

Chapter 2: Commerce (Offices, Industry and Showrooms)

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INTRODUCTION

- 2.1 Westminster is an important national and international business centre. It is situated at the heart of the capital and its diverse character, environmental quality and historical and cultural backgrounds contribute towards making it a prestigious office location. Although it is the City Council's aim to encourage commercial activity, there is a continuing need to protect the many other activities which are also essential to the City's life and character. Major opportunities for redevelopment in Westminster are necessarily limited. For these reasons, the UDP continues to strike an appropriate balance between the need for office development and the protection of other uses.
- 2.2 Offices dominate commercial activity in Westminster and are the primary focus of this chapter. The stock of office floorspace is over 9 million sq m, accounting for over a quarter of all floorspace in the city. Many of the fast-growing sectors of the economy are office-based, including the evolving internet-related activities. Pressure for development and regeneration within Westminster will continue over the lifetime of the UDP. By contrast, industrial uses, showrooms and other commercial activities (excluding retail and tourism) have declined and now account for 1 million sq m of floorspace, only 3 per cent of the City's total.
- 2.3 Other economic activities, including shopping and services, tourism, hotels, culture and entertainments, also provide employment opportunities in Westminster. Policies covering these uses are set out in Chapter 7: Shopping and Services and in Chapter 8: Tourism, Arts, Culture and Entertainment. Standards for vehicle and cycle parking associated with non-residential development, including offices and other employment generating uses, are set out in Chapter 4: Transport in policies TRANS 11, 21, 22 and 24.
- 2.4 Strategic policies relating to commercial activity are set out in Part 1 of the UDP. These form the framework for the detailed policies in this chapter. Particularly important are policies STRA 4, STRA 5, STRA 6 and STRA 8 relating to the fostering of economic vitality and diversity and policy STRA 19 referring to the provision of local community services.

RENEWAL AND GROWTH OF OFFICES

Aim

- 2.5 To provide for the renewal and growth of offices and to guide such development to suitable locations.

POLICY COM 1: PROVISION FOR OFFICE RENEWAL AND GROWTH

(A) Proposals for office developments will be granted planning permission in the following locations:

- 1 Central Westminster (the Central Activities Zone and the CAZ Frontages)**
- 2 Paddington Special Policy Area**
- 3 North West Westminster Special Policy Area.**

(B) Elsewhere in the City, proposals for office developments will be granted planning permission where:

- 1 the site is already in lawful office use**
 - 2 the increase in office floorspace is related to providing accommodation for office-based local services and/or improving access for those with disabilities**
 - 3 there is no loss of residential accommodation and no adverse material impact on residential amenity**
 - 4 there is no loss of local service activities.**
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Policy application

- 2.6 The scope for major new office developments providing large individual increases in floorspace within the Central Activities Zone (CAZ) is limited. Most of the office buildings within the CAZ are in conservation areas, and some are listed. These factors tend to constrain the extent to which office floorspace can be increased through the redevelopment or the extension of existing buildings. Similarly, the opportunities to extend office floorspace by the conversion of buildings currently in other uses are limited because the majority of such buildings already accommodate activities which are also just as appropriate within the Central Activities Zone. The change of use of these may have a detrimental effect on the variety of land uses within the Zone, and on the character and functioning of its constituent parts. The majority of office development activity within the Central Activities Zone is therefore likely to involve the modernisation and redevelopment of the existing stock. All proposals must consider sustainable design principles (see Chapter 9: Environment, policy ENV 1 and Chapter 10: Urban Design and Conservation, policy DES 1).

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- 2.7 Most of the area outside the Central Activities Zone is predominantly residential in character and use. It is a fundamental aim of the UDP to protect these areas from further disruption by non-residential uses. Development outside the Central Activities Zone should reinforce the residential character of these areas by providing more residential accommodation. Office development will not, therefore, be appropriate outside Central Westminster, except within the Paddington Special Policy Area and the North West Westminster Special Policy Area.
- 2.8 The City Council wishes to encourage the development of the Paddington Special Policy Area in a balanced manner which establishes the area as a place of mixed uses with its own character and makes the most of the opportunities presented by the canal and railway. The criteria which the City Council will apply in considering proposals involving office accommodation within this area are set out in full in Chapter 5: Policies for North West Westminster. (See policies PSPA 2 to 4, in particular).
- 2.9 Arising from the North West Westminster Planning Study, published in October 2000, the City Council wishes to expand employment opportunities and foster economic growth within the North West Westminster Special Policy Area to assist the regeneration of the area. Existing office-based employment will be protected within this area and new office development encouraged, where these provide local employment opportunities and do not have adverse impacts on residential amenity. (See Chapter 5: Policies for North West Westminster, policies NWW 1 and 2).
- 2.10 Outside the Creative Industries Special Policy Area and outside the Central Activities Zone, buildings in lawful use as light industrial premises or studio accommodation may come under pressure to be redeveloped or extended for use as offices. The City Council will not resist the refurbishment of existing buildings or their replacement where there is no increase in business floorspace. However, proposals to extend such buildings or to increase their floorspace through redevelopment will generally be resisted, as the City Council's preferred option for such sites is residential. (See also policy COM 10).
- 2.11 It is acknowledged that there are established business uses in parts of Westminster outside Central Westminster. Most of these are in areas where the surrounding land use and character is residential. The City Council would not generally wish these buildings to be extended or redeveloped for business uses unless the provision of additional floorspace primarily provides accommodation for local services which support the local community or improves access for those with disabilities. (See Chapter 7: Shopping and Services and Chapter 10: Urban Design and Conservation). On smaller sites some intensification of employment use, where existing established occupiers wish to build small extensions, may be acceptable as an exception to policy, if

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the proposed use does not harm residential amenity. If exceptional circumstances arise in relation to the intensification of employment use on larger sites outside the areas specified in policy COM1 (A), then such proposals will, in addition, need to maximise housing provision so that residential character is reinforced.

