

Address:	34 Great Queen Street WC2B 5AA		1 & 2
Application Number:	2014/5069/P 2014/5384/L	Officer: Kathryn Moran	
Ward:	Holborn and Covent Garden		
Date Received:	5/8/2014		
<p>Planning permission: Change of use of ground and basement floors from retail (Class A1) to mixed use retail /restaurant (Class A1/A3 Use) and installation of mechanical extract ductwork to rear elevation.</p> <p>Listed building consent: Installation of mechanical extract ductwork to rear elevation. Associated internal alterations.</p>			
Background Papers, Supporting Documents and Drawing Numbers:			
315/GA/08 Rev A; 315/GA/03 Rev C; 315/GA/09 Rev A; 315/GA/04 Rev B; 315/GA/06A; 315/GA/01B; 315/GA/07A; 315/GA/02; Site Location Plan; Planning Statement; Acoustic Report dated 15 April 2014; Manufacturers specifications; Heritage Statement			
RECOMMENDATION SUMMARY: Grant conditional planning permission Grant conditional listed building consent			
Applicant:		Agent:	
C/O Agent		CgMs Consulting 7th Floor 140 London Wall London EC2Y 5DN	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace (GIA)
Existing	A1 Retail		76sqm
Proposed	A1/A3 Retail/Restaurant		76sqm

OFFICERS' REPORT

Reason for Referral to Committee: This application is reported to the Development Control Committee as it involves the creation of new Class A3 use [Clause 3(iv)].

1. SITE

- 1.1 The site comprises a three storey mixed use building plus basement and roof located on the northern side of Great Queen Street. The building is in retail use at ground and basement level, the first floor is in office use and the second and roof level accommodates a residential flat.
- 1.2 The site is located in the Central London Area and lies within the Seven Dials Conservation Area. The property is Grade II* listed.
- 1.3 The ground floor and basement has been vacant since December 2013 and the premises were last used as a sandwich/coffee shop (Class A1) with the basement providing ancillary retail accommodation (storage). The existing layout comprises a service counter, small kitchen and seating for 10 customers to the front. The rear of the premises provides as WC and seating for another 18 customers.

2. THE PROPOSAL

- 2.1 This application proposes the change of use of the ground floor from retail to a mix of A1 retail and A3 restaurant (Sui Generis). The intended user is 'Coffee and Jam.' the front of the premises will remain the same as the existing layout with the service counter and display areas. The rear of the premises will accommodate nine tables and 18 seats. The basement will provide storage, office, kitchen etc.
- 2.2 A full height extract duct is to be installed at the rear of the property within an internal lightwell/courtyard, terminating at roof level, to facilitate primary cooking to take place on site.
- 2.3 The proposed opening hours are from 08.00 to 23.45.

3. RELEVANT HISTORY

- 3.1 Planning permission granted 15 April 2005 for change of use of first, second and third floors from office use (Class B1) to a hairdressing salon (Class A1) (2005/0529/P).
- 3.2 Planning permission subject to a S106 agreement granted June 2006 for change of use of second and third floors from office use to residential flat (Class C3) (2005/3789/P).
- 3.3 Planning permission granted December 2012 for external alterations to the façade and internal alterations (2012/5215/P).
- 3.4 Planning permission and listed building consent were granted July 2014 for external alterations to ground and basement including new wider shopfront door and

installation of air conditioning units in basement lightwell in connection with retail use (Class A1) (2014/2743/P and 2014/2852/L).

4. CONSULTATIONS

4.1 Adjoining Occupiers

<i>Number of letters sent</i>	39
<i>Total number of responses received</i>	2
<i>Number in comment</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

4.2 A site notice was displayed from 9 October 2014 until 30 October 2014. The application advertised in the local newspaper on 8 October 2014.

4.3 English Heritage were consulted and granted flexible authorisation.

4.4 The Covent Garden Community Association have raised no objection to the proposal.

4.5 Two objections have been received from flats in Parker Street to the rear of the site raising the following concerns:

- Noise nuisance from the proposed extract duct
- Plant equipment on neighbouring properties is noisy causing nuisance
- Extract duct should be limited to 09.00 to 18.00

5. POLICIES

5.1 National and Regional Policy

National Planning Policy Framework 2012
London Plan 2011

5.2 LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS2 (Growth Areas)

CS3 (Other highly accessible areas)

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS8 (Promoting Camden's economy)

CS9 (Achieving a successful Central London)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

CS18 (Dealing with our waste and encouraging recycling)

DP10 (Helping and promoting small and independent shops)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP13 (Employment sites and premises)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP24 (Securing high quality design)
DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise & vibration)
DP29 (Improving access)
DP30 (Shopfronts)

5.3 **Camden Planning Guidance:**

CPG1 Design 2013
CPG5 Town Centres, Retail and Employment 2013
CPG6 Amenity 2011
CPG7 Transport 2011

Seven Dials Conservation Area Statement

6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application and summarised as follows:

- Land use
- Design
- Residential amenity
- Transport
- Waste Storage

Land use

6.2 This application proposes change of use of the ground floor and basement from retail (Class A1) to mixed retail/restaurant (Sui Generis). In 2012 the unit was in use as a coffee shop/café serving food and drink for consumption on and off the premises. Prior to this it appears the unit was in use as a clothes shop.

