

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 October 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Debenhams 334 - 348 Oxford Street, London, W1C 1JG		
Proposal	Use of fourth and part fifth floor as office (Use Class B1).		
Agent	Quod		
On behalf of	Debenhams Retail Limited		
Registered Number	19/03606/FULL	Date amended/ completed	11 July 2019
Date Application Received	13 May 2019		
Historic Building Grade	Unlisted		
Conservation Area	Not located within a Conservation Area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted building situated within the Core Central Activities Zone (Core CAZ), West End Special Policy Area (WESPA), and the West End International Shopping Centre. The site is bound by Oxford Street, Marylebone Lane, Henrietta Place and Vere Street. Oxford Street is a Primary Shopping Frontage. The building is currently occupied solely by Debenhams at all floor levels as a retail department store (Use Class A1).

The application proposes the use of the fourth and part fifth floors as office (Class B1) accommodation, to facilitate the relocation of Debenhams' head office function from their existing offices at Regent's Place/Brock Street, NW1. The application applies to 4,602 sqm out of a building total of 23,165 sqm (19.9%); part of the floorspace at fifth floor level is retained as back of house for the store (including staff lockers and canteen). The applicant is also rationalising its retail operations, and argue that the retail floorspace is surplus to requirements. No external alterations are proposed. The existing staff entrance at Henrietta Place will be used to access the fourth and fifth floors offices.

The key issue for consideration is the loss of retail floorspace in the WESRPA and on a Primary Shopping Frontage and its impact on the character and function of the area.

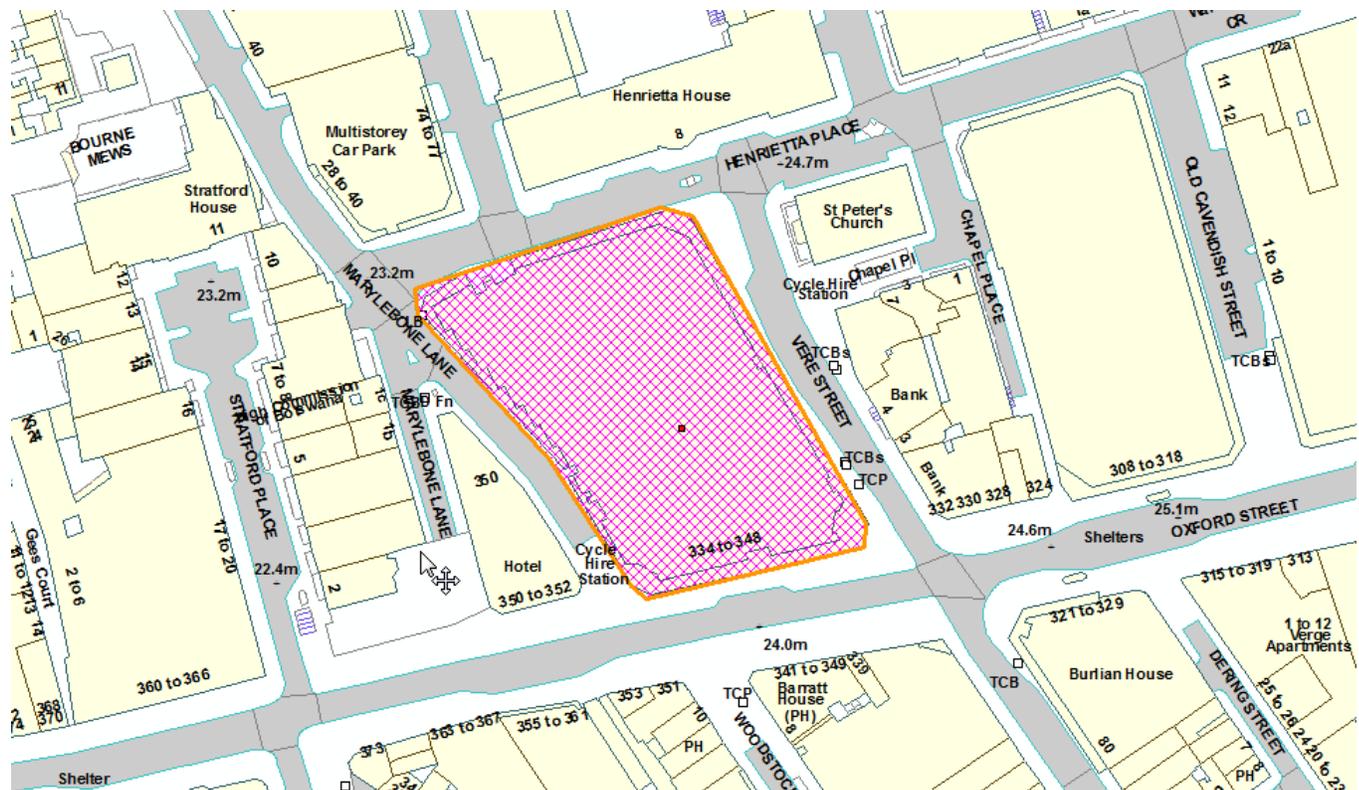
Debenhams department store fronts onto Oxford Street which is designated in the City Plan and Unitary Development Plan as being a prime shopping frontage. As such there is a very strong land

