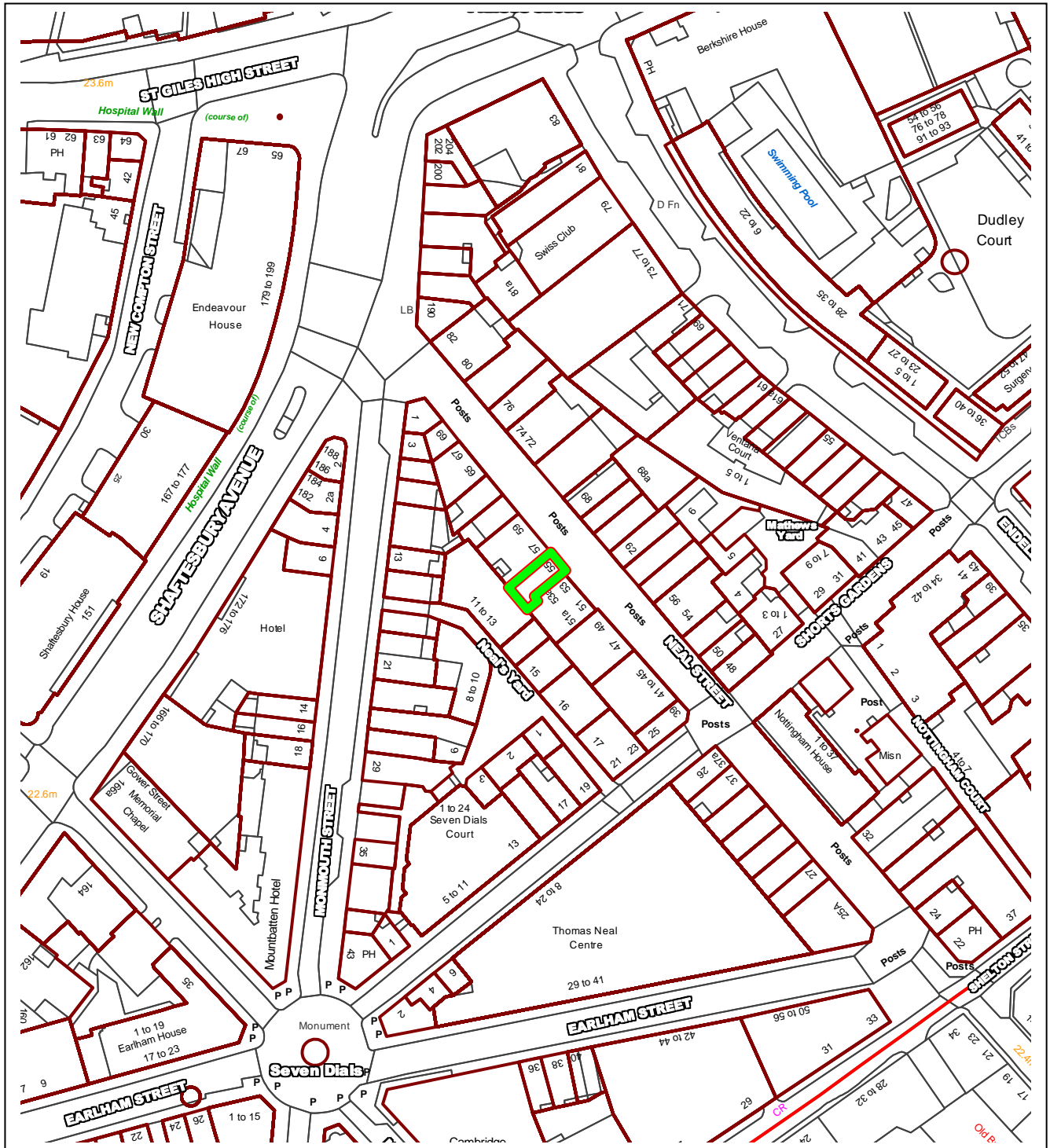


2017/6320/P- 55 Neal Street



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1. 55 Neal Street (Nordic Bakery)



