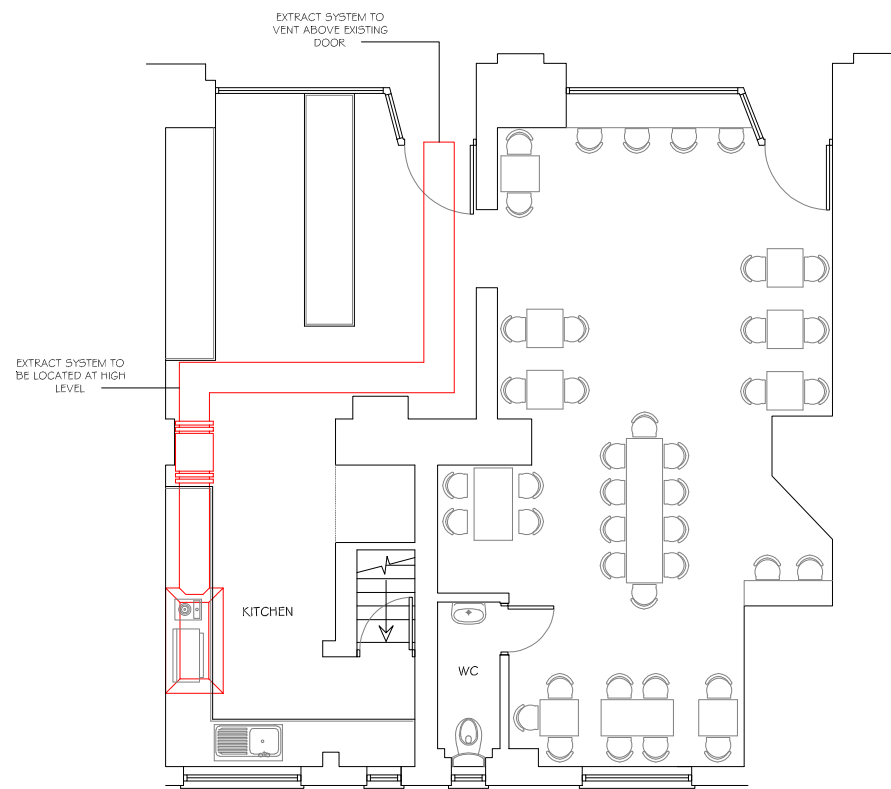


# 100-102 Judd Street - 2018/0483/P

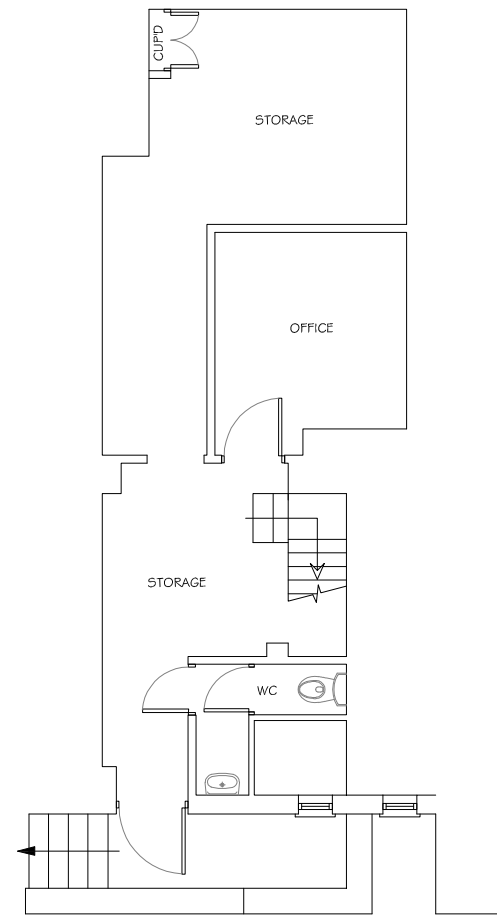




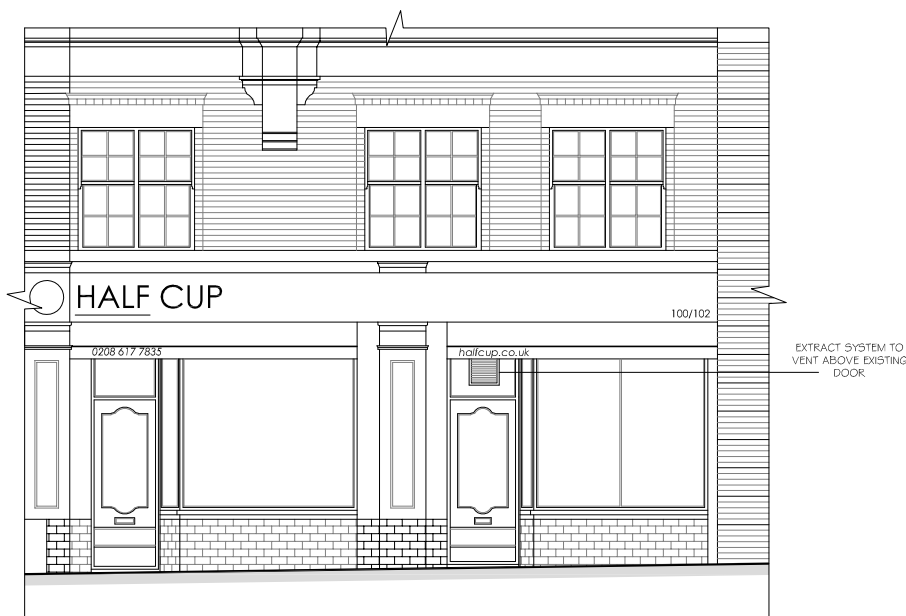
