

Delegated Report		Analysis sheet		Expiry Date:	08/11/2017
		N/A / attached		Consultation Expiry Date:	12/10/2017
Officer			Application Number(s)		
Alyce Keen			2017/4076/P		
Application Address			Drawing Numbers		
19-21 Great Queen Street LONDON WC2B 5BF			Refer to decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of the ground and basement floor levels from Use Class A1 (shops) to Use Class A3 (food and drink), associated installation of plant (extract/ventilation) and retention of existing shopfront.					
Recommendation(s):		Refuse			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p><u>Planning</u></p> <p>Advertisement in local press on 21/09/17 – 12/10/17</p> <p>Site notice displayed on 15/09/17 – 06/10/2017</p>					
CAAC/Local groups* comments: *Please Specify	<p><u>Covent Garden Community Association:</u> The CGCA regrets the loss of A1 use. Although the applicant says other nearby A1 establishments sell similar items as the previous tenant, the loss of this A1 unit still reduces the A1 availability on Great Queen Street, which is becoming saturated with A3 and other entertainment uses. The applicant has not provided evidence that the unit has been sufficiently marketed. Further, to protect the amenity of nearby residents and neighbouring properties (CS5) and to ensure that the equipment does not cause undue noise, disturbance and odour, any permission granted must include conditions.</p> <p><u>Transport for London:</u> The site is located next to Kingsway, which forms part of the Strategic Road Network (SRN). TfL has the duty to ensure that any development doesn't have an adverse impact on the SRN under the Traffic Management Act 2004.</p> <ul style="list-style-type: none"> TfL recommends that developments which will have a servicing impact on strategic highways should produce a DSP in accordance with TfL guidance (https://tfl.gov.uk/info-for/urban-planningand-construction/transport-assessment-guide/guidance-by-transport-type/freight). <p>At the very least, the local authority should be confident servicing will not cause any disruption to local highways (e.g. blocking, reversing on/off, dangerous manoeuvres) and the safety and amenity of vulnerable road users (e.g. cyclists, pedestrians, mobility-impaired people) will not decline due to servicing of the development.</p> <ul style="list-style-type: none"> There are no cycle parking spaces proposed for this proposed development. The London Plan requires 2 long-stay (1 per 175sqm) and 7 short-stay (1 per 4sqm) cycle parking spaces to be provided. This should follow the London Cycling Design Standards (https://consultations.tfl.gov.uk/cycling/draft-london-cycling-design-standards/user_uploads/draftlcids---all-chapters.pdf) and be secured by condition. <p>Subject to the above conditions being met, TfL has no objections to the proposal.</p>					

Site Description

The application site includes a five-storey (plus basement) 19th-century building with a 1980's/1990's rear extension located on the north-side of Great Queen Street.

The building comprises a retail shop at basement and ground levels with 4 x 3 bed residential units (Class C3) located above on the upper floors as approved under 2014/4958/P. This work is currently ongoing, with scaffolding surrounding the whole building.

The interior of the building contains various 19th-century remnants including cornices, skirting boards, and stone staircases with wooden and steel handrails, fireplaces and parquet floors. However, all the sub-floors are made of concrete, suggesting that this is an example of an early steel-framed building.

To the north of the site is a four storey office building at nos. 40-42 Parker Street, to the east is a four-storey building with ground floor use as a public house, with offices above and to the west a four storey building comprising an estate agents at ground level with offices above.

The site is not listed but lies within the Seven Dials Conservation Area and is identified as making a positive contribution to the Seven Dials Conservation Area.

Relevant History

23/08/1960- Permission granted for the carrying out of alterations and the erection of an extension to the basement, ground, first and second floors at Nos. 19-21 Great Queen Street, Holborn, so as to provide for offices and toilets in the basement and extension to existing work- rooms on ground, first and second floors. (Ref: 4613)

29/04/1967- Permission granted for the construction of a retail fire escape and the formation of a new form of access to the roof (Ref: 3334)

13/08/1991- permission granted for infilling of light well on ground floor for retail use plus a toilet extension at first floor level and the erection of a mansard roof extension at the rear to replace the existing lean to extension (Ref: 9100660)

14/08/1991- Permission granted for alterations involving light well area basement part rear roof second floor (Ref: 9160077)

05/01/1998- Permission granted for the erection of a mansard roof extension to replace existing lean to roof extension bricking up of existing window and relocation to adjacent wall (Ref: 8703660)

30/12/2008- Permission granted for the erection of a plant enclosure at roof level, vents and fans at rear second floor flat roof level, a new duct on the rear elevation. New rooflights and alterations at roof level plus minor elevational alterations to the existing office building. (Ref: 208/4915/P)

10/08/2009- Replacement of the front ground floor entrance to upper floor offices. (Ref: 2009/2884/P)

