

Planning, Heritage, Design and Access
Statement

Change of Use of Vacant Subterranean Public
Lavatories (Sui Generis Use) To an
Underground Neighbourhood Bar (A4 Use)

Junction of Royal College Street and Camden Road
Rocksteady Bars Ltd



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Executive Summary

The proposals to change the use of the application site from a vacant public lavatories (SG) to a neighbourhood bar (A4) will be the second venture for our client, who opened Ladies & Gentlemen on the junction of Fortress Road and Highgate Road in December 2014. The proposed neighbourhood bar will continue in the same successful vein as at Kentish Town, providing a long term vacant space with a new 42sqm neighbourhood bar, focusing on high quality cocktails and relaxing jazz music in a rustic and unique setting.

The proposals will have a number of benefits for the local area, including providing choice and competition between evening entertainment uses in the local area and positively impacting on the vitality and viability of the neighbourhood centre. New jobs will be created and the new use will support a small, local, start-up business.

In heritage terms, the proposals will have a positive impact on the conservation area by bringing a vacant property into use and discouraging dumping or littering in the triangular area.

The proposed bar will be only 42sqm and so covers will be limited. As a result, the potential noise and disturbance potential from the unit would be negligible. The use will be adjacent to two busy roads that see high levels of traffic throughout the day and night. The Overground railway network also runs above the site, and residential windows are approximately 16-20 metres from the site. With considerable noise generating activity surrounding the site, the use will blend seamlessly into the area. As demonstrated by the existing Ladies & Gentlemen at Kentish Town, this type of high quality neighbourhood bar is highly unlikely to attract trouble. Patrons reflect the ethos of the bar which is relaxed, friendly and polite. There will therefore be no adverse impact on nearby residents.

This Statement demonstrates that the proposals are entirely consistent with national and local planning policy. The benefits to the local area are significant and it is requested that planning permission is therefore approved without delay.

1. Introduction

- 1.1. This planning statement is submitted on behalf of Rocksteady Bars Ltd (hereafter referred to as the 'applicant') in support of a planning application for the change of use of the vacant public lavatories located at the junction of Royal College Street and Camden Road in Camden.
- 1.2. The application seeks for the change of use of the existing vacant lavatories from Sui Generis use to A4 use (neighbourhood bar). The neighbourhood bar is to be called 'Ladies and Gentlemen'.
- 1.3. This Statement includes a detailed description of the site and the development proposals. It provides an overview of the relevant policy framework, planning history and a full planning assessment. On the basis of this assessment, and based on the Council's adopted policy, the Statement concludes that the application is compliant with planning policy and should be granted accordingly.

2. Site Context and Planning History

- 2.1. The proposal site is located at the junction of Royal College Street and Camden Road within the London Borough of Camden. The site is bounded to the east by Camden Road, to the west by Royal College Street and to the north by a small parade of four shops. The railway bridge serving Camden Road Station bounds the site to the south. Residential units are located above the commercial units to the north.
- 2.2. The site is located underground and comprises vacant public lavatories believed to have been last used for their original purpose in the 1990s. The public lavatories were closed as part of a borough wide cost saving exercise as toilets are difficult to maintain and are privy to vandalism. The public lavatories have been let commercially in the past however their poor state of repair has resulted in vacancy over the past couple of years. The last known use of the space was for musical instrument storage, which would fall under Sui Generis in terms of use class.
- 2.3. The site is not listed however it is within the Camden Broadway Conservation Area. The site is also located within the designated Neighbourhood Centre of Royal College Street / Camden Road.
- 2.4. The surrounding area comprises a mix of uses. Royal College Street and Camden Road provide a number of small independent shops, bars, cafes, restaurants and takeaways alongside other facilities such as dry cleaners and laundry services. Other uses within the area include estate agents, a nail salon, and barbers.
- 2.5. Whilst these uses mainly occupy the lower floors only, residential properties occupy the upper floors in most cases. As noted, the closest residential units are located immediately to the north of the site above William Hill a vacant unit and two small offices.
- 2.6. The nearest bars to the site include 'Draft House' public house which lies south of the site at No.102-104 Camden Road and Rullo's Pizzeria Restaurant and Bar at 47-49 Camden Road.
- 2.7. The site is highly accessible by public transport and has a PTAL rating of 6a and 6b (best) as it falls within both. The site is located less than a minute walk from Camden Road Overground Station. Camden Town Underground Station is approximately a 6-minute walk. Access to the Northern Line on the London Underground and efficient access to other hub stations is provided. There are also a number of 24-hour bus services that run along Camden Road (N29, N253 and N279).

