

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 31 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>First Floor Flat , 88 Queensway, London, W2 3RR</b>		
<b>Proposal</b>	Use of first floor as a Class B1 office for a temporary five year period.		
<b>Agent</b>	Hodgkinson Design		
<b>On behalf of</b>	Mr John Kyriakides		
<b>Registered Number</b>	16/09916/FULL	<b>Date amended/ completed</b>	18 October 2016
<b>Date Application Received</b>	18 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Queensway		

## 1. RECOMMENDATION

Refuse permission – on loss of housing grounds.

## 2. SUMMARY

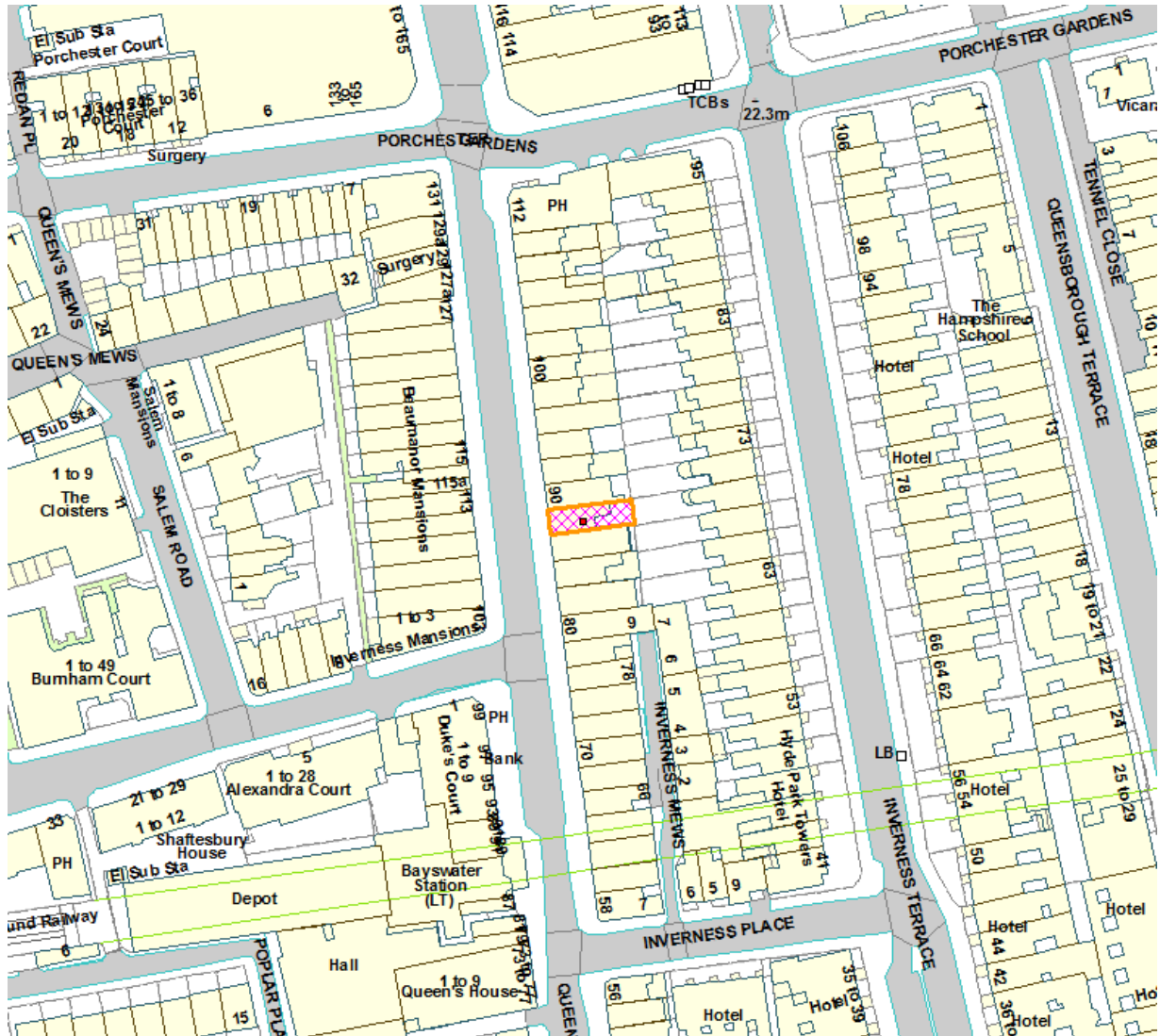
Retrospective permission is sought for the use of the first floor flat as a Class B1 office use for a temporary period of 5 years.

The key issues in this case are:

- The loss of the residential floorspace/ one residential unit at first floor level.

The proposed development does not comply with Policy S14 in Westminster's City Plan (the City Plan) as it would result in a loss of residential floorspace and one residential unit. The proposal is therefore not acceptable in land use terms and it is not considered that there are exceptional circumstances in this case that justify a departure from the normal policy presumption against the loss of existing residential accommodation. As such, the application is recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Queensway (top) and within first floor office (bottom).