12/12/2014- Partial demolition and re-build involving the erection of a single storey roof extension; and a three-storey rear extension for mixed use development comprising the retention of retail on the basement and ground floors and the change of use of the upper floors (1st to 5th) from offices (Class B1(a) to 4 x 3 bed residential units (Class C3) (Ref: 2014/4958/P)

Relevant policies

London Plan 2016

National Planning Policy Framework 2012

Camden Local Plan 2017

G1 Delivery and location of growth

E1 Promoting a successful and inclusive Camden economy

E2 Employment premises and sites

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

TC1 Quantity and location of retail development
TC2 Protecting and enhancing Camden's Centres and other shopping areas
TC4 Food, drink, entertainment and other town centre uses
T1 Prioritising walking, cycling and public transport
T4 Promoting the sustainable movement of goods and materials

Seven Dials Estate conservation area statement 1998

Assessment

Proposal

The proposal is for the change of use from retail (A1 use) at ground floor (250m²) and basement (280.5 m²) to a restaurant (A3 use). The unit is currently vacant and the applicant claims that it has been since February 2015.

The proposal includes installation of plant equipment including extract and ventilation. The proposed plant will be located at ground floor level to the rear of the unit. It will include three wall mounted air-conditioning units and one heat recovery unit to provide a comfortable internal environment for staff and visitors. An acoustic report has been submitted to support the proposal.

Assessment

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

- Land use;
- Design;
- Residential amenity;
- Plant/extraction Equipment;
- Transport;
- Servicing, waste and refuse.

Land Use

Policy TC4 b. of the Camden Local Plan refers to the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses and non-implemented planning permissions and any record of harm caused by such uses.

Paragraph 9.37 states that the cumulative impact of non-shopping uses on the character of the area should be considered.

Para. 9.38 cross-refers to Camden Planning Guidance 5 and the advice it provides on how the Council will treat applications for shops, food, drink and entertainment uses in particular centres, taking into account their specific circumstances. Critical to this, is whether additional food, drink and entertainment uses would cause harm to the character, function, vitality and viability of a centre.

Para. 9.39 states the Council will seek to prevent concentrations of uses that would harm an area's attractiveness to shoppers or its residential amenity.

Camden Planning Guidance 5 Map 1 also shows the designated town centre frontages for Covent Garden. 19-21 Great Queen Street is located on a secondary street frontage within the Covent Garden Centre. The Council will expect a maximum proportion of 25% for A3, A4, and A5 uses combined in each individual frontage. Other restrictions include a maximum of 100sqm and no more than 2 consecutive food, drink, or entertainment uses.

However, CPG5 is that the quantitative proportions are not the only consideration. There is also a qualitative element: whether the reduction in stock of retail premises would harm the retail function and character of the centre. A presumption against the net loss of A1 floorspace applies unless it can be demonstrated by the applicant that the loss would not cause harm to the character, function, vitality and viability of the centre.

The subject site is located on a secondary frontage of 19 commercial properties between Drury Lane and Newton Street. A site visit was carried out on Thursday 19th August 2017, to establish the existing mix of uses within the frontage. This was verified against the Council's planning records to establish the lawful uses within this part of the Core Frontage as well as the information provided on Camden's retail survey 2016.

The lawful uses are as follows:

Address	Fascia	Activity	Use
41-44 Great Queen Street	Itsu	Restaurant	A3
40-39 Great Queens Street	Philomena's Irish Bar and Kitchen	Public House	A4
38 Great Queens Street	Walker Slater	Tailors	A1
37 Great Queens Street	Bhati Indian Restaurant	Restaurant	A3
36 Great Queens Street	Stephen Jones Millnery	Fashion	A1
35 Great Queens Street	Shroyu	Restaurant	A3
34 Great Queens Street	The Black Penny	Café and deli	A3
33 Great Queens Street	Teds Grooming Room	Hairdresser	A1
32 Great Queens Street	Great Queen Street	Restaurant	A3
31 Great Queens Street	No fascia	Offices	B1
30 Great Queens Street	Wolfes Bar & Grill	Restaurant	A3
29 Great Queens Street	Bloomsbury Flowers	Florist	A1
28 Great Queens Street	Charles Worthington	Hairdresser	A1
27 Great Queens Street	Steen Associates Ltd	Offices	B1
24-26 Great Queens Street	No fascia	Offices	B1
23 Great Queens Street	Central Regalia	Clothes and Memorabilia Shop	A1
22 Great Queens Street	Dexters	Estate Agents	A2
19-21 Great Queens Street (APPLICATION SITE)	No fascia/ Vacant	Vacant - previously Masonic clothes and Memorabilia Shop	A1
18 Great Queens Street	Hercules Pillars	Public house	A4
% of A3, A4 and A5 uses	42% (existing) to 47% (proposed)		

From the table above, 42% of the uses are A3, A4 or A5. As a result of the proposed change of use, 47% would be A3, A4 or A5.

