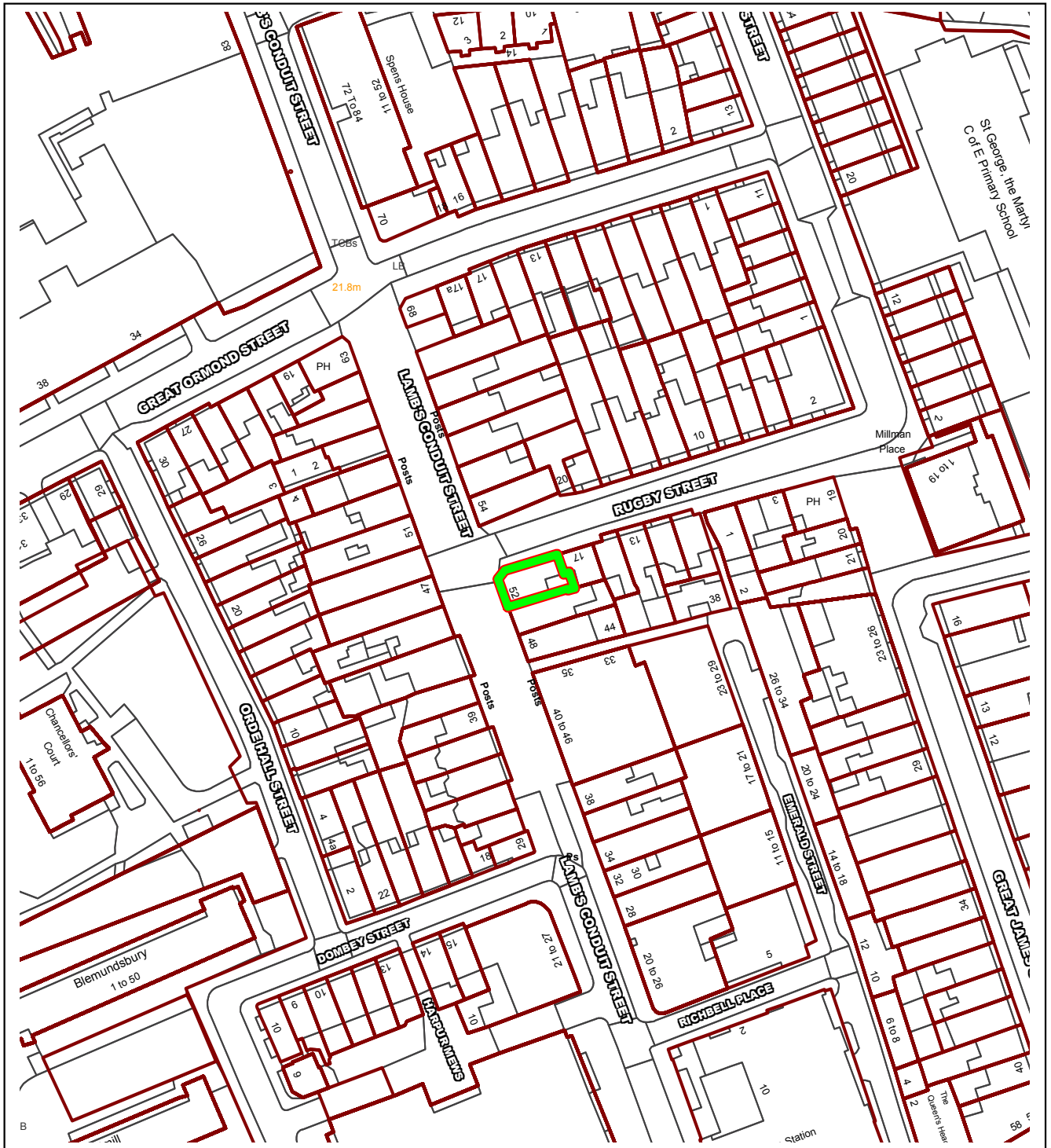


# 52 Lamb's Conduit Street, WC1N 3LL



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1. Front elevation



2. Shop interior





3. Basement area – antiques table and shelves

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	21/06/2018
		N/A		<b>Consultation Expiry Date:</b>	29/06/2018
<b>Officer</b>			<b>Application Number(s)</b>		
Nora-Andreea Constantinescu			2018/1970/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
52 Lamb's Conduit Street London WC1N 3LL			See planning permission		
<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 of basement and ground floor levels from shop (Class A1) to sui-generis to include retail and restaurant (Class A1/A3). Retrospective.					
<b>Recommendation(s):</b>		Grant conditional planning permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	Site notices Press notice	08/06/2018-29/06/2018 07/06/2018-28/06/2018	No. of responses	6	No. of objections	4
Summary of consultation responses:  <i>Officer comments in italic</i>	<p>The neighbouring residents living at nos. 49, 52, 58 Lambs Conduit and 15 Rugby Street have objected to the proposed scheme on the following grounds:</p> <p>1. Permission has been given as a retail shop and that is what it should remain in order to retain a more balanced provision of business in the street <i>Lamb's Conduit Neighbourhood Centre is home for 30 units in retail use out of 45 overall units, resulting in a percentage of 66.6% which is above the 50% requirement included in CPG Town Centres. Therefore, it is considered that the centre would retain its balanced provision of business in the street. See paras 3.2-3.6</i></p> <p>2. The area is overwhelmingly residential and more local democracy play should be seen as an important part in the decision making. <i>Lamb's Conduit Street has been considered to form a Neighbourhood Centre due to its provision of a good range of convenience shopping being part of prime Central London area. It is acknowledged that the area has a good proportion of residential use, however its character sits in a mix of convenience shopping and services. See paras 3.2-3.6</i></p> <p>3. La Fromagerie (the restaurant operating from the application site) opened as a restaurant with primary cooking and service of alcohol in breach of the A1 use. <i>The planning process provides the opportunity of applying for permission retrospectively, as in the current situation. The licencing of the premises for alcohol use is dealt with by a different department of the Council.</i></p> <p>4. Tables and chairs are set out on both Rugby St and Lambs Conduit St without a pavement license. <i>Tables and chairs applications are dealt with separate from the change of use application under licensing and highways legislation.