

Delegated Report (Member's Briefing)	Analysis sheet	Expiry Date:	14/09/2021
	N/A / attached	Consultation Expiry Date:	11/10/2021
Officer		Application Number(s)	
Adam Greenhalgh		(i) 2021/3517/P (ii) 2021/3464/L	
Application Address		Drawing Numbers	
Former Public Convenience At Junction With Guilford Place Guilford Street London WC1N 1EA		See draft decision notices	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
Proposals			
<p>(i) Removal of condition 7 of planning permission 2015/6141/P granted subject to a legal agreement on 25/07/2017 for 'Change of use from former public convenience (Sui Generis) to mixed A1/A3 use (retail/restaurant) and associated works' to allow use of roof as an external seating area for the purposes within Class E (a) & (b) (retail/café/restaurant).</p> <p>(ii) Alterations to railings to insert a gate to allow use of the roof as an external seating area in association with permitted use of former W.C.'s for retail/cafe/restaurant.</p>			
Recommendations:	<p>(i) Grant conditional planning permission subject to deed of variation to S106 legal agreement</p> <p>(ii) Grant conditional Listed Building Consent</p>		
Application Types:	<p>(i) Variation or removal of condition application</p> <p>(ii) Listed Building Consent</p>		

ADDENDUM REPORT

Background

This application was previously presented to members on 15th November 2021, seeking the removal of condition 7 of planning permission 2015/6141/P dated 25/07/2017 for the 'Change of use from former public convenience (Sui Generis) to mixed A1/A3 use (retail/restaurant) and associated works'. The full Members Briefing Report previously presented is included as an appendix to this addendum.

Application ref: 2015/6141/P was granted subject to a number of conditions, including condition 7 which stated:

The roof of the building and the pavement adjacent to the building shall not be used in association with the Class A1 / A3 uses hereby permitted.

Reason: In order to safeguard the special architectural and historic interest of the building in

accordance with the requirements of Policy D2 of the Camden Local Plan 2017, and in order to safeguard the character and appearance of the wider area, in accordance with Policies D1 and D2 of the Camden Local Plan 2017.

The current application seeks planning permission to remove condition 7 so that the roof can be used as an external seating area in association with the approved retail/restaurant use.

Following presentation to Members Briefing in November 2021, Members agreed with the Officer recommendation for approval subject to a deed of variation to the original S106 agreement. Approval was also recommended subject to a new condition securing the hours of use of the terrace:

The use of the outside terrace for shop, cafe or restaurant purposes shall not take place before 08:00 or after 21:00 on any day.

Reason: To protect the amenity of the occupiers of neighbouring residential properties in accordance with policy A1 (Managing the impacts of development) of the LB Camden Local Plan 2017.

Amendment

Following this recommendation, but prior to the signing of the deed of variation to the S106 agreement, the applicant has requested to amend the terrace opening hours to 22:00 seven days a week. No other elements of the application as previously presented to members have been altered.

Assessment of additional hour of opening

As previously concluded, the retail/restaurant use, when it was permitted under 2015/6141/P had no conditions attached to control the opening hours. However, there is more scope for disruptive noise and disturbance from the use of the roof which is now proposed as it would be located at street level. The Council considers a condition to restrict the hours of use of the roof is reasonable given the largely residential nature of the area. Following an initial request to restrict hours to 9pm, the applicant has noted that other premises nearby have outside licenses until 10:30pm and 11:30pm (The Lamb pub and Ciao Bella restaurant, respectively). Given the location of the site in the Central London Area near to a number of other premises with later opening hours, a closing hour of 10pm is considered in keeping with the surrounding character of the area.

Given the original condition restricted use of the adjacent pavement as well as the roof, a new condition will be added to continue to prevent use of the pavement. In addition, a condition to restrict the playing of music outside the premises (including the external seating area) is also recommended, alongside a condition to limit the use of the roof to purposes ancillary to the permitted retail/café/restaurant use.

Conclusion

Officers' conclusion remains that the proposal would assist with the re-use of the Listed Building without compromising the architectural or historic merits of the Listed Building or the character or appearance of the Conservation Area. It would not result in any undue loss of residential amenity for any neighbouring occupiers (subject to conditions restricting the use, the playing of music and opening hours). The use of the roof in association with the authorised retail/restaurant use would not result in any undue loss of highway safety.

