

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 September 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	45 Welbeck Street, London, W1G 8DZ		
Proposal	Conversion of the existing ground and lower ground floor commercial office areas to form a new two bedroom duplex residential apartment with associated alterations.		
Agent	Walker		
On behalf of	Glanz & Raimondo		
Registered Number	23/02383/FULL and 23/02384/LBC	Date amended/ completed	10 April 2023
Date Application Received	10 April 2023		
Historic Building Grade	Grade II		
Conservation Area	Harley Street		
Neighbourhood Plan	None		

1. RECOMMENDATION

1. Refuse planning permission - loss of office in a commercial area of the Central Activities Zone.
2. Grant Conditional Listed Building Consent.
3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The applications propose internal alterations at basement and ground floors to allow the change of use from office to residential use. The proposed residential unit would be a single two-bedroom 4-person unit over both floors.

The key considerations in this case are:

- The acceptability of the proposed loss of office accommodation within the Central Activities Zone (CAZ),
- The acceptability of the proposed residential accommodation in terms of its size and

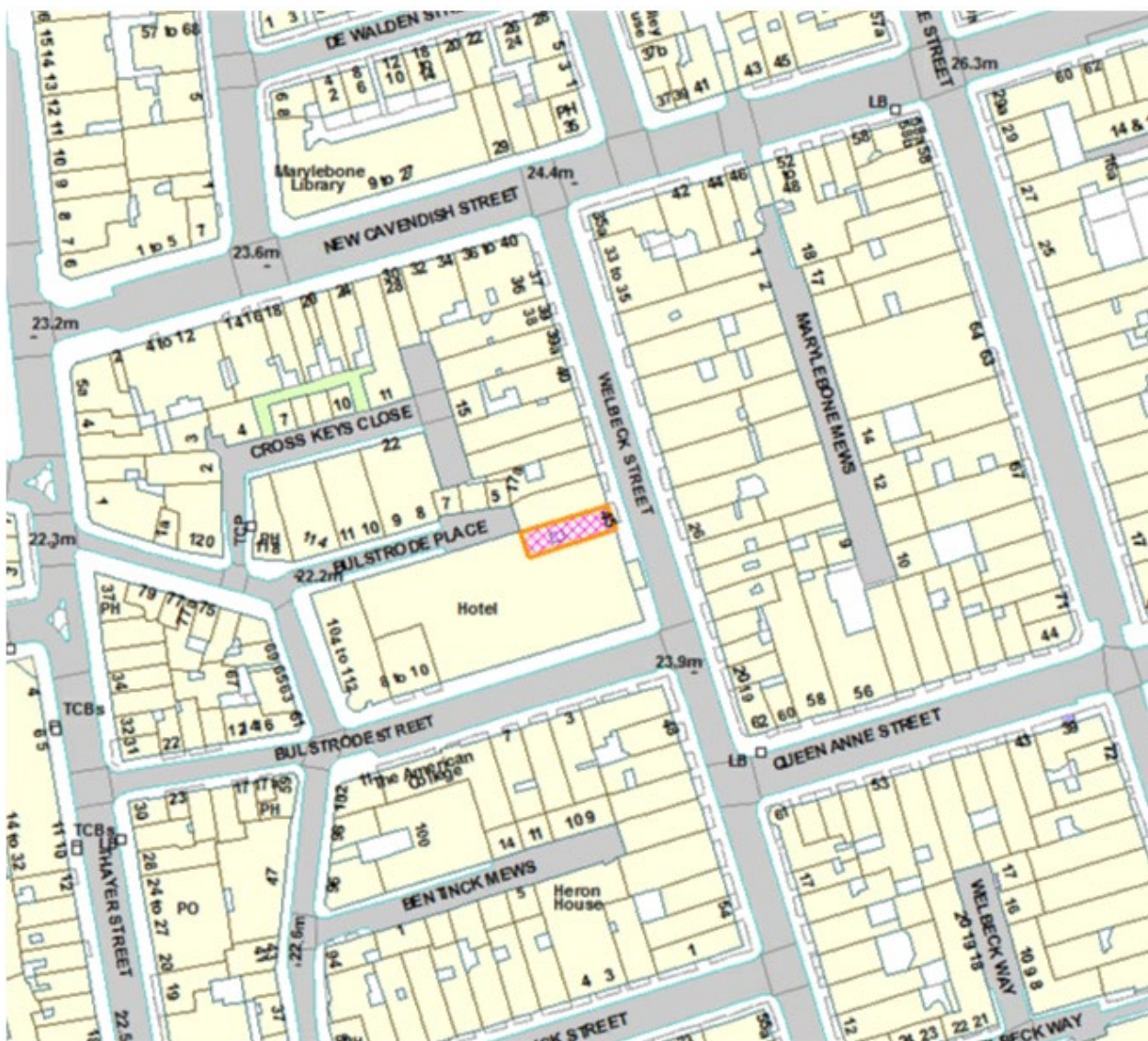
accessibility.

