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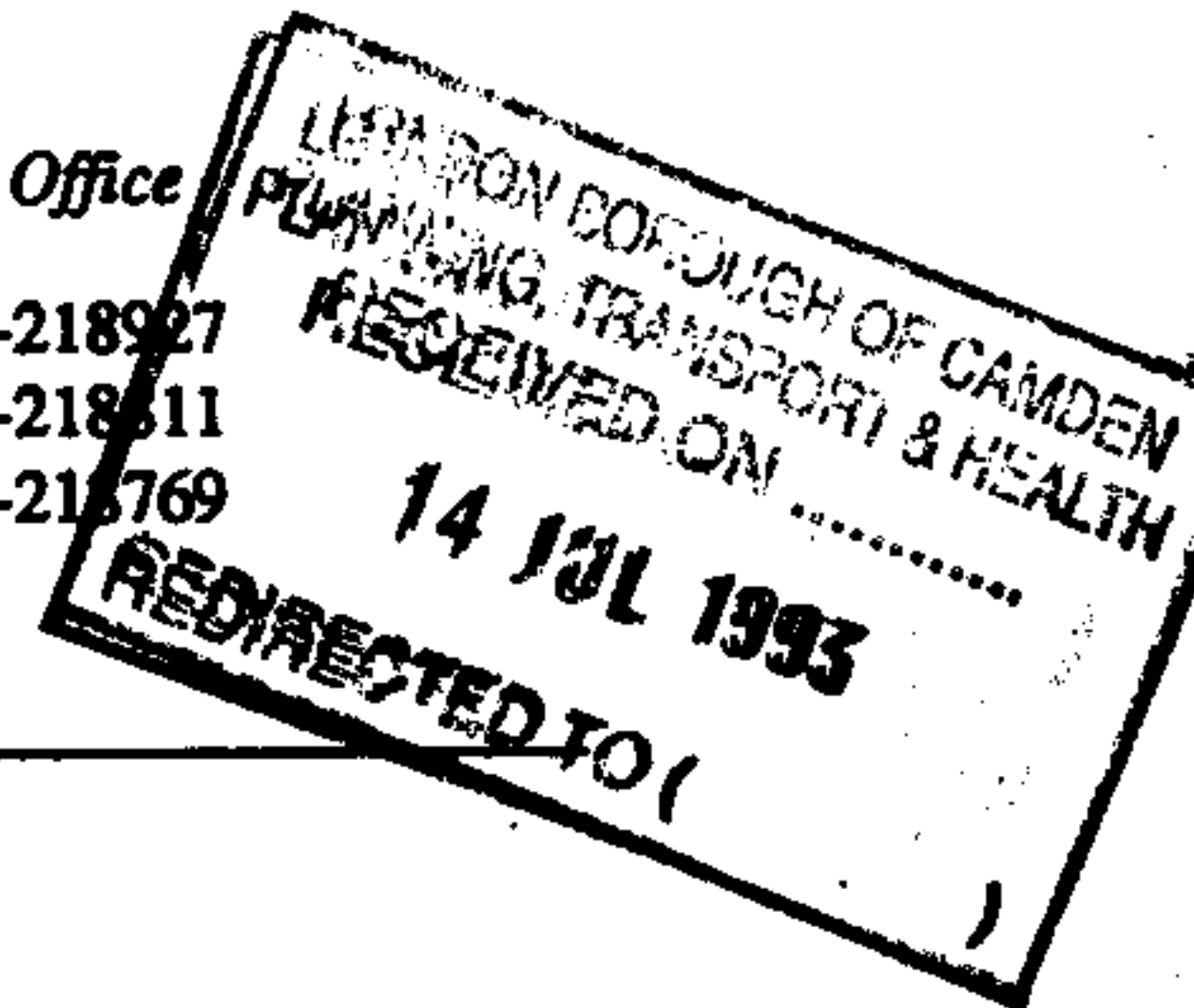
# The Planning Inspectorate

