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The Planning Inspectorate
3N - Kite, Temple Quay House
2 The Square
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BS1 6PN

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal submitted on behalf of Ovelshield Limited t/a ICCO
Site Address: Unit 18, Brunswick Centre, WC1N 1AE

I write in connection with the above appeal against the Council's refusal to grant permission for the following applications:

(1) Full planning

Your ref: APP/X5210/W/18/3209747

Our ref: 2018/1447/P dated 01 June 2018

Description: *'Change of use of ground floor unit from retail (Use Class A1) to restaurant (Use Class A3) with ancillary take away sales, and installation of new extract vent to rear'*

(2) Listed Building Consent

Your ref: APP/X5210/Y/18/3209750

Our ref: 2018/1658/L dated 01 June 2018

Description: *'Internal and external alterations to ground floor unit including installation of illuminated fascia behind glazed shopfront; creation of opening in rear elevation and installation of extract louvre; installation of internal air handling equipment (GII)'*

(3) Advertisement Consent

Your ref: APP/X5210/H/18/3209753

Our ref: 2018/1448/A dated 01 June 2018

Description: *'Display of one internally-illuminated fascia sign behind glazed shopfront and one internally illuminated projecting sign onto existing shopfront'*

The Council's case for each of the above decisions is set out primarily in the delegated officer's report that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of the relevant Local Plan policies and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

1. Summary of Case

- 1.1. The appeal site is a ground floor commercial unit (plus basement levels) within the Brunswick Centre, WC1N 1AE. The Brunswick Centre is part of a grade II listed development containing two linked blocks of flats above a shopping centre with rows of shops at raised ground level over a basement containing a car-parking/service area and a cinema.
- 1.2. The three applications that are the subject of this appeal were refused by the Council on the 01 June 2018 for the following grounds:

(1) Full planning:

Reason one: The proposed development, by reason of the size of the proposed restaurant and its location in close proximity to residential dwellings and other food, drink and entertainment uses in the vicinity, would result in an overconcentration of food, drink and entertainment uses which would have a significant adverse impact on the character and function of the designated Neighbourhood Centre and the amenities of neighbours, contrary to policies A1, A4, TC2 and TC4 of the Camden Local Plan (2017).

Reason two: The applicant has failed to demonstrate, by way of a suitably comprehensive acoustic survey & impact assessment and a risk-based odour control & impact assessment, that all plant equipment, when operating at full capacity, would be capable of doing so without causing noise disturbance and harm to local amenity, contrary to policies A1, A4, TC2 and TC4 of the Camden Local Plan (2017)

(2) Advertisement consent:

Reason one: The proposed projecting sign and internal fascia sign, by reason of the proposed illumination, would be overly prominent and out of character with the predominantly non-illuminated signage within the wider Brunswick Centre resulting in visual clutter that would detract from the visual amenity of the area, the special character of the listed building and the character and appearance of this part of the Bloomsbury Conservation Area, contrary to policies D1, D2 and D4 of the Camden Local Plan (2017).

(3) Listed Building Consent:

Reason one: The proposed development, by reason of the illuminated signage which would be overly visually prominent and would result in visual clutter, would fail to preserve the building's special architectural and historic interest, contrary to policy D2 of the Camden Local Plan (2017).

1.3. The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments as well as the associated files outlined in the appendices.

2. Relevant History

Appeal site history

2.1. A full summary of the planning history for the appeal site is outlined in the 'relevant history' section of the main officer's report. Since June 2018 no further changes of use have been permitted across the centre.

Other relevant planning history

2.2. Following a search of the Council's planning database over the last ten years applications for illuminated signage have been limited to the following:

2016/3962/A & 2016/4141/L (Unit 2). Listed building and advertisement consent was refused with warning of enforcement action to be taken on the 07/12/2016 for the proposed '*External alterations to display 1x internally illuminated projecting sign*'

2015/4995/A & 2015/5823/L (Unit 19-21). Listed building and advertisement consent was granted on the 14/06/2016 for the proposed '*Alterations in connection with display of 3x internally illuminated fascia signs to be positioned behind the glazing*'.

2013/5774/L (Unit 36). Listed building and advertisement consent was granted on the 08/11/2013 for the proposals including '*the installation of 1 x illuminated internal fascia sign, 1 x non-illuminated projecting sign and 1 x vinyl sign on front elevation*'

2012/3269/A & 2012/3387/L (Unit 16). Listed building and advertisement consent was granted on the 21/08/2012 for the proposals including '*replacement of non-illuminated projecting sign face and display of internal illuminated fascia sign*'.

2010/4708/L & 2010/4731/A (Unit 37). Listed building and advertisement consent was granted on the 10/11/2010 for the proposals including '*Display of an illuminated fascia panel internally and non-illuminated projecting sign to shopfront*'

2009/4583/A & 2009/4779/L (Unit 25-27). Listed building and advertisement consent was granted on the 02/12/2009 for the proposals including '*Display of an illuminated fascia panel internally and non-illuminated projecting sign to shopfront*'

2.3. The above decisions support the position that the use of illuminated signs within the listed centre must be limited to positions inside of the ground floor units behind glazed screens so as to avoid visual impact. The only application for illuminated projecting sign within the past ten years was sought retrospectively and resulted in the warning of enforcement action to be taken prior to the removal of the unauthorised signage. It also demonstrates that the Council accepts that, where an existing building is of exceptional architectural or historic significance, the use of appropriately designed signage can act to emphasise their significance in a local context.

Planning Enforcement

- 2.4. The Brunswick centre underwent a major refurbishment following consents granted in 2004 when the centre was amended to its existing layout. Since this point, a total of 43 planning enforcement complaints have been received and investigated in relation to various operations within the centre. This would include:
- 2.5. Ten complaints alleging a breach of condition requiring servicing and deliveries to take place at basement level resulting in disturbances to residents;
- EN06/0855 dated 16.10.2006
 - EN06/0923 dated 05.12.2006
 - EN08/0058 dated 25.01.2008
 - EN09/0494 dated 14.07.2009
 - EN10/0480 dated 11.05.2010
 - EN10/0715 dated 19.07.2010
 - EN11/0843 dated 09.09.2011
 - EN14/0953 dated 29.09.2014
 - EN15/0327 dated 23.03.2015
 - EN17/0752 dated 07.08.2017
- 2.6. Seven complaints alleging a breach an unauthorised change of use from retail to restaurant resulting in disturbances or impact to centre;
- EN12/0069 dated 09.02.2012
 - EN12/0079 dated 10.02.2012
 - EN12/0096 dated 13.02.2012
 - EN13/0951 dated 15.08.2013
 - EN14/0257 dated 28.02.2014
 - EN16/0702 dated 08.07.2016
 - EN18/0727 dated 05.09.2018
- 2.7. Three complaints alleging a breach of condition relating to extract equipment resulting in disturbances from odour or noise; and
- EN06/1037 dated 08.12.2006
 - EN14/0068 dated 21.01.2014
 - EN14/0379 dated 04.04.2014
- 2.8. Four complaints alleging unauthorised signage disrupting the visual amenity and setting of the listed centre
- EN06/1018 dated 06.11.2006
 - EN15/0395 dated 15.04.2015
 - EN16/1202 dated 24.11.2016
 - EN17/0505 dated 22.05.2017
- 2.9. The above illustrates that occupiers of the residential flats within the centre have a very proximal relationship with the commercial ground floor uses and can be subject to disruption if these commercial units are not operated sensitively. It also demonstrates that local residents cherish the retail provision offered within the centre and seek it to be retained in accordance with Council's policies.

3. Status of Policies and Guidance

- 3.1. On the 03rd July 2017, the Camden Local Plan (2017) was formally adopted. The Council's policies are recent and up to date. They do not differ from the National Planning Policy Framework (NPPF) 2019 policies in relation to this appeal.
- 3.2. With regard to supporting documentation in Camden Planning Guidance, the specific sections most relevant to the appeal are as follows:

Advertisements CPG (2018)

Amenity CPG (2018)

- Noise and vibration – Chapter 6

Design CPG (2019)

- Design Excellence – Chapter 2
- Heritage – Chapter 3
- Shopfronts – Chapter 6
- Building services equipment – Chapter 9

Town centres and Retail CPG (2018)

- Guidance for all centres, retail and food, drink and entertainment uses – Pg4-9
- Neighbourhood Centres in Central London – Pgs.46 – 48

4. Comments on the appellant's grounds of appeal (Planning Permission)

- 4.1. Appellant's main Grounds of Appeal for the planning application are summarised in bold italics and subsequently addressed below:

Comments relating to Town Centre Impacts (RfR One)

- 4.2. Reason for refusal one in part sets out that the loss of retail floorspace within a neighbourhood centre would, in this instance, harm the character and function of that centre. Camden has a range of shops which provide essential services for residents as well as more specialist shops which attract visitors from outside the borough. The range of shops in Camden is a key part of the borough's character and ensures that our town centres and shopping areas are vibrant and varied. Comments raised by the appellant in relation to this alleged harm will be discussed below in turn.

“The appellant considers that Appendix Two of the LPA's delegated report reflects the realistic position with regard to the proposed distribution of food, drink and entertainment uses within the Brunswick Centre and that Appendix Three of the LPA's delegated report in an unreasonable and unhelpful fabrication by the LPA. It is also considered flawed logic by the LPA to conclude that the existing, authorised Class A1 uses which sell food do not contribute towards meeting the day-to-day shopping needs of local residents... No reasonable and proportionate assessment

of this distribution could conclude that this would represent an overconcentration of food, drink and entertainment uses” (5.8)

- 4.3. As set out at para.3.5 of the officer’s report, the proposed change of use would only result in a total of 23% of units (10/43) in food, drink and entertainment uses across the centre. Whilst it was acknowledged that the overall percentage of units across the centre would remain slightly below the 25% Local Plan target, it was noted that the existing restaurants occupy larger units or have combined multiple units, giving them their significant size and presence within the centre than other uses. The methodology for calculating proportions of town centre uses outlined on page 6 of the Town Centre’s CPG seeks to assess the number of units within a given frontage/centre, but not their size. Whilst this methodology remains the Council’s guideline approach, in this instance these figures alone fail to fully capture the implications to the function and character of the centre as a result of the proportion of these larger eateries.
- 4.4. As illustrated in appendix two of the delegated report, excluding the ‘eye-catcher’ Waitrose store and cinema (neither being included within the designated area) the overall area of food, drink and entertainment (F,D&E) uses appears disproportionately large when compared to the lettable floorspace for all other uses across the centre. Other than four that are retained for retail purposes (unit 5 and combined units 24-26, 25-27 and 33-35), all of the larger ground floor units across the centre are now occupied by a restaurant use. Whilst the proposed change of use would therefore result in only 23% of units by quantity across the centre being within F,D & E uses, by area they would exceed this proportion. Based upon submitted block plans of the centre, areas of the permitted F,D&E uses have been calculated by area and are given in table one below.

Unit no.	Use Class	Area (approx. sqm)*
Unit 1-3	A3	399.7
Unit 2	SG (Mix of A1/A3)	295.8
Unit 7	A3	130
Unit 11-13	A3	217.5
Unit 15-17	A3	284.1
Unit 18 (appeal)	A3	181.1
Unit 19-21	A3	169.3
Unit 23	A3	244.8
Unit 30-32	A3	180.7
Unit 44-46	A3	110
Total area FD&E existing*:		1971.8sqm
Total area FD&E proposed*:		2152.9sqm
Entire centre (excluding eye catcher and cinema)*:		7859.3sqm
Total as % of total lettable area (existing):		25.1%
Total as % of total lettable area (proposed):		27.4%

*Table 1: Proportion of food, drink and entertainment uses by area. *Ground floor GIA only, upper and lower basement floors excluded. See appendix one for plans.*

- 4.5. At just a quarter of all the lettable ground floor space across the designated centre being currently occupied by restaurants / eateries, a further change of use to increase this proportion of provision of food, drink and entertainment uses is not considered conducive to the adopted aims for the Brunswick Neighbourhood Centre. Specifically, to ensure that the Centre provides for the day-to-day needs of people living, working or staying nearby and that any F,D&E uses remain small scale (generally less than 100sqm) serves a local catchment and do not harm the surrounding area (See Local Plan appendix 4 / Town Centres CGP para.3.85). The stipulation regarding maximum size of units outlined in the Local Plan was included in order to protect amenity of the area but also to avoid very large units (including from amalgamations) from eroding the character and function of a centre by undermining its retail offer.
- 4.6. In this instance, the proposed restaurant use would not be small scale and would represent the tenth restaurant with a ground floor area of greater than 100sqm within the centre. In addition, multiple pizzerias are already located within the area meaning that the proposed business would not be unique in the area or target a specific, under catered market or need. Numerous eateries that sell pizza exist nearby, but the following local pizzerias are the most comparable to the appeal model: [Pizza Sophia](#) (2min walk, 210m to the North); [Blooms Pizza Café](#) (4min walk, 315m to the West); [Pizza Hut](#) (5min walk, 450m to the South West); [Franco Manca](#) (2min walk, 160m to the South); and [Ciao Bella](#) (6min walk, 450m to the South East). Given that an imperative for assessing F,D&E uses in Neighbourhood Centres set out in the Local Plan is that they serve their local catchment, it would seem as though there already exists plenty of similar provision within the local area. As such securing the permission as personal to ICCO would not address the concern in terms of a land use and impact to the Neighbourhood Centre. It is therefore maintained that the proposed change of use would result in a disproportionate provision of F,D & E uses across the centre and to consequently erode its character and function, primarily as a retail centre to meet the day-to-day needs of local people. The works would therefore still be seen as contrary to policy TC2 which seeks 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”*.
- 4.7. In addition to the above, a sense of proliferation of F, D & E uses is also how one perceives the centre when visiting. This impact upon the perception of the centre and its function are exacerbated by two additional factors. The first being the proliferation of seating and outdoor furniture associated with the A3 uses outlined in table one. To an extent, such seating is desirable as it improves activity and animation within the centre and increases its vitality. That said however, further licences for further tables and chairs licences are likely to be resisted so as to avoid the centre becoming overcrowded/cluttered and appearing more as a food court than a retail centre. The addition of a new restaurant unit within the centre would likely add further pressure for additional outdoor seating for customers. The second factor is the additional proportion of units who operate lawfully under an A1 use class, but are occupied by businesses whose primary function is the sale of hot and cold foods for consumption off premises but which retain areas for seating. Whilst it is acknowledged that changes within a specific use class are outside of the control of planning, the existing retail offer of the centre for local residents and workers is a material consideration for the application. It remains the case that at present a total of only 19 out of 43 units (44%) offer any form of convenience/comparison retail shopping across the designated centre and this does act to alter the character and function of the centre and the way in which it is perceived to the local and wider community. This is also evidenced by figure 2/table 1 of the submitted

Odour Impact Assessment which also identifies the proliferation of food outlets in close proximity to the appeal site. Whilst it is true that retail units selling food such as those permitted to operate within the centre can address some of the day-to-day needs of local residents and workers to a degree, they all address only one specific 'need' (i.e. fast food dining). Where there exists a proliferation of such uses to the extent now seen, the ability of the centre to offer up a mixed and attractive range of shops and services to address the multitude of other needs of the local community becomes weakened. As outlined in the delegated report, this is considered to exacerbate the impacts set out above in terms of the effect of development on shopping provision and the character of the centre in which it is located.

“The LPA state within paragraph 3.11 of their delegated report that: ‘no evidence of the unsuccessful retail marketing campaign have (sic) been forthcoming’. The Inspector will note that paragraph 5.13 of the Planning Support Statement that accompanied the appeal applications provided a summary of the marketing reality of the appeal premises” (5.9)

4.8. The supporting text to policy TC4 states that the Council will take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises when considering proposals that involve the loss of retail premises (para.9.38). Where a planning application proposes the loss of a shop in retail use, the Council will consider whether there is a realistic prospect of such use continuing by requiring the submission of marketing evidence to show that there is no realistic prospect of demand to use a site for continued retail use.

