Theatre, a popular venue for Camden's famous night-time economy. Due to the venue being located in such close proximity to Camden Town and the Roundhouse Theatre 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. The proposed location also appears to be where the pavement narrows so having the potential to create a 'choke point' if people linger/queue to use the hub structure's facilities. As such, the appeal proposals would involve the siting of the hub structure in a high-risk crime location.

9.50 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%.

9.51 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.

9.52 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 thefts are 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.

- 9.53 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.
- 9.54 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:

- 9.55 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 (see also Sections 12 and 13 - 'Maintenance plan and legal agreement').
- 9.56 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.).
- 9.57 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 E), 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'*.
- 9.58 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 F) on 02/11/2022. In considering the appellant'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'*.

9.59 It is similarly considered in the case of the current appeal proposals 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:

9.60 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.

9.61 In the absence of details clearly demonstrating that the Appellant 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 appeal proposals.

9.62 Finally, it is noted in a recent planning application at a site located further to the south in Chalk Farm Road (Ref: APP/X5210/W/19/3225170 – Appeal E on 27/03/2020 - Appendix G) 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 appeal proposals.

9.63 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.

9.64 As such, for the reasons set out above, the appeal proposals are considered to be contrary to policies D1 (Design) and C5 (Safety and security) of the Camden Local Plan, and associated guidance.

9.65 In summary, therefore, the Council considers that several harmful impacts as identified above and as stated in the Officer's Delegated Report (in terms of design and appearance / transport and public highway / and security, crime and anti-social

behaviour) would result as a consequence of the appeal proposals. The Inspector is therefore respectfully requested to dismiss the current appeal on these grounds.

10.0 Public benefit

10.1 The Appellant asserts that there is no requirement to assess the public benefits of the appeal proposals as there would be no harmful impacts to the character of the respective areas, including to the relevant conservation areas, highway safety / public safety, or any other harm.

10.2 The Appellant argues that there are very significant public benefits of the appeal proposals and that these should be afforded very substantial weight.

11.0 Response to ground of appeal 4

11.1 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.

11.2 Given the assessment as outlined in Paragraphs 9.5 to 9.34 above and Paragraphs 3.1 to 3.36 of the Officer's Delegated Report - 'Design and appearance', it is considered by the Council that the appeal proposals would result in less than substantial harm to the significance of designated heritage assets within the settings of the Grade II* listed, Roundhouse Theatre, and adjacent Regent's Canal Conservation Area. There is no additional information provided by the Appellant in their appeal submission which alters this view.

11.3 Paragraph 208 of the NPPF (now Paragraph 215 of the new NPPF 2024) 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*'.

11.4 Therefore, given that the appeal proposals would in the Council's view result in less than substantial harm to the significance of designated heritage assets, the Council must weigh this harm against any public benefits of the appeal proposals.

11.5 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.

- 11.6 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 of the Officer's Delegated Report 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.
- 11.7 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.
- 11.8 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 of the Officer's Delegated Report 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.
- 11.9 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 appeal 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 proposals 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.
- 11.10 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 Paragraphs 9.5 to 9.34 above and Paragraphs 3.1 to 3.36 of the Officer's Delegated Report - 'Design and appearance'.

11.11 While due consideration has been given to any potential public benefit arising from the appeal 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.

12.0 Maintenance plan and legal agreement

12.1 The Appellant argues that the application and appeal submissions demonstrate that the proposals represent well maintained street furniture with a deliverable management plan and that an appeal allowed in 2018 for GPDO Prior Approval did not include a legal agreement to address the maintenance of a kiosk, and therefore, they will not be entering into a legal agreement in regard to the current appeal proposals.

12.2 The Appellant submits that the requirement for the Appellant to enter into a Section 106 legal agreement fails at least two of the three legal 'tests' set out in the Community Infrastructure Regulations 2010 (as amended).

13.0 Response to ground of appeal 5

13.1 Contrary to the Appellant's assertion, the Council considers that the application and appeal submissions are not sufficiently detailed nor demonstrate adequate consideration for concerns held by the Council in regard to the maintenance of the proposed hub structure.

13.2 Firstly, it is noted that the Metropolitan Police Crime Prevention Design Advisor raised several concerns in regard to the appeal proposals given the absence of a suitable anti-social behaviour (ASB) management plan and the absence of details in regard to any information sharing agreement and safety protocols with the Metropolitan Police, London Ambulance Service and London Fire Brigade.

