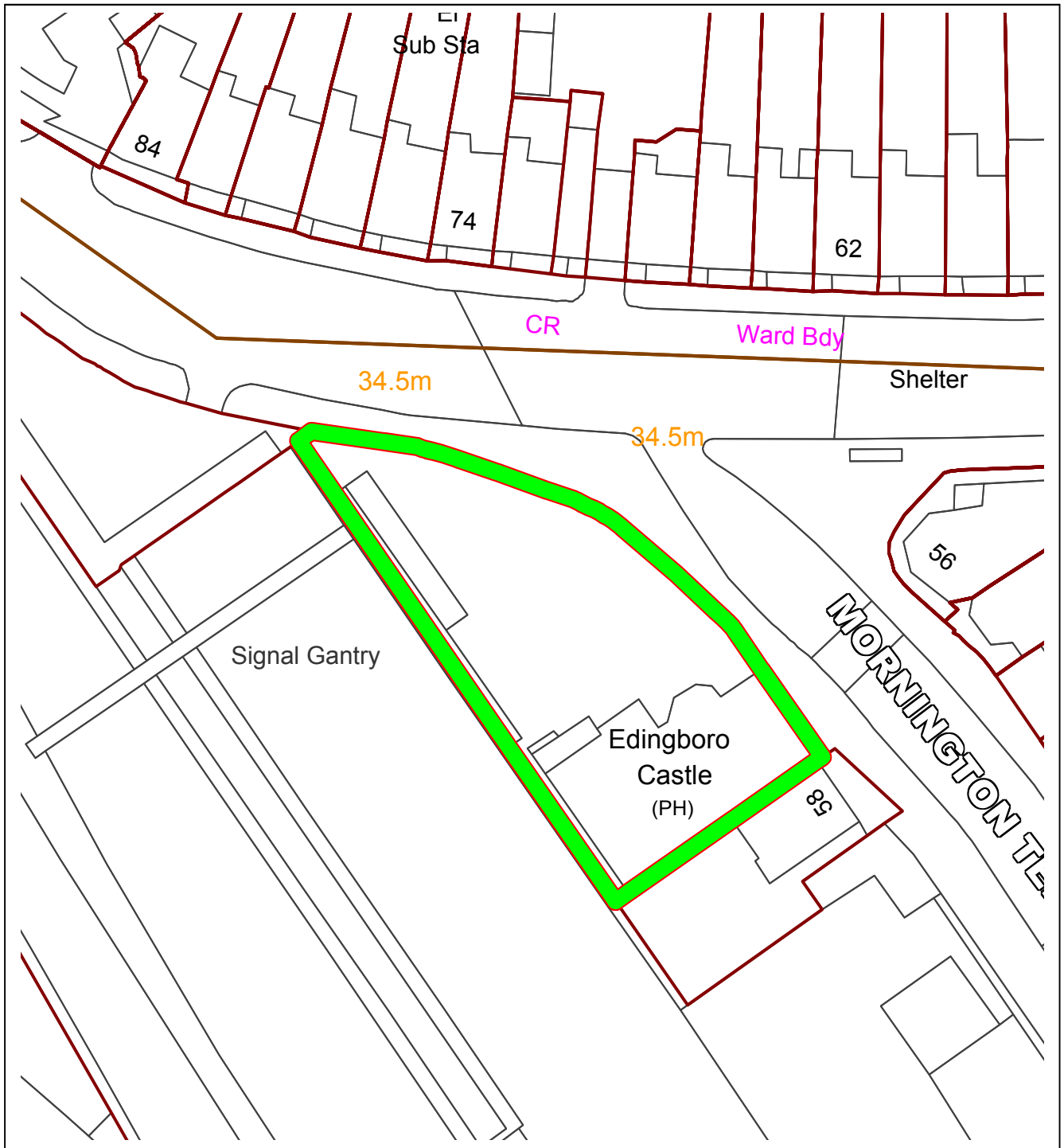


# Edinboro Castle Public House, 57 Mornington Terrace, London, NW1 7RU

2016/4942/P (Temporary Planning Permission)



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# Nos.136 - 180, 181 - 203 and 204 - 238 Levita House, Ossulston Estate, Chalton Street, NW1 1HN