- The impact of the proposed works on the designated listed building.

While residential uses are encouraged in principle, the loss of office space to residential use within the CAZ is only considered acceptable in areas that are predominantly residential in character and where the proposal would reinstate an original residential use. The area clearly meets the definition within the City Plan for a commercial neighbourhood and therefore does not comply with the policy requirements in this regard. While the applicant has made arguments to justify the loss of office space, none of these are considered to overcome the identified harm that would be caused to the area as a result of the loss of the office space and the scheme is contrary to Policy 13(D) of the City Plan 2019 - 2040 (April 2021) or London Plan Policy E1. The planning application is therefore recommended for refusal.

The internal works, which include the installation of a partition, incorporating a door, at ground floor level within the main building and subdividing the rear room at lower ground floor level are not harmful to the listed building. The proposals comply with policy 39 and adopted guidance for listed buildings and the listed building consent application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR SCARBOROUGH

(on behalf of all ward councillors) Supports the proposals and considers that it is a "welcome addition to the community for this to be used for residential" and requests that the case is presented to the Planning Applications Sub-Committee for determination rather than it being determined under delegated powers.

MARYLEBONE ASSOCIATION

Support - "We are aware of the contradictory planning-use policies that relate to these proposals, but in this case where a listed house is being at least partially brought back to its original use, we feel that the creation of a new dwelling is more valuable to the neighbourhood than the protection of a small office space."

ENVIRONMENTAL SCIENCES

No objection.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

WASTE PROJECT OFFICER

Objection - drawings submitted are not in line with the council waste storage requirements - more details requested.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 29

Total No. of replies: 5

No. of objections: 1

No. in support: 4 (one of which is from Ward Councillors), and a representation directly from the applicant.

One objection has been received raising the following points:

- Proposals contrary to Policy 13 of the City Plan as this part of street is not predominantly residential in character.
- Scheme fails to recognise heritage significance of the building, will lead to heritage harm, and provides no public benefit.

Three support comments have been received raising the following points:

- Use as residential would be a welcome addition to the community,
- Change of use will bring benefits to the local area and wider community,
- Enhance sense of community,
- Will provide residential use, which is in demand,
- Less demand for small office and small offices without modern facilities,
- Use could be permitted and reversed and therefore no risk in granting permission,
- Would provide improved shared security measures and access,
- Buildings residential style and character make it logical to increase the number of residential units.

PRESS NOTICE/ SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application.

However, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application is a Grade II Listed Building located within the Harley Street Conservation Area and the Central Activities Zone (CAZ). It is located on the west side of Welbeck Street adjacent to and north of The Marylebone Hotel located on the corner of Welbeck Street and Bulstrode Street.

The building comprises of basement, ground and four upper floors. The basement, ground and first floors are currently in office use (evidenced by a site visit), and the second floor and above are in residential use as separate flats.

7.2 Recent Relevant History

Planning permission was granted on 30 March 1998 (RN: 98/01369/FULL) for “*Use of the basement, ground and first floors for Class B1 Office purposes without complying with the professional use Condition 1 of the permission dated 21 April 2083. (Application Under Section 73 of the Act.*”

8. THE PROPOSAL

Planning permission and listed building consent are sought to allow the change of use of the existing ground and lower ground floor from office use to form a new two-bedroom duplex residential apartment. Internal alterations are also proposed to alter the internal layout of these floors to accommodate the proposed new use. There are no external works proposed.

