



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 10th October, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Andrew Smith (Chairman)
Peter Cuthbertson
Gotz Mohindra
Tim Roca



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. 38 GROSVENOR SQUARE, LONDON, W1K 2HN | (Pages 3 - 12) |
| 2. 8 CHESTERFIELD HILL, LONDON, W1J 5BL | (Pages 13 - 26) |
| 3. 11 FLORAL STREET, LONDON, WC2E 9DH | (Pages 27 - 48) |
| 4. 21 LOUDOUN ROAD, LONDON, NW8 0NB | (Pages 49 - 74) |
| 5. FLAT 10, 15 HYDE PARK GARDENS, LONDON, W2 2LU | (Pages 75 - 90) |
| 6. 5, 7 AND 9 OLD PYE STREET AND 10 ABBEY ORCHARD, LONDON, SW1P 2LD | (Pages 91 - 100) |
| 7. 9-12 BERNERS MEWS, LONDON, W1T 3AH | (Pages 101 - 112) |
| 8. 81 DEAN STREET, LONDON, W1D 3SW | (Pages 113 - 124) |

**Charlie Parker
Chief Executive
2 October 2017**

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 10th October 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s) : 17/06287/FULL	38 Grosvenor Square, London W1K 2HN	Use of the building as an event space for a temporary 18 month period (Sui Generis).	Grosvenor West End Properties Ltd
	West End	Recommendation Grant conditional permission for a temporary period of 18 months.		
2.	RN(s) : 17/05737/FULL	8 Chesterfield Hill, London W1J 5BL	Erection of a new residential building comprising 5 flats (Class C3).	Wellingtons Developments Ltd
	West End	Recommendation 1. Refuse planning consent - design		
3.	RN(s) : 17/06012/FULL	11 Floral Street London WC2E 9DH	Installation of cleaning gantry with access ladder and associated works to rear atrium roof glazing.	Capital & Counties CG Limited
	St James's	Recommendation Grant conditional permission.		
4.	RN(s) : 17/07213/FULL 17/07214/LBC	21 Loudoun Road London NW8 0NB	Demolition of single storey rear garage extension and erection of single storey rear extension at ground floor with green roof to provide additional restaurant (Class A3) floor space and a deli area. Associated internal alterations including new door between existing building and proposed extension.	Caldwell London Ltd
	Abbey Road	Recommendation 1. Grant conditional planning permission and conditional listed building consent. 2. Agree reason for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.		
5.	RN(s) : 17/06890/FULL, and 17/06891/LBC	Flat 10 15 Hyde Park Gardens London W2 2LU	Removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace, associated alteration to French doors to central dormer and internal alterations.	Mr & Mrs Simon Cox
	Hyde Park	Recommendation 1. Grant conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 on the draft decision notice.		

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 10th October 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
6.	RN(s) : 17/02963/FULL St James's	5, 7 And 9 Old Pye Street And 10 Abbey Orchard London SW1P 2LD	Replacement of existing windows and doors with aluminium framed double-glazed windows and doors.	The Abbey Pye Freehold company
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
7.	RN(s) : 17/06646/FULL West End	9-12 Berners Mews London W1T 3AH	Use of building as offices (Class B1).	OISE Limited
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
8.	RN(s) : 17/05560/TCH West End	81 Dean Street London W1D 3SW	Use of an area of the public highway measuring 632mm x 11915mm for the placing of 5 tables and 10 chairs in connection with the existing restaurant premises.	Wagamama Limited
	Recommendation Grant conditional planning permission			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 th October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	38 Grosvenor Square, London, W1K 2HN		
Proposal	Use of the building as an event space for a temporary 18 month period (Sui Generis).		
Agent	Gerald Eve		
On behalf of	Grosvenor West End Properties Ltd		
Registered Number	17/06287/FULL	Date amended/ completed	14 July 2017
Date Application Received	14 July 2017		
Historic Building Grade	Grade II *		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 18 months

2. SUMMARY

The site lies on the southern side of Grosvenor Square. The building has been vacant since March 2017 having previously been occupied by the Indonesian Embassy.

Permission is sought for the use of the property as an event space for a temporary period of 18 months. The application is speculative with no specific operator identified. The intention is that the building would be used to host events such as product launches, fashion shows/catwalks, photoshoots and art exhibitions. It is anticipated that each event could run for a few days or over a few weeks. The entrance main stairwell and first floor reception room are considered to be the primary spaces to be used.

The key issues for consideration are:

- i) The impact of the proposed use on the character and function of the area
- ii) The impact on residential amenity

An Operational Management Statement (OMS) has been submitted as part of the application. The main points in the OMS are:

- The principle function of the space is to act as a blank canvas which brands can use flexibly
- Designated rooms will be used for back of house storage and event production

- The space will be either open to the public (free or ticketed) or on an invite only basis
- Each event will be managed by a dedicated team
- Opening times are 7.00am and 12.00 (midnight) including loading and in and out time
- Security door staff will be present at all times
- Numbers of visitors will fluctuate dependant on the event. It is estimated that between 5 - 50 people will enter and depart over an hour at 'peak times'. Both day time and evening events will not accommodate more than 300 people on the premises at one time
- Waste collection will be from Adams Row at the rear of the site
- Deliveries will take place from on weekdays from Grosvenor Square.

In response to consultations an objection was initially received from the Mayfair Residents Group, however this has subsequently been withdrawn. An objection has been received from a resident of a flat in an adjacent building to potential noise and vehicular congestion post events and requesting that deliveries are restricted to after 8am on weekdays and 9am at weekends.

This part of Mayfair is mixed use in character comprising primarily commercial offices although the building is flanked by a hotel and a residential block. The US Embassy building is located on the western side of the square, which is to be converted into another hotel. There are residential properties at the rear of the site on Adams Row. Policies S22 of the adopted City Plan and TACE 5 of the UDP seek to encourage new tourism, arts and cultural facilities within the Central Activities Zone subject to the uses not resulting in an adverse impact on residential amenity or traffic. Use of the building as an events space would also accord with the aim to support the economic vitality and diversity of the Core CAZ and is considered acceptable in principle in accordance with City Plan Policy S1.

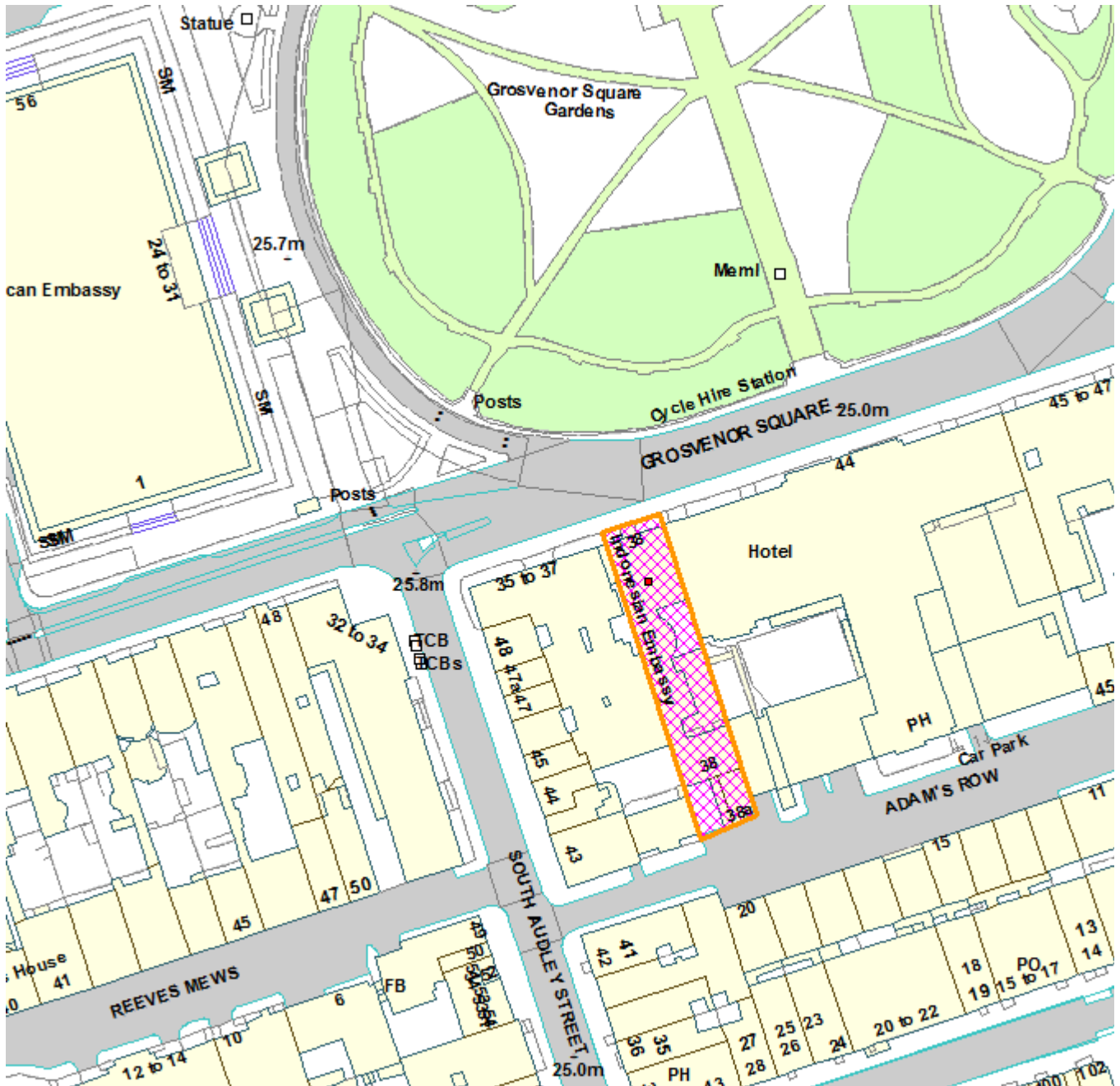
The nature of the proposed use means that the intensity of how the building will be used is likely to vary significantly depending on the particular user at any given time. Although no primary cooking is proposed, use as a flexible event space may at times include entertainment facilities. The proposal is not however for a large entertainment facility in which alcohol will be the main offer. The provision of alcohol would be controlled by licensing. Subject to the use operating in accordance with the submitted management plan which as summarised above would restrict opening hours to between 7am and midnight and includes a requirement that security staff are present at all times, the use is considered acceptable as it would be neither harmful to the character and function of the area or residential amenity.

The Highways Planning Manager advises that servicing the use is not expected to generate a significant level of servicing and the servicing requirements would be adequately accommodated on Grosvenor Square. In the light of this it is not considered that servicing hours should be restricted to after 8am on weekdays and 9am at weekends as requested by the objector. It is however recommended that servicing does not commence before 7am daily, which can be dealt with by condition. A condition is also recommended which would require the main entrance to be from Grosvenor Square with Adams Row being used only as a secondary means of escape and for refuse collection.

The building is an 18th Century townhouse which is Grade 2 * listed with a particularly fine interior. The proposal involves the removal of a glazed partition in the entrance hall. This is a crude 1986 addition required as a screen by the Embassy. The removal of it is welcomed and does not require a separate application for listed building consent.

Subject to appropriate conditions the use is considered to be acceptable in accordance with adopted UDP and City Plan Policies.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS**RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S**

No response received

HIGHWAYS PLANNING

No objection

CLEANSING

Request that permission is subject to a condition requiring details of refuse storage

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 65; Total No. of replies: 3

No. of objections: 1 (Initially two objections were received, one was subsequently withdrawn.)

One letter of objection on the following grounds:

* Noise nuisance particularly post events, traffic blockages especially late night after events

* Deliveries should not be before 8am (9am at weekends)

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RELEVANT HISTORY

Planning permission and listed building consent granted 7 July 1986 for the demolition and rebuilding of part of the rear building to provide a basement and part three and four storey extension, refurbishment and internal alteration to the main building, all for use by the Indonesian Embassy. This permission was granted on a personal basis for the use by the Indonesian Embassy only.

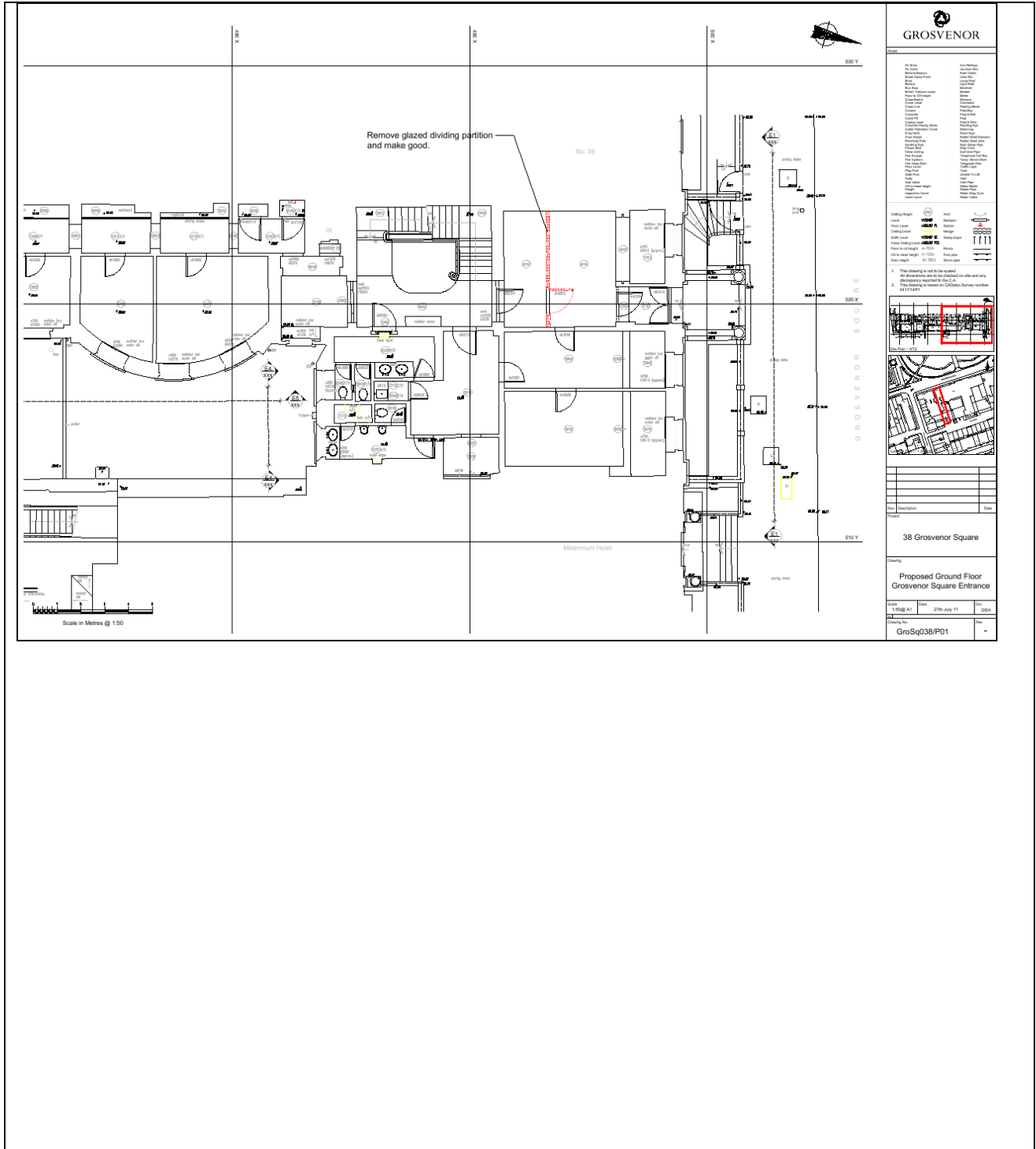
7. BACKGROUND PAPERS

1. Application form and Operational Management Statement dated July 2017.
2. Memorandum from Highways Planning Manager dated 16 August 2017.
3. Memorandum from Cleansing Manager dated 1 August 2017.
4. Letters from The Mayfair Residents Group - 29A Brook Street, London, dated 25 July 2017, and 13 September 2017.
5. Letter from occupier of Flat 18, 35-37, Grosvenor Square, dated 14 August 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

8. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 38 Grosvenor Square, London, W1K 2HN,

Proposal: Use of the building as an event space for a temporary 18 month period (Sui Generis).

Plan Nos: Location plan dated 27 April 2017

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The use as an event space allowed by this permission can continue until 31st March 2019. After that the land must return to its previous condition and use. (C03AA)
Reason:
So that we can assess the effect of the use and make sure it meets policy S1 of our Unitary Development Plan that we adopted in January 2007. (R03CB)
- 3 The use of the premises as an event space shall not commence before 07.00 or after 00.00 (midnight) 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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)
- 4 The use of the property as an event space shall be carried out in accordance with the Management Plan dated July 2017.
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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)
- 5 Access to the premises shall be from Grosvenor Square the entrance on Adams Row shall only be used for refuse collection and as a secondary means of escape.

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

- 6 You must apply to us for approval of details of how waste is going to be stored on the site. 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the building. 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)

- 7 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 8 Details of a crowd management scheme shall be submitted to and approved by the City Council prior to the use commencing. The use shall then be carried out in accordance with the approved details.

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

- 9 All servicing of the building shall take place between 07.00 and 18.00 daily

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan

(November 2016), Unitary Development Plan, 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 that removal of the internal partition at ground floor level as shown on drawing number GroSq038/P01 does not require listed building consent.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 This permission does not allow any work which would change the outside appearance of the property. (I18AA)

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 th October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	8 Chesterfield Hill, London, W1J 5BW,		
Proposal	Erection of a new residential building comprising 5 flats (Class C3)		
Agent	Jon Dingle		
On behalf of	Wellingtons Developments Ltd		
Registered Number	17/05737/FULL	Date amended/ completed	10 October 2017
Date Application Received	29 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Refuse planning consent - design

2. SUMMARY

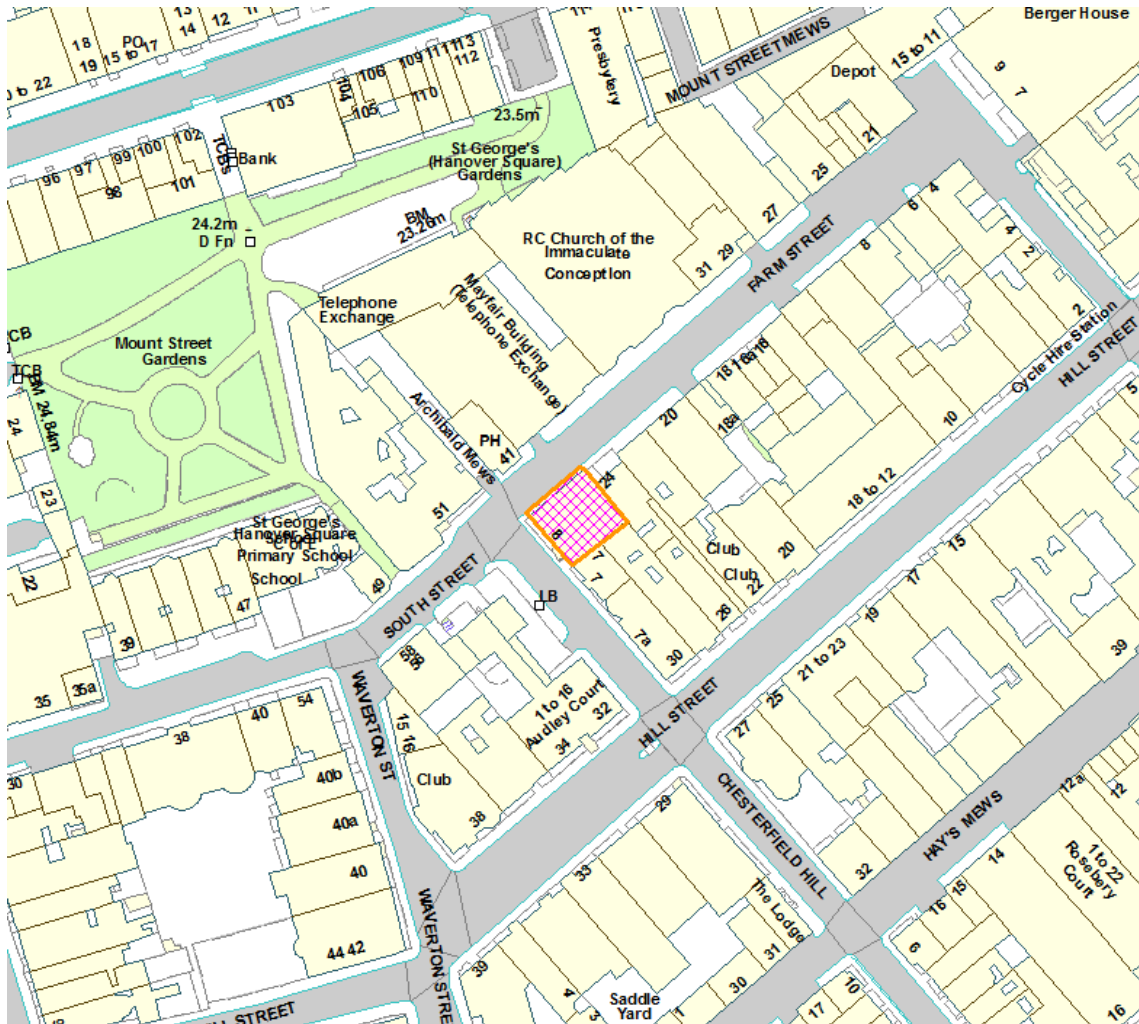
The application site was last occupied by an unlisted, 4-storey office building with a residential flat at third floor level. This building has recently been demolished and the site is currently under construction following a permission granted in 2016. The application follows a refusal in March this year for a similar scheme which has subsequently been dismissed on appeal. The current application differs from that refused, by way of a reduction in height by one storey on part of the Farm Street facade, an overall height reduction of 600mm, changes to the façade design, and internal layout.

The key issues are:

- The impact on the character and appearance of the Mayfair Conservation area
- The impact on the setting of the adjacent listed building
- The impact on residential amenity – with particular regard to privacy and daylight.

Whilst objections have been received on amenity and development density grounds, the previous application was refused only on detailed design grounds and on the impact of the proposals on the setting of the grade II listed Punchbowl Public House and it is not considered that this application could now be refused on amenity or density grounds. The modest change in height and the changes to the design of the building however are not considered to have addressed the previous reasons for refusal and are points noted by the Inspector in dismissing the appeal. It is considered that the proposed scheme is unacceptable in design terms, and it is recommended that planning permission is refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1: Original building before demolition



5. CONSULTATIONS

WARD COUNCILLORS

Councillor Roberts raises strong objections on the grounds of overdevelopment and inappropriate design in the conservation area. Requests that the application be determined by committee.

RESIDENTS SOCIETY OF MAYFAIR & ST.JAMES'S

Objection – the group supports comments made by residents.

HIGHWAYS PLANNING MANAGER

Considers that acceptable cycle parking and waste storage could be secured by condition, but raises objections to lack of off street parking.

