

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>22/03/2013</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>14/03/2013</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Neil Quinn				2013/0659/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Pavement Adjacent to 42 Hillway London N6 6HH				Refer to draft decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Installation of 2 x BT equipment cabinets and associated wall enclosure on grass verge next to footway (on Makepeace Avenue).							
<b>Recommendation(s):</b>		Prior Approval required – approval given					
<b>Application Type:</b>		GPDO Prior Approval Determination					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>2</b>	No. of responses	<b>0</b>	No. of objections	<b>0</b>
				No. electronic	<b>0</b>		
<b>Summary of consultation responses:</b>		Site Notice displayed 13/02/2013 – 06/03/2013 Press Notice published 21/02/2013 – 14/03/2013  No responses received.					
<b>CAAC/Local groups* comments:</b> *Please Specify		<b>Holly Lodge CAAC</b> – no comment as it is a much better solution for the Conservation Area than the previous applications (2011/0625, 0626, 0639 and 0821) which were withdrawn and drawn up with consultation with the Holly Lodge Estate Committee.					

## Site Description

An area of pavement / grass verge on the south-east corner of Makepeace Avenue and Hillway, adjacent to a single dwelling. It is situated within the Holly Lodge Conservation Area.

## Relevant History

A number of identical cabinets have been considered at:

- Various locations around Hampstead in January 2011 (including 2010/6518/P, 2010/6675/P, 2010/6506, 2010/6511/P, 2010/6563/P, 2010/6500/P, 2010/6492/P, 2010/6539/P & 2010/6645/P) while two others were refused (2010/6525/P & 2010/6523/P) on grounds of detrimental impact to the setting of a listed building or/and the character and appearance of the street scene;
- Various locations in Gospel Oak, Canteloves and Highgate on 21 March 2011 (including 2011/0674/P, 2011/0647/P, 2011/0672/P, 2011/0629/P, 2011/0668/P, 2011/0664/P, 2011/0633/P, 2011/0636/P).
- Various locations in Canteloves and Kentish Town on 1 April 2011 (including 2011/0693, 2011/0687, 2011/0675, 2011/0695)
- Various locations in Rochester, Inkerman and Jeffrey's St CA's on 5 July 2011 (2011/2198/P, 2011/2324/P, 2011/2327/P)
- Various location in Mansfield and Kentish Town conservation areas in October and November 2011 (2011/4761/P refused, 2011/4763/P approved, 2011/4635/P refused)

With regard to this specific site:

2011/0625 and /0626 – **applications withdrawn** for the installation of a BT equipment cabinets on the pavement outside of Nos.42 and 44 Hillway respectively.

## Relevant policies

### The Town and Country Planning (General Permitted Development) Order (GPDO) 1995

#### LDF Core Strategy and Development Policies

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS11 – Promoting sustainable and efficient travel

CS14 – Promoting high quality places and conserving our heritage

DP17 – Walking, cycling and public transport

DP21 – Development connecting to the highway network

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

#### Camden Planning Guidance 2006

Holly Lodge Conservation Area Statement

Streetscape Design Manual

## Assessment

### 1. Proposal

1.1 GPDO prior approval is sought for two telecommunications (DSLAM) cabinets on the grass verge outside of No. 42 Hillway (on Makepeace Avenue). The Town and Country Planning (General Permitted Development) Order (GPDO) 1995 sets out the details of the types of developments for which planning permission is 'deemed' to be granted, more commonly known as 'permitted development'. Much of the work carried out by a telecommunications operator will be permitted development under Part 24 of Schedule 2 of the GPDO (1995). The proposed works fall under the criteria for assessment under Part 24 by virtue of the proposed cabinet's height and cubic content. The applicant has submitted detailed plans and specifications and thus the only issues to which the Council can raise objections to are those relating to siting and design. It is not possible to raise objections on any other grounds. A decision has to be made within 56 days of the application's receipt, i.e., by the expiry dates referred to above, otherwise the applicants have deemed approval by default according to GPDO legislation.

1.2 The applicant (BT Openreach) is rolling out a series of new cabinets within each of their telephone exchange areas that will be used to provide high-speed broadband services ('Super Fast Fibre Access'). The proposed cabinets are in addition to the existing BT Cabinets. In order to provide the broadband services proposed, each new cabinet will be supplied by fibre optic cables. These will then be linked to an existing cabinet, and the distribution system from this cabinet will be used to supply homes and customers' premises. In this regard, each new cabinet proposed needs to be located within 50m of an existing one.

1.3 The submitted drawings show that the proposed cabinets would be 1.6m in height, 1.2m in width and 0.45m in depth.

### 2. Assessment

2.1 The pavement along the South side of Makepeace Avenue is approximately 1.5m wide. There are two other cabinets in close vicinity of the site, one directly opposite on Makepeace Avenue, and the other around the corner on Hillway, both of which are located on similar grass banks. There are also two lampposts and a refuse bin in close proximity.

2.2 The cabinets would be screened by a retaining brick wall, ensuring its prominence from longer street views would be minimised. Given the context of other cabinets and street furniture within close distance of the site, and its utilitarian design, it is considered the proposed cabinets would preserve the character and appearance of this part of the Holly Lodge Conservation Area.

2.3 No concerns are raised in relation to the siting of the cabinet in highways terms. Policy DP21 (g) and (h) of the LDF states that work affecting highways must address the needs of wheelchair users, other people with mobility difficulties and other vulnerable users, should avoid causing harm to highway safety or hindering pedestrian movement and avoid unnecessary street clutter. Paragraph 21.12 it states that it is important that development does not hinder pedestrian movement, and that the Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users. CPG7 (transport) states at paragraph 8.9 that footways should be wide enough for two people using wheelchairs or prams to pass each other and reference is made to Camden's Streetscape Design Manual with regard to minimum widths for different kinds of footways. Camden's Streetscape Design Manual states that a 'clear footway' (not the distance from kerb to boundary wall but the unobstructed pathway width within the footway) should be a minimum of 1.8m for two adults passing.

2.4 The footway is approximately 1.5m wide at this point, and the installations do not impact on this pedestrian footway as they are located on the grass verge rather than the footway itself. Sufficient width for pedestrians to pass would therefore be retained, and the proposal accords with policies DP21, CPG7 (transport) and Camden's Streetscape Design Manual.

2.5 It is considered the cabinets, by virtue of their location, would not raise any amenity issues in terms of causing a loss of privacy, outlook, noise, or sunlight and daylight.

### 3. Other issues

3.1 It is considered that the retaining wall is acceptable as it is required to stabilise the embankment as well as being useful in screening the cabinets in long views. However it is not 'permitted development', being shown as

over a 1m high and as no pd rights exist for utility companies for these types of structures on public highway.