

Delegated Report		Analysis sheet	Expiry Date:	28/08/2014
		N/A / attached	Consultation Expiry Date:	02/10/2014
Officer			Application Number(s)	
Eimear Heavey			2014/3640/P & 2014/3806/L	
Application Address			Drawing Numbers	
Renoir Cinema Brunswick Centre Brunswick Square London WC1N 1AW			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a roof extension above cinema entrance to provide restaurant / cafe (Class A3).				
Recommendation(s):	Refuse Planning Permission Refuse Listed Building Consent			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	433	No. of responses	96	No. of objections (includes one petition with 287 names)	63
Summary of consultation responses:	<p>A <i>site notice</i> was displayed from 09/07/2014 until 30/07/2014 and a <i>press notice</i> placed in the Ham & High on 10/07/2014 and again on 06/08/2014.</p> <p>English Heritage – Object to the application, response received on 21/08/2014.</p> <p><i>'We consider that the proposal will have an impact on the significance of the site. The loss of openness, the diminution of the relationship between Brunswick Square and the interior of the centre, and the reduction of the legibility of the structural form of the building combine to constitute some harm.'</i></p> <p>Cllr Sabrina Francis – objects to the application, response received on 08/10/2014.</p> <p><i>Extraction and ventilation problems will be exacerbated by an elevated restaurant closer to the flats. Strict controls would be required should permission be granted.</i></p> <p><i>The elevated external platform and stairwell that will be used for deliveries and waste disposal will bring noise even closer to the residents as it's on a higher level.</i></p> <p><i>The addition of the restaurant and the stairwell needed to service it will encroach further onto the available public space for residents on the estate, narrowing the area around the Renoir cinema. In a highly developed inner city, the reduction of public amenity must be taken into consideration.</i></p> <p><i>The Brunswick Centre is an architectural landmark and Grade II listed building with portico views which should be left as they are so as not to interfere with the overall look and feel of the estate.</i></p> <p>There have been a number of neighbour objections and a petition of 287 names (www.change.org and search for Eye Catcher) against this proposal and the main concerns raised are set out below:</p> <p><u>Design objections</u></p> <ul style="list-style-type: none"> • Harm to the listed building; • Completely out of character with the host building; • Detract from the A frame and columns facing Brunswick Sq; • Views will be blocked; • Materials will be at odds with the form and material palette of the listed 					

building;

- Footprint is too close to the residential properties;
- Materially different design than what was previously approved;
- New design policies need to be taken into consideration;
- Building was London's first attempt at Brutalism Megastructure;
- This grand entrance should not be developed on;
- The scheme undermines the powerful vertical nature of the building;
- Impact will be severe and deleterious;

Pedestrian survey by Jacobs

- Survey was not representative;
- Object to the findings in the as the cinema was closed at the time and hence footfall would have been lower overall;
- Incorrect measurement of the distance between the stairwell and the column as the narrowest part of the northern passageway, it is approx. 30cm less;
- Didn't allow for traffic between 6 and 7pm;
- The lift opens straight onto the pedestrian route increasing congestion;

Drawings and previous consent

- Inaccurate drawings – are the views verified;
- Drawings limited in their information for how mechanical extraction will be provided to the restaurant;
- Condition 7 of previous permission states that no servicing of any kind should take place from street level;
- Previous consent is invalid and should not be taken into consideration as no intention to develop the original 'Eye-Catcher' restaurant;
- Legal opinion stating that it is no longer possible to build out the original eye catcher restaurant as the stair and lift cores are no longer available for that purpose as they are now included in the restaurants occupied by the 'Hare and Tortoise' and 'Strada';

Amenity issues

- Restaurant is closer to the residential units than previously approved under the 2003 scheme, hence amenity will be greatly affected;
- Removal of refuse and deliveries will solely use a public glass elevator which passes to the basement. The elevator used for deliveries opens out on to an elevated external platform at level 2, metres from the opening windows of the residential properties at level 3;
- Our lives are already blighted by smells and acrid fumes from inadequate restaurant kitchen extract systems;
- Noise nuisance;
- Too close to the flats and will cause disturbance and loss of privacy to residents of the Brunswick;
- Extraction and ventilation ducts already cause problems for residents and this will be exacerbated;
- No acoustic survey has been submitted;
- The use of the residents stairwell will result in noise issues;
- No more restaurants are needed in the Brunswick Centre;

