



**PLANNING STATEMENT IN SUPPORT OF A  
PLANNING APPLICATION FOR A  
CHANGE OF USE OF LOWER GROUND FLOOR FROM  
OFFICE (USE CLASS B1) TO RESTAURANT (USE CLASS A3).  
DEMOLITION OF REAR EXTENSION, REMOVAL OF ONE  
REAR WINDOW, INTERNAL DOOR AND WALL. CREATION  
OF REAR LOWER GROUND FLOOR EXTENSION AND REAR  
GROUND FLOOR EXTENSION (INCLUDING TWO NEW  
WINDOWS), INSTALLATION OF NEW FRONT EXTERIOR  
STAIRCASE AND DOOR AND OTHER ASSOCIATED WORKS  
AT  
47 MARCHMONT STREET, LONDON WC1N 1AP**



**SIGNET PLANNING**

**PLANNING STATEMENT IN SUPPORT OF A  
PLANNING APPLICATION FOR A  
CHANGE OF USE OF LOWER GROUND FLOOR FROM  
OFFICE (USE CLASS B1) TO RESTAURANT (USE CLASS A3).  
DEMOLITION OF REAR EXTENSION, REMOVAL OF ONE  
REAR WINDOW, INTERNAL DOOR AND WALL. CREATION  
OF REAR LOWER GROUND FLOOR EXTENSION AND REAR  
GROUND FLOOR EXTENSION (INCLUDING TWO NEW  
WINDOWS), INSTALLATION OF NEW FRONT EXTERIOR  
STAIRCASE AND DOOR AND OTHER ASSOCIATED WORKS  
AT  
47 MARCHMONT STREET, LONDON WC1N 1AP**

**SIGNET PLANNING**

56 Queen Anne Street

London

W1G 8LA

Telephone: 0207 317 3110

Facsimile: 0207 317 3111

E-mail: [suttonj@signetplanning.com](mailto:suttonj@signetplanning.com)

Website: [www.signetplanning.com](http://www.signetplanning.com)

Signet Ref: LN1530

Date: May 2015

**COPYRIGHT**

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Signet Planning

## **CONTENTS**

SECTION 1:	INTRODUCTION	1
SECTION 2:	SITE AND SURROUNDING AREA	3
SECTION 3:	PLANNING HISTORY	5
SECTION 4:	THE PROPOSAL	7
SECTION 5:	PLANNING POLICY	9
SECTION 6:	PLANNING ISSUES	22
SECTION 7:	CONCLUSIONS	33
APPENDIX 1:	OFFICER'S REPORT FOR LPA REF. 2010/0847/P	
APPENDIX 2:	OFFICER'S REPORT FOR LPA REF. 2012/1526/P	
APPENDIX 3:	CAMDEN RETAIL SURVEY (2014)	

## SECTION 1: INTRODUCTION

- 1.1 This statement is submitted in support of an application for full planning permission and an associated application for listed building consent on behalf of the freeholder of 47 Marchmont Street, London, WC1N 1AP, for "*Change of use of lower ground floor from office (Use Class B1) to restaurant (Use Class A3). Demolition of rear extension, removal of one rear window, internal door and wall. Creation of rear lower ground floor extension and rear ground floor extension (including two new windows), installation of new front external staircase and door, and other associated works*".
- 1.2 The application proposal seeks to bring currently vacant floorspace back into beneficial use through the provision of restaurant floorspace on the lower ground floor in order to create a new restaurant. The lower ground floor of 47 Marchmont Street is currently partially vacant and partially used as storage space for the existing Burger & Shake restaurant on the ground floor. It has been accepted previously by Planning Officers of the London Borough of Camden (LB Camden) to have no internal features of historical merit. It is considered that the application is of considerable benefit to LB Camden, representing sustainable development and providing a more efficient and better use of the application site.
- 1.3 The existing use of the lower ground floor is office (Class B1), as confirmed by planning permission ref. 2010/0847/P for the change of use of the basement from office (Class B1) to two bedroom flat (Class C3) and alterations to roof of rear basement extension.
- 1.4 The submitted application relates only to the lower ground floor and ground floor of 47 Marchmont Street, London, WC1N 1AP. The upper floors of the property which are in residential use do not form part of this application. Whilst a rear extension is proposed at lower ground level, no excavation or lowering of the ground level is proposed. As such, no subterranean works are proposed.

- 1.5 The ground floor is currently occupied by Burger & Shake (Use Class A3) which has also converted part of the lower ground floor for a storeroom and plant room associated with the restaurant. The remainder of the lower ground floor has not been fully converted. It is proposed that this lower ground floor will be converted to create a new pizzeria style restaurant (Use Class A3) which will be a separate entity and branded differently from the Burger & Shake restaurant currently located on the ground floor.
- 1.6 The applicant has assembled a professional team to progress this planning application including Signet Planning, Steve Seary Architects and PC Environmental. This statement has been prepared in support of this application for full planning permission and listed building consent and addresses the relevant general planning matters relevant to the application. The full justification for the application proposal is set out in more detail within this statement along with the other accompanying documents. In particular, this statement should be read alongside the Design, Access and Heritage Statement submitted with the application.

## **SECTION 2: SITE AND SURROUNDING AREA**

- 2.1 The application site comprises the lower ground floor, ground floor and rear yard of 47 Marchmont Street. The ground floor of the unit is occupied by Burger & Shake (Use Class A3), a successful 'American style' barbecue restaurant which also occupies part of the lower ground floor for storage purposes. The upper floors of 47 Marchmont Street are in residential use and do not form part of the planning application. The application site is located on the west side of Marchmont Street and is within the defined Marchmont Street Neighbourhood Centre.
- 2.2 The application site forms part of a terrace within the Marchmont Street Neighbourhood Centre, all of which principally comprise commercial uses at ground floor. To the rear of the site is a large six storey block of residential flats which forms part of the Herbrand Estate.
- 2.3 The site is included in the listing of the west side of Marchmont Street, from odd numbers 39 to 73 (reference no. 1113112). The listing is based on the external features of the buildings, detailing their origins as an early 19<sup>th</sup> Century terrace of housing, with later 19<sup>th</sup> Century and 20<sup>th</sup> Century modifications to accommodate shopfronts. In addition to being listed, the application site is also located within the Bloomsbury Conservation Area. Full details of the site's listing is included within the accompanying Design, Access and Heritage Statement.
- 2.4 An assessment of the building confirms that there is nothing of the special interest of building which remains at either ground or lower ground floor level. This has been accepted by officers in respect to previous applications for the site and is discussed in more detail later within this statement and within the accompany Design, Access and Heritage Statement.
- 2.5 The rear yard of the application site comprises hardstanding and does not provide any aesthetic benefit to the Bloomsbury Conservation Area. The rear yards of surrounding properties on the west side of Marchmont Street are also generally similar with some further to the north containing large, double height outbuildings.

- 2.6 The Brunswick Centre is located to the east of the site, and constitutes a separate neighbourhood centre. The centre was renovated and re-opened in late 2006. It is occupied almost exclusively by shop and restaurant national multiples, including a large Waitrose.
- 2.7 The majority of lower ground floors along Marchmont Street are currently in residential use which includes the properties on either side of the application site.

## SECTION 3: PLANNING HISTORY

- 3.1 This section of the planning report sets out the planning history of the application site.
- 3.2 Planning permission was originally granted on 17 July 1968 for the change of use of the premises to a betting office. Planning permission was granted on 28th October 1977 for alteration and extension to the rear of the ground floor and basement (LPA Ref: M14/10/5/HP/1728). The change of use of the basement from storage purposes to use as office and craft workshop and the construction of a basement and ground floor extension at the rear was also granted on 28th October 1977 (LPA Ref: M14/10/B/25030).
- 3.3 A planning application for the change of use of the lower ground floor from office (Use Class B1) to two bedroom flat (Class C3) and alterations to the roof of the existing rear basement extension (LPA Ref: 2010/0847/P) was granted by decision dated 29 June 2010. An associated application for listed building consent (LPA Ref: 2010/0849/L) for internal alterations and replacement of roof to existing rear extension in connection with the change of use of the basement from office (Class B1) to a two bedroom flat (Class C3) was also granted by decision dated 29 June 2010. Notably, the Officer's Report states "*few historic or architectural features survive and the internal character of the spaces has been so altered that there is little of special interest remaining*".
- 3.4 The ground floor of the premises previously traded as Panino D'Oro (Use Class A3) as a restaurant for some 27 years. An application (LPA Ref: 2011/1437/P) for a Certificate of Lawfulness of an Existing Use or Development (CLEUD) confirming the lawful use of the ground floor as a restaurant was granted on 22 July 2011.



