



Planning & Development Ltd

APPENDIX 1

Mr Julian Sutton
Signet Planning
56 Queen Anne Street
London
W1G 8LA

Application Ref: **2015/3428/L**
Please ask for: **Ian Gracie**
Telephone: 020 7974 **2507**

8 February 2016

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
47 Marchmont Street
London
WC1N 1AP

Proposal:

Erection of rear lower ground floor and ground floor extension including removal of one rear window, internal door and wall and installation of new front external staircase and door.

Drawing Nos: 15-01-01; 15-01-02; 15-01-03; 15-11-01; 15-11-02; 15-11-03; Design, Access and Heritage Statement prepared by Signet Planning dated May 2015; Acoustic Assessment Report prepared by PC Environmental dated 28 April 2015; Planning Statement prepared by Signet Planning dated May 2015; Letter prepared by Signet Planning dated 15 May 2015.

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

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed



Buildings and Conservation Areas) Act 1990.

- 2 All new work and work of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The works hereby approved are only those specifically indicated on the drawing(s) referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting listed building consent.

The proposed replacement metal staircase into the lower ground lightwell is considered to be appropriately detailed, scaled and positioned. There will be no loss of historic fabric involved in this aspect of the proposal.

It is proposed to slightly extend the depth of a non-original rear extension at upper ground level. This is proportioned between two closet windows and will not project beyond the depth of these. The additional depth, and the detail and material of this aspect is not considered to cause harm to the building's appearance, character or special interest. The proposed window detail is considered acceptable.

At lower ground level, the replacement of the existing poor quality timber and polycarbonate structure with something more appropriate is welcomed. The form, depth and simple detail of a simple metal-framed glass conservatory-type addition in this position is considered to preserve the building's special interest, and enhance the conservation area through improved materials.

The site's planning history was taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policy

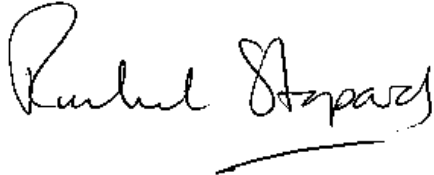
DP25 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policy 7.8 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17 and 126-141 of the National Planning Policy Framework.

- 2 You are advised that the structure hereby approved should be constructed in such a manner that it will not be susceptible to future damage by protected trees. The Council is unlikely to consider favourably any application to prune or fell protected trees because of their impact on the structure hereby approved.
- 3 You are advised that planning permission will be required for these proposed works.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Director of Culture & Environment



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APPENDIX 2

| | | | | |
|--|----------------------------|--|-------------------------------------|------------|
| Delegated Report | | Analysis sheet | Expiry Date: | 10/07/2015 |
| | | N/A / attached | Consultation Expiry Date: | 16/07/2015 |
| Officer | | | Application Number(s) | |
| Ian Gracie | | | 2015/2757/P & 2015/3428/L | |
| Application Address | | | Drawing Numbers | |
| 47 Marchmont Street London WC1N 1AP | | | See Draft Decision Notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| Change of use of lower ground floor from office (Use Class B1) to restaurant (Use Class A3) and replacement and enlargement of rear lower ground and ground floor extension (including two new windows), installation of new front external staircase and door, following demolition of rear extension including removal of 1 rear window. | | | | |
| Recommendation(s): | | Refuse Planning Permission & Grant Listed Building Consent | | |
| Application Type: | | Full Planning Permission & Listed Building Consent | | |

| | | | | | | |
|------------------------------------|--|-----------|------------------|-----------|-------------------|-----------|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 15 | No. of responses | 02 | No. of objections | 02 |
| | | | No. electronic | 00 | | |
| Summary of consultation responses: | <p>A site notice was displayed from 19/06/2015 to 10/07/2015 and the application was advertised in the Ham & High from 25/06/2015 for 3 weeks.</p> <p>The objections collectively raised the following issues:</p> <ul style="list-style-type: none"> • Noise – The disturbance to both basement flats at no.45 and no.49 would be too great. No measurements were taken from the neighbouring residential properties – <i>(Officer Response – See paragraphs 3.1 & 3.2 for further information);</i> • Loss of light and privacy – <i>(Officer Response – See paragraph 3.3 for further information);</i> • Over-abundance of A3 units on Marchmont Street – <i>(Officer Response – See paragraph 1.6-1.9 for further information).</i> | | | | | |
| CAAC/Local groups comments: | N/A | | | | | |

