

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	1 Cavendish Square, London, W1G 0LA		
Proposal	Use of building as a restaurant/ drinking establishment (sui generis), addition of a mezzanine floor, erection of a roof extension, removal of steps to provide level access to building, internal modifications, and associated works.		
Agent	Osel Architecture		
On behalf of	Desinov Investments		
Registered Number	18/01899/FULL	Date amended/ completed	
Date Application Received	7 March 2018		
Historic Building Grade	Grade 2		
Conservation Area	Harley Street Regent Street		

1. RECOMMENDATION

1. Grant conditional permission
2. Grant conditional listed building consent
3. Agree the reason for granting listed building consent as set out in informative 1 of the draft decision notice

2. SUMMARY

The application premises is located at the south-eastern side of Cavendish Square, fronting onto Margaret Street. The site is within the Core Central Activities Zone but outside the West End Stress Area. The building is currently vacant having last been in use as a bank (Class A2). The scheme proposes internal and external works in connection with the use of the building as a mixed restaurant/bar (Sui Generis).

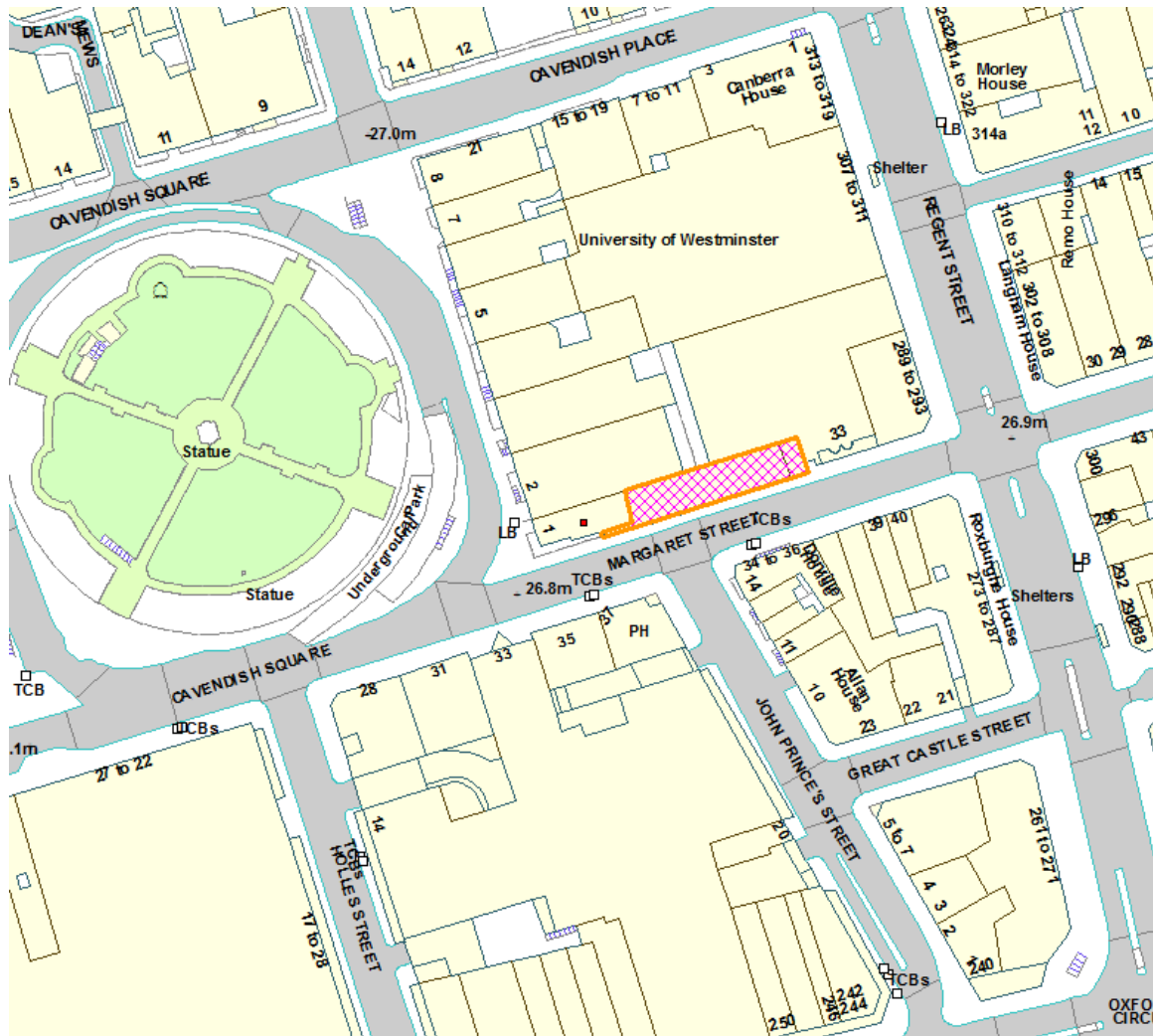
The key issues for consideration are :

