

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	18 - 22 Weighhouse Street, London, W1K 5LU,		
Proposal	Variation of Conditions 4 and 5 of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for 'Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels' - namely, to vary the wording of conditions 4 and 5 to enable a maximum capacity of 40 people in the restaurant and to enable the restaurant to remain open until 23:00 Mondays to Saturdays.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Number	16/10936/FULL	Date amended/ completed	18 November 2016
Date Application Received	16 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.

2. SUMMARY

The application relates to a newly converted restaurant unit on the south side of Weighhouse Street, just south of Oxford Street in the Core Central Activities Zone and Mayfair Conservation Area. Permission was granted in September 2014 to convert the three small shops and one café along this frontage into one larger retail unit and a restaurant. Restrictions on the restaurant use included a maximum number of customers of 20, opening hours of 07.00 to 22.00 hours each day and no primary cooking (as there was no provision for kitchen extractor equipment).

At that time there was no specific occupier. There is now a prospective operator, Café Comptoir, which will offer 'high quality' all day dining and artisan coffee, seasonal food and a small ancillary retail element. An Operational Management Statement has been submitted giving more details about how

the premises will be managed. Permission is now sought to amend two of the original conditions to increase the capacity from 20 to 40 customers and extend the closing time on Mondays to Saturdays by one hour (to a closing time of 23.00 hours – closing time on Sundays would remain at 22.00 hours).

The unit's size is 160sqm: although the A3 permission already exists, it is appropriate to assess the current application against Unitary Development Plan policy TACE 8. This states that proposals for this type and size of entertainment use will generally be permissible, subject to a number of criteria, including no adverse effect upon residential amenity or local environmental quality as a result of noise and increased late night activity and no adverse effect on the character or function of the area.

Several objections have been received from residents living in flats on the upper floors of the building, primarily on the grounds of adverse impact of the proposals on residential amenity. Some of the objections relate to the principle of the restaurant but this was previously approved. (There were no objections from residents to the original application.)

The key issue is whether the increase in opening hours of one hour and increased capacity are likely to result in a material loss of amenity to local residents. It is important to remember that the approved restaurant replaced a former café on the site that had no planning controls over opening times nor capacity. The capacity restriction that was added to the subsequent permission was largely based on the actual capacity of the former café of approximately 18 seats, though it was smaller than the approved replacement restaurant. A closing time of 22.00 hours was considered to be a reasonable time in the absence of a named operator.

The objectors refer to this being a quiet residential area and although it is very close to busy commercial areas, in particular a very short distance from Oxford Street, it is acknowledged that the area immediately around the site is a relatively quiet enclave. (This is likely to change in the future when the Crossrail station (currently under construction) opens on the neighbouring site.) At 40 covers the requested capacity is still considered to be modest. Similarly it is not considered that opening until 23.00 hours will lead to a material loss of amenity. As the objectors state, there would still be staff on the premises clearing up, but given the small size of the premises it is not considered that this would result in an excessive amount of noise and disturbance, as the objectors claim.