- 3.5 A planning application for full planning permission and an associated application for listed building consent was submitted on 28th November 2011 (LPA Ref: 2011/6098/P and 2011/6142/L respectively). These applications proposed a rear extension at ground and lower ground floor levels extending the full depth of the rear garden and included the change of use of the whole of the lower ground floor to a restaurant (Use Class A3). Following detailed discussions with the Council's Conservation Officer these applications were withdrawn.
- 3.6 Subsequently, two further applications were submitted to facilitate the erection of a two-storey rear extension at lower ground and ground floor levels, installation of plant and flue to rear elevation on first to third floor level, and alterations to shopfront all in connection with the existing use of the lower ground floors and office (Use Class B1) and ground floor as a restaurant (Use Class A3). The relevant planning application was referenced LPA Ref: 2012/1526/P, whilst the associated listed building application was referenced LPA Ref: 2012/1581/L. Both applications were subsequently granted by decision dated 8 June 2012. An application for approval of details pursuant to condition 5 of this planning permission (LPA Ref: 2012/3559/P) was granted on 13 August 2012.

## **SECTION 4: THE PROPOSAL**

- 4.1 The application proposes the change of use of the lower ground floor of the application site from office use (Use Class B1) to restaurant use (Use Class A3) to create a new pizzeria style restaurant on the lower ground floor of 47 Marchmont Street. The lower ground floor is predominantly vacant and has not been in meaningful use for a considerable period of time. The internal condition of the lower ground floor is principally stripped back to brick with bare floors.
- 4.2 The proposed pizzeria style restaurant will run as a separate entity from the existing Burger & Shake restaurant on the ground floor. To facilitate the new restaurant use, part of the lower ground floor is being demolished (an existing poor quality conservatory), and a new rear extension with a similar glazed roof is proposed in its place. The existing restaurant storage room and plant room towards the rear of lower ground floor level will be extended by knocking through an internal wall. This room will be access via a lobby area, which will also provide access to two new customer toilet facilities.
- 4.3 The new pizzeria restaurant will be branded differently from the existing Burger & Shake restaurant on the floor above. Food will be prepared and cooked in a separate area on the lower ground floor. A new oven is proposed, however the new oven extract will be connected to the existing extract ducting internally, therefore no new extract unit is proposed. Whilst the restaurants will be separate entities, it is intended that customers in the pizzeria restaurant will still be able to order food from Burger & Shake should they wish, and vice versa. In order to accommodate this, a food lift is proposed between the ground floor and the lower ground floor which will move food between the restaurants in order to serve customers.
- 4.4 At the front of the property at lower ground floor level the existing air conditioning unit under the stairs is to be retained. Similarly, the two vaults under the pavement at lower ground floor level are to be retained for storage purposes.

- 4.5 All new building works will be in materials to match the existing and proposed high quality windows using an appropriate style and materials. The design and material details are discussed in more detail within the accompanying Design, Access and Heritage Statement.
- 4.6 The proposal thus seeks to reuse currently vacant space for a new restaurant use which will help underpin the health of the 3 Marchmont Street Neighbourhood Centre, create new jobs and provide new investment into the local economy. The application provides for enhancements to an existing listed building, the details of which are set out within the Design, Access and Heritage Statement submitted with the application.

## SECTION 5: PLANNING POLICY

- 5.1 This section sets out relevant national and local planning policy with respect to the redevelopment of the site. This section does not consider specific policies relating to design, access and heritage matters which are considered separately within the accompanying Design, Access and Heritage Statement.

### **National Planning Policy Framework (March 2012)**

- 5.2 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and now constitutes guidance for local planning authorities and decision takers.
- 5.3 The ministerial foreword by Greg Clark confirms that "*The purpose of planning is to help achieve sustainable development*" and that "*development that is sustainable should go ahead, without delay—a presumption in favour of sustainable development that is the basis for every plan, and every decision*". In addition, the ministerial foreword confirms that "*in order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives*".
- 5.4 The purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6).
- 5.5 Paragraph 7 confirms there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- An economic role – contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality, built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, using natural resources prudently, and minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.6 Paragraph 8 confirms that these roles should not be undertaken in isolation because they are mutually dependant. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is confirmed the planning system should play an active role in guiding development to sustainable solutions.

5.7 The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications (paragraph 13).

5.8 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means:

- Approving development proposals that accord with the Development Plan without delay, and
- Where the Development Plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or

- Specific policies in the Framework indicate development should be restricted (paragraph 14).
- 5.9 Paragraph 17 confirms that, within the overarching roles the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These principles include:
  1. Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  2. Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places the country needs.
  3. Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
  4. Promote mixed use developments, and encourage multiple benefits from the use of land of urban and rural areas;
  5. Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 5.10 The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future (paragraph 18).
- 5.11 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).
- 5.12 To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century (paragraph 20).

- 5.13 Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policy should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing (paragraph 21).
- 5.14 Paragraph 24 of the NPPF recognises that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 5.15 Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In developing this strategy, the local planning authority should take into account:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The wider social, cultural and economic and environmental benefits that conservation of the historic environment can bring;
  - The desirability of new development making a positive contribution to local character and distinctiveness (paragraph 126).
- 5.16 Paragraph 128 confirms that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.17 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of the heritage asset), taking into account the available evidence and any necessary expertise (paragraph 129).

5.18 In determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities, including the economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131).

5.19 Paragraph 132 confirms that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of a higher significance should be wholly exceptional.

5.20 Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply;

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that would enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use (paragraph 133).



- 5.21 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134).
- 5.22 Local planning authorities should not permit loss of the whole or part of the heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (paragraph 136).
- 5.23 Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the benefits of departing from those policies (paragraph 140).

#### **National Planning Practice Guidance (2014)**

- 5.24 The National Planning Practice Guidance (NPPG) explains how locational requirements should be considered in the sequential test. The guidance on 'Ensuring the vitality of town centres' advises that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification.

#### **Development Plan**

- 5.25 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the statutory development plan, unless other material considerations indicate otherwise.
- 5.26 The statutory development plan for this application comprises The London Plan (July 2011) together with Revised Early Minor Alterations (October 2013) and Further Alterations (March 2015), the Camden Core Strategy 2010-2025 (November 2010) and the Camden Development Policies 2010-2025 (November 2010).

The London Plan (Consolidated Version) (March 2015)

- 5.27 Policy 1.1 (Delivering the Strategic Vision and Objectives for London) confirms growth will be supported and managed across all parts of London to ensure it takes place in the current boundaries of London without either encroaching on the Green Belt, London's protected open spaces or having unexpected impacts on the environment.
- 5.28 Policy 2.9 (Inner London) states that the Mayor will, and boroughs and other stakeholders should, work to realise the potential of inner London in ways that sustain and enhance its recent economic and demographic growth while also improving its distinct environment, neighbourhoods and public realm, supporting and sustaining existing and new communities, addressing its unique concentrations of deprivation, ensuring the availability of appropriate workspaces for the area's changing economy and improving quality of life and health for those living, working, studying or visiting there.
- 5.29 Policy 4.8 (Supporting a Successful and Diverse Retail Sector and Related Facilities and Services) states that the Mayor will, and boroughs and other stakeholders should, support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need. In particular, Part B states that planning decisions should support convenience retail particularly in District, Neighbourhood and more local centres, to secure a sustainable pattern of provision and strong, lifetime neighbourhoods.

Camden Core Strategy 2010 (November 2010)

- 5.30 The vision statement for Camden states, inter alia,

*"Camden will be a borough of opportunity – a vibrant and diverse part of inner London that will develop its position as a key part of the capital's success, whilst improving the quality of life that makes it such a popular place to live, work and visit. A borough with the homes, jobs, shops, community facilities and infrastructure needed to support its growing population, businesses and visitor."*

- 5.31 The Key Diagram Map 1 confirms the application site lies both within the Central Activity Zone and within the defined Highly Accessible Area.
- 5.32 Policy CS1 – (Distribution of Growth) confirms that the Council will promote the most efficient use of land and buildings in Camden by, inter alia, seeking development that makes a full use of its site, taking into account quality of its design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site whilst resisting development that makes inefficient use of Camden's limited land.
- 5.33 Policy CS3 (Other Highly Accessible Areas) confirms the Council will promote appropriate development in the highly accessible areas of, inter alia, central London. This is considered to be a suitable location for the provision of homes, shops, food, drink and entertainment uses, office, community facilities and are particularly suitable for uses that are likely to significantly increase the demand for travel.
- 5.34 Policy CS5 (Managing the Impact of Growth and Development) confirms the Council will manage the impact of growth and development in Camden through a variety of means. Including, providing uses that meets the needs of Camden's population and contribute to the Borough's London-wide role and protecting and enhancing the environment and heritage and amenity and quality of life of local communities. In particular, the Council will protect the amenity of Camden's residents through a variety of means, but principally, by ensuring that the impact of their occupiers and neighbours is fully considered and requiring mitigation measures where required.
- 5.35 Policy CS7 (Promoting Camden's Centres and Shops) states that the Council will promote successful and vibrant centres including the Council's neighbourhood centres throughout the borough to serve the needs of residents, workers and visitors. This includes providing for and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice. Associated Map 2: Town Centres confirms Marchmont Street to be a Neighbourhood Centre.

- 5.36 Policy CS8 (Promoting a Successful and Inclusive Camden Economy) confirms the Council will seek to secure a strong economy in Camden and seeks to ensure that no one is excluded from its success. The policy confirms that the Council will support Camden's industry by:
- Safeguarding existing employment sites and premises in the Borough that meets the needs of modern industry and other employees, safeguarding the Boroughs main industry area; and
  - Promoting and protecting the jewellery industry in Hatton Garden.
- 5.37 Policy CS9 (Achieving a Successful Central London) confirms the Council recognises the integral character and challenges of Central London and will support Central London as a focus of Camden's future growth in homes, offices and hotels, shops and other uses.
- 5.38 Policy CS10 (Supporting Communities and Services) confirms that the Council will support the retention and enhancement of existing community, leisure and cultural facilities.
- 5.39 Policy CS17 (Making Camden A Safer Place) confirms the Council will aim to make Camden a safer place and will, inter alia, promote safer streets and public areas and require developments to demonstrate they incorporate design principles which contribute to community safety and security.
- 5.40 Policy CS18 (Dealing with our Waste and Encouraging Recycling) confirms the Council will ensure that developments include facilities for the storage and collection of waste and recycling.

- 5.41 Policy DP1 (Mixed Use Development) confirms the Council will require a mix of uses and development where appropriate in all parts of the borough. It states that in considering whether a mix of uses should be sought, the Council will take into account a number of factors, including the character of the development, the site and the area; the extent of the additional floorspace; the need for an active street frontage and natural surveillance; and whether an extension to the gross floorspace is needed for an existing user.
- 5.42 Policy DP10 (Helping and Promoting Small and Independent Shops) states at part (c) that the Council will encourage the occupation of shops by independent businesses.
- 5.43 Policy DP12 (Supporting Strong Centres and Managing the Impact of Food, Drink, Entertainment and Other Town Centre Uses) confirms the Council will ensure that development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.
- 5.44 Policy DP13 (Employment Premises and Sites) confirms the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless:
- a) It can be demonstrated to the Council's satisfaction that the site or building is no longer suitable for its existing business use; and
  - b) There is evidence that the possibility of retaining, reusing or redeveloping the site or building for a similar alternative business use has been fully explored over an appropriate period of time.
- 5.45 The policy confirms that where a change of use has been justified to the Council's satisfaction, they will seek to maintain some business use on site, with a higher priority for retaining flexible space that is suitable for a variety of business uses.

5.46 DP26 (Managing The Impact Of Development On Occupiers And Neighbours) confirms the Council will protect the quality of life of occupiers and neighbours by only granting planning permission development does not cause harm to amenity. The policy confirms the factors the Council will consider include:

- a) Visual privacy and overlooking;
- b) Overshadowing and outlook;
- c) Sunlight, daylight and artificial light levels;
- d) Noise and vibration levels;
- e) Odour, fumes and dust;
- f) Microclimate;
- g) The inclusion of appropriate attenuation measures.

5.47 The policy also states that developments will be required to provide an acceptable standard of accommodation in terms of internal arrangement, dwelling and room sizes and amenity space, facilities for the storage, recycling and disposal of waste; facilities for bicycle storage; and outdoor space of private or communal amenity space wherever practical.

5.48 Policy DP27 (Basement and Lightwells) confirms that determining proposals for basement and other underground development the Council will provide an assessment of the schemes impact on drainage, flooding, ground water conditions and structural stability where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.

Camden Planning Guidance 4 – Basements and Lightwells (2013)

5.49 Section 2 of this Guidance states that the Council will only permit basement and underground development that does not:

- cause harm to the built and natural environment and local amenity;
- result in flooding; or
- lead to ground instability.

- 5.50 The Guidance states that a Basement Impact Assessment will be required in some instances to enable the Council to assess whether any predicted damage to neighbouring properties and the water environment is acceptable or can be satisfactorily ameliorated by the developer.

Camden Planning Guidance 5 – Town Centres, Retail and Employment

- 5.51 Section 3 of this document discusses Neighbourhood Centres and states that food and drink uses can make a positive contribution to the character, function, vitality and viability of these centres. Paragraph 3.62 goes on to acknowledge that Neighbourhood Centres will be considered suitable locations for food and drink uses of a small scale that serve a local catchments, provided they do not harm the surrounding area.
- 5.52 Section 4 of the Guidance has regard to the Central London Area. It seeks to maintain the mixed use character of the Central London area and protect the retail function of shopping streets. Paragraph 4.83 confirms that Marchmont Street is a Neighbourhood Centre in the Central London Area. The Guidance sets out approach to food, drink and entertainment (*"fde"*) uses and specifies that, on Marchmont Street, there should be no more than 25% fde uses, with no premises larger than 100 sqm. In addition, the Guidance states that there should be no more than two consecutive *"fde"* uses in a centre.
- 5.53 Section 6 of the Guidance states that food, drink and entertainment uses should be located in areas where their impact can be minimised. Paragraph 6.4 states that for all applications for food, drink or entertainment uses the Council will assess the potential impacts of the proposal on local amenity, the character and function of the area and its overall mix of uses.

## Draft Camden Local Plan 2015

- 5.54 This emerging policy has not yet been subject to an Examination in Public, therefore it does not carry a lot of weight in the determination of this planning application. Notwithstanding this, the contents of the draft Local Plan have been taken into consideration in developing the proposals for this application.



## **SECTION 6: PLANNING ISSUES**

6.1 This section of the planning statement deals with the general planning issues associated with the application proposal. Consideration of design and heritage issues are considered separately within the accompanying Design, Access and Heritage Statement.

6.2 Having considered the nature of the application and the relevant planning policy background, it is considered the following issues are most relevant to the application proposal. Namely:

- Does the application represent sustainable development?;
- Principle of the Proposed Use;
- Loss of B1 Office Use;
- Residential Amenity;
- Improvements to Burger & Shake;
- Basement Impact;
- Car parking and accessibility issues;
- Waste and refuse;
- Construction Management Plan.

6.3 Each of the above issues is now considered in turn below.

### **Does The Application Represent Sustainable Development?**

6.4 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and now constitutes guidance for local planning authorities and decision takers.

- 6.5 The ministerial foreword by Greg Clark confirms that "*The purpose of planning is to help achieve sustainable development*" and that "*development that is sustainable should go ahead, without delay—a presumption in favour of sustainable development that is the basis for every plan, and every decision*". In addition, the ministerial foreword confirms that "*in order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives*".
- 6.6 It is confirmed the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6). Paragraph 7 confirms there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- An economic role – contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality, built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
  - An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, using natural resources prudently, and minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 6.7 Paragraph 8 confirms that these roles should not be undertaken in isolation because they are mutually dependant. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is confirmed the planning system should play an active role in guiding development to sustainable solutions. It is confirmed that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.8 The application proposes the beneficial intensification of an existing site and does not comprise the development of a greenfield location. Furthermore, the application proposes a town centre use within an existing Neighbourhood Centre. As a result, the development of the application site is considered to represent sustainable development.
- 6.9 As such, the application makes a more efficient and intensive use of the site and therefore accords with Core Strategy Policy CS1 (Distribution of Growth). In addition, the proposed use of the site is Use Class A3 (Restaurants and Cafes) which accords with Policy CS7 of the Core Strategy which states that the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. This includes providing for and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.
- 6.10 On the basis that the application site represents sustainable development, there is a presumption in favour of the grant of planning permission. This is a significant material consideration.

## Principle of the Proposed Use

- 6.11 The proposed pizzeria style restaurant will complement the existing Burger & Shake restaurant above, providing dining choices for local residents and visitors, and reaffirming the site's location within a Neighbourhood Centre. This is in accordance with Core Strategy Policy CS7 (Promoting Camden's Centres and Shops), which seeks to provide a range of uses in Neighbourhood Centres.
- 6.12 The proposed restaurant area on the lower ground floor will have a GIA of 35 sqm. The proposed restaurant relates only to the lower ground floor and is therefore well below the 100 sqm threshold. In addition, the GIA of Burger & Shake on the ground floor is 30.2 sqm. Whilst the restaurants are separate entities, even if they were to be considered together they would still not breach the threshold, as the combined floorspace of both of the restaurants would be 65.2 sqm. This is in accordance with CPG 5 (Town Centres, Retail and Employment) which states that no food, drink and entertainment use premises should be larger than 100 sqm.
- 6.13 CPG 5 also states that, within Marchmont Street Neighbourhood Centre, there should be no more than two consecutive food, drink and entertainment uses along the ground floor frontage. No. 45 Marchmont Street is a hair salon and therefore has an A1 use class. No. 49 Marchmont Street is 49 Café, which is trading under an A1 use class permission. Therefore, both of the neighbouring premises of no. 47 Marchmont Street are A1 uses, and so the proposal for an A3 use class will not result in more than two consecutive food, drink and entertainment uses in the centre.
- 6.14 In addition, CPG 5 states that there should be no more than 25% food, drink and entertainment (fde) uses (i.e. A3, A4, A5 use classes) within Marchmont Street Neighbourhood Centre. An analysis of the Camden 2014 Retail Survey (**see Appendix 3**) establishes that there are currently 28.5% fde uses within the Centre. Creating an additional A3 use unit would increase the fde proportion within the Marchmont Street Neighbourhood Centre to a total of 29.7%. The fde proportion is already over the 25% threshold and is therefore not currently in accordance with CPG 5.

- 6.15 Furthermore, the Council's Retail Survey is based on ground floor frontages and therefore does not take into account units on any other floors. The proposal is not a ground floor frontage; rather it is lower ground floor and therefore, it would not formally alter the proportion of fde uses in Camden's latest Retail Survey. It is also important to note that the proposal will create a brand new unit and is not at the expense of any retail unit. Therefore, all of the existing retail units in the Neighbourhood Centre are retained. It is not considered that the addition of one A3 use class unit on the lower ground floor at No. 47 Marchmont Street will have any adverse impact on the Neighbourhood Centre. Instead, the proposal will complement the existing uses and will enhance the vibrancy of Marchmont Street.
- 6.16 The proposed restaurant will be an independent pizzeria style restaurant, and therefore the application proposals comply with Policy DP10 (Helping and Promoting Small and Independent Shops) which states that the Council will encourage the occupation of shops by independent businesses.
- 6.17 Similarly, the limited floorspace of the proposed restaurant will ensure that the proposals are compliant with Policy DP12, which ensures that development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.
- 6.18 The application proposals will make a positive contribution to the character, function, vitality and viability of these centres through providing an appropriate use in line with Camden Planning Guidance 5. Marchmont Street Neighbourhood Centre is considered to be a suitable location for food and drink uses of a small scale that serve a local catchment, provided they do not harm the surrounding area. As has been discussed in the below 'Residential Amenity' section, the accompanying Acoustic Assessment Report demonstrates that the proposals will not breach noise policies, nor will they cause harm to the surrounding area.

## Loss of B1 Office Use

- 6.19 Policy DP13 of the Council's Development Management Policies document states the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless:
- a) It can be demonstrated to the Council's satisfaction that the site or building is no longer suitable for its existing business use; and
  - b) There is evidence that the possibility of retaining, reusing or redeveloping the site or building for a similar alternative business use has been fully explored over an appropriate period of time.
- 6.20 The site is not suitable for continued business use. It is not located within an industrial area or designated business area and is surrounded by properties which also have residential uses at lower ground floor. The site has no great flexibility for other business uses with a small useable area and no area for large vehicle use and in the case of a small firm, a lack of good general access. Equally, it is not practical for use by service vehicles, nor is it suitable for light industrial uses with its proximity to residential premises and low ceiling heights. However there is good public transport available (PTAL rating of 6b (excellent)), and the site is located within a Neighbourhood Centre. Therefore, it is considered that the most suitable use for the site is as an A3 (Restaurant) use.
- 6.21 The principle of a change of use resulting in loss of B1(a) office use of the application site at lower ground level in regard to policy was assessed under applications LPA ref: 2010/0847/P and LPA ref: 2010/0849/L and found to be suitable. In the case of these applications, 45 neighbours were consulted and a site notice erected and no objections were received. In the relevant Officer's Report, the Officer concluded that the site does not possess the flexible design features suitable for an alternative business use. The Officer's Report (see **Appendix 1**) stated that *"given the relatively small amount of floorspace, 75 sqm and the fact that the building is a Grade II Listed, which would make alterations for a flexible use difficult, it is not considered that the site is suitable for any use other than office (B1)"*.

- 6.22 The application does not in reality, result in the loss of B1 office floorspace as the site has not been in B1 use for a considerable period of time having been vacant for in excess of five years. Therefore, this clearly demonstrates that demand for retaining this space as B1(a) office use does not exist in the borough.
- 6.23 The applicant has reviewed the London Borough of Camden – Employment Land Study 2014 Final Report prepared by URS. This gives consideration of the Midtown area in which the site lies. It is acknowledged that Midtown is an established central London sub-market and one that has undergone a great deal of change in recent years. The document confirms that it now contains a stock of c3.8 million sqm of office accommodation including, two very large railway land schemes namely, the Kings Cross Development (now well underway with major pre-lets to Google and BNP Paribas) which has a further 300,000 sqm of potential development and a second scheme at Euston where there is a potential upwards of 300,000 sqm of speculative development. The Employment Land Study 2014 confirms that Midtown currently has some 100,000 sqm of speculative schemes under construction with around 150,000 sqm of available space of which one third is new or newly refurbished accommodation. The relevant development pipeline shows that planning permissions granted in 2013 equal some 307,000 sqm (net).
- 6.24 In addition it was noted that there were five further schemes under construction during this period totalling some 91,654 sqm (net). The report concludes that, from a borough wide perspective, demand and supply (through redevelopment and new development sites) is found to be broadly in balance. As such, there is no overwhelming demand to protect this site.
- 6.25 The report confirms that the demand forecasting exercise found that LB Camden is expected to experience demand for approximately 695,000 sqm of office floorspace for the period 2014-2031. The majority of office floorspace demand is expected to be for large, high quality offices in the Midtown area, and in and around Kings Cross, Euston, Tottenham Court Road and Holborn as the expectation is that Central London office market will continue to grow in importance. The majority of this growth will therefore be around the Kings Cross Opportunity Area, the Euston Opportunity Area, the Tottenham Court Road Growth Area and the Holborn Growth Area.

- 6.26 It is confirmed that there is significant capacity in the Midtown Opportunity areas and growth areas to accommodate the relevant activities and demand over the plan period. As such, there is nothing within the Employment Land Study 2014 which would suggest that the property must be retained in employment use or that its change of use away from employment use would prejudice the Council's employment strategy.
- 6.27 The above findings should therefore be reviewed against Policy CS7 of the Core Strategy which states that the Council will promote successful and vibrant centres, including the Council's neighbourhood centres such as Marchmont Street, throughout the borough to serve the needs of residents, workers and visitors. This includes providing for and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.
- 6.28 In summary, accordingly, overall it is considered the change of use of the premises from vacant space authorised B1 use should be considered to be acceptable (as it has previously) in terms of the relevant planning policy background.

### **Residential Amenity**

- 6.29 The applicant has given detailed consideration as to the impact of the proposals on the amenity of current and future occupants of residential properties.
- 6.30 In respect to matters of noise, the applicant has submitted a detailed Acoustic Report prepared by PC Environmental with the application. This confirms that subject to appropriate mitigation, the proposed application is acceptable in terms of noise impact and that no additional noise attenuation measures are required to meet nationally accepted acoustic design criteria and specific requirements of LB Camden. Notably, the existing restaurant above has air conditioning and ventilation plant in the front lightwell and kitchen ventilation / extraction plant to the rear. As there is sufficient spare capacity within the current HVAC systems, no additional mechanical plant and equipment is required to serve the lower ground floor. As a result, no new noise sources will be introduced.



- 6.31 In addition, internal party walls will be soundproofed with PIR rigid insulation and plasterboard. Details of the proposed insulation between the restaurant and adjoining properties are also included within the Acoustic Report.
- 6.32 In terms of odours, the existing restaurant has an existing high level flue which removes the odours to the roof. It is proposed that the new restaurant on the lower ground level will also remove the odours to the roof via this existing high level flue. The new oven in the proposed pizzeria restaurant will connect to the existing extract ducting internally, therefore no new odour extraction system is required. As such, there are no odours which escape from the primary cooking occurring on site as these are all dispatched out the roof level.
- 6.33 In regards to impact on surrounding residential properties, there are already residential units above the restaurant which coexist with the restaurant without problem and, it is entirely common for residential units to be located in close proximity to restaurants (either directly over, underneath or adjacent) as is the case with many of the restaurants within the Marchmont Street Neighbourhood Centre. In this instance, there are residential units both above and either side of the existing restaurant which have not raised any concerns over the restaurant's operation. The ground floor of the premises has been a restaurant for a considerable period of time, and this demonstrates that both the restaurant uses and surrounding residential uses can coexist and can function in a collaborative manner.
- 6.34 Planning application ref. 2012/1526/P was granted in June 2012 for the erection of a similarly sized two-storey rear extension at lower ground and ground floor levels. The impact on residential amenity was considered to be acceptable in the Officer's Report (see **Appendix 2**). The Report had regard to the impact on No. 45 Marchmont Street, stating that *"With regards to daylight, given the location of the window in the rear elevation of No. 45 (on ground level) which is set below an existing first floor projection and enclosed on all sides by existing development, the proposal is not considered to result in a harmful reduction in daylight received by this bedroom. It is considered that the proposal would have a minor impact in this respect"*.

- 6.35 In addition, the Report considered the impact on No. 49 Marchmont Street, and established that *“Any impact in terms of sunlight received by the proposed development would therefore be minimal and not significantly harmful to a degree that would justify refusal of the application”*.
- 6.36 As such, it is considered that the proposed pizzeria restaurant on the lower ground floor will be able to function without causing undue detriment to neighbouring properties.

### **Improvements to Burger & Shake**

- 6.37 Burger & Shake is a successful ‘American style’ barbeque restaurant (Use Class A3) currently occupying the ground floor of the unit. At ground floor level, a new rear extension is proposed to incorporate ancillary space in the form of an office which will be used by restaurant staff for administrative and managerial purposes.
- 6.38 As such, the planning application provides qualitative improvements to an important restaurant facility within the Marchmont Street Centre. As such, the qualitative improvements to this popular restaurant are a material consideration which weighs in favour of the application.

### **Basement Impact**

- 6.39 Although an extension at basement level is proposed, because of the existing ground levels no excavation is required. As such, a simple rear extension is proposed.
- 6.40 The applicant notes that the Council will expect all basement development applications to provide evidence that the structural stability of adjoining or neighbouring buildings is not put at risk. However, as explained the application principally proposes the change of use and fitting out of the premises with only the removal of the lean-to rear extension at the rear and its replacement with a more solid structure. No excavation works are proposed. Accordingly, there is no need for any form of Basement Impact Assessment, and the submission of a basement impact assessment is not considered to be required. In particular, no subterranean works are proposed.

### **Car Parking and Accessibility Issues**

- 6.41 The application does not propose any car parking spaces. This accords with the restrictive car parking standards proposed by the Council as contained within Policy DP18 (Parking Standards And Limiting The Availability Of Car Parking) which states that the Council will expect development to be car free within the Central London area. The application thus accords with this policy. The application site is located within an area of PTAL score of 6b (excellent) and is located within Controlled Parking Zone CAE.
- 6.42 Full details of the site's accessibility, including the issue of inclusive access is set out within the accompanying Design, Access and Heritage Statement.

### **Waste and Refuse**

- 6.43 The applicant has given consideration to the waste and refuse strategy, full details of which are included within the accompanying Design, Access and Heritage Statement. The refuse store is proposed in the existing vault under pavement at the front of the premises.

### **Construction Management Plan**

- 6.44 The applicant has previously secured planning permission (LPA ref: 2012/1526/P) and listed building consent (LPA ref: 2012/1581/L) for a larger rear extension than currently proposed. This was constructed without a need for a Construction Management Plan (CMP) and without incident or complaint from surrounding neighbours or any interference of the public highway. Similarly, the level of development proposed for this application is minor and no significant construction works are required. Whilst the applicant does not consider a CMP should be required, the applicant is willing to provide a CMP. This can be appropriately conditioned.

## **SECTION 7: CONCLUSIONS**

- 7.1 The planning application seeks to provide a new restaurant with associated external alterations and seeks to make more efficient and beneficial use of the application site.
- 7.2 The ground floor is currently occupied by Burger & Shake (Use Class A3) which has also converted part of the lower ground floor for a storeroom and plant room associated with the restaurant. The remainder of the lower ground floor has not been fully converted. It is proposed that this lower ground floor will be converted to a new pizzeria style restaurant (Use Class A3). Core Strategy Policy CS7 (Promoting Camden's Centres and Shops) confirms that a range of uses, including food and drink uses, should be provided in Neighbourhood Centres.
- 7.3 The application proposals will make a positive contribution to the character, function, vitality and viability of Marchmont Street Neighbourhood Centre through providing an appropriate use in line with Camden Planning Guidance 5. The Centre is considered to be a suitable location for food and drink uses of a small scale that serve a local catchment, provided they do not harm the surrounding area. This application therefore accords with this stance.
- 7.4 The application proposal seeks to bring currently vacant floorspace back into beneficial use through the provision of a new restaurant on the lower ground floor of the premises. The application site is currently vacant and has been accepted previously by Planning Officers of the London Borough of Camden (LB Camden) to have no internal features of historical merit. It is considered that the application is of considerable benefit to the Local Borough of Camden (LB Camden), representing sustainable development and providing a more efficient and better use of the application site.

- 7.5 Full justification for the loss of the employment floorspace is provided which is already been established through the planning application for the change of use of the lower ground floor from office (Use Class B1) to two bedroom flat (Class C3) and alterations to the roof of the existing rear basement extension (LPA Ref: 2010/0847/P) was granted by decision dated 29 June 2010.
- 7.6 It is considered that the application is entirely acceptable in terms of design and heritage matters which are considered in detail within the accompanying design, access and heritage statement submitted.
- 7.7 Overall it is considered that planning permission should be granted.

## APPENDIX 1

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	30/04/2010
		N/A / attached	<b>Consultation Expiry Date:</b>	07/04/2010
<b>Officer</b>			<b>Application Number(s)</b>	
Rob Tulloch			2010/0847/P 2010/0849/L	
<b>Application Address</b>			<b>Drawing Numbers</b>	
47 Marchmont Street London WC1N 1AP			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
<p>(i) Change of use of basement from office (Class B1) to two bedroom flat (Class C3) and alterations to roof of rear basement extension.</p> <p>(ii) Internal alterations and replacement of roof to existing rear extension in connection with the change of use of basement from office (Class B1) to two bedroom flat (Class C3).</p>				
<b>Recommendation(s):</b>		<p>(i) Grant Planning Permission Subject to a Section 106 Legal Agreement</p> <p>(ii) Grant Listed Building Consent</p>		
<b>Application Type:</b>		<p>Full Planning Permission</p> <p>Listed Building Consent</p>		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>45</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	45 neighbours were consulted and a site notice was erected on 16/03/2010. One neighbour objected to a potential loss of light, but withdrew their objection when they realised they were commenting on the wrong site.					
<b>CAAC/Local groups* comments:</b> *Please Specify	No responses received.					
<b>Site Description</b>						
The site is Grade II listed building which forms part of a terrace of 18 houses with later added shops, dating from c.1801-1806. The building stands 4 storeys in height, with a basement, and is constructed in darkened stock brick. The basement level is currently vacant with a lawful B1 use, the ground floor is in use as a sandwich bar and the upper floors are residential. The site is located within the Bloomsbury Conservation Area.						
<b>Relevant History</b>						
2009/3381/P Change of use of basement from office (Class B1) to two bed flat with single storey extension to the rear (Class C3). Withdrawn.						
M14/10/B/25030 Change of use of basement from use for storage purposes to use as an office and craft workshop and the construction of basement and ground floor extensions at the rear. Granted 28/10/1977						
M14/10/5/HB1728 Alterations and extensions to the rear of ground floor and basement. Granted 28/10/1977						
<b>Relevant policies</b>						
<b>Replacement Unitary Development Plan 2006</b>						
SD6 Amenity for occupiers and neighbours						
E2 Retention of existing business uses						
H1 New housing						
H8 Housing mix						
B6 Listed buildings						
B7 Conservation areas						
T1 Sustainable transport						
T8 Car free housing and car capped housing						
T9 Impact of parking						
<b>Camden Planning Guidance 2006</b>						



## **London Plan Consolidated with Alterations since 2004 (February 2008)**

3C.1, 3C.17 and 3C.23

### **LDF Core Strategy and Development Policies**

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP13 Employment sites and premises

DP18 Parking standards and limiting the availability of car parking

DP25 Conserving Camden's heritage

CS8 Promoting a successful and inclusive Camden economy

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

*As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.*

### **Assessment**

The proposal is for the conversion of the basement office (B1) into a two bedroom flat (C3), the replacement of the sloping roof to the existing rear extension with a flat roof, and changes to the internal layout. The main considerations are the loss of office floorspace, the impact of the alterations on the listed building and the conservation area, the amenity of neighbours and future occupiers, and transport.

#### **Land use**

Policy E2 (Retention of existing business uses) has a broad presumption against the loss of existing business uses on sites where there is potential for that use to continue. Where there is no potential for that particular business use to continue, the site's suitability for alternative business uses should be taken into consideration.

The site is located at basement level, and does not have direct road access or large vehicle access, and floor to ceiling heights are also low. Therefore the site does not possess the flexible design features suitable for alternative business uses.

Given the relatively small amount of floorspace, 75sqm, and the fact that the building is Grade II listed, which would make alterations for a flexible use difficult, it is not considered that the site is suitable for any use other than office (B1).

Policy E2 allows for the loss of office premises, as an exception to the general rule, in areas where there is a surplus of office accommodation with a preference for a change of use to residential and/or community uses. It has been acknowledged that this area does have a surplus of office accommodation given the large number of recent developments for purpose built, modern office accommodation.

Therefore the proposal for a change of use from office to a permanent residential use is in accordance with the requirements of policy E2.

In terms of the provision of new housing, policy H1 (New housing) seeks the fullest use of underused sites and buildings for housing. This proposal would provide a new residential unit and as such complies with policy H1.

#### **Impact on host building and the conservation area**

External works

It is proposed to replace the existing sloped, glazed roof to the extension. A flat roof is to be introduced with a timber roof lantern. This will have little overall visual impact on the extension which will remain modest in size and appearance

### **Internal works**

The application concerns changes to the historic floor plan to create a two bedroom flat. Few historic or architectural features survive and the internal character of the space has been so altered that there is little of special interest remaining. An extension was granted consent in 1976/77 and most of the original rear wall of the building has been opened up to access this. The ground to basement staircase has been removed and toilet accommodation inserted in its place. The spine wall and partition between the front room and hallway removed to create an open plan layout. The proposed works reintroduce a cellular room arrangement and some sense of the former spatial quality of the building.

As such, the proposed works are considered to enhance the listed building and preserve the character and appearance of the conservation area.

### **Amenity for occupiers and neighbours**

The size of the flat, 75 square metres, complies with the floorspace requirements of a 4 person dwelling, with the bedrooms meeting the minimum sizes recommended by the Council's planning guidance. The flat would also provide approximately 21 square metres of amenity space at the rear.

The lightwell at the front will serve the kitchen/diner. To ensure that adequate natural light is provided to habitable rooms, walls or structures should not obstruct the windows by being within 3m of them. If the 3m rule is not achievable, as is the case with most basements, the glazed area should not be less than 10% of the floor area of the room. The glazing which is allowable in this calculation is that which is above the points on the window from which a line can be drawn upwards at a vertical angle of 30 degrees with the horizontal to pass the top of the obstruction. Although the glazed area measures approximately 2.5 square metres (20% of the floorspace of the room), only approximately 6.5% is above the 30 degree line. The rear bedrooms face the garden and receive adequate light and on balance the proposal is considered to comply with the Council's residential development standards.

The applicant has submitted limited lifetime homes information, only addressing points 6, 7, 10, 12, 14 and 15. It is acknowledged in the Council's planning guidance that conversions cannot always meet all of the Lifetime Homes requirements, but should try to meet, or justify a proposal's inability to meet, points 1, 3 and 5 as well. As points these points do not apply in this particular case, it is considered that the proposal has demonstrated why meeting all of the Lifetime Homes criteria is not possible in this particular case.

The only external alteration would be the replacement of the sloping roof to the existing rear extension with a flat roof. It is considered that the proposed works will not adversely impact on the amenity of the adjacent properties with regard to access to sunlight, daylight, or outlook and thus is considered to be consistent with Policy SD6 (Amenity for occupiers and neighbours) of the development plan.

### **Transport**

The site has a Public Transport Accessibility Level of (PTAL) of 6b (excellent), it is within a Controlled Parking Zone (CPZ), and is within the Clear Zone Region for which the whole area is considered to suffer from parking stress. Kings Cross (CA-D) Controlled Parking Zone operates Mon-Fri 08:30-18:30 and Sat 08:30-13:30, and 117 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed.

A new residential unit will increase demand for on-street parking in the Controlled Parking Zone. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%.

Therefore the proposal should be made car-free in accordance with policies T8 (Car free housing and car capped housing) and T9 (Impact of parking). This will be secured by legal agreement.

The Council would normally require space for one bicycle to be stored securely for a flat of this size; however due to the location of the flat at basement level the need to formally agree such arrangements can be waived in this instance.

### **Recommendation**

Grant Planning Permission Subject to a Section 106 Agreement  
Grant Listed Building Consent

