



City of Westminster

# Committee Agenda

Title: **Planning Applications Sub-Committee (2)**

Meeting Date: **Tuesday 6th February, 2024**

Time: **6.30 pm**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**  
Paul Fisher (Chair)  
Barbara Arzymanow  
Md Shamsed Chowdhury  
Nafsika Butler-Thalassis



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

**Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, 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.**

**If you require any further information, please contact the Committee Officer, Katherine Stagg, Committee and Governance Officer.**

**Email: [kstagg@westminster.gov.uk](mailto:kstagg@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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 Director of Law 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 pecuniary interests or any other significant interest 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**

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

**(Pages 5 - 8)**

- |    |  |                 |
|----|--|-----------------|
| 1. | 8 LANCASHIRE COURT, LONDON, W1S 1EY    | (Pages 11 - 34) |
| 2. | 1 LEICESTER PLACE, LONDON, WC2H 7BP    | (Pages 35 - 58) |
| 3. | 7 BLOOMFIELD TERRACE, LONDON, SW1W 8PG | (Pages 59 - 88) |

**Stuart Love**  
**Chief Executive**  
**26 January 2024**

## Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

| <b>Order of Business</b>  |
|---|
| i) Planning Officer presentation of the case                                |
| ii) Applicant and any other supporter(s)                                    |
| iii) Objectors  |
| iv) Amenity Society (Recognised or Semi-Recognised)                         |
| v) Neighbourhood Forum  |
| vi) Ward Councillor(s) and/or MP(s)   |
| vii) Council Officers response to verbal representations                    |
| viii) Member discussion (including questions to officers for clarification) |
| ix) Member vote   |

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

## MINUTES

### Planning Applications Sub-Committee (2)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 12th December, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Barbara Arzymanow, Md Shamsed Chowdhury and Jason Williams

**Also Present:** Councillor Alan Mendoza (Attended Item 2 in his capacity as Ward Councillor)

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillors Bush and Williams were substituting for Councillors Fisher and Lilley.
- 1.2 A Councillor was required to Chair the evening's meeting and the Sub-Committee

#### RESOLVED:

That Councillor Ruth Bush be elected Chair of Planning Applications Sub-Committee (2) for that evening's meeting.

#### 2 DECLARATIONS OF INTEREST

- 2.1 The Chair explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

- 2.2 Councillor Williams declared that in respect of Item 3 the application site was situated within his ward, but he had held no discussions with any parties regarding the application.
- 2.3 Councillor Bush declared that she was a member of the Westminster Tree Trust.

### **3 MINUTES**

- 3.1 **RESOLVED:** That subject to references to objectors on page 2 of the minutes being amended to read "... in objection to the application.", the minutes of the meeting held on 14 November 2023 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

The Sub-Committee heard the planning applications in the following order: 2, 1 and 3.

#### **1 98 EBURY MEWS, LONDON, SW1W 9NX**

Erection of ground floor front and rear extension, first floor rear closet extension, formation of roof terrace with balustrading and planters at main roof level, excavation of new basement and associated external alterations.

#### **RESOLVED UNANIMOUSLY:**

That conditional planning permission be granted subject to an additional informative advising the applicant that if there was any displacement or damage to the cobbled mews during construction they should be repaired sensitively and in line with the 'Westminster Way – public realm strategy, design principles and practice'.

#### **2 3 BLENHEIM ROAD, LONDON, NW8 0LU**

Excavation of single-storey basement extension with lightwells to front and rear gardens; Erection of single-storey extension to rear and three storey extension to side; Formation of door to rear at lower ground floor level; Landscaping works; and associated external alterations.

Additional representations were received from a local resident (multiple dates).

David Whittington addressed the Sub-Committee in support of the application.

Kirsten O'Rourke addressed the Sub-Committee in objection to the application.

Councillor Alan Mendoza, in his capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

A late representation was received from a local resident (undated).

**RESOLVED UNANIMOUSLY:**

- 1) That conditional permission be granted.

**RESOLVED (Grant - Councillors Arzymanow, Chowdhury and Williams; Refuse – Councillor Bush)**

- 1) That conditional listed building consent be granted.
- 2) That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

**3 WESTMINSTER CATHEDRAL PRIMARY SCHOOL, BESSBOROUGH PLACE, LONDON, SW1W 3SE**

Increase perimeter fence height to 2.5m along part of the Balniel Gate and Bessborough Street boundary and replacement fencing around part of the Kaywillo Lodge boundary; installation of disabled access ramp to northern building entrance; installation of air conditioning condenser units; widening of vehicular accesses on to Bessborough Place and, installation of an external kitchen pod in the playground, all in connection with a special education needs unit.

**RESOLVED UNANIMOUSLY:**

That conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (Council's Own Development) be granted subject to an additional informative drawing the applicant's attention to the potential to improve the visual appearance of the pod kitchen.

The Meeting ended at 8.51 pm

**CHAIR:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

This page is intentionally left blank



# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 6th February 2024  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| Item No   | References                                       | Site Address                                     | Proposal   | Applicant            |
|---|--|--|--|----------------------|
| 1.  | <b>RN(s):</b><br>23/06821/FULL                   | 8<br>Lancashire<br>Court<br>London<br>W1S 1EY    | Use of the building as a private members club (sui generis use) and alterations to the ground floor including the change of some windows to doors.   | Soho House UK Ltd    |
|   | West End   |  |  |                      |
| <b>Recommendation</b><br>Grant conditional planning permission.   |  |  |  |                      |
| Item No   | References                                       | Site Address                                     | Proposal   | Applicant            |
| 2.  | <b>RN(s):</b><br>23/07010/FULL                   | 1 Leicester<br>Place<br>London<br>WC2H 7BP       | Use of the basement and ground floors as a mix of casino and either retail and/ or restaurant (sui generis) within a single unit; shopfront alterations at ground floor level; and other associated external alterations.  | Soho Estates Limited |
|   | St James's                                       |  |  |                      |
| <b>Recommendation</b><br>Grant conditional planning permission.   |  |  |  |                      |
| Item No   | References                                       | Site Address                                     | Proposal   | Applicant            |
| 3.  | <b>RN(s):</b><br>23/04735/FULL &<br>23/04736/LBC | 7<br>Bloomfield<br>Terrace<br>London<br>SW1W 8PG | Erection of full width extension at rear lower ground floor level with terrace above; excavation of new basement beneath footprint of house with lightwells to front and rear; alterations and extension within front basement lightwell with new steps to street level; and internal alterations. | Mr R H K Seelig      |
|   | Knightsbridge &<br>Belgravia                     |  |  |                      |
| <b>Recommendation</b><br>1. Grant conditional permission.<br>2. Grant conditional listed building consent.<br>3. Agree reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter. |  |  |  |                      |

This page is intentionally left blank

# Agenda Item 1

Item No.

1

| CITY OF WESTMINSTER  |  |  |                |
|--|--|--|----------------|
| <b>PLANNING APPLICATIONS SUB COMMITTEE</b>                       | <b>Date</b><br>6 <sup>th</sup> February 2024   | <b>Classification</b><br>For General Release |                |
| <b>Report of</b><br>Director of Town Planning & Building Control |  | <b>Ward(s) involved</b><br>West End          |                |
| <b>Subject of Report</b>   | <b>8 Lancashire Court, London, W1S 1EY</b>   |  |                |
| <b>Proposal</b>  | Use of the building as a private members club (sui generis use) and alterations to the ground floor including the change of some windows to doors. |  |                |
| <b>Agent</b>   | First Plan   |  |                |
| <b>On behalf of</b>  | Soho House   |  |                |
| <b>Registered Number</b>   | 23/06821/FULL  | <b>Date amended/ completed</b>               | 2 October 2023 |
| <b>Date Application Received</b>                                 | 2 October 2023   |  |                |
| <b>Historic Building Grade</b>                                   | Unlisted   |  |                |
| <b>Conservation Area</b>   | Mayfair  |  |                |
| <b>Neighbourhood Plan</b>  | Mayfair Neighbourhood Plan   |  |                |

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

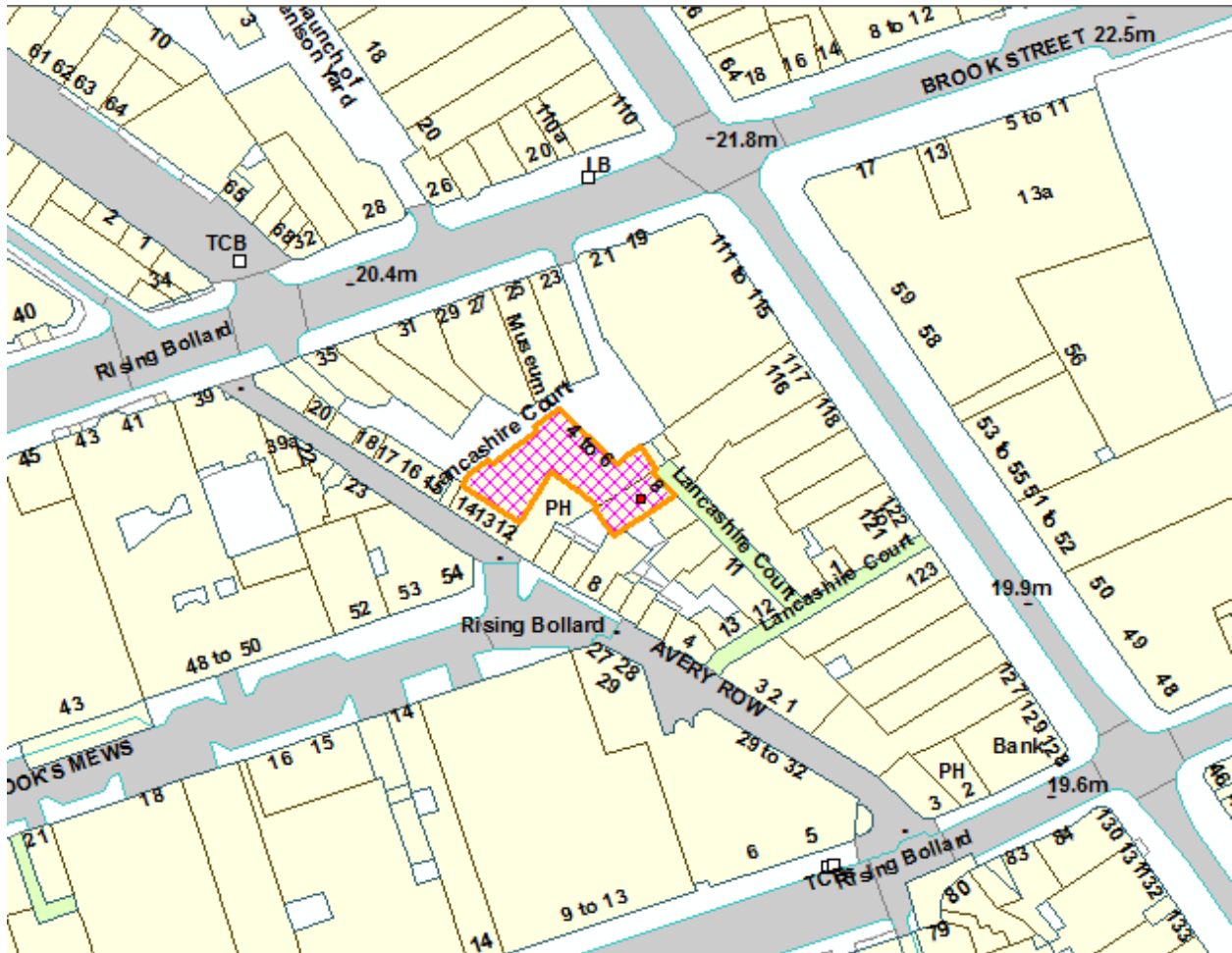
This application seeks permission for the use of the existing restaurant/ bar at 8 Lancashire Court as a private members club, with the intended occupier being Soho House. External alterations are proposed to the fenestration at ground floor level by reinstating two windows which are currently blind openings and converting three existing windows into glazed doors. It is also proposed to install awnings, comprising a mix of retractable and Dutch awnings.

The key considerations in this case are:

- The acceptability of the proposal in land use terms
- The acceptability of the proposed alterations to the buildings in design terms.
- The impact on the amenity of neighbouring residential properties.

For the reasons set out in the report, it is considered that the proposal, with conditions, is acceptable in land use, amenity and highways terms. As such, the application is recommended for approval.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.  
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS





Side elevation:



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### MAYFAIR RESIDENTS GROUP

No response.

#### MAYFAIR NEIGHBOURHOOD FORUM

Objection on the grounds that a 03:00 closing time on Thursday to Saturday nights is too late and it should be restricted to 'core hours'.

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

No response.

#### HIGHWAYS

Acceptable subject to conditions.

#### CLEANSING MANAGER

Further information requested.

#### ADJOINING OWNERS AND OCCUPIERS

No Consulted: 63

No Replied: 3

3 Letters of support on the following grounds:

\* The use would provide a new and exciting addition to the area.

\* Would result in greater controls over anti-social behaviour in the area.

#### SITE AND PRESS NOTICE

Yes

### 5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area, including some local residents prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance.

The outcome of these meetings was to revise the draft operational management plan to take on board comments where possible.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development

plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**6.2 Neighbourhood Planning**

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

**6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

**7. BACKGROUND INFORMATION**

**7.1 The Application Site**

8 Lancashire Court is an unlisted building located in the Mayfair Conservation Area, Central Activities Zone and the West End Retail and Leisure Special Policy Area. The building comprises basement, ground, first and second floors and although currently vacant has most recently been occupied for restaurant purposes.

The building has a long-standing history of use as a restaurant, with planning permission having been granted since 2001 for tables and chairs outside the premises in association with 'Hush restaurant' the former operator of the restaurant.

21 Brook Street is the closest residential accommodation to the north-east of the site. Lancashire Court has a mix of restaurants and uses as well as high-end boutique shops.

**7.2 Recent Relevant History**

In 2016 planning permission was sought for the 'Erection of new access structure and screening in connection with the use of the roof as a terrace associated with the



restaurant use. Installation of replacement plant items and associated screening at main roof level. Application refused on the 15<sup>th</sup> February 2017. The appeal was allowed on the 29<sup>th</sup> November 2017. This permission has not been implemented.

Planning permission (95/01000/FULL) was granted on 19.03.1997 for “Part redevelopment to provide building of part basement ground and two upper floors plus roof level plant enclosure, comprising public house and associated restaurant, function room, managers office and staff flat (Class A3)”.

Planning permission was refused on 9 November 2000 for the “Variation of condition 12 of permission dated 19 March 1997 to allow extension of opening hours of ground and first floor restaurant from 9am-11.30pm Monday to Saturday to 9am-12.30am Monday to Saturday.” The appeal was allowed on the 25<sup>th</sup> June 2001.

Several applications have been permitted for use of the courtyard for the placing of 20 tables and 60 chairs and three parasols in connection with the existing use at ground floor between 8am to 11pm Monday to Sunday (most recent application refs. 20/00719/TCH, 22/02096/TCH).

