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**Date: 15/01/2025**  
**Your Ref: APP/X5210/W/24/3354421 &**  
**APP/X5210/H/24/3354422**  
**Our Ref: 2024/3448/P & 2024/3459/A**

**Contact: Tony Young**  
**Direct line: 020 7974 2687**  
**Email: [tony.young@camden.gov.uk](mailto:tony.young@camden.gov.uk)**

**Planning Solutions Team**  
**Planning and Regeneration**  
Culture & Environment  
Directorate  
London Borough of Camden  
2<sup>nd</sup> Floor, 5 Pancras Square  
London  
N1C 4AG

Tel: 020 7974 4444  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

The Planning Inspectorate  
FAO. Zoe Day  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

Dear Zoe,

**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 opposite 152 West End Lane, (corner of Iverson Road), London NW6 2LJ**

I write in connection with the above appeal against the refusal of planning permission and advertisement consent (Ref. 2024/3448/P & 2024/3459/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**

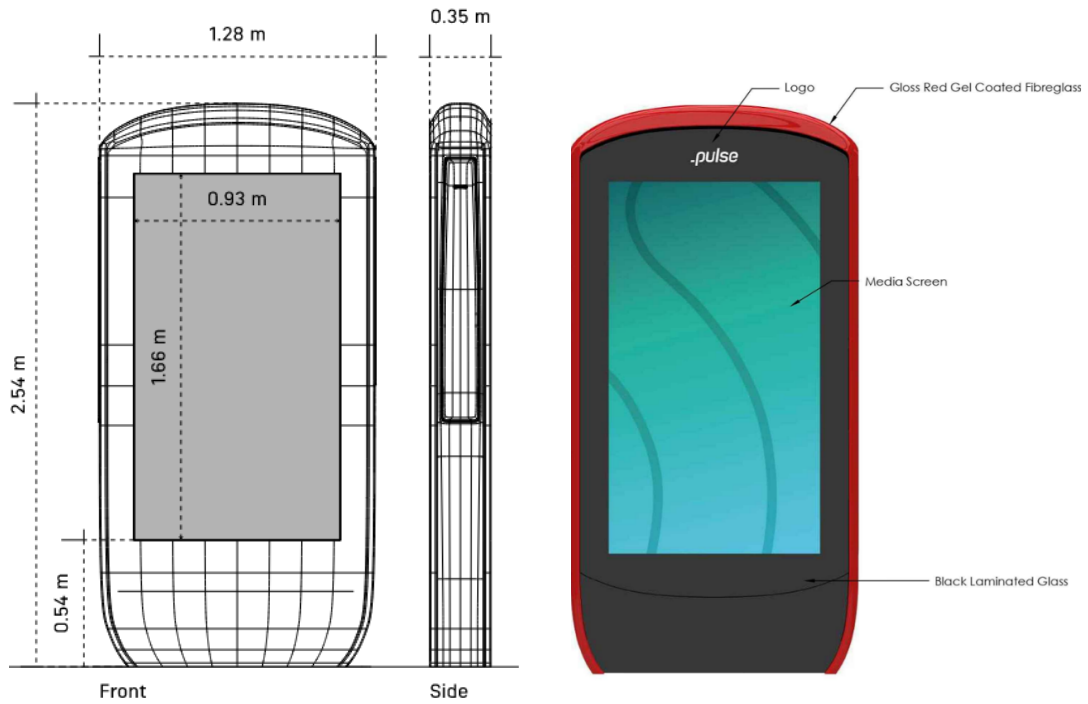
### **1.1 Appeal site**

**1.2** The appeal site comprises an area of the footway 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 1 and 2 below.



