From: "Ogunleye, Joshua" <Joshua.Ogunleye@camden.gov.uk>
Sent: Tue, 3 Mar 2020 14:17:44 +0000
To: Planning <Planning@camden.gov.uk>
Subject: FW: CGCA objections to phone kiosk applications
Attachments: Appeal decision against 11 Maximus kiosks in S. Westminster, 16.10.19.pdf; image001.jpg; image002.png; image003.png; image004.png; image005.png; image006.jpg
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Joshua Ogunleye
Planning Officer

Telephone: 020 7974 1843

From: [redacted]
Sent: 21 October 2019 10:36
To: Ogunleye, Joshua <Joshua.Ogunleye@camden.gov.uk>
Cc: McDonald, Neil <Neil.McDonald@camden.gov.uk>; Stephen Heath, Bloomsbury Association [redacted] Vincent, Sue (Councillor) <Sue.Vincent@camden.gov.uk>
Subject: CGCA objections to phone kiosk applications

Dear Joshua,

There seems to be a spate of these phone kiosk applications again. Two affect CGCA's area (2019/4049/P and 2019/4050/P) this month.

The application forms say that the new units will be Height: 1.65 x Width: 0.928 x Depth: 0 metre(s). But, looking at drawings supplied with 2019/4049/P, we see that they actually seem to be 1097 x 762 x 2499 high. Would it be possible to get some clarity on this, please?

In any case, they are overall rather larger than the existing ones.

However, we find ourselves conflicted as to whether to object or not. Perhaps we should class our comments as 'OBJECTION SUBJECT TO CONDITIONS'.

Were they applications for new sites we would certainly object. And, armed with the new legislation, you would be able to refuse them (*the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 that came into force on 25/05/2019, amending the General Permitted Development Order (GPDO) to remove the permitted development right to install a public call box under Schedule 2, Part 16, Class A of the GPDO).*

But we understand that the new legislation does not give you powers to remove unsightly boxes that are really not being used for much more than advertising – are we right?

If we can't remove the old boxes here, then we are left to answer the question as to whether these proposed new boxes are better or worse than what is there now.

We would say that what they COULD be better, but this would depend upon a few things:

1. Them not being overly large nor the positioning obstructive.
2. Any advertising on them being unobtrusive and suitable for the historic area.
3. A maintenance agreement.

Number 3 is crucial.

We have been in correspondence with Westminster council this month about this very issue, because the results of the appeal (which, to our relief, went against Maximus) came out. I attach this appeal decision because it helps to balance the appeal documents supplied by the applicant. But I am sure that you will already have had them all as 'light reading'!

Westminster confirmed that, were they in a position where they were to have to consent any

replacement kiosks in future then they would attach conditions, including maintenance ones. You may well already be working with Westminster to control the blight that many of these units have caused over recent decades, with all the issues that we know around crime (drug activity. prostitution advertising etc.), filth and unwelcome advertising in the middle of our pavements. However, in case it is of use, I a part of the email trail below. All the officers what we deal with on this at Westminster are very collaborative, so please do call them if you have not done so already and think that a joined-up approach would be helpful. I have to say that we do! Roald Piper, who heads up their enforcement, came with us to see a Minister for Housing and to lobby the House of Lords to help us get the 90 day rule on Airbnb a few years go; he is very determined and thinks around problems, but as you can see below the problem of existing kiosks seems to be proving pretty tough.
Please let us know if we should submit formal comments on these applications.
With good wishes,
- Amanda.

Amanda Rigby
(Voluntary) Vice Chair
Covent Garden Community Association
My mobil [redacted]
My email [redacted]
COVENT GARDEN COMMUNITY ASSOCIATION
Charity number 274468

From: Piper, Roald: WCC [redacted]
Sent: 17 October 2019 16:13
To: [redacted]
Cc: [redacted]
Subject: RE: Appeals dismissed for 11 phone boxes

Dear Amanda
Yes, in the event that we did grant permission for a new telephone kiosk (or were a refusal to be allowed on appeal), I think that we would request that a condition be imposed requiring that a management plan be submitted outlining how it is proposed to maintain the condition of the telephone kiosk going forward. Were the management plan not complied with, then we would be in a position to pursue enforcement action to ensure it is complied with.
Thanks.
Roald

Roald Piper
Planning Enforcement Team Leader
Place Shaping and Town Planning
Growth, Planning and Housing
Postal Address: PO Box 732, Redhill, RH1 9FL
Tel: [redacted]
westminster.gov.uk

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From: [redacted]
Sent: 17 October 2019 15:41
To: Piper, Roald: WCC <[redacted]
[redacted]
Subject: RE: Appeals dismissed for 11 phone boxes

Thanks so much, Roald. This, and Robert's response, is all very helpful.
It reminds me that we did ask some time ago for conditions to be attached when any new kiosks are consented (which hopefully they now won't be - yippee!) or when consent is given to replace old ones with new ones.
For example, do you think that it would be feasible to attach to any consent a planning condition:
a) requiring the telecoms company to maintain the new unit regularly and up to a certain standard and
b) giving you enforcement powers to remove the unit if they don't comply?
With good wishes,
- Amanda.

From: Piper, Roald: W[redacted]
Sent: 17 October 2019 15:18
[redacted]
Subject: RE: Appeals dismissed for 11 phone boxes

Dear Amanda
With respect to planning enforcement regarding unused, filthy telephone kiosks, we are able to get these cleaned-up and regularly do. However, it is more difficult to get the entire telephone kiosk removed as we have to demonstrate that the telephone is no longer needed for telecommunications purposes (in other words it is not used to make telephone calls). When we challenge the telecommunication companies on this – they always come back and say that they are still being used to make calls and it is very difficult for us to dispute this. We are though happy to look at individual cases on their merits and please feel free to report unused filthy kiosks to us and we will pursue what action we can.
Kind regards
Roald

Roald Piper
Planning Enforcement Team Leader
Place Shaping and Town Planning
Growth, Planning and Housing
Postal Address: PO Box 732, Redhill, RH1 9FL
Tel: [redacted]
westminster.gov.uk
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From: Ayton, Robert: WCC <[redacted]
Sent: 17 October 2019 14:57
To:
[redacted]

Subject: RE: Appeals dismissed for 11 phone boxes

Amanda
I should add that these 11 appeal decisions, whilst welcomed, are also legally incorrect as the Inspector should have dismissed them for the reason that the telephone kiosks do not have pd rights.
Robert

From: Ayton, Robert: WCC
Sent: 17 October 2019 14:28
To: [redacted]

Subject: Appeals dismissed for 11 phone boxes

Amanda
In response to your questions:
The law changed in May this year and telephone kiosks now require planning permission and adverts on them require advertisement consent.
There are a number of current appeals against refusals of 'prior approval' submitted by Maximus before the law changed. These appeals are generally being dismissed by the Planning Inspectorate, on the grounds that the telephone kiosks do not benefit from permitted development under the previous legal position, because they are dual purpose telecommunications structures with the potential for advertising. (This is as result of the City

Council's successful challenge in the High Court this year, before the law changed).
However, the Planning Inspectorate have allowed a small number of these Maximus appeals.
These decisions are wrong in our view and we are due to challenge these in the courts.
With respect to enforcement against existing kiosks, Roald Piper can advise you further.
Regards

Robert Ayton
Head of Design and Conservation (Central Area)
Place Shaping and Town Planning
Westminster City Council
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