

Delegated Report		Analysis sheet	Expiry Date:	27/06/2017
		N/A	Consultation Expiry Date:	22/06/2017
Officer			Application Number(s)	
Nora-Andreea Constantinescu			2017/2394/P	
Application Address			Drawing Numbers	
6 Coptic Street London WC1A 1NH			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of basement and ground floor levels from office (Class B1a) to restaurant (Class A3) and associated installation of extract system to the rear, installation of glazed entrance and enlargement of rooflights to existing ground floor rear extension, alterations to the rear window at third floor level, and installation of two rooflights to front elevation.				
Recommendation(s):	Refuse			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	Site notices Press notice	02/06/2017-21/06/2017 02/06/2017-22/06/2017	No. of responses	0	No. of objections	0
Summary of consultation responses:	<p>The residents at Flat 4 and Flat 13 at No. 1 Little Russell Street, and owner of no. 5 Coptic Street raised concerns to the proposed development on the following grounds:</p> <ul style="list-style-type: none"> - Impact on a habitable room through light and noise pollution (extractor fan noise, music, people coming in and out, deliveries of goods/foods, waste machinery) due to the proposed restaurant. - Odours and fumes - The replacement windows at the ground floor and additional rooflights rear gives concern for conservation area - Impact on the residential 2 upper floors at No. 5 Coptic Street in terms of odours, fumes, noise and vibration from the extractor fan. - No air conditioning shown on the proposed scheme, which if needed would create additional noise and vibration and impact the appearance of the building 					
Bloomsbury Conservation Area Committee	No comments were received.					

Site Description

The application site is located at the west side of Coptic Street, on the junction with Little Russell Street. The site can also be accessed to the south via New Oxford Street and the west (rear) via Stedham Place. The application site is part of the Central London Area (Clear Zone Area)

The application building is 4 storey (plus basement), comprising office accommodation (Class B1a). The buildings along the west side of Coptic street are predominantly residential in use (Class C3). Whilst Nos. 7, 8 and 9 are wholly residential, the second and third floor level of No.5 and upper floor levels of No.10 are residential, their lower levels are commercial in use being either offices (B1a) or as a restaurant (Class A3).

On the east side of Coptic Street, Nos.24, 25, 27 and 29 are in residential use, with the lower floor level of No.24 in use as a restaurant (Class A3). On the junction with Little Russell Street, directly facing the application building is the purpose built residential block of No.1 Little Russell Street.

To the rear, Nos. 1, 3 and 2-5 Stedham Place are in office use (Class B1a), whilst the upper floor level of No.3 Stedham Place/No.5 Coptic Street is in residential use. To the north of the application site, Stedham Chambers is a purpose built residential building.

The application building is not listed, nor the adjacent/adjoining buildings, but it has been identified as making a positive contribution to the character and appearance of the Bloomsbury Conservation Area.

The application building falls within the Museum Street local area of Central London and an Archaeological Priority Area.

Relevant History

6 Coptic Street:

2017/2393/P - Erection of single storey rear extension with associated fenestration alterations including replacement of rooflights, modern windows and glazing to the rear elevation. – Pending consideration.

2016/0321/P - Erection of two storey rear extension and mansard roof extension with associated fenestration alterations – **Refused under delegated powers – 07/06/2016 – Appeal dismissed 09/02/2017**

2013/5970/P - Erection of two storey rear extension and mansard roof extension. **Refused at Development Control Committee (DCC) 08/04/2014**

8800404 - Rear extension (fronting Stedham Place) at first and second floors levels for office use. The extension was full width and depth of the property. – **Refused 22/11/1988 - Appeal dismissed 19/04/1989**

5 Coptic Street:

35649/R1 - Works of conversion to provide a self-contained flat on the 2nd and 3rd floors, including the formation of a garage and a new entrance at rear ground floor; 1st floor rear extension for additional office floor space, and the installation of a new shop frontage. – **Refused – 1983**

7 Coptic Street:

2014/1564/P - Change of valley roof form and creation of roof terrace, including roof access window, and installation of two air-conditioning units to chimney wall at roof level. **Non Determination – would**

have Refused, Appeal Dismissed 14th August 2014

Relevant policies

National Planning Policy Framework 2012

London Plan 2016

Camden Local Plan 2017

G1 Delivery and location of growth

A1 Managing the impact of development

A4 Noise and vibration

DM1 Delivery and monitoring

D1 Design

D2 Heritage

C6 Access

TC1 Quantity and location of retail development

TC2 Camden's centres and other shopping area

E1 Economic development

E2 Employment premises and sites

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T4 Sustainable movement of goods and materials