Images 1 & 2 – proposed appeal site location and streetscene looking west (from the east side of West End Lane)

- 1.3 The appeal 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.
- 1.4 Although the site is not located within a conservation area or the setting of any listed building, it is located within the Fortune Green and West Hampstead Neighbourhood Area.
- 1.5 Appeal proposals
- 1.6 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

- 1.7 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.
- 1.8 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.
- 1.9 Luminance levels during hours of operation are proposed to be limited to 600 cd/m<sup>2</sup> (dusk to dawn) and daytime levels adjusted automatically up to a maximum potential brightness of 2000 cd/m<sup>2</sup>.
- 1.10 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.
- 1.11 Planning permission was refused on 10 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 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 2015.*

- 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.*

1.12 Advertisement consent was refused on 10 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 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 Plan 2015.*
- 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.*

- 1.13 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 proposals. A copy of the report was sent with the questionnaire.
- 1.14 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
  - 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) 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)
- Fortune Green and West Hampstead Neighbourhood Area Plan (adopted September 2015)
  - Policy 2 (Design & character)
  - Policy 9 (Pavements & pedestrians)

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 allowed on appeal for the installation of a public telephone kiosk at the appeal location dated 19/12/2018 (ref. APP/X5210/W/17/3202789 – Appeal K – see 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 proposals 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 22/11/2017 (ref. 2017/5430/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/17/3202789 – Appeal K – see Appendix A) on 19/12/2018 (see ‘Relevant history’ section of Officer’s Delegated Report for further details). The telephone box 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 box in the same location.
- 5.3 However, it should be noted from the outset that the proposals that were assessed in that case were 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 applications for both 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 telephone box 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 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.
- 5.8 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.
- 5.9 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 1.11 and 1.12 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 the Appellant has not only failed to take into account or demonstrate any consideration for the site context and surroundings as



they exist at present, but also for how the physical environment around the appeal site is currently used.

- 7.2 This is evidenced when taking into consideration the Appellant's submitted plans which fail to show any street items or furniture at all, when in fact the existing street furniture and features around the appeal site include, a bollard, a traffic sign, a utilities cabinet, a pole and a Legible London wayfinding sign. Importantly to the consideration of the impact of the appeal proposals on highway safety, the site is also noted as being situated near to 2 x pedestrian crossing controlled by traffic signals which the Appellant has also failed to show (see Paragraphs 9.30 to 9.53 below for further details – 'Transport and public highway').
- 7.3 Similarly absent from the Appellant's submitted plans are a row of street trees which run alongside the appeal site near the roadside from the western part of Iverson Road to the corner junction with West End Lane. As such, no consideration has been shown by the Appellant for the impact of the proposals on the pedestrian desire line which exists between this row of street trees and the Legible London wayfarer sign where the proposed hub structure would be positioned. This is particularly concerning 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.
- 7.4 It should be noted that the appeal site is located within one of Camden's Town Centres (West Hampstead Town Centre) and between two main train stations; namely, West Hampstead Thameslink (National Rail) station which is located just west of the site in Iverson Road and West Hampstead Overground and Underground stations which 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 interchange stations.
- 7.5 Additionally, while there is no active street furniture zone as such in this location (alongside the area adjacent to the row of street trees which runs along Iverson Road to the corner junction with West End Lane along the roadside), it is noted that vehicles use the area here adjacent to the railway line wall to park off-street, which at times significantly reduces the amount of space available for pedestrians to pass. Along with commuter-related pedestrian movements, extremely high footfall is also associated with this location during peak periods on Saturdays when a well-established Farmers Market operates extensively in the area where the proposed hub structure would be positioned from the corner of West End Lane and Iverson Road to the West Hampstead Thameslink (National Rail) station to the west of the appeal site.
- 7.6 These regular activities or uses of land immediately adjacent to the appeal site serve to place a restriction on pedestrian movement. The proposed hub structure would therefore introduce an additional physical obstruction to the footway when vehicles

are parked off-street adjacent to the appeal site and on the weekly occasions when the Farmers Market is in operation in a very crowded environment, where queues typically form along the footway in relation to the sale of goods from the market stalls.