The floorspace figures for the proposals are shown below.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	182.8	0	-182.8
Residential	0	184.2	+184.2
Total	182.8	184.2	+1.4

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Office Floorspace:

The proposals will result in the loss of the office accommodation over basement and ground floor of the site. This office accommodation is currently occupied. The applicant advises that the current tenant occupies on the basis that they can vacate with 6 months' notice.

Given national and international importance of office accommodation within Westminster to local and strategic economic and employment targets, both the recently adopted London Plan and Westminster City Plan have been worded to increase strategic importance of office accommodation. This is evident within E1 and SD4 of the London Plan and Policy 13 of Westminster's City Plan.

The London Plan Policy E1 supports the redevelopment, intensification and change of use of surplus office space to other uses including housing, provided that the scope for the re-use of otherwise surplus large office spaces for smaller office units and/or lower cost and affordable workspace has been explored. Surplus office space includes sites

and/or premises where there is no reasonable prospect of these being used for business purposes. As stated in the supporting text, evidence to demonstrate surplus office space should include strategic and local assessments of demand and supply, and evidence of vacancy and marketing (at market rates suitable for the type, use and size for at least 12 months, or greater).

As is noted, the unit is currently tenanted, and therefore the unit in question could not be considered to be surplus. It is therefore not in line with London Plan Policy E1 for this office space to be lost.

Policy 13, D, 1 states that the loss of office floorspace to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use. The Policy is clear that to comply, both objectives must be met.

The City Plan Glossary defines a predominantly commercial neighbourhood as: "*Areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity.*" (Page 210).

Officers have undertaken a land use survey (using planning records, council tax records, and business rate records) and identified that this part of the street (between Queen Anne Street and New Cavendish Street) is almost entirely commercial at ground floor (Figure 1).

Therefore, the area where the site is located is a predominantly commercial neighbourhood. An objector has noted that the proposal is contrary to Policy 13 of the City Plan as this part of street is not predominantly residential in character. The Officers assessment set out above confirms this.

The applicant has stated that they consider that the immediate area is not predominantly commercial as there are a number of residential units close by. However, as is evident from the land use survey undertaken and with the definition of a commercial area from the City Plan in mind, the area clearly meets the definition of a predominantly commercial neighbourhood.

With regards to the second part of the policy (re-instating an original residential use), this would be met as the building appears to have been originally built for residential use.

While the current office space is small, the Council recognises the importance that small office spaces play in providing for the varied needs of the office users in the CAZ. Small office spaces are recognised as contributing to meeting Westminster's business and employment needs. The importance of protecting small office space such as that at the application site has also been confirmed in an upheld and appeal (for loss of small amount of office to residential within the CAZ) (Appeal Decision APP/X5990/W/18/3214631 at 8 Royalty Mews – Para. 7 – decision included in background papers), in which the inspector confirmed that:

"The Local Economic Assessment 2014 explains that around 32,000 enterprises in Westminster employ less than ten people. This is 85% of all enterprises in the city. Consequently, premises that service this market..."

such as small offices at this application site, "...contribute to meeting Westminster's business and employment needs. This is the case even if they are not high end or co-working offices as the CCAZ requires a diverse office market."



It is important to note that the Local Economic Assessment referred to by the inspector is a document which has formed the evidence base of the current City Plan, and is therefore still considered to be up to date and of relevance. The content of Para. 8 of this Appeal Decision is also of importance, which sets out that while small office space may be of minimal importance in the office market in isolation or when considered as a percentage of total office floorspace in the city, this is an argument that could be replicated many times over and thereby result in a cumulative loss of small offices.

Indeed, this appeal decision, while made against old policies, is of comparable relevance in a lot of aspects with this application and merits reading in full in its own right.

The applicant argues that small office space such as this is no longer of value to the office market, particularly in the post-pandemic world when working at home has increased and there appears to be less demand for office space. The applicant goes on to note that they consider that office workers need encouragement back to offices, and will only return to those that are modern (with facilities that are attractive, comfortable and well equipped). Objectors echo these points.