The later opening of 10pm as opposed to 9pm as previously presented to members, is considered reasonable and in keeping with the character of the local area and as such, it is recommended that conditional planning permission is granted subject to a deed of variation of the s106 agreement, and conditional listed building consent is granted.

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4th April 2022, 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: 2021/3517/P
Contact:
Tel: 020 7974
Date: 30 March 2022

Development Management
Regeneration and Planning
London Borough of Camden
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WC1H 9JE

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Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

Former Public Convenience At Junction With Guilford Place
Guilford Street
London
WC1N 1EA

DECISION
Proposal: Removal of condition 7 of planning permission 2015/6141/P granted subject to a legal agreement on 25/07/2017 for 'Change of use from former public convenience (Sui Generis) to mixed A1/A3 use (retail/restaurant) and associated works' to allow for use of roof as an external seating area for the purposes within Class E (a) & (b) (retail/café/restaurant).

Drawing Nos: 1346_V02.10: L100 Location Plan & Site Plan, L101 Existing & proposed plans and elevations, L02 Details of new gate, Design, Access & Heritage Statement

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

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

1346_V02.08: A101 A1, P102 A1, P103 A1, P104 A1, P301 A1, P302 A1, P303 A1, P701 A1, 624: 1-05 Rev G, 1-06 Rev F, 1-07 Rev E

1346_V02.10: L100 Location Plan & Site Plan, L101 Existing & proposed plans and elevations, L02 Details of new gate, Design, Access & Heritage Statement

Reason: For the avoidance of doubt and in the interest of proper planning.
- 2 The planning permission to which this application relates (i.e. 2015/6141/P) was commenced prior to the 25/07/2020.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 3 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.
- 4 The details of ground investigations required under condition 4 of planning permission 2015/6141/P and subsequently approved under application 2020/2163/P on 22/11/2020 shall remain applicable and shall be undertaken accordingly.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with Policy A1 of the Camden Local Plan 2017.
- 5 The lighting strategy required under condition 5 of planning permission 2015/6141/P and subsequently approved under application 2020/2163/P on 22/11/2020 shall be provided and permanently retained accordingly.

Reason: To maintain a high quality of amenity in the scheme, in accordance with Policies D1 and A3 of the Camden Local Plan 2017.
- 6 Details of noise mitigation as required under condition 6 of planning permission 2015/6141/P and subsequently approved under application 2020/2163/P on 22/11/2020 shall be provided and permanently retained accordingly.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987 (updated September 2020) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, any use of the roof of the building shall only be ancillary to the authorised use of the main building for retail or cafe/restaurant purposes and for no other purposes under Class E of the Use Class Order September 2020.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise traffic congestion or excessive on-street parking pressure etc in accordance with policies G1, CC1, D1, A1 and DM1 of the London Borough of Camden Local Plan 2017.

- 8 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 G1, CC1, D1, A1, and A4 and TC1 of the London Borough of Camden Local Plan 2017.

- 9 The use of the outside terrace for shop, cafe or restaurant purposes shall not take place before 08:00 or after 22:00 on any day.

Reason: To protect the amenity of the occupiers of neighbouring residential properties in accordance with policy A1 (Managing the impacts of development) of the LB Camden Local Plan 2017.

- 10 Waste and recycling associated with the Class A1 / A3 uses hereby permitted shall not be stored outside of the building.

Reason: In order to safeguard the character and appearance of the building and the wider area, in accordance with Policies D1 and D2 of the Camden Local Plan 2017.

- 11 The new gate in the railings hereby approved shall be inward opening and shall not open outwards onto the pavement.

Reason: In the interests of the safety of users of the pavement in accordance with policy T1 (Prioritising walking, cycling and public transport) of the LB Camden Local Plan 2017.

- 12 No plants, shrubs or any other fixtures or installations shall be undertaken to the roof or the railings hereby permitted.

Reason: To preserve the character and appearance of the Conservation Area and the architectural and historic character of the site and to safeguard the safety of the highway in accordance with policies D1, D2 and T3 of the Camden Local Plan 2017.

