

# 2014/2120/P – 183 Tottenham Court Road



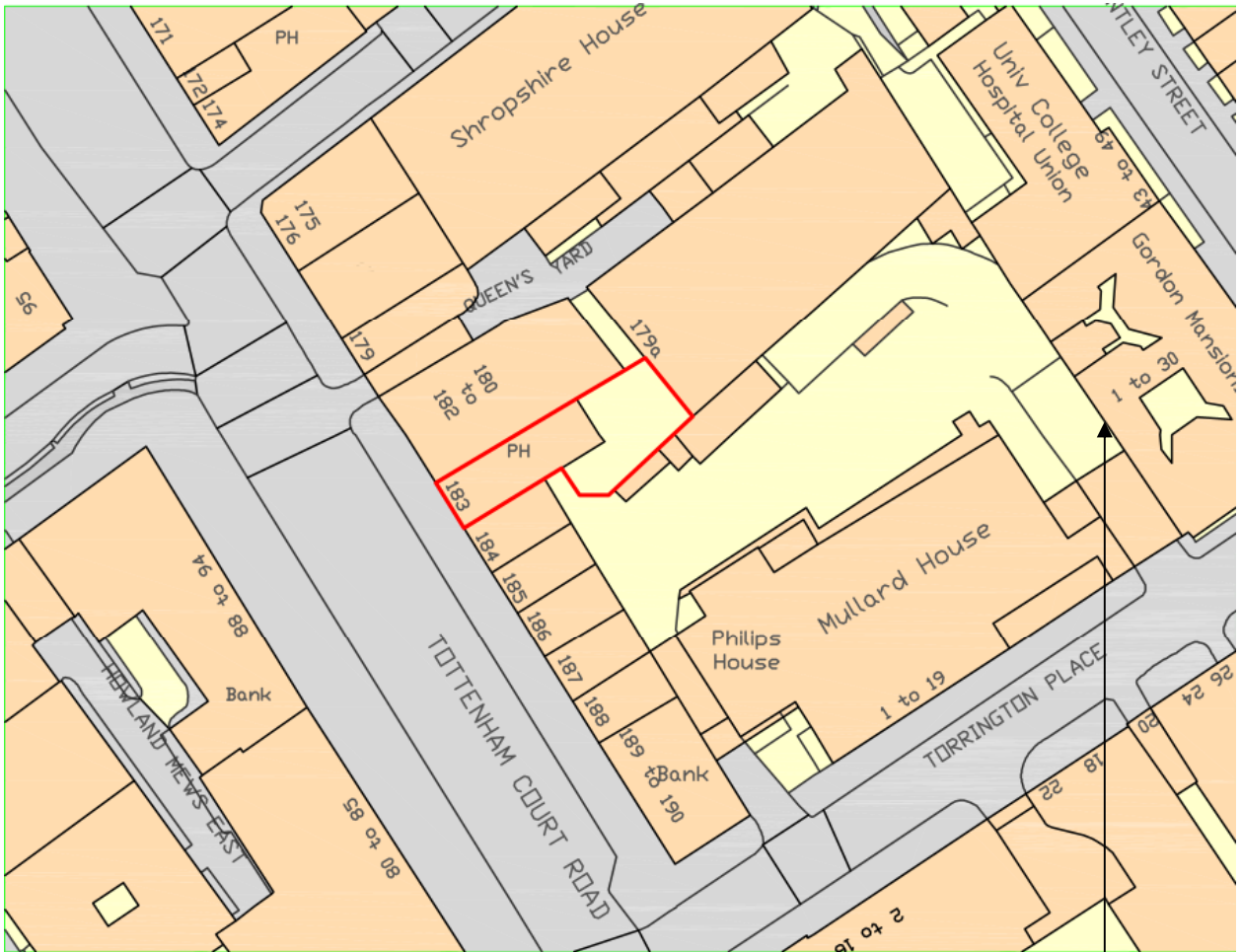
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**Gordon Mansions**, location of objecting neighbours located some 50m from the application site.

