

<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Dates</b>	1. 23/03/2022 2. 05/04/2022
		n/a	<b>Consultation Expiry Dates</b>	1. 06/03/2022 2. 06/03/2022
<b>Officer</b>			<b>Application Numbers</b>	
Tony Young			1. 2022/0310/P 2. 2022/0492/A	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Kiosk on pavement outside 16-17 Tottenham Court Road London W1T 1BE			Refer to draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposals</b>				
1. Siting of free-standing, semi-permanent kiosk for street trading purposes. 2. Display of non-illuminated poster panel sign (measuring 2.6m wide x 1.1m high) on rear elevation of street trading kiosk.				
<b>Recommendations</b>	1. Grant Planning Permission 2. Grant Advertisement Consent			
<b>Application Types</b>	1. Full Planning Permission 2. Advertisement Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informative:						
<b>Consultations</b>						
Adjoining Occupiers & local groups	No. notified	0	No. of responses	1	No. of objections	1
			No. Electronic	0		
Publicity:	Site notice was displayed from 09/02/2022 to 05/03/2022 Press notice was published from 10/02/2022 to 06/03/2022					
Summary of all <u>external</u> consultation responses	<p><b>Bloomsbury Conservation Area Advisory Committee</b> <u>objected</u> to the proposal, as follows:</p> <ul style="list-style-type: none"> <li><i>The planned replacement to the kiosk is a poor design compared to the existing and neither maintains or improves this Conservation Area. The plan for a vinyl/timber-effect wrap cladding around the kiosk is an unacceptable substitute for timber. The black painted flowers on these vinyl exterior walls invade and intrude upon the public realm.</i></li> </ul> <p><b>Officer response:</b> please see Section 3 (Design and heritage) below in main body of report. Please also note that the proposed kiosk is shown on the drawings as having a plain dark green exterior. The painted flowers referred to in the above response may have been ones that were visible on the exterior of the previous kiosk which has recently been removed from the site following enforcement action.</p>					
Summary of all <u>internal</u> consultation responses from Council teams	<p><b>Council Design Officer</b> raised no objection, summarised as follows:</p> <ul style="list-style-type: none"> <li><i>I support the flower stall in general and think the current design is uncontentious. The advertisement on the rear appears in proportion to the structure and is contained within a defined frame;</i></li> <li><i>While timber would be preferable. I raise no objection to the proposed material as it would have a timber clad appearance and would be an improvement on the previous unauthorised kiosk.</i></li> </ul> <p><b>Council's Markets Team</b> raised no objection as follows:</p> <ul style="list-style-type: none"> <li><i>The kiosk is an improvement on the previous two and I believe responds to all the concerns raised previously. I am happy with the design, size and arrangements set out.</i></li> </ul> <p><b>Council's Transport Team</b> raised no objection as follows:</p> <ul style="list-style-type: none"> <li><i>I have reviewed the details of this application. The proposed kiosk measures 4m x 1.6 in plan and has a roof that protrudes a further 0.4m, making the overall space in plan 4m x 2m, which I understand is the allocated pitch size for the kiosk. It has internal shelving which should reduce the need for footway space being occupied by merchandise on offer.</i></li> <li><i>The height is lower than the stall that currently occupies the site and on the carriageway side, the roof should be lower than nearby green traffic signal. This is an improvement on the current situation.</i></li> <li><i>I have no objection to the proposal.</i></li> </ul> <p><b>Council's Street Trading Team</b> raised no objection as follows:</p> <ul style="list-style-type: none"> <li><i>The new stall design is suited for this area and the set up will prevent the trader over-trading. I support the application.</i></li> </ul>					

**Council's West End Project Team** commented on the proposal, summarised as follows:

- *In terms of size this is much better. The internal layout is much better suited to the type of merchandise the stallholder is selling, meaning there is less chance of overspill. The face must be sited 450mm from the kerb edge and this must include any advertising panel;*
- *The specification document refers to a mains lead to plug into power bollard, this cannot be the case. The kiosk must be hard wired into the power bollard. There is no plug in facility and you cannot have a lead railing across the footway;*
- *In terms of aesthetic, my preference would be a timber clad version, however, this would be a lot more expensive;*
- *The anti-graffiti wrap is welcomed;*
- *No objection to a non-illuminated advertisement panel of this size;*
- *Overall, apart from the power issue, no objections.*

[**Officer response:** please see Section 8 (Other matters) below in main body of report in regard to the power issue raised by the West End Project Team.]

