

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 3 <sup>rd</sup> October 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>	<b>35 - 50 Rathbone Place, London, W1t 1aa</b>		
<b>Proposal</b>	<p>Variation of Conditions 8 and 10 of planning permission dated 11 July 2016 (RN: 15/10824/FULL) which was for: "<i>Variation of Condition 1 of planning permission dated 17 February 2014 (RN : 13/04844) for Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodated in two L-shaped buildings rising to nine storeys plus basements and rooftop plant with frontages to Rathbone Place and Newman Street set around a central open space; use of new buildings for up to 162 residential dwellings (Class C3) with communal garden, offices (Class B1), shops (Class A1), flexible space for use as shops (Class A1) and/or restaurant (Class A3) and/or bar (Class A4); provision within basement of plant rooms and car/cycle parking with vehicular access via lifts from Newman Street; ground floor loading bay with access from Newman Street; new pedestrian routes through the site from Newman Street and Rathbone Place and associated works; namely the submission of substitute drawings showing re-distribution of floorspace areas at ground and basement levels having the effect of increasing the amount of offices (Class B1) and decreasing shops (Class A1/A3); associated changes to street elevations including new retail frontage with full height glazing, louvres and signage zones on Rathbone Place; change to rooflight arrangement to a linear pattern along southern side of the central garden; levels changes in central garden; additional louvres along the central garden elevation and south facing retail elevations; changes to parapet details; and alterations to office entrance doors on Newman Street and to vary the wording of condition 24 to allow dual swing escape doors on the Rathbone Place elevation which must be inward opening for everyday access and outward opening for emergency use only and the escape 'only' door in retail unit below office building on western elevation facing the central garden.</i>" NAMELY amendments to the limitations placed on the use of entertainment Unit 13 to enable 30% of the floor area to be used for vertical drinking (Condition 8) and to allow use of the terrace for dining until 22:00 (Condition 10).</p>		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	D & D London Ltd		
<b>Registered Number</b>	17/06273/FULL	<b>Date amended/ completed</b>	14 July 2017
<b>Date Application Received</b>	14 July 2017		

<b>Historic Building Grade</b>	Unlisted
<b>Conservation Area</b>	Charlotte Street West

## 1. RECOMMENDATION

Grant conditional permission subject to a deed of variation to the original legal agreement to ensure this permission is subject to the requirements of the S106 agreement dated 11 February 2014 and amended by deed of variation dated 11 July 2016.

## 2. SUMMARY

The application site formerly accommodated a 1950's-built Royal Mail regional office and mail distribution centre, comprising a six storey building on Rathbone Place and an open parking/servicing area fronting Newman Street. Identified as a Strategic Site in the Tottenham Court Road Opportunity Area, planning permission was granted in 2013 for redevelopment for mixed residential, shopping and office purposes and this is now close to completion.

The design concept of the permitted scheme is of new buildings surrounding a privately managed central open space. New buildings would face east and west onto Newman Street and Rathbone Place, and another (mainly residential) block would form the northern boundary of the site. The open space between the blocks would include a new pedestrian route through the site linking Newman Street and Rathbone Place. Both street elevations and the internal elevations within the site overlooking the open space would, at basement and ground floor level, include frontages containing shops, restaurants and bars. The scheme was amended by a planning permission granted in 2016 which was specifically aimed at adapting the approved accommodation for Facebook as the sole occupier of the office floorspace, which included increasing the office floorspace and reducing the shopping floorspace. As a result of this permission one of the two large permitted entertainment uses fronting Rathbone Place was changed to offices, leaving one remaining entertainment unit on Rathbone Place and the current application concerns this unit.

The entertainment unit fronting Rathbone Place (known as Unit 13) is provided at ground floor and basement levels with an external terrace situated at the rear adjacent to the central public open space. This was originally conceived of speculatively with no end user in mind, but now an operator has been identified which is D&D London - an established operator of other ventures in London including The Bluebird Café, Chelsea and Coq d'Argent in the City. The intention is to open another Bluebird Café, which the applicant describes as a restaurant specialising in fine quality Mediterranean dining transforming into a high-end bar in the evening.

