

# **Street Trading & Ancillary Retail Kiosks**

## **Development Management Guidance Note**

**October 2011**

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### **Explanation of Terms Used in the Document**

**Street Trader** - The sale and exposing or offering for sale of any article (including a living thing) in a street from a temporary stall or vehicle/trailer.

**Street** - Includes any road, footway, or other area to which the public have access. (this does not necessarily mean that the land is publicly owned).

**Active Frontage** - Refers to a part of the street trading pitch/unit or stall that the public can engage in, adding interest, life and vitality to the public realm. For example its opening(s)/service hatch(s) or the goods display area.

**Vista** - A view or prospect, especially one seen through an opening, as between rows of buildings or trees.

**Visual Amenity** - The attractiveness or pleasantness of a place or feature, defined by its appearance.

**Public Realm** - 'Public Realm' incorporates all areas to which the public have open access. This includes (but is not exclusive of) all pedestrianised areas of the town centre and the street furniture and landscaping within it.

**Legibility** - Locations, streets, open spaces and places that have a clear image/identity and are easy to understand. For example, a location that is easy to find your way around.

**Movement** - The flow of pedestrians and vehicles.

**Street Furniture** - Anything permanently located on pavements or streets or other external areas to which the public have access, including bollards, railings, lamp-posts, post-boxes, street-signs, telephone-kiosks and benches.

**Permeability** - The ease in which a place/location can be travelled through.

**Use Classes Order** - The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories dependent upon the nature of their business or operation.

**Dead Frontage** - The opposite of an active frontage, in that a frontage lacks openings and activity, is often bland and uninteresting and is often not visually pleasing.

**Kiosk** - Purpose built trading unit, which is semi-permanently located in one place within a street or pedestrianised area. A kiosk is fixed in place (i.e. securely attached to the ground by means of suitable fittings) and usually benefits from its own services (this may not simply include having access to a power supply).

**Pitch** - a designated place in a public area where someone who sells things to people goes to sell things or where an entertainer goes to sell things or perform.

## **1.0 About this Document**

### **Context**

**1.1** Street trading pitches and kiosks have the potential to have both positive and negative impacts on the areas in which they are located, especially within town and district centres. If carefully designed and positioned stalls and kiosks can provide active frontages, where a permanent frontage would not be possible, further increasing the level of surveillance and activity in such areas. If poorly thought out they can make areas look and feel unattractive by blocking and cluttering up streets and highways, intruding upon sight lines, blocking shop frontages and producing unpleasant and inappropriate odours, all of which may lead to making permanent shop units hard to let.

**1.2** This document aims to ensure that street trading units/pitches and kiosks within Swindon Borough are of high quality, make a positive contribution to the diversity, vitality and vibrancy of the local area and to protect and enhance the appearance and amenity of existing land uses and public realm. It was adopted by the Borough Councils Planning Committee at their meeting on 13<sup>th</sup> September 2011.

### **2.0 Policy Basis**

**2.1** This document is based on the requirements set out in both National and Local Planning Policy. For information and conciseness, the key relevant policies are listed below.

#### **National Policy**

##### **Extracts from Planning Policy Statement 1 - Delivering Sustainable Development (PPS1) (2005).**

Planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development, in the right place and at the right time.

It makes a positive difference to people's lives and helps to deliver homes, jobs, and better opportunities for all, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are vital resources for everyone.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- ❑ Making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- ❑ Contributing to sustainable economic development;
- ❑ Protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ❑ Ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ❑ Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

## Design

Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Good design should:

- ❑ Address the connections between people and places by considering the needs of people to access jobs and key services;
- ❑ Be integrated into the existing urban form and the natural and built environments;
- ❑ Be an integral part of the processes for ensuring successful, safe and inclusive villages,
- ❑ Create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,
- ❑ Consider the direct and indirect impacts on the natural environment.

