

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	11/09/2017
		N/A / attached	<b>Consultation Expiry Date:</b>	
<b>Officer</b>			<b>Application Number(s)</b>	
Alyce Keen			2017/3498/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
o/s Camden Town Hall LONDON WC1H 9JE			Please refer to decision notice.	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Erection of kiosk with canopy and 1 x ATM on the pavement				
<b>Recommendation(s):</b>	Refused			
<b>Application Type:</b>	Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>	<p><u>33 Queen Alexandra Mansions Judd Street:</u>          Not in favour of replacing this kiosk or indeed in having this kiosk on the street at all. There is little space on the pavement due to vastly increased amounts of pedestrian traffic, and the kiosk creates a bottleneck. Merchandise is not particularly useful and, it would seem, not what is advertised in this application. It seems to be mainly providing mobile phone services.</p>					
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>	<p><u>Transport for London:</u></p> <ul style="list-style-type: none"> <li>TfL requests clarification as to the current planning status of the existing kiosk. If it does not have formal planning permission, Camden should look to enforce against the current occupier and remove the kiosk.</li> <li>TfL reminds the applicant and Council that the London Plan favours decluttering and simplifying the streetscape wherever possible (see policy 6.10) and this is also prioritised in TfL Streetscape Guidance (available from <a href="https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit">https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit</a>). TfL would therefore prefer for the kiosk to be removed.</li> <li>TfL expects the standards and principles in our Streetscape Guidance to be applied to all public realm applications by the Council.</li> <li>In conclusion, TfL currently objects to the proposal for the reasons outlined above.</li> </ul> <p><u>Designing out Crime Group:</u>          The area is an extremely busy location with pedestrians using the footway to approach the main transport hubs of Kings Cross and St Pancras. The kiosk on the plans does cause a bottle neck at this location already, especially as pedestrians wait to cross Argyle Street and naturally back up west along Euston Road. An ATM at this location would increase pedestrian activity and cause issues with a potential queue pushing out into the footpath area. At night this could lead to violence due to the number of intoxicated people that use this route to get home after a night out. The area is also well known for anti social behaviour, mainly begging, and an ATM's are a natural location to encourage this behaviour. There are a number of ATM's already a few minutes walk from the planned location so I believe its an unnecessary to have another one so close.</p> <p>The ATM on the design faces towards the nearby building line. There will be no natural surveillance from this building during the night and the local CACTI won't be able to cover this area due to the large number of Plain Trees that grow along the road way. This is an issue I am aware off whilst consulting on other issues in the Kings Cross area recently.</p> <p>With Euston Road being a major thoroughfare there have been increase in moped enabled thefts, in which suspects snatch items from their victims. The ATM will encourage this type of crime as it is so close to the road and also due to the building design 'Suspects' can use it as a cover to jump out on Victims as they walk past to commit robberies or thefts.</p>					

Therefore I object to this application.

## Site Description

The application site is the pavement outside Camden Town Hall on the corner of Euston Road and Argyle Street. The pavement contains an existing kiosk, which is located up against the public highway of Euston Road and adjacent to a traffic signal box and bicycle racks.

The site is located in the Kings Cross St Pancras Conservation Area and lies opposite Grade II Listed building, Camden Town Hall.

## Relevant History

### Site History:

9500791 - Siting of two public payphones. Granted 01/10/1995.

PS9704158 - Siting of two public payphones. Granted 21/03/1997.

There is no record of planning permission being obtained for the kiosk. It is now lawful having been in place for more than 4 years.

### Background:

Whilst planning permission was not obtained for the structure, there is a street trading licence (A038562). Whilst separate to the planning application process it is worth noting that this licence specifies that the kiosk is permitted to sell specific items, the location is specific specified to be a pitch size of 4m x 2m and operation hours of Monday to Sunday 7am to 7pm.

The street trading licence also has a set of conditions attached to the licence. One of the conditions states that 'Planning permission may be required for any kiosk or receptacle. It will be the responsibility of the trader/prospective trader to obtain this.'

