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Our ref: GAO/HBR/AROB/J8136

Dear Sir

**43 Store Street, London
Application for Prior Approval**

We write on behalf of our client, the Bedford Estate, to submit a prior approval application for the change of use of 43 Store Street, London, from a café (Class A1) to a restaurant (Class A3).

The Site

The property is located to the south of Store Street. The existing building is set over four floors and has the following designations as per Camden's Policies Map:

- Central London Area;
- Bloomsbury Conservation Area; and
- Fitzrovia Area Action Plan.

The property lies outside the boundary of the Store Street Neighbourhood Centre, which largely comprises of shops and restaurants. The property is not listed.

The property is located within 0.2 miles of Goodge Street underground station to the north, which serves the northern line and 0.3 miles of Tottenham Court Road underground station, to the south. The central location provides the site with a PTAL rating of 6b (the highest possible rating), making it highly accessible.

Planning History and Lawful Use

Basement and Ground Floor Levels

There is a café unit on the basement and ground floors of 43 Store Street. The unit is currently occupied by Café Deco and the use as a café is supported by the Business Rates records.

We have undertaken a review of the planning history records in order to seek confirmation of the lawful use of basement and ground floor levels and noted the permissions of relevance here.

In 1993, planning permission (ref: 9301383) was granted for **"Change of Use of ground floor from retail use within Class A1 to use as an information centre on Japanese Culture"**. It does not appear that this permission was implemented.

In 1998, planning permission (ref: PS9804569R2) was granted for “**Installation of a new shopfront (as shown on drawing nos. 163.2E & 163.5B).**” The planning drawings for this permission show that this shopfront application was for the current occupiers, Café Deco.

There is no subsequent planning history of relevance.

Considering that the use at the time planning permission was sought for a change of use to a Japanese Culture centre, was retail (Class A1), which we do not believe was implemented, and there have been no subsequent changes of use from retail (Class A1) to any other uses, it is considered that the existing lawful use of the basement and ground floor of 43 Store Street is as a café (Class A1) use. This reflected Café Deco’s lease of the premises.

Upper Levels

There does not appear to be any planning history which relates to the use of the upper levels of 43 Store Street. Council Tax records suggest that the upper levels are residential flats (Class C3).

For clarity, we have also checked Business Rates records, and the upper levels do not appear. The Bedford Estate is the landlord for the property and has advised that the upper levels are currently occupied as residential flats.

Accordingly, it is considered that the lawful use of the upper levels of the property is residential use (Class C3).

Proposals

The proposals seek the change of use of the basement and ground floors (approximately 118sqm) of 43 Store Street, from a café (Class A1) to a restaurant (Class A3) use, under permitted development.

An extractor duct is proposed to be affixed to the rear of property from the basement level up to the third floor / roof level. No other external alterations are proposed.

General Permitted Development Order (GPDO)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class C (a), allows for the change of use of a building from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order, to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order.

Schedule 2, Part 3, Class C (b), allows the development referred to in paragraph (a) together with building or other operations for the provision of facilities for:

- i. Ventilation and extraction (including the provision of an external flue), and
- ii. The storage of rubbish.

The GPDO allows for these building or other operations as reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule.

Conditions

Paragraphs C.1 and C.2 of the GPDO set out firstly where development may not be permitted and, secondly, conditions associated with permitted development, respectively.

Paragraph C.1 states that development is not permitted under Class C, if any of the following apply:

- a) The cumulative floor space of the existing building changing use under Class C exceeds 150sqm;
- b) The development (together with any previously development under Class C) would result in more than 150sqm of floor space in the building having changed under Class C;
- c) The land or the site on which the building is located is or forms part of:
 - i. A site of special scientific interest;
 - ii. A safety hazard area; or
 - iii. A military explosives storage area;
- d) The site is, or contains, a scheduled monument; or
- e) The land or building is listed building or is within the curtilage of a listed building.

Paragraph C.1 states that where development is permitted under Class C (a), together with development permitted under Class C (b), development is subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in respect of:

- a) noise impacts of the development
- b) odour impacts of the development
- c) impacts of storage and handling of waste in relation to the development
- d) impacts of the hours of opening of the development
- e) transport and highways impacts of the development
- f) whether it is undesirable for the building to change to a use falling within Class A3 because of the impact of the change of use:
 - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), but only where there is reasonable prospect of the building being used to provide such services; or
 - ii. where the building is located in a key shopping area, on the sustainability of that shopping area, and
- g) the siting, design or external appearance of the facilities to be provided under Class C (b).

Paragraph W sets out the procedure for applications for prior approval under Part 3.