#### Licensing position

A Premises license was granted for Hush on 10 February 2020 (21/12157/LIPDPS). Soho House applied to transfer this premises licence on 28 November 2023 under 23/08689/LIPT, and this was granted on 12 January 2024 (with opening hours of 10:00 to 00:30 (Monday to Saturday) and 10:00 to 00:00 on Sundays).

## **8. THE PROPOSAL**

This application seeks permission for the use of the existing restaurant/ bar at 8 Lancashire Court as a private members club (sui generis) to be operated by the Soho House Group. The proposed layout is largely similar to the existing restaurant operation, for example the locations of kitchens, back of house and front of house areas remain unchanged. At ground floor level, a dining area with ancillary bar is proposed, providing approximately 50 covers. A separate back of house entrance is provided via the side entrance to retained kitchen facilities at the rear of the building. Additional seating/lounge areas are proposed at first floor (approximately 70 covers) and further seating/lounge and private rooms are proposed at second floor (approximately 50 covers). In total there will be 170 internal covers which is very similar to the existing operation.

External alterations are proposed to the fenestration at ground floor level by reinstating two windows which are currently blind openings and converting three existing windows into glazed doors. It is also proposed to install awnings, comprising a mix of retractable and Dutch awnings.

The proposed operation hours of the members club are as follows:

- Monday to Wednesday: 08:00 – 00:30 (the following morning)
- Thursday to Saturday: 08:00 - 01:30 (the following morning)
- Sunday: 10:00 – 11:30

The applicant initially proposed a closing time of 03.00 (the following morning) on Thursday to Saturday but further to discussions with Officer's a closing time of 01.30 (the following morning) is now proposed.

Soho House Group was founded in London in 1995 as a private members' club for people in the creative industries, Soho House & Co has since opened clubs across Europe, North America and Asia, as well as restaurants, cinemas, workspaces, spas and bedrooms.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

#### **Land Use Overview**

The site lies within the CAZ and the WERLSPA (the West End Retail and Leisure Special Policy Area) as designated in the City Plan.

London Plan Policy SD4 seeks to promote the unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses. The policy also states that "the unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced".

Policy HC6 of the London Plan requires boroughs to develop a vision for the night-time economy, supporting its growth and diversification, and requires local development plans to promote the night-time economy, where appropriate, particularly in the CAZ, strategic areas of night-time activity, (which includes the West End) and town centres, where public transport such late night underground and bus services are available, in order to build on the Mayor's vision for London as a 24-hour City. The policy encourages the diversification of the range of night-time activities, including extending the opening hours of existing daytime facilities and seeks the protection and support of evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues. However, the policy also requires the boroughs to take account of the cumulative impact of high concentrations of licensed premises, having regard to potential anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby uses, and to seeks ways to diversify and manage these busy areas.

City Plan Policy S1.A (Westminster's spatial strategy) seeks to ensure that Westminster will continue to 'grow, thrive and inspire at the heart of London as a world city'. Policy 1 acknowledges the need to balance the competing functions of the Central Activities Zone (CAZ), including those as a retail and leisure destination and home to residential neighbourhoods.

City Plan Policy 2 recognises that the intensification of the WERLSPA will deliver certain priorities, including an improved retail and leisure experience that responds to innovation and change in the sector, along with a diverse evening and night-time economy and enhanced cultural offer. The supporting text (paragraphs 2.7, 2.9 and 2.10) anticipates that the WERLSPA will absorb much of Westminster's future commercial growth,

including the development of retail, food and drink uses and entertainment uses; will protect and support the arts, culture and entertainment offer, for residents, workers, and visitors, and diversify the food and beverage offer whilst, at the same time, minimising negative impacts on residential neighbourhoods. The West End is recognised as home to the largest evening and night-time economy in the UK, supporting a wealth of cultural uses, pubs, bars, restaurants, nightclubs, cinemas, theatres and other leisure uses.

City Plan Policy 14 concerns town centres, high streets and the CAZ, with their intensification supported in principle for main town centre uses. Uses that provide active frontages will be required at ground floor level, with the WERLSPA providing a wide mix of commercial uses that support the West End's role as a cultural hub and centre for visitor, evening and night-time economy. Policy 14 goes on to state that town centre uses will be supported in principle in areas of the CAZ with a commercial or mixed-use character, having regard to existing mix of land uses. The supporting text (paragraph 14.5, 14.6 and 14.7) acknowledges that, to ensure their long-term sustainability, town centres will need to provide a mix of commercial uses to create an environment which encourages customers to shop, access services, and spend leisure time, whilst also supporting their role as major employment hubs and visitor destinations., "...town centre uses such as pubs and drinking establishments, exhibition spaces, cultural and leisure uses, can all help support the future success of these key clusters of commercial activity...".

Policy 16 (A) of the City Plan requires proposals for food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of these uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate. The definition of entertainment uses within the City Plan glossary includes uses premises dominantly, or partly used for entertainment purposes including live music venues and other sui generis uses e.g., nightclubs, casinos and amusement arcades.

Policy MRU1 of the Mayfair Neighbourhood Plan requires that; 'Proposals for new commercial or entertainment uses in Mayfair must demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.' Policy MRU3 states that "New retail and entertainment uses will be encouraged where they complement both nearby residential communities and also the character which those nearby communities help to foster."

### **Related policies**

To ensure that any detrimental impacts on existing users of an area are avoided, City Plan policy 7 requires new development to be 'neighbourly' by protecting, and where appropriate enhancing, local environmental quality and protecting and positively responding to local character and the historic environment. In considering development proposals, the Council will take a balanced approach that considers the specific site location and context as well as the merits of the proposals, including the consideration of the wider benefits of a scheme against impacts on the surrounding area.

Policy 33 of the City Plan requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents and development to prevent the adverse effects of noise and vibration, with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses, minimising noise from plant machinery and internal activities and minimising noise from servicing and deliveries.

### **Proposed use and impact on amenity**

The building has a longstanding lawful use as a restaurant premises and comprises 1,032sqm over four floors. The City Plan does not include any specific policies seeking to protect restaurant floorspace however, Policy 14 of the City Plan states that; 'uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy.' As their name suggests, private members clubs do not serve visiting members of the public as they are exclusive to their members and not available to all passers-by. However, the club will have the appearance of a restaurant with opening doors facing Lancashire Court and as such provides an active frontage. Given the buildings location on a backland site, with the only access being from the pedestrianised Lancashire Court, it is not considered that the impact of a use which does not serve visiting members of the public, would, in this location, be harmful to town centre vitality and viability.

The supporting text to Policy 16 acknowledges that “the cumulative impact of multiple food, drink and entertainment uses in a particular area can have a negative impact on the functioning and use of an area and can negatively impact residential amenity. We will therefore prevent the over-concentration of these uses and require proposals to make sure any negative impacts are managed (applying the Agent of Change principle).”

It is acknowledged that the proposed private members club would be close to a number of other entertainment premises including the restaurant/bar at 4-6 and 10-11 Lancashire Court (now vacant but previously occupied by Mews of Mayfair), The Iron Duke at 11 Avery Row and Sparrow restaurant at 1-3 Avery Row. However, this part of Mayfair remains of a mixed-use character providing other uses including a number of retail premises, including large department-type stores on Bond Street (including the Victoria's Secrets store which also has a frontage onto Lancashire Court) and other uses such as the Handel Museum on Brook Street. Despite the proximity of other pubs and restaurants, the principle of a long-standing entertainment use has already been established on this site. It is considered that, subject to operational controls, and compliance with the submitted Operational Management Plan, that the impact upon the character and function of the area will be very similar to a restaurant use.

The applicant, Soho House, operate six other premises in London and have produced an operational management plan tailored from their understanding of operating their other premises with late night closing times. The operational measures to be introduced to ameliorate potential disruption and noise disturbance include:

- the employment of door staff to ensure guests leave the premises quietly
- the provision of CCTV
- limiting the number of covers to 170 (which is similar to the existing operation)
- closing the outside areas at 22.30 with doors and windows to remain closed after 23:00 hours save for access and egress,

- the display of signage requesting that patron's leave the premises quietly,
- Staff to provide taxi telephone details and night bus details to customers and staff can also call services at a customer's request.
- Customers will also be encouraged to wait inside for their transport rather than in the Mews to reduce disturbance to neighbours.
- If complaints are received CCTV footage is reviewed to identify the source of complaint and appropriate action taken.
- Any noise complaints from residents to be communicated to Soho House Manager by the Security Team immediately.
- No rubbish, including bottles shall be moved, removed or placed in outside areas between 21:00-07:00 hours on weekdays and between 21:00-09:00 hours on Sundays.
- The premises license holder shall ensure any patrons smoking in the designated open smoking areas do so in an orderly manner and are monitored by staff and Managers so as to ensure there is no public noise nuisance.

The implementation of these measures will all help to ameliorate the impact of the operation of the unit on nearby residents. Given the similarities between the operation of existing restaurant and the proposed private members club the proposed use is deemed acceptable in principle. The private members club is proposed to be open Monday to Wednesday: 08:00 - 00:30; Thursday to Saturday: 08:00 - 01:30 and Sunday: 10:00 - 23:30. This is 1 hour later than the former restaurant use on Thursday to Saturday and ½ an hour earlier Sunday. The restaurant operated until 00:30 Monday to Saturdays and midnight on Sundays. Planning permission had been refused in 1999 to extend the opening hours of the premises until 09:00-00.30 Monday to Saturday and 10:00-23.00 on Sundays but these extended opening hours were subsequently allowed on appeal.

Initially the application sought a closing time of 03.00 (the following morning) on Thursday to Saturday. The Mayfair Neighbourhood Forum objected to the extended, later closing time advising that the opening hours should be restricted to the 'core hours' as stipulated in licensing policy. They consider that the later opening hours might lead to increased noise and disturbance for neighbouring residents.

The Council's Statement of Licensing Policy (October 2021) sets out the Core Hours Policy (HRS1) for various uses including 'qualifying clubs' (09:00 to 23:30 on Monday-Thursday, 09:00 to midnight on Friday and Saturday and 09:00 to 22.30 on Sundays and 09:00 to midnight on Sundays immediately prior to a bank holiday). Applications for uses outside these hours will be considered on their merits, subject to other relevant licensing policies, which include whether there is residential accommodation in the proximity of the premises, access to public transport, the type of use etc. In this regard, the Policy also makes specific reference to the fact that "qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and around their premises". However, it is important to note that these policies relate exclusively to Licensing decisions. Planning and Licensing are distinct and separate regulatory regimes, each with its own specific statutory considerations and policy considerations. While the previously saved UDP policies referenced core hours, the current Westminster City Plan 2019-2040 does not include such policies or references.

There are a number of residential properties within the vicinity of the site but none within Lancashire Court itself (although the duplex flat at fourth and fifth floors at 21 Brook

Street does have windows that face the entrance to Lancashire Court). Council records indicate residential flats at 18 and 20 Avery Row and 21, 29 and 37A Brook Street to the north. Three consultation responses have been received to the application from neighbouring residential occupiers, all in support of the application (all from the same property on Avery Row).

In response to the objection from the Mayfair Neighbourhood Forum the application has been amended reducing the proposed closing time on Thursday to Saturday from 03.00 to 01.30 (the following morning). This would still be later than the core hours in the Council's statement of Licensing policy by 2 hours on Thursday and 1 ½ hours on Friday and Saturday, however given the sites location within a commercial backland site, the close proximity to New Bond Street for transport connections, the additional controls a private members club would afford and the stringent SMP, along with policy support for a night-time economy in suitable locations in Central London, the proposed opening hours are considered acceptable in this regard. It is also noted that the hours of opening of the nearby restaurant / bar at 10 - 11 Lancashire Court are until 02:00 daily.

A condition is included to ensure the use operates in accordance with the stipulations in the OMP at all times. It is noted that the occupier is Soho House who operate six other premises in London would be the occupier and the OMP has been tailored from their understanding of operating the other premises with late night closing times. Conditions are also included with regard the opening hours and the capacity of the premises and to ensure that the windows and 'French Doors' are closed between 23:00 and 08:00 the following morning.

With these conditions in place, and subject to other operational measures within a finalised OMP, it is not considered that the proposal will materially affect the amenity of neighbouring residents and local environmental quality.

## **9.2 Environment & Sustainability**

This application is for a change of use only and does not raise any additional energy/sustainability issues.

### **Odour**

The building currently has an internally routed high level extract duct terminating at main roof level to provide suitable odour extraction from the restaurant, a condition is included to ensure this is retained should the planning permission be implemented.

## **9.3 Biodiversity & Greening**

Not relevant in the determination of the application.

## **9.4 Townscape, Design & Heritage Impact**

Alterations are proposed to the ground floor elevation to include the installation of two windows in the place of two infilled window recesses and the installation of French Doors to the courtyard area. The proposal has been amended since submission to remove large ground floor awnings which were considered inappropriate in design terms. The

proposal is considered acceptable in design terms and would have a neutral impact on the appearance of the building and wider Mayfair Conservation Area.

## **9.5 Residential Amenity**

The local environmental impacts are detailed within both Section 9.1 of this report.

## **9.6 Transportation, Accessibility & Servicing**

### **Highway Impact**

The site is located within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling) and will not have a significantly detrimental impact on the safety or operation of the highway network. Taxi use associated with the operation is likely to be similar to the existing use.

Policy 29 requires off-street servicing and freight consolidation. Deliveries, goods left and waste collection on the highway create an obstruction to pedestrians and have an adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

### **Servicing and Waste & Recycling Storage**

No off-street servicing is indicated for the development. An Operational Management Plan has been provided as part of the application and indicates a Servicing Management Plan (SMP) will be provided if planning permission is granted. The Highways Planning Manager has requested a condition be included on any permission requiring the submission of an SMP. This should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. An informative is included to advise the applicant what information would be required with any SMP and the processes it should detail.

The Cleansing Manager has requested further information in relation to the storage facilities for the waste and recycling and a condition is included to require the submission of amended drawings to show suitable provision.

### **Cycling & Cycle Storage**

No provision of cycle parking has been shown on the drawings for either staff or patrons, to accord with the London Plan requirements 6 cycle parking spaces would need to be provided. Given the space available in the basement of the premises and the separate entrance for staff / deliveries it is considered suitable in this instance to include a condition to require the provision and retention of the 6 spaces.

### **Accessibility**

The members club will be accessible to all including use of the main lift in the building

which serves all existing floors. A disabled WC will be provided.

#### **9.7 Economy including Employment & Skills**

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by including an enhanced level of employment opportunities (75 jobs proposed compared with the existing 37).

#### **9.8 Other Considerations**

None.

#### **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

#### **9.10 Planning Obligations & Pre-Commencement Conditions**

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

#### **10. Conclusion**

The impact upon residential amenity, the character of Mayfair and upon local environmental quality of the proposed private members club is considered to be very similar to the existing use of the site as a restaurant. Subject to conditions, the proposed change of use is considered to be compliant with the policies within the adopted development plan.