## Extracts from Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) (2009)

Local planning authorities should proactively plan to promote competitive town centre environments and provide consumer choice by:

- ❑ Supporting a diverse range of uses which appeal to a wide range of age and social groups, ensuring that these are distributed throughout the centre
- ❑ Planning for a strong retail mix so that the range and quality of the comparison and convenience retail offer meets the requirements of the local catchment area, recognising that smaller shops can significantly enhance the character and vibrancy of a centre
- ❑ Supporting shops, services and other important small scale economic uses (including post offices, petrol stations, village halls and public houses) in local centres and villages.
- ❑ Identifying sites in the centre, or failing that on the edge of the centre, capable of accommodating larger format developments where a need for such development has been identified
- ❑ Retaining and enhancing existing markets and, where appropriate, re-introducing or creating new ones, ensuring that markets remain attractive and competitive by investing in their improvement
- ❑ Taking measures to conserve and, where appropriate, enhance the established character and diversity of their town centres

**Extract from the Swindon Local Plan 2011 (2006)**

**Policy DS6 (Standards of Design and Amenity)**

least maintaining existing amenity. Particular scrutiny will be given to proposals within the town centre, and will be refused where they are prejudicial to town centre regeneration in design and

b) be assessed in terms of scale proportion, shape, mass, vertical or horizontal emphasis, patterns of opening, materials, colour and siting, (including any associated advertisement), and any proposal which is unsuitable in terms of these criteria will be rejected;

d) be compatible with, and protect the amenity of, nearby land uses in terms of visual intrusion, privacy, noise disturbance, smell, pollution (including light pollution), and safety, or demonstrate compatibility with an approved development framework, masterplan or framework plan;

f) demonstrate suitable access, including provision of access for disabled people (in accordance with Policy ENV8), vehicle parking (in accordance with the Council's adopted parking standards) and service facilities within a safe and convenient layout, that shall not prejudice the provision of

**Policy S16 – Hot Food Vending Vehicles**

Proposals for the stationing of vehicles for the sale of food shall be permitted where they would not;

- a) cause demonstrable harm to the amenity of nearby occupiers; and
- b) have an adverse effect on the character or appearance of the area in which it is located; and
- c) cause detriment to highway safety.

### **Extracts of the Swindon Central Area Action Plan (2009)**

#### **Policy CAAP1 - High Quality & Innovative Design**

High quality design will be required of all new development in Central Swindon. Applications will be expected to demonstrate that the design of the development proposal satisfies each of the criteria set out below.

The design should: Incorporate active frontages especially where the development forms part of the Town Centre; ensure entrances are emphasised and designed to complement the public realm onto which they front; respect and satisfactorily address order and unity, expression, integrity, siting, massing, scale, proportion, rhythm, materials and landscaping include any necessary provision for the screening of service plants where the existing design is good and much appreciated, respect the context of the site and the character of the part of Central Swindon within which it is located embody the principles of inclusive design and access for all; preserve or enhance the character, appearance and setting of Conservation Areas or Listed Buildings; deliver the sustainable construction requirements set out in Policy CAAP, including the provision of space for the storage of waste; and incorporate Secured by Design principles on all major new developments.

#### **Policy CAAP3 – Public Realm**

The Council will facilitate the delivery of new and improved primary routes and spaces in Central Swindon in line with the principles outlined above. Development of sites on or in the vicinity of these primary routes or spaces will be expected to help deliver the public realm improvements as an integral part of development or provide developer contributions which will allow the Council to deliver projects at the earliest opportunity. Development proposals must not prejudice the delivery of improvements to these primary routes and spaces.

#### **Policy CAAP5 – The Transport & Movement Strategy**

Development proposals and highway schemes will be assessed in terms of how they fit into the aims and objectives of the Vision for Transport, the Strategy for Transport in the Town Centre, the Local Transport Plan and the overarching transport and movement strategy. Regard will be had to the individual and cumulative impact of such proposals on highway capacity and performance, traffic management, car parking, public transport and provision for cyclists and pedestrians, as well as environmental quality in the Town Centre.

**Swindon Core Strategy & Development Management Policies (emerging) (2011)**

Following the recent announced abandonment of Regional Spatial Strategies by the Government the Swindon Core Strategy is currently under review, however as with the current draft it will include some important policies, which are applicable to street trading, some being more explicitly related than others.

Although this DMGN document will be adopted prior to the adoption of the core strategy for Development Management purposes, primarily due to the complexity of the Local Development Framework process, Swindon Borough Council consider this Development Management Guidance Note to fully support and inform the Swindon Core Strategy once adopted.

**2.2** Accordingly the guidance in this document, which amplifies National Planning Policy, the Swindon Local Plan 2011 (2006) and policies within the Swindon Central Area Action Plan (2009), will guide the consideration of all street trading and kiosk proposals. Any proposal that fails to satisfy the requirements of this guidance is likely to be resisted. For the purposes of conciseness the policies relevant to this document, namely PPS1, PPS4, SBC Local Plan and the Swindon CAAP have been reproduced only in so far as to refer to the relevant criteria only.



