

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 June 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	1-3 Mount Street, London, W1K 3NB		
Proposal	Use of the basement, ground and mezzanine floors as a restaurant (Class E), alterations to shopfronts and the installation of awnings on both the Mount Street and Davis Street frontages, installation of air conditioning units at rear first floor level and the provision of a full height extract duct running up the rear elevation and terminating above main roof level.		
Agent	DP9		
On behalf of	Caprice Holdings Ltd		
Registered Number	21/01828/FULL	Date amended/ completed	22 March 2021
Date Application Received	22 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

1-3 Mount Street (Connaught House) is an unlisted building on the north-west side of Berkeley Square, with frontages to Mount Street and Davies within the Mayfair Conservation Area and the Central Activities Zone.

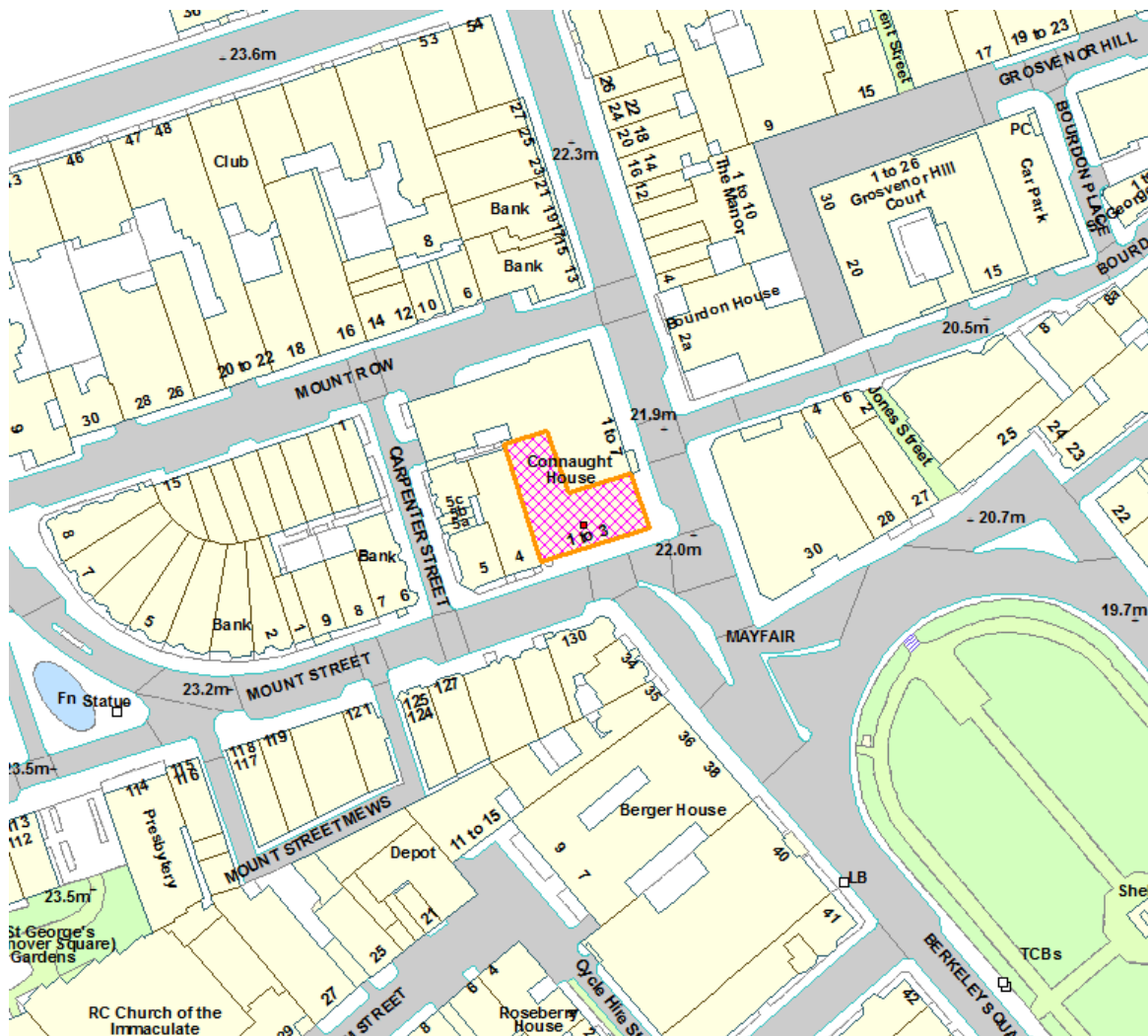
Permission is sought to change the use of the existing car showroom and part of the existing car park at basement, ground and ground floor mezzanine to a restaurant (Class E) and associated works including alterations to the shopfront and the installation of plant within the rear lightwell.

