

PLANNING and ACCESS CONSIDERATIONS STATEMENT

Basement and ground floors,
369 Euston Road, LONDON NW1 3AR

Change of use from A1 (retail) to A3 (restaurant)



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1.0 Preamble

- 1.1 This statement accompanies a planning application proposing the change of use of the basement and ground floor of 369 Euston Road (also known as 38 Warren Street) from retail (Use Class A1) to restaurant (Use Class A3)
- 1.2 The application involves minor changes to the external appearance of the building
- 1.3 The premises are not in a conservation area and are not listed.
- 1.4 Section 42 of the Planning and Compulsory Purchase Act 2004 introduced a new section 62 to the Planning Act 1990 which requires that a statement covering design concepts and access issues is submitted with all applications for planning permissions except those proposing engineering, works to dwellings (outside of conservation areas) or change of use.
- 1.5 A design and access statement is therefore only statutorily required only for the external changes. Nevertheless the statement reviews the whole application.
- 1.6 The statement also reviews the relevant planning history and planning policies.
- 1.7 The procedural requirements are set out in The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 but DCLG Circular 01/2006 explains that statements should be proportionate to the complexity of the application, but need not be long.
- 1.8 This is a minor application and therefore it is appropriate that the statement is relatively short.

2.0 The location

- 2.1 The property is located close to the Borough boundary with the City of Westminster.

- 2.2 The building comprises basement, ground and 4 upper floors. The basement and ground floor were last used as a retail unit, specialising in chess. That business has now relocated to premises in Baker Street W1.
- 2.3 The building has a frontage to both Euston Road and a secondary frontage to Warren Street. Both frontages may be considered as being of equal importance but the basement and ground floor former shop unit is primarily accessed from Euston Road and the office entrance is from Warren Street. Access to the offices is via a short corridor leading to the lift lobby towards the centre of the building.
- 2.4 The building has as a result 2 postcodes, NW1 3AR and W1T 6AE.
- 2.5 As noted above, the upper floors of the building are in office use. There is no residential in the building.
- 2.6 The neighbouring buildings in the street block are similar and again mainly in office use on the upper parts. The nearest residential properties are believed to be on the south side of Warren Street and in the upper floors of the building at the eastern end of the street block
- 2.7 The Euston Road frontage fronts one of London's busiest arterial roads, a continuation of the M40/A40. There is a continuous kerbside barrier along the road which prevents vehicles from picking up and setting down as well as stopping pedestrians.
- 2.8 Although Euston Road is a major road it is not a shopping frontage. The application premises were the only unit in this street block that has been used for retail.
- 2.9 The property at the west end of the street block, on the corner of Cleveland Street, is used as car showroom at ground floor. To the east side of that is an office entrance to a firm of accountants with a wholly obscured frontage. The application premises are next. To the east side of the application premises is another office entrance and again a 'dead' frontage with no display and then a further building, on the corner of Conway Street, with the windows blanked off.

- 2.10 It is a similar story for the frontage to Euston Road to the east of Conway Street with no retail units at ground floor until past Fitzroy Street
- 2.11 To the west of Cleveland Street the Euston Road frontage starts with an office building which is adjoining by a large public house. As the frontage turns into Great Portland Street there is the first shop, a Tesco Express. There is then a small group of local shops clustered around the tube station.
- 2.12 The premises are therefore the only retail premises in a stretch of frontage of over 200m
- 2.13 The Warren Street frontage of the street block is similarly devoid of retail units. There are one or two scattered units on the south side of the street but most of the retail frontage in the street is well to the east beyond Whitfield Street, which is again over 200 metres.

