

Committee:	Date:
Planning and Transportation	6 March 2020
Subject: 8 Paternoster Row London EC4M 7DX Change of use at ground and basement levels from retail (Class A1) to a restaurant and hot food takeaway (Sui Generis) (147sq.m GIA) and external alterations comprising the installation of air-intake and extract louvres to the existing shopfront fascia.	Public
Ward: Bread Street	For Decision
Registered No: 19/00939/FULL	Registered on: 9 September 2019
Conservation Area:	Listed Building: NO

Summary

The application site comprises a basement and ground floor retail unit (Use Class A1) within a five-storey mixed use building known as St Martin's Court. St Martin's Court consists of a mix of A1, A3 and A5 commercial units on the ground floor (some with basements) and offices above. The site is bound by pedestrianised streets, Paternoster Row to the south, Queens Head Passage to the west, Payner Alley to the east and King Edward Street to the north.

Planning permission is sought for the change of use of the basement and ground floor from shop (Class A1) to sui generis restaurant and hot food take away (Class A3 and Class A5) (147sq.m).

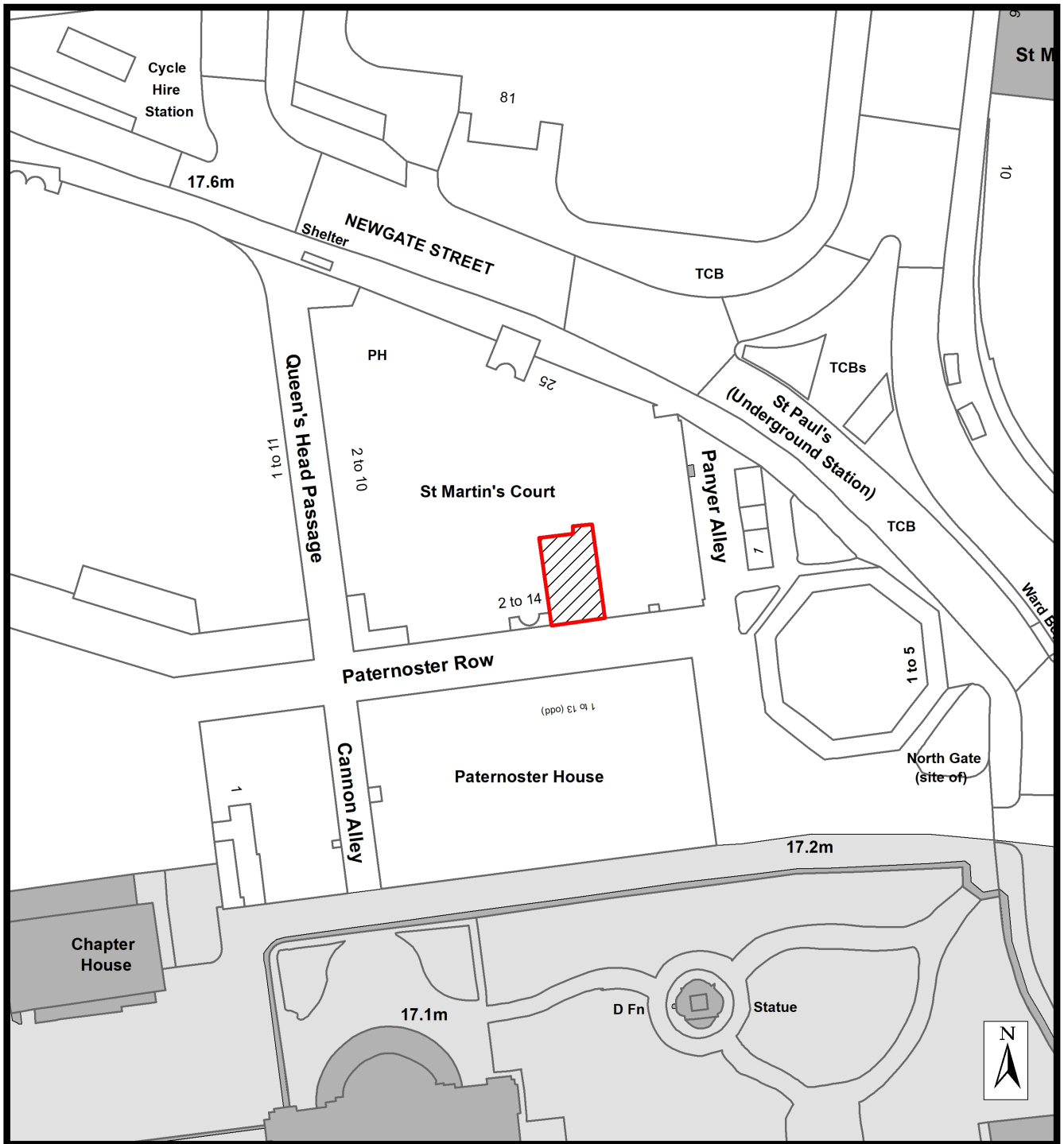
The proposed change of use would contribute to the vitality of the site, which is located in a retail link and suitable for A3 and A5 uses.

