



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 28th August, 2018**

Time: **6.30 pm**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Tony Devenish (Chairman)
Timothy Barnes
Susie Burbridge
Tim Roca

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|------------------------|
| 1. 28 SOUTH MOLTON STREET, LONDON, W1K 5RE | (Pages 5 - 24) |
| 2. AUDLEY SQUARE GARAGE, 5 AUDLEY SQUARE, LONDON, W1K 1DS | (Pages 25 - 32) |
| 3. 5-7 CARNABY STREET, LONDON, W1F 9PB | (Pages 33 - 42) |
| 4. 30 MOUNT ROW, LONDON, W1K 3SH | (Pages 43 - 48) |
| 5. 21 WEIGHHOUSE STREET, LONDON, W1K 5LY | (Pages 49 - 58) |

Stuart Love
Chief Executive
17 August 2018

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 28th August 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/03818/FULL 18/02313/TCH West End	28 South Molton Street London W1K 5RE	1. Use of the basement, ground and first floor for retail and restaurant use (sui generis) purposes, external alterations to Davies Street including the installation of vents at ground floor level. 2. Use of an area of public highway (on South Molton Street) measuring 21.7m x 3.15m for placing 28 tables and 56 chairs and 19 breeze screens.	
	Recommendation 1. Grant conditional permission. 2. Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/04129/ADFU LL West End	Audley Square Garage 5 Audley Square London W1K 1DS	Details of public art (sculpture) in Audley Square pursuant to condition 2 (part 2) (as amended by Non-Material Amendment 18/00303) of planning permission dated 9 March 2016 (RN: 15/02197/FULL).	
	Recommendation Approve details, subject to Unilateral Undertaking to secure the maintenance regime for the public art.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/05036/FULL West End	5-7 Carnaby Street London W1F 9PB	Alterations to second floor rear flat roof area including new side glazed doors, rear glazed sliding folding doors, planting, decking, seating and timber privacy screen to enable use as a terrace.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/02703/ADFU LL West End	30 Mount Row London W1K 3SH	Details of an alternative Construction Management Plan pursuant to condition 24 of planning permission dated 29 November 2017 (RN:17/06081), which varied planning permission dated 29 April 2016 (RN:16/01024) for the demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and 4 self-contained residential units on the five upper floors.	
	Recommendation Approve details.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 28th August 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/01790/FULL West End	21 Weighhouse Street London W1K 5LY	Variation of condition 4 of planning permission dated 18 April 2017 (RN: 16/11871/TCH) for the use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6780mm x 930mm in association with the adjacent restaurant at 21-22 Weighhouse Street, namely to allow the continued use of the highway for the placing of 4 tables and 8 chairs for a further year.	
Recommendation Grant conditional permission.				

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	28 South Molton Street, London, W1K 5RE,		
Proposal	<p>1. Use of the basement, ground and first floor for retail and restaurant use (sui generis) purposes, external alterations to Davies Street including the installation of vents at ground floor level.</p> <p>2. Use of an area of public highway (on South Molton Street) measuring 21.7m x 3.15m for placing 28 tables and 56 chairs and 19 breeze screens.</p>		
Agent	Bidwells		
On behalf of	Caffe Concerto Ltd		
Registered Number	1. 18/03818/FULL 2. 18/02313/TCH	Date amended/ completed	9 May 2018
Date Application Received	1. 9 May 2018 2. 23 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

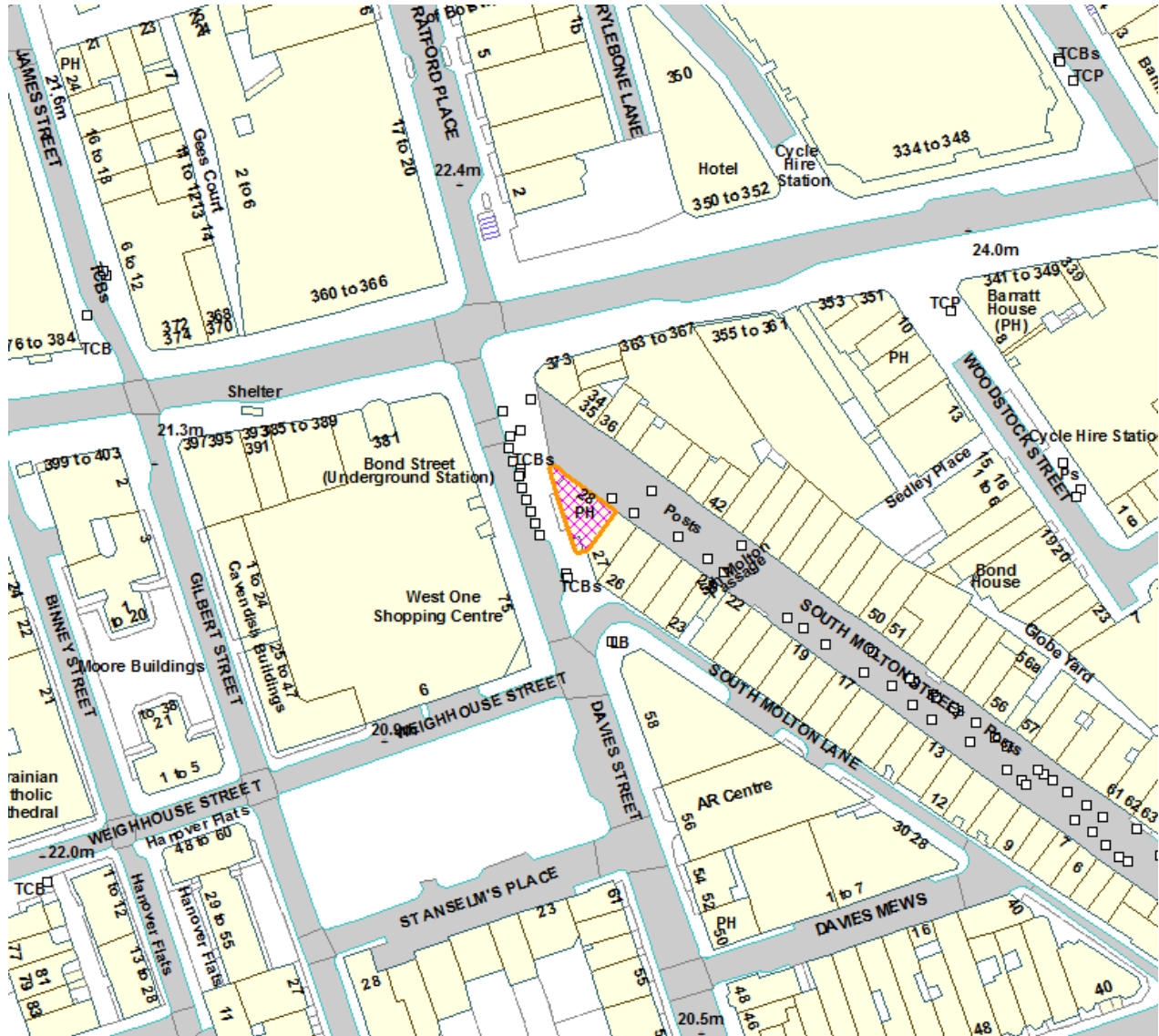
<p>1. Grant conditional permission.</p> <p>2. Grant conditional permission, for a temporary period of one year.</p>

2. SUMMARY

<p>The application site relates to the basement, ground and first floor of this triangular building, situated off Oxford Street. The building has frontages on South Molton Street and Davies Street and was constructed in 2012, following consent granted in 2009. The lawful use of the building is for retail purposes over basement, ground, first and second floors, offices at third and fourth floor level and a residential unit at fifth floor level. Permission is sought (retro speculatively) for the use of the basement, ground and first floors as a retail/restaurant (sui generis). Permission is also sought for the placing of tables and chairs on the highway on South Molton Street.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> - the loss of retail floorspace; - the impact of the proposed use on the character and function of the area; and - the impact of the tables and chairs on the highway.

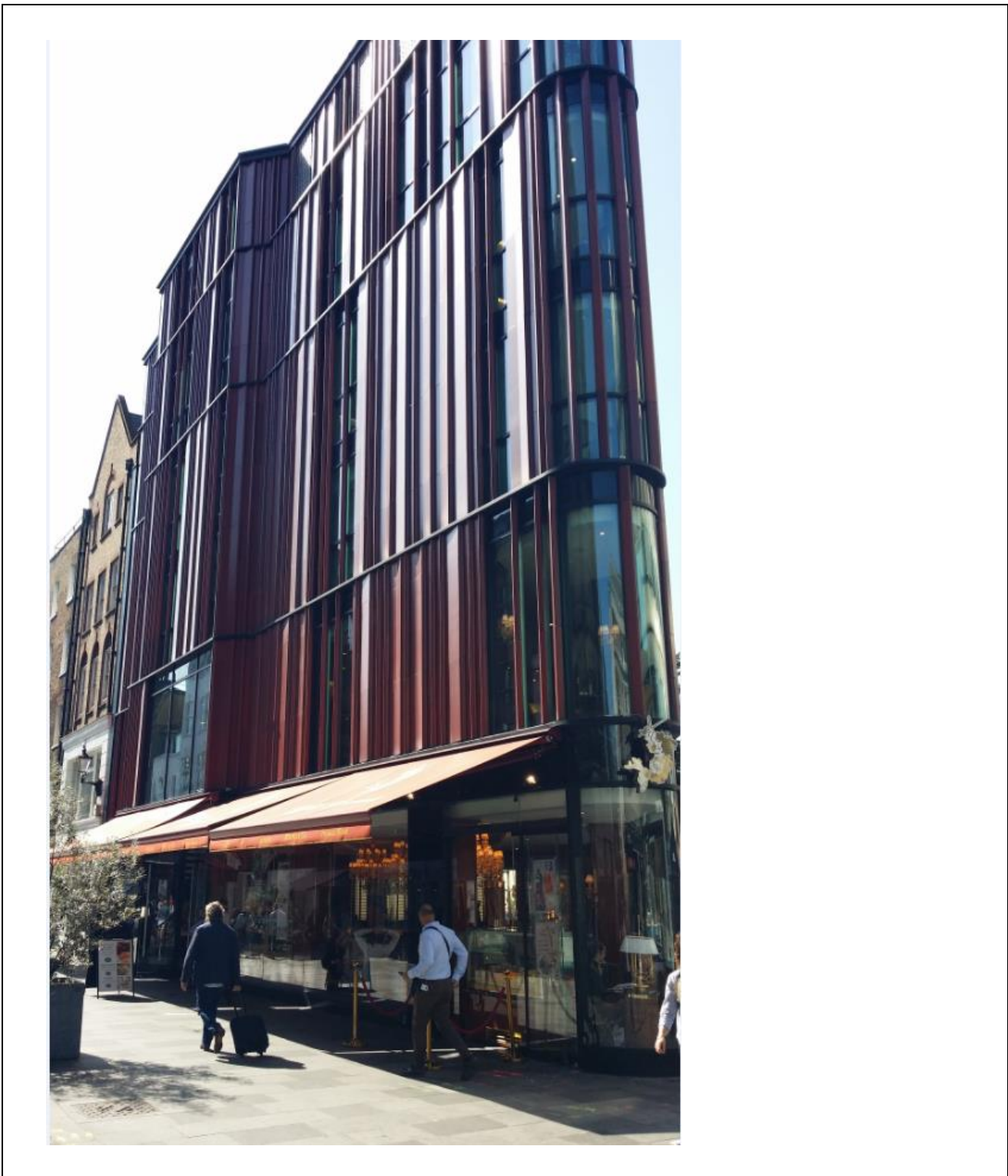
A retail use in this location has only existed since 2012, when the building was redeveloped. Prior to the demolition, the basement and ground floors were in use as a public house. It is considered that although the loss of the retail use is regrettable, the re-introduction of a complementary use, which include external seating in the West End Special Retail Policy Area is acceptable and in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Application 1