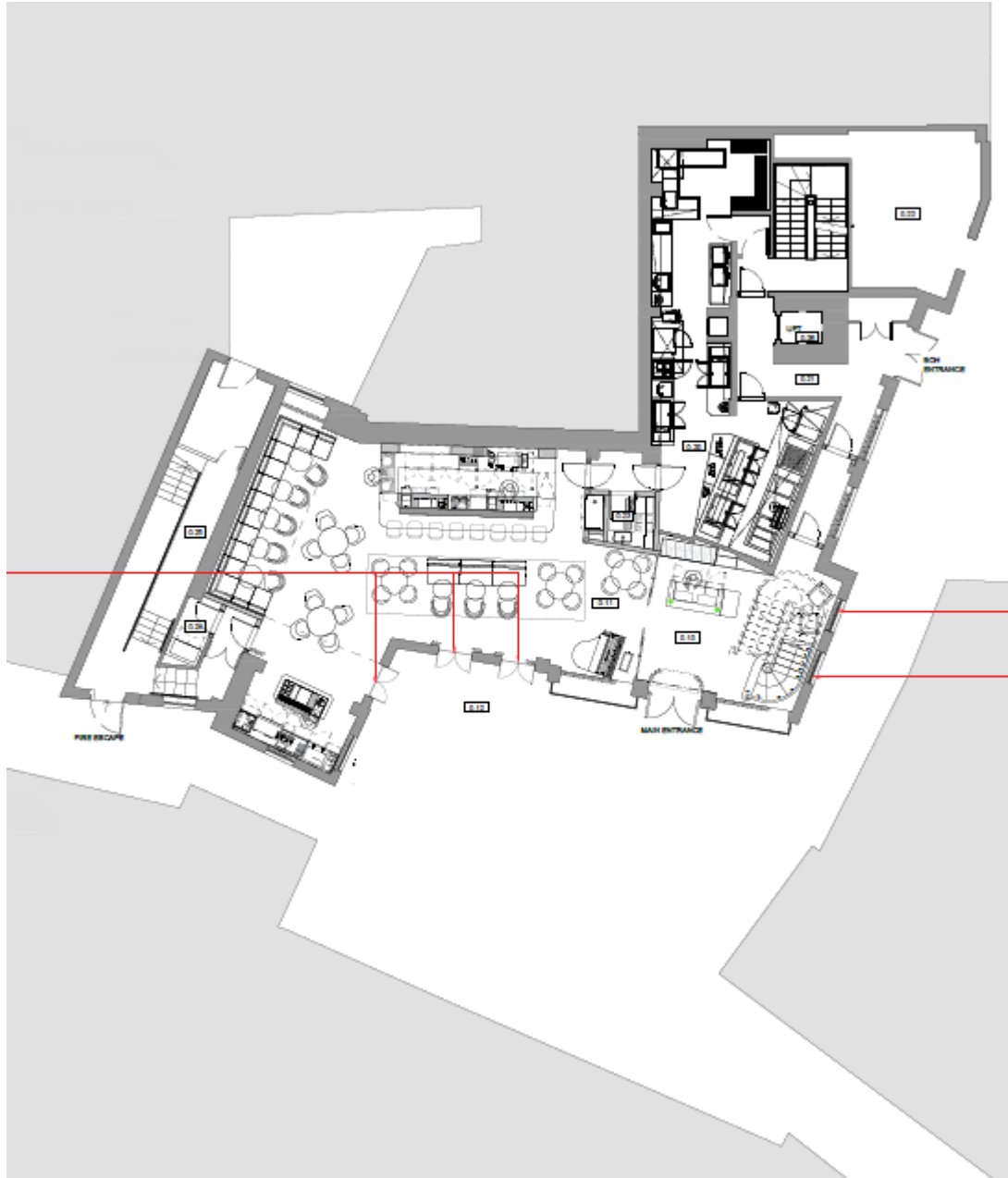
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

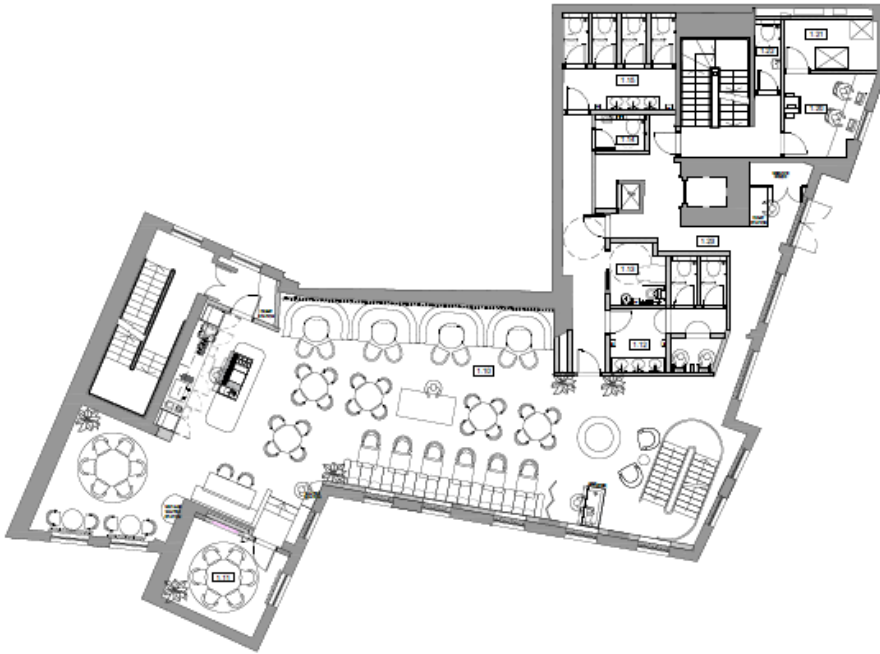


11. KEY DRAWINGS

Proposed ground floor plan:



**Proposed first floor plan:**



**Proposed second floor plan:**



Front elevation:



Side elevation:



**DRAFT DECISION LETTER**

**Address:** 8 Lancashire Court, London, W1S 1EY

**Proposal:** Use of the building as a private members club (sui generis use) and alterations to the ground floor including the change of some windows to doors.

**Reference:** 23/06821/FULL

**Plan Nos:** Drawings: 2345\_SH\_DD\_04, 2345\_SH\_PR\_B1 RevA, 2345\_SH\_PR\_00 RevC, 2345\_SH\_PR\_01 RevA, 2345\_SH\_PR\_02 RevA, 2345\_SH\_EX\_03, 2345\_SH\_PR\_EL RevB, Documents: 8 Lancashire Court Draft Management Plan.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641  
07866040155

**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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 Prior to the operation of the private members club hereby approved you must apply for approval of a Servicing Management Plan. This must thereafter be followed / maintained

at all times that the private members club is in operation, unless a revised strategy is approved (in writing) by the Local Planning Authority. The plan must identify process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing vehicle sizes.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 4 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the private members club (sui generis) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the property. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

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

- 5 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 6 You must apply to us for approval of details of secure cycle storage for the private members club (sui generis) use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the property. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

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

- 7 You must carry out the measures included in your management plan titled '8 Lancashire Court Draft Management Plan' at all times that the private members club is in use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would

not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 8 Customers shall only be permitted within the private members club during the following hours:

Monday to Wednesday: 08:00 - 00:30 (the following morning),  
Thursday to Saturday: 08:00 - 01:30 (the following morning),  
Sunday: 10:00 - 23:30

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 9 You must not allow more than 170 customers into the property at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 10 All windows and the 'French Doors' to the ground floor 'courtyard' at the front of the property shall be fixed shut between 23:00 and 08:00 the following morning.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

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

Reason:

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

- 12 You must operate and retain the existing high level extract duct terminating at main roof level for as long as the private members club is in use.

Reason:

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

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 private members club 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 in writing 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 private members club 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 in writing 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 written 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. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. 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. (R47AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must register your food business with the Council, please use the following link: [www.westminster.gov.uk/registration-food-business](http://www.westminster.gov.uk/registration-food-business). Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk) for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. [www.opsi.gov.uk/SI/si1992/Uksi\\_19923004\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm), , The following are available from the British Standards Institute - see [shop.bsigroup.com/](http://shop.bsigroup.com/)., , BS 6465-1:2009: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2009: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 5 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://www.cae.org.uk)). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk). It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.



- 6 In relation to Condition 3 of this consent the Servicing Management Plan should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste / recycling collection and storage as well.

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.

This page is intentionally left blank

# Agenda Item 2

|          |
|----------|
| Item No. |
| 2        |

|  |   |  |                |
|--|---|--|----------------|
| <b>CITY OF WESTMINSTER</b>                                       |   |  |                |
| <b>PLANNING APPLICATIONS SUB COMMITTEE</b>                       | <b>Date</b><br>6 <sup>th</sup> February 2024  | <b>Classification</b><br>For General Release |                |
| <b>Report of</b><br>Director of Town Planning & Building Control |   | <b>Ward(s) involved</b><br>St James's        |                |
| <b>Subject of Report</b>   | 1 Leicester Place, London, WC2H 7BP   |  |                |
| <b>Proposal</b>  | Use of the basement and ground floors as a mix of casino and either retail and/ or restaurant (sui generis) within a single unit; shopfront alterations at ground floor level; and other associated external alterations. |  |                |
| <b>Agent</b>   | Gerald Eve LLP  |  |                |
| <b>On behalf of</b>  | Soho Estates Ltd  |  |                |
| <b>Registered Number</b>   | 23/07010/FULL   | <b>Date amended/ completed</b>               | 9 October 2023 |
| <b>Date Application Received</b>                                 | 9 October 2023  |  |                |
| <b>Historic Building Grade</b>                                   | Unlisted  |  |                |
| <b>Conservation Area</b>   | Leicester Square  |  |                |
| <b>Neighbourhood Plan</b>  | Not applicable  |  |                |

## 1. RECOMMENDATION

|  |
|--|
| Grant conditional planning permission. |
|--|

## 2. SUMMARY & KEY CONSIDERATIONS

|  |
|--|
| <p>1 Leicester Place, known as Queen’s House, is a prominent building fronting Leicester Square. It is located within the Leicester Square Conservation Area, West End Retail and Leisure Special Policy Area (WERLSPA) and the Central Activities Zone (CAZ). The basement is currently in use as a Casino (Sui Generis), and until recently the ground floor was in restaurant use (Class E), however, following its recent closure it has been in use as temporary retail kiosks. A hotel (Class C1) and nightclub (Sui Generis) are located on the upper floors. The current application relates to the basement and ground floor units only.</p> <p>Planning permission is sought to combine the basement and ground floors to create a single planning unit, that would constitute a sui generis use, with a casino at basement level and either</p> |
|--|

restaurant or retail use at ground level. The proposals also include the removal of the current casino entrance canopy and new doors to match the others within the frontage.

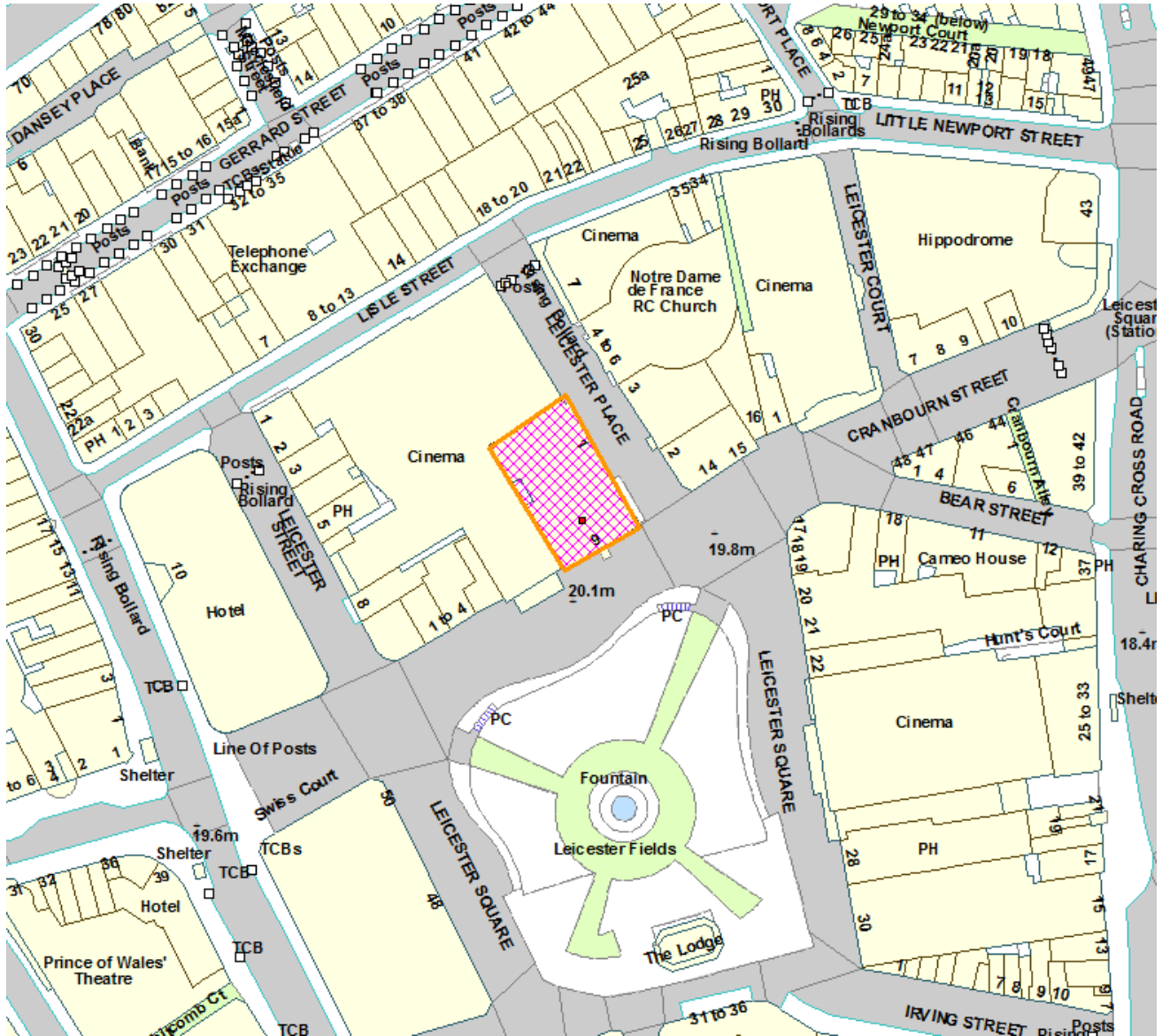
Objections have been received from the current casino operator (Horizons Casino), Leicester Square Association, London Chinatown Chinese Association, the UK Chinese Sports Federation, Chinese Community Centre and 20 members of the public on the grounds that the proposal will result in the loss of the current casino and operator, which is valued by the local community and it will be harmful to the night-time economy and the diversity of uses in the area.

The key considerations in this case are:

- The acceptability of the proposed Sui Generis use in land use terms.
- The impact of the proposed alterations on the character and appearance of the building and Leicester Square Conservation Area.
- The impact on the amenity of neighbouring residential properties and the general amenity of the area.

