

ADVOCO —PLANNING

123 KINGSWAY,
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PLANNING STATEMENT

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OCTOBER 2011

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PLANNING STATEMENT

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1.0 Introduction

- 1.1 This Planning Statement has been prepared by Advoco Planning on behalf of Wagamama and is to explain and support a detailed planning application for the change of use of 123 Kingsway from A1 retail to A3 restaurant use as a Wagamama outlet. As an application for change of use there is no requirement for a Design and Access Statement.
- 1.2 This statement will comprise the following:
- Section 2 – Site and Surroundings
 - Section 3 – Planning History
 - Section 4 – Proposed Development
 - Section 5 – Planning Policy Context
 - Section 6 – Examination of the Principal Issues
 - Section 7 - Conclusion
- 1.4 The existing retail unit is empty having previously traded as a TSO Bookshop. This use ceased over four years ago and the unit has been marketed throughout this period for a range of retail uses. A consequence of the proposed change of use is the creation of a self-contained A1 retail unit at 121 Kingsway.

2.0 Site and Surroundings

- 2.1 The application site is known as 123 Kingsway and forms part of Craven House which is also known as 119-123 Kingsway. Craven House is a 7 seven storey building with basement. It was built around 1900 and was designed by Sir Henry Tanner. The building is considered to make a positive contribution to the character and appearance of the Kingsway Conservation Area in which it is located.
- 2.2 The Council's Conservation Area Statement states the following:-
- "Most of the original composition in Kingsway survives and the buildings are characterised by elaborately composed and decorated Portland stone facades, some with Nouveau motifs, capped by a varied roofscape containing many interesting parapet and cornice details, attic storeys, dormers, domes, turrets and pieces of sculpture. Windows are decorated both with carving and with ironwork. Entrances are given prominence with capitols and decorated pediments and make a punctuation point along the road. Stone steps sometimes provide an imposing introduction to the building. Many of the buildings were designed with integral shop fronts and through the decades these have been the subject of considerable change."*
- 2.3 Based on this description, Craven House is considered to be a typical Kingsway building and has retained many of the features identified in the above assessment. Specifically, the most characteristic ground floor features are the arched shop fronts which are located either side of a central entrance to the office accommodation above.
- 2.4 The ground floor and basement are vacant A1 retail accommodation. The remainder of the building is self-contained office accommodation with access via a central doorway between the existing two arched shop fronts. Although both shop fronts benefit from A1 retail use, throughout nos. 121 and 123's use as a bookshop, no. 123 was used as the goods entrance and was therefore dead frontage, but part of the same A1 planning unit.
- 2.5 The building is located within a predominantly commercial area comprising a range of retail and business uses at ground floor level and offices above. Kingsway itself is a

busy arterial route and is located close to the legal quarter which is centred on Lincolns Inn Fields. There are no obvious residential uses within the area and such uses appear to be located in some of the upper floor accommodation within side streets which feed into Kingsway.

3.0 Relevant Planning History

3.1 The planning history of the application site is complicated by the referencing of earlier applications, some of which are recorded under Craven House whilst others are under either 119, 121 and 123 Kingsway. The planning history provided is therefore the application considered to be of most relevance for the building as a whole rather than just the application unit, no. 123 Kingsway. The exception is the last reference which relates to 115 Kingsway. This is included as it provides some policy interpretation guidance.

