

Address:	Unit 3, Victoria House 37-63 Southampton Row London WC1B 4DA	
Application Number:	2009/1843/P	Officer: Charles Thuaire
Ward:	Holborn & Covent Garden	
Date Received:	10/04/2009	
Proposal: Retention of change of use from sandwich bar (Class A1) to restaurant use (Class A3) on ground and mezzanine floors		
Drawing Numbers: Location plan; 0941/P/1; 0941/S/1		
RECOMMENDATION SUMMARY: Grant Planning Permission		
Applicant:	Agent:	
Mr Ibrahim Dogus Unit 3 , Victoria House 37-63 Southampton Row London WC1B 4DA	archipek 55 Stoke Newington High Street London N16 8EL	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1 Shop		118m ²
Proposed	A3 Restaurants and Cafes		118m ²

OFFICERS' REPORT

This application is being reported to the Committee as it entails change of use to a Class A3 food and drink use (Clause 3iv).

This report was deferred from the last DCC on 10.9.09 due to lack of time.

1. SITE

- 1.1 The property comprises a large imposing classical style 7 storey building known as Victoria House, forming an island block bounded by Southampton Row, Vernon Place, Bloomsbury Square and Bloomsbury Place. The building is listed Grade 2 and within Bloomsbury conservation area. The Southampton Row frontage has its ground floor divided into several Class A1-4 units, some of which have mezzanine levels, while the remaining block on upper floors is in B1 office use. The road connects Holborn and Russell Square tube stations and is characterised by a mix of commercial units, offices, hotels and flats on upper floors.

- 1.2 Unit 3 is on the southern end of the frontage and is flanked by 2 Class A1 units. It contained a café which has recently been converted into a restaurant use, by means of more seating, between the time the application was first received and later validated.

2. THE PROPOSAL

Original

- 2.1 Change of use from Class A1 sandwich bar to Class A3 restaurant

3. RELEVANT HISTORY

- 3.1 PSX0004957 - 18.7.01- pp granted for refurbishment and change of use of the listed building block known as 'Victoria House' including *inter alia* alterations at roof level; alterations to the shopfronts; retention of office use on part of the ground and all the upper floors; double height Class A1 retail units on the Southampton Row frontage; retention of the existing bank on the southern corner and introduction of new Class A3 restaurant use (with entrance and bar on Vernon Place); and a new Class D2 health club on the basement floors.
- 3.2 PSX0104986 - 19.11.01- pp granted for Variation of condition 2 of above planning permission to allow the existing Class A3 unit in the south-west corner of Victoria House and fronting Vernon Place to operate 0700-0200 Monday to Saturday, 0700-2400 Sundays and the above Class D2 use to operate 0600-2400 Monday to Saturday and 0700-2300 on Sundays.

4. CONSULTATIONS

Conservation Area Advisory Committee

- 4.1 Bloomsbury CAAC- no comment received to date

Local Groups

- 4.2 Covent Garden Community Association- no objection

- 4.3 **Adjoining Occupiers**

<i>Number of Letters Sent</i>	09
<i>Number of responses Received</i>	00
<i>Number of electronic responses</i>	00
<i>Number in Support</i>	00
<i>Number of Objections</i>	00

5. POLICIES

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are

based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Camden Replacement Unitary Development Plan 2006

- 5.1 SD6 neighbour amenity
- SD8A disturbance from plant and machinery
- B7 conservation areas
- B6 listed buildings
- R2 impact of retail and entertainment uses
- R3 assessment of food and drink uses
- R7 protection of shopping frontages

Camden Planning Guidance

- 5.2 Revised Planning Guidance for central London- food drink and entertainment uses (October 2007)

6. ASSESSMENT

- 6.1 The principal considerations material to the determination of this application are summarised as follows: land use policy on change of use involving loss of Class A1 retail and creation of new Class A3 restaurant use; impact on listed building and conservation area; impact on neighbour amenities and parking conditions.

Proposal

- 6.2 The unit in common with most others along this frontage has a ground floor and partial mezzanine floor accessed from the front via a spiral staircase. The shopfront has a full height glazed opening to provide light to both levels. There is no rear elevation as the units only stretch part depth of the whole building, thus the kitchen is served by an internal ventilation duct. The lawful use as previously existing here is Class A1 and comprised a typical sandwich bar with a sales counter on one side, seating for approx 16 customers on the other side and storage/worktops on the mezzanine level. The applicant was concerned at the problems caused by insufficient seating to offer to customers who wished to eat inside at lunchtimes, and wished to provide more seating. Due to delays in validating the application, this has now been already carried out, approx 2 months ago- the layout as shown on the plans and actually implemented comprises a relocated counter with small kitchen behind, seating in front and to one side (totalling 28 seats) and additional seating (minimum 16, with capacity for more) plus a bar on the mezzanine level. The minimum total seating capacity is thus 44.
- 6.3 The operation of use is however much the same as before. The menu is limited and concentrates on drinks, sandwiches, jacket potatoes, salads and light meals such as burgers, breakfasts, pastas, pizzas, crepes etc. The only primary cooking appears to be fried eggs as the cooked items are actually made off the premises and brought here for reheating. The kitchen is very small and contains 2 toasters, 2 microwaves, a bread hotplate and a grill for eggs and burgers. The extractor hood is connected to an internal ventilation shaft which rises through the interior of the building and out to the centre of the roof. There is no intention to change this for the new use. Although the menu indicates opening hours to midnight, in reality the cafe is open from 8am to approx 9pm, as the majority of the trade is during the day