Front elevation - photograph



PROPOSED GROUND FLOOR PLAN



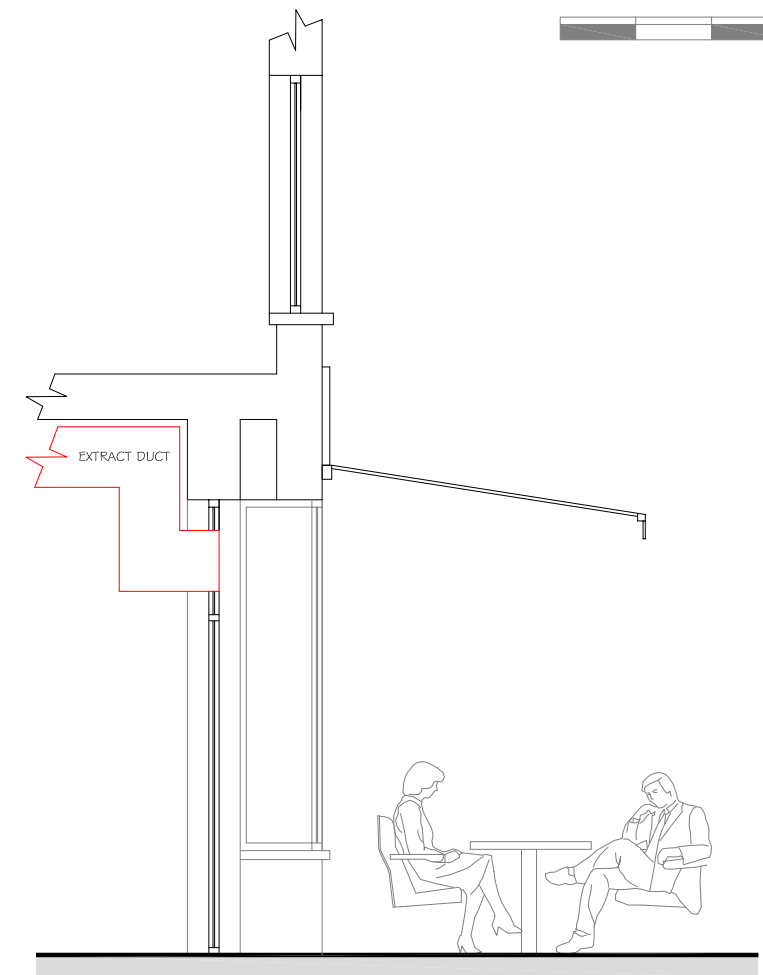
PROPOSED BASEMENT FLOOR PLAN (NO CHANGE)



