

## 2023/0762/P Windmill Square



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Site photographs and drawings

Below is the existing kiosk

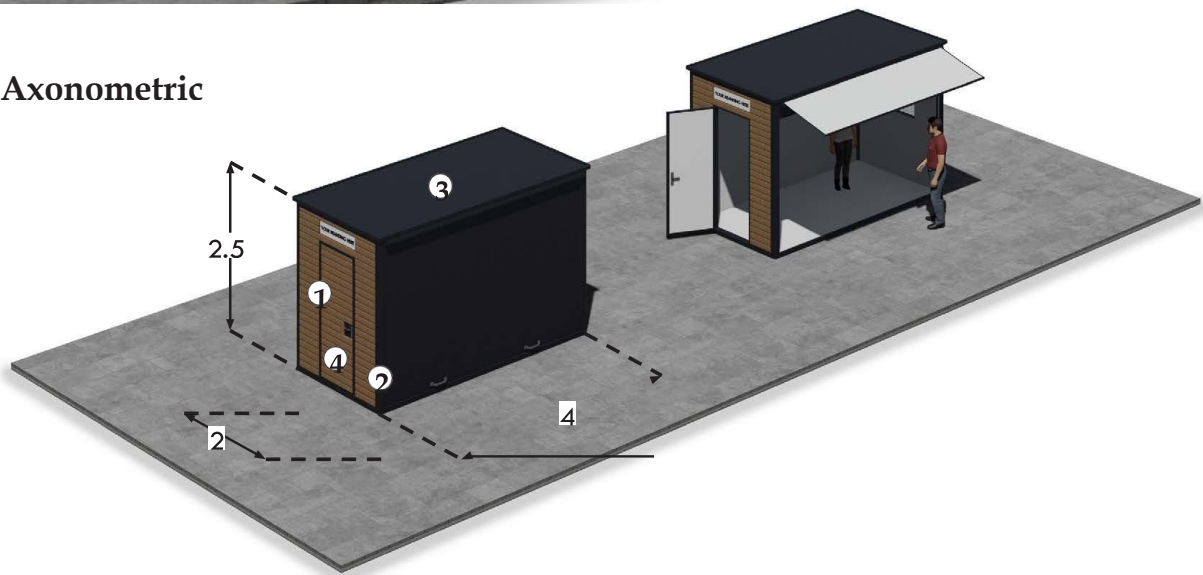




Below are axonometric views of the proposed kiosk



**Axonometric**





|   |                            |  |                                     |                                      |            |
|---|----------------------------|--|-------------------------------------|--------------------------------------|------------|
| <b>Delegated Report<br/>(Members Briefing)</b>                              |                            | <b>Analysis sheet</b>                  |                                     | <b>Expiry Date:</b>                  | 19/04/2023 |
|   |                            | N/A / attached                         |                                     | <b>Consultation<br/>Expiry Date:</b> | 17/04/2023 |
| <b>Officer</b>  |                            |  | <b>Application Number(s)</b>        |                                      |            |
| Josh Lawlor   |                            |  | 2023/0762/P                         |                                      |            |
| <b>Application Address</b>  |                            |  | <b>Drawing Numbers</b>              |                                      |            |
| Windmill Square<br>Land o/s 39-45 Tottenham Court Road<br>London<br>W1T 2EA |                            |  | See Draft Decision Notice           |                                      |            |
| <b>PO 3/4</b>   | <b>Area Team Signature</b> | <b>C&amp;UD</b>                        | <b>Authorised Officer Signature</b> |                                      |            |
|   |                            |  |                                     |                                      |            |
| <b>Proposal(s)</b>  |                            |  |                                     |                                      |            |
| Replacement of existing street trading kiosk                                |                            |  |                                     |                                      |            |
| <b>Recommendation(s):</b>   |                            | Grant conditional planning permission. |                                     |                                      |            |
| <b>Application Type:</b>  |                            | Full Planning Permission               |                                     |                                      |            |

|  |   |    |                  |    |                   |    |
|--|---|----|------------------|----|-------------------|----|
| Conditions or Reasons for Refusal:               | Refer to Draft Decision Notice  |    |                  |    |                   |    |
| Informatives:                                    |   |    |                  |    |                   |    |
| Consultations                                    |   |    |                  |    |                   |    |
| Adjoining Occupiers:                             | No. notified  | 00 | No. of responses | 00 | No. of objections | 00 |
|  |   |    | No. Electronic   | 00 |                   |    |
| Summary of consultation responses:               | <p>A site notice was displayed from 24/03/2020 to 17/04/2021.</p> <p>No responses received</p>  |    |                  |    |                   |    |
| Local groups comments:<br>Bloomsbury Association | <p>The Bloomsbury Association object to this application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The existing trading kiosk is an eyesore on Tottenham Court Road and is a disgrace not only to the Council's West End Project but to London's wider West End. That it is so awful is not so much to do with the original enclosure - the 'shed' - but with its extensions and additions, the use it accommodates and how that use is managed and controlled.</li> <li>2. Other examples in Central London are quite successful so it could be an appropriate addition to the streetscape but not in the location proposed. Windmill Square is intended as a public amenity of open space, of which it is acknowledged there is a shortfall in Fitzrovia. The kiosk is too big, out of scale and dominates the space that contains it, which is already cluttered. It should be located on a wider section of footpath and should not detract from the amenity of what is quite a small area of public space, solely for private gain.</li> <li>3. In the proposed location it obstructs a pedestrian desire line for the large numbers of people walking on the western footpath of Tottenham Court Road, forcing pedestrians into the roadway and endangering public safety.</li> <li>4. In the location proposed the kiosk and associated advertisement damages the setting of the adjoining Rising Sun public house at 46 Tottenham Court Road, a Grade II listed building. It also impacts adversely on the adjoining Charlotte Street Conservation Area, contrary to Local Plan Policy D2.</li> <li>5. The proposed trading kiosk is an unattractive design that does not even aspire to the meet the criteria of Local Plan Policy D1. Essentially, it is just another 'shed'. It ignores the horizontal extensions and overhanging canopies with illuminated and non-illuminated advertisements added by the tenant that increase its bulk twofold. These should be included in the proposal and determined on that basis or conditions added to preclude this happening.</li> <li>6. The open fronted enclosure presents an untidy and incomplete frontage to the street, over which the notes on the proposal drawing state there will be no control. This exclusion from the planning process is a concern and will result in a repetition of what currently exists. The note on the drawing should be removed and the front enclosure of the proposed kiosk completed.</li> <li>7. The surface finish of the kiosk should be specified as graffiti and fly-</li> </ol> |    |                  |    |                   |    |