4.9. Guidance in relation to preparing marketing evidence in support of such an application is outlined in the opening chapter 1 (Guidance for all centres) of the Town Centre's CPG. At para. 2.8 a list is provided that set out the expectations for such evidence. It states as follows:

“When applicants are providing marketing evidence the following information should be provided:

- *where the premises were advertised (shopfront; media, web sources etc.) and when (dates);*
- *how long the premises were advertised for and whether this was over a consistent period;*
- *rental prices quoted in the advertisement (we expect premises to be marketed at realistic prices);*
- *copies of advertisements;*
- *estate agents details;*
- *any feedback from interested parties outlining why the premises were not suitable for their purposes; and*
- *consideration of alternative retail uses and layouts” (para.2.8).*

4.10. In support of the appeal and in an attempt to demonstrate that notwithstanding concerns raised the unit should be permitted to change to a restaurant use, further evidence has been provided. This information includes a signed letter dated 14/08/2018 titled 'Leasing History'; an addendum to the above letter titled 'Lease history addendum' dated 20/08/2018; and a marketing brochure relating to Unit 8 produced by JLL. The submitted lease history letters were written and produced by the asset manager for Lazari Investment Management Ltd,

who purchased the Brunswick Centre and added it to their property portfolio in 2014. The letters detail the previous letting history for the unit and confirms the following:

- That the unit had been continuously occupied by LK Bennetts Ltd between Sept 2006 – Aug 2017;
- That the unit became empty following the vacation of LK Bennetts;
- That an offer on the unit had initially been made by Clarks to take over the unit in 2016 but was subsequently withdrawn, citing the Brexit referendum result as their reasoning;
- That a lease was agreed with ICCO in 2018 for them to occupy the unit subject to planning permission; and
- That, as a result of the refusal of planning permission, a short term lease was signed with Hypervar Ltd, a SME who took over the unit for retail purposes between August 2018 and January 2019.

4.11. The information provided would not represent a robust evidence base that would adequately demonstrate that there remains no prospect of the unit being rented for alternative retail uses. For instance, no information has been provided in relation to where the premise was advertised (other than details of the short term leasing website 'appearhere.com') or at what price. Only one advert has been produced which relates to a separate unit, meaning that no actual evidence of marketing for a long term, retail lease has been presented. The letter makes reference to the successes of a campaign undertaken by JLL and Bruce Gilliam Pollard between 2014 and Feb 2018 who secured new retail leases at Units 2, 4, K2 and 38B as well as unit 52 (that was also subject to a change of use from bank to gym) within that period. The addendum letter goes on further to confirm that a new retail occupier had in fact taken up the appeal unit, though only on a short term basis and only occupying the GF level. Furthermore, the letter confirms that since the reappointment of letting agents, *"there have been expressions of interest in the vacant units from a variety of parties"*, though specific details are not provided.

4.12. The securing of these leases and the interest in vacant units would undermine the position that there is limited interest in the use of the units for retail purposes. The letter continues to state that Savills and CWM were then appointed as new letting agents for the centre from Feb 2018 onwards. However, no actual evidence of any kind has been submitted from these or the previous letting agents in regard to the appeal site. In addition, website searches for the property did not result in any details of renting opportunity being found on a long term basis (see appendix two of this report). On the Brunswick Centre's website, inquirers are directed towards the letting agents Savills and CWG as set out in the letter. However, on the Savills' website no properties for rent were shown within the Brunswick Centre based upon their map search function. Similarly, on CWG's website, the Brunswick Centre is listed as a London Centre within the management portfolio of the company, however, no specific details relating to any individual unit availability or rental particulars were available. This lack of online information or details of the property's particulars or information regarding to its long term letting availability would undermine the suggestion that comprehensive marketing remains ongoing at the point of submission of the appeal.

4.13. The only results from an internet search engine for details of rental properties within the Centre was found on the website 'appearhere.co.uk'. The submitted letter does include details of marketing on this website. At the time of writing (April 2019) four units (units 8, 18, 22 and 68) were listed on this website as available with prices of between £144-£550 per

day, with unit 18 listed at £400/day excluding VAT. This website is a well-known letting website but deals mainly in short term letting for pop-up shops and meanwhile uses. The 'How it Works' page of their website describes themselves as having *"the largest collection of space worldwide, to book by the day, week or month"*. This short term focus is reflected in the asking prices. At £400 per day, the appeal unit is being marketed at the higher end of averages for Bloomsbury area¹, presumably to make up for a period of vacancy. While meanwhile retail uses are welcomed to keep the units in occupation within centre and lower vacancy rates, this evidence does little to demonstrate the appetite for long term retail solution for the unit. Whilst the signed letters carry some weight, particularly the anecdotal evidence of vacancy rates, without actual evidence of an unsuccessful marketing campaign, the weight that can be offered to this evidence is limited. The submission of this evidence is not considered to justify the loss of retail floor space within the Neighbourhood Centre. Reason for refusal one is upheld on the grounds of impact to the Centre.

"the LPA also fails to properly consider the changing shopping habits and spending patterns and what their implications are for the genuine requirements for convenience shopping for local residents. The LPA appear to be wedded to a now outdated concept of what are the genuine convenience shopping needs of local residents now; especially with the significant growth of the on-line sector; and what shopping and service centres, such as the Brunswick Centre, now need to do to remain economically viable and commercially relevant to providing the shopping and servicing needs of local residents" (5.10)

4.14. As set out earlier in the statement the Council has a preference for the protection and promotion of retail uses within areas designated as a Neighbourhood centres. It is fully acknowledged that the needs of a specific community will change over time and that a rise in online sales and increases to rates appear, anecdotally at least, to have disrupted the retail market. Notwithstanding this, it cannot be assumed that online markets can simply replace the role that remaining physical spaces for comparative or convenience retail play. This is supported by London Plan policy 4.8 (Supporting a Strong and Diverse Retail Sector) which seeks to *"support convenience retail particularly in District, Neighbourhood and more local centres, to secure a sustainable pattern of provision and strong, lifetime neighbourhoods"*. The supporting text to this policy goes on to state that *"A vibrant, diverse retail sector is essential to London's success. Not only is it vital to ensuring that Londoners have access to the goods and services they need, but it plays a key role in London's economy, employing over 400,000 people and supporting the economic vitality and health of the whole range of town centres across London"*. As well as purely being a place to purchase goods or services, they also facilitate social interaction, create jobs and add to the vibrancy and vitality of local centres. A very large range of businesses and operations are permissible under an A1 use class, each of which will add to the unique offer of the centre as a whole. It is noted that the policy position is established at local, regional and national levels within the development plan.

¹ Data searches undertaken by the Council's Economic Development Officers in April 2019 indicate that rental prices across the Bloomsbury ward vary, with current comparable retail units and rental asking including:

- 80-82, Southampton Row (171 sq. m) - £93,000 per year or £254 per day (600m to South of site)
- 48-55 Tavistock Square, (184 sq. m) - £117,000 per year or £320 per day (350m to West)
- 44-50, New Oxford Street, Coptic Street (153 sq. m) - £170,000 per year or £465/day (1km South)

“commercial shopping and service centres, such as the Brunswick Centre, cannot now simply just rely upon provision towards meeting the convenience shopping needs of local residents in order to remain commercially viable; despite this appearing... to be the LPA’s approach” (5.16)

4.15. As outlined above, the Council would seek to ensure that centres maintain a range of uses that match the needs of the local community. While a good proportion of convenience shopping is considered imperative to fully meet those needs and establish lifetime neighbourhoods, it is the loss of A1 retail use that is seen as detrimental in this instance. In terms of impact to viability, no evidence has been presented that might illustrate that seeking to maintain a mix of uses across the centre to meet the needs of the local community in line with the adopted Local Plan would detrimentally impacts the economic viability of the centre. No such representations were made during the course of the 2017 Local Plan adoption process and the entire Local Plan (including policies relating to retail) was found sounds after public examination less than 24months ago.

“The landlord’s marketing and vacancy document concludes with what they see as the very real benefits of allowing the appeal site to be occupied by the proposed restaurant use. These benefits identified by the landlord of the Brunswick Centre include: the attraction of pedestrian footfall, which would benefit all commercial operators at the Brunswick Centre; the benefits to the profile of the Brunswick Centre itself; the appeal use would introduce a popular food choice which is not currently offered at the Brunswick Centre; and the proposed restaurant occupation of the appeal site would avoid it remaining an unattractive, vacant space, plagued by short-term lets, and would instead help to attract other commercial occupiers to the other vacant units at the Brunswick Centre” (5.20)

4.16. The public benefits associated with the proposed change of use are considered to be limited. At present the unit has a lawful use as A1 and was host to a successful retail operator for over a decade until summer 2017. Whilst the unit stood vacant for some time, it was re-let to a retail operator and limited evidence has been forthcoming that might robustly demonstrate that limited interest exists despite a campaign of marketing for a sufficient period, using well established channels and at a reasonable price. In the absence of such evidence it is considered reasonable to assume that there remains a reasonable prospect of a retail use coming forwards for the unit. With this in mind, there is limited evidence to suggest that a restaurant use would attract footfall or other commercial operators to the centre to a greater degree than a retail use. Similarly there is limited evidence that the change of use sought would result in increased employment benefits. Conversely, the centre would lose another retail premises as a greater proportion of units would be retained for food, drink and entertainment purposes. This would act to reduce the centre’s ability to offer a wide ranging retail offer and further shifts the character and function of the centre away from a neighbourhood retail centre and towards a food court of regional catchment.

Comments relating to impact to residential amenity (RfR One / Two)

4.17. In relation to the residential amenity, reason for refusal one further stated that the proposed change of use would, by reason of the size of the unit and its proximity to other food, drink and entertainment uses, cause an adverse impact. In addition, reason for refusal two stated that, due to a lack of evidence, the failure to demonstrate that all plant equipment,

when operating at full capacity, would be capable of doing so without causing noise disturbance remained contrary to policies requirements. At application stage, no supporting assessment of the plant / extract equipment had been submitted. Concern was raised in particular due to the enclosed nature of the rear service road (exhaust point for kitchen extract) as well as proximity to a large number of residential apartment above.

- 4.18. As outlined in the appeal statements, a Noise Impact Assessment and Odour Assessment report have been commissioned and produced in support of the appeal. These have been prepared by suitability qualified professionals and include a thorough assessment of the potential impacts from this equipment and operation. These reports are welcomed as they provide the evidence necessary for a quantitative assessment of the resulting impacts from the proposed development.
- 4.19. Comments raised by the appellant in relation to this alleged harm as well as in response to the submitted reporting will be discussed below in turn.

Break out noise from unit / cumulative impacts

“the appellant’s environmental noise impact assessment objectively measures and assesses whether or not the proposed restaurant would give rise to disturbances for residential occupiers, including potential noise from customer ingress and egress, as well as from delivery activities” (5.27)... “whilst the appeal unit exceeds the 100 square metre policy threshold figure, it is certainly well below the large scale licensed entertainment threshold of 1,000 square metres deemed generally inappropriate within Neighbourhood Centres (Part 4 of Policy CPG5 of the Camden Local Plan 2017) and the active area of restaurant used for customer seating would be below the LPA’s 100 square metre guideline policy figure” (5.29)... “Provided that suitable measures are in place in order to ensure that residential amenity is adequately protected, which is the sole reason for the LPA’s adoption of this 100 square metre guideline floorspace figure, then pragmatism should be exercised with regard to the application of this 100 square metre policy threshold figure in this case.” (5.30).

- 4.20. As set out above, the applicant have now carried out an assessment of the potential impact of the noise from a proposed restaurant. The report addresses the following:
- Noise and vibration from the installation of a ventilation grill to the rear elevation at lower basement level for the discharge of an internal kitchen extract system;
 - Noise from the inlet and outlet ducts for the restaurant air circulation system which terminated at the front façade behind the existing grille; and
 - Noise from customers and deliveries.
- 4.21. While the first two elements will be discussed in the ‘noise from plant’ section below, first the issue of noise from customers and deliveries will be addressed. As set out in the delegated report, given the number and proximity of sensitive receptors across the Brunswick Centre and its enclosed nature, noise and disturbances caused to residents was of significant concern. In particular, this was due to the concentration of other similar uses and the resulting cumulative impacts formed in this regard, especially at sensitive hours when restaurant uses tend to be busiest.
- 4.22. In order to establish the existing background noise levels, a continuous survey was undertaken with a monitor being placed at the front edge of the flat roof above the unit (see

figure 6). The survey took place on Tuesday 10th July and recorded sound levels between the hours of 17:57pm and 22:58pm. Based on this survey, average existing background noise levels were recorded at 53.6dB, dropping to 49.1dB in the last hour of the survey (22:00-23:00pm) (para.9.4).

- 4.23. Section 11 of the submitted Noise Assessment seeks to assess and measure the predicted noise of customers leaving the site as a source of potential disturbance. This has sought to establish a worst case scenario based on calculating the noise emissions from a group of 20 people having a normal conversation outside of the unit. This was calculated at 67dBA (para.11.6). As noise is attenuated by separation distance, the report estimates that break out noise from such a group would be reduced to 25dBA at a distance of 30m. Whilst this would appear to support a position that noise from breakout noise would be inaudible, further comment is raised with regard to this assessment that would undermine this conclusion.
- 4.24. Firstly, concern is raised with regard to the background monitoring completed for the purposes of the assessment. The survey was undertaken during a Tuesday evening only and did not survey from the closest sensitive receiver (facing window to flat at podium level). By not recording during the weekend when one might expect lower background levels as a result of inter alia, fewer vehicular movements, the lowest observed background level may not reflect those that occur on a Sunday evening for instance. The Amenity CGP sets out the minimum information expected to be submitted as part of an acoustic report which includes amongst others *“background noise levels measured over a minimum of 24 hours”* (para.6.20). No justification has been provided for the short survey sample. Furthermore, rather than surveying at the closest sensitive receiver, the recording was undertaken at the front edge of the roof. Whilst this seems a logical approach if access had of been restricted, given that the podium level remains open to all residents there would be no reason that a monitor could not have been placed adjacent to these windows. In addition, given that the HVAC systems to all occupied units below vent from the front grilles, this may have meant that the survey results were higher than those background noise levels experienced at the flats themselves. The average background levels set out in the conclusions of the report are not overly high for a location within the central activities zone. However, the above does mean that confidence that the background levels recorded are in fact a true reflection of those experienced in the flats is weakened.
- 4.25. Secondly, the report has adopted a conservative estimation for what represents a ‘worst case scenario’ in terms of break out noise that is not considered to reflect concerns in terms of cumulative impacts. The report has considered a group of 20 persons standing outside the unit within the centre having a conversation, with 10 persons talking at any given time to represent the ‘worst case scenario’ in terms of break out noise. This, it concludes would result in noise emissions equivalent to 67dBA at 1 metre. Given the appellants’ confidence that the unit could support up to 58 covers at any one time, at the point of closing (particularly at weekends) it would be reasonable to assume that the proposed use may result in significantly more than 20 patrons leaving or congregating outside the unit. The resulting emissions from a larger group have not been modelled and so cannot be confirmed, though are likely to be much higher than the 67dBA estimated. This would have a material impact on the amenity of the local area given that background levels as low as 49.1dB were recorded during evening hours.

- 4.26. Thirdly, this section of the report has done little to address to concerns highlighted within the delegated report in terms of cumulative impacts from the concentration of similar uses. Following on from the above concern, the number of patrons outside of the proposed unit must be considered in the context of the existing restaurant uses within the centre. The appeal unit is in close proximity to 5 large units with existing lawful A3 uses (Carluccios, Starbucks, Hare & Tortoise, Las Igunanas and Giraffe). Nandos is also situated only a short distance to the North. All of these units are accessed directly from the central walkway meaning that patrons must walk through the centre to reach/exist from these units meaning that groups leaving the centre from different units naturally converge paths. Many of these units feature similar hours of operation and the units have a combined capacity for a very large number of covers at any one given time. At the point of closing there is therefore a very real change of a large number of patrons exiting the centre at the same time from these combined units (far exceeding 20). The conclusions of the submitted report that break out noise would be subjectively inaudible from flats are therefore not accepted, particularly on a worse-case scenario basis. The concerns set out by the previous inspector in respect to unit 5 are considered to remain applicable for unit 18 given its proximity, the fact that patrons share the same entrance ways and that the quantum of F,D&E uses with the immediate vicinity has not decreased since this former appeal decision.
- 4.27. In line with the appellants statement of case, it is acknowledged that the resulting impacts from breakout noise and disturbance from patrons and deliveries could be mitigated in part by conditions relating to: opening hours; maximum number of covers; limits to amplified music; and the timings for servicing. In addition, requiring deliveries and servicing to occur from basement level would also mitigate the noise associated with vehicles manoeuvring and delivery drivers as well as transport impacts. However, in light of the above raised issues officers remain concerned that the proposed addition of another restaurant into an existing food, drink and entertainment cluster would give rise to disturbances to local residents and the amenity of the area generally. This aspect of reason for refusal one is therefore maintained.

Noise from plant equipment

“The noise impact assessment considers the noise implications of the proposed plant, set within the existing ambient noise environment around the appeal site, and concludes that the appeal proposals would not adversely impact upon residential amenity given that plant noise would be compliant with the LPA’s own adopted policy and would be contained in an area that is substantially separated from residential properties” (5.40)

- 4.28. In contrast to the above, the submitted Noise Impact Assessment is considered to have addressed officers concerns in relation to noise emissions from plant equipment. The report has confirmed the exact specification of the plant equipment and has used this to predict noise emissions. Given the specification of plant, siting of vent locations and distance to nearest sensitive receptor, the proposed mitigation noise levels at the façade are expected to be less than 10dBA, which will make the fans close to inaudible. This demonstrates compliance with our requirements for mechanical plant noise at the nearest sensitive receptor as has been confirmed by the Council’s Environmental Health officers. The findings of this report are subject to the assumption that the plant equipment is both installed and maintained in accordance with manufactures specifications. Subject to an appropriately

worded condition requiring the plant to be installed, operated and maintained in accordance with such specifications then this aspect of reason for refusal two may be withdrawn.

Odour from kitchen extract

“The odour assessment considers the potential odour nuisance caused by the operation of the proposed kitchen plant at the appeal site, set within a surveyed assessment of the ambient odour environment surrounding the appeal site, and concludes that the proposed pizza restaurant will have little impact on the overall odour character of the area and would be unlikely to cause any significant impact on any nearby residential receptors” (5.41)

- 4.29. In relation to odour, concern at application stage was raised given the lack of an odour risk assessment against the DEFRA guidance, despite a proposed exhaust point within an enclosed basement. In response, the appellants have carried out an olfactory survey as well as an odour risk assessment. The olfactory survey confirms that the proliferation of food outlets in the local area has impacted upon the local odour profile, stating the following:

“The [olfactory] site survey revealed restaurants, takeaways, cafes and other food outlets close to the Brunswick Centre. 15 potential odour sources were identified within the Brunswick Centre and an additional 11 within a 70m radius”... (pg.8) “Odours associated with food were experienced at 11 of the 16 sample locations, as well as frequently being experienced in between these points. Much of the food odour was thought to have been caused by food outlets situated within the Brunswick Centre. As it was a hot, sunny day, every food outlet had its doors open, and this could have heightened odour intensity at survey locations in the middle of the Brunswick Centre. These food odours were dominated by a general kitchen/greasy food preparation smell, which was noted across much of the survey area; although at times it was extremely faint and intermittent” (pg 12).

- 4.30. In addition, the DEFRA Odour Risk Assessment set out at page 14 confirms that due to the specifics of the site the development is ‘high risk’, requiring a high level of odour control even when allowing for the fact that the pizza cooking process has the lowest potential to create odour within the matrix. If the type of cooking occurring within the premise were to change to a type rated ‘High’ in the future (i.e. kebab, Vietnamese Thai or Indian etc.) then the overall odour impact risk and control level requirement would fall into the ‘Very High’ category (requiring very high level of odour control). In line with the concern set out in the delegated report, this is particularly due to the ‘Very Poor’ dispersion to the enclosed basement level.

- 4.31. As a result, the appellants have sought to design a kitchen extract system to meet ‘Very high level odour control’ rating. This has been confirmed within the reporting submitted as well as full specifications of the equipment to be installed. With the benefit of this reporting, the specification of the kitchen extract has been reviewed by the Council’s Environmental Health team. They have confirmed that the system is appropriately designed to provide a very high level of odour control, meaning that even if the cooking type were to vary in the future proposed development is unlikely to cause a significant impact on nearby receptors assuming that the plant is installed and maintained in line with submitted reporting. Without a system of such quality, the

reporting does however demonstrate a real risk in terms of odour impacts. This potential harm can reasonably be addressed via a condition requiring the plant equipment to be installed and maintained to the specification of reporting submitted. As such, subject to the conditions suggested at the end of this section, the alleged harm from odour set out in reason for refusal two may be withdrawn.

Conclusions on planning application

Town Centre impacts

- 4.32. Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable in terms of the loss of retail floorspace and the resulting impact upon the character and function of the designated centre as a result of an over-concentration of food, drink and entertainment uses. The change of use would also be considered to exacerbate the risk to amenities of local residents and the area generally as a result of this concentration of uses. These concerns could not be fully mitigated via conditions, meaning that both aspects of this reason are maintained.
- 4.33. The information submitted by the appellant in support of the appeal does not overcome or address the Council’s concerns. For these reasons the proposal fails to meet the requirements of the policies set out under this reason and the Inspector is respectfully requested to dismiss the appeal on these grounds.

Odour and noise from plant

- 4.34. In contrast to the above, the Noise Impact Assessment and Odour Assessment report submitted in support of the appeal have addressed concerns set out in reason for refusal two. While further mitigation would be required in the form of a condition to ensure that plant equipment is installed, operated and maintained in accordance with the details hereby submitted, subject to such a condition the second reason for refusal may be withdrawn.

Conditions:

- 4.35. If the inspector were mindful to allow the planning permission appeal, it would be requested that conditions to secure various requirements are attached to the planning permission decision. These would include:

1	Hours of operation	The use hereby permitted shall not be carried out outside the following times 07:00-22:00 Monday to Thursdays, 07:00-23:00 Fridays; 09:00-23:00 Saturdays and Sundays Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.
2	Amplified music	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 A1 and A4 of the London Borough of Camden Local Plan 2017.
3	Intensity of use	<p>The ground floor layout of the unit shall remain in accordance with the development hereby approved and as identified on drawing P02 Rev A (dated March 2018) and shall provide for no more than 58 covers at any one time without express consent in writing from the local authority.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
4	Servicing & Deliveries	<p>A) No servicing for the unit shall take place other than from within the basement levels of the centre, and shall not take place outside of the following times: 07:00-22:00 Monday-Saturday, and 08:00-21:00 Sundays and bank holidays.</p> <p>B) Notwithstanding the Operational Management Plan hereby approved, no customer deliveries orders shall be collected from the site other than from within the basement levels of the centre.</p> <p>Reason: To avoid obstruction of the surrounding streets, prevent conflict with pedestrians and to safeguard amenities of adjacent premises in accordance with the requirements of policies A1, A4 and T4 of the London Borough of Camden Local Plan 2017.</p>
5	Plant equipment	<p>The kitchen extract and air conditioning equipment hereby permitted shall be installed in accordance with scheme of documents hereby approved and maintained in line with manufacturers specification in perpetuity. Any material alterations to the kitchen extract system would need prior written consent from the Local Authority.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017</p>

5. Comments on the appellant's grounds of appeal (Advertisement Consent)

5.1. The submitted advertisement consent application was refused on the basis that the proposed projecting sign and internal fascia sign, by reason of the proposed illumination, would be overly prominent and out of character with the predominantly non-illuminated signage within the wider Brunswick Centre. Comments raised by the appellant in relation to this alleged harm will be discussed below in turn.

“Despite what the LPA maintain within their assessment of the signage proposals through the advertisement consent application, it is clearly the case that the internal fascia sign benefits from deemed consent by virtue of Class 12 of the advertisement regulations. Consequently, the fascia sign only requires listed building consent” para.3.5

5.2. Classes 1 to 17, contained in [Schedule 3](#) to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended in [2011](#) and [2012](#)) permit consent for certain advertisement types provided that they comply with further restrictions. Class 12 permits advertisement displayed inside a building, other than an advertisement falling within Class I in Schedule 1. Schedule 1 of the regulations specifies what type of adverts do not benefit from the provisions of Parts 2 and 3 (having deemed consent). Class I (advertisements inside a building) specifically includes two conditions, both of which are triggered in this instance. Firstly advertisements may not be illuminated and secondly no part of the advertisement may be within 1 metre of any external door, window or other opening, through which it is visible from outside the building. Advertisement consent is therefore required for the internal fascia sign proposed.

“The Inspector will note that the existing visual character of the Brunswick Centre includes an established display of illuminated signage by a large number of the commercial premises. The appellant therefore does not agree with the LPA's fundamental assertion that the Brunswick Centre signage is characterised by generally non-illuminated signage” (5.46)

5.3. As set out in the delegated report, the projecting signs are the most visually prominent aspect of the signage and as such, have the greatest potential for impact to visual amenity. The Advertisements CPG states that advertisements in conservation areas and on or near listed buildings require detailed consideration given the sensitivity and historic nature of these areas or buildings. Any advertisements, of whatever type, on or near a listed building or in a conservation area must not harm their character and appearance and must not obscure or damage specific architectural features of buildings (para.1.11). In relation to illuminated signage, the CPG continues to state that externally illuminated signs should be unobtrusively sized and sited and that the type and appearance of illuminated signs should be sympathetic to the design of the building on which it is located.

5.4. Following the submission of the appeal, further investigations have been completed in relation to the existing signage across the centre in order to establish the accuracy of the audit submitted by the appellants at appendix four. Images of this investigation showing the centre during the evening hours are set out in appendix three of this statement. In addition,

a full list of applications in relation to illuminated signage over the past ten years is provided at the beginning of this statement. A view of the Centre at night is illustrated in image one below (appeal unit identified by red 'Vodafone' sign). I would also refer the inspector to appendix three for other views along the frontages.



Image One: Views along the parade showing a lack of visible illuminated signage.

5.5. This investigation has established that, contrary to the assertions of the appellants, no illuminated projecting /external signs for commercial units exist across the centre. Their absence is immediately obvious as one approaches the Centre from the South where long views are afforded for the full length of the parade (see above / appendix three). The addition of an internally illuminated projecting sign within the parade is consequently still felt to significantly disrupt this existing uniformity and to detract from the visual amenity of the centre and would not be appropriate. Though not specified in application documents, the submitted appeal statement also refers to the installation of two projecting signs (see para.3.5). Given that all units across the centre benefit from a sign projecting sign the installation of a second would be objectionable, regardless of illumination. However, the combined impacts the projecting signs would effectively double their visual impact and would not be considered appropriate. The Centre has an approved standardised retail signage strategy granted under ref: 2004/1582/P and amended by ref: 2005/3070/P that formed part of the original refurbishment of the Brunswick in 2004 which sets out approved locations for each unit including a standardised size, number and positioning of projecting signs. The approved drawings that constitute this signage strategy are included at appendix four of this statement. The addition of a second projecting sign would also not comply with the adopted signage strategy for the centre which was secured after the major refurbishment in 2004. The reason for refusal is therefore maintained in relation to the illuminated projecting signage.

5.6. Notwithstanding the above, the investigation has also established that where modest in scale, internally illuminated fascia signs within the units themselves have previously been permitted and are in existence on a number of units. Given that the proposed internally illuminated fascia sign would not be overly visible in long views due to the oblique angle between the walkways and recessed positioning, the information provided by the appellants has satisfied officers concerns in relation to the internal fascia sign and objection to this aspect of the proposed advertisements is withdrawn. Reference made to the internal fascia sign within this reason for refusal may therefore be omitted.

“Illuminated signage is a necessary and essential part of the street-scape announcement of commercial units within the Brunswick Centre. The proposed restaurant would be trading during hours of darkness and it is critically important that the associated signage can be seen at night” (5.47)

5.7. Whilst the desire for the new business to be easily identified is understood, in the context of the appeal site this is not considered to be overly critical, especially given the lack of illumination to all other projecting signs across the centre and success of existing restaurant operators. This is therefore not considered to outweigh the harm indemnified by the illuminated projecting signs nor to address the reason for refusal.

Conclusions on advertisement consent

5.8. Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposed internally illuminated projecting signs remains unacceptable for those reasons set out within the original decision notice and remains contrary to the Council’s policies. Whilst the acceptability of the internally illuminated, internal fascia is considered, on balance, to remain acceptable in light of the additional evidence provided, the projecting illuminated signs in and of themselves would remain harmful to the visual amenity of the area and in particular the uniformity and cohesive appearance of the existing parade. As such, the reason for refusal may be amended to omit reference to the internal fascia sign, but is otherwise maintained by the Council.

5.9. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.16 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Conditions: should the inspector be minded to allow the appeal

5.10. If the inspector were mindful to overrule the Council’s determination, it would be requested that conditions to secure various requirements are attached the decision. A list of suggested conditions is outlined in section 8 of the main officer’s report.

1	Luminance	The intensity of the illumination of the signs shall not exceed 600 candelas per square metre in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. The levels of luminance on the illuminated sign should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
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		Reason: To safeguard the amenities of the adjoining premises and the character and appearance of area generally in accordance with the requirements of policies A1, D1, D2 and D4 of the London Borough of Camden Local Plan 2017
2	Static illumination	The signs shall not display intermittent illumination. Reason: To safeguard the amenities of the adjoining premises and the character and appearance of area generally in accordance with the requirements of policies A1, D1, D2 and D4 of the London Borough of Camden Local Plan 2017
3	Hours of illumination	The signs shall not display illumination outside of the restaurant opening hours. Reason: To safeguard the amenities of the adjoining premises and the character and appearance of area generally in accordance with the requirements of policies A1, D1, D2 and D4 of the London Borough of Camden Local Plan 2017

6. Comments on the appellant's grounds of appeal (Listed Building)

6.1. The submitted listed building consent application was refused on the basis that the proposed illuminated signage which would be overly visually prominent and would result in visual clutter, would fail to preserve the building's special architectural and historic interest. Comments raised by the appellant in relation to this alleged harm will be discussed below in turn.

“Whilst the proposed projecting sign would be provided within existing housing (meaning Listed Building Consent would not be required for these adverts), the proposed fascia would be a new addition affixed internally to listed fabric, triggering a requirement for listed building consent” (5.43)

6.2. As set out in the previous section, the harm caused in relation to the listed building would primarily be caused by the illumination of the projecting signs in front of the unit and not from the internal fascia sign set within the unit itself. Notwithstanding this, the question as to whether or not changes to the projecting signs required to facilities their illumination would require listed building consent has been the subject of debate. Within the delegated report, it is stated that LBC would not be required for such alterations. This is of particular importance as whilst illuminated signage set internally do existing across the centre and could, reasonably be associated with the retain function of the centre, the use of illuminated lighting to the external projecting sign would appearance incongruous and out of character.

6.3. Historic England's guidance page specifies that listed building consent is required for all works of alteration to a listed building that affect its character as a building of special architectural or historic interest. The existing projecting signs across the centre are

characterised by their lack of illumination, a characteristic that adds to the building's interest as a statutory listed shopping parade. Following the input of advice from the Council's Conservation team, it was confirmed that the suggestion that listed building consent was not required to install lighting into the projecting sign was made in erroneously. The conservation officers note that the alterations would materially impact the appearance of the listed building and would require wiring to be run from within the unit to the projecting sign, potentially involving further cabling that would be visible. They conclude therefore that whilst the reason for refusal set out in the decision notice is maintained, it is maintained on the basis of the proposed alterations to the projecting signage. If the inspector were to agree with this position then they are cordially invited to refuse the appeal of the listed building consent in relation to the projecting signage on the basis of the alleged harm set out in the reason for refusal.