### **Disclaimer**

*This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613*

## APPENDIX 2

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>27/04/2012</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	01/06/2012
<b>Officer</b>			<b>Application Number(s)</b>		
Neil Zaayman			2012/1526/P 2012/1581/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
47 Marchmont Street London WC1N 1AP			Refer to decision notice.		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of two-storey rear extension at lower ground and ground floor levels, installation of plant and flue to rear elevation from first to third floor level, and alterations to shopfront all in connection with the existing use of the lower ground floor as an office (Use Class B1) and ground floor as a restaurant (Use Class A3).					
<b>Recommendation(s):</b>		(i) Grant Planning Permission (ii) Grant Listed Building Consent			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>09</b>	No. of responses	<b>05</b>	No. of objections	<b>04</b>
			No. Electronic	<b>00</b>		
Summary of consultation responses:	<p>Site notice displayed from 21/03/2012 until 11/04/2012. Advertised in the Ham and High Newspaper 29/03/2012 until 19/04/2012.</p> <p>9 Letters were sent to neighbouring properties with one letter of representation received, raising objections in respect of:</p> <p><u>Objections prior to revised drawings:</u></p> <ul style="list-style-type: none"> <li>- Concerns that the ground floor extension will block the light to the rear of the lower ground floor of the basement flats at Nos. 45 and 49 Marchmont street;</li> <li>- The proposal would have a detrimental impact on the neighbour at No. 45's quality of life;</li> <li>- The proposal would result in a loss of sunlight to the basement flats at No. 45 and 49 and infringe on these neighbours' right of light;</li> <li>- Infringement on privacy;</li> <li>- Odour / fume nuisance as a result of cooking activities and extract duct;</li> </ul> <p>One letter of support:</p> <p><u>The Marchmont Association</u> has considered the latest applications in respect of the shop premises at 47 Marchmont Street and would like to register the following comments: We welcome the applications.</p> <p>We are particularly pleased to note the proposed reinstatement of the shop front to closely match the original Georgian design. This will add value to the street's USP, i.e. the attractive period frontages, whilst enhancing the historical character of the area.</p> <p>We note that the ground floor restaurant benefits from a recent certificate of lawfulness. The design and layout of the restaurant, to provide 26 covers and associated kitchen facilities, will provide a welcome touch of originality to the street, thereby adding further value to the local trading environment.</p> <p>The alterations to the rear extension are minimal, so will not be detrimental to the amenity of adjacent neighbours.</p> <p>The new kitchen extraction flue is well designed and has been extended above the roof level, to prevent fumes being a problem for residents. The applicant has also provided a satisfactory noise attenuation report.</p> <p>We would welcome the speedy turn round of this application, in view of the length of time the premises have unavoidably remained closed, as this will help to bring an early benefit to trading environment.</p>					
CAAC/Local groups* comments: *Please Specify	<p><u>Bloomsbury CAAC:</u> The size of the rear extension would overshadow the neighbouring rear yard and the flue is very intrusive visually.</p>					

## Site Description

The site is Grade II listed building which forms part of a terrace of 18 houses with later added shops, dating from c.1801-1806. The building stands 4 storeys in height, with a basement, and is constructed in darkened stock brick. The basement level is currently vacant with a lawful B1 use, the ground floor is in use as a sandwich bar and the upper floors are residential. The site is located within the Bloomsbury Conservation Area.

## Relevant History

**2010/0847/P:** Change of use of basement from office (Class B1) to two bedroom flat (Class C3) and alterations to roof of rear basement extension – **Granted, subject to S106.**

**2010/0849/L:** Internal alterations and replacement of roof to existing rear extension in connection with the change of use of basement from office (Class B1) to two bedroom flat (Class C3) – **Granted.**

**2011/1437/P:** Certificate of Lawfulness for use of ground floor as restaurant (Class A3) – **Granted.**

**2011/6098/P & 2011/6142/L:** Change of use of lower ground floor from office (Class B1) to restaurant (Class A3) to be used in conjunction with ground floor (Class A3), erection of two storey rear extension, installation of flue on rear elevation and replacement of the shopfront. The application was **withdrawn** due to concerns in respect of the overall bulk and design of the extensions.

## Relevant policies

### LDF Core Strategy and Development Policies

CS2 (Growth areas)  
CS3 (Other highly accessible areas)  
CS5 (Managing the impact of growth and development)  
CS7 (Promoting Camden's centres and shops)  
CS14 (Promoting high quality places and conserving our heritage)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)  
DP18 (Parking standards and limiting the availability of car parking)  
DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP28 (Noise and vibration)  
DP30 (Shopfronts)

### Camden Planning Guidance (2011)

### Bloomsbury Conservation Area Statement

### London Plan (2011)

### National Planning Policy Framework (March 2012)

## Assessment

### Proposal:

The proposal is for the construction of a new rear extension at lower ground and ground floor levels (no subterranean works proposed), the restoration of the shopfront, new plant and flue and internal changes with associated works. It is proposed to create an American-style diner on the upper ground floor of the property (currently use class A3) and refurbish the lower ground floor as an office space, utilising the existing front lightwell steps as access.

On lower ground and ground level, the rear extension would project a maximum of 2.8m from the current furthest rear elevation of the host building. This would result in an extension with an overall depth of approximately 5.2m as measured from the building's main rear elevation. The extension would have a maximum width of 3.16m and a height of 4.6m as measured from the rear garden level (external) to the top of the proposed flat roof. A rear garden with a depth of 3m would be retained and the development would be set away from the boundary with No. 49 by 2m.

On lower ground level, the extension would serve the existing office use. On ground floor level, the extension would serve as a kitchen to the restaurant.

The rear elevation would see the introduction of a new window to the rear of the proposed extension at ground level. The fresh air intake would be a louvre located in the rear elevation at lower ground floor level. The louvre would be painted black. There would also be an extract duct to the rear elevation towards the south side of the premises, adjacent to the boundary with No. 45 Marchmont Street. The flue would extend upwards, dispersing a minimum of 1m above the highest window level.

The existing non-original shopfront would be removed and replaced with a new front detailed to match the original as closely as possible.

The current proposal follows from a previous scheme for a two floor restaurant including a much larger rear extension which was considered to be large in terms of its impact on the rear of the listed building. The associated planning and listed building consent applications were therefore withdrawn by the applicant.

### Revised drawings:

Revised drawings were received on 17<sup>th</sup> April 2012 to amend the profile of the new windows in the rear elevation and on 11<sup>th</sup> May to amend the position and diameter of the extract flue and locating the fresh air intake on lower ground level in the rear elevation of the proposed extension.

### Background information:

A Lawful Development Certificate was granted in July 2011 for use of the ground floor unit as a restaurant (A3 use). The basement unit, which is not considered to form part of the relevant retail frontage of this parade, has a lawful use as an office (B1 use). The basement was granted permission in June 2010 for a change of use from office (Class B1) to residential flat (Class C3) although the residential use was never implemented. The lawful use of the basement is therefore still an office (Class B1).

### Design an Appearance

The current proposal is a much modified version of the withdrawn scheme, and picks up on many points raised by officers in connection with the previous design. The current proposal comprises a much more modest restaurant area and associated spaces accommodated on one floor rather than over two floors. The accommodation therefore does not require a connecting staircase or lift, and is considered to better match the small floor plan of the listed building

### Rear extension:

It is proposed to locate the kitchen in the existing closet wing at the rear of the floor (on ground floor level), which will require the rear extension to provide sufficient accommodation. The extension will span to the lower floors of the property and will project half way into the rear yard, allowing a 3 metre depth to remain. Due to the existing built-up nature of the majority of yards to the rear of the listed terrace, the footprint, bulk and height of the extension are considered to be acceptable, both in listed building and conservation area terms.



Following initial concerns raised in respect of the fenestration treatment towards the rear, revised drawings were received and officers are satisfied with the rear elevation treatment proposed here.

At lower ground floor level the renewal of the conservatory structure roughly adheres to the existing conservatory footprint and is set back behind the rear building line of the closet wing extension, giving both elements a subservient appearance in terms of the rear elevation of the listed building.

#### Extract duct:

There are no objections in principle to the installation of a flue on the rear elevation provided it is reversible in nature (in terms of fixings and impact on the historic brickwork), and employs materials and finishes which are sympathetic as possible to the historic building. Due to the large number of restaurant and café uses in the terrace, there are several precedents for such a flue, including on neighbouring properties at Nos 48 and 49 Marchmont Street.

The Council raised initial concerns with regards to the position of the flue in the middle of the host building. The applicant therefore submitted a revised scheme, relocating the flue to the south side of the property on the boundary with No. 45 Marchmont Street. The flue has also been reduced in width from 500mm to 400mm giving it a slimmer profile as viewed from the rear. In light of many similar examples to the rear of these properties and the amendments which are considered an improvement to the original scheme, officers are of the opinion that this element of the proposal is acceptable and would not result in serious harm to the character and appearance of the host building or conservation area.

The applicants proposed to paint the extract duct to match the background color of the main building. This can be secured by means of a planning condition.

As such, it is considered that this part of the development generally complies with the aims and objectives of policies CS14, DP24 and DP25 of the LDF and would not result in harm to the character of the listed building or the Bloomsbury Conservation Area.