6.3 Policy DP10 seeks to protect shop units and states that planning permission would only be granted for the loss of retail accommodation outside designated centres provided that there is alternative provision within 5-10 minutes walking distance; there is clear evidence that the current use is not viable and within the Greater London Area, the development positively contributes to the local character, function, viability and amenity.

6.4 CPG 5 'Town Centres, Retail and Employment' states that on secondary frontages, planning permission will be generally not be granted for development that results in more than 25% of the total number of units in that frontage being in food, drink and entertainment uses; more than two food, drink and entertainment uses consecutively; or food, drink and entertainment uses greater than 100m².

6.5 The ground and basement have been vacant since December 2013. However no details of marketing for retail use have been provided. The site is located on a secondary frontage within Covent Garden. Within the frontage between Drury Lane and Newton Street there are 22 units of which eight are in retail use at ground floor level (including the application site); six are in A3 food or drink related use. There are four offices (Class B1), one bar (Class A4) and one financial and professional services use (Class A2).

- 6.6 At present 36% of the street frontage is in A1 use and 31% of the frontage is in A3 and A4 use. As a result of the proposed change of use 36% of the frontage would provide food and drink related uses. It is acknowledged that this exceeds the 25% maximum as set out in CPG 5. However, the existing situation already exceeds the 25% maximum. It is also noted that the proposed use retains a retail function and the front of the ground floor will provide retail activities i.e. the display and sale of products for consumption off the premises. The retail element is proposed to be a substantial element of the use.
- 6.7 The adjacent premises are in A3 (restaurant) use (No. 35) and A1 retail use (N.33). The proposed change of use would result in more than two consecutive non A1 uses within the frontage. However the previous use as a sandwich shop was used in a similar way to the proposed use providing sales for consumption off site and on site with seating. The overall layout and character of the proposed use is similar to the A1 layout. The key difference is the later opening. The previous opening hours were 07.30 to 19.30 (closing at 17.00 on Sundays). The proposed opening hours would extend from 08.00 until 23.45 Monday to Sundays. The premises will serve a combination of hot and cold food comprising breakfast; sandwiches, salads; cakes and hot and cold drinks. While there will be primary cooking and space for consumption of hot and cold food within the premises this is in conjunction with the retail element. Furthermore, planning permission would be required to change the use to solely an A3 use.
- 6.8 The proposal will result in the provision of 76m² of A3 floorspace which complies with CPG 5 Town Centres, Retail and Employment 2013. The proposed A1/A3 use is an appropriate use in Central London. It is considered that the proposed change of use complies with Policy DP10 on the basis that there is sufficient retail accommodation in the vicinity of the site and the proposed A1/A3 use would positively contribute to the local character and function of this part of Covent Garden, retaining a retail frontage.
- 6.9 The supporting text of Policy CS 7 paragraph 7.18 recognises that food; drink and entertainment uses add to the diversity and vibrancy of Camden's centres and bring activity outside normal shop hours. Paragraph 7.19 notes that food, drink and entertainment uses 'are most appropriately located in commercial areas' of which 'Town Centres and Central London Frontages are considered the most suitable locations for such uses'. Great Queen Street is a designated secondary frontage within Covent Garden. It is not considered there is an over-concentration of food, drink and entertainment uses within the secondary frontage and the range of shops, services and food and drink uses would be maintained to provide variety, vibrancy and choice.
- 6.10 Policy DP12 seeks to manage the impact of food, drink and entertainment uses and other town centre uses and ensure that the uses do not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The impact of the proposed change of use on residential amenity will be discussed in paragraphs 6.14 – 6.19 of this report.
- 6.11 As such, it is considered that the proposed change of use would be acceptable and would contribute to the vitality and viability of this part of the Central London area in accordance with the relevant policies of the Local Development Framework and supplementary planning guidance.

Design/Impact on listed building

- 6.12 Policy DP25 seeks to preserve or enhance the borough's listed buildings and would only grant consent for alterations to a listed building where it would not cause harm to the special interest of the building. The internal alterations to remove non-original partitions walls at basement level and the internal duct work in association with the new flue would have no impact on the special character of the listed building.
- 6.13 The proposed external works involve the installation of a full height extract duct to the with the rear courtyard of the site. The ductwork at basement level would be considered acceptable. The duct is to be located in the internal courtyard. Although it would be visible in private views of the rear elevation (above ground floor level) it is not considered it would not harm the special interest of the building given the already ad hoc nature of this part of the building, which accommodates existing items of plant equipment. On this basis the proposed addition is considered to be acceptable. English Heritage has raised no objection to the installation of the flue.

