

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 17 April 2018	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	Application to remove the one year restriction on capacity and extended opening hours of the Class A3 restaurant at No. 21-22 and to enable the restaurant to continue to operate with the existing capacity (40 at any one time) and within the existing operating hours of 07:00 to 23:00 on Thursdays to Saturdays and 07:00 to 22:00 on Sundays to Wednesdays [being an application to remove condition 14 of planning permission dated 31 January 2017 (RN 16/10936/FULL) which was a variation 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'].		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Number	18/01359/FULL	Date amended/ completed	15 February 2018
Date Application Received	15 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a café/restaurant 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 former 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 operator. The unit's size is 160sqm.

Permission was subsequently granted in January 2017 to amend two of the original conditions to increase the capacity from 20 to 40 customers and to extend the closing time on Thursdays to Saturdays by one hour, to a closing time of 23.00 hours, with Sundays to Wednesdays closing at 22.00 hours. (Permission had been sought for a 23.00 closing time on Monday to Saturday.) However, this permission was granted for only one year (Condition 14) from when the premises opened, so that the affect could be assessed. Since April 2017 the unit has been operated by Café Comptoir, which offers 'high quality' all day dining and artisan coffee, seasonal food and a small ancillary retail element.

Permission is now sought to remove Condition 14 of the 2017 permission to enable the restaurant to operate with a capacity of 40 and with a closing time of 23.00 on Thursdays to Saturdays. Policy TACE 8 of the Unitary Development Plan 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.

Five objections have been received from residents living in flats on the upper floors of the building and one resident living further away in Brown Hart Gardens, primarily on the grounds of adverse impact of the proposals on residential amenity from noise disturbance. It is claimed that patrons stand outside the premises using their mobile phones or smoke, forcing residents to close their windows; objections to air pollution presumably relate to cigarette smoke, as the premises are restricted from carrying out any primary cooking as they have no kitchen extraction system. One objection refers to the application setting a dangerous precedent and that there are now too many people in the area because of the café.

However, there are also two letters of qualified support which indicate that after initial teething problems there are rarely problems, but that when there are, the staff of the premises are approachable and will deal with issues such as customers wandering outside or beggars at the tables and chairs. It is also noted that there have been no objections to the Noise Team since the premises opened.

In their earlier application, the applicants sought a closing time of 23.00 for Monday to Saturday; the Sub-Committee did not accept this but did allow extended opening for Thursdays to Saturdays; one local residents notes that more people pass along the street on these days, which is not surprising given the location within the West End. There are other entertainment uses in the vicinity, such as the Barlow Mow public house round the corner in Duke Street, and the relatively new Beaumont Hotel (which has a public bar and restaurant) at the western end of Brown Hart Gardens, and some patrons from these premises are very likely to walk along Weighouse Street on their way to Bond Street Station. The level of activity is likely to increase significantly when the Crossrail station (virtually next door to the application site) opens.

