

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 th April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	167 Oxford Street, London, W1D 2JP		
Proposal	Use of basement as an events space (sui generis).		
Agent	Tompkins Thomas Planning		
On behalf of	Frasers Group PLC		
Registered Number	22/00426/FULL	Date amended/ completed	1 February 2022
Date Application Received	24 January 2022		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site lies at the junction with Poland Street and comprises basement, ground and six upper floors. The basement and lower floors are in retail use, whilst the upper floors are in office use (2nd - 6th storeys). The site lies within the West End Retail and Leisure Special Policy Area and the Central Activities Zone.

Planning permission was granted in June 2015 for alterations and extensions for retail and office use. Condition 10 of this permission (Ref: 15/00231/FULL) restricts the use of the basement (and ground and first floors) for retail purposes only.

This application seeks planning permission for the use of the basement as an events space. The applicant sets out that these events will predominantly focus on small fashion-brand launches (some of which will directly relate to the retail use of the wider Flannels store), art exhibitions and company related presentation and conferences; including annual results or product-specific events led around fashion and art.

Events are likely to commence around 18:00 and conclude at 22:30 with one evening function for the first three months, with two per month thereafter. It is anticipated that the largest events will be brand-led and the result of collaboration between Flannels, Frasers Group and FAM. Capacity will be limited to 200, but it is envisaged that guests would arrive and depart throughout the course of the

event rather than there being a fixed capacity for the duration of the event.

In land use terms, Policy 14 aims to secure a mix of commercial uses that provide activity at street level, and creates a welcoming, attractive and healthy environment for consumers to shop, access services, and spend leisure time, whilst also supporting their role as major employment hubs and visitor destinations. Specifically part C states, "*All development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed.*"

- 1. The International Centres of the West End and Knightsbridge will provide a focal point for large format comparison retail, supported by complementary town centre uses that increase customer dwell time, and new office floorspace;*
- 2. The WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy".*

Paragraph 14.13 states that a strong retail core should be maintained at ground floor level and immediately above. In this case, the proposals relate solely to basement floor level and would therefore be in compliance with Policy 14. The introduction of a use at basement level that serves visiting members of the public is supported in policy terms.

There are limited residential units within the vicinity of the site, the closest being the nine flats on the upper floors of 142-144 Oxford Street on the opposite side of Oxford Street. There is also one flat at 29 Poland Street. The use of the basement as an events space is likely to be more intensively used than the lawful retail use. However, the number of events and the proposed hours are modest and access will be entirely from Oxford Street. The applicant has also agreed to a condition limiting the number of events, hours etc to those set out in the Planning Statement. Whilst one letter of objection has been received on the grounds of noise disturbance, given the commercial nature of the site, its central location and the proposed operating hours, the use is considered acceptable as it would be neither harmful to the character and function of the area or to residential amenity, in accordance with City Plan Policies 7 and 33.

The proposed use is expected to generate an increase in taxis and private hire vehicles. Concern is raised that the proposal use may generate intense periods of high levels of vehicle arrivals and departures. Large groups of people arriving and departing in a short space of time may also result in localised congestion. This would include on the footway to other pedestrians and on the carriageway to other motorists. However, the Highways Planning Manager considers that, while the proposed use may result in higher levels of activity at different times, the activity of guests arriving and departing the site (both vehicular and pedestrian) will not result in significant detrimental highway safety or operation, based on the proposed use as outlined in the submission documents.