Impact on amenity

The proposed A3 use

- 6.14 Policy DP 12 states that the Council will consider the impact of food and drink related uses on nearby residential uses and amenity and noise and vibration generated inside or outside the site. In order to manage the potential harm to amenity or the local area, the Council will use planning conditions to address hours of operation, noise and vibration and the siting of plant and machinery.
- 6.15 The nearest residential properties are located at second and third floor level within the same building. In comparison to the previous A1 use there will not be any increase in customers. However the opening hours will be significantly extended with the premises closing at 23.45. The proposed opening hours are in line with the adjacent restaurant at 35 Great Queen Street. CPG5 states that hours of operation within the Covent Garden area should be no later than midnight. Therefore the proposed hours of operation comply with the guidance for this Central London location. Given the extent of customer seating (18 covers) and the nature of the use it is not considered that the proposed A1/A3 use would be so intensive that it would result in noise nuisance or anti-social behaviour associated with customers leaving the premises and loitering outside. A condition is recommended to ensure the premises do not open outside the proposed hours (08.00 and 23.45).

Plant/Extraction Equipment

- 6.16 Policy DP 28 states that the Council will seek to ensure that noise and vibration is controlled and will only grant permission for plant and machinery if it can be operated without causing harm to amenity and does not exceed noise thresholds. The plant equipment operating day and night is required to operate at 5db below background noise levels when measured 1m from the nearest noise sensitive (residential) window.

- 6.17 The proposed extract duct would be located within the internal courtyard and rear elevation. An acoustic report which assesses the impact of the extract equipment on the nearest residential windows at third floor level within the building and second floor level in 35 Great Queen Street. The acoustic report demonstrates that the plant equipment will operate 5db below background noise levels and therefore is expected to comply with the requirements of Policy 28. The extract duct would be mounted on anti-vibration mounts to minimise vibration. A condition is recommended to ensure the mitigation measures are installed prior to the operation of the use.
- 6.18 Objections have been received from residential properties in Parker Street to the rear of the application site. Given the location of the equipment in the internal courtyard and the results of the noise survey which demonstrates that the plant will operate at an acceptable level, it is not considered the operation of the extraction equipment will result in noise nuisance for residents in Parker Street.
- 6.19 The extract duct would terminate above 1m roof level (2.2m) above the nearest residential windows at third floor level in accordance with Camden planning guidance. Therefore odours would be adequately dispersed without having an adverse impact on the nearby residents. It is recommended that a condition be added to limit the operation of extract duct to between 0700 and 2300 hours as well as a condition specifying the Council's noise criteria is adhered to.

Transport

- 6.20 Policy DP12 considers the effect of the development in terms of parking, stopping and servicing. In terms of transport matters, it is considered unlikely that there will be any net increase in scale of transport impacts from the proposed Class A1/A3 use in comparison with the existing Class A1 use. It is likely most customers will arrive and leave using public transport. Holborn and Covent Garden underground stations are located in close proximity to the application site and there are several nearby bus routes including High Holborn and Kingsway. No parking is proposed on or near to the site.
- 6.21 It is considered that servicing requirements would be similar to the previous A1 use as a sandwich bar. Therefore it is not considered necessary to request a servicing strategy.

Waste and refuse

- 6.22 Policy CS18, seeks to ensure developments include facilities for storage and collection of waste and recycling together with this. Policy DP12 seeks to ensure the storage and disposal of refuse is managed to safeguard the amenity of the surrounding area. The applicant has confirmed that waste would be stored in the basement where there is sufficient space.

7. CONCLUSION

- 7.1 The proposed change of use from retail (A1) to a retail/café (Sui Generis) is considered to be acceptable. The proposed use would positively contribute to the

local character and function of this part of Covent Garden. The proposal would not have a harmful impact on the character and function of the area.

- 7.2 There would be no material harm to amenity subject to the proposed conditions. The proposed alterations in the internal courtyard are considered appropriate and would not give rise to any adverse impact to the character and appearance or special interest of the Grade II* building or the wider conservation area.

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s) for planning permission:

- 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 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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

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

315/GA/08 Rev A; 315/GA/03 Rev C; 315/GA/09 Rev A; 315/GA/04 Rev B; 315/GA/06A; 315/GA/01B; 315/GA/07A; 315/GA/02; Site Location Plan; Planning Statement; Acoustic Report dated 15 April 2014; Manufacturers specifications; Heritage Statement

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

- 4 The uses hereby permitted shall not be carried out outside the following times 08:00 to 23:45 Mondays to Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The extract duct hereby approved must not operate outside the following times; 07.30 and 23.00 Mondays to Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area

generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(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 has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 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 CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 8 You must implement the noise and vibration mitigation measures as detailed in the acoustic report dated 15 April 2014 prior to operation of the plant equipment hereby approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 are advised to consult the Council's Compliance and Enforcement

team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 4 The Council supports schemes for the recycling of bottles and cans and encourages all restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 5 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

