



LONDON BOROUGH OF CAMDEN

PLANNING APPLICATION FORM

Town & Country Planning Act 1990

FOR OFFICE USE
 Case file
 Reg. No. PL/9501338
 Date Rec'd 27/7

Please read accompanying notes before answering any questions. Please complete all sections in BLOCK CAPITALS. Please answer every question. Four copies of the completed form and five sets of drawings specified in Note 5 are required.

I am applying for planning permission and declare that to the best of my knowledge a plans is correct and on submitted SIGNED _____ Applicant/Agent Dated <u>24/7/95</u> (Please delete) FEE (Please delete/insert as appropriate) - I enclose the application fee of £ <u>160.00</u> by cheque/P.O. No: _____ - No fee is payable for the following reason: _____	For Finance Section Use: Receipt No. <u>P0027148</u> Date <u>27/7/95</u> Payee <u>Asda Prop. Holdings</u> Area <input checked="" type="radio"/> NW <input type="radio"/> NE Cheque/P.O. £ <u>160.00</u>
---	---

1 Applicant Name: <u>ASDA PROPERTY HOLDINGS PLC</u> Address: <u>C/O PLANNING AGENT.</u> _____ _____ Post Code _____ Tel. No: _____	Agent (if any) to whom correspondence will be sent <u>Cunnane town planning</u> Name: _____ Address: <u>67 Strathmore Road, Teddington TW11 8UH</u> <u>Telephone 0181 943 4032 Facsimile 0181 977 8344</u> _____ Post Code _____ Tel. No: _____ Contact Name/Ref: <u>EMP/2182</u>
--	---

2 Address of Application Site
15-21 ENDELL ST AND 45-47 SHELTON ST. Post Code LONDON WC2
 Does this include listed buildings/structure? Yes No

3a Description of Development for which application is made
CHANGE OF USE FROM EXISTING CAFE, INFORMATION CENTRE AND RETAIL TO FOOD AND DRINK USE (CLASS A3), AT GROUND FLOOR LEVEL

3b Present use(s) of land or property
CAFE, INFORMATION CENTRE AND RETAIL USES

4 Type of Application (tick as appropriate)

A A full application for new building works and/or change of use

B An outline application--Please tick those matters (if any is appropriate) for which approval is sought at this stage
 Siting Access Design External Appearance Landscaping

C An application for removal/alteration of a condition of a previous planning permission.

D An application for renewal of permission.

E An application for buildings or works already carried out or use of land already started.

- If you have ticked C or D please give date of previous permission (/ /) and the reference (PL/)

5 Plans and Drawings Submitted with this Application

Please list all drawings, plans and documents forming part of this application (these should have distinctive reference numbers):
LOCATION PLAN.
EXISTING FLOOR PLAN. (MISC 366.01)

Please specify type and colour of external materials here (or in a covering letter) and on your plans.
NOT KNOWN.

6 Additional Information

If any of the answers below is yes the details should be clearly identified on the application drawings.

- Does the proposal involve the felling or topping of trees?
if yes specify works proposed Yes No

- Does the proposal involve a new or altered access from a public highway? Vehicular - Yes No
Pedestrian - Yes No

- Have arrangements been made for refuse storage? Yes No

- Does the proposal take account of the needs of people with disabilities? Yes No Not applicable

- Does the proposal provide for a means of escape in case of fire? Yes No

- Does the proposal include parking spaces?
If yes, please state the number of parking spaces Yes No
Existing NONE Proposed NONE

7 All Types of Development: Floorspace

What is the amount of floorspace in the following categories to which the application relates (if vacant please state last known uses and give amounts)

	Existing gross (state if vacant)		Proposed gross	
Residential	m ²		m ²	
Retail	m ²		m ²	
Professional/financial premises	m ²		m ²	
Restaurant/Cafe/public House	m ²		472.2 m ²	
Offices	m ²		m ²	
Industrial	m ²		m ²	
Ancillary Accommodation e.g. Plant	m ²		m ²	
Warehousing	m ²		m ²	
Hotel/Hostel No of (a) bedrooms and (b) bed spaces	a)	b)	a)	b)
Other (state use and whether now vacant and complete floorspace columns)	m ²		m ²	
	m ²		m ²	
Total	472.2 m ²		472.2 m ²	

