

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Site 1: Berwick House, 139-143 Oxford Street, London, W1D 2JA Site 2: Ilford House, 133-135 Oxford Street, London, W1D 2HY		
Proposal	Site 1: Dual / alternative use of the part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes. Site 2: Dual / alternative use of the part ground and first to sixth floors for office (Class B1) and / or educational (Class D1) purposes.		
Agent	Mr Martin Moss		
On behalf of	Daejan Investments Limited		
Registered Numbers	1. 16/05656/FULL 2. 16/05658/FULL	Date amended/ completed	17 June 2016
Date Applications Received	17 June 2016		
Historic Building Grade	Site 1: Unlisted. Site 2: Grade II		
Conservation Area	Soho		

1. RECOMMENDATION

Site 1: Grant conditional planning permission.
Site 2: Grant conditional planning permission.

2. SUMMARY

139-143 Oxford Street (Site 1) is an unlisted building comprising a retail shop on basement and ground floors. The first to fourth floors, with a ground floor entrance on Oxford Street, are considered to have a lawful use as a language school use (Class D1). No. 133-135 Oxford Street (Site 2) is a Grade II listed building, with a retail shop on basement and ground floors and a language school on first to sixth floors, with ground level entrance. The school at Site 1 has recently been taken over by a new language school operator and a lease has been signed by a new language school for Site 2. Both sites are within the Soho Conservation Area and the Core Central Activities Zone.

Separate applications have been submitted, by the same applicant, for the dual/alternative use of both language schools as either language schools (Class D1) and/or offices (Class B1).

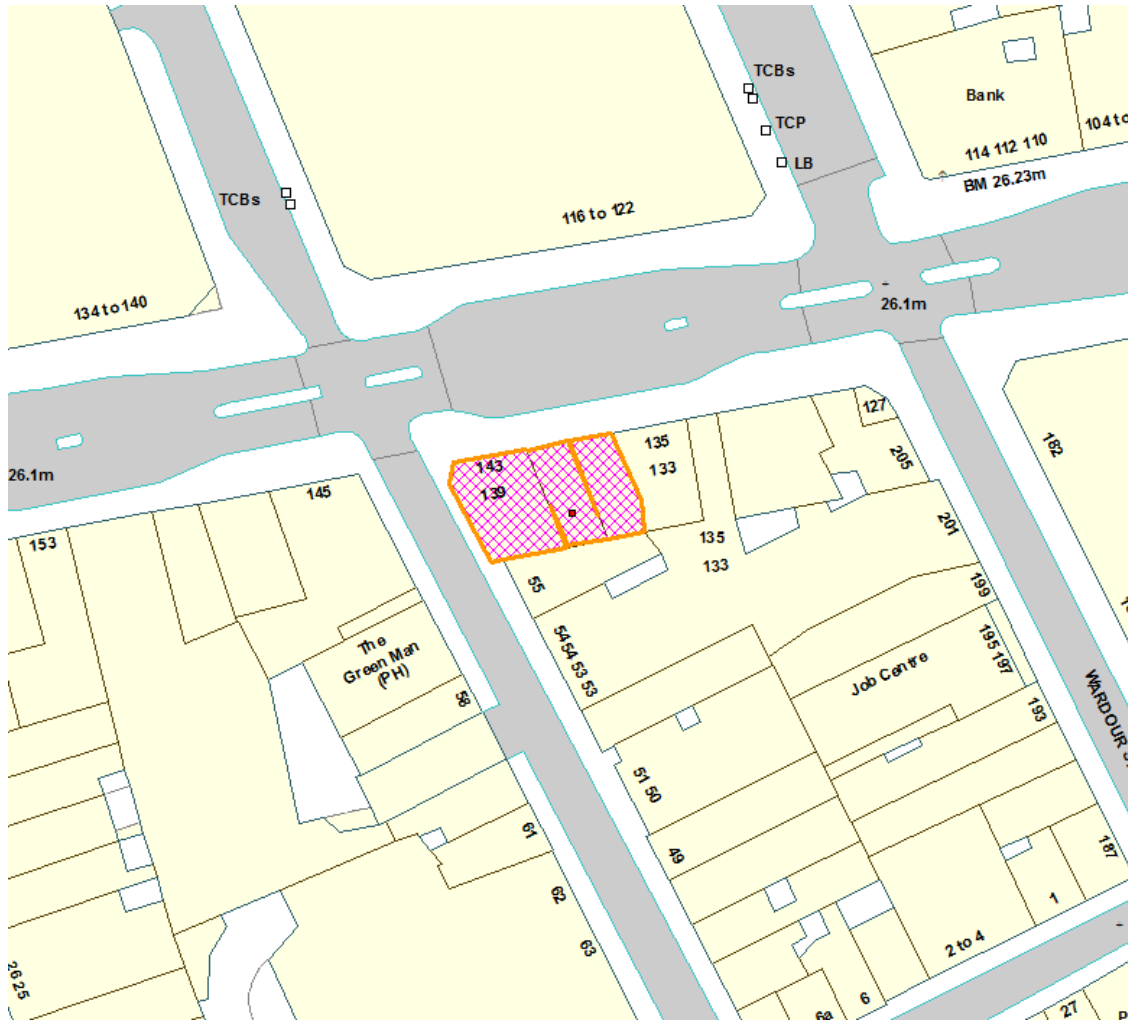
The key issue is:

The acceptability of the loss of the language schools in land use terms.

UDP and City Plan policies seek to protect social and community floorspace, including educational uses. The adopted City Plan (2016) also places a strong emphasis on the provision of additional office accommodation within the Core CAZ. The applicants contend that there are continuing pressures on the “language school market”. Given the site constraints it is accepted that the premises would be unsuited to many alternative Class D1 uses. It is also considered language schools provide little value to the local community and are primarily a private commercial enterprise. In these circumstances, and given that the potential office use is welcomed, the proposals are considered acceptable in land use terms and the applications are recommended for approval.

3. LOCATION PLAN

Site 1:



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4. PHOTOGRAPHS

Site 1: Berwick House, 139-143 Oxford Street, London, W1D 2JA



Site 2: Ilford House, 133-135 Oxford Street, London, W1D 2HY



Site 1



Site 2

5. CONSULTATIONS

Site 1:

SOHO SOCIETY

No objection.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2:

SOHO SOCIETY

No objection.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Sites

These neighbouring buildings are, located on the southern side of Oxford Street within the Core CAZ. Berwick House (Site 1) is unlisted. Ilford House (Site 2) is Grade II listed. Both the properties are located within the Soho Conservation Area. Retail units occupy the

basement and ground floors of both building and these units are unaffected by the proposals.

6.2 Recent Relevant History

There is no recent planning history relating to the use of the buildings but historic photographs identify the properties as having been occupied as language schools.

The applicant has confirmed that both properties were occupied by the 'Callan School of English' until October 2015, with leases from December 2005 until October 2016. As this tenant had occupied the buildings for at least ten years, the lawful use of both premises is considered to be as a language school (Class D1).

It is noted that both premises have been previously listed with Business Ratings records as office accommodation (2005) but are currently rated as a mixture of classroom and office accommodation.

The applicant states that when they acquired Berwick House (Site 1) in January 2012, the premises provided a reception area for the registration of new students, offices for directors and accounting staff and only a limited teaching function.

7. THE PROPOSAL

Permission is sought for the change of use of part ground and the first to fourth floors of Site 1 (562 sqm GEA) and of part ground and first to sixth floors of Site 2 (2239 sqm GEA) from language school use (D1) to a dual alternative use as a language school (Class D1) and/or offices (Class B1).

No internal or external alterations are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Increase in office floorspace

Policy S20 of the City Plan (July 2016) placed an increased emphasis on the provision of new office accommodation at appropriate locations within Westminster, including within the Core Central Activities Zone. The policy justification states that 'new offices are encouraged within these locations 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 new office development (Policy S1) which contributes to the unique and varied mixed use character of the Core CAZ and will ensure the continued vitality, attraction and continued economic success of Central London.

Jointly, the proposals could result in the provision of 2801 sqm of new office accommodation. As this increase results from a change of use, rather than from the

creation of additional floorspace, there is no requirement for the provision of new residential floorspace under policy S1 of the City Plan.