- 13 The pavement adjacent to the building shall not be used in association with the retail/cafe/restaurant uses hereby permitted.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy D2 of the Camden Local Plan 2017, and in order to safeguard the character and appearance of the wider area, in accordance with Policies D1 and D2 of the Camden Local Plan 2017.

Informative(s):

- 1 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted.
- 2 You are advised that the Council's Transport Strategy Team will generally resist the formation of new pavement crossovers if their formation would necessitate an alteration that would be detrimental to an existing Controlled Parking Zone, which would appear to be the case in the circumstances of this site, as the proposed position of the new pavement crossover is in an existing resident's parking bay. It is recommended that you contact the Council's Transport Strategy Team, Camden Town Hall, Argyle Street, London WC1H 8EQ, (tel: 020-7974 5543) or email transportpolicyobs@camden.gov.uk for further details.
- 3 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).
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 Planters or other fixtures installed on the roof or railings would require planning permission. This includes any existing planters installed at the site, which, without planning permission, may be subject to enforcement action.

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.

Yours faithfully

Application ref: 2021/3464/L
Contact: Adam Greenhalgh
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Date: 11 November 2021

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DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
Former Public Convenience At Junction With Guilford Place
Guilford Street
London
WC1N 1EA

DECISION

Proposal: Alterations to railings to form a gate to allow for use of the roof as an external seating area in association with permitted use of former W.C.'s for retail/cafe/restaurant

Drawing Nos: 1346_V02.10: L100 Location Plan & Site Plan, L101 Existing & proposed plans and elevations, L02 Details of new gate, Design, Access & Heritage Statement

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

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

1346_V02.08-A101 A1 Existing Drawings (including Site Location Plan)L
1346_V02.08-P102 A1 Proposed Layout Plan; 1346_V02.08-P103 A1 Approved & Proposed Comparison Layout Plan; 1346_V02.08-P104 A1 Approved & Proposed Internal Elevations; 1346_V02.08-P301 A1 Proposed Electrical RCP Drawings; 1346_V02.08-P302 A1 Existing Services Layout Plan; 1346_V02.08-P303 A1 Internal Lighting Photo Sheet; 1346_V01.00-P701 A1 Pre-Existing & Existing Photos; 624. 1-07 Rev E Proposed Lighting Layout Plan; 624. 1-05 Rev G Proposed Electrical Services Layout Plan; 624. 1-06 Rev F Proposed Plumbing Services Layout Plan; Design and Access Statement; Heritage Statement (March 2020)

1346_V02.10: L100 Location Plan & Site Plan, L101 Existing & proposed plans and elevations, L02 Details of new gate, Design, Access & Heritage Statement (27/07/2021)

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the 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 2021.

You can find advice about your rights of appeal at:

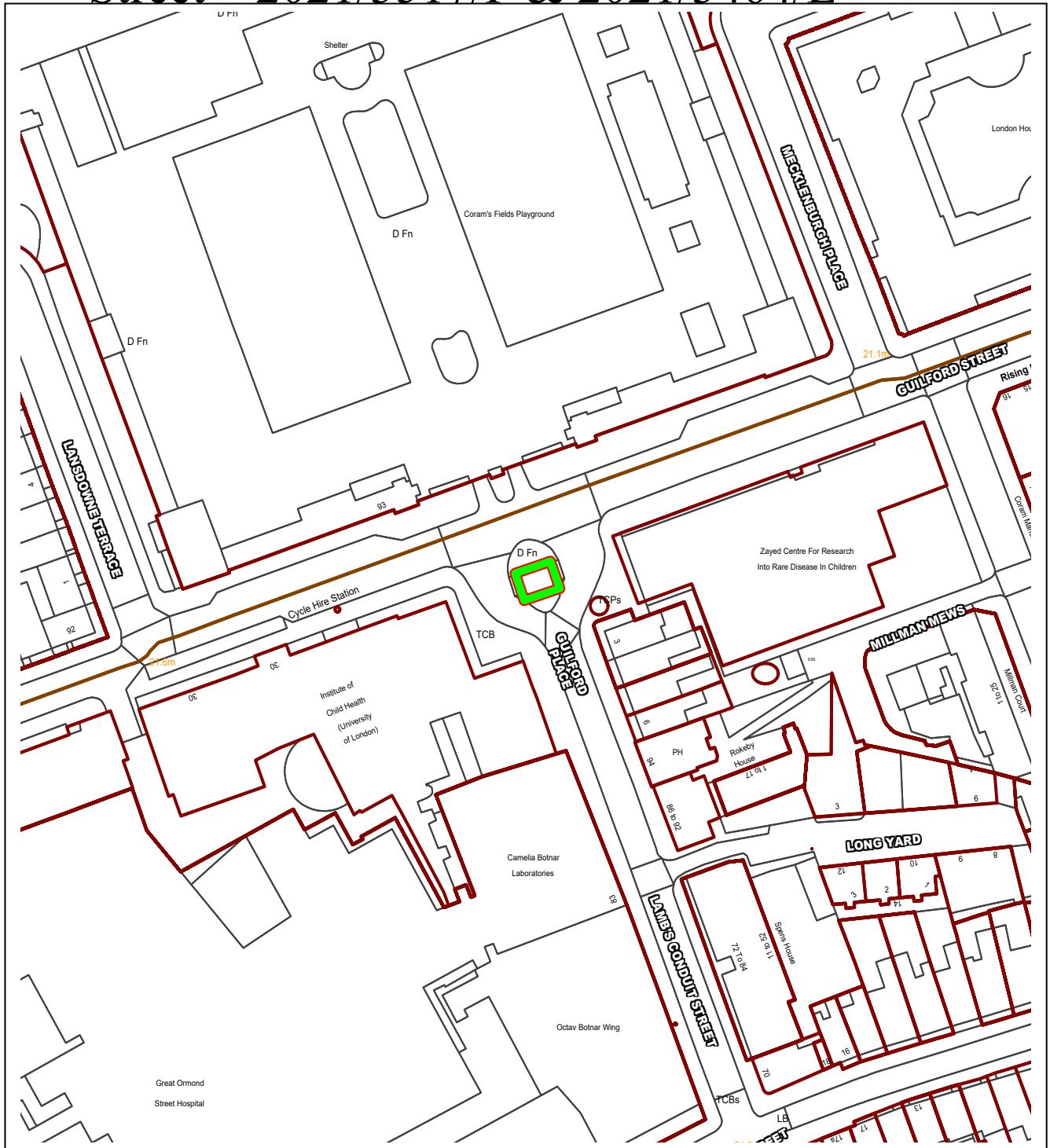
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

