

61, 63 AND 65 CHARLOTTE STREET, LONDON W1

Retail Statement

Charlotte Street Investment Holdings Ltd

December 2012

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1.0 Introduction

PURPOSE OF STATEMENT

- 1.1 CBRE Planning have been instructed by Charlotte Street Investment Holdings Ltd to prepare a statement to support the proposed composite A1/A3 development at 61, 63 and 65 Charlotte Street, which involves the change of use and consolidation of the existing properties to include a new retail concept store at ground floor of nos. 61 and 63 and basement level of nos. 61, 63 and 65 together with three new residential units on the upper floors of 61 and 63 Charlotte Street.
- 1.2 The statement considers the proposal in terms of the policies in the development plan and related planning policy documents, as well as the National Planning Policy Framework (NPPF). It should be read alongside the separate Planning Statement, also prepared by CBRE, and a range of other documents submitted in support of the application.

THE APPLICATION SITE

- 1.3 The site is located mid-way along Charlotte Street between Goodge Street and Tottenham Street, approximately 275m from Goodge Street Underground Station and situated within the Charlotte Street Conservation Area. The property comprises a terrace of brick built period buildings with lower ground floor and three upper floors on the western side of Charlotte Street at numbers 61, 63 and 65. The properties form part of a block comprised principally of period properties between Tottenham Street to the north, Goodge Place to the west, Goodge Street to the south and Charlotte Street to the east.
- 1.4 The buildings are in use as follows:
 - 61: Vacant at basement, ground and upper floors, but all previously used as offices (B1(a));
 - 63: Basement in use for storage purposes, the ground floor in use as hair salon (A1) with office uses B1(c) above;
 - 65: Basement in ancillary office space, ground floor in use as a snack bar (A1) with residential units (C3) above.

PROPOSED A1/A3 FLOORSPACE

- 1.5 Our client proposes a bespoke retail concept store at ground floor and basement level of the properties which is currently being described as 'The Charlotte Street Market'. The concept is a 'shop and dine' experience, with food and drink goods sold from retail floorspace which sits alongside cafe/restaurant space at basement level. This will be a unique mix of retail and food and drink uses not currently available elsewhere within the Charlotte Street and wider Fitzrovia area.
- 1.6 The new facility would occupy the ground floor of nos. 61 and 63 and the and basement of 61, 63 and 65 Charlotte Street, which would be linked internally. Originally it was proposed to include no. 65 within the proposed consolidated retail unit at ground floor. However, following extensive consultation with members of the public and Officers at London Borough of Camden, the applicant decided to retain no. 65 as a separate retail unit. No. 65, however, is proposed to be used as a butcher shop and form part of the overall retail experience but sit as a separate retail unit. No. 65 is already in A1 retail use so planning permission is not required for the use of the premises as a butcher shop, and it therefore does not form part of the application.

1.0 Introduction

- 1.7 The ground floor will comprise 213 sq.m of retail sales area sale and display of food and drink produce including greengrocer, bakery, fresh tea and coffee (including take away coffee sales) and dry goods such as pasta, oils, spices etc.
- 1.8 Basement level will accommodate the dining areas comprising 186 of net floorspace, a cheese and wine retail area of 75 sq.m net sales floorspace. The remainder of the floorspace will include circulation areas/ lifts, customer toilets and back of house areas including kitchens, storage, staff room and office space.
- 1.9 The dining areas are entirely ancillary to the main purpose of the premises as a retail market. The proposed business model is an ethos similar to other 'lifestyle' concept stores such as 'Fresh and Wild' in Soho and the 'Natural Kitchen' in Marylebone which offer a variety of fresh and ethically sourced produce together with a 'shop and dine' experience such that the foods available within the casual dining areas are the same produce that customers can purchase within the store.
- 1.10 The ethos is to provide fresh produce which, so far as possible, is locally sourced. The intention is that it should be an independent operation; there is no intention that it should form part of chain or multinational.
- 1.11 In planning terms, the proposed use would be a mix of A1 and A3. Almost all of the ground floor would be for A1 use and the basement a mix of A1, A3 and ancillary retail uses.
- 1.12 The ground floor spaces at 63 and 65 Charlotte Street are currently in A1 use, and could be combined without the need for planning permission. However, permission is required for change of use the ground floor space at 61 Charlotte Street and for the basement of all three units, and that is the focus of this statement.
- 1.13 The proposals have been carefully developed to respond to comments from the Council and local residents. The proposals provide a unique and independent retail offer that is not available elsewhere within the Fitzrovia area, that will enhance the character of the area. The proposals will be carefully managed through a variety of planning controls including planning conditions.

