

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	29 Riding House Street, London, W1W 7DX		
Proposal	Use of the ground floor as residential floorspace (Class C3) to enlarge the existing dwelling at basement, first and second floor levels. Alterations to front and rear elevations.		
Agent	Lambert Smith Hampton		
On behalf of	Mrs Penelope Brudenell-Bruce		
Registered Number	16/01426/FULL	Date amended/ completed	17 February 2016
Date Application Received	17 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

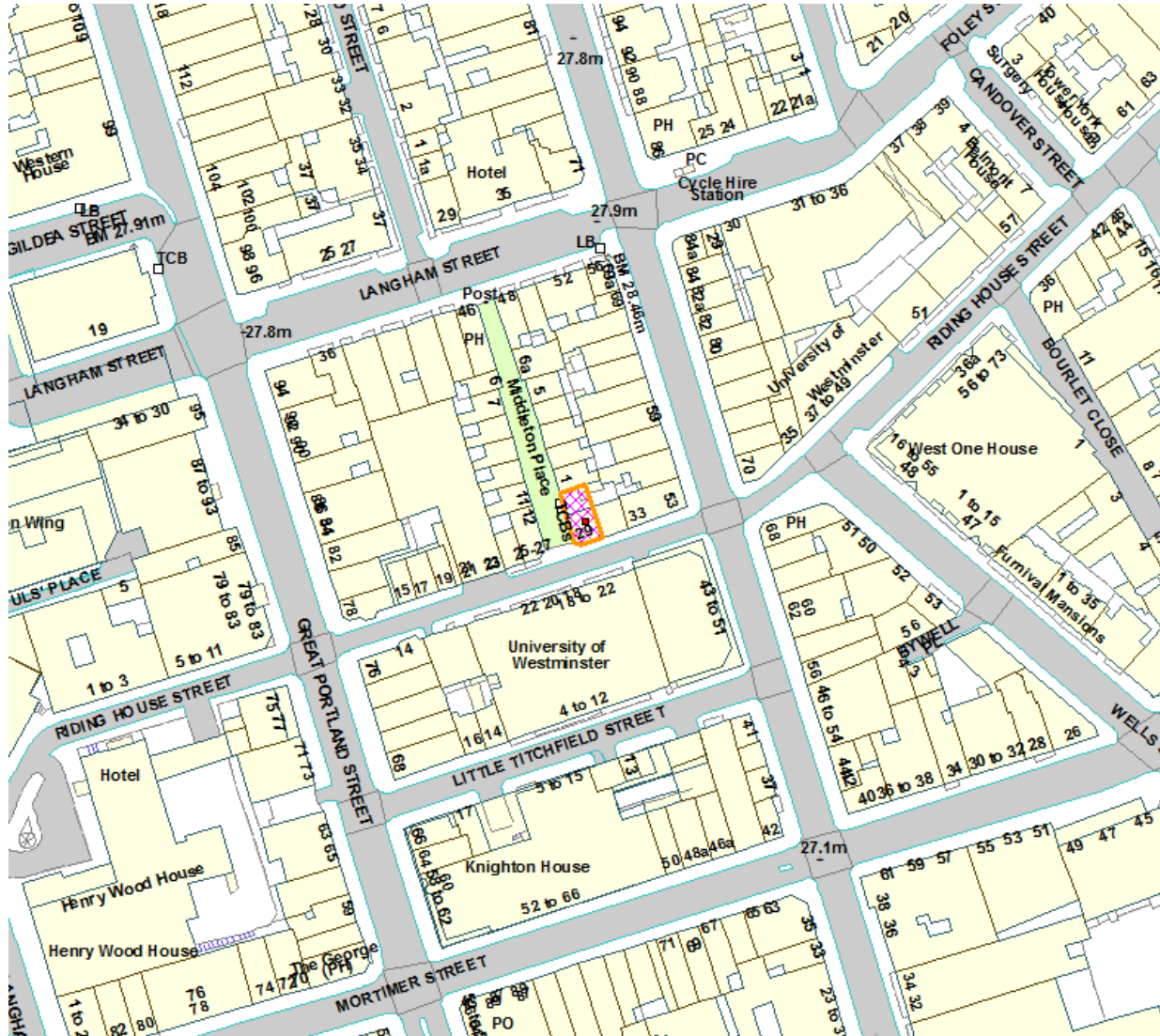
No. 29 Riding House Street is an unlisted building located within the East Marylebone Conservation Area which is lawfully a shop (Class A1) at part ground floor and a dwelling (Class C3) at basement, part ground, first and second floor levels. The site is located outside of the Core Central Activities Zone (Core CAZ) and is not located in a designated shopping centre. It is understood that the retail unit has been vacant for in excess of for 16 years. It is not known what the retail unit was last used as. Permission is sought to use the ground floor retail unit as residential floorspace (Class C3) in order to extend the existing dwelling occupying the remainder of the building.

