

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	13/01/2012
		N/A / attached		Consultation Expiry Date:	29/12/2011
Officer			Application Number(s)		
Jonathan Markwell			2011/5849/P		
Application Address			Drawing Numbers		
Pavement immediately to south of air shaft and opposite 235 Shaftesbury Avenue London WC2H 8EP			Please see decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single storey kiosk for retail use (Class A1)					
Recommendation(s):		Grant Planning Permission			
Application Type:		Councils Own Permission Under Regulation 3			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
			No. Electronic	01		
Summary of consultation responses:	<p>Multiple site notices were erected on 30/11/2011, expiring on 21/12/2011. A press notice was published on 08/12/2011, expiring on 29/12/2011.</p> <p>One response has been received. An occupier at 2nd floor Kingsbourne House, 229-231 High Holborn objects given the location "is well serviced by small, independent retailers, and the kiosk may have an adverse affect on [the] trading environment here" and would "disrupt Princes Circus, which is adjacent to the proposed site and which has the potential to be an attractive and functional area of public space in the quickly developing area near Central St. Giles".</p> <p>Officer response: Please see sections 2 and 3 of the assessment below.</p>					
CAAC/Local groups* comments: *Please Specify	<p>Bloomsbury CAAC was formally consulted and object on the basis that "the structure would be alien to the historic streetscape of Bloomsbury and would contribute to visual clutter".</p> <p>Officer response: Please see sections 2 and 3 of the assessment below.</p> <p>Covent Garden Community Association objects as "the siting of this kiosk is inappropriate due to the proliferation of public houses, café's, coffee shops and restaurants in the immediate area. We genuinely cannot see a need for this retail outlet".</p> <p>Officer response: Please see section 2 of the assessment below.</p> <p>Inmidtown objects given the location "is well serviced by small, independent retailers, and the kiosk may have an adverse affect on [the] trading environment here" and would "disrupt Princes Circus, which is adjacent to the proposed site and which has the potential to be an attractive and functional area of public space in the quickly developing area near Central St. Giles".</p> <p>Officer response: Please see sections 2 and 3 of the assessment below.</p>					
Site Description						
<p>The application site is located at the southern end of the triangular open space site at the junction of Shaftesbury Avenue, nearby to both New Oxford Street (to the north) and St Giles High Street / High Holborn (to the south). There are two triangular open spaces at this point, with the southern of the two (not the site for this application) known as Princes Circus. The application site relates to the northern one of the two triangular sites, to the east of the Grade II listed Bloomsbury Central Baptist Church (No. 235 Shaftesbury Avenue) and the Grade II listed six-storey 233 Shaftesbury Avenue (which is in commercial and residential use), to the west of the Grade II listed six-storey terrace of 210-226 Shaftesbury Avenue (retail and related uses at ground floor – 218: London Print Company; 214: Subway; 216: Flight Centre; 218-220: Silva's Café; 222: vacant – formerly Grape Street Wine Bar; 224: Hairdressers; 226: vacant – and commercial uses above) and to the south of 239-249 Shaftesbury Avenue (4-5 storey unlisted buildings of varied character with Class A4 uses at No's 243 and 245-249). The surrounding area is therefore a mix of commercial and retail based uses.</p> <p>Within the triangular space itself are 11 mature <i>Platanus x hispanica</i> (London Plane) trees (there are four close to the proposed kiosk location (to the east, south, south-west and west) and an air shaft associated with London Underground. There is already tactile pavement associated with the nearby pedestrian crossing points, two telephone boxes, parking meters and lamp-posts within the triangular site. The proposed kiosk is immediately to the south of the air-shaft, which presently comprises only pavement and none of the other associated features noted in the previous sentences. Both sections of Shaftesbury Avenue are one-way at this point, with that to the west of the kiosk site being north-west to south-east in traffic flow towards St Giles High Street / High Holborn and that to the east of the kiosk site being south-west to north-east towards New Oxford Street.</p> <p>The application site is within the designated Tottenham Court Road Growth Area and Bloomsbury Conservation Area. In respect of this space the Conservation Area Appraisal and Management Strategy denotes "the street layout opens up to create an open space consisting of two linked, triangular paved areas, with a slight fall in level from north to south. The sense of openness and the greenery of a number of mature trees create an element of surprise and a welcome break from the dense urban development characteristic of the area. However, the area is blighted by the heavy vehicular traffic using the surrounding streets" (para 5.130). The site is also located within the Central London Area (Clear Zone Region) and an</p>						

archaeological priority area.