Planning History

- 2.8. The site has not been subject to any planning applications. This has been confirmed by the Council. As noted, it is thought that the lavatories were in use up until some point in the 1990s as public lavatories and were closed as part of a borough wide cost saving exercise.

3. Proposal Description

- 3.1. The proposal includes for the change of use of the existing vacant subterranean public lavatories (Sui Generis) at the junction of Royal College Street and Camden Road to a neighbourhood bar (A4) to be called 'Ladies and Gentlemen'.
- 3.2. The site is currently vacant and has been since it ceased operating as a storage facility for musical instruments approximately 2 years ago. No change of use application was ever submitted in relation to that use and so it is considered that the unit retained its original Sui Generis (public lavatory) use class. The site was closed due to high maintenance costs as part of a borough wide cost saving exercise and has struggled to be let for a significant amount of time. The unit has therefore not benefitted from any devoted investment to secure its future.
- 3.3. The proposal intends to materially alter the use of the site, bringing the vacant site back into use through the creation of a neighbourhood bar (A4 Use).
- 3.4. The proposal presents an opportunity to further enhance the choice of A4 establishments within the designated Neighbourhood Centre thus contributing to a diverse and vibrant centre and increasing flexibility and customer choice in the locality.
- 3.5. The proposal provides an opportunity to bring a vacant existing site back into active use in line with paragraph 1.48 of the London Plan and paragraph 17 of the NPPF. In addition, the proposals also seek to increase the variety, vibrancy and choice of drinking establishments and entertainment in the designated town centre in line with paragraph 23 of the NPPF which seeks to ensure the vitality of town centres.

Opening Hours

- 3.6. The requested hours of operation are outlined below.
 - Sunday – Thursday 10.00 until 00.00;
 - Friday – Saturday 10.00 until 02.00;
- 3.7. The hours include for a 30 minute 'wind-down' time whereby the sale of alcohol will cease and music will stop. For clarity, the hours where this will occur are noted below:
 - Sunday – Thursday 10.00 until 23.30;
 - Friday – Saturday 10.00 until 01.30;
- 3.8. The bar will be accessed via the existing staircase to the north west. This is the only staircase.

Proposed Neighbourhood Bar – Use Class A4

- 3.9. The unit is small in size, taking up just 42 sqm in total. The unit will be laid out with a bar area, customer/staff toilet and a mix of banquette and high tables to accommodate a maximum of 45 covers.
- 3.10. As the premises will be used at night time mostly, there is no need for a huge amount of daylight. However, the daylight needed will be provided through

pavement lights (as existing). Some daylight will also be achieved via the door opening.

- 3.11. The bar will offer a limited food menu of bar snacks however no cooking will take place on site. No ventilation will therefore be required.
- 3.12. A separate application will be submitted in relation to the proposed externals.
- 3.13. Internally, the existing interior details will be retained where possible, such as some tiling, signage and flooring to preserve the interesting and unique character of the existing space. The drinks bar will be backlit and there will be soft lighting throughout. Reclaimed timber cladding will be added to the bar front and the walls around seated areas.
- 3.14. The proposed bar will be the second of its kind in Camden. The existing and original Ladies & Gentleman bar has been running successfully at the junction of Fortress Road and Highgate Road since December 2014. Timeout London described the bar as “a lovely cocktail bar (with good retro music) housed in a former underground toilet in Kentish Town”. This second venture seeks to achieve the same positive reviews and reputation as the description suggests.
- 3.15. The existing Ladies & Gentleman experiences very few issues in relation to customer rowdiness or general frowned upon behaviour. This is an intimate space for customers to have a chat or enjoy some relaxing jazz music, rather than a party destination. The bars clientele are a reflection of the bars staff and attitude; relaxed, friendly and polite. This second venture will very much follow these same principles and will seek to establish the same excellent reputation as at Kentish Town.

