

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	185-187 Oxford Street, London, W1D 2JU		
Proposal	Use of part ground floor, part first, second, third and fourth floors as restaurant/hot food takeaway (sui generis) in connection with the existing restaurant/hot food takeaway over part basement, part ground and part first floor levels.		
Agent	Planware Limited		
On behalf of	McDonald's Restaurants Ltd.		
Registered Number	16/09880/FULL	Date amended/ completed	17 October 2016
Date Application Received	17 October 2016		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application premises comprise basement, ground and four upper floors situated at the eastern end of Oxford Street. The site is a mixed use building. Part basement, part ground and part first floors are in restaurant/hot food takeaway use (sui generis). Part ground, part first floors and the 2nd to 4th floors are lawfully in educational use (Class D1 - non-residential institution), but are currently vacant. These floors were most recently been used as a language college until approximately December 2015.

Permission is sought to use the front first, second, third and fourth floor levels as an extension to the existing restaurant/hot food takeaway (sui generis).

The key issue for consideration is:

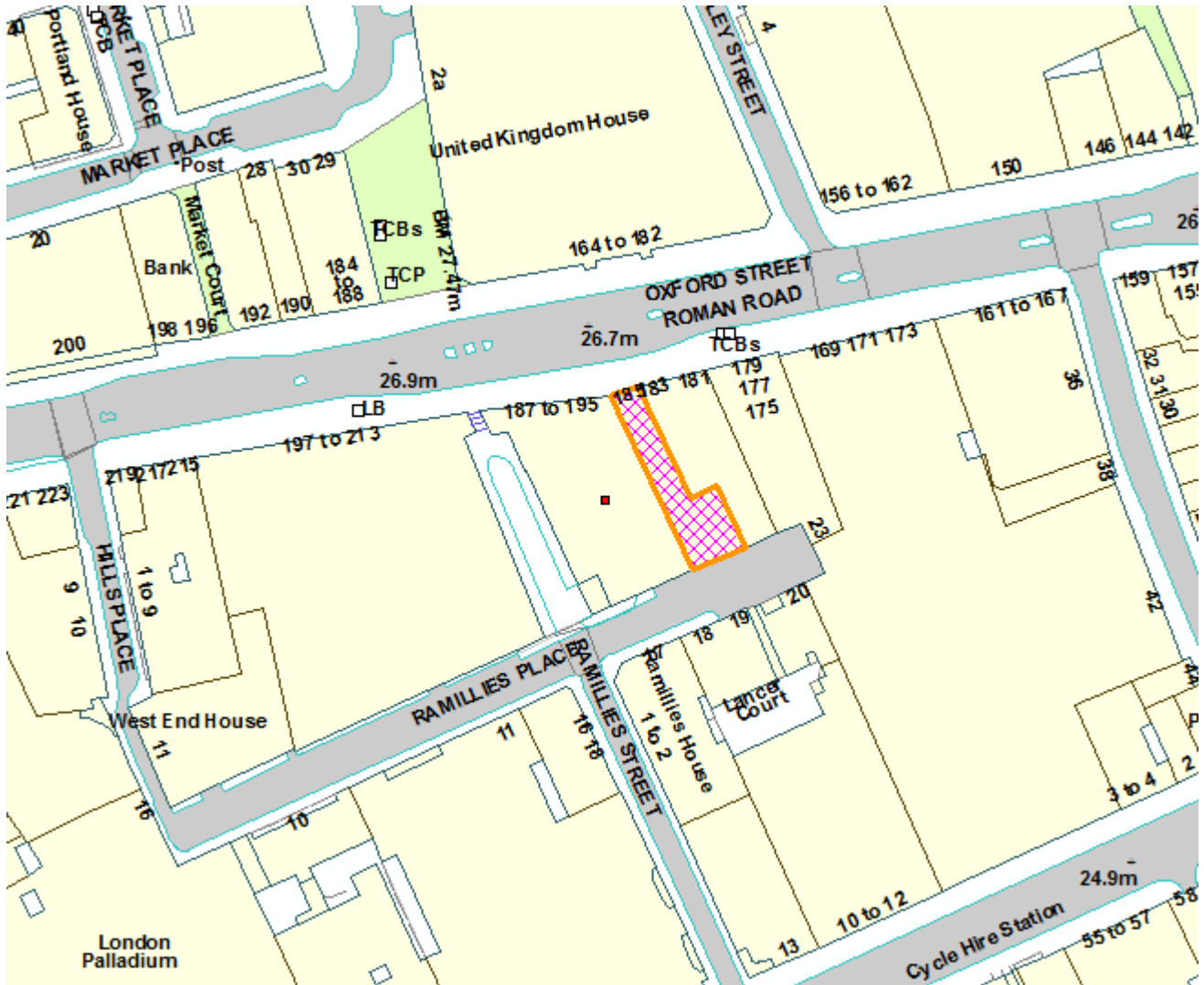
- * The land use implications regarding the loss of educational use (a social and community facility).
- * The acceptability of enlarging the existing restaurant/hot food takeaway (sui generis).

