

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 10 <sup>th</sup> October 2017	<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>	9-12 Berners Mews, London, W1T 3AH,		
<b>Proposal</b>	Use of building as offices (Class B1).		
<b>Agent</b>	WYG		
<b>On behalf of</b>	OISE Limited		
<b>Registered Number</b>	17/06646/FULL	<b>Date amended/ completed</b>	28 July 2017
<b>Date Application Received</b>	26 July 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>			

## 1. RECOMMENDATION

Grant conditional permission

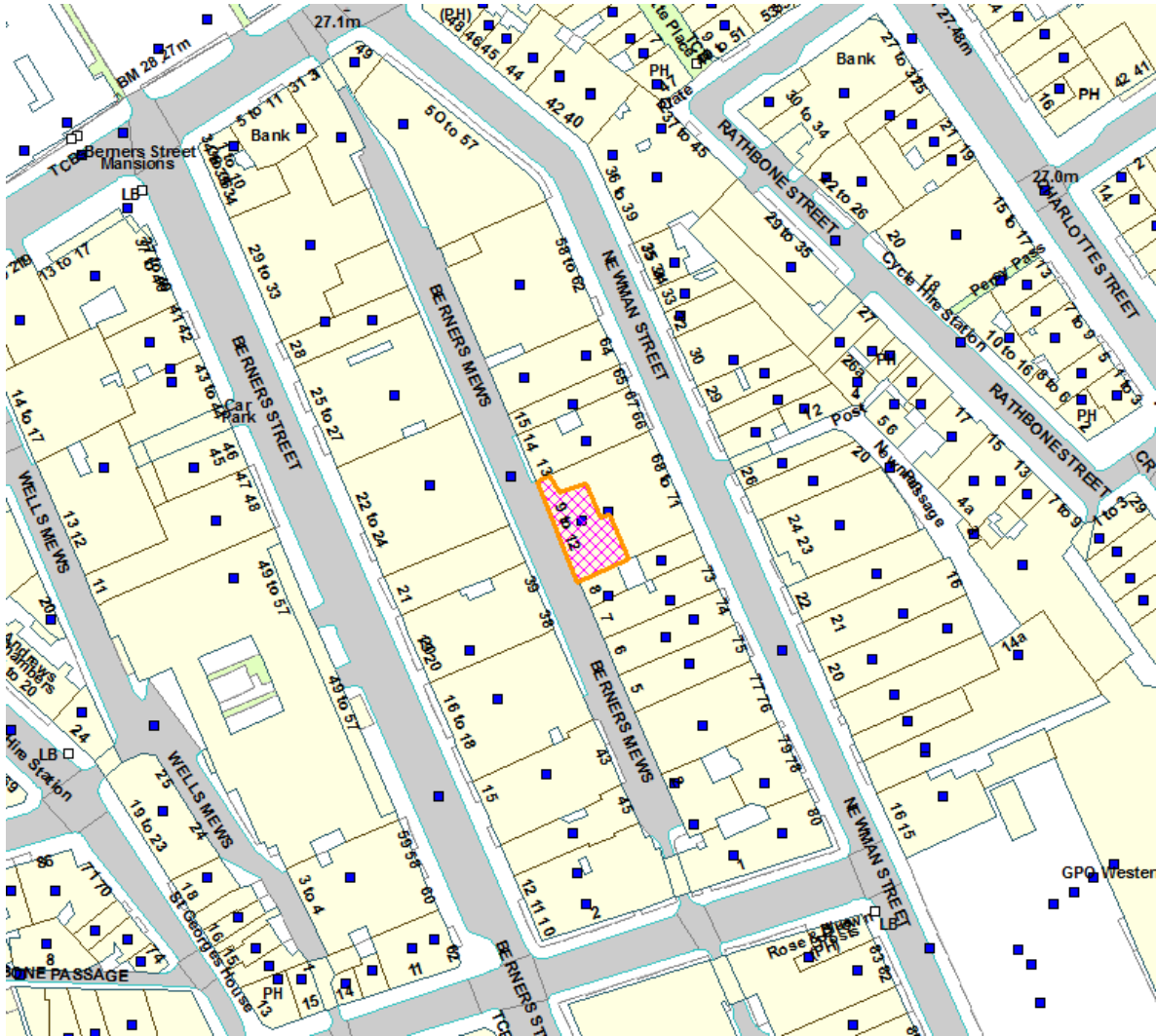
## 2. SUMMARY

The application site is an unlisted building, on basement, grounds and 3 upper floors, located within the Core Central Activities Zone. This building has a lawful use as a language school (Class D1). This application seeks permission for the change of use of the entire building to offices (Class B1). No external alterations are proposed.

The key issue is the acceptability of the loss of the language school.

UDP and City Plan policies seek to protect social and community floorspace, including educational uses. The 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 and that there is unlikely to be any demand for the use of the premises by an alternative language school provider or for an alternative D1 use. Given the site constraints it is accepted that the premises would be unsuited to many alternative Class D1 uses. It is acknowledged that 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 application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

### CLEANSING

Details of arrangements for the storage of refuse and recyclable materials required

### HIGHWAYS PLANNING

No objections raised subject to the requirement for the provision of 11 cycle spaces.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57; 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 on basement, ground and three upper floors located immediately to the north of the boundary to the East Marylebone Conservation Area, within the Core Central Activities Zone. The building is currently occupied as a private language school. There are two garage spaces but these do not appear to be used for parking.

