

Application ref: 2020/5295/P
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Date: 7 July 2021

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Broe and Co LLP
66 Haven Way
Newhaven
BN9 9TD

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**BT telephone kiosk to east of
3 Highgate High Street
London
N6 5JR**

Proposal: Change of use of BT telephone box (Sui Generis) to retail kiosk (Use Class E) and associated alterations.

Drawing Nos: EX01A, PL01A, PL02; Mortice Deadlock details (Willenhall M8 5 lever model); Design and Access (and Heritage) Statement from Broe & Co. LLP (ref. 9232-16.13/MB/FB rev B) dated March 2021.

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing kiosk structure, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017, and policies DH2 and OS1

of the Highgate Neighbourhood Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: EX01A, PL01A, PL02; Mortice Deadlock details (Willenhall M8 5 lever model); Design and Access (and Heritage) Statement from Broe & Co. LLP (ref. 9232-16.13/MB/FB rev B) dated March 2021.

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

- 4 The use hereby permitted shall not be carried out outside the following times: 0800 to 1800 hours, Mondays to Fridays; 0800 to 1900 hours on Saturdays; and 0800 to 1800 hours on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 No tables, chairs, litter bins, A-boards or other paraphernalia shall be placed on the public highway without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the immediate area and enable free pedestrian movement in accordance with the requirements of policies A1, C6, D1, D2 and T1 of the Camden Local Plan 2017, and policies DH2 and OS1 of the Highgate Neighbourhood Plan 2017.

- 6 The self-contained modular retail installation hereby approved shall be removed from the kiosk structure as soon as reasonably practicable when no longer required.

Reason: In order to minimize the impact on the appearance of the premises and local environment in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017, and policies DH2 and OS1 of the Highgate Neighbourhood Plan 2017.

- 7 No primary cooking shall take place at the site premises..

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, D1, D2 and G1 of the Camden Local Plan 2017.

- 8 No music shall be played on the premises in such a way as to be audible within any neighbouring premises or on the public highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, D1, D2, G1 and TC5 of the London Borough of Camden Local Plan 2017.

- 9 Notwithstanding the provisions of Class E of the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall not be used other than for activities

falling under Class E(a).

Reason: To ensure that the future use of the premises does not adversely affect the immediate area by reason of loss of amenity, noise and disturbance, smells and odours, or traffic congestion, in accordance with policies A1, A4, D1, D2, G1, T1 and TC5 of the London Borough of Camden Local Plan 2017.

Informatives:

1 Reasons for granting planning permission:

The principle of converting the Grade II Listed telephone kiosk into a retail unit is supported as it would bring a new use to an otherwise disused and redundant kiosk, as well as, enable a small increase in retail floorspace to be created within the locality. It is noted that approval (2016/6054/P) was granted in 2017 for a change of use to an office pod with fairly similar alterations.

The external appearance would remain largely unaltered with the only exterior changes being the installation of a five-lever mortice deadlock to the front elevation and new toughened safety glass as an additional security measure. The kiosk will remain painted in BT phone box red and a rolling maintenance programme will see the kiosk refurbished every two years.

Internally, the existing telephony equipment would be removed to allow for a self-contained and free-standing modular kiosk unit to be housed inside without the need for any fixings. The unit would not occupy the full internal kiosk space, and alongside the new clear glazing and absence of any advertising display, this would ensure that the degree of visual permeability through the kiosk would remain predominantly the same.

The retail use is intended to provide takeaway sale of ice cream, coffee and other similar products to customers on the street who would then consume the products elsewhere. A member of staff would stand within the area of the door swing to serve customers as shown by the operational area marked as a red-line on the proposed plan (ref. PL01A). As such, the proposal would require a separate street trading licence given the requirement to operate on the public highway. Due to the small stock levels required, deliveries would take place by foot on a daily basis. A waste bin would be kept inside the kiosk and its contents collected on a daily basis as part of established serviced collections.

A condition has been applied to ensure that no tables, chairs, litter bins, A-boards or other paraphernalia would be placed outside the box on the public highway in order that the setting of the listed structure would remain unharmed by street clutter in the vicinity. Further conditions ensure no primary cooking would take place and the hours of operation for the use would accord with typical business hours, in order to protect local amenity. Permission is restricted specifically for a retail purpose under Use Class E(a) as described within the approved documents to ensure it does not change to an alternative use within the Use Class E category which may have different impacts that haven't been assessed as part of the application proposals. All of the above key elements of the proposal would be secured by conditions attached to any approval.

The location of the phone box on a wide and uncluttered pavement would be more than sufficient space to comfortably operate the proposed retail use and for customers to queue safely without introducing any obstruction to the public highway or nearby public entrance to Waterlow Park. Furthermore, there are no public safety concerns to passing vehicular or pedestrian traffic.

Overall therefore, given the minor nature of the use and alterations, the special interest of this listed piece of street furniture and wider Highgate Conservation and Neighbourhood Areas would be preserved and enhanced by the proposals, especially given the renewed use of the structure and regular maintenance programme.

There are no amenity concerns to neighbouring properties given the significant relative distance to the nearest residential property and the minor nature of the proposed use. The new use is considered likely to prevent typical anti-social behaviour associated with disused and redundant telephone kiosks.

The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received following statutory consultation.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Highgate Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

As such, the proposed development is in general accordance with policies A1, C5, C6, D1, D2, E1, G1 and TC5 of the Camden Local Plan 2017. The proposed development also accords with policies DH2 and OS1 of the Highgate Neighbourhood Plan 2017, the London Plan 2020 and the National Planning Policy Framework 2019.

- 2 You are advised that trading from the highway requires a trading licence and the proposed retail kiosk needs to be designated for street trading by the Council's Licensing Committee.
- 3 You are advised that Advertisement and Listed Building Consents would be required to display any advertisements. The display of an advertisement without consent is a criminal offence under Section 224(3) of the Town and Country Planning Act 1990. Under Section 225 of the Town and Country Planning Act, Section 10 of the London Local Authorities Act 1995 and Section 11 of the London Local Authorities Act 1995 the Council has powers to enter the land and remove the display. As such, the Council will commence prosecution/action to secure the removal of the advertisement.
- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence(s), including from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licence(s) and authorisation(s) need to

be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 5 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular grid background.

Daniel Pope
Chief Planning Officer