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S
Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER
Objection – lack of cycle parking.

CLEANSING
No objection.

ENVIRONMENTAL HEALTH
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S
Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER
No objection, although concern raised to the density of tables and chairs.

CLEANSING
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 73
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a triangular building, set back from Oxford Street and with frontages on South Molton Street and Davies Street. This is a new building following consent, which was granted in 2009, for the demolition of the existing building and redevelopment to create a building comprising basement, ground and five upper floors. The consent included the use of the basement, ground and first floors for retail

purposes, offices at second and third floors and three residential flats at fourth and fifth floor level.

Permission was subsequently granted in 2012 for the use of second floor for retail purposes (Class A1) and fourth floor for office purposes (Class B1). However, the second floor retail use does not form part of the application site.

Prior to 2009, the basement and ground floor were in use as a public house (Hog in the Pound).

The site is located in Core CAZ, the West End Special Policy Retail Area (WESPRA) and the Mayfair Conservation Area.

6.2 Recent Relevant History

Planning permission was refused on 26 April 2018 for use of the basement, ground and first floor for retail, cafe, restaurant use (sui generis) purposes, external alterations to Davies Street including the installation of vents at ground floor level.

The application was refused on the following grounds:

1. Your proposal would lead to the loss of retail floorspace over basement, ground and first floor levels. This unit has not been vacant for 18 months and a marketing report has not been submitted indicating that the retail unit is not viable. This is contrary to Policy S21 of Westminster's City Plan that we adopted in November 2016.
2. Your plans do not show suitable arrangements for ventilation and getting rid of cooking including reheating smells. This means that your use could cause a nuisance to nearby residents and street level environment. This would not meet S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE8, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Planning permission was granted on 14 December 2012 for the use of the second floor for retail purposes (Class A1) and fourth floor for office purposes (Class B1).

Planning permission was granted on 6 September 2009 for the demolition of the existing building and redevelopment to provide a new building comprising basement, ground and first floor as retail (Class A1), second and third floor as offices (Class B1) and fourth and fifth floors as three self-contained residential flats (1x1 bed and 2x2 bed). Installation of roof plant.

There is no planning history for tables and chairs outside this premises. Therefore, it appears that tables and chairs associated with the previous public house on this site did not benefit from planning permission or indeed a street trading licence.

7. THE PROPOSAL

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Permission is sought for the use of the basement, ground and first floors for retail and restaurant purposes (sui generis). The proposed user (and current occupier) is Caffè Concerto who operate a number of other cafes in the West End.

External alterations are proposed to the Davies Street elevation, which include the installation of four vents at ground floor level.

The proposed use comprises a mix of retail and restaurant elements and the applicant has stated that in terms of the sale of goods, 73.5% of the sales are retail sales with 26.5% for dining in. There are 40 internal covers, therefore it is not considered that the amount of covers would fall with Class A1. A separate application for tables and chairs has also been submitted and this includes external dining for 56 covers (96 covers in total).

The basement is used for back of house facilities including prep areas, dry stores, fridges and freezers. The customer toilets are also located at this level. The first floor (according to the submitted plans) are the companies office accommodation, HR, training facility. The website shows that the first floor is used for additional seating for the use. However, the applicants have stated that the first floor is only used for training purposes.

The applicants have indicated that there is no primary cooking from the premises with food being cooked off-site and reheated as ready meals on site.

Permission is also sought for the use of the public highway on South Molton Street for the placing of 28 tables, 56 chairs and 19 screens in an area measuring 21.7m x 3.15m.

The scheme has been amended since its original submission to reduce the proposed area and the number of tables and chairs.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail floorspace

The lawful use of the basement, ground and first floors is for retail (Class A1) purposes, comprising 426.4sqm.

City Plan Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses, with retail floorspace being a priority throughout the area. City Plan Policy S7 relates to the WESPRA, which states that the unique status and offer of the WESPRA will be maintained and enhanced.

City Plan Policy S21 deals directly with retail floorspace and states that existing A1 floorspace will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. In addition, UDP Policy SS5 states that A1 uses at ground, basement or first floor in the CAZ will be protected. This policy goes on to state that proposals for

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non-A1 uses must not: 1. Lead to, or add to, a concentration of three or more consecutive non-A1 uses; 2. Cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Long-term vacancy is defined as being a period of 18 months and during this time, the unit should be marketed widely and on terms that are no more onerous than market conditions in the area. The unit has not been vacant for 18 months and a full marketing report has not been submitted.

As detailed above, permission was refused in May 2018 for the loss of retail floorspace on this site. In this resubmission, although a full marketing report has not been submitted, TK Retail Property Consultants have submitted a report, which provides further background to the problems faced by retailers in this location.

The freeholders of the building are Bosideng, as well as owning the site, they opened a menswear store over the basement, ground, first and second floors. The Bosideng retail unit left the premises in approximately November 2016 and during the next 15 months the retail floorspace was occupied by temporary retail tenants, who despite benefitting from discounted rental rates struggled to trade well. During this period, the freeholders marketed the retail floorspace, and apart of Caffé Concerto who eventually occupied the site, the other interest in this unit was from café/restaurant premises.

It is important to look at the previous history of the site. As set out above, prior to the redevelopment proposals, the basement and ground floor were occupied by a public house (from 1963-2011). City Plan Policy S7 relates to the WESPRA and states that the development of oasis areas of rest, including seating area, and A3 cafes and restaurant uses where appropriate in terms of scale and location, to support the main retail areas in the WESPRA. The applicants have submitted various independent research documents relating to the need to provide leisure uses in addition to retail uses to allow visitors to spend more dwelling time in high streets. It is recognised that the site is located off the main primary frontage and therefore is in an area where cafes and restaurants are more appropriate.

The applicants that the primary use of the premises would be for a sale of food and drink for consumption off the premises, with sales from this retail element being 75% of the business.

The loss of retail floorspace in this location does not strictly comply with City Plan policy S21. However, it is considered that as a retail use has only been operational for a short period and the lower floors historically (prior to the demolition of the building) have been in use as a public house, it would be difficult to justify a reason for refusal on the loss of the retail floorspace.

Introduction of retail/restaurant use (sui generis)

The proposed retail/restaurant/cafe (sui generis) comprises 426.4sqm therefore UDP Policy TACE8 applies. This relates entertainment uses which will be generally be permissible, provided that the City Council is satisfied that the proposal has: no adverse effect upon residential amenity or local environmental quality as a result of noise;

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vibration, smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of its area.

There is a residential flat at fifth floor level, which is accessed via an entrance on Davies Street. The proposed use will include 40 internal covers at ground floor level. External seating is also proposed. The first floor will be used as an ancillary training facility, the applicants have stated that this area will not be used by members of the public. A condition is recommended to ensure that the first floor is not used for additional seating. The proposed use will be open to members of the public from 07.30-23.00 daily. These hours are in line with core opening hours set out in the UDP, and are considered acceptable. Any bar area should be limited to 15% of the use floorspace and this will be secured by condition.

As set out above, all food on-site is cooked and prepared off-site and is then heated in the kitchens via microwave oven and a Merrychef oven (an oversized microwave type unit). The menu has been submitted and this includes light bites including bread and olives, with starters including soup, salads and antipasto, toasted baguettes and sandwiches, pasta and risottos, pan fried salmon steak, lamb shank, chicken escalopes etc. The cafe also offers a large amount of cakes, which can be ordered and sold directly from this premises.

The applicant has not proposing to install a full height extract duct and is proposing to deal with cooking, heat, fumes and odours via a recirculation ventilation system (RecoAir). Environmental Health have stated that as an alternative to a full height discharging system a recirculation scheme may be permitted in the following circumstances:

- no external discharge of cooking fumes;
- all food equipment to operate by electricity only.

The applicant has confirmed that a recirculation system has been installed and there will be no external discharge of cooking fumes and all the food equipment is operated by electricity only. The re-circulation system includes a cut off system, which means that it will stop working if the maintenance regime is not carried out. Therefore, in these circumstances no cooking (or re-heating) would be able to take place. A maintenance regime has been submitted and an Operational Management Statement has been submitted, which states that the maintenance regime will be complied with, both of which will be secured by condition.

A condition preventing primary cooking is not considered to be necessary as there will not be any discharge of cooking fumes.

On this basis, it is considered that the proposed use is acceptable and in line with policies TACE 8 and S24.

8.2 Townscape and Design

The grilles at ground floor level on Davies Street are considered acceptable.

8.3 Residential Amenity

Four vents are proposed at ground floor level on Davies Street, one vent is a dummy vent, with one being used as a W.C extract and one as an air intake.

Re-circulation systems generate heat and one of the vents at ground floor level will be a bleed vent, which will be used to dissipate heat. Hot air could have an impact on amenity. However, as the nearest residential is located at fifth floor level, it is considered that the hot air will disperse and not have a detrimental impact on amenity. The bleed vent cannot dissipate all the heat generated by the re-circulation system and the applicant has confirmed that the existing internal condenser units will ventilate the kitchens.