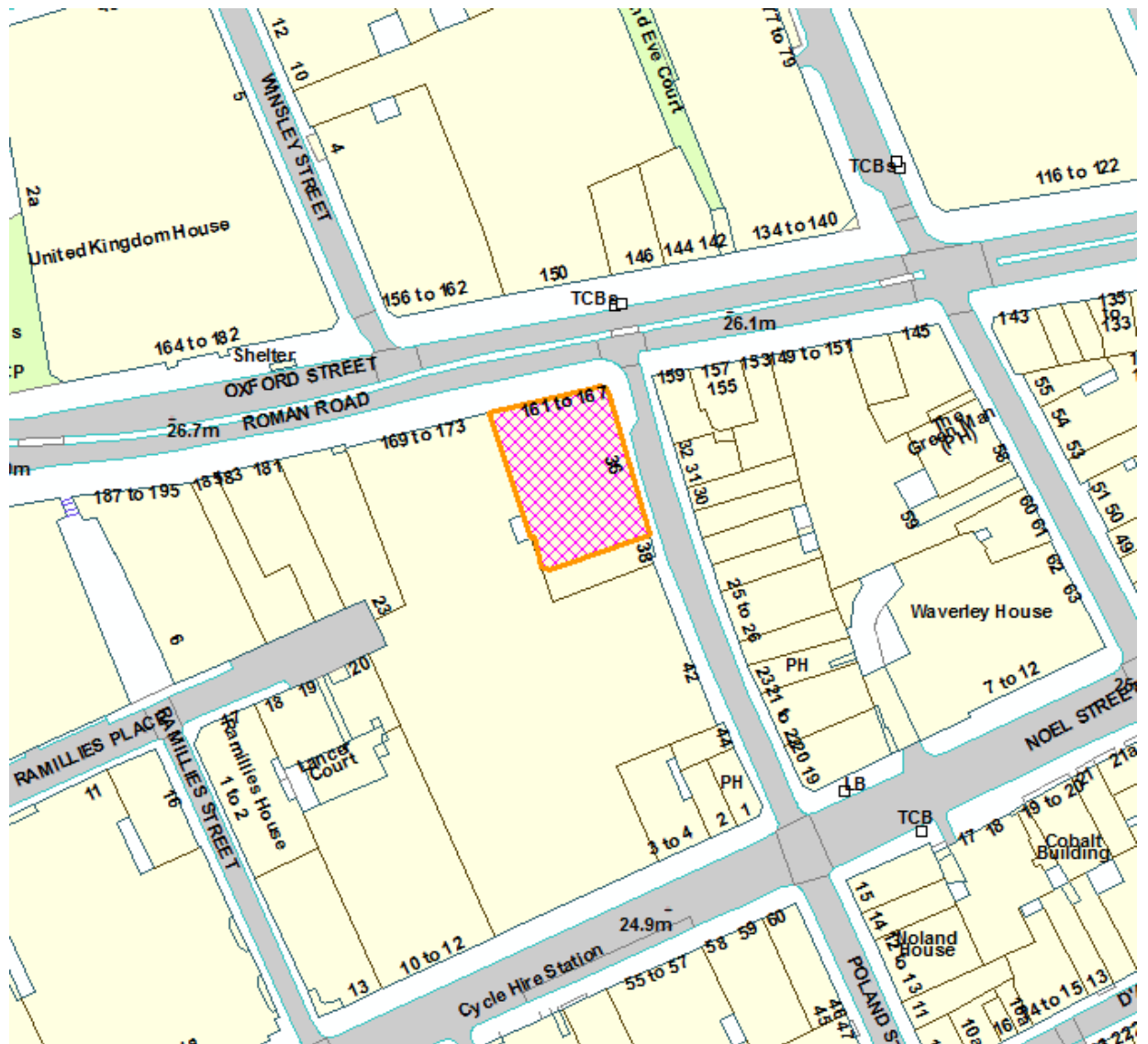
Policy 29 requires new developments to be provide for on-site servicing and freight consolidation. Deliveries and goods left on the highway create an obstruction to pedestrians. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists. No details of how the space will be serviced are provided. It is unclear if the space will utilise existing servicing provision within the wider site. A Servicing Management Plan may demonstrate how the proposed development would minimise the impact of the proposed development on the highway network, so as not to have a significantly detrimental impact on other highway users. This is secured by condition. As servicing appears to take place within close proximity of residential accommodation on Poland Street, the condition also secures the hours of servicing.

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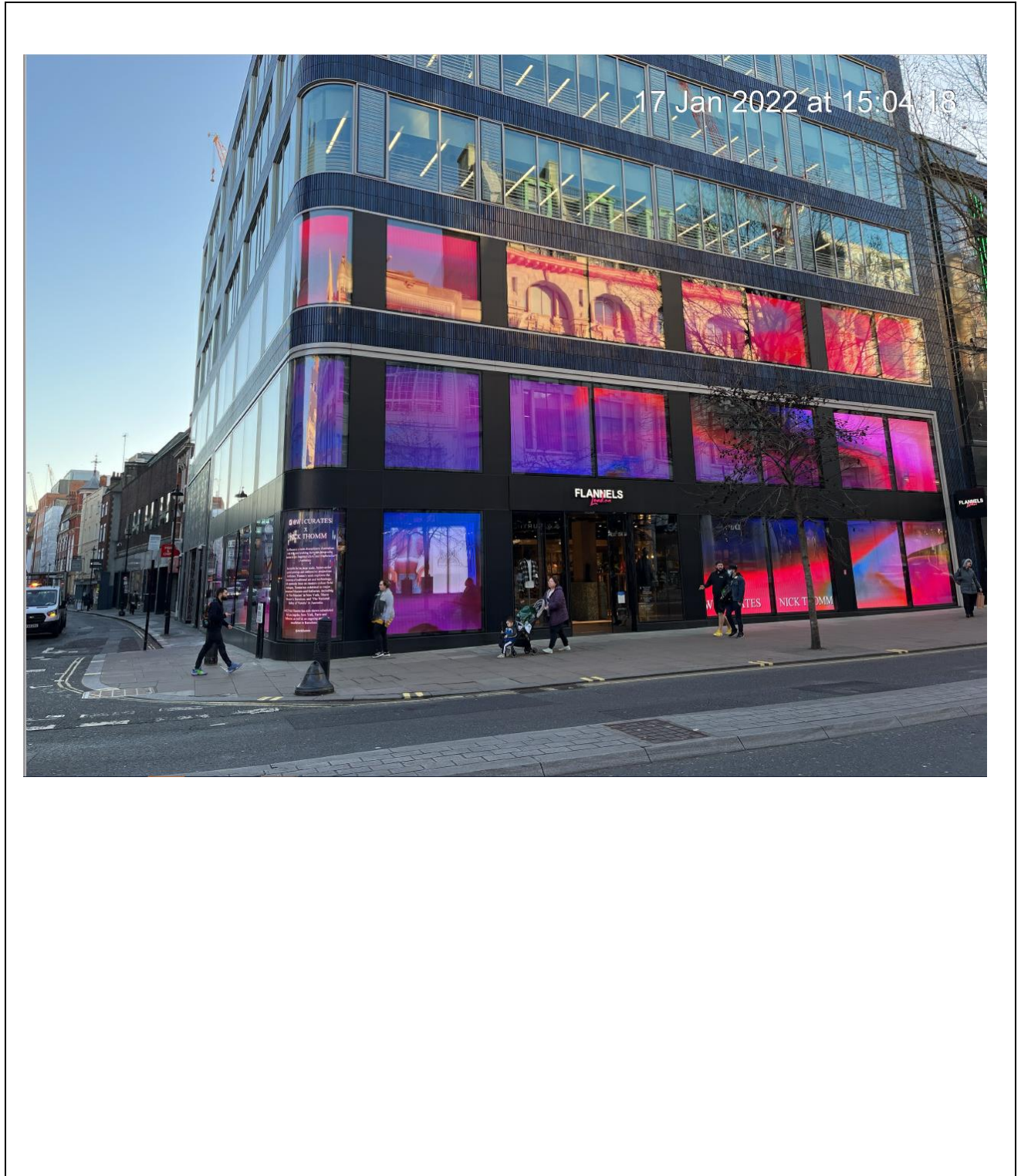
The objector also refers to disturbance from existing advertising. The signs have deemed consent under the Advertisement Regulations and the city council have elected not to take discontinuance action against these signs. The application could not therefore be refused for this reason.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

