

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Pitch 1794 , James Street, Covent Garden, London, WC2E 8PA		
Proposal	Erection of a semi-permanent, free-standing A1 retail kiosk measuring 3m x 1.8m x 2.85m (height) on the public highway.		
Agent	Mr Paul Manning		
On behalf of	Mr Beattie		
Registered Number	17/03684/FULL	Date amended/ completed	10 May 2017
Date Application Received	28 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Refuse planning permission – design and highways.

2. SUMMARY

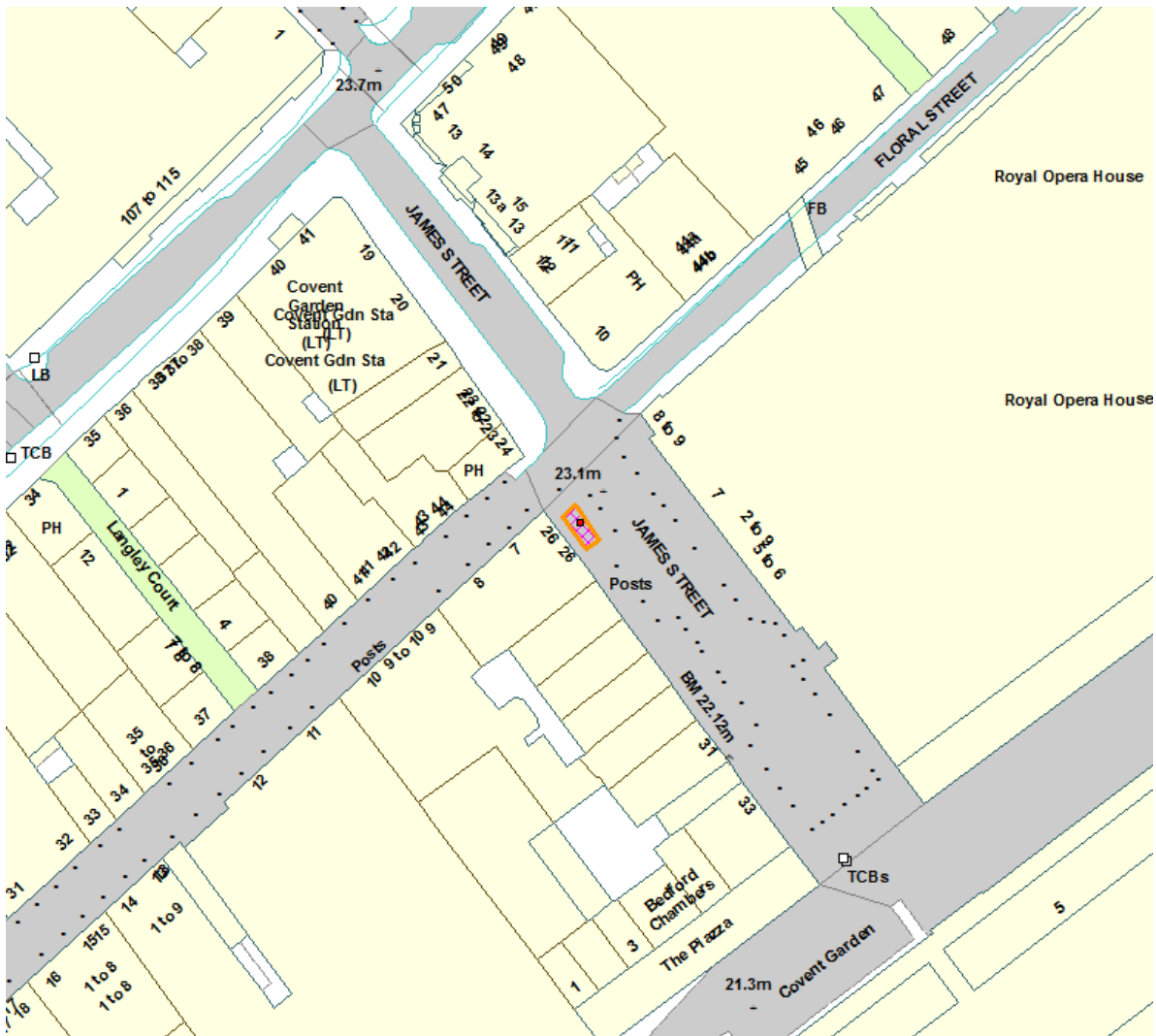
The application relates to an area of the public highway outside No. 26 James Street. The applicant has held a licence for a street trading pitch in this location since 1989. A temporary kiosk operates between 07.00 and 19.00 daily and is removed when the applicant is not trading. Planning permission is sought to replace the existing licensed stall with a kiosk which would be permanently located on the site.

