

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 3 October 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	1 - 4 Marble Arch, London, W1H 7EJ		
<b>Proposal</b>	Use of lower ground, part ground and first floor as modern art museum use (Class F1) [Site includes 1-1A Great Cumberland Place]		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Moco Museum		
<b>Registered Number</b>	23/05052/FULL	<b>Date amended/ completed</b>	1 August 2023
<b>Date Application Received</b>	21 July 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY & KEY CONSIDERATIONS

### Site and Planning History

The site is located at a strategically important location insofar as it is at the western gateway to Oxford Street. It is located within the Central Activities Zone ('CAZ'), the West End Retail and Leisure Special Policy Area ('WERLSPA') and the West End International Centre. The surrounding area is characterised by a variety of commercial uses, including the Cumberland Hotel on the opposite side of Great Cumberland Place. There are some arts and cultural venues in the wider area, including Frameless, a modern art installation, which is located nearby within the basement of the recently completed Marble Arch Tower development. There is some residential use at upper floors nearby as well, the nearest being immediately to the north of the site on the upper floors of Cumberland Court.

Planning permission was granted on October 2017 (Ref: 17/02923/FULL) (with subsequent amendments) for the redevelopment of the site behind a retained façade to provide a new building for replacement retail and office use. Retail use is permitted at basement level and most of the ground floor level. At first floor, the majority of the space is permitted as retail use, with part permitted as flexible retail / office use. The upper floors are all office use.

The development was recently completed but the developer (the Portman Estate) has advised that securing a retail occupier at the lower levels has proven challenging given the economic environment. Despite an active marketing campaign undertaken by the Estate's multiple agents, no meaningful offers from retail occupiers have been secured. However, an approach has been made by Moco Museum, who would like to expand its current presence in Amsterdam and Barcelona by opening a London museum and art gallery at the site. Permission is therefore sought for museum/art gallery (Class F1) use at the lower ground, ground and first floors (approximately 2,210 sqm GIA). There are no external alterations nor advertisements proposed at this stage.

### Proposal

The space would accommodate the various museum installations, providing three floors of accommodation in active use which are open to visiting members of the public. The proposals include a shop space at the ground floor selling merchandise to the public (without needing tickets for museum entry). An element of the approved retail use would therefore be retained under the proposal, as an ancillary part of the museum. Sales would include hot and cold soft drinks and potentially cold food in the future, which would be ancillary to the main use. The applicant is happy to accept a condition requiring this area to remain in retail use in perpetuity. The prominent dual aspect frontage on Oxford Street and Great Cumberland Place would include numerous window displays spanning both the ground and first floors, displaying goods and artwork. The proposed opening hours are 09.00 to 21.00 hours seven days a week.

Building regulations allow a maximum of 431 people inside the combined 3 floors of museum spaces at any given point of time, including staff. The proposed museum will offer educational experiences (as an ancillary function to the main use) for school children with free entry for children aged 7 and below. Concession tickets for children aged between 7-17 will be available, making the offering accessible for younger persons. The proposals will create new jobs for the local community, employing approximately 45 full time employees.

An Operational Management Plan (adherence is recommended to be secured by conditioned) sets out the management principles for the museum, preventing disturbance to local amenity (in particular the flats in Cumberland Court to the north of the site). A booking system is in place to manage visitor numbers and avoid a build-up of people impacting the public realm. The proposed museum ticketing strategy comprises both 'pre-booked' and 'on the door' ticket allocations. Based on the operator's experience at its Amsterdam and Barcelona museums, it is anticipated that the proposed museum will generate a 50:50 split, which will grow towards a 70:30 split in favour of pre-booked tickets over time once the museum becomes established.

Pre-booked tickets will specify a 15-minute arrival time, thus allowing an even distribution and control over arriving visitor numbers. The ground floor incorporates a dedicated queueing area, which will ensure that any build-up of visitors can be accommodated within the building and will not extend onto the street. It is considered appropriate to secure this queueing area by condition. Visitors enter the building at the Marble Arch entrance and exit to Great Cumberland Place (via the museum shop).

