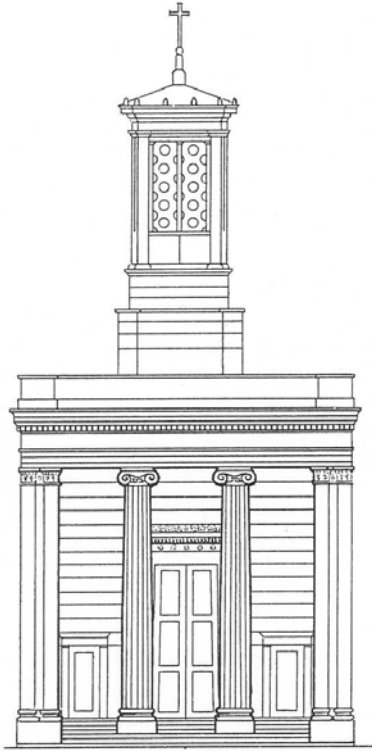


St Mark's Church
North Audley Street
London W1



Planning brief

Date: September 2003
Status: Adopted for Development Control
Purposes

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Executive Summary

St Mark's Church is a Grade I listed building within the Mayfair Conservation Area. The building, originally built in 1824, was officially declared redundant in 1974 and remained empty for a period of 20 years. The Commonwealth Church have occupied the church since 1994 however, the condition of the building has deteriorated in recent years suffering from water ingress and dry rot. The London Diocese have advised that the Commonwealth Church have been unable to pay for the expensive and extensive repairs that are required. Given the outstanding historical and architectural importance of this Grade I listed building English Heritage have designated it as a priority on their Buildings at Risk Register. The building has now been on the register since 15 December 1988.

The conservation of this architecturally interesting building is a concern for the City Council and a use capable of securing its repair is urgently required. The retention of the use of the building for its original purpose, as a place of worship, would be the preferred option for both the City Council and the diocese. However, the diocese consider that it is unlikely that a religious use could be found that would guarantee the necessary finance to restore and preserve this important listed building. They are therefore looking to secure the future of this building through a sustainable long-term user who will repair and maintain the building. In policy terms the City Council considers the restoration of the building to be a priority however, it is also seeking to retain some form of social and community facilities.

This brief gives consideration to alternative uses for St Mark's Church and aims to provide a clear steer on balancing the requirements of the relevant planning policies. The draft brief concludes that any new use must bring about the following requirements:

- Repair of the church;
- Conservation of the architectural and historical importance of the existing fabric;
- Provision of a new and sustainable use which should adhere to the Central Activities Zone policy requirements as specified in the Replacement Unitary Development Plan (Pre Inquiry version) August 2002;
- Minimal impacts on surrounding residential amenity.
- Provision of some form of public access;

This brief seeks to provide clear advice and guidance for the following purposes:

- Inform and advise all interested parties;
- Assist the Church Authorities with a marketing campaign for the building;
- Reduce any planning uncertainty over alternative uses for the building and the degree of alteration to the listed building;
- Assist in identifying a consensus on the way forward;
- Securing a viable use with appropriate conservation of the historic fabric.

1 Introduction

- 1.1 St Mark's Church is a Grade I listed building currently on the English Heritage Buildings at Risk Register. The church was built between 1824 and 1828 by JP Gandy-Deering and internally extensively re-modelled by Sir Arthur Blomfield in 1878. The church is a superb example of both late Georgian and high Victorian ecclesiastical architecture and decoration. In 1974, the Church was declared redundant and subsequently became empty for a period of 20 years. A number of planning applications have been submitted involving changes of the use of the building, ever since it was declared redundant in 1974.
- 1.2 The current use of the building is as a place for worship, it is owned by the London Diocesan Fund and has been leased by them to the Commonwealth Church organisation since 1994. The diocese have advised however, that the Commonwealth Church organisation are in breach of the terms of their lease as they are not able to afford to meet the rent or to pay for repairs to the building. The building has not been fully repaired or refurbished in the 29 years since it was declared redundant and is now in a very poor condition suffering from water ingress and dry rot. The diocese has confirmed that estimates for the repairs to the exterior of the building would now probably be in the region of £1million. They have however, agreed to allow the Commonwealth Church organisation to remain in the building as caretakers whilst a more long-term use is sought.
- 1.3 The diocese want to secure the future of St Mark's as one of the most important churches in Westminster. They have confirmed that there have been a number of enquiries from potential occupiers over recent years however, these mainly involve changing the use of the building. Whilst retaining the building as a place of worship would be their preferred use the diocese consider that it is unlikely that a religious use could be found that would guarantee the necessary finance to restore and preserve this important listed building. As recorded in the minutes of a meeting, held on 29 November 2002, between the City Council, the Church Commissioners, the Diocese and English Heritage, the Church Commissioners advised that depending upon the future use of the building, repairs and conversion costs could total between £1.5 to £2 million.
- 1.4 The purpose of this brief is therefore to set out the City of Westminster's considerations on alternative uses for this building and most importantly to consider them against the priority to repair, restore and maintain the listed building. The City Council aims to protect existing community facilities, such as places of worship, and will generally refuse planning permission where a change of use does not provide adequate replacement facilities. The City Council however, also seek to protect listed buildings and recognises that a change of the original use of an historic building may be suitable, if it will result in the satisfactory preservation of the building. Careful consideration is therefore given to provide a clear steer on balancing the requirements of these two policies.

