



11 May 2017

John Diver,
Development Management,
Camden Town Hall,
Judd Street,
London,
WC1H 9JE.

Dear Mr Diver,

Application: 2018/1447/P
Address: Unit 18, The Brunswick Centre, London
Proposal: Conversion of A1 shop use to A3 and A5 use, with related alterations

On behalf of the Brunswick Centre Tenants' and Residents' Association, I wish to object vehemently to the proposal by Ovelshield Limited to open a budget pizza restaurant and takeaway in Unit 18 of The Brunswick Centre.

Application procedure

Ovelshield has made no attempt of any kind to consult the 1,000 or so residents of The Brunswick Centre about this proposed change of use, which would have significantly deleterious effect on the amenity of their homes. Nor has Ovelshield sought pre-application advice, which would presumably have saved it the expense of an application which is doomed to failure.

Apparently in a further attempt to avoid comment, Ovelshield does not appear to have obviously advertised its application by posting notices locally. For this, if for no other, reason the application should be rejected.

In addition, Ovelshield has not submitted an application for Listed Building Consent, despite its proposals including external and internal alterations, including erecting signs and cutting a hole in the fabric for its "600 x 300 extraction louver grill" (shown on the unnumbered proposed rear elevation drawing).

Restrictions on uses

As you will be aware, there are two over- arching conditions on the permission for The Brunswick Centre (ref. PSX0104561, dated 1 September 2003) which would prevent approval of this application.

If the current applicant wishes to change the terms of the existing permission it should say so, and Camden should determine whether those terms should be changed: the existing conditions should not simply be ignored.

Overall number of food and drink uses

Condition 3 stated:

- 3 Up to a maximum of 40% of the retail floorspace equating to 3386m² (excluding the supermarket and eye-catcher) is permitted to be used within Use Classes A2 and A3 of the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Camden's Planning Committee determined that fewer non-retail uses should be allowed in The Brunswick Centre than would generally be allowed elsewhere, and there has been no application since to vary that general condition. The reason for that limit – that a concentration of food uses is harmful to the environment of residents – remains as relevant now as it was in 2003.

In 2012, the Planning Inspector considered an appeal against the refusal of permission for change of use of Unit 5, from A1 retail to A3 café/restaurant. The Inspector concluded that that proposed change was unacceptable, due to the adverse impact on conditions of residents. Since 2012, the situation has worsened, as more units within the Centre have been converted to café/restaurant use, in some cases without permission, in advance or at all.

In addition, the existing concentration of food and drink uses is contrary to Camden Planning Guidance document "Town centres and retail" (the "CPG") regarding food, drink and entertainment ("FDE") uses; this document is dated March 2018 and presumably therefore represents beyond doubt Camden's current policy on the Brunswick Centre. Page 47 of the CPG includes a table, the relevant part of which is reproduced below, setting out specific restrictions on concentrations of FDE uses.

	A1 shops Minimum proportion of A1 shops in each individual frontage	A3 A4 A5 food, drink, and entertainment uses Maximum proportion of A3, A4, and A5 uses combined in each individual frontage	A3 A4 A5 food, drink, and entertainment uses and other non retail uses Other restrictions
Brunswick Centre	Min. 50%	Max. 25%	Max. 100sqm No more than 2 consecutive food, drink, or entertainment uses

Of the specific restrictions set out for The Brunswick Centre:

- a. The limit of 25% of FDE uses has already been exceeded in several frontages and in the Centre as a whole. Ovelshield claims, at para. 5.15 of its Planning Support Statement that the proportion of FDE uses is 20.5%; this is incorrect, as the table below demonstrates – if Ovelshield wishes to rely on other figures, it should be required to provide those figures. If, for example, the applicant intends to maintain that Patisserie Valerie and Simple Health Kitchen are not FDE users, or that the Curzon cinema are not entertainment users, we will ask the committee to consider that point and make a decision that may be taken into account in the assessment of not only this but future applications.
- b. In several locations in The Brunswick Centre there are already more than two consecutive FDE uses.
- c. Fifteen¹ of the FDE users in The Brunswick Centre exceed, some by a very wide margin the maximum 100m² allowed by the guidance. At ground floor level alone (i.e., not counting kitchens, toilets, service space etc. in basements): Carluccio's occupies 384m²; Leon 295m²;

¹ Curzon, Carluccio's, Leon, Tossed, Starbucks, Patisserie Valerie, Hare & Tortoise, Las Iguanas, Itsu, Giraffe, Nando's, Yo Sushi, Gourmet Burger Kitchen, Fitness Space and William Hill

Fitness Space 249m²; Nando's 242m²; and Patisserie Valerie 240m². Seven have a floor area greater than 200m². The application site has an area of 357m², of which 175m² is on the ground floor.

