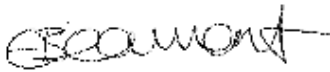


<b>Enforcement Delegated Report</b>		<b>Receipt date:</b>	<b>17/09/2013</b>
<b>Officer</b>		<b>Enforcement Case</b>	
David Glasgow		EN13/1065	
<b>Breach Address</b>		<b>Photos &amp; Other material</b>	
Pavement adjacent to 28 Chalk Farm Road London NW1 8AG		On file	
<b>Authorised Officer Signature</b>			
 21.5.14			
<b>Alleged Breach</b>			
Installation of 1x solar powered telephone Kiosk on the pavement.			
<b>Recommendation(s):</b>		<b>Issue an Enforcement Notice</b>	
<b>Priority:</b>		C	
<b>Site Description</b>			
The site is located to the north eastern side of Chalk Farm Road some 10m from the junction with Hartland Road, adjacent to Nos.27-28 Chalk Farm Road. The site is within the Camden Town Centre but it is not located within a conservation area and does not contain any listed buildings.			
<b>Investigation History</b>			
<p><b>05/12/2012</b> - Application ref 2012/5945/P was submitted for determination by the Council under Part 24 of the GPDO as to whether prior approval was required for the siting and appearance of the proposed installation. The principal issues for consideration were the siting and appearance of the proposed structure.</p> <p>The application was refused for the following reason:</p> <ol style="list-style-type: none"> <li>1. The proposed telephone kiosk, by virtue of its siting and appearance would add to visual clutter, reduce the amount of useable unobstructed footway within an area of that at times experiences high pedestrian flows and would hinder pedestrian movement, resulting in a detrimental impact to the quality of the public realm, amenity and safety of pedestrians. The proposal would thereby be contrary to Core Strategy Policy CS14 (Promoting high quality places and conserving our heritage), Development Plan Policies DP17 (Walking, cycling and public transport), DP21 (Development connecting to the highway network) and DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and Central Government guidance contained within the National Planning Policy Framework (2012).</li> </ol> <p>The decision notice was sent on 20/12/2014.</p> <p>The offender claims to have not received the decision notice until 31 December 2013 which is after the 56 day deadline.</p> <p>15/02/2013 – Letter from offender claiming to have not received the decision notice in time</p>			

March 2013 – Letter from planning officer Seonaid Carr explaining that the decision notice was sent in the same envelope as the decision notice for 350 Euston Road via recorded delivery and therefore was received within the 56 day time period.

17/09/2013 – EN13/1065 case opened.

19/09/2013 - SV revealed phone box had been installed without permission.

23/10/2013 – letter to offender No response received.

25/03/2014 – letter to offender

31/03/2014 – letter received from offender's barrister

07/05/2014 – letter from operator's barrister providing a photograph of the decision notice stamped on 31 December 2014 received (outside the 56 day refusal period).

It is acknowledge that the offender did receive a second decision notice on 31 December 2013 which was sent by the Business Administration Team 2<sup>nd</sup> class. However the case officer did sent two decision notices via recorded delivery in one envelope, one for this site and the other for 350 Euston Road. 350 Euston Road is acknowledged by the operator to have been received within the 56 day time period. Therefore it is the council's position that the decision notice for this site was received in time also.

### **Relevant policies / GPDO Category**

#### **National Planning Policy Framework (March 2012)**

#### **London Plan (2011)**

#### **LDF Core Strategy and Development Policies**

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

DP21 (Development connecting to the highway network)

DP24 (Securing high quality design)

DP26 (Managing the impact of development on occupiers and neighbours)

#### **Camden Planning Guidance 2011CPG1 Design – Section 9 (Designing safer environments)**

**Paragraphs 9.6; 9.7; 9.18; 9.19; 9.20;**

#### **National Planning Policy Framework (NPPF)**

### **Assessment**

The kiosk measures 1.2m x 1.4m with an overall height of 2.5m. It black steel frame with clear polycarbonate toughened glass on 3 sides. One side is covered by a large advertisement

The kiosk is located on the pedestrian footpath, directly south west of Nos.27-28 Chalk Farm Road.