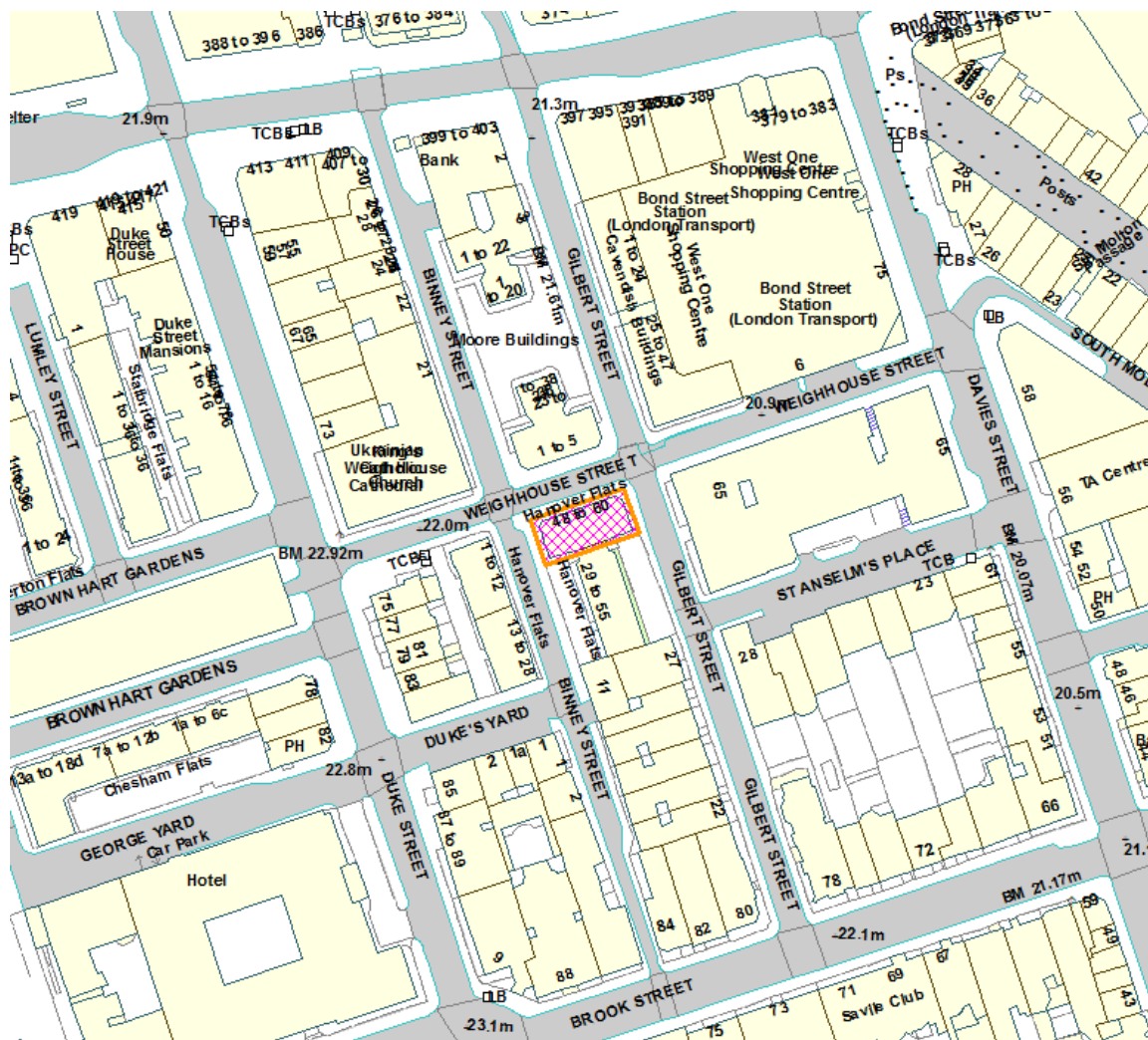
The key issue is whether the retained increase in opening hours of one hour and increased capacity of 20 are likely to result in a material loss of amenity to local residents. It is important to remember that the approved restaurant replaced a former café on the site that had no planning controls over opening times nor capacity, though it is noted that one of the objectors says that in practice it only opened until early evening. At 40 covers the requested capacity is still considered to be modest. Similarly it is not considered that opening until 23.00 hours on Thursdays to Saturdays has a genuine

adverse impact on the amenity of local residents. The applicants have submitted a letter seeking to address the objections received, and have offered to accept an additional condition which would require the three windows on Gilbert Street and both entrance doors on Weighhouse Street to be closed at 9.30pm. This offer is noted.

It is noted that there have been objections related to the outside seating but this is subject to a separate planning permission which needs to be renewed.

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

3. LOCATION PLAN



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PHOTOGRAPHS**4. 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 replies: 8;
No. of objections: 6; No. in support [qualified]: 2;

Objections on some or all of the following grounds:

- the existing/extended opening hours are causing noise nuisance for residents living in the flats above, forcing residents to keep their windows closed - including patrons standing outside to smoke/use their mobile phones;
- it sets a “dangerous precedent”;
- too many people in the area now because of the café;
- claims that people have been inside the café and standing outside after 11.00pm/up to 11.30pm;
- increase in peddled bikes looking for business;
- air pollution;
- objection to Sunday opening;
- the outside tables and chairs [which are subject to a separate temporary planning permission] attract vagrants/homeless people and increased begging and “foraging”;

Qualified comments in support:

- two local residents note that there have been problems when the café first opened but the management/staff are approachable and will deal with issues (e.g a customer standing outside on their mobile phone with a glass of wine, some begging at the outside tables and chairs);
- reference to a recent meeting held by the management about the extended opening times and a claim that residents were told that the premises would not stay open after 10pm except for an organised function;
- happy to accept the application following assurances about the [outside?] table situation and closing times will continue as at present;
- comment that there are a lot of people passing along Weighhouse Street on Thursday to Saturday usually from a local public house.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 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.’