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## Site Photographs:

(1) Aerial photo #1 (from the South)



(2) Aerial photo #2 (from the West)

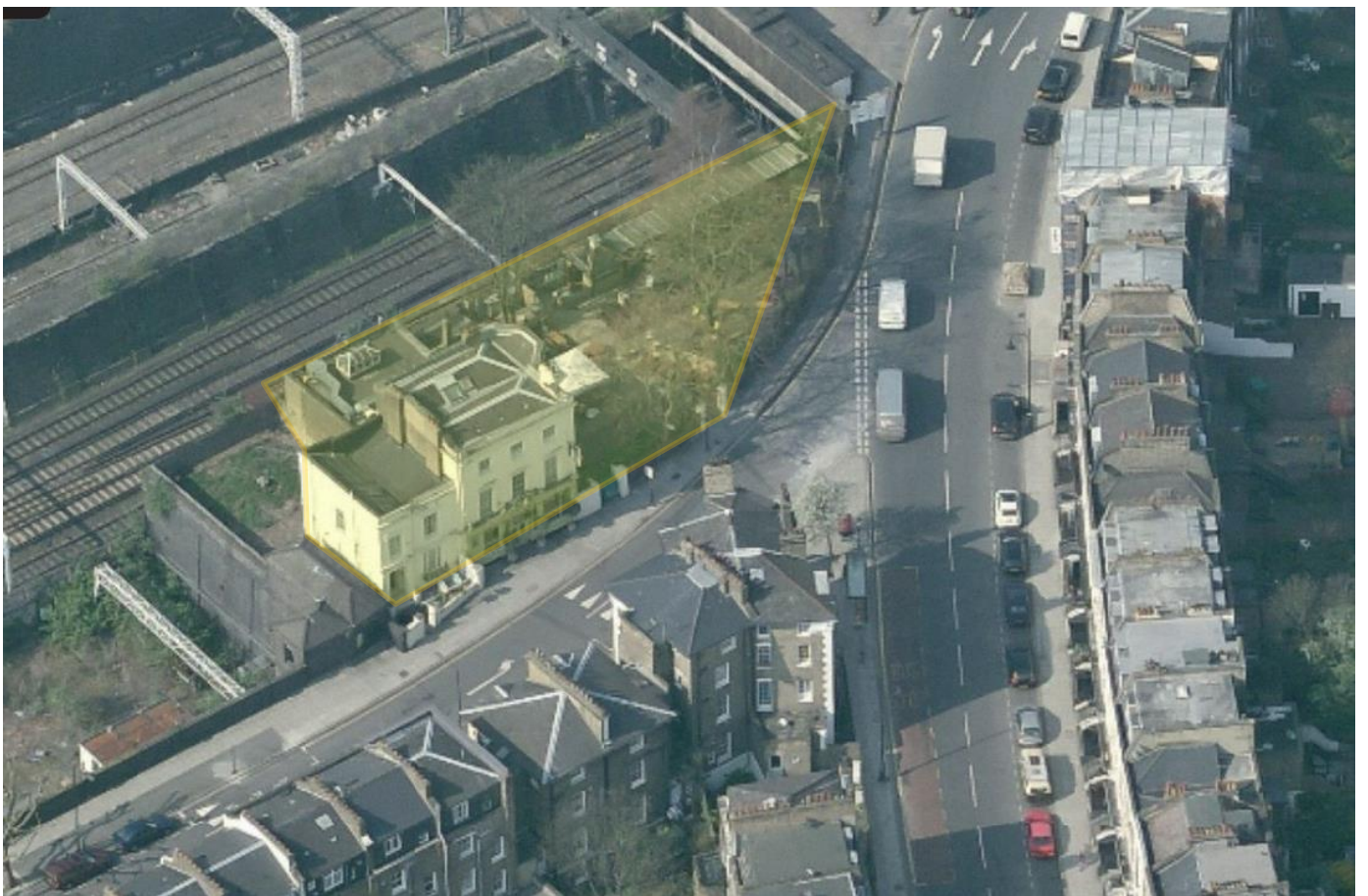




(3) Aerial photo #3 (from the North)



