

10. 18/1614/FUL- Change of use from phone box to use as notice board for community organisations at RED K6 KIOSK, 44 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1JE

Parish: Batchworth Community Council Ward: Rickmansworth Town
Expiry of Statutory Period : 04 December 2018 Case Officer: Lauren Edwards

18/1615/LBC- Listed Building Consent: Change of use from phone box to use as notice board for local organisations at RED K6 KIOSK, 44 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1JE

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(DCES)

Recommendation: That Planning Permission and Listed Building Consent be Approved

Reason for consideration by the Committee: The applicant is Batchworth Community Council.

1 Relevant Planning History

1.1 18/1671/BTU - Removal of BT telephone service – No objections.

2 Description of Application Site

2.1 The application building is a Grade II Listed phone box which was listed on 23 November 1987. The building's listing reads as follows:

Telephone kiosk. Type K6. Designed 1935 by Sir Giles Gilbert Scott. Made by various contractors. Cast iron. Square kiosk with domed roof. Unperforated crowns to top panels and margin glazing to windows and door.

2.2 The phone box is located on the western side of Church Street adjacent to the south eastern entrance to the grounds of St Mary's Church.

2.3 The phone box is a traditional red colour with the 'TELEPHONE' lettering and glazed panels to the front and side elevations.

3 Description of Proposed Development

3.1 Planning Permission and Listed Building Consent are sought for change of use of the existing phone box for use as a notice board for local organisations.

3.2 The existing 'TELEPHONE' signage would be replaced by 'BATCHWORTH COMMUNITY COUNCIL' within the front and COMMUNITY INFORMATION to the sides. The signs would be contained within the existing parameters of the white background and text.

3.3 The applicant has confirmed that the existing lighting is to be retained and that the notice boards will be attached to wooden battens affixed to the inside of the phone box.

3.4 The removal of the payphone service was considered by application reference 18/1671/BTU.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: No Comments received.

4.1.2 Conservation Officer: (Objection)

Context

This K6 telephone box is a designated heritage asset.

The List description reads: "*Telephone kiosk. Type K6. Designed 1935 by Sir Giles Gilbert Scott. Made by various contractors. Cast iron. Square kiosk with domed roof. Unperforated crowns to top panels and margin glazing to windows and door.*"

This site is also in the Rickmansworth Conservation Area and adjacent to the grade I listed Church of St Mary.

Policy

DM3 The Historic Built Environment

Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

The proposal

Change of use from phone box to use as a notice board for local organisations. This includes replacement of the original "TELEPHONE" sign with a new sign reading "Batchworth Community Council and Community Information".

Issues

This proposal directly affects a grade II Listed Building.

This proposal is in a sensitive historic location and includes a Conservation Area and the setting of adjacent Listed Buildings.

Discussion

The original "TELEPHONE" sign is part of the original 1935 design and should not be removed and replaced with "Batchworth Community Council and Community Information". The special character of a K6 box is integral with the use for which it was originally designed and this use is clearly shown by the signage on the K6 which was also designed as part of the Listed Building. It is proposed to change this external signage and this would be harmful to the special character of the Listed Building.

This K6 telephone box is specifically listed as a good example and this original signage is therefore of importance.

The other aspects of this proposal include repair like-for-like and repainting and I'd not object.

Further details were received on the 01/11/18. The applicant says: "With regard to lighting, we are content to retain the existing internal lighting of the phone box and will use best endeavours to retain the internal appearance of the phone box by affixing wooden battens to the structure to enable community notice boards to be attached to the battens. These could easily be removed at a later date preserving the character and appearance of the phone box."

I would not object to this internal appearance. A 1930s appearance would be excellent and there are examples on the internet and specialist contractors who can develop ideas.

Conclusion

It is proposed to change the external signage and this would be harmful to the special character of the Listed Building and harm the Conservation Area by not being characteristic or traditional.

I understand that new glazing may be needed and this should be on a strictly like for like basis.

The other aspects of this proposal include repair like-for-like and repainting and I'd not object.

4.1.3 National Grid: No response received

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 56 No of responses received: 1

4.2.2 Site Notices:

18/1614/FUL- Posted 11.10.2018 and expired 01.11.2018
18/1615/LBC - Posted 12.10.2018 and expired 02.11.2018

4.2.3 Press notices:

18/0928/FUL - Published 19.10.2018 and expired 09.11.2018
18/0929/LBC - Published 19.10.2018 and expired 09.11.2018

4.2.4 Summary of responses:

- Application form did not state whether phone would be removed
- Phone box itself should remain
- Question in relation to whether advertisement would be within or outside the phone box

5 Reason for Delay

5.1 Not applicable

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to

the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM3, DM6, DM12 and DM13 and Appendix 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Rickmansworth Conservation Area Appraisal and Character Assessment 1993.

