

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	10/06/2011
		N/A / attached		Consultation Expiry Date:	19/05/2011
Officer			Application Number(s)		
Jonathan Markwell			2011/1793/P		
Application Address			Drawing Numbers		
25 - 27 Farringdon Road London EC1M 3HA			Please see decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from mixed use restaurant & bar (Sui Generis) at basement and part ground floor to retail shop (Class A1).					
Recommendation(s):		Grant Planning Permission subject to a Section 106 Legal Agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	81	No. of responses	00	No. of objections	00
			No. Electronic	00		
Summary of consultation responses:	A site notice was erected on 20/04/2011, expiring on 11/05/2011. A press notice was published on 28/04/2011, expiring on 19/05/2011. No responses were received.					
CAAC/Local groups* comments: *Please Specify	<p>25-27 Farringdon Road Residents Association (FRRA) has confirmed that they support the application subject to a number of conditions. Not all of these conditions in the form FRRA wish are recommended, effectively resulting in some elements of the proposals (trading hours for example) warranting an objection from FRRA. More specifically, FRRA state:</p> <p>"This Residents Association is very much in favour of a Change of Use to A1, provided that suitable Conditions and Trading Hours can be agreed. In general:</p> <ol style="list-style-type: none"> a) We believe that the Applicant's proposals for the use of entrances represents the best possible solution to the problems caused by the existing shared entrance, which with hindsight should never have been allowed when the consent for A3 Use was granted in 1997. We are asking for Conditions in order to ensure that all future occupants are bound to adopt the very sensible arrangements that the Applicant has proposed. Suggested condition is as follows: <i>Access doors that sit either side of the residential lobby to the upper floors shall not be used by customers except for emergency purposes. The access door located between the residential entrance and Farringdon Road shall be permanently sealed off. The access door located between the residential entrance and Greville Street shall be secured shut with an alarmed security mechanism that allows exit in the case of emergencies only.</i> b) We believe that the hours requested are excessive for a building which is primarily residential, and note that they would represent an increase from the currently approved 87 hours, of which the previous incumbent only operated for 62.5 hours, to 93 hours of trading. (NB: The approved hours have not been changed since the original planning permission PS96042832R2, as PS9604287 was never implemented and therefore lapsed). We are proposing alternative hours which we believe should be adequate for the business model of a Central London pharmacy-style retail business. This can be dealt with by Conditions limiting the hours of trading, suggested as: <i>That the premises may only be accessible for use by customers during hours of trade from 8.00 a.m. - 8.00 p.m. Monday to Friday, from 10.00 a.m. - 7.00 p.m. on Saturdays, and from 12.00 p.m. - 6.00 p.m. on Sundays and Bank Holidays.</i> c) We believe that the proposal by the Applicant to make a large delivery between 6.00 a.m. and 7.00 a.m. to the rear of the building will cause unacceptable disturbance to residents whose windows are close to street level. We have no objection to daytime deliveries to this entrance, but if it is necessary to have a delivery to the building before 8.00 a.m. (or after 8.00 p.m.) then this would have to be made to a Farringdon Road entrance. We believe that Conditions are required to control the times at which each entrance may be used for deliveries. Suggested conditions are as follows: <i>a) That no night-time deliveries may be made to the Saffron Hill entrance between 8.00 p.m. and 8.00 a.m. b) That no night-time deliveries to be made to other entrances between 9.00 p.m. and 6.00 a.m. c) That all deliveries made between 8.00 p.m. and 8.00 a.m. must use crates with rubber wheels to minimise noise.</i> <p>FRRA conclude "We very much hope that a route forward can be found that enables the Change of Use and a viable retail business, while at the same time giving reasonable protections to residents who share the building".</p> <p>Officer response: a) A condition similar in nature to that proposed by FRRA is included, see paragraph 4.6 and condition 5; b) Please see paragraphs 4.1 – 4.5 and condition 2; c) Please see section 5.</p>					

Site Description

The application site comprises the basement floor and part of the ground floor of a basement and six-storey Grade II listed building located on the west side of Farringdon Road at the junction with Greville Street / Cowcross Street (to the north). The application building is one of three buildings on the four corners of the junction; the remaining two are post-war buildings. The application site also fronts on to the east side of Saffron Hill; however the main frontage is on the Farringdon Road / Greville Street juncture. The upper floors of the building are in residential use, having been granted planning permission to be converted into 41 self-contained flats in 1997 (see relevant history section below). At present the basement and part of the ground floor to which this application relates (the whole of the ground floor barring the lobby area for the residential uses above) is vacant, having been most recently been used as a restaurant/bar (Sui Generis use) after being granted planning permission for a Class A3 use in 1997 (see relevant history section below).

