

Application ref: 2020/0110/P
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Date: 22 December 2021

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Capital Kiosk Co Ltd
Unit 10 Maguire Industrial Estate
219 Torrington Avenue
Coventry
CV4 9HN

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused and Warning of Enforcement Action to be Taken

Address:

**Kiosk on pavement outside
16-17 Tottenham Court Road
London
W1T 1BE**

Proposal:

Siting of free-standing permanent kiosk for street trading purposes (retrospective).

Drawing Nos: Site plan, Site location plan and Proposed/as built kiosk drawing (all ref. TCRH1 dated 07/01/2020); Cover letter from applicant/stall holder received 10/01/2020; Emails from applicant/stall holder dated 26/10/2021 and 28/10/2021; Photo sheets (pre-existing and proposed/as built kiosk).

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The kiosk, by reason of its size, bulk, detailed design, location and form of a permanent structure, adds to visual clutter and detracts from the character and appearance of the streetscene and Hanway Street Conservation and Fitzrovia East Neighbourhood Areas, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Part 3 (Vision and objectives) of the Fitzrovia Area Action Plan 2014.

- 2 The kiosk, by virtue of its size, bulk, detailed design and location, adds to street clutter, reducing the amount of useable, unobstructed footway, which is detrimental to the quality of the public realm, causes harm to highway safety and hinders pedestrian movement, and has a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to Policies G1 (Delivery and location of growth), A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 **WARNING OF ENFORCEMENT ACTION TO BE TAKEN**

The existing unauthorised kiosk sited on the public footway is considered to add to visual clutter and detract from the character and appearance of the streetscene and Hanway Street Conservation and Fitzrovia East Neighbourhood Areas, as well as, reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement, so having a detrimental impact on the promotion of walking as an alternative to motorised transport. As such, enforcement action may be taken in relation to this matter should the unauthorised kiosk not be removed within 3 months of the date of this refusal notice.

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.

ENFORCEMENT ACTION TO BE TAKEN

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer