Our ref. : AB1711/LPA250717

Planning Department

London Borough of Camden

2nd Floor, 5 Pancras Square

c/o Town Hall

Judd Street

London

WC1H 9JE

25th July 2017

Dear Sir/Madam,

**FULL PLANNING APPLICATION – 323 GRAY’S INN ROAD, LONDON, WC1X 8PX**

On behalf of our client, Barack Holdings Limited, please find enclosed a full planning application relating to the ground floor and basement commercial premises at 323 Gray’s Inn Road, London, WC1X 8PX.

This planning application comprises the following documentation, and is being submitted electronically via the Planning Portal;

* Completed planning application form and ownership certificate.
* Completed Community Infrastructure Levy (CIL) form.
* This supporting letter prepared by Beamish Planning Consultancy, incorporating a supporting planning statement.
* 1:1250 scale OS plan with application site outlined in red.
* Drawing Number 2697/PL099 – Existing floor plans.
* Drawing Number 2697/PL100 – Proposed floor plans.
* ‘Good Neighbour Guide’ produced by KFC GBI.

Payment of the statutory planning application fee of £385 has been made electronically when submitting this planning application via the Planning Portal.

Description of application site

The application site comprises the ground floor and basement of a 4 storey terraced building located on the southern side of Gray’s Inn Road.

The premises are in use as a restaurant (Use Class A3), with the lawfulness of that use having been confirmed by way of a Certificate of Existing Lawful Use (CLEUD) issued by the London Borough of Camden (the LPA) in December 2007, and accordingly the existing lawful restaurant use is not subject to any planning restrictions relating to hours of operation.

The neighbouring buildings are characterised by commercial uses at ground floor level with either offices or residential units above, and both the application site and the rest of the parade within which it is located form part of the designated King’s Cross Central London Frontage area.

Both the site and the surrounding area also fall within London’s designated Central Activities Zone (CAZ), and the site also falls within King’s Cross Conservation Area.

The site benefits from a Public Transport Accessibility Level (PTAL) of 6b (i.e. excellent, the highest level possible), with King’s Cross underground and railway stations within 3 minutes walk, as well as St. Pancras railway station within 5 minutes walk, and many local bus services served by bus stops in both directions within 5 minutes walk.

This part of Gray’s Inn Road (the A501) comprises a red route served by double red lines and there is also a bus lane infront of the parade within which the site is located, thereby preventing any vehicles from parking along the street frontage. Birkenhead Street and St. Chas Street are located to the rear of the site, and fall within a Controlled Parking Zone (CPZ) but that CPZ is not in operation after 18.30 on weekdays or after 13.30 in Saturdays, nor before 08.30 on weekdays and Saturdays.

St. Chas Street also provides an on-street bay for solo motorcycles, and a docking station and cycle racks for Santander’s/TfL’s self-service cycle hire scheme.

Proposals which are the subject of this planning application

Planning permission is sought for the change of use of the application premises from a restaurant (Use Class A3) to a hot food takeaway (Use Class A5), with the operator being a franchisee operating on behalf of KFC GBI.

Although internal alterations are proposed to facilitate the provision of the proposed take-away element, no operational development is proposed by way of this planning application, with no changes proposed at this time to the elevational frontage of the premises, nor to the existing extraction system.

Whilst noting that the existing/lawful restaurant use of the premises is not subject to any planning conditions restricting hours of operations, it is proposed that the A5 use will operate between the hours of 11.00 to 01.00 on Sundays to Thursdays, and from 11.00 to 03.00 on Fridays and Saturdays.

Please note that the Planning Portal application forms only divide the week into Mondays to Fridays, Saturdays and Sundays and Bank Holidays, hence the slight inconsistency between the proposed set out above and as shown on the application forms. For the avoidance of any doubt the hours set out above, which reflect the currently licenced hours of the existing restaurant use, are the proposed hours sought by this planning application.

The existing restaurant employs 12 people, and it is envisaged that the A5 use proposed by this application would employ approximately 20 people.

Relevant planning history

In December 2007, the LPA issued a Certificate of Existing Lawful Use (application ref. 2007/5034/P) which confirmed that the use of the ground floor and basement as a restaurant (Use Class A3) is lawful as it had been taking place continuously for at least 10 years prior to the submission of that application, without any enforcement action being taken by the LPA.

In March 1994, planning permission (application ref. 930148) was refused by the LPA for the change of use of the ground floor and basement from a cold food/sandwich bar (Use Class A1) to a restaurant/take-away (Use Class A3). This application was refused on the basis that it would result in the unacceptable loss of a retail shop, and would be likely to further erode the amenities of local residents by reason of noise and disturbance.

In July 1988, planning permission (application ref. 8703658) was refused by the LPA for the installation of a new shopfront, on the basis that it failed to provide suitable access for people with disabilities. Planning permission was also refused (application ref. 31155) in March 1981 for the proposed change of use of the premises from a shop to a betting office.

Relevant planning policies and associated guidance

The development plan for the site and its surroundings at local currently comprises the London Borough of Camden Local Plan, which was adopted by the LPA on 3rd July 2017 following independent examination and which has replaced the previously adopted Core Strategy DPD and Development Policies DPD,

At regional level, the policies contained within the latest version of the London Plan (Minor Alterations to the London Plan) which was published in March 2016 are also of relevance to these proposals.

