

From: McLaughlin Gavin [REDACTED]
Sent: 09 July 2019 16:45
To: Jeffery, Alyce [REDACTED] Planning [REDACTED]
Cc: Cardno, Steve [REDACTED] Spatial Planning [REDACTED]
Subject: TfL further comments for applications 2019/2701/P; 2019/2700/P; 2019/2699/P;
2019/2695/P; 2019/2685/P; 2019/2686/P; 2019/2687/P; 2019/2693/P; 2019/2684/P;
2019/2682/NEW; 2019/2688/P; 2019/2689/NEW

Hi Alyce and your Camden Planning colleagues,

Firstly my colleague Andrew has kindly found an example of a similar refusal in Westminster - see below the line.

I also caught up with Steve about all of these applications today. I now understand they are all Prior Approvals.

I would therefore like to reiterate TfL's position that they should be refused based on the recent High Court decision.

Another reason is that to my knowledge they are not part of any '2 for 1' deal which would eventually reduce the overall amount of similar phone kiosks in the Borough by half, decluttering the streetscape in accordance with London Plan Policy 6.10 and draft London Plan policies D7, T2, T3 and T4.

Unnecessary and dysfunctional street clutter at any location in the footway on the highway has an obvious adverse impact on the movement of pedestrians, which also goes against TfL and the Council's statutory highway authority duties.

You can cite current London Plan Policy 6.10 (Walking) in the refusals, as it refers to 'promoting simplified streetscape, decluttering and access for all' and also states that Planning Decisions 'should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space'.

Decluttering the streetscape is also prioritised in TfL Streetscape Guidance (available from <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit>). TfL expects the standards and principles in this document to be applied to all phone box replacement applications by the council.

If any of these decisions are appealed, I may ask the Planning Inspectorate to hold a hearing for one of them, so that I can make arguments and try to establish an even stronger planning precedent for similar refusals across London.

Please feel free to share my comments and contact details directly with the applicants. They can contact me for further discussions if they wish.

Thanks
Gav

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Spatial Planning [REDACTED]
Sent: Tuesday, 9 July 2019 16:18
To: McLaughlin Gavin
Subject: FW: TfL holding response for applications 2019/2701/P; 2019/2700/P; 2019/2699/P; 2019/2695/P; 2019/2685/P; 2019/2686/P; 2019/2687/P; 2019/2693/P; 2019/2684/P; 2019/2682/NEW; 2019/2688/P; 2019/2689/NEW

Hi. [REDACTED] Alyce asked about other authorities' examples of decision notices in the light of the High Court decision. This could be an example in Westminster...?

https://idoxpa.westminster.gov.uk/online-applications/files/DE637D7EA850222802309EF9653CCFA5/pdf/18_08365_TELCOM-REFUSAL_PRIOR_APPR_REQ_D-TELCOM_PE_-5719135.pdf

Regards

Andrew

From: Jeffery, Alyce [REDACTED]
Sent: 05 July 2019 14:37
To: McLaughlin Gavin
Cc: Cardno, Steve; Ogunleye, Joshua; Greenhalgh, Adam; Spatial Planning
Subject: RE: TfL holding response for applications 2019/2701/P; 2019/2700/P; 2019/2699/P; 2019/2695/P; 2019/2685/P; 2019/2686/P; 2019/2687/P; 2019/2693/P; 2019/2684/P; 2019/2682/NEW; 2019/2688/P; 2019/2689/NEW

Hi Gavin,

Thank you for your email. Are you aware of other local authority's refusing these applications based on the recent High Court decision? It would be great to see their approach and refusal/decision notice.

Kind regards,

Alyce Jeffery
Planning Officer



From: McLaughlin Gavin [REDACTED]
Sent: 05 July 2019 13:55
To: Planning [REDACTED]
Cc: Cardno, Steve [REDACTED] Ogunleye, Joshua [REDACTED]
[REDACTED] Greenhalgh, Adam [REDACTED]
Jeffery, Alyce [REDACTED] Spatial Planning [REDACTED]
Subject: Tfl holding response for applications 2019/2701/P; 2019/2700/P; 2019/2699/P;
2019/2695/P; 2019/2685/P; 2019/2686/P; 2019/2687/P; 2019/2693/P; 2019/2684/P;
2019/2682/NEW; 2019/2688/P; 2019/2689/NEW

Dear Camden Planning

2019/2701/P
2019/2700/P
2019/2699/P
2019/2695/P
2019/2685/P
2019/2686/P
2019/2687/P
2019/2693/P
2019/2684/P
2019/2682/NEW
2019/2688/P
2019/2689/NEW

Thanks for consulting Tfl on these planning applications. I have a meeting scheduled with your Transport officer Steve Cardno next Tuesday afternoon to discuss these applications.

I will therefore respond in due course following further discussions between Tfl and the Council.

Please be aware that following the recent High Court decision ([Westminster City Council v Secretary of State for Housing, Communities and Local Government. Case Number: CO/3111/2018](#)) the Prior Approval process is no longer applicable for phone kiosk replacement applications and full planning permission is always now required.

And any further such applications on the TLRN will all require:

- a full Tfl preapplication meeting for any group of 3 or more kiosks/units
 - full planning permission for the structure
 - a separate advertising consent for the illuminated elements
 - landowner consent (from Tfl Spatial Planning)
 - a Section 278 agreement with Tfl to guarantee removal of old kiosks as well as authorise new installation works
- all agreed in writing by Tfl in advance of any licensing or installation.

All of these documents must be submitted to the Tfl licensing team each time a licence is sought to install a new kiosk or telecommunications unit on the TLRN.

As a result all Prior Approval applications in the above group should be refused. I look forward to further discussions with Steve next week.

Thanks,
Gavin McLaughlin | Principal Planner
Spatial Planning | City Planning



We have recently made changes to our pre-application service and charges, and introduced a new Initial Screening process. For more info please visit: <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services>

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