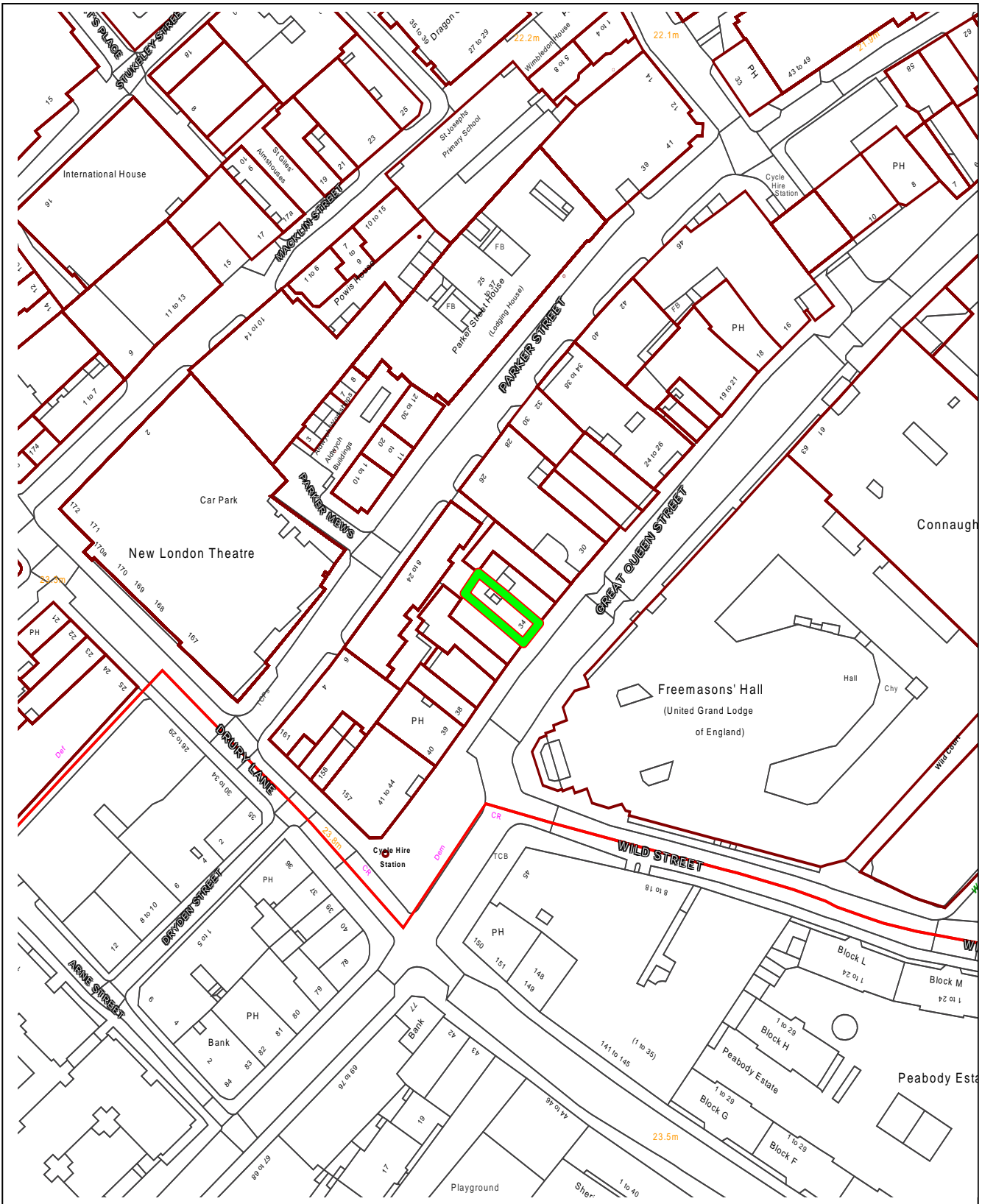
Condition(s) and Reason(s) for listed building consent:


- 1 All new work and work of making good shall be carried out to match the original 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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 2 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: : In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.



	<p>Application No: 2014/5069/P & 2014/5384/L</p> <p>34 Great Queen Street</p> <p>London</p> <p>WC2B 5AA</p>	<p>Scale: 1:1250</p> <p>Date: 31-Mar-15</p>	<p>N</p> 
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34 Great Queen Street