The applicant notes that other small office spaces around the site are vacant however, this is not the case with the application site which is tenanted. There is therefore no argument to be made that this site is not viable as office space given that the existing tenants are actively occupying the office space, and the vacant or occupied nature of surrounding sites is not of particular relevance.

The Applicant states they consider that Policy 13D has been overtaken by events, such as those noted above, and as such is no longer relevant as they consider the nature of the office market has evolved beyond the need for small office space. They also consider that when this Policy is reviewed in the future, at an as yet unspecified date, this loss of need for small office space will be reflected. Theoretical future changes to policy carry no weight. There are currently no revisions to this Policy (or any others in the City Plan) which carry any weight in the planning process. The comments in relation to the market moving ahead of policy are noted however, market conditions fluctuate and change quicker than planning policy. This is a known factor in the planning process and in some instances can be taken into account where there are sufficient circumstances to warrant a deviation from existing policy. However, as noted above, at this site there is an occupier of the office space and no argument to be made that this office space is not viable. These comments by the applicant are therefore not sufficient enough to warrant deviating from policy.

With respect to the impact of the COVID-19 pandemic and how this has or has not changed the office market, both the London Plan and Westminster's City Plan were adopted in March and April 2021 respectively. At this time and during the examination period the implication of the COVID-19 pandemic were evident and considered during the examination process. As such, the aforementioned policy documents were prepared in recognition of the current and future needs for their respective areas. This is recognised in a recent appeal decision from the Planning Inspectorate (issued on 11 August 2023) which sets out:

“However, both the City Plan and London Plan were adopted in the knowledge of the pandemic and there is limited compelling evidence before me to suggest the office market has substantially departed from the projections identified in the Development Plan.”

[Para. 9 of Inspectors Decision for Appeal Reference APP/X5990/W/23/3318104 at 7 Moor Street – Decision included in background papers]

As such, the need to retain existing office accommodation in line with policy is considered to outweigh any impact the COVID-19 pandemic has had on the availability/let-ability of office accommodation.

It is of note that even when office space is vacant, unlike at this site, that fact alone has not been considered sufficient to justify the loss of office to residential in areas that are not predominantly commercial. This approach has been upheld by the Planning Inspectorate through planning appeals (Appeal Reference APP/X5990/W/23/3318104 at 7 Moor Street, and Appeal Reference APP/X5990/W/22/3303774 at 26-28 Warwick Way at 26 - 28 Warwick Way – both decisions included in background papers). The City Plan supporting text provides a hierarchy of preferred uses for such sites in commercial areas, which must first be considered, as well as evidence of unsuccessful marketing of the vacant office space.

The applicant highlights that the site falls immediately outside the designated Article 4 Direction Class E (commercial, business, and service) to C3 (dwelling houses) in the Central Activities Zone (CAZ). They state that “...*the preparation of the plan annexed to the policy must have been undertaken with careful consideration, and it was considered that this property did not merit inclusion.*” This is not correct as the Article 4 Direction was ‘made’ on 14 July 2021 and then modified by the Secretary of State on 22 July 2022 to cover a smaller area than originally planned. Therefore, it was not ultimately the City Councils choice to draw the boundary line of this area so as to just exclude the site. This therefore carries no weight for this application and it must be assessed against the policies set out in this report.

The applicant notes that whilst Policy 13D seeks to preserve small office use, there is also a policy to increase the number of residential units. They also states that “...*if this were an application to convert any of the existing residential elements within this mixed-use building for office use, you would no doubt be quoting the city’s position that it would oppose loss of residential units.*” The latter is entirely correct however, not what is under consideration in this proposal so is of no relevance. Regarding the conflict of City Plan policies that are sited, this entirely normal for any planning document and is the purpose of the planning process to balance these conflicts.

Residential Use

The proposals will provide one two-bedroom, four person (2B/4P) residential flat spread over both ground and basement floors. Policy 12 of the City Plan seeks to ensure that all new homes provide a well-designed and high-quality living environment, both internally and externally.

The floorspace figures for the proposed unit are 184.2sqm, which complies with the minimum space standards set out in London Plan and The Minimum Space Standards for the type of unit (requiring 79sqm as a minimum when set over two floors).

