

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	15-21 Ganton Street, London, W1F 9BN		
Proposal	Installation of openable shopfront.		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Shaftesbury AV Ltd		
Registered Number	17/00039/FULL	Date amended/ completed	4 January 2017
Date Application Received	4 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted building located within the Soho Conservation Area. The site is located within the Core Central Activities Zone (CAZ). The site has two frontages, one on Ganton Street and the other within Kingly Court. The site relates to the ground and first floor restaurant, although there is a nightclub at basement level and offices at second floor level and above. The site is currently vacant.

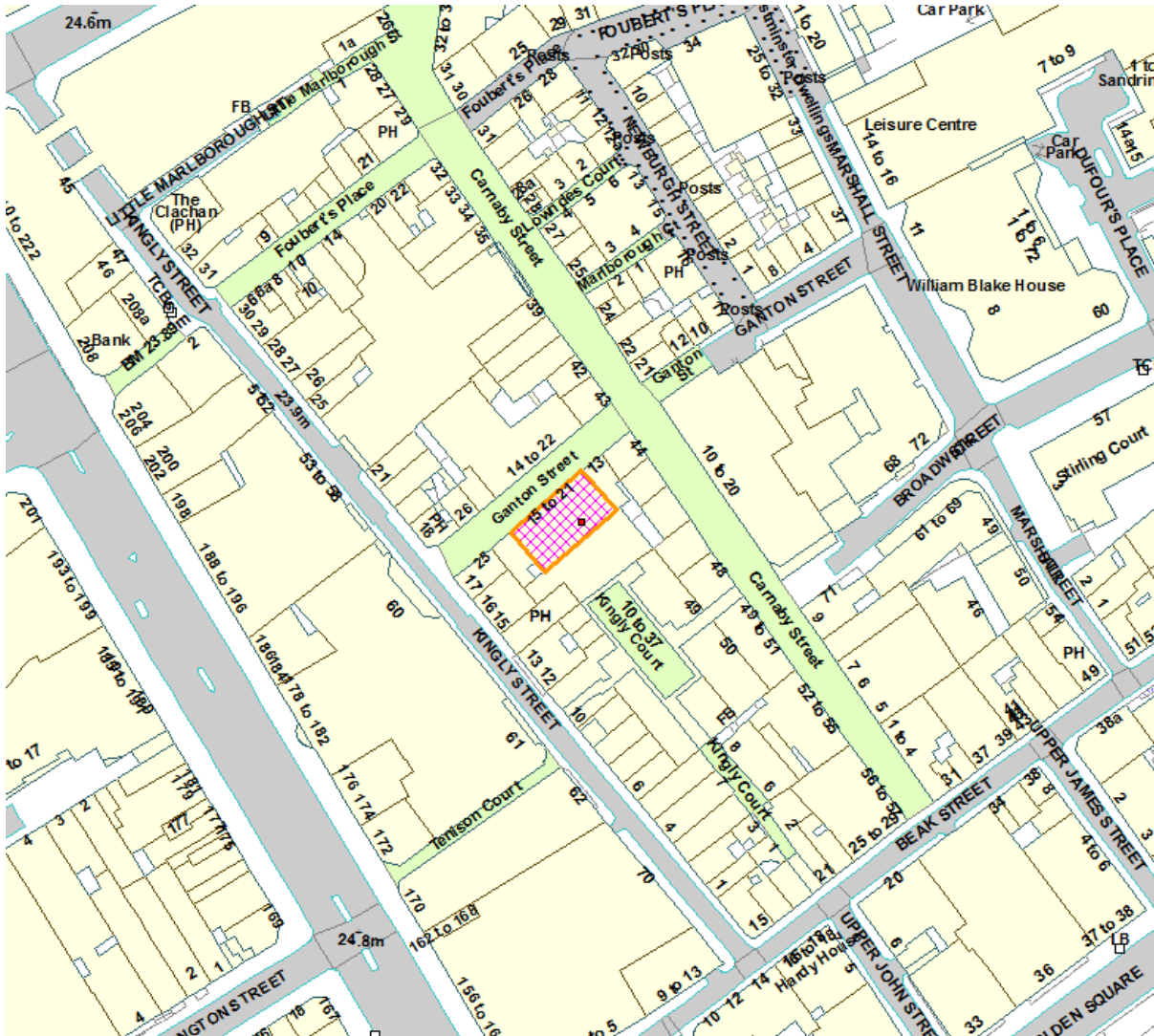
Permission is sought for the installation of an openable shopfront on both Ganton Street and Kingly Court elevations. On the Ganton Street elevation, a metal panel is proposed to ensure that there is an element of solidity when the shopfront is closed.

