

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>42 Denbigh Street, London, SW1V 2ER</b>		
<b>Proposal</b>	Use of basement and ground floor for Class A2 purposes (Professional and Financial Services)		
<b>Agent</b>	Mr Thaddaeus Jackson-Browne (Lambert Smith Hampton)		
<b>On behalf of</b>	Mr Ash Kashyap, Dexters.		
<b>Registered Number</b>	19/01803/FULL	<b>Date amended/ completed</b>	12 March 2019
<b>Date Application Received</b>	8 March 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Grant conditional permission.

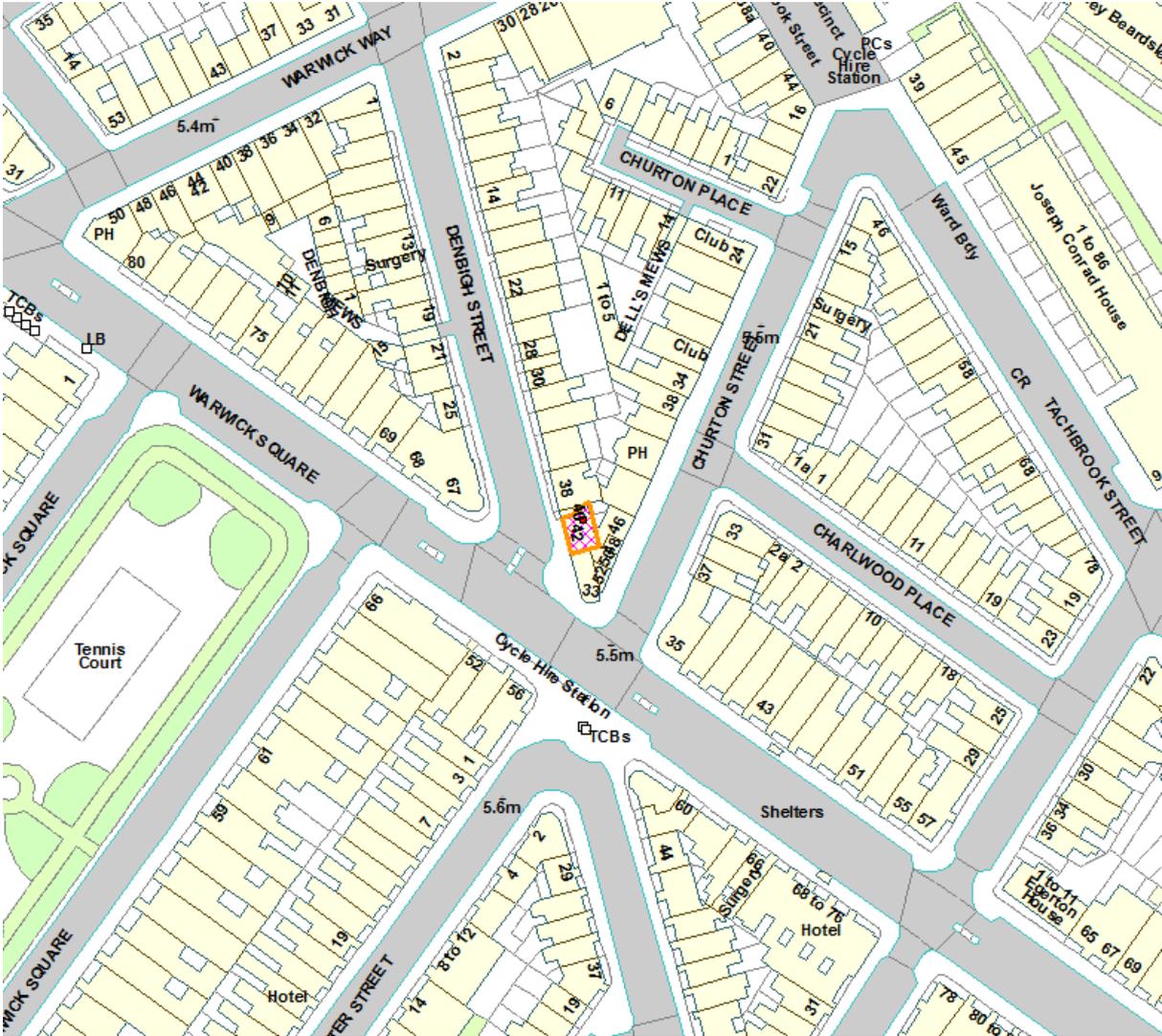
## 2. SUMMARY

The application site comprises the ground and lower ground floors of an unlisted building located in the Pimlico Conservation Area. The property is in retail use at ground floor and basement (vacant) and residential on the upper floors. The site lies outside of the Core CAZ, but lies within the Pimlico CAZ as defined by Westminster's City Plan and the Warwick Way/Tachbrook Street District Centre as defined by the Council's Unitary Development Plan.