Reasons

- 2.12 Employment growth and the impact of changing information technology requirements generate demands for better and higher quality office space. These trends suggest that there will be a continuing demand to build new office accommodation in Westminster. Some of this can be met through redevelopment and adaptation of existing office buildings which can provide more efficient layouts and higher proportions of useable space. This supports the City Council's objective for sustainable development.
- 2.13 In addition, a location for major new commercial developments is proposed in the Paddington area as a contribution towards meeting the overall need for new offices. Smaller scale opportunities for new office development may also arise in the North West Westminster SPA. Policies for the Paddington area and North West Westminster SPA can be found in Chapter 5 of the UDP.
- 2.14 The London Plan, in Chapter 3B Part 1, assesses the overall supply of and demand for office space in London between 2001 and 2016. It envisages that demand for growth of 3.4 million sq m of office floorspace will occur in the CAZ in central and east London during this period. In seeking to match office demand and supply the London Plan, in policy 3B.2, aims to "seek the renovation and renewal of the existing stock to increase and enhance the quality and flexibility of London's office market offer in line with policies for maximising intensity of development". Brownfield 'opportunity areas', such as the Paddington Special Policy Area, are also envisaged as being able to deliver significant increases to London's existing office stock as they are developed during the life of the London Plan. The London Plan, also in policy 3B.2, seeks the "provision of a variety of type, size and cost of office premises to met the needs of all sectors, including small and medium sized enterprises."
- 2.15 Between 1990 and the beginning of 2004, over 1.6 million sq m of office floorspace was constructed in larger schemes in Westminster. This represents the renewal and modernisation of one-sixth of the existing office stock in Westminster and has led to the addition of nearly 350,000 sq m to the office stock. At January 2004 almost 570,000 sq m of office floorspace was under construction in larger schemes in the CAZ in Westminster with a further 320,000 sq m with planning permission. Construction has also started on large-scale developments in the Paddington Special Policy Area. The additional area at Paddington could provide a further 300,000 sq m of new larger modern offices in mixed use developments. The City Council will

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continue to monitor the supply of, and demand for, offices in Westminster and across London. The GLA's London Office Policy Review 2006 (page 2) considers that "since the mid 1980's the London office market has operated in an environment where the development industry has brought forward, and local planning authorities have permitted, a very healthy potential capacity."

- 2.16 Office growth is most appropriately located within the Central Activities Zone and on the CAZ Frontages. It is within these areas that office development will gain the most benefit from, and make its most effective contribution to the range of business and supporting activities which sustain the prosperity of Central London. Offices within the Central Activities Zone benefit from the range of support services within the area, the high degree of access to public transport, their proximity to each other and to complementary Central London activities.

OFFICES AND MIXED USE DEVELOPMENT IN CENTRAL WESTMINSTER

Aim

- 2.17 To ensure that office developments maintain or increase the variety and mix of uses which are important to the character and function of the City and incorporate housing where appropriate and practical.

POLICY COM 2: OFFICES AND MIXED USE DEVELOPMENT IN CENTRAL WESTMINSTER

- (A) Where appropriate and practical, when increases in office floorspace are proposed, the provision of self-contained residential accommodation with separate access, where physically possible, will be required. The residential accommodation should comprise an amount of floorspace equivalent to the increase in office floorspace in the CAZ (see also policy CENT 3) and within the defined CAZ Frontages.**
- (B) Where it is clearly not practical to provide residential accommodation on the site, the City Council will seek the provision of the required residential accommodation on another site in the vicinity of the development site. (See also policy COM 3).**

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- (C) Where it is clearly not appropriate or not practical to provide residential accommodation on site under (A) above or clearly not practical to provide it off-site under (B) above, other uses which contribute to the character and function of that part of the CAZ or the CAZ Frontage should be provided as part of the same development.**
 - (D) Where housing has not been achieved under (A) or (B) or appropriate alternative uses provided under (C) above, an appropriate financial contribution to the City Council's affordable housing fund is likely to be sought. (See also policy H 4).**
 - (E) In all cases the City Council will expect appropriate planning obligations and benefits to be provided as set out in policy STRA 7.**
-

Policy application

General principles

- 2.18 Policy STRA 4, on mixed use in Central Westminster, provides a strategic context for Policy COM 2. Policy COM 2 applies to developments that involve increases in gross office floorspace. (See Glossary for definition of gross floorspace). Policy CENT 3 in Chapter 1: Westminster's Central Area applies to development which involves increases in commercial floorspace other than office floorspace and sets out a similar approach on mixed use to policy COM 2.
- 2.19 Policy COM 2 aims to ensure that the balance of uses in developments involving gross increases in office floorspace will enhance the character and function of localities in Central Westminster, incorporating housing where appropriate and practical. The main thrust of the policy is to require the provision of housing in association with office developments. This will contribute to the mix of uses on the site and will provide more housing in the city centre in accordance with the objectives of PPG 3. Where it is not possible to provide housing, then the Council will require the provision of other appropriate uses, either in additional floorspace or new uses, as these will also contribute to the mix of uses in the CAZ and help enhance the character and function of localities in Central Westminster. If it is not possible to provide housing or appropriate alternative uses, then the City Council will expect a payment to use towards the funding of affordable housing.

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2.20 Policy COM 2 sets out a clear hierarchy that indicates the priority the City Council attaches to the provision of housing as part of office schemes and office-led mixed use schemes in central Westminster. It will be for applicants to demonstrate to the City Council's satisfaction that it is not appropriate or practical to provide housing within the development site before the City Council will consider the appropriateness of alternative uses instead of the housing required under the policy. Applicants should also demonstrate to the satisfaction of the City Council that consideration has been given to the provision of the required housing on another site in the vicinity of the development site if this is a practical option.

Housing as the priority use as part of mixed use

2.21 The City Council affords the highest priority to building sustainable residential communities throughout Westminster. Therefore, where appropriate and practical, when increases in floorspace are proposed in office developments in Central Westminster, housing should be provided equivalent to the increase in floorspace inside the CAZ, and on the CAZ Frontages.

2.22 In assessing whether the residential requirement is appropriate or practical and in assessing the proportion of residential floorspace that will be required, the following will be taken into account:

- a) the size and nature of the development
- b) the physical constraints of the site and buildings
- c) the relationship of the site to adjoining properties
- d) the character and function of the locality.

2.23 Residential accommodation will not be sought where the proposed gross increase in office space is less than 200 sq m, unless it is clearly practical for such provision to be made. It may also be more practical to provide additional residential accommodation in schemes involving complete redevelopment or major demolition, and on sites where separate access to the residential units can be provided.

