

HUME

PLANNING
CONSULTANCY

SUPPORTING STATEMENT

Application for the determination of Prior Approval for the change of use of the ground floor and basement from retail (Use Class A1) to restaurant/cafe (Use Class A3), under Schedule 2, Part 3, Class C of the Town and Country (General Permitted Development) (England) Order 2015

■ 78 Southampton Row, London, WC1B 4AR

Prepared by Hume Planning Consultancy Ltd.

On Behalf of Mr M Osman

January 2018

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Application building Source. Google Earth

1 INTRODUCTION

1.1 This application seeks Prior Approval for the change of use of the ground floor and basement of 78 Southampton Row from retail (Use Class A1) to a restaurant (Use Class A3).

- 1.2 Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the change of use of a building in A1 Use to a use within Use Class A3 under Class C(a) and associated building or other operations, under Class C(b) for the provision of ventilation and extraction and the storage of rubbish, as set out below:

PERMITTED DEVELOPMENT

C. Development consisting of—

(a) a change of use of a building from a use—

(i) falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order,

(ii) as a betting office or pay day loan shop, or

(iii) as a casino,

to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order, and

(b) building or other operations for the provision of facilities for—

(i) ventilation and extraction (including the provision of an external flue), and

(ii) the storage of rubbish, reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule.

- 1.3 This application seeks prior approval for the change of use of the building. This supporting statement is submitted as part of the application for a determination as to whether or not prior approval is required. In addition the following are provided:

- Application form and fee
- Site location plan
- Manufacturers details of the extraction system

2 SITE LOCATION AND PLANNING HISTORY

- 2.1 The premises occupies the ground floor and basement area of a late 19th c /early 20th c five/six storey building.
- 2.2 The building fronts a busy arterial route, Southampton Row, in an area that features a mix of commercial uses at ground floor level, with residential, office and hotel uses on the upper floors.



Figure 1: Application building. Source: Google earth

- 2.3 The building is located within the Bloomsbury Conservation Area. The building is not listed, but is identified as a 'positive contributor' (one that make a positive contribution to the Conservation Area) in the Council's Conservation Area Appraisal and Management Strategy.
- 2.4 In the retail context of the site, the building lies within the Central London Area, but falls outside of the designated Town Centres, Central London Frontages, Neighbourhood Centres and Specialist Shopping Areas. It is identified as being within the Holborn Growth Area.
- 2.5 Camden Borough Councils Retail survey illustrates the ground floor uses for Southampton Row (source <http://gis.camden.gov.uk/geoserver/RetailSurvey.html>),

i SITE FACT FILE

TOTAL FLOOR SPACE TO BE CHANGED

106.8m²

SITE LOCATION

No.78 Southampton Row, London, WC1B 4AR
Central London, Camden

SITE CONSTRAINTS

Bloomsbury Conservation Area

Site Location Plan and red-line outline



<http://gis.camden.gov.uk/geoserver/RetailSurvey.html>), which identifies that there is a mix of retail (Use Class A1), financial services (Use Class A2), Cafe and Restaurant (Use Class A3), in the immediate locality, particularly at street level, in addition to other office and hotel uses.

PLANNING HISTORY

- 2.6 From looking at the planning history and Google earth imagery, the lawful use of the building is Use Class A1 (retail). An application for a determination as to whether prior approval is needed for the change of use to A3 (restaurant/café), is therefore required, subject to compliance with the requirements for such permitted development.

3 ASSESSMENT OF COMPLIANCE WITH CLASS 2

3.1 In order to benefit from the permitted development rights of Class C, the proposal has to comply with all of the criteria set out in Class C.2. An assessment of compliance is summarised below:

3.2 Development is not permitted by Class C if -

(a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres;

Proposal complies: The building comprises the ground floor and basement area. The floor area of the basement area is 52.4 sq m and the floor area of the ground floor is 54.4 sq m. The cumulative floor area is 106.8 sq m.

(b) the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed use under Class C;

Proposal complies; There have been no other developments resulting in the change of use of this building under Class C that would need to be counted against the floor area threshold of 150 sq m.

(c) the land or the site on which the building is located is or forms part of—

(i) a site of special scientific interest;

Proposal complies: The site is not located within and does not form part of a SSSI.

