

Address:	74 Chancery Lane WC2A 1AD London		No.
Application Number:	2015/6924/P	Officer: John Diver	
Ward:	Holborn & Covent Garden		
Date Received:	10/12/2015		
Proposal: Change of use of basement and ground floor from retail (A1) to flexible use comprising class A1, A2 and A3 and installation of a flue on the rear elevation.			
Background Papers, Supporting Documents and Drawing Numbers: (Prefix 0100-AP-): 101 Rev 03, 102 Rev 03, 103 Rev 03, 104 Rev 03, 105 Rev 03, 106 Rev 03, 107 Rev 03, 108 Rev 2, 109 Rev 2, 110 Rev 2; (Prefix 0200-AP-): 101 Rev 03, 102 Rev 03, 103 Rev 03, 104 Rev 03, 105 Rev 03, 106 Rev 03, 107 Rev 03; (Prefix 0400-AP-):101 Rev 02, 102 Rev 2, 103 Rev 2; Planning Statement dated 10/12/15; Design and Access Statement dated 08/12/15; Plant Noise Assessment M1550/R01a, dated 2nd February 2016			
RECOMMENDATION SUMMARY: Grant conditional planning permission			
Applicant:		Agent:	
Mr C/O AGENT		Montagu Evans LLP 5 Bolton Street London W1J 8BA	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1 Shop		233m ²
Proposed	A1 Shop A2 Financial and Professional A3 Restaurants and Cafes	(flexible)	233m ²

OFFICERS' REPORT

1. SITE

- 1.1. The application site is located on the west side of Chancery Lane at the junction with High Holborn. The property comprises a five storey plus basement building. The site is located within the Bloomsbury conservation area and the building is noted as making a positive contribution to the character and appearance of the conservation area within the Bloomsbury Conservation Area Appraisal and Management Strategy (2011).
- 1.2. Chancery Lane marks the borough boundary with the opposite side of the road falling within the City of London. The site also falls within the Holborn Central London core shopping frontage.
- 1.3. Planning permission (2014/0972/P) was granted on 31 March 2015 for the change of use of the first to fourth floors of the building from offices (Class B1) to residential (Class C3) including the creation of access openings between 74 and 75 Chancery Lane, new windows from the first to fourth floor and a new shopfront on ground floor. The permission also granted the amalgamation of three small vacant ground floor units (previously Romeo's Menswear, Money Exchange and Dry Cleaning Co) to create one single retail unit. This permission is currently being implemented.

2. THE PROPOSAL

- 2.1. Planning permission is sought for the change of use of the ground and basement levels from A1 retail use to flexible uses comprising Classes A1, A2 or A3. The application also seeks permission for the installation of a flue on the rear elevation of the building to facilitate a potential A3 use. Apart from the installation of the flue to the rear, no further external works or internal alterations above ground floor level are proposed as part of this application.
- 2.2. The proposed floor area is 114m² at ground floor and 119m² at lower ground floor and the proposed hours of operation for any potential A3 use have been indicated as 07:00-23:00 Monday to Saturday and 07:00 to 21:00 Sundays and public holidays.

3. RELEVANT HISTORY

3.1. Site history:

74 Chancery Lane, London, WC2A 1AD

- **(Ref: 691)** 03/09/1965- Permission granted for the rebuilding and erection of an extension to the rear of 74 Chancery Lane, including a new front elevation.

74 Chancery Lane and 309-310 High Holborn, London, WC2A 1AD

- **(Ref: 2015/3773/P)** 28/08/2015 – Approval of Details granted relating to condition 5 cycle storage of planning permission (2014/0972/P)

- **(Ref: 2014/0972/P)** 31/03/2015 – Permission granted subject to a Section 106 Legal Agreement for the ‘Change of use from offices (class B1) to residential (Class C3) to upper floors and alterations to include the creation of new access openings from first to fourth floor level between 74 & 75 Chancery Lane, new windows from first to fourth floor to side elevation and new shopfront’.
- **(Ref: 8800199)** 22/06/1988- Permission granted for re-arrangement of existing ground floor and basement retail and office units
- **(Ref: 8601770)**18/12/1986- Permission refused for the change of use of part of the ground floor to Estate Agency and part of the basement to conference room storage and ancillary purposes
- **(Ref: 29735)** 15/02/1980 – Permission granted for alterations to shop front.
- **(Ref: 8356)** 26/03/1970- Permission granted for the change of use of the ground floor from use as an office to a travel and ticket agency.

3.2. Adjacent sites:

310 High Holborn:

- **(Ref: 29735)**15/02/1980- Permission refused for alterations to existing shop front.

