

Delegated Report		Analysis sheet		Expiry Date:		10/10/2011	
		N/A		Consultation Expiry Date:		07/09/2011	
Officer				Application Number(s)			
Jenna Litherland				2011/2900/P			
Application Address				Drawing Numbers			
260 Tottenham Court Road London W1T 7RF				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of ground floor from retail (Class A1) to restaurant (Class A3), installation of extract duct within void and terminating at roof level with extract fan.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	05	No. of responses	01	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		<p>A site notice was displayed from 19/08/2011 until 07/09/2011.</p> <p>One letter received supporting that application provided that the unit has the appropriate fire protection; acoustic protection is in place; it will not impact on the air handling equipment for the YMCA; and that a grease extraction system is put in place as that the grease does not block the sewage system.</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>		N/A					

Site Description

The application site forms part of a 1960's urban block which is bounded by Tottenham Court Road, Great Russell Street, Bedford Avenue and Adeline Place. It was built as a composition of four multi storey towers of varying heights (from 6 to 12 storey high above a three storey podium). The towers have flattened lozenge plan shapes and are arranged in rows parallel to Tottenham Court Road, with infill sections connecting each; Tower A (westerly tower) fronts Tottenham Court Road. The building (formerly known as the YMCA) is used as a hotel and is not listed. There are Grade II listed buildings (Dominion Theatre, 5 and 8-12 Great Russell Street) opposite the Great Russell Street elevation of the application site.

The application relates to a ground floor retail unit at the corner of Tottenham Court Road which is currently in use as an electronics shop (Class A1). The site is not in a conservation area but it is within Central London Frontage.

Relevant History

None relevant.

Relevant policies

LDF Core Strategy and Development Policies

LDF Core Strategy

- CS5 – Managing the impact of growth and development
- CS7 – Promoting Camden's centres and shops
- CS14 – Promoting high quality places and conserving our heritage

Development Policies

- DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- DP16 – Transport implications of development
- DP24 – Securing high quality design
- DP26 - Managing the impact of development on occupiers and neighbours
- DP28 – Noise and vibration
- DP30 - Shopfronts

Assessment

Proposal

It is proposed to change the use of the 167sqm ground floor unit from an electronics shop (A1) to a restaurant (A3) and the installation of an extract duct within void internally and terminating at roof level with extract fan.

The application form submitted with this application informs that the hours of operation for the proposed restaurant use would be between 9am and 11pm Monday to Sundays and Bank Holidays.

Land Use

The proposal would result in loss of an A1 retail unit.

Policies CS7 and DP12 have a general presumption in favour of locating food, drink and entertainment uses such as the one proposed within central locations such as this, on the basis that they are most 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. The application site lies within the Tottenham Court Road/Charing Cross Road (TCR/CCR) Central London Frontage. The guidance states that this area is characterised by larger-scale developments and large retail units, providing specialist retail uses [primarily furniture/home furnishings and electrical goods] intermingled with High Street multiples providing a range of convenience goods and services.

The guidance states that additional food, drink and entertainment uses may be appropriate in the TCR/CCR Central London Frontage providing they do not result in a harmful concentration, and that 'to protect the main area of retail usesplanning permission will not be granted for development that results in normally more than 25% of shop units in each individual frontage being in food, drink and entertainment uses'. The guidance goes on to state that 'to avoid the creation of clusters of food, drink and entertainment uses that could create a harmful impact, planning permission will not be granted for development that results in more than two of these uses being located consecutively in a frontage'. The application unit is within a small parade of 3 units. The other two units are in use as a betting shop (A2) and a casino (sui generis). The proposed change of use would result in the loss of the only remaining A1 unit within this parade and would result in 66% of the parade of being in Food, drink and entertainment use, exceeding the 25% guideline.