“Both the LPA and the appellant agree that the appeal signage would not result in substantial harm to this listed building” (5.50)... “the appellant’s intentions and reasoning for the proposed appeal signage, are to assist in enhancing and maintaining the economic viability of the proposed beneficial use of this listed building. This beneficial use would ensure this listed building’s on-going maintenance and upkeep, as well as the retention of public access into this listed building; all of which are considered to be clearly within the public interest for this listed building” (5.50)

6.4. There is very limited evidence to suggest that permitted illuminated signage would in any way improve the financial viability of the appeal unit or any other unit within the centre. The appeal of the centre for the local community and visitors is in many parts derived from its well kept appearance which in turn is formed by the uniform and consistent approach to signage established by the approved retail signage strategy (see appendix four) and the rationalisation of all signage across the centre. By permitting alterations that erode this uniformity, the significance of the centre would be harmed.

“The intransigence of the LPA over the proposed illumination of the appeal signage would have a serious detrimental effect on the economic viability of the proposed beneficial use of these premises and the local employment, economic activity and community leisure provision that it would generate; as well as for the ongoing beneficial use, upkeep and maintenance of this listed building for a use that allows public access into it” (5.51)

6.5. Officers dispute this statement. The provision of additional evidence has in fact led to an amended position in relation to the internal fascia sign. However, as set out above it is not altogether clear how the proposed illuminated signage would have any direct or material effect on the economic viability of the proposed use or its associated employment benefits.

6.6. 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 under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

Conclusions

6.7. Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for those reasons set out within the original decision notice and remains contrary to the Council's policies. The harm alleged would however refer to the addition of internally illuminated signs to the projecting signs in front of the appeal unit, rather than the fascia sign within the shop front. Notwithstanding, the information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

Yours faithfully,

John Diver

Senior Planner

Regeneration and Planning

Supporting Communities

London Borough of Camden

List of appendices:

- 1) Block plan mark up plans
- 2) Letting agent web search (April 2019)
- 3) Images of frontage during evening hours (taken March 2019)
- 4) Approved signage strategy drawings

APPENDICES:

Appendix one – Block plan mark up plans

Figure one: Block plan mark up to show area of designated centre

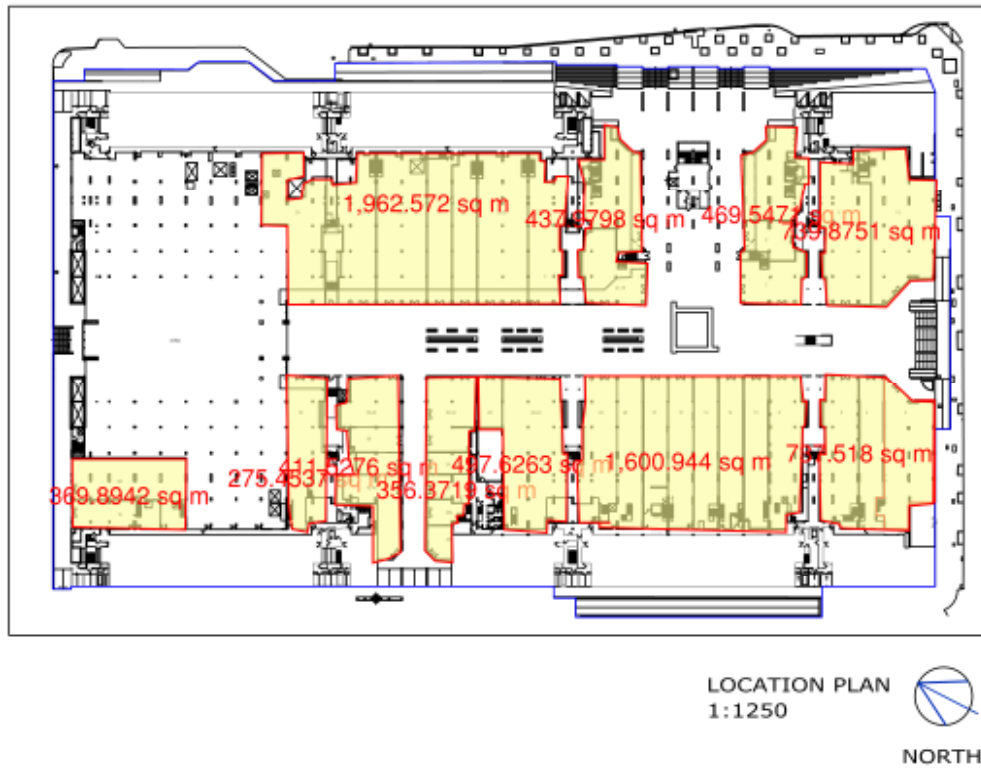
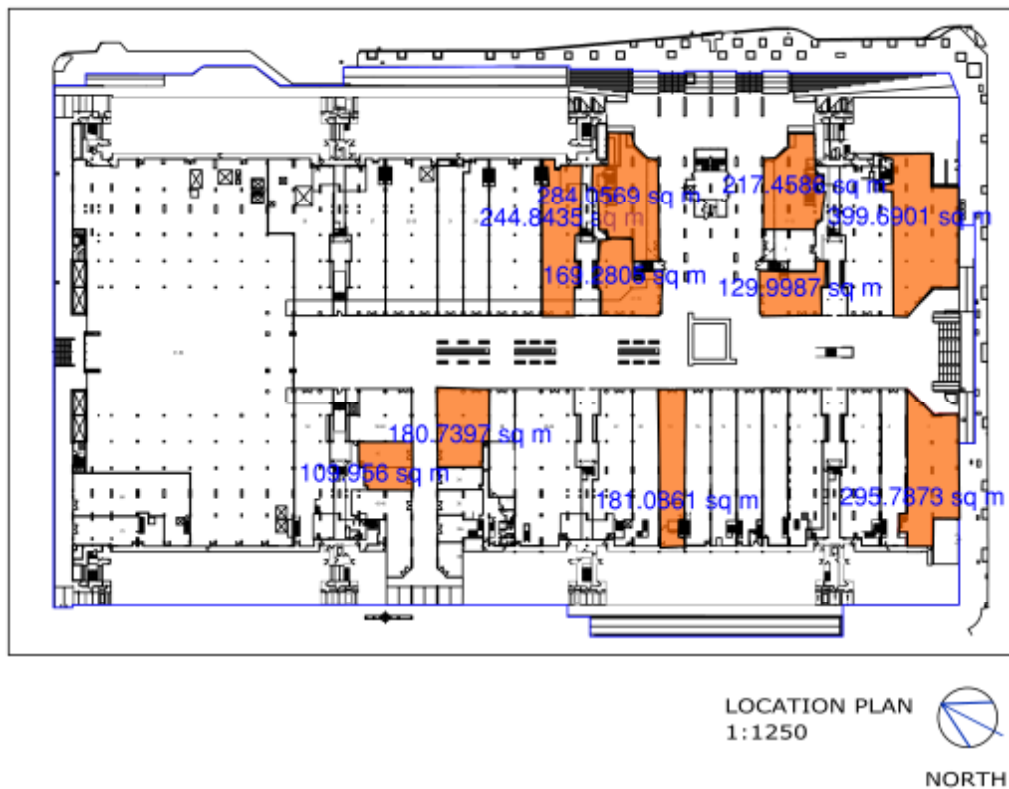


Figure two: Food, Drink & Entertainment uses (incl. unit 18) across designated centre



Appendix two - Letting agent web search (April 2019)

Figure one: Brunswick Centre's website leasing enquiries page

The Brunswick Shopping Centre website features a dark background with a decorative floral border. At the top, a cookie consent banner is visible. The main header includes the logo 'The Brunswick SHOPPING CENTRE' and a navigation menu with links: HOME, STORES, FOOD & DINING, CINEMA, NEWS, FIND US, OFFERS, OPENING HOURS, and CONTACT US. Below the navigation, a text prompt reads: 'For any leasing enquiries please contact either of our leasing agents:'. The page lists three agents with their contact details:

Agent	Contact Information
OWM Patrick O'Connell T 020 7494 6935 M 07961 589 802 patrick.oconnell@owm.co.uk	Frank Stoddart T 020 7494 6902 M 07712 650 339 frank.stoddart@owm.co.uk
Emily Violaris T 020 7494 6913 M 07581 468 140 emilyviolaris@owm.co.uk	
Swills Peter Thomas T 020 7734 3443 M 07917 657 748 pthomas@swills.com	James Fairley T 020 7758 3877 M 07824 412 821 jfairley@swills.com

At the bottom, a text prompt reads: 'For any commercialisation, casual leasing or partnership opportunities please contact: David Smith MBRICS'.

Figure two: Results from Savills Rental property search tool (No results for centre)

The screenshot shows the Savills Rental property search tool interface. The top navigation bar includes links: FIND A PROPERTY, MARKET YOUR PROPERTY, FIND A SERVICE, WHY SAVILLS, INSIGHT & OPINION, and CONTACT US. The main area displays a map of the Brunswick Centre area in London, with various landmarks and streets labeled. Below the map, the search results are displayed as follows:

Buy Rent Searched area CLEAR X Search (25)

All prices All property types All bedrooms Filters

25 Properties for rent in Searched area Show let properties Most recent Save search

Figure three: CWM website 'London Estates' webpage

CWM About Services Clients Case Studies Contact

London Estates

The No.1 London Estates Advisor

London Estates

CWM have a proven track record in regenerating or creating new London Estates and are market leaders in this area and are instructed on over 25 prime London Estates.

The transformation of Marylebone High Street (for example) into one of London's most sought-after retail addresses is a prime example of the work of CWM's London Estates team.

By providing an effective and cohesive service for some of the capital's best-known landlords, CWM has proven results in regenerating and re-branding unknown or underused areas throughout the capital.

Each project is addressed by bespoke solutions. Advice on leasing strategy, tenant mix and rental forecasting, allows CWM's London Estates team to meet each client's individual objectives. The aim always is to create a unique and successful shopping destination.

<p>Angel Central CBRE Global Investors</p> <p>Avant Garde, Shoreditch Aberdeen Standard Investments</p> <p>Battersea Power Station Battersea Power Station</p> <p>Borough Yards Meyer Bergman</p> <p>Boxpark Shoreditch Boxpark</p> <p>Boxpark Croydon Boxpark</p> <p>Boxpark Wembley Boxpark</p> <p>Broadgate British Land</p> <p>The Brunswick Centre Lazari Properties</p>	<p>Hampstead High Street Aberdeen Standard Investments</p> <p>Holland Park Quarter Ilchester Estates</p> <p>The Knightsbridge Estate Chelshield</p> <p>Marylebone Village Howard de Walden</p> <p>The Notting Hill Gate Estate Frogmore</p> <p>The O2 (Outlet Village) Crosstree / AEG</p> <p>The Opera Quarter Shaftesbury plc</p> <p>Portman Village The Portman Estate</p> <p>Southside Wandsworth LandSec / Invesco</p>
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Figure four / five: 'AppearHere' website search results / appeal unit particulars

The screenshot shows the 'appear[here]' website interface. At the top, there's a navigation bar with 'appear [here]', 'Location guides', 'Magazine', a phone number '0203 096 2180', 'How it works', 'List your space', 'Login', and 'Sign up'. Below the navigation, a search bar contains 'Brunswick Shopping Centre'. There are filters for 'PRICE RANGE' (£0 - £3500+), 'SPACE SIZE' (0 - 3500 sq ft+), and 'SPACE TYPE' (Any). A 'Select your dates to see the relevant prices' button is also present. The main content area displays four property listings:

- Listing 1:** from £144 /day, Brunswick Centre, Bloomsbury - Unit 68, London • 3930 sq ft. Image shows a street view.
- Listing 2:** from £325 /day, Brunswick Centre, Bloomsbury - The Joy Store, London • 2791 sq ft. Image shows an interior view.
- Listing 3:** from £400 /day, Brunswick Centre, Bloomsbury - Boutique, London • 2307 sq ft. Image shows a storefront.
- Listing 4:** from £550 /day, Brunswick Centre, Bloomsbury - Unit 8, London • 3288 sq ft. Image shows an interior view.

To the right of the listings is a map of the Brunswick Centre area in Bloomsbury, London. A search overlay on the map shows a highlighted area and a price of £550. The map includes labels for streets like Tavistock Pl, Maresfield St, and Brunswick Sq, and landmarks like Brunswick Square Gardens.

The screenshot shows the detailed page for 'Brunswick Centre, Bloomsbury - Boutique'. The header includes the 'appear [here]' logo, navigation links, phone number '0203 096 2180', and 'List your space', 'Login', 'Sign up' buttons. The main heading is 'Brunswick Centre, Bloomsbury - Boutique' with 'London' and 'See location' below it. A row of icons represents various uses: 2307 sqft, Retail, Bar & Restaurant, Event, Shop Share, and Unique. The 'A little about this space' section describes the location and history of the building. The 'Amenities (9 available)' section lists features like Lighting, Wi-Fi, Showers, Cranes, Fitting rooms, and Heating. The 'How enquiries work' section provides a three-step process for booking and payment.

Brunswick Centre, Bloomsbury - Boutique
London
See location

2307 sqft Retail Bar & Restaurant Event Shop Share Unique

A little about this space
Tucked away in central Bloomsbury, moments from Russell Square Station, the stylish Brunswick Centre has been a hidden gem for decades - until now. With Londoners now visiting this chic shopping, dining and entertainment hub in droves, it's the ideal time to set up shop with a cool brand in this versatile retail space. Previously occupied by LK Bennett, this space is located on a busy open-air thoroughfare in the heart of the centre, and offers a modern retail space with features including a serving counter, basement storage, shelving units, contemporary decor and large front windows for display. Built in the 1960s in a Brutalist style, the Brunswick Centre is a short walk to numerous tube stations, as well as key London attractions such as the British Museum. It's home to brands including Waitrose, Hobbs and Charcoal's, as well as a Curzon Cinema.

20 days minimum booking

Amenities (9 available)

- ✓ Lighting
- ✓ Wi-Fi
- ✓ Showers
- ✓ Cranes
- ✓ Fitting rooms
- ✓ Heating

Show more ▾

The local area

From £400/day
Excl. VAT

Pick dates

How enquiries work

- 1 Select your dates to book, your booking total will be automatically calculated.
- 2 If your request is below £1,000 total, put in your details and send a request to book a space - this will be accepted within 48 hours.
- 3 If you want to stay a little longer you can send an enquiry with zero commitment.
- 4 Get matched to your own personal concierge.
- 5 Easily manage legals and payments online.