75-76 Chancery Lane, London, WC2A 1AD

- **(Ref: 2012/6297/P)** 20/12/2012- Permission granted for non-material amendment to permission (ref 2012/4391/P) for the erection of a roof extension at no.76 in association with the enlargement of the existing fourth floor flat at No.75, including provision of a rear terrace with sliding doors and glass balustrade, installation of two pivot windows to front and side elevations, and installation of glass balustrade on the front elevation of No.76 at third floor level to residential flats (Class C3).
- **(Ref: 2011/5462/P)**16/02/2012- Permission granted subject to a S106 for the change of use at 75 and 76 Chancery Lane from offices (Class B1a) to residential (Class C3) at first to fourth floor levels; including the installation of two windows in the flank wall of no. 75 Chancery Lane, external alterations and a green roof at third floor level of No. 76 Chancery Lane.

4. CONSULTATIONS

4.1. Statutory Consultees

Transport for London was notified of this application. No comments were forthcoming.

4.2. Conservation Area Advisory Committee

The **Bloomsbury CAAC** was notified of this application. No comments were forthcoming.

4.3. Adjoining Occupiers

A site notice was displayed from 14/01/2016 and a public notice was published in the Ham & High from 14/01/2016. Letters were sent out to 35 neighbouring properties.

<i>Number of letters sent</i>	35
<i>Total number of responses received</i>	1
<i>Number in support</i>	0
<i>Number of objections</i>	1

The objection received can be summarised as follows:

- On-going works to the property are leading to noise pollution to nearby buildings. Request to restrict on going works.

Officer's response:

- The works on going at the property are in relation to the implementation of planning permission 2014/0972/P and are not in relation to the hereby proposed scheme. Only limited operational development is proposed as part of this scheme and it is not considered that these works would be likely to give rise to substantial noise issues. An informative relating to the requirements under the Control of Pollution Act 1974 regarding noise from demolition and construction works is attached to the decision to remind the applicants of their duty to adhere to these controls.

5. POLICIES

5.1. National and Regional Policy

National Planning Policy Framework 2012
London Plan 2016

5.2. LDF Core Strategy and Development Policies

CS1 (Distribution of growth)
CS2 (Growth Areas)
CS3 (Other highly accessible areas)
CS5 (Managing the impact of growth and development)
CS7 (Promoting Camden's centres and shops)
CS8 (Promoting Camden's economy)
CS9 (Achieving a successful Central London)
CS11 (Promoting sustainable and efficient travel)
CS14 (Promoting high quality places and conserving our heritage)
CS18 (Dealing with our waste and encouraging recycling)

DP10 (Helping and promoting small and independent shops)
DP12 (Supporting strong centres and managing the impact of food, drink,
DP16 (The transport implications of development)
DP17 (Walking, cycling and public transport)
DP20 (Movement of goods and materials)
DP21 (Development connecting to the highway network)
DP24 (Securing high quality design)
DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise & vibration)
DP29 (Improving access)

5.3. **Supplementary Planning Policies**

CPG 1 Design 2015

CPG 5 Town Centres, Retail and Employment 2013

CPG 6 Amenity 2011

5.4. **Bloomsbury Conservation Area Appraisal and Management Strategy (2011)**

6. **ASSESSMENT**

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

- Principle of the change of use and impact upon the character, function, viability and vitality of the Central London Frontage and the area generally (Land Use).
- The potential impact of the proposed use upon the amenity of neighbours (Amenity)
- Design, Appearance and Heritage
- Transport/Serviceing

Land Use

6.2. Policy CS7 of the Council's Core Strategy states that the Council will seek to protect and enhance the role and unique character of each of Camden's centres by ensuring new developments are of an appropriate scale and character for the centre in which it is located. It seeks to protect and promote small and independent shops and resist the loss of shops where this would cause harm to the character and function of a centre. It also seeks to make sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area, and recommends focusing such uses in Camden's Central London Frontages.

6.3. Policy DP12 states that the Council will consider the impact of food and drink related uses on nearby residential uses and amenity and noise and vibration generated inside or outside the site. In order to manage the potential harm to amenity or the local area, the Council will use planning conditions to address hours of operation, noise and vibration and the siting of plant and machinery.

6.4. CPG 5 'Town Centres, Retail and Employment' provides specific guidance on acceptable uses within Holborn Central London Frontage. The Council will generally resist proposals that would result in A1 retail uses falling below 50% of the total premises in each individual frontage. It continues to state that Holborn Central London Frontage is considered an appropriate location for food, drink and entertainment uses. However, to protect the main area of retail use and allow for other service uses, the Council will generally resist proposals that would result in more than 25% of premises in each individual frontage being in food (A3), drink (A4) or entertainment use (D2).

