

Delegated Report		Analysis sheet	Expiry Date:	24/04/2012
		N/A / attached	Consultation Expiry Date:	12/04/2012
Officer			Application Number(s)	
Jonathan Markwell			2012/1356/P	
Application Address			Drawing Numbers	
47 Great Russell Street London WC1B 3PA			Please see decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of front portion of ground floor level from shop (Class A1) to additional residential accommodation (Class C3).				
Recommendation(s):	Refuse Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	10	No. of responses	01	No. of objections	01
			No. electronic	01		
Summary of consultation responses:	<p>A site notice was erected on 14/03/2012, expiring on 04/04/2012. A press notice was published on 22/03/2012, expiring on 12/04/2012.</p> <p>One objection has been received on behalf of an occupier at 46 Great Russell Street. A summary of the issues raised are as follows:</p> <ul style="list-style-type: none">- proposed change of use will have a detrimental impact on the vitality and viability of the Museum Street Local Area.- The area has a special character which is attractive to tourists and also provides services to the local community. As the owner of one of the shops which contributes to this special character, the objector is especially keen that the area continues to prosper as a unique commercial location.- Policy context of London Plan policy 4.8 and 4.9 noted, as is LB Camden policies CS5, CS7, CS8, CS9, DP10 and section 11 of the Revised Planning Guidance for Central London (RPG).- Based on the above policy context it is clear that the proposed change of use from retail to residential on the ground floor of the site does not accord with policy.- The proposal would remove a unit suitable for retail or other related commercial use which could actively contribute to the vitality and viability of the Museum Street Local Area.- In particular the proposals are in conflict with: London Plan policy 4.8 (prevention of loss of essential convenience and specialist shopping); London Plan policy 4.9 (supporting provision of small shops); LB Camden policy CS5 (impact on neighbours and contributing towards successful communities – the proposal is contrary to this policy as it does not take the synergy of the commercial use of this terrace into consideration); CS8 (not promoting/protecting the specialist character of Museum Street Local Area); DP10 (encouragement of small shop premises / residential use would not contribute to local character, function, viability or amenity); LB Camden RPG (which recognises the concentration of specialist retail activity south of the British Museum is under threat from other uses and seeks to protect it; LB Camden states planning permission will not be granted for development involving the loss of retail uses in the Museum Street Local Area; site is within a protected retail frontage – LB Camden states the loss of retail uses or retail units here will not be granted.					
CAAC/Local groups* comments: *Please Specify	<p>Bloomsbury CAAC was formally consulted on ticked the ‘no objection’ and ‘comment’ boxes, stating “No objection to change of use; providing, however, if change of use approved, applicant should restore the façade and interiors... Front shop windows to be removed and historic windows replaced at ground floor”.</p> <p>The Bloomsbury Association objects to this application. A summary of the comments made are as follows:</p>					

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| | <ul style="list-style-type: none">- “Whilst we are generally supportive of proposals that seek to increase the residential population of Bloomsbury Village, we agree with the view that the Council has taken of previous proposals for the use of the ground floor in relation to adopted policy. This is a retail frontage and this use should be retained. It is both important for the continued vitality of adjacent retail uses - a gap in frontage is never a good idea - and also to maintain an 'active' frontage to the street. The gallery was not a shop but it was a great asset to the street and contributed to its character. An adjacent building, 42 Great Russell Street seems to have changed to residential use throughout, as has 40 Bedford Square, and their ground floor windows are now obscured glass which offers no natural surveillance of the street at all”.- “We feel that there are inaccuracies in the information given by London Historic Houses Limited in support of the application”. “In the Design & Access Statement it is argued that this has been a house, without any retail use, since the 17th Century. This is incorrect as confirmed by the following extract from Old and New London, Volume 4 by Edward Walford, published in 1878. <i>“Passing through Museum Street, we enter Great Russell Street, which runs from Tottenham Court Road to the north-west corner of Bloomsbury Square. It was built in the year 1670, and was named after the Russells, Earls and Dukes of Bedford. It is now a street of shops, but was formerly, as Strype tells us (circa 1700), ‘A very handsome, large, and well-built street, graced with the best buildings in all Bloomsbury, and the best inhabited by the nobility and gentry, especially the north side, as having gardens behind the houses, and a prospect of the pleasant fields up to Hampstead and Highgate.’</i> “(Extract from Old and New London: Volume 4, Edward Walford, 1878; pp. 480-489, Chapter XXXVII, Bloomsbury - General Remarks. Now republished by University of London & History of Parliament Trust).- “On the construction of the British Museum, the whole terrace of houses was refaced with new Victorian facades with commercial uses on the ground floor. This is now the historic character of the street that the Bloomsbury Conservation Area seeks to protect and we believe that it should be maintained”.- “For these reasons we are unable to support this application in its present form. There is perhaps a case for a 'personal consent' allowing the applicant to only use the retail space for the historic paintings business referred to in the Design & Access Statement. This would require a condition that a shop window display is maintained with paintings visible from the street similar to the conditions applied to 90 Great Russell Street opposite”. |
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Site Description