Timeout London described the bar as “a lovely cocktail bar (with good retro music) housed in a former underground toilet in Kentish Town”. This second venture seeks to achieve the same positive reviews and reputation as the description suggests.

Image 1: View of the Site Looking West



Source: Planning Potential

Image 2: View of the Site Looking East



Source: Planning Potential

4. Planning Assessment

Planning Policy

- 4.1. The application proposals are required to be assessed against the adopted Local Development Plan for LB Camden, comprising of the following documents;
- London Plan (March 2016)
 - Camden Local Plan (June 2017)
- 4.2. The National Planning Policy Framework (2012) is also a material consideration in the determination of the application. A summary of the relevant policies is contained at **Appendix 1**.

Principle of Development

- 4.3. The application is seeking for a change of use from Sui Generis use (vacant public lavatories) to A4 use (drinking establishment). The site is located at the junction of Royal College Street and Camden Road, within the designated Neighbourhood Centre of Royal College Street/Camden Road. The surrounding area consists of typical town centre uses. The proposals seek to create a stylish underground neighbourhood bar from a long-term vacant site in an approach that would contribute to the vibrancy and attractiveness of the town centre.
- 4.4. The Camden Local Plan Policy C4 'Public Houses' states that the Council will support the provision of new public houses in highly accessible locations and town centres.

Size of Proposals

- 4.5. The Camden Local Plan Policy C3 'Cultural and Leisure Facilities' states that smaller facilities may be appropriate anywhere in the borough providing they do not have an adverse impact on the surrounding area or the local community.
- 4.6. The proposals are small in scale when compared to existing establishments in the area. The town centre site comprises just 42sqm, including stairs, and will provide for just 45 covers. The capacity of the bar would therefore be appropriate to the scale and character of the local area and have a negligible impact in terms of amenity.

Closure of Public Lavatories in Camden

- 4.7. Paragraph 10.16 of the Camden Core Strategy (2010) indicates that due to high maintenance costs and problems with vandalism, many of Camden's public lavatories have been closed. The site represents just one of those cases and we understand that the lavatories have not been in operation since the 1990s.
- 4.8. Given the increasing cuts to local government funding, it seems increasingly unlikely that reopening the lavatories for their original use would be feasible or desirable in the future. This is demonstrated by the active marketing for an alternative use by the Council's Property Services and acceptance of our client's offer.
- 4.9. Paragraph 1.48 of the London Plan encourages making 'the best use of land that is currently vacant or under used' and paragraph 17 of the NPPF sets out the core principles of planning and reads 'encourage the reuse of existing resources,

including conversion of existing buildings'. The proposals seek to make the best use of the vacant land through the conversion to the proposed use.

Enhancing Choice and Competition in the Town Centre

- 4.10. Paragraph 23 of the NPPF and Policy 2.15 of the London Plan seek to ensure that customers have an appropriate breadth of choice which can contribute to the diversity and individuality of the area whilst also ensuring competitive town centres.
- 4.11. Chapter 6 of Camden Planning Guidance 5 (CPG5) 'Town Centres, Retail and Employment' states that food, drink and entertainment uses should be located in areas where their impacts can be minimised.
- 4.12. In line with local policy, the proposed use will be located within Royal College Street/Camden Road which is designated as a Neighbourhood Centre. the local area is a vibrant and diverse area, and an A4 unit of this scale would complement existing uses, without leading to an over concentration of A4 uses, creating a dynamic and attractive environment, and providing an important community use.
- 4.13. There are only a handful of A4 uses within the surrounding area. The most notable of these is the 'Draft House' at 102-104 Camden Road, which is located on other side of the Royal College Street/Camden Road junction. 'The Colonel Fawcett' public house is also located a short walk away at No.1 Randolph Street and the 'Old Eagle Pub' is located at No.251 Royal College Street. The proposals would enhance choice and competition within the town centre without compromising its viability or vitality in line with national and regional policy.

Employment and Support for a Small Business

- 4.14. Camden's Local Plan (2017) recognises the importance of employment generating uses and Policy E1 states that the council will support small and medium sized enterprises. The proposed use will also generate 3 new jobs. For the size of the unit, this is considered to be significant.
- 4.15. Granting permission would therefore meet the provisions as stated under Policy E1.

