

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	27B Devonshire Street, London, W1G 6PW,		
Proposal	Use of ground floor as dual / alternative use as either Class A1 (Shops) and / or Class A2 (Financial & Professional Services) and installation of new shopfront.		
Agent	Howard de Walden Estates Ltd		
On behalf of	Howard de Walden Estates Ltd		
Registered Number	15/10033/FULL	Date amended/ completed	28 October 2015
Date Application Received	28 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The property is located on the northern side of Devonshire Street close to its junction with Marylebone High Street. The building is unlisted but is situated within the Harley Street Conservation Area. The premises comprise a small vacant ground floor unit (58.7 m²) previously occupied by a medical consultant. The immediate vicinity is a mixture of uses with a concentration of retail and commercial premises on Marylebone High Street while residential and office uses dominate Devonshire Street.

The proposal seeks permission for dual / alternative use as either Class A1 (Shops) and / or Class A2 (Financial & Professional Services) at ground floor level and installation of new shopfront.

The site is designated as secondary frontage within the Marylebone High Street District Centre, and therefore change of use to retail (use class A1) is supported. Change of use to use class A2 is also acceptable under section c of policy SS6 of the UDP.

The unit falls outside of the Harley Street Special Policy Area where the UPD and City Plan specifically protect D1 medical uses.

UDP Policy SOC 1 protects existing community facilities and specifically references doctor's surgeries within the list of community facilities unless there is surplus capacity locally.

It is understood that the previous occupant ceased operation.

There are five doctor's surgeries within 0.5 miles of this site, all of which are accepting new patients thus

suggesting supply exceeds demand.

In addition, Howard de Walden Estates Ltd (the Applicant) currently has a number of planning application which seeks to increase the provision of Class D1 (medical) floorspace locally in larger/more appropriate sites as detailed in the table below.

WCC Reference	Address	Distance from Site	Class D1 (medical)	Stage
14/02119/FULL	55 Harley Street	550m	+ 82.2 m2	Now Implemented
15/01802/FULL	47-53 Queen Anne Street	550m	+ 106 m2	Construction commencing in Feb 2016
P15/00513	73-75 Harley Street	450m	+111 m2	Application to be submitted early 2016

Given that this premises is now vacant, the current provision of local doctors surgeries accepting new patients and an increase in local D1 medical floorspace in proximity to the site, the loss of this community facility with a floor area of 58.7 m2 is acceptable in policy terms.

An objection has been made in relation to the proposed change of use due to perceived impact that the commercial activity would have on the court yard to the rear. Reference has been made to smells from cooking and additional noise and vibration from air conditioning units. The proposed development does not seek permission to cook on the premises or alter the existing air conditioning system thus the objection cannot be supported.

