

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Arcade House, 13 Albemarle Street, London, W1S 4HJ,		
Proposal	Use of the basement as a mixed showroom/event/retail space (sui generis use); use of third floor as office (Class B1) and infilling of the atrium at third, fourth and fifth floor level to provide additional B1 office floorspace.		
Agent	Lichfields		
On behalf of	Chanel Ltd		
Registered Number	17/04094/FULL	Date amended/ completed	11 May 2017
Date Application Received	11 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application relates to Arcade House, 13 Albemarle Street, which is an unlisted building located in the Mayfair Conservation Area. The site is designated as part of the Core Central Activities Zone (CAZ), the West End Special Retail Policy Area (WESRPA) and Mayfair Special Policy Area. The building extends through to Old Bond Street (designated as a Primary Shopping frontage), which has the access to the main retail unit.

The basement was last in use as a restaurant (Class A3) and has been vacant for approximately one year; the retail floorspace (Class A1) was previously occupied by DKNY (vacated late June), and the office floorspace (Class B1) is part vacant.

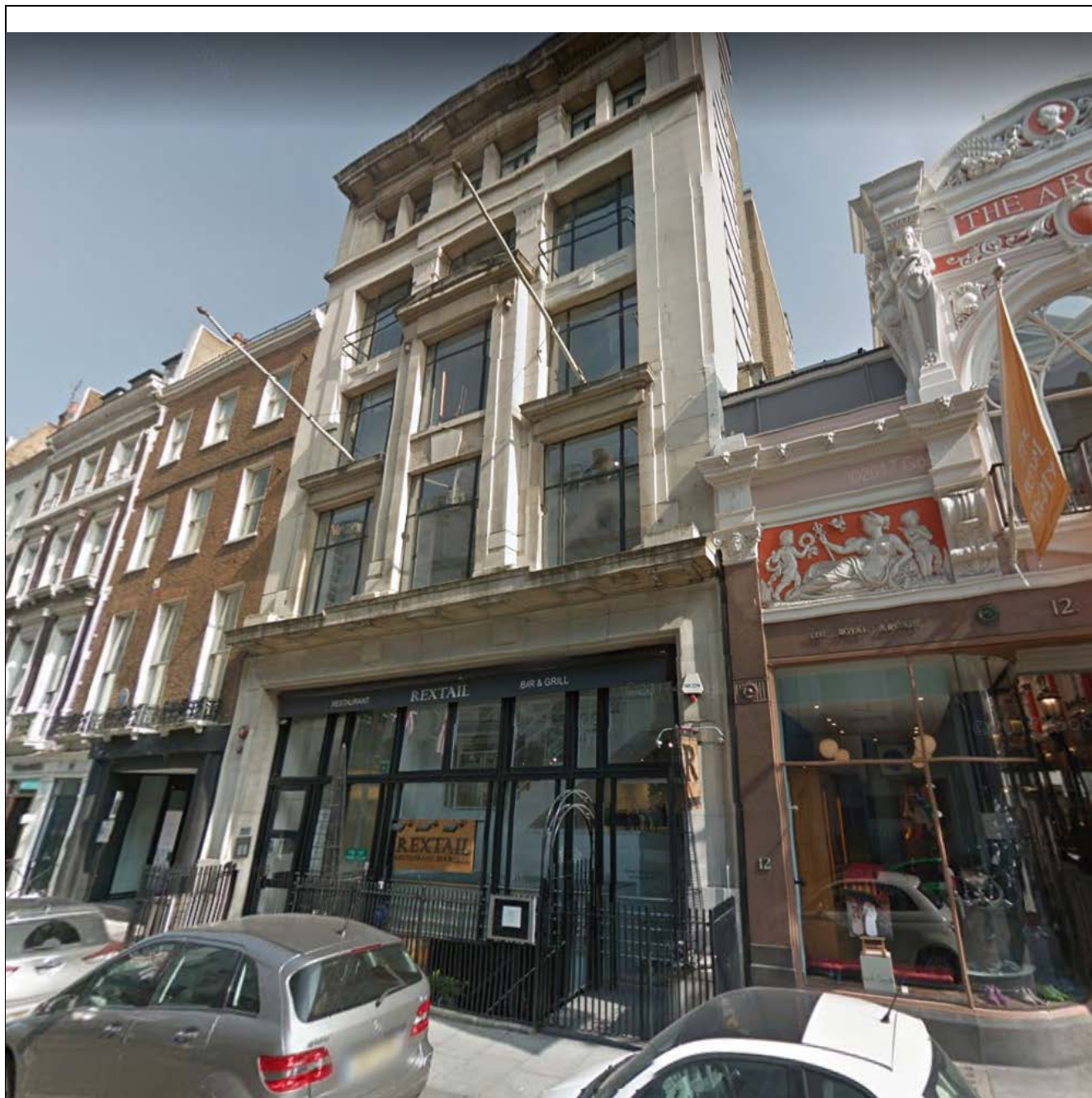
The key issue for consideration is the acceptability of the land use changes, which would increase in B1 floorspace and relocate and reduce the A1 floorspace.