6.5. A frontage starts at a road junction or where there are ground floor residential uses in the run, at the beginning of the first two consecutive non-residential uses at ground floor level. Frontages may continue around corners, or across entrances to premises above or rear, and may include isolated ground floor residential uses, but are ended at roadways that interrupt the run of premises. The percentage is therefore calculated on

the individual frontage, not the centre as a whole. In this case, the frontage is the 13 units between.

6.6. In terms of this frontage, there are a total of 13 units between 76 Chancery Lane and 283-288 High Holborn. The uses of these units as well as any pertinent planning permissions are set out below:

Figure 1. Retail study exercise completed on 25/04/2016

No.	Address	Occupier	Use class	Change of Use Permissions
<i>Beginning of frontage</i>				
1	76a Chancery Lane	Newsagents	A1	<i>n/a</i>
2	76 Chancery Lane	Ideal Sandwiches	A1	<i>n/a</i>
3	76 Chancery Lane	Chilango (Mexican restaurant)	A3	<i>2010/3813/P – A1 to A3 approved</i>
4	75 Chancery Lane	City Opticians	A1	<i>n/a</i>
5	74 Chancery Lane	Subject site – vacant	A1	<i>n/a</i>
6	Dutch House (307/308 High Holborn)	Charles Tyrwhitt	A1	<i>n/a</i>
7	306 High Holborn	Ryness (Lighting and Electrical)	A1	<i>n/a</i>
8	306a High Holborn	Santander (bank)	A2 (bank)	<i>n/a</i>
9	Lincoln House (296 – 302 High Holborn)	TSB bank	A2 (bank)	<i>n/a</i>
10	296-298 High Holborn	Paul (Patisserie)	A1	<i>n/a</i>
11	294 - 295 High Holborn	Vacant	A1	<i>2009/0006/P approved A1 use</i>
12	289 High Holborn	Nationwide	A2 (bank)	<i>2003/3226/P – A1 to A2 approved</i>
13	283-288 High Holborn	Penderel's Oak (Wetherspoons Public House)	A4	<i>n/a</i>
<i>End of frontage</i>				
Existing uses within frontage:			Proposed uses within frontage:	
<ul style="list-style-type: none"> - Class A1 – 8 - Class A2 – 3 - Class A3 – 1 - Class A4 – 1 			<ul style="list-style-type: none"> - Class A1 – 7 - Class A2 – 3 - Class A3 – 1 - Class A4 – 1 - Flexi (A1/2/3) – 1 	
<u>Existing: 62% A1</u>			<u>Proposed: 54% A1</u>	

- 6.7. As flexible permission is requested, there is the possibility that the unit will remain within the A1 use; however assuming this not to be the case, the proposed change of use would not result in the proportion of A1 uses falling below 50% of the total premises in the frontage. Furthermore a change to A3 would not result in two or more adjacent units being within an A3 use.
- 6.8. The proposed change of use would remain in accordance with policies CS7 and DP12 as well as the guidelines set out in CPG 5 and is therefore not considered to cause harm to the character, function, viability and vitality of the Central London Frontage. The proposed change is therefore acceptable in principle; however this is now subject to acceptability of all other material considerations.

Residential Amenity

- 6.9. As flexible permission is sought, this assessment must consider the potential impacts of all of the proposed uses for the unit (A1/A2/A3). The nearest residential occupiers to the application site are currently located at upper floors in the neighbouring 75/76 Chancery Lane, however planning permission was granted and is being implemented to convert the upper floors of the application site to residential accommodation. The impacts upon these future occupiers must therefore form an additional material consideration.
- 6.10. The site is currently within an A1 use and the potential impacts of this use to the surrounding occupiers (including the future occupiers at first floor level) were assessed and found to be acceptable during planning application 2014/0972/P. No concern is raised in terms of amenities if the site were to remain in A1 use.
- 6.11. In terms of a potential A2 use within the unit, it is not considered that the impacts created would be dissimilar or significantly greater than the existing A1 use. This is due to the fact that an A2 use would likely require similar or lower levels of servicing; would not require the installation of extraction plant and would likely have a lower level of activity when compared to an A1 use (which relies solely upon passing trade from members of the public). Normal opening hours for an A2 use also tend to be similar or more restricted than A1 uses and the use of the unit would be unlikely to generate any significant noise or odour issues. In terms of residential amenity it is therefore not considered that this potential use would pose a significant threat to the amenities of local residents.
- 6.12. Greater concern is however raised in relation to the proposed A3 use and the impacts that this might cause to the amenities of adjoining occupiers. A proposed A3 use would lead to an increased level of activity (and noise) from within the unit, would operate at different hours, and would necessitate the installation of extraction equipment to the rear to mitigate odours and which in turn will emit noise.
- 6.13. Paragraph 203 of the NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions”. In this instance, it is considered that the main concerns in relation to the proposed A3 use are issues which could be addressed through conditioning and as such, a number of bespoke conditions have been created with input from Local

Authority Environmental Health officers. The below table summarises the concerns held by the council and the conditions created to address these (please see the decision notice to see these conditions in full):

Figure 2. Conditions added.