Impact on Residential Amenity and Noise

- 4.16. Paragraph 123 of the NPPF states that planning policy and decisions should aim to avoid noise from giving rise to significant adverse impacts and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development. Importantly, paragraph 123 also states that it should be recognised that development will 'often create some noise'.
- 4.17. London Plan Policy 7.15 and Camden Local Plan Policies A1, A4 and TC4 recognise the need to minimise the impact of noise through development. Further to this, Camden Local Plan aims to ensure that the cumulative impact of food, drink and entertainment uses would not cause harm to the local area or residential amenity.
- 4.18. In addition, Camden Planning Guidance 6 on 'Amenity' reiterates the importance of minimising harm caused on the local area and residential amenity. The guidance states that impact can be minimised through design and discusses measures such as insulating and soundproofing.

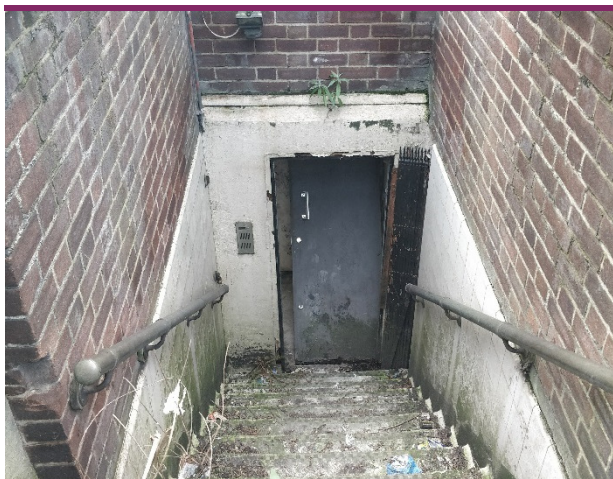
- 4.19. The unit's proximity to two busy roads with fast moving, noisy traffic is recognised within the Camden Broadway Conservation Area Appraisal. The site also sits underneath the railway bridge. Given the modest size of the unit, limited capacity and subterranean nature, the use will clearly not cause any significant noise and is very much expected to blend into the surrounding activity. With this and the fact that residential windows are approximately 16-20 metres from the site, it is considered that no noise report would be required for the proposals.
- 4.20. It is pertinent to note that the proximity to residential windows was 4.5 metres at the existing Ladies & Gentlemen. A noise report was submitted in that instance and concluded that, based on a worst-case scenario, the potential noise which may be caused by customers coming and leaving from the premises was unlikely to significantly affect residents. With a smaller number of patrons and increased distance to residents, there will clearly be no threat to residential amenity from the proposals.

Given the modest size of the unit, limited capacity and subterranean nature, the use will clearly not cause any significant noise and is very much expected to blend into the surrounding activity. With this and the fact that residential windows are approximately 16-20 metres from the site, it is considered that no noise report would be required for the proposals.

Heritage

- 4.21. The NPPF and Camden Local Plan require proposals that affect heritage assets to be considered in terms of their impact. It is considered that the reuse of a long term vacant unit will have a positive impact on the Camden Broadway Conservation Area. The existing toilets are of a simple brick design with metal caged entrance. The entrance door has been vandalised and is no longer attached to its frame and litter has collected on the stairway. The presence of a Camden Council 'No Dumping' warning sign suggests that there is, or has been, an issue with dumping in this area. The permanent reuse of the space would discourage dumping and encourage the new operator to monitor and deter the issue. This will clearly have a positive impact on the public realm and preserve and enhance the character and appearance of the Conservation Area.

Image 3: View of the Steps as Existing



Source: Planning Potential

Image 4: View of the Site Looking West



Source: Planning Potential

Waste Disposal

- 4.22. Waste disposal from the unit, bins will be kept within the bar. Different facilities will be provided for the storage of recycling and other waste. The bins are to be collected three times a day and shall be deposited on the road in line with the Council's suggested area. The exact details of the arranged collection times and

location shall be confirmed through discussions between the business and Council once the use has been confirmed.