use policy presumption to protect existing retail uses. In this case however the application will result in the loss of retail floorspace at upper levels only and would not impact on the ground floor Oxford Street frontage or the continued operation of the department store. Furthermore, it is important to note that sometime prior to late 2013, at least some of this accommodation was in fact in office use. In these circumstances the loss of retail floorspace is considered acceptable as it would not be detrimental to the character and function of the area.

The provision of office floorspace within the Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan, which will retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness.

The proposal is considered acceptable in land use and transportation terms complying with the policies set out in the London Plan, Unitary Development Plan (UDP) and the Westminster City Plan (City Plan) in these respects. For these reasons it is recommended that conditional planning permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Any response to be reported verbally.

HIGHWAYS PLANNING:

Requests that additional cycle parking is included within the proposal to ensure compliance with the minimum standards set out within the London Plan (2016).

WASTE PROJECT OFFICER:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is the Debenhams flagship store on Oxford Street, and occupies a street block bound by Oxford Street, Marylebone Lane, Henrietta Place and Vere Street. It is arranged over basement, ground and five upper floors and comprises a purpose built department store (Class A1).

Along with Regent Street and Bond Street, Oxford Street forms part the West End International Shopping Centre. The site is also located within the West End Special Retail Policy Area and located on a Primary Shopping Frontage.

The unit is currently fully occupied, with retailing taking place over basement, ground and first to fifth floors with a total area of 23,165 sqm, though this includes storage and other back of house facilities. Debenhams forms one of three departments stores in this part of Oxford Street, being flanked by John Lewis and House of Fraser.

The history of how these floors is somewhat ambiguous but it appears that parts of the fourth and part of the fifth floors were in use as office (Class B1) floorspace as part of Debenhams' head office operation, up until early 2013. In November 2013 these floors were largely in retail use, following the granting of planning permissions for retail use (see Section 6.2 below). Although permission had been granted for the fourth floor to be used for retail purposes in 2003, this does not appear to have been implemented until November 2013 and therefore would technically be unauthorised.

6.2 Recent Relevant History

On 17 April 2012 planning permission was granted for the use of part of the fifth floor as retail accommodation (Class A1) in association with the department store on the lower floors (RN:12/00947/FULL). On the same date a certificate clarifying the use of part of

the fifth floor as retail accommodation (Use Class A1) in association with the department store on the lower floors was granted consent (RN:12/00949/CLEUD).

On 7 August 2003 planning permission was granted for the use of fourth floor for Class A1 retail purposes (RN:03/03644/FULL)

On 6 November 1997 planning permission was granted for the change of use of the fourth floor to form retail (Class A1) accommodation and erection of an extension at roof level providing replacement office space with ancillary accommodation and other minor alterations. The previous lawful use of the fourth floor was offices (Class B1). (RN:97/07237/FULL)

7. THE PROPOSAL

Planning permission is sought to use the fourth and part fifth floors as office (Class B1) floorspace to allow Debenhams head quarter office function to return to its flagship store, from their existing offices at Regent's Place, Brock Street, NW1. This would consolidate their 'back of house' functions within the existing estate, making more efficient use of the existing floorspace, and enable rationalisation of the retail floorspace, which is apparently surplus to requirements.

The proposal maintains part of the fifth floor as back of house retail (Class A1) floorspace, currently in use as staff lockers, toilets, canteen, cash office and associated offices. No external works are proposed as part of this application. The applicant proposes to use the existing retail staff entrance on Henrietta Place to access the office floorspace, so the application therefore solely relates to the change of use.