Site Description

The application site is a Grade II listed building which forms part of a terrace of 18 houses with later added shops, dating from c.1801-1806. The building stands 4 storeys in height, with basement, and is constructed in darkened stock brick. The basement level is currently vacant with a lawful B1 use, the ground floor is in use as a burger restaurant and the upper floors are residential. The site is located within the Bloomsbury Conservation Area.

Relevant History

47 Marchmont Street (application site)

2010/0847/P – Change of use of basement from office (Class B1) to two bedroom flat (Class C3) and alterations to roof of rear basement extension. – Granted Subject to a Section 106 Legal Agreement on 29 June 2010.

2010/0849/L – Internal alterations and replacement of roof to existing rear extension in connection with the change of use of basement from office (Class B1) to two bedroom flat (Class C3). – Granted on 28 April 2010.

2012/1526/P – Erection of two-storey rear extension at lower ground and ground floor levels, installation of plant and flue to rear elevation from first to third floor level, and alterations to shopfront all in connection with the existing use of the lower ground floor as an office (Use Class B1) and ground floor as a restaurant (Use Class A3). – Granted on 08 June 2012.

2012/1581/L – Erection of two-storey rear extension at lower ground and ground floor levels, installation of plant and flue to rear elevation from first to third floor level, and alterations to shopfront all in connection with the existing use of the lower ground floor as an office (Use Class B1) and ground floor as a restaurant (Use Class A3). – Granted on 08 June 2012.

Relevant policies

National Planning Policy Framework (2012)

National Planning Practice Guidance

The London Plan 2015 (consolidated with alterations since 2011)

LDF Core Strategy and Development Policies (November 2010)

CS1 – Distribution of growth

CS4 – Areas of more limited change

CS5 – Managing the impact of growth and development

CS7 – Promoting Camden's centres and shops

CS8 – Promoting a successful and inclusive Camden economy

CS14 – Promoting high quality places and conserving our heritage

DP10 – Helping and promoting small and independent shops

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

DP13 – Employment sites and premises

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP28 – Noise and vibration

DP30 – Shopfronts

Supplementary Planning Guidance (updated July 2015)

Camden Planning Guidance (updated July 2015)

- 1 – Design
- 5 – Town Centres, Retail and Employment
- 6 – Amenity
- 8 – Planning Obligations

Conservation Area Statements

Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011).

Assessment

1. Description of Proposed Development

1.1 The applicant seeks planning permission for:

“Change of use of lower ground floor from office (Use Class B1) to restaurant (Use Class A3). Demolition of rear extension, removal of one rear window, internal door and wall. Creation of rear lower ground floor extension and rear ground floor extension (including two new windows), installation of new front external staircase and door, and other associated works.”

1.2 It is noted in the supporting Planning Statement that the proposed A3 unit at basement level would operate independently from the ground floor A3 unit. However, customers in the basement restaurant would still be able to order food from the ground floor restaurant and vice-versa via the use of a food lift between the two floors. The ground floor and basement restaurants are therefore considered as a single unit.

1.3 The flue would be connected to the existing flue used by the ground floor unit. New ventilation equipment would therefore not be visible externally.

1.4 The extensions at basement and ground floor level will allow for an increase in floorspace by approximately 1.5sqm and 2.5sqm respectively.