13.3 The Metropolitan Police also raised concern with 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.) and how this might be addressed.

13.4 Whilst the application and appeal submissions refer to ongoing maintenance and management, 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 E), the Planning 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’*.

- 13.5 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 LCD advert screens (Ref: APP/X5210/W/22/3297273 & 3297276 – Appendix F) on 02/11/2022. In considering the appellant’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’*.
- 13.6 It is similarly considered in the case of the current appeal that in the event of vandalism or disrepair of the proposed hub structure, it could become an eyesore within the streetscene in the absence of a secured maintenance plan, by virtue of its size, bulk, illumination and general prominence.
- 13.7 While the Appellant also argues that a legal agreement is not required as the need does not satisfy the tests as specified within the Community Infrastructure Regulations 2010 (as amended), the Council hold a contrary view and considers all tests under Regulation 122 to be relevant and satisfied.
- 13.8 The judge in *Tesco Stores Limited v SSE* [1995] 2 All E.R. 636, in which the House of Lords had ruled that whether an obligation was ‘necessary’ (and, by implication, whether it was directly, fairly and reasonably related to the development) was a matter of planning judgment for the decision-maker, and that if an obligation *‘has some connection with the proposed development which is more than de minimis then regard must be had to it. The extent, if any, to which it affects the decision is a matter entirely within the discretion of the decision-maker.’*
- 13.9 In the current appeal case, the Council considers that a planning obligation to secure a maintenance plan is necessary to make the development acceptable in planning terms, that it directly relates to the development itself, and is fairly and reasonably related in scale and kind. In this regard, it is the Council’s view that the ‘tests’ set-out under Section 122 of the Community Infrastructure Regulations 2010 (as amended) have been met.
- 13.10 Relevant to further consideration of this matter is the above appeal in 2022 against the Council’s refusal for a similar hub structure, also incorporating LCD advert screens (a BT Street Hub in that case) (Ref: APP/X5210/W/22/3297273 & 3297276

– Appendix F). In dismissing the appeal, the Inspector concluded in regard to the need to for an obligation to provide a maintenance plan secured by a legal agreement, *‘I have considered the BT Product Statement, which indicates that the kiosk would be regularly cleaned and checked for damage. Although I have no reason doubt that this is the current intention, circumstances can change over time and there is no legal mechanism in place to ensure that an appropriate maintenance plan is implemented in perpetuity’.*

- 13.11 As such, while each case must be considered on its own individual merit and whether an obligation of this kind is appropriate may vary depending on the particular circumstances of each case, the Council considers that in the absence of a legal agreement to secure a maintenance plan for the proposed hub structure, the appeal proposals would be detrimental to the quality of the public realm and detract from the character and appearance of the streetscene.
- 13.12 This would therefore be 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.

14.0 Other matters

- 14.1 Should the Inspector be minded to allow the appeals, the following conditions and related Section 106 legal agreement matters are suggested for consideration:
- 14.2 Advertisement Consent conditions – see **Appendix J**
- 14.3 Full Planning Permission conditions – see **Appendix K**
- 14.4 The Section 106 requirement and justification is addressed in Sections 12 and 13 above. The Council would agree to enter into legal agreement regarding the maintenance and management of the proposed hub, should the Inspector be minded to allow the appeal.
- 14.5 As such, the Council contacted the Appellant in order to arrange for a draft agreement to be provided; however, the Appellant was unwilling to engage in this process for the reasons set out in their appeal submission.
- 14.6 Notwithstanding this, the Council remains willing to liaise with the Appellant and provide the Inspector with a draft legal agreement at final comments stage should this be necessary.

15.0 Conclusion

- 15.1 Having regard to the entirety of the Council’s submissions, including the content of this statement, the Inspector is respectfully requested to dismiss the appeal.

15.2 If any further clarification of the appeal submission is required, please do not hesitate to contact Tony Young on the above direct dial number or email address.

Yours sincerely,

Tony Young
Planning Officer - Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

Appendices referred to in this Statement:

Appendix A: Planning appeal decision 3180682 – allowed 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 decision 3211455 – dismissed dated 31/07/2019

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

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

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

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

Appendix I: Planning appeal decision 3216030 – dismissed dated 28/06/2019

Appendix J: Advertisement consent application – suggested conditions

Appendix K: Planning permission application – suggested conditions