The key considerations in the case are:

- The loss of the 32 m² retail (use class A1) floorspace at ground floor level; and
- The impact of the proposed physical alterations on the character and appearance of the building and the wider East Marylebone Conservation Area.

It is considered that the length of time the shop has been vacant, its small size and its location on the periphery of the Great Titchfield Street Local Centre in an area with little retail character represent exceptional reasons to depart from the normal presumption in favour of protecting retail floorspace and to allow its use for residential purposes.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Middleton Place & Riding House Street Elevations



Riding House Street Elevation



Street Context
(North side of Riding House Street)



Street Context
(South side of Riding House Street)

5. CONSULTATIONS

WARD COUNCILLORS FOR WEST END

To be reported verbally.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

To be reported verbally.

CLEANSING

No objection.

HIGHWAYS PLANNING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the north side of Riding House Street at its junction with Middleton Place. It comprises an unlisted building situated within the East Marylebone Conservation Area but outside of the Core CAZ or any of the local or district shopping centres. The property is four storeys comprising ground to second floors plus a basement level. Works associated with the 2015 permission detailed below are currently being implemented.

The basement, part ground and upper floors are in use as a dwelling, access to which is gained from a separate entrance accessed from the Middleton Place entrance.

At part ground floor there is a small retail unit totalling 32 sqm. The unit is currently vacant and boarded up and there is no evidence of recent use. Correspondence on the planning history file indicates that the unit was last in use in 2000 and there is no record of the retail floorspace being occupied at any time since. It is therefore likely that the unit has remained vacant for the last 16 years. Access to the ground floor retail unit is achieved through a front entrance door on the corner of Riding House Street and Middleton Place.

6.2 Recent Relevant History

Planning permission was granted on 4 June 1991 for a new mansard storey with roof terrace to extend the flat on the upper floors. This permission was not implemented.

In 1998 a planning application for a three storey extension fronting Middleton Place and a mansard storey over the enlarged building to facilitate the use of the first to fourth floors as

three flats with additional retail space at ground floor level was withdrawn before determination.

On 10 October 2013 a planning application was submitted for a similar excavation at basement level but for the use of the entire property for residential purposes. However, this application was withdrawn following concern being expressed from Officers that the unit has not been marketed.

On the 20 January 2015 permission was granted for excavation beneath the rear courtyard to enlarge the existing basement level and to use the extended basement and courtyard as part of existing residential flat (Class C3) at part ground, first and second floor level and minor external alterations including changes to ground floor retail shopfront and blocking up of rear first floor window.

7. THE PROPOSAL

This application proposes the change of use of the ground floor retail unit (class A1) to residential floorspace (Class C3) in order to enlarge the existing dwelling over basement, first and second floor levels. Minor external alterations to the front and rear elevations are also proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail (32 m2)

As set out above, the site is located outside of the Core CAZ and is not located in a designated shopping centre. It is located to the north-west of the Great Titchfield Street Local Centre. Whilst it is adjacent to a barber (Class A1), there is little retail character in the vicinity of the site.

City Plan Policy S21 states that existing retail floorspace will be protected throughout the City except where it has been demonstrated to be unviable through long term vacancy despite reasonable attempts to let it. UDP Policy SS8 is similar, stating that planning permission will not be granted for proposals that would result in the loss of a shop or launderette use.

The applicant has provided marketing information from Lambert Smith Hampton who has been marketing the property since September 2014 to date (21 months) as both an independent retail or office unit.

There was 17 inquires. However, due to a number of reasons, primarily the size of the unit, security concerns due to access from the rear courtyard and the general arrangement of the property, most of the parties did not follow up their initial query. One offer was received. However, it was requested that the lease to be on-standard and to have numerous break clauses within the lease. These terms are not considered to be acceptable to a reasonable landlord. Another occupier requested a toilet be provided within the premises prior to it entering into a lease at the applicant's cost. This alteration

would have resulted in a loss of rentable floor area which is likely to put off other interested parties if the specification did not suit them. There was also no guarantee that the potential occupier would have committed to a lease even if the toilet was installed.

Officers attempted to have the marketing information independently assessed by an independent consultant who specialise in retail property. Three known consultants were approached but they were not willing to undertake the commission. One stated that they work exclusively in the West End and the City of London therefore they do not have the expertise in this location and the other two consultancies were not interested as a commission of this scale would compromise their current workload.

