

# 2019/3959/P - 29 Store Street, WC1E 7QB



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Site Photographs - 2019/3959/P - 29 Store Street, WC1E 7QB



1) Front of building



2) Rear of rear of building (basement level)

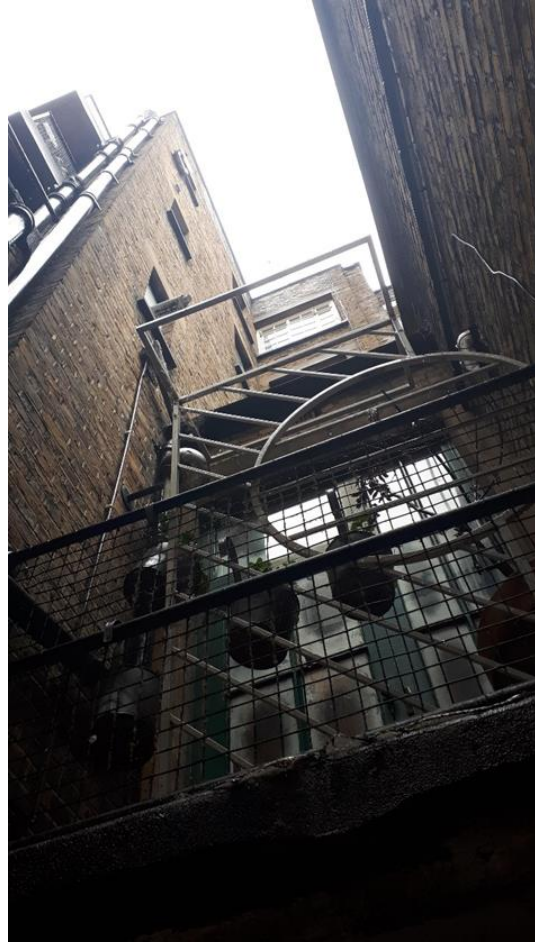


3) View of rear courtyard





4) Rear elevation of building



5) Rear of building and side of rear outrigger



6) Side elevation of rear outrigger

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>27/09/2019</b>
<b>(Members Briefing)</b>		N/A		<b>Consultation Expiry Date:</b>	<b>29/09/2019</b>
<b>Officer</b>				<b>Application Number(s)</b>	
Kate Henry				2019/3959/P	
<b>Application Address</b>				<b>Drawing Numbers</b>	
29 Store Street London WC1E 7QB				Please refer to 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 retail (Class A1) to mixed use of retail and restaurant (Sui Generis) (retrospective); installation of extraction equipment to the rear.					
<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:	No. of responses	9	No. of objections	9
Summary of consultation responses:	<p>Site notices were displayed on 30/08/2019 (expiry 23/09/2019) and a notice was placed in the local press on 05/09/2019 (expiry 29/09/2019).</p> <p>Objections have been received from 6 local residents, 2 former local residents and an address in Kent (9 in total). The comments are summarised as follows:</p> <ul style="list-style-type: none"><li>• Noise (from customers and extraction unit)</li><li>• Cooking smells</li><li>• Planning permission references 2010/6744/P and 2010/6740/P (30-31 Store Street) were refused, as should this application.</li><li>• There is an imbalance between food and non-food premises on Store Street</li><li>• Number of restaurants on Store Street exceeds the Local Plan</li><li>• Extraction fan will harm the conservation area</li><li>• Been operating as a restaurant for years without proper permission, but started off as delicatessen selling cold food</li><li>• Roof is not strong enough for maintenance of extraction system</li><li>• Loss of light to neighbouring properties due to extraction equipment</li></ul> <p><b>Officer comment:</b></p> <p><i>Please see sections 3, 4 and 5 of the officer's report.</i></p> <p><i>Conditions have been suggested to address the noise from customers and also from the extraction system. The extraction system is also intended to address the problem of cooking smells.</i></p> <p><i>The applications at 31 Store Street, which related to installation of plant and equipment and the removal of a condition on a previous permission restricting primary cooking at the premises, were recommended for approval by officers but refused at Planning Committee due to the fact the proposals would intensify the use of the premises resulting in a level of activity, noise and disturbance that would have a harmful impact on surrounding residents. The Officer's reports conclude that there would be no harmful impact on the character and appearance of the conservation area and the final decision does not refer to the impact on the conservation area.</i></p> <p><i>In this case, it is not considered that the proposed change of use would result in a significant intensification of the use of the premises, sufficient to warrant a refusal of the application on this basis.</i></p> <p><i>A later application at No. 43 Store Street (for change of use from retail to restaurant) was approved. (more detail in Section 4 of the officer's report).</i></p> <p><i>CPG Town Centres and Retail (March 2018) provides guidance on how to implement the policies in the Local Plan and it sets guidelines on the</i></p>			

