



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 22nd August, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Andrew Smith (Chairman)
Paul Church
Barbara Grahame
Louise Hyams



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. WASHINGTON HOUSE, 40-41 CONDUIT STREET, LONDON, W1S 2YQ | (Pages 5 - 24) |
| 2. UNIT 4, TROCADERO, 13 COVENTRY STREET, LONDON, W1D 7DH | (Pages 25 - 44) |
| 3. BASEMENT TO FIRST FLOOR MAISONETTE, 22 EATON PLACE, LONDON, SW1X 8AE | (Pages 45 - 60) |
| 4. 13 CAMBRIDGE STREET, LONDON, SW1V 4PR | (Pages 61 - 78) |
| 5. 41 GREAT PULTENEY STREET, LONDON, W1F 9NT | (Pages 79 - 92) |
| 6. AVERY HOUSE, 1-3 AVERY ROW, LONDON, W1K 4AJ | (Pages 93 - 110) |
| 7. 33 GREYCOAT STREET, LONDON, SW1P 2QF | (Pages 111 - 130) |
| 8. 396 STRAND, LONDON, WC2R 0LT | (Pages 131 - 140) |

Charlie Parker
Chief Executive
14 August 2017

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 22nd August 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s) : 17/04929/FULL West End	Washington House 40-41 Conduit Street London W1S 2YQ	Use of the building as a private members club (Sui Generis), dual alternative use of the ground floor as retail (Class A1), associated alterations including erection of a 6 th floor extension, a pergola at 4 th floor level roof top plant, external terraces at 3 rd , 4 th , 5 th and 6 th floor levels.	Lava Mayfair Limited
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 17/04800/FULL 17/04801/LBC 17/05026/ADV St James's	Unit 4 Trocadero 13 Coventry Street London W1D 7DH	Application 1: Installation of a new shopfront and plant at 6 th floor roof level in connection with use of the ground floor (unit 4) as restaurant (Class A3). Application 2: Installation of a new shopfront, installation of plant at sixth floor level and internal alterations. Application 3: Display of internally illuminated fascia sign measuring 1.10m x 2.37m above existing ground floor canopy.	Mr - Happy Bar & Grill Limited
Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 17/00874/FULL 17/00875/LBC Knightsbridge And Belgravia	Basement To First Floor Maisonette 22 Eaton Place London SW1X 8AE	Erection of replacement enlarged extension to the rear of the first floor. (addendum report)	Mr Alexander Kolobov
Item No	References	Site Address	Proposal	Applicant
4.	RN(s) : 17/04048/FULL	13 Cambridge Street London	Alterations to north and west elevations, external re-decorations, interior alterations, repairs and remedial works.	Mr Omar Shaaban

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 22nd August 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	17/03783/LBC Warwick	SW1V 4PR		
Recommendation				
1. Grant conditional planning permission and listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 17/04725/FULL West End	41 Great Pulteney Street London W1F 9NT	Variation of Condition 7 of planning permission dated 11 October 2016 (RN: 16/03788) for erection of new fourth storey, plant room and perimeter railing for use as offices (Class B1) with a terrace. External alterations comprising new fenestration and painting of the facades, and alterations to the office entrance on Great Pulteney Street including erection of a fixed canopy; NAMELY to allow the plant to operate on a 24 hour basis (with restricted mode applied to various items).	Sir Richard Sutton Ltd
Recommendation				
Grant conditional planning permission.				
Item No	References	Site Address	Proposal	Applicant
6.	RN(s) : 17/04406/FULL West End	Avery House 1-3 Avery Row London W1K 4AJ	Use of part basement, ground, first and second floors for restaurant purposes (Class A3) with associated plant and ventilation duct and metal louvred screen at roof level.	Quadrille Ltd
Recommendation				
Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
7.	RN(s) : 17/04327/FULL Vincent Square	33 Greycoat Street London SW1P 2QF	Variation of condition 21 of planning permission dated 15 September 2016 (RN 16/04244/FULL) which varied an earlier permission for 'Extensions at rear lower ground to fourth floor levels and a fifth floor roof extension with terraces, introduction of plant at roof level and alterations to the building facade in association with the use of the building as 23 residential flats', namely to allow windows C1 and C2 shown on drawing 140359-A-E-VA-D151 F3 to be clear glazed and windows A1, A2, B1, B2 and D to be fixed shut and obscure glazed (with the exception of window B2 which will be top opening).	Greycoat Property Investments Ltd
Recommendation				
Grant conditional permission subject to a deed of variation to the original Section 106 legal agreement dated 18 January 2016 to link this permission to the terms of the agreement.				
Item No	References	Site Address	Proposal	Applicant
8.	RN(s) : 17/03486/TCH	396 Strand London WC2R 0LT	Use of an area of the public highway measuring 1.71m x 1.85m for the placing of 2 tables and 4 chairs in connection with the existing ground floor	Good Life (The Strand) Limited

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 22nd August 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	St James's		restaurant.restaurant.	
Recommendation Grant conditional permission for a temporary period of 1 year.				

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Agenda Item 1

Item No.

01

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Washington House, 40-41 Conduit Street, London, W1S 2YQ,		
Proposal	Use of the building as a private members club (Sui Generis), dual alternative use of the ground floor as retail (Class A1), associated alterations including erection of a 6 th floor extension, a pergola at 4 th floor level roof top plant, external terraces at 3 rd , 4 th , 5 th and 6 th floor levels.		
Agent	Gerald Eve		
On behalf of	Lava Mayfair Limited		
Registered Number	17/04929/FULL	Date amended/ completed	5 June 2017
Date Application Received	5 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Washington House, 40-41 Conduit Street is located on the southern side of Conduit Street. The basement and ground floor are currently vacant but were most recently used as ancillary restaurant and bar for the adjacent Westbury Hotel. The upper six floors are in use for office purposes. Permission is sought for the use of the building as a private members club (Sui Generis). The proposal scheme includes an option to use the ground floor as retail space (Class A1) independent the Members Club. The scheme includes a 6th floor roof extension and rooftop plant.

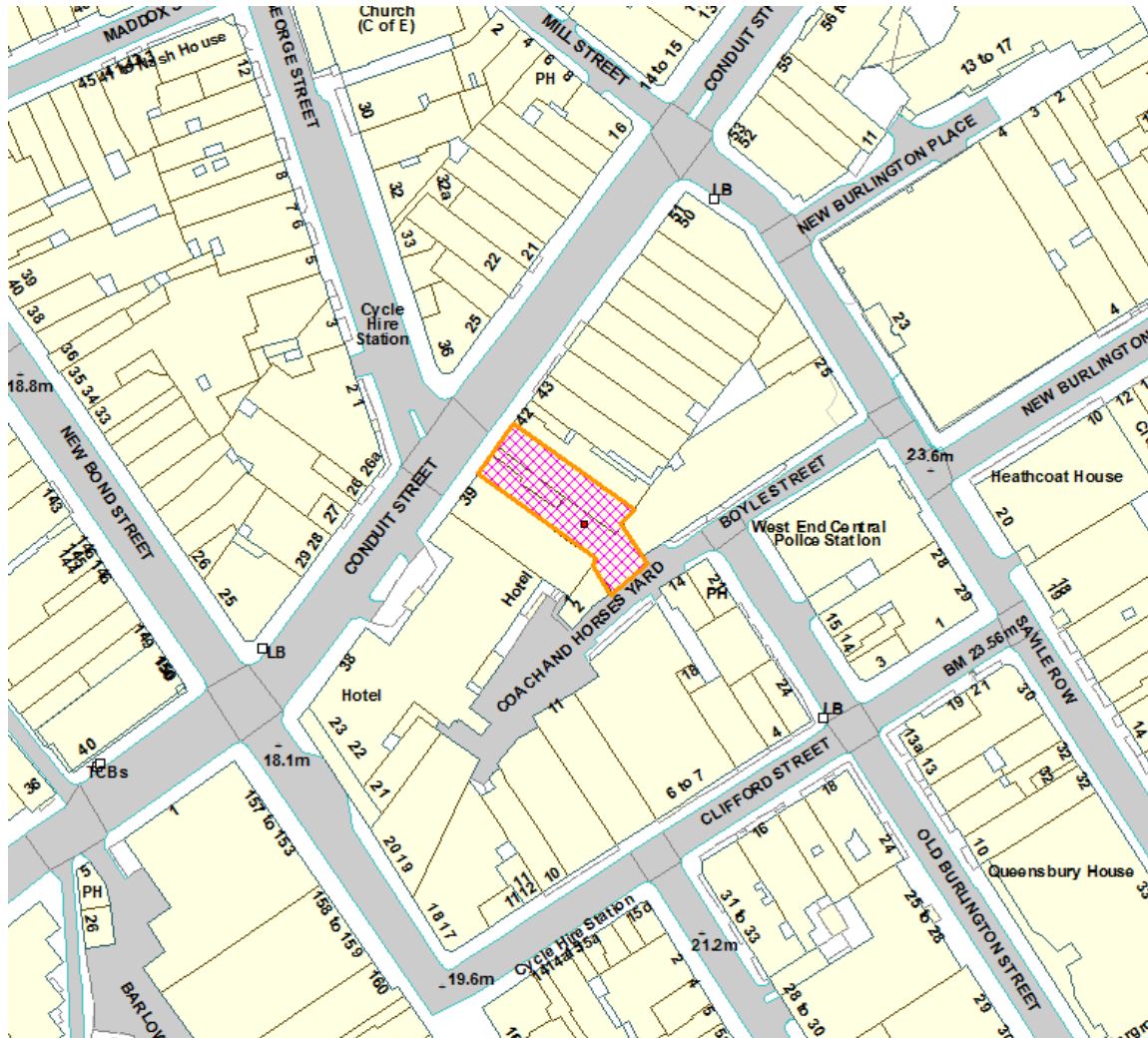
The key issues for consideration are:

- The land use implications regarding the loss of hotel floorspace at basement and ground floor levels and the impact of the proposed private members club on the character and function of this part of Mayfair;
- The impact of the extensions at sixth floor and roof level on the appearance of the building and the character and appearance of the Mayfair Conservation Area.

Subject to conditions the proposed private Members Club is considered an acceptable use,

appropriate to Mayfair. The extensions are considered to be acceptable in design terms. The proposal would comply with the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) policies. Accordingly the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Conduit Street elevation



Coach and Horse Yard elevation



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Objection that use of the terraces would result in noise nuisance and overlooking

DESIGNING OUT CRIME

No comment, application should be referred to the police licensing team.

ENVIRONMENTAL HEALTH

No objection

HIGHWAYS PLANNING MANAGER

No objection

CLEANSING

Request that refuse details are secured by condition

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 113

Total No. of replies: 1, letter received querying the address on the neighbour notification letter.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Washington House comprises basement, ground and six upper floors, located on the south side of Conduit St, opposite the junction with St George Street. The building also has a frontage onto Coach and Horses Yard. The basement and ground floors are vacant, having last been used by The Westbury Hotel as a restaurant/bar. The upper floors are in use as offices (Class B1).

Coach and Horses Yard mainly functions as a service road for the Westbury Hotel adjacent to the application premises and other properties in Conduit Street. The area is mixed use in character comprising a significant amount of office (Class B1) floorspace. The nearest residential is at 14 Coach and Horses Yard.

The site lies within the Core CAZ but lies outside the West End Stress Area. The building is not listed but lies within the Mayfair Conservation Area.

6.2 Recent Relevant History

Permission was granted in December 2011 for the use of the third to sixth floors, as hotel bedroom accommodation in association with the Westbury Hotel. This permission was not implemented.

Permission was granted in November 2010 for the use of the basement and ground floors as a restaurant and bar for the adjacent Westbury Hotel. The permission was varied in September 2011 to allow the basement bar to be open to non-residents until 03.00 hours the following morning on Mondays to Saturdays.

7. THE PROPOSAL

Permission is sought to use the building as a private members club which will be operated by Lava Mayfair Club Ltd and will be known as 'The Conduit'. The scheme seeks to dual alternative use of the ground floor as either part of the private members club or as retail (Class A1) use, which would be independent from the proposed Members Club use.

The proposed club use would include a member's bar, with various uses on the first to sixth floors, including conference and meeting rooms, a gym and wellness centre, restaurant and bar area, co-working space and event space.

External alterations include the enlargement of a 6th floor extension and changes to the fenestration to match the lower floors. The roof top plant will be remodelled and will include a plant screen to all sides. A pergola is proposed at rear fourth floor level, this will include retractable screens to allow the terrace to be used in inclement weather, the pergola will also include planting.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The floorspace figures are set out in the table below :

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	915	0	-915
Offices	2560	0	-2560
Retail	0	156	+156*
Private Members Club	0	3490 (3334 is retail is implemented)	+3490
Total	3475	3490	+15

* if retail space is implemented.

Loss of hotel floorspace

The basement and ground floors are currently vacant, previously having been used as a bar and restaurant in connection with the Westbury Hotel (Class C1) pursuant to permission granted in 2010.

UDP and City Plan policies seek to protect hotel floorspace. Even though the basement and ground floor were used as for ancillary purposes, there is a strong policy presumption to protect all hotel floorspace. UDP Policy TACE 1 states that 'The City Council will not grant planning permission for change of use from hotel use within the CAZ...unless such hotels cause traffic or amenity problems. City Plan policy S23 states that the loss of hotel uses within the Core CAZ will generally be resisted where they do not have significant adverse effects on residential amenity.

Council records indicate that there have been no complaints regarding the operation of the restaurant/bar use of the Westbury Hotel. Although the loss of the hotel floorspace is contrary to adopted policies there are however considered to be extenuating circumstances that would allow an exception to the policy, namely:

- The Hotel have vacated the premises and the floorspace is surplus to their requirements;
- the proposal does not result in the loss of hotel bedrooms as the floorspace was used for ancillary purpose;
- prior to use by the Westbury the lower floors were in retail use. The hotel use was not longstanding;
- loss of the hotel floorspace will not jeopardise the long term viability of the Westbury.

As the proposal will not adversely impact on the current operational activity of the hotel the loss of hotel floorspace is in this instance considered to be acceptable.

Loss of offices

The proposal will result in the loss of 2560sqm of office floorspace.

City Plan Policy S6 identifies the Core Central Activities Zone as an appropriate location for a range of commercial and cultural uses. There are no specific policies which prevent existing offices from changing to other commercial uses. The loss of the office floorspace is considered to be acceptable in land use terms.

Proposed Retail floorspace (Class A1)

As stated the ground floor was used for retail purposes prior to the last use as a hotel. The option to use the ground floor as retail is considered acceptable in accordance with City Plan policy City Plan Policy S21.

Proposed Private Members Club

The proposed private members club is considered to be a large-scale entertainment use (3490 m²). UDP Policy TACE10 applies where entertainment uses are over 500sqm which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500m² will not generally be appropriate within Westminster.

The private members club; 'The Conduit' would include a variety of different uses, the disposition of these uses is as follows:

Basement – Members bar,
 Ground floor –Events space,
 1st floor – 2 x conference rooms and 3 x meeting rooms (with a combined capacity of 150 and 300 standing)
 2nd floor – gym, wellness
 3rd floor – kitchen and back of house

4th floor – dining restaurant with bar and lounge total 175 covers
5th floor – co working space, including Members Events space with a capacity of 203 seats
6th floor – bar and terraces –capacity 190.

An Operational Management Statement (OMS) has been submitted. The applicant advises that the membership would be from professionals and the creative sector who are committed to entrepreneurship and social enterprises. The OMS is included as a background paper to this report,

As set out in the OMS the intention is that the club would open at 6am daily and different floors would have staggered opening and closing times. The restaurant, co working, bar and café facilities would operate from 7am to 1am. The basement bar would operate from 7am to 3am. Although this is beyond the core operating hours for licensed premises as set out in the UDP, this is the same closing time permitted or the Westbury Hotel bar in 2011. The maximum capacity at any one time is 1,030.

The restaurant and bar elements at basement, fourth and sixth floor level will include seating areas, there will be some vertical drinking at basement and sixth floor level. There are existing terraces at rear fourth floor level and sixth floor level. It is proposed that these will be used for seating for the restaurant elements of the use. The Residents' Society of Mayfair and St James's has objected to the potential overlooking and noise and disturbance from the terraces. With regards to noise, given the proximity of the residential flats at No 14 Coach and Horses Yard, it is considered that the use of the rear terraces should be restricted to 22.30. With regards to the front sixth floor terrace, it is considered that due to the commercial nature of Conduit Street that the front part of the terrace at sixth floor level is acceptable until 01.00. It is recommended that the hours of use of the terraces are limited by condition.

All guests will use the main entrance on Conduit Street with servicing from Coach and Horse Yard.

There is a strong policy presumption **against** new large entertainment uses (over 500 M2) as proposed. However the basement and ground floors were previously in use as a nightclub and restaurant and a large entertainment use existed **on** part of the site. Furthermore there have been no objections to the principle of the proposed Members club. The area comprises primarily commercial uses with little residential in close proximity. In addition to this entertainment activities form only part of the proposed private Members Club use. On the basis that the use operates in accordance with the submitted OMS, which is **to be** secured by condition, it is considered appropriate to this part of Mayfair. In the circumstances the use is considered acceptable as it would be neither harmful to resident's amenities or the character and function of the area.

8.2 Townscape and Design

The application premises is an unlisted building located within the Mayfair Conservation Area. The adjacent buildings No's 42 and 43 are grade II listed buildings. Permission was granted on 14 December 2011 for a front extension at sixth storey level. The approved design did not extend across the full width of the frontage. Permission is now sought for a full width front extension with an additional plant storey at seventh storey level, the schme also includes the installation of a rear pergola at fourth floor level and associated works.

Given that permission has previously been granted for a front extension, the principle of extending in this location has been established. It is considered that widening the proposed extension to the full width of the building will have a minimal additional impact on the character and appearance of the conservation area. The proposed scheme projects no further forward than that approved, and is set back from the front building line ensuring it does not appear dominant and minimising the impact on long views. It is also set away from the edge of the building and the adjacent listed building. Following negotiations, the applicant has retained the frontward extension at the same height as the approved scheme, to match that of the existing sixth storey. The principle of the extension is therefore considered acceptable in design terms. The proposed detailed design is considered an improvement to the approved scheme, consisting of a stone clad frontage with arched fenestration. Subject to conditions to secure details on the proposed fenestration and materials the extension is considered acceptable. The sixth floor barriers visible from the front of the site will consist of black metal railings, which are considered a suitable treatment for the front elevation.

The proposed enclosure although larger than previously permitted will project no further forward than the existing plant. Given the significant set back from the front building line, the wider and taller plant enclosure which includes a pitched screen to the front and rear, is considered acceptable in design terms. The plant will also extend to the rear building line, which it does not at present. However, given the limited design merit of the rear elevation, the impact of this proposal on the character and appearance of the conservation area is considered minimal.

Given the limited design merit of the rear elevation, the principal of installing a pergola to the rear flat roof at fourth floor level in this reasonably discreet position is considered acceptable, subject to the imposition of a condition requiring planting in order to minimise the visual impact of the structure.

Overall, the proposals are considered compliant with DES 5, DES 6 and DES 9 of the Council's Unitary Development Plan and will preserve (or enhance) the character and appearance of this part of the Mayfair Conservation Area and the setting of the adjacent listed buildings.

8.3 Residential Amenity (Daylight/ Sunlight/Sense of Enclosure/ Overlooking)

The nearest residential is at the rear of the site. The increased bulk and mass at roof level would not result in a material loss of light or sense of enclosure to any of the neighbouring properties.

Privacy

As stated the Residents' Society of Mayfair and St James's have objected on the basis that the terraces will result in overlooking and a loss of privacy. There are existing terraces at rear fourth floor level and sixth floor level and there is no control on how these are used. The terraces are higher than the existing residential windows within 14 Coach and Horses Yard, therefore the opportunity for overlooking is limited. It is considered that the use of the existing terraces in connection with the private members club is acceptable.

8.4 Transportation/Parking

The Highways Planning Manager has commented that it likely that the number of trips associated with the site will increase, but given the transport facilities in the area, it is unlikely that it will have a significant impact on the public highway.

There is no existing off-street servicing associated with the site and this is not proposed to change with the private members club use. It is considered that the proposal is broadly consistent with UDP Policy TRANS20 and a condition is recommended requiring the submission of a servicing management plan.

Eleven cycle space are proposed, however only six are shown on the proposed drawings. A condition to ensure that eleven spaces are provided is recommended.

A condition is recommended to ensure that adequate waste and recycling facilities are proposed for the private members club.

8.5 Economic Considerations

Any economic benefits created by the proposal are welcomed.

8.6 Access

Level access is provided at ground floor level and lift access is provided to all floors.

8.7 Other Issues

Plant

New plant is proposed at roof level, this will be contained within a screened enclosure. The extract duct for the third floor kitchen will be routed internally and discharge into this enclosure. Environmental Health has assessed the proposals and have no objection to the new plant. Subject to the imposition of the normal noise conditions controlling the operation of plant, this aspect of the application is considered acceptable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

1. Application form and OMS dated 2 August 2017
2. Response from Environmental Health, dated 29 June 2017
3. Response from Residents Society Of Mayfair & St. James's, dated 4 July 2017
4. Response from Cleansing, dated 19 June 2017
5. Response from Highways Planning Manager, dated 27 June 2017
6. Letter from occupier of 44 Conduit Street, dated 20 June 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

Existing and Proposed front elevation

1 EXISTING NORTH WEST ELEVATION 1
1:200 @ A3

3 PROPOSED NORTH WEST ELEVATION 1
1:100 @ A3

2 EXISTING NORTH WEST ELEVATION GROUND FLOOR
1:100 @ A3

4 PROPOSED NORTH WEST ELEVATION GROUND FLOOR
1:100 @ A3

GENERAL NOTES:

All dimensions to be checked on site prior to construction of any works, and the projection of any deep drainage.

Scale of used dimensions to any structural elements are indicated only. See structural engineer drawings for actual detail dimensions.

Scale of used dimensions to any other elements are indicated only. See services engineer drawings for actual detail dimensions.

The drawing to be read in conjunction with all other Architectural Drawings, Structural and other relevant information.

All engineering calculations on this drawing are to be checked in accordance with the standard of practice recommended.

Any discrepancies between information shown on this drawing and the information shown on other drawings are to be brought to the attention of the architect.

DO NOT SCALE FROM THIS DRAWING.

NOTES:

ISSUE	DESCRIPTION	DATE
01	FULL PLANNING APPLICATION	03.08.2017
02	FULL PLANNING APPLICATION	08.08.2017
03	PRE-APPLICATION SUBMISSION	31.03.2015
04	PRE-APPLICATION SUBMISSION	03.08.2016
05	PRE-APPLICATION MEETING	08.08.2016

REFERENCE: DATE

Architect: **Felix Merlín Architects**
Unit B2.31 'C' Storey Building
133 Copeland Park | London SE15 3SN
www.felixmerlin.com

CLIENT: **LAVA MAYFAIR CLUB LTD.**

PROJECT: **40-41 CONDUIT STREET**

DRAWN BY: **EXISTING AND PROPOSED NORTH WEST ELEVATIONS**

SCALE: **1:200@ A3 (1:100@ A1)**

DATE: **AUG 16** DRAWN BY: **FBM**

DATE: **0277 0301 GE 01** REVISION: **05**

DRAWING OF: **PLANNING**

DRAFT DECISION LETTER

Address: Washington House, 40-41 Conduit Street, London, W1S 2YQ,

Proposal: Use of 40-41 Conduit Street as a private members club (sui generis) with external terraces provided at the third, fourth, fifth and sixth floors and either associated events space or retail (Class A1) use at ground floor; physical works including sixth floor extension, pergola at fourth floor terrace, roof plant enclosure and associated external alterations.