Berners Mews is characterised by commercial uses. On the west side, properties generally form the rear of buildings in Berners Street, with the mews providing servicing access. No. 8 Berners Mews, immediately to the south of the application premises, has permission for use as a single dwelling house although this permission does not appear to have been implemented. The rear of 1-2 Berners Mews forms part of a hostel at 78/79 Newman Street.

### 6.2 Recent Relevant History

Permission granted 24 April 1997 for third floor extension to Berners Mews and enlarging of internal lightwell to form two separate office buildings at 68-71 Newman Street and 9-12 Berners Mews (97/00228/FULL).

28 April 2011: Permission granted for the use of the premises as a language school (Class D1). Conditions limited the use of the premises to a language school, restricted the opening hours from 0900 to 1700 on Monday to Friday and limited the capacity of the building to 70 people.

## 7. THE PROPOSAL

Permission is sought for the change of use of the existing language school to provide 980 m<sup>2</sup> (GIA) of new office accommodation (Class B1). No external alterations are proposed.

The application has been amended to include details of cycle parking

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Increase in office floorspace**

Policy S20 of the City Plan (November) placed an increased emphasis on the provision of new office accommodation in appropriate locations within Westminster, including within the Core Central Activities Zone. The policy justification confirms that office development is encouraged within these locations, in order to retain and enhance Westminster's strategic role in London's office sector, and to 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.

As the increase in office floorspace results from a change of use, rather than from the creation of additional accommodation, there is no requirement to provide new residential floorspace under policy S1 of the City Plan.

#### **8.1.2 Loss of language schools**

The proposal would result in the loss of the existing language school, which is still trading from the premises. This is a private educational facility which is defined as a 'social and community use' within the adopted development plans.

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.

Such uses are also protected under City Plan Policy S34 '...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 the priority use for the area which, within the Core CAZ, is commercial development.

The applicant (the language school operator) has made the following points in support of the application:

- Since the building was occupied, approximately 6 years ago, student numbers have dropped considerably, year on year. A number of contributory factors, in particular the Government's restrictions on foreign students obtaining visas to

study in the UK, have affected the school's ability to attract foreign students. These visa restrictions mean that it is extremely unlikely that an alternative language school operator would occupy the site.

- Conditions attached to the permission for Class D1 use limited the use of the premises to a language school, restricted its opening hours and limited the capacity of the premises. These conditions further limit the appeal of the property to other potential users.

The applicant has recently provided some information regarding the marketing of the premises for D1 use, which has been offered for sale with an option for letting, since the beginning of this year. Although the property is advertised as a Class D1 building, the particulars state that the building could be potentially used for a variety of uses. Marketing details were circulated to central London agents and "local occupiers who enquired". Although a number of viewings ensued, the applicant has confirmed that the only serious interest received was for Class B1 office use.

The submitted marketing information is limited and covers a relatively short period. However, in considering similar applications, particularly in the case of sites in Oxford Street, (submitted without any marketing information), the Council has accepted that there been a significant reduction in the demand for language schools. Operators have reported a shift to online learning and an increasing requirement to offer students a more flexible study programme – which means that the operation of large premises in central London with, necessarily, more rigid timetabling, is no longer appropriate. It is acknowledged that a 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 have both had an effect on student numbers.

It is acknowledged that the accommodation would be largely unsuitable for many alternative Class D1 uses due to its central location, the lack of level access to the main entrance and the absence of outside amenity space. Given these constraints, it is accepted that the premises are unlikely to be considered attractive for a Class D1 use except by language school operators and similar education uses. It is also considered that language schools offer very little 'social' benefit to the local community.

It is also recognised that the building has historically been used for office purposes and that the existing language school is not a long-standing use, being in operation only since 2011. For these reasons, 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 application is therefore considered acceptable in land use terms.

## **8.2 Townscape and Design**

No external alterations are proposed.

## **8.3 Residential Amenity**

The surrounding area is predominately commercial in nature, with a small number of residential premises in the locality. The building was in long-term office use prior to its

conversion to a language school and, its reversion to office use is unlikely to have any adverse impact on neighbours' amenity or local environmental quality when compared with the current use as a result of any additional noise or disturbance or increased activity. The proposal is therefore considered acceptable on amenity grounds and accords with UDP policy ENV 6 and S29 of the City Plan.

#### **8.4 Transportation/Parking**

No parking is proposed in association with the office use. While there are two garage spaces at ground floor level this parking is not protected under the current permission and is not currently used as such.

The site is extremely well served by public transport, being close to Tottenham Court Road and Goodge Street underground stations and close to bus routes on Oxford Street. It is expected that staff will utilise public transport to access the site.

The premises would continue to be serviced from within the mews. While Trans 20 seeks that servicing should be off-street, it is not considered that there would be a material increase in servicing demands when compared with the existing language school use, and it is considered that servicing from the street is acceptable in this case.