City Plan Policy 8B restricts flat size to below 200sqm GIA. The floorspace figures provided indicate that this does not occur. The mix of units proposed is considered suitable given the existing constraints of the site.

Part D of Policy 12 requires that all new homes provide at least five sqm of private

external amenity space for each dwelling. Where dwellings accommodate 3 or more people, an additional 1sqm of amenity space is required for each additional person. The policy notes that where this is not practicable or appropriate, community space may be provided, or additional and/or higher quality public open space may be provided.

Part E of the policy states that where it is sufficiently demonstrated that the requirements of Part D cannot be met, additional living space equivalent to the external requirements set out in that section is required.

While the area has a small lightwell at lower ground floor, this is not of a significant size although it would provide some amenity benefit. However the additional space provided above the minimum space standards (an additional 105.2sqm) is far in excess of the additional space requirements to mitigate lack of amenity space set out in the policy.

Comments in support of the proposals note that the scheme will provide residential use, which is in demand, the building's residential style and character make it logical to increase the number of residential units, and that the residential would be a welcome addition to the community, would bring benefits to the local area and wider community, and also enhance sense of community. These supportive comments are noted however no examples of the benefits that would be brought to the community have been provided, particularly given that in planning terms both the existing and proposed uses provide benefits to local communities.

Some support comments note that the scheme would provide improved shared security measures and access. It is unclear what these measures may be however, removal of shared access to the building between commercial and residential users of the building would not be considered to be one. It is the common position within the CAZ that buildings are in mixed use, and as such they share common access areas. This is recognised by the Planning Inspectorate (Appeal Ref: APP/X5990/W/22/3311763 at 1 York Street – Para. 8 – Decision included in background papers). Additionally, it is not clear how the first floor, which is in office use and not part of this application, would interact with the proposed residential use below and the existing residential uses above. It is clear that these proposals would not lead to a possible perceived benefit of there only being residential uses in the building.

Affordable Housing

The proposed development will not create ten or more residential units and will not create over 1,000 sqm of residential floorspace. Affordable housing will therefore not be required under Policy 9 of the City Plan.

Land Use Balance

The area is identified as a predominantly commercial neighbourhood, so the loss of the existing office use is contrary to Policy 13. While the applicant has argued that the small office space is no longer required in the market, this does not appear to be true given that the applicant site is currently tenanted. There is therefore no argument to be made that this site is no longer serving the office market in the CAZ and Westminster. While the proposed residential use is welcomed in principle, and comments in support of the residential use have been received, the Council recognises that there is a balancing to

be done between the competing demands in the CAZ for both office and residential floorspace, which has resulted in the creation of Policy 13.

Policy 13 does allow for the loss of office space if residential is to be provided in its place under certain circumstances and in certain places in the CAZ. However, as is set out above, this is not the case here and the applicant has not made any justification to identify other reasons for a deviation from policy. Planning policy sets out controls regarding changes of use from office floorspace, unless it is demonstrated that such floorspace would be surplus. In this case the office space has not been robustly demonstrated as surplus, indeed it is tenanted so no such argument could be made, and this scheme would therefore conflict with the development plan taken as a whole. Whilst there would be benefits associated with the development, they would not outweigh the identified harm and its associated development plan conflict.

Therefore, the loss of office floorspace to residential in this location is unacceptable and contrary to London Plan Policy E1 and Policy 13 part D of City Plan 2019-2040 (April 2021).

9.2 Environment & Sustainability

The proposal is not considered to raise environmental or sustainability implications.

9.3 Biodiversity & Greening

There is no provision of additional biodiversity or greening as a result of the proposals however, given that there are no external works proposed, it is not seen suitable to request such provision.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 66 of the LBCA Act requires that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should be clearly and convincingly justified and should only be approved where the harm caused would be

clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Considerations

Key considerations are the impact upon the appearance and significance of the listed building. The proposed works will be assessed against the National Planning Policy Framework (NPPF), policy 39 in Westminster's City Plan and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' SPG.