In terms of the impact of the proposed tables and chairs, there is a residential flat at fifth floor level, which is accessed via Davies Street; there are also a number of residential flats on the upper floors in South Molton Street. The supporting text for UDP Policy TACE11 states that regard to the proximity of residential properties will be taken into account when considering the acceptability of the tables and chairs.

No objections have been received to the application and it is considered that the tables and chairs are acceptable in amenity terms, subject to a condition restricting the hours that the tables and chairs can be on the highway.

8.4 Transportation/Parking

The Highways Planning Manager has objected to Application 1, on the basis of the lack of cycle parking. As this is a new building, all cycle parking was approved for the residential and office uses. As there is no additional floorspace being created, it is not considered reasonable to request that further internal cycle spaces are provided.

In terms of the tables and chairs application, South Molton Street is a pedestrianised street, with vehicular access (servicing) from 07.00 – 11.00. The street is 12.6m wide and the Westminster Way states, for shared streets, each premises on each side of the street could occupy a quarter of the available space, leaving 50% of the highway as pedestrian clearway.

As set out above, the proposal has been amended to reduce the area the tables and chairs occupy and this is now in line with the Westminster Way. The Highways Planning Manager has raised concerns that the density of the tables and chairs may result in the proposed area being breached. However, it is considered that there is enough space to service the tables and chairs and permission could not be reasonably be withheld on these grounds.

It should be noted that this part of South Molton Street is likely to get busier when the Davies Street Crossrail station opens in December 2018. Therefore, the tables and chairs may cause an obstruction in the future. For this reason, the tables and chairs are limited to a one-year temporary consent to allow the City Council to assess the impact the tables and chairs may have on the public highway.

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8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

Access to the retail/restaurant use will be via the existing entrances on South Molton Street and Davies Street.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

The applications do not raise any strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of these applications.

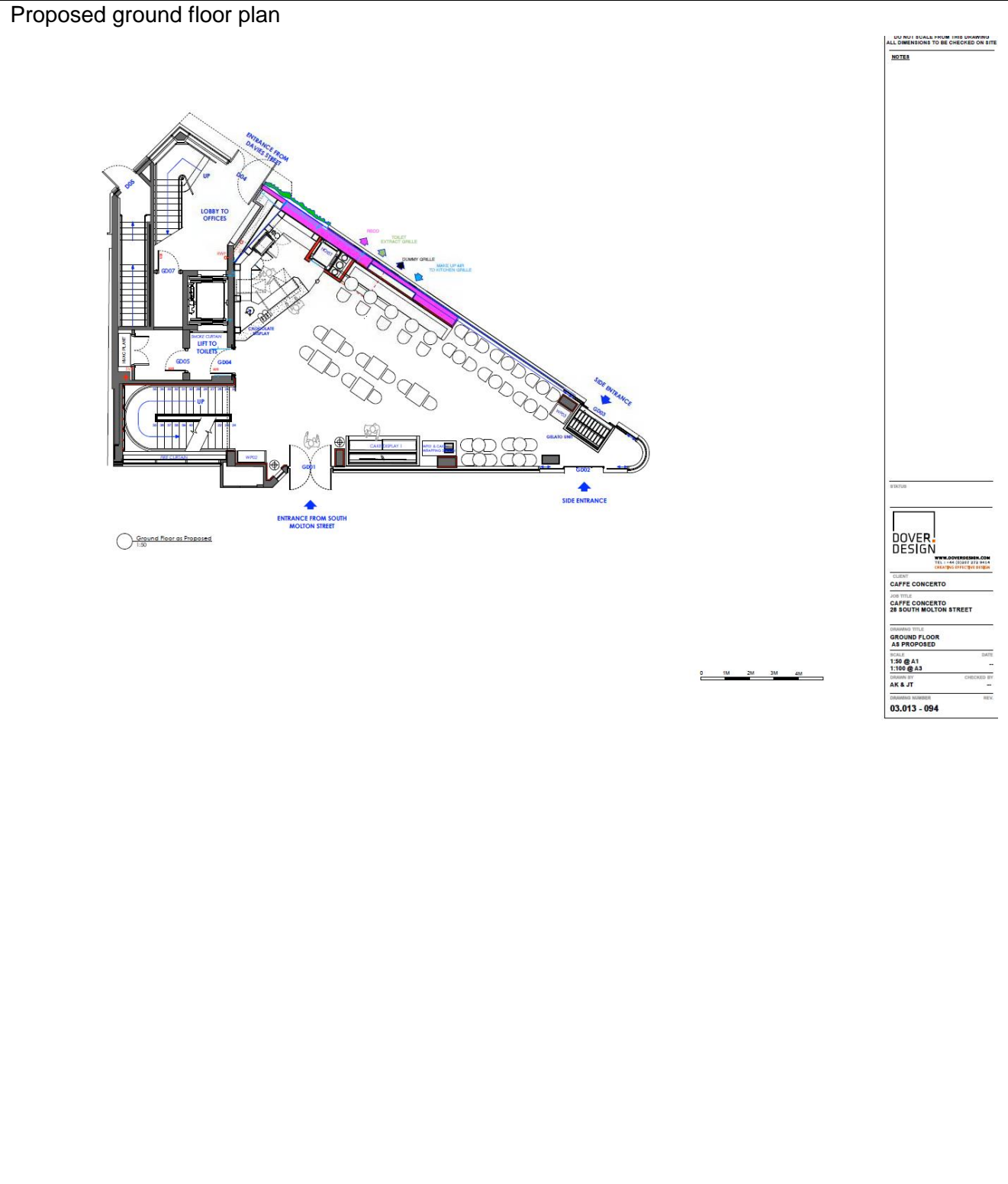
The proposals are not CIL Liable.

8.11 Environmental Impact Assessment

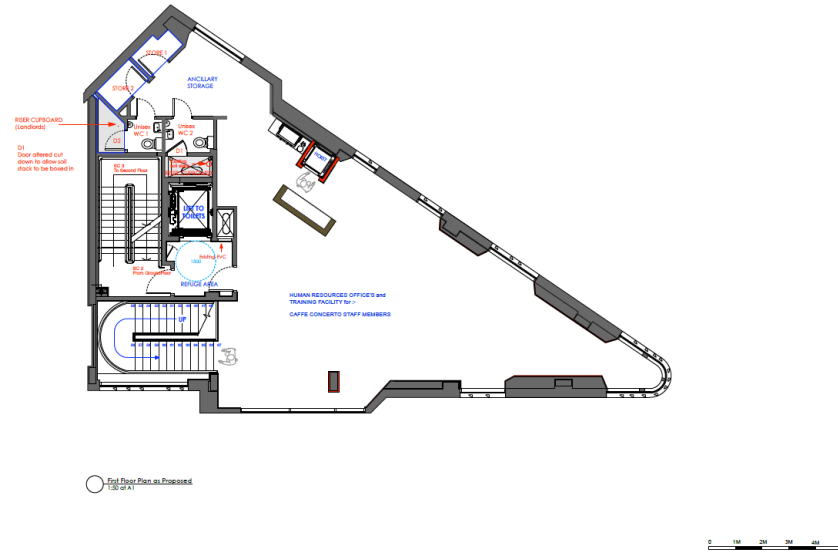
The proposals are of an insufficient scale to require an Environmental Impact Assessment.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS



Proposed first floor plan



ALL DIMENSIONS TO BE CHECKED ON SITE

NOTES

- REVISIONS
- REV A LP 06.08.17 Removed disabled toilet.
 - REV B AK 21.08.17 The back number revised. General work and setting out to be done as per recent site survey.
 - REV C DT 21.08.17 Damage shown. New toilet location shown. Floor slab indicated.
 - REV D DT 28.08.17 Trench revised. Damage shown. Additional tables and chairs shown.
 - REV E AK 03.08.17 Furniture revised. Number of chairs indicated.
 - REV F AK 28.08.17 Furnishings indicated.
 - REV G HW 24.10.17 Updated food hot desk.
 - REV H HW 28.11.17 Damage to window amended.
 - REV I DT 14.12.17 Damage area shown. Ceiling reduced to 4000. Ceilings.
 - REV J DT 28.12.17 Disabled toilet shown. E.V.C note shown.
 - REV K DT 22.12.17 Damages noted.
 - REV L DT 08.01.18 Existing changing facilities and lockers near carports shown. New urban look shown. 1800 x 1200mm.
 - REV M DT 08.02.18 Additional indoor bike racks. Join with current opening doors. Ceiling heights indicated.
 - REV N DT 08.02.18 Furniture removed. Additional notes added.

FOR BUILDING CONTROL APPROVAL



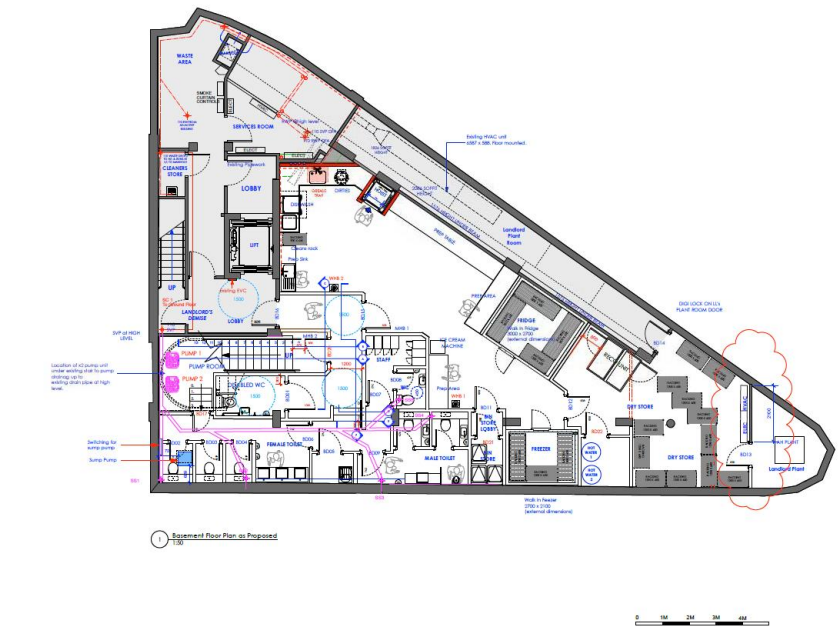
CLIENT

CAFFE CONCERTO
CAFFE CONCERTO
28 SOUTH MOLTON STREET

FIRST FLOOR PLAN AS PROPOSED

SCALE	DATE
1:50 @ A1	--
1:100 @ A3	--
DRAWN BY	CHECKED BY
AK	AK
PROJECT NUMBER	REV
03.013 - 101.3	Q

Proposed basement plan



DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE

- REVISIONS
- REV A AK 29.08.17 1800 x 1200mm removed.
 - REV B AK 08.08.17 1800 x 1200mm removed. 1800 x 1200mm position moved.
 - REV C AK 28.08.17 1800 x 1200mm removed. 1800 x 1200mm position moved. 1800 x 1200mm position moved. 1800 x 1200mm position moved.
 - REV D AK 28.08.17 1800 x 1200mm removed. 1800 x 1200mm position moved. 1800 x 1200mm position moved. 1800 x 1200mm position moved.
 - REV E AK 28.08.17 1800 x 1200mm removed. 1800 x 1200mm position moved. 1800 x 1200mm position moved. 1800 x 1200mm position moved.
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FOR BUILDING CONTROL APPROVAL



