



# Planning, Design & Access and Heritage Statement

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28 Goodge Street, London, W1T 2QQ

Change of use from Class E (dry cleaner) to a sui generis mixed use  
coffee shop / cafe and beauty salon plus replacement rooflight to rear  
and replacement shopfront and extended glass block flooring to front

July 2022

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Prepared By



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## 1 Introduction, Development Proposals and Purpose

### 1.1 Introduction and Proposed Development

- 1.1.1 This statement represents a Planning Statement submitted in support of the planning application for the change of use from Class E (dry cleaner) to a sui generis mixed use coffee shop / cafe and beauty salon plus replacement rooflight to rear and replacement shopfront and extended glass block flooring to front (the 'proposed development') at 28 Goodge Street, London, W1T 2QQ (the 'site').
- 1.1.2 The proposed mixed use will include a café / coffee shop to the front which it intended to sell hot and cold drinks plus ice cream, pastries etc. To the rear of the ground floor and basement a beauty salon will offer various treatments.
- 1.1.3 The proposal also includes a replacement roof light on the flat roof at the rear to allow more daylight into this rear sections.
- 1.1.4 In addition, the existing glass block flooring will be extended at the frontage to allow more natural light into the basement area.

### 1.2 Purpose

- 1.2.1 Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.2.2 The Courts<sup>2</sup> have determined that it is enough that a proposal accords with the development plan when considered as a whole. It is not necessary to accord with each and every policy contained within the development plan. Indeed, it is not at all unusual for development plan policies to pull in different directions.
- 1.2.3 The position was also clarified by Patterson J in *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government and Stockton-on-Tees BC* [2015] EWHC 2489 Admin) at paragraph 31:

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*I do not accept, lest it be thought to establish the proposition, that the case of Hampton Bishop (supra) establishes that a breach of one key policy was sufficient to find conflict with the development plan as a whole.*

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

<sup>2</sup> See for example *BDW Trading Ltd. v Secretary of State for Communities and Local Government* [2016] EWCA Civ 493; [2017] P.T.S.R. 1337, at paragraphs 18 to 23; *Gladman Developments Ltd. v Canterbury City Council* [2019] EWCA Civ 669; [2019] P.T.S.R. 1714, at paragraphs 21 and 22; and *Chichester District Council v Secretary of State for Housing, Communities and Local Government* [2019] EWCA Civ 1640; [2020] 1 P. & C.R. 9, at paragraphs 31 and 32).

- 1.2.4 The Planning & Compulsory Purchase Act 2004 defines the Development Plan for the purposes of this assessment process as the strategy for the region in which the site is located and development plan documents, taken as a whole, which have been approved or adopted for the area.
- 1.2.5 The purpose of this statement is therefore to identify Development Plan policies that are relevant in the assessment of the development proposals. Then to determine if the proposals conflict with their provisions and if they do, to determine whether there are material considerations which outweigh such conflict.

## 2 Site Location, Description and History

### 2.1 Site Location and Description

- 2.1.1 The site is located on the northern side of Goodge Street and consists of a vacant retail unit which was formerly used as a dry cleaner.
- 2.1.2 The retail unit includes a basement and ground floor level with 3 storeys of flats above.



Site in street scene

- 2.1.3 The site is accessible by sustainable forms of transport and is 160m from Goodge Street Underground station. In addition, regular bus routes pass close to the site along Tottenham Court Road.

### 2.2 Planning History

- 2.2.1 The planning history can be summarised as follows:
- 2019/3528/P Change of use of ground floor and basement retail unit (Class A1) to a cafe restaurant (Class C3) including installation of air extract equipment to the rear | Withdrawn

- 2003/0964/P Change of use of 1st, 2nd and 3rd floors from office use to residential, and conversion to 1 self-contained bedsit flat and 1 2 bed, self-contained maisonette. | Approved
- 9000503 Retention of a new shopfront as shown on drawing number SK1 | Approved
- 17595 Erection of a rear extension on basement and ground floor levels of 28 Goodge Street, W1 | Approved

2.2.2 In this respect, it is clear that the approved use of the premises was for Class A1. However, this has now been replaced by Class E.

2.2.3 Therefore, it is worth noting that the 2019 application for a restaurant use would not now need planning permission.

### **3 Development Plan Context, Designations and Material Considerations**

#### **3.1 Development Plan Context and Designations**

- 3.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. This represents the starting point for assessing the development prospects for a particular site or property.
- 3.1.2 The Development Plan context is provided by the London Plan (2021) and the Camden Local Plan (2017) along with the Fitzrovia Area Action Plan (2014).
- 3.1.3 The Proposals Map confirms that the site is within the Charlotte Street Conservation Area and also within the Goodge Street Neighbourhood Area and Central Activities Zone.