8.1.2 Loss of language schools

As both applications seek consent for the dual / alternative use of the accommodation either as offices and/or as a language school, the proposals could potentially result in the loss of the entirety of both language schools. These are private educational facilities which are defined as a 'social and community use' within the adopted development plans. Such uses are protected under City Plan Policy S34 which states that; 'all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.' In all such cases, the council will need to be satisfied that the overall level of social and community provision is improved and that there is no demand for an alternative social and community use for that floorspace. Where the council accepts the loss or reduction of social and community floorspace, the priority replacement use will be residential.

UDP policy SOC 1 (D) states that all community facilities will be protected. Under SOC 1(E), schemes involving the redevelopment or change of use of community facilities are required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new development should include an alternative community facility. Where adequate replacement facilities are not proposed, the City Council will refuse planning permission.

The applicant contends that there been a significant reduction in the demand for language schools due to a shift to online learning and continuing uncertainty in the sector due to the vote to leave the European Union, and potential reductions in the number of students resulting from increased restrictions on visas.

The applicant has confirmed that both sites were occupied by "The Callan School of English" until October 2015 although this operator was in possession of a lease for both sites from October 2001/December 2002 until October 2016. However, this tenant surrendered their leases a year early. The applicant has advised that a statement on the school's website, confirming its closure, advised that because London has become an increasingly expensive city to visit, with a consequent fall in the demand for language schools, and given an increasing requirement to offer students a more flexible study programme, the operation of very large premises in central London with, necessarily, more rigid timetabling, is no longer appropriate. Although officers have been unable to access this statement, other internet articles are available which refer to the school's closure, citing the same economic/operational difficulties.

Notwithstanding this Berwick House (Site 1) has been occupied by another language school. The applicants have advised that a 5 year lease has granted, on favourable terms for the occupier, with a two year break clause. At the time of the submission of the application, it was anticipated at that a similar lease was to be signed for (Site 2) Ilford House, also on favourable terms with a 2 year break clause. It is understood that the first to fourth floors of this building have now been are being refurbished for language school use (the two upper floors provide limited accommodation). However, no marketing

information, including details of the terms and costs of the leases has been supplied to date.

The applicant also contends that the accommodation on both sites is outdated and would require significant investment to bring it up to modern standards. This, coupled with the fact that both schools share a ground floor entrance with the retail shops, makes the premises unattractive to the wider range of potential Class D1 occupiers. They consider that, for the reasons outlined above, there is a real risk that the current tenants could also be forced to surrender their leases. In these circumstances, the applicant is seeking permission for a flexible language school/office use which would permit an occupier to maintain a significant administrative function on the site, if required.

It is acknowledged that the accommodation would be largely unsuitable for other D1 uses due to its central location, the lack of designated parking or servicing areas, the small size of the ground floor reception areas, the absence of lifts/small size of the lifts and the lack of outside amenity space. Given these constraints, it is accepted that the premises are unlikely to be considered attractive except by language school operators and similar higher education uses. It is also considered that language schools offer very little 'social' benefit to the local community and are essentially a commercial enterprise. In these circumstances, and given the increased emphasis on the provision of office accommodation in the Core CAZ, a departure from the policy requirement to protect existing social and community uses is considered justifiable and the applications are considered acceptable in land use terms.

As the lawful use of the premises is considered to be as language schools, the continuation of this use is acceptable in land use terms.

8.2 Townscape and Design

Not applicable.

8.3 Residential Amenity

It is not considered that the proposed office use would have an adverse impact on the amenities of neighbouring residents in Berwick Street and Wardour Street when compared with the existing use.

8.4 Transportation/Parking

Neither site benefits from associated car parking and it is not considered that the potential office use would result in any significant increase in the parking demand from users / occupiers of the properties. Additionally, the servicing requirements of the potential office use would not have a material impact on the operation of the highway network.

To accord with the requirements of the Further Alterations to the London Plan, seven cycle parking spaces would need to be provided at Site 1 in association with any change of use to office accommodation and 25 cycle parking spaces would be required at Site 2. These spaces should be within the demise of the property in a safe and secure location. Whilst efforts have been made by the applicant to find a suitable location for cycle storage at the

properties, due to the small ground floor areas, the absence of lift on Site 1 and the small size of the lift on Site 2 and the requirement to retain existing ground floor retail floorspace on Oxford Street, is accepted that in this instance cycle parking could not be provided on either site.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The proposals solely relate to the change of use of the properties and do not include any improvements to the access arrangements at the properties.