(4) Aerial photo #4 (from the East)





(5) Front Elevation #1



(6) Rear Garden with marquee in situ #1 (Winter 2015)





*(7) Rear Garden with marquee in situ #2 (Winter 2015)*



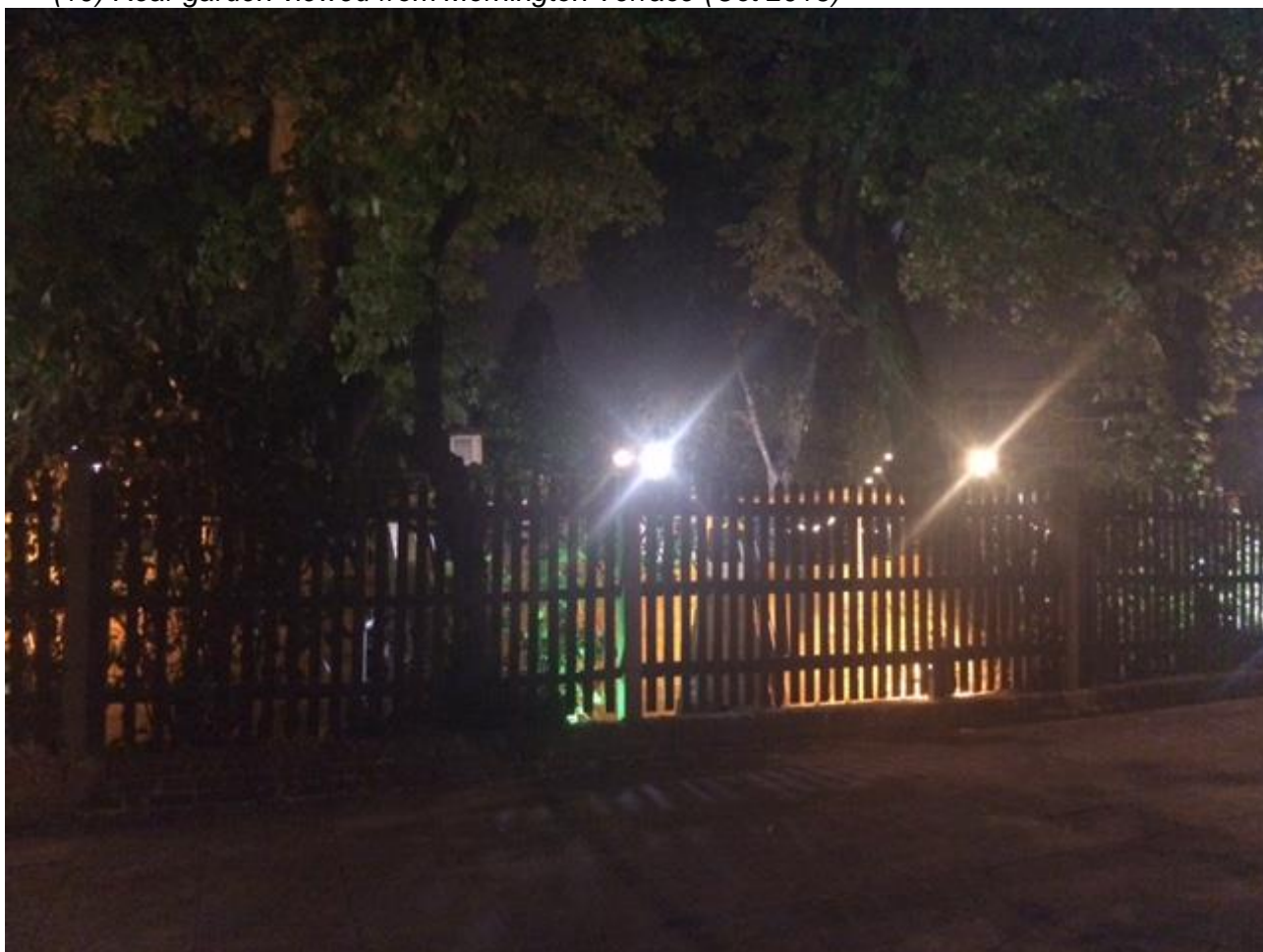
*(8) Rear Garden area #1 (Oct 2016)*



(9) Rear Garden area #2 (Oct 2016)