**Designing Out Crime Officer** commented on the proposal, summarised as follows:

- *It is noted that some kiosks (especially telephone kiosk) and other street furniture within the London Borough of Camden have become 'crime generators' and a focal point for anti-social behaviour (ASB);*
- *Though the design of the proposed structure creates a solid barrier to hide behind and reduces natural surveillance in the street, there are no external ledges, surfaces or recesses which might otherwise encourage loitering, rough sleeping and associated substance abuse. The proposed kiosk would therefore unlikely promote the site as a focal point for ASB;*
- *As with all solid external facades, there is the potential for graffiti; however, a newer retail kiosk would likely encourage better upkeep and maintenance;*
- *Overall, the proposal is unlikely to promote ASB and crime, especially in the absence of any evidence of previous ASB associated with this established street trading site.*

## Site Description

The application site comprises an area of footway on the western side of Tottenham Court Road (A400), near the corner junction with Hanway Street. The pavement here measures approximately 8.2m in width and is situated adjacent to a traffic signal controlled pedestrian crossing.

The proposed kiosk would be located towards the kerbside edge and outside of a defined street furniture zone which is situated centrally along the pavement and contains street cabinets and a row of street trees. There are also a row of steel bollards positioned on the public footway, approximately 1m away from the adjacent building line.

The site is located in the Hanway Street Conservation Area, Fitzrovia East Neighbourhood Area, Fitzrovia Action Area and Charlotte Street Community Association Area. Bloomsbury Conservation Area is located opposite the site. There are no listed buildings located adjacent to the site.

The site lies within the Central London Area and is part of Transport for London's (TfL's) Road Network (TLRN), and as such, is a busy road for both vehicular and pedestrian traffic.

## Relevant History

**2020/0110/P** - Siting of free-standing permanent kiosk for street trading purposes (retrospective). Planning permission refused with warning of enforcement action dated 22/12/2021 (see EN21/1193 in Enforcement section below)

**2020/1479/A** - Display of non-illuminated poster panel sign (measuring 2.5m wide x 2m high x 0.3m deep) on rear elevation of kiosk. Advertisement consent refused dated 22/12/2021

**2008/0777/A** - Display of non-illuminated advertisement (1.5m x 2.5m) on back (facing Tottenham Court Road) of existing retail kiosk located on the public highway. Advertisement consent granted 19/03/2008

**2005/0409/A** - Display of non-illuminated poster signs on rear wall of flower stall cabin. Advertisement consent refused 27/05/2005.

*Reason for refusal - the proposed advertisement, by reason of its appearance and location, would add to visual clutter to the detriment of the character and appearance of the Conservation Area and the street scene.*

#### Enforcement

**EN21/1193** - Replacement of flower stall with new larger kiosk. Case closed following removal of unauthorised kiosk in compliance with enforcement notice 14/04/2022

**EN19/1137** - Replacement of flower kiosk. Case closed 15/01/2021 following receipt of planning application

**EN14/0329** - New shed to kiosk. Breach has been rectified. Case closed 25/04/2014

#### **Relevant policies**

##### **National Planning Policy Framework 2021**

- Chapters 6 (Building a strong, competitive economy), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment)

##### **London Plan 2021**

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

##### **Camden Local Plan 2017**

- A1 - Managing the impact of development
- C5 - Safety and Security
- D1 - Design
- D2 - Heritage
- D4 - Advertisements
- G1 - Delivery and location of growth
- T1 - Prioritising walking, cycling and public transport

##### **Camden Planning Guidance**

- CPG Design (January 2021) - chapters 1 (Introduction), 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)
- CPG Transport 2019 - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)
- CPG Amenity (January 2021) – chapters 1 (Introduction), 2 (Overlooking, privacy and outlook) and 6 (Noise and vibration)
- CPG Advertisements (March 2018) – paragraphs 1.1 to 1.15 (General guidance and advertising on street furniture)