</i></p> <p>5. The site is surrounded by numerous residential flats and the noise from basement restaurant is loud, not sound-proofed and disturbing. <i>In order to ensure that the premises would not cause harmful nuisance to the neighbouring occupiers, two conditions would be attached to this decision to restrict music being audible within any of the adjoining premise or the highway at any time, and that no sound should be audible from the premises outside the opening hours. The premises currently do not have restricted hours of use and this</i></p>					

*permission would limit them to 08:00-22:45 Mondays to Saturday and 08:00-21:00 Sundays and Bank Holidays.*

6. An extract flue will be provided to enable primary cooking, to which neighbours will object due to noise, smell and nuisance.  
*There are no external alterations proposed under the current planning application. The type of food prepared at the premises allows for a minimal level of primary cooking which can be secured fully through electric kitchen equipment in an air re-circulating unit which will limit any odour issues outside the premises. Environmental health officers have reviewed the information provided and confirmed that it is unlikely for the premise to require any extract systems.*
7. A concrete skirting has been formed at pavement level with no planning permission in conservation area.  
*The applicant confirmed that some works of like-for-like repair were undertaken by the freeholder at the application site.*
8. A waste pipe has been drilled through the front of Rugby Street with waste water draining directly onto the pavement.  
*Officers visited the premises on 19<sup>th</sup> of June and did not see a waste water pipe draining onto the pavement.*
9. Preparation work has started on the window at ground floor level and left unpainted to the detriment of the street appearance.  
*There is no statutory requirement for the applicant to paint any windows. The unpainted window is not considered to cause harm to the character or appearance of the area.*
10. Nuisance caused from the premises due to loud air con or kitchen extractor unit at the rear of the premises, persisted 7 or 8 weeks, however this was later resolved.  
*This comment is noted, however it is acknowledged as being solved subsequently.*
11. Nuisance caused by noise during the night from slamming/sliding van doors, bottle/rubbish collection often at midnight, sound of a loud and busy restaurant in the rear well, therefore deliveries and services should be restricted to normal business hours.  
*The premises are located within Central London area where a certain level of noise and nuisance is expected due to the existing uses which supports its vitality and character. Lamb's Conduit Street is considered a Neighbourhood Centre due to the multitude of retail uses as well as others which support this character. Due to the small scale of the premises operation it is not considered proportionate to restrict the delivery hours in this instance. See paras 6.1-6.4.*

