

Delegated Report		Analysis sheet	Expiry Date:	10/07/2013
		N/A / attached	Consultation Expiry Date:	13/06/2013
Officer			Application Number(s)	
Neil Quinn			1. 2013/2507/P 2. 2013/2598/L	
Application Address			Drawing Numbers	
114/115 High Holborn London WC1V 6JQ			Refer to draft decision notices	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
<ol style="list-style-type: none"> Change of use from financial and professional services (Class A2) at ground floor and basement level to restaurant use (Class A3), including installation of external flue to rear elevation from ground floor to sixth floor level, installation of external condensers to ground floor rear roof, and alterations to rear windows. Internal and external alterations in connection with the change of use from financial and professional services (Class A2) at ground floor and basement level to restaurant use (Class A3), including installation of external flue to rear elevation from ground floor to sixth floor level, installation of external condensers to ground floor rear roof, and alterations to rear windows. 				
Recommendation(s):		<ol style="list-style-type: none"> Refuse permission Grant conditional listed building consent 		
Application Type:		<ol style="list-style-type: none"> Full Planning Permission Listed building consent 		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	18	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>Site Notice displayed outside property between 17/05/13 and 07/06/13 Press Notice published (Ham&High) between 23/05/13 and 13/06/13</p> <p>One response received raising the following issues:</p> <ul style="list-style-type: none"> - There is a MacDonald's right next door-so direct competition with another burger establishment immediately; - We are experiencing a national crisis of obesity, diabetes type 2 and cardiovascular disease. Whilst this is not the fault of MacDonald's and Byron Burger, as one would hope that as individuals we can regulate our diets responsibly, their presence is very tempting. - One of my favourite places in the Bloomsbury area is Lambs Conduit Street, and I am very privileged to work on the corner. It is unique, very picturesque and almost an old-fashioned street which only accommodates independent coffee shops, restaurants and boutiques. It is almost like stepping back in time and the wonderful feeling of belonging makes the long working hours bearable by nipping out for tea at 6pm. - Many commercial areas in London have so many chain stores and franchises that the character is being diluted out and many independent boutiques, businesses and restaurants are sadly failing. There a very few independent places left in High Holborn (I can only think of four that I frequent) and it would be a shame to add yet another franchise. <p><i>Officer comments: Although issues of health and obesity can form valid planning concerns at a strategic level, in this case it would be unreasonable to refuse the application purely based on the type of food being sold at the premises, particularly as there are other fast-food restaurants in close proximity to the site.</i></p> <p><i>The issue of introducing another franchise to the area is also one which would be unreasonable to refuse permission on.</i></p>					
CAAC comments:	No comment made by Bloomsbury CAAC .					

Site Description

The application relates to a ground floor and basement unit on the northern side of High Holborn, close to the junction with Kingsway and Southampton Row. It forms part of a mid-terrace, seven-storey Grade II listed building, which is also located within the Bloomsbury Conservation Area.

The ground floor and basement are currently in use as an employment agency (Class A2), with the upper floors in office use (Class B1). The site is located within the Holborn Central London Frontage, as recognised within the Central London Planning Guidance document adopted in 2007.

Relevant History

9100084 – Application **granted on 18th April 1991** for the change of use of ground floor and basement from Class A1 to Class A2 (financial and professional services) of the Town and Country Planning (Use Classes) Order 1987.

9401618 and 9470311 - Planning permission and listed building consent **granted on 19th October 1994** for the installation of four internal wall mounted air handlers on the first floor and four air cooled condensing units on the rear flat roof.

P9602802 and L9602803 - Planning permission and listed building consent **granted on 31st October 1996** for the installation of 4 air handling units on flat roof at rear 6th floor level

2004/0111/P and 2004/1520/L – Planning permission and listed building consent **granted on 23rd April 2004** for installation of three condenser units on rear wall.

Relevant policies

LDF Core Strategy and Development Policies

Core strategy

- CS1 - Distribution of growth
- CS3 - Other highly accessible areas
- CS5 - Managing the impact of growth and development
- CS7 - Promoting Camden's shops and centres
- CS8 - Promoting a successful and inclusive Camden economy
- CS9 – Achieving a successful Central London
- CS11 - Promoting sustainable and efficient travel
- CS14 - Promoting high quality places and conserving our heritage
- CS18 – Dealing with our waste and encouraging recycling

Development policies

- DP12 - Strong centres and managing the impact of foods, drinks or other uses
- DP19 - Managing the impact of parking
- DP16 - Transport implications of development
- DP21 - Development connecting to the highway network
- DP24 - Securing high quality design
- DP25 - Conserving Camden's Heritage
- DP26 - Managing the impact of development on occupiers and neighbours
- DP28 – Noise and vibration