The proposed mixed use (sui generis) will retain a casino at basement level and either retail or restaurant use at ground floor level, thereby ensuring a night-time venue is retained on the site, as well as a ground floor use which will serve visiting members of the public with an active street frontage. It is therefore considered that the proposal will contribute positively to the diversity of uses within the area and with the conditions recommended the proposed development is acceptable in land use, design, amenity and highways terms and would accord with the relevant policies within the City Plan (April 2021).

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.  
 All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Current retail use



Previous restaurant use

**5. CONSULTATIONS**

**5.1 Application Consultations**

**SOHO SOCIETY**

Any response to be reported verbally.

**LEICESTER SQUARE ASSOCIATION**

Write in support of Horizons Casino who are a good and caring neighbour.

**DESIGNING OUT CRIME**

No objection. Recommend conditions to ensure the development meets Secure by Design accreditation.

**UK POWER NETWORKS**

Any response to be reported verbally.

**HIGHWAYS PLANNING**

Recommend conditions to secure cycle parking, restrict the retail use to exclude supermarket retail and to secure a revised Servicing Management Plan.

**ENVIRONMENTAL SCIENCES**

No objection. Recommend conditions to control hours of use, a full Operational Management Plan once the occupier is known and details of any plant equipment and noise levels that may be required for the restaurant use.

**WASTE PROJECTS**

Condition required to secure a revised plan showing waste storage including provision for cooking oil.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 40

Total No. of replies: 23

No. of objections: 23

No. of support: 0

Letters of objection have been received from the current occupier, Horizons Casino, The London Chinatown Chinese Association, UK Chinese Sports Federation, The Chinese Community Centre and 20 members of the public on the following grounds:

**Land use**

- The proposal would result in the loss of the existing casino, causing harm to the diversity of uses within the area and a valued night-time economy venue.
- Horizons is a smaller, more intimate casino which caters to a mature and local clientele compared to the larger casinos within the area which target a more tourist customer base. Therefore, it would result in the loss of a venue well used by the local community whilst it would also be harmful to the variety of casino offerings.
- Given the smaller nature of the casino, it has a significant, long-term clientele base who have been members for many years and the casino is also used as a space for family and friends to socialise.



|          |
|----------|
| Item No. |
| 2        |

- The existing casino has close links with the Chinese community and is considered a cultural venue within the area, a link which cannot be replicated by larger casinos.
- The application could result in the loss of casino floorspace and that in reality the application seeks to reduce the casino use of the site to be predominantly retail or restaurant led.
- There is already an abundance of retail and restaurant offerings and floorspace within the area.
- Given the size of the current operator and its segment within the sector, it would be unviable to find an alternative location to operate from, so it is vital Horizons is able to remain in its current location.

#### Other

- The viability of the proposed use is questioned as the proposed layout may not satisfy gambling licence operational requirements.
- The proposed spiral staircase means that the casino facilities and machines would be visible to minors using the ground floor restaurant/ retail.
- Horizons are a significant local employer, with over 120 staff, who could lose their jobs, harming local employment opportunities.
- The operator has close links with the Chinese community donating annually to supporting local community and sports projects.
- If permission were to be granted, Horizons should have ability to stay in the unit and applicant should commit to alternative temporary premises during construction.

PRESS NOTICE/ SITE NOTICE: Yes.

## 5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. Given the proposals relate to a change of use without creating additional floorspace, the applicant did not indicate that they have carried out Early Community Engagement prior to submission of the application.

However, it should be noted that the current application follows a withdrawn application which was submitted in June 2023 (RN: 23/03899/FULL) which proposed an enlarged Class E unit across basement and ground floor, with no replacement casino use. Over 118 letters of objection were received to the proposed loss of the casino use and more specifically, Horizon's Casino operator, as it was considered harmful to the night-time economy, diversity of uses within the area and loss of a local facility well used by the community. The current submission seeks to respond to these objections by retaining a casino use within the site.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in



the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

## **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

1 Leicester Place, known as Queen's House, is a prominent corner building with a frontage to Leicester Square. It is not listed, but lies within the Leicester Square Conservation Area, the Central Activities Zone (CAZ), West End Retail and Leisure Special Policy Area (WERLSPA) and the West End Strategic Cultural Area (WESCA).

The building comprises basement, ground and eight upper floors and is in use as a Casino (Sui Generis) at basement level, retail use as ground floor level (Class E) (formally restaurant use until the restaurant occupier recently vacated) with a nightclub (Sui Generis) at part first and second floor level and a hotel (Class C1) on the upper floors.

This application relates to the ground and basement levels only which front Leicester Square. The casino at basement level and retail/restaurant floorspace at ground floor level are currently two separate units, each with their own entrance.

### **7.2 Recent Relevant History**

85/04338/FULL

Use of basement, part ground and rear ground mezzanine as a casino.  
Application permitted 21 February 1986

|          |
|----------|
| Item No. |
| 2        |

96/05053/FULL

Change of use from Class B1 office use to Class A3 restaurant use on mezzanine floor with extract ducting in the rear lightwell.

Application permitted 3 October 1996

96/09521/FULL

Use of first floor and mezzanine level for Class A3 restaurant use.

Application permitted 24 April 1997

10/08827/FULL

Use of part ground floor, part second floor and third to eighth floors as a 84-bed hotel (Class C1) with hotel restaurant at second floor level; insertion of dormer windows at eighth floor level and installation of plant with acoustic screen at main roof level.

Application Permitted 27 January 2011

11/03882/NMA

Amendments to planning permission dated 27 January 2011 (RN: 10/08827) for use of part ground floor, part second floor and third to eighth floors as a 84-bed hotel (Class C1) with hotel restaurant at second floor level; insertion of dormer windows at eighth floor level and installation of plant with acoustic screen at main roof level, namely install one dormer window at sixth floor level.

Application Permitted 18 May 2011

This application was amended by two non-material amendment applications (RN: 11/03882/NMA and ref. 11/07466/NMA), on 18 May 2011 and 31 August 2011 respectively. These amendments permitted the installation of one dormer window at sixth floor level, the reconfiguration of plant equipment at rooftop level and installation of a new extract duct.

20/02500/FULL

Installation of new replacement plant at roof level and associated ducting to serve ground floor restaurant (Site includes roof level of 1 Leicester Place).

Application Permitted 1 June 2020

23/03899/FULL

Use of the basement and ground floor as either a retail and or restaurant unit (Class E), shopfront alterations at ground floor level and associated external alterations.

Application Withdrawn 9 January 2024

## 8. THE PROPOSAL

Planning permission is sought to amalgamate the basement and ground floors to create a single planning unit, that would constitute a sui generis use, with a casino at basement level and either restaurant or retail use at ground floor level, connected by an internal spiral staircase. The proposals include the removal of the current casino entrance and canopy and new doors to match the others within the frontage.

**Table: Existing and proposed land uses.**

| Land Use  | Existing GIA (sqm) |  | Proposed GIA (sqm) | +/-     |
|---|--------------------|--|--------------------|---------|
| Casino (Sui Generis)                              | 666                |  | 0                  | - 666   |
| Restaurant (Class E)                              | 446                |  | 0                  | - 446   |
| Combined Casino, Retail/ Restaurant (Sui Generis) | 0                  |  | 1,112              | + 1,112 |

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Policy Context

Policy 2 of Westminster’s City Plan seeks to ensure a ‘diverse evening and night-time economy and enhanced cultural offer’ within the West End Retail and Leisure Special Policy Area whilst requiring decision-making to ensure the ‘protection of the unique character of central London’s distinct and iconic places’.

Paragraph 2.9 explains that ‘the West End is home to the largest evening and night-time economy in the UK with a wealth of cultural uses, pubs, bars, restaurants, nightclubs, cinemas, theatres and other leisure uses’ and that ‘to ensure the area is welcoming and attractive to all communities, the appropriate management and further diversification of the evening and night-time economy will be supported.’

Similarly, policy HC5 of the London Plan requires decision-making to ‘promote the night-time economy... in the Central Activities Zone, strategic areas of night-time activity, and...where public transport such as the Night Tube and Night Buses are available’ and ‘protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues’. Supporting paragraph 7.5.5 recognises the importance that such night-time economy venues can have as cultural assets and community spaces including for different groups of people (such as young people, BAME groups and the LGBT+ community).

Policy 15 of the City Plan ‘Visitor economy’ seeks to ‘*maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities*’ and states that ‘*all existing arts and cultural uses and uses of cultural significance will be protected and proposals for enhancement will be supported in principle*’, recognising that ‘*The West End Strategic Cultural Area (SCA) has one of the largest clusters of cultural and entertainment uses in the country*’.

Policy 16 of the City Plan ‘Food, drink and entertainment’ supports proposals for food, drink and entertainment uses where they are of a type and size appropriate to their location. However, the policy also states that such proposals may be resisted where an over-concentration of such uses could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the centre.

## **Proposed Casino & Restaurant or Retail (Sui Generis) Use**

Leicester Square, within the WERLSPA and WESCA, is an iconic area characterised by its diverse mix of leisure, cultural and entertainment uses including a variety of theatres, cinemas, pubs, clubs, restaurants and casinos.

As aforementioned, the basement currently operates as a casino (sui generis) and the ground floor as a Class E use. The proposals would see these two units amalgamated, connected internally by a central spiral staircase, and operated by a single operator with a shared main entrance, with casino floorspace at basement level and either restaurant or retail floorspace at ground floor level (sui generis).

An objection from the current operator, Horizons Casino, has questioned why planning permission is required, given that the proposals would see the basement retained as casino floorspace, and considers that the current proposals are a means of converting the existing use into a retail or restaurant led development, resulting in the loss of the casino as a meaningful use and venue.

In planning terms, given that the two units currently operate independently of one another, they are of two distinct, separate uses. As the proposals would see the two units amalgamated and operated by a single operator, they would become a unique use with a mix of casino, restaurant and retail floorspace with a single entrance, and operationally entwined. As such this would result in a material change of use of the premises, which would not fall into any defined use class, thus it would be considered 'sui generis' across the basement and ground floor unit.

The Objectors describe the nature and size of the current basement casino and its operator, as smaller and more intimate in nature when compared to other casinos within the area, therefore serving a more local clientele rather than a more tourist or visitor focused customer base. The comments also note that Horizons Casino has close links with the Chinese community and serves as a place for local communities and family members to meet and socialise. As such, they argue that the current casino provides a diversity within the casino sector itself and in turn within the wider night-time economy and cultural uses within this part of the West End and that if permission were to be granted this would result in the loss of an important local venue to the local community.

The current proposals would retain a casino use on the site. The proposed hours of use would allow the casino to operate to the same hours as the current casino (midday until 6am daily). The draft Operational Management Plan (OMP) outlines how the casino and restaurant/retail operations would function in tandem, noting that the basement casino use would still be accessible via the main entrance and connecting spiral staircase when the ground floor restaurant/retail unit is not open to customers.

The floorspace of the proposed casino will be equivalent to the existing Casino (665sqm) and it is recommended that this is secured by condition to ensure that it continues to contribute to the character and function of Leicester Square, WERLSPA and the wider night-time economy.

Objectors have raised concerns that minors using the restaurant space at ground floor level may be able to view the casino functions at basement level through the spiral staircase, which would breach gambling license requirements. These are issues controlled by the relevant licensing regime, however, the staircase would be designed to prevent such views. The draft OMP confirms that access via this staircase to the basement casino area would be controlled and managed by staff. A condition is recommended to secure a full OMP for approval once an operator has been identified to secure the proposed management measures and to protect residential amenity and local environmental quality.

The objectors also seek controls to ensure that Horizons Casino have the first right of refusal and measures to ensure that the grant of planning permission would not result in the operator being displaced. The NPPF is clear that it is rarely appropriate to use planning conditions for personal permission to an individual, company or group of people. Planning legislation does not allow the protection of a particular operator and a decision made on this basis would be unlikely to be successfully defended against any challenge brought against it. It should also be noted that the existing operator on the current site could change at any time without the need for planning permission, provided the use as a casino was maintained. It would therefore be unreasonable to withhold permission on the basis of the possible loss of the current operator at the site. Notwithstanding this, the same quantum of casino floorspace will be maintained at basement level and should planning permission be granted, it does not necessarily mean Horizons will be displaced – this will be a matter for agreement between the operator and landowner, which is beyond the remit of planning.

The inclusion of a restaurant or retail offering at ground floor level will retain a use which will serve visiting members of the public and an active street frontage. Should a restaurant use occupy the ground floor, conditions are recommended to restrict the hours of opening to between 0700 and 0100 and it will be subject to the OMP. It is proposed to utilise the existing ventilation and extraction equipment and an informative is attached that further permission would be required for any new or additional plant equipment.

Given that the same land uses will be retained on the site, albeit within one composite use, the proposal will continue to contribute positively to the character and function of Leicester Square, WERLSPA and the night-time economy, and is considered acceptable in land use terms, in accordance with policies 2, 15 and 16 of the City Plan and HC5 of the London Plan.

## **9.2 Environment & Sustainability**

### **Sustainable Design & Energy Performance**

Policies 36 and 38 of Westminster's City Plan requires developments to be designed to reduce energy demand and to incorporate sustainable design measures. Westminster's 'Environmental Supplementary Planning Document' (February 2022) provides support for measures to improve energy efficiency of existing buildings.

The proposals involve a change of use with a gross internal area of approximately 1,112 sqm, therefore a condition is recommended to secure a BREEAM Pre-Assessment to be undertaken. This will ensure that the development is designed to be as energy efficient as possible with sustainable design principles to improve the energy efficiency and performance of the building.

**9.3 Biodiversity & Greening**

Policy 34 of the City Plan seeks to encourage developments to contribute to the greening of Westminster through the provision of trees, green walls, green roofs and other green features where possible and increase biodiversity.

Given the proposal relates to an existing building which does not have external space and a limited ground floor commercial frontage, there are limited opportunities in this instance to incorporate urban greening measures into the design. Therefore, whilst the proposals do not include such measures, in this circumstance and instance it is considered acceptable.

**9.4 Townscape, Design & Heritage Impact**

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Given the proposals relate to alterations and extension of a building within the Leicester Square Conservation Area the proposals are considered within the context of policies 38, 39 and 40 of Westminster’s City Plan (April 2021).

The building lies within the Leicester Square Conservation Area, and whilst unlisted, the building has a decorative and symmetrical façade which makes a positive contribution to the character and appearance of the area. The proposals relate primarily to the change of use of the basement and ground floor levels. Externally, it is proposed to remove the current casino canopy and ensure the current casino entrance is made good to match the existing ground floor openings within the frontage. This would provide a uniformity to the ground floor façade enhancing its appearance.

The proposals would not harm the character or appearance of the conservation area or host building and are therefore considered acceptable in design terms and in line with relevant policy and planning guidance and the statutory duties set out in s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Designing Out Crime Officers have recommended a condition to require Secure by Design Accreditation. Given the nature of the proposed use and to ensure access is

|          |
|----------|
| Item No. |
| 2        |

controlled and securely managed, such a condition is recommended. An informative is also recommended to remind the applicant that any new signage may require separate advertisement consent.