Reference: 17/04929/FULL

Plan Nos: 0277 0099 GAP B1 P4, 0277 0100 GAP 00 P4, 0277 0100M GAP MEZ P5, 0277 0101 GAP 01 P4, 0277 0102 GAP 02 P5, 0277 0103 GAP 03 P4, 0277 0104 GAP 04 P5, 0277 0105 GAP 05 P5, 0277 0106 GAP 06 P5, 0277 0107 GAP RF P5, 0277 0202 GS AA P6, 0277 0204 GS BB P6, 0277 0300 SE P5, 0277 0301 GE 01 P5, 0277 0302 GE 02 P6, 0277 0304 GE 04 P6, 0277 0307 GE 07 P6, 0277 0308 GE 08 P4, Operational Management Plan received 2 August 2017

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and ,
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and ,
 - o not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of photographs of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: , - New external windows and doors (1:5 and 1:20), - Pergola (1:20), , 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 drawings (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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must paint all metal railings to the front and side elevations black and keep them that colour. (C26EA)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 (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 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 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 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 L A90, 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.

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.

- 9 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:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 You must not allow more than 1030 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 You must apply to us for approval of detailed drawings of a landscaping/planting scheme for the pergola at rear fourth floor level. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping/planting

according to these approved drawings. If you find that the planting is dying, severely damaged or diseased, you must replace them with plants of a similar size and species.

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must carry out the measures included in your management plan received 2 August 2017 at all times that the private members club is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 Customers shall not be permitted within the private members club premises at ground to sixth floors before 06.00 or after 01.00 each day, and the basement bar before 07.00 or after 03.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 14 Customers shall not be permitted to use the terrace at rear fourth or rear sixth floor level before 07.00 or after 22.30 each day.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 15 All customers of the private members club must use the main entrance on Conduit Street and must not use the entrance in Coach and Horses Yard.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

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

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 17 You must apply to us for approval of details of the following parts of the development: provision of 11 off-street cycle space. 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 detailed drawings. (C26DB)

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 2015.

Informative(s)

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor can change between the retail (Class A1) or event space (sui generis) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 2

Item No.

02

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Unit 4, Trocadero, 13 Coventry Street, London, W1D 7DH		
Proposal	<p>Application 1: Installation of a new shopfront and plant at 6th floor roof level in connection with use of the ground floor (unit 4) as restaurant (Class A3).</p> <p>Application 2: Installation of a new shopfront, installation of plant at sixth floor level and internal alterations.</p> <p>Application 3: Display of internally illuminated fascia sign measuring 1.10m x 2.37m above existing ground floor canopy.</p>		
Agent	Mrs Rebecca Grace		
On behalf of	Happy Bar & Grill Limited		
Registered Number	Application 1: 17/04800/FULL Application 2: 17/04801/LBC Application 3: 17/05026/ADV	Date amended/ completed	1 June 2017
Date Application Received	1 June 2017		
Historic Building Grade	Grade II		
Conservation Area	Soho		

1. RECOMMENDATION

Application 1: Refuse planning permission : Loss of retail
Application 2: Grant listed building consent
Application 3: Grant advertisement consent

2. SUMMARY

The application relates to a ground floor shop unit of the Trocadero, which fronts onto Coventry Street. It is currently in use as a souvenir shop (Class A1).

Planning permission is sought for use of the unit as a restaurant (Class A3) with a new shop front and roof level plant (application 1). Listed building consent is sought for the new shopfront internal alterations and roof level plant (application 2). An application has also been submitted for advertisement consent for an internally illuminated fascia sign (application 3).

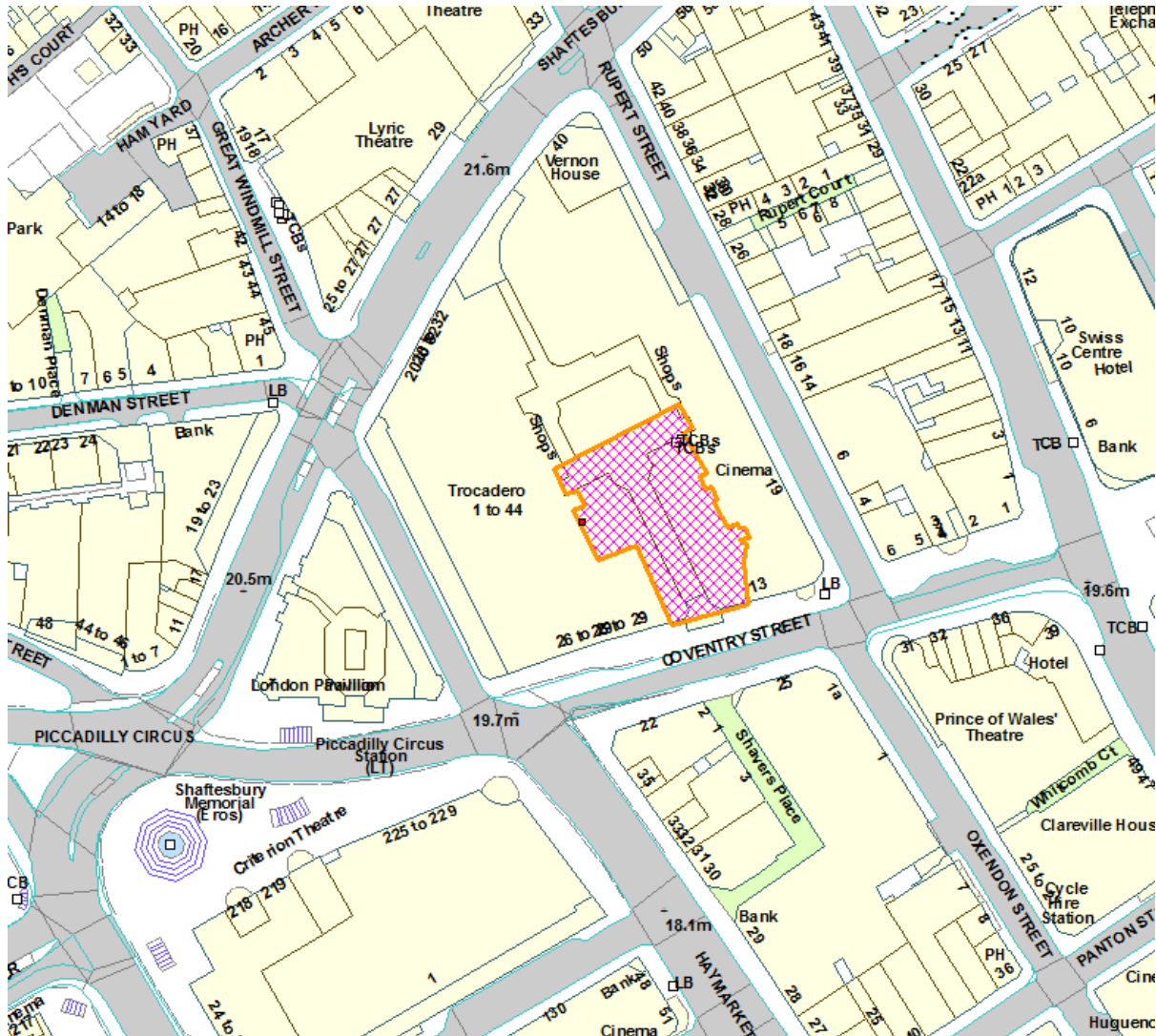
The key issues for consideration are:

- The impact of the proposals upon the character and function of the area;
- The impact of the proposals upon the environmental quality of the area and residential amenity; and
- The acceptability of the proposed works in design terms

The proposal would result in the loss of a large ground floor retail unit. The loss of retail is considered to be harmful to the character and function of the area contrary to Unitary Development Plan (UDP) and City Plan policies and as such application 1 is recommended for refusal.

The proposed works comprising the new shopfront, roof level plant and signage are considered acceptable in design terms. Consequently the applications for listed building consent and advertisement consent are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

APPLICATIONS 1 & 2

SOHO SOCIETY:

Objection; oversaturation of restaurants in conflict with UDP policy TACE10, potential increase in anti-social behaviour and litter, take-away could become primary use.

DESIGNING OUT CRIME:

No objection

HIGHWAYS PLANNING:

No objection; subject to no delivery service

CLEANSING:

No objection

ENVIRONMENTAL HEALTH:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

APPLICATION 3

No consultations undertaken.

6. BACKGROUND INFORMATION

6.1 The Application Site

The Trocadero comprises a large street block made up of a number of buildings bounded by Shaftesbury Avenue, Rupert Street, Coventry Street and Great Windmill Street. Three of the buildings within the Trocadero - including the application site - are Grade II listed (Nos. 18-20 Coventry Street, Nos. 7-14 Coventry Street and Nos. 20-24 Shaftesbury Avenue).

The site is located within the Core CAZ, the West End Stress Area, the West End Special Retail Policy Area (WESRPA), the West End Strategic Cultural Area and the Soho Conservation Area. The site is not on a designated Primary Shopping Frontage.

At ground floor level the Trocadero has recently been reconfigured, the original shopping arcade has now been infilled, and its frontage onto Coventry Street now comprises a number of individual commercial units. This application relates a ground floor unit which was originally the arcade.

The nearest residential properties are 18 flats located over the upper floors of Coventry House, 22 Coventry Street situated opposite the application site on the south side of

Coventry Street. There were eight flats approved within the Trocadero as part of the hotel-led scheme granted permission on 8 November 2012. This scheme has been implemented and is currently under construction. The flats will be located at first floor level on the Rupert Street frontage and at first floor mezzanine level at the corner of Rupert Street and Coventry Street. The permission requires the completion of the flats prior to the occupation of the new hotel.

6.2 Relevant History

The Trocadero

The Trocadero was created in the early 1980s under a Greater London Authority permission issued on 22 January 1980.

Following this, a major scheme of refurbishment works was approved by the City Council on 24 November 1989 which permitted, inter alia, alterations and extensions to allow for an expanded mixed use complex incorporating retail, restaurant, entertainment, cinema and office uses. The scheme was substantially completed by the end of 1992.

Recent Relevant History

16/10435/FULL

In February 2017 permission was granted for the use of retail units 1 and 2 at the corner of Coventry Street and Gt Windmill Street as a restaurant (Class A3). The permission has been implemented and the units are operating as Fiveguys.

15/05483/FULL

In November 2015 permission was granted for the use of the lower ground, ground and mezzanine levels of 7-14 Coventry Street as a museum (Class D1) with ancillary retail and cafe floor space at ground floor level, installation of replacement shopfront to Coventry Street elevation and alterations to entrances on Rupert Street elevation, and associated external alterations. This permission has not been implemented.

13/09849/FULL

In March 2014 permission was granted for the erection of extension over second, third, and fourth floor level within lightwell behind 7-14 Coventry Street facade and use of part ground floor, both to extend cinema (Class D2). Installation of railings around existing fourth floor flat roof to allow use as terrace. Alterations to ground floor level on Great Windmill Street in the form of installation of replacement shopfront, installation of two pairs of gates in lieu of existing ground floor railings, and erection of three awnings at ground floor level. Installation of two dormer windows in roofslope at fourth floor level on Coventry Street elevation, and installation of new plant at fourth floor level. This application has been implemented.

12/02540/FULL

Planning permission and listed building consent were granted on 8 November 2012 for the erection of a two storey roof extension and use of part basement, subbasement, part ground to ninth floor levels as a hotel (Class C1) comprising of 527 bedrooms and 56 aparthotel rooms with a rooftop bar and associated terraces at eighth and ninth floor levels; use of part ground, first and first floor mezzanine levels (Rupert Street frontage) as eight flats (Class C3); use of part ground and first floor levels as a retail unit (Class A1);

reconfiguration of the loading bay on Rupert Street and alterations to the shopfronts on Shaftesbury Avenue. The enabling works for this development are currently taking place and it is expected that the hotel will be open in 2018.

12/02627/FULL

In June 2012 permission was granted for the use of first floor (mezzanine) as a restaurant (Class A3) with retail (Class A1) accommodation at ground floor level at 7-14 Coventry Street (corner with Rupert Street). Associated external alterations including the installation of plant at roof level. This application has been implemented. Consent was granted in November 2016 to vary this permission for a temporary period of two years to enable the ancillary retail accommodation to be relocated to first floor level.

11/07360/FULL

In December 2011 permission was refused for the use of part ground floor, first floor mezzanine and part first floor at 7-14 Coventry Street (corner with Rupert Street) as a casino (sui generis); installation of plant at roof level. The application was refused on the grounds of loss of retail accommodation.

10/10150/FULL

In March 2011 permission was granted for the use of part first floor and part first floor mezzanine as two restaurants (Class A3) at 7-14 Coventry Street. Installation of extract duct to terminate at roof level.

10/10054/FULL

In March 2011 permission was refused for the use of Units 5, 6 and 7 at ground floor level as a restaurant (Class A3) and installation of a duct to terminate at sixth floor level. The application was refused on the grounds of loss of retail accommodation.

10/10053/FULL

In March 2011 permission was refused for the use of Units 25 and 26 as a restaurant (Class A3) and installation of a duct to terminate at roof level. The application was refused on the grounds of loss of retail accommodation.

09/07289/FULL

In January 2010 permission was granted for the conversion of retail accommodation at ground and part basement level at the corner of Coventry Street and Great Windmill Street into a restaurant. This application has not been implemented.

7. THE PROPOSAL

Permission and listed building consent is sought for plant at roof level, and a new shopfront and in connection with the use of a ground floor unit fronting onto Coventry Street as a restaurant (Class A3 - applications 1 and 2).

The scheme proposes the loss of a retail unit of 1107 m², currently in use as a souvenir shop. The restaurant (Class A3) would have 390 covers, the opening hours would be 8:00 until 01:00 the following morning on Mondays to Saturdays and 8:00 to midnight on Sundays and Bank Holidays.

An application has also been submitted for advertisement consent for an internally illuminated fascia sign located on an existing ground floor canopy (application 3).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail use

The application site is currently in use as a souvenir shop (Class A1), trading as 'Glorious London- Gift & Souvenirs'/ 'Souvenir Superstore'. Prior to the current tourist gift shop use, the unit was occupied in part by Starbucks (Class A1), and a series of smaller A1 units which formed the internal Mall for the Trocadero. The unit has therefore been in long term use for retail (Class A1) purposes.

The City Council places a high priority on retaining A1 uses and City Plan Policy S7 seeks to maintain and enhance the unique status and offer of the WESRPA. It sets out that improved retail space is a priority for the area. Policy S21 of the City Plan states that existing A1 uses will be protected throughout Westminster. Exceptions to the policies can be made if it is considered that retail use is not viable, as demonstrated by long term vacancy despite reasonable attempts to let.

As already stated the unit is not vacant and is currently occupied for retail purposes. The applicant has advanced an argument that the unit is not an attractive proposition for alternative retailers. A marketing report has been submitted by Savills which details 25 retailers that have been invited to express interest in the unit. It sets out that letting negotiations failed with regard to the previously approved Spyscape museum, and that the unit has been marketed since June 2016 although no 'fashion retailers' have expressed serious interest. The marketing report does not specify interest from non-fashion A1 retailers. The information provided does not successfully demonstrate that the unit would be unlikely to continue to operate for retail purposes. The applicant has not made a substantial case for an exception to policy S7.

Policy SS5 of the Unitary Development Plan (2007) also aims to protect retail uses within the CAZ, particularly at ground floor level. The policy does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. The reasoned justification sets out that this is to ensure that the needs of customers and retailers are met through retention of the number of shops and overall amount of retail floorspace. It identifies that concentrations of non-A1 floorspace can harm the character and retail function of an area by breaking up its frontage.

This unit has a large retail frontage and was the original entrance to the historic arcade. Given its location at ground floor level, it is considered that the A1 should be protected in line with policy. The creation of a restaurant in this location would lead to a loss of 1107sqm of retail floorspace and whilst it is acknowledged that the proposed A3 use would attract visiting members of the public, it is considered that the loss of a large retail unit at ground floor level would undermine the shopping function of the Trocadero complex, and be harmful to the character and function of the area.

The ground floor of the Trocadero fronting onto Coventry Street comprises 7 retail units. The mix is as follows : 4 x retail (Class A1); 1 x vacant hot food takeaway (Class A5), 1 x restaurant (Class A3) and 1 x mixed sandwich bar/café (Sui Gen). The proposal would result in the loss of a large quantum of retail floorspace to this frontage, and would reduce the number of A1 retail units on this parade to less than 50%. The proportion of active A1 frontage would be considerably less than 50%. The proposals would clearly fail to maintain and enhance the unique status and offer of the West End Special Retail Policy Area, and would undermine the shopping function of the Trocadero and Coventry Street.

It is acknowledged that consent has recently been granted for loss of A1 retail use at this unit; this application included part of the basement, and a mezzanine level and proposed a spy museum (class D1) over 5000sq.m. It was considered that this use would create a high profile tourist attraction, enhancing the cultural offer within the West End Strategic Cultural Area, and generate significant economic spinoffs through increasing visitors to the West End. The unit subject to the current application is significantly smaller than the proposed museum. The proposed restaurant (Class A3 use) would not deliver such substantial wider economic benefits as the museum (Class D1) use.

Introduction of new restaurant use

Policy S24 of Westminster's City Plan 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 residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m2 (GEA), will not generally be appropriate within Westminster.

UDP Policies TACE8-10 are applicable to entertainment uses and aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, whilst acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. Due to the size of the restaurant proposed (being 1107 m2, the application must be determined against the requirements of Policy TACE10 of the UDP. Policy TACE10 considers entertainment uses 'which will only be permissible in exceptional circumstances'.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. There are several restaurants in the Trocadero complex itself and in the wider area including two large restaurants opposite the application premises namely Aberdeen Steak House, and TGI Fridays, which are both open until 1am.

As stated the nearest existing residential properties are 18 flats at Coventry House No. 20-24 Coventry Street. No objections have been received in response to neighbor consultations.

The applicant argues that Happy Bar & Grill are a high quality operator with a proven track record. The unit would have a capacity of 390 covers, the proposed opening hours are:

8:00 to 01:00 the following morning on Mondays to Saturdays and 8:00 to midnight on Sundays and Bank Holidays.

The Soho Society have objected on the grounds that the proposal would add to an overconcentration of restaurants in the area and there is potential for a predominantly takeaway use. Given that the area experiences extremely high levels of activity both during the day and at night it is considered that subject to appropriate conditions which control the operational management the restaurant the use would not be harmful to either the local environment or residential amenity.

Environmental Health have confirmed that the proposed extract duct and plant equipment to be suitable to enable the discharge of cooking odours, and ventilation of the unit without detriment to neighbouring residential amenity. Had the loss of retail been considered acceptable in land use terms conditions would have been recommended to ensure the restaurant operated without harm to the Environment.

8.2 Townscape and Design

The design impact of the proposals centres on the impacts of the shopfront, the rooftop proposals, and internal works to install a new riser.

The existing shopfront is exceptionally poor and is openable from floor to ceiling, and secured with shutters at night. The proposed shopfront would be glazed and non-openable, with a stallriser and transoms and mullions. Whilst the proposed shop front would be predominantly glass, it would represent a vast improvement over the existing situation. New signage would make use of the existing canopy over the main entrance.

Internally there is little historic character remaining following years of successive retail fit outs. No major demolition works are to take place, and the main fabric of the building would remain in place. An original staircase to the rear would be retained. The proposed works would be consistent with the scope of the works consented to the wider building, which benefits from consent to be converted to a hotel.

The new services would be installed through an internal riser, which at roof level would be concealed behind an existing high parapet. As such, it is considered that their impact would be minimal.

Parts of the application refer to the installation of double glazing and the painting of shopfront pilasters. Double glazing is unacceptable on listed buildings and the shopfront pilasters are white faience and should not be painted. It is recommended that this is dealt with by an amending condition as part of the listed building consent.

In design terms the proposals benefit the Grade II listed building and the surrounding Soho Conservation Area. The application is in accordance with DES 1; DES 5; DES 6; DES 9; DES 10; S 25; S 28 and the NPPF.

Application 3 relates to an internally illuminated advertisement by virtue of the size, location and method of illumination, the proposed advertisements are considered acceptable in design, conservation and townscape terms.

8.3 Residential Amenity (Daylight Sunlight/ Sense of enclosure)

The plant at roof level would not add a significant bulk to the building and would not adversely impact on the amenity of any of the surrounding residents. This aspect of the application is considered acceptable.

8.4 Transportation/Parking

Service vehicles will use the existing Trocadero service bay located in Rupert Street. It is not considered that the proposed use of the site as a restaurant (Class A3) will have any adverse impact on the public highway..

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Level access would be provided into the proposed restaurant from Coventry Street (Application 1) and an accessible WC would be provided at ground floor level. This is considered to be acceptable.

8.7 Waste & Recycling

The restaurant would have access to its own ground floor waste storage area to the east of the Trocadero site, which would accommodate both waste and recycling. Waste would be held at the back of the unit in a temporary store within the restaurant before being transported internally to the designated storage at the rear. It would be collected on a daily basis by a private waste provider via Rupert Street. Details of the refuse provision would have been secured by condition had the application been considered acceptable in land use terms.

8.8 London Plan

The proposal is considered contrary to Policy 2.10 of the London Plan which seeks to support and improve the retail offer of CAZ for residents, workers and visitors and which notes the importance of the West End as a global shopping destination.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The application does not prompt a requirement for an environmental statement.

8.12 Other Issues

Crime and security

The designing out crime officer has commented that the doors should be LPS1175 SR2 rated and fitted with laminated glass to the frontage, it is considered that this could have been secured by condition had the application been recommended for approval.

Plant

The extraction equipment proposed to serve the new restaurant is considered acceptable in amenity terms. The equipment is to be located at a high level and will not affect the occupants of the nearest residential flats. Environmental Health advise that it is unlikely that the operation of the equipment will have any adverse impact in terms of noise or odours.

9. BACKGROUND PAPERS

1. Application form
2. Response from Designing Out Crime, dated 8 June 2017
3. Letter from occupier of St Anne's Tower, 55 Dean St, Soho, 55 Dean St, Soho, dated 10 July 2017
4. Response from Cleansing dated 14 June 2017 and 3 August 2017
5. Response from Highways Planning dated 25 June 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

Existing Unit Location plan



NOTES

This drawing to be kept in accordance with the specifications/MS of Client's A-10 related drawings.

No dimensions to be used from this drawing. All digital dimensions to be confirmed on site and to be checked and fixed if any discrepancies.