TC4 Town centre uses

CC1 Climate change mitigation

CC2 Adapting to climate change

CC4 Air quality

Camden Planning Guidance

CPG1 Design (2015) - Sections 3, 4, 10 & 11

CPG5 Town centres, retail and employment (2013) – Sections 3, 4, 6 and 7

CPG6 Amenity (2011) – Sections 2, 4

CPG7 Transport (2011 – Sections 3, 4, 5, 6, 9

Bloomsbury Conservation Area Statement/Bloomsbury Conservation Area Appraisal 2011

1. Proposal

1.1 The proposed scheme would include:

- Change of use of basement and ground floor levels from office (Class B1a) to restaurant (Class A3)
- Installation of extract flue system to the rear with a depth of 0.8m, width of 0.7m and 0.8m, and a height of 7.6m.
- Installation of glazed panels to the ground floor rear extension width 4.3m and height 2m
- Enlargement of existing rooflights to ground floor rear extension
- Replacement of rear window at third floor level with timber sash window.
- Installation of two rooflights to front roof slope.

2. Considerations

2.1 The principal material considerations in the determination of this application are summarised as follows:

- Principle - Land use
- Design and heritage
- Neighbouring amenity
- Transport

3. Principle - Land use

Loss of B1 Floorspace

3.1 Policy E2 seeks to retain land and buildings that are suitable for continued business use. A change of use from business use will be resisted unless it can be demonstrated that the site is no longer suitable for its existing business use and the possibility of retaining the unit has been fully explored over an appropriate period of time.

3.2 CPG5 adds to this policy noting that a marketing assessment may be required when it would be difficult to assess the suitability of the existing office space. The marketing assessment would need to include a number of elements such as continuous marketing over at least 2 years; reasonable advertised rents; attractive lease terms; and a commentary on the interest shown in the building.

3.3 The application site is located within Central London Area, and the Council's aim is to protect premises and sites that are suitable for continued business use. As such, in line with Policy E2 it needs to be established whether the current floorspace is suitable for continued use. The premises are located within an area of mixed uses, and towards the west side of Coptic Street is predominantly residential. The property has an internal floor area of 248 sqm, and an area of 141sqm is proposed to be converted into the A3 use, which more than half of the application building area.

3.4 The officers visited all floors of the premises internally as part of the previous planning application and identified that the premises are vacant and there are no fixture and fittings to make it fit for occupation. It is therefore acknowledged that internal works need to be done in

order to provide adequate usable space, however the building is not listed and no planning permission would be required for such changes.

- 3.5 When assessing whether a premises is suitable for continued business use CPG5 looks at the level of investment required to bring it up to modern standards. The applicant has not provided details of the level of investment requirement. The applicant's Planning statement indicates that as part of this proposal, the retained office floors would be enhanced in order to improve the internal working environment. If officers were to support an application for loss of the office space further information would be required in this regard.
- 3.6 The applicant's supporting planning statement indicates that the most recent use of the premises was office, and that the site is currently vacant, with no indication of a specific date. The applicant notes that a mix of uses is surrounding the application site including residential and restaurants, which do not form part of an established office area, and therefore conclude that the proposed change of use would be acceptable.
- 3.7 As such, the applicant does not indicate that efforts have been made to fully explore the retention of the unit over any period of time, and it is therefore concluded that insufficient evidence has been provided to convince the Council that the loss of B1 unit would be acceptable.
- 3.8 Furthermore, Policy E1 states that the council will support proposals for the intensification of employment sites and premises where these provide additional employment and other benefits in line with Policy E2 which states that the council will consider higher intensity redevelopment of premises or sites that are suitable for continued business provided that the scheme would increase employment opportunities for local residents, including training and apprenticeships.
- 3.9 The applicant's supporting planning statement argues that the loss of office floorspace would not translate into a significant loss of employment. The Home and Communities Agency Employment Density Guide (3rd Edition Nov 2015) is taken as a guideline and stated that the whole building in office use would support approximately 21 employees, while the proposed mixed use (employment and restaurant) could support approximately 9 retail employees and 10 office employees (total 19 employees). Therefore, the applicant considers this is a marginal marginal, and concluded that the proposed change of use would not lead to a significant loss of employment.
- 3.10 As the proposed change of use would result in an actual decrease of employment, this is considered contrary to policies E1 and E2 and therefore unacceptable.