Concern	Condition(s) to address
Increased levels of noise / activity from within the unit causing disturbance	- Sound insulation measures to be installed between ground and first floors to be submitted an approved prior to commencement of any A3 use.
	- Restricted opening hours of any A3 use.
	- Limitation of music playing within unit.
Odour issues as a result of cooking within the premise	- A full scheme of ventilation equipment, including manufacturer's specifications to be submitted an approved prior commencement of any A3 use.
Noise pollution and vibration created from proposed extraction unit.	- Restrictive condition to ensure that mitigation measures are as effective as stated in submitted Plant Noise Assessment report ref: M1550/R01a, dated 2nd February 2016

6.14. By applying these conditions, it can be ensured that no adjoining occupier would be unduly prejudiced by the potential use of the unit for A3 purposes as the Local Authority would have the opportunity to assess in detail the exact specification of extraction equipment and sound insulation prior to the commencement of the use.

6.15. Levels of music played on the premise as well as opening hours are similarly conditioned to avoid causing harm to nearby occupiers. Regarding opening hours, it is recommended that a condition be attached limiting the opening hours of any future A3 use to 07:00 - 23:00 hours Mondays - Saturdays and 07:00 - 21:00 hours on Sundays and Bank Holidays. These hours are considered to be within those typical of the area, catering mainly for the lunch time and early evening trade. It is considered that the operation of the premises within these times is unlikely to cause nuisance to neighbours.

6.16. It is not considered that the use of the site for A1/A2 purposes would lead to any significant harm to the amenities of adjoining occupiers. Subject to the recommended conditions it is similarly considered that the harm caused by a potential A3 use could be effectively mitigated so as to avoid untoward impacts as a result of the development.

Heritage and Design

6.17. The application site is located 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. Furthermore, the application site is situated approximately 20m from the Grade I listed 'Stone Buildings' pavilion (part of the Lincolns Inn estate) and the Council has a statutory duty, under Section 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990, to have special regard to the desirability of preserving a listed

building(s) or its setting or any features of special architectural or historic interest which it possesses.

- 6.18. The only external alteration proposed would include the installation of extraction plant equipment/ducting to the rear of the site. This area of the site is particularly enclosed and obscured from any public view and the proposed ducting has been sited in a recessed alcove which runs the height of the building. Views through to the proposed ducting from upper floor windows of nearby buildings would as such be difficult due to the siting of the proposed duct work. The area to the rear of the site is characterised by servicing areas and equipment for the units fronting High Holborn and Chancery Lane, with other ducting being approved and in situ on neighbouring properties (i.e. no. 76). The proposed installation of plant is therefore not considered to cause any harm the character and appearance of the host property, local area or wider conservation area.
- 6.19. With regard to the setting of the listed building, although the application site is within 20m of this listed group of buildings, the rear elevation of the application property is set back behind that of nos. 75 and 76 meaning that views through from these buildings to the proposed ducting would be totally restricted. It is therefore not considered that the setting, special architectural or historic interest of these buildings would be infringed upon by the proposed development.

Transport

- 6.20. 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.
- 6.21. In this case, the scale of the proposal does not warrant the submission of a transport assessment and/or delivery and servicing management plan (the threshold is 1000 sqm gross floor area or more). The unit has historically been used for A1 uses and due to the scale of the unit it is not considered that the need for servicing would be significantly increased if it were to change into one of the other proposed uses.
- 6.22. The site is located within Controlled Parking Zone and the site has a Public Transport Accessibility Level score of 6b, indicating an excellent level of accessibility by public transport. It is therefore not considered that the proposed uses would lead to any impact upon local parking provision.
- 6.23. Given the scale of the proposal and the nature of the building work, it is not considered necessary to require the submission of a Construction Management Plan

7. CONCLUSION

- 7.1. The proposal to change the use of the ground and lower ground floors from retail use (Class A1) to flexible use comprising classes A1, A2 and A3 is considered to be acceptable in principle.

- 7.2. It is not considered that the proposed change of use or installation of extraction equipment would harm the character and appearance of the host building, street scene or Bloomsbury conservation area. It is similarly not considered that the setting or any features of special architectural or historic interest possessed by the nearby listed buildings would be impacted upon by the proposed development.
- 7.3. The impact on nearby neighbouring residential properties is judged to be acceptable subject to conditions, and the proposal is considered to be acceptable in terms of the transport implications.
- 7.4. Planning Permission is recommended subject to conditions.