Safety and Security

- 4.23. In line with Policy C5 'Safety and Security' and the ambition to reduce the opportunities for crime, the premises will be controlled via a camera and entry mechanism. This will include a facial recognition system that will only allow entry after use of a buzzer. The existing Ladies & Gentleman bar has seen no trouble since opening and this system is therefore more than adequate.

Precedent Schemes

- 4.24. There are a number of examples of successful conversions from public lavatories to A4 uses. 'Public life' in Spitalfields was granted permission in 1995 and ran successfully until its closure recently. Other examples include 'Cellardoor' in Westminster, 'Ginglik Club' in Hammersmith and Fulham and 'The Temple' in Manchester.
- 4.25. Bermondsey Arts Club at 102A Tower Bridge Road, Southwark is a very comparable scheme with a small public toilets on a busy junction successfully operated as a bar. The opening hours at the Bermondsey Arts Club are similar to those proposed with 2am hours every day of the week. The location and size of the bar is similar to the site at Royal College Street/Camden Road with a mix of A class uses and residential properties within reasonable proximity.
- 4.26. The best and most relevant example is, of course, Ladies & Gentlemen at the junction of Fortress Road and Highgate Road. Since gaining planning approval in 2014 (Reference: 2014/1289/P), the bar has become a successful use of the long term vacant space. Indeed, none of the initial concerns from some residents in relation to noise or anti-social behaviour have been experienced and the bar is now at the heart of the local community. This second venture seeks to achieve the same level of success.

Summary

- 4.27. The proposed change of use at the site is in full accordance with NPPF guidance, The London Plan and local planning policy. The principle of development is acceptable as the change will bring a vacant and disused site back into use within an appropriate town centre location. Furthermore, the use will contribute towards choice and competition in the town centre and provide for a dynamic, attractive and high-quality neighbourhood bar that will operate in line with the ever-successful Ladies & Gentlemen in Kentish Town.
- 4.28. It has been demonstrated within this Statement that the proposed use will not impact upon residential amenity given the experiences at the existing Ladies & Gentlemen bar, the business of the traffic junction throughout the day and night, and the significant distance from residential windows.

Indeed, none of the initial concerns from some residents in relation to noise or anti-social behaviour have been experienced and the bar is now at the heart of the local community. This second venture seeks to achieve the same level of success.

5. Design and Access

- 5.1. The proposed external design will form part of a separate submission.
- 5.2. Access to the unit will remain constant with the single staircase providing access.

6. Conclusion

- 6.1. Following an appraisal of the site and a review of relevant national, regional and local policy, it is considered that the proposed change of use from Sui Generis to A4 fully conforms to planning guidance.
- 6.2. The proposals will bring a vacant and disused town centre site back into active use. The use will develop the vitality and viability of the area and improve the choice and competition of the location. It has been demonstrated that the proposals will not impact upon residential amenity.
- 6.3. There are no substantial negative impacts associated with the proposal; moreover a permitted change of use can provide tangible benefits to the neighbourhood centre and conservation area. On this basis, it is considered that an application for a change of use should be granted.

Appendix 1: Policy Context

The statutory development plan for the Borough comprise the London Plan (March 2016), the Camden Local Plan (2017).

Camden's Local Plan is supported by Camden Planning Guidance (CPG) Documents. CPG1: Design; CPG5: Town Centres, Retail and Employment; and CPG6: Amenity, all produced in 2013, are relevant to this application.

The application site is not allocated for a particular use on the Council's Proposals Map. The site does however, lie within a designated Neighbourhood Centre (Royal college Street/Camden Road) and Camden Broadway Conservation Area.

A review of the relevant policy is set out below.

National Planning Policy

National Planning Policy Framework (NPPF) (March 2012)

Further to the publication of the National Planning Policy Framework (NPPF) on 24 March 2012, all Planning Policy Statements and Policy Guidance Notes have been revoked and replaced.

The NPPF sets out the Government's planning policies for England and how these are expected to be applied, and is a material consideration in planning decisions.

At the heart of the NPPF is a 'presumption in favour of sustainable development'. Paragraph 14 states that for decision-taking this means approving development proposals that accord with the development plans without delay. Paragraph 17 of the NPPF sets out the core principles of planning and reads "encourage the reuse of existing resources, including conversion of existing buildings".

