

10 DCSW2006/1216/T - TO RE-SITE ONE KX100 STYLE TELEPHONE KIOSK, O/S 1 THE BINES, CLEHONGER VILLAGE, HEREFORDSHIRE, HR2 9SL.

For: BT Payphones per W. Stubbs, BT Payphone Planning Manager, Ground Floor, 32 Washway Road, Sale, M33 6GT.

Date Received: 21st April, 2006

Ward: Stoney Street

Grid Ref: 45021, 37733

Expiry Date: 15th June, 2006

Local Member: Councillor D.C. Taylor

1. Site Description and Proposal

1.1 The application is made under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 as amended. Under the Prior Notification procedure the local planning authority determines whether prior approval is required for the siting and appearance of a proposed development and, if it is, whether to grant or refuse Prior Approval. Prior approval is sought for the siting of a standard telephone kiosk with slab path on a grass area adjacent to the B4352 and the entrance to The Bines, Clehonger. The existing BT cabinet is adjacent to the site.

1.2 The original kiosk, which this application replaces, was located on the B4352 between 1 Meadow View and Bine Cottage, Clehonger. Outline planning permission (DCSW2005/2500/O) has been granted for a house on the site between the two properties. The telephone kiosk was located at the approved access point for the development.

2. Policies

2.1 Planning Policy Guidance

PPS.1 - Delivering Sustainable Development
PPG.8 - Telecommunications

2.2 Hereford and Worcester County Structure Plan

Policy CTC.9 - Development Requirements

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
Policy C.41 - Telecommunications Development
Policy C.42 - Criteria to Guide Telecommunication Development
Policy T.3 - Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.1 - Sustainable Development

- Policy S.2 - Development Requirements
- Policy S.11 - Community Facilities and Services
- Policy CF.3 - Telecommunications

2.5 Circular 16/94 - Planning Out Crime

3. Planning History

3.1 DCSW2006/0186/T Re-site one KX100 style telephone kiosk adjacent to B4352, Clehonger, Herefordshire, HR2 9SL - Withdrawn 13.02.06

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objection to the proposal

5. Representations

5.1 The applicant has made the following submission:

1. The kiosk cannot be located on the opposite side of the B4349 as there are no services on that side of the road.
2. The Commercial Field Officer for BT Payphones surveyed this site as a Universal Service Obligation (USO) as such we have an obligation to the community to provide a service in this area.

5.2 Clehonger Parish Council have provided the following response:

“Would prefer to see the telephone kiosk moved to the opposite side of the road so that vehicles can pull off the road onto the service road in front of No. 11 - 14 The Bines.”

5.3 Seven letters of representation have been received from:

Mrs. M. Price, 1 The Bines, Clehonger, HR2 9RA
Mr. & Mrs. Waters, 2 The Bines, Clehonger, HR2 9RA
Miss J. E. Whistance, 3 The Bines, Clehonger, HR2 9RA
Mr. & Mrs. Smith, 4 The Bines, Clehonger, HR2 9RA
Mr. & Mrs. Ellsum, 6 The Bines, Clehonger, HR2 9RA
Mr. & Mrs. Whistance, 8 The Bines, Clehonger, HR2 9RA
Mr. & Mrs. Bethell, 16 The Bines, Clehonger, HR2 9RA

The main points raised in the letters of representation are:

- the proposed position is dangerous to drivers as they try to exit the cul-de-sac onto the B4352
- there is no pavement, or suitable parking or street lighting in this location
- vehicles parking to use the kiosk will impede the view of traffic down the main road, which consists of a major road junction within 20 yards, and the brow of a steep hill
- proposed siting is dangerous for residents of The Bines when crossing the road as they will not be able to see around parked vehicles
- the proposed position of the kiosk would be dangerous for potential users
- driveway is opposite proposed site and concerned that driveway will become obstructed by users of the telephone kiosk
- increase in youngsters in the area increasing the risk of serious accident on the main busy road
- increase in vandalism not only to the phone kiosk but also to the surrounding properties
- increase in rubbish with youngsters hanging around the phone box.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application is made under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 as amended. Under the Prior Approval procedure the local planning authority determines whether the siting and appearance of the development is acceptable. Planning Policy Guidance Note 8 provides advice relating to the considerations of such applications. Policy C.42 of the South Herefordshire District Local Plan and Policy CF.3 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) reflect the advice contained within PPG.8. In relation to the proposed development the key aspects for consideration are whether the design of the kiosk is acceptable and whether the siting is appropriate in terms of the impact on the amenity of the area and the impact on highway safety.
- 6.2 The applicant requires this telephone box to be located in a position with a high visible presence. It is suggested that with a proposal such as this there is balance between finding a visible location and one that is visually intrusive to the detriment of the locality. This site is prominent, however, it relates well to the existing housing estate being located at the entrance to The Bines and is in a logical location for the area adjacent to the main road.
- 6.3 Concern has been expressed about the impact on highway safety, however the Transport Manager has no objection to the proposal.
- 6.4 It is considered that the proposed location will not be harmful to the appearance of the locality. It is concluded that the siting and appearance of the proposed development are acceptable.