Relevant History

This application is one of seven applications across the Borough currently under consideration. No formal decision has been made by the Council on any of these applications. The other six applications / sites are as follows:

2011/5859/P - Pavement outside 40 Great Queen Street
2011/5864 - Pavement adjacent to south-east Gardens entrance and opposite 59 Russell Square
2011/5865/P - Pavement outside British Museum, Montague Place
2011/5866/P - Pavement Outside Mornington Crescent Station
2011/5879/P - Pavement adjacent to north-east Gardens entrance and opposite 10 Russell Square House
2011/5884/P - Pavement adjacent to Cochrane Theatre, Theobald's Road

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)
CS2 (Growth areas)
CS5 (Managing the impact of growth and development)
CS7 (Promoting Camden's centres and shops)
CS9 (Achieving a successful Central London)
CS11 (Promoting sustainable and efficient travel)
CS14 (Promoting high quality places and conserving our heritage)
CS17 (Making Camden a safer place)
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)
DP17 (Walking, cycling and public transport)
DP20 (Movement of goods and materials)
DP21 (Development connecting to the highway network)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP29 (Improving access)

Camden Planning Guidance 2011 / Bloomsbury Conservation Area Appraisal and Management Strategy 2011

Assessment

1. Introduction

1.1 Planning permission is sought for the erection of a single storey kiosk for retail use (Class A1). It is proposed to be located on the pavement to the south of an existing air shaft associated with London Underground and opposite (to the east of) 235 Shaftesbury Avenue (Bloomsbury Central Baptist Church).

1.2 This application is one of seven current applications across the Borough of a similar design for small scale kiosk facilities. It has been found that many of the existing kiosks in the Borough have not been maintained to a high standard and are not considered to positively contribute the surrounding public realm or conservation areas many are located within. This application, part of a wider project, is anticipated to over time contribute to the replacement of the existing kiosks with high quality, interesting and iconic structures designed by MAKE Architects.

1.3 More specifically, the intention is to introduce a high-quality iconic design for a new street kiosk which is unique to LB Camden. When closed the kiosk is anticipated to make an interesting contribution to the streetscene and when open provides the best possible trading environment for vendors. Furthermore another aim is for the kiosk to assist in the upgrade LB Camden's streetscape and add to the vibrancy and success of Camden's commercial areas. In the future it is anticipated that individuals will tender to operate the hot beverage / snack style business kiosks from the Council. As well as creating new business opportunities it will also provide a new facility for local residents, workers and visitors. Once the cost of erected the kiosk has been covered it is anticipated that the rental income generated by the kiosk would be reinvested to improve the street trading service in the Borough.

1.4 The kiosk will be largely rectangular in shape, barring the front elevation opening position, which resembles an open oyster shell. The opening faces concept developed from origami, with the introduction of folds or hinges in a rigid material allowing it to change shape and therefore 'open'. The result is what is described as "a form that appears sculptural when 'closed' and dynamic when 'open,' through the use of simple geometry". When closed the size of the kiosk will be 2.8m in height, between 3.3m and 3.95m in width and between 2.45m and 3.2m in depth. When open the size of the kiosk will be a maximum of 3m in height (but predominantly 2.8m), between 3.3m and 4.35m in width and between 2.45m and 3.43m in depth. The internal floor area of the kiosk would be 8sqm.

