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FAO Conor McDonagh

8 April 2014

Our ref: NJB/JCW/J7152

Your ref:

Dear Sir

Retail Unit Fronting Pancras Square, Building B1, Kings Cross Central

We write on behalf of our client, Pyrotex UK 1 Cooperative & Cie SCS, to submit an application for a Use Class A4 unit fronting Pancras Square at the northern corner of Building B1 (known as 6 Pancras Square), at King's Cross Central. Pyrotex UK 1 Cooperative & Cie SCS is the owner of Building B1, acting through its development manager AXA REIM. The applicant is seeking planning permission in respect of a unit that it is intended would be occupied by Drake and Morgan, an operator of a small group of high quality bars in Central London.

Accordingly, this application comprises the following:

- Completed application form duly signed
- Site Location Plan
- Existing upper ground floor plan
- Existing lower ground floor plan
- Proposed upper ground floor plan with indicative red line
- Proposed lower ground floor plan with indicative red line
- Indicative fit out plan Upper Ground Floor
- Indicative fit out plan Lower Ground Floor
- Stage D Mechanical And Engineering Report – Kitchen Extract Equipment
- Plant level Mechanical and Engineering plan
- Drake and Morgan Brand Menu
- Drake & Morgan Made Lovingly Presentation
- Appendix 1A – Certificate of Lawfulness (Cycle Store) – 2012/5872/P
- Appendix 1B – Cycle store CLEUD approved plan

Sent under separate cover by post is a cheque for £3465, this being the requisite planning fee for this application.

The Site

The site of this proposal is the upper ground and lower ground floors of the Class A1-A5 shop-type unit fronting Pancras Square at the northern corner of Building B1 at the Kings Cross Central (KXC) development site. Outline planning permission (2004/2307/P) was granted in 2006 to permit the mixed-use redevelopment of the Kings Cross Central area. Reserved matters approval was

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granted in November 2011 for a Use Class A1/A2/A3/A4/A5 unit in this location at upper ground floor, with ancillary storage (2011/4713/P) to the lower ground floor. None of the buildings situated near the site to the north, east or south (i.e. those in development zones A, B and E) contain any residential uses, as shown by the various reserved matters which have been granted for those buildings. To the west of the site is St. Pancras station. Kings Cross station is also located nearby, in a south-easterly direction.

The Proposal

This proposal seeks permission for:

“Extension of Class A4 (trading) floor space to lower ground level at the unit facing Pancras Square, to create a Class A4 unit incorporating upper ground and lower ground levels.”

The area which is the subject of this proposal is shown on the proposed plans attached (ref numbers A1000 and A0990). The hatched red-line area on Plan A0990 indicates the extent of the proposal at lower ground floor. Plan A1000 shows the extent of the site at the upper ground floor. The extraction and ventilation equipment required for the uses proposed is incorporated into the building, as described in the Mechanical and Engineering Stage D report. Plan 0511231-HL-XX-XX-DR-U-XXX-9208 demonstrates the location of the associated plant at the tenth floor of the building.

The aim of this proposal is to accommodate an identified high quality bar and restaurant operator at the premises, which will add to the vitality of the emerging leisure offer in this location. It is proposed that Drake and Morgan, a contemporary bar operator with a number of premises in prestigious locations in London, including ‘The Drift’ at Heron Tower, Bishopsgate, and ‘The Anthologist’, Gresham Street, will occupy the unit. Drake & Morgan was founded in 2008 and is a growing privately equity company, which prides itself on innovation and design led originality, alongside great food and excellent service. Drake and Morgan aim to create a flexible and innovative approach to retail, drinking and dining experiences and is an award-winning business. Further information on the Drake & Morgan brand is enclosed.

Whilst Drake & Morgan operate as an A4 Use Class, in reality the business operates as an informal eating and drinking space. Indeed, Drake & Morgan attract a range of dining customers with a quality food offer served throughout the day from breakfast through to lunchtime and into the evening, as well as serving a range of non alcoholic drinks and coffees. This is reflected in the fit out plans attached (ref 94.21/SK01), which provide an indication of the proportion of the floorspace which will be occupied by tables and chairs. We also enclose a sample menu which shows the extent of the food offer.

Drake and Morgan has a proven track record of successfully delivering such high quality venues in several sensitive central London environments, including the Happenstance bar opposite St Pauls Cathedral and would make a strong positive contribution to the character of Pancras Square by creating an attractive and high quality food and drink offer.