- 7.7 The application and appeal submissions do not make any reference to these active uses of the physical environment immediately adjacent to the appeal site, and as such, fail to recognise or show any consideration for these active uses in relation to the potential impact of the appeal proposals within the current site context.
- 7.8 This is important, as noting that the Appellant's submitted plans have little contextual relevance and fail to reflect the physical environment or site context as it stands at present, it brings into question what degree of consideration (if any) has been given by the Appellant to the impact of 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.
- 7.9 It is re-emphasised again at this point that the Council has taken into account the individual merits of the appeal proposals within the site context and surroundings as they exist at present. This has allowed for an appreciation of the impact of the appeal proposals within the current context and conclusion that the siting of the proposed hub structure would be unacceptable at the appeal site for a number of reasons.
- 7.10 Firstly, as a result of the proposed hub structure's siting on a busy stretch of pavement 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 which the Appellant has also failed to show (see also Paragraphs 9.30 to 9.53 below for further details – '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.
- 7.11 The appeal proposals would also introduce a hub structure within this context which is significantly wider than any other existing furniture or features within this locality, as well as, being wider than the telephone kiosk allowed in the 2018 appeal referred to above (ref. APP/X5210/W/17/3202789 – Appeal K – see Appendix A).
- 7.12 This raises concern as the structure would unacceptably encroach onto the public highway, adding a physical and visual obstruction to pedestrian movement at this point, not least when attempting to cross either West End Lane or Iverson Road, and would also introduce a distraction to road users, particularly given the structure's size and prominent position.

- 7.13 Secondly, the situation at the appeal site would be worsened by virtue of the proposed hub structure's orientation and design which has public facilities located at the side of the structure. As such, any members of public using the facilities provided (such as, free Wi-Fi and phone, wayfinding, etc.) will necessarily have to stand in an area at the side of the hub on the public highway, beyond the footprint of the hub structure and the existing furniture zone, so creating an additional obstruction to pedestrian movement as a result of the current appeal proposals.
- 7.14 The fact that users of the facilities provided by the proposed hub structure have to stand at the side of the unit is an important and notable difference between the previous application for a telephone kiosk in 2017 (and allowed on appeal in 2018 - Ref. APP/X5210/W/17/3202789 – Appeal K – 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.
- 7.15 Overall, therefore, taking into account the physical environment at the appeal site as it exists at present, including the width and orientation of the proposed hub structure, the presence of existing street items, and the anticipated additional space necessary for individuals or groups to stand on the public highway beyond the footprint of the hub structure to use the facilities provided, it is considered that the loss of available footway space as a result of the appeal proposals would have an unacceptable impact on pedestrian movement and safety at the appeal site in an area where pedestrian footfall is exceptionally high within one of Camden's busiest Town Centres.
- 7.16 Additionally, while there is no evidence in the appeal submission that any consideration has been given by the Appellant to the existing site context, nor is there any indication that any attempt has been made to integrate the Council's local highway, urban realm and landscape objectives into the appeal proposals.
- 7.17 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'*.
- 7.18 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 appeal proposals lack the initiative that has been shown elsewhere in the Borough for creativity and reappraisal of streets and

public spaces, and fail to create something that might otherwise be considered a genuine improvement and positive addition to the streetscene.

7.19 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.

7.20 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*'.

7.21 As such, the current 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.

## **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 Fortune Green and West Hampstead Neighbourhood Area.

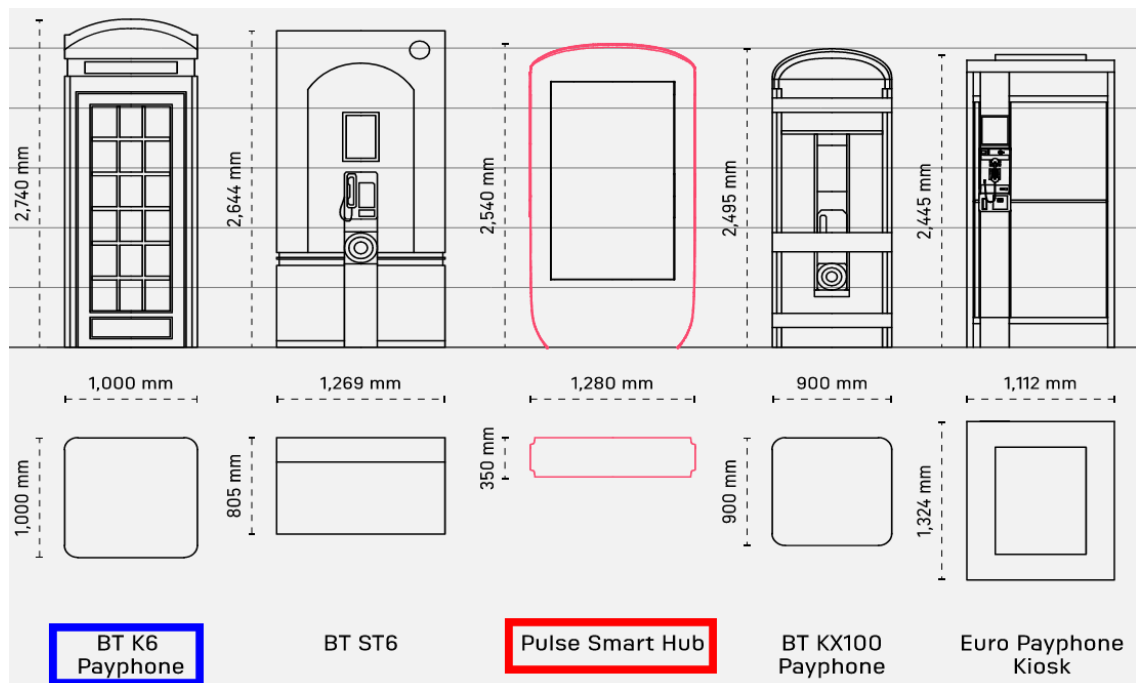
9.2 Additionally, the proposed hub would add unnecessary street clutter, reduce the amount of useable, unobstructed footway, and cause harm to highway safety and hinder pedestrian movement, which would be detrimental to the quality of the public realm and on the promotion of walking as an alternative to motorised transport within the Fortune Green and West Hampstead Neighbourhood Area.

