

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 01 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	439-441 Oxford Street, London, W1C 2PN,		
<b>Proposal</b>	Use of part basement, part ground, part first and second to fourth floors as office (Class B1)		
<b>Agent</b>	GL Hearn Limited		
<b>On behalf of</b>	439-441 Oxford Street Ltd		
<b>Registered Number</b>	16/06874/FULL	<b>Date amended/ completed</b>	29 July 2016
<b>Date Application Received</b>	20 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The application premises comprise basement, ground and four upper floors situated at the western end of Oxford Street. The premises is a mixed use building, part basement, ground and first floors are in retail use (Class A1), a small area of the basement and the upper 2<sup>nd</sup> to 4<sup>th</sup> floors are a lawful educational use (non-residential institution Class D1), but are currently vacant. They were most recently been used as a language college until December 2015.

Permission is sought use the conversion of the language school (Class D1) to offices (Class B1).

The key issue for consideration is:

- The land use implications regarding the loss of educational use, a social and community facility and the provision of offices (Class B1).

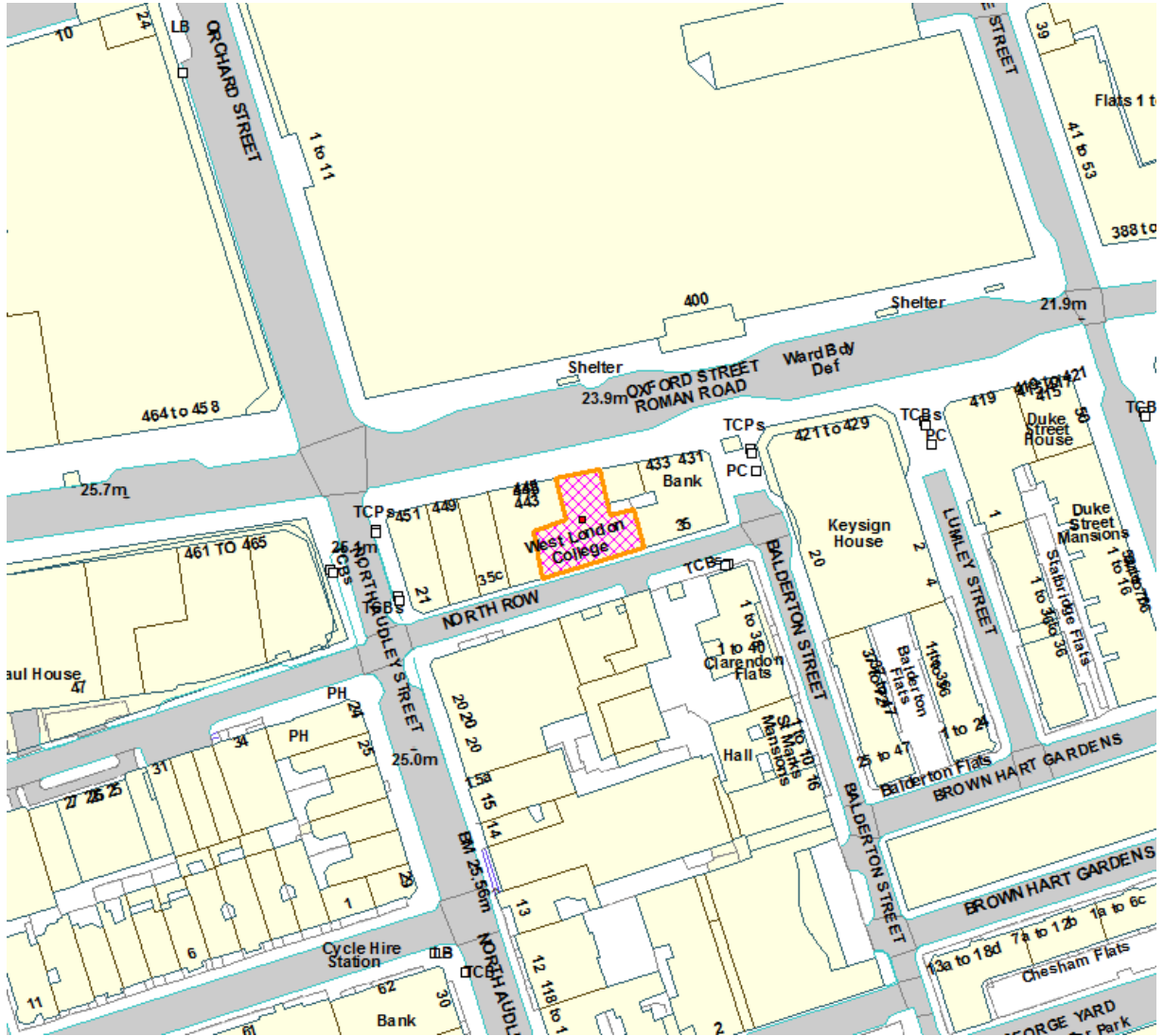
The policy presumption is that educational uses should be retained. Policies SOC1 of the UDP and S34 of the City Plan seek to retain social and community uses unless they have been actively marketed for 2 years and there is no demand for an alternative social and community facility. Although in this instance the premises have not been marketed for required period, the applicants argument that the nature of the site (upper floors of a building on Oxford Street) restricts the suitability for alternative social and community uses is accepted. Furthermore, given that a language school is seen as a private commercial facility which is of little value to the local community, the loss of the social and community