##### **Camden Streetscape Design Manual**

##### **Fitzrovia Area Action Plan - Part 3: Vision and objectives (adopted March 2014)**

##### **Hanway Street Conservation Area Statement appraisal and management strategy (adopted March 2011)**

## Assessment

### 1. Proposal

- 1.1 Planning permission is sought for the siting of a free-standing, semi-permanent kiosk for street trading purposes on an area of footway on the western side of Tottenham Court Road, near the corner junction with Hanway Street.
- 1.2 The submitted drawings indicate that the proposed kiosk would measure 4m wide x 1.6m deep x 2.52m high with a shallow sloping roof and an integral security shutter at the front. An integral canopy would extend forward at the top of the kiosk, increasing the kiosk's depth to a maximum of 2m. The structure contains internal shelving and storage space, as well as, a fixed workstation position for the vendor.
- 1.3 The kiosk would have a powder coated aluminium frame with a vinyl anti-graffiti wrap (apart from the security shutter at the front) and a dark green timber-clad effect appearance.
- 1.4 Advertisement consent is also sought for the display of a non-illuminated poster panel sign (measuring 2.6m wide x 1.1m high) on the rear (road facing) elevation of the proposed kiosk. The signage frame would be a maximum of 0.07m deep (this is including any rear battens for support).

### 2. Assessment

#### Background information

- 2.1 A timber flower stall was originally located at the application site for in excess of 20 years. Though the kiosk had no specific planning permission, it was likely to have been lawful given the length of time that it was positioned at the application site (see Image 1 below).



*Image 1 – view of original kiosk and display areas (circa July 2019)*

- 2.2 The original kiosk was replaced towards the end of 2019 with a larger kiosk without the benefit of planning permission (see Images 2 and 3 below). Notwithstanding that there was previously a timber flower stall located at the application site, planning permission was required for the newly sited kiosk so that the Council could fully assess the impact of the unauthorised structure on its own individual merit. Applications were therefore submitted for full planning permission and advertisement consent to address any unauthorised works (ref. 2020/0110/P and 2020/1479/A respectively).



*Image 2 – pedestrian crossing to north-east*



*Image 3 – pedestrian footway to north-west*

2.3 However, planning permission and advertisement consent were refused on 22/12/2021 for the unauthorised replacement kiosk (and proposed signage) with a warning of enforcement action requiring the total removal of the structure from the site and making good any damage caused as a result of the works within 3 months.

2.4 A Council Enforcement Officer confirmed on 14/04/2022 that the unauthorised kiosk had been removed in compliance with the enforcement notice (ref. EN21/1193). As such, though the application site continues to be a licensed street trading pitch, it is currently absent of a kiosk or any other structure. It is on this basis that planning permission and advertisement consent are now sought for the siting of a new kiosk and signage.

