

Delegated Report		Analysis sheet	Expiry Date:	29/06/2009
		N/A / attached	Consultation Expiry Date:	02.06.2009
Officer			Application Number(s)	
Sara Whelan			2009/1613/P	
Application Address			Drawing Numbers	
Corner of 249 Shaftesbury Avenue and New Oxford Street London WC2H 8EH			Please see draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of a food and drink kiosk on pavement outside corner of 249 Shaftesbury Avenue and 47 New Oxford Street				
Recommendation(s):		Refuse		
Application Type:		Full Planning Permission		
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice		
Informatives:				

Consultations

Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	02
Summary of consultation responses:			No. electronic	02		
CAAC/Local groups* comments: *Please Specify						

A site notice has been erected which expires on 2.6.09

The Shaftesbury Bar and Dining, 245 Shaftesbury Avenue – Objection

- under our own lease agreement from our landlords we have been refused to use that area. We are bound to maintain that area against the flank wall under our lease agreement with our landlords which means to me that the area must remain empty
- we have tried to apply for tables and chairs via our landlord and we have been told that we are unable to do so due to our lease agreement

Flat 1, 245 Shaftesbury Avenue – Objection

- a kiosk would not fit in this area
- it would obstruct pedestrians

Bloomsbury Conservation Area Committee – Objection

This is very inappropriate for a conservation area and the committee consequently objects. The design of the trailer and applied graphics makes no attempt to achieve suitable quality.

Site Description

The application site is the extended pavement outside the flank walls of 2 properties on the corner of Shaftesbury Avenue and New Oxford Street. The site fronts a junction with Coptic Street, New Oxford Street, Bloomsbury Way, New Oxford Street, West Central Street and Shaftesbury Avenue. The pavement contains a traditional red telephone box and formerly a newspaper kiosk (now removed) against the wall and a tree outside them. The area has a variety of pavement finishes. The site is located in the Bloomsbury Conservation Area and lies opposite Grade II Listed buildings at 228-234 Shaftesbury Avenue and near 43-45 New Oxford Street.

Relevant History

none

Relevant policies

Set out below are the UDP (2006) policies that the proposal has primarily been assessed against. It should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material planning considerations.

Unitary Development Plan 2006

SD1 Quality of life
SD6 Amenity for occupiers and neighbours
B1 General design principles
B6 Listed buildings
B7 Conservation areas
T1 Sustainable transport
T3 Pedestrian and cycling
T12 Works affecting the highway

Camden Planning Guidance 2006

Bloomsbury Conservation Area Statement

Assessment

This application seeks full planning permission to install a food and drink kiosk on the pavement, selling waffles, pancakes and smoothies. It will be of a simple modern design in aluminium materials, rectangular shaped with a curved roof profile; it will measure 2.3m wide and 3.5m long and 2.6m high, and will have a serving hatch and one door. It will replace the previous kiosk sited here against the wall.

The main considerations when assessing this application are;

- The impact upon pedestrian and vehicle movements
- The impact upon the character and appearance of the area
- The impact upon residential amenity of the area

The impact upon pedestrian and vehicle movements

The site is located within the Clear Zone Region. The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent). The footway is wide at some locations on this stretch of footway, although it is cluttered and experiences relatively high pedestrian flows.

Policy T1 states that the Council will grant planning permission for development that would encourage travel by walking, cycling and public transport.

Policy T3 states that the Council will only grant planning permission for development that it considers to make satisfactory provision for pedestrians and cyclists. In assessing development, traffic management and highway alterations, the Council will consider:

- a) improvements to conditions for the convenience and safety of pedestrians and cyclists, the walking and cycling environment, including design, access and security;
- c) the need to link all development to safe, convenient and attractive pedestrian routes and the London Cycling Network, and to add to the Cycling network where justified by predicted use of safety concerns;
- e) the particular needs of wheelchair users and other people with mobility difficulties, visually impaired people, children, elderly people and other vulnerable users;
- h) the width of footways and cycle routes;

Policy T12 states that the Council will only implement or grant consent for works that affect or create highway land where it considers the proposals:

- d) minimise harm to the environment;
- f) give priority to the safety of vulnerable road users, including children, elderly people, cyclists, people with mobility difficulties and other pedestrians;
- h) provide fully for the needs of emergency vehicles, pedestrians, cyclists, buses and people with mobility difficulties;
- k) are designed and controlled to respect the amenity, character and appearance of the affected area

Paragraph 31.7 of the Camden Planning Guidance states that as a minimum, footways should be wide enough for two people using wheelchairs, or two pedestrians with prams, to pass each other. The minimum clear width (without any obstruction) should be 1.8 metres. Wider footways will be needed where there is intensive pedestrian use, such as at the entrances to large buildings, at corners and pedestrian crossings, or where there is a busy road alongside, typically 3 metres. In exceptional circumstances and at highly localised obstructions, a minimum footway width of 1.2 metres may be accepted.