BENEFITS OF THE PROPOSAL

- 1.14 The A1/A3 element of the proposed development would have a range of benefits, including:
 - Bringing unit 61 back into viable use, thereby making effective use of available property;
 - Reducing the need for local residents to travel in order to purchase grocery goods, with a consequent environmental benefit;
 - The creation of new jobs.

STRUCTURE OF STATEMENT

- 1.15 Notwithstanding the benefits of the proposed development, we recognise that there is a number of planning policy tests which need to be satisfied before the A1/A3 floorspace can be considered acceptable.
- 1.16 The remainder of this statement addresses these tests and is structured as follows:
 - Section 2 provides a review of the planning policy against which any application will be determined;

1.0 Introduction

- Section 3 reviews potentially sequentially preferable sites;
- Section 4 considers the impact of the loss of smaller units;
- Section 5 considers the impact of the consolidation of existing and addition of new A1 floorspace in a single unit;
- Section 6 considers the impact of the proposed A3 use; and
- Section 7 draws overall conclusions.

2.0 Planning policy review

CONTEXT

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
- 2.2 The National Planning Policy Framework (NPPF) confirms this approach, noting that the planning system is plan-led, with the development plan, which includes adopted Local Plans¹ and neighbourhood plans, the starting point for the determination of any planning application. In this case the development plan is formed of:
- The London Plan (published July 2011);
 - Camden Core Strategy 2010-2025 (adopted November 2010);
 - Camden Development Policies 2010-2025 (adopted November 2010).
- 2.3 Other material considerations include:
- The National Planning Policy Framework;
 - The CLG Practice Guidance on Need, Impact and the Sequential Approach;
 - Supplementary planning documents, notably London Borough of Camden's Planning Guidance for Central London SPD.
- 2.4 Emerging local planning policy may also be material. We are aware of the Fitzrovia Area Action Plan, a working draft of which was published in February 2012, but attach little weight to it, given the early stage in its preparation, the fact that it has not been considered by the Council and that it does not represent Council policy
- 2.5 In this section we review the development plan and other material considerations relevant to the A1/A3 element of the proposal and conclude by setting out the key planning issues they raise and that need to be addressed if the proposed development is to be permitted.
- 2.6 We focus on policy relating to the application site's location and development management policies relating to retail and town centre uses. An analysis of wider planning policy is set out at in the planning statement.

DEVELOPMENT PLAN POLICY

The London Plan

- 2.7 Policy 4.7 of the London Plan says that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- The scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment;
 - Retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport;

¹ Annex 2 of the NPPF explains that the Local Plan is the plan for the future development of the local area, and that current core strategies or other planning policies, which under the Town and Country Planning Regulations would be considered to be development plan documents, form part of the Local Plan. It also advises that the term includes old policies which have been saved under the 2004 Act.

2.0 Planning policy review

- Proposals for new, or extensions to existing, edge or out of centre development will be subject to an assessment of impact.
- 2.8 Policy 4.8 deals with the need to support a successful and diverse retail sector. The policy requires decision-makers to, among other things:
- Support proposals for convenience retail, particularly in District, Neighbourhood and more local centres, which help to secure a sustainable pattern of provision and strong, lifetime neighbourhoods;
 - Support proposals which help to maintain and enhance local and neighbourhood shopping and facilities providing local goods and services;
 - Prevent the loss of retail and related facilities that provide essential convenience and specialist shopping;
 - Support additional local convenience shopping and services facilities at an appropriate scale in under-served locations accessible by walking, cycling and public transport.

Camden Core Strategy 2010-2025

- 2.9 Dealing first with the distribution of new retail development, Policy CS7 of the Core Strategy says that the Council will apply a sequential approach to retail and other town centre uses outside of:
- King's Cross/St Pancras;
 - Euston;
 - Camden Town;
 - As part of redevelopment schemes in the growth areas of Tottenham Court Road, Holborn and West Hampstead Interchange; and
 - Other town centres and Central London Frontages where opportunities emerge.
- 2.10 The policy also says that the Council will support limited provision of small shops outside centres to meet local needs.
- 2.11 Turning to the protection and enhancement of Camden's centres, Policy CS7 says that says that, among other things, the Council will:
- Provide for, and maintain, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;
 - Protecting and promote small and independent shops, and resist the loss of shops where this would cause harm to the character and function of a centre;
 - Making sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area, and focusing such uses in Camden's Central London Frontages, Town Centres and the King's Cross Opportunity Area;
 - Supporting and protecting Camden's local shops, markets and areas of specialist shopping; and
 - Pursuing the individual planning objectives for each centre, set out later in the Core Strategy.
- 2.12 The application site lies a short walk from the Tottenham Court Road/Charing Cross Road Central London Frontage and the Goodge Street Neighbourhood Centre.

