

Delegated Report		Analysis sheet		Expiry Date:		09/07/2014	
		N/A		Consultation Expiry Date:		19/06/2014	
Officer				Application Number(s)			
Sam Watts				2014/3237/P			
Application Address				Drawing Numbers			
Leon de Bruxelles 24 Cambridge Circus London WC2H 8AA				See decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of ground floor and basement from restaurant (Class A3) to a mixed restaurant/ takeaway service (Class A3/A5).							
Recommendation(s):		Grant conditional planning permission.					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	79	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Press Notice displayed from 29/05/2014 – 19/06/2014 Site Notice displayed from 23/05/2014 – 13/06/2014 No responses received.					
CAAC/Local groups* comments: *Please Specify		Seven Dials CAAC raised no objections.					

Site Description

The site consists of a four storey terraced property located to the north east corner of Cambridge Circus. The site is located within the Seven Dials (Covent Garden) Conservation Area and is noted as a positive contributor in the Seven Dials Conservation Area Statement. The ground floor and basement are currently in A3 (food and drink) use and the floors directly above are B1 (office) use.

Relevant History

20/05/1996 (reg No 95/01717/R2)

Planning permission was refused for the change of use at ground and basement floor levels for a new A3 (restaurant) use. The decision was appealed (T/APP/X5210/A/95/267628/P7) and the Planning Inspectorate allowed the A3 use subject to strict noise conditions and hours of operation.

03/07/1998 (reg No. 9804205)

Planning permission was granted for the variation to condition 2 (restricting the use of the premises to restaurant only) so the premise can be used as a café bar. The hours of operation were restricted to 0900 – 23.30.

17/12/2001 (reg. No.PSX0105065)

Works to the forecourt involving alterations to the disabled ramp, the installation of electric heaters mounted to the underside of awnings, plant troughs either side of the entrance and relocation of a CCTV camera

01/02/2006 (reg No.2005/5259)

Alterations to the existing shop front involving the installation of bi-fold windows with timber frames to the pane of glass east of the main entrance on the Cambridge Circus frontage.

2006/4005/P-

Variation to condition 4 of planning permission ref no 9501717 (for change of use of the ground floor and basement to restaurant (Use Class A3)) granted on 25/11/1996 to extend the existing opening hours from 08.00 hours to midnight (Monday, Tuesday, Wednesday and Sunday) and 08.00 hours to 01.00 hours (Thursday to Saturday) of the existing restaurant (A3 use class) – **Granted 13/10/2006**

Relevant policies

LDF Core Strategy and Development Policies:

CS1 (Distribution of growth)
CS5 (Managing the impact of growth and development)
CS7 (Promoting Camden's centres and shops)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)
DP16 (The transport implications of development)
DP24 (Securing high quality design)
DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance:

CPG5 (Town centres, retail and employment)
CPG6 (Amenity)

National Planning Policy Framework 2012

The London Plan 2011

Assessment

Proposal:

The proposal is to change the use of the property from A3 (food and drink) to mixed use A3 and A5 (hot food takeaway). It is noted that at present the site is legally considered to be A3 (restaurant) and that no external alterations are proposed.

The main issues for consideration in the determination of this application can be summarised as follows:

- Land Use
- Amenity
- Design

Land Use:

The proposed change of use is from class A3 (restaurant) to mixed use class A3/A5 (restaurant and hot food takeaway). Policies CS7 and DP12 seek to ensure that development does not cause harm to the character, function, vitality and viability of a centre, or to the local area or amenity of neighbours. There is a general presumption in favour of locating food, drink and entertainment uses such as the one proposed within town centres on the basis that their impact on residential amenity is likely to be minimised.

Policies CP7 and DP12 of the LDF seek to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages and therefore undermine their contribution to the centre as a whole. It is important, however, that proposed uses compliment and consolidate the town centre's retail function. The application site is already in use as non-retail unit and also as use which would fall within the category of 'food, drink and entertainment uses'. The proposed change of use would not result in a loss of retail units within this parade, nor result in the grouping of three or more non-retail uses in a row, given its existing use. The proposed change of use is therefore considered to be acceptable in principle.

Amenity:

The existing lawful use of the property is as a restaurant (use class A3). Take-away establishments, by virtue of the manner in which they operate, can have a greater impact on residential amenity as they can create increase noise and disturbance in the street and often operate later into the evening than traditional sit-down restaurants.

However, the application site is located in an area which is characterised by commercial premises where a higher level of activity and associated noise is generally experienced. There are high levels of ambient noise levels created by existing late night uses such as other food and drink establishments in Cambridge Circus and also the noise created by general heavy traffic in the surrounding area.

The site is occupied by a three storey building and offices are located immediately above the ground floor/basement unit. Given that the property currently has an A3 use, it is already likely to contribute in part to any existing on-street noise. The proposed A5 use may create some additional on-street noise but given the character of the area in general, and the high level of ambient noise, it is unlikely that this would significantly increase it to a level where it would be deemed to warrant a reason for

refusal.

No other elements, such as lighting, an external flue, or other machinery, are proposed. Therefore it is generally considered that the proposal would be in accordance with policies CS5, DP12, DP26 and DP28.

Design:

There are no design issues present as no external changes are proposed.

RECOMMENDATION:

The proposed change of use from A3 (restaurant) to A5 (take away) is not considered to be harmful to the vitality and viability of the town centre or to the residential amenity of those living nearby. There are no changes to the external appearance and therefore the proposal would not harm the character and appearance of the building or the surrounding area.

It is recommended that planning permission be granted subject to conditions.