KEY

DEMISE OF UNIT 4

AREA OF LANDLORD OWNERS

NOTES

ALL DRAWINGS TO BE READ WITH:-

- PLANNING STATEMENT
- HERITAGE STATEMENT
- DESIGN - ACCESS STATEMENT
- LANDLORD INFORMATION
- BUILDING REG INFORMATION
- BUILDING SERVICES INFORMATION

Project:
HAPPY RESTAURANT_UNIT 4
TROCADERO
LONDON
W1D 6DG

Title:
Ground Floor Plan
EXISTING

Scale: 1:250 @ A1 Date: May 2017

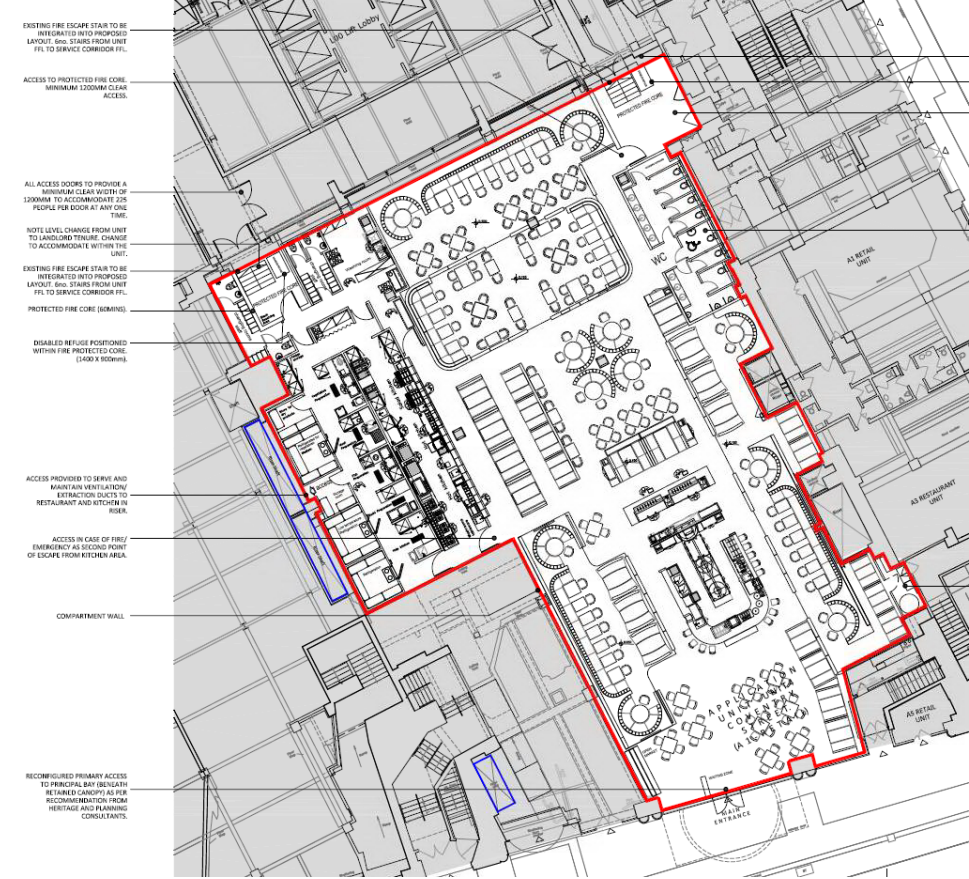
Drawn: AD Checked: NIM

Drawing Number: 7869_PL004

Revision: -

Saunders
 Architecture + Urban Design

Proposed ground floor plan



NOTES

This drawing is to be read in conjunction with the specifications and/or drawings of the building and related services. No responsibility is taken for the drawing, its application or use in any other context and the designer makes no representation.

KEY

- DEMISE OF UNIT 4
- APPROXIMATE AREA OF RISERS THAT UNIT 4 WILL BE ALLOWED ACCESS TO THOUGH WITHIN LANDLORD DEMISE
- AREA OF LANDLORD OWNERSHIP
- LINE OF OVERHEAD STRUCTURE/ IMPORTANT FIRST FLOOR FEATURES

NOTES

ALL DRAWINGS TO BE READ WITH:-

- PLANNING STATEMENT
- HERITAGE STATEMENT
- DESIGN + ACCESS STATEMENT
- LANDLORD INFORMATION
- BUILDING REG INFORMATION
- BUILDING SERVICES INFORMATION

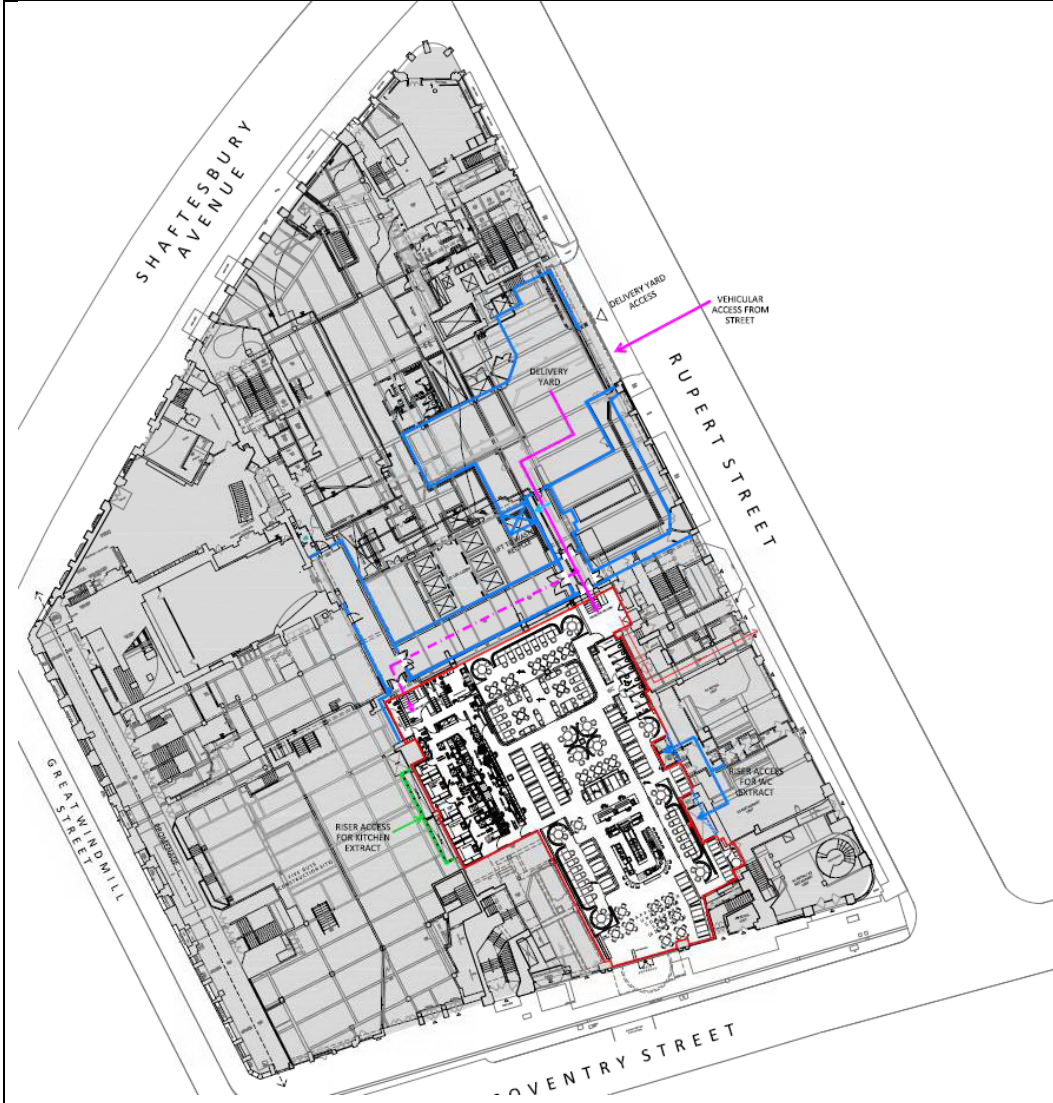
KEY PLAN

Project: HAPPY RESTAURANT_UNIT 4 TROCADERO LONDON W1D 6DG

Title: Ground Floor (Part) Plan PROPOSED

Date:	Issue:
11.2020 @A1	May 2017
Drawn:	Checked:
AD	NM
Drawing Number:	Scale:
7869_PL105	-

Saunders
Architecture + Urban Design



NOTES
 This drawing to be read in accordance with the specifications of the Contract and related drawings.
 All dimensions to be taken from the drawing. All angles dimensions to be marked on site and to be checked and fixed at any circumstances.
 Date: 05/05/2017

- KEY**
- APPROXIMATELY POSITION OF PROPOSED WALLS AND DOORWAYS TO BE INSTALLED BY LANDLORD
 - - - - PRIMARY DELIVERY ROUTE (AS AGREED WITH LANDLORD)
 - - - - SECONDARY DELIVERY ROUTE (AS AGREED WITH LANDLORD)
 - ACCESS TO LIFT TO BASEMENT FOR WASTE AND RECYCLING
 - ZONE TO BE LEFT ACCESSIBLE FOR LANDLORD
 - AREA OF LANDLORD OWNERSHIP

NOTE:
 OUTSIDE OF UNIT 4 IS TO BE MAINTAINED & ENSURED COMPLIANT BY LANDLORD
 ALL ROUTES & FIRE STRATEGY TO BE INTEGRATED WITH SPRINKLER STRATEGY.
 ALL STRATEGY DRAWINGS TO BE REVIEWED ON RECEIPT OF PROPOSED LAYOUT DRAWINGS FROM HAPPY
 ALL FINAL PROPOSALS TO BE AGREED WITH LANDLORD + SUBJECT TO HAPPY LAYOUT.

- NOTES**
- ALL DRAWINGS TO BE READ WITH:-
- PLANNING STATEMENT
 - HERITAGE STATEMENT
 - DESIGN + ACCESS STATEMENT
 - LANDLORD INFORMATION
 - BUILDING REG INFORMATION
 - BUILDING SERVICES INFORMATION

Project
**HAPPY RESTAURANT_UNIT 4
 TROCADERO
 LONDON
 W1D 6DG**

Title
**Ground Floor Plan
 PROPOSED SERVICING STRATEGY**

Scale	1:250	@A1	Date	May 2017
Drawn	NZ		Checked	NM
Creating Number	7869_PL151		Revision	-

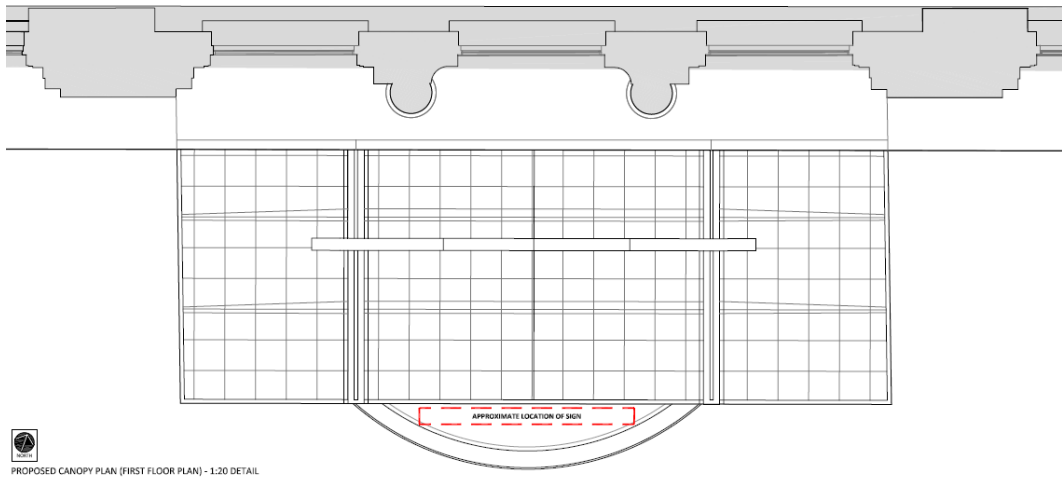
Saunders
 Architecture + Urban Design

Proposed Shop Front Elevation



PROPOSED CANOPY ELEVATION - 1:20 DETAIL

EXISTING LED SIGN RETAINED. TEXT DISPLAY REPROGRAMMED ONLY.



PROPOSED CANOPY PLAN (FIRST FLOOR PLAN) - 1:20 DETAIL

NOTES

This drawing is to be read in accordance with the usual conventions of architectural drawings.

No dimensions to be used for construction. All related dimensions to be used for the proposed construction of the development.

- NOTES**
- ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:-
- PLANNING STATEMENT
 - HERITAGE STATEMENT
 - DESIGN + ACCESS STATEMENT
 - LAND-OWN INFORMATION
 - BUILDING REG. INFORMATION
 - BUILDING SERVICES INFORMATION



KEY PLAN



PROPOSED CGI

Project
HAPPY RESTAURANT_UNIT 4
 TROCADERO
 LONDON
 W1D 6DG

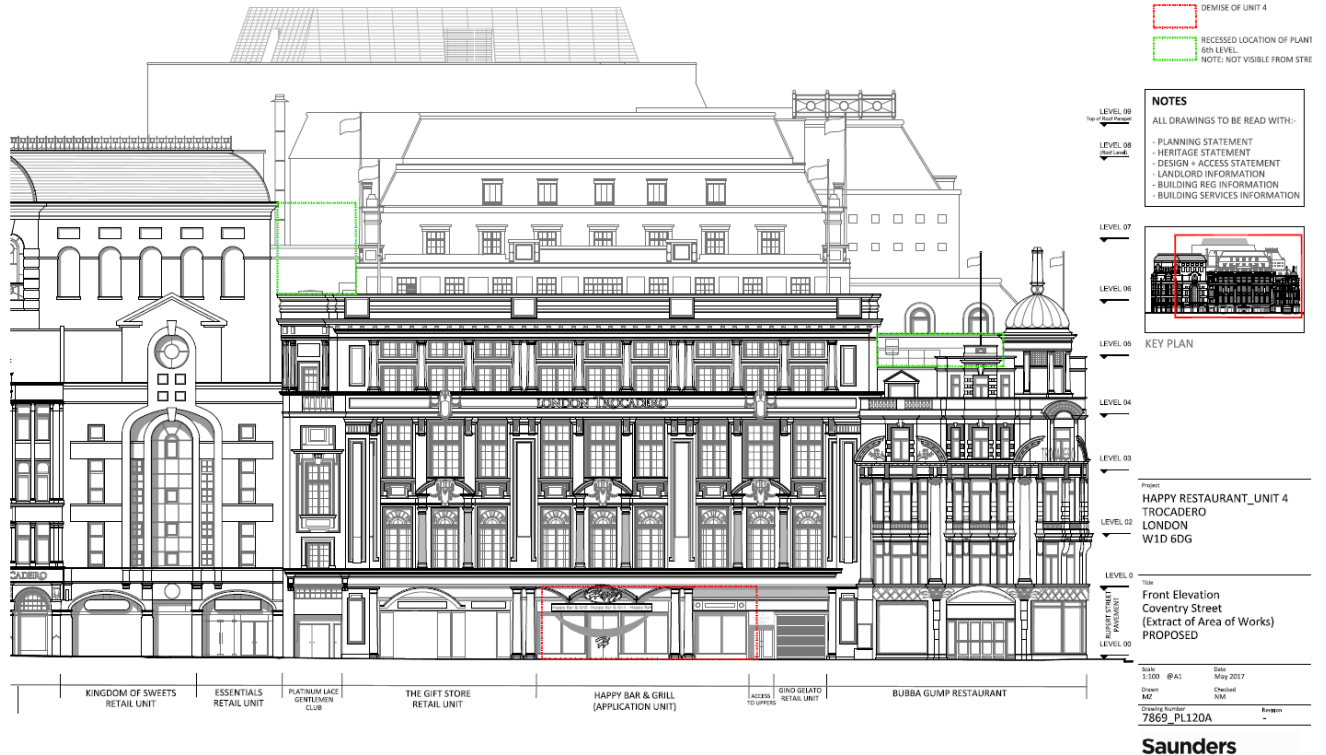
Title
LED/ Winged Canopy
 Detailed Drawings
 Coventry Street (Front)
 PROPOSED

Scale	1:20	Date	May 2017
Drawn	AD	Checked	MM
Drawing Number	7869_PL120C	Project	-

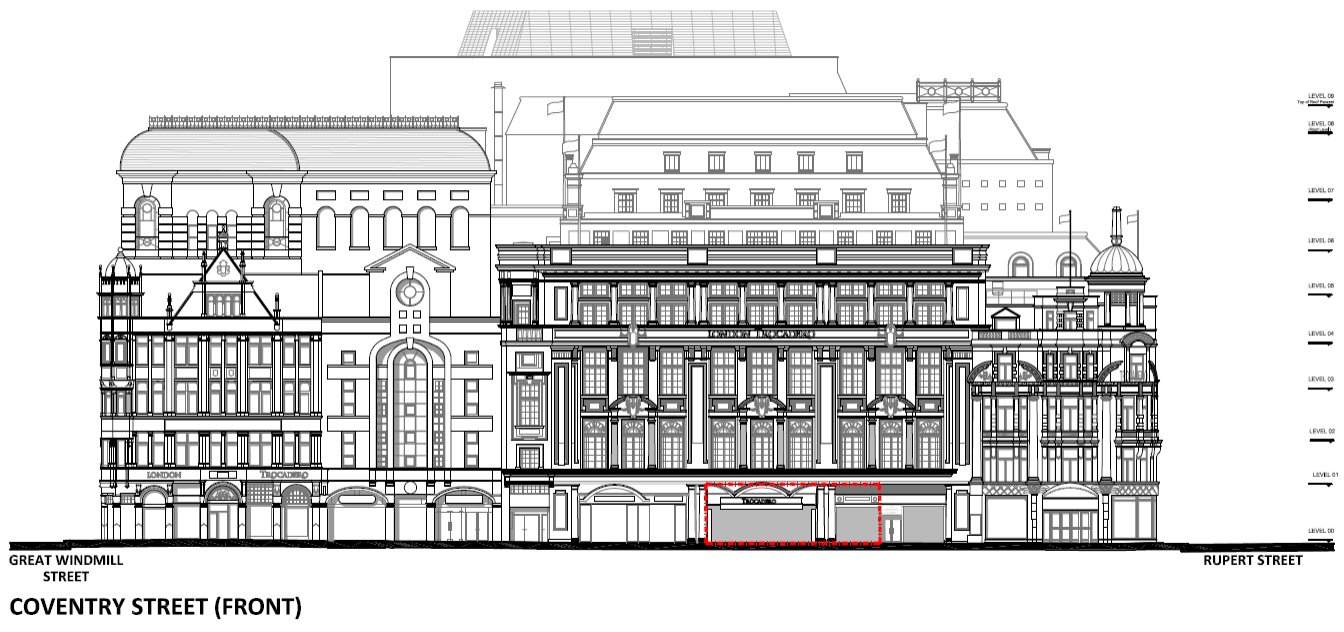
Saunders
 Architecture + Urban Design

saundersurban.com | 01753 888800 | London | Newcastle | Bristol | Brighton

Proposed Shop Front Elevation



Existing Shop Front Elevation



DRAFT DECISION LETTER

Address: Unit 4, Trocadero, 13 Coventry Street, London, W1W 7DH,

Proposal: Use of ground floor level as restaurant (Class A3) with ancillary takeaway use, installation of a new shopfront and installation of plant and HVAC at 6th floor level. Linked to 17/04801/LBC

Reference: 17/04800/FULL

Plan Nos:

APPLICATION 1 & 2
 170620 M1801 Rev A1, 170620 M1802 Rev A1, 170620 M1803 Rev A1, 170620 M1804 Rev A1,
 7869_PL001,7869_PL004, 7869_PL005, 7869_PL007,
 7869_PL011,7869_PL020,,7869_PL020A, ,7869_PL020B, ,7869_PL030,
 7869_PL032,
 7869_PL104, 7869_PL107, 7869_PL111, 7869_PL120, 7869_PL120A,
 7869_PL120B, 7869_PL120C, 7869_PL150, 7869_PL151, 7869_PL170A,
 3D102209, Odour Abatement Strategy by BSD ref 170620 Rev P1, Mechanical and Electrical Statement ref 170620 Rev P1, Environmental noise survey and plant noise assessment report 24318/PNA Rev1 dated 18 May 2017

APPLICATION 3
 7869_PL020, 7869_PL020A, 7869_PL020B, 7869_PL120, 7869_PL120A,
 7869_PL120B, 7869_PL120C

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Reason:**Application 1**

Your development would lead to the loss of a large A1 retail unit which would harm the retail character and function of the area. This would not comply with policy S7 or S21 of the City Plan (November 2016) or SS5 of our Unitary Development Plan that we adopted in January 2007. It would also fail to comply with London Plan policy 2.10.

Application 2

1. The works 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. All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission.

Reason: To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

3. You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

4. You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho; Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

5. You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme single glazing to the shop front;. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph ^IN; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Application 3

No reason or conditions required.

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.

Item No.
3

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Basement To First Floor Maisonette, 22 Eaton Place, London, SW1X 8AE,		
Proposal	Erection of replacement enlarged extension to the rear of the first floor. (addendum report)		
Agent	Indigo Planning		
On behalf of	Mr Alexander Kolobov		
Registered Number	17/00874/FULL 17/00875/LBC	Date amended/ completed	6 February 2017
Date Application Received	3 February 2017		
Historic Building Grade	Grade II*		
Conservation Area	Belgravia		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.

2. SUMMARY

<p>This application was reported to the Planning Applications Sub-Committee on 23 May 2017. Committee resolved that the application be deferred in order for an officer site visit to take place to clarify any potential residential amenity issues that may arise to neighbouring residences, and for the applicant to submit a Daylight and Sunlight report to assess the impact of the proposals on neighbours.</p> <p>Site visits to the objectors' at the Lower Ground and Ground Floor Maisonette and the First Floor Flat of No. 24 Eaton Place were undertaken on 20 June 2017. A Daylight and Sunlight report was submitted on 21 July 2017.</p> <p>The replacement enlarged extension will be located on an existing first floor terrace area. In comparison to the existing rear first floor extension to be demolished, the replacement extension will project approximately 1.8m further and will be approximately 0.8m higher.</p>

In terms of sense of enclosure, the rear ground floor dining room and kitchen windows of the lower ground and ground floor maisonette of No. 24 Eaton Place will experience an increased sense of enclosure. The obstruction of sky view from these windows is noted as being of particular concern to the owners of this flat. These windows as well as those at lower ground level already experience a degree of enclosure and have a restricted outlook as they face toward the rear light well area. The ground floor dining room and kitchen are also dual aspect, with the kitchen providing access to a rear ground floor conservatory and terrace. The maisonette also occupies the entire lower ground and ground floor levels incorporating the mews building, 24 Eccleston Mews to the rear. For these reasons, on balance, any sense of enclosure arising to the rear ground floor windows is not considered sufficient to justify the refusal of permission.

At first floor level, the first floor flat of No. 24 Eaton Place will experience a slight obstruction in oblique views from the rear first floor window. However it is not considered that this would result in any significant sense of enclosure.

The Daylight and Sunlight report shows transgressions above the BRE guidelines to four windows of the lower ground and ground floor maisonette of No. 24 Eaton Place. At lower ground floor level, two windows serving a study/sitting room which face within the internal light well, would experience Vertical Sky Component (VSC) losses of 24% and 28%. At ground floor level, two windows serving the kitchen and also facing within the light well would experience VSC losses of 25% and 22%. It is accepted that in built up Central London locations the BRE guidelines must be approached with flexibility. The lower ground floor windows already having a low existing VSC value which results in any reduction showing as a significant percentage, when the loss may be only experienced as on the margins of perceptibility. At ground floor level, the kitchen which will experience the transgressions is dual aspect and though there will be a reduction is considered to maintain adequate light overall.