No response to date

HIGHWAYS PLANNING MANAGER

No objections raised.

WASTE PROJECT OFFICER

Further information requested.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 82

Total No. of replies: 1

One letter of objection on the grounds that the existing bright flashing images from the Flannels shop currently cause disturbance. The events space will mean more people staying until late hours of the night adding noise to the constant light emitted by the advertising screens which will make even more difficult to have a decent night rest.

SITE NOTICE:

Yes

5.1 Recent Relevant History

Planning permission granted in June 2015 for the variation of Condition 1 of planning permission dated 01 February 2013 (RN: 12/02082) for 'Alterations including extensions at fourth, fifth and sixth floor levels, screened plant at roof level, creation of terrace at sixth floor level, recladding of facades and enlargement/repositioning of atrium. in association with the use of the building for retail (Class A1) purposes at part basement, part ground floor and part first floor levels and office (Class B1) purposes at part basement, part ground floor, part first floor and second-sixth floor levels'; namely, revisions to the approved drawings in order to make the following alterations to the approved development: (i) redesign of the Oxford Street and Poland Street retail frontages at ground and first floor level; (ii) alterations to the detailed design of the upper floor office faience and glass design; (iii) alterations to the proposed office entrance on Poland Street to incorporate public art; (iv) reconfiguration of the plant and service layout at basement and roof levels; and (v) rearrangement of the office floor plates and the building core / atrium (including the removal of one fire escape staircase)'.

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

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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

DRAFT DECISION LETTER**Address:** 167 Oxford Street, London, W1D 2JP**Proposal:** Use of basement as an events space (sui generis).**Reference:** 22/00426/FULL**Plan Nos:** CPS16 028 115 Q, CPS16 028 114 P, XXXX-X-XX-XXX Rev A and Planning Statement dated January 2022**Case Officer:** Jo Palmer**Direct Tel. No.** 020 7641
07866040238**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 use must be carried out in accordance with paragraphs 2.1.6 to 2.1.11 and 4.4.1 and 4.4.2 of your planning statement dated January 2022.
	Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)
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 commence the event use hereby approved until we have approved 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 them and make them available at all times to everyone using the basement. You must not use the waste and recycling store for any other purpose. (C14GB)
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)
4	You shall submit a Servicing Management Plan for the City Council's approval setting out

	<p>the hours of servicing, processes to ensure that loading takes place over the minimal amount of time, safety measures, storage locations, scheduling of deliveries and staffing.</p> <p>You shall not commence the use hereby approved until we have approved what you have sent us. You must adhere to the approved Servicing Management Plan for the life of the development unless a revised strategy is approved in writing by the City Council.</p>
	<p>Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)</p>
5	<p><i>If you play live or recorded music in the property, the received music noise level in neighbouring residential habitable spaces must be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz. The overall music noise level in terms of LAeq,5mins must be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.</i></p>
	<p>Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)</p>
6	<p>Access to the events space shall be from Oxford Street; the entrance on Poland Street shall only be used as a secondary means of escape.</p>
	<p>Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)</p>

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.

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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.