Other issues

- Where would the fire escape go;

- | | |
|--|--|
| | <ul style="list-style-type: none">• It's unnecessary;• Several trees died and have not been replaced;• A concentration of restaurant uses would undermine the diverse nature of the building;• No consideration has been given to the 1,000 residents of the Brunswick Centre and the impact it will have on the quality of their lives;• The works remind me (not in a good way) of extensive unfinished maintenance works across O'Donnell and Foundling Courts; |
|--|--|

Bloomsbury CAAC – object ‘in the strongest possible terms’ to the application, response received on 20/08/2014

‘The insertion of the proposed restaurant, a large foreign object into the portico of the Brunswick Centre would cause great harm to the listed building. The simplicity and grandeur of the existing set piece portico which calmly addresses the leafy square opposite, would become brash and commercial, particularly at night when the proposed addition would be lit up. What was designed originally as a public space for all, signifying the entrance to many flats and shops of the Brunswick Centre would be hijacked as an opportunity for advertisement and promotion of one enterprise.

Formally the proposal makes a complete nonsense of the portico literally smashing through it and running its carefully considered sculptural composition.

For the visitor to the Brunswick Centre it blocks the visibility of the ‘interior space’ down the centre of the ensemble and, from within this space, it would block the views out to trees of Brunswick Square and completely eliminate the wonderful effect of early morning light flooding through the portico.

Marchmont Association – object to the application, response received 31/07/2014

The development will cause substantial harm to the East portico of the Brunswick Centre, which is one of its finest architectural features, having been designed as a memorial to John Ruskin, who was born at 54 Hunter (which stood on the site now occupied by O’Donnell Court, a few metres north of the tall, tapering concrete columns representing Ruskin’s Seven Lamps of Architecture).

The proposals would break the connection between the interior of the Centre and the Grade II listed Brunswick Square Gardens, blocking dramatic views both in and out of the building through the grand portico, thus depriving the public of “one of the few genuinely sublime architectural sights of London” (Alan Powers, architectural historian, writing for the Spectator, 1997).

The proposals would also cause unacceptable harm to public amenity by significantly impairing pedestrian access into and out of the Brunswick. One of our wheelchair-bound members has informed us that the further narrowing of this public way would be particularly hazardous for people with push-chairs, mobility scooters and walking aids, compounded by the restaurant increasing the numbers of people passing through a smaller space.

The unattractive design does not attain the “highest standard of design that respects local context and character” (Policy CS14 of LBC Core strategy). The design is particularly poor on the north side, where it restricts pedestrian movement through to the shopping precinct with a lift and staircase, while the access platform to the restaurant turns the route past Strada Restaurant into a dimly-lit tunnel. The proposal would appear to introduce an unwelcome ‘pinch-point’ to an otherwise spacious concourse.

**CAAC/Local groups*
comments:**
*Please Specify

The 'Eyecatcher' also dwarfs the iconic Renoir cinema, creating darkened spaces beneath its overhang.

It is our understanding, from recent attempts to introduce new A3 uses into the existing commercial units that the quantity of space allocated to A3/Restaurant use has already reached the limits permitted by the original planning permission for the Brunswick Centre. We would, therefore, expect the proposal to be ruled out on these grounds alone.

However, we have been approached by residents living in the Brunswick who are extremely concerned about the serious impact that the proposed new restaurant could have on their quality of life, being positioned at the same level as their homes (on the second floor) and that the noise of restaurant patrons entering and leaving on the outdoor platform and staircase, which passes close to flats above, will be intolerable. We have been made acutely aware of the potential loss of privacy for residents living opposite the restaurant and the direct harm to the residential amenity for residents of the flats directly above the restaurant, not to mention the absence of detail in the proposals pertaining to the extraction of cooking fumes from the restaurant, especially as this is an existing, unresolved problem for residents, which was greatly exacerbated by the arrival of popular chain restaurants with the 2004/5 refurbishment. The blackening of the external façades of the building is further testament to the harm that such fumes are causing.

We are also concerned that no apparent provision has been made to prevent noise and disruption caused by the movement of supplies and waste in and out of the restaurant, because the premises will not have direct access to the lower level car park and delivery bays. This will entail goods vehicles clogging up the roadway on the Brunswick Square frontage to the detriment of environmental amenity.