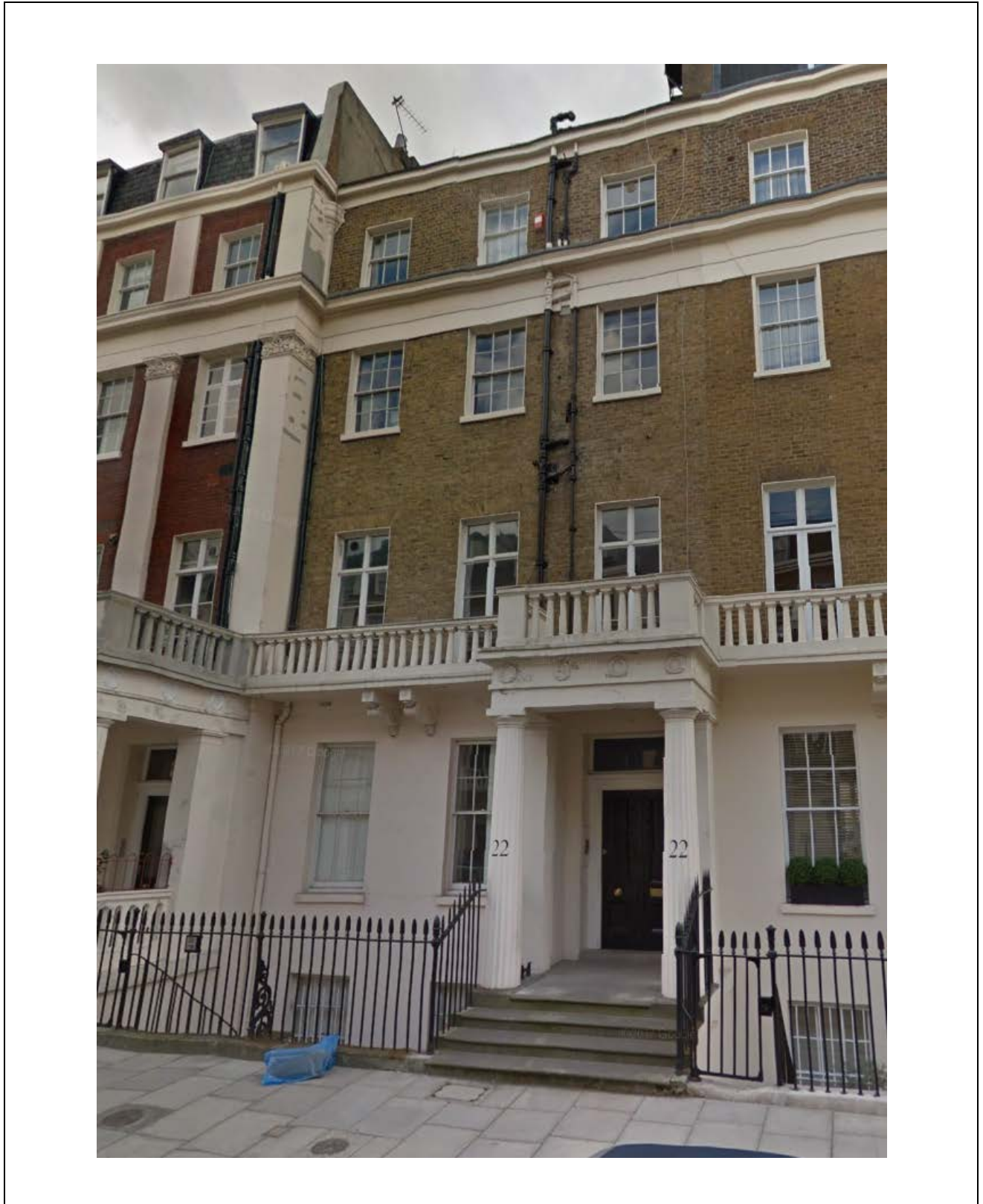
Having regard to the site visits to objector's properties and the Daylight and Sunlight report, on balance the application remains acceptable in design, amenity and land use terms and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from ground floor kitchen window (objector at no. 24 LG & G Floor Maisonette)



View from ground floor dining room window (objector at no. 24 LG & G Floor Maisonette)



View from lower ground study/sitting room window (objector at no. 24 LG & G Floor Flat)



View from first floor dining room window (objector at no. 24 First Floor Flat)



5. CONSULTATIONS

FURTHER CONSULTATION UNDERTAKEN

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2

Any response to be reported verbally.

6. RELEVANT PLANNING HISTORY

Planning permission and listed building consent refused on 05 August 2016 for the demolition of the existing extension at rear first floor level and replacement with enlarged extension(RNs: 16/05072/FULL & 16/05073/LBC).

Planning permission and listed building consent granted on 18 September 2015 for the demolition and replacement of first floor rear closet wing extension (RNs: 15/06652/FULL & 15/06653/LBC).

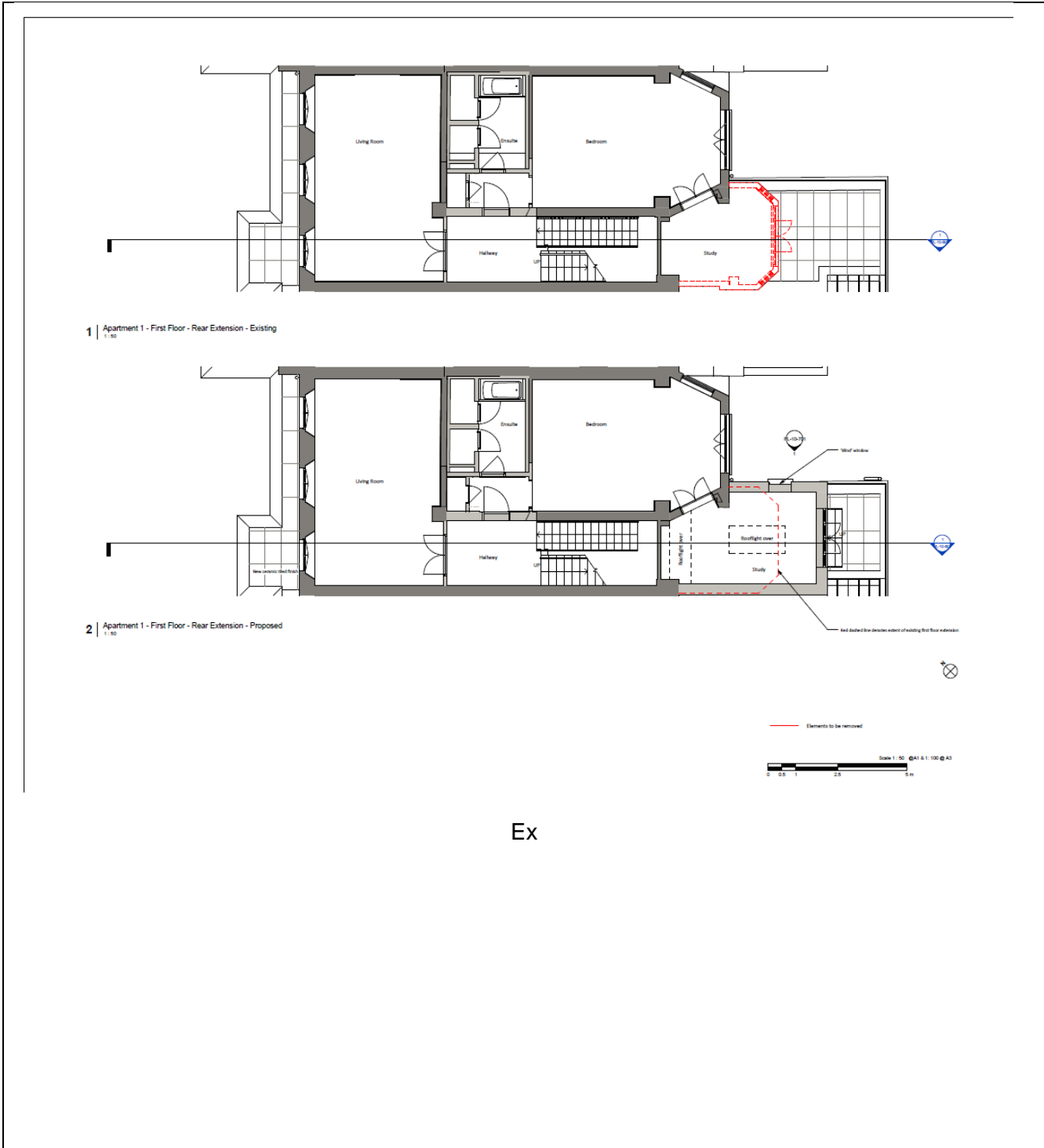
7. BACKGROUND PAPERS

1. Extract of minutes, committee report, and background papers dated 23 May 2017
2. Daylight and Sunlight Report dated July 2017

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

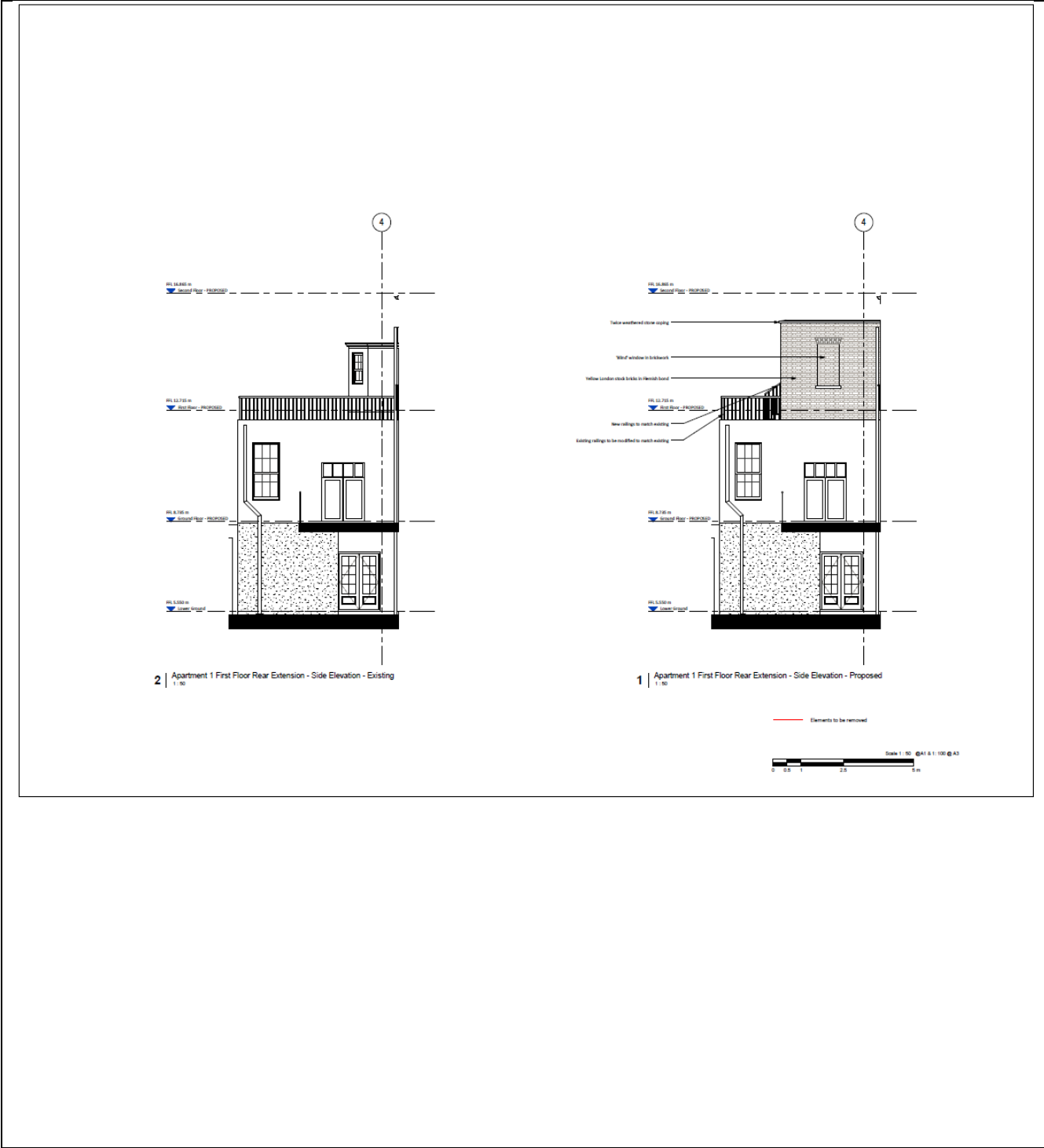
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk.

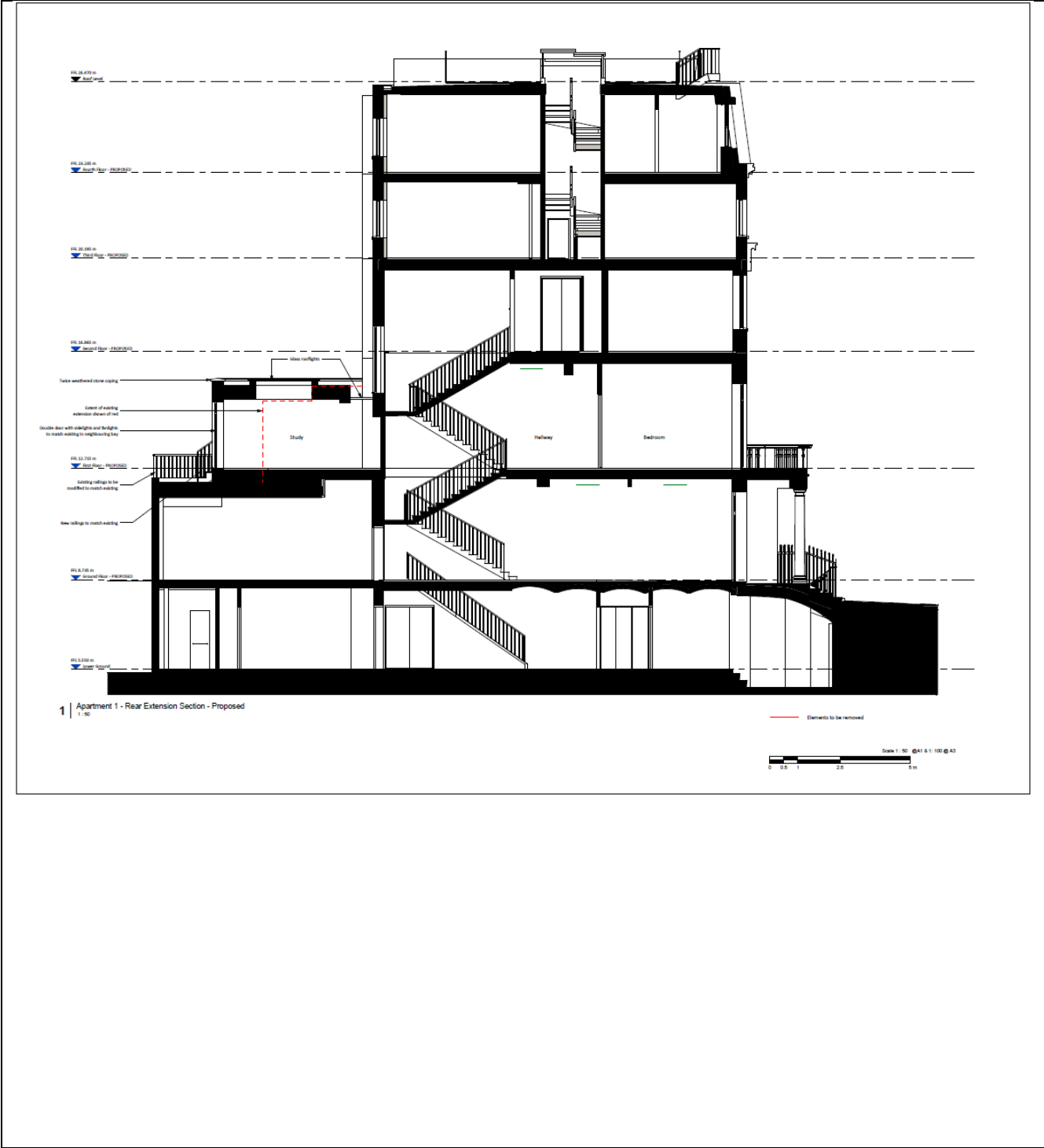
8. KEY DRAWINGS



Ex







DRAFT DECISION LETTER

Address: Basement To First Floor Maisonette, 22 Eaton Place, London, SW1X 8AE,

Proposal: Erection of replacement enlarged extension to the rear of the first floor. (Linked Case: 17/00875/LBC).

Reference: 17/00874/FULL

Plan Nos: Site location plan; A-PL-10-501; A-PL-10-600; A-PL-10-601; A-PL-10-700; A-PL-10-701; A-PL-10-800; Daylight & Sunlight Report dated July 2017, prepared by GVA Schatunowski Brooks.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

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

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

(C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of a written (and photographic) specification of a sample panel of brickwork (to be prepared on-site for our inspection) which shows the colour, texture, face bond and pointing of the new brickwork, including specials. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 The new railings shall be constructed from metal, painted black and maintained that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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.

DRAFT DECISION LETTER

Address: Basement To First Floor Maisonette, 22 Eaton Place, London, SW1X 8AE,
Proposal: Erection of replacement enlarged extension to the rear of the first floor. (Linked Case: 17/00874/FULL).
Reference: 17/00875/LBC
Plan Nos: Site location plan; A-PL-10-501; A-PL-10-600; A-PL-10-601; A-PL-10-700; A-PL-10-701; A-PL-10-800.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s)

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new railings shall be constructed from metal, painted black and maintained that colour.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area.

This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of a written (and photographic) specification of a sample panel of brickwork (to be prepared on-site for our inspection) which shows the colour, texture, face bond and pointing of the new brickwork, including specials. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.
- Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.
- It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
3

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	13 Cambridge Street, London, SW1V 4PR		
Proposal	Alterations to north and west elevations, external re-decorations, interior alterations, repairs and remedial works.		
Agent	Wilson Holloway		
On behalf of	Mr Omar Shaaban		
Registered Number	17/04048/FULL 17/03783/LBC	Date amended/ completed	10 May 2017
Date Application Received	10 May 2017		
Historic Building Grade	II		
Conservation Area	Pimlico		

1. RECOMMENDATION

1. Grant conditional permission and listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.

2. SUMMARY

13 Cambridge Street is a former public house located on the corner of Cambridge Street and Hugh Street. The building is Grade II listed and within the Pimlico Conservation Area.

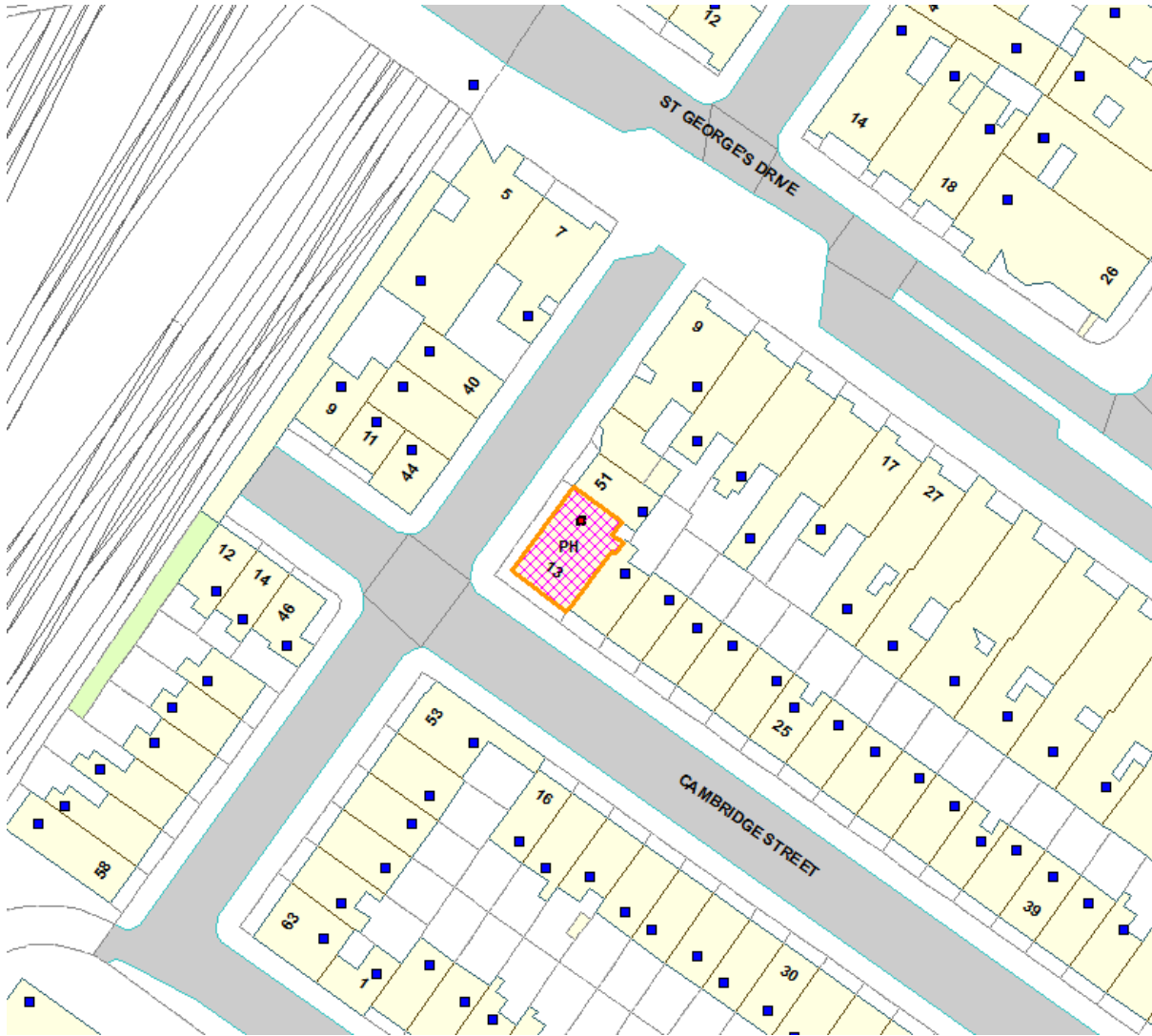
Permission and listed building consent are sought for alterations to north and west elevations, external decorations, interior alterations, repairs and remedial works.

The key issues in this case are:

* The impact of the proposed works upon the special architectural or historic interest (significance) of the listed building and the character and appearance of the Pimlico Conservation Area.

The proposals are considered to comply with the Council's policies in relation to design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Cambridge Street Elevation



Hugh Street Elevation



Internal Appearance

5. CONSULTATIONS

COUNCILLOR JACQUI WILKINSON (WARWICK WARD):

Welcomes the proposal for a restaurant/ bar. However raises the following concerns regarding the external alterations:

- The removal of the current lantern at the corner of Hugh and Cambridge Street.
- The proposed sienna-coloured paint is totally out of character.
- Glad that the fire door onto Cambridge Street is being replaced. Proposed glass door on Hugh Street is likely to be out of character with adjacent properties.
- Noted that the Greyhound graphics are being removed but concerned whether there are plans for new graphics.
- No strong views about the proposed awning on Hugh Street, which it is assumed will be similar to that outside the Cambridge Cafe.

