

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE</b>	<b>Date</b> 23 April 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Army Reserve Centre, 52 - 56 Davies Street, London, W1K 5HR</b>		
<b>Proposal</b>	Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (sui generis) for a temporary period of 36 months.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Grosvenor West End Properties		
<b>Registered Number</b>	19/00733/FULL	<b>Date amended/ completed</b>	31 January 2019
<b>Date Application Received</b>	31 January 2019		
<b>Historic Building Grade</b>	No		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission for a temporary period of 36 months.

## 2. SUMMARY

The application site comprises part basement, ground, first, part second and part third floors of 56 Davies Street; an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). 52-56 Davies Mews was occupied by the Territorial Army Reserve Centre and Rifles Club, a *Sui Generis* use comprising several military-related activities. The three buildings have been vacant since March 2018 when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly.

The applicant seeks permission to use the majority of 56 Davies Street as an 'event space' (also a *Sui Generis* use) that will function as a 'blank canvas' upon which brands and organisations can curate working exhibitions, conference events and / or interactive display spaces. Temporary permission is sought for a period of 36 months. No external alterations are proposed.

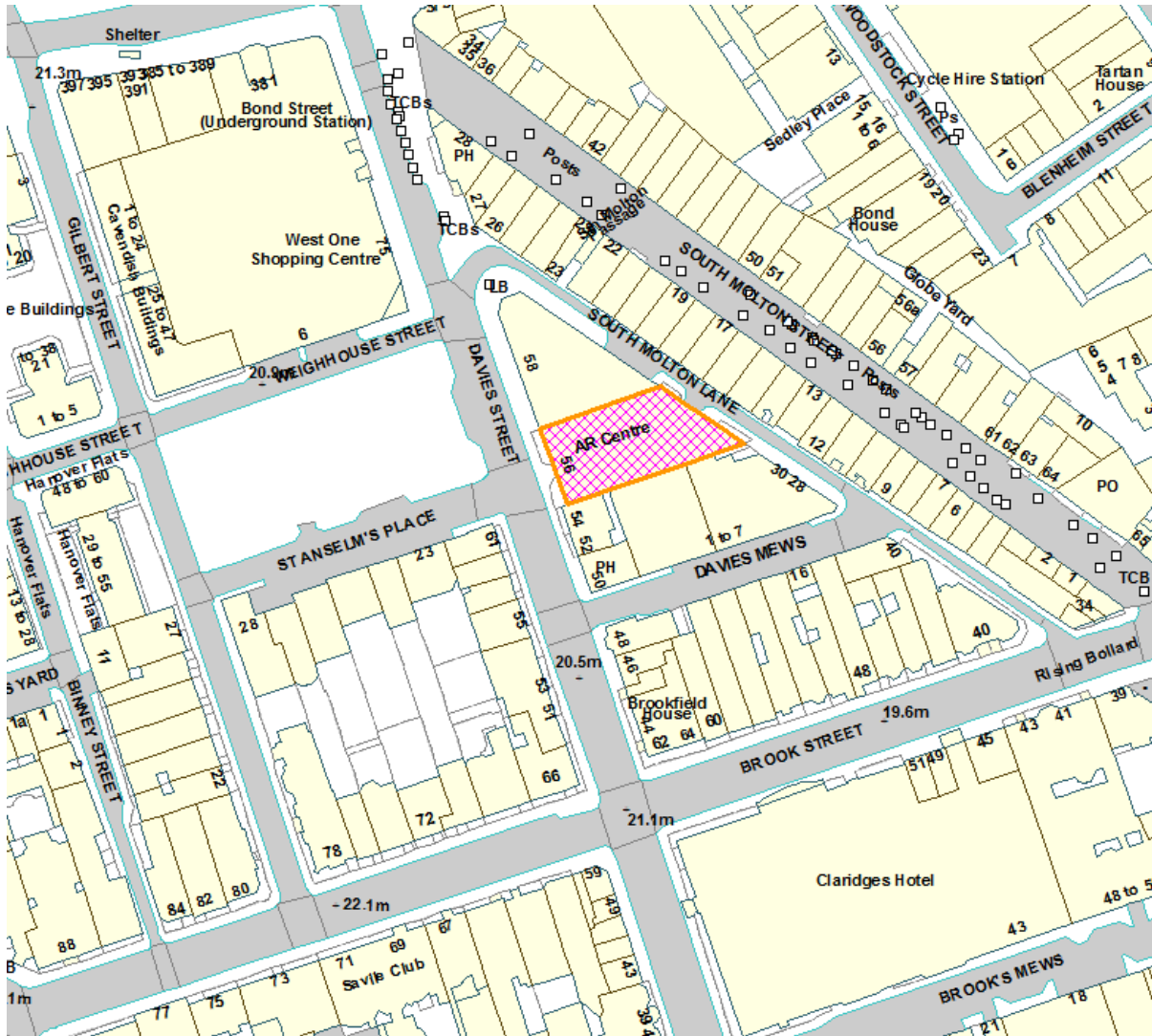
The key issues for consideration are:

