

Date: 16/01/2018
Our ref: 2017/1336/P

Your Ref: APP/X5210/W/17/3180926
Contact: Ben Farrant
Direct line: 020 7974 6253
Email: ben.farrant@camden.gov.uk

Planning Solutions Team
Planning and Regeneration
Culture & Environment Directorate
London Borough of Camden
2nd Floor, 5 Pancras Square
London
N1C 4AG

Tel: 020 7974 4444
www.camden.gov.uk/planning

Fran Littler
The Planning Inspectorate
Room 3M
Kite Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Ms Fran Littler

Town and Country Planning Acts 1990 (as amended)
Appeal by Mr Daniel Gender-Sherry
Site at The Argyle public house, 1 Greville Street, London, EC1N

I write in connection with the above appeal against the refusal of planning permission (Our ref: 2017/1336/P) for ***Erection of retractable canvas awning enclosure at first floor level measuring 12.5m long by 2.4m high by 2.9m wide.***

- 1.1 The Council's case is set out in detail in the officer's report which was sent with the appeal questionnaire and it will be relied on as the Council's principal Statement of Case. Copies of the relevant Camden Local Plan (July 2017) policies and accompanying Camden Planning Guidance have also been sent with the questionnaire. Copies of the now superseded (though active and relied upon at the time of the application) London Borough of Camden Local Development Framework Core Strategy and London Borough of Camden Local Development Framework Development Policies (both superseded by the Camden Local Plan (July 2017)) have also been sent with the questionnaire.
- 1.2 In addition to these submissions, I would be pleased if the Inspector would also consider various matters set out below relating to the confirmation of the status of policy and guidance, comments on the grounds of appeal and conditions that the Council requests should the Inspector be minded to grant planning permission.

2.0 Summary

- 2.1 The appeal site comprises a public house in part of the basement, ground and first floors of an 8 storey building with residential units above. It is located at the junction of Greville Street and Leather Lane. The immediate area is urban in character, generally with commercial uses to the ground floor and either residential or further commercial to the floors above.

2.2 The appeal site is of modern construction, located within the Hatton Garden Conservation Area. It is also adjacent to the Grade II* Listed Holborn Bars building and impacts upon its setting.

3.0 Status of Policies and Guidance

3.1 The Camden Local Plan 2017 was formally adopted by the Council on Monday 3rd July 2017 and has replaced the previous Core Strategy and Development Policies. These documents went through an examination in public and the appointed Inspector found the documents to be sound in a decision published on 15th May 2017.

3.2 The relevant plan policies of the Camden Local Plan this proposal would be (as attached along with the submitted questionnaire):

- A1 - Managing the impact of development
- A4 - Noise and vibration
- D1 - Design
- D2 - Heritage

3.3 The Council also adopted all its Camden Planning Guidance (CPG) on 7th November 2011; amendments to CPG6 (Amenity) are currently under public consultation.

4.0 Reasons for Refusal

4.1 The application for the ***Erection of retractable canvas awning enclosure at first floor level measuring 12.5m long by 2.4m high by 2.9m wide*** which is the subject of the appeal has been refused for the following reasons:

1. The proposed awning, by virtue of its size, design and location, would create visual clutter and fail to preserve or enhance the character and appearance of the host building and the Hatton Garden Conservation Area, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies and policies D1 (Design) and D2 (Heritage) of the Camden Local Plan Submission Draft 2016.
2. The proposed awning, by reason of its size, design and location, would be likely to result in increased noise and disturbance to nearby residential properties as a result of increased use of the terrace. As such, the development would be contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy; policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise

and Vibration) of the London Borough of Camden Local Development Framework Development Policies; and policies A1 (Design) and A4 (Noise and vibration) of the Camden Local Plan Submission Draft 2016.

