

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	4 Blenheim Street, London, W1S 1LB		
Proposal	<ol style="list-style-type: none"> 1. Installation of an openable shopfront. 2. Use of an area of the public highway measuring 1.0m x 4.4m for the placing of 2 tables and 4 chairs in connection ground floor restaurant (Class A3). 		
Agent	Hide Studio Ltd		
On behalf of	4 Blenheim Street		
Registered Number	<ol style="list-style-type: none"> 1. 17/01863/FULL 2. 17/02636/TCH 	Date amended/ completed	21 March 2017
Date Application Received	<ol style="list-style-type: none"> 1. 2 March 2017 2. 24 March 2017 		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission
2. Grant conditional permission

2. SUMMARY

These applications are made on behalf of a restaurant situated on the northern side of Blenheim Street which adjoins Woodstock Street. Together they form L shaped streets that link Oxford Street and New Bond Street situated in the heart of the West End. The site lies within the Core CAZ. The basement and ground floors are currently vacant and are being fitted out for restaurant (Class A3) purposes. The upper 1st to 4th floors are in hotel use which also occupies the upper floors of No 3 Blenheim Street adjacent.

Application 1: Permission is sought for the installation of a timber framed shopfront comprising openable timber framed folding windows above a fixed stallriser.

Application 2: Use of an area of highway measuring 1m x 4.4m for the placing of tables and chairs.

The key issues for consideration are design and amenity issues for application 1 and amenity and

highways issues for application 2. No objections have been received to either of the applications.

With regards to application 1, fully openable shopfronts are contrary to the City Council's urban design and conservation policies DES 5 and DES 9 and the supplementary planning guidance documents, 'Shopfronts, Blinds and Signs' and 'Food and drink Premises'. An opening shopfront often has folding or sliding doors, which, when open, create an opening in the shop frontage which may extend almost the full width of the ground floor. In most cases these shopfronts do not relate architecturally to the building in which they are installed, or to the street. The *Food and Drink Premises* SPG states that creating these openings within a terrace of more solid and traditional shopfronts can be harmful to the appearance of the street and the character and appearance of a conservation area. It is noted that the adjacent building No 3 Blenheim Street has a fully openable shopfront. There is however no record of the openable shopfront being granted permission and this is now the subject of enforcement investigations.

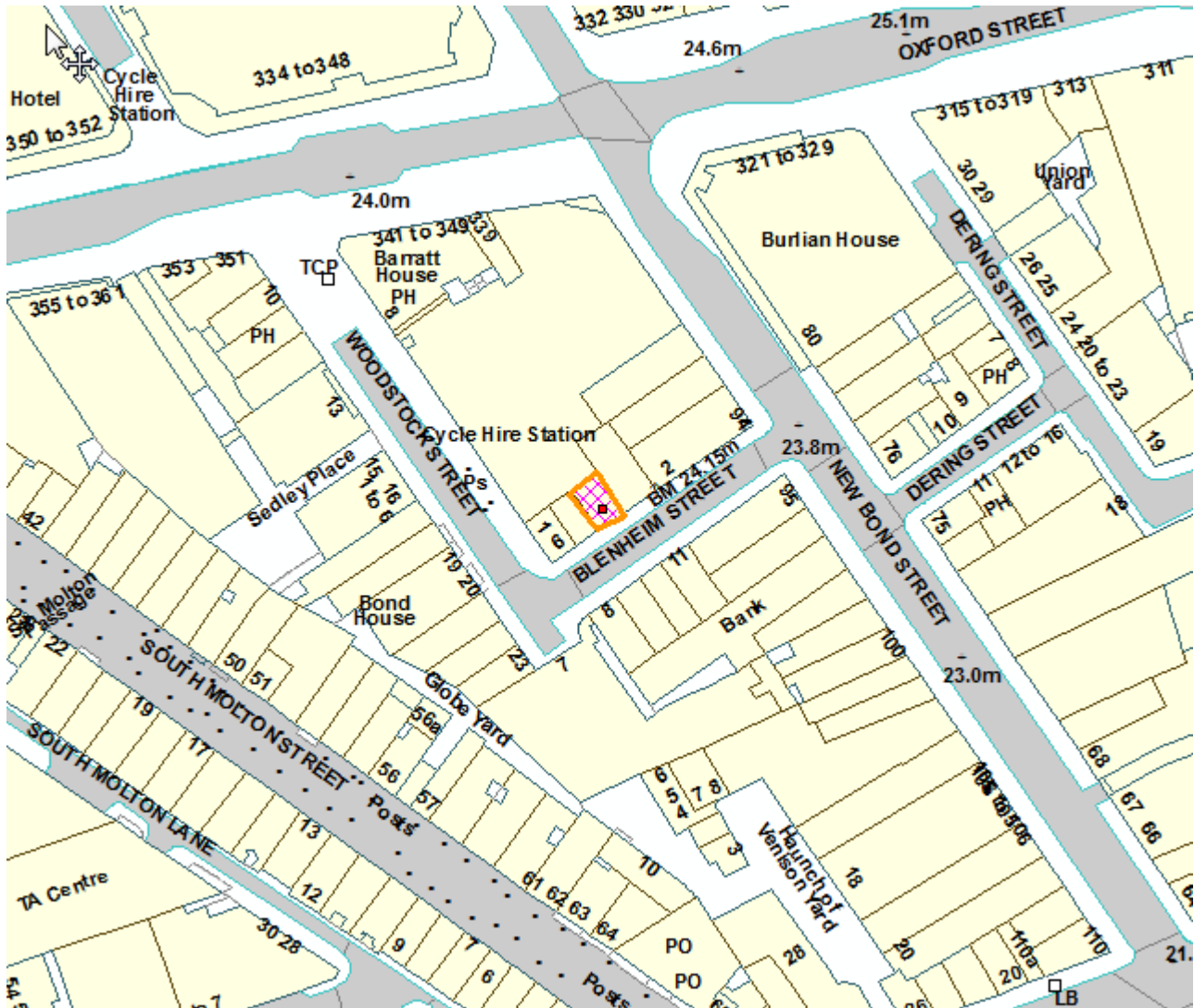
In this case the application has been amended since the initial submission to include a fixed stallriser, with windows above folding back to create an opening. The stallriser is a traditional feature and will retain a degree of separation between inside and outside. When closed the pattern of windows is no worse than the existing arrangement. While fixed mullions would be preferable, the proposed shopfront, as amended, is on balance considered to be acceptable in design terms. A condition is recommended to ensure that the stallriser is increased in depth to align with the bottom of a glazed panel in the adjacent entrance door and is permanently fixed.