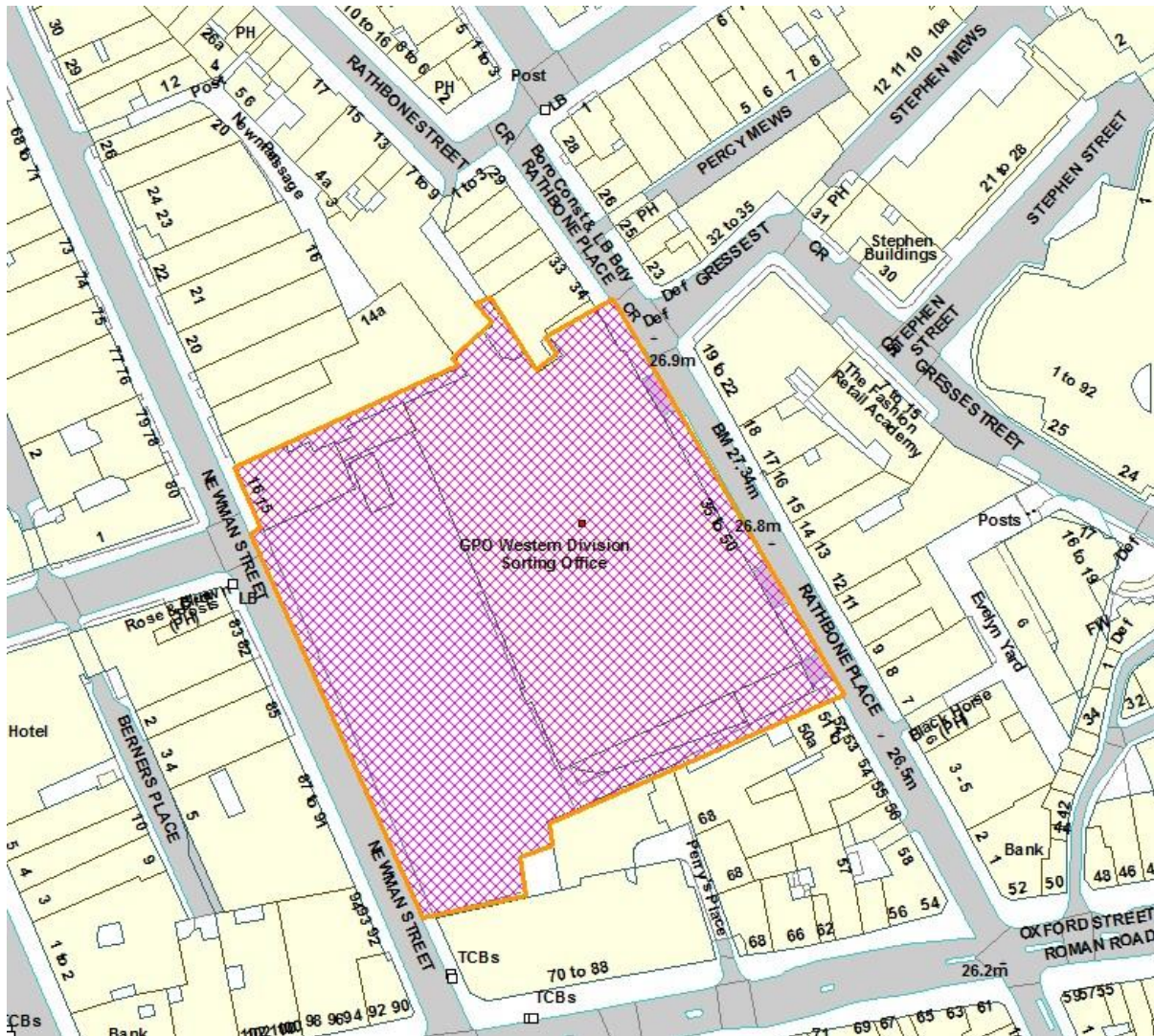
At the time of the original planning permission, since no operator for the entertainment uses had been identified a number of limitations were imposed to contain any potential impact on local amenity. The current application seeks to relax these limitations.

