

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	5 Princes Street, London, W1B 2LB		
Proposal	Use of a Flat 1 at first floor level as 'temporary sleeping accommodation' for a temporary period of 36 months from 01 May 2017 to 01 May 2020.		
Agent	The Cox Clifford Partnership		
On behalf of	Mr Andrew Wells		
Registered Number	17/03337/FULL	Date amended/ completed	21 April 2017
Date Application Received	18 April 2017		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse permission - loss of permanent residential accommodation and harm to residential amenity.

2. SUMMARY

The site comprises a six storey plus basement Grade II listed building located on the north side of Princes Street. The site lies within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). The site is occupied by a restaurant at basement and ground floor levels with residential flats on the upper floors.

This application relates solely to Flat 1 which is 2-bed unit located on the first floor of the property. The flat measure approximately 76 sq.m (GIA) which exceeds the minimum space standard for a two-bed, three-person flat of 61 sq.m (GIA), as set out within Table 3.3 of the London Plan (2016).

Permission is sought for a change of use to allow the existing flat to be used as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) for a temporary period of 36 months from 01 May 2017 to 01 May 2020. No physical alterations are proposed and therefore the special interest of the listed building would not be affected.

Under Section 25 the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, planning permission is required to use residential premises as 'temporary

sleeping accommodation' unless the number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90. The applicant wishes to let Flat 1 as 'temporary sleeping accommodation' on a continuous basis for three years and therefore planning permission is required.

There continues to be a shortage of dwellings for households both within the City of Westminster and in Greater London as a whole. For this reason, Policy 3.14 of the London Plan (2016) states that *'The loss of housing to short-term provision (lettings less than 90 days) should be resisted'*. Policy H2 of the Unitary Development Plan (adopted 2007) ("the UDP") seeks to prevent housing being used by non-permanent residents. It states: *'Planning permission will not be granted for the use of housing as temporary sleeping accommodation. The Council will attach a condition to grants of planning permission for new or converted housing to prevent the use of housing for this purpose. It will use its powers to take enforcement action against such unauthorised uses.'*

The applicant has stated that the owner is seeking permission to let the flat on a short-term basis due to the continual redevelopment and Crossrail projects in the area, together with the refurbishment of the restaurant at ground floor, which it is claimed are having an adverse affect upon prospective tenants wishing to take on a long-term let.

London is constantly being developed, and although the City Council sympathises with the temporary impacts this may cause, it is not considered that this provides justification to depart from the strong policy objection to the loss of permanent residential accommodation, whether it be permanent or for a temporary period of 36 month as applied for in this case.

In addition to exacerbating the housing shortage, the City Council considers that use of residential premises as short-term let is also likely to adversely affect the quality of life of nearby residents who occupy their accommodation on a permanent basis, by reason of tangible factors such as noise and disturbance at unsocial hours, and by reason of less tangible but nevertheless valid factors, such as a perception or fear of crime and anti-social behaviour. The flat is within a building containing four flats with a single entrance. As such, there is the potential for the above amenity implications of this change in land use to be relatively high, unacceptably degrading the amenity of the other occupants of these other flats. This would not meet policies S29 and S32 of Westminster's City Plan (November 2016) and policies ENV6 and ENV7 of our Unitary Development Plan that we adopted in January 2007.