The key issues are:

- The acceptability of the proposals in land use terms
- The impact of the proposed works upon the character and appearance of this part of the Mayfair conservation area and
- The effect on the amenities of neighbouring residents and local environmental quality.

The area is mixed use in character comprising a mix of commercial uses on the lower floors with offices and residential above. Subject to appropriate conditions, it is considered that the scheme complies with policies set out in the Mayfair Neighbourhood Plan, and Westminster's City Plan 2019-2040 and is therefore recommended for approval.

3. LOCATION PLAN



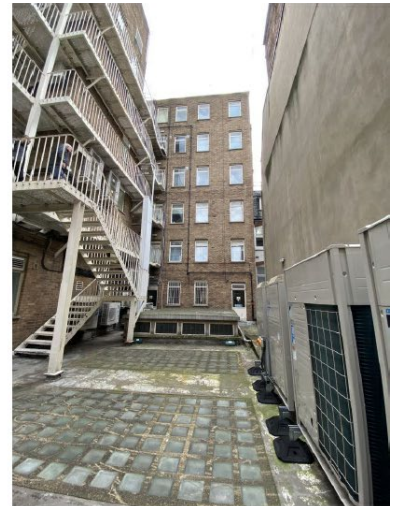
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4. PHOTOGRAPHS

Mount Street and Davies Street Frontages



General Views of rear lightwell



5. CONSULTATIONS

MAYFAIR NEIGHBOURHOOD FORUM

Objects on the grounds of:

- Impact on residential amenity (Noise / odour / smoke)
- Principle of openable shopfronts
- Principle of external seating
- Loss of use akin to retail contrary to the Mayfair Neighbourhood Plan
- Intensifies and existing concentration of restaurants in the area

MAYFAIR RESIDENTS GROUP

Objects on the grounds that the proposals would intensify an existing concentration of restaurants in the area and would have an adverse impact of residential amenity

RESIDENT SOCIETY OF MAYFAIR & ST. JAMES'S

Neutral comment raising concerns due to increased activity and specifically the number of tables and chairs to be placed outside on the pavement.

THAMES WATSER

No objection.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

WASTE PROJECT OFFICER

A ground floor waste holding area required

HIGHWAYS PLANNING TEAM

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43

Total No. of replies: 11

No. of objections: 10 on the following grounds:

- Increased traffic, servicing and pedestrian volume
- Encroachment of catering into traditionally retail character of the area
- No. of internal and external covers
- Amenity (odour, noise from both operational activity and plant)
- Likely that cleaning and deliveries will be accommodated outside the hours of use
- Entrance should be located on Davies Street
- Principle of an openable shopfront
- Principle of external seating and associated impacts (noise/smoke/antisocial behaviours)

No. in support: 1 on the following grounds:

- Valuable amenity for local business
- Will increase footfall and in turn support local businesses

- Will enhance the atmosphere of the area

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Connaught House is an unlisted building over basement, ground plus seven storeys, located on the corner of Mount Street and Davies Street, on the north-west side of Berkeley Square.

It is a mixed-use building, consisting of both commercial and residential uses. There is a shared car park in the basement with vehicle access from Carpenter Street via two car lifts and a pedestrian access from Mount Row. The floors relevant to this application were previously occupied by Porsche as a dealership and car showroom (Sui Generis Use).

Connaught House is located within the Mayfair Conservation Area, Central Mayfair as identified by the Mayfair Neighbourhood Plan and the Central Activities Zone (CAZ).

The immediate surrounding properties are largely in commercial use at ground floor level with a mix of offices and residential flats on the upper floors. This includes 12 residential units on the upper floors of the application site, within 4 Mount Street adjoining the site and within upper floors of No.125-130 Mount Street located on the south side of Mount Street.

6.2 Recent Relevant History

Planning permission was granted on 05 September 2005 (RN: 05/02319) for 'use of basement, ground floor and mezzanine for car showroom purposes (Sui generis) including new vehicular access doors and pavement crossover to Mount Street, use of the basement car park with access from Carpenter Street for the storage of showroom/customer vehicles and alterations to shopfront'. This permission was implemented.

Planning permission was granted on 11 July 2019 (RN: 19/03123) for 'alterations including installation of new shopfronts to both the Mount Street and Davies Street frontages and use of the basement, ground and mezzanine floors as two retail units (Use Class A1)'. The permission has not been implemented.