The application building is in a Venetian Gothic style and was originally built as workshops in 1873-4. It was designed by Harding and Bond for Bradbury Wilkinson & Co (engravers for printing bank notes). The elevations of the building are in polychromatic brick in yellow, red and black with stone facing to ground floor and stone dressings. There is a recessed corner bay on the junction of Farringdon Road with Greville Street at ground floor level. From this point towards Saffron Hill the land rises gradually, with the ground floor windows on Greville Street decreasing in size in line with land levels at this point.

The surrounding area comprises a mix of uses, largely commercial or residential in nature. Opposite the application site to the north on the Farringdon Road/Greville Street/Cowcross Street crossroad junction is the Sir John Oldcastle public house at ground floor level. At basement floor level of this building is a nightclub (Sui Generis) and above ground floor level is office accommodation (Class B1 known as Farringdon Point) and 14 residential flats (known as City View Apartments, 29 Saffron Hill – as granted permission in 2006 by application 2006/1368/P).

Farringdon Road forms the Borough boundary with LB Islington. The buildings on the east side of Farringdon Road opposite the application site have been demolished and are presently being redeveloped as part of the under construction Crossrail project associated with Farringdon Station (100m to the east of the application site within LB Islington). To the south of the application site is an eight storey building (17-23 Farringdon Road) which, like the application building, extends west through to Saffron Hill. The building is in use as a Sainsbury's Local store (Class A1) at ground floor, with the head offices of Esprit (Class B1) located on the upper floors. On the four most upper floors of the building are 14 self-contained residential units, as granted permission in 2004 (2004/2952/P). These residential units are known as 28 Saffron Hill, with access exclusively from Saffron Hill. Primary access for Sainsbury's Local and the Esprit offices are on Farringdon Road. To the west of the application site is a six-storey (including basement) office building (Class B1) at 24 Greville Street, located on the junction with Saffron Hill.

The application site is within the Hatton Garden Conservation Area and this part of Farringdon Road is a Transport for London Road Network (TLRN) road. The site is within the Central London Area, but is not within a designated Central London Frontage, Town Centre or Neighbourhood Centre.

Relevant History

PS9604287 - Change of use of part of the ground floor and the basement from business use to uses falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987, including the reinstatement of an access door. Granted Planning Permission 06/06/1997.

LS9604288 - Alterations in connection with the use of part of the ground floor and the basement for Class A3 uses. Granted Listed Building Consent 06/06/1997.

PS9604289 - Change of use of part of the ground floor and the basement from business use to uses falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987, including the reinstatement of an access door. Granted Planning Permission 06/06/1997.

LS9604290 - Alterations in connection with the use of part of the ground floor and the basement for Class A3 uses. Granted listed building consent 06/06/1997.

PS9604283R2 - Change of use of part of the ground floor and the first to seventh floors, including works of conversion and a roof extension from business use to forty-one self-contained flats. Granted Planning Permission 10/09/1997.

LS9604284R2 - Alterations and extensions in connection with the conversion of part of the ground floor and the first to seventh floors to form forty-one self-contained flats. Granted Listed Building Consent 10/09/1997.

PS9704633 - Variation of additional Condition 2 of planning permission dated 6th June 1997 (Reg.no.PS9604287) to also allow the permitted use between the hours of 9.00 and 23.00 on Sundays and Bank Holidays. Granted Planning Permission 09/10/1997.

PS9705327R2 - New entrance doors to Farringdon Road elevation, proposed new ground floor windows to Farringdon Road and Greville Street. Granted Planning Permission 23/07/1998.

LS9705328R2 - New entrance doors to Farringdon Road elevation, proposed new ground floor windows to Farringdon

Road and Greville Street. Granted Listed Building Consent 23/07/1998.

AS9705329R2 - Display of 2 externally illuminated projecting signs on the Farringdon Road elevation and 1 externally illuminated sign at the corner of Greville St and Farringdon Road, together with the display of 3 internally illuminated menu display boards. Granted Advertisement Consent 23/07/1998.

2009/3368/P - Change of use of basement floor level and part of ground floor level from restaurant and bar (Class A3 and A4) to restaurant and hot food takeaway (Class A3 and A5). Refused 15/01/2010 owing to the introduction of an A5 (takeaway) use, by reason of its size, operation and relationship with residential uses on the upper floors of the building, would be harmful to local residential amenity. Appeal lodged (Appeal Ref: APP/X5210/A/10/2132599) and dismissed 03/02/2011.