	<p><i>recommended percentage of units in each use class in each frontage. As discussed in the Officer's Report, the proposal would comply with the CPG guidance.</i></p> <p><i>Although the premises has been operating as a restaurant for years without the correct permission, if this application is approved, the situation would be regularised.</i></p> <p><i>Whether or not the roof is strong enough to accommodate the equipment and ongoing maintenance is an issue for the applicant to consider and is not a relevant planning consideration.</i></p> <p><i>The impact on neighbouring properties in terms of loss of light and outlook is assessed at section 5 of the Officer's Report.</i></p>
<b>CAAC/Local groups comments:</b>	N/A

## Site Description

The application site is 29 Store Street, a mid-terrace, 4 storey building on the southern side of the street. The building has a cafe/restaurant at ground and basement level and residential accommodation on the upper floors.

The application site is within the Bloomsbury Conservation Area and Store Street is designated as a Neighbourhood Centre in the Local Plan.

## Relevant History

**CA990:** Erection of a non-illuminated projecting sign. **Granted 10/10/1958.**

### 30-31 Store Street

**2010/6740/P:** Removal of Condition 3 (relating to the prevention of primary cooking) of planning permission dated 25/6/2010 (Ref. 2010/0021/P) for change of use of basement and ground floors from printing shop (Class A1) to restaurant (Class A3). **Refused 24/03/2011.**

**2010/6744/P:** Installation of plant and equipment at roof level and rear first floor level to existing restaurant together with installation of flues to the rear elevation of the property. **Refused 24/03/2011.**

### 43 Store Street

**2018/3878/P:** GPDO Prior approval: Change of use of basement and ground floor from retail (Class A1) to restaurant (Class A3) and associated alterations including the installation of extraction system to rear under the General Permitted Development Order 2015 Schedule 2, Part 3, Class C as amended. **Prior Approval Required and Given 04/10/2018.**

## Relevant policies

### **National Planning Policy Framework (2019)**

### **London Plan (2016)**

### **Camden Local Plan (2017)**

G1 Delivery and location of growth

TC1 Quantity and location of retail development

TC2 Camden's centres and other shopping areas

TC4 Town centre uses

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport.

CC4 Air quality

### **Camden Planning Guidance**

CPG Amenity (2018)

CPG Town Centres (2018)

CPG Air Quality (2019)

CPG Design (2019)

CPG Town centres and retail (2018)

### **The Bloomsbury Conservation Area appraisal and management strategy (April 2011)**



### 1. The proposal

1.1. This application seeks planning permission for the following:

- Change of use from retail (Class A1) to mixed use of retail and restaurant (Sui Generis) (retrospective)
- Installation of extraction equipment to the rear

1.2. The change of use has already occurred.

1.3. The proposed extraction equipment to the rear consists of 450mm ductwork leading from the lower ground floor (basement) level to roof level and a fan unit on the roof. These have not yet been installed.

### 2. Planning considerations

2.1. The key considerations material to the determination of this application are summarised as follows:

- The principle of development
- The impact on the character and appearance of the host building and wider area (including Bloomsbury Conservation Area)
- The impact on neighbouring properties

### 3. The principle of development

3.1. The application site is located within the Store Street Neighbourhood Centre and Policy TC2 of the Local Plan guides that in the Neighbourhood Centres the Council will seek to retain convenience shopping for local residents and will ensure that development does not harm the function, character or success of that centre.

