



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 28th November, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Andrew Smith (Chairman)
Jonathan Glanz
Barbara Grahame
Gotz Mohindra



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. 47 GREAT MARLBOROUGH STREET, LONDON, W1F 7JP | (Pages 3 - 34) |
| 2. 170-172 MARYLEBONE ROAD, LONDON, NW1 5AR | (Pages 35 - 52) |
| 3. 1 REGENTS MEWS, LONDON, NW8 0LB | (Pages 53 - 68) |
| 4. BANK, 4 BERKELEY SQUARE, LONDON, W1J 6EB | (Pages 69 - 82) |
| 5. 47 SPRINGFIELD ROAD, LONDON, NW8 0QJ | (Pages 83 - 98) |
| 6. WEST END QUAY, SOUTH WHARF ROAD, LONDON, W2 1LA | (Pages 99 - 114) |

Charlie Parker
Chief Executive
20 November 2017

Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 28th November 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s) : 17/05944/FULL West End	47 Great Marlborough Street London W1F 7JP	Demolition of existing 4 th floor mansard and rear 2 nd floor extension, alterations including the erection of a replacement 4 th floor mansard and 2 nd and 4 th floor rear extension, new entrance in connection with dual alternative use of part basement and part ground floor as a retail shop (Class A1) or restaurant (Class A3), use of the upper floors as offices (Class B1) and a residential flat (Class C3) at 4 th floor level.	Satlia Studios and Half Moon Investments Limited
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 17/05907/FULL 17/05910/LBC Bryanston And Dorset Square	170-172 Marylebone Road London NW1 5AR	Variation of Condition 1 of the planning permission dated 20 December 2016 (RN: 16/09946/FULL) for use of basement room as retail accommodation (Class A1) with refurbishment and internal and external alterations, including new shopfronts and pumps, in connection with existing petrol station use at ground floor level. NAMELY, to amend replace a spiral staircase between the ground and basement floors of the retail unit with an L-shaped stairwell, extend the external staircase and landing between the forecourt and retail unit and introduce a night hatch in the shop front.	MRH Retail
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 17/03567/FULL Abbey Road	1 Regents Mews London NW8 0LB	Removal of Condition 11 of planning permission dated 4 January 2017 (RN: 16/10749/FULL) for variation of Condition 11 of planning permission dated 26 October 2016 (RN: 16/08788/FULL) for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised and reduce the extent of the obscured glazing to the French doors at second floor level to a strip across the middle and upper parts of the doors. NAMELY, to allow the French doors to the front elevation at second floor level to be clear glazed.	Mr Peter Vogel
	Recommendation			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 28th November 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
4.	RN(s) : 17/06261/TCH West End	Bank 4 Berkeley Square London W1J 6EB	Use of an area of public highway on the Berkeley Square frontage measuring 0.92m x 19m for 20 banquette seating spaces, 10 tables, 6 moveable planters and a waiter station in association with the ground floor use.	Caprice Holdings Ltd
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 17/04445/FULL Abbey Road	47 Springfield Road London NW8 0QJ	Replacement of rear first floor window with a glazed door and erection of new privacy screen on first floor level flat roof at boundary with No.51 Springfield Road in connection with the use of the roof as a terrace.	Mr & Mrs Milazzo
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
6.	RN(s) : 17/08027/TCH Hyde Park	West End Quay South Wharf Road London W2 1LA	Use of hard paved area outside Unit 1 adjacent to the canal basin for the placing of 31 tables, 112 chairs and 6 free standing umbrellas in connection with the use of Unit 1 as a bar/ restaurant.	Draft House Holdings Limited
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	47 Great Marlborough Street, London, W1F 7JP		
Proposal	Demolition of existing 4 th floor mansard and rear 2 nd floor extension, alterations including the erection of a replacement 4 th floor mansard and 2 nd and 4 th floor rear extension, new entrance in connection with dual alternative use of part basement and part ground floor as a retail shop (Class A1) or restaurant (Class A3), use of the upper floors as offices (Class B1) and a residential flat (Class C3) at 4 th floor level.		
Agent	DP9		
On behalf of	Satlia Studios and Half Moon Investments Limited		
Registered Number	17/05944/FULL	Date amended/ completed	5 July 2017
Date Application Received	5 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application premise is an unlisted building on the south side of Great Marlborough Street, within the Core central Activities Zone and the West End Stress Area. The building is currently vacant but was formerly occupied for educational purposes (Class D1). The property also has an alternative lawful use as a retail shop on part basement and part ground floors, with Class B1 offices above.

The key issues in this case are:

- the acceptability of the proposed restaurant use in land use and amenity terms and
- the impact of the proposed alterations upon the appearance of the building and the character of this part of the Soho conservation area

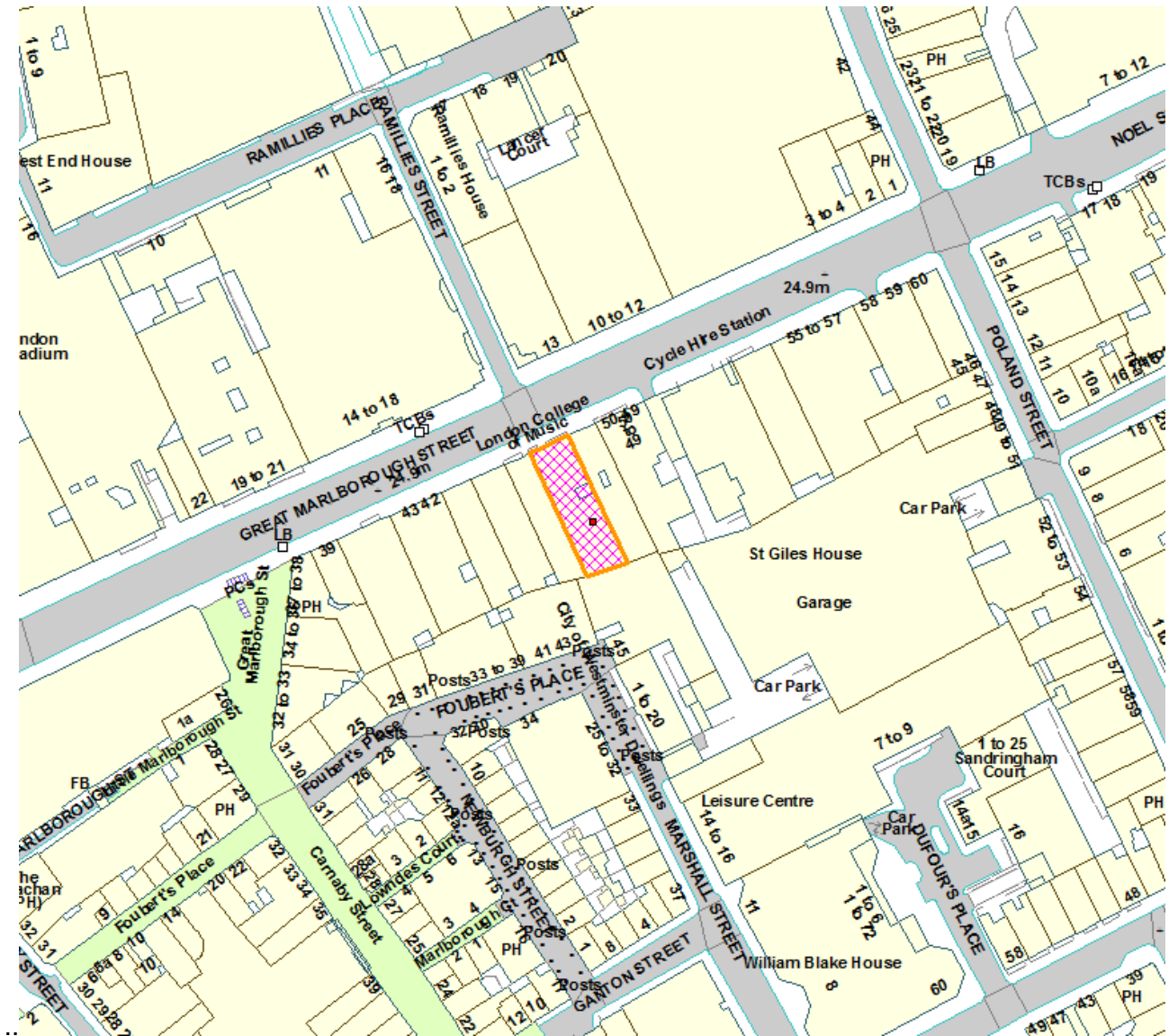
The Soho Society have objected to the introduction of a restaurant use, on unspecified grounds. However, subject to conditions, it is not considered that this use would have an adverse impact upon neighbours' amenity, local environmental quality or the character of the area. The scheme is

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considered acceptable in land use, amenity, highways and design terms, in accordance with adopted Unitary Development Plan and City Plan policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Objection to restaurant use, no objection to retail use

CLEANSING

Arrangements for the storage of refuse and recyclable materials are acceptable and should be secured by condition

HIGHWAYS PLANNING

No objection subject to conditions requiring the submission of a Servicing Management Plan and securing cycle parking provision.

ENVIRONMENTAL HEALTH

No objection subject to appropriate conditions, including details of the kitchen extract system.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application property is located on the south side of Great Marlborough Street and is identified as an unlisted building of merit within the Soho Conservation Area. The property comprises basement, ground and four uppers, with a rear extension rising to second floor level, with roof plant above, which infills the whole of a rear yard area.

The lawful use of the building is either for educational purposes (Class D1) or as a retail shop (Class A1) on part basement and ground floors with offices (Class B1) above, pursuant to a dual use permission which expires in December 2019. The building is now vacant but was last occupied for educational purposes by the London College of Beauty Therapy.

The site is within the core Central Activities Zone and the West End Stress Area

The area is principally characterised by commercial uses, the nearest residential premises are at 1 and 2 Great Marlborough Street on the northern side of the street, at nos. 37-39 to the west, at no. 58 to the east and 29-31 Foubert's Place at the rear.

There is also extant permission (29 April 2016) for the redevelopment of 54 and 55-57 Great Marlborough Street to include 27 flats on the upper floors.

6.2 Recent Relevant History

19 December 1991: Permission granted for the use of the building for retail purposes on part basement and ground floors with Class B1 offices above (09/13319/FULL.

15 August 2000: Permission granted for the use of the building for (Class A1) retail purposes on part basement and ground floors with Class B1 offices above (the continuation of the existing uses) or for educational purposes (Class D1) (00/04482/FULL)

This permission was renewed on 21 December 2009 (09/06573/FULL). Whichever use is in existence on 20 December 2019 would then become the lawful use of the building.

7. THE PROPOSAL

The existing and proposed floorspace figures are as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Educational (D1)	1226 *	0	- 1226
Retail (A1)	106		
Retail (A1) OR Restaurant (A3)		481**	
Offices (Class B1)	1120	933	
Residential (Class C3)	0	88	+88
Total	1226	1502	

*Existing lawful use for either Class D1 purposes (whole building) or as a retail shop with offices above.

** Proposed use of the part basement and ground floors as either a shop OR a restaurant

The application involves the refurbishment, alteration and extension of the existing building including:

- the replacement and extension of the existing fourth floor mansard roof extension
- the demolition of the rear second floor rear mansard roof extension and roof plant above, and its replacement with a sheer extension on second to fourth floors incorporating balconies on the western facade, an integral plant area for the development and a living roof.
- the infilling of the basement to second floor lightwell on the eastern site boundary
- the creation of a separate ground floor entrance and associated alterations to the pavement railings
- the reinstatement of pavement lights in place of the raised ground floor area behind the, altered, pavement railings and
- the use of the basement and ground floors for either retail (Class A1) or restaurant (Class A3) purposes, with an internal kitchen extract duct
- the use of the first to third and rear fourth floors as offices (Class B1, with a second floor roof terrace
- the use of the fourth floor front as a flat, with terraces at rear fourth floor and roof levels (Class C3

- the installation of plant within a sunken area at rear fourth floor level and
- the creation of a living roof.

8. DETAILED CONSIDERATIONS

8.1 LAND USE

8.1.1 Loss of social and community use

The proposal would result in the loss of the existing educational use, which falls within the definition of 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. Educational 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 accommodation. Where the Council accepts the loss or reduction of social and community floorspace, the priority replacement use will be for commercial purposes on sites within the core CAZ.

The applicants have not sought to demonstrate that there is no demand for a Class D1 use on the site. However, as the premises have an alternative lawful use for retail and office purposes and the scheme provides replacement commercial floorspace, the loss of social and community floorspace is considered acceptable in land use terms. The applicants have advised that the previous occupier has relocated to alternative premises in the locality (with training facilities in Ramillies Street and administrative headquarters in Poland Street).

8.1.2 Office floorspace

Policy S20 of the City Plan places an increased emphasis on the provision of new office accommodation in appropriate locations within Westminster, including within the Core Central Activities Zone. Policy S1 also identifies the Core CAZ as a suitable location for office development, contributing to its mixed use character and ensuring the continued vitality and economic success of Central London.

The scheme would provide 933m² of office floorspace on the site, which represents a slight reduction in office floorspace when compared to the potential lawful office use. However, as this floorspace would be lost to an alternative commercial use this is acceptable under the terms of policy S1.

8.1.3 Retail use

The lawful use of part basement and ground floors is for Class A1 purposes (106m²). The scheme would potentially provide 481m² of retail accommodation on these floors. Any proposed extension of this retail floorspace within this part of the Core CAZ is considered acceptable in land use terms under policy S6.

Policy S21 of the City Plan protects existing retail floorspace within the Core CAZ. The proposals would include either retail or restaurant accommodation on the lower floors. Given that there is an alternative lawful use of these floors, for Class D1 purposes, the potential loss of retail floorspace could not be reasonably be resisted in land use terms

8.1.4 Restaurant use

The proposal includes a potential restaurant use, with ancillary bar, on part basement and ground floors, measuring 481m² sqm. The Soho Society has raised an unspecified objection to this use.

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. However, as the site is located within the West End Stress Area, the introduction of new entertainment uses is considered more sensitive. In this area, policy S6 states that “new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses”.

Policy S24 requires new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses, and any cumulative impacts, and that they do not adversely affect residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale, late-night entertainment uses will not generally be appropriate.

Given the size of the proposed restaurant and its location within the West End Stress Area, UDP TACE 9 applies. Permission will only be granted for the proposed use where the Council is satisfied that it would have no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, or increased parking and traffic; and no adverse effect on the character or function of the area. The Council will have particular regard to premises capacity, opening hours, arrangements to safeguard amenity and prevent disturbance from smells, noise and vibration disturbance (including that from the use of extract/ventilation and air conditioning plant), servicing arrangements (including for the storage, handling and disposal of waste and recyclable materials) and the positioning of any tables and chairs in open areas within the curtilage of the premises. Where necessary and appropriate, conditions will be imposed to ameliorate the potential effects of the use.

This part of Great Marlborough Street is characterised by commercial uses including a mixture of restaurant and office uses office uses at ground floor level, with some isolated shop units. On the north side of the street, opposite the site, there are various entertainment uses including a public house (1), and restaurant/café's at nos. 17/18 and 22, and on the corner with Argyll Street. On the southern side of the street, the frontage between the public house at 37/38 Great Marlborough Street and Poland Street, contains restaurants at nos. 39, 42, 44 and 59. There are also several café's on the return frontage (32-36 Great Marlborough Street), which forms the gateway to Carnaby Street.

There is extant permission for the redevelopment of nos. 54 and 55-57 Greta Marlborough Street behind the retained front facades... These buildings are vacant but were previously occupied as wholesale showroom (54) and for retail purposes (55-57) on the basement and ground floors. The approved scheme permits the use of the basement and ground floors as two retail shops (Class A1) and a dual Class A1/A3 unit.

The closest residential properties to the proposed restaurant are at 37-39 Great Marlborough Street (above an existing public house and restaurant) and the proposed flat on the top floor of the building. There are several cafes and restaurants in this area. However, given the largely commercial character of this busy area, it is not considered that the introduction of a sit-down restaurant with ancillary bar, if adequately controlled, would have an adverse impact, or any adverse cumulative impact, upon the character and function of this part of the Soho conservation area. As the scheme includes a new flat and refurbished/extended offices, the applicant has every incentive to ensure that the restaurant can operate without adversely affecting the amenity of future occupiers or the environmental quality of the area. To ensure this, conditions could be imposed to control the opening times, premises capacity, the nature of the use and the size of any ancillary bar (which would be used only by diners before and after meals).

The proposed opening hours from, 07.00 to 24.00 hours (midnight), are consistent with advice in the UDP - namely that for entertainment uses in predominantly residential areas, conditions will be imposed to prevent customers remaining on the premises after midnight on Sundays (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights and on Sundays immediately preceding bank holidays. As this is not a predominantly residential area, the proposed opening hours are considered reasonable.

This is a speculative application which is supported by a draft Operational Management Plan (OMP). This sets out a number of guiding principles for the proposed restaurant operation and acknowledges that, given its location within the Stress Area, the premises would require careful management to safeguard local amenities. The OMP includes various undertakings including commitments:

- to operate a table booking system to avoid creating concentrations of activity at certain times and to prevent customers queuing outside of the premises
- to encourage customers to leave the restaurant quickly and quietly, with signage prominently displayed at the exits requesting patrons to respect the needs of local residents and businesses.
- for the operator to make arrangements with a hackney carriage and/or private carriage firm to provide transport for customers. Contact numbers will be made readily available to customers who will be encouraged to use such services and to wait inside the premises until their taxi has arrived
- for daily management/staff briefings to document and address any issues or complaints received and to put appropriate measures in place to address any concerns raised. A senior manager will be on-site at all times during trading hours to ensure compliance with licensing and other requirements, and to make sure good practice is maintained. A direct contact number for the venue will also be displayed in the premises.

- to restrict waste collections, bottle collections and deliveries to between 07.00 and 21.00 on Monday to Saturday and between 08.00 and 20.00 hours on Sundays and Bank Holidays.
- to remove and prevent litter or waste accumulating from customers in the area immediately outside the premises. The area will be swept and or washed, and litter and sweepings collected and stored each day

These commitments are welcome. However, it is considered appropriate to require a finalised OMP to be submitted and approved, once a tenant has been identified and before the use commences, to ensure that adequate safeguards are in place. This final OMP should also include precise details of measures to:

- manage customers who wish to smoke;
- ensure that goods and refuse are not stored on the highway and that site servicing is carried out in a sensitive manner, within agreed hours, to ensure that potential noise disturbance is minimised.

With the imposition of the appropriate conditions, it is considered that the restaurant use would not have any adverse impact on residents' amenities or local environmental quality.

Subject to these conditions, the restaurant use is considered acceptable in land use and amenity terms. The impact of the use on the highways is discussed in section 8.4 on this report.

8.1.5 Residential use

The proposal includes the creation of a new one bed flat, measuring 88m² (GIA) within the extended mansard storey, accessed via the main office staircase. Although it is unusual for new residential accommodation to be provided without independent access, there are many historic examples of mixed use buildings where access is shared and the proposals could not reasonably be resisted on these grounds.

The proposed apartment is arranged with a living area on the northern side of the building (overlooking Great Marlborough Street). Private amenity space would be provided at rear fourth floor and roof levels. The flat would be fitted with thermal double glazing and would be mechanically ventilated should future residents choose to keep their windows shut in order to minimise potential noise disturbance

The flat would provide an acceptable standard of accommodation in terms of room sizes and layout. The Council's Environmental Health Officer has reviewed the submitted noise report and considers that subject to the installation of the specified glazing and given noise attenuation resulting from acoustic screening, the "sunken" nature of the plant area and its relationship with rear windows, that the flat would achieve acceptable internal noise levels in relation to external noise sources, including plant.

The flat would be located above the third floor offices and adjacent to new office accommodation at rear fourth floor level. A new separating floor will be provided between the third and fourth floors and a new party wall separating the proposed fourth floor uses. The Environmental Health Officer considers these to be low-risk noise transmission points, subject to a condition requiring the new flat to achieve an acceptable internal noise environment in relation to internal noise

sources it is considered that the proposed flat would provide an acceptable standard of accommodation for future occupants.

8.2 DESIGN/TOWNSCAPE

The application premises is an unlisted building of townscape merit within the Soho conservation area however, its architectural quality does not extend to the rear yard infill. The building shares a party wall with 48 Great Marlborough Street, which is a Grade II listed building dating from the early eighteenth century.

The proposed alterations to the roof, the height of the rear extension and the new entrance at ground floor have been the subject of extensive pre-application discussions. The application has been further amended to revise aspects of the detailed design and materials.

The height and bulk of the rear extension rises above the penultimate story and aligns with the ridge of the front façade. UDP policy DES 5 generally advises that rear extensions should only rise to penultimate level. However, in this instance, given the height of the adjacent buildings, the relatively enclosed rear area and the lack of public views, the proposals are considered acceptable in this case. The design of the rear extension is considered high quality and the proposed green roof is welcomed in this constrained urban site. Proposals to remove existing plant installations and fire escape stairs are welcomed.

The scale and bulk of the proposed roof and rear extensions is now considered acceptable in the context of neighbouring buildings and the revised proposals are considered acceptable in terms of their detailed design.

Subject to conditions, the proposals are now considered acceptable in design terms and would preserve or enhance the character and appearance of this part of the Soho conservation area, complying with policies DES 1, DES 5, DES6, DES 9 and DES 10 of the Unitary Development plan and policy S28 of the City Plan.

Notwithstanding the above, details of the kitchen extract system remain unresolved. Whilst the revised drawings show that the duct would terminate within the rear plant enclosure, this might not meet the requirements of the Environmental Health Officer. Consequently, a pre-commencement condition is recommended requiring full details of the kitchen extract system, including its appearance, which should not harm the appearance of the building or the character and appearance of the wider Soho Conservation Area.

8.3 AMENITY

The properties immediately adjacent to the application site would all appear to be in commercial use.

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. In addition, developments should not result in a significant increase in the sense of enclosure, or overlooking, and should not cause unacceptable overshadowing, particularly on gardens or on adjoining buildings. Similarly, under City Plan policy S29, the council will resist proposals that result in an unacceptable material loss of residential amenity. All development should aim to improve the residential environment.

Policies ENV 6 and ENV 7 deal with the issue of noise generated by new developments and from the operation of plant. These policies require that all developments should incorporate design features and operational measures to minimise potential noise disturbance and that all plant should operate in accordance with Council standards.

8.3.1 Impact of proposed uses

It is not considered that the modest extension to the lawful office use, the continuation/extension of the lawful retail use or the introduction of a new flat on the site would have a material impact upon the amenities of neighbouring occupiers when compared with the previous educational use. The impact of the proposed restaurant use was discussed in section 8.1 above.

8.3.2 Daylight and Sunlight and increased sense of enclosure

The application is supported by a daylight/sunlight report, which confirms that all neighbouring premises are in commercial use and that the proposed extensions to the building would not adversely affect the amenity of light sensitive properties or affect the operation of neighbouring business premises. Officers concur with this view. It appears that the premises directly to the south of the site (in Foubert's Place) are in commercial use and that the window overlooking the rear of the rear extension to the application building, which has the greatest potential to be effected by the proposed rear extension, serves a stair.

Given the relationship of the proposed extension to neighbouring windows, it is not considered that the development would result in significant impact on the sense of enclosure to neighbouring windows.

