

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		16/08/2012	
		N/A / attached		<b>Consultation Expiry Date:</b>		26/07/2012	
<b>Officer</b>				<b>Application Number(s)</b>			
Craig Raybould				2012/3174/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
36-67 Southampton Row London WC1B 4DA				Refer to decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Variation of condition 10 (loading and unloading of goods by vehicles) of planning permission (ref: PSX0004957) granted on 18/07/2001 to allow on-street servicing of the retail unit indicated on drawing ref P-11271-100 from Southampton Row between the hours of 7pm and 7am.							
<b>Recommendation(s):</b>		Grant the variation of condition					
<b>Application Type:</b>		Variation or Removal of Condition					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	36	No. of responses	01	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		<p>A notice was placed in the Ham &amp; High newspaper from 05/07/2012 to 26/07/2012.</p> <p>Site notices were displayed from 28/06/2012 to 19/07/2012.</p> <p><u>Occupier of Flat 18, Russell Square Mansions, 122 Southampton Row</u> A letter was received from the occupier explaining that they did not object to the proposals but requested any consent be subject to conditions as follows:</p> <ul style="list-style-type: none"> <li>- deliveries to take place after 19:30 hrs when traffic on the street is lighter; and</li> <li>- food trolleys should not be left on the pavement but taken directly from the delivery lorry into the shop to ensure that pedestrians are not obstructed.</li> </ul>					
<b>CAAC/Local groups comments:</b>		<p>The Bloomsbury CAAC were consulted on 27/06/2012.</p> <p>The CAAC make no objection to the proposals.</p>					

## Site Description

The application site comprises two vacant shop units (Class A1) located at basement and ground floor levels in Victoria House. The units are located midway between Bloomsbury Square and Vernon Place, on the west side of Southampton Row.

Victoria House is an 8 storey plus basement Grade II listed building. It is faced in Portland Stone with a channelled stucco finish at ground floor level and ionic columns and portico to upper floors. Windows are framed with bronze infill panels and copperlite glazing surrounds.

The site is located within the Bloomsbury Conservation Area and is identified as making a positive contribution to its special character.

The site is within the Central London Area, the Holborn Growth Area and an Archaeological Priority Area as defined in the LDF Proposals Map.

## Relevant History

PSX0004957 (22/01/2001) – Planning permission was granted for the refurbishment of the listed building including alterations at roof level; alterations to the shopfronts; the formation of an internal vehicular loading bay at the north end of the Bloomsbury Square elevation; the erection of a roof over the two existing two light wells to form atria, with new internal walls, and the insertion of pods in the atria. The use of the building to involve:- retention of office use on part of the ground and all the upper floors; double height Class A1 retail units on the Southampton Row frontage; retention of the existing bank on the southern corner and introduction of new restaurant use (with entrance and bar on Vernon Place); and a new health club on the basement floors as shown on drawing numbers and documents listed on the schedule dated 18.1.2001, reissued on 6.4.2001.

The permission was granted subject to conditions. Condition 10 of which is relevant to this application and requires as follows:

*No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the curtilage of the building, or otherwise in accordance with the approved service management plan.*

The reason for the conditions is: *To avoid obstruction of the surrounding streets and to safeguard amenities of nearby premises. In accordance with the requirements of Policy TR23 of the London Borough of Camden UDP 2000.*

LSX0105235 (22/10/2001) – Approval of details (LBC) were granted for the position materials and detailed design of shopfronts and installation of plant and equipment pursuant to additional conditions 1 and 5 respectively of planning permission dated 18 July 2001 ref: PSX0004957/R1 and submission of details of precautions to be taken to secure and protect interior features; details relating to alterations and repairs of the external envelope and details of the new atria, new entrances, internal treatment of office areas and proposed new floor in central reception hall and full details of position of shopfront pursuant to additional conditions 2(a-d) 6(a-d) and 7.

2003/1328/P (31/07/2003) – Planning permission was granted for the change of use of 2nd floor offices (Class B1) to use as offices and/or tribunal rooms (Class B1 and Sui Generis mixed/composite use) together with ancillary uses

2003/1517/P (06/08/2003) – Planning permission was granted for the variation of condition 1 of planning permission Ref:PSX0104986/R1 dated 20th November 2001 to allow the restaurant (Class A3 Use) in the upper basement to be operated by Coastdean Ltd instead of Moving Image Plc, from 0700 to 0200 hours Monday to Saturday and from 0700 to 2400 Sundays.

