

51 Red Lion Street – Basement and Ground Floors

Change of Use of Premises to Class A3 and / or Class A4

Planning, Design and Access Statement

May 2017

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1. Introduction

1.1. This Statement has been prepared on behalf of Soho Housing Association in support of a planning application submission.

1.2. The planning application proposals can be described as,

Change of use of basement and ground floors from sui generis (private members club) to Class A3 and / or Class A4 use and installation of new extract duct to rear elevation

1.3. This Statement addresses the planning matters raised by the planning application proposals.

1.4. The Statement is set out under the following sections,

Section 2 describes the site and its surroundings

Section 3 summarises the proposals

Section 4 considers the planning issues raised by the proposals

Section 5 sets out the conclusions

1.5. The pre-application Statement should be read in conjunction with the following documents,

i. Noise Impact Assessment

2. Site and Surroundings

- 2.1. The site is located on the western side of Red Lion Street, to the north of Princeton Street and south of Theobald's Road.
- 2.2. The property is arranged over basement, ground, first, second and a set-back, mansard at third floor. At present, the lawful use of the basement and ground floor is a private members' club (*sui generis*), whilst the upper floors are in use as three one-bed flats (Class C3). However, the basement and ground floors are currently in dual Class A3 and A4 use.
- 2.3. There is a total of 50 covers arranged over ground and basement; there is an additional small function room within a basement vault and a bar is located at ground floor level.
- 2.4. Toilet facilities are situated on both basement and ground floors, while the kitchen is in the basement. Refuse is stored at ground floor level, and access from the passageway. The entrance to the upper floor flats is located at the rear of the premises.
- 2.5. Access to Lambs Conduit Passage is provided by a passageway to the side of the property, adjacent to No. 49.
- 2.6. This section of Red Lion Street is characterised by A Class uses on the ground floors and residential units on the uppers. Class A3 (café / restaurant) units are located either side of the application premises, with A2 (estate agents), other A3 (café / restaurant) units as well as A4 (bars and public houses) in the vicinity. Class A1 units are rare, although a newsagent is located some way to the south of Princeton Street.
- 2.7. A large Premier Inn Hotel (Class C1) is located opposite the site and dominates the eastern side of this section of Red Lion Street.

Planning History

2.8. The planning history for the property can be summarised as follows,

2010/3448/P

Replacement of existing shopfront and installation of new extract duct to rear elevation of existing club (sui generis). Approved on 08/10/2010

2009/1121/P

Change of use of upper floors from private members' club to 3 x 1 bed self-contained residential flats. Approved subject to a S106 Agreement dated 25/08/2009

Planning Designations

2.9. The site falls within the Central London Area and Bloomsbury Conservation Area. No other designations are relevant.

3. Proposals

- 3.1. The proposals seek the change of use of the basement and ground floor from private members' club (*sui generis*) use to Class A3 and / or Class A4 use and the installation of a new extract duct to the rear elevation. The proposal does not involve the creation of any additional floorspace.
- 3.2. The approved scheme (2010/3448/P) allowed for the creation of a total of 66 covers over basement and ground floors, with the kitchen and washroom facilities located at basement level. At present, there are 50 covers, a small function room in the basement and a bar at ground floor level.
- 3.3. The proposals maintain the existing layout, with 50 covers being provided for either the Class A3 (café / restaurant) and / or Class A4 (bar) use.
- 3.4. In addition, the proposals provide for the installation of extraction equipment associated with the basement kitchen. The plant identical to that included in the approved scheme (2010/3448/P).
- 3.5. The shopfront approved within permission 2010/3448/P was installed and no alterations are proposed to the front elevation.

4. Development Plan

- 4.1. This section provides an overview of relevant policy and guidance at national, regional and local level and examines those documents that are material in determining the application for the proposed scheme.
- 4.2. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that the planning applications should be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the London Plan (2016) and the Council's Core Strategy (2010) and Development Policies (2010) documents.
- 4.3. The Council's Local Plan has been submitted for examination but has not yet been adopted. Its emerging policies are afforded the appropriate, limited weight, in the consideration of the application proposals.
- 4.4. The National Planning Policy Framework (NPPF) was published in 2012. This document sets out the Government's planning policies for England including the presumption in favour of sustainable development and is a material consideration in the determination of all applications.
- 4.5. The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6) and, at the heart of the NPPF, is a presumption in favour of sustainable development (paragraph 14).