OS plan



34 Great Queen Street

Aerial View

34



34 Great Queen Street

Existing front view



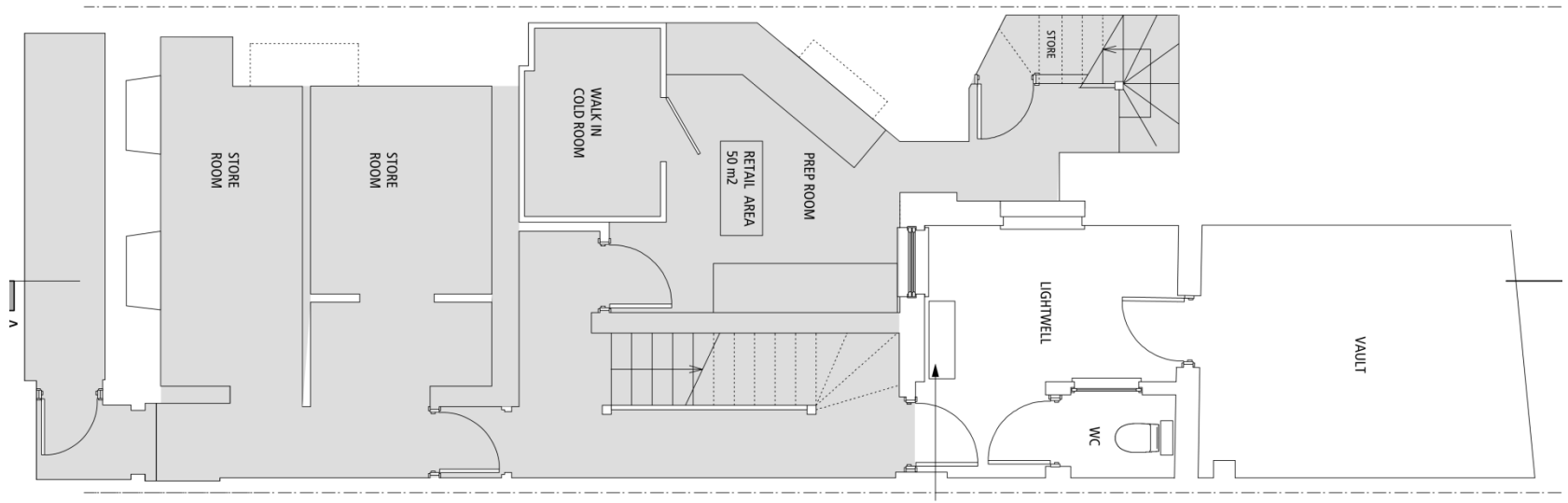
34 Great Queen Street

Existing rear view (courtyard)



