

# **APPEAL STATEMENT**

**130 CHARING CROSS ROAD, LONDON, WC2H 0LA**



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## 1. Introduction

This Appeal Statement has been prepared by Cityscape Planning and Architecture in relation to the refusal of planning permission by the London Borough of Camden (LBC) for the:

Variation of condition 5 (hours of operation) of planning permission 2017/4541/P dated 22/01/2018 (Change of use of existing ground floor unit from retail (class A1) to hot food takeaway (Class A5) including installation of extract duct to the rear), namely to change the opening hours from 9:00-23:00 Mon-Sun to 07:00-01:00 Monday and Tuesday, 07:00-04:00 Wednesday to Saturday and 07:00 to 00:00 Sunday.

Accordingly, this Statement sets out the appellant's case in support of the proposal. It should be read in conjunction with the accompanying plans and documents submitted in support of this appeal and as part of the planning application.

It is our view that the proposed development accords with the Development Plan and that it should therefore be granted planning permission. This is because section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The remainder of this Statement is structured as follows:

- Section 2 describes the site.
- Section 3 outlines the most recent planning history and reasons for refusal.
- Section 4 provides the policy background.
- Section 5 sets out the reasons why we believe the proposal accords with the development plan.
- Section 7 sets out the planning benefits.
- Section 8 concludes.

## 2. Site and Surroundings

The application site is a centrally located unit on the eastern side of a parade of shops on the eastern side of Charing Cross Road. Above the site a number of residential properties can be found.

The following is the site location plan with the site edged in red.



The host parade is an attractive building located within Denmark Street Conservation Area.

The Council's appraisal p.12 describes the group of buildings that the application site relates to as:

*3.10 Charing Cross Road forms the western boundary of the CA, is a major traffic route in central London, and the buildings here are predominantly in commercial and retail use at ground level, so consequently this part of the CA has a very busy feel.*

*3.11 Charing Cross Road was created by the Metropolitan Board of Works from 1877 onwards by widening and demolishing the east side of 12 Crown Street and setting the building line back by twenty feet. The Survey of London states that, "the eastern side of the northern part of Charing Cross Road is lined with buildings of various styles, heights and materials, although red brick predominates and a general level of mediocrity prevails."*

*3.12 There is no particular consistency of building age, type or design along this part of Charing Cross Road, although Shaldon Mansions (126-136) and nos. 122-124 form a red-brick and stone "frame" which provides a handsome gateway into Denmark Street. Shaldon Mansions is one of the most distinctive buildings here, and comprises shops at ground floor level with residential accommodation above. It is built of red brick with stone embellishment and a distinctive, tall stepped gable detail on the main elevation.*

*3.13 The building heights are generally no more than 4 or 5 main storeys above tall ground floor shopfronts, commensurate with the scale and commercial nature of the road.*

The surrounding area consists of a varied townscape, typical of an inner city location, which has seen waves of re-development. Importantly, less than 80m to the north is Tottenham Court Road Station. This station serves the Central Line, Northern Line, and soon-to-open Elizabeth Line (formally referred to as Crossrail), its redevelopment to accommodate the Elizabeth Line virtually completed.

Tottenham Court Road is also part of the 'Night Tube' which opened in August 2016 and runs a 24hr service on Fridays and Saturdays. According to TfL, "Demand for a 24-hour Tube service is clear - late night Tube use has increased at double the rate of day-time trips and Night bus usage has risen by 173% since 2000. There are already over half a million users of the Tube after 22:00 on Fridays and Saturdays." (source TfL website: <https://tfl.gov.uk/campaign/tube-improvements/what-we-are-doing/night-tube#on-this-page-0>)

The following section of the report outlines the planning history and reasons for refusal, followed by an analysis of the site designation and planning policy.

Reference to the need for late night uses, along with policy support and the link to the night tube, are strong material considerations and these will also be outlined within this report.

### **3. Planning History and Reasons for Refusal**

The application site's planning history is of particular relevance to this application.

#### **Planning History**

2013/4035/P – Certificate of Lawfulness for Existing Use as a restaurant and takeaway (use classes A3/A5). Application withdrawn.

2014/3344/P – Prior approval for a change of use from Class A1 to Class A3 for a temporary period of two years. Prior approval given for 15-06-2014 to 16-06-2016.

2015/2945/P – Change of use from A1 (Retail) to A5 (hot food take-away). Retrospective. Refused and warning of enforcement action 19/08/2015.

The applicant was served with an enforcement notice (ref: EN14/1163) to cease the unauthorised A5 use and remove all associated extract equipment. The enforcement notice was subsequently appealed by the applicant (APP/X5210/C/15/3136064) and dismissed by the inspector on 24/02/2016.

2017/4541/P – Change of use of existing ground floor unit from retail (Class A1 to hot food takeaway (Class A5) including installation of extract duct to the rear. Granted 22-01-2018 (a copy of this decision notice is at appendix 4).

#### **Reasons for Refusal**

This application seeks to vary condition 5 (hours of operation) of planning permission 2017/4541/P. It was refused for the following reason:

1. The proposed opening hours would result in increased noise and disturbance causing harm to the amenity of nearby residential occupiers contrary to policy A1(amenity), A4 (noise and vibration) and TC4 (Town Centre uses) of the London Borough of Camden Local Plan 2017.

The following section provides the planning policy background to this appeal.

## 4. Planning Policy Background

This section provides an overview of national, regional and local planning policies relating to the planning application, as well as other material considerations.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Other material considerations include items such as national planning policy, guidance or statements, up-to-date research and/or site-specific requirements.

Section 38(5) of the Planning and Compulsory Purchase Act (2004) requires that where there is a difference between policies, the most recently adopted policy takes precedence.

### Government Policy

The Government's policy guidance is set out in the National Planning Policy Framework (NPPF). As explained in the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which can be summarised as follows:

- Economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth.
- A social objective – to support a strong, vibrant and healthy community, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
- An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land.

At the heart of the NPPF is the presumption in favour of sustainable development. The NPPF states that for decision making, the presumption means:

- Approving development proposals that accord with the development plan without delay.
- Where there are no relevant development planning policies or the policies which are most important are out of date, granting

planning permission unless any adverse impacts of doing so would significantly and demonstratively outweigh the benefits.

As explained in the next section, the appeal proposal is considered to be in accordance with the development plan and with emerging planning policy.

Notably there is emphasis in the NPPF upon encouraging development, including residential development, in town centres, as reflected by paragraph 85.

Accordingly, the appeal proposal is considered to be fully in accordance with the NPPF.

### Statutory Development Plan

The statutory Development Plan for the Application Site comprises:

- o The London Plan ('LP', 2016) and;
- o the London Borough of Camden Local Plan 2017

Regard should also be had to any relevant Supplementary Planning Documents ('SPDs').

The Mayor of London is in the process of preparing a new London Plan which will replace the current adopted London Plan. The draft is fairly advanced and has been examined by an inspector. The further the Plan advances through the plan preparation process, the more weight it holds for the purposes of decision taking.