5. Planning Considerations

5.1. The proposed scheme is considered to raise the following issues,

- i. Land Use
- ii. Design and Conservation
- iii. Amenity
- iv. Highways

5.2. These issues are considered in turn.

i. Land Use

5.3. The proposals involve the change of use from private members' club (sui generis) to Class A3 and / or Class A4 use.

5.4. Policy DP12 is relevant and seeks to ensure that Class A3 and A4 uses do not cause harm to the character, function, vitality and viability of a centre, the local area or amenity of neighbours. The proposals can be considered against the policy criteria as follows,

- a) The lawful use is a private members' club (sui generis), whilst the premises is currently dual A3/A4 use. The lawful use is very similar indeed to that proposed in terms of number of patrons, hours of operation and activity within the unit; Red Lion Street has very limited shopping provision, with a predominance of non-A1 Class A uses; Red Lion Street is not within a designated shopping centre; given the lawful and existing uses of the premises, and the character of uses along the street, it is considered that the application proposals would have no effect at all on shopping provision or the character of this area;
- b) Given how similar the proposed uses would be to the lawful use of the premises, it is considered that there would be no detrimental cumulative impact arising from the proposals;

- c) The premises have operated below residential units for several years. The proposed uses are very similar in their nature to a private member's club. There is no reason to believe that the Class A3 / A4 uses would have a detrimental impact. In addition, the operation of the proposed plant, which has been previously approved, would not give rise to harm;
- d) The small premises have been serviced from Red Lion Street for several years; this is a common feature along this part of the street. Servicing arrangements will not change and will not, therefore, give rise to harm;
- e) The nature of the use will not change and will not give rise to unacceptable levels of noise and vibration;
- f) The plant will effectively and unobtrusively ventilate the kitchen, and formed part of the approved scheme;
- g) There is no reason to believe that this small unit will give rise to crime or anti-social behaviour; none is generated by the current operation.

5.5. Given the planning history, the lawful and existing use and the size of the unit, together with the character of Red Lion Street, the proposals are considered to comply with Policy DP12.

ii. Design and Conservation

5.6. The proposed plant was considered and approved by the Council (2010/3448/P) on 8th October 2010.

5.7. The approved proposals were found to be visible only from the upper floors of surrounding properties, and not from street level. Officers considered that as the duct would be located adjacent to an existing chimney stack, it would not have an adverse impact on the character or appearance of the existing building or Conservation Area.

iii. Amenity

- 5.8. The noise assessment submitted with this application concludes that the proposed extract duct will achieve acceptable noise levels at the nearest residential window and will not, therefore, give rise to harm.
- 5.9. The proposed uses for the basement and ground floor are consistent with the character of Red Lion Street, and are consistent with the lawful and existing uses of the premises. Given this and their small size, the proposals can operate without causing harm to the amenity of residents.

iv. Highways

- 5.10. The proposed number of covers would be consistent with those currently in the unit, but lower than those within the approved scheme. Servicing levels will be consistent with the existing operation as well as that anticipated by the approved scheme.
- 5.11. Servicing would continue as existing, from Red Lion Street, and is consistent with the way in which all units are serviced along the street.

6. Conclusions

- 6.1. This Statement has been prepared on behalf of Soho Housing Association in support of an application for the installation of an extract duct on the rear elevation and the Class A3 and / or Class A4 use of the basement and ground floors of 51 Red Lion Street.
- 6.2. The lawful private members' club (sui generis) use of the premises allows for the provision of 66 covers; the existing dual A3/A4 use provides 50 covers and a small function room. The proposed uses are consistent with the lawful and existing uses.
- 6.3. There would be no changes to the front elevation, the shopfront having been installed under the permission (2010/3448/P). The proposed kitchen extract plant at the rear is identical to that approved, but not installed, under the same approval.
- 6.4. The proposals are very modest and consistent with the long-standing use of the premises and the character of uses along this section of Red Lion Street.
- 6.5. The proposals are considered to comply with the Development Plan.