The application site comprises a four-storey building with a basement level which is grade II listed and forms part of a significant row of terraces (No's 43–48 Great Russell Street) dating from 1855-64. The site is located on the southern side of Great Russell Street, close to the junction with Museum Street (to the east). Adjoining to the west are similar properties with ground floor retail, to the east are the rear of properties fronting Museum Street and to the north, beyond Great Russell Street, is the British Museum.

The building comprises a lawful retail shop use (Class A1) at the front part of the ground floor and a single dwellinghouse (Class C3) at basement, ground floor (rear portion), first, second and third floor level. At the time of the officer site visit on 27th March 2012 works to implement planning permission 2011/5134/P and listed building consent 2011/5135/L were seen to be in the process of taking place. As such the lawful use of these parts of the building is a Class C3 unit. This application does not involve this part of the building and only involves the front portion of the ground floor of the premises, which as part of planning permission 2011/5134/P and listed building consent 2011/5135/L remained in Class A1 use (see site history section below for details).

The application site is located within Bloomsbury Conservation Area. It is also located within Central London (Museum Street) Local Area (as identified within the Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses. Adopted 4 October 2007), the Central London Area, an archaeological priority area and clear zone area. Within the Revised Planning Guidance for Central London the surrounding area is characterised as "South of the Museum, particularly along Museum Street, Bloomsbury Street and Great Russell Street, is a concentration of specialist retail uses dealing in collectible items such as antiquarian books, prints, coins and vintage cameras which contribute significantly to the character of the Museum Street area. There are also a number of cafés and restaurants located throughout this part of the area. There is also a significant residential population (around 1,200 people in the 2001 census), with housing remaining a key component of the mix of land uses, particularly on upper floors" (paragraphs 11.2 and 11.3). Within the Conservation Area Appraisal paragraph 5.108 details this particular part of Great Russell Street, covering the corner landmark of No. 49, and the groups of listed buildings (including Nos 43-48 consecutive).

Relevant History

N14/28/8/18582 - The change of use of the ground floor at 47, Great Russell Street, WC1 from shop to offices. Refused 14/06/1974. Reasons for refusal: 1. The proposed development involves an increase in office accommodation contrary to the Council's policy of restricting the growth of such space in Central London, as expressed in the Written Statement of the Initial Development Plan. 2. The proposed change of use involves the loss of a retail unit which the Council considers desirable in this location.

2011/2850/P - Change of use and works of conversion from offices (Class B1) to dwelling house (Class C3) including removal of pitched roof to create roof terrace with stair enclosure, balcony at rear first floor level, removal of roof to rear extension to create walled garden and installation of railings to front lightwell. Withdrawn 12/09/2012.

2011/2851/L - Internal and external alterations including removal of pitched roof to create roof terrace with stair enclosure, balcony at rear first floor level, removal of modern roof to rear extension to create walled garden and installation of railings to front lightwell in connection with change of use from offices (Class B1) to single dwelling house (Class C3). Withdrawn 12/09/2011.