2.0 Planning policy review

- 2.13 The Core Strategy explains that in the former the Council wishes to, among other things, promote and preserve the specialist retail character of both Tottenham Court Road and Charing Cross Road by managing the level of shop and food, drink and entertainment uses in these areas, in line with the approach set out in its Planning Guidance for Central London SPD.
- 2.14 It also explains that in neighbourhood centres the Council will:
- Seek to retain a strong element of convenience shopping for local residents;
 - Carefully assess applications for food, drink and entertainment to minimise the impact on local residents and the local area.

Camden Development Policies 2010-2025

- 2.15 Policy DP12 of the Camden Development Policies DPD says that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.
- 2.16 It further notes that it will consider:
- The effect of non-retail development on shopping provision and the character of the centre in which it is located;
 - The cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;
 - The impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
 - Parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
 - Noise and vibration generated either inside or outside of the site;
 - Fumes likely to be generated and the potential for effective and unobtrusive ventilation;
 - The potential for crime and anti-social behaviour, including littering.

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework

- 2.17 The NPPF identifies two issues to be addressed for main town centre uses²: the sequential test and impact. It says that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact it should be refused.
- 2.18 The NPPF explains that local planning authorities should apply a sequential approach to planning applications for retail and leisure uses that are:

² These are defined as: retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

2.0 Planning policy review

- Not in an existing centre; and
- Not in accordance with an up to date Local Plan.

2.19 It goes on to say that:

- Local planning authorities should require main town centre uses to be in town centres, then in edge of centre locations, with out of centre sites considered only if suitable sites are not available in those locations;
- When considering edge of centre and out of centre locations, preference should be given to accessible sites that are well connected to the town centre;
- Applicants and local authorities should demonstrate flexibility on issues such as format and scale.

2.20 The NPPF also says that local planning authorities should require an impact assessment of all retail, leisure and office development that is:

- Outside of town centres; and
- Not in accordance with an up to date Local Plan; and
- Over a proportionate, locally set floorspace threshold (or, if there is no locally set threshold, over 2,500sqm³).

2.21 It explains that this should include an assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (or ten years for major schemes).

Other adopted/published planning policy

Planning Guidance for Central London SPD

- 2.22 The purpose of the SPD is to provide additional guidance on how policies in the UDP are interpreted and implemented. The SPD indicates that the application site is located within a defined commercial frontage.
- 2.23 Dealing first with food and drink uses, paragraph 9.10 of the SPD says that such uses in Fitzrovia are subject to the general guidance set out in section 6 of the SPD. In section 6, paragraph 6.4 explains that when the Council receives a planning application for a new or extended food, drink and entertainment use, the Council will consider whether it will:
- Be located in a broadly acceptable location for that type of activity;
 - Not adversely affect the particular street frontage or area in which it is located; and
 - Not create unacceptable harm in its specific location.

³ The policy does not state whether this is net sales or gross floor area.

2.0 Planning policy review

- 2.24 Paragraph 9.12 and states that planning permission for development of food, drink and entertainment uses may be granted normally to a maximum of 25% of total units in each commercial frontage.
- 2.25 Paragraph 9.15 deals with all uses, noting that new or extended uses should generally be small scale, with a maximum gross floor area of 100sqm. However, it goes on to explain that exceptions will be made where it can be demonstrated that larger uses will not:
- Create harmful impacts; or
 - Undermine the character of the area.

Emerging planning policy

Fitzrovia Area Action Plan

- 2.26 Principle 4 of the emerging Area Action Plan says that:

The Council will guide proposals for larger A1 shops (over 100sqm) sequentially to the Tottenham Court Road Central London Frontage and then the Goodge Street Neighbourhood Centre.

The Council will support the development of small A1 shops (generally under 100sqm) in Fitzrovia provided that they contribute to the character, function or vitality of the area and do not harm the amenity of neighbours.

Where appropriate the Council will seek inclusion of uses that activate street frontages within non-residential development, including small affordable A1 shop units (generally under 100sqm).

- 2.27 Principle 6 of the emerging Area Action Plan says that:

The Council will guide proposals for food, drink and entertainment uses to the Tottenham Court Road Central London Frontage, particularly larger proposals (over 100sqm) and those involving late night operation (after 11.30 pm). In the Tottenham Court Road Central London Frontage the Council will seek to ensure that the proportion of food, drink and entertainment uses does not exceed 25% of the units in any individual frontage.