2. Principle

Loss of B1 Floorspace

2.1 As noted above, planning permission for the change of use of the application site from B1a to C3 was granted in June 2010. However the three years in which to implement this decision have passed. Planning permission is now being sought for a change of use of the B1 unit to a restaurant (Class A3). The officer's report for the previous planning permission noted that:

“Policy E2 allows for the loss of office premises, as an exception to the general rule, in areas where there is a surplus of office accommodation with a preference for a change of use to residential and/or community uses. It has been acknowledged that this area does not have a surplus of office accommodation given the large number of recent developments for purpose built, modern office accommodation.”

2.2 This planning permission was, however, granted pursuant to previously adopted planning policy and a different planning policy context that was apparent in early 2010, prior to the adoption of Camden's currently adopted Local Development Framework (November 2010).

- 2.3 Policy DP13 seeks to retain land and buildings that are suitable for continued business use. A change of use from business use will be resisted unless it can be demonstrated that the site is no longer suitable for its existing business use and the possibility of retaining the unit has been fully explored over an appropriate period of time.
- 2.4 Camden Planning Guidance 5 (Town Centres, Retail and Employment) adds to this policy noting that a marketing assessment may be required when it would be difficult to assess the suitability of the existing office space. The marketing assessment would need to include a number of elements such as continuous marketing over at least 2 years; reasonable advertised rents; attractive lease terms; and a commentary on the interest shown in the building.
- 2.5 The applicant's supporting planning statement notes that planning permission was previously granted in 2010, as noted above, due to the site's inflexibility on account of the fact that the building is Grade II listed which would make alterations for a flexible use difficult. Further to this, the applicant notes the various office developments that have resulted in a stock of circa 3.8 million sqm of office space across the borough. As a result, the applicant considers that there is no overwhelming demand to protect the site.
- 2.6 However, Policy DP13 requires that the possibility of retaining the unit is fully explored over an appropriate period of time in the form a "*thorough marketing exercise, sustained over at least two years (paragraph 13.5).*" Whilst it is appreciated that planning permission for the change of use of the unit to C3 was secured in 2010 and that there would have been no inclination to market the unit, there has been 2 years since the expiration of that permission in which a full marketing exercise could have been undertaken. What's more, policy DP13 states that "*when it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses.*"
- 2.7 Paragraph 7.4 of CPG5 provides some further criteria with which to assess applications from office to a non-business use. Whilst the Council accepts that some features of the unit may make it unattractive to a potential office tenant, there has been no evidence submitted which demonstrates the lack of demand for this type of office space. Therefore, it is considered that there is insufficient evidence to convince the Council that the loss of the B1 unit is acceptable.

Creation of an A3 Unit

- 2.8 Policy DP12 seeks to ensure that the development of food, drink and entertainment uses (amongst other town centre uses) does not cause harm to the character, function, vitality and viability of a centre. The Council will therefore consider the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions.
- 2.9 CPG5 provides further detail to this policy and notes that the Council will resist schemes that result in:
- Less than 50% of ground floor premises being in A1 retail use; or
 - More than 25% of premises being in food, drink and entertainment uses;
 - More than 2 consecutive food, drink and entertainment uses; and
 - Proposals that result in individual units being larger than 100sqm on frontages that are opposite frontages which contain a significant amount of housing.
- 2.10 As of July 2015, the Council has updated the retail survey for the borough. As a result of the proposal, the proportion of A3 units within the Marchmont Street/Leigh Street/Tavistock Place Neighbourhood Centre would remain at 23.08% (constituting 15 of the 65 ground floor units) and therefore beneath the 25% threshold. The proposal would also not affect the percentage

of A1 ground floor premises within the centre.