Servicing and deliveries are expected to be low, at an average of 2 deliveries per day. They would take place within the purpose-built servicing area at the rear of the site, where a waste holding and goods-in area is provided. This gives access to Bryanston Place (to the north of the site), which is subject to double yellow line markings with no loading restrictions. Only small parts of the collections are updated a few times a month which only requires small vehicles to deliver and collect art. No servicing will take place on Marble Arch or Great Cumberland Place. London Plan Policy requires the provision of 6 cycle parking spaces (based on 45 full time staff). This is recommended to be secured

by condition to ensure the proposal has access to 6 of the existing onsite cycle parking spaces at Basement level 2.

The nature of the proposal is unlikely to increase the number of private vehicles trips given the parking controls in the area and the proximity to public transport. However, other uses in the wider F1 use class have differing highway related impacts and it is recommended that a condition be imposed that limits the use of the site to F1b (for the display of works of works (otherwise than for sale or hire)) and / or F1c (museum) use only.

#### Policy

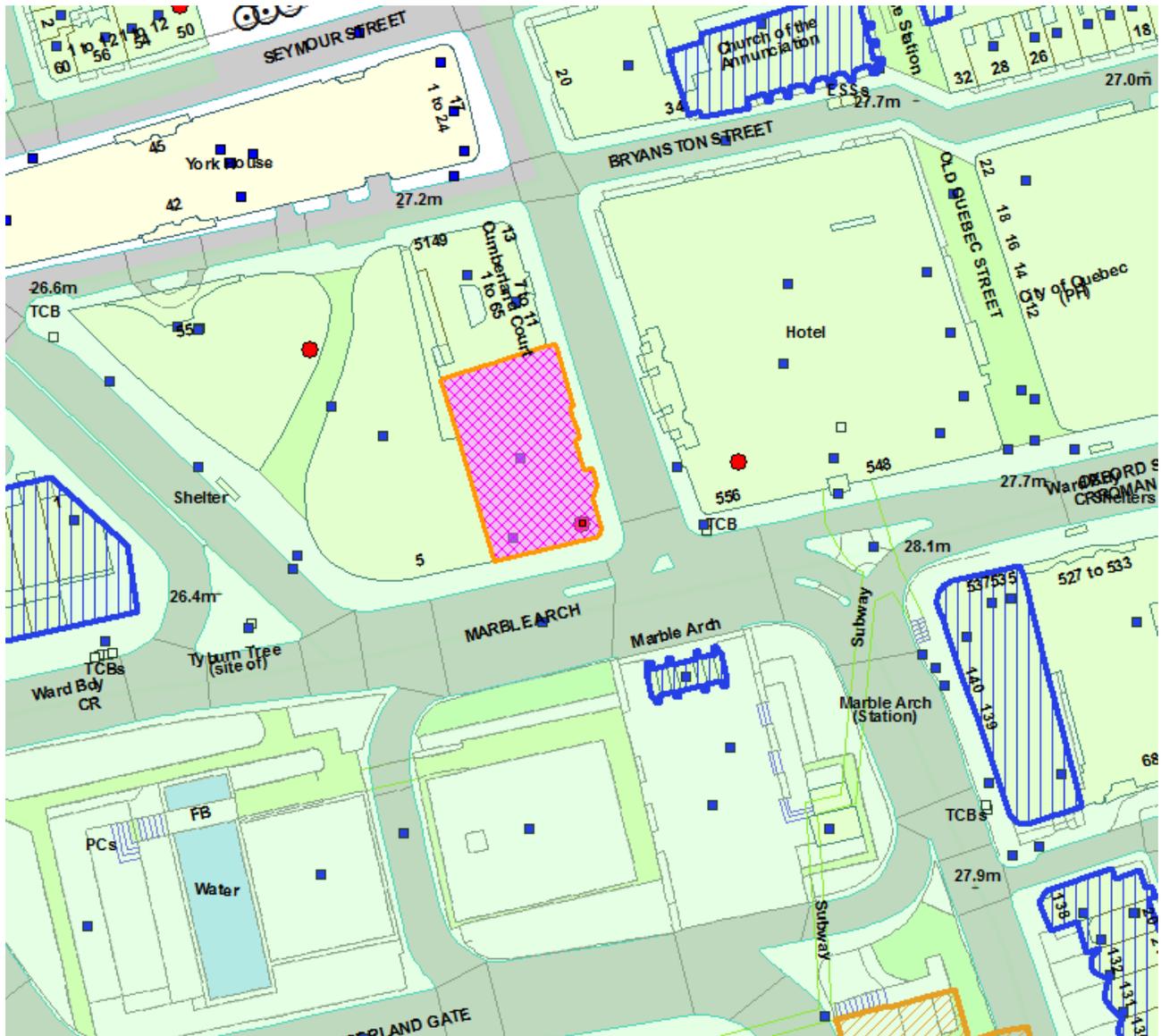
London Plan policy SD4 supports the promotion and enhancement of the CAZ's "*unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism function*". The policy also states that "*the vitality, viability, adaptation and diversification of the international shopping and leisure destinations of the West End including Oxford Street ... should be supported*". Policy HC5 of the London Plan supports the continued growth and evolution of London's diverse cultural facilities and creative industries.