8.7 Other UDP/Westminster Policy Considerations

The Cleansing Manager has requested the submission of amended drawings in relation to both applications to show the adequate provision of storage facilities for waste and recycling. A condition is attached to this effect.

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

Not applicable.

9. BACKGROUND PAPERS

SITE 1:

1. Application form
2. Response from Soho Society dated 4 July 2016
3. Response from the Cleansing Manager dated 8 July 2016
4. Response from the Highways Planning Manager dated 12 July 2016

SITE 2:

1. Application form

2. Response from the Soho Society dated 3 August 2016
3. Response from Environmental Health dated 19 July 2016
4. Response from the Cleansing Manager dated 25 July 2016
5. Response from the Highways Planning Manager dated 26 July 2016

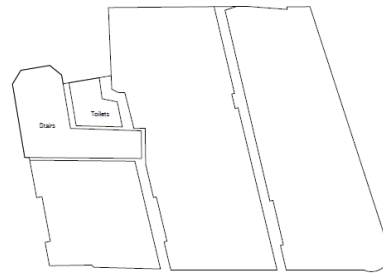
Selected relevant drawings

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

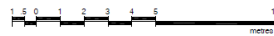
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS

Site 1: Typical floor plans.



OXFORD STREET



Condition of Site:
Overseas
Issue:
Heavy Fit-Out
Site & Core:
Under Construction
Car & Pedest

Notes:
This drawing complies with the 6th edition of the RICS code and indicates the extent of the areas quoted, produced to an accuracy commensurate with standard presentation scales.
It is held in a scaled digital CAD format.

Revised:
A - Original Issue (May 2016)

AREA PLAN

BERWICK HOUSE
139-143 Oxford Street, LONDON, W1D

First Floor - Existing & Proposed

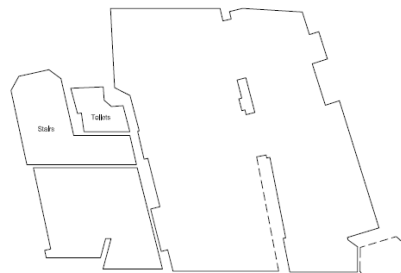
Dwg No. **10316-28089-BH-A1**

Issue A May 2016

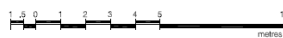
Presentation Scale 1:100 @ A3



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OXFORD STREET



Condition of Site:
Overseas
Issue:
Heavy Fit-Out
Site & Core:
Under Construction
Car & Pedest

Notes:
This drawing complies with the 6th edition of the RICS code and indicates the extent of the areas quoted, produced to an accuracy commensurate with standard presentation scales.
It is held in a scaled digital CAD format.
Dashed lines denote assumed walls, walls to be removed due to tenant fit-out and lifts.

Revised:
A - Original Issue (May 2016)
B - Head Loss Headroom Removed (June 2016)