Compliance with Paragraphs C.1 and C.2 of the GPDO

We have considered the requirements of paragraphs C.1 and C.2, in relation to the proposals, and have set this out below.

Paragraph C.1

a) The cumulative floor space of the existing building changing use under Class C exceeds 150sqm

The cumulative floor space of the existing building changing use under Class C equates to approximately 118sqm. The floor space therefore does not exceed 150sqm and accordingly the proposal complies.

b) The development (together with any previously development under Class C) would result in more than 150sqm of floor space in the building having changed under Class C

No other part of the building has previously changed use under Class C and no other applications under Class C at the building are pending determination. Accordingly, the proposals are considered to comply.

c) The land or the site on which the building is located is or forms part of:

i. A site of special scientific interest

The site is not a site of special scientific interest and therefore the proposals comply.

ii. A safety hazard area

The site is not within a safety hazard area and therefore the proposals comply.

iii. A military explosives storage area

The site is not within a military explosives storage area and therefore the proposals comply.

d) The site is, or contains, a scheduled monument

The site is not a scheduled monument and does not contain one. Therefore the proposals comply.

e) The land or building is listed building or is within the curtilage of a listed building

The building is not listed and is not within the curtilage of a listed building. Therefore the proposals comply.

Paragraph C.2

a) noise impacts of the development

43 Store Street sits just outside the Store Street Neighbourhood Centre. However, due its proximity it sits within a predominantly commercial frontage at ground floor level. The size of the unit, being approximately 118sqm and split over basement and ground floor, is unlikely to increase noise levels considerably within the area.

Whilst external tables and chairs, for 12 covers, are proposed, the tables and chairs already exist in relation to the existing café (Class A1) use. Accordingly, it is not considered that the retention of these tables and chairs will increase noise levels considerably over and above the existing.

The proposals seek the erection of an extraction flue affixed to the rear of the property. A noise measurement survey and assessment has been carried out on the proposed extraction system. The intake and discharge will take place to the rear of the property and the extract system will terminate above roof level with the supply air system terminating at first floor level. The Acoustic Assessment Report that has been prepared and submitted with this Prior Approval application shows that with the appropriate attenuation, the extraction system would not be harmful in terms of noise.

Accordingly, it is not considered that there will be any noise impacts from the development.

b) odour impacts of the development

The proposals seek the erection of an extraction flue affixed to the rear of the property. In order to eliminate any possible odour from the proposed Class A3 unit, the extract system would be fitted with an odour neutraliser (Plasma Clean Xtract 2100 – see enclosed specification sheet). The odour neutraliser seeks to deal with any odours or smells from food production, at source, to avoid any possible impact on amenity. The extract flue terminates at the appropriate level/distance from any residential window.

Accordingly, it is not considered that there will be any odour impacts from the development.

c) impacts of storage and handling of waste in relation to the development

The proposal is for waste to be stored within internal rubbish bins and collected from the street on a daily basis (in the morning) by London Borough of Camden. This will include recycling. This is as per the existing waste disposal arrangement.

Accordingly, it is not considered that there will be any storage or handling of waste impacts from the development.

d) impacts of the hours of opening of the development

As set out above, the proposed hours of operation are proposed to be 7am to 12am (Monday to Sunday). This corresponds with the hours of operation of other facilities within the vicinity and accordingly, it is not considered that there will be the opportunity for any immediate disturbances as a result of the hours of opening.

e) transport and highways impacts of the development

The total number of covers in relation to the Class A3 use is anticipated to be circa 50. It is not considered that the change of use from café (Class A1) to restaurant (Class A3) will have a material impact on trip generation to and from the unit and due to the scale of the proposal it is considered unlikely to generate significant travel demand.

It is also considered that the scale of development is not large enough to warrant the provision of staff or customer cycle parking facilities. In any event, due to the size of unit and the fact that the

development does not create any additional floor space, it would be considerably restricted in terms of being able to accommodate internal cycle storage.

The unit has a PTAL rating of 6b (the highest possible rating). Accordingly, it is considered that visitors and staff will predominantly use public transport, or walk, to access the unit. The proposed restaurant facility is not considered to be a 'destination' restaurant likely to attract tourists, but instead a restaurant to serve the neighbourhood and people who live locally.