The applicant has adequately demonstrated that it would not be possible to locate extract at roof level. It is therefore proposed to extract at street level, with the insertion of louvres in the shopfront. Details have been provided in relation to the proposed extract equipment and officers are satisfied that it would be sufficient to ensure no malodours to the street and ongoing maintenance would be secured by condition. The insertion of the louvres into the would be appropriate to its setting.

Recommendation

That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule.

Site Location Plan



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ADDRESS:

8 Paternoster Row

CASE No.

19/00939/FULL

- CITY BOUNDARY
- SITE LOCATION
- LISTED BUILDINGS
- CONSERVATION AREA BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT



Main Report

Site

1. The application site comprises a basement and ground floor retail unit (Use Class A1) within a five-storey mixed use building known as St Martin's Court. St Martin's Court consists of a mix of A1, A3 and A5 commercial units on the ground floor (some with basements) and offices above. The site is bound by pedestrianised streets, Paternoster Row to the south, Queens Head Passage to the west, Payner Alley to the east and King Edward Street to the north.

Relevant Planning History

2. There is no relevant planning history relating to the proposal.

Proposals

3. Planning permission is sought for the change of use of the basement and ground floor from shop (Class A1) to sui generis restaurant and hot food take away (Class A3 and Class A5) (147sq.m).

Consultations

4. The application has been advertised on site and in the local press. No comments have been received.

Policy Context

5. The development plan consists of the London Plan, the draft London Plan, the City of London Local Plan and the Draft City of London Local Plan.
6. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix A to this report.
7. Government Guidance is contained in the National Planning Policy Framework (NPPF).

Considerations

The Corporation, in determining the planning application has the following main statutory duties to perform:-

8. to have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. (Section 70 Town & Country Planning Act 1990);
to determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

9. The principal issues in considering this application are:
- The extent to which the proposals comply with Government policy advice (NPPF).
 - The extent to which the proposals comply with the relevant policies of the Development Plan.

Use

10. The application site is not within a Principal Shopping Centre (PSC) but does fall within a retail link, which encourages the provision of a mix of retail uses including A3, A4 and A5. There would be no loss of active retail frontage and the scheme would comply with Local Plan Policy DM20.2 relating to isolated and small groups of retail units. This unit would provide sui generis retail space which is complementary to the City's business function and would provide facilities which would enhance the environment of this area of the City.
11. Local Plan Policy DM3.5 (Night-time entertainment) paragraph 3.3.20 states that all planning applications for A3, A4, A5, and related, uses should include information stating the proposed hours of operation. The site sits within a commercial location, with no residential properties nearby. The proposed opening hours of 0600-2200 Monday to Sunday, including bank holidays is considered to be acceptable.

Design

12. The proposal includes the installation of two louvre panels measuring 0.95 x 0.85m on either side of the top of the shopfront to accommodate ventilation and extraction requirements. Paragraph 3.10.16 of the Local Plan, in relation to Policy DM 10.1 'New Development' says that ventilation of extraction systems should be routed internally and extensive or unsightly external ducting will be resisted. The proposed louvres would be in-keeping with the overall character and appearance of the building and in accordance with policy.

