

<b>Address:</b>	Unit 2 & Unit 5 St Giles Court 1 - 13 St Giles High Street London WC2H 8LB	
<b>Application Number:</b>	2009/5889/P (Unit 2) 2009/5890/P (Unit 5)	<b>Officer: Barrington Bowie</b>
<b>Ward:</b>	Holborn & Covent Garden	
<b>Date Received:</b>	17/12/2009	
<b>Proposal: Change of use from retail (Class A1) to dual use A1 and A3 at Units 2 and 5, Central St Giles Development.</b>		
<b>Drawing Numbers:</b>		
<p><b>UNIT 2 Plans:</b>  Site Location Plan (1:1250)  <i>Prefix FP-C1-SC-L00:-</i>  20715 Unit Plan; 20719 Section; 20722Rev1 Ceiling Details; 20725Rev1 External Nosing and Louvre Detail  <i>Prefix FP-SW-SC-L00:-</i>  20872 Existing ground level; 20873 Existing mezzanine level; 20874Rev1 Proposed ground level; 20875Rev1 Proposed mezzanine level; 20880 Unit 2 location plan  Appendix A - Unit 2 Louvre Provision; Appendix B - Unit 2 Trades Screen Shots (2D and 3D drawings)</p> <p><b>UNIT 5 Plans:</b>  Site Location Plan (1:1250)  <i>Prefix FP-R2-SC-L00:-</i>  20741 Unit Plan; 20744Rev1 Section A-A; 20749Rev1 External Nosing and Louvre detail  <i>Prefix FP-SW-SC-L00:-</i>  20876 Existing ground level; 20877 Existing mezzanine level; 20878Rev1 Proposed ground level; 20879Rev1 Proposed mezzanine level; 20881 Unit 5 location plan</p> <p><b>UNIT 2 &amp; UNIT 5 Supporting information:</b>  Schedule of Planning Documentation  Design and Access Statement (Fletcher Priest Architects, December 2009)  Planning Statement (Gerald Eve December 2009)  <i>Technical ducting and air filtration/purification information:-</i>  Reactocell vent master; EcoloAir vent master; Halton Indoor Climate Solutions; Pollustop Advanced Air Purification Technologies</p>		
<b>RECOMMENDATION SUMMARY:</b>		
<b>Related Application?</b>	(if not, please delete this section)	
<b>Date of Application:</b>	[Click here and type]	
<b>Application Number:</b>		
<b>Proposal:</b>		

as shown on drawing numbers

**RECOMMENDATION SUMMARY:** [Click [here](#) and type]

**Applicant:**

Central Saint Giles Limited Partnership  
c/o agent

**Agent:**

Gerald Eve LLP  
7 Vere Street  
LONDON  
W1G 0JB

**ANALYSIS INFORMATION**

**Land Use Details:**

	Use Class	Use Description	Floorspace	
			<b>Unit 2</b>	<b>Unit 5</b>
Existing	<i>A1 Shop</i>		<i>353m<sup>2</sup></i>	<i>252m<sup>2</sup></i>
Proposed	<i>A1 Shop A3 Restaurants and Cafes</i>		<i>353m<sup>2</sup></i>	<i>252m<sup>2</sup></i>

## **OFFICERS' REPORT**

### **Reason for Referral to Committee:**

The applications propose an increase in A3 (restaurant/cafes) floorspace, under "Matters delegated to the Development Control Committee" paragraph 3(iv).

