

# Footpath Outside Trinity Close, Willoughby Road, NW3 1SD – 2016/6489/P



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<b>Delegated Report</b> (Members Briefing)		Analysis sheet		Expiry Date:	20/01/2017
		N/A		Consultation Expiry Date:	12/01/2016
Officer			Application Number(s)		
Tessa Craig			2016/6489/P		
Application Address			Drawing Numbers		
Trinity Close Willoughby Road London NW3 1SD			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
<b>Proposal(s)</b>  Retrospective application to regularise a built electronic fibre cabinet (DSLAM) on the footway outside Trinity Close.					
<b>Recommendation(s):</b>		Grant Retrospective Planning Permission Subject to s106 Legal Agreement			
<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. of responses	00	No. of objections	00
		No. electronic	00		
<b>Summary of consultation responses:</b>		A site notice was displayed on 22/12/2016-12/01/2016 and a press notice was advertised on 20/12/2016.			
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>		<b>Pilgrim's to Willoughby Residents Association-</b> <ul style="list-style-type: none"> <li>Obtrusive visually and physically (see 2.3);</li> <li>Damages conservation area (see 2.3).</li> </ul> <u>Officer Comment</u>  <i>The fibre cabinet is modest in size and a neutral green. The parking sign shall be relocated (secured via s106 legal agreement). The cabinet is not considered harmful to the conservation area and is an unobtrusive addition.</i>			

### **Site Description**

The subject site is the western footpath outside Trinity Close. It is located in the Hampstead Conservation Area.

### **Relevant History**

None.

### **Relevant policies**

#### **National Planning Policy Framework 2012**

#### **London Plan 2016**

#### **Camden LDF Core Strategy 2010**

CS 5 Managing the impact of growth and development

CS 14 (Promoting high quality places and conserving our heritage)

#### **Camden Development Policies 2010**

DP 24 (Securing high quality design)

DP 25 (Conserving Camden's heritage)

DP 26 Managing the impact of development on occupiers and neighbours

#### **Camden Planning Guidance (updated 2015)**

CPG 1 Design chapters 2, 3 and 11

CPG 6 Amenity chapter 6

#### **Hampstead Conservation Area Statement 2001**

## **Assessment**

### **1.0 Proposal**

1.1 Retrospective planning permission is sought for the erection of a telecoms cabinet located on the footpath on Willoughby Road. The cabinet is 1.6m high, 1.2m wide and 0.45m deep and a forest green colour.

### **2.0 Assessment**

2.1 The main considerations in relation to the telecommunications equipment is their design and impact on the conservation area and the impact on residential amenity.

#### **Design**

2.2 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy DP24 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.

2.3 The cabinet is a sympathetic green colour and located at the side of the footpath next to the existing cabinet. Due to its modest size, neutral colour and maximum height of 1.6m, the cabinet is not considered to be harmful to the conservation area. The cabinet is not within the setting of any listed buildings.

2.4 The footway in this location is approximately 1.8m wide. The presence of a parking sign adjacent to the kerb reduces the effective footway width to less than 1.5m wide, whilst the placing of the cabinet at the back of the footway reduces it further still to approximately 1m, which is unlikely to be sufficient for a wheelchair or wide buggy to pass unhindered. Colleagues in highways management have confirmed that the parking sign can be relocated to the back of the footway in order to provide a clear width of at least 1.2m in front of the cabinet and that this will be undertaken as part of their general works (this shall be secured via s106 legal agreement). The siting of the cabinet is therefore considered acceptable.

#### **Amenity**

2.5 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents.

2.6 The existing cabinet is not considered harmful to neighbouring residents in terms of outlook or privacy given its modest size (maximum height 1.6m) and that it does not result in overshadowing.

### **3.0 Recommendation**

3.1 Grant retrospective planning permission.

***Disclaimer:***

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 30th January 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Harlequin Group  
Harlequin Group Innovation Centre  
Maidstone Rd  
Chatham  
ME10 1SL UK

Application Ref: **2016/6489/P**

25 January 2017

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**Trinity Close**  
**Willoughby Road**  
**London**  
**NW3 1SD**

**DECISION**  
Proposal:  
Retrospective application to regularise a built electronic fibre cabinet (DSLAM) on the footway outside Trinity Close.  
Drawing Nos: Design and Access Statement, 1 Rev A, 2 Rev A and 3 Rev A.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):



- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement, 1 Rev A, 2 Rev A and 3 Rev A.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

**DECISION**

Supporting Communities Directorate