For reasons set out in the main report, the proposals are considered acceptable in land use terms and it is recommended that conditional consent be granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S

No objection

HIGHWAYS PLANNING MANAGER

No objection; Conditions are recommended to secure details of cycle parking, and to prevent doors from opening outward onto the highway.

CLEANSING MANAGER:

No objection; A condition recommended to secure details of waste and recycling.

ADJOINING OWNERS / OCCUPIERS

No. Consulted: 74; No. of responses: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is Arcade House, 13 Albemarle Street, London, W1S 4HJ, which is an unlisted building located in the Mayfair Conservation Area. The basement of the site is only accessible from Albemarle Street; access to the retail unit is accessible from Old Bond Street, whilst the access to the offices on the top floors is also on Albemarle Street. The site is designated as part of the Core CAZ, the West End Special Retail Policy Area (WESRPA) and Mayfair Special Policy Area. Old Bond Street is designated as Primary Shopping frontage.

The basement was last in use as a restaurant (Class A3) and has been vacant for over a year (August 2016). The ground floor to third floor comprises retail accommodation (Class A1) last occupied by DKNY, who vacated earlier this year. The fourth and fifth floors are currently in use as offices (Class B1), accessed from Albemarle Street.

6.2 Recent Relevant History

July 1991 - Redevelopment behind street façade structures of 27 Old Bond Street/13 Albemarle Street to provide a new building of basement, ground and five upper storeys for A1 retail (ground to third floors), A3 restaurant (basement) and B1 offices (fourth and fifth floors) with central atrium and with roof plant.

7. THE PROPOSAL

The application has been made on behalf of Chanel Ltd who wish to change the use of the basement level from restaurant (A3 use class) to a mixed showroom/event/retail space (sui generis, full details below); the retail unit (A1 use class) would be retained at ground, first and second floors, to be operated by a separate retailer. At third floor level the use would change from retail (A1 use class) to offices (B1 use class) resulting in the loss of 260 sq.m of A1 floorspace.

The existing atrium would be infilled at third, fourth and fifth floor level, to increase the floor area of the property by 85 sqm (additional office floorspace). There would be no changes to the existing curved curtain wall or to the exterior of the building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Basement

The proposals would result in the net loss of 312 sqm of A3 restaurant floorspace at basement level, which has been vacant since 11th August 2016. For the purposes of the City Plan and UDP, A3 restaurant uses are considered to be entertainment uses, and are not protected. As such, the change of use of the restaurant would be acceptable in principle. The proposed space will utilise existing vaults and area's in the landlord's domain, increasing the overall area to 375 sqm.

It is proposed to utilise the space by Chanel as a retail/showroom/event space. The basement will consist of:

- An area providing a customer service role;
- Showroom which allows for browsing a full range of Chanel Fragrance and Beauty products;
- Events, such as cat walk shows, promotions, etc;
- A personal consultation area; and
- Support Facilities

The basement use would be a unique concept store, open to the general public. It is anticipated that it would provide space for up to 120 customers, and would provide sales, aftercare, consultation and product advice. The central space of the basement would include a product library, flexible use meeting rooms, photoshoot space, with makeup and dressing space. Customers will have the ability to purchase items in store and therefore Class A1 retail use is a key function, but given the other activities that are proposed, the overall use is considered to be sui generis. There are no external alterations. Chanel will be applying for associated advertisement consent at a later date.

In relation to the 'after-hours' events in the basement unit, it is difficult to accurately predict this because it is a new concept for Chanel. However, has suggested the following:

- Events twice a month finishing between 9 - 10pm; and
- Two events per year finishing at 12am.

By way of comparison, the opening hours for the previous restaurant use extended to 1am, Monday to Sunday, so the proposed use would be an improvement. Given that there are residents in the area, it is considered appropriate to condition events in the late evening, but there is no need to restrict normal opening hours.

