

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 December 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>	59-61 South Molton Street, London, W1K 5SN,		
<b>Proposal</b>	Use of part basement, part ground, first, second and third floors as offices (use class B1).		
<b>Agent</b>	Mr Martin Moss		
<b>On behalf of</b>	Bonhams		
<b>Registered Number</b>	16/09344/FULL	<b>Date amended/ completed</b>	28 September 2016
<b>Date Application Received</b>	28 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The application site is an unlisted building located in the Mayfair Conservation Area. The building comprises a number of retail units which cover part of the basement and ground floors (which do not form part of the application premises) and a language school (Class D1) on the remainder of the basement and ground floors, and on the three upper floors.

Permission is sought for the change of use of the language school to offices (Class B1).

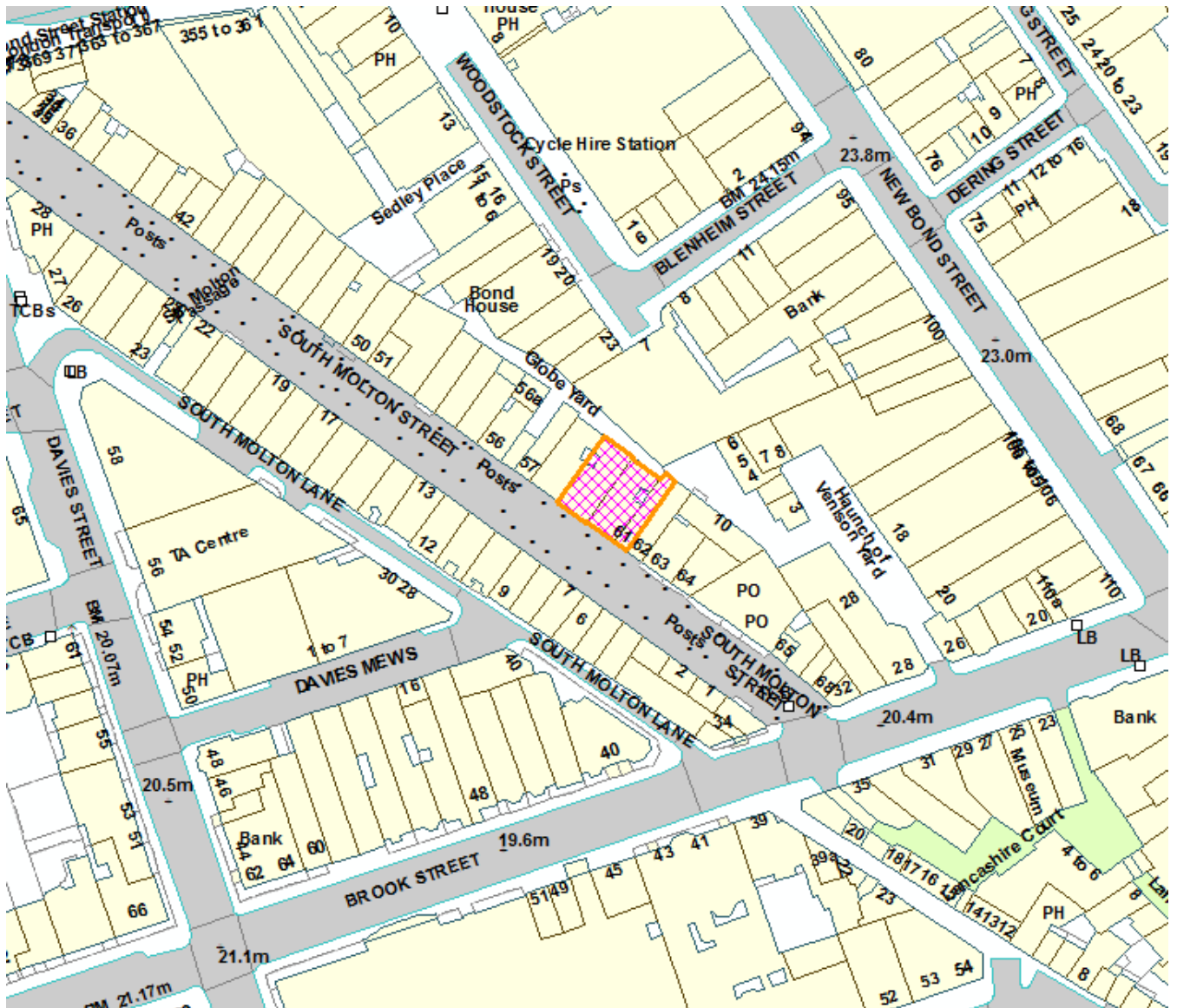
The key issues are:

- The acceptability of the loss of the language school
- The acceptability of the proposed office use

The existing language school is protected under policies in the UDP and City Plan which seek to protect social and community floorspace. However, it is acknowledged that there are continuing pressures on the 'language school' market, that the accommodation would be unsuitable for a range of alternative Class D1 uses and that the language schools provide little value to the local community and are primarily a private commercial enterprise. The adopted City Plan (2016) also places a strong emphasis on the provision of office accommodation within the Core CAZ.

As detailed in the main report the proposals are considered acceptable in land use terms and the application is therefore recommended for approval, subject to conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

Objection: the property should be re-marketed and retained as a school

### HIGHWAYS PLANNING

Details of cycle parking required

### CLEANSING

Details of refuse storage required

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is an unlisted building which lies in the Core CAZ, on the east side of South Molton Street. The area is designated as part of the Mayfair Conservation Area.

Retail units occupy part of the basement and ground floors but do not form part of the application site. The remainder of the basement, ground floor entrances and first to third floors have a lawful use as a language school (Class D1)

### 6.2 Recent Relevant History

20 June 1995: Certificate of lawfulness issues for the use of the basement and first to third floors at 59 South Molton Street and the first to fourth floors of 60 & 61 South Molton Street for Class D1 (Educational purposes) (95/02954/CLEUD).

Notwithstanding this decision, it is noted that the building comprises only three upper floors.

## 7. THE PROPOSAL

Permission is sought for the use of part basement, part ground, first, second and third floors as offices (Class B1).

No external alterations are proposed.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of Class D1 floorspace

The existing property, which measures 738 sqm, has been occupied by Saxoncourt International since 2003. Up until early 2016 they used the property as a language school and teacher training facility (Class D1). The applicant has advised that since 2013 there has been a decline in the foreign language industry due to the growth in online language courses. Consequently, Saxoncourt International currently only provide a limited number of teacher training courses on the site, and employ only 6 people to run these courses.

The current use is a private educational facility, which is considered 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 for this area will be the priority use for the area, which is offices.

Policy SOC1 of the UDP protects all existing community facilities, where a facility is proposed to be redeveloped or to change use, then a replacement facility should be provided. 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.

In this instance, the applicant contends that the property is not viable as a D1 language school due to a significant reduction in demand for EFL courses and increasing rents. The applicant states the site is currently under-occupied and un-viable as a teacher training centre and that Saxoncourt International are, financially, unable to terminate their 10 year lease (last renewed in 2013) due to the amount owing for dilapidations. As such, there is no evidence of marketing of the premises to demonstrate that there is no demand from an alternative Class D1 use or occupier.

The local amenity society has objected to the loss of the language school and considers that the property should be marketed and retained as a school. However, given the location of the site and the building constraints, including the lack of drop off facilities, the absence of outdoor space and the lack of disabled access, it is acknowledged that it would not be suitable for a range of alternative social and community uses falling within Class D1 use (such as nursery, primary or secondary school and, medical uses. Given these constraints, it is accepted that the premises are unlikely to be considered attractive other than 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 private commercial enterprise.

In these circumstances and as, based on similar applications, it appears that language schools appear to have difficulty operating in the current economic climate, and particularly due to the lack of demand for “timetabled” learning, a departure from the normal policy presumption to protect social and community facilities is considered acceptable.

### **8.1.2 Increase in B1 office space**

Policy S20 of the City Plan seeks to direct office floorspace towards the Core Central Activities Zone in order to meet targets on providing B1 office floorspace and new jobs. 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.

This proposal would result in the provision of new office floorspace (Class B1) within the Core CAZ. 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.