The kiosk and its compliance with these conditions is currently being investigated.

## Relevant policies

### **National Planning Policy Framework 2012 (Paragraphs 42 to 46)**

### **London Plan 2016**

### **TfL's Pedestrian Comfort Guidance for London (2010)**

### **Camden Local Plan 2017**

A1 Managing the impact of development

C5 Safety and Security

C6 Access

D1 Design

D2 Heritage

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

### **Camden Planning Guidance 2011 (as amended)**

CPG1 - Design Section 9 (Designing safer environments)

CPG7 - Transport Section 8 (Streets and public spaces)

### **Camden Streetscape Design Manual**

### **TfL Pedestrian Comfort Guidance (PCG) 2010**

## Assessment

**Proposal:** The proposal is for the erection of a new kiosk with awning following to replace the existing kiosk. The existing kiosk measures 4m x 2m and the main structure of the kiosk would replicate these measurements, however it proposes a canopy which extension the width to 5.2m. The existing kiosk is 3.15m in height and the replacement will be 3.15m. Whilst planning permission was not obtained for

the existing kiosk, however it is now deemed lawful.

The proposed kiosk will be constructed from aluminium materials, rectangular shaped with a pitched roof profile and canopy. The new kiosk will replace the previous wooden kiosk. It is proposed to accommodate 1 x ATM into the front elevation of the kiosk.

The proposed replacement kiosk proposes spaces for advertising on the exterior structure. An advertisement consent application has not been submitted and therefore these additions are not assessed as part of this application. If the scheme were considered to be acceptable, an informative would be added to advise that advertisement consent would be required for these elements.

**Assessment:**

The main considerations when assessing this application are;

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

**Design & Appearance:**

Policy A1 states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities, and that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users.

The application site is considered to be in a prominent main street frontage location within the conservation area. As stated in the conservation area statement, 'Euston Road frontage was defined as a 'National Set Piece' - a group of buildings, streets, spaces and monuments that contribute to London's role as a capital city'. In addition it lies opposite a Grade 1\* listed building. The area is characterised by a main thoroughfare, Euston Road, which the pavements are used for necessary street furniture, tree planting, bicycle racks and bus stops. The surrounding buildings are robust and well-detailed which all contribute to the conservation area's character. The buildings against which the kiosk will be situated, including Camden Town Hall are particularly attractive with detailed facades on the street frontages.

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 public highway. If the scheme were considered to be acceptable details regarding the colour and finishes would have been requested. This would not preserve the open and spacious feel of the pedestrian and public spaces which characterise this part of the Kings Cross Conservation Area.

The proposed scheme would exacerbate the visual clutter in an area that is currently cluttered with these visual intrusions and structures. Whilst the proposal would replace a structure that has only become lawful due to the time it has been in place, the replacement design is not considered sufficient to outweigh the resulting harm caused to the streetscene and the wider conservation area. It is not considered that a structure of a larger scale in a similar location would be an improvement to the existing situation. 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.

The installation of a replacement kiosk would result in street clutter which would have a detrimental impact on the character and appearance of the streetscene, adjoining buildings and the wider area conservation area. Furthermore the structure would harm the setting of the neighbouring listed buildings. Therefore the application would be contrary to policies D1 and D2.

### **Pedestrian Movement:**

Paragraph 8.9 states: 'Footways should be wide enough for two people using wheelchairs, or prams, to pass each other. We seek to maximise the width of footways wherever possible.'

Camden's Streetscape Design Manual – section 3.01 footway width states the following

10. "Clear footway" is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway.

11. 1.8 metres - minimum width needed for two adults passing

12. 3 metres - minimum width for busy pedestrian street though greater widths are usually required.

13. Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street.'

Paragraph 8.6 of CPG7 seek improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:

- Safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments and other disabilities;
- Maximising pedestrian accessibility and minimising journey times
- Providing stretches of continuous public footways without public highway crossings
- Linking to, maintaining, extending and improving the network pedestrian pathways
- Providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas
- Use of paving surfaces which enhance ease of movement for vulnerable road users and
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed e.g. by pavement parking or by street furniture.