Amenity

13. Local Plan policy DM15.6 relates to Air Quality and requires developers to consider the impact of their proposals on air quality, supporting paragraph 3.15.10 indicates that this can include smoke, fumes, gases, dust, steam and odour and says that consideration should be given to the individual and cumulative impact of development on local air quality and the wider impacts.

14. The applicant has submitted the following statement from the building's landlord to explain why it is not possible to provide an extract to roof level or into the existing riser: *"There is no possible extraction route to the roof level from Unit 8 St Martins Court. There is no riser on the east side of the building. This is because an east riser would not lead directly to the plant compound which is on the west side of the building. Previously, itsu, Coco and Youngs Pub have run refrigeration pipework to the roof via a riser in the west core...There is no longer any space in the roof compound to locate any condensers or other plant space. Therefore, any retailer has to extract from high shop level."* Owing to the restrictions of the layout of the building and the capacity issues within the west riser and roof top plant compound, it is not possible to provide extraction at roof level. The applicants have given full consideration to providing high level extract but in this instance it has been necessary to seek an alternative solution at street level. It is proposed that louvres would be installed to allow extraction at street level. The applicant has provided details of the proposed extraction equipment which indicates that odour would be controlled through the installation of in duct Ultraviolet followed by Electrostatic filters and a full media filtration system. Within the ducts, air flow sensors are also to be installed which would pick up any reduction in air flow. Should a reduction in the air flow occur, the sensors would shut down the system ensuring that the plant is maintained properly and that there is no release of odour or pollutants into the public realm.
15. Environmental Health Officers have reviewed the supporting information and indicated that the proposed ventilation would deliver a very high level of odour control, in accordance with EMAQ+ guidance and that subject to a condition pertaining to ongoing maintenance, the proposed ventilation system would be in accordance with Local Plan policy DM 15.6. Whilst always preferable to extract at high level, where not possible, the highest level of odour control is required. Appropriate conditions are recommended to ensure that the proposed measures for control of odours are installed and maintained for the life of the development.

Access

16. Internally, the unit would have some minor alterations. The basement of the unit would become the back of house, with patrons using the ground floor level only. The unit would have a level access from the street and an accessible toilet would be provided at ground floor level, in accordance with policy DM10.8.

Waste – refuse/recycling

17. Refuse would be stored in a large store-room in the basement. This would provide appropriate refuse storage in accordance with policies CS17 and DM 17.1.

Conclusions

18. The proposed change of use would contribute to the vitality of Paternoster Row. The proposed external alterations are considered to be in-keeping with the character of the street and surrounding area.

Conditions relating to on-going maintenance would ensure that the proposed extraction system would not cause unacceptable noise and odours to the street and would be in accordance with policy DM 15.6.

It is recommended that the scheme is granted planning permission subject to the conditions proposed.

Background Papers:

Memo Department of Markets and Consumer Protection 15.10.2019

Email Department of Markets and Consumer Protection 24.02.2020

Planning Statement prepared by Pegasus Group dated September 2019

Covering letter from Pegasus Group dated 6th September 2019

Letter from Pegasus Group dated 06.12.2019

Appendix A

London Plan Policies

The London Plan policies which are most relevant to this application are set out below:

Policy 4.5 Support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision.

Policy 4.7 Support a strong, partnership approach to assessing need and bringing forward capacity for retail, commercial, culture and leisure development in town centres.

Policy 4.8 Support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of this Plan, especially town centres.

Policy 7.2 All new development in London to achieve the highest standards of accessible and inclusive design.

Relevant Local Plan Policies

CS10 Promote high quality environment

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

DM10.5 Shopfronts

To ensure that shopfronts are of a high standard of design and appearance and to resist inappropriate designs and alterations. Proposals for shopfronts should:

- a) respect the quality and architectural contribution of any existing shopfront;
- b) respect the relationship between the shopfront, the building and its context;
- c) use high quality and sympathetic materials;
- d) include signage only in appropriate locations and in proportion to the shopfront;
- e) consider the impact of the installation of louvres, plant and access to refuse storage;
- f) incorporate awnings and canopies only in locations where they would not harm the appearance of the shopfront or obstruct architectural features;
- g) not include openable shopfronts or large serving openings where they would have a harmful impact on the appearance of the building and/or amenity;

- h) resist external shutters and consider other measures required for security;
- i) consider the internal treatment of shop windows (displays and opaque windows) and the contribution to passive surveillance;
- j) be designed to allow access by users, for example, incorporating level entrances and adequate door widths.

