

17 June 2021

Planning Department  
London Borough of Camden  
5 Pancras Square  
Camden  
London  
N1C 4AG

Dear Jonathan,

**Planning application for a fabric canopy on the 6<sup>th</sup> floor terrace at the St Giles Circus Site (Outernet development) for a temporary period of five years**

We write on behalf of our client, Tattu Manchester Limited, to submit the enclosed application, which seeks planning permission for a temporary period of five years for a canopy on the existing 6<sup>th</sup> floor terrace of the Outernet building.

The application pack has been submitted via the Planning Portal (reference PP-09759434) and includes the following documents:

- Completed application forms;
- This cover letter;
- Site Location Plan;
- Detailed plans/sections/elevations; and
- Design and Access Statement.

The £234 application fee has been paid via the Planning Portal.

**Background**

The Outernet development was originally approved under application 2012/6858/P (and subsequently amended by applications 2015/3900/P, 2015/6939/P and 2016/5690/P).

The 6<sup>th</sup> floor terrace, that is the subject of this planning application, is located on the corner of Charing Cross Road and Denmark Place. The location of the terrace is shown on the Site Location Plan and in the Design Document, prepared by MATT Architecture.

The terrace is directly associated with the restaurant (A3) use on the 6<sup>th</sup> floor of the Outernet building.

The following conditions on the original decision notice are applicable to the operation of the 6<sup>th</sup> floor terrace:

- Condition 23 requires that noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90). (Note that this is condition 24 on decision notice 2016/5690/P).
- Condition 30 requires that no music from the roof terrace is audible from 1m outside of or on the balcony of the nearest noise sensitive façade. (Note that this is condition 31 on decision notice 2016/5690/P).
- Condition 33 (as varied by application 2016/5690/P) to restrict operating hours for A3 (café/restaurant) uses to 8am – 1am Monday to Sunday. (Note that this is condition 34 on decision notice 2016/5690/P).
- Condition 35 requires the 6<sup>th</sup> floor roof terrace is not used outside the hours of 8am to 10pm, 7 days a week. (Note that this is condition 36 on decision notice 2016/5690/P).

The difficulties surrounding trading conditions for the hospitality industry as a result of the on-going Covid-19 pandemic are well understood. Although the proposed development is for a temporary period of five years, covering the 6<sup>th</sup> floor terrace with a retractable fabric canopy will help to ensure the viability of a new town centre use in this location – the retractable canopy will enable external dining all year round and an additional 18 covers for the restaurant. Installing a fabric canopy will not only support the viability of the restaurant operation, it will mean that the terrace can be used all year round for the purpose in which it was intended under the original planning permission for the Outernet building.

### **Proposed development**

The proposal is to erect a temporary retractable fabric canopy on the existing 6<sup>th</sup> floor terrace of the Outernet building. The grey fabric canopy will be supported by a frame comprised of metal poles. Further details about the design itself are set out in the Design Document prepared by MATT Architecture.

The scheme has been designed in accordance with the advice received during the pre-application stage (at a pre-application meeting on 12<sup>th</sup> April 2021 and in an email from Jonathan McClue on 15<sup>th</sup> April 2021). In accordance with this advice, the proposed material of the temporary canopy is fabric and the Applicant would be agreeable to a personal and temporary permission, as was suggested by officers.

### **Planning Policy Framework**

Section 70 of the Town and Country Planning Act 1990 requires regard to be had to material elements of the adopted Development Plan in determining applications. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### Adopted Development Plan

The Development Plan for the site comprises the following documents:

- London Plan (2021);
- London Borough of Camden Local Plan (2017); and

- Site Allocations Local Plan (2013).

In addition, there are two Camden Planning Guidance documents (CPGs), which are of particular relevance to this application (and material considerations in the determination of the application):

- Design (2021); and
- Amenity (2021).

#### Emerging Development Plan

In early 2020, LB Camden consulted on a Site Allocations Local Plan. It is understood that the Council intends to consult on a pre-submission draft in 2021. According to the indicative timetable in the Local Development Scheme (2020), the target submission to the Secretary of State was winter 2020/21 and the target adoption is autumn 2021 – winter 2022.

The document sets out the Council's approach to future development on key sites across the borough and, once adopted, will replace policies in the 2013 Site Allocations Plan.

The site is located within the Knowledge Quarter Innovation District (where draft Policy KQ1 applies) but it is not allocated for development.

#### Site specific allocations and designations

The site is part of Site 16 (St Giles Circus) in the Camden Site Allocations Local Plan (2013) and is subject to the following designations on the Policies Map:

- Central London Frontage;
- Protected Frontage: primary, secondary;
- Growth Area; and
- Denmark Street Conservation Area.

#### Relevant planning policies

The following London Plan (2021) policies are particularly relevant to the proposal:

- Policy D3 (Optimising site capacity through the design-led approach) requires that development makes the best use of land by following a design-led approach that optimises the capacity of sites, ensuring that development is of the most appropriate form and land use for the site's context. The Policy states that proposals should enhance local context by delivering spaces that respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing building types, forms and proportions. It also states that proposals should achieve indoor and outdoor environments that are comfortable and inviting for people to use.
- Policy D14 (Noise) seeks to mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development.

- Policy HC1 (Heritage conservation and growth) states that development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings.
- Policy HC6 (Supporting the night-time economy) requires boroughs (through their Development Plans and planning decisions) to protect and support evening and night-time cultural venues. Paragraph 7.6.1 of the Policy's supporting text confirms that 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 and entertainment. Paragraph 7.6.7 acknowledges that the temporary use of spaces in the evening can enhance the vibrancy and vitality of the night-time economy.

The following Local Plan (2017) policies are particularly relevant to the proposal:

- Policy TC2 (Camden's centres and other shopping areas) seeks to provide for food, drink, entertainment and other town centre uses in order to provide variety, vibrancy and choice. The Policy seeks to ensure that these town centre uses do not have a harmful impact on residents and the local area, focusing such uses in range of locations, including Central London Frontages.
- Policy TC4 (Town centre uses) ensures that the development of 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. The Policy lists issues that may be addressed with planning conditions and obligations, including hours of operation, noise, external tables and chairs etc.
- Policy E1 (Economic development) recognises the importance of retail and leisure as employment generating uses and seeks to secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses.
- Policy D1 (Design) requires that (amongst other criteria) development respects local context and character; preserves or enhances the historic environment; and comprises details and materials that are of high quality and complement the local character.
- Policy D2 (Heritage) requires that development within conservation areas preserves or enhances the character or appearance of the area. The Policy states that the Council will not permit development that results in harm that is less than substantial to the significance of a heritage asset unless the public benefits of the proposal outweigh the harm.
- Policy A1 (Managing the impact of development) seeks to protect the amenity of occupiers and neighbours by considering (amongst other factors) privacy/outlook, daylight/sunlight and noise. The Policy states that the Council will grant permission for development unless this causes unacceptable harm to amenity.
- Policy A4 (Noise and vibration) seeks to ensure that noise and vibration is controlled and managed.

## **Planning Assessment**

### *Principle of Development*

The site comprises previously developed land covered by the following designations: Central London Frontages, Protected Frontage: primary, secondary, and a Growth Area.

The principle that previously developed land (and under-utilised land and buildings) should be re-used and developed (as a means of ensuring the effective use of land) is one of the core planning principles that underpins the NPPF (paragraphs 117 and 118). Accordingly, the principle of development on this site is considered acceptable in planning terms.

### *Land Use*

The principle of the restaurant use, including the terrace (use class E) on the 6<sup>th</sup> floor of the Outernet building has already been established by planning permission 2012/6858/P (as subsequently amended by applications 2015/3900/P, 2015/6939/P and 2016/5690/P). The proposals have no land use implications and would ensure that the approved food and drink use can be optimised in line with the original intention of the scheme.

### *Temporary nature of development*

As previously mentioned, the application for the proposed canopy is for a temporary period of five years. The Applicant would be agreeable to a personal and temporary permission, as was suggested by officers at the pre-application stage.

In order to provide additional comfort regarding the temporary nature of the proposal, we suggest that a personal permission be considered. Planning Practice Guidance acknowledges that there may be 'exceptional occasions' where development that would not normally be permitted may be justified because of who would benefit from the permission (paragraph 015, reference ID 21a-015-20140306).

In this case, planning permission already exists for the operation of the 6<sup>th</sup> floor as a restaurant (use class A3). However, it is not currently possible to optimise the use of the associated terrace for the purpose in which it was intended without a canopy sheltering customers from the weather. This in turn has an implication on the restaurant operation – effectively limiting the number of customers to the restaurant.

In order to optimise the use of the terrace and enhance the experience of the people using the terrace, there is a clear operational need to install a canopy. The need for the canopy is inextricably linked to the operation of the restaurant owned by Tattu Manchester Limited and it is therefore considered that a personal planning permission would be appropriate on this occasion.

The applicant would therefore be agreeable to a condition limiting the benefit of the temporary planning permission to the owner of Tattu Manchester Limited, as the business operating the restaurant and associated terrace. This means that the use of the canopy would be limited for the benefit of the restaurant operator and that should the restaurant operation cease, the canopy would be removed.

### *Amenity*

In accordance with policies A1 and A4, the amenity of neighbours will be protected – noise from the restaurant will be managed and controlled in accordance with conditions 23, 30, 33 and 35 of

planning permission 2012/6858/P (as subsequently amended by applications 2015/3900/P, 2015/6939/P and 2016/5690/P).

### *Design*

In accordance with Local Plan policies D1 and D2, the proposed development is a high-quality design, comprising high quality materials, that respects the integrity of the existing building and surrounding context. In accordance with guidance in the Design CPG, the proposal has been designed with materials that are sympathetic to both the host building and nearby buildings. The terrace will be an animated and usable space and the canopy will support this function. The scheme has been designed with people in mind – it achieves an outdoor environment that is comfortable and inviting for people to use, in accordance with London Plan Policy D3.

As demonstrated by the accompanying Design Document, the proposal would have a minimal impact on the townscape view from Tottenham Court Road Station. The use of fabric for the proposed canopy lends a lightweight, temporary appearance to the development that is subservient to, and respects the integrity of, the existing building. The canopy would have negligible visual impact on views, townscape and nearby buildings and does not result in any harm to the Conservation Area.

It is worth noting that the presence of a canopy in this location precludes the need for alternative forms of weather protection (for example, parasols), the design of which would go uncontrolled by the planning system. It is considered that the proposed development is the most appropriate form for the site's context, as required by London Plan Policy D3.

### **Conclusion**

The proposed temporary retractable fabric canopy on the 6<sup>th</sup> floor terrace of the Outernet building would further enhance (and support the viability of) the approved restaurant operation. The proposal would have no adverse impact on the amenity of neighbouring properties (which can be controlled through pre-existing planning conditions associated with the Outernet development) and comprises a high quality design that respects the integrity of the existing building and is appropriate when assessed in key townscape views.

We trust that this submission provides all the necessary information and look forward to receiving formal confirmation of validation in due course. Please do not hesitate to contact me should you require any further information.

Yours sincerely,

A handwritten signature in dark ink, reading 'Neil Lawrence'. The signature is written in a cursive, flowing style.

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**For and on behalf of Avison Young (UK) Limited**