- Whether the proposed event space is an acceptable replacement for the lawful longstanding military-related use.

- Whether the proposed event space is acceptable in terms of its impact upon the character and function of the area and upon the amenity of local residents.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For these reasons it is recommended that conditional permission is granted for a temporary period of 36 months.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation (Davies Street)



Rear elevation (South Molton Lane)



## 5. CONSULTATIONS

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

### HIGHWAYS PLANNING

No objection in principle but:

- States that Davies Street is not suitable for servicing the use and the rear garage space should be used for off-street servicing.
- Request that a crowd management scheme be secured by condition to avoid visitors queuing on the public highway.
- Provision should be made for off-street cycle parking facilities for staff.

### WASTE PROJECT OFFICER

No objection subject to a condition securing details of waste and recyclable material.

### METROPOLITAN POLICE

Any response to be reported verbally.

### CROSS LONDON RAIL LINKS LTD

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objects to the grant of this application as it stands due to concern about the negative impacts on residential amenity of the hours of operation and the deliveries times.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises part basement, ground, first, part second, and part third floors of 56 Davies Street; an unlisted building located within the Mayfair Conservation Area and the Core CAZ. The site is not located within a 'stress area'.

The floorspace that is the subject of this application formed part of the former Territorial Army Reserve Centre and Rifles Club (*Sui Generis*) that occupied 52, 54 and 56 Davies Street between c.1890 and March 2018. The three buildings have been vacant since the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club

relocated to 127 Piccadilly. 52 and 54 Davies Street are unaffected by the proposal. The main entrance to the site is from Davies Street. To the rear is a garage that provides vehicular access to South Molton Lane.

A Certificate of Immunity from listing was issued by the Secretary of State on 30 August 2016, guaranteeing that 56 Davies Street will not be added to the list for a period of five years from the date of issue.

The application site is surrounded by listed buildings. 58 Davies Street (occupied by Gray's Antiques) is located to the north. 50 Davies Street (The Running Horse Public House), 52 Davies Street, 54 Davies Street and 1-7 Davies Mews and 28-20 South Molton Lane are all located to the south. 14-21 South Molton Lane are located to the east of the site on the opposite side of South Molton Lane. All, but 17 South Molton Street which is Grade II\* listed, are Grade II listed.

Records indicate that the nearest residential properties are eight flats within 5 Davies Mews, a third floor flat within 21 South Molton Street, a flat on the upper floors of 24 South Molton Street, 3 x flats on the upper floors of 26 South Molton Street and 11 x flats within 59 Davies Street.

Once complete, to the west of the application site will be Bond Street West Crossrail Station with over-station development that will provide office floorspace. Public realm improvements at the junction of Weighhouse Street, Davies Street and South Molton Lane associated with the new station are currently anticipated to be complete by early June 2019. Design principles for public realm works at the junction of Oxford Street, South Molton Street and Davies Street are set out within the Oxford Street District Place Strategy and Delivery Plan (25 February 2019) but no firm plan for this area has currently been worked up. It is clear, however, that the area surrounding the site will undergo considerable change during the 36 month period sought in this application.

To the north-west of the site is Bond Street Underground Station. The site is location within an Area of Surface Interest under the Crossrail Safeguarding Direction (2008).

## 6.2 Recent Relevant History

None.

## 7. THE PROPOSAL

The applicant proposes to use most of the basement floor, the ground floor (including the garage area), the first floor, the staircore at second floor level and part of the third floor of the building for a temporary event space for a period of 36 month. The total floorspace sought is 1,810.8 sq.m (GIA).