The key issues in this case are:

- The impact of the proposals upon the character and appearance of the Covent Garden Conservation Area and the setting of adjacent listed buildings.
- The impact of the proposals on pedestrian movement and safety.

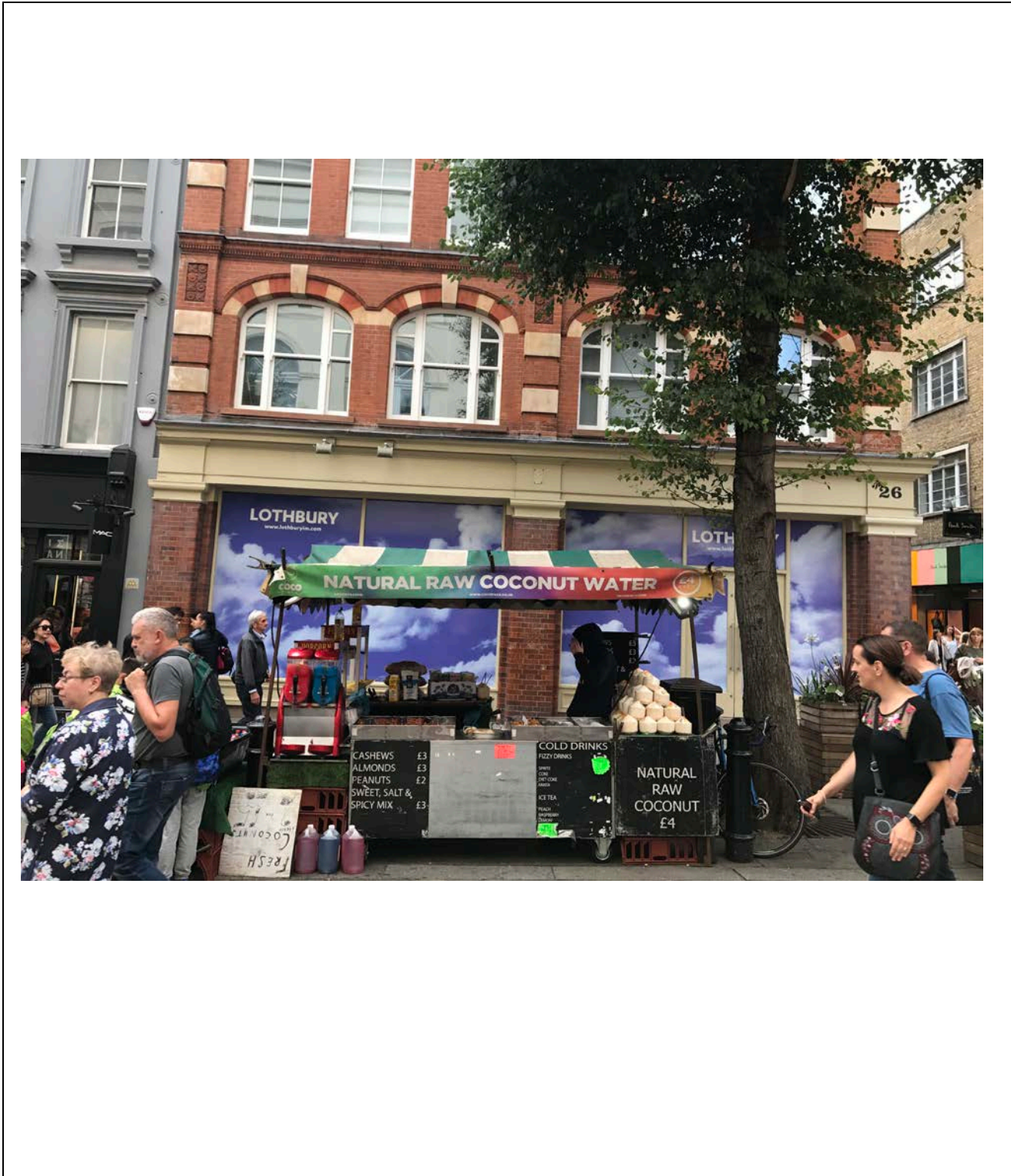
It is considered that the proposed kiosk would adversely affect both the setting of the adjacent listed buildings on James Street and Covent Garden Market and the character and appearance of the Covent Garden Conservation Area and would be detrimental to pedestrian movement and safety. It is therefore recommended that planning permission be refused on design, conservation and highway grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

Raise an objection to a semi-permanent retail kiosk at this prominent location in the Covent Garden Conservation Area on the grounds of visual clutter; health and safety due to obstructing the flow of pedestrian traffic; and the impact on the character of the conservation area and adjacent listed buildings.