Creation of an A3 unit

- 3.11 Policy TC4 seeks to ensure that the development of food, drink and entertainment uses (amongst other town centre uses) does not cause harm to the character, function, vitality and viability of a centre. The Council will therefore consider the cumulative impact of food, drink and entertainment uses taking into account the number of distribution of existing uses and non-implemented planning permissions and any record of harm caused by such uses.
- 3.12 The application site is located within Central London Area, however it is not included within a protected retail frontage. It is noted that in close proximity with the application site there is a range of restaurants and take away uses at ground floor of 5 Coptic Street (Konaki Greek Restaurant), 24 Coptic Street (Bi-Won Korean Restaurant), 25 Coptic Street (Cocoro Japanese Curry & Ramen), 30 Coptic Street (Pizza Express).
- 3.13 Whilst this frontage it is not strictly protected to certain uses, the high density of A3 use in such close proximity to the application site raises concerns in relation to the acceptability of another A3 use in this location. In addition, there is no detailed discussion within the supporting

information provided by the applicant in relation to the impact caused by the increased number of customers that would use the premises. The proposed plans indicate that a total of 52 customers could be catered for to use the premises at any one time. It is therefore considered that there is insufficient detail provided as to the operation of the unit and its potential impacts on the surrounding residential and office in relation to the A3 use. As such, it can be concluded that that agglomeration of A3 uses in this location could lead to harm to the function of the local area due to the additional amount of servicing in relation to the A3 use, if not appropriately controlled through conditions relating to hour of operation and servicing arrangements.

4. Design and heritage

4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance. Significant consideration would be given to any alterations to the application building, as it is considered a positive contributor to the Bloomsbury Conservation Area.

Extractor flue

4.2 To the rear of the property, the proposal includes the erection of the extractor flue which projects along the boundary with No. 5 Coptic Street. The flue projects above the eaves of the property by 1 m, which is in line with the windows serving the rooms at the roof level of the application property and the ones at the adjacent neighbouring properties, which are in residential use at Nos. 5, 7, 8, 9 and 10. CPG1 at paragraph 11.10 indicates that where mechanical or passive ventilation is required to remove odour emissions, the release point for odours must be located above the roofline of the building and, where possible, adjacent building. Considering the bulk, scale and termination height of the extractor fan, it appears as an incongruous, alien and harmful addition, which is considered to cause significant harm to the host property, row of terrace properties of which it forms part.

4.3 In the previous appeal decision for app ref no 2016/0321/P, the Inspector gives particular weight to the impact of the proposed two storey rear extension on the rear of the property, stating: "although the proposed rear extension would not be in a particularly prominent or publicly visible location, the significance of the CA derives from the buildings and layout of development as a whole, irrespective of whether elements are publicly visible or not. As such, the significance of the CA does not rely solely on the elements that can be readily be seen". The proposed extractor flue would project with an additional 3.7m in height than the previously proposed two storey extension, and whilst it does not expand with the same mass, it does harm the simplicity of the rear elevation as seen from Stedham Place, surrounding buildings and wider Bloomsbury Conservation Area.

Other alterations

1.1 The proposal includes alterations to the existing ground floor extension by replacing the existing window and door with wide glazed panels with a height of 2.1m and enlargement of the existing rooflights. These are considered to preserve the appearance of the host property. In addition, the neighbouring property at Nos. 2-5 Stedham Place, have full height glazing doors and windows at the ground floor level facing the rear of the application site. It is therefore considered that the proposed alterations, would not cause significant harm to the character of the host property, neighbouring ones and wider conservation area.

4.4 The proposed replacement of the existing window at 3rd floor to rear elevation and the one to

the ground floor in front elevation, with traditional timber sash window is considered to preserve the character and enhance the appearance of the host property and wider conservation area.

4.5 In relation to the proposed two rooflights on the front roof slope, it is noted that the application property's pair at no 5 Coptic Street does not benefit from front rooflights. The aerial view and planning history does not show rooflights as being a characteristic of this area. CPG1 states that rooflights can have an adverse impact upon the character and appearance of buildings and streetscape when they are an incompatible introduction into an otherwise un-cluttered roofscape, or where they conflict with other architectural roof elements. Whilst the building is not listed, it is considered a positive contributor for Bloomsbury conservation area, and has a completely unaltered butterfly roof and forms part of a pair with No. 5 Coptic Street with an unaltered front roof slope. In addition, views of the building and its roof slope can be seen from Little Russell Street, which contributes to the character of the area. It is therefore considered that the proposed rooflights to front roof slope would add clutter to a clean and simple roof form which, causes detrimental harm to the host property and streetscene. As such, the proposed rooflights are not considered acceptable in this instance and contrary to policies D1 and D2.

