

Delegated Report		Analysis sheet		Expiry Date:		18/07/2011	
		N/A / attached		Consultation Expiry Date:		07/07/11	
Officer				Application Number(s)			
Amanda Peck				2011/2257/P			
Application Address				Drawing Numbers			
19 Shorts Gardens London WC2H 9AT				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Part removal of condition 2 of planning permission 2005/4819/P granted 31 March 2006 to allow opening of folding doors on Shorts Gardens elevation to existing retail unit (Class A1)							
Recommendation(s):		Refuse					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	18	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed between 10 June and 1 July and a press notice was in place between 16 June and 7 July. No comments have been received.					
CAAC/Local groups* comments: *Please Specify		Covent Garden CAAC object for the following reasons: <ul style="list-style-type: none"> Any change to this planning condition will also benefit subsequent lessees of the space which might revert to food and drink use and would severely prejudice residential amenity of units on upper floors with customer noise, cooking etc Most traditional retail units operate with single entry doors as shown and there is no compelling reason for granting the unauthorised works further permission Covent Garden Community Association object for the following reason: <ul style="list-style-type: none"> CGCA strongly object to this application as we have previously objected in the past. Camden upheld our objection as the folding doors never received retrospective approval. 					

Site Description

The 4-storey plus basement and mansard roof is located on the Northern side of Shorts Gardens, opposite the Thomas Neal Centre, next to the entrance to Neal's Yard and within the Seven Dials (Covent Garden) Conservation Area. The application relates to the ground floor retail unit. The

building is not listed.

Relevant History

Application site

- EN10/0465 – investigation into the opening of the concertina in breach of condition. Currently under investigation pending outcome of current planning application.
- 2005/4819/P: Retention of the replacement shopfront. Approved 31 March 2006 subject to a condition stating that "*The folding doors on both elevations (Shorts Gardens and Neal's Yard) shall be fixed shut and permanently retained and maintained as such.*"
- 2006/0664/A Display of 2 illuminated neon fascia signs and a coffee cup profile hanging sign above fascia level. Approved 31 March 2006
- 8900019: Change of use of basement and part ground floor from B1 use to A1 retail use. Approved 11 April 1989
- 8500259: Erection of a residential unit at roof level. Allowed under appeal 1985.

Other relevant applications

- 60 Theobalds Road 2011/2681 Installation of new shop front to existing restaurant unit (Class A3). Refused. Reason for refusal "*The proposed shopfront, by reason of the detailed design and unsympathetic use of materials, would be detrimental to character and appearance of the building and of the Bloomsbury Conservation Area and is contrary to policies CS14 - Promoting high quality places and conserving our heritage, DP24 - Securing high quality design and DP25 - Conserving Camden's heritage of Camden's Local Development Framework*".
- 45 Charlotte Street 2010/1745/P Retention of new shopfront to existing A1 unit. Refused. Reason for refusal "*The installed shopfront by reason of its design fails to preserve or enhance the architectural integrity of the parent building or the character and appearance of the Conservation Area, contrary to the provisions of Policies B4 (Shopfronts) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.*" Enforcement notice issued under EN09/0776 and appeal dismissed on 27 July 2011.

Relevant policies

LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development

CS7 – Promoting Camden's centres and shops

CS14 - Promoting high quality places and conserving our heritage

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP30 – Shopfronts

Camden Planning Guidance 2011

Covent Garden Conservation Area Statement

Assessment

Proposal and background

Planning permission is sought for the partial removal of condition 2 of planning permission 2005/4819/P granted 31 March 2006 to allow the folding doors on the Shorts Gardens elevation to be opened during trading hours of the existing retail unit (Class A1). The design of the shopfront was considered acceptable when the main planning application was assessed, but only with the imposition of a condition requiring the folding doors on both elevations to be permanently fixed shut. This is because the folding glazing panels were considered to result in erosion of the shopfront appearance when in their opening position.

Assessment

Policy

Since the shopfront was approved and the condition was imposed in 2006 the Council's UDP has been replaced by the LDF and CPG 2006 has been replaced with CPG 2011. An assessment will therefore be made of the new policies to determine whether the policy position has changed since the condition was imposed.

The main thrust of LDF policy DP30 is in line with UDP policy B4 and states that when assessing

shopfronts the following things should be taken into consideration (amongst other things): the relationship between the shopfront and the upper floors of the building and surrounding properties; and the general characteristics of shopfronts in the area. Paragraph 30.5 states that "Folding/opening shopfronts will not generally be acceptable as they can create a void at ground floor level that can harm the appearance of a building and can also have a negative impact on local amenity, for example in terms of noise and disturbance". This is more explicit than UDP policy B4 which merely stated in paragraph 3.42 that "Therefore, folding shopfronts will not generally be acceptable".

Camden Planning Guidance 2011 (design) is again in line with CPG 2006 and states that shopfronts should be designed as part of the whole building and should sensitively relate to the scale, proportions and architectural style of the building and surrounding facades. In addition to this on page 61 it states that folding shopfronts are not generally acceptable, particularly on listed buildings or within Conservation Areas, because when open they erode the appearance of the shopfront, creating a visual void, and can increase the disturbance to neighbouring properties. It also states that when closed they appear as a row of doors rather than a shopfront which creates a heavier appearance and reduces the area of glass. CPG 2006 also included a similar paragraph, although explicit reference to listed buildings and properties within conservation areas was not made then.

The Seven Dials (Covent Garden) Conservation Area statement was adopted in 1998 and has not been updated since the original application was assessed. It states that proposals for new shopfronts will be expected to preserve or enhance the visual character and appearance of the shopping streets, through respect for the proportions, rhythm and form of the original frontages. The design of new shopfronts should be appropriate to the building and enhance the appearance of the Conservation Area.

Context

There is no record of any planning applications being approved along this part of Shorts Gardens for new shopfronts or fully openable shopfronts since the main application was approved. The adjacent properties at No. 19 and 21-23 both appear to have the same shopfronts as in 2006. It is therefore considered that the context of the site has not changed since the imposition of this condition.

In conclusion given the fact that there has been no change to the thrust of the policies or the site context it is considered that, when open, the folding glazing panels would still result in erosion of the shopfront appearance. With the doors open, even only on the Shorts Gardens elevation (which is the main elevation to the property), a void would be created at ground floor level which would give the shopfront an incongruous appearance in relation to the host building and the street. This would detract from the appearance of the Conservation Area and consequently neither preserves nor enhances it. In design terms the proposed partial removal of this condition is therefore considered to be contrary to policies CS14 - Promoting high quality places and conserving our heritage, DP24 - Securing high quality design, DP25 - Conserving Camden's heritage and DP30 – Shopfronts of Camden's Local Development Framework

Amenity

At the time the main application was assessed the ground floor unit was in use as a coffee shop (A1 use) and objections were raised with regard to potential noise nuisance and similar objections have been raised to the current application. It is acknowledged that the unit has no restrictions on it in terms of opening hours and that a coffee shop use could reopen at the premises without requiring planning permission, as long as it was within the A1 use class. The condition was imposed for design reasons only and not amenity reasons and the site context has not changed since the main application was assessed (specifically there is no record of planning permission being granted for residential units close to the site). It is therefore considered that the partial removal of this condition would not adversely impact on the amenity of the neighbouring properties in terms of noise nuisance

It is considered that the new shopfront will have no impact upon the surrounding neighbours and occupiers in terms of loss of sunlight/daylight, privacy and outlook.

Recommendation: Refuse Planning permission;

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