3.2 The following table sets out the applications considered to be of most relevance:-

Application Number	Site Address	Development Description	Status	Date Registered	Decision
CA141	Craven House 121 Kingsway London WC2B 6PA	advertisement: a hanging sign reading LYONS TEASHOP	FINAL DECISION	06-11-1950	Permission
PS9704517	Craven House, 121 Kingsway, WC2	Change of use from of the ground floor from Class A1 at the front and Class B1 at the rear to Class A3 and change of use of the basement from Class B1 to Class A3, as shown in drawing nos C17/34a and 35b.	FINAL DECISION	05-06-1997	Refuse Planning Permission
PS9804272	Craven House, 119-123 Kingsway, WC2	Refurbishment of existing , vacant retail unit to a bookshop with shopfloor at ground level and administration accommodation within basement level. (plans submitted)	FINAL DECISION	30-03-1998	Withdrawn Application-revision received
PS9804272R1	Craven House, 119-123 Kingsway, WC2	Refurbishment of existing , vacant retail unit to a bookshop with shopfloor at ground level and administration accommodation within basement level. (REVISED PLANS SUBMITTED)	FINAL DECISION	14-07-1998	Withdrawn Application-revision received
PS9804272R2	Craven House, 119-123 Kingsway, WC2	Refurbishment of existing , vacant retail unit to a bookshop with shopfloor at ground level and administration accommodation within basement level. (REVISED PLANS SUBMITTED)	FINAL DECISION	27-07-1998	Withdrawn Application-revision received
PS9804272R3	119-123 Kingsway, WC2	The retention of a new shopfront for the public entrance of the Stationery Office Bookshop at No.123 and the installation of a new shopfront at No.119 for the goods entrance, as shown by drawing numbers 0356/1/A, 3/C, 6/K, 7/H and letter dated 15th September 1998, referring to the glazing surrounding the doorway in No.119.	FINAL DECISION	09-09-1998	Grant Full Planning Permission (conds)

2010/5058/P	Craven House 121 Kingsway London WC2B 6PA	Change of use of 2nd and 5th floors from office use (B1) to alternative use for either educational use (Class D1) or offices (Class B1).	FINAL DECISION	08-10-2010	Granted
2008/2107/P	115 Kingsway London WC2B 6PP	Change of use of basement, ground and mezzanine floor levels from a shop (class A1) to a restaurant (class A3) and take-away (class A5) and the installation of an extraction flue system at the rear.	FINAL DECISION	21-08-2008	Granted

- 3.3 The planning history reveals that the building was used in the 1950s as a Lyons Coffee House which is, under current use classes, an A3 use. The duration of this use is unknown although there are references to this being one of London's famous coffee houses and therefore may have been the original use which continued at least into the 1950s, as the planning history reveals.
- 3.4 Since 1999 and up to July 2007 the ground floor and basement was used as a TSO (The Stationary Office) Bookshop. This used comprised retail sales area and separate goods and shop entrances on the ground floor, with ancillary retail accommodation in the basement area. This ancillary accommodation comprised store rooms and other ancillary space including staff toilets and a staff kitchen. Since TSO ceased trading, the accommodation has been marketed for retail use but without success.
- 3.5 The retail unit is self-contained and has no operational or physical connection with the office accommodation on the upper floors. In addition, both floors are considered by the Council to be retail for the purposes of business rates and it is understood that when trading as TSO the retail use was not related to the office use of any of the upper floor office accommodation.
- 3.6 In light of the above the assumed lawful use of the ground floor and basement of the application site is A1 retail. The term 'assumed' is used as there is no Lawful Development Certificate in place; a situation which is the commonplace; indeed few uses benefit from a formal LDC. The retail use has existed for over ten years, is self-contained and there has been no alternative use within this time which might suggest the use has been abandoned or reverted back to earlier uses which, the planning history suggests, included offices.

4.0 Proposed Development

- 4.1 This is a detailed application for change of use of part of the ground floor and basement from A1 retail to A3 restaurant use for use as a Wagamama restaurant. Also proposed is an external extractor duct to the rear of the building. Subject to the principle of A3 use being established on the site subsequent applications will be made for any external alterations which may be required including any changes to the shopfront or advertisements. Any such works will however be modest, well designed and fully respecting of the quality of the building and its location.
- 4.2 The proposed use would comprise dining area on the ground floor and ancillary accommodation in the basement, including customer toilets, kitchens, store rooms and ancillary staff accommodation. Deliveries would be via Kingsway and through the main restaurant entrance.
- 4.3 The proposals also include the subdivision of the existing A1 unit which would result in the creation of a self-contained A1 retail unit with a floor area of approximately 40 sq.m. Specifically the existing retail unit is double fronted comprising the customer

(active) A1 retail entrance (no. 123) which was the main customer entrance when it was last used as a retail bookshop. Also part of the same planning unit is no.119 which was part of the A1 bookshop but was used as its good entrance and was therefore inactive or dead A1 retail frontage. This application provides the opportunity for this to be actively re-used for a1 retail.