facility is considered acceptable.

The scheme would result in the provision of 976 m<sup>2</sup> of office floorspace (Class B1). This is acceptable in principle given the sites location within Core Caz. The application does not trigger any requirement for the provision of residential floorspace under City Plan Policy S1.

Accordingly, the application is recommended for approval.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Oxford Street Frontage (Top) and North Row entrance to upper floors (Bottom)



## 5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S  
Any response to be reported verbally

### HIGHWAYS

Object that no cycle storage or waste storage is provided

### CLEANSING

Objects that no waste storage is provided

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20

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 Mayfair conservation area, the Core CAZ and the West End Special Retail Policy Area. It is located on the southern side of Oxford Street, opposite Selfridges department store on a Primary Shopping Frontage. The property consists of basement ground and four upper floors. Part basement, ground and first floors are in use as retail (Class A1), part basement, ground and first floors (access only) and the 2<sup>nd</sup> to 4<sup>th</sup> floors currently benefit from Class D1 (non-residential institution) use and have most recently been used as a language college. This area has been vacant since December 2015. The upper floors of the property (the subject of this application) are accessed from the rear at 35B North Row which is known as Parliament House.

### 6.2 Recent Relevant History

On 16 December 2014 permission was granted for use of the first floor for retail purposes (Class A1). This involved the loss of a language college (Class D1). Permission was granted on the basis that retail is the priority landuse at basement, ground and first floors on Oxford Street in this location. (Ref: 14/07878/FULL)

On 4 November 1997 permission was granted for use of the part basement, part ground, part 1<sup>st</sup> and 2<sup>nd</sup> to 4<sup>th</sup> floors as either offices (Class B1) or for private educational purposes (Class D1, Ref: 97/08198/FULL)

## 7. THE PROPOSAL

Permission is sought for use of part basement, part ground, part first and second to fourth floors as offices (Class B1). No external alterations are proposed.

## 8. DETAILED CONSIDERATIONS

## 8.1 Land Use

### Loss of D1

West London College (WLC) occupied a small area of the basement, ground floor (access only) and 1<sup>st</sup> to 4<sup>th</sup> floors for educational purposes. In December 2014 permission was granted for use of the 1<sup>st</sup> floor for retail (Class A1).

WLC occupied the premises as associated campus of Heriot Watt University however; following Government changes to Universities and associated campuses in 2015, Heriot Watt decided that it was not prepared to take an assignment of the lease to run courses in London and around the summer of 2015 it terminated its partnership with WLC. Further to this, changes in the Student Visa system mean it has become difficult for private colleges without University status to attract foreign students. As a result of the two factors, WLC student numbers have dropped considerably and the college no longer has any use for the premises and vacated in December 2015. This follows a trend of losing language schools, possibly as a result of the Government's restrictions on international students obtaining visas to study in the UK.