- The acceptability of the proposed use in land use terms and the impact on the character and function of the area
- The impact of the proposed works on the special interest of this Grade 2 listed building

Subject to the imposition of appropriate conditions, which would control the operational activities of the proposed restaurant/ bar, the use is considered appropriate for the site, as it would result in no material harm to the local environment or residential amenity. The proposed external alterations are relatively minor. These works and the internal alterations are considered to be acceptable in design and listed building terms.

The application accords with adopted policies in the Unitary Development Plan (UDP) and Westminster's City Plan, accordingly the applications are recommended for approval.

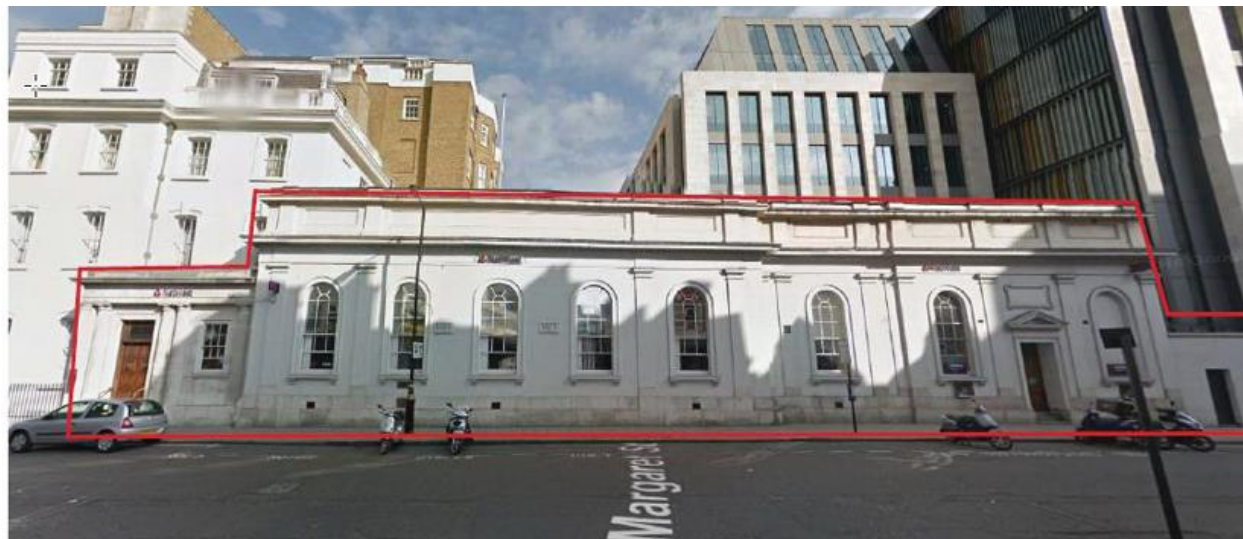
3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Internal ground floor



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally

ENVIRONMENTAL HEALTH

No objection, subject to appropriate conditions

CLEANSING

Advises that the refuse storage bin capacities should be identified, and secured by condition.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions requiring a servicing management plan, cycle parking and waste storage

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63

Total No. of replies: 1

1 objection received on behalf of The Howard de Walden Estate, that the kitchen ventilation would potentially impact on two roof terraces and rear windows at No 2 Cavendish Square.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises comprises basement ground and part first floor. Although the premises has a Cavendish Square address it is located on the northern side of Margaret Street opposite its junction with John Princess Street. The building is currently vacant having previously been in use as a bank (Class A2).