#### **3.2 Relevant Development Plan Policies**

- 3.2.1 The following policies of the London Plan have been identified as relevant:

- GG5 Growing a good economy
- SD6 Town centres and high streets
- D4 Delivering good design
- E9 Retail, markets and hot food takeaways
- HC1 Heritage conservation and growth

- 3.2.2 The following policies of the Local Plan have been identified as relevant:

- D1 Design
- D2 Heritage
- D3 Shopfronts
- D4 Advertisements
- TC1 Quantity and location of retail development
- TC2 Camden's centres and other shopping areas
- TC4 Town centre uses

- 3.2.3 These are discussed below, where relevant.

#### **3.3 Material Consideration – National Planning Policy Framework**

- 3.3.1 The Government's National Planning Policy Framework (2021) (the 'Framework') is a material consideration in the assessment of development proposals. The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.



3.3.2 The Framework confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

3.3.3 The Framework emphasises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.

3.3.4 The Framework confirms that at its heart is a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

3.3.5 An assessment of the Framework confirms that the proposed development is consistent with national planning policies, and this provides further support for the proposed development. This is discussed in more detail below with particular regard to design and town centre considerations.

### **3.4 Material Consideration –Supplementary Planning Guidance**

3.4.1 No relevant supplementary planning guidance has been identified.

## **4 Planning Assessment**

### **4.1 Introduction**

- 4.1.1 The following assessment considers the relevant Development Plan policies and material considerations identified in the preceding section and the degree to which the proposed development complies with their provisions or not as the case may be.
- 4.1.2 The principal considerations in the assessment of the development proposals are the principle of the land use and the design impacts. These considerations are summarised in turn below along with any other relevant matters.

### **4.2 Principle of land use**

- 4.2.1 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 4.2.2 In addition, paragraph 86 confirms that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 4.2.3 It also states that planning policies should: a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.
- 4.2.4 The London Plan Policy GG5 states that development must seek to ensure that London's economy diversifies and that the benefits of economic success are shared more equitably across London.
- 4.2.5 In addition, Policy SD6 of the London Plan states that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses.
- 4.2.6 In addition, the policy states that the adaptation and diversification of town centres should be supported in response to the challenges and opportunities presented by multi-channel shopping and changes in technology and consumer behaviour.
- 4.2.7 Furthermore, London Plan Policy E9 states that development proposals involving the redevelopment of surplus retail space should support other planning objectives and include alternative town centre uses on the ground floor where viable.

- 4.2.8 In this respect, the proposed use still constitutes a mix of town centre uses and therefore would comply with the above and also with Local Plan Policy TC1 which seeks to focus retail floorspace and a range of other town centre uses, including food, drink and entertainment uses within the town centres, Central London Frontages and Neighbourhood centres.
- 4.2.9 In addition, Local Plan Policy TC2 seeks to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The policy states that the Council will provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.
- 4.2.10 In this respect, a mix of uses will add to the vibrancy of the centre as the proposal will replace a vacant unit which has been empty for some time. This is discussed in more detail below.
- 4.2.11 However, the policy also states that the Council has designated primary and secondary frontages in its centres, which are shown on the Local Plan Policies Map. However, the site is not within a designated primary or secondary frontage.
- 4.2.12 However, the Council's expectations for the mix and balance of uses within frontages for each designated centre are set out in Appendix 4.
- 4.2.13 In this respect, Appendix 4 of the Local Plan states that neighbourhood Centres will be considered suitable locations for food and drink uses of a small scale (generally less than 100sqm) that serve a local catchment, provided they do not harm the surrounding area.
- 4.2.14 In addition, for neighbourhood Centres outside of the Central Activity Zone as a guide the Council will resist schemes that result in:
- less than 50% of ground floor premises being in retail use; or
  - more than 3 consecutive premises being in non-retail use
- 4.2.15 However, as the site is within the Central Activity Zone the above restrictions do not apply and small-scale food and drink uses and other town centre uses would be supported in this location.
- 4.2.16 Nevertheless, of the units within the defined frontage the following uses were observed on a survey undertaken on 10<sup>th</sup> May 2022 (including the proposed sui generis mix of uses):

Use Class	Number	Percentage
Class E	36	83%
Sui Generis	3	7%
Vacant	1	2%
Public House	2	5%

- 4.2.17 In addition, the proposed development would result in three consecutive units in a sui-generis use with the application property being in-between 'HMN Beauty Centre' and 'Thai Harmony Spa and Massage'.