## 5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION  
Object to the loss of a residential unit.

BAYSWATER RESIDENTS ASSOCIATION  
Object to the loss of a residential unit.

HIGHWAYS PLANNING MANAGER  
No objection.

CLEANSING MANAGER  
No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED  
No. Consulted: 45.  
Total No. of replies: 0.  
No. of objections: 0.  
No. in support: 0.

ADVERTISEMENT/ SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is at first floor level within a four storey mid terrace building situated on the east side of Queensway. The building is not listed but lies within Queensway Conservation Area and the Queensway/ Westbourne Grove District Centre.

The ground floor of the premises is in Class A1 retail use and the upper floors are lawfully in use as residential flats (Class C3); albeit the first floor, which is the subject of this application, is currently in unauthorised use as an office (Class B1).

### 6.2 Recent Relevant History

In 2013 (13/01231/FULL) and 2014 (14/05768/FULL) planning permission was refused for the same proposed change of use as is currently proposed. On both occasions the applications were refused on loss of housing grounds. However, the 2013 application sought a permanent change of use, whilst the 2014 application was for a temporary five year period.

There is an ongoing planning enforcement investigation regarding the unauthorised office use at first floor level.

## 7. THE PROPOSAL

Retrospective planning permission is sought for the use of the first floor flat as a Class B1 office use for a temporary period of five years.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The office is used by 'Navarino Estates' who, the applicant states, have operated in the Queensway area for over 45 years in property development, property management and as a letting agent. The applicant advises that Navarino Estates formally operated from offices on the first and second floors of No.102 Queensway, but this lease expired approximately 15 months ago, after which the company had to find alternative office accommodation. The applicant advises that they were unable to find alternative lawful Class B1 office accommodation; although no details of their efforts to find alternative accommodation is provided with the application. Therefore they chose to occupy the first floor flat at No.88 Queensway as they are the long leaseholder of this flat.

The policy presumption to resist the loss of existing residential floorspace and units is due to the fact that the residential population within the City is projected to grow significantly, with few large sites available to deliver the housing required to accommodate this growth. The London Plan 2015 (as amended) sets Westminster a target of delivering 1,068 new homes per year over the 10 year period to 2025.

Policy S14 of the City Plan states that residential use is a priority across Westminster with all residential uses, floorspace and land protected except where redevelopment of affordable housing would better meet affordable housing need, a converted house is returned to a family sized dwelling or dwellings, or where two flats are being joined to make a family sized dwelling. The current proposal does not comprise one of these exceptions, which are set out in the wording of the policy itself.

The applicant has set out in his Design and Access Statement a number of examples in Queensway where small offices have been converted to residential use. However, these conversions have been permitted and carried out in accord with Policy H3 in the UDP and Policies S13 and S14 in the City Plan, which promote increases in residential floorspace and units across the City, but particularly in locations such as Queensway, which are outside the Central Activities Zone (CAZ), Named Streets and the three Opportunity Areas.

The applicant also identifies that the City Plan promotes office retention and growth; however, the City Plan is clear that office growth will be delivered in appropriate locations within the Central Activities Zone (CAZ), Named Streets, the three Opportunity Areas and the North Westminster Economic Development Area (NWEDA). The application site is not located within any of these areas where office growth of any scale is supported.

The applicant notes that the office use is proposed on a temporary five year basis, which would see the re-provision of the residential unit on expiry of the permission. However, this is a considerable temporary period and such temporary permissions are only normally appropriate where there is compelling public benefit to be achieved from allowing the temporary use. In this case there would be no public benefit from the change of use proposed to a private office use which, as set out earlier in this section of the report, is contrary to long established land use policies in this part of the City.

The applicant suggests in his Design and Access Statement that a land use swap could be offered. However, no specific site is identified in the application as being offered for this purpose. In any event, given the loss of the existing residential unit at the application site is contrary to Policy S14 in the City Plan and as provision of a new residential unit as a result of an office to residential conversion elsewhere in the vicinity would most likely be policy compliant in land use terms, there would be no substantive planning benefit to be derived from entertaining a land use swap in this case.

The applicant notes that the GIA floorspace of the one bedroom flat that has been lost as a result of the unauthorised change of use was 45.8m<sup>2</sup> and argues that this is below the minimum size standard for a one bedroom unit. However, this is not correct as the Government's Technical Housing Standards (2015) allow for one bedroom one person units to be as small as 37m<sup>2</sup> (GIA). The applicant also argues that residential accommodation above shop units within a District Shopping Centre would 'not have a high level of amenity' due to limited access to outside space and potential for noise from the retail uses below. However, the provision of residential accommodation over retail uses is not unusual and the standard of accommodation that the flat provides in this location is acceptable and is not compromised to the extent alleged by the applicant. No evidence is provided by the applicant to demonstrate that the flat was not capable of being occupied for residential purposes prior to the unauthorised change of use occurring.

In summary, for the reasons considered in this section of the report, the proposed change of use to Class B1 office use of the first floor flat is considered to be contrary to Policy S14 in the City Plan and the exceptional circumstances cited by the applicant, including the proposal for a temporary permission, do not outweigh the policy presumption in favour of preventing the loss of existing Class C3 residential accommodation in this location.

