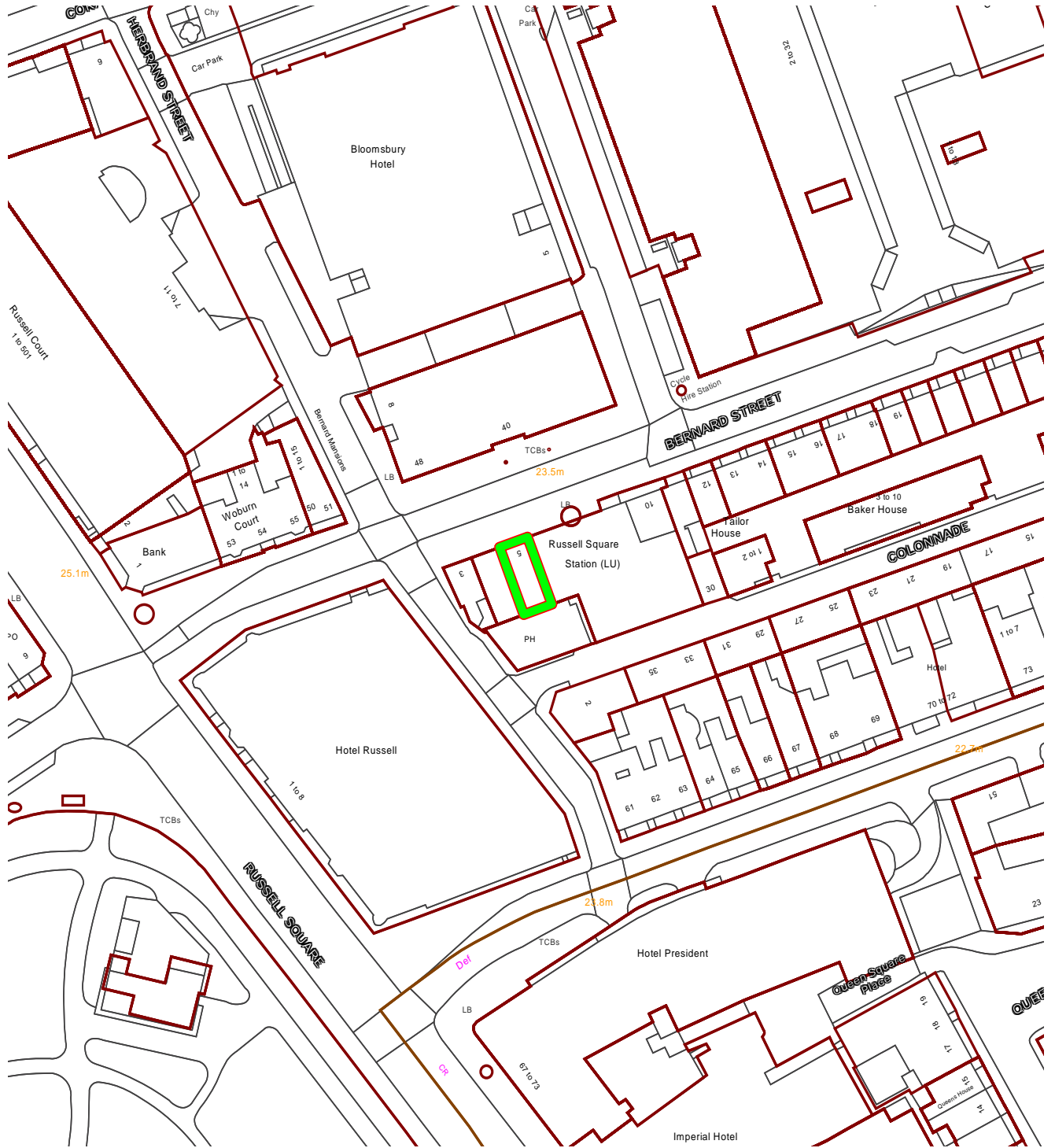


2016/2605/P & 2016/2635/A

5 Bernard Street WC1- 2016/2605/P



View of the current shopfront



View of Bernard Street and site from Russell Square and Woburn Place



View of the listed terraces with the lightwells



Delegated Report		Analysis sheet	Expiry Date:	05/07/2016
(Members Briefing)		N/A / attached	Consultation Expiry Date:	09/06/2016
Officer			Application Number(s)	
Matthias Gentet			1: 2016/2605/P 2: 2016/2635/A	
Application Address			Drawing Numbers	
5 Bernard Street LONDON WC1N 1LJ			See draft decision notices.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1: Replacement of existing shopfront and awning to restaurant (Class A3), and display of an externally illuminated fascia and projecting sign.				
2: Display of an externally illuminated fascia and projecting sign.				
Recommendation(s):		1: Grant Conditional Planning Permission 2: Grant Conditional Advert Consent		
Application Type:		Full Planning Permission Advert Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	13	No. of responses	03	No. of objections	02
Summary of consultation responses:	<p>Site Notice (erected on 13/05/2016 and expiring on 03/06/2016) and Press Advert (published on 19/05/2016 and expired on 09/06/2016).</p> <p>2 letters of objections received from Flat 3, 4A Bernard Street and Flat 3, 5A Bernard Street raising the following concerns:</p> <ul style="list-style-type: none"> ○ Terrace not appropriate on the street; <i>Officer response: The terrace has been removed from the application following revisions of the original proposal as it was deemed unacceptable.</i> ○ Does not fit with other buildings; <i>Officer response: Further revisions were requested during the course of the application in relation to the design of the shopfront and signage to create a much simpler shop front with larger glazing area than originally proposed, and with externally illuminated fascia and projecting signs. (see paragraph 3.3 & 3.4)</i> ○ Will generate noise and might encourage rough sleepers and blocking access to the flats for the residents; <i>Officer response: The noise generated within the premises would be controlled by the conditioning of the permitted opening hours of the sliding windows, to be no later than 10pm.(see paragraph 3.9)</i> ○ Worry about the cooking smells and lack of extraction from the kitchen; Care and consideration should be made to minimise food smells; <i>Officer response: Use of the premises remains unchanged and proposal is not seeking any increase in floor space therefore the method of extraction of fumes and smell from the kitchen remains as existing.</i> ○ The terrace will constrict the pavement area further and create additional noise; <i>Officer response: The terrace has been removed from the application following revisions of the original proposal as it was deemed unacceptable.</i> ○ Temporary seating area would be a more amenable solution, minimising noise pollution in the evening and discouraging loitering; <i>Officer response: The applicant has indicated the wish to apply for Tables and Chairs licence.</i> ○ The change of door entrance will encourage loitering and criminal behaviour; <i>Officer's Response: see paragraph 3.4 & 3.6</i> 					