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|--|--|
|  | <p>post resistant, which this proposal is not.</p> |
|--|--|

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|  | <p><i>Officer response: Design and Heritage are material planning considerations and are covered in section 2 of the report. Permission is not granted for any such advert.</i></p> |
|--|---|

## Site Description

The site is an existing metal Kiosk 3.8m by 1.9m. It is located on land outside 39-45 Tottenham Court Road. The application site is not listed but is located within the Bloomsbury conservation area.



## Relevant History

### Application site

No relevant history

## Relevant policies

National Planning Policy Framework (NPPF) (2021)

The London Plan (2021)

### Camden Local Plan (2017)

D1 Design

D2 Heritage

A1 Managing the impact of development

A4 Noise and vibration

### Camden Planning Guidance:

CPG Amenity (2021)

CPG Design (2021)

### Conservation Statements:

Bloomsbury Conservation Area Appraisal and management strategy (2011)



## Assessment

### 1. Proposal

- 1.1. The proposal is to replace the existing street trading kiosk in Windmill Square with a new kiosk measuring approximately the same dimensions, namely 4m long by 2m wide and 2.5m tall. The kiosk would have a roller shutter front and a side door and a projecting canvas awning. Unlike the existing kiosk, the new kiosk would not have sides that open out or a lift-up solid awning.
- 1.2. The proposed kiosk would be a galvanised black steel box clad in hardwood at the sides and rear to match the new street furniture installed around Windmill Square and would be in the same position as the existing kiosk.
- 1.3. The proposal does not include any such permission for adverts.

### 2. Design and Heritage

- 2.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within a conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 2.2. The Bloomsbury Conservation Area Statement advises that high-quality design and execution will be required for development at all scales. High-quality successful modern design can be accommodated by carefully assessing and responding to the form and qualities of surrounding buildings and spaces.
- 2.3. The Kiosk is only being enlarged by 10cm in width and 20cm in length, so it is essentially the same size as the existing kiosk, and is located in the same position as the existing kiosk. The untreated timber proposed as part of the new kiosk would complement the wider furniture palette in terms of its materiality, colour, tone and basic approach to detailing. It would appear better than the existing metal kiosk which is tired and unsightly.
- 2.4. The Bloomsbury Association believe the proposal damages the setting of the adjoining Rising Sun public house at 46 Tottenham Court Road, a Grade II listed building. However, the kiosk is set well away from this pub and as discussed above there is only a marginal increase in size. As such Council Officer's identify no harm to the setting of this listed building.

### 3. Transport

- 3.1. The kiosk is only enlarged by 10cm in width and 20cm in length and as such would not obstruct pedestrians any more than the existing Kiosk.

### 4. Amenity

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, sense of enclosure and implications to daylight and sunlight. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise.
- 4.2. As a result of the nature the proposals which replace the Kiosk to almost identical proportions, there would be no impacts on residential amenity in terms of loss of light, outlook or added noise spillage.

### 5. Recommendation

- 5.1 Grant condition planning permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 10<sup>th</sup> July 2023, 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'.***

Application ref: 2023/0762/P  
Contact: Josh Lawlor  
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Email: [Josh.Lawlor@camden.gov.uk](mailto:Josh.Lawlor@camden.gov.uk)  
Date: 6 July 2023

**Development Management**  
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LONDON Borough of Camden  
5 Pancras Square  
Camden  
N1C 4AG  
United Kingdom

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Windmill Square**

**Land o/s 39-45 Tottenham Court Road**

**London**

**W1T 2EA**

Proposal:

Replacement of existing street trading kiosk

Drawing Nos: D02, D03, D02, D08, 6191\_PL003.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans D02, D03, D02, D08, 6191\_PL003.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 Notwithstanding what is shown on the approved drawings there must not be any such advertisement signage (illuminated/non-illuminated) installed on the walls of the Kiosk hereby approved.
- 5 A separate advert consent will be required for the display of any such signage on the hereby approved Kiosk under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.



Yours faithfully

Chief Planning Officer

**DRAFT**

**DECISION**