The installation of a partition, incorporating a door, across the stair landing at rear ground floor level within the staircase compartment is considered awkward, but not harmful. It would have the visual effect of moving the existing doorway forwards a bit and, as this landing is slightly lower than the main hallway, this would help to reduce that impact. Although there would not have originally been a partition in this area, the practicality of positioning a partition and door here is understood. In addition, given that this will sit beside the unattractive and modern screen under the staircase and will essentially be reversible, on balance, it is considered that it would not result in harm to plan form and harm to the interior subject to details.

The remainder of the works appear to be quite limited in scope and acceptable in listed building terms. Reconfiguration of the partitions within the rear room in the main house and associated plumbing fixtures and fittings at lower ground floor level is considered acceptable subject to the retention of any existing historic fabric behind the existing modern coverings. The fitted joinery proposed within the rear room in the existing extension at ground floor level will be positioned so that the existing chimney breast and fireplace will be visible. A new drainage connection and underfloor drainage route is proposed for this area, which will connect with the existing soil stack in the rear lightwell. This is considered acceptable.

Therefore, the proposals comply with policy 39 and our adopted guidance for listed buildings and are recommended for approval.

In making this recommendation, consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Sections 16 and 66 and the requirements set out in Chapters 12 and 16 of the NPPF.

9.5 Residential Amenity

Given that the proposals relate to internal works and a change of use to residential only, there are no amenity considerations relevant to these proposals.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager and Waste Project Manager have assessed the

application and provided comment on the following aspects.

Servicing and Waste & Recycling Storage

Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to Policy 25. It also has an adverse impact on the public realm. The Waste Project Manager notes that while a waste storage area is shown on the proposed plans, the details shown are not in line with council waste storage requirements. Had the application been considered acceptable, details of suitable waste storage would have been secured by condition.

Cycling & Cycle Storage

Long stay cycle parking will support active travel options by residents. Long term cycle parking must be secure, accessible and weatherproof. London Plan Policy T5 requires 2 spaces per 2+ bedroom unit.

The submitted drawings indicate space for 2 cycle parking spaces. This provision is welcomed and in line with policy. Had the application been considered acceptable, it would have been secured by condition.

Parking

Policy 27 supports residential development without car parking provision. However, the Highways Planning Manager notes that increased residential units in the area will increase demand for on-street spaces.

The Highways Planning Manager requests that, if permission is granted, that Lifetime Car Club Membership for all residential units should be secured to minimise the impact of the proposed development and reduce car ownership of future occupiers. However, if the application had been considered acceptable, given that only one new unit is being provided and that it has policy compliant cycle storage and is well located in relation to excellent public transport links, that the Car Club requirement would not have been necessary.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The larger residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Other Points of Objection

Some of the supporters of the application have noted that as there are no external alterations, the “...*design approach ensures that if, for any reason, the proposed*

residential use were deemed unsuitable, it could be reversed, allowing the building to revert to its current use seamlessly.” This is incorrect as a change of use from residential use to any other use would require planning permission and any internal alterations to the building that are required to facilitate another use would require listed building consent by virtue of the building being Grade II Listed. These comments therefor are incorrect and hold no weight in the decision-making process.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

As such, the proposals put forward for the planning application fail to accord with policy 13 of the City Plan 2019-2040 and London Plan Policy E1. The public benefits proposed, which comprise a single new residential flat, would not outweigh the harm created as a result of the loss of the existing office use.