- 1.5 This brief does not seek to pre-empt the final user of the building however, it does seek to aid the diocese in undertaking a marketing campaign to secure a sustainable long-term occupier coupled with the restoration of the building. It is also aimed at ensuring that any future tenant is aware of the issues affecting this building and its use.
- 1.6 This brief is therefore addressed to a number of parties who have an interest in the building including:
- Ward Councillors;
 - The London Diocese Fund and Church Commissioners;
 - Potential occupiers of the building;
 - The residents and businesses already established in the area and their various representative organisations;
 - Other Council departments;
 - English Heritage;
 - Other interested bodies including The Georgian Group, The Victorian Society and the Ancient Monuments Society;
 - For public information.
- 1.7 This brief is a revised version of the draft planning brief for St Mark's Church that was approved by the Major Planning Applications Committee on 24 April 2003 for the purpose of public consultation. The current brief has sought to incorporate relevant consultation responses and to update accordingly on any change in circumstances.
- 1.8 On 25 September 2003 the Planning and Development Committee agreed to adopt this revised brief as Supplementary Planning Guidance (SPG) having followed the procedures set out in Planning Policy Guidance Note 12 (PPG12 – 'Development Plans'). The brief is therefore a principal material consideration in determining any planning applications as it is accorded stronger weight having been through this procedure.

2 The Site, Location and Planning History

The Site and Location

- 2.1 St Mark's Church is located on the east side of North Audley Street between the junctions with North Row and Providence Court. The church extends nearly the entire street block to the east and the crypt, which lies below the whole of the main body of the church, can be accessed separately at the rear via a gated passage from Balderton Street. The building is Grade I listed, located within the Mayfair Conservation Area and is currently a priority on the English Heritage Register of Buildings at Risk. A site location plan is included as Appendix 1 and a copy of the Mayfair Conservation Area General Information Leaflet is included as Appendix 2.

2.2 St Mark's was originally a late Georgian (1824) galleried church designed by JP Gandy-Deering in a Greek revival style and built between 1824 – 1828. It was built as a chapel of ease to St George's in Hanover Square to cope with the parish's demands for more 'church sittings' and was used by residents in north Mayfair. In 1878 the main body of the church was substantially altered, albeit without external alteration, in Romanesque style to designs by Sir Arthur Blomfield.

2.3 The surviving parts of Gandy-Deering's original church include the narthex, portico and crypt. This includes the entrance to North Audley Street which comprises a striking portico and tower that form an important part of the street scene and make a major contribution to the character and appearance of this part of the Mayfair Conservation Area. The main body of the church, built over brick vaults, was similar in style however no original drawings survive. A full architectural description and history of St Mark's Church is contained within The Survey of London Volume XL 'The Grosvenor Estate in Mayfair Part II The Buildings' (1980) and a copy of the relevant text is reproduced as Appendix 3.



St Mark's Church, North Audley St

2.4 St Mark's Church is bounded to the north, south and east by buildings fronting North Audley Street, North Row, Providence Court and Balderton Street. These buildings are predominantly in mixed-use encompassing retail, commercial, residential and educational uses all of which are typical uses within Mayfair. North Audley Street is a busy thoroughfare comprising a number of large buildings of the late nineteenth and twentieth centuries, with their ground floors generally given over to shops and restaurants. The upper floors of the majority of these buildings are in a mixture of commercial and residential use. A plan to show the retail and residential uses surrounding St Mark's Church is included as Appendix 4 and a plan to show the distribution of listed buildings in the vicinity is included as Appendix 5.

2.5 St Mark's Church is located within the Crossrail Safeguarding Zone. CrossRail is a potential new underground rail route and through the development control process the City Council will ensure that the construction of any new buildings within the safeguarded zone is consistent with the subsequent construction of the railway. The Safeguarding directions were originally issued for Crossrail in 1991, however until recently the scheme had not been promoted since 1996. In July 2003 the Transport Secretary offered government support for a hybrid parliamentary bill to promote the Crossrail Line 1 project. It is now anticipated that the hybrid bill will be submitted in November 2004 following public consultation in autumn 2003 and further detailed development by an expert team. A plan to show the alignment of the safeguarding zone underneath St Mark's Church is included as Appendix 6.

Planning History

- 2.6 St Mark's Church ceased to be a parish church in 1974 and it was during this year that it was officially declared redundant. Following redundancy there were several planning proposals submitted to the City Council. Such proposals resulted in approval for retail use in 1986 and as an auction house in 1988. Planning permission was refused for restaurant use in 1984 and as offices in 1988. In 1986 and 1993 applications for restaurant uses would have been refused had appeals not been lodged. The 1986 appeal was refused however, only on historic building grounds with the Inspector considering that restaurant use was acceptable in principle. The 1993 appeal was withdrawn.
- 2.7 A full schedule of the relevant planning history is included as Appendix 7 along with a background paper prepared by the diocese which sets out their historical account of potential occupiers.

3 Current Issues Facing the Church

Redundancy Process

- 3.1 St Marks Church was declared redundant with effect from 1 June 1974. The Church Commissioners usually allow the diocese three years to find a suitable permanent and sustainable alternative use however, this building has been redundant for nearly 29 years and its future remains unresolved.
- 3.2 Should the Church Commissioners concede that there is not an alternative use there are two options available to them, vesting the building in the Churches Conservation Trust or demolition. In the Church of England, partial or total demolition of a church which has been declared redundant is generally exempt from listed building and conservation area controls, albeit the Church Commissioners have to inform all interested parties including the Local Authority and English Heritage. The Office of the Deputy Prime Minister can hold a non-statutory public inquiry if there are objections to the demolition of the building from English Heritage, the Local Planning Authority, the Advisory Board for Redundant Churches or any of the National Amenity Societies. If the inquiry finds the church to be of sufficient architectural or historic importance, the Secretary of State can either recommend to the Church Commissioners that it is passed to the Churches Conservation Trust, or that the church tries to find an alternative use. The Commissioners have undertaken to abide by any decision of the Secretary of State.
- 3.3 The Churches Conservation Trust's budget for new vestings in the triennium 2003-2006 will be £2million in total however, this sum would only cover the cost of 10 to 11 new vestings throughout England. The Church Commissioners have advised therefore that it is highly unlikely that the Commissioners' Redundant Churches Committee would agree to vest St Mark's Church. They agree however, that demolition of this Grade I listed building is not an option and as such are pursuing the conversion of the church to an alternative use.

- 3.4 Appendix 8 gives a detailed account of the Church of England's Pastoral measure procedures for the use seeking period, when a use has been found and in respect of any alterations to the building.