The event space would host conferences, working exhibitions and interactive displays; acting as a 'blank canvas' space which brands and organisations can use and flexibly curate into a working exhibition, conference event and/or interactive display space. Such a mix of uses does not fall with a use class and the proposed use is a *sui generis use* (i.e. of its own kind). Depending on the event, the space will either be open to the public

(free or ticketed) or on a closed invite only basis. The applicant outlines how events will not accommodate more than 500 people at any one time.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Regiment headquarters, army reserve centre and drill hall ( <i>Sui Generis</i> )	1,810.8	0	-1,810.8
Event space ( <i>Sui Generis</i> )	0	1,810.8	+1,810.8
<b>Total</b>	<b>1,810.8</b>	<b>1,810.8</b>	<b>0</b>

The applicant envisages that the event space will be managed by 'Venue Lab' that currently manages the event space at 38 Grosvenor Square pursuant to a temporary planning permission dated 10 October 2017 (Ref: 17/06287/FULL) that expired on 31 March 2019. An application (Ref: 19/01110/FULL) to extend this temporary permission until 30 June 2019 was submitted on 13 February 2019. This application is pending determination.

Given the nature of the proposed use, the applicant cannot be certain over what hours each event will take place. The applicant has, however, stated that the hours of operation, which includes load in and out time are proposed to be as follows:

- 07.00 – 00.00 (Sunday to Wednesday).
- 07.00 – 01.00 (Thursday to Saturday).

Following concerns raised by a local residential in respect to overnight deliveries, the applicant has clarified that, whilst deliveries associated with each event will take place outside of the normal opening hours of each event, they will still take place within the above hours of operation. As such, the above hours are the 'worst case scenario' of all external activity associated with each event.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use and Amenity

The lawful use of 52-56 Davies Street is as a variety of military-related uses. The F (Rifles) Company Reserve regiment had control of the three buildings which contain a large drill hall at first floor level, a large garage accessed from the rear on South Molton Lane, an armoury, a firing range, stores, a mess hall and ancillary meeting rooms. It is understood that activities revolved around the organisation of the regiment, including military training, drills, equipment storage and administrative desk work and meetings.

Whilst this long-standing military use housed in a prominent building is conceivably of international and / or national importance and therefore protected by City Plan Policy S27, equally so could the proposed event use. Such a use promotes Westminster's World City functions through attracting visitors and economic activity to this highly accessible and prominent part of the Core CAZ. Use of the building as an events space would also accord with the aim to support the economic vitality and diversity of the Core CAZ and is considered acceptable in principle, in accordance with City Plan Policies S1, S6 and S18.



This part of Mayfair is mixed use in character comprising primarily commercial offices and retailers, although there are some residential properties. City Plan Policies S22 and S23 and UDP Policies TACE 4 and TACE 5 seek to encourage new conference, tourism, arts and cultural facilities within the Core CAZ subject to the uses being compatible with the character and function of the area, not resulting in an adverse impact on residential amenity, and there being no adverse environmental or traffic effects. City Plan Policy 24 states that new entertainment uses will need 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.

The nature of the proposed use means that the intensity of how the building will be used is likely to vary significantly depending on the particular user at any given time. Although no primary cooking is proposed, use as a flexible event space may at times include an element of 'entertainment'. The proposal is not however for a large entertainment facility in which alcohol will be the main offer. The provision of alcohol would be controlled by licensing.

As set out above, an objection has been received from a local resident on the ground that the proposed hours of operation are excessive, and the City Council should impose restriction on moving of any good outside of the premises between 22.00 and 08.00 in order to protect the amenity of local residents. Whilst these concerns are noted, they needs to be balanced against the advantages of servicing the space prior or after each event welcomes members of the public. In this busy location in the heart of the Core CAZ, it is considered that the proposed operational hours are acceptable and will not cause a material loss of amenity for residents living within the vicinity of the site. Subject to the use operating in accordance with the submitted Operational Management Plan which includes a requirement that security staff are present at all times, the use is considered acceptable as it would be neither harmful to the character and function of the area or residential amenity.

Any entertainment element of the event space use is considered to be appropriate in terms the character and function of the area which is heavily characterised by commercial development and is located within the heart of the Core CAZ just to the south of Oxford Street. This is notwithstanding the residential units that are located close to the application site. The nature of the proposed use and its operating hours are not considered to be harmful to the amenity of these local residents, local environmental quality or the character and function of the area, in accordance with City Plan Policies S24 and S29.

## **8.2 Townscape and Design**

No external alterations are proposed to the building and therefore the character and appearance of the Mayfair Conservation Area will be preserved.

### **8.3 Transportation/Parking**

Highways Planning has no in-principle objection to the proposal, considering that it is unlikely to have a significant impact upon the public highway through trip generation. Indeed, the site is highway accessible and eminently suitable for uses that attract high visitor numbers.