(ii) a safety hazard area; or

Proposal complies: The site is not located within and does not form part of a safety hazard area.

(iii) a military explosives storage area;

Proposal complies: The site is not located within and does not form part of a military explosives storage area.

(d) the site is, or contains, a scheduled monument; or

Proposal complies: The site is not and does not contain a scheduled monument.

(e) the land or building is a listed building or is within the curtilage of a listed building.

Proposal complies: The building is not listed, neither is it within the curtilage of a listed building.

3.3 It is concluded that the change of use of this building to A3 (restaurant/café) use would be permitted development.

3.4 An assessment of the impacts arising from the change of use follows.

4 ASSESSMENT OF THE IMPACTS OF THE DEVELOPMENT

4.1 Class C.2 requires that before beginning the development that an application must be made to the Local Planning Authority for a determination as to whether prior approval is required in respect of a number of impacts:

C.2(1) Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) noise impacts of the development,
- (b) odour impacts of the development,
- (c) impacts of storage and handling of waste in relation to the development,
- (d) impacts of the hours of opening of the development,
- (e) transport and highways impacts of the development,
- (f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use— (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being

used to provide such services, or (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and

(g) the siting, design or external appearance of the facilities to be provided under Class C(b), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

4.2 Class W sets out the procedure for determining whether prior approval is required. In addition to consultation undertaken by the local planning authority, Class W (10) (b) identifies that, regard must be had to the National Planning Policy Framework (NPPF) “so far as relevant to the subject matter of the prior approval, as if the application were a planning application”.

4.3 Since the principle of the development has already been established, the success of this application cannot be reliant on its accordance with the policies in the Development Plan, since the prior approval procedure is not intended to replicate the planning application system. It is however accepted that the Camden Local Plan 2017 is helpful in assessing the ‘desirability’ of the change of use, having regard to the provisions of the NPPF. The NPPF and relevant Development Plan policies have been considered where necessary and referenced accordingly insofar as they are relevant to aid the consideration of the change of use.

4.4 Impacts below are assessed in the context of the relevant parts of the NPPF and the particular characteristics of the site.

NOISE

- 4.5 Noise impacts can arise from footfall, general activity, and comings and goings associated with commercial uses, and the operation of mechanical extraction and ventilation, all of which relate to the opening hours, which are considered under Class C.2(d).
- 4.6 One of the Core principles of the NPPF is to ensure that “planning always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. The change of use would ensure that residential amenity is not undermined.
- 4.7 Paragraph 109 highlights that planning should prevent new development from contributing to unacceptable levels of noise pollution. Paragraph 123 identifies the aim that planning decisions should “avoid noise from giving rise to significant levels of adverse impacts on health and quality of life as a result of new development”. It further identifies that decisions should aim to “mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions”.

NOISE ASSOCIATED WITH THE ARRIVAL AND DEPARTURE OF PATRONS

- 4.8 It is understood that there are residential properties at first floor and above, and to the rear of the property, in Gloucester Road.
- 4.9 The A3 use would provide for the sale of food for consumption on the premises. The frequency of patrons arriving and departing at a restaurant (A3) use is significantly different to that of a retail (A1) use (which in comparison typically generates a greater footfall during daytime hours) and a takeaway (A4) use (which typically generates a greater footfall during the evening hours).
- 4.10 The building is located in a part of Southampton Row where there are other A3 uses. The additional comings and goings associated with the proposed A3 use, whilst likely to be less during the day time than an A1 use, would generate more movements during the evening hours, when retail uses are typically closed. Any noise arising from the arrival and departure of patrons would be to the front of the building, as there is no publicly accessible area

at the rear of the building. Outside of the adjacent building, no. 76 Southampton Row is a bus stop. The bus stop by its nature generates pedestrian activity during both the daytime and evening.

- 4.11 The proposed A3 use of this building would not introduce a significant increase in pedestrian activity into the area. Activity associated with the restaurant use would be in keeping with the existing commercial character of this part of Southampton Row and any noise associated with patrons arrival and departure, would not be excessive or such that it would be detrimental to residential and other amenity.