Policy S6 of the City Plan sets out that the Core CAZ is appropriate for a range of commercial uses, and encourages retail floorspace throughout the area. Policy S7 seeks to maintain and enhance retail space. The wording of policy S7 specifies that A1 retail

along the primary shopping frontages should be at least at basement, ground and first floor level. The proposal would introduce a mixed use, showroom/event/retail space at basement level which would, by virtue of its inclusion of an A1 retail element, be in accordance with Policy S7.

Policy CM2.5 seeks to support and enhance Mayfair's reputation as a centre for art trade. It sets out that new retail uses should be in keeping with the character and function of the area and should sell bespoke, unique, antique or limited edition goods. The application proposes to retain an element of retail functionality within the sui generis use at basement level that would be occupied by Chanel.

It is considered that subject to conditions, the proposed use at basement level would be acceptable and would contribute to the character and function of the West End Special Retail Policy Area. As such there is no objection to the loss of the existing restaurant use, especially as there are no policies to protect restaurant uses.

Third floor

The application proposes a loss of 300 sqm of A1 retail floorspace at third floor level. Policy S7 sets out that within the West End Special Retail Policy, improved retail floorspace and growth is a priority. It seeks provision of A1 retail uses within Primary Shopping Frontages at basement, ground and first floor levels and generally seeks to protect retail uses, but there is no specific policy requirement to protect retail use above these levels. Given this, it is not considered that this element of the proposals would be contrary to policy.

Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let it.

A marketing report has been submitted which sets out that the retail floorspace on the ground, first, second and third floors has been reconfigured over time; since 2012 both the second and third floors have been in use as ancillary facilities and storage by DKNY, which represents approximately 50% of the floorspace of the unit, inaccessible to visiting members of the public. The unit has been marketed by Harper Dennis Hobbs since late 2015, after the previous occupier – DKNY- surrendered their lease and subsequently vacated the unit in June 2017. A supplementary marketing report has been submitted which sets out that in 2016 there was interest in a comparable retail unit at 27 Bond Street from high end retailers, both of whom found the unit to be larger than required, and no interest has been expressed for A1 use of the third floor.

Since the unit has only been recently vacated, the proposals would be strictly contrary to policy S21 of the City Plan. It is however noted that there is no existing access for customers to the third floor of the unit, which has been used as ancillary space, and as additional A1 retail floorspace would be partially provided at basement level, the proposals are considered to be acceptable.

Policy S18 sets out that commercial uses are a priority within the Core CAZ and that new commercial uses should be appropriate in terms of scale and intensity of land use. Policy

S20 seeks to provide additional office floorspace in order that the Council can meet its employment targets. New office development is encouraged within the Core CAZ. The proposed offices, which are small scale, are considered to be an appropriate use in terms of both scale and intensity.

Policy S1 of the City Plan encourages mixed use developments to support the vitality, function and character of Westminster. As well as the change of use of the third floor from retail to office, the proposal would result in 85 sqm of net additional floorspace (from partial infilling of the internal atrium). There is no requirement for contributions or provision of residential floorspace in accordance with this policy.

8.2 Transport & Accessibility

The existing stepped access to the basement would be retained. The applicant has suggested that wheelchair access to the basement accommodation will be provided via the Albemarle Street office entrance and that this will be managed by staff within the basement level unit. Although not ideal, this would be better than no disabled access at all.

No car parking is provided. The site is within a Controlled Parking Zone and has a good level of public transport accessibility. It is considered that the proposal would not have a significant impact on on-street car parking in the area.

In terms of servicing, the increase in B1 floor area is not expected to generate a significant increase in traffic. The proposed mixed use would not be expected to generate a higher level than the existing A3 use. It is noted that the show room/event use could give rise to infrequent higher levels of servicing during set up/ close down periods. The basement would continue to be serviced from Albemarle Street, which is considered acceptable.

In accordance with the London Plan, the proposals would require the provision of 4 cycle spaces to meet the needs of the B1 extension and 2 for the mixed use aspect. No details have been included, and a condition is recommended to secure this.

The application includes a set of doors onto Old Bond Street which would open over the public highway. This is unacceptable and contrary to TRANS3, S41 and Section 153 of the Highways Act. A condition is recommended to ensure all doors open clear of the public highway.

8.3 Refuse & Recycling

No details for waste and recycling have been submitted. Details can be secured by condition.

8.4 Impact on Amenity

No objections have been received from any neighbouring residential properties. The nearest residential dwellings are flats at 14 Albemarle Street which adjoins the application site to the north. Provided that conditions are applied to limit the number of customers to the basement unit, and to limit late night events and playing of amplified music, there would be no harm to neighbours' amenity.