Following concerns from Highways Planning in respect to the initial proposal for on-street servicing from Davies Street despite a large garage that would allow off-street servicing from South Molton Lane, the applicant has confirmed that it is agreeable to servicing from this rear garage. To ensure compliance with City Plan Policy S42, it is recommended that a condition being imposed requiring any servicing to take place within the application site.

In addition, the applicant has revised the proposal to include on-site cycle parking provision that is recommended to be secured by condition.

The submitted Operational Management Plan contains a commitment to ensuring that, should a queue form outside the building, that this will be managed quickly and efficiently. The busy nature of the pavement on the east side of Davies Street due to the ongoing works connected with the Bond Street West Crossrail Station and the increased number of pedestrians expected when the Elizabeth Line opens, means that any queuing on the public highway is not considered to be acceptable. A condition is recommended securing the submission for the City Council's approval of a Crowd Management Scheme prior to the commencement of the event space use. Space within the building should be set aside to allow visitors to wait inside the building before being processed rather than having to queue on the public highway and cause an obstruction to members of the public.

### **8.4 Economic Considerations**

The proposed event space is likely to generate additional visitors to the City and could support economic activity within the Core CAZ, in accordance with City Plan Policy S18.

### **8.5 Access**

The main entrance to the site fronts Davies Street and has three steps leading up to the main entrance. There no level access for wheelchair users to this main entrance. Had the permission sought been permanent, suitable alterations to the building would have been sought to ensure level access was achieved. However, given the temporary nature of the permission, it is considered that this would impose an unreasonable burden upon the applicant. Instead, it is recommended that a condition be imposed securing the submission of further details of level access from the rear from South Molton Lane for the City Council's approval.

## **8.6 Other UDP/Westminster Policy Considerations**

### **Waste**

Waste, which include recycling collections, will be collected from South Molton Lane. A dedicated on-site refuse store is shown on the proposed drawings and is recommended to be secured by condition.

### **Plant**

The plant will remain as per the existing arrangements (i.e. within the building envelope).

## **8.7 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **8.8 Neighbourhood Plans**

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

## **8.9 London Plan**

This application raises no strategic issues.

## **8.10 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.

No pre-commencement conditions are proposed.

## **8.11 Planning Obligations**

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

No additional floorspace is proposed and therefore no Mayoral or Westminster CIL liability is generated.

## **8.12 Environmental Impact Assessment**

The proposal will not have a significant environmental impact and therefore was not accompanied by an Environmental Statement.