- 9.3 Finally, the proposed hub would also 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 though the appeal site is not located within a conservation area or setting of a listed building, it is located within the Fortune Green and West Hampstead Neighbourhood Area.
- 9.6 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.
- 9.7 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.
- 9.8 While the Inspector did not refer to any explicit consideration given to the fact that the appeal site was located in the Fortune Green and West Hampstead Neighbourhood Area at the time of the previous appeal allowed in 2018 (Ref. APP/X5210/W/17/3202789 – Appeal K – see Appendix A), it has been taken into account as a material consideration by the Council in the assessment of the current appeal proposals.
- 9.9 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 and south along West End Lane respectively).

- 9.10 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 helping to minimise any adverse visual impacts at the appeal site.
- 9.11 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.
- 9.12 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 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 proposals as shown in the Appellant's submission not only shows a lack of similarity in design of them both, but also a substantially larger profile (see Image 5 below).



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

- 9.13 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.

- 9.14 The solid appearance of the proposed hub structure would be most evident by virtue of the two large digital display screens integrated within the structure on either side which would necessarily introduce a barrier that prevents clear and open views along the public highway. Whereas, in contrast, the previous proposed phone kiosk allowed on appeal in 2018 (Ref: APP/X5210/W/17/3202789 – Appeal K – see Appendix A) is noted as having a slimmer frame with laminated glass panels which would result in a more lightweight appearance, allowing some visual permeability for pedestrians through the structure. This is a notable difference when compared to the current appeal proposals which would likely have a greater adverse impact on pedestrian movement through restricting clear and open views along the public highway.
- 9.15 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.
- 9.16 Moreover, 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,
- 9.17 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 appeal site is located.
- 9.18 This adverse impact identified above 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.

- 9.19 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 the corner of West End Lane and Iverson Road that is otherwise absent of any form of illuminated signage.
- 9.20 The Planning Inspector in an appeal allowed in 2018 at the appeal site (Ref: APP/X5210/W/17/3202789 – Appeal K – see Appendix A) considered 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 and in the associated Officer Delegated Report, it is important to note in the previous appeal case referred to above that the proposal did not involve any form of illuminated advertisement screens or panels.
- 9.21 In contrast, the inclusion of two illuminated integrated digital screens as part of the current appeal proposals would likely have a greater impact in the locality than the previous appeal scheme in 2018. As a consequence, the appeal proposals would appear as a particularly 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 proposed hub structure would be visible.
- 9.22 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’*.
- 9.23 It is noted in the above appeal case which was dismissed that only one panel was proposed, whereas the current appeal proposals would involve the introduction of two illuminated screens which would be displayed in two directions, and as such, the adverse impact in the streetscene is considered likely to be greater.
- 9.24 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’*.