Appendix – Previous Members Briefing Report

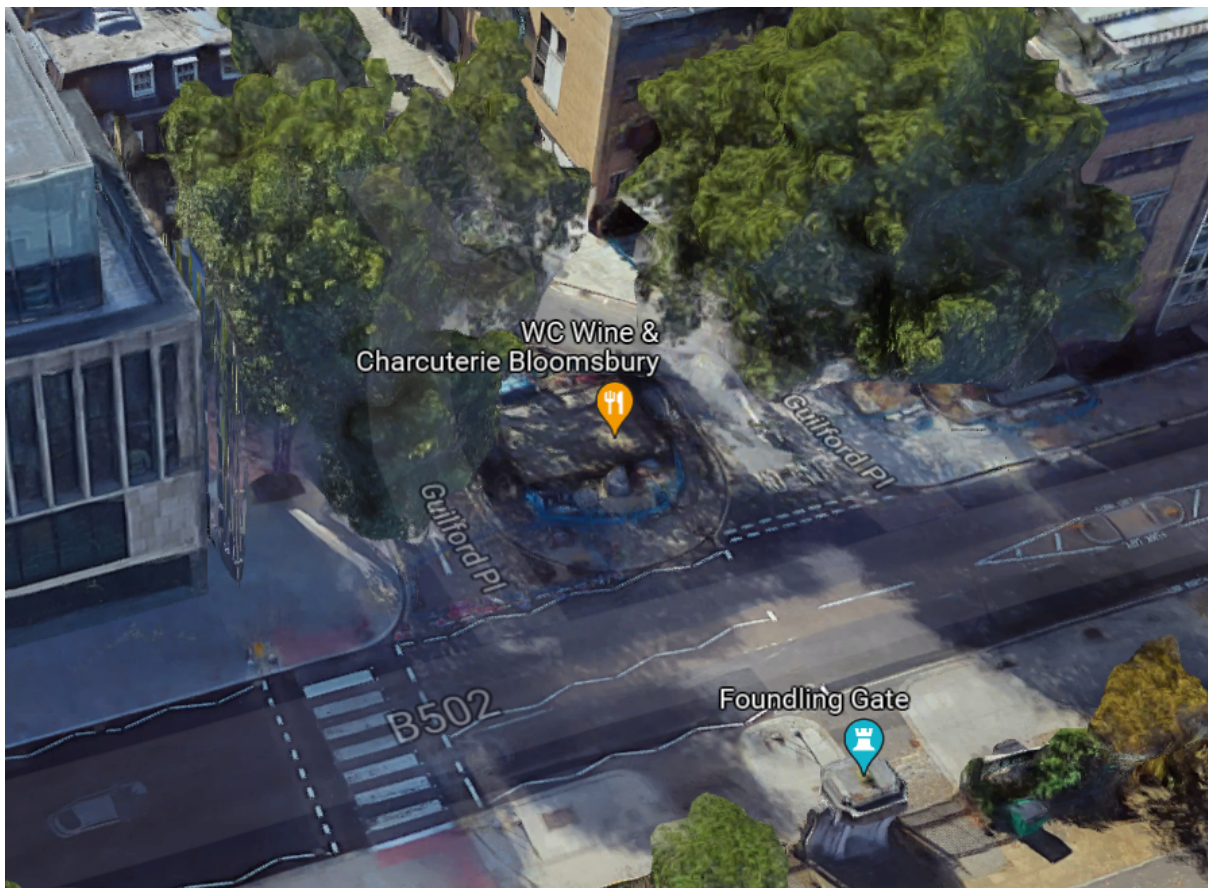
Former public conveniences, Guilford Street – 2021/3517/P & 2021/3464/L



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Street view of former conveniences Guilford Street



Aerial view of site



North elevation of site



Internal view of roof (no internal alterations proposed in this application; alterations to the railings around the site are the subject of the separate Listed Building Consent application, 2021/3464/L)

Delegated Report (Member's Briefing)	Analysis sheet		Expiry Date:	14/09/2021
	N/A / attached		Consultation Expiry Date:	11/10/2021
Officer		Application Number(s)		
Adam Greenhalgh		2021/3517/P & 2021/3464/L		
Application Address		Drawing Numbers		
Former Public Convenience At Junction With Guilford Place Guilford Street London WC1N 1EA		See draft decision notices		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
<p>Removal of condition 7 of planning permission 2015/6141/P granted subject to a legal agreement on 25/07/2017 for 'Change of use from former public convenience (Sui Generis) to mixed A1/A3 use (retail/restaurant) and associated works' to allow use of roof as an external seating area for the purposes within Class E (a) & (b) (retail/café/restaurant).</p> <p>Alterations to railings to insert a gate to allow use of the roof as an external seating area in association with permitted use of former W.C.'s for retail/cafe/restaurant.</p>				
Recommendation(s):	(i) Grant conditional planning permission subject to s106 legal agreement (ii) Grant conditional Listed Building Consent			
Application Type:	Variation or removal of condition application Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	
Consultations	
Adjoining Occupiers:	No. of responses 1 No. of objections 1
	<p>One letter of objection received from a local resident at no. 39 Lamb's Conduit Street. The letter raises objection on grounds of effects on highway safety and increased emissions. Development would hinder the free flow of traffic resulting in loss of safety/access (for emergency vehicles) and increased emissions. Development would necessitate transport measures at public expense.</p> <p><u>Officer comment:</u> See 'Transport and Safety' below</p>
Rugby & Harpur Residents Association (RA)	<p>The RA has objected to the proposal on the following grounds:</p> <p>The previous planning application (2018/2044/P) for use of the roof of the premises was rejected by the Council. We see no reason to change this decision; nothing has happened since 2018 to change the requirements of policies D1 or D2 with regard to these premises. The buildings to the immediate east of the premises, a road's width away from it, are housing association premises run by ASRA as sheltered housing for Asian elders. Noise from the site, and bright lighting until late in the evening would be a real nuisance to tenants.</p> <p>Given there has been no change since the 2018 decision and that there is a vulnerable residential community very close to the site for whom the restaurant use of the premises would be a considerable nuisance, we urge you to reject the application.</p> <p><u>Officer comment:</u> See 'Amenity of neighbouring residential occupiers' below</p>
Bloomsbury Conservation Area Advisory Committee (CAAC)	<p>Object to the siting of planters and effects on appearance of listed railings and Bloomsbury Conservation Area</p> <p><u>Officer comment:</u> The applicant has confirmed that no planters are proposed. See 'Effects on the architectural/historic merits of the Listed building and character and appearance of the Conservation Area' section below</p>