- 2.11 It is noted in the applicant's supporting statement at paragraph 6.13 that the 49 Café is operating under an A1 use class. It is noted that the planning history for the site would indicate that the site's use class is A1.
- 2.12 The ground floor unit of the application building is an A3 unit, next door to that is the 49 Café at no.49 (A1 Use Class – although there is some concern as to whether the unit is operating unlawfully as A3. This is to be investigated by the enforcement team.), the 'China House' restaurant is located at no.51, and the 'Motijheel Tandoori' restaurant is at no.53, both of which have an A3 Use Class. Whilst the proposal is to change the use of the basement, the conversion of the unit would not change the number of consecutive A3 units being created along this part of Marchmont Street. This would therefore pass the tests as set out within policy DP12 and guidance CPG5.
- 2.13 Due to the fact that customers in the basement restaurant would be able to order food from the ground floor restaurant and vice-versa, via the use of a food lift between the two floors, the ground floor and basement restaurants are considered as a single unit. This is despite the fact that two separate restaurant operators will operate out of the ground and basement floors respectively. As a result of this, the addition of the floorspace from the basement will increase the size of the unit to 115sqm. This therefore surpasses the 100sqm threshold as set out in CPG5 which sets a limit on the maximum gross floor area for new and expanded food, drink and entertainment uses on town centre frontages that are opposite frontages that contain significant amounts of housing. It is therefore considered that the creation of the A3 unit at basement level is unacceptable as it is contrary to policy DP12 and the criteria as set out in paragraphs 3.19 and 4.84 of CPG5.

3. Design & Heritage

Front

- 3.1 This application also runs in tandem with an application for Listed Building Consent (Ref: 2015/3428/L).
- 3.2 The proposed replacement metal staircase into the lower ground lightwell is considered to be appropriately detailed, scaled and positioned. There will be no loss of historic fabric involved in this aspect of the proposal.
- 3.3 Signage may be required but this has not been shown on the elevation and may need separate LBC and advert consent – An informative reminding the applicant of this fact would need to be attached to any planning permission.

Rear

- 3.4 It is proposed to slightly extend the depth of a non-original rear extension at upper ground level by 1.2m. This is proportioned between two closet windows and will not project beyond the depth of these. The additional depth, and the detail and material of this aspect is not considered to cause harm to the building's appearance, character or special interest. The proposed window detail is considered acceptable.
- 3.5 At lower ground level, the replacement of the existing poor quality timber and polycarbonate structure with something more appropriate is welcomed. The form, depth and simple detail of a simple metal-framed glass conservatory-type addition in this position is considered to preserve the building's special interest, and enhance the conservation area through improved materials.
- 3.6 In summary the proposal is considered to preserve the special architectural and historic interest of the listed building, and enhance the character and appearance of this part of the

Bloomsbury Conservation Area, in line with legislation, and local and national policy and guidance.

4. **Amenity**

- 4.1 Where development that generates noise is proposed, the Council will require an acoustic report to ensure neighbouring amenity is not harmed (Policy DP28).
- 4.2 The Acoustic Assessment Report submitted in support of this application, which considers the potential noise from adjacent plant on the existing, neighbouring residential uses, states at paragraph 2.6 that “*access to neighbouring residential properties was not possible*” in order to take sound insulation performance readings from the adjoining premises. However, both the residents of the basement dwellings at no.45 and no.49 both noted in their objections that no attempt had been made to take readings from their premises. Paragraph 28.3, in support of policy DP28, states that the Council will require an acoustic report to ensure compliance with PPG24 (now superseded by the National Planning Practice Guidance). Paragraph 003 of the Noise Guidance states that local planning authorities should identify whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. It is therefore considered that it would be prudent for the applicant to gain access to the adjacent basement premises to carry out additional acoustic information to support their application. This additional acoustic information should therefore be provided in order to satisfy the requirements of policy DP26 and DP28.
- 4.3 No detail or discussion has been provided, in either the supporting Planning Statement or Acoustic Report, in terms of the impact of the increased number of customers that will use the premises. The proposed ground floor plan indicates that a total of 28 customers could be catered for to use the premises at any one time. It is therefore considered that there is insufficient detail provided as to the operation of the unit and its potential impacts on the surrounding residential properties which is contrary to policy DP26 and DP28.
- 4.4 It is considered that the proposed connection to the existing flue in the restaurant above is considered acceptable as it will not cause any further impact to the residential properties above.
- 4.5 In terms of loss of light and privacy, as a result of the design measures set out above, it is not considered that the rear extensions or the result of an additional window at rear ground floor level will have a detrimental impact on the amenity of the adjoining neighbours in terms of loss of light or privacy. This is due to the fact that the proposed rear extension at ground floor level will not extend beyond the building line of no.45 Marchmont Street whilst the rear extension at basement level will not be appreciable from the residential dwellings at no.45 or no.49 Marchmont Street.