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>20/06/2014</b>	
<b>(Members Briefing)</b>		N/A		<b>Consultation Expiry Date:</b>		22/06/2014	
<b>Officer</b>				<b>Application Number(s)</b>			
Seonaid Carr				2014/2120/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
183 Tottenham Court Road London W1T 7PE				See draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Retention of the rear raised decked area and retractable canopy at upper ground floor level and the use of the entire rear yard to provide outdoor area to existing drinking establishment (Class A4).							
<b>Recommendation(s):</b>		Grant conditional permission					
<b>Application Type:</b>		<b>Full Planning Permission</b>					

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>12</b>	No. of responses	<b>04</b>	No. of objections	<b>04</b>
			No. Electronic	<b>04</b>		
Summary of consultation responses:	<p>A site notice was displayed on 01 May 2014 until 22 May 2014 and a press notice was published on 01 May 2014 expiring 22 May 2014.</p> <p>4 letters of objection have been received from residents within Gordon Mansions which is located some 50 to the east of the application site:</p> <ul style="list-style-type: none"> <li>• The activity on and around the existing rear patio disturbs me and other residents at night. Enhancing the facility can only make matters worse.</li> <li>• The outdoor seating current and prospective is on several levels and is in a kind of well, surrounded by high walls, although at some distance from Gordon Mansions the noise from it is unimpeded and gets amplified by this setting, disturbance often occurs until 1am.</li> <li>• As the decking is heated it can be used all year round we do not get a break in winter, I am not even sure the patio area is licensed for drinking (The objector has included a list time dates and times when noise was heard from their premises the latest time is 1am and noted as bass notes).</li> <li>• Allowing an extension of the decking would exacerbate noise problems.</li> <li>• The doors are supposed to be shut to stop noise coming out but quite often they have been left open.</li> <li>• With warmer weather noise will inevitably increase with people hanging outside.</li> <li>• It is hard to learn that this started with the owners creating the open area without planning permission and then Camden seem to allow the incursion to continue unchecked. I naturally feel rather worse that the owners think they can now get retrospective planning permission for what they have already done and will be allowed to add to it.</li> <li>• I have used ear plugs as it is usually far too warm to put my head under the pillows.</li> </ul> <p><b>Officer comment:</b></p> <ul style="list-style-type: none"> <li>• The size of the terrace area would not increase on that which has previously been approved under the temporary permission 2012/44/22/P.</li> <li>• Issues of amenity are assessed within Section 3 of the report- of specific relevance is the fact no complaints have been received by the Council's Environmental Health department during the course of the temporary planning permission 2012/4422/P.</li> </ul>					
CAAC/Local groups comments:	<p><b>Bloomsbury CAAC</b> commented on the application with the following points:</p> <ul style="list-style-type: none"> <li>• The BCAAC has received comments and objections from local residents to this application, including in particular residents at Gordon Mansions.</li> <li>• Main issue adverse impact on amenity.</li> </ul> <p><b>Gordon Mansions Residents Association</b> objected to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>• Gordon Mansions contains two blocks of flats (77 in total), with a cross-section of the diverse population of Fitzrovia. The blocks of flats are owned by Camden Council.</li> <li>• We strongly object to the proposed decking due to the unacceptable detrimental impact that is still occurring on the residential amenity of residents living in Gordon Mansions.</li> <li>• Our previous objections from our letter of December 2012 still stand, there has been no improvement for those residents in the flats in Gordon Mansions that are affect since the one year permission.</li> <li>• We were very disappointed that this was granted last year, but we are particularly surprised and shocked that the permission was extended to the much larger area at basement level in addition to the smaller existing rear ground floor decking.</li> </ul>					

- The decking to the basement has not been built yet but this whole area, including under the ground floor decking is currently being used by customers with chairs/benches and tables set out.
- We think the application involves a change of use at the external basement area to outside terrace/drinking area and should not be allowed due to the sheer intensification of use and the inevitable continuing noise and disturbance to residents.
- Area has a capacity of around 80 people, resulting in noise disturbance due to the large number of people talking with raised voices.
- Break-out noise from the ground floor rear door not being closed.
- Not convinced the hours of use of the previous application have been adhered to.
- Principle 9 of the Fitzrovia Area Action Plan draws attention to the protection of residential amenity in the mixed-use area.
- The front area of the building more appropriate for smokers area.
- Request permission is only granted for the ground floor and not basement level decking, restrict hours to 9pm, construct a noise lobby for the rear ground floor doors to prevent break-out when customers use the doors.