The Council will also guide proposals for food and drink uses which are under 100sqm and do not seek late operation to the Store Street Neighbourhood Centre and to undesignated frontages where appropriate. In the Store Street Neighbourhood Centre the Council will seek to ensure that the proportion of food and drink uses does not exceed 25% of the units in the Centre.

In the Cleveland Street and Goodge Street Neighbourhood Centres and other designated Fitzrovia frontages the Council will resist development involving additional food, drink or entertainment uses.

- 2.28 As we note above, we attach very limited weight to the document, given that it is currently in the early stages of preparation, has not been considered by the Council and does not represent Council policy.

KEY ISSUES

- 2.29 Our review of planning policy leads us to conclude that the key planning policy issues related to the A1 and A3 floorspace are:

2.0 Planning policy review

- Given the site's location outside a defined town centre, whether there are any sequentially preferable sites that are suitable and available and on which development would be viable;
 - Whether the loss of a small A1 unit (no. 63) can be justified and whether a smaller unit could be included as part of the scheme;
 - Whether the creation of a unit with more A1 floorspace than is typically encouraged at this location can be justified;
 - Whether the provision of A3 floorspace can be justified at this type of location.
- 2.30 We reach this conclusion having noted that the proposal falls below the NPPF threshold of 2,500sqm for a full impact assessment, but recognising that Camden's own planning policy requires an assessment of a number of specific impacts.
- 2.31 We assess these issues in the following sections.

3.0 Sequential assessment

APPROACH TO SEQUENTIAL ASSESSMENT

Assessment of availability, suitability and viability

- 3.1 Our assessment of availability, suitability and viability follows the advice in the CLG Practice Guidance on Need, Impact and the Sequential Approach.
- 3.2 We start from the position that the units at 61, 63 and 65 Charlotte Street are available and suitable and the use of the units for A1/A3 purposes in the quantum proposed is viable.

Area of search/order of search

- 3.3 We have searched for sites in the Tottenham Court Road Central London Frontage. The proposed A1/A3 offer is unlikely to be relevant to the Tottenham Court Road retail offer; what is proposed is intended to draw on the character of Charlotte Street.
- 3.4 We have not searched the full length of Tottenham Court Road as the proposed A1/A3 use is intended to serve local residents of, visitors to and students and workers in the immediate Charlotte Street area. We have, therefore, restricted our search to units within five minutes walk of the application site, i.e. to Tottenham Court Road's junction with Bayley Street to the south and to its junction with Capper Street to the north.
- 3.5 Having considered sites in the Tottenham Court Road Central London Frontage we then turn to those in the Goodge Street Neighbourhood Centre.

Flexibility

- 3.6 We recognise that the NPPF says that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. With that in mind we have considered:
 - **Scale:** In undertaking our sequential assessment we have considered whether it might be possible to reduce the amount of space devoted to A1 or A3 floorspace (including back up and ancillary space), albeit without changing the character of the proposed development to the extent that its intended purpose as a 'shop and dine' experience is lost.
 - **Scope for disaggregation:** We do not think it reasonable to disaggregate the A1 floorspace from the A3 floorspace, as what is proposed is a 'shop and dine' experience. The two uses are, therefore, inextricably linked.

POTENTIAL ALTERNATIVE SITES

Sites in Tottenham Court Road Central London Frontage

179 Tottenham Court Road

- 3.7 This vacant unit is being marketed by Ian Scott International⁴. At 750sqft (70sqm) the unit is too small to accommodate the proposed 'shop and dine' experience, even allowing for a slightly smaller restaurant and/or retail offer. It is therefore unsuitable.

⁴ See <http://ianscott.com/property/179-tottenham-court-road/> Access date: 27 November 2012

3.0 Sequential assessment

Sites in Goodge Street Neighbourhood Centre

62-63 Tottenham Court and 1-7 Goodge Street

- 3.8 These units are currently the subject of two planning applications (LBC ref 2012/2213/P and 2012/2220/P). Both are mixed use schemes which include 500sqm of retail floorspace. Applications for conservation area consent have also been submitted (LBC ref 2012/2214/C and 2012/2221/C).
- 3.9 Previous applications for planning permission (LBC ref 2011/1821/P) and conservation area consent (LBC ref 2011/1837/C) were refused in November 2011. The former is now the subject of an appeal (PINS ref APP/X5210/A/12/2177819).
- 3.10 Given the planning history of the site and ongoing appeal, the deliverability, and therefore the availability, of the retail floorspace proposed is far from assured. More critically, the proposed retail floorspace would be too small to accommodate the proposed 'shop and dine' experience. It is therefore unsuitable.

