

| Application No: | Consultees Name: | Received: | Comment: | Response: |
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| 2020/4928/P | Dean Fuller | 21/02/2021 17:55:06 | OBJ | <p>Flat 37 Theobalds Road Holborn London WC1X 8SP</p> <p>Regeneration and Planning Support Communities London Borough of Camden Town Hall Judd Street London WC1H 9JE</p> |

21 February 2021

Dear Sir/Madam

43 Theobalds Road, London WC1X 8SP - Commercial Change of Use (Ref 2020/4928/P)

I wish to oppose the retrospective application for full planning permission under the Town and Country Planning Act 1990 "for external alterations in respect of refurbished and replacement kitchen extraction and ventilation system to allow for the continued use of the property as a takeaway".

Applicant

The Applicant is identified as Papa John's (GB) Limited, a company incorporated and registered in England and Wales with number 02569801 whose registered office is at Papa John's UK & European Campus, 11 Northfield Drive, Northfield, Milton Keynes MK15 0DQ.

The latest publically available accounts of Papa John's (GB) Limited filed with Companies House reveal that the company had an annual turnover for the year ended 29 December 2019 of £73,165,000. The accounts state, "The company continued to open stores during the year and finished with 447 Papa John's stores in the UK...all operated by franchisees." The accounts also state, "We are committed to developing and maintaining a strong franchise system by attracting experienced operators, supporting them to expand and grow their business and monitoring their compliance with our high standards...While each Papa John's franchisee manages and operates its own stores and business, we devote significant resources to providing franchisees with assistance in store operations, training, marketing and site selection."

The owner of the above property is not identified at section 25 of the Application for Planning Permission.

In light of the above, it seems extraordinary that the Applicant did not bother to apply for planning permission before carrying out the works described in its application for retrospective consent and only did so some three weeks after the works had been completed.

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Planning Statement of Case

In his covering letter of 23 October 2020 enclosing the Application for Planning Permission the agent for the Applicant refers to "air-handling equipment" and cites paragraph 5.42 of the Bloomsbury Conservation Area Appraisal and Management Strategy ("BCAAMS") in support of his client's application for retrospective planning permission before he contends that, "It is therefore considered that the proposed development will not harm the amenity and quiet enjoyment of adjoining occupiers and nearby residents..."

However, the agent for the Applicant appears to have overlooked paragraph 5.4 of the BCAAMS which provides, "Alterations and extensions can have a detrimental impact either cumulatively or individually on the character and appearance of the area. Examples within the area include...Addition of prominent roof level plant...that detract from both the building and character and appearance of the area..." I enclose a photograph which shows the addition of the roof level plant that now abuts the Conway Hall, a Grade II listed building.

Noise and loss of amenity

The above premises have been the subject of numerous and continuing noise complaints affecting the amenity and quiet enjoyment of nearby residents. This has been exacerbated by the illegal parking of mopeds on the pavement and in the loading bay in front of the premises and the dumping of rubbish outside. I enclose a series of photographs which illustrate the loss of amenity and quiet enjoyment for nearby residents, local businesses and visitors to the Conway Hall.

On 17 November 2020 Sergeant Kevin Clark of the Holborn and Covent Garden Neighbourhood Policing Team, Central North BCU (CN) circulated an email to, amongst others, local councillors and members of the Camden Noise Pollution team which read as follows:

All,

If this branch is conducting persistent and unreasonable behaviour (illegal ventilation, noise, antisocial mopeds etc.) and it is having an adverse effect on the lives of the local community then we could possibly combat this through a Community Protection Notice (CPN) which in essence would put a set of conditions on Papa John's which they would have to comply with. I would need several neighbours/members of the local community to give me impact statements and my team could issue one of these. It's a fairly simple and effective tool.

Please could someone send me a list of all the people willing to provide statements (including contact details):

A full summary of the main problems

Any previous actions

Interventions from the council in regards to this branch

A technical breakdown (in a simplistic manner) of why the ventilation is illegal

I will assess this and consider a CPN. If a business or person breaches a CPN this is a criminal offence for which they go to magistrates, continual breaches of a CPN can result in the issue of a Criminal Behaviour Order (CBO). The subsequent fines and bad publicity from court proceedings may make this branch consider its dealings with the local community.

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At a public hearing held on 15 October 2020 the franchisee's application for a premises licence was rejected. I enclose a copy of the decision letter of 22 December 2020 that I received from the assigned Camden Licensing Officer from which it can be noted that, "Panel Members were concerned about the noise the premises might cause to local residents, particularly at night and in the early hours."

The unwanted noise emanating from the unauthorised roof level plant at the above premises continues unabated. I would invite the Planning Committee to refuse the application.

Yours faithfully,

Dean Fuller