BUILDING CONTROL MANAGER

No objection

ENVIRONMENTAL HEALTH

No objection provided conditions are applied to limit plant machinery and vibration, and subject to a supplementary acoustic report.

CLEANSING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 71

Total No. of replies: 6 letters of objection (from 5 respondents) on the following grounds:

Amenity

- Loss of light and privacy
- Overshadowing
- Noise and odour from waste and cycle storage
- Accuracy of daylight report

Design

- Mansard is visually dominant and not in-keeping with surrounding area or setting
- Unnecessary and unjustified increased roof height
- Smaller central windows not in-keeping
- Loss of elevational symmetry
- Poorly executed, crude step down to 24 Farm Street
- Height, scale, mass and bulk would harm the character and appearance of the listed buildings in close proximity.
- Excessive and inappropriate use of ironwork and
- Contemporary materials are incongruous to the Conservation Area.

Process and policy

- Cumulative change through multiple applications
- Increased delays to construction works
- Increase in floorspace without any gain in unit numbers would be a failure to optimise the site in accordance with policy S14
- Over development of the site
- Lack of detailed floor area schedule
- Excessive size of units fails to comply with policy S14 'Optimising Housing Delivery'
- Size of units exceeds London Plan minimum space standards

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is situated on the east side of Chesterfield Hill at its junction with Farm Street, within the Mayfair Conservation Area, within the Core Central Activities Zone.

The former building on the site, a 4-storey office building, with a flat at third floor, has been demolished and construction has commenced to the lowest floors of the approved 2016 scheme.

The site is located within a mixed commercial and residential area. The closest residential properties are immediately adjacent at 24 Farm Street and 7 Chesterfield Hill and to the rear, at 26 and 28 Hill Street.

6.2 Recent Relevant History

Permission was granted on 22/1/2009 for 'Demolition of the existing office building and redevelopment to create new building comprising sub-basement, lower ground, four upper floors and a roof terrace for use as a single family dwelling.'

Permission was granted on 14/01/14 for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3). Installation of plant and terrace at roof level.'

Permission was granted on 10/09/16 for 'Variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3) and installation of plant and terrace at roof level namely to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, alterations to plant at roof level; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential units and lowering the height of the floor slab at lower ground floor level by approximately 1 metre.'

Permission was refused on 21/03/17 for 'Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and

set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level.’ The application was refused purely on design grounds on the basis of its height, bulk, design and architectural relationship to adjacent buildings. On 22 September 2017 the appeal was dismissed on detailed design grounds and on the impact of the proposals on the setting of the grade II listed Punchbowl Public House.

7. THE PROPOSAL

Since 2009, a number of planning consents have been granted to redevelop the site for residential use. The original building on site has now been demolished and construction works have commenced in relation to a permission granted in 2016.

This application follows a similar scheme which was refused in March this year and which has now been dismissed on appeal on detailed design grounds and on the impact of the proposals on the setting of the grade II listed Punchbowl Public House. The current application differs from that previously refused, by way of a reduction in height by one storey on part of the Farm Street facade, an overall height reduction of 600mm, changes to the façade design, and internal layout.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

Permission was originally granted in 2014 for the demolition of the former building on this site. Records suggest that the lawful use of the building was offices (Class B1) on basement to second floor level, with a residential flat at third floor level. The site is currently under construction following the 2016 permission and to this end, there is no longer any office space on site to protect. The current proposal has been designed to be structurally identical to the commenced scheme therefore the current application does not prejudice the continuous building out of the site as part of the permitted scheme.

Given that the original building has already been demolished, and that works have commenced for 5 residential dwellings on site, the scheme could not reasonably be resisted in land use terms. On balance, the proposals would not be contrary to policy S20 ‘Offices and Other B1 Floorspace’.

Residential use

Policy H3 of the UDP sets out that the Council will seek to maximise the amount of land in housing use, where appropriate, within the CAZ. Policy S14 of the City Plan sets out that residential use is a priority across the city and that the number of residential units on development sites will be optimised. The supporting text notes that “Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives.” This is to support the Council in meeting its housing targets.

The 2016 application granted permission for 5 units with a mix of 1 x 1-bed, 1 x 2-bed and 3 x 3-bed flats. The current application again proposes 5 residential units, comprising a mix of 1x 1-bed, 1x 2-bed, 2 x 3-bed and 1 x 4-bed units. As in the scheme refused earlier

this year, the difference in this scheme to that consented is that an additional floor of accommodation is created with the penthouse flat falling over the top two floors providing a 4-bed unit in place of the approved 3-bed top floor flat.

Objections have been raised on the grounds that the application is contrary to Policy S14 and the London Plan. It is accepted that the site could accommodate more than five flats, however, with the exception of the penthouse flat, the scheme is identical to the previous consents on this site and, as in the scheme dismissed on appeal, it is not considered that the scheme could be refused on the grounds that the development fails to optimise the development potential of the site.

Each unit would generously exceed the London Plan (2016) internal space standards as set out in policy 3.5, and the Nationally Described Space Standards (NDSS) adopted in 2015. All proposed units would therefore provide good quality living accommodation in line with policies H3 and H5 of the UDP, S15 of the City Plan and the intent of London Plan policy 3.3 and 3.5.

Affordable housing

City Plan Policy S16 requires the provision of affordable housing on all new developments of either 10 units or more, or over 1000 sq.m of additional residential floorspace. Thus far, only the refused scheme in 2017 would have triggered the requirement for affordable housing. The current proposals have a GIA of 1085 sq.m, given that there was previously a residential flat of 160 sq.m on site, the additional residential floorspace is 925 sq.m. This scheme therefore does not trigger any requirement for affordable housing contribution.

The developer has offered a voluntary payment of £438,480 towards the Council's affordable housing fund. This amount corresponds with that which would have been triggered by the refused 2017 scheme. However, this payment could only be made on a voluntary basis, and the contribution would fail to meet the requirements on the limitations of planning obligations as set out in the CIL Regulations 2011. It therefore cannot be afforded weight in the determination of this application.

8.2 Townscape and Design

The current proposal is a revised version of the appeal scheme, intended to address objections in design and heritage asset terms and the City Council's reasons for refusal.

The key changes made to the design of the building are a reduction in height by one storey on part of the Farm Street façade, a reduction of approximately 600mm in the overall height of the building, enrichment of the detailed design of the facades by the addition of decorative brickwork panels, altering the window details, thus creating a stronger sense of the building having a 'base-middle-and-top'. On the Farm Street façade, the eastern-most part of the building is now proposed to step down one storey and has smaller windows to reduce its visual impact. This is successful in reducing the bulk of the building in views along Farm Street and it also helps to enrich the Farm Street façade which is further enlivened by decorative brick panels. To a limited extent this addresses the City Council's reasons for refusal and the Inspector's objections on this part of the site.

Omission of the string course between first and second floor levels helps to create a stronger hierarchy of detail on the main facades which is characteristic of building in

the conservation area and reinforces the sense of the building having a 'basemiddle-and-top'. This improves the appearance of the building in views along South Street and Chesterfield Hill. However, the modest overall height reduction and the off-centre dormer windows on the Chesterfield Hill façade are not considered to have addressed the previous reasons for refusal and are points noted by the Inspector in dismissing the appeal. Furthermore, the height of the building is noted, amongst other things, by the Inspector as causing harm to the setting of the Grade II listed pub in Farm Street, and the floor-to-ceiling windows to which he also objected are still present. The Inspector found that the modest benefits of the scheme did not outweigh the harm to heritage assets and it was a key part of the City Council's case that the same benefits could be delivered by the approved development without the harm.

Strong objections have been received which re-iterate concerns raised before, to the detailed design of the building, its impact on the Mayfair Conservation area and adjacent building. Therefore, noting these legitimate and justifiable objections and the appeal decision, the application is recommended for refusal.

8.3 Residential Amenity

The properties adjoining the application site are in residential use; 7 Chesterfield Hill and 24 Farm Street are single family dwelling houses, whilst 28 Hill Street is subdivided into flats. None of the properties have windows which face directly towards the application site, although there is a ground floor roof lantern at 28 Hill Street.

UDP policy ENV13 states that permission will not be granted for development proposals which result in a material loss of amenity to neighbouring residential properties with regard to the level of daylight or sunlight received, any increase in the sense of enclosure to adjoining windows or any loss of privacy. Similarly, City Plan policy S29 seeks to safeguard the amenities of neighbouring residential properties.

Whilst a number of objections to the 2016 scheme were received on detailed amenity grounds, that application was refused only on design grounds. This scheme is lower in height, and in part one-storey lower, than the 2016 refusal and it is not considered that this application could now be refused for reasons of loss of light. The daylight report now demonstrates that the one window which would be adversely affected, a ground floor window within 28 Hill Street, would now experience a 34% loss of VSC instead of the predicted 44% loss in the last refusal. In considering the last application it was recognised that this window currently receives very poor VSC values (1.58%) and would only experience a very small change in actual VSC values. It was therefore determined that the last application could not be refused on the grounds of loss of light.

Overlooking/Overshadowing

The adjoining occupier at 24 Farm Street has objected on the grounds of potential overlooking. The proposed scheme introduces one new east facing window at fourth floor level when compared with the 2016 refusal. This window serves a study, and whilst it would be positioned slightly forward of the front building line at Farm Street, it is considered that only very limited oblique views would be gained from this window and as such there would be no unacceptable loss of privacy to properties along Farm Street.

As in the refused scheme, had the application been considered acceptable, a condition would have been imposed to prevent the flat roof as a terrace.

Objections have again been received on the grounds that the proposals would result in the overshadowing of the roof terrace at 24 Farm Street. The proposed building is to the north-west and set back from the roof terrace to 24 Farm Street and any loss of sunlight to this space would be in the late afternoon, and as the terrace is south facing it would still receive good levels of daylight throughout the day. The objectors also again query the accuracy of the submitted daylight report. The report, submitted as in this case, by a member of the RICS carries a duty of care which the Council considers sufficient to rely on.

Noise and Plant

Plant is proposed at roof level adjacent to 7 Chesterfield Hill. The Environmental Health Officer raises no objections to the proposal, subject to the requirement for a supplementary acoustic report to demonstrate the plant's compliance with the design noise criteria.

8.4 Transport and Access

The City Council's Highways Officer has indicated that the application site is within an area where on street parking demand exceeds defined stress levels where the occupancy of on-street legal parking bays has exceeded 80% within a 200m radius of the development site, and has objected to the scheme on the grounds that the scheme does not include off-street parking for the flats. The potential increased pressure for on street parking needs to be balanced against the land use objective to increase the housing stock. It was not previously considered that the scheme could be refused on parking grounds, and that permission for the creation of five flats remains extant. In these circumstances, it is not considered that the lack of off-street parking could justify a recommendation for refusal.

The application proposes 11 secure cycle parking spaces contained within the ground floor of the property. This would satisfy the policy requirement for cycle parking spaces.

8.5 Waste and Recycling

Objections have been received on the grounds that waste and recycling storage would be located adjacent to neighbouring residential properties. The location of the waste and recycling storage has not changed since the 2016 application and was not a reason for refusal for this previous application.

The Council's Cleansing officers have reviewed the proposals and have no objections proposed storage, which is considered to meet the needs of the proposed flats .

8.6 Biodiversity and Sustainability

The scheme provides a limited area of green sedum roof, which would enhance the site's contribution to the biodiversity of the area and is welcomed. Had the scheme been considered acceptable, full details of the green roof would have been secured by condition.

8.7 Economic Considerations

Any economic benefits resulting from the development are welcomed.

8.8 Other Issues

The application proposes to excavate the lower ground floor by a further 1m in depth. This is the same as previously approved in 2016 and there has been no objection to this element of the works. The basement excavation is in accordance with City Plan policy CM28.1. A construction method statement has been submitted in support of this, and Building Control are satisfied with this element of the proposals.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

The proposal does not generate any planning obligations although the applicant has offered a voluntary payment towards the Council's affordable housing fund.

The estimated CIL payment is £620 972 to the Westminster City Council and £68 603 to the Mayoral CIL fund.

9. BACKGROUND PAPERS

1. Application form, correspondence dated 31 July 2017 and appeal decision dated 22.09.17
2. Response from Residents Society Of Mayfair & St. James's, dated 27 July 2017
3. Memorandum from Highways Planning Manager dated 10 July 2017
4. Memorandum from Environmental Health, dated 10 July 2017
5. Memorandum from Building Control dated 17 July 2017
6. Memorandum from Cleansing dated 19 July 2017
7. Letter from occupier of 24 Farm Street, London, dated 26 July 2017
8. Letter on behalf of occupier of 24 Farm Street, dated 27 July 2017 and 30 November 2016
9. Letter from on behalf of occupier of 7 Chesterfield Hill, dated 17 July 2017 and 21 November 2016
10. Letters from occupiers of 51 South Street, London, dated 23 July 2017 and 26 July 2017

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

Below: West elevation of the previously approved scheme now under construction



Elevation of permitted scheme (ref: 16/00807/FULL) and No.7 Chesterfield Hill.

Proposed west elevation:



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--- Outline of Section 17 Permitted Scheme
 --- Outline of Proposed Applied Scheme

Issued for Planning 23/06/17 PKL A
 Final Date 23/06/17 PKL A
 Scheme Reference 1600 1600 1600

SQUIRE & PARTNERS

17 Old Bailey Street, London, EC4A 3DF
 T: 020 7786 0000 F: 020 7728 0488
 info@squireandpartners.com
 www.squireandpartners.com

Project
 8 Chesterfield Hill,
 London, W1J

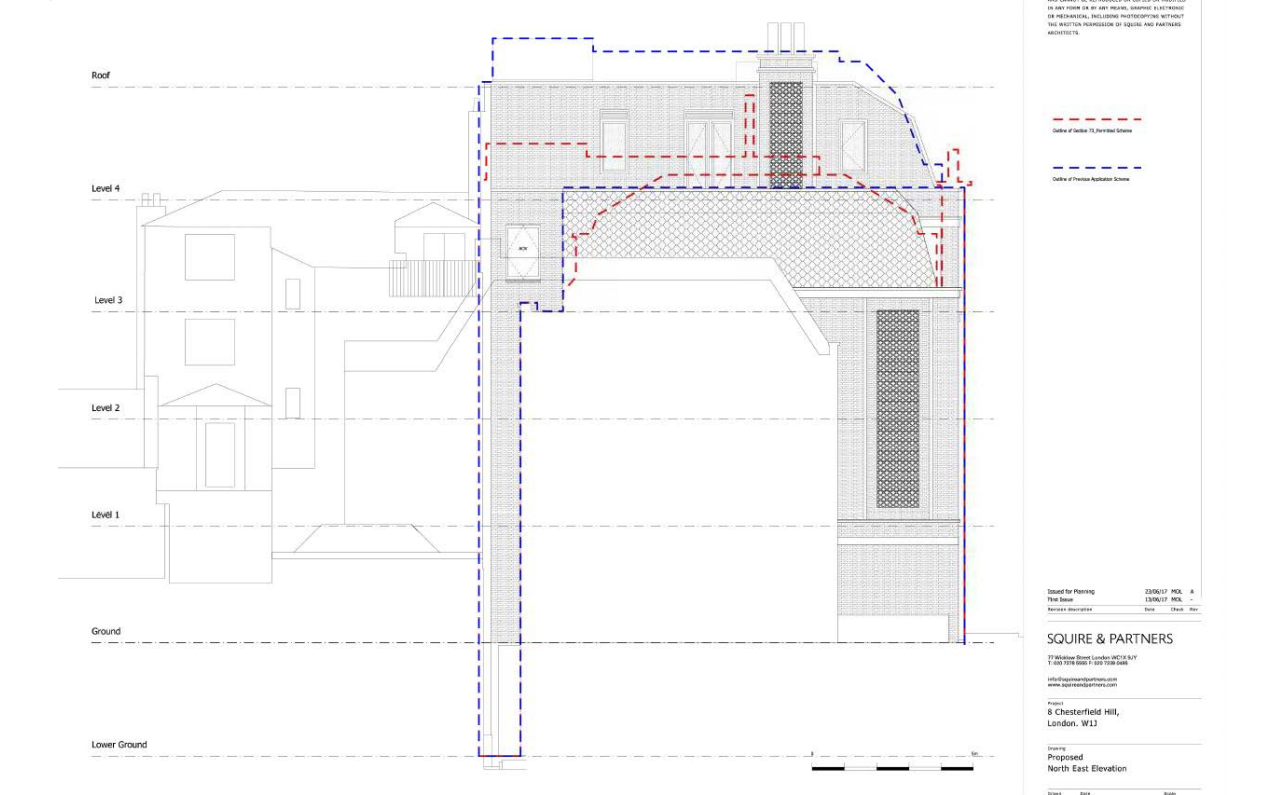
Drawing
 Proposed
 South West Elevation

Drawn	PKL	23/06/2017	1:1000
Checked	PKL	23/06/2017	1:1000
Scale	1:1000	PKL	A

Proposed north elevation:



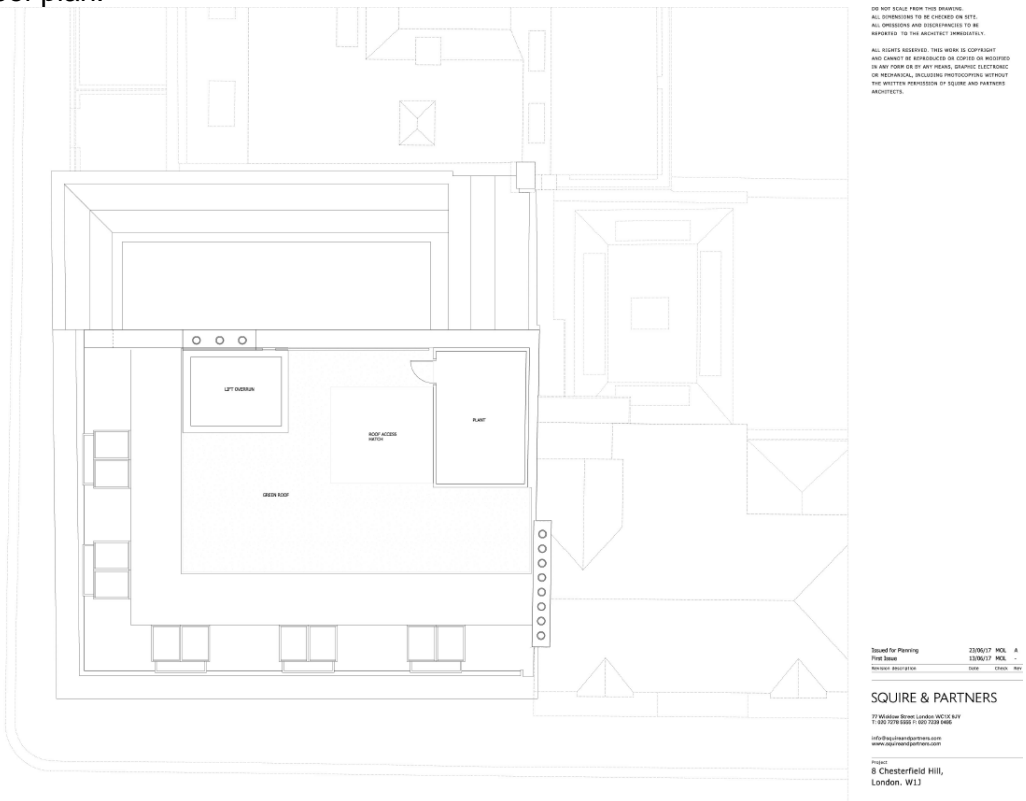
Proposed east elevation:



Proposed south elevation :



Proposed roof plan:



DRAFT DECISION LETTER

Address: 8 Chesterfield Hill, London, W1J 5BW,

Proposal: Lowering of existing lower ground floor by 1 metre, and erection of 5 flats (Class C3), installation of plant at roof level.

Reference: 17/05737/FULL

Plan Nos: C645_E_NE_003 Rev B, C645_S_BB_003 Rev A, C645_E_NW_003 Rev A, C645_E_SE_003 Rev A, C645_E_SW_003 Rev A, C645_P_RF_003 Rev A, C645_S_AA_003, F000_P_00_003, F000_P_01_003, F000_P_02_003, F000_P_03_003, F000_P_04_003, F000_P_B1_003, JA12_P_00_001, JA12_P_LG_001, JA12_P_01_001, JA12_P_02_001, JA12_P_03_001, JA12_P_RF_001, JA12_E_SW_001, JA12_E_NW_001, JA12_E_NE_001, JA12_E_SE_001, JA12_S_BB_001,
Construction Management plan ref. KB/CMP/ 8 CHESTERFIELD HILL/ March Rev 00
Acoustic report ref. 3506_ENA_1_JG
Structural Method Statement by Knight Build Rev 00 dated 20th December 2016
Materials submission:
Handmade red brick – main facades.
Stock brick – rear facades.
Portland stone (Basebed and Whitbed) – window surrounds and string courses.
Granite – railing plinths and lightwell paving
Anodised Bronze Aluminium – window frames and external doors
Anodised Grey Aluminium – mansard roof

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Reason for Refusal:

Because of its height and detailed design the new building would harm the setting of the grade II listed building at 41 Farm Street, and would fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4, DES 9 and DES 10(D) 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.

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	11 Floral Street, London, WC2E 9DH,		
Proposal	Installation of cleaning gantry with access ladder and associated works to rear atrium roof glazing.		
Agent	Gerald Eve LLP		
On behalf of	Capital & Counties CG Limited		
Registered Number	17/06012/FULL	Date amended/ completed	7 July 2017
Date Application Received	7 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

11 Floral Street is a retail unit located within an unlisted building within the Covent Garden Conservation Area. This application relates to the atrium roof glazing to the rear of the site, which is adjacent nos. 41 - 43 King Street, a Grade II* listed building.

Planning permission is sought to install a cleaning gantry with access ladder and associated works to the southern side of the atrium roof glazing. The proposed gantry would be located in an enclosed area of the site immediately adjacent to 41 - 43 King Street.

The key issues are:

- The impact on the amenity of neighbouring residents; and
- The impact on the setting of the adjacent II* listed building (41 – 43 King Street) and character and appearance of the Covent Garden Conservation Area.

The supporting information states that there is currently no access to the southern side of the atrium roof which had fallen into a state of disrepair and had to be replaced. Works are taking place to refurbish the atrium roof glazing in connection with the extant permissions. The gantry is proposed for routine cleaning and maintenance and would not be used for any other purpose. There is already

suitable access to the other side of the atrium roof.

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

The proposed gantry would be accessed from inside No. 11 Floral Street via an access hatch, with a fixed ladder. The gantry would run along the entire length of the atrium roof and would be located directly outside the rear first floor windows of Flat 1, 43 King Street. All rear windows to this flat would look onto the proposed gantry. Five of the first floor windows on the rear elevation serve two bedrooms (two windows to one bedroom and three windows to the second bedroom), whilst the other two windows serve bathrooms and are located in the east and west side return elevations.