2. Neal Street Frontages



3. Neal Street Frontages



Delegated Report		Analysis sheet		Expiry Date:	04/01/2018
		N/A		Consultation Expiry Date:	04/01/2018
Officer			Application Numbers		
Samir Benmbarek			2017/6320/P		
Application Address			Drawing Numbers		
55 Neal Street London WC2H 9PJ					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of the basement and ground floors from retail (Class A1) use to a flexible use for either continued retail (Class A1) use or restaurant/cafe (Class A3) use					
Recommendation:		Grant Conditional Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	--	No. of responses	00	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed in close proximity to the site from 07/12/2017 (expiring on 28/12/2017). A press notice was displayed on 14/12/2017 (expiring on 04/01/2018). To date, one comment has been received from the following address:</p> <ul style="list-style-type: none">14 Neal's Yard <p>The comments are summarised as below:</p> <ol style="list-style-type: none">Area is already “overloaded” with eating establishments.Noise nuisance and general disturbance to residents in the area. <p>Officer’s Comment’s</p> <ol style="list-style-type: none"><i>Upon assessment of the immediate and local area, it is not considered the proposal would lead to an intensification of A3 uses within the Covent Garden retail area. Please refer to section 2.0.</i><i>Operating times have been conditioned upon approval. Please refer to paragraph 4.4.</i>					
CAAC/ National Amenity Society comments:	<p>A response was received from the Covent Garden Community Association (CGCA). Their comments are summarised below:</p> <ol style="list-style-type: none">Objects to permissions for dual use, which is believed to be unlawful.Granting the potential to change to another use class effectively removes planning control. <p>Officer’s Comments</p> <ol style="list-style-type: none"><i>This application has been determined by assessing the loss of the A1 unit for A3 use which is considered in this context to be acceptable. Dual use applications are not unlawful. Please refer to section 2.0.</i><i>Conditions restricting primary cooking and operating hours have been attached upon approval. Please refer to paragraphs 4.3 and 4.4 of this report and the decision notice.</i>					

Site Description

The application is related to a ground and basement floor unit located within the five storey (above ground) building on the western side of Neal Street. The building is located within the Seven Dials Conservation Area and is a Grade II listed building. The gross internal area of the unit is 99sqm and the current occupiers of the ground floor and basement unit are the “*Nordic Bakery*”. The current use of the unit is A1 (retail).

Relevant History

No relevant planning application history.

Relevant policies

National Planning Policy Framework, 2012

The London Plan 2016

Camden Local Plan 2017

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

TC2 (Camden’s centres and other shopping areas)

Camden Supplementary Planning Guidance

CGP5 (Town Centres and Employment)

1. Proposal

1.1 Planning permission is sought for the flexible use of the ground floor and basement unit of No. 55 Neal Street to be either continued A1 use (retail) or as A3 use (restaurant/ café). This concerns a floorspace of exactly 99sqm encompassing both ground floor and basement level.

1.2 Should the unit be converted into A3 use, no primary cooking shall take place within the unit. Mechanical ventilation and extraction is not proposed within the change of use and no external alterations are proposed. Although there would be no primary cooking on site as a result of the potential change of use to A3, there would be a significant element of waiting and table service in which is considered a part of restaurant and café use (A3) as opposed to retail (A1).

1.3 The main issues for consideration are:

- The impact of the flexible change of use from retail (Use A1) to either continued retail (Use A1) or restaurant/café (Use A3)
- The impact of the proposal upon the character and appearance of the host building and nearby conservation areas
- The impact the proposal may have upon the amenity of the occupiers of the neighbouring and potential residential occupiers

2. Assessment of Change of Use from Retail (Use A1) to flexible use of Retail (Use A1) and Restaurant/Café (Use A3)

2.1 The application unit is a 99sqm ground floor and basement unit located within No. 55 Neal Street which is located within the Covent Garden retail area within Central London. The unit is also within a primary frontage of the Covent Garden retail area.

