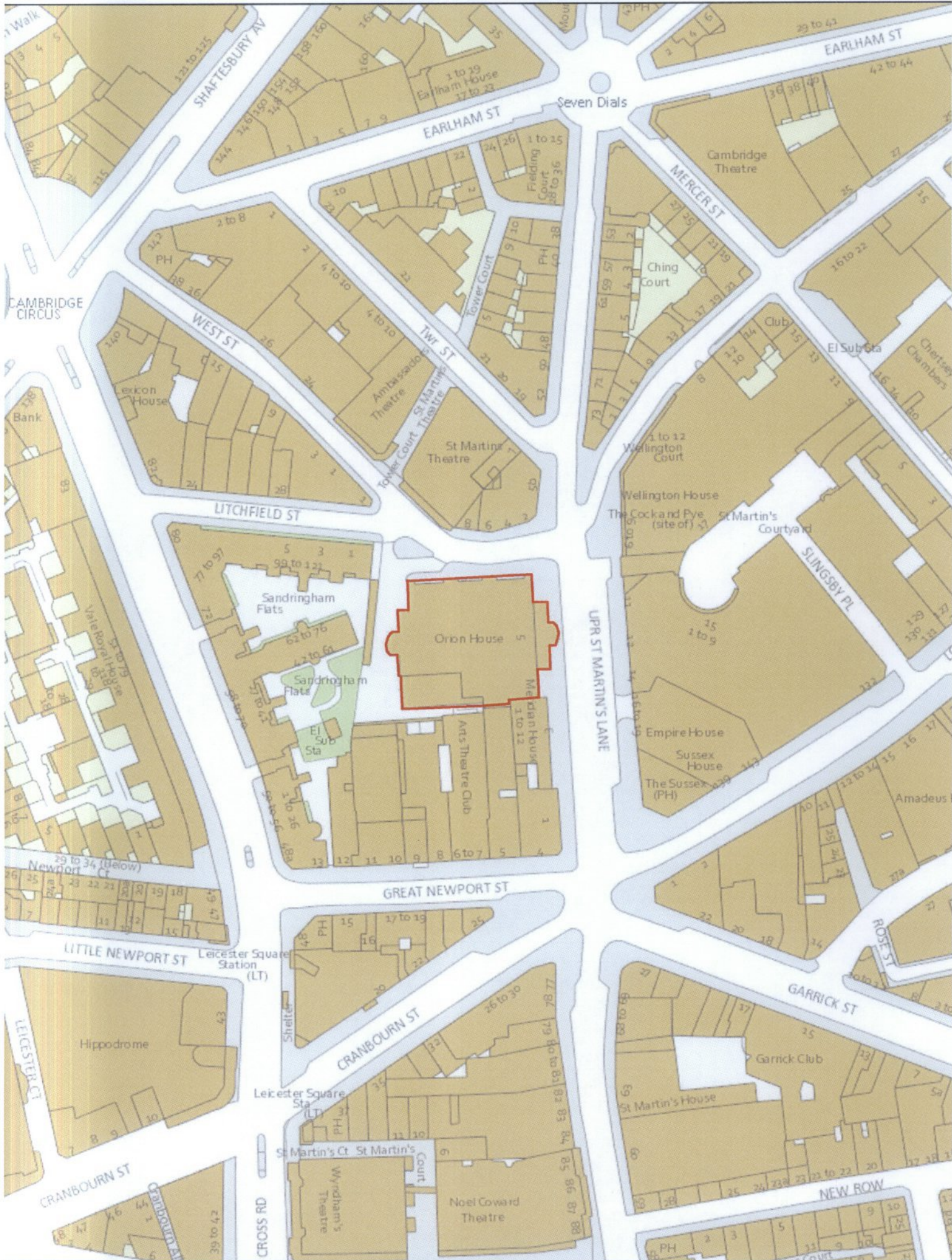


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved St James's	
Subject of Report	Orion House, 5 Upper St Martin's Lane, London, WC2H 9EA		
Proposal	Variation of Conditions 7 and 9 of planning permission dated 17 April 2013 (RN: 13/01238/FULL) for the reconfiguration and use of existing ground floor office reception and retail unit to provide a new office entrance (Class B1) and retail unit (Class A1) and alterations to the ground floor, namely to amend the hours of servicing and the hours of opening for the (Class A1) retail unit.		
Agent	Pegasus Group		
On behalf of	Starbucks Coffee Co (UK) Ltd		
Registered Number	15/05804/FULL	TP / PP No	TP/8645
Date of Application	26.06.2015	Date amended/ completed	26.06.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area			
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within Stress Area		
Current Licensing Position	15/05778/LIPN: Supply of alcohol from 16.00 to 22.00 hours Monday to Saturday		

1. RECOMMENDATION

Grant conditional permission.