What is total net area of the site? 472.2 m² ~~hectares~~

8 Development Involving Residential Use (Including conversion)

- Please give the number of ~~existing~~ residential units on the site:-
 Single family dwelling houses Self contained flats and maisonettes
 Number Vacant
 - Please describe the nature of any existing residential use not included in the above categories (e.g. Non-self contained accommodation):-
 - Please give the number and size (by number of bedrooms) of proposed residential units on the site. Do not include any non-self contained units.
- | | Single family dwelling houses | Self contained flats and maisonettes |
|--------------|-------------------------------|--------------------------------------|
| 1 bedroom | / | / |
| 2 bedrooms | / | / |
| 3+ bedrooms | / | / |
| TOTAL | / | / |
- Are you proposing any non-self contained units?
If yes, how many? Yes No

9 Information relating to Non-Residential Developments

- Does the proposal include the installation of plant, ventilation ducting or air conditioning equipment? Yes No
- If yes, please give full details of the type of equipment proposed either on the drawings or in the form of a covering letter.

TO BE FORWARDED.

Does the proposal provide for loading and unloading within the site? (if yes, identify on plan) Yes No

- Please give the number of vehicles that enter the site on a normal working day.

	HGV	Other Vehicles
Existing		
Proposed	<i>NOT KNOWN</i>	

Does the proposal involve the use of hazardous materials?

- If yes, please state what materials and approximate quantities in a covering letter. Yes No

10 Section 65 Certificate

(please tick one box)

- A. A Section 65 certificate is not required for this proposal.
- B. I attach a Section 65 certificate and a copy of the advertisement duly certified with the name of the newspaper and the date of publication.

A
B

11 Section 66 Certificate

N.B You must complete the appropriate Section 66 certificate as part of your application - Please see note 11 for guidance

- If you are the sole owner of the land to which the application relates complete Certificate A below (Owner means a person having a freehold or leasehold interest with at least 7 years unexpired).
- This Certificate is not appropriate unless you are the sole owner. (See Note 11)
- If you are not the sole owner of the land or if any part of the development goes outside land in your ownership, (even if only foundations) you must complete Certificate B below and serve notice on each of the owners, using the wording in Notice 1 below. (see Note 11)
- If you do not know the names of all or any of the owners you will need to complete Certificate C or D which will be sent to you on request. (See Note 11)
- Any person who knowingly or recklessly issues a certificate which contains any statement which is false or misleading in a material particular is liable on conviction to a fine not exceeding £400.

CERTIFICATE A Under Section 66 of the Town and Country Planning Act 1990 (Owner's Certificate)

I certify that:

- at the beginning of the period of 21 days ending with the date of this application nobody, except the applicant, was the owner of a _____ application relates.
- none of the _____ is part of an agricultural holding.

Signed _____ Date 24/7/95
on behalf of: ASDA PROPERTY HOLDINGS PLC.

CERTIFICATE B Under Section 66 of the Town and Country Planning Act 1990

I certify that:

- I have/the applicant has given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of this application, was the owner of any part of the land to which this application relates, as listed below: (continue on separate sheet if necessary.)

Owner(s) name:	Address at which notice was served	Dates on which notice was served
_____	_____	_____

- none of the land to which this application relates is, or is part of, an agricultural holding.

Signed _____ Date _____
on behalf of: _____

NOTICE No. 1 Under Section 66 of the Town and Country Planning Act 1990

Proposed development at (a) _____

I give notice that (b) _____

is applying to Camden Council for planning permission to:

(c) _____

Any owner / agricultural tenant of the land who wishes to make representations about this applications should write to Planning, Transport and Employment Services, Camden Town Hall, Argyle Street Entrance, Euston Road, London WC1H 8EQ within 21 days of the date of service of this notice. + "agricultural tenant" means a tenant of an agricultural holding.

Statement of owner's rights The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure".

Insert:

(a) address or location of the proposal development

(b) applicant's name

(c) description of the proposed development

Signed _____ Date _____

on behalf of: _____

Duplicate Applications/Re-sub missions

Have you submitted a duplicate (ie identical) application?

Yes No

If yes, and you have already received an acknowledgment, please give our Registered number: PL;



Do you want your application to be considered as a re-submission of an earlier application that was either refused or withdrawn?

Yes No

If yes, please give our Registered Number and the date that your earlier application was either refused/withdrawn (please delete as appropriate):

PL: _____ Date _____

Have you submitted any other application in connection with this application? (eg for : Listed Building, Conservation Area, or Control of Advertisement Consent)

Yes No

If yes, please specify: _____

Check list

Please use this list to check that your application for planning permission has been completed correctly.