This application relates to the basement and ground floors of the property and proposes the change of use to A2 (Professional and Financial Services). The main consideration in this application is the loss of an A1 use in a designated secondary frontage.

Whilst the loss of an A1 use within a secondary shopping frontage is not usually acceptable under current policy, the proposed A2 use is not considered to have any harmful impact on the vitality or viability of the retail character of the street, particularly given the site's location in a secondary frontage. The application is supported by Policies SS5 and SS6 of the Council's Unitary Development Plan (adopted in 2007) and Policies S1, S10 and S21 of Westminster's City Plan (2016).

3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

Any response to be reported verbally.

### PIMLICO FREDA

Any response to be reported verbally.

### PIMLICO NEIGHBOURHOOD FORUM

Any response to be reported verbally.

### WASTE PROJECT OFFICER

Suggests a condition to secure refuse storage.

### HIGHWAYS PLANNING MANAGER

No objection subject to conditions regarding cycle storage and refuse storage.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70

Total No. of replies: Any responses to be reported verbally.

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The mid-terrace 5-storey property sits on the southern end of the peninsula between Denbigh Street, Churton Street to the east and Belgrave Road to the south. The property comprises retail on the ground floor (although currently vacant) and ancillary storage space at lower ground level with residential flats on the upper floors. The previous retail use operating at ground floor level was 'Westminster Carpets and Flooring' but has been vacant since August 2018.

The site lies outside of the Core Central Activities Zone (CAZ), but lies within the Pimlico CAZ as defined by Westminster's City Plan (adopted 2016) and the Warwick Way/Tachbrook Street District Centre as defined by the Council's Unitary Development Plan (adopted in 2007) in which is it designated as a 'secondary frontage'.

### 6.2 Recent Relevant History

#### 95/06836/FULL

Revised application; use of 42a Denbigh street (b and g) only as A3 cafe use with no primary cooking on the premises; new shopfront; opening of front basement area.

Application Permitted 24 July 1997

#### 94/04820/FULL

Removal of condition 3 from consent dated 7/03/91 RN: 904728 to allow continued use of premises within class a3 as a café.

Application Permitted 12 January 1995

90/04728/FULL

Change of use to wine bar.

Application Permitted

7 March 1991

## 7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
A1 Use- Retail	106	0	-106
A2 Use- Financial/Professional Services	0	106	+106
Total	106	106	0

This application relates to the basement and ground floors of the property and proposes the change of use from planning use class A1 (retail) to A2 (Professional and Financial Services) and would operate during the hours of 08:00 and 20:00 daily. The basement and ground floors have a gross internal area of approximately 110sqm. Access to the property would be at the front of the premises at ground floor level on Denbigh Street as existing.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of A1 use

In Westminster's City Plan (adopted in 2016), Policy S1 supports a mix of uses within the CAZ that supports its vitality, function and character. Policy S21 seeks to protect existing A1 retail throughout Westminster, unless the Council considers that the unit is not viable as demonstrated by long-term vacancy despite reasonable attempts to let. Policy S10 seeks to permit retail and other town centre uses in Pimlico where they are directed towards the Warwick Way/Tachbrook Street CAZ Frontages and the Local Shopping Centres.

Within the Council's Unitary Development Plan (adopted in 2007), policy SS 6 is relevant. It seeks to refuse proposals in District Centres that would harm the residential amenity or local environmental quality, such as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic. Part C of the policy sets out criteria for when non A1 town centre uses would be permitted. The proposal should not harm the viability, vitality, character or function of the district centre. The proposal should not lead to, or add to, an existing concentration of non A1 units in a parade. It should not result in more than 3 non A1 uses located consecutively in a parade; and the proposal should not result in the loss of a local convenience shop. It also requires that the proposal should not cause there to be more than 45% of the total length of the Secondary Frontage in non-A1 use at street level.

Taking the above policies into consideration, the proposed use would not cause significant harm to the residential amenity/environmental quality by means of smells, noise, increased late-night activity and disturbance, or increased parking and traffic.

Also, the proposal would not result in the loss of an A1 unit last used as a local convenience shop or reduce the range of local convenience shops in the centre.