## 9.5 Residential Amenity

The proposed uses would be similar in nature to the existing, confined to the basement and ground floor level with no significant external manifestations. Therefore, the proposals would raise no issues in terms of loss of light, privacy or sense of enclosure to surrounding occupiers.

### Noise & Vibration

Policies 7 and 33 of the City Plan requires developments to be neighbourly and designed to ensure that proposals will not adversely affect the local environment in terms of noise and odours.

Environmental Sciences have noted that if the premises are to be used as a restaurant, details of ventilation and extraction equipment may be necessary. It is noted that the previous restaurant occupier used plant equipment approved in June 2020 (RN: 20/02500/FULL) and it is understood this equipment could be re-used by future occupiers. However, an informative is recommended to remind the applicant that should any additional or new plant equipment or ductwork be required, this would require further planning permission.

The proposed use would not be dissimilar in its noise impact to the current use. The submitted draft OMP outlines measures to protect the area from disturbance and a further condition is recommended to secure a full OMP for any future occupier.

With the recommended conditions the proposals are unlikely to result in any harm to the amenity of the area and are considered acceptable in this regard.

## 9.6 Transportation, Accessibility & Servicing

### Servicing and Waste & Recycling Storage

Policy 29 of the City Plan outlines that servicing, collection and delivery needs should be fully met within a development site whilst policy 37 requires new developments to provide dedicated waste storage facilities for separate waste streams.

The proposals are supported by a Servicing Management Plan (SMP) which will minimise the impact of the proposed development upon the highway network, particularly pedestrians and cyclists. Highways Planning have noted that there is currently a small off-street internal holding area but that it does not appear large enough for waste collection. Given the proposed use will have similar servicing requirements as the existing uses, it is not considered reasonable to require a larger holding area in this instance. Given supermarket uses would create a significantly more intense servicing requirement, a condition is recommended to exclude supermarket retail from the retail element of the proposed use.

Whilst the proposed plans indicate dedicated waste storage areas, the Waste Project Officer has note that no provision is made for waste cooking oil storage and a condition is therefore recommended to secure revised waste storage details.

**Cycling & Cycle Storage**

Policy 25 of the City Plan seeks to promote and prioritise walking and cycling as a sustainable method of transport and requires provision of dedicated cycle parking. The submitted drawings show a cycle storage area for 5 bikes. However, 7 long-stay cycle parking spaces are required. A condition is therefore recommended to secure revised details for cycle parking to meet requirements.

**Accessibility**

Policies 25 (B) and 38 (C) seek to create inclusive and accessible places. The proposal includes a new lift between the basement and ground floor level and flex steps to the ground floor entrance, which will enable access for those with mobility impairments to all uses within the development. This would be an improvement beyond the existing situation and would ensure that the proposed use would be accessible and inclusive for those with mobility needs. A condition is recommended to secure these arrangements.

**9.7 Economy including Employment & Skills**

The development is of insufficient scale to require an employment and skills plan. Given that the quantum of floorspace remains as existing and given the nature of the proposed uses, this will likely create a similar level of employment and jobs as the existing uses on the site.

**9.8 Other Considerations**

None.

**9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

**9.10 Planning Obligations & Pre-Commencement Conditions**

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

**10. Conclusion**

The proposed mixed use (sui generis) will retain a casino at basement level and either retail or restaurant use at ground floor level, thereby ensuring a night-time venue is retained on the site, as well as a ground floor use which will serve visiting members of the public with an active street frontage. It is therefore considered that the proposal will contribute positively to the diversity of uses within the area and with the conditions recommended the proposed development is acceptable in land use, design, amenity and highways terms and would accord with the relevant policies within the City Plan (April 2021).

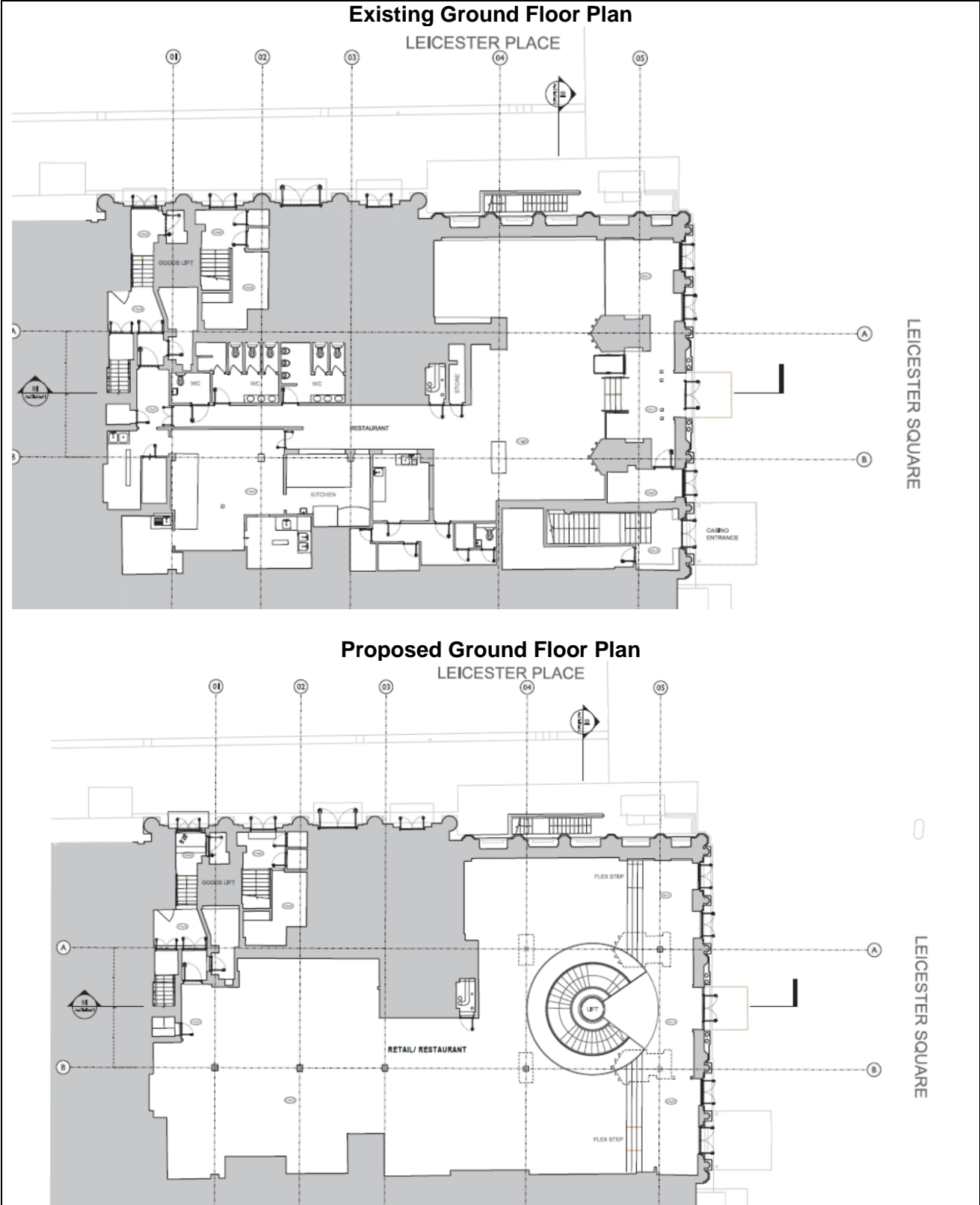


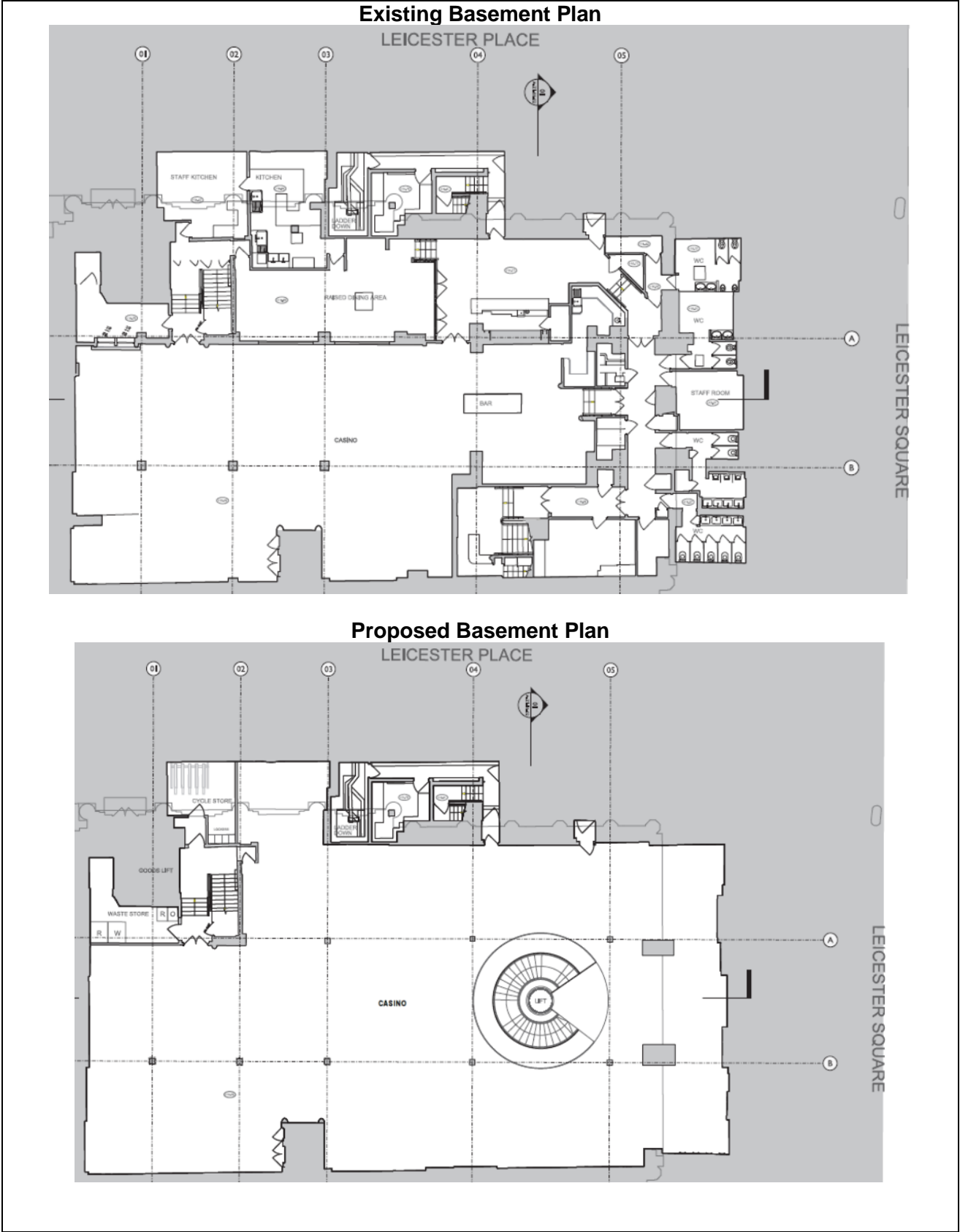
|          |
|----------|
| Item No. |
| 2        |

(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: JULIA ASGHAR BY EMAIL AT <a href="mailto:jasghar@westminster.gov.uk">jasghar@westminster.gov.uk</a> |
|--|

11. KEY DRAWINGS





**Existing Front Elevation**



Area to be demolished and re-built

**Proposed Front Elevation**



|          |
|----------|
| Item No. |
| 2        |

## DRAFT DECISION LETTER

**Address:** 1 Leicester Place, London, WC2H 7BP

**Proposal:** Use of the basement and ground floors as a mix of casino and either retail and/ or restaurant (sui generis) within a single unit; shopfront alterations at ground floor level; and other associated external alterations.

**Reference:** 23/07010/FULL

**Plan Nos:** 028-A-07-01 B; 028-A-10-10 A; 028-A-10-09 A; 028-A-17-01 B; 028-A-11-10 A; 028-A-11-09 A; 028-A-00-00 A., , For Further Information;, Design & Access Statement dated October 2023; Cover Letter dated October 2023 ref. GBR/KFO/U0023786; 1 Leicester Place - Operational Management Statement; 1 Leicester Place Servicing Management Plan dated October 2023.

**Case Officer:** Jonathon Metcalfe

**Direct Tel. No.** 020 7641  
07866038118

### 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 , onot 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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

|          |
|----------|
| Item No. |
| 2        |

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 Leicester Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 Customers shall not be permitted within the ground floor restaurant or retail premises before 07:00 or after 01:00 each day. (C12AD)

Reason:

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

- 5 You must apply to us for approval of an operational management plan (OMP) to show how the new sui generis use will be managed and 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. The OMP shall include a code for the effective and prompt handling of complaints by local residents in relation to activities related to the operation of the approved uses. You must not start the uses until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the basement and ground floor are in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 6 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the sui generis use. (C14ED)

Reason:

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

- 7 You must apply to us for approval of details of secure cycle storage for the sui generis use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to

|          |
|----------|
| Item No. |
| 2        |

everyone using the premises. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

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

8 You must not use the premises as a food retail supermarket outlet or similar.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in policies 16, 27, 29 and 33 of Westminster's City Plan (adopted April 2021).

9 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

10 You must not sell any take-away food or drink or operate a delivery service from the premises, even as an ancillary part of any restaurant or retail use. (C05CC)

Reason:

To make sure that the use will not cause nuisance or obstructions for people in the area. This is as set out Policies 7, 16, 27, 29 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

11 The casino floorspace must comprise 665sqm across the development and either restaurant or retail uses shall be provided at ground floor level with active street frontage.

Reason:

To ensure the use contributes to the character, function and diversity of uses within this part of the West End Retail and Leisure Special Policy Area and Central Activities Zone and maintain active frontages. This is set out in Policies 2 and 14 of Westminster's City Plan (adopted April 2021) and HC6 of the London Plan (adopted March 2021).

12 You must apply to us for approval of a 'Secured by Design' accreditation for the new use. You must not occupy the development until we have approved what you have sent us. You must then carry out the work according to these details prior to occupation and all features shall be permanently retained.

Reason:

To ensure safe and secure development and contribute to reducing crime, in

|          |
|----------|
| Item No. |
| 2        |

accordance with the policy 38 of Westminster's City Plan (April 2021) and the NPPF.

- 13 A. You must apply to us for our written approval of an independent BREEAM Pre-Assessment (undertaken by a licensed BREEAM accredited assessor, or an equivalent independent measure of energy performance and sustainability) before the sui generis use begins. It must demonstrate it is possible to achieve a BREEAM rating of 'Excellent' or higher (or an equivalent independent measure of energy performance and sustainability), or explain why an alternative rating lower than 'Excellent' is the highest possible rating that can be achieved.  
 B. Within three months of the sui generis use beginning, you must apply to us for our written approval of a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the BREEAM rating as set out in the Pre-Assessment approved under part A.