Unit no.	Occupier	Units occupied by shops	Food, drink & entertainment uses
East side (starting from Bernard Street)			
1/3	Carluccios		2
5	Sainsbury	1	
K1	Simple Health Kitchen		1 (kiosk)
7	Starbucks		1
9	Patisserie Valerie		1
11/13	Hare & Tortoise		2
	Curzon Cinema and Bar		1
15/17	Las Iguanas		2
19/21	Giraffe		2
23	Nando's		1
K3	Cards Galore	1 (kiosk)	
25/27	River Island	2	
29	Holland & Barrett	1	
31	Specsavers	1	
33/35	Superdrug	2	
37	Robert Dyas	1	
39	Health Centre		
West side (starting from Bernard Street)			
2	Leon		1
4	Tossed		1
6	Hobbs	1	
K2	Revital	1 (kiosk)	
8	Vacant (last use A1)	1	
10	Traveller	1	
12	Oasis	1	
14	Office (shoes)	1	
16	Itsu		1
18	Application site - vacant (last use A1)	1	
20	Vodafone	1	
22	Vacant (last use A1)	1	
K4	Three	1 (kiosk)	
24/26	New Look	2	

28	Crussh		1
30/32	Yo Sushi		2
34	Chatime cafe		1
36	Vacant (last use waxing salon)	1	
38a	Sanrizz hair salon	1	
38b	Ben's Cookies cafe		1
40/42	Boots	2	
44/46	Gourmet Burger Kitchen		2
48/50	William Hill		2
52	Fitness Space		1
Total		25 (including 3 kiosks)	26 (including 1 kiosk)

The applicant suggests that a change of use should be permitted because the site has been vacant since August 2017. It has submitted no evidence to show that the unit was marketed as anything other than a restaurant, and it should be required by Camden to provide this evidence. The claim that the "only serious interest" in the unit has come from restaurant operators is most probably related to the advertised rent – if the rent sought is so high that only chain restaurant operators can afford it, there will obviously be little "serious interest" from retailers.

Prohibition of hot food takeaways

Condition 10 stated:

10 Units and / floorspace falling within Use Class A3 of the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, shall not be occupied by uses constituting hot food takeaways, unless with the express written agreement of the Council.

The 2003 committee set a particular restriction on hot food takeaways, stating that none whatsoever should be allowed within the building. Again, there has been no application since to vary that general condition, and the reason behind it is valid now as it was in 2003.

The harmful impact on residents of takeaways generally is obvious and well known, and one need only pass by the applicant's existing ICCO pizza restaurant in Goodge Street on an evening to see that the risk in this case is severe. That site is a frequently crowded with bands of young people on their way to or from the pub; they are accordingly loud and boisterous, and often litter the

neighbourhood with their pizza boxes, beer cans and vomit. The fact that there are outdoor benches in The Brunswick Centre would tend to exacerbate this behaviour.

While the congregation of crowds of drunken youths may be tolerable, or at least accepted as unavoidable (though presumably still very unpleasant for residents) in Goodge Street, which is largely commercial in character and has been for many years, it would be inappropriate in The Brunswick Centre, which is overwhelmingly residential.

Restaurant extracts and air quality

There is a long-standing problem with restaurant kitchen extract in The Brunswick Centre. Despite years of complaints and some attempts by the management of the building to improve the situation, residents remain exposed to foul fumes whenever the restaurants are open.

The problem is represented visually, though unintentionally, on the south wall (eastern end) of O'Donnell Court, where several restaurant extracts vent onto the pavement, above head height. On almost any evening a plume of blue smoke is visible, and the wall above the outlet is stained with soot and grease. This is unpleasant enough as a passerby, but for residents it is intolerable. The centre management and Camden's environmental health department are aware of the problem, which has led to residents having on numerous occasions been made nauseous by the fumes, but have been unable to resolve it.

The ventilation system for the building is inadequate to cope with the existing number of residents. To add to the total load by adding a pizza restaurant – which will inevitably produce a great volume of greasy smoke – will worsen an already desperate situation.

The applicant suggests that the fans and filters it proposes to install will be practically silent, fully effective and reliably maintained to prevent excessive smells. Given residents' experiences, these claims are little more than laughable: we have been sickened by the smells and noise of restaurant kitchens over the last ten years. There is no spare capacity in the ventilation system, and any additional restaurants will make the situation worse.

Other issues

Ovelshield claims that the pizzas sold by ICCO are a "unique" offer for Bloomsbury. This claim, based on the fact that they produce sour dough pizza is untrue: within 100m of this site Franco

Manca in Bernard Street already offers the same sour thing, while the independent operator Pizza Sophia also does so on Tavistock Place, at the rear of the Brunswick Centre.

The trading hours proposed are Mondays to Fridays, 7am to 11pm, and Saturdays and Sundays 9am to 11pm. This is contrary to Condition 9 in the 2003 planning permission, which limits opening hours as follows:

9 The uses hereby permitted within Use Class A3 shall not be carried out outside the following times 0800-2330hrs Monday-Saturday and 0800hrs-2300hrs on Sundays.

Any extension of these opening hours for any of the units would be entirely unacceptable.

Conclusion

It is clear that the proportion of food, drink and entertainment uses in The Brunswick Centre exceeds by a wide margin both that permitted by the existing planning permission for the property and the limits set by Camden's current policy. The addition of another budget chain restaurant will add nothing to the diversity and vitality of The Brunswick Centre or of the wider area. As well as reducing the diversity of retailers able to operate in the building, and in the neighbourhood generally, this change would also adversely affect residents through increased fumes from kitchen extracts, and increased evening noise resulting from congregations of diners not only within the cafes/restaurants but also in the open areas immediately below the flats.

There is already a serious problem of cooking fumes polluting the atmosphere for residents, and on occasion making them ill. Adding another restaurant will inevitably make this already dire situation worse.

On behalf of the Tenants' and Residents' Association, representing the occupiers of 400 flats in the Brunswick Centre, I request that this application be refused.

Yours sincerely



Chair

Brunswick Centre Tenants' and Residents' Association