DM15.6 Air quality

1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

DM15.7 Noise and light pollution

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.

3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

CS17 Minimising and managing waste

To support City businesses, residents and visitors in making sustainable choices regarding the minimisation, transport and management of their waste, capitalising on the City's riverside location for sustainable waste transfer and eliminating reliance on landfill for municipal solid waste (MSW).

DM17.1 Provision for waste

1. Waste facilities must be integrated into the design of buildings, wherever feasible, and allow for the separate storage and collection of recyclable materials, including compostable material.
2. On-site waste management, through techniques such as recycle sorting or energy recovery, which minimises the need for waste transfer, should be incorporated wherever possible.

CS20 Improve retail facilities

To improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.

DM20.2 Retail links

To encourage the provision and resist the loss of retail frontage and floorspace within the Retail Links. A mix of shops and other retail uses will be encouraged in the Links, ensuring that the location and balance of uses does not adversely affect the function of the Link, any nearby PSC or their surrounding areas.

SCHEDULE

APPLICATION: 19/00939/FULL

8 Paternoster Row London EC4M 7DX

Change of use at ground and basement levels from retail (Class A1) to a restaurant and hot food takeaway (Sui Generis) (147sq.m GIA) and external alterations comprising the installation of air-intake and extract louvres to the existing shopfront fascia.

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.

- 2 The proposed restaurant sharing a party element with office premises shall be designed and constructed to provide resistance to the transmission of sound. The sound insulation shall be sufficient to ensure that NR40 is not exceeded in the office premises due to noise from the neighbouring non-office premises and shall be permanently maintained thereafter.
A test shall be carried out after completion but prior to occupation to show the criterion above have been met and the results shall submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenities of occupiers of the building in accordance with the following policy of the Local Plan: DM15.7.

- 3 All parts of the ventilation and extraction equipment including the odour control systems installed shall be cleaned, serviced and maintained in accordance with Section 5 of 'Control of Odour & Noise from Commercial Kitchen Extract Systems' dated September 2018 by EMAQ+ (or any subsequent updated version). A record of all such cleaning, servicing and maintenance shall be maintained and kept on site and upon request provided to the Local Planning Authority to demonstrate compliance.

REASON: Reason: To protect the occupiers of existing and adjoining premises and public amenity in accordance with Policies DM 10.1, DM 15.7 and DM 21.3

- 4 Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to protect the amenities of commercial occupiers in the building in accordance following policy of the Local Plan: DM15.7.

- 5 (a) The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation.
- (b) Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.
- (c) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 6 No live or recorded music shall be played that it can be heard outside the premises or within any residential or other premises in the building.

REASON: To safeguard the amenity of the adjoining premises and the area in general in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 7 The extract and air conditioning system shall be operated in accordance with Chapman Ventilation Performance Specification for the Heating Ventilation and Air Conditioning report hereby approved for the unit. At all times the extract shall be operated to minimise noise impacts and emissions and a log of its use shall be maintained and be available for inspection by the Local Planning Authority.

REASON: Reason: To protect the occupiers of existing and adjoining premises and public amenity in accordance with Policies DM 10.1, DM 15.7 and DM 21.3.

- 8 The restaurant (Class A3) use hereby permitted shall not be open to customers between the hours of (22:00) and (06:00).

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 9 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission: 19057_0000 Rev 00, 19057_1100 Rev 02, 19057_1101 Rev 02, 001-688-01 Rev D, Chapman Ventilation Performance Specification for the Heating Ventilation and Air Conditioning.

REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:
- detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;
 - a full pre application advice service has been offered;
 - where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.
- 2 The Director of Markets and Consumer Protection states that any building proposal that will include catering facilities will be required to be constructed with adequate grease traps to the satisfaction of the Sewerage Undertaker, Thames Water Utilities Ltd, or their contractors.
- 3 This permission must in no way be deemed to be an approval for the display of advertisement matter indicated on the drawing(s) which must form the subject of a separate application under the Advertisement Regulations.