Brunswick TRA – object to the application, responses received 28/08/2014 and final letter received 15/10/2014

- *Ruination of a much loved Grade II Listed building;*
- *Blocked vistas to and from Brunswick Sq Park;*
- *Less public space and a reduction in its quality;*
- *Reduced access to and from the Brunswick Centre;*
- *Less privacy for residents; and disturbance, noise and unpleasant smells;*
- *The capacity of the remaining footway does not meet the minimum standards as defined by TFL's pedestrian comfort guidance assessment (PCGA);*
- *The narrowing of the proposed footway to 2.58metres does not comply with Part M of the Building Regulations, which state that a minimum of 1.5metres is required at the entrance of a lift for a waiting wheelchair and a further 1.2metres is required to achieve the minimum width for pedestrian access routes;*
- *The proposed servicing of the unit is not in accordance with condition 7 of the December 2003 decision notice for the refurbishment of the Brunswick Centre (ref: PSX0104561) which states that 'no servicing for*

the units within class A1/A2/A3 shall take place other than from within basement levels of the centre’.

The Twentieth Century Society – objection to application, response received 28/07/2014.

- *The space under the portico will be obstructed by the insertion of a restaurant which is longer and wider than the cinema;*
- *The long projection of the restaurant and its horizontal emphasis both into the shopping parade and towards Brunswick Sq gardens will disrupt the strong vertical emphasis of the seven supporting columns which stand proud of the structure of the Centre. It will also overshadow and dominate the public plaza in front of the formal entrance;*
- *The proposed stair and lift to the side of the restaurant will take up almost half of the space of one of the two main entrance approaches to the building. This will disrupt the symmetry of the existing arrangement whereby the simple cinema pavilion structure is slotted between the central columns;*
- *The 2002 consent expired years ago and national and local heritage guidance has changes significantly since then;*

Site Description

The Brunswick Centre is a concrete mega-structure which was completed in 1972 to the designs of Patrick Hodgkinson and Sir Leslie Martin and comprises approximately 400 dwelling units above a public shopping centre. The commercial elements of the Centre were refurbished and upgraded approximately 10 years ago by Levitt Bernstein Architects.

The site is bounded by Bernard Street to the south, Marchmont Street to the west, Handel Street to the north and Brunswick Square to the east. It is designated as a Central London Neighbourhood Centre. The site is Grade II listed and lies within the Bloomsbury Conservation Area. The site is situated immediately to the west of Brunswick Square Gardens, a designated London Square under the London Squares Act 1931 which also features as grade II listed on the English Heritage Register of Historic Parks and Gardens.

Relevant History

PSX0104561 and LSX0104562 – Granted 1st Sept 2003

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.

2013/3469/P & 2013/3634/L – Granted 14th November 2013

Replacement of existing drainage system including replacement of waterproofing membrane and paving to piazza and podium. *Currently being implemented*

2013/6917/L – Granted 14th April 2014

Removal of internal fixture, stairs and partitions, installation of new staircase and associated alterations to accommodate the conversion of the two existing auditoria including ancillary accommodation to create six auditoria.

2014/0481/P & 2014/0593/L – Granted 16th June 2014

Removal of existing cinema foyer enclosure and replacement with larger structure. *Currently under construction*

Relevant policies

National Planning Policy Framework (NPPF) 2012

London Plan 2011

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shops

CS11 Promoting sustainable and sufficient travel

CS14 Promoting high quality places and conserving our heritage

CS19 Delivering and monitoring the Core Strategy

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

DP16 The Transport implications of development

DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP19 Managing the impact of parking
DP20 Movement of goods and materials
DP21 Development connecting to the highway network
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 (revised 2013)