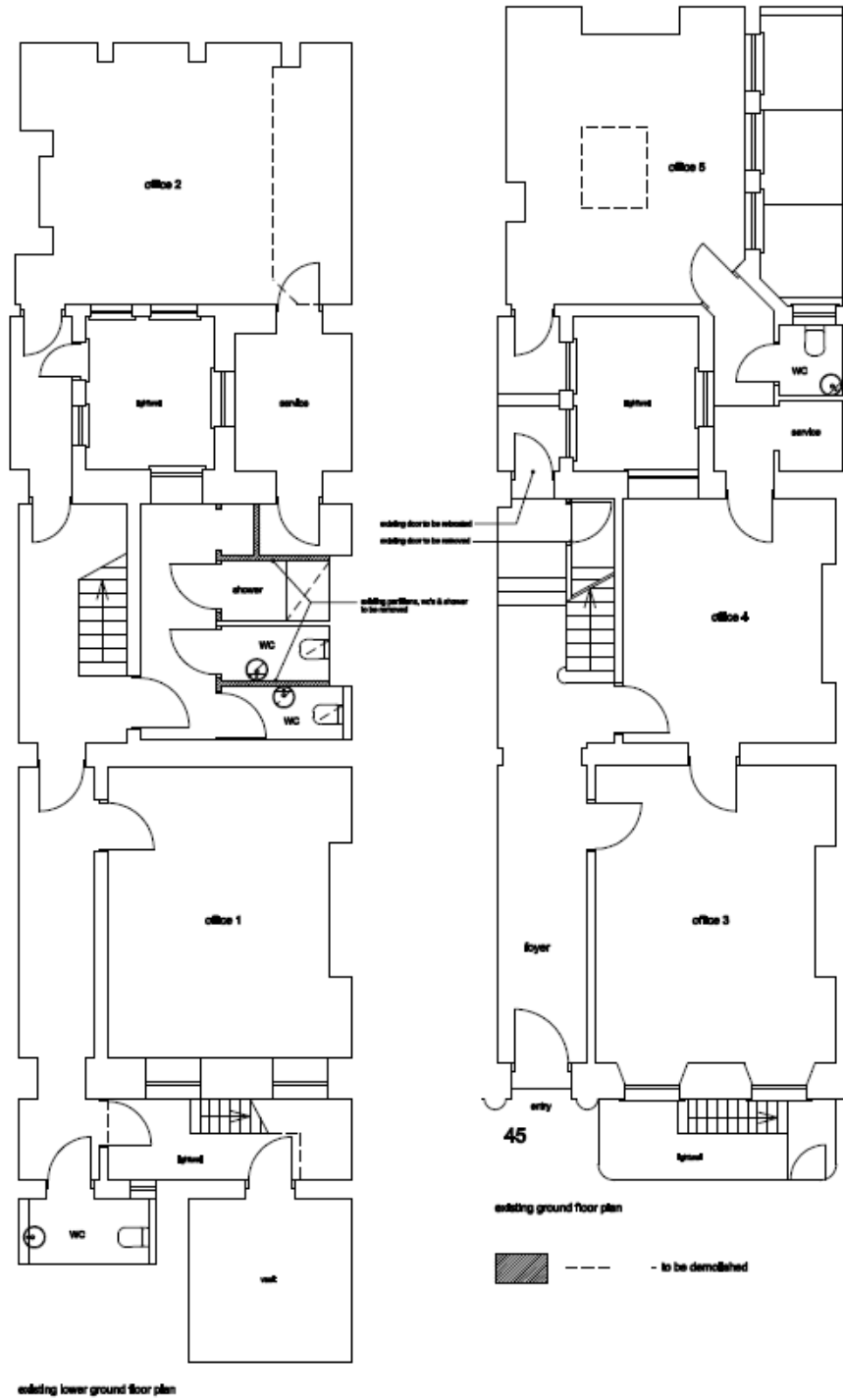
The application for listed building consent is considered acceptable as it does not cause harm to the heritage asset.