AREA PLAN

BERWICK HOUSE
139-143 Oxford Street, LONDON, W1D

Fourth Floor - Existing & Proposed

Dwg No. **10316-28089-BH-A4**

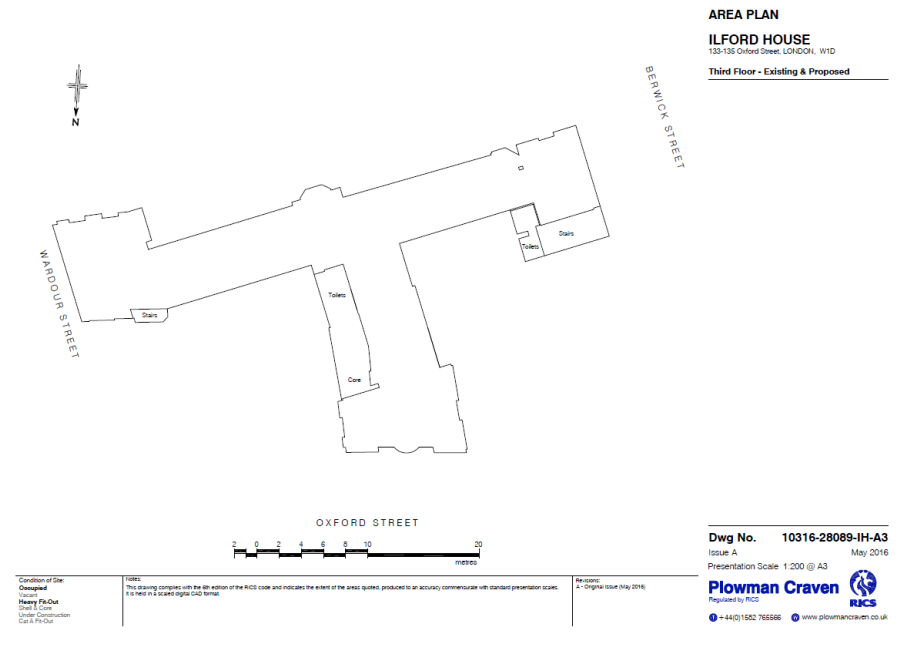
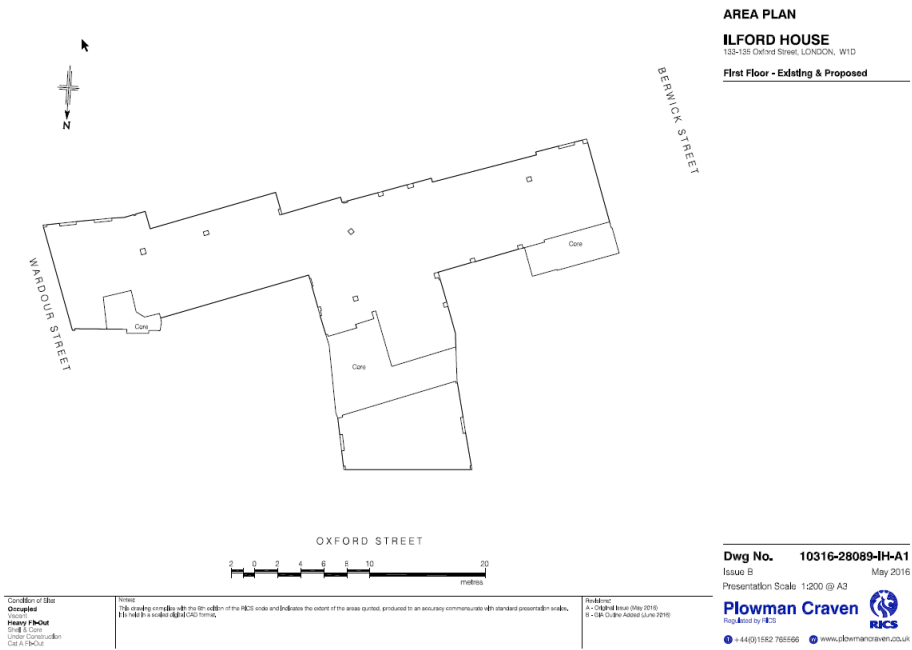
Issue B May 2016

Presentation Scale 1:100 @ A3



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Site 2: Typical floor plans.



DRAFT DECISION LETTER

Address: Berwick House, 139-143 Oxford Street, London, W1D 2JA

Proposal: Dual / Alternative use of part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes.

Plan Nos: Drawings: (10316-28089-BH) A4 Rev B, A3 RevA, A2 RevA, A1 RevA, AG RevB.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 property. (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)

- 3 If you choose to implement the D1 use hereby approved you must only use the D1 accommodation as a language school. You must not use it for any other purpose, including any within Class D1 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).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC5 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the part ground and the first to fourth floors can change between the B1 and D1 (language school) uses we have approved for 10 years without the need for 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.

DRAFT DECISION LETTER

Address: Ilford House, 133-135 Oxford Street, London, W1D 2HY

Proposal: Dual / alternative use of part ground and first to sixth floors for office (Class B1) and / or educational (Class D1) purposes.

Plan Nos: Drawings: (10316-28089-IH) A6 RevB, A5 RevA, A4 RevB, A3 RevA, A2 RevB, A1 RevB, AG RevB.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 property. (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)

- 3 If you choose to implement the D1 use hereby approved you must only use the D1 accommodation as a language school. You must not use it for any other purpose, including any within Class D1 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).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC5 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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 You are reminded that the property is Grade II listed and if you wish to make any internal alterations associated with the change of use you will likely require the benefit of Listed Building Consent.
- 3 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the part ground and the first to sixth floors can change between the B1 and D1 (language school) uses we have approved for 10 years without the need for 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.