2011/5134/P - Change of use from office (Class B1) to residential (Class C3) at basement, first, second and third floor levels and change of use of the ground floor (rear proportion and hallway) from part shop (Class A1) and office (Class B1) to residential (Class C3) with the front proportion of the ground floor to remain as a shop use. The proposed C3 use would create a 2 bedroom residential dwelling and would incorporate alterations to the internal fabric and fenestration, a new rear terrace at first floor level, a rear terrace at roof level and removal of the roof to existing rear building to create

walled garden. Granted following completion of S106 Legal Agreement 09/12/2011.

2011/5135/L - Internal and external alterations including installation of a rear roof terrace at first floor level, installation of internal stair and removal of modern roof to rear extension to create walled garden in connection with change of use from part offices (Class B1) and shop (Class A1) to single dwelling house (Class C3). Granted 07/12/2011.

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS3 (Other highly accessible areas)

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS8 (Promoting a successful and inclusive Camden economy)

CS9 (Achieving a successful Central London)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

DP10 (Helping and promoting small and independent shops)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP16 (The transport implications of development)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Bloomsbury Conservation Area Appraisal and Management Strategy

Camden Planning Guidance 2011 (CPG1 Ch1 &3; CPG5 Ch1-4; Appendices 2&3)

Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses. Adopted 4 October 2007.

NPPF

Assessment

Introduction

Planning permission is sought for the change of use of the front portion of ground floor level from shop (Class A1) to additional residential accommodation (Class C3). The remainder of the building was recently granted change of use to provide a single dwellinghouse and based on the officer site visit on 27/03/2012 works to implement this were already underway. Thus this application seeks to change the use of the remaining part of the building to a residential use so that the building can become a single dwellinghouse throughout the basement to third floors. The applicant has denoted the area of the space sought to be changed to residential use amounts to 34.5sqm.

The applicant has submitted a detailed design and access statement in support of the application. A summary of the main points raised are as follows:

- The works would reinstate the original and former use of the building as a single dwellinghouse. More specifically the building was built as a house in the late 17th century and remained so for over 250 years. It was used as offices for 30 years until 2009, then let as art exhibition space and has then been vacant for 2 years. Thus argument is that the building has not been used for retail purposes (various extracts of websites documenting exhibitions at the premises are provided) and residential use now will not constitute a loss of retail space.
- The Council's LDF policies override the supplementary guidance including Revised Planning Guidance for Central London. More specifically policies CS6 and CS9 are noted. Furthermore the proposal would add to an appropriate mix of uses in the area (para 1.24). Change of use appears compatible with the Council's strategy with Central London (CS9) and policy DP13 allows a permanent change to residential use where a site is not suitable for any use other than B1a offices.
- The building is physically unsuitable for retail uses and a retail use conflicts with authentic historic restoration of spaces and features. More specifically retail use is incompatible with authentic restoration of historic features... retail use would require insertion of a WC and hand basin on the ground floor, necessitating internal partitions and preventing restoration of original room proportions, reducing the retail floor area available to 29.7sqm. Furthermore the entrance is narrow and cannot offer wheelchair access given the protected frontage. The street has no parking, waiting or loading facilities making deliveries problematic for all but the lightest retail use. It is also noted that the ground floor was and remains completely open space without fittings of any kind that would support retail use.
- There is absolutely no shortage of retail space in the area and the nearby designated growth areas (Holborn / Tottenham Court Road) means there will be even more in the future.
- Pedestrian and vehicular usage will be reduced under the proposed change of use. There will be no negative impact on the area in terms of its residents or commercial activities.
- The use of the ground floor as retail now will not necessarily add to the charm of the area.
- The provision of a small number of sedate period houses interspersed with retail would add greatly to the overall area, and that occupation at ground floor level is an essential part of this.
- Benefits of the owner occupation of the whole building include 24 hour surveillance, especially at street level, and caring about the environment of the area (lack of care by shop and office use occupiers also mentioned), which would enhance the architectural heritage of the area. One example cited is that caring residents with a significant personal investment will support the Council's resistance to excessive food and drink use, which will begin to counter the neglect of building fabric and abuse of ground floor facades and interiors.
- PPG15 advises that the best use of historic buildings is very often the use for which the

building was originally designed.