January 2017 – permission granted for 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 A3 restaurant and to enable the A3 restaurant to remain

open until 23:00 Mondays to Saturdays – however, the Sub-Committee resolved to allow the extended opening hours on Thursdays to Saturdays only.

The above permission was subject to a condition that 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. The applicant subsequently confirmed that the premises opened on 21st April 2017.

April 2017 – temporary planning permission granted [until 30th April 2018] for use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6025mm x 1150mm in association with the adjacent restaurant at 21-22 Weighhouse Street. [Restricted to 10.00 and 20.00 hours each day; there is a current application to renew this permission.]

6. BACKGROUND PAPERS

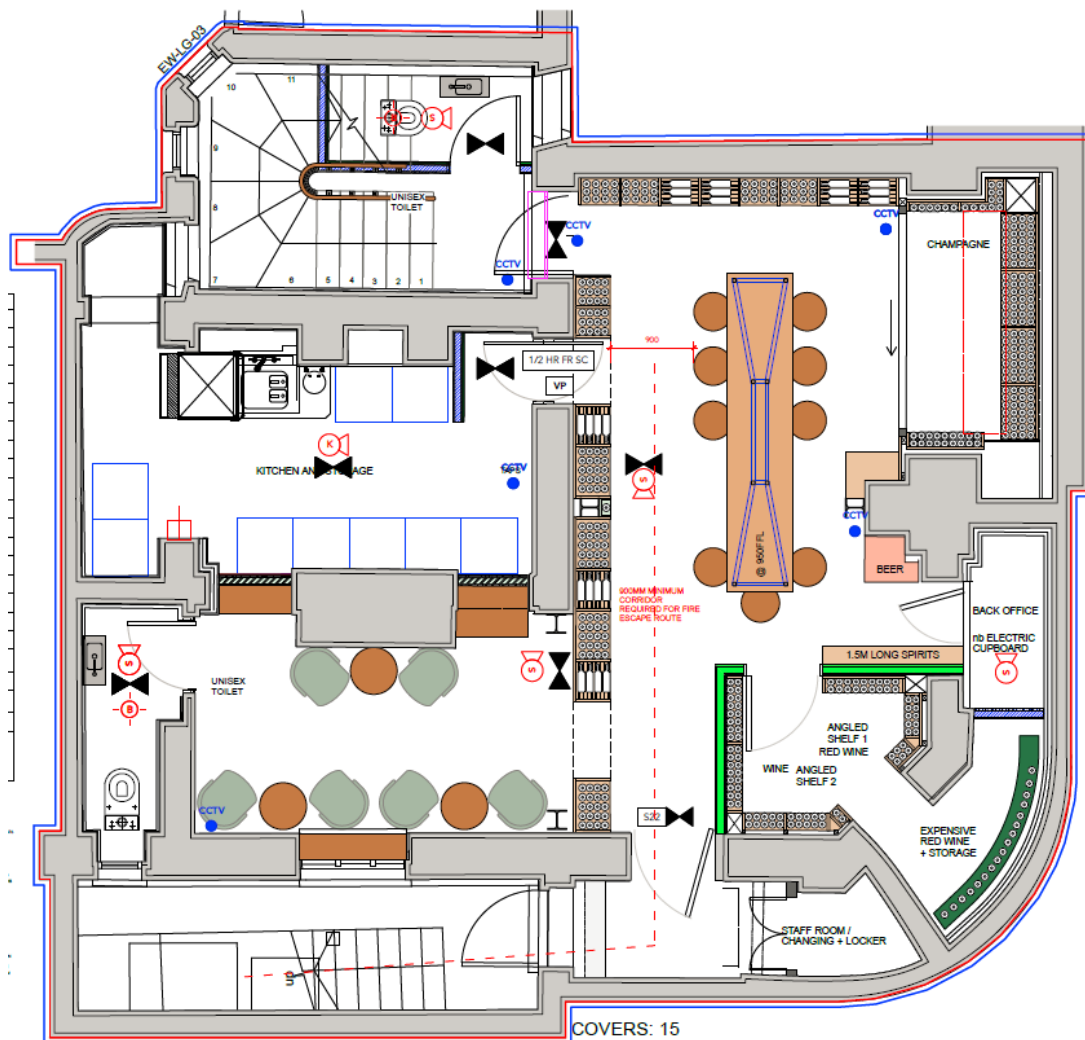
1. Application form dated 16 November 2016 and letter from applicant dated 9 April 2018
2. Representation from the occupier, 19 Stalbridge Flats, Lumley Street, dated 25 February 2018
3. Letter from the occupier, 26 Moore Buildings, Gilbert Street, dated 14 March 2018
4. Representation from the occupier of 48 Hanover Flats, Gilbert Street, received 21 February 2018
5. Representation from the occupier of 53 Hanover Flats, Gilbert Street, dated 21 February 2018
6. Representation from occupier of 41 Hanover Flats, Gilbert Street, dated 10 March 2018
7. Representation from the occupier 50 Hanover Flats, Gilbert Street, dated 21 February 2018
8. Representation from the occupier, 45 Hanover Flats, Gilbert Street, dated 4 March 2018
9. Representation form the occupier, 19 Balderton Flats, Brown Hart Gardens, dated 5 March 2018