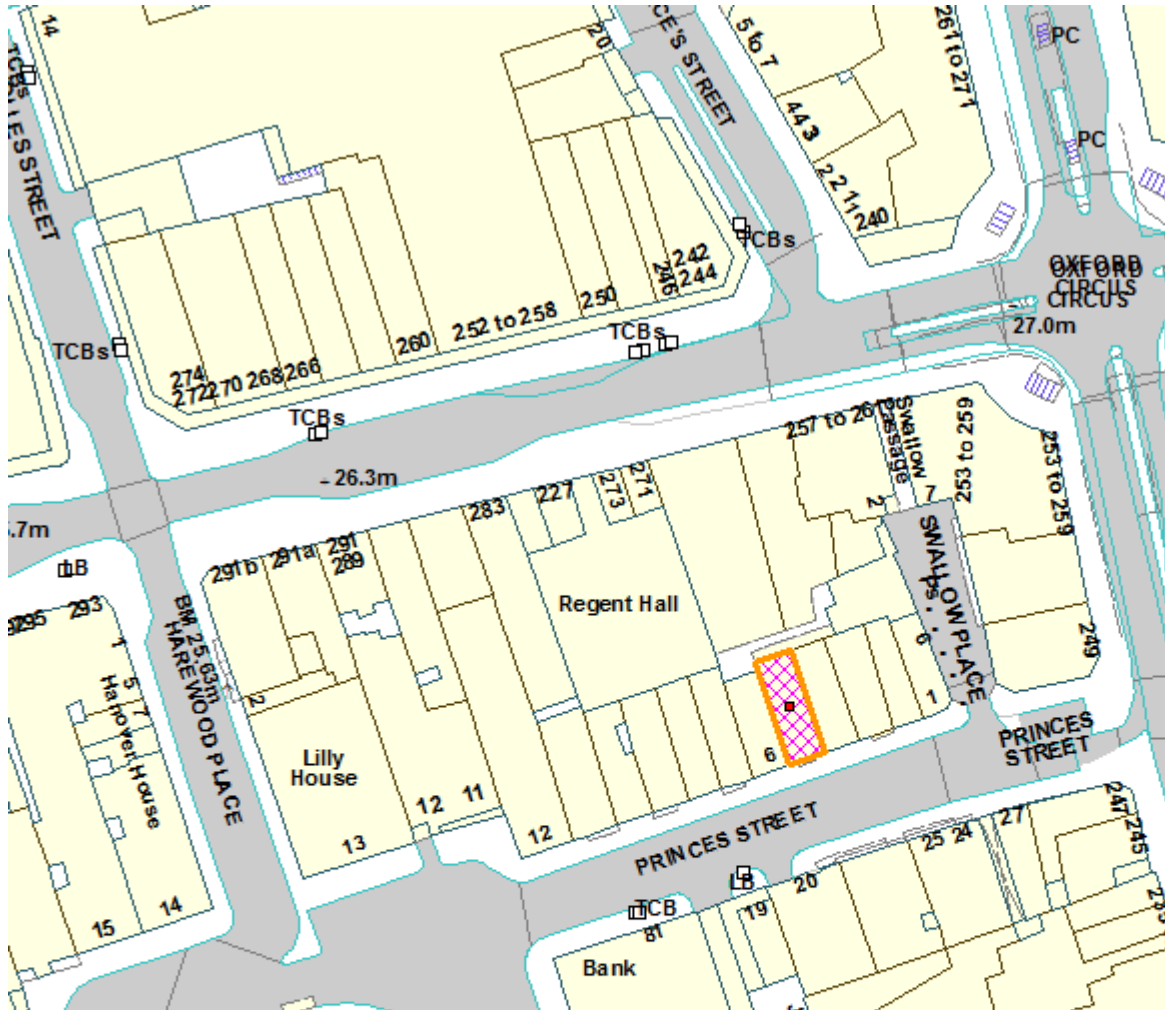
The Residents Society of Mayfair & St. James's has objected to this proposal as it considers that all short term let accommodation should be resisted. Whilst the City Council accepts that there are instances where short term let units may be appropriate, London Plan Policy 3.14 and UDP Policy H2 make it clear that this should not be at the expense of permanent residential accommodation. Furthermore, proposals should not materially harm residential amenity.

No specific waste store for waste and recyclable materials is illustrated on the plans. If the proposal had been considered acceptable in land use and amenity terms, these details would have been secured by a planning condition.

The proposal is not CIL-liable as no additional floorspace or residential units are proposed.

The proposal is considered unacceptable for the above reasons and it is recommended that permission be refused.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S
Object to the principle of short term lets.

CLEANSING - DEVELOPMENT PLANNING
No objection

HIGHWAYS PLANNING - DEVELOPMENT PLANNING
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 71
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:
Yes.