7. THE PROPOSAL

Permission is sought for the use of part basement, ground and mezzanine levels totalling 1,174 sqm GIA as a restaurant (Class E).

This application has been submitted on behalf of Caprice Holdings who own and operate several restaurants in and around Mount Street, namely Scott's on Mount St and 34 Restaurant on South Audley Street. The applicant asserts that the restaurant will be an

all-day fine dining restaurant, of a similar standard to Scott's, and whilst alcohol will be served, it will only be served at tables to guests sitting down for a meal.

It is proposed that the premises will be operated between 10.00am to 12.30am Monday to Saturday and 10.00am to 12.00am on Sunday with a maximum capacity of 240 covers.

The proposed plans show the kitchen, storage and back of house facilities located in the basement with seating on the ground and mezzanine floors.

The proposal includes the installation of air conditioning units at rear first floor level and the provision of a full height extract duct running up the rear elevation and terminating above main roof level.

It is also proposed to replace the existing shopfront. New broader spandrel panels are introduced being at mezzanine height. A vent is proposed above each of the mezzanine windows. Retractable awnings are also proposed.

The main access to the premises is being relocated further east along Mount Street toward the Mount street/Davies Street junction.

During the course of the application, the proposal has been amended to ensure the proposed shopfronts are fixed shut and the external seating has been removed from the highway. As such, objections received to the principle of both of these aspects are no longer applicable.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Car Showroom

The Mayfair Residents forum have objected the loss of the existing car showroom as they believe that the existing complimentary use is effectively retail and the associated policies relating to the loss of retail accommodation in the Mayfair Neighbourhood Plan should apply. The referenced policies are clear and relate to retail and financial and professional services and, as the existing use is non-retail, are not applicable in this case.

There is no policy to protect the loss of car showrooms changing to another town centre use open to visiting members of the public in this location, therefore the proposal is acceptable in principle in land use terms.

Loss of Commercial Car parking

Policy 28 (g) of the City Plan states that 'Proposals for the redevelopment of existing car parks for alternative uses will be supported'. As such, the principle of its re-use is considered acceptable.

Proposed Restaurant

Policy 14 (g) of the City Plan states that town centre uses will also be supported in principle throughout the parts of the CAZ with a commercial or mixed-use character,

having regard to the existing mix of land uses and neighbourhood plan policies.

Policy 16 (A) of the City Plan states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Mayfair Neighbourhood Plan Policy MRU1 requires proposals for new commercial or entertainment uses in Mayfair to demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.

Mayfair Neighbourhood Plan Policy (MNP) MRU3.1 states that entertainment uses will be encouraged where they complement both nearby residential communities and also the character which those nearby communities help to foster. Policies MSG 1 and MSG 2 of the MNP encourage proposals which increase street level activity and the introduction of complementary uses, including restaurants.

Objections have been received to the proposed restaurant on the basis that it would intensify an existing concentration of restaurants in the area; would result in the encroachment of catering into the traditionally retail character of the area; the impact of odour and noise (from both operational activity and plant); impact of smokers and on the basis that it is likely that cleaning and deliveries will be accommodated outside the hours of use. Objectors have also recommended that the entrance should be located on Davies Street and have suggested a list of conditions to control the operational aspects of the proposal, should this application be approved.

Policy 16 requires an assessment of the size and type of use proposed, as well as the concentration of uses in proximity. In this instance, the applicant states that the restaurant would provide high quality dining and alcohol will only be served at tables to guests sitting down for a meal, and at 1,174sqm in size, it is similar to other nearby entertainment venues including Sexy Fish (1,151sqm) and Annabel's (2,790sqm). The application site is in an area with a mixed-use character with predominately commercial units at ground floor level. Both Davies Street and Mount Street have an active ground floor frontage comprising shop units in predominately retail use. Whilst there are some entertainment uses in the vicinity, including Jamavar Marchesi 1824, Scotts and The Audley on Mount Street, Dunhill private member's club on Davies Street and Annabel's and Sexyfish in Berkeley Square, it is not considered that the proposal will create an adverse cumulative impact, given the dispersed nature of these premises.

As indicated above, the predominant character of the lower levels is retail. Given the site has not been in retail use, it is not considered that the principle of a restaurant would adversely impact on the character of the area. Whilst the proposal would result in greater activity in the evenings than the existing use, this is not considered to be harmful to the character and function of the area subject to the highway implications detailed with section 8.4 of this report. As such, the provision of a restaurant in this location within Mayfair is considered acceptable subject to the operational details being acceptable.