COVENT GARDEN AREA TRUST

Raise an objection on the grounds that the kiosk will have a detrimental impact on the special character of the Covent Garden Conservation Area and the setting of important Listed Buildings. The proposed kiosk is of a standardised design and of inappropriate materials which do not relate to the character or function of James Street or the wider conservation area and will be detrimental to important vistas down James Street. There are no examples of such kiosks in the Covent Garden area. A kiosk will have a much greater impact on the character of the townscape than an open stall which can be removed overnight. Reference to the kiosk being 'a semi-permanent' structure' is misleading. James Street is a very busy pedestrian route and the kiosk will impede pedestrian movement and reduce the free passage and safety of pedestrians.

HIGHWAYS PLANNING MANAGER

The proposed position of the kiosk is likely to adversely impact upon the safety of highway users and their directness of movement

CLEANSING

There are existing public waste and recycling composite bins at the location of the proposed kiosk.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5

No. of objections: 0

PRESS ADVERTISEMENT/SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a part of the public highway outside No. 26 James Street, on the western footway, just south of Floral Street. A temporary kiosk has been located on the site since 1989, operating between the hours of 07.00 and 19.00 daily.

The site is located in the Covent Garden Conservation Area and in the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

Planning permission was refused for the erection of a heritage kiosk on 26 February 2002,

25 February 2004 and 8 August 2005.

All three applications were refused for the following reasons:

1. The kiosk would constitute an inappropriate obstruction preventing the free flow of pedestrians on James Street which would be detrimental to pedestrian movement and safety.
2. The proposed permanent street trading kiosk by reason of height, build and visual clutter would adversely affect the setting of the adjacent listed buildings on James Street and Covent Garden Market, and harm the character and appearance of the Covent Garden Conservation Area.

7. THE PROPOSAL

Planning permission is sought to replace the existing licensed temporary stall with a kiosk which would be permanently located on the site. The applicant describes this as semi-permanent kiosk as it would be free standing with its base fixed to the ground. The kiosk would have an iron frame with metal panels in a corten colour, with openable glass windows. It measures 3m x 1.8m x 2.85 (height) with two sliding canopies on either side extending some 0.4m over the public highway at a height of 2.6m.

The applicant has held a licence for a street trading pitch in this location since 1989. A temporary stall operates on the site between 07.00 and 19.00 daily and is removed outside of these times. The applicant is seeking to erect a semi-permanent structure so that he does not have to transport, erect and dismantle the stall each day and would be willing to accept a temporary permission for a period of 5 years.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A temporary kiosk has been located on the site since at least 1989 and its replacement with a permanent kiosk is not considered to have any land use implications. Were permission to be considered favourably, hours of operation could be secured by condition.

8.2 Townscape and Design

The site is located within the Covent Garden Conservation Area and in the vicinity of several listed buildings, and appears in the long view down towards the grade II* Market Hall buildings. The proposed kiosk would form a significant intervention in the street scene due to its size, bulk and location within this sensitive part of the conservation area.

The kiosk is considered to cause clear and demonstrable harm to the character and appearance of this part of the Covent Garden Conservation Area and the setting of

adjoining listed buildings. The siting of the proposed kiosk will harm the sense of unobscured “openness” to the pedestrian environment within James Street and will appear as a bulky, inappropriate and incongruous feature.

The kiosk will harm the open aspect and sensitive views southwards of the central Market Hall, which is a key view within the Conservation Area, and would constitute a visual intrusion in one of the most sensitive townscapes in London. In this respect, the kiosk will harm the setting of the listed buildings along James Street and the listed Central Market Hall. Other than street furniture, such as bollards and litter bins, and mature trees there are no significant structures (other than the temporary kiosk) which intrude upon this view. The kiosk would appear as an isolated and incongruous element in the street scene. The design of the kiosk, within this sensitive setting, is considered inappropriate - appearing as a bulky and ostentatious structure clad in materials which are considered inappropriate in this part of the Conservation Area.

The proposal is therefore considered contrary to policies S25 and S28 of the Westminster City Plan (adopted November 2016) and DES 1, DES 7, DES 9 and DES 10 of the UDP and it is recommended that permission be refused on design grounds.

8.3 Residential Amenity (Sunlight/Daylight/Privacy)

The proposal will not give rise to any amenity implications with regards to sunlight, daylight or privacy.