Local groups comments: Marchmont Street Association	<p>An objection has been received from the Marchmont Street Association, summarised as follow:</p> <ul style="list-style-type: none"> ○ Potential noise break-out from the restaurant arising from the sliding windows; <i>Officer's Response: see paragraph 3.9</i> ○ Noise from the customers more likely to be heard in the evening when the 					

street calms down; Residents rely on opening their front windows for ventilation due to noise experienced from extraction equipment at the rear;
Officer's Response: The business has been operating as a restaurant for many years. The replacement of the shopfront will not increase the noise potentially caused by the customers. See paragraph 3.9 regarding the sliding windows.

- Absence of kitchen extraction plant;
Officer's Response: Use of the premises remains unchanged and proposal is not seeking any increase in floor space therefore the method of extraction of fumes and smell from the kitchen remains as existing.-
- Object to the internal illumination of the fascia and projecting signs;
- Fascia is over sized;
- *Officer's Response: see paragraph 3.11 & 3.12* Illuminated menu board and plants across the top of the terrace are inappropriate
- Shop windows are confused between vertical and horizontal panes.
Officer's Response: see paragraph 2.3 (iii) & 3.2
- Building not listed at the time the rest of the terrace obtained its protection;
Officer's Response: Confirm that the building is not listed but is identified as making a positive contribution to the character and appearance of the conservation area
- Photo from 1920s gives a good idea of how the traditional railings looked.
- Concerns by the lack of Disabled access compliance;
Officer's Response: see paragraph 3.7 & 3.8

Site Description

The site is a 4-storey plus basement 19th century townhouse, that forms part of a row of three terraced properties located at the western end of Bernard Street, and adjacent to Russell Square tube station, with commercial units to ground and lower ground floor level, and residential to upper floors. The restaurant currently extends across to No 4 Bernard Street where both units operate as a bar and restaurant. The entrance to the restaurant is via the residential recess to the flats above the restaurant. The property lies within Bloomsbury Conservation Area but the building itself is not listed. It is identified as making a positive contribution to the character and appearance of the conservation area. Russell Square Underground Station that is adjacent to the site is a Grade II listed building.

Relevant History

Site Address:

2016/1672/P – A lawful development certificate was granted on 21/04/2016 for Use as a restaurant/café (Class A3) at ground floor and basement levels.