WESTMINSTER SOCIETY:

No objection.

HIGHWAYS PLANNING MANAGER:

Acceptable on transportation grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 16

No. of replies: 6 (incl. reply on behalf of the local resident's association CARA North)

No. of objections: 6

Design:

- Painting of the exterior of the building in "terracotta" is out of character with the residential street.
- Replacement glass entrance door on Cambridge Street is out of character.
- A new door on Cambridge Street, in keeping with the character of the building would be a great improvement.
- The proposed awning on Cambridge Street is out of keeping with the look and feel of this residential street.
- Supportive of improvements to the outside of the building.
- The exterior lights are listed and part of the building fabric. They contribute to the character of the 'public house' and should be kept.
- The bar is listed and should therefore be retained.
- The current lantern at the corner of Hugh Street and Cambridge Street should be retained as it is iconic.

Amenity:

- Replacement door on Cambridge Street must remain a fire door, only opened in an emergency and fitted with a closing device in order to reduce noise emanating from the restaurant.
- The proposed awnings may lead to noise created by those sitting outside as the size of the awnings proposed implies that they will cover tables or similar on the pavement.
- Concerns raised with regards to issues relating to the Prevention of Public Nuisance, Prevention of Crime and Disorder and Public Safety.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

13 Cambridge Street is a former public house ('The Greyhound') located on the corner of Cambridge Street and Hugh Street. The building is Grade II listed and within the Pimlico Conservation Area.

6.2 Recent Relevant History

11/10225/FULL

Construction of a new fire escape from basement to street level with perimeter railings and re-opening of second door on Cambridge Street elevation.

Application Permitted 14 February 2012

11/10226/LBC

Internal alterations at basement and ground floor level. Construction of a new fire escape from basement to street level with perimeter railings and re-opening of second door on Cambridge Street elevation.

Application Permitted 14 February 2012

09/06986/LBC

Alterations during the course of construction to listed building consent dated 7 November 2002 (RN: 02/05041) as amended by listed building consent dated 23 August 2005 granted on appeal (RN: 04/06172) and listed building consent dated 10 March 2006 (RN: 05/10493) namely; internal alterations at third and fourth floor levels.

Application Permitted 24 November 2009

09/06059/FULL

Alterations during the course of construction to planning permission dated 7 November 2002 (RN: 02/04938) as amended by planning permission dated 23 August 2005 granted on appeal (RN: 04/06171) and planning permission dated 10 March 2006 (RN: 05/10494) namely; internal alterations at third and fourth floor levels.

Application Permitted 24 November 2009

06/00335/LBC

Retention of existing timber sash windows with new single glazed sashes to match.

Application Permitted 15 March 2006

05/10494/FULL

Alterations during the course of construction to planning permission dated 7 November 2002 (RN: 02/04938) as amended by planning permission dated 23 August 2005 granted on appeal (RN: 04/06171) namely, installation of window at rear third floor level (west elevation).

Application Permitted 10 March 2006

05/10493/LBC

Alterations during the course of construction to listed building consent dated 7 November 2002 (RN: 02/05041) as amended by listed building consent dated 23 August 2005 granted on appeal (RN: 04/06172) and listed building consent dated 24 August 2005 (RN: 05/05030) namely, installation of window at rear third floor level (west elevation) and internal alterations at third and fourth floor level.

Application Permitted 10 March 2006

04/09705/FULL

Replacement of existing roof structure and raising of roof by 275mm (retrospective).

Application Refused 17 March 2005

04/09706/LBC

Replacement of existing roof structure and raising of roof by 275mm (retrospective).

Application Refused 17 March 2005

04/06171/FULL

Retention of replacement roof.

Application Refused 28 September 2004

04/06172/LBC

Retention of replacement roof.

Application Refused 28 September 2004

02/04938/FULL

Conversion of first to third floors to form six self-contained residential units, extension at rear ground floor level, installation of three rooflights.

Application Permitted 7 November 2002

02/05041/LBC

Conversion of first to third floors to form six self-contained residential units, extension at rear ground floor level, installation of three rooflights, removal of canopies and dutch blinds at ground floor level and internal alterations.

Application Permitted 7 November 2002

7. THE PROPOSAL

Permission and listed building consent are sought for alterations to the north and west elevations, external decorations, interior alterations, repairs and remedial works.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals are in connection with the use of this former public house as a bar and restaurant. The public house is not identified as an Asset of Community Value. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2017 amends the most recent Order dated 15 April 2015. Article 3 of the Order introduces a new permitted development right under Class AA which permits a change of use of a building and any land within its curtilage –

- a) From a use falling within Class A4 of the Schedule to the Use Classes Order to a use falling within Class A4 (drinking establishments) with a use falling within Class A3 (restaurants and cafes) (“drinking establishments with expanded food provision”) ;
and
- b) From a use as a drinking establishment with expanded food provision to a use falling within Class A4 (drinking establishment).

The applicant has confirmed that the building is currently vacant and the intention would be to use the lower ground and ground floor levels as a restaurant and bar. Based on the changes contained within the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2017 the proposed use of the lower ground and ground floor levels as a restaurant and bar constitutes permitted development in accordance with Class AA of the Order.

8.2 Townscape and Design

The works have been altered since originally submitted to remove a number of unacceptable elements. The elements that have been removed are:

- Tanking to the Lower Ground Floor vaults.
- The proposed tiled pavement finish.
- The proposed tiled plinth.
- The proposed glass entrance doors
- The proposed 'terracotta' paint finish.
- The proposed enclosed the chimney piece.
- The proposed awnings on Hugh Street and Cambridge Street elevations.

The works now consist of:

Lower Ground Floor - At lower ground floor level the works propose to install a staff WC within the vaults, the erection of a glazed partition to form a wine store, the erection of a further partition to form an electrical cupboard and the formation of a new bar/ servery. These works are of a minor nature and have little impact on the overall character of the building and as such considered acceptable in design and listed building terms.

Ground Floor - At ground floor the works propose to remove the existing bars and a number of minor partition walls. The partitions are not considered to be original and whilst the floor is likely to have been divided originally and the partitions may reflect those divisions, the space has been vastly altered in the past. The nibs of the partitions are to be retained and therefore the works are considered to preserve an understanding of the current layout. The new dumb waiter, given the size of the proposed opening is not considered to harm the character of the building and the amount of historic fabric (if it is original) to be removed will be minimal. With regards to the existing bar, it is not considered to be an original feature and does not add to the significance of the building, whilst it does form part of the listed building as it is physically attached, its loss is not deemed harmful. The 'fit out' also includes the installation of a new bar and fixed bench style seating.

External - The works consist of the repair of the existing entrance door on Hugh Street, the replacement of one door on Cambridge Street, and other alterations, notably the removal of the existing corner lantern.

The entrance door on Hugh Street is to be refurbished which is considered acceptable. On Cambridge Street the existing fire door is to be replaced with a door to match the style of the other existing doors. This is considered a benefit to the proposals.

The other external alterations, notably the removal of the existing lantern and external lights, whilst these elements may be of local interest, they are both considered later additions and neither on close inspection or of any great quality. As such their loss is not considered to not unduly harm the character of the listed building or conservation area.

8.3 Residential Amenity

Concerns have been raised with regards to the use of the site as a restaurant and potential external seating that may follow. This application does not apply for external seating and therefore the external arrangement remains as existing. These comments are not considered a sustainable reason for refusal and more of a matter to be considered through both licensing and future planning applications for external seating.

8.4 Transportation/Parking

No transportation/ parking issues are applicable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

No changes are proposed to the existing access/egress to the building.

8.7 Other UDP/Westminster Policy Considerations

There are no further considerations.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

This development does not generate a Mayor CIL or WCC CIL payment.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

None.

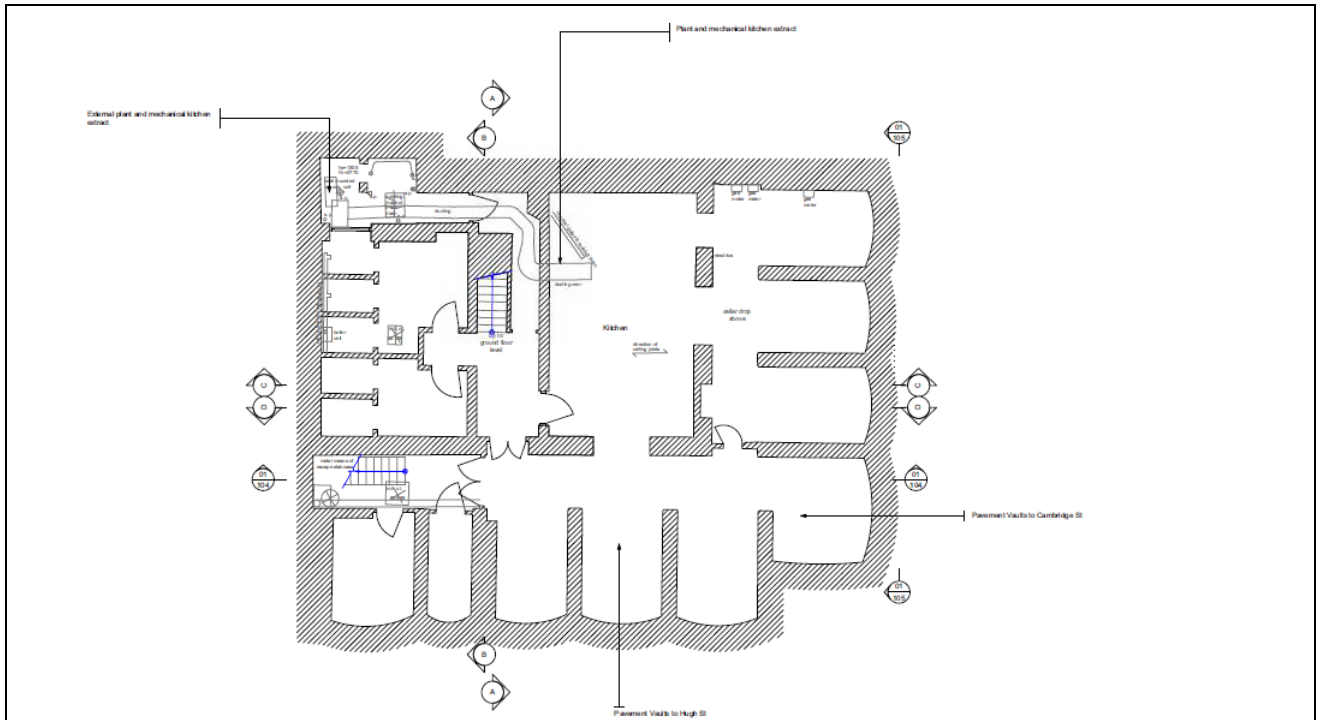
9. BACKGROUND PAPERS

1. Application form
2. Letter from Councillor Jacqui Wilkinson dated 15 June 2017
3. Letter from Westminster Society dated 25 May 2017
4. Memo from Highways Planning Manager dated 6 June 2017.
5. Letter on behalf the local resident's association CARA North dated 7 June 2017
6. Letter from occupier of 53 Hugh St dated 25 May 2017
7. Letter from occupier of 19 Aldernet St dated 6 June 2017
8. Letter from occupier of 26 Cambridge Street dated 6 June 2017
9. Letter from occupier of 15 Cambridge Street, London dated 7 June 2017
10. Letter from occupier of 23 Cambridge Street, London dated 18 June 2017

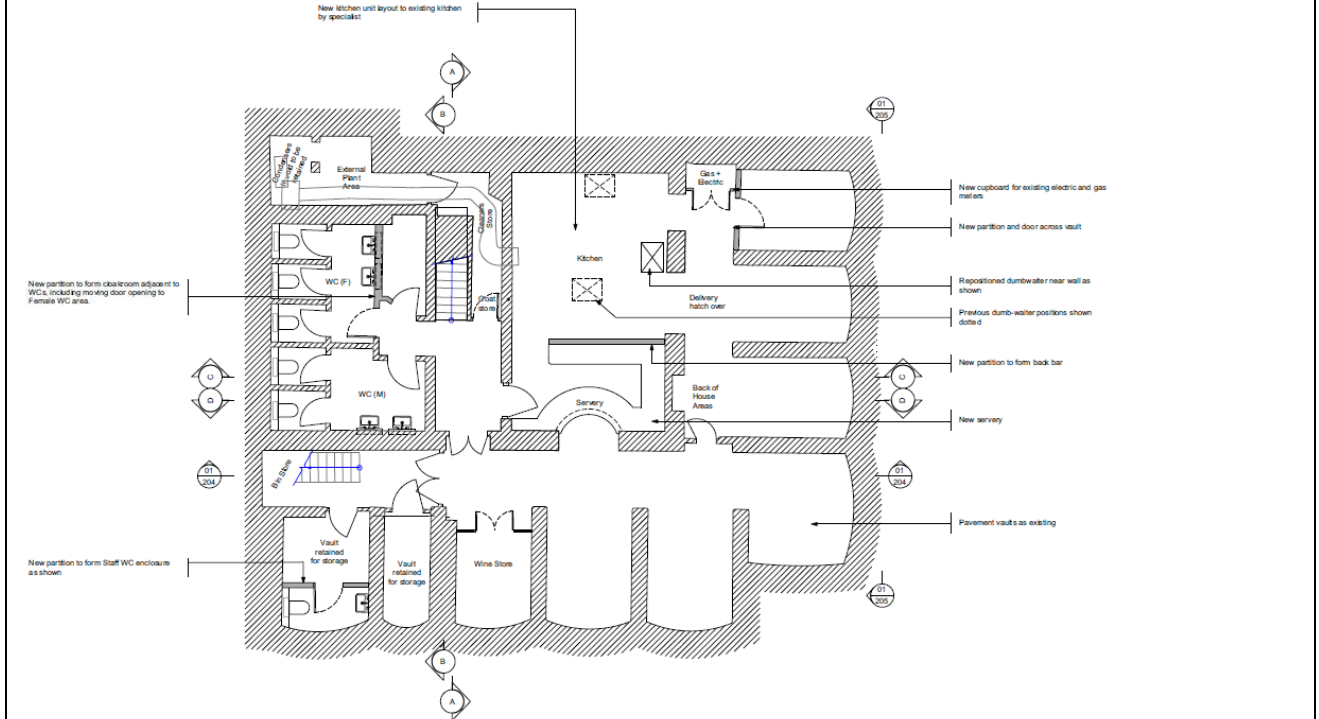
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

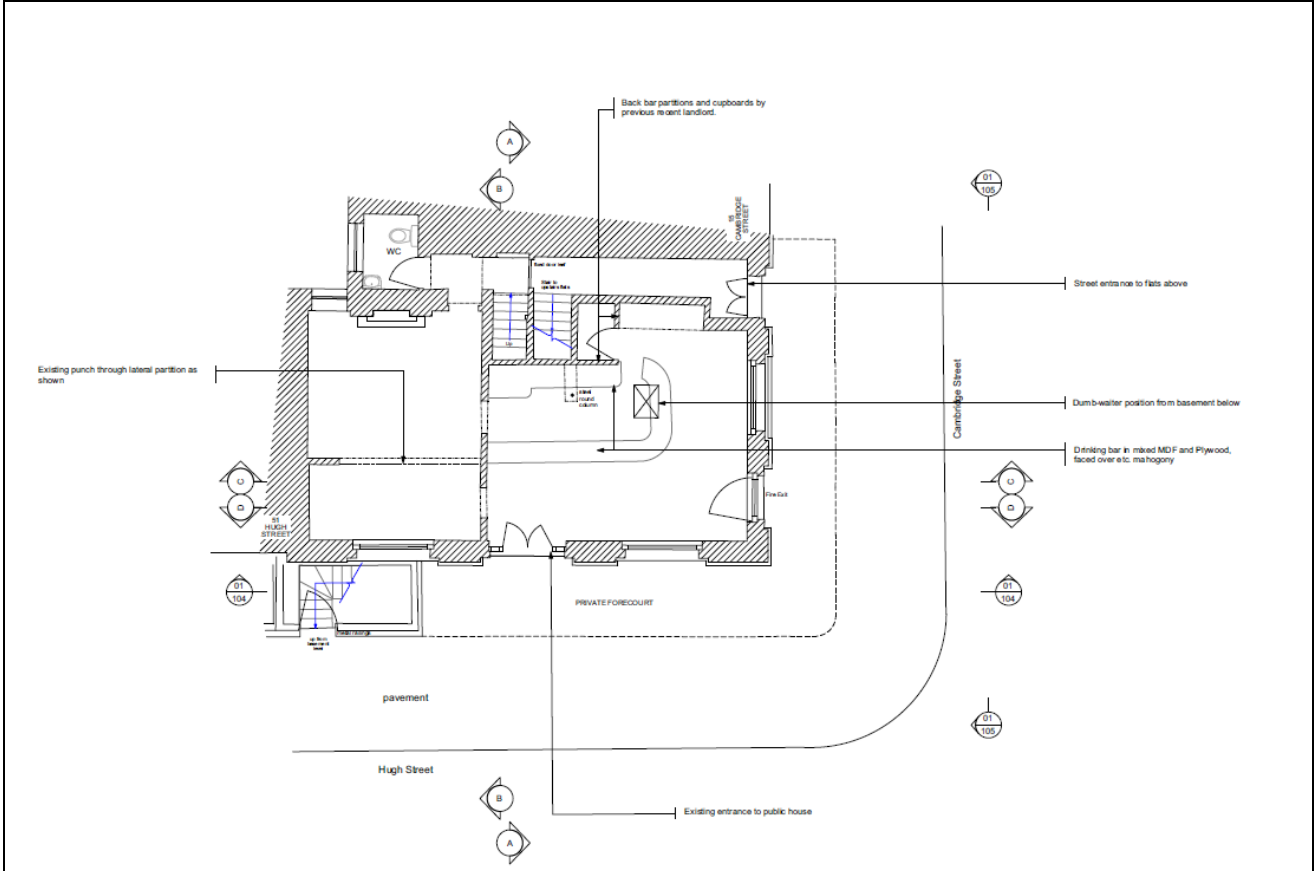
10. KEY DRAWINGS



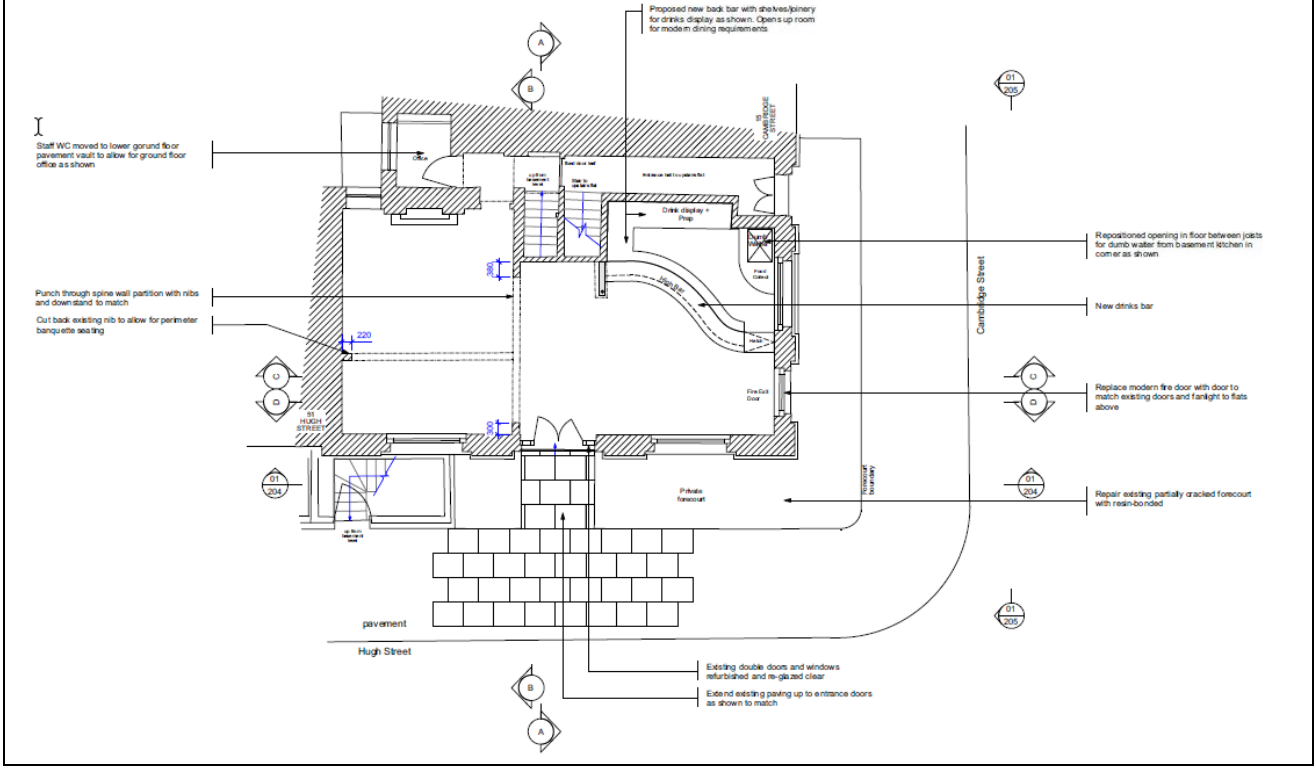
Existing Lower Ground Floor



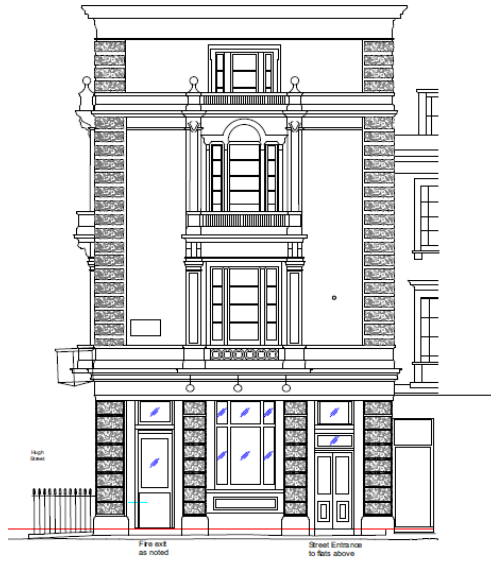
Proposed Lower Ground Floor



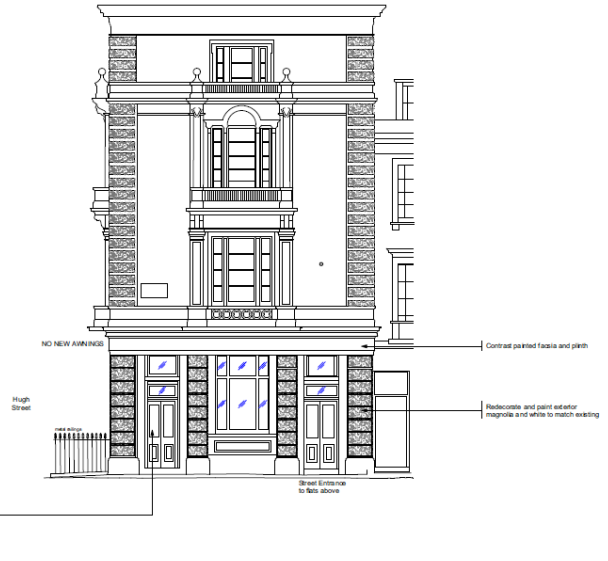
Existing Ground Floor



Proposed Ground Floor



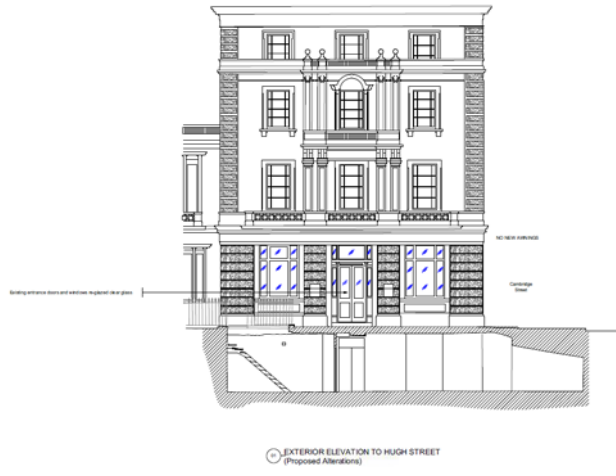
Existing Cambridge Street Elevation



Proposed Cambridge Street Elevation



Existing Hugh Street Elevation



Proposed Hugh Street Elevation

DRAFT DECISION LETTER

Address: 13 Cambridge Street, London, SW1V 4PR

Proposal: Alterations to North and West elevations, external re-decorations, interior alterations, repairs and remedial works. (Linked to 17/03783/LBC).