UDP Policy SOC1 and City Plan Policy S34 seek to protect and improve community facilities in Westminster. Where the loss of such facilities is considered acceptable, policy requires evidence that the premises have been appropriately marketed for a period of at least two years and that no demand for a social and community facility has been identified.

The applicant has provided details of the marketing of the premises from Savoy Stewart. They advise that they have been marketing the premises since September 2015 under D1 use class. The premises were aimed primarily at the higher education sector as it was considered that the location is not appropriate for other uses which would fall within Class D1 use (such as nursery, primary or secondary school, medical uses) due to the lack of drop off facilities/locations, outdoor spaces and stretcher lifts.

The applicant advises that while there were a few inspections from D1 occupiers two offers were made on the premises. The first was not deemed credible due to the offering company lacking funds to make the acquisition. The second offer was from a college however, they withdrew due to a downturn in their business. During marketing there have been enquiries made by B1 office occupiers interested in the premises, subject to planning permission.

Despite the normal policy requirement with regards to marketing before the loss of D1 space is considered acceptable, the restrictions of the site identified above and the emerging trend of losing language schools suggest the premises may not be suitable for D1 use. In addition the former language school, is a private commercial facility of little value to the local community. In these circumstances the proposed a departure from the normal policy presumption to protect social and community facilities is considered acceptable.

### Proposed Office Use

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster to retain and enhance Westminster's strategic role in

London's office sector and support London's global competitiveness. The Core CAZ is identified as a suitable location for office floorspace in Policy S1 of the City Plan as it contributes to the unique and varied mixed use character of the Core CAZ which is ensuring the vitality, attraction and continued economic success of Central London.

Permission has previously been granted for dual alternative use as offices (Class B1) and educational use (Class D1). This implies that the educational use was regarded as being a temporary use and the intention was that the premises would revert to offices, albeit that this option was lost when the office use was not renewed in 2007. This scheme would now enable the reversion to offices (Class B1).

This proposal would result in the provision of a total of 976sqm of office floorspace (Class B1) throughout the premises. This is acceptable in principle given the sites location within the Core CAZ and is in accordance with Policies S1 and S20 of the City Plan.

## **8.2 Townscape and Design**

Not applicable

## **8.3 Residential Amenity ( Daylight/ Sunlight and Sense of enclosure)**

Not applicable

## **8.4 Transportation/Parking**

The Highways Planning Manager objects that no cycle parking is provided. The London Plan requires 1 cycle space per 90m<sup>2</sup> of offices (Class B1). The scheme therefore requires 10 cycle parking spaces to be provided. However the applicants argument that there is little space to provide new cycle parking is accepted and as this is a conversion of an existing building it is considered that permission could not reasonably be withheld due to the lack of cycle parking.

The proposed office use will have a minimal impact on parking levels, trip generation or site servicing. The application is acceptable in highways terms.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

Not applicable

## **8.7 Other UDP/Westminster Policy Considerations**

### **Refuse /Recycling**

The highways waste officer has objected on the grounds that details of waste storage have not been provided. A condition is recommended requiring waste details to be provided prior to the use commencing.

**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**

Not applicable

**8.11 Environmental Impact Assessment**

Not applicable

**8.12 Other Issues**

Not applicable

**9. BACKGROUND PAPERS**

1. Application form
2. Response from Highways Planning, dated 04 August 2016
3. Response from Cleansing, dated 18 August 2016

