

Date: **10/12/2024**
Your ref: **APP/X5210/W/24/3353959**
Our ref: **2024/1205/P & 2024/1453/A**
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Dear Caroline Tranter,

Appeal by JCDecaux UK Limited.

Site: Pavement outside 221 Camden High Street, London, NW1 7HG.

This presents the Council's statement regarding the above appeals against the refusal of planning permission and advert consent dated 2nd October 2024 (Ref: 2024/1205/P & 2024/1453/A) for; Replace an existing telephone kiosk with a 'Communication hub unit' and Display of an LCD digital advertising screen attached to a 'Communication hub unit'.

The following is to be read in conjunction with the officer delegated report. This sets out the history of relevant appeal decisions taken on board in deciding to refuse permissions.

1.0 Summary

This appeal is the second appeal for a replacement kiosk / hub at the application site since 2023

Appeals APP/X5210/W/24/3341451 and 3341453, relating to planning and advertisement consent applications (ref. 2023/2990/P and 2023/4643/A) for a replacement kiosk and digital screen, were dismissed on 21/08/2024.

The Council's case is set out in detail in the attached Officer's Delegated Report, and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. 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.

Site and designations

- 1.1 221 Camden High Street is adjacent to the Camden Town Conservation Area. The footway is relatively uncluttered, albeit there are trees, bins, timber boxes, phone box and lamp posts.
- 1.2 Pedestrian volumes are extremely high in this busy tourist location and as a result of Crossrail services becoming operational along with ongoing economic growth in Central London.
- 1.3 Pedestrian volumes are also forecast to increase significantly when High Speed 2 (HS2) services become operational.
- 1.4 The application site does not sit within a conservation area; however, it would be sited adjacent to the Camden Town Conservation Area.

History

- 1.5 Planning Permission and Advertisement Consent was refused on 2nd October 2024 for the reasons below:

Planning permission:

1. *The proposed communications hub, by reason of its location, size detailed design, would be prominent in views looking along Camden High Street towards Camden Lock, result in an over concentration of street furniture and harmful visual clutter that would have an unacceptable effect on the street scene and the setting of the Camden Town Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
2. *The proposed communications hub, by virtue of its location, size and detailed design, adding to 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 London Borough of Camden Local Plan 2017.*
3. *The proposed communications hub, by reason of its scale, location and design would add unnecessary street clutter which would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to policy C5 (Safety and security) of the London Borough of Camden Local Plan 2017.*
4. *In the absence of a legal agreement to secure a maintenance plan for the proposed communications 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.

Advertisement consent:

- 1. The proposed advertisement, by virtue of its siting, size and design, would result in obtrusive and prominent clutter that would be prominent in views looking along Camden High Street towards Camden Lock , detrimental to the amenity of the streetscene and the setting of adjacent Camden Town Conservation Area, contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017.*

1.6 The two images in Figure 1 (below) show visual representations of the proposed replacement telephone kiosks ('Communication hubs') refused planning permission and advertisement consent 2/10/2024.



Figure 1: Perspective images of the proposed replacement telephone

1.7 Planning permission and advert consent is sought for the installation of a kiosk following removal of the existing kiosk. The existing kiosk has a footprint of 1.47 metres x 1.26 metres and is 2.5 metres high. The proposed replacement kiosk would be located on the same location as the existing kiosk, and comprises a slimline, double-faced panel. The front elevation of the proposed kiosk would contain an internally illuminated touch screen for public phone use and other uses. The upper part of the front elevation would be semi-enclosed with a Perspex cover, with a solar panel built-in over the cover's roof.