The surrounding area is mainly commercial in character with few residential properties in the vicinity. There is a residential flat above the Phoenix Public House at No 37 Cavendish Square and flats at No's 34 -36 Margaret Street opposite the application premises on the southern side of Margaret Street. The buildings adjacent and immediately north of the site are all in commercial use

The building is Grade 2 listed within the Harley Street Conservation Area. The site lies within the Core Central Activity Zone (Core CAZ) but lies outside the West End Stress Area.

6.2 Recent Relevant History

None directly relevant

7. THE PROPOSAL

Permission and listed building consent are sought for alterations in connection with the use of the building as a mixed restaurant/ bar (Sui Generis). The intention is that the former banking hall would provide the main dining space with smaller dining spaces in a new mezzanine floor and at first floor level at the eastern end of the building. Kitchen and back of house facilities are located in the basement. A ground floor bar is proposed adjacent to main entrance at the western end of the building. A further two small cellar bar areas are also proposed in the basement.

Initially the scheme sought to provide kitchen ventilation via a duct discharging at first floor roof level. Further to advice from Environmental Health that this would not adequately disperse cooking odours this aspect of the application has been amended. As revised the proposal is now to install a RECO air recirculation system, which does not vent kitchen odours externally. Plant will be located at basement level, externally within an external courtyard and at first floor level in a purpose built void.

External alterations proposed are relatively minor. At the front façade the only alterations are the removal and making good of two redundant cash points, and the provision of level access.

Internally, more significant works, are proposed. Modern stud partitions will be removed at ground floor level stripping the main hall back to its historic elements. A false ceiling will be removed and double height arch windows will all be restored to their full height. At the eastern end of the building a new mezzanine and first floor extension will be linked via a new staircase. An existing concealed skylight will be restored and relocated and a new retractable glass roof added to light these spaces. In the basement, historic store and cellar areas are to be retained.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Bank (Class A2)

There are no land use policies in the UDP or City Plan which would prevent a bank (Class A2) changing to a restaurant/bar (Sui Generis). The proposal would retain a use that serves visiting members of the public on the site.

Proposed Restaurant/Bar (Sui Generis)

City Plan policy S6 accepts that, in principle, entertainment uses are appropriate for the core CAZ especially in locations such as this outside of the identified Stress Areas.

Policy S24 requires proposals for new entertainment uses to demonstrate that they are 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, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-

night entertainment uses of over 500 sqm floorspace will not generally be appropriate within Westminster.

In this case the existing building is 375 m² (GIA) and the proposal will result in an additional 85 m² (GIA). The total floorspace of the new entertainment facility is 460 m² and TACE 9 is applicable. The policy basis is that an entertainment facility may be permissible provided that it is demonstrated that there would be no adverse impact on the local environment and character of the area or on residential amenity.

The application is speculative with no specific operator identified. However, in addition to the detailed plans showing the proposed works, the applicant has submitted sketch illustrations which show how it is envisaged that the use would operate. The intention is that the use would operate primarily as a restaurant with the former banking hall providing the main dining space. The western end of the building and basement cellar areas would be used as small bar areas. The proposed total capacity of the premises is 220.

The proposed opening hours are 08.00 to 00.00 (midnight) on Sundays to Thursdays and 08.00 to 00.30 (the following morning) on Fridays and Saturdays. These hours are consistent with the core hours for entertainment uses in predominantly residential areas.

The proposed restaurant/bar use would not result in the provision of a particularly intensive late night entertainment use. It is, however, considered necessary to condition that the bars areas are restricted to the areas shown on the submitted drawings. This will ensure that the proposed mixed use operates primarily as a restaurant. Subject to this condition and further conditions controlling both the capacity and hours as set out above, and requiring the use to operate in accordance with an approved Operational Management Plan (OMP), the use is considered appropriate for the site.

There are there are few other entertainment uses in close proximity namely 'The Phoenix pub' on the corner of John Prince's Street and Margaret Street and 'The Finery' on the corner of John Prince's Street and Great Castle Street and 'Swingers' mini golf leisure facility at 15 John Princess Street. It is however considered that use of the application premises as a restaurant/ bar mixed use would not create an overconcentration of entertainment uses and would not have any adverse cumulative impact on the locality. Subject to the recommended conditions the application is considered to be acceptable in land use terms.