5.0 Planning Policy Context

- 5.1 As a modest scale development with no strategic planning dimension it is anticipated that the proposals will be assessed against the policies of the Adopted Core Strategy and Adopted Development Policies. Also relevant but outside the confines of the Development Plan is the Revised Planning Guidance for Central London which is guidance and not policy, particularly as the UDP policies which it originally supplemented are now superseded. Planning Policy Statement 5 - Planning for the Historic Environment (March 2010) is also relevant.
- 5.2 The statutory Development Plan policies considered to be of most relevance are as follows, with the CS prefix referring to Core strategy and DP to the Development Policies.

CS7 - Promoting Camden's centres and shops

Distribution of retail across Camden

The Council will promote the following distribution of retail growth across the borough:

- a) in the range of 20,000 square metres net retail floorspace at King's Cross/ St Pancras;
- b) in the range of 20-30,000 square metres additional retail at Euston and Camden Town, with the majority expected to take place at Euston;
- c) additional provision as part of redevelopment schemes in the growth areas of Tottenham Court Road, Holborn and West Hampstead Interchange; and
- d) some provision in other town centres and Central London Frontages where opportunities emerge.

We will apply a sequential approach to retail and other town centre uses outside of these areas to support the following network of centres:

Central London Frontages: Tottenham Court Road/ Charing Cross Road/ New Oxford Street;

High Holborn/ Kingsway and the main commercial area around King's Cross;

Town centres: Camden Town; Kilburn High Road; Finchley Road/ Swiss Cottage; Kentish Town; West Hampstead; and Hampstead;

Neighbourhood centres: located across the borough;

We will also support:

- limited provision of small shops outside centres to meet local needs; and
- appropriate retail provision in Camden's Specialist Shopping Areas: Covent Garden; Hatton Garden, Museum Street, Drummond Street and Denmark Street.

Protecting and enhancing Camden's centres

The Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors by:

- e) seeking to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;
- f) providing for, and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.
- g) 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;
- h) 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;

- i) supporting and protecting Camden's local shops, markets and areas of specialist shopping.
- j) pursuing the individual planning objectives for each centre, as set out below, including through the delivery of environmental, design, transport and public safety measures.

Central London Frontages

Central London contains a number of shopping and service areas as part of its diverse mix of uses. These range from larger areas predominantly serving workers and visitors to neighbourhood centres serving local residents to areas of specialist shopping. The main shopping streets in Camden's Central London area have been designated as Central London Frontages. The Council's approach to these areas is set out below.

The Council's Planning Guidance for Central London supplementary document provides detailed information on our approach to food, drink, entertainment, specialist and retail uses in Central London. We will take this into account when assessing relevant planning applications in the area. Core Strategy Policy CS11 (Promoting sustainable and efficient travel) sets out in brief how the Council will improve public spaces across Central London. The Council will deliver improved pedestrian environment and signage along key routes, enhancing links between Camden's Central London area with the rest of the West End, and with key transport hubs, including King's Cross, St Pancras and Euston stations.