CPG1 Design
CPG5 Food, drink and entertainment uses
CPG6 Amenity

Bloomsbury Conservation Area appraisal and management strategy

Assessment

Proposal

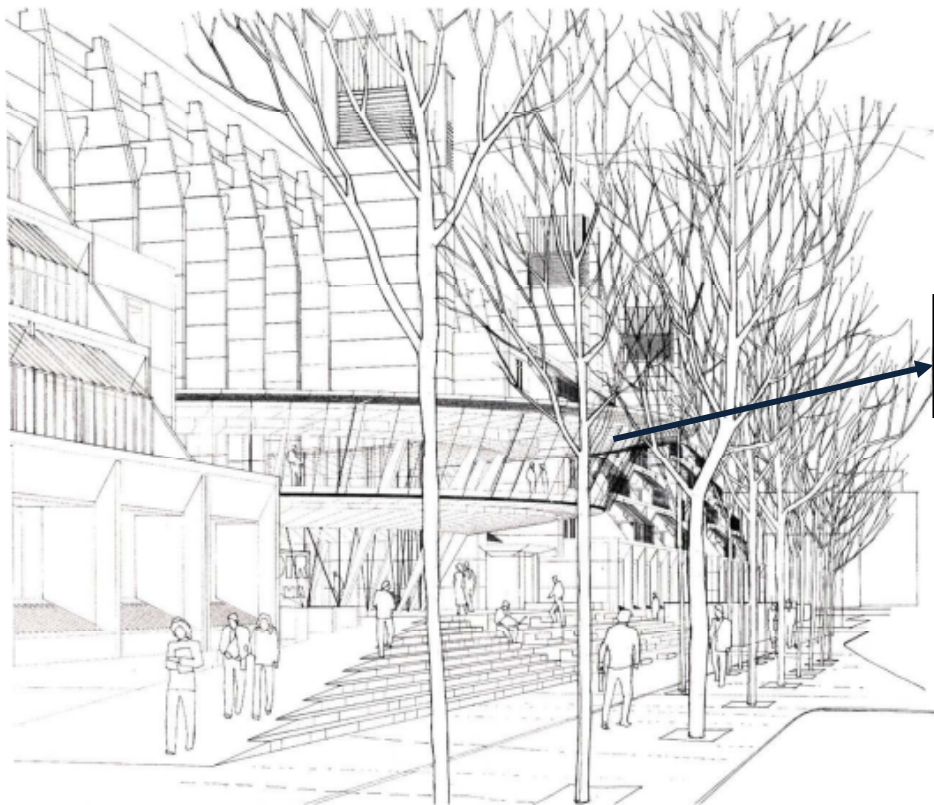
The proposal is for the erection of a roof extension above the Renoir Cinema entrance to provide a restaurant/cafe (Class A3).

Background

Planning and listed building consent were granted (Planning Permission ref PSX0104561 and Listed Building consent ref LSX0104562) for an 'Eye Catcher' restaurant in 2003. The restaurant was part of an overall scheme of regeneration and refurbishment for the Brunswick Centre and aside from the construction of this structure, that permission has been largely implemented. Today, the Brunswick Centre is a thriving commercial neighbourhood centre which attracts visitors including shoppers and diners from a wide area. This is in stark contrast to a decade ago, when the Centre was blighted and in danger of being 'at risk' with the majority of commercial units vacant and hence one of the main reasons why a scheme for regeneration and refurbishment was required at the time.

Differences between approved and proposed scheme

The approved design in terms of its form and detail varied quite considerably from the current proposal (see sketch below). It covered less area, just under 300sqm whereas the proposed restaurant is 360sqm and it did not project in to the main shopping area of the Brunswick Centre.



Eye-catcher
Scheme approved
in 2003

Main planning considerations

- Land use/acceptability of a restaurant in this location;
- Design and impact of the proposal on the special character of the listed building;
- Impact of the proposal on neighbour amenity;
- Transport issues;
- Pedestrian issues; and
- Other matters

Land use/acceptability of a restaurant in this location

As mentioned in the history section above, planning permission was previously granted for an A3 use above the cinema entrance in 2003, and, as the majority of that permission has been implemented, the 'orb shaped 'eye-catcher' structure could still lawfully be built. The A3 use which was granted planning permission in 2003 was just under 300sqm whilst the scheme which is proposed in this instance is 360sqm, a proposed increase of 60sqm.

New restaurant uses are assessed against the general criteria outlined in policies CS7 and DP12 of the LDF and, as the site is located in an area with special guidance on food, drink and entertainment uses, the considerations as set out in CPG 5 are also relevant. Policy CS7 states that food; drink and entertainment uses should not have a harmful impact on residents and the local area, whilst Policy DP12 states that the cumulative impact of food and drink and entertainment uses will be taken into account, along with the potential impacts in terms of vitality and viability. CPG5 was updated in 2013 and identified the Brunswick Centre as a 'neighbourhood centre' whereby food drink and entertainment uses of over 100sqm would be resisted.