Due to the location of the site, No. 42 Denbigh Street is relatively isolated from the main concentration of A1 uses along Denbigh Street to the north, separated by a series of residential properties at nos. 32-40 Denbigh Street. The adjacent property to the south (No. 33 Belgrave Road) currently operates as a food and wine shop—‘Denbigh Food and Wine’— (A1 Use) between the hours of 07:00- 23:00 daily. The rest of the street level uses along Denbigh Street comprise retail and restaurant uses, with two other A2 uses at Nos. 8 and 26 Denbigh Street. There is another Class A2 unit nearby on Churton Street at No.50 which currently operates as an estate agent.

Given the residential uses adjacent, the proposal would result in a run of more than 3 non A1 uses along this part of the frontage, and will also breach the 45% threshold set out in SS6(c). Whilst there are a variety of street level uses in this part of the Warwick Way/Tachbrook Street district centre, it is not considered that the proposed A2 use would cause any harm to the viability or vitality of the shopping centre, or cause a particular concentration of Class A2 uses.

A letter from the long leaseholder of the application site dated 23 April 2019 states that the premises has been vacant since August 2018, whereby several attempts to let the premises on an A1 use basis have been unsuccessful. The property was advertised and subject to marketing campaigns including a ‘to let’ advertisement board in the window of the property, monthly target mail shots, and exposing the property on commercial portals. However, notwithstanding these attempts, no interest was raised. The letter emphasised that this is thought to be because of the adjacent local convenience store and nearby busier streets fulfil much of the retail demand.

Therefore, notwithstanding the breach in 45% threshold and the loss of A1 retail, the proposed use would return the vacant property into an active frontage which would encourage more customer footfall to the premises and surrounding locality, and in turn would benefit the shopping frontage overall in terms of vitality and viability.

The addition of a new non-A1 use to the frontage is considered to be justified by its positive economic contribution to the shopping frontage and Warwick Way/ Tachbrook Street District Centre, which would be largely in line with the aims of SS6 of the UDP and Policies S1, S10 and S21 of the City Plan.

## **8.2 Townscape and Design**

No external alterations or internal works have been proposed within this application and therefore raise no issue with regards to design and conservation.

## **8.3 Residential Amenity**

The principle of a shop-type premises at ground floor has already been established at the host site, given it has previously operated as an A1 use and is located within a designated district centre. The proposed opening hours would be in line with neighbouring uses and as such, it is not considered that the proposed change of use would generate a significant amount of noise and disturbance during or outside of the proposed opening hours that would be of detriment to the neighbouring residential amenity, particularly to the residential flats on the upper floors at No. 42 Denbigh Street and No. 33 Belgrave Road and to the flats at No. 40 Denbigh Street.

Furthermore, as no internal or external changes are proposed as part of the scheme, the development is not considered to impact the residential amenity in terms of loss of light, privacy, overlooking, outlook or overbearingness.

On this basis, subject to a condition restricting the opening hours between 08:00 and 20:00 daily, the proposal would be in accordance with Policies SS 6, ENV 7 and ENV 13 of the UDP and S29 and S32 of the City Plan.

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

The proposed scheme is not considered to generate any more car traffic than that of the existing use and the property is in short walking distance to bus stops along Belgrave Road and Pimlico Underground Station on Lupus Street. On this basis, the proposal is not considered to negatively impact highways in terms of parking levels and road traffic, in accordance with Policy TRANS 23 of the UDP and S41 of the City Plan.

No off-street servicing is provided for the proposed development. However, the Council's Highways Planning Officer has stated that the proposed use is highly unlikely to generate a higher servicing requirement than that of the existing A1 use or have an adverse impact on the public highway. The site is located within a Controlled Parking Zone, which means that locations single and double yellow lines (where restrictions permit) in the vicinity allow loading and unloading to occur. The largest service vehicle likely to be attracted to the site is associated with refuse collection, which will serve the site in a similar manner to the existing use and surrounding properties. On this basis, the proposal is considered to comply with Policies TRANS 20 of the UDP and S42 of the City Plan and is found acceptable on servicing grounds.

Policy 6.9 (Table 6.3) of the London Plan 2016 and Policy S41 of the City Plan requires secure cycle parking to be provided on site in new developments, in particular a minimum of 2 cycle spaces for a unit of this size. Therefore, at least two secure cycle parking spaces will need to be secured by condition to make the application acceptable in sustainable transport terms.

Subject to a condition securing cycle parking, the Council's Highways Officer raises no objection to the proposal, and the proposal is found acceptable on highways grounds.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

The building would be accessed from the front of the property via the main entrance on Denbigh Street at ground floor level as existing.