- 9.25 The current appeal proposals would similarly be sited in a position affording open views along West End Lane in particular, 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 and the Fortune Green and West Hampstead Neighbourhood Area.
- 9.26 In terms of the proposed screen's luminance levels, the supporting information confirms that this would not exceed 600 cd/m<sup>2</sup> (dusk to dawn) during hours of operation and daytime levels would adjust automatically up to a maximum potential brightness of 2000 cd/m<sup>2</sup>. While it is accepted that all advertisements are intended to attract attention and that certain aspects of the display can be controlled by condition should consent be granted (such as, luminance levels, transition, sequencing, etc.), the addition of two illuminated digital advertisement screens in this location would significantly raise the prominence of the proposed piece of street furniture. Moreover, notwithstanding that the 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.
- 9.27 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.
- 9.28 Therefore, while it is accepted that all advertisements are intended to attract attention, the introduction of the proposed hub structure with two integrated digital advertisement screens in this location is considered to be inappropriate, by reason of its siting, size, detailed design and method of illumination, as it would introduce a visually obtrusive and dominant piece of illuminated street furniture, so adding harmful visual clutter that would detract from the character and appearance of the street scene and the Fortune Green and West Hampstead Neighbourhood Area.
- 9.29 Overall, therefore, for the reasons set out above, the appeal proposals would fail to adhere to Local Plan Policies D1 (Design) and D4 (Advertisements), 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. The Inspector is therefore respectfully requested to dismiss the current appeal on these grounds.

## Transport and public highway

- 9.30 In regard to pedestrian movement and the public highway, as noted above (see Paragraphs 7.1 to 7.15 above), the Appellant's submitted plans fail to reflect or show consideration for the physical environment or site context as it stands at present, when in fact the existing street furniture and features around the appeal site include, a bollard, a traffic sign, a utilities cabinet, a pole and a Legible London wayfinding sign. The appeal site is also situated near to 2 x pedestrian crossing controlled by traffic signals which the Appellant has also failed to show.
- 9.31 Similarly absent from the Appellant's drawings are a row of street trees which run alongside the appeal 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 appeal site which runs parallel to the row of trees, nearer to a railway line, are also not shown (see Image 6 below).

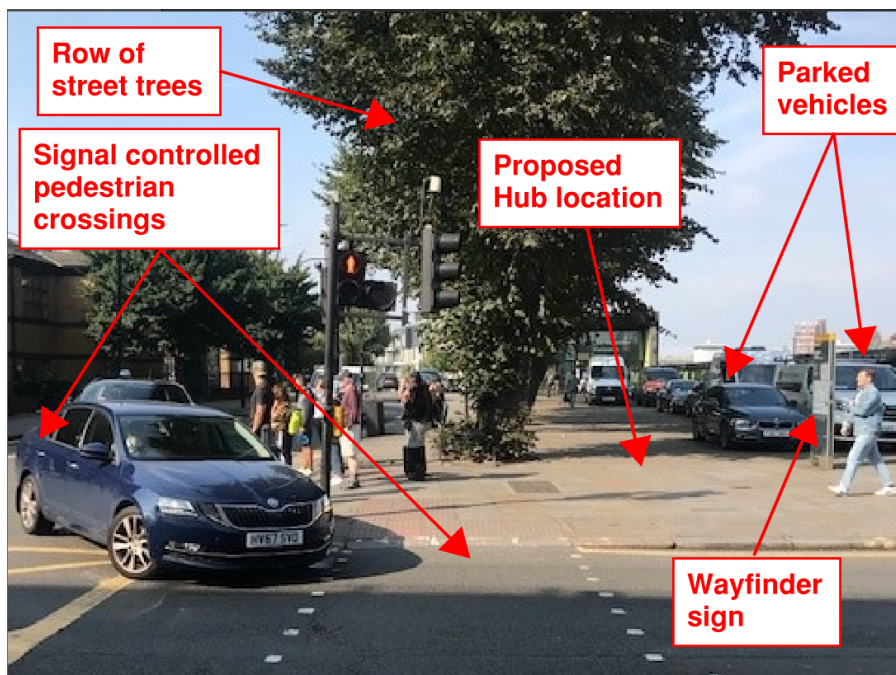


Image 6 – proposed appeal site location and streetscene looking west (from the east side of West End Lane)

- 9.32 The Appellant's submitted plans therefore have little contextual relevance. As such, the exact location (and impact) of the proposed hub is unclear based on the submitted drawings given the lack of accurate contextual information as highlighted above. For instance, the Appellant'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 appeal site.
- 9.33 Additionally, no consideration has been shown for the impact of the appeal 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.