Whilst an objection has been received from the owner of this flat on the grounds of sense of enclosure and overlooking together with a loss of privacy, a site visit from this property reveals that the juxtaposition with the glazed atrium is such that the views from these neighbouring windows is already restricted.

The gantry would be located in close proximity to the windows of the neighbouring flat but as the windows are large, it is considered that they would still receive suitable levels of sunlight and daylight. Furthermore, due to the design of the gantry being set back from the windows and not exceeding the height of the atrium, and as it would not be a solid structure such as a brick wall, it is considered that it would be difficult to justify it would result in a significant increase in sense of enclosure.

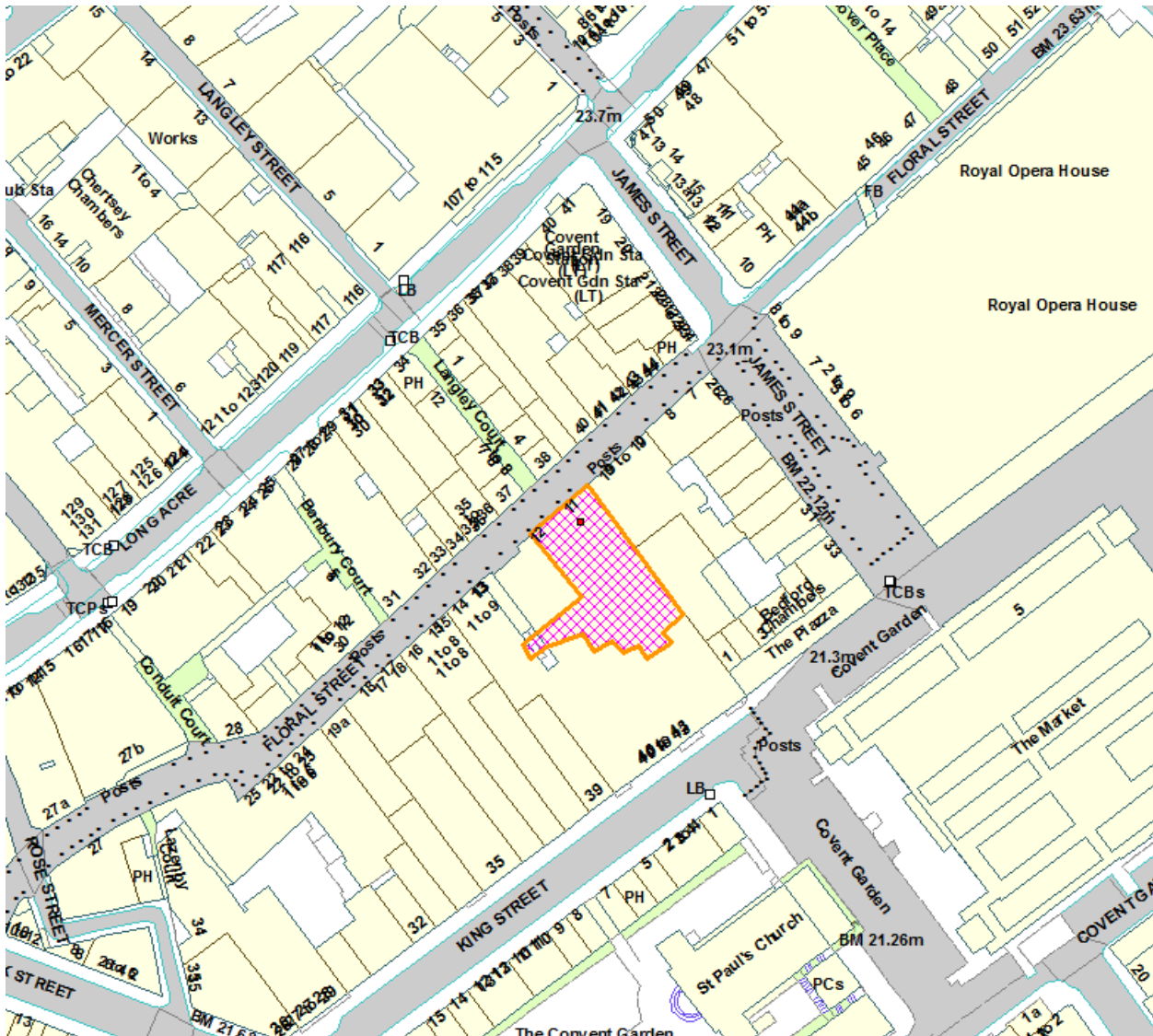
With regards to outlook, the view from the bedroom windows is already impaired by the glazed atrium and although the gantry could appear unsightly, it is not considered that the outlook from these windows would be significantly worsened to an unacceptable degree.

The objector also raises concerns that there would be direct overlooking into the bedrooms and bathroom from the users of the gantry. Whilst the concerns from the objector are understood, the gantry is only considered to be acceptable providing it is used for cleaning and maintenance purposes only. A condition is recommended requiring that the gantry shall only be used for cleaning and maintenance purposes and for a maximum of 6 days per annum, with a minimum of 2 days' notice to be provided to the occupier of No. 43 King Street. Subject to the recommended condition, on balance the proposal is considered acceptable in amenity terms.

In terms of design, the new gantry would not be fixed to the adjacent listed building and no historic fabric would be affected by this work. The significant bulk of the existing atrium roof already causes some harm to the setting of the adjacent listed building and the addition of the gantry would not significantly worsen the existing situation. The addition of a utilitarian structure on the atrium roof is not ideal, however given that there would be little or no impact on the setting of the adjacent listed building, and due to the isolated position of the gantry it would not detract from the character and appearance of the Covent Garden Conservation Area. As such, the proposal would be in compliance with DES1, DES5, DES9 and DES10 of the UDP.

Having regards to the site visit to the objector's property and subject to the recommended conditions, on balance the application is acceptable in design and amenity terms and is recommended for approval.

3. LOCATION PLAN

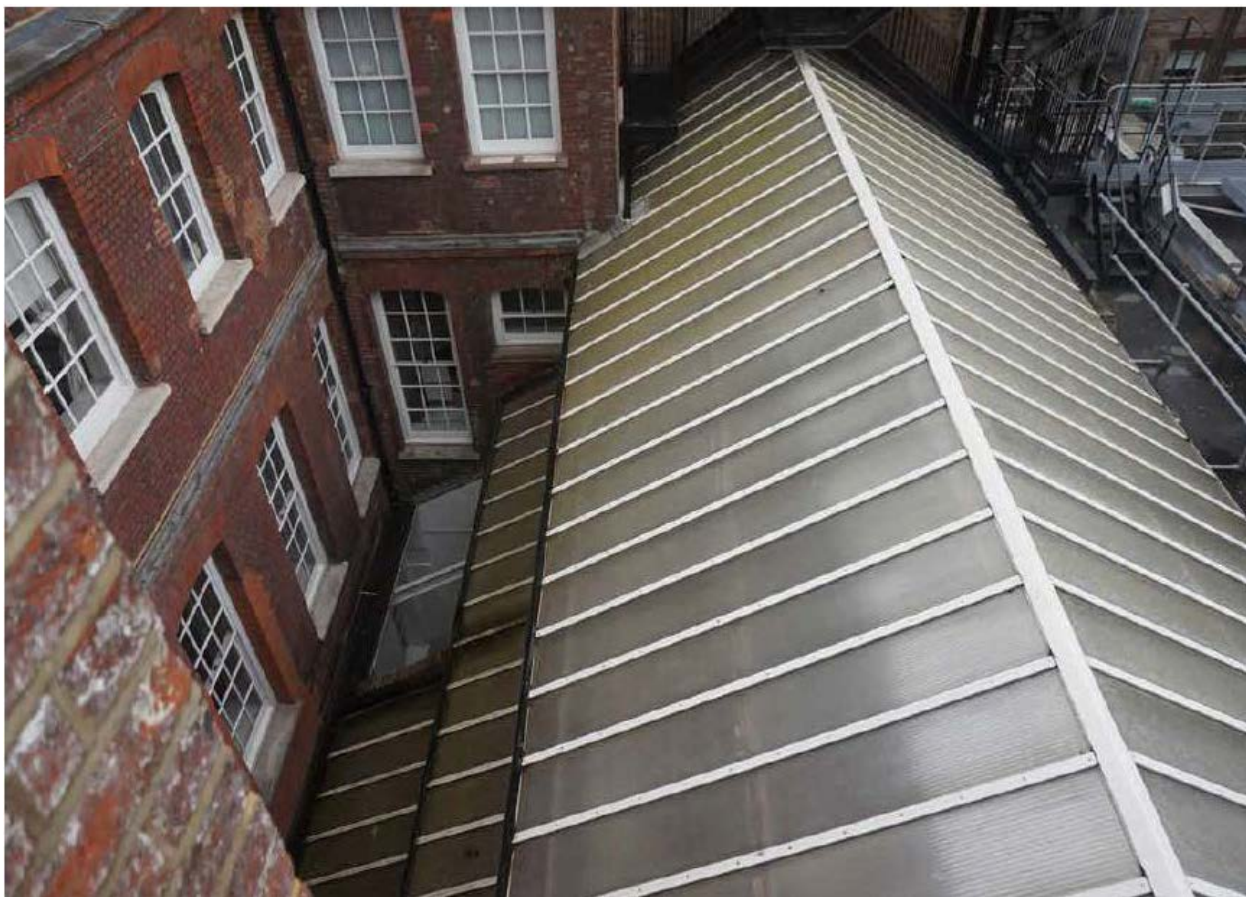


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4. PHOTOGRAPHS



11 Floral Street



**Atrium roof of 11 Floral Street adjacent to 43 King Street
(Prior to works to refurbish atrium glazing)**



**Atrium roof of 11 Floral Street adjacent to 43 King Street
(Works taking place to refurbish atrium glazing in connection with permitted works on site)**



View from bathroom window of Flat 1, 43 King Street



View from a bedroom window of Flat 1, 43 King Street



View from a bedroom window of Flat 1, 43 King Street

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

No objection.

COVENT GARDEN AREA TRUST:

No response to date.

HISTORIC ENGLAND:

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 50

No. of replies: 1

Objection from a neighbour on the following grounds:

- The walkway and gantry is approximately 2 metres away from six windows in the neighbouring flat;
- The proposal significantly increases the sense of enclosure and overlooking together with a loss of privacy to the neighbouring flat.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. Recent Relevant History

11 Floral Street

09 July 2010:

Permission and listed building consent granted for 'Alterations at roof level including the installation of a plant room, solar panels and metal walkway' (10/03044/FULL and 10/00457/LBC).

11 - 12 Floral Street

18 October 2016:

Permission and listed building consent granted for 'Installation of new shopfront to no.11; use of part basement, part ground, first and second floors of no. 11 as retail (Class A1) with ancillary cafe and use of part basement floor of no. 12 as retail (Class A1); use of part basement, part ground, and first to fourth floors of no. 12 as offices (Class B1); and associated external alterations to nos. 11 and 12' (16/05805/FULL and 16/05806/LBC).

05 June 2017:

Permission and listed building consent granted for 'Variation of Conditions 1 and 7 of planning permission (RN: 16/05805) and Condition 1 of listed building consent (RN: 16/05806) dated 18 October 2016 for 'Installation of new shopfront to no.11; use of part basement, part ground, first and second floors of no. 11 as retail (Class A1) with ancillary cafe and use of part basement floor of no. 12 as retail (Class A1); use of part basement, part ground, and first to fourth floors of no. 12 as offices (Class B1); and associated

external alterations to nos. 11 and 12; namely, to allow for a variety of external design amendments and small increase in Class A1 floorspace' (17/03130/FULL and 17/03362/LBC).

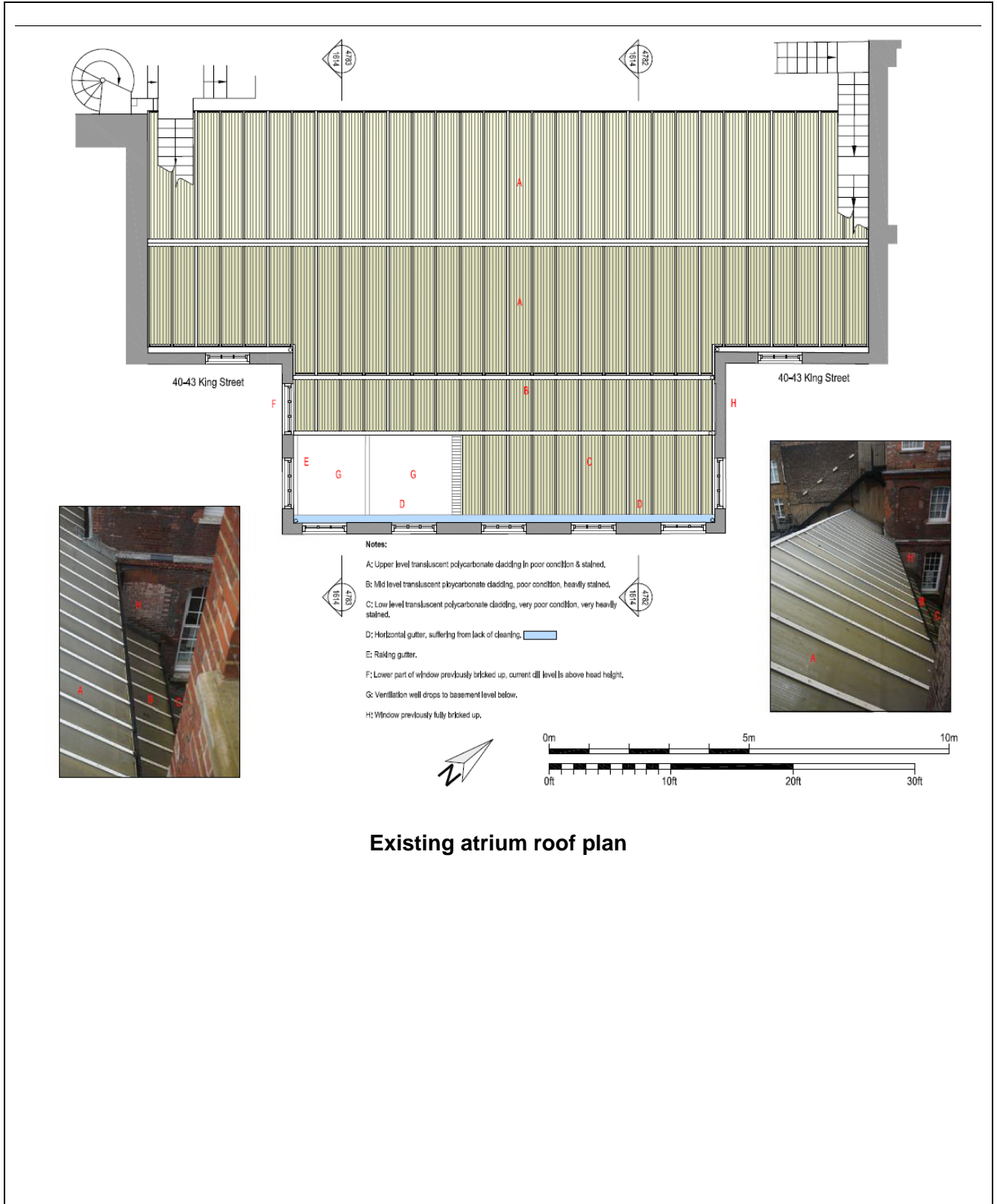
7. BACKGROUND PAPERS

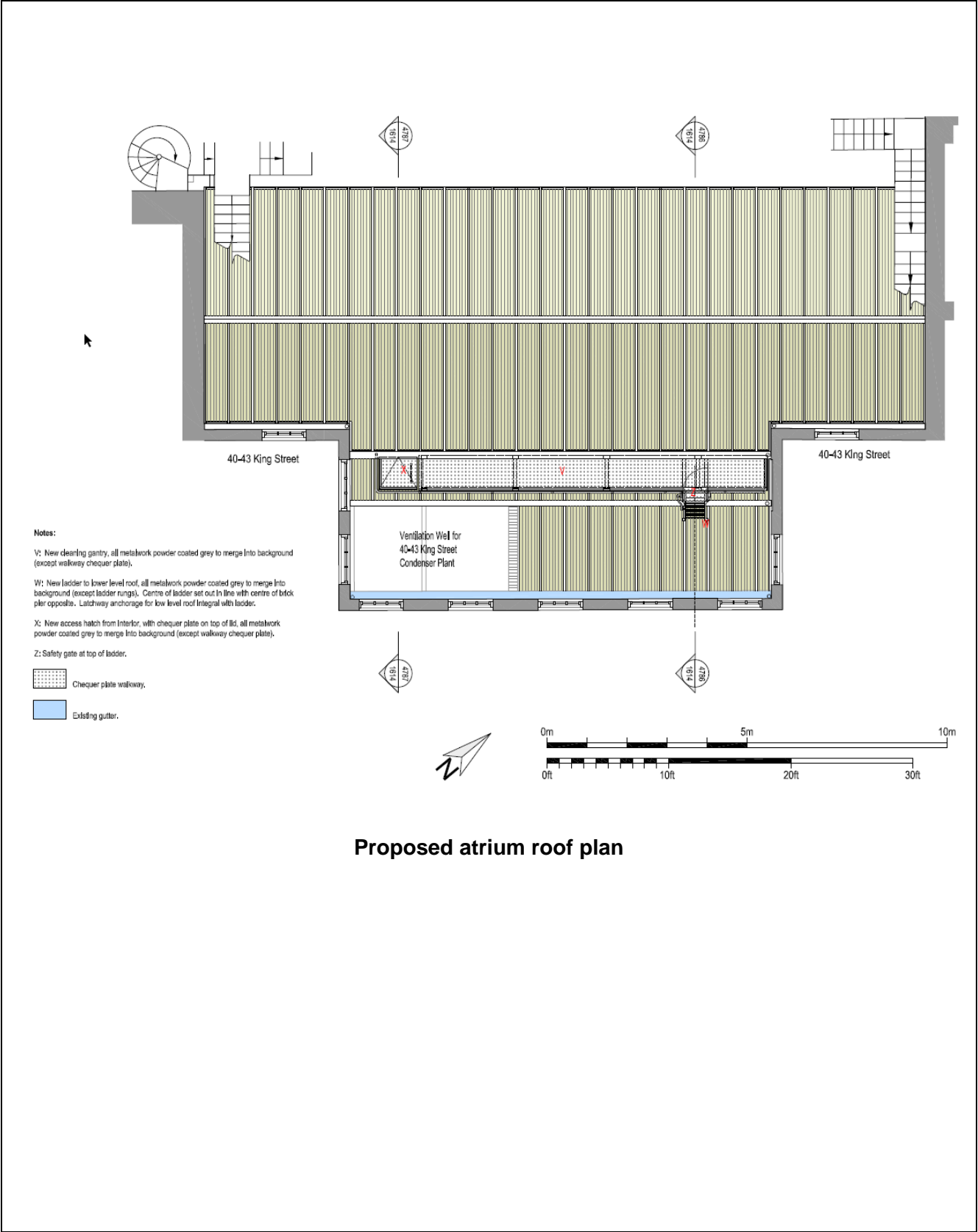
1. Application form
2. Response from Covent Garden Community Association dated 30 July 2017
3. Letter from owner of Flat 1, 43 King Street dated 3 August 2017
4. Response from Historic England dated 22 September 2017

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

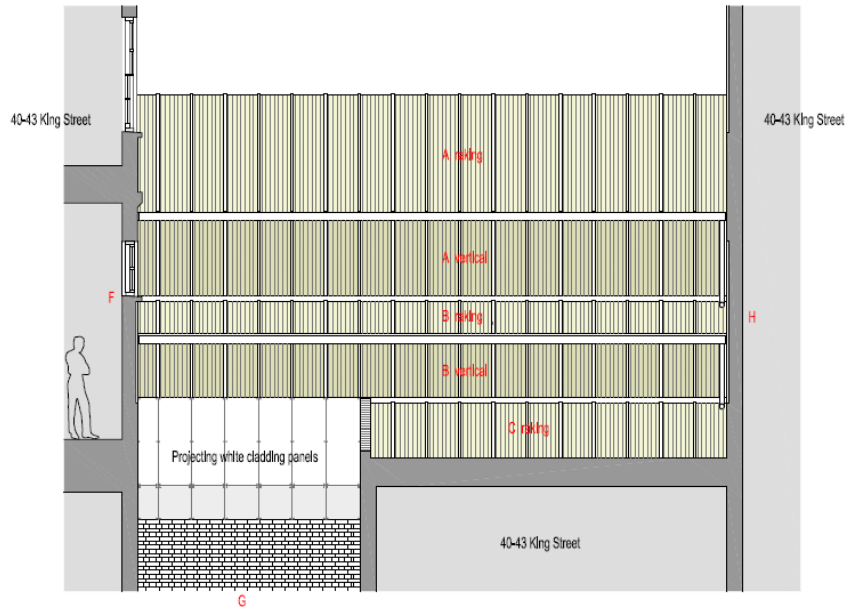
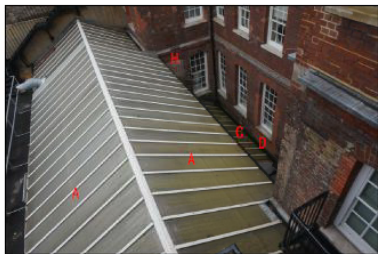
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

8. KEY DRAWINGS





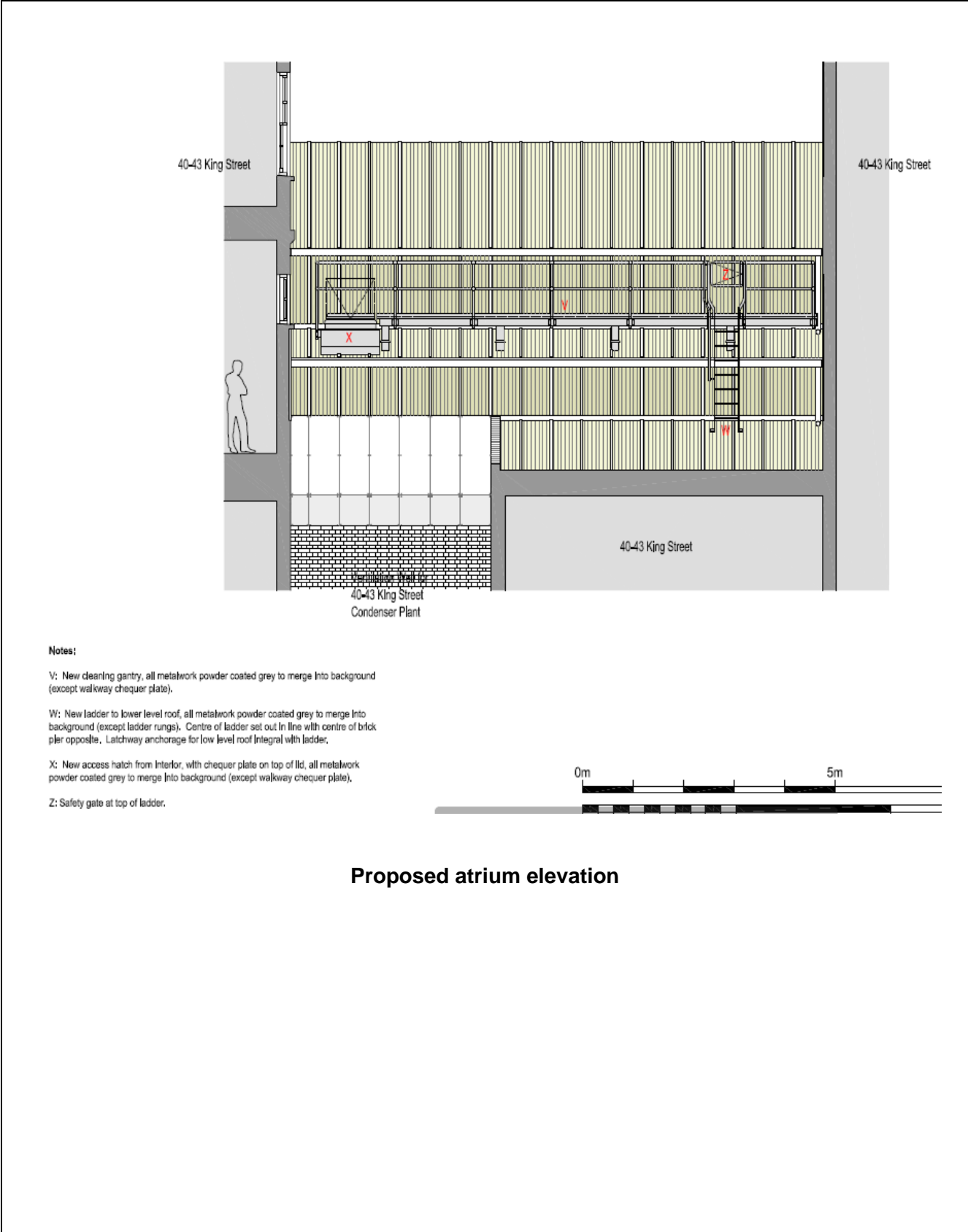
Proposed atrium roof plan



- Notes:
- A: Upper level translucent polycarbonate cladding in poor condition & stained.
 - B: Mid level translucent polycarbonate cladding, poor condition, heavily stained.
 - C: Low level translucent polycarbonate cladding, very poor condition, very heavily stained.
 - F: Lower part of window previously bricked up, current cill level is above head height.
 - G: Ventilation well drops to basement level below.
 - H: Window previously fully bricked up.