NOISE FROM EQUIPMENT ON COMMERCIAL PREMISES

- 4.12 It is understood that the kitchen / cooking area would be located on the ground floor, together with the restaurant area. The basement area would be used for storage.
- 4.13 It is proposed to install an internal extraction system which requires no external venting. The system proposed is for the Rational UltraVent Plus System. The technical specification (UltraVent® Plus 61/101 E) is provided at appendix 1. An extract from the Designers Manuals is provided at appendix 2. A full copy of the manual is available on line at https://www.caterkwik.co.uk/shop/downloads/RATIONALSCC61E_Designers%20Manual.pdf should further background information be required.
- 4.15 The technical details set out the operating noise levels, which are identified as being 65 dBA (operating level 1) and 70 dBA (operating level 2). These levels would not give rise to any loss of residential or other amenity, with the mechanical extraction system being contained wholly inside the application building with no need for external venting.

ODOUR

- 4.16 The proposed means of extraction as detailed above, and at appendices 1 and 2, would ensure that food odours arising from cooking would be adequately controlled within the building. The system proposed is such that the units can be installed in locations, such as front shop-front areas. The system will ensure that odours from cooking will be controlled and that there will be no adverse impact on residential and other amenity from the A3 use.

WASTE

4.17 There is no provision for the external storage of waste within the site. As is common with other commercial properties in the vicinity, all waste generated from the use will be stored in the ventilated basement area of the building, until collection. There is no need for any building or other works to accommodate waste storage.

HOURS OF OPERATION

4.18 It is proposed to open between the hours of 7 am to 11 pm Monday to Sunday.

4.19 The existing hours of use are set out in the table below. The proposed opening hours would be similar to the opening hours of the nearby A3 uses, and typical of a restaurant use. The opening hours of the retail and restaurant/café uses in the terrace in this part of Southampton Row are shown below for comparison:

Occupant	Use Class	No. Southampton Row	Opening hours
Holland and Barrett	A1	72	-
La Roccia	A3	74	0700 – 2300 Daily
Greggs	A1	76	0730-1900 Monday – Saturday 0830-1700 Sunday
La Roccia	A3	78	0700-1900 Monday – Saturday 0800-1900 Sunday
The Paper Shop	A1	80-82	-
Hason Raja	A3	84	12 noon – midnight Daily
Ryman	A1	86	-

Table 1: Table detailing existing uses and opening hours

TRANSPORT AND HIGHWAYS

4.20 One of the Core Principles of the NPPF is to make the fullest possible use of public transport, walking and cycling. The site is readily accessible by public transport being located directly adjacent to a bus stop. Tube stops at Holborn and Russell Square are within 4 and 5 minutes walk respectively. The building is in a sustainable location, is easily accessible and its use would not result in significant transport movements that could not be accommodated for within the existing public transport network, or that would be detrimental to highway and pedestrian safety.

ASSESSMENT OF PROVISION OF A1 USES

4.21 One of the core principles of the NPPF is to promote the vitality of main urban areas, and paragraphs 23 – 27 sets out the need for policies for the management and growth of centres, to support their vitality and viability. It is necessary (given the distinction made at Class C.2(1)(f)(ii)) to identify whether the building is located within a key shopping area, to establish under which permitted development criteria this proposal should be assessed. Key Shopping Areas are not defined in the GPDO. The NPPF defines Primary Shopping Areas and Primary and Secondary Frontages.

4.22 Appendix 4 of the Camden Local Plan identifies primary and secondary centre frontages where it seeks to protect the retail function of town centres by ensuring that there is a minimum proportion of premises in A1 use. The application building lies outside of a designated centre, (that is, outside of the designated Town Centres, Central London Frontages, Neighbourhood Centres and Specialist Shopping Areas), as shown on the proposals map extract (Figure 2).

4.23 Therefore, the change of use of this building does not need to be assessed against Class C.2(1)(f)(ii) in terms of the sustainability of the shopping area, as it is situated outside of a key shopping area, that is one of the centres identified in Appendix 4 of the Local Plan.

4.24 However, Class C.2(1)(f)(i) requires that an assessment is made of the impact of the change of use on “whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) but only where there is a reasonable prospect of the building being used to provide such services”.