8.4 Transportation/Parking

Policy TRANS3 of the UDP states that the City Council, in considering development proposals, will aim to secure an improved environment for pedestrians, with particular regard to their safety, ease, convenience and directness of movement. Policy SS16 relates to pavement shops and states that permission will not be given for pavement shops where they will reduce the free passage and safety of pedestrians or other highway users, or have a detriment effect on the townscape, residential amenity, character or appearance of the street.

Policy S41 of Westminster’s City Plan requires all developments to prioritise convenient and safe pedestrian movement through good design. The Westminster Way stipulates that a minimum of 2.0m clearance must be maintained on the public footway to ensure safe, free and convenient pedestrian movement. The proposal satisfies the 2m requirement.

James Street is a pedestrianised route which links Long Acre to Covent Garden Market. It is the main pedestrian thoroughfare from Covent Garden tube station to the Piazza. Consequently, it experiences extremely high levels of pedestrian movement throughout the day and late into the night.

Objections have been received from the Covent Garden Area Trust and Covent Garden Community Association on the grounds that a permanent kiosk will obstruct pedestrian movement and harm safety along this busy thoroughfare.

The Highways Planning Manager considers that the kiosk will adversely impact upon the safety of users and their directness of movement. It is considered, due to the exceptionally high level of pedestrian traffic in this area, that the retention of the pitch during the evening period, when the stall is not licensed to trade, would constitute an unnecessary obstruction to pedestrian movement and safety along the highway. It is therefore recommended that permission be refused on highways grounds.

8.5 Economic Considerations

No economic considerations are relevant to the proposed development.

8.6 Access

There are no issues relating to access resulting from the development.

8.7 Other UDP/Westminster Policy Considerations

There are no other UDP/Westminster policy considerations relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Environmental Impact issues are not relevant.

8.12 Other Issues

There are no other relevant issues.

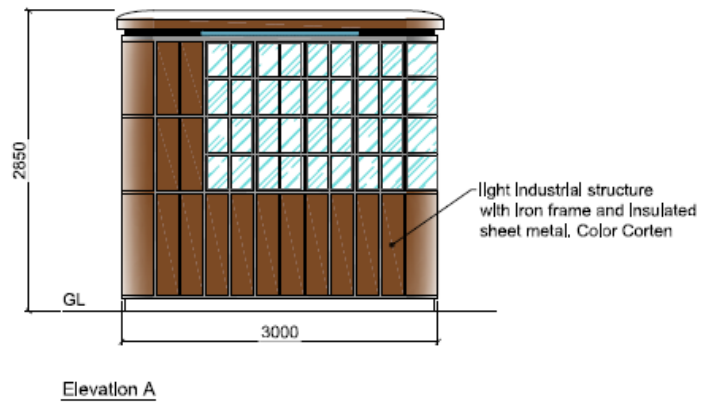
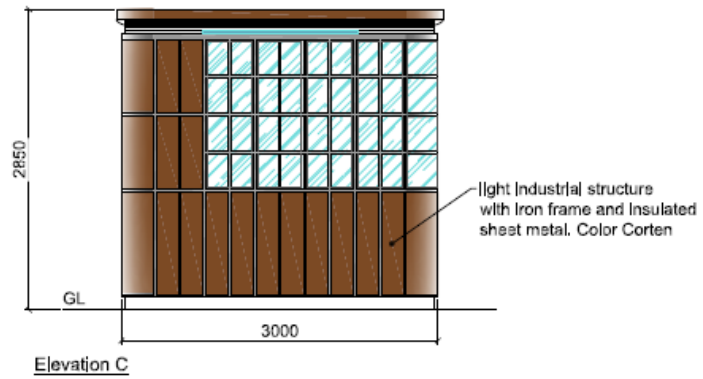
9 BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Community Association dated 1 June 2017
3. Response from Covent Garden Area Trust dated 9 June 2017
4. Highways Planning Memorandum dated 26 June 2017
5. Cleansing memorandum dated 23 May 2017

