

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Pitch 1710, Davies Street, London, W1C 2JR,		
Proposal	Erection of replacement street trading kiosk at the junction of Oxford Street, South Molton Street and Davies Street.		
Agent	Mr Alberto Palmerio		
On behalf of	Mr Ceyhan Erdogan		
Registered Number	16/11212/FULL	Date amended/ completed	6 December 2016
Date Application Received	24 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Current licensing position	A licence was granted on 5 January 2011 which limits trading to between 10.30 and 21.00 daily		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 1 year

2. SUMMARY

Permission is sought for a street trading kiosk at the junction of Davies Street and South Molton Street on the southern side of Oxford Street. Since 1998 various temporary permissions have been granted for Heritage style trading kiosks throughout the West End particularly on or near Oxford Street.

A number of temporary permissions have been granted for a heritage style kiosk in this location since 2003. Permission was refused for the retention of a kiosk in December 2012 for design reasons. South Molton Street had at that time been the subject of repaving and public realm improvements and it was considered that the kiosk would be harmful to the townscape. Permission was however granted on appeal in January 2014 for a temporary period of 1 year. Subsequently two further temporary permissions have been granted. The latest permission granted on 8 July 2016 allows the retention of a Heritage style kiosk until 31 July 2017.

This application is for a new kiosk, which differs in design terms to the kiosk previously permitted. The proposed new kiosk is larger than the existing kiosk and would occupy the whole of the pitch.

The key issues for consideration are :

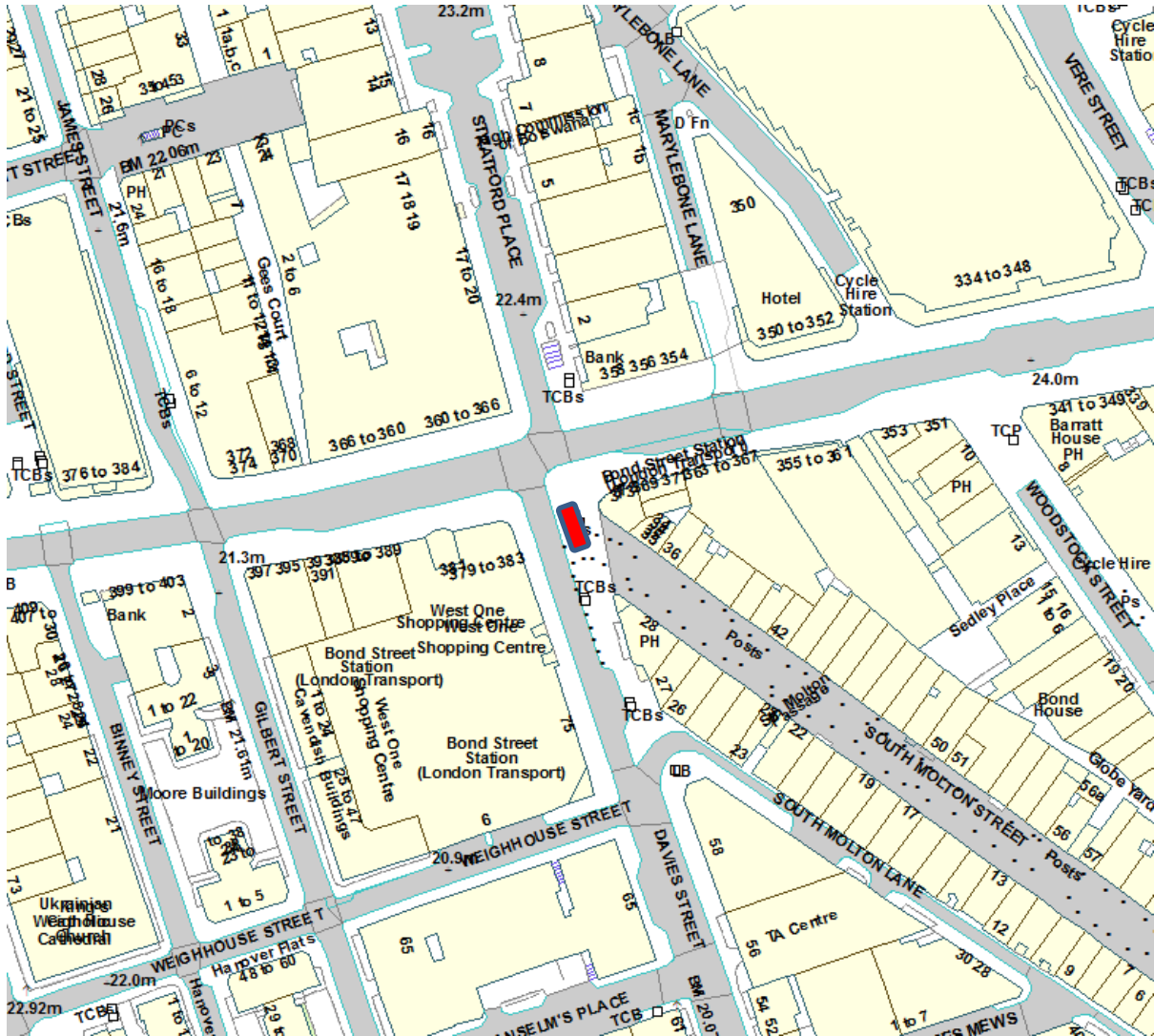
- The impact on the townscape and
- The impact on pedestrian movements