especially at lunchtimes to cater for local businesses and tourists. Nevertheless the change of use to full Class A3 will allow the possibility of an enhanced menu with primary cooking and later opening hours, which the applicant may wish to take advantage of in future.

- 6.4 Finally, it should be noted that the unit currently has an alcohol licence 11am to 11pm Monday to Saturday (11am to 10.30pm on Sundays). The applicant has also applied for a variation to this licence, due for consideration by the Council's licensing panel on 5.10.09, which proposes late night refreshments from 11pm to 12.30am and alcohol from 11am to 1.30am daily (although it should be noted that objections have been received to this from the Police and a residents association in terms of the closing hours).

Landuse policy

- 6.5 Victoria House is within the Central London Area but not within a designated Central London Frontage. Accordingly UDP policy R7c is relevant which states that planning permission will only be granted for loss of shopping floorspace if the development contributes to local character, function, vitality, viability and amenity, including essential services for residents and businesses within the area. Furthermore in relation to the new use, UDP policy R3 states that planning permission will not be granted for new Class A3-A5 uses where it would cause individual or cumulative harm to the area. In this case, the frontage of this block on Southampton Row contains 13 units comprising 10 x Class A1 shops (including the application site), 1 x Class A2 (bank at the corner) and 2 x vacant units. The adjoining parade around the corner on Vernon Place contains an additional unit in Class A4 bar use next to the bank.
- 6.6 The change of use will thus result in the first Class A3 unit to be established within this parade. It is considered that there is ample provision of retail units within this parade and indeed in the local area as within 5-10 minutes walk there are alternative shopping opportunities. Moreover the new use will provide a service for local people in that it will continue to serve, as at present, the needs of tourists and businesses for refreshments and meals but with enhanced seating opportunities. The Class A3 use will continue to contribute to the vitality and function of this parade on a busy street characterised by a mix of commercial units, offices, hotels and upper floor flats.
- 6.7 Victoria House also falls within the eastern fringe of the Museum Street special policy area as defined in the Revised Planning Guidance for central London (food drink and entertainment uses). However the thrust of this guidance is to protect specialist retail uses and specific designated frontages in the area south and west of the British Museum. Thus this guidance is not relevant in the consideration of this application or indeed Victoria House in general. The loss of retail use is therefore considered acceptable and also the creation of a Class A3 use is acceptable in principle, subject to amenity considerations discussed below.

Neighbour amenity

- 6.8 The existing unit is ventilated by an internal extractor and ventilation duct which rises to roof level without any outlet to the rear or front of the building. There are no

upper floor residential flats thus no harm would occur from the existing ventilation arrangements nor from any alterations to this that may be required in the future with an enhanced restaurant operation. As currently operated, the café is open to early evening, although the alcohol licence allows it to serve alcohol to 11pm. Given the unit's location on a busy and wide street, surrounded by other commercial uses on both sides and opposite, and with the nearest block of flats (Bristol House) 40m to the north on the opposite side of the road, it is considered that there would be no direct harm to local residential amenity by the operation of this A3 use, either during the day or later in the evening. The Revised Planning Guidance for central London recommends that food drink and entertainment uses within residential areas should not operate later than midnight. It is thus considered reasonable to control opening hours for this specific A3 unit on Southampton Row to 8am-midnight daily.

- 6.9 There is no external forecourt to accommodate outside seating and any tables and chairs on the public highway would be subject to a separate licence. Nevertheless it is considered that, given the context of this site, any such external seating would not cause any loss of amenity. The refuse arrangements will continue at present in terms of onsite storage and collection from the shopfront. Finally the unit is well served by public transport in a central London area and thus would not attract any further traffic generation or car parking.

Listed building

- 6.10 No alterations are proposed internally or externally to the shop unit and thus there is no harm to the special interest of this listed building. The new use would preserve the mixed landuse character and overall appearance of this part of the Bloomsbury conservation area.

7. CONCLUSION

- 7.1 The loss of a Class A1 use and creation of a new Class A3 use, in this particular site and context, is considered acceptable in landuse policy, traffic and neighbour amenity terms.

7.1 LEGAL COMMENTS

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