

Our ref. : AB1730/LPA031117

Planning Department  
London Borough of Camden  
2nd Floor, 5 Pancras Square  
c/o Town Hall  
Judd Street  
London  
WC1H 9JE

3<sup>rd</sup> November 2017

Dear Sir/Madam,

**FULL PLANNING APPLICATION AND ASSOCIATED EXPRESS ADVERTISEMENT CONSENT  
74 SOUTHAMPTON ROW, LONDON, WC1B 4AR**

On behalf of our client, Barack Holdings Limited, please find enclosed a full planning application and associated express advertisement consent application relating to the ground floor and basement commercial premises at 74 Southampton Row, London, WC1B 4AR.

This planning application and associated express advertisement consent 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 and design and access statement.
- Delivery and Servicing Plan prepared by mode transport planning.
- Environmental Noise Survey Results and Noise Impact Assessment for Fixed Plant prepared by Acoustic Consultancy Partnership Ltd.
- Details of Mechanical Ventilation and Environment Control Equipment prepared by Ashworth UK.
- Drawing No. 80809/M/001 – HVAC proposed roof and basement plan prepared by Ashworth UK.
- 1:1250 scale OS plan with application site outlined in red.
- Drawing No. 2017/G099 – existing basement and ground floor plans prepared by Hone Edwards.
- Drawing No. 0000/2017/G210 Revision B – existing and proposed front elevations prepared by Hone Edwards.
- Drawing No. 0000/2017/SK100 Revision B – proposed basement and ground floor plans prepared by Hone Edwards.
- ‘Good Neighbour Guide’ produced by KFC GBI.

Payment of the statutory planning application fee of £495 has been made electronically when submitting this planning application via the Planning Portal.

## Description of application premises and surrounding area

The application premises comprise the ground floor and basement of a terraced building located on eastern side of Southampton Row, consisting of approximately 250 square metres of floorspace spread equally between the two floors, with residential flats above (Bristol House).

Until October 2017, the premises were in use as a restaurant (Use Class A3), and had been used as a restaurant since the granting of planning permission for that use back in November 1994. No planning condition restricting the hours of operation of the restaurant was imposed upon the granting of that planning permission.

The area is characterised by commercial uses at ground floor level with predominately residential units above, and both the application premises and its surroundings form part of the designated Holborn growth area, as well as falling within London's designated Central Activities Zone (CAZ) and Bloomsbury Conservation Area.

The site benefits from a Public Transport Accessibility Level (PTAL) of 6b (i.e. excellent, the highest level possible), with Holborn underground station under 5 minutes walk away, and both Tottenham Court Road and Chancery Lane underground stations are under 11 minutes walk away. There are also many local bus services served by bus stops in both directions under 4 minutes walk away.

This part of Southampton Row incorporates a bus lane in front of the terrace within which the site is located, the operational hours of which are 07.00 to 10.00 and 16.00 to 19.00 on Mondays to Saturdays. Loading vehicles may park on this part of Southampton Row (with the exception of the bus stop directly outside the premises) at any time when the bus lane is not operational, whereas this part of Southampton Row can be used for on-street parking outside of the hours of 07.00 to 19.00 on Mondays to Saturdays.

## Proposals which are the subject of these applications

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

It is anticipated that the proposed use will incorporate seating for 32 customers, and accordingly given there is likely to be a similar amount of customers consuming their purchases on the premises as there is taking their purchases away to consume elsewhere, the proposed use comprises a mixed A3/A5 use, rather than operating primarily as either a restaurant or as a hot food takeaway.

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 proposed A3/A5 use will operate between the hours of 11.00 to midnight on Sundays to Thursdays, and from 11.00 to 01.00 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 are the proposed hours sought by this planning application.

It is understood that until its recent closure the restaurant operating from the premises employed between 7-10 people, and it is expected that the mixed A3/A5 use proposed by this application would employ between 15-20 people 32 covers.

As part of these proposals a replacement shopfront is proposed, together with associated new internally illuminated fascia signage and a single internally illuminated projected sign. Whilst the intention is to utilise the existing extraction system, two new cold room condensers are proposed within the basement, together with two condensers at roof level situated within acoustic housing, and a new inline fan and associated silencers at roof level as part of the existing extract riser.

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## Relevant planning history

The most recent application relating to the application premises dates back to August 2003, when express advertisement consent (application ref. 2003/1234/A) was granted for the display of an internally illuminated projecting sign at fascia level.

Also of relevance is planning application ref. 0900708, which was approved in November 1994 and which granted planning permission for the change of use of the premises from Use Class A1 (retail) to Use Class A3 (restaurant). Although several restrictive conditions were imposed upon the granting of that planning permission, none restricted the hours of operation, and that permission was subsequently implemented, with the premises first being occupied by ASK, and more recently by La Roccia. A copy of the November 1994 decision notice can be found within Appendix 1.