The upper floors are in use as a hotel, and there are few residential properties in Blenheim Street, the nearest being on the upper floors of No's 10 and 11 on the southern side of the street. The restaurant opening hours are 10.00 to 23.00 daily. Subject to a condition which ensures that the shopfront windows remain fixed shut outside these hours this is considered acceptable in amenity terms.

With regards to application 2 the proposed tables and chairs are to be located in an area 1m from the face of the building which would leave 2.5m of the pavement free and unobstructed. This complies with 'The Westminster Way', the Council's public realm strategy which recommends that a minimum width of 2m must be maintained. It is considered that use of the tables and chairs as proposed would not adversely impact upon amenity.

Both applications are considered to accord with adopted Westminster UDP and City Plan policies and are accordingly recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

Application 1 (shopfront)

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2 (tables and chairs)

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER:

No objection

CLEANSING:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

Application 1

1. Application form

Application 2

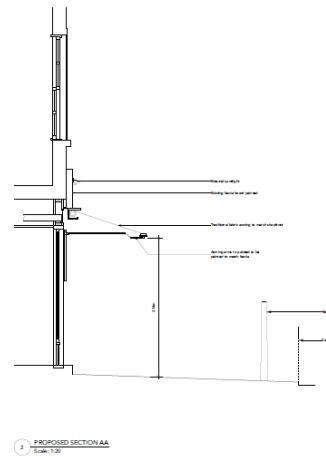
1. Application form
2. Response from Highways Planning Manager dated 10 July 2017
3. Response from Projects Officer (Waste) dated 12 July 2017

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

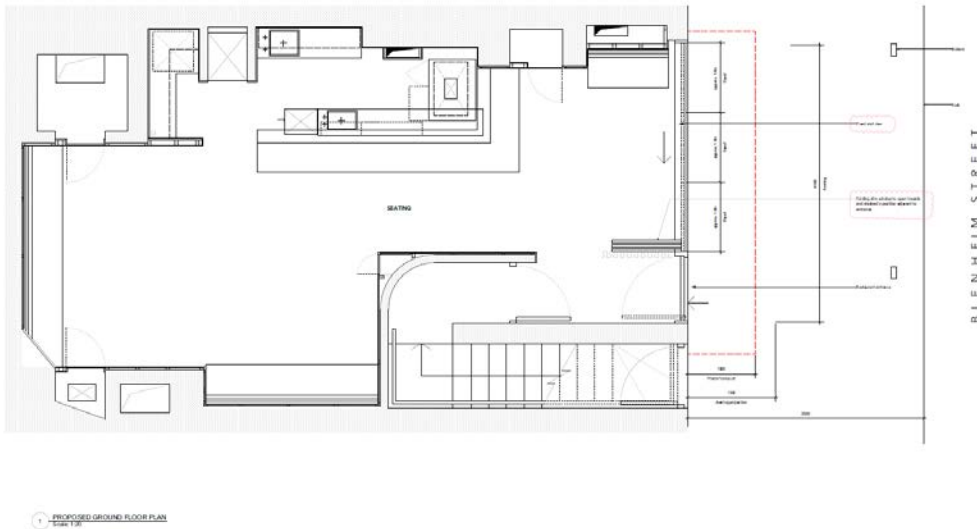
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