Off-site residential provision through policy COM 3 (relocation of uses)

2.24 Where it is not appropriate or practical to provide the required housing on the development site, the City Council will seek the provision of the housing on an alternative site in the vicinity of the development site (see policy COM 3). Any such proposals must comply with the criteria set out under policy COM 3. It is recognised that this mechanism is only likely to be readily achievable in the case of landowners with large property portfolios within central Westminster. A higher quality and quantity of residential accommodation may also be achievable when the mechanism of swaps of land use is applied in appropriate cases through policy COM 3.

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Alternative uses where residential use is not provided

- 2.25 Where the provision of residential use is not appropriate or practical, either on-site or off-site, the following are examples of new or additional uses that may be considered to offset the residential requirement:
- a) retail accommodation where its introduction would benefit the area (See policy SS 4).
 - b) studio/light industrial accommodation in the Creative Industries Special Policy Area (See policy COM 9).
 - c) social and community facilities (See policies SOC 1 and SOC 6).
 - d) sport, leisure, arts, cultural and entertainment uses. (See policies TACE 5, TACE 8, TACE 9, TACE 10 and SOC 7).
- 2.26 With the exception of A3, A4, A5 and D2 uses with a history of causing harm to residential amenity or local environmental quality, existing uses appropriate to the CAZ and to the character and function of the area should be replaced on redevelopment. Only additional floorspace in existing uses and/or new uses will be regarded as offsetting the requirement for residential accommodation.
- 2.27 Where alternative uses are accepted instead of residential use such uses will not then generate a further requirement under policy CENT 3 for on-site or off-site residential provision.
- 2.28 Each case will be considered within its immediate context as local character varies from street to street. This approach will best respect the delicate relationship between existing activities and promote the evolution of new activities, provide housing and enhance the unique and subtle character of parts of Central Westminster. Generally, the City Council will favour those uses with close ties to existing activities in central London and those which contribute to the character of the locality and demonstrate no adverse effects on amenity or the environment.
- 2.29 In major redevelopment schemes, involving entire street blocks for example, the City Council will support the introduction of new uses. New uses should be compatible with nearby residential accommodation. The City Council, in considering the appropriateness of uses, will also take into account the summaries of character and function of particular parts of the CAZ as set out in Chapter 1: Westminster's Central Area, paragraphs 1.10 to 1.31, and in its supplementary planning guidance 'Central Activities Zone: Area Profiles', published in December 2001. The City Council is also undertaking a series of conservation area appraisals which will help to define further the character of conservation areas. These will also be taken into account in assessing the appropriateness of particular uses.

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Affordable Housing

- 2.30 In appropriate circumstances, where on-site or off site residential provision or appropriate alternative uses cannot be achieved, the City Council will seek contributions to its affordable housing funds for the development of affordable housing. (See also policy H 4).
- 2.31 The contribution for affordable housing is sought as it is likely that the development of new office floorspace will generally create new jobs. In most cases, these are unlikely to be at salary levels where new employees will be able to afford to live in Westminster or elsewhere in Central London and probably even in much of London. The development will therefore give rise to the need for affordable housing for these workers and the City Council will seek a financial contribution for its affordable housing fund in order to fund the development of affordable housing. Housing for key workers may also be allocated from this fund.
- 2.32 Policy H 4 sets out the formula for financial contributions for occasions when it is appropriate for housing developments to make a financial contribution. This is based on the Housing Corporation's TCI value for land for a 75 sq. m. unit (currently £134,000) multiplied by 43% of the number of units on the site.

In association with office developments, the City Council will expect a sum based on the increase in floorspace, divided by 75 sq. m. (to convert the figure to a unit basis) and then multiplied by 43% to approximate to the number of affordable housing units normally required in an off-site arrangement. The formula is therefore:

$$\frac{\text{Increase in floorspace}}{75\text{sq. m.}} \times \frac{43}{100} \times \text{unit sum of } \pounds 134,000$$

Where the development is within one of the high value areas defined in Map 3.7 – Belgravia, Knightsbridge, Mayfair and St James's, then the amount will be increased by a third.

Example:

Where an increase of 1000 sq. m. is proposed, the City Council will expect an amount in the region of:

$$\frac{1000}{75} \times \frac{43}{100} \times \pounds 134,000 = \pounds 768,000$$

If the development is located in one of the high value areas, then the amount expected will be increased by a third to give £1,000,000.

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Planning Obligations and Benefits

- 2.33 Policy STRA 7 in Part 1 of the UDP actively seeks planning obligations and related planning benefits in all types of appropriate developments. The City Council considers that office developments involving significant (200 sq m) increases in gross floorspace should provide appropriate planning obligations and benefits as set out in Policy STRA 7. Paragraph 61, in Part 1, gives examples of the types of planning benefits that might be sought. Further advice will be given in supplementary guidance on planning obligations.

Reasons

- 2.34 The reasons for policy COM 2 are similar to those set out under policy CENT 3 relating to mixed use development in Central Westminster. (See paragraphs 1.70 to 1.79). The principles of the approach set out in policy COM 2 are consistent with the relevant national and regional planning guidance and the London Plan as referred to under policy CENT 3.
- 2.35 New housing in the heart of the city offers unique access to the widest range of employment, leisure and other facilities. These can be reached on foot or by very short journeys on public transport. Much of the Central Activities Zone has already been developed for commercial use but the development of new or additional office floorspace can provide opportunities to create new homes and provide other uses.
- 2.36 The mixed use character of central Westminster is particularly vulnerable to pressures from office development. Office rents in Westminster are high and generally exceed returns available from letting for other uses. Planning applications for additional floorspace within the Central Activities Zone tend therefore to be predominantly for office uses and, in the absence of any qualifying or restraining policy, the pattern of new office development will adversely affect the variety and balance of uses over time.

RELOCATION OF USES

Aim

- 2.37 To ensure good quality office and residential accommodation that will maintain and enhance the mixed use character of Central Westminster.