2010/3471/P & 2010/3475/L - Alterations to ground floor elevation to install a new door opening on the Farringdon Road elevation and associated alterations. Refused planning permission and listed building consent 01/09/2010. Refused owing to the location, size and relationship with residential uses on the upper floors of the building of the proposed door opening being harmful to local residential amenity (planning permission application) and in the absence of sufficiently detailed plans (including sections and internal elevations), the Council has not been able to fully assess the proposal in terms of the impact on the listed building and is therefore not satisfied that the works will not harm the special historic interest and character of the listed building (listed building application). Appeals lodged (Appeal Refs: APP/X5210/A/10/2138377 & APP/X5210/E/10/2138425) and dismissed 03/02/2011.

2011/0721/P - Change of use from restaurant (Class A3) to retail (Class A1) at basement and part ground floor level. Withdrawn 06/04/2011.

2011/0730/P - Variation of condition 2 of planning permission dated 6th June 1997 (Reg.no.PS9604287) to allow the permitted use between the hours of 07:00 - 21:00 Monday - Friday : 08:00 - 20:00 Saturday & 08:00 - 19:00 Sundays and Bank Holidays. Withdrawn 06/04/2011.

2011/2045/P - External alterations at ground floor to form new entrance doors on Farringdon Road and the fixing shut of the existing entrance in the entrance undercroft associated with the use of the ground and basement premises as a shop (Class A1). Current planning application under consideration by the Council (validated on 23/05/2011).

2011/2046/L - Internal and external alterations, including removal of plinth on Farringdon Road elevation at ground floor level to create new entrance opening and doors, alterations to door opening on Saffron Hill frontage, installation of new goods lift, and rearrangement of internal layout. Current listed building consent application under consideration by the Council (validated on 23/05/2011).

2011/2048/A - Display of 3 non-illuminated hanging signs, 6 internally illuminated fascia signs, and 1 non-illuminated fascia sign. Current advertisement consent application under consideration by the Council (validated on 23/05/2011).

2011/2112/L - Alterations in association with the display of 3 non-illuminated hanging signs, 6 internally illuminated fascia signs, and 1 non-illuminated fascia sign. Current listed building consent application under consideration by the Council (validated on 23/05/2011).

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy

- CS1 Distribution of growth
- CS3 Other highly accessible areas
- CS5 Managing the impact of growth and development
- CS7 Promoting Camden's centres and shops
- CS9 Achieving a successful Central London
- CS11 Promoting sustainable and efficient travel
- CS13 Tackling climate change through promoting higher environmental standards
- CS14 Promoting high quality places and conserving our heritage
- CS18 Dealing with our waste and encouraging recycling
- CS19 Delivering and monitoring the Core Strategy

Development Policies

- DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- DP16 The transport implications of development
- DP20 Movement of goods and materials
- DP22 Promoting sustainable design and construction
- DP25 Conserving Camden's heritage
- DP26 Managing the impact of development on occupiers and neighbours
- DP28 Noise and vibration
- DP29 Improving access

Camden Planning Guidance (CPG) 2006 / Camden Planning Guidance 2011 (Phase 1 Adopted 06/04/2011)

Hatton Garden Conservation Area Statement (Designated 05 August 1999);

Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses. Adopted 4

Assessment

1. Introduction

1.1 Planning permission is sought for the change of use of the basement and part of the ground floor from a mixed restaurant/bar Sui Generis use to a retail shop Class A1 use (614sqm). This application is solely seeking a change of use and no internal or external alterations are proposed. Subsequent applications in this respect and for advertisements at the site have recently been submitted and are under consideration at present by the Council (see relevant history above).

1.2 The applicant is denoted as Boots UK Limited, with the supporting information submitted indicating that the intended occupier is Boots The Chemist. However, it is important to note that the Council must consider the proposal as any Class A1 operator, rather than the specific operator indicated to be the future occupier by the applicant.

1.3 During the course of the application a BREEAM Pre-assessment report and Framework Servicing Management Plan have been submitted for consideration.

2. Land use considerations

2.1 As outlined above, the existing use is Sui Generis, having most recently been a restaurant and bar. Thus full planning permission is required for the change of use to retail (Class A1). The site is located outside of a Central London Frontage, Town Centre, neighbourhood centre or growth area, but is located within the Central London Area. Furthermore the character of the immediate area is a mix of retail, restaurant, drinking establishment and residential uses. The proposed retail use is considered to align with the general mix of uses in the local area and is therefore welcomed in principle, assisting with the character, function, vitality and viability of the local area (Policies CS7, CS9 and DP12). The impact on the local area is discussed in more detail in the sections below.