- 9.34 As a consequence, the submitted information fails to take into consideration the convergence of several pedestrian desire lines in the appeal 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 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.
- 9.35 The close proximity of the appeal site to this junction, therefore, and introduction of a hub structure as proposed which would be 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.
- 9.36 As noted above, the situation would be worsened at the appeal site 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 provided will necessarily have to stand in an area at the side of the hub on the public highway, beyond the footprint of 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.
- 9.37 The fact that users of the facilities provided by the proposed hub structure have to stand at the side of the unit is an important and notable difference between the previous application for a telephone kiosk in 2017 (and allowed on appeal in 2018 - Ref. APP/X5210/W/17/3202789 – Appeal K – 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.
- 9.38 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.
- 9.39 Therefore, taking into account the physical environment at the appeal site as it exists at present, 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 stand on the public highway beyond the footprint of the hub structure to use the facilities, it is considered that the loss of available footway space as a result of the appeal proposal would have an unacceptable impact on pedestrian movement at the appeal site in an area where pedestrian footfall is exceptionally high.

- 9.40 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.
- 9.41 A notable difference in this regard between the previous appeal for a telephone kiosk in 2017 (and allowed on appeal in 2018 - Ref. APP/X5210/W/17/3202789 – Appeal K – 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 appeal site. The previous proposal allowed 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.
- 9.42 In this regard, it is noted that 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.
- 9.43 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.

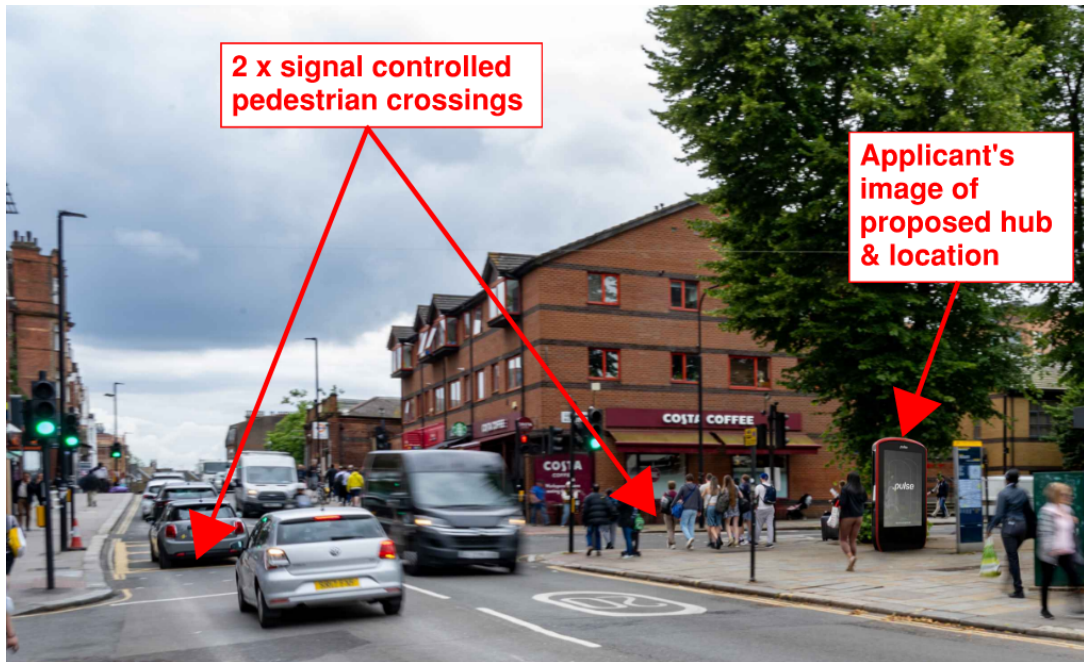


Image 7 – showing proximity of appeal site to 2 x signal-controlled pedestrian crossings (looking south-west along West End Lane)

9.44 The approximate distances and degree of proximity of proposed hub structure to the 2 x signal-controlled pedestrian crossings are also indicated in Image 8 below.