The proposed change of use of the third floor from A1 to B1 would not be considered to cause any harm to neighbours amenity.

8.5 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

8.6 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.

8.7 Planning Obligations

Any economic benefits generated are welcomed.

9. BACKGROUND PAPERS

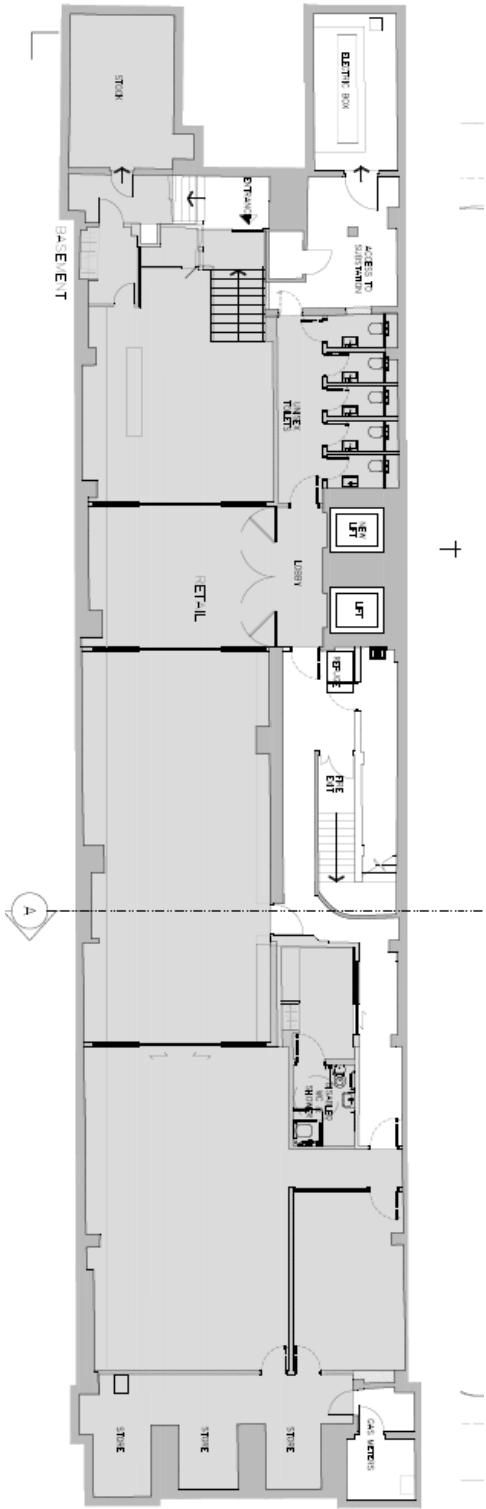
1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 13 June 2017
3. Memorandum from the Projects Officer (Waste) dated 26 May 2017
4. Memorandum form the Highways Planning Officer dated 1 June 2017