#### **1. SITE**

- 1.1 The redevelopment of the site is almost complete following planning approval in October 2006 to develop the site for mixed-use office/residential/retail/food and drink purposes (see history). The redevelopment is to be known as Central St Giles. The units the subject of this report, are located at the south-east (Unit 2) and southwest (Unit 5) corners of the development.
- 1.2. Immediately to the south of St Giles High Street (an historic route into the City of London) lies the Grade I listed, 18th century St Giles-in-the-Fields (hereinafter referred to as St Giles Church). To the west the Centre Point Tower stands between St Giles Court and Charing Cross Road. At the site's southeast corner lies Princes Circus, a complex traffic junction that is not pedestrian friendly. There are several buildings that front onto Princes Circus, including Bloomsbury Central Baptist Church, which separates the site from Princes Circus, and the Shaftesbury Theatre. Immediately to the north, across Bucknall Street, is Castlewood House, a 1950s development of similar style and vintage demolished St Giles Court.
- 1.3 Three conservation areas surround the redeveloped site, Bloomsbury to the north and east, Seven Dials (Covent Garden) to the southeast, and Denmark Street to the south and west.
1. 4. The wider area around the site is characterised by many of London's most popular visitor attractions. Immediately to the north is the Bloomsbury area, where internationally prominent institutions such as the university colleges and the British Museum are located; to the east is Holborn, which has recently seen an increase in office floorspace, and new hotels. Further developments of this kind are expected in Holborn following its identification in the London Plan (consolidated by alterations in 2008) as an area of intensification. Covent Garden, with its market, restaurants, Opera House and historic streets lies to the southwest and London's Theatreland, centred on Shaftesbury Avenue is to the south. These two areas are huge international attractions, drawing in large numbers of visitors throughout the year. Southwest of St Giles, across Charing Cross Road is Soho, popular as a home for media and film companies and for its large numbers of restaurants, bars and clubs. Oxford Street, Britain's largest shopping centre with a massive annual footfall lies to the west and Tottenham Court Road the UK's leading electronic retail centre to the northwest.

#### **2. THE PROPOSAL**

- 2.1 The proposal is for change of use of ground floor commercial units 2 and 5, from retail (A1) to dual A1/A3 use, i.e. one that could be used lawfully for either retail

(A1) or restaurant/café (A3) purposes. The units are allocated for A1 use, established in the 2006 permission. As the redevelopment has yet to be completed, it should be noted that none of the commercial units within the redeveloped site have been occupied. No physical alterations that would require planning permission are proposed as part of the application. The applicant anticipates that the units would be occupied by “high-end” operators.

### 3. RELEVANT HISTORY

- 3.1 4 October 2006. App No 2005/0259/P. **Parent Permission**; After the satisfactory completion of the legal agreement, planning permission granted for mixed use development comprising office (class B1), retail (class A1), food and drink (class A3), community (class D1) and residential (class C3) uses, new public courtyard and new pedestrian routes across the site.
- 3.2. Since planning permission was granted for the Central St Giles redevelopment, a raft of applications has been submitted to the Council from the spring of 2007, seeking the approval of details required to ensure the development’s architectural and operational integrity. The majority of the conditions attached to the parent application, have been approved.
- 3.3. 26 July 2007. App No. 2007/1804/P. **Certificate of Lawfulness granted** for a proposed development for minor amendments to the approved building envelope comprising: a shift of the residential block footprint 500mm eastwards and slight increases in height of the market and affordable housing elements of the residential by 300mm and 480mm respectively.
- 3.4. Two other applications that are directly related to the change of use proposals being considered in this report, were submitted in March 2010 and propose: firstly, a proposal to extend the hours of use for all the A1/A3 units within the development by a half-hour, and secondly, to allow clientele using the internal courtyard area in association with the ground floor commercial units for an additional hour (to 10:00pm). These applications have yet to be determined.

### 4. CONSULTATIONS

#### ***Statutory Consultees***

- 4.1. Nil

#### ***Conservation Area Advisory Committee***

- 4.2. Nil

#### ***Local Groups and Interests***

- 4.3 *Covent Garden Community Association*

Objection raised – sufficient A3 floorspace (1854sq m within 4 units) allocated within the redeveloped site for restaurant/cafes

#### ***Adjoining occupiers***

<i>Number of letters sent</i>	122
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<i>Total number of responses received</i>	3
<i>Number of electronic responses</i>	3
<i>Number in support</i>	0
<i>Number of objections</i>	3

- 4.4. Two letters of objection received from occupiers in New Compton Street, who are concerned that if the occupiers are not “high-end” the units would be inappropriate and potentially have an adverse effect upon residential amenity (through noise and disturbance brought about by the (late) consumption of alcohol).