Despite the policy presumption against the loss of social and community floorspace, its former use as a language school and the unsuitability of its conversion to another social and community means that its loss of acceptable in this instance.

The scheme would result in the provision of 181.9 sqm of additional restaurant/hot food takeaway use (sui generis). The application does not, however, result in any additional covers. The additional floor space is to be used as additional ancillary staff area, training rooms and an office. As such, despite the site's location within the West End Stress Area, it will not give rise any unacceptable land use or amenity concerns.

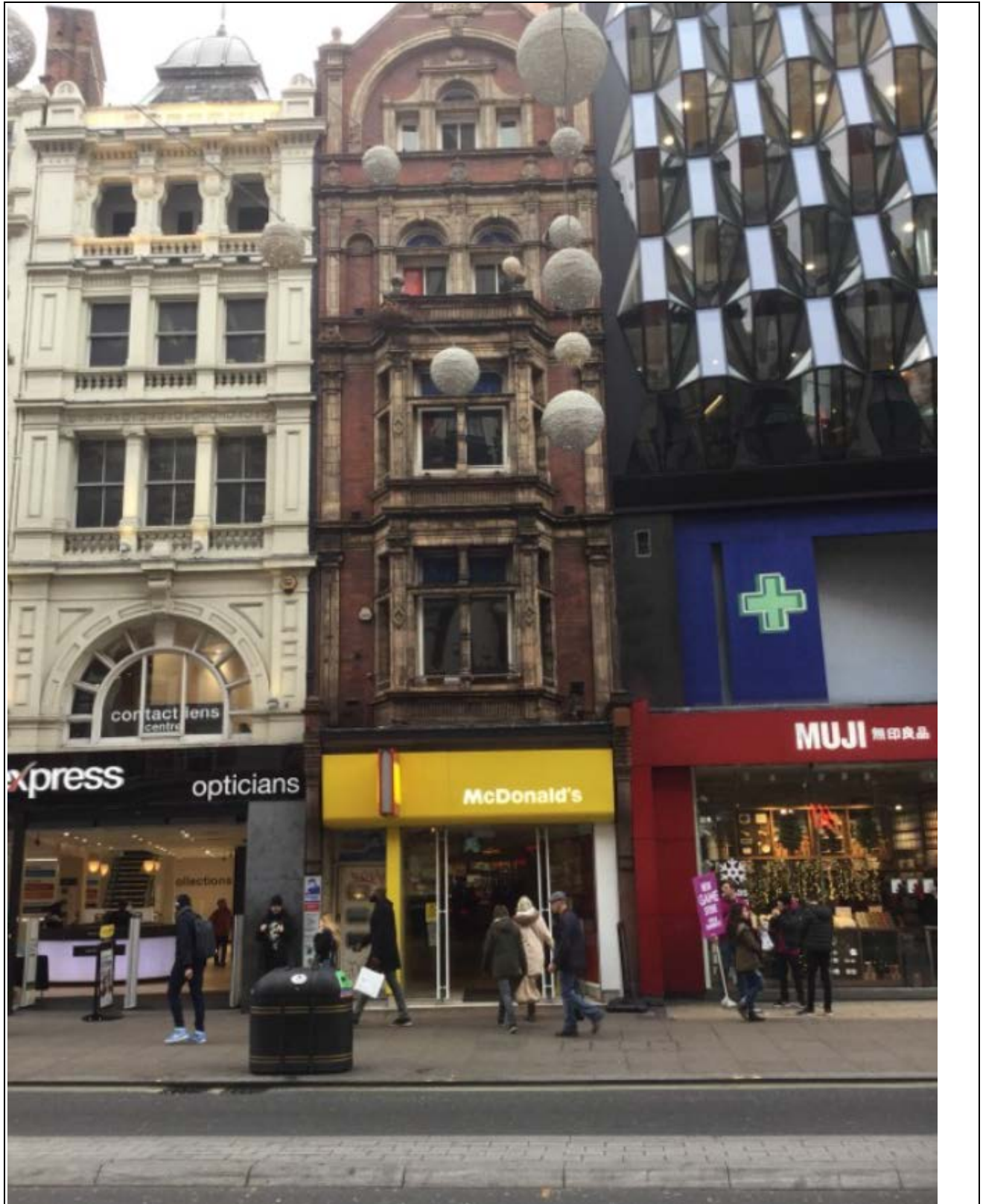
Accordingly, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

