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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 26 July 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved West End | |
| Subject of Report | Basement And Ground Floor, 63 Margaret Street, London, W1W 8SW, | | |
| Proposal | Use of the basement and ground floors as a retail shop (Use Class A1). | | |
| Agent | Clifford Rance Associates | | |
| On behalf of | Margaret Howell Ltd and The Berloni Gallery | | |
| Registered Number | 16/03467/FULL | Date amended/ completed | 18 April 2016 |
| Date Application Received | 15 April 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | East Marylebone | | |

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

No. 63 Margaret Street is an unlisted building located approximately 50 metres east of the junction of Great Portland Street and Margaret Street within the East Marylebone Conservation Area, the Core Central Activities Zone (CAZ) and the East Marylebone Special Policy Area.

The building comprises basement, ground and five upper floors, and this application relates to the ground and basement unit.

At present the ground and basement floor are vacant however the lawful use is as a wholesale showroom (sui generis). However, it appears that the basement and ground floor have been used as an art gallery for some time. The upper floors are believed to be in office use.

This application seeks permission for the change of use of the existing basement and ground floor showroom to a retail unit (Class A1).

The key issue in this case is:

* The loss of the showroom floorspace within the designated East Marylebone Special Policy Area which seeks to protect wholesale showroom uses.

Policies COM12 of the Unitary Development Plan (UDP) and S2 of the City Plan seek to protect wholesale showroom uses within the East Marylebone Special Policy Area. As the proposal would result in the loss of the wholesale showroom use which has not been marketed for 18 months, it deviates from this policy.

Although the current East Marylebone Special Policy Area is still in force, the deletion of the Special Policy Area as a formal policy change is at an advanced stage having been through public consultation and has been submitted to the Secretary of State for approval. It can therefore be given some, though not full, weight and the current expectation is that the deletion of the Special Policy Area will be ratified.

In these circumstances, the peripheral location of the site within the Special Policy Area, it is considered acceptable on land use grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

No objection subject to condition.

CLEANSING - DEVELOPMENT PLANNING

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 69

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located within the East Marylebone Conservation Area and the Core Central Activities Zone. The property is also located within the East Marylebone Special Policy Area (EMSPA) as defined by both the UDP and the City Plan.

The lawful use of the basement and ground floor levels is as a wholesale showroom (sui generis). It would appear that the property has been vacant for a number of years and has been used as an art gallery (Class A1). The upper floors of the property are in use as office accommodation.

Margaret Street is characterised by commercial uses at ground floor level with residential and office uses on the upper floors. The property is located on the south side of a section of Margaret Street located approximately 50 metres east of the junction of Great Portland Street and Margaret Street.

6.2 Recent Relevant History

No relevant history

7. THE PROPOSAL

Permission is sought for the change of use of the ground and basement floor levels from the current wholesale showroom (sui generis) use to retail accommodation (Class A1) to accommodate a contemporary high end clothing company, to sell their own unique designs.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of showroom use

The lawful use of the basement and ground floor is as a wholesale showroom. It is unknown when the premises was last used as a wholesale showroom. The applicant has confirmed that the premises were in use as an art gallery before it becoming vacant in January 2016. The premises have been marketed as a gallery (not a wholesale showroom) since November 2015 without success.

The unit is located within the EMSPA where UDP Policy COM12 is applicable. The EMSPA has been designated to protect the wholesale showrooms in the area which have created a 'marketplace for the exchange of goods manufactured and sold all over the world'. COM12 Part A states that 'planning permission which would result in the loss of wholesale showrooms in the EMSPA at ground floor and basement levels will not normally be granted'.

Paragraph 2.86 of the UDP states the following:

'In East Marylebone, and to a lesser degree elsewhere in the City, showrooms are important uses which contribute to the character and function of the surrounding area. The City Council has defined a core showroom area, the East Marylebone Special Policy Area. This area contains the main concentration of wholesale showrooms in Westminster; most of these showrooms are associated with the fashion industry. The protective Policy COM 12 (A) will apply within this area.'

This policy was in put in place to ensure the viability of East Marylebone as a prestigious wholesale area was retained.

Although the current EMSPA is still in force, the deletion of this SPA as a formal policy change is at an advanced stage, having been through public consultation it has now been submitted to the Secretary of State for approval. It can therefore be given some, though not full weight. The current expectation is that the deletion of the EMSPA will be ratified.

The Council has proposed the deletion of the EMSPA as it is considered that the number of remaining wholesale showrooms has reduced to a level which no longer supports the area as strategically important location for wholesale showrooms. It is also considered that the policy to protect wholesale showrooms may be resulting in under investment in premises.

To comply with current policy, long-term vacancy is considered to be marketing of a vacant unit for a minimum period of 18 months. It must be demonstrated that the unit has been 'marketed widely and thoroughly on terms that are no more onerous than market conditions in the locality'. The premises have been marketed since November 2015 for gallery use, not for wholesale showroom purposes. As the special policy area is due to be deleted it is considered that it would be counterintuitive to insist that the property is marketed as a wholesale showroom for 18 months and on this basis the loss of the wholesale showroom loss is acceptable.

Introduction of Retail Use

Policy S6 of the City Plan states, with regard to the Core CAZ that 'retail use is encouraged throughout the area'. The UDP is also supportive of retail floorspace increases within the Core CAZ. In principle, the increase in retail accommodation is therefore considered acceptable.

8.2 Townscape and Design

The application does not propose any alterations to the external appearance of the property.