26 Goodge Street

- 3.11 This unit is currently vacant. We have been unable to identify who, if anyone, is marketing the property, which suggests it may be unavailable. In any case, it is evidently too small, even allowing for a slightly smaller restaurant and/or retail offer.

27 Goodge Street

- 3.12 This vacant unit is being marketed by Savoy Stewart⁵. At 554sqft (46sqm) the unit is too small to accommodate the proposed 'shop and dine' experience, even allowing for a slightly smaller restaurant and/or retail offer. It is therefore unsuitable.

31b Goodge Street

- 3.13 Although the agent's marketing board remains, this kiosk unit has now been let. It is therefore unavailable. It was, in any case, too small and therefore unsuitable.

39 Goodge Street

- 3.14 This vacant unit is being marketed by Davis Coffey Lyons⁶. At 1,020sqft (100sqm) retail sales area the unit is too small to accommodate the proposed 'shop and dine' experience, even allowing for a slightly smaller restaurant and/or retail offer. It is, therefore, unsuitable.

Central Cross

- 3.15 CBRE were specifically asked by LB Camden to consider Central Cross as a potential alternative site. This site was recently granted planning permission for infilling of an arcade fronting Tottenham Court Road to create larger retail units.
- 3.16 Given the timescales involved and that the existing properties are currently occupied and are therefore not considered available.

⁵ See http://www.savoystewart.co.uk/retail_properties/view/prime_a1_shop_in_goodge_street_w1_to_let/ Access date: 27 November 2012

⁶ See http://crm.daviscofferlyons.co.uk/property_images/13939/Goodge_St_39_W1.pdf Access date: 27 November 2012

3.0 Sequential assessment

CONCLUSIONS ON THE SEQUENTIAL APPROACH

- 3.17 Having examined potential alternative sites in the Tottenham Court Road Central London Frontage and Goodge Street Neighbourhood Centre we conclude that there are none that are suitable. None, therefore, are sequentially preferable.

4.0 Impact of loss of smaller units

- 4.1 Policy CS7 of the Camden Core Strategy seeks to protect promote successful and vibrant centres throughout the borough by, among other things:
- Protecting and promoting small and independent shops; and
 - Resisting the loss of shops where this would cause harm to the character and function of a centre.
- 4.2 Crucially, the application site lies outside a defined town centre, not within, and thus this policy cannot sensibly apply. We recognise that the site falls within a defined commercial frontage, but:
- Commercial frontages are not defined town centres; and
 - In any case, the scheme that would replace it would not cause harm to the character and function of the frontage, for the reasons set in the following section.

5.0 Impact of proposed A1 floorspace

BACKGROUND

- 5.1 Paragraph 9.15 of the Revised Planning Guidance for Central London says new or extended uses should generally be small scale, with a maximum gross floor area of 100sqm. We recognise that the proposed development A1 floorspace exceeds that threshold.
- 5.2 However, paragraph 9.15 goes on to explain that exceptions will be made where it can be demonstrated that larger uses will not:
- Create harmful impacts; or
 - Undermine the character of the area.
- 5.3 In our view the impacts of the proposal are not harmful (or at least not to the extent that the impacts cannot be adequately mitigated by condition or legal agreement) and the proposal would not undermine the character of the area, for the reasons we set out below.

EXTENT TO WHICH HARMFUL IMPACTS ARISE

Policy context

- 5.4 Policy DP12 of the Camden Development Policies DPD says that the Council will ensure that the development of town centre uses, including retail, does not cause harm to the character, function, vitality and viability of a centre, local area or the amenity of neighbours, and that in doing so it will consider a range of factors, each of which we consider below. Our focus is on the A1 element of the proposal; the A3 element is considered in section 6 of this statement.

The effect of non-retail development on shopping provision and the character of the centre in which it is located

- 5.5 The focus of this section is on the retail element of the proposal. However, in short the non retail elements:
- Are located at basement level and the role of the dining space is in conjunction with the overall retail offer i.e. not as a separate restaurant or cafe;
 - The hours of operation of the retail offer and the casual dining will be carefully managed through the use of planning conditions which:
 - Control the hours of usage with the premises closing at 10.00pm from Monday through to Saturday and 6pm on Sundays and Bank Holidays;
 - The proportion of the dining space within the overall development and number of covers will be the subject of a planning condition.
 - The non-retail A3 restaurant element is considered in section 6 of this statement.

The cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses

- 5.6 The focus of this section is on the retail element of the proposal; the non-retail A3 restaurant element is considered in section 6 of this statement.