Two letters of support were received in relation to the proposed scheme from Farebrother – Property Asset Manager to the Governing Body of Rugby School and freeholder of the premises and other 31 units along Lamb's Conduit Street and a neighbouring resident at 49 Lamb's Conduit Street, on the following grounds:

12. The presence of La Fromagerie on the street is a real benefit to the

general offering

13. The owner's organisation and operation of the premises are impressive and the improvements brought to the host building.
14. The applicant's use of the building is in accordance with the existing use class and La Fromagerie makes an entirely positive addition to the street.
15. There is an existing restaurant opposite and therefore there is no additional noise
16. Living directly opposite there is no contravention of opening hours nor increase in noise.

A petition from Lamb's Conduit Street (LCS) Traders Association was provided with the Planning Statement submitted with this proposal which supports the proposed scheme on the following grounds:

17. The business has invested heavily in the area
18. Wonderful produce, much of it from small British producers
19. Superbly run classes offered which provide great opportunities to learn about food and how to cook it.
20. The business cares about wastefulness of packaging, especially plastic.
21. No evidence of disruption, only evidence of huge respect for the history and aesthetic of the area from the owners and a desire to be very much part of it.
22. Serious level of investment as they had for a long time in Marylebone for the last 18 years and Highbury for the past 28 years.

Rugby & Harpur  
Residents Association

Have objected to the proposed scheme on the following grounds:

- Noise from the basement area, comes up through the wall at the rear of the premises and constitutes a persistent nuisance to neighbours.
- No extract flue from the restaurant, and if the application were to be granted without appropriate conditions, neighbours would be exposed to persistent cooking smells.
- Disregard to Council's planning regulations by trading as with A3 permission

*Officer response:*

- *As stated above, in order to ensure that the premises would not cause harmful nuisance to the neighbouring occupiers, two conditions would be attached to this decision to restrict music being audible within any of the adjoining premise or the highway at any time, and that no sound should be audible from the premises outside the opening hours.  
The premises currently do not have restricted hours of use, and this permission would limited them to 08:00-22:45 Mondays to Saturday and 08:00-21:00 Sundays and Bank Holidays.*
- *There are no external alterations proposed under the current planning application. The type of food prepared at the premises allows for a minimal level of primary cooking which can be secured fully through electric kitchen equipment in an air re-circulating unit which will limit any odour issues outside the premises. Environmental health officers have reviewed the information provided and confirmed that it is unlikely for the premise to require any extract systems.*
- *The planning process provides the opportunity of applying for permission retrospectively, thus the reason for this current planning application.*



## Site Description

The application site is located on the eastern side of Lamb's Conduit Street, corner with Rugby Street, part of Central London Area. The premises occupy the basement and ground floor of five storey-terraced building. The application building lies within Bloomsbury Conservation area and it is considered to make a positive contribution to the area,

The premises have a total gross internal floor space (GIA) of 157sqm have been occupied by a retail unit.