4.25 Regard has therefore been had to Policy TC3 of the Camden Local Plan which protects shops outside of centres. It states that permission will only be granted for the loss of a shop outside designated centres provided:

- a) alternative provision is available within 5-10 minutes walking distance;
- b) there is clear evidence that the current use is



Figure 2: Extract from Local Plan proposals map showing location of site in retail context. Source: Camden.gov.uk

not viable ; and

c) within the Central London Area the development positively contributes to local character, function, viability and vitality.

4.26 In the context of this assessment for GPDO purposes, Parts (a) and (c) of the policy are relevant and provide a quantifiable and qualitative criteria for the impact of the change of use on “the adequate provision” of A1 shops, “having regard to the NPPF”. However, consistency with policy TC3 should not be definitive



in the determining the desirability of the change of use.

4.27 Within 10 minutes walk (0.8km) of the application building there are a number of designated centres, where the provision of retail shops is protected under separate policies in the Local Plan, and for which a minimum is set on the proportion of buildings that should be retained as shops within the A1 Use Class. Some of these are identified below in paragraphs 4.28 and 4.29. Planning applications within these areas are also subject to assessment under adopted

Planning policy map

Find planning policies by clicking the map or using the address / postcode search

Map key

-  Archaeological Priority Area London Suburbs
-  Central London Area Central London Area (Clear Zone Region) CLA
-  Conservation Area Bloomsbury
-  Growth Area Holborn

For more information, or if you are unable to view the map, please contact the Forward Planning and Projects Team

Find an address

Please enter a Camden postcode or street:

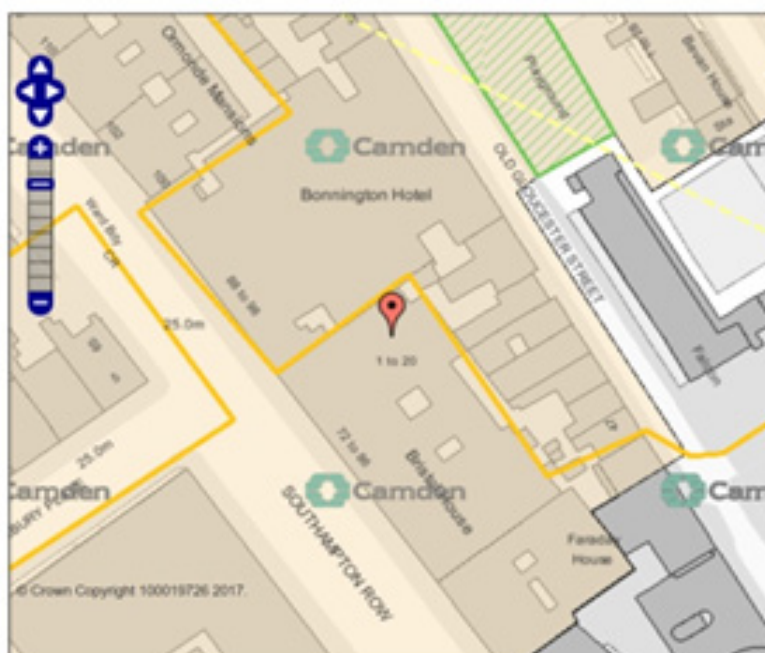


Figure 3. Extract from interactive proposals map showing site designations. Source: Camden.gov.uk



Camden Retail Surveys



Figure 4: Retail survey Lambs Conduit Street. Source: Camden.gov.uk



Camden Retail Surveys



Figure 5: Retail Survey 2016 Brunswick Centre. Source: Camden.gov.uk



Figure 6 : Retail Survey 2016 Southampton Row Source: Camden.gov.uk

Supplementary Planning Guidance (CPG5) Town Centres.

4.28 To the east of the site, in Lambs Conduit Street, there is a designated neighbourhood centre, shown in the extract from the 2016 Retail Survey below at figure 4. In this area, Appendix 4 of the Local Plan identifies that a minimum of 50% of A1 shops should be retained in each individual frontage, and a maximum of 25% A3, A4 and A5 uses, with no more than 2 consecutive food, drink and entertainment uses and no more than 100 sq m floor area.

4.29 To the north of the application building is the Brunswick Centre, designated as a neighbourhood centre in the Local Plan. The same proportions apply to this centre as at Lambs Conduit Street.