POLICY COM 3: RELOCATION OF USES

Planning permission for the relocation of uses between sites will be granted where:

- (A) the swap is of lawful commercial and residential accommodation between sites which are in the vicinity of each other**
- (B) the location of new residential accommodation under the terms of CENT 3 or COM 2 is within an existing commercial site and is in the vicinity of the main development site.**

Such arrangements will only be acceptable if:

- 1 the mixed use character of the locality is maintained**
- 2 at least the equivalent amount of residential floorspace is provided**
- 3 the new residential accommodation is of a higher standard in terms of quality and amenity**
- 4 the provision of the residential accommodation is secured by conditions and, where necessary, legal agreements.**

Policy application

2.38 In considering proposals for land use swaps, the City Council expects every effort to be made to maximise the quality and quantity of housing. If this is not achieved, then the proposals will be regarded as unacceptable. Such swaps must relate to sites within the vicinity of each other and not dilute the mixed use character of the locality. Swaps will not be acceptable where they are considered to undermine the mixed use character of Central Westminster. New residential accommodation should be self-contained and have separate access, have improved space standards and result in improved levels of privacy and/or daylighting.

2.39 The mechanism of swaps may also be extended to those cases where additional residential accommodation is required to offset a proposed increase in commercial floorspace as a result of the application of policies CENT 3 and COM 2. In these instances, the alternative site must contain a lawful commercial use, which will generally be offices, and located within the vicinity of the development site. Swaps should not be used as a means of

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avoiding the provision of residential use as part of a mixed use scheme where it is clearly appropriate and practical to do so.

- 2.40 Proposals for the swap of residential accommodation with other land uses, such as hotels, may be acceptable and will be assessed using the principles underlying Policy COM 3. Proposals for the exchange of non-residential uses only will be considered on their merits having regard to the character and function of the area and subject to the relevant policies in the Plan. Proposals involving swaps across the CAZ boundary or where both sites involved are outside the CAZ may be acceptable but must also comply with the principles underlying policy COM 3.

Reasons

- 2.41 There are occasions in Central Westminster where the transfer of uses between buildings allows for a better arrangement of uses within buildings and, therefore, greater efficiency of the building stock. Improvements to the quality of such stock ensures their long-term suitability and continued occupation. The overall effect is to enhance the contribution of the accommodation to the office and housing stocks and maintain the mixed use character of the area. This is generally achieved by improving access, servicing and security arrangements within buildings. It may also increase the level of net useable floorspace or the potential to extend the building. Policy COM 3, however, supports those occasions where the maximum quality and quantity of residential accommodation can be obtained.
- 2.42 Swaps have worked well in the past and have been useful in overcoming particular difficulties on individual sites and in allowing a better disposition of land uses. In particular, they have provided important benefits such as improved residential amenity and servicing arrangements. They have also provided opportunities to enhance the quality of residential and office accommodation whilst maintaining the mixed use character of Central Westminster. The City Council will keep the operation of this policy under review.

SMALL OFFICES

Aim

- 2.43 To maintain the vitality and diversity of economic activity in Westminster through the continued provision of small offices.

POLICY COM 4: RETENTION AND PROVISION OF SMALL OFFICES

(A) Planning permission for the redevelopment of small offices or their alteration within Central Westminster will not be granted where:

- 1 the small offices make a particular contribution to the character and function of Central Westminster**
- 2 the premises have been in long term use as small offices for a period of ten years or more**
- 3 because of their size, layout and structural condition they are likely to be particularly suited to such use.**

(B) The loss of small offices within the North West Westminster Special Policy area will be resisted through policy NWW1.

(C) All proposals for new office development should normally be designed with the accesses and service cores located so as to facilitate the sub-division of the buildings to enable provision of a range of small office accommodation.

Policy application

- 2.44 The City Council regards 'small offices' as those with less than 250 sq m of floorspace. Policy COM 4 will apply to offices below this threshold.
- 2.45 Existing small offices contribute to the provision of local employment opportunities in the North West Westminster area and will generally be protected to assist the regeneration of the area. (See Chapter 5: Policies for North West Westminster, Section B).

Reasons

- 2.46 The City Council wishes to maintain Westminster's stock of accommodation for small and growing businesses. This accommodation meets a wide range of demand for small and very small units.
- 2.47 In the London Plan, the Mayor's overall policy on developing London's economy includes the aim, in policy 3B.1, of seeking "a range of premises of different types, sizes and costs to meet the needs of different sectors of the economy and firms of different types and sizes". The Mayor's economic

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development strategy, published in 2005, recognised that London's enterprises, especially small and medium enterprises, need an adequate supply of suitable workspaces.

- 2.48 The supply of small offices in Westminster is particularly valuable in accommodating the activities illustrated in Chapter 1: Westminster's Central Area, in Tables 1.1 and 1.2, as Central London activities and supporting activities. In many cases, the firms have strong linkages with, and supply supporting services to, other Central London activities. Some firms such as agents, publishers and other media-based activities are characteristic of particular areas. Losses of small offices may result in the loss of appropriate Central London activities and supporting activities which could affect the character and functioning of Central London.
- 2.49 There is a need to provide suitable accommodation for new enterprise and innovation within the heart of the City to retain and add to its vitality and character. The high values and security of asset values in the central part of the City attracts much institutional investment in office development. The City Council's concern is that the requirements of occupiers is given due weight alongside those of institutional lenders, investors and landlords which have in the past tended to seek large single lettings to established 'blue chip' tenants. Therefore, the City Council will seek the retention and provision of a range of office accommodation.
- 2.50 An important source of small offices is the subdivision and letting of larger office buildings, involving works which generally do not require planning permission. Premises are often subdivided and then let on a short term basis timed to their refurbishment or redevelopment. New office buildings may also be sub-let on a short term basis by the main occupier, who may choose to rent out space that is currently unused but which may be required to accommodate its future business expansion. In either case, because of the limited leases and often lower rental levels this supply of small office accommodation is particularly attractive to new businesses looking to start up or become established in Westminster. This is an effective use of office accommodation and the City Council will not seek to prevent the redevelopment or refurbishment of large offices that have been let as small offices on a short-term basis.
- 2.51 A more recent trend has been the provision of serviced suites of small offices which share centralised support functions, such as secretarial and administrative services and meeting rooms, within a larger office building. These also provide a valuable supply of smaller office accommodation to meet the needs of smaller businesses in Westminster.

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- 2.52 Some small office accommodation is provided in premises which, because of their size and layout, are particularly suited to small office use, often being originally built as houses or workshops. These buildings ensure a continued supply of suitable accommodation for small businesses. Such buildings are found throughout the Central Activities Zone: the local economy benefits from the concentration and diversity of small businesses that such buildings accommodate. In such areas the safeguarding of long-standing small offices contributes to the character and function of these areas as well as to the economy as a whole.