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION (NO CHANGE)



PROPOSED PART SECTION (1:50)

REVISION NOTES:		
REV:	DATE:	NOTES:
A	21/06/2018	ALTERATIONS TO TITLE BLOCK

DRAWING TITLE:  
PROPOSED FLOOR PLANS & ELEVATIONS  
INC BLOCK PLAN & SECTION

CLIENT:  
KUMARI MORAR

PROJECT NO:  
926

PROJECT ADDRESS:  
HALF CUP  
100 - 102 JUDD STREET  
LONDON  
WH1H 9NT

DATE:  
JAN 2018

SCALE:  
1:50 1:100 1:500  
@ A3

DRAWING NUMBER:  
02A

change the use.co.uk  
From The Planning Guys

CHANGE THE USE  
2 WEST STREET  
EWELL  
SURREY  
KT17 1UU

t: 0208 393 2675  
m: info@changetheuse.co.uk  
w: www.changetheuse.co.uk

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>18/05/2018</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	19/04/2018
<b>Officer</b>			<b>Application Number(s)</b>	
Gideon Whittingham			2018/0483/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
100-102 Judd Street LONDON WC1H 9NT			See draft 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>				
Change of use from A1 (Coffee Shop) to A3 (Restaurant) with provisions for a kitchen extract system.				
<b>Recommendation(s):</b>		<b>Grant Planning Permission</b>		
<b>Application Type:</b>		<b>Full Planning Permission</b>		

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>
Informatives:	
<b>Consultations</b>	
Adjoining Occupiers:	
Summary of consultation responses:	<ul style="list-style-type: none"> <li>• A site notice was displayed in close proximity to the site from 29/03/2018 (expired on 19/04/2018).</li> <li>• A press notice was displayed on 29/03/2018 (expired on 19/04/2018).</li> </ul> <p>The occupiers of No. 40 Jessel House, Judd Street objected regarding:</p> <ol style="list-style-type: none"> <li>1. The proposed location of the extract will disrupt the existing Edwardian elevation</li> <li>2. The proposed location of the extract will blow cooking smells directly into our bedroom window.</li> <li>3. Concern related to monitoring, methodology and findings associated with the Noise assessment</li> </ol> <p>Officer response:</p> <ol style="list-style-type: none"> <li>1. See 'Impact on building and wider conservation area' section</li> <li>2. See 'Impact of uses upon residential amenity' section</li> <li>3. See 'Impact of uses upon residential amenity' section and paragraph 2.3</li> </ol>
CAAC/Local groups comments:	<p><b>Bloomsbury CAAC objected [summary]:</b></p> <ol style="list-style-type: none"> <li>1 <i>Units 100 and 102 Judd Street are shown on previous schemes as two separate units</i></li> <li>2 <i>The amalgamation of units 100 and 102 Judd Street did not receive planning permission</i></li> </ol> <p>Officer comment: See Background section</p> <p><b>Bloomsbury Residents Action Group (BRAG) and Jessel House Residents Association objected [summary]:</b></p> <ol style="list-style-type: none"> <li>1 <i>Units 100 and 102 Judd Street are shown on previous schemes as two separate units</i></li> <li>2 <i>The amalgamation of units 100 and 102 Judd Street did not receive planning permission</i></li> <li>3 <i>Primary cooking has taken place historically on site without the necessary planning permissions, as highlighted in previous enforcement actions and planning applications</i></li> <li>4 <i>The 2013 application (2013/0759/P) was refused and 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.</i></li> <li>5 <i>Odours from primary cooking continue to this day</i></li> <li>6 <i>Complaints from primary cooking continue to this day</i></li> <li>7 <i>The unauthorised trading as Class Use A3 does not justify current application</i></li> <li>8 <i>Outlet for odour is unsuitable and too close to residential accommodation</i></li> <li>9 <i>The premises may not have a mains water supply</i></li> <li>10 <i>Primary cooking may cause a fire risk</i></li> <li>11 <i>Intensity of site may harm drainage</i></li> </ol>

12 *Concern with Acoustic report*

Officer comment:

