

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 2 April 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>31 New Cavendish Street, London, W1G 9TT</b>		
<b>Proposal</b>	Use of lower ground and ground floor as an Estate Office and key storage facility (Sui Generis) for temporary period of 3 years.		
<b>Agent</b>	Howard De Walden Estate		
<b>On behalf of</b>	Howard De Walden Estates Ltd		
<b>Registered Number</b>	18/10605/FULL	<b>Date amended/ completed</b>	2 April 2018
<b>Date Application Received</b>	14 December 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission for a temporary period until 30 April 2022

## 2. SUMMARY

The application premises is a shop unit (Class A1) located on the north side of New Cavendish Street, situated on Marylebone High Street CAZ frontage. The unit is vacant having previously been in retail use for the sale of medical equipment.

The application is submitted on behalf of the Howard De Walden Estate who wish to use the premises as an Estate Office and key holding facility for a temporary period of 3 years whilst their existing offices at 23 Queen Anne Street are being refurbished. After which time the property would revert to its lawful Class A1 use.

The key issues in this case are:

\* land use considerations regarding the temporary loss of retail (Class A1) and the acceptability of the use as an Estate Office (Sui Generis).

Loss of the retail use in this location is contrary to Council's adopted land use policies in the UDP and the City Plan. The loss of retail will however be temporary and the proposed Estate Office will provide a recognised service facility for the Howard De Walden. In the circumstances despite the normal policy presumption to protect retail the application is considered acceptable.

### 3. LOCATION PLAN



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4. PHOTOGRAPH



## 5. CONSULTATIONS

Marylebone Association  
No comment

Highways Planning Manager  
No objection subject to conditions

Waste Project Officer  
Details of refuse/recycling storage required

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63  
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a basement and ground floor shop located on the north side of New Cavendish Street, most recently the shop was occupied for the sale of Medical equipment. The retailer has subsequently re-located to 37B New Cavendish Street which fronts onto Westmoreland Street. The upper floors of the building are in residential use.

The site is part of the Marylebone High Street District Centre as designated within the Unitary Development Plan, and within the wider Marylebone and Fitzrovia Central Activities Zone (CAZ) area, as defined in the City Plan (adopted November 2016). The site is located within the Harley Street Conservation Area.

### 6.2 Recent Relevant History

None relevant

## 7. THE PROPOSAL

The proposed scheme involves a temporary change of use of the lower ground and ground floors from retail (Class A1) to an Estate Office including a key storage facility (Sui Generis) for a period of 3 years. The Howard De Walden Estate are due to refurbish their existing Estate Office at 23 Queen Anne Street and will be relocating to offices in Baker Street for a temporary period of 2 years, whilst this refurbishment takes place.

Use of the application premises as proposed will ensure the Estate retains a formal high street presence in the Marylebone Area. The intention is that the ground floor will provide a display advertising property lettings. The lower ground floor level, will be used for the storage for the Estates keys. No external alternations are proposed. On expiry of any temporary permission, the premises would revert to their lawful retail use (Class A1).

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### Loss of retail floorspace

The proposal would result in the loss of 130.2 sqm (GIA) of retail floorspace at ground floor and lower ground floor level. The site was designated on the secondary frontage of the Marylebone High Street Centre. As such Policy SS6, C, of the UDP seeks to ensure that any loss of retail is not harmful to the character and function of the District Centre. The site is designated in the City Plan as being on the CAZ frontage. City Plan policy S21 seeks to protect existing retail uses throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. The applicant does not contend that the retail unit is not viable. Its loss would be contrary to established land use policies. However, the change of use would only be temporary. Furthermore, the requirements of the Howard De Walden Estate are acknowledged and in these circumstances the loss of retail is considered to be acceptable.

#### Proposed Estate Office

The Estate Office would be open between the hours of 08.00 - 18.30, Monday to Friday and will not be operating on weekends or public/bank holidays. These proposed opening hours are similar to those for the current retail unit and the level of activity associated with the proposed Estate Office is likely to be comparable to that of the lawful retail use on the site. The use is considered appropriate to a shopping street.

### **8.2 Townscape and Design**

No external alterations are proposed.

### **8.3 Residential Amenity (Daylight Sunlight and Sense of Enclosure)**

Not applicable

### **8.4 Transportation/Parking**

The proposed temporary use will not result in a significant change in trip generation or pressure on existing on street car parking facilities. There will be increased servicing requirements. The application does not raise any adverse highways issues.

**8.5 Economic Considerations**

Any economic benefits generated by the proposals are welcomed.

**8.6 Access**

No changes are proposed to the existing access arrangements.

**8.7 Other UDP/Westminster Policy Considerations**

**8.7 1 Refuse /Recycling**

Refuse collections in New Cavendish Street is well served for refuse collections with these taking place daily between 10.00am and 12.00pm. In addition, there are weekly collections of recyclable waste on Thursdays between 7.00am and 2.00pm.

The Council's Waste Project Officer has requested that any permission is subject to a condition requiring storage of waste and recyclable materials to be approved.

**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**

Not applicable

**8.11 Environmental Impact Assessment**

Not applicable

**8.12 Other issues**

Not applicable

(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: MICHAEL WALTON BY EMAIL AT <a href="mailto:MWALTON@WESTMINSTER.GOV.UK">MWALTON@WESTMINSTER.GOV.UK</a>
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**DRAFT DECISION LETTER**

**Address:** 31 New Cavendish Street, London, W1G 9TT,

**Proposal:** Use of lower ground and ground floor as an Estate Office (Sui Generis) and key storage facility for temporary period of 3 years.

**Reference:** 18/10605/FULL

**Plan Nos:** 001/P

**Case Officer:** Rattan Sehra

**Direct Tel. No.** 020 7641 6913

**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 Prior to the commencement of the use, you must apply to us for approval of details of how waste and recyclable materials are to be stored on the site. You must then provide the stores for waste and materials for recycling in accordance with these approved details within 1 month of receiving an approval of the submitted details. You must clearly mark the stores and make them available at all times to everyone using the lower ground floor and ground floor of the Estate Office.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 3 The use of the lower ground floor and ground floor shall be limited to an Estate Office and key collection facility (Sui Generis) use as shown on drawing number 001/P and in accordance with the submitted application.

**Reason:**

In granting this permission the City Council has had regard to the special circumstances of this case and would need to consider any other use in light of the relevant policies in Westminster's City Plan (November 2016) and our Unitary Development Plan that we adopted in January 2007.

- 4 The Estate Office (Sui Generis) and key storage facility use allowed by this permission can continue until 30.04.2022. After that the ground floor and lower ground floor of the building we have approved for Estate Office (Sui Generis) and key storage facility use must return to its previous use as a retail shop (Class A1).

**Reason:**

The use is not as set out in SS6; of our Unitary Development Plan that we adopted in January 2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

**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 contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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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.

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