8.3.3 Overlooking and increased sense of enclosure

It is considered that the creation of the roof level residential terrace and office terraces on the western façade would not have a material impact upon the amenities of neighbouring buildings in respect of loss of privacy.

8.4 HIGHWAYS/SERVICING

In the context of the existing lawful office and retail uses on the site, it is not considered that the current proposals would have any material impact on the local highway network or servicing or parking demand.

Parking

In terms of restaurant customers arriving at, and departing from the site in cars, the level of activity is likely to be similar to that of the existing lawful uses and no significant change is likely to occur. The site is within a Controlled Parking Zone and restaurant customers, and staff and visitors to the extended offices will be subject to those controls. The impact of the change of use on parking levels is likely to be minimal.

No off-street parking is provided in association with the proposed flat. However, the Council's most recent night time parking survey (Buchanan's 2015) indicates that occupancy of ResPark

bays within a 200 metre radius of the site is 78% and this figure is reduced to 54% when all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, Pay and Display and shared use bays) are included. During the daytime, this figure is 56%. On this basis, it is considered that any additional parking demand associated with the proposed residential use can be absorbed into the surrounding street network. Therefore the development is consistent with TRANS23.

Cycle Parking

Three cycle spaces would be provided in association with the retail (Class A1) / restaurant (Class A3) use. Twelve cycle parking spaces are shown for the proposed offices, This complies with London Plan requirements and it is recommended is secured by condition.

Proposals to provide additional on-street cycle parking for restaurant customers, which are not considered necessary and may not be acceptable in highways terms, have been omitted from the scheme.

The London Plan requires 1 cycle parking to be provided in association with a 1 bed residential dwelling. While a residential cycle space is shown, this is located within the office cycle storage area, which is undesirable. The Highways Planning Manager has requested the submission of revised plans showing independent cycle parking for the flat. This would be secured by condition.

Servicing

Policies TRANS20 and S42 require convenient access to all premises for servicing vehicles with this facility accommodated on-site and off-street. Given the site constraints, there is no opportunity to provide off-street servicing but there are double yellow lines outside the site that allow loading and unloading to occur.

The proposed retail and restaurant uses can generate similar levels of servicing but the servicing requirements of a non-food retail use are likely to be less. However, the existing retail use is lawful, and unrestricted. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the property in a similar fashion to nearby properties. No information has been submitted regarding servicing (number of associated trips, vehicles used or how servicing will be carried out) in association with the restaurant use. A condition is therefore recommended requiring the submission of a Servicing Management Plan (SMP). This should outline how servicing will occur on a day to day basis for the restaurant unit and should identify storage locations, staffing arrangements, scheduling of deliveries, and likely delivery vehicle size and should ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction or a danger to highway users.

It is not considered that the extension of the lawful office use would have a significant impact on associated servicing demand.

Vault

TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 0.9m and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway. The floor level of the

vault is being lowered, which would retain the existing vertical depth between the ceiling and the highway. There is no proposed extension beneath the highway increasing over the maximum extent that already exists. Consequently, there is no objection to the basement alterations.

Subject to appropriate conditions, the application is considered acceptable in highways/parking terms.

8.5 ECONOMIC CONSIDERATIONS

Any economic benefits generated by the proposals are welcomed.

8.6 ACCESS

Access to the upper floors of the building would be via the existing entrance and stair and would remain unchanged. The existing internal lift would be replacement and extended to basement level for the commercial and residential uses and will provide access to commuter facilities, the plant room and cycle stores/shower room.

Due to the height of the existing former recital hall at ground floor level (the building was once occupied by the Royal College of Music) this creates a stepped form between the existing building and the rear extension. Consequently, whilst all floors will have level access, some parts of the proposed rear extension will not be directly accessible via the lift.

The retail/restaurant unit will be accessed via a newly formed entrance door to Great Marlborough Street. As at present, due to the relationship between the building and the pavement, it is not possible to provide level access. However, the applicants have confirmed that a temporary ramp will be provided, as necessary.

Vertical access within the unit will be completed as part of the tenant's fit-out. A secondary means of escape is provided from the A1/A3 unit via an escape door through the communal stairwell.

8.7 OTHER UDP/WESTMINSTER POLICY CONSIDERATIONS

8.7.1 Plant

The application includes plant for the development, set within a sunken plant area at fourth floor level.

The application is supported by an acoustic report which has been assessed by the Council's Environmental Health office. Subject to appropriate conditions, relating to plant noise and vibration, it is considered that the operation of the plant would comply with Council standards in relation to its impact on the neighbouring properties. Subject to conditions relating to plant noise and vibration, the proposals are considered to comply with policy UDP policy ENV 7 and City Plan policy S32.

8.7.2 Dispersal of cooking smells

The restaurant would be routed through the building and would terminate/d within the sunken plant area. A filtration system will also be used to control odour and particulates. The original drawings did not show the terminus of the proposed kitchen extract duct. The Council's

Environmental Health Officer has raised no objection to the kitchen extract proposals providing that the duct terminates at least 1m above roof ridge level of any building within 20m of the application premises.

The revised drawings show that the extract duct terminates below the height of the rear plant enclosure, below the height of the roof to the front of the building (the residential flat and terrace). The duct also terminates below the height of the existing offices at 45 Foubert;s Place (and below the height of the approved office extensions to this building) and below the height of the taller buildings at 45 and 49/50 Great Marlborough Street. However, the Environmental Health Officer has since confirmed that alternative kitchen extract arrangements may be acceptable. This matter remains unresolved at the time of writing this report and it is recommended, with the agreement of the Environmental Health Officer, that a pre-commencement condition is imposed requiring details of the kitchen extract system to be approved prior to the commencement of any works on site. This would ensure that the kitchen extract system satisfies the requirements of the Environmental Health Officer and is also acceptable in design terms. Officers will update the Committee of any developments as part of the Committee presentation.

8.7.3 Refuse /Recycling

The refuse store for the A1/A3 unit and the proposed flat are located in the basement. The refuse stores for the offices are provided on each floor. The Cleansing Officer has confirmed that arrangements for the storage of waste and recyclable materials are acceptable. These would be secured by condition

8.7.4 Biodiversity

The application site is fully developed with no areas of greening. The proposal would introduce a living roof to the proposed rear extension. There is also the opportunity to introduce planters on the office balconies. The provision of a living roof is welcomed and would increase the site's contribution to the biodiversity of the area in accordance with policy s38 of the City Plan. Details of the planting and management of this area would be secured by condition.

8.7.5 Sustainability

City Plan policy S28 requires developments to achieve the highest possible standards of sustainable design and construction.

The greater part of the existing building fabric will be retained, limiting the potential for increased thermal efficiency. However, all new and replacement building fabric, including the rear and roof extensions will comply with the requirements of Part L of the Building Regulations.

In addition, all mechanical and electrical services will be replaced and the scheme will incorporate air source heat pumps, energy efficient heating and lighting systems. The air conditioning equipment, which serves all floors, will comply with the latest energy efficiency standards. Mechanical ventilation for the retail/restaurant space will use a heat recovery system to prevent energy loss. With the exception of the basement and ground floors, all levels will be capable of natural ventilation.

The use of energy efficient glazing will aim to reduce heat loss and other measures including upgrading of the retained building fabric e.g.re-sealing areas around windows will minimise heat loss.

Rainwater will be stored and recycled. Occupants will be encouraged to recycle waste as part of the sustainability strategy.

Given the scale of the development these measures are considered appropriate.

8.8 LONDON PLAN

This application does not raise any 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

The application does not trigger any planning obligations.

The estimated CIL payment will be confirmed as part of the Committee presentation.

8.11 ENVIRONMENTAL IMPACT ASSESSMENT

Environmental Impact issues have been covered elsewhere in the report.

8.12 OTHER ISSUES

None

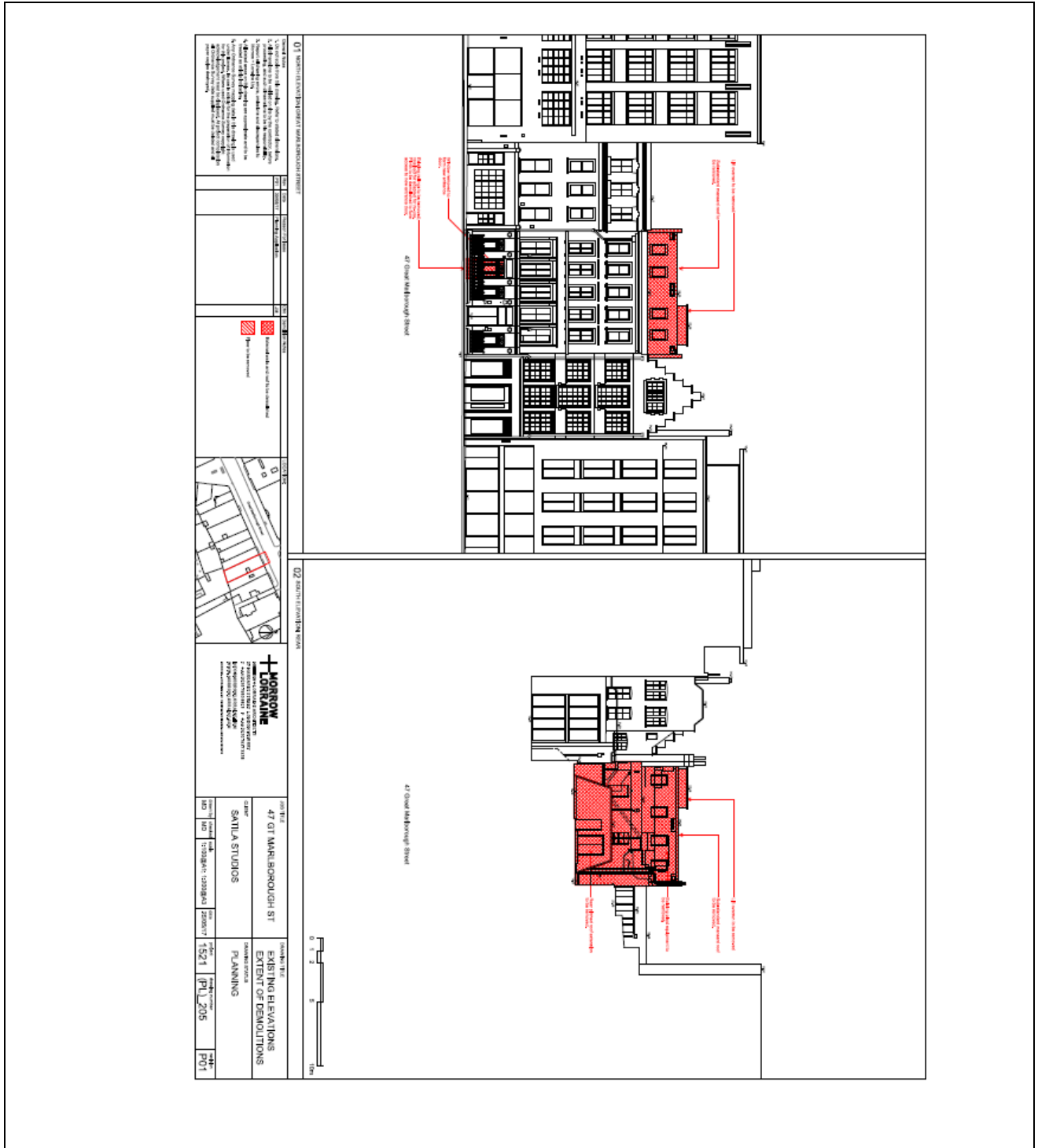
9 BACKGROUND PAPERS

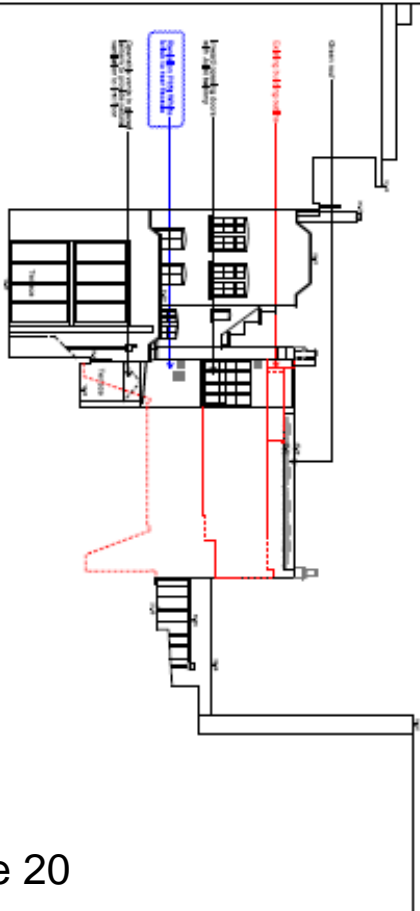
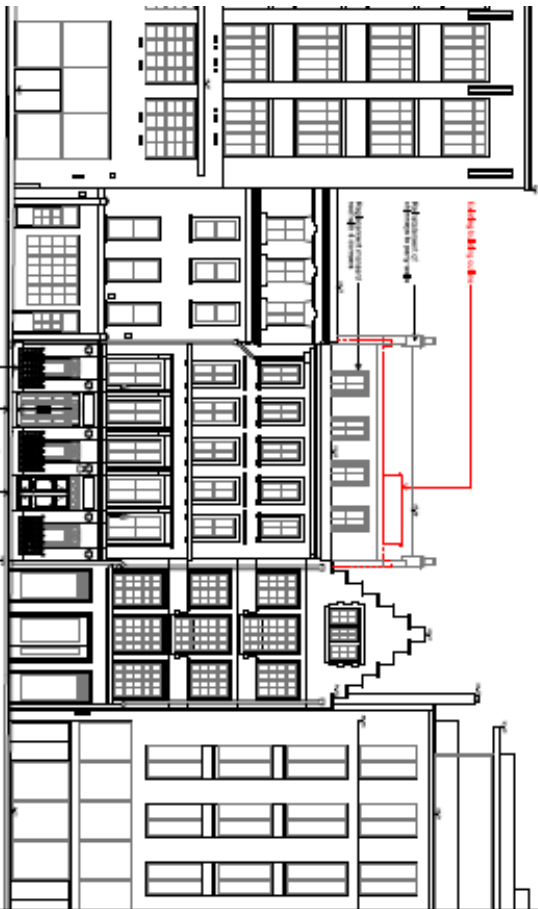
1. Application form
2. Letter from the Soho Society (55 Dean Street) dated 10 August 2017
3. Memoranda from Environmental Health dated 15 August and 16 November 2017
4. Memorandum from Highways Planning Manger dated 9 November 2017
5. Memorandum from Projects Officer (Waste) dated 24 July 2017

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

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

10 KEY DRAWINGS





01 NORTH ELEVATION GREAT WALL BOROUGH STREET

02 SOUTH ELEVATION GREAT WALL BOROUGH STREET

NOTES:

1. All elevations are shown in black lines on a white background.
2. All elevations are shown in black lines on a white background.
3. All elevations are shown in black lines on a white background.
4. All elevations are shown in black lines on a white background.
5. All elevations are shown in black lines on a white background.

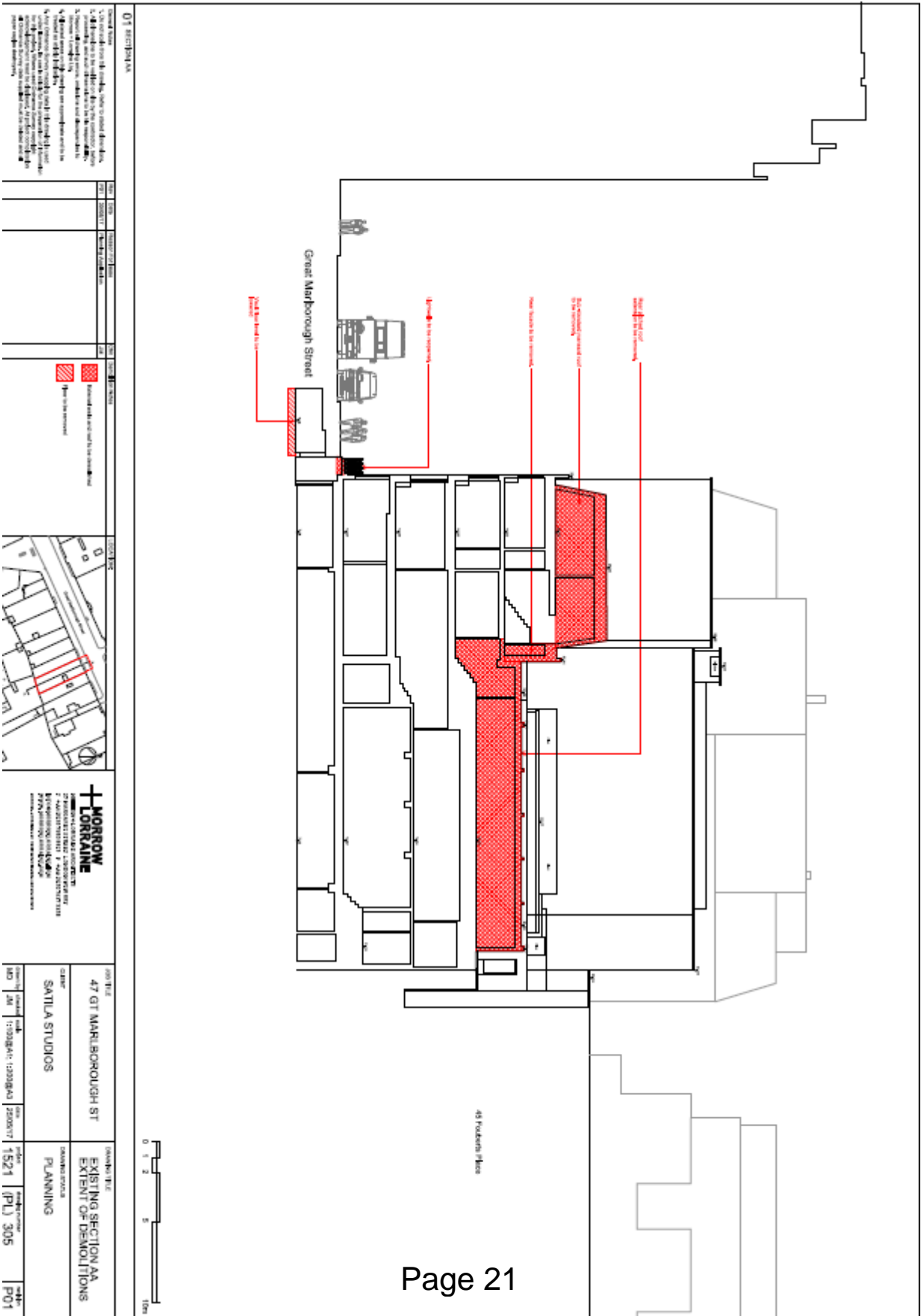
NO.	DESCRIPTION	DATE	BY	CHECKED
01	PROPOSED ELEVATIONS	15/01/21	PL	PL
02	REVISIONS			



MORROW LORRAINE
ARCHITECTURE

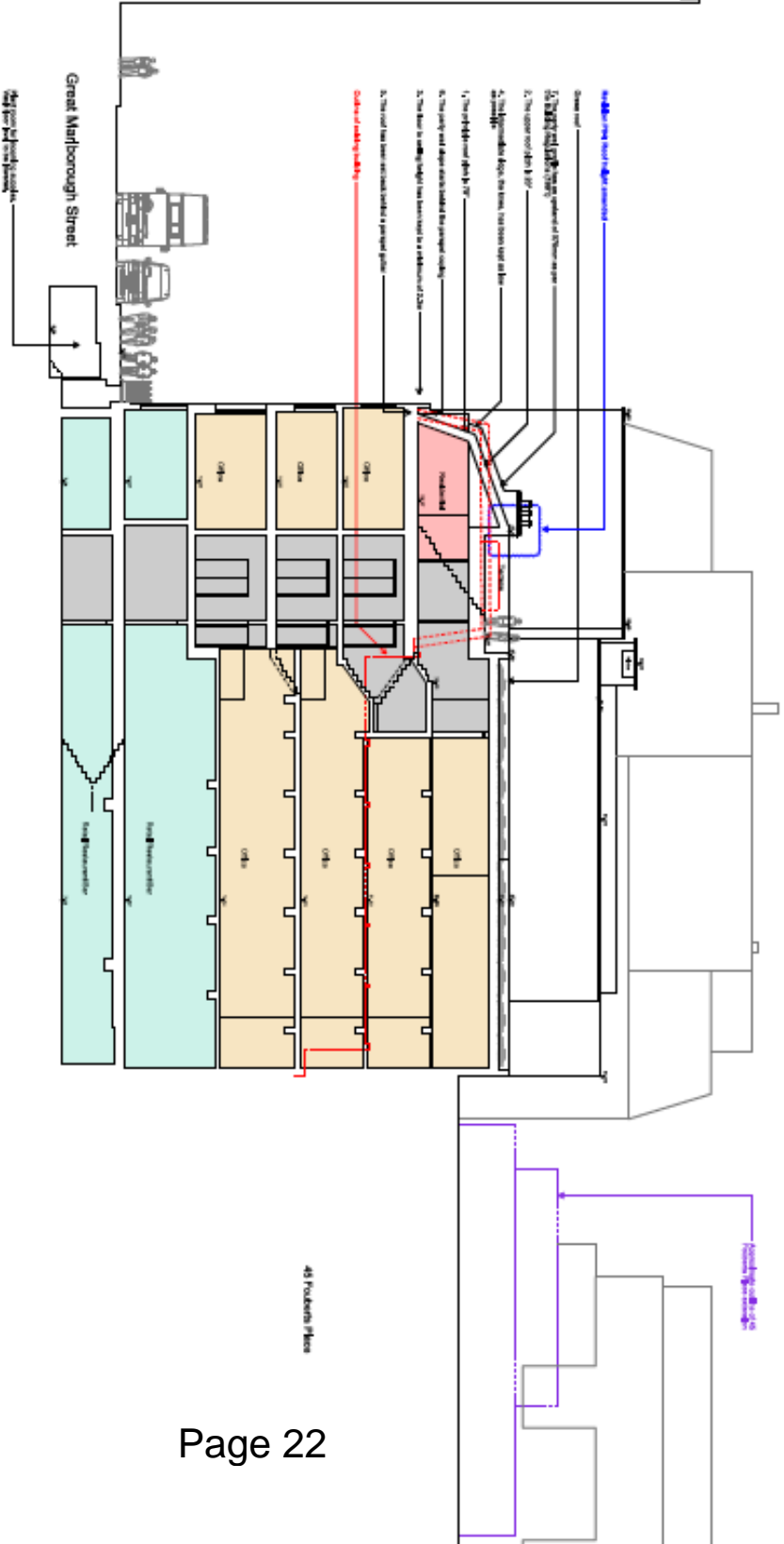
4775
47 GT MARLBOROUGH ST
SATILA STUDIOS

PROPOSED ELEVATIONS
DRAWING NO. PL_210
DATE: 15/01/21
PL



<p>01 sections</p> <p>Client Name: [Redacted]</p> <p>Project Name: [Redacted]</p> <p>Address: [Redacted]</p> <p>City: [Redacted]</p> <p>Country: [Redacted]</p> <p>Scale: [Redacted]</p> <p>Drawn by: [Redacted]</p> <p>Checked by: [Redacted]</p> <p>Date: [Redacted]</p>	
<p>47 GT MARLBOROUGH ST</p> <p>EXISTING SECTION AA</p> <p>EXTENT OF DEMOLITIONS</p>	<p>47 FRODOUS PLACE</p>
<p>DATE: 15/03/2017</p> <p>SCALE: 1:500</p> <p>PROJECT NO: 1521</p> <p>PLANNING</p>	<p>DATE: 15/03/2017</p> <p>SCALE: 1:500</p> <p>PROJECT NO: 1521</p> <p>PLANNING</p>





01 section AA

Client Name: [Redacted]
 Date: [Redacted]
 Project: [Redacted]
 Drawing No: [Redacted]

NO	REV	DESCRIPTION	DATE
01	1	ISSUED FOR PERMIT	15/01/2024
02	1	ISSUED FOR PERMIT	15/01/2024
03	1	ISSUED FOR PERMIT	15/01/2024
04	1	ISSUED FOR PERMIT	15/01/2024
05	1	ISSUED FOR PERMIT	15/01/2024

Section AA - 465 Froude's Place, 47 Great Marlborough Street, London E1W 2JL. The drawing shows the proposed section AA through the building. The drawing is for information only and does not constitute a contract. The drawing is subject to the terms and conditions of the contract. The drawing is the property of the architect and should not be used without the architect's written consent.