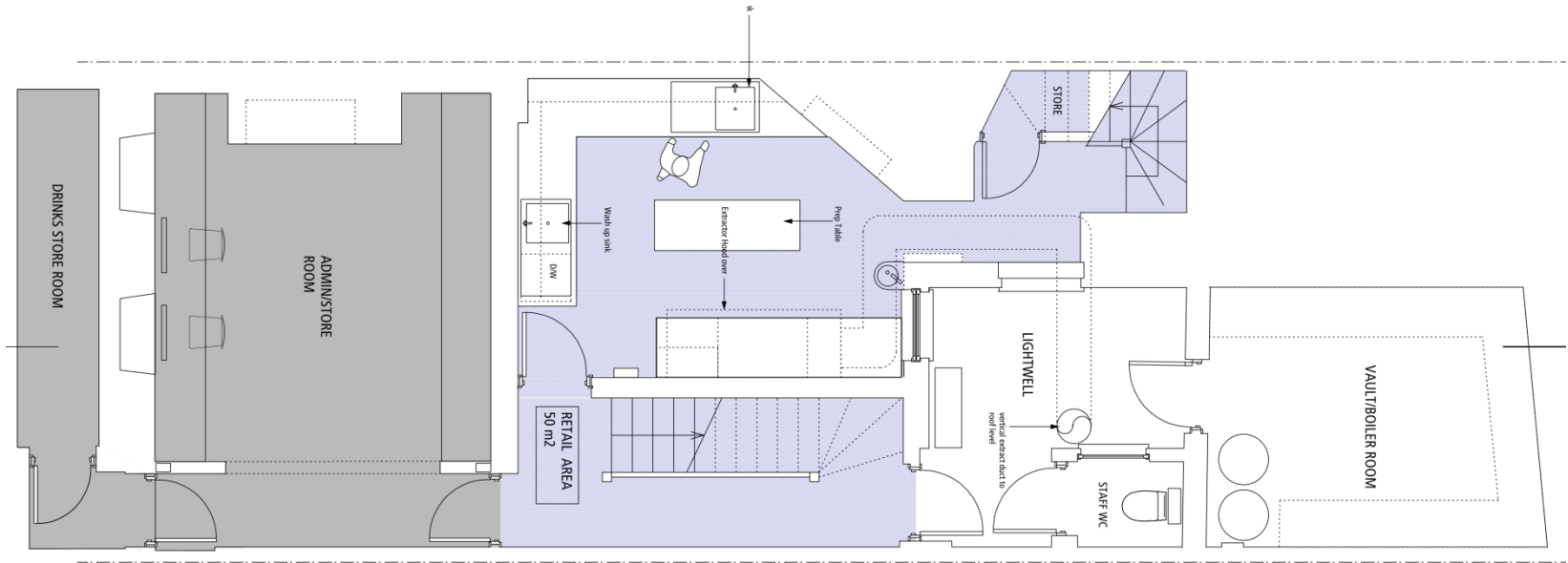
34 Great Queen Street

Existing basement plan



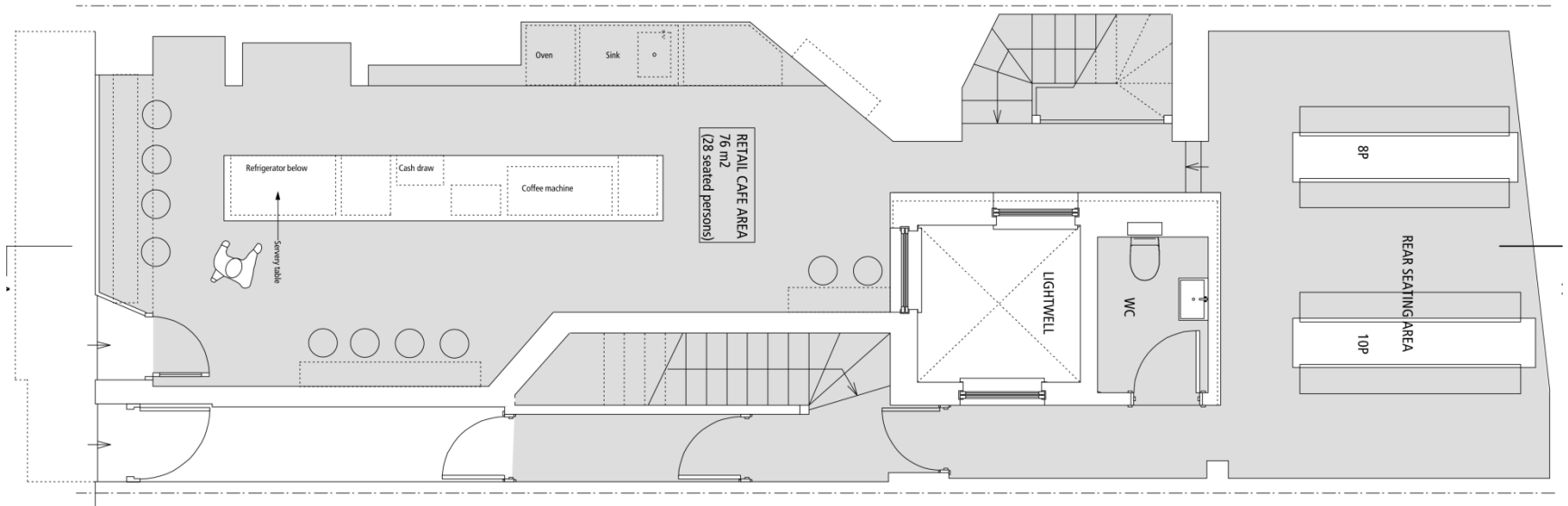
34 Great Queen Street

Proposed basement plan