### 3.0 Licensing: Street Trading Consent Zones

3.1 From April 1<sup>st</sup> 2010 various streets within Swindon town centre became prohibited for street trading as resolved by Swindon Borough Council's Licensing Committee on the 12<sup>th</sup> November 2009. Figure 1.1 illustrates the streets within the town centre (as defined by the Swindon Central Area Action Plan – Proposals Map (2009)) that are permitted for street trading from a licensing perspective. This does not apply to Kiosks, which are not subject to licensing requirements.

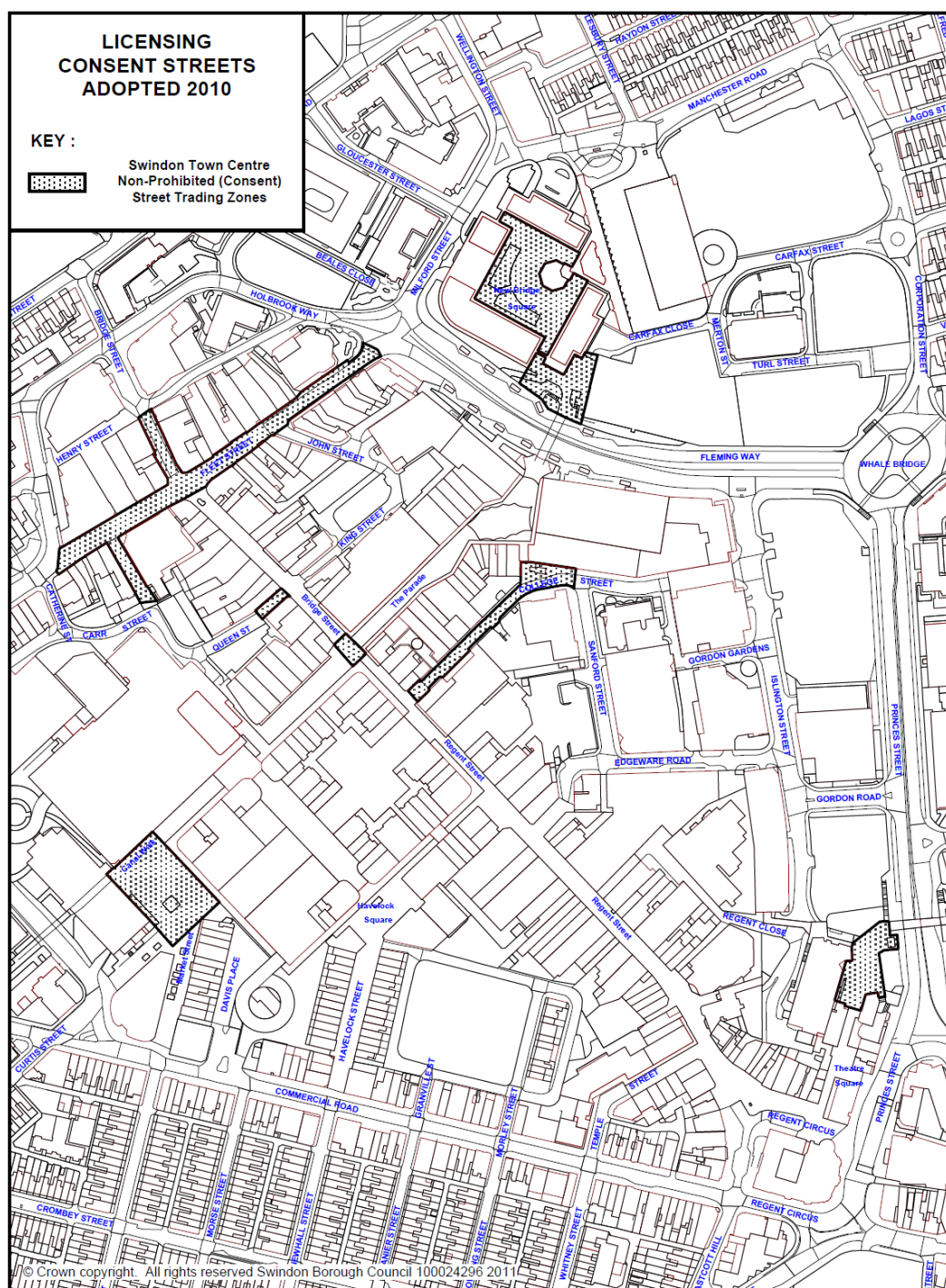


Figure 1.1

3.2 In light of the above, in order to take a consistent approach across the Council, any proposals for street trading within the town centre that lie outside the demarcated zones

