

Delegated Report		Analysis sheet		Expiry Date:	17/07/2007
		N/A / attached		Consultation Expiry Date:	03/07/2007
Officer			Application Number(s)		
Elaine Quigley			2007/2592/P		
Application Address			Drawing Numbers		
8 Monmouth Street London WC2H 9HB					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from retail (Class A1) to restaurant/bar in association with the existing bar/restaurant at ground floor level of the hotel (Class C1).					
Recommendation(s):		To refuse planning permission.			
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	03	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	Site notice No letters received as a result of the display of a site notice (expired 03/07/2007)					
CAAC/Local groups* comments: <small>*Please Specify</small>	Covent Garden CAAC - objects Concerned at loss of small retail unit that helps to maintain the scale of the west side of Monmouth Street that has already been somewhat engulfed by hotels. Covent Garden Community Association - comments The bar should be restricted in terms of no off sales allowed, no entry to the hotel bar other than via the hotel main entrance. Thames Water Advised that properly maintained fat traps should be installed on all catering establishments and would recommend the disposal of flats oils and grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. An informative would be required.					

Site Description

The application site is located on the west side of Monmouth Street and comprises a small ground floor unit that has an authorised use as a retail unit (A1 use). To the south of the site is the Covent Garden Hotel that occupies a large part of the frontage of this part of Monmouth Street. The Mountbatten Hotel occupies that southern part of this section of Monmouth Street.

The building is not listed however the site is located within the Covent Garden Conservation Area. The site lies within the Central London Area, and falls within a commercial frontage as designated within the replacement Unitary Development Plan. The east side of Monmouth Street falls within a protected retail frontage.

The proposed restaurant/bar would be used in association with the existing bar/restaurant at ground floor level of the hotel (Class C1). The existing restaurant/bar occupies approximately 91 sq.m. floorspace. The proposal would create an additional 26 sq.m of floor space resulting in an overall floor area of 117 sq.m. There are currently two access doors into the existing bar that provide separate access from the hotel. It is proposed to retain the existing entrance door to the unit that would provide a third entrance door.

Relevant History

8 Monmouth Street

9300160

Planning permission was granted on 29/06/1994 for the refurbishment, extension and change of use of the former Shaftesbury Hospital to a hotel use including restaurant, wine bar and 5 no. retail units.

PS9804054

Planning permission was granted on 28/05/1998 for use of 8 Monmouth Street for Class A3 purposes as an extension to the existing use of the ground and basement of 172-176 Shaftesbury Avenue in A3 use together with alterations to the ground floor elevations of both frontages.

2006/2926/P

Planning permission was sought for the change of use from retail (Class A1) to a mixed bar/restaurant (sui generis) in association with the existing bar/restaurant at ground floor level of the hotel (Class C1). Following discussions with the applicant regarding the acceptability of the scheme, the application was withdrawn.

Associated sites

172-176 Shaftesbury Avenue

PS9904555

Planning permission was granted on 09/08/1999 for the change of use of the ground floor and basement from restaurant use (class A3) to hotel use (Class C1) at 172-176 Shaftesbury Avenue in connection with the existing hotel at 10-12 Monmouth Street and alterations to the entrance at ground floor level.

8-12 (evens) Monmouth Street

A planning application was submitted on 24/02/1999 for change of use of 10 Monmouth Street from retail (class A1) to Hotel Use (class C1) in connection with the existing hotel at 12 Monmouth Street. The application was withdrawn in 2001. No subsequent planning applications have been submitted for this conversion and the use at No. 10 is therefore likely to be unlawful.

Relevant policies

Replacement Unitary Development plan 2006

SD6 'Amenity for occupiers and neighbours', B7 'conservation areas', R1 'Location of new retail and entertainment uses', R2 'General impact of retail and entertainment uses', R3 'Assessment of food and drink uses and licensed entertainment', R7C 'protection of shopping frontages and local shops'.

Supplementary Planning Guidance

Camden Planning Guidance

'Conservation areas', Town centres, retail and entertainment uses'.

SPG for Central London: food, drink and entertainment, and specialist and retail uses

Assessment

Planning permission is sought for the change of use from retail (Class A1) to restaurant/bar in association with the existing bar/restaurant at ground floor level of the hotel (Class C1). The agents have advised that the retail unit began life as part of the original hotel unit. As a separate unit it has had a chequered and unsuccessful history of short-term tenants, with frequent periods of vacancy through the past ten years. The agent has stated that the unit has been vacant for over a year. No details have been provided to substantiate these claims. The agent has confirmed that there would be no requirement for additional plant or servicing as the existing restaurant within the hotel has sufficient capacity.