The application has been submitted on behalf of Bonhams whose would assign the lease and take on the liability for dilapidations. Bonhams existing headquarters are located at 101 Bond Street. Leases for their other offices premises (in Woodstock Street and New Bond Street) are due to expire by 2017, resulting in the need to relocate approximately 70 employees within the vicinity of the main auction house. The site application site would meet this need and would also allow Bonhams to re-introduce an ancillary education centre – a facility which it previously operated at its headquarters, prior to their renovation in 2013. This education centre would provide lectures and training to Bonhams’ staff as well as to third parties including other international experts, galleries, dealers and members of the public. In addition, part of the accommodation would be used for research and the appraisal of art/artefacts. The applicants consider that these functions are ancillary to the proposed office use.

The proposed use, which would support Bohams’ activities as an international auction house, complies with policies S1 and S20 of the City Plan and is considered acceptable in land use terms.

### **8.2 Townscape and Design**

No external alterations are proposed.

### **8.3 Amenity**

The site is surrounded by predominantly commercial uses and the proposed B1 office use would not result in any adverse impact on amenity when compared with the existing use.

### **8.4 Transportation/Parking**

The site does not currently benefit from any car parking but is located in an area with excellent public transport links. It is not considered that the proposed office use would result in any significant increase in parking demand in the area.

The existing site servicing arrangements would remain unchanged.

At the request of the Highways Planning manager, a condition requiring the provision for cycle storage for a minimum of 9 cycles to serve the office use.

### **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 property. No change to access arrangements is proposed.

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

#### **8.7.1 Refuse**

A condition is recommended to require the submission of drawings that demonstrate the adequate provision of storage facilities for waste and recycling.

### **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**

This proposal does not trigger any planning obligations.

### **8.11 Environmental Impact Assessment**

Not applicable

## **9. BACKGROUND PAPERS**

1. Application form
2. Responses (two) from the Residents' Society Of Mayfair & St. James's dated 24 October 2016
3. Memorandum from Highways Planning dated 8 December 2016
4. Memorandum from Project Officer (Waste) dated 2 December 2016

