

Report to: PLANNING COMMITTEE

Date: 25 May 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: **Island outside St Leonards Warrior Square
Railway Station, Kings Road, St
Leonards-on-sea, TN37 6HL**

Proposal: **To install one KX100 style telephone kiosk.**

Application No: **HS/TL/16/00090**

Recommendation: **Prior Approval is required and is hereby given**

Ward: GENSING
File No: XJ70050T
Applicant: BT Payphones Planning Office 4th Floor -
Monument T.E. 11-13 Great Tower Street
London EC3R 5AQ

Interest: BT
Existing Use: No existing use

Policies
Conservation Area: Yes - Kings Road
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 6
Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

Notes

Neighbours Expire: 22 March 2016 Members Expire: 22 March 2016 or same as advert expiry if later.

Advert Expires: 01 April 2016

Neighbours Checked on site: Yes

Objection letters read: Yes

Site Visited: 14 April 2016

Summary

The application sought determination as to whether the installation of one KX100 style telephone kiosk outside St Leonards Warrior Square Railway Station, Kings Road requires prior approval to the siting and appearance of the development. Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 applies.

The application has been referred to committee in accordance with clause 44 of Hastings Borough Council's Constitution, Part 8 (October 2015) as more than 2 letters of objection have been received. Clause 43(e) of the same requires applications relating to prior approvals under the Town and Country (General Permitted Development order 1995) to be referred to committee.

Due to the application expiring on 25 April 2016 and the timing of this committee meeting, 'Deemed Consent' has already occurred by default for this prior approval application as no decision was issued within 56 days. Therefore, this application is being presented to committee members for your information as the proposed development can be carried out.

It is worth noting that the proposed development meets the requirements of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. As per the prior approval process the kiosk is not considered to cause harm in terms of siting or appearance. If the application could have been considered under delegated powers it would have been recommended that prior approval be granted and consent issued within the correct timeframe.

Site and Surrounding Area

The proposed site is located within Kings Road Conservation Area outside the St Leonards Warrior Square railway station and its junction with Kings Road, St Johns Road and Western Road. There is an access road and a car park to the front of the station.

Proposed development

The application sought determination as to whether the installation of one KX100 style telephone kiosk outside of St Leonards Warrior Square Rail Station, Kings Road required prior approval to the siting and appearance of the development. Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 applies.

Dimensions: Height (2.192m), Width (0.89m), depth (0.89m) and ground base area (0.79m²).

The application was supported by the following documents:

Letters from BT, dated 8, 29 February 2016
Block Plan
Photo (outside St Leonards Station)
Location Plan
KX100 specification

Relevant Planning History

HS/TL/15/00840 Replace four telephone kiosks to new locations, granted by default on 2 February 2015

Consultations comments

Network Rail - No comments.

Conservation and Design stated the following on 17 March 2016:

"Permission was granted by default in 2015 which looked to position a phone kiosk on the pavement directly in front of the station building adjacent to the easternmost original entrance piers. This location was of concern to Conservation and Design as it was considered to have a negative impact upon the street scene of this part of the conservation area and the setting of the station building which makes a positive contribution to the special character of the area.

The relocated site whilst visible in the approach from Kings Road would be sited adjacent to the CCTV pole and station sign and as such is not considered to be visually dominant in the street scene. By locating the phone box in this position, the views and vistas from Western Road approach and Johns Road would be largely unaffected.

Conservation and Design would welcome an assurance by the operator not to provide any advertising on the kiosk to lessen the visual impact on the area."

Representations

6 letters of objection were received raising the following concerns:

- Security
- Vandalism
- Siting
- Lack of maintenance
- Dirty
- Health hazard
- Advertising on phone box
- Spoil the view of the station
- Used as a urinal
- Eye sore
- Prone to anti-social behaviour
- Lack of upkeep of existing phone boxes

Determining Issues

As stated above, this is a prior approval application where only the siting, appearance and the ground base area of the kiosk can be taken into account. Furthermore, the application had to show that it complied with conditions as set out in paragraph A.3 (prior approval).

There are no highway implications in terms of siting with good visibility maintained to ensure vehicular and pedestrian safety.

The objection comments have been considered and understood - especially in relation to the impact on the Conservation Area. Unfortunately, there is a history to this location that kiosks can no longer be sited on the station land so the previous less prominent location cannot be used. A previous proposal to site a kiosk directly in line with the main station building was also criticised as too harmful so this new location has come about as a result of negotiations with BT. The proposed location was considered to allow BT to meet their service requirements whilst causing the least harm in the context of limited options.

It has been noted that the site is generally quite open with the built form set back providing open and generally uncluttered views and vistas. However, the site chosen has a stand alone pole adjacent with signage ("St Leonards Warrior Square" and "Crystal Square parking") and CCTV attached. The proposed siting is also immediately next to the car parking area which should soften the impact when cars are parked. The proposed telephone box is modern in design with three clear sides and as such does not appear overly dominant. The telephone box needs to be easily accessible and is centrally and strategically placed adjacent to the car parking area and existing pole. The views and vistas from Western Road approach and Johns Road would be largely unaffected.

Paragraph A.1 (4) states that development is not permitted in the case of the installation of a public call box if the ground or base area of the structure would exceed 1.5m². The ground base area of the kiosk will be 0.79m² and is, therefore, permitted development in terms of this requirement.

The application as submitted meets all the conditions set out in paragraph A.3 (prior approval).

Although concerns have been raised regarding the proposed display of advertising on the telephone kiosk, advertisements on telephone kiosks benefit from deemed consent. An informative has been placed on the consent, drawing the applicants attention to the Advertisement Regulations 2007 and 2012. Planning permission for the display of advertisements may be required if proposed advertisements don't accord with the Advertisement Regulations.

Given the above, it is considered that the telephone kiosk would not detrimentally impact on the siting and appearance of the conservation area.

Conclusion

Given the above discussion, the proposed development meets all the requirements of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. As per the prior approval process the kiosk is not considered to cause harm in terms of the character, siting or appearance of the conservation area.

Due to the application having expired on 25 April 2016 and the timing of this committee meeting, 'Deemed Consent' has already occurred by default for this prior approval application as no decision was issued within 56 days. This application is being presented to committee members in order to comply with Council protocol regarding prior approval applications.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Prior Approval is required and is hereby given

1. The development must be completed on or before 30 May 2018.
2. The development shall be carried out in accordance with the details approved.

Reasons:

1. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015
2. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Notes to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Prior to the display of any advertisements on the approved telephone kiosk, you are advised to make sure they are displayed in accordance with the Advertisement Regulations. Planning permission may be required.

Officer to Contact

Mr Y Watt, Telephone 01424 783336

Background Papers

Application No: HS/TL/16/00090 including all letters and documents