The submitted proposal involves the installation of a food kiosk which will have a footprint of approximately 3.3 metres by 2.3 metres (7.6 sqm). The actual pavement itself between the flank wall

and tree has a clear width of approximately 3m; however it does experience high pedestrian flows at times and is already cluttered with street furniture such as the telephone box (and previously a kiosk). However the pavement has been substantially extended into the roadway and paved with cobbles etc. so that pedestrian movement is possible on the other side of the tree. In this context, it would be difficult to argue that the kiosk restricted pedestrian flows to such an extent that it created pavement congestion or prevented access along the highway. However there could be an argument that it restricted the pavement passageway between the tree and wall to such a narrow width (min 0.7m) that it could impinge upon the direct pedestrian desire-line alongside the wall and make people prefer to skirt around the other side of the tree over the pavement extension. This would be particularly relevant for pedestrians with wheelchairs and buggies.

The new kiosk would reduce the amount of available footway to pedestrians with no improvement to their facilities and would not promote the pedestrian walking environment nor improve conditions for the convenience and safety of pedestrians and cyclists, including design, access and security. Although the kiosk is relatively minor in the context of this wide pavement area, it would cumulatively erode the quality of the pedestrian environment and set a harmful precedent for other pavement obstructions. It would result in additional street clutter and would reduce amenity for pedestrians (particularly if the adjoining pavement is used by queuing customers, tables and chairs, litterbins and other paraphernalia and if the use results in other nuisances to passers-by such as unwelcome smells, litter and anti-social behaviour). Community safety has been resolved at this area due to the removal of a former drinking fountain here; however potential issues remain of safety that could be created by the proposed large kiosk here such as constriction of the footway creating a pinch point, and the kiosk sides creating blind spots for potential assailants and for unsociable activities such as urinating. It would thus have a detrimental impact on the promotion of walking as an alternative to motorised transport. It would further harm the general amenity and appearance of the street environment (as further discussed below). Therefore the application would be contrary to policies SD1, T1, T3 and T12.

The impact upon the character and appearance of the area

The application site is considered to be in a prominent corner location within the conservation area. In addition it lies opposite several listed buildings. The area is characterised by a large intersection of several roads with the intervening pavements extending out into the junction to create wide open pedestrian areas which are used for necessary street furniture, tree planting and open air seating for Class A3 uses. Further south, a roadway has been stopped up and paved over to create additional pedestrian amenity space. Directly adjacent to the proposed kiosk is a mature tree and traditional phone box. The pavement materials have been well considered and are considered to complement the character and appearance of the conservation area and preserve the setting of the listed buildings. The surrounding buildings are robust and well-detailed examples of Victorian terraced commercial buildings in classical and gothic styles and all contribute to the conservation area's character. The building against which the kiosk will be situated is particularly attractive with a flank wall which has a rusticated rendered base and elaborate stucco and blind window detailing above.

The proposal to locate a kiosk at this site is considered to result in a cramped and contrived form of development. It is considered that the size, in both bulk and height, of the kiosk, as well as its modern utilitarian design in brightly coloured metal materials, would dominate the surrounding area and be highly visible in such a prominent position against the flank wall at this wide open junction. This would not preserve the open and spacious feel of the pedestrian and public spaces which characterise this part of the Bloomsbury Conservation Area. It would create visual clutter in an area that is currently clear of any such visual intrusions and structures and that is also characterised by a series of formal and informal open spaces set around a variety of buildings either listed or positively contributing to the area's character. Furthermore it is also considered that the appearance of the kiosk, by reason of its size, siting and design, would harm the setting of the nearby listed buildings. It would also directly harm the appearance of no 47 New Oxford Street itself by obscuring important architectural features and creating a jarring feature against its attractive exposed dominant flank wall. The installation of a kiosk would result in street clutter which would not preserve the character and appearance of the adjoining building and conservation area and is considered to harm the special interest of the setting

of the listed buildings. Therefore the application would be contrary to policies SD1, B6 and B7.

The impact upon residential amenity of the area

The proposed installation of the kiosk would be at ground floor level; there are residential properties in the area but these are at first floor and above. There are residential properties adjacent to the application site at 47 New Oxford Street at first floor level and above. However this flank elevation does not include any window openings. A condition would be attached to any permission granted limiting the hours of use. Considering the location of the kiosk and that a condition can control the hours of use, it is not considered that any direct detrimental impacts of noise or disturbance would occur upon surrounding residential properties.

Conclusion

It is considered that the installation of a kiosk in a prominent corner location by virtue of its siting, size and design would not preserve the character or appearance of the conservation area nor adjoining building and would harm the setting of the listed buildings on Shaftesbury Avenue and New Oxford Street. The proposed kiosk is considered to add unnecessary street clutter to the area which would be detrimental to pedestrian amenity and safety and would not promote walking as an alternative to motorised transport.

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