The Soho Society does not object to this application provided the additional restaurant/hot food use floorspace is for ancillary purposes only, i.e. rest rooms, staff areas, office and not new customer area restaurant capacity.

HIGHWAYS

No objection, subject to conditions

CLEANSING

No objection, subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of replies: 0

No. of objections: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building and is not located within a conservation area. The site is located within the Core CAZ and the West End Special Retail Policy Area. It is located on the southern side of Oxford Street (a primary frontage within the West End International Shopping Centre) and within the West End Stress Area. The property consists of basement ground and four upper floors.

Part basement, part ground and part first floors are in use as restaurant/hot food takeaway (sui generis). Part first and second to fourth floors are lawfully within Class D1 (non-residential institution) use and have most recently been used as a language college. This area has been vacant since approximately December 2015.

6.2 Recent Relevant History

A certificate of lawfulness for the 'Use of first, second, third and fourth floor for educational purposes (Class D1)' (Ref: 11/00273/CLEUD) was issued on 15 March 2011.

7. THE PROPOSAL

Permission is sought for the use of part ground, part first floors and second to fourth floors as an extension to the existing restaurant/hot food takeaway (sui generis). No external alterations are proposed.

It is proposed that the additional floorspace will be used as office space, staff training space and employee areas, all of which are ancillary to the existing use of the ground and lower ground floor and part first floor premises.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

Loss of language school

Radcliffe College occupied a small area of the ground floor (access only) and part first to fourth floors for educational purposes.

UDP Policy SOC1 and City Plan Policy S34 seek to protect and improve community facilities in Westminster. Where the loss of such facilities is considered acceptable, policy requires evidence that the premises have been appropriately marketed for a period of at least two years and that no demand for a social and community facility has been identified.

The premises were aimed primarily at the higher education sector as it was considered that the location is not appropriate for other uses which would fall within Class D1 use (such as nursery, primary or secondary school, medical uses) due to the lack of drop off facilities/locations, outdoor spaces and stretcher lifts.

Although in this instance the premises have not been marketed for required period, the applicants' argument that the nature of the site (upper floors of a building on Oxford Street) restricts the suitability for alternative social and community uses is accepted. The former language school is a small private commercial facility of little value to the local community. In these circumstances the proposed a departure from the normal policy presumption to protect social and community facilities is considered acceptable.

Extension to restaurant / takeaway

The existing floorspace of the restaurant / takeaway is 837.9 sqm. This is proposed to increase by 181.9 sqm to 1,019.8 sqm as a result of the proposed extension.

City Plan Policy S24 requires entertainment uses to be appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts. Furthermore, entertainment uses are required to not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. There is a presumption against entertainment uses of over 500 sqm floorspace anywhere within Westminster. UDP Policy TACE 10 reinforces this presumption against large entertainment premises, requiring exceptional circumstances to be demonstrated to overcome this presumption against such premises.

The proposal will not add any additional diners to the existing restaurant / takeaway but will provide additional ancillary staff facilities, training rooms and an office. The proposal will therefore have no harmful impact upon the character and function of the area or harm residential amenity. A condition is recommended to be imposed preventing customer access to the new floorspace to ensure that the entertainment use on site does not intensify in the future. This addresses the comment received from the Soho Society who does not object to the application provided the additional restaurant/hot food floorspace is

for ancillary purposes only, i.e. rest rooms, staff areas, office and not new customer area restaurant capacity.

8.2 Townscape and Design

No external alterations are proposed.