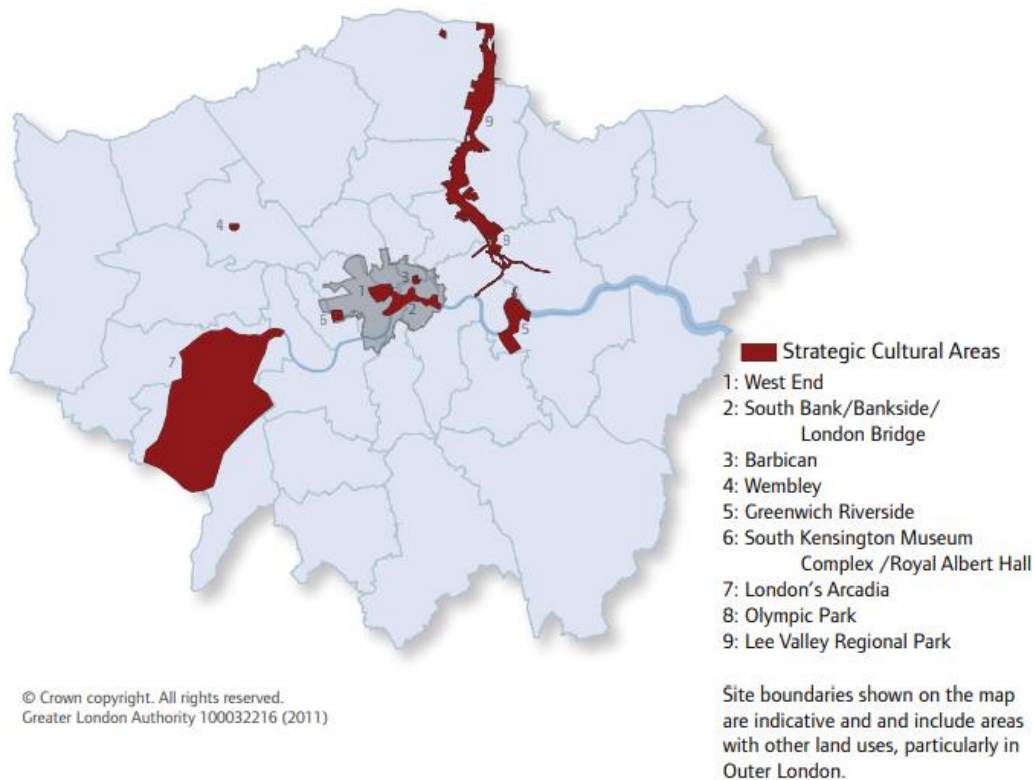
### Site Planning Policy Designations

The application site falls within a central London Frontage, as defined within the adopted Local Plan. It also falls within the Central Activity Zone of the London Plan.

The site also falls within London's Strategic Cultural Areas as set out in the London Plan.



**Map 4.2 London's Strategic Cultural Areas**



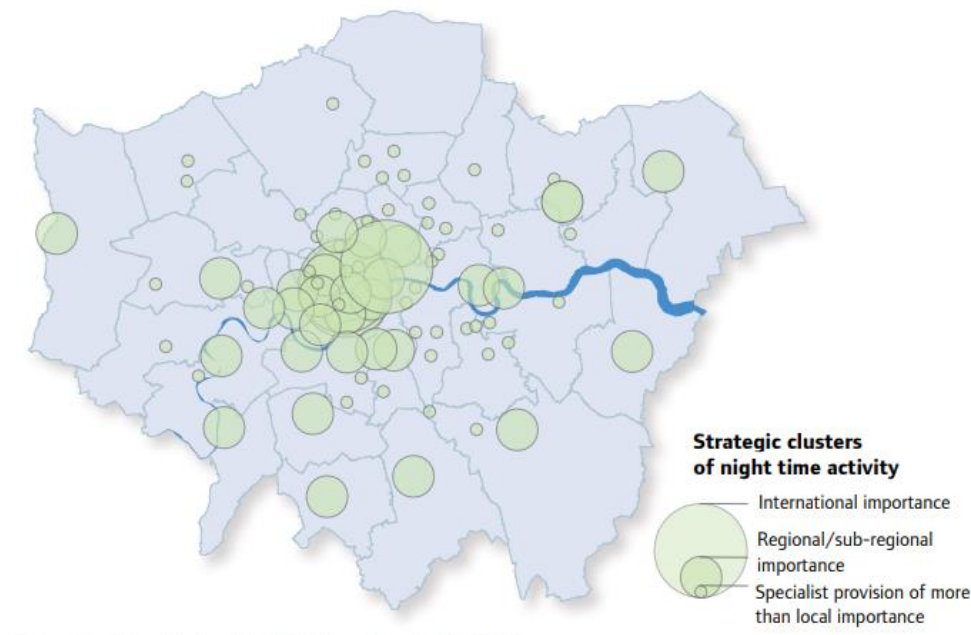
### The London Plan (2016)

The regional plan for the area is the London Plan (2016). Policy 2.11 sets the Strategic function of the CAZ. In relation to the application site, it seeks to recognise, improve, and manage the country's largest concentration of night time activities in Soho/Covent Garden as well as other strategic clusters in and around the CAZ in line with policy 4.6. Importantly, policy 2.12 seeks to identify, protect, and enhance predominantly residential neighbourhoods within the CAZ, and elsewhere develop sensitive mixed-use policies to ensure that housing does not compromise CAZ strategic functions in the zone.

Policy 4.8 of the London Plan supports a successful and diverse retail sector; inter alia, the policy requires a policy framework for maintaining, managing, and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence.

In relation to the night time economy, Map 4.3 of the London Plan identifies the application site as being within an internationally important cluster – the highest category for the night time economy. See following image from the London Plan.

**Map 4.3 Night time economy clusters of strategic importance**



The accompanying text to the plan is pertinent to this application.

4.36 London is a great city for night time entertainment and socialising, with a unique selection of bars, restaurants, performing arts venues, cinemas and night clubs. The night time economy also forms an important part of London's economy<sup>143</sup>. The Mayor encourages a supportive approach to planning these diverse night time activities in appropriate locations. LDFs should recognise and address the opportunities and challenges posed by the strategically important clusters of night time activities concentrated in some of the main town centres and parts of CAZ and its fringe (see Map 4.3 and Annex 2). The strategic cluster in Covent Garden/ Soho makes a particular contribution to London's world city offer as well as meeting Londoners' needs.

4.37 Boroughs should take an evidence based approach [our own emphasis] to managing the night time economy through an integrated range of measures including planning, licensing, policing, transport and street cleaning. This will require the co-ordination and co-operation of local authorities and their partners, as well as residents, businesses and their customers. Integration of planning and licensing policies, while avoiding duplication, is essential to manage unacceptable cumulative impacts and saturation of night time economy activities in an area. When addressing saturation, licensing-based policies can be used to form part of an integrated package of measures, and should be reviewed regularly<sup>145</sup>. When managing cumulative impact,

*boroughs are encouraged to include policies in LDFs to influence the scale and nature of night time economy development, regarding the use class, time of operation, size of premises and proportions of retail frontages in different night time economy areas.*

*4.39 Boroughs should encourage a diverse range of night time activities, expanding culture and leisure venues other than eating and drinking. This diversification can enable a mix of activities in the public realm and help keep public spaces safe. It can also attract a wider range of visitors to town centres at night, including those who feel excluded from alcohol-driven entertainment activities. This is particularly important to outer London, where there is a deficiency in access to other leisure facilities such as cinemas.*

Policy 7.1 seeks to ensure people have a good quality environment in an active and supportive local community based on the lifetime neighbourhoods principles. Within the London Plan there are three principles that have been developed to help frame the concept of lifetime neighbourhoods as places where people at all stages of their lives:

1. can get around – neighbourhoods which are well-connected and walkable;
2. as far as possible, can have a choice of homes, accessible infrastructure and services, places to spend time and to work, with a mix of accessible and adaptable uses; and
3. belong to a cohesive community which fosters diversity, social interaction and social capital.

