

Delegated Report		Analysis sheet	Expiry Date:	11/09/2017
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Alyce Keen			2017/3499/P	
Application Address			Drawing Numbers	
o/s 118-132 New Oxford Street LONDON WC1A 1HD			Please refer to decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of kiosk with canopy and 2 x ATM's on the pavement.				
Recommendation(s):		Refused		
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	05	No. of objections	05
Summary of consultation responses:	<p>A site notice was erected on 19/07/2017 (expired 09 August 2017).</p> <p><u>279 Tottenham Court Road:</u></p> <ul style="list-style-type: none"> The kiosk causes a huge congestion on the narrow corner of Tottenham Court Road and New Oxford Street It blocks the pedestrian crossing The kiosk should've been relocated on completion of the Tottenham Court Station upgrade program The current licence permit allows the kiosk to stay open until 8 pm only, but in reality it stays open until midnight 7 days a week including Bank holidays <p><u>115 Redman House Portpool Lane:</u></p> <ul style="list-style-type: none"> The Kiosk is blocking the Pedestrian crossing. Because of that Kiosk, there is no space to walk at the narrow corner of new oxford street and Tottenham Court Road. <p><u>32 Northiam Street:</u></p> <ul style="list-style-type: none"> Congestion not the problem of roads only, it is a problem of pavements and pedestrians areas in certain and busy places, The spot where the existing kiosk is already causing a problem in rash hours and the finishing time of the theatre. As a disabled person taking 55 bus to Hackney I had few problem while passing in that certain area and nearly fall over at once, due to narrow passage and inconsiderate people. That area is too narrow for pedestrian crossing and existing kiosk already is a risk as it is. <p><u>17A Percy Street:</u></p> <ul style="list-style-type: none"> This very busy corner has already enough obstacles such as cabins and kiosk. I feel that this kiosk is dangerous as it obscures the view of the traffic, it makes the junction too cluttered, if you have tried to pass when the pavement is full of people to go to the theatre it is very difficult to pass through at the best of times. Please consider people who need to use the pavement and pedestrian crossing because that is what there are there for and not place obstacles in our way. I feel it is a danger to the public and therefore request that it is removed and re-located to a reasonable site where it will not have a detrimental effect. The kiosk causes a huge congestion on the narrow corner of Tottenham Court Road and New Oxford Street especially when recent developments (including Cross Rail and Derwent) to the area have increased the pedestrian flow at this junction. It blocks the pedestrian crossing causing danger to pedestrians especially the vulnerable and disabled people. It gets very unsafe 					

during the times of the theatre.

- The kiosk's location does not integrate with the setting of the new Tottenham Court Station redevelopment, it is an eyesore and should have been relocated on completion of the Tottenham Court Station upgrade program, but despite the works having been completed the kiosk remains at the same spot.
- I was given the information that the local MP intervened and Camden council has allowed him to stay at the same present spot. If this is the case we need to know this publicly.
- His current licence permit allows him to stay open until 8 pm only, but in reality he stays open until midnight 7 days a week including Bank holidays.

**CAAC/Local groups*
comments:**

*Please Specify

Bloomsbury Association:

- The provision of retail kiosks (or not) needs to be considered alongside proposals for the public realm design being undertaken or to be commissioned for the same areas as part of the Council's West End Project and a consistent approach needs to be taken to the design of all the kiosks, if there are to be any at all.
- A kiosk is an integral part of the public space that contains it and there should not be a piecemeal approach to the design of the public spaces and street furniture of the Council's West End Project. It should be high quality design.
- No Design Statement accompanies the application but it does include a photograph of the appalling existing shed outside the Dominion Theatre and this proposal is no better.
- Tottenham Court Road is visually congested and has been declared the worst street in London. This proposal does not resolve the problem – it makes it worse.
- The proposal is located in the Bloomsbury Conservation Area, immediately outside the Grade II listed buildings of the Dominion Theatre and 279 Tottenham Court Road and is visually prominent in St Giles Circus. It is one of two kiosks in this location and a third is on the opposite side of Tottenham Court Road, in Westminster. All mark the gateway to the Council's West End Project and the new Crossrail station at Tottenham Court Road. They all look tacky and awful and severely damage the sensitive setting in which they are located.

Transport for London:

- 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.
- TfL requests clarification as to whether the Council has consulted Crossrail separately from TfL. Crossrail should be consulted due to the significant impact retention and replacement of this kiosk would have on the public realm immediately adjacent to entrances and exits of the new Elizabeth Line station and services at Tottenham Court Road.
- Due to the impending completion and commencement of Crossrail infrastructure and services at Tottenham Court Road, a very large increase in the number of public transport passengers and pedestrians moving through the area is expected. TfL would therefore prefer for the kiosk to be removed.
- 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 <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit>).
- TfL expects the standards and principles in our Streetscape Guidance to be applied to all public realm applications by the council.