5. **Transport**

- 5.1 Policy DP12 considers the effect of the development in terms of parking, stopping and servicing. In terms of transport matters, it is considered unlikely that there will be any net increase in scale of transport impacts from the proposed A3 unit in this location. Due to the site's 'Excellent' PTAL rating (PTAL 6b) it is likely most customers will arrive and leave using public transport. Russell Square underground station is located in close proximity to the application site and there are several nearby bus routes. No parking is proposed on or near to the site.
- 5.2 It is considered that servicing requirements would be similar to the ground floor A3 unit. Therefore it is not considered necessary to request a servicing strategy.

6. **Conclusion**

- 6.1 The lack of marketing evidence demonstrating a full exploration of retaining the unit is contrary to policies CS8, DP13 and paragraph 7.4 of CPG5.
- 6.2 The change of use of the basement from B1(a) to A3 would constitute an extension to the existing A3 unit at ground floor level. As a result, the unit would increase its floorspace to 115sqm would cause harm to the character, amenity, function and vitality of the town centre which is contrary to policies CS7, DP12 and paragraphs 3.19 and 4.84 of CPG5.
- 6.3 The acoustic report submitted in support of the application lacks sufficient acoustic information from the adjacent basement premises and the potential operation of the site and is therefore contrary to policies CS5, DP28 and paragraph 003 as set out within the Noise chapter of the National Planning Practice Guidance.

7. **Recommendation**

- 7.1 Refuse planning permission and Grant Listed Building Consent.



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APPENDIX 3

Camden Development Policies 2010-2025

Local Development Framework



DP POLICY

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

The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. We will consider:

- a) the effect of non-retail development on shopping provision and the character of the centre in which it is located;
- b) the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;
- c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
- d) parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
- e) noise and vibration generated either inside or outside of the site;
- f) fumes likely to be generated and the potential for effective and unobtrusive ventilation;
- g) the potential for crime and anti-social behaviour, including littering;

To manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to address the following issues:

- h) hours of operation;
- i) noise/vibration, fumes and the siting of plant and machinery;
- j) the storage and disposal of refuse and customer litter;
- k) tables and chairs outside of premises;
- l) community safety;
- m) the expansion of the customer area into ancillary areas such as basements;
- n) the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2);
- o) the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding area.

Contributions to schemes to manage the off-site effects of a development, including for town centre management, will be sought in appropriate cases.

- 12.4 Town centre uses include shops and markets (Use Class A1), financial and professional services (A2), cafes and restaurants (A3), drinking establishments (A4), hot food takeaways (A5), offices (B1a), hotels (C1), community uses (D1), including neighbourhood police facilities, and leisure uses (D2), and a number of other uses not in any use class (see *Other town centre uses* below). Policy DP12 will be applied to proposals for these uses, whether located inside or outside of a centre.
- 12.5 New shops, services, food, drink and entertainment uses can add to the vitality and vibrancy of Camden's centres and local areas. However, they can also have other impacts such as diverting trade and displacing existing town centre functions. As a result, the Council will seek to guide such uses to locations where their impact can be minimised. When assessing proposals for these uses the Council will seek to protect the character and function of our centres and prevent any reduction in their vitality and viability by requiring sequential assessments and impact assessments where appropriate (in accordance with Planning Policy Statement 4 *Planning for Sustainable Economic Growth*), and through implementing this policy.