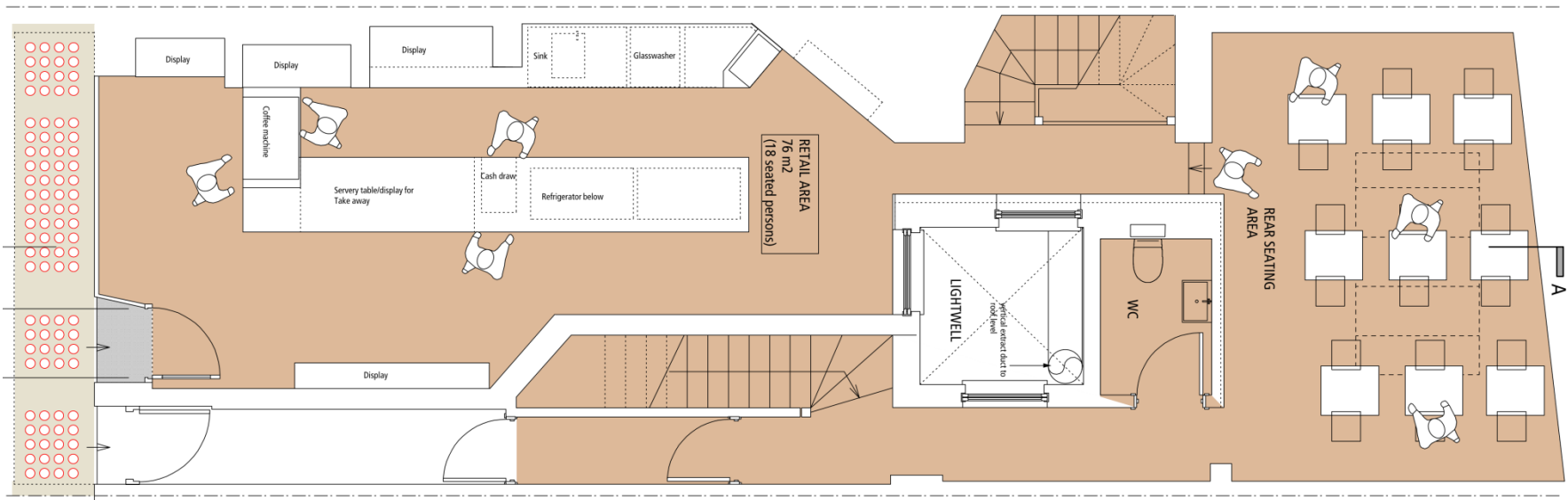
34 Great Queen Street

Existing ground floor plan



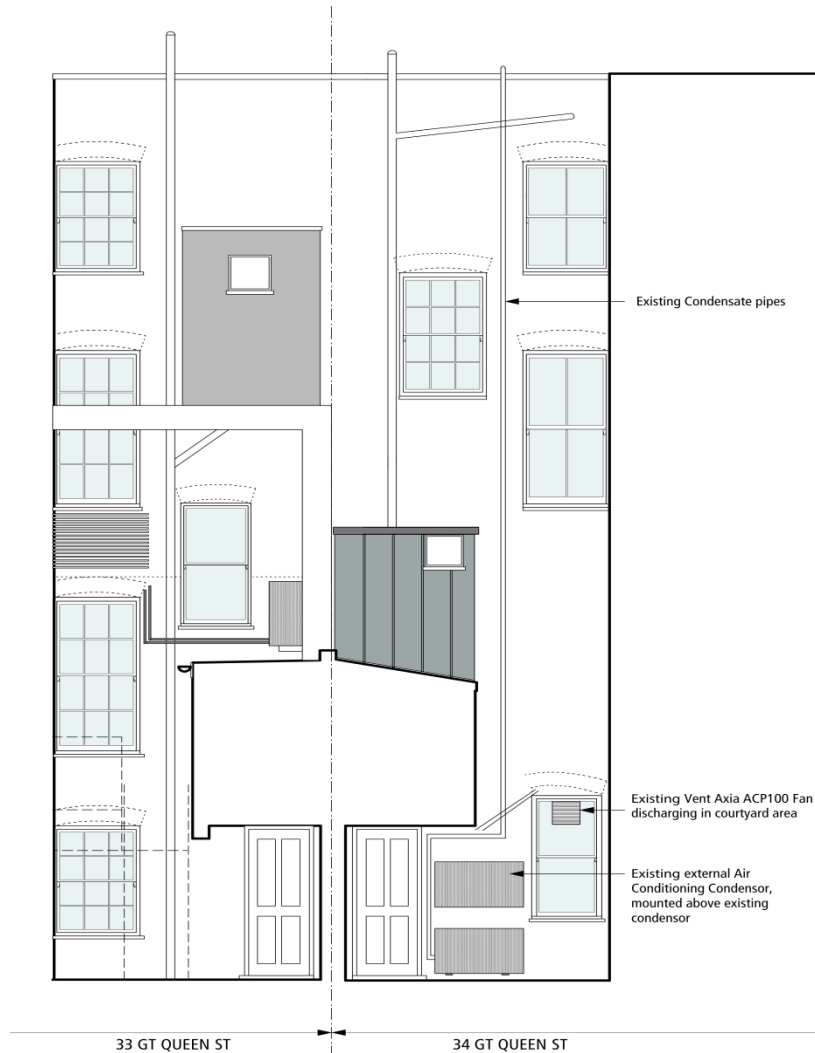
34 Great Queen Street

Proposed ground floor plan



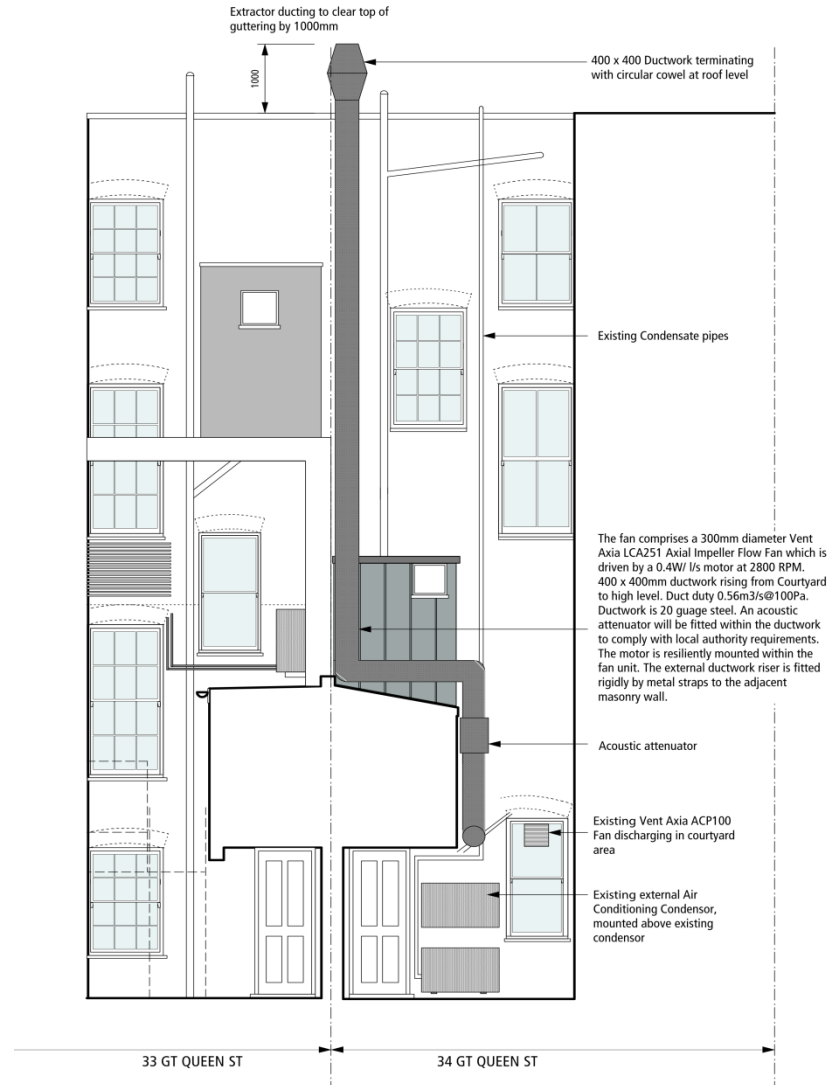