3. Impact on setting of listed building / character of conservation area

3.1 With regard to the impact the use of this part of the building would have on the setting of the listed building itself or the character and appearance of the conservation area as a whole, it is not considered that either would be negatively affected by the use of the premises for Class A1 purposes. Other matters such as advertisements would require assessment in this regard, but these are subject to separate applications (see relevant history above).

4. Amenity

4.1 A major consideration in the determination of the application is the impact the proposed use will have on the residential amenity of neighbouring occupiers. This is particularly the case in this instance owing to the recent application and dismissed appeal at the site for a Class A5 use (see relevant history above). In overall terms it is considered that with the use of conditions and a S106 Legal Agreement for a Servicing Management Plan the residential amenity of neighbouring occupiers will be maintained.

4.2 Looking first at the proposed hours, the applicant is seeking to operate between 0700-2100 on Mondays to Fridays, 0800-2000 on Saturdays and 0800-1900 on Sundays and Bank Holidays. To provide context, the existing 1997 permission at the site (see relevant history above) permitted the use of the premises from 09:00 to 23:30 Mondays to Saturdays and not at any time on Sundays and Bank Holidays. A subsequent variation of condition application permitted the use of the premises from 09:00 to 23:00 on Sundays and Bank Holidays (ref: PS9704633 – see relevant history section above). In comparison with the approved hours, those proposed are earlier in terms of opening and earlier in terms of closing.

4.3 It is noted that FRRA are seeking for the hours to be more limited than proposed. Those which FRRA consider to be appropriate are (with the difference to those proposed given in brackets): Mondays – Fridays 0800 (1 hour later) to 2000 (1 hour earlier), Saturday 1000 (2 hours later) to 1900 (1 hour earlier) and Sunday & Bank Holiday 1200 (4 hours later) to 1800 (1 hour earlier).

4.4 To provide further context, the neighbouring Class A1 premises (occupied by Sainsbury's Local) at 17-23 Farringdon Road does not have any planning hours restrictions and is open from 06:00 to 23:00 daily, except Saturdays 07:00-23:00 and Sundays 08:00 to 23:00. The Sir John Oldcastle public house opposite the site at 29-35 Farringdon Road does not appear to be subject to any planning hours restrictions either, but has a licence to supply alcohol from 0900 to 2330 Sundays to Thursdays and 0900 to 0100 on Fridays and Saturdays, together with a licence to open from 0700 to 0000 on Sundays to Thursdays and 0700 to 0130 on Fridays and Saturdays. The opening hours denoted on the door of the premises state it is open Monday to Thursday 0800 to 2330, Friday 0800 to 0000, Saturday 1200 to 2330 and Sunday 1200 to 1800. The Tesco store at 43-45 Farringdon Road has permission to operate from 07:00 to 23:00 on a daily basis (permission 2009/5781/P). As such, there are a variety of operating hours, with 0600, 0700 and 0800 opening hours and 2300 – 2330 typically being the latest closing time.

4.5 Given this context, in terms of the opening hour it is noted that there is no specific guidance in relation to opening hours in SPD or CPG. Given the location of the application site on a TFL Red Route and the opening hours of a nearby Sainsbury's Local and Tesco, it is considered that an opening hour of 07:00 is appropriate in this particular Central London location and will not cause a significant loss of amenity to neighbouring occupiers. This is considered the case for any

Class A1 operator that may use the premises in the future. The applicant has indicated that this opening hour is required for both residents and commuters passing the site prior to normal working hours. Regarding the closing hours, these are considered to be reasonable in this Central London location and would not cause a loss of amenity to any neighbouring occupiers which would warrant a sustainable reason for refusing the application. As such, the proposed operating hours of the applicant are considered to be appropriate.

4.6 Other conditions are also proposed in order to protect the residential amenity of neighbouring occupiers. These comprise one which denotes no music should be audible outside of the premises and another relates to the doors used for access purposes. The entrance area to the upper floor flats is on the junction of Farringdon Road and Greville Street. Either side of these doors are further doors providing access to the ground floor level. The applicant has confirmed that "The entrance doors on the corner of Farringdon Road and Greville Street will not be used for customer access. [They] would be locked shut and the doors adjacent to Greville Street would be used as a fire exit from the ground floor stockroom". Instead the applicant has said that new doors on the Farringdon Road elevation will be added with a separate permission and consent required for these. Although an application has been submitted for these works, this is yet to be determined (see relevant history above). Therefore a condition will specify that the other existing entrance doors on Farringdon Road (at the southern end adjacent to 17-23 Farringdon Road) will be the primary access and those on the corner of Farringdon Road and Greville Street shall not be used by customers except for emergency purposes. These emergency doors shall be secured shut with an alarmed security mechanism that allows exit in case of emergencies only. Such a condition protects the residential amenity of neighbouring occupiers by restricting the use of the doors adjacent to their entrance.