As a result, the agent provided an in house marketing assessment conducted by a member of staff who was not involved in the marketing of the premises. It was advised that the site was offered at a reasonable market rate for the area and the 21 month marketing campaign has demonstrated that this unit is no longer viable for retail purposes in accordance with adopted planning policy.

It is regrettable that the marketing information was not independently assessed and therefore this marketing information can only be given limited weight. However, the fact that the unit is outside of the Core CAZ or a designated shopping centre, has been vacant for approximately 16 years, is small in size, is in area that has little retail character and is close to the Great Titchfield Street Local Centre that offers alternative retail facilities, means that there are considered to be exceptional circumstances to justify the loss of a retail unit.

Residential use

The proposed enlargement of the existing dwelling by incorporating the ground floor retail unit as part of the overall unit, would be supported in principle by City Plan Policy S14 and UDP Policy H3, both of which promote additional residential provision.

8.2 Townscape and Design

The proposed works to the shopfront at 29 Riding House Street are acceptable in design and conservation terms. Notwithstanding our preference for timber glazing bars to traditional shopfronts, the proposed new steel glazing bars to the shopfront were permitted by the 2015 permission. Given the existing condition, and the change of use, the proposed steel windows are acceptable in this case. The proposed Juliet balcony is acceptable, and the loss of the door on the corner is acceptable subject to a rendered finish to match the existing.

A condition is recommended to be imposed restricting 'permitted development' rights to alter the shopfront. This is in order to ensure that this attractive shopfront is retained and to ensure that the former retail appearance of the building is not lost.

8.3 Residential Amenity

The proposed physical alterations would have no detrimental impact on the residential amenity of any neighbouring properties.

8.4 Transportation/Parking

The works do not result in any net increase of residential units at the site and there would therefore be no material impact on parking or transportation matters.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The existing single family dwelling does not have step free access and no alterations are proposed.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

No specific waste store for waste and recyclable materials is illustrated on the plans. These details will be secured by a planning condition prior to the commencement of the residential use.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

The proposal is of insufficient scale as to trigger a requirement for planning obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

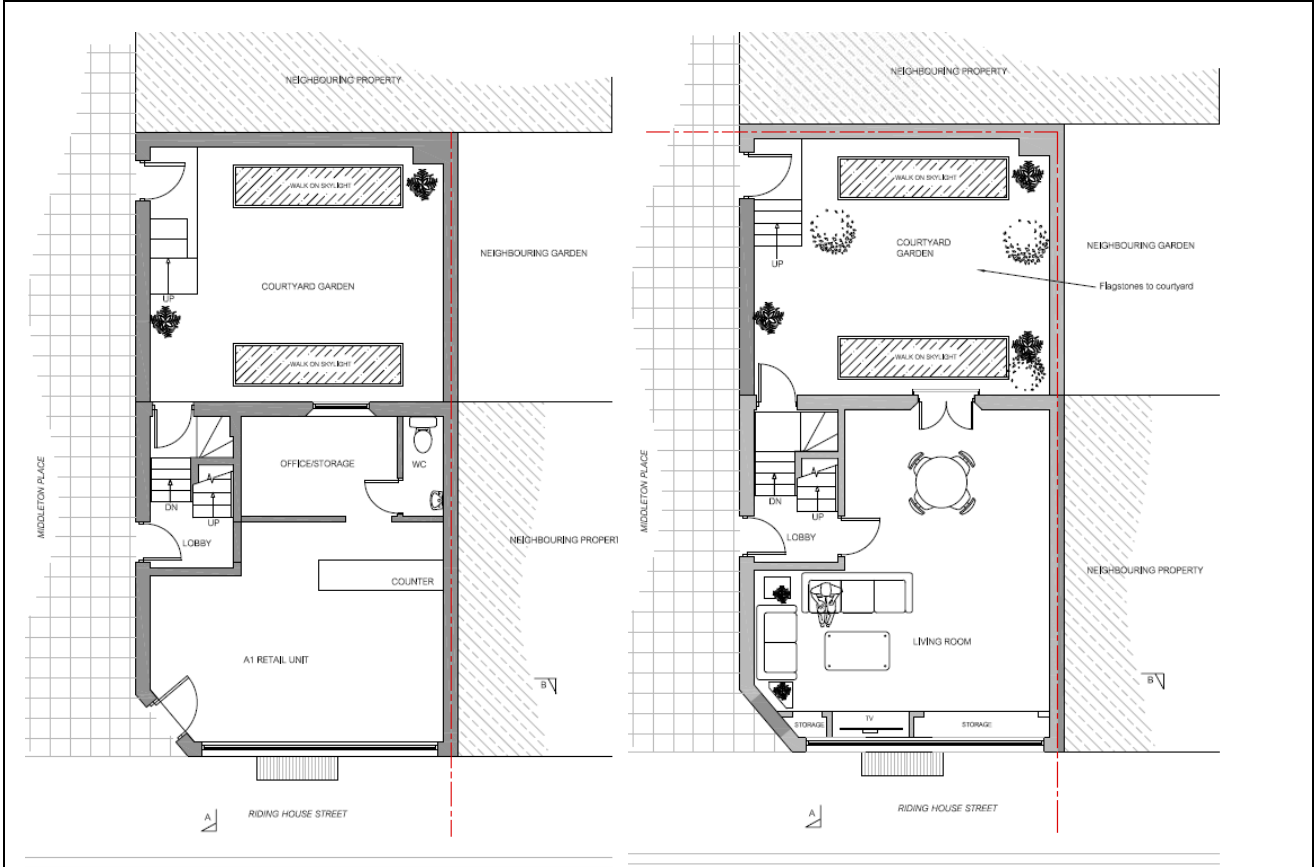
9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Cleansing dated 11 March 2016
3. Memorandum from Highways Planning Manager dated 09 May 2016