Given the size of the proposed unit, it is not considered that allowing the premises to accommodate up to 240 customers, is excessive. A condition has been imposed to ensure the restaurant operates within the capacity sought.

Whilst the City Plan does not specify generally acceptable hours of use for restaurants, the proposed opening hours are considered acceptable for the area noting that other entertainment uses such as Sexyfish and Annabel's have a terminal hour of 01:00am and 03:00 respectively. Subject to a condition that the restaurant operates between 10.00am to 12.30am Monday to Saturday and 10.00am to 12.00am on Sunday, activity associated with customers entering and leaving the premises, subject to the measures set out in the Operational Management Plan (OMP) below, is considered to be acceptable. It is not considered the presence of cleaning staff outside of the proposed opening hours would result in a material harm.

An Operational Management Plan (OMP) has been submitted which includes various obligations designed to ameliorate the potential impact of the proposed restaurant upon the amenities of neighbouring residential properties. The key details of the OMP are as follows:

Management of Arrival and Departure of Guests:

One doorman will be employed to manage guests while entering and exiting the premises. The doorman will man the door during all operating hours. All door staff will be SIA registered. A door supervisor will greet all customers as they approach the premises and open the door for them to enter the building and will ensure all alcohol is consumed on the premises; and carefully manage and expedite any transport enquiries and drop-offs.

The design of the premises includes an area by the reception desk, where guests can wait before they are seated. This will be designed to allow guests to enter the building as they arrive to make sure there is no queue on the street.

Upon arrival, all guests will be greeted by the door supervisor. Once in the reception area, guests will be greeted by the Maître D upon arrival and shown to their table, including the private dining area.

The front door of the premises and the public highway immediately adjacent will be under CCTV surveillance at all times. Access to video evidence will always be available to the police in line with the Premises License condition.

The constant presence of our doormen will be a positive addition to Mount Street and the surrounding community in many ways. Their presence will help to raise the profile of safety and security for residents' homes and vehicles and they assist residents and tourists alike with their knowledge of the local area.

Upon leaving, guests will be encouraged to walk to the taxi rank by the Connaught Hotel, or Berkeley Square House. The reception area will be spacious enough for any guest to wait for a pre-ordered taxi.

Deliveries and refuse

Caprice Holdings will ensure that all deliveries are kept to a minimum and within

a specific time frame. The proposed timing for this will be from 7.30am through till 7.30pm daily. All deliveries will be supervised by a dedicated staff member to ensure they run smoothly and as efficiently as possible. It is proposed that deliveries to the premises will be via the existing car lifts on Carpenter Street.

All refuse will be kept within a dedicated waste store at basement level. In the morning, 30 minutes prior to the agreed collection time, staff will transfer segregated coloured waste bags using the adjacent stairs to a presentation area on Mount Street. Bagged waste will be presented at street level and collected multiple times per week.

Noise Management

The main entrance will be lobbied to provide a noise barrier between the premises and outside. This will minimise any noise break-out externally, as guests enter and exit the building.

The premises will also be acoustically treated, essentially forming an acoustic box, to ensure that there is no noise transmission from the operation of the restaurant to other occupants within the building.

The proposed glass crusher will be housed in an acoustic bin area in the basement to prevent any noise and disturbance on the street caused when individual bottles are transferred to bins.

Management of smokers

A door supervisor will greet all customers as they approach the premises and open the door for them to enter the building, direct all smoking customers (maximum of 5 at any one time) to the allocated smoking area. This is proposed to be located to the right of the entrance on Davies Street (furthest away from residential properties).

Staff will not be permitted to smoke on Carpenter street, Mount street or Davies Street. Failure to adhere to this will result in disciplinary action. Staff will be told to smoke in Berkeley Square, and they will not be permitted to smoke wearing their work attire.

The provisions identified within the OMP are welcome. A condition is recommended that the restaurant use is carried out in accordance with the submitted OMP at all times.

Further conditions are also recommended to prevent live or recorded music being audible outside the premises, ensuring the provision of a bar and bar seating must not take up more than 15% of the floor area of the premises, ensuring the bar serves restaurant customers only, before, during or after their meals, preventing the restaurant from operating a takeaway or delivery services and ensuring deliveries are carried out between the hours of 0730 and 19:30 only.

The applicant has also submitted an acoustic report identifying methods to ensure the design of the internal separating structure between the proposed restaurant and the remainder of the accommodation in the rest of the building can be achieved, to ensure the premises complies with the Council's standard internal noise conditions. A condition

has been imposed to secure details of separating structure to be submitted, approved, and installed prior to the implementation of the restaurant use.