The existing Heritage type kiosk appears acceptable when it is closed and not trading, but when it is open its appearance is very untidy, with various items of furniture located outside the kiosk. The proposed new kiosk is similar to others approved on Marylebone Lane and Vere Street and is larger with a glazed canopy. The provision of a larger kiosk is contentious, but it does have the benefit of tidying up the pitch. When the proposed kiosk is in operation there will be no scope to install equipment beyond it, without causing an obstruction to the highway and breaching the licence.

This is not a good location for a street trading pitch as the kiosk would block views from Oxford Street south along South Molton Street and Davies Street, however given that this was allowed on appeal in January 2014, it is not considered that permission should now be withheld for design reasons. The design initially included retractable awnings, however further to discussions with Officers' these are to be omitted. An amending condition is recommended.

The Highways Planning Manager raises no objection to the kiosk. However, as the site is close to the proposed New Bond Street Crossrail Station which is scheduled to be open in 2018, it may be that pedestrian flows in this area are significantly increased and the pitch and kiosk may have to be relocated. It is therefore recommended that permission is granted for a temporary one year period to allow the position to be monitored.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Views from South Molton Street



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S
No response received

CROSSRAIL
Do not wish to comment

ENVIRONMENTAL HEALTH:
No objection

HIGHWAYS PLANNING MANAGER
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
RECEIVED
No. Consulted: 7; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

