

Your ref:  
Our ref: JB90569  
DD: 07899062970  
E: jonathan.phillips@bidwells.co.uk  
Date: 24/02/2025

Planning - Development Control  
Camden Council  
Camden Town Hall  
LONDON  
WC1H 8ND

Dear Sir/Madam

**PROPOSED [RETROSPECTIVE] INSTALLATION OF A NEW SHOPFRONT, ROOFTOP FLUE AND TWO ILLUMINATED PROJECTING SIGNS AT 126 CHARING CROSS ROAD, LONDON, WC2H 8NA**

Please find enclosed an application for planning permission for the proposed installation of a shopfront, rooftop flue and two illuminated projecting signs at 126 Charing Cross Road, Camden.

**Site and Surroundings**

The subject property is an unlisted building located on the corner of Charing Cross Road and Denmark Street. The accommodation comprises a ground floor unit, with proposed extract to the rear within a small inner courtyard area. Customer access is gained by an entrance from the Charing Cross Road frontage and egress will be via an exit onto Denmark Street.

The property lies within a development zone known as St Giles Circus, which comprises a busy urban area, occupied by a mix of uses including officers; retail shops; restaurants, pubs and cafes; other commercial uses; cultural venues; and some residences. Historically, this was a music related cultural hotspot. There are a number of listed buildings and other buildings of local architectural/historical importance in the locality and the site lies within the Denmark Street Conservation Area.

**Proposed Development**

The application proposals are modest in nature, and simply comprise the installation of a replacement shopfront on both elevations with a single projecting sign on each elevation. The whole building has recently been refurbished and all previous frontage have been removed, which left a simple, uninteresting shopfront on each elevation. The shopfronts contributed nothing positive to the host building, the local street scene, nor the wider conservation area. The host building and the existing shopfronts on it are all modern in age, design and materials. The proposed shopfront would comprise a double-glazed, metal-framed, glazed elevation on each elevation.

The replacement shopfront is considered to enhance the appearance of the existing shopfront, the host building, the local street scene and the character and appearance of this part of the designated conservation area. The proposed shopfront alterations would enhance the appearance of the premises, through the use of more appropriate detailing, proportions and materials. Appropriate solid-to-void dimensions would be retained. The proposed shopfront alterations are detailed within the accompanying application drawings and details.

The principal extraction equipment is housed internally, including an internal flue that links the kitchen extract to the roof top flue. The internal flue runs from the kitchen to the roof within an inner lightwell and so there is no material impact upon the external appearance of the building. Consequently, in accordance with relevant case law, *Burroughs Day v Bristol City Council* - [1996] and *Kensington and Chelsea Royal London Borough Council v C G Hotels* – [1981], building works do not amount to development within the meaning of section 55(2)(a)(ii) of the 1990 Act, if the works do not materially affect the external appearance of the building taken as a whole. Planning permission is therefore not required for the internal flue.

The external flue at rooftop level is painted black to minimise its appearance and any visual impact. This structure is merely a vent for treated air. The mechanics to clean the extracted air and pump it up the internal flue to the roof level is all housed internally. There are therefore no noise or odour implications.

### **Relevant Planning History**

Available planning records date back to 1984. Early applications relate to the display of illuminated signage (generally approved), but the principal relevant planning permission was granted on 31 March 2012 and comprised a redevelopment involving three new buildings and refurbishment and conversion of existing buildings comprising retail, office, food and drink, hotel, leisure and residential uses, open space and related ancillary activities and works LPA Ref: 2012/1697/P).

There is no apparent subsequent planning history relating to the ground floor use of the subject property.

### **Relevant Planning Policy**

The 2024 Framework reiterates the presumption in favour of sustainable development (paragraph 11) which requires development proposals that accord with an up-to-date development plan to be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless in conflict with the 2024 Framework.

The 2024 Framework also requires LPAs to approach decisions on proposed development in a positive and creative way and to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible (all paragraph 39).

The 2024 Framework requires planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 85).

The 2024 Framework requires planning policies and decisions to promote social interaction and opportunities for meetings between people who might not otherwise come into contact with each other (paragraph 96). The 2024 Framework adds that in order to provide the social and recreational facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces and meeting places, such as public houses (paragraph 98).

The 2024 Framework states that good design is a key aspect of sustainable development (paragraph 131). Planning policies and decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; create attractive, welcoming and distinctive places; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of

development and support local facilities and transport networks; and create safe, inclusive and accessible places that do not undermine the quality of life or community cohesion and resilience (all paragraph 135).

The December 2024 Framework requires that heritage assets are conserved in a manner appropriate to their significance (paragraph 202).

Heritage assets should be put to viable uses consistent with their conservation and development should make a positive contribution to local character and distinctiveness (paragraph 203).

Development proposals should avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 208).

In determining applications, LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 208).

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 212).

Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (paragraph 213).

Where a development would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 215).

The Development Plan for the application site comprises the London Plan (2021) and the Camden Local Plan 2017.

Policy GG1 of the London Plan concerns building strong and inclusive communities and this requires growth to be inclusive and seeks to ensure that changes to the physical environment achieve an overall positive contribution to London. Good quality community spaces, services and amenities are encouraged to strengthen communities, increase active participation and improve social integration. Specifically, Policy GG1 seeks to ensure that streets and public spaces are consistently planned for people to move around and spend time in, in comfort and safety.