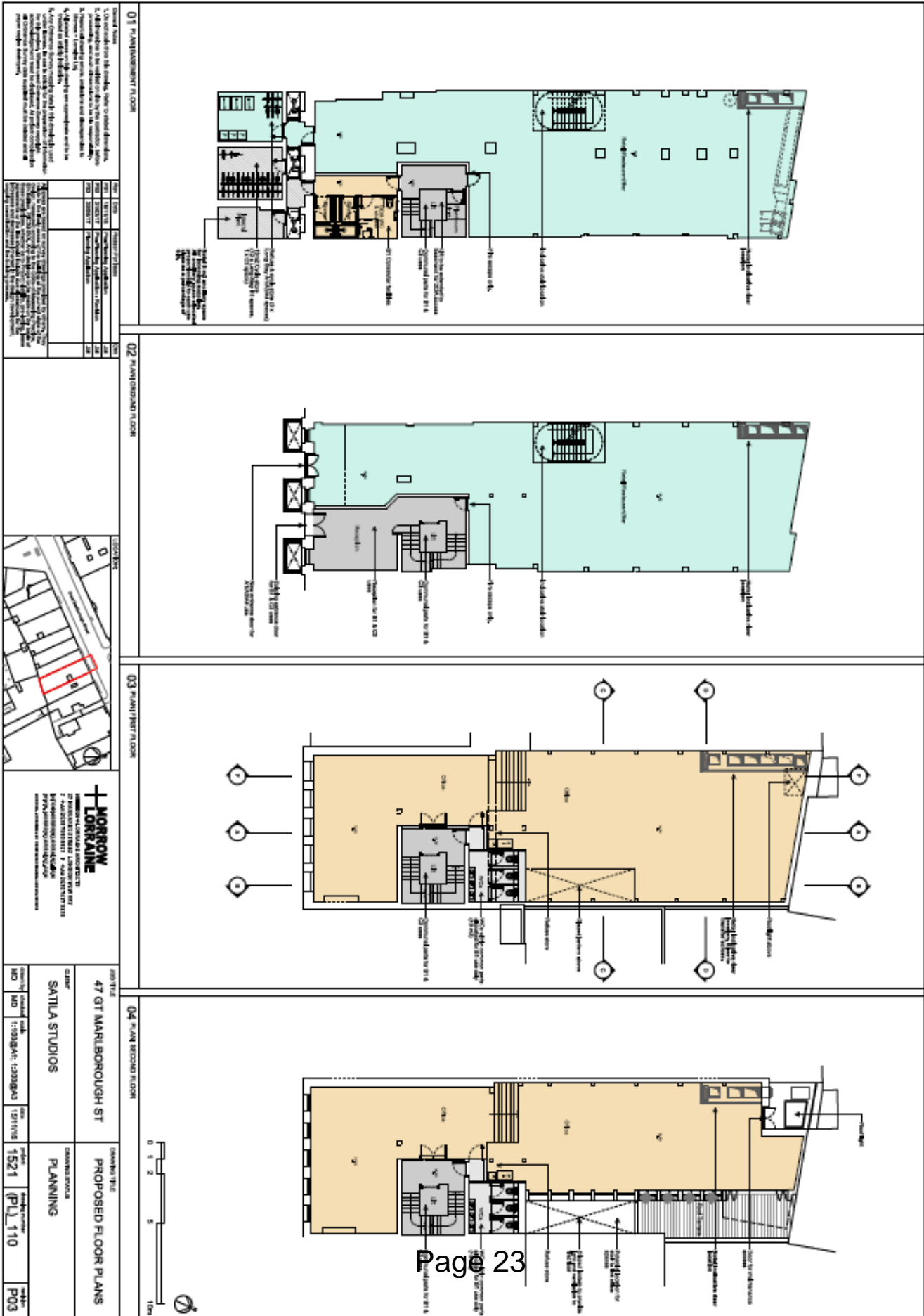


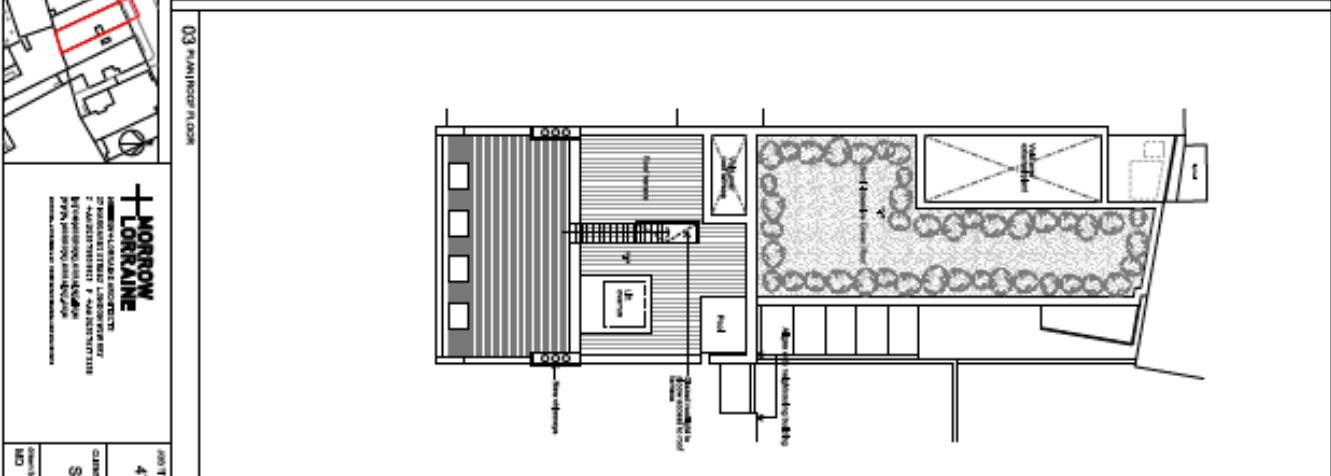
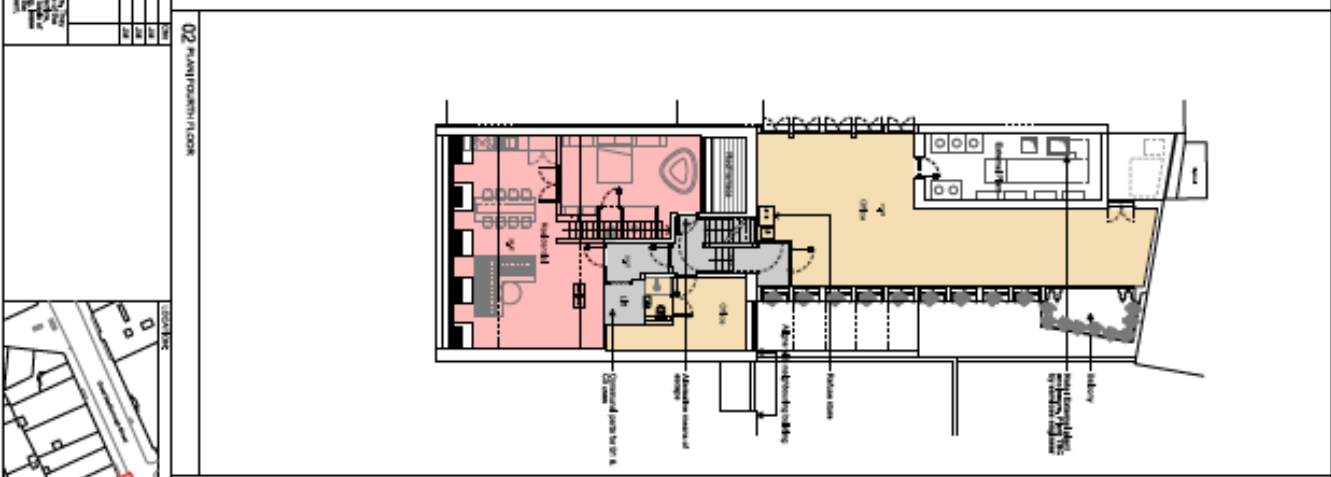
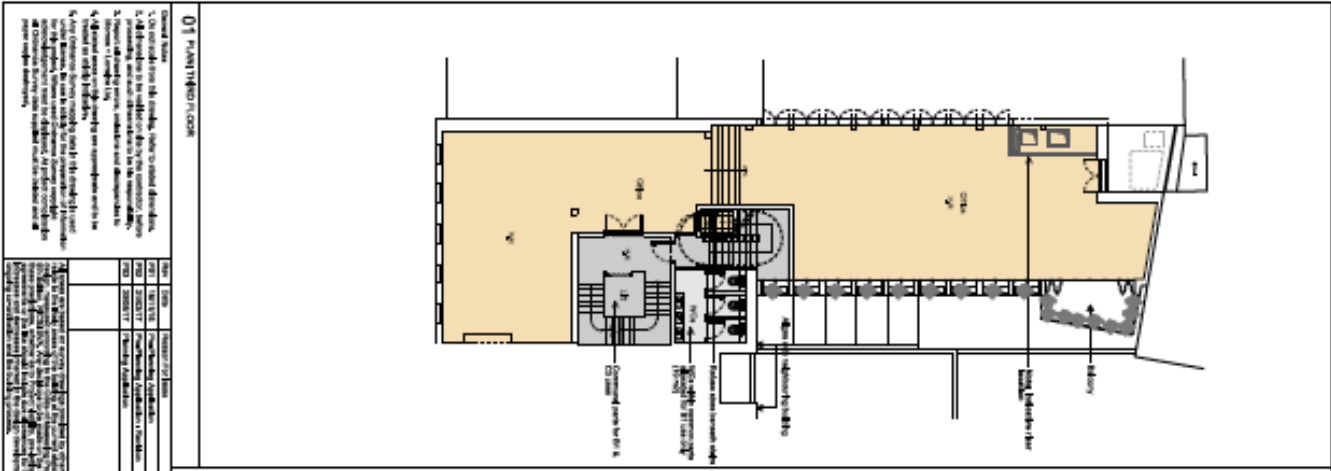
MORROW
LORRAINE

ARCHITECTS

27 MARLBOROUGH STREET, LONDON E1W 2JL
 TEL: 020 7424 1234
 WWW.MORROWLORRAINE.CO.UK

PROJECT NO	47 GT MARLBOROUGH ST	(SHEET) TITLE	PROPOSED SECTION AA
CLIENT	SATIJA STUDIOS	DRAWING SCALE	PLANNING
DATE	15/01/2024	PROJECT NO	1521 (PL) 310
NO	MD	DATE	15/01/2024
NO	MD	DATE	15/01/2024





01 **main floor**

NO	DESCRIPTION	DATE
01	01	01/15/18
02	02	02/15/18
03	03	03/15/18
04	04	04/15/18
05	05	05/15/18
06	06	06/15/18
07	07	07/15/18
08	08	08/15/18
09	09	09/15/18
10	10	10/15/18
11	11	11/15/18
12	12	12/15/18

02 **second floor**

NO	DESCRIPTION	DATE
01	01	01/15/18
02	02	02/15/18
03	03	03/15/18
04	04	04/15/18
05	05	05/15/18
06	06	06/15/18
07	07	07/15/18
08	08	08/15/18
09	09	09/15/18
10	10	10/15/18
11	11	11/15/18
12	12	12/15/18

03 **third floor**

NO	DESCRIPTION	DATE
01	01	01/15/18
02	02	02/15/18
03	03	03/15/18
04	04	04/15/18
05	05	05/15/18
06	06	06/15/18
07	07	07/15/18
08	08	08/15/18
09	09	09/15/18
10	10	10/15/18
11	11	11/15/18
12	12	12/15/18

MORROW LORRAINE
ARCHITECTS
27 HANCOCK STREET, LANSING, MI 48206
PHONE: (313) 487-1111
WWW.MORROWLORRAINE.COM

47 GT MARLBOROUGH ST
PROPOSED PLANS

SATIJA STUDIOS
PLANNING

DATE: 01/15/18
SCALE: 1/8" = 1'-0"

NO: 1521
REV: P11_111

DATE: 01/15/18
SCALE: 1/8" = 1'-0"

NO: P03



DRAFT DECISION LETTER

Address: 47 Great Marlborough Street, London, W1F 7JP

Proposal: Demolition of existing 4th floor mansard and rear 2nd floor extension, alterations including the erection of a replacement 4th floor mansard and 2nd to 4th floor rear extension, new entrance in connection with dual alternative use of part basement and part ground floor as a retail shop (Class A1) or restaurant (Class A3), use of the upper floors as offices (Class B1) and a residential flat (Class C3) at 4th floor level.

Reference: 17/05944/FULL

Plan Nos: 1521 (PL)_/101 Rev P01; 205 Rev P01, 206 Rev P01, 207 Rev P01, 305 Rev P01, 306 Rev P01, 307 Rev P01 (demolition)

1521 (PL)_/110 Rev P03, 111 Rev P03; 210 Rev P05, 211 Rev P05, 212 Rev P03; 310 Rev P04, 311 Rev P01, 312 Rev P01, 313 RevP02; 400 Rev P01,401 Rev P03, 402 Rev P03 (proposed)

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

4 You must apply to us for approval of samples and specification details of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

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

Reason:

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

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

Reason:

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

7 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:

Living roof

You must not remove any of these features. (C43FA)

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)

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

Reason:

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

9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living 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)

10 You must apply to us for approval of detailed drawing (scale 1:20 and 1:5) of the following parts of the development -

- i, new doors and windows including reveals
- ii, new roof lights
- iii, balconies and railings (including plinths and upstands)
- iv, dormers
- v, front lightwell

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved documents. (C26DB)

Reason:

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

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency

auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

13 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use hereby permitted, when operating at its noisiest, shall not at any time

exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

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

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

Reason:

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

15 The design and structure of the development shall be of such a standard that it will protect

residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14 and 15 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

17 You must apply to us for approval of detailed drawings and specifications of the restaurant ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not start work until we have approved what you have sent us. You must not commence the restaurant use until you have carried out the works according to these approved drawings and specifications. (C26CB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area and to protect the environment of people in neighbouring properties. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan (November 2016) and DES 1 and DES 5, paras 10.108 to 10.128 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

18 With the exception of those areas shown as roof terraces on the drawings hereby approved, you must not use the roof areas of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency or for maintenance purposes.

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)

19 Customers shall not be permitted within the restaurant premises before 07.00 hours or after 24.00 hours (midnight) each day. (C12AD)

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 ENV6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

20 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

21 You must not operate a delivery service from the restaurant premises.

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

22 Any bar area within the restaurant must be ancillary to the restaurant use and must be used to serve restaurant customers only, before, during or after their meals. You must only use the rest of the premises as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05FB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

23 You must provide the waste store shown on drawing 1521 (PL) 110 Rev P03 and 111 Rev P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste 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)

24 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

25 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

26 You must provide each cycle parking space for the retail/restaurant and office uses 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.

27 All servicing, including waste collections, bottle collections and deliveries and other collections must take place between 07.00 and 21.00 on Monday to Saturday and between 08.00 and 20.00 hours on Sundays and Bank Holidays.

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)

28 You must apply to us for approval of a servicing management plan to show how restaurant servicing will be carried out. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

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

29 No waste shall be stored on the highway

Reason:

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

Informative(s):

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

2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which

relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults.

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

4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

6 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

8 You should contact Andy Foster (0207 641 2541) in Engineering and Transportation Projects to progress the application for works to the highway (supporting structure)

9 You should contact Maxwell Koduah of the City Council's Environmental Health Team (0207 641 7242) to discuss requirements for the kitchen extract system

Item No.
1

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

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	170-172 Marylebone Road, London, NW1 5AR,		
Proposal	Variation of Condition 1 of the planning permission dated 20 December 2016 (RN: 16/09946/FULL) for use of basement room as retail accommodation (Class A1) with refurbishment and internal and external alterations, including new shopfronts and pumps, in connection with existing petrol station use at ground floor level. NAMELY, to amend replace a spiral staircase between the ground and basement floors of the retail unit with an L-shaped stairwell, extend the external staircase and landing between the forecourt and retail unit and introduce a night hatch in the shop front.		
Agent	Peacock and Smith Limited		
On behalf of	MRH Retail		
Registered Numbers	17/05907/FULL 17/05910/LBC	Date completed	5 July 2017
Date Applications Received	5 July 2017		
Historic Building Grade	Grade II		
Conservation Area	Dorset Square		

1. RECOMMENDATION

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

2. SUMMARY

<p>This application seeks amendments to the planning permission and listed building consent granted on 20 December 2016 for alterations to the vacant petrol filling station at Dorset House. The amendments comprise the introduction of a night hatch in the shop front, extension of the approved staircase and landing between the forecourt and retail unit and the replacement of a spiral staircase between ground and basement levels within the retail unit with an L-shaped staircase.</p> <p>Objections have been received from seven residents in the Dorset House strongly objecting to the</p>
--

petrol filling station re-opening on the grounds of fire risk in the light of a previous fire in the building in 2012.

The key considerations are :

- The acceptability of these physical alterations on the special architectural and historic interest of this Grade II listed building and this part of the Dorset Square Conservation Area; and
- the impact of the works on the residents above.

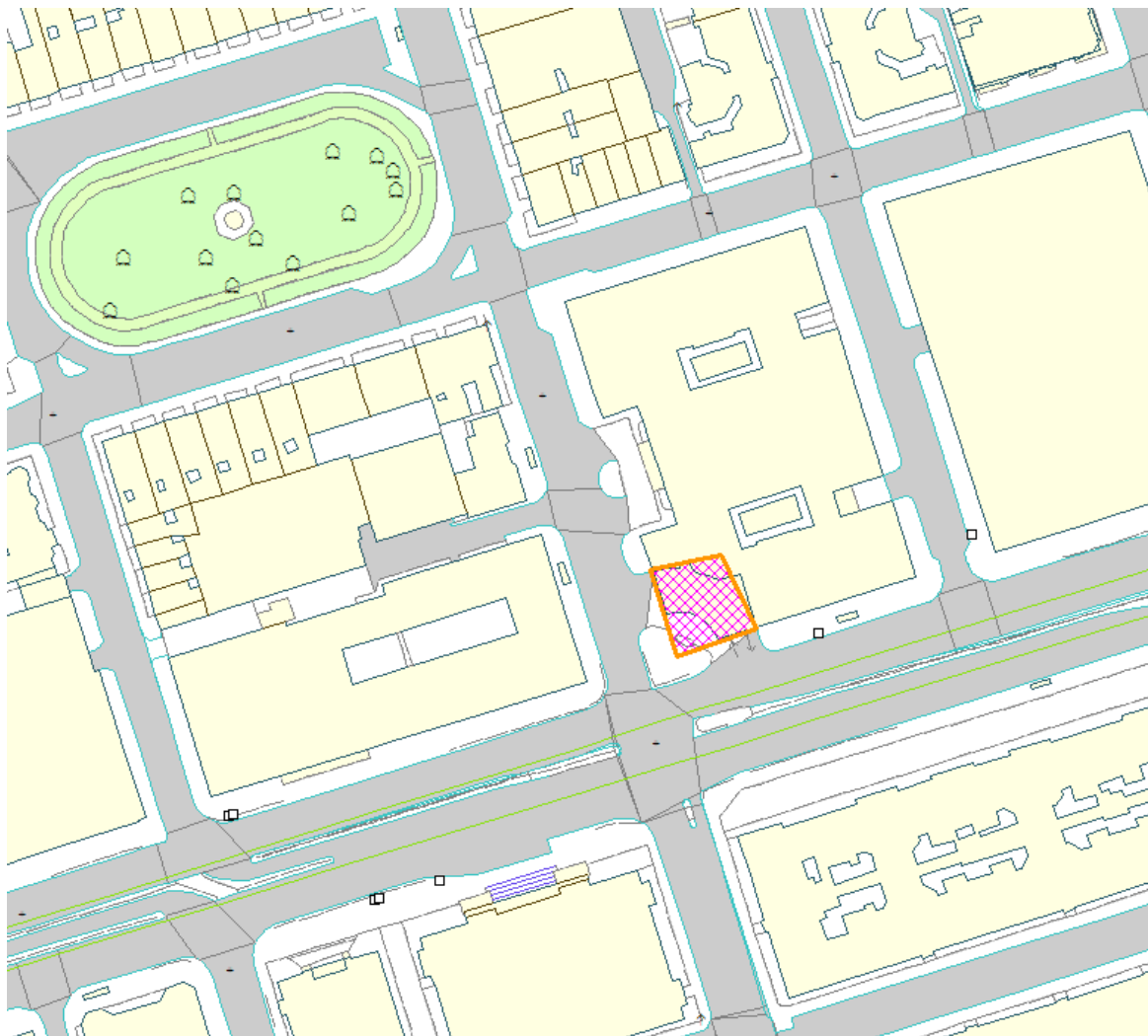
Despite the objections raised, the use as a petrol filling station with an ancillary retail shop is lawful in planning terms, and there are no objections to its re-opening. This is a petrol filling station protected by policy TRANS 18 in the UDP.

Whilst the residents' fears of increased fire risk are well understood given the events which took place in 2012, the fire did not take place on the forecourt of the filling station. The London Fire Brigade have confirmed that a Petroleum Storage Certificate has been granted and the premises are designed with safety mechanisms in place to prevent and minimise potential damage in the unlikely event of a fire.

In historic building terms, the amendments proposed are relatively minor and are acceptable, and will not harm the special architectural and historic interest of this listed building and will preserve the character and appearance of this part of the Dorset Square Conservation Area.

The applications accord with Policies DES1, DES5, DES9 and DES10 in the Unitary Development Plan (UDP) adopted in January 2017 and Policies S25 and S28 in Westminster's City Plan (the City Plan) and are therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Dorset House, as seen from Marylebone Road with petrol station undergoing works (top) and prior to the fire in the underground car park (bottom).

