

Delegated Report		Analysis sheet		Expiry Date:		10/02/2016	
		N/A		Consultation Expiry Date:		14/01/2016	
Officer			Application Number(s)				
Kate Phillips			2015/5800/P				
Application Address			Drawing Numbers				
Units 1 and 2 106 New Oxford Street London WC1A 1HB			Site Location Plan at 1:1250; AP001-I1; AP008-I1; GA-00-21 Rev. 6; C371/001 Rev. A; C371/002 Rev. B; C371/003				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of ground floor and basement from retail use (Class A1) to a mixed use of retail (Class A1) and restaurant/café (Class A3)							
Recommendation(s):		Refuse					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	14	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed on 24/12/2016 (consultation end date 14/01/2016) and a press notice was displayed on 22/12/2016 (consultation end date 12/01/2016). No responses have been received.					
CAAC/Local groups comments:		N/A					

Site Description

The application site is No. 106 New Oxford Street (Units 1 and 2), which forms part of Nos. 80-116 New Oxford Street, a large office block with retail units at the ground (and in some cases) basement levels. The overall building is four main storeys with a set-back fifth floor and two attic storeys in a mansard roof. The ground floor and basement of No. 106 are currently occupied by Kimchee, an Asian food shop.

The application site is within the Bloomsbury Conservation Area. The application site forms part of the Tottenham Court Road / Charing Cross Road Central London Frontage and is specifically designated as a primary frontage.

Relevant History

Nos. 801-110 New Oxford Street (Prospect House)

PSX0204662 – Change of use of ground floor offices (Class B1) to retail (Class A1) and associated shopfront alterations including the installation of folding gates to recessed entrances – Granted 14/04/2003.

No. 80 New Oxford Street

2015/4188/P – GPDO prior approval: Change of use from Class A1 to Class A3 from 18/08/2015 for a single period of two years – Withdrawn

No. 82 New Oxford Street

2015/5297/P – GPDO prior approval: Change of use from Class A1 to Class A3 for a temporary period of two years – Prior approval granted 18/09/2015

No. 108 New Oxford Street

2004/3051/P – Minor alterations to shop front including the installation of two external light fittings either side of front entrance – Granted 01/09/2004 (N.B The drawings with this application indicate that the unit was occupied by All Bar One at this time, which is still the case).

Nos. 112-116 New Oxford Street

2010/3280/A - Retention of new internally illuminated fascia signs and display of re-located existing internally illuminated projecting sign to shop (Class A1) – Part granted/refused 26/08/2010 2004 (N.B The drawings with this application indicate that the unit was occupied by Starbucks, which is still the case).

Relevant policies

National Planning Policy Framework (NPPF) 2012

London Plan 2015 (consolidated with alterations since 2011)

LDF Core Strategy and Development Policies

CS1 Distribution of growth
CS2 Growth areas
CS5 Managing the impact of growth and development
CS7 Promoting Camden's centres and shops
CS8 Promoting a successful and inclusive Camden economy
CS9 Achieving a successful Central London
CS11 Promoting sustainable and efficient travel
CS14 Promoting high quality places and conserving our heritage

DP1 Location and management of Camden's growth

DP12 Supporting strong centres and managing the impact of food, drink etc. uses

DP16 The transport implications of development
 DP17 Walking, cycling and public transport
 DP20 Movement of goods and materials
 DP24 Securing high quality design
 DP25 Conserving Camden's heritage
 DP26 Managing the impact of development on occupiers and neighbours
 DP28 Noise and vibration
 DP29 Improving Access
 DP30 Shopfronts

Camden Planning Guidance (CPG)

CPG1 Design (2015)
 CPG5 Town Centres, Retail & Employment (September 2013)
 CPG6 Amenity (2011)
 CPG7 Transport (2011)
 CPG8 Planning Obligations (2015)

Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011)

Assessment

1. Proposal

1.1 The proposal is for a change of use of the ground and basement floors from retail use (Class A1) to a mixed use of retail (Class A1) and restaurant /café (Class A3). This application relates to approximately 184 square metres of floor space.

1.2 The proposal would not involve any changes to the external appearance of the building.

2. The principle of development

2.1 Policy DP12 notes that the Council will ensure that the 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. The application site forms part of the Tottenham Court Road / Charing Cross Road Central London Frontage and is designated as a primary frontage. CPG5 (paragraph 4.13) notes that there has been a rise in the number of sandwich bars and cafes operating out of shop premises (Class A1) in the area. CPG5 (paragraph 4.14) notes that the creation of large numbers of cafe uses is a concern as it could disrupt the shopping character of the street.

2.2 Due to the importance of its retail role, which the Council does not wish to see diminished, CPG5 (paragraph 4.14) guides that planning permission will generally not be granted for changes of use from Class A1 to other uses at ground floor level in the designated frontages on Tottenham Court Road if the proposal takes the proportion of A1 use in the frontage below 80%.