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illustrated within figure 1.1 will not be supported by the Local Planning or Licensing Authority. Please note that consent will also be required from the landowner and any forthcoming planning applications should be supported by a letter from the landowner giving consent.

**3.3** Please note that the area defined at the crossroads with Bridge Street, Canal Walk, Regent Street and The Parade is for street performers and artists only.

**3.4** Please note that an application for a street trading pitch or kiosk within the consent streets will not automatically be supported. It will also need to meet the other criteria outlined within this document.

### **4.0 General Requirements for Street Traders and Kiosks**

#### **Active Frontages**

**4.1** Pavement trading units, pitches, stalls and kiosks should preferably be situated against existing dead frontages in order to increase vibrancy and vitality of that area, however they should not obstruct or detract from existing shop frontages or views of them, emergency exits from buildings or any thoroughfares. This also includes vacant shop units as to block them may lead to potential occupiers being discouraged from purchasing or taking on units if street trading is negatively impacting upon them.

**4.2** Proposals for pitches situated in the centre of streets and on main pedestrian thoroughfares where the backs of the street trading units are on view and/or which could obstruct vistas, frontages of permanent shop units and/or that cause obstruction to the free flow of pedestrian movements will be resisted. The backs of trailers/stalls/units create a dead frontage in themselves, which will negatively impact on the vitality and natural surveillance of an area, where appropriate in all other aspects, this could be over come by positioning trailers/stalls/units back to back.

#### **Design, Appearance and Materials**

**4.3** The appearance of stalls and displays are important considerations and therefore applications should be submitted with full details of the proposed design, appearance and materials. Those applications that provide insufficient information in this regard are likely to be refused.

**4.4** Street trading units should be complimentary and ancillary to the public realm and main retail and shopping function of centres, as such stalls, units or kiosks should be designed to reflect this and should be designed so not to have a dominant overbearing appearance in terms of size, bulk and scale. Units should also be sited so not to obstruct CCTV surveillance systems.

e.g. The appearance of purpose built mobile units is typically that appropriate to fairgrounds and county shows or is a cosmetic make over of a functional, mass produced box structure. These may be suitable on industrial estates but are unlikely to be considered compatible with the character, aesthetics and form of a town or local centre.

**4.4** The design and appearance of a street trading pitch does not need to be a hi-tech expensive trailer unit. Simple traditional market stalls or gazebo type structures are considered

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acceptable subject to the character of the surrounding area and the proposed design appearance and use.

**4.5** The materials and colours used in such units should also be sympathetic to the area in which the street trading pitch is set and designed to harmonise with its surroundings.

**4.6** Applications where units are considered to be out of character with the area in which they are to be set for the reasons outlined above will be refused.

### **Pitch Size and Number**

**4.7** Street trading pitches should look as though they belong or have some affinity within the site they are situated. Stalls and units should appear subordinate to their surroundings and those that spill out and cause obstruction of the highway or vistas will be resisted. Where several street traders are located in close proximity the stalls/units will be expected to have a degree of harmony/uniformity in size and presentation. The opportunity for street trading in certain locations due to physical restraints maybe limited, therefore proposals for additional street trading in areas where there is existing street trading must demonstrate the cumulative impact upon the local area in terms of layout and street scene.

### **Management Issues**

**4.8** Details should be provided of the proposed management of refuse, waste and storage of stands, stalls, stock and other associated equipment that may be required. The management of the above should be carried out in a safe, convenient manner and place so as not to impact on the amenity or safety of others. If on land not belonging to the applicant, evidence must be given of the land owners consent. This is to ensure that equipment does not obstruct fire exits, service access or other rights of way.