4.7 Other amenity considerations, such as servicing and waste and recycling are described in separate sections below.

5. Transport

5.1 In dismissing the recent proposal for a Class A5 use at the site the Inspector commented with respect of deliveries that "Deliveries would be undertaken from Saffron Hill to the rear which is narrow. There is no information about their likely frequency or timing and these could be a source of disturbance to Flats 1 and 2 that face in that direction. Farringdon Road is a Red Route but there is scope for cars to stop in Greville Street and cause a short-term obstruction. These are further misgivings about the proposal". Although a Class A5 use is not proposed in this instance, the principle of potential harm to highway safety and residential amenity is considered to be an important consideration for any use at the site.

5.2 Given that there is no on-site servicing, all of the servicing will take place via the street. As a result deliveries would be outside of the red line of the application site and thus not be able to be controlled via condition as FRRA suggest. Instead a Framework Servicing Management Plan (SMP) has been submitted by the applicant. This will be secured via S106 Legal Agreement, which is the appropriate mechanism for doing so in this case and is necessary in this instance owing to the nature of the intended occupier (and potential servicing requirements for any other future Class A1 operator) and the need to maintain residential amenity.

5.3 The Framework SMP outlines that it is intended that 1 delivery (using a 10m long 17 tonne goods vehicle) will take place per day between 6-7am and 1 between 7-9pm from Farringdon Road (next to doors at southern end adjacent to 17-23 Farringdon Road) . This is within the loading hours allowed on the Red Route (only between 7pm and 7am) and the delivery would last no longer than 30 minutes. Daytime servicing (when the store is open) from Greville Street and Saffron Hill using 3.5-7.5tonne vans is also proposed, with the frequency of these stipulated as "no more than two ad-hoc medical deliveries are expected each day". As such, the before opening delivery would be limited to Farringdon Road only and not Greville Street or Saffron Hill. This is considered to be the most appropriate location and by there being only 1 delivery per morning between 0600 and 0700, this is considered to be appropriate, on balance, in both transport and amenity regards. The evening delivery would take place when the unit is still open and in this Central London location is not envisaged to result in significant loss of amenity. Therefore the principles outlined in the Framework SMP are considered to be satisfactory.

5.4 The full SMP will be secured via S106 Legal Agreement. This will go into more detail than the Framework SMP submitted. For instance more details as to how the deliveries will enter the premises, the waste arrangements and further statements. However for the purposes of the application it is considered that sufficient detail has been submitted in order to protect highway safety and residential amenity. The full SMP via S106 will secure all of the required measures in full.

6. Waste and recycling

6.1 The applicant has indicated that refuse will be stored at basement floor level in the non-sales area. However details in this regard have not been shown. There is considered to be sufficient space for waste and recycling within the building and thus a condition seeking more details in this regard is recommended. This will ensure that such facilities are provided for, in part to ensure that residential amenity is maintained.

7. Sustainability

7.1 Given that the proposals involve the change of use of a non-residential building over 500sqm in size, a BREEAM pre-assessment has been submitted. This demonstrates that the proposed retail unit will achieve a 'very good' rating, with a score of 58.75%. This is welcomed and required in line with policies CS13 and DP22. In order to ensure that this is carried through when the scheme is implemented, the design stage and post-construction BREEAM assessment will be secured

via S106 Legal Agreement. This will also be required to demonstrate that the 'very good' rating is achieved. The applicant has indicated a willingness to enter into the S106 on this basis.

8. Crossrail

8.1 Officers have been advised that a Crossrail contribution is not required for this scheme, as although it covers a floor area of over 500sqm, this is in the form of a change of use rather than an extension. Given it is a change of use a contribution is therefore not able to be sought.

9. Recommendation

9.1 Grant Planning Permission subject to a S106 Legal Agreement for a Service Management Plan and design stage and post-construction BREEAM assessment achieving a 'very good' rating.

DISCLAIMER

Decision route to be decided by nominated members on Monday 13th June 2011.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>