

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	26/07/2012
		N/A / attached		Consultation Expiry Date:	05/07/2012
Officer			Application Number(s)		
Elaine Quigley			2012/2660/P		
Application Address			Drawing Numbers		
Waitrose Bloomsbury 23-39 Brunswick Centre London WC1N 1AF			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Variation of condition 6 of planning permission granted 01/09/03 (ref. PSX0104561) for the refurbishment of the Brunswick Centre namely, to permit extended store opening hours of 07:00-23:00 Monday to Saturday and 08:00-21:00 Sundays for a temporary period from 22/07/12 to 14/09/12.					
Recommendation(s):		Grant variation to condition			
Application Type:		Variation or Removal of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	16	No. of responses	01	No. of objections	01
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed on 08/06/2012 (expired 29/06/2012) and a publicity notice was advertised in the Ham and High on 14/06/2012 (expired 05/07/2012). 1 letter of objection has been received from resident of Flat 18, Aberdeen Mansions, Kenton Street raising the following concerns:</p> <ul style="list-style-type: none"> Upsetting to see Waitrose opening hours extend from 20:30 to a jump of 21:30 and now 22:00. The opening hours from 07:00 to 23:00 and on Sunday are totally unacceptable. It is not possible to distress from daily living because of extension of opening hours of all businesses in this area. The resident feels that the right to live in reasonable peace and quiet is totally gone Many people in the area feel the same way however the lack of understanding/speaking English and knowing their rights, not knowing the damage to their health has meant business have been able to do as they please 					
CAAC/Local groups* comments: *Please Specify	Bloomsbury CAAC – no comment					

Site Description

The Brunswick Centre is a grade I listed post war monolithic concrete megastructure occupying the entire street block on the west side of Brunswick Square. The application site is located within the northern part of the Brunswick Centre and is bounded to the north by Handel Street, to the east by Hunter Street and to the west by Marchmont Street. It comprises a single storey unit that is currently occupied by the Waitrose Store (A1 retail use).

The Brunswick Centre is occupied by a variety of national retailers including Superdrug, Baby Gap, Robert Dyas, New Look and Starbucks. There are also a number of restaurant uses including Carluccios, Giraffe and Patisserie Valerie.

To the north of the site lies a three storey building that is occupied by the Territorial Army Centre, to the northwest lies four storey terrace mansion blocks fronting Kenton Street (nos. 1 to 5 Robsart Mansions and nos. 1 to 20 (inclusive) Aberdeen Mansions). To the south lies residential flats that are located above the retail units of the Brunswick Centre (including Foundling Court and O'Donnell Court).

The site falls within Bloomsbury Conservation Area (sub-area 12 Coram's Fields/Brunswick Centre). It notes that "the Brunswick Centre is the largest single footprint building in the Conservation Area after the British Museum. It is the sculptural stepped 'megastructure' which embodies the concept of separating pedestrians and cars popular in the 1960's."

The site is within the defined Neighbourhood Centre.

Relevant History

There have been numerous planning and listed building applications that have been approved for unit fit-outs in relation to the retail (A1 units) and restaurant (A3 units) in the Brunswick Centre.

The relevant planning permissions are listed below:

Planning permission was **granted** on 01/09/2003 for refurbishment of The Brunswick Centre; the forward extension of the existing retail units fronting the pedestrian concourse; the creation of a new supermarket (Class A1) across northern end of the pedestrian concourse; creation of new retail units (Class A1) within redundant access stairs to the residential terrace; erection of new structure above Brunswick Square for potential alternative use as retail (Classes A1, A2, and A3), business (Class B1) or as non-residential institutions (Class D1); redesign of the cinema entrance; redesign of existing steps and ramps at the Brunswick Square, Handel Street and Bernard Street entrances; removal of two existing car park entrances at pedestrian concourse level; installation of retail display windows within Bernard Street elevation; redesign of the existing southern car park stairway; replacement of waterproofing layers to the pedestrian concourse and the residential terrace; concrete repair works and introduction of new hard and soft landscaping surfaces and works (PSX0104561).

Condition 6 of this permission restricted the hours of opening of the retail unit to the following times 08:00 – 22:00 hours Monday to Saturday and 08:00 – 2100 hours Sundays in order to safeguard the amenities of the adjoining premises and the general area.

Planning permission is sought for variation of condition 7 (location and time for servicing of Class A1/A2/A3) of planning permission granted 01/09/03 (PSX0104561) for refurbishment of the Brunswick Centre, namely to amend hours of servicing from 07.00 to 22.00 Monday to Saturday and 08.00 to 21.00 on Sundays to permit servicing between the hours of 06.00 as 12.30am during the London 2012 Olympics and Paralympics (27/07/12 to 09/09/12) (2012/2887/P). This application is **pending consideration** and is due for determination on 06/08/2012.