Approach to Finding a New Use

- 3.5 The managing agents for St Mark's Church, Biscoe Craig Hall, have undertaken several marketing campaigns since the church was declared redundant in 1974. Details of these and subsequent expressions of interest are included in Appendix 9. This list, provided by the managing agents, illustrates that throughout the period of redundancy there have been several expressions of interest from other worship users, as well as commercial and community uses, albeit none have come to fruition other than the existing occupiers of the church, the Commonwealth Church Organisation. It is clear however, that this organisation does not have the resources to facilitate the repair and restoration of this important listed building.
- 3.6 The purpose of this brief is to assist the diocese in undertaking a new marketing campaign to secure a sustainable long-term occupier, along with the full repair and restoration of the building. The City Council will facilitate this by giving a clear indication of its considerations on different uses of the building and will expect the diocese to undertake a wide and thorough marketing campaign. The diocese have advised that their marketing programme will consist of the following:
- Preparation and issues of particulars to people who have already registered an interest with the managing agents and who are known to them as likely to be interested in this type of building.
 - Circulation of particulars via the estate Agents Clearing House. This will go to over 530 agents in Central London.
 - An advertisement in the Estates Gazette followed by further advertisements if responses are inadequate.
 - An advertisement in the Society for the Protection of Ancient Buildings monitor magazine.
 - Consideration of further advertising to be given based upon the level of response from the above.

Buildings State of Repair

- 3.7 In March 1999 Biscoe Craig Hall commissioned a survey to set out in detail the works considered necessary to restore the deteriorating fabric of the building to a high standard leaving it largely free of further significant maintenance for at least 20 years. A copy of this schedule is available through the managing agents Biscoe Craig Hall, contact details for which are included in Section 8 of this brief.

4 Planning Policy Framework

Statutory Planning Framework & Principle Policies

4.1 The relevant statutory planning framework for this site is set out in:

- The Government's Strategic Guidance for London Planning Authorities (RPG3);
- The Government's Planning Policy Guidance (PPG) notes, particularly PPG15 (Planning and the Historic Environment);
- The Mayor's Draft London Plan – due to be adopted in December 2003;
- The City of Westminster's Unitary Development Plan (UDP);
- The City of Westminster Supplementary Planning Guidance;
- The City of Westminster's Civic Renewal Programme launched September 2001;
- The City of Westminster's City Plan.

4.2 The City of Westminster's Unitary Development Plan (UDP) was adopted in July 1997 and is now going through its statutory review process. A public inquiry into objections to the revised plan opened on 15 October 2002 and culminated in March 2003, following the Inspectors report it is anticipated that a Replacement Plan will be adopted in Summer 2004. The Revised (Pre-Inquiry) UDP (August 2002) was written with regard to all of the above documents and contains the principle policies against which any future planning applications for St Mark's Church will be considered. Whilst the 1997 UDP is currently the adopted statutory plan, given the likely time scale for planning applications coming forward on this site, the brief concentrates on the policies contained in the pre inquiry (August 2002) version of the Revised UDP. The most relevant policies are addressed at issues regarding listed buildings, conservation areas, land use and amenity. Unless otherwise stated the policies referred to in the brief are those from the Pre-Inquiry UDP however, potential applicants should ensure that they also refer to the policies of the relevant Adopted UDP at the time of making their application.

4.3 In design and listed building terms any future planning application for works to the building will be assessed against the following policies:

- **STRA 25** Standards of Design
- **STRA 26** Conservation Areas and the World heritage Site
- **STRA 27** Listed Buildings, Historic Buildings
- **DES 1** Principles of Development
- **DES 9** Conservation Areas
- **DES 10** Listed Buildings

These policies seek to promote the highest standards of sustainable urban design, to preserve or enhance the character or appearance of conservation areas and most importantly to protect and enhance listed buildings, their settings and those features of special architectural or historic interest that

they possess. Relevant extracts from the Replacement UDP which detail these policies are reproduced as Appendix 10.

4.4 In land use terms any future application for change of use will first be assessed against the following policies:

- **STRA 17** Local Community Services
- **SOC 1** Community Facilities in General

Places of Worship are classed as community facilities and these policies seek to protect such uses. Proposals which involve the development or change of use of community facilities will be required to include adequate replacement facilities. Where adequate replacement facilities are not proposed then the City Council will refuse planning permission for this type of proposal. Any future application for the change of use of St Mark's Church would therefore be considered contrary to these policies if adequate community facilities were not provided. In order to consider any change of use to a non-community facility exceptional circumstances would have to be justified. Relevant extracts from the Replacement UDP which detail these policies are reproduced as Appendix 11.

4.5 If alternative uses were to be considered for St Mark's Church the proposed use would be determined in accordance with policies in the Replacement UDP that are relevant to the particular type of use. Individual considerations for alternative types of use are discussed in more detail in Section 5 and relevant policies can be found in the following chapters of the Replacement UDP:

- Part 1 – Our vision and strategy for promoting and controlling in development in Westminster.
- Chapter 1 - Westminster's Central Area
- Chapter 2 - Commerce (Offices, Industry and Showrooms)
- Chapter 3 - Housing
- Chapter 4 - Transport (Including servicing)
- Chapter 6 - Social and Community Facilities
- Chapter 7 - Shopping and Services
- Chapter 8 - Tourism, Arts, Culture and Entertainment's

4.6 A key consideration in any future application for works or change of use is the effect that this would have on the surrounding residential amenities. This is particularly pertinent as residential units surround the building in the upper floors of the adjacent buildings on North Audley Street and at the rear in Clarendon Flats and Balderton Flats on Balderton Street. The following policies are considered relevant in assessing any future applications and extracts of these are included as Appendix 12.

- **ENV 6a** Noise Pollution
- **ENV 6b** Controlling Noise from Plant, Machinery and Internal Activity
- **ENV 10** Waste and Recycling Storage

- **ENV 12** Protecting Amenities, Daylight, Sunlight and Environmental Quality.

