

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			2011/5865/P		
Application Address			Drawing Numbers		
Pavement outside British Museum Montague Place London			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	00	No. of objections	00
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was erected on 30/11/2011, expiring on 21/12/2011. A press notice was published on 08/12/2011, expiring on 29/12/2011. No responses were received from adjoining occupiers.</p> <p>Make Architects denote within the information submitted with the application that the British Museum have been engaged with the project in advance of the submission of the application and are generally supportive of it (see Design and Access Statement).</p>					
CAAC/Local groups* comments: *Please Specify	<p>Bloomsbury CAAC was formally consulted and objects on the following basis: "The structure would be alien to the historic streetscape of Bloomsbury and additionally it would add to visual clutter".</p> <p>Officer response: Please see section 3 of the assessment.</p> <p>Bloomsbury Association was formally consulted, making initial objections as follows on this and two other applications (2011/5864/P and 2011/5879/P – see relevant history below):</p> <ul style="list-style-type: none"> a) lack of pre-application consultation / pre-application consultation statement; b) proposals part of a wider series / strategy of proposals for a number of significant public spaces; implied that the Area Action Plans and masterplans in the area should be advanced with the kiosks considered alongside these, not before. "The community is not being given the opportunity to express their views on this wider strategy. Nor has the Council, as policy maker as well as applicant, sufficiently discharged its obligations to involve the community in this process as required by legislation introduced by the Planning and Compulsory Purchase Act 2004". c) Criticisms with existing kiosks in the area, known as 'Shed Culture', the lack of joined up thinking between licensing (regarding management), enforcement (regarding advertisements without permission) d) "We have the impression that there is an intention to ruthlessly exploit the commercial potential of the public domain with little consideration to the damage caused to the setting of adjacent listed buildings and to the character of the Bloomsbury Conservation Area". e) Lack of consultation with "with local residential and business communities, interested parties such as the Georgian Group and its own Conservation Area Advisory Committee". It is thus asked for the Council "to withdraw all the applications until this process has taken place". <p>Officer response: a) The Council did undertake pre-application discussions with local groups in advance of the submission of the application. The submission of a pre-application consultation statement is not considered to be a statutory requirement for an application of this nature; b) An application has been submitted for consideration and must be considered based on the relevant policies at this time (see relevant policies section below) c) These matters do not appear to relate to the current application under consideration and appear to be a comment on current kiosks which are not subject to this application – please see section 1 of the assessment for more details; d) Please see section 3 of assessment e) It is considered that the Council has undertaken sufficient external consultation for an application of this nature (as outlined above and below).</p> <p>The Bedford Estates (address given as 29a Montague Street) objects as follows: "This proposal is wholly inappropriate. It will both detract from the historic context of the area, and will give rise to an increase in litter".</p> <p>Officer response: Please see sections 3 and 4 of the assessment.</p>					
Site Description						

The application site relates to the pavement area on Montague Place to the west of the secondary entrance to the British Museum King Edward VII Galleries (Grade I listed) within Bloomsbury Conservation Area. It is therefore on the south-east side of Montague Place. It is to the north-east of a row of three mature *Platanus x hispanica* (London Plane) trees and to the south-east of a designated loading bay. To the north is the side of the grade II* Senate House and Institute of Education associated with the University of London, which at this point is 4 storeys in height. The Council has recently implemented a new traffic scheme in the area of the application site as part of the Bloomsbury Corridor Improvement Scheme. Amendments, which were completed by the end of 2011, include the re-allocation of highway space along Montague Place to public realm space. The site is also located within the Central London Area (Clear Zone Region).

The Bloomsbury Conservation Area Appraisal and Management Strategy notes in paragraph 5.47 in relation to the area around the application site (notably the British Museum) that *“On the north side of the museum, the King Edward VII Galleries were built in 1906-14 to the designs of John James Burnet. The building presents itself to Montague Place as a large-scale frontage in line with the university buildings on the northern side of the street. The façade is constructed from Portland stone and marble with vertically proportioned metal-framed windows. The symmetrical frontage is set back from the street behind a slightly raised forecourt. It comprises two tall storeys raised on a semi basement and has a line of Ionic columns supporting an entablature with projecting cornice and a pair of lion statues flanking the entrance”*.

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:

- 2011/5849/P - Pavement immediately to south of air shaft and opposite 235 Shaftesbury Avenue
- 2011/5859/P - Pavement outside 40 Great Queen Street
- 2011/5864 - Pavement adjacent to south-east Gardens entrance and opposite 59 Russell Square
- 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)
- CS3 (Other highly accessible 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 south-east side of the pavement to the west of the secondary entrance to the British Museum on Montague Place. During the course of the application the location of the kiosk has been amended to be located on the pavement in line with the row of three London Plane trees. It had originally inadvertently been proposed to be located within the adjacent designated loading bay.

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. 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. The provision of the proposed facility is anticipated to complement rather than directly compete with existing nearby traders such as within the British Museum, in the streets to the south of the Museum or Russell Square Gardens. 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 Grade I and 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 and instead, as suggested by Make Architects actually assist in encouraging visitors into the Museum. 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/surrounding 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 Given the proposed location of the kiosk aligns with the three existing London Plane trees at this point it is not considered that the kiosk would harm pedestrian movement in any significant way. Policy DP21 (g) and (h) states that work affecting highways is required to address the needs of wheelchair users, other people with mobility difficulties and other vulnerable users and should also avoid causing harm to highway safety or hindering pedestrian movement. At paragraph 21.12 it states that it is important that development does not hinder pedestrian movement. At paragraph 21.13 reference is made to Camden's Streetscape Design Manual. CPG7 (transport) states at paragraph 8.9 that footways should be wide enough for two people using wheelchairs or prams to pass each other and reference is made to Camden's Streetscape Design Manual with regard to minimum widths for different kinds of footways. Camden's Streetscape Design Manual states that a 'clear footway' (not the distance from kerb to boundary wall but the unobstructed pathway width within the footway) should be a minimum of 1.8m for two adults passing. The clear footway width at the point of the kiosk and the designated loading bay is 2.2m. There is also considered to be sufficient space for queuing customers so as to not interfere with other pedestrians. 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 close proximity to a row of mature trees and a dedicated loading bay 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) and not interfere with a nearby footway drainage channel and a BT cover, so as to avoid possibly blocking access to these facilities. 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.

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 adjacent to a row of three *Platanus x hispanica* (London Plane) trees at this point (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:

7.1 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/>