

<b>Address:</b>	Unit 5 Victoria House 37 - 63 Southampton Row London WC1B 4DA	
<b>Application Number:</b>	2011/3965/P	<b>Officer:</b> Jennifer Walsh
<b>Ward:</b>	Holborn & Covent Garden	
<b>Date Received:</b>	03/08/2011	
<b>Proposal:</b> Change of use of ground floor level retail unit (Class A1) to restaurant / café use (Class A3).		
<b>Drawing Numbers:</b> Site Location Plan; E-02; E-01, Planning Statement		
<b>Applicant:</b>	<b>Agent:</b>	
Victoria House Property Limited Partnership c/o 2 Cadogan Gate London SW1X 0AT	Mr Michael Mills Firstplan 25 Floral Street London C2E 9DS	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1 Shop		134.4m <sup>2</sup>
Proposed	A3 Restaurants and Cafes		134.4m <sup>2</sup>

## OFFICERS' REPORT

**Reason for Referral to Committee:** This application is being reported to the Committee as it entails change of use to a Class A3 food and drink use (Clause 3iv).

### 1. SITE

- 1.1 The property comprises a large imposing classical style 7 storey building known as Victoria House, forming an island block bounded by Southampton Row, Vernon Place, Bloomsbury Square and Bloomsbury Place. The building is listed Grade 2 and within Bloomsbury conservation area. The Southampton Row frontage has its ground floor divided into several Class A1-4 units, some of which have mezzanine levels, while the remaining block on upper floors is in B1 office use. The road connects Holborn and Russell Square tube stations and is characterised by a mix of commercial units, offices, hotels and flats on upper floors.
- 1.2 Unit 5 is on the southern end of the frontage to Southampton Row and is flanked by an occupied Class A1 unit and an entrance to the upper levels of the building. It is a vacant unit which despite undergoing refurbishing works in 2003, is yet to be let.

## 2. THE PROPOSAL

### Original

- 2.1 The original submitted application sought planning permission for the change of use for both unit 4 and unit 5 which front Southampton Row. Through the process of the application, concern was raised as to the loss of unit 4 which is currently occupied by Buck Ryan Tools because no marketing evidence or statement was submitted with regard to this unit and as concern was raised as to the number of A1/A3 units within the row of shops. Unit 5 has therefore been withdrawn and does not form part of this application.

### Revisions

- 2.2 This application solely relates to the change of use of Unit 5 and does not relate to Unit 4.

## 3. RELEVANT HISTORY

- **PSX0004957** - 18.7.01- pp granted for refurbishment and change of use of the listed building block known as 'Victoria House' including *inter alia* alterations at roof level; alterations to the shopfronts; 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 Class A3 restaurant use (with entrance and bar on Vernon Place); and a new Class D2 health club on the basement floors.
- **PSX0104986** - 19.11.01- pp granted for Variation of condition 2 of above planning permission to allow the existing Class A3 unit in the south-west corner of Victoria House and fronting Vernon Place to operate 0700-0200 Monday to Saturday, 0700-2400 Sundays and the above Class D2 use to operate 0600-2400 Monday to Saturday and 0700-2300 on Sundays.
- **Unit 3 = 2009/1843/P** – 17-12-09 pp granted for Retention of change of use from sandwich bar (Class A1) to restaurant use (Class A3) on ground and mezzanine floors.

## 4. CONSULTATIONS

### Conservation Area Advisory Committee

- 4.1 Bloomsbury CAAC commented on the application as follows:  
No objection, yet retained retail use would be preferred.

### Adjoining Occupiers

	Original
<i>Number of letters sent</i>	31
<i>Total number of responses received</i>	0
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

- 4.2 A site notice was displayed from 09/09/2011-30/09/2011  
A press notice was advertised from 15/09/2011-06/10/2011.

## 5. **POLICIES**

### 5.1 **LDF Core Strategy and Development Policies**

CS1 - Distribution of growth  
CS5 - Managing the impact of growth and development  
CS7 - Promoting Camden's centres and shops  
CS14 - Promoting high quality places and conserving our heritage  
DP10 - Helping and promoting small and independent shops  
DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses  
DP25 - Conserving Camden's heritage  
DP26 - Managing the impact of development on occupiers and neighbours  
DP28 - Noise and vibration  
DP30 - Shopfronts

### 5.2 **Supplementary Planning Policies**

Camden Planning Guidance 2011  
Revised Planning Guidance for central London- food drink and entertainment uses (October 2007)

## 6. **ASSESSMENT**

- 6.1 The principal considerations material to the determination of this application are summarised as follows:
- Land use policy on change of use involving loss of Class A1 retail;
  - Creation of new Class A3 restaurant use; impact on listed building and conservation area; impact on neighbour amenities;
  - Impact on listed building and conservation and;
  - Impact on neighbour amenities.

### Proposal

- 6.2 The unit in common with most others along this frontage has a ground floor and partial mezzanine floor accessed from the front via a spiral staircase. The shopfront has a full height glazed opening to provide light to both levels. There is no rear elevation as the units only stretch part depth of the whole building, thus the kitchen is served by an internal ventilation duct.
- 6.3 The unit underwent substantial refurbishment in 2003 and active marketing was undertaken by Cushman and Wakefield and Nelson Bakewell. The application provides information which states that the unit has attracted minimal interest from Class A1 retailers and a notable interest from Class A3 restaurant and café operators.