Different types of use generate different impacts on surrounding residential amenity and amenity implications can lead to refusal of an application for change of use. Adverse amenity impacts that are associated with particular type of uses are addressed in more detail in Section 5.

5 Application of Principal Planning Policies and the City Of Westminster's Considerations

Interaction of Policies

- 5.1 PPG15 *Planning and the Historic Environment* and policy DES 10 both advise that the best use for a listed building is that which it was originally designed for. Policy DES 9 also recognises that in addition to visual quality, the uses that are associated with particular buildings and conservation areas are vitally important to the character of those areas. The character of the Mayfair Conservation Area changes from street to street although it is predominantly mixed use with the domestic scale of the area largely surviving. St Mark's Church would have historically supported the domestic role of Mayfair having served the residents of north Mayfair as their parish church. Notwithstanding this, policy DES 10 recognises that a change of the original use of an historic building may be suitable, if it will result in the satisfactory conservation of the building and if it is consistent with other policies of the Plan. PPG15 also acknowledges that not all original uses will now be viable and that policies for development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival. Judging the best use for the building therefore requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building. In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building.
- 5.2 The change of use of the building from a place of worship would however, result in the loss of a community facility. This is contrary to policies STRA 17 and SOC 1. Ecclesiastical buildings are such a centrepiece of our built heritage it is considered that every effort should be made to assist continuing church ownership and use. The priority for the City Council in both land use and listed building terms would therefore be to retain the use of the building as a place of worship or other community use with public access, along with the repair and restoration of the listed building. Notwithstanding this, the Church authorities and English Heritage both consider that it is most unlikely that a religious use could be found that would guarantee the necessary finance to restore and preserve the building.
- 5.3 As illustrated in Appendix 9 the diocese have undertaken several marketing campaigns during the period of redundancy with subsequent expressions of interest from other worship and community groups, as well as commercial

organisations. The diocese have also advised that even when there has been no specific marketing exercise in progress they have received regular enquiries from worship groups, all of which have withdrawn their interest when they have realised the extent of the financial commitment, despite the prospect of receiving grant aid. English Heritage have also advised that they have discussed continuing religious use with a number of interested parties however, they have been deterred by the cost, even with grant aid, of not only repairing and restoring the church but also then maintaining it to a suitable standard. The marketing information, illustrated in Appendix 9, will therefore be an important material consideration when determining any planning applications for the future use of the building. This material illustrates that during the period of redundancy there has been no demand for a worship or community use that could also facilitate and ensure the satisfactory restoration of the building.

- 5.4 Given the importance of this Grade I listed building it is therefore considered that whilst there are conflicting policies in the Plan given the long period of redundancy, and the exceptional circumstances, priority should be given to the building's repair and restoration. Notwithstanding this, any applications for the change of use of the building should also be accompanied by details of any new marketing campaigns that are undertaken following the publication of this brief. In considering alternative uses the City Council will want to be kept assured that there is still no demand for worship or other community uses that could also ensure the satisfactory restoration of the building. The City Council will therefore expect the diocese to undertake a wide and thorough marketing campaign. In considering applications for the change of use of the building, in order to offset the loss of a community facility, the provision of some on site community facilities would however, still be actively pursued, as would the retention of some level of public access into the main building. Given that the crypt, which lies below the whole of the main body of the church, can be accessed separately from Balderton Street separate uses may also be accommodated.
- 5.5 Any application which involves alterations to the building will be subject to strict design and listed building criteria. A discussion of these requirements is given in the following paragraphs and any future applicant should adhere to these. Given the exceptional circumstances relevant to this building discussion on alternative uses is also provided below.

Listed Building and Design Requirements

- 5.6 Appendix 8 illustrates that the majority of applications that have been submitted since 1974 have been refused on listed building grounds due to unacceptable alterations to the listed building. Some changes of use require alterations which adversely affect the building and as such the implications of any change of use will be taken into account. The priority for St Mark's Church is therefore to secure a viable, non-harmful user that will repair and maintain the building without carrying out significant alterations.

- 5.7 Permission will not be granted for any works of demolition that would adversely affect the special architectural and historic interest of this building. Whilst it is recognised that repairs, alterations and extensions are sometimes necessary such works can irreparably damage the architectural integrity of a valuable building. Proposed alterations should normally be in accordance with the period, style and detailing of the original building and must relate sensitively to the original building. They will require craftsmanship and professional skill of a high standard. The original (1824) plan form of St Mark's Church is also of importance and should not be compromised by unsympathetic alterations or subdivision.
- 5.8 Where they are of special architectural and historic interest, internal features should be retained in situ. This includes re-use of the mort safes, which are rare survivors from the original crypt, and retention of all tablets, memorials, decorative items and stained glass windows in situ. Priority should also be given to the retention and re-use of the brick vaults that define the crypt. Any new uses of the church will be encouraged to re-instate missing architectural items such as the gates from North Audley Street to the portico and the re-instatement of a historic paint scheme in the narthex. The Advisory Board for Redundant Churches have provided a detailed review of the architectural and art historical account of the church and its contents and this is included as Appendix 13.
- 5.9 A schedule setting the principal types and extent of potential alterations that the City Council and English Heritage may consider to be acceptable is included as Appendix 14. A list of items that would be required to remain in situ is also included in the appendix. Any specific proposal must however, take account of all the issues raised in this brief.
- 5.10 Whilst the most recent application for office use (Class B1), submitted in November 2000, was withdrawn before determination, English Heritage considered the alterations to the listed building to be acceptable. English Heritage responded to this application by urging the City Council most strongly to look with favour upon the application and by ensuring that by change of use, the long-term future of one of Mayfair's most distinguished buildings is secured. English Heritage considered that this scheme would have brought the building back into use, without serious detriment to the special interest of the building, and would have provided for the repair of the fabric. This scheme was presented to the Planning Applications Sub Committee on 27 September 2001 where they agreed to defer the application to seek further information on the level and type of community use offered and details of the applicants business plans. The committee also considered that further investigation was needed on an alternative scheme, which was being advocated by the local amenity society. The drawings accompanying this application are held on public record at the City Council. The Town Planning File reference is TP13669 and the registration numbers for this application are 00/09164/FULL, 00/09165/LBC and 00/09166/ADV.

