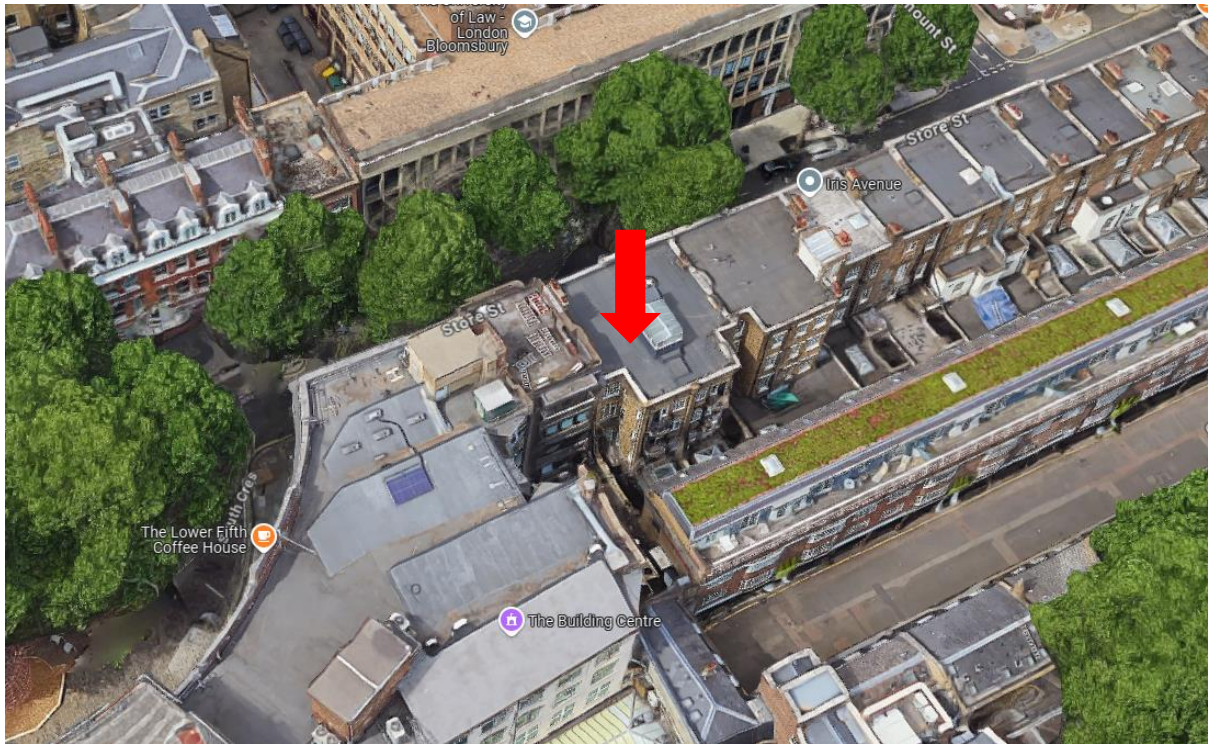


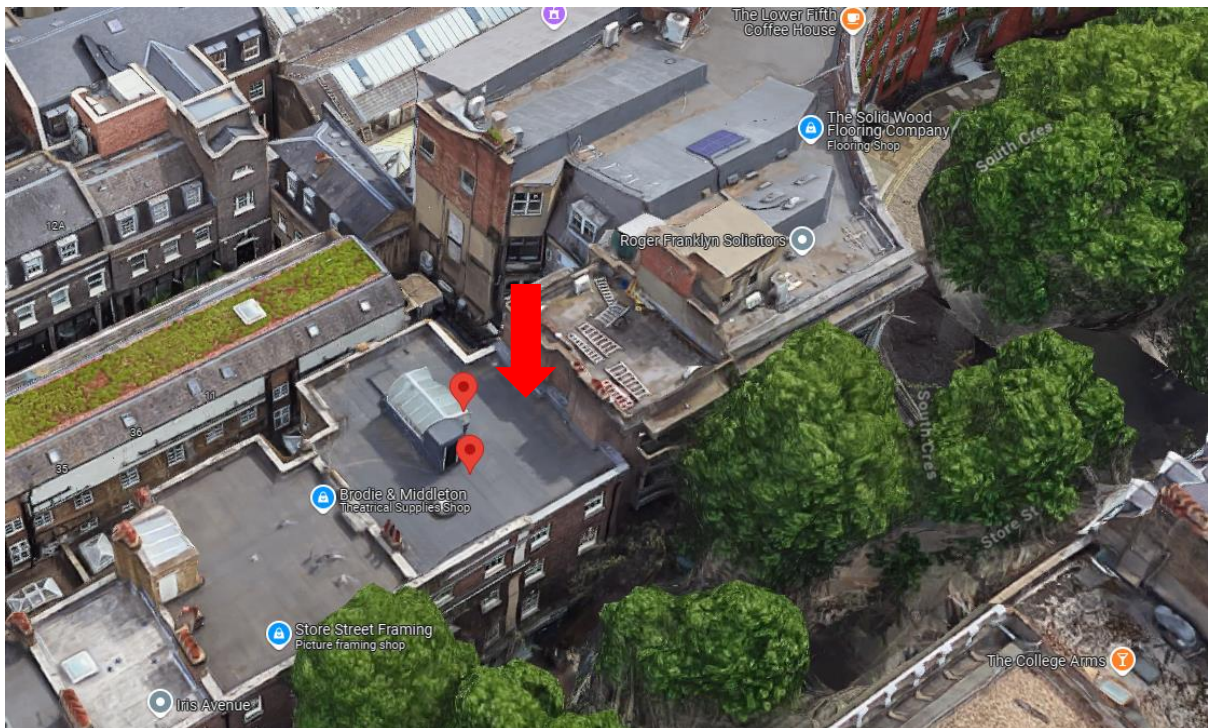
2024/2929/P - 28 Store Street



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1. Aerial view of application site from the south



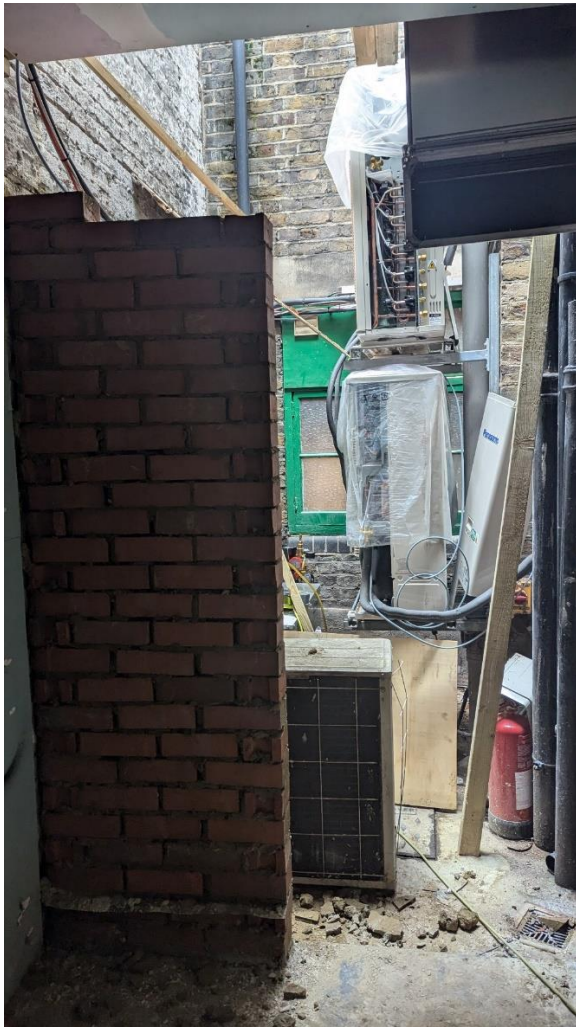
2. Aerial view of application site from the north





5. (Left) Site photo of courtyard/ new infill extension roof in construction with plant on top from ground floor window of restaurant.

6. (Right) Front of property as accessed from the street.



3. (Left) Site photo of courtyard and wall (to left) for infill extension in construction.



4. (Right) Site photo of courtyard and plant

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>12/09/2024</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>19/08/2024</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Miriam Baptist			2024/2929/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Chesterford House Ground and Basement Levels 28 Store Street London WC1E 7BS			See Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Single-storey extension to basement lightwell area, outdoor plant installation including extraction system and ducting, 2 x condensers and 2 x AC units.				
<b>Recommendation(s):</b>	Grant conditional planning permission			
<b>Application Type:</b>	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>Site notices was displayed near to the site on the 26/07/2024 (consultation end date 19/08/2024).</p> <p>The development was also advertised in the local press on the 25/07/2024 (consultation end date 18/08/2024).</p> <p>One letter of objection was received which can be summarised as below:</p> <ol style="list-style-type: none"> <li>1. There will be noise from the air-con units, and this will be amplified within the small yard.</li> <li>2. No 29 also has installed air-con seemingly without permission and therefore the current background noise is not permitted.</li> <li>3. An extract system should take fumes/odours up to the roof.</li> <li>4. All units should be in acoustic enclosures with anti-vibration measures in place.</li> </ol> <p>Officer response:</p> <ol style="list-style-type: none"> <li>1. Please see section 4.0 below.</li> <li>2. Please see section 4.3 below.</li> <li>3. Please see section 4.4 below.</li> <li>4. This would be required by condition.</li> </ol>					