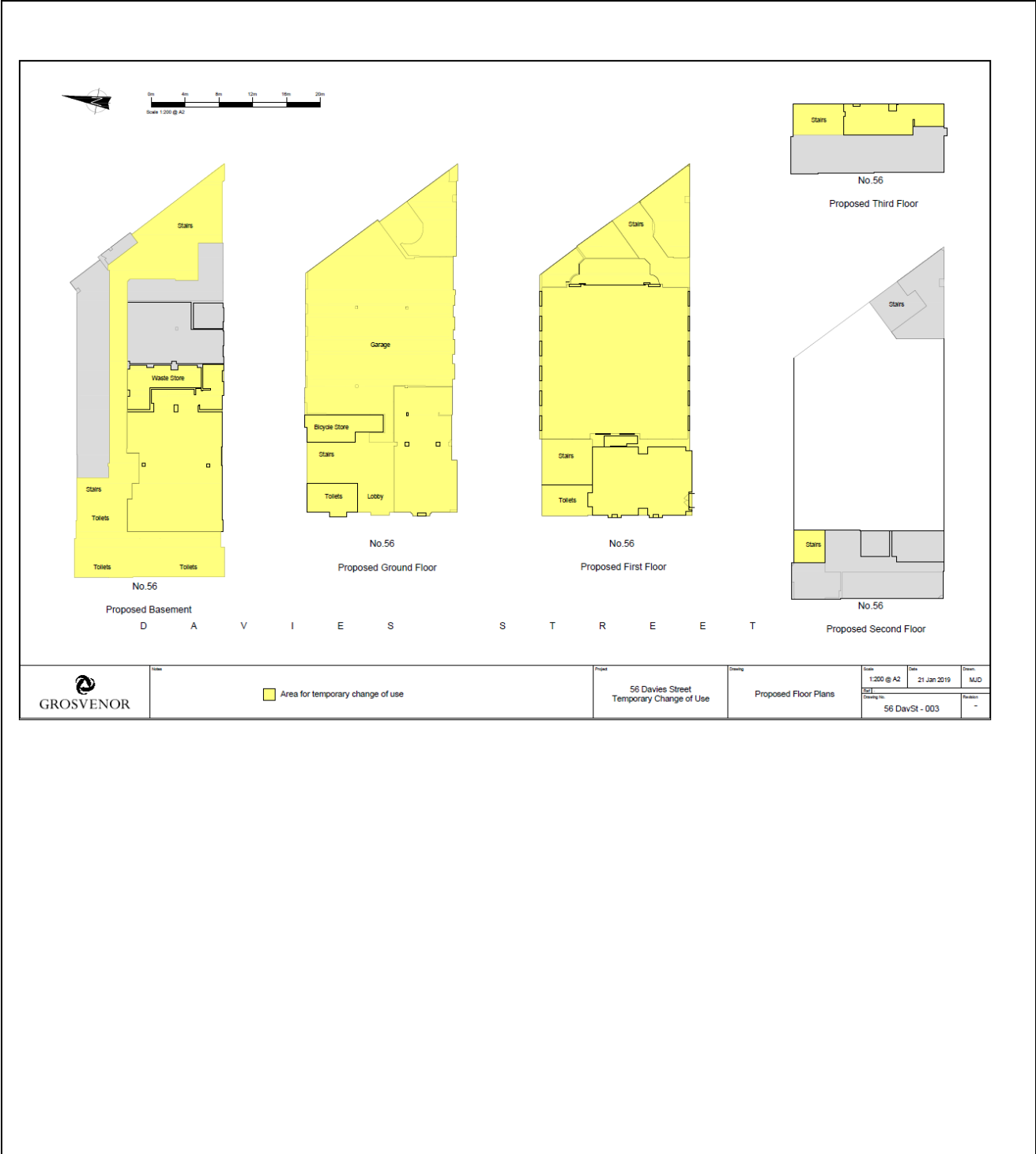
### **8.13 Other Issues**

None.

(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](mailto:mhollington2@westminster.gov.uk)

### 9. KEY DRAWINGS



	<p>Area for temporary change of use</p>	<p>56 Davies Street Temporary Change of Use</p>	<p>Proposed Floor Plans</p>	Scale	Date	Drawn
				1:200 @ A2	21 Jan 2019	MJD
				Drawing No.	Revision	
				56 DavSt - 003	-	

**DRAFT DECISION LETTER**

**Address:** Army Reserve Centre, 52 - 56 Davies Street, London, W1K 5HR

**Proposal:** Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (sui generis) for a temporary period of 36 months.

**Plan Nos:** 56 DavSt - 003 and Operational Management Plan.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 Prior to commencement of the event space hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 56 DavSt-003. You must clearly mark them and make them available at all times to everyone using the event space.

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)

- 3 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 4 You must provide each of the seven cycle parking space shown on the approved drawings prior to commencement of the event space hereby approved. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9

(Table 6.3) of the London Plan 2016 (R22FA)

- 5 No loading or unloading shall take place and customers shall not be permitted within the premises before 07.00 or after 00.00 (Sunday to Wednesday), or before 07.00 or after 01.00 (the following morning) (Thursday to Saturday).

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The event space use allowed by this permission can continue until 30 April 2022. After that the part of the building we have approved for event space use must return to its previous use. (C03BA)

Reason:

At the request of the applicant.

- 7 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 8 Details of a Crowd Management Scheme shall be submitted to and approved by the City Council prior to the commencement of the event space use hereby approved. The use shall then be carried out in accordance with the approved details at all times.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 9 You must apply to us for approval of arrangements showing how you will give people with disabilities access to the site from South Molton Lane. You must not commence the event space use hereby approved until we have approved what you have sent us. You must then provide these access arrangements at all times.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 10 The maximum capacity of the event space hereby approved shall be 500 guests.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 The event space use hereby approved shall be operating in accordance with the Operational Management Plan hereby approved. This is with the exception of the requirements of any conditions to this permission.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 5 Under Condition 7 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.



Any application to remove or vary the condition 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).

- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto: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](http://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](http://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](http://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.

- 7 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 8 For the purpose of Condition 8, due to the construction of the Bond Street West Crossrail Station, it is imperative that visitors do not queue on the pavement on the east side of Davies Street. Further consideration should be given to how visitors can be processed within the building in order to ensure that there is no obstruction to the free movement of pedestrians outside the site.