Alternative Land Use's & Amenity

5.11 Alternative land uses for St Mark's Church are considered below and are discussed with regard to the Town and Country Planning (Use Classes) Order 1987. In January 2002, the Government issued a consultation document on possible changes to the Town and Country Planning Use Classes Order. The Office of the Deputy Prime Minister has been considering responses to this document and are expected to make a full statement on the outcome of the consultation and proposals for changes to the Use Classes Order shortly. Whilst this may effect the Class designation of the planning uses specified below the considerations for change of use at St Mark's will be the same. If conflicting uses were to be grouped in the same Use Class the City Council would impose conditions which restrict the use of the building to that which has been approved.

Unacceptable Uses

5.12 Any alternative use of St Mark's Church would have to adhere to the listed building and design requirements outlined above. There are certain types of use that would therefore not be appropriate as they are likely to require unacceptable alterations to the listed building. Such uses may include Hotels (Class C1) and residential establishments such as nursing homes and residential schools (Class C2). Residential use (Class C3) is also unlikely to be acceptable given the limited amount of daylight and sunlight that is received by the building and the substantially damaging alterations to the interior that would be required.

Non-Residential Institutions (Class D1)

5.13 The existing lawful use of St Mark's Church as a place of worship falls within Class D1. Whilst the continuation of this use would be the City Council's and the diocese's preference there are other uses within this Class that would not require the benefit of planning permission albeit listed building consent would be required for any alterations to the building. Uses within Class D1 include church halls, clinics, health centres, crèches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls and non-residential schools, education and training centres. All of these are classified as social and community uses and despite there being no planning control the City Council would welcome the use of St Mark's for any of these purposes. If it were found that such a use could not finance the restoration of the building the City Council would consider the use of at least part of the building for these types of community facilities.

5.14 The main consideration in assessing uses within Class D1 is therefore the listed building requirements outlined above with any use having to constitute a viable albeit, non-harmful use on the historical fabric of the listed building. It is therefore unlikely that uses such as health clinics would be suitable in the main body of the church given the level of subdivision that would be required. However, such use could possibly be accommodated within the crypt with full access for all from Balderton Street.

Retail (Class A1)

- 5.15 St Mark's Church is located within the Central Activities Zone (CAZ). Policy SS 4 seeks to enhance the retail function and mixed-use character of the CAZ and policy SS 6 seeks to secure an appropriate balance of town centre uses in the CAZ. Given that North Audley Street is characterised by mixed-use premises with their ground floors generally given over to retail, in principle a retail use in St Mark's Church would be considered acceptable. The existing retail units on the east and west side of North Audley Street, between the junctions with North Row and Providence Court, are all fully occupied with a range of Class A1, Class A2 and Class A3 uses. It is considered that an additional A1 retail unit would enhance this part of the CAZ adding interest to the streetscape and vitality and encouraging public use of the building. Notwithstanding this, any proposal would have to be sympathetic to the listed building and ensure that the above requirements were met. The subdivision of the main building for numerous retail uses is likely to be unacceptable, albeit demand for the use of the entire ground floor for a single Class A1 occupier is likely to be limited. Appropriate retail uses could include an indoor market type activity with boutique style stalls where the stalls are as open as possible and all use an in house style of signage. The Ancient Monument Society have advised that St Julian's in Shrewsbury and St George's in Bolton both demonstrate how this approach can work in architectural terms. Notwithstanding this, with any such use a special management policy for the servicing arrangements would be required.
- 5.16 It is not considered that the use of the building as retail (Class A1) would normally give rise to any adverse amenity implications. The hours of operation should however, be controlled by condition and the servicing and access issues, outlined below, should be addressed.

Professional / Financial Services (Class A2)

- 5.17 Policy SS 6 seeks to secure an appropriate balance of town centre uses which includes professional and financial services such as banks and estate agents (Class A2). As with retail (Class A1) Class A2 is therefore in principle an appropriate use for St Mark's Church. Policy SS 6 does however, state that a proposal for a non-A1 use must not lead to, or add to, a concentration of three or more consecutive non-A1 uses. As illustrated by the plan in Appendix 5 the change of use of St Mark's to Class A2 would not result in three or more consecutive non-A1 uses in an existing frontage of shops.
- 5.18 It is not considered that the use of the building as professional and financial services (Class A2) would normally give rise to any adverse amenity implications.

Restaurant / Bar (Class A3)

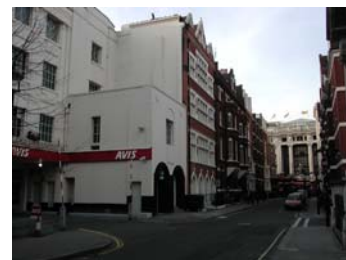
- 5.19 Policy SS 6 recognises that restaurants and bars (Class A3) are also typical town centre uses. Notwithstanding this the policy states that a proposal for a non-A1 use must not cause or intensify an existing over-concentration of Class A3 uses in a street or area. Along North Audley Street, between the junctions with North Row, Lees Place and Providence Court, 6 ground floor units are in use as restaurants, 1 unit operates as a public house, 3 units are

in use as professional and financial services (Class A2) and 10 units are in use as Retail (Class A1). It is not therefore considered that an additional restaurant or bar would lead to an over concentration of Class A3 uses in this frontage.