## 5. **POLICIES**

### ***Replacement Unitary Development Plan 2006***

- 5.1. SD1: Quality of life  
SD6: Amenity for occupiers and neighbours  
SD7: Light, Noise and vibration pollution  
SD8A: Disturbance from plant and machinery  
R1: Location of new retail and entertainment uses  
R2: General impact of retail and entertainment uses  
R3: Assessment of food and drink uses and licensed entertainment  
R7: Protection of shopping frontages and local shops  
Appendix 1: Noise and vibration thresholds

### ***Supplementary Planning Guidance***

- 5.2. Planning Framework for the Tottenham Court Road Station & St Giles High Street Area - *adopted July 2004*  
Planning Brief for St Giles Court - *adopted July 2004*  
Camden Planning Guidance - *adopted 2006*  
Revised Planning Guidance for Central London - *adopted October 2007*

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

- 5.3. *As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations, particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft LDF policies and members should always seek specific officer advice before considering voting for refusals on this basis*

## 6. **ASSESSMENT**

- 6.1 The primary considerations material to the determination of this application are summarised as follows:
- The principle of proposed uses (and the implications for the function, vitality and viability of the area).
  - The impact of the proposed uses on the amenity of neighbours.

6.2. **Retail and A3 restaurant provision**

**Key points: Policy seeks to appropriately accommodate A1/A3 uses whilst ensuring that: 1) the vitality/viability of the primary retail function is not adversely affected, and 2) the amenities of existing occupiers are not compromised. Principle of A1/A3 acceptable in locational terms, as the sequential tests are met and would not adversely affect existing retail function in the vicinity. A Grampian condition requiring the submission to the Council (for written approval) of a satisfactory Noise/Air Quality Assessment, would be attached, together with additional conditions governing opening hours and operational requirements. Officers consider that subject to these conditions, the proposals would not adversely affect amenities of nearby occupiers and make a positive contribution to community safety**

LOCATION AND QUANTUM: UDP policies R1 and R2 apply a sequential test for the suitable location of new/additional A3 uses that are accessible via a range of public transport and where it would not cause harm to the character, function, vitality and viability of the area. Applicants/developers are required to fully assess the availability of premises in the Central London Area and Town Centres, prior to considering "sites on the edges of Central London Frontages and Town Centres, or, sequentially, sites elsewhere." The Central St Giles development is located in the Central London area, but beyond Central London frontages, while adjacent to Covent Garden local area, which is sensitive to increases in commercial activity (particularly A3 uses) and is characterised by a mix of residential and commercial uses. The principle of 1422sq m of retail floorspace was considered acceptable at this location, when the redevelopment proposals were presented before Members in July 2006. Although the Central St Giles development is not yet operative, the ground floor is expected to accommodate both specialist retail and high end restaurant/cafes.

6.3. In 2006, it was acknowledged that the A1 floorspace then proposed would not compromise established retail patterns in the vicinity (e.g. Oxford Street, New Oxford Street, Charing Cross Road, further south in Covent Garden). The A1 uses and would be accompanied by A3 uses to provide a critical mass of ground floor commercial activity that promotes active frontages and hence improve community safety.

6.4. The longstanding concerns of local residents were highlighted in the drafting of the Central London SPG and the site planning brief, which acknowledged the harmful effects upon amenity that clusters of A3 uses can have, evidenced in some parts of Covent Garden and Soho. Nevertheless, in assessing the original redevelopment proposals, it was considered that the provision of well-managed restaurants could bring community safety benefits to an area characterised by higher than average levels of criminal activity. One such positive impact is the introduction of evening-time street level activity where none previously existed, bringing with it increased surveillance. The 1854sq m of A3 floorspace approved within the Central St Giles redevelopment was considered by objectors at the time to be inappropriate at this location and likely to be harmful to residential amenity. However, the principle of the aforementioned quantum of A3 floorspace was accepted, as the proposals provided appropriate internal arrangements (including high level fume extraction) and appropriate hours conditions were attached. In locational terms, the proposals for Unit 2 and 5 are acceptable in terms of policies R1 and R2, Camden Planning Guidance, the revised Planning Guidance for Central London and the St Giles/Tottenham Court Road Framework document. .

