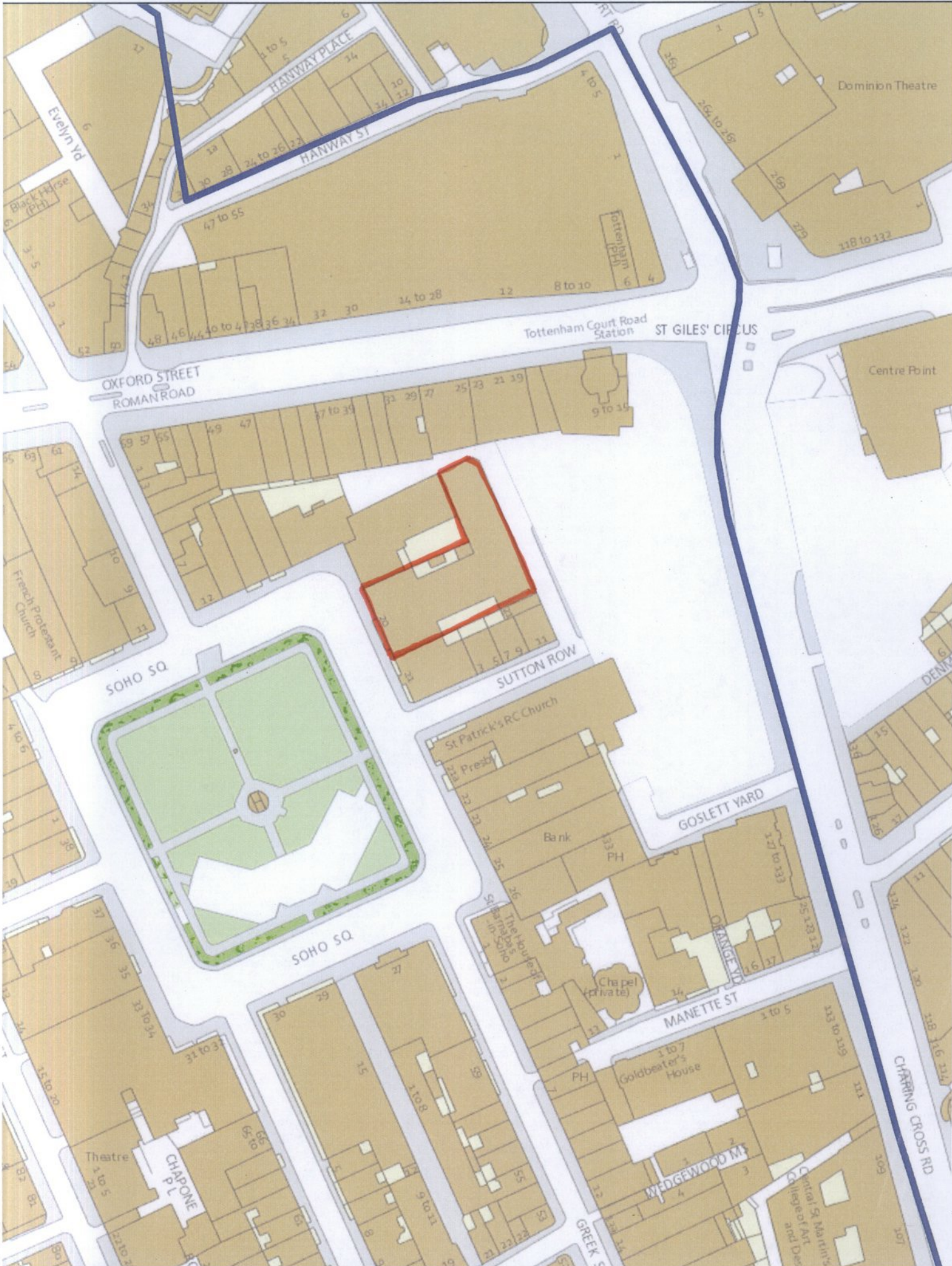


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	Knightway House, 20 Soho Square, London, W1D 3QW		
Proposal	Removal of Condition 1 of planning permission dated 19 May 2005 (RN: 05/00841) for use of part ground and part first floors for office purposes (Class B1); namely, to remove the 'personal permission' requirement and enable the part ground and part first floors to be used for unrestricted Class B1 (office) use.		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Aviva Investors		
Registered Number	15/06534/FULL	TP / PP No	TP/4606
Date of Application	17.07.2015	Date amended/ completed	17.07.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Refuse permission - failure to comply with mixed use policy.