Site Description

The subject site lies opposite the main entrance to Coram's Fields across Guilford Street and at the top of Guilford Place and relates to the former public conveniences below street level that were granted planning permission for retail / restaurant use (A1 / A3) which falls within Class E.



The public conveniences and fountain are Grade II listed with both being listed on 11/02/1998. The listing description links the fountain and the railings of the public conveniences as a civic group.

The former public conveniences building has an authorised use class of A1/A3 (see planning history below).

The surrounding area comprises a variety of commercial and residential buildings. Coram's Fields gardens and pitches are opposite the site, on the other side of Guilford Street. The gates and railings to Coram's Fields are listed and there is a terrace of 4 listed residential properties to the south at 3-6 Guilford Place.

Relevant History

2015/6141/P – Change of use from former public convenience (Sui Generis) to mixed A1/A3 use (retail/restaurant), and associated works – **granted** subject to a legal agreement – 25/07/2017

2016/4431/L – Replacement of pavement light roof – granted 18/10/2016

2018/2044/P - Change of use from former public convenience (Sui Generis) to flexible use as Class A1 (retail), A3 (restaurant) or A4 (bar), plus associated works - **withdrawn**

2020/1343/L – Internal alterations to convert former public convenience to bar and restaurant, plus installation of external lighting – **granted** 21/04/2020

2020/2265/P - Amendments to planning permission 2015/6141/P for the change of use from former public convenience to mixed A1/A3 retail/restaurant use, and associated works, namely to make

drawings consistent with Listed Building Consent 2020/1343/L - **granted** 21/12/2020

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

T3 Transport infrastructure

Camden Planning Guidance

CPG Design (2021) (S.3 – Heritage)

CPG Transport (2021) (S.9 – Pedestrian and Cycle Movement)

CPG Amenity (2021) (S.6 – Noise and Vibration)

Bloomsbury Conservation Area and Management Strategy 2011

PROPOSAL

1.0 The proposal is for the removal/variation of condition 7 of planning permission 2015/6141/P and alterations to the perimeter railings to create a gate to the roof space. The proposal would create an additional area of 40 sq m to supplement the authorised retail/café/restaurant use of the former public conveniences. Condition 7 of 2015/6141/P states that *'The roof of the building and the pavement adjacent to the building shall not be used in association with the Class A1/A3 uses hereby permitted'* and it was attached *'in order to safeguard the special architectural and historic interest of the building and in order to safeguard the character and appearance of the wider area'*.

