
From: [REDACTED]
Sent: 15 September 2019 18:48
To: Planning
Cc: English, Rachel
Subject: Planning Application 2019/4304/A - Representations
Attachments: NEW PLANNING OBJECTION.docx

Follow Up Flag: Follow up
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To: Camden Planning Officer Rachel English
Ref: 2019/3793/P
Ref: 2019/4304/A

Date: 15 September 2019

Dear Rachel

By way of introduction, my name is [REDACTED] and I live at (and am the leasehold owner of) [REDACTED] Marchmont Street, London WC1N 1AL, which is located directly above the commercial premises which are the subject of these applications (being two related applications, one for the installation of a replacement shopfront (ref: 2019/3793/P) and the other for display of illuminated signs and a digital screen (ref: 2019/4304/A)).

I wish to object to these planning proposals for the following reasons:

1. I note that although these applications are for the installation of a replacement shopfront (application ref: 2019/3793/P) and display of illuminated signs and a digital screen (application ref: 2019/4304/A), close inspection of each application reveals that in fact the applicant intends to undertake a change of use of the premises. I note from the Design and Access Statement and also Document 1806-P01-002A (Proposed Shopfront Details.pdf) that the intention is for the premises to be used as a 'Choppaluna' (rather than as a Costcutters, the current use of the premises). I refer the Council to the information on Choppaluna set out here: <https://www.worldfranchisecentre.com/p-detail.php?bid=596>. As you will see from the World Franchise website, Choppaluna is a restaurant serving both cold and hot food for lunch and dinner (and it is clear that cooking would be taking place on the premises); for example, the website description states: "As day turns to evening, ceramic crockery and polished cutlery add elegance to our restaurant quality food. A range of hot fillings matched with our delicious destination breads are more than capable of turning burrito lovers into loyal fans."; "Choppaluna isn't just an amazing place to for lunch either - we have plenty of filling dishes like our Steakhouse Salad and generous Caesar for people who want to take their time eating with friends in the evening, refueling after the gym or even on a date"; and also states that Choppaluna involves the use of a "live kitchen". Using the premises as a restaurant in this manner would be in direct violation of the current Class A1 permitted use of the premises. I note that the Design and Access Statement states (at s.4 'The Proposal') that "The subject property is currently operating as a retail unit (Class A1) and will continue to operate within this class after the shopfront alterations have been made", which is incorrect and misleading. Both of these applications are therefore materially flawed and disingenuous, being an attempt to circumvent planning rules and surreptitiously change the use of the premises without the requisite planning approvals; which is particularly worrisome given the applicant has previously applied for a change of use for the premises (application ref: 2019/1163/P) from Class A1 to Class A3, with that application being withdrawn in the face of significant objections from local residents. These new applications appear to be a second, disingenuous, attempt by the applicant to change the use of the premises from Class A1 to Class A3.
2. I note further that the Design and Access Statement states, at section 3.30 (Planning History), that "the only application of relevance was submitted in October 1962 requesting permission to replace the existing shopfront and carry out internal alterations (Planning Ref: TP4028/14872). Permission for the application in

question was granted in December 1962". This is incorrect - the Design and Access Statement fails to mention the application for Change of Use (ref: 2019/1163/P) which was submitted on 12 March 2019 and subsequently withdrawn.

3. My apartment is within the red line boundary as shown on the submitted location plan. Despite this, the Applicant has served no formal notice upon me, nor to the other residents or leaseholders within the red line boundary. As you will be aware, prior consultation with stakeholders is now recommended procedure for applications such as these. A lack of consultation is particularly disappointing in this context as the applications include a proposal to replace the residential door to the building which I and the other residents in the building object to.
4. I note that the proposed new shopfront includes two illuminated fascia signs, one illuminated projecting sign and one wall-mounted digital screen behind the shopfront; all of which will cause significant light nuisance for my property (which is located directly above the commercial premises) and also for both the other apartments in our building and the surrounding residential properties.
5. I note further that the Design and Access Statement states that "*the site is not located within a Conservation Area*". This is incorrect, as the site in fact lies within the Bloomsbury Conservation Area. The proposed display of illuminated signs and a wall-mounted digital screen would be entirely inconsistent with the nature and character of the Bloomsbury Conservation Area and so are inappropriate.
6. As mentioned above the proposed new use (as a Choppaluna) will clearly involve cooking; which will result in smells and fumes that cannot be removed due to the absence of any ventilation or extraction equipment.
7. Turning to Council policies in respect of these applications. Given that, in effect, these applications involve a change of use from Class A1 to Class A3, for completeness I refer the council to my various objections to such a change of use set out in my objection in respect of Planning Application ref: 2019/1163/P dated 22 March 2019 which are equally applicable here (a copy of which is attached for reference).
8. In addition, I refer to the following guidance contained in Camden Council's Planning Guidance (CPG Town Centres and Retail, March 2018) in the table at p.47:
 - A. maximum proportion of A3, A4, and A5 uses combined in each individual frontage: 25%;
 - B. A3 A4 A5 food, drink, and entertainment uses and other non-retail uses: maximum of 100 square metres; and
 - C. no more than 2 consecutive food, drink or entertainment uses,and I note these applications fail in each case, because:
 - A: The commercial premises which are the subject of these applications lie between the Lord John Russell (a pub) and Fork (a cafe) – these applications will provide more than 25% in A3, A4 and A5 uses within the individual street frontage;
 - B: The site area as set out in the applications is 201.24 square metres (being more than double the permitted 100 square metres); and
 - C: The commercial premises which are the subject of these applications lie between the Lord John Russell Public House and the Fork Deli Café (both A3 uses), meaning these applications would lead to three consecutive A3 uses.
9. Furthermore, I refer to Camden's Planning Guidance on Advertisements (dated March 2018). This guidance lists various factors that make a location less suitable for digital advertisements, including where a location (a) is within a conservation area; (b) is within a predominantly residential area; (c) has a uniform heritage character; and (d) would result in the digital advertisement becoming the most prominent feature of the street scene. I note that 87-89 Marchmont Street: (a) is within a conservation area; (b) is within a predominantly residential area; (c) is a site, and in a location (Upper Marchmont Street) with uniform heritage character; and (d) is a location where the digital advertisement screen could become the most prominent feature of the street scene. Planning Application ref: 2019/4304/A therefore is incompatible with this guidance and should be rejected.
10. Additional noise generated by the proposed new use (as a Choppaluna) under this application will be seriously detrimental to my enjoyment of my residence. This concern is of particular note given the on-going noise issues I, and other residents on Marchmont Street, have been experiencing with various commercial premises on Marchmont Street. These on-going noise issues have been raised with Camden Council at various times over the last 18 months – most recently with Lee Perella - but they remain unresolved. The proposed new use under this application (as a Choppaluna) would only serve to further exacerbate these noise problems, particularly from delivery trucks and home delivery scooters and also the potential use of

