

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		13/04/2012	
		N/A / attached		<b>Consultation Expiry Date:</b>		29/03/2012	
<b>Officer</b>				<b>Application Number(s)</b>			
Gideon Whittingham				2012/1123/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
S/O Faraday House York Rise London NW5 1DU				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>							
Retention of 1 x BT equipment cabinet on the footway.							
<b>Recommendation(s):</b>		Refuse Planning Permission and Enforcement Action to be Taken					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	00	No. of responses	01	No. of objections	01
				No. electronic	00		
<b>Summary of consultation responses:</b>		<p>A site notice was displayed from 05/03/2012 and a public notice was displayed in the local press (Ham &amp; High) from 08/03/2012.</p> <p>To date no representations have been received</p>					

**CAAC/Local groups comments:**

-The Dartmouth Park CAAC objects stating:

“Marginally improved but it should not be in front of the main railings. Putting it in front of the railings makes it highly visible and discordant feature in front of a building of local interest. Would be better located either on the other side of the gate or near the electricity substation.”

*This particular issue has been addressed in Section 2.0 of this report.*

**Site Description**

The pavement site falls within the Dartmouth Park Conservation Area. It is located on the West side of York Rise, to the boundary wall of Faraday House, approximately 20m from the junction with Churchill Road.

There are no listed buildings in close proximity.

**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:

**Ref:2011/0644** – An application for prior approval was received for a BT cabinet of the same specification and dimensions and in the same location as the current planning application in 2011. Following Officer advice opposing the suitability of this location, this application was withdrawn. The cabinet however, was installed and is the subject of ongoing enforcement investigations (EN/11/0259).

**Relevant policies**

**LDF Core Strategy:**

- CS1 – Distribution of growth
- CS5 – Managing the impact of growth and development
- CS14 – Promoting high quality places and conserving our heritage

**Development Policies**

**LDF Development Policies:**

- 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

## **Assessment**

### **1. Proposal**

1.1 The applicant (BT Openreach) are rolling out a series of new cabinets within each of their telephone exchange areas that will be used to provide high-speed broadband services in the exchange area ('Super Fast Fibre Access'). The proposed cabinets are in addition to the existing BT Cabinets, whereby the existing cabinets shall remain. In order to provide the broadband services proposed, each new cabinet will be supplied by fibre optic cables. Each new cabinet will then be linked to an existing BT cabinet and the existing distribution system from the existing cabinet will be used to supply homes and customers' premises. In this regard, each new cabinet proposed needs to be located within close proximity of an existing BT cabinet, whereby they cannot be located more than 50m apart.

1.2 The submitted drawings indicate the cabinet measures 1.6m in height, 1.2m in width and 0.45m in depth.

1.3 The main issues for consideration are:

- The impact of the proposal upon the character or appearance of the surrounding conservation area and;
- The impact that the proposal may have upon the amenity of the occupiers of the neighbouring properties.

### **2. Impact on surrounding conservation area:**

2.1 The pavement along the West side of York Rise is approximately 2.6m in width. Along this stretch of pavement, an existing cabinet is in situ, set to the back edge of the pavement and against the boundary wall of Faraday House. A tree is also located in close proximity on the kerb. The proposed cabinet would be located to the South of the existing cabinet and also set on the back edge of the pavement, abutting the rear boundary wall of Faraday House.

2.2 With regard to setting, the cabinet would be located along a metal railing boundary wall measuring 1.3m in height, punctuated with pillars, running the length of Faraday House. To the North of the boundary wall lies the entrance to the residential blocks of Newcombe, Brunel, Trevithick and Stephenson House. To the South, lies the bending corner with Churchill Road.

2.3 In respect of possible alternative locations considered, the applicant has gone through a process of considering and discounting a number of sites within the curtilage of Faraday House and on the opposite side of York Rise, citing technical difficulties and possible road closures. However, officers consider that a number of sites located further along York Rise -ideally against the solid boundary features with Faraday House, would be more suitable in terms of impact upon the street scene compared with the location currently proposed. The applicant does not appear to have examined the potential of these sites.

2.4 It is considered, by virtue of its relative size and associated bulk, the cabinet represents an incongruous and dominant addition to the street scene. It is acknowledged that there are other cabinets and street furniture in the area, but these are all either sited in a discreet line along the back edge of the pavement or are of a relatively small size if they are located at the kerb edge. Whilst some elements benefit from being located against a solid wall or green landscaping to reduce its prominence, in this particular instance, the cabinet would constitute an unduly prominent and unsympathetic feature which would fail to preserve or enhance the character and appearance of the this part of the Dartmouth Park Conservation Area.

### **3. Transport and amenity**

3.1 Turning to transport related matters, no concerns are raised in relation to the siting of the cabinet. Policy DP21 (g) and (h) states that work affecting highways 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. At 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.

3.2 Pedestrian flows are not considered to be affected by the cabinet as the pavement at this point is presently approximately 2.6m in total. The proposed cabinet has a depth of 0.45m and, using other recently installed cabinets as examples, it is considered that it is likely to be installed with a gap between the cabinet and the existing boundary wall of approximately 0.1m. The resultant 'clear footway' in front of the cabinet is therefore likely to be around 2.0m and a maximum of 2.1m if it were to directly adjoin the back wall. This is in line with Policy DP21, CPG7 (transport) and Camden's Streetscape Design Manual.

3.3 The applicant has submitted a statement demonstrating how the tree in close proximity to the equipment cabinet was protected from damage during construction work, thereby meeting the terms of Policy DP24.

3.4 It is considered the proposal, by virtue of its location would not impinge on any amenity issues such as privacy, outlook, noise, or sunlight and daylight.

#### **4. Recommendation:**

##### **a) Refuse planning permission**

##### **b) Authorise enforcement action**

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

#### **The Notice shall allege the following breach of planning control:**

The unauthorised Installation of 1 x BT equipment cabinet on the footway fronting Faraday House, York Rise.

#### **The Notice shall require within a period of 2 calendar months of the Notice taking effect:**

Remove the unauthorised equipment cabinet on the footway and make good any damage to the footway.

#### **REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.**

The unauthorised equipment cabinet on the footway, by reason of its size, location and position, would be overly dominant and appear as an incongruous form of development that does not preserve and enhance the character and appearance of the streetscene and the Dartmouth Park Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

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