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

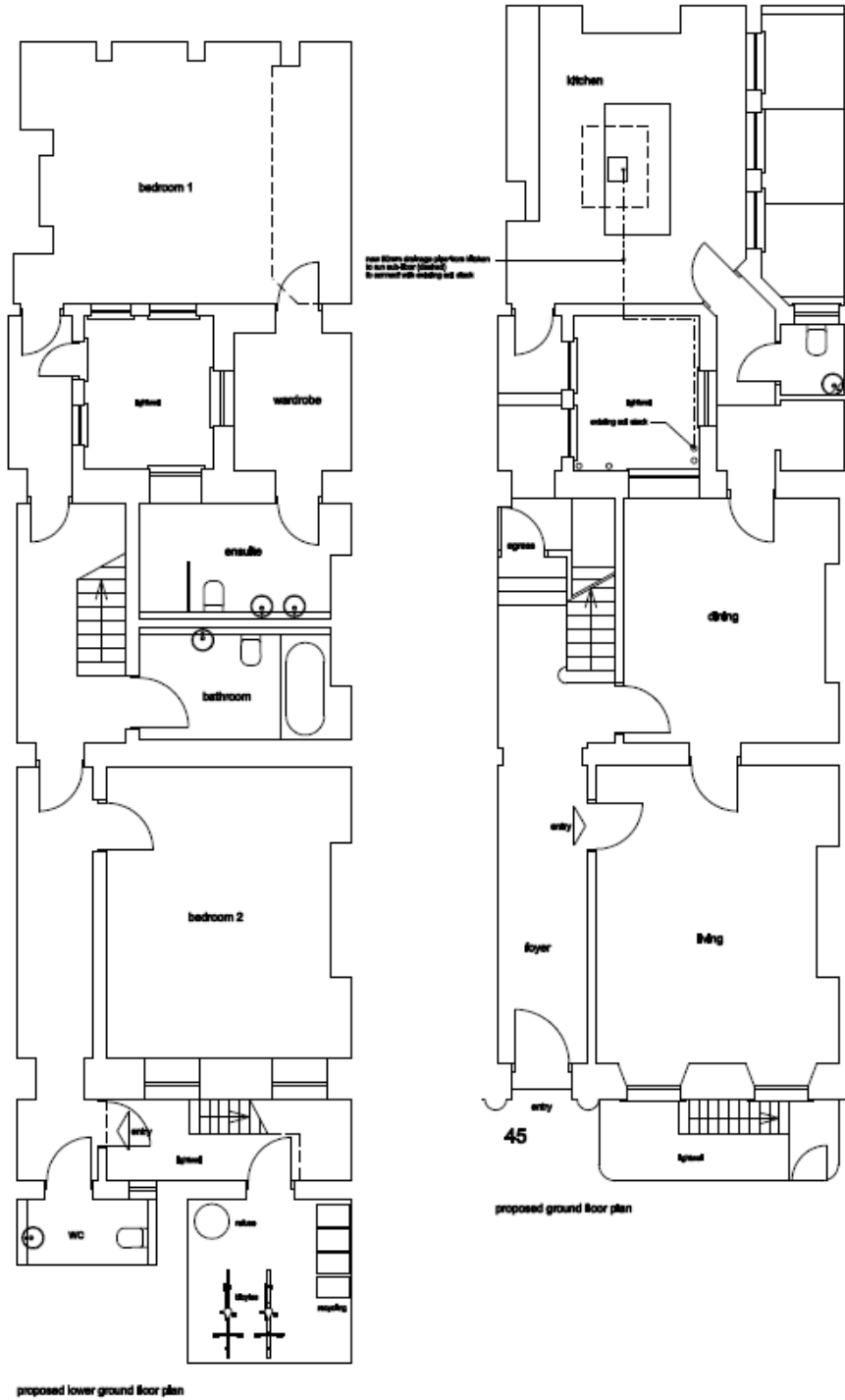
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

11. KEY DRAWINGS

Existing Plans



Proposed Plans



DRAFT DECISION LETTER: 23/02383/FULL

Address: 45 Welbeck Street, London, W1G 8DZ

Proposal: Conversion of the existing ground and lower ground floor commercial office areas to form a new two bedroom duplex residential apartment.

Reference: 23/02383/FULL

Plan Nos: PP-002 Rev. 2

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

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

Your development would result in the loss of office floorspace in a building, which is located in a predominately commercial part of the Central Activities Zone and the benefits of the proposal would not outweigh the contribution made by the office floorspace to meeting Westminster's employment targets or business and employment needs. This would not meet Policy 13(D) of the City Plan 2019 - 2040 (April 2021).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), 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.

DRAFT DECISION LETTER: 23/02384/LBC

Address: 45 Welbeck Street, London, W1G 8DZ,

Proposal: Internal alterations at basement and ground floor.

Reference: 23/02384/LBC

Plan Nos: PP-002 Rev. 2

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

Recommended Condition(s) and Reason(s)

- 1 The works 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:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 2 All new work and improvements inside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27BA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 3 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 5 You must apply to us for approval of details - elevations or sections at 1:20 or 1:10 - of the following parts of the development - the proposed partition and door across the stair landing at rear ground floor level in the context of retained fabric. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind

your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.

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.