TEMPORARY OFFICES

Aim

- 2.53 To ensure the return of land and buildings presently in temporary office use to residential use.
-

POLICY COM 5: CONTROLLING TEMPORARY OFFICES

- (A) Planning permission for temporary office use of residential properties will not normally be granted.**
- (B) The reversion to residential use of former residential premises in temporary office use will be required at the expiry of the temporary planning permission.**
- (C) The following considerations in particular areas of Westminster will be applied (see Map 2.1):**

1 Mayfair:

At the expiry of temporary planning permission for office use permission for renewal will not be granted except where it can be shown that any house, or part of a house, either alone, or in combination with others, cannot be used or adapted for use for residential occupation. In such cases the continued use of the accommodation for office purposes may be considered. On demolition of a property, originally built for residential purposes but subsequently granted permission for a limited period for office purposes, to require the primary use of that land on redevelopment to be for residential purposes.

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2 Queen Anne Street:

The continued use of basement, ground and first floors for accommodation for professional offices and cultural and learned institutions will be permitted for those properties where temporary planning permission exists for office use.

3 Gloucester Place:

The return to residential use of properties where temporary permission exists for office use will be required.

Policy application

- 2.54 In applying policy COM 5 in Mayfair, the City Council will examine whether the following criteria can be met:
- a) whether the property is physically capable of reversion to residential use due to the form, size and internal layout of the property
 - b) whether a reversion, if undertaken, would result in an acceptable environment for the occupants of the residential accommodation
 - c) whether in the case of listed buildings, a reversion to residential use either alone or in conjunction with adjoining properties, can be undertaken without seriously affecting the special quality of the building
- 2.55 Where any of these criteria cannot be met, the City Council will consider whether all or part of the premises, the subject of temporary office permission, should continue in office use subject to the City Council being satisfied that the remainder of the building, if any, will revert to residential use. Where these criteria can be met, the City Council will consider whether there remain any very special circumstances which may justify all or part of the premises, the subject of the temporary office permission, continuing in office use either for a further temporary period or permanently, subject to the City Council being satisfied that the remainder of the building, if any, will revert to residential use. For example, should it be shown to the satisfaction of the City Council that there is no prospect in the foreseeable future of a reversion to residential use being financially viable on the basis of a freehold in possession (taking into account, where appropriate, the cost to the freeholder of acquiring possession), this may be considered a very special circumstance. The City Council will take into account changes in the nature of demand in the residential property market in Mayfair.

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- 2.56 It is the City Council's intention to retain the mixed use character of Mayfair which includes approximately one third of its floorspace in residential use, and as far as possible to retain the existing high townscape quality of this important area of Westminster. Therefore, bearing in mind the importance which the City Council attaches to protecting and increasing the housing stock in Westminster, where the City Council considers or has considered that a property originally built for residential purposes, but subsequently the subject of one or more permissions granted for a limited period for office purposes, should continue in office use, it is the City Council's intention that on demolition of the building and redevelopment of the site, the primary use of that land should be for residential purposes.
- 2.57 Throughout Westminster, the City Council will pursue enforcement action where appropriate, to ensure the reversion to residential use of properties being occupied for temporary offices where such use is unauthorised.

Reasons

- 2.58 The vast majority of properties for which temporary office permissions were granted after World War II now have lawful uses for residential purposes or, where in policy terms it was considered appropriate, office purposes. However, there remain a small number of properties where the situation remains unresolved and where the City Council is seeking to secure residential conversion. These are mainly found in three areas of the City, shown on Map 2.1:
- a) Mayfair
 - b) Queen Anne Street Area
 - c) Gloucester Place.
- 2.59 The original purpose of these temporary permissions was to accommodate firms displaced from the City of London as a result of World War II. It was the intention of such temporary planning permissions that the office use would terminate at the end of the specified period so that the use of land and buildings would not be prejudiced on redevelopment.

Mayfair

- 2.60 Approximately 111,000 sq m of temporary office floorspace was created in residential properties in Mayfair, during and after World War II. About half of the floorspace involved in temporary office permissions expired in 1973, with the remainder due to expire by 1990. In 1996, within Mayfair, there was still approximately 49,000 sq m of office floorspace subject to temporary office permissions. Many of the properties which are the subject of temporary office permissions are listed as buildings of historic or architectural interest and their retention and preservation is considered important. Much of Mayfair has been designated as a conservation area and redevelopment on any large scale is not anticipated. Therefore it is no longer necessary to perpetuate a policy which was conceived in a period of acute shortage of office space.

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Queen Anne Street Area

- 2.61 Approximately 3,000 sq m of temporary office floorspace in residential properties exist in this area. Although allowed for reasons similar to Mayfair, temporary office permissions were further limited to professional office and cultural and learned institutions, having a low employment potential and usually relating to the use of the basement, ground and first storeys, provided the upper storeys remained in residential use. This limitation protected specific office uses from competition with general office uses whilst maintaining the predominantly residential character of the area.
- 2.62 The original policy has been successful in maintaining the character of the area which now lies within a conservation area. The continued retention and preservation of these buildings is considered essential. The buildings represent a variety of styles, many of which could only be suitable for residential use as a single dwelling on any expiry of temporary office uses. For these reasons and because the occupying activities are recognised as appropriate to the special character of the area, the City Council attaches importance to the continuation of office use for defined professional cultural and learned activities which have a low employment potential.

Gloucester Place

- 2.63 Most of the properties subject to temporary office permissions in Gloucester Place have now reverted to residential use. Approximately 1,100 sq m of temporary office floorspace remains. Most of the properties conform to a fairly standard type, and on examination appear appropriate for residential use and this view has been consistently upheld by the City Council and the Secretary of State. Detailed surveys may reveal special interior features which should be retained or certain aspects of poor layout; either may limit the suitability of the property for conversion. In general however, for reasons set out above and in Chapter 3: Housing, the City Council attaches considerable importance to the reversion to residential use of premises in the area with temporary office permissions.

INSTITUTIONAL USES

Aim

- 2.64 To maintain the character, function and diversity of the City by making special provision for institutional uses.