Existing atrium elevation



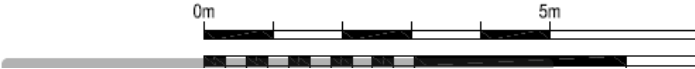
Notes:

V: New cleaning gantry, all metalwork powder coated grey to merge into background (except walkway chequer plate).

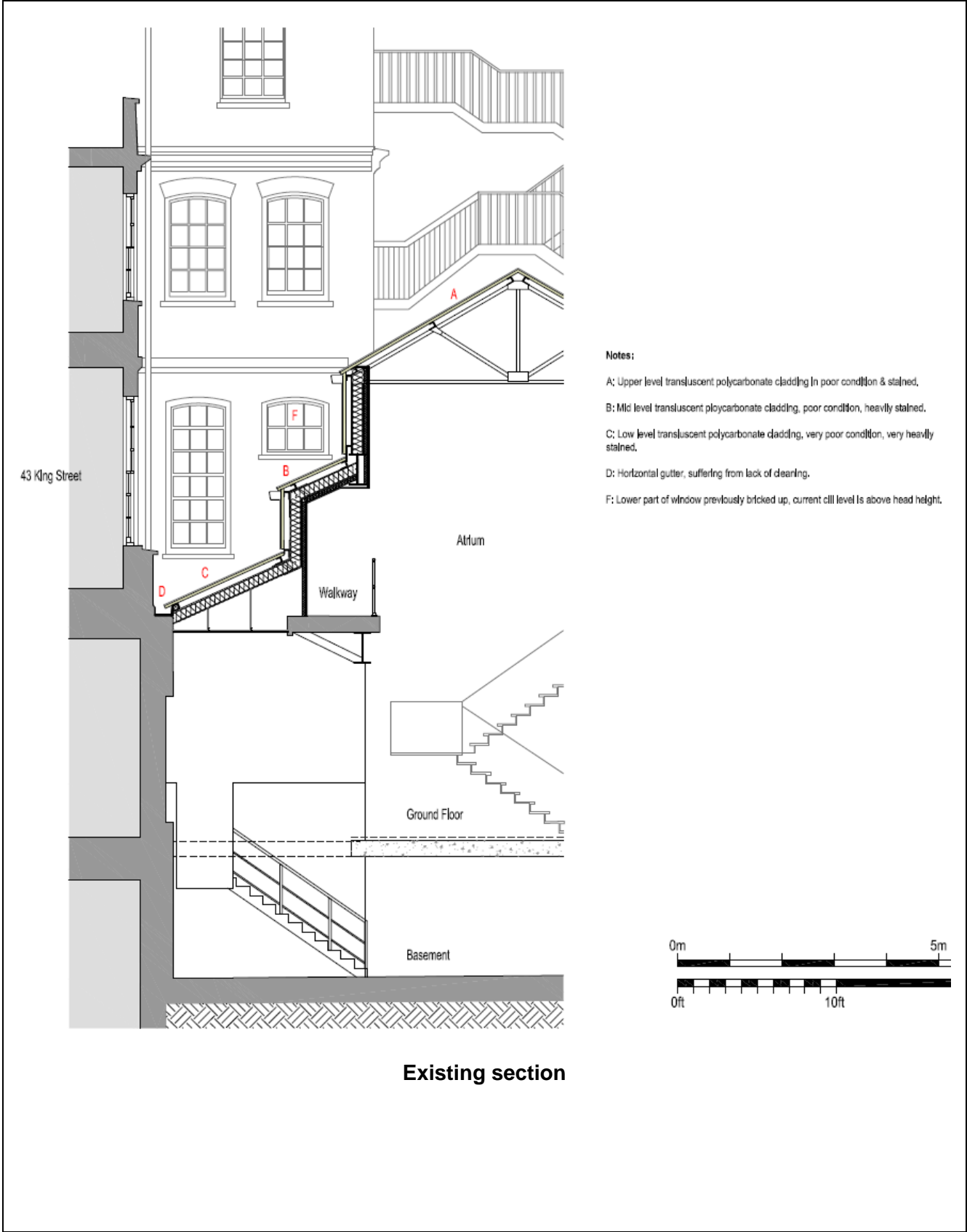
W: New ladder to lower level roof, all metalwork powder coated grey to merge into background (except ladder rungs). Centre of ladder set out in line with centre of brick pier opposite. Latchway anchorage for low level roof integral with ladder.

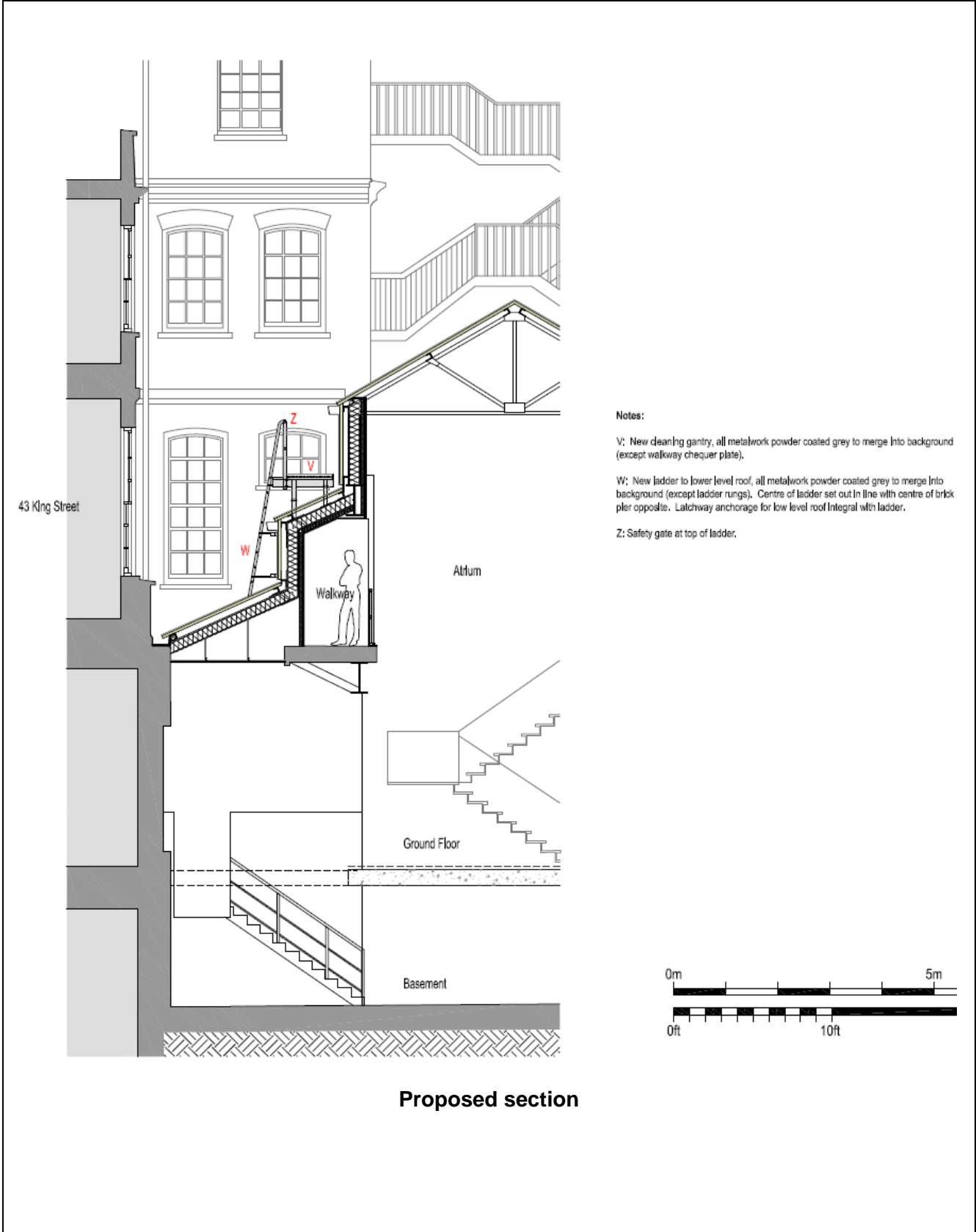
X: New access hatch from interior, with chequer plate on top of lid, all metalwork powder coated grey to merge into background (except walkway chequer plate).

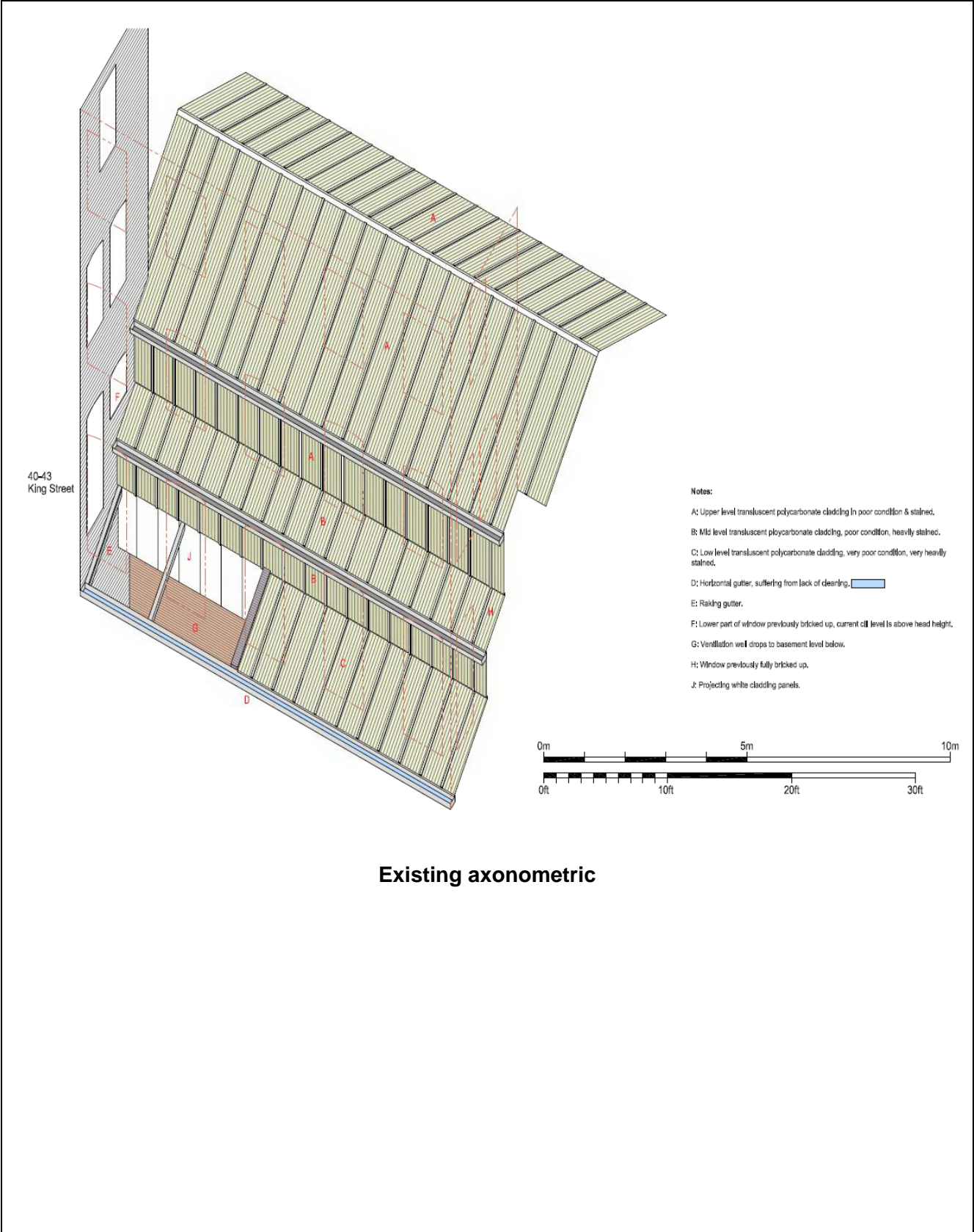
Z: Safety gate at top of ladder.



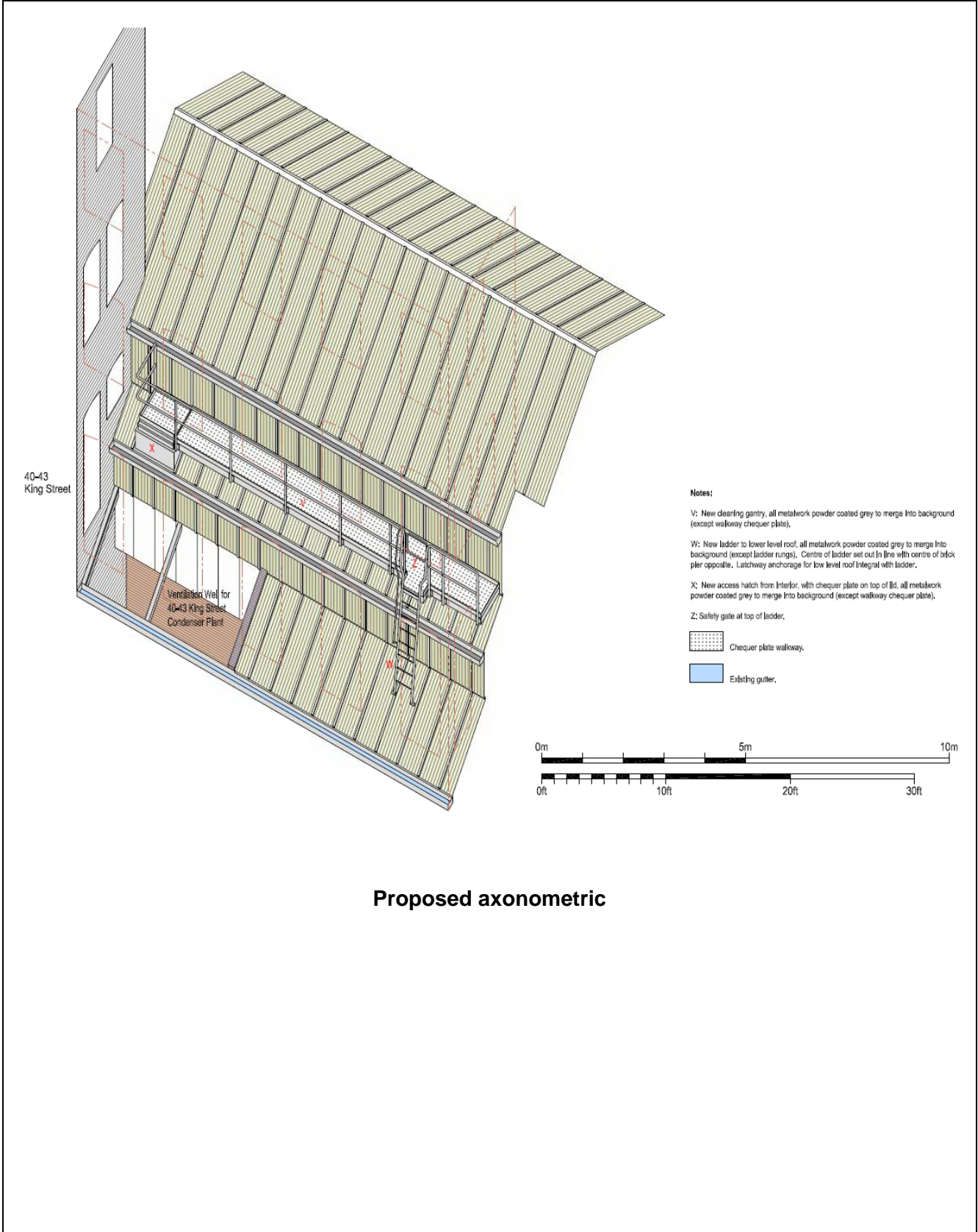
Proposed atrium elevation







Existing axonometric



Proposed axonometric

DRAFT DECISION LETTER

Address: 11 Floral Street, London, WC2E 9DH,

Proposal: Installation of cleaning gantry with access ladder and associated works to rear atrium roof glazing.

Reference: 17/06012/FULL

Plan Nos: 1614-0007, 1614-4784 rev: B, 1614-4781 rev: A, 1614-4780 rev: A, 16-14-4790 rev: A, 1614-4782 rev: A, 1614-4789, 1614-4783 rev: A, 1614-4785 rev: B, 1614-4787 rev: B, 1614-4788 rev: B, , Design and Access Statement and covering letter and second letter dated 17/08/17 for information only

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641 2858

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).

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.

- 3 You must apply to us for approval of a detailed cleaning management plan showing how you will clean the glazed roof light. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings.

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.

- 4 The approved gantry shall only be used for cleaning and maintenance purposes and for a maximum of 6 days per annum, with a minimum of 2 days' notice to be provided to the occupier of No. 43 King Street (except in an emergency).

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.

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.

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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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	21 Loudoun Road, London, NW8 0NB		
Proposal	Demolition of single storey rear garage extension and erection of single storey rear extension at ground floor with green roof to provide additional restaurant (Class A3) floor space and a deli area. Associated internal alterations including new door between existing building and proposed extension.		
Agent	Interpolitan Ltd		
On behalf of	Caldwell London Ltd		
Registered Number	17/07213/FULL & 17/07214/LBC	Date amended/ completed	15 August 2017
Date Application Received	11 August 2017		
Historic Building Grade	II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

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

2. SUMMARY

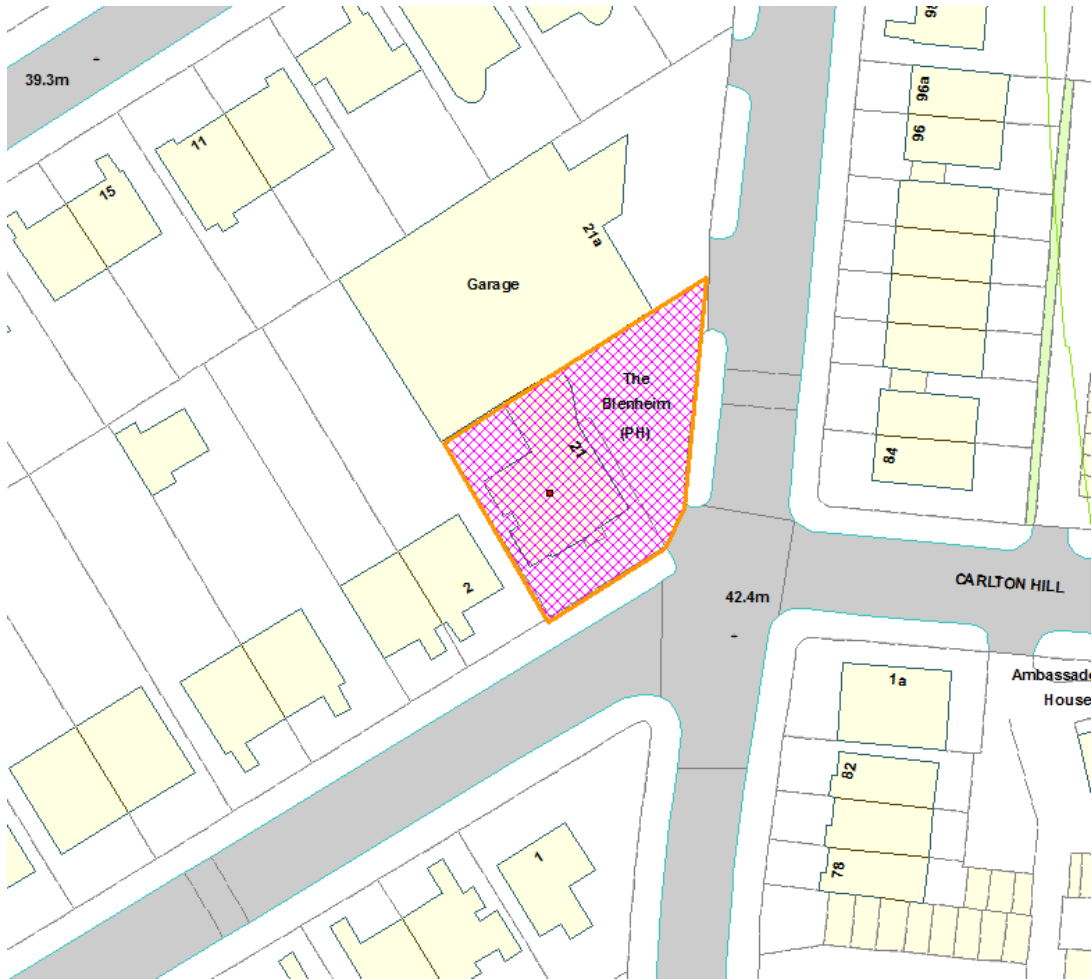
The application premises are currently operated by Café Med as a Class A3 restaurant. The building is Grade II listed and located within the St. John's Wood Conservation Area. Planning permission and listed building consent are sought for the enlargement of the existing restaurant at ground floor level to the side and rear to provide additional restaurant floorspace and an ancillary delicatessen.