Furthermore policy 7.1 seeks to ensure that the design of new buildings and the spaces they create help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

#### London Borough of Camden Local Plan

Policy A1 is cited within the decision notice. This policy seeks to protect the quality of life of occupiers and neighbours and states:

*We [Camden] will grant permission for development unless this causes unacceptable harm to amenity.*

*We will:*

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;*

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

### **Policy TC2 Camden's centres and other shopping areas**

*The Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors.*

*We will:*

- a. seek to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;*
- b. provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;*
- c. make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area and focusing such uses in King's Cross and Euston Growth areas, Central London Frontages, and Town Centres (Refer to Policy TC4 Town centre uses);*
- d. support and protect Camden's Neighbourhood Centres, markets and areas of specialist shopping, local shops; and*
- e. pursue the individual planning objectives for each centre, as set out in supplementary planning document Camden Planning Guidance on town centres and retail, and through the delivery of environmental, design, transport and public safety measures.*

### **Policy TC4 Town centre uses**

*The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.*

*We will consider:*

a. the effect of development on shopping provision and the character of the centre in which it is located;

b. the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses and non-implemented planning permissions and any record of harm caused by such uses;

c. the Council's expectations for the mix and balance of uses within frontages for each centre are set out in Appendix 4;

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

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

f. the health impacts of development;

g. the impact of the development on nearby residential uses and amenity and any prejudice to future residential development; h. parking, stopping and servicing and the effect of the development on ease of movement on the footpath; i. noise and vibration generated either inside or outside of the site;

[...]

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

k. the potential for crime and antisocial behaviour, including littering. To manage potential harm to amenity or the local area, we will, in appropriate cases, use planning conditions and obligations to address the following issues:

l. hours of operation;

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

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

o. tables and chairs outside of premises; p. community safety;

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

r. the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2);

## New Draft London Plan 2018

On 13 August 2018, the Mayor published a version of the draft Plan that includes his minor suggested changes. These suggested changes have been prepared following a review of consultation responses, and consist of clarifications, corrections and factual updates to the draft Plan that will help inform the EiP. The following policies are relevant to this application.

Policy GG3 seeks to reduce health inequalities, with those in planning looking to increase the availability of healthy food and restricting unhealthy options.

Policy SD6 concerns Town centres and high streets. The relevant points state:

- 1) the vitality and viability of London's varied town centres should be promoted and enhanced by various measures including encouraging strong, resilient, accessible, and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, including employment, business space, shopping, culture, leisure, night-time economy, civic, community, social and residential uses
- 4) strengthening the role of town centres as a main focus for Londoners' sense of place and local identity in the capital
- 5) ensuring town centres are the primary locations for commercial activity beyond the CAZ and important contributors to the local as well as London-wide economy
- 6) supporting the role of town centres in building sustainable, healthy, and walkable neighbourhoods with the Healthy Streets Approach embedded in their development and management.

Policy D13 Noise seeks to manage and mitigate noise by various methods. The following are relevant to this application:

- 1) avoiding significant adverse noise impacts on health and quality of life
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.



Lastly, policy HC6 and its accompanying text is of particular importance to this appeal.

*Policy HC6 Supporting the night-time economy*

A) Boroughs should develop a vision for the night-time economy, supporting its growth and diversification, in particular within strategic areas of night-time activity (see Table A1.1 and Figure 7.7), building on the Mayor's Vision for London as a 24-Hour City.

B) In Development Plans, town centre strategies and planning decisions, boroughs should:

- 1) promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, town centres, and where public transport such as the Night Tube and Night Buses are available
- 2) improve access, inclusion and safety, and make the public realm welcoming for all night-time economy users and workers
- 3) diversify the range of night-time activities, including extending the opening hours of existing daytime facilities such as shops, cafés, libraries, galleries and museums
- 4) address the cumulative impact of high concentrations of licensed premises on anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby uses, and seek ways to diversify and manage these areas
- 5) ensure night-time economy venues are well-served with safe and convenient night-time transport
- 6) protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues.

C) Promoting management of the night-time economy through an integrated approach to planning and licensing, out-of-hours servicing and deliveries, safety and security, and environmental and cleansing services should be supported. Boroughs should work closely with stakeholders such as the police, local businesses, patrons, workers and residents.

7.6.1 The night-time economy refers to all economic activity taking place between the hours of 6pm and 6am, and includes evening uses. Night-time economic activities include eating, drinking, entertainment, shopping and spectator sports, as well as hospitality, cleaning, wholesale and distribution, transport and medical services, which employ a large number of night-time workers.

The accompanying paragraphs to the New Draft London plan go further than the current London Plan and identify London as a 24hr global city.

7.6.2 The night-time economy is becoming increasingly important to London's economy. The Mayor is keen to promote London as a 24-hour global city, taking advantage of London's competitive edge and attractiveness for businesses and people looking to expand beyond the usual daytime economy into night-time economic opportunities. However, 24-hour activities are not suitable for every part of London, and boroughs should balance the needs of local residents in all parts of London with the economic benefits of promoting a night-time economy.

7.6.3 London's night-time economy is generally focused in the Central Activities Zone (CAZ) and within town centres across the city. Different areas of night-time activity function at different scales and have different catchments. They have been classified, as set out in Table A1.1 and Figure 7.7, into three broad categories:

- NT1 – Areas of international or national significance
- NT2 – Areas of regional or sub-regional significance
- NT3 – Areas with more than local significance

The associated table lists the West End as follows:

Table A1.1 - Town Centre Network

| Ref | Centre   | Borough             | Network classification | Future potential network classification |  | Night-time economy classification | Commercial growth potential | Residential growth potential | Office guidelines | Strategic area for regeneration* |
|-----|----------|---------------------|------------------------|---|--|-----------------------------------|-----------------------------|------------------------------|-------------------|----------------------------------|
| 1   | West End | Westminster/ Camden | International          |   |  | NT1                               | High                        | Incremental                  | CAZ               |                                  |

## Culture and the night-time economy supplementary planning guidance

The forward to this SPG, which has been created to help support the draft new London Plan, is clear in the benefits of the night-time economy and what it brings to London.