### **Highway Issues**

**4.9** Street trading will only be permitted where:

- ❑ Appropriate off street car parking provision is provided (where applicable)
- ❑ Pedestrian/Cycle and vehicular routes are not obstructed
- ❑ Visibility splays are not obstructed
- ❑ Locations such as lay-by's on A-roads and gateways into the Town (where not already established) are avoided. (It is accepted that some existing traders provide a service to surrounding industrial estates, where otherwise HGV parking and providing such a function in alternative premises would prove difficult).
- ❑ It is not to be located in a designated clear way

### **Conservation Areas and Listed Buildings**

**4.10** There is a statutory duty placed upon Local Planning Authorities to ensure proposals preserve or enhance the character and appearance of Conservation Areas and the setting of Listed Buildings.

**4.11** Any proposal for a street trading pitch in a Conservation Area or close to a listed building will be judged on its effect on the character and appearance of those heritage assets and with

regard to the relevant conservation area appraisal and the requirements outlined within this report.

**4.12** It is recommended that (potential) applicants seek the advice of the Council's Conservation Officer at the earliest possible stage in drawing up a scheme that affects a Conservation Area or a Listed Building.

### **Hours of Operation**

**4.13** Within the area defined within the Town Centre and Old Town area as defined on the CAAP Proposal Map, street traders and kiosks shall be restricted to day time hours only in the interests of public safety and local amenity.

**4.14** Street traders and kiosks should be ancillary and complimentary to the function of the retail area in which they are set. Within the town centre the main retail function generally operates between 08:00 to 18:00 Monday to Saturday and 08:00 to 16:30 on Sundays and Bank Holidays. Therefore the use of trading pitches outside of these hours are likely to be resisted by the Local Planning Authority, although it is accepted that there might be times such as Christmas late night shopping, when extended hours might be permitted, subject to written approval from the Local Planning Authority.

**4.15** Any application for street trading or kiosks within the CAAP defined Town Centre and Old Town Area outside the hours stated above will be resisted as previous experience within the Borough has shown that they have a tendency to attract antisocial behaviour and be detrimental to amenity.

### **Out of Town Centre and Old Town Area Street Traders and Kiosks**

**4.16** The hours of operation for street traders and kiosks outside of the defined Town Centre and Old Town Area will be considered on an individual basis taking into consideration the type of trader, location and impact on nearby land uses and amenity.

## **5.0 Uses of Street Trading Pitches and Kiosks**

**5.1** As with permanent shop units the use of street trading units can have a detrimental impact on the amenity of surrounding land uses in terms of noise, smell and pollution if not compatible with the land uses that surround the site. The Town and Country (Use Classes) Order 1987 (as amended) serves as a effective and efficient way of managing land uses and although many uses will not be compatible with Street Trading, the Use Class Order can be a very useful tool in assessing proposals for street trading pitches to ensure that they do not have a detrimental impact on neighbouring buildings, uses and the surrounding area. The main uses that will be applicable to street trading and kiosks are considered below.

### **Class A1 (Retail)**

**5.2** Stalls selling retail goods such as flowers, newspapers, fruit & vegetables, candles handicrafts, cold food etc... can provide an attractive or useful street trading function that is unlikely to have an impact upon neighbouring uses, Class A1 Use stalls will generally be supported in consented streets/zones (as detailed in Figure 1.1) providing all other criteria

outlined in this document is met. (To avoid confusion this does not include hot food, whether it be made, cooked or heated up on site).

### **Class A5 (Hot Food Takeaway)/ A3 (Café)**

**5.3** Street trading pitches and kiosks for the sale of hot food have the potential to have an impact on surrounding uses in terms of noise, smell and pollution. Unlike shop units it is difficult for street trading units to provide adequate ventilation and filtration systems to mitigate these issues. Due to their very nature, residential properties and certain shop uses such as hairdressers, beauty salons, travel agents, clothes shops, cosmetics vendors, offices etc... can be seriously impacted upon and customers deterred by strong cooking odours and loud noise. Associated litter and antisocial behaviour can also be a problem. Such uses in close proximity to Office buildings are generally considered unacceptable as odours can be spread though ventilation and air conditioning systems, which can have a detrimental impact upon the inside working environment. This is in addition to the obvious health and safety risks of gas and cooking systems being in close proximity to highly populated buildings.

**5.4** Therefore Class A3/A5 use pavement traders operating from mobile units and temporary stalls will not be supported within the primary retail areas of the Town Centre or in close proximity to Office Blocks, ancillary streets and Old Town (the latter as defined within the adopted Swindon Central Area Action Plan (2009) (or as amended)), unless part of an organised Market (see market chapter). They will also not be supported in Local or District Centres, where permanent Class A3/A5 Use facilities exist.