Appendix three – Images of frontage during evening hours (taken March 2019)



Image one – Looking North along Western frontage, no external illuminated signs visible



Image two – Looking North, no external illuminated signs visible



Image three – Looking South along Eastern frontage, no external illuminated signs visible



Image four – Looking South along Western frontage, no external illuminated signs visible

Appendix four – Approved Centre signage strategy drawings

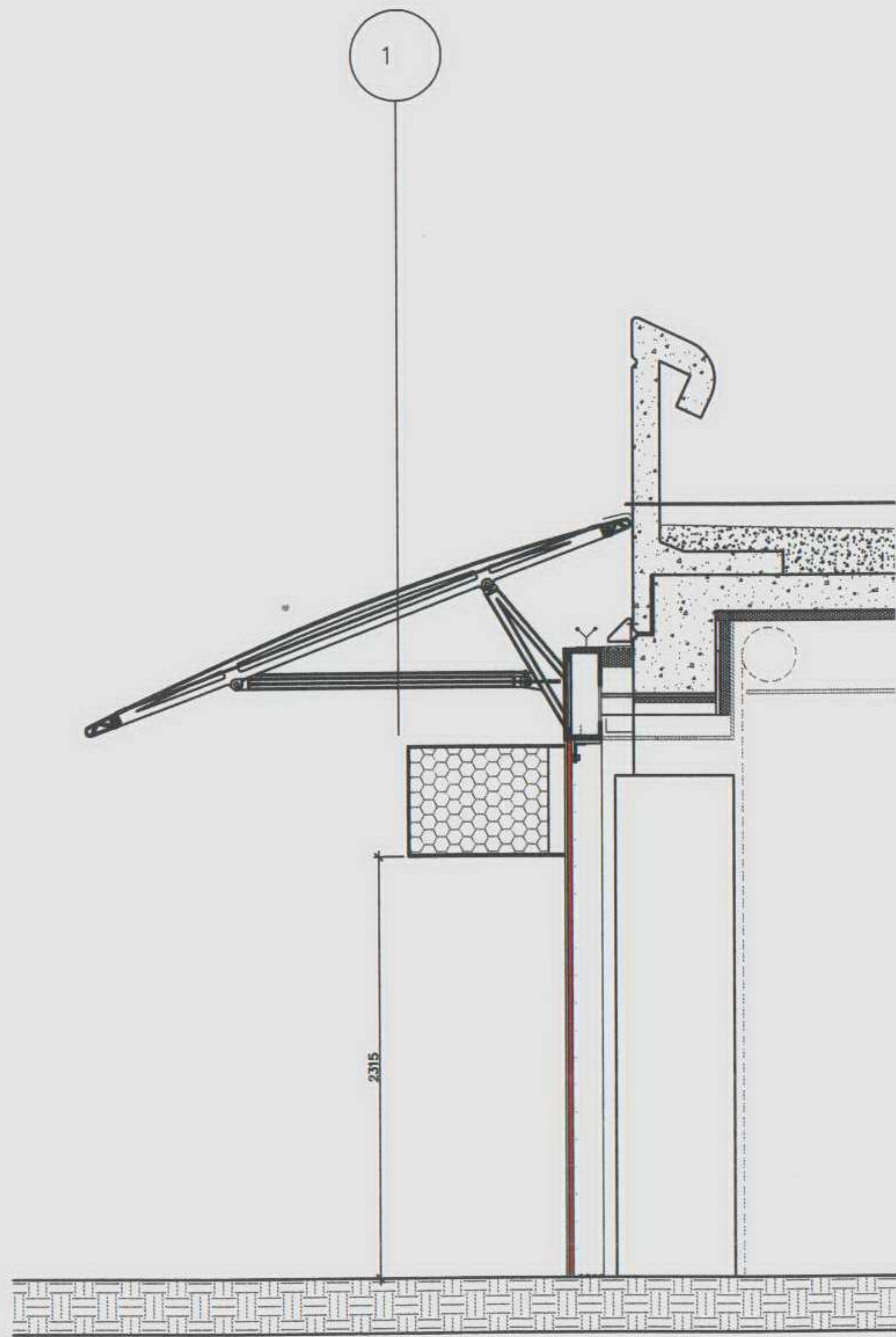
key

- 1 Signage zone 1 =Projecting sign – refer to Momentum drawing T001or T002 depending on location.
- 2 Signage zone 2 =principal signage zone;refer to Signage Design parameters.
- 3 Signage zone 3 =principal signage zone;refer to Signage Design parameters.
- 4 signage zone 4 =manifestation zone;refer to Signage Design parameters 3 and 4 and part M of the Building Regulations.

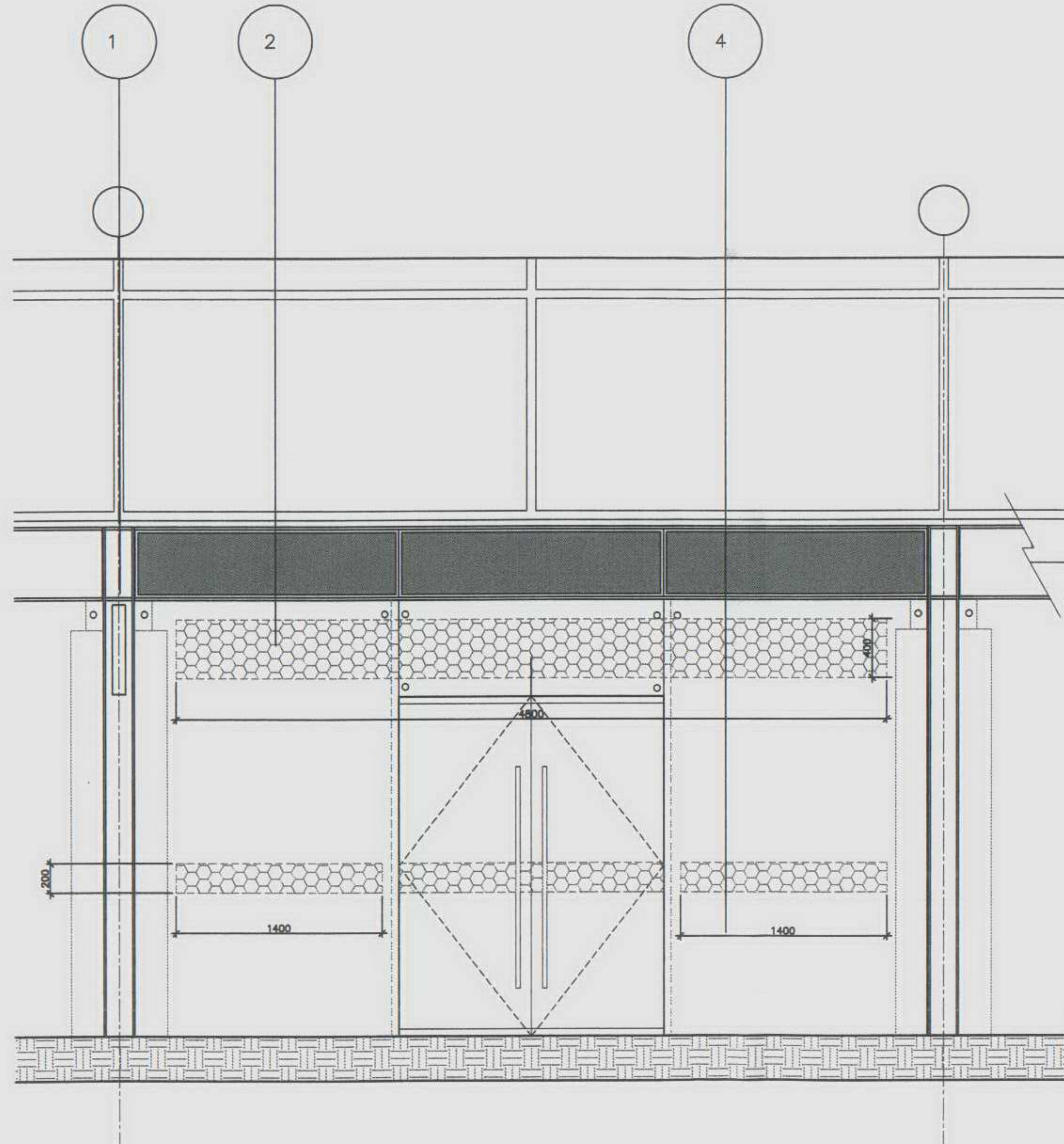
SIGNAGE DESIGN PARAMETERS

The range of signage solutions within zones 2 to 4 includes:

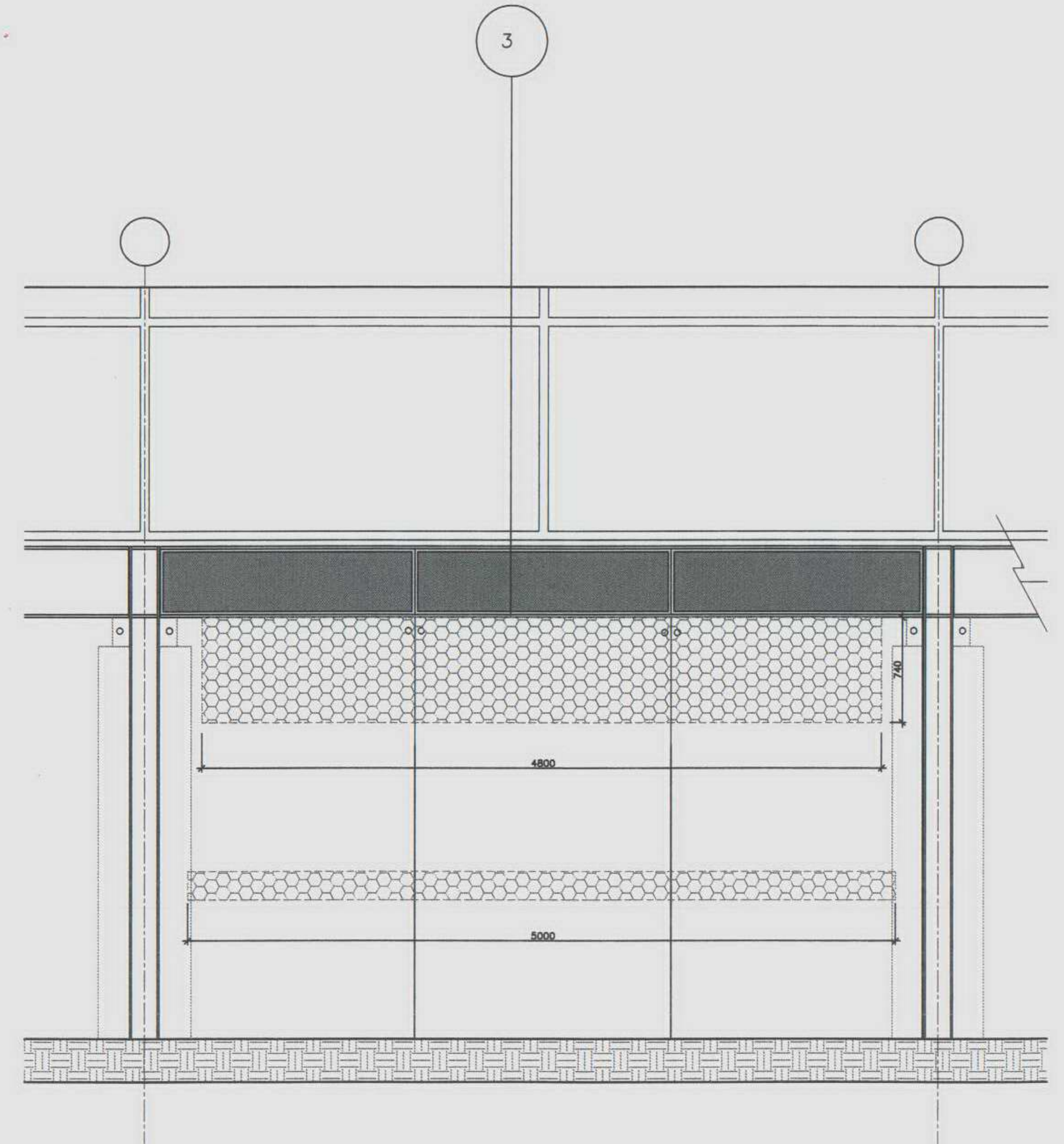
- 1.Signs forming a solid background for logos and lettering,internally or indirectly illuminated.
- 2.Letters and Logos mounted individually , internally or indirectly illuminated.
- 3. Letters and logos applied directly to the internal face of the glazing including manifestation ,indirectly illuminated only.
- 4. Letters and logos mounted individually through the glazing line, indirectly illuminated.