- 1.8 The replacement kiosk would be 1.338 metres wide x 0.315 metres deep (0.915m deep when including the canopy) and 2.63 metres high. The display screen would be 1.065 metres x 1.895 metres which would take up most of the kiosk's south facing façade.
- 1.9 At this appeal site, replacement telephone kiosks with integrated digital advertising panels, have previously been refused.
- 1.10 Prior approval (ref. 2019/2698/P) for the Installation of 1 x replacement telephone kiosk on the pavement was refused on 12/07/2019. This consent was refused for similar reasons to the refusals subject to this appeal.
- 1.11 The Council's case for this current appeal is set out in detail in the attached Officer's Report and appendices 1-7 and it will be relied on as the principal Statement of Case. The Officer's report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.
- 1.12 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 applications, 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 Council's policies are recent and up to date. There is no conflict between the Council's policies and the NPPF in relation to these appeals.
- 2.3 The Council's policies seek to ensure that new development is acceptable in terms of design and visual amenity both within and outside conservation areas, street clutter, pedestrian flow and highway safety and crime prevention. The Council's relevant policies are set out below.
- 2.4 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 and has 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

2.5 The Council also refers to the following supporting guidance documents:

- CPG Design (2019) - chapters 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)
- CPG Transport (2019) - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)
- CPG Advertisements (2018) – paragraphs 1.1 to 1.15; and 1.34 to 1.38 (Digital advertisements)
- CPG Amenity (2018) - chapter 4 (Artificial light)

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

- Camden Streetscape Design Manual
- Digital Roadside Advertising and Proposed Best Practice (commissioned by Transport for London) March 2013
- Design of an accessible and inclusive built environment. External environment - code of practice (BS8300-1:2018 and BS-2:2018)
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

3. Comments on grounds of appeal

Ground a) that planning permission should be granted.

3.1 The appellant's statement is summarised in italics and addressed below:

1. *The Appellant considers the LPA's claim that the proposal will lead to clutter, is unfounded and illogical. The proposal relates to an existing item of furniture and one that has been a feature of the street for more than ten years. The proposal does not seek to increase the amount of furniture rather to update existing equipment with a more contemporary apparatus that is comparable in height and width, but which occupies a considerably smaller footprint than the existing kiosk. The assessment of the earlier proposal (2021/2107/P and 2021/3140/A, granted by appeal APP/X5210/W/22/3290317, 14/11/2022) to replacement the unit entirely with a Hub unit and LCD screen (marginally smaller than the Hub unit proposed under 2024/1205/P) was found to be acceptable in planning terms without any suggestion that this type of upgrade would result in harm to visual amenity of public safety.*

Response to point 1:

The Council accepts that there is an existing telephone kiosk in the pavement and the proposal would provide for a replacement structure of a similar nature, albeit of a

different form. The Council also accepts that decisions for 2021/2107/P and 2021/3140/A allowed under appeal, provide for a replacement kiosk at the site, of a similar design albeit of a smaller size to the proposed 'Communications hub' unit.

Despite the appeals for 2021/2107/P and 2021/3140/A, and 2023/3147/P and 2024/0594/A being allowed, Council considers these appeal decisions to be a stand-alone departures to the other appeal decisions for similar proposals for replacement telephone kiosks located in the pavement of other streets within Camden borough, which were refused planning permission and subsequent appeals dismissed by PINS. Council therefore gives greater weight to the appeal decisions, cited below, where replacement telephone kiosks in similar urban environments in Camden were dismissed.

Although the replacement structure is of a comparable scale to the existing structure, it is still visually dominant and an incongruous addition. It would maintain the existing, unnecessary visual clutter and would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm. Further, the detailed design, size and large illuminated display panel of the proposed kiosk would serve to heighten the appearance of the structure considerably more, making it even more conspicuous than the existing kiosk which it would replace.

This concern was previously highlighted by an inspector in the Tottenham Court Road appeal cases (REF APP/X5210/W/18/3195370 – see appendix 2) where in 13 cases the inspector agreed with the Council's concerns about the addition of street clutter whether the sites were or were not located inside a conservation area or affecting the setting of a listed building. Furthermore, in 11 of the cases the inspector agreed that the impact on pedestrian movement was unacceptable.

Additionally, the Planning Inspector concluded in an appeal decision to provide advertising to a kiosk outside 297 Euston Road, London NW1 3AQ (APP/X5210/Z/18/3204104) that, 'Due to its bulk and siting, the kiosk erodes the existing openness beyond the row of trees, and due to its depth and width, it disrupts the largely unrestricted routes of pavement users by the row of trees (see appendix 3). Reinforcing the Councils concern that kiosks add clutter to the footpaths removing useable pedestrian space.