#### Principle considerations

2.5 The principle considerations in the assessment and determination of the planning application are:

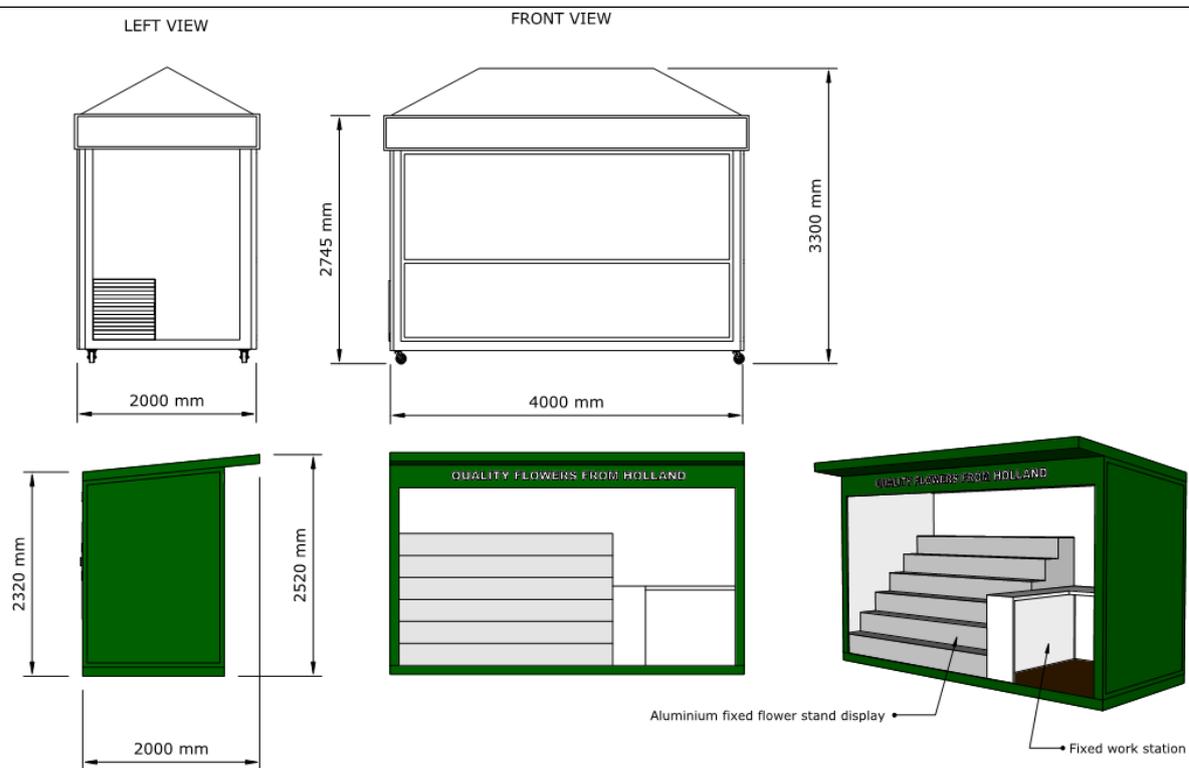
- the design and impact of the proposal on the character and appearance of the adjacent buildings, streetscene and wider Hanway Street Conservation, Fitzrovia East Neighbourhood and Fitzrovia Action Plan Areas, and the adjacent Bloomsbury Conservation Area;
- the impact of the proposal on public highway and transport; crime and anti-social behaviour; and on neighbouring amenity.

2.6 The principle considerations in the assessment and determination of the advertisement consent application are:

- the impact of the proposal on visual amenity (including neighbouring amenity in so far as the Control of Advertisement Regulations 2007 allow); and
- the impact of the proposal on highway, pedestrian and cyclist's safety.

### **3. Design and heritage**

- 3.1 Local Plan Policy D1 (Design) states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.
- 3.2 Local Plan Policy D2 (Heritage) also states that the Council will only permit development within conservation areas that preserve and enhance the character and appearance of the area. The Hanway Street Conservation Area Statement supports this when stating that its designation as a conservation area, *'provides the basis for policies designed to preserve or enhance the special interest of such an area.'*
- 3.3 Policies D1 and D2 are supported by Camden Planning Guidance (CPG) Design. In particular, chapter 7 (Designing safer environments) recognises that all features within public space and elements of street furniture should be designed to make a positive contribution to community safety and discourage anti-social behaviour. Careful consideration should therefore be given to their location and detailed design, so as not to obstruct pedestrian views or movement or be positioned to encourage anti-social behaviour or concealed areas.
- 3.4 The Fitzrovia Area Action Plan (Part 3: Vision and objectives) promotes the creation of high quality physical environments in this locality through, *'enhancing the interaction between streets and the ground floors of buildings by removing visual clutter and encouraging high quality design'*. As an adopted Area Action Plan, the aims and objectives of the Fitzrovia Area Action Plan are closely associated with the Camden Local Plan and have equal weight to Local Plan policies.
- 3.5 Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) recognises the importance of design in managing and improving spaces, including the quality of place. The design of all built form, including street furniture, must be sustainable, functional, visually attractive, safe, inclusive and accessible, encourage innovation, be sympathetic to local character, and promote health and well-being.
- 3.6 The proposed kiosk would not be as tall as the previous unauthorised kiosk (2.52m high rather than 3.3m high) and would have a shallow sloping roof as opposed to the high pitched roof of the previous structure (see comparison in Image 4 below). This height and design would ensure that the proposed kiosk would not appear visually obtrusive or dominant in the site location, and would have a less conspicuous visual impact on the streetscene than the previous kiosk.
- 3.7 The proposed kiosk and canopy would be positioned completely within the licensed area (4m x 2m) and the design of the new kiosk includes internal shelving and storage space, as well as, a fixed work station position for the vendor. This would enable produce, stock, waste products and operations to be fully contained within the licensed area, rather than extend beyond this area into the pedestrian footway as dictated by the previous kiosk's design.



