

Site Plan - Edinboro Castle, 57 Mornington Terrace London NW1 7RU



Photos – Edinboro Castle, 57 Mornington Terrace London NW1 7RU

1. Street view from Mornington Terrace



2. Street view from Mornington Terrace



3. Inside the pub garden



Delegated Report		Analysis sheet		Expiry Date:	11/10/2019
(Members Briefing)		N/A		Consultation Expiry Date:	08/09/2019
Officer			Application Number(s)		
Alyce Jeffery			2019/3522/P		
Application Address			Drawing Numbers		
Edinboro Castle 57 Mornington Terrace London NW1 7RU			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of 2 no. temporary marquees to rear garden (Class A4) for period of 28th November 2019 - 3rd January 2020.					
Recommendation(s):		Grant conditional planning permission			
Application Types:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	0	No. of objections	3
Summary of consultation responses:	<p>Site notice displayed from: 14/08/2019 until 07/09/2019 Press notice printed from: 15/08/2019 until 08/09/2019</p> <p>Three representations were received from the owners/occupiers residing at 52A Mornington Terrace (and on behalf of the Clarkson and Mornington TRA), 54 Mornington Terrace and 32 Delancey Street; their responses are summarised as below;</p> <ul style="list-style-type: none"> • Noise and disturbance caused by patrons in the garden and leaving the premise. Officer response: see para 1.9 • Anti-social behaviour from patrons on the streets when they leave the premise. Officer response: see para 1.9 • The venue was in breach of conditions attached to last year's permission, a formal complaint was issued by the Council for alleged nuisance. Officer response: see para 1.10 • There should be a maximum of 50 seated patrons in the garden at any given time. Officer response: see para 1.9 • If permission is granted and disturbance is caused to residents in breach of the conditions, the marquees should be disassembled at the earliest convenience. Officer response: see para 1.10 			
Camden Town CAAC <i>Officer response in italics</i>	<p>Camden Town CAAC objects to the proposal and their responses are summarised as below;</p> <ul style="list-style-type: none"> • Temporary development of this space with an ill-assorted collection of structure is detrimental to the character and appearance of the conservation area. <p><u><i>Officer response:</i></u></p> <p><i>The subject site is not located within a conservation area, however it does lie adjacent the Camden Town Conservation Area. See section on Design.</i></p>			

Site Description

The subject site contains a Grade II Listed Building, the Edinboro Castle. The pub benefits from a large garden to the rear, which is accessed via inside the pub and from Mornington Terrace. The surrounding area is predominantly characterised by Victorian residential terraces, and to the west of the site lies railway lines.

The site is not located within a conservation area, however it is located adjacent to the Camden Town Conservation Area.

Relevant History

2018/3170/P - Erection of 2 no. temporary marquees to rear garden of public house (Class A4) for period of 26th November 2018 - 7th January 2019. **Granted 09/07/2018.**

2017/4847/P - Erection of 2 no. temporary marquees to rear garden of public house (Class A4) for period of 13th November 2017 - 5th January 2018 - **Granted 06/10/2017.**

2016/4942/P - Temporary erection of 2x marquees to rear garden of GII listed public house (A4) for period of 18th November 2016 - 2nd January 2017 – **Granted 06/10/2016.**

2016/4327/P - Retention of 2no free-standing 'market stalls' marquees in the side customer garden to public house (Class A4) – **Granted 25/08/2016.**

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Camden Local Plan 2017

A1 Managing the impact of development
A4 Noise and Vibration
C4 Public Houses
C5 Safety and Security
D1 Design
D2 Heritage

Other Planning Policies / Guidance

CPG Design (2019)
CPG Amenity (2018)

Camden Town Conservation Area Appraisal and Management Strategy 2007

Assessment

1. Proposal

1.1. Planning permission is sought for the erection of 2 no. temporary marquees to rear garden of the Edinboro Castle for a temporary period of 28th November 2019 - 3rd January 2020. The proposed marquees would be used for dining purposes ancillary to the main use of the public house over the festive period.