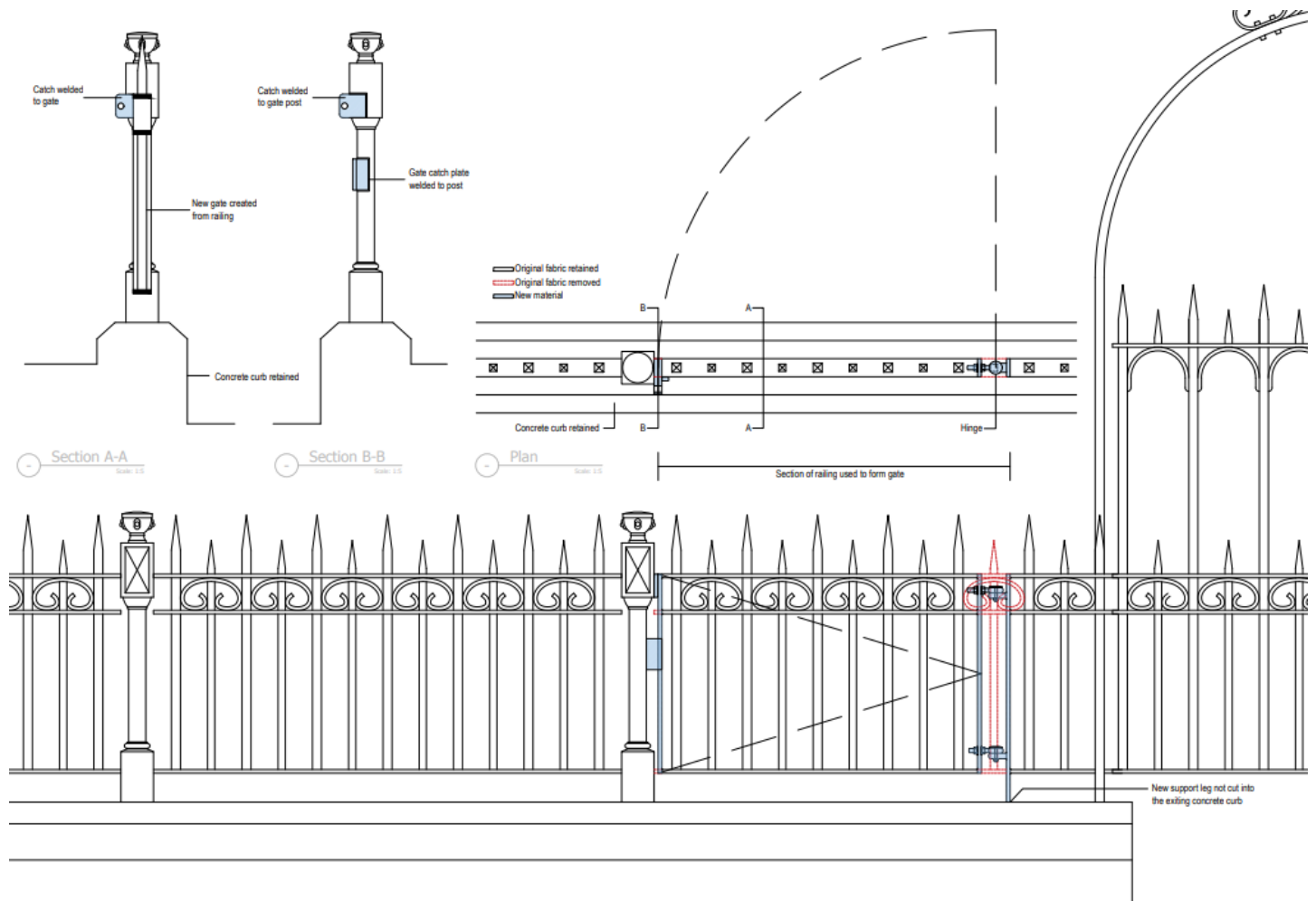


Internal view of roof

1.1 It is proposed to adapt the roof area to be used in association with the approved A1/A3 use (now Class E). The proposal also includes the creation of a new gated opening in the north east corner of the existing railings to allow access on to the flat roof and then for the enclosed area to be used as a seating area with tables and chairs.

Revisions during the course of the application:

1.2 The original plans included planters. Following concerns raised by Officers and the Conservation Area Advisory Committee in relation to the effects on the Listed Building and Conservation Area and implications for highway safety (see 'Consultations' above and 'Assessment' below) the applicant has confirmed that no planters, signage or lighting are proposed within this application. Detailed drawings (plans, elevations and sections) at a scale of 1:5 of the new gate to be inserted within the existing railings have also been submitted.



ASSESSMENT

2.0 The material considerations for this application are summarised as follows:

- Effects on the architectural/historic merits of the Listed building and character and appearance of the Conservation Area
- Amenity of neighbouring residential occupiers
- Transport and safety
- Planning obligations

Effects on the architectural/historic merits of the Listed building and character and appearance of the Conservation Area

3.0 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of 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; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

3.1 Para 197 of the NPPF 2021 advises Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses

consistent with their conservation.