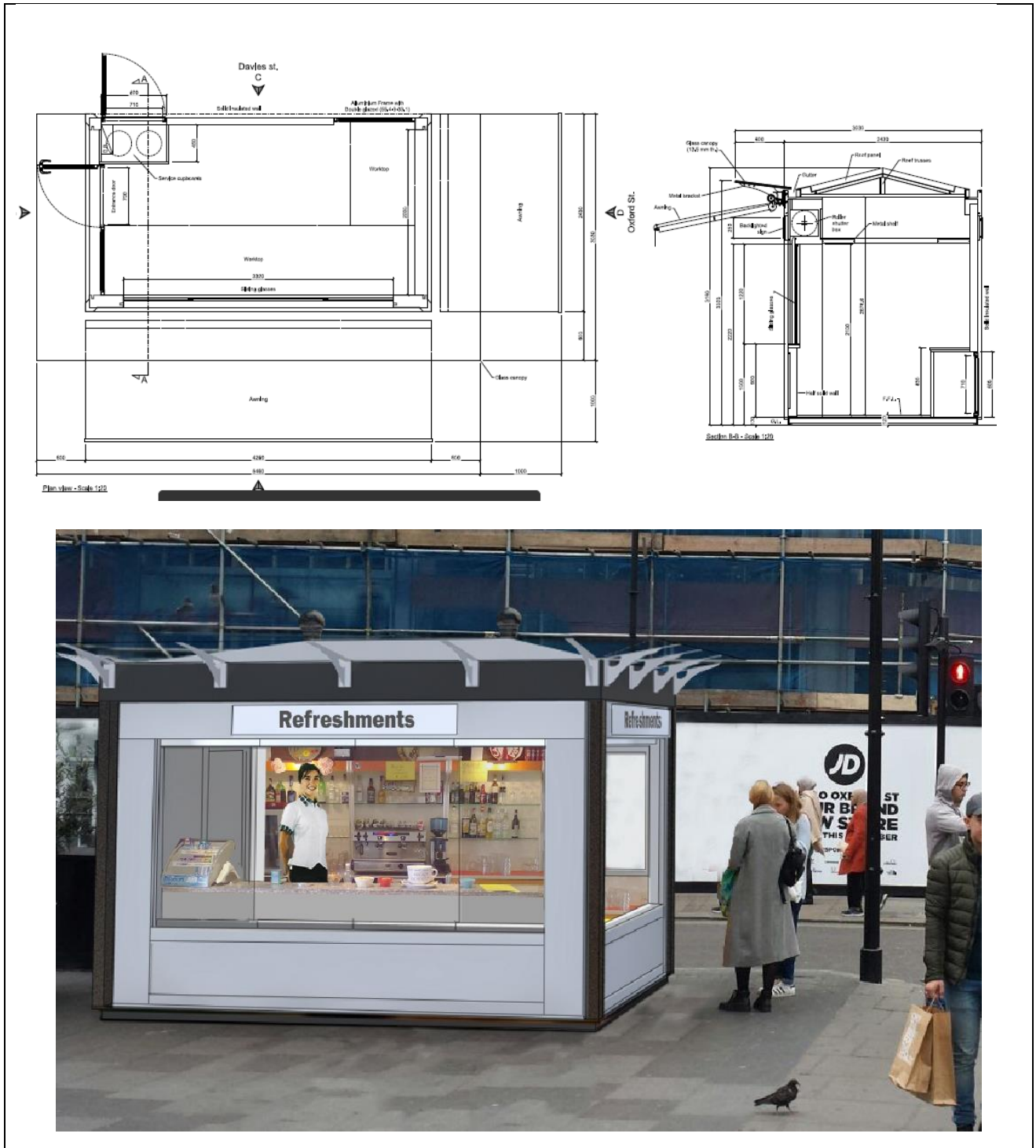
6. BACKGROUND PAPERS

1. Application form
2. Response from Crossrail dated 13 December 2016
3. Response from Highways Planning Manager dated 13 January 2017
4. Response from Environmental Health, dated 16 January 2017

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE
PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Pitch 1710, Davies Street, London, W1C 2JR,

Proposal: Erection of replacement street trading kiosk at the junction of Oxford Street , South Molton Street and Davies Street.

Reference: 16/11212/FULL

Plan Nos: Site plan received 7 December 2017, CKC-A1710, AIC 14/15

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 The kiosk can remain until 31 March 2018. After that you must remove it and return the land to its previous condition.

Reason:

So that we can assess the effect of the kiosk in light of experience and the prevailing circumstances and make sure it meets DES 7 and SS 16 of our Unitary Development Plan and CS24 and CS27 of our Core Strategy that we adopted in January 2011.

- 3 All trading activity and storage of refuse shall be within the licensed trading area.

Reason:

To prevent obstruction of the footway and make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 7 and SS 16 of our Unitary Development Plan that we adopted in January 2007 and S25 and S28 of our Strategic Policies that we adopted in January 2011.

- 4 No items of merchandise shall be displayed or installed on the outside of the kiosk. No items shall be hung from the projecting canopies.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic

Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 The windows shall remain clear of advertisements at all times. No advertisements shall be displayed on the outside or behind the windows of the kiosk, nor shall there be any advertisements on the roller shutter. Advertisements shall be displayed on the kiosk fascias only.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 No advertisements shall be displayed on the kiosk hereby approved other than those comprising the name of the trader of the kiosk and the nature of his or her business.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 The base of the kiosk shall not extend beyond the boundary of the existing pitch and shall not be formed of concrete.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Omission of retractable awnings

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB).

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 The kiosk shall be painted and maintained in a dark colour. You must apply to us for approval of the specification of that colour. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the specification we approve.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are reminded of the need to keep to the terms of the licence granted on 5 January 2011.