- 12.6 The Council will not grant planning permission for development that it considers would cause harm to the character, amenity, function, vitality and viability of a centre or local area. We consider that harm is caused when an impact is at an unacceptable level, in terms of trade/turnover; vitality and viability; the character, quality and attractiveness of a centre; levels of vacancy; crime and anti-social behaviour, the range of services provided; and a centre's character and role in the social and economic life of the local community. We will consider the cumulative impact of additional shopping floorspace (whether in a centre or not) on the viability of other centres, and the cumulative impact of non-shopping uses on the character of the area.
- 12.7 The Council's area planning documents (for Camden Town, Central London, West Hampstead and Finchley Road/Swiss Cottage) and Camden Planning Guidance supplementary planning document give more detailed guidance on how we will treat planning applications for shops, food, drink and entertainment uses in particular centres, taking into account their specific circumstances. They also provide guidance on when we consider that concentrations of food, drink and entertainment uses, and reductions in the proportion of premises in retail use, would be likely to cause harm to the character, function, vitality and viability of a centre. We will take these, and any other relevant supplementary guidance into account when we assess applications in these locations. We will also take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises when considering proposals that involve the loss of retail premises.

Food drink and entertainment uses

- 12.8 Core Strategy Policy CS7 states that the Council will make sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area, and indicates that such uses are most appropriately located in Camden's Central London Frontages, Town Centres and the King's Cross Opportunity Area. It recognises both the positive and negative impacts of food, drink and entertainment uses. Whilst these uses contribute to the vibrancy and attractiveness of the borough, they can also cause harm to areas in which they are located, including potential impacts on residential amenity. Camden's image as a dynamic and attractive place is in part due to the number and quality of restaurants, bars and entertainment venues in the borough, with Camden Town and Covent Garden having particular concentrations of such premises. These play an important part in the night time economy of Camden and of London, socially, economically and in terms of job provision. However, night-time activity can also lead to problems such as anti-social behaviour, fear of crime, noise, congestion and disturbance. Please see Core Strategy policy CS9 for more on our approach to food, drink, entertainment uses in Central London.
- 12.9 Conflicts can arise as, due to the borough's densely developed, mixed use nature, much night-time activity occurs close to places where people live. In addition, large numbers of such uses can change the character of the area in which they are located and reduce its range of shops or the quality of the shopping environment. Conflicts can be made worse where a particular location becomes a focus for late night activity. The Council's area planning documents (for Camden Town, Central London, West Hampstead and Finchley Road/Swiss Cottage) and our Camden Planning Guidance supplementary document give more detailed guidance on how we will treat planning applications for shops, food, drink and entertainment uses in particular centres, taking into account their specific circumstances. They also provide guidance on when we consider that concentrations of food, drink and entertainment uses, and reductions in the proportion of premises in retail use, would be likely to cause harm to the character, function, vitality and viability of a centre. We will take these, and any other relevant supplementary guidance, into account when we assess applications in these locations..
- 12.10 Within each of Camden's centres, the Council will seek to prevent concentrations of uses that would harm an area's attractiveness to shoppers or its residential amenity. The Council wishes to see a wide range of entertainment uses within its centres, not just those that primarily involve drinking, and will encourage suitable uses that contribute towards this.



