

Address:	Units 3-5 Caxton Walk London WC2H 0JA	
Application Number:	2006/2011/P	Officer: Marilet Swanepoel
Ward:	Holborn & Covent Garden	
Date Received:	02/05/2006	
Proposal: Change of use of basement and ground floor from retail (Class A1) to restaurant use (Class A3), including erection of extract duct from basement to upper floors and 2x wall mounted air conditioning units in the lightwell and courtyard area to the rear of the building. Drawing Numbers: Site Location Plan, SAL/82/SK/01B, 10C, 11C, 15.		
RECOMMENDATION SUMMARY: Grant Planning Permission		
Applicant: Rowan Asset Management c/o Agent	Agent: Pegasus Planning Group 2/10 Kings Parade Mews Clifton Bristol BS8 2RE	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1 Shop		245.01m ²
Proposed	A3 Restaurants and Cafes		245.01m ²

OFFICERS' REPORT

Reason for Referral to Committee: The proposal would result in an increase of floor space for Use Class A3 [Clause 3(iv)].

This item was deferred from the Committee meeting of 5th October 2006 owing to lack of time.

1. SITE

- 1.1. The application site fronts onto a small court area (Caxton Walk) which is located off Charing Cross Road near Cambridge Circus. The ground floor and basement which are currently vacant have been used as a retail clothing shop (Class A1).

The upper floors are in residential use (Class C3). There is an existing rear courtyard to the property.

- 1.2. The site is located within the Covent Garden conservation area on the boundary with Westminster Council. The shopfront is part of a parade characterised by a mixed use of commercial, offices, financial, food, drink, entertainment premises, and residential use. This shopping parade between New Oxford Street (to the north) and Shaftesbury Avenue (to the south) falls within the Central London Area and is designated as a Central London Frontage.
- 1.3. The area is well serviced by public transport; it is within short walking distance to Tottenham Court Road and Leicester Square Underground Stations and a number of major bus routes.

2. THE PROPOSAL

- 2.1 Permission is sought for the change of use of the ground floor and basement from retail (Class A1) to restaurant (Class A3). The new restaurant will have a cover of 62 people on the ground floor area. The basement would accommodate the WCs, kitchen and storage space.
- 2.2 A new extracting duct is proposed to the rear elevation within the rear enclosed courtyard. The duct would extend from basement level up to roof level. The scheme also incorporates 2x air conditioning units mounted on the rear wall of the basement level.

3. RELEVANT HISTORY

- 3.1 There is no relevant planning history for this site.

4. CONSULTATIONS

- 4.1 **Covent Garden CAAC**: No comments.
- 4.2 **Covent Garden Residents Association**: No comments received yet.
- 4.3 **City of Westminster**: No comments.

Adjoining Occupiers

	Original
<i>Number of Letters Sent</i>	33
<i>Number of responses Received</i>	00
<i>Number in Support</i>	00
<i>Number of Objections</i>	00

A site notice was displayed on site from 26.07.06 – 16.08.06.

5. POLICIES

Revised Deposit Draft (as approved by the Council's Executive on 11.01.06)

- 5.1 S1 & S2 Sustainable developments *complies*

SD6	Amenity for occupiers and neighbours	<i>complies</i>
SD7B	Noise and vibration pollution	<i>complies</i>
SD8	Disturbance from plant and machinery	<i>complies</i>
B1	General design principles	<i>complies</i>
B7	Conservation areas	<i>complies</i>
T3	Pedestrians and Cycling	<i>complies</i>
T4	Public Transport	<i>complies</i>
R1B	Food, drink and entertainment	<i>complies</i>
R2	Retail and entertainment uses	<i>complies</i>
R3	Food and drink uses and licensed entertainment	<i>complies</i>
R7A	Central London Frontages	<i>complies</i>
Appendix 1	Noise and vibration thresholds	<i>complies</i>

Other Relevant Planning Policies

- 5.3 SPG for Central London 2004: Part B 5. Food, Drink and Entertainment Uses, Part D 14. Central London Frontages.

Supplementary Planning Guidance

- 5.4 4.2 Noise

6. ASSESSMENT

The principal material considerations to the determination of this application are summarised as follows:

- Principle of change of use
- Restaurant use (Class A3)
- Noise and vibrations, and refuse storage
- Transport

Principle of change of use

- 6.1 The proposed change of use from retail (Class A1) to restaurant (Class A3) relates to the premises which fronts onto a courtyard off Charing Cross Road. The loss of the retail frontage is therefore not considered to have a significant visual impact on the retail character of this part of the Central London Frontage.
- 6.2 The SPG for Central London seeks to maintain an appropriate balance of retail, specialist, and food, drink and entertainment uses in Central London. It focuses on specific areas of conflict or interest, and identifies specific criteria for assessing land use changes in these areas. This frontage along Charing Cross Road is identified as a frontage requiring a minimum of 66% retail uses to be maintained. A land use survey revealed that the proportion of existing retail tenancies is above 70%. Therefore, the proposed loss of retail unit would not result in a reduction of retail units below two thirds and as such, the loss of the A1 unit is not considered in itself to harm the area's character, function, vitality or viability.