Reference: 17/04048/FULL

Plan Nos: 047_001a Rev. a, 047_101a Rev. a, 047_102 Rev. a, 047_103a Rev. a, 047_104a Rev. a, 047_105a Rev. a, 047_201a Rev. a, 047_202a Rev. a, 047_203b Rev. b, 047_204b Rev. b and 047_205b Rev. b.

For information purposes: Historic Building Impact Assessment Addendum dated 31 May 2017 and Addendum Note - 21.07.2017.

Case Officer: Jon Kilner

Direct Tel. No. 020 7641 5481

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

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

- between 08.00 and 18.00 Monday to Friday; and

- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

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)

- 5 You must submit details of waste storage prior to the commencement of the development. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

i) Doors

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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.

DRAFT DECISION LETTER

Address: 13 Cambridge Street, London, SW1V 4PR,

Proposal: Alterations to North and West elevations, external re-decorations, interior alterations, repairs and remedial works.

Reference: 17/03783/LBC

Plan Nos: 047_001a Rev. a, 047_101a Rev. a, 047_102 Rev. a, 047_103a Rev. a, 047_104a Rev. a, 047_105a Rev. a, 047_201a Rev. a, 047_202a Rev. a, 047_203b Rev. b, 047_204b Rev. b and 047_205b Rev. b., , For information purposes: Historic Building Impact Assessment Addendum dated 31 May 2017 and Addendum Note - 21.07.2017.

Case Officer: Jon Kilner

Direct Tel. No. 020 7641 5481

Recommended Condition(s) and Reason(s)

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and

S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

i) Doors

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
04

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 5

Item No.

05

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	41 Great Pulteney Street, London, W1F 9NT,		
Proposal	Variation of Condition 7 of planning permission dated 11 October 2016 (RN: 16/03788) for erection of new fourth storey, plant room and perimeter railing for use as offices (Class B1) with a terrace. External alterations comprising new fenestration and painting of the facades, and alterations to the office entrance on Great Pulteney Street including erection of a fixed canopy; NAMELY to allow the plant to operate on a 24 hour basis (with restricted mode applied to various items).		
Agent	Rolfe Judd		
On behalf of	Richard Sutton Ltd		
Registered Number	17/04725/FULL	Date amended/ completed	30 May 2017
Date Application Received	30 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY

41 Great Pulteney Street comprises basement, ground and three upper floors situated on the northern side of Brewer Street with frontages to Great Pulteney Street and Bridle Lane. The site lies within the Soho Conservation Area and the Core Central Activities Zone (CAZ). The upper floors are in office use (Class B1). Permission was granted on 11 October 2016 for the erection of a 4th floor roof extension with plant above, to be located in 2 x screened areas (RN 16/0788/FULL). The hours of operation of the plant were restricted by condition (No 7) to between 07.00 and 19.00 hours daily.

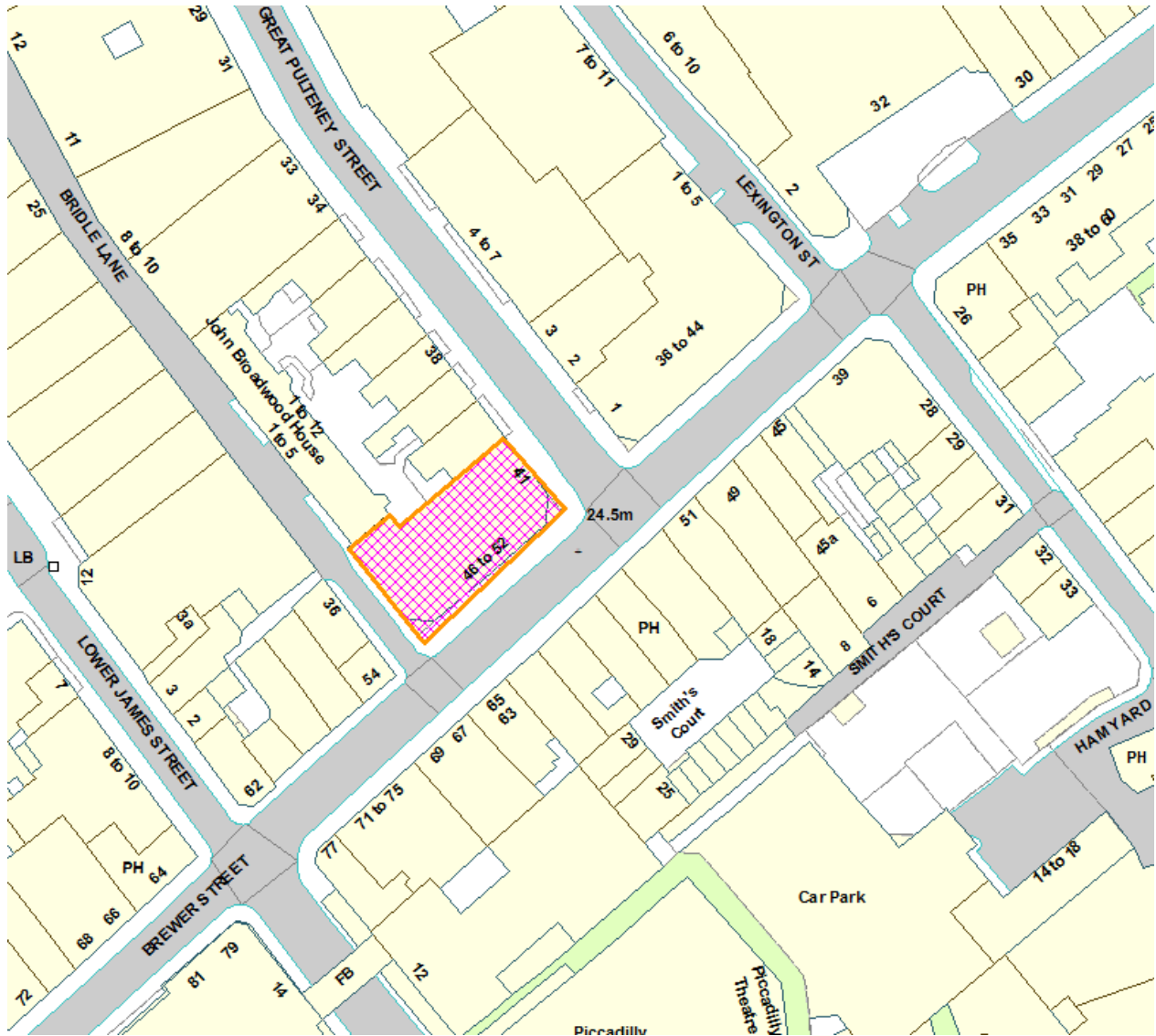
This application seeks to vary the condition to enable plant to operate on a 24 hour basis (with six units set to 'silent mode' between the hours of 19:00 and 07:00). The applicant advises that the office occupants may require greater flexibility to operate plant outside the permitted hours and that cooling to computer servers is required on a 24 hour basis.

In response to consultations 10 objections have been received from nearby neighbouring residents and from the Soho Society that the extended operating hours of plant could result in noise nuisance. The nearest noise sensitive windows are residential flats on the upper floors of 39 and 40 Great Pulteney Street. Which are 7m from the proposed plant.

An acoustic report has been submitted which sets out a design criteria of 38dB being 10dB below the lowest background noise level of 48dB. Environmental Health raise no objection advising that the operation of the plant is likely to comply with the standard noise condition. The plant is subject to a condition which requires acoustic measures (acoustic screening and silencers to certain items) to be installed whilst the plant is operational.

Since the initial permission was granted on 11 October 2016 the Council has adopted the City Plan in November 2016. There has however been no material change in policy. The application accords with UDP policies ENV 6 and ENV 7 and City Plan policy S32. It is recommended that permission is granted and the condition is varied as proposed.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

SOHO SOCIETY

Objection, plant should be switched off between 23:00 and 07:00.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39

Total No. of replies: 10

No. of objections: 10

Objections to potential noise disturbance as a result of the operation of plant during the night.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

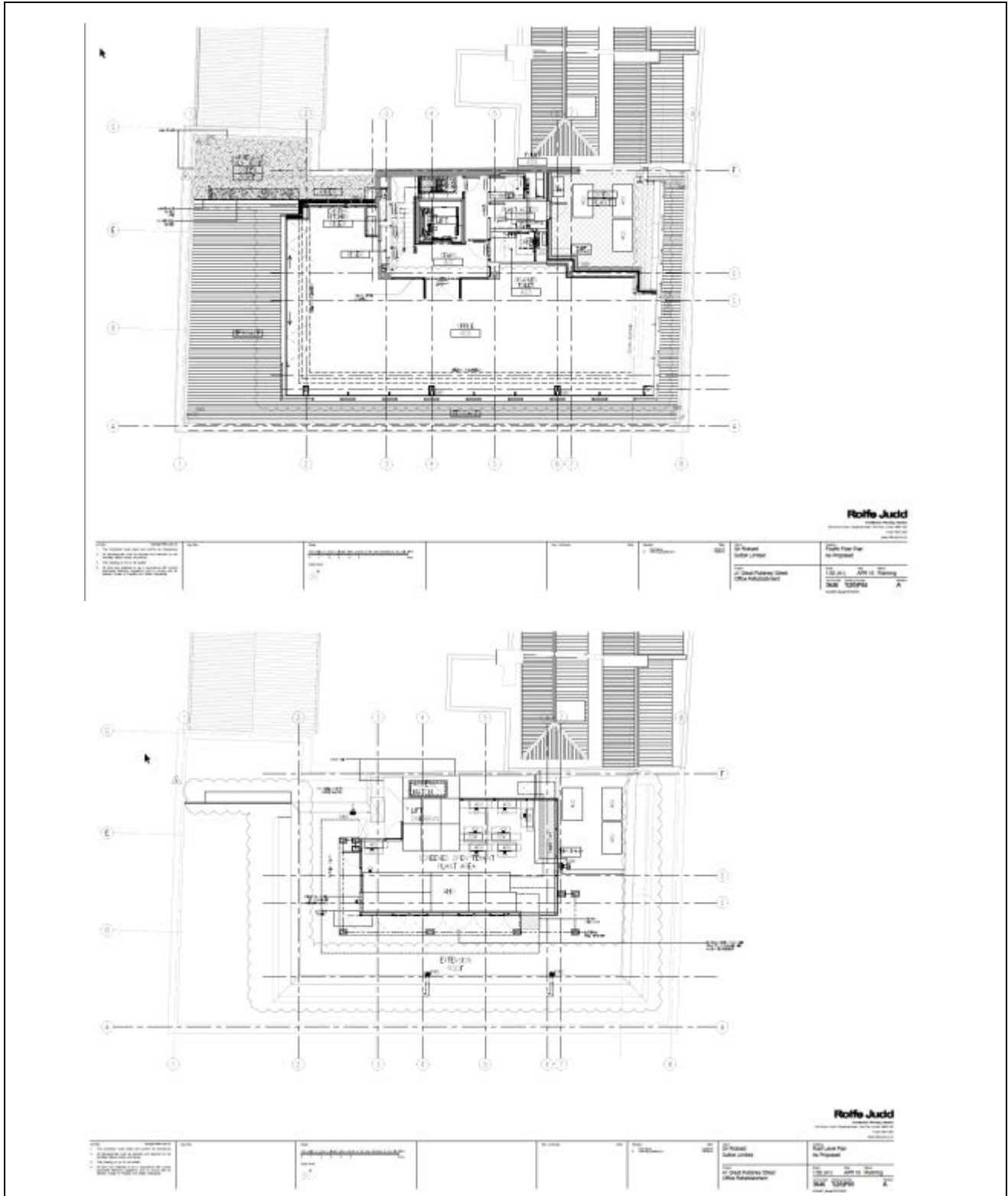
6. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 12 June 2017
3. Response from Environmental Health dated 7 June 2017
4. Letter from occupier of 39c Great Pulteney Street, London, dated 22 June 2017
5. Letter from occupier of 39A Great Pulteney Street, London, dated 22 June 2017
6. Letter from occupier of 5 Bridle Lane, London, dated 22 June 2017
7. Letter from occupier of 37C Great Pulteney Street, London, dated 22 June 2017
8. Letter from occupier of 36B Gt Pulteney St, London, dated 22 June 2017
9. Letter from occupier of Flat 4, John Broadwood House, 1 Bridle Lane, dated 21 June 2017
10. Letter from occupier of 36C, Great Pulteney Street, London dated 22 June 2017
11. Letter from occupier of 40, Great Pulteney Street, London, dated 20 June 2017
12. Letter from occupier of 39D Great Pulteney Street, London, dated 22 June 2017
13. Letter from occupier of 37C Great Pulteney Street, London, dated 22 June 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk.

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 41 Great Pulteney Street, London, W1F 9NT,

Proposal: Variation of Condition 7 of planning permission dated 11 October 2016 (RN: 16/03788) for erection of new fourth storey, plant room and perimeter railing for use as offices (Class B1) with a terrace. External alterations comprising new fenestration and painting of the facades, and alterations to the office entrance on Great Pulteney Street including erection of a fixed canopy; NAMELY to allow the plant to operate on a 24 hour basis (with restricted mode applied to various items).

Reference: 17/04725/FULL

Plan Nos: Acoustic Report (15209-004), Drawings: A(21)D02 RevA, T(20)E01 RevA, T(20)E02 RevA, T(20)E03 RevA, T(20)04 RevA, T(20)P-1, T(20)P00, T(20)P01, T(20)P02, T(20)P03, T(20)P04 RevA, T(20)P05 RevA, T(20)S01 RevA, T(20)S02 RevA, T(20)S03 RevA.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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 2015.

- 4 You must hang all doors or gates 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 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. (R24BC)

- 5 (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 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 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 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.

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.

- 6 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:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 7 As detailed within the submitted acoustic information the six Panasonic U-12MF1E8 units need to operate in 'silent mode' between 19:00 and 07:00.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must install the acoustic mitigation measures to the specification detailed in the approved acoustic report at the same time as the plant is installed. It must thereafter be maintained in this form for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must install and maintain the green roof area and hedging in accordance with the details approved by the City Council as Local Planning Authority on the 2nd February 2017 under reference: 17/00612/ADFULL or in accordance with other measures as submitted to and approved by the City Council.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 12 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 13 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 16 All new and existing railings must be painted black and maintained in 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 Before you use the approved terrace for sitting out or for any other purpose, you must plant the hedge as identified on the approved drawings (subject to the approval of species type required as part of condition 11) at main roof level adjoining the approved terrace. You must thereafter maintain the hedge at a minimum height of 2.0m in perpetuity.

Reason:

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

- 18 The terrace area hereby approved at fourth floor level associated with the office accommodation can only be used between the hours of 08:30 and 21:00 (Monday to Sunday). You cannot use the terrace area outside of these hours other than in the case of an emergency. The use of the terrace can continue for one year from first occupation of the refurbished office accommodation on any part of the first to fourth floors. After this time you must not use any part of the roof for sitting out or for any other purpose unless permission has been granted. You can however use the roof to escape in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 19 This permission must be commenced no later than 11 October 2019

Reason:

This permission authorises amendments to the original planning permission granted on 11 October 2016 (RN 16/03788/FULL) which must be commenced no later than the above date.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 4 Conditions 5 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 7 You are advised that there is a potential means of escape in case of fire over the roof of this

building from adjoining properties which may be impacted by the proposal. Please contact our Head of District Surveyors' Services and/or The London Fire Authority regarding this aspect of your proposal.

- 8 With regard to Condition 11, you are advised that Council officers consider that the proposed hedge does not necessarily have to be box and that you should assess alternatives that provide adequate screening whilst also being of biodiversity value.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 6

Item No.

06

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Avery House , 1-3 Avery Row, London, W1K 4AJ		
Proposal	Use of basement, part ground, first and second floors for restaurant purposes (Class A3) with associated plant and ventilation duct and metal louvred screen at roof level.		
Agent	Brunel Planning		
On behalf of	Quadrille Ltd		
Registered Number	17/04406/FULL	Date amended/ completed	18 July 2017
Date Application Received	18 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

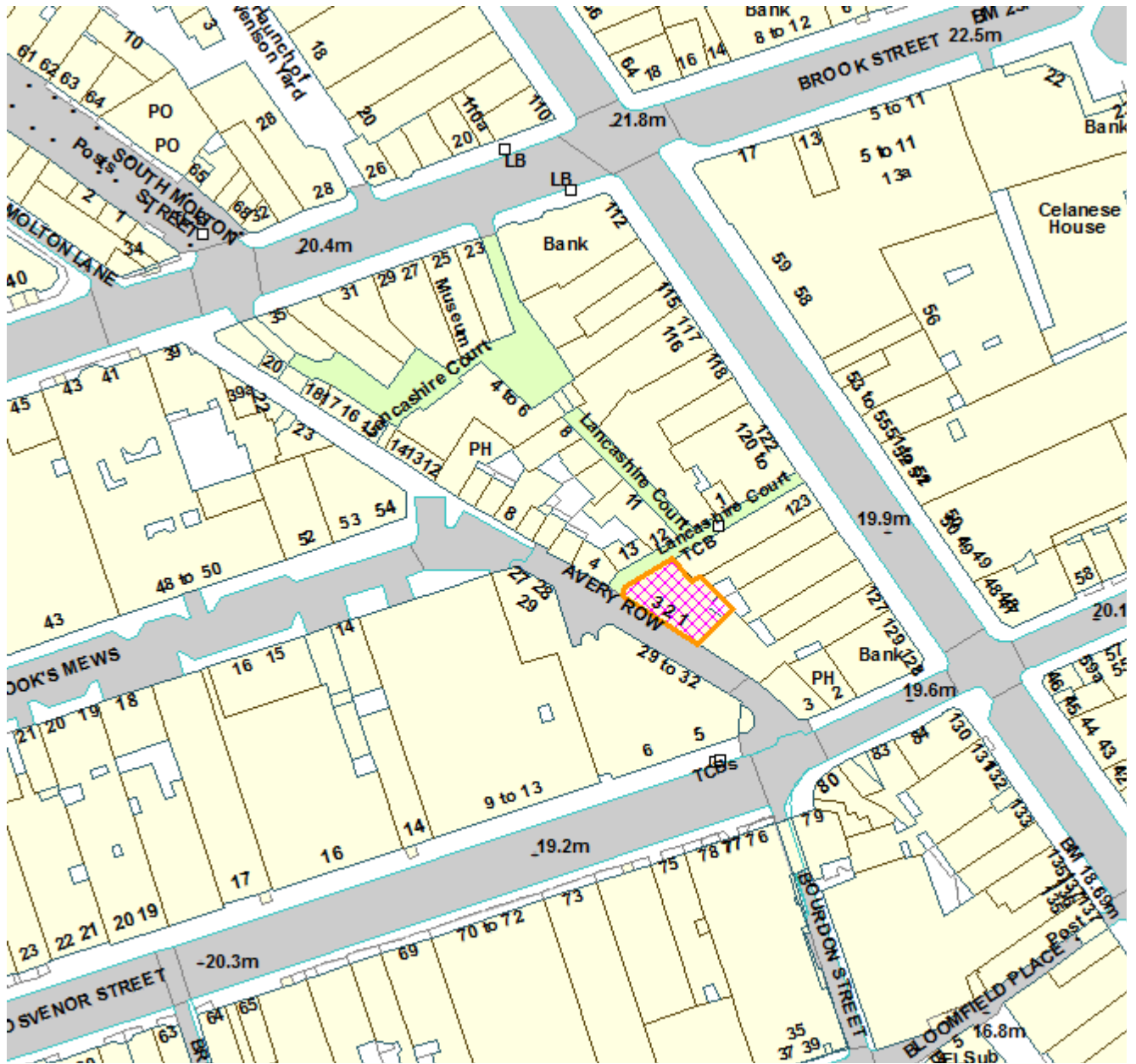
The application premises is a vacant office building (Class B1) within Mayfair. Permission is sought for use of the basement to 2nd floors as a restaurant (Class A3). The 3rd floor does not form part of the application and would remain as offices. New ventilation ductwork and plant is proposed at roof level to be located behind a louvred screen.