In terms of deliveries and services, it is anticipated that a food and drink delivery will be required twice a week between 7am and 10am albeit that there may be a requirement for daily deliveries of items such as bread and milk.

f) whether it is undesirable for the building to change to a use falling within Class A3 because of the impact of the change of use:

i. on adequate provision of Class A1 (shop) services, but only where there is reasonable prospect of the building being used to provide such services

As noted above, the basement and ground floor unit at 43 Store Street falls just outside the Store Street Neighbourhood Centre. The Neighbourhood Centre, at ground floor level, contains predominantly Class A1 units, with a small number of Class A3 units. Whilst some of the Class A1 units are café type facilities, a large proportion of the units are retail shops (Class A1). Accordingly, it is considered that there is sufficient and adequate provision of alternative Class A1 (shop) services within the local area.

ii. where the building is located in a key shopping area, on the sustainability of that shopping area

Policy TC2 of Camden's Local Plan seeks to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors.

The property is located within the Central London Area, and within close proximity to, but just outside, the Store Street Neighbourhood Centre. The property is therefore not located within a key shopping area.

Policy TC4 of the Local Plan seeks to ensure that development of shopping, services, food, drink and 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. The policy sets out the planning considerations that will be taken into account in determining any harm caused by the proposed development.

As noted above, the site is not located within a key shopping area albeit that it is located just outside the Store Street Neighbourhood Centre. The Store Street Neighbourhood Centre provides a range of shopping facilities in close proximity to 43 Store Street.

Camden's Planning Guidance (CPG) 5 states that a Neighbourhood Centre frontage should, amongst other things:

- Maintain 50% of ground floor premises as A1 retail
- Contain no more than 25% food drink and entertainment uses
- Contain no more than two consecutive food, drink and entertainment uses in the centre

Accordingly, the cumulative impact of food, drink and entertainment uses is already protected in this frontage to ensure that there is no harm caused by food, drink and entertainment uses.

Notwithstanding this, we have set out below the existing uses of the units within the Store Street Neighbourhood Centre which show that the existing uses predominantly comprise of Class A1 uses with only a small number of Class A3 uses. The existing uses/occupiers are as follows:

- 29 Store Street – The Life Goddess (Class A3)
- 30 Store Street – Russell and Chappell (Class A1)
- 31 Store Street – Store Street Framing (Class A1)
- 32 Store Street – Store Street Gallery (Class A1/D1)
- 33 Store Street – Treadwell's Books (Class A1)
- 34 Store Street – Swan's Dry Cleaners (Class A1)
- 35 Store Street – Olivelli (Class A3)
- 36 Store Street – Decadence (Class A1)
- 37 Store Street – The Printing Centre (Class A1/B1)
- 38 Store Street – Cloud 9 Cycles (Class A1)
- 39 Store Street – Hudford Salvi Carr (Class A2)
- 40 Store Street – Store Street Espresso (Class A1)
- 41 Store Street – Chas E Foote (Class A1)
- 42 Store Street – Orchidya (Florist) (Class A1)

There is therefore a mix of different uses within the local area and the Store Street Neighbourhood Centre. The balance and mix of uses reflects the objectives of policy and the requirements of CPG 5. On this basis, it is not considered that the cumulative impact of food, drink and entertainment uses will cause harm.

Similarly, the existing unit is occupied by Café Deco (Class A1). There are a number of other café type facilities within the Store Street Neighbourhood Centre. Accordingly, it is not considered that the loss of the Class A1 café at 43 Store Street will affect the sustainability of the area.

g) the siting, design or external appearance of the facilities to be provided under Class C (b)

The proposed extract flue, with a 400mm circumference, would be affixed to the rear of the building. Due to the proposed siting and minimal protrusion of the flue above roof level, it would not be visible from the street. Accordingly, the flue will only be visible to properties that overlook the rear of 43 Store Street.

The extract flue proposed will be constructed from mild steel and with adequate access doors to enable periodic cleaning. It should be noted that one of the neighbouring properties Olivelli's, at 35 Store Street, has a similar extraction flue.

The siting, design and external appearance of the extract flue is therefore considered to be appropriate and acceptable in relation to the proposal.

Conclusion

It is considered that the proposals accord with the requirements of the GPDO Schedule 2, Part 3, Class C (a) and (b) and paragraphs C.1 and C.2. It is therefore considered that Prior Approval should be granted.

Documentation

The following has been submitted as part of this Prior Approval application:

- This cover letter;
- Notification for Prior Approval application form;
- Site plan and site location plan;
- Existing and proposed floor plans and elevations;
- Existing and proposed extraction and ventilation proposals;
- Plasma Clean Xtract 2100 specification sheet; and
- Acoustic Assessment Report.

We would appreciate if the application could be assigned a reference number so that the Applicant can make a BACS payment for the application fee of £96.

We trust that you have everything required to progress with this application for Prior Approval.

However, if you have any queries or questions regarding this application, please do not hesitate to contact Hannah Bryant (020 7333 6427) or Amy Robinson (020 3486 3609) of this office.

Yours faithfully



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