3.0 **The proposal**

- 3.1 The proposal is change of use of the basement and ground floors to restaurant.
- 3.2 Given that the premises are not part of a retail frontage, any business occupying the premises needs to be a 'destination' – a retailer that people will seek out - and there are few retail businesses of that type. The landowner is therefore seeking to widen the potential interest in the building.
- 3.3 There is no named restaurant occupier identified as yet and the objective is to achieve a permission that can then be used as part of the marketing campaign.
- 3.4 With that in mind the design and layout is intended to be generic.
- 3.5 The premises have an internal area of approximately 435m². Allowing for back of house facilities (store rooms, kitchen etc) the effective trading area is slightly under 200m².
- 3.6 The number of customers that can be seated in a unit of this size would depend on the type of operation, some restaurant operators preferring larger tables or greater

separation between the tables. As a rough guide, each diner requires about 1.4m² - 1.5m² in a normal layout. That would give a capacity of perhaps 140 patrons.

- 3.7 In reality, the capacity is likely to be lower as the basement area is not fully useable because of the proximity to the toilets and the circulation required for that purpose. In addition restaurants are rarely occupied to capacity, the main exception being the run up to the xmas holiday.
- 3.8 The layout puts the back of house facilities – kitchen, stores etc - at the rear of the basement. This allows deliveries and refuse collection from Warren Street – there is a single yellow line along the kerb but deliveries are allowed – keeping the existing Euston Road entrance for customers.
- 3.9 There are therefore no changes to the Euston Road frontage of the property. As the occupier is not yet known it is too soon to submit an application for signage.
- 3.10 Minor changes will be made to the Warren Street elevation. These changes are a new delivery hatch and a fire escape door.
- 3.11 The Warren Street frontage is shown in the photo below. The hatch will be in line with the ramps on the adjoining property.



- 3.12 The delivery hatch will be positioned clear of the footway on land that is part of the curtilage of the unit and will be protected to either side by railings. When not in use the hatch will simply be a metal cover.
- 3.13 The fire escape door will be a simple glazed door. This is not intended to be used by customers but might be used by staff during the day when supervising deliveries etc. At all other times it can (if necessary) be kept shut.
- 3.14 Warren Street is quite busy during the day with people going to and from the various office and commercial premises. Restaurant staff using the Warren Street entrance would not cause disturbance. Later on the street is quieter and a condition that the doorway be kept shut outside the working day could be imposed if necessary.

4.0 Social and economic context.

- 4.1 The previous use of the premises was a retail unit. Given the location the shop had no social function such as essential convenience shopping. The retail function can easily be carried out from elsewhere
- 4.2 The proposed restaurant use will create more employment than the alternative retail use. Whereas a shop might employ only 2 or 3 people a restaurant will need at least 5 - 6 staff on duty and, allowing for shifts, may employ at least twice that.

5.0 Policy context.

- 5.1 The Planning Acts requires that applications for planning permission be decided in accordance with the development plan unless the development plan is outweighed by other material considerations.
- 5.2 The development plan system is changing to a new system known as 'local development frameworks' (LDF) based on a 'core strategy' setting out key spatial considerations backed up by a number of other documents (site allocations document, development control policies etc) and 'supplementary planning documents' (design, standards etc).

- 5.3 Under the 2004 Act, old style local or unitary plans ceased to be of full effect from September 2007 (or 3 years from the date of adoption if later). However, where the new LDF is not yet in place policies can be 'saved' – will still apply - by a direction from the Secretary of State.
- 5.4 The Camden UDP was adopted in 2006 and therefore expired in 2009. However, the Secretary of State has issued a direction allowing many of the policies to be saved.
- 5.5 The site is shown on the UDP proposals map as part of the Central London area but is not further designated. It is not a Central London Frontage or part of a town or neighbourhood centre.
- 5.6 Saved UDP policy R1 relates specifically to the Central London Frontages and town centres and does not seem to apply.
- 5.7 UDP para 6.16 advises that food and drink uses, including public houses, cafés and restaurants are most appropriately located in commercial areas such as the Central London Frontages and town centres.
- 5.8 It adds at para 6.17 that where development is proposed outside one of these centres or areas, the Council will normally seek information from the applicant to demonstrate that there are no alternative suitable sites within, or on the edge of, any nearby centres.
- 5.9 It should be noted that this is only in the supporting text and the policy does not actually impose a sequential test.
- 5.10 Saved UDP policy R2 states