5.0 Impact of proposed A1 floorspace

The impact of the development on nearby residential uses and amenity, and any prejudice to future residential development

- 5.7 Residential amenity is addressed in the Planning Statement submitted in support of the application. The impact on parking, stopping and servicing and the effect of the development on ease of movement on the footpath
- 5.8 Servicing are addressed in the Servicing and Delivery Statement submitted in support of the application. For the reasons set out in that statement we are content that there will be no unacceptable impacts compared to the existing arrangements on Charlotte Street.

Noise and vibration generated either inside or outside of the site

- 5.9 Noise and vibration are addressed in the Planning Statement submitted in support of the application. A noise assessment was undertaken to inform the choice of plant and machinery - the existing plant to the rear of the premises will be consolidated and replaced with new machinery that meets LB Camden's noise requirements. We are content that there will be no unacceptable impacts, or at least none that cannot be adequately mitigated by condition or legal agreement.

Fumes likely to be generated and the potential for effective and unobtrusive ventilation

- 5.10 Fumes and ventilation are addressed in the Planning and Design and Access Statement submitted in support of the application. The basement kitchen areas will be adequately ventilated with duct work running to the rear facade of the property dispersing above the proposed and existing residential uses. We are content that there will be no unacceptable impacts in terms of fumes and littering.

The potential for crime and anti-social behaviour, including littering

- 5.11 Shoppers are not a group known for high levels of criminal or anti-social activity and we see little prospect of an increase in either.
- 5.12 In terms of litter, goods purchased from the A1 floorspace would in almost all cases be for consumption in people's homes, not on the street. The prospect of an increase in litter is therefore remote.

EXTENT TO WHICH CHARACTER OF THE AREA IS UNDERMINED

- 5.13 Much of Charlotte Streets character stems from the uses it accommodates and the sizes of the properties. At ground level, Charlotte Street is characterised by a range of uses (including shops, offices, cafés, restaurants and bars) operating from relatively small units. Given the presence of A1 uses in the area (including at no. 63 which the subject of the application), the proposed A1 floorspace would consolidate rather than undermine the character of the area.
- 5.14 In terms of size of unit, no. 65 at ground floor level will be retained as a separate retail unit, in response to feedback from both LB Camden and local stakeholder groups. The proposed development would retain separate shopfronts for nos. 61 and 63 and much of the original party walls will be retained between nos. 61 and 63 with the exception of a small break to allow for circulation across the ground floor footprint, thus giving the appearance of two distinct units. Moreover, the A1 space would be divided into a number of sub-areas providing space for a greengrocer, bakery, dry goods, wine and cheese sales area and

5.0 Impact of proposed A1 floorspace

thus it would function as smaller units. The character of the area would not, therefore, be undermined.

- 5.15 Additional background on the extent to which the existing character of the units is retained is provided in the Heritage Statement and Design and Access Statement.

CONCLUSIONS ON IMPACT OF A1 FLOORSPACE

- 5.16 We have considered whether the proposed A1 floorspace, much of which already exists, is likely to create harmful impacts or undermine the character of the area. We conclude that the impacts of the proposal are not harmful and the proposal would not undermine the character of the area.

6.0 Impact of proposed A3 use

BACKGROUND

- 6.1 As we note above, paragraph 9.15 of the Revised Planning Guidance for Central London says new or extended uses should generally be small scale, with a maximum gross floor area of 100sqm. We recognise that the proposed A3 floorspace exceeds that threshold.
- 6.2 However, the same applies to the A3 floorspace as to the A1 floorspace: exceptions will be made where it can be demonstrated that larger uses will not:
- Create harmful impacts; or
 - Undermine the character of the area.
- 6.3 As with the A1 units, we are content that the criteria at Policy DP12 relevant to A3 use can be satisfied, provided appropriate conditions are imposed, for the reasons set out below.
- 6.4 As is the case with the A1 floorspace, we consider that the impacts of the proposal are not harmful (or at least not to the extent that the impacts cannot be adequately mitigated by condition or legal agreement) and the proposal would not undermine the character of the area, for the reasons we set out below.
- 6.5 We also recognise that a frontage policy applies in this area (paragraph 9.12, Revised Planning Guidance for Central London), whereby the amount of A3 floorspace in a frontage is limited to 25%. We also consider this below.

EXTENT TO WHICH HARMFUL IMPACTS ARISE

Policy context

- 6.6 Policy DP12 of the Camden Development Policies DPD says that the Council will ensure that the development of town centre uses, including retail, does not cause harm to the character, function, vitality and viability of a centre, local area or the amenity of neighbours, and that in doing so it will consider a range of factors, each of which we consider below. Our focus is on the A3 element of the proposal, following the analysis of the A1 element in the previous section of this statement.