2. Land use

2.1 The application site is not located adjacent to a designated Central London frontage, but is nevertheless located within the Central London Area which is noted to be the focus for Camden's growth in shops, amongst other things, in accordance with policy CS9. The site is also within the designated Tottenham Court Road Growth Area (policy CS2), with

the Council's aspirations for the area including: a balanced mix of uses including retail to support the Central London Frontages of Charing Cross Road, Tottenham Court Road and the western end of New Oxford Street; an excellent public realm; and development of the highest quality and sustainable design as befits a historic area in the heart of London, which preserves local amenity and seeks to preserve and enhance the character and appearance of conservation areas. In addition, policy CS7 denotes that the Council will support limited provision of small shops outside designed centres to meet local needs. Furthermore policy DP10 also provides support for helping and supporting small and independent shops which this 8sqm 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.

2.2 Given this context it is considered that the provision of an 8sqm 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. There are also retail uses nearby on Shaftesbury Avenue, New Oxford Street and also at Central St Giles. The provision of the proposed facility is anticipated to complement rather than directly compete with existing traders. As such, from a land use perspective there are no issues raised with the proposed use.

3. Design

3.1 The design of the kiosk has been carefully considered given the sensitive location of the site within Bloomsbury Conservation Area and adjacent to a number of Grade II listed buildings (see site description section above for details). The design has been developed in conjunction with Council officers, with the kiosk itself to be constructed off-site to a design by MAKE Architects. In overall terms it is considered that the design is of an innovative organic nature and will read as a prefabricated stand-alone structure, both when in open and in closed mode. The scale, proportions, dimensions, form and detailed design will fit in with the context of the site, not unduly harming the setting of the nearby listed buildings to the east or the west (see site description above for details) and also sitting comfortably within the triangular open space itself, with the kiosk providing a welcome addition to enliven the space, complementing the mature trees and hiding to some degree the unsightly air shaft. It is acknowledged that the Conservation Area Appraisal and Management Strategy states in relation to the site that "*The sense of openness and the greenery of a number of mature trees create an element of surprise and a welcome break from the dense urban development characteristic of the area*". It is considered that the erection of the kiosk would not significantly harm the existing character of the space identified. Thus it is considered that the kiosk would preserve the character and appearance of the conservation area and the setting of the nearby listed buildings, complying with policies CS14, DP24 and DP25.

3.2 The kiosk's proposed size and proportions have been reduced in advance of the submission of the application so that it is minimal in size (hence reducing any visual impact) while maintaining its core function requirement. The architect has cleverly designed an innovative concept where the structure is a complete form when closed (said to be an abstract object) and the purpose of the structure is then revealed when the kiosk is opened. The open form of the structure creates a natural canopy for the future tenant. The opening mechanism has been designed to function using a simple counterweight system, very similar in action to a trebuchet. The reasoning behind this is to ensure an easy and fail-safe operating system with few moving parts for future occupiers.

3.3 At the present time self-finished brass metal panels have been chosen as the likely option for the cladding of the kiosk. Such a material is likely to be appropriate, both in terms of quality and also durability. The architect has confirmed that the panels will have a natural finish from day one and will develop slowly over time, transforming from a bright finish into a more subdued but rich tone in time. The final colour is very dependent on the site's exposure and orientation. This is considered to be appropriate in principle, with a condition added to any permission seeking full details of all facing materials to be provided prior to the kiosk being erected on site.

3.4 It has been confirmed that the internal structure will be timber composite from sustainable sources. The faces will be lined with a plywood stressed skin covered with a waterproof membrane. The rain skin cladding panels are supported off the plywood skin to create an air gap and in-turn assist in reducing solar gain. The intention is to keep the overall kiosk light, to minimise foundation requirements and allow prefabrication off-site. Thus in overall terms it is considered that the proposed design of the kiosk is appropriate and raises no objection, subject to a condition denoting details of the facing materials.

3.5 It is also recommended that a condition is added to denote that no lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the kiosk, without the prior approval in writing of the Council. This is in order to safeguard the appearance of the kiosk and the character of the immediate area.

4. Amenity

4.1 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 (8sqm) 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 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.

4.2 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. In respect of possible tables and chairs outside of the kiosk within the pavement area at this point, this does not form part of this application and would be subject to a separate application in the future if it were to be proposed. As such, it does not form part of the considerations of this application.