CS9 - Achieving a successful Central London

The Council will support and promote the Central London area of Camden as a successful and vibrant part of the capital to live in, work in and visit. We will:

- a) recognise its unique role, character and challenges;
- b) support Central London as a focus for Camden's future growth in homes, offices, shops, hotels and other uses;
- c) seek to ensure that development in Central London, in the growth areas of King's Cross, Euston, Tottenham Court Road and Holborn and beyond, contributes to London's economic, social and cultural role while meeting the needs of local residents and respecting their quality of life;
- d) support residential communities within Central London by protecting amenity and supporting community facilities;
- e) seek to secure additional housing and affordable homes, including as part of appropriate mixed use developments;
- f) take into account the specific identity of the areas within Central London when

taking decisions on planning applications and in relevant initiatives and works;

g) promote and protect areas of specialist activity, such as the Museum Street area and Hatton Garden;

h) support the concentration of medical, educational, cultural and research institutions within central London;

i) preserve and enhance the area's historic environment;

j) seek to improve the quality of the area's streets and places, the connections between them and the ease of movement into, and through, the area;

k) continue to designate Central London as a Clear Zone Region to reduce congestion, promote walking and cycling and improve air quality;

l) promote improved community safety;

m) manage the location and concentration of food, drink and entertainment uses and their impact;

n) allocate sites within Central London for appropriate uses, including offices and housing, in the Camden Site Allocations document.

CS14 - Promoting high quality places and conserving our heritage

The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

a) requiring development of the highest standard of design that respects local context and character;

b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;

c) promoting high quality landscaping and works to streets and public spaces;

d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;

e) protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views.

Policy DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

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. We will consider:

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

b) 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;

c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;

d) parking, stopping and servicing and the effect of the development on ease of movement on the footpath;

e) noise and vibration generated either inside or outside of the site;

f) fumes likely to be generated and the potential for effective and unobtrusive ventilation;

g) the potential for crime and anti-social behaviour, including littering;

To manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to address the following issues:

h) hours of operation;

i) noise / vibration, fumes and the siting of plant and machinery;

j) the storage and disposal of refuse and customer litter;

k) tables and chairs outside of premises;

l) community safety;

m) the expansion of the customer area into ancillary areas such as basements;

n) the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2);

o) the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding area.

Contributions to schemes to manage the off-site effects of a development, including for town centre management, will be sought in appropriate cases.

PPS5- Planning Policy Statement 5 – Planning for the Historic Environment (March 2010)

5.3 This allows LPA to identify Heritage Assets, the definition of which is:-

“A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing).”

Given the quality and townscape importance of the application building it is assumed that it and those surrounding are a heritage assets.

5.4 Section 6 of this Statement will demonstrate how the proposed development complies with the above policies.

6.0 Examination of the Principal Issues

- 6.1 The following extract from The Development Policies 2010 provides a useful summary of planning policy in relation to the proposed development.

"12.10 Within each of Camden's centres, the Council will seek to prevent concentrations of uses that would harm an area's attractiveness to shoppers or its residential amenity. The Council wishes to see a wide range of entertainment uses within its centres, not just those that primarily involve drinking, and will encourage suitable uses that contribute towards this."

The following sections address compliance with the Development Plan policies.

Impact on Retail Vitality and Viability

- 6.2 The application site falls within a designated Central London Frontage. This is long standing designation which was included within the outgoing Unitary Development Plan and repeated in the adopted Core Strategy. The sub-text to this designation is that the site falls within the wider 'West End' which is identified as an important commercial area which should be the centre for retail, offices, and entertainment uses. The Central London Frontage designation is further identified as an area suitable for Food and Drink use.
- 6.3 The most detailed and site specific guidance in relation to loss of A1 retail and introduction of A3 uses is contained within the adopted SPD Revised Planning Guidance for Central London, which suggests that a minimum of 50% A1 retail be maintained within each of the identified frontages. The SPD then goes on to explain that the calculation is based on frontage units rather than frontage length. Adopting this guidance and numbering the units consecutively with the application site at no. 123 being unit 1, the following situation currently exists.