4.30 The above extracts show that there is retail provision within 5-10 minutes walk of the application building, in centres that are protected by specific Development Plan policies, and for which an application for change of use under permitted development rights would have to be assessed in terms of the sustainability of a “key shopping area”, under Class C.2(1)(f)(i).

4.31 In addition, as the extract from the Retail Survey 2016 below shows, there is existing retail provision within Southampton Row where the application building is located.

4.32 It is evident in this part of Southampton Row which is outside of a designated centre, that there is a wider mix of uses that also includes hotels. The use of the application building as a restaurant/café will therefore contribute to the vitality and viability of the area, particularly its night time economy, in an area where there are compatible hotel uses, adding variety and offering wider choice, particularly for visitors which given the number of hotel premises in Southampton Row would be a positive and compatible use. that complements the character and function of the area, which is encouraged by paragraph 23 of the NPPF.

4.33 The proposed A3 use would be desirable in this location, which is outside of a designated centre, in a street where there are compatible uses, such that the proposed A3 use would add to the vitality and viability of the area, offering a wider range of choice to visitors and residents alike. There is also A1 retail provision within 800m of the application building, (as identified at Lambs Conduit Street and Brunswick Street), which is a requirement of Policy TC3(a), where the loss of A1 uses would be subject to more rigorous controls. It is concluded that the loss of this building to A3 use would not harm the adequate provision of A1 uses within the area.

SITING, DESIGN AND EXTERNAL APPEARANCE

- 4.34 Whilst Class C.1 (b) provides for “building or other operations” (including the provision of an external flue), and the storage or rubbish, “reasonably necessary to the use of the building”, in this case there would be no need for such, as no external alterations are required.
- 4.35 The means of extraction to the kitchen area would be provided internally, and rubbish would be stored within the ventilated basement. There would therefore be no change to the design, siting or external appearance of the building.
- 4.36 Paragraph 132 of the NPPF requires that “great weight” should be given to the conservation of a designated heritage asset, when considering the impact of a development on its significance. In this case given that there would be no changes to the design, siting or external appearance of the building, there would be no harm to the character and appearance of the Conservation Area, and as such it will be preserved.
- 4.37 The change of use will accord with the aims of the NPPF in respect of the protection of heritage assets and the statutory requirement under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.4.28 To the east of the site, in Lambs Conduit Street, there is a designated neighbourhood centre, shown in the extract from the 2016 Retail Survey below at figure 4. In this area, Appendix 4 of the Local Plan identifies that a minimum of 50% of A1 shops should be retained in each individual frontage, and a maximum of 25% A3, A4 and A5 uses, with no more than 2 consecutive food, drink and entertainment uses and no more than 100 sq m floor area.) provides for “building or other operations” (including the provision of an external flue), and the storage or rubbish, “reasonably necessary to the use of the building”, in this case there would be no need for such, as no external alterations are required.

5 CONCLUSION

- 5.1 The proposed change of use is permitted under Schedule 2, Part 3, Class C2 of the GPDO 2015.
- 5.2 The above assessment of the impacts of the change of use under Class C2.1 (a) to (g), which does not involve any building or other operations, demonstrates that the impacts would be such that there would be no resultant harm to residential or visual amenity from noise, odour, opening hours or from the handling of waste. The use would be acceptable in highway terms and an adequate provision of A1 uses would be maintained.
- 5.3 It is therefore requested that this application be considered favourably.
- 5.4 Should any further information be required, it is requested that early contact is made with Hume Planning Consultancy so that the additional information can be provided to enable a full assessment of the impacts.
- 5.1 [introductory paragraph(s)] The development plan for the purposes of S38 (6) of the Planning and Compulsory Purchase Act (2004) comprises the adopted [insert local planning authority i.e. Canterbury District Local Plan 2017], which sets out the objectives of the district and the policies by which decisions on planning applications must be made. In alignment to government guidance and recognition of a “presumption in favour of sustainable development”, planning applications in accordance with these policies should be approved, unless material considerations indicate otherwise.
- 5.2 The National Planning Policy Framework (NPPF) is a material consideration within the planning process, the objectives of which are adjudged to be reciprocated within the development plan, on account of its recent adoption by the LPA following its approval by the Secretary of State at examination.
- 5.3 Recognition must also be given to the Planning (Listed Buildings and Conservation Areas) Act 1990, as the decision maker has a duty to assess the heritage impacts of the proposal. Section 72 of the Act states that in consideration of whether to grant planning permission for development which affects the Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of the area.
- 5.2 It is deemed that the revised proposal is well-aligned to the objectives of the development plan and wider guidance in its provision of a high-quality scheme, and is compliant with the policies and objectives contained within the development plan and Framework against which it will be assessed.