Land use

First, it is important to clarify that the Council considers that the lawful use of the part of the ground floor of the building under consideration is Class A1. This is based on an assessment of the planning history of the site (see above) and the information provided by the applicant and seen during the officer site visit. The most recent use is shown to be an art exhibition space, which was evidently open to the public (similar to nearby uses along Museum St at No's 30, 31 and 33 (see below). Although during the officer site visit the premises were not in use, signage associated with the Gallery was still in place. Such a use is considered to be Class A1. Furthermore the Council's retail surveys and land use survey (see below) denote the use to be Class A1. As such, this is the basis for the consideration of the existing use.

Although the application site premises is not located within a designated Central London Frontage or neighbourhood centre, it is located within a specialist shop use area known as the Museum Street Local Area. This is identified within Revised Planning Guidance for Central London SPD and referred to in LDF policy CS7, with paragraph 7.11 of the supporting text noting that "Camden's individual and groups of, specialist shops (for example Museum Street and Covent Garden) contribute greatly to the variety and character of the borough". Paragraphs 7.23-7.26 are also of key importance. Paragraph 7.25 states "Camden has a number of areas which provide specialist shopping, drawing people from beyond Camden and often beyond London. These include the area around Museum Street for antiquarian books, prints and coins... these specialist shopping areas help to provide variety and individuality that is in contrast to the more standard range of shops found in many centres". Paragraph 7.26 continues "The Council aims to support and protect these areas, which make a great contribution towards the attractiveness and diversity of the borough... specific area guidance... [restricts] changes from shops (in use class A1) to other uses to maintain a stock of suitable premises".

Policy CS7 is supplemented by DP12, with DP12a stating that the Council will consider the effect of non-retail development on shopping provision and the character of the centre in which this is located. This is clarified within paragraphs 12.6 and 12.7 of the supporting text to the policy, which states the Council will not support proposals which "it considers would cause harm to the character, amenity, function, vitality and viability of a centre or local area". Cumulative impacts of non-shopping uses on the character of the area is mentioned, as is supplementary documents the Council will take account of. Reference is also made to taking into account the vacancy of a unit and the prospect of achieving an alternative occupier for vacant premises when considering proposals that involve the loss of retail premises.

Furthermore policy DP10 states the Council will protect small and independent shops located outside designated centres unless d) there is alternative provision within 5-10 minutes walk; e) there is clear evidence the current use is not viable and f) the development contributes positively to the local character, function, viability and amenity. On this latter point the supporting text at paragraph 10.8 stipulates that "the Council will only grant permission for the loss of shops outside centres in Central London where it considers that the replacement use will also contribute positively to the local area". Although housing is then identified as one alternative use, the supporting text also notes that "when assessing such applications we will also consider guidance in our supplementary planning documents.

This specific area guidance consists partly of (together with CPG 2011) the Revised Planning Guidance for Central London SPD. Paragraph 7.2 of the SPD denotes that "The Council seeks to prevent the erosion of concentrations of specialist uses that contribute to the character of the Central London Area". With specific reference to the Museum Street Local Area, the premises is located within a protected retail frontage (Map 12 of the SPD). In this regard the guidance states at paragraph 11.5 that "the concentration of specialist retail activity south of the Museum is considered to be under particular threat from other uses. In recent years, several planning applications have been made for changes of use of retail to non-retail uses, mainly for food and drink uses. These applications have generally been refused by the Council in line with longstanding policies to protect such uses.

Paragraph 11.6 continues that “The Council will continue to protect the specialist uses south of Museum Street as they make an important contribution to the character of this area... the character of the area will be harmed by the loss of premises and a reduction in the overall stock of premises suitable for retail purposes. The Council will not grant planning permission for development involving the loss of retail uses or number of retail units in the Protected Retail Frontages designed on Map 12. The application site is located within such a designated frontage.