TYPICAL SECTION THRO' SHOPFRONT



SHOPFRONT FRONT ELEVATION-CANOPY NOT SHOWN FOR CLARITY



SHOPFRONT (NO DOOR) -CANOPY NOT SHOWN FOR CLARITY

Allied London Properties Ltd

JULY 2005

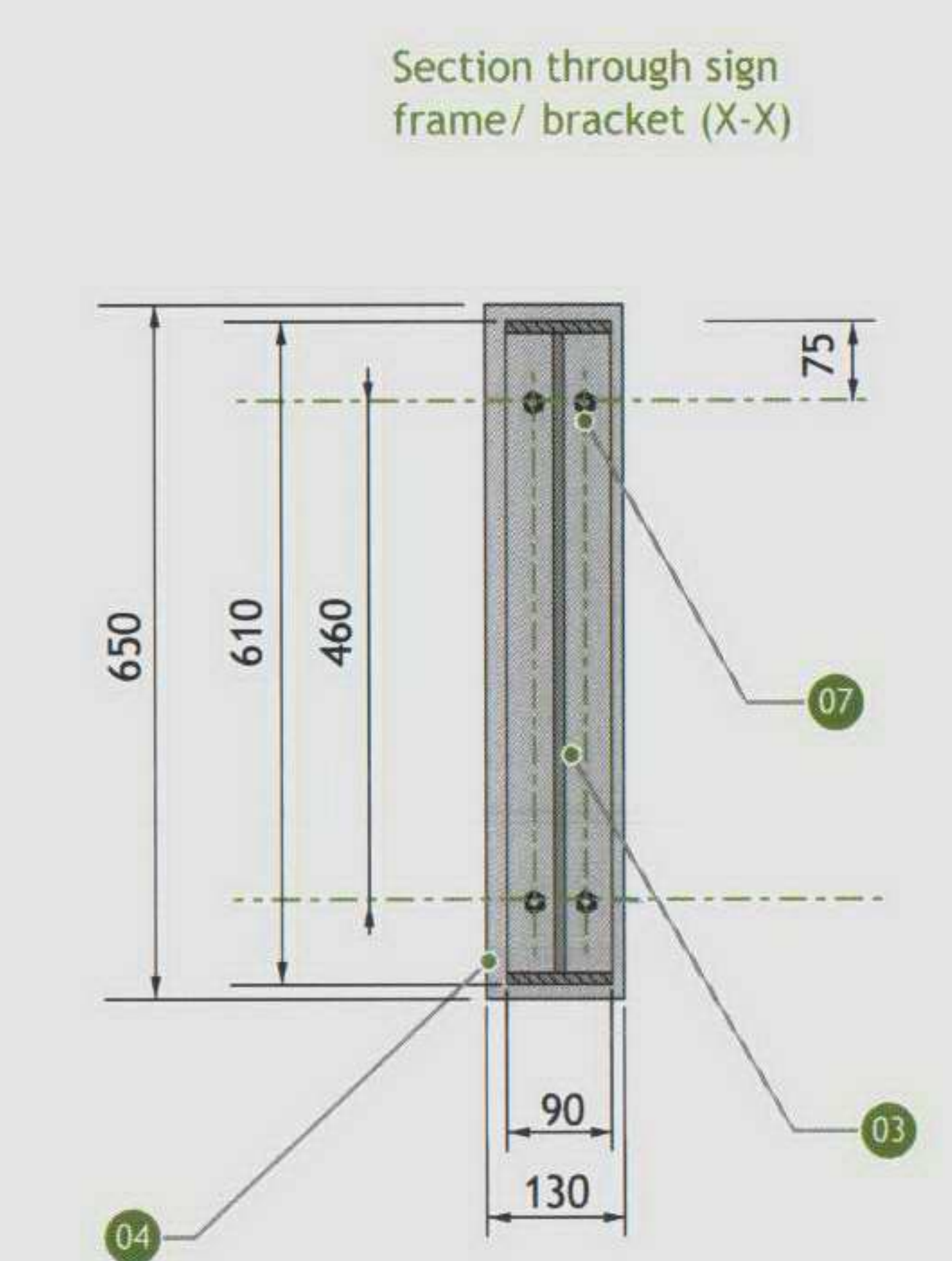
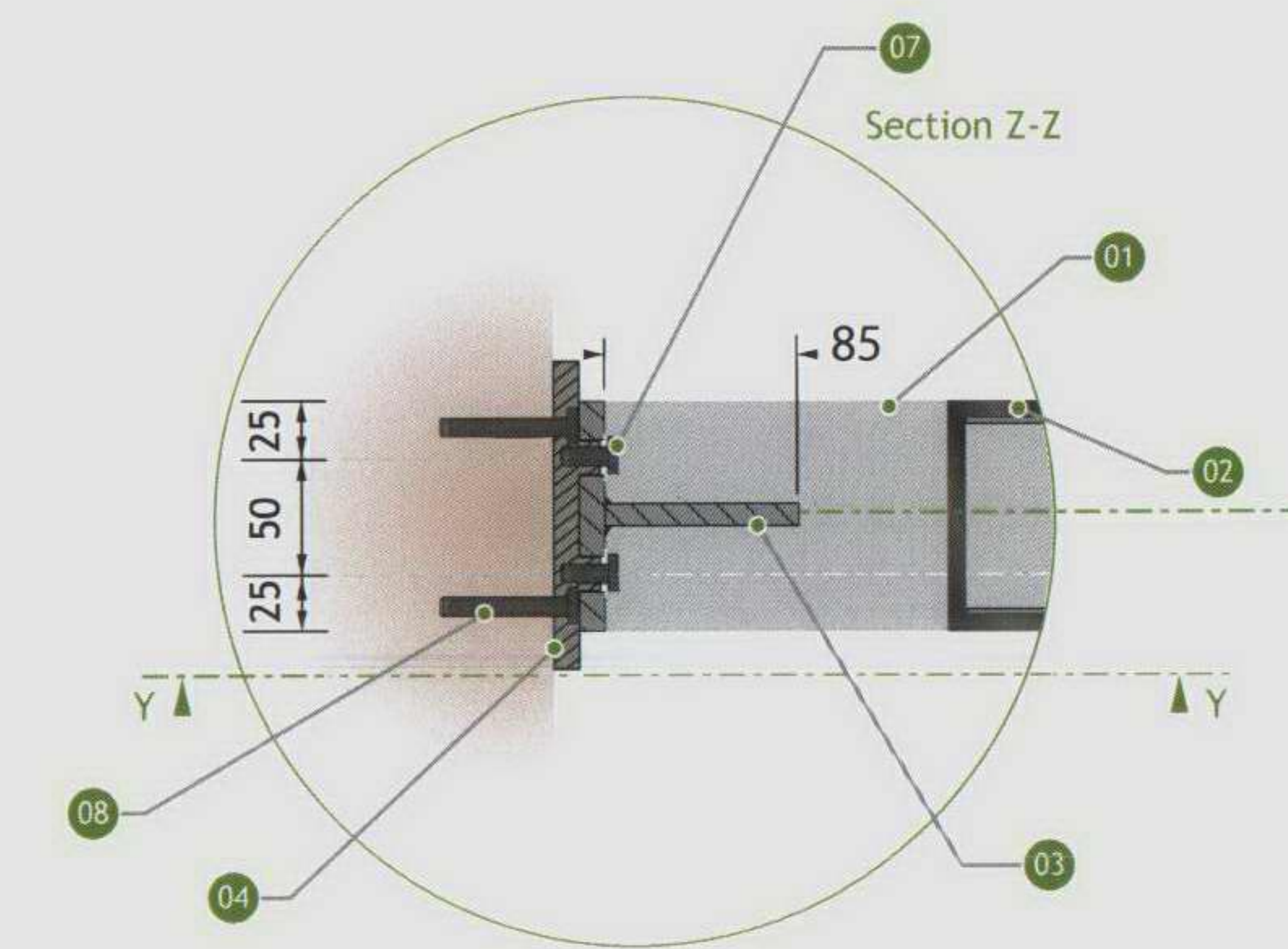
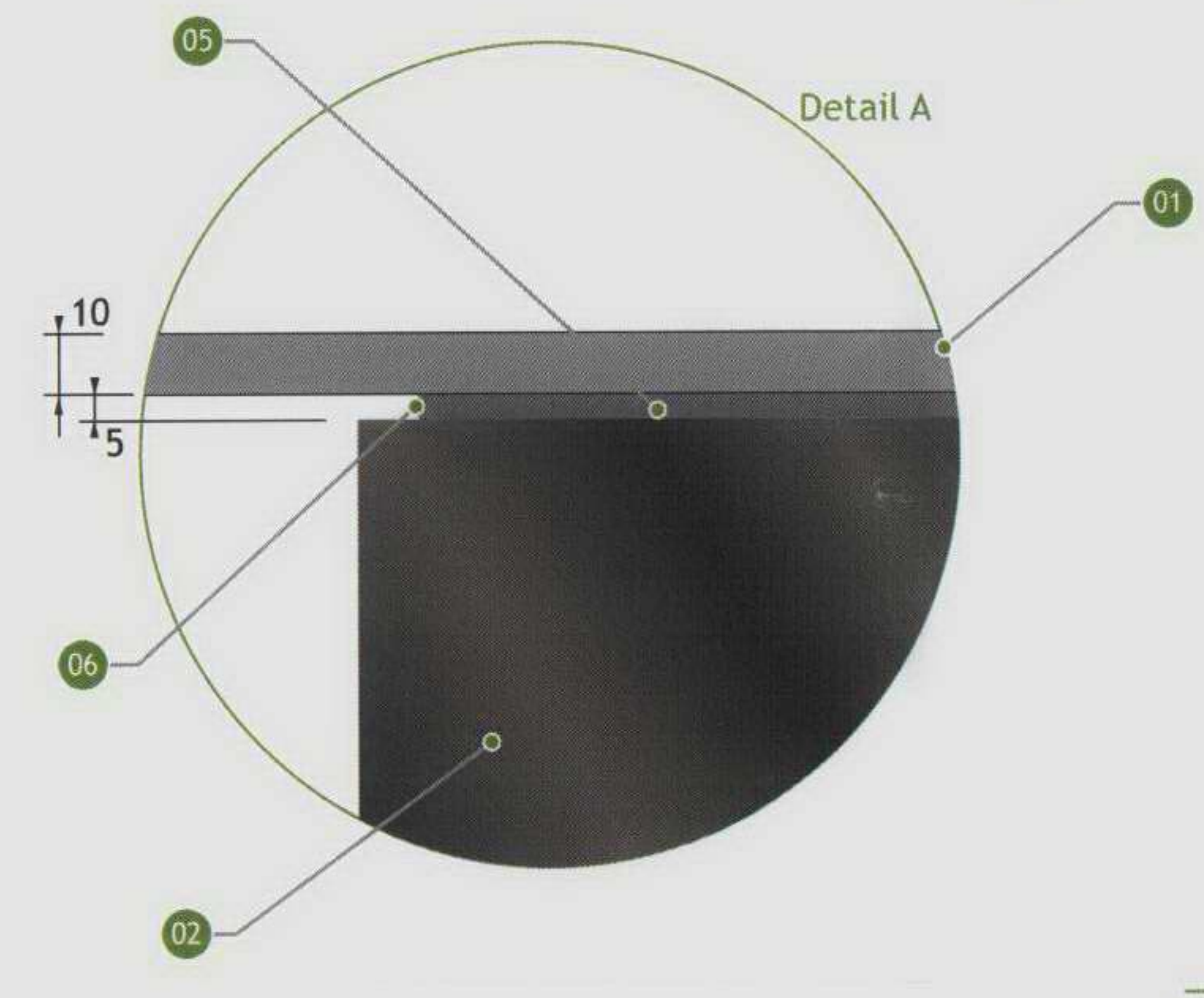
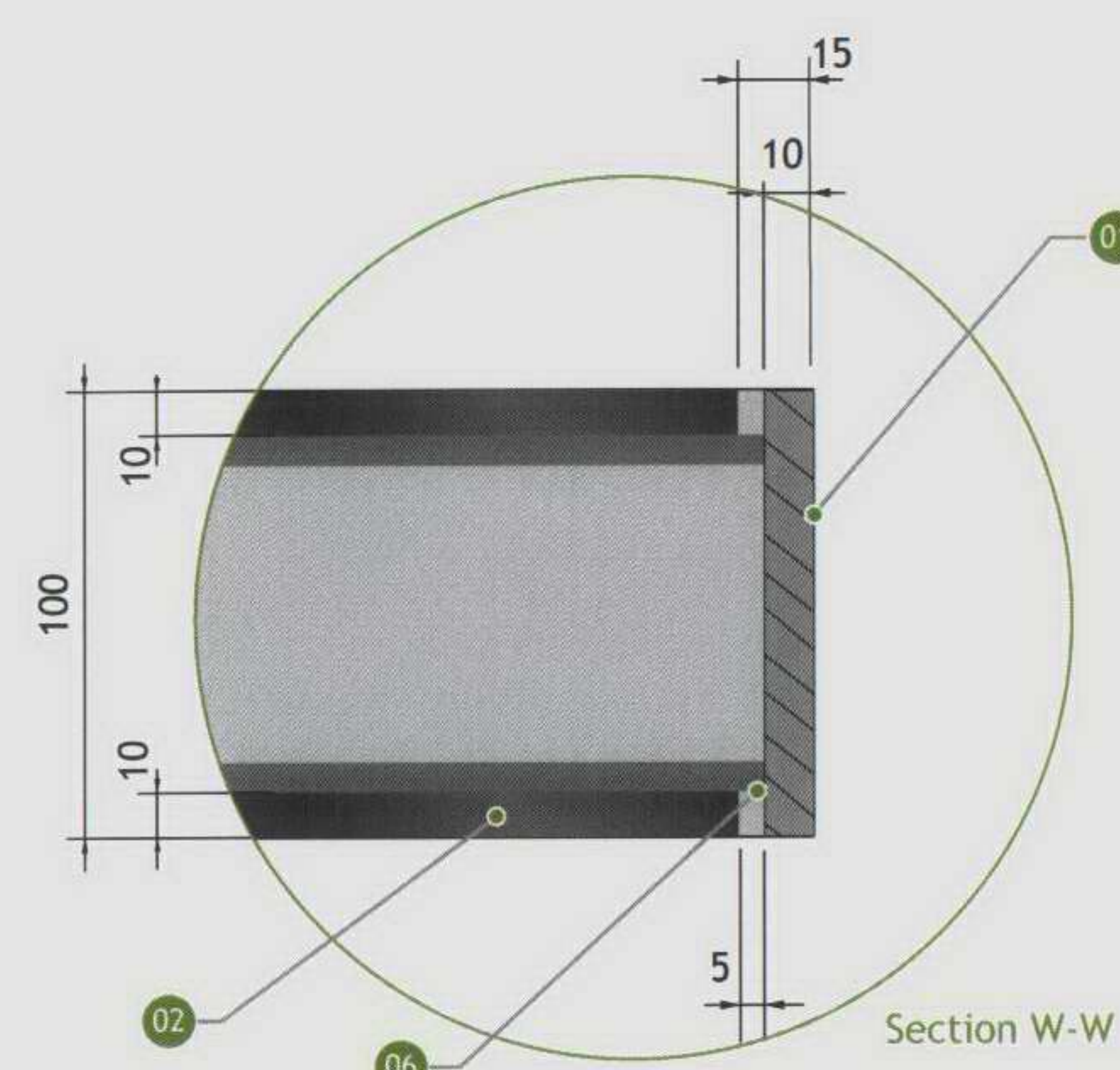
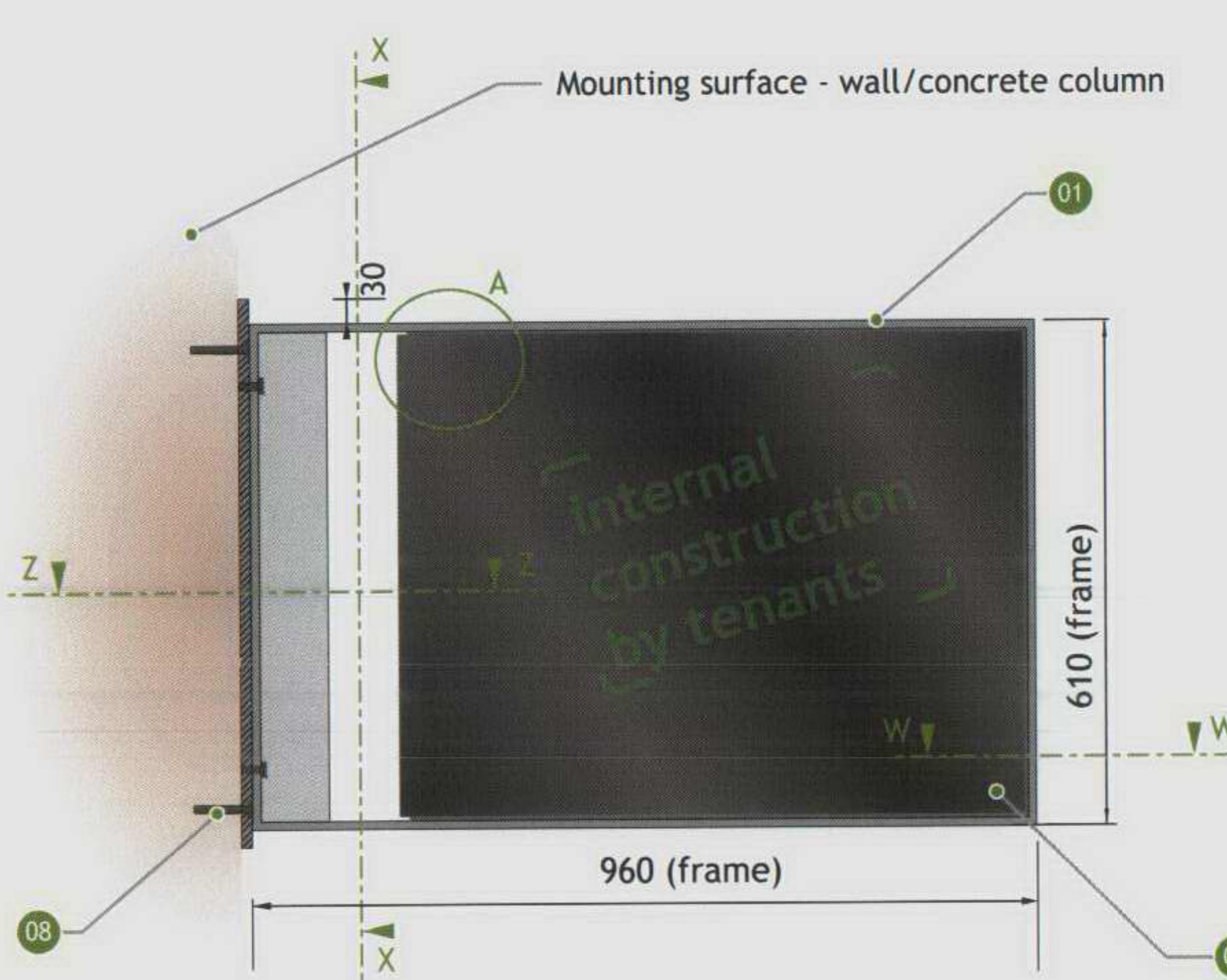
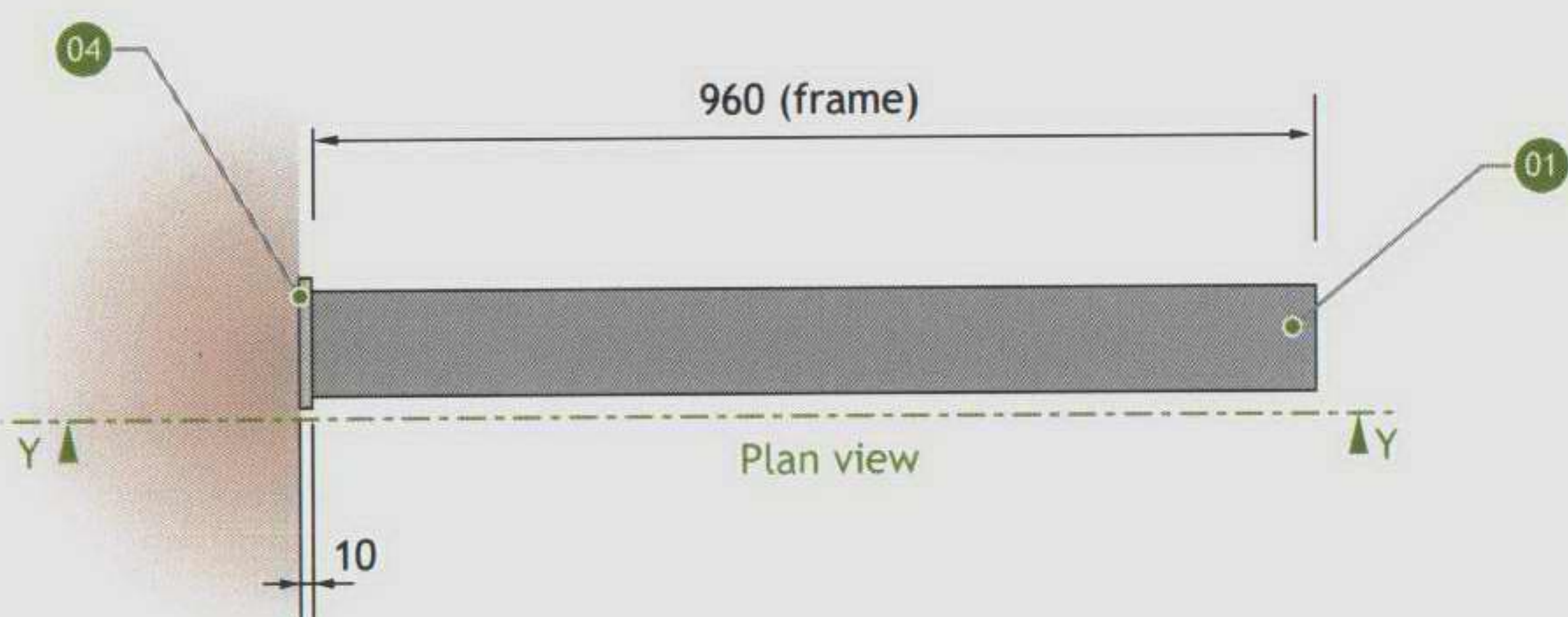
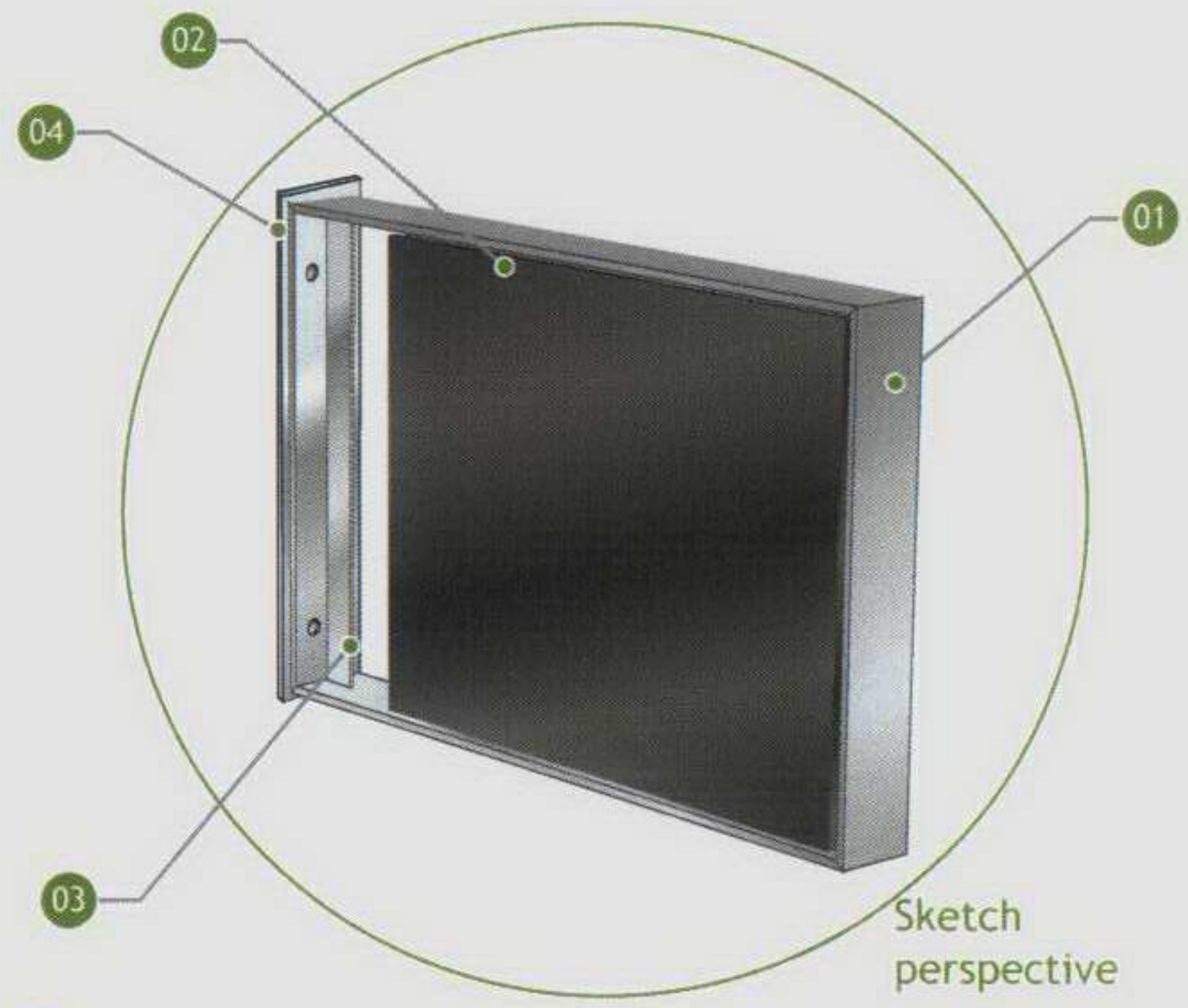
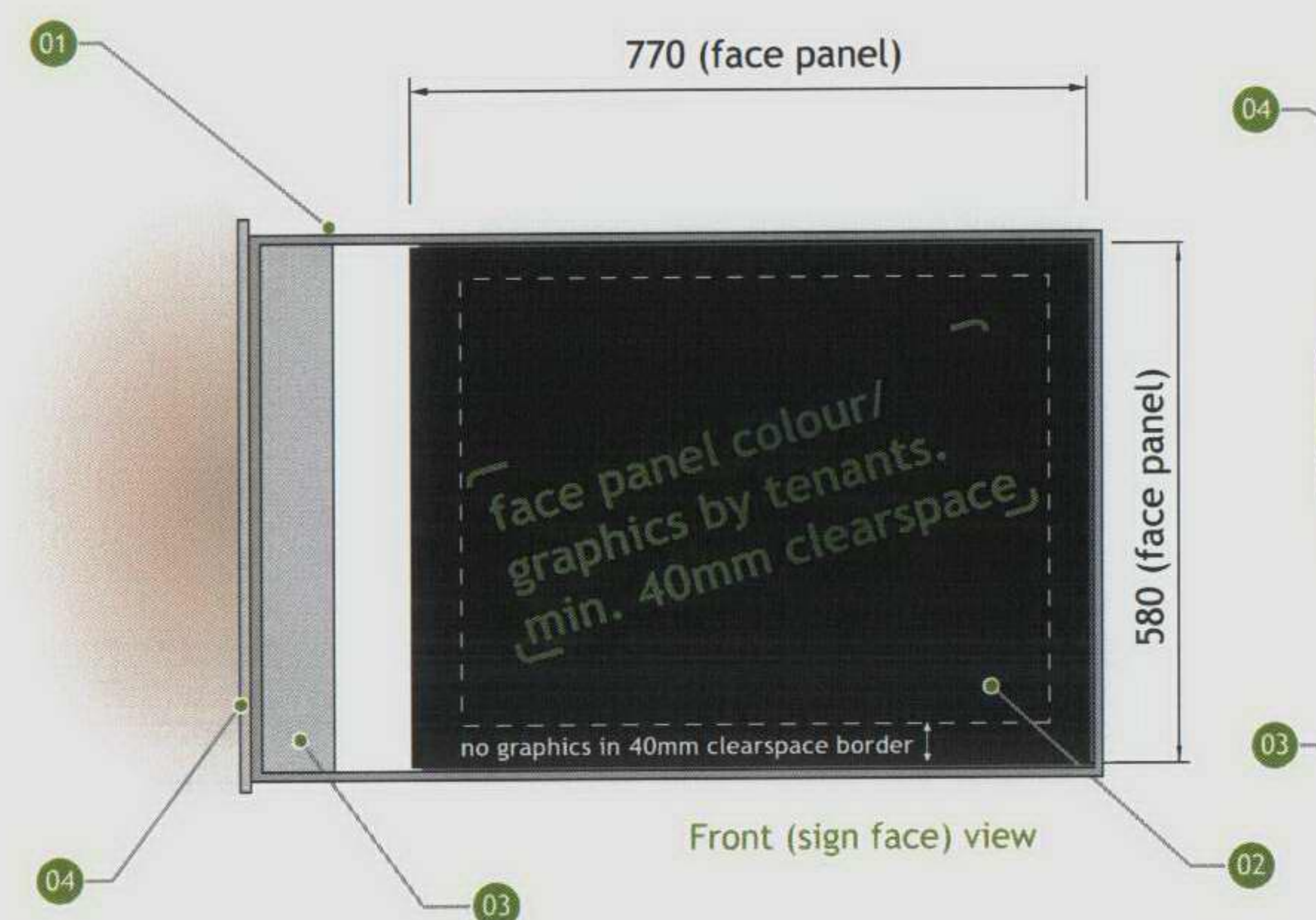
The Brunswick - Signage strategy