**5.5** Outside of the Town Centre and Old Town areas (as defined within the Central Area Action Plan Proposals Map) and Local and District Centres (as defined by the Local Plan 2011 or any replacement Development Framework documents) Class A3/A5 Use pavement traders and kiosks will only be supported in locations that are compatible with their surroundings and will not have a detrimental impact on nearby land use, buildings and highways. Such uses in close proximity to residential use, offices and Class A1 and A2 Uses may have an adverse impact upon occupiers and the odours and noise might be considered intrusive or overpowering. In residential areas antisocial behaviour associated with A5 takeaway traders is often a problem particularly at night, predominantly due to actions of intoxicated persons, littering and issues relating to motor vehicles i.e. slamming doors, loud music, revving engines etc... Where possible, Class A3/A5 Use street traders should be positioned away from such uses.

**5.6** Applications for Class A3/A5 Uses should clearly demonstrate facilities for filtration and extraction (where required), litter collection, details of any generators that might be used and also the provision of hygiene and waste facilities.

**5.7** Certain pitches may have sufficient space to enable tables and chairs to be provided adjacent to them, in which case details of the proposed seating layout, balustrading and furniture must be provided as part of the planning application.

### **Class D1 – Display of Arts and Crafts**

**5.8** Certain areas may prove to be suitable for the display of arts and crafts with ancillary sales. In addition to Planning Consent and Licensing such events within the Town Centre should be co-ordinated through In:Swindon – TEL: 01793 464924.

## **6.0 Specific Street Trading Advice**

### **Licensing**

**6.1** Please note that this document is for the purposes of determining planning applications and providing guidance to street traders on the requirements of the Local Planning Authority. A Street Trading Licence will also be required, which can be obtained by contacting Licensing on 01793 466118.

**6.2** Licensing may further limit the goods sold from a street trading pitch in the interests of amenity.

**6.3** A Highways Licence may also be required, however a licensing application cannot be submitted or entertained unless planning permission has been obtained and that the grant of street trading consent does not flow automatically from the grant of planning permission.

**6.4** Contractual arrangements with the landowner (including the Borough Council) will also need to be addressed.

### **Temporary Planning Consents**

**6.5** In the interests of amenity, town centre regeneration and to monitor the effects of street traders a temporary planning permission will be given should the proposal be deemed acceptable.

**6.6** In the past street traders have been granted consent for a particular length of time from when they applied, meaning that the permission could expire at any time. This made monitoring of expiry dates difficult.

**6.7** In order to simplify the process, planning permission for street traders will not be granted for a period greater than three years. The date of each consent will expire on the closest 31<sup>st</sup> December within that 3-year period.

Examples:

<b>Permission Granted</b>	<b>Permission Expires</b>
1 <sup>st</sup> Jan 2012	31 <sup>st</sup> December 2015
1 <sup>st</sup> June 2012	31 <sup>st</sup> December 2015
1 <sup>st</sup> Jan 2013	31 <sup>st</sup> December 2016
15 <sup>th</sup> October 2013	31 <sup>st</sup> December 2016

**6.8** There may be exceptions to the above if a shorter temporary consent is applied for or the Local Planning Authority consider that a shorter consent would be more appropriate, for example to allow monitoring to occur.



## **7.0 Street Events**

**7.1** The town centre accommodates numerous street events during the course of a year in conjunction with IN:Swindon, the Town Centre ‘Business Improvement District (BID) Company’, and is something, which is to be encouraged.

**7.2** Wharf Green is the primary event space within the Town Centre, designed purposely for assembly and leisure.



**7.3** In addition the Borough Council and its partners are keen to see all the Town Centre Streets where suitable available for comprehensive organised events, so that residents and visitors to the town can enjoy Swindon’s streets and spaces for festivals, activities, leisure and events.

**7.4** Town Centre events should be organised in conjunction with IN:Swindon or Swindon Borough Council for public safety reasons and may require separate licensing.