The first extant control is imposed by condition 8 of the extant permission which states that any bar or bar/restaurant should have no more than 15% of the floor area allocated to customers for vertical drinking (i.e. standing to drink alcohol) and the applicant proposes to be allowed to expand such an area to 30%. There have been no objections to this and given that the overall site's location just off Oxford Street and the fact that it is not situated within an identified Stress Area, it is considered that it would be difficult to identify sufficient harm from this proposal to justify refusing permission.

The second extant control relates to the use of the external terrace as limited by condition 10 of the planning permission, which states that there should be no external drinking or dining after 21.00hrs. The applicant wishes to amend this to allow the terrace to be used for dining until 22.00hr and whilst some drinking would also be permitted up to the same time, this would be restricted to those customers who are also dining. Anyone else would not be allowed to consume drink on the terrace after 21.00hrs. The applicant's proposals also offer an additional control which condition 10 does not currently impose, which is to not allow at any time vertical drinking on the terrace. Such a control would ensure that the terrace would be only available to those seated at tables, which would reduce the potential impact of vertical drinking occurring up until 21.00hrs which the extant condition currently allows

Overall the proposed changes are considered acceptable and unlikely to lead to a material additional impact on surrounding residential amenity.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

Fitzrovia Neighbourhood Association  
Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 47  
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND PAPERS