Policy 1 of the City Plan 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 "*intensification of the CAZ, the West End, and our town centre hierarchy with commercial-led and mixed-use development to provide significant growth in office, retail, and leisure floorspace*". Policy 2 of the City Plan (WERLSPA) seeks to ensure that the intensification of uses in the WERLSPA delivers various priorities including significant jobs growth delivered by office, retail and leisure uses, an improved leisure and retail experience which supports the transformation of the Oxford Street district and an enhanced cultural offer.

Policy 14 (land use in the town centre hierarchy) supports in principle the "*intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses*", subject to their impact on townscape and heritage. Part A of the policy states that "*proposals in existing town centres and high streets will enhance and diversify their offer as places to shop, work and spend leisure time*". Part B states that "*Uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy*". Part B of policy 14 states that "*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*". It also states that 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. With regard to proposed arts and cultural uses, policy 15 states that new arts and cultural uses will be supported in the town centre hierarchy and commercial areas of the CAZ.

Given that museums and art galleries are town centre uses that have active frontages and serve visiting members of the public, the proposed use is therefore considered to comply with the above policies and is a welcome addition which will contribute positively to the function, vitality and viability of this part of the CAZ and WERLSPA at the gateway to Oxford Street. It will complement the range of other town centre uses in the area, contribute positively to the cluster of cultural uses in this part of the West End and help diversify the Oxford Street District, as it evolves in response to emerging market trends, to support its transformation and continued growth.

## 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### WARD COUNCILLORS FOR WEST END

Any response to be reported verbally

#### WARD COUNCILLORS FOR HYDE PARK

Any response to be reported verbally

MARYLEBONE ASSOCIATION – support the proposals.

HIGHWAYS PLANNING TEAM – no objections, subject to a condition preventing use of the site for any other uses within Class F1 (which might have adverse highways implications).

PROJECT OFFICER (WASTE) – following the submission of additional information about waste storage capacity etc, confirm no objections.

MARBLE ARCH BID – support the proposals.