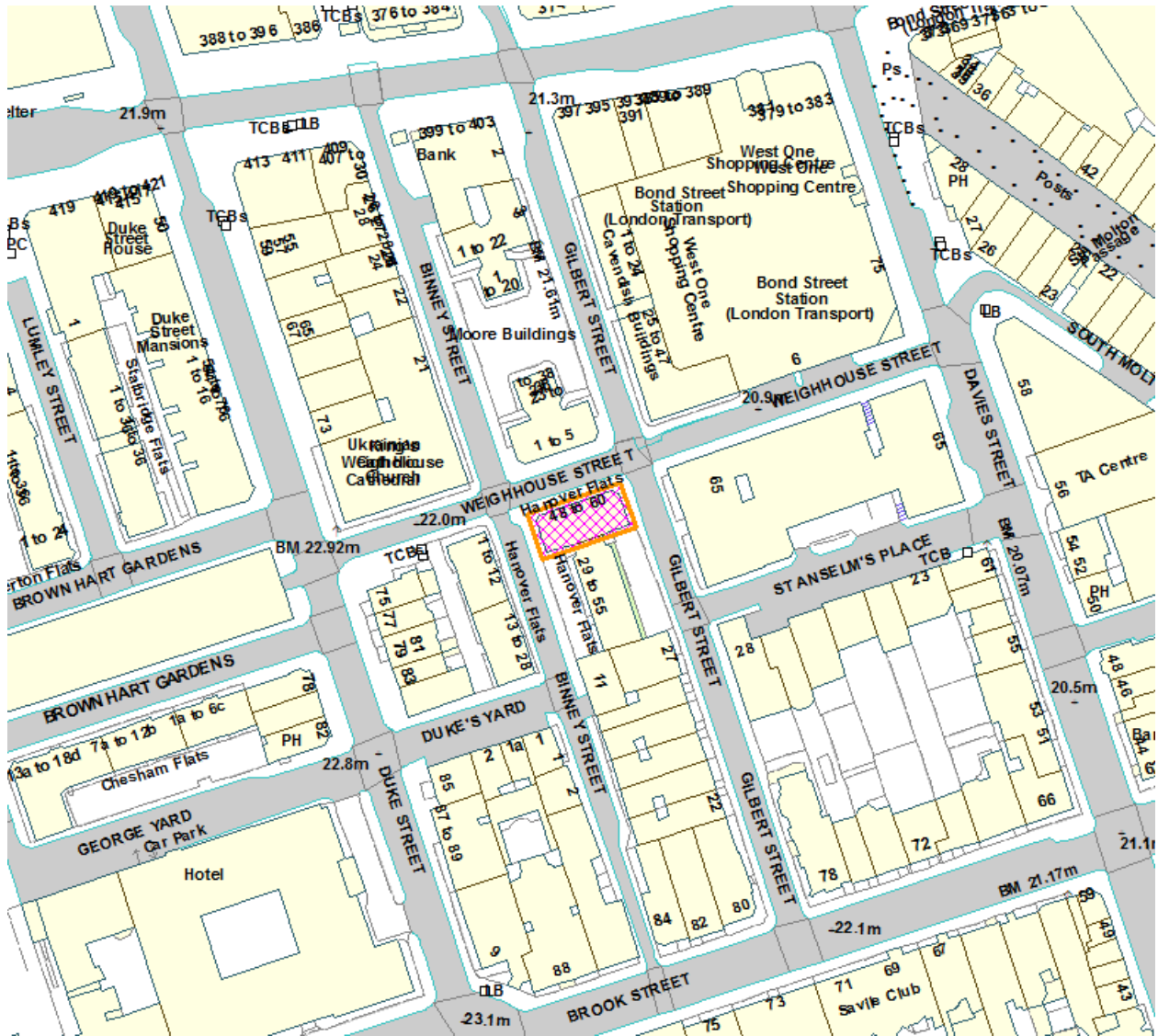
The future tenant (a qualified sommelier) wishes the premises to be fully licenced and will offer a broad selection of wines. As it is likely that this emphasis will generate a disproportionate number of bottles amongst the refuse, it is considered appropriate to ensure that this matter is properly addressed by condition to ensure that the disposal of bottles does not create noise nuisance for neighbouring residents.

Objectors are concerned about refuse problems. A condition on the original permission secured adequate refuse storage provision, though the current layout replaces this as part of the wine bottle storage. The refuse condition has therefore been amended to require details of these matters to be submitted before the use commences.

The planning submission advises that the basement will operate as a wine shop, though there is also seating for customers. It is considered that this activity is ancillary to the main A3 food and drink function. Concerns about outside seating are not sustainable at this stage as a condition on the original permission specifically excluded this (though this does not preclude the applicant applying for this at a later date).

The application does not trigger any CIL requirements nor planning obligations.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68; No. of objections: 4, on some or all of the following grounds:

- * This is a residential area and there is residential accommodation immediately above the premises
- * Increased noise, dirt, pollution
- * Increased congestion
- * Objection to another cafe
- * Later hours mean staff clearing up and closing the premises mean a closure time closer to midnight
- * Queries about refuse provision
- * Queries about the proposed outlet/operator
- * Queries about outdoor seating

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

September 2014 – conditional permission granted for ‘Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels.’