*The business case for the night time economy is obvious. It brings a staggering £26.3bn to London's economy every year. It employs one in eight people in our city too. Londoners love to go out at night. Unsurprisingly, they've embraced the Night Tube with gusto. There have already been over four million journeys since it was launched, far exceeding expectations. The Night Tube is not only a safe way to get home for workers and revellers alike, but it has also transformed the nightscape of our city for everyone. Our capital is the most visited city of the world. And culture is the number one reason people come here. No wonder when there's such a range of great things to see and do every day of the week. You can catch an Olivier award*



*winning West End show. See an up and coming musician play an intimate venue. Watch the latest blockbuster or indie movie. Dance the night away in a club. Soak up the atmosphere in a pub. Or simply enjoy a sunset stroll along the Thames. Life at night in London is unforgettable, and is becoming more so as nightlife in London embraces more possibilities. Restaurants, food markets, gyms, hairdressers, libraries and museums are waking up to the fantastic opportunities of London's life at night.*

The entire document has been created to enhance London's night-time economy. In relation to the Central Activity Zone, it states (Page 14): *The Mayor, boroughs and other agencies should recognise, improve and manage the country's largest concentration of night time activities in Soho/Covent Garden. Other strategic clusters are located in and around the central activities zone (CAZ), including those in Shoreditch, Knightsbridge, Angel and Kings Cross. Boroughs should develop sensitive mixed use policies to ensure that housing does not compromise CAZ strategic functions.*

Page 71 provides additional commentary pertinent to this application.

6.15 A diverse range of day-time and night-time leisure uses, including restaurants, cafes, pubs, bars, cinemas, and performing arts venues, play an important role in generating the vibrant and 'mixed' character of much of the CAZ. This generates large numbers of jobs and expenditure. The London Plan also recognises that central London's night-time economy contributes to London's world city offer, helping to sustain the capital's position as a major visitor destination. A range of day and evening amenities can also be an important attractor for business and employees, especially within the creative sector. This encourages the clustering of creative businesses as seen around Soho, Old Street and London Bridge.

6.16 Policy 2.10 of the London Plan sets a strategic priority to enhance and promote the unique international, national and London-wide roles of the CAZ. Under the associated policy 2.11A, the Mayor, boroughs and other agencies should recognise, improve and manage the country's largest concentration of night-time activities in Soho/Covent Garden as well as other strategic clusters in and around the CAZ such as those in Shoreditch, Knightsbridge, Angel and Kings Cross in line with policy 4.6. The Central Activities Zone SPG contains further guidance on implementing London Plan policies relating to the CAZ<sup>41</sup>.

The following section looks to apply these policies to the application site and discusses the amenity concern raised by the Council.

## 5. Assessment of proposal against policy and material considerations

### The proposal

|           | Opening<br>Approved | Opening<br><i>proposed</i> | Closing<br>Approved | Closing<br><i>Proposed</i> |
|-----------|---------------------|----------------------------|---------------------|----------------------------|
| Monday    | 9:00                | 7:00                       | 23:00               | 01:00                      |
| Tuesday   | 9:00                | 7:00                       | 23:00               | 01:00                      |
| Wednesday | 9:00                | 7:00                       | 23:00               | 04:00                      |
| Thursday  | 9:00                | 7:00                       | 23:00               | 04:00                      |
| Friday    | 9:00                | 7:00                       | 23:00               | 04:00                      |
| Saturday  | 9:00                | 7:00                       | 23:00               | 04:00                      |
| Sunday    | 9:00                | 7:00                       | 23:00               | 00:00                      |

The application was refused for the following amenity related concern:

1. The proposed opening hours would result in increased noise and disturbance causing harm to the amenity of nearby residential occupiers contrary to policy A1(amenity), A4 (noise and vibration) and TC4 (Town Centre uses) of the London Borough of Camden Local Plan 2017.

The following part of the statement addresses this reason for refusal and explains how it is at odds with the direction of travel for London and its growth as a 24hr city.

### Consideration of the proposal

In response to the above reason for refusal, appropriate consideration needs to be given to the application's site within the heart of London's west end, on a major and busy thoroughfare, with excellent transport facilities and a vibrant late-night economy. It is indisputably one of London's main tourism hubs and a centre for cultural activities.

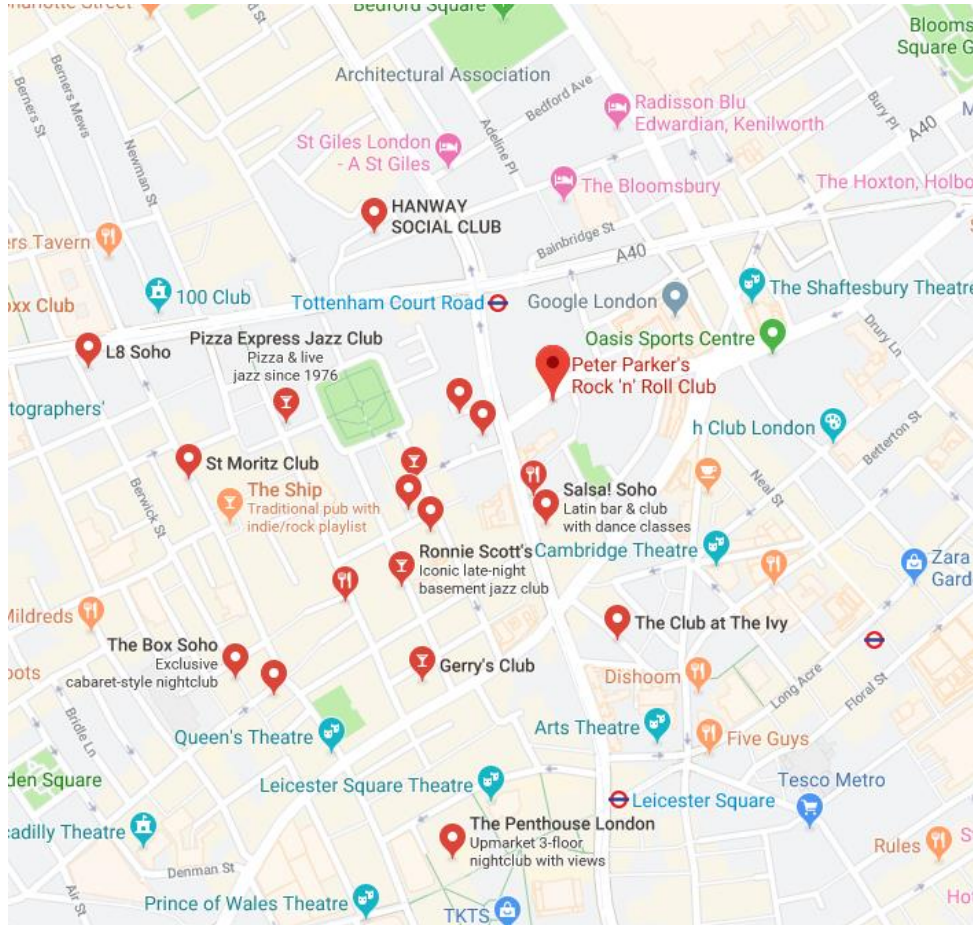
The following image is taken from Google maps and shows the number of clubs within the vicinity of the application site.

These include but are not limited to the following:

- G.A.Y - 5 Goslett Yard, Soho, London WC2H 0EA
- La Capannina Club - 21A Bateman St, Soho, London W1D 3AL
- Ronnie Scotts - 47 Frith St, Soho, London W1D 4HT
- The Crowbar 17 Manette St, Soho, London W1D 4AS
- Salsa! Soho - 96 Charing Cross Rd, London WC2H 0JG
- Gerry's Club - 52 Dean Street, Soho, London W1D 5BJ
- Club 49 - 49 Greek St, Soho, London W1D 4EG

- The Roxy - 3-5 Rathbone Pl, Fitzrovia, London W1T 1HJ
- The Phoenix Artist Club - 1 Phoenix St, London WC2H 8BU

All these clubs are open **until 3 or 3.30am** on most nights.