## Relevant History

2017/0469/P - 52 Lamb's Conduit Street - Erection of rear orangery extension into internal courtyard and installation of plant in rear elevation at first floor, including acoustic enclosure. – Granted 05/04/2017

2017/0180/A - 52 Lamb's Conduit Street - Display of externally illuminated fascia sign and installation of 2 retractable canvas awnings on the Lamb's Conduit Street elevation. – Granted 29/03/2017

2017/0082/P - 52 Lamb's Conduit Street - Alterations to shopfront on Lamb's Conduit Street and Rugby Street elevations. – Granted 29/03/2017

## Relevant policies

### National Planning Policy Framework 2018

#### The London Plan 2016

Policy 2.9 - Inner London

Policy 2.15 - Town centres

Policy 4.7 - Retail and town centre development

Policy 7.4 – Local character

Policy 7.6 – Architecture

#### London Borough of 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 TC1 – Quality and location of retail development

Policy TC2 – Camden's centres and other shopping areas

Policy CC5 - Waste

Policy T4 – Sustainable movement of goods and materials

Policy DM1 – Delivery and monitoring

#### Camden Planning Guidance

CPG Town centres 2018

CPG Amenity 2018

CPG 7 Transport 2011

CPG 8 Planning obligations 2015 updated 2018

## **Assessment**

### **1. Proposal**

- 1.1 Retrospective planning permission is sought for the change of use of the basement and ground floor levels of the premises from class A1 use (retail) to sui-generis use to include use classes A1/A3 (retail and restaurant). This is in relation to the floor area of 157sqm (GIA) including both ground floor and basement levels.
- 1.2 The premises are currently occupied by Le Fromagerie, following the permission granted under planning application reference no 2017/0469/P for a rear orangery extension into internal courtyard and installation of plant in rear elevation at first floor, including acoustic enclosure for basement and ground floor premises. The internal arrangement of the premises as existing is similar to the one proposed under the previous permission.
- 1.3 The premises can open on to the streetscene at ground floor level with retail displays to include convenience shopping and a counter for take away food and drinks which occupies an area of 31sqm of retail. To the rear there is a seating area with a bar, where foods from the retail space or from the premises menu can be consumed, with an area of 23sqm. Further to the back, a food preparation area occupies 9.76sqm of the premises.
- 1.4 The basement level accommodates another 26sqm of retail displays for antiques and other goods, which can be used in relation to the events space occupying the orangery previously granted consent, of 14sqm area. In addition, the basement includes another 40sqm of facilities, such as toilets, storage, cold room etc. There are another 13.24sqm occupied by circulation on both levels, bringing the full GIA of 157sqm.
- 1.5 The current scheme does not include any proposed external alterations, nor external mechanical ventilation and extraction. The nature of food prepared at the site requires elements of primary cooking equipment, however this does not use gas as a source of cooking, but solely electric power. Discussion about the cooking at the premises is detailed below.

### **2. Considerations**

2.1 The main issues for consideration are:

- The impact of the proposed sui-generis use on the existing land use
- The impact of the proposal upon the amenity of the neighbouring occupiers
- The impact of the proposal upon the character and appearance of the host building and conservation area
- The impact of the proposed sui-generis use on the transport and waste infrastructure

