

[REDACTED]

From: Whittingham, Gideon
Sent: 17 May 2018 16:27
To: Planning
Subject: FW: Planning Application - 2018/0483/P - 100-102 JUDD STREET - objection by Simpson, Jonathan (Councillor)
Attachments: DRAFT BRAG Comments for Half Cup v2 (2).docx

Gideon Whittingham BA BSc DipTP
Senior Planning Officer
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From: Simpson, Jonathan (Councillor)
Sent: 11 April 2018 17:12
To: Whittingham, Gideon [REDACTED] Planning <Planning@camden.gov.uk>
Subject: Re: Planning Application - 2018/0483/P - 100-102 JUDD STREET

Dear Gideon,

I would like to add my objection to the above planning application as the ward member. I support the comments made by BRAG on this application.

Kind regards,

Jonathan Simpson
Cabinet Member for Promoting Culture & Community Services
Labour Councillor for King's Cross ward

[REDACTED]

From: [REDACTED]
Sent: 11 April 2018 17:03
To: Simpson, Jonathan (Councillor); Hai, Abdul (Councillor)
Cc: Debbie Radcliffe; Whittingham, Gideon; Planning
Subject: Re: Planning Application - 2018/0483/P - 100-102 JUDD STREET

Dear Councillors Hai and Simpson

The premises concerned in this application has caused concern for your constituents here for some years.

Please would you be able to let us know if you will be supporting our objection to this change of use (copy attached)?

Regards

Bob McIntyre

Jessel House Residents Association

On Tue, Apr 10, 2018, at 1:20 PM, Whittingham, Gideon wrote:

Thank you for your comments.

For future reference, please email consultation comments to planning@camden.gov.uk

Regards

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Please consider the environment before printing this email.

From: [REDACTED]
Sent: 10 April 2018 11:39
To: Whittingham, Gideon [REDACTED]
Cc: Simpson, Jonathan (Councillor) [REDACTED]; Hai, Abdul (Councillor) [REDACTED]; Debbie Radcliffe [REDACTED]
Subject: Planning Application - 2018/0483/P - 100-102 JUDD STREET

Dear Mr Whittingham

I write with reference to the planning application 2018/0483/P - 100-102 JUDD STREET.

I attach an objection from the Jessel House Residents Association and the Bloomsbury Residents Action Group (BRAG).

I have tried without success to use the online tool to register this objection.

Please would you confirm receipt of this document.

Regards

Bob McIntyre

Chair, Jessel House Residents Association.

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Planning Application - 2018/0483/P - 100-102 JUDD STREET

OBJECTION from Bloomsbury Residents Action Group and Jessel House Residents Association

The Bloomsbury Resident Action Group (BRAG), which was formed in May 2016 to be Voice for residents in the streets south of the Euston Road.

The Jessel House Residents' Association represents the 80 residential properties of Jessel House, Judd Street.

We object strongly to the application for Change of Use of the premises at 100-102 Judd Street.

The application site was originally designed as two separate retail units on the ground floor of a large mansion block called Jessel House. This early 20th century building (1914) is identified as a Positive Contributor to the Bloomsbury Conservation Area (see page 149 of the Bloomsbury Conservation Area Appraisal (2011)

No planning permission

In 1999 number 100 Judd Street was in use as a café and an application was made on 19 July 1999 for Change of Use of 102 to "Sandwich bar, with the formation of a new opening between the two properties".

The application was withdrawn and not approved.

Looking at the proposed plans (2018) and the plans submitted in 1999 it is clear that the intervention – including the formation of an opening between 100 and 102 Judd Street was carried out without planning permission.

Since then the café has operated in both properties, as well as adding chairs and tables on to the forecourt outside.

Unlawful cooking

In early 2012, neighbour complaints relating to primary cooking and associated odours resulted in enforcement action. The provision of cooked food for consumption on the premises was considered unlawful.

This led to an application in 2013 for a change of use from A1 to A3. (**Application Number 2013/0759/P**)

Objections were made by residents of Jessel House, the freeholder and managing agent of Jessel House, a local Councillor and Bloomsbury Conservation Area Advisory Committee.

Odours from primary cooking permeated the residential flats above the premises, as well as the open stairs and passageways. (and continue to do so)

The application was **refused** due to harm to residential amenity.