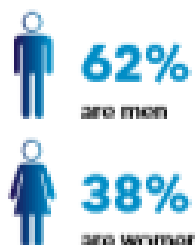
Extract from Google Maps. The pin drops representing clubs.

As such, whilst residential properties exist above the application site and within the vicinity of the site, it is appropriate to acknowledge the surrounding area contains a vast range of uses which contribute to London's night time economy and that it is our strong view these should be awarded appropriate weight in the assessment of the application.

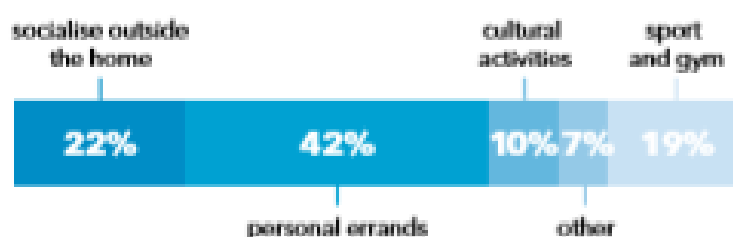
The London Night Time Commission in January 2019 published the 'Think Night: London's Neighbourhood from 6PM to 6AM' is at the foremost in the thinking of the night time economy.

The following is an extract from the report.

## NIGHT TIME WORKERS



### WHAT DO THEY DO?



**6am**

This makes it clear that London during the evening does not revolve solely around the clubs and leisure facilities and that it is a much more mixed and varied place for the entire community. The report also carries with it a number of recommendations, of which recommendation 6 is:

The Mayor should carry out research to establish the case for longer opening hours across London.

The Mayor's response to this as found on the GLA's website is clear:

*My London Plan (Policy HC6 Supporting the Night Time Economy) encourages boroughs to use their strategies and planning decisions to diversify the range of night time activities and extend the opening hours of existing daytime facilities. Extending opening hours, for a wide range of businesses, has the potential to boost the capital's economy and support our high streets. Being able to access cultural activities, go shopping and run errands later in the day could take pressure of Londoners' busy lives. Later opening could also improve the availability of healthy, affordable food for people who work at night.*

*My Regeneration Team have commissioned research into how high streets are adapting to meet future needs. This will include a focus on the use of high streets after 6pm. In addition, I am hosting the 10th International Public Markets Conference in June. This will be a key opportunity to share best practice on later opening hours for public markets and build on the success of London's growing night market scene.*

*The GLA will commission research into the case for longer opening hours. The research will create an evidence base to show whether longer opening could benefit Londoners, and if so, how. It will consider the challenges, for example, the health impacts of shift working or increases in community safety costs. It will also identify any groups that are disproportionately affected by longer opening hours. The research will assess what levers boroughs could use to encourage later opening whilst mitigating any negative impacts.*

As such, it is clear that, in recent times, there has been a shift in direction that supports and seeks to enable later hours in international and regional areas of importance such as the CAZ of London.

The proposed site falls within the West End and within the Central Activity Zone and provides an important function in supporting the important night time economy. The new London Plan has been examined in public and thus the policies pertinent to this appeal, including HC6 outlined above, are considered to be afforded substantial weight within this appeal.

In addition, within Appendix 3 of this statement, is the Heart of London's response to the Mayor of London's SPG Culture and the Night-Time Economy. It is clear that Heart of London, which represents over 500 businesses, has substantial support for the SPG and, in particular, later hours of operation.

The Mayor of London has also taken steps to facilitate what he calls the 24hr city by introducing the night tube.

The proposed hours of operation are considered to be entirely consistent with the aims of existing and emerging policies relating to the Central Activity Zone and will contribute to the vitality of the shopping parade by providing a supporting function to the varied night time cultural offers within the vicinity for tourists, residents, workers and many more.

The proposed site is on a busy thoroughfare, where it will attract passing trade rather than act as a destination. In this context, the hours are again reasonable and will not be out of place within a noisy and busy location.

The above-mentioned London Plan, Draft New London Plan and the Culture and Night-Time Economy SPD all are in support of the proposal and it is disappointing that these have not been taken into consideration during the deliberation of the application.

In response to the delegated report, the following observations are made:

2.1.4 of the report mentions local plan policies A1 and A4 which seek to protect residential amenity. The application is supported by a noise report which demonstrates the proposal will not have adverse noise and odour impact.

2.1.5 refers to paragraph 6.103 of policy A4 which involves the use of opening hours to ensure noise sensitive uses are not adversely affected. It does not stipulate what those hours would be, nor in what locations. It is our view that in certain parts of London including the Central Activity Zone, where the application site lies, the expectation is that there will be some noise impacts. This is expected if London is to fulfil its role as a 24hr city.

The report's sole concern appears to be the late-night hours and so it is worth mentioning the report does not raise concern over the earlier opening time of 7am. Again, 7am is not considered to be an unusual opening time to facilitate early morning meetings, breakfast and tea for busy people on the go.

The delegated report suggests the proposed hours are likely to have an adverse impact. However, this is contrary to paragraph 4.17 of the draft new London Plan which requires the management to be informed by an evidence base.



Paragraph 2.1.9 concludes, '[g]iven the above, the proposed extension of opening hours is considered likely to result in harm to the living conditions and general amenity of neighbouring occupants contrary to Policies A1, A4 and TC4 of the Camden Local Plan 2017.'

Again, we would like to point out that this is supposition without any actual evidence. If these concerns are to exist, a temporary consent could be used in order to properly assess the impact of the proposal.

In relation to noise, paragraph 2.1.10 of the officer's report confirms the submitted noise report is considered acceptable to the specialist Environmental Health Officer. However, the concern relates to patron noise and anti-social behaviour. Again, there is no evidence to support future patrons will cause anti-social behaviour - the applicant is prepared to install CCTV to demonstrate this and given the proposed use is on a busy thoroughfare which is already subject to high noise levels, it is considered that, regardless of the hours sought, the area will remain busy and noisy. The proposal is of a small scale takeaway facility that seeks to provide a facility to meet the needs of the passing trade, rather than act as a late night destination.

Overall, it is clear there is explicit strategic policy to allow the proposal and meet the aims of London to be a thriving and excellent 24hr city.

As such, we would respectfully request planning permission is granted.



## **6. Planning Balance and Conclusion**

Whilst not mentioned in the report, the proposal will create additional jobs for the benefit of London's economy. The proposal will create an open and active frontage contributing to the natural surveillance in the area; it will also provide regenerative benefits by animating an important location within London.

Overall, the proposal provides substantial benefits which are supported by its strategically important location within London's Central Activity Zone, London's Cultural Hub and the famous West End and its various vibrant late-night uses.

Therefore, taking the above into account, it is our view the proposal represents a sustainable form of development and thus planning permission should be granted.