- 1 – 6: See 'Background' section
- 8: See 'Impact of uses upon residential amenity' section
- 9: The proposed use would be of no greater detriment than the existing use
- 10: This matter would be secured under Building Regulations
- 11: The proposed use would be of no greater detriment than the existing use
- 12: See 'Impact of uses upon residential amenity' section and paragraph 2.3

**Councillor Simpson objected:**

- *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.*

## Site Description

The application site comprises a ground and basement floor level retail (Nos. 100-102) unit located on the north-east side of Judd Street, within the parade of units between the junctions with Hastings Street (to the north-west) and Cromer Street (to the south-east). The unit is currently occupied by 'Half Cup' (permitted for Class A1 use). Above the parade of commercial units are six-storeys of residential flats, known as Jessel House. Although the application site is within the Central London Area, it is not located within a Central London Frontage, Town Centre, the designated King's Cross area or a Neighbourhood Centre. Furthermore, the application site is not located within a conservation area, nor is it a listed building.

## Relevant History

### Planning History:

- 2013/0759/P - Change of use of ground floor retail shop (Class A1) to restaurant & cafe (Class A3). Refused Planning permission dated 12/06/2013.

Reason for refusal:

*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.*

- PS9904553 – Change of use of no 100 & 102 from retail use (Class A1) to food and drink use (Class A3). Withdrawn

### Enforcement History:

- EN17/0926 - Alleged unauthorised A3 use of premises
- EN13/0681 – Java Tree Cafe is operating as an A3 despite not having a kitchen extract.
- EN12/0908 – Alleged breach of control - Preparing hot food without a change of use.

## Relevant policies

### National and Regional Policy

National Planning Policy Framework (NPPF) 2012  
London Plan 2016

### Camden Local Plan 2017

Policy G1 Delivery and location of growth  
Policy E1 Economic development  
Policy A1 Managing the impact of development  
Policy A4 Noise and vibration  
Policy D1 Design  
Policy CC4 Air quality  
Policy CC5 Waste  
Policy TC2 Camden's centres and other shopping areas  
Policy TC3 Shops outside of centres  
Policy TC4 Town centres uses  
Policy TC5 Small and independent shops  
Policy TC6 Markets  
Policy DM1 Delivery and monitoring

### Camden Planning Guidance

Adopted March 2018:  
CPG Amenity  
CPG Town Centres and Retail

Adopted Prior:  
CPG 1 Design (July 2015)

## Assessment

### 1. Background

1.1 The site includes two units, Nos.100 and 102 which have historically been used for retail purposes within Use Class A1. The units have since become amalgamated into one retail unit within Use Class A1, notwithstanding the enforcement history regarding primary cooking on site.

1.2 The amalgamation of two uses within the same use class, which this site also applies, would not constitute development requiring planning permission, in accordance with section 55 of the Town and Country Planning Act 1990. Therefore enforcement action or planning permission to regularise this specific matter would not be required.

1.3 It is acknowledged that Camden planning officers have considered the uses or functions including primary cooking undertaken on site previously to fall within Use Class A3. As a result, planning applications have been submitted to regularise this matter.

1.4 Planning permission was refused in 2013 (2013/0759/P) for a single reason, namely the lack of adequate plant and measures to mitigate odour and acoustic noise. The decision notice also advised that the installation of external plant to the rear, rising up from ground floor level along the rear elevation would be unacceptable due to design and appearance concerns. The constraints of the site are therefore limited to incorporate adequate plant and measures to mitigate odour and acoustic noise and a design solution is required.

1.5 The applicants have again been advised by Camden planning officers to submit this planning application to regularise the current operations on site, including primary cooking, which includes plant internally and venting from the front elevation.

### 2. Proposal

2.1 The application proposes:

- The change of use of the basement and ground floor levels from retail (A1) use to a café/restaurant (A3), approximately 108sqm of floorspace
- The installation of an extract system from the internal kitchen, to be expelled through a new vent above the front entrance

2.2 The principal considerations material to the determination of this application are summarised as follows:

- Contribution of uses to the character and identity of the local area
- Contribution of uses to function, viability and amenity of the local area
- Impact of uses upon residential amenity
- Impact on building and wider conservation area
- Impact on transport

#### *Revisions*

2.3 The applicant submitted a Noise Assessment which was reviewed by both Environmental Health officers and the public as a result of the consultation process. For a number of factors (eg. poor weather conditions when taken; monitoring station was not manned or appropriately located etc), this report and its findings were not considered acceptable. A revised Noise Assessment was therefore requested and submitted for review, including completing another survey under suitable weather and monitoring conditions and the appropriate mounting method for the microphone.