Planning permission (application ref. 2013/02373/P) was granted in April 2013 for a new shopfront, two air conditioning units and an extract duct at rear basement level to the neighbouring premises to the south, No. 76 Southampton Row.

## 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 3<sup>rd</sup> 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 relate to a change of use from the existing/lawful use of the premises as a restaurant (Use Class A3) to a mixed use comprising both a restaurant and hot food takeaway use (mixed A3/A5 use), the key issue relevant to the determination of this planning 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, and do not form part of a designated primary or secondary shopping frontage, they do fall within both the Holborn growth area and Policy G1 (Delivery and Location of Growth) of the adopted Local Plan advises that development will be concentrated within several growth areas, including Holborn, and policy TC1 (Quantity and Location of Retail Development) states that the Council will focus new shopping and related uses in Camden's designated growth areas and existing centres.

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, but Appendix 4 fail to provide any clarification as to the maximum percentage of A3, A4 or A5 uses outside of either primary or secondary shopping frontage, and nor does Camden Planning Guidance 5 (Town Centres, Retail and Employment).

However, as these proposals involve the change of use of an existing restaurant (A3 use) to a mixed restaurant and hot food takeaway (mixed A3/A5 use), it would not result in any increase (or change) to the number or proportion of food, drink and entertainment uses, nor any decrease in the number of A1 retail premises, within the designated Holborn growth area.

Additionally, there are no other existing A5 uses with close proximity to the application premises, and therefore these proposals would not result in a proliferation of such uses within the area. Furthermore, in light of the long established and lawful use of the premises as a restaurant and the absence of any restrictive hours of operation condition relating to this restaurant use, the proposed change of use to a mixed restaurant and hot food takeaway use, with the premises proposed to close at midnight on Sundays to Thursdays and 01.00 on Friday and Saturday nights, will not have any greater impact on nearby residential uses and amenities than 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 a busy road within the heart of the capital. The surrounding area is mixed use in character, predominantly comprising ground floor commercial uses with both offices, ancillary commercial storage and residential above. The proposed introduction of a mixed restaurant and hot food takeaway use 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 mixed A3/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 regards 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 Central line and the Piccadilly line at weekends from Holborn underground station, under 5 minutes walk away.

The accompanying Delivery and Servicing Plan prepared by mode transport planning sets out how the premises will be serviced, utilising the existing on-street loading provisions either side of the bus stop directly outside of the premises, during the non-operational hours of the bus lane. Accordingly, the provisions for deliveries and servicing as set out within this Delivery and Servicing Plan will ensure compliance with adopted Policy T4 (Sustainable Movement of Goods and Materials).

The operational development proposed in association with the proposed change of use amounts to a replacement shopfront and associated plant to the rear of the premises. The proposed shopfront is not dissimilar to the existing shopfront, although it introduces a low level stallriser which is a feature of both adjoining shopfronts, whilst also not increasing the sign of the fascia. Additionally, the proposals incorporate the removal of the 4 downward facing spotlights that are currently positioned above the fascia, and which currently harm the appearance of the existing building and which are out of keeping with the surrounding area. Similarly, the proposed fascia signage and single projecting sign is both simple and modest in both size and appearance, so that it does not over-dominate the street frontage nor result in clutter.

Consequently the proposed replacement shopfronts accords with adopted policies D1 (Design), D2 (Heritage) and D3 (Shopfronts), preserving the character and appearance of both the application premises and the wider Bloomsbury Conservation Area, whilst the proposed advertisements satisfy adopted policy D4 (Advertisements),

With regards to the proposed plant, it is anticipated that the proposed use will utilise the existing extract system, although two cold room condensers are proposed within the basement together with two roof level condensers, with the latter being situated within acoustic housing. The accompanying Environmental Noise Survey Results and Noise Impact Assessment, prepared by ACP Ltd., demonstrates that, with the mitigation measures proposed, the proposed plant will satisfy the requirements set out in adopted policy A4 (Noise and Vibration), and would not have any adverse impact upon the residential amenities of the occupiers of the adjoining flats.

## Conclusion

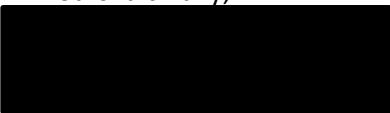
For the reasons set out within this planning application and associated express advertisement consent submission, the proposed change of use of the application premises from its long established and lawful restaurant (A3) use to a mixed restaurant and hot food takeaway use (mixed A3/A5 use) would accord with all relevant planning policies, including, in particular, adopted Local Plan policies G1, TC1, TC2 and TC4, and relevant London Plan policies relating to the Central Activities Zone.

The associated proposed operational development and signage will also preserve the character and appearance of both the application premises and the wider Bloomsbury Conservation Area, as well as having no detrimental impact upon the residential amenities of adjoining flats nor upon highway safety.

Accordingly planning permission and associated express advertisement consent 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 these applications are 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