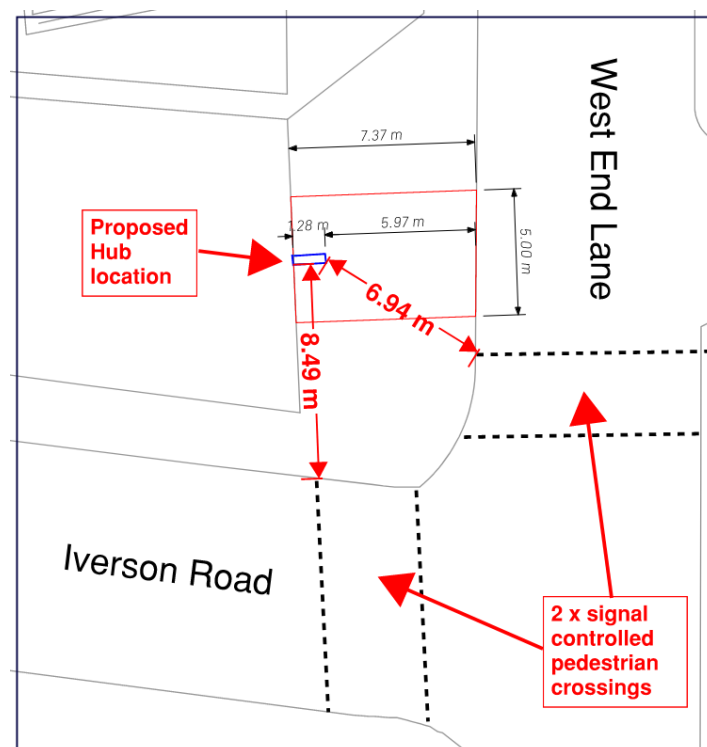
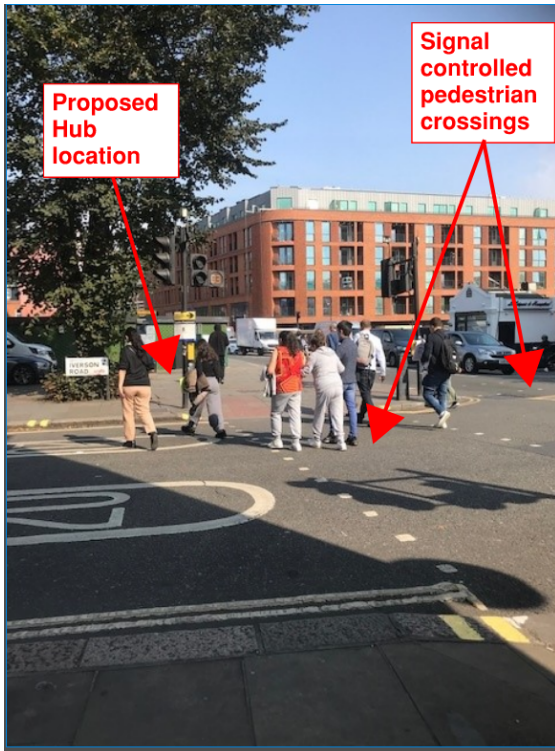
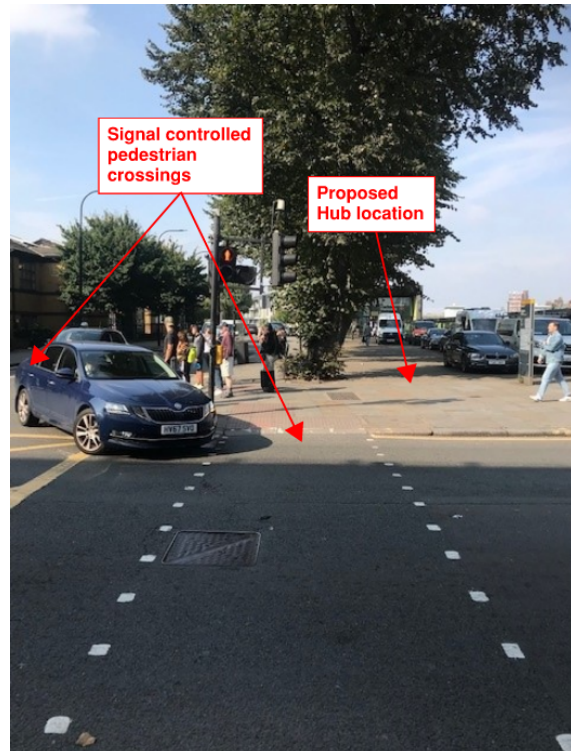


Image 8 – showing proximity of proposed hub structure (blue) to 2 x signal-controlled pedestrian crossings on Iverson Road and West End Lane

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



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



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

- 9.46 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 northbound 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.
- 9.47 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. This would particularly 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.
- 9.48 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 northward's 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.