- 4.2.18 However, these units are the only 3 non-Class E units in the defined neighbourhood Centre and therefore there will not be more than 3 consecutive premises in non-retail use.
- 4.2.19 Given the amendments to the Use Classes Order and the introduction of Class E it is not possible to define differences between retail and non-retail as the majority of these uses will be able to change without the need for planning permission.
- 4.2.20 Nevertheless, the proposed development will still maintain a coffee shop use at the frontage, and this would fall within Class E (a) and fall within a retail use. The rear part of the unit and basement will be a sui generis use.
- 4.2.21 In this respect, given the provisions of the Use Classes Order which has somewhat superseded the above policy of the Local Plan, the proposed development does not conflict with the aims of the Local Plan.
- 4.2.22 In addition, the proposed development seeks to revitalise the Centre by bringing a unit back into use which has been vacant since 2020
- 4.2.23 It is understood that the unit was marketed unsuccessfully as a retail unit for let until the building was purchased by the Applicant.
- 4.2.24 Therefore, the proposed development will not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours and therefore not conflict with the aims of Local Plan Policy TC4.
- 4.2.25 Therefore, subject to the below considerations there should be no objections to the principle of the change of use from Class E to a sui generis mix of Class E and Beauty Salon.

### **4.3 Design impacts**

- 4.3.1 In respect of design considerations Paragraph 126 of the NPPF confirms that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.3.2 Paragraph 130 states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; are sympathetic to local character and history and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 4.3.3 Paragraph 134 advises that significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

4.3.4 In this respect the NPPF offers support to the proposed development which will have no detrimental impact on the character of the area and does not propose any additional buildings, only a change of use and a high quality replacement shopfront.

4.3.5 London Plan Policy D4 seeks to deliver good design and Local Plan Policy D1 seeks to secure high quality design in development.

4.3.6 To the rear of the building the only alteration is the introduction of a rooflight on the existing flat roof. This will not be visible from any public viewpoints and will be of a high quality.

4.3.7 In addition, Local Plan Policy D3 states that the Council will expect a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features. When determining proposals for shopfront development the Council will consider:

- a. the design of the shopfront or feature, including its details and materials;

The proposed shopfront is a high quality design which seeks to improve its appearance over the existing and introduce a more active street frontage.

- b. *the existing character, architectural and historic merit and design of the building and its shopfront;*

The existing shopfront is a modern design and offers no historic merit or architectural interest to the building or street scene.

- c. *the relationship between the shopfront and the upper floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell;*

The relationship with the upper floors will be maintained as existing.

- d. *the general characteristics of shopfronts in the area;*

The area is characterised by a variety of different shopfront types, sizes and there is no uniform style.

- e. *community safety and the contribution made by shopfronts to natural surveillance; and*

The shopfront will maintain the natural surveillance of the street.

- f. *the degree of accessibility.*

The proposed unit will be accessible.

4.3.8 The Policy also states that the Council will resist the removal of shop windows without a suitable replacement and will ensure that where shop, service, food, drink and entertainment uses are lost, a shop window and visual display is maintained.

4.3.9 The proposed development maintains a shop window and an active frontage with a coffee bar. Therefore, there will be a visual display and ensure the retail frontage is maintained.

- 4.3.10 In addition, Policy D3 also states that where an original shopfront of architectural or historic value survives, in whole or in substantial part, there will be a presumption in favour of its retention. Where a new shopfront forms part of a group where original shop fronts survive, its design should complement their quality and character.
- 4.3.11 In this respect, the application site is located in a terrace where no traditional shopfronts of any architectural interest have been retained. The proposed design will complement the immediate adjoining units and therefore not harm the integrity of the street scene, as shown below:





- 4.3.12 The site lies within the Charlotte Street Conservation Area and in this respect Local Plan Policy D2 requires that development within conservation areas preserves or, where possible, enhances the character or appearance of the area. In addition, London Plan Policy HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.
- 4.3.13 The National Planning Policy Framework (paragraphs 190-201) seeks to ensure that proposals affecting a Heritage Asset first make an assessment of the impact of the proposal on the significance of the asset and should be granted if there is no harm to the significance. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that there are substantial public benefits that outweigh that harm or loss.
- 4.3.14 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 4.3.15 In this respect, in accordance with the NPPF it is clear that the approach in determining applications affecting a Heritage Asset is as follows:
- Assess the significance of the Heritage Asset.
  - Assess the impact of the proposed development on the significance of the Heritage Asset.
- 4.3.16 In this respect the Charlotte Street Conservation Area Appraisal and Management Plan confirms that the Georgian townhouses are typically brick built in a yellow stock brick and are four storeys fronting the main streets such as Goodge Street.
- 4.3.17 The Appraisal considers the application property to be a positive contributor to the Conservation Area. However, the building is not a shopfront of merit with all of the positive shopfronts being on the opposite side of the street.
- 4.3.18 In this respect, the existing shopfront would be neutral significance at best in the context of the Conservation Area
- 4.3.19 The Appraisal confirms that the appearance of all buildings of historic interest (listed and unlisted) within the conservation area is harmed by the removal or loss of original architectural features and the use of inappropriate materials. For example, the loss of original joinery, sash windows, porches and front doors, can have considerable negative impact on the appearance of a historic building and the area. Insensitive repointing, painting or inappropriate render will harm the appearance and the longterm durability of historic brickwork.
- 4.3.20 However, as none of these features exist there will be no harm to the significance of the Conservation Area.

- 4.3.21 In addition, the proposed rear roof light replaces an existing smaller one and therefore the principle of such a feature is already established. The rooflight is not visible from any public vantage points and therefore will have minimal impact on the appearance of the building or the significance of the Conservation Area.
- 4.3.22 The proposed extension to the glass block flooring to the frontage will have limited impact on the appearance of the area as full width glass block flooring already exists on a number of the other neighbouring properties including at Nos 34, 37, 42, 44, 49, 54, 62 and 66 Goodge Street.
- 4.3.23 In this respect, the proposed glass blocks will complement the character of the area.
- 4.3.24 Local Plan Policy D4 The Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.
- 4.3.25 However, at this stage there is no advertisement consent required and this will be dealt with separately should the need arise.
- 4.3.26 As such there is no material change in character or appearance of the building that would have a material impact on the significance of the Conservation Area.
- 4.3.27 Consequently, the proposals will have no demonstrable impact on the significance of heritage assets in this location.

#### **4.4 Other matters**

- 4.4.1 The proposed change of use sits in a highly sustainable location in Central London and therefore there are no parking or highways implications as no parking is expected to be provided.
- 4.4.2 The proposed works will increase the sustainability of the building.
- 4.4.3 London Plan Policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:
1. identify suitably positioned unobstructed outside space:
    - a. for fire appliances to be positioned on
    - b. appropriate for use as an evacuation assembly point
  2. are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
  3. are constructed in an appropriate way to minimise the risk of fire spread
  4. provide suitable and convenient means of escape, and associated evacuation strategy for all building users
  5. develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in



6. provide suitable access and equipment for firefighting which is appropriate for the size and use of the development
- 4.4.4 In this respect, the proposed development does not seek to create any new building and no additional access points are created. Therefore, the proposed development will have no impact on the fire strategy as fire appliances will still be capable of being positioned on Goodge Street and there are surrounding public spaces for evacuation points.
  - 4.4.5 The proposed external materials will not increase the fire risk.

## **5 Summary and Conclusion**

### **5.1 Summary**

- 5.1.1 In summary, this statement represents a Planning Statement submitted in support of the planning application for the change of use of the site to a mixed coffee shop / beauty salon and replacement shopfront at 28 Goodge Street, London, W1T 2QQ.
- 5.1.2 The purpose of this statement is to identify Development Plan policies that maybe relevant in the assessment of the development proposal; and to consider whether the proposal conflicts with their provisions and, if so, whether there are material considerations that outweigh any conflict with the Development Plan.
- 5.1.3 An assessment of the relevant planning policies in the adopted Development Plans confirms that there is no significant conflict with their provisions and that the statutory test imposed by Section 70(2) of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 is met.
- 5.1.4 The National Planning Policy Framework is a material consideration in the assessment of the development proposal. An assessment of the Framework confirms that the proposed development is consistent with national planning policies and provides further support for the application.
- 5.1.5 The above confirms that there is no detrimental impact on the character of the area and the proposed use does not conflict with the Development Plan.
- 5.1.6 There are no technical impediments to the granting of planning permission.

### **5.2 Conclusion**

- 5.2.1 In conclusion, the proposed development is considered compliant with the relevant provisions of the development plan. Planning law dictates that this justifies a grant of planning permission. Assessment against the policies contained within the Framework, which is a material consideration, further confirms that the development can be considered to be a form of sustainable development and therefore benefit from the presumption in favour of sustainable development which is a golden thread running through decision-taking.
- 5.2.2 The proposal is therefore promoted on this basis and that it can be supported and receive a grant of planning permission.

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