## Appendix 1 – Decision Notice

Application ref: 2018/8151/P  
Contact: Patrick Marfleet  
Tel: 020 7974 1222  
Date: 14 May 2019

Miss Catherine O'Toole  
Pegasus Group  
5 The Priory  
Old London Road  
B75 5SH



Development Management  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Dear Sir/Madam

### DECISION

Town and Country Planning Act 1990 (as amended)

#### Variation or Removal of Condition(s) Refused

Address:  
130 Charing Cross Road  
London  
WC2H 0LA

#### Proposal:

Variation of condition 5 (hours of operation) of planning permission 2017/4541/P dated 22/01/2018 (Change of use of existing ground floor unit from retail (Class A1) to hot food takeaway (Class A5) including installation of extract duct to the rear), namely to change the opening hours from 9:00 - 23:00 Mon-Sun to 07:00 - 01:00 Monday and Tuesday, 07:00 - 04:00 Wednesday to Saturday and 07:00 to 00:00 Sunday.

Drawing Nos: Late Night Management Plan dated April 2018, Cover Letter dated 20/11/2018, Noise Assessment Report Ref: 23698/02-18/5777

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

#### Reason(s) for Refusal

- 1 The proposed opening hours would result in increased noise and disturbance, causing harm to the amenity of nearby residential occupiers, contrary to Policies A1 (Amenity), A4 (Noise and vibration) and TC4 (Town centres uses) of the London Borough of Camden Local Plan 2017.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Chief Planning Officer

## Appendix 2 – Delegated Report

|   |                            |  |                                     |                                    |          |                   |    |
|---|----------------------------|--|-------------------------------------|------------------------------------|----------|-------------------|----|
| <b>Delegated Report</b>   |                            | <b>Analysis sheet</b>  |                                     | <b>Expiry Date:</b>                |          | 08/02/2019        |    |
|   |                            | N/A  |                                     | <b>Consultation Expiry Date:</b>   |          | 24/02/2019        |    |
| <b>Officer</b>  |                            |  |                                     | <b>Application Number(s)</b>       |          |                   |    |
| Patrick Marfleet  |                            |  |                                     | 2018/6151/P                        |          |                   |    |
| <b>Application Address</b>  |                            |  |                                     | <b>Drawing Numbers</b>             |          |                   |    |
| 130 Charing Cross Road<br>London<br>WC2H 0LA  |                            |  |                                     | See draft decision notice          |          |                   |    |
| <b>PO 3/4</b>   | <b>Area Team Signature</b> | <b>C&amp;UD</b>  | <b>Authorised Officer Signature</b> |                                    |          |                   |    |
|   |                            |  |                                     |                                    |          |                   |    |
| <b>Proposal(s)</b>  |                            |  |                                     |                                    |          |                   |    |
| Variation of condition 5 (hours of operation) of planning permission 2017/4541/P dated 22/01/2018 (Change of use of existing ground floor unit from retail (Class A1) to hot food takeaway (Class A5) including installation of extract duct to the rear), namely to change the opening hours from 9:00 - 23:00 Mon-Sun to 07:00 - 01:00 Monday and Tuesday, 07:00 - 04:00 Wednesday to Saturday and 07:00 to 00:00 Sunday. |                            |  |                                     |                                    |          |                   |    |
| <b>Recommendation(s):</b>   |                            | Refuse variation of condition  |                                     |                                    |          |                   |    |
| <b>Application Type:</b>  |                            | Variation or Removal of Condition(s)   |                                     |                                    |          |                   |    |
| <b>Conditions or Reasons for Refusal:</b>   |                            | Refer to Decision Notice   |                                     |                                    |          |                   |    |
| <b>Informatives:</b>  |                            |  |                                     |                                    |          |                   |    |
| <b>Consultations</b>  |                            |  |                                     |                                    |          |                   |    |
| <b>Adjoining Occupiers:</b>   |                            | No. notified   | 00                                  | No. of responses<br>No. electronic | 05<br>05 | No. of objections | 05 |
| <b>Summary of consultation responses:</b>   |                            | <p>Site notice: displayed from 28/01/2019 - 21/02/2019<br/>Press notice: displayed from 31/01/2019 - 24/02/2019</p> <p>5 objections were received from neighbouring residents in Shaldon Mansions and the following concerns raised:</p> <ol style="list-style-type: none"> <li>1. The area around the entrance to the flats is already littered with rubbish from the takeaway use, extended evening hours will make this worse.</li> <li>2. Drunk customers stand outside the takeaway late at night causing noise and disturbance to residents.</li> <li>3. The takeaway already stays open beyond 11pm playing loud music into the early hours.</li> <li>4. When returning home at night the entrance to the flats is often crowded by people standing in the doorway which can be intimidating if alone.</li> </ol> |                                     |                                    |          |                   |    |

|   |   |
|---|---|
|   | <p>5. Bedroom windows are located directly above the takeaway use and longer hours will increase unpleasant odours coming from the site.</p> <p>6. Leftover food and rubbish is dropped on the pavement which attracts vermin.</p> <p><u>Officer comments</u></p> <p>See section 2.1 of this report</p>   |
| <p><b>CAAC/Local groups comments:</b></p>   | <p><b>Denmark Street CAAC:</b> No comments received.</p> <p><b>Soho Society, object:</b></p> <p>Object to the potential impact of this change of use to A5 and use until 4.00 am Wednesday to Saturday because this area of Charing Cross road has a substantial problem with drug use and anti-social behaviour and a takeaway operating to these hours is likely to aggravate the problem</p> <p><b>Covent Garden Community Association, strongly object:</b></p> <ol style="list-style-type: none"> <li>1. The idea that a restaurant and kebab takeaway should open almost all night, right in the middle of an unmodernised block of residential flats is totally unacceptable.</li> <li>2. The current takeaway use causes a number of issues to neighbouring residents which include: Noise from customers leaving, entering, and loitering outside the premises, noise from music emanating from the premises, noise from buskers attracted to groups outside the premises, noise from vehicles pulling up outside the premises (including pedicabs with screaming customers, and playing beat music from speakers), rubbish and vermin, urination in the communal doorway to the flats, and ringing of doorbells, intimidation of residents trying to access the communal doorway to the flats.</li> <li>3. The applicant has not addressed these issues in the 'Late Night Management Plan'. It is one of the weakest that we have ever seen and contains no clear mitigation measures.</li> </ol> <p><u>Officer Comments</u></p> <p>See section 2.1 of this report</p> |
| <p><b>Site Description</b></p> <p>The application relates to an existing ground floor retail unit (Class A1) located within a seven storey residential mansion block located on the north eastern side of Charing Cross Road. The application site forms part of a row of five ground floor retail units, which are identified as a secondary frontage within the Tottenham Court Road/Charing Cross Road Central London Frontage.</p> <p>The unit at No.130 was last in use as an unauthorised hot-food takeaway. This use has since ceased and the unit is currently unoccupied.</p> <p>The property is not listed but is located within the Denmark Street Conservation Area. Whilst the retail unit is not identified as being of any architectural merit, the mansion block, located above (Shaldon Mansions) is identified as making a positive contribution to the character and appearance of the Denmark Street Conservation Area.</p> |   |

## Relevant History

### Application site

2017/4541/P - Change of use of existing ground floor unit from retail (Class A1) to hot food takeaway (Class A5) including installation of extract duct to the rear. **Approved 22/01/2018.**

2015/2945/P - Change of use from A1 (Retail) to A5 (hot food take-away). Retrospective.  
**Refused and warning of enforcement action 19/08/2015 - due to unacceptable loss of A1 unit and insufficient information relating to proposed mitigation measures and impact the use would have on neighbouring amenity.**

Following the refusal of the application, the applicant was served with an enforcement notice (ref: EN14/1163) to cease the unauthorised A5 use and remove all associated extract equipment. The enforcement notice was subsequently appealed by the applicant (APP/X5210/C/15/3136064) and dismissed by the inspector on 24/02/2018.

