

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 28 July 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road &amp; 53-59 (odd), Bryanston Street, London,</b>		
<b>Proposal</b>	Use of part ground, part lower ground and part basement as an art gallery (Class F1)		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Almacantar (Marble Arch) Sarl		
<b>Registered Number</b>	21/02728/FULL	<b>Date amended/ completed</b>	26 April 2021
<b>Date Application Received</b>	26 April 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

Mable Arch Place redevelopment is a mixed use development that has been built and is nearing completion but remains unoccupied pursuant to permission granted in 2015. The development will provide primarily offices and residential with ground floor retail and restaurant uses and a replacement cinema.

This application relates to the unit approved for use as a cinema at part ground and two basement levels. Permission is sought for a change of use of a cinema (Sui Generis) to an art gallery (Class F1). The applicant advises that the gallery would be operated as 'The Lume London' which would provide a rotating program of immersive digital art displays. This would involve the projection of images onto the walls and floor of the gallery space, synchronised to music and fragrances which would present works of art in an immersive way.

The key issue for consideration is the acceptability in land use terms.

#### Loss of Cinema:

City Plan policy 15 (Visitor Economy) is relevant. The policy seeks to maintain Westminster as a visitor destination by protecting existing arts and cultural uses. Part D of the policy states that in exceptional circumstances where it is necessary to redevelop a cinema a replacement of equivalent size and standard will be required. The intention when permission was granted for the redevelopment scheme in 2015 was that the Odeon would occupy the re-provided cinema space. The Odeon have subsequently withdrawn their interest and will not now occupy the site. The space has been marketed to find an alternative cinema operator. A marketing report provided by CBRE as specialist agents has been submitted in support of the application (included as a background paper to this report).

The report refers to the cinema industry suffering from significant structural changes (such as the rise of online streaming releases) which have increased competition and reduced the overall demand to attend cinemas. This is reflected in declining audiences in London since 2015.

In addition, the type of cinema space preferred by customers has moved towards smaller boutique and arthouse cinemas rather than established large format blockbuster cinemas like the application site. The Covid -19 pandemic has had a further negative impact on cinemas in the short term. These factors have resulted in the loss of the intended cinema operator (Odeon) from the development. Despite marketing, in the face of reducing demand for this type of space and substantial competition with other similar venues in this part of London an alternative cinema operator has not been found. Despite, the policy requirement to retain a cinema use on the site given the circumstances the loss of cinema is considered acceptable.

#### Proposed Art Gallery (Class F1)

Use of the space as an innovative art gallery will provide a viable arts and cultural use for the site. The application relates only to the use of the space. No external physical works are proposed and no new floorspace would be created.