R2 - General impact of retail and entertainment uses

The Council will only grant planning permission for development for shopping and service uses, food and drink uses, licensed entertainment and markets (in Use Classes A1, A2, A3, A4, A5, D2 or sui generis) where it considers the development:

- a) will not cause harm to the character, amenity, function, vitality and viability of the area, or of other areas it affects; and
- b) is readily accessible by a choice of means of transport, including by foot and public transport, and by late night public transport if late night opening is proposed.

The Council will consider the cumulative effects of a development, having regard to existing provision and valid planning permissions with potential to be implemented, and also the need to reduce car travel.

Neighbourhood Centres and smaller groups of shops are generally considered to be inappropriate locations for large-scale development and late night licensed entertainment.

5.11 Again it will be noted that the policy does not impose a sequential test but sets the primary considerations as being the effects on amenity, function, etc and accessibility.

5.12 Saved policy R3 adds more detailed criteria

R3 - Assessment of food and drink uses and licensed entertainment

The Council will not grant planning permission for development for food and drink uses or licensed entertainment (in Use Classes A3, A4, A5, D2 or sui generis) that it considers would cause individual or cumulative harm to an area.

The Council will consider:

- a) the number and distribution of existing uses and valid planning permissions with potential to be implemented;
- b) the effect of the development on shopping provision (in Use Class A1);
- c) the effect of the development on nearby residential uses and amenity, and any prejudice to future residential development nearby;
- d) any record of harm to amenity caused by the concentration of such uses in the area;
- e) any record of littering or anti-social behaviour related to the concentration of such uses in the area;
- f) emission of fumes and the potential for effective and unobtrusive ventilation;
- g) noise and vibration generated inside and outside the site, including noise / vibration from plant and machinery, and noise disturbance arising from opening frontages (such as sliding and folding doors);
- h) the effect of the development on ease of movement on the footway; and
- i) the vehicular stopping and parking characteristics of the development and their effect on noise and highway conditions.

The Council will seek to ensure that, where permission is granted, any potential harm to the area can be controlled. The Council will consider:

- j) controls on the hours of operation;
- k) controls on the expansion of public space into ancillary areas such as basements;
- l) controls on the provision of tables and chairs outside the premises;
- m) controls on the provision of opening frontages (such as sliding and folding doors);
- n) schemes to manage the off-site effects of the development, including contributions to town centre management;
- o) controls on the storage and disposal of refuse and customer litter;
- p) controls on emissions of fumes and noise / vibration, and the siting of plant and machinery;

- q) requirements for noise attenuation within the development and nearby;and
- r) restrictions on changes from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2).

- 5.13 Saved policy R7 relates to the protection of retail floorspace.
- 5.14 It advises that outside the designated centres, the Council will only grant planning permission for development that involves a net loss of shopping floorspace (Use Class A1) provided that, in the case of premises within the Central London Area, the development contributes to local character, function, vitality, viability and amenity, including housing and/or essential services for residents and businesses within the Area.
- 5.15 The Council have published a 'draft core strategy' of the new LDF which was formally submitted to the Secretary of State on the 28th January 2010.
- 5.16 Core Strategy policy CS7 is primarily concerned with the town centres. It advises that the Council will focus food drink and entertainment uses on the Central London Frontages, Town Centres and the King's Cross Opportunity Area.
- 5.17 The Core Strategy notes at para 7.18 that food, drink and entertainment uses add to the diversity and vibrancy of Camden's centres but that local residents can be affected by disturbance.
- 5.18 It continues at para 7.19 that food, drink and entertainment uses are most appropriately located in commercial areas to minimise their impact on the amenity of local residents. Town centres and Central London Frontages are considered the most suitable locations for such uses.
- 5.19 The Council have also published 'Revised Planning Guidance for Central London Food, Drink and Entertainment, Specialist and Retail Uses (Adopted 4 October 2007).
- 5.20 The Guidance advises at para 9.17 (in discussing restaurant uses in the Fitzrovia area) 'Exceptions to this are the heavily trafficked thoroughfares like Euston Road where the character of the area is dominated by larger scale, commercial buildings and limited residential development (e.g. in the area around Howland