Most recently in appeal decision APP/X5210/W/24/3341451 and 3341453, 21/08/2024 (see appendix 4), for a replacement phone kiosk at the same application site on the pavement opposite to 221 Camden High Street, the planning inspector concluded:

Whilst the appeal proposal would be similar in size and layout to the redundant kiosk it would replace, it would have a far larger footprint than the fall-back scheme and would feature a larger advertisement display. 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. In addition, it would lead to an over concentration of street furniture and visual clutter that would have an unacceptable effect on the street scene and the setting of the nearby CA.

I note my colleague's comments in respect of the illuminated digital advertising panel approved in 2022. However, the appeal proposal would include a wider and taller panel which would be more obtrusive and prominent in the street

scene. Due to its siting, size, design and the nature of the illuminance the advertisement that is the subject of appeal B would have an unacceptable effect on amenity in the area.

In this case, the proposed kiosk, including the advertising screen (see Figure 2 below), would be significantly larger than both the kiosk allowed under appeal APP/X5210/W/22/3290298, 14/11/2022, and the kiosk dismissed under APP/X5210/W/24/3341451 and 3341453 (see Figure 3 below).

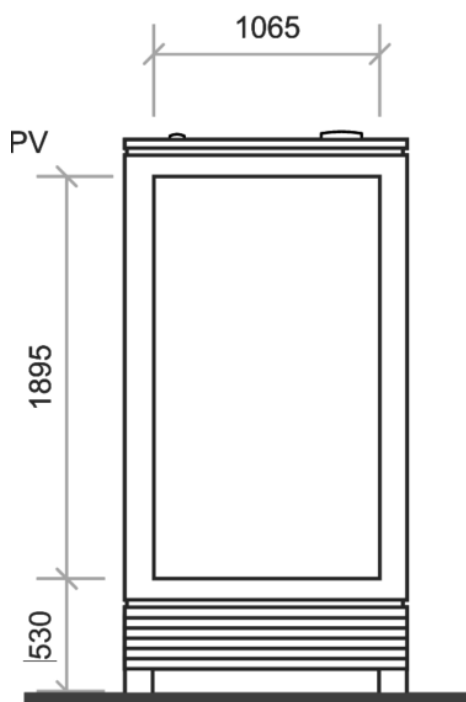


Figure 2: Advertisement panel of proposed 'Communications hub' kiosk at application site.



Figure 3: Elevation of proposed replacement kiosk under planning and advertisement consent applications 2023/2990/P and 2023/4643/A, appeals APP/X5210/W/24/3341451 and 3341453 dismissed 21 August 2024

Additionally in relation to the application site, the proposed kiosk would be prominent in views along Camden High Street. While there is a street tree in proximity to the site location, the tree would only obscure some of the views of the kiosk for pedestrians northbound on Camden High Street. The combination of the existing street furniture with the addition of the excessively sized kiosk, only detracts from the pedestrian experience and creates an illegible, jumbled, and unfriendly environment on a key shopping street and pedestrian throughfare in central London.

In the earlier Camden High Street appeal decision, the inspector considered the illuminance of the advertising panel, together with the size of the kiosk and size of the panel, to heighten the prominence of the kiosk, all together leading the inspector to conclude that the proposal would result in an over concentration of street furniture and visual clutter that would have an unacceptable effect on the street scene and the setting of the nearby conservation area. This finding remains applicable to the new application for a hub unit with advertising screen, both larger in width and scale than the earlier refused proposed replacement kiosk with a more traditional 'box' design. The excessive size of the illuminated display panel together with its prominent position in the pedestrian realm and proximity to positive contributing buildings in the conservation area, would be harmful to the pedestrian experience and the character and appearance of conservation area.

In a similar appeal decision, an inspector concluded in a recent appeal decision dismissed on 14/11/2022 (ref APP/X5210/W/22/ 3290309 & 3290310) in a relatively uncluttered area at 29 Tottenham Court Road Street (see appendix 5) that:

The area of the site is densely developed, surrounded by mostly modern buildings of a substantial scale. Although the removal of the existing kiosk is proposed, the replacement unit would stand in a location that is remote from other large items of street

furniture and would thus serve to extend the existing jumbled appearance of this part of the footway into an area that is currently not cluttered to the same degree.