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

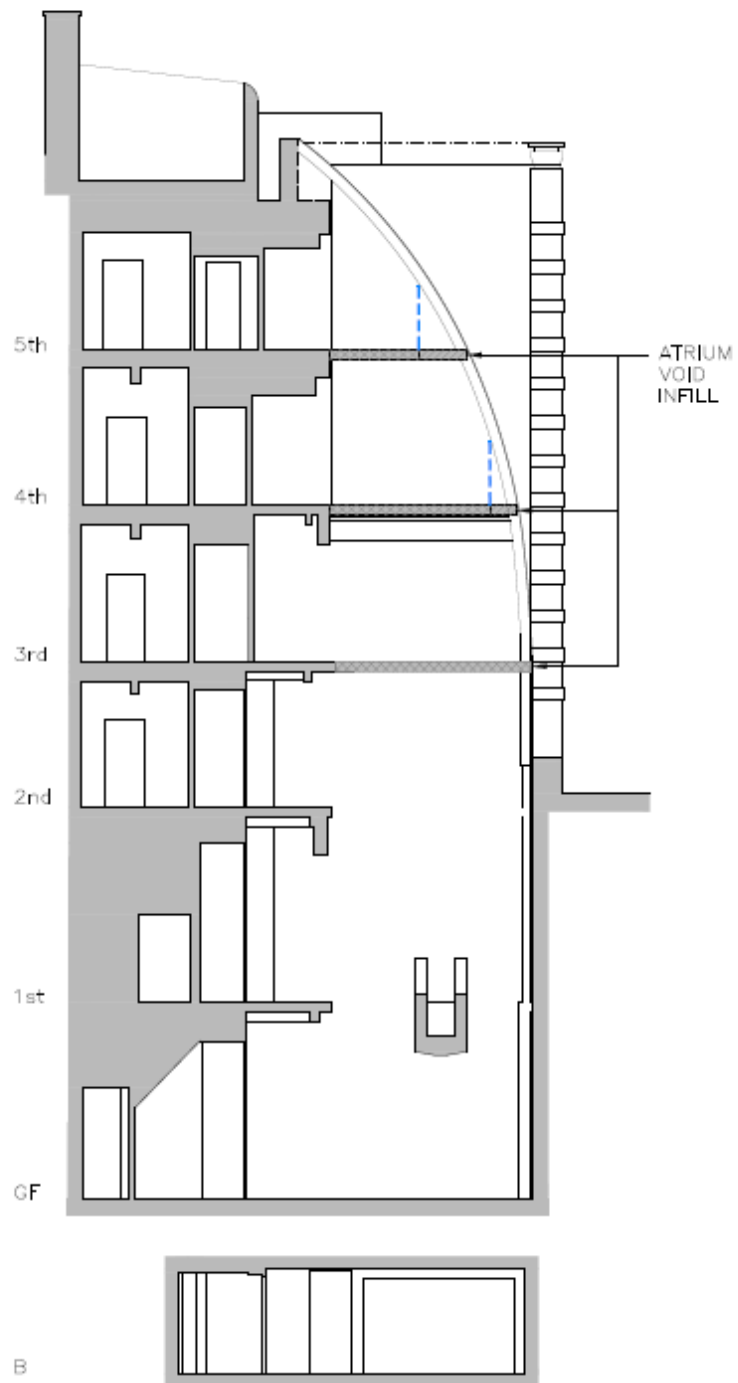
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

Proposed Basement plan



Proposed section



SECTION A

DRAFT DECISION LETTER

Address: Arcade House, 13 Albemarle Street, London, W1S 4HJ,

Proposal: Use of the basement as a mixed showroom/event/retail (sui generis use), use of third floor as office (Class B1) and infilling of the atrium at third, fourth and fifth floor level.

Reference: 17/04094/FULL

Plan Nos: 1265-026, 1265-027

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>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: ,</p> <ul style="list-style-type: none"> * between 08.00 and 18.00 Monday to Friday; * between 08.00 and 13.00 on Saturday; and * not at all on Sundays, bank holidays and public holidays. <p>You must carry out piling, excavation and demolition work only: ,</p> <ul style="list-style-type: none"> * between 08.00 and 18.00 Monday to Friday; and * not at all on Saturdays, Sundays, bank holidays and public holidays. <p>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)</p> <p>Reason: To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)</p>
3	<p>You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the Sui Generis, A1 and B1 uses;. (C14EC)</p> <p>Reason: To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)</p>
4	<p>You must not allow more than 120 customers into the property at any one time. (C05HA)</p>

	We cannot grant planning permission for unrestricted use in this case because it would not meet S18; of our Unitary Development Plan that we adopted in January 2007. (R05AB)
5	<p>The Sui Generis use hereby approved must be provided prior to the occupation of the B1 office use on the third floor.</p> <p>Reason: To ensure that the proposals would accord with the intent of policies S7 and CM2.5 of the Council's City Plan (November 2016)</p>
6	<p>The basement shall not be used for evening events more than:</p> <p>i) three times a month finishing later than 22.00 hours; ii) three times a year for events finishing later than 00.00 hours midnight.</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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)</p>
7	<p>Customers shall not be permitted within the A1 retail unit at ground, first and second floor, outside of the following hours: Monday – Saturday: 10.00 – 19.30 Sunday: 12.00 – 18.00</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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)</p>
8	<p>You must apply to us for approval of details of secure cycle storage. You must not commence the B1 or Sui Generis we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.</p> <p>Reason: To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.</p>
9	<p>You must hang all doors so that they do not open over or across the road or pavement. (C24AA)</p> <p>Reason: In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)</p>
10	<p>No amplified or live music entertainment can be provided at the premises beyond 'background level' (as defined under guidance to the Licensing Act 2003). Any such music must not be audible externally or in the adjacent properties (including the first floor residential accommodation above).</p> <p>Reason: To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)</p>

INFORMATIVES

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.
2. Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
3. Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
4. Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
5. You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
6. The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway

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.