5. CONSULTATIONS

COUNCILLOR JULIA ALEXANDER

Considers that the application seems entirely reasonable. Asks though that it is noted that the residents at Dorset House are anxious about the potential for incremental applications to alter the application premises. Wider Dorset House site should be considered as a whole whenever a new modifications are proposed. Passed on correspondence from a resident in Dorset House objecting to the new petrol filling station as it is a massive safety risk, increase traffic and pollution, new hazard for pedestrians and station will sell alcohol and increase anti-social behaviour.

ST. MARYLEBONE SOCIETY

Defer to Conservation Officer Area, we have some objections to the re-instatement of the petrol station from Dorset House residents, but understand that this has already been approved. Disabled Access to the shop is very poor and may have further comments following their August meeting. No further comments received.

BUILDING CONTROL

No objection. Note that Building Control has no control over petroleum licencing and that this falls under London Fire Brigade control. Also note that if this is an existing premises then the building regulations would just require that the works are no worse than existing.

TRANSPORT FOR LONDON

No objection. Advise that no skips or construction material can be placed on the footway, carriageway or any other part of the Transport for London Road Network (TLRN)

HIGHWAYS PLANNING MANAGER

No objection. Same conditions as imposed on previous permission should be imposed if permission is granted.

LONDON FIRE BRIGADE (PETROLEUM MANAGER)

Confirms that an application for a Petroleum Storage Certificate has been approved. Have also received correspondence from a concerned resident, which they have responded to. Understand the concerns regarding the incident in the car park; however, this did not take place on the forecourt and please be assured petrol filling stations are designed with safety mechanisms in place to prevent and minimise damage in the event of fire.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 196.

Total No. of replies: 7.

No. of objections: 7.

No. in support: 0.

Seven emails/ letters received raising objection on all or some of the following grounds:

- The petrol station was closed as a result of a woman driving into the underground car park directly below the petrol station and storage tanks and setting herself alight. In

view of recent tragic events at Grenfell Tower, the re-opening of the petrol station represents a high risk in Central London, not only to residents in Dorset House, but also cars on the busy 6 lane Marylebone Road, 3 lanes of traffic on Gloucester Place and to pedestrians. In addition, directly opposite is the Old Westminster Council House which is being converted into the London Business School.

- The Council needs to take fire hazards extremely seriously following the Grenfell tragedy.
- Lack of consultation with residents in Dorset House. The Council failed to consult in respect of the original planning application approved in December 2016. Request that the previous approval is reversed.
- No reference to a risk assessment associated with petrol stations situated within residential blocks.
- No reference to the possession of a relevant licence, as any previous licence will have expired.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

Dorset House is a substantial residential mansion block in the art deco style. It comprises of a range of shops and restaurants with ground floor frontages with 185 flats above. The block is Grade II listed and located within the Dorset Square Conservation Area.

This and this proposal relates to the petrol filling station located on the south western corner of the site at the junction of Marylebone Road and Gloucester Terrace. The petrol filling station is a long standing use, which has been vacant following a fire in 2012. Works are in progress refitting the petrol filling station with a small ancillary shop pursuant to planning permission and listed building consent that were granted conditional permission under delegated powers in December 2016.

Marylebone Road outside the application site to the south is a Red Route forming part of the Transport for London Road Network (TLRN) and is the responsibility of Transport for London.

6.2 Recent Relevant History

16/09946/FULL and 16/09947/LBC

Planning permission and listed building consent granted on 20 December 2016 for: Use of basement room as retail accommodation (Class A1) with refurbishment and internal and external alterations, including new shop fronts and pumps, in connection with existing petrol station use at ground floor level.

Works to implement the above permission and consent have commenced on site.

There have been a large number of decisions that relating to the petrol filling station over the years. An appeal was allowed in September 2015 for the installation of a temporary hoarding and associated access gate around the vacant petrol filling station.

Two appeals were dismissed in 2014 (advertisement consent and listed building consent) for the retention of (1) the 're-skin' of the extant internally illuminated freestanding totem; (2) the retention of the 're-skin' of the extant internally illuminated projecting sign on the Marylebone frontage; and (3) the replacement of the (temporary) fascia sign on the Marylebone Road frontage, with new permanent signage.

7. THE PROPOSAL

The applications for planning permission and listed building consent seek to vary Condition 1 of the 20 December 2016 permission and consent, which allowed alterations to the petrol filling station associated with its re-opening.

The proposed changes are relate to the introduction of a night hatch in the shop front, an extension to the approved staircase and landing between the forecourt and retail unit and the replacement of a spiral staircase between ground and basement levels within the retail unit with an L-shaped staircase.

The applications are being reported to Sub-Committee in the light of the objections received.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Despite the objections received to the re-opening of the petrol filling station, the premises have a lawful planning use as a petrol filling station (which is a Sui Generis use). Whilst it is recognised that the premises has been closed since 2012 as a result of the tragic fire associated with a woman setting herself alight in the underground car park, there are no sound planning grounds to prevent the lawful petrol filling station re-opening.

This is one of the petrol filling stations in the City which is protected by Policy TRANS 18 in the UDP.

8.2 Townscape and Design

As required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in dealing with these applications special regard has been had to the desirability of preserving the listed building, its setting and the features of special architectural or historic interest that it possesses, whilst also preserving or enhancing the character and appearance of this part of the Dorset Square Conservation Area.

The proposed amendments to the detailed design of the shop front and shop interior are considered to be relatively minor and will not harm this special architectural or historic interest of this Grade II listed building or the character or appearance of the Dorset Square

Conservation Area. The proposal therefore accords with policies DES1, DES5, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

It is not considered that the proposed physical amendments will have an adverse impact in terms of the residents above in respect of their light, outlook or privacy. The objections relating to fire risk are dealt with later in this report.

8.4 Transportation/ Parking

Despite the objections received on grounds that increased traffic would be generated by the petrol filling station re-opening and congestion would be caused, Transport for London (the strategic highway authority) raise no objections to the proposal, nor does the Highways Planning Manager. In this context, it is not considered that the amendments proposed raise any new highway safety issues, or adversely affect pedestrian safety relative to the lawful planning use and layout of the site as a petrol filling site.

8.5 Economic Considerations

No new economic issues are raised by these applications.

8.6 Access

The St Marylebone Society considers that disabled access is poor. It is regrettable there are steps up to the forecourt shop unit; however, this is no worse than the previous situation. Also there are space constraints which preclude the creation of a ramp, and therefore the proposed steps are considered acceptable.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

The application does not raise any 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

This application does not require an Environmental Impact Assessment.

8.12 Other Issues

8.12.1 Fire Risk

Residents have raised objection to the proposal on the grounds of fire risk to the flats above especially in the light of events that took place in 2012 and recent tragic events at Grenfell Tower.

There was a fire in 2012 in the adjoining underground car park, when a woman set herself alight in a suicide attempt and ran up the ramp from the underground car park. However, this fire was not associated with the operation of the petrol filling station.

Petrol filling stations are licenced by the relevant Petroleum Licensing Authority (PEA) to ensure that all the necessary safety standards are observed and maintained. In Westminster, the relevant PEA is the London Fire Brigade, and in the light of the objections received their views have been sought.

The London Fire Brigade confirm that an application for a Petroleum Storage Certificate (PSC) was made to their office and subsequently granted. The London Fire Brigade understand the concerns raised by residents regarding the incident in the car park; however, as above, this did not take place on the forecourt and petrol filling stations are designed with safety mechanisms in place to prevent and minimise potential damage fire in the unlikely event that it occurs.

Residents' concerns about possible fire risk are well understood, but there are no sound planning grounds to refuse these latest applications as the use of the petrol filling station is lawful and the storage of petrol is regulated by other legislation.

8.12.2 Lack of Public Consultation

Objection has been raised to the lack of public consultation in respect of the 2016 planning application, and request objectors request that this decision is reversed. The previous planning application (RN: 16/09946/FULL) and a linked listed building consent application (RN: 16/09947/LBC) were submitted to the City Council on 18 October 2016 for various physical alterations associated with the refurbishment of the existing petrol filling station.

The City Council sent out 281 consultation letters on 21 October 2016, including the residents in Dorset House. The planning application was also advertised in the local newspaper and a site notice was erected in the vicinity of the site. In addition, the City Council consulted the local amenity society, the St Marylebone Society.

It is considered that the level of public consultation was appropriate given the scope and scale of the application and consistent with the requirements of the City Council's Statement of Community Involvement in Planning (June 2014). There are therefore no grounds to justify revoking the 2016 decisions to grant conditional permission and listed building consent.

One of the objectors raises that the applications provide no information in respect of the licence necessary for the operation of a petrol filling station in this location. However, this is not a relevant planning consideration in the determination of these applications. In any

event, as set out in Section 8.12.1, the London Fire Brigade have confirm that a Petroleum Storage Certificate (PSC) has been granted.

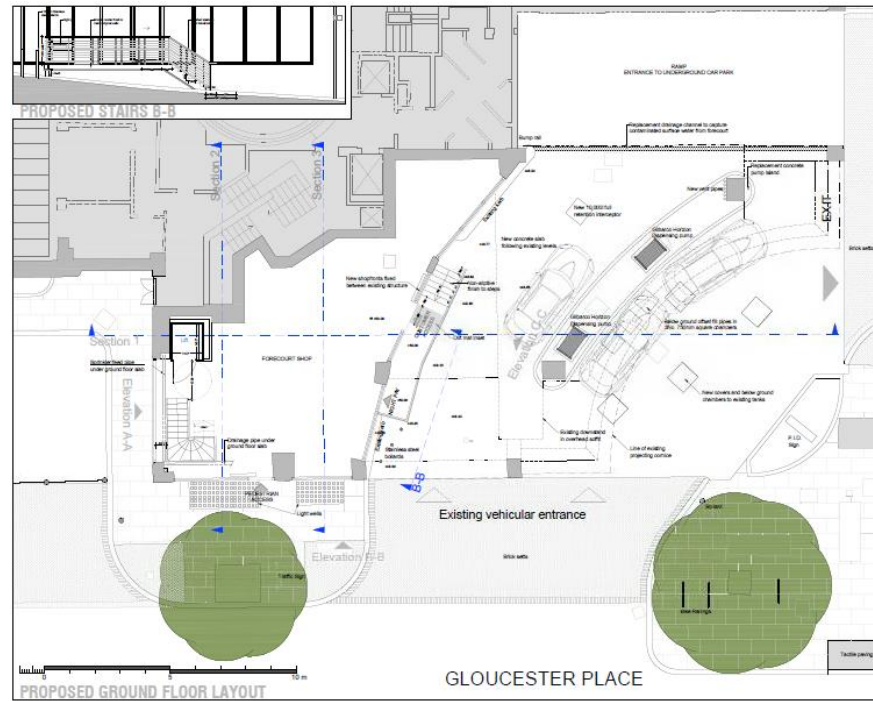
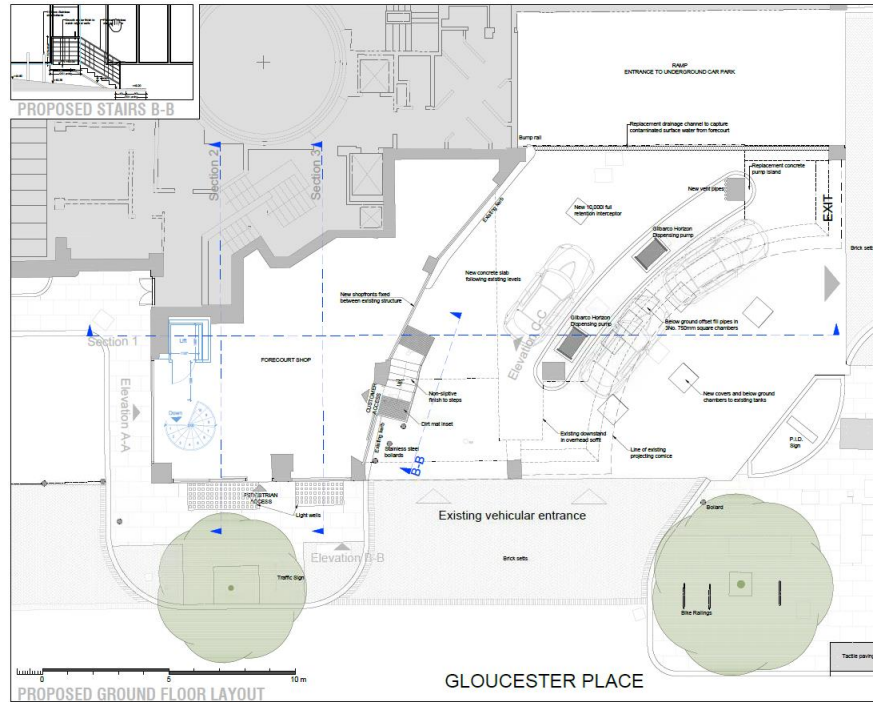
9. BACKGROUND PAPERS

1. Application form.
2. Emails from Councillor Julia Alexander and correspondence from a resident at Flat 83 Dorset House Gloucester Place dated 20 August 2017, 22 August 2017 and 15 November 2017.
3. Email from Transport for London dated 1 August 2017.
4. Email from the St. Marylebone Society dated 8 August 2017.
5. Email from London Fire Brigade dated 15 September 2017.
6. Memo from the Highways Planning Manager dated 13 November 2017.
7. Email from Building Control dated 15 November 2017.
8. Email from the occupier of 173 Dorset House, Gloucester Place dated 11 July 2017.
9. Email from an occupier of 51 Dorset House, Gloucester Place dated 18 July 2017.
10. Email from occupier of Flat 6 Dorset House Gloucester Place London dated 21 July 2017.
11. Email from the occupier of 27a Dorset House Gloucester Place dated 23 July 2017.
12. Email from an occupier of 51 Dorset House, Gloucester Place dated 23 July 2017.
13. Email from the occupier of 18 Radley House dated 27 July 2017.
14. Email from the occupiers of Flat 118 Dorset House, Gloucester Place dated 29 July 2017.

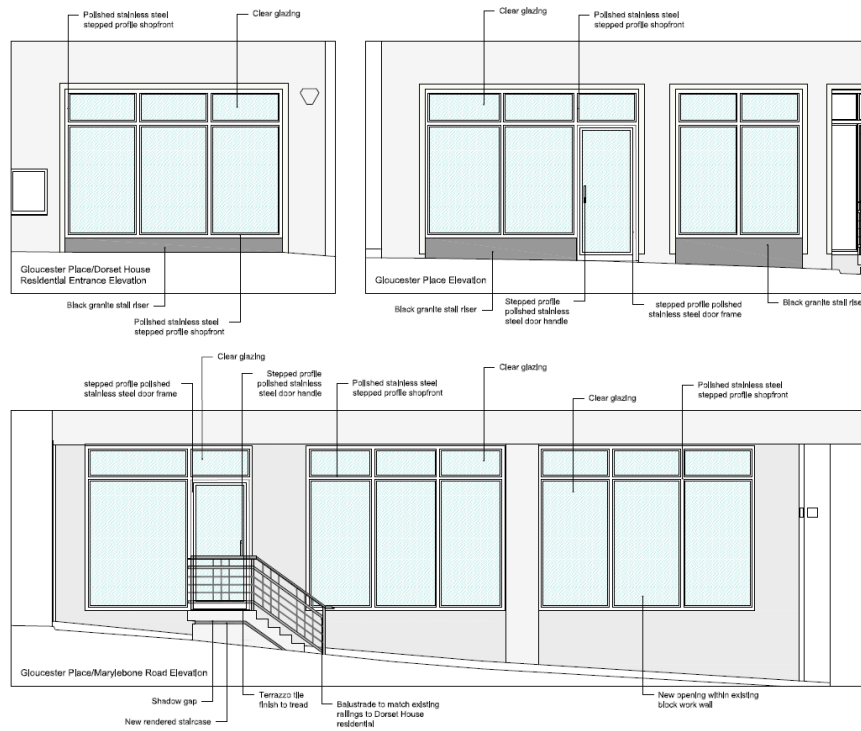
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



Previously approved ground floor (top) and amended ground floor plan now proposed (bottom).



Previously approved shop front elevations (above) and amended shop front elevations now proposed (below).



DRAFT DECISION LETTER

Address: 170-172 Marylebone Road, London, NW1 5AR,

Proposal: Variation of Condition 1 of the planning permission dated 20 December 2016 (RN: 16/09946/FULL) for use of basement room as retail accommodation (Class A1) with refurbishment and internal and external alterations, including new shopfronts and pumps, in connection with existing petrol station use at ground floor level. NAMELY, to amend replace a spiral staircase between the ground and basement floors of the retail unit with an L-shaped stairwell, extend the external staircase and landing between the forecourt and retail unit and introduce a night hatch in the shop front. Linked with 17/05910/LBC.

Plan Nos: Drawings and Documents Previously Approved under RN: 16/09946/FULL): 15562 PA-01, 15562 PA-02, 15562 PA-03, 15562 PA-04, 15562 PA-05 (Rev A), 15562 PA-06 (Rev A), 15562 PA-07 (Rev A), 15562 PA-08 (Rev A), 15562 PA-09 (Rev A), 15562 PA-10 (Rev A), 15562 PA-11 (Rev A), 15562 PA-12 (Rev A), 15562 PA-13 (Rev A), 16.016.00(P)010 (Rev A), 16.016.00(P)020, 15562 PA-14 (Rev A) Indicative Purposes Only, Planning and Heritage Statement (Oct 2016), Design and Access Statement (Oct 2016).

As Amended By Drawings and Documents Hereby Approved: Letter dated 5 July 2017; 15562 PA01; PA-02, PA-03, P0-04, PA-05 (Rev C), PA-06 (Rev B), PA-07 (Rev C), PA-08 (Rev C) A, PA-09 (Rev C), PA-10 (Rev C), PA-11 (Rev C), PA-12 (Rev B), PA-13 (Rev B), PA-14 (Rev C), 16.016.00(P) 010 (Rev C).

Case Officer: John Wilman **Direct Tel. No.** 020 7641 5961

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 The works to remove cladding from piers and soffits of the petrol station canopy and proposed new materials and levels to soffits shall be carried out in accordance with the details we approved on 1 September 2017 (RN: 17/01579/ADFULL).

Reason:

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

- 4 You must provide the stores for waste and materials for recycling according to these details we approved on 1 September 2017 (RN: 17/01579/ADFULL). You must 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)

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

Reason:

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

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

Reason:

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

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: 170-172 Marylebone Road, London, NW1 5AR,

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Plan Nos: **Drawings and Documents Previously Approved under RN: 16/09947/LBC):** 15562 PA-01, 15562 PA-02, 15562 PA-03, 15562 PA-04, 15562 PA-05 (Rev A), 15562 PA-06 (Rev A), 15562 PA-07 (Rev A), 15562 PA-08 (Rev A), 15562 PA-09 (Rev A), 15562 PA-10 (Rev A), 15562 PA-11 (Rev A), 15562 PA-12 (Rev A), 15562 PA-13 (Rev A), 16.016.00(P)010 (Rev A), 16.016.00(P)020, 15562 PA-14 (Rev A) Indicative Purposes Only, Planning and Heritage Statement (Oct 2016), Design and Access Statement (Oct 2016).

As Amended By Drawings and Documents Hereby Approved: Letter dated 5 July 2017; 15562 PA01; PA-02, PA-03, P0-04, PA-05 (Rev C), PA-06 (Rev B), PA-07 (Rev C), PA-08 (Rev C) A, PA-09 (Rev C), PA-10 (Rev C), PA-11 (Rev C), PA-12 (Rev B), PA-13 (Rev B), PA-14 (Rev C), 16.016.00(P) 010 (Rev C).

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

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

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

Reason:

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

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

Reason:

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

(R27AC)

- 3 The works to remove cladding from piers and soffits of the petrol station canopy and proposed new materials and levels to soffits shall be carried out in accordance with the details we approved on 1 September 2017 (RN: 17/01580/ADLBC).

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the 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.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	1 Regents Mews, London, NW8 0LB		
Proposal	Removal of Condition 11 of planning permission dated 4 January 2017 (RN: 16/10749/FULL) for variation of Condition 11 of planning permission dated 26 October 2016 (RN: 16/08788/FULL) for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised and reduce the extent of the obscured glazing to the French doors at second floor level to a strip across the middle and upper parts of the doors. NAMELY, to allow the French doors to the front elevation at second floor level to be clear glazed.		
Agent	Robinson Leigh Architects		
On behalf of	Mr Peter Vogel		
Registered Number	17/03567/FULL	Date amended/ completed	26 April 2017
Date Application Received	26 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>The application seeks permission for the removal of Condition 11 of the planning permission dated 4 January 2017, which itself permitted the variation of Condition 11 of the earlier planning permission for the erection of a mansard roof extension with pitched end elevations and dormer windows to enlarge the existing dwellinghouse. The permission granted on 4 January 2017 allowed the second floor dormer doors to be partially, rather than fully obscure glazed, so as to prevent overlooking to</p>

neighbouring properties, principally the neighbouring property at No.5 Langford Place. The current application seeks removal of Condition 11 to allow the dormer doors to be entirely clear glazed.

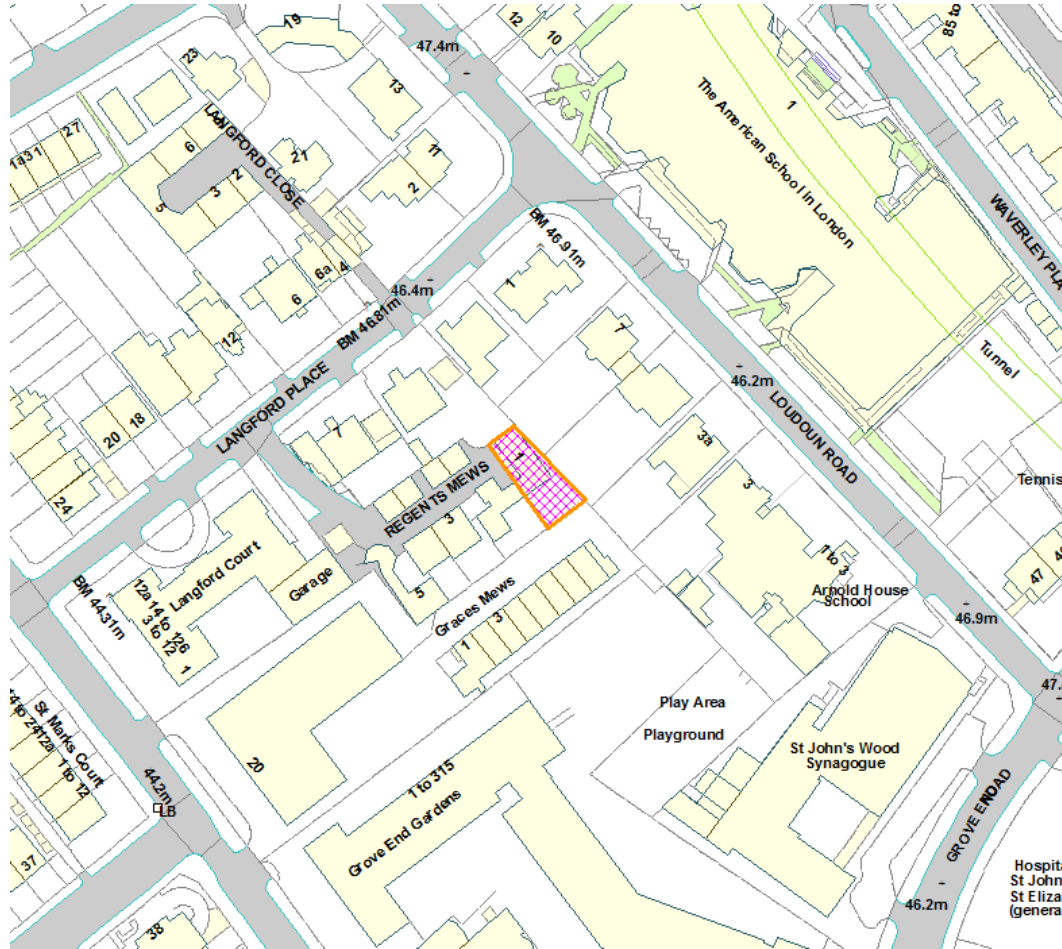
The building is not listed, but is located within the St. John's Wood Conservation Area.