Orion House, 5 Upper St Martin's Lane, WC2

2. SUMMARY

The application site comprises a vacant Class A1 shop unit on West Street located within Orion House. To the west of the site are Sandringham Flats and to the rear is a service yard. The site boundary with the London Borough of Camden runs along the middle of West Street. The site is located outside of a conservation area but within the Core Central Activities Zone (CAZ) and the West End Stress Area.

Permission is sought to extend the hours of servicing and the hours of opening to the shop unit. The proposal is seeking additional servicing on Sundays and later opening and closing times Monday to Sunday.

The key issue in this case is the impact of extending the opening and servicing hours on the amenity of neighbouring residents.

For the reasons set out in the report the proposal is considered to comply with the Council's policies in relation to residential amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). The application is recommended for approval.

3. CONSULTATIONS

HIGHWAYS PLANNING

No objection.

COVENT GARDEN COMMUNITY ASSOCIATION

COVENT GARDEN AREA TRUST

Objection on the following grounds:

- Increase public nuisance.
- Cause noise nuisance.
- Nothing has changed to merit removing the condition.
- Windows of Sandringham Flats directly overlook the site.
- Variation of hours should not take advantage of the stress area policies relates to restaurant use.
- If variation of condition allowed would make this the only Starbucks serving alcohol in this area.
- If minded to grant hours of servicing (deliveries and collections) should be restricted to 0800 to 2100 daily.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 66; Total No. of Replies: 8.

Amenity

- Noise from extension of opening and servicing hours.
- Use of the building for selling alcohol and other beverages inconsistent with WCC planning and licensing.
- Location immediately next to residential and will have no respite from longer hours.
- A coffee bar serving alcohol will create a nuisance.
- Extension of hours will cause early morning and late night delivery and bin disposal nuisance.
- Bedroom overlooks forecourt towards Orion House and would disturb sleep.

REVISED SCHEME:**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 8; Total No. of Replies: 4.

Amenity

- Amended opening hours will allow deliveries etc to fall outside amended servicing hours.
- Proposed servicing hours are acceptable but opening hours should be the same.
- Bedroom overlooks the application site.
- Deliveries should be 09.00 to 18.00 Monday to Friday and no deliveries and collections on Saturday and Sunday.
- Opening hours should be 09.00 to 21.00 Monday to Friday and 09.00 to 18.00 on Saturday.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

The application site comprises a vacant Class A1 shop unit on West Street located within Orion House. To the west of the site are Sandringham Flats and to the rear is a service yard. The site boundary with the London Borough of Camden runs along the middle of West Street. The site is located outside of a conservation area but within the Core Central Activities Zone (CAZ) and the West End Stress Area.

4.2 Relevant History

Permission granted 17 April 2013 for the variation of Condition 8 of the planning permission dated 19 January 2012 (RN: 11/11433/FULL), namely to reword Condition 8 to read as follows 'notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a food retail supermarket' (13/01238/FULL).

Permission granted 19 January 2012 for the reconfiguration and use of existing ground floor office reception and retail unit to provide a new office entrance (Class B1) and retail unit (Class A1) and external alterations to the ground floor entrance (11/11433/FULL).

Planning permission was granted on the 4 March 2005 for the use of part of ground floor reception as coffee shop (Class A1) and replacement of revolving doors with a set of double doors (04/02149/FULL).

5. THE PROPOSAL

Permission is sought to vary Conditions 7 and 9 of the planning permission dated 17 April 2013 to extend the hours of servicing and the hours of opening to the shop unit.

Condition 7 states: All servicing for the Class A1 retail unit must take place between 08.00 - 21.00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

The variation proposed to Condition 7 is to allow servicing of the Class A1 unit between 08.00 to 18.00 hours Monday to Saturday and 11.00 to 17.00 hours on Sunday

Condition 9 states: Customers shall not be permitted within the Class A1 premises before 08.00 or after 21.00 hours each day.

The variation proposed to Condition 9 is to allow customers within the Class A1 premises between 07.00 to 23.00 Monday to Saturday and between 08.00 to 23.00 hours on Sundays.

The applicant advises that the retail unit is to be occupied by Starbucks as a coffee shop. The applicant had initially sought to vary the conditions to allow servicing and opening hours from 06.30 to 23.00 hours daily but revised the application following officer advice.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The lawful use of the premises is a Class A1 retail unit and the proposal raises no land use implications.

6.2 Townscape and Design

Not applicable.

6.3 Amenity

It is not considered that the additional servicing hours on a Sunday or the longer opening hours proposed will cause harm to residential amenity. The site is located in a busy part of the West End with entertainment uses nearby including The Ivy restaurant and two large theatres. It is recognised that there are flats nearby on Litchfield Street however the proposal relates to a Class A1 shop use rather than an entertainment use. A1 shop units do not generally present a significant problem in amenity terms, and in this case the retail unit would be separated from Sandringham Flats by a service access road and boundary wall.