#### DESIGNING OUT CRIME

Any response to be reported verbally

#### OXFORD STREET ASSOCIATION

Any response to be reported verbally

#### PLACESHAPING (PUBLIC REALM)

Any response to be reported verbally

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

No. Consulted: 89

Total No. of replies: 0

No. of objections: 0

No. in support: 0

#### PRESS NOTICE/ SITE NOTICE:

Yes

### 5.2 Applicant's Pre-Application Community Engagement

The applicant appointed Kanda Consulting to undertake wider pre-application engagement on the proposals for the future of the site. The consultation has taken place via a series of stakeholder meetings, a bespoke designed information pack circulated to the local area on 10th July 2023 with feedback mechanism, the offer of a webinar session and further dialogue with the local community. The applicant advises that feedback to date has been positive with consultees generally welcoming the proposals. A number of respondents noted that they were aware of the Moco Museum's in Amsterdam and Barcelona and felt the proposed use and operation would be a

significant benefit to the area. Prior to the wider consultation commencing with the circulation of the information packs, the Applicant approached a number of neighbours and local stakeholders to discuss the emerging plans, where the following themes were discussed.

<b>Date</b>	<b>Meeting and Attendees</b>	<b>Themes Discussed</b>
29th June 2023	A representative of The Portman Estate met and briefed Kay Buxton, CEO of the Marble Arch BID	<ul style="list-style-type: none"> <li>• Contribution to Marble Arch area</li> <li>• Style and operation of Moco Museum</li> <li>• Quantum of retail</li> </ul>
5th May 2023	A representative of The Portman Estate met and briefed Cllr Paul Dimoldenberg, Chairman of the Edgware Road Strategy Group and neighbouring Hyde Park ward councillors	<ul style="list-style-type: none"> <li>• A1 / F1 use</li> <li>• Retail display</li> <li>• Regeneration benefits of Moco elsewhere</li> <li>• Demographics of employees</li> </ul>

Other key stakeholders were approached including local Ward Councillors, the New West End Company, the Marylebone Association, the Marylebone Neighbourhood Forum and neighbours including The Cumberland Hotel. An information pack about the proposals was distributed to 909 addresses to raise awareness of the plans, invite recipients to attend a webinar and / or leave feedback via a freephone number of typeform survey.

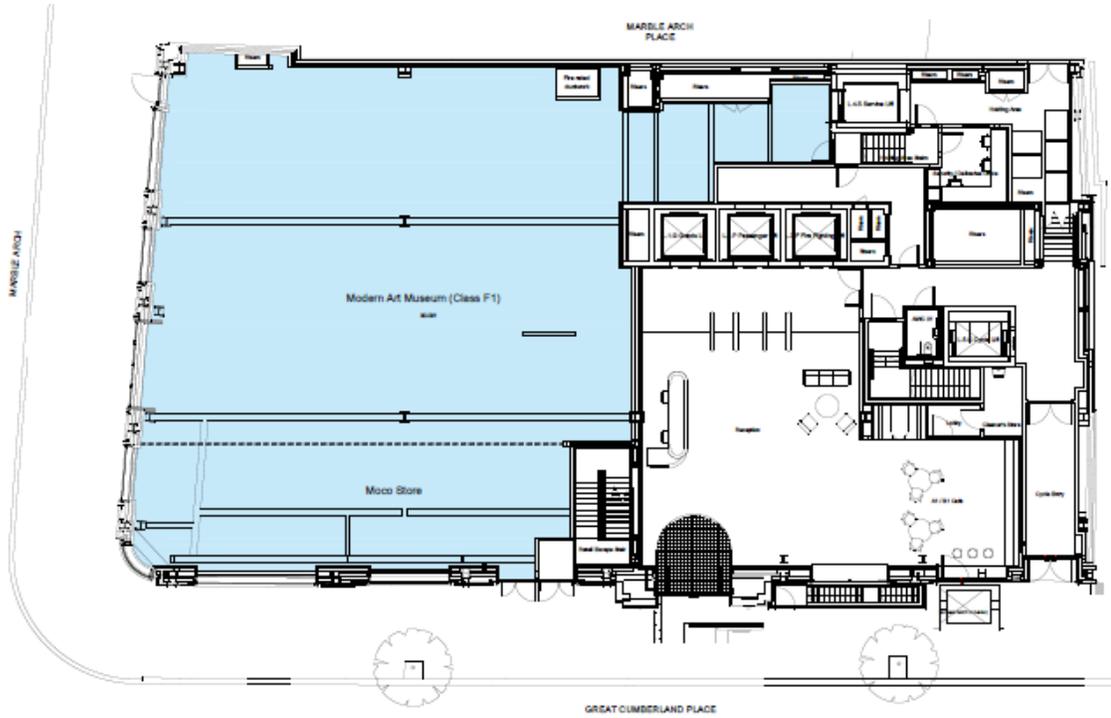
The proposals were generally well received by respondents through the online survey and stakeholder meetings, with the majority of consultees recognising the benefits of Moco Museum opening at Marble Arch, helping to form a new cultural quarter at the western end of Oxford Street and supporting the rejuvenation of the street.

