

Delegated Report (Members' briefing)		Analysis sheet		Expiry Date:		03/03/2011	
				Consultation Expiry Date:		04/02/2011	
Officer				Application Number			
Max Smith				2010/6497/P			
Application Address				Drawing Numbers			
The Brunswick Brunswick Square Brunswick Centre London WC1N 1BS				Refer to decision letter			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Continuation of a market held every Saturday (sui generis)							
Recommendation(s):		Grant planning permission with conditions and a S106 Agreement					
Application Type:		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:		Site notices were displayed on Marchmont Street, Handel Street and Bernard Street on 12/01/2011. A press notice was published on 13/01/2011. No responses received to date.					
CAAC/Local groups comments:		<p><u>Bloomsbury CAAC</u> - comment It is important that the stalls and all their paraphernalia are kept well clear of the bike racks. A bike laden with the week's shopping needs space to move and turn.</p> <p><u>The Brunswick Tenant's and Resident's Association:</u></p> <ol style="list-style-type: none"> 1. The servicing of the market is in contravention of planning permission 2003/2973/P including The Brunswick Parking and Servicing Plan. 2. The market is serviced from Marchmont Street rather than the basement service area and should therefore be refused retrospective and future planning for any such activity. 3. The entire thrust of the Brunswick planning has been to protect residential amenity, from noise and disturbance of retail activity and servicing. 4. Loading occurs within 2m of residents' windows. 					
Site Description							
The Brunswick Centre was completed in 1972 and comprises flats above a shopping centre. It is designated as a Central London Neighbourhood Centre. The site is also Grade II listed and lies within the Bloomsbury Conservation Area.							

Relevant History

01/09/2003 (PSX0104561) Approved

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.

Condition 7: No servicing for the units within Class A1/A2/A3 shall take place other than from within the basement levels of the centre, and shall not take place outside the following times 0700 to 2200 hours Monday – Saturday and 0800 – 2100 hours Sundays.

20/02/2004 2003/2973/P Approved

1. The variation of condition 7 of planning permission PSX0104561 dated 1st September 2003 limiting the hours of servicing of the Class A1/A2/A3 units to extending the hours of servicing to 0500-2200 hours Monday-Saturday, and 0500-2100 hours Sundays.
2. The variation of condition 9 of planning permission PSX0104561 dated 1st September 2003 limiting the hours of operations of the Class A3 units to extending the hours for patrons to 0700-midnight and allowing the use of the A3 units for cleaning, preparation and administration at any time.

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS11 (Promoting sustainable and efficient travel); CS14 (promote high quality places and conserve our heritage)

DP11 (Markets)

DP17 (Walking, cycling and public transport)

DP19 (Managing the impact of parking)

DP25 (Conserving Camden's heritage)

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

Camden Planning Guidance 2006/2011

Bloomsbury Conservation Area Statement

Food and Drink Central London (04/10/2007)

Assessment

Proposed

The regularisation of the use of part of the concourse of the Brunswick Centre as a market of between 10 -20 stalls on Saturdays between 9am and 5pm.

Amendments

The inclusion of an additional 18 days each year other than on Saturdays has been removed from the scheme.

Background

A market can operate from a site on 14 days in any one year without the need for Planning Permission, permitted under the General Permitted Development Order 1995. The market has been in place for more than a year and is held every Saturday (more than 14 days). The majority of stalls sell food, some sell food that is cooked on site; energy is provided by individual generators. A bookshop regularly pitches a stall selling second hand books, other stalls include the sale of pastries, bread and dried fruit.

Main issues

The main issues are the impact of market on amenity of adjacent occupiers and local traffic, the setting of a listed building and character and appearance of the conservation area.

Principle of the proposed use

LDF policies DP11 and CS7 declare the Council's support for new markets that will not cause individual or cumulative harm to the local area. Policy DP11 sets out a series of criteria against which new applications for markets are assessed as follows:

i) Effect on local residents and environmental conditions: There are numerous residential flats within the Brunswick Centre that have the potential to be affected by the activities of the market. However, as the concourse of the Centre is taken up by retail units in a designated Neighbourhood Centre, a certain amount of noise and activity would be expected. Since the market would be taking place within the normal retail hours of the Centre, it is not considered that any objection could be sustained from the activities of the market in terms of noise and disturbance from its operation. The Council's Environmental Health Officer has confirmed that no individual complaints have been submitted to the Council from noise or odours arising from the market.

An objection has been received from the representative of the Brunswick Tenants and Resident's Association raising concern about noise generated by off loading and loading equipment and merchandise for the stalls. The Servicing Management Plan for the Brunswick Centre requires all servicing from the existing retail units to occur from basement level. This servicing arrangement is not possible for the market and the setting up of the stalls and the transportation of produce from servicing vehicles takes place from Marchmont Street and Coram Street to the west of the Centre. In this respect the market shares servicing bays with retail premises on Marchmont Street and residents in the vicinity of this street would already expect a certain level of activity from servicing vehicles.

A Servicing Management Plan would be sufficient to ensure that local residents would not suffer an unreasonable level of disturbance or inconvenience from the operation of the market. This would be secured via a S.106 agreement. A condition would also ensure that no music would be played within the market.

ii) Impact on transport and pedestrian movement: A layout plan of the market has been submitted showing the locations of the stalls. This indicates that the market would be able to operate whilst retaining a sufficient width along the concourse for pedestrians and disabled access. The plan also shows that access to cycle racks would be unobstructed. Several of the A3 uses and cafes in the Brunswick Centre utilise outdoor tables and seating, although much of this would not be set out at the times when the market is in operation. As such, there is a degree of sharing the concourse between these uses. A condition is would ensure that the market stalls would only be located within the spaces set out in the layout plan to ensure that they would not cause an obstruction.

As noted above, servicing for the market is currently undertaken to the west of the site. Restrictions in this area prevent parking but there are no unloading restrictions. Marchmont Street is wide enough to allow vehicles to pass those parked at the kerb. Coram Street is also wide enough to allow vehicles to stop on both sides without blocking through traffic. There is also a loading bay outside the Marchmont Street Post Office that is used. The proposed Servicing Management Plan would ensure that there were no obstructions to these streets or conflict with the servicing of retail units in Marchmont Street.

iii) Effect on local centres and shopping provision: There are no other markets in the immediate area or any with planning permission to be implemented. The Marchmont Street and the Brunswick Centre are both designated Neighbourhood Centres. The Brunswick Centre has a reasonably strong retail character which is interspersed with A3 uses. It is considered that the market complements both Neighbourhood Centres attracting additional customers to local shops and services.

iv) Storage and disposal of litter and refuse: There are no problems associated with litter and refuse currently identified. There a number of large waste bins on the concourse for customers to dispose of waste from food consumed within the Centre.

v) Community safety and noise and toilet provision: There are no community safety issues associated with the market. Given the daylight hours the market operates and the nature of the site, this has not resulted in anti-social behaviour. Existing toilets are located within the Brunswick Centre.

Impact on the conservation area and listed building

The market is held one day each week has no adverse impact on the character and appearance of the conservation area or integrity of the listed building in line with LDF policies CS14 and DP25.

Recommendation: It is considered that with the imposition of conditions and a SMP recommended and justified throughout the report, for the protection of local amenity, the continued use of the concourse for a market is acceptable.

DISCLAIMER

Decision route to be decided by nominated members on Monday 13th June 2011.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>