Subject to these conditions the restaurant use is considered acceptable and it is not considered that the proposal would have a material impact on residents' amenities or that there would be any material impact upon the character and function of the area.

It is considered that the planning benefits arising from the development outweigh any perceived impacts. The applicant has stated that the proposal will generate circa 140 jobs both directly and indirectly, supporting the local economy. The provision of a high-quality entertainment use in place of a vacant unit will positively contribute to the vitality of the area. It is considered that the applicant has taken all reasonable measures to secure neighbouring residential amenity in compliance with the Development Plan

8.2 Townscape and Design

Legislative Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the same Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Assessment

1-3 Mount Street is an unlisted building of the mid-twentieth century in the Mayfair Conservation Area. Its restrained design and use of stone are consistent with other instances of twentieth century development in Mayfair, and it makes a modest contribution to the character and appearance of the area.

The existing double height shopfronts are uncharacteristically tall for their context; such

openings are typically found on the grandest of retail streets; Oxford and Regent Street.

The proposed new shopfronts are to be produced in dark coloured bronze. New broader spandrel panels are introduced at mezzanine height. A vent is proposed above each of the mezzanine windows.

The applicant has amended the design to omit the openable shopfronts which originally formed part of the scheme. Openable shopfronts are often contentious in design terms; when fully opened they can lead to the unbalanced appearance of a building, with a void at ground floor level. The revised shopfronts are acceptable.

The deeper spandrel panel as shown in the proposed drawings serves to break up the double height shopfronts and is a welcome improvement on the existing arrangement.

The proposed material of the shopfronts is considered to be acceptable. Retractable awnings are an established feature of Mount Street; this element is therefore not contentious in design terms. A condition will require detailed drawings of the awnings.

The introduction of a louvred grille above the mezzanine windows is an uncharacteristic feature. However, there is a significant bulkhead behind the window at present; the grille is of a similar depth. The use of a decorative grille over the vent, and the quality of the proposed material is considered sufficient to overcome the uncharacteristic nature of this element, which will not read as a louvre from street level.

The proposed plant is to be installed at first floor level in a landlocked lightwell. Some of the elements are very large; the condenser enclosure is 3m tall. There is existing plant in this location however, and it is little overlooked. The proposed plant, along with the duct rising to main roof level does not affect the character or appearance of the Mayfair Conservation Area. A condition will ensure that the various elements are painted dark grey.

The proposed new lift from will run behind a glazed door at ground floor and a window at first floor. Given that the ground floor door is currently opaque glazed this change is considered to be acceptable.

The proposals are considered to cause no harm to the character or appearance of the Mayfair conservation area, and are in conformity with policies 38, 39 and 40 of Westminster's City Plan and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity (Daylight/ Sunlight/ Sense of enclosure)

Not applicable.

8.4 Transportation/Parking

Trip Generation and Servicing

Objections have been received on the basis that the proposal will result in increased traffic (including taxis), servicing and pedestrian volume to the detriment of the safety of

existing highway users.

The trip rates associated with the site are expected to increase significantly from that of the car show room use. For a restaurant use it is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling).

Large groups of people arriving and departing in a short space of time may also result in localised congestion, especially on the footway and to other pedestrians. The OMP has been updated to clearly address the process, roles and responsibilities for people arriving and leaving the site and the Highways Planning Manager believes that there is kerb space in both Mount Street and Davies Street where vehicle drop off could occur with limited impact on other vehicle traffic and highway users for the proposed use, as well as other properties/businesses in the vicinity. As such, it is not considered that the proposal would unduly impact highway users or their safety.

Policy 29 requires provision and retention of convenient access to all premises for servicing vehicles with this facility accommodated on-site and off-street. The proposal relies on on-street servicing. The applicant indicates that servicing would occur on-street from either Carpenter Street and/or Mount Row. The need for the secondary access on Mount Row is unclear. The approach to servicing is not consistent with the requirements of Policy 29.

The level of servicing will be significantly higher than the previous car showroom use. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. Deliveries and goods left on the highway create an obstruction to pedestrians. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

No Servicing Management Plan (SMP) has been submitted to support the application, although some detail is contained within the submitted OMP. A condition has been imposed requiring the submission of a robust SMP to demonstrate how the proposed development would minimise the impact of the proposed development on the highway network, so as not to have a significantly detrimental impact on other highway users. The SMP should contain clear information on how servicing (including the transfer of deliveries) would be managed in such a way as to minimise the impact on other highway users (including pedestrians) and be undertaken in a safe manner.