2.2 In reference to the Camden Local Plan, the protection of retail upon key frontages within designated town centre locations/ retail areas within the borough is important. In particular, policy TC2 ensures that development will not cause harm to the character, function, vitality and viability of a town centre and will consider (amongst other criteria) the effect of non-retail development on shopping provision and the character of the centre of which it is located. Furthermore, criteria f of policy TC2 protects the primary frontages as locations with high proportion of shops in order to maintain the retail function of the centre.

2.3 In association with policy TC2, the document 'Camden Planning Guidance 5- Town Centres and Employment' (CPG5), details where within the town centres of retail areas, the primary and secondary frontages are located and the minimum provision of A1 units at ground level which should be provided on a block by block basis. The application site is within a primary frontage within the Covent Garden retail area (Central London) and as advised within CPG5, 80% of the blocks within the frontage are to be retail.

2.4 Along the group of buildings in which is application building is located (as detailed on the map within CPG5, p. 46), there are in total 20x ground floor units and associated frontages. The span of the frontage is from No. 1 Shorts Gardens to No. 69 Neal Street. The current provision of retail and other uses is demonstrated in the table below.

Address	Existing Use	Existing Occupier
1 Shorts Gardens	A1	Spex in the City
3 Shorts Gardens	A3	Souk Medina
5-11 Shorts Gardens	A1	Vacant
13 Shorts Gardens	A1	Element
15 Shorts Gardens	A1	The Cambridge Satchel Company
17 Shorts Gardens	A1	Neal's Yard Dairy
19 Shorts Gardens	A1	Benefit
21-23 Shorts Gardens	A1	Holland and Barratt
39 Neal Street	A1	Vacant
41-43 Neal Street	A1	Speedos
45 Neal Street	Entrance- Not ground floor unit	N/A
47-49 Neal Street	A1	Knoma
51 Neal Street	A1	Havaianas
53 Neal Street	A1	Superga
55 Neal Street	A1	Nordic Bakery
57-59 Neal Street	A1	Office
61 Neal Street	A1	Vacant
63 Neal Street	A3	Pix
65 Neal Street	A1	Leather Store
67 Neal Street	A1	Vacant
69 Neal Street	A1	Ollie Quinn
Existing A1 Percentage= 90%		

2.5 The existing retail provision within the primary frontage is currently at 90% in which as a result of No. 55 Neal Street being converted into potential A3 use, the provision would be 85%. In policy terms in regards to maintaining retail provision and frontages, this is considered to be acceptable. The proposed provision of retail and other uses are shown in the table below.

Address	Existing Use	Existing Occupier
1 Shorts Gardens	A1	Spex in the City
3 Shorts Gardens	A3	Souk Medina
5-11 Shorts Gardens	A1	Vacant
13 Shorts Gardens	A1	Element
15 Shorts Gardens	A1	The Cambridge Satchel Company
17 Shorts Gardens	A1	Neal's Yard Dairy
19 Shorts Gardens	A1	Benefit
21-23 Shorts Gardens	A1	Holland and Barratt
39 Neal Street	A1	Vacant
41-43 Neal Street	A1	Speedos
45 Neal Street	Entrance- Not ground floor unit	N/A
47-49 Neal Street	A1	Knoma
51 Neal Street	A1	Havaianas
53 Neal Street	A1	Superga
55 Neal Street	A3	Nordic Bakery/ Other
57-59 Neal Street	A1	Office
61 Neal Street	A1	Vacant
63 Neal Street	A3	Pix
65 Neal Street	A1	Leather Store
67 Neal Street	A1	Vacant
69 Neal Street	A1	Ollie Quinn
Existing A1 Percentage= 85%		

2.6 As a result of the proposal, there would not be a result of more than 25% of the total number of units in that frontage being in food drink and entertainment uses (it would result at 15%); there would not more than 2x food drink and entertainment uses consecutively; and the floor area of the application unit is less than 100sqm. Furthermore, there is a high provision of retail within the adjacent and opposite frontages by the application site, and overall it is not considered the potential change of use to A3 to be a detriment to the viability and vitality of the Covent Garden retail area.