The key issues for consideration are:

- The impact of the openable shopfront on nearby noise sensitive properties; and
- The impact on the character and appearance of the building and the Soho Conservation Area.

It is considered that the proposal complies with the policies set out in the Unitary Development Plan (UDP) and Westminster' City Plan (City Plan) and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Ganton Street frontage



Photograph 2. Kingly Court frontage



5. CONSULTATIONS

SOHO SOCIETY

No objection subject to planning conditions restricting the use of amplified music when the shopfront is open and the hours the shopfront is open are restricted, in order to protect residential amenity.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site relates to a restaurant unit with frontages on Ganton Street and Kingly Court. Kingly Court comprises an open courtyard in the centre, with tiers of retail, restaurants, bars and other uses facing in the courtyard. It is a vibrant location in this part of the Soho Conservation Area.

The nearest residential is within the upper floors of 18 Kingly Street, above the Blue Posts public on the corner of Ganton Street and Kingly Street to the west of the application site...

6.2 Recent Relevant History

Planning permission was refused on 7 February 2006 for the installation of a fully openable shopfront. The application was refused for the following reasons:

Because of its design and appearance the proposed shopfronts would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet DES 5 and 7 of our Unitary Development Plan, DES 5 and 9 of our Replacement Unitary Development Plan (Second Deposit version) and DES 5 and 9 of our Pre-Inquiry Unitary Development Plan.

And;

The proposed shopfront would, when open, allow noise generated from within the premises to be audible outside. This would be a source of disturbance for nearby noise sensitive properties and would therefore be contrary to policies SC19 and H10 of our adopted Unitary Development Plan, STRA 15 and ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and STRA 17, ENV 6 and ENV7 of our Pre-Inquiry Unitary Development Plan.

Planning permission was granted on 12 December 2002 for the use of ground and first floors of 15-21 Ganton Street, ground floor Units 15 and 16 and part Unit 24 Kingly Court as a restaurant (Class A3)

This consent included a condition relating to the hours any windows could be openable and reads as follows;

All restaurant windows on the Kingly Court frontage shall be closed between 2100 hours each day and 0800 hours the following morning and no restaurant doors to the Kingly Court frontage shall be fixed open between these times. All grounds and first floor restaurant windows on the Ganton Street frontage shall be closed between 2300 hours each day and 0800 hours the following morning and no restaurant doors to Ganton Street shall be fixed open during those times.

7. THE PROPOSAL

This application seeks the installation of a fully openable shopfront to the Ganton Street and Kingly Court elevations.

The openable shopfront has been amended during the course of the application and incorporates metal panels to the bottom of the windows to give a degree of solidarity when closed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application site is lawfully a restaurant (Class A3) and there are no land use implications associated with the proposal.

8.2 Townscape and Design

Nos.15- 21 Ganton Street is identified as an unlisted building of merit in the Soho Conservation Area Audit, which was adopted by the City Council in 2005. Planning permission is sought for the installation of bi-folding metal framed doors to the Ganton Street elevation and bi-folding timber framed doors to the Kingly Court elevation.

The existing Ganton Street shopfront holds no architectural merit and its loss is considered uncontentious in principle.

The City Council previously refused openable shopfronts to this building in 2006 on amenity and design grounds. The Council also refused retractable shopfronts at 24 (grade II listed) in 2009 and 26 Ganton Street in 2007. In 2010 a fully openable timber shopfront with a solid stallriser was allowed on appeal at the neighbouring property, 13 Ganton Street. The Inspector stated that:

'The placing of tables and chairs outside cafes, bars and restaurants is a common feature on this pedestrianised street... the character of this part of the Conservation Area comes from the animation and vitality of this type of street with its alfresco eating and drinking. In my assessment those activities tend to focus the eye, and this reduces to some extent the importance of the relationship between the appearance of the ground floors of the buildings and that of the floors above...'

In respect of the Council's previous refusals at 24 and 26 Ganton Street, the Inspector stated:

'The Council have permitted windows (admittedly above a fixed stallriser) at nos 18-22 which has wide upper windows. Two of the Council's refusals for opening shopfronts elsewhere in Ganton Street, at nos 24 and 26, were at premises with much narrower upper windows.'