3.2. CPG Town Centres and Retail (March 2018) provides further guidance on how to implement the policies in the Local Plan and it guides that, in order to maintain an acceptable level of convenience shopping, and to ensure that centres have an overall mix of uses the Council will resist schemes that result in:

- less than 50% of ground floor premises being in A1 retail use; or
- more than 25% of ground floor premises being in A3, A4 or A5 (food, drink and entertainment) uses; or
- more than 2 consecutive premises being in non-retail use.

3.3. At the time of the Officer's site visit (24/09/2019), if the application building is still treated as an A1 use for the purpose of the calculations, then 76% of the ground floor units in the frontage were in A1 use and 12% were in A3, A4 or A5 use, which complies with the CPG guidance.

3.4. If the change of use of No. 29 from Class A1 to a mixed use of retail and restaurant (Sui Generis) is allowed, the percentage of ground floor units in A1 use would drop to 70% and the percentage of ground floor units in A3, A4 or A5 use would increase to 18%. Furthermore, the proposals would not result in there being more than 2 consecutive premises being in non-retail use as the neighbouring properties are a café operating under Class A1 (Knox Café at No. 28) and an art materials shop also operating under Class A1 (Russell & Chapple at No. 30). On

this basis, the proposals comply with Policy TC2 and the guidance in CPG Town Centres and Retail and the principle of development is considered to be acceptable.

#### **4. The impact on the character and appearance of the host building and wider area (including Bloomsbury Conservation Area)**

- 4.1. The application site is within the Bloomsbury Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 4.2. The proposal does not involve any changes to the front of the host building, which limits the impact on the wider area; however, an extraction system is proposed to the rear of the building which consists of 450mm ductwork leading from the lower ground floor (basement) level to roof level and a fan unit on the roof.
- 4.3. CPG Town Centres and Retail highlights that extraction systems can harm the visual appearance of an area. The guidance notes that new extraction systems should be positioned sensitively so that they do not have an unacceptable visual impact, particularly within conservation areas. The rear of the host building is not visible in public views as it is enclosed; however, the rear of the building is visible from neighbouring properties.
- 4.4. The proposed ducting would exit the host building at lower ground floor (basement) level and then travel up the side of the rear outrigger to roof level. Whilst its size, appearance and the distance over which it would need to travel mean the duct would be visible on the building, its positioning is considered to be as sensitive as possible and the fact it would not protrude too far above the roof level is also welcomed.
- 4.5. The extract flue would be similar to a flue approved at No. 43 Store Street as part of prior approval reference 2018/3878/P. At the time of that application the following was noted: *“the proposed external ducting would run vertically along the rear elevation of the building and discharge above roof level. The rear building line of No. 43 Store Street is completely enclosed by Nos. 9-15 (odd) Gower Street to the east and Gower Mews Mansions to the south. As such, whilst the rear building line is visible in private views from these properties, it is not visible in any public views. Given the minimal protrusion of the proposed flue above roof level, the proposed extraction equipment would not be visible from the public realm. Overall, it is not considered that the proposed design or siting would result in any harm to the character or appearance of the host building or the Bloomsbury Conservation Area or the setting of the adjacent Grade II listed buildings at Nos. 1-15 (odd) Gower Street to the east; however, in order to ensure that the ducting is less apparent in private views, a condition is recommended that the external surface of the ducting shall be painted black”*. A suitable condition is recommended to require that the ducting at No. 29 is also painted black in order to minimise its appearance.
- 4.6. The fan at roof level is the minimum height it needs to be and it is not considered that it would detract from the character and appearance of the wider area.
- 4.7. On balance, taking into consideration the fact that the extraction system is intended to reduce fumes and smells produced by the kitchen, the impact on the character and appearance of the host building and the wider area is considered to be acceptable.

#### **5. The impact on neighbouring properties**

- 5.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight/daylight and overshadowing; noise and vibration levels; and odour, fumes and dust. Policy A4 also seeks to ensure that noise and vibration is controlled and managed. The policy notes that the Council will not grant planning permission for development likely to generate unacceptable noise and vibration impacts, and will only grant permission for noise generating development, including any plant

and machinery, if it can be operated without causing harm to amenity.