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Mrs J M Etchells  
Roger Etchells & Company  
93 Allison Street  
Digbeth  
BIRMINGHAM  
B5 5TH

Your Ref: JME/DJ/CAM

Our Ref:  
T/APP/X5210/A/93/223058/P2

Date: 13 JUL 1993

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY RANK AMUSEMENTS LIMITED  
APPLICATION NO: PL/9200724/J12/15/B

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. The appeal is against the decision of the Camden London Borough Council to refuse an application for the variation of a condition attached to the planning permission for the use of ~~108 - 110 High Street, Camden~~ as an amusement centre. I have considered the written representations made by you and by the Council and also those made by the Camden Town Conservation Area Advisory Committee which were made directly to the Council and have been forwarded to me. I inspected the site on Monday 28 June 1993.

2. The disputed condition is number 8, attached to the planning permission granted as a result of an appeal (reference T/APP/X5210/A/91/175943/P2) in the decision letter of Mr R Ogier dated 29 October 1991. The permission is for the use of 108 - 110 High Street, Camden as an amusement centre and the installation of a shop front and fascia. The condition reads:

the use hereby permitted shall not take place on Sundays nor between the hours of 2100 and 0900 on any other day.

3. I am dealing with this appeal as arising from an application made under Section 73A(2)(c) of the Town and Country Planning Act 1990 to continue the use of the site as an amusement centre without complying with a condition subject to which the planning permission for that use was granted. In substitution for the disputed condition you have suggested the imposition of a condition that would allow trading on Sundays between the hours of 1000 and 1600.



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RECYCLED PAPER

4. From the written representations and my inspection of the site and its surroundings, I consider that the main issue in this appeal is the impact that the proposed Sunday opening would have on the character of the area and on the amenities of any nearby residents.

5. The Council quote several of their planning policies from which I draw the conclusion that they consider attaching conditions to planning permissions in order to safeguard residential amenity or to protect the character of an area. However, I did not find the policies to be directed at the specific issues raised by this case or a clear guide as to how it should be resolved.

6. The Council offer no evidence that any of the properties in the vicinity are now used as dwellings. From an external inspection it appears to me that most are occupied solely for commercial purposes although, as you say, there may be some residential use in the upper floors of the premises to the south of the appeal site. Be that as it may, I note that many of the shops and other businesses in the High Street open on Sundays and that this includes three of the four businesses to the south of the appeal site.

7. I note your view, which the Council do not dispute, that the area to the north of the appeal site is busier on Sundays than on weekdays and that the activity, traffic and noise spill over into the rest of Camden including the High Street in front of the appeal site. In view of this I do not consider that the proposed Sunday opening would have any discernable effect on either the character of the area or the amenity in nearby properties, even if the upper floors of any of them are dwellings.

8. I therefore conclude that the proposed Sunday opening would have little or no impact on the character of the area or on the amenities of any nearby residents.

9. I note that the site is in the Camden Town Conservation Area. Section 72 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The Council have not suggested that the Conservation Area would be harmed by the proposed change whilst the Conservation Area Advisory Committee were concerned with the Sunday Trading Laws which are not a planning matter. Accordingly I conclude that the proposed Sunday opening would be in keeping with and preserve the character of the area.

10. I have taken into account all other matters raised in the written representations but do not consider that they are such as to alter the conclusions I have reached above.

11. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the variation of condition number 8 attached to the planning permission for the use of 108 - 110 High Street, Camden as an amusement centre in accordance with the terms of the application (No PL/9200724/J12/15/B) dated 21 July 1992 and the plans submitted therewith, subject to the imposition of the alternative condition that:

the use hereby permitted shall not take place before 1000 or after 1600 on Sundays nor between the hours of 2100 and 0900 on any other day.

12. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

13. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

14. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a Conservation Area.

Yours faithfully

*C. S. Turner*

C S TURNER MA BA DipTP MRTPI DMS  
Inspector