5.0 Comments on the Appellants' Grounds of Appeal

5.1 The following summarises the appellants' ground of appeal in bullet points, followed by the Council's comments:

- *The appellant argues that in accordance with para.134 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated Heritage Asset, this should be weighed against the public benefits of the proposal. The appellant argues that the reduction in noise as a result of the proposal would be a public benefit.*

5.2 The Council reiterates the point expressed in the officer's report and second reason for refusal, which state that the installation of the large awning would allow for use of the terrace during inclement weather, and allow the existing doors to be open more permanently, resulting in increased noise levels emanating from the terrace. The awning proposed is a canvas material and is not entirely enclosed, meaning noise levels are unlikely to be reduced. No evidence, such as an acoustic report, was submitted with the application to demonstrate such a reduction in noise, and given the business' operating hours (until 23:00 Mon-Sat), it is considered the proposal is likely to increase the level of noise into the night. This is particularly harmful given the close proximity to residential units. No reduction in current noise levels, or public benefit to the scheme, has been demonstrated to accord with para.134 of the NPPF.

- *The appellant argues that the council has failed to understand the significance of the conservation area, that the building is a modern property of a scale which would benefit from the awning, and that in accordance with para.5.10 of the Conservation Area Statement (which promotes the 'combination of styles'), the council should seek to preserve the principles but provide an eclectic mix of development.*

5.3 Whilst a combination of styles may contribute to the overall special historic interest of the conservation area, it must be noted that this is general guidance only, and does not condone the development proposed. The proposed awning represents a large and overbearing form of development on this prominent corner of the conservation area and within the setting of the Grade II* Listed Holborn Bars building. The proposed development would not positively contribute to the 'combination of styles' in the area, nor would it represent an 'eclectic mix' as described by the appellant.

- *Awnings over upper level windows is characteristic of the Hatton Garden Area, and the proposal is considered to therefore preserve the character or appearance of the conservation area in accordance with Policy D2(e).*

5.4 Whilst first floor awnings may be visible within the Hatton Garden Conservation Area (though no details of such precedents have been provided), they are not

inherently characteristic of the area. Similarly, the siting, scale and design of the proposal are such that it would be unsympathetic to the overall appearance of the conservation area. Given this assessment, the proposal would not serve to preserve or enhance the character or appearance of the conservation area, contrary to Policy D2(e).

- *The Officer's Report states complaints regarding noise have been received by the Council's Noise and Licensing Team however this contrasts with the information provided during the recent tables and chairs license application (Ref: 2017/0138); with one complaint received in relation to the Argyle dated 16/01/2017; the pub has since adopted a 'voluntary management policy' which has been successful.*

5.5 The Council's Noise and Licensing Team, confirm that complaints regarding noise have been received during the summer of 2017 as a result of the pub. In any event, it is considered that the proposal would impact unduly on the neighbouring residential amenity in terms of noise. Details of the 'voluntary management plan' have not been disclosed as part of this appeal, nor the results of such. It is additionally noted that the noise complaints are generally received during the summer, when the terrace is in use; the 'voluntary management plan' has not yet been tested during the summer months when the terrace is more frequently in use. In any event, by reason of its 'voluntary' nature, this would not be enforceable through the planning system, and concerns regarding noise and neighbouring amenity expressed vehemently within the officer's report and decision notice remain valid.

- *The proposal would add colour and animation to this area; the seating area would attract further customers during the daytime and early evening, contributing to the character and function of the area. It would also provide the public benefit of a superior outdoor leisure venue, securing outdoor amenity space in the long term.*

5.6 The site is currently animated and thriving, and at present contributes to the character and function of the area; this proposal would not significantly alter this. The terrace can be used currently during the operating hours of the business (until 23:00 Mon-Sat); as such the use would not be limited to the 'daytime and early evening' as expressed by the appellant. The 'superior outdoor leisure venue' promoted by the appellant would not represent a public benefit within the terms of the NPPF, and would not justify the less than substantial harm inflicted on the Hatton Garden Conservation Area or setting of the adjacent Grade II* Listed Holborn Bars building.

6.0 Conclusion

6.1 For the above reasons, the Inspector is respectfully requested to dismiss the appeal. However, in the event of the appeal being allowed please refer to the recommended conditions below in appendix 1.

Yours sincerely,

Ben Farrant

Planning Officer- Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

Appendix I: recommended conditions should the appeal be allowed

Conditions

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: 3085-01; 3085-02; 3085-12; 3085-14; 3085-00; 3085-13; 3085-16.

Reason:

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