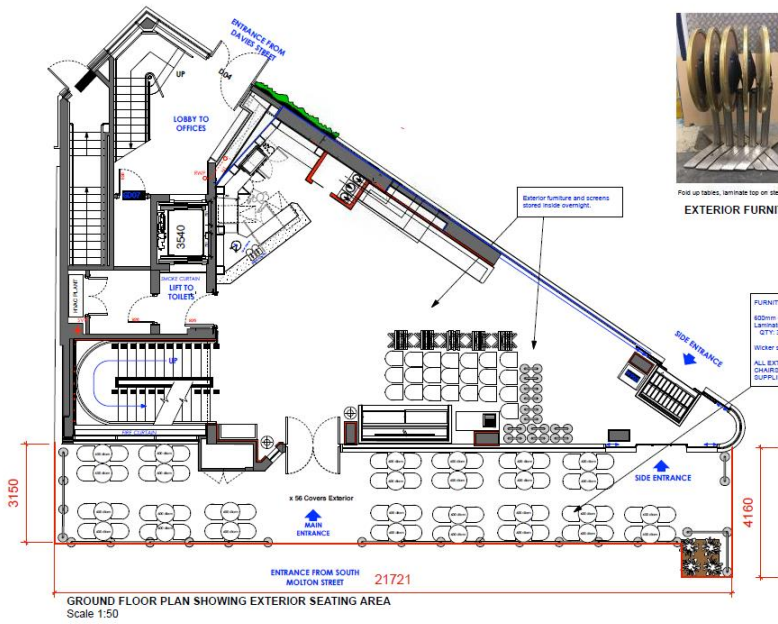
CLIENT

CAFFE CONCERTO
CAFFE CONCERTO
28 SOUTH MOLTON STREET
LONDON W1K 5RP

BASEMENT PLAN AS PROPOSED

SCALE	DATE
1:50 @ A1	--
1:100 @ A3	--
DRAWN BY	CHECKED BY
AK	AK
PROJECT NUMBER	REV
03.013 - 101.1	W

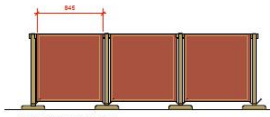
Proposed tables and chairs layout.



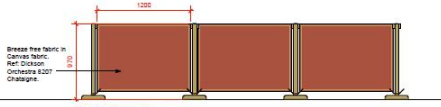
FURNITURE SCHEDULE

500mm diam Table	Laminate top and steel fold up base	QTY: 31
Wicker stackable chairs		QTY: 62
ALL EXTERNAL TABLES AND CHAIRS SUPPLIED BY CLIENT		

TOTAL AREA FOR PROPOSED SEATING AREA:
67 SQM



SIDE ELEVATION BREEZE FREE SCREENS
Scale 1:20



FRONT ELEVATION BREEZE FREE SCREENS
Scale 1:20



DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON SITE

REV A 18.01.18 JET
Plan amended to larger scale. Dimensions added to furniture

REV B 18.01.18 JET
Notes amended. Scale bar added.

REV C 18.01.18 JET
Breeze free screens added, including text notes.

REV D 22.06.18 DT
Seating area reduced to 2.10sqm. Tables to zone of seating removed, screens repositioned and added. Screens now replaced with various barriers.

REV E 27.06.18 DT
Logic to remove free screens removed

SECTION: TOWN PLANNING

DOVER DESIGN
www.doverdesign.com
TEL: +44 (0)1323 73 2444
DRAWING PROJECT NUMBER

CLIENT: CAFFE CONCERTO

JOB TITLE: CAFFE CONCERTO 28 SOUTH MOLTON STREET

DRAWING TITLE: EXTERIOR SEATING AREA Tables, Chairs and Planter location.

SCALE: 1:50 @ A1
1:100 @ A3

DATE: --

DRAWN BY: AK & JT
CHECKED BY: --

NO: 03.013 - 098

DRAFT DECISION LETTER

- Address:** 28 South Molton Street, London, W1K 5RE,
- Proposal:** Use of the basement, ground and first floor for retail and restaurant use (sui generis) purposes, external alterations to Davies Street including the installation of vents at ground floor level.
- Reference:** 18/03818/FULL
- Plan Nos:** 03.013-101.1 W, 03.013-094, 03.013-101.3 Q, menu for use received 09.05.18, 12771/DW/001 RD, RecoAir Installation, Operating and Main Instruction Manual for Cookline Recirculation Unit dated 22 January 2018, Breakfast/Afternoon Tea menu dated 23 July, Main menu dated 23 July 2018, email from Bidwells dated 13 August 2018

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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)

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1

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 use the basement, ground and first floors only for retail/restaurant use (sui generis). You must not use it for any other purpose.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 4 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

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 TACE8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 Customers shall not be permitted within the retail/restaurant premises before 07.30 or after 23.00 each day. (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 TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 All cooking and reheating equipment must be operated by electricity only and should be limited to the hot food products to those described in the menu (Breakfast/Afternoon Tea and Main Menu) dated 23 July 2018.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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

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)

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores (R, O, W and Waste Cooking Oil) and make them available at all times to everyone using the waste store. (C14EC)

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)

- 9 You must carry out the installation, operating and maintenance of the recirculation ventilation equipment in accordance with the Instruction Manual dated 22 January 2018 and the statement within the email from Bidwells dated 13 August 2018

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 You must only use the first floor as a training facility for members of staff of the retail/restaurant/cafe use hereby approved. It must not be used for additional seating for customers.

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)

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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 hot food operation as described in the approved documents shall not be altered in any way with regards to cooking methods, or hot food types sold. Any application to remove or vary the condition 6 must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation).

DRAFT DECISION LETTER

Address: 28 South Molton Street, London, W1K 5RF

Proposal: Use of an area of public highway (on South Molton Street) measuring 21.7m x 3.15m for placing 28 tables and 56 chairs and 19 breeze screens.

Reference: 18/02313/TCH

Plan Nos: 03.013-098 D

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 and fabric banners in any other position than that shown on drawing 03.013-098 D. (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 and fabric banners on the pavement between 07.30 and 23.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the retail/restaurant use at basement, ground and 1st floor level of 28 South Molton Street. (C25CA)

Reason:

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To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 5 This use of the pavement may continue until 30.09.2019. 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.

- 6 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing 03.013-098 D.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

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

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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)

- 4 You are advised that the Davies Street Crossrail Station will open in December 2018, we will monitor the impact of the station (in terms of increased pedestrians) and the tables and chairs outside this site. The number of tables and chairs may have to be decreased or removed when/if you renew the consent next year.

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.

Agenda Item 2

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2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Audley Square Garage, 5 Audley Square, London, W1K 1DS,		
Proposal	Details of public art (sculpture) in Audley Square pursuant to condition 2 (part 2) (as amended by Non-Material Amendment 18/00303) of planning permission dated 9 March 2016 (RN: 15/02197/FULL).		
Agent	DP9		
On behalf of	Caudwell Properties (109) Limited		
Registered Number	17/04129/ADFULL	Date amended/ completed	11 May 2017
Date Application Received	11 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Approve details, subject to a Unilateral Undertaking to secure the maintenance regime for the public art.

2. SUMMARY

Planning permission was granted in March 2016 for the demolition of existing buildings (with the exception of 4 Red Lion Yard which is to be retained with external alterations) and the erection of new building of eight/nine storeys (plus lower ground floor and four basement levels) to provide 30 residential units with swimming pool and gymnasium, creation of roof terraces, car parking and cycle parking, vehicular access from Waverton Street, hard and soft landscaping, and plant at roof level.

Condition 2 of this permission required details of the public art on Audley Square. The condition also required details of public art on Waverton Street, but this is no longer proposed and the condition has been revised by non-material amendment.

Highway works associated with the development were included in the S106 legal agreement, and technical approval has been approved for works to the highway. Part of works include an island area on Audley Square, and the public art is proposed in this location. This island area will remain as public highway.

The proposed public art takes the form of statues, formed in bronze, of a woman on a horse and two standing men, all in an 18th century style. The figures are slightly larger than life size. It is a

traditional piece, arguably suitable for its setting in this part of Georgian Mayfair. The sculptor is Philip Jackson who has designed a large number of high profile sculptures in the city, including

- Mahatma Gandhi, Parliament Square;
- Bomber Command Memorial, Green Park;
- HM Queen Elizabeth, the Queen Mother Memorial, The Mall;
- The Wallenberg Monument, Great Cumberland Place; and
- The Young Mozart, Orange Square.

It is considered that this is a high quality artwork, which is acceptable in this location.

The Highways Planning Manager has objected to the public art on the basis that it will be on the public highway and may cause an obstruction to pedestrians. Concern is also raised to the design and the height of the public art, which may encourage members of the public to interact or climb on the artwork. With this in mind it is considered that the proposed statue could have a significantly adverse impact on highway users who engage with the sculpture in an unintended but foreseeable way and be a safety hazard within the highway.