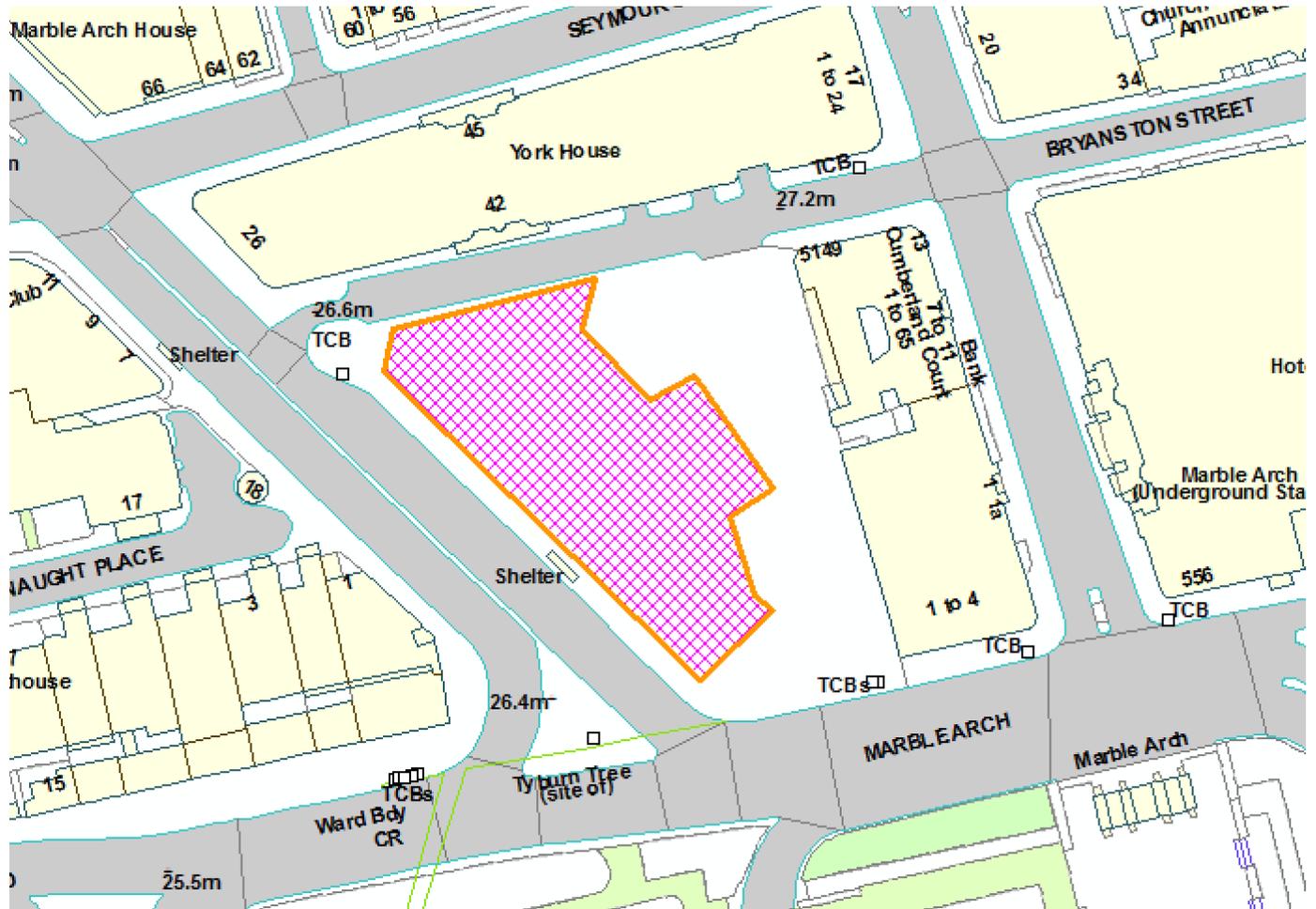
The site lies within the Central Activities Zone and City Plan policy 1 states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City and that growth will be achieved by the intensification of the CAZ and the West End with commercial- led and mixed- use developments providing significant growth in office, retail and leisure floorspace.

As already stated, City Plan policy 15 protects existing arts and cultural uses. The proposed art gallery would contribute positively to the function and vitality of this part of the CAZ and WESRLSPA at the gateway to the western end of Oxford Street complementing the range of other town centre uses in the area. Given the lack of interest in the approved cinema use the proposed art gallery is considered a wholly appropriate alternative use. A condition is recommended restricting the use to art gallery only and not for other purposes within Class F of the Use Classes Order to ensure the arts and cultural use is retained on the site in accordance with policy.

A transport statement has been submitted which concludes that use as an art gallery would have no significant impact on the highway network. Servicing requirements would be accommodated in the off- street servicing facility approved as part of the wider development. No objections have been received in response to consultations.