Street). In these locations additional food, drink and entertainment uses could add to vitality of the area and could contribute to the overall mix of uses. The Council will not, however, grant planning permission for development that would undermine the mixed use character of the area or residential amenity, or create a harmful cluster of uses'.

5.21 The proposed use is therefore in accordance with the Guidance.

6.0 Approach to inclusion

6.1 Circular 01/2006 makes clear that internal accessibility is not normally a consideration in the determination of planning applications.

6.2 In addition, changes of use such as this do not require a formal access statement.

6.3 Nevertheless the applicants are aware of their responsibility to provide access and are also aware that design for disability benefits customers and employees.

6.4 The access from Euston Road is level and is wheelchair accessible. There is an existing large stairwell just inside the building to the Euston Road frontage and it is proposed that that be part utilised to provide a wheelchair lift from ground to basement level. The basement will be part used for customers but will also have the toilets, including a disabled WC. The disabled WC would also be used by any disabled staff.

6.5 Internal finishes will be specified to be non slip and all emergency signs etc will accord with RNIB good practice.

7.0 Accessibility by public transport.

7.1 Parking and transport accessibility is considered in more detail in a short separate document.

7.2 The site is only 100m from Gt Portland Street underground station (Metropolitan, Hammersmith and City and Circle lines) and about 320m from Warren St

underground station (Northern and Victoria lines). It is about 330m from Regents Park underground station (Bakerloo line). It is 900m from Euston Station.

7.3 Several bus routes serve the area. Routes 18, 27, 30, 73 88 and 205 pass along Euston Road itself. Routes 10, 14, 24, 29, 134 and 390 pass along Tottenham Court Road with a stop about 390m to the east of the site. Routes 453 and C2 – in addition to route 88 already mentioned – go via Gt Portland Street with a stop within 200m of the site.

7.4 The site is therefore readily accessible by public transport.

8.0 Consultations

8.1 No pre-application consultation has been carried out.

9.0 Design principles.

9.1 The application proposes only minor changes to the exterior of the building.

9.2 The issues specified in the Order to be addressed in a design statement - amount, layout, scale, landscaping and appearance – do not wholly apply.

9.3 There will be no change to the Euston Road frontage which will remain as is. Any signs will be the subject of a separate application.

9.4 On the Warren Street frontage it is proposed to introduce a new door. This will be a simple glazed door and is intended primarily as a means of escape from the rear part of the ground floor.

9.5 It is also proposed to introduce a service hatch. There is a strip along the rear of the building between the pavement and the frontage which is part of the curtilage. It was probably once a light well but has been paved over.

9.6 The service hoist will be located in this area.

9.7 A kitchen extract duct will be located in the lightwell. All the buildings fronting the well are in the same ultimate ownership and no outside parties are involved.

9.8 The duct will not be visible from the street frontages.

9.9 With regard to the amount, scale, appearance etc the amount is determined by the practical needs of the restaurant, the scale is determined by the scale of the existing street frontage and, in the case of the duct only, the height needed to vent at roof level. The appearance accords with the existing building.

10.0 Refuse storage

10.1 Refuse storage is indicated on the plans in the existing under pavement vaults.

10.2 Refuse will be taken out each day via the pavement hoist and left temporarily on the forecourt beside the pavement hatch for collection by a contractor.

10.3 The vaults are dry and can be lined with render. There is sufficient space to allow for separate storage of recycling.

11.0 Considerations

11.1 The primary consideration is that this part of Euston Road is not a shopping street and there is no shopping frontage. The application premises are the only unit that has any recent history of retail use.