4.3 The design of the kiosks have also been considered with community safety matters in mind, with the self finished brass material being non-flammable and durable to reduce instances of graffiti or being susceptible to vandals. The Council's Crime Prevention Design Advisor has liaised with a counterpart at the Olympics Development and the Counter Terrorism Security Advisor at Holborn Police Station. No concerns are raised from any party in relation to the design or location of the kiosk.

4.4 In terms of access the design of the kiosk has been prepared with consideration of mobility impaired persons, wheelchair users, the ambulant disabled and people with poor dexterity, poor comprehension or a sensory impairment. For example the kiosk will be DDA compliant with regards to ease of use by way of locking and opening the kiosk. It is also noted that the submission does not include details of the fit-out and fittings, including the front counter. These aspects of the kiosk design will be determined by each individual vendor.

5. Transport

5.1 The pavement width at the point where the kiosk is proposed is presently 6.1m (to the west), 14m (to the south) and 8m (to the east), although it is also noted that the nearby trees reduce the present clear distances to 5.3m (to the west), 10.1m (to the south) and 5.6m (to the east) respectively. When the kiosk has been installed the clear pavement widths retained will all be over 2.5m (2.7m to the west, 6.5m to the south and 3.8m to the east) and thus the kiosk would not interfere with pedestrian movement at this point. In addition the location of the kiosk has been intentionally chosen to be away from the main pedestrian movement flows in and around the site. There is also considered to be sufficient space for queuing customers so as to not interfere with other pedestrians or the nearby crossings. Thus no issues are raised in relation to impact on pedestrian flows and movements.

5.2 Limited details have been provided to date as to how the kiosk will be installed and/or removed should this be required in the future. Given the guard railing close to the site (associated with the pedestrian crossing to the south), the street furniture in the locality of mature trees / tactile paving / traffic lights, and the Shaftesbury Avenue highway being in constant and busy use (particularly owing to the traffic lights at this point), more information will be secured via a condition attached to the permission. This will provide details of, for example, an indication on the size of vehicle involved in the kiosk being installed and the route this vehicle will take. For instance should a crane lifting operation be required this may result in disruption to pedestrian and vehicle movements on the road network and could also result in possible damage to the paved area. Thus it may be necessary to undertake this work 'out of hours'.

5.3 However, subject to this condition the kiosk will be able to be installed to the satisfaction of transport planning. Furthermore the condition will also secure details of how the kiosk will connect to electricity, water and drainage utility services in the area (if subsequently required by the future occupier). As a result of these installation works it is also necessary for the condition to denote that any damage caused to the footway or highway as a result of the kiosk being installed shall be paid from the kiosk budget. Normally this would be secured via a S106 Legal Agreement, but this is not possible in this instance owing to the Councils Own Permission nature of the application. Consequently this shall be secured via condition in this instance. This will seek to avoid disruption to the highway network and its function, minimise any traffic disruption and dangerous situations for pedestrians and other road users and provide an appropriate means for repairing any construction damage to transport infrastructure caused during the course of the installation process.

5.4 It is also noted that the kiosk is located adjacent to an air shaft associated with London Underground. It is not envisaged that the kiosk in itself would be likely to cause any damage to the function of the air shaft.

6. Other matters

6.1 It is noted that no advertisements are shown to be proposed on the kiosk. This is partly owing to the future occupiers of the kiosks not being known at this point in time. It is advised that an informative is added to any permission denoting that advertisement consent may be required for any advert placed on the kiosk in the future.

6.2 The kiosk is to be located in-between four *Platanus x hispanica* (London Plane) trees on this part of the pavement (see site description section above for details). None of these trees are envisaged to be negatively impacted by the proposed works, given that the lightweight nature of the structure means there will be minimal impact on these trees at the time of the kiosk being erected. As such no details in respect of trees are considered to be necessary in this instance.

7. Recommendation: Grant Planning Permission

DISCLAIMER

**Decision route to be decided by nominated members on Monday 23rd January 2012.
For further information see**

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