1. Application form

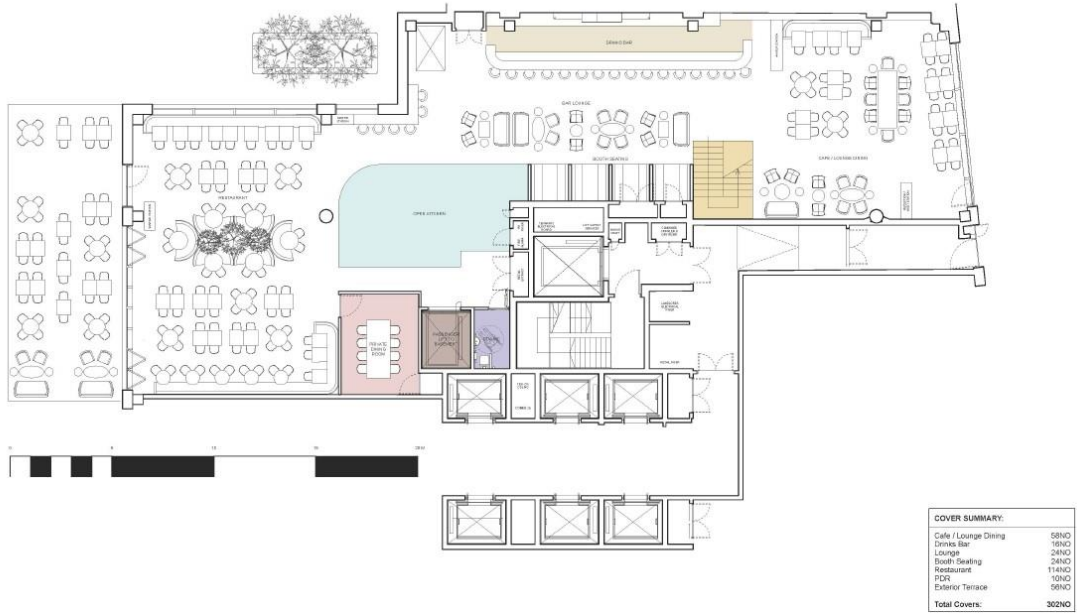
### Selected relevant drawings

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

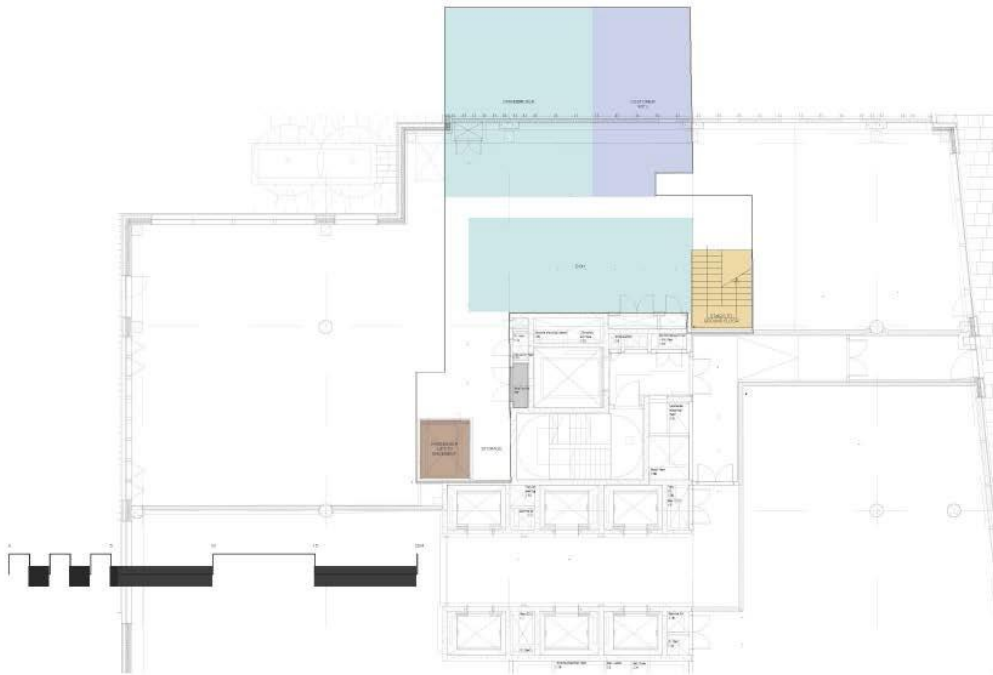
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON BY  
EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

## 7. KEY DRAWINGS

Ground floor



Basement



**Planning Applications Sub-Committee (2) Minutes  
Tuesday 3 October 2017**

**5      35 - 50 RATHBONE PLACE, LONDON, W1T 1AA**

Variation of Condition 8 and 10 of planning permission dated 11 July 2016 (RN: 15/10824) for the variation of Condition 1 of planning permission dated 17 February 2014 (RN 13/04844) for "Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodated in two L-shaped buildings rising to nine storeys plus basements and rooftop plant with frontages to Rathbone Place and Newman Street set around a central open space; use of new buildings for up to 162 residential dwellings (Class C3) with communal garden, offices (Class B1), shops (Class A1), flexible space for use as shops (Class A1) and/or restaurant (Class A3) and/or bar (Class A4); provision within basement of plant rooms and car/cycle parking with vehicular access via lifts from Newman Street; ground floor loading bay with access from Newman Street; new pedestrian routes through the site from Newman Street and Rathbone Place; and associated works"; NAMELY, to enable 30% of the floor area of Unit 13 to be used for vertical drinking (Condition 8) and to allow use of the terrace for dining only until 22:00 (Condition 10).

An additional representation was received from the Planning Department in the form of a draft decision letter (undated).

The presenting officer tabled the following amendments to conditions (changes in bold):

**Amendment to Condition 8:**

If you provide an A4 use or composite A3/A4 use, no more than 15% of the floor area shall be used by customers for vertical drinking, except for Unit 13 where no more than 30% of the floor area (**excluding terrace**) shall be used by customers for vertical drinking.

**Reason remains unchanged.**

**RESOLVED:**

That conditional permission be granted subject to:

1. A prior deed of variation to the original legal agreement to ensure this permission is subject to the requirements of the S106 agreement dated 11 February 2014 and deed dated 11 July 2016.
2. An amendment to condition 8 as tabled and set out above.