*Image 4 – previous unauthorised kiosk (upper images) and proposed kiosk (lower images)*

- 3.8 While a timber-clad external material would be preferable, the use of a powder coated aluminium would not be out-of-keeping with most other kiosks in Tottenham Court Road. The dark green timber effect appearance would be well-suited to and typical of a small flower stall business, and serve to moderate the kiosk's presence, allowing it to blend in more appropriately with the nearby row of street trees and wider streetscene. The vinyl anti-graffiti wrap would assist in maintaining this appearance by reducing the opportunities for graffiti to be applied to the external surfaces.
- 3.9 Overall, therefore, the proposal is considered to be a genuine improvement on the poor condition of the original timber stall and unacceptable design of its' more recent unauthorised replacement and would be in keeping with the general high street environment of Tottenham Court Road. The proposal would provide a general uplift and enhancement at this established licensed trading site, and would not appear visually prominent or harmful to the Hanway Street Conservation, Fitzrovia East Neighbourhood and Fitzrovia Action Plan Areas, nor in views from within the adjacent Bloomsbury Conservation Area.
- 3.10 As such, the proposed kiosk is considered to be acceptable in terms of its design, size, location and materials, and accords with Local Plan Policies D1 (Design) and D2 (Heritage), CPG Design, Part 3 (Vision and objectives) of the Fitzrovia Area Action Plan, as well, as the core design principles as set out in Section 12 of the NPPF.
- 3.11 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Hanway Street Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

#### **4. Public highway and transport**

##### Pedestrian movement

- 4.1 Policy T2 (Healthy Streets) of the London Plan states that development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance.
- 4.2 Local Plan Policy A1 (Managing the impact of development) 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.

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

- 'Clear footway' is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway:
- 1.8 metres – minimum width needed for two adults passing;
- 3 metres – minimum width for busy pedestrian street though greater widths are usually required;

4.4 Local Plan Policy T1 (Prioritising walking, cycling and public transport), supported by CPG Transport, states 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.

4.5 Appendix B of 'Pedestrian Comfort Guidance for London' (published by Transport for London) indicates that footways in high flow areas, such as this, should be at least 5.3m wide where there is street furniture present or next to busy pedestrian crossings. The application site is located on an area of footway measuring approximately 8.2m in width and adjacent to a traffic signal controlled pedestrian crossing. The kiosk would be located towards the kerbside edge and outside of a defined street furniture zone which is situated centrally on the pavement and contains street cabinets and a row of street trees. There are also a row of steel bollards positioned approximately 1m away from the adjacent building line.

4.6 This would leave an effective footway width of approximately 5m in front of the kiosk (taking into account the size of the proposed kiosk, its distance back from the kerbside edge, the row of steel bollards and additional 0.5m space required by TfL guidance for an individual street vendor). This width is marginally less than that recommended by the above TfL guidance. However, the design of the proposed kiosk, which includes a smaller footprint than the previous unauthorised kiosk and enables the display, storage and associated operations to be carried out entirely within the licenced area, is a significant improvement on the previous unauthorised kiosk as the effective footway space would be less restricted and trip hazards to pedestrians reduced by the proposal.

4.7 Therefore, under the particular circumstances where the kiosk operations would unlikely involve any unreasonable encroachment beyond the licensed trading area onto the public footway (as indicated by the kiosk's design and supporting specification statement), and taking into account that the location is an established street trading site in excess of 20 years without any known issues in regard to pedestrian safety, the reduction in the effective footway width to marginally less than the level recommended by TfL is considered to be acceptable.