Reason:  
 To ensure the development minimises achieves the highest levels of sustainable design Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 14 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated October 2023 prior to occupation of the use. (C20AB)

Reason:  
 To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING:, 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 visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures), , CONSIDERATE CONSTRUCTORS:, 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk), , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 4 In regards to Condition 7 drawings should show the separate storage for recyclable and residual waste and waste cooking oil with bin capacities shown. Please refer to the Council's 'Recycling and Waste Storage Requirements' guidance available at: <https://www.westminster.gov.uk/waste-storage-planning-advice>, ,
- 5 In regards to Condition 8, drawings should show at least 7 long-stay cycle parking spaces, in accordance with City Plan cycle parking requirements.
- 6 You are reminded that any new or replacement plant equipment and/or external ductwork will require planning permission.
- 7 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://www.cae.org.uk)). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk), , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 9 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice

|          |
|----------|
| Item No. |
| 2        |

about your arrangements for storing and collecting waste.

- 10 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 11 You will require technical approval for the works to the highway (supporting structure) prior to commencement of development. You should contact Louisa Augustine ([laugustine@westminster.gov.uk](mailto:laugustine@westminster.gov.uk)) in Westminster Highways Infrastructure and Public Realm to progress the works to the highway.
- 12 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: fascia signage. (I04AA)

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

# Agenda Item 3

|          |
|----------|
| Item No. |
| 3        |

|  |  |  |              |
|--|--|--|--------------|
| <b>CITY OF WESTMINSTER</b>                                       |  |  |              |
| <b>PLANNING APPLICATIONS SUB COMMITTEE</b>                       | <b>Date</b><br>6 <sup>th</sup> February 2024   | <b>Classification</b><br>For General Release         |              |
| <b>Report of</b><br>Director of Town Planning & Building Control |  | <b>Ward(s) involved</b><br>Knightsbridge & Belgravia |              |
| <b>Subject of Report</b>   | <b>7 Bloomfield Terrace, London, SW1W 8PG</b>  |  |              |
| <b>Proposal</b>  | Erection of full width extension at rear lower ground floor level with terrace above; excavation of new basement beneath footprint of house with lightwells to front and rear; alterations and extension within front basement lightwell with new steps to street level; and internal alterations. |  |              |
| <b>Agent</b>   | Savills  |  |              |
| <b>On behalf of</b>  | Mr R H K Seelig  |  |              |
| <b>Registered Number</b>   | 23/04735/FULL<br>23/04736/LBC  | <b>Date amended/<br/>completed</b>                   | 17 July 2023 |
| <b>Date Application Received</b>                                 | 11 July 2023   |  |              |
| <b>Historic Building Grade</b>                                   | II   |  |              |
| <b>Conservation Area</b>   | Belgravia  |  |              |
| <b>Neighbourhood Plan</b>  | Not applicable   |  |              |

## 1. RECOMMENDATION

|   |
|---|
| <ol style="list-style-type: none"> <li>1. Grant conditional permission.</li> <li>2. Grant conditional listed building consent.</li> <li>3. Agree the reason for granting listed building consent as set out in informative 1 of the draft decision letter.</li> </ol> |
|---|

## 2. SUMMARY & KEY CONSIDERATIONS

|   |
|---|
| <p>7 Bloomfield Terrace is a Grade II listed terraced house in the Belgravia Conservation Area. It comprises lower ground, ground and first floor level and is in use as a single family dwelling. At the rear, the property has a garden area and an extension at lower ground floor level with a balcony above.</p> <p>Permission and listed building consent are sought for the demolition of the existing rear extension and erection of a new full width extension with terrace over; excavation of a new basement level under the footprint of the house; and alterations and extension within the front basement lightwell</p> |
|---|

with new steps and alterations to the railings.

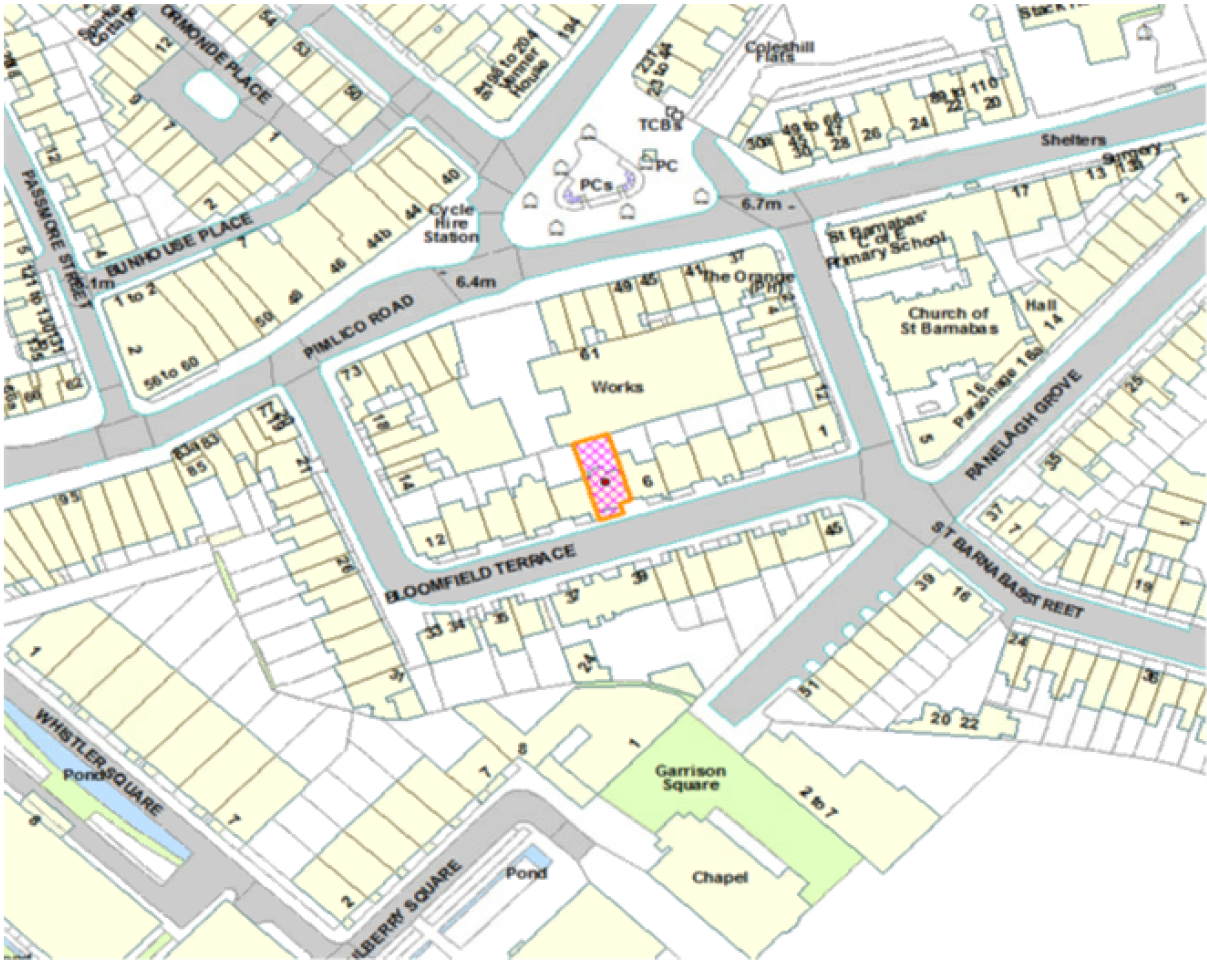
The key considerations in this case are:

- The impact of the proposals on the special interest of the listed building and on the character and appearance of the Belgravia Conservation Area.
- The impact of the proposals on neighbouring residential amenity.

Objections have been received from three neighbouring residents, primarily to the basement excavation and terrace on heritage and amenity (overlooking/loss of privacy) grounds.

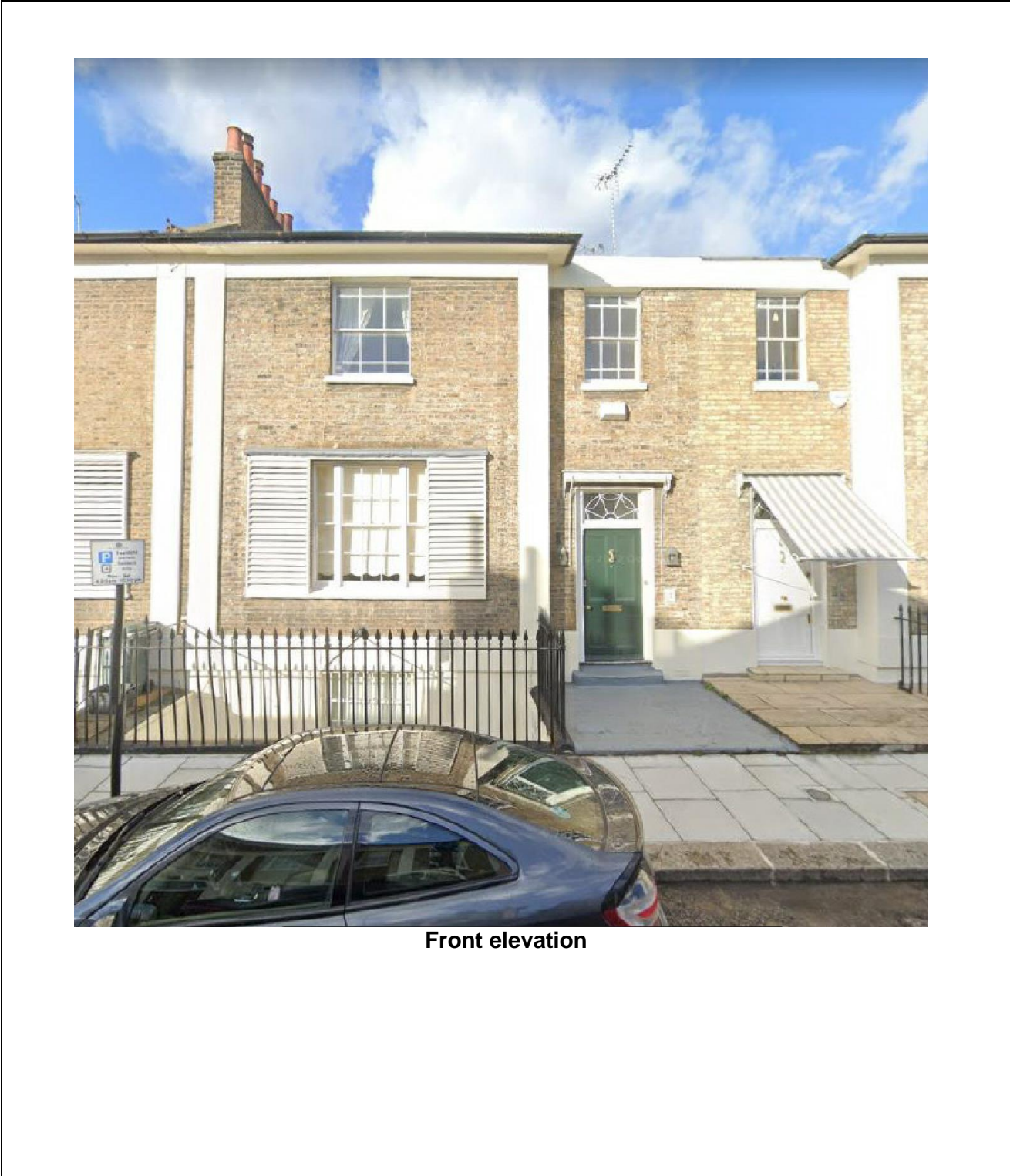
As set out in the report, the proposals are considered acceptable in heritage, design and amenity terms, in accordance with the relevant policies in Westminster's City Plan and the applications are therefore recommended for approval subject to the conditions as set out in the draft decision letters.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front elevation





Rear elevation

**5. CONSULTATIONS**

**5.1 Application Consultations**

**HISTORIC ENGLAND**

Authorisation to determine listed building consent as seen fit.

**HISTORIC ENGLAND (ARCHAEOLOGY)**

Confirmed no archaeological requirement.

**TRANSPORT FOR LONDON (CROSSRAIL)**

No comment.

**BELGRAVIA NEIGHBOURHOOD FORUM**

No response received to date.

**THE BELGRAVIA SOCIETY**

No response received to date.

**ENVIRONMENTAL SCIENCES**

No objection, subject to condition to secure a land contamination assessment, to include an assessment of Radon.

**BUILDING CONTROL**

No objection.

**ADJOINING OWNERS/OCCUPIERS**

No. Consulted: 12

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Three letters of objection have been received from and on behalf of surrounding residents on the following grounds:

**Design**

- The proposed basement will have a direct and clear erosion of the historic hierarchy and form of the building.
- The proposals will have a harmful effect on the legibility of the lower ground floor when read in conjunction with the other alterations which have been carried out at this level.
- While we accept that as part of the proposals, limited historic fabric is being removed, the significance of the listed building could be considered to be harmed. A basement extension of this scale is considered to be out of character for a property of this age, scale and location.
- The Heritage Assessment submitted fails to assess anything that contributes to the special historic significance of the building other than the physical features included



within the property. It fails to assess the wider impact that the extension would have on the floor hierarchy of the lower ground floor and the rest of the property.

- The level of detail within the application has failed to prove that there is no harm to the listed building, or neighbouring listed buildings and should be refused.

Amenity

- Though there is an existing balcony on the existing extension, the provision of a new roof terrace of the scale proposed is considered to be significant and could lead to direct levels of overlooking which exceed the existing baseline levels.
- Increased levels of overlooking and noise into neighbouring gardens.
- The proposed extension and terrace would run alongside fifty percent of the neighbouring terrace, on the same level, and result in a loss of privacy and overlooking to the terrace and habitable rooms.

Other

- The construction impacts of the proposed development would result in unacceptable disruption and is anti-social.
- Lack of information- no demolition plans; no construction management plan or signed appendix A; and none of the appendices of the Ground Movement Assessment (GMA) have been included.
- Impact of basement construction on neighbouring historic assets.
- The GMA states that despite that slight movement will occur at number 6 Bloomfield Terrace, there is no need for movement monitoring. Movement monitoring is a requirement, either prior to determination or as a planning condition.
- During construction works it will prevent neighbours from renting out rooms.
- The gravity of digging to such deep levels next to terraced houses, which have no foundations, is a huge concern.
- Increased traffic and parking issues during construction.

PRESS NOTICE/ SITE NOTICE: Yes.

**5.2 Applicant’s Pre-Application Community Engagement**

The Council’s Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. Given the proposals relate to small scale householder development, the applicant did not indicate that they have carried out Early Community Engagement prior to submission of the application. However, it should be noted that the current application follows a number of withdrawn applications for similar proposals in October 2015 (RN: 15/03215/FULL), April 2019 (16/05860/FULL) and October 2021 (21/03972/FULL). The current submission has reduced the extent of the basement excavation and the size of the terrace, to address previous concerns.