Policy A1 (Managing the impact of development) sets out the Council's expectations for development linking directly to the highway network. The term highway includes all footpaths and cycleways in the borough (including those not alongside roads) that are managed by the Council or Transport for London as Highway Authority. The policy states that the Council has a duty to provide for the efficient movement of vehicles and pedestrians on the network, and will resist development that causes disruption to the highway network and its function.

Policy T1 states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 points a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.

Policy D1 (Design) discusses the importance of making pavements fully accessible, while Camden Planning Guidance CPG1 (Design) goes further in stating that the Council will deem cash machines unacceptable if they are located where queuing could cause problems.

Council's Transport officers have reviewed the proposal and object due to the location of the kiosks on very busy pedestrian routes in the Central London Area, where pedestrian flows are very high.

The application site is located on a pavement measuring roughly 6.7m wide. This area of the footway experiences extremely high pedestrian flows, particularly at peak times due to its location. Section 3.01 of Camden's Streetscape Design Manual requires a minimum unobstructed pathway width within the footway, known as the 'clear footway'. This guidance and Appendix B of TfL's Pedestrian Comfort Guidance, outlines the recommended minimum footway widths for different levels of pedestrian flows. Camden's Streetscape Design Manual section 4.01, together with TfL's Pedestrian Comfort Guidance, states that street furniture should be placed a minimum of 0.45m back from the carriageway, therefore the proposal would result in the loss of a minimum of 3.45m of the footway (1M

more than the existing kiosk).

With the current kiosk in place there is a limited amount of footway available to pedestrians. However with the increased size of the proposed kiosk with a larger canopy over the structure and the introduction of two new ATM's would further reduce the available space for pedestrians on the footway 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.

It is important to note that this section of footway experiences high pedestrian flow, particularly during peak times given its proximity to Kings Cross station. The section of pavement along this stretch of Euston Road is already cluttered with street furniture. With the current kiosk in place there is a limited amount of footway available to pedestrians. However with the increased size of the proposed kiosk with a larger canopy over the structure and the introduction of a new ATM would further reduce the available space for pedestrians on the footway 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.

In accordance with Policy T1 points a) and b), the scheme should aim to create a high quality place and improve pedestrian comfort and increase the safety of vulnerable road users through providing additional space for walking and cycling. TfL have commented that in line with the London Plan the Council should be seeking to declutter and simplify the streetscape. Whilst the existing kiosk is now only lawful by the fact it has been in place for 4 years, granting consent for a larger more permanent fixture in this location would add further street clutter to the streetscene, contrary to the aims of the scheme, and the resulting reduction in the footway width may have a detrimental impact on pedestrian movement and discourage active travel. The siting of the proposal is therefore considered unacceptable and contrary to Policy T1.

The replacement kiosk 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). Therefore the application would be contrary to policies D1, T1, C6 and CPG1.

#### **Safety (opportunities for crime and anti-social behaviour)**

The ATM machines would be located on the front of the kiosk. Given the extremely high existing and proposed pedestrian footfall in this area, the potential queuing as a result from the introduction of ATM's could lead to violence due to the number of intoxicated people that use this route to get home after a night out. The area is also well known for anti-social behaviour, mainly begging, and ATM's are a natural location to encourage this behaviour. If the principle of the addition was considered acceptable, conditions would be recommended to address security issues.

#### **Conclusion:**

The installation of a kiosk would result in street clutter, which would have a detrimental impact on the character and appearance of the streetscene, adjoining buildings and the wider conservation area and is considered to harm the special interest of the setting of the listed buildings. The replacement kiosk would reduce the amount of useable unobstructed footway, would be detrimental to the quality of the public realm and cause harm to highway safety and hinder pedestrian movement and set a harmful precedent for other pavement obstructions.

#### **Recommendation:**

It is recommended that planning permission be refused.