

43-47 SHELTON STREET & 15 ENDELL STREET

Planning Note - Ref. 2019/3728/P

This planning note has been prepared in response to those comments raised by the Council and Members of the planning sub-committee in relation to the proposed development at 43-47 Shelton Street and 15 Endell Street.

On 24th July 2019, an application was submitted for the installation of new shopfront with associated signage and new louvres at ground floor level for the replacement of mechanical plant. The works proposed relate solely to external alterations to the building in connection with the prospective tenants, Tesco. The application does not include any additional floor space or change in the operational use of the building.

Accordingly, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Policy Framework (NPPF) further adds that local planning authorities must determine applications on planning grounds only and approve development proposals that accord with an up-to-date development plan without delay.

For those reasons detailed within the original application submission documents and, noting in particular the existing extant planning permission relating to identical works, the proposal is considered wholly supportive of those policies contained within the Local Plan and supplementary planning guidance. In conclusion and acknowledging those matters discussed in further detail below, the Council can positively recommend the application for approval.

i. Existing Use

The site is located in a busy area of Central London, within close proximity of Seven Dials and Covent Garden. The existing building has long been established as part of a mixed community with both commercial and residential uses operating within close proximity. In 1981, planning permission (ref. 31793R1) was granted for the original building to provide a mixed use development of 9no. residential units, 3no. retail units and 555 sqm of office accommodation. The former office accommodation was subsequently converted in 2009 to provide new residential accommodation (ref. 2009/3423/P) along Shelton Street.

The building currently comprises a large single retail unit (Class A1) on the ground floor with access from the corner junction with Shelton Street and Endell Street. The proposed use of the existing ground floor unit by Tesco for the sale of goods would be a continuation of the existing Class A1 Use and would not represent a material change in the use of the building.

As detailed within government guidance, a future occupant or business owner is not a material consideration in the determination of a planning application and would not be subject to planning control. Accordingly, Tesco can lawfully occupy the unit without the requirement for planning permission or further planning restrictions.

ii. Shopfront Alterations and Entrance

The proposal includes a number of small alterations to the existing building. Those changes relate

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solely to the external appearance of the ground floor shop fronts; namely a new shopfront and louvres to accommodate internal condenser units.

In 2018, planning permission (ref. 2017/6734/P) was granted by the Council for identical works (albeit for the creation of three new retail entrances fronting Endell Street – please see Appendix 1). As part of those works in 2018, no concerns were raised by either existing residents of 47 Shelton Street or the Covent Garden Community Association (the CGCA). It is therefore important to note that this permission remains extant and can be implemented by the applicant.

The proposed shopfront design and the materials to be used are considered to provide a positive enhancement upon the character and appearance of the surrounding conservation area and remain supportive of those objectives within the conservation area's guidance.

Noting the relocated entrance, this remains in the same as those works consented in 2018 and would not represent any material change or deviation from that previously accepted by the Council. The proposed new entrance doors will be automatic and be DDA compliant to assist all members of the community. The doors will be sliding and therefore will not generate any banging or loud mechanical noise which could impact on residential amenity at first floor. In addition, the entire store ceiling will be insulated (something which does not currently exist) as per the submitted 'Sound Insulation Test Report' with appropriate noise attenuation, thereby helping to protect residential amenity.

iii. Replacement Mechanical Plant New Louvres

The existing retail unit benefits from a number of external condenser units located at roof level, adjacent to the existing residential accommodation on the upper floors - consented in 1997 (ref. PS9704686R2). The proposal would seek to relocate those associated condenser units from roof level to the ground floor in a newly formed plant room. The plant room will be located adjacent to Shelton Street and provide for natural ventilation via the installation of new louvres.

The proposed louvres are considered to be appropriate and relate directly to the future operational needs of the incoming tenant. The future plant location is considered by both the Council's Environmental Health Officer and M&E consultants to be the best location – integrating future plant within the envelope of the building, removing the existing external condenser units away from the current residential amenity (a sensitive noise receptor) at roof level, improving future accessibility for continued maintenance, and allowing for internal sound proofing construction / mitigation without increasing bulk and massing at roof level.

The application site is not locally or statutorily listed and as such, it is therefore considered that the introduction of new louvres would not impact upon the appearance of the building or the character of the wider conservation area, having particular regard to the host building and the immediate context of the application site.

iv. Transport and Servicing

The application relates solely to external alterations to the ground floor shopfront, therefore matters concerning transport and servicing are not a material consideration in the determination of this application. Notwithstanding this, further clarification has been provided below.

The former retail occupier stored waste internally and placed on the street for collection 30 mins before the designated collection times (akin to most retailers across Seven Dials and specifically Endell Street). This is in accordance the Council's current arrangements for commercial refuse collection.

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The proposed new retailer (Tesco) will retain the existing waste procedure, however it is noted that the provision of waste is likely to be limited. This is because all refuse and recycling (card board and plastics – the bulk of waste generated) will be removed by those delivery vehicles which bring goods to the store. All bins and trolley cages will be kept internally and will not be left on the street. Again, this procedure will be no different from the existing circumstances or that of the recently consented planning permission for the creation of three retail units with three separate entrances along Endell Street. As such, the proposed entrance and refuse procedure will not cause any harm to local residential amenity.

The existing Class A1 retail unit is currently unrestricted and operational hours are not a material consideration in the determination of this application. Notwithstanding this, those opening hours for the proposed store will be 0600 – 23.00 hours – this being as per the current licensing application which is pending decision. All deliveries and servicing is likely to take place in the morning as is common across Central London to avoid busy periods of the day.

v. Use of Conditions

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

We note those conditions previously considered relevant and appropriate for the same works (replacement shopfront) at the site in 2018 which included:

Condition 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).

Condition 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.

Condition 3 - The development hereby permitted shall be carried out in accordance with the following approved plans [000, 001, 002, 021, 022, 101, 201, 202, 033, 303 and Design and access statement dated Nov 2017 prepared by Adventure in Architecture].

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

The use of conditions to impose further restrictions (such as the opening of doors) would not be deemed appropriate or reasonable given the nature of works being sought, the extant 2018 planning permission with those previously accepted conditions (noted above), and importantly, the government's own guidance on the appropriate use of conditions.

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It is however accepted, as included as part of the Council's initial draft decision notice, that those conditions relating to noise and vibration associated with the proposed plant would be acceptable and appropriate to the proposed development.

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Appendix 1:

Consented v. Proposed Shop Front Elevation