The guidance (at paragraph 15.20) states that Tottenham Court Road/New Oxford Street has an important retail function as well as containing two significant concentrations of specialist retail uses which the Council does not wish to see diminished and planning permission will not be granted for changes of use from retail to other non-retail uses, except in exceptional circumstances. During the site visits it was noted that the use is occupied and open. The unit is in use as electronics shop which is considered to be a specialist use along Tottenham Court Road. The loss of a specialist retail unit would be contrary to the guidance set out in the supplementary planning guidance.

Whilst the guidance seeks to generally resist such proposals, it has been formulated to support the established policies; in this case LDF policies CS7 and DP12. Therefore, the assessment cannot rely wholly on the figures relating to percentage ratios in the individual frontage or the uses to which consecutive units are put as an absolute requirement to dictate the decision that is made on this planning application, as it is intended only as guidance to assist in the interpretation of the policy. The key test, as laid down in policy DP12, is whether the loss of retail floorspace would serve to erode or undermine the character, function, vitality and viability of the frontage, which supports a specialist retail trade. Policy CS7 of the LDF Core Strategy seeks to 'protect and enhance the role and unique character of each of Camden's centres' and emphasises the importance of Tottenham Court Road's London wide and national retail role.

As demonstrated above this part of Tottenham Court Road is characterised by a strong specialist retail element in electronic goods. Therefore it is important to protect the retail character and function of this part of the Central London in order to maintain the character, function, vitality and viability of this frontage. No justification of exceptional circumstance to justify the proposed change of use has been submitted with the application. In the light of this, it is considered that the loss of retail floorspace would be contrary to policy DP12 and is unacceptable in this location.

In light of the above the proposal is considered to be contrary to policy CS7 and DP12 and therefore unacceptable in principle.

Design and Appearance:

No alterations to the shop front are proposed.

The proposed ducting would mainly be within a void in the building it would terminate a roof level where an extractor fan would be positioned. Given the positioning and size of the proposed extractor fan it would not be visible from the public realm and would therefore not harm the appearance and character of the application site, the adjoining buildings or the surrounding area. Overall, the proposal is considered to be acceptable in design terms.

Amenity: Careful consideration must also be given to the impact of development for food and drink uses on amenities of nearby residential properties in terms noise and fumes nuisance, littering and potential for anti-social behaviour under policy DP12 of the LDF Development Policies. In this case particular note must be made of any nearby residential units and to potential highway implications.

The application site is mainly surrounded by commercial premises, hotel accommodation and residential buildings. The nearest residential property is located a short walk along Bedford Avenue. Considering the A3 use would close at 11pm and people would consume the food and drink within the building, then these neighbouring residents would not suffer any undue loss of amenity from the proposed use.

An acoustic report has been submitted by the applicant however it does not include a full noise study covering the entire period of operation therefore it is not possible to make a full assessment as to whether the units would generate noise which would be within the relevant environmental noise emissions guidelines. Furthermore, more clarity is required on the actual noise measurements. For example, a better subjective description and also a graph and a table and given the high LA90, it would also assist if the LAmin was provided to ensure that there were no contributions from any extraneous noise sources associated with the premises.

The applicant has not submitted information which demonstrate how odour and smoke will be prohibited to avoid adverse impact on neighbouring property. The lack of this information is not considered to be acceptable.

The proposed restaurant would be mainly accessed from Tottenham Court Road which has a commercial and busy environment at all times of day and night. The nearest restaurant to the application premise is located within the same building and is accessed by Bedford Avenue.

It is considered that the proposal would have minimal impact on the current refuse and recycling arrangements.

Impact on Transportation: Given that the unit is located in a Central London, the proposal would not be likely to significantly affect the existing transport conditions.

Conclusion: The proposed change of use would result in unacceptable loss of valuable retail space in a specialist Central London Frontage which is considered to have an important London wide and national retail role and fails to demonstrate that the extractor flue accords with Camden's noise standards and would not result in odour and smoke which may harm neighbour amenity.

Recommendation: Refuse permission.

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