Variation of servicing hours

Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. Condition 6 was also imposed which requires all goods to be received within the curtilage of the building and not on the public highway. The site benefits from a service yard to the rear and private drop off area to the front. The applicant has confirmed that daily deliveries will be limited to 1-2 milk cages, one cage of fresh goods and one cage of ambient goods. Weekly deliveries of non-food and drink items will be limited to 1 to 2 deliveries per week which may involve between 1 to 7 cages depending on the ordering pattern.

The concerns of the Covent Garden Community Association, Covent Garden Area Trust and residents within Sandringham Flats about increased noise disturbance are noted. However it is not considered that the additional servicing hours requested on Sundays is unreasonable given the location of the site in the CAZ. The applicant advises that servicing is required on Sundays to allow the delivery of perishables such as milk

Variation of opening hours

The proposal will allow the Class a1 shop unit to open from 07.00 until 2300 Monday to Saturday and from 0800 to 2300 on Sundays. Given that the proposal is for an A1 shop use these opening hours are not considered unreasonable and the terminal hour will be similar to other entertainment uses in the vicinity of the site. For example The Ivy has a terminal hour of 23.00 Monday to Wednesdays; midnight on Thursdays to Saturdays and 22.30 hours on Sundays. The Ambassador Theatre is also directly opposite the application site and has licensed hours for the sale of alcohol until 23.00 hours and the playing of recorded music until midnight.

On this basis it is considered that the amended hours for servicing and opening times are considered acceptable in amenity terms.

6.4 Transportation/Parking

The proposed servicing of the unit is within the curtilage of the application site and off the public highway. As such the proposals are considered acceptable in highways terms subject to conditions controlling the hours of servicing.

6.5 Economic Considerations

The economic benefits of the proposals are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 Planning Obligations

Not applicable.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is of insufficient scale to require an environmental assessment.

6.10 Other Issues

The concerns about the grant of a licence for the sale of alcohol from the unit are noted. However as long as the primary purpose of the application site remains a Class A1 coffee shop this does not materially change the use of the premises.

7 Conclusion

The proposed variation of servicing and opening hours of the Class A1 unit is considered acceptable in this busy part of the City and is not considered to give rise to harm residential amenity.

BACKGROUND PAPERS

1. Application form.
2. Memorandum from the Highways Planning Manager dated 12 October 2015.
3. Letters from Covent Garden Community Association dated 14 October 2015 and 12 August 2015.
4. Letters from Covent Garden Area Trust dated 13 August 2015 and 14 October.
5. Letter on behalf of Soho Housing Association dated 4 September 2015.
6. Letters on behalf of Sandringham Flats Resident Association dated 12 October 2015 and 4 September 2015.
7. Letters from owner/occupier of 20 Sandringham Flats dated 11 August 2015.
8. Letters from owner/occupier of 104 Sandringham Flats dated 12 October 2015 and 10 August 2015 (x2).
9. Letter from owner/occupier of 21 Sandringham Flats dated 11 August 2015.
10. Letters from owner/occupier of 57 Sandringham Flats dated 16 August 2015.
11. Letters from owner/occupier of 59 Sandringham Flats dated 12 October 2015 and 17 August 2015.
12. Letters from owner/occupier of 76 Sandringham Flats dated 12 October 2015 and 17 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: Orion House, 5 Upper St Martin's Lane, London, WC2H 9EA

Proposal: Variation of Conditions 7 and 9 of planning permission dated 17 April 2013 (RN: 13/01238/FULL) for the reconfiguration and use of existing ground floor office reception and retail unit to provide a new office entrance (Class B1) and retail unit (Class A1) and alterations to the ground floor, namely to amend the hours of servicing and the hours of opening for the (Class A1) retail unit.

Plan Nos: Site location plan, I-1105 and planning statement dated October 2015.

Case Officer: Zulekha Hosenally **Direct Tel. No.** 020 7641 2511

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 You must carry out any building work which can be heard at the boundary of the site only:

- * 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must keep to the sample approved on the 15 June 2012 under reference 12/05018/ADFULL relating to the stone for the entrance steps.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our

Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 6 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 7 All servicing for the Class A1 retail unit must take place between 08.00 to 18.00 hours Monday to Saturday and 11.00 to 17.00 hours on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 8 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a food retail supermarket.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 9 Customers shall not be permitted within the Class A1 premises before 07.00 hours or after 23.00 hours Monday to Saturday and before 08.00 hours or after 23.00 hours on Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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: Strategic Policies adopted November 2013, 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.