## **8.2 Townscape and Design**

The application does not propose any physical, exterior works. There are therefore no design issues.

## **8.3 Residential Amenity**

The proposed office unit would be small in size and would not serve visiting member of the public. As such, the provision of an office use at first floor level would not result in a material loss of amenity for neighbouring residents on the upper floors of the building in terms of noise disturbance. As such, the application would accord with Policy ENV6 in the City Plan and S32 in the City Plan and is acceptable in amenity terms.

## **8.4 Transportation/Parking**

The Highways Planning Manager does not object to the proposed office use. The use would not generate a requirement for car parking. Had the application been recommended favourably details of waste and cycle storage would have been sought by condition in accordance with Policy ENV12 in the UDP and Policy 6.9 in the London Plan 2015 (as amended).

## **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposal does not alter the existing access arrangements to the first floor, which comprise a stepped access via a staircase shared with the residential accommodation on the second and third floors. Whilst this arrangement is not ideal, given the limited size of the office and as it does not serve visiting members of the public, this arrangement is considered to be acceptable in access terms.

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

None relevant.

#### **8.8 London Plan**

This application does not raise any 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**

The proposed change of use does not generate a requirement for any planning obligations and falls below the minimum floorspace threshold for CIL liability.

#### **8.11 Environmental Impact Assessment**

An Environmental Impact Assessment was not required for a development of this scale.

#### **8.12 Other Issues**

None relevant.

### **9. BACKGROUND PAPERS**

1. Application form.
2. Email from the South East Bayswater Residents Association dated 20 December 2016.
3. Email from the Bayswater Residents Association dated 9 January 2017.
4. Memo from the Cleansing Manager 28 October 2016.
5. Email from the Highways Planning Manager dated 29 November 2016.
6. Email from the applicant to Leader of the Council dated 31 October 2016.
7. Email from the applicant to Ward Councillors dated 14 December 2016.

#### **Selected relevant drawings**

Existing and proposed floorplans.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).



# 10. KEY DRAWINGS

**Existing plans**

North point	Sign off	Issued dates	General notes			Client	Org.	<b>HODGKINSON DESIGN</b> <small>ARCHITECTURE INTERIOR DESIGN CORPORATE IDENTITY</small> <small>29 Alexander Street London W3 2NU</small> <small>T: 020 7221 7257 F: 020 7221 4334</small> <small>Email: hod@hodgkinsondesign.co.uk</small> <small>www.hodgkinsondesign.co.uk</small>
			<ul style="list-style-type: none"> <li>Planning</li> <li>Building control</li> <li>Tender</li> <li>Construction</li> <li>Contract</li> <li>As built</li> </ul>			NAVARINO ESTATES PROJECT: 88 QUEENSWAY Drawn: BA    Checked: -    Date: 03.02.14    Scale: 1:100(A3)    Dwg No: 9001	EXISTING PLANS Status: PLANNING	
	The supervisor is to verify all dimensions and coordinate on site. The drawings are the property of Hodgkinson Design. It is issued on the understanding that it will not be reproduced or disclosed in whole or in part to any third party without written permission from Hodgkinson Design.							

**Proposed plans**

North point	Sign off	Issued dates	General notes			Client	Org.	<b>HODGKINSON DESIGN</b> <small>ARCHITECTURE INTERIOR DESIGN CORPORATE IDENTITY</small> <small>29 Alexander Street London W3 2NU</small> <small>T: 020 7221 7257 F: 020 7221 4334</small> <small>Email: hod@hodgkinsondesign.co.uk</small> <small>www.hodgkinsondesign.co.uk</small>
			<ul style="list-style-type: none"> <li>Planning</li> <li>Building control</li> <li>Tender</li> <li>Construction</li> <li>Contract</li> <li>As built</li> </ul>			NAVARINO ESTATES PROJECT: 88 QUEENSWAY Drawn: BA    Checked: -    Date: 03.02.14    Scale: 1:100(A3)    Dwg No: 9002	PROPOSED PLANS Status: PLANNING	
	The supervisor is to verify all dimensions and coordinate on site. The drawings are the property of Hodgkinson Design. It is issued on the understanding that it will not be reproduced or disclosed in whole or in part to any third party without written permission from Hodgkinson Design.							

**DRAFT DECISION LETTER**

**Address:** First Floor Flat , 88 Queensway, London, W2 3RR

**Proposal:** Use of first floor as a Class B1 office for a temporary five year period.

**Reference:** 16/09916/FULL

**Plan Nos:** P001, P002, P003, P004 and Design and Access Statement dated 17 October 2016.

**Case Officer:** Frederica Cooney

**Direct Tel. No.** 020 7641 7802

**Recommended Condition(s) and Reason(s)**

- Reason:
- 1 Your development would lead to a loss of housing which would not meet S14 of Westminster's City Plan that we adopted in November 2016. We do not consider that the circumstances of your case justify an exception to this policy.

**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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.