

West Area Planning Committee

-10th September 2013

Application Number: 13/01760/FUL

Decision Due by: 9th September 2013

Proposal: Removal of existing public telephone kiosk. Installation of kiosk combining a public telephone and ATM (retrospective).

Site Address: Public Telephone 24 Cornmarket Street, Appendix 1.

Ward: Carfax

Agent: N/A

Applicant: BT Payphones

This application has been called in to be heard by the West Area Planning Committee by Councillor Oscar van Nooijen supported by Councillors James Fry, Mike Rowley and Ann Marie Canning. The application has been called in so that the issue may be heard in public and concerns about design may be discussed.

Recommendation:

The West Area Planning Committee is recommended to APPROVE planning permission for the following reasons:

- 1 In the context of the varied street scene in which the application site is set and the variety of uses that take place there and subject to detailed design and use of appropriate colours it is considered that this proposal will not cause unacceptable harm to the character or appearance of the Conservation Area, any harm justified by the public benefits the facilities will provide. The proposal is not considered to adversely impact on or obstruct users of the public highway. The proposal therefore complies with policies CP1, CP8, CP24 and HE7 of the Oxford Local Plan 2001-2016
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give.

Conditions:

- 1 Complete Development in accordance with approved plans with no variation without prior approval from the Local Planning Authority.

Main Planning Policies:**Oxford Local Plan 2001-2016**

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP24 - Telecommunications

HE7 - Conservation Areas

Core Strategy

CS18 - Urban design, town character, historic environment

Sites and Housing Plan

MP1 - Model Policy

Other Material Considerations:

1. National Planning Policy Framework
2. The application site falls within the Central Conservation Area

Relevant Site History:

- 96/01356/BH -Application to determine whether prior approval required for re-siting and design of 2 public payphones. Prior approval required and considered acceptable. 7.10.1996
- 10/02582/FUL- Replacement of existing telephone kiosk with new kiosk combining payphone and ATM within a suite of 4 kiosks. Approved 9.11.2010
- 10/03150/CND - Details submitted in compliance with conditions 2 (removal of 'cash' wording) and 3 (sample of colour) of planning permission 10/02582/FUL- Approved 14.1.2011.

Representations Received:**Statutory and Internal Consultees:**

Thames Valley Police Chief Constable (Operations)- No objections

No third party comments have been received.

Officers Assessment:

Site Description and Proposal:

1. The application site is located on the public highway outside numbers 20 and 22 Cornmarket Street which are the clothing stores Next and River Island (see **Appendix 1**).
2. The proposal is for the removal of a single existing public telephone Kiosk and the replacement with a telephone kiosk combining an ATM. The work has already been completed and the application is therefore retrospective.

Principle of Development:

3. Certain Permitted Development rights are available to statutory undertakers for Telecommunications. It is understood that previously four payphones were located in the street, in two phone booths, back to back. As can be seen from the planning history originally the two public payphone booths were given approval under an application for prior notification. Then later in 2010 application 10/02582/FUL granted consent for the replacement of the four payphones with just one combined telephone and ATM Kiosk. This application was approved under delegated powers as it was considered at that time that the replacement of the suite of four payphone booths with one combined kiosk had a lesser overall impact on the street scene and Conversation Area. Details of the lettering and finished colours were agreed under the application 10/03150/CND to ensure appropriate materials and colours were used.
4. However, more recently members of the public raised concerns with the Council when it appeared a combined Kiosk was being constructed but finished in a bright yellow and red colour palette instead of the grey colour previously approved with black lettering on green above the phone and ATM. Enforcement Officers alerted the applicants that the Kiosk did not benefit from any consent as it did not comply with the approved plans or details of the above application. After informal correspondence the applicants changed the colour of the Kiosk albeit the lettering still differed from that previously approved. Essentially this application is seeking planning permission for the Kiosk as built, with the amended wording and lettering in white instead of black, as previously approved.
5. The principle of the development has already been established by the previously approved consent, which remains extant (and could still be implemented until 9th November 2013). This report will therefore consider and assess the minor changes between 10/02582/FUL, already approved and this current application.