- 12.11 Where food, drink and entertainment uses are permitted, they will need to be managed to protect the amenity of residents and the potential for additional housing in the area. To ensure such uses do not harm amenity or the character of an area, either individually or cumulatively, we will consider applying controls on:
- hours of operation;
 - refuse and litter;
 - noise/vibration;
 - fumes;
 - customer area;
 - local management issues; and
 - changes of use.
- 12.12 Where appropriate, we will use planning conditions or obligations to ensure that any remaining impact is controlled. Policy DP26 *Managing the impact of development on occupiers and neighbours* sets out further measures to manage the impact of development on amenity.
- 12.13 The Council will seek to ensure that community safety issues associated with proposals are fully addressed. As well as appropriate design measures, the Council will seek financial contributions towards management arrangements, including street wardens, CCTV, town centre management and other community safety schemes through the use of planning conditions and obligations, where appropriate. Camden's Statement of Licensing Policy sets out the Council's approach to licensing and the expectations that the Council and the Metropolitan Police have for those involved in licensed activities.
- 12.14 The Council's Camden Planning Guidance supplementary document gives further borough-wide advice on the impact of food, drink and entertainment uses. Detailed guidance on how we will consider applications for such uses in particular centres is set out in our area planning documents (for Camden Town, Central London, West Hampstead and Finchley Road/Swiss Cottage).

Other town centre uses

- 12.15 A number of uses commonly found in centres (and smaller shopping parades) are not included in the A1, A2, A3, A4, A5, B1a, D1 or D2 Use Classes. These include amusement arcades, launderettes, saunas and massage parlours, car showrooms and minicab offices. While centres are generally the most appropriate location for these uses, the Council will carefully consider their potential impact when assessing planning applications to make sure that they do not harm the centre or the amenity of neighbours.

- 12.16 Particular issues that may arise include emissions and noise (e.g. from launderettes), highway and traffic problems (e.g. from minicab offices and car showrooms) and community safety and the fear of crime (e.g. from amusement arcades, betting shops, massage parlours and saunas, particularly where there are concentrations of such uses). Amusement arcades, massage parlours and saunas are unlikely to be considered acceptable in the busiest parts of centres or near to housing, schools, places of worship, hospitals or hotels.

Key evidence and references

- Camden Retail Study 2008; Roger Tym and Partners
- Planning Guidance for Central London/Camden Town/Finchley Road/Swiss Cottage/West Hampstead; London Borough of Camden (various dates)
- Camden Statement of Licensing Policy 2008
- The London Plan (consolidated with Alterations since 2004); Mayor of London; 2008
- Planning Policy Statement (PPS) 4 - Planning for Sustainable Economic Growth; CLG; 2009





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APPENDIX 4

Camden Planning Guidance

Town Centres, Retail & Employment

CPG **5**

London Borough of Camden



September 2013

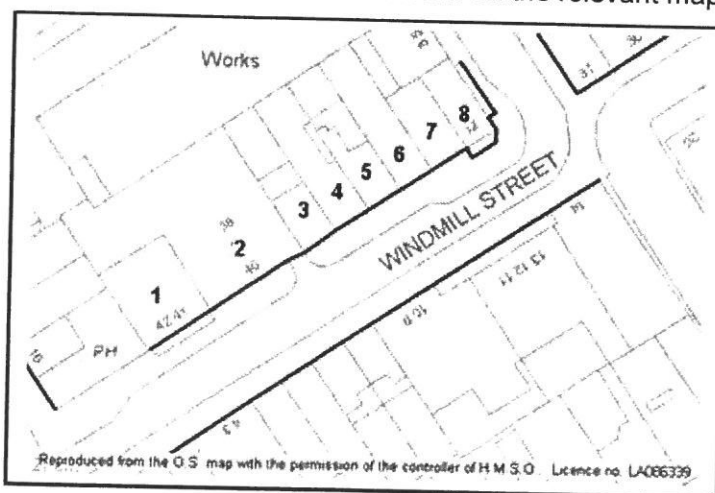
Appendix 3: How to calculate the percentages of uses for frontages

Introduction

- 8.4 This guidance aims to retain a certain proportion of premises in a particular use within designated centres. To do this we have defined rows of shops, called 'frontages', for each centre. See the maps in Section 3 and the list in Appendix 1 for details of each frontage. Within each frontage we aim to keep a particular percentage of premises in a specific use e.g. 75 % retail. This Appendix explains how to calculate the number of premises in a frontage and the how to work out the percentage of uses.