34 Great Queen Street

Existing rear elevation

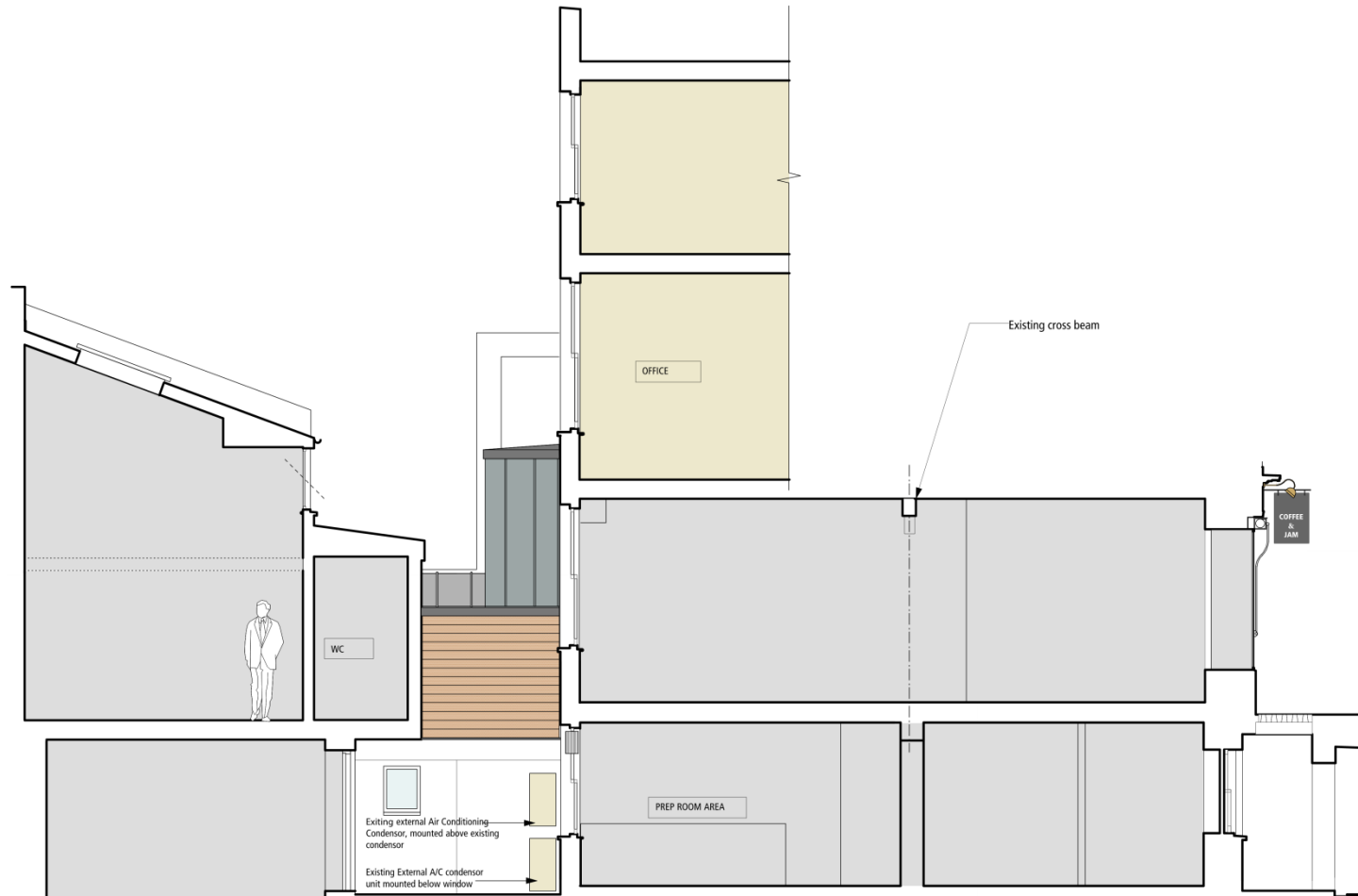


34 Great Queen Street

Proposed rear elevation



34 Great Queen Street



34 Great Queen Street