With the imposition of conditions, it is considered that the proposed restaurant will not have an adverse impact on existing highway users; however, wider uses within Class E, including medical, creche, nursery, fitness could all have potentially unacceptable impact on the local highway network, particularly with regards to private motor vehicle trips (including taxis and private hire) and servicing. No information has been submitted with regards to other uses within Class E and therefore a condition has been imposed restricting the use to a restaurant or non-food retail (previously permitted) only.

Delivery Service

No space is indicated within the unit to support the delivery service function – this would entirely rely on highway space and reduce space available to pedestrian, cyclists and other highway users and uses (including supporting sustainable transport modes).

Delivery vehicle parking and operatives can reduce the availability of parking for other uses, increase congestion (both on the carriageway and footway) and increases noise and fumes in the area. To minimise the impact of the restaurant use on the road network, a condition has been imposed to ensure no delivery service operates from the proposed restaurant.

Doors over the Highway

Any gate or door must not open over highway, consistent with City Plan 2019-2040 Policy 25 and s153 of the Highways Act. This includes the doors to the proposed shop fronts on Mount Street. A condition has been imposed to ensure this is the case.

Cycle Parking

Cycle parking will support sustainable transport modes to and from the site, especially for staff usage. The London Plan Policy T5 requires 1 space per 175m² for an A3 use (most comparable use). 1181m² of restaurant would require a minimum of 7 long term cycle parking spaces. It is accepted the quantum of cycle parking indicated within the basement meets the policy requirements and will assist staff in using active travel to/from the site. A condition has been recommended to ensure the proposed cycle parking is provided and retained for the lifetime of the development

Vehicle crossing

There is currently a vehicle crossover on Mount Street which enabled vehicle deliveries for the showroom use. Condition 3 of the permission dated 22 September 2005 (RN: 05/02319) which approved the showroom use states that 'should the use of the subject site cease as a car showroom, the crossover shall be reinstated as footway within three months' at the developer's cost. These works have not yet been undertaken. Given the vehicle crossover is no longer required, a pre-commencement condition is recommended to ensure that the redundant crossover is removed to improve the pedestrian environment.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

Public access to the new premises will be via a new entrance on the corner of Mount Street and Davies Street.

A new front of house public lift and stair will be provided connecting all three floors, ensuring there is step free access to all area.

A new unisex wheelchair accessible toilet will be provided at basement level, accessed directly via the new lift.

Staff access to the premises will be via the basement, with access from street level being provided in Mount Row, Cycle storage for staff will be provided at basement level with access being via the existing car lifts in Carpenter Street.

All deliveries will be made to the new premises via the basement, again accessed via the existing car park lifts located off Carpenter Street.

Refuse storage provided at basement level immediately adjacent to the existing spiral staircase to street level, enabling refuse to be easily brought and placed on the street immediately prior to collection.

8.7 Other UDP/Westminster Policy Considerations

Plant and odours

The scheme includes the provision of a full height extract duct and new plant at rear first floor level. Environmental Health have confirmed that the duct would adequately disperse cooking fumes and the plant is likely to comply with the standard noise conditions. Objections that this aspect of the application would result in nuisance are not considered sustainable.

Refuse /Recycling

A commercial waste storage has been provided at basement level immediately adjacent to the existing spiral staircase to street level, enabling refuse to be easily brought and placed on the street immediately prior to collection.

Due to the weight of the containers when full, it is not possible to safely transfer the crushed glass bottles or waste cooking oil to the waste presentation area using the staircase adjacent to the commercial waste store. Instead, crushed glass bottles and waste cooking oil will be collected on a container swap basis. The restaurant operator will appoint a specialist contractor to attend site and exchange full containers for empty ones on an agreed schedule. Using the same methodology as the delivery and servicing strategy, specialist contractors will park their collection vehicles on Carpenter Street and access the basement using the car lift.

The Waste project officer has reviewed the details submitted with the application and considers that capacity of the proposed waste store is in line with the council waste storage requirements; however, a ground floor holding area has been requested within the building. Whilst the proposed waste arrangement is not ideal, given that the proposed waste strategy is a betterment on the existing situation, a ground floor waste storage area was not required when the existing car showroom use was permitted nor within the consented retail use permitted in 2019. The introduction of a back of house frontage to either Mount Street or Davies Street would have an adverse impact on the character or appearance of the area, and for this reason, it is not considered reasonable to impose an amending condition requiring the inclusion of a street facing ground floor waste holding area.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

A pre-commencement condition has been imposed to remove the redundant vehicle crossover along the Mount Street Frontage.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