Unit	Use	Planning Status (assumed)
1A and 1B	Former TSO bookshop	A1
2 (between 1a and 1b)	Office	B1
3	Burger King	A5
4	Kebab shop formerly cafe	A5
5	Office	B1
6	Dry Cleaners	A1
7	Newsagent	A1
8	Parkers Restaurant	A3

- 6.4 Based on the above there are currently 8 ground floor units of which three are A1 retail, two B1 offices and three are in Food and Drink use. Section 4 of this Planning Statement explains that Unit 1 will be subdivided and therefore a new A1 retail unit will be provided at 119 Kingsway. The upshot of this is that three A1 retail units will remain, although the proportion of A1 retail will fall marginally, from 37.5% to 33.3%. Clearly the frontage is already below that optimal retail mix identified by the guidance.
- 6.5 It is contended that this proportion of retail is acceptable and will not harm the retail vitality and viability of either this identified retail frontage or the retail function of the wider area. In reaching this conclusion it is noted that planning application 2008/2107/P at 115 Kingsway allowed the reduction in A1 retail from 50% to 33% using the same policies and within the same frontage. 33% retail has therefore been accepted in the past as an appropriate level of A1 retail within this frontage. This perhaps reinforces the point that 50% is guidance and not policy and supports a case by case approach to assessment.

- 6.6 In assessing this current planning application the following should be noted. The existing retail unit has been marketed since the closure of the TSO Bookshop in 2007 for retail purpose without success. The marketing up to July 2011 was by agents Storeys SSP who are no longer involved in the site. Their marketing literature identified that unit as suitable for A1 and A3 (subject to planning). Given that Storeys are no longer involved in the site precise details of all enquiries received are not available although it is self-evident that no offer came to fruition in this time. Since July 2011 the site has been marketed by Nash Bond on the same basis as the previous agents. In this time all interest has been from food and drink operators.
- 6.7 Nash Bond has confirmed that the application site is not attractive as A1 floorspace because the frontage is too small in relation to the size of the unit for most A1 occupiers. Specifically, the circa 4m. frontage of the unit is inconsistent with that required by retail operators who would be able to utilise almost 550 sq.m. of trading space available. Conversely A3 operators are able to make this type of unit more successful hence the interest from that field.
- 6.8 A further restriction is the limited potential for signage and shopfront display and if 119 and 123 was to remain linked, the constraint a double entrance and disjointed (non-continuous) frontage imposes.
- 6.9 Conversely, Nash Bond confirm that the small unit to be created at 119 Kingsway would represent a kiosk type unit that traditionally can be utilise by a range of occupiers such as CTN's, A1 food occupiers, stationers, galleries, health & beauty occupiers or florists, that would not be able to work with the larger space. This unit has a frontage which is in proportion to the floor area available and is therefore better suited to A1 retail.
- 6.10 Separate marketing of this unit has revealed interest from A1 operators, although until the use of the larger retail area is resolved through the determination of this planning application, this interest is currently on hold.
- 6.11 It should also be noted that although TSO traded from the unit for around eight years, they did so as a specialist book suppliers, providing Government published manuals, journals and other technical publications. Accordingly, the use was sought out by customers to a great extent and, unlike the vast majority of A1 retail uses, it had only a limited reliance upon passing trade. In view of this, the use of the accommodation for A1 retail has only been tested by a specialist operator and therefore is unproven as a viable retail unit suitable for general A1 retail use.
- 6.12 Attention is also drawn to recent retail changes including the introduction of a Sainsburys Central supermarket at the junction of High Holborn and Kingsway, which is located next to an existing Boots fronting Kingsway. Both these units are with about 40 metres of the application site and on the same side of the road. These provide a strong competing retail attraction to the application site and therefore further undermine its attractiveness to A1 retailers. High Holborn shows significantly higher footfall and therefore Kingsway appear to be a secondary retail location.
- 6.13 In assessing the impact of the proposals on retail vitality and viability it is also necessary to look at the characteristics of the proposed use. In this regard Wagamama provides high quality healthy cuisine alongside prompt service. Although its menu includes starters and desserts the vast majority of diners have only a main course and the duration of the average visit is below 40 minutes.
- 6.14 The implications of this are twofold. Firstly a restaurant of this size creates substantial footfall which is a benefit to the general vibrancy of the area and the vitality and viability of other nearby shops. In addition, the use is entirely complementary with this commercial location, providing a further lunch and after work eating venue for the surrounding office uses which are prevalent. In addition, the location on the eastern edge of the west end provides an eatery for pre and post theatre meals, and those shopping and visiting the main central commercial core including tourists and shoppers.