Consideration

Camden’s Local Development Framework has a number of policies relevant to this proposal.

Principle of Use

The principle of creating up to 5,350 sqm of Class A1-A5 floorspace within Zone B has already been accepted in the KXC outline planning permission. The principle of creating 1,000sqm of Class A1-A5 floorspace within Building B1 has likewise been accepted through the grant of reserved matters. The only planning issue for consideration is, therefore, creating an additional 650 sqm at lower ground level for A4 use, that would be additional to the 5,350 sqm permitted within Zone B.

Policies CS1 and CS2 of the Core Strategy seek to direct growth towards Kings Cross as part of an extensive regeneration of this area. The proposed Drake and Morgan venue will meet this aim by providing a vibrant leisure destination in Kings Cross Central, which has proven both popular and successful in other locations. Pancras Square will be improved by a stylish new addition which adds activity to the area throughout the day, from morning to late evening. As sought by policy CS2, this will add to "the borough's contribution to London's role as a world business, commercial and cultural centre", given the role of Kings Cross Central as an international gateway.

Policy DP12 of the Development Policies Document and Camden Planning Guidance 5 both seek to manage the impact of town centre uses, particularly in relation to food and entertainment establishments. Policy DP26 of Camden's development policies seeks to manage the impact of developments on occupiers and neighbours.

The introduction of a Drake and Morgan unit in this location will contribute to the creation of a unique urban character for Kings Cross Central. This accords with Policy CS2, which seeks to concentrate development in 'Growth Areas' such as Kings Cross, and specific guidance on the Kings Cross area which aims to make the locale a 'vibrant' and 'attractive' destination.

In view of this and the extant permission for a substantial quantum of floorspace in Class A1-A5 use within Zone B, we consider the proposal for a slightly enlarged shop-type unit in this location is acceptable in principle.

Potential Cumulative Effect

No previous applications for additional Class A1-A5 floorspace within basement areas in addition to the outline permission have been submitted to date in respect of Zone B, or indeed any other part of the KXC site. Consequently this application should be considered on its own merits in accordance with the development plan and other material considerations, including potentially the outline planning permission for King's Cross Central and the masterplan principles that underpin it. It would amount to only a 4% increase in the total approved of Class A1-A5 space south of the Regent's Canal. We do not consider that this increase is materially significant.

Furthermore, the circumstances that have led to this opportunity for additional floorspace are relatively unusual. The c. 4m fall in the site from Pancras Square to Pancras Road has meant that a Lower Ground floor is required on the west side of Zone B, including Plot B1, to create active frontage to Pancras Road. Parameter Plan KXC 016 provides for this and contains a footnote that makes it clear that Lower Ground areas as marked can provide commercial floorspace listed in Annex B to the Development Specification.

In the case of Building B1, the physical Lower Ground floor actually extends across the whole building, outside of the zone that KXC 016 permits to have Lower Ground floor commercial uses. Consequently the Lower Ground floor on the east side of the building cannot accommodate commercial uses listed within Annex B of the Revised Development Specification. It is therefore treated as non-commercial basement floorspace, pursuant to conditions 37 and 38 of the outline

planning permission. In this case, an opportunity is created for additional commercial floorspace, subject to planning permission as now sought.

This opportunity does not generally arise elsewhere in Zone B, where the basement areas for all but plot B5 have been approved, and in most cases constructed, with essential service uses below retail units. Outside Zone B, the scope for new floorspace is limited by the parameters set by KXC 016. Where basements have been approved / constructed, these are fully utilised for car/cycle parking, servicing and plant. The likelihood of similar applications to convert non-commercial lower ground floor space to commercial lower ground floor space is therefore low as there are few other areas across the site where non-commercial lower ground floor space will/could be created in the first place.

The cumulative impact of this application is small in isolation. There are unlikely to be a significant number of similar applications in the future as these circumstances are unusual. Little weight should be attached to the potential for cumulative impacts in the future in the determination of this application.

Effect on Local Amenity

It is important to stress that there are no residential properties near to the site. The nearest residential property is likely to be to the north of the Regent's Canal, at least 150m away from the proposed unit and separated by the activity of Goodsway. The proposed development will not, therefore, have any effect on local residential amenity.