**Charlotte Street  
Association comments:**

The Charlotte Street Association have objected on the following grounds:

1. The application does not include a food extraction system which we think is necessary.
2. We are concerned at the concentration of so much mechanical plant in the small courtyard/lightwell at the rear. This is likely to be very noisy for the residential flats which overlook this small rear lightwell: flats on the upper floors of No. 28 Store Street; and flats of Gower Mews which form the party wall with No. 28 at the rear.
3. The extract duct at No. 29 Store Street/Life Goddess Restaurant has not been taken up to roof level, as per a planning permission of some years ago. Instead, the extract outlet etc is in the rear basement lightwell; and hence the reason for the existing noise being experienced by residents. There is concern that the proposed mechanical plant at No. 28 will add further to what is already a noisy situation. The application includes a Noise Impact Assessment report, which appears to show that the residential flats will not suffer from undue noise from the proposed new a/c plant at No. 28. But the noise surveys taken at the rear for this Report will include the noise from the existing extract duct (currently at basement level) at No. 29 Store Street/The Life Goddess. This extract duct at No. 29 is supposed to go up to roof level, and thus the current noise readings will be higher than they should be.
4. We also wish to object to this proposed single storey extension, which is marked as being "preparation areas for the kitchen" – because of the loss of most of the existing rear external courtyard. This proposed extension will take up half the area of the already small courtyard; and leave a small "lightwell" (containing a/c outdoor units).

*Officer response:*

1. *Please see section 4.4 below.*
2. *Please see section 4.0 below.*
3. *Please see section 4.3 below.*
4. *Please see section 3.4 below.*



## Site Description

The site is a terraced property on the south side of Store Street, and it lies within the Bloomsbury Conservation Area. It was formerly a café, and currently it is being fitted out to be a restaurant.

The area is mixed in nature; commercial properties with some residential at higher levels.

## Relevant History

N/A

## Relevant policies

### National Planning Policy Framework (2023)

### The London Plan (2021)

### Camden Local Plan (2017)

- A1 Managing the impact of development
- A4 Noise and vibration
- A3 Biodiversity
- D1 Design
- D2 Heritage
- CC2 Adapting to climate change

### Camden Planning Guidance (2021)

- CPG Amenity
- CPG Design
- CPG Energy Efficiency and Adaptation (2021)

### Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

### Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## Assessment

### 1.0 Proposal

- 1.1 The application seeks permission for a single-storey infill extension to basement lightwell area, outdoor plant installation including extraction system & ducting, 2 x condensers and 2 x AC units. The existing building benefits from active cooling and therefore no new active cooling would be introduced.

### 2.0 Considerations

- 2.1 Key planning issues to be considered are as follows:

- Design & Heritage
- Neighbouring Amenity
- Sustainability
- Biodiversity

### 3.0 Design & Heritage

- 3.1 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. Through Local Plan policy



D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas.

- 3.2 The Bloomsbury Conservation Area Statement advises that alterations and extensions to existing buildings including the addition of prominent roof level plant can have a detrimental impact to the character and appearance of the area.
- 3.3 The proposal does not add any prominent roof level plant to the building. Plant would be situated within the courtyard at lower ground and ground level, and the extract system proposed is an internal re-circulation system rather than a traditional one so external ductwork or flues to roof level would be required.
- 3.4 The infill extension in the rear courtyard is modest, and a small courtyard would still be retained. The courtyard is not used for amenity space and is only accessible via the commercial unit and so there is no amenity loss in this respect. Plant would be installed both in the small courtyard at basement level and the new roof of the basement infill extension.
- 3.5 Two of the pieces of plant would be air-conditioning units replacing the previous/existing air-conditioning units, and two of them would be condenser units serving the restaurant's cold room and freezer. It is noted that the air-conditioning units are newer more efficient units replacing older ones which are likely to be less environmentally friendly.
- 3.6 The works are to the rear and would not be visible from the public realm, and therefore harm to the conservation area is limited.
- 3.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 3.8 Overall, the works are not considered to have a significant detrimental visual impact on the host building or Bloomsbury Conservation Area. For these reasons, the works are considered to respect and preserve the existing property and its appearance and therefore are considered to be in accordance with Local Plan policies D1 and D2.

#### **4.0 Neighbour Amenity**

- 4.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.
- 4.2 The infill extension would be modest and would be sited within an existing courtyard at basement level. At this level the extension would not have any material impact on the neighbouring properties in terms of outlook, loss of light or privacy.
- 4.3 Concern has been raised in relation to the concentration of plant in such a small area. Although the space is restricted, the noise assessment and acoustic enclosures proposed are considered adequate to protect the amenity of adjacent properties, and compliance conditions would be added. The conditions include noise levels remaining 10dB below background noise levels, and the fitting of appropriate noise and vibration attenuation before first use.