The key issues for consideration are:

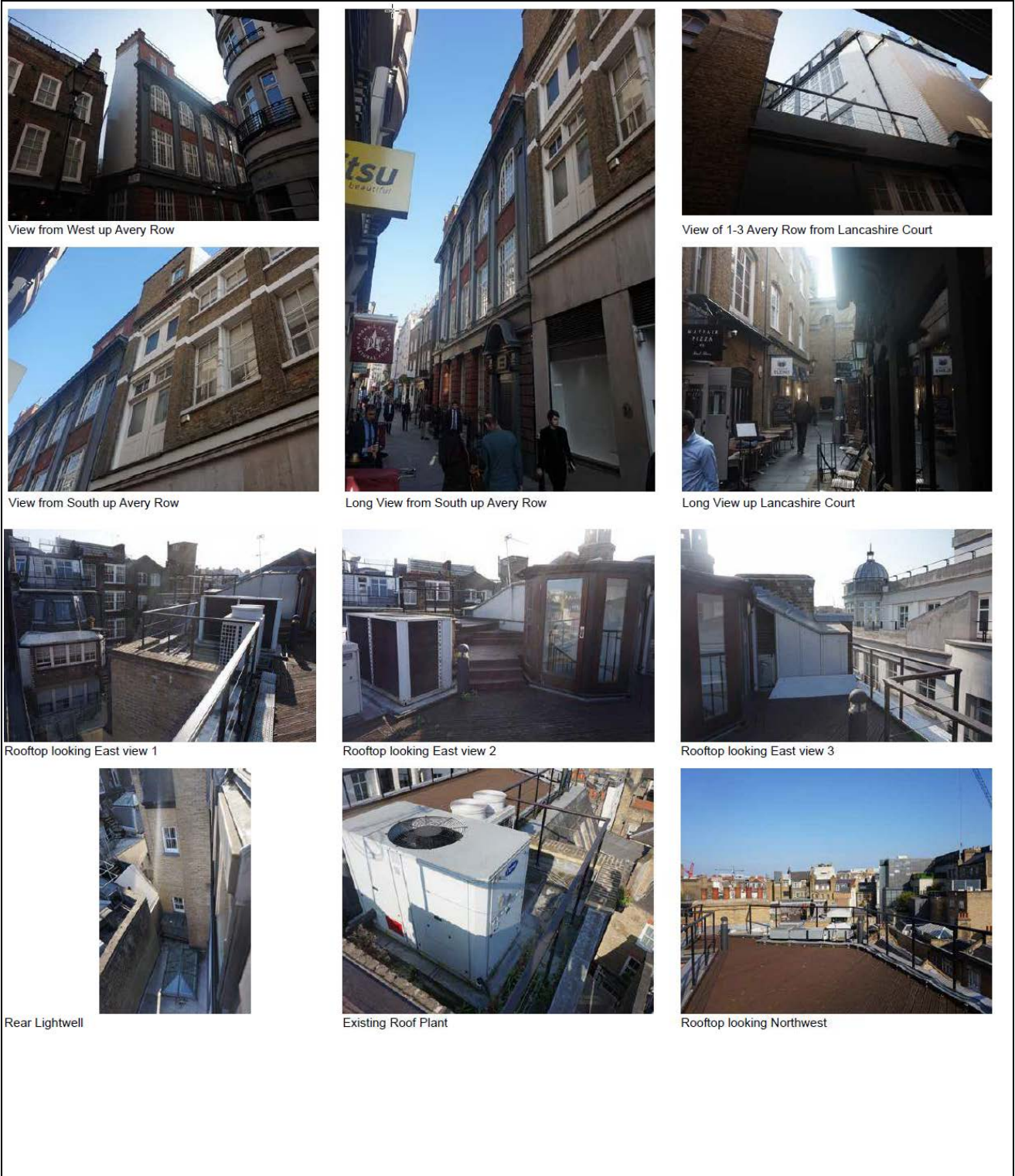
- The impact that the proposed restaurant would have on character and function of the area in land use terms,
- The impact on residential amenity,
- The impact of the works at roof level on the appearance of the building and the character and appearance of the Mayfair Conservation Area.

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 the provision of a restaurant (Class A3) is considered acceptable in land use and amenity terms. In design terms the proposed roof level plant is not considered to be unduly prominent. The scheme complies with policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENT SOCIETY OF MAYFAIR & ST. JAMES'S

No objection.

HIGHWAYS

No objection subject to conditions.

CLEANSING

Objection; details of storage of waste cooking oil is required;
Waste storage (food, recycling and general waste) should be labelled.

ENVIRONMENTAL HEALTH

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 41

Total No. of replies: 3

No. of objections: 2

2 objections received on the following grounds:

Land use

Overconcentration of restaurants

Amenity

Noise nuisance from plant;
late night activity;
servicing/deliveries/ refuse collection;
odours;

Other

Impact of staff smoking/ waste on the street.

1 letter of conditional support for a new restaurant provided that

- a) deliveries and refuse collection is not from the Brook's Mews
- b) collection is between 8am and 10pm
- c) noise nuisance can be addressed.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

Avery House 1-3 Avery Street comprises basement, ground, and three upper floors situated on the eastern side of Avery Row, which links Brook Street and Grosvenor Street within Mayfair. The application premises fronts onto Avery Row and Lancashire Court to the north. The application relates to the use of the basement to 2nd floors, the 3rd floor is not part of the application site.

The immediate surrounding properties are largely in commercial use at ground floor level with predominately commercial offices on the upper floors, although there are a some residential flats in the immediate vicinity. This includes residential at No's 4-9 Avery Row to the north and at No 29 Avery Row opposite. The site lies within the Core CAZ but is outside the West End Stress Area. The building is not listed but lies within the Mayfair Conservation Area.

6.2 Recent Relevant History

On 8 June 2016 permission was granted for dual /alternative use of basement, ground and first floor for either retail (Class A1) or financial and professional institution (Class A2) RN 16/03419/FULL.

7. THE PROPOSAL

Permission is sought for the use of basement, part ground, first and second floors as a restaurant (Class A3). The third floor of the building will continue to be used for office purposes with an independent access from Lancaster Court.

The application is speculative, no operator has been identified. The total floorspace is 412 m² (GIA). The indicative plans show the kitchen, storage and back of house facilities located in the basement with seating on the ground and upper floors. The applicant advises that the maximum capacity would be 180 covers. An extract ventilation duct will run internally through the building terminating at roof level. New plant will be located at roof a new louvered enclosure will screen existing and the proposed new roof top plant.

DETAILED CONSIDERATIONS

7.1 Land Use

Loss of office use

City Plan Policy S6 identifies the Core Central Activities Zone (in which the site is located) as an appropriate location for a range of commercial and cultural uses and complementary residential use. There are no specific policies which prevent existing offices from changing to other commercial uses. The loss of the office floorspace is considered to be acceptable in land use terms.

New Restaurant

As stated the proposed total restaurant floorspace is 412m² GIA as such the application is assessed against UDP Policy TACE8 and City Plan Policy S24. These policies state

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.

Two individual objections have been received from residents within Avery Row that there is an overconcentration of restaurants in the vicinity and the increased activity associated with the proposed restaurant would be harmful to the area and residential amenity. These objections refer to increased activity associated with servicing from both deliveries and refuse collection, potential noise and odours from plant and disturbance from staff and customers smoking outside the premises.

A further resident in Avery Row has written supporting the principle of the provision of a new restaurant, provided that servicing is acceptable and refuse is not collected from the end of Brooks Mews and collection is limited to between the hours of 8am and 10pm.

Avery Row has an active ground floor frontage comprising shop units in predominately retail (Class A1) use. As set out in the history (section 6.2 of this report) permission was granted on 8 June 2016 for use of the basement, ground and first floors of the application premises for retail purposes. This establishes the principle of introducing a service use on the lower floors of the premises.

Although the application is speculative, an Operational Management Strategy (OMS) has been submitted. The key details of the OMS are as follows:

- i) The use will operate as a sit down waiter service restaurant with no takeaway facility.
- ii) Opening hours are: 8am to midnight Monday to Thursday, 8am to 00.30 on Friday and Saturday and 9am to 23.00 on Sunday.
- iii) Deliveries would be limited to between 07.00 and 22.00 on Mondays to Fridays

Avery Row comprises primarily small shop units with only two entertainment uses in the street namely, the Iron Duke Pub on the eastern side and La Petite Maison restaurant at No's 53-54 Brooks Mews which fronts onto the western side Avery Row. Lancashire Court a small mews situated to the north east of the site comprises a number of restaurants. The proposal would introduce a further restaurant into the street block, however this would be only the second restaurant in Avery Row. Although there are a significant number restaurants in Lancashire Court it is considered that use of the application premises would not result in an overconcentration of restaurants. The provision of a restaurant in this location within Mayfair is considered acceptable subject to the operational details being acceptable.

The size of the premises and proposed restriction of the capacity to 180 covers would result in the provision of a medium sized restaurant. Although this would result in greater activity in the evenings than the existing lawful office use, this is not considered to be excessive and harmful to the character and function of the area. The proposed opening hours are the normal core hours for licensed premises. Subject to a condition that the restaurant closes at midnight on weekdays, ½ past midnight at the weekends and 11pm

on Sunday activity associated with customers entering and leaving the premises is considered to be acceptable as it would not result in undue noise nuisance to residents in the locality.

The scheme includes the provision of a full height extract duct and new roof level plant. 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. It is recommended that the details of the duct and plant are secured by condition.

Avery Row is a narrow pedestrianised street. Deliveries will be made via Brook's Mews and or Grosvenor Street. Objections have been received that servicing from deliveries would result in nuisance. A servicing management plan estimates that there would be typically 7 deliveries per day limited to between 7am and 10pm. This is the same as estimated for the extant permission for retail use approved in 2016. The number and time of deliveries are considered acceptable and it is recommended that this is secured by condition. Refuse will be stored on site and taken at a pre-arranged time to be collected from a contractor on Grosvenor Street.

The OMS states that seating and a bar area will be available in the restaurant where diners can wait to be seated without queuing on the street. Front of house staff will be available during all opening hours to supervise the arrival and departure of diners. It is recommended that the OMS details how staff and customers who wish to smoke will be managed to address a concern raised by a resident. A condition is recommended that the restaurant use is carried out in accordance with an updated and approved OMS. Conditions are also recommended to prevent live or recorded music being audible outside the premises and preventing the restaurant having either takeaway or delivery services. Subject to these conditions the restaurant use is considered acceptable as it would be neither harmful to the character and function of the area, or residential amenity.

7.2 Townscape and Design

The application premises is one of the higher buildings in this part of the Mayfair Conservation area, consisting of a basement, ground and three upper floors. Immediately to the north of the site are a row of grade II listed townhouses, which are lower than Avery House.

The proposed plant is set back from the front elevation and is similar in height to the existing hand rails. The main roof is recessed from the front elevation. Given that Avery Row is narrow the roofline is not visible in long views. The proposed alterations at roof level would not be visibly from street level views nor would they be unduly prominent from private views. The works are considered acceptable in design terms compliant with UDP policies DES 5 and DES6.

7.3 Residential Amenity (Daylight/ Sunlight and sense of enclosure)

The erection of plant and a plant screen at roof level is not a significant increase in bulk and mass and would not result in a material loss of light or increased sense of enclosure to any of the surrounding properties.

7.4 Transportation/Parking

Car Parking

The Highways Planning Manager raises no objections to the proposal and considers that the proposal is unlikely to have a significant impact on car parking in the area.

Cycle Parking

The London Plan Policy 6.9 requires 1 cycle parking space per 250 m² of non-food retail, minimum of two spaces. 412 m² of A1 non-food retail would therefore require a minimum of two spaces. The proposal includes space for four bicycles therefore the bicycle parking provision is policy compliant. It is recommended that the cycle parking is secured by condition.

Servicing

The site is located on a pedestrianised street with a Controlled Parking Zone beyond, which means that single/double yellow lines in the vicinity can allow loading and unloading to occur within Brook Mews and on Grosvenor Street. The largest regular servicing vehicle expected to be associated with the development is the refuse collection vehicle. The Highways Planning Manager has advised that the proposed servicing requirements as detailed in section 7.1 of this report would not have an adverse impact on the public highway. The recommended condition preventing the operation of a delivery service will ensure highway congestion is minimised.

7.5 Economic Considerations

Any economic benefits generated are welcomed.

7.6 Access

The access arrangement remains unaltered.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Refuse storage will be provided at basement level. The Cleansing Manager advises that this needs to include storage for cooking oil and the recyclable and residual waste storage should be identified. It is recommended that these details are secured by condition.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

The application does not trigger any CIL requirements or planning obligations.

7.11 Environmental Impact Assessment

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

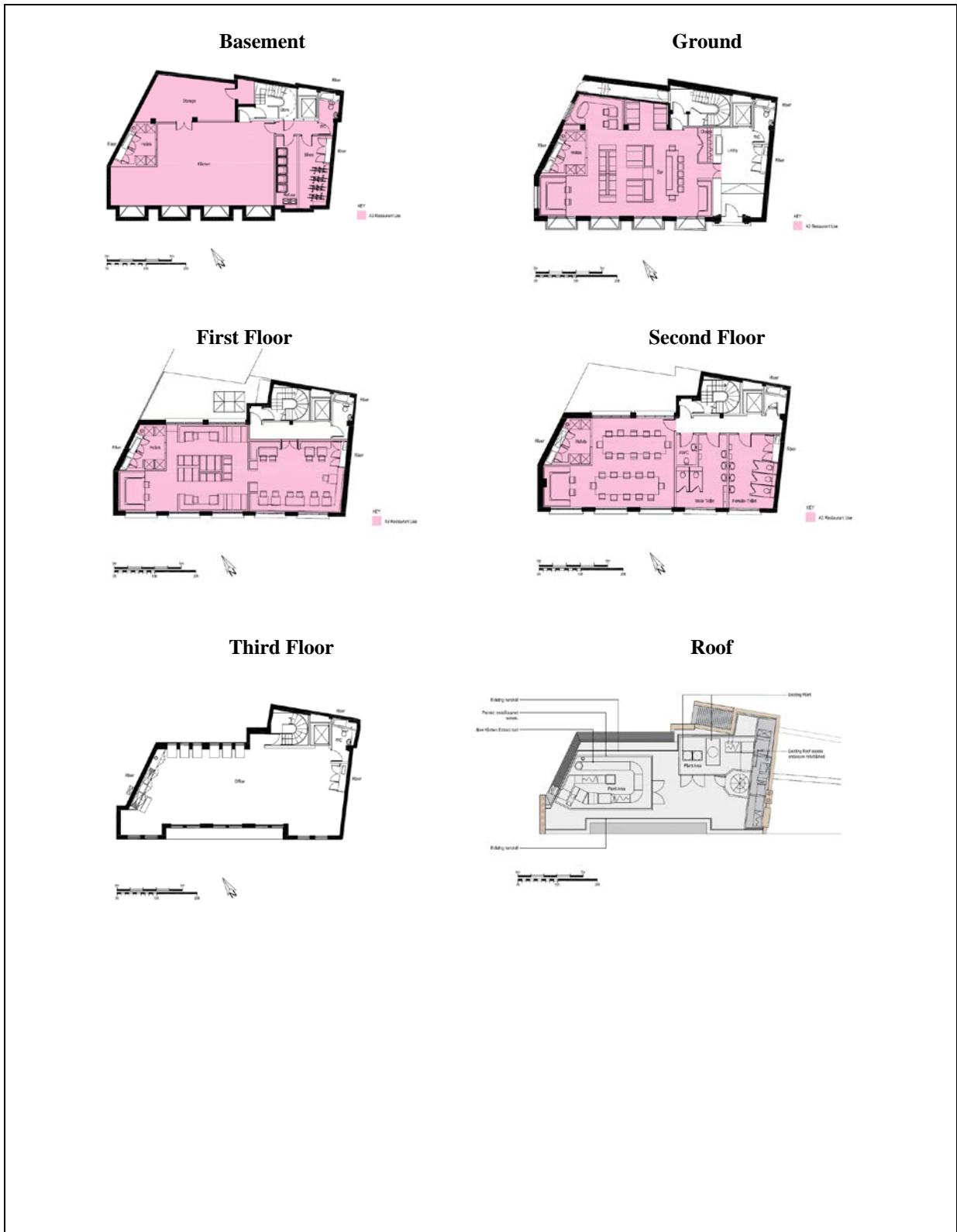
8. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 27 June 2017
3. Memorandum from Environmental Health dated 13 July 2017
4. Memorandum from Cleansing dated 9 June 2012
5. Memorandum from Highways Planning Manager dated 12 September 2017
6. Letter from occupier of Flat F, 29 Avery Row, dated 21 June 2017
7. Letter from occupier of 7A Avery Row, London, dated 26 June 2017
8. Letter from occupier of 29A Avery Row, London, dated 18 July 2017

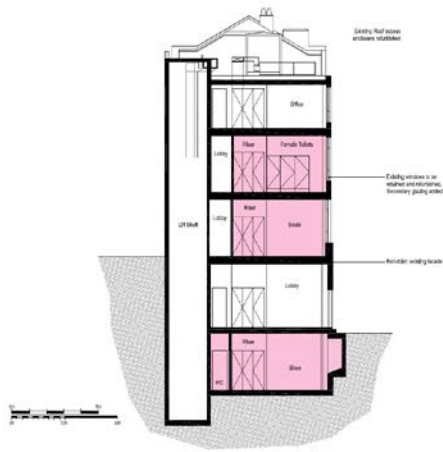
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.

9. KEY DRAWINGS



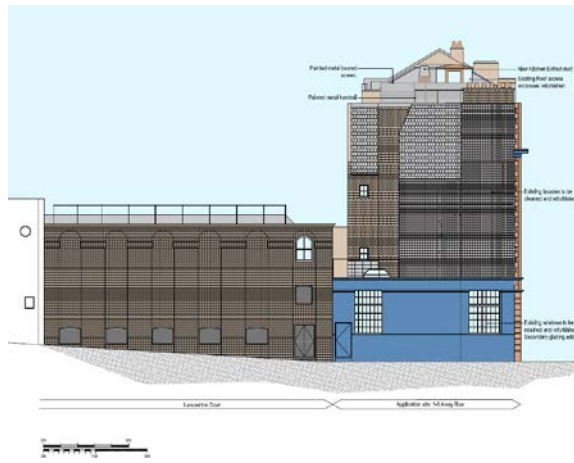
Section



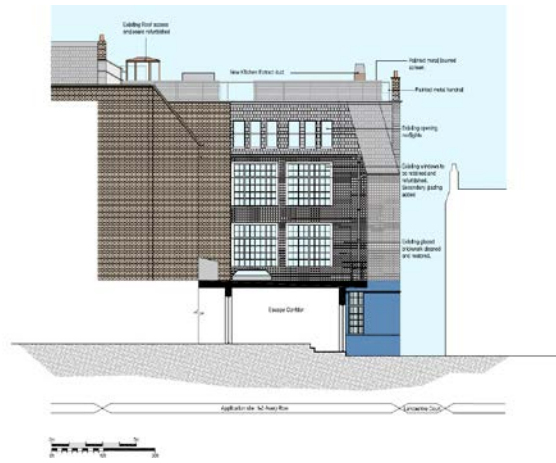
Avery Row Elevation



Lancashire Court Elevation



Rear Elevation



DRAFT DECISION LETTER

Address: Avery House , 1-3 Avery Row, London, W1K 4AJ

Proposal: Use of part basement, ground, first and second floors for restaurant purposes (Class A3) with associated plant and ventilation duct and metal louvred screen at roof level.

Reference: 17/04406/FULL

Plan Nos: Drawings 1726-1200-C, 1726-1300-D, 1726-1302-D, 1726-1104-E., , Section 3.2 & 3.4 of the D&A Statement prepared by Brimelow McSweeney Architects dated May 2017

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must 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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not sell any hot-food take-away on the premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 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 East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 180 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 East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 7 Customers shall not be permitted within the restaurant premises before 08:00 or after 00:00 Monday to Thursday, before 08:00 or after 00:30 on Saturday and before 09:00 or after 23:00 on Sunday.

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 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 (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 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 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 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 L A90, 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.

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.

- 9 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:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 You must apply to us for approval of details of refuse storage including how waste cooking oil is going to be stored on the site. Recyclable waste, general waste and food waste must be clearly labelled. You must not commence the use hereby approved start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the premises. You must not use the waste store for any other purpose. (C14CD)

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)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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 2015.

- 12 You must erect the proposed metal louvred screened enclosure screen prior to occupation. You must then keep it in that condition for as long as the duct and plant remains in place. (C26HA)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 The plant/machinery hereby permitted shall not be operated except between 0700 and 0000 midnight daily and between 0000 midnight and 0030 on Sunday mornings.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 14 The extract duct hereby approved shall be installed in full prior to the commencement of the restaurant (Class A3) use hereby approved and shall be retained in situ for the life of the development.

Reason:

To ensure that cooking odours are adequately dispersed, as required by S29 and S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must apply to us for approval of an addendum to the submitted Operational Management Statement

to detail how staff and customers who wish to smoke will be managed. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the approved Operational Management Statement at all times that the restaurant is in use. (C05JB)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 16 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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 18 All servicing must take place between 07.00 and 22.00 on Monday to Fridays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Item No.
07

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	33 Greycoat Street, London, SW1P 2QF		
Proposal	Variation of condition 21 of planning permission dated 15 September 2016 (RN 16/04244/FULL) which varied an earlier permission for 'Extensions at rear lower ground to fourth floor levels and a fifth floor roof extension with terraces, introduction of plant at roof level and alterations to the building facade in association with the use of the building as 23 residential flats', namely to allow windows C1 and C2 shown on drawing 140359-A-E-VA-D151 F3 to be clear glazed and windows A1, A2, B1, B2 and D to be fixed shut and obscure glazed (with the exception of window B2 which will be top opening).		
Agent	DP9 Ltd		
On behalf of	Greycoat Property Investments Ltd		
Registered Number	17/04327/FULL	Date amended/ completed	17 May 2017
Date Application Received	17 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission subject to a deed of variation to the original Section 106 legal agreement dated 18 January 2016 to link this permission to the terms of the agreement.

2. SUMMARY

The application site comprises a former office building located at 33 Greycoat Street. The site backs onto a shared lightwell serving Stockton Court which is in use as offices and six residential units.

Permission was granted in January 2016 for the conversion of 33 Greycoat Street to provide 23 flats. The permission included an extension of the building at rear lower ground to fourth floor levels and a fifth floor roof extension. This permission was revised in September 2016 to allow use of a larger area for the roof terrace at fifth floor level and to extend the time limit for submitting the post-completion BREEAM assessment. The permission has been implemented and advanced works are progressing on site.

As originally submitted this application sought to remove Condition 21 from the planning decision notice. Condition 21 states:

'The glass that you put in the three windows at second floor level and the window at third floor level (excluding the glazed common part corridor) closest to Flats 1-6 Stockton Court, 31 Greycoat Street in the rear elevation must be fixed shut and not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

The reason given for this condition was to protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. There has been no material change to these policies since the determination of the previously approved scheme in September 2016.

Following discussions with officers, the applicant now seeks to vary this condition to allow one window (which actually comprises a window and door) to have clear glazing (identified as C1 and C2) and two doors to be openable (identified as B2 and C2). The remaining two windows at rear second floor level and one window at rear third floor level will remain obscure glazed.

The windows affected by Condition 21 serve living room accommodation to Units 15 and 19 at second and third floor levels. The applicant advises that the current requirement to obscure and keep fixed shut three living room windows that serve Unit 15 affects the quality of the internal living environment and the ability of the applicant to sell the unit. Officers accept that Unit 15 will have poor outlook and natural ventilation under the current arrangement. Although the residential units within this development are mechanically ventilated, Environmental Health normally require habitable rooms to have openable windows.

Six letters of objection to the original proposal have been received from Stockton Court residents on grounds of loss of privacy. Officers have visited the application site and are sympathetic to these concerns. Whilst windows to flats in Stockton Court have always been overlooked by the previous office use, the windows at second and third floor level were set further back than in the approved residential scheme. The permission for residential use permitted a 3m deep extension at second and third floor levels meaning that windows in the rear elevation of new residential building are now closer to bedroom windows in Stockton Court. In addition to this the proposed residential use of the building will result in more evening and weekend use compared to the previous office use. For these reasons it is considered that the removal of Condition 21 would not be acceptable.