- 9.49 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 appeal proposals would result in an increase in the potential risk of collisions between motor vehicles, cyclists and pedestrians, particularly at night.
- 9.50 Additionally, it is recognised that while both crossings identified above are signalised, it is common practice generally for some pedestrians to 'anticipate' a green light or cross on a 'red man' signal at junctions. The proposed illuminated advertising screens would only exacerbate any current risks on these busy road junctions located adjacent to the appeal site.
- 9.51 As stated previously, the appeal 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.
- 9.52 Finally, it is noted again that extremely high daily footfall in this location during peak periods is increased 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*

9.53 Overall, therefore, the appeal proposals raise 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, as well as, Policy 9 (Pavements & pedestrians) of the Fortune Green and West Hampstead Neighbourhood Area Plan 2015. The Inspector is therefore respectfully requested to dismiss the current appeal on these grounds.

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

9.54 In regard to security, crime and anti-social behaviour, it is important to note again that the previous application (ref. 2017/5430/P) in 2017 (and allowed on appeal in 2018 - Ref. APP/X5210/W/17/3202789 – Appeal K – see Appendix A) was for GPDO Prior Approval which did 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. The Planning Inspector confirmed in the appeal decision in 2018 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).

9.55 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 appeal site. In contrast, full consideration is given here in this statement as part of the assessment of the current appeal proposals submitted in relation to applications seeking Full Planning Permission and Advertisement Consent.

- 9.56 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'*.
- 9.57 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'*.
- 9.58 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.
- 9.59 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.
- 9.60 Having reviewed the current appeal proposals and supporting information, the Metropolitan Police Crime Prevention Design Advisor objects to the appeal proposals due to concerns regarding public and community safety at the appeal site. These concerns are primarily in regard to:
1. High Crime Location:
- 9.61 The appeal 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.

- 9.62 The appeal 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.
- 9.63 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.
- 9.64 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 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.
- 9.65 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.
- 9.66 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 appeal submission appears to indicate that CCTV is only triggered if emergency services are called.

## 2. Lack of management practice information:

- 9.67 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 below - 'Maintenance plan and legal agreement').

- 9.68 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 appeal submission (such as, restriction of Wi-Fi if misused, restriction on calls to 'over-used' phone numbers, etc.).
- 9.69 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 appeal kiosk itself. In a separate 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'*.
- 9.70 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 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'*.
- 9.71 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 would become an eyesore within the streetscene, by virtue of its size, bulk, illumination and general prominence.

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

- 9.72 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.
- 9.73 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.

- 9.74 Finally, it is noted in the most recent planning application at the appeal site (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 which was dismissed.
- 9.75 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.
- 9.76 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.
- 9.77 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 heritage assets, such as a conservation area or setting of a listed building.

## **11.0 Response to ground of appeal 4**

- 11.1 As the appeal site is not located in a conservation area, nor is it situated within the setting of a listed building or other designated heritage asset, the Council agrees that there is no requirement for the Council to weigh any harm against any public benefits of the appeal proposals, as would otherwise be necessary as set-out in Paragraph 208 of the NPPF (now Paragraph 215 of the new NPPF 2024).

## **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 appeal 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 D), 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 E) 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 consider 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 E). In dismissing the appeal, the Inspector concluded in regard to the need 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 to 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, as well as, and Policy 9 (Pavements & pedestrians) of the Fortune Green and West Hampstead Neighbourhood Area Plan 2015.

#### **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 H

14.3 Full Planning Permission conditions – see Appendix I

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 3202789 – allowed dated 19/12/2018

**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

**Appendix H:** Advertisement consent application – suggested conditions

**Appendix I:** Planning permission application – suggested conditions