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



COVERS: 15

ALL DIMENSIONS TO BE CHECKED ON SITE

THE POSITION OF FIRE AND SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITIONING 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	13.01.2017	LATEST BASEMENT PLAN

B3 DESIGN JERS

PROJECT NO: 1118 - COMPICOR CAFE
 21-27 MENCH HOUSE STREET
 W10 5AU LONDON

DATE	DRAWN	CHECKED	SCALE
01/12/2016	DA	MH	1:200 (A1), 1:50 (A0)

TITLE: **BASEMENT LICENSING PLAN**

STATUS: **FOR TENDER**

DWG NO.	REV
1118-129_LIC	A

DRAFT DECISION LETTER

Address: 21 Weighhouse Street, London, W1K 5LY,

Proposal: DEVELOPMENT SITE AT 18-22 WEIGHHOUSE STREET: Application to remove the one year restriction on capacity and extended opening hours of the Class A3 restaurant at No. 21-22 [Comptoir] and to enable the restaurant to continue to operate with the existing capacity (40 at any one time) and within the existing operating hours of 07:00 to 23:00 on Thursdays to Saturdays and 07:00 to 22:00 on Sundays to Wednesdays [being an application to remove condition 14 of planning permission dated 31 January 2017 (RN 16/10936/FULL) which was a variation 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'].

Reference: 18/01359/FULL

Plan Nos: 618-34.3-1.000 (Location Plan)

17/02549/ADFULL - Operational Management Statement dated March 2017.

16/10936/FULL - 1118-109_LIC and 1118-129_LIC Rev A

14/06746/FULL

618-34.3-1.000 (Site Location Plan); 618-34.3-1.001A, 618-34.3-1.002C, 618-34.3-1.003H, 618-34.3-1.004E, 618-34.3-1.005C, 618-34.3-1.006C; Design and Access Statement dated August 2014 (ref. 618-34-3-D&A Rev D).

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. (R11AC)

- 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.

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 Thursdays to Saturdays and not before 07.00 hours or after 22.00 hours on Sundays to Wednesdays.

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 provide the stores for waste and materials for recycling according to the details shown on drawing 618-34.3-1.003H. You must clearly mark the stores and make them available at all times to everyone using the A1 and A3 units. You must store waste 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 carry out the development in accordance with the updated operational management statement approved by the City Council as Local Planning Authority on 24 May 2017 under application reference 17/02549/ADFULL or in accordance with any other operational management statement submitted to and approved by the City Council. (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 All bottles must be stored internally and may only be placed outside the building between 08:00 and 20:00 hours only.

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)

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.