Given this policy context the loss of the Class A1 use at the front portion of the ground floor of the premises is considered to be harmful to character, function, vitality and viability of the designated Museum Street Local Area. By reaching this conclusion the character of the local area has been considered, as has the vacancy of the unit / potential for future occupation and the possible cumulative impacts of the proposal.

Character of the area

Map 12 within the SPD identifies the site within a protected retail frontage which spans from 43 Great Russell Street to No. 48 and around onto Museum Street covering No's 27-34. An audit of the existing ground floor uses and the lawful uses according to the planning history, together with background information from the Retail Survey 2011 and Land Use Survey 2012, is provided below:

Address of building	Use as seen on site on 27/03/2012	Lawful use according to planning history	Land use according to Retail Survey 2011 information	Land use according to Land Use Survey 2012
43 Great Russell Street	Class A1 - Souvenir Press Limited (Bookshop)	Class A1 (Change of use from shop application refused 14/03/1975 - N14/28/1/20126)	Class A1	Class A1
44 – 45 Great Russell Street	Class A1 - Coincraft (coins etc)	Class A1 referred to in 2011/3500/L	Class A1	Class A1
46 Great Russell Street	Class A1 - Jarndyce Antiquarian Booksellers	None of relevance	Class A1	Class A1
47 Great Russell Street	Vacant	Class A1 (see planning history above)	Class A1 (Gallery 47)	Class A1
48 Great Russell Street / 34 Museum Street	Class A1 - Fancy that of London (souvenirs etc)	Class A1 - based on 9000092.	Class A1	Class A1
33 Museum Street	Class A1 - Mokspace (art exhibition space, sales and related services)	Class A1 – based on 2006/3453/P & 2010/1752/P	Vacant (2010 – Class A1 Games Shop)	vacant
32 Museum Street	Class A3 - Thai Garden Café	Class A3 – based on PSX0004894	Class A3	Class A3
31 Museum Street	Class A1 - Paul Stolper (Art gallery, sales and related services)	Class A1 – based on N14/28/10/31690 and 2011/5960/P	Class A1	Class A1
30 Museum Street	Class A1 - Abbot and Holder Ltd (art exhibition space, sales and related services)	None of relevance.	Class A1	Class A1
29 Museum Street	Class A1 - Seoul Mate Convenience Shop	None of relevance.	Class A1	Class A1

28 Street	Museum	Class A3 - The Pancake Shop	None of relevance	Class A3	Class A3
27 Street	Museum	Class A4 - The Plough Public House	Class A4 – confirmed by 2007/1381/P	Class A4	Class A4

Based on the above it can be seen that the general character of this parade of units is predominantly Class A1 in use, with a number of speciality uses referred to in the LDF and SPD being present. In particular these are found on the Great Russell Street frontage, where the application site is located. Moreover it can be demonstrated that the parade of 12 units are all in active use, with the exception of the application site. There are also no Class C3 residential uses in this parade at ground floor level. Thus it is considered that the loss of a Class A1 use at the premises would be harmful to the character of the locally designated area, where the long standing policies have been in place to protect the retail function of this area. It is considered that any loss of a Class A1 use within this parade would be harmful to the local function and in-turn potentially cause harm to the vitality and viability of the local area. This would be contrary to policies CS7 and DP12. In addition the development is not considered to positively contribute to the local function and viability of the area, contrary to DP10f. Although it is acknowledged that there is alternative Class A1 provision within 5-10 minutes walk (satisfying DP10e), the proposals are not considered to comply with CS7f and i, DP12a or DP10f.