KNIGHTWAY HOUSE, 20 SOHO SQUARE, W1

2. SUMMARY

This building of basement, ground and six upper floors is located close to the north east corner of the square within the Soho Conservation Area. Prior to 2000, the whole of the building was in office use and in September 2000 permission was granted for extensions at roof level to provide additional office accommodation, use of the ground floor for retail (A1) and light industrial purposes (B1(c)). That permission was only deemed acceptable in mixed use policy terms as the increase of 469m² of office floorspace was off-set by the provision of an equivalent amount of B1(c) floorspace. The 2000 permission imposed a condition requiring the Class B1(c) floorspace to be retained for light industrial use only.

Subsequent permissions granted in February and July 2003 for variations to the mix of uses have resulted in loss of the A1 unit and the building currently provides 555m² of B1(c) accommodation and the remainder as B1 offices.

In 2005, planning permission was granted for the use of the area secured for B1(c) use for office purposes personal to Andrews Aldridge. The permission was granted on the basis that the building had been marketed substantially for B1(c) purposes without success, and on the basis that the nature of the occupiers business was a creative one involving artwork production, digital production from websites and retouching of photographic images. Such activities whilst not formally falling within Class B1(c) were considered very similar to a light industrial use. A condition was also imposed which required the floorspace to revert back to B1(c) following the departure of Andrews Aldridge.

Andrews Aldridge vacated the property in March 2015 and therefore the lawful use of this part of the building is light industrial B1(c).

Permission is now sought to remove the personal condition from the 2015 permission to allow the use of part of the ground and first floors for offices (B1(a)). Policy COM8 of the UDP states that 'proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

1. The site is located within the Creative Industries Special Policy Area (CISPA).
2. This would result in the loss of industrial activities which contribute to the character and function of the area.

The City Plan no longer identifies the CISPA but does recognise that protecting and enhancing the Creative Industries is a priority. Further, the City Plan defines Creative Industries as both light industrial (Class B1(c)) and Creative Services (architects, advertising agencies, graphic design and media design) (Class B1) and recognises that a significant amount (63%) of Creative Industries operate from B1 use class units. The relevant office policy (Policy S20) states that new office development will be directed to the Core Central Activities Zone and refers to, where appropriate, the provision of a range of business floorspace including workshops and studios, however, it does not specifically protect light industrial uses.

In support of the 2005 application, the applicant claimed that the B1(c) floorspace had been extensively marketed without success and that there was no demand for a B1(c) occupier. In this case, whilst no recent active marketing has been undertaken, it is understood that the premises had been extensively marketed at the time of the previous application, with four years of active marketing including a reduction in the rent sought. The applicant claims that there is no reason to believe that the situation would be any different today, and their client's

leasing agents have confirmed that two areas of B1(c) use, split over two floors, would have limited appeal in this core West End location. Given that the space has not been occupied for B1(c) purposes since the building was initially extended in 2000, and the shift in current policy, it is not considered that the application could be refused on the loss of light industrial use.

The loss of the light industrial floorspace does, however, result in a subsequent increase in office floorspace and therefore the Mixed Use Policy (COM2 of the UDP and S1 of the City Plan) applies. This requires the provision of residential accommodation on site equivalent to the increase in office floorspace and where this is not practical it requires the provision on another site in the vicinity. Where it is not appropriate or practical to provide residential accommodation, the policies seek the provision of other uses which contribute to the character and function of that part of the CAZ, and where none of these are provided it seeks an appropriate financial contribution towards affordable housing. Given that the original 2000 permission did not achieve either on or off-site residential, and that the alternative use originally secured is to be removed as part of this application, the only means of complying with COM2 is for a payment towards the City Council's affordable housing fund. Using the formula set out in the UDP, the application would attract a payment of £913,234. The applicant has confirmed that they are unwilling to make such a contribution and offer no explanation as to why the Council's mixed use policies should not apply in this instance.

The proposal is considered unacceptable as it would not be compliant with either Policy S1 of the City Plan or COM2 of the UDP as the applicant has refused to provide an affordable housing contribution. There are not considered to be any special circumstances which justify an exception to policy in this instance.

3. CONSULTATIONS

SOHO SOCIETY

No response received to date..

CROSSRAIL

No comments raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 99; Total No. of Replies: 0

ADVERTISEMENT/SITE NOTICE: Yes

BACKGROUND PAPERS

1. Application form.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: Knightway House, 20 Soho Square, London, W1D 3QW

Proposal: Removal of Condition 1 of planning permission dated 19 May 2005 (RN: 05/00841) for use of part ground and part first floors for office purposes (Class B1); namely, to remove the 'personal permission' requirement and enable the part ground and part first floors to be used for unrestricted Class B1 (office) use.

Plan Nos:

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

Recommended Reason for Refusal:

Reason:

- 1 Your development includes a large amount of extra office floorspace but does not provide an acceptable mix of uses as set out in S1 of Westminster's City Plan: Strategic Policies adopted November 2013 and COM2 of our Unitary Development Plan that we adopted in January 2007.

DRAFT