**Officer comment:**

- Issues of amenity are assessed within Section 3 of the report- of specific relevance is the fact no complaints have been received by the Council's Environmental Health department during the course of the temporary planning permission 2012/4422/P.
- When originally submitted the plans showed the majority of the basement level being decked, this was part of the previous permission but was never implemented. The applicant has stated that they do not intend to deck the majority of the basement level and what they have in situ is what they want to remain. As such an amended plan was accepted annotating the basement yard area as levelled only with no decking installed.
- The application does not include a change of use, the lawful use of the site including the rear yard area is A4; this would not change a result of this application.
- As noted within Section 3, the Council's Environmental Health officer has not raised objection to the development subject to the condition on surrounding hours of operation until 22:30 Monday to Saturday and 22:00 on Sundays and Bank Holidays- this is not considered unreasonable in this inner London location.

## Site Description

The application site relates to the ground and basement levels of this six storey mid terrace building which is comprised of a Public House (Use Class A4) with associated maisonette flat at first floor and office accommodation above the flat. The site is located on the eastern side of Tottenham Court Road in a parade between Torrington Place and Capper Street. The surrounding area is predominantly non-residential with a mixture of commercial uses both along Tottenham Court Place and Queen's Yard which provides a second access to the rear of the site.

To the rear the application site is bounded by buildings of a similar height to that of the parent building, there is a vacant site to the south east of the application site bounded by the application site, Nos. 184-187 Tottenham Court Road, 179a Queen's Yard, Gordon Mansions, University College Hospital Union, Mullard House and Philips House.

The site is located within the Bloomsbury Conservation Area and is designated as a Central London Frontage.

## Relevant History

**2012/4422/P** - Installation of a raised decked area and retractable canopy at rear ground floor level and timber decking at rear basement level to provide outdoor area to existing drinking establishment (Class A4) (Part Retrospective). Planning permission was granted for a temporary period of 12 months; the timber decking at the rear basement level was never installed.

Permission was granted for 12 months to allow residents the chance to object to the development as it was operating.

**8400329** - Alterations to form new frontage to existing public house. Planning permission granted.

**EN12/0578** – An enforcement case was opened on the application site in June 2012, relating to the erection of the terrace which according to a neighbour happened in summer of 2010 and the associated noise due to the presence of the terrace.

## **Relevant policies**

### **National Planning Policy Framework (2012)**

### **London Plan (2011)**

#### **LDF Core Strategy and Development Policies (2010)**

CS3 Other highly accessible areas

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shops

CS9 Achieving a successful Central London

CS14 Promoting high quality places and conserving our heritage

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

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and Vibration

#### **Camden Planning Guidance 2011**

CPG1 Design

CPG6 Amenity

### **Bloomsbury Conservation Area Appraisal and Management Strategy(2011)**



## Assessment

### 1. Revisions

1.1 When originally submitted the application including decking to the majority of the basement area; this has since been removed to ensure the plans correctly show the development as constructed.

### 2. Proposal

2.1 Planning permission is sought for the retention of the rear raised decked area and retractable canopy at upper ground floor level and the use of the entire rear yard to provide outdoor area to existing drinking establishment (Class A4). The proposal was given temporary permission for 12 months to assess if there would be an impact on neighbour amenity with regard to noise and disturbance. As the 12 month period has now expired, the applicant is applying for the permanent retention of the development.

### 3. Design

3.1 Policy DP24 requires all developments, including alterations to existing buildings to be of the highest standard of design and it is expected development considers the character and proportions of the existing building. Further to this Policy DP25, seeks to ensure development preserves and enhances the character and appearance of the conservation area.

3.2 As per the previous application, no objection is raised on design grounds, it is considered the raised decked area has been well designed in terms of its dimensions to integrate with the building lines of the main building and the adjoining property at No.180-182. The terrace and associated stair do not project beyond the rear elevation of the neighbouring property No.180-182 and it does not project beyond the side elevation of the host building.

3.3 The application includes a canopy which would cover part of the raised decked area. It is considered this canopy would be an acceptable addition to the rear of the property. Given its scale and siting it is not considered to detract from the integrity of the host dwelling or cause harm to the character and appearance of the conservation area.

3.4 When considering the raised terrace area in the context of the host property, the parent building is a six storey post-war building dating from the 1950s to 1970s; it lacks the character that properties within the southern stretch of Tottenham Court Road benefit from. To the rear elevation it is of a rather industrial nature. The proposed terrace is not considered to cause harm to the character of the building and would not detrimentally impact on its integrity.

3.5 In light of the above, it is considered that the retention of the raised terrace area would not cause harm to the integrity of the property or the setting of the surrounding Conservation Area.