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

The proposals are not in line with the Council's recycling and waste storage requirements. To make the proposal acceptable in terms of waste storage, a condition is recommended to be attached that will request plans to confirm the bin capacities for the storage of residual waste and recyclable materials for the unit. Subject to the

recommended condition, the Council's Waste Project Officer raises no objection to the proposal.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

None applicable to this site.

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 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.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

Not applicable for a scheme of this size.

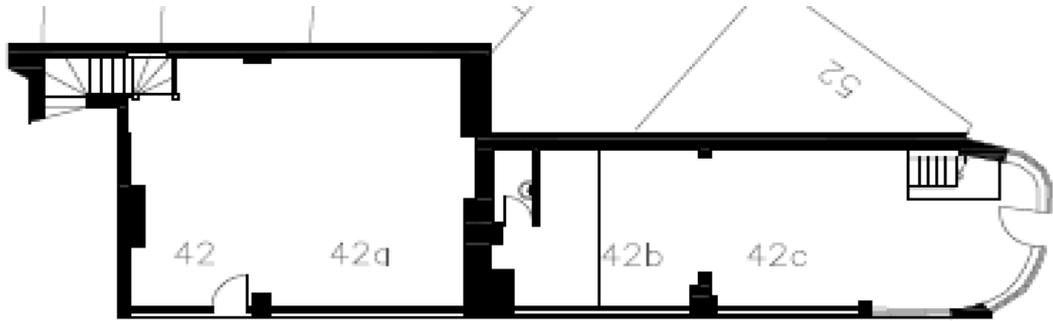
### **8.14 Other Issues**

None.

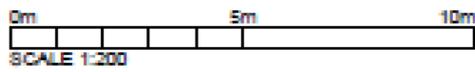
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

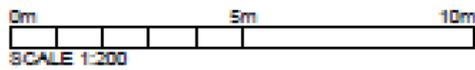
9. KEY DRAWINGS  
Existing Ground and Lower Ground Floor Plan



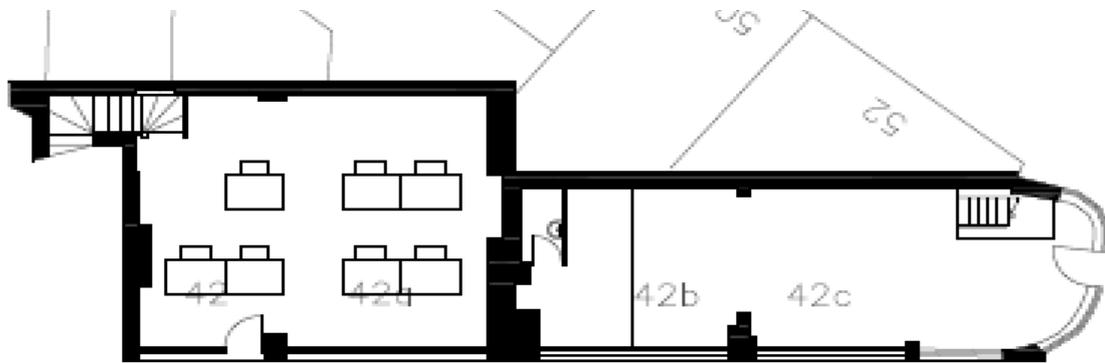
Ground Floor



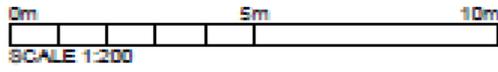
Basement



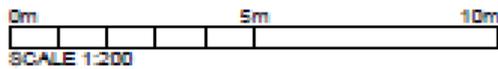
Proposed Ground and Lower Ground Floor Plan



Ground Floor



Basement



**DRAFT DECISION LETTER**

**Address:** 42 Denbigh Street, London, SW1V 2ER

**Proposal:** Use of basement and ground floor as Professional and Financial Services. (Class A2)

**Reference:** 19/01803/FULL

**Plan Nos:** Approved Plans, Proposed floor plans, , For information only, Existing floor plans, Cover Letter dated 7 March 2019, Planning statement dated March 2019, Leaseholder Letter dated 23 April 2019, Email dated 3 April 2019,

**Case Officer:** Hayley White

**Direct Tel. No.** 020 7641 7327

**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 The use hereby permitted shall not be carried on except between 08:00 - 20:00 daily.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policy S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 3 You must apply to us for approval of details of secure cycle storage for the A2 use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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 2016 (R22FA)

- 4 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 5 No waste in relation to the site is to be left on the highway at any time.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 6 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**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, neighbourhood plan (where relevant), 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 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
  
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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.