### **3. The impact of the proposed sui-generis use on the existing land use**

- 3.1 In line with policy TC2, the Council aims to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The application site is located on Lamb's Conduit Street which forms a Neighbourhood Centre within Central London. Neighbourhood centres are identified in CPG Town Centres, as groupings of between five and fifty premises which focus on convenience shopping, but acknowledges also other uses that can make a positive contribution to the character, function, vitality and viability of these centres such as financial and professional services, food and drink uses, doctors, etc.
- 3.2 In order to protect an acceptable level of convenience shopping, and to ensure that centres have an overall mix of uses, CPG Town Centres stresses that proposals that result 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 result in more than 2 consecutive food, drink and entertainment uses, would not be supported. In addition for food, drink and entertainment (FDE) uses, the guidance also contains a provision that there should generally not be within premises larger than 100sqm to ensure residential amenity is protected.
- 3.3 When assessing the proposed change of use in relation to the whole Lamb's Conduit Neighbourhood Centre, a retail survey undertaken on 19<sup>th</sup> of June 2018 indicated that there are no. 45 units within this centre (including two vacant ones and the application site), with no. 31 units currently in A1 use (68.8%). As the change of use of the premises would change to sui-generis the proposals would result, in the overall condition of the centre remaining well above the 50% target (resulting in 66.6% of units being in A1 use).
- 3.4 In terms of the guidelines for levels of food, drink and entertainment (FDE) uses, at present there are a total of no. 9 units comprising restaurants and pubs, with no. 7 in A3 use (restaurant) and no. 2 in A4 use (public house (20%). As the proposal includes A3 use, it would result in no. 10 units in FDE uses which would retain the composition of the centre being below the 25% target (22.22%). Furthermore, the change of use has not resulted in a row of more than 2 consecutive FDE uses, the premises being a corner property followed by no. 8 units in A1 use (retail).
- 3.5 The final stipulation of the CPG indicates that FDE uses should normally not be within premises larger than 100sqm, in order to ensure that residential amenity is protected. Within the premises, retail element occupies an area of 57sqm and the restaurant, bar and kitchen a total area of 46.76sqm, with the rest of 52sqm being used for circulation and facilities. The FDE use within the premises occupy less than half of the advised floor area which would ensure that the residential amenity would not be significantly affected by the proposed changed of use.
- 3.6 As such, the retention of the Sui-generis use within the premises is considered to remain in accordance with policies TC1, TC2 and CPG Town Centres, and it is not objectionable in principle. This is however subject to the other considerations outlined in following sections.

#### **4. Impact on amenity**

- 4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight, as well as noise and disturbance to include fumes and odours.
- 4.2 As with any new or expanded food, drink or entertainment uses within close proximity to

residential accommodation, initial concern was raised in relation to the impact that the use might cause to the adjoining occupiers. Additional information has been provided by the applicant's catering equipment supplier, which details the types of kitchen equipment, designed in line with La Fromagerie menu, with limited primary cooking. The kitchen is fully electric, by using electric multi zone induction for pan work and electric oven. The statement provided details that the electric multi zone induction does not result in by-product of radiated heat into the kitchen, as the only the pan is heated, and the unit detects the size of the pan and supplies only the amount of electricity to suit the pan size. As there would be no gas used in food preparation there would be no carbon monoxide needed to be removed. However, in order to ensure that no harmful odours would be released outside the premises, the kitchen includes a fume filter units above the electric induction. The kitchen area is an air re-circulating unit, with integral filters of mesh and carbon, which are suitable to use over induction units

- 4.3 In addition, the oven provided, 'Rational Oven', works for convection and steam cooking, fitted with a ultra-vent appliance to control odours and to condense the steam generated by the cooking on the hob and in the oven. The oven door has a silicone heat proof gasket seal which would keep the heat and odours inside the cooking compartment. All equipment has been designed to be efficient and effective. The Council's food premises inspection report visited the premises and indicated that the premises are in good standard and clean, which indicates that the kitchen equipment is working efficiently.
- 4.4 Environmental health officers have reviewed the information submitted and considered that the electric equipment including filters and ultra-vent appliance, would make the food preparation area an air re-circulating unit which will limit any odour issues outside the premise. It is therefore accepted that the proposed development would not present any harm in terms of noise of odour from the existing kitchen equipment. It should also be noted that if the unit were to change tenants in the future, any external alterations (including the installation of a flue or extract equipment) would still require full planning permission and would be unlikely to be approved unless it is clearly established that this would not result in harmful impacts on residents or the character of the conservation area.
- 4.5 The premises are located within Central London, where a certain level of night life activity is expected, which contributes to the vitality and character of the area. As the restaurant, including the events space of the unit occupy only a small proportion of the premises, it is not expected that harmful noise issues in relation to the congregation of the users and associated noise emanating from the unit would be a concern in this instance. In order to ensure that the operation of the unit under the proposed change of use does not jeopardise the residents at upper floors in terms of noise and disturbance, conditions are recommended which limit the opening hours as well as the levels of noise from within the unit audible from adjoining properties. The hours of operation have been limited to 08:00-22:45 Mondays to Saturday and 08:00-21:00 Sundays and Bank Holidays.
- 4.6 As no external alterations are proposed as part of the application, the proposed development is not considered to lead to any impact in terms of outlook, privacy or light for any adjoining neighbours. The proposal is also not considered to raise issues of crime and anti-social behaviour within the vicinity as the unit would not be opened late at night, having the closing hours the same as the restaurant opposite the street, Cigala. The unit includes internal surveillance and it is subject to a wider CCTV network along the street.