Furthermore, the existing character of this part of Bloomsbury Conservation Area would not be preserved or enhanced by the loss of a Class A1 use at the premises. Instead it is considered that it would cause harm and thereby the proposal is contrary to policies CS14b and DP25b in addition to those policies noted above. CS14b states that the Council will preserve and enhance the rich and diverse heritage assets and their settings, including conservation areas. This is built on in DP25, with the supporting text at paragraph 25.2 stating “We will seek to manage change in a way that retains the distinctive characters of our conservation areas and will expect new development to contribute positively to this... the character of conservation areas derive from the combination of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing, and uses” (emphasis added by officers). This is also echoed in the Bloomsbury CAA&MS 2011. Paragraph 5.5 in the ‘Management of change’ section denotes that “the re-use of buildings may have implications for the character and appearance of the area. This can include: ... loss of concentration of specialist uses within an area where these can contribute to the character of the area (such as loss of small specialist shops characteristic of the Museum Street to A3 (food and drink) use)”. Although a Class A3 is not proposed in this instance, the harm of a Class C3 use is considered to be similar to that mentioned in respect of the character of this part of the conservation area.

Vacancy of the unit / potential for future occupation

The applicant has denoted that the premises have been vacant for 2 years and considers that the premises are not suitable for a future retail operator (reasons outlined in the introduction section above).

The applicant advises that the ground floor is not suitable for retail use given the cracks in the bressamer beam and lack of toilet facilities. The Council's specialist conservation and urban design advice is that the bressamer beam could conceivably be strengthened without its removal whilst toilet facilities could be provided within the closet wing without harming the building's special interest. This downplays the assertion of the applicant in this regard.

The applicant also considers that the entrance is narrow and cannot offer wheelchair access given the protected frontage. Based on the officer site visit it is considered that adequate measures could be introduced to the building (for example a portable / permanent ramp could be introduced inside the building where there is a step from the front entrance door) without harming the special interest of the building and allowing suitable access to all groups.

The applicant has also stated that the street has no parking, waiting or loading facilities making

deliveries problematic for all but the lightest retail use. In response it was witnessed during the officer site visit (audit above) that there are a variety of retail functions in the local vicinity and therefore it is considered that a retail unit could function from the premises despite the local context identified by the applicant.

Based on the above it is considered that there is scope for a future occupier successfully operating from the site, within a unit of the size proposed to be lost. This was also considered the case at the time of the most recent planning application at the site (see relevant history below). The officer site visit also witnessed that within the local area other units of a similar size to the application site are in active use.

It is noted that the applicant has not submitted any marketing information indicating what responses there have been to any marketing of the premises. This may have provided further justification by the applicant as to the lack of potential for future let-ability of the space. In addition no information from local agents commenting on the quality of the retail space / potential let-ability of the space has been submitted. Again this could have been used by the applicant to provide further justification in this respect.

Therefore, in overall terms, it is considered that the applicant has not adequately demonstrated that the current lawful use of the premises is not viable, contrary to DP10e. Instead based on character of the area it is considered that there is considered to be realistic scope for a Class A1 use operator to viably trade from the premises.

Cumulative impacts

It is acknowledged that a recent permission at the site (see relevant history section) permitted the change of use of all other elements of the building to residential use. Within this application it was sought to retain the area now proposed to be changed in retail use. It was considered that the remaining retail space was considered to be viable and this was a basis for finding this proposal appropriate. It is now sought to change the use of the remaining area to residential uses, thereby resulting in the entire loss of a retail function at the premises. As noted in the character section above, the frontage is active in terms of the amount of Class A1, with there being no Class C3 accommodation at ground floor level. The loss of an entire premises to Class C3 would thereby potentially have an adverse cumulative impact in the future of the function, vitality and viability of the local area. This would be contrary to long established policies in the local area, ranging from LDF to SPD guidance.

Other matters

As noted in the site description section above the application site building is grade II listed. No physical alterations are proposed as the proposed layout has already been approved. Thus no issues are raised in this respect.

As the proposed residential accommodation would add floorspace to an existing residential unit at the site, rather than create a new/additional unit at the site, a S106 Legal Agreement for car-free housing is not considered to be required. The proposed additional residential accommodation would not be considered to cause any additional transportation implications.

Given the proposals do not involve the creation of an additional unit (the proposals involve the use of the front portion of the ground floor to provide additional residential accommodation in addition to the already granted single dwellinghouse in the remaining part of the building) policies CS6 and DP2 do not apply to this proposal.

Recommendation: Refuse Planning Permission

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