The application is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



**5. CONSULTATIONS****MARYLEBONE ASSOCIATION**

Any response to be reported verbally

Highways Planning Team

No objection

Waste Project Officer

Request refuse storage details are secured by condition

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 135

Total No. of replies: 0

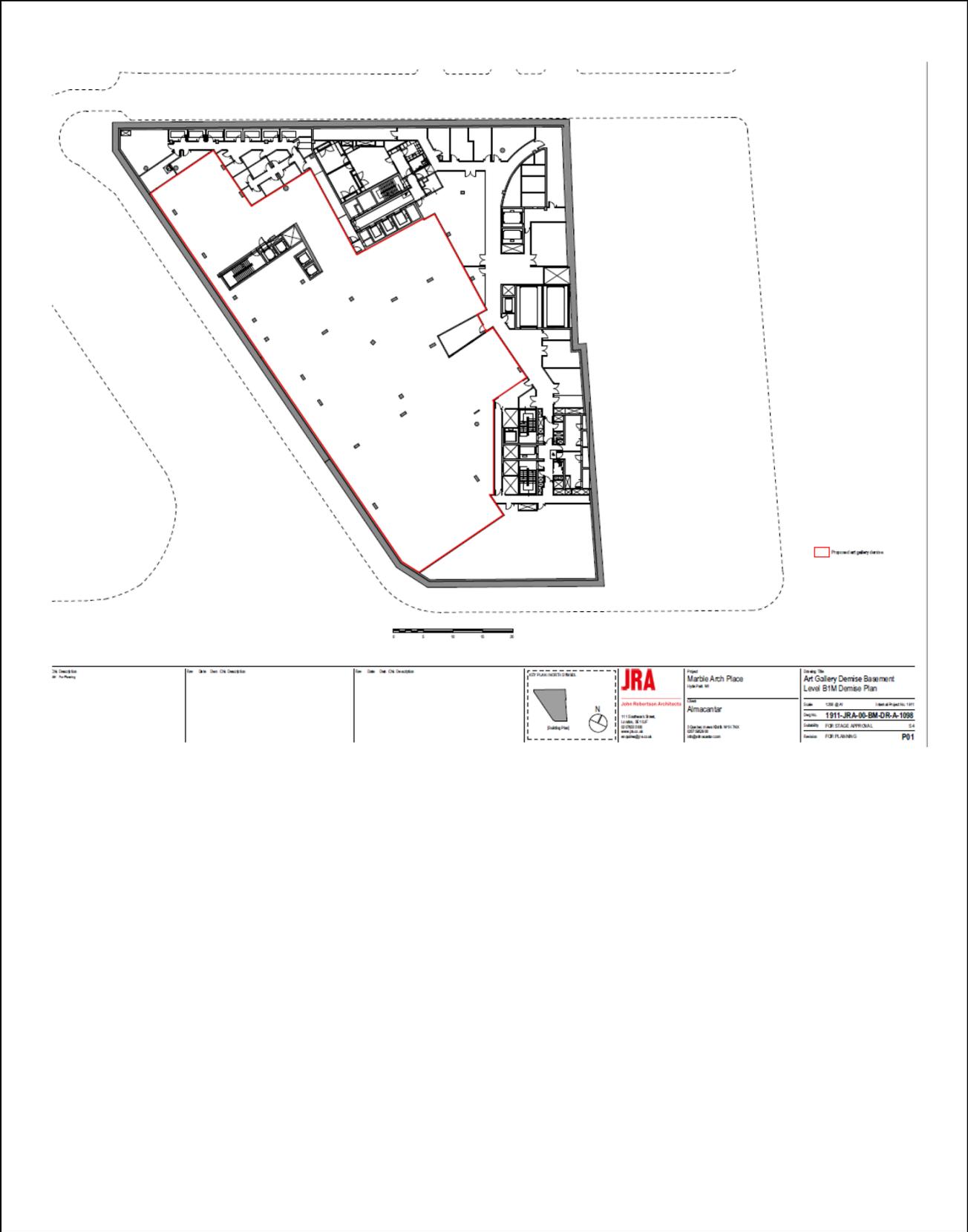
**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