- 4.4 An active enforcement case EN24/0642 to investigate the unlawful plant reported at No.29. As aforementioned, if approved, a condition would be added requiring the noise of the plant to remain 10dB below background noise. If the adjacent unlawful air-conditioning is removed or enclosed, it is noted the change will need to be taken into account in regard to any noise from the host site generated remaining 10dB below background noise.
- 4.5 In terms of concern raised in regard to an extraction system and fumes being taken up to the roof to protect the surrounding properties, the system being installed is not a traditional system and instead is a completely internal recirculation air system. For this reason, there would not be any material harm to neighbouring properties in terms of fumes and odours.
- 4.6 The Council's Environmental Health Officer has reviewed the objections, proposal and the Noise Impact Assessment and considers the scheme acceptable with the conditions that will be added. The Council has powers in any case to take action under environmental health legislation should the noise from the units exceed the requirements.
- 4.7 The proposed development is not considered to lead to a significant impact upon the amenities of any neighbouring resident. The development is thus considered to be in accordance with planning policies A1 and A4 of the Camden Local Plan 2017.

## **5.0 Sustainability**

- 5.1 The property, used as a café previously, already benefitted from two units providing air-conditioning. One unit was taken when the previous tenant moved out and another was left. The new units would provide the same function as the existing plant but would be more modern units which are more energy efficient and environmentally friendly than the previous/existing. The active cooling is essentially being replaced and upgraded rather than being introduced or increased. Therefore, the active cooling is considered acceptable in this instance. The proposals are thus in general accordance with policy CC2 of the Camden Local Plan 2017.

## **6.0 Biodiversity**

- 6.1 Biodiversity Net Gain (BNG) was introduced on 12<sup>th</sup> February 2024 and makes a statutory requirement for all development to provide a net increase of 10% for biodiversity, unless it meets the criteria for exemption. As the development does not impact 25sqm of on-site habitat or 5m of on-site linear habitats the proposal is exempt for BNG requirements. Informatives are attached to the decision notice to further explain the requirements of BNG.

## **7.0 Recommendation**

- 7.1 Grant 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 9<sup>th</sup> December 2024, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2024/2929/P  
Contact: Miriam Baptist  
Tel: 020 7974 8147  
Email: [Miriam.Baptist@camden.gov.uk](mailto:Miriam.Baptist@camden.gov.uk)  
Date: 3 December 2024

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

New Image Design  
2A Tiverton Road  
London  
N18 1DW

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Chesterford House**  
**Ground and Basement Levels**  
**28 Store Street**  
**London**  
**WC1E 7BS**

# DECISION

Proposal:

Single-storey extension to basement lightwell area, outdoor plant installation including extraction system & ducting, 2 x condensers and 2 x AC units.

Drawing Nos: Location Plan dated 15-Jul-2024, 634(a)/PL/01, 634(a)/PL/03, 634(a)/PL/05, 634(a)/PL/02, 634(a)/PL/04, GK-1554-1, GK-1554-2, 28 Store Street Planning Compliance Report Report 28678.PCR.01, DESIGN & ACCESS STATEMENT by NEW IMAGE DESIGN dated July 2024.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dated 15-Jul-2024, 634(a)/PL/01, 634(a)/PL/03, 634(a)/PL/05, 634(a)/PL/02, 634(a)/PL/04, GK-1554-1, GK-1554-2, 28 Store Street Planning Compliance Report Report 28678.PCR.01, DESIGN & ACCESS STATEMENT by NEW IMAGE DESIGN dated July 2024.

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

- 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 Before the use commences the cumulative plant noise levels from all fixed plant associated with the application site, when at a point 1m external to the nearest noise sensitive residential facades shall be at least 10 dB(A) less than the existing background measurement (LA90), expressed in dB(A), when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that is distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses(bangs, clicks, clatters, thumps), then the noise levels from the plant/equipment at any sensitive façade shall be at least 15 dB(A) below background noise level.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation proposed in Section 6 of the KP Acoustics report (28678.PCR.01), shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity and thereafter be permanently retained.

Reason: To protect the amenity of the surrounding premises and the area generally in accordance with policies A1 and A4 of the Camden Local Plan 2017.

- 6 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such for the duration of the development.

Reason: To protect the amenity of the surrounding premises and the area generally in accordance with policies A1 and A4 of the Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 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](http://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.

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 Biodiversity Net Gain (BNG) Informative (1/2):  
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:  
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and  
(b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
  - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
  - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
  - The application is a Householder Application.
  - It is for development of a "Biodiversity Gain Site".
  - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
  - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

## 6 Biodiversity Net Gain (BNG) Informative (2/2):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development



In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DRAFT

DECISION