5. Neighbouring amenity

5.1 Policy A1 sets out how the Council will protect the quality of life of building occupiers and neighbours by only granting permission for development that does not cause harm to their amenity.

Noise and vibration

5.2 Where development that generates noise is proposed, the Council will require an acoustic report to ensure neighbouring amenity is not harmed (Policy A4). The Noise Assessment submitted by the applicant is based on the outdated DP28 criteria in relation to the background noise of 5dB(A), and the design in itself of the extractor flue does not comply with DP28. The current policy A4, states that relevant standard or guidance document should be referenced when determining values for LOAEL and SOAEL for non-anonymous noise at a 'Rating Level' of 10 dB below background (15dB if tonal components are present) should be considered as the design criterion. In this instance, the 'Rating Level' of 10 dB would be considered.

5.3 It is therefore considered that the proposed plant and extract flue would generate an unacceptable level of noise which would cause harm to the neighbouring amenity and be contrary to policy A4 and that additional mitigation measured would be required to overcome the harm.

5.4 The Council has received complaints from the neighbouring residents in relation to the noise from the extractor flues coming from the existing restaurants on Coptic Street. It is therefore considered that this is a sensitive location due to the number of extractor systems and the assessment of any new proposals involving plants and extractor flues should carefully consider the existing site constraints.

Odours and fumes

5.5 Odours, fumes and dust can be generated from commercial cooking which would be eliminated through the extraction systems. Policy A1 advises that extraction equipment should be incorporated within the building where possible, and if external then it should be sited sensitively, particularly on buildings within conservation areas. The proposed extract flue would be attached to the rear of the application site and the adjoining property at no 5, and would project with 1m above the eaves of the host property and adjacent ones along the terraced row. The adjacent property at no 5 is in residential use at the second and third floors. It is

therefore considered that due to its location and projection, the proposed extractor flue would allow odours and fumes to reach the adjacent neighbouring properties, causing harm to the amenity of the residents, contrary to policies A1, TC4 and CPG1.

5.6 The Council has received complaints from the neighbouring residents in relation to the odours and fumes from the restaurants along Coptic Street. This adds to the existing concerns in relation to the impact of the proposed extractor flue, and indicates that this is a sensitive location and the assessment of any new proposals involving plants and extractor flues should carefully consider the existing site constraints.

Loss of Light and privacy

5.7 In terms of loss of light and privacy, the proposed alterations and change of use, are not considered to affect significantly the amenity of the neighbouring residents. It is acknowledged that the proposed glazed panels on ground floor rear elevation would provide additional light spill on Stedham Place, however this is not considered to cause significant harm to constitute a reason for refusal.

6. Transport

6.1 Policy TC4 and A1 considers the effect of the development in terms of parking, stopping and servicing. In terms of transport matters, it is considered unlikely that there will be any net increase in scale of transport impacts from the proposed A3 unit in this location. Due to the site's 'Excellent' PTAL rating (PTAL 6b) it is likely most customers will arrive and leave using public transport. The site is located in close proximity to both Holborn and Tottenham Court Road tube stations and there are several nearby bus routes. No parking is proposed on or near to the site.

6.2 In relation to the cycling facilities, the London Plan requires for A3 uses 1 long-stay space per 175 sqm for employees and 1 short-stay space per 40 sqm for customers which results in 4 spaces. The proposal does not include provision for cycle parking, however due to the site constraints it is considered acceptable that in this instance cycle parking facilities cannot be provided.

7. Conclusion

7.1 The lack of marketing evidence demonstrating the full exploration of retaining the unit and the decrease in employment due to the proposed change of use are contrary to policies E1, E2 and paragraph 7.4 of CPG5.

7.2 The proposed extractor flue and front rooflights are considered to detract significantly from the character and appearance of the host property, neighbouring properties and wider conservation area, contrary to policies D1 and D2.

7.3 The acoustic assessment in relation to the plant and extractor flue fails to demonstrate that the proposed extractor system would not cause significant harm to the neighbouring amenities in terms of noise, contrary to policies A1 and A4.

7.4 The proposed extractor flue due to its location and projection is considered to cause significant harm in terms of odours and fumes to the adjoining residents, with specific regard to the ones living at Nos. 5 and 7 Coptic Street, 2nd and 3rd floors, contrary to policy A1.

8. Recommendation

8.1 Refuse planning permission.