(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 MARK HOLLINGTON ON 020 7641 2523 OR BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

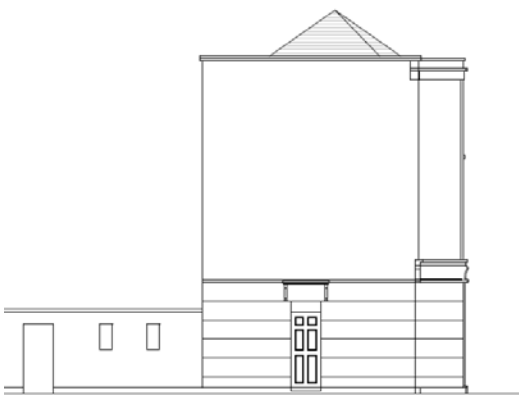


EXISTING GROUND FLOOR PLAN

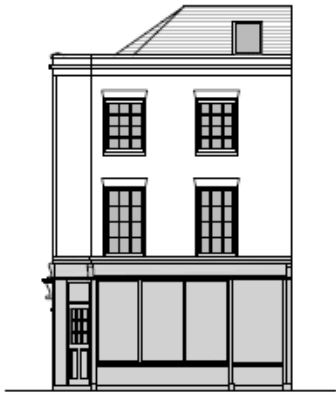
PROPOSED GROUND FLOOR PLAN



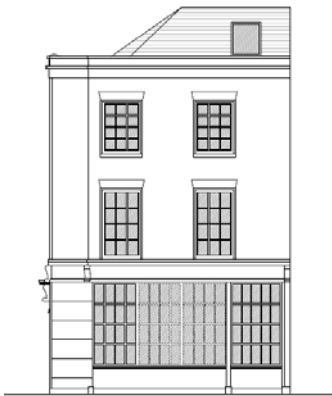
EXISTING WEST ELEVATION



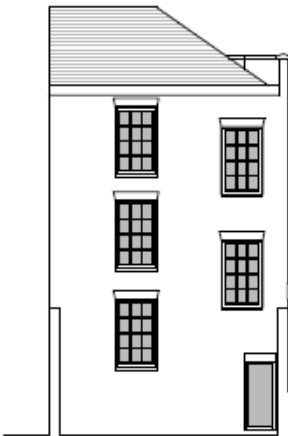
PROPOSED WEST ELEVATION



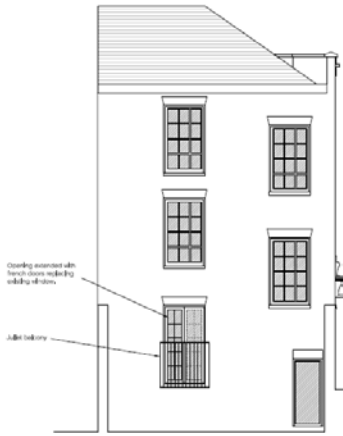
EXISTING SOUTH ELEVATION



PROPOSED SOUTH ELEVATION



EXISTING NORTH ELEVATION



PROPOSED NORTH ELEVATION

DRAFT DECISION LETTER

Address: 29 Riding House Street, London, W1W 7DX,

Proposal: Use of the ground floor as residential (Class C3) in connection with the existing single family dwelling at basement, first and second floor levels. Alterations to front and rear elevations.

Reference: 16/01426/FULL

Plan Nos: Drawings 131000/1002, 131000/1005, 131000/1006, 131000/1007

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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 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)

- 4 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the dwelling. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste 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. (R14BD)

- 5 You must not make any alteration to the shopfront hereby approved (other than the replacement glazing shown on the approved drawings) without our permission. This is despite the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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.

Item No.
7

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.