8.2 Townscape and Design

The building is an unusual and distinctive Grade II listed building in the Harley Street Conservation Area at the corner of Cavendish Square. It was built as a banking hall in the 1820's and further modified and extended in 1870's and 1920's.

The proposals involve limited alterations to the facades, such as removal of cashpoints and installation of level access which are considered beneficial in design terms, internally there is more demolition and modification. However, this is principally the removal of floors and partitions in service and ancillary areas of less historical significance and the removal of modern bank partitions. The proposals also entail the insertion of a mezzanine floor which is not seen as contentious as it does not affect the

hierarchy of the building or its special interest. The banking hall is preserved as a single volume, and which is of benefit to the special interest of the building.

8.2 Residential Amenity (Daylight/ Sunlight/ Privacy)

The proposed 1st floor extension is contained below the existing parapet level of the building. The scheme would not therefore result in a significant increase in bulk and mass. The addition would not have any material impact on the amenity of residents on the southern side of Margaret Street. No terraces are proposed and the scheme would not result in any overlooking issues.

8.3 Transportation/Parking

Servicing

UDP Policy TRANS 20 requires convenient access to all premises for servicing vehicles with this facility accommodated on site and off street. The scheme involves the conversion of the building and does not offer the opportunity to provide off street servicing. All servicing will take place on street. The site is located within a Controlled Parking Zone which means that single and double yellow lines allow loading and unloading to occur. The Highways Planning Manager raises no objection to the application but has requested that permission is subject to a condition which requires the use to operate in accordance with an approved Servicing Management Plan (SMP). The SMP should identify storage locations, staffing arrangements, scheduling of deliveries and likely delivery vehicle size.

Cycle Parking

To accord with the policy 6.9 of the London Plan the use would require the provision of three cycle parking spaces. The spaces should be accessible, covered and secure. Cycle parking could be provided in a small courtyard at the eastern end of the building. A condition is recommended which requires cycle parking to be provided prior to the use commencing and thereafter to be retained whilst the use is in operation.

8.4 Economic Considerations

The economic benefits generated by the scheme which would bring a vacant listed building back into use are welcomed.

8.5 Access

Existing stepped access onto Margaret Street will be removed and level access provided. This is welcomed

8.6 Other UDP/Westminster Policy Considerations

Kitchen Ventilation

The application initially included a ventilation duct that discharged at 1st floor roof level. An objection was made on behalf of the Howard de Walden Estate. Whilst not objecting in principle to the change of use, concerns were raised, that given the proximity of the proposed ventilation extract cowl to rear terraces and windows at No 2 Cavendish Square, the dispersal of cooking fumes would result in nuisance. Environmental Health

also objected to the proposal as originally submitted on the basis that the extract proposed would not adequately disperse cooking fumes and the scheme would be contrary to UDP policy ENV5 and City Plan policy S31.

Further to advice from Environmental Health the application has been amended. It is no longer proposed to ventilate the kitchen via an extract duct. The proposal is to install a RECO air recirculation system. The internal air recirculation system does not vent kitchen odours externally. The system recirculates and filters exhaust products from the cooking processes removing the need to extract to the atmosphere. This system will require the provision of air conditioning. Air conditioning/ plant will be located at basement level, externally within an external courtyard and at first floor level in a purpose built void. The equipment located at first floor level will be ventilated via roof louvres and a duct.

The recirculation system requires all cooking and reheating to be by electricity only and not by gas or solid fuels such as coal or wood. It is recommended that this is conditioned. A condition is also recommended which requires a supplementary report to be approved before the use commences which schedules all plant and equipment installed, monitoring to ensure that cooking is only enabled when the system is operational, and details of service filter replacement and maintenance arrangements. Subject to these conditions Environmental Health have confirmed that recirculation system is acceptable. The amendment to the application is considered to overcome the objection received.

Plant

The application is accompanied by an acoustic noise report which details background noise levels. At this stage the final plant required has not been selected. The applicant advises that all plant will be selected to comply with the standard noise requirements operating 10db below existing ambient noise levels 1m outside the nearest noise sensitive receptor. Environmental Health raise no objection to this aspect of the application. In addition to the usual noise conditions it is recommended that supplementary acoustic report is submitted once the plant has been selected to demonstrate compliance with the relevant criterion within UDP Policy ENV 7.