8.3 Transportation/Parking

It is not considered that the change of use will lead to an increase in servicing or car / cycle parking requirements. As such, the request from the Highways Planning Manager that additional cycle parking is secured by condition is not considered to be necessary.

8.4 Economic Considerations

The proposed use is not considered to be materially different in terms of its economic impact than the existing use.

8.5 Access

It is proposed to retain the existing access point to the premises on Oxford Street.

8.6 Other UDP/Westminster Policy Considerations

The additional ancillary floorspace is unlikely to generate a significant amount of waste. As such, it is not considered necessary to secure such storage by condition.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.10 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.11 Other Issues

None

9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 11 November 2016
3. Response from Highways Planning – Development Planning dated 25 October 2016
4. Response from Cleansing dated 28 October 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

Item No.
6

10. KEY DRAWINGS



EXISTING SECOND FLOOR PLAN 1:100



EXISTING THIRD FLOOR PLAN 1:100

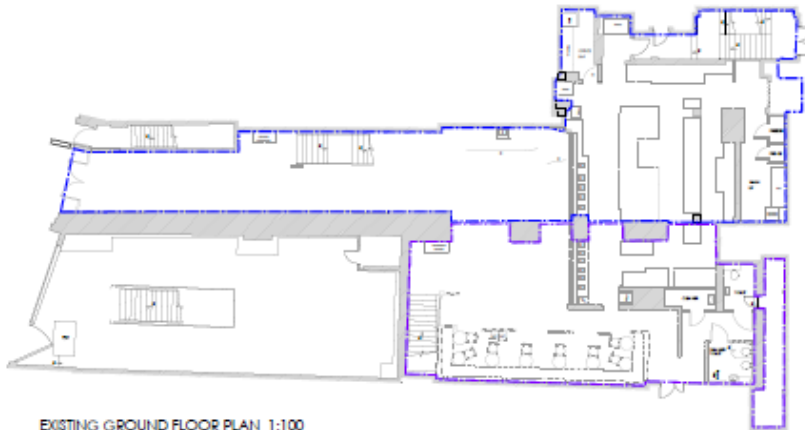


EXISTING FOURTH FLOOR PLAN 1:100

- NOTES**
- 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 - 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 - 3. THE FINISH FLOOR LEVEL IS AS SHOWN ON THE ARCHITECTURAL DRAWINGS UNLESS OTHERWISE SPECIFIED.
 - 4. THE FINISH FLOOR LEVEL IS AS SHOWN ON THE ARCHITECTURAL DRAWINGS UNLESS OTHERWISE SPECIFIED.
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 - 10. THE FINISH FLOOR LEVEL IS AS SHOWN ON THE ARCHITECTURAL DRAWINGS UNLESS OTHERWISE SPECIFIED.



EXISTING FIRST FLOOR PLAN 1:100



EXISTING GROUND FLOOR PLAN 1:100



EXISTING BASEMENT FLOOR PLAN 1:100

NO.	DATE	DESCRIPTION
1	10/10/10	ISSUED FOR PERMIT
2	10/10/10	ISSUED FOR PERMIT
3	10/10/10	ISSUED FOR PERMIT
4	10/10/10	ISSUED FOR PERMIT
5	10/10/10	ISSUED FOR PERMIT
6	10/10/10	ISSUED FOR PERMIT
7	10/10/10	ISSUED FOR PERMIT
8	10/10/10	ISSUED FOR PERMIT
9	10/10/10	ISSUED FOR PERMIT
10	10/10/10	ISSUED FOR PERMIT