- Have you provided 5 copies of plans for each separate application showing clearly and accurately, to a metric scale, the existing site or building (including uses) and what changes you intend to make?
- Have you provided 4 copies of a location plan, drawn to scale with the site outlined in red and any land in the same ownership outlined in blue?
- Have you provided enough information including good quality photographs of the site so that your proposals can be fully understood?
- Have you signed, dated and fully completed 4 copies of the application form for each separate application?
- Have you given full information on who owns the land involved? Have the correct notices been served on the owners (if there are other owners apart from the the applicant)? (See note 11)
- Have you checked whether you need to post a site notice and an advertisement in a local paper before submitting this application? (See note 10)
- Is the correct fee attached? (See separate list of fee available on request).

Please Note:-

If you cannot put a tick to every question your application is probably incomplete and will not be dealt with until it has been made complete

Please submit complete application to:

Planning, Transport and Health Service
Camden Town Hall
Argyle Street Entrance
Euston Road
London WC1H 9EQ

or by hand to Reception/Enquiry Desk, 5th Floor, at the above address

London Borough of Camden
Town Hall
Argyle Street
London WC1H 8EQ

Tel 0171 278 4444
Fax 0171 860 5713

Cunnane Town Planning
69 Strathmore Road
Teddington
TW11 8UH

Application No: 9501338
Case File: P14/28/B

22 FEB 1996

Dear Sir(s)/Madam

DECISION

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure)
Order 1995
Town and Country Planning (Applications) Regulations 1988

REFUSAL OF PERMISSION FOR DEVELOPMENT

Address : 15/21 Endell Street and 45/47 Shelton Street, WC2

Date of Application : 24/07/1995

Proposal :

Change of use from existing cafe/information centre and retail to food and drink use (Class A3) at ground floor level,
as shown on drawing numbers MISC366/01, 02, 03, 04 & 05A and 2182/1 & 2, as revised by letter dated 30 October 1995.

The Council has considered your application and decided to refuse permission for the following reason(s) :

Reasons for Refusal

- 1 The proposals would result in a large Class A3 use on the site which would be detrimental to the character of the Covent Garden Conservation Area which is expressed by a balance of retail and non retail uses and generally small scale commercial units.
- 2 The proposed Class A3 use would be likely to be a source of noise and disturbance to adjoining residents to the detriment of their amenity.
- 3 The proposals would result in a loss of retail floorspace contrary to policies in the Covent garden Action Area Plan and the Camden draft Unitary Development Plan to protect such floorspace.

Director
David Pike



ENVIRONMENT

London Borough of Camden
Town Hall
Argyle Street
London WC1H 8EQ

Tel 0171 278 4444
Fax 0171 860 5713

Informatives (if applicable):

This application was dealt with by John Davies on 0171 860 5885.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Environment Department
(Duly authorised by the Council to sign this document)

DecfplanR/TPFU

cunnane

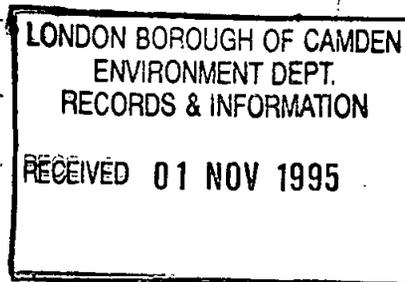
town planning

69 Strathmore Road, Teddington TW11 8UH
Telephone 0181 943 4032 Facsimile 0181 977 8344

Our Ref: EMP/AL11/EN/2182

Your Ref. PL/9501338

John Davies Esq
Environment Department
London Borough of Camden
Camden Town Hall
Argyle Street
London WC1H 8EQ



30 October 1995

Dear Mr Davies

15/21 ENDELL STREET AND 45/47 SHELTON STREET, WC2

I refer to the above and enclose five copies of the proposed floorplans and elevations as promised.

The enclosed plans show the location of the proposed ducting and it might interest you to know that there is an existing ducting system already located in the courtyard which I assume has operated for some time in the past without cause for complaint. I trust the proposed ducting system satisfies the requirements of your environmental health officer.

I have also enclosed five copies of the revised and correct existing elevations of the courtyard area.

I shall contact you shortly to discuss the progress of the application.