Relevant policies

Core strategy:

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

Development policies:

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP26 (Managing the impact of development on occupiers and neighbours)

DP28 (Noise and vibration)

Camden Planning Guidance 2011

CPG5 (Town centres, retail and employment)

Sections 1, 3 and 5

CPG 6 (Amenity)

Sections 1 and 4

Other Supplementary Planning Documents

Revised Planning Guidance for Central London (Food, Drink and Entertainment Specialist and Retail Uses) 2007

Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011)

National Planning Policy Framework 2012

Assessment

Proposal

Planning permission is sought for variation of condition 6 of planning permission granted 01/09/03 (ref. PSX0104561) for the refurbishment of the Brunswick Centre namely, to permit extended store opening hours of 07:00-23:00 Monday to Saturday and 08:00-21:00 Sundays for a temporary period from 22/07/12 to 14/09/12.

Condition 6 states that:

The class A1 supermarket unit use hereby permitted shall not be carried out outside the following times 08:00 hrs – 22:00 hrs Monday to Saturday and 08:00 hrs – 21:00 hrs Sundays. This was to safeguard the amenities of the adjoining premises and the general area.

The variation to the opening hours would include:

Approved in 2003

08:00 – 22:00 hours Monday to Saturday and 08:00 – 21:00 hours Sundays

Proposed in 2012

07:00 – 23:00 hours Monday to Saturday and 08:00 – 21:00 hours Sundays

Need to extend opening hours

The supporting information submitted with the application states that Waitrose would like to extend their permitted trading hours for a temporary period during the London Olympic and Paralympic Games in 2012. This will help to serve the needs of the very high volumes of tourists who will be staying and passing through the area during this period.

Assessment

Brunswick Centre is located in a neighbourhood centre. It provides for day to day needs of people living, working and staying nearby. Neighbourhood centres generally consist of groupings of between five and fifty premises which focus on convenience shopping. There is no specific information in relation to the extension of opening hours for A1 retail uses in either the Central London SPD or CPG5. In paragraph 5.17 of CPG5 guidance is provided in relation to opening hours for food, drink and entertainment uses that states that “generally, earlier closing times will be more appropriate in neighbourhood centres and residential areas than in town centres and other commercial areas.” The proposal would therefore be assessed in terms of the impact on the character of the area and the impact on the amenity of neighbouring residential properties.

Impact on the character of the area

There are other A1 and A3 uses within the Brunswick Centre that are open at similar times to those proposed as part of this application including the following:

Company	Opening hours
Starbucks (A1 use)	Monday to Friday 07:00 to 21:00 Saturday to Sunday 08:00 to 20:00
Superdrug (A1 use)	Monday to Saturday 09:00 to 21:00 Sunday 12:00 to 18:00

Carluccios (A3 use)	Monday to Friday 07:30 to 23:30 Saturday 09:00 to 23:30 Sunday 09:00 to 22:30
Patisserie Valerie (A3 use)	Monday to Friday 07:30 to 20:00 Saturday 08:00 to 20:00 Sunday 09:00 to 18:00
Giraffe (A3 use)	Monday to Saturday 08:00 to 23:00 Sunday 09:00 to 22:30

The proposal would extend the opening hours to similar opening times of other units within the Brunswick Centre. This would not have a detrimental impact on the character of the Brunswick Centre or the neighbourhood centre and would be considered acceptable.

Amenity

There are a large number of residential properties within and surrounding the Brunswick Centre. Immediately adjacent to the Waitrose building there are residential properties within the upper floors of Foundling Court and O'Donnell Court that lies to the south. There are also residential properties along Kenton Street in Robsart and Aberdeen Mansions approximately 25m to the north west and along Hunter Street in Hunter House approximately 43m to the north east of the site. It is important that the proposed increase in opening hours would not generate a significant increase in late night noise to the detriment of these residents.

The extension to the opening hours of the Waitrose store would be 1 hour earlier in the morning at 07:00 and one hour later in the evening at 23:00. It would trade within these extended opening hours for a temporary period during the Olympic and Paralympic Games until 14/09/2012.

In relation to food and drink uses the Central London SPD and CPG5 states that in predominantly residential areas and neighbourhood centres such uses will generally not be permitted to operate later than midnight. Given that the proposal relates to an existing retail unit (A1 use) rather than an A3 use, the negative impacts associated with A3 uses would not be relevant here. The proposed extension to the hours of opening would comply with this guidance and would be considered acceptable.

It must be noted that other occupiers within the Brunswick Centre open from 07:00 in the morning until 23:00 in the evening. Although these longer opening hours relate mainly to A3 uses that are located further to the southern section of the Brunswick Centre, the early morning and late night activity within the Brunswick Centre overall will remain relatively unaltered by the proposal. The store is not served by a car park and the proposal would not increase traffic levels above those that are currently experienced. Potential noise associated with deliveries to the store would be assessed as part of a separate planning application (see planning history section above). Potential noise associated with customers entering and leaving the store 1 hour earlier in the morning and 1 hour later in the evening from Monday to Saturday could not be notably distinguished from the level of activity generated by the other uses within the Brunswick Centre during these times.

Given the fact that the proposal relates to a retail unit rather than a restaurant or café (and the difference between the nuances associated with this different uses) and the fact that the proposed extension to the opening hours would be for a temporary time period it is considered that the proposal would not result in additional harmful noise and disturbance to neighbouring residential occupiers and would be considered acceptable.

Recommendation

Vary condition for a temporary period

DISCLAIMER

Decision route to be decided by nominated members on Monday 16th July 2012. For further information please click [here](#).