(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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

6. KEY DRAWINGS

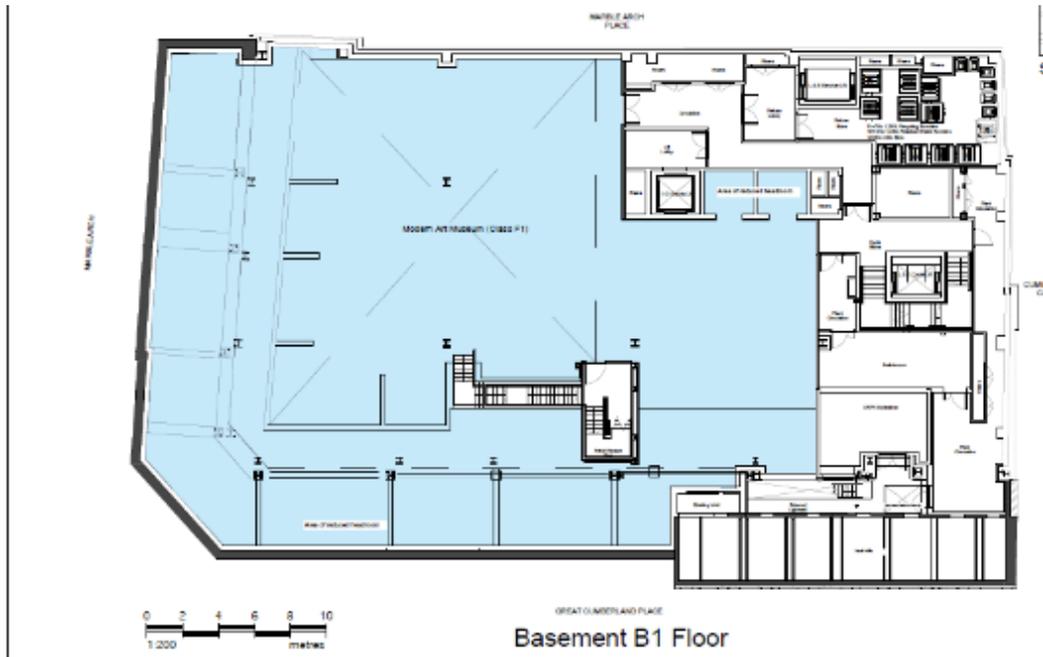
Proposed ground floor



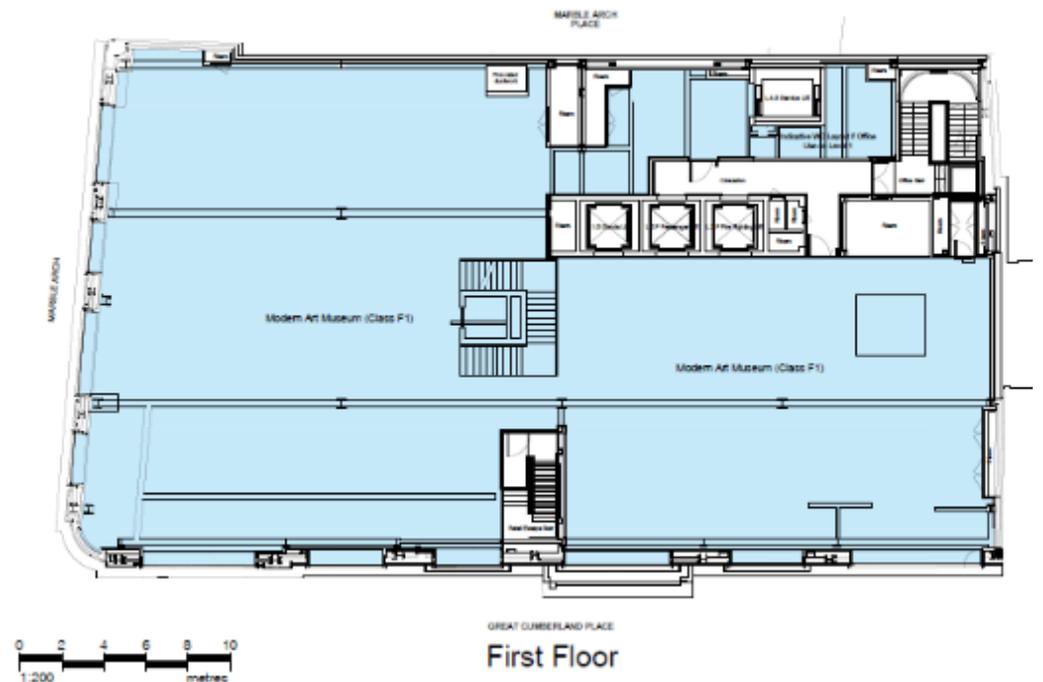
Indicative layout of ground floor plan



### Proposed basement



### Proposed first floor



**DRAFT DECISION LETTER**

**Address:** 1 - 4 Marble Arch, London, W1H 7EJ,

**Proposal:** Use of lower ground, part ground and first floor as modern art museum use (Class F1) [Site includes 1-1A Great Cumberland Place]

**Plan Nos:** 1MA/B2/P/01, 1MA/B1/P/02 Rev A, 1MA/G/P/03 and 1MA/1/P/04; undated Operational Management Plan submitted with application and the Caneparo Associates Transport and Servicing Assessment dated July 2023.

**Case Officer:** Paul Quayle

**Direct Tel. No.** 07866 039895

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 Customers shall not be permitted within the modern art museum premises before 09.00 hours or after 21.00 hours each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 3 You must apply to us for approval of an updated proposed ground floor plan that shows the queuing area inside the Marble Arch entrance and the retail shop area with its separate access from Great Portland Place. You must not commence the use hereby approved until we have approved in writing what you have sent us. You must then operate the premises retaining these two areas according to the approved drawings.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021), and to make sure that the development is completed and used as agreed and to make sure that it meets Policy 14 of the City Plan 2019 - 2040 (April 2021).

- 4 The use hereby approved must be carried out in accordance with the undated Operational Management Plan submitted with the application and the Caneparo Associates Transport and Servicing Assessment dated July 2023.

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)

- 5 Before the approved use commences, you must provide the store for waste and materials for recycling shown on drawing number 1MA/B1/P/02 Rev A and thereafter you must permanently retain it for the storage of waste and recycling. You must clearly mark it and make it available at all times to staff working at the modern art museum. (C14FC)

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)

- 6 You can use the premises the subject of this application only as a modern art museum within Class F1(b) and/or (c) and not for any other use within Class F of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class F use because it would harm the amenity of neighbouring occupiers and would not meet Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), and because servicing activity would have an adverse impact on the local highway network and would not meet Policy 29 of the City Plan 2019 - 2040 (April 2021). (R05JA)

- 7 You must allocate a minimum of six cycle parking spaces and associated facilities for cyclists shown on drawing 1MA/B2/P/01 for use by staff of the use hereby permitted prior to the commencement of the modern art museum use. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 8 With the exception of fire escape doors, you must hang all doors or gates so that they do not open over or across the road or pavement.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

**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.

- 2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

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.