- 5.2. Concerns have been raised about loss of outlook and sunlight as a result of the proposed ducting; however, due to its size (450mm) and positioning flush with the side elevation of the outrigger and at least 1.6 metres away from the rear facing windows, it is not considered that the ducting would cause any undue loss of light or outlook. The flue would be visible from the rear facing windows but it is not so large or so close in proximity as to cause harmful loss of light or outlook. Views out to the rear would still be available and would remain largely unchanged.
- 5.3. The flue would sit in between the pair of side facing windows at each level of the outrigger and is only likely to be visible from those windows in oblique views. On balance, it is unlikely to cause undue harm to the outlook from these windows, which is already restricted.
- 5.4. Concerns have been raised about noise, both from customers at the restaurant and from the equipment. A Noise Impact Assessment has been provided with the application, which has been reviewed by the Council's Environmental Health team. The assessment proposes sufficient noise levels with specified noise mitigation as required for the installation. As such, the proposals are considered to be acceptable in noise terms subject to a suggested condition to control external noise levels emitted from plant, machinery or equipment at the development and a further condition to require that plant or equipment and ducting is mounted with proprietary anti-vibration measures.
- 5.5. With regards to noise from customers, the application form proposes the following opening hours: 0930-2300 hours on all days. A suitable condition is suggested to secure this.
- 5.6. Concerns have also been raised about cooking smells as there have been issues in the past; however, the extraction system is intended to resolve this issue.
- 5.7. Overall, subject to the suggested conditions, the proposals are considered to be acceptable in this respect.

**Recommendation:** 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 18<sup>th</sup> November 2019, 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'.***

## **Appendix A: Current uses in the Store Street Neighbourhood Centre**

<b>Address</b>	<b>Current occupier</b>	<b>Lawful use</b>
26	The Building Centre	B1a
28	Koox cafe	A1
29 *application site*	Life Goddess	A1
30	Russell & Chapple (art materials)	A1
31	Russell & Chapple (art materials)	A1
32	Store Street Gallery	A1
33	Treadwell's Books	A1
34	Swans Dry Cleaners	A1
35	Olivelli (restaurant)	A3
36	Decadence (beauty salon)	A1
37	The Printing Centre	A1
38	Cloud 9 Cycles	A1
39	Hurford Salvi Carr (estate agents)	A2
40	Store Street Espresso	A1
41	Chas. E. Foote (musical instruments shop)	A1
42	Orchida (florist)	A1
43	Café Deco	A3

<b>EXISTING</b>		
<b>Use Class</b>	<b>Number</b>	<b>Percentage (%)</b>
A1	13	76
A3/A4/A5 (food, drink and entertainment)	2	12
Other	2	12

<b>PROPOSED</b>		
<b>Use Class</b>	<b>Number</b>	<b>Percentage (%)</b>
A1	12	70
A3/A4/A5 (food, drink and entertainment)	3	18
Other	2	12

Application ref: 2019/3959/P  
Contact: Kate Henry  
Tel: 020 7974 3794  
Date: 12 November 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

WEA Planning  
22 Wenlock Road  
London  
N1 7GU

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**29 Store Street**  
**London**  
**WC1E 7QB**

Proposal: Change of use from retail (Class A1) to mixed use of retail and restaurant (Sui Generis) (retrospective); installation of extraction equipment to the rear

Drawing Nos: 2019/TP01; 2019/TP02; 2019/TP03; 2019/TP04; Planning, Design and Access Statement, dated September 2019; Noise Impact Assessment, dated July 09.

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 The development hereby permitted shall be carried out in accordance with the following approved plans: 2019/TP01; 2019/TP02; 2019/TP03; 2019/TP04; Planning, Design and Access Statement, dated September 2019; Noise Impact Assessment, dated July 09.

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

- 3 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.

The external surface of the extract ducting hereby approved shall be painted black and thereafter permanently retained as such.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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

- 5 Prior to use, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 The use hereby permitted shall not be carried out outside the following times 0930 to 2300 hours Monday to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Policies D1, A1, A4 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

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