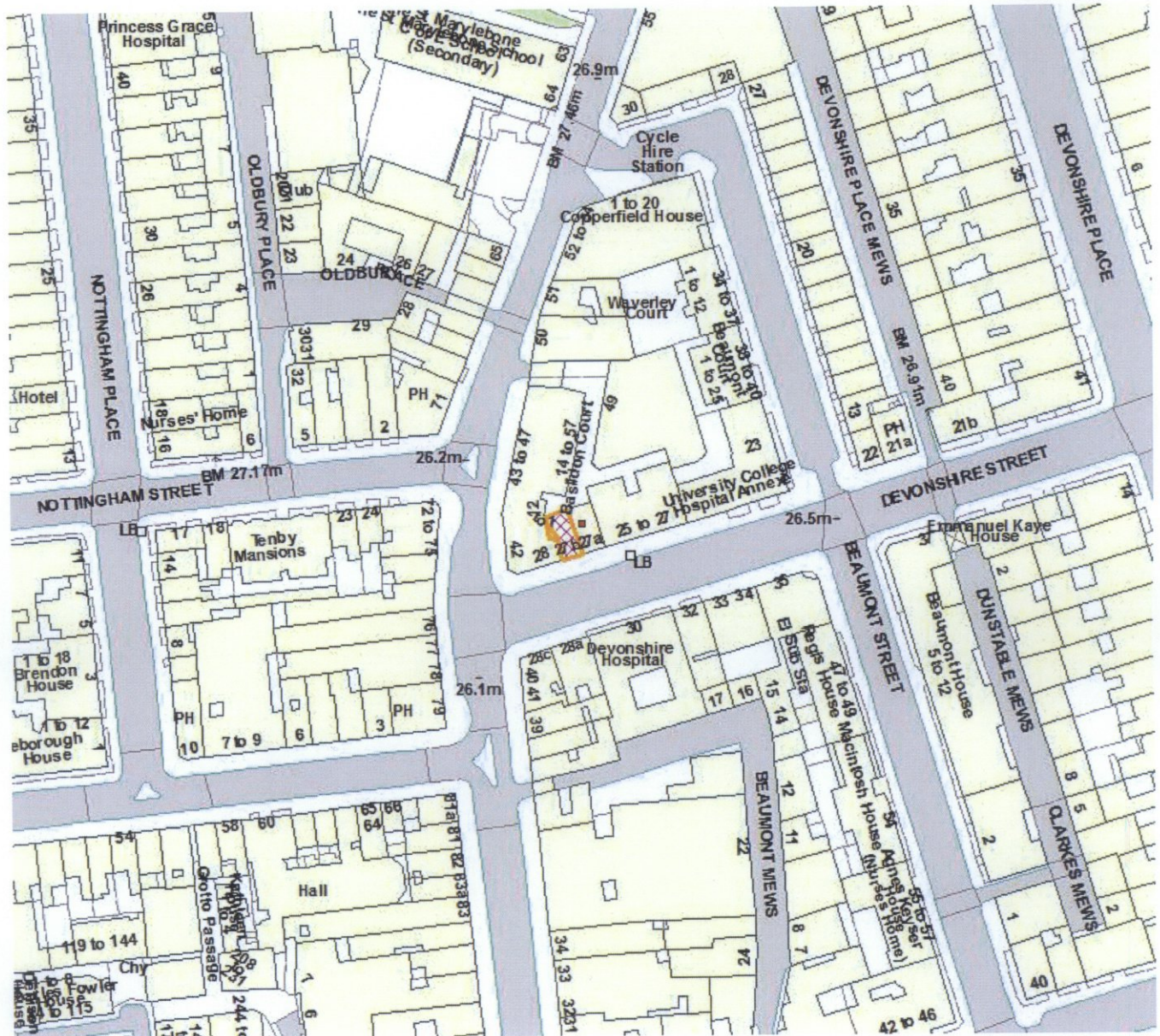
The proposed shopfront matches neighbouring examples and is acceptable in design and heritage asset terms in accordance with policies DES 5 & DES 9 of the UDP.

The air condenser unit is unattractive but it is noted that it is immune from enforcement due to its age.

A representation in support of the application has been made with a suggestion that the use of crittal or mullion windows may be more appropriate. After deliberation, it is considered the proposed window is more appropriate for the land use being sought and is in keeping with the neighbouring buildings.

It is considered that the proposal complies with relevant UDP policies in respect of both land use and design terms thus is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Marylebone Association

Any response to be reported verbally.

Highways Planning - Development Planning

No objection.

Cleansing - Development Planning

No objection.

Adjoining owners/occupiers and other representations received

No. consulted - 105

No. responses - 4

No. objections - 3 letter of objection from the occupiers flats within 28 Devonshire Street. These objections concerned the following issues; smell, noise, vibration and air quality.

No. Support - 1 letter of support to the proposed change of use.

Press Advertisement/ Site Notice

Yes.

6. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing - Development Planning, dated 23 November 2015
3. Highways Planning - Development Planning, dated 7 December 2015
4. Letter from occupier of Flat 3 Basildon Court, 28 Devonshire Street, dated 30 November 2015
5. Letter from occupier of 31 Basildon Court, 28 Devonshire Street, dated 23 November 2015
6. Letter from occupier of 24 Basildon Court, 28 Devonshire Street, dated 23 November 2015
7. Letter from occupier of 33-34 Devonshire St, London, dated 3 December 2015

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk
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7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 27B Devonshire Street, London, W1G 6PW,

Proposal: Use of ground floor as dual / alternative use as either Class A1 (Shops) and / or Class A2 (Financial & Professional Services) and installation of new shopfront.

Plan Nos: Drawings TM017/002/P, TM017/003/P, TM017/004/P, TM017/005/P, TM017/006/P.

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a supermarket/convenience store (or similar) unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 4 No waste shall be left on the highway.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor can change between the Class A1 & A2 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62AB)