## Relevant policies

### National Planning Policy Framework 2019

#### The London Plan 2016

#### Camden Local Plan 2017

A1 Managing the impact of development

A4 Noise and vibration

CC1 Climate change mitigation

D1 Design

D2 Heritage

TC2 Camden's centres and other shopping areas

TC4 Town centres uses

#### Camden Planning Guidance 2018

CPG (Design)

CPG (Town Centres)

CPG (Amenity)

#### Denmark Street Conservation Area Appraisal and Management Statement 2010

## Assessment

### 1.0 PROPOSAL

1.1 Permission is sought to vary condition 5 (hours of operation) of planning permission 2017/4541/P dated 22/01/2018, which granted approval for a takeaway (A5) use at the site. Condition 5 of the approved application restricted opening hours at the site from 09:00 - 23:00 Monday to Sunday. The current proposal seeks to vary these approved opening hours to 07:00 - 01:00 Monday and Tuesday, 07:00 - 04:00 Wednesday to Saturday and 07:00 to 00:00 Sunday.

1.2 No external alterations are proposed as part of the current application.

## 2.0 ASSESSMENT

The material considerations for this application are summarised as follows:

- Amenity of neighbouring residential occupants;

### 2.1 AMENITY

#### Planning background

2.1.1 Planning permission was granted on 22/01/2018 ref 2017/4541/P for the change of use of the application site from retail use (A1), to a takeaway use (A5). Prior to determination of the application, officers negotiated revised opening hours for the proposed takeaway use, which was explicitly referred to in paragraph 2.4.5 of the officer's delegated report:

*Concerns have been raised from neighbouring residents with regard to the proposed hours of operation at the site (7:00am-01:00am Monday to Wednesday, 7:00am-04:00am Thursday to Saturday and 7:00am-00:00am Sunday). Officers agree that the proposed hours of operation are inappropriate given the existing residential dwellings located on the floors above the application site. Therefore, to ensure the amenity of neighbouring residents is protected, the Council consider opening hours of 09:00am-11:00pm Monday-Sunday to be more appropriate in this instance as they would match the opening times of similar uses in the area. The hours of operation for the proposed use will be secured by condition.*

2.1.2 These revised hours of operation were discussed and agreed by the applicant prior to the application. Officers were also commended by Council Members for negotiating more suitable hours of operation that would help to mitigate the impact the approved use would have on the amenity of the residential dwellings located directly above the site.

2.1.3 Notwithstanding the above, the current application now seeks to alter the hours of operation condition so that the site would be open until 4:00am at its latest, which is what was initially applied for as part of the previous application and considered unacceptable by the Council. There has been no change in policy or circumstance since the previous approval that would alter the Council's view on this.

#### Amenity of neighbouring residential occupants

2.1.4 Local Plan Policies A1 and A4 seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight/sunlight noise and odour.

2.1.5 Further, paragraph 6.103 of Policy A4 states: Where food/drink/entertainment uses are considered acceptable, planning conditions restricting opening hours will be imposed to ensure that they do not adversely impact nearby noise sensitive uses. Therefore, whilst the Council granted permission for the takeaway use, we also have a statutory duty to protect the amenity of the borough's residents and ensure that all approved developments are appropriate and sufficiently controlled in order to achieve this. This is the reason why the opening hours of 9am-11pm were secured as part of the previous permission ref 2017/4541/P.



2.1.6 With regard to the current proposal, officers note that there are number of late night uses in operation in nearby streets and the wider area which benefit from later opening hours and are likely to be busy throughout the day and night. As such, nearby residents would experience some level of noise and disturbance commensurate with a vibrant commercial centre.

2.1.7 A degree of noise and disturbance is therefore to be expected at the application site. However, to permit the extended opening hours now applied for, in such close proximity to neighbouring residential uses, is considered likely to result in unacceptable harm to the amenity of these occupiers. The increased comings and goings associated with the high turnover of walk in customers, and customers congregating outside the unit, typical features of an A5 use (due to the limited internal seating), would lead to noise and disturbance at unsociable hours in very close proximity to residential uses, when occupiers might reasonably expect a quieter environment to relax or sleep.

2.1.8 The applicant has submitted a "Late Night Management Plan" in support of the application which proposes the installation of CCTV at the site amongst other more tokenistic measures such as putting up signs in the takeaway asking customers to leave quietly. Officers would not object to the installation of surveillance equipment at the site, in the interests of security and crime prevention. However, the presence of CCTV cameras would not alleviate the problem of noise being generated by customers coming to and from, and congregating outside of the site. Therefore, the provisions of the late night management plan do not address officers concerns with regard to the impact the extended hours would have on neighbouring amenity.

2.1.9 Given the above, the proposed extension of operating hours is considered likely to result in harm to the living conditions and general amenity of neighbouring occupants, contrary to Policies A1, A4 and TC4 of the Camden Local Plan 2017.

#### Noise

2.1.10 The Council's environmental health officer has reviewed the submitted acoustic report and is satisfied that the operation of the existing plant equipment at the site (approved under 2017/4541/P) through the night, or until 4am, would comply with the Council's minimum noise standards for residential properties. However, as stated above, the current proposal is considered unacceptable due to the impact such late hours would have on neighbouring amenity in terms of patron noise and anti-social behaviour, rather than the operation of extract equipment.

### **3.0 Recommendation**

#### **3.1 Refuse Variation of Condition Application**



## Appendix 3 - Heart of London Business Alliance



# Culture and the night time economy - Supplementary Planning Guidance Heart of London response

May 2017

## About us

Heart of London Business Alliance serves as the voice for 500 businesses and property owners in the Piccadilly & St James's and Leicester Square areas. Our purpose is to support the commercial well being of the businesses and organisations we represent, and ensure our areas remain integral to London's West End offer as a place for people to visit, live, trade and work.

On behalf of our members we welcome the broad direction outlined in the Supplementary Planning Guidance (SPG) and the focus on the importance of a diverse and flourishing night time culture in London. Over 400 million visitors are welcomed to the West End every year, with some of the world's best entertainment, culture and hospitality generating over £11 billion in sales. We strive for the West End to have the most varied and high quality evening and night time offer for visitors, workers and residents alike. Heart of London were at the table advocating for the Night Tube, and we embrace the opportunities for growth, while always protecting and enhancing the existing cultural and night time venues that make our city so vibrant and attractive.

For ease of reference we have broken our response into sections following the chapter headings of the draft guidance and have indicated relevant paragraph numbers in brackets if and when they are referred to directly.

## Protecting pubs

Our members share the Mayor's concerns about the loss of pubs and we are supportive of the use of additional measures in the planning system to offer protections to these venues. However, we are unsure why the emphasis is solely placed on pubs, rather than a broader category of venues including nightclubs, casinos and live music venues.