6 APPENDICES

APPENDIX 1:

RATIONAL ULTRAVENT PLUS SYSTEM
(ULTRAVENT® PLUS 61/101 E)
TECHNICAL DETAILS

UltraVent® Plus 61/101 E

Article number: 60.72.202

Description

- In addition to the UltraVent condensation technology there is also UltraVent Plus, which is equipped with special filters. This prevents both vapours and the lingering smoke that builds up while grilling and roasting. Units can be installed even in critical locations, such as front shop-front areas.

Technical Info

- Rating: 230V 1 NAC 50/60 HZ
- Connected load: 360 W
- Extraction volume: 1.000 m³/h
- Operating noise level 1: 65 dBA
- Operating noise level 2: 70 dBA
- Width: 854 mm
- Height: 628 mm
- Depth: 1226 mm
- Weight: 54 kg
- Approvals: VDE, NSF

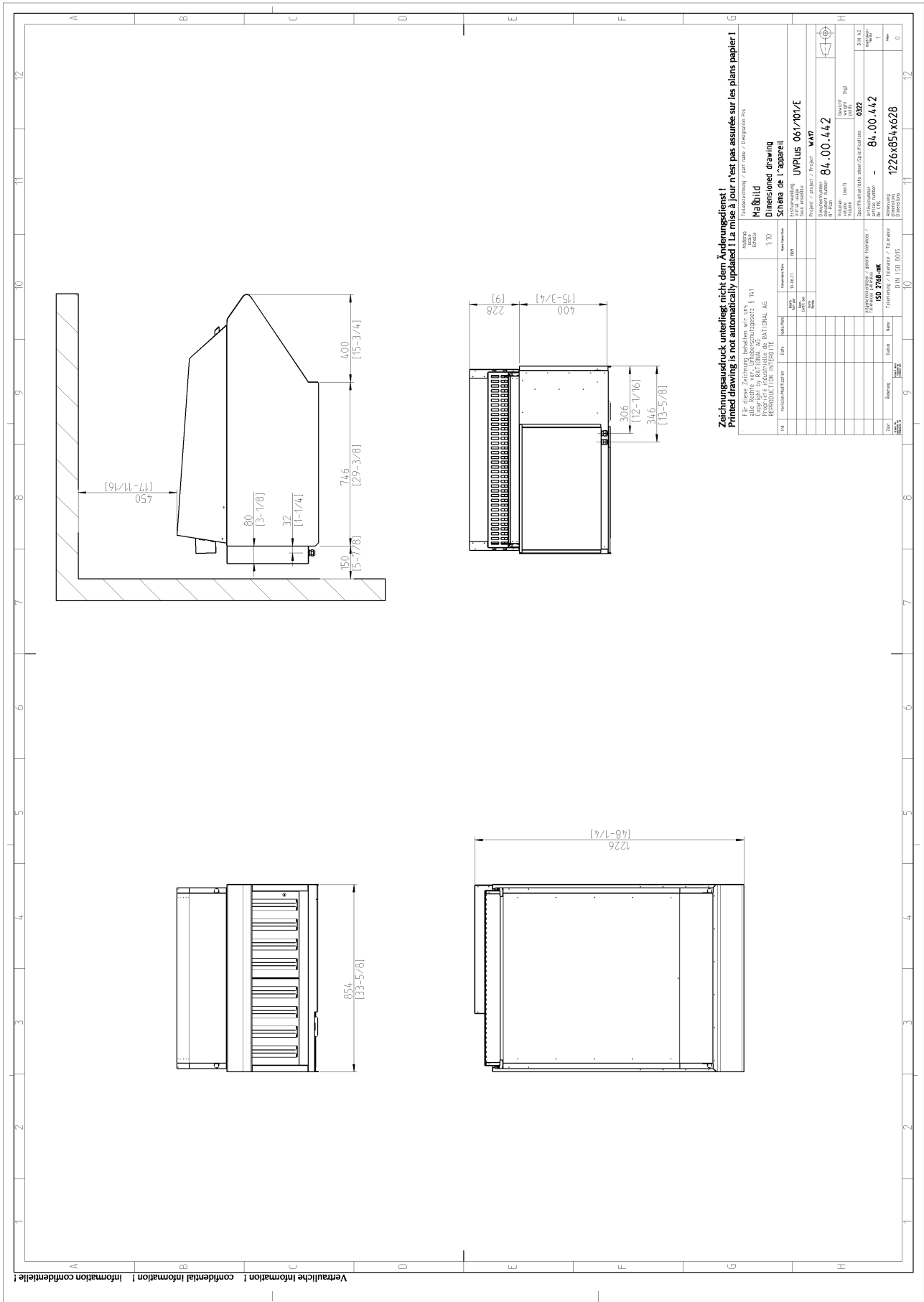
Features

- Integrated lighting
- Easy-clean grease filter (CNS)/replaceable carbon filter
- High extraction rate
- Proximity door contact switch
- Extraction rate automatically increased when cabinet door is opened
- with special filter technology

Hint

- The local norms and specifications for air conditioning systems must be observed. A raised base cabinet US III (956 mm) should be used for installation on type 61 units.
- The UltraVent exhaust hood with condensation system should only be used on units with right-hinging doors. It may be used on left-hinging units, but this restricts the extraction function.

UltraVent® Plus 61/101 E



Zichnungsausdruck unterliegt nicht dem Änderungsdienst!
Printed drawing is not automatically updated!
La mise à jour n'est pas assurée sur les plans papier!

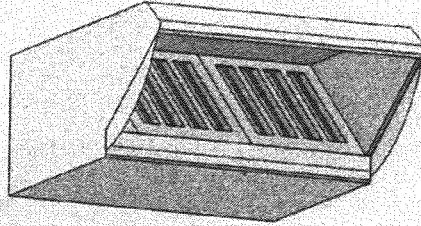
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APPENDIX 2:

EXTRACT FROM RATIONAL
DESIGNERS MANUAL
SELFCOOKINGCENTER®/
COMBIMASTER® PLUS DETAILING
THE UNIT HOOD WITHOUT