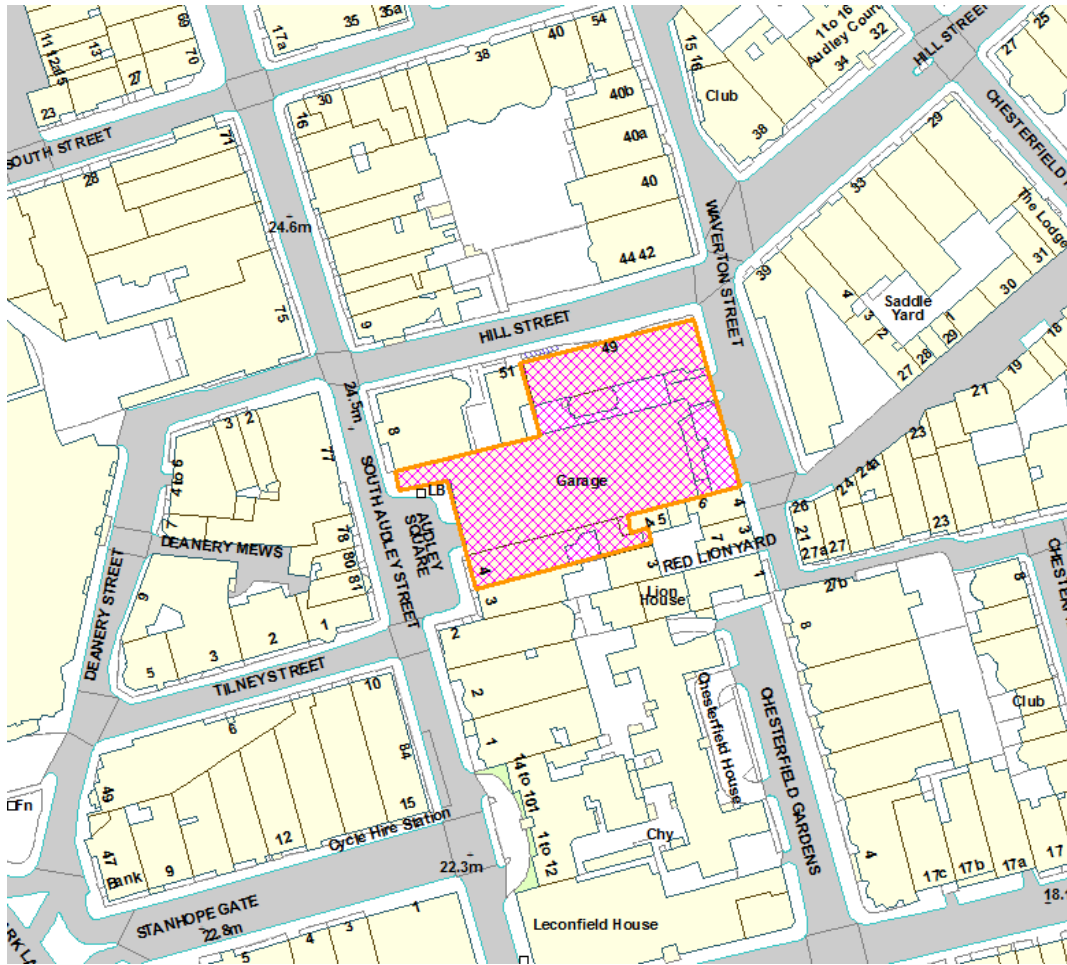
The applicant has confirmed that they are willing to maintain the public art in perpetuity. The maintenance agreement will need to be secured via a legal agreement to ensure that the public art is the responsibility of the applicant and not the City Council. The agreement will also secure the removal of the public art and with associated works of making good above ground floor level, and the re-instatement of the paving, to match adjoining areas, should the maintenance regime fail. There would also have to be public liability insurance associated within the artwork.

The submission of these details complies with Schedule 1 paragraph 6.1 of the legal agreement (dated 9 March 2016) which states:

“The Owner undertakes that the Public Art shall be provided and displayed in a prominent location at the Development or such other position agreed in writing with the City Council acting reasonably as an integral part of the Development and the detail of the Public Art shall be submitted by the Owner to and approved by the City Council acting reasonably before Occupation of the Development”.

It is considered that the public art is acceptable, subject to a legal agreement requiring a maintenance agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Site prior to demolition



Photomontage submitted as part of the 2016 consent



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5. CONSULTATIONS

HIGHWAYS PLANNING MANAGER

Objection –the design and height of elements may encourage members of the public to interact or climb on the artwork.

6. BACKGROUND INFORMATION

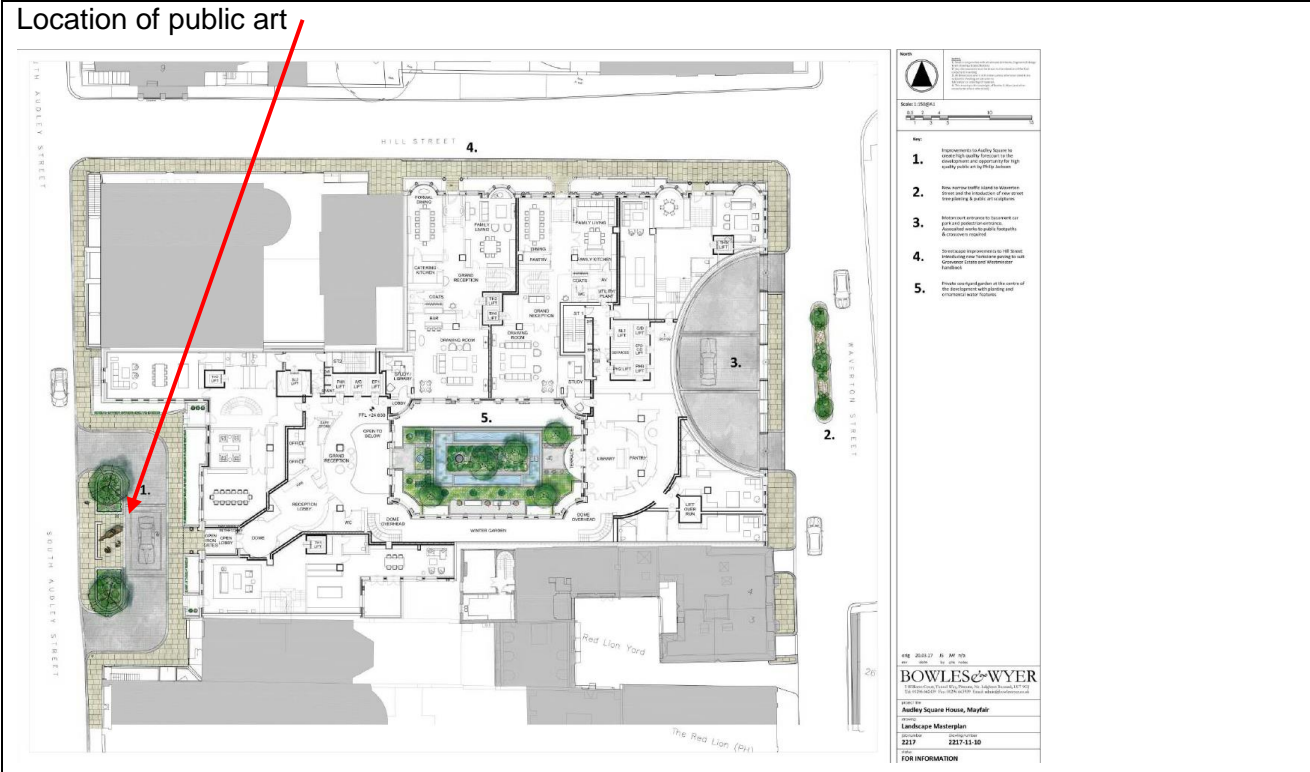
6.1 Recent Relevant History

Planning permission was granted on 9 March 2016 for the demolition of existing buildings (with the exception of 4 Red Lion Yard which is to be retained with external alterations) and the erection of new building of eight/nine storeys (plus lower ground floor and four basement levels) to provide 30 residential units with swimming pool and gymnasium, creation of roof terraces, car parking and cycle parking; vehicular access from Waverton Street; hard and soft landscaping; and plant at roof level. This permission has been implemented.

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

7. KEY DRAWINGS



Public art

Audley Square House, maquette of proposed Audley Square sculpture



Front View

DRAFT DECISION LETTER

Address: Audley Square Garage, 5 Audley Square, London, W1K 1DS,

Proposal: Details of public art (sculpture) in Audley Square pursuant to condition 2 (part 2) (as amended by Non-Material Amendment 18/00303) of planning permission dated 9 March 2016 (RN: 15/02197/FULL).

Reference: 17/04129/ADFULL

Plan Nos: 8 un-numbered pages - 7 images and 1 drawing;

Case Officer: Robert Ayton

Direct Tel. No. 020 7641 2978

Recommended Condition(s) and Reason(s)**Informative(s):**

- 1 You are advised you will need to apply for a licence under section 115 of the Highways Act (1980) for this feature to be erected on the public highway.,
- 2 This permission only partly meets condition(s) 2 of the planning permission dated 9 March 2016. We still need to approve details of: the typical facade details at all levels, including roof; (I13AA)
- 3 You are still required to comply with Schedule 1, paragraph 6.2 of the S106 legal agreement dated 9 March 2016.

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.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	5-7 Carnaby Street, London, W1F 9PB,		
Proposal	Alterations to second floor rear flat roof area including new side glazed doors, rear glazed sliding folding doors, planting, decking, seating and timber privacy screen to enable use as a terrace.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury (Carnaby) Ltd		
Registered Number	18/05036/FULL	Date amended/ completed	15 June 2018
Date Application Received	15 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The site is located on the east side of Carnaby Street between Broadwick Street and Beak Street within the Soho Conservation Area and Core Central Activities Zone (CAZ). The property comprises basement, ground and four upper floors. The basement, ground and first floor are currently used for retail (Class A1) purposes with the second, third and fourth operating as office (Class B1) use. This application relates solely to the second floor rear flat roof. A condition on a permission granted in 2001 restricts the use of this area for means of escape purposes only. This application seeks the use of this area as a terrace together with external alterations including new doors, glazing, timber privacy screen and planting.

The alterations are acceptable in design terms and the key issue relates to the impact of the use of this flat roof on the amenity of nearby residential occupiers.

The closest residential accommodation are the three flats at 37 Beak Street and the 24 flats within Marshall House at 49 Marshall Street. The terrace is set back behind projecting wings of the building and there would be no overlooking of the flats within 37 Beak Street. Two letters of objection from a second floor flat within Marshall House have been received on the grounds that the terrace would result in a loss of privacy and that the slatted timber screen would not be sufficient to

prevent overlooking.