1.2. Assessment

Design and heritage

- 1.3. Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 states that the Council will resist development that would cause harm to significance of a listed building through an effect on its setting.
- 1.4. Temporary planning permission has been granted over the past three years (Winter 2016 & 2017) under applications 2016/4942/P, 2017/4847/P and 2018/3170/P for the erection of no.2 marquees of the same size, design and siting as hereby proposed. It was previously found that the structures, by virtue of their design, positioning and temporary nature; would not result in any detrimental impact to the character and appearance of the host listed building or streetscene. As the siting and design remains as previously approved, this view is maintained and the proposal would not be considered harmful to the special architectural character of the listed building or the character and appearance of the streetscene. As the marquees would not be permanent structures or be fixed to any element of the adjacent listed public house, listed building consent would not be required for these works.
- 1.5. 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 and considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving the character or appearance of the adjacent conservation area, under s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 1.6. The Council's Conservation Officer has reviewed the proposals and does not consider the temporary development to cause harm to the building or setting of the Grade II Listed Building.
- 1.7. As such, As such, the proposal is in general accordance with policies D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

Neighbour amenity

- 1.8. 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 or generate unacceptable noise and vibration impacts. This includes privacy, overlooking, outlook and implications on daylight and sunlight.
- 1.9. Officers acknowledge there have been all year round complaints against the Edinboro Castle from neighbouring residents with regards to noise and disturbance from music and patrons in the rear garden and anti-social behaviour by patrons leaving the venue and dispersing along Mornington Terrace and Delaney Street after closing time. The conditions set out in the venue licence with regards to opening times and the formal use of the rear garden fall outside of the assessment of this application; officers will only assess the impacts of the submission put before them which is for the temporary erection of 2 no. temporary marquees to rear garden of

the Edinboro Castle for the period of 28th November 2019 - 3rd January 2020.

- 1.10. The venue received a formal alleged nuisance complaint issued by LPA Environmental Health Team following an alleged nuisance complaint in December 2018, whilst the temporary marquees were erected in the rear garden. Officers understand the complaint was made following excessive noise from a patron using a microphone to make a speech during the use of the marquee for a private function during the festivities. The applicant has provided a Marquee Management Plan alongside this submission and all bar and waiting staff have been advised that the microphone is only to be used by a manager in an emergency. The Environment Heath officer has raised no objections to the proposal subject to the same conditions secured previously. On this basis, permission for the next festive period is considered acceptable subject to the same conditions restricting the hours of use, sound, and music.
- 1.11. The applicant is advised that the assessment of any future temporary applications would take into account the success of the management of the hereby approved temporary consent.
- 1.12. As such, the proposal is in general accordance with policies A1, A4, C4 and C5 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

2. Recommendation

- 2.1. Grant conditional planning permission subject to conditions.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members' Briefing panel on Monday 7th October 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2019/3522/P
Contact: Alyce Jeffery
Tel: 020 7974
Date: 1 October 2019

Development Management
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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Edinboro Castle
57 Mornington Terrace
London
NW1 7RU

DECISION

Proposal:

Erection of 2 no. temporary marquees in the rear garden (Class A4) for period of 28th November 2019 - 3rd January 2020.

Drawing Nos: Site Location Plan, 100; Existing and Proposed Block Plan, 300; Roof Plan and Elevations, 301; Planning and Heritage Statement July 2019; Marquee Management Plan 2019.

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

Condition(s) and Reason(s):

- 1 The marquees hereby permitted are for a temporary period only and shall not be erected prior to the of 28th November 2019 and shall be removed on or before the 3rd January 2020.

Reason: The type of structure is not such as the Council is prepared to approve other than for a limited period, in view of its appearance. The permanent retention of the structure would be contrary to the requirements of policies D1, D2, A1 and A4 of the Camden Local Plan 2017

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, 100; Existing and Proposed Block Plan, 300; Roof Plan and Elevations, 301; Planning and Heritage Statement July 2019; Marquee Management Plan 2019.

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

- 3 The hereby approved temporary marquees shall be used for dining purposes (A3) ancillary to the main use of the public house (A4) and for no other purpose/use.

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 Camden Local Plan 2017

- 4 The use of the marquees hereby permitted shall not be carried out outside the following times: 12:00 till 22:30 daily.

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 Camden Local Plan 2017

- 5 No sound emanating from the marquees hereby permitted shall be audible within any adjoining premises between 2300hrs and 0700 hrs.

Reason: To safeguard the amenities of the nearby residential premises and the area generally in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017

- 6 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 Camden Local Plan 2017

- 7 No patrons or guests are to use a microphone, only a designated staff member or manager may use a microphone in an emergency.

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 Camden Local Plan 2017

- 8 The external surface of the marquees shall be of matt fabric finish, 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 policies D1 and D2 of the Camden Local Plan 2017

Informative(s):

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

Director of Regeneration and Planning

DRAFT

DECISION