The key issues in this case are:

- The impact on the amenity of neighbouring residents in terms of overlooking/ loss of privacy.

Following on site assessment of the views that can be obtained from the dormer French doors towards neighbouring residential windows and gardens, it is not considered that Condition 11 is necessary to safeguard the amenity of neighbouring residents and the degree of overlooking that would be caused, were the dormer French doors be clear glazed, would not be so significant so as to warrant withholding permission. For this reason it is considered that the proposal to remove Condition 11 of the 14 October 2014 permission is acceptable and would accord with Policy ENV13 in the Unitary Development Plan adopted in January 2007 (the UDP) and Policy S29 in Westminster's City Plan adopted in November 2016.

3. LOCATION PLAN

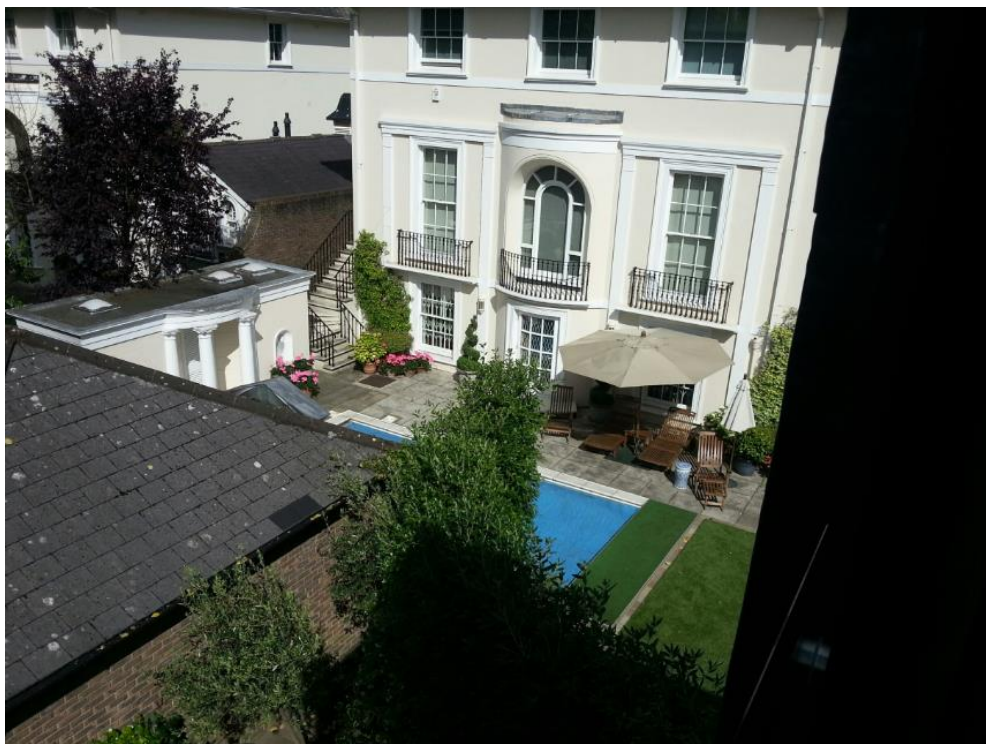


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4. PHOTOGRAPHS



Front elevation (top) and view from within bedroom with obscured doors shut (bottom).



View from within centre of bedroom (top) and view towards rear of No.5 Langford Place when standing at the glazed balustrade (bottom).

5. CONSULTATIONS

ST. JOHN'S WOOD SOCIETY

No objection, subject to the comments of neighbours.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 10; No. of Responses: 2.

Two letters received raising objection on all or some of the following grounds:

Amenity

- Loss of privacy and increase in overlooking to garden and rear windows of Nos.5 and 7 Langford Place.
- Proposal would fail to accord with Policy ENV13(C) and (F) and Policy S29.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is an unlisted building located within the St. John's Wood Conservation Area. The dwellinghouse forms part of a group of five properties that form Regent's Mews, a development from the early 1980's located to the rear of Nos.5 and 7 Langford Place and Nos.5 and 7 Loudoun Road.

Following implementation of the planning permission granted by the Planning Applications Committee on 14 October 2014, as subsequently amended by the permission granted in October 2016 and January 2017, the building has been extended to form a three storey dwellinghouse, comprising two sheer storeys and a mansard top storey at second floor level.

6.2 Recent Relevant History

21 July 1980 – Planning permission was granted for the erection of the dwellings that comprise Regent's Mews to the rear of Nos.5 and 7 Langford Place.

14 October 2014 – Planning permission granted for the erection of a mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse. Condition 11, which is the subject of this application, was imposed to seek to ensure the dormer French doors closest to the boundary with No.5 Langford Place would not cause a material increase in overlooking (14/08005/FULL).

26 October 2016 – Planning permission granted for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing

dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised (16/08788/FULL).

4 January 2017 – Planning permission granted for variation of Condition 11 of planning permission dated 26 October 2016 (RN: 16/08788/FULL) for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised. NAMELY, to reduce the extent of the obscured glazing to the French doors at second floor level to a strip across the middle and upper parts of the doors (16/10749/FULL).

The permission granted on 4 January 2017 has been implemented and a strip of obscure glazing to the centre of the dormer doors has been installed within the sealed double glazed unit.

7. THE PROPOSAL

The application proposes the removal of Condition 11 of the planning permission dated 4 January 2017 (RN: 16/10749/FULL), which itself permitted variation of Condition 11 of the earlier permission for the erection of the mansard roof extension, to allow the dormer doors to be partially obscure glazed (with clear glazing to the top and bottom), rather than wholly obscure glazed. Currently Condition 11 is worded as follows:

'The dormer French doors in the front elevation adjacent to the boundary with No.5 Langford Place at second floor level must be partially obscure glazed as shown in drawing (PL)401 hereby approved, using the obscure glass we approved on 20 October 2016 (RN: 16/09439/ADFULL), unless we approve an alternative sample of obscure glass in writing. You must fit the dormer doors with the obscure glass we have approved, as shown in drawing (PL)401, prior to occupation of the second floor level roof extension and thereafter you must not remove it.'

Following the completion of the roof extension and its occupation in the first half of 2017 it is now sought to remove Condition 11 to allow the removal of the obscure glazing from the centre of the window and its replacement with clear glazing to the whole of the dormer doors. The dormer doors that are the subject of the application are located on the front elevation at second floor level adjacent to the boundary with the rear garden of No.5 Langford Place.

Since the determination of the previous S73 application on 4 January 2017, which this application seeks to vary, there have been no material changes in development plan policy or guidance which would alter the acceptability of the previously approved development. Furthermore the development has now been completed on site. In this context, the considerations in this report are limited to the effect of removing the obscure glazing from the second floor dormer doors.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise any significant land use considerations.

8.2 Townscape and Design

The removal of the obscure glazing from the second floor level dormer doors would have not have an adverse impact on the appearance of the building and the character and appearance of the St. John's Wood Conservation Area. As such, the proposal accords with Policies DES1, DES5 and DES9 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

The key consideration in this case is the impact of the proposal on the amenity of neighbouring residents, particularly the occupants of the nearest neighbouring property at No.5 Langford Place. Objection on overlooking grounds has been received from the occupiers of this property and the occupiers of No. 7 Langford Place.

Condition 11 was originally imposed to address concerns that the dormer doors would materially increase overlooking to the rear windows and gardens of the neighbouring properties, principally the property at No.5 Langford Place. The condition does not prevent the dormer doors from being opened, but does require them to be predominantly obscure glazed. The rationale for this approach was to allow natural ventilation of the bedroom, whilst ensuring that for the majority of the time, when the doors are shut, the perception of overlooking for neighbours would be minimised.

Following completion of the roof extension, it has been possible to assess more accurately the degree to which views from the dormer doors allow overlooking of neighbouring properties and also to assess the extent to which neighbours would appreciate the general use of the bedroom (the appreciation of activity behind a window can contribute to a perception of being overlooked, even if the activity within the room served by the window or door does not itself consist of a person or persons looking directly towards a neighbouring property).

Following on-site assessment during the course of the application, it is apparent that given the depth of the dormer within which the doors are located and the dimensions of the bedroom the doors serve, general activity within the main body of the bedroom would not normally be appreciable to the occupiers of neighbouring properties in Langford Place. Activity within the room would only be appreciated where a person is standing directly at the window, which is likely to be an infrequent occurrence. Even in such circumstances it would be necessary for the person standing at the inside face of the doors to look 45 to 90 degrees to the right in order to view the rear windows and garden of No.5 Langford Place and No.7 Langford Place beyond. Furthermore, as noted earlier in this section, Condition 11 does not prevent the opening of the doors and therefore in better weather occupants of the application property can already stand at the Juliet balcony balustrade with the doors open.

In the context of the preceding paragraph, it is not considered that the removal of the obscure glazing from the dormer doors would result in a significant increase in overlooking

from the second floor bedroom towards neighbouring windows and gardens. As such, the condition is not considered to be necessary to make the roof extension acceptable and therefore, despite the objections raised by neighbours, its removal would accord with Policy ENV13 in the UDP and S29 in the City Plan.

8.4 Transportation/Parking

The proposal does not raise any transportation or parking considerations.

8.5 Economic Considerations

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

8.6 Access

Not applicable.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

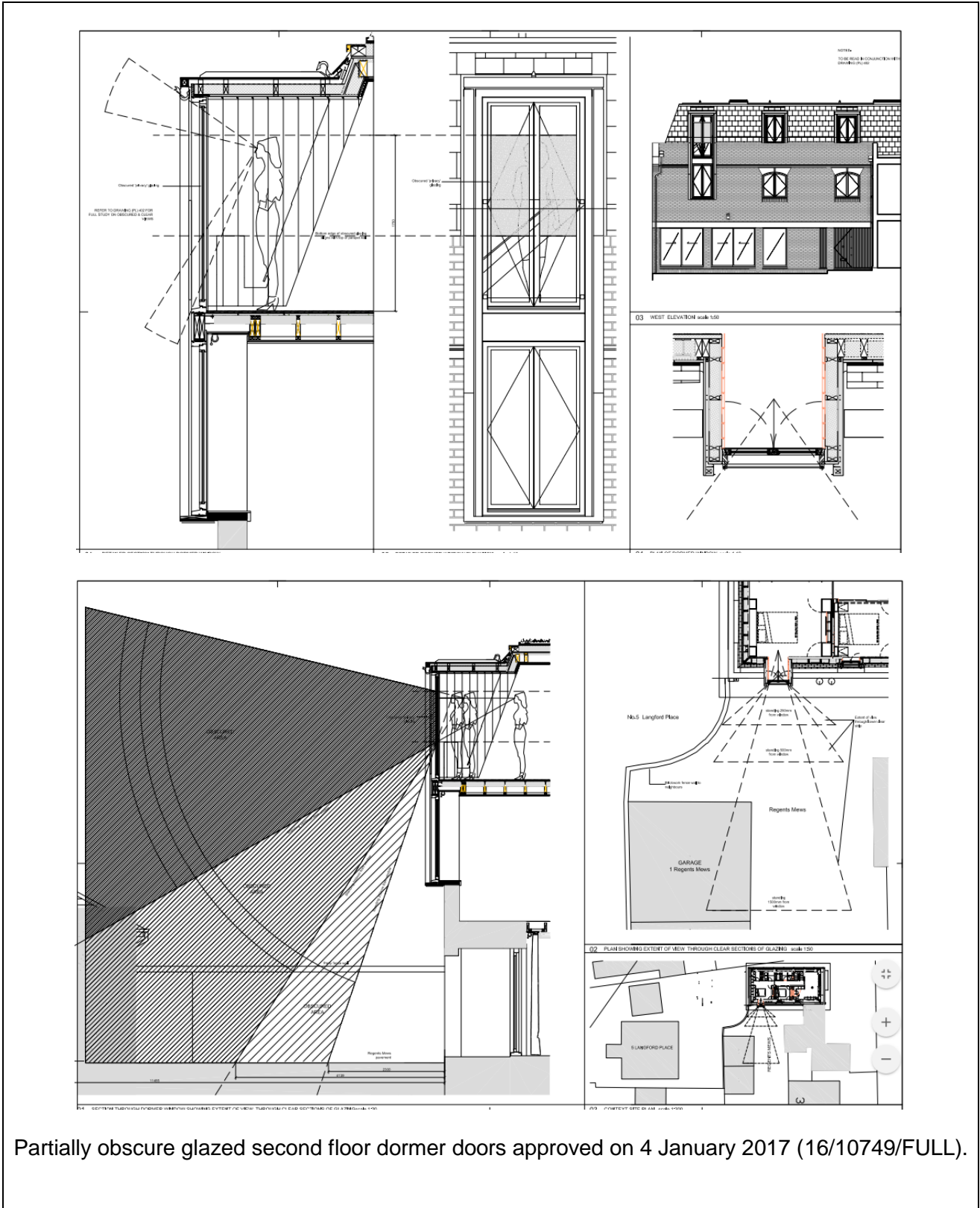
1. Application form.
2. Email from the St. John's Wood Society dated 15 May 2017.
3. Letter from occupier of 7 Langford Place dated 15 May 2017.
4. Letter from Brecher Solicitors on behalf of the occupiers of 5 Langford Place dated 16

May 2017.

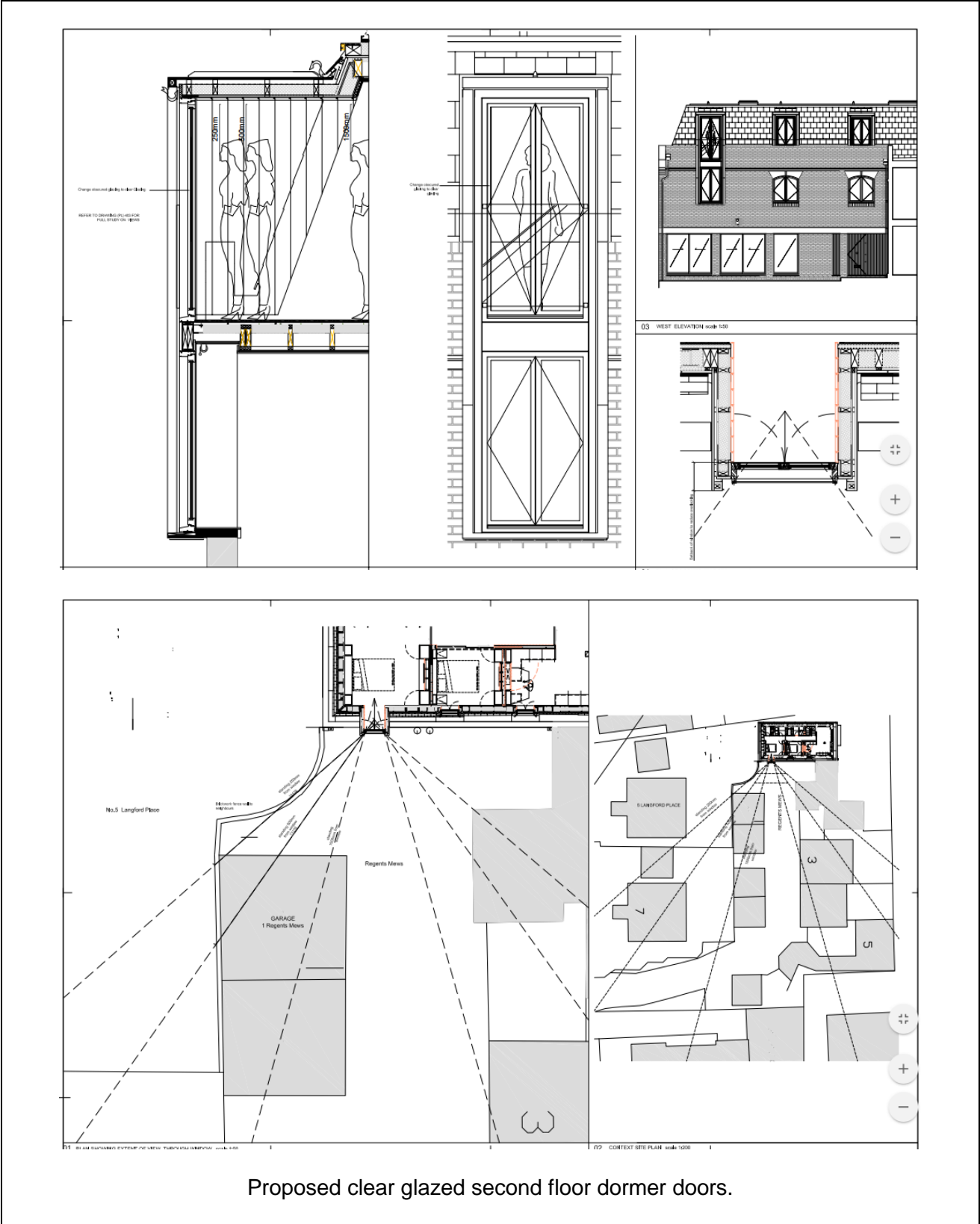
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



Partially obscure glazed second floor dormer doors approved on 4 January 2017 (16/10749/FULL).



Proposed clear glazed second floor dormer doors.

DRAFT DECISION LETTER

Address: 1 Regents Mews, London, NW8 0LB,

Proposal: Removal of Condition 11 of planning permission dated 4 January 2017 (RN: 16/10749/FULL) for variation of Condition 11 of planning permission dated 26 October 2016 (RN: 16/08788/FULL) for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised and reduce the extent of the obscured glazing to the French doors at second floor level to a strip across the middle and upper parts of the doors. NAMELY, to allow the French doors to the front elevation at second floor level to be clear glazed.

Plan Nos: **Drawings and Documents Previously Approved Under RN: 14/08005/FULL:** S_100_01, E_000_01, E_100_02, E_100_03, E_100_04, E_100_05, E_100_06, E_100_07, E_100_10, E_100_11, E_100_12, E_100_20, E_100_21, P_100_10, P_100_12, P_100_13, P_100_14, P_100_20, P_100_21, P_100_22, P_100_23, P_100_25, P_100_26, P_100_27, P_100_28, Heritage Statement dated July 2014, Planning Statement dated June 2014 and Daylight and Sunlight Report dated 27 May 2014.

As Amended by the Drawings Previously Approved under RN: 16/08788/FULL: P_100_20 Rev.B, P_100_21 Rev.B and P_100_23.

As Amended by the Drawings Previously Approved under RN: 16/10749/FULL: (PL)401 and (PL)402.

As Amended by the Drawings Hereby Approved: (PL)401 Rev.C, (PL)403 Rev.B and Condition 11 Report dated April 2017.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

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

Reason:

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

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

* between 08.00 and 18.00 Monday to Friday;

* between 08.00 and 13.00 on Saturday; and

* not at all on Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 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 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must carry out the development in accordance with the details of the amended rooflight and green roof at main roof level that we approved on 1 July 2016 under RN: 16/05862/ADFULL.

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

- 5 Notwithstanding the annotations on the drawings hereby approved, the cheeks and roofs of the dormer windows hereby approved shall be clad in rolled lead and thereafter maintained in that material.

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

- 6 The mansard roof slopes of the roof extension hereby approved shall be clad in natural slate and thereafter maintained in that material.

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

- 7 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the second floor extension hereby approved without our permission. This is despite the provisions of Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order that may replace it). (C21EA)

Reason:

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

- 8 You must install the fixed metal balustrade outside the sliding doors to the south eastern elevation at second floor level in accordance with the drawings hereby approved prior to occupation of the second floor roof extension and thereafter you must not remove the balustrade from the approved position.

Reason:

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

- 9 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- The sedum green roof on the roof of the roof extension.

You must not remove any of these features. (C43FA)

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)

- 10 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Photovoltaic panels at second floor level.

You must not remove any of these features. (C44AA)

Reason:

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

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.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Bank, 4 Berkeley Square, London, W1J 6EB,		
Proposal	Use of an area of public highway on the Berkeley Square frontage measuring 0.92m x 19m for 20 banquette seating spaces, 10 tables, 6 moveable planters and a waiter station in association with the ground floor use.		
Agent	Bidwells		
On behalf of	Caprice Holdings Ltd		
Registered Number	17/06261/TCH	Date amended/ completed	14 July 2017
Date Application Received	14 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application property is situated on the south east corner of Berkeley Square within the Mayfair Conservation Area. The basement and ground floors are occupied as a restaurant (Class A3) known as 'Sexy Fish'. In February 2015 and in June 2016 permission was granted for tables and chairs on the highway in an area measuring 0.92m in depth and 19m in length. The current application again seeks permission to use an area measuring 0.92m x 19m for external dining for the restaurant, however the furniture and its layout differs from the previous permissions.