POLICY COM 6: PROVISION FOR INSTITUTIONAL USES

(A) Planning permission will only be granted in the Portland Place Special Policy Area for the use of premises by institutional activities where:

- 1 there is no loss of residential accommodation and no adverse impact upon residential amenity**
- 2 there is no displacement of local services or other local uses which characterise the immediate area**
- 3 a positive approach is taken towards the use and restoration of an important or listed building, if appropriate.**

(B) Proposals involving the development of premises containing an institutional use(s) will only be granted planning permission where either:

- 1 the site is located within the Portland Place Special Policy Area and there is no loss of the institutional use**
 - 2 elsewhere in the City, outside the Central Activities Zone and the Portland Place Special Policy Area, the proposal is for housing.**
-

Policy application

2.65 The City Council has defined the Portland Place Special Policy Area and CAZ Frontage, as shown on Maps 1.1 and 2.2, as an area outside the CAZ where institutional uses are clustered. In addition to the protection given to institutional uses located in the CAZ through policy CENT 1, within the Portland Place SPA existing institutional uses will also be protected. The expansion and location of new institutional uses will be supported if the criteria under policy COM 6 are met. Examples of institutional uses which are characteristic of, and appropriate to the area are professional institutions, research and development institutions, cultural institutions and learned and education institutions. Many general office occupiers have a charitable status for financial reasons and will not be covered by policy COM 6. However, in the case of charitable institutions, which demonstrate a focus on professional, research and development, educational or cultural aims, policy COM 6 will apply. Institutional uses in the Queen Anne Street area, where the employment potential is low, may be permitted where existing temporary office permissions still apply.

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Reasons

- 2.66 The Portland Place area forms an area outside the CAZ where the headquarters of professional, charitable, cultural and learned institutions, associations and trade federations have long been established. These uses are well suited to the buildings in Portland Place and make a significant contribution to the character and function of the area. The City Council will seek to protect this accommodation from changes of use as this would be detrimental to the character of this area.

DIPLOMATIC AND ALLIED USES

Aim

- 2.67 To maintain the distinctive character and function of the City by making special provision for diplomatic and allied uses.

POLICY COM 7: PROVISION FOR DIPLOMATIC AND ALLIED USES

Proposals for the redevelopment, extension or change of use for diplomatic and allied uses will only be granted planning permission where:

- 1 the site is located within the Central Activities Zone or the Portland Place Special Policy Area**
- 2 there is no loss of residential accommodation or no adverse impact on residential amenity**
- 3 there is no displacement of institutional uses in the Portland Place Special Policy Area**
- 4 there is no displacement of local services or other local uses which characterise the immediate area**
- 5 a positive approach is taken towards the use and restoration of an important or listed building.**

Policy application

- 2.68 Policy COM 7 will be applied to encourage diplomatic and allied uses to locate in the Central Activities Zone or the Portland Place Special Policy Area. (See map 2.2). Where relevant, the City Council will require details to be submitted with planning applications for diplomatic and allied uses stating how any potential disruption to the local area arising from diplomatic related activity can be minimised.

Chapter 2: Commerce (Offices, Industry and Showrooms)

Reasons

- 2.69 Embassies, High Commissions and similar agencies are Central London activities whose need for a location close to the offices of Government and to other diplomatic establishments is recognised. Diplomatic and allied uses are an activity particularly associated with parts of Westminster, principally Mayfair, Belgravia and Portland Place. The pressure for such uses has in the past given rise to some concern because of the loss of residential accommodation which is frequently the result of their location in these traditionally and predominantly residential parts of the City. The operation of visa services has, at times, harmed residential amenity. Diplomatic and allied uses can also have security implications for the occupiers of nearby premises and local residents and lead to greater parking pressures. Nevertheless, such uses can help to preserve the special character of buildings and areas, especially in conservation areas, through the maintenance of historic and other buildings as a matter of prestige. The City Council believes that diplomatic and allied uses should be encouraged to locate in those areas and properties best suited to their special needs. Any impact upon local residential amenity should be minimised.

COM 8 - COM 11: SPECIALIST INDUSTRY AND OTHER INDUSTRIAL USES

Aim

- 2.70 To maintain the vitality and diversity of economic activity in Westminster by providing for the continuation of specialist and other industrial uses within parts of Westminster.

POLICY COM 8: RETENTION OF LIGHT INDUSTRIAL FLOORSPACE IN THE CREATIVE INDUSTRIES SPECIAL POLICY AREA

Proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

- 1 the site is located within the Creative Industries Special Policy Area**
 - 2 this would result in the loss of industrial activities which contribute to the character and function of the area.**
-

POLICY COM 9: PROVISION OF NEW LIGHT INDUSTRIAL FLOORSPACE

- (A) Within the Creative Industries Special Policy Area, proposals for the provision of new industrial floorspace will be granted planning permission where:**
- 1 the accommodation is particularly suited to light industrial use by virtue of its design, layout and structural condition**
 - 2 the accommodation is retained for light industrial use by planning condition or, where necessary, by legal agreement**
 - 3 there is no adverse impact on residential amenity.**
- (B) Where appropriate, the provision of new light industrial floorspace will be required, in accordance with policies COM 2 and CENT 3 as part of mixed use development, especially on sites previously in light industrial use.**
- (C) Elsewhere in the City, proposals for the provision of new light industrial floorspace will be granted planning permission where:**
- 1 the proposed use meets local service and employment needs of the residential community and there is no adverse impact on residential amenity**
 - 2 the accommodation is particularly suited to light industrial use by virtue of its design, layout and structural condition**
 - 3 the accommodation is retained for light industrial use by planning condition or, where necessary, by legal agreement.**

POLICY COM 10: RETENTION OF SMALL SCALE INDUSTRIAL USES

Planning permission will not be granted for proposals involving the loss of an existing small scale industrial use outside the Creative Industries Special Policy Area where the existing use meets local service and employment needs of the residential community and has no adverse impact on residential amenity.