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

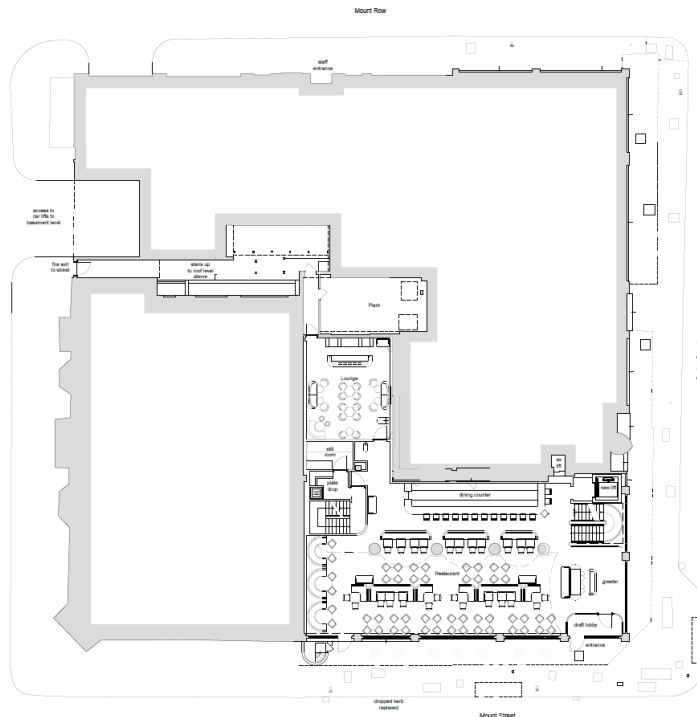
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK.

9. KEY DRAWINGS

Proposed Basement Plan



Proposed Ground Floor Plan



[illegible]

void over roof at lower level below

- Existing condensers serving Helixium Wtms at 3-7 Devies Street
- Existing air condenser serving adjoining carport
- Existing vent
- New raised steel plant deck, 500mm high
- New VRF condensers in acoustic enclosures
- New DX condensers in acoustic enclosures
- New submerg condensers in acoustic enclosures
- New domestic water heaters
- Kitchen extract duct from plant room at mezzanine level below
- Alternator
- New kitchen extract duct rises vertically to discharge at high level

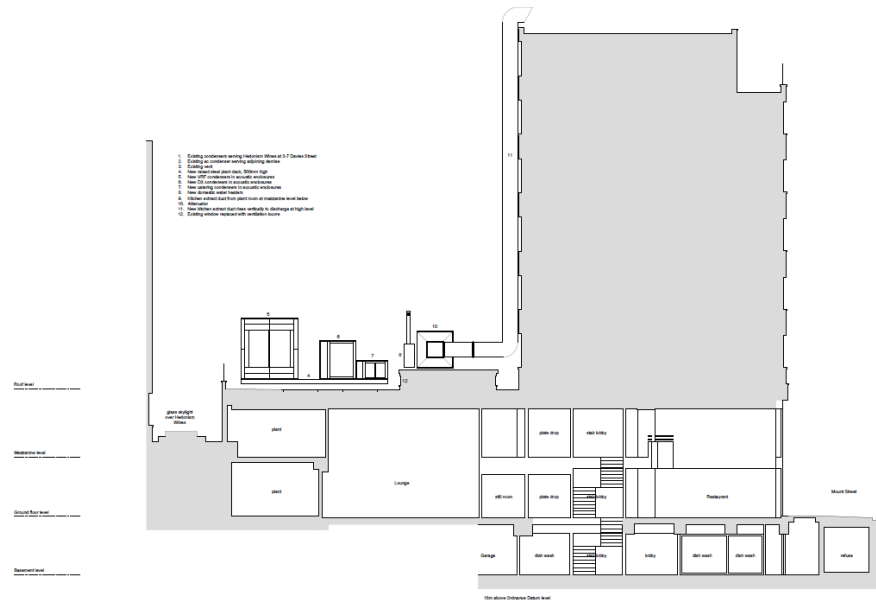
stairs up from level below

external fire stair serving floors above

light well to adjoining property (inductive only)

existing roof/ roof edge mezzanine level below

Proposed Section



Proposed Mount Street Elevation



Proposed Davies Street Elevation



DRAFT DECISION LETTER

Address: 1-3 Mount Street, London, W1K 3NB,

Proposal: Use of the basement, ground and mezzanine floors as a restaurant (Class E), alterations to shopfronts and the installation of awnings on both the Mount Street and Davis Street frontages, installation of air conditioning units at rear first floor level and the provision of a full height extract duct running up the rear elevation and terminating above main roof level.