Café/Restaurant Use (Class A3)

- 6.3 The application site is located in a part of Central London which is characterised by a mix of commercial, food, drink, entertainment and residential uses situated along Charing Cross Road and around Cambridge Circus. Therefore, the proposed new restaurant would be located in close proximity to heavily-trafficked routes which have significant amounts of commercial development and well-served by public transport.
- 6.4 Central London Area is recognised as having a concentration of food, drink and entertainment uses, however, on local level, clustering of food, drink and entertainment uses can contribute to an unacceptable cumulative impact within an area. The existing bar, restaurants and pubs within the surrounding area are distributed along Charing Cross, Cambridge Circus, Shaftesbury Avenue and Old Compton Street. There is only one mixed restaurant/bar use situated on the corner of Caxton Walk and Charing Cross Road. It is not considered that the additional A3 use at this location would result in a clustering of food, drink and entertainment uses.
- 6.5 The upper floors of the application site are in residential occupation which are accessed from Charing Cross Road. The restaurant on the ground floor and basement level is considered unlikely to harm residential amenity subject to various conditions relating to controls on operation hours, storage and disposal of refuse/customer litter and noise and vibration. In particular it is necessary to require rear windows to the lightwell to be sealed shut and doors to only be used as a means of escape as open windows and doors would allow the escape of noise from both the customer seating area and the food preparation area.
- 6.6 The site is located in an area with a significant amount of commercial development along heavily-trafficked streets with late night public transport services. In these locations after midnight hours would usually be considered by the Council. The Salsa Bar/Restaurant opposite the site is open until 02.00hrs Monday – Saturday and until 01.00hrs on Sundays. In a recent appeal decision the inspector allowed opening hours for the All Bar One at No. 24 Cambridge Circus between 09.00 – 24.00 hrs Sundays – Wednesday and 09.00 – 01.00hrs Thursdays – Saturdays. However, the acoustic survey submitted by the applicants (see para 6.8 below) demonstrates that the proposed kitchen extract and air conditioning plant is unlikely to result in a noise nuisance between the hours of 10am and 11pm, and therefore the opening times should be limited to these hours.

Noise, vibration and storage

- 6.7 Two air conditioning units are proposed on the rear elevation at basement level, whilst an extract duct is also proposed on the rear elevation. No details have been provided of the size or appearance of the proposed a/c units and so these should be reserved by condition. The proposed extract duct would extend from the basement to the roof level past the windows of the communal residential staircase. The plant would be visible from some of the residential windows facing onto this rear enclosed courtyard and in order to ensure that the duct is not visually intrusive it should have a non-reflective finish to match the adjoining brickwork, which is currently painted white. The new plant located in this area would not be visible from the public realm and therefore, it would not have any impact on the character and appearance of the conservation area.

- 6.8 The applicants have submitted an acoustic noise survey, which provides details of background noise levels between 10am and 11pm. The duct will be mounted on anti vibration mounts and it will terminate 1m above the highest point of the roof. The proposed acoustic attenuation measures and the termination of the duct well above eaves level are considered acceptable. The Councils Environmental Health officers have considered this report and have raised no objection as the survey shows compliance with Camden's standard noise criterion. A time clock condition would be imposed to ensure that both the a/c plant and kitchen extract would not be used outside the operation hours set out in the noise assessment.

Transport

- 6.9 Caxton Walk provides a high degree of pedestrian amenity and has excellent pedestrian access to Charing Cross Road and surrounding area which is well serviced by public transport facilities. The proposed change of use from A1 to A3 is not considered to have any significant impact on local traffic amenities.

CONCLUSION

- 7.1 It is considered that the proposed change of use from retail (Class A1) to restaurant (Class A3) will not cause harm to the character, amenity, function, vitality and viability of the area. The residential amenities of nearby residents would not be detrimentally affected subject to the necessary conditions and the new restaurant would be easily accessible by different means of transport. The proposed new restaurant use would not have any significant impact on existing traffic or parking conditions and it would preserve the character and appearance of the conservation area.

8. RECOMMENDATION

- 8.1 That planning permission be granted subject to conditions.

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