- 6.5 In some cases, local planning authorities may be disposed to conclude that prior approval ought to be refused because of siting considerations. But they should first seek to understand the constraints the operator faces, whether due to the nature of the technology or the legal requirement to provide a service. Consideration was given to siting the kiosk on the opposite side of the road within an existing lay-by however there are no services for connection on that side of the road. The operator has confirmed that they have a legal requirement to provide a service in the area.
- 6.6 PPS.1 states that consideration must be given as to whether proposed development would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected. A site meeting was undertaken with the Community Support Officer for the area, who felt that the kiosk would be visible from a number of properties and would not therefore give rise to increased anti-social behaviour or vandalism in the area.

RECOMMENDATION

That prior approval is granted.

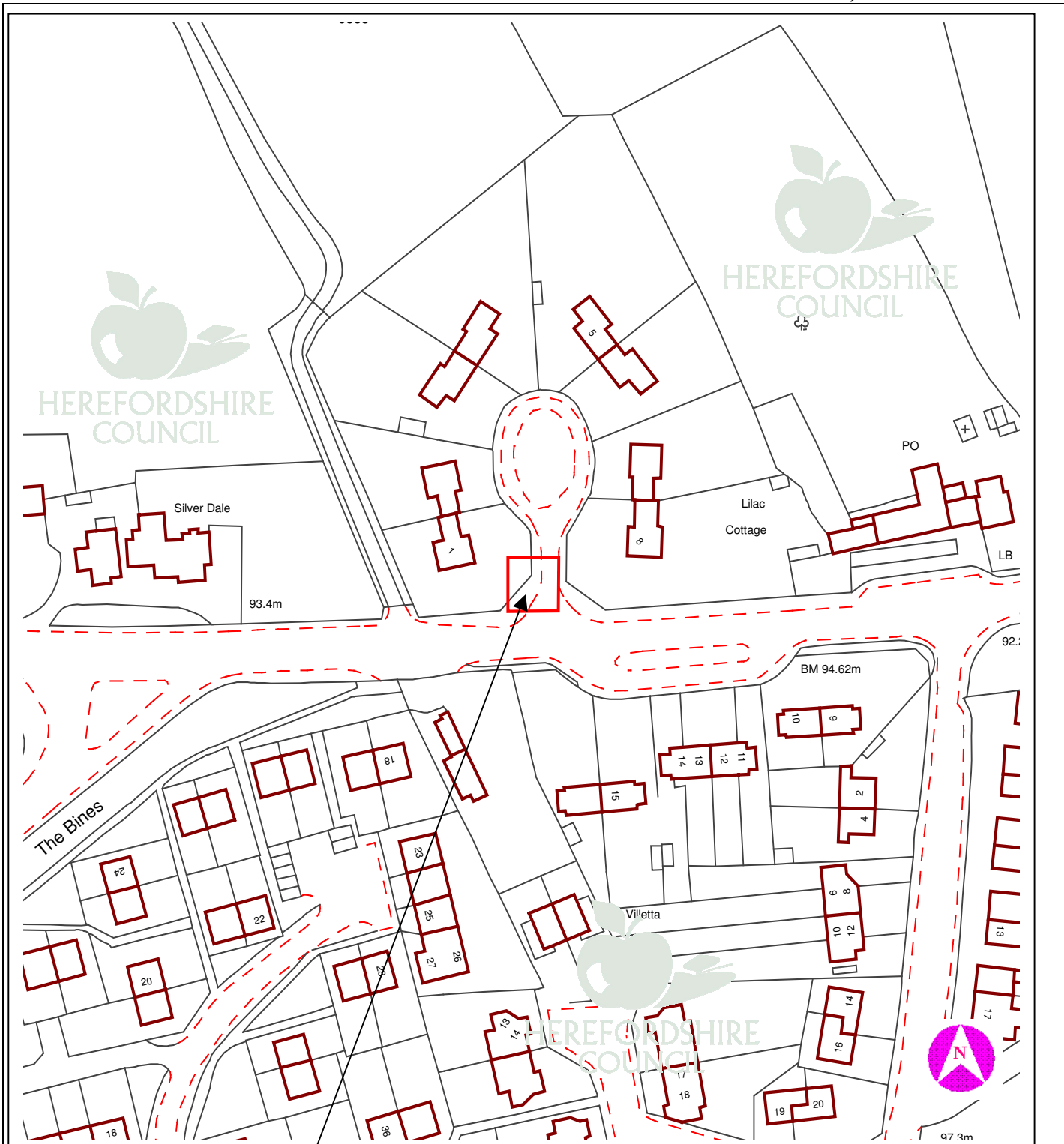
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2006/1216/T

SCALE : 1 : 1250

SITE ADDRESS : O/S 1 The Bines, Clehonger Village, Herefordshire, HR2 9SL

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