(10) Rear garden viewed from Mornington Terrace (Oct 2016)



<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>07/10/2016</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	
<b>Officer</b>		<b>Application Number(s)</b>		
John Diver		2016/4942/P		
<b>Application Address</b>		<b>Drawing Numbers</b>		
Edinboro' Castle Public House 57 Mornington Terrace London NW1 7RU		See draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Temporary erection of 2x marquees to rear garden of Grade II listed public house (Class A4) for period of 18th November 2016 - 2nd January 2017.				
<b>Recommendation(s):</b>	Grant conditional planning permission			
<b>Application Type:</b>	[Temporary] Full Planning Permission			



Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>06</b>	No. of objections	<b>06</b>
<b>Summary of consultation responses:</b>	<p>Site notices were posted from the 12/10/16 until the 02/11/16. The proposal was advertised in local press between the 13/10/16 and the 03/11/16.</p> <p>Letters of objection were received from the owners/occupants of nos.32, 33, 46, 52C, 54 &amp; 70 Mornington Terrace. Their raised comments can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Currently negatively impacted upon via the existing noise pollution from pub which would be exacerbated by the proposed marquees</li> <li>2. Marquees will allow for great numbers of customers leading to greater impacts upon residential amenities</li> <li>3. Customer Management Strategy fails to mitigate impacts at closing time</li> <li>4. Levels of smoke from BBQ and smokers would be worsened</li> <li>5. Marquees alter the appearance of garden / conservation area, appearing out of place and are visible from the road</li> <li>6. Setting of listed building already spoilt by structures in rear garden, marquees would worsen the situation</li> <li>7. Proposal would fail to enhance the conservation area</li> <li>8. Marquees would reduce green feeling of garden</li> <li>9. Lack of consultation</li> </ol> <p><u>Officer's response:</u> (1 – 4): Please see paras 3.11 - 3.21. (5 – 8): Please see paras 3.2 - 3.10. (9): The Council has fulfilled its statutory requirement in terms of public consultation for the proposed works.</p>					
<b>CAAC/Local groups comments:</b>	<p>A letter of objection was received from the Camden CAAC. Their comments can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Although the site is not with the conservation area, Camden CAAC object to proposal which will over burden the site and destroy the setting of the listed building</li> <li>2. Increase in number of people visiting the pub will negatively affect living conditions for nearby occupiers in Mornington Terrace and Delancy Street who already suffer from noise issues from the pub.</li> </ol> <p><u>Officer's response:</u> (1): Please see paras 3.4 - 3.8. (2): Please see paras 3.11 - 3.21.</p>					



## Site Description

The application site is located at the north-eastern end of Mornington Terrace, abutting the railway tracks to the West. The property is a 3-storey plus cellar public house (Class A4) with ancillary restaurant and a beer garden area to the side which is the subject of this application. The building is Grade II listed and is just outside of Camden Town Conservation Area.

## Relevant History

The relevant planning history for the site can be summarised as follows:

EN15/0901: In the winter of 2015 an enforcement complaint was submitted regarding the temporary erection of marquees to the garden. Formal enforcement action was not taken and the marquees were removed in early January, however the applicants were reminded of their requirements to apply should they wish to erect similar structures in the future.

2016/4327/P: Certificate of Lawfulness found that the *'Retention of 2 free-standing 'market stalls' with brown PVC canopies in the side customer garden to public house (Class A4)'* was lawful on the 12/09/2016

2015/6069/P & 2015/6085/L: Planning permission and listed building consent were granted for the *'Construct of x2 timber pergolas in rear garden'* on the 28/01/2016

2012/1917/P: Planning permission was granted for the *'Erection of 2 x timber framed outbuildings in rear garden of public house (Class A4) for ancillary storage purposes.'* on the 20/08/2012

2008/3838/L: Listed building consent was granted for the *'Temporary removal of gates and piers to garden wall and rebuild with materials to match existing'* on the 24/12/2008

2003/3387/P: Planning permission was granted for the *'Alterations including the introduction of new outdoor furniture, and new external kitchen plant'* on the 22/01/2004