Calculation of frontage percentages

- 8.5 A frontage will start at a road junction or where there are ground floor residential uses in the run, at the beginning of the first two consecutive non-residential uses at ground floor level. Frontages may continue around corners, or across entrances to premises above or rear, and may include isolated ground floor residential uses, but are ended at roadways that interrupt the run of premises.
- 8.6 The percentage is calculated as the number of premises in the specified use (e.g. food, drink and entertainment use) as a percentage of the total number of premises within the frontage. All calculations should be based upon the existing lawful use of the properties and valid planning permissions with potential to be implemented, and refer only to ground floor uses.
- 8.7 In some instances a shop unit may include a number of addresses, such as where two shops have been combined into one. For the purposes of this guidance they will be counted as one unit.
- 8.8 In the example below there are 11 different addresses within the commercial frontage, but only 8 individual shop premises. The percentage should be calculated on the basis of the 8 individual uses. For example, if there are two individual A3 uses within the frontage, this would account for 25 per cent of the frontage. Each individual frontage is shown by continuous coloured blocks on the relevant map.





Planning & Development Ltd

APPENDIX 5

Mr Eli Osborne
4D Planning Consultants LTD.
86-90 Paul Street
3rd Floor
London
EC2A 4NE

Application Ref: **2015/2156/P**
Please ask for: **Ian Gracie**
Telephone: 020 7974 **2507**

19 August 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
59 Marchmont Street
London
WC1N 1AP

Proposal:
Change of use of lower ground floor from restaurant (Class A3) to 1-bed flat (Class C3) including rear bi-folding doors.
Drawing Nos: MS01OS; MS01BP; MS01P; MS01S; MS02S; MS03S; MS01E; MS02E; MS04P RevD; MS04S; MS05S; MS06S; MS03E; MS04E.

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 The development hereby permitted shall be carried out in accordance with the



following approved plans MS01OS; MS01BP; MS01P; MS01S; MS02S; MS03S; MS01E; MS02E; MS04P RevD; MS04S; MS05S; MS06S; MS03E; MS04E.

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

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

Informative(s):

- 1 The proposed change of use from Class A3 to C3 and alterations to the rear of the building are considered acceptable. Camden Planning Guidance 5 (Town Centres, Retail and Employment) sets out guidance for applications within Neighbourhood Centres and seeks to maintain 50% of ground floor uses as A1. As this proposal is for the conversion of the basement level from A3 to C3, it is considered that this proposal would not harm the function, vitality and viability of the Neighbourhood Centre in accordance with policy DP12. The proposed use of the basement as a residential dwelling would not significantly harm the amenity of any adjoining residential occupiers in terms of loss of light, outlook, enclosure or privacy. It is noted a number of buildings along Marchmont Street have converted the basements for residential purposes. Cycle parking for one bike would be provided in one of the vaults within the basement, whilst a legal agreement would be sought to ensure the proposed dwelling would be car free in accordance with policy DP18. A number of design features have also been implemented to meet lifetime homes standards in accordance with policy DP6. Whilst the development will have some impact to the rear of the property, the alterations would not be prominent and would not harm the character or appearance of the host building, street scene or the Bloomsbury Conservation Area.

No objections have been received. The sites planning history and relevant appeal decisions were taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5, CS7, CS11 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP6, DP10, DP12, DP15, DP18, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2011; and paragraphs 14, 17, 56 -66 and 126-141 of the National Planning Policy Framework.

- 2 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or queries to CIL@Camden.gov.uk

- 3 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).
- 4 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 Noise and Licensing Enforcement Team, 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.

- 5 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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



Ed Watson
Director of Culture & Environment