Refuse /Recycling

Waste will be stored within the dedicated refuse area at basement level. The Cleansing Manager advises that the applicant needs to confirm the size of the refuse bins. There is however considered to be adequate space at basement level to ensure that adequate refuse and recycling facilities are provided. It is recommended that refuse details are secured 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.

The development does not generate a Mayor CIL or WCC CIL payment

8.10 Environmental Impact Assessment

Not required

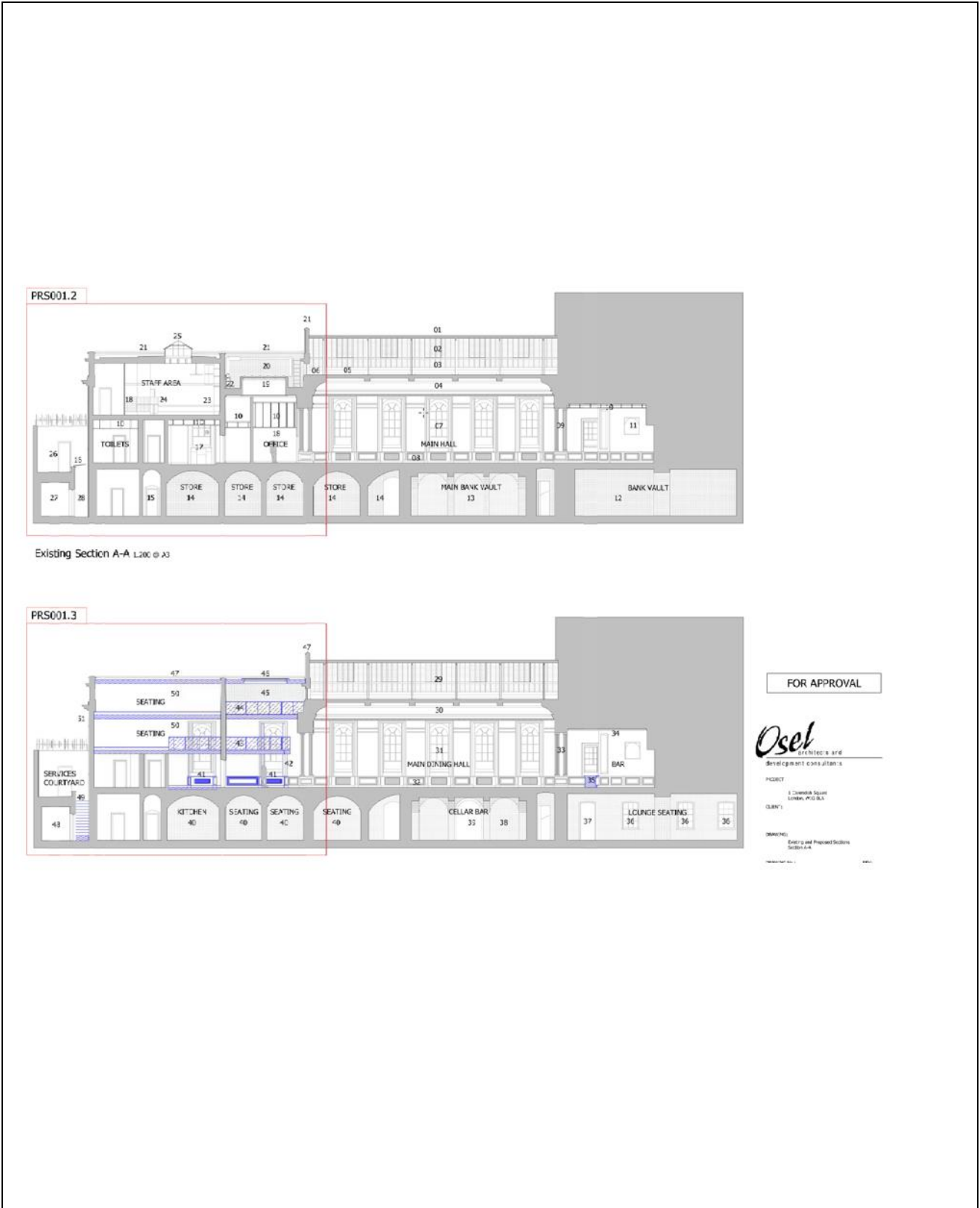
8.11 Other Issues

Not applicable

(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

9 KEY DRAWINGS







DECISION LETTER TO FOLLOW