The effect of non-retail development on shopping provision and the character of the centre in which it is located

- 6.7 Dealing first with the impact on shopping provision, the proposed A3 floorspace will sit alongside new A1 floorspace as part of a bespoke retail concept. Far from putting at risk shopping provision, new shopping opportunities will be provided.
- 6.8 Turning to the impact on the character of the centre in which the proposal is located, the scheme is not in fact located in a centre. This part of the policy does not, therefore, apply.

The cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses

- 6.9 We recognise that a number of A3 restaurants are present in the frontage in which the proposed development is located. However, the A3 floorspace proposed as part of this scheme lies in the basement, not in the frontage itself. Its potential to cause harm is therefore much reduced, as we explain below in addressing specific criteria on residential amenity, parking and serving, noise and vibration, emission of fumes and ventilation, and the potential for crime and anti-social behaviour.

6.0 Impact of proposed A3 use

The impact of the development on nearby residential uses and amenity, and any prejudice to future residential development

- 6.10 The location of the A3 floorspace in the basement, rather than at ground level, means that residential properties will be largely insulated from the A3 use. The applicant has agreed to the use of planning conditions controlling the hours of usage with the premises closing at 10pm between Monday and Saturdays and 6pm on Sundays and Bank Holidays to further ensure that a satisfactory standard of residential amenity can be assured.
- 6.11 Turning to the potential of the scheme to prejudice future residential development, the proposed development includes several new dwellings. Evidently, residential development will not be prejudiced.
- 6.12 Residential amenity is addressed in more detail in the Planning Statement submitted in support of the application.

The impact on parking, stopping and servicing and the effect of the development on ease of movement on the footpath

- 6.13 No parking is proposed as part of the proposals. Delivery and Servicing are addressed in the Delivery and Service Statement submitted in support of the application. For the reasons set out in that statement we are content that there will be no unacceptable impacts.

Noise and vibration generated either inside or outside of the site

- 6.14 Noise and vibration are addressed in the Planning Statement submitted in support of the application. The existing premises include a significant level of plant machinery which is, for the most part, out dated. The amount of plant will be significantly reduced and consolidated. The selection of plant machinery was informed by a noise assessment which identified the existing noise levels at the property for a 24 hour period. The proposed replacement plant will be selected to meet the relevant LB Camden noise standards.
- 6.15 For the reasons set out in that statement we are content that there will be no unacceptable impacts.

Fumes likely to be generated and the potential for effective and unobtrusive ventilation

- 6.16 Fumes and ventilation are addressed in the Planning and Design and Access Statement submitted in support of the application. New duct work from the basement level kitchen areas are proposed which will be routed to the rear of the premises dispersing above the existing and proposed residential uses.
- 6.17 We are content that there will be no unacceptable impacts, or at least none that cannot be adequately mitigated by condition or legal agreement.

The potential for crime and anti-social behaviour, including littering

- 6.18 We see little prospect of crime or anti-social behaviour arising from the proposed A3 use. These are more usually associated with drinking establishments where large numbers of people leave the venue at the same time. In this case, the focus will be on food and diners will leave at different times.
- 6.19 We also think it unlikely that the proposed A3 use would result in additional litter; litter is more usually generated by A5 take away uses, not A3 restaurants.

6.0 Impact of proposed A3 use

EXTENT TO WHICH CHARACTER OF THE AREA IS UNDERMINED

- 6.20 Much of Charlotte Streets character stems from the uses it accommodates and the sizes of the properties. At ground level, Charlotte Street is characterised by a range of uses (including shops, offices, cafés, restaurants and bars) operating from relatively small units. Given the presence of A3 uses in the area, the proposed A1 floorspace would consolidate rather than undermine the character of the area.
- 6.21 In terms of size of unit, the A3 space is limited to 186 sq.m in total, located at basement level and functioning as a part of the overall 'shop and dine experience, thus the A3 floorspace would not function, nor have the character, of a large expansive restaurant. It would, therefore, be consistent with the character of the area.

APPLICATION OF FRONTAGE POLICY

- 6.22 The application site is located within a commercial frontage defined in Camden's Revised Planning Guidance for Central London. Paragraph 9.12 of that document states that planning permission for development of food, drink and entertainment uses may be granted normally to a maximum of 25% of total units in each frontage.
- 6.23 In this case, however, none of the A3 floorspace is in the frontage, rather it is in the basement. There is, therefore, no reduction in the A1 frontage. Indeed, the A1 'retail' use will be boosted by the proposal, as one of the units is currently a hairdresser and the other a snack bar.
- 6.24 In any case, the frontage policy is designed to ensure that there will be no 'potentially harmful concentrations' of food, drink and entertainment uses (Revised Planning Guidance for Central London, paragraph 9.13), and as we explain above we are content that no harmful impacts will arise, or at least none that cannot be adequately mitigated by condition or legal agreement.