- 6.15 The proposed use will therefore enhance rather than weaken the established mixed use character of the area in accordance with objective d). of the Council's adopted Central London Guidance. In addition, given that the identified frontage currently contains only 8 units the skewing effect of changing one unit is considerable and would, if applied without any flexibility, consign this (and perhaps other) frontages to under occupation, as A1 retail appears to be the only fully policy compliant use.

Concentration of Food and Drink Uses

- 6.16 The second key policy guidance suggests that the total proportion of food and drink uses should not exceed 40% and concentrations of Food and Drink uses should not exceed 2 together in any identified frontage. The following table summarises the existing and proposed frontages.

Existing A1 Retail (based on 8 units)	Proposed A1 Retail (based on 9 units)	Existing food and drink (based on 8 units)	Proposed Food and Drink (based on 9 units)
37.5%	33.3%	37.5%	44.4%

- 6.17 This shows that the 40% guidance would be breached by 4%. The issue is therefore whether this modest breach arising from one additional food and drink use causes material harm and would result in any of the potential impacts which can arise from over concentrations of food and drink uses as set out in Policy DP12 above.
- 6.18 In assessing this issue, which is distinct from the loss of A1 retail, the areas of specific concern which the policy seeks to address need to be identified. These impacts include noise and fumes, traffic congestion and parking problems, litter and refuse, crime and anti-social behaviour.
- 6.19 Prior to assessing these issues it is important to note that the SPD does not distinguish between A3, A4 and A5 uses. The subdivision of the A3 Food and Drink Use Class was introduced in 2006 and the SPD acknowledges this change, though its policies do not differentiate between impacts with these three separate use classes, instead preferring to consider them collectively. This is at odds with the Use Classes Order, which by subdividing the original A3 Food and Drink Class into three, makes clear that the new A3 Restaurant and Café Class has less potential impacts than A4 and A5 uses (Drinking Establishments and Hot Food takeaways respectively). For this reason, changes from A4 and A5 uses to A3 are permitted whilst changes in the opposite direction require planning permission.
- 6.20 Given the way the Use Classes Order is set out, the proposed A3 restaurant use has the least potential impacts of all Food and Drink uses. In addition, no concentration of more than two Food and Drink Uses would occur as there would be the new A1 retail unit between the proposed restaurant and the existing (albeit closed) Burger King.
- 6.21 The proposed change of use is also for a named occupier who benefits from the following attributes:-
- Restaurant only - Wagamama does not cater for drinkers not wishing to eat
 - Take away – Whilst Wagamama provides a take away option this is likely to represent only a small component of the business in this location, particularly given the absence of residential uses in the area
 - Litter – the limited volumes of take away minimises litter concerns
 - Noise – no live music or dancing is available in Wagamama, only low level background music
 - Fumes – Wagamama are an established and respected restaurant operator and

adhere to best practice in all aspects of their operation including extraction equipment, which would minimise fumes (and would also ensure low noise levels from equipment).

