

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	21/01/2011
		N/A	Consultation Expiry Date:	24/02/2011
Officer		Application Number(s)		
Sarah Gooding		1. 2011/0369/P 2. 2011/0371/P		
Application Address		Drawing Numbers		
Pavement on Fitzjohns Avenue outside of the Tavistock Centre London NW3 5JY Pavement on Fitzjohns Avenue outside of the Tavistock Centre London NW3 5JY		Refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1. Prior approval of installation of 1 x BT equipment cabinet (Retrospective). 2. Prior approval of installation of 1 x BT equipment cabinet (Retrospective).				
Recommendation(s):		Prior approval required - approval given.		
Application Type:		GPDO Prior Approval Determination		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>Site notices were displayed outside each of the application sites from 31/01/11 to 21/02/11. The applications were all advertised in the Ham & High on 03/02/11.</p> <p>Consultation Responses No reply to date.</p>					
CAAC comments:	<p>Redington and Frogna CAAC No objection to 2011/0369/P (Fitzjohns Avenue).</p> <p>Object to the cabinet outside 17 Netherhall Gardens (2011/0369/P). The proposed site is a little confusing. The CAAC are not clear that this installation will avoid obstruction to pedestrians in conjunction with existing equipment.</p> <p>Heath and Hampstead Society The cabinet has been insensitively sited in front of the widely popular and visited statue of Sigmund Freud. What is the point of erecting public sculpture celebrating the life of famous residents, if their sites are to be defaced and obstructed in this thoughtless way (2011/0369P - Fitzjohns Avenue).</p> <p>The siting of the equipment cabinet is particularly intrusive and unnecessarily obstructive on this section of pavement (2011/0369/P - 17 Netherhall Gardens).</p>					

Site Description

The application sites are located within the Redington/Froggnal conservation area. In both cases they relate to areas of public highway used as pavement. The grade II listed South Hampstead High School Hampstead Synagogue is located in close proximity to the site on Fitzjohns Avenue.

Relevant History

No relevant planning history.

Relevant policies

LDF Core Strategy and Development Policies

CS1 Distribution of growth
CS5 Managing the impact of growth and development
CS14 Promoting high quality places and conserving our heritage
DP17 Walking, cycling and public transport
DP21 Development connecting to highway
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2006
Redington/Froggnal Conservation Area Statement
Streetscape Design Manual

Assessment

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 in the exchange area (Super Fast Fibre Access). The proposed cabinets are in addition to the existing BT cabinets and the existing cabinets will 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 needs to be located within close proximity of an existing BT cabinet (they cannot be located more than 50m apart). The dimensions of the proposed cabinets are 1.6m (tall) x 1.2m (long) and 0.45m (deep).

The GPDO gives permitted development rights for the installation of a large amount of telecommunications equipment subject conditions. In this case the proposed BT equipment cabinets which are proposed at various locations within the Borough would be deemed to be permitted development under Part 24 of Schedule 2 of the GPDO because of the cabinet's limited height and cubic content. The provisions of Part 24 require the telecommunications operator to apply to the Council for prior approval of the siting and design of the equipment. The Council can only consider these aspects of the proposal, it is not possible to consider or raise objection to any other aspect of the proposals.

It should be noted that the local planning authority has 56 days following receipt of an application for prior approval to raise objections. In the event that the applicant has not had a decision from the local planning authority within the specified time frame the applicant receives deemed approval by virtue of the terms of the GPDO.

1. Fitzjohns Avenue

In this case the proposed cabinet has already been installed. The proposed cabinet is located at the back edge of the pavement flanked by an existing brick wall that is 1m in height with 0.2m of railings on top. There are two existing smaller equipment cabinets located nearby and one telephone box. The proposed cabinet in this location is not considered to be obtrusive; the cabinet along with the existing ones are located in a discreet line against the wall. It will not have an adverse impact on the character and appearance of the conservation area. Pedestrian flows will not be adversely affected by the proposed cabinet; 3.0m width of pavement is to be retained in front of the cabinet. The Heath and Hampstead Society have raised concern about the proposed location and obstruction of a statute. The proposed cabinet is not located adjacent to a statute.

2. Netherhall Gardens

In this case the proposed cabinet has already been installed. The Heath and Hampstead Society have raised concern about the impact of the proposal on the conservation area. The proposed cabinet is located adjacent to the kerb edge of the pavement. The back edge of the pavement is flanked by a 1.6m hedge. There are two existing smaller cabinets located on Netherhall Way which are located at the back of the pavement and are not visible in views north/south along Netherhall Gardens. The proposed cabinet will be seen in isolation and not in the context of other similar equipment located nearby. Although it might normally be more desirable to locate cabinets to the rear of the pavement in this case there are other structures located all the street all of which are positioned adjacent to the kerb, by locating the cabinet in a similar location then it ensures a clear direct route for pedestrians. The proposed cabinet is no more intrusive than the letterbox or other lampposts located along this street all of which are located adjacent to the kerb edge. The CAAC has raised concerns regarding the impact on pedestrian movement; the proposal ensures that a clear unobstructed footpath of more than 1.5m has been maintained and therefore the structure would not impede pedestrian movement.

Recommendation: Prior approval is required - approval given.

DISCLAIMER

Decision route to be decided by nominated members on Monday 13th June 2011.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>