The key issues for consideration are:

- The principle of providing additional restaurant floorspace in land use terms.
- The impact of the proposed extension on the design on the character and appearance of the grade II listed building and St John's Wood Conservation Area.
- The impact upon the amenity of neighbouring residents.

Objections have been received from neighbour residents on the above grounds. However, notwithstanding the comments received, for the reasons set out in detail in this report and subject to the recommended conditions, the proposed development is acceptable and would comply with the relevant policies in Westminster's City Plan (the City Plan) and the Unitary Development Plan (UDP). It is therefore recommended that planning permission and listed building consent are granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation facing Blenheim Road.



Side elevation, including existing garage as seen from Loudoun Road (top) and area behind garage (bottom).

5. CONSULTATIONS

WARD COUNCILLORS FOR ABBEY ROAD

Any response to reported verbally.

ST. JOHN'S WOOD SOCIETY

No objection, subject to comments from neighbours.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

CLEANSING MANAGER

Objection. No details provided on how waste is stored at the premises.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33.

Total No. of replies: 5.

No. of objections: 5.

No. in support: 0.

Principle/Design

- Large restaurant already on site.
- Extension would not be in keeping with character of grade II listed building.

Highways

- Additional traffic generation.
- Increased servicing requirements.

Neighbouring amenity

- Overlooking upon to adjoining neighbour (No. 2 Carlton Hill) and other near properties on Loudoun Road and Clifton Hill.
- Light disturbance upon neighbouring garden.
- Noise generation from restaurant activity and comings and goings

Other

- Consultation letters refer to No. 21 Loudoun Road and not Café Med

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The present building is a handsome grand Italianate mid-19th Century former public house at the corner of Loudoun Road and Blenheim Road. The single storey warehouse building neighbouring the site to the north is currently occupier as a retail shop by Majestic Wines. To the south west, the neighbouring two storey semi-detached villa property (No. 2 Carlton Hill) comprises a single dwellinghouse. The rear garden of No.2 Carlton Hill is flanked by the rear yard and boundary of the application site.

The application site is a Grade II listed building, with the listing description identifying the building as a detached public house identified by the words 'The Blenheim' on the main cornice above second floor level. It is situated on a prominent corner plot in the heart of the St. John's Wood Conservation Area and is considered to be an important local landmark. Its public house use has long ceased and its lawful use is as restaurant (Class A3). The premises are currently operated by Cafe Med.

6.2 Recent Relevant History

16/12310/FULL & 16/12311/LBC - 'Demolition of single storey rear/side extension and erection of two storey side/rear extension at ground and first floor levels with associated new terrace at first floor level. Alterations within rear garden including the installation of glass screen. All in association with new delicatessen / restaurant and use of garden for outside seating. Linked with 16/12311/LBC'

Permission and Listed Building Consent Refused: 21 February 2016 for the following reason:

'Because of its location, height, detailed design and separate self-contained delicatessen use; the proposal would harm the special interest and setting of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.'

7. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition of the single storey garage located on the north of the site and the erection of a single storey extension to the north and west elevations. The extension employs a combination of materials including projecting glazed front façade, rendered walls to match existing and green roof. The extension is proposed in connection with providing additional dining space for the restaurant at the rear, and an ancillary delicatessen use with serving counter and seating area at the front. The restaurant and deli are connected with the main restaurant internally such that primary food preparation remains within the main building. The uplift in floor area is set out in the table below.

	Existing GIA (m2)	Proposed GIA (m2)	+/-
Use (restaurant Use Class A3)	556	607	+51m2
Total	556	607	+51m2

8. DETAILED CONSIDERATIONS

8.1 Land Use

Cafe Med is a long established restaurant located within this historic public house building. The ground floor comprises the main dining space with bar, and part of the kitchen. Additional and private dining rooms are located on the first floor. The basement contains the customer toilets, vaulted storage and main kitchen space.

The extended area comprises a seating area to the rear, a food counter in the middle and a distinct delicatessen ancillary retail space at the front. The applicant has clarified that the delicatessen use will offer a number of branded products including some house brand items, wines, specialty items, cold sandwiches, salads, cold drinks and a small amount of hot drinks. The deli trading area is proposed as distinct in character and appearance (akin to a shop) than that of the existing/extended café (A3 Restaurant) use and in its offer and range of food and drink. There is a small amount of seating proposed within the deli area and no outside seating as the food items are primarily intended for consumption off premises. The consumption of hot food on premises would continue and primarily occur within the existing restaurant areas, although the seating area to rear of the extension would accommodate a small additional area of restaurant dining, with hot food prepared in the existing kitchen in the main building and not the extension.

Given the existing restaurant floor area exceeds 500m² and the proposals would further increase this by 56m², having regards to the existing garage floor area, the application falls to be considered under Policy TACE 10 of the UDP, the presumption of which is to resist the creation of or enlargement of entertainment uses in excess of 500m², unless there are exceptional circumstances. Objections have been received from neighbours on grounds of the additional restaurant floor area being allowed, given the existing large size of the restaurant proposed, and the potential for disturbance from increased customer activity, comings and goings, as well as servicing and traffic generation. In this instance however, the particular circumstances of the site and proposals are not considered to conflict with the objectives of Policy TACE 10.

Firstly, the additional dining space to the rear of the extension is broadly equal to the existing garage area that is to be demolished. Consideration should therefore be had to the ability of the restaurant to expand into this existing space without the need to obtain planning permission. Secondly the ancillary delicatessen use at the front has more of a retail character and is not therefore additional restaurant floor space. The agent has agreed to suggested conditions proposed by officers to restrict the delicatessen use to be used in this way only, and not as additional dining space for the restaurant. There is sufficient means of accessing the additional restaurant seating proposed without having to enter the delicatessen, should the delicatessen be closed prior to the restaurants terminal hour. The applicant has advised that they intend the opening hours of the delicatessen to be between 09.00 and 18.00 hours.

Lastly, there have been no objections from the Highways Planning Manager or Environmental Health with regards to the impact upon the local highways network and parking, or with regards to cooking and associated extraction given that raw food will continue to be prepared in the existing main kitchen only, utilising existing extraction and

ducting. No food preparation is proposed within the extension. As such, given the particular circumstances of the site and recommended planning conditions to restrict the delicatessen use, the extension is not considered to conflict with Policy TACE 10 and is therefore acceptable in land use terms.

8.2 Townscape, Design and Heritage

The existing garage is a later addition to the listed building and is sited forward for the building line of the existing building with a chamfer to the host building. The garage is of limited historic and architectural interest and therefore the principle of demolishing it is acceptable in principle. The replacement extension occupies the same area as the garage, but has a larger footprint as the extension lies flush with the established building line, with the entrance door recessed where the extension meets the host building. Additionally the extension will replace existing structures to the rear of the site and will incorporate a single storey rear addition to the rear of the host building. The application has been amended during the course of the application to show further articulation on the rear extension and the removal of a projecting rooflight.

Comments received in objection to the proposals state that the proposed extension will not be in keeping with the character and appearance of the Grade II listed building nor the conservation area. The architectural interest of the host building derives from its scale and proportions including its footprint. Whilst the extension will project forward of the side built line, the proposed scale of the extension is not considered to compete with the host building. This derives from the articulation of the extension which has been formed in a contemporary manner with large amounts of glazing on the front and rear. Nevertheless the form and materiality respects architectural detailing found on the host building with the solid elements being rendered and the roof structure forming the same proportions of the string course and banding at ground floor level. This level of detailing enables the extension to comfortably relate to the heritage asset whilst appearing as a modern addition. Due to its exposed location on a prominent corner the extension will be appreciated in views from the south and on approach from the east from Carlton Hill. However, due to its detailed design it is not considered that it will detract from the heritage asset due to it being architecturally simplistic and distinctive from the host building. The extension will be appreciated as a later addition, allowing for the form and proportion of the heritage asset to remain. The extension is therefore considered to be sympathetic to the heritage asset in this respect.

On the rear the extension has been designed to maintain a distinction between the new extension and the section which is read with the host building. The section to the rear will replace a series of historic additions and therefore will rationalise this area. Furthermore the extension will be rusticated to remain in keeping with the heritage asset. Whilst the extension might appear in plan to wrap around the corner of the building, the existing external walls have been maintained to allow for the interpretation of the historic plan form and therefore the extension will not result in loss of historic fabric. The only loss will be the insertion of a new doorway in the side wall, however this has been kept to a single door to allow the existing window to remain; this approach is considered to be acceptable in design and heritage terms.

The use of flush rooflights is welcomed as is the provision of the green roof. It is recommended that both these features are secured by condition. It is noted fencing is

proposed along the rear for amenity reasons; whilst this is not contentious in design terms further details are to be obtained by condition to ensure it is appropriate for its setting. This has also been requested within some of the comments from neighbours.

The extension is considered to be in accordance with UDP and City Plan policies. It will have a limited impact on the special interest of the heritage asset and the character and appearance of the conservation area and would therefore comply with Policies DES1, DES5, DES9 and DES10 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/ sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan: Strategic Policies aims to protect the amenity of residents from the effects of development. Concerns have been received from nearby occupiers with regards to overlooking, and increased comings and goings and activity to the detriment of the locality and neighbours. These are addressed in turn.

Occupiers of the adjoining building, No. 2 Carlton Vale, have written in to advise that whilst they do not object to the principle of a delicatessen, they have some concerns regarding the amenity and continued privacy given the proposed extension and glazed western façade adjacent to their garden boundary. The agents have advised that further consultation with the neighbour. As a result, the provision of obscure glazing to the rear (west) façade of the extension to a height of 1.7m is proposed by the applicant, in conjunction with a timber slatted fence and the planting of Espaliered fruit trees. Such measures are considered to provide sufficient safeguards for the continued amenity of occupiers of No. 2 Carlton Vale, and a condition is recommended to secure the measures proposed to protect the amenity of the occupiers of this neighbouring property.

In terms of the increased bulk and scale, the extensions would be more visible from the garden of No. 2 Carlton Vale in comparison to the ad-hoc structures it would replace. The proposed extension has however been revised during the course of the application to reduce its height and the upstanding rooflight has been altered to a low lying roof light. In addition, the extension is set off the boundary with the closer element finished in lightweight materials, with a green roof. As such the treatment is considered to lessen its impact and is not considered to unduly affect the amenity of the neighbours in this respect.

In terms of concerns relating to comings and goings at the restaurant, it is acknowledged that the new incidental delicatessen use and new restaurant dining space may result in some further trips to the building, both on foot and by vehicle. However, the City Council's Highways Planning Manager advises that the increase in floor area is not likely to result in a substantial increase in car journeys whilst existing daytime parking restrictions will provide continued protections for residents parking during core hours.

In terms of servicing, the Cleansing Manager has objected to the proposals due to the lack of details of how the restaurant deals with restaurant waste. The existing use and servicing provisions however are established on the premises whilst the demands from the extended used are not expected to change substantially. Some of the arrangements

may require updating to reflect the physical enlargement of the building to the side and rear, however given the ample space within the site curtilage, it is considered these details can be secured through a condition.

8.4 Transportation/ Parking

It is considered that in terms of people arriving and departing the site, the levels would be similar to the existing use and therefore no significant change is expected. The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels in the area is likely to be minimal.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The enlarged restaurant and proposed ancillary delicatessen would incorporate level access on the east elevation of the building. These provisions are welcome in terms of improving accessibility to the building.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Noise

Concerns from neighbours have been received as to likely noise disturbances from the proposed extension. Any extension to a building such as this would be required to obtain Building Regulations Approval under Part B Resistance to the Passage of Sound, to demonstrate that appropriate measures are in place to ensure the neighbours are not adversely affected by airborne sound.

8.7.2 Mechanical Plant

The proposed development does not propose any alterations to the existing kitchen extraction arrangements on the premises and the additional dining space is not considered to be a substantial intensification of the use, such that further details would be required.

8.7.3 Sustainability

The proposed development incorporates a green roof. This is a positive design approach pursuant to the objectives of Policy S28 of the City Plan which requires applicants to incorporate elements of sustainable design.

8.7.4 Trees

There are no trees on the application site itself, but there is a mature tree located close to the site within the rear garden of No.2 Blenheim Road. The existing boundary treatment may be acting as a root barrier, thereby limiting the impact the proposed extension would

have on the health and longevity of the neighbouring tree. The comments of the Arboricultural Manager have yet to be received and are to be reported verbally to the Sub-Committee.

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.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floor space figures, the estimated CIL payment would be £2,250 for Westminster's CIL (£50 per square metre in the Commercial Fringe Area), and £2,250 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.11 Environmental Impact Assessment

The development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Matters

8.12.1 Consultation

Neighbours contacted the case officer during the course of the application to advise that the site notice had not been erected at the site advertising the proposed development. A further site notice was therefore ordered and subsequently erected outside the site. In addition, with regard to concerns in relation to the site address not including 'Café Med', it is acknowledged that this would have more clearly identified the building; however, the letters included the full site address which satisfies the consultation requirements within the Town and Country Planning (Development Management Procedural Order) (England) Order 2015. Furthermore, planning permission runs with the land to which it is granted and is not specific to a particular applicant or operator. As such, it would not be appropriate to identify a site using the name of its current operator.

8.12.2 Construction Impact

The development would be subject to the Council's standard condition regarding hours of construction works, which will restrict works that can be heard at the boundary of the site to 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. This is considered to be sufficient to reasonably address concerns raised on construction impact grounds given the limited scope of the development.

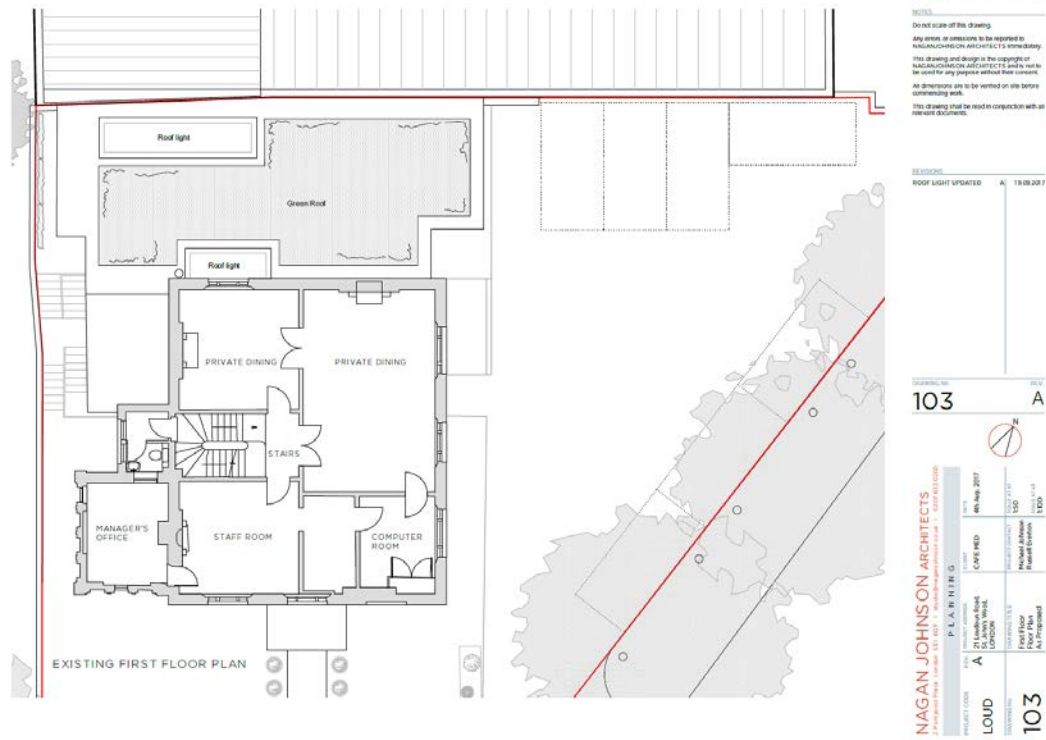
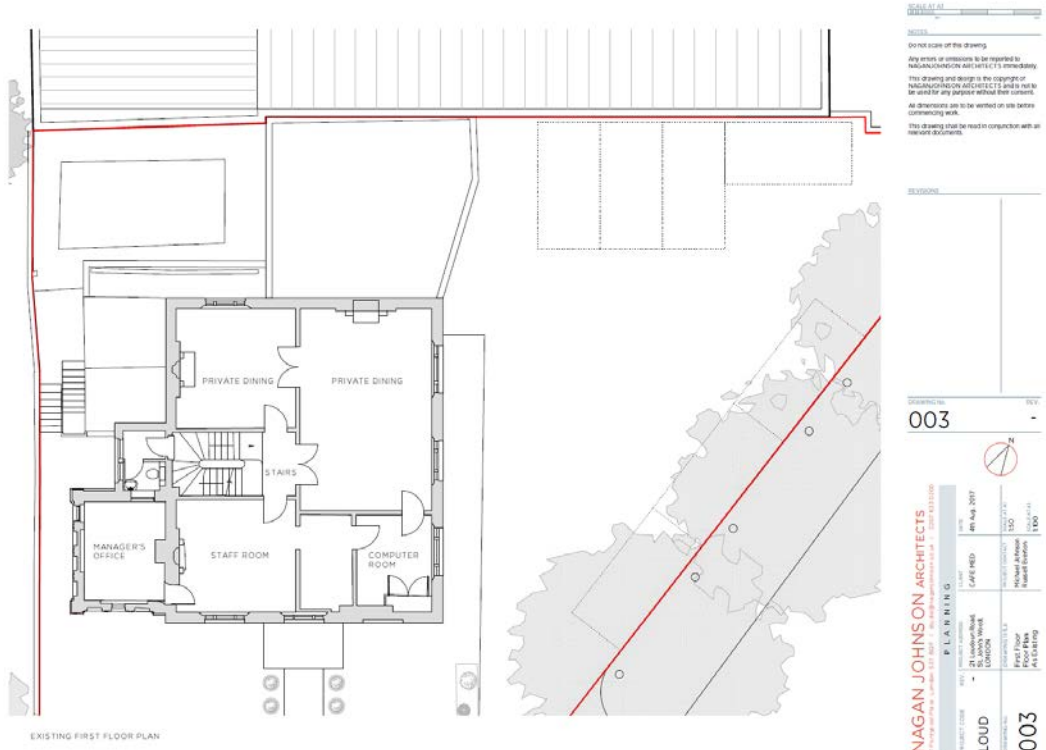
9. BACKGROUND PAPERS

1. Application form.
2. Response from St John's Wood Society dated 4 September 2017
3. Memo from Environmental Health dated 17 August 2017.
4. Memo from the Highways Planning Manager dated 23 August, 2017
5. Memo from the Cleansing Manager dated 29 August 2017.
6. Letter from occupier of 3 Clifton Hill, St John's Wood dated 21 August 2017.
7. Letter (x2) from the occupiers of 2 Carlton Hill dated 4 September 2017 and 7 September 2017.
8. Letter from occupier of 88 Loudoun Road dated 6 September 2017.
9. Letters (x2) from the occupier of 76 Loudoun Road dated 14 September 2017.
10. Letter from the occupier of 15 Clifton Hill dated 15 September 2017.
11. Correspondence between planning agent and neighbour at No. 2 Carlton Hill dated 20 September to 29 September 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: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

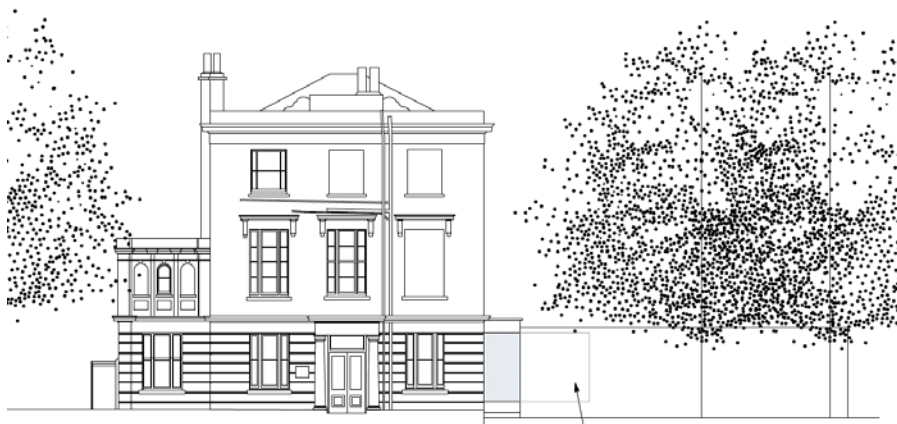
Existing first floor plan (top) and proposed first floor plan (bottom).



Existing front elevation (top) and proposed front elevation (bottom).



EXISTING FRONT ELEVATION (SOUTH)



PROPOSED FRONT ELEVATION (SOUTH)

EXTENT OF EXISTING PROPERTY
EXTENT OF PROPOSAL

SCALE
1:100

NOTES
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REVISIONS

NO.	DESCRIPTION	DATE

DRAWING NO. 010

NAGAN JOHNSON ARCHITECTS
Architects and Interiors

P. J. A. N. J. O. H. N. S. O. N.

PROJECT CODE: LOUD
PROJECT NAME: CAFE MED
DATE: 4th Aug 2017
PROJECT LOCATION: 21 Ludlow Road, London
PROJECT CONTACT: Nagan Johnson
PROJECT VALUE: 1500

010

SCALE
1:100

NOTES
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REVISIONS

NO.	DESCRIPTION	DATE

DRAWING NO. 110

NAGAN JOHNSON ARCHITECTS
Architects and Interiors

P. J. A. N. J. O. H. N. S. O. N.

PROJECT CODE: LOUD
PROJECT NAME: CAFE MED
DATE: 4th Aug 2017
PROJECT LOCATION: 21 Ludlow Road, London
PROJECT CONTACT: Nagan Johnson
PROJECT VALUE: 1500

110

Existing east elevation (top) and proposed east elevation (bottom).