Chapter 2 of the NPPF seeks to ensure the vitality of town centres. Paragraph 23 requires the positive promotion of 'competitive town centre environments', with town centres recognised as being at the heart of their communities. Local planning authorities are required to support the viability and vitality of town centres that are resilient to future economic change.

Paragraph 23 also seeks to promote town centres that provide customer choice and a range of suitable sites should be allocated to meet the scale and type of development needed in town centres, with development to be located in accessible, well connected sites. It also states that needs for town centre uses for instance are met in full and are not limited by site availability.

Paragraph 58 states that planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 123 of the NPPF states that 'planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'. The paragraph also states that planning policies and decisions 'mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions'. It is also emphasised that unreasonable restrictions should not be placed on businesses

because of changes in nearby land uses since they have been established, although it should be recognised that development will often create some noise.

Paragraph 126 notes that it should be recognised that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets effected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance.

Paragraph 134 states that when considering the impact of a proposed development on the significance of a designated heritage assets, great weight should be given to the asset's conservation. The more significant the asset the greater the weight should be.

Paragraph 137 states that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Paragraph 186 of the NPPF states that local planning authorities (LPAs) should approach decision-taking in a positive way to foster the delivery of sustainable development. It also notes that LPAs should look for solutions rather than problems, and decision-takers, at every level should seek to approve applications for sustainable development where possible.

Regional Planning Policy

London Plan (2016)

The London Plan (March 2016) is the strategic plan for London, setting out a fully integrated economic, environmental, transport and social framework for its development until 2036. The local plans of London boroughs must conform to the London Plan and its policies are crucial in guiding decision-making.

Paragraph 1.48 of the London Plan encourages making 'the best use of land that is currently vacant or under used'.

The London Plan **Policy 2.15** Town Centres emphasises the need for planning proposals to 'sustain and enhance the vitality and viability of the centre' in addition to supporting and enhancing 'competitiveness, quality and diversity'.

Policy 7.15 Reducing Noise and Enhancing Soundscapes of the plan discusses how development proposals can reduce noise and enhancing soundscapes by 'minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals' whilst also 'promoting new technologies and improved practices

Local Planning Policy

Camden Local Plan (2017)

Policy C2 'Community Facilities' states that the council will ensure existing community facilities are retained recognising their benefit to the community, including protected groups, unless one of the following tests is met:

- i. a replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended, users;

ii. the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council's satisfaction there is no reasonable prospect of a community use, then our preferred alternative will be the maximum viable amount of affordable housing;

Policy C3 'Cultural and Leisure Facilities' states that new cultural and leisure facilities are most appropriate in Central London and town centres. It is also recognised that smaller facilities, may, however, be appropriate anywhere in the Borough providing they do not have an adverse impact on the surrounding area or the local community.

The supporting text to the policy states "*we will also encourage temporary cultural and leisure attractions which can bring life back to vacant buildings and land and can help to offset the environmental impacts of a development's construction phase*"

Policy C4 'Public Houses' states that the Council will support the provision of new public houses in appropriate sites in growth areas, other highly accessible locations and town centres, subject to other policies in this Plan.

Policy C5 'Safety and Security' states that the Council will aim to make Camden a safer place and will address the cumulative impact of food, drink and entertainment uses, particularly in Camden Town, Central London and other centres. It also seeks to ensure Camden's businesses and organisations providing food, drink and entertainment uses take responsibility for reducing the opportunities for crime through effective management and design.

Policy E1 'Economic Development' states that the Council will, in particular, support start-ups, small and medium sized enterprises. They will also recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism.

Policy A1 'Managing the Impact of Development' states that the Council will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- d. require mitigation measures where necessary.*

The factors that the Council will consider include:

- e. visual privacy, outlook;*
- f. sunlight, daylight and overshadowing;*
- g. artificial lighting levels;*

h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;

i. impacts of the construction phase, including the use of Construction Management Plans;

j. noise and vibration levels;

k. odour, fumes and dust;

l. microclimate;

m. contaminated land; and

n. impact upon water and wastewater infrastructure.

The supporting text states that the Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts.

