

Ms Kirsty Barnes
AAH Planning Consultants
AAH Planning Consultants
27 Old Gloucester Street
London
WC1N 3AX

Application Ref: **2017/0782/P**
Please ask for: **Hugh Miller**
Telephone: 020 7974 **2624**

31 May 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
57 Lamb's Conduit Street
London
WC1N 3NB

Proposal:
Change of use from retail (Class A1) to a mixed retail (Class A1) and restaurant (Class A3) use at basement and ground floor levels.
Drawing Nos: Location plan; 400 Rev A; Revised Planning Statement, Our Ref: 73600, January 2017; AAH Planning Consultants.

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; 400 Rev A; Revised Planning Statement, Our Ref: 73600, January 2017; AAH Planning Consultants.]

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

- 3 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 and emerging policies A1 and A4.

- 4 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 and emerging policies A1, TC1, TC2, A4, TC4.

- 5 The use as Class A3 (restaurant) at the ground and basement floors as shown on the approved plans shall not be open to customers outside of the following times:

Monday 8.30am till 6.30pm, Tuesday to Friday 8.30am till 10.30pm and Saturday 10.00am till 5.30pm and closed on Sundays.

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, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies and emerging policies A1, TC1, TC2, TC4.

- 6 The restaurant use hereby permitted shall have no deliveries, loading or unloading of goods or refuse between the hours of 18:30pm and 08:30am Mondays to Sundays.

Reason: To safeguard the amenities of occupiers of the proposed use, 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 and policies A1, A4.

Informative(s):

1 Reasons for granting permission:

The application site measures approximately 94.84sqm sqm over the basement and ground floors. It lies within a designated Neighbourhood Centre within the Central London Area with a mixed commercial and residential uses. The unit is currently occupied as A3 (restaurant) at the ground and basement floor levels in accordance with Part 3, Changes of use, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015. The designated premises includes a mix of retail uses largely at the ground floor levels at Lambs Conduit Street, west side units nos. 29 - 63, including nos.19-21 Great Ormond Street. On the east side, nos. 28 - 94 including nos.13 and 17 Ruby Street also no.35 Emerald Street. Policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) seeks to manage development of shopping, services, 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. Policy CS7 and DP12 has a general presumption in favour of locating food, drink and entertainment uses within central locations such as this, on the basis that they are appropriately located in mixed commercial areas to minimise their impact on residential amenity, such as to ensure that they do not cause individual or cumulative harm to an area. In neighbourhood centres the Council seeks to maintain an acceptable level of convenience shopping, and to ensure that centres have an overall mix of uses. For Lambs Conduit Street, the council's CPG5 Planning Guidance: Town Centres, Retail and Employment/ Retail Uses, states the Council will not support proposals that results in:

- less than 50% of ground floor premises being in A1 retail use; or
- more than 25% of premises being in food, drink and entertainment uses; and
- more than 2 consecutive food, drink and entertainment uses.

The Council will also take into account the retail characteristics of the neighbouring premises in assessing applications. When a change of use from retail (Class A1) is proposed the Council normally seeks to ensure that a certain level of retail use is retained in designated centres in order to protect the character, function, viability and vitality of the area. In this instance, the proposal is currently use as an A3 use with 2 years temporary permission. Within this neighbourhood centre there are 52 units. The proposed unit is located within a parade of 20 units on the west side of Lambs Conduit Street; and all but 7 of the units are within retail A1 use (excluding the application site). On the east side there are 32units. Presently, there are 34x retail A1 units (65.38%); 7x restaurants A3 units [including the application site] (13.46%); 5x D1 (9.61%); 1x C3 (1.92%); and 2x public houses A4 (3.84%) plus 1x unknown unit within the neighbourhood centre. In terms of cumulative impact; there are no consecutive food, drink and entertainment uses within the centre. On the west side, the A3 units are at nos. 39, 51, 57 & 61 + an A4 unit at no.63. On the

east side, the A3 units are at nos. 54, 68, and 90 with an A4 unit at no.90. In terms of size, the unit is over two floors (basement and ground floor) and measure 94.84sqm in floor area; and is below the 100sqm threshold as noted in CPG5. Approximately 94.84sqm of floorspace comprising 56 covers that includes 10 external seating would be limited to the ground floor; and the remainder is for food preparation and display.

The LDF recognises the potential for new, or extended, restaurant uses to harm the amenity of adjoining residential occupiers, and as such seeks to steer them toward designated centres. The current hours of operation times are Monday 8.30am till 6.30pm, Tuesday to Friday 8.30am till 10.30pm and Saturday 10.00am till 5.30pm and closed on Sundays.

- 2 Design: No external alterations are proposed. The premises have already the use of an existing extraction system with no new extraction system proposed.

Amenity for occupiers and neighbours / Plant equipment: The closest noise sensitive windows (residential occupiers) lie on the upper floors of no.57 Lambs Conduit Street and the houses on either side and in Ormond Street. The host building has already the use of an existing extraction system and there does not seem to have been any issues thus far regarding noise disturbance; largely owing to a high percentage of cold deli style food which does not require cooking. The limited amount of hot dishes which are prepared also use oven and microwave; and the existing extraction ventilation system would continue to manage odour from the hot dishes which are prepared. On this basis, the extant plant equipment would continue to co-exist without harm to neighbouring occupiers. This view has been supported by the Council's Environmental Health Officer, subject to conditions and compliance with noise level thresholds. The conditions will also ensure that should the plant be noisier than anticipated then the local planning authority will have sufficient powers to take the necessary enforcement action if required. The operation of the plant machinery would not have a detrimental impact on neighbouring amenity in terms of noise; and or outlook.

It is considered that the change of use from retail A1 use to a mixed retail (Class A1)/ restaurant (Class A3) use complies with policies and guidance; and the character, function, viability and vitality of the centre be protected. The submitted acoustic report has demonstrated that there would be no harm to residential occupiers' amenities (noise disturbance) at nearby buildings and conditions are proposed to ensure noise levels remain within the standards in the future.

Press and site notices were displayed. 1 letter of support and no objections have been received prior to making this decision and considered in relation to the proposal; and the planning and appeal history of the site was taken into account in coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 (CA's) of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and

Regulatory Reform Act (ERR) 2013.

As such, the proposed details are in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP24, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1, A4, TC1, TC2, TC4 of the London Borough of Camden Local Plan Submission Draft. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

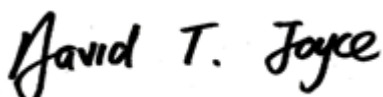
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 4 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.
- 5 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

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.

You can find advice about your rights of appeal at:

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

Yours faithfully



Executive Director Supporting Communities

David Joyce
Director of Regeneration and Planning