EXISTING SIDE ELEVATION (EAST)

METAL UNIT
25A-27A LOUDOUN ROAD
(NOT SURVEYED)

SCALE AT A1

NOTES

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REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	15/08/2017

DESCRIPTION NO. **O11** REV. -

NAGAN JOHNSON ARCHITECTS
27 Grosvenor Place, London, E1S 2BT. Tel: 020 7493 8100

PROJECT LOCATION: **LOUD**

PROJECT NAME: **O11**

DATE: 4th Aug 2017

SCALE: 1:50

PROJECT NO: 150

PROJECT TYPE: Residential

PROJECT NO: 150

PROJECT TYPE: Residential



PROPOSED SIDE ELEVATION (EAST)

METAL UNIT
25A-27A LOUDOUN ROAD
(NOT SURVEYED)

SCALE AT A1

NOTES

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REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	15/08/2017

DESCRIPTION NO. **111** REV. A

NAGAN JOHNSON ARCHITECTS
27 Grosvenor Place, London, E1S 2BT. Tel: 020 7493 8100

PROJECT LOCATION: **LOUD**

PROJECT NAME: **111**

DATE: 4th Aug 2017

SCALE: 1:50

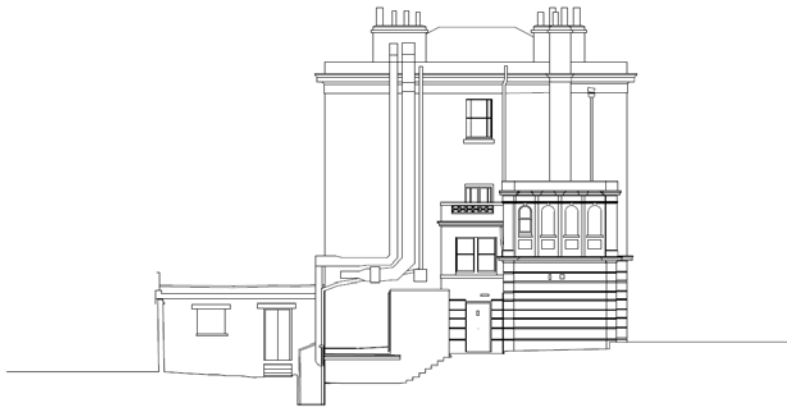
PROJECT NO: 150

PROJECT TYPE: Residential

PROJECT NO: 150

PROJECT TYPE: Residential

Existing west elevation (top) and proposed west elevation (bottom).



EXISTING SIDE ELEVATION (WEST)

SCALE: 1:100

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REVISIONS

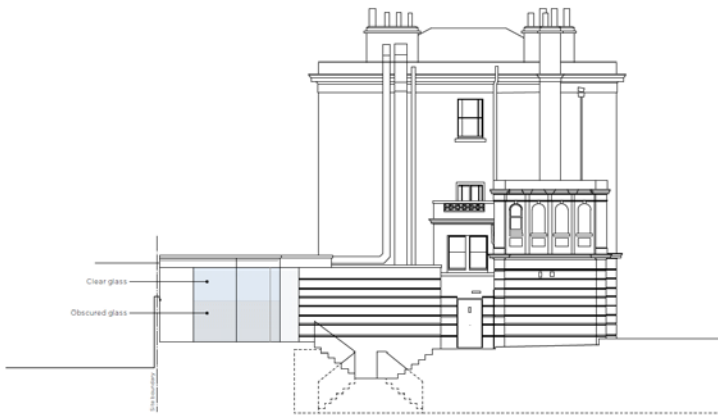
NO.	DESCRIPTION	DATE

DRAWING NO. 012

NAGAN JOHNSON ARCHITECTS
 ARCHITECTS
 1007 BELFORD
 25 York Road
 LONDON
 E1 1AB

PROJECT CODE: LOUD
 DRAWING NO: 012

DATE: 06 Aug 2017
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1:100
 PROJECT NO: [Number]
 DRAWING NO: 012



LEGEND - Ground FI

PROPOSED SIDE ELEVATION (WEST)



SCALE: 1:100

NOTES

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This drawing shall be read in conjunction with all relevant documents.

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED AS-DRAWN	12.08.2017
2	GENERAL UPDATES	19.08.2017
3	REVISED PLANS	28.08.2017
4	UPDATED	

DRAWING NO. 112

NAGAN JOHNSON ARCHITECTS
 ARCHITECTS
 1007 BELFORD
 25 York Road
 LONDON
 E1 1AB

PROJECT CODE: LOUD
 DRAWING NO: 112

DATE: 06 Aug 2017
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1:100
 PROJECT NO: [Number]
 DRAWING NO: 112

Proposed west elevation amenity measures (top) and visualisation of east elevation (bottom).

LEGEND - Ground Fl

PROPOSED WEST ELEVATION (FROM 2 CARLTON HILL)

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR EXAMINATION	20/08/2017

PROJECT INFORMATION

PROJECT NO.	113
DATE	A
PROJECT NAME	113
PROJECT ADDRESS	21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113



DRAFT DECISION LETTER

Address: 21 Loudoun Road, London, NW8 0NB,

Proposal: Demolition of single storey rear garage extension and erection of single storey rear extension at ground floor with green roof to provide additional restaurant (Class A3) floor space and a deli area. (Linked with 17/07214/LBC)

Reference: 17/07213/FULL

Plan Nos: 001, 002 , 003, 005, 006, 010, 011, 012, 020, 101, 102 A, 103 A, 104 A, 105 A, 110 112 C, 113 A, 120, 121 C, Planning Statement prepared by Interpolitan Planning Consultants dated 8 August 2017, Design and Access Statement prepared by Nagan Johnson Architects, Heritage Statement prepared by Interpolitan Planning Consultants dated 11 August 2017

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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

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

Reason:

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

- 2 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 St John's Wood 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 detailed drawings and a bio-diversity management plan in relation to the green roof, to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

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)

- 5 The rooflights shall be low profile as shown on approved drawings and shall be "Conservation Style".

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 St John's Wood 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)

- 6 You must apply to us for approval of detailed drawings of a landscaping scheme along the boundary with No. 2 Carlton Hill. You must provide a plan drawing at a scale of 1:50 / 1:20 including details of species and pot sizes. 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 and boundary treatment according to these approved drawings within the first planting season; of completing the development (or within any other time limit we agree to in writing).

If you remove any plants or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with planting of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its

contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 7 The obscure glazing shown on the west facade of the proposed extension shall be installed and maintained for the lifetime of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 The door to the rear of the proposed extension shall be kept shut unless 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)

- 9 You must apply to us for approval of details of how waste is going to be stored on the site, including cooking waste, 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 premises. (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 The area marked 'Deli' on approved ground floor plan (drawing no. 102 A) shall not be used as part of the restaurant. Customers of the restaurant shall not use the Deli area for dining purposes, and the space shall not be used to accommodate additional tables and chairs for dining.

Reason:

To prevent the enlargement of an entertainment use that would be unacceptable because its impact upon the amenity of the locality and upon the of the character and function of this part of the St John's Wood Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) TACE10 of our Unitary Development Plan that we adopted in January 2007.

- 11 Customers shall not be permitted within the Deli premises before 9:00 or after 18:00 on Monday to Saturday (not including bank holidays and public holidays) and before 10:00 or after 17:00 on Sundays, bank holidays and public holidays. (C12BD)

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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.

DRAFT DECISION LETTER

Address: 21 Loudoun Road, London, NW8 0NB,

Proposal: Demolition of single storey rear garage extension and erection of single storey rear extension at ground floor with green roof to provide additional restaurant (Class A3) floor space and a deli area. Associated internal alterations including new door between existing building and proposed extension. (Linked with 17/07213/FULL)

Reference: 17/07214/LBC

Plan Nos: 001, 002, 003, 005, 006, 010, 011, 012, 020, 101, 102 A, 103 A, 104 A, 105 A, 110 112 C, 113 A, 120, 121 C, Planning Statement prepared by Interpolitan Planning Consultants dated 8 August 2017, Design and Access Statement prepared by Nagan Johnson Architects, Heritage Statement prepared by Interpolitan Planning Consultants dated 11 August 2017

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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

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

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 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 St John's Wood 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)
- 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The rooflights shall be low profile as shown on approved drawings and shall be "Conservation Style".

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 St John's Wood 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)

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 2.4 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.
4

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Flat 10, 15 Hyde Park Gardens, London, W2 2LU		
Proposal	Removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace, associated alteration to French doors to central dormer and internal alterations.		
Agent	Formwork Architects Ltd		
On behalf of	Mr & Mrs Cox		
Registered Number	17/06890/FULL, and 17/06891/LBC	Date amended/ completed	8 September 2017
Date Application Received	2 August 2017		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

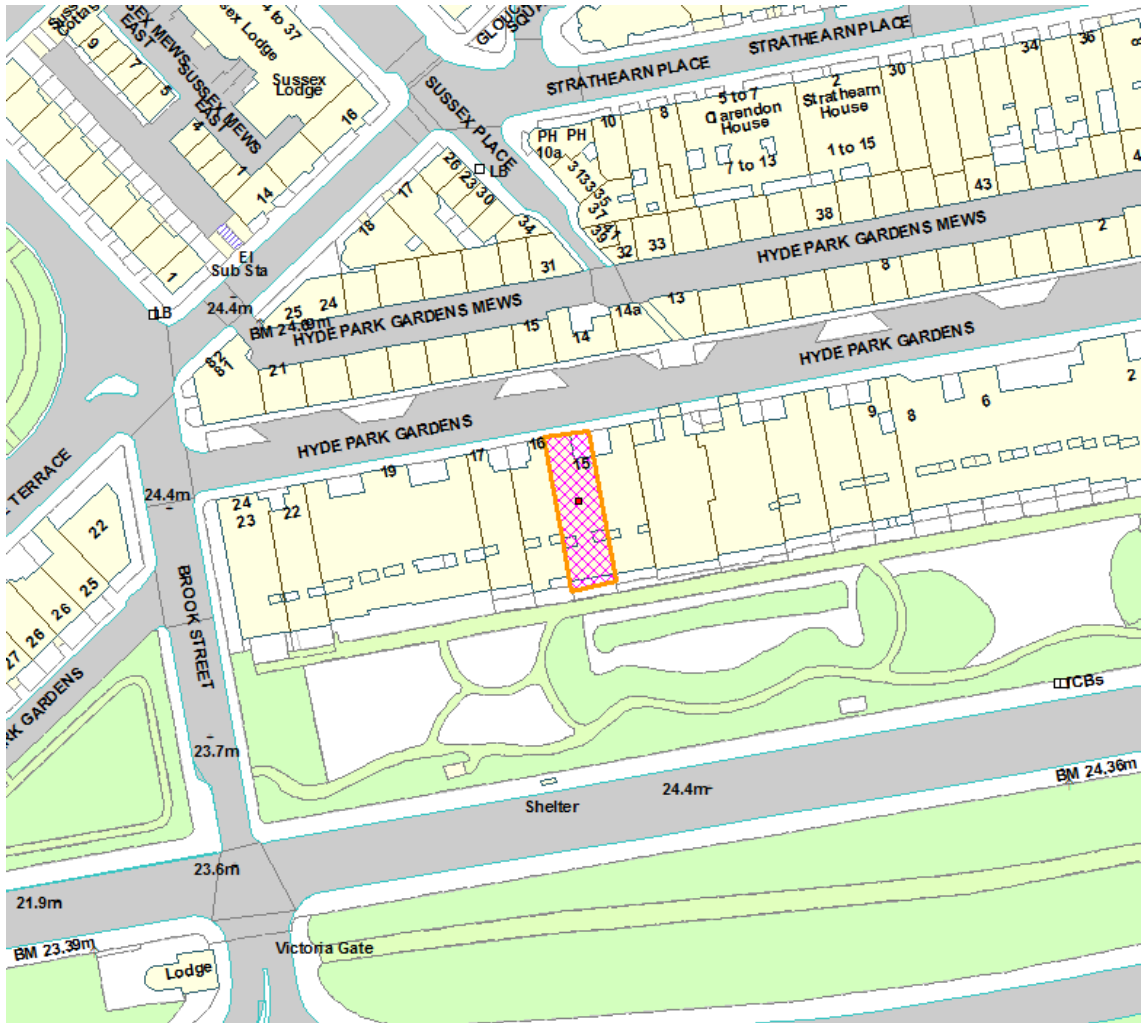
<ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

<p>Permission is sought for the removal of part of the south roof slope to form a mansard roof slope and an associated enlarged roof terrace, with associated alteration to the French doors to the existing central dormer and associated internal alterations to the top floor.</p> <p>The key considerations are:</p> <ul style="list-style-type: none"> • The impact of the works on the character and appearance of the listed building and Bayswater Conservation area. • The impact on the amenity of neighbouring residents. <p>The proposed development would be consistent with relevant design and amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, the</p>

application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



North elevation (top) and south elevation (bottom).



View of existing roof and dormers (top) and existing front roofslope and railings (bottom).

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally

HISTORIC ENGLAND

Authorised the City Council to determine the application as it sees fit.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 15 Hyde Park Gardens is a Grade 2 listed building located within the Bayswater Conservation Area, and Flat 10 represents the top floor flat within the building. No. 15 forms an integral part of a terrace of properties between nos. 1 and 24 Hyde Park Gardens which have their main entrances on Hyde Park Gardens and their southern frontages facing over a private communal garden towards Hyde Park.

6.2 Recent Relevant History

28 April 2011 – Planning permission and listed building consent granted for the removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace and associated alteration to French doors to central dormer (Flat 10).

09 July 2014 – Planning permission and listed building consent granted for the removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace and associated alteration to French doors to central dormer (Flat 10).

Both previous permissions and consents have now lapsed without being implemented.

7. THE PROPOSAL

The applications seek permission and consent for the removal of part of the south roof slope to form a mansard roof slope in place of the existing shallower roof slope. This is to allow for the enlargement of the existing roof terrace, with associated alteration to the French doors to the central dormer. Internal alterations are also proposed.

Permission and consent have been approved for these works on two separate previous occasions, as set out in the preceding 'Planning History' section of the report.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise land use considerations.

8.2 Townscape and Design

A section of the front of the roof structure is to be removed to facilitate the enlargement of the terrace area to the front of the flat. As with the previously approved applications, the applicant has submitted a historical analysis document which demonstrates that the fabric at roof level is relatively modern, and that the roof of the building was previously in a mansard form, which is the most common form of roof to this terrace.

The creation of a mansard form of roof to the south facing roof slope is more in line with the pattern of roof structures along the terrace, and the detailing and cladding materials are both traditional and in keeping with the character of the building and terrace. As with the previously approved schemes therefore, the alterations proposed are considered acceptable in design terms.

Internally, the flat has been considerably altered, and the relatively minor amendments proposed are not considered contentious.

Given the above, the works are considered in accordance with Policies DES 1, DES 6, DES 9 and DES 10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

A terrace already exists to the south side of the flat; albeit one that is smaller than is now proposed. The terrace proposed in the current scheme matches the size of those included in the two previously approved schemes. There would be no overlooking issues of concern for the property to the west given the arrangement of an existing high party wall extending almost to the south elevation and given the smaller dormers in place to that adjoining property. To the east side, the existing party wall will also significantly restrict visibility, and the adjoining property to that side has a large terrace to the south side of its top floor accommodation. Therefore any overlooking between the terraces would be mutual.

As with the previously approved schemes, the terrace proposed is not considered to give rise to any unacceptable amenity or overlooking concerns for the adjoining residential properties. Given this, the enlarged terrace is considered in accordance with Policies ENV 13 in the UDP and S29 in the City Plan.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

The access arrangements into the building and the flat remain unaltered by the proposals.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

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 and this development does not generate a Mayoral CIL or Westminster CIL payment.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment.

8.12 Other Issues

None relevant.

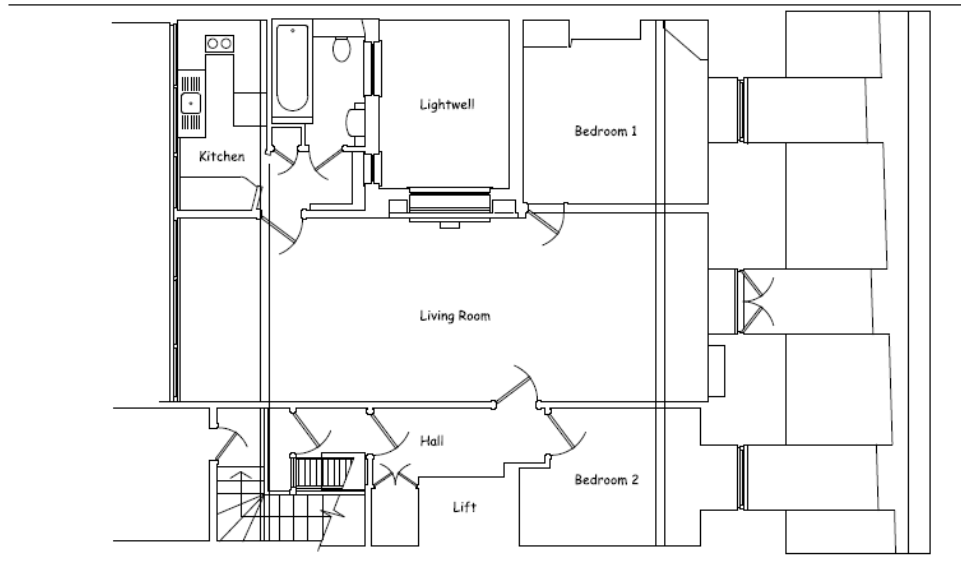
9. BACKGROUND PAPERS

1. Application form.

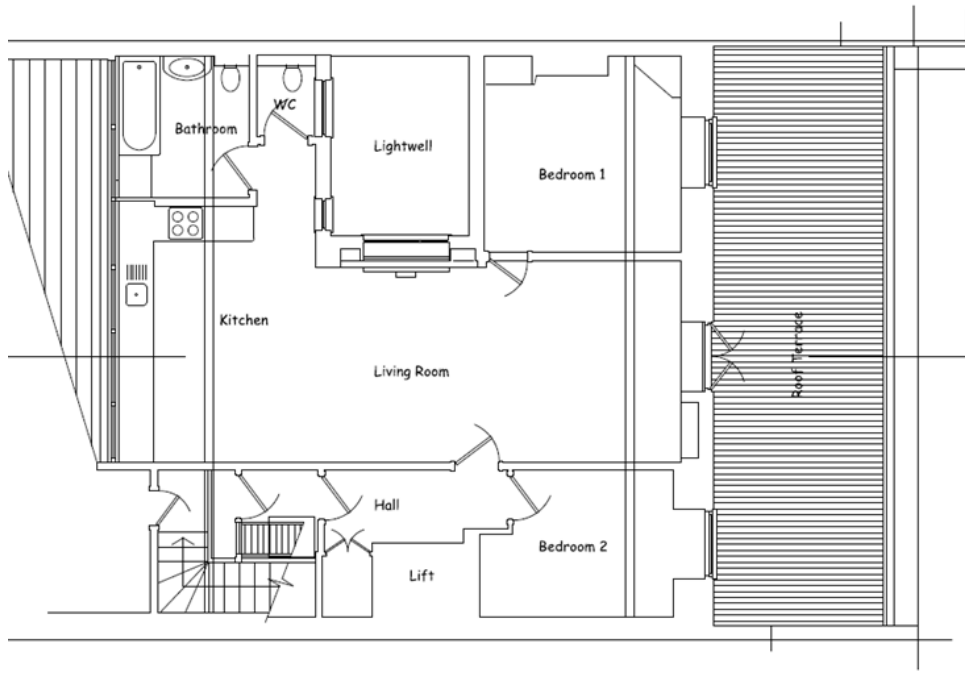
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