Plan Nos: Drawings MST-A-P00-105 Rev A01, MST-A-P-00-106 Rev A04, MST-A-P-00-107 Rev A02, MST-A-P-00-108 Rev A01, MST-A-P-00-118 Rev A01, MST-A-P-00-11 Rev A02, MST-A-P-00-115 Rev A01, MST-A-P-00-115 Rev A02, MST-A-P-00-116 Rev P02.

Documents titled:

'Operational Management Plan 1-3 Mount Street, Mayfair, W1K 2HE' received 14 May 2021

'1 -3 Mount Street, city of Westminster Waste Management Strategy' dated May 2021.

'Performance Specification for the Heating, Ventilation and Air Conditioning of the Proposed Restaurant Site, Mount St' received 22 March 2021

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must not sell any take-away food or drink on the premises, nor operate a delivery service, even as an ancillary part of the primary restaurant use. (C05CC)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with Policy 7, 14, 16, 29 and 39 of the City Plan 2019 - 2040 (April 2021) and Policy MRU1 of the Mayfair Neighbourhood Plan (November 2019).

- 4 The provision of a bar and bar seating must not take up more than 15% of the floor area of the restaurant premises. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with Policy 7, 14, 16 and 39 of the City Plan 2019 - 2040 (April 2021) and Policy MRU1 of the Mayfair Neighbourhood Plan (November 2019).

- 5 You must not allow more than 240 customers into the property at any one time (including any customers waiting at a bar).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with Policy 7, 14, 16, 29 and 39 of the City Plan 2019 - 2040 (April 2021) and Policy MRU1 of the Mayfair Neighbourhood Plan (November 2019).

- 6 You must not play live or recorded music on your property that will be audible externally or in the adjacent properties.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with Policy 7, 14, 16 and 39 of the City Plan 2019 - 2040 (April 2021) and Policy MRU1 of the Mayfair Neighbourhood Plan (November 2019).

- 7 Customers shall not be permitted within the restaurant premises before 10.00am or after 12.30am Monday to Saturday or before 10.00am or after 12.00am on Sunday.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 8 You carry out the measures included in the Operational Management Plan hereby approved at all times that the restaurant is in use.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with Policy 7, 14, 16, 29 and 39 of the City Plan 2019 - 2040 (April 2021) and Policy MRU1 of the Mayfair Neighbourhood Plan (November 2019).

- 9 The extract duct hereby approved shall be installed in accordance with the specification detailed within the document titled 'Performance Specification for the Heating, Ventilation and Air Conditioning of the Proposed Restaurant Site, Mount St' in full prior to the commencement of the restaurant use hereby approved and shall be retained in situ for the life of the development.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window

of it;

- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 12 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 13 i) Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number MST-A-P00-105 Rev A01 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the premises.

- ii) The collection of waste must be carried out in accordance with the Waste Management Strategy hereby approved at all times that the restaurant is in use.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 14 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 16 You must hang all doors so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 17 You must submit a Servicing Management Plan (SMP) for our approval. The SMP must ensure that servicing is carried between the hours of 0730 and 1930 daily. You must not commence the restaurant use until we have approved what you have sent us. You must then carry out the servicing of all the premises according to the approved SMP.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 7, 14, 16 and 29 of the City Plan 2019 - 2040 (April 2021) and Policy MRU1 of the Mayfair Neighbourhood Plan (November 2019).

- 18 Notwithstanding the provision within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it, the premises hereby approved must be used for restaurant or non-food retail purposes only.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts in accordance with Policies 16, 18, 24, 26, 27, 28, 29, 25, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021) and Policy MRU1 of the Mayfair Neighbourhood Plan (November 2019).

- 19 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49BB)

- 21 Prior to occupying the premises for restaurant purposes, you must apply to us for approval of details of all separating structures (walls, ceilings and glazing) demonstrating that the internal activity will comply with the Council's noise criteria as set out in Condition 20 of this permission. You must not occupy the restaurant use hereby approved until we have approved what you have sent us. You must then install the separating structures in line with the approved details prior to occupation and retain them for as long as the restaurant is in situ.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels.

- 22 You must finish the ductwork and enclosure hereby approved in a dark grey. You must then keep it that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 23 You must apply to us for approval of details of the proposed awnings. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 24 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

25 Pre-Commencement Condition

You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

- reinstatement of the footway on the Mount Street frontage

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To improve the pedestrian environment as set out in Policy 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 3 You are encouraged to service the building utilising electric vehicles or using other zero-carbon measures.
- 4 If there is a musical amplification system playing above background noise level a suitable noise limiter must be fitted which is set at a level to comply with condition 20. No sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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.