PROJECT NO.	10/10/10
PROJECT NAME	REIMAGE MINI MAX
CLIENT	REIMAGE MINI MAX
ARCHITECT	REIMAGE MINI MAX
DATE	10/10/10
SCALE	1:100
PROJECT LOCATION	100 CROWN STREET, LONDON
PROJECT TYPE	REIMAGE MINI MAX
PROJECT DESCRIPTION	REIMAGE MINI MAX
PROJECT STATUS	REIMAGE MINI MAX
PROJECT CONTACT	REIMAGE MINI MAX
PROJECT PHONE	REIMAGE MINI MAX
PROJECT EMAIL	REIMAGE MINI MAX
PROJECT WEBSITE	REIMAGE MINI MAX
PROJECT ADDRESS	REIMAGE MINI MAX
PROJECT POSTCODE	REIMAGE MINI MAX
PROJECT COUNTRY	REIMAGE MINI MAX
PROJECT REGION	REIMAGE MINI MAX
PROJECT COUNTY	REIMAGE MINI MAX
PROJECT DISTRICT	REIMAGE MINI MAX
PROJECT WARD	REIMAGE MINI MAX
PROJECT PARISH	REIMAGE MINI MAX
PROJECT TOWN	REIMAGE MINI MAX
PROJECT VILLAGE	REIMAGE MINI MAX
PROJECT HAMLET	REIMAGE MINI MAX
PROJECT COTTAGE	REIMAGE MINI MAX
PROJECT HOUSE	REIMAGE MINI MAX
PROJECT FARM	REIMAGE MINI MAX
PROJECT MANOR	REIMAGE MINI MAX
PROJECT PALACE	REIMAGE MINI MAX
PROJECT CASTLE	REIMAGE MINI MAX
PROJECT BARRACKS	REIMAGE MINI MAX
PROJECT CAMP	REIMAGE MINI MAX
PROJECT BARRACKS	REIMAGE MINI MAX
PROJECT CAMP	REIMAGE MINI MAX
PROJECT BARRACKS	REIMAGE MINI MAX
PROJECT CAMP	REIMAGE MINI MAX

REIMAGE MINI MAX

CHARGE OF USE PLANNING DRAWINGS
EXISTING PLAN

6/24_ADW_0244_0102 8



PROPOSED SECOND FLOOR PLAN 1:100 PROPOSED THIRD FLOOR PLAN 1:100 PROPOSED FOURTH FLOOR PLAN 1:100

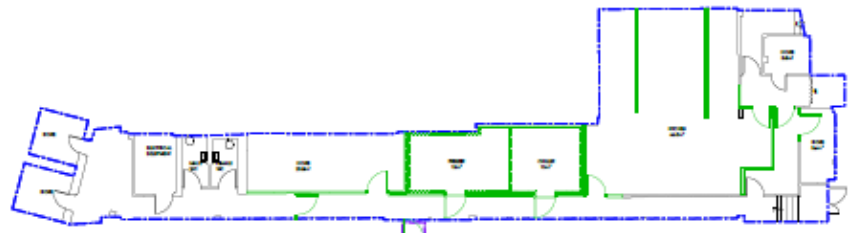
- NOTES**
- 1. All dimensions are based on the finished floor.
 - 2. All measurements shall be approved by the architect before any construction.
 - 3. The building work shall be carried out in accordance with the Building Regulations.
 - 4. The building work shall be carried out in accordance with the Building Regulations.
 - 5. The building work shall be carried out in accordance with the Building Regulations.
 - 6. The building work shall be carried out in accordance with the Building Regulations.
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 - 10. The building work shall be carried out in accordance with the Building Regulations.



PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED BASEMENT FLOOR PLAN 1:100



REVISIONS	
No.	Description
1	Issue for approval
2	Issue for approval
3	Issue for approval
4	Issue for approval
5	Issue for approval
6	Issue for approval
7	Issue for approval
8	Issue for approval
9	Issue for approval
10	Issue for approval

A 100/17 AC 201
 Plans are indicated as being not for construction until indicated otherwise.
 Date: 10/10/2017
 Scale: 1:100
 Project Name: ICE PLANNING
 Client: ICE PLANNING
 Address: 100/17 Acheson Road
 Location: LONDON
 100/17 Acheson Road
 Change of Use Planning Drawings
 Proposed Plans
 Date: 10/10/2017
 Scale: 1:100
 Author: P. J. J.
 Check: P. J. J.

6/24_A09_0244_0103_A
 100/17 Acheson Road
 LONDON
 100/17 Acheson Road

DRAFT DECISION LETTER

Address: 185-187 Oxford Street, London, W1D 2JU,

Proposal: Use of part of the ground floor, the first, second, third and fourth floors as restaurant/hot food takeaway (sui generis) in connection with the existing restaurant/hot food takeaway on the lower levels.

Reference: 16/09880/FULL

Plan Nos: 6524_AEW_0244_0103 REV A

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Customers shall not be permitted to the front first, second, third and fourth floors.

Reason:

To prevent the intensification of an entertainment use located within the West End Stress Area, as required by Policy S24 of the Westminster City Plan that we adopted in November 2016 and Policy TACE 10 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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

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.