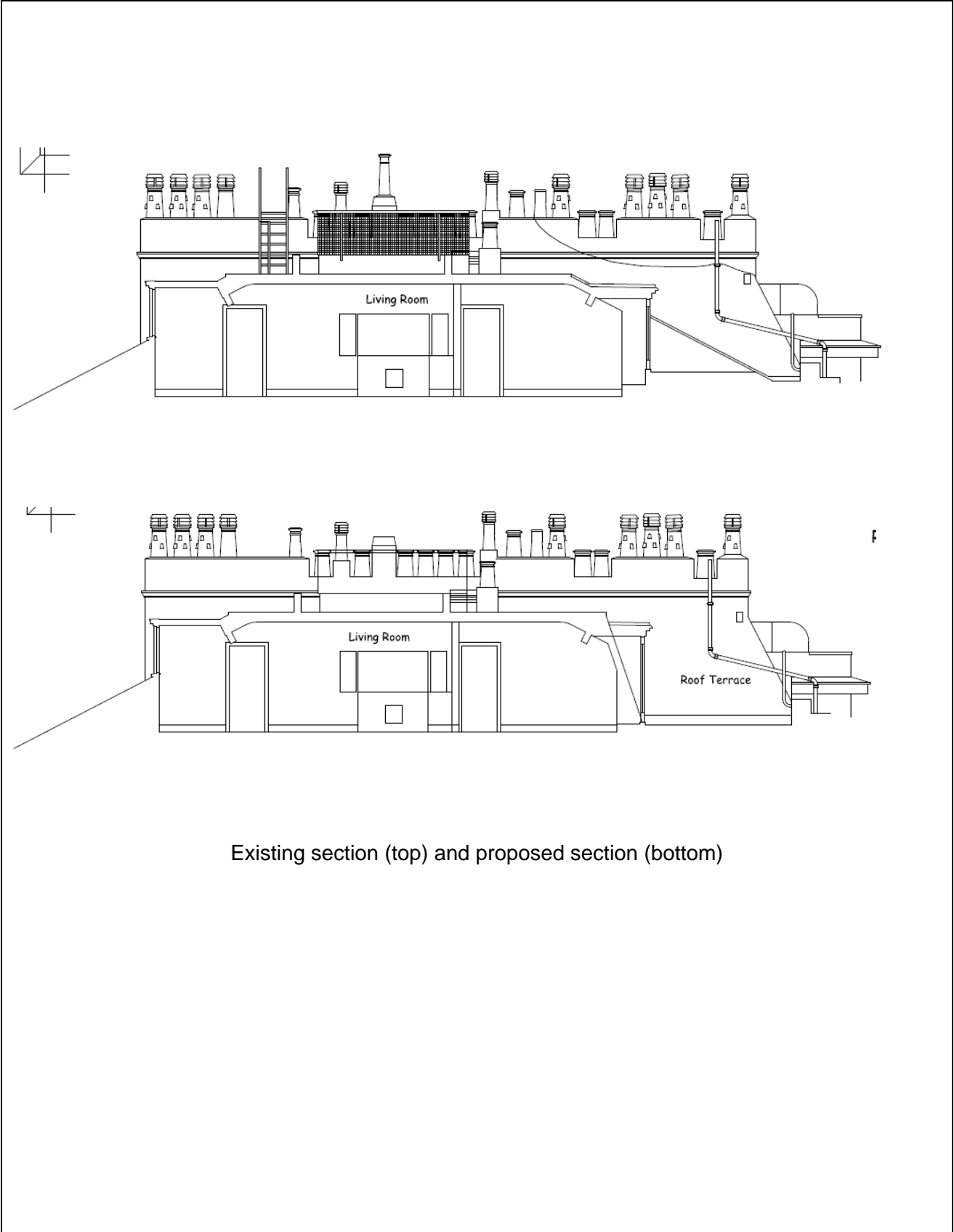
10. KEY DRAWINGS



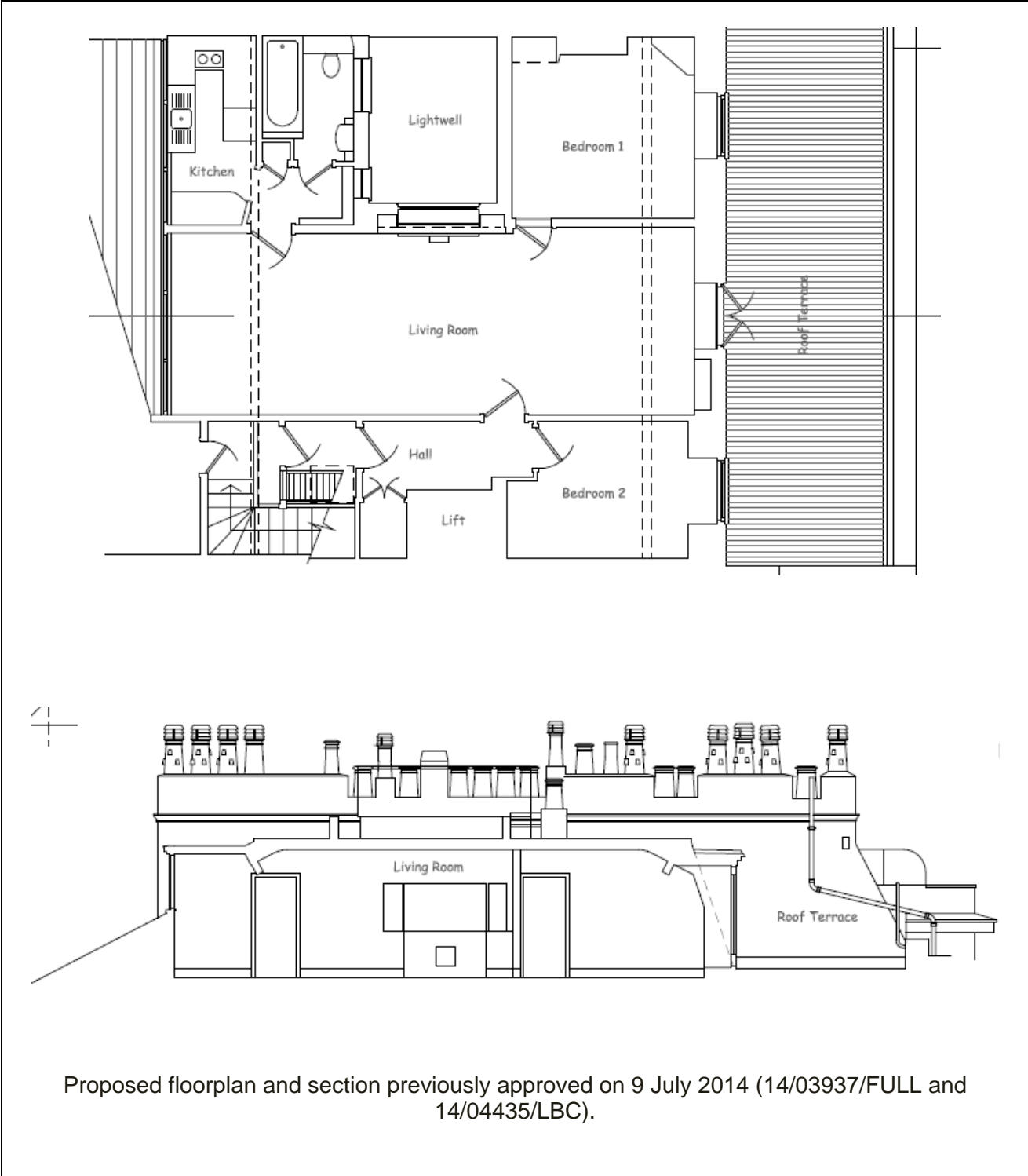
FLOOR PLAN AS EXISTING



Existing floorplan (top) and proposed floorplan (bottom).



Existing section (top) and proposed section (bottom)



DRAFT DECISION LETTER

Address: Flat 10, 15 Hyde Park Gardens, London, W2 2LU

Proposal: Removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace, associated alteration to French doors to central dormer and internal alterations.

Plan Nos: Site location plan, 492-L-02A, 492-L-01B, 492-L-03B, Design and Access Statement dated 2 August 2017 and Heritage Statement dated July 2017.

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

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

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

Reason:

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

- 2 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 Bayswater 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 The south facing mansard slope shall be clad in slates to its full height to match the colour and texture of the existing slates to the existing south facing pitched roof slope.

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 Bayswater 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.

DRAFT DECISION LETTER

Address: Flat 10, 15 Hyde Park Gardens, London, W2 2LU

Proposal: Removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace, associated alteration to French doors to central dormer and internal alterations.

Plan Nos: Site location plan, 492-L-02A, 492-L-01B, 492-L-03B, Design and Access Statement dated 02.08.2017, Heritage Statement dated July 2017.

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

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

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

Reason:

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

- 2 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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 The south facing mansard slope shall be clad in slates to its full height to match the colour and texture of the existing slates to the existing south facing pitched roof slope.

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 sections 5 and 6 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 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)

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Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	5, 7 And 9 Old Pye Street And 10 Abbey Orchard, London, SW1P 2LD		
Proposal	Replacement of existing windows and doors with aluminium framed double-glazed windows and doors.		
Agent	True Associates		
On behalf of	The Abbey Pye Freehold Company		
Registered Number	17/02963/FULL	Date amended/ completed	5 April 2017
Date Application Received	5 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

5, 7, and 9 Old Pye Street and 10 Abbey Orchard is an unlisted building located outside of a Conservation Area, but adjoining the Peabody Estates: South Westminster Conservation Area.

Planning permission is sought for the replacement of all existing windows and doors with new aluminium framed double-glazed windows and doors. The existing windows consist of aluminium sash frames and are painted purple red (RAL 3004). The proposed replacement windows consist of aluminium tilt and turn frames and would be painted anthracite grey (RAL 7016).

An objection has been received from a resident of a flat within the building on the grounds that the proposed colour of the replacement windows would be out of keeping with the colour of the existing two-tone red and buff coloured brickwork. Additionally the objector is concerned that this is a substantial aesthetic change, and will require the repainting of the substantial amount of metalwork on the building, including balconies, ventilation grilles, exterior doors, entrance gates, bollards, and drainpipes.

Whilst the current appearance and colour of the windows is suitable to the overall building design, they are not considered pivotal to its architectural composition and therefore the proposed replacement

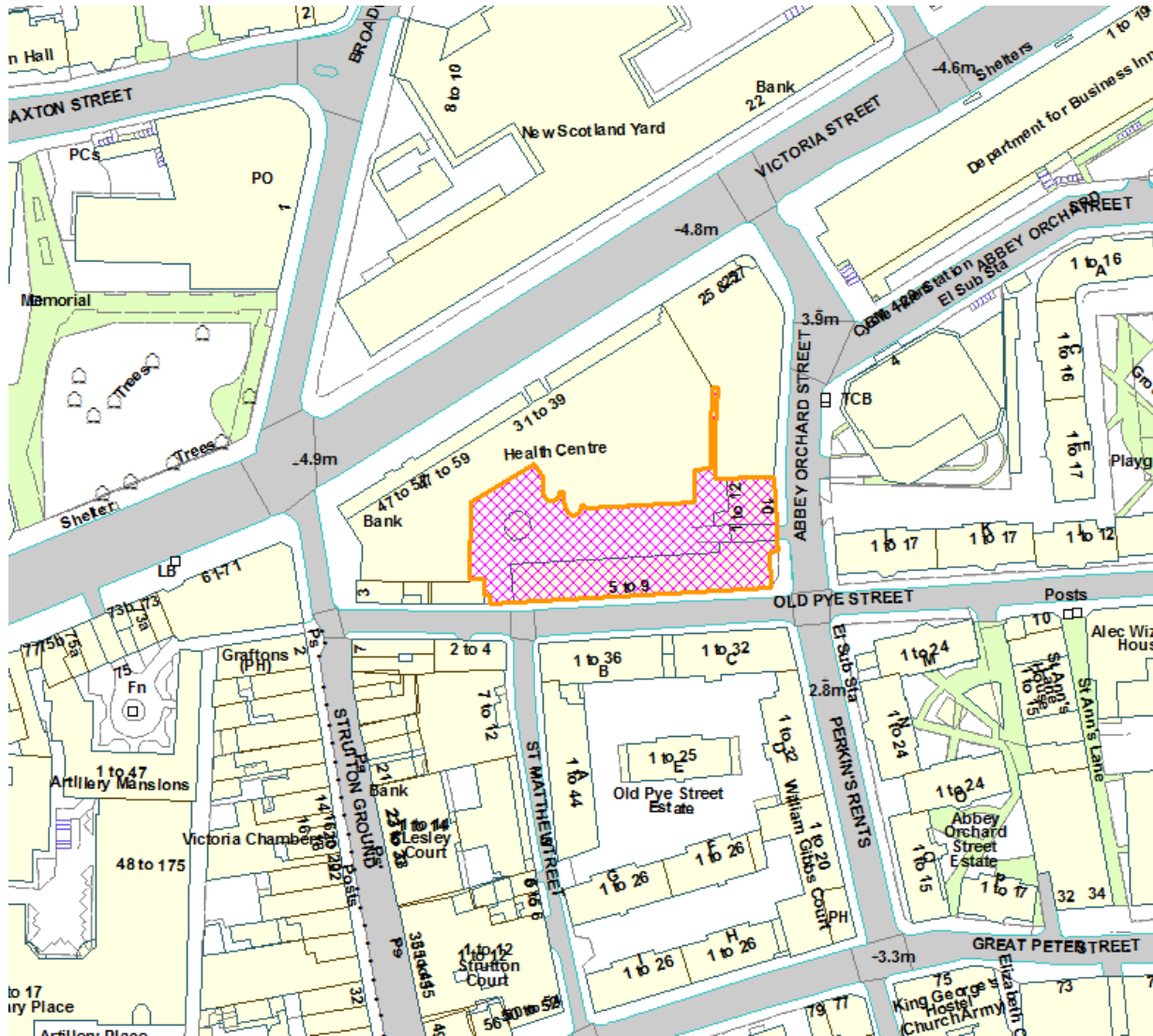
design and style is deemed to preserve the character of the building and area.

The principle of the replacement of the windows is therefore considered acceptable, subject to a condition requiring submission of detailed drawings (elevations and sections) of all proposed windows and doors. This is to ensure their appearance is satisfactory in relation to frame and casement sizes being proportional to the building.

A condition is also recommended requiring that the balconies and entrance gates of the building are painted the same colour as the new windows and doors to ensure that one overall and seamless design is undertaken. In summary and on balance the proposed works are considered acceptable and in accordance with DES 5 of the UDP.

The objection also raises the issue that the change has not been approved by the owners of the flats who all share the freehold of the property. This is considered to be a private matter and planning permission could not be reasonably withheld on these grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Abbey Orchard Street elevation



Old Pye Street elevation

5. CONSULTATIONS

THORNEY ISLAND SOCIETY:

No objection.

WESTMINSTER SOCIETY:

No objection.

VICTORIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 193

No. of replies: 1

Objection from a resident of a flat within the building on the following grounds:

- Change of colour of windows to a dark grey (almost black) would be out of keeping with the two-tone red and buff coloured brickwork of this 1980s block;
- The colour change will entail the repainting of the substantial amount of metalwork on the building, including balconies, ventilation grilles, exterior doors and entrance gates, bollards and drainpipes, changing the aesthetic appearance of these buildings;
- The existing colour should remain the same or a colour should be chosen which is more complementary and sympathetic to the existing brickwork and building;
- The proposals have not been approved by the owners of the flats who all share the freehold.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RELEVANT PLANNING HISTORY

None relevant.

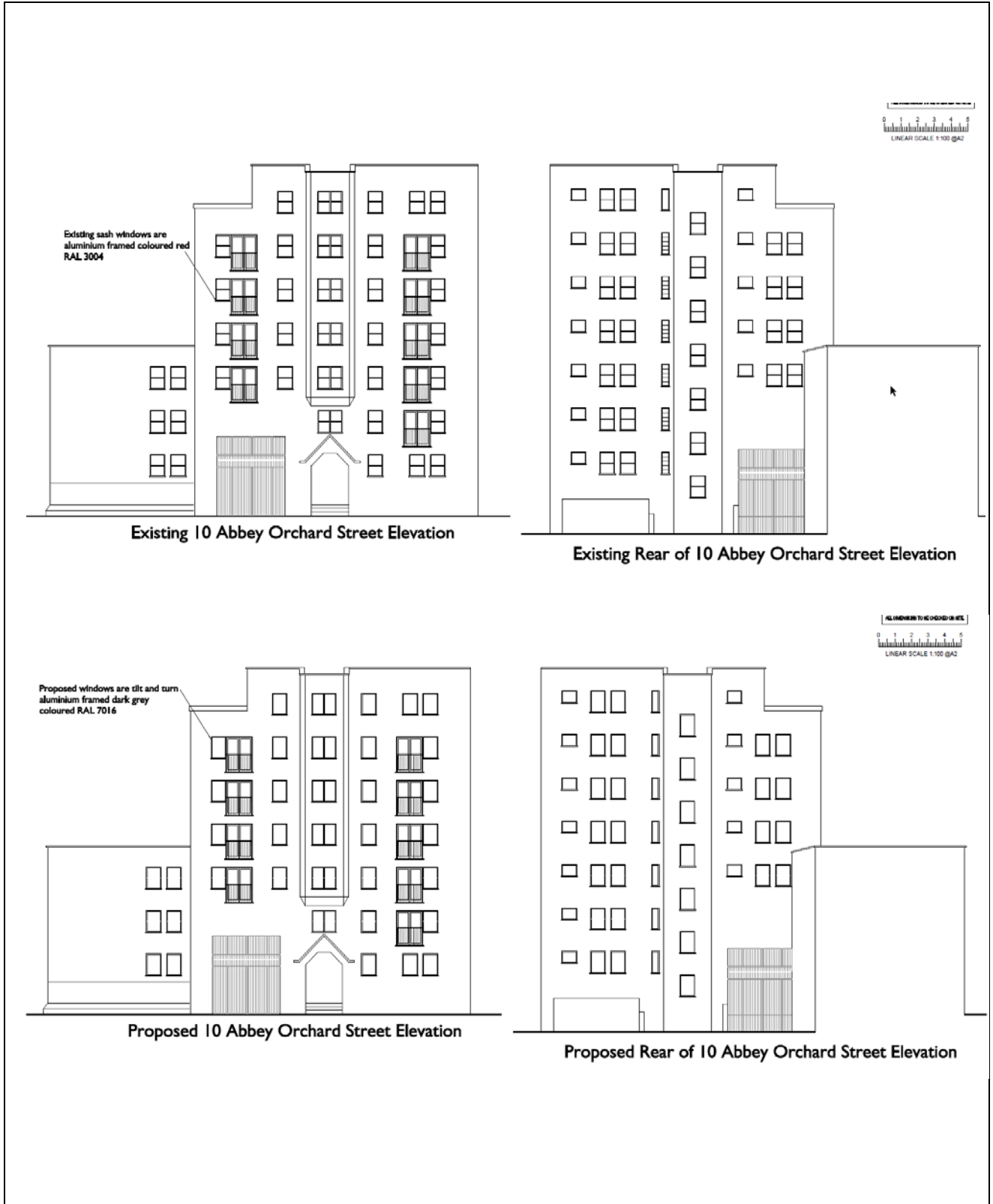
7. BACKGROUND PAPERS

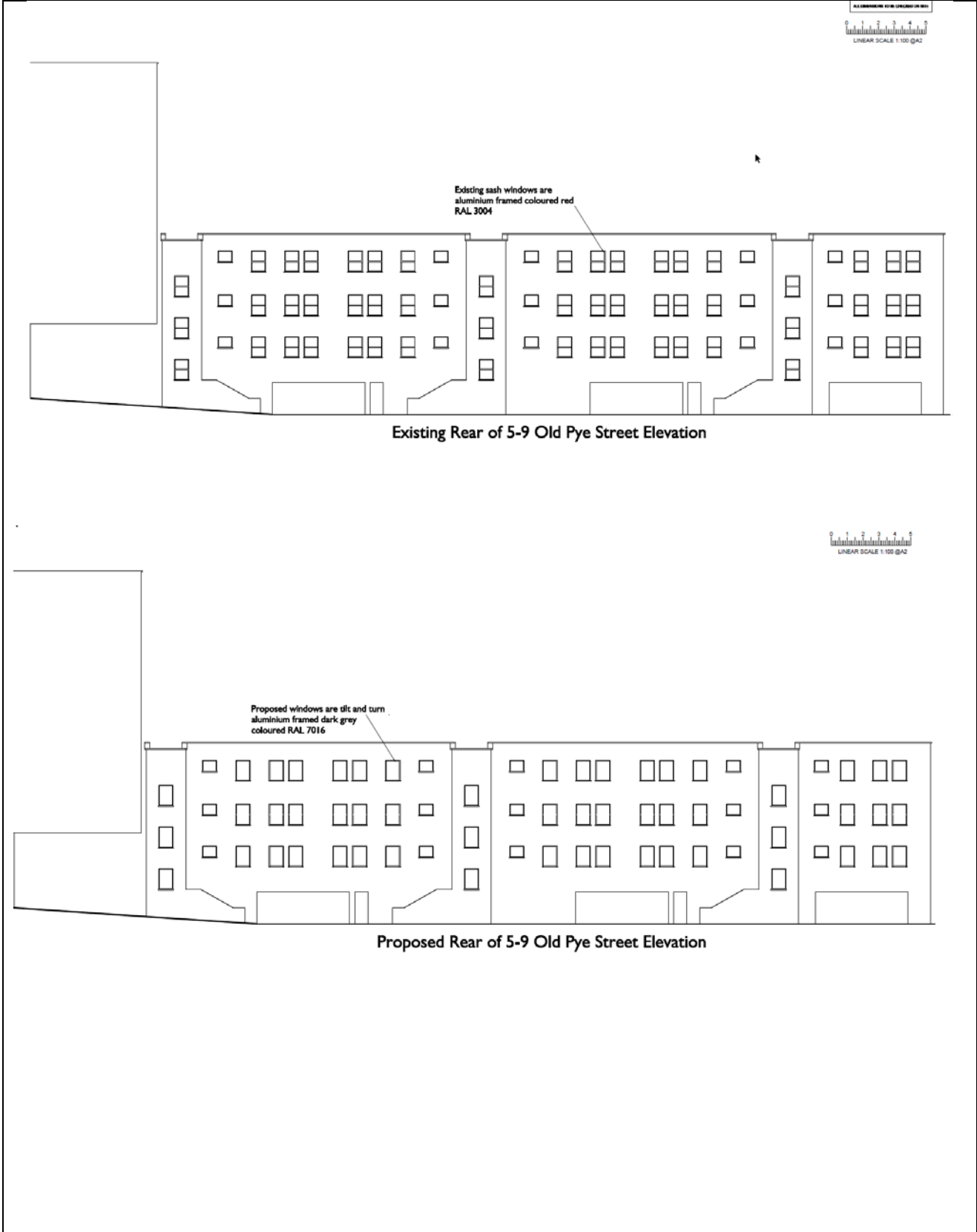
1. Application form
2. Response from Thorney Island Society dated 12 April 2017
3. Response from Westminster Society dated 19 April 2017
4. Email from owner/ occupier of Flat 1, 10 Abbey Orchard Street dated 12 May 2017

(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

8. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 5, 7 And 9 Old Pye Street And 10 Abbey Orchard, London, SW1P 2LD,

Proposal: Replacement of existing windows and doors with aluminium framed double-glazed windows and doors.

Plan Nos: H13668PA/001 Existing Abbey Orchard Street Elevation; H13668PA/001 Existing Old Pye Street Elevation (1); H13668PA/001 Existing Old Pye Street Elevation (2); H13668PA/006 Proposed Old Pye Street Elevation; H13668PA/004 Proposed Old Pye Street Elevation; H13668PA/005 Proposed Abbey Orchard Street Elevation; H13668PA/110 Existing Window Detail 1:10; H13668PA/111 Existing Window Detail 1:10; Velfac Overview (frame section details - 11 pages); Photographs of existing building.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(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 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) all external window and door types.

You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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 paint the balconies and entrance gates of the building the same colour as the new windows. The balconies and entrance gates must be maintained this colour.

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

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.

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Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 th October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	9-12 Berners Mews, London, W1T 3AH,		
Proposal	Use of building as offices (Class B1).		
Agent	WYG		
On behalf of	OISE Limited		
Registered Number	17/06646/FULL	Date amended/ completed	28 July 2017
Date Application Received	26 July 2017		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission

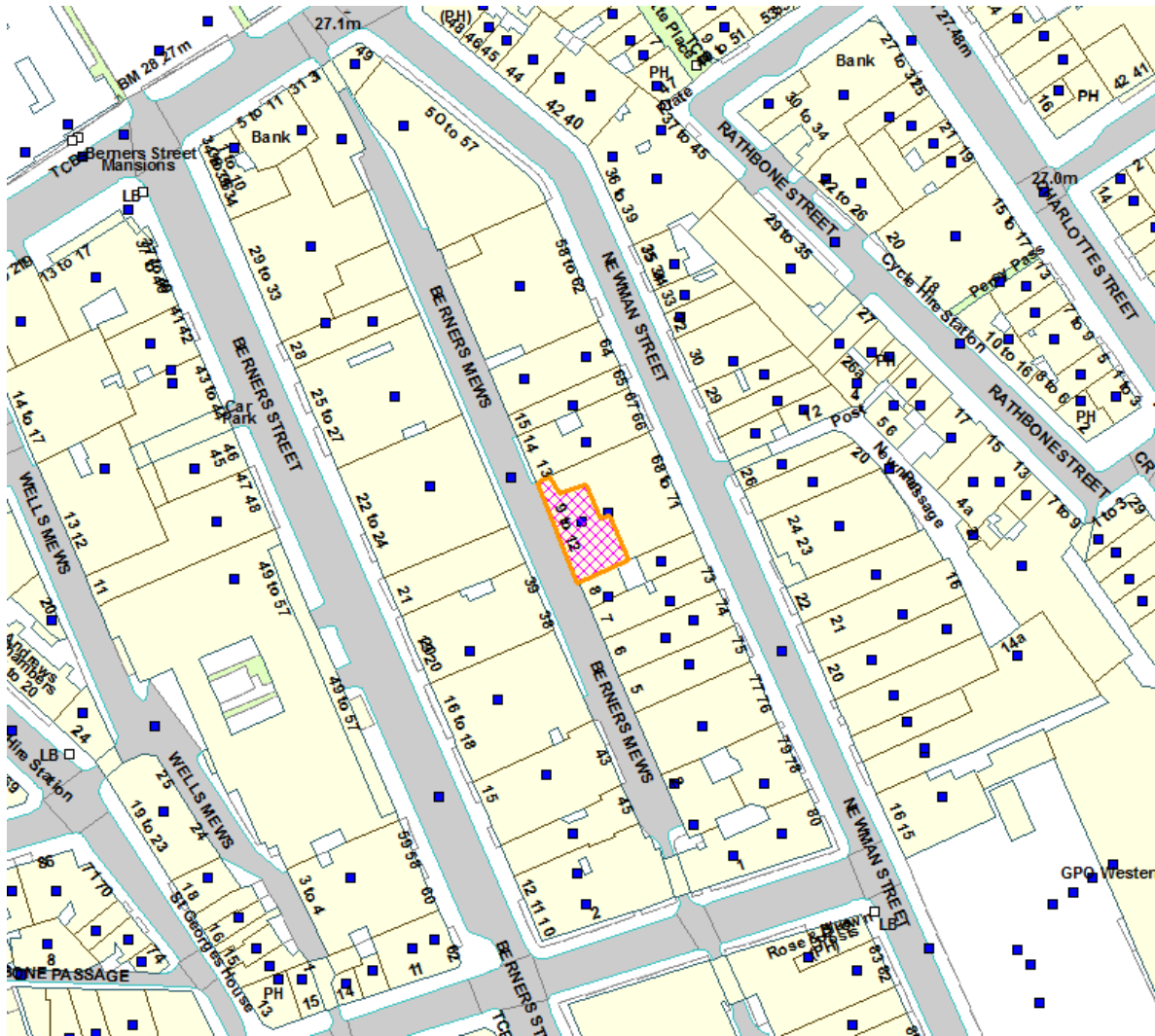
2. SUMMARY

The application site is an unlisted building, on basement, grounds and 3 upper floors, located within the Core Central Activities Zone. This building has a lawful use as a language school (Class D1). This application seeks permission for the change of use of the entire building to offices (Class B1). No external alterations are proposed.