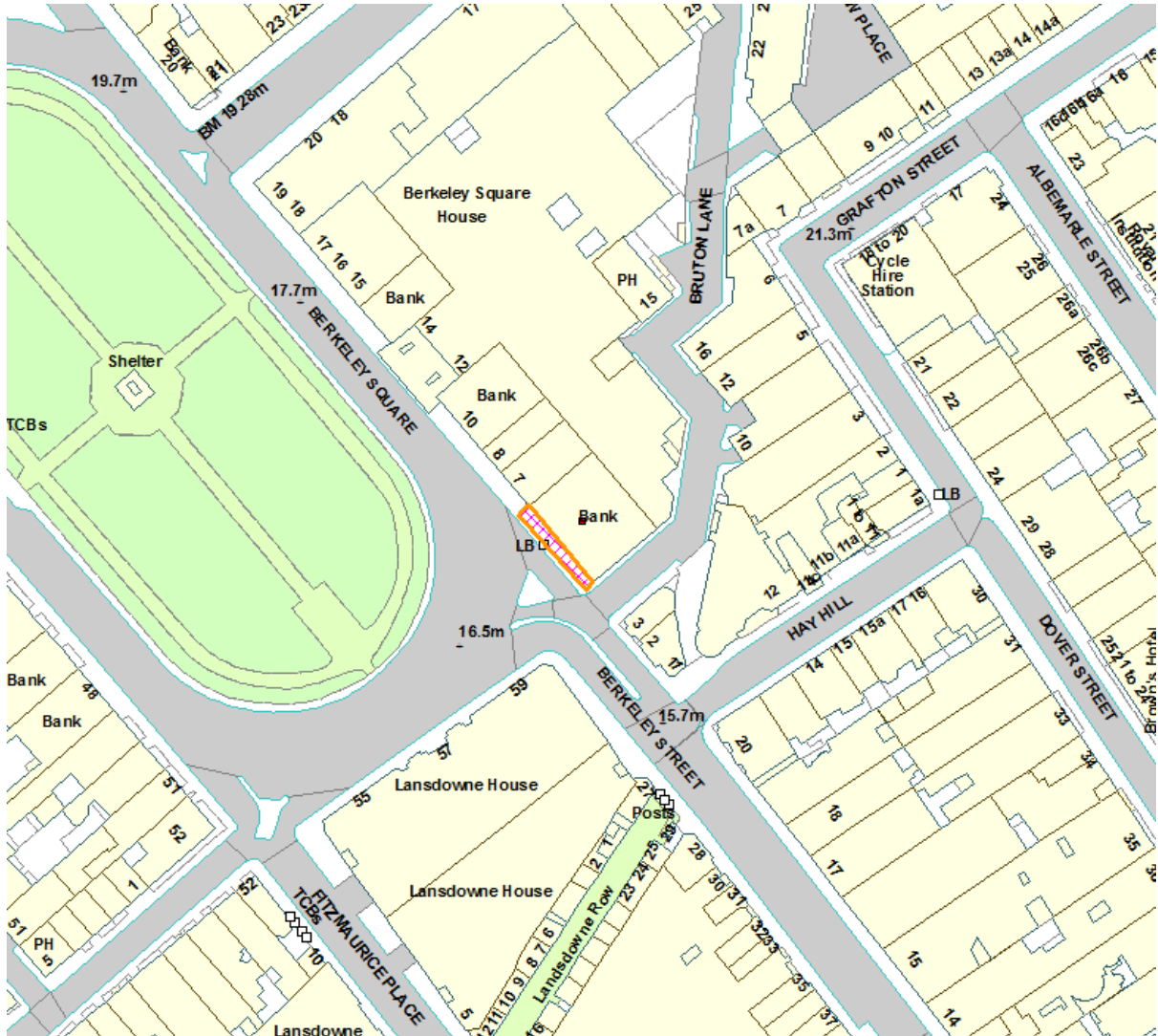
The 2015 and 2016 consents permitted tables and chairs at right angles to the building line. Each table would provide two covers, with the chairs facing each other. As part of the current application the chairs would be replaced by benches and diners will face onto the highway rather than at right angles as previously permitted. In addition the number of planters have been reduced and repositioned. These changes enable the provision of an additional table and two seating places to be provided. The current application will provide 10 tables and 20 seats.

The Highways Planning Manager and Cleansing Manager object to proposal on the basis that proposal is unlikely to be contained within the proposed area and that any overspill would result in an obstruction to pedestrian movements and hinder street cleaning.

UDP policy TRANS 3 requires a minimum of 2m highway to be left free and unobstructed. In this instance furniture a depth of 0.92m would leave 2.85m free except at a pinch point where a post box reduces the highway to 1.7m.

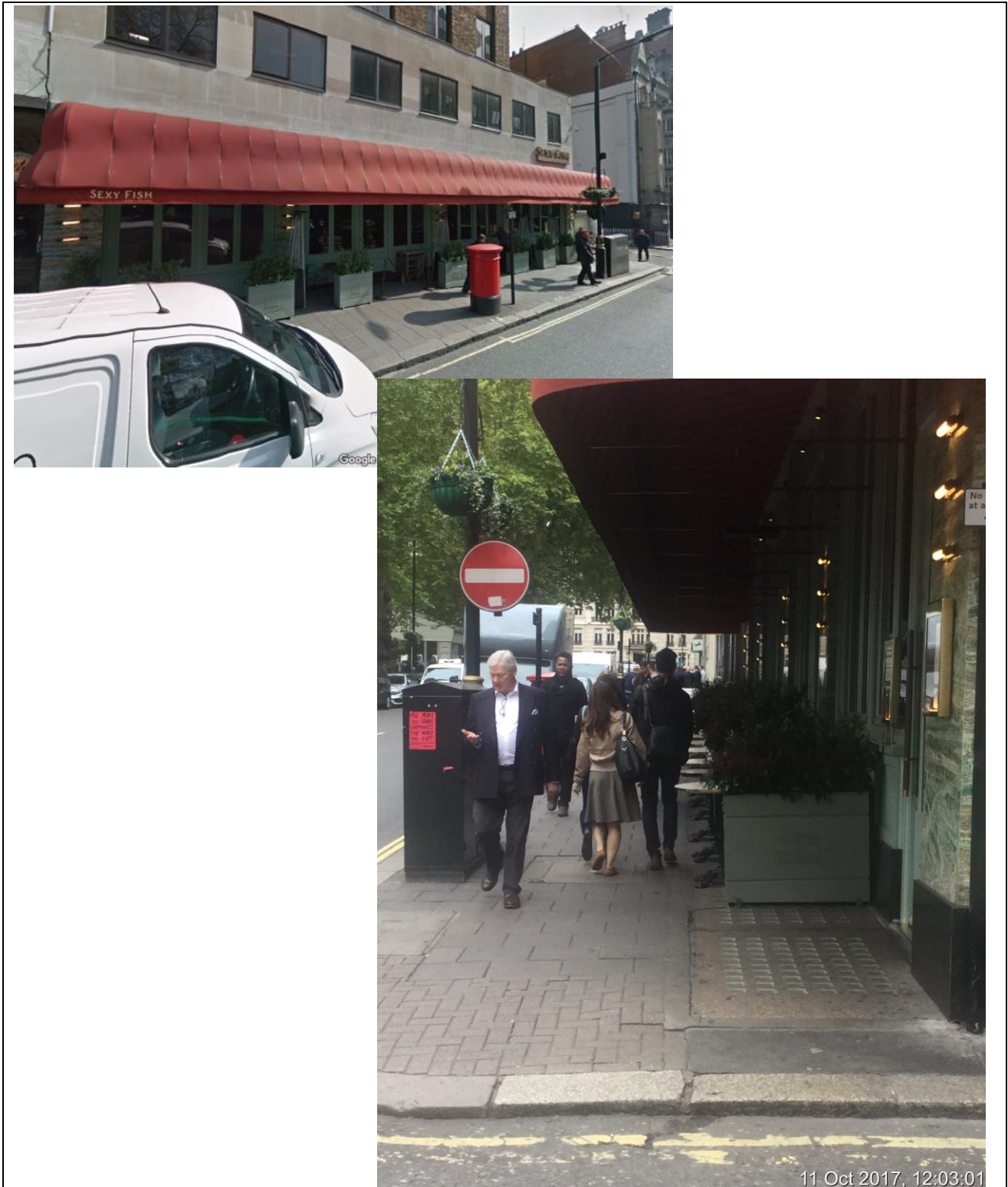
As already stated the area proposed has been previously permitted and is again considered acceptable. The key issue is therefore whether the layout could contain the proposal to adequately provide 20 external dining spaces. Whilst the concerns of the Highways and Planning Manager are understood it is recommended that permission is granted for a temporary period of 1 year which will enable the position to be monitored.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S:

Any response to be reported verbally

CLEANSING:

Objection - the layout does not comply with the requirement of a 2.0m minimum freeway.

HIGHWAYS:

Objection – unlikely to be able to contain the proposal within the proposed area and will cause obstruction to the highway.

ADJOINING OWNERS AND OCCUPIERS

No Consulted: 7

No Replied: 0

SITE AND PRESS NOTICE: Yes

6. Recent Relevant History

Planning permission was granted on 16 June 2016 (RN: 16/03821/TCH) allowing the use of an area of public highway on the Berkeley Square frontage measuring 0.92m x 19.0m for the placing of 11 tables, 11 benches, 4 planters and a waiter station in association with the ground floor use.

Planning permission was granted on 09 February 2015 (RN: 14/12414/TCH) allowing the use of an area of the public highway on the Berkeley Square frontage measuring 0.92m x 19.0m for the placing of a waiter station, 9 tables and 18 chairs in association with the approved restaurant on the basement and ground floor at 4-6 Berkeley Square.

Planning permission was granted on 21 November 2011 (RN: 14/08193/FULL) for the use of ground and basement floors as restaurant (Class A3) and associated works.

7. BACKGROUND PAPERS

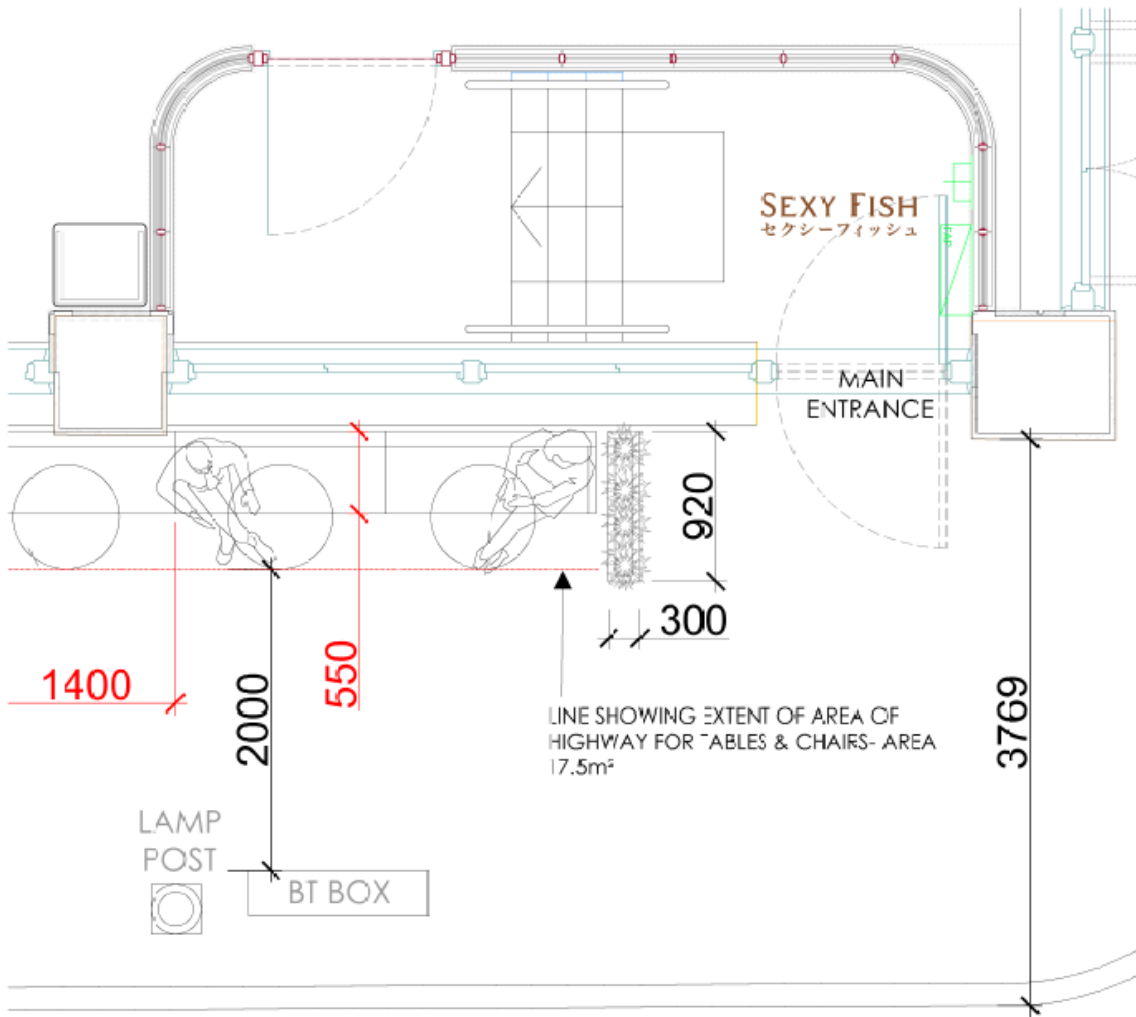
1. Application form
2. Response from Cleansing - dated 01 August 2017
3. Response from Highways Planning – dated 04 September 2017

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

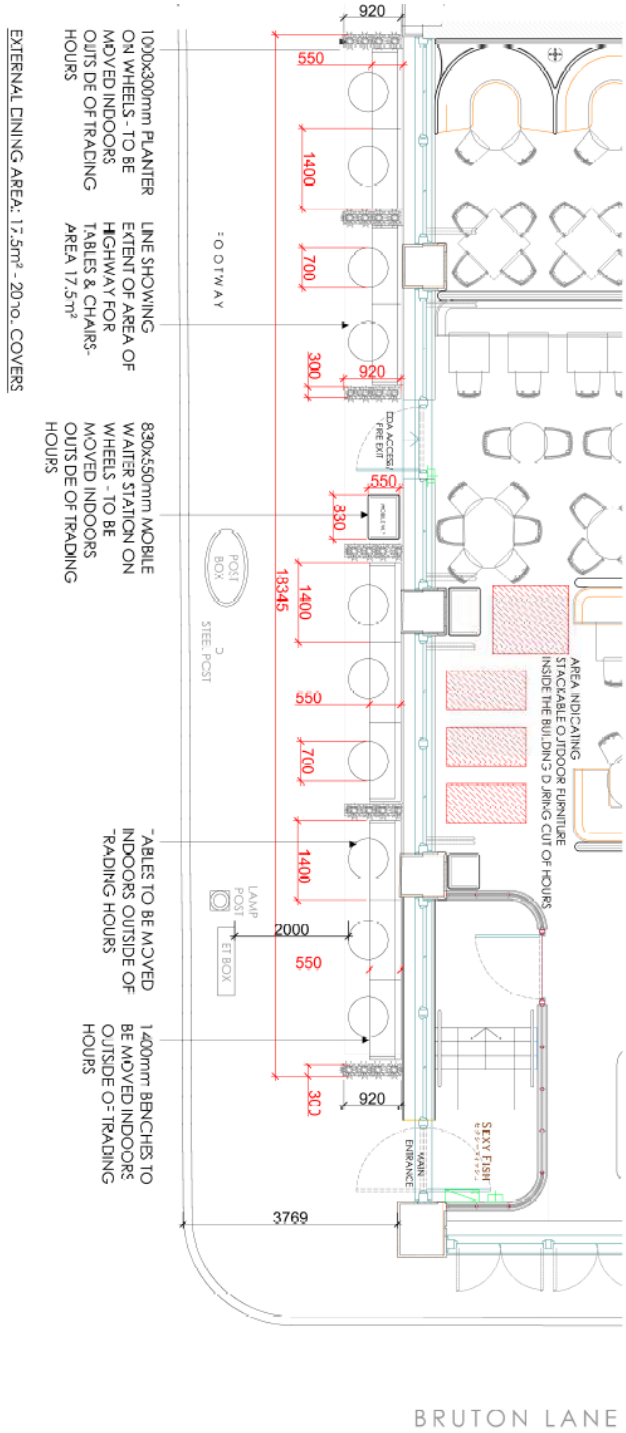
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

8. KEY DRAWINGS

Enlarged portion of Proposed Layout Plan



Proposed Layout Plan (Full)



Proposed Furniture



PLANTER IMAGE



EXTERNAL SERVICE STATION



DESIGNERS GUILD FABRIC -
ZARAGOZA- EMERALD

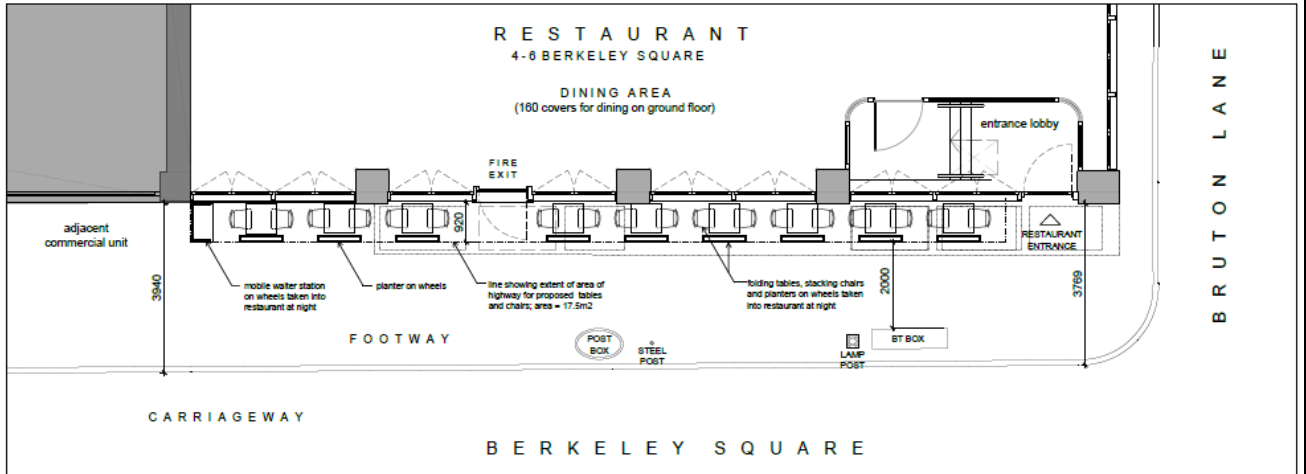


TABLE TOPS TO BE IN
CALACATTA ORO MARBLE

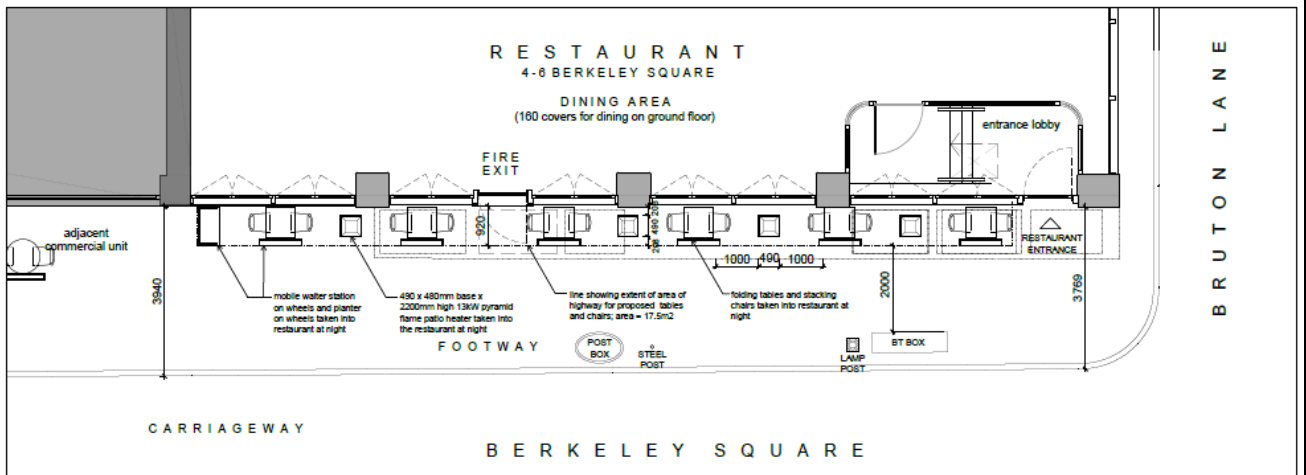


STACKABLE EXTERNAL BENCH SEATS
FINISHED IN A DARK STAIN WITH
EXTERIOR GRADE EMERALD VELVET
CUSHIONS

Previously Approved Layouts from 2016 (RN: 16/03821/TCH)

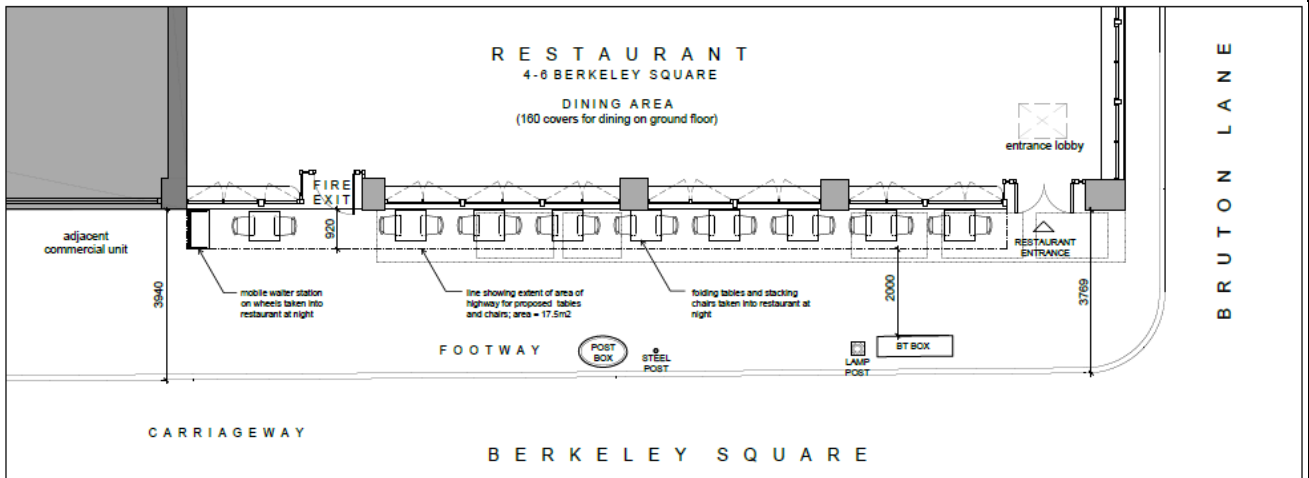


PROPOSED PLAN DURING SUMMER MONTHS - 1:100



PROPOSED PLAN DURING WINTER MONTHS - 1:100

Previously Approved Layout from 2015 (RN: 14/12414/TCH)



DRAFT DECISION LETTER

Address: Bank, 4 Berkeley Square, London, W1J 6EB,

Proposal: Use of an area of public highway on the Berkeley Square frontage measuring 0.92m x 19m for 20 banquette seating spaces, 10 tables, 6 moveable planters and a waiter station in association with the ground floor use.

Reference: 17/06261/TCH

Plan Nos: Drawing: 101 Rev F.

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s)

- 1 You must not put the tables, chairs, planters and mobile waiter station in any other position than that shown on drawing 101 Rev F.

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)

- 2 You can only put the tables, chairs, planters, heaters and mobile waiter station on the pavement between 07.00 and 22.00 hours on Mondays to Saturdays and 08.00 and 22.00 hours on Sundays and Bank Holidays. At all other times they must be stacked, folded and stored within the approved area (when the restaurant is open) or stored within the premises when the restaurant is closed.

Reason:

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

- 3 The tables and chairs must only be used by customers of the restaurant on the basement and ground floor of 4-6 Berkeley Square. (C25CA)

Reason:

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

- 4 This use of the pavement may continue until 30th November 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, chairs, planters and mobile waiter station shown on drawing 101 Rev F. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

- 6 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.

Informative(s):

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

- 2 You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times.
(I47AB)

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

Following an inspection of the site and the furniture currently in use, it would appear that smaller items of some furniture may be required to ensure that the proposal remains within its permitted area.

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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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	47 Springfield Road, London, NW8 0QJ		
Proposal	Replacement of rear first floor window with a glazed door and erection of new privacy screen on first floor level flat roof at boundary with No.51 Springfield Road in connection with the use of the roof as a terrace.		
Agent	CH Architects LLP		
On behalf of	Mr & Mrs Milazzo		
Registered Number	17/04445/FULL	Date amended/ completed	19 May 2017
Date Application Received	19 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a detached three storey single dwellinghouse located on the south side of Springfield Road. The building is unlisted, but is located within the St. John's Wood Conservation Area.