2.7 CPG5 states that within the Covent Garden area, in order to avoid clusters of food, drink or entertainment uses that cause harm to the amenity of the area and to the residential population food and drink uses greater than 100sqm will be resisted. As the A3/A4 use would be less than 100sqm (at 99sqm), the proposed change of use would accord with the requirements of CPG4 and policy TC2.

3. Assessment of the Character and Appearance upon the Host Building and Conservation Area

3.1 The western side of Neal Street is characterised by four and five storey buildings with a commercial unit at ground floor level. The design of the buildings are varied with a mix of Victorian, post-war and recent architecture. There are no external alterations proposed to the host building (which is listed) and therefore it is considered that the proposal would not affect the character and appearance of the building or the surrounding conservation area.

3.2 Should any external changes be proposed on the building after permission of this application, further planning permission and listed building consent would need to be gained. Listed building consent is not required in this instance as there are no internal or external works being proposed to the building as part of the development.

4. Assessment of the Impacts of Amenity upon Neighbouring and Potential Residential Occupiers

4.1 The site is neighboured by a number of buildings with residential uses (mainly on the upper floors) which need to be taken into regard when assessing impacts of amenity. Within the Camden Local Plan, protecting the quality of life for occupiers and neighbours is important. In particular, policy A1 ensures that development that causes adverse amenity impacts upon neighbours in terms of sunlight, daylight, privacy and overlooking, noise, vibration, and odour would not be permitted.

4.2 As there are no physical alterations or extensions being proposed within the change of use, it is considered that the proposal would not affect the amenity of neighbouring occupiers in terms of sunlight, daylight, privacy and overlooking, noise, vibration and odour.

4.3 Should mechanical plant be proposed in association with the flexible A3 use, further planning permission would be required to assess the impact of noise and vibration of the proposed plant towards adjoining residential occupiers. A condition is attached upon approval to ensure that no primary cooking is done within the premises. The applicant is aware of this and is willing for this condition to be attached.

4.4 Operating hours to the proposed A3 use will be applied upon approval as a condition to ensure that the use does not adversely impact upon adjoining residential occupiers in respect to noise and general disturbance from patronage. The opening times are 08:00-00:00 Monday to Friday, 08:00- 00:00 on Saturdays and 09:00 - 22:30 Sunday and Bank Holidays.