More recently in 2014, the City Council granted planning permission for a partially openable shopfront at 26 Ganton Street with a fixed stallriser. Planning permission has also been granted at 23 Ganton Street for a partially openable shopfront, with a solid timber stallriser and sliding sash windows.

In light of the 2010 appeal decision, therefore, the principle of openable (and partially openable) shopfronts in this part of Ganton Street has been established as acceptable, subject to the elevational design of the upper part of the building. Shopfronts of this type are now a characteristic feature of this part of the street.

Following negotiations, the proposed shopfront has been amended to include a solid stallriser to give a degree of solidarity when closed and to reflect the design of the adjacent shopfronts within the group. It is considered that the proposed design also relates satisfactorily to the elevational design of the upper part of the building, with the vertical subdivisions emulating the design of the fenestration above. The proportions of the shopfront openings remain unaltered.

Kingly Court is characterised by a number of openable, and partially openable, shopfronts. In the context of this courtyard, the proposed bi-folding timber shopfront is considered acceptable.

In light of the circumstances of this particular case and the planning history of this part of the conservation area, the proposals are considered compliant with DES 5 and DES 9 of the UDP and are considered to preserve (or enhance) the character and appearance of this part of the Soho Conservation Area.

8.3 Residential Amenity

Any impact arising from the openable shopfront upon neighbouring residential properties is address under 'noise' within section 8.7 of this report.

8.4 Transportation/Parking

This application raises no implications for transportation/parking.

8.5 Economic Considerations

Any economic benefits arising from this application are welcomed.

8.6 Access

The existing shopfront on Ganton Street does not have level access from street level. The agents have advised that due to the height of the existing structural floor slab throughout the ground floor, the step can only be reduced to 60mm. This is unfortunate; however, the site has a secondary entrance from Kingly Court. This entrance is located at ground floor level. It is considered that this sufficiently addresses how disabled patrons will be able to access the restaurant.

8.7 Other UDP/Westminster Policy Considerations

Noise

Openable shopfronts are discouraged by the City Council on the basis that internal noise can escape and cause nuisance for nearby residents as set out in Policy ENV 7 of the UDP (2007).

The majority of this part of Ganton Street is commercial in nature. Council Tax records indicate that the nearest residential uses to the application site are the 3rd and 4th floors of 18 Kingly Street, on the corner of Kingly Street and Ganton Street are approximately 10m away. It is noted that this residential dwelling is located above a public house (Class A4). Residential properties are also located on the upper floors of 17 Newburgh Street on the corner of with Ganton Street approximately 44m away and No. 4 Ganton Street over two blocks away (70m approx.)

At the time the previous application was refused in 2006 the nearest residential dwelling was on the upper floors of 26 Ganton Street on the opposite side of the street. After a review of Council Tax records it is understood that the residential use of the upper floors of 26 Ganton Street has been deleted. The applicant advises this is following a change of use of the upper floors (first – third floors) to offices. Planning records indicate that permission was granted in March 1999. Business rates confirm that the first – fourth floors of 26 Ganton Street are in office use.

The Soho Society have not raised an objection, although they do suggest that conditions should be imposed to restrict amplified music when the shopfront is open in addition to restrictions on the hours the shopfront is open, in order to protect residential amenity.

The opening hours for the restaurant and shopfront have not been stipulated; however previous consent allowed the opening hours of the restaurant to: 08.00 – 01.00 Monday to Saturday and between 08.00 and 23.00 on Sundays and Bank Holidays. The current licensing allows opening hours of 08:00-00:30 Monday to Sunday.

A condition is recommended to ensure that the shopfront on Ganton Street is only openable between 08.00 and 23.00 and this is consistent with the consent granted in 2002. A further condition is recommended that when the shop front is open, the playing of recorded or live music must not be audible outside the premises.

It is not considered to be reasonable to restrict the times when the Kingly Street shopfront is openable as the 2002 consent restricts these windows to be closed from 21.00 to 08.00 the following day.

In amenity terms, given the changes to proximity of neighbouring properties within the vicinity of application site and the conditions as detailed above, the level of noise that could be audible outside the premises at any time is unlikely to be a source of disturbance for nearby properties. The application is considered acceptable on amenity grounds.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

This application is not liable for CIL.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a development of this type.

