

# LDC (Proposed) Report

Application  
Number:

2015/4854/P

**Officer**

Jonathan McClue

**Expiry date**

28/08/2015

**Application Address**

Waterflow Park  
Highgate Hill  
London  
N6 5HG

**Authorised Officer Signature**

04/12/2015

**Conservation Area**

Yes – Highgate Village

**Article 4**

No

**Proposal(s)**

Refreshment kiosk on the tea lawn of Waterlow Park outside Lauderdale House to be used until September 2016.

**Recommendation:**

Grant Certificate of Lawfulness

**Site Description**

The application relates to Waterflow Park which is a grade II registered park on the English Heritage Register of Parks and Gardens. The property is Council owned. The proposed development would take place near Lauderdale House which is a grade II\* built circa 1852.

Within Lauderdale House, there is a refreshment facility that serves the public that use the park. In September Lauderdale House is going to close for 12 months whilst it is refurbished through a heritage lottery fund grant.

**Relevant History**

None relevant

**Assessment**

**1.0 Proposal**

1.1 The proposed development is for a refreshment kiosk to be situated in Waterlow Park on a temporary basis for 12 months until September 2016 while Lauderdale House is closed to be refurbished. The kiosk would be located on the lawn in the park by the house and would have dimensions of 3m x 2.2m x 4.8m.

**2.0 Assessment**

2.1 Part 12 of The Town and Country Planning (General Permitted Development) (England) Order 2015 details development by local authorities that is permitted development (i.e. does not require planning permission). Class A of Part 12 is quoted below (next page):

## “PART 12

Development by local authorities

### Class A

#### Permitted development

A. *The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—*

*(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;*

*(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.*

#### Interpretation of Class A

**A.1** For the purposes of Class A, “urban development corporation” has the same meaning as in Part 16 of the Local Government, Planning and Land Act 1980 (urban development)(a).

**A.2** The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

#### Emphasis added

2.2 The proposed kiosk would be in accordance with Class A of Part 12 as it would involve the erection by a local authority of a small ancillary building that is required for a purpose of a function that is exercised by them. The kiosk would also be in accordance with the interpretation of Class A (A.2) as the small ancillary building would not exceed 4 metres in height or 200 cubic metres in capacity.

**3.0 Recommendation:** Grant Certificate of Lawfulness (Proposed)