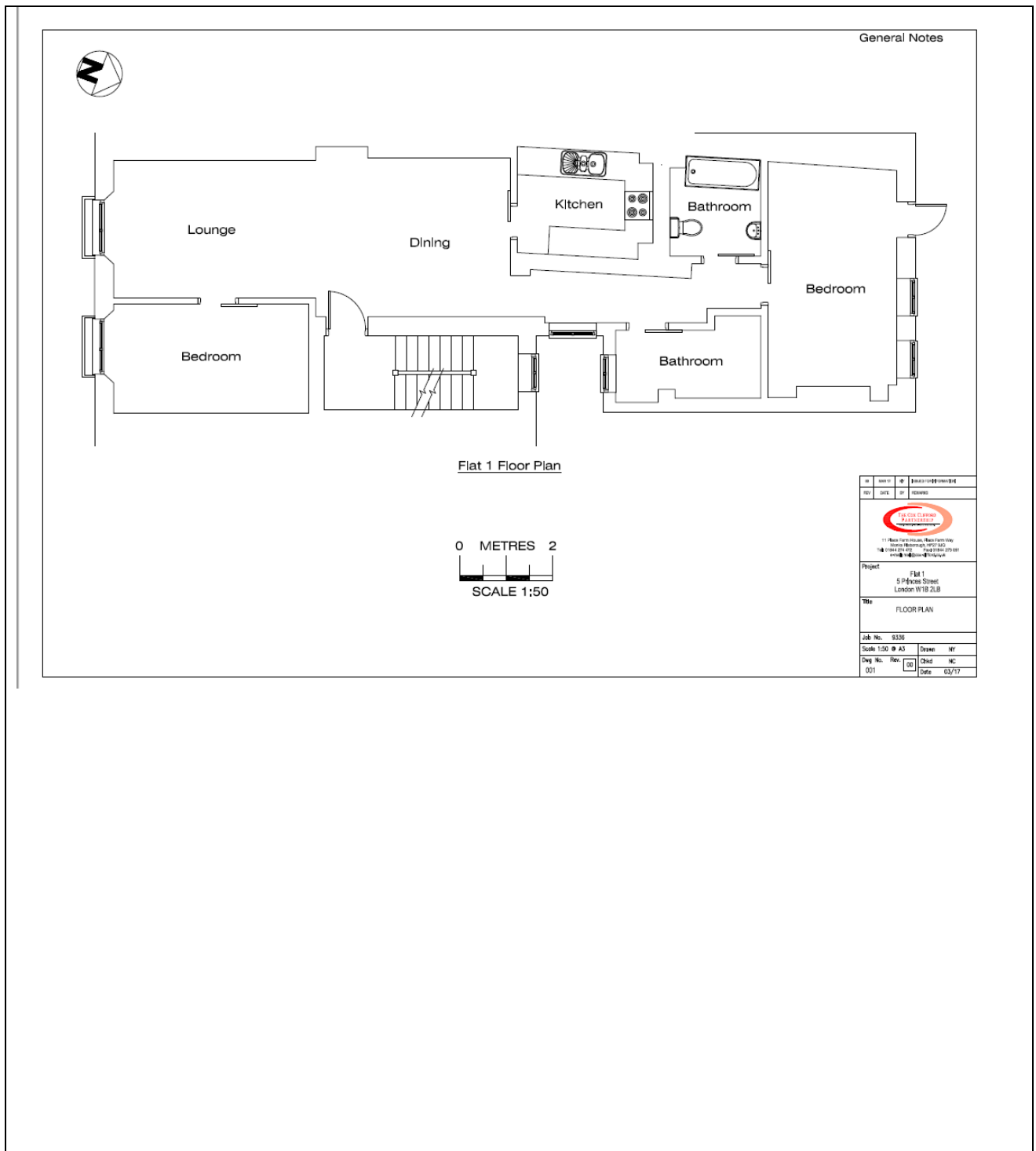
6. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 24 May 2017
3. Response from Cleansing, dated 24 May 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: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK.

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 5 Princes Street, London, W1B 2LB,

Proposal: Use of Flat 1 at first floor level as 'temporary sleeping accommodation' for a temporary period of 36 months from 01 May 2017 to 01 May 2020.

Reference: 17/03337/FULL

Plan Nos: 001 00

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

Reason:

- 1 The use of this property as short term let accommodation would lead to a loss of permanent residential accommodation within the City of Westminster and also result in unacceptable loss of residential amenity by reason of noise and disturbance for people in neighbouring properties. This would not meet policies Policy 3.14 of The London Plan (2016), Policies S29 and S32 of Westminster's City Plan that we adopted in November 2016 and Policies H2 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

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.