

Address:	69 Tottenham Court Road London W1T 2HA	
Application Number:	2013/8103/P	Officer: David Peres Da Costa
Ward:	Bloomsbury	
Date Received:	16/12/2013	
Proposal: Change of use from amusement arcade (Class Sui Generis) to restaurant/cafe (Class A3) at basement level, alterations to shopfront and repositioning of extended extract flue to rear elevation of main building.		
Drawing Numbers:		
2003 - 00 EP Rev B; 2003 - 02 PP Rev C; 2003 - 01 EP; 2003 - 03 PP Rev A; 2003 - 06 EPF Rev B (with site location plan); 2003 - 03 PS Rev C; 2003 - 04 ES Rev B; 2003 - 07 RE.		
RECOMMENDATION SUMMARY: Grant conditional permission		
Applicant:	Agent:	
Casino Gaming Limited Seebeck House 1A Seebeck Place Knowl Hill Milton Keynes	Attwood Design 53 Tentercroft Avenue Syston Leicestershire LE7 2EZ	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing		<i>Class Sui Generis - Amusement centres</i>	<i>115sqm</i>
Proposed		<i>Class A3 Restaurants and Cafes</i>	<i>115sqm</i>

OFFICERS' REPORT

Reason for Referral to Committee: The application is reported to committee as the development involves the change of use to Class A3 [Clause 3(iv)].

1. SITE

- 1.1 The site is a 3 storey terrace property with mansard roof and basement on the western side of Tottenham Court Road (between Goodge Street and Tottenham Street). The ground floor, basement and 1st and 2nd floor rear extension are in use as an amusement arcade with a maisonette at 2nd and 3rd floor. The front of the first floor was last in use as a dental surgery. The valuation office agency 2010 rating list indicates that the surgery and premises have been deleted and the only council tax is for the maisonette at 2nd and 3rd floors. This application relates to the basement of the property.
- 1.2 The property falls with a Central London Frontage (primary frontage) and within the Fitzrovia and south west Bloomsbury Central London local area as defined in Camden Planning Guidance CPG 5. The area has a vibrant mix of uses, including retail, offices, leisure, restaurants and residential, and is close to the entrance to Goodge Street underground station. The site also falls within the Tottenham Court Road character area of the Fitzrovia Area Action Plan.
- 1.3 The site falls within the Charlotte Street conservation area, but the property is not listed.

2. THE PROPOSAL

- 2.1 Permission is sought for a change of use of the 115sqm basement from a gaming centre (Sui Generis) to a restaurant (Use Class A3).
- 2.2 The shopfront would be altered to provide a separate entrance to the basement. A glazed door would replace existing panels of glazing to the side of the existing ground floor entrance. To the other side of the proposed door is an existing door providing access to the accommodation above.
- 2.3 An area above the door would provide an area for signage. However no details of signage are provided and an application has not been submitted for advertisement consent.
- 2.4 **Revision:** There is an existing flue (not currently in use) which terminates above the roof of the rear addition. It was originally intended that the proposed A3 unit would make use of this existing flue. However, following officer's concerns, the proposed flue has been repositioned so that it runs up the rear elevation of the host property, terminating above the roof level of the main building.

3. RELEVANT HISTORY

- 3.1 Planning history for subject site
8900649: Change of use of ground floor from restaurant to amusement arcade.
Granted 26/06/1990

9000524: Erection of roof extension on the front property to be used in connection with the third floor as a 2-bed maisonette and the erection of a roof extension on the rear building at second floor level to be used as a pool room in connection with amusement arcade and pool room beneath. Granted 05/06/1991

P9601792R1: Extension of prescribed (5 year) time limit of planning permission dated 19 June 1991 (Reg.No.9000524) for the erection of roof extension on the front property to be used in connection with the third floor as a 2 bed maisonette and the erection of a roof extension on the rear building at second floor level to be used as a pool room in connection with amusement arcade and pool room beneath. Granted 12/12/1996

PS9805045: Change of use of first floor (part) from dentist's surgery to office use in connection with ground floor operations. Withdrawn 27/01/1999.
(Whilst this application was withdrawn the inspector's report for the 2004 appeal mentions a dental surgery at 1st floor level as does the delegated report for the 2003 change of use application [PSX0304309])