**Selected relevant drawings**

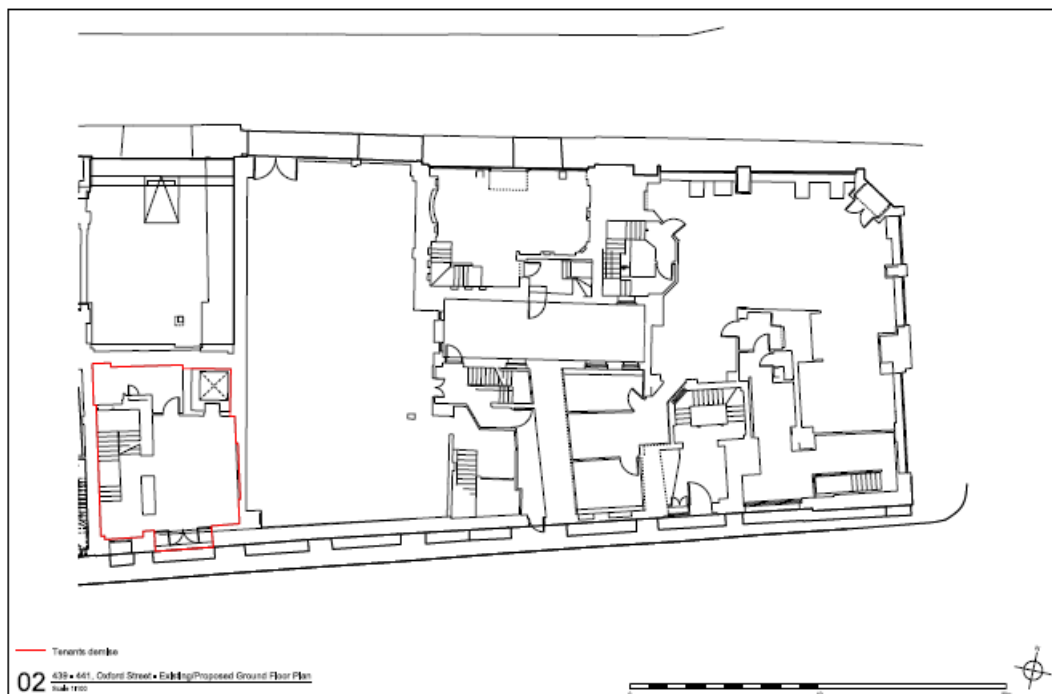
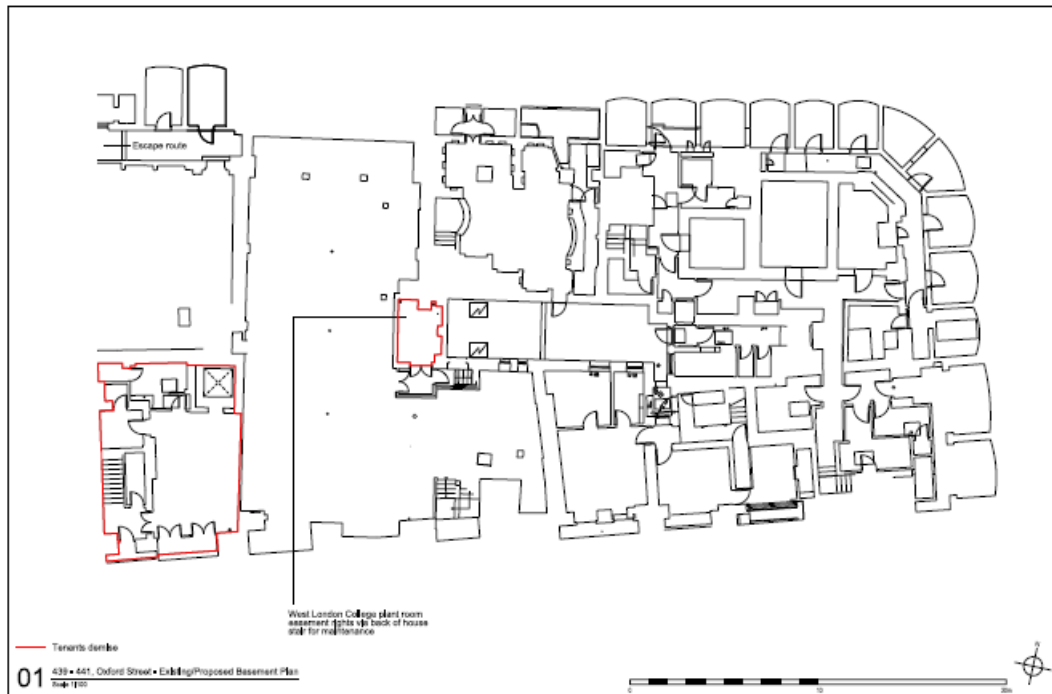
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: Mike Walton BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)