As the principle of a 300sqm A3 use in this location has already been established by virtue of the 2003 permission, it is the increase in floorspace of the proposed restaurant over and above the previous scheme which remains the main land use issue in this instance. In terms of potential impact on the vitality and viability of the centre, an increase of 60sqm in the restaurant space is not

considered to adversely impact on the functioning of the centre as it would not lead to a significant increase in covers or footfall to the centre. The Brunswick Centre has become a very popular destination for shoppers and diners alike and it is considered highly unlikely that an increase of 60sqm in the restaurant space over and above what was previously granted would detrimentally alter its overall character and no land use objection is raised in that respect.

Although it is acknowledged that CPG5 resists the introduction of food, drink and entertainment uses of over 100sqm, this is considered to relate only to the ground floor units. In any event the restaurant use which could be implemented is well in excess of 100sqm. Notwithstanding this, it is apparent in the 2003 decision notice that the eye-catcher and supermarket floorspace was considered to be separate from the retail floorspace of the centre as Condition 3 permits to 40% of the floorspace in use classes A2/A3 but specifically excludes the eye-catcher and supermarket.

It is noted that the 2003 decision included conditions relating to ventilation and extraction; noise; servicing and hot food take-away use. A condition was also placed on the permission restricting the hours of use and had the proposed development been considered acceptable in all other respects similar conditions would have been added to safeguard the amenity of neighbouring properties.

Design

Notwithstanding the 'Background' section above, the overall concept and detailed design of the currently proposed Eyecatcher need to be addressed.

Views into and out of the Brunswick Centre

Firstly, the significance of views in and out of the Brunswick Centre at the principle eastern entrance to the shopping mall should be assessed, together with the appropriateness of infilling part of this entrance and to what extent. The eastern entrance to the centre is located on the central east-west access of Brunswick Square Gardens to the immediate east. The entrance is positioned in a gap between the prism-shaped residential blocks on the eastern side of the centre and resembles a classical portico because it is defined by a number of vertical concrete columns with spaces between to walk through. It is also approached from the street by a grand series of steps. It should be noted that the list description reads, "Regularly spaced lift-shafts, staircases and ventilator towers reminiscent of Antonio Sant' Elia's scheme of 1914 for Milan Railway Station; there are comparisons too in the formal entrance to the shopping mall opposite Brunswick Square, where the framework of the structure is left open save for the cinema, largely glazed and with glazed doors, sentinel at its entrance."

This description supports officers' views that the eastern entrance to the Centre is of high significance and its special interest should therefore be preserved, despite the presence of the lightweight glazed entrance structure to the below-ground Renoir Cinema. It should be noted that planning permission and listed building consent have recently been granted for a replacement one-storey structure occupying a slightly enlarged footprint to house café and ticket facilities for the cinema, which is currently being implemented. However, that design has been carefully negotiated to ensure that the new enclosure is in the spirit of the former and does not compromise the spatial and visual qualities of the eastern entrance to the Centre.

Also of importance are the views which are afforded through the eastern entrance both looking into the shopping mall from the street and the square, but also looking out of the mall. The views into the mall are of significance because they give an impression of what lies within the structure's central space, not only in architectural terms but also a sense of activity and liveliness which are important characteristics of the Bloomsbury Conservation Area and a function of the grade II listed building complex.

In contrast, the views out of the Centre to the east through the entrance give a feel for what lies

beyond: views of the mature trees and greenery of the grade II listed Registered Park and Garden of Brunswick Square Gardens and the Coram Fields site beyond. These views of nature are highly valued, as they are in complete contrast with, and give a sense of relief from, the hard textures of the Centre's concrete megastructure, as well as framing long views through the space. As such, the entrance as existing provides a high level of permeability, both visually in terms of important views in both directions, and physically in terms of allowing visitors to the Centre to easily find their way in and out of the complex, in particular the shopping mall.

Scale of the proposed structure

Concerns are therefore raised regarding the addition of a further storey above and beyond the roof of the Renoir entrance enclosure, which will harm both the visual and the physical permeability outlined in the paragraph above. The main body of the proposed Eyecatcher will not only be wider than the Renoir enclosure, but will include an entrance staircase, lift tower and service run on its northern side, removing valuable pedestrian circulation space for the shopping centre entrance.