The proposed plans indicate that the garages would be used as ancillary space including as cycle parking, as they are at present. The plans have been revised to show 11 cycle spaces. This accords with London Plan standards and would be secured by condition.

#### **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 change to the access arrangement. All floors within the building are served by a lift.

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

The Cleansing Manager has requested the submission of details of arrangement for the storage of refuse and recyclable materials. The applicant is agreeable to such a condition, which would be discharged by the future occupant. There would be sufficient space within existing garage areas for waste storage.

#### **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**

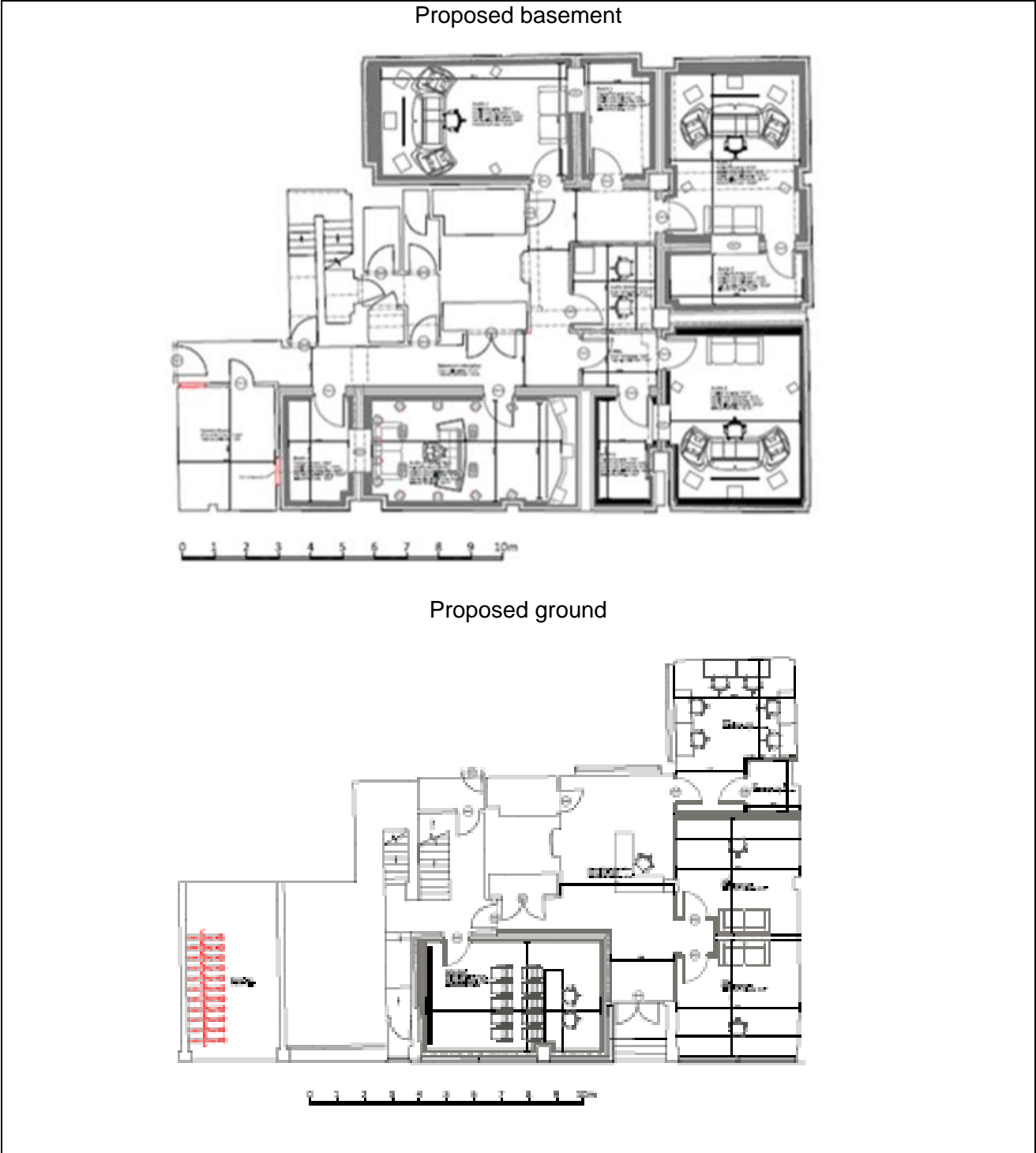
1. Application form
2. Response from the Cleansing Manager dated 14 August 2017
3. Response from the Highways Planning Manager dated 22 September 2017

(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: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)



10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** 9-12 Berners Mews, London, W1T 3AH,

**Proposal:** Use of the building as offices (Class B1).

**Reference:** 17/06646/FULL

**Plan Nos:** 1411-B- GA-1, 1411-0-GA-1B, 1411-1-GA-1, 1411-2-GA-1, 1411-3-GA-1,

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

**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 occupy the building for office purposes 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 offices. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

3 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

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 (November 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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

3 This permission does not allow any work which would change the outside appearance of the property, including the installation of any new mechanical plant. (I18AA)

4 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)

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.