7. KEY DRAWINGS

Application 1 – openable shopfront

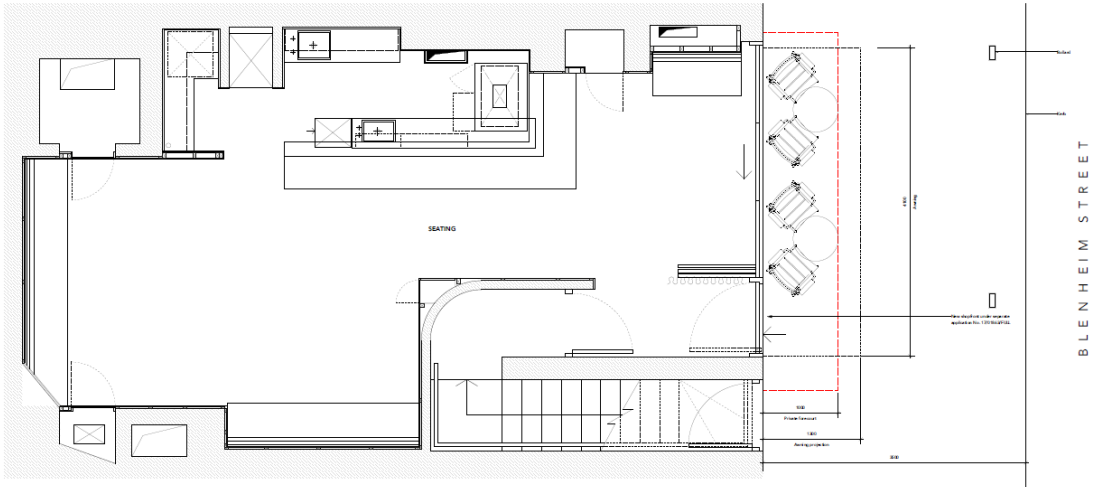


DATE	07/6/20	NO. OF SHEETS	6
PROJECT	076.270	CLIENT	HIDE STUDIO
DESIGNER	076.270	DATE	07/6/20
REVISIONS		NO. OF SHEETS	6
1. Initial Design	07/6/20	DATE	07/6/20
2. Final Design	07/6/20	DATE	07/6/20
3. Final Design	07/6/20	DATE	07/6/20
4. Final Design	07/6/20	DATE	07/6/20
5. Final Design	07/6/20	DATE	07/6/20



DATE	07/6/20	NO. OF SHEETS	5
PROJECT	076.270	CLIENT	HIDE STUDIO
DESIGNER	076.270	DATE	07/6/20
REVISIONS		NO. OF SHEETS	5
1. Initial Design	07/6/20	DATE	07/6/20
2. Final Design	07/6/20	DATE	07/6/20
3. Final Design	07/6/20	DATE	07/6/20
4. Final Design	07/6/20	DATE	07/6/20
5. Final Design	07/6/20	DATE	07/6/20

Application 2 – tables and chairs



2 PROPOSED GROUND FLOOR PLAN
Scale: 1:20



DATE	07/12/2021
PROJECT	1000 BLENHEIM STREET
CLIENT	1000 BLENHEIM STREET
PROPOSED GROUND FLOOR PLAN - T&C	07/12/2021
SCALE	1:20
DRAWN BY	07/12/2021
CHECKED BY	07/12/2021
DATE	07/12/2021
PROJECT	1000 BLENHEIM STREET
CLIENT	1000 BLENHEIM STREET
PROPOSED GROUND FLOOR PLAN - T&C	07/12/2021
SCALE	1:20
DRAWN BY	07/12/2021
CHECKED BY	07/12/2021
DATE	07/12/2021

07/12/2021

DRAFT DECISION LETTER

Address: 4 Blenheim Street, London, W1S 1LB

Proposal: Installation of openable shopfront.

Reference: 17/01863/FULL

Plan Nos: 076.250 REV 5, 076.270 REV 6

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 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)

- 4 The openable shopfront windows hereby approved must remain fixed shut at all times except between 10.00 and 23.00 daily.

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)

- 5 At times when the shopfront hereby permitted is open, (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property when the windows within the shopfront are open, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within restaurant, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property when the windows within the shopfront are open, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved when the windows within the shopfront are open. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;,, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;,, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;,, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;,, (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 6 The stallriser must be increased in height to align with the top of the solid panel on the adjacent entrance door and shall be permanently fixed.

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)

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 The lettering on the canopy has 'deemed' consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This means that you do not need to apply for planning permission for the canopy. However, if you want to light up the lettering by spotlight or other means, you will need to apply for 'express' consent under the advertisement regulations. And if you remove the lettering, the canopy will require planning permission. (I43AA)

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.

DRAFT DECISION LETTER

Address: 4 Blenheim Street, London, W1S 1LB

Proposal: Use of an area of the public highway measuring 1.0m X 4.4m for the placing of 2 tables and 4 chairs in connection ground floor restaurant (Class A3).

Reference: 17/02636/TCH

Plan Nos: 076.251

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 not put the tables and chairs in any other position than that shown on drawing 076.251. (C25AA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 10:00 and 23:00. (C25BA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 4 This use of the pavement may continue until 31 July 2018. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

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 cannot put tables and chairs in the area unless you have a street trading licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

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.