8.3 Residential Amenity

It is not considered that the proposal would result in any material amenity implications.

8.4 Transportation/Parking

The existing unit is serviced from the street with deliveries directly from Margaret Street. It is not considered that the proposed change of use from wholesale showroom to a retail unit would result in a significant change to the servicing requirements of the premises.

The Highways Planning Manager has requested the addition of a condition requiring the submission of amended drawings to show the provision of two cycle parking space within the demise of the proposed retail unit. As the proposal relates to a very small unit, it is not considered necessary in this instance to require the provision of two cycle parking space within the demise of the property.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

The application does not involve any alterations to the access arrangements to the property. The unit currently appears to have level access from street level to the ground floor.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The applicant has stated that refuse, glass and recycling will be stored internally within the building to the rear; however, this has not been illustrated on the submitted drawings. As such, a drawing showing the location where waste will be permanently stored for the lifetime of the operation of the retail unit will be secured by a condition, ensuring that waste will not be stored on the public highway

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

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an environmental assessment.

9. BACKGROUND PAPERS

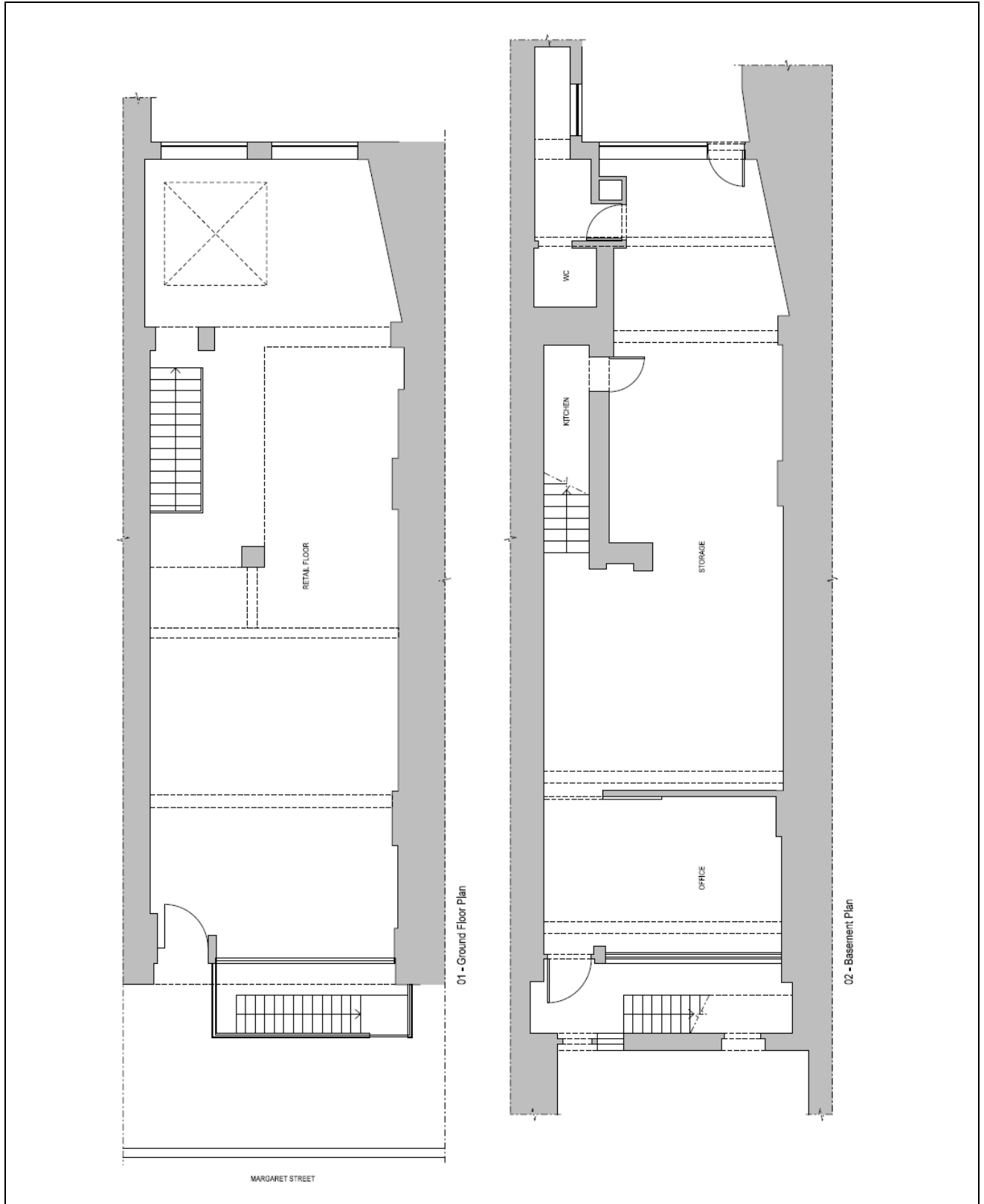
1. Application form
2. Memorandum from Cleansing dated 27 April 2016
3. Memorandum from Highways Planning Manager dated 21 April 2016

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 HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Basement And Ground Floor, 63 Margaret Street, London, W1W 8SW,
Proposal: Use of the basement and ground floors as a retail shop (Use Class A1).
Reference: 16/03467/FULL
Plan Nos: Drawing 703.36: 01.10

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 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved shall not be used for food/supermarket purposes

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 3 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 premises. (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)

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 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.

- 3 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. (I54AA)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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.

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