EAMONN PRENTER
CUNNANE TOWN PLANNING

- cc: 1 Gerald Davidson, Asda Property Holdings
2 Freddie Brown, Temac
3 Ben Grand, The Carl Fisher Partnership

Partners:
Joe Cunnane BA (Hons), Dip TP, MRTPI
Mary Cunnane MA
Ian Phillips BA (Hons), MRTPI
Practice Manager:
K Lamb

Associates:
Eamonn Prenter BA (Hons), Dip TP, MSc, MRTPI
John Blackwell BA (Hons), Dip TP, MRTPI
Sati Panesar BSc (Hons), Est Man, MA
Simon Owen BSc, Dip TP
Finbarr Barry BA (Hons), MRUP
Scott Kirkpatrick BA TP

Also at:
40 Princess Street, Manchester M1 6DE
Telephone 0161 237 3776 Facsimile 0161 236 4044
79 Merrion Square, Dublin 2



The Planning Inspectorate

CS4

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

Cunnane Town Planning
67 Strathmore Road
Teddington
Middlesex
TW11 8UH

Your Ref:
EMP/2182
Council Ref:
PL9501338
Our Ref:
T/APP/X5210/A/96/271125/P8
Date:

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY: ASDA PROPERTY HOLDINGS PLC
APPLICATION NO: 9501338

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the London Borough of Camden Council to refuse an application for change of use from existing cafe, information centre and retail to food and drink use (Class A3) at ground floor level at 15-21 Endell Street and 45-47 Shelton Street, London WC2. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered the representations made directly to the Council at the application stage which have been forwarded to me. I inspected the site on 3 February 1997.

2. A number of plans were before the Council at the time of consideration of this application including drawing no. 2182/1 which bears the drawing title 'proposed ground floor plan'. This shows the proposals for kitchen ducting and has a reference to glazing to courtyard to be added. However, as with the existing ground floor plan it shows three clothes shops. This conflicts with the description of the development which refers only to a proposed food and drink use (A3). It was confirmed at the site visit that there is an error on the proposed ground floor plan which should not show the existing clothes shops as shops. I shall consider the proposal accordingly.

3. The appeal premises was formerly occupied by the Ecology Centre with an entrance onto Shelton Street. The Council describe the site as mixed use with information centre, retail use and ancillary public cafe, although you suggest that the cafe was not ancillary but an independent use. Within the appeal site there are three self-contained retail units fronting onto Endell Street. The entrance to the information centre from Endell Street appears to have been a gallery (probably associated with the information centre). There are three floors

of flats above the appeal site and offices adjoining it. The appeal site is within the Covent Garden Conservation Area.

4. From my view of the site and its surroundings and having read the representations, I consider that the main issues in this case are first, the impact of the proposed restaurant use on the amenities of neighbouring residents; secondly, the effect of the proposal on the character and appearance of this part of the Covent Garden Conservation Area; and thirdly, the effect of the loss of the shop units at the site on the retail character and functioning of the area, having regard to local policies.

5. The Development Plan policies most relevant to this case are found in the Council's Borough Plan together with the Greater London Development Plan. The Greater London Council (Covent Garden) Action Area Plan which was adopted in January 1978 is the statutory local plan for this part of Covent Garden which is within the Borough of Camden. On cafes/restaurants/sandwich bars/wine bars, the Action Area Plan states that it will be the normal policy to prevent change of use from retail shop to restaurants, especially in shopping streets. It would be the normal policy to continue to permit new cafes/restaurants/wine bars in the area, especially along a theatre entertainment route between St Martin's Lane and The Aldwych whilst protecting residential amenity by the imposition of planning conditions. The text also states that, in considering planning applications for these uses, a number of principles will be observed, the first listed of which is location away from residential property. On shopping, it will be the normal policy to safeguard shopping service use. I am required to decide the appeal having regard to the Development Plan and to make my determination in accordance with it unless material considerations indicate otherwise.

6. The Council has drawn my attention to policies in the draft Unitary Development Plan (UDP) which has completed its inquiry stage. Draft policy HG8 states that the Council will not normally permit the establishment of further A3 uses or the extension of existing premises in close proximity to residential premises. It goes on to state that an exception may be made where the Council is satisfied that sufficient steps can and will be taken to control noise, fumes, refuse and other potential nuisances and the proposal is otherwise in conformity with plan policies. Under draft policy SH24 in considering applications for A3 use, and where appropriate and necessary, conditions will be imposed to control among other things, the hours of operation and the arrangements to be made to overcome potential loss of amenity and noise disturbance. Draft policy SH15 restricts changes of use from retail to non-retail use outside designated shopping centres unless the proposed use will not adversely affect the character and function of the area or local amenity, environment or transport conditions and the remaining retail facilities provide a wide choice to meet the needs of local residents, workers and visitors.

7. In considering development proposals in a conservation area, there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is a statutory duty which arises from Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. On the first issue, you point out that there was a cafe at the appeal site prior to the ground floor being vacated which operated without cause for complaint from residents and you draw my attention to high existing ambient noise levels day and evening as a result of substantial pedestrian and vehicular activity. You have sought to show that this is an

appropriate case for an exception in accordance with draft policy HG8 with the submission of noise studies and suggestions for conditions to be imposed to ensure that there would be no harm to the amenity of adjoining residents.