Camden Planning Guidance (revised September 2013)

- CPG1 – Design
- CPG5 – Town Centres, retail and employment
- CPG6 – Amenity
- CPG7 – Transport

National Planning Policy Framework (NPPF) 2012 London Plan (2011)

Assessment

1.0 Proposal

- 1.1 The application proposes the change of use of the ground floor and basement from an employment agency (Class A2) to a restaurant (Class A3). In connection with this, the proposal includes the installation of a full-height extract duct to the rear elevation and condenser units to the roof of the ground floor rear part of the building, as well as alterations to rear windows.
- 1.2 Internally, alterations are proposed at both ground floor and basement level to accommodate new kitchen, seating areas and associated facilities including toilets and staff facilities.
- 1.3 The application is made on behalf of Byron Restaurants, a hamburger chain which have 28 other locations across London. The proposed opening hours would be 1100 - 0030 Monday to Saturday, and 1100 – 2330 on Sundays. It is stated that the use would employ approximately 20 people on a full and part-time basis.

2.0 Considerations

2.1 The main issues for consideration are:

- the impact of the proposed restaurant use on the character, function, viability and vitality of the Holborn Central London Frontage;
- the impact of the proposed use and associated plant on neighbouring amenity;
- the impact of the proposed alterations on the special character of the Grade II listed building and the character and appearance of the Bloomsbury Conservation Area.

2.2 Policy context

2.3 Policy CS9 (m) of the LDF states that the Council will manage the location and concentration of food, drink and entertainment uses and their impact. Policy DP12 outlines that the Council will ensure that the development of services does not cause harm to the character, function, vitality and viability of a centre, and will consider the impact of non-retail development on shopping provision and character.

2.4 In addition to the main policy context, CPG5 – Town Centres, retail and employment is of relevance. The application site is located within the designated High Holborn / Kingsway Central London Frontage, which comprises the shopping streets of High Holborn / Holborn (from the junction of New Oxford Street to Holborn Circus), and most of Kingsway south of High Holborn.

2.5 The frontage largely operates as a town centre for workers and the small residential community in the Holborn Area and contains approximately 150 ground floor commercial units.

2.6 While the frontage contains a high percentage of retail uses and financial and professional services, the CPG5 recognises that food, drink and entertainment uses are interspersed amongst these other uses, and these are also characterised by High Street multiples. Slightly less than a quarter of all premises are occupied by food, drink and entertainment uses.

2.7 As the proposal does not involve the loss of retail use, para. 4.23 is not relevant. However, CPG5 goes on to state in para. 4.24 that *'to protect the main area of retail uses and allow for other service uses (particularly within Use Class A2), planning permission will not be granted for development that results in more than 25% of shop units in each individual frontage shown on Map 9 (to which the application site relates) being in food, drink and entertainment uses.'*

2.8 CPG5 also states that a grouping of food, drink, and entertainment uses has developed on Kingsway south of Gate Street on the fringe of this Central London Area. Para. 4.25 of the CPG recognises this area is worthy of exception to the above policy, stating that this is dominated by offices with little residential development. Therefore, up to 40% of food, drink and entertainment uses will be allowed within this part of the frontage, as shown on Map 9.

2.9 Analysis

2.10 The application site forms part of a frontage of 6 commercial premises, as shown on Map 9 of CPG5. A site visit was carried out to establish the existing mix of uses within the frontage. This was verified against the Council's planning records to establish the lawful uses within the parade as well as the information

provided in Camden's retail survey 2010. The results are as follows:

Address of building	Use as seen on site on 08/07/2013	Lawful use according to planning history	Land use according to Retail Survey 2011 information	Land use according to Land Use Survey 2012
111 High Holborn	Class A1 – Wrap it Up! (sandwich bar)	Class A1 referred to in 2010/6009/P	Class A3	Class A1
112 High Holborn	Class A3 – McDonalds	Class A3 referred to in 2013/1944/P	Class A3	Class A3
113 High Holborn	Class A3 – HIBA Lebanese Restaurant	Class A3 referred to in 2009/2567/P	Class A3	Class A3
114-5 High Holborn	Class A2 – Brook Street Recruitment Agency	Class A2 (see planning history above)	Class A2	Class A2
116 High Holborn	Class A3 / Class A2 – Wasabi (sushi bar) / Excel Recruitment	Class A3 referred to in 2012/2394/P	Class A3 / Class A2	Class A3 / Class A2
117-120 High Holborn	Class A2 – C&G Bank	Class A2 referred to in 2012/6134/A	Class A2	Class A2

2.11 There are currently no uses within the parade that are unauthorised. For the purpose of the assessment of the application, the lawful uses of the properties need to be taken into consideration. In addition, only active commercial frontages have been considered in this assessment (the entrances to the language school and offices/residential properties on upper floors have been discounted).