- 6.5. AMENITY: The primary amenity issues relating to the A3 element of the current applications is the potential for noise disturbance arising from the use of the premises (in terms of visiting/departing and plant operation) and the potential for smells to emanate from the premises to an unacceptable degree. Unit 2 is surmounted by offices, whilst there are 11 storeys of market residential above Unit 5. As far as noise disturbance is concerned, this can be mitigated by attaching conditions that limit decibel levels emanating from the premises to those recommended in Appendix 1 of the UDP.
- 6.6. The issue relating to fume extraction is less straightforward. The internal arrangements within the approved redevelopment do not make provision for high-level fume extraction from the units concerned. Units 2 and 5 were originally designated for A1 use only. As a result, the current change of use proposals comprise the installation of low-level fume systems, with extraction ducts only 5 metres above ground level. There is evidence to suggest that - from the operation of similar uses with similar locational arrangements elsewhere in the Borough - low-level extract systems cause odour and fume nuisance to nearby sensitive premises. Nevertheless, there is also technology that allows internal filtration of odours to enable fresh, odourless air to be expelled from the extract duct. In addition, vents have already been permitted in the fascia immediately above the retail units and the void behind these is sufficiently to accommodate the extraction units. Due to these facts, officers consider that the provision of supporting information demonstrating that a suitable system of extraction can be provided (and which the Council would require before the grant of planning permission for an A3 use) would be appropriate and can be secured by condition. This would ensure that the installation of such high-specification low-level extraction systems is secured prior to the use commencing and would render the change of use proposals acceptable.
- 6.7. This is considered a reasonable approach, given that it is not yet known whether the units would be occupied as an A1 or A3 use, or ii) what the final internal layouts of the units are likely to be. In the event of satisfactory extract systems not being demonstrated, a condition would be attached prohibiting primary cooking taking place in Units 2 and 5.
- 6.8. Thus, should Members be minded to agree this recommendation, planning permission would only be granted on the basis of the submission a Noise/Air Quality Assessment that satisfactorily addresses the noise and fume issues. The substantiated aims and objectives contained within the Assessment would have to be agreed in writing with the Council before this planning permission could be implemented.
- 6.9. The principle of ground floor access/servicing and refuse arrangements has been established by the Central St Giles permission. As the change of use applications would not involve a net increase in A1/A3 floorspace, they would not generate any additional access, parking or servicing. The proposals are therefore considered satisfactory as far as these issues are concerned.

## **7. CONCLUSION**

- 7.1 On the basis of the above, the proposals seeking to allow the dual/alternative use of Units 2 and 5 for retail/restaurant (A1/A3) purposes, would be acceptable, subject of course to normal controls and careful monitoring of: use, hours of opening, plant, playing of music and extent/time of associated outdoor/courtyard activity. The units are appropriately located within the Central London Area, adjacent to (the mixed-use character of) the Covent Garden local area, with excellent links to public transport. The units are also within the Central St Giles mixed-use redevelopment scheme (which is close to completion) where the approved A1/A3 allocation was robustly assessed and thus established the principle for a limited amount of A1/A3 that floorspace the principle at that location. The proposals would not directly affect Central London frontages, nor result in an unacceptably high concentration of A3 uses. The function, vitality and viability of the area would be preserved, in accordance with UDP policies R1, R2 and R3.
- 7.2. Whilst there are as-yet unoccupied residential units within Central St Giles, plus pockets of residential in nearby Dyott Street and St Giles High Street; the proposals are not considered to be such that they would result in an unacceptable loss of amenity to those residents. In terms of fume extraction, the best technical solutions would be provided in the Noise/Air Quality Assessment to ensure that residential amenity is not adversely affected.
- 7.3. Subject to the submission of a satisfactory Noise/Air Quality Assessment and to attaching robust operational conditions, it is recommended to grant planning permission.

## **8. LEGAL COMMENTS**

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