9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 8 February 2017

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

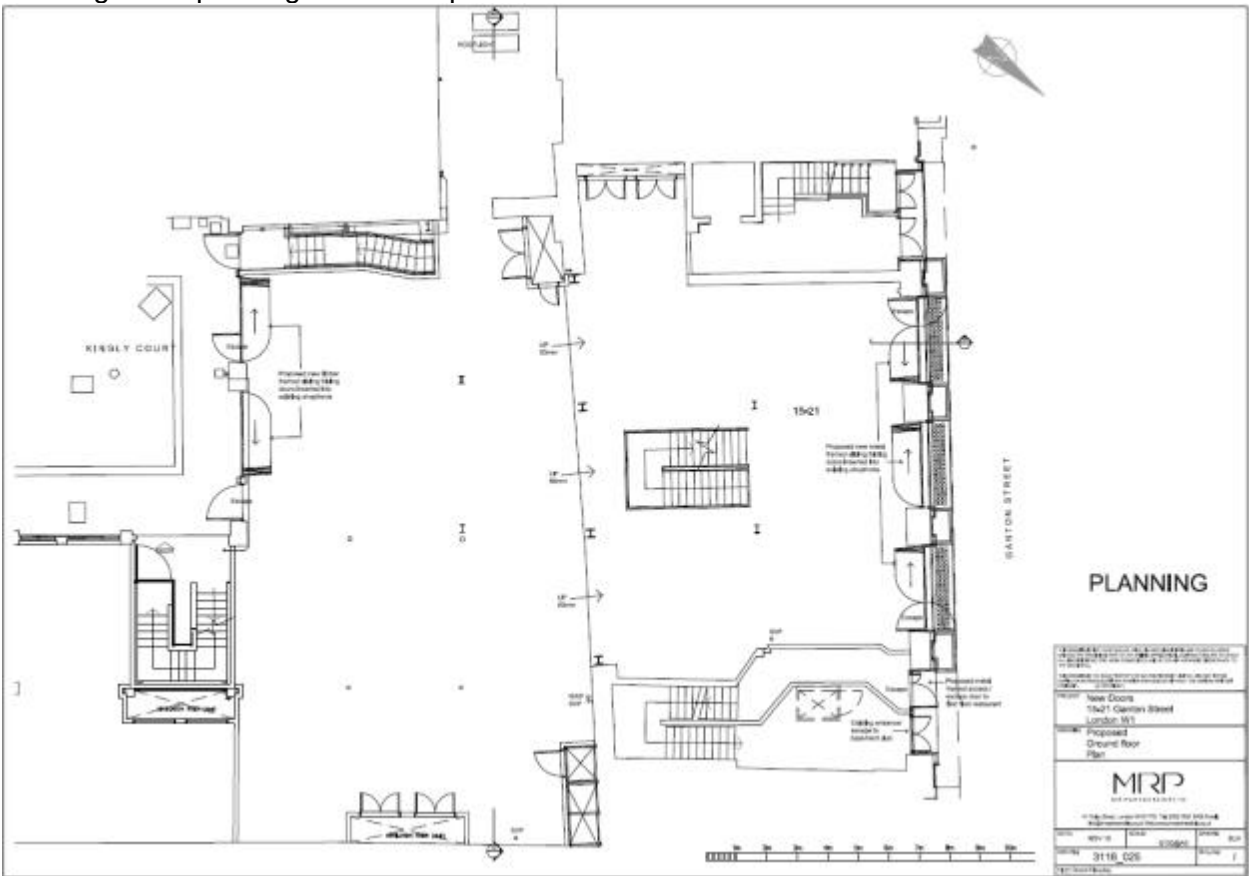
Drawing 1. Proposed Ganton Street elevation



Drawing 2. Proposed Kingly Court elevation



Drawing 3. Proposed ground floor plan



DRAFT DECISION LETTER

Address: 15-21 Ganton Street, London, W1F 9BN,

Proposal: Installation of openable shopfront.

Reference: 17/00039/FULL

Plan Nos: 3116_025, 031A, 032, 033A, 034A.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All ground and first floor restaurant windows on the Ganton Street frontage shall be closed

between 2300 hours each day and 0800 hours the following morning and no restaurant doors to Ganton Street shall be fixed open during those times.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 4 At any time the windows contained within the shopfront are open any live or recorded music must not be audible outside the premises at any time.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 5 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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 Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, 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.

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.