PSX0304309: Change of use of basement from amusement centre (sui generis) to betting (Class A2) office. Granted 10/07/2003

PSX0205168: Erection of roof extension to the front building to be used in connection with the third floor as a 2 bed maisonette, formation of a studio flat on the second floor, together with the erection of a roof extension on the rear building to be used as a pool room in connection with amusement arcade and pool room beneath. Refused 11/06/2003 Appeal part allowed 27/05/2004 (appeal allowed for second floor rear extension to provide an additional floor of pool room accommodation)

4. CONSULTATIONS

4.1 Conservation Area Advisory Committee

Charlotte Street CAAC object and make the following comment on the application: 'We object to additional space for signage in the shopfront. Surely this building has enough already.'

4.2 Adjoining Occupiers

Number of Letters Sent	30
Number of responses received	0
Number in Support	0
Number of Objections	0

4.3 A site notice was displayed from 11/4/14 to 2/5/14 and the application was advertised in the local paper on 17/4/14. No letters of representation have been received.

5. **POLICIES**

5.1 **National and regional policy**

NPPF 2012

London Plan 2011 (as amended 2013)

5.2 **Local Development Framework**

Core Strategy and Development Policies 2010

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)

CS14 (Promoting High Quality Places and Conserving Our Heritage)

CS18 (Dealing with our waste and encouraging recycling)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP20 (Movement of goods and materials)

DP24 (Securing High Quality Design)

DP25 (Conserving Camden's Heritage)

DP26 (Managing the Impact of Development on Occupiers and Neighbours)

DP28 (Noise & vibration)

DP30 (Shopfronts)

Fitzrovia Area Action Plan 2014

5.3 **Supplementary Planning Policies**

Camden Planning Guidance 5 - Town centres, retail and employment

Charlotte Street Conservation Area Statement

6. **ASSESSMENT**

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

- Land use;
- Impact on amenity;
- Transport; and
- Design.

Land use

6.2 Core Strategy Policy CS7 indicates that food, drink and entertainment uses are most appropriately located in Camden's Central London Frontages. Camden Planning Guidance (CPG 5) provides specific guidance on food drink and entertainment uses in Central London. It indicates that food, drink and

entertainment uses are an important part of the mixed use character of the Fitzrovia area. These uses add to its viability and vitality and extend activity into the evenings and weekends. However the fine grain of development with housing throughout the area mean that it is sensitive to negative impacts of food, drink and entertainment uses, such as noise in the evenings. To minimise impacts on local residents and to maintain an appropriate mix of uses across the area food, drink and entertainment uses should not dominate the protected retail frontages, and clusters should be avoided.

- 6.3 The ground floor and basement are currently in use as an amusement arcade. At the front of the unit there is an existing staircase leading to the basement. The change of use includes an alteration to this staircase which would result in a very slight loss of floorspace at ground floor level. Camden's policy does not protect amusement arcades and the loss of the basement floorspace and a small amount of floorspace at ground floor level would not harm the continued operation of the amusement arcade at ground and upper floors.
- 6.4 Concentrations of food drink and entertainment uses can cause harm to the character, function, vitality and viability of a centre. The immediately adjacent units are in A1 retail use and D1 community use (scientology centre). The nearest food and drink uses are at 71 Tottenham Court Road (KFC) and 64 Tottenham Court Road (Le Pain Quotidien). The change of use of the basement would therefore not result in more than two consecutive food, drink and entertainment uses and would not harm the character function vitality and viability of this retail centre.
- 6.5 The Fitzrovia Area Action Plan (AAP) states that the Council will guide development of food, drink and entertainment uses to the Central London Frontage on Tottenham Court Road and New Oxford Street (principle 5). This frontage has direct access to the tube, bus and night bus networks and many parts remain predominantly in A1 shop use. Although there are concentrations of housing above the frontage, particularly at the northern end of Tottenham Court Road, large parts of the frontage are occupied by commercial premises with non-residential uses above. The proposed change of use of the basement floorspace to a restaurant would therefore be in accordance with this principle of the Fitzrovia AAP as well as Core Strategy CS7.