### 10. KEY DRAWINGS

#### Existing/Proposed Basement and Ground Floors



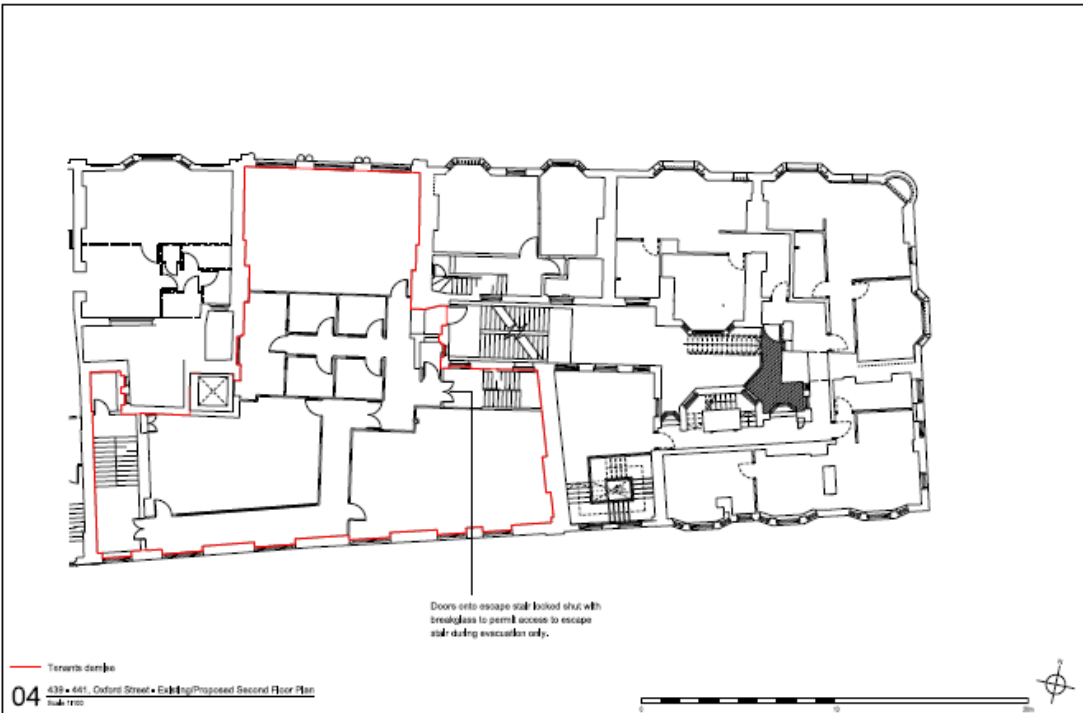
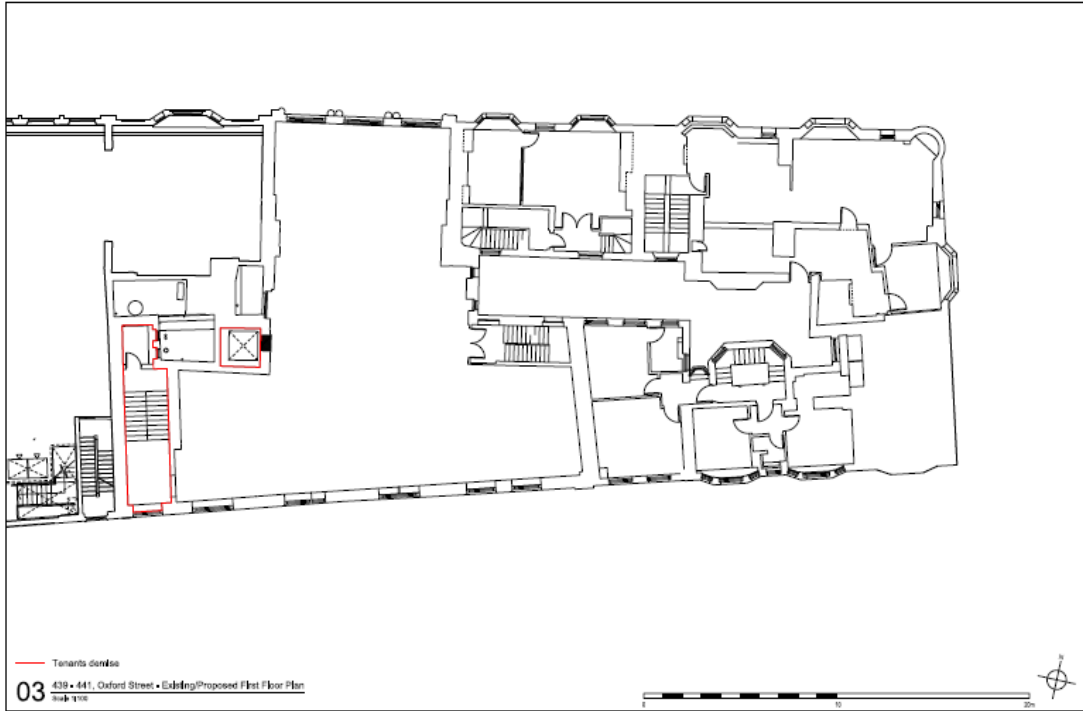
NO.	DATE	DESCRIPTION	BY	CHKD