The main issues to consider as part of the proposal are:

- The likely impact of the proposed restaurant/bar use on the character of the area
- The impact on the local amenity

Impact on the character of the area

The results of the land-use survey of the existing ground floor commercial uses in the commercial frontage are listed below:

Address	Company Name	Use Class
2 Monmouth Street	Ticket Agency	A1
2a Monmouth Street	Café Rouge	A3
4 Monmouth Street	Odd Bins	A1
6 Monmouth Street	Pop Boutique	A1
8 Monmouth Street	Vacant (application site)	A1
10-12 Monmouth Street	Covent Garden Hotel	C1
14 Monmouth Street	Vacant	A1
16 Monmouth Street	Bang Olusfen	A1
18 Monmouth Street	Music Images	A1
20 Monmouth Street	Mountbatten Hotel	C1

Within commercial frontages, permission for food, drink and entertainment uses may be granted up to a maximum of 25% of total units of each frontage. The units within this part of Monmouth Street contain 10 addresses covering 12 units. No's 10-12 are a single unit occupied by Covent Garden Hotel (Class C1) which has a restaurant/bar that is currently contained within it. No. 20 is a single unit occupied by the Mountbatten Hotel with the Dial restaurant having a separate entrance. Although physically encompassed within the Mountbatten Hotel, it does have a separate access and can be frequented by individual members of the public who are not registered at the hotel. In line with Appendix C of the SPG, the frontage as existing stands at 10% in food, drink and entertainment uses, whilst if the view is taken that the Dial restaurant and the existing restaurant/bar of the Covent Garden Hotel are separate units (12 units within the frontage) then this would be 25%. By allowing permission for the change of use, this would increase to 33% of food drink and entertainment uses.

Within close proximity of the site there are a high concentration of food and drink uses or licensed entertainment premises along Monmouth Street, Neal Street, Neals' Yard, Shelton Street and Shorts Gardens. These include Mon Plaisir which is a licensed restaurant directly opposite Covent Garden Hotel at no's 19-21 Monmouth Street, Café Rouge that is a restaurant located on ground floor level with frontages on Monmouth Street and Shaftesbury Avenue, Rossedisera that is a small restaurant to the north of the Monmouth Street and Dial restaurant that is part of the Mountbatten Hotel. There are also the restaurants and eateries within Neal's Yard (no's 1, 2, 3, 8-10, 14).

The Council therefore consider that the location of another A3/A4 use would be harmful to the character and function of the area, as well as exacerbating the cumulative impacts of the food, drink and licensed entertainment uses.

Impact on local amenity

Much of the Covent Garden area is mixed in usage, comprising a large residential population. The nearest residential accommodation to the application site is on the upper floors of 178 Shaftesbury Avenue. Although a change of use is proposed no additional extract equipment would be required

than already supports the existing restaurant/bar within the hotel. Although not specifically stated it is considered that the opening hours of the restaurant/bar would remain the same as the hotel and associated restaurant/bar. Any potential noise and disturbance associated with the use could be controlled by condition. However the activity and behaviour associated with people coming and going to the restaurant/bar would be outside the applicant's control. The capacity of the restaurant/bar is unclear. However taking into consideration the location of the residential units in proximity to the very busy Shaftesbury Avenue, it is considered that the proposed change of use would not result in any further unreasonable harm to the amenity of the neighbouring residents and would be considered acceptable.

Size of the restaurant and its impact on general amenity

Paragraph 7.11 of the SPG for central London states 'to provide protection for residential amenity and to protect the particular character of the area, all new or expanded uses should be small scale, generally with a maximum ground floor area of 100 sq.m. Exceptions will only be made where it can be demonstrated that larger uses will not create harmful impacts or undermine the character of the area.

The restaurant/bar when taken in isolation outside of the hotel equates to a floorspace of approximately 91 sq.m. This complies with the provision threshold set out in the SPG guidance. The proposed additional floorspace would increase the floorspace and would exceed the 100 sq.m. threshold by a small amount (117 sq.m). The policy does contain an exception to the 100 sq.m. threshold, where it can be demonstrated that larger uses will not create harmful impacts or undermine the character of the area. It is considered that the proposal in terms of cumulative harm, and location would not overcome these objections and an exception to this policy should not be made.

Conclusion

The site is within close proximity to a high concentration of food, drink uses and licensed entertainment premises. The location of another restaurant would be harmful to the character and function of the area, as well as exacerbating the cumulative impacts of food, drink and licensed entertainment uses. It would also be considered excessive in terms of its cumulative size and would be recommended for refusal.