POLICY COM 11: PROVISION FOR GENERAL INDUSTRY AND COMMERCIAL WAREHOUSE STORAGE AND DISTRIBUTION

Planning permission for new general industrial or commercial warehousing floorspace will only be granted planning permission where:

- (A) the site is located close to the strategic road network, rail termini or water-borne transport facilities**
 - (B) the accommodation is particularly suited to general industrial or warehouse use by virtue of its design, layout and structural condition and likely to be so occupied**
 - (C) the accommodation is retained for general industrial or commercial warehouse use by planning condition or, where necessary, by legal agreement**
 - (D) servicing requirements can be adequately met within the site**
 - (E) there is no adverse impact on residential amenity.**
-

Policy application

- 2.71 The area containing the most significant concentration of light industrial floorspace, the Creative Industries Special Policy Area, is defined on Map 2.3. Within this area policies COM 8 and COM 9 (A) will apply. Creative Industries is a term which can cover a range of businesses related to the creative process and may be in the form of ‘invisible’ services such as design or advertising or ‘tangible’ products such as film, television programmes or fashion items. Most of the light industrial premises in Westminster are occupied by creative industries as indicated in paragraph 2.78.
- 2.72 The Use Classes Order 1987 removed the previous distinction between the former two classes of ‘offices’ and ‘light industrial use’. Light industrial use and office use, other than A2 uses, fall within the same B1 use class which limits the City Council’s ability to protect light industrial floorspace. The City Council regards ‘light industrial use’ as that described under Class B1 (c) of the Use Classes Order 1987 as “any industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”
- 2.73 Where it is within the City Council’s ability to control such changes of use, applications for the change of use of premises currently or previously, in light industrial use, or for the lifting of conditions which limit their use to light industrial activities, will not be viewed favourably.

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- 2.74 It is important to maintain and enhance the special character and function of the Creative Industries Special Policy Area, and the range of uses within it, by increasing the supply of industrial floorspace. To achieve this, the Council will encourage the provision of such floorspace in developments within the area, and particularly on sites previously in industrial use.
- 2.75 The provision of new accommodation for light industrial floorspace gives rise to issues similar to those presented by the protection of existing industrial floorspace. New industrial accommodation falling within class B1 of the Use Classes Order 1987 may subsequently be used for office purposes. Where this occurs it may be contrary to the aim of guiding office growth mainly to the Central Activities Zone and the Paddington Special Policy Area. Developments within and outside the Creative Industries Special Policy Area whose design, layout and siting are particularly suited to industry may nonetheless represent opportunities to maintain the breadth of Westminster's economic base (see policy COM 9). Where such accommodation is provided, the City Council may seek its retention as industrial floorspace by the use of appropriate planning conditions and legal agreements. Where a conflict arises, the policies for the protection of existing industrial activities COM 8 and COM 10 will normally take precedence over policies COM 9 and COM 11 for the provision of new industrial floorspace.
- 2.76 The City Council defines small-scale industrial uses as those with less than 250 sq m of industrial floorspace. Under policy COM 10, where proposals requiring planning permission involve small scale industrial premises outside the Central Activities Zone and the Creative Industries Special Policy Area, the City Council will seek to protect such uses if they meet the needs of the local residential community and do not give rise to adverse impacts on residential amenity.
- 2.77 Within the North West Westminster SPA, the City Council will generally protect and encourage employment uses, including industrial uses, which provide local employment opportunities and do not cause adverse impacts to residential amenity, in order to assist the regeneration of the area. (See also Chapter 5: Policies for North West Westminster, section B).

Reasons

- 2.78 Some 260,000 sq m of floorspace in the city is in industrial use. The City Council has long recognised the important contribution that certain industrial activities make to the strength and diversity of the economic and employment base of Westminster and has sought to protect these activities. Westminster contains a number of industrial activities that form an important part of the creative industries business sector in London. These are primarily located in the Soho, East Marylebone and Regent Street areas, but also in Covent Garden. They are important to the character of the City and its economic life

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well in excess of their actual size. These activities fall into two basic categories:

- (a) those that are long established, that offer unique or specialist goods or services to national and international markets and which are dependent on their location in central London such as bespoke tailoring, haute couture and other fashion design, jewellery manufacture and repair.
- (b) those that provide essential supportive or ancillary services to other important economic and cultural activities, such as film/image processing laboratories associated with the media industry in Soho and clothing workshops associated with the clothing industry in East Marylebone.

- 2.79 The Use Classes Order 1987 removed the planning distinction between light industrial and office uses (other than A2 uses), through the introduction of the B1 use class, and thus substantially reduced the City Council's power to protect most industrial floorspace. The City Council continues to press the Government for a review of the Use Classes Order so that changes from industrial to office use come within the scope of planning control in London.
- 2.80 The London Plan, in paragraph 3.138, recognises that the creative industries are one of the fastest growing sectors of the London economy. The plan recognises that Soho forms one of the key clusters of the creative industries in London including music, fashion, new media, film and broadcasting. The London Plan states, in policy 3B.9, that boroughs should "identify and support the development of clusters of creative industries and related activities and environments. Existing clusters should be protected". The City Council's policy is consistent with this approach.
- 2.81 The London Plan, in paragraph 3.128, despite predicting a continuing decrease in manufacturing employment in London to 2016, also recognises that high value-added and design-led manufacturing will nonetheless retain an important role in the London knowledge-driven economy. Many of the industrial uses remaining in Westminster are of this type of manufacturing. Although Westminster does not contain any of London's Strategic Employment Locations for manufacturing and wholesale distribution identified by the Mayor, the London Plan states that, outside these locations, boroughs should develop local policies for employment sites having regard to the criteria set out in policy 3B.5 in the London Plan. These criteria include accessibility, quality and fitness for purpose of sites and the release of surplus land for other uses in the light of strategic and local assessments of industrial land. Westminster's UDP policies are consistent with this approach.

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- 2.82 Many of the premises occupied by the activities defined above are subject to pressures for redevelopment or rehabilitation, which would require existing tenants to leave. The displacement of former tenants is often permanent as the new or refurbished floorspace can be let at much higher rents for office use than previously. Many traditional and small-scale specialist businesses which make a valuable contribution to the character and function of central London locations are threatened by these market pressures. Many businesses within the creative industries sector benefit from linkages between specialist activities and from the clustering of similar uses in parts of the Creative Industries Special Policy Area. The City Council considers that the protection of light industrial accommodation which is used by the creative industries in the Creative Industries Special Policy Area is, therefore, justifiable and appropriate.
- 2.83 Outside the CAZ and the Creative Industries Special Policy Area, there are a number of industrial premises. Many of these are located in predominantly residential mews. These uses tend to be of a small scale, can provide a valuable service to the local residential community and provide local employment opportunities. The majority of these uses are car repair workshops.
- 2.84 However, the General Permitted Development Order 1995 allows the change of use of premises, below 235 sq m from Class B2 (general industry) to Class B1 (general offices, research and development, and light industry) without the need for planning permission. The effect is that the City Council is generally unable to resist the loss of car repair workshops or light industrial uses to office uses within mews. However, the City Council will seek to resist the loss of such uses, where planning permission is required, within the terms of policy COM 10, as these provide valuable services for residents.