7. BACKGROUND PAPERS

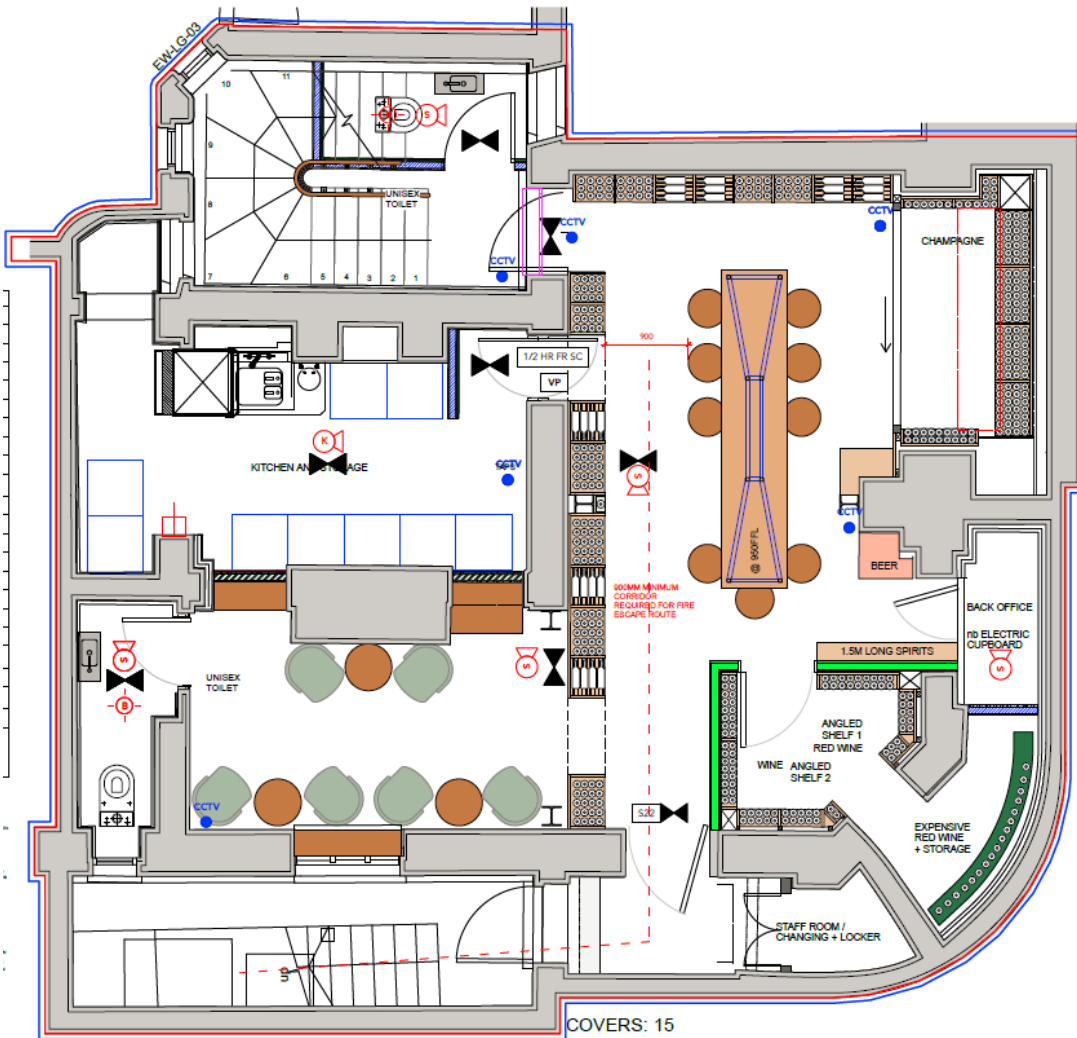
1. Application form and letter from Gerald Eve dated 16 November 2016
2. Operational Management Statement for Café Comptoir dated November 2016
3. Letter from occupier of 43 Hanover Flats, Gilbert Street, dated 28 December 2016
4. Letter from occupier of 48 Hanover Flats, Gilbert Street, dated 1 December 2016
5. Letter from occupier of 53 Hanover Flats, Gilbert Street, dated 1 December 2016
6. Letter from occupier of 41 Hanover Flats, Gilbert street, dated 18 December 2016

Selected relevant drawings

(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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

Indicative basement layout



ALL DIMENSIONS TO BE CHECKED ON SITE

THE POSITION OF FIRE AND SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITIONS AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY

LOCATION OF MOVABLE FURNITURE FOR INDICATIVE PURPOSES

- - - - - ESCAPE ROUTE
- — — — — INDICATES EXTENT OF PROPERTY BOUNDARY
- — — — — INDICATES AREA TO BE USED FOR LICENSABLE ACTIVITIES