4.8 As such, the proposal is not considered in this particular case to cause any significant impact on highway safety, pedestrian movement or on the promotion of walking as an alternative to motorised transport, in accordance with Local Plan Policies A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport) and the above related guidance.

#### Transport and public safety

4.9 Local Plan Policy A1 (Managing the impact of development) requires that development proposals should avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter, as well as, addressing the needs of vulnerable users.

4.10 TfL's 'Streetscape Guidance' states on page 142 that, '*Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles.*' Paragraph 6.3.10 of the

Manual for Streets advises that, '*Obstructions on the footway should be minimised. Street furniture is typically sited on footways and can be a hazard for blind or partially-sighted people*'.

- 4.11 An Independent Stage 3 Road Safety Audit was completed on 23/03/2021 in regard to highway and public realm improvement works which included a change to a 2-way traffic system in Tottenham Court Road and a new pedestrian crossing in close proximity to the application site and junction with Hanway Street. The location of the previous, larger kiosk was not referred to within the Audit report as being detrimental to road safety, and as a result, the Council's Highways and West End Project Teams confirmed that they did not have concerns with the kiosk in situ at the time on road safety grounds.
- 4.12 Notwithstanding this, the Council's Highways Team have also reviewed the current proposal and noted that the height of the proposed kiosk would be lower than the previous stall on the carriageway side and that the roof would be lower in relation to the traffic signal. On this basis, and taking into account the Independent Road Safety Audit referred to above, the proposal is considered to be an improvement on the previous situation, and the Council's Highways Team confirmed that they do not have any concern with the proposal on road safety grounds.
- 4.13 In regard to the delivery of flower stock and collection of waste products at the application site, the applicant confirmed in the supporting specification statement that a delivery bay situated adjacent to the proposed kiosk would be used for this purpose. The Council's Highways and West End Project Teams have confirmed that this arrangement is appropriate as the delivery bay can be used up to 8am without restriction, so allowing for early morning deliveries and collection.
- 4.14 Overall therefore, it is concluded that the proposal does not raise public safety concern to road users, and as such, accords in this regard with Camden Local Plan Policy A1 (Managing the Impact of Development) and T1 (Prioritising walking, cycling and public transport), and related guidance.

## **5. Crime and anti-social behaviour**

- 5.1 Local Plan Policy C5 (Safety and security), supported by Paragraph 7.38 of CPG (Design), requires development to contribute to community safety and security. In particular, Paragraph 4.89 states that '*Careful consideration needs to be given to the design and location of any street furniture or equipment in order to ensure that they do not obscure public views or create spaces that would encourage anti-social behaviour*'.
- 5.2 In regards to community safety matters, a number of points have been raised by the Metropolitan Police Crime Prevention Design Advisor. In particular it is noted that some kiosks (especially telephone kiosks) and other street furniture within the London Borough of Camden have become 'crime generators' and a focal point for anti-social behaviour (ASB). Though the design of the proposed structure creates a solid barrier to hide behind and reduces natural surveillance in the street, there are no external ledges, surfaces or recesses which might otherwise encourage loitering, rough sleeping and associated substance abuse, and as such, the proposed kiosk would unlikely promote the site as focal point for ASB. As with all solid external facades, there is the potential for graffiti; however, the daily, regular use of a new retail kiosk would likely encourage better upkeep and maintenance than with the previous kiosks or as compared with, say, a typical telephone kiosk. The proposed anti-graffiti vinyl wrap would also assist in this regard.
- 5.3 Overall therefore, the proposal is considered unlikely to promote any additional ASB and crime, especially in the absence of any evidence of previous ASB associated with this established street trading site, and as such, it accords with Local Plan Policy C5 (Safety and security) and Camden Design Guidance in this regard.

## **6. Amenity**

- 6.1 Local Plan Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only

granting permission to development that would not harm the amenity of communities, occupiers and neighbouring residents.

