

Application ref: 2019/1500/P
Contact: Tony Young
Tel: 020 7974 2687
Date: 13 December 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
www.camden.gov.uk/planning

PJD Surveyors
4 Bloors Lane
Rainham
Kent
ME8 7EG

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
182 Drury Lane
London
WC2B 5QF

Proposal:
Change of use from furniture showroom (Sui Generis) to cafe at ground and mezzanine floor levels and spa facility (Sui Generis) at basement floor level (retrospective).

Drawing Nos: Site location & block plans; pre-existing basement floor plan (AR01), pre-existing ground floor plan (AR01); existing basement floor plan (AR01), existing ground floor & mezzanine plan (AR02); Cover letter from PJD Surveyors dated 15/03/2019.

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 shall be carried out in accordance with the following approved plans: Site location & block plans; pre-existing basement floor plan (AR01), pre-existing ground floor plan (AR01); existing basement floor plan (AR01), existing ground floor & mezzanine plan (AR02); Cover letter from PJD Surveyors dated 15/03/2019

Reason:

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

- 2 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 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 occupiers, and the area generally in accordance with the requirements of policies CC1, D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 3 No music shall be played on the premises in such a way as to be audible at any time 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 and A4 of the London Borough of Camden Local Plan 2017.

- 4 No primary cooking shall take place on the premises at ground, mezzanine or basement floor levels.

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 The spa facility and café uses hereby permitted at basement, ground and mezzanine floor levels shall not be carried out outside the following times: 07:30 to 21:00 hours, Monday to Saturday, and 09:00 to 20:00 hours on Sundays and Bank Holidays. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours.

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.

- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the ground and mezzanine floor levels shall only be used for the café use hereby approved, and shall not be used for the spa facility use, or any other purposes whatsoever.

Reason: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally, and to protect the character of the ground floor commercial unit in accordance with the requirements of policies A1, G1, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reason for granting planning permission:

The property is located in a secondary frontage in the Covent Garden Specialist Shopping Area. Planning permission was granted in 1976 for use of the ground floor as a retail shop (ref. 22000); however, since this time, the premises at both ground and basement floor levels appears to have operated as a showroom for a bespoke furniture maker for a period in excess of 10 years, and as such, the established lawful use would appear to be Sui Generis. The Council's retail survey carried out in 2018 shows the property to have been vacant since 2015. An enforcement case (EN18/1063) was opened in December 2018 alleging an unauthorised use of the basement as a massage parlour and the ground floor as a coffee shop. This application seeks to retrospectively regularise the Sui Generis uses as a spa facility at basement floor level and a cafe at ground and mezzanine floor levels from a shared street entrance and with associated internal works.

The internal changes at basement level involve the creation of a number of separate rooms and reception area consistent with a spa use. 2 existing small external extract vents at the front of the premises would be utilised without the need for any external plant or equipment. The café use does not involve any primary cooking, and therefore, no mechanical extraction of cooking odour or fumes is proposed. All waste and recyclables will be collected from within the premises at 21:00 hours, Monday to Friday, by a private contractor. All other works at ground floor level involving the creation of a rear mezzanine floor, new coffee/drinks counter, customer seating areas, and toilet facilities are consistent with a typical coffee shop/sandwich bar use.

As a discrete use, the spa facility use would unlikely be harmful to the town centre given that the previous use seemed not to have involved retail sales at basement level and appeared to operate successfully in this way as a showroom. The 2 floor areas (approximately 55 sqm at basement level and 60 sqm at ground/mezzanine levels) are also considered to be sufficiently sized within the context of Covent Garden to suggest that both units could function effectively as separate uses. A condition would be attached to any permission to ensure that the ground (and mezzanine) floor remains as an active frontage for café use only.

While the establishment of a food and drink use in the frontage would increase the percentage to approximately 33.3%, exceeding the 25% limit advised in Appendix 4 of the Local Plan, it is noted that several businesses have moved out of at least 5 other properties in the frontage since 2011 (more than once in some cases). This has led to a fluctuating percentage of food and drink uses, suggesting that the actual concentration has often been lower or nearer the 25% limit, so indicating that a new café use could likely be accommodated more readily in this particular context without harm to the character of the area and could help to revitalise the frontage. Furthermore, neither adjoining property is in a food, drink or entertainment use in Classes A3 to A5, so a café use would not create a run of more than 2 or more consecutive similar uses in accordance with Appendix 4.

On balance, bearing in mind the evident change in the viability of traditional retail in this locality, and the hybrid nature of the recently established wine bar at 175 Drury Lane, the proposed spa facility and café uses are considered to be acceptable, subject to conditions attached to any approval, including controls on hours of operation, noise levels, and primary cooking. The proposed Sui Generis uses are considered to make a positive contribution appropriate to this location and would maintain the character, retail function, vitality and viability of the street and the wider area. The proposal would therefore be in accordance with policies TC2 and TC4 of the Camden Local Plan 2017.

- 2 It is also considered that there would be no undue or detrimental impact on the amenities of any neighbouring properties as a result of the proposals. Nevertheless, to ensure that the amenities of any adjoining residential occupiers are safeguarded, a number of conditions have been attached with regard to hours of operation, noise levels, and primary cooking in particular.

The site's planning and appeal history has been taken into account when coming to this decision. No objections were received following the statutory consultations.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies A1, A4, CC1, D1, D2, G1, TC2 and TC4 of the Camden Local Plan 2017. The proposed development also accords with policies of the London Plan 2016 and the National Planning Policy Framework 2019.

- 3 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).
- 4 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.
- 5 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+Re>

quirements+%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.

- 6 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 7 You are reminded that this approval relates to the proposal as described above and as shown on the approved drawings, and does not grant planning permission or consent for any external alterations. In particular, attention is drawn to the need to apply for planning permission for any new or replacement external plant or equipment in connection with any approved use(s). Planning advice may be sought by contacting the Council's Development Management Team, Town Hall, Argyle Street WC1H 8EQ, or by email at planning@camden.gov.uk.
- 8 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 or the Camden Contact Centre on Tel: 020 7974 4444 or email planning@camden.gov.uk).
- 9 You are reminded of the need to provide adequate space for internal storage for waste and recyclables in connection with the approved uses. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

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

A handwritten signature in black ink, appearing to read 'DPope', written in a cursive style.

Daniel Pope
Chief Planning Officer