### Land use policy

- 6.4 Victoria House is within the Central London Area but not within a designated Central London Frontage. Policy DP10 states that outside designated centres planning permission will only be granted for loss of shopping floorspace if

alternative provision is available within 5-10 minutes walking distance, there is clear evidence that the current use is not viable and if the development contributes positively to local character, function, vitality, viability and amenity. Policy CS7 and DP12 has a general presumption in favour of locating food, drink and entertainment uses within central locations such as this, on the basis that they are mostly appropriately located in commercial areas to minimise their impact on residential amenity, such as to ensure that they do not cause individual or cumulative harm to an area. Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses (at paragraph 6.14) states that on heavily trafficked streets with limited residential development and good access to public transport, food drink and entertainment uses may be acceptable as a part of a mix of uses.

- 6.6 Planning permission and Listed Building Consent was granted for the refurbishment of Victoria House under reference PSX0004957. Under this planning permission a condition was attached to restrict the shop units on the Southampton Row frontage to Class A1 (retail) only. The reason for the imposition of the condition was to “secure the implementation of the mix of land use proposals as submitted (and) to ensure that there is an appropriate mix of Class A1 and Class A3 use within the building...” Whilst this condition is still a material consideration, it must be balanced against the vacant history of the property. The unit has not been fitted out since the refurbishment and is still only a ‘shell’.
- 6.7 In this case, the frontage of this block on Southampton Row contains 9 units comprising 6 x Class A1 shops (including the application site), 1 x Class A2 (bank at the corner) and 1 x A3 unit. The adjoining parade around the corner on Vernon Place contains an additional unit in Class A4 bar use next to the bank.
- 6.8 The change of use will thus result in the second Class A3 unit to be established within this parade. It must be reiterated that this unit has currently been vacant for numerous years and therefore it is not currently adding to the character of the local area. It is considered that there is provision of retail units within this parade and indeed in the local area as within 5-10 minutes walk there are alternative shopping opportunities. Moreover, due to the vacant property, the new use will provide a service for local people. Due to the unit being vacant for such a long period of time, it is considered that in this instance, the Class A3 use will contribute to the vitality and function of this parade on a busy street characterised by a mix of commercial units, offices, hotels and upper floor flats.
- 6.8 Victoria House also falls within the eastern fringe of the Museum Street special policy area as defined in the Revised Planning Guidance for Central London (food drink and entertainment uses). However, the thrust of this guidance is to protect specialist retail uses and specific designated frontages in the area south and west of the British Museum. Thus this guidance is not relevant in the consideration of this application or indeed Victoria House in general. The loss of retail use is therefore considered acceptable and also the creation of a Class A3 use is acceptable in principle, subject to amenity considerations discussed below.

#### Neighbouring amenity

- 6.9 Investigations by the M&E consultant have identified a route to the roof via an existing services internal riser shaft to the rear of the unit. This has identified that

the duct with dimensions in the region of 1200mm x 500mm could be accommodated within the riser shaft. This would be subject to tenant specification and Listed Building Consent, however it must be considered prior to any change of use application to ensure that the proposed use can function fully. There is an existing A3 unit which benefits from such a riser and terminates at roof level. It is therefore considered acceptable that the proposed ventilation required to serve an A3 unit could be located internally within the listed building.

- 6.10 As such works are tenant specific, it is advised that a condition is added to any permission to request details of the proposed ventilation system prior to occupation of the unit.
- 6.11 In line with the neighbouring A3 unit and The Revised Planning Guidance for Central London which recommends that food drink and entertainment uses within residential areas should not operate later than midnight. It is considered reasonable to control opening hours for this specific A3 unit on Southampton Row to 8am-midnight daily.
- 6.12 Further to this and also in line with the previous planning history of the site and in association to Unit 3, there is no external forecourt to accommodate outside seating and any tables and chairs on the public highway would be subject to a separate licence. Nevertheless it is considered that, given the context of this site, any such external seating would not cause any loss of amenity. The refuse arrangements will continue at present in terms of onsite storage and collection from the shop front. Finally the unit is well served by public transport in a central London area and thus would not attract any further traffic generation or car parking.

#### Listed building and wider conservation area

- 6.13 No alterations are proposed internally or externally to the shop unit and thus there is no harm to the special interest of this listed building. The new use would preserve the mixed land use character and overall appearance of this part of the Bloomsbury conservation area. An informative is recommended to be added to any permission to ensure that Listed Building Consent is obtained prior to any internal works in association to the change of use at Unit 5.

## **7. CONCLUSION**

- 7.1 It is considered that on balance, due to the marketing history and vacant period of 8 years in association to unit 5 that this particular application is acceptable in terms of land use policy and neighbourhood amenity in this instance. It is not considered that the proposal would harm the immediate area and bringing the unit back into a use contribute to the local character, function, vitality, viability and amenity of Southampton Row.
- 7.2 Planning Permission is recommended subject to conditions.

## **8. LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.