### **Selected relevant drawings**

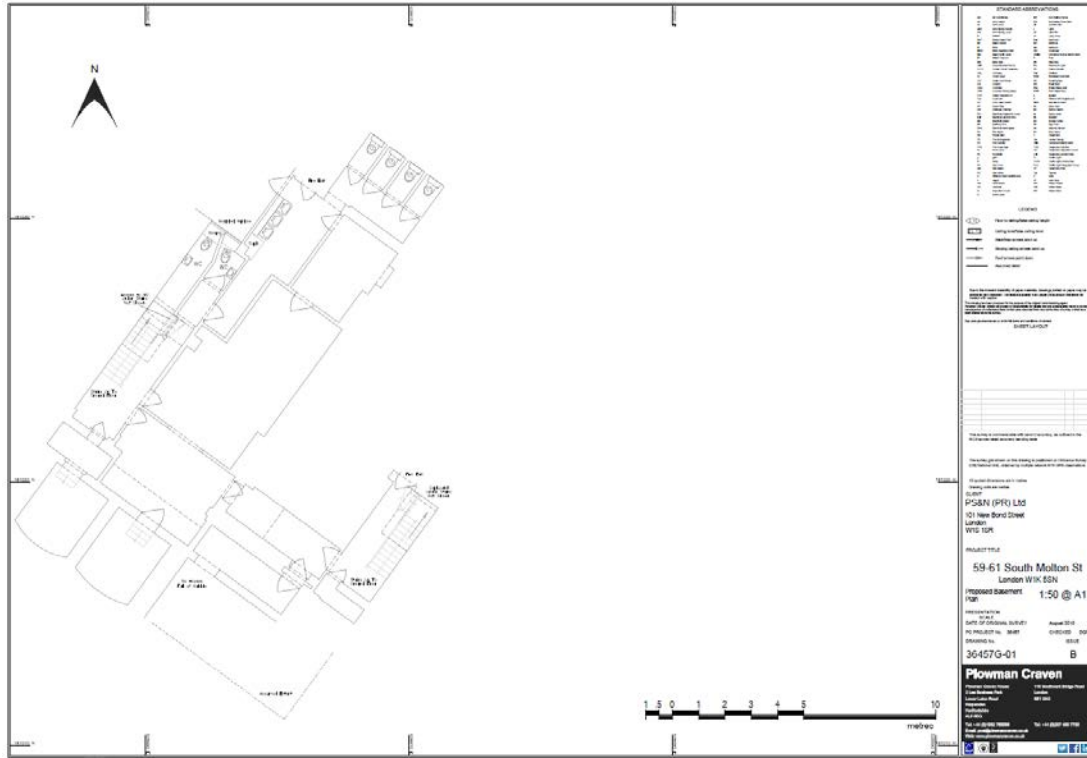
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT <a href="mailto:sspurrier@westminster.gov.uk">sspurrier@westminster.gov.uk</a>
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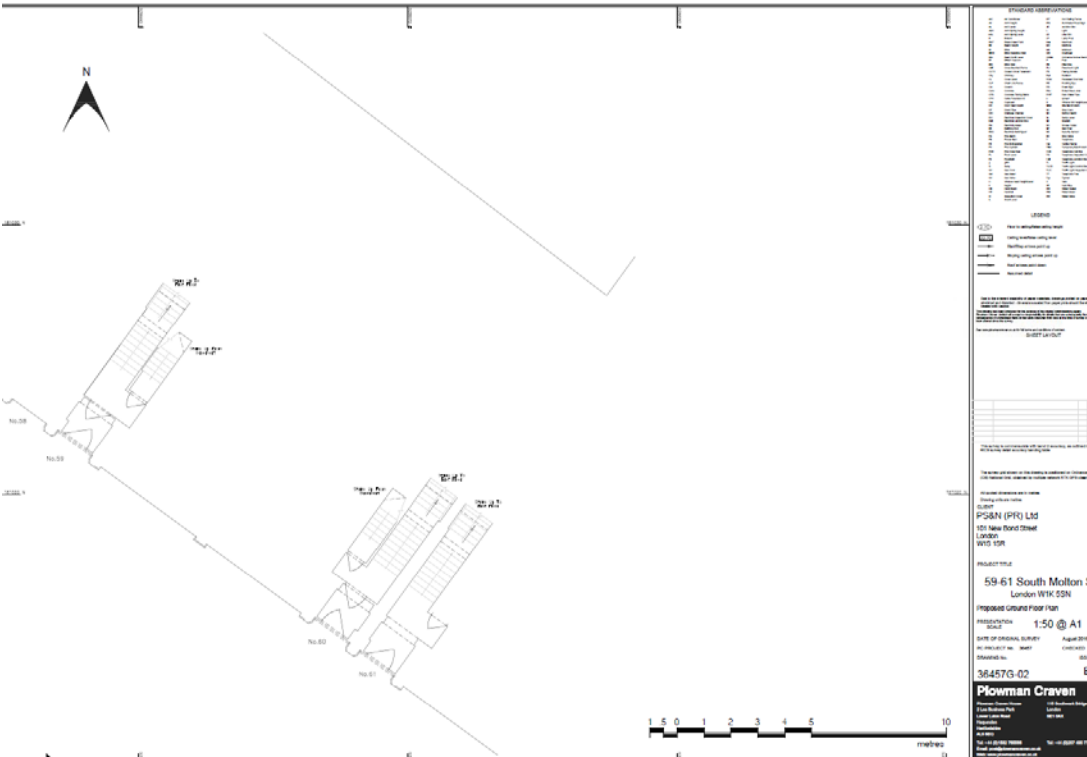


### 10. KEY DRAWINGS

Proposed Basement plan



Proposed Ground floor plan



Proposed First floor plan



Proposed Second Floor Plan





**DRAFT DECISION LETTER**

**Address:** 59-61 South Molton Street, London, W1K 5SN,

**Proposal:** Change of use of part basement, part-ground, first, second and third floors from class D1 (Language school) to class B1 (offices).

**Reference:** 16/09344/FULL

**Plan Nos:** 36457F-05 Rev B, 36457F-04 Rev B, 36457F-03 Rev B, 36457F-02 Rev B, 36457F-01 Rev B

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641

**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. 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the B1 office space. You must not use the waste store for any other purpose. (C14CD)

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 (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 3 Prior to commencement of development, details of a minimum of 9 cycle parking spaces for the B1 office shall be submitted and approved. The cycle parking shall then be provided and maintained for the life of the development in the approved form.

Reason: To ensure that the development complies with London Plan Policy 6.9 and UDP policy TRANS 9.

**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.

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.

- 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. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 The term 'clearly mark' in condition 2 means marked by a permanent wall notice or floor markings, or both. (I88AA)