EXTERNAL EXHAUST AIR
(ULTRAVENT)

3.3 RATIONAL exhaust hoods

As optional extras RATIONAL supplies unit hoods without external exhaust air (UltraVent) and with external exhaust air (exhaust hood).



UltraVent exhaust hood with condensation system

The condensation technology in UltraVent absorbs and dissipates steam. There is no need for complicated and expensive installations to remove exhaust air. Installation is simple and it can be retrofitted at any time. There is no need for a connection to the outside.

UltraVent Plus condensation hood with smoke filter

In addition to the UltraVent condensation technology there is also UltraVent Plus, which is equipped with special filters. This prevents both vapours and the lingering smoke that builds up while grilling and roasting. RATIONAL units can be installed even in critical locations, such as shop-front areas.

- › Easy to install and retrofit.
- › Electrical connection: 1 NAC 230 V.
- › Power rating 450 W.
- › Extraction rating max. 900 m³/h.
- › Noise level: Stage 1: 65 dBA, stage 2: 70 dBA
- › UltraVent is not ducted to a ventilation and air conditioning system. As UltraVent does not form part of the ventilation system, it is not covered by the provisions of VDI 2052.
- › Due to the condensation effect of UltraVent the exhaust air requirement can be reduced by 27 m³/h per kilowatt of rated consumption.
- › Relative exhaust humidity is reduced to between 37 % RH and 40 % RH, hence it is below ambient humidity. This means that UltraVent dries the ambient air due to the lower humidity and the somewhat higher exhaust temperature.
- › The UltraVent exhaust hood with condensation system should only be used on units with right-hinging doors. It may be used on left-hinging units, but this restricts the extraction function.