**6. WESTMINSTER’S DEVELOPMENT PLAN**

**6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**6.2 Neighbourhood Planning**

The Draft Belgravia Neighbourhood Plan includes policies on a range of matters including character, heritage, sustainability, monuments and public art, workspaces, late night uses and trees and greening. Paragraph 48 of the NPPF outlines that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree to which emerging policies conform with the NPPF. The plan has been through independent examination and a referendum of local residents in the Belgravia area is due to be held on 22 February 2024.

**6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

**7. BACKGROUND INFORMATION**

**7.1 The Application Site**

7 Bloomfield Terrace is a Grade II listed mid terrace property within the Belgravia Conservation Area. It comprises lower ground, ground and first floor levels and is in use as a single family dwelling. At the rear, the property has a garden area and an existing rear ground floor extension with a balcony atop.

**7.2 Recent Relevant History**

A number of planning and listed building consent applications have previously been withdrawn for excavation of a new basement and alterations and extensions to the property in October 2015 (RN: 15/03215/FULL and 15/04200/LBC), April 2019

(16/05860/FULL and 16/05861/LBC) and October 2021 (21/03972/FULL and 21/03973/LBC).

## **8. THE PROPOSAL**

Planning permission and listed building consent are sought for the demolition of the existing rear extension and erection of a new full width extension at lower ground floor level with a terrace above; excavation of new basement beneath the footprint of the house and extension, with lightwells to front and rear; and alterations and an extension within the front basement lightwell with new steps to street level and alterations to the front railings.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The proposal will enlarge an existing single family dwelling house and there are no objections in land use terms, in compliance with policy 8 of the City Plan 2019-2040.

### **9.2 Environment & Sustainability**

Policies 36 and 38 of Westminster's City Plan requires developments to be designed to reduce energy demand and to incorporate sustainable design measures. Westminster's 'Environmental Supplementary Planning Document' (February 2022) provides support for measures to improve energy efficiency of existing buildings.

Whilst basement extensions are a more carbon intensive form of extension, the City Plan does not preclude such extensions, but it does limit the extent and depth of basements to a single-storey, thereby limiting the amount of construction and in turn the carbon impact. The proposed basement is confined to a single storey with an appropriate floor to ceiling height.

### **9.3 Townscape, Design & Heritage Impact**

Key considerations are the impact upon the special interest (significance) of this grade II listed building as well as the character and appearance of the Belgravia Conservation Area. The proposed works will be assessed against the National Planning Policy Framework (NPPF), specifically Chapters 12 and 16 and Policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (April 2021) and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' Supplementary Planning Guidance.

An objection has raised concerns that a basement extension of this scale is considered to be out of character for a property of this age, scale and location. The objector notes that the Heritage Assessment which has been submitted by Savills fails to assess

|          |
|----------|
| Item No. |
| 3        |

anything that contributes to the special historic significance of the building other than the physical features included within the property. The assessment of the hierarchy of space solely isolates what the basement is immediately connected to (the non-original lower ground extension) rather than a wider assessment of the impact that the extension would have on the floor hierarchy of the lower ground floor and the rest of the property.

With regard to the demolition of the existing canted bay extension at rear lower ground floor level given that it may be dated to an approval in the late 1980s, its loss is not contentious given its modern age. Its replacement with a full-width extension is considered acceptable and the proposed extension would exhibit a massing that is considered generally appropriate for the host building and its scale being proportionate to other extensions within the terrace and remains subservient to the host listed building. Being in stucco/render it will be suitably distinguishable from the host building and black painted metal railings to the terrace above are considered a suitable response. The proposed terrace floor above should be flagged/tiled and all rainwater pipes would need to be cast metal painted black. Conditions are recommended to secure details of all aspects of the extension, including its detailed design, to ensure that it achieves the appropriate quality and level of finesse given its scale and relationship to the Grade II listed host building. The removal of the existing air conditioning unit from the rear elevation wall is welcomed.

With regard to the front lightwell, a proposed escape staircase would be housed in a new extension which would abut the left hand side of the front lower ground floor window in the existing lightwell. Whilst this does encroach into the lightwell to some degree, it is considered that its open appreciation would not be compromised detrimentally by the proposals. A grille is proposed to the lightwell floor to provide light and air to a proposed lightwell below which will provide some natural light and ventilation to the new basement level. A new lightwell stair to ground level is proposed and is considered acceptable, subject to a condition to ensure a suitably traditional design in black painted metal. A condition is also required to secure details of the proposed alterations to the existing railings and plinth (and additional railings and gate required) which should be fully detailed and designed to exactly match the existing.

The proposed basement is considered acceptable in design and historic building terms given that the floor to ceiling height does not exceed that of the existing lower ground floor and thereby preserves the hierarchy of the floors. The steps to the basement are to be located in the proposed new extension, which is considered an appropriate response. The extent of demolition of the existing lower ground floor required to enable the construction of the basement is limited to the front of the property and is considered acceptable. To the rear, two rear lightwells are proposed beyond the line of the new extension and would each serve window/doors, again to provide light and ventilation to the basement level. Subject to details of the lightwell grilles being of a traditional appearance (i.e. rods in black painted metal) to be secured by condition, these aspects are considered acceptable. Internally, the rear wall of the original building will be retained at ground floor level and the window opening used by dropping the sill to form a further opening to the new extension. A condition is recommended to secure details of both the front and rear internal staircases which will connect the basement to the lower ground floor level.

On balance the proposals are considered to preserve the special interest of the listed

building and the contribution that it makes to the character and appearance of this part of the conservation area. Subject to the details required by condition, the proposals reflect the requirements of policies 38, 39 and 40 of Westminster's City Plan 2019-40 (April 2021) and the guidance contained within Westminster's 'Repairs and alterations to listed buildings' SPG.

#### **9.4 Basement Development**

Policy 45 of Westminster's City Plan requires basements to incorporate measures to address flood risk and safeguard structural stability, be designed to minimise the impact of construction on neighbours, protect heritage assets and conserve and preserve the character of the building and surrounding area. The policy also limits the depth and extent of basements.

Objections have been raised over structural stability, ground movement and impact on neighbouring historic assets from the excavation of a new basement, as well as noise and disruption during construction works, and that no construction management plan has been submitted.

In terms of the extent and depth of basements, Policy 45 states that basement developments will be supported where they do not extend beneath more than 50% of the garden land, must not exceed a single-storey and must leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden. The proposed basement would be below the footprint of the building and the proposed extension, with two small lightwells beyond; be of a single-storey and would leave the remaining garden area to the rear undeveloped, complying with policy requirements on extent and depth.

In accordance with the policy requirements, applications must be accompanied by a detailed structural methodology statement, a flood risk assessment, and a signed Appendix A proforma to demonstrate that the applicant will comply with the council's Code of Construction Practice and that a Construction Management Plan will be provided to the council prior to the commencement of development. The applicant has submitted these documents, to which Building Control have raised no objection.

The applicant's structural methodology report has been reviewed by Building Control, and they consider it to be acceptable. It should be noted that the purpose of such a structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision notice. In terms of insurance requirements and Party Wall issues and agreements raised by objectors, these are civil issues beyond the remit of planning.

**Construction work impact**

Objections have been received on the grounds of the noise and disturbance caused during construction work, in particular the excavation work, and the associated construction traffic and parking.

Policy 33 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Council's Code of Construction Practice.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents. However, It is considered that through appropriate controls and careful management the impact from construction works can be lessened. The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites and basement excavation works.

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which requires the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues. The Councils standard condition controlling hours of building work is also recommended.

The above considered, with recommended conditions the proposed basement extension is considered compliant with Westminster's City Plan basement Policy 45.

**9.5 Amenity**

Policy 7 of the City Plan requires development to be neighbourly and would resist proposals that would result in harm to residential amenity by way of increased sense of enclosure, overlooking or loss of light. Policy 38 of the City Plan states that development will place people at the heart of design...and ensure a good standard of amenity for new and existing occupiers.

Policy 33 of the City Plan requires development to minimise the detrimental effects of light pollution, noise and vibration and construction impacts.

The rear garden is enclosed by the boundary walls with Nos. 6 and 8 Bloomfield Terrace, with the blank elevation of the former Timber Yard on Pimlico Road to the rear. Both neighbouring properties have extensions at rear lower ground floor/garden level, with No.8 extending the full length of the garden with a terrace above. The proposed

extension at no.7 will sit between the neighbouring properties extensions, and it will not therefore result in a loss of light or sense of enclosure to these properties.

Objections have been received from neighbouring residents on the grounds that the proposed terrace will result in overlooking and a loss of privacy to their gardens and windows, and will cause increased noise.

There is an existing balcony at the application property, and there are a number of other terraces at this level along Bloomfield terrace.

The railings to the proposed terrace have been set back from the edge of the roof by approximately 0.8m from the rear and 1m to either side to reduce the usable area of terrace and to limited views towards the rear windows, and gardens/terrace at the neighbouring properties. Whilst there will be a degree of mutual overlooking with the neighbouring terrace (no. 8) and garden (no. 6), given the setback proposed this relationship is considered acceptable.

Given the size of the terrace and its use in connection with a single-family home, it is unlikely to be used in such a way that would result in unacceptable noise disturbance beyond what may be experienced from the existing balcony and garden which the property currently benefits from.

The proposals are therefore considered acceptable in amenity terms, in accordance with Policies 7, 33 and 38 of the City Plan.

#### **9.6 Transportation, Accessibility & Servicing**

The property will continue to be used as a single family dwelling house and the proposal therefore raises no transportation or parking issues.

#### **9.7 Economy including Employment & Skills**

Not relevant for the nature and scale of proposed development.

#### **9.8 Other Considerations**

Policy 33(E) requires assessment of potential for land contamination and appropriate remediation measures, where necessary. As the proposals include a new basement development to provide habitable accommodation, Environmental Sciences have recommended a condition to secure a Land Contamination Assessment to include consideration for the potential for Radon.

#### **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

|          |
|----------|
| Item No. |
| 3        |

**9.10 Planning Obligations & Pre-Commencement Conditions**

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

**10. Conclusion**

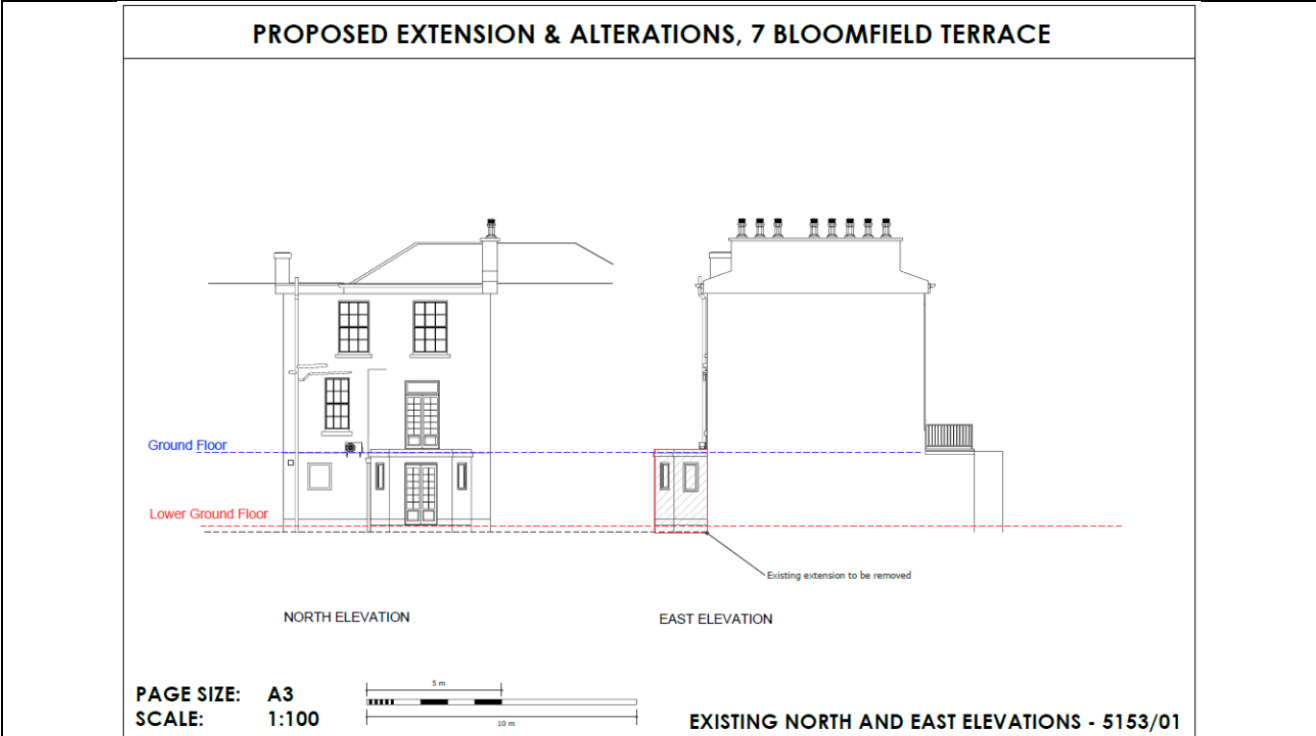
The proposals are considered acceptable in terms of their impact on the designated heritage asset, Belgravia Conservation Area and with respect to neighbouring amenity. It is therefore recommended that conditional planning permission and listed building consent are granted, as the proposals are compliant with the NPPF, the City Plan, and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

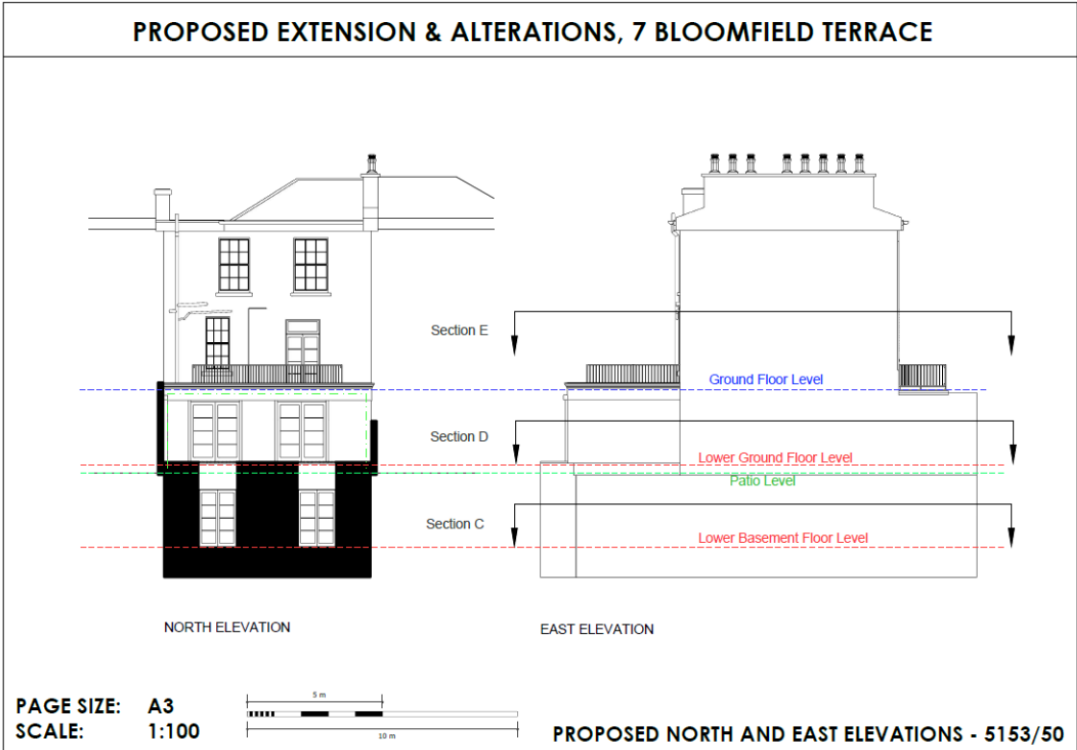
|  |
|--|
| IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT <a href="mailto:jasghar@westminster.gov.uk">jasghar@westminster.gov.uk</a> |
|--|