11.2 The premises are therefore unlikely to attract a retail tenant.

11.3 The premises were not last used for a local convenience store and are ill sited to provide a local convenience function. The Euston Road frontage is very noisy but is ill sited to serve the residential neighbourhood to the south. There are existing local stores – a Tesco express and Portland food and wine - at the north end of Great Portland Street

11.4 The site is however suited to restaurant use.

- 11.5 The site is opposite a major office development which, when fully let, will itself generate demand for restaurant uses. There are also other established offices in the area as well as hotels and a little further away the hospital. There is therefore perceived to be a local market for restaurant use.
- 11.6 Given the large number of restaurants in central London there is generally no need for restaurant customers to travel very far. Most people are likely to choose a restaurant for convenience to the place where they are working, visiting or staying.
- 11.7 The exception to this is 'destination' restaurants which offer either exceptional food or some other attraction such as a bar or entertainment. Neither is likely in this location. The number of destination restaurants is limited and the site is not expected to appeal to such businesses, which are normally found in more established restaurant areas. It is not proposed in this application for the premises for the premises to offer entertainment.
- 11.8 The likely occupier is therefore a branded restaurant chain which will probably have other restaurants in central London.
- 11.9 It is not thought therefore that any appreciable number of customers will arrive by car.
- 11.10 Restaurants do have the potential to cause noise and other disturbance. However, there is no residential use in the building or in the immediately adjoining properties and the nearest identified residential property is on the south side of Warren Street.
- 11.11 Customers (and staff) will enter and leave via the door onto Euston Road. The door onto Warren Street is an emergency exit and the applicants would accept a condition that it be restricted as such.
- 11.12 It is not in any event in the interests of the landlord to have a prominent restaurant use on the Warren Street frontage. That is the main frontage of the building as far as the office occupiers are concerned and a prominent restaurant use would detract from that.

- 11.13 The Council's adopted UDP policy R2 allows for restaurant use where it will not cause harm to the character, amenity, function, vitality and viability of the area, or of other areas it affects; and is readily accessible by a choice of means of transport, including by foot and public transport, and by late night public transport if late night opening is proposed.
- 11.14 The site would meet these criteria. The restaurant, as noted above, will be oriented towards Euston Road which, it has to be said, has little character. Neither the function nor the vitality of the area can be anything but improved.
- 11.15 The application is accompanied by a noise report which confirms that there should be no noise nuisance.
- 11.16 Policy R3 advises that the Council will not permit A3 uses where it would cause individual or cumulative harm to an area, taking into account, inter alia, the distribution of similar uses, the effect on shopping provision, noise and fumes. There are no other premises in the vicinity and, given that this is not a shopping street, no effect on shopping provision. Noise and fumes can be controlled.
- 11.17 The policy also refers to the effects on parking etc but, as explained, this development is not expected to materially affect parking.
- 11.18 The draft Core Strategy directs most A3 development to commercial areas, and although not a designated Central London Frontage there can be no doubt that this part of Euston Road is predominantly commercial.
- 11.19 However, the most relevant policy document is the ' Revised Planning Guidance for Central London Food, Drink and Entertainment, Specialist and Retail Uses (Adopted 4 October 2007). This specifically allows for A3 uses along the Euston Road frontage on the basis that they would add to the vitality of the area

12.0 Conclusion

- 12.1 This application proposes the change of use of a vacant former retail unit to a restaurant, Use Class A3.

- 12.2 The unit is not part of a shopping frontage and the premises have not been used for local convenience shopping. Loss of shopping is not an issue.
- 12.3 The street block is otherwise wholly in commercial, predominantly office, use with no residential.
- 12.4 A restaurant use would not therefore cause any harm to residential amenity but would add to the vitality of the street frontage.
- 12.5 The proposal accords with the Council's planning guidance on Central London Food, Drink and Entertainment, Specialist and Retail Uses