9. The Council says that the restaurant proposed would be able to accommodate in excess of 100 patrons at any one time. You do not comment directly on the numbers involved but your acoustics consultants chose to survey an existing restaurant which had 104 covers and in paragraph 5.2 of the noise assessment report refer to the proposal incorporating a seating area for around 140 covers.

10. I understand that there are nine flats above the appeal site and I saw that there is a large block of flats, Odhams Walk, on the south side of Shelton Street. There are also residential uses on the upper floors of surrounding buildings. Having regard to the close proximity of the appeal site to residential premises, the proposal for a restaurant here would be contrary to the normal policy of the adopted development plan and the emerging policy HG8.

11. There was, as you say, formerly a cafe at the appeal site but from my site inspection it does not appear that this comprised the major part of the ground floor floorspace. It is accepted on all sides that this is a busy road junction and I heard for myself that there is a high level of traffic noise. Although the noise assessment report suggests that external customer activities associated with the proposal would be expected to be confined to car parking and vehicle movements (which the report finds would not be generally significant given the prevailing road traffic noise measured at the front of premises), I am more concerned in this case about the likely level of noise and disturbance from the volume of customers arriving at and, more particularly, leaving the restaurant probably quite late in the evening. Residents also express concern about customers waiting for tables outside the restaurant on narrow pavements. The opening times of the proposed restaurant could be controlled by condition. However, the appeal premises are located below and directly opposite residential units and the noise and disturbance which may be expected as a result of a large number of customers coming to and leaving the site is likely to add materially to the already high ambient noise levels at the site. In my opinion, to allow a sizeable restaurant (perhaps for as many as 140 covers) would add materially to noise and disturbance to the further and significant detriment of the residential amenity of the many residents living close to the appeal site. For this reason I find the proposal unacceptable and contrary to adopted and emerging local policies.

12. Turning to the second issue, you argue that the appeal proposal would at least preserve and more likely enhance the appearance of the conservation area since it is one of a wide variety of buildings, sizes and designs. The Council says a characteristic of the uses in this vicinity is their small scale, limited to mostly (though not entirely) single shop front uses. You argue that an A3 is entirely appropriate as it is in keeping with the character of the conservation area and I saw at my site visit that Endell Street already has a number of A3 uses whereas Shelton Street appears to be predominantly retail in character.

13. You have not submitted plans indicating any change to the existing frontages. Nevertheless, what is proposed is a single use for the whole ground floor of the site which has some 20m of effectively uninterrupted length in Endell Street. The appearance of the appeal site as one unit would be at variance with the mix of small uses which characterises

the area. The impact of this single use would be more limited in Shelton Street because the two frontages are broken up by the access to the flats above and services. I am also concerned about the effect on the character of Endell Street of another restaurant use, especially having regard to the proposed size of the restaurant. I have concluded, therefore, that the proposal for this additional large restaurant in Endell Street amalgamating the units on the ground floor at the appeal site would materially detract from the character and appearance of mixed uses and small units of this part of the Covent Garden Conservation Area.

14. On the third issue, the Council regards the site as being in an important retail location as it is on one of the main pedestrian routes into the centre of Covent Garden and is close to Neal Street, which has become a major retail location in Covent Garden. You say that the appeal site is undesignated for retail purposes in either the adopted Covent Garden Action Area Plan or the emerging Camden UDP. Having regard to the floorspace involved, you suggest that the actual loss of retail is acceptable given that this site is not within a defined shopping centre. You argue that there are sufficient remaining retail facilities to meet the needs of local residents, workers and visitors in accordance with emerging policy SH15.

15. From my site visit it appears that three small retail shops would be affected. Although you say that one of these units was occupied by the Ecology Centre, there was also a retail use within the main area of floorspace of the site. I accept that there would probably be sufficient remaining retail facilities in accordance with draft policy SH15, but my findings on the first two issues on residential amenity and the character of the area indicate that the proposal would not accord with draft policy SH15. If there were no other sound planning objections to the proposal, I would not find that the loss of retail floorspace involved would warrant refusal of planning permission by itself. However, having regard to my conclusions on the other issues, the loss of retail floorspace contrary to local policies adds to my conclusion that the appeal proposal is unacceptable.

16. I have considered all the other points raised but I have found nothing as important as the matters I have discussed.

17. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss the appeal.

Yours faithfully

CAROLINE BRIGGS BA (Hons) FRTPI BARRISTER
Inspector