for Planning condition 12

2105EFG /1A / 1 OF 1 @ 1:50

1 KINGSLAND PASSAGE
LONDON E8 2BB
T: 020 - 7275 7676
F: 020 - 7275 9348
E: post@levittbernstein.co.uk

Levitt Bernstein



- Mounting plate by Interior Exterior.
 - Sign to be supplied and installed by tenants nominated supplier to specification provided.

- Notes**
- 10mm thick stove-enamelled internal sign frame to RAL 7044. Incorporates 4 qty fixing holes for mounting signs to mounting plates (see 4)
 - Removable faces panels with folded (max r.2mm) returns. Face and returns of sign panels to be painted. Returns to be 10mm except at internal return/face (facing column) where returns are to meet/join in centre of sign
 - Strengthening web along mounting face, welded to vertical face of frame and internal faces at top and bottom edges
 - Mounting plate, 10mm thick with counter-bored mounting holes (for fixing panels into wall) and threaded bosses to fit into mounting holes on sign frame. Plate supply and install to be co-ordinated by Interior Exterior. See separate drawing for fixing location details.
 - 5mm wide x 10mm deep shadow gaps between frame and face panels
 - Rear face of shadow gap to be painted to match sign frame (RAL 7044)
 - 4 qty. 18mm x M12 fixing bolts (with washers for oversized fixing holes) mounting through sign frame into threaded bosses in mounting plate (see 4)
 - 4 qty. fixing bolts (specification subject to mounting surface conditions) mounted through mounting plate in counter-bored holes. Fixings and fixing holes to be hidden by sign frame when sign installed
 - See LBA and relevant trade contractor drawings to confirm mounting details - Fixing details to be checked on site by tenant prior to sign production.
 - Individual tenant signs must conform with this specification. Any variations require prior written agreement by Allied London
 - Maximum sign weight = 39kg
 - Locations of signs to be advised separately.

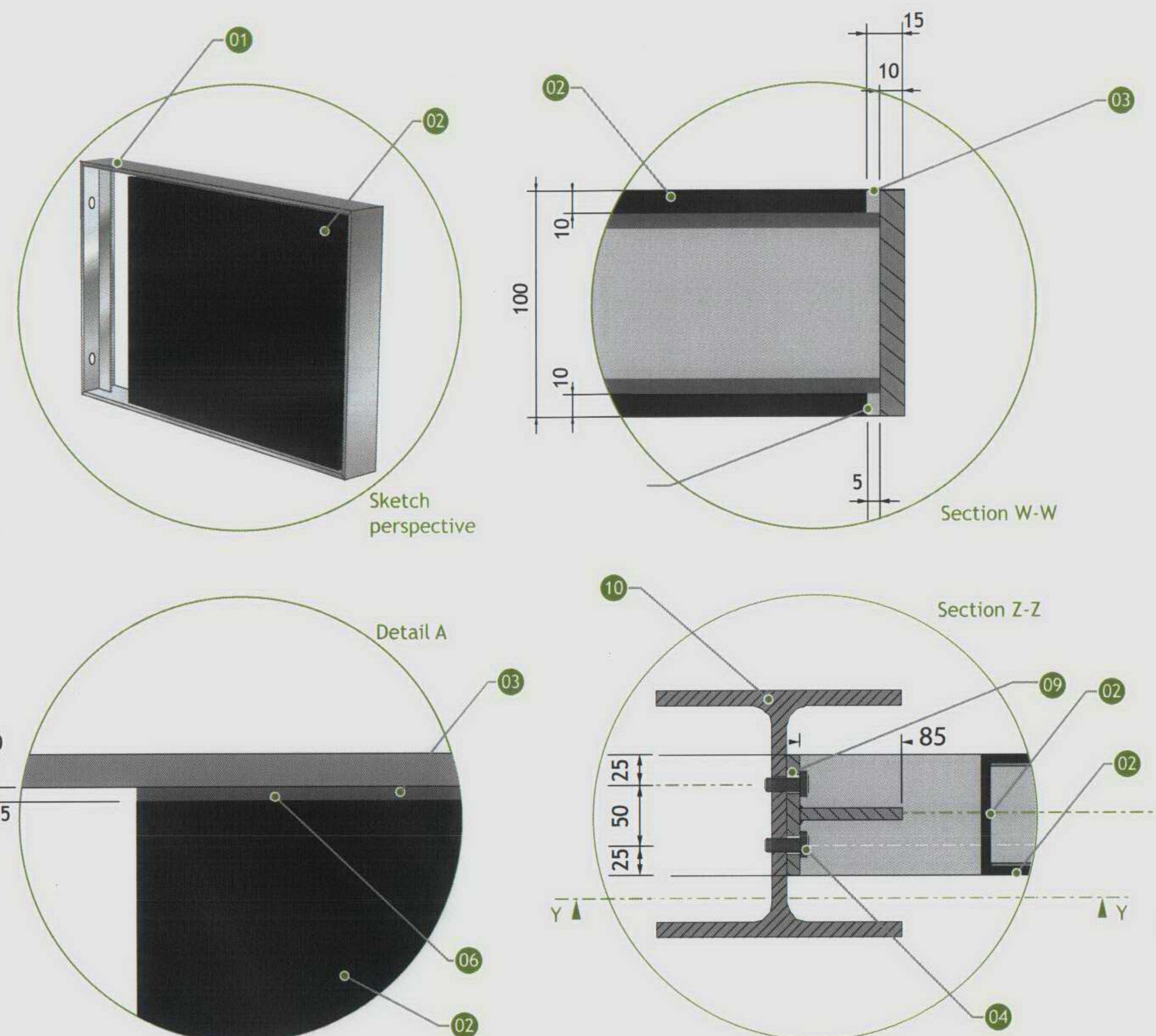
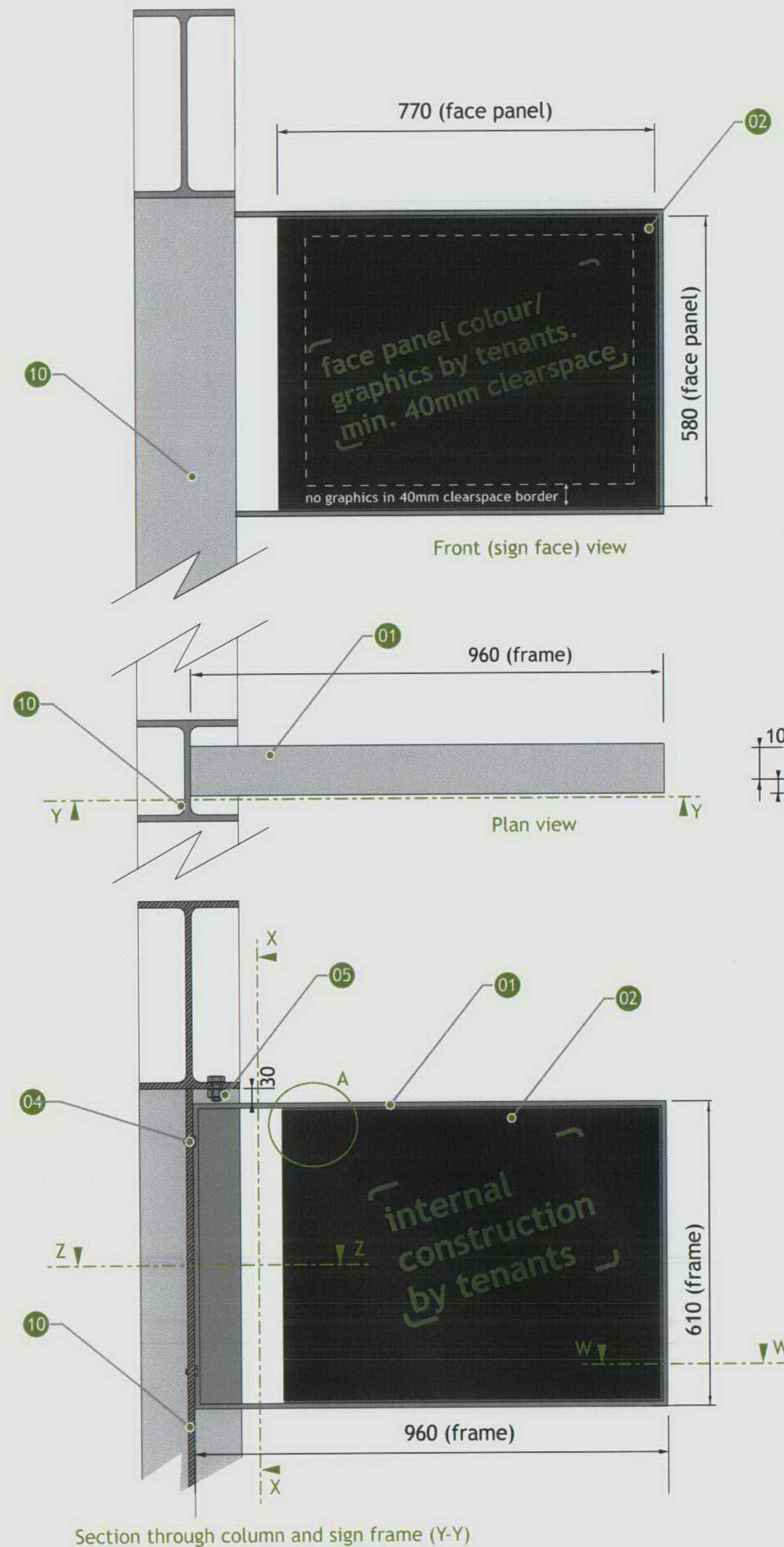


