

Delegated Report		Analysis sheet		Expiry Date:		13/09/2007	
		N/A / attached		Consultation Expiry Date:		30/08/2007	
Officer				Application Number(s)			
Alex Bushell				1) 2007/3604/P; and 2) 2007/3613/L			
Application Address				Drawing Numbers			
73-77 Marchmont Street London WC1N 1AP				19017/1, 15-01-01 - 02			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
1) The change of use of the ground from shop (Class A1) to restaurant (Class A3), the installation of a replacement shopfront and a lateral amalgamation of two planning units for form a single planning unit comprising 73-77 Marchmont Street; and 2) The installation of a new shopfront, formation of an opening in the party wall and other minor internal alterations associated with a change of use from shop to restaurant.							
Recommendation(s):		1) Refuse Planning Permission; and 2) Refuse Listed Building Consent					
Application Type:		1) Full Planning Permission 2) Listed Building Consent					
Consultations							
Adjoining Occupiers:		No. notified	80	No. of responses	06	No. of objections	06
				No. electronic	00		
Summary of consultation responses:		S/N displayed 9/8 Objections are raised on the following grounds: noise nuisance due to activity in the street until late in the evening; too many food and drink uses in Marchmont Street already; loss of retail would compromise character of Marchmont Street; the change of use will act as a precedent for other similar use changes; would compete with an existing sandwich bar/other Class A3 uses which will drive rents up (request included to reduce rent); smell, vermin (and flies in summer) and litter nuisance associated with the proposed restaurant; and the local area need independent stores to maintain its unique character.					
CAAC/Local groups* comments: <small>*Please Specify</small>		The Bloomsbury CAAC objects on grounds that the extension of the long shopfront and the opening in the party wall would detract from the attractive character of Marchmont Street. Thames Water recommends the installation of a fat trap in accordance with best practice for the disposal of fats, oils and grease.					

Site Description

2x ground floor commercial units - 75-77 has a long elevation facing Marchmont Street and another narrow frontage facing Tavistock Place and 73 is a smaller unit adjoining. The buildings are Grade II listed and the site is within the Bloomsbury CA. The site is also designated as a Neighbourhood Shopping Centre in the UDP/Central London Area SPG.

Relevant History

71-73 Marchmont Street

26/04/1990 - pp and lbc for the change of use of basement from laboratory to dental surgery the opening up of the front area and provision of railings the extension of the existing ground floor rear extension and the erection of a new first floor rear extension in connection with the use of the linked upper floors as a flat per floor.

73 Marchmont Street

24/03/1988 - refusal of permission for the change of use from shop to dental surgery - refused on grounds that the loss of the shop would compromise the retail character of the parade.

75-77 Marchmont Street

22/12/2006 - pp and lbc for the installation of a replacement shopfront (Class A3), and new retractable awnings.

05/04/2007 - aod for details pursuant to condition 3b (fascia and awning details) and 3c (sample details) of listed building consent dated 12th January 2007 (ref. 2006/4621/L) for the installation of a replacement shopfront (Class A3), and new retractable awnings.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

UDP: SD1, SD6, SD7, B1, B3, B6, B7, R1, R2, R7.

SPG: Bloomsbury CA Statement

CPG: Shopfronts;

Planning Guidance for Central London (Food, Drink and Entertainment, Specialist and retail uses)

Assessment

The application proposes the change of use of the ground floor of 73 Marchmont Street from a vacant retail unit (lawful use class A1) to restaurant (Class A3) as an extension to the existing restaurant use in 75-77 Marchmont Street incorporating works of conversion comprising the formation of a new opening between the two units and the installation of a new shopfront. Other internal works are proposed within 73 including the formation of new partitions at the rear.

Land use context

The site is within a local neighbourhood shopping parade that includes addresses in Marchmont Street, Tavistock Place, and Leigh Street. The proportion of A1 use currently comprises 29 of 64 units = 45% and food, drink and entertainment uses (in this case A3 and A4) comprise 15 of the 64 units = 23%. In particular there is a concentration of A3 uses on the corner of Marchmont Street and Tavistock Place and all units on the corner are non-retail (not A1).

There is residential use on the upper floors of all surrounding buildings including the upper floors of the application premises.

Material Planning Considerations

Policy R1 guides small scale Class A3 uses to Neighbourhood Shopping Centres and R2/R3 requires the Council to assess the impact on the character, amenity, function vitality and viability of the area and allows consideration of the cumulative impact of existing and proposed food, drink and entertainment uses. Policy R7 only allows the loss of A1 use if it is not harmful to the character, function, vitality and viability of the centre and provided it does not compromise the provision of a range of convenience shopping. In addition to the amenity consideration set out in R2 and R3, SD6 and SD7 relate specifically to amenity and include clauses in respect of noise and noise sensitive use.

Loss of A1 - the Neighbourhood Centre in the streets defined above has an existing level of retail that is already below 50%, and any loss of retail would further erode the retail character and function of the centre. Whilst A3 use would, to a certain extent, support the retail function, it often operates during different hours and may result in runs of 'dead' frontage, particularly during the morning hours. As the units on the corner of Marchmont Street and Tavistock Place are already in non-retail use, further loss of retail is resisted.

Impact of A3 - As is stated in the land use context above, there is an existing accumulation of Class A3 uses on the corner of Marchmont Street and Tavistock Place comprising the restaurant in the application site, the café/restaurant on the opposite side of the street and 2x restaurants in Tavistock Place (Nos 50 and 52). Whilst there are conditional controls that would limit nuisance, it is considered that the combined effect of the existing and proposed A3 use would result in a concentration of street level activity that could exist well into the night and disturb local residents and result in a different character and function for the area. It is not considered reasonable to restrict the hour of use to the early evening as it is intended as an extension to an existing unrestricted Class A3 use.

Listed Building Considerations

No. 73 Marchmont Street is a grade II listed terraced Georgian building with later shopfront. The building is considered to make a positive contribution to the character and appearance of the Bloomsbury Conservation Area of which it forms a part. Consent is sought for a new shopfront at 73 Marchmont Street along with a double width opening at ground floor level to join the shop unit with no. 75 Marchmont Street.

Although the existing shopfront has an incorrectly proportioned fascia sign and the left hand pilaster and corbel have been concealed the elements of the original shopfront still remain. The attractive timber shopfront with recessed entrance and slender corner glazing bar is considered to be of merit and worthy of retention. As such the proposed scheme would result in the loss of a shopfront of merit and should be refused.

Internally the scheme proposes to create a party wall opening between no.73 and 75. This would not only result in the loss of historic fabric but also harm the special interest of the listed terrace which is characterised as individual buildings organised vertically along the street with independent shop unit ground floor level. The lateral conversion is also considered as being detrimental to the character of the terrace in Marchmont street which is made up of independent retailers - emphasising further the individual Georgian buildings which make up the terrace

on this side of the street.

The proposed works would therefore be contrary to policies B6 of the UDP would harm the special interest of the grade II listed terrace of which the application site forms a part.

Recommendation

That planning permission and listed building consent be refused for the reasons set out in the draft decision notice.