## **8.0 Out of Town Centre and Old Town Street Traders**

**8.1** Due to the many sites that might be brought forward for street trading proposals outside the Town Centre and Old Town Area or Local and District Centres it is not possible to foresee or list every constraint or benefit that each site may have. However, there are various key principles to be considered, which relate to out of Town Centre street traders. In addition to the General Requirements outlined in earlier chapters, these include, but are not limited to:

- ❑ Not being located near residential properties
- ❑ Suitability of the use
- ❑ Not being situated on gateway sites key routes into the town centre
- ❑ Suitable Parking and Access
- ❑ Adequate off street customer car parking
- ❑ Does not jeopardise existing car parking spaces.

### **District Centres**

**8.2** Class A5/A3 street traders will be resisted within District Centres in order to avoid an over concentration of such uses within the vicinity and also potential conflicts with parking and highway requirements. Any Class A1 street traders will be assessed on a case-by-case basis.

### **Local Centres**

**8.3** Class A5/A3 street traders will be resisted within Local Centres in order to avoid an over concentration of such uses within the vicinity and also potential conflicts with parking and highway requirements.

### **Retail Parks not in a District or Local Centre**

**8.4** A1/A3/A5 Uses may be suitable in such locations subject to the proposed location complying with the General Requirements outlined above and consent from the land owners.

### **Industrial Estates**

**8.5** A1/A3/A5 Uses may be suitable in such locations subject to the proposed location complying with the General Requirements outlined above and consent from the land owners. Generally these areas do not benefit from such permanent facilities and a street trading can serve as a useful ancillary function for employees and customers within these areas.

### **Other**

**8.6** A1/A2/A3/A5 Uses may be suitable in such locations subject to the proposed location complying with the General Requirements outlined above and consent from the land owners.

Village locations will generally be resisted for such uses, unless the wider benefits to the community can be satisfactorily demonstrated i.e. mobile banks or libraries may provide a useful community function not found in the village, farmer's markets, stalls selling local produce or handicraft may draw visitors in and provide a rural function, hot food traders (burgers, chips and kebabs) are likely to impact upon the trade of local pubs, shops and restaurants and not be considered a benefit to the local community.

## **9.0 Markets**

**9.1** National Planning Policy Statement 4 (PPS4) – Planning for Sustainable Economic Growth (2009) states that Local Planning Authorities should proactively plan to promote competitive town centre environments and provide consumer choice by, amongst other things:

**9.2** Retaining and enhancing existing markets and, where appropriate, re-introducing or creating new ones, ensuring that markets remain attractive and competitive by investing in their improvement.

**9.3** Within the town centre as defined on the Central Area Action Plan (2009) Proposals Map, Markets will be supported within Wharf Green subject to the management by IN:Swindon who can be contacted on TEL: 01793 464924 or in Fleet Street and its environs by contacting the Local Authority Planning or Licensing departments.



**9.4** Proposals for markets outside of the town centre will be considered on their own merits and subject to scrutiny against adopted national and local planning policy. Any proposals for markets should demonstrate how they will enhance the retail offer and character of the area in which they are to be set as well showing that they will not compete with the town centre.

**9.5** Markets will be subject to other Licensing regulations in addition to planning permission.

## **10.0 Semi-Permanent Kiosks**

**10.1** A semi-permanent kiosk is defined in this guidance as: a purpose built trading unit, which is semi-permanently located in one place within a street or pedestrianised area. The kiosk is fixed in place (i.e. semi-permanently and securely attached to the ground by means of suitable fittings) and usually benefits from its own services (this does not simply include having access to a power supply). Permanent kiosks are designed to sympathise with their surroundings being complementary to them in terms of both function and appearance.



(Source: flickr.com)

**10.2** Should a justified need be recognised for the sale of a particular good/type of good to supplement the existing retail offer particularly within, but not restricted to the Town Centre, the Council will seek to address this need firstly through the filling of vacant shop units or (where adequate justification is provided) through the erection of semi-permanent kiosks, which fall outside of the street trading licensing laws. They will however, where appropriate, be considered under the same licensing, and other relevant laws, as a fixed shop unit.

**10.3** The design and siting of such kiosks would need to be fully justified through a robust Design and Access Statement and where appropriate be recognised within any public realm regeneration schemes in order to prevent unplanned ad hoc development.