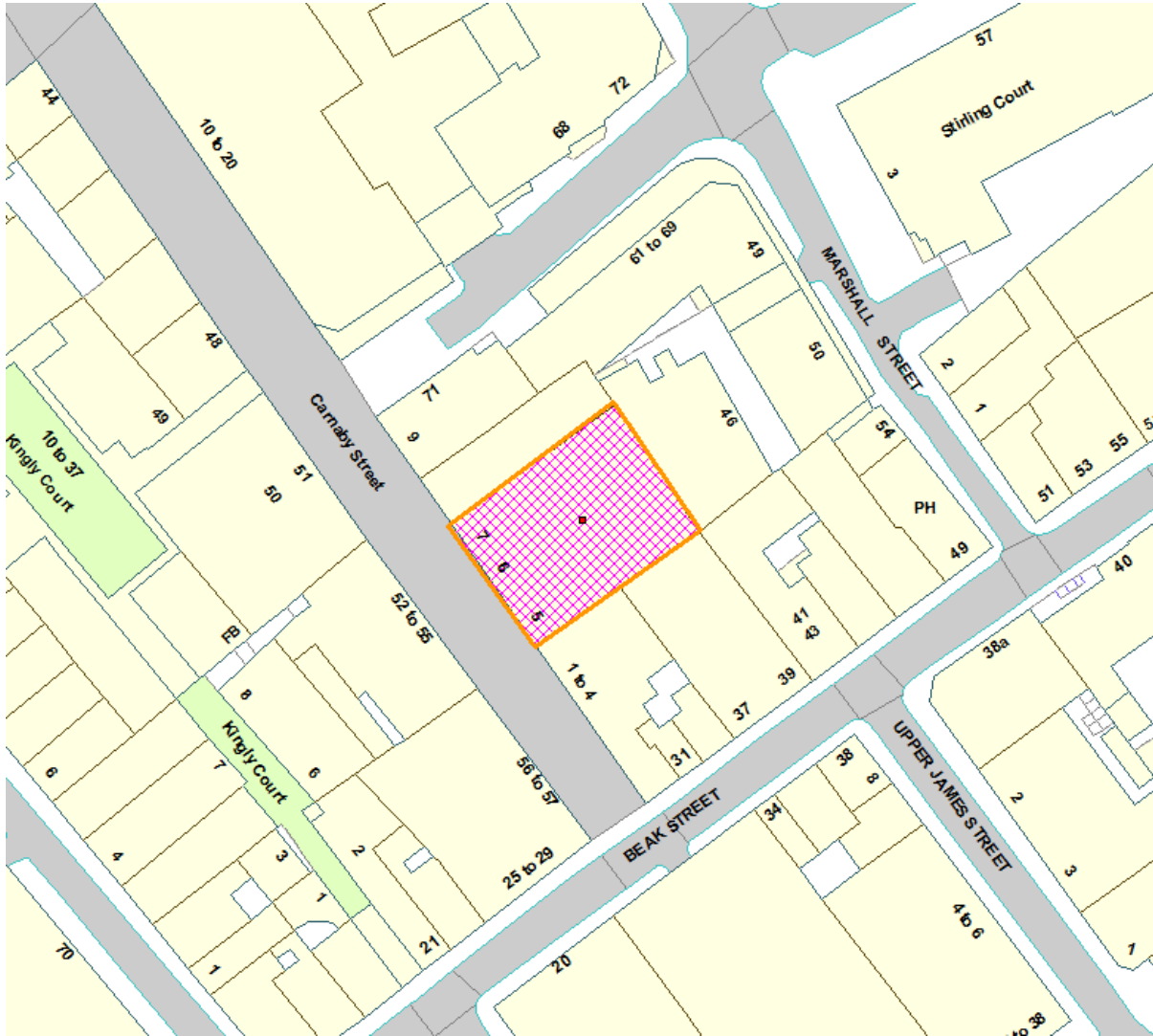
Whilst there would be some oblique overlooking to the windows on the upper floor of Marshall House, the terrace is only some 1m in depth and 8m in width and there is an intervening office building (46 Marshall Street) which also restricts views towards the rear of Marshall House. The 2001 permission show a door that opens onto this flat roof, and it appears that the flat roof has been used as a terrace in the recent past. Had the applicant submitted a certificate to establish the lawful use, it is possible that the applicant would have been able to demonstrate that this flat roof has been used as a terrace since the 2001 consent.

The proposal includes a 2m high timber slatted screen which improves the current situation and whilst the comments of the objectors are noted, given the oblique relationship with Marshall House (which is some 11m distant from the terrace) it is not considered that the application could be refused on the grounds of overlooking.

There is also a terrace at first floor and balconies at second and fourth floors in the adjoining building at 8 Carnaby Street which are directly adjacent to Marshall House and are unrestricted in terms of their use.

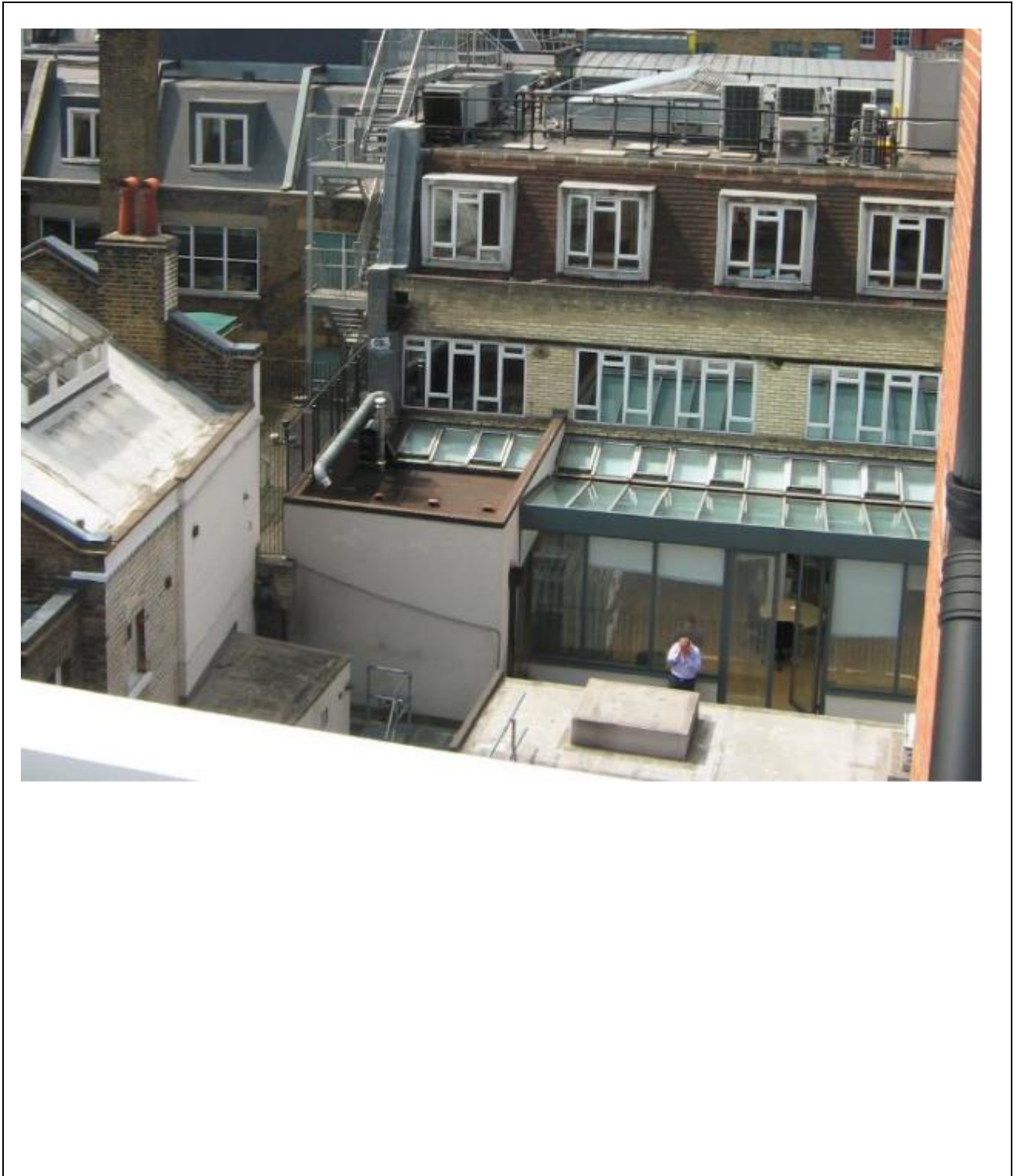
With a condition limiting the use of the terrace from 08:30 to 20:30 Monday to Fridays only, it is considered that the use of this terrace would not have a harmful impact on residential amenity.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND ANY OTHER REPRESENTATIONS

No. consulted: 75

No. responses: 2 letters of objection on the grounds of loss of privacy and that the timber slatted cladding would not provide sufficient screening.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Planning permission was granted in February 2001 for the 'erection of second floor rear extension with 2 No. plant enclosures above, alternative use of the first and second floors for either Class B1 (offices) or Class A1 (Retail) purposes' (RN: 00/04557/FULL).

History of adjacent site (8 Carnaby Street)

Planning permission was granted in October 2004 for 'External alterations to 8 and 9 Carnaby Street including new plant at roof level, mansard extensions and new shopfronts, new extension for lift/stair core in Broadwick Street to the rear of 9 Carnaby Street, use of first floors of 8 and 9 for office (Class B1) and/or retail (Class A1) purposes. Modifications to permission dated 2 September 2003, including new entrance canopy, and fully glazed windows at first floor front, terrace at first floor level and new balconies at second and fourth floor level and conservatory extension at third floor to the rear of 8 Carnaby Street.'