Client: Allied London
 Project: The Brunswick
 Document: Visual and performance drawings - signage
 Reference: BR1/VPD/ T002/A1

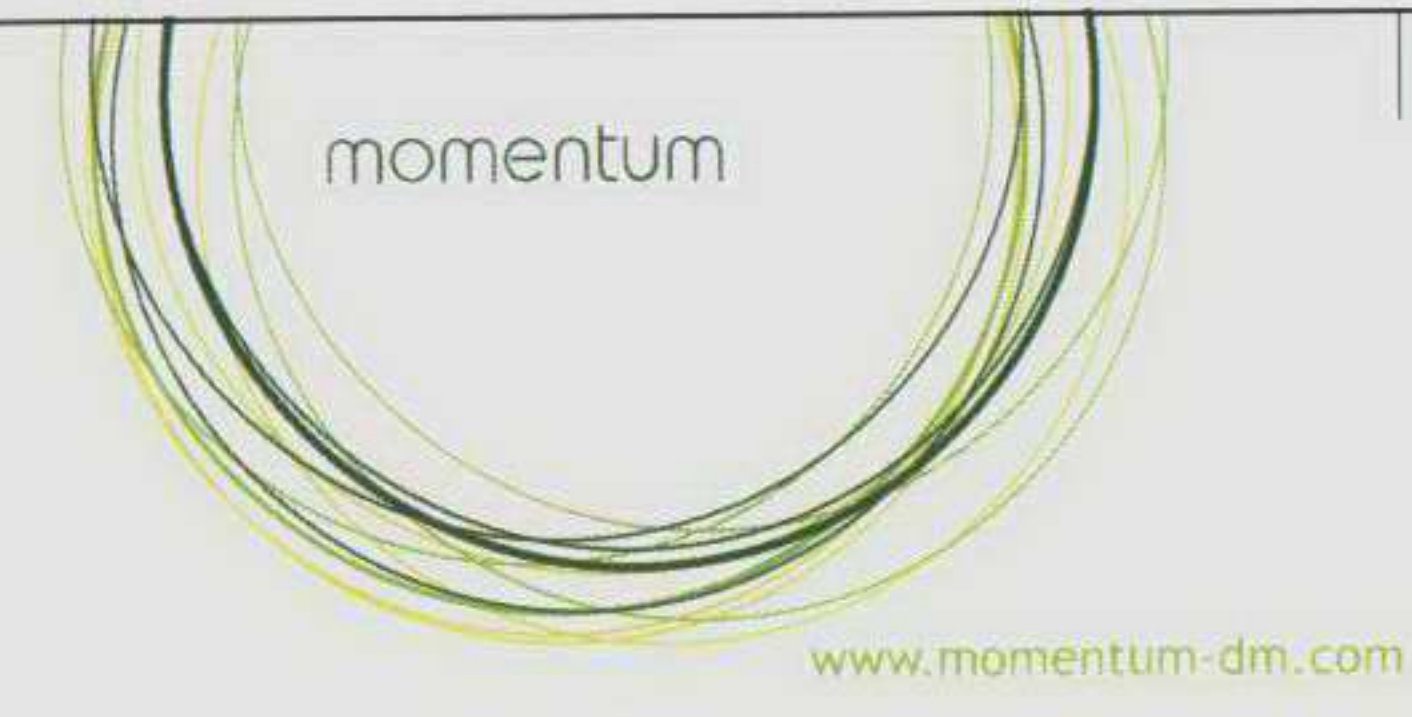
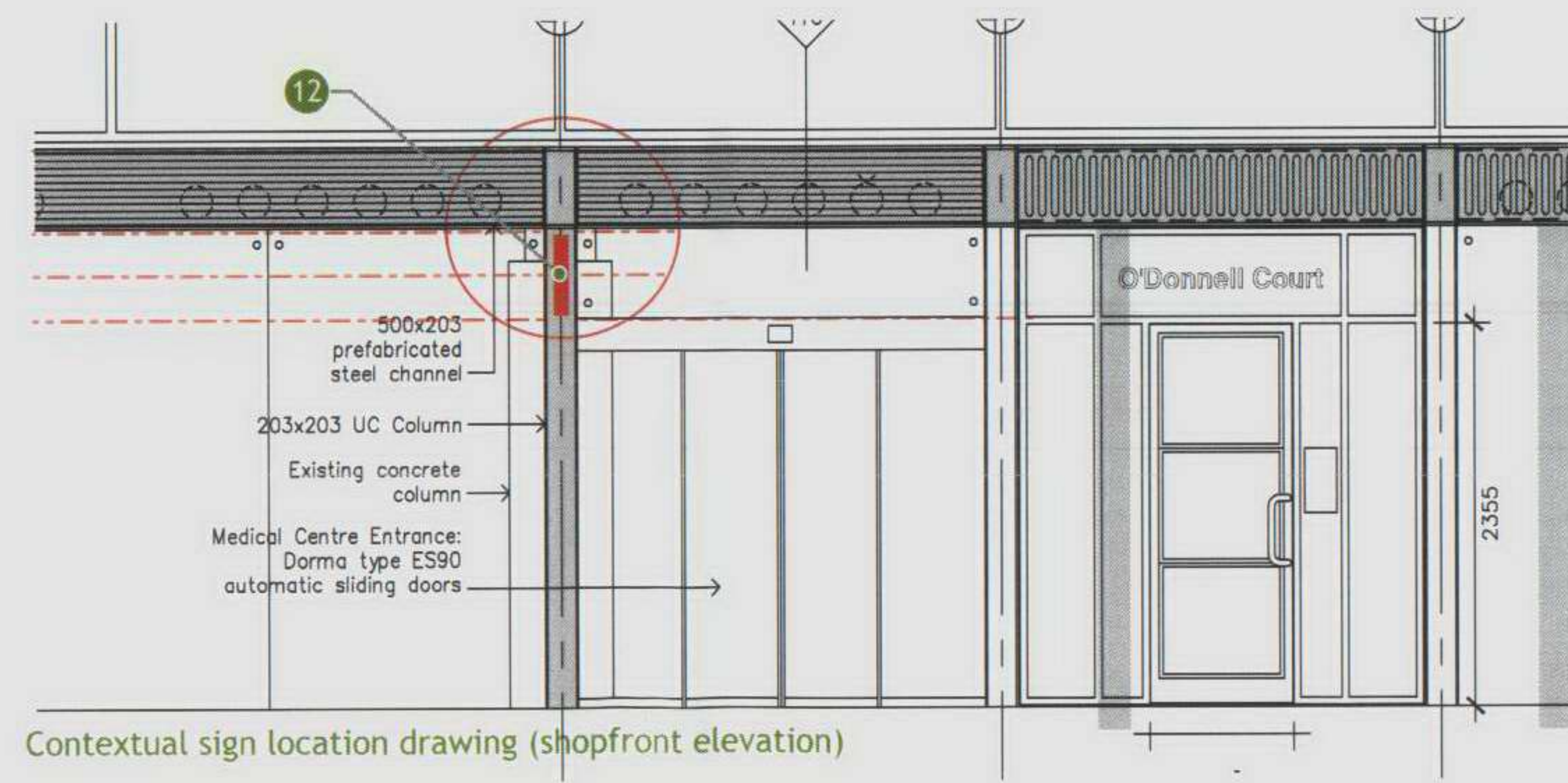
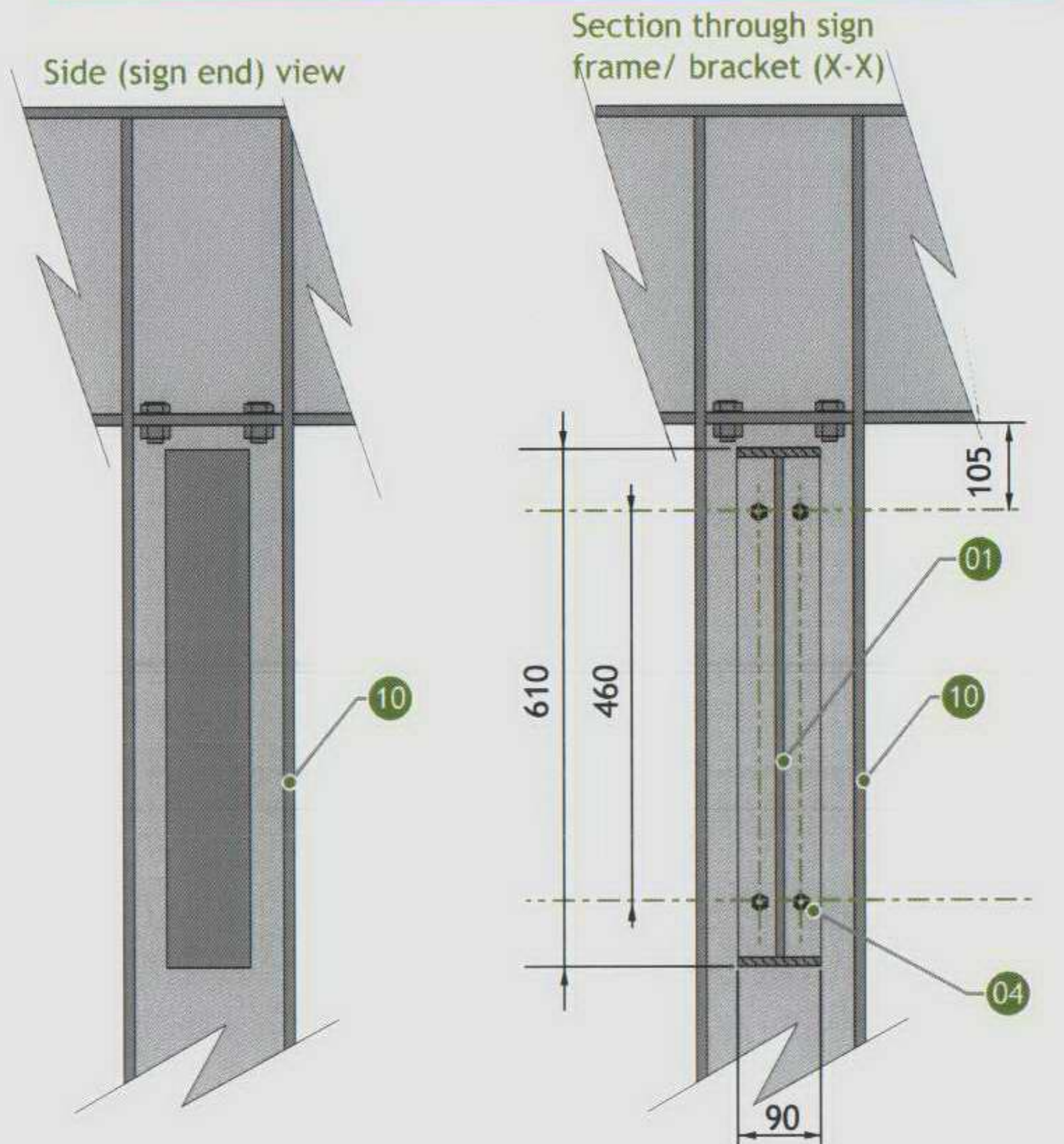
Revision: A1
 By: NF
 Date: 13.07.05
 Notes: For tenant use
 Scale: Not to scale

Notes: All dimensions in millimetres
 Not for construction
 All artwork/ graphic layouts to be approved
 See LBA and trade contractor drawings for all shopfront and steelwork dimensions & details
 Column fixing dimensions to be checked on site by Tenant prior to sign production

Sign ref(s): **T002**
 Type: Tenant projecting sign (wall mounted)
 Product ref: N/A
 Artwork ref: By tenant



- Notes**
- 10mm thick stove enamelled internal sign frame to RAL 7044. Incorporates 4 qty fixing holes for mounting to steel shopfront columns.
 - Removable face panels with folded (max. r2mm) returns. Faces and returns of sign panels to be painted. Returns to be 10mm except at internal return/ face adjacent to column fixings, where return/ face is 100mm.
 - Shadow gap between frame and face panels
 - 4 qty. 30mm M12 bolts mounted through oversized holes in sign frame (with washers) into pre-threaded holes in column. Bolt heads & washers RAL 7044.
 - 30mm clearance provided for existing column fixing bolt heads (above sign).
 - Rear face of shadow gap to be painted as per frame - i.e. RAL 7044
 - See LBA and trade contractor drawings for all shopfront and steelwork dimensions & details. Column fixing dimensions to be checked on site by tenant prior to sign production.
 - Individual Tenant signs must conform with this specification. Any variations require prior written agreement by Allied London.
 - 4 qty. oversized holes (dia. 16mm) in sign frame/ bracket. Fixed securely to pre-drilled and threaded holes in steel columns.
 - 203x203 UC column (existing)
 - Maximum sign weight = 39kg.
 - Height of sign is between top of shopfront doors and base of horizontal beam, mounted to columns.



Client: Allied London
 Project: The Brunswick
 Document: Visual and performance drawings - signage
 Reference: BR1/VPD/T001/A2

Revision: A2
 By: NF
 Date: 11.07.05
 Notes: For tenant use
 Scale: Not to scale

Notes: All dimensions in millimetres
 Not for construction
 All artwork/ graphic layouts to be approved
 See LBA and trade contractor drawings for all shopfront and steelwork dimensions & details
 Column fixing dimensions to be checked on site by Tenant prior to sign production

Sign ref(s): **T001**
 Type: Tenant projecting sign (column mounted)
 Product ref: N/A
 Artwork ref: TBC