22437 – (granted on 26/04/1976) - Alterations to existing ground floor elevation.

Adjacent Sites:

2014/4404/A – (granted on 14/07/2014) - Display of 2 x non-illuminated fascia signs, 1 x internally illuminated fascia sign, 2 x internally illuminated projecting signs and 1 x externally illuminated Automated Teller Machine (ATM) surround - 40 Bernard Street.

2013/0154/A – (granted on 26/02/2013) - Installation of 2X internally illuminated fascia signs and 1X internally illuminated hanging sign at existing retail unit (Class A1) - 40-43 Bernard Street.

2013/0138/P – (granted on 26/02/2013) - Alterations to shopfront of existing retail units (Class A1) to include the relocation of one set of entrance doors and the installation of a 'brise soleil' canopy at fascia level - 40-43 Bernard Street.

2012/1731/A – (granted on 18/06/2012) - Display of 1x internally illuminated fascia sign, 1x internally

illuminated projecting sign and 2x vinyl signs applied to windows, to existing shopfront (Class A1) - 40 Bernard Street

2007/1904/P – (granted on 04/07/2007) - Alterations to shopfront (Class A1 Retail) - 40 Bernard Street.

2006/4609/P – (granted on 01/12/2006) - Installation of new retail (class A1) shop front - 40 Bernard Street.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy Policies

CS5 – Managing the impact of growth

CS14 – Promoting high quality places and conserving our heritage

Development Policies

DP24 – Securing high quality design

DP25 – Conserving Camden's Heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP30 - Shopfronts

Camden Planning Guidance 2015 (as amended)

CPG1 - Design - Chap 7 & 8 (2015)

CPG6 – Amenity – Chap 9 (2011)

National Planning Policy Framework 2012

Bloomsbury Conservation Area Appraisal (Adopted 2011)

The London Plan 2016

Assessment

1. Proposal and Background

1.1 Planning permission and advert consent are sought for the replacement of existing shopfront with timber shopfront with stall riser and the inclusion of the relocated restaurant entrance door to the front from the side to the front - set back from the pavement - by extending the footprint of the shopfront slightly, sliding windows opening and awning to restaurant (Class A3) and the display of an externally illuminated fascia and an externally illuminated projecting sign.

2. Amendments

2.1 The scheme has been revised during the course of the application to address objections received, as follows:

- (i) retention of the lightwell
- (ii) removal of the proposed external seating area/terrace from the proposal
- (iii) Removal of the transom bars from the glazing frontage, de-cluttering the original shopfront design.
- (iv) Alterations to the design of the access steps into the restaurant from external to internal floors

3. Assessment

Shopfront:

3.1 The principal consideration material to the determination of both applications is the impact of the proposal on the appearance of the host building and adjacent buildings, the character and appearance of the conservation area and the streetscape, and the setting of surrounding listed buildings.

3.2 The proposed shopfront will improve the front elevation by replacing the dated existing shopfront, consisting of an ageing stained timber frame shopfront with small glazed panels and a brick slip clad stall riser, framed with rendered pilasters. The proposed shopfront, of a much more simple design, consists of a timber stall riser of a height of approximately just under 1m, a large glazed tier above measuring roughly 1.5m in height and with sliding windows, and a third smaller tier of a single glazing panel measuring around 0.7m in height. The removal of the transom bars has de-cluttered the design of the proposed shopfront, minimizing the impact of the vertical bars forming part of the sliding windows, and producing a more sympathetic and overall cleaner design.

3.3 The existing fascia sign extends across both commercial units – No4 and No5 and the entrance to the restaurant is located to the side of the shopfront and recessed into the building which include two steps above street level. The entrance door is timber framed with glazed panels to match the existing shopfront.

3.4 The overall size of the proposed shopfront has increased slightly by providing a right angled section and slightly recessed entrance door adjoining the existing residential entrance door, instead of the existing angled side elevation containing the restaurant entrance door. The width of the shop front is increased from 4.1m to 4.5m. The proposed side elevation is also to be glazed thus providing natural surveillance for the residential recess which is to remain as existing and does not form part of the application, increasing the safety aspect of this small area where anti-social behaviour could potentially take place.

3.5 The right angle return will also bring back clean lines to the shopfront, in line with the rest of the property.

3.6 The shopfront includes the entrance to the restaurant set back within the demise to allow for the creation of the two access steps required to enter the premises - resolving any issues that have arisen in terms of fixtures on the public pavement. It will mimic the design, details and measurements of the main frontage, but will include a louvre panel within the fan light.