2.4 The applicant was required and submitted for review, an odour risk assessment along with specific mitigating equipment.

### 3. Contribution of uses to the character and identity of the local area

3.1 Policy TC3 (Shops outside of centres) seeks to protect shops outside centres. The Council will only grant planning permission for the loss of a shop outside designated centres provided alternative provision is available within 5-10 minutes' walking distance and within the Central London Area, the development positively contributes to local character, function, viability and amenity.

3.2 In this instance, the site is located within the Central London Area and there is other shopping provision within 5-10 minutes walk; at Marchmont Street / Leigh Street Taverstock Place Neighbourhood Centre and at the Brunswick Centre.

3.3 The floorspace involved (108sqm) would provide a compatible use serving the local mix of local business and residents, providing convenience and choice to people working in the wider area and would contribute positively to the local area. It is considered that although there is an existing A3 unit within the parade (No.112), bearing in mind the remaining and wider area uses, the proposal would not create a concentration of units that would be harmful to the character of the area (See table below).

North Side – Judd Street

Address No.	Use Class	Description
90	Sui generis	Sauna
94 – (92 – 94)	D1	Conference Rooms
Entrance to Jessel House	-	-
100-102	A1	Retail
104 -106	Sui generis	Part retail and part therapeutic health provision
108-110	Sui generis	Beauty Salon and Aesthetics Clinic.
112	A3	Restaurant (Humaira)
114	A4	Public House (Skinners)

3.4 Within this context, the proposal would comply with the requirements of Policy TC3.

### 4. Impact upon residential amenity

4.1 Where food uses are permitted, Policy A1 (Managing the impact of development) will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. The Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts.

4.2 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

4.3 Given the scope of intervention proposed to the building, namely the replacement of a fanlight with a vent, the proposal by its very nature would not be detrimental to the amenity of neighbouring occupiers in terms of sunlight, daylight, privacy and overlooking.

4.4 The key impacts a restaurant use would bring are noise levels, odours and fumes. This assessment must however look at the degree of change as a result of the proposal. The existing site already provides seating for food and drink to be consumed onsite. This application would permit primary cooking to take place so that cooked food and drink could be consumed onsite.

4.5 Objections have been made about the neighbourliness of the existing unit in terms of noise, odours and fumes and its failure to abide with planning legalisation.

4.6 In terms of noise, patrons would not have access associated with the proposed use to the rear/communal area of Jessel House. The private front forecourt features tables and chairs for which a license is not required. This arrangement would be the same as the existing arrangement.

4.7 The applicant proposes the following opening times:

- Monday – Friday: 08:00am – 07:00pm
- Saturday – 09:00am – 05:00pm
- Sunday – 09:00am – 05:00pm

4.8 For a restaurant in such close proximity to residential accommodation, the hours proposed are considered appropriate and would allow residents significant relief in the evenings, particularly given the nearby pub and restaurant close later at 11pm. The capacity for patrons would not differ significantly from the current arrangement with Class A1 use and the extent to which patrons could gather outside is also limited. To safeguard the amenities of the adjoining premises, a condition shall ensure 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.

4.9 In terms of odours and fumes, Camden planning officers acknowledge the inadequacies of the existing non-mechanical ventilation system in place to mitigate odour resulting from primary cooking on the premises and for this reason alone an application was refused in 2013 (see relevant history).

4.10 Whilst the restaurant (No.112) and public house (No.114) feature external ventilation and/or plant to mitigate potential odour problems resulting from primary cooking on the premises, in this case, the applicant has been advised that the installation of similar external plant to the rear, rising up from ground floor level along the rear elevation would be unacceptable due to design and appearance implications on the parent building. Given this constraint, the applicant has proposed a vent above the front entrance. This would result in minimal external intervention upon the building as the plant required would be internal within the kitchen.