Design and Impact on the Conservation Area:

6. The kiosk is loosely based on the traditional telephone box, but lacks any of the finesse or detail of the original. The previously approved scheme had two blank sides, with the ATM and payphone on opposite sides of the Kiosk. The words 'Cash Machine Service' were proposed in black on green at the top of the Kiosk on all sides and the 'Link' icon in its trademark red lettering in a blue box on a green 'wrap around' strip was proposed on all four sides, across the middle section of the Kiosk. This current proposal has the text 'ATM Free cash withdrawals' in white lettering across the top of the Kiosk on three sides, with the word 'Payphone' also in white, on the elevation of the payphone. The green wrap around strip has been removed from this scheme and instead, displayed the two blank sides, is the national flags of the different languages the ATM is displayed in. The Visa and LINK (etc.) logos are proposed smaller and individually applied to the grey surface material.
7. Policy CP1, of the Oxford Local Plan 2001-2016 and Policy CS 18 of the Core Strategy state that new development should respect the character and appearance of the area and be acceptable in terms of access, highway safety and pedestrian and cycle movements. It is considered the kiosk does respect the character of the area as there are varying styles and different facades and shop fronts along this stretch of the street which make for an interesting visual street scene. There are also modern styles of street furniture along this section of the road which has, fairly recently, been paved and made fully pedestrianised.
8. The proposed grey colour with white lettering is selected to soften the visual impact of the booth and to have some reference to the colour palette of existing street furniture. The size of the wording is not considered to be overbearing, but is large enough to be visible to members of the public. Given the pedestrianised nature of the road, the kiosk is not considered to pose an obstruction to pedestrians (cycling is not permitted in Cornmarket Street in day time hours).
9. Comparing the extant approval and this current scheme it is considered the current proposals are a slight improvement. Whilst the overall style and shape of the Kiosk is not ideal, a balanced judgement has to be made between the scheme as proposed, with just the one unit in the Conservation Area, against the situation as it was before with a bank of four phone booths. Overall it is considered the single Kiosk has a lesser impact on the street scene and Conservation Area, albeit it is not of a traditional or sympathetic design. In considering the harm the Kiosk has on the appearance of the Conservation Area it is also necessary to consider any public benefits the proposal may have that would outweigh the harm. Taking all this into account the proposal is considered to accord with policy CP1 of the OLP.
10. Policy CP 8 of the Local Plan states that new buildings should relate to their setting and connect to and be integrated with, the wider area and

form an appropriate visual relationship with the wider area. Policy HE 7 which relates to Conservation Areas, states that permission should only be granted for development that preserves or enhances the special character of the area. When considering the previous application it was considered the large black lettering down both sides of the kiosk was inappropriate and needed to be conditioned in order to ensure the colour and finish maintains the visual amenity of the Central Conservation Area. This application has taken on board these previous comments. The proposal is also considered to be well connected within the wider street and provides a useful function in a street made up of primarily A1 (shop) units. Officers have noted when passing the application site that there appears to be a demand for the provision of an ATM in this location due to the frequency of use witnessed. Taking into account the setting of the Kiosk the proposal is considered to comply with both policies CP 8 and HE 7 of the OLP.

Safety:

11. It is understood there are CCTV cameras at both ends of Cornmarket Street. The Thames Valley Police Crime Prevention Design Advisor raises no objections to this application and gives merit to the schemes configuration of the ATM and payphone functions being on opposite sides of the Kiosk which reduces the risk of potential card cloning or PIN memorisation.

Conclusion:

12. Since the submission of the original application, the proposals for the Kiosk has progressed and this current scheme now proposes more suitable colours and finish and provides the opportunity to achieve a better design than has previously been approved. This proposal is considered acceptable, taking into account the extant planning permission, the fall-back position of permitted development rights, the public benefits provided and measures taken to minimise harm to the character or appearance of the Conservation Area. The proposal is not considered to adversely impact on the street scene or obstruct users of the public highway. The proposal therefore complies with policies CP1, CP8, CP24 and HE7 of the Oxford Local Plan 2001-2016. Officers therefore recommend the Committee grant planning permission, subject to conditions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the

rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Hannah Revell

Extension: 2241

Date: 27th August 2013

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