- 5.20 Notwithstanding the principles set out in policy SS 6 any proposal for use of St Mark's Church for Class A3 purposes must also be assessed against policies TACE 8, TACE 9 and TACE 10. These policies seek to maintain Westminster's position as an internationally important entertainment centre whilst controlling the location, size and activities of entertainment uses in order to safeguard residential amenity. Permission for Class A3 uses will not be granted for proposals that would harm residential amenity as a result of smells, noise, vibration or increased late night-activity and disturbance. Given that St Mark's Church is surrounded by residential properties amenity is a principle consideration in any proposal for Class A3 use.
- 5.21 Policy TACE 9 refers to large Class A3 entertainment uses which are defined as premises over 500sqm in size or with a capacity for over 200 people. St Mark's Church comprises 1,768sqm, therefore if the whole building were to be used for Class A3 purposes, or even if the building were to be subdivided, it is likely that the use would constitute a large Class A3 use. TACE 9 stipulates that large Class A3 uses in the CAZ will only be permitted in exceptional circumstances. This policy is a response to the growth in larger A3 premises such as 'mega-bars', 'super-pubs', 'gastradomes', 'themed restaurants' and 'microbreweries'. In many cases, individually or cumulatively, these uses have caused severe problems for residential amenity in Westminster. These types of activities have a disproportionate impact on residential amenity and the local environment as they generally attract large numbers of people which can cause greater environmental nuisance and amenity problems, including late-night noise and general disturbance to residents.
- 5.22 It is however, recognised that the broad Class A3 Use Class contains a range of uses which may generate different impacts and result in varying degrees of environmental and amenity problems. For example, restaurants with waiter service generally have less impact on residential amenity and the local environment than bars and pubs of an equivalent size. This is because they usually have fewer covers, hold fewer people and have a steady stream of people leaving rather than a mass exodus of people leaving at closing time. Given the priority of restoring the listed building and aim of retaining some level of public access, the City Council may therefore be able to consider a restaurant use appropriate on the basis that there are exceptional circumstances. Notwithstanding this any proposal would have to comply with the amenity criteria set out in policy TACE 10 and in all cases the onus will be on the applicant to demonstrate that the use would not have a detrimental effect on residential amenity and local environmental quality. Extracts of policies TACE 9 and TACE 10 from the Replacement UDP are included as Appendix 15 and paragraph 8.71t sets out the information that the City Council will require to assess any application.
- 5.23 If the City Council were satisfied that a restaurant use met both the listed building and amenity criteria appropriate conditions would be used to limit the

Class A3 use to a restaurant precluding use as a bar or take-away. It is considered that unrestricted Class A3 use would result in a use detrimental to the special architectural and historic interest of the building as well as adversely affecting residential amenity. Furthermore, the Metropolitan Police Service have also advised that they would object to the use of the site as a public house, or other licensed premises such as a nightclub although they would have no reservations about the site being used for restaurant purposes. Notwithstanding this, the Office of the Deputy Prime Minister announced on 4 March 2003 that given the widespread concern, it is their intention to change the Use Classes Order so as to put pubs and bars into a separate class.

- 5.24 Conditions would also be imposed to limit the number of covers and capacity and hours of operation. The Replacement UDP recommends a maximum terminal hour of 1.00am in the CAZ however, in order to safeguard residential amenity an earlier terminal hour may be considered appropriate. Late night access from Balderton Street is not however likely to be acceptable given the predominantly residential nature of this street.



Rear access to the crypt from Balderton Street

- 5.25 Any application for restaurant use should be accompanied by full details of any air conditioning, plant and high level ducting accompanied by a full noise assessment. These should be designed and sited so that their impact on the listed building and visual, odorous, noise or other amenity impact is minimised and meets the policy criteria.

Office Use (Class B1)

- 5.26 Within the CAZ policy COM 1 allows the increase in office accommodation in principle. Policy COM 2 stipulates that when increases in office floorspace are proposed there will be a requirement for the provision of self-contained residential floorspace equivalent to the increase in office floorspace. If it is not practical to provide residential on site then the provision of residential accommodation will be sought for another site. It is however, clearly impractical for St Mark's Church to be subdivided for residential use on both listed building and amenity grounds given the internal alterations that would be required and the inadequate daylight and sunlight provision. The Crypt could be accessed as a self-contained residential unit albeit the level of daylight and sunlight received would be totally unacceptable. Given the condition of the building and need for its restoration it is considered inappropriate to seek off-site residential provision.
- 5.27 Notwithstanding the requirements of policy COM 2 the supporting text to this policy does recognise that there may be instances when the provision of residential use is not appropriate or practical either on site or off site and alternative uses will be sought to offset the residential requirements. Alternative uses may include social and community uses, retail accommodation, sport, leisure, arts, cultural and entertainment. Given that the change of use would result in the loss of the building as a place of worship, in lieu of any residential accommodation the City Council would

consider it appropriate to secure some community use of the building and pre-arranged public access. This would also ensure that members of the public are able to enjoy the special interest of the Grade I listed building.

- 5.28 Christ Church on Cosway Street, NW1 in the City of Westminster provides a good example of where a redundant church has been refurbished and now provides high specification offices. The building is Grade II* listed and close liaison with English Heritage was required to protect the structure and internal finishes. The Church is now a fully operational office environment with a robust IT network, several meeting rooms, kitchen and main reception area. Other good examples in the City of Westminster where redundant churches are now in use as offices include Holy Trinity on Marylebone Road and St Mark's on Old Marylebone Road.



Interior of Christ Church, Cosway St

- 5.29 It is not considered that the use of the building as offices would normally give rise to any adverse amenity implications.