At national level, the National Planning Policy Framework (NPPF) was published by the Government in March 2012 following public consultation, and streamlines previous national planning policy into a consolidated set of priorities, to ensure that planning decisions reflect genuine national objectives, with the principle of sustainable development permeating the framework.

The National Planning Policy Guidance (NPPG) was launched by the Government in March 2014 and streamlines previously published national guidance, which had taken the form of planning policy guidance notes and planning policy statements.

Planning Appraisal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

Given that the proposals which are the subject of this application solely relate to a change of use from the existing/lawful use of the premises as a restaurant (Use Class A3) to a hot food take-away use (Use Class A5 use), the only issues relevant to the determination of this application are whether the proposed change of use would have any adverse impact upon the surrounding area.

The key adopted development policies relate to such considerations are policies TC2 (Camden’s Centres and Other Shopping Areas) and TC4 (Town Centre Uses) of the recently adopted Local Plan. Policy TC2 seeks to ensure that food, drink, entertainment and other town centre uses do not harm a harmful impact on residents and the surrounding area, and directs such uses towards the King’s Cross and Euston Growth areas, Central London Frontages and Town Centres.

Whilst the premises which are the subject of this application are not located within the King’s Cross and Euston Growth areas, they do fall within designated Central London Frontage, and accordingly adopted policy TC2 directs the proposed A5 use to locations such as the application site.

Adopted policy TC4 and associated Appendix 4 seeks to ensure that the development of 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.

Firstly, criteria (c) of policy TC4 advises that the LPA’s expectations for the mix and balance of uses within frontages for each centre are set out in Appendix 4, and Appendix 4 confirms that within the designated Central London Frontage of King’s Cross, within the primary frontage no further food, drink or entertainment uses will be supported, and within the secondary frontage a maximum of 50% of such uses will be supported.

However, as these proposals involve the change of use of an existing restaurant (A3 use) to a hot food takeaway (A5 use), it would not result in any increase (or change) to the number or proportion of food, drink and entertainment uses within the designated Central London Frontage of King’s Cross.

Furthermore, in light of the long established and lawful use of the premises as a restaurant, following the issuing of the Certificate of Lawful Existing Use (application ref. 9501750) in December 2007 relating to the continued use of the application premises as a restaurant (Use Class A3), and also having regard to the absence of any restrictive hours of operation condition relating to the lawful A3 use (coupled with the fact that the hours of use proposed reflect the existing licensing hours for the restaurant), the proposed change of use to a hot food takeaway (Use Class A5) will not have any greater impact on nearby residential uses and amenities then the current use.

In reaching this conclusion, particular regard must be had to the character of the locality, being located within the Central Activities Zone (CAZ) of London, and within a commercial parade fronting on one of London’s busiest roads within close proximity to King’s Cross railway and underground station. The surrounding area is neither characterised nor dominated by residential uses, and is primarily a commercial location, with a wide variety of ground floor commercial uses with both offices, ancillary commercial storage and some residential above. The proposed introduction of a hot food takeaway element to an existing restaurant would not therefore compromise the strategic function of the CAZ, and would therefore also accord with policies 2.10 to 2.12 of the London Plan.

Both the intended franchisee end user, and KFC GBI, are vastly experienced in operating A5 uses in all locations, and whilst of course it is a matter of fact that the identity of the occupier/operator of any site is not a material consideration in the determination of any planning application, with the proposal having to be treated on the merits of the proposed use, both the applicant and KFC GBI is committed to establishing harmonious relationships with its neighbours and the local community.

Further details of the company’s commitment in this regard can be found in the accompanying ‘Good Neighbour Guide’ produced by the company, and the measures set out within that guide would be initiated at the application premises to both establish and continue a harmonious relationship with its neighbours and the wider community, having regard to the other criteria set out within adopted policy TC4.

With regard to traffic and highway considerations, the premises do not benefit from any off-street parking, as nor do virtually all other commercial premises within the surrounding area. However, the premises is located in an area benefiting from the highest PTAL within the capital, and is therefore a highly sustainable location with excellent and close connections to all forms of public transport, including at night due to the close proximity of both night bus services and the night tube operations of both the Victoria line and the Piccadilly line at weekends.

Given the double red lined red route that Gray’s Inn Road comprises in this part of London, as with the current lawful use and other commercial uses within this parade, it will not be possible for deliveries or servicing to take place from Gray’s Inn Road. Consequently, deliveries and servicing will be undertaken outside of peak times with delivery and servicing vehicles utilising the on-street bays available within Birkenhead Street and St. Chad’s Street, both of which are within 2 minutes walk of the application premises, outside of the operational hours of the CPZ.

Conclusion

For the reasons set out within this planning application submission, the proposed change of use of the application premises from its long established and lawful restaurant (A3) use to a hot food takeaway (A5) use would accord with all relevant planning policies, including, in particular, adopted Local Plan policies TC2 and TC4, and relevant London Plan policies relating to the Central Activities Zone.

Accordingly planning permission should be granted for these proposals, subject to the imposition of appropriate, necessary and reasonable conditions, the content of which we welcome discussions with the Case Officer regarding in due course.

I look forward to corresponding with the Case Officer to whom this planning application is allocated in the coming weeks, but should any further information or clarification be required please do not hesitate to contact me.

Yours faithfully,



Adam Beamish

BA (Hons), DIP TRP, MRTPI