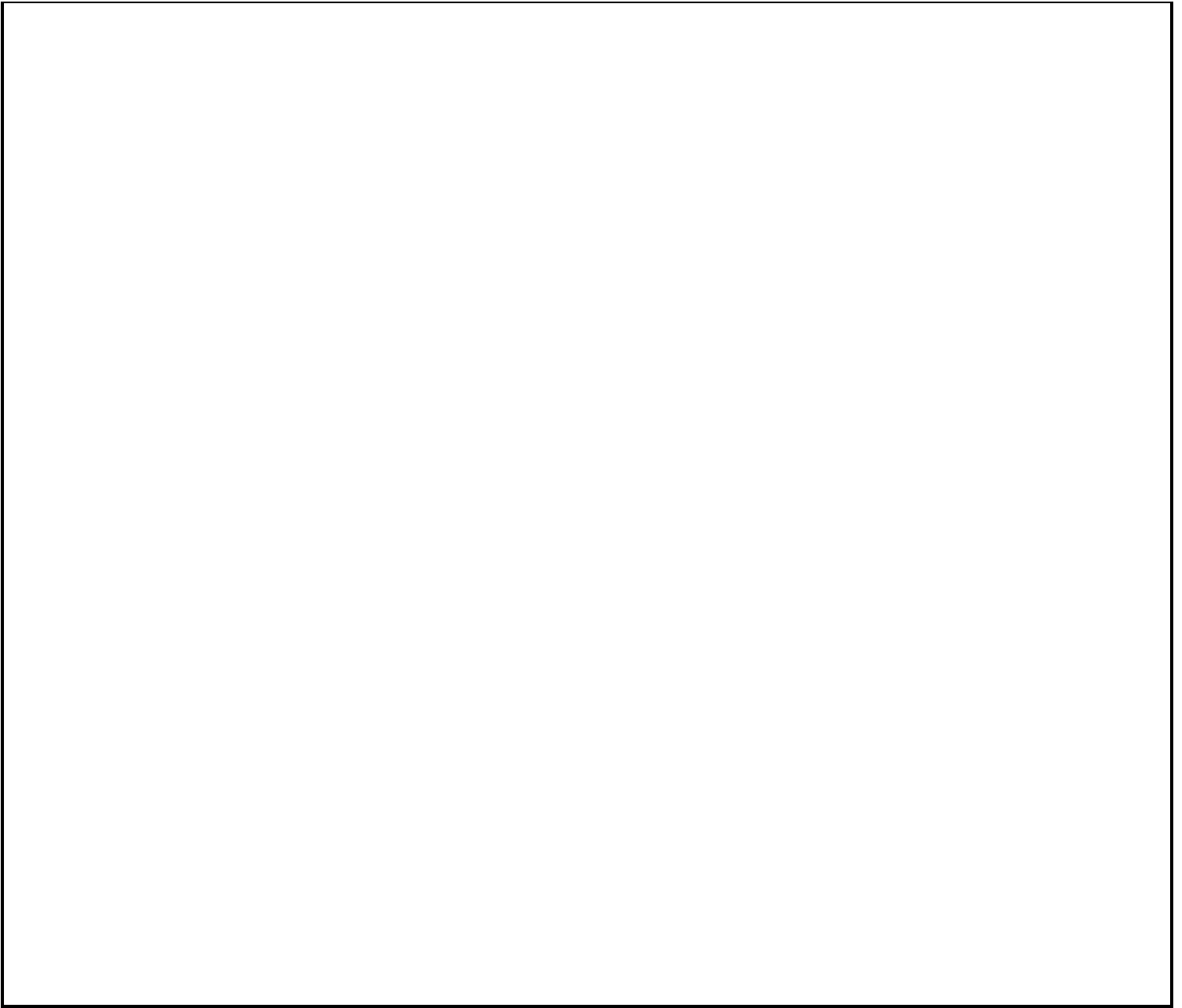
4.5 Overall, it is considered that the proposal would not adversely impact upon the amenity of adjoining residential occupiers.

5. Recommendation

Grant conditional planning permission.

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 5th March 2018, 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'.



Mr R Litherland
Rolfe Judd Planning [P6893]
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Application Ref: **2017/6320/P**
Please ask for: **Samir Benmbarek**
Telephone: 020 7974 **2534**

19 February 2018

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
55 Neal Street
London
WC2H 9PJ

DECISION

Proposal:
Change of use of the basement and ground floors from retail (Class A1) use to a flexible use for either continued retail (Class A1) use or restaurant/cafe (Class A3) use.

Drawing Nos: 23953: E00 (OS Extract); E01; P01; P02; Cover Letter by Rolfe Judd dated 09 November 2017.

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).

Executive Director Supporting Communities



- 2 No primary cooking of raw food shall take place on the premises without a flue and/or mechanical plant first being installed on the premises in which full details shall be submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that adjoining residential occupiers and the general area is not affected by odour in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

- 3 The use hereby permitted shall not be carried out outside the following times 08:00- 00:30 Mondays to Saturdays and 09:00-23:30 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1 and TC2 of the London Borough of 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 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 You are advised that any physical internal alterations will require listed building consent and any physical external alterations will require further planning permission and listed building consent. This will need to be submitted to the Local Planning Authority and approved in writing.

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

Director of Regeneration and Planning

DRAFT

DECISION