Assembly and Leisure (Class D2) & Theatres (Sui Generis)

- 5.30 Nightclubs, cinemas, music and concert halls, dance, sports halls, swimming baths, skating rinks, gymnasiums, other indoor sports and leisure uses, bingo halls and casinos are all uses that fall with Class D2. There are obvious uses within this class that would not be appropriate given the level of alteration that would be required to the listed building. These include swimming baths and skating rinks. The use of St Mark's as a nightclub or casino would be considered against the same policies as a Class A3 use and it is not considered that these uses would be appropriate in either listed building or amenity terms. Whilst the crypt may lend itself more suitable to these types of use, access from Balderton Street is unlikely to be acceptable due to adverse impacts on residential amenity.
- 5.31 Cinemas, concert halls and theatres are all considered to constitute arts and cultural uses. Such uses are welcome within CAZ where they are considered to be compatible with the character and function of the area, there would be no adverse effects on residential amenity and there would be no adverse environmental or traffic effects. Given the current lawful use of the premises as a place of worship it is not considered that any of these uses are likely to generate any greater adverse impact on the surrounding residential properties than the existing lawful use. Cinemas, concert halls, theatres and places of worship are all aimed at the bringing together of people to observe or take part in a type of performance or presentation. Subject to listed building requirements it is therefore considered that these types of uses may be appropriate and they would also allow the retention of some level of public access into the building.
- 5.32 Sports uses including dance halls and gymnasiums are a type of community use which in principle would be acceptable providing that some level of public

access were retained if they were operating as a private facility. Notwithstanding this such uses are likely to require substantial alterations to the listed building and therefore may fail to gain permission on these grounds.

- 5.33 If permission were to be granted for a use within Class D2 a condition would be attached to prevent unrestricted use within Class D2.

Private Members Club (Sui Generis)

- 5.34 There would be no objection in principle to use of the premises as a private members club providing that the amenity criteria set out in TACE 10 is complied with and some level of community services and public access is provided. Appropriate conditions would be attached to any permission to control membership level, hours of operation and size of any bar and number of covers.

Ancillary Facilities

- 5.35 Any future occupier may look to operate their own catering facilities to serve their staff or in some cases cater for visitors to the building. In these circumstances the City Council will be required to take a view on whether the facilities are ancillary to the main use of the building. If they are considered to be ancillary planning permission will not be required for the use however it is likely to be required for the installation of any plant or ducts along with listed building consent, which will also be required for any alterations to the building. If it is deemed that the facilities are not ancillary to the main use then planning permission will be required and will be considered against the same criteria outlined in paragraphs 5.19 to 5.25 above.

Other Planning Considerations

Access

- 5.36 The preferred pedestrian access to the building in order to minimise disturbance is via the front entrance on North Audley Street. Notwithstanding this Balderton Street would be a suitable access for daytime uses such as offices, day nurseries, education and training as the noise disturbance is likely to be minimal. Furthermore, the access from Balderton Street leads directly to the Crypt and if the building were to be subdivided into separate uses it would be more convenient and sensible to use this entrance for the Crypt.
- 5.37 There is currently no disabled access into the main building and any alterations to the front façade to provide wheelchair access is likely to be extremely controversial in listed building terms. There is however, disabled access to the crypt and there may be the opportunity to provide a wheelchair lift to the ground floor in what remains of the coffin lift. The most recent planning application for office use proposed the creation of a new lift and stair in this location and whilst the City Council and English Heritage considered this to be unfortunate, in the light of the otherwise very limited alterations it was considered that this was on balance acceptable. If the Crypt and main body of the building were to be utilised for separate uses disabled access would have to be reconsidered. It is recommended that any proposals for

disabled access are discussed at an early stage with our Access Officer and Historic Building Officer.

Servicing

- 5.38 The premises can be serviced from either Audley Street or Balderton Street. Given the site layout loading would have to be facilitated on-street. In highways terms Balderton Street would be the preferred option for deliveries and refuse collection as there is less traffic. However, given the predominantly residential nature of this part of Balderton Street it is considered that servicing hours to this entrance should be restricted by condition. If North Audley Street were to be used for on-street loading the removal of some of the existing pay and display parking bays may be necessary. This would require careful consideration and any scheme should be discussed at an early stage with the City Council's Highway Planners.

Car Parking and Traffic Considerations

- 5.39 The London Electricity Group PLC (LEG) have advised that an Electricity Substation is located at Brown Hart Gardens and that the western entrance of the substation is situated on Balderton Street, diagonally opposite the Balderton Street part of the church premises. They advise that the substation is a key to the supply of electricity to a large part of Central London and that unencumbered 24-hour vehicular access to Balderton Street entrance of the substation is required. The LEG state that the Balderton Street entrance has limited room for vehicular manoeuvring or parking and that intensification of the Balderton Street entrance of the church would be hazardous. They have suggested that only land uses that generate little or no vehicular traffic should be permitted to occupy the crypt.
- 5.40 The issues raised by the LEG will require careful consideration by any future occupier of the building. However, it is not considered reasonable to restrict the use of the building to that which gives rise to little or no vehicular traffic given the existing lawful use of the premises as a place of worship (Class D1) which can generate large numbers of vehicular movements. The LEG also requested that uses such as creches, day nurseries and schools should be excluded as they generate traffic peaks however, these uses fall within Class D1 and therefore do not require the benefit of planning permission. On this basis it is not considered that any of the other alternative uses discussed above would generate a significant increase in the level of traffic over and above the potential of the existing lawful use. It is however, recognised that could be a more consistent flow of traffic given that worship gatherings are usually held at specific times. It is recommended that any potential occupiers of the building discuss their schemes with the City Council's Highways Planners at an early stage to ensure that these issues are addressed.

Refuse Storage and Disposal

- 5.41 Provision of adequate refuse storage and disposal should be made at the earliest design stages and included in the drawings submitted in support of any application. The City Council expects all planning applications to include storage space for the separation of recyclable material, in addition to adequate storage space for waste as stipulated in replacement policy ENV10.

If possible the design should allow for off-street collection of waste and to achieve this, collections would need to be made from Balderton Street.

Plant and Machinery

- 5.42 The City Council will require the applicant to demonstrate that any development will be designed and operated so that noise emitted by plant and machinery will achieve the standards set out in Replacement UDP policy ENV6b in relation to the existing external noise level at the nearest noise sensitive properties, at the quietest time during which the plant operates. Any proposal should be discussed at an early stage, preferably prior to the submission of an application, with the City Council's Environmental Health Team.