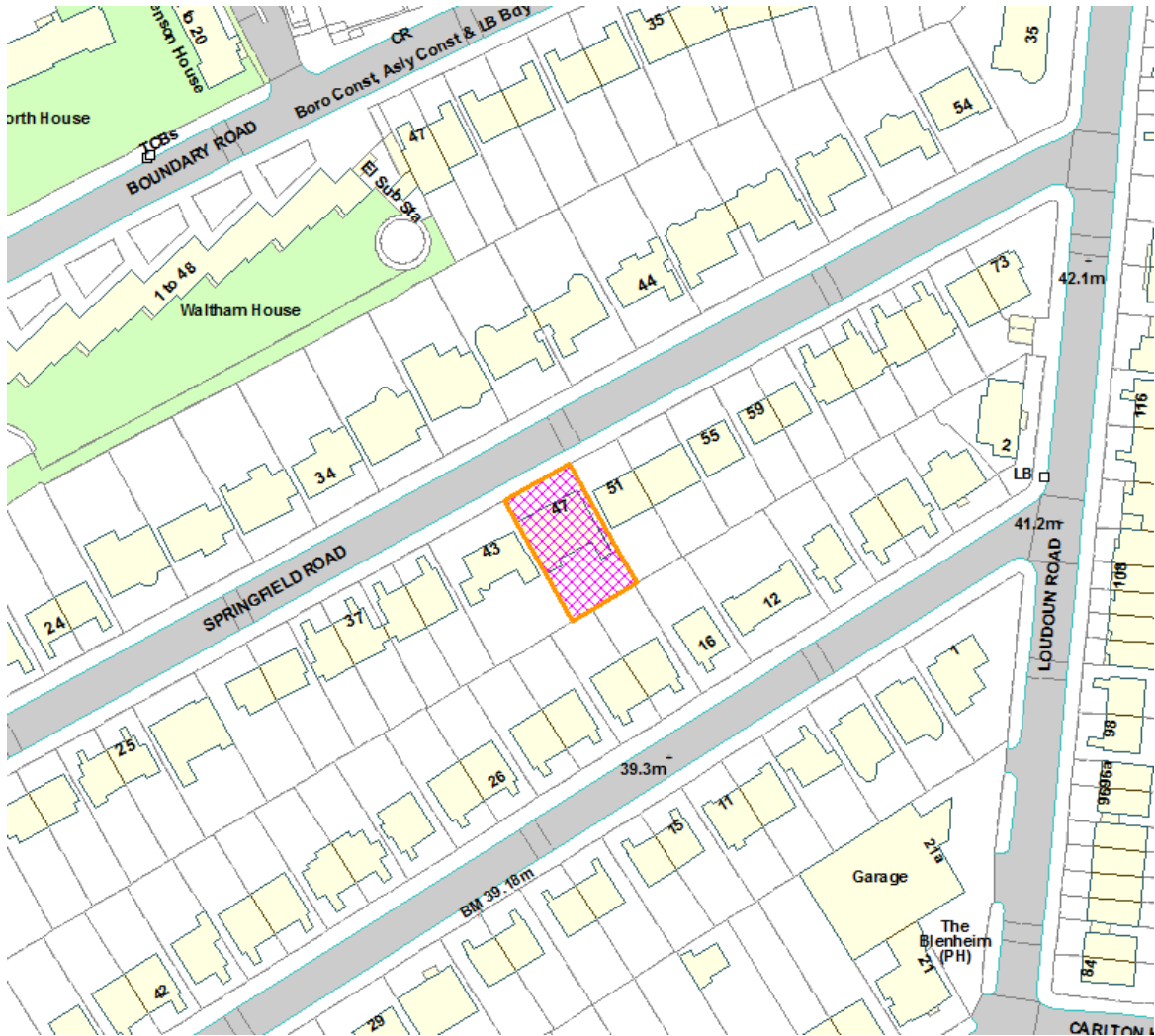
Planning permission is sought for the replacement of a rear first floor window with a glazed door and erection of new privacy screen on first floor level flat roof at boundary with No.51 Springfield Road in connection with the use of the roof as a terrace. The scheme has been amended during the course of the application to include the provision of the privacy screen. The scheme has been reconsulted on following this revision and the consultation responses are summarised in Section 5 of this report.

The key issues in this case are:

- The impact of the proposals on the appearance of the building and the character and appearance of the St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.

For the reasons set out in this report, including an amending condition to increase reduce the permeability of the proposed privacy screen at the boundary with No.51 Springfield Road, the proposals are considered to be acceptable in design and amenity terms and would accord with Policies DES1, DES6, DES9 and ENV13 in the Unitary Development Plan (UDP) adopted in January 2007 and Policies S25, S28 and S29 in Westminster's City Plan (the City Plan) adopted in November 2016. As such the proposals are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear elevation prior to erection of conservatory approved earlier in 2017 (top) and existing railings and trellis around first floor flat roof in context with No.51 (bottom).



Views from on flat roof showing the existing trellis and railings.



View over existing terrace towards No.51 Springfield Road (top) and view from rear garden of No.51 Springfield Road towards boundary with 47 Springfield Road (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (with no privacy screen) – June 2017

ST JOHN'S WOOD SOCIETY

Object to the use of the flat roof as a terrace as it will result in an unacceptable loss of privacy for neighbours

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Three emails received raising objection on all or some of the following grounds:

- Proposal is 'monstrous'.
- Loss of privacy/ increased overlooking to windows and garden of No.51.
- Overshadowing of garden.
- Noise and disturbance.
- Flat roof was built as such and not to be used as a terrace.
- Case officer should visit both properties to assess the impact.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

5.2 Consultation on Revised Scheme (with privacy screen proposed at boundary with No.51) – July 2017

ST JOHN'S WOOD SOCIETY

Objection to use of the flat roof as a terrace as the proposal will cause noise disturbance, loss of amenity and overlooking issues for neighbours.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted 8.

Total No. Of replies: 2.

No of objections: 2.

No. in support: 0.

Two emails received raising objection on all or some of the following grounds:

- Privacy screen will restrict light to terrace and garden of No.51.
- Location of screen on west side of garden of No.51 will maximise the impact in terms of sunlight loss.
- Overlooking, particularly to ground floor windows and garden of No.51.
- Proposal will be an eye-sore.
- The roof has not been used as a terrace for decades and this should remain the case.
- Trellis does not overcome previous concerns.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a detached three storey single dwellinghouse located on the south side of Springfield Road. The building is unlisted, but is located within the St. John's Wood Conservation Area. The property has an existing single storey flat roof extension to the rear at ground floor level which projects 4.8m from the main rear elevation of the building.

6.2 Recent Relevant History

17/07628/FULL

Excavation of a basement below rear conservatory and patio.
Application Permitted 20 October 2017

17/05112/FULL

Excavation of a basement below rear conservatory and patio.
Application Refused 4 August 2017

17/04190/FULL

Erection of a side extension at first floor level.
Application Refused 6 July 2017

17/01307/FULL

Erection of single storey glazed extension at rear ground floor level.
Application Permitted 12 April 2017

93/00435/FULL

Demolition and rebuilding of small rear extension.
Application withdrawn 29 March 1983

93/00436/CAC

Demolition and rebuilding of small rear extension.
Application Permitted 24 March 1993

92/05235/FULL

Alterations including installation of 3 dormer windows to front roof slope and enlargement of window at rear, raising height of rear extension. One dormer window to side roof slope.
Application permitted 18 November 1992

7. THE PROPOSAL

Planning permission is sought for the replacement of a first floor window in the rear elevation with a glazed door to provide access to the flat roof of the single storey rear extension. The flat roof is already paved and enclosed by black metal railings, which are to be retained, and a timber trellis along the eastern edge of the roof at the boundary with No.51. Following revision of the proposal during the course of the application, rather than

being omitted entirely, the existing trellis is now to be replaced by a new privacy screen/ trellis (1.8m in height) with an associated low level planter.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed development does not raise any considerations in land use terms as use of the roof of the dwellinghouse for sitting out is a purpose incidental to the enjoyment of the lawful use of the property as a dwellinghouse. The application therefore does not propose a material change of use of the first floor roof of the building.

8.2 Townscape and Design

The application property is a three storey detached building of Neo-Georgian design. The lowering of the sill of the window to form a door and the planters proposed on the first floor flat roof would be located largely below the existing roof edge parapet and as such, these elements of the scheme would not detract from the appearance of the building or the character or appearance of the St. John's Wood Conservation Area. It should be noted that the lowering of the existing window sill to form a door is likely to be permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that if the planters are freestanding, they would not constitute development requiring planning permission.

The proposed timber trellis would replace an existing trellis in a similar location along the eastern edge of the flat roof. Whilst the proposed trellis would be higher than existing, given it would be located to the rear and would only be visible in a limited number of private views within the conservation area, it is not considered that it would harm the appearance of the building or the character or appearance of the St. John's Wood Conservation Area.

Therefore in the context of the preceding paragraphs, the proposals are considered to be acceptable in design terms and in accordance with Policies DES 1, DES 5, DES 6 and DES 9 of the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

Whilst the proposed trellis would be readily appreciable from the rear garden, balcony and windows of No.51 Springfield Road, the increase in height proposed would not lead to a material loss of daylight or sunlight given its height and location relative to the neighbouring windows and amenity spaces. The rear windows of No.51 Springfield Road would also not be significantly enclosed by the trellis given its distance from the windows and as they would retain an uninterrupted outlook to the rear.

The key consideration in this case is the impact of the proposals on the amenity of neighbouring residents, principally the occupiers of No.51 Springfield Road. As noted in Section 8.1, the use of the roof of a dwellinghouse for sitting out on is one that is incidental to the lawful use of the building as such and therefore permission could not reasonably be

withheld on the basis that the use of the roof for this purpose is likely to intensify as a result of the door and new privacy screen/ trellis that are proposed.

The flat roof is already paved and enclosed by railings and an existing trellis. Although there are no records to indicate that permission was granted for the existing railings and trellis, they appear from on-site inspection to be well in excess of 4 years old and are therefore likely to be lawful through the passage of time. It is noted also that the objectors do not identify these structures as being recent additions to the flat roof. Therefore, given the presence of existing fall protection to the perimeter of the roof, the full extent of the roof can already be safely used for sitting out on without the need for planning permission.

In this context, the provision of a new privacy screen to the eastern edge of the flat roof has the potential to materially improve the privacy of neighbouring occupiers at No.51 Springfield Road. However, the trellis proposed would be ineffective as a privacy screen given that its very open design places reliance on the climber planting within the associated planters, which falls outside of planning control, to obscure views towards No.51 Springfield Road. To remedy this and deliver an effective privacy screen at the boundary with No.51, a condition is recommended requiring the design of the privacy screen to be amended to be less permeable and have greater solidity. Subject to this condition, it is considered that the application is acceptable in privacy terms given that the roof can already be used for sitting out on without the need for planning permission.

Given the distance of the flat roof from other neighbouring properties, the proposals would not have any adverse impacts on the amenity of other neighbouring occupiers.

In summary the proposals are considered to be acceptable in amenity terms and the amenity grounds for objection raised by objectors and the St. John's Wood Society cannot be supported as the scheme would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan for the reasons set out in this section of the report.

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 proposals would not alter the existing access to this private dwellinghouse.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/ Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The development does not require an Environmental Impact Assessment.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Emails from the St. John's Wood Society dated 19 June 2017 and 24 July 2017.
3. Email from the occupier of 51 Springfield Road dated 4 June 2017 and 23 July 2017.
4. Email from an occupier of 7 Denning Close dated 5 June 2017.
5. Email from an occupier of 7 Denning Close dated 6 June 2017 and 24 July 2017.

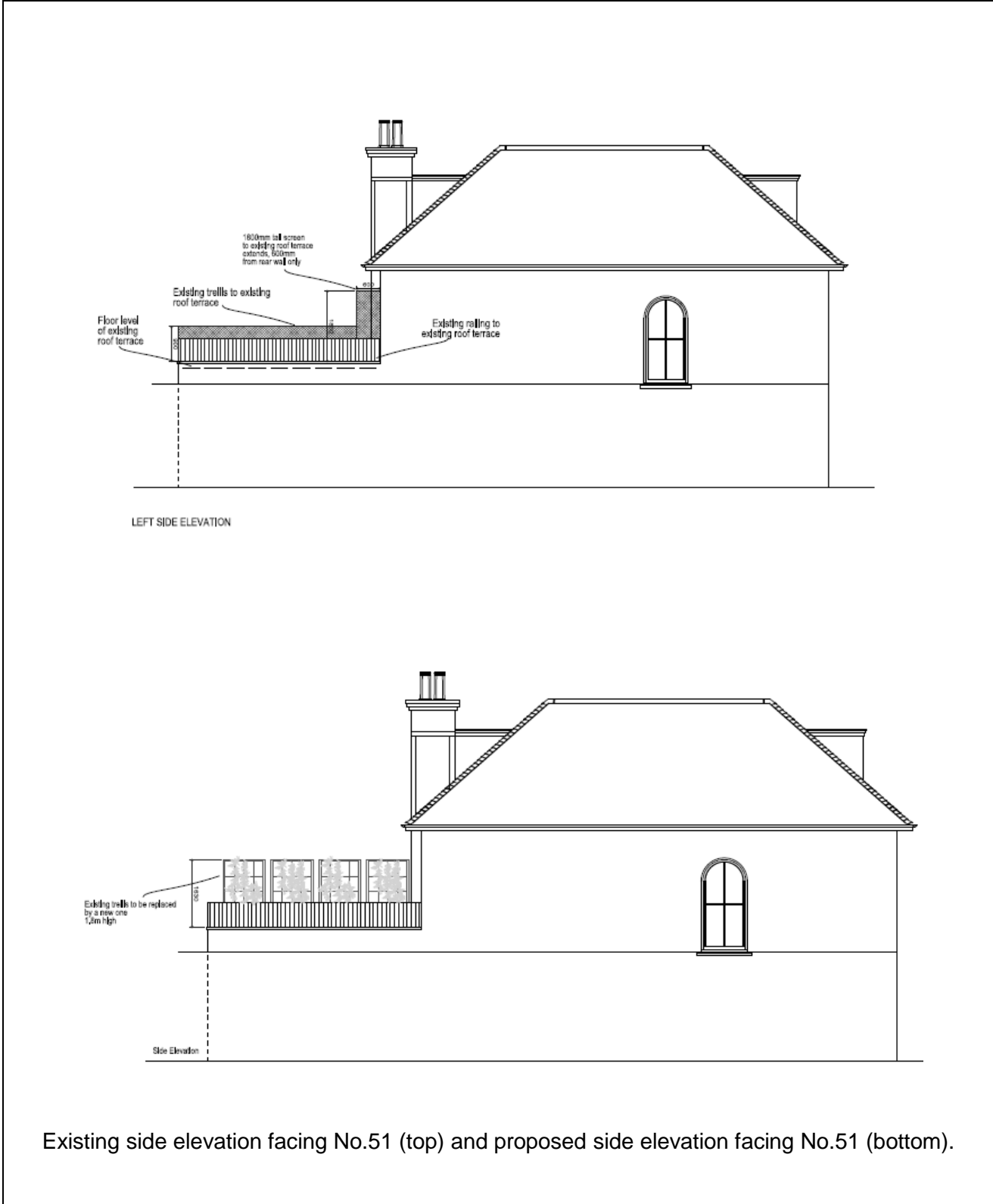
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



Proposed first floor plan (top) and proposed rear elevation (bottom).



DRAFT DECISION LETTER

Address: 47 Springfield Road, London, NW8 0QJ,

Proposal: Replacement of rear first floor window with a glazed door and erection of new privacy screen on first floor level flat roof at boundary with No.51 Springfield Road in connection with the use of the roof as a terrace.

Plan Nos: 362_00_001 Rev.A; 362_20_202 Rev.B; 262_20_220 Rev.B; 362_20_230 Rev.B; 362_20_240; 362_20_402 Rev.A; 362_20_420; 362_20_430; Design and Access Statement dated 19.05.17.

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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 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 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The door hereby approved shall be constructed in white painted timber and maintained in that material and finish.

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 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 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Replacement of the trellis to the side elevation of the rear first floor roof terrace adjacent to No.51 Springfield Road with a timber screen of a less permeable detailed design.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. Following its installation the privacy screen we approve pursuant to this condition must be permanently retained. (C26UB)

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)

Informative(s):

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

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

- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	West End Quay, South Wharf Road, London, W2 1LA,		
Proposal	Use of hard paved area outside Unit 1 adjacent to the canal basin for the placing of 31 tables, 112 chairs and 6 free standing umbrellas in connection with the use of Unit 1 as a bar/ restaurant.		
Agent	Paul Semple		
On behalf of	Draft House Holdings Limited		
Registered Number	17/08027/TCH	Date amended/ completed	13 September 2017
Date Application Received	7 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		
Licensing	The opening hours of the premises: Monday to Thursday: 09:00 to 23:30; Friday to Saturday: 09:00 to 00:00; Sunday: 09:00 to 22:30.		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

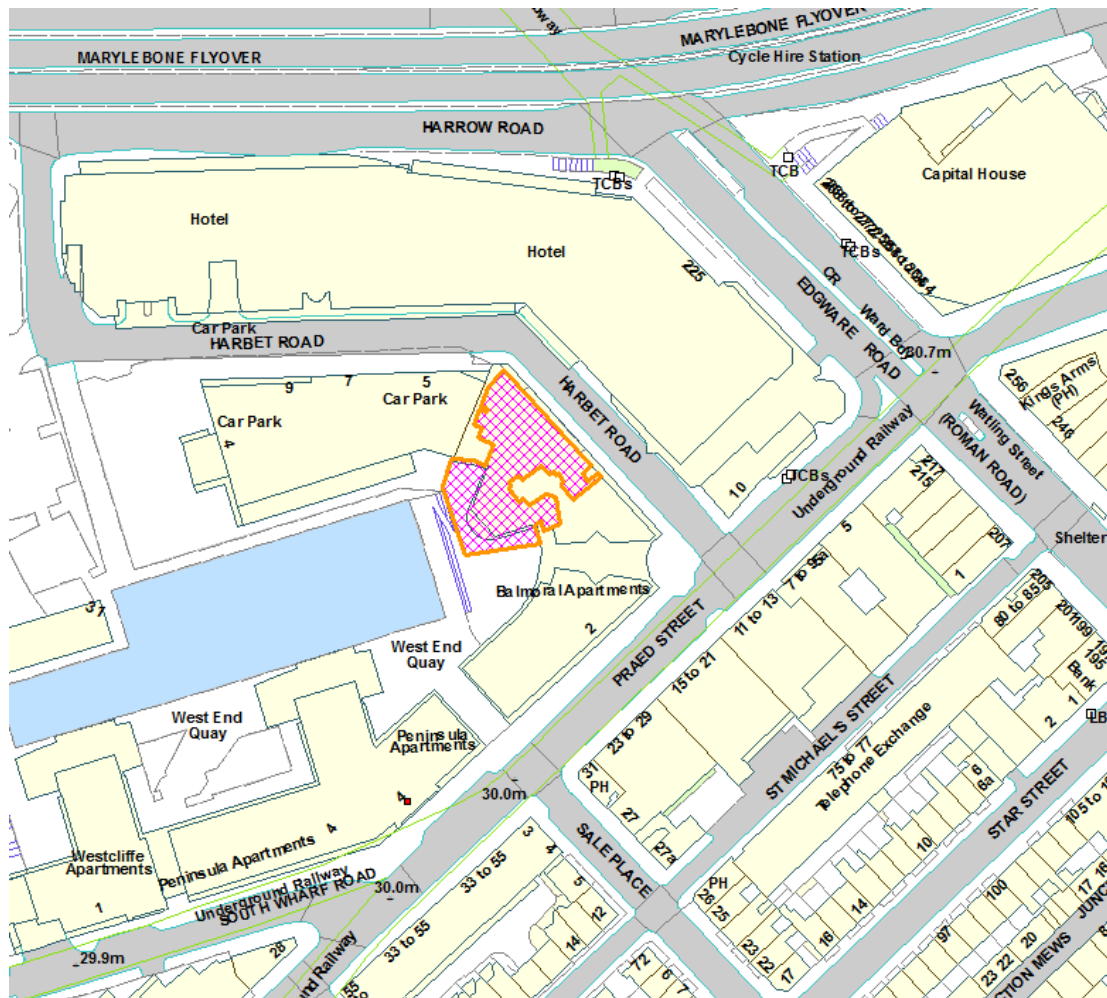
This application proposes the use of the use of a hard paved area outside Unit 1 adjacent to the canal basin for the placing of 31 tables, 112 chairs and 6 free standing umbrellas in connection with the use of Unit 1 as a bar/ restaurant known as 'The Draft House'. The key issues in this case are:

- The impact of the tables and chairs on the amenity of neighbouring amenity
- The impact upon pedestrian movement around the canal basin.

Objections have been received from the occupiers of residential properties on the upper floors of the building, principally on noise disturbance and anti-social behaviour grounds. However, it is considered that the objections raised can be suitably mitigated by the recommended conditions which are referred to in the report and set out in the draft decision letter appended to the report. In this context, it is considered that the proposed tables and chairs and associated umbrellas would accord with the

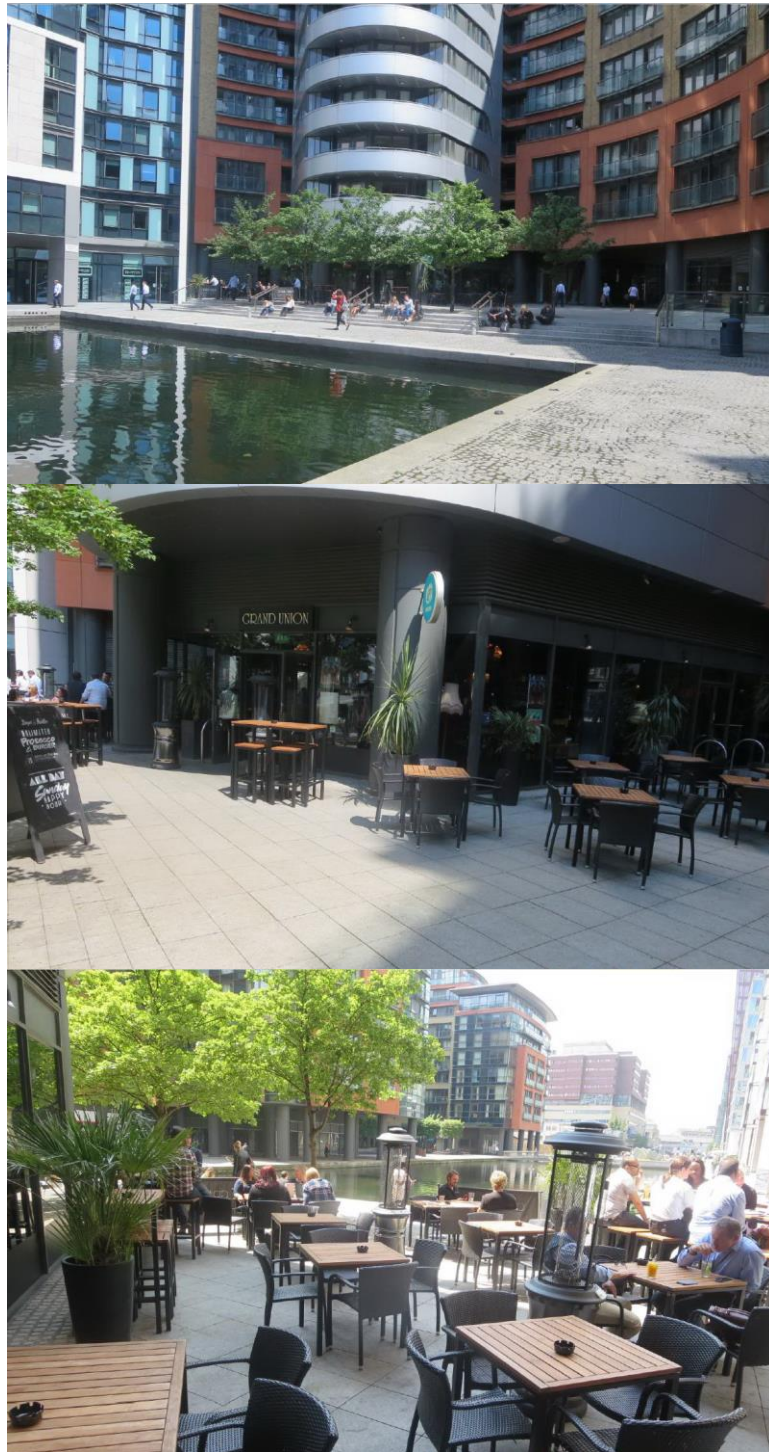
relevant polices in the Unitary Development Plan (UDP) adopted in January 2007 and Westminster's City Plan (the City Plan) adopted in November 2016. Therefore the application is recommended for conditional approval for a temporary period of one year to allow the amenity impacts of the tables and chairs to be monitored and reviewed at the end of the temporary permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Various views of the previously existing tables and chairs outside Unit 1 (note these images were taken when the premises was being operated by the previous operator).

5. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection as no obstruction to the public highway. Notes that the tables and chairs appear to obstruct fire escapes but this is a concern rather than a ground for objection. Conditions and informatives recommended.

CLEANSING MANAGER

No objection.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 410.

Total No. of replies: 4.

No. of objections: 4.

No. in support: 0.

Four emails from three respondents raising objection on all or some of the following grounds:

Amenity

- Noise disturbance from use of tables and chairs.
- New business is much more alcohol centred and significantly more rowdy.
- Proposal is contrary to residents wellbeing.
- Use should be strictly controlled in terms of hours and space allocated.
- Drinking space appears to be double that for the previous licenced business.
- Stress Area along Edgware Road should be extended to Paddington Basin to control entertainment uses in what is a predominantly residential area.
- Object to additional tables and chairs now proposed.
- Not clear how the venue plans to mitigate the impact of the additional tables and chairs.
- In practice the management measures do not work.

Other Matters

- Not adhering to the operational management plan.
- Use of area outside of permitted hours as tables and chairs stored externally.
- Invitation to visit neighbouring flat to view impact.
- Umbrellas have already been placed outside the premises.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a ground and basement restaurant/ bar use (Class A3/A4), known as Unit 1, located at the base of Balmoral Apartments, West End Quay. Unit 1, which has recently changed operator, is now operated as 'The Draft House'. It has a small street frontage onto Harbet Road (a private road) and has a more prominent facade facing onto Paddington Basin at its eastern end.

The site does not contain any listed buildings and is not located within a conservation area, although it is located within the Paddington Opportunity Area (POA) and the North Westminster Economic Development Area (NWEDA).

6.2 Recent Relevant History

6.2.1 Planning Applications

17/05688/FULL

Variation of condition 4 of planning permission dated 30 August 2016 (RN 16/06373/TCH) for use of hard paved area outside Unit 1 adjacent to canal basin for the placing of 25 tables and 86 chairs in connection with the use of Unit 1 by Grand Union Group. NAMELY, to allow continued use of the pavement until the 31 August 2018.

Application Permitted 31 July 2017

17/08028/ADV

Display of three internally illuminated fascia signs measuring, 3.89m x 0.35m one internally illuminated 'clock' hanging sign measuring 0.765m x 0.69m and non-illuminated lettering on external umbrellas.

Application Permitted 6 November 2017

16/06373/TCH

Use of hard paved area outside Unit 1 adjacent to canal basin for the placing of 25 tables and 86 chairs in connection with the use of Unit 1 by Grand Union Group.

Application Permitted 31 August 2016

13/03734/TCH

Use of hard paved area outside Unit 1 adjacent to canal basin for the placing of 25 tables and 86 chairs in connection with the use of Unit 1 by Grand Union Group.

Permission Permitted 25 February 2014.

12/02140/TCH

Use of hard paved area outside Unit 1 adjacent to canal basin for the placing of 25 tables and 86 chairs in connection with the use of Unit 1 by Grand Union Group.

Permission Permitted 29 May 2012.

10/05905/TCH

Use of hard paved area outside Unit 1 adjacent to canal basin for the placing of 25 tables and 86 chairs in connection with the use of Unit 1 by Grand Union Group.

Permission Permitted 21 October 2010.

6.2.2 Planning Enforcement

16/61997/H

Report of unauthorised placing of tables and chairs outside the Grand Union Bar as a result causing an adverse impact on amenity of neighbours due to noise and disturbance. Investigation into the alleged breach of planning control is ongoing.

Complaint Received: 6 June 2016

7. THE PROPOSAL

This application proposes the use of the use of a hard paved area outside Unit 1 adjacent to the canal basin for the placing of 31 tables, 112 chairs and 6 free standing umbrellas in connection with the use of Unit 1 as a bar/ restaurant known as 'The Draft House'.

Permission has previously been granted on five occasions for the placing of 25 tables and 86 chairs in the same area. On each occasion the previous permissions have been granted for a one year temporary period to allow the impact of the tables and chairs on the amenity of neighbouring residents to be continually monitored. Permission has not previously been granted for the placing of umbrellas in the paved area in addition to tables and chairs.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of placing tables and chairs outside of this restaurant/bar use (Class A3/A4) is acceptable and would accord with Policy S3 in the City Plan which seeks to deliver entertainment uses within the Paddington Opportunity Area (POA) and maintain active frontages to buildings at ground floor level. However, this is subject to the tables and chairs and associated structures not impede pedestrian movement around the canal basin (also an requirement of development within the POA) and not having a detrimental impact on the amenity of neighbouring residents. These considerations are addressed later in this report.

8.2 Townscape and Design

The types of tables and chairs proposed are detailed within documents submitted with the application. The furniture is of a good standard and would not be detrimental to the appearance of canal basin area.

8.3 Residential Amenity

A number of objections have been received raising concerns in amenity terms. The use of this area of paving for tables and chairs has also previously received objections in relation to the earlier approvals for the placing of a lesser number of tables and chairs in the same area. The principal issue is the noise and resultant disturbance that arises from the use of

this area for the placing of tables and chairs. Objectors are concerned that the current scheme increases the number of tables and chairs and they also consider the new operators business model (the new operator has already commenced operation) to be more focused on alcohol sales rather than dining, thus they allege that noisy behaviour would be increased by the users of the tables and chairs.

As with previous applications for tables and chairs at this site, the application is accompanied by a Management Plan for the external areas. This aims to ensure that the outside seating area is used by customers of Draft House and that there will be supervision of how the area is used, with the outside areas only to be used by customers; door staff to be used during busy times; no music will be played in external areas to the premises; and customers outside must be seated at all times and alcohol is only to be served as an accompaniment to food. If this management plan is operated and adhered to, then this would help to alleviate a number of the problems associated with noise and disturbance that would arise from the use of this area, and restrict it to an acceptable level that would be expected for this type of use, which is the lawful use of Unit 1 to which the tables and chairs are related. As has been the case for previous applications for tables and chairs outside these premises, a condition recommended requiring adherence to the submitted Management Plan, which is included in the background papers for information.

The submitted layout plan for previous applications included different areas of tables and chairs allocated for dining and an area for consuming beverages or bar snacks only. In line with this, it is recommended that an amending condition is attached requiring a revised drawing showing these different 'zones' and requiring these different zones to be used in a same way as previously permitted schemes (namely for 60% of the tables and chairs to be used only for those dining at the premises and 40% used by customers drinking and/ or consuming bar snacks). This would help reduce the impact on the residential amenity of neighbours above by limiting the use of a proportion of the tables and chairs outside of peak dining hours and the number of tables and chairs used solely for drinking, which are likely to cause more noisy behaviour.

Subject to these conditions and a condition to limit the number hours of use of the tables and chairs to the same hours as previously approved (between 09.00 and 23.00 Monday to Saturday and between 09.00 and 22.30 on Sundays and Bank Holidays), the proposed of tables and chairs are considered to be acceptable and in accordance with Policies S29 and S32 in the City Plan and Policies ENV 6 and TACE 11 in the UDP. As is normal practice with tables and chairs applications, it is also recommended that permission is only granted for a further temporary one year period to allow the City Council to monitor compliance by the new operator with the conditions imposed and an informative is recommended reminding the applicant that persistent breaches of the conditions that have been imposed are likely to result in future similar applications for tables and chairs in this location being refused.

8.4 Highways/ Transportation

The Council's Highway Officers advise that the proposed area to be used for tables and chairs is private land is not within 7m of any road or footway therefore he does not object to the application as the public highway would not be obstructed.

The accessibility of the privately accessible public realm is though a relevant consideration as Policy S3 in the City Plan requires public realm around the POA to be accessible. In this case, as set out in Section 8.6, the tables and chairs would not undermine this requirement of Policy S3 as the canal basin would remain fully accessible. Condition 10 requires the provision of screens to the perimeter of the tables and chairs area to prevent them being spread through use in to a larger area of the public realm.

In light of the above the proposals are considered to be in accordance with Policy TRANS3 in the UDP, Policies S3 and S41 in the City Plan and the guidance provided in the 'Westminster Way Supplementary Planning Document.

8.5 Economic Considerations

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

8.6 Access

The proposed tables and chairs would not obstruct access around Paddington Basin and would be set back from the steps and ramp at the adjacent level change at the head of the basin.

The Highways Planning Manager has commented that access from the fire escapes could be impeded. This is not a ground on which permission could reasonably be withheld, but an informative is recommended drawing this concern to the applicant's attention.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

The application does not raise any 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 development is not CIL liable.

8.10 Environmental Impact Assessment

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

8.12 Other Issues

One of the objections raised cites anti-social behaviour outside the permitted hours from persons sitting on/ using the tables and chairs when they have been left stacked outside. This is prohibited by recommended condition 10, which was also imposed on previous permissions for tables and chairs in this location. The applicant has advised that all of the structures, including the umbrellas are free standing and therefore their storage within the unit overnight is not unreasonable so as to limit the opportunity for anti-social behaviour outside of the permitted hours of use. Given a new operator has recently taken over the premises it is considered reasonable to re-impose this condition, but with the previously mentioned informative reminding the applicant that failure to comply with the imposed conditions is likely to result in permission for a similar tables and chairs proposal being refused in future once the current temporary permission has expired.

Whilst there is currently an open enforcement investigation for the unauthorised placing of tables and chairs, this dates from June 2016 when the unit was operated by a different operator. In this context, whilst it is clear that conditions relating to the management of the tables and chairs may have previously been breached by the previous operator, it is considered reasonable to grant a temporary one year permission for the proposed tables and chairs and umbrellas for the new operator. As mentioned elsewhere in this report, the temporary permission will act as a probationary period during which the impact of the tables and chairs on neighbouring residents and compliance with conditions can be monitored.

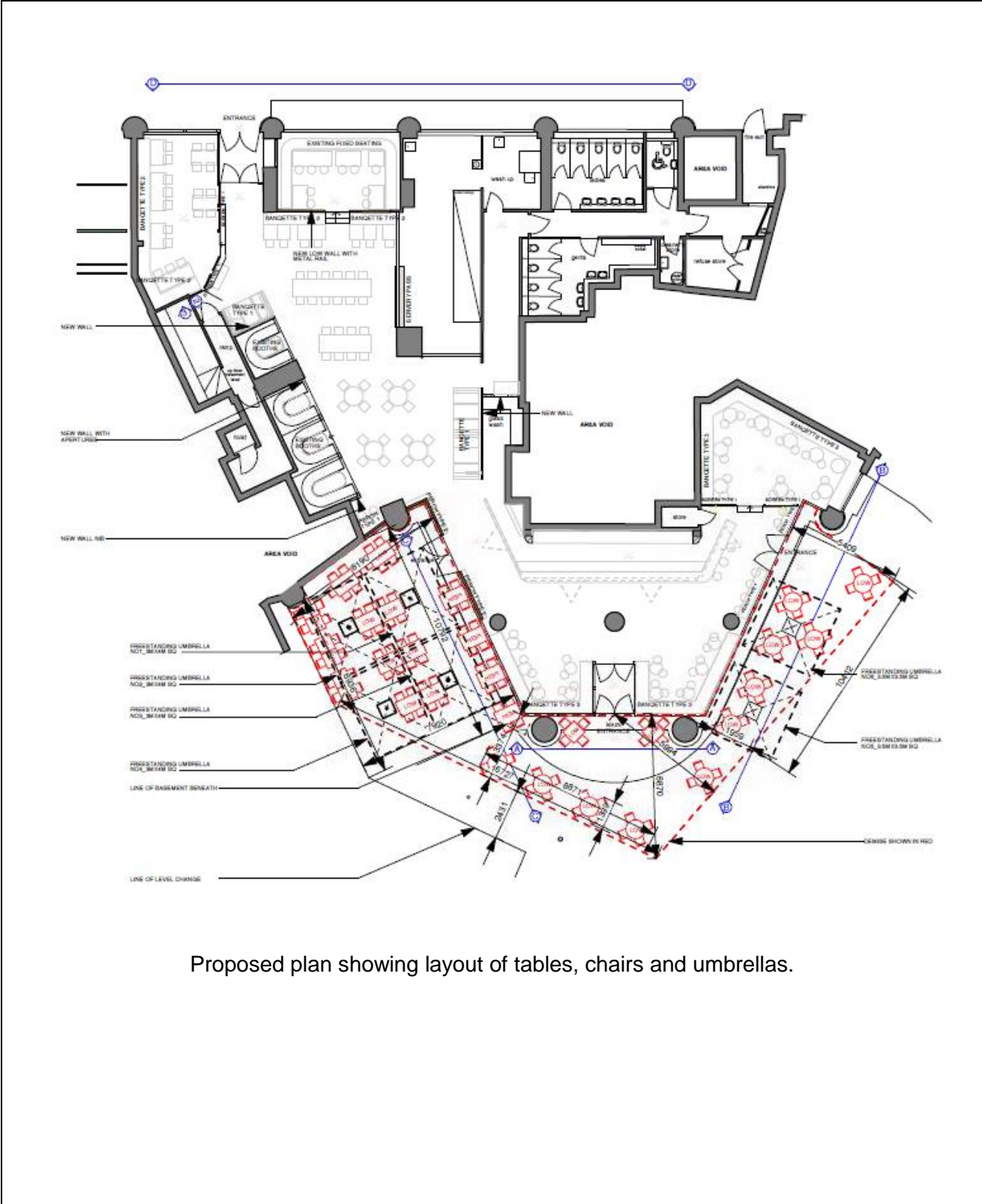
9 BACKGROUND PAPERS

1. Application form.
2. Copy of submitted 'Management Plan for the Operation of External Areas'.
3. Memo from the Cleansing Manager dated 29 September 2017.
4. Memo from the Highways Planning Manager dated 31 October 2017
5. Emails from the occupier of Flat 26, 5 Harbet Road both dated 22 September 2017.
6. Email from the occupier of Apartment 11, 5 Harbet Road dated 28 September 2017.
7. Email from the occupier of Apartment 36, 5 Harbet Road dated 4 October 2017.

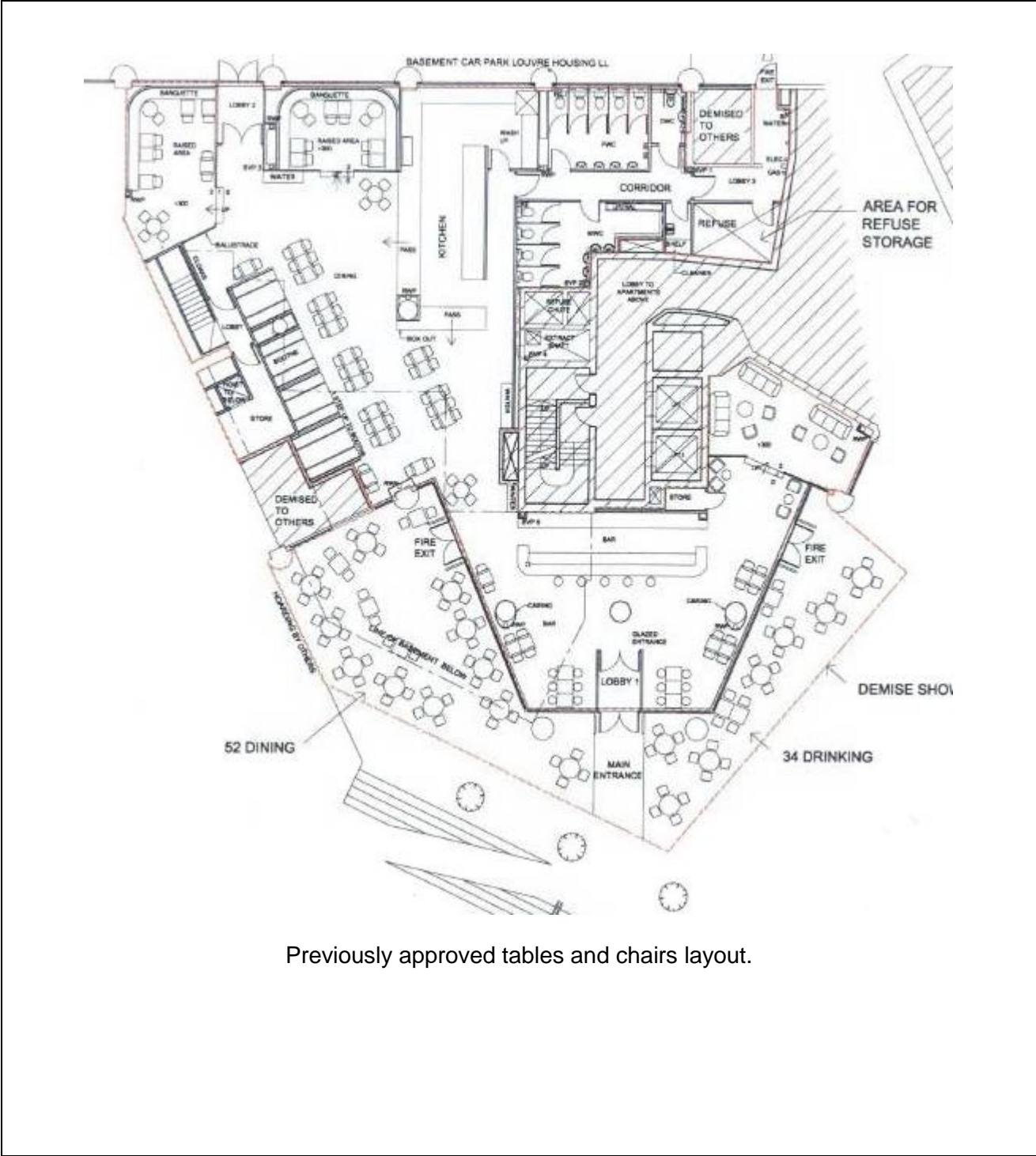
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10 KEY DRAWINGS



Proposed plan showing layout of tables, chairs and umbrellas.



Previously approved tables and chairs layout.

DRAFT DECISION LETTER

Address: West End Quay, South Wharf Road, London, W2 1LA

Proposal: Use of hard paved area outside Unit 1 adjacent to the canal basin for the placing of 31 tables, 112 chairs and 6 free standing umbrellas in connection with the use of Unit 1 as a bar/ restaurant.

Plan Nos: Site location plan; 65/02; 65/40; Planning Support Statement dated 06/09/17; and 'Management Plan for the Operations of External Areas at Draft House 1 West End Quay, London W2 1JX' (as amended pursuant to Condition 9 of this permission).

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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

- 1 You must not put the tables, chairs and umbrellas in any other position than that shown on drawing 65/02. (C25AA)

Reason:

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

- 2 You can only put the tables and chairs on the pavement between 09.00 and 23.00 Monday to Saturday and between 09.00 and 22.30 on Sundays and Bank Holidays.

Reason:

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

- 3 The tables and chairs must only be used by customers of 'The Draft House', Unit 1, West End Quay. (C25CA)

Reason:

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

- 4 This use of the pavement may continue until 28 November 2018. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as we need to assess the effect of this activity regularly to make sure it meets S42 of Westminster's City Plan (November 2016) and TACE 11 of

our Unitary Development Plan that we adopted in January 2007.

- 5 You can only put out on the pavement the tables, chairs and umbrellas shown on drawing 65/40. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

- 6 You must not allow more than 112 customers in to the area of external tables and chairs hereby approved, as shown on drawing 65/02, and all customers within this area must be seated and no customers shall be permitted to stand in this area to consume food or beverages purchased from the restaurant and ancillary bar use of Unit 1.

Reason:

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

- 7 You must manage the tables and chairs hereby approved at all times in accordance with the management plan titled 'Management Plan for the Operations of External Areas at Draft House' (as amended by the detailed required pursuant to Condition 9 of this permission), including the supervision of the tables and chairs by a member of staff at all times during the hours of use.

Reason:

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

- 8 You must only access the tables and chairs are hereby approved via the main entrance (as annotated on drawing 65/02) and you must not use the fire exits to access the tables and chairs. The main entrance and fire exit doors to both side elevations must be kept shut at all times (except in the event of an emergency) and must not be left in an open position.

Reason:

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

- 9 You must apply to us for approval of detailed drawings and supporting management plan showing the following alteration to the scheme:

- An amended management plan and floorplan amended/ annotated to show not more than 40%

of the tables and chairs for use by customers consuming beverages or bar snacks only, with the remain 60% of tables and chairs for use only by customers consuming food purchased from the restaurant element of the use of Unit 1.

You must not place the tables and chairs and associated structures on the pavement until we have approved what you have sent us. You must then use the tables and chairs in accordance with the revised management plan and floorplan that we approve.

Reason:

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

- 10 You must not use the tables and chairs area unless screens not more than 1.2 metres in height are placed along the perimeter line of the tables and chairs area shown on drawing 65/02. Outside of the permitted hours of use of the tables and chairs area these screens must be removed from the hard paving and stored with the application premises.

Reason:

To protect neighbouring residents from noise and disturbance and retain the tables and chairs within the permitted area as set out in S29 and S32 of Westminster's City Plan that we adopted in July 2016 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 11 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.

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 that customers must be moved from within the tables and chairs area prior to the terminal hours set out in Condition 2 and not after the specified hours. You must also ensure that you comply with all other conditions relating to the management of the tables and chairs, which are required to mitigate the noise impact of the use on neighbouring residents. Consistent failure to adhere to these conditions may result in future temporary planning permission for tables and chairs in this location being refused.
- 5 You are advised that you must ensure that egress from the fire exits of the premises are not blocked by the tables and chairs hereby approved. Any alterations to the approved tables and chairs layout hereby approved is likely to require the benefit of further permission.