

Delegated Report		Analysis sheet	Expiry Date:	10/04/2012
(Members Briefing)		N/A / attached	Consultation Expiry Date:	15/03/12
Officer			Application Number(s)	
John Nicholls			2012/0540/P	
Application Address			Drawing Numbers	
Kiosk adjacent to Swiss Cottage Underground Station Finchley Road London NW3 6HY			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Replacement of existing florist enclosure (Class A1) adjacent to main entrance with a pre-fabricated kiosk for purposes of sale of reheated food and hot drinks.				
Recommendation(s):		Grant planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	03	No. of responses	06	No. of objections	03
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed on 21/2/2012. As a result of the site notice the following objections and comments have been received.</p> <p><u>TFL</u> – No objection. Subject to the following:</p> <ul style="list-style-type: none"> • Vehicles associated with the construction and servicing shall park/stop/unload/load in accordance with existing on street Red Route stopping restrictions. • In addition, the vendor shall not place any items which would encroach on the public highway footway of A41 Finchley Road at all times. • Height of awning should be 2.6m off the pavement vertical clearance although this can be reduced to 2.3m if it's over a distance of less than 10m. Provided it's retractable and is only overhanging the footway then we wouldn't require a license for it. <p><u>London Underground</u> – No objection.</p> <p><u>Camden Council Transport Planning</u> – The footway is 3.9m wide. It is considered that that people queuing at the kiosk are unlikely to block the footway. No objection.</p> <p><u>Other comments and objections:</u></p> <ul style="list-style-type: none"> • It will increase the rubbish already scattered around the entrance to the station and bus stop. • The kiosk is unnecessary – the area is full of food outlets, and there are enough obstructions around the entrances to the station already. It will lead to a crowded and littered pavement and food remains attract vermin – there will always be some dropped, even if bins are nearby. TFL's support must be because they will gain some income, but it will doubtless lead to more eating and litter on trains and buses, thus enhancing the journeys of other passengers. I am concerned about hygiene as there is no running water supply – what happens if that brought in runs out? • There is absolutely no necessity for yet another unit selling food and drink. It can already be obtained in the theatre, the leisure centre, the library, the community centre, a shop in Winchester Road, and very many outlets along Harben parade. In addition, there are several existing stalls offering prepared food and drink in the 'market square' outside Hampstead Theatre. • Within that space the resulting mess and litter is usually cleared by Camden operatives. However, beyond that area the ensuing litter would be unconfined with hundreds of people and buggies going to bus stops, descending the steps to the Underground or just passing along. • It is vital that the Emergency Services have rapid, unimpeded access into the Underground Station, without having to negotiate their way through consumers lining up to purchase snacks, and hanging around eating. 					

	<ul style="list-style-type: none"> The application is totally unsuitable. The area should be used for selling newspapers and magazines/flowers, or simply replaced by attractive shrubs or a tree and seating. <p>A response to these comments will be made in the officer's assessment.</p>
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Not in a CA.</p>

Site Description

The site is located on the north eastern side of Finchley Road/Avenue Road close to the junction opposite containing the Swiss Cottage Cinema and Ye Olde Swiss Cottage Pub and immediately north west of the tube entrance at this point.

The property is not listed and does not lie within a conservation area.

Relevant History

None

Relevant policies

LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development

CS7 – (Promoting Camden's centres and shops)

CS14 – Promoting high quality places and conserving our heritage

DP10 – (Helping and promoting small and independent shops)

DP12 – (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

Assessment

Proposal

The proposal involves removing an existing dual pitched roof timber kiosk and replacing it with a metal kiosk measuring 3m wide x 2.8m high x 2.7m deep, with a solid shutter at the front and an awning and 300mm high fascia board running along the front and flank elevations.

The main considerations are land use, design, amenity and transport.

Land Use

The application site is located adjacent the Finchley Road/Swiss Cottage Town Centre which is noted to be the focus for Camden's growth in shops. Policy CS7 denotes that the Council will support the provision of small and shops providing a range of goods and services whilst also protecting against any harmful impact that food and drink uses can have on an area. Furthermore policy DP10 also provides support for helping and supporting small and independent shops which this 8.1sqm kiosk would be considered to be. Moreover, policy DP12 denotes that the Council will ensure that the development of shopping uses (as well as services, food, drink, entertainment and other town centre uses) does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

Given this context it is considered that the provision of an 8.1sqm kiosk for retail (Class A1) use (anticipated to be for coffee/snack vendors but must be considered on the basis of any Class A1 use) would add to the existing provision of establishments in the local area (see site description above for details). The proposed kiosk is considered to support rather than harm the character, function, vitality and viability of the local area, in line with policies CS7 and DP12. The provision of the proposed facility is anticipated to complement rather than directly compete with existing nearby traders such as Hampstead Theatre, the leisure centre, the library, the community centre, a shop in Winchester Road, and very many outlets along Harben parade and the 'market square' outside Hampstead Theatre.

Another key issue is the establishment of the existing use and its lawfulness. There is no planning history for the previous kiosk; however, it is believed to have been in existence since 1st January 1996, which has been confirmed by Transport for London's Commercial Property Division.

Design

The proposal is a very basic functional cube shaped metal sided kiosk in a red gloss finish with a shutter at the front to gain access. The design has taken into consideration the character, setting, context and form of neighbouring buildings, and its scale, proportions and dimensions have been considered to be acceptable outside of a conservation area and in keeping with Policy DP24. The material used is a red painted metal finish which is again not considered to be harmful to the local area. An awning and a fascia advert on the front and another advert on the flank complete the design.

The awning is to project 1m off the kiosk and would sit 2.3m off the pavement which is in line with both Camden Design and TFL Guidance and does not have an advert on it and is therefore considered acceptable.

Advertisements

These are not internally illuminated and therefore the one on the front elevation is considered to benefit from deemed consent by virtue of Class 5 of the Advertisement Regulations. However, the one on the flank would require express advertisement consent because it is not on the same elevation as the frontage.

Amenity

In terms of overlooking, outlook, daylight and sunlight matters no significant adverse impacts are

envisaged to nearby occupiers as a result of the erection of the proposed kiosk. In terms of noise and disturbance the small size of the unit (8.1sqm) and the width of the pavement at this point means that noise and disturbance of a level which would cause significant harm to nearby occupiers is not envisaged. In terms of litter created from the kiosk, it is not considered that the facility would in itself result in significant amounts of litter. Moreover, the existing provision of bins in the local area is considered to be sufficient to cater for increases in need for waste facilities in the area caused by the kiosk. It is not considered necessary to add any condition in this respect, although an informative will be added to any permission alerting the future occupier of means of disposing of waste.

The proposed use falls under a Class A1 (retail) use. In line with DP12, the use of a planning condition to control the hours of use has been considered. However in this instance, given the location of the site and the proposed Class A1 use, it is not considered necessary to impose a condition limiting hours of use.

Transport

Neither the Council's own Transport planning officers, nor TFL's, consider that the pavement is too narrow to accommodate the kiosk and its use in this location. However, TFL have requested that:

- Vehicles associated with the construction and servicing shall park/stop/unload/load in accordance with existing on street Red Route stopping restrictions.
- In addition, the vendor shall not place any items which would encroach on the public highway footway of A41 Finchley Road at all times.

However, these cannot be conditioned as such but will be added as an informative.

Recommendation: Grant Planning permission

DISCLAIMER

Decision route to be decided by nominated members on Tuesday 10th April 2012. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>