The indicative fit out plan ref 94.21/SK01 shows a spacious interior accommodating extensive indoor seating, as opposed to a crowded environment which encourages standing. Given that the use proposed will operate more akin to an A3 than an A4 premises, there will be little impact on the local environment. This meets the requirements outlined in criterion b) of Policy DP12, which takes into account the cumulative impact of food, drink and entertainment uses. It is also important to note that Drake & Morgan have an exemplary track record of excellent management at their venues. Their establishments are both popular and are widely recognised as not impacting unduly on the amenity of residents, visitors or workers by virtue of noise, odour or any other form of impact often associated with such uses. In June 2012, John Hall, Licensing Officer at the City of London Police praised the company stating "Drake & Morgan is seen by this office as a company that shows attention to detail and demonstrates best practice in its management strategies, as well as its service to the City Community". Notwithstanding this, Drake & Morgan would be more than willing to provide a Management Plan for the premises setting out how the operation will be managed and in particular what measures will be put in place to ensure that the operation does not unduly impact on the locality its users and inhabitants.

The operational nature and layout of the premises will minimise any impact on criteria (g) of Policy DP12, which seeks to ensure that proposals do not increase litter and anti-social behaviour locally. The employment of door staff in the evening hours will reduce the risk of anti-social behaviour arising at the site, as will the aforementioned layout of the premises, which discourages standing by providing substantial seating. This will also satisfy Policy DP26 of the Development Policies document, which seeks to manage local amenity impacts arising from development. In relation to Policy DP12 criterion f) and Policy DP26 criterion e) in particular, (which both seek to reduce the impact of unpleasant fumes and odours), the fumes generated on the premises will be removed using kitchen extract and ventilation equipment, as described by the Stage D Mechanical and Engineering report on kitchen extract equipment, and as shown in plan 0511231-HL-XX-XX-DR-U-XXX-9208. This confirms that they will be discharged at roof level. The principle of Class A3 use (amongst other Class A1-A5 uses including Class A4), with the associated requirement for kitchen

facilities and the extract of cooking smells, has already been accepted in the approval of reserved matters. The introduction of a Class A4 use will not cause a significant change to this position.

With respect to criterion (d) of Policy DP12, and likewise criterion (d) of Policy DP26, it should be noted that this very modern building is designed to provide full noise insulation. The fit-out plans demonstrate that the entrance will be lobbied to prevent noise break out and doors and windows will remain shut after 6pm to prevent noise escaping. Door staff will be employed between 8pm and 10pm to ensure guests leave quietly and there will be no queuing outside the unit at any time. The quality of the selected occupier and subsequent operation will further act to ensure that significant noise disturbance does not arise.

Given the form and location of the unit as a purpose-built retail unit facing a pedestrianised square, any impact on the footpath and pedestrian movement will be minimal, in line with criterion (d) of Policy DP12. The building's modern layout means that all servicing requirements are accommodated within the shared Zone B basement, accessed from Pancras Road and there will be no requirement or facility for on-street servicing.

With respect to the remaining amenity issues set out in DP26, the unit's location at upper ground and lower ground levels means that it does not overlook or invade the visual privacy of, any other unit nearby (DP26 criterion (a)). As the proposal does not alter the physical aspects of the building, there will be no detriment to sunlight, daylight or artificial light levels, as sought by criteria (b) or (c). This is also true in respect of criteria (f) and (g), concerning the local microclimate and the inclusion of attenuation measures in the building.

Relationship with Bicycle Storage Facility

The proposed use of part of the lower ground floor for Class A4 purposes will in no way affect the provision or operation of the Bicycle Storage Facility, which is a requirement of the S106 agreement (Section GG Bicycle Storage Facility). Section GG of the Section 106 Agreement dated 22 December 2006 requires the provision of a public cycle storage facility, which is accommodated within Building B1 at lower ground floor level. For the avoidance of doubt the proposed Class A4 use at lower ground floor level would have no effect on the provision of the cycle store.

The area and layout of the cycle store remains as per that shown on proposed drawing 51SP50, as submitted and approved by Certificate of Lawfulness dated 21 December 2012, reference 2012/5872/P, and appended to the application as Appendix 1B and Appendix 1A respectively.

Conclusions

This application therefore accords with national, regional and local planning policy, and should be approved in order to allow a high quality, vibrant addition to Pancras Square.

Should you have any queries, please get in touch with James Wickham or Justin Quiney of this office.

Yours faithfully



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