The Council acknowledges that the proposed structures would include facilities such as defibrillator, public messaging and CCTV. Whilst weight is given to some of the benefits, for the refusal reasons they do not outweigh the harm caused to the character and appearance of the streetscene, public safety, the loss of footway and the impact on the public realm is not justified.

The appellant has failed to address the cumulative impact from the proposals to have other existing kiosks, within 100m of the site, which won't be removed as a part of this proposal.

The Inspector's is respectfully requested to also note at this point that the proposed kiosk would be larger than those refused in various locations in Camden in 2020 (see Appendix 6) and subsequently dismissed on appeal. The kiosks measured 1.096m (W) x 2.499m (H) x 0.762m (L), and with a display area of 1.53sqm. The proposed panel being wider and taller, and consequently more obtrusive and prominent in the street, than the other iterations of a replacement kiosk considered under these appeals. The proposed excessively large monolithic structure would appear as an advertisement panel rather than a phone kiosk. This design approach has resulted in a structure which is dominant, visually intrusive and serves to detract from the appearance of the wider streetscene in a largely uncluttered part of the street.

The appellant has made no effort to respond to the vast appeal history (see site history section of the officer's report) for these types of digital structures where the Council's concerns about impact of digital advertising and the cumulative impact was support and emphasised by the Planning Inspectorate. The Appellant has provided no evidence of why advertisement panels either in principle or of this scale are necessary.

2. *The Appellant notes that under the earlier proposal (2021/2107/P and 2021/3140/A, granted by appeal APP/X5210/W/22/3290317, 14/11/2022) the Inspector found that the pavement was more than sufficient to enable pedestrians to freely move along it without obstruction and endangerment. The replacement structure will sit within an area usually considered an appropriate zone for furniture as outlined in TfL guidance and other guides on designing the public realm.*

Response to point 2:

The proposed Kiosk is replacing an existing kiosk, despite its size it still impacts on the amount of useable footpath in terms of its size and use, thus adding clutter to the streetscene.

Regarding the location, the proposed telephone kiosk would be 1.338 wide. The plan submitted indicates the footway width to be 6.85m and with the proposed telephone kiosk the remaining footway would be approximately 5.51 metres. Despite this exceeding the recommended minimum width for high footfall locations (of 3.3m for a footway with high pedestrian flows (see Appendix B of Transport for London guidance document titled

‘Pedestrian Comfort Guidance for London’)), the location of the proposed phone kiosk still creates an obstruction due to the bulk of the development. Therefore this is considered to be insufficient for a footway and the proposal would therefore impede/obstruct pedestrian movement and sightlines along the footway while constituting an unnecessary hazard to pedestrians, especially pedestrians with visual impairments.

Transports colleagues were consulted for the previous application at the site, 2021/2110/P and 2021/3135/A, for a similar width replacement kiosk, and concluded that the proposed telephone kiosk being located outside of the established street furniture zone, would encroach significantly into the effective footway width available for pedestrian movement (i.e. the pedestrian desire line), as per the existing situation. The proposed telephone kiosk would therefore obscure sightlines along the footway significantly while also constituting a significant impediment/obstruction to pedestrian movement along the pedestrian desire line. This would be a particular problem for pedestrians with visual impairments (e.g. blind and partially sighted) who rely on clear and unobstructed pedestrian routes. The proposed telephone kiosk would therefore constitute an unnecessary obstruction/impediment and a hazard for blind or partially-sighted people. As such, the introduction of a kiosk is considered to have significant pedestrian and road safety implications in this location contrary to Policies A1 and T1, as well as, TfL guidance.

In this location there is an existing kiosks within relative close proximity to the application site. Therefore the Council disagrees and considers that the Kiosk impact on the public realm is not justified.