## Relevant policies

### NPPF (2012)

### The London Plan March 2016

### LDF Core Strategy and Development Policies (2011)

#### LDF Core Strategy (2010)

CS1 - Distribution of Growth

CS5 – Managing the impact of growth and development

CS8 - Promoting a successful and inclusive Camden economy

CS14 – Promoting high quality places and conserving our heritage

CS17 - Making Camden a safer place

### Development Policies (2010)

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

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP28 - Noise and vibration

### Camden Planning Guidance

CPG1: Design (2015)

CPG6: Amenity (2011)

## Assessment

### 1. Introduction

- 1.1. Planning permission is sought for the temporary erection of no.2 free standing marquees in the garden of the property for the hosting of Christmas meals/parties, ancillary to the use of the main pub (A4) for the period of the 18th of November 2016 until Monday 2nd January 2017.
- 1.2. Both marquees would be temporary, free standing structures; not fixed to any surface within the garden and instead held down by weights. Both marquees would feature dual pitched, gable ended forms; with the marquee closest to the building having a length of 9m, width of 4.5m and maximum height of 3.5m and the second having a length of 9m, width of 3m and maximum height of 3.1m. Both marquees would be covered in a white fabric with matt finish.
- 1.3. As outlined in the Relevant History section of the report, these applications were submitted following enforcement investigations completed last winter when similar structures to those hereby proposed were erected without express permission on the site. No formal action was taken by the Council due to the timescales to enforce.

### 2. Revisions

- 2.1. It should be noted that following an initial assessment, the applicant was notified that the submitted scheme was likely to be considered unacceptable for the following reason:
  - The lack of details regarding the proposed use, hours of operation or management strategy
  - The proposed plastic covering would draw attention to the structures, increasing their visual impact
  - The design of the windows to the marquees appeared contrived and would have increased the level of light pollution created
- 2.2. In response, the applicant submitted a revised scheme which made the following alterations:
  - Submission of a Management Plan for the proposed structures
  - Revisions to the design including the removal of windows and the use of a matt finish fabric to result in a more traditional appearance as well as lowering the level of light spill from the structures

### 3. Assessment

- 3.1. The principal considerations material to the determination of this application are as follows:
  - The visual impact upon the character and appearance of the host property, streetscene, local area as well as the importance and of the listed building and setting of the nearby Camden Town Conservation Area (Design and Heritage)
  - The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity).

#### **Design and Heritage**

- 3.2. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy DP24 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy DP25 'Conserving Camden's Heritage' states were development is proposed close to one of the Borough's Conservation Areas it will only grant permission for development that does not negatively affect the setting or established character and appearance of that Conservation Area. In order to preserve or enhance the borough's listed buildings, DP25 additionally states that the Council will only grant consent for alterations or extensions to a listed building where it considers this would not cause harm to the special interest of the building; and will not permit development that it considers would cause harm to the setting of a listed building.



- 3.3. The Council's design guidance (CPG1) states that when assessing proposals involving listed buildings, we will consider the impact of proposals on the historic significance of the building, including its features, such as the original and historic materials and architectural features; original layout of rooms; structural integrity; and character and appearance (para 3.22).
- 3.4. Due to their siting, the marquees would not alter how the principle elevation (facing Mornington Terrace) of the property is read or disrupt this view. Instead the main views afforded of the structures would be from the North (at the junction of Mornington Terrace and Delancy Street).
- 3.5. Photographs taken of these structures in situ last year (see photographs 6 and 7 in the Site Photographs document) show that these structures were/would be partially obscured from view from the public realm by the existing structures, vegetation and means of enclosure of the site. It should also be noted that the garden area currently features a number of permanent structures and is enclosed by single storey extensions to the main building as well as boundary treatments. Whilst the temporary structure would reduce the openness of the garden area for the period of use, they would obscure views through to the busy backdrop of the rear structures/extensions and would not lead to the removal of any greenery.
- 3.6. In order to further reduce the visual prominence of the structures in these views through, a condition will be recommended to ensure that the external surface of the marquees is covered by a matt finish fabric. This will avoid any sheen effect cause as a result of chosen material. Furthermore the design of the marquees has been altered to remove the initially proposed mock Georgian windows. The hereby proposed design would thus retain a more traditional marquee appearance.
- 3.7. The structures proposed are such that would normally be considered unacceptable due to their scale in relation to the listed building other than for a limited period. Whilst it is acknowledged that the permanent retention of the structure would be contrary to policy requirements, for a period of 6 weeks and 3 days it is not considered that the setting of the listed building would be fundamentally altered or degraded; and the erection of structures would not require physical intervention into any historic fabric.
- 3.8. Although they would still remain partially visible from Mornington Terrace, it is not considered that these partially obscured views through to the structures, for a temporary for a period of 6 weeks and 3 days, would result in harm to the setting or importance of the listed building, streetscene or adjacent Conservation Area.
- 3.9. 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 and considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving the character or appearance of the adjacent conservation area, under s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 3.10. Overall the proposed works are not considered to lead to a detrimental impact upon the character and appearance of the host property or streetscene in accordance with policy DP24. The proposed temporary structures are not considered to negatively affect the setting or special character of the listed building or the adjacent Conservation Area in accordance with policy DP25.