Additionally, it will have a substantially deeper plan as a cantilevered structure from east to west, which will dominate the entrance and vastly alter the spatial characteristics and sense of openness in this area of the Centre. Furthermore, it will add a further storey wedged between the concrete structural columns of the entrance which will not only compromise the openness and block the important views but will compromise the sense of verticality behind the architectural composition of the entrance.

Issues are also raised regarding the depth of the cantilevered Eyecatcher. Whilst the western end of the proposed extension projects to approximately the rear line of the restaurants facing the central shopping mall, the eastern end projects a notable distance forward of the Renoir enclosure, dominating the paved forecourt space in front of the entrance steps, to the degree that its eastern façade is just behind the existing bike stands, ie only a couple of metres behind the top of the entrance steps. The applicant has stated that this line cannot be set back further as the floor area for the proposed restaurant cannot be reduced (this is despite the absence of detailed restaurant layout plans).

This element of the scheme is of particular concern since the cantilever will project a notable distance forward, dominating the paved area in front of the entrance by hovering in a somewhat menacing way over the pedestrian level, assisted by its structural latticework which will jar with the verticality of the existing concrete columns. The impact of the cantilevered structure will therefore harm the spatial qualities of the grade II listed building, visually compromise its structural elements and architectural composition, block important views within and around the listed building and conservation area. In particular the eastern projection of the cantilever will impact negatively on important views with the Bloomsbury Conservation Area, in particular views from Brunswick Square Gardens, a grade II listed Registered Park and Garden and London Square.

Detailed design and materials

Concerns are raised regarding the detailed design of the proposed Eyecatcher, in terms of structural concept, use of materials including large areas of glazing, and general architectural detail. The selected architectural vocabulary of the Eyecatcher is deliberately in contrast to the solid concrete Brutalism of the existing grade II listed building, generally characterised by a metal and glass construction.

Although these materials are in principle acceptable, there is concern that the pattern, distribution and proportions of the materials is out-of-keeping since the structural latticework and the cladding pattern of varying widths of slats on the flank walls of the cantilevered extension will clash with the modular design of the megastructure including the strong vertical concrete columns and other existing elements including the A-frame sections of the adjacent residential blocks.

It is acknowledged that the large areas of glass, particularly on the east and west elevations, will give a generally lightweight appearance, the use of large areas of glazing on all sides of the scheme will make the extension highly visible in hours of darkness. It will act as a beacon at night, overlooking and being highly visible from the Bloomsbury Conservation Area in particular the sensitive context of Brunswick Square, which is a designated London Square and grade II listed Registered Park and Garden. This light effect will also over-dominate the eastern entrance to the Centre.

It should also be noted that despite requests, no information has been provided about signage for the proposed Eyecatcher restaurant, the overall design principles of which should be established as part of the overall design of the proposal rather than an add-on; thus further weakening its integrity.

Impact of the proposal on neighbour amenity

Policy DP26 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook or result in overlooking.

Due to the location and orientation of the flats in the Brunswick relative to the proposed structure, there will be no overlooking or loss of privacy or outlook to the neighbours. Furthermore, the proposed rooflights are not considered to result in any intensification in light spillage over and above what would be possible if the extant permission is implemented.

Notwithstanding the above, the lack of details regarding the extraction of fumes from the restaurant is concerning and therefore cannot be fully assessed by the environmental health officer to ensure that the amenity of neighbouring properties is protected. The absence of such details will form a reason for refusal for the application.

Transport issues

The site is located in the Kings Cross Area controlled parking zone (CPZ). The CPZ operates on Monday to Friday between 0830 and 1830 hours and on Saturday between 0830 and 1330 hours. Our records indicate that the ratio of parking permits to parking spaces in the Kings Cross Area CPZ is 1.05. This suggests that parking stress is a significant issue in the CPZ. The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent) and is easily accessible by public transport.

The nearest road on Camden's road network is Brunswick Square which is located directly to the east of the site. The site does not have direct vehicular access from Brunswick Square and none is proposed. However, it is understood that the site is capable of being serviced from the car park underneath the Brunswick Centre. This car park is accessed from Marchmont Street with egress from Hunter Street.