Overall floorspace schedule

	Existing GIA (sqm)	Proposed GIA (sqm) ¹	+/-
Retail (Class A1)	4,602	0	- 4,602
Office (Class B1)	0	4,602	+4,602
Total	4,602	4,602	-0

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail floorspace

The key land use consideration is the loss of the existing retail floorspace within the Primary Shopping Frontage (Oxford Street), the West End Special Retail Policy Area (WESRPA) in the City Plan and also of the West End International Shopping Frontage (WEISF) in the UDP.

City Plan Policy S21 protects retail floorspace throughout Westminster except where the Council considers the unit is not viable, as demonstrated by long-term vacancy (18 months), despite reasonable attempts to let it. Policy S7 of the City Plan seeks to

maintain and enhance the unique status of the West End Special Retail Policy Area (WESPRA). UDP Policy SS3 seeks to enhance shopping in the International Centres' Primary Shopping Frontages. It states that planning permission will not, except in the most exceptional circumstances, be granted for a change of use from A1 use at basement, ground floor, or first floor level within the Primary Shopping Frontage.

The site is not vacant and the applicant does not advance the argument that the continued retail use of the building (in whole or part) is not viable. The applicant's justification for the loss of retail is that the existing retail floorspace that would be lost (4,602m²) is only 19.87% of the overall floorspace and that the retail floorspace needs to be rationalised, but that Debenhams would continue trading at this flagship store and maintain their presence on Oxford Street.

As the proposal would result in a loss of retail floorspace within WESPRA this is technically contrary to City Plan Policy S21. However, it is considered that in this location the loss of retail floorspace will not have a detrimental impact on the character and function of the area. There is no loss of a retail unit, as the Debenhams Store will remain at basement, ground, first, second, third and part fifth floors. As a result, it is considered that the loss of retail would not have a material and harmful impact on shopping provision on Oxford Street.

It is also noted that the retail sector is facing a challenging time, with competition from online shopping, and that the proposal should hopefully consolidate Debenham's retail presence in this location. As such the proposal should help support and enhance the key retail function of Oxford Street and the WESPRA, in line with the goals of City Plan Policy S7. It is therefore considered that in this instance, the loss of retail floorspace is acceptable.

Increased office floorspace

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as it contributes to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London.

The applicant confirms that the Debenhams head quarter office function will return to the flagship store from the existing Brock Street location, consolidating approximately 800 'back of house' staff member functions within the existing estate.

The scheme will result in the provision of an additional 4,602m² of office floorspace on a site within the Core Central Activities Zone. As this is a change from an existing commercial use, it does not trigger a requirement for the provision of residential floorspace.

8.2 Townscape and Design

No external alterations are proposed.

8.3 Residential Amenity

The proposal raises no amenity concerns.

8.4 Transportation/Parking

The Highways Planning Manager considers that the change of use may lead to an increase in cycle parking requirements. As such, he requests that additional cycle parking is secured by condition. The relevant London Plan policy (6.9) requires 51 spaces (one cycle parking space per 90 sqm of Class B1 office).

The applicant has put forward several arguments against this requirement, in particular the impracticality of providing it anywhere other than the ground floor but that this would result in a loss of retail (Class A1) floorspace. This would be regrettable given the site's location within the West End International Shopping Centre and being on a Primary Shopping Frontage and on that basis it is considered that this requirement can be waived in this instance.

The applicant has instead proposed to provide off-site cycle parking facilities at a storage facility in 33 Wigmore Street, providing 69 cycle parking spaces. This is noted, but cannot be secured as part of this application as it does not form part of the application site.

8.5 Economic Considerations

The economic benefits generated by the applications are welcomed

8.6 Access

It is proposed to retain the existing access to the upper floors of the premises on Henrietta Place.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Waste Officer has assessed the application and advised that the details provided by the applicant regarding the storage of waste has not met the requirements of the Council for this use. Details of suitable waste storage for the use, including waste, recycling and oil storage, will therefore be secured by condition.

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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England)

Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. In this case no pre-commencement conditions are proposed.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of these applications.

8.12 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.13 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: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

DRAFT DECISION LETTER

Address: 334 - 348 Oxford Street, London, W1C 1JG,

Proposal: Change of use of fourth and fifth floor from retail (Use Class A1) to office (Use Class B1).

Reference: 19/03606/FULL

Plan Nos: 001, 002

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the office (Class B1) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the office (Class B1) use. You must not use the waste and recycling store for any other purpose. (C14GA)

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)

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)
- 3 The term 'clearly mark' in condition 2 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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.