#### Internal works

In respect of its design and impact in listed building terms, there is little historic fabric on ground floor level and the plan form has been much altered. The internal fit-out of a restaurant will not harm the special interest of the listed building.

The internal alterations at lower ground floor level are minor and do not impact on historic fabric or plan form since this portion of the building has already been much altered, having lost its original plan form and decorative features.

#### Shopfront

The alterations to the shopfront are considered to improve the appearance of the listed building and enhance the conservation area as the existing shopfront is non-original and the proposed traditionally-based design is more sympathetic to the host building and wider terrace.

#### **Impact on neighbouring amenity:**

##### Plant and equipment:

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of noise, disturbance and odours as a result of the extract duct, particularly in view of the fact that residential properties are located on the upper floors of the parade. Policies CS5, DP12, DP26 and DP28 are applicable in this respect.

The proposed extract duct is to be located on the rear of the building in a similar location as many other ducts to the rear of this parade. The duct would disperse a minimum of 1m above the highest window level. An acoustic report was submitted in support of the application which seeks to demonstrate that the proposed ducting could operate in accordance with the noise and vibration thresholds set out in Table E of policy DP28, subject to mitigating measures including duct attenuation, an acoustic enclosure and restricted operational hours between 07:00 and 23:00. The findings of the report were considered satisfactory by Environmental Health and the proposal is therefore considered acceptable in this respect, subject to appropriate conditions.

With regards to the odours, no concerns are raised. Subject to compliance with appropriate conditions to require maintenance and an outlet height at 1m above eaves level, it is considered that the ducting is acceptable in this respect.

#### Sunlight / Daylight:

Objections were raised with regards to the potential impact of the development on sunlight / daylight received by neighbours, in particularly those neighbours at lower ground level at the adjoining properties.

Officers undertook a site inspection at both adjoining neighbouring properties on 30<sup>th</sup> April 2012.

#### Impact on No. 45:

The proposed extension would be constructed on the boundary with No. 45. The basement flat at No. 45 has a bedroom window at basement level facing west. It is acknowledged that the extension on the boundary with No. 45 would enclose the existing outlook further. Notwithstanding, the bedroom window has no quality outlook at present with the 5 / 6 storey Herbrand Estate development directly west and an existing shed / outbuilding at the end of its rear garden. In terms of the impact on outlook from this neighbouring bedroom, it is not considered that the proposal would reduce any quality outlook or cause serious harm in this respect over and above the existing situation to a degree that would justify refusal of the application.

With regards to sunlight received, a site visit on 21<sup>st</sup> May revealed that the bedroom window in question receives no direct sunlight due to existing extensions at No. 45 itself. There are existing extensions to both side of the bedroom windows as well as above, direct sunlight from reaching the window. This is also the case as the sun moves around as the majority of sunlight is screened by Herbrand Estate to the rear (west).

It was noticed that this neighbour's amenity area receives some level of sunlight. This is however mainly when the sun starts moving around towards the west later in the afternoon and before it starts to set behind Herbrand Estate. Due to the proposal's position north of No. 45, the proposed extension would not impact on sunlight received by this neighbour's amenity area.

With regards to daylight, given the location of the window in the rear elevation of No. 45 (on ground level) which is set below an existing first floor projection and enclosed on all sides by existing development, the proposal is not considered to result in a harmful reduction in daylight received by this bedroom. It is considered that the proposal would have a minor impact in this respect.

#### Impact on No. 49:

A site inspection at 11am on 30<sup>th</sup> April revealed that the amenity area of No. 49 is in complete shadow although this site inspection was on a clear day with the sun moving around from the south. This is in part due to other existing extensions further south along Marchmont Street and an existing high level boundary wall between No. 49 and the application site. The objector states that this area benefits from direct sunlight for a few hours in the day and that the proposal would block out sunlight.

Officers acknowledge that the proposal would be higher compared to the existing boundary wall. The boundary wall is approximately 3.1m in height against the main rear elevation of the host building sloping down to approximately 2.8m leaving a 1.2m gap before it increases to a maximum height of 3.8m above ground level of the amenity area at No. 49. The proposed development would be 4.8m above ground level of No. 49's amenity area however, set back from this boundary wall by 2m.

Due to the small section of wall at a slightly lower level, the amount of sunlight received via this section is minimal (if any) as this was also not visible at a site inspection. In present conditions, due to the height of this wall and existing surrounding development, if the sun is at a lower position, it would not reach the ground level of the amenity area. The proposal would therefore not have any impact on overshadowing over and above the current situation. If the sun is positioned at a higher level, then the proposed extension would not affect the amenity at all due to its separation distance from the common boundary.

Any impact in terms of sunlight received by the proposed development would therefore be minimal and not significantly harmful to a degree that would justify refusal of the application.

It is acknowledged that the amenity area of No. 49 is larger and of a higher quality compared to that at No. 45. Notwithstanding, the quality of the amenity area does not rely on the 1.2m gap in the boundary wall for a good level of outlook. There are many high rise buildings and extensions visible from this gap in the boundary wall

and the extension in this location would not block out any important views which are considered crucial to the overall quality of this amenity area in question.

With regards to daylight received to windows facing the rear courtyard, the proposal, as mentioned above, is set away from the common boundary with No. 49 by approximately 2m. It is not considered that the development would have any impact in terms of daylight received by these windows serving the bedroom of the flat at No. 49.

**Community Infrastructure Levy:**

The proposal would result in a net increase of 17.3sq.m floorspace and would therefore not be liable to contribute towards the Mayor's CIL which is triggered by a net increase in floorspace of 100sq.m or more.

**Recommendation:**

Grant Planning Permission

Grant Listed Building Consent

**DISCLAIMER**

Decision route to be decided by nominated members on Wednesday 6<sup>th</sup> June 2012. For further information please click [here](#).

## APPENDIX 3



Building	Street	_2014_Use	_2014_Description	_2014_Name	_2014_Vac PD_Name
15	Leigh Street	A3	Restaurant	Chilli Cool	NC Marchmont Street - Leigh Street
16	Leigh Street	A3	Restaurant	Chilli Cool	NC Marchmont Street - Leigh Street
3	Leigh Street	A3	Cafe	Pitted Olive	NC Marchmont Street - Leigh Street
4	Leigh Street	A3	Restaurant	Depa Tandoori	NC Marchmont Street - Leigh Street
31	Marchmont Street	A4	Public House	Marquis Cornwallis	NC Marchmont Street - Leigh Street
47	Marchmont Street	A3	Restaurant	Burger and Shake	NC Marchmont Street - Leigh Street
51	Marchmont Street	A3	Restaurant	China House	NC Marchmont Street - Leigh Street
53	Marchmont Street	A3	Restaurant	Motijheel Tandoori	NC Marchmont Street - Leigh Street
59	Marchmont Street	A3	Restaurant	The Vegetarian's Paradise	NC Marchmont Street - Leigh Street
74	Marchmont Street	A3	Restaurant	Valencia Café Restaurant	NC Marchmont Street - Leigh Street
85	Marchmont Street	A3	Cafe	Fork Deli Patisserie	NC Marchmont Street - Leigh Street
91-93	Marchmont Street	A4	Public House	Lord John Russell	NC Marchmont Street - Leigh Street
46	Tavistock Place/ 77Mar	A3	Restaurant	Balfour	NC Marchmont Street - Leigh Street
50	Tavistock Place	A5	Takeaway	Grrrilla	NC Marchmont Street - Leigh Street
52	Tavistock Place	A3	Restaurant	Tavistock Tandoori	NC Marchmont Street - Leigh Street
73	Marchmont Street	A3	Restaurant	Balfour (extn)	NC Marchmont Street - Leigh Street
7--8	Leigh Street	A3	Restaurant	North Sea Fish	NC Marchmont Street - Leigh Street
76	Marchmont Street	A4	Bar	New Bloomsbury Set	NC Marchmont Street - Leigh Street

	%	
A1	34	53.97%
A2	4	6.35%
A3	14	22.22%
A4	3	4.76%
A5	1	1.59%
D1	3	4.76%
SG	1	1.59%
VACANT	3	4.76%
TOTAL	63	

Therefore, FDE uses = 28.5%



**SIGNET PLANNING**  
VISION | STRATEGY | ACTION

[www.signetplanning.com](http://www.signetplanning.com)