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The NPPF recognises that cultural well-being is part of achieving sustainable development, and includes cultural well-being within the twelve core planning principles which underpin both plan-making and decision-taking.
- 7.1.2 Policy CP1 of the Core Strategy (adopted October 2011) deals with design of development and states that the Council will expect, amongst other things, development proposals to provide/contribute towards street furniture and public art where appropriate.
- 7.1.3 Policy DM12 of the Development Management Policies LDD deals with community, leisure and cultural facilities and seeks to provide new or enhanced facilities wherever possible; the provision of facilities will meet local needs and reduce the need to travel further afield.

- 7.1.4 The NPPF states that the social role of the planning system should create ‘a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.’
- 7.1.5 It is considered that the provision of facilities to display information about local organisations of which this application proposes, brings a wide range of community benefits and the proposed development represents the opportunity to involve the local community in support of the objectives of sustainable development.
- 7.1.6 It is noted that the phone box is currently falling into disrepair with some of the glazing broken and the exterior becoming unclean. By bringing the redundant structure back into use, the proposed development would likely reduce future damage or vandalism.
- 7.1.7 In summary, it is considered that the proposed change would result in the provision of a facility of which the community benefit would outweigh any potential harm. As such the proposals would accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM12 of the Development Management Policies LDD (adopted July 2013).
- 7.2 Impact on Character of the Building, the Street Scene and Heritage Assets (Conservation Area and Listed Building)
- 7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy relates to design that states that in seeking a high standard of design, the Council will expect development proposals to ‘have regard to local context and conserve or enhance the character, amenities and quality of an area’ and ‘conserve and enhance natural and heritage assets’.
- 7.2.2 Policy DM3 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) sets out that the Council will preserve the District’s Listed Buildings and will only support applications where the extension or alteration would not affect a Listed Building’s character as a building of special architectural or historic interest or its wider setting.
- 7.2.3 The comments of the Conservation Officer in respect of the loss of the ‘TELEPHONE’ signage are acknowledged. Amended plans retaining the existing ‘TELEPHONE’ signage were requested, however, the applicant considers that the proposed signage is necessary in order that the proposed use is clear to the local community. It is also considered that the proposed change of use of the phone box would result in a likely increase in its use and prevent it declining into further disrepair and as such would help to conserve the heritage asset. The proposed signage would not exceed the existing parameters of the signage, set within the existing recesses, and its characteristic appearance would be maintained by its red colour and glazing. No other external changes are proposed. Therefore it is considered that the change of use would assist in safeguarding the building and the loss of the existing signage would not detract from its overall character.
- 7.2.4 The applicant has confirmed that the existing lighting would be retained which would further contribute to the preservation of its existing appearance. The notice boards would be attached to wooden battens affixed to the interior of the phone box. As such it is not considered that the proposed development would result in harm to the fabric of the Listed Building.
- 7.2.5 Given the nature of the proposal and for the reasons set out above it is not considered that the proposed development would result in harm to the Conservation Area or streetscene.
- 7.2.6 Therefore it is considered that the proposed development would not have a detrimental impact on the significance of the designated heritage asset. It would not impact on the special architectural or historic interest, either internally or externally of the Grade II Listed

Building. The proposal would comply with Policies CP1 and CP12 of the Core Strategy and Policy DM3 of the DMP LDD.

7.3 Impact on neighbouring amenity

7.3.1 Policy CP12 of the Core Strategy states that Three Rivers District Council will seek a high standard of design. Given the nature of the proposals and that the existing lighting would be retained, it is not considered that it would result in any adverse impact on the residential amenity of any neighbouring dwelling. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 The application has been submitted with a Biodiversity Checklist which states that no protected species or biodiversity interests will be affected as a result of the application.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards

7.5.2 Given the nature of the proposed development it is not considered that the proposed development would result in any harm to protected trees.

7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 sets out that development should make sufficient provision for car and other vehicle parking. It is considered that the proposed development would have a negligible impact upon parking provision.

8 Recommendation

8.1 That subject to no new material planning considerations being raised, PLANNING PERMISSION 18/1614/FUL BE GRANTED subject to the following Conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Existing Elevations), TRDC 002 (Proposed Elevations) and TRDC 003 (Location plan)

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area, Listed Building and the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3 DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area and Character Assessment 1993.

- C3 Any new glazing panes required to be fixed or replaced should be to match the existing materials.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

8.3 That subject to no new material planning considerations being raised, LISTED BUILDING CONSENT 18/1615/LBC BE GRANTED subject to the following Conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Existing Elevations), TRDC 002 (Proposed Elevations) and TRDC 003 (Location plan)

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area, Listed Building and the residential amenity of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area and Character Assessment 1993.

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Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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