## **5. Impact of the proposal on the character of the area**

- 5.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 indicates that any development should consider the character,

setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or enhances' its established character and appearance.

- 5.2 The proposed scheme does not include any external alterations, as such it is considered that this would preserve the existing character of the area, bringing it in line with policies D1 and D2.

## **6. Impact on transport and waste infrastructure**

- 6.1 Policy T4 states that the Council aims to minimise the impact the movement of goods and materials by road has on the environment and to the residents in terms of noise, disturbance and its contribution to road congestion and air pollution, by promoting sustainable movement of goods and materials. This is specifically relevant when the development is in relation to large premises which require significant amount of movement of goods.
- 6.2 The premises would be served by daily deliveries, in relation to the retail provision of convenience offer produce and for the restaurant at times with dishes which require full ventilation during preparation and are prepared at a different branch of the business., transported in a temperature-controlled van. Considering the small scale operation of the premises and its services, it is considered that the amount of deliveries would be limited and therefore they would not require additional control.
- 6.3 In relation to waste, the premises would have an allocated area for keeping waste during daytime which is all taken out in the evening. Collections are carried out every night by a hired company, 'First Mile' which is confirmed by the applicant as being used by several businesses on Lamb's Conduit Street. It is therefore considered that the premises operate in line with policy CC5.
- 6.4 As such, it is considered that due to the small scale of the operation and its services, it is considered that the sui-generis use would not give rise to any concerns in terms of impact to the local traffic conditions or through disturbance to residents from the servicing the units, remaining in accordance with policies A1, TC2 and A4 for a unit located within Central London area.

## **7. Recommendation**

- 7.1 Grant conditional 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 3rd September 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: 2018/1970/P  
Contact: Nora-Andreea Constantinescu  
Tel: 020 7974 5758  
Date: 30 August 2018

**Development Management**  
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RPS  
140 London Wall  
London  
EC2Y 5DN

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**52 Lamb's Conduit Street**  
**London**  
**WC1N 3LL**

# DECISION

Proposal:

Change of use of basement and ground floor levels from shop (Class A1) to sui-generis to include retail and restaurant (Class A1/A3). Retrospective

Drawing Nos: Site location plan; EA213-16-01 Rev A; 034-PLN-03 Rev A; Planning Statement CH/23757 April 2018; CCE Group LTD from Catering Equipment Suppliers Association Statement; Food Premises Inspection Report - Camden Food Safety Team; Email from agent dated 06/08/2018.

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:

Site location plan; EA213-16-01 Rev A; 034-PLN-03 Rev A; Planning Statement CH/23757 April 2018; CCE Group LTD from Catering Equipment Suppliers Association Statement; Food Premises Inspection Report - Camden Food Safety Team; Email from agent dated 06/08/2018.

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 08:00-22:45 Mondays to Saturdays and 08:00-21:00 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 A1 and A4 and TC1, TC2 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 A1, A4 and TC1, TC2 of the London Borough of Camden Local Plan 2017.

- 6 No sound emanating from the use shall be audible within any adjoining premises between 22:45hours to 8:00hours.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC1 and TC2 of the London Borough of Camden Local Plan 2017.

- 7 The primary cooking to be undertaken at the premises, subject to the use hereby permitted, shall be carried out only by using the electric kitchen equipment in line with the approved letter from CCE Group Limited, catering equipment providers.

Reason: To ensure that the amenity of occupiers of the development site / surrounding premises is not adversely affected by noise and odours from mechanical installations/ equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

Informative(s):

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**