2.3 The frontage of which the application site forms a part (Nos. 78-116 New Oxford Street) consists of 10 separate units at the ground floor level. At the time of the officer's site visit (13/01/2016), the current uses were as follows:

No.	Current occupier	Use class	Comments
78	Sally (beauty shop)	A1	
80	Shake Shack (fast food chain)	A1	
82	Ferretti (pizza restaurant)	A3	This premises benefits from a temporary permission for A3 use, pursuant to planning reference 2015/5297/P (GPDO prior approval for change of use application). The change of use is for a single continuous period of up to two years beginning on

			20/09/2015.
84	Ichiryu (Japanese noodles take-away)	A1	
102	Joe and the Juice (café)	A1	
104	Costa Coffee (café)	A1	
106	Kimchee (Asian food shop)	A1	
108	All Bar One (bar)	A4	
110	Donelli (Shoe shop)	A1	
112-116	Starbucks (café)	A1	

Use Class	Number	Percentage (%)
A1	8	80
A3	1	10
A4	1	10
Total	10	100

2.4 Of the 10 units, currently 8 of them are operating as A1 (80%) and one has a temporary consent to operate as an A3 use (10%). However, although the majority of the lawful uses are Class A1, many of the uses are in fact sandwich bar type uses (operating as A1) rather than traditional shops. Only 2 of the units (20%) are traditional shops (Sally and Donelli), whereas the remaining 8 units (80%) offer some form of food and drink provision (for consumption either on or off the premises, or a mixture of the two).

2.5 On the basis that precisely 80% of the units are currently in A1 use (N.B. No. 82 is classed as A3 for the purposes of determining this application because the temporary consent lasts until September 2017), the proposal to change the use of No. 106 New Oxford Street from A1 to a mixed use of A1 and A3 would result in 70%, ie. less than 80%, of the units in the frontage being in A1 use, which is contrary to the CPG5 guidance.

2.6 Furthermore, the proposal to change the use of the application site from A1 to a mixed use of A1 and A3 would further disrupt the shopping character of the street (which has already been harmfully impacted by the abundance of food and drink uses) and the proposal would cause undue harm to the character, function, vitality and viability of the shopping frontage.

2.7 The proposal would further reduce the range of services provided in this part of the Tottenham Court Road / Charing Cross Road Central London Frontage (i.e. food and drink provision instead of traditional shopping provision). This may deter shoppers from coming to this area for the purpose of shopping, which in turn may impact on the remaining 2 shops in the frontage and their ability to attract shoppers / continue operating.

2.8 Even if No. 82 was classified as A1 for the purpose of determining this application (which would mean the proposal would not bring the number of A1 units in the frontage below 80%), CPG5 (paragraph 6.4) notes that a suitable location is not in itself enough to secure planning permission for a new or expanded food, drink or entertainment use. For all applications for such 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.

2.9 In this case, the proposal would cause further harm to the mix of uses in the Tottenham Court Road / Charing Cross Road Central London Frontage. As such, the principle of development is not considered to be acceptable and planning permission should be refused on this basis.

3. Heritage and design considerations

3.1 The application site is within the Bloomsbury Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990.

3.2 The proposal does not involve any changes to the building's exterior; however, restaurants and café's often require external flues and extraction fans etc., which may adversely affect the character and appearance of the conservation area.

3.3 The applicant has provided plans which indicate the existing plant and they note that the existing plant would be sufficient for the proposed restaurant use too. It is noted that the existing extract duct discharges at the rear of the building and the condenser units are located above the ground floor escape stair at the rear. It is considered likely that, if any future occupiers required additional plant to support the restaurant / café use, this could also be accommodated at the rear and therefore approving this application for a change of use to Class A3 would be unlikely to prejudice the character and appearance of the Bloomsbury Conservation Area in the future.

3.4 Overall, it is considered that the proposal would preserve and enhance the character and appearance of the Bloomsbury Conservation Area. The proposal is therefore considered to be acceptable in this respect.

4 Impact on the residential amenity of nearby and neighbouring residential properties

4.1 Policy DP12 notes that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the amenity of neighbours.

4.2 There are no residential properties within the application building or any of the neighbouring buildings (although there are residential properties in the wider area). Nevertheless, the application site is located on a busy commercial street in central London and on this basis, it is not considered that allowing the change of use from A1 to a mixed use of A1 and A3 would cause significantly more harm to any nearby residential properties than the existing A1 use in terms of general comings and goings etc.

4.3 Policy DP12 notes that the Council will, in appropriate cases, use planning conditions to address problems associated with food, drink and entertainment uses. The applicant notes that the proposed opening hours would remain the same as existing (Monday to Friday 1130 to 2030; Saturday 1130 to 1930; Sunday 1130 to 1930). If the application was otherwise considered to be acceptable, this would be considered acceptable and a suitable planning condition could ensure this. No additional plant is proposed which may cause an impact on nearby residences.

4.4 Overall, the proposal is considered to be acceptable in this respect.

5. Transport considerations

5.1 Policy DP12 (d) advises that the Council will consider the impact of parking, stopping and servicing and Policy DP20 expects development that would generate significant movement of goods or materials during construction and/or operation to seek opportunities to minimise disruption for local communities.

5.2 The scale of the proposal does not warrant the submission of a transport assessment and/or delivery and servicing management plan and, if the application was otherwise considered to be acceptable, it is not considered necessary to require the submission of a Construction Management Plan.

5.3 Overall, it is not considered that the proposed change of use from A1 to a mixed use of A1 and A3 would cause any harmful transport impacts in the wider area and the proposal is considered to be acceptable in this respect.

Recommendation: Refuse planning permission on landuse grounds.