The Inspector in the most recent appeal decision 26 July 2024 at this site considered that as the replacement kiosk would be within the be outside the primary zone of pedestrian activity and would not result in any greater impediment to the flow of pedestrians than would result from the implementation of the fall-back scheme. Since the Council’s appeal statement for this appeal in recognition of the extent the problem of overcrowding on the streets Camden is currently consulting on proposals to seek to mitigate the impact. In July 2024, Camden Council commenced consultation on a proposal to create a motor traffic free section of Camden High Street – from the junction with Parkway and Kentish Town Road, to the junction with Jamestown Road and Hawley Crescent, which includes the application site. Camden High Street is an iconic destination with up to 40,000 visitors at any one time. Pavements can become congested and overcrowded, often people end up walking in the road. Combined with high levels of motor traffic, this can lead to situations where pedestrians are sharing the road with motor vehicles. This can negatively affect visitors’ experience of Camden High Street. A decision report on the proposed pedestrianisation of the street, is currently being prepared following the close of consultation in August 2024.

The fact that Camden Council are proposing to pedestrianise this part of Camden High Street, gives considerable weight to the existing pavement being under significant pressure to accommodate existing pedestrian traffic.

Any proposal to provide for unnecessary clutter in the pavement of this section of Camden High Street, is therefore particularly unwelcome and undesirable in terms of pedestrian amenity and safety outcomes.

Overall, Camden High Street is one of London's busiest retail streets and experiences high levels of traffic, with busy pavements, meaning that visitors, residents and businesses are exposed to crowded footways, in particular at peak times and during summer months. A replacement telephone kiosk at the site would only exacerbate the existing congestion problems by providing for a more permanent structure, over a period when pedestrian footfall at this location is only expected to increase. In this context, it is not acceptable to reach a conclusion that a replacement kiosk at this location is appropriate simply due to there being alternative space in the pavement for pedestrians to manoeuvre around the structure. The existing kiosk was likely established by virtue of permitted development rights, which have since been removed by government legislation. The existing kiosk is nearing the end of its useful life and it would not be appropriate to provide for a replacement structure, particularly in respect to adverse transportation effects, for the reasons cited above.

3. *The use of the telephony equipment will follow the guidance in the management plan, which was created in consultation with the Met Police Design Out Crime Unit. The Met Officers were instrumental in drafting the Management Plan on the use of the units and reporting process for abuse. There is no indication that the Council consulted the Met Police DOC unit on this current appeal proposal. As to matters of the maintenance of the apparatus, the schedules and commitments to maintaining and cleaner the equipment is included in the management plan.*

Response to point 3

The Metropolitan Police responded following consultation for the replacement kiosk proposed under 2023/3147/P (refused 11/04/2024).

As part of their objection under planning application 2023/2893/P, the Metropolitan Police raised the following matters:

- *This is a busy and active junction. There have been numerous thefts and robberies around this location. The crimes could not be attributed to the presence of the phone kiosk but the local crime pattern should be considered.*
- *I have reviewed the attached documents available on the online public portal. The design of the kiosk does not appear to have shelving or any ledge where items could be put. This is a good feature. There should be no charging docks around this location. A mobile phone on charge/display could be very attractive to the opportunistic thief.*
- *There appears to be a WIFI symbol on the design of the kiosk. If there is a proposal to have WIFI will this be free? How will misuse of this be monitored? Can this feature be deactivated if issues should arise or usage restricted? Can certain persons/devices be prevented from using this service?*
- *The proposed advertising screen maybe prone to criminal damage as this is a feature of the crime statistics for this policing ward. Will the installation have CCTV to record any abuse?*

The concerns raised by the Metropolitan Police remain relevant to the 'Communications hub' kiosk proposed under 2024/1581/P, and were taken into account in the officer's delegated report and were one of the factors taken into

consideration in the assessment of design and crime matters relating to the replacement kiosk.

A number of issues have been raised by the Metropolitan Police Crime Prevention Design Advisor replacement kiosks at the application site. In particular it has been noted that existing telephone kiosks within the London Borough of Camden have become 'crime generators' and a focal point for anti-social behaviour (ASB). This is demonstrated in the photo above. In relation to the locations of the kiosks around Camden there is a common theme among the crime statistics. All these areas have a major issue with street crime and in particular antisocial behaviour, pickpocketing and theft from person. These are areas of significant footfall with both commuters, local residents and numerous tourists. The design of these kiosks does not reduce the risk of these types of crime from occurring.