- vi. Anti-social behaviour - the relatively fast serving times does not encourage high alcohol consumption which is commonly identified as a root cause of anti-social behaviour
 - vii. Hours - the use will not operate late into the night and its peak time will be lunch time and early evening (post work and pre-theatre). No opening is proposed beyond 2300 hours
 - viii. Location - the application site has no obvious residential neighbours
 - ix. Parking and Congestion – the area is used largely by office workers who, due to the cost and scarcity of parking, typically rely on public transport which is available in abundance. Evening car journeys into the west end are unlikely to be solely for the purposes of visiting the proposed restaurant and would be linked to other attractions such as the theatre or cinema. On this basis traffic and congestion would not be added to.
- 6.22 Implicitly the guidance also requires an assessment of the cumulative impact of the Food and Drink uses. Specifically, the principal concern amenity based and is where there are a number of high impact Food and Drink uses within close proximity, such as three large pubs (vertical drinking establishments especially). In such a situation there can be considerable customer movements between outlets and the sum total of impacts is greater than their component parts. In this instance there is not obvious other Food and Drink use which Wagamama diners might be attracted to. Specifically the other three Food and Drink uses within the same frontage are one burger restaurant, a kebab takeaway and another A3 restaurant which fronts Parker Street. The only potential complementary Food and Drink use in the area is the Shakespeare's Head public house. This is on the opposite side of Kingsway which is a busy four lane carriageway at this point.
- 6.23 In light of the above assessment it is clear that the existing frontage is already well below the 50% A1 retail threshold identified within local planning guidance. The proposed change of use will bring the proportion of Food and Drink uses to 44% which is marginally above the suggested threshold. An exception to the guidance is however considered justified for the reasons outlined above, which cumulatively show policy compliance.

Heritage Issues

- 6.24 Section 2 acknowledges the inclusion of this application site within the Kingsway Conservation Area and identifies the building as being of local interest through the positive contribution it makes to the Conservation Area generally. Through the introduction of PPS5, the applicant considers building a heritage asset. The effect of this recognition is a commitment to limit any changes to the external appearance of the building and retain all features of value and interest. This approach is consistent with the legislative requirements imposed by s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires development within Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Amenity Issues

- 6.25 As previously stated the application site has no known residential neighbours. Kingsway is almost exclusively commercial in nature with residential uses being located in upper floor accommodation within side streets. Much of this residential use is interspersed with commercial and is located some way back from the busy Kingsway.
- 6.26 Extraction equipment would be installed, used and maintained in accordance with best

practice. The effect of this would be that it would be quiet and effective in operation, thereby overcoming any amenity concerns for nearby commercial occupiers.

Traffic and Parking

- 6.27 The application site is well connected to public transport links and is on or close to a number of bus routes and within easy walking distance of Holborn tube station. The area is essentially commercial in character and the shortage of car parking (and its costs) encourages and visitors to use public transport. Evening car journeys into the west end are unlikely to be solely for the purposes of visiting the proposed restaurant and would be linked to other attractions such as the theatre or cinema. On this basis traffic and congestion would not be added to.
- 6.28 The conclusions reached in paras 6.25 to 6.27 are consistent with those of the case office in relation to planning application 2008/2107/P at 115 Kingsway.

7.0 Conclusion

- 7.1 In light of the above it is contended that the proposed use will bring an unusual and unattractive unit (in A1 retail terms) back into beneficial use without harming the retail viability and vitality of the identified retail frontage to which it relates, or the area generally. In addition, as well as providing a vibrant and complementary use which allows an otherwise vacant and hard to fill retail accommodation to be beneficially used, it will provide a new A1 retail unit which has good prospects for A1 retail occupation.
- 7.2 The existing retail frontage is currently fails below the policy guidance thresholds yet it does not appear to be dysfunctional in any way and retail remains strong through other nearby users, most notably Sainsburys and Boots to the north. Equally a modest increase in the concentration of Food and Drink uses will not bring about any of the specific concerns identified in DP12 which may arise when Food and Drink uses become over prevalent. This is because the proposed use is a civilised restaurant use which would be an asset to the area and would enhance both the day and night time economy of the area. A busy times it would employ up to 42 staff at any one time.
- 7.3 Figure 2 of the Adopted Central London Guidance makes clear that compliance with the Retail and Food and Drink frontage guidance does not show that a use is acceptable and that further tests of appropriateness for the area are also required. This being so, it stands to reason that a use which might not exactly fit the frontage policy guidance can also be appropriate subject to its use characteristics. The above assessment shows that Wagamama will make a positive contribution and therefore warrants an exception to planning guidance, but not an exception to planning policy, as no breach would occur.