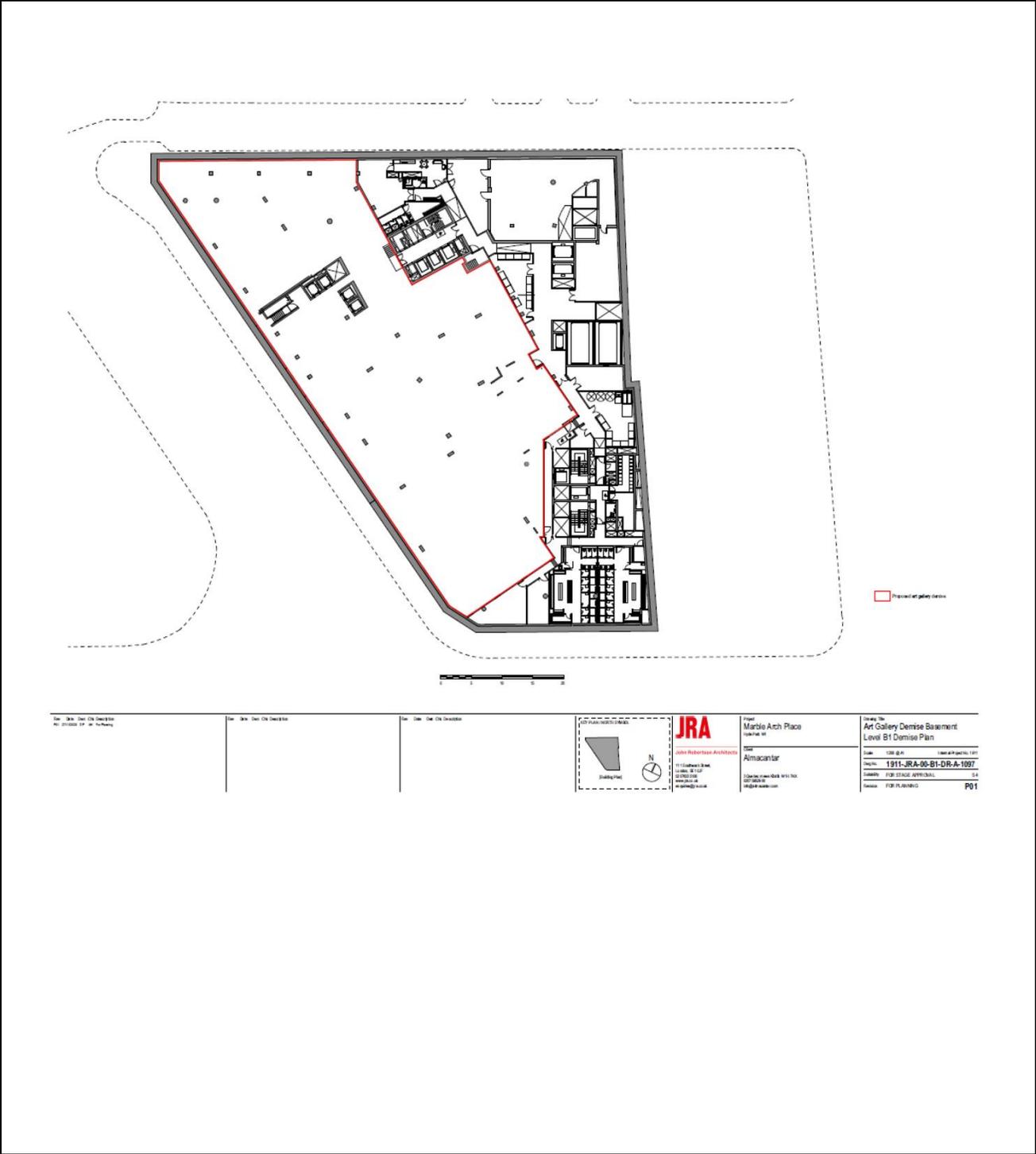
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT [MWALTON@WESTMINSTER.GOV.UK](mailto:MWALTON@WESTMINSTER.GOV.UK)**



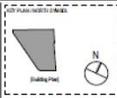


Date: 10/15/2011 Author: JRA	Title: Demise Basement Level B1M Demise Plan	Date: 10/15/2011 Author: JRA	 <p><b>JRA</b>          John Robertson Architects          111 Lakeshore Blvd.          Suite 2000          Toronto, ON M5H 1B5          Tel: 416-924-9800          Fax: 416-924-9801          www.jra.com</p>	Project: Marble Arch Place Location: MI Client: Almacantar Contact: James Clark, 416-911-7000 JRA Project No.: 1911-JRA-06-BM-DRA-1095	Drawing No.: Art Gallery Demise Basement Level B1M Demise Plan Scale: 1:500 (A1) Date: 10/15/2011 Drawing No.: <b>1911-JRA-06-BM-DRA-1095</b> Revision: 1911-01-01-01-000001 Drawing: 1911-01-01-01-000001 Sheet: P01
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Rev									





**JRA**  
 John Robertson Architects  
 11 Lombard St. Suite 100  
 San Francisco, CA 94102  
 415.774.2200  
 www.jra.com

Project: Marcia Arch Place  
 Location: SF  
 Name: Almacantar  
 Client: Almacantar  
 Date: 08/2018

Drawing Title: Art Gallery Demise Basement  
 Level B1 Demise Plan  
 Date: 08/2018  
 Drawing No.: 1911-JRA-05-B1-DRA-1097  
 Scale: 1/8" = 1'-0"  
 Revision: FOR PLUMBING  
 P01

**DRAFT DECISION LETTER**

**Address:** Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London,

**Proposal:** Use of part ground, part lower ground and part basement as an art gallery (Class F1)

**Reference:** 21/02728/FULL

**Plan Nos:** 1911-JRA-00-GF-DR-A-1100 Rev P01,, 1911-JRA-00-BM-DR-A-1098 Rev P01,, 1911-JRA-00-B1-DR-A-1097 Rev P01.

**Case Officer:** Mike Walton

**Direct Tel. No.** 020 7641 07866039922

**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 The premise shall only be used for the display of art (Class F) purposes only and shall be used for no other purposes including for other uses within F of the Use Classes Order (as amended September 2020).

**Reason:**

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 15 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 3 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the art gallery. (C14ED)

**Reason:**

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April

2021). (R14CD)

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