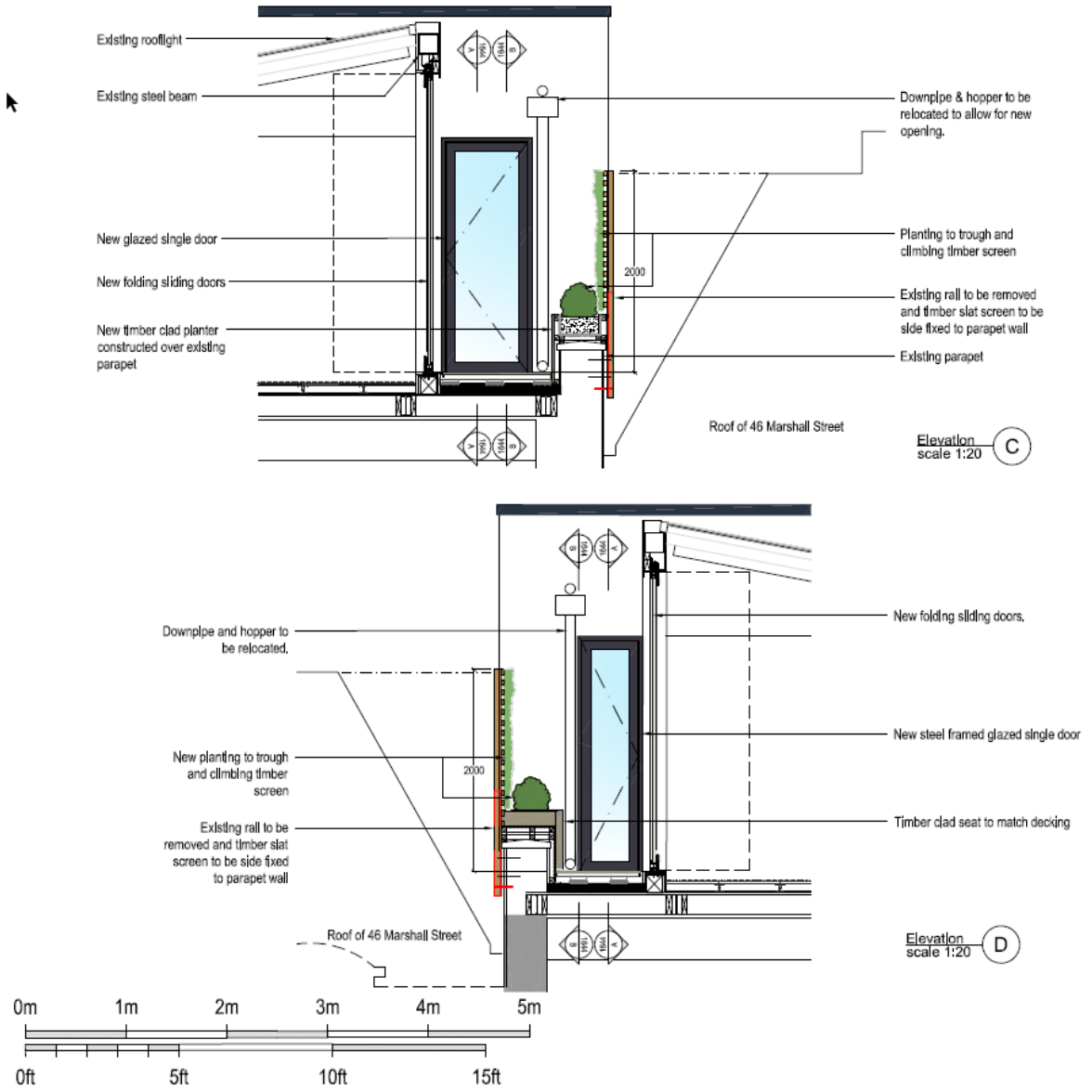
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

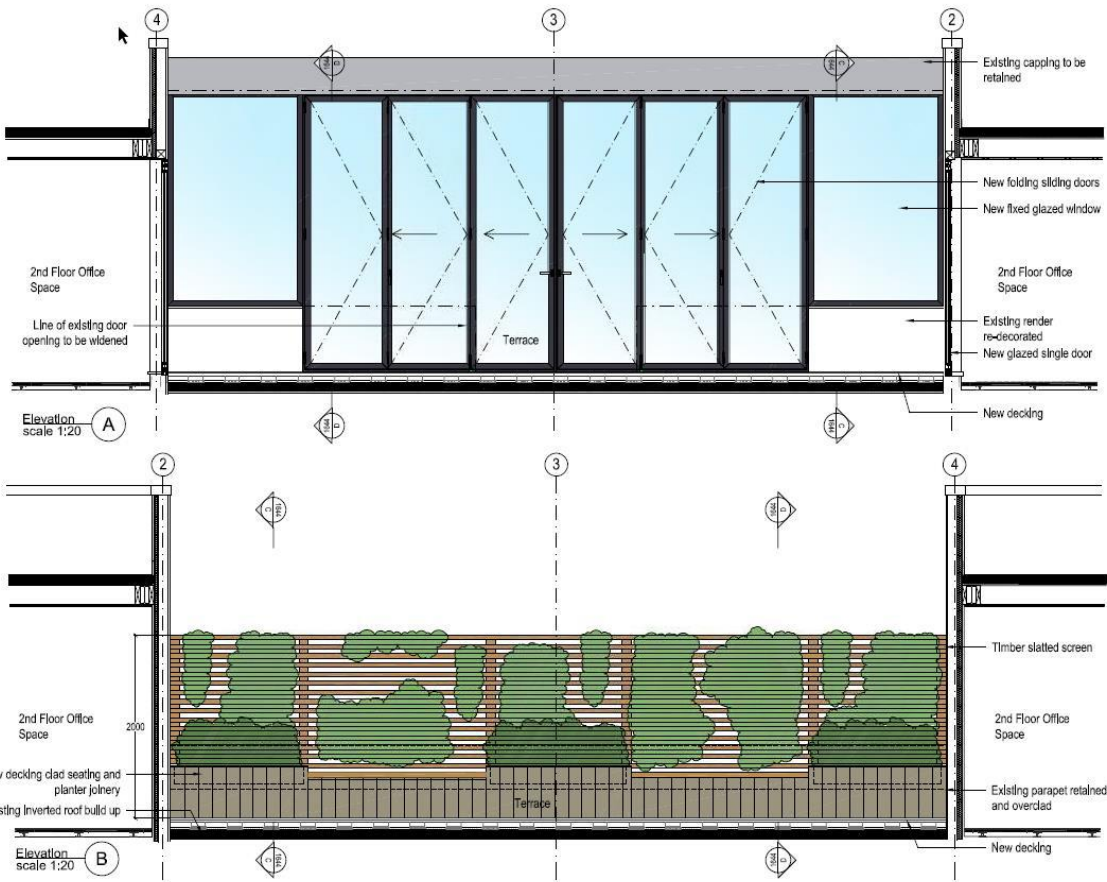
7. KEY DRAWINGS



Proposed sections



Proposed rear elevation



DRAFT DECISION LETTER

Address: 5-7 Carnaby Street, London, W1F 9PB,

Proposal: Alterations to second floor rear flat roof area including new side glazed doors, rear glazed sliding folding doors, planting, decking, seating and timber privacy screen to enable use as a terrace.

Reference: 18/05036/FULL

Plan Nos: 1644-8300 Rev A, 8301, 8302, 1103 Rev A

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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:
 *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.

You must carry out piling, excavation and demolition work only:

*between 08.00 and 18.00 Monday to Friday; and

*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 Soho 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 terrace shall not be used for any purpose except between the following hours: 08.30 - 20.30 (Monday to Fridays). You can not use the terrace outside of these hours other than in the case of an emergency.

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 Before you use the terrace area for sitting out or for any other purpose, you must install the slatted timber screen, planters and artificial climbing plants or planted climbing plants, as shown on the approved drawings. The timber screen, planters and climbing plants must thereafter be maintained for as long as the terrace is used.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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.

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.

Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	30 Mount Row, London, W1K 3SH,		
Proposal	Details of an alternative Construction Management Plan pursuant to condition 24 of planning permission dated 29 November 2017 (RN:17/06081), which varied planning permission dated 29 April 2016 (RN:16/01024) for the demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and 4 self-contained residential units on the five upper floors.		
Agent	DP9		
On behalf of	Summerford Limited		
Registered Number	18/02703/ADFULL	Date amended/ completed	4 April 2018
Date Application Received	4 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Approve details.

2. SUMMARY

<p>The application site is located to the west of Mount Row, close to the junction with Carlos Place. Planning permission was original granted in April 2016 for the demolition of the existing building and redevelopment to provide a six-storey building over lower ground and basement levels comprising retail and residential uses. This permission was varied in November 2017 for alterations to the facades, roof and lightwell.</p> <p>The original permission preceded the adoption of the Council's Code of Construction Practice (COCP). A condition was imposed on the 2017 permission to ensure that the development was carried out in accordance with the submitted Knightbuild Construction Management Plan (CMP). Knightbuild are no longer the contractors for the development and as such, Forcia the current contractor has submitted an updated CMP. An objection has been received on the grounds that as the 2017 consent was approved after COCP was adopted, that the development should be in line with those requirements. The 2017 consent was a S73 application to vary condition 1 of the 2016</p>
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consent. Condition 1 concerns drawing numbers and the S73 application requested the substitution of some of the approved drawings with new ones to allow for specified and distinct design changes. The changes approved were relatively minor and as the 2017 scheme is intrinsically linked to the original scheme it was not considered appropriate to ensure that the development was bound by the COCP requirements. As this is an approval of details application and it would not be appropriate at this stage to change the requirements of the development.