REVISIONS

NO.	DATE	DESCRIPTION
A	15.01.2017	LATEST BASEMENT PLAN

B3 DESIGN JERS

PROJECT NO: 1118 - COMPICOR CAFE
 SITE ADDRESS: 21-22 WEDGE HOUSE STREET WYTHAM LONDON

DATE	DRAWN	CHECKED	SCALE
01/12/2016	DI	MH	1:250&A1, 1:50 &A2

TITLE
 BASEMENT LICENSING PLAN

STATUS:
FOR TENDER

DWG NO.	REV
1118-129_LIC	A

DRAFT DECISION LETTER

Address: 18 Weighhouse Street, London, W1K 5LU,

Proposal: Variation of Conditions 4 and 5 of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for DEVELOPMENT SITE INCL 18-22 WEIGHHOUSE STREET: Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels. NAMELY, to vary the wording of conditions 4 and 5 to enable a maximum capacity of 40 people in the restaurant and to enable the restaurant to remain open until 23:00 Mondays to Saturdays.

Reference: 16/10936/FULL

Plan Nos: 1118-109_LIC and 1118-129_LIC Rev A

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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 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.

- 3 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 4 You must not allow more than 40 customers into the Class A3 property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 Customers shall not be permitted within the Class A3 premises before 07.00 hours or after 23.00 hours on Mondays to Saturdays and not before 07.00 hours or after 22.00 hours on Sundays. (C12AD)

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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 No tables and chairs shall be placed outside any of the premises (unless granted separate planning permission).

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007, and to protect neighbouring residents from noise and disturbance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 7 Notwithstanding the provisions of Class 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and (or any equivalent class in any order that may replace it) no part of the ground or basement floors shall be used as a food supermarket unless full servicing arrangements are submitted to and approved by the City Council. Servicing shall then be carried out in accordance with the approved servicing arrangements.

Reason:

To avoid the servicing of a food supermarket blocking the surrounding streets as set out in TRANS 20 of our Unitary Development Plan that we adopted in January 2007 and Policy S41 of Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 8 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 9 You must apply to us for approval of details of how waste is going to be stored within the Class A3 restaurant unit, how materials for recycling will be stored separately and an updated Operational Management Statement setting out how bottles will be stored and disposed of without creating a noise nuisance to neighbouring residents. You must not commence the A3 restaurant use until we have approved what you have sent us. For the Class A1 retail unit you must provide the waste store shown on drawing 618-34.3-1.003H. 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 A1 and A3 units. You must store waste (including bottles) inside the units and only put it outside just before it is going to be collected. You must not use the waste stores for any other purpose.

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)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 11 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 Mayfair 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)

- 12 You must carry out the development in accordance with the details approved by the City Council as local planning authority on 26 June 2015 under reference 15/05044/ADFULL (or in accordance with any other details subsequently approved) with regard to all new timber and glazing details to the shopfronts and the new windows in the south elevation.

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 Mayfair 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)

- 13 You must apply to us for approval of an updated operational management statement to show how you will prevent customers who are leaving the A3 restaurant unit from causing nuisance for people in the area, including people who live in nearby buildings, and how you will manage the storage and disposal of empty bottles (as required in condition 9). You must not start the A3 restaurant use until we have approved what you have sent us. You must then carry out the measures included in the operational management statement at all times that the A3 restaurant is in use. (C05JB)

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 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 14 The extended opening hours and increased capacity of the A3 restaurant use allowed by this permission can continue for one year from the date that the A3 restaurant use commences. After that the capacity must be restricted to 20 and the closing time must not exceed 22.00 hours. You must notify us, with a

minimum period of notice of seven days, when the premises are due to open, so that the commencement of the one year permission can be recorded.

Reason:

So that we can assess the effect of the A3 restaurant use and make sure it meets policy TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R03CB)

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.
- 2 You may need separate licensing approval for the A3 restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 3 You are advised that the described level and function of wine sampling and sales at the property is considered to be ancillary to the main function of the premises as a restaurant (Class A3), however, if this described operation were to fluctuate in the future to place greater emphasis on wine sampling and/or sales then it may be considered that a change of use of the premises has occurred for which planning permission would be required. The City Council will take appropriate enforcement action to prevent any unauthorised change of use of the premises.

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.