The applicant has provided the following to support the change of use from A1 (retail) to A3 (restaurant):

- A planning statement advising that the property has been vacant since February 2015

The number of A3, A4 or A5 units are already over 25% within this secondary shopping frontage and the change of use at the subject site would further increase the number of A3, A4 or A5 units. As such the proposal is contrary to policy TC4. It is considered that the loss of the A1 use would further erode and undermine the character, function, vitality and viability of the frontage which the planning policy seeks to protect and enhance. The evidence provided by the applicant is not sufficient to demonstrate that the A1 use is no longer suitable for continued use; therefore, the change of use would harm the retail function of the area and as

such the proposal is unacceptable.

Para 2.9 of CPG5 states that where a planning application proposes the loss of a shop in retail use, the Council will consider whether there is a realistic prospect of such a use continuing. The onus is on the applicant to demonstrate this and sufficient evidence is required to show whether there is a realistic prospect of demand to use a site for continued use. CPG5 sets out the level of details that are required to support an application involving the loss of retail including details of where and how the premises was advertised and the feedback gained from interested parties. No information has been submitted in terms of marketing evidence nor justification. Furthermore, it was observed from the site visit that the property is still undergoing the construction works for the proposal approved under 2014/4958/P (relating to a change of use to the upper floors from B1 – C3) in December 2014 and the premises has apparently been vacant since February 2015. Therefore the building undergoing construction works and not being currently available might be a reason for the premises being vacant for this period of time rather than no interested parties. The fact that the premises has previously been occupied by retailers since 2004. is an indicator that it is suitable for this continued use. The applicant has not presented any meaningful evidence as to whether the site would be suitable for retail use, whether on a short-term or long-term basis.

Design

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. The Local Plan policy D1 (Design) requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area. Camden's Local Plan Document is supported by CPG1 (Design).

The application seeks approval for plant equipment within a light well area that is enclosed by stone clad wall and opaque glazed balustrades. Therefore in terms of design it appears that the proposed plant equipment will not be visible and subsequently will not impact the appearance or character of the area. However, the plans submitted as part of the application do not fully show the proposed plant and the impact on the wider area. If the change of use elements of the principal was considered to be acceptable, clearer plans would have been requested during the process of the application to ensure the plant equipment would not cause any visual harm.

Residential amenity

Policy A1 of the Local Plan seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight. Camden's Local Plan Document is supported by CPG6 (Amenity).

Policy TC4 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 and the local area, the Council will use planning conditions to address hours of operation, noise and vibration and the siting of plant and machinery.

The Council recognises that while food, drink and entertainment uses can contribute to the vibrancy and vitality of town centres, they can also have harmful effects such as noise and disturbance to residents. Camden Planning Guidance 5 seeks to prevent concentrations of food, drink and entertainment uses that cause harm to the character of the area and the amenity of local residents.

The nearest residential properties are located on the upper floors of the host building. The proposed hours of operation have been indicated as 11:00 to 00:00 Monday to Fridays and Sundays 12:00 to 22:30. Great Queen Street is a busy street with other shops/restaurants in the frontage open till 23:00. Assessing all the potential impacts of the proposal due to the overall mix in the vicinity, it is considered the acceptance of an A3 unit in this location, adding to the large amount of A3 units in the area, would contribute to the harmful cumulative impact of A3 uses on residential use within the Covent Garden Central London Area.

Plant extraction/equipment

An acoustic report has been submitted to accompany the application which has been assessed by the Council's Environmental Health Officer. A condition would be imposed, if the development were deemed acceptable, requiring noise level emitted from all plant/machinery/equipment to be lower than the lowest existing background noise level by at least 10dBA (in accordance with BS4142:2014). Furthermore, in the event of a recommendation for approval a condition would be required to ensure the plant, equipment and ducting would be mounted with proprietary anti-vibration isolators and fan motors and to be vibration isolated from the casing and adequately silenced and maintained thereafter.

Transport

Policy TC4 considers the effect of the food and drink uses 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 restaurant (Class A3) use. It is likely most customers would arrive and leave using public transport (bus stops are located nearby). The site has a PTAL rating of 6(b) indicating excellent access to public transport. No onsite parking is available to staff or customers and therefore no parking issues are considered to occur.

There are no cycle parking spaces proposed for this scheme. TfL advised that the London Plan requires 2 long-stay (1 per 175sqm) and 7 short-stay (1 per 4sqm) cycle parking spaces to be provided. If the proposed scheme were considered to be acceptable, further information regarding cycling would have been requested and secured by condition.

Servicing, waste and refuse

Policy TC4 seeks to ensure the storage and disposal of refuse is managed to safeguard the amenity of the surrounding area. It is considered that there would be enough room within the basement floor to provide sufficient accommodation for the necessary refuse/recycling storage requirements for the proposed use. As for servicing TfL recommends that a Delivery & Servicing Plan is produced in accordance with TfL guidance. If the proposed scheme were considered to be acceptable, further information regarding servicing would have been requested and secured by condition.

Recommendation

Refuse planning permission.