Car Parking

Development Policy DP18 states that the Council seeks to ensure that developments provide the minimum necessary car parking provision. The Council expects development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones which are easily accessible by public transport. The site is located in the Central London Area and the Kings Cross Area CPZ. In addition, the site has a PTAL rating of 6b (excellent) which means it is highly accessible by public transport.

The proposal would essentially be a car free development. Staff and customers would be able to use the basement car park underneath the site. However, the proposal would not provide any new car parking facilities. The planning statement (Paragraph 6.16) suggests that the applicant is willing to enter in to a Section 106 agreement to secure a car free development. This is welcomed by the

Council as it would allow the proposal to be in accordance with Core Strategies CS11 and CS19 and Development Policies DP18, DP19 and DP21. A car free development would therefore need to be secured as a Section 106 planning obligation if the scheme was being recommended for approval.

Deliveries and Servicing Activity including Refuse and Recycling Collection

The information provided in support of the planning application suggests that the proposed restaurant would generally be serviced from the basement car park underneath the site (including deliveries and refuse and recycling collections). The proposal would not generate a significant level of servicing and delivery related trips. Servicing and deliveries would not therefore have a material impact on the operation of the public highway in the vicinity of the site. A delivery and servicing management plan (SMP) is not required for a proposal of this scale.

Management and Mitigation of Impacts on the Operation of the Public Highway during Construction

Camden Development Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works).

A draft Construction Management Plan (CMP) has been submitted in support of the planning application. This lacks detail, although this is not unusual at this stage. The draft CMP suggests that the proposal could be constructed without being significantly detrimental to the operation of the public highway in the local area (i.e. traffic congestion, parking, road safety, etc).

If the scheme was being recommended for approval, a more detailed CMP would be required which would need to adhere to the guidance provided in our Camden Planning Guidance document CPG6 (Amenity). Pages 39 to 44 of this document provide specific guidance on our requirements for CMPs. It is important that the CMP deals with the transport considerations as detailed on pages 42 and 43 of CPG6.

Repair of Damage to the Public Highway in the Vicinity of the Site

The footway directly adjacent to the site on Brunswick Square would be likely to be damaged as a direct result of the proposed works. The summary page of Development Policy DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'.

We would therefore need to secure a financial contribution for highway works as a section 106 planning obligation if planning permission is granted.

Pedestrian issues

The proposal would involve the loss of public realm directly adjacent to the northern façade of the building in order to accommodate the external lift and stair case. The public realm in this location performs the function of a pedestrian route which connects with the public highway on Brunswick Square to the east of the site. The effective width of the pedestrian route would therefore be reduced. In addition, the external lift and stair case would be located directly in the pedestrian desire line on the pedestrian route.

A Pedestrian Comfort Level Assessment (PCLA) has been undertaken in an attempt to demonstrate that the proposed loss of public realm would not have a detrimental impact on pedestrian comfort and movement. The report concludes that the proposal would have a negative impact on pedestrian comfort levels. However, it goes on to suggest that pedestrian comfort levels would remain within acceptable limits.

The PCLA fails to consider the tables and chairs zone directly adjacent to Strada, a restaurant directly

opposite the northern façade of the building. It is therefore reasonable to conclude that the effective space available for pedestrian movement has been measured incorrectly. This applies to existing and proposed scenarios. It would appear likely that pedestrian comfort levels would fall below acceptable limits if the true effective width was used in the calculations.

The summary page of Development Policy DP21 states that 'The Council will expect works affecting Highways to:

- address the needs of wheelchair users and other people with mobility difficulties, people with sight impairments, children, elderly people and other vulnerable users.
- avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter.
- contribute to the creation of high quality streets and public spaces.

The proposal fails to sufficiently address the above points. It would introduce an obstruction which could be hazardous, particularly to people with sight impairments. It would hinder pedestrian movement while introducing unnecessary street clutter on a section of public realm which is currently clear and unobstructed. It would also make a negative impact to the streetscape (public realm).

In summary, the proposal to provide an external lift and stair case in the public realm is unacceptable in transport terms and this will form a reason for refusal of the application.

Conclusion

Planning permission was previously granted for the erection of an 'Eye-catcher' restaurant in a similar location to what is proposed and this permission is extant. However the proposed development is considered to be unacceptable in terms of design, amenity and transport. Several objections have been received, from local residents and local groups along with an objection from English Heritage. Refusal is therefore recommended.