CONCLUSIONS ON IMPACT OF A3 FLOORSPACE

- 6.25 We have considered whether the proposed A3 floorspace is likely to create harmful impacts or undermine the character of the area. We conclude that the impacts of the proposal are not harmful (or at least not to the extent that the impacts cannot be adequately mitigated by condition or legal agreement) and the proposal would not undermine the character of the area.

7.0 Opportunity to include a smaller unit

- 7.1 Policy DP10 of the Camden Development Policies DPD states that the Council will encourage the provision of small shop premises by, amongst other things, expecting large retail units to include a proportion of smaller units. The original proposals presented to LB Camden through pre-application discussions and at meetings with key local stakeholders and the public exhibition proposed the inclusion of the ground floor of nos. 61, 63 and 65 as part of the retail offer. In response, to feedback from the Council the proposals have been amended to retain no. 65 at ground floor level as a separate retail unit.
- 7.2 No. 65 will be occupied by a butcher shop in conjunction with the Charlotte Street Market. However, as No. 65 is already in retail use, the proposed use does not require planning permission and therefore does not form part of the application proposals.
- 7.3 In any case, and as we explain above, the proposed development would retain the three separate shopfronts, giving the appearance of three distinct units, and internal walls would be retained (albeit with gaps allowing access between the units). Moreover, the A1 space would be divided into a number of sub-areas providing space for a greengrocer, bakery, coffee/tea retail etc and thus it would function as smaller units. The case for providing smaller units is therefore much reduced.

8.0 Conclusions

- 8.1 This statement is prepared in support of the A1/A3 element of a bespoke retail proposal at ground floor of nos. 61 and 63 and basement level of 61, 63 and 65 Charlotte Street, which would be linked internally.
- 8.2 The concept is a unique 'shop and dine' experience operated by an independent trader, with food and drink goods sold from retail floorspace which sits alongside cafe/restaurant space at basement level. The proposals are currently described as 'The Charlotte Street Market'. This will be a bespoke mix of retail and food and drink uses not available elsewhere within the Charlotte Street and wider Fitzrovia area.
- 8.3 The new facility would occupy the ground floor of nos. 61 and 63 and basement of 61, 63 and 65 Charlotte Street, which would be linked internally. No. 65 at the ground floor level will be retained as a separate retail unit but will be used to provide a new butcher shop on Charlotte Street. This will be managed as an overall part of the retail offer at the 'Charlotte Street Market'.
- 8.4 The majority of the ground floor would be devoted to the display and sale of food and drink products (213sqm net sales), including from a greengrocer and bakery.
- 8.5 Much of the basement (187 sqm net sales) would be given over to casual dining with a cheese and wine retail area (of 75 sqm net) the remainder of the basement is comprised of customer toilets and and back of house activities, including a kitchen and storage space.
- 8.6 The key planning policy issues related to the A1 and A3 floorspace are:
- Given the site's location outside a defined town centre, whether there are any sequentially preferable sites that are suitable and available and on which development would be viable;
 - Whether the loss of a small A1 unit can be justified;
 - Whether the creation of a unit with more A1 floorspace than is typically encouraged at this location can be justified;
 - Whether the provision of A3 floorspace can be justified at this type of location; and
 - Whether a smaller unit could be included as part of the scheme.
- 8.7 We have considered each of these issues and concluded that:
- There are no sequentially preferable sites in the Tottenham Court Road Central London Frontage (within 300m of the site) or Goodge Street Neighbourhood Centre;
 - So far as policies discouraging the loss of smaller units are relevant in this case, the proposed development would not cause harm to the character and function of the frontage in which it is located; given that the existing individual shopfronts are retained and that different parts of the scheme will function as different elements. Importantly, it should be noted that the proposals have been significantly revised to ensure the retention of no.65 as a separate retail unit at ground floor level;
 - The proposed A1 floorspace, much of which already exists, is unlikely to create harmful impacts or undermine the character of the area;
 - The proposed A3 floorspace is unlikely to create harmful impacts or undermine the character of the area, not least because it is at basement level;
 - It is not possible to include a smaller unit as it would impact on the viability of the scheme and, in any case, the proposed development would retain the three separate shopfronts, giving the appearance of three distinct units.

8.0 Conclusions

- 8.8 We therefore respectfully recommend, subject to the assessment of issues addressed in other supporting documents, that the application is approved.