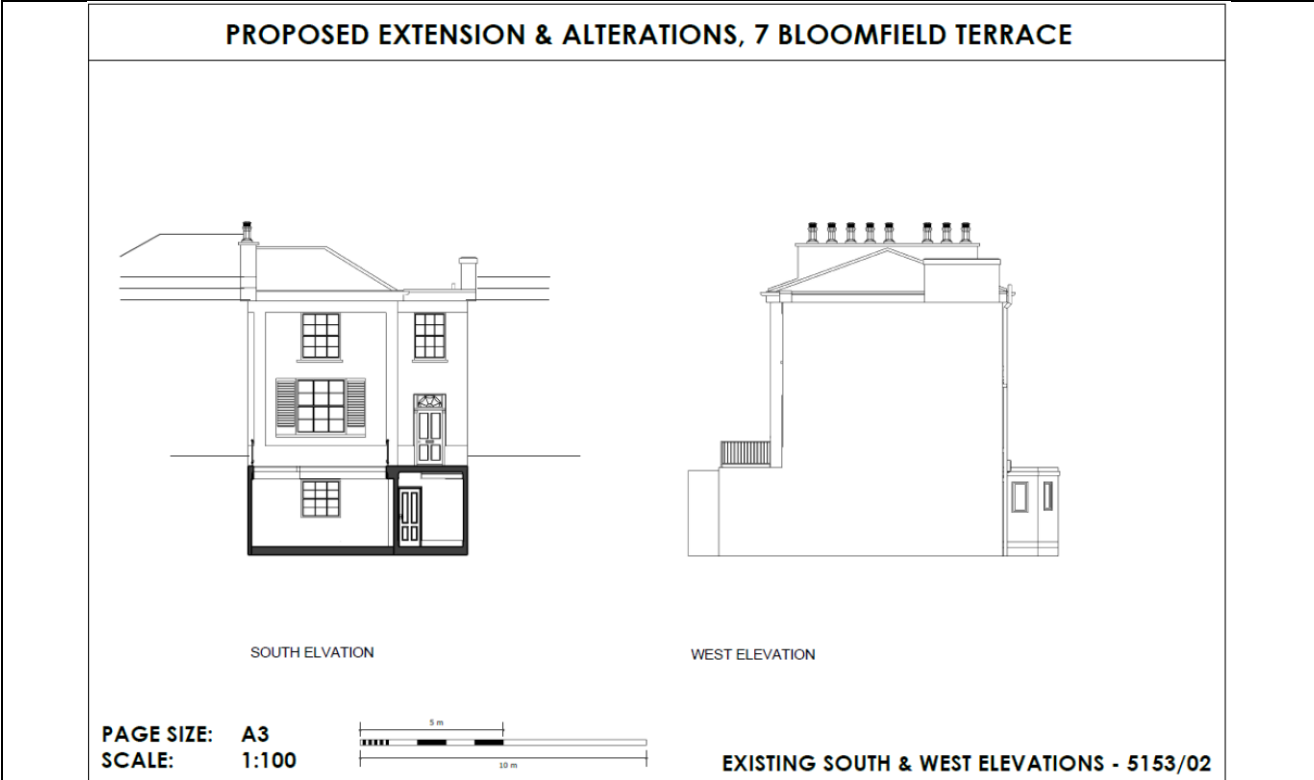
11. KEY DRAWINGS



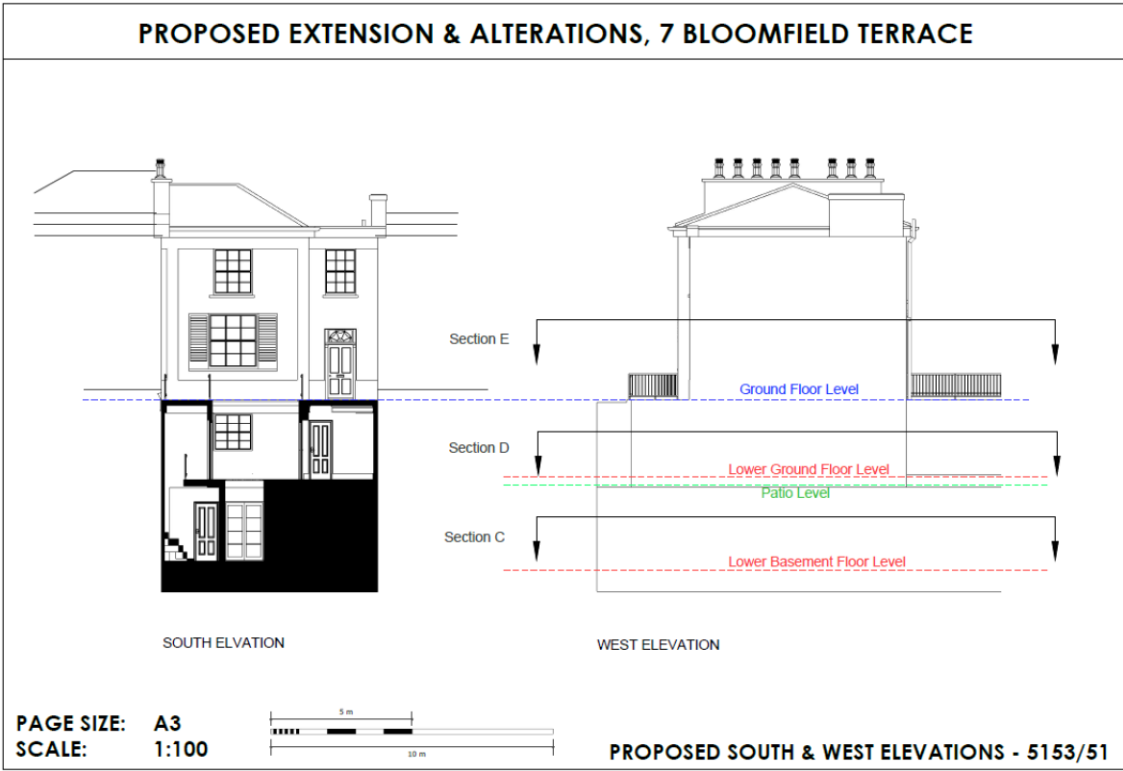
Existing rear elevation and section



Proposed rear elevation and section

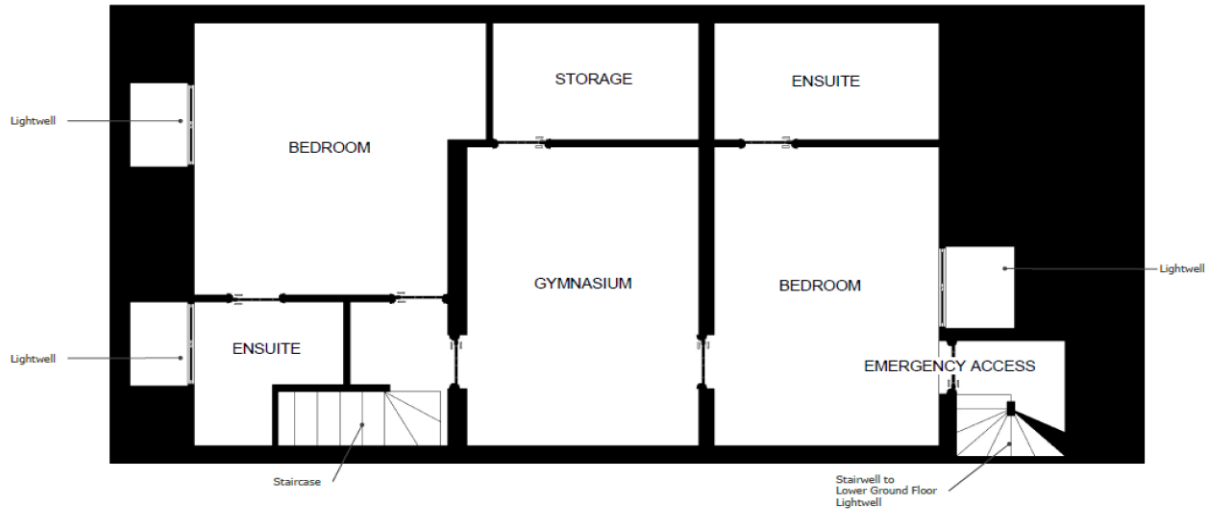


Existing front elevation and section



Proposed front elevation and section

 **PROPOSED EXTENSION & ALTERATIONS, 7 BLOOMFIELD TERRACE**

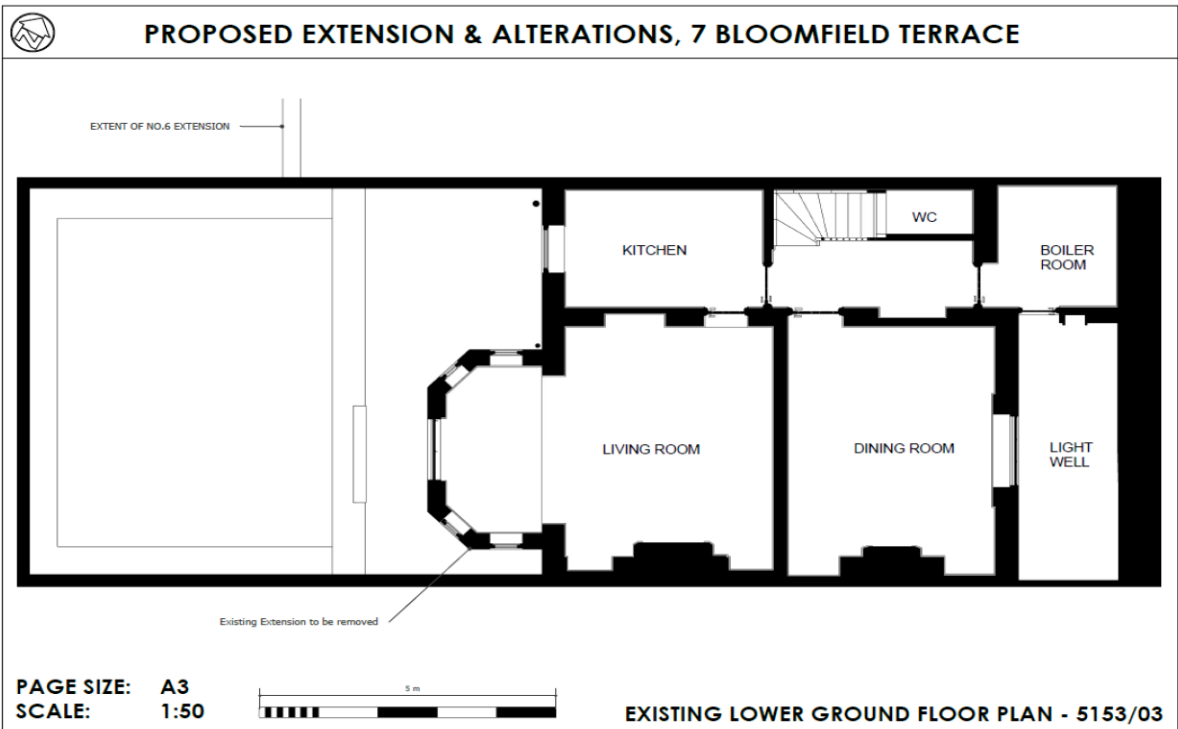


**PAGE SIZE:** A3  
**SCALE:** 1:50

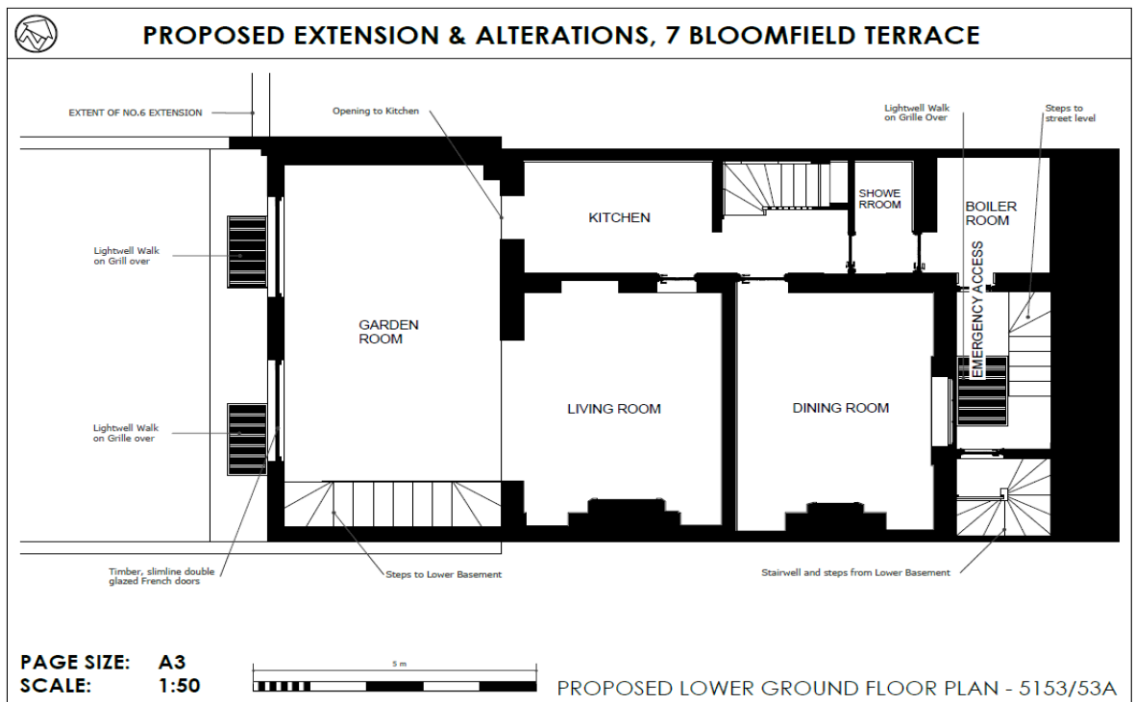


**PROPOSED LOWER BASEMENT FLOOR PLAN - 5153/52**