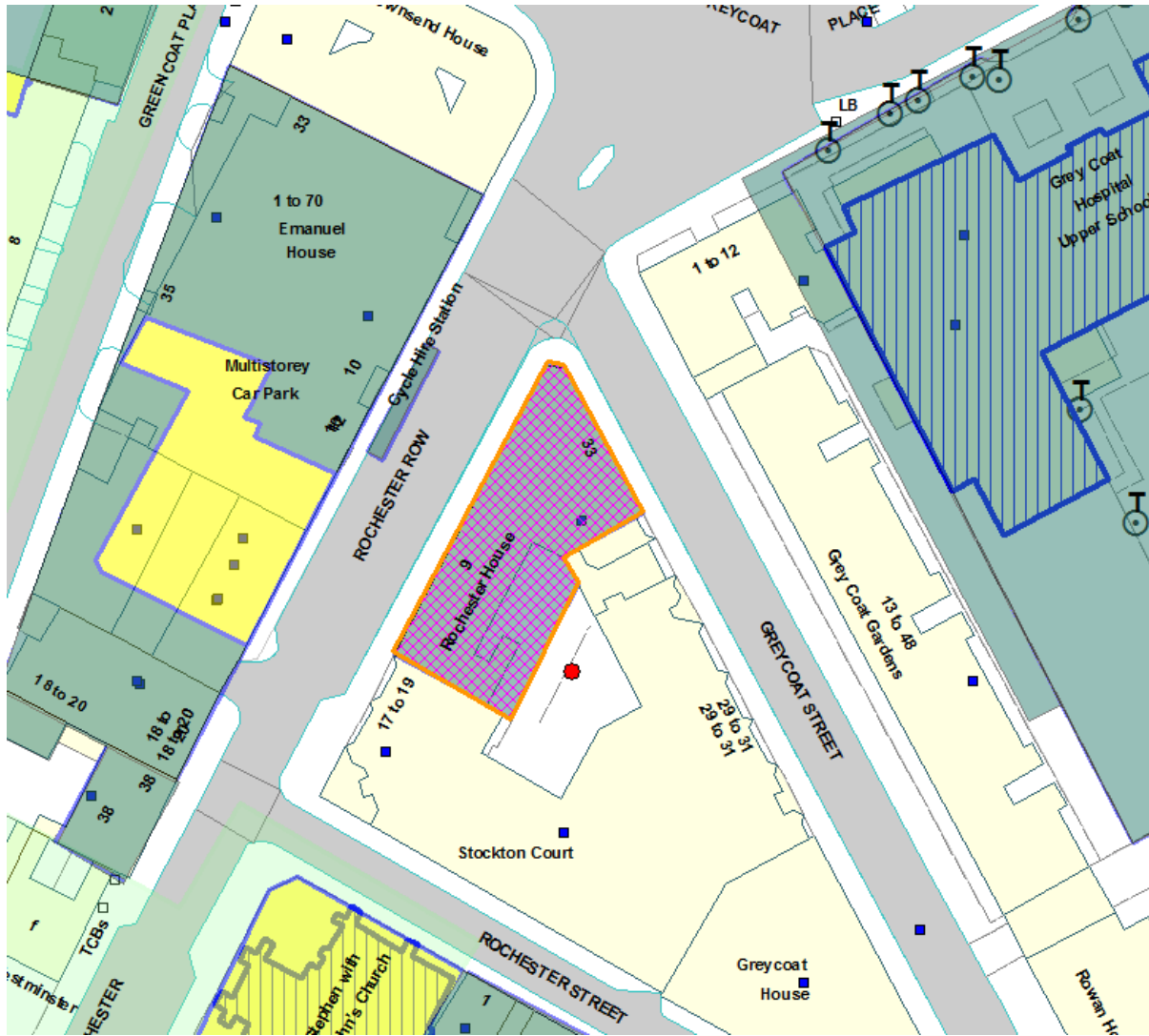
However it is considered that there is scope to revise Condition 21 to allow the window that is furthest from Stockton Court windows (identified as C1 and C2) to have clear glass and be openable. This is because the distance from this window and the closest windows in Stockton Court is 11.4m. This separation distance, and the oblique angle of the view is considered acceptable to protect residential amenity. Although the view is less oblique for the other affected windows within Stockton Court, the separation distance increases in excess of 11.4m. The applicant is also proposing to allow window C2 to be openable with a top opening tilt. This will allow for additional ventilation without compromising privacy.

It is considered that the amendments suggested by the applicant result in an improved living environment for future occupiers of Unit 15 whilst safeguarding the residential amenity of Stockton

Court residents in accordance with adopted policy.

In summary the concerns of residents in Stockton Court are understood. However it is considered that the amendments suggested by the applicant result in an improved living environment for future occupiers of Unit 15 whilst safeguarding the residential amenity of Stockton Court residents. The revised scheme is considered to comply with S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front view of 33 Greycoat Street
prior to works to convert to
residential commencing.

5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

THORNEY ISLAND SOCIETY

While the argument made in the Covering Letter seems reasonable, the drawings show that the distance between some of the windows in 33 Greycoat St and the existing windows in Stockton Court are indeed very close and privacy issues do exist. We therefore object to the removal of this condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 6

No. of objections: 6

No. in support: 0

Six letter of objection have been received from residents of Stockton Court on the following grounds:

- Loss of privacy to bedrooms.
- The new windows should not be openable and should be fitted with opaque glass.
- The windows of the new residential flat are many meters closer to windows in Stockton Court than the previous office block.
- The new flats will also be used evenings and weekends
- The restriction imposed by the planning authority was wise.
- Would have preferred all windows to be fixed shut and opaque.
- There are commonly used ways to ventilate rooms with fixed windows.
- The NPPF seems relevant, particularly "conditions should be used where they are necessary to the development to be permitted".
- All of the windows at the rear of the new extension should be fixed and opaque glazed.
- The frosting and sealing is essential if privacy of Stockton Court is to be maintained.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Variation of Conditions 1 and 18 of planning permission dated 18 January 2016 (RN: 15/04306/FULL) to allow use of a larger area for the roof terrace at fifth floor level and to extend the time limit for submitting the post-completion BREEAM assessment.
Approved 15.09.2016

Extensions at rear lower ground to fourth floor levels and a fifth floor roof extension with terraces, introduction of plant at roof level and alterations to the building facade in association with the use of the building as 23 residential flats. (RN: 15/04306/FULL)
Approved 18.01.2016

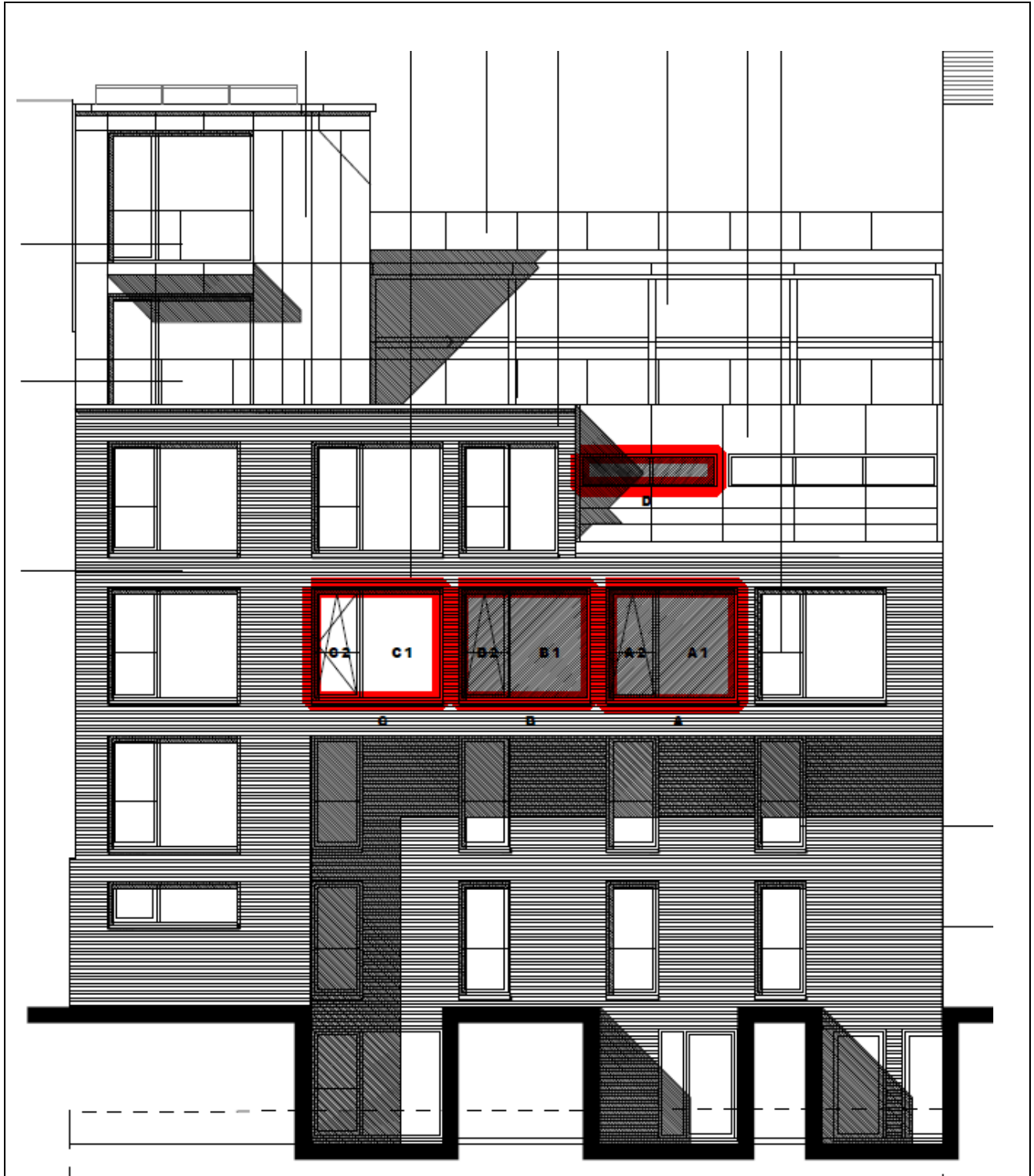
7. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 29 June 2017
3. Response from Thorney Island Society, dated 12 July 2017
4. Letter from occupier of 1, Stockton Court, 31, Greycoat Street, dated 6 June 2017
5. Letter from occupier of 2 Stockton Court, 31 Greycoat Street, dated 6 June 2017
6. Letter from occupier of 3 Stockton Court, 31 Greycoat Street, dated 6 June 2017
7. Letter from occupier of flat 5 Stockton Court, 31 Greycoat Street, dated 6 June 2017
8. Letter from occupier of 6 Stockton Court, 31 Greycoat Street, dated 6 June 2017
9. Letter from occupier of 4, Stockton Court, 31 Greycoat Street, dated 9 June 2017

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

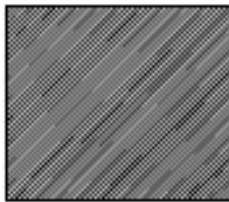
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddoward@westminster.gov.uk

8. KEY DRAWINGS





Windows Condition 21



Opaque Glazing - Guardian Satin Deco - Ultra Clear

A1 - Opaque glazing - Fixed Shut

**A2 - Opaque Glazing -
Bottom Hung - Top Opening Tilt**

B1 - Opaque glazing - Fixed Shut

**B2 - Opaque Glazing -
Bottom Hung - Top Opening Tilt**

C1 - Clear glazing - Fixed shut

**C2 - Clear Glazing -
Full Opening Tilt and Turn**

D - Opaque glazing - Fixed Shut

DRAFT DECISION LETTER

Address: 33 Greycoat Street, London, SW1P 2QF

Proposal: Variation of condition 21 of planning permission dated 15 September 2016 (RN 16/04244/FULL) which varied an earlier permission for “Extensions at rear lower ground to fourth floor levels and a fifth floor roof extension with terraces, introduction of plant at roof level and alterations to the building facade in association with the use of the building as 23 residential flats”, namely to allow windows C1 and C2 shown on drawing 140359-A-E-VA-D151 F3 to be clear glazed and windows A1, A2, B1, B2 and D to be fixed shut and obscure glazed (with the exception of window B2 which will be top opening).

Reference: Previously approved 15/04306/FULL: 140359-A-P-Si-D 100; 140359-A-P-B1-D 001; 140359-A-P-00-D 002; 140359-A-P-01-D 003; 140359-A-P-02-D 004; 140359-A-P-03-D 005; 140359-A-P-04-D 006; 140359-A-P-R1-D 007; 140359-A-X-AA-D 052; 140359-A-X-EE-D 155; 140359-A-E-VA-D 051; 140359-A-P-B1-D 101B; 140359-A-P-00-D 102B; 140359-A-P-01-D 103B; 140359-A-P-02-D 104B; 140359-A-P-03-D 105B; 140359-A-P-04-D 106B; 140359-A-P-05-D 107C; 140359-A-P-R1-D 108B; 140359-A-E-VA-D 151B; 140359-A-X-AA-D 152B; 140359-A-X-BB-D 153B; 140359-A-X-EE-D 156; 140359-A-E-NW-D 154A; Planning statement dated May 2015; Daylight and sunlight dated 6 May 2015; Daylight and sunlight addendum note dated 9 July 2015; Energy strategy dated 1 May 2015; BREEAM 2014 Domestic refurbishment pre-assessment report dated 1 May 2015; Noise survey report for 33 Greycoat Street.

For information only - Design and access statement dated May 2015; Parking strategy report dated August 2015; Flood risk assessment dated April 2015.

Documents approved under 16/04244/FULL: 140359-A-E-VA-D-151_E 1; 140359-A-P-05-D-107_D ; 140359-A-X-BB-D-153 E; 140359-A-X-EE-D-156 B; 140359-A-X-AA-D-152 E

Revised drawing: 140359-A-E-VA-D151 F3

Plan Nos: 140359-A-E-VA-D51 F2

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 2926

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must 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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must keep to the terms of the details approved under application reference 16/04400/ADFULL on the 30 January 2016 and application reference 17/03292/ADFULL on the 15 May 2017.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must keep to the terms of the details approved under application reference 16/04924/ADFULL dated 27 July 2016 for parts a and b, and application reference 16/02854/ADFULL on the 22 April 2016 for part c.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

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)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation of the residential units. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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 2015.

- 12 You must provide the waste store shown on drawing 140359-A-P-B1-D 101 B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 13 The railings at ground floor level as shown on drawing 140359-A-E-VA-D 151 B must be installed prior to the occupation of the residential flats. You must then retain the railings for as long as the building remains in residential use.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 14 (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 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 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 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 L A90, 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.

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.

- 15 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:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 16 You must keep to the terms of the details approved under application reference 16/04168/ADFULL on the 27 May 2016.

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.

- 17 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 18 The development shall achieve a rating of at least 'excellent' under the BREEAM (or any such national measure of sustainability for house design that replaces that scheme of the same standard). The BREEAM assessment must be completed and certified by the Building Research Establishment and a copy of the certificate detailing the award score for the building shall be submitted to us within 3 months of first occupation. In the event that this fails to meet the proposed 'Excellent' rating or minimum score, a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating such measures, or alternatives to secure site remedial actions, shall be carried out within six months of any such determination, ,

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 19 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the residential development, as set out in your application: photovoltaic (PV) panels at fourth and fifth floor levels. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 20 You must keep to the terms of the details approved under application reference 16/01831/ADFULL on the 27 April 2016.

Reason:

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

in January 2007. (R21AC)

- 21 The glass that you put in windows A1, A2, B1, B2 and D shown on drawing 140359-A-E-VA-D151 F3 must be fitted in accordance with the sample of glass approved under reference 16/08264/ADFULL on 3 October 2016 and prior to the occupation of any residential unit hereby approved. You must not change it without our permission.

Windows A1, A2, B1 and D shown on drawing 140359-A-E-VA-D151 F3 must remain fixed shut at all times whereas window B2 must be either fixed shut or bottom hung with a top opening tilt. You must not change the opening mechanism of window B2 without our permission.

Reason:

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

- 22 You must keep to the terms of the details approved under application reference 16/04148/ADFULL on the 16 May 2016.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the

landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to affordable housing contribution and lifetime car club membership.

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.
Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.
24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP
Phone: 020 7641 2000
Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take

place outside the permitted hours unless you have our written approval. (I50AA)

- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 9 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 10 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact: , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 11 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.
Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 12 With regards to condition 22, you are advised to contact the case officer to discuss. Site lines will likely be required to show these views from these terraces towards the nearest residential windows.

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.

Item No.
07

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Item No.
08

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	396 Strand, London, WC2R 0LT,		
Proposal	Use of an area of the public highway measuring 1.71m x 1.85m for the placing of 2 tables and 4 chairs in connection with the existing ground floor restaurant.		
Agent	Keystone Law Ltd		
On behalf of	Good Life (The Strand) Limited		
Registered Number	17/03486/TCH	Date amended/ completed	21 April 2017
Date Application Received	21 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 1 year.

2. SUMMARY

396 Strand is an unlisted building within the Covent Garden Conservation Area. The ground floor unit is currently in use as A3 restaurant use. Permission is sought for the use of an area of the public highway in an area measuring 1.71m x 1.85m for the placing of 2 tables and 4 chairs in connection with the existing ground floor restaurant 'The Diner'. It is proposed that the tables and chairs would be on the public highway from 09.00 to 23.00 daily in line with the restaurant opening hours.

The key issues in this case are:

- * Whether the tables and chairs will obstruct pedestrians using the public highway;
- * The impact of the outdoor seating on the amenities of neighbouring residents.

The plan shows the pavement proposed for tables and chairs to be approximately 6.6m wide from the building line to the kerb edge. The area proposed for placing tables and chairs is 1.71m wide which would leave an overall unobstructed pedestrian clearway of approximately 4.89m.

The Highways Planning Manager raised concerns as the City Council's GIS mapping system shows an existing bus stop and litter bin within this stretch of footway. However following a site visit it is evident that the bus stop and litter bin are located a sufficient distance from the application site and as such

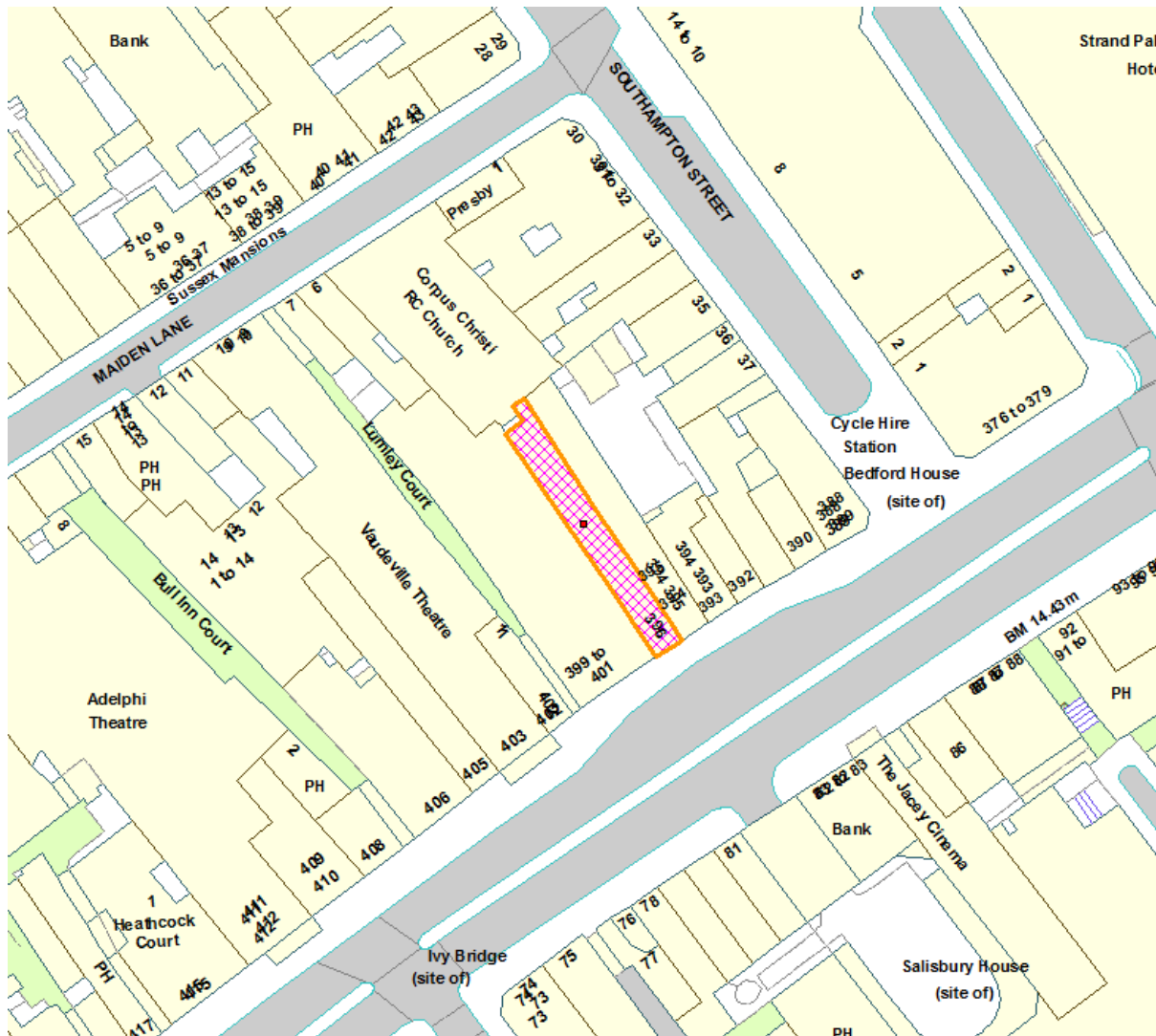
would not create any pinch points in the pedestrian clearway.

An objection has been received from the Covent Garden Community Association on the grounds that the proposed tables and chairs are located in a high-traffic area where footways are very crowded. As such, they consider that the presence of tables and chairs is inappropriate for this location and would create an obstruction on the public highway that would limit pedestrian flow. Given that the proposal would leave a pedestrian clearway of 4.89m and the fact that other premises in Strand have outdoor furniture, it is considered that a refusal on this basis would be unsustainable.

The nearest residential units are located in the upper floors of 396 Strand. No objections have been received from the residents with regards to the proposal.

The proposals are considered acceptable and in accordance with the relevant Unitary Development Plan (UDP) (January 2007) and Westminster's City Plan (November 2016) policies. The application is recommended for approval for a temporary one year basis so that the impact of the tables and chairs can be re-assessed in a year's time.

3. LOCATION PLAN



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4. PHOTOGRAPHS



396 Strand



396 Strand

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection, the proposed tables and chairs are located in a high-traffic area. As such, the presence of tables and chairs is inappropriate for this location and will create an obstruction on the public highway.

COVENT GARDEN AREA TRUST:

No comment

HIGHWAYS PLANNING MANAGER:

No objection. Concerns raised there is an existing bus stop and also a litter bin within this stretch of footway. The applicant will need to demonstrate that there are no pinch points in the pedestrian clearway from with these items of street furniture and the proposed tables and chairs.

CLEANSING MANAGER:

No objection.

ADJOINING OWNER/OCCUPIERS:

No. consulted: 15.

No. of responses: 0.

ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND PAPERS

1. Application form
2. Letter from Covent Garden Area Trust dated 15 May 2017
3. Letter from Covent Garden Community Association dated 16 May 2017
4. Memo from Highways Planning Manager dated 20 June 2017
5. Memo from Cleansing Manager dated 23 May 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk.

DRAFT DECISION LETTER

Address: 396 Strand, London, WC2R 0LT,

Proposal: Use of an area of the public highway measuring 1.71m x 1.85m for the placing of 2 tables and 4 chairs in connection with the existing ground floor restaurant.

Reference: 17/03486/FULL

Plan Nos: Outdoor Furniture layout Rev A; Site location plan.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing Outdoor Furniture layout Rev A. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 09.00 and 23.00. (C25BA)

Reason:

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

- 4 The tables and chairs must only be used by customers of the ground floor unit at 396 Strand (the diner). (C25CA)

Reason:

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

- 5 This use of the pavement may continue until 31 July 2018. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing Outdoor Furniture layout Rev A. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the

layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter. Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

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