Due to the openness of the kiosk any mobile phones on display at this location (either in hand or on charge) will be vulnerable to the opportunist phone snatch. With the new locations mostly closer to the carriageway this form of crime can be carried out by moped or bicycle. The large façade where the advertising screen is proposed will act as an opportunity for concealment and increase the risk of theft and assault. The basic design flaws with the structure to accommodate the large digital screen also creates an opportunity for crime, in addition to the ASB associated with the use of the kiosks themselves. Whilst these issues have been raised previously, and supported at appeal the Appellant has failed to make any meaningful changes to the structure to address them.

Regarding maintenance, the Metropolitan Police Crime Prevention Design Advisor have considerable experience of the ASB associated with the older traditional kiosks and this new generation of kiosk. In an Appeal decision ref: APP/X5210/W/20/3253878 and 3253540 – see appendix 7) for a kiosk outside nos. 216-217 Tottenham Court Road, 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. In the same appeal decision the Inspector notes ...'the substantial form of the kiosk, with screening panels would reduce natural surveillance and so use of the kiosk to screen illegal activities such as drug dealing and use could increase, notwithstanding the maintenance regime proposed. Bringing these matters together I find that the proposed kiosk would, overall, have a harmful effect on pedestrian movement and public safety'. This would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to Policy C5 (Safety and security) and CPG Design.

In addition, given the poor state of the existing kiosk and a number of other kiosks in Camden, Council do not have confidence that the applicant would ultimately adhere to the maintenance regime and undertake regular maintenance and upkeep of the kiosks. The Council's experience with existing older kiosks which are in poor condition (See image below of existing kiosk), are that the advertisements remain in place and change on a regular basis despite the condition of the kiosk, and therefore there is no impetus, other than enforcement action being undertaken by Council, to comply with the maintenance strategy as the advertising panel, which Council asserts is the driving function of the kiosk, could still remain in operation independent of the condition of the remainder of the kiosk.

The Council has experienced ASB from the BT link panels within Camden. Residents and members have reported a rise in anti-social behaviour and crime as a direct result of these kiosks being installed. These activities include increased instances of loitering, as well as usage of the free calls facility to coordinate drug deals. This has been most apparently in areas such as Euston and Camden Town. Other boroughs such as Tower Hamlets and Islington have experienced similar issues and few boroughs are supporting the installation of more kiosks. One of the public benefits to these kiosks were the ability to provide free calls. Initially the free calls had to be removed until an algorithm was created to identify abnormal call levels to a single number and then blacklists this number. The intention being that this will result in the facility being available for legitimate use but will prevent abuse of the free calls for illegal activities.

A trial was undertaken in consultation with the Metropolitan Police and community safety team. As soon as the call facility was turned back on, the number of calls escalated very quickly, but very few numbers met the 'threshold' set by BT for call blocking. Data provided by BT and Link UK showed that the majority of calls were for less than 10 seconds. Officers concerns with these panels were that it was not possible to successfully demonstrate that the panels could operate without creating a 'honey pot effect' for crime and ASB.

Therefore the Council considers that the proposal would increase opportunities for crime in an area which already experiences issues with crime, therefore the proposal would be contrary to Policy C5 (Safety and security) and CPG Design.

4. *The Council suggestion that a legal agreement is required to ensure the removal of the existing call box is considered wholly unnecessary as the implementation of any PP and AC could not be implemented without first removing the existing telephone box.*

Response to point 4

Reasons for refusal 4 could be addressed by an appropriate planning obligation secure via a legal agreement to secure these matters to ensure that all old kiosks are removed in a timely fashion and to secure a suitable management plan.

The Council is seeking to work with the appellant to prepare a legal agreement which addresses this reason for refusal to secure the removal of all kiosks and a management plan. Reg 122 of the CIL Regulations outline statutory tests to determine whether a planning obligation is capable of being a reason for granting planning permission.

Obligations must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this case, the need to secure removal of all old kiosks located on land outside of the appellant's control and outside the red line of the application site to ensure the reduction in kiosk numbers is achieved is necessary. Conditions can only lawfully be used to control matters on land within the developer's control. The need for a management plan to ensure that the kiosk is regularly cleaned, ensure that the phone

element remains operational (so the kiosk does not become only a digital advertisement hoarding), a complaints procedure and process for repairs to mitigate some of the potential harm from these additions.