3.2 The roof itself is not proposed to be altered. Consequently, there is no objection in terms of the physical appearance/architecture of the roof of the listed building. Initially, there were concerns that the proposal would include the installation of planters behind the railings (and potential signage and lighting) which would detract from the architectural and historic significance of the Listed building and have an adverse impact on the character and appearance of the Bloomsbury Conservation Area. However, the applicant has confirmed that no planters would be installed and no signage or lighting is proposed in this application or engineering operation and so it does not require planning permission. An informative would be attached to any permission advising the applicant of this. The proposal would require a tables and chair licence and the Council would assess this under the Environmental Health legislation.

3.3 The temporary placing of tables and chairs and the insertion of a gate to match the details of the existing railings would not harm the architectural or historic integrity of the Listed Building or the character and appearance of the Conservation Area. The details of the new gate confirm the use of matching bars and filials and would be a negligible change to the style or appearance of the railings.

3.4 Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Amenity of neighbouring residential occupiers

3.5 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. The relevant factors to be considered in this case are the effects on noise, light, privacy and outlook. Policy A4 advises that the Council will seek to control noise and vibration and that planning permission will not be granted for development which impact upon amenity due to noise generation.

3.6 The site is located in a mainly residential area. The A1/A3 use, when it was permitted under 2015/6141/P had no conditions attached to control the opening hours. However, there is more scope for disruptive noise and disturbance from the use of the roof which is now proposed as it would be located at street level. Given the proximity of neighbouring residential buildings, it is considered that a condition should be imposed to prevent the roof being open to the public before 08:00 or after 21:00 on any day. A condition to prevent the use of the roof by the public outside of these hours is attached accordingly. It is considered to be reasonable in the interest of minimising noise and disturbance late at night or in the early hours. A condition to restrict the playing of music outside the premises (including the external seating area) is also recommended. Finally, given that the original planning permission was for an A1/A3 uses, it is considered reasonable to attach a condition to limit the use of the roof to purposes ancillary to the permitted retail/café/restaurant use.

3.7 The proposals are not considered likely to result in any loss of amenity by way of loss of light, privacy or outlook from any surrounding residential rooms or gardens.

Transport and safety

3.8 The Council's Transport team initially raised objections to the proposal on the grounds that the tall planters which would surround the site would obstruct the sightlines of oncoming traffic on Guildford Place. They would also block the sightlines of pedestrians, cyclists and drivers on Guildford Street

crossing Guildford Place.

3.9 The planters would introduce an unnecessary hazard to the public highway and could lead to collisions taking place at the junction.

3.10 As noted in 'Revisions during the course of the application' above, the planters have now been removed from the proposal. The placing of tables and chairs to facilitate the A1/A3 use would not require planning permission. Furthermore, without the planters or other permanent installations (signage, lighting etc.) the proposal would not affect sightlines on the highway significantly and it is not considered that there would be undue harm to the safety of pedestrians, cyclists or motorists. The proposal would not impact any movement on the highway and there should be no need for any highway alterations to be undertaken.

3.11 There are no objections to the access gate provided this is inward opening. A condition would be attached to ensure this.

Planning Obligations

3.12 The original planning permission (2015/6141/P) was granted subject to a legal agreement which included a Construction Management Plan, a Construction Management Plan Implementation Contribution, a Highways Works Contribution and Level Plans. While it is understood that these items have subsequently been approved it will be necessary to secure a Deed of Variation to ensure that they apply to the current application. Planning permission should therefore be granted subject to a Deed of Variation of the legal agreement for 2016/5141/P.

CONCLUSION

4.0 The proposal would assist with the re-use of the Listed Building without compromising the architectural or historic merits of the Listed Building or the character or appearance of the Conservation Area. It would not result in any undue loss of residential amenity for any neighbouring occupiers (subject to conditions restricting the use, the playing of music and opening hours). The use of the roof in association with the authorised A1/A3 use would not result in any undue loss of highway safety. The installation or erection of any permanent structures on the roof would require separate applications for planning permission/Listed Building Consent.

RECOMMENDATION

Grant conditional planning permission subject to a Deed of Variation of a legal agreement

Grant conditional listed building consent