3.6 In respect of levelling the basement area, this is a very minimal change to the yard area which would not cause detrimental harm to the character of the building or the surrounding conservation area and as such no objection is raised.

### 4. Amenity

4.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers. Further to this Policy DP28, seeks to ensure noise and vibration is controlled and managed, planning permission will not be granted where development is likely to generate noise pollution. Table D outlines that noise levels from places of entertainment at which planning permission will not be granted.

4.2 As noted above the previous application was granted temporary consent on 24 December 2012, the purpose of which was to attain if the development would generate noise and disturbance to the detriment of the neighbours amenity. It has been confirmed by the Council's Environmental Health team that no complaints have been received or recorded between 18 September 2012 and 28 June 2014. A complaint was received by a resident within Gordon Mansions on 28 June 2014, after this current application was submitted. Given there were no complaints received during the course of the temporary consent or prior to the submission of this application, it is considered that the applicant can operate the external seating area without causing harm to the amenity of neighbouring residents. The same conditions relating to hours of use (11:00 to 22:30 Monday to Saturday and 11:00 to 22:00 on Sundays and Bank Holidays) shall be applied to this application together with a condition stating no amplified music shall be audible on the terrace and no visual displays (eg TV's, projectors etc) shall be played on the terrace in such a way as to be audible within any neighbouring residential properties within Gordon Mansions or on the adjoining highway to safeguard neighbour amenity.

4.3 Regarding the complaint that was received on 23 July 2014, this was pursued by an Environmental Health officer who attained diary sheets from the complainant and wrote an informal warning letter to the bar. To date the complaints have

not been validated in the sense that no nuisance has been witnessed by an officer.

4.4 With regard to the location of neighbouring residential properties, there is one residential unit located within No.183; however this is a maisonette used in association with the application property; apart from this, the nearest residential properties to the site would be those within Gordon Mansions which are located some 67m to the rear of the application site to the east; all other buildings which surround the application site are in non-residential use.

4.5 With regard to the impact on the residential unit within No.183, this unit is used in connection with the public house and is likely to house staff. As such the impact on this property is mitigated given the associated use.

4.6 Due to the siting of the decked area in relation to neighbouring properties, there would not be an impact on neighbouring resident's amenity in respect of outlook, privacy, daylight, sunlight or sense of enclosure.

## **5. Conclusion**

5.1 In conclusion it is considered that in terms of design the development would be acceptable and accord with the objectives of DP24 and DP25 and in regard to amenity subject to appropriate conditions, the proposed works would not cause significant harm to the amenity of nearby residential properties as such planning permission should be granted.

**6. Recommendation:** Grant conditional permission

## **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 15<sup>th</sup> September 2014. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'**

Mr Michelle Allison  
Enki Architectural Design  
87b Cavendish Road  
London  
N4 1RR

Application Ref: **2014/2120/P**  
Please ask for: **Seonaid Carr**  
Telephone: 020 7974 **2766**

10 September 2014

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:  
**183 Tottenham Court Road**  
**London**  
**W1T 7PE**

# DECISION

Proposal:

Retention of the rear raised decked area and retractable canopy at upper ground floor level and the use of the entire rear yard to provide outdoor area to existing drinking establishment (Class A4).

Drawing Nos: 12149-A200-05, 12149-A200-P01 Rev 1, 12149-A200-E02, 12149-A100-BF Rev 2 and 12149-A200-UE01 Rev 1.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 12149-A200-05, 12149-A200-P01 Rev 1, 12149-A200-E02, 12149-A100-BF Rev 2 and 12149-A200-UE01 Rev 1.

Reason: For the avoidance of doubt and in the interest of proper planning.



- 2 No amplified music shall be audible on the terrace and no visual displays (eg TV's, projectors etc) shall be played on the terrace in such a way as to be audible within any neighbouring residential properties within Gordon Mansions or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and 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 neighbour), DP 28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 3 The raised decked area and rear yard area, for use in connection with the public house (Use Class A4), shall only be used during the hours of 11:00 to 22:30 Monday to Saturday and 11:00 to 22:00 on Sundays and Bank Holidays, outside these times the raised decked area and rear yard area shall not be used for any purpose.

Reason: To safeguard the amenities of the adjoining residents and the area generally in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and 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 neighbour), DP 28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>



Yours faithfully

Rachel Stopard  
Director of Culture & Environment

**DRAFT**

**DECISION**