- 6.2 This is supported by Camden Planning Guidance (Amenity) that requires the potential impact on the amenity of neighbouring properties to be fully considered and seeks for developments to be *“designed to protect the privacy of both new and existing dwellings to a reasonable degree.”*
- 6.3 The proposed structure does not result in any material change to the use of this section of pavement as an established licensed street trading site, and as such, does not introduce any additional harm to neighbouring amenity in terms of loss of privacy, increased noise or disturbance associated with deliveries, collections or footfall activity. As such, the proposal accords with Camden Local Plan Policy A1 (Managing the Impact of Development) and with Camden Planning Guidance in amenity terms.

## 7. Advertisement

- 7.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to consider amenity and public safety matters in determining advertisement consent applications.

### Amenity - visual impact and impact on residential amenity

- 7.2 Section 12 (Achieving well-designed places) of the NPPF states in Paragraph 136 that *‘The quality and character of places can suffer when advertisements are poorly sited and designed’*.
- 7.3 Local Plan Policy A1 (Managing the impact of development) confirms that the Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties.
- 7.4 CPG Design advises that good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area. CPG Adverts states that *‘free-standing signs and signs on street furniture will only be accepted where they would not create or contribute to visual and physical clutter or hinder movement along the pavement or pedestrian footway’*.
- 7.5 Local Plan Policy D4 (Advertisements) confirms that the *“Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in the area.”* (Paragraph 7.82).
- 7.6 All advertisements are intended to attract attention and are commonplace in various forms in commercial high streets such as Tottenham Court Road. The proposed poster panel sign would be appropriately sized and positioned on the rear (road facing) elevation of the proposed kiosk, and would occupy a suitable proportion of available space so as not to appear incongruous or oversized relative to the scale of the kiosk. A maximum depth of 0.07m for the frame (this is including any rear battens for support) would mean that the panel would be appropriately slim and appear visually unobtrusive. This, along with the non-illuminated nature of the poster panel, would ensure that the sign would read like a discrete form of advertising incidental to the main use of the kiosk.
- 7.7 As such, the proposal would not appear visually prominent or harmful in views from within the Hanway Street Conservation, Fitzrovia East Neighbourhood and Fitzrovia Action Plan Areas, nor in views approaching Tottenham Court Road from the junction with Great Russell Street which is situated opposite and within the Bloomsbury Conservation Area.
- 7.8 As such, the proposal would not be harmful in visual amenity terms within the streetscene or wider conservation and neighbourhood areas, nor have any significant impact on residential amenity, in accordance with Section 12 of the NPPF, Local Plan Policies A1 (Managing the Impact of

Development), D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017 and Part 3 (Vision and objectives) of the Fitzrovia Area Action Plan 2014.

## 7.9 Public Safety

- 7.10 Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users.
- 7.11 More specifically, CPG Advertisements in Paragraph 1.10 advises that, '*Advertisements will not be considered acceptable where they impact upon public safety, such as being hazardous to vehicular traffic (e.g. block sight lines, are more visible than traffic signals, emit glare) or pedestrian traffic (e.g. disrupt the free flow of pedestrian movement).*'
- 7.12 In terms of public safety, the proposed sign would unlikely obstruct or distract road users or pedestrians given the non-illuminated and static nature of the sign, as well as, the parallel alignment and slim profile of the sign relative to the adjacent road, public footway and pavement edge. As such, there are no public safety concerns associated with the proposed advertisement.

## 8. **Other matters**

- 8.1 The Council's West End Project Team raised a concern in regard to the provision of electrical power to the kiosk as the supporting specification statement refers to a mains lead being plugged into an existing power bollard or feeder pillar. This bollard or pillar is noted as being sited approximately 4.5m away from the application site. Cables are not permitted to run along the pavement surface as it would introduce a health and safety hazard to members of the public.
- 8.2 As this is not a planning matter and involves a private metered connection which the kiosk owner is responsible for arranging, the concern has been brought to the applicant's attention and the applicant has been advised to contact the Council's Highways Team about the proposed arrangements for safely providing electrical power to the application site prior to connection and first use. An informative will be added in this regard to any approval.

## 9. **Recommendation**

- 9.1 It is therefore recommended that (1) conditional planning permission be granted and (2) advertisement consent be granted

### **DISCLAIMER**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 25th April 2022, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***