Policy GG5 of the London Plan concerns growing a good economy. Its goals include conserving and enhancing London's global economic competitiveness through, amongst others, ensuring that London's economy diversifies and promoting London's role as a 24-hour city.

Policy D4 of the London Plan covers the delivering of good design. Its primary focus is rightly upon larger scale development proposals.

Policy D5 of the London Plan addresses inclusive design. Included within its goals are that proposals should be able to be entered, used and exited safely, easily and with dignity for all.

Policy HC1 of the London Plan covers heritage conservation and growth. Development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the asset's significance and appreciation within their surroundings.

Policy D1 of the Local Plan concerns design. This policy requires high quality design in new development, which respects the local context and character and preserves or enhances the historic environment and heritage assets.

Policy D2 of the Local Plan addresses heritage. This policy resists proposals resulting in the loss or substantial harm to designated heritage assets. Development within conservation areas is specifically required to preserve or enhance the character or appearance of the area.

Policy D3 of the Local Plan specifically concerns shopfronts. This policy requires a high standard of design in new and altered shopfronts.

Policy TC2 of the Local Plan promotes successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors.

### **Advertisement Control**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (hereafter 'the regulations') require the Local Planning Authority to only consider two issues with regard to advertisements; namely the interests of amenity and public safety.

The 2023 Framework states that the control of advertisements should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts (all paragraph 136).

### **Planning Assessment**

The visual and design implications of the application proposals are considered to be acceptable. The proposed shopfront is considered to result in appropriate and sympathetic development which respects the visual characteristics of the host building, this site itself, the local street scene context and the character and appearance of the designated conservation area. The proposed shopfront is considered to enhance the appearance of the ground floor frontage of this part of the application premises and greatly improves upon its current vacant and unused appearance.

It is considered that the proposed shopfront is sympathetic to the overall character of the host building and would respect the character of both the host building and the wider conservation area, enhancing the current appearance of the ground floor of this part of these premises. The choice of materials is also considered to be sympathetic in nature and would help enhance the appearance of the application premises. Given this, it is considered that the application proposals at least preserve the existing character and appearance of the designated conservation area, but they should be considered to actually enhance the character and appearance of this designated heritage asset.

The application premises will provide a valued retail facility within this part of Camden. In order to remain economically viable, commercial uses need to have an appropriate street presence. The proposed shopfront will be a critical element in the public presence of the intended retail business at this location. The application proposals will help support the economic viability of the retail use of these premises, which will allow public access into these premises and would directly contribute to their continuing upkeep and maintenance. Furthermore, the application proposals would also help to ensure the economic viability of this commercial retail business, that will provide direct and indirect employment and will generate local economic activity. The application proposals should be considered as a key element of the applicant's investment into the viability, maintenance and upkeep of these premises.

The proposed signage will be essentially ephemeral in nature and will not result in any significant or material impacts upon the character and appearance of the host building and it is considered to be appropriate in nature and scale.

Illumination of the proposed sign is considered to be both reasonable and justified for the premises, given the trading hours and the nature of the applicant's business, which will include evening trade.

The scale, type and method of illumination of the proposed signage replicates existing signage lawfully displayed upon neighbouring properties.

The relevant considerations for determining proposals for advertisement consent comprise visual amenity and public safety only. Visual amenity is not only related to the aesthetics of the specific signage but must relate to visual considerations of the surrounding area, including any detriment caused by loss of investment to commercial buildings and their external appearance. The 2023 Framework is clear that the control of advertisements should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The signage proposal is an essential part of the applicant's strategy to attract custom to ensure the economic viability of the new operation at this commercial property. The signage is necessary in order to help attract custom for the new venture and facilitate the continuing economic health of the beneficial use of these premises for its appropriate town centre use.

The proposed signage will help to facilitate the appropriate new use of these premises for a use which will continue to add to and enhance the vitality and pedestrian footfall within the local street scene.

The use of the application premises is also an important commercial facility, providing a highly accessible, commercial venue.

The proposed lighting will be discrete, and the size of the lettering is in proportion to the detailing elsewhere on the building, ensuring that there would be no harm in this regard. The materials and colours will also be compatible with the character of the host building and the wider area. With this in mind, the sign is not considered to look out of place and will not result in any harm to the character of the area.

In considering public safety, the impact of the signs on the safe use and operation of any form of traffic or transport, including the safety of pedestrians, must be taken into account. The Institution of Lighting Engineers Technical Report Number 5: Brightness of Illuminated Advertisements (2001) provides guidance for maximum luminance and suggests that in central locations, with high levels of night time activity (therefore such as the application site), illuminated areas up to 10m<sup>2</sup> should have a maximum luminance level of 600 cd/m<sup>2</sup>. Illumination of the adverts will be set to c200 cd/m<sup>2</sup> and therefore the brightness would not distract any nearby road users.

The adverts will not cause harm to the safety of pedestrians. There are also no highway signs which the proposal may interfere with and the proposal is not considered to have an adverse impact on the safety and operation of the adjoining public thoroughfares.

For all of the above reasons, the application proposals are considered to be compliant with the relevant national, regional and local planning policy requirements summarised above. In accordance with the 2023 Framework's presumption in favour of sustainable development, the application proposals should therefore be approved without delay.

This application is accompanied by the required Design and Access Statement, together with the necessary plans and details of the application proposals. We trust you have all the necessary information to validate and register the application but please contact us if further information is needed.

Yours faithfully,

***Bidwells LLP***

**Bidwells LLP**