Policy A4 'Noise and Vibration' states that the Council will not grant permission for:

a. development likely to generate unacceptable noise and vibration impacts; or

b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

The council will only grant permission for noise generating development if it can be operated without causing harm to amenity

Policy D2 'Heritage' states that any harm or loss of a heritage asset must be outweighed by the benefit of bringing the site back into use.

Specifically, in relation to conservation areas, the Council will:

e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;

Policy TC2 'Camden's Centres and Other Shopping Areas' promotes successful and vibrant centres and states that the Council will:

a. seek to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;

b. provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;

c. make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area and focusing such uses in King's Cross and Euston Growth areas, Central London Frontages, and Town Centres (Refer to Policy TC4 Town centre uses);

d. support and protect Camden's Neighbourhood Centres, markets and areas of specialist shopping, local shops; and

e. pursue the individual planning objectives for each centre, as set out in supplementary planning document Camden Planning Guidance on town centres and retail, and through the delivery of environmental, design, transport and public safety measures.

The Council will seek to retain convenience shopping for local residents in Camden's Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of that centre.

Policy TC4 'Town Centre Uses' states that 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.

The Council will consider:

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;

d. the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres and retail;

e. impacts on small and independent shops and impacts on markets;

f. the health impacts of development;

g. the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;

h. parking, stopping and servicing and the effect of the development on ease of movement on the footpath;

i. noise and vibration generated either inside or outside of the site;

j. fumes likely to be generated and the potential for effective and unobtrusive ventilation; and

k. the potential for crime and antisocial 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:

l. hours of operation;

m. noise/vibration, fumes and the siting of plant and machinery;

n. the storage and disposal of refuse and customer litter;

o. tables and chairs outside of premises;

p. community safety;

q. the expansion of the customer area into ancillary areas such as basements;

r. 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); and

s. the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding area.

Camden Planning Guidance 5 (CPG5) Town Centres, Retail and Employment (2013)

There are 8 guidance documents that support the Camden Core Strategy and Camden Development Policies. These guidance documents, termed Camden Planning Guidance (CPG), are currently being updated in order to ensure consistency with the Camden Local Plan. Each guidance published forms a Supplementary Planning Document (SPD) which is a 'material consideration' in planning decisions.

The most relevant of these guidance documents to this application is CPG5: Town Centres, Retail and Employment. Chapter 6 states that 'food, drink and entertainment uses should be located in areas where their impact can be minimised'.

The guidance directly relates to Superseded Policy DP12, DP26 and DP28 of the Camden Development Policies, which have been discussed above. The Council will assess the potential impacts of the proposal on local amenity, the character and function of the area and its overall mix of uses. The guidance states that the Council may impose controls where there is the potential to harm the character of the area.

The guidance discusses the potential for smoking areas and the congregation of people outdoors within close proximity to residential properties. Restrictions on hours may be placed here, if necessary. Amplified music and the hours of operation after midnight will also be considered for applications proposing food, drink and entertainment uses to ensure minimal impact on residential amenity. These controls are likely to be most appropriate away from designated town centres.

The storage and disposal of refuse and packaging will require dedicated space and measures taken to ensure no harm to amenity. The guidance also discusses noise and vibration that can be generated by on site activity. Such pollution can be controlled through the design of the premises. Other considerations include the likely impact on public transport and also issues such as the potential blocking of pavements.

Camden Planning Guidance 6 (CPG6) Amenity (2013)

Guidance given within CPG6: Amenity reiterates the importance of minimising the harm caused on the local area and residential amenity. The document guides developments in how proposals can minimise the impact of noise and vibration.

The guidance states that impact can be minimised through design such as through designing shape and orientation to reflect noise and protect the most sensitive uses. The document also discusses measures such as insulating and soundproofing.

Camden Broadway Conservation Area Appraisal and Management Strategy

Page 12 of the Conservation Area Appraisal describes the site as a kerbed triangular area extending partly under the railway bridge. On this triangle is situated a brick 'box', which

is a former public toilet, beside one of the bridge's supporting columns. The description of the area continues to say that:

"Being located between two roads of fast moving, noisy traffic and overshadowed by the railway bridge, the area is somewhat blighted, and represents a significant opportunity for enhancement of the public realm"

The area is also specifically mentioned for its high level of traffic.