WHOLESALE SHOWROOMS

Aim

- 2.85 To seek the retention of wholesale showroom accommodation where it contributes to the character and function of areas such as East Marylebone.

POLICY COM 12: RETENTION OF WHOLESALE SHOWROOMS

(A) East Marylebone SPA:

- 1 Planning permission which would result in the loss of wholesale showrooms in the East Marylebone Special Policy Area at ground floor and basement levels will not normally be granted and wholesale**

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showrooms floorspace should be replaced in re-development schemes.

2 Planning permission for change of use from wholesale showroom use in the East Marylebone Special Policy Area to 'dual' wholesale showroom/office use will normally be granted where:

- (a) the premises are above ground floor level and are within the CAZ**
- (b) the long term use of the lower floors as wholesale showrooms is not jeopardised.**

(B) Elsewhere in the City:

1 Planning permission for change of use from a wholesale showroom at ground floor will not normally be granted where the showroom contributes to the character and function of the area. In other cases, planning permission will be granted where the proposed use is as a retail shop, or a use appropriate for a street level location, generating passing trade and providing a direct service to customers, if the proposed use is within an area which would benefit from its introduction.

2 Planning permission for a change of use from wholesale showroom at basement or first floor level will normally be granted if the loss of floorspace will not jeopardise the long term use of the ground floor for wholesale showroom purposes.

Policy application

2.86 In East Marylebone, and to a lesser degree elsewhere in the City, showrooms are important uses which contribute to the character and function of the surrounding area. The City Council has defined a core showroom area, the East Marylebone Special Policy Area, as indicated on Map 2.4. This area contains the main concentration of wholesale showrooms in Westminster; most of these showrooms are associated with the fashion industry. The protective policy COM 12 (A) will apply within this area.

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- 2.87 Although the extent of wholesale showroom activity has reduced in recent decades, there remains a concentration of active showroom uses in East Marylebone. The City Council recognises that the fashion industry is dynamic, and may be subject to further structural adaptation, which may result in reduced demand for wholesale showroom premises. Changes affecting the East Marylebone area will continue to be monitored and policy COM 12(A) will be kept under review.
- 2.88 Long-term vacancy will be taken into account in applying policy COM 12 (A). 'Long-term vacancy' means that the premises have been vacant and marketed for at least eighteen months. It must be demonstrated that the premises have been marketed widely and thoroughly on terms that are no more onerous than market conditions in the locality. Where it has been demonstrated that showroom premises have been the subject of long-term vacancy and unsuccessful marketing, alternative uses which positively contribute to street vitality and the character and function of the area and which do not cause harm to residential amenity will be favoured at ground floor level. Proposals for entertainment uses, including A3, A4 and A5 uses, will be assessed under policies TACE 8 to TACE 10.
- 2.89 'Dual' use permissions for wholesale showroom/office use, which allow premises to be used for either of the uses stated, may be considered appropriate on the upper floors of properties in the East Marylebone SPA where it can be demonstrated that the 'dual' uses would not prejudice the long-term use of the lower floors for wholesale showroom use. Such 'dual' wholesale showroom/office uses would not be permitted outside the Central Activities Zone. However, 'dual' use permissions for wholesale showroom / residential use may be acceptable on the upper floors of premises located in the East Marylebone SPA if the long-term use of the lower floors for wholesale showroom use is not prejudiced.
- 2.90 Outside the East Marylebone SPA, and if there are no overriding reasons for maintaining showrooms, the City Council will seek to ensure that, in shopping streets, changes of use from showrooms does not result in a loss of potential retail or service floorspace at ground floor level where the introduction of such a use would benefit the area. (See also policies SS 4 and SS 11). This is necessary in order to maintain uses which generate street level activity, and thus preserve the vitality of the shopping street. Proposals for entertainment uses, including A3, A4 and A5 uses, will be assessed under policies TACE 8 to TACE 10. When considering applications for wholesale showrooms, the City Council will have regard to the likelihood of the new showroom remaining in that use in the long-term.

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Reasons

- 2.91 Retail showrooms, such as furniture or kitchen showrooms, fall within the A1 use class. However, there are also a wide variety of wholesale showrooms in the City which are considered to be Sui Generis uses. The City Council is concerned that the provision of showrooms relates to the need for such accommodation and that existing showrooms that contribute to the character and function of areas are protected. Of particular importance are the wholesale showrooms of East Marylebone which contribute to the fashion industry of the West End, including the retail outlets of the Primary Shopping Frontages, and are of international as well as national importance.
- 2.92 A study of wholesale showrooms in the West End undertaken in 1995 concluded that “the concentration of showrooms creates a market place for the exchange of goods manufactured and sold all over the world. The study area attracts international buyers and suppliers. The combination of the prestige of the location and the concentration of wholesale activities is crucial in maintaining this international market place. Further losses of wholesale showrooms from the core area would therefore undermine this concentration and threaten the viability of East Marylebone as a prestigious wholesale area of international importance.”
- 2.93 An update of the study focusing on wholesale showrooms in East Marylebone, carried out in January 2000, has confirmed this conclusion by identifying that there remains an active concentration of wholesale showrooms in East Marylebone linked to the fashion industry.
- 2.94 ‘Dual’ use permissions, where appropriate, would provide flexibility between wholesale showroom and office or residential use at the upper levels of premises in the East Marylebone SPA whilst in the medium-term still allowing for the provision of wholesale showroom accommodation.
- 2.95 The Oxford Market initiative, a scheme promoted and funded by a consortium of landowners, has successfully revitalised and improved the environment of the Market Place area (historically known as Oxford Market) in East Marylebone. A traffic management and environmental improvement scheme has restricted vehicles, increased priority for pedestrians, and visually enhanced the area whilst the introduction of shops, restaurants, bars and cafés has attracted visitors to the area, and supported existing showroom activities. Some changes of use of some ground floor and basement premises in Market Place, previously in showroom use, were allowed as an exception to policy as they contributed to the vitality of the East Marylebone showroom area.

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