### **Residential Amenity**

- 3.11. Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight.
- 3.12. Due to the siting and scale of the proposed marquees, it is not considered that the level of outlook or natural light of any neighbouring resident would be detrimentally impacts upon as a result of their temporary erection. The proposed marquees would not lead to a reduction of privacy or lead to greater level of overlooking or light pollution for any neighbouring resident.

- 3.13. With specific regard to noise, DP28 states that the Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for development likely to generate noise pollution; or development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided. CPG6 (Amenity) expands by setting out the Council's preference for controlling noise which begins with attempting to reduce noise at its source; then to separate the development (or at least the sensitive parts) from the source or to use noise barriers; and finally via construction materials.
- 3.14. The garden of the property is currently a publicly accessible drinking and smoking area for patrons of the pub with rows of tables as well as a number of structures around the boundary of the garden for outdoor seating. The proposed works would not result in any increase to the area of the garden available to patrons or lead to any change of use of the garden, with the marquees being of a use ancillary to that of the pub. It should also be noted that at present, the garden may currently be fully occupied by patrons drinking and smoking under the existing permissions and licences for the property without any control by the Council. On this assumption it would therefore be difficult to justify that the proposed marquees would lead to an intensification of use of the site, and the proposed contained use of the marquees for dining is likely to result in less levels of noise than if it were to remain as an area purely for drinking and smoking.
- 3.15. Notwithstanding the above it is however noted that during inclement weather conditions (such as those commonly seen during the months of the proposed development), the likelihood for this space to be fully occupied without proper shelter is low. As such, the erection of the marquees would, in all likelihood, mean that users are able to linger in the outdoor space/marquees for longer and in greater numbers; leading to a possible intensification of use of the site.
- 3.16. As was found in previous years, enforcing against the erection of temporary structures without permission becomes difficult due to the short time frame for formal action. It should also be highlighted that under the provisions of Part 4, Schedule 2 of Town & Country Planning General Permitted Development Order 2015 (Temporary buildings and uses); deemed consent is granted for such temporary structures subject to conditions which it is considered the applicant would be able to satisfy. If the applicants were able to demonstrate that the erections were in accordance with Part 4, the Council would have no control over the management, use or hours of operation for such a structure. With the potential for a similar structure to therefore be erected utilising permitted development rights, it is considered that approving temporary permission for the structures but applying a series of conditions would give the Council more control and mitigate against increased disturbances which would be of greater benefit to the local community. The application of conditions would mean that each of these elements would be separately enforceable by the Council.
- 3.17. Submitted in support of the application is a Marquee Management Strategy (MMS) which has confirmed the following:
- The use of the marquees would be for dining only and would only be for the use of groups who have pre-booked Christmas meals.
  - That at least one member of staff would be present within the marquee at all times during hours of operation to monitor noise levels
  - Senior staff members will be issued with radio headset in order to communicate and resolve potential issues quickly, before they cause disturbance
  - Large bookings will be personally overseen by the general manager to ensure complete control of noise and a quick and efficient exit
  - Details of signage to be erected to instruct customers to be wary of noise levels
  - Strategy outlined for clearing the marquees of customers and general times of operation of the marquees and main business.
  - Strategy outlined for staff to monitor guests leaving the premises and to ensure that groups do not congregate outside.
- 3.18. Whilst this Management Plan has outlined a number of measures which would address some of the concerns raised, it is not considered that the approval of this plan alone would overcome all potential harm. As such, additional to the securing of this management plan, the recommendation to approved temporary permission would be subject to the following conditions to help to alleviate the potential impact upon nearby residents:



Concern	Condition(s) to address
Increased levels of noise and disturbance	- Restrict the use of the marquees to be for dining only (in order to confirm that the MMS statement is enforced)
	- Restrict hours of use (see below for discussion of timings)
	- Limitation to level of music played from marquees
	- Limitation to level of audible noise

- 3.19. Regarding opening hours, it is recommended that a condition be attached limiting the hours of operation to 12:00 - 22:00 daily. As the pub's licence allows use of the garden until 22:30 daily, this will therefore mean that a period of 30mins is allowed for patrons to be cleared from the marquee and asked to move into the public house. It is considered that the operation of the marquees within these times is unlikely to cause additional nuisance to neighbours, and in fact would mean that the majority of the garden would be closed earlier than currently possible. Levels of audible noise measured from outside the site as well as music played from within the marquees are similarly conditioned to avoid causing harm to nearby occupiers.
- 3.20. By applying these conditions, it can be ensured that no adjoining occupier would be unduly prejudiced by the temporary use of marquees and would allow the Local Authority to assess in detail the exact specification of management/mitigation measures put in place.
- 3.21. Overall, it is considered, subject to the recommended conditions, the use of the proposed marquees for a temporary period would not lead to any increase to the impacts upon amenities of any neighbouring resident to a level of detriment in accordance with policy DP26 and DP28.

## 4. Recommendation

### 4.1. Grant conditional temporary planning permission

***The decision to refer an application to Planning Committee lies with the Director of Supporting Communities. Following the Members Briefing panel on Monday 14<sup>th</sup> November 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Mr John O'Brien  
The JTS Partnership  
Number One The Drive  
Great Warley  
Brentwood  
CM13 3DJ

Application Ref: **2016/4942/P**  
Please ask for: **John Diver**  
Telephone: 020 7974 **6368**

10 November 2016

**DRAFT**

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

**Full Planning Permission Granted**

Address:  
**Edinboro Castle Public House**  
**57 Mornington Terrace**  
**London**  
**NW1 7RU**

**DECISION**

Proposal:  
Temporary erection of 2x marquees to rear garden of GII listed public house (A4) for period of 18th November 2016 - 2nd January 2017.

Drawing Nos: (Prefix 8486-): 100-00; 300\_00; 301 Rev01; Planning and Heritage Statement dated Sept 2016; Marquee Management Plan received 10/11/2016

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

Condition(s) and Reason(s):

- 1 The marquees hereby permitted are for a temporary period only and shall not be erected prior to the 18th November 2016 and shall be removed on or before the 02nd January 2017.

Reason: The type of structure is not such as the Council is prepared to approve,

Executive Director Supporting Communities





other than for a limited period, in view of its appearance. The permanent retention of the structure would be contrary to 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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: (Prefix 8486-): 100-00; 300\_00; 301 Rev01; Planning and Heritage Statement dated Sept 2016; Marquee Management Plan received 10/11/2016

Reason:

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

- 3 The hereby approved temporary marquees shall be used for dining purposes (A3) ancillary to the main use of the public house (A4) and for no other purpose/use.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The use hereby permitted shall not be carried out outside the following times: 12:00 till 22:00 daily.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 5 No sound emanating from the use shall be audible within any adjoining premises between 2300 hrs and 0700 hrs.

Reason: To safeguard the amenities of the nearby residential premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 6 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 7 The external surface of the marquees shall be of matt fabric finish, 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 applicant is reminded of the temporary nature of the hereby approved development. Should it be intended that similar structures are to be erected in the winter of 2017; temporary permission must again be sought. It should be noted that the assessment of any future temporary applications would take into account the success of the management of the hereby approved temporary consent.

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