"In the absence of an adequate odour and acoustic noise report, the applicant has failed to demonstrate that the proposed use would not harm the amenity of any surrounding occupiers or neighbours, contrary to Policies CS5 (Managing the impact of growth and development) and CS9 (Achieving a successful Central London) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (noise and vibration) of the London Borough of Camden Local Development Framework Development Policies."

Ongoing complaints

Despite the enforcement ruling in 2012, planning refusal in 2013 and the assurance that no odours would arise from cooking when an alcohol licence was approved, cooked food has continued to be provided to customers in contravention of planning use and the amount of cooking (and associated odour nuisance) has been steadily increased over the last 2 or 3 years.

There has been a history of complaints from neighbouring residents to Camden Council regarding cooking odours in particular, a letter of complaint was sent to officers and councillors in September 2017.

This appears to have resulted in another application for change of use from A1 to A3, to permit the ongoing breach of primary cooking, which takes place daily, without acceptable ventilation, and causes harm to the adjacent residential community.

There is considerable local disquiet at the cooking smells that continue to permeate the residential flats and stairways directly above the café. Grease from the cooking taking place also leaks out from the café and coats the walkway of Jessel House adjacent to the kitchen of the premises. This is a slip hazard and also a fire hazard and requires the use of chemical degreasant for removal which also risks permanent damage to the building.

Planning considerations

The applicant uses as justification for change of use that the premises has been trading as a café / restaurant for many years. The restaurant use is a fairly recent development and the amount of cooked food being prepared daily has been increased steadily over the last year or two. There is no possibility of the premises having “established use” (ie. 10 year rule) as the premises was closed down and “squatted” residentially for several years prior to the current lease.

The freeholder of the property “Michael Carrington and Associates” has not been consulted in this matter and would be unlikely to agree to such a change of use in view of the adverse effect of the primary cooking at the premises on the residents of Jessel House of which Carringtons are also the freeholder and managing agents.

With the changes to the Kings Cross neighbourhood spurred on by the development of the railway lands to the north of the Euston Road, and the proposed changes to the Camden Town Hall at the top of Judd Street, attention should be given to the fact the premises at 100-102 could be very suitable for uses other than a café/restaurant, especially as residents have consistently objected to the smells emanating from cooking at this location, and proper extractor ventilation is impossible due to the design of the building.

There is therefore no justification for loss of retail A1 floorspace.

Policy E1 of Camden’s Local Plan (economic development) seeks to support businesses of all sizes, particularly start-ups, small and medium sized enterprises. It recognises the importance of other employment generating uses including retail, education, health, markets, leisure and tourism. There are already many food outlets on Judd Street and within the neighbouring streets.

The location of 100-102 Judd Street, the size of premises, its location and access to the mainline and underground stations of Euston, Kings Cross, St Pancras and Russell Square, could provide convenience and choice in retail amenity to people working in the wider area.

Policy TC3 (shops outside of centres) states that the Council will protect small shop units such as the one subject of this application, which contribute to local character, function, viability and amenity.

Conclusion

In our view, despite the use of the premises' use as a café, and illegal use as a restaurant, this is an inappropriate location for any cooking whatsoever. The reason it was designated a shop, ie. A1, was for the obvious reason that there are 6 storeys of residential flats immediately above, with open stairs and walkways.

A planning officer has been consulted on the application. In her view is that the "small amount of cooking" does not justify "a full blown commercial system" which would in turn require an extractor, but anyway, as the applicant's design statement points out, "the rear would not be suitable for an extraction system".

Allowing this premises change of use without a proper exhaust ventilation system may be an unfair application of the law in view of the fact that the "Humaira Restaurant" at 112 Judd Street was required to install and is required to maintain a suitable ventilation system, which takes the cooking smells from their kitchen up and vents out above the top floor of the residential properties, thereby avoiding odour nuisance to residents. The residents of Jessel House are grateful to the Humaira Restaurant for their diligence in minimizing the impact of their operation upon their neighbours.

The present proposal appears to be simply to blow the cooking odours out of the front of the building rather than allowing them to escape at the rear of the building as they currently do. If cooking smells cause a negative impact on residential amenity and quality of life, then that activity should be stopped.

The justifications for refusing the application in 2013 are as valid in 2018 as they were five years ago. The proposal was considered unacceptable on amenity grounds and this formed the reason for refusal.

BRAG and the Jessel House Residents' Association object strongly to the change of use from A1 to A3 for the premises known as Half Cup, which operates from 100-102 Judd Street.