4.11 Noted in paragraph 2.3 above, a revised Noise Assessment including calculations of predicted odour/noise levels to support compliance with the Council's standards was provided. An associated explanatory statement by the acoustic consultant, in regards to an appropriate survey and methodology, responded to the valid points raised by BRAG and residents.

4.12 The Council's Environmental Health officer has assessed the submission and considers it to adequately demonstrate that the Council's required standards in terms of noise and odour would be met.

4.13 With specific regard to odour, the odour risk assessment and associated technical information follows best practice guidance for the minimisation of odour from kitchen exhaust systems. A high level of odour control shall be provided along with a suitable cleaning and maintenance contract for the system. Within this context, the extraction system would adequately remove odour generated as a result of the restaurant undertaking primary cooking. The proposal would therefore not give rise to odour nuisance to the detriment of the amenities of nearby residents and partiality those directly above fascia level.

4.14 As such, the proposal is not considered to harm the amenity of adjoining occupiers and would

comply with policy A1 of the Local Plan.

## **5. Design impact of alterations**

5.1 The proposal would introduce a vent above the entrance within an existing glazed fanlight. The proposal would be sympathetic given the constraints of the site and the extent of intervention this would require. It is considered the proposed design would be appropriate in the context of neighbouring buildings and would not cause harm to the character and appearance of the conservation area.

## **6. Impact on transport**

6.1 The site is in a highly accessible location within Central London and no off street car parking would be provided. The proposed café/restaurant would maintain the existing delivery and servicing arrangements. It is therefore considered that the servicing and delivery arrangements would not impact on highway and pedestrian safety.

**Recommendation: Grant planning permission**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 2<sup>nd</sup> July 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2018/0483/P  
Contact: Gideon Whittingham  
Tel: 020 7974 5180  
Date: 2 July 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE  
Phone: 020 7974 4444  
camden.gov.uk  
[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

Planning Guys  
Admark House  
2 West Street  
EWELL  
KT17 1UU

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:  
**100-102 Judd Street**  
**LONDON**  
**WC1H 9NT**

# DECISION

Proposal:

Change of use from A1 (Coffee Shop) to A3 (Restaurant) with provisions for a kitchen extract system.

Drawing Nos: Existing floor plans and elevations including site location and section - 01; Proposed floor plans and elevations including site location and section - 02A; NOISE IMPACT ASSESSMENT - Report 13274-NIA-01-RevA - Prepared on 04 May 2018; Letter by Ghaith Zen 28th February 2018; Letter by Matt Markwick Ref: 13274-180517-L1 - 17 May 2018.

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 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [Existing floor plans and elevations including site location and section - 01; Proposed floor plans and elevations including site location and section - 02A; NOISE IMPACT ASSESSMENT - Report 13274-NIA-01-RevA - Prepared on 04 May 2018; Letter by Ghaith Zen 28th February 2018; Letter by Matt Markwick Ref: 13274-180517-L1 - 17 May 2018.]

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

- 4 The use hereby permitted shall not be carried out outside the following times 08:00am - 07:00pm Monday to Friday and 09:00am - 05:00pm Saturdays, 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, TC3 of the London Borough of Camden Local Plan 2017.

- 5 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 G1, CC1, D1, A1, A4, TC1, TC3 of the London Borough of Camden Local Plan 2017.

- 6 Before the use commences, the extract ventilating system shall be provided with sound attenuation and anti-vibration measures in accordance with the scheme approved in writing by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

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, TC3 of the London Borough of Camden Local Plan 2017.

- 7 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 policies G1, CC1, D1, and A1 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 This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers, and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended). In particular your attention is drawn to the need to obtain permission for any part of the structure which overhangs the public highway (including footway). Permission should be sought from the Council's Engineering Service Network Management Team, Town Hall, Argyle Street WC1H 8EQ, (tel: 020 7974 2410) or email [highwayengineering@camden.gov.uk](mailto:highwayengineering@camden.gov.uk).
- 4 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.
- 5 You are advised that condition 4 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 6 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.

- 7 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk)).

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

David Joyce  
Director of Regeneration and Planning

**DRAFT**

**DECISION**