Crossrail:

The implications of the Crossrail proposals for the application have been considered and I write to inform you that Crossrail Limited do not wish to make any comments on this application as submitted.

Designing Out Crime Group:

The area is an extremely busy location with pedestrians using the footway to use the local shopping facilities and also the Dominion Theatre. The kiosk on the plans does cause a bottle neck at this location already, especially as

pedestrians make the turn from Tottenham Court Road into New Oxford Street. Having Two (2) ATM's at this location would just 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 it's an unnecessary to have other ones so close by.

From previous experience of working this area I am aware that the above crowding and congestion is an ideal location for pickpockets who can press up against people to steal from their bags or in some case cut them off their shoulders. The slower the pedestrian footfall is the more likely this is to occur, especially when people are unsure of where they are going or looking for the exit to the nearby transport link of Tottenham Court Road for Tube and soon to be Cross Rail.

Distraction thefts at ATM's have always been an issue of Bloomsbury and the gangs enjoy a crowded location to commit their crimes. It allows them to blend in and also local CCTV cannot pick up what they are doing.

Moped snatches and robberies are on the increase in the area and therefore ATM's are a prime location to commit these type of offences. The unwary Victim leaving the area with cash is now a potential target.

Therefore I object to this application.

Site Description

The application site is the pavement outside Corinthian House on the corner of New Oxford Street and Tottenham Court Road. An existing kiosk is located on the pavement, sited against the traffic signal post and across from one of the Tottenham Court Road station exits.

The site is located in the Bloomsbury Conservation Area and lies opposite Grade II Listed buildings at Corinthian House and the Dominion Theatre.

Relevant History

Site History:

ASX0004617 – (Withdrawn 05/06/2000) – Display of non-illuminated fascia.

ASX0205096 – (Granted 05/12/2002) – Display of non-illuminated fascia sign.

LSX0004616 – (Granted 02/01/2001) – Internal and external alterations involving installation of new shopfront and signage and shop fit out at basement, ground and 1st floor levels.

LSX0205097 – (Granted 05/12/2002) – Display of non-illuminated fascia sign.

PSX0004695 – (Granted 02/01/2001) – Installation of new shop front.

Adjacent Sites:

2009/1613/P – (Refused 26/06/2009) – Installation of a food and drink kiosk on pavement outside corner of 249 Shaftesbury Avenue and 47 New Oxford Street.

Reasons for refusal:

- The proposed kiosk, by reason of its siting, size and design, would result in visual clutter harmful to the appearance of the adjoining building at 47 New Oxford Street, to the character and appearance of the streetscene and Bloomsbury Conservation Area and to the setting of surrounding listed buildings, contrary to policies B1 (General design principles), B6 (Listed buildings) and B7 (Conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.
- The proposed kiosk, by reason of its siting and size, would result in unnecessary street clutter which would harm pedestrian access, safety and amenity and would harm the character and appearance of the street environment, contrary to policies T1 (Sustainable transport), T3 (Pedestrians and cycling) and T12 (Works affecting highways) of the London Borough of Camden Replacement Unitary Development Plan 2006.

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 operational hours are 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 2 x ATM's into the side elevations 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 corner location within the conservation area. In addition it lies opposite several listed buildings. The area is characterised by a large intersection of two major 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. 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, Corinthian House and the Dominion Theatre 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 at this junction. Overall, the

kiosk would not preserve the open and spacious feel of the pedestrian and public spaces, which characterise this part of the Bloomsbury Conservation Area.

The application site is situated within the area of the proposed West End Project, a public realm improvement scheme to reduce street clutter along Tottenham Court Road. 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 (Transport) seeks 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 5m wide. This area of the footway experiences extremely high pedestrian flows, particularly at peak times due to its location. The pedestrian flows are due to increase further given the impending completion and commencement of Crossrail infrastructure and services at Tottenham Court Road. Given this change in circumstance it is even more imperative to ensure that the streets remained unclutter and unobstructed. 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.

As outlined in the consultation responses from TfL, due to the impending completion and commencement of Crossrail infrastructure and services at Tottenham Court Road, a very large increase in the number of public transport passengers and pedestrians moving through the area is expected. TfL would therefore prefer for the kiosk to be removed. The application site is situated within the area of the proposed West End Project, a public realm improvement scheme to reduce street clutter along Tottenham Court Road. 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 eastern side 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.