The Council will update the inspector on progress on the legal agreement at final comments stage.

Recent appeal decisions

The Officer's report and appendices 2-7 sets out the significant number of appeal decisions in relation to the principle of large digital advertisements with telecommunications facilities replacing older stock which is relevant to this appeal. In particular, the Inspector's attention is drawn to appeal APP/X5210/W/24/3341451 and 3341453 also in the pavement opposite to 221 Camden High Street, where an appeal for a replacement phone kiosk, with a smaller advertising screen subject to this most recent appeal case, was dismissed recently on 21/08/2024. The findings of the Inspector in those appeal decisions remain applicable to this most recent appeal. The Appellant has failed to address these key issues either in the design of their structure or the appellant statement. The Council's aims are to reduce street clutter rather than to compound the harmful implications resulting from unmaintained, unusable or unused kiosks. The Council has provided Appeal Decisions for kiosks of similar designs and situations where the Planning Inspectorate has supported the Council's planning policies and guidance in relation to the following issues:

- Street clutter, reduction of footway widths and hampering pedestrian movement.
- Impact of digital advertisements
- Where required minimum clear footway are provided paragraph 8.10 of CPG7 states that works affecting highways should avoid unnecessary street clutter; design of footways should not include projections into the footway, unnecessary and cluttered street furniture or other obstructions; and any minimum standards for footway widths should not be used to justify the provision of unnecessary clutter.
- Availability of other telephone kiosks in the vicinity.
- Size and design preventing a discrete or high-quality form of street furniture
- Where kiosks have become 'crime generators' and a focal point for anti-social behaviour, increasing opportunities for crime in an area which already experiences issues with crime.

Conclusion

Having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

If the Inspector is minded to allow the appeal, the Council's suggested conditions are below. In addition, should a legal agreement be completed regarding removal of existing kiosks and maintenance, this would be requested.

If any further clarification of the appeal submissions are required, please do not hesitate to contact Brendan Versluys on the above direct dial number or email address.

Brendan Versluys

Senior Planner - Planning Solutions Team

Supporting Communities Directorate

London Borough of Camden

Appendix 1 – Suggested conditions

Planning permission

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans;

Cover Letter JCDecaux 30/04/2021; JCD7 Sustainability aims and achievements; JCD9 Suggested conditions and reasons; JCD10 Pavement remediation; A01602 Site maps and visuals; Appendix JCD2 Existing site locations; Appendix JCD3 Proposed Site Locations; Appendix JCD4 - Communication Hub Proposals Hub Unit Detail; Schedule 1 London Borough of Camden Small Format Digital Advertising Specifications; Communication HUB Unit Management Plan V1 October 2020.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The structure hereby permitted shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes.

Reason: In order to minimize the impact on the appearance of the streetscene and the highway in accordance with the requirements of policies D1 and T3 of the London Borough of Camden Local Plan 2017.

4. All surface materials should match the existing adjacent surface materials.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

Advertisement consent

1. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The advertisement display shall be statically illuminated and the intensity of

the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professionals' 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.

Reason: To ensure that the advertisement does not harm the character and appearance of the streetscene and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies A1, D1, D4 and T1 of the London Borough of Camden Local Plan 2017.

7. The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).

Reason: To ensure that the advertisement does not harm the character and appearance of the streetscene and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies A1, D1, D4 and T1 of the London Borough of Camden Local Plan 2017.

8. The minimum display time for each advertisement shall be 10 seconds.

Reason: To ensure that the advertisement does not harm the character and appearance of the streetscene and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies A1, D1, D4 and T1 of the London Borough of Camden Local Plan 2017

9. The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Reason: To ensure that the advertisement does not harm the character and appearance of the streetscene and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies A1, D1, D4 and T1 of the London Borough of Camden Local Plan 2017

10. No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Reason: To ensure that the advertisement does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies A1, D4 and T1 of the London Borough of Camden Local Plan 2017

11. The footway and carriageway on the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.

Reason: To ensure that the advertisement does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies A1, D4 and T1 of the London Borough of Camden Local Plan 2017.

12. No music or sound shall be emitted from the advertisements.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 of the London Borough of Camden Local Plan 2017