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**10.4** In accordance with the general requirements set out in chapter 4 of this document very close attention will need to be paid to the design of any proposed permanent kiosk including the use of external facing materials. A kiosk must be designed to appear to 'belong' within the area in which it is located by taking design cues from the adjacent buildings. The structure must have a high quality appearance and utilise robust materials to ensure that it can withstand weathering and be easily kept clean and maintained. External finishes must also be in keeping with their surroundings and should not be overly bright or garish in colour. Any associated signage should be kept simple and again respect their surroundings. It is noted that the display of such signs may also require the benefit of advertisement consent. Further advice regarding this matter can be found within the Council's adopted 'Swindon Shop Fronts – Coding Guidance' Development Control Guidance Note.

**10.5** Careful consideration should also be given to the design of the unit when closed at night so that it is vandal proof but also still attractive in appearance. Further advice regarding security measures can be found within the Council's adopted 'Swindon Shop Fronts – Coding Guidance' Development Control Guidance Note.



(Source: flickr.com)

**10.6** The specific siting of a kiosk will also be a key consideration with regard to the success of any planning application for such a structure. In accordance with the general requirements set out in chapter 4 of this document it is vital that a kiosk does not block or obstruct any shop/building frontage or important vistas. In addition the siting of a kiosk must not cause any obstruction to the permeability of the area in which it is sited allowing for the continued free flow of pedestrian traffic. In addition a kiosk must not cause any obstruction to the access requirements of emergency and service vehicles. For these reasons planning applications for kiosks within the primary retail 'crucifix' (Regent Street, Canal Walk, Bridge Street and The Parade) and narrow thoroughfares will be resisted unless part of a strategic regeneration scheme.

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**10.7** The siting of a semi-permanent kiosk in front of a dead frontage is likely to be favoured, where the kiosk positively adds to the area and subject to the proposal complying with all other requirements as set out within this document. The advantage of such a proposal maybe that a kiosk will bring an active frontage to an otherwise bland or unattractive part of the town centre.

**10.8** Kiosks should normally be small in scale in order not to dominate their surroundings or cause obstruction.

**10.9** Kiosks would need to be sited with the consent of the landowner and planning applications will need to be accompanied by proof of the land owners consent.

**10.10** Justification should also be provided as to why a vacant shop unit could not be utilised for the purpose. The siting of kiosks for uses, which are readily available within existing town centres shops or fail to enhance the attractiveness of the town centre will be resisted. The proposed sale of goods from a kiosk will also therefore be a key consideration to the success of any such application for a kiosk as it will need to be ensured that uses are ancillary to the main retail function of the surrounding area and that there is no overprovision of uses/services.

**10.11** Semi-Permanent kiosks will only be supported where they enhance the function and appearance of the Town Centre area and where they comply with the general principles set out in this guidance.

### **11.0 Identified Town Centre Sites**

**11.1** The Local Planning Authority have identified several Town Centre sites that would be suited to a street trading pitch providing that the detailed principles as set out in this document are adhered to. It is stressed however that these allocations do not guarantee the granting of planning permission.

**11.2** The sites identified are scattered throughout Swindon's Central Area and would help improve the viability and vitality of those areas subject to details and offer.

#### **Identified Location 1 – Fleet Street 1 (East)**



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**Suitable Uses:** Class A1

**Land Owner:** Swindon Borough Council

**Other Details:** Also possibly suited to a semi-permanent kiosk

### Identified Location 2 – Fleet Street 2 (South)



**Suitable Uses:** Class A1

**Land Owner:** Swindon Borough Council

**Other Details:** Also possibly suited to a semi-permanent kiosk

### Identified Location 3 – Queen Street (East)

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**Suitable Uses:** Class A1

**Land Owner:** Swindon Borough Council

**Other Details:** Subject to works to relocate street furniture

### Identified Location 4 – Theatre Square



**Suitable Uses:** Class A1/D1

**Land Owner:** Swindon Borough Council

**Other Details:** The Local Planning Authority would accept this area for the sale and display of art and crafts or antiques fares.

The above list is by no means definitive and other sites will be considered, however all planning applications for a change of use to street trading, including at the above sites, will only be supported where they comply with the information set out in this policy document or wherever a material planning consideration outweighs this.

**If you have any questions relating to this Development Control Guidance Note please contact: Tom Buxton or Rob O'Carroll - Planning Department** – Environment, Regeneration and Community - (01793) 466240 or 466280 - [tbuxton@swindon.gov.uk](mailto:tbuxton@swindon.gov.uk) or [ro'carroll@swindon.gov.uk](mailto:ro'carroll@swindon.gov.uk)