The CMP condition requires the following:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

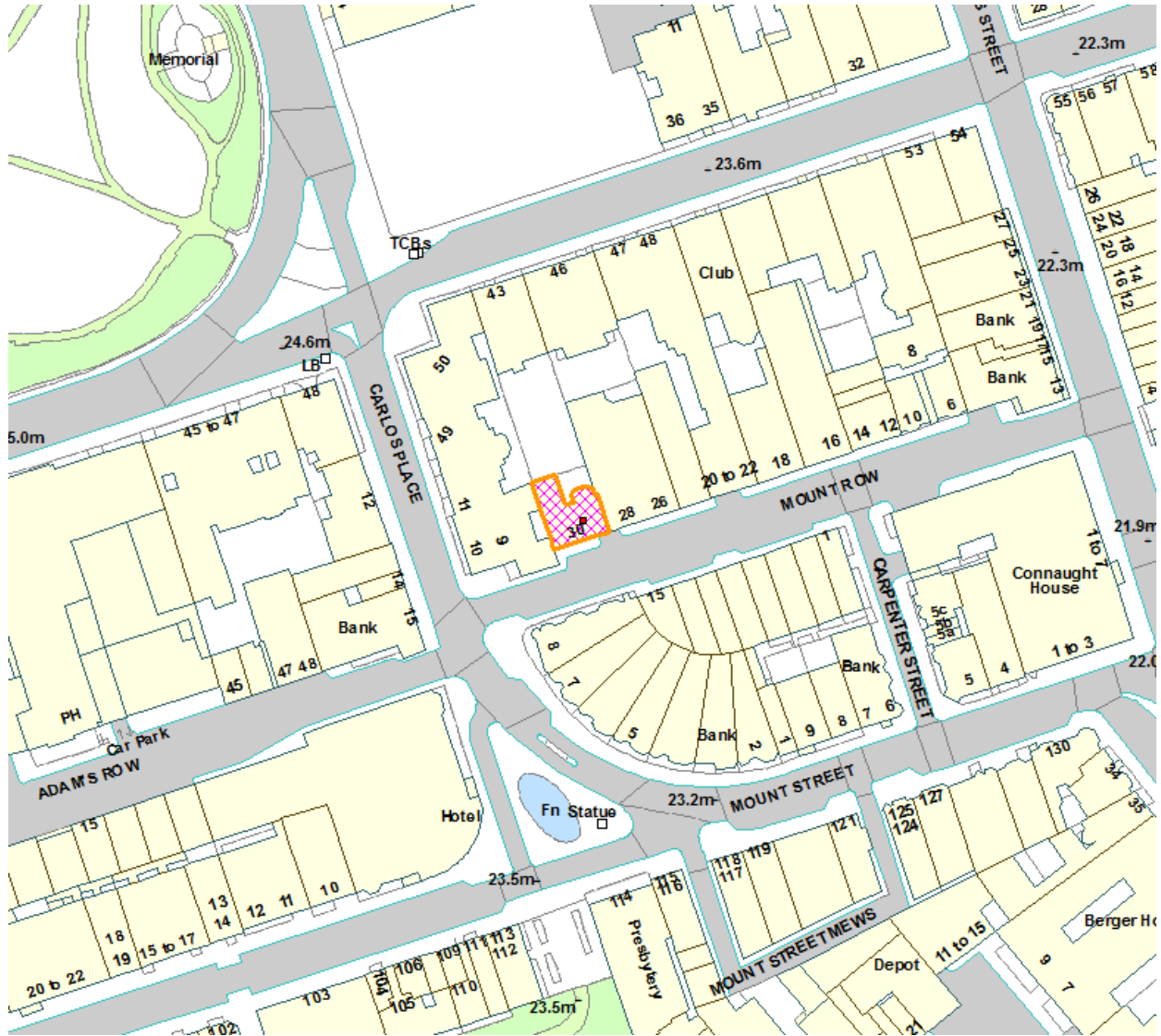
The reason for this condition is *“to protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007”*.

The Forcia CMP includes all the information required by the condition and the Highways Planning Manager raises no objection to its content.

Objections have been received on behalf of a car showroom who occupy the ground floor of the adjoining property (26-28 Mount Row). The objections are raised on grounds that the submitted CMP does not comply with the requirements set out in the COCP; namely the control of noise, vibration and dust, and the erection of acoustic hoardings and that the car showroom displays classic cars so the dust from construction will have a detrimental impact on the cars.

The development is not required to comply with the COCP as it was approved prior to its adoption. Any environmental impact issues would be investigated by the Noise Team. The Environmental Inspectorate (highways side) have already issued a highways licence for this site. The content of the Forcia CMP is considered acceptable and permission could not reasonably be withheld on the grounds raised by the objector.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photo from March 2016



Photo from August 2018



5. CONSULTATIONS

ENVIRONMENTAL HEALTH

No comment as this application is not a Code of Construction site, as it was determined prior to the adoption of the Code of Construction Practice.

HIGHWAYS PLANNING MANAGER

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Several responses have been received on behalf of the neighbouring car showroom at 26-28 Mount Row raising objections on the following grounds:

- The CMP does not comply with the Code of Construction Practice requirements;
- Impact of the construction in terms of noise, vibration and dust.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

The planning history for this building dates back to 2007, when permission was first granted for the demolition of the building and rebuilding to provide a new single family dwelling of basement, ground and three upper storeys. This permission was then renewed in 2010.

Permission was then granted in March 2012 for the demolition of existing two storey single family dwelling and excavation to provide new single family dwelling with double basement, ground floor, and four upper storeys and single storey rear extension; and single storey building at rear of garden. This permission was subject to a S106 to secure a financial contribution (£588,000) towards affordable housing and funding the provision of an off street car parking space in the vicinity of the development.

Permission was granted in July 2015 for the demolition of existing building and redevelopment to provide a single family dwelling house with sub-basement, basement, ground and four upper floors; and single storey building at rear of garden. This was subject to a S106 to secure a payment of £409,810 towards the affordable housing fund and a car parking space within a local car park for 25 years.

Permission was granted in April 2016 for demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and 4 self-contained residential units on the five upper floors. This permission was varied in November 2017. This permission is being implemented on-site

DRAFT DECISION LETTER

Address: 30 Mount Row, London, W1K 3SH,

Proposal: Details of an alternative Construction Management Plan pursuant to condition 24 of planning permission dated 29 November 2017 (RN:17/06081), which varied planning permission dated 29 April 2016 (RN:16/01024) for the demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and 4 self-contained residential units on the five upper floors

Reference: 18/02703/ADFULL

Plan Nos: Construction Management Plan Rev 5 dated May 2018

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

Informative(s)

- 1 This permission fully meets condition(s) 24 of the planning permission dated 17/06081/FULL. (I11AA)

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.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 28 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	21 Weighhouse Street, London, W1K 5LU,		
Proposal	Variation of condition 4 of planning permission dated 18 April 2017 (RN: 16/11871/TCH) for the use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6780mm x 930mm in association with the adjacent restaurant at 21-22 Weighhouse Street, namely to allow the continued use of the highway for the placing of 4 tables and 8 chairs for a further year.		
Agent	Monmouth Planning Ltd		
On behalf of	Contoir WS Ltd		
Registered Number	18/01790/FULL	Date amended/ completed	17 April 2018
Date Application Received	02 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a 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 three small shops and one café along this frontage into one larger retail unit and a restaurant. The restaurant operator, Café Comptoir, offers a 'high quality' all day dining and artisan coffee, seasonal food and a small ancillary retail element, with an emphasis on fine wines. There is a condition on the original permission preventing any primary cooking (as there was no provision for kitchen extractor equipment).

Permission was granted in January 2017 to increase the number of customers in the restaurant from 20 to 40, and to extend the opening hours from 07.00 to 22.00 hours each day to between 07.00 and 23.00 hours on Thursdays to Saturdays, retaining the hours of 07.00 to 22.00 hours on Sundays to Wednesdays. However, the increase in capacity and extended opening hours were granted for one year only (from the date that the restaurant use commences), so that the impact of the changes can be assessed. Permission was then granted in April 2018 to remove that one year restriction.

Another condition on the original permission specified that “No tables and chairs shall be placed outside any of the premises (unless granted separate planning permission).” There is photographic evidence that the former café had tables and chairs outside but no record that planning permission was granted for this. Permission was granted in April 2017 for tables and chairs outside the premises (this application was presented to Planning Sub-Committee No.4, but as that committee no longer exists, it is being presented to this Committee). That application had been amended to remove two tables and four chairs that were initially proposed on Gilbert Street, to ameliorate the potential impact on the amenity of the flats above. A further revision had reduced the number of tables on the Weighhouse Street frontage from six to four, and reduced the number of chairs from 12 to eight. There had been objections from a local amenity society and two residents to the proposals, on amenity grounds: as is usual Council practice with new tables and chairs applications, the permission was granted for a one year trial period. Permission is now sought to allow a further one year permission.

Tables and chairs on the footway are controlled by policy TACE 11 of the Unitary Development Plan (UDP) 2007. This states that permission will only be granted when such proposals fulfil a number of criteria, including that they will not cause an obstruction, unacceptably intensify the existing use nor cause a nuisance to residents.

There has been one objection from a local resident, stating that the tables and chairs cause noise and disturbance, referring in particular to ‘bicycle cabs’/pedicabs. However, the applicants are only seeking to have the tables outside from 10.00 to 22.00 hours (seven days a week). Outside of these hours and during the time the restaurant is open until 23.00 hours on Thursday to Saturdays the chairs would be removed and stored inside the premises. The amount of seating is also considered to be modest. Whilst acknowledging that the neighbouring buildings are in residential use, there is a considerable amount of entertainment and commercial activity in the wider vicinity. The applicant has only requested a further year for the tables and chairs, meaning that the situation can be continue to be monitored. The objector’s personal view that the general public and vagrants seem to think there is a public lavatory behind the premises is not relevant.

The proposals are considered to be acceptable in highways terms, leaving a clear 2m area between the tables and chairs and existing street furniture. The design of the furniture itself is also considered to be acceptable.

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

CROSSRAIL 1
No comment.

CROSSRAIL 2
No comment.

HIGHWAYS PLANNING MANAGER
No objection, subject to standard conditions

CLEANSING
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 88; No. of objections: 1:

The tables and chairs have an adverse impact on residential amenity from increased noise and disturbance

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.’

January 2017 – conditional permission granted for variation of Conditions 4 and 5 of the permission approved in September 2014, 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’.

April 2017 – temporary permission granted 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. [NB The dimensions had not been updated to reflect the revised layout, and should have been 6780mm x 930mm.]

April 2018 – permission granted to remove the one year restriction imposed on the decision granted in January 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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

DRAFT DECISION LETTER

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

Proposal: Variation of condition 4 of planning permission dated 18 April 2017 (RN: 16/11871/TCH) for the use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6780mm x 930mm in association with the adjacent restaurant at 21-22 Weighhouse Street, namely to allow the continued use of the highway for the placing of 4 tables and 8 chairs for a further year.

Reference: 18/01790/FULL

Plan Nos: 1118-150_LIC Rev B [showing four tables and eight chairs]

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

- 1 You must not put the tables and chairs in any other position than that shown on drawing 1118-150_LIC Rev B. (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)

- 2 You can only put the tables and chairs on the pavement between 10.00 and 22.00 hours each day. Outside these hours the furniture must be stored within the premises. After 22.00 hours, on days that the restaurant is open until 23.00 hours, you must remove the chairs and store them inside the restaurant, with the tables to be taken inside at 23.00 hours when the restaurant closes. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 3 The tables and chairs must only be used by customers of the restaurant in 21-22 Weighhouse Street.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

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- 4 This use of the pavement may continue until 31st August 2019. You must then remove the tables and chairs, unless further planning permission has been granted. (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.

- 5 You can only put out on the pavement the tables and chairs shown on drawing 1118-150_LIC Rev B. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 6 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.

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.

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