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core Strategy

CS5 ('Managing the impact of growth and development')

#### Development Policies

DP16 ('The transport implications of development')

DP26 ('Managing the impact of development on occupiers and neighbours')

DP28 ('Noise and vibration')

### Camden Planning Guidance 2011

CPG6 – Amenity

CPG7 - Transport

### Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

### London Plan 2011

### NPPF 2012

## Assessment

### Proposals

This application under S73 seeks variation of Condition 10 of the existing planning permission only (application ref: PSX0004959). The occupation of the site by Sainsbury's and the amalgamation of two retail units does not constitute development requiring planning permission. Only issues relevant to the variation of Condition 10 are therefore considered in this assessment.

This application proposes the following variation to Condition 10:

*No loading or unloading, of goods, including fuel, by vehicles arriving at or departing from premises shall be carried out otherwise than within the curtilage of the building, except for on-street servicing from Southampton Row for the retail unit (Class A1) indicated on drawing ref P-11271-100 between the hours of 7pm and 7am and in accordance with the Vectos Supporting Statement dated May 2012.*

It is proposed that the new store be serviced on-street from Southampton Row, immediately outside the store. At the present, on-street restrictions prevent loading and waiting in this location between 8.30am and 6.30pm Monday to Saturday

The applicant states that the existing off-street loading in Victoria House, which is accessed via Bloomsbury Square, is too small for Sainsbury's use and can only be accessed by transit type vans. In addition, there is no means of direct access between the loading bay and the proposed store, with all deliveries having to be transferred via the external footways around the site.

It is proposed that servicing takes place from a 15m long area of kerbside on the west side of Southampton Row, outside the site, to the immediate south of the bus stop cage.

The proposed Sainsbury's store would operate 7 days a week and would require on average 4 deliveries per day of fresh food and other goods.

The key issues of this application are:

- The impact of the proposed servicing on the highway network; and
- The impact of the proposed servicing on residential amenity.

### The impact of the proposed servicing on the highway network

The Council's Transport Strategy team have confirmed that the location of the proposed servicing is sufficiently north of the junction with Vernon Place / Theobald's Road to avoid causing obstruction to turning vehicles. Track plots have been submitted showing Sainsbury's vehicles manoeuvring around buses and a bus manoeuvring around a Sainsbury's vehicle. These are considered acceptable.

Existing on-street highway restrictions allow loading and waiting on this part of Southampton Row between the hours of 6.30pm and 8.30am Monday to Saturday. The applicant initially sought a variation to Condition 10 to permit servicing between these times. This is not however considered satisfactory, as these times (between 6.30pm and 8.30am) include a significant part of the morning and evening rush hours where the highway network is especially busy. It has therefore been agreed with the applicant to amend the proposed wording of Condition 10 to limit the hours of servicing to between 7pm and 7am in order to avoid the morning and evening rush hours.

The Council's Network Management team have commented on the proposals and agreed that the proposed servicing will not generate a significant number of new vehicle trips.

#### **The impact of the proposed servicing on residential amenity**

There are residential flats (Class C3) located directly opposite the application site (Bristol House - at a distance of approximately 30m to the nearest residential window) which may be liable to noise and disturbance generated by the servicing of Sainsbury's on Southampton Row.

Policy DP28 explains that development that exceeds the Council's Noise Threshold will not be permitted. The minimum noise threshold for sites adjoining roads is 52 dB. A Delivery Noise Assessment report has been provided by Cole Jarman (ref: 12/0081/R1) outlining the levels of noise expected to be generated by the servicing of Sainsbury's at the site. The Council's Environmental Health team have examined the report and endorse its findings.

The report identifies the likely 'worst-case' noise generated by servicing, as heard from 1m of the nearest residential property (LAeq(1hr)) will be 51.1 dB. This is less than the 52 dB standard imposed by Council's Noise Threshold and therefore accords with DP28.

#### **Recommendation:**

To allow the variation of the condition.

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