6 Planning Benefits

- 6.1 The aim of this planning brief is to enable the restoration and maintenance of the building in accordance with the requirements outlined above and to ensure that any future change of use meets the objective of the adopted and Replacement UDP and the needs of the public and other stakeholders. The brief also gives the opportunity to establish any necessary planning benefits at an early stage taking into account the needs and requirements of corporate and other stakeholders. There is a balance to be struck between the need for schemes to mitigate the impacts which they give rise to, contribute to the City and the promotion of economic prosperity. Westminster recognises that in order for development to be sustainable, social, economic and environmental benefits must also be delivered to the City as a whole. Planning benefits are seen by Westminster as one of the key ways to deliver sustainable development and to meet the needs of all of Westminster's neighbourhoods, residents, workers and visitors and achieving an efficient and high quality environment. Planning benefits can be secured through planning conditions or planning obligations where the latter will require the applicant to enter into a legal agreement.
- 6.2 The following list provides details of the type of planning benefits that will be sought in any change of use of St Mark's Church.
- The repair, restoration and maintenance of the building and assurance that the work of restoration and necessary intervention is of the highest quality in terms of workmanship, materials and design and ensures the satisfactory preservation of the Grade I listed building;
 - Adequate provision of on site community facilities;
 - A level of public-access into the building

7 The Way Forward and Form of Application

- 7.1 The Church Commissioners, English Heritage and the City Council all recognise the significance of securing a viable and sustainable non-harmful

use for this important Grade I listed building. The purpose of this brief has been to set out the City of Westminster's considerations on alternative uses for the church and to encourage a joint working strategy between the City Council, The Church Commissioners and the diocese, and English Heritage. The brief is intended to help the diocese undertake an effective marketing campaign and ensure potential occupiers are aware of the City Council's policies and considerations.

- 7.2 It is recommended that any potential occupier enters into early pre application discussions with all relevant parties to ensure that the relevant factors are taken into consideration and that any future application is in line with the requirements set out in this brief. Initial contact should certainly be made with the City Council and English Heritage before any application is formally submitted. Close discussions with the diocese will also be extremely important as they will be required to provide potential occupiers with relevant marketing information including details and conclusions from the new marketing campaign.
- 7.3 Future applications for planning permission and listed building consent should be in detailed form. The proposal should demonstrate by use of detailed drawings and a written statement how they have taken into account architectural quality, regard to relevant listed building policies, surrounding amenities and relevant marketing information. The application should be accompanied by detailed proposals for the protection of the retained fabric and a detailed statement setting out the justification, design approach and methods for the work. Any application must fully address all issues concerning refuse storage, servicing requirements, and the installation of plant and machinery. The City Council will also need to be assured that any potential occupier can fund the repair and restoration of the building, which it will secure through the use of conditions and a legal agreement.

8 Contacts and Further Information

Contacts

Rachael Ferry	Policy, UDP issues and responses to & questions arising from the planning brief.	020 7641 2531
Robert Ayton	Historic Building and Design Issues	020 7641 2978
Steven Brandon	Land use planning issues	020 7641 8541
Roger Neville	Access Officer	020 7641 2688
David Havell	Highways Planning	020 7641 2625
Timothy Jones	English Heritage	020 7973 3780
Simon Coe	Diocese Agent, Biscoe Craig Hall	020 7242 4321

Further Information

The following is a list of the City Council's published information that should be considered when submitting any future planning or listed building application:

- The City of Westminster Unitary Development Plan adopted July 1997
- The City of Westminster Replacement Unitary Development Plan (Pre-Inquiry version) August 2002
- Supplementary planning guidance – 'Repairs and Alterations to Listed Buildings' (1996)
- Supplementary planning guidance – 'The Protection of Historic Buildings in Westminster' (2000)
- Supplementary planning guidance – 'Design Matters in Westminster' (2001)

Further information can also be obtained from the internet through the following websites:

- City of Westminster - www.westminster.gov.uk (Click on planning and licensing for further information on the Unitary Development Plan and Development Planning Services)
- English Heritage - www.english-heritage.org.uk
- Church Commissioners' Redundant Churches Division – www.cofe.anglican.org.uk/resale
- Office of the Deputy Prime Minister – www.odpm.gov.uk

9 Appendices

Appendix 1	Site Location Plan
Appendix 2	Mayfair Conservation Area General Information Leaflet
Appendix 3	Extract from The Survey of London Volume XL 'The Grosvenor Estate in Mayfair Part II: The Buildings' (1980)
Appendix 4	Plan to show the Surrounding Land Uses
Appendix 5	Plan to show the Distribution of Listed Buildings in the Vicinity
Appendix 6	Plan to show the Alignment of the CrossRail Safeguarding Zone
Appendix 7	Relevant Planning History
Appendix 8	The Church of England's Pastoral Measure Procedures
Appendix 9	Marketing Information provided by Managing Agents, Biscoe Craig Hall
Appendix 10	Extracts of Relevant Policies from the Replacement UDP <ul style="list-style-type: none">• STRA 25 Standards of Design• STRA 26 Conservation Areas and the World heritage Site• STRA 27 Listed Buildings, Historic Buildings• DES 1 Principles of Development• DES 9 Conservation Areas• DES 10 Listed Buildings
Appendix 11	Extracts of Relevant Policies from the Replacement UDP <ul style="list-style-type: none">• STRA 17 Local Community Services• SOC 1 Community facilities in General
Appendix 12	Extracts of Relevant Policies from the Replacement UDP <ul style="list-style-type: none">• ENV 6a Noise Pollution• ENV 6b Controlling Noise from Plant, Machinery and Internal Activity• ENV 10 Waste and Recycling Storage• ENV 12 Protecting Amenities, Daylight, Sunlight and Environmental Quality
Appendix 13	Review of the Architectural and Art Historical Accounts of the Church and its Contents Written by the Advisory Board for Redundant Churches.

Appendix 14 Schedule of Key Alterations to the Historic Building that may be Considered Acceptable by the City Council and English Heritage and a List of Items that they would seek to Retain in Situ.

Appendix 15 Extracts of Relevant Policies from the Replacement UDP

- **TACE 9** Location of Large Entertainment Uses
- **TACE 10** Criteria for Assessing Large Entertainment Uses