#### **Principle:**

Central Government guidance contained within PPG8 has now been superseded by guidance contained within the National Planning Policy Framework (NPPF). Whilst the NPPF encourages local planning authorities to support the expansion of electronic communications networks, including telecommunications and high speed broadband, it appears to be more geared towards mobile telecommunication, 3G and broadband / wifi as opposed to payphone systems. For the purposes of this assessment, officers will consider payphone kiosk as falling within the definition of "other structures".

Notwithstanding this, there is no clear guidance on payphone kiosks however; the NPPF states that operators should make use of existing masts, buildings and other structures in order to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum. The NPPF further states that existing masts, buildings and other structures should be used, unless the need for a new site has been justified. It goes further to state that applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. Where new sites are proposed, this should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

### **Siting:**

Within this section of Chalk Farm Road which runs between Hawley Street and Hartland Road, there is a bus shelter, 2 lampposts, 4 street trees, a CCTV mast, recycling unit and car parking meter together with this a number of the commercial units within the parade have A boards in place to advertise their premises. Although there is already considerable street furniture within the surroundings it is considered to be clear of unnecessary street clutter.

It is noteworthy that planning permission has recently been granted subject to the completion of a Section 106 agreement for the redevelopment of Hawley Wharf (Ref: 2012/4640/P). The Section 106 includes a contribution of £900,000 some of which will be used for the redevelopment of the surrounding street scene. As such there are concerted efforts to improve the street scene in the surrounding area.

Chalk Farm Road experiences some of the highest pedestrian flows within Camden, largely due to its proximity with Camden markets. As such, any additions to the street scene would have to ensure it would not obstruct pedestrian movements and flow.

At the point of the kiosk's location the footway width is some 8.8m, the kiosk measures 1.2x1.4m in width and removes a sizeable portion of the pedestrian walkway. As such the kiosk hinders pedestrian movement in reducing the amount of available footway. This results in harm to the quality of the public space [AND FLOW?] for pedestrians, thus having a detrimental impact on the promotion of walking as an alternative to motorised transport. This is contrary to the aims and objectives of Policy DP21 which states that Camden will expect developments connecting to the highway network to avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter and contribute to the creation of high quality streets and public spaces.

The proposed kiosk by virtue of its siting obstructs views of the bus shelter which are currently appreciated in a long range from the north west. Furthermore given its height it also obstructs views of the commercial units along Nos. 24 to 27 Chalk Farm Road.

In addition it is noted that there is an existing public operating payphone some 30m from the application site. It is therefore considered that the further kiosk is adding unnecessary street clutter.

The Kiosk is therefore considered to be unacceptable in terms of its siting as it would add unnecessary street clutter. The proposal would be contrary to the guidance of the NPPF (2012) and DP21 of the Council's LDF.

### **Appearance:**

When considering the proposal in the context of the surrounding area, the proposal is similar in appearance due to the proposed materials as the existing bus shelter and in general design and appearance is considered acceptable within this location.

**Conclusion:**

The telephone kiosks results in a unnecessary clutter in the street to the detriment of free and uninterrupted pedestrian flows contrary to policy DP 21 and policy DP24

**Recommendation:**

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, as amended, and, in the event of non compliance with the Notice, the Head of Legal Services be authorised to commence legal proceedings under Section 179 of the Act or other appropriate power and/or the Director of the Culture and Environment Department be authorised to take direct action under Section 178 of the Act to secure compliance with the Notice.

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

Installation of 1x solar powered telephone Kiosk on the pavement.

**The Notice shall require within a period of 1 months of the Notice taking effect:**

Remove the telephone Kiosk and all associated fixtures and fittings and make good any damage to the pavement.

**The Notice shall specify the reason why the Council considers it expedient to issue the notice:**

1. It appears that the breach of planning control occurred within the last 4 years
2. The telephone kiosk, by virtue of its siting and appearance would add to visual clutter, reduce the amount of useable unobstructed footway within an area of that at times experiences high pedestrian flows and would hinder pedestrian movement, resulting in a detrimental impact to the quality of the public realm, amenity and safety of pedestrians. The proposal would thereby be contrary to Core Strategy Policy CS14 (Promoting high quality places and conserving our heritage), Development Plan Policies DP17 (Walking, cycling and public transport), DP21 (Development connecting to the highway network) and DP24 (Securing high quality design)of the London Borough of Camden Local Development Framework Development Policies and Central Government guidance contained within the National Planning Policy Framework (2012).