The key issue is the acceptability of the loss of the language school.

UDP and City Plan policies seek to protect social and community floorspace, including educational uses. The City Plan (2016) also places a strong emphasis on the provision of additional office accommodation within the Core CAZ. The applicants contend that there are continuing pressures on the language school market and that there is unlikely to be any demand for the use of the premises by an alternative language school provider or for an alternative D1 use. Given the site constraints it is accepted that the premises would be unsuited to many alternative Class D1 uses. It is acknowledged that language schools provide little value to the local community and are primarily a private commercial enterprise. In these circumstances, and given that the potential office use is welcomed, the proposals are considered acceptable in land use terms and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

CLEANSING

Details of arrangements for the storage of refuse and recyclable materials required

HIGHWAYS PLANNING

No objections raised subject to the requirement for the provision of 11 cycle spaces.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building on basement, ground and three upper floors located immediately to the north of the boundary to the East Marylebone Conservation Area, within the Core Central Activities Zone. The building is currently occupied as a private language school. There are two garage spaces but these do not appear to be used for parking.

Berners Mews is characterised by commercial uses. On the west side, properties generally form the rear of buildings in Berners Street, with the mews providing servicing access. No. 8 Berners Mews, immediately to the south of the application premises, has permission for use as a single dwelling house although this permission does not appear to have been implemented. The rear of 1-2 Berners Mews forms part of a hostel at 78/79 Newman Street.

6.2 Recent Relevant History

Permission granted 24 April 1997 for third floor extension to Berners Mews and enlarging of internal lightwell to form two separate office buildings at 68-71 Newman Street and 9-12 Berners Mews (97/00228/FULL).

28 April 2011: Permission granted for the use of the premises as a language school (Class D1). Conditions limited the use of the premises to a language school, restricted the opening hours from 0900 to 1700 on Monday to Friday and limited the capacity of the building to 70 people.

7. THE PROPOSAL

Permission is sought for the change of use of the existing language school to provide 980 m² (GIA) of new office accommodation (Class B1). No external alterations are proposed.

The application has been amended to include details of cycle parking

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Increase in office floorspace

Policy S20 of the City Plan (November) placed an increased emphasis on the provision of new office accommodation in appropriate locations within Westminster, including within the Core Central Activities Zone. The policy justification confirms that office development is encouraged within these locations, in order to retain and enhance Westminster's strategic role in London's office sector, and to support London's global competitiveness.' The Core CAZ is identified as a suitable location for new office development (Policy S1) which contributes to the unique and varied mixed use character of the Core CAZ and will ensure the continued vitality, attraction and continued economic success of Central London.

As the increase in office floorspace results from a change of use, rather than from the creation of additional accommodation, there is no requirement to provide new residential floorspace under policy S1 of the City Plan.

8.1.2 Loss of language schools

The proposal would result in the loss of the existing language school, which is still trading from the premises. This is a private educational facility which is defined as a 'social and community use' within the adopted development plans.

UDP policy SOC 1 (D) states that all community facilities will be protected. Under SOC 1(E), schemes involving the redevelopment or change of use of community facilities are required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new development should include an alternative community facility. Where adequate replacement facilities are not proposed, the City Council will refuse planning permission.

Such uses are also protected under City Plan Policy S34 '...except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.' In all such cases, the council will need to be satisfied that the overall level of social and community provision is improved and that there is no demand for an alternative social and community use for that floorspace. Where the council accepts the loss or reduction of social and community floorspace, the priority replacement use will be the priority use for the area which, within the Core CAZ, is commercial development.

The applicant (the language school operator) has made the following points in support of the application:

- Since the building was occupied, approximately 6 years ago, student numbers have dropped considerably, year on year. A number of contributory factors, in particular the Government's restrictions on foreign students obtaining visas to

study in the UK, have affected the school's ability to attract foreign students. These visa restrictions mean that it is extremely unlikely that an alternative language school operator would occupy the site.

- Conditions attached to the permission for Class D1 use limited the use of the premises to a language school, restricted its opening hours and limited the capacity of the premises. These conditions further limit the appeal of the property to other potential users.

The applicant has recently provided some information regarding the marketing of the premises for D1 use, which has been offered for sale with an option for letting, since the beginning of this year. Although the property is advertised as a Class D1 building, the particulars state that the building could be potentially used for a variety of uses. Marketing details were circulated to central London agents and "local occupiers who enquired". Although a number of viewings ensued, the applicant has confirmed that the only serious interest received was for Class B1 office use.

The submitted marketing information is limited and covers a relatively short period. However, in considering similar applications, particularly in the case of sites in Oxford Street, (submitted without any marketing information), the Council has accepted that there been a significant reduction in the demand for language schools. Operators have reported a shift to online learning and an increasing requirement to offer students a more flexible study programme – which means that the operation of large premises in central London with, necessarily, more rigid timetabling, is no longer appropriate. It is acknowledged that a continuing uncertainty in the sector due to the vote to leave the European Union, and potential reductions in the number of students resulting from increased restrictions on visas have both had an effect on student numbers.

It is acknowledged that the accommodation would be largely unsuitable for many alternative Class D1 uses due to its central location, the lack of level access to the main entrance and the absence of outside amenity space. Given these constraints, it is accepted that the premises are unlikely to be considered attractive for a Class D1 use except by language school operators and similar education uses. It is also considered that language schools offer very little 'social' benefit to the local community.

It is also recognised that the building has historically been used for office purposes and that the existing language school is not a long-standing use, being in operation only since 2011. For these reasons, and given the increased emphasis on the provision of office accommodation in the Core CAZ, a departure from the policy requirement to protect existing social and community uses is considered justifiable and the application is therefore considered acceptable in land use terms.

8.2 Townscape and Design

No external alterations are proposed.

8.3 Residential Amenity

The surrounding area is predominately commercial in nature, with a small number of residential premises in the locality. The building was in long-term office use prior to its

conversion to a language school and, its reversion to office use is unlikely to have any adverse impact on neighbours' amenity or local environmental quality when compared with the current use as a result of any additional noise or disturbance or increased activity. The proposal is therefore considered acceptable on amenity grounds and accords with UDP policy ENV 6 and S29 of the City Plan.

8.4 Transportation/Parking

No parking is proposed in association with the office use. While there are two garage spaces at ground floor level this parking is not protected under the current permission and is not currently used as such.

The site is extremely well served by public transport, being close to Tottenham Court Road and Goodge Street underground stations and close to bus routes on Oxford Street. It is expected that staff will utilise public transport to access the site.

The premises would continue to be serviced from within the mews. While Trans 20 seeks that servicing should be off-street, it is not considered that there would be a material increase in servicing demands when compared with the existing language school use, and it is considered that servicing from the street is acceptable in this case.

The proposed plans indicate that the garages would be used as ancillary space including as cycle parking, as they are at present. The plans have been revised to show 11 cycle spaces. This accords with London Plan standards and would be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The proposals solely relate to the change of use of the properties and do not include any change to the access arrangement. All floors within the building are served by a lift.

8.7 Other UDP/Westminster Policy Considerations

The Cleansing Manager has requested the submission of details of arrangement for the storage of refuse and recyclable materials. The applicant is agreeable to such a condition, which would be discharged by the future occupant. There would be sufficient space within existing garage areas for waste storage.

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

Not applicable.

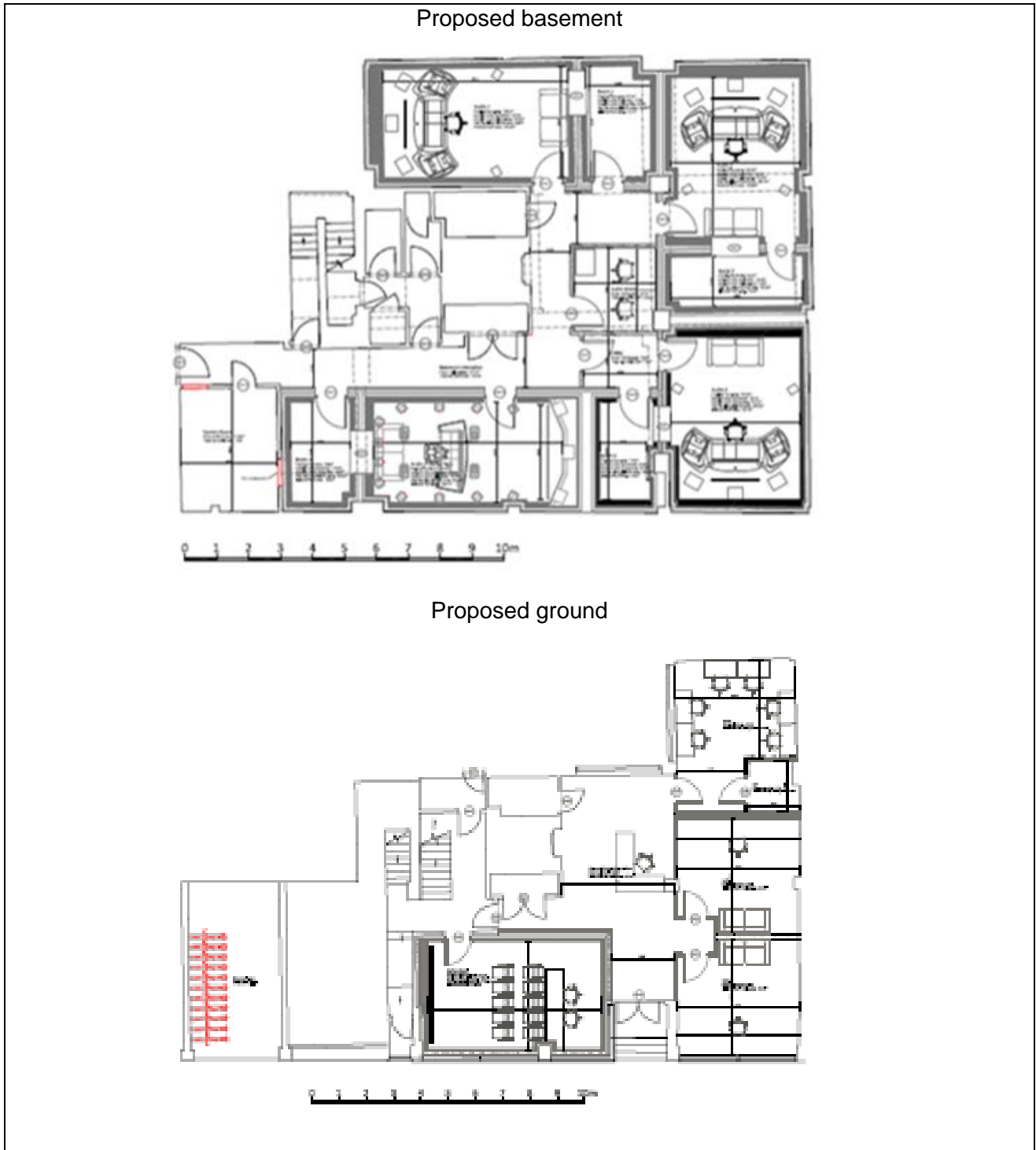
9. BACKGROUND PAPERS

1. Application form
2. Response from the Cleansing Manager dated 14 August 2017
3. Response from the Highways Planning Manager dated 22 September 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 9-12 Berners Mews, London, W1T 3AH,

Proposal: Use of the building as offices (Class B1).

Reference: 17/06646/FULL

Plan Nos: 1411-B- GA-1, 1411-0-GA-1B, 1411-1-GA-1, 1411-2-GA-1, 1411-3-GA-1,

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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 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 occupy the building for office purposes 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 offices. (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)

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.

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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

3 This permission does not allow any work which would change the outside appearance of the property, including the installation of any new mechanical plant. (I18AA)

4 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)

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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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10th October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	81 Dean Street, London, W1D 3SW		
Proposal	Use of an area of the public highway measuring 632mm x 11915mm for the placing of 5 tables and 10 chairs in connection with the existing restaurant premises.		
Agent	Popleston Allen Solicitors		
On behalf of	Wagamama Limited		
Registered Number	17/05560/TCH	Date amended/ completed	4 July 2017
Date Application Received	22 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application site is an unlisted building located in the Soho conservation area on the west side of Dean Street and on the corner with Richmond Buildings. This is a recently completed building which is in restaurant (Class A3) use at part basement and ground floor levels, occupied by 'Wagamama'.

Planning permission is sought to allow the use of an area of the public highway measuring 632mm x 11915mm for the placing of 5 tables and 10 chairs in connection with the existing restaurant premises. There is no history of planning permission being granted for tables and chairs at this site.

The key issues for consideration are:

- The impact on residential amenity, and the character and function of the area; and
- The impact on pedestrian movement and highways safety.

The initial application proposed 6 tables and 12 chairs on Dean Street as well as an additional 6 tables and 12 chairs on the Richmond Buildings frontage. This has since been revised due to highways concerns. The Soho Society and two local residents have raised concerns regarding the use of the footway for tables and chairs and how this would block or obstruct the highway. However, as the application has since been revised it now leaves 2m of clear footway for safe pedestrian movement

which meets the Westminster Way. The proposal is acceptable in highways terms as pedestrian flow and directness of movement will not be affected. A condition is proposed limiting permission to a one year time period to enable the Council to monitor the impact it has on pedestrian flow.

UDP Policy TACE11 states that planning permission for tables and chairs on the highway will only be granted when such developments will not cause a nuisance to residents or harm the amenity of the area. Policy S29 of the City Plan seeks to resist proposals that result in an unacceptable loss of residential amenity.

The closest residential properties are on the upper floors of the site itself and also on the upper floors of the buildings opposite (21 Dean Street). However, no objections have been received from residents of these properties. Two objections have been received regarding noise impacts from outdoor drinking and dining. Both of these are from Clarion House, St Anne's Court which is located to the rear (west) of the application.

The applicants are seeking to have the tables and chairs outside from 08:00 to 23:00 (seven days a week). Outside of these hours and during the time the restaurant is open (midnight Monday to Saturdays and 23:00 on Sundays) the chairs would be removed and stored inside the premises. The amount of seating is also considered to be modest. Whilst acknowledging that the neighbouring buildings are in residential use, there is a considerable amount of entertainment and commercial activity in the wider area. It is recommended that permission is only granted for one year, so the potential impact can be assessed.

Two objections have also been received on the grounds that the existing restaurant is in breach of its licence that prevents the selling of take-away food, however, permission has been granted to enable Wagamama to operate a take-away service. One of the objectors also raises concerns on the grounds that the current operation causes noise, rubbish, that rickshaws block the street and that enough seating is already provided in the existing restaurant. An informative is proposed to remind the applicant of their approved management and servicing plans that require diners to leave quietly, for pedal bikes not to obstruct the highway, to prevent music from being audible outside the restaurant, and for rubbish to be collected and stored within the premises. The concerns have also been forwarded to the Planning Enforcement Team for further investigation. However, this application could not reasonably be refused on these grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Objection on the grounds that there is insufficient space on these streets due to the heavy footfall

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

Objection on the grounds of insufficient space left for highway cleansing equipment

ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 85; No. responded: 2

Two objections have been received on some or all of the following grounds:

- impact on amenity
- customers queuing on the highway and tables blocking the pavement
- amenity impacts of the operation of the current occupier in the premises
- the amount of furniture proposed
- enough seating already provided in the existing restaurant
- the operator is in breach of its licence that prevents a take-away service

SITE AND PRESS NOTICE: Yes

6. HISTORY

Planning permission was granted in October 2014 (RN: 13/09933/FULL) for the substantial demolition of the existing building, erection of a single storey roof extension, full recladding of the Dean Street and Richmond Buildings elevations in connection with the use of the basement and ground floor as retail (Class A1) or restaurant (Class A3) purposes, use of the part ground and first to sixth floors as 18 residential units (Class C3), and associated works.

A number of conditions on this permission have been varied or removed allowing alterations including a new internal layout, larger restaurant capacity, allowing a takeaway service for the restaurant and various design alterations.

Detailed operational and servicing management plans were approved for the site in March 2017 (RN: 17/00212/ADFULL).

7. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 10 August 2017
3. Response from Highways Planning, dated 13 September 2017
4. Response from Cleansing, dated 25 July 2017
5. Letter from occupier of 6 Clarion House, St Anne's Court, dated 21 July 2017
6. Letter from occupier of flat 14 Clarion House 4 St. Anne's court, Dean Street, dated 23 July 2017

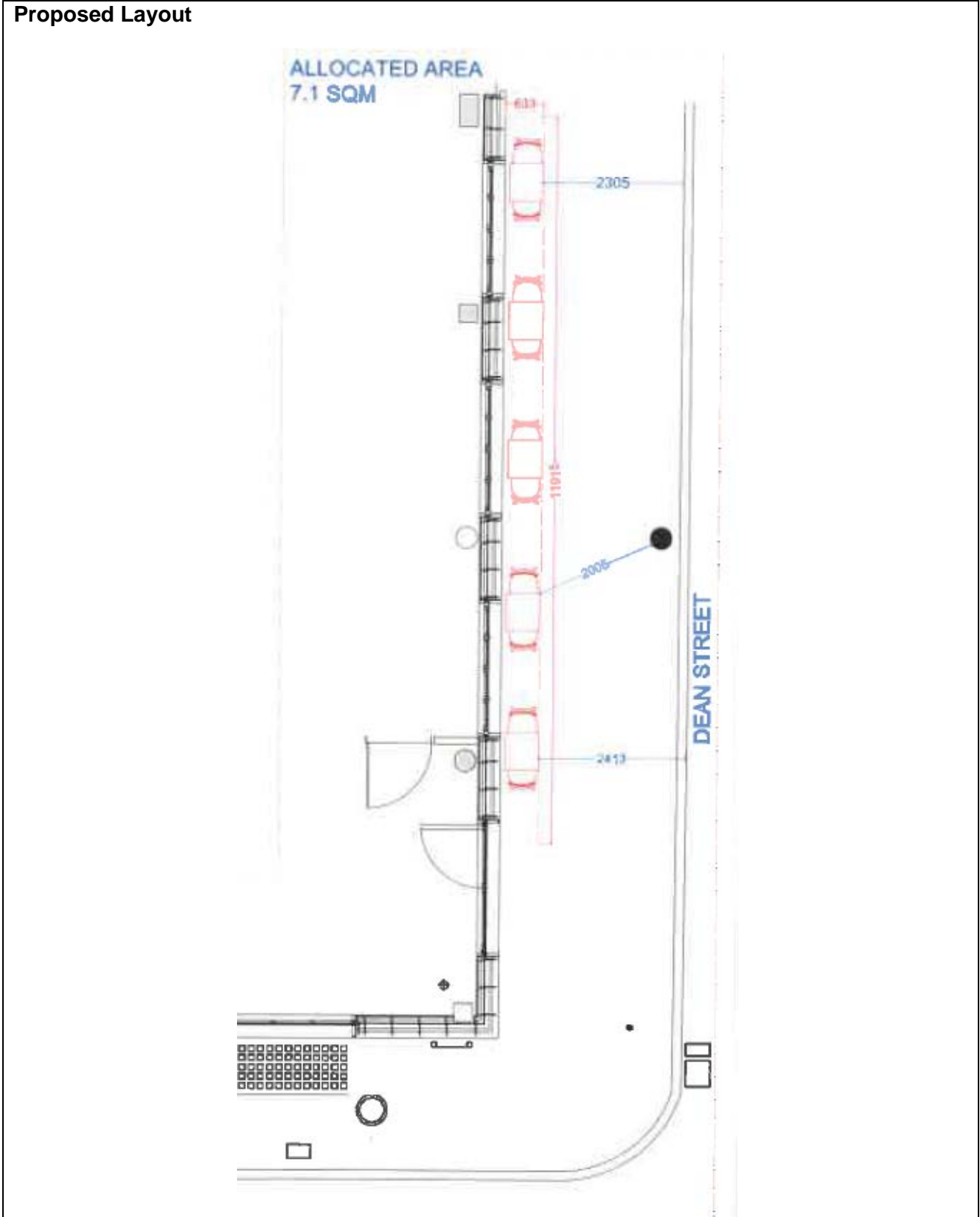
Item No.
8

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

8. KEY DRAWINGS

Proposed Layout



Proposed Furniture Specification

BE INSPIRED

MILL PLAZA COFFEE TABLE



Mill top embered slats in a steel frame, powdercoated finish
 Dimensions: (W) 70cm x (H) 72cm x (D) 70cm

BE INSPIRED

MINNESOTA SIDE CHAIR



METAL CHAIRS

Minnesota Side Chair
 Seating - Outdoor - Aluminium chairs
 Dimensions: (W) 50cm x (H) 77.5cm x (D) 57cm



DRAFT DECISION LETTER

Address: 81 Dean Street, London, W1D 3SW,

Proposal: Use of an area of the public highway measuring 632mm x 11915mm for the placing of 5 tables and 10 chairs in connection with the existing restaurant premises.

Reference: 17/05560/TCH

Plan Nos: 1/1 Rev. B dated 12 Sept 17

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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 can only put the tables and chairs on the pavement between 08:00-23:00 daily

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 The tables and chairs must only be used by customers of the ground floor unit at 81 Dean Street. (C25CA)

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)

- 4 This use of the pavement may continue until 31 October 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.

- 5 You can only put out on the pavement the tables and chairs shown on drawing 1/1 Rev. B dated 12 Sept 17. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

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)

- 6 You must not put the tables and chairs in any other position than that shown on drawing 1/1 Rev. B dated 12 Sept 17.

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)

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 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)
- 3 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)
- 4 You are reminded to comply with your approved Operational Management and Servicing Plans that require diners to leave quietly, for pedal bikes not to obstruct the highway, to prevent music from being audible outside the restaurant and for rubbish to be collected and stored within the

Item No.
8

premises.

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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