For example, Westminster City Council made an Article 4 direction in 2016 to remove permitted development rights for changes of use from A1 (shops) to A2 (financial and professional services) in the Core Central Activities Zone, which includes the West End, in order to protect its retail focussed character. While any decision to implement future Article 4 directions is through local councils, it may be helpful for the Mayor of London to support boroughs who wish to consider such measures (2.11).

## Sustaining existing venues and providing new facilities

Heart of London shares the Mayor's concern about the loss of venues and cultural spaces, in particular when this dilutes the commercial and strategic character of the Central Activities Zone. We are keen to retain an appropriate mix of services to ensure a thriving daytime, evening and night time economy; so welcome the current protections offered by the planning system and this additional guidance for local authorities.

## Creating a more diverse and inclusive night time culture and economy

Our members are supportive of diversifying the range of evening and night time activities. In particular we seek later opening hours for shops and restaurants, and for West End theatres to be able to operate later. The diverse mix of activities available in the evening and at night is complementary and should be protected and enhanced (4.7).

While outside the scope of this guidance, we would be supportive of the issue of Sunday trading hours being revisited. For tourism focussed areas such as the West End, we do not believe restrictions on Sunday and Bank Holiday trading are appropriate. Given our sizeable weekend visitor population, it does not reflect well on a global city that retail, a key part of our diverse offer, is only able to trade for 6 hours on a Sunday. We would therefore support legislative change which offers additional flexibilities for retail, restaurant, and licensed premises trading hours in the Core Central Activities Zone given its unique global status.

As the guidance mentions, the Night Tube will bring substantial additional visitor numbers to Central London. We support the suggestion that local authorities and their partners must make plans to ensure safe and accessible transport is well lit and signposted. However, with the improved capacity and hours of the Night Tube, there is no reason that the West End could not operate as a 24 hour city, with a greater variety of activities and cultural offers. We note that, for example, 24 hour gyms are now often available across London.

Our members agree that local authorities have a vital role to support cultural events and new activities (4.8). Heart of London recognises that we also have a role in this process. We are a founder partner with the GLA in realising London Lumière in January 2016 and through the return of the event in January 2018, we seek to raise profile, deliver additional footfall, and enliven central London in what has traditionally been a quieter period for trade.

## Agent of change

Our members are strongly supportive of an 'agent of change' principle being applied to new developments. We support proportionate conditions being placed on new noise sensitive development so as to avoid threats of complaints, licensing restrictions or closure to existing venues.

Our members, particularly those who own or manage venues, have told us that they want greater flexibility for expanded night time activities. This includes later opening hours for indoor activity, extended operating times for outside tables and chairs, new opportunities for rooftop bars and restaurants, and later entertainment offerings. More flexible operating hours may result in a steadier level of noise rather than a disruptive 'spike' at closing times and this is in line with the objectives of the Licensing Act 2003. This will also help temper the impact of those consuming alcohol by providing sustenance through a food offering, providing access to toilet facilities, and reduce anti-social behaviour associated with a strict closing time that puts undue pressure on police, council, and transportation resources.

## Places

Heart of London support the Mayor's view that the strategic function and character of the Central Activities Zone should be maintained and that boroughs should develop policies that are sensitive to clusters of night time activity. We welcome the recognition of the West End as a Strategic Cultural Area of "International Importance"; to be promoted, protected and enhanced.

We also welcome the recognition that Business Improvement Districts (BIDs) play a vital role in a well-managed evening and night time economies (6.6). Heart of London works in close partnership with the GLA, Westminster City Council, the West End Partnership and the Metropolitan Police to promote a responsible night time culture.

We have worked with Leicester Square businesses to achieve Purple Flag accreditation, in recognition of a well manage night time economy. Work is currently underway in implementing the Best Bar None scheme with our members to encourage high standards not just for licensed premises but for all evening and night time venues. This is part of a wider approach of piloting a range of schemes under a new initiative called the Westminster Licensing Charter, a partnership with Westminster City Council and the Metropolitan Police. The objective is to responsibly manage and grow the evening and night time economy, while being considerate of the needs of area residents and likewise vulnerable people.

Furthermore, as a representative on the Mayor's Night Time Commission, we continue to work with the GLA to find new ways to ensure a vibrant night time economy. The consultation on the SPG should provide a framework for advancing this.

## An integrated approach to managing night time culture

Greater emphasis should be given in Chapter 7 to the role that BIDs can play in an integrated partnership approach to managing night time culture. For example, our West End Ambassadors have a vital role in gathering information and compiling impact statements from business members regarding anti-social behaviour, noise, begging and rough sleeping. Heart of London also funds an additional cleansing programme to tackle staining and gum removal, an additional noise enforcement resource to address anti-social behaviour at night and a responsive service to deal with fouling and urination often associated with the night time economy. Working closely with Westminster City Council, who provide the baseline service; we provide these additional contributions given the intense needs of a busy evening and night time economy. We think it is important to recognise that a strong partnership approach requires more than good integrated working between statutory agencies, but should also involve businesses and BIDs.

## Conclusion

We very much welcome the opportunity to respond to the draft SPG and welcome the Mayor of London's desire for a diverse, well managed and flourishing night time economy.

## Appendix 4 - Decision Notice 2017/4541/P



Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Tel 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Mr David Pickford  
Pegasus Group  
5 The Priory Old  
London Road  
B75 5SH

Application Ref: **2017/4541/P**  
Please ask for: **Patrick Marfleet**  
Telephone: 020 7974 **1222**

22 January 2018

Dear Sir/Madam

### DECISION

Town and Country Planning Act 1990 (as amended)

#### Full Planning Permission Granted

Address:  
**130 Charing Cross Road**  
**London**  
**WC2H 0LA**

Proposal:  
Change of use of existing ground floor unit from retail (Class A1) to hot food takeaway (Class A5) including installation of extract duct to the rear.

Drawing Nos: KP Acoustics Noise Impact Assessment dated 25th July 2017, KP Acoustics Planning Compliance Report dated 24th July 2017, Pegasus Group Planning Statement dated August 2017, 130CC-105, 130CC-104 01, 130CC-101 I, 130CC-102 I, 130CC-103, FR-CC-M001 P3.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and



INVESTOR IN PEOPLE

Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: KP Acoustics Noise Impact Assessment dated 25th July 2017, KP Acoustics Planning Compliance Report dated 24th July 2017, Pegasus Group Planning Statement dated August 2017, 130CC-105, 130CC-104 01, 130CC-101 I, 130CC-102 I, 130CC-103, FR-CC-M001 P3

Reason:

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

- 4 Prior to the commencement of the approved use, full details of the ventilation system for the extraction and dispersal of cooking odours including details of the flue, method of odour control and maintenance regime shall be submitted to and approved by the Local Planning Authority in writing.

The extraction system should terminate unimpeded in a vertical direction at least 1m above the eaves level of the building. The use shall be carried out in full accordance with the approved details.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy G1, A1, A4 and D1 of the London Borough of Camden Local Plan 2017.

- 5 The use hereby permitted shall be in operation only for the hours of 09:00am - 11:00pm Monday to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of the approved use, details of all sound insulation and mitigation measures shall be submitted to and approved in writing by the local planning authority. The use shall thereafter not be carried out other than in accordance with the approved details.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):



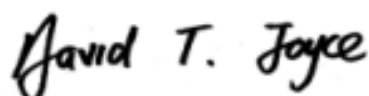
- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce  
Director of Regeneration and Planning