Amenity

- 6.6 The nearest residential unit is the maisonette at 2nd and 3rd floor of the subject property. It is considered that the change of use of the basement to a restaurant would not have a significant impact on nearby residential amenity compared to the existing lawful arcade use. The arcade is currently located at ground and basement with additional accommodation (for pool rooms) in a rear extension at first and second floors. The arcade and pool rooms are on the floor below and to the rear of the existing maisonette and are therefore much closer to the residential accommodation than the proposed restaurant use. Furthermore, whilst the arcade has a condition controlling hours it is allowed to operate until 11pm (Monday – Sunday). No operation is permitted on Bank Holidays.

- 6.7 To protect residential amenity, a condition restricting the hours of operation is recommended for the proposed restaurant use. The hours would be in line with a recent planning permission at Central Cross, 18 - 30 Tottenham Court Road (ref: 2012/2232/P) and would allow the A3 use to operate between the follow hours: 08:00 to 23:30 Mondays to Thursdays, 08:00 to 00:00 on Fridays and Saturdays and 09:00 to 22:30 on Sundays and public Holidays.
- 6.8 There is an existing extract flue which terminates at roof level of the 2nd floor extension. This extract flue would be repositioned and extended so that it runs up the rear elevation of the main building and terminates at roof level. Where mechanical ventilation is required to remove odour emissions, the release point for odours must be located above the roofline of the building. The location of the flue is in accordance with Camden Planning Guidance (CPG1 paragraph 11.10) and meets the requirements of the environmental health team.
- 6.9 Odours can be generated from commercial cooking. Camden requires all development likely to generate odours to prevent them from being a nuisance by installing appropriate extraction equipment and other mitigation measures. No specific details of extraction equipment have been submitted and nor has a noise report been provided. A tenant will only be found for the A3 unit if this application is successful. The lack of specific information at this stage is therefore considered acceptable subject to an appropriate condition to ensure that it is agreed before the development commences. A condition would be included to ensure that full details of extraction equipment and an acoustic report would be required prior to the commencement of development. The standard noise condition would also be included to ensure that noise and vibration from the flue would not be harmful to neighbouring amenity.
- 6.10 Policy CS18, seeks to ensure development includes facilities for the storage and collection of waste and recycling. Policy DP12 seeks to ensure the storage and disposal of refuse is managed to safeguard the amenity of the surrounding area. Whilst no area has been shown on the plans for refuse storage, the size of the basement area is large enough to be able to accommodate such storage. A condition would be included to ensure that adequate space is provided for waste storage.

Transport

- 6.11 No parking is proposed on or near to the site and the adjacent highway is a TfL 'red-route' therefore no stopping is permitted at any time. Any loading / unloading / servicing would have to take place in the designated bays on Tottenham Court Road, as is the case for other businesses located on this frontage. The proposals are not considered to cause any significant cumulative impact in this respect and the proposed development complies with policy DP12, DP16 and DP20. The site is easily accessible by public transport and the proposed use would be unlikely to generate significant trips from customers.

Design

- 6.12 The alteration to the shopfront to provide an entrance door to the basement level is relatively minor. The proposed glazed door would be in keeping with the existing glazed shopfront and would not harm the appearance of the host property or the character and appearance of the conservation area. An area for signage is shown on the drawings and the Charlotte Street CAAC have objected to the signage area. Whilst the inclusion of the signage in this location may raise design issues, signage is not the subject of this application and may either be considered by a future advertisement consent application or may fall within deemed consent. An informative would be included advising that advertisement consent may be required for any signage.
- 6.13 The location of the proposed extract flue on the rear elevation would not harm any architectural features. The flue would not be visible from the street or public vantage points as the rear elevation of the host building is effectively screened by the buildings that surround it: 40 Whitfield Street to the rear and 2-16 Kings Court, Goodge Street to the south. Given this, the flue would not harm the character and appearance of the conservation area.

7. **CONCLUSION**

- 7.1 The proposed restaurant (Class A3) will contribute towards the viability and vitality of the centre. Subject to conditions limiting its hours of operations and details of odour extraction, the restaurant is not considered to undermine the character of the area or the amenity of nearby noise sensitive properties by way of noise, fumes or servicing. The proposed alterations to the shopfront are considered to be sympathetic to the existing building and the character of the Charlotte Street Conservation Area.