NO.	DATE	DESCRIPTION	BY	CHKD

NO.	DATE	DESCRIPTION	BY	CHKD

Yibson Holdings	
Plot:	439 - 441 Oxford Street
Project:	439 - 441 BF & GF Change of Use
Reference:	20074
Drawn by:	
Checked by:	
Scale:	

### Existing/Proposed First and Second Floors



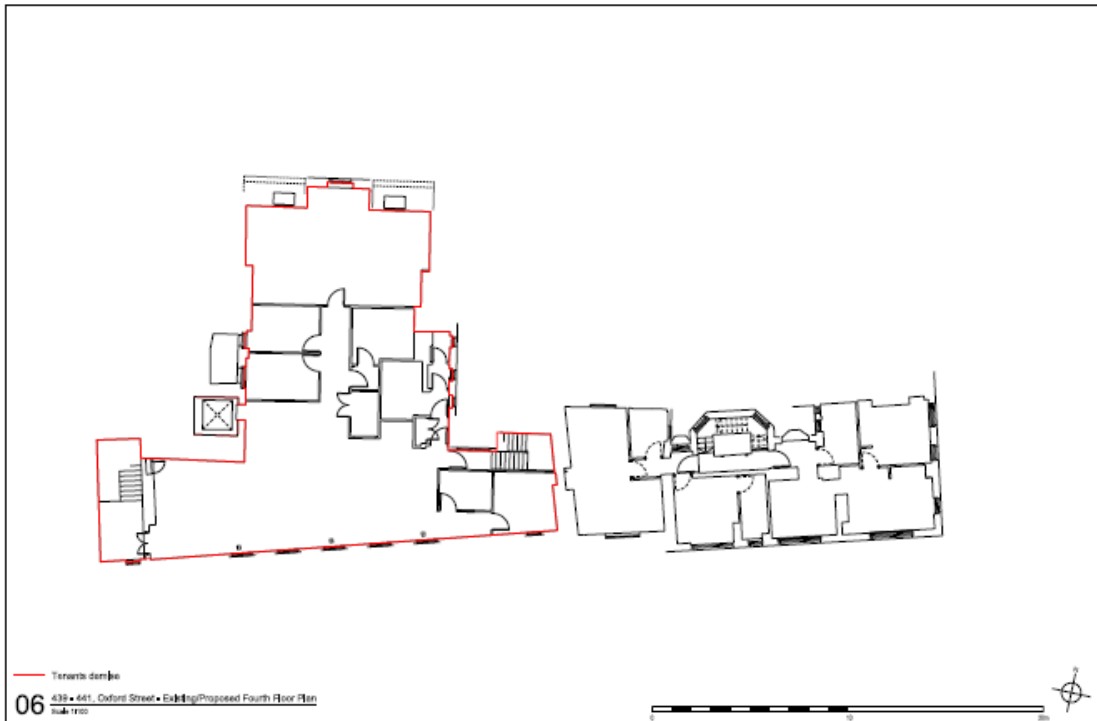
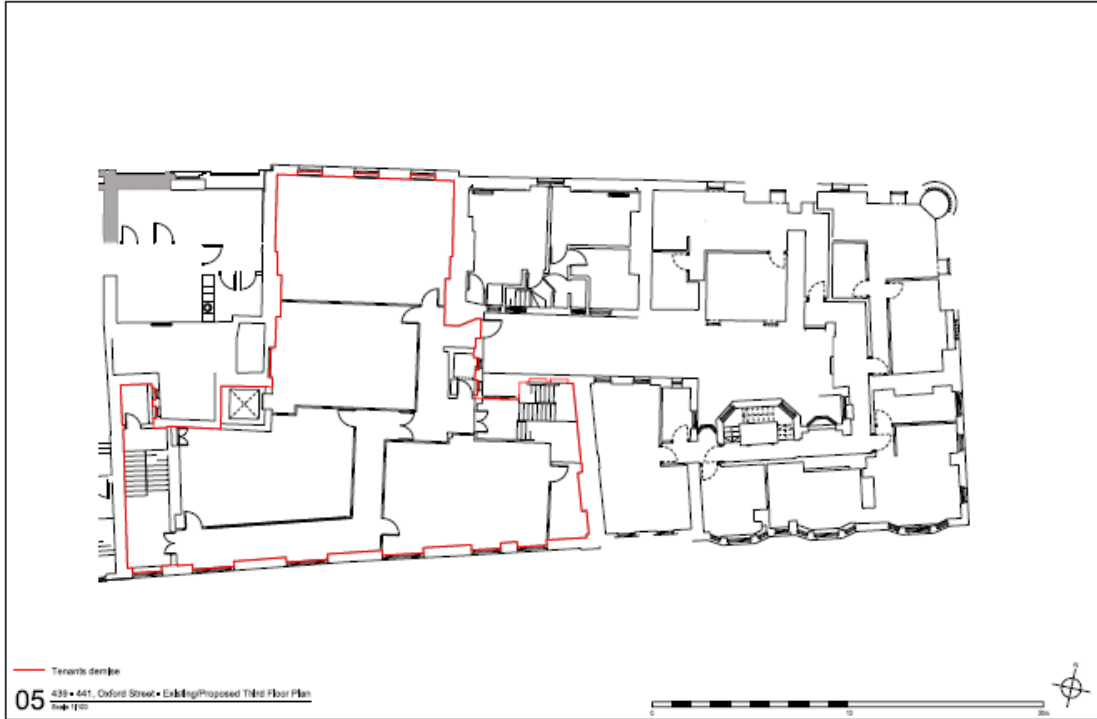
NO.	DATE	DESCRIPTION	BY	CHKD.

NO.	DATE	DESCRIPTION	BY	CHKD.

NO.	DATE	DESCRIPTION	BY	CHKD.

Tribeca Holdings	
Project:	431 - 451 Oxford Street
Phase:	439 - 441 2F Change of Use
Drawn:	08014
Scale:	1/8" = 1'-0"
Sheet No.:	1

### Existing/Proposed Third and Fourth floors



NO.	DATE	DESCRIPTION	BY	CHECKED

NO.	DATE	DESCRIPTION	BY	CHECKED



<b>Trillica Holdings</b>	
Plot:	431 - 451 Oxford Street
Project:	439 - 441 3F & 4F Change of Use
Client:	06014
Scale:	1:100
Date:	10/11/2023

**DRAFT DECISION LETTER**

**Address:** 439-441 Oxford Street, London, W1C 2PN,  
**Proposal:** Use of part basement, part ground and second to fourth floors as office (Class B1).,  
**Reference:** 16/06874/FULL  
**Plan Nos:** 09014\_439-441\_-01&00\_Change of Use ; 09014\_439-441\_01\_Change of Use ;  
09014\_439-441\_02\_Change of Use ; 09014\_439-441\_03&04\_Change of Use

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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 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 office. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) 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 (July 2016), 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 The term 'clearly mark' in condition 2 means marked by a permanent wall notice or floor markings, or both. (188AA)

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.