3.7 This does not comply with Disability Access regulations. However, due to the design of this Georgian building which was originally built for residential purposes without any intention of using the lower and ground floor levels commercially, there is little that can be done to address physically this problem.

3.8 However, details have been submitted by the applicant demonstrating their commitment to ensure full access to the restaurants to all potential customers, including wheelchair users, where the staff are to receive adequate training to deal with customers in wheelchairs should the situation arise, and a DDA compliant doorbell, in accordance with CPG6 (Amenity) which clearly states that *'alterations and extensions to existing buildings and spaces should, where practicable and reasonable, be designed to improve access for all. Where good practice cannot be met, the Access Statement should say why this is the case, set out the implications for users, and explain what other measures are being taken to ensure access is provided to the facilities available.'*

3.9 The opening of the sliding windows is to be conditioned so that they are only opened from the start of the hours of operation of the restaurant until no later than 10pm Daily. This is to minimize any impact that noise caused by the customers within the restaurant may have on the neighbouring residents' amenity.

Awnings

3.10 The existing awnings are to be replaced with new awnings of similar size and design. However the new fixtures extend slightly further out by 0.6m to a max of 2.1m. This small increase is considered acceptable taking into account the large size of the pavement outside the restaurant which is at least 8m to 9m. The proposed awning will be shallow sloped with a small valance and no side wings. As such, the location can accommodate an increase in projection without causing great harm to the streetscene and the conservation area.

Signage

3.11 The existing fascia sign consist of a single board crossing over onto both units (No4 and No5) and is externally illuminated by 8no spotlights (4 per unit). The existing lettering sign measures about 9m in width. However, the proposed fascia sign, which is to retain the external method of illumination, will have the lettering part condensed into a smaller central part of the fascia measuring roughly 2m in width. The signage remains acceptable in design, size, location and method of illumination.

3.12 The externally illuminated projecting sign is of modest size – 600mm by 600mm, and will project away from the elevation by 736mm altogether, making it a discreet feature which will complement the sleek and more open design of the proposed shopfront.

3.13 In conclusion, the proposed shopfront and signage are considered appropriate in terms of scale, design, materials to be used and location, and would preserve the character and appearance of the host building, the streetscene and the conservation area, and would not harm the setting of adjacent listed buildings. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013

4. Recommendation

- 4.1 Grant Conditional Planning Permission.
- 4.2 Grant Conditional Advertisement Consent

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 5th September 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Miss Clara Mason
Design LSM
The Bath House
58 Livingstone Road
Hove
BN3 3WL

Application Ref: **2016/2605/P**
Please ask for: **Matthias Gentet**
Telephone: 020 7974 **5961**

15 August 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
5 Bernard Street
LONDON
WC1N 1LJ

DECISION

Proposal:

Replacement of existing shopfront and awning to restaurant (Class A3).

Drawing Nos: Design and Access Statement RevD (08/08/2016); 01-01; 01-02 - Site Location Plan; 09-01 RevB; 09-02 RevB; 09-03 RevD; 09-04 RevF.

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 must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as

Executive Director Supporting Communities



possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement RevD (08/08/2016); Site Location Plan (Revised 25/05/2016); 01-01; 09-01 RevB; 09-02 RevB; 09-03 RevD; 09-04 RevF.

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

- 4 The retractable ground floor windows hereby permitted shall not be opened outside the following times 22:00 to 08:00 daily.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 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).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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

Executive Director Supporting Communities

DRAFT

DECISION

Design LSM
The Bath House
58 Livingstone Road
Hove
BN3 3WL

Application Ref: **2016/2635/A**
Please ask for: **Matthias Gentet**
Telephone: 020 7974 **5961**

15 August 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Advertisement Consent Granted

Address:
5 Bernard Street
LONDON
WC1N 1LJ

DECISION

Proposal:

Display of an externally illuminated fascia and an externally illuminated projecting sign.
Drawing Nos: Design and Access Statement RevD (08/08/2016); 01-01; 01-02 - Site
Location Plan; 09-01 RevB; 09-02 RevB; 09-03 RevD; 09-04 RevF.

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

Conditions and Reasons:

- 1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 No advertisement shall be sited or displayed so as to
(a) endanger persons using any highway, railway, waterway, dock, harbour or

Executive Director Supporting Communities



aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

Informative(s):

1

DECISION

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 in regard to your rights of appeal at:

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

Yours faithfully

Executive Director Supporting Communities

DRAFT

DECISION