2.12 The current unit mix is set out below:

A1 – 1 unit

A2 – 2.5 units

A3 – 2.5 units – **41.7%**

Total – 6 units

2.13 With the change proposed, the units would be:

A1 – 1 unit

A2 – 1.5 units

A3 – 3.5 units – **58.3%**

Total – 6 units

2.14 The above figures demonstrate that the level of A3 uses within this individual frontage would increase well above 50% as a result of the proposal. Furthermore, the proposed restaurant would create a cluster of four consecutive A3 uses within the parade, further exacerbating the harm caused to the character and function of this part of the High Holborn frontage.

2.15 In addition, while the proposal would not result in the loss of a retail unit, CPG5 clearly sets out that this part of the Central London Area is an important one for financial and professional services, and para. 4.24 alludes to their importance within the parade. Therefore the loss of an A2 use in this location is considered harmful to the character and function of this part of the frontage, particularly since it is excellently located opposite Holborn Underground Station.

2.16 CPG5 accepts that some flexibility to policies on food, drink and entertainment uses in the Central London Area is required, and states that a higher percentage (up to 40%) of such uses could be supported to the southern end of Kingsway. This suggests that any increase in restaurant uses would be more appropriately located in this area.

2.17 On this basis, the proposed change of use to Class A3 would prove detrimental to the character and

function of the High Holborn frontage, contrary to policy CS7 (Promoting Camden's Centres and Shops) of the London Borough of Camden Local development Framework Core Strategy and to policy DP12 (Supporting Strong Centres and Managing the Impact of Food, Drink, Entertainment and other Town Centre Uses) of the London Borough of Camden Local Development Framework Development Policies.

2.18 Design/ Impact on Listed Building and CA

2.19 The proposed external alterations in connection with this change of use would include the installation of a full-height extract flue from ground to sixth floor level, the installation of external condenser units to the ground floor rear roof, and alterations to rear windows.

2.20 Although the flue would extend the full height of the building, this façade has a blank section of glazed brickworks which would easily accommodate the flue with blocking or altering the fenestration. The fixings need to attach the flue are not considered to unduly harm the fabric. The condenser units would not be visible from any public vantage points are relatively modest in scale. The proposed replacement windows are also considered acceptable.

2.21 Internally, the works are concentrated at ground and basement level. At basement level there are no features or layout to be affected by the works and as such the works are considered acceptable.

2.22 At ground floor level the interior is void of features or fabric which add to the buildings special interest except for the ceilings, columns and panelling. These would not be affected by the works and as such no objection is raised to the proposal subject to conditions.

2.23 Noise/Amenity

2.24 Policy DP12 (parts h – o) states that in order to manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions or obligations to address issues over hours of operation, noise / vibration, fumes and siting of plant and machinery, refuse/litter storage and other issues.

2.25 The Council's Environmental Health Noise Team has been consulted with regard to the proposed extract equipment and air conditioning units in connection with the A3 use. The applicant has submitted an acoustic report in support of this.

2.26 It is accepted that noise level predictions inclusive of suitable mitigation measures demonstrate that the proposed plant will comply with Camden Council's emission criterion at all nearby receptors during office hours (08.00-18.30 hours), and in the absence of any immediately adjoining residential properties.

2.27 Were the application to be recommended for approval, conditions would have been attached requiring the plant to comply with Camden's standard noise and vibration requirements, as well as requiring necessary mitigation measures to be installed prior to any plant operating.

2.28 In the absence of any immediately adjoining residential occupiers, the proposed hours of use for the restaurant (1100 - 0030 Monday to Saturday, and 1100 – 2330 on Sundays) are not considered to raise any amenity concerns.

2.29 On this basis, it is considered that had the principle of an A3 use been acceptable in this location, suitable conditions could be attached to mitigate any harm to the amenity of neighbouring residents and occupiers as a result of the proposal.

3.0 Conclusion

3.1 Although the proposal is considered acceptable in design, listed building, noise and amenity terms, this does not outweigh the harm resulting from the proposed restaurant use (Class A3) along this part of the High Holborn frontage.

4.0 Recommendation

4.1 Refuse planning permission

4.2 Grant conditional listed building consent