

Mr Matt Swindles  
Primesight Limited  
The MET Building  
22 Percy Street  
London  
W1T 2BU

Application Ref: **2017/1129/P**

Please ask for: **Nora-Andreea**

**Constantinescu**

Telephone: 020 7974 **5758**

15 May 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 278 Legal Agreement**

Address:

**o/s 96 Finchley Road  
NW3 5EL**

Proposal: Erection of freestanding BT panel providing phone and Wi-Fi facilities with 2 x internally illuminated digital advertisements following the removal of 1no. BT telephone kiosks.

Drawing Nos: Site location Plan; PY2804 - 001; PY2804 - 002; PY2804 - 003; D0002;  
Street Furniture Comparison

Reports: Cover Letter prepared by Matt Swindles dated 24/01/2017; Proposed Schedule of Operating Conditions for LinkUK from BT Advertisement Screens prepared by BT Link UK; Guidance for Digital Roadside Advertising and Proposed Best Practice prepared by Waterman Group dated 04/03/2013; Planning, Design and Access Statement prepared by LinkUK dated 02/12/2016.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):



- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Site location Plan; PY2804 - 001; PY2804 - 002; PY2804 - 003; D0002; Street Furniture Comparison

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

- 3 The structure hereby permitted shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes.

Reason: In order to minimize the impact on the appearance of the streetscene and the highway in accordance with the requirements of policy CS11 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP17 and DP24 of the London Borough of Camden Local Development Framework Development Policies and D1 and T3 of the Draft Camden Local Plan 2016.

- 4 All surface materials should match the existing adjacent surface materials.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies and D1 of the Draft Camden Local Plan 2016.

- 5 The developer shall enter in to a legal agreement under section 278 of the Highways Act 1980 and other local authority powers to carry out the development hereby approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally, minimize the impact on the character and appearance of the streetscene and the highway, in accordance with the requirements of policies CS5, CS11 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP16, DP17, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies and policies and policies D1, A1 and A4 of the emerging Camden Local Plan 2016 .

Informative(s):

1 Reasons for granting permission.

This application is part of a wider scheme seeking to replace traditional phone kiosks with new phone structures known as BT links. The scheme involves the replacement of a 1 x existing BT telephone kiosk with a new standalone structure which would measure 2.9m in height, 0.79m wide at ground increase to 0.89m at the top of the structure and 0.24m deep. Planning permission is sought for the structure with 2 x digital advertisement panels on each face and services to include, WIFI, free calls, local search apps and rapid mobile phone charging. This application is part of a wider scheme which looks to remove approx. ratio of at least 2.4:1 of existing BT phone kiosks within the immediate proximity of the site.

The proposed materials are of a high quality durable nature and include robust aluminium superstructure, ribbed panelling to eliminate flat surfaces prone to vandalism. The design of the structure has a vertical emphasis to reduce the footprint on the ground. The depth of unit would be 274mm compared with the telephone kiosks with an overall reduction of footprint of 75%. The new kiosk by reason of its design and significantly reduced footprint would give a slender, elegant appearance. The site is located on a wide section of pavement in front of commercial units and in comparison to the kiosk it is replacing it is not considered to be harmful to the wider streetscene.

The existing pavement measures approx. 5.7m but its effective width is 4.2m for a length of approx. 1m due to the existing BT phone kiosk. The street is located on the periphery of the town centre and experiences high footfall. Camden's Streetscape Design Manual section 4.01, together with TfL's Pedestrian Comfort Guidance, states that street furniture should be placed a minimum of 0.45m back from the carriageway, therefore the proposal would result in the loss of a minimum of 1.4m of the footway and when in use an approx. 0.5m of pavement would be taken up. In this case there would be a remaining pavement width of 3.8m for a length of 0.279m which is sufficient to allow enough space to free movement of people, retail customers and Link Unit users, in line with TfL guidance and Camden policies and guidance.

This application is part of a group of applications which, collectively, have been connected to a single Section 278 legal agreement (due to the site being located on the public highway) to secure the removal of existing phone kiosks negotiated to be removed (in addition to the 1 x on the application site) before the proposed application is implemented and a service management plan to ensure the structure and its features are maintained.

There are concerns with the links between ASB and phone kiosks as due to their design they provide opportunities for various levels crime. The removal of the kiosk and the potential for ASB is therefore welcomed. The new structures by reason of their design will be used in the open and users will be located adjacent to the pedestrian flow and due to the sleek design users will be visible from the wider

streetscene. The unit will be sited in front of a cinema on a very busy road where there will be sufficient natural surveillance. As outlined above the structures have been designed to be resistant to graffiti or damage. An obligation is recommended to ensure the link units are regularly maintained.

On balance there are benefits resulting from the proposed removal of the 1 x existing phone kiosk in terms of the reduction in clutter, design, crime and highway issues. As such, the proposed development is in general accordance with policies CS5, CS11, CS14 and CS17 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP16, DP17, DP21, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies A1, D1, D4 and T1 of the Camden Local Plan Submission Draft 2016.

- 2 The site's planning history has been taken into account when coming to this decision.
- 3 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).
- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

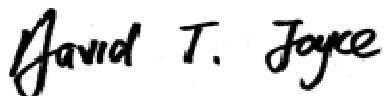
- 6 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce  
Director of Regeneration and Planning