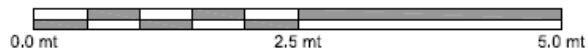
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JUILA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk
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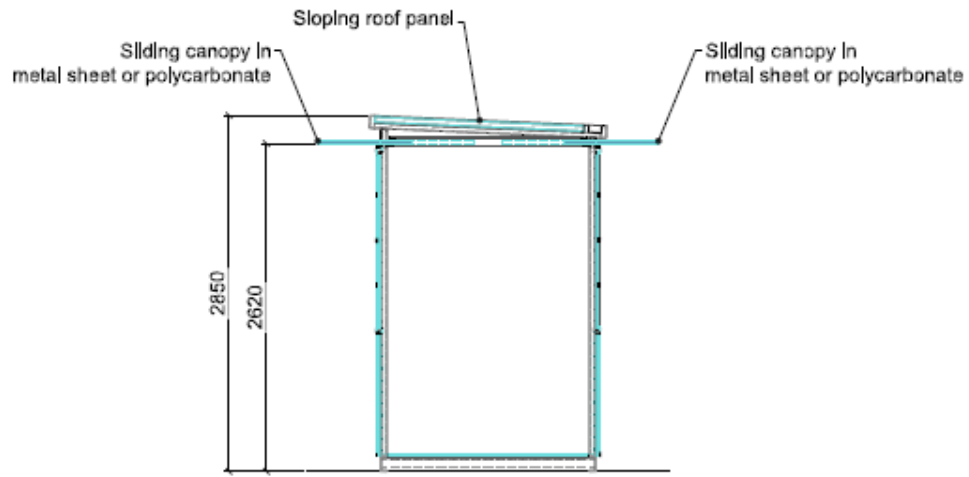
10 KEY DRAWINGS



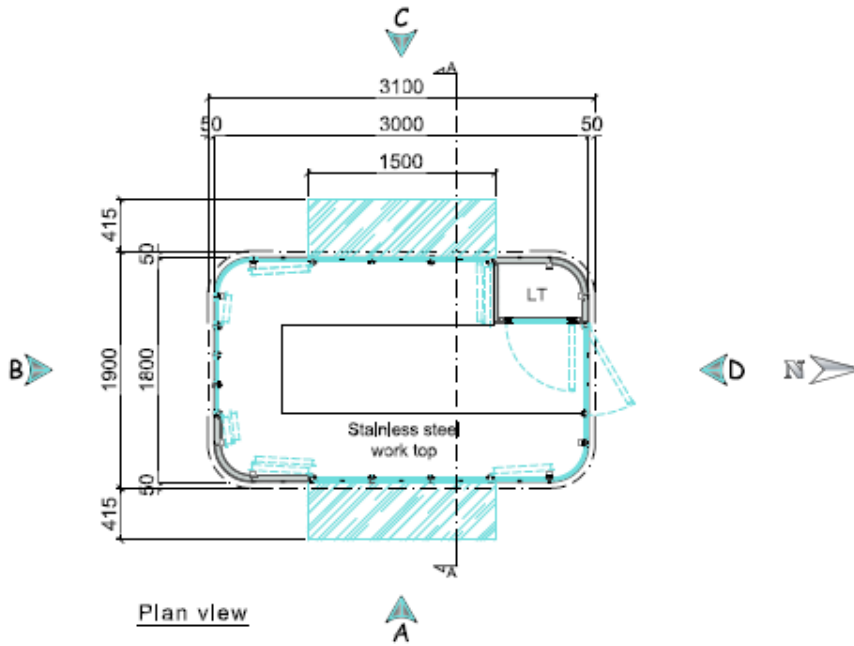
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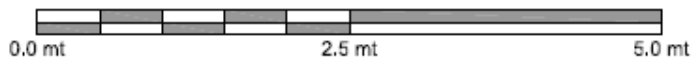


Section A-A



Plan view

AIC 02/17 Rev03 - 24.04.2017
Section A-A - Plan view



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DRAFT DECISION LETTER

Address: Pitch 1794 , James Street, Covent Garden, London, WC2E 8PA

Proposal: Erection of a semi-permanent, free-standing A1 retail kiosk measuring 3m x 1.8m x 2.85m (height) on the public highway.

Reference: 17/03684/FULL

Plan Nos: AIC 02-17 - REV 3 – 24.04.2017

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)**Reason:**

It is considered that the proposed kiosk by reason of its bulk, detailed design, and materials would result in visual clutter and adversely affect the setting of the adjacent listed buildings on James Street and Covent Garden Market and the character and appearance of the Covent Garden Conservation Area. As such the proposal is contrary to the policies of the City Council as set out in paragraph S25 and S28 of our City Plan (adopted November 2016) and SS16, DES 1, DES 7, DES 9 and DES 10 of the City of Westminster Unitary Development Plan (adopted January 2007). It would also not comply with para 134 of the National Planning Policy Framework as the public benefits arising from the proposal are not considered to outweigh the less than substantial harm that it causes to heritage assets.

Reason:

The proposed permanent siting of a street trading kiosk would constitute an inappropriate obstruction preventing the free flow of pedestrians on James Street which would be detrimental to pedestrian movement and safety. As such, it is contrary to the policy of the City Council as set out in SS16 and TRANS3 of our Unitary Development Plan and S41 of our City Plan (adopted November 2016).

Informatives:

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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Item No.
1

Please note: the full text for informative can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.