

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 4 <sup>th</sup> July 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	19 Kingly Street, London, W1B 5QD,		
<b>Proposal</b>	Use of basement and ground floor as a mixed retail/café/bar (sui generis)		
<b>Agent</b>	Rolfe Judd Planning Ltd		
<b>On behalf of</b>	Shaftesbury AV Ltd		
<b>Registered Number</b>	17/01430/FULL	<b>Date amended/ completed</b>	21 February 2017
<b>Date Application Received</b>	21 February 2017		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Grant conditional planning permission

## 2. SUMMARY

The application premises is a basement and ground floor unit situated on Kingly Street, which is in the Soho Conservation Area and West End Stress Area. The lawful use of the unit is as a restaurant (A3), a lawful development certificate was granted for restaurant purposes in June 2011. The upper floors are in office use (Class B1).

The unit has been occupied by Urban Tea Rooms as a mixed retail/ café/ bar since 2012. Permission is sought or retention of the use.

The key issue for consideration are:

- the land use implications to the character and function of the area
- the impact on residential amenity.

Permission was granted in December 2011 for the use of the application premises for retail purposes (Class A1) and the upper floors as B1 offices. This was part of a land use swap in involving the conversion of a retail unit at number 21 Kingly Street to a restaurant. Permission was however subsequently granted in July 2016 for use of the ground and basement unit at 21 Kingly Street for restaurant purposes, without a link requiring retail provision at the application premises. As the retail use has not been implemented at the application premises, permission could not now be withheld on the grounds that the preferred use is retail.

The application needs to be assessed against City Plan policies S6 and S24 which state that new entertainment uses need to demonstrate that they are appropriate in terms of the type, size and scale of activity, and their cumulative effects. As the site is within the West End Stress Area and the scheme would permit an entertainment use of under 150m<sup>2</sup> UDP policies TACE 8 and TACE 9 are applicable which state that entertainment uses will generally be permitted where there would have no adverse effect on the environment or residential amenity.

The unit is occupied as mixed retail / café/ bar. There is no primary cooking and no ventilation ducting. A significant element of the business is for cold food takeaway (which is a retail activity), but as there are 38 covers and the premises includes the sale of alcohol the use does not fall within retail Class A1 but is a mixed use ( Sui Generis). The current opening hours are as follows:

Monday 07.30 – 17.30,  
Tuesday 07.30 – 23.00  
Wednesday and Thursday 07.30 - 23.30  
Friday 07.30 - 00.00  
Saturday 10.00 – 00.00  
Sunday 12.00 – 22.30

Kingly Street is characterised by café's bars and restaurants that support the retail offer on Carnaby Street and the prime shopping frontages of Regent Street and Oxford Street. There are some residential properties in the locality, the nearest being above the Blue Post Public House at No 18 Kingly Street and on the upper floors of 25 Kingly Street. The site is not however in a predominantly residential area. There have been no objections to the application or complaints to the operation of the use. The use is considered to be acceptable in amenity terms and appropriate to the area in accordance with adopted UDP and City Plan policies, it is therefore recommended that permission is granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### SOHO SOCIETY

Any comments to be reported verbally

### CLEANSING MANAGER:

No objection subject to a condition to secure details of waste and recycling storage

### HIGHWAYS PLANNING MANAGER:

No objection .

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23, Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

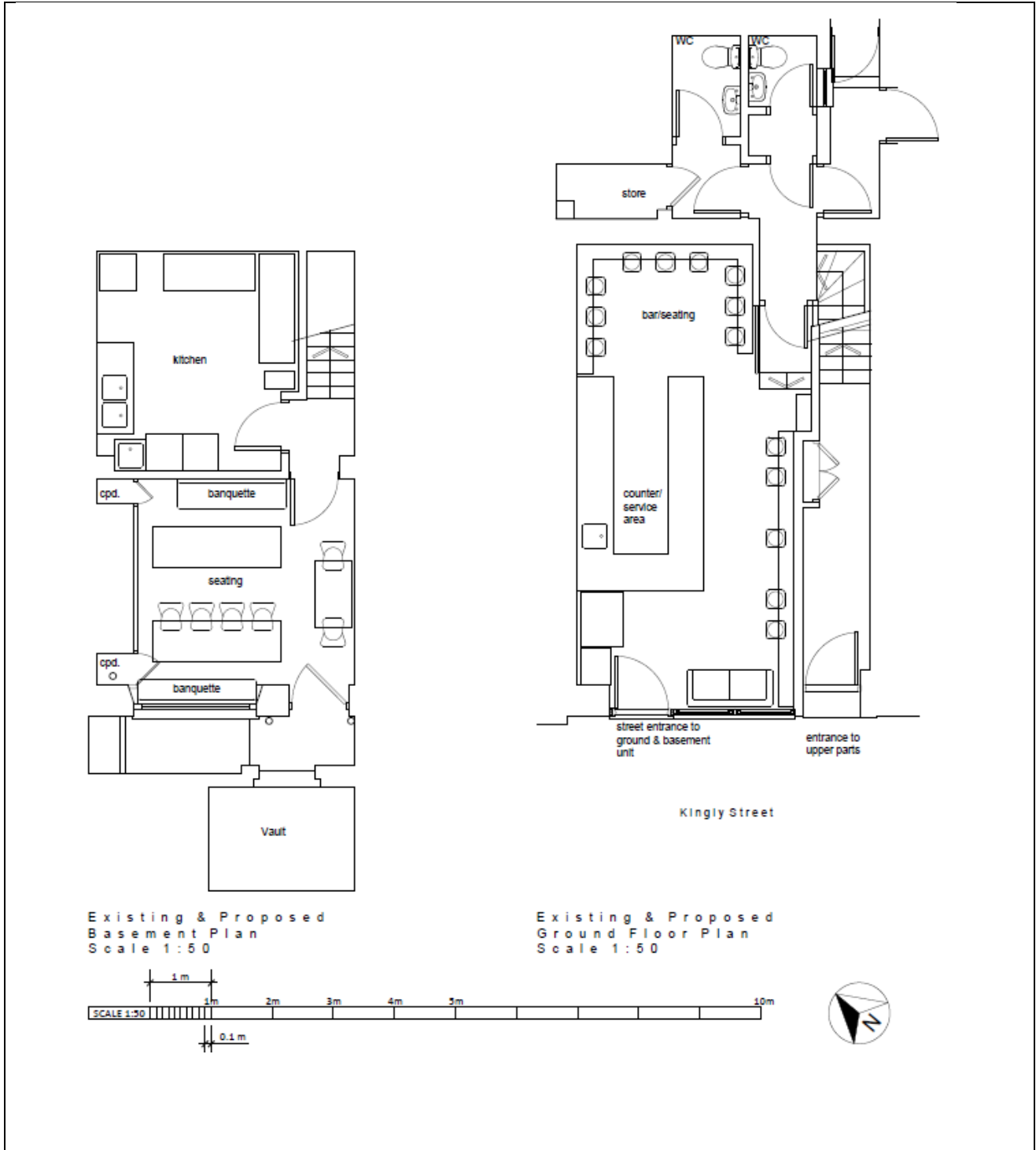
## 6. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing – Development Planning, dated 11 April 2017
3. Response from Highways Planning – dated 11 April 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 MIKE WALTON BY EMAIL AT <a href="mailto:mwalton@westminster.gov.uk">mwalton@westminster.gov.uk</a> .
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7. KEY DRAWINGS



**DRAFT DECISION LETTER****Address:** 19 Kingly Street, London, W1B 5QD,**Proposal:** Use of basement and ground floor as a mixed café/bar (sui generis) (retrospective application).**Reference:** 17/01430/FULL**Plan Nos:** 250.61/PLA500A**Case Officer:** Gemma Bassett**Direct Tel. No.** 020 7641 2814**Recommended Condition(s) and Reason(s)**

1	<p>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.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	<p>You must not allow more than 38; customers into the property at any one time</p> <p>Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 &amp; 9; and ENV 6 of our Unitary Development Plan that we adopted in January 2007.</p>
3	<p>No delivery service shall operate from the (Sui Generis) retail/café/bar hereby approved</p> <p>Reason: To make sure that the development does not affect people using the neighbouring properties next door as set out in S29 and 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.</p>
4	<p>Customers shall not be permitted within the sui generis retail/café/bar; premises outside of the following hours:</p> <p>07.30 – 17.30 Monday 07.30 – 23.00 Tuesday 07.30 - 23.30 Wednesday and Thursday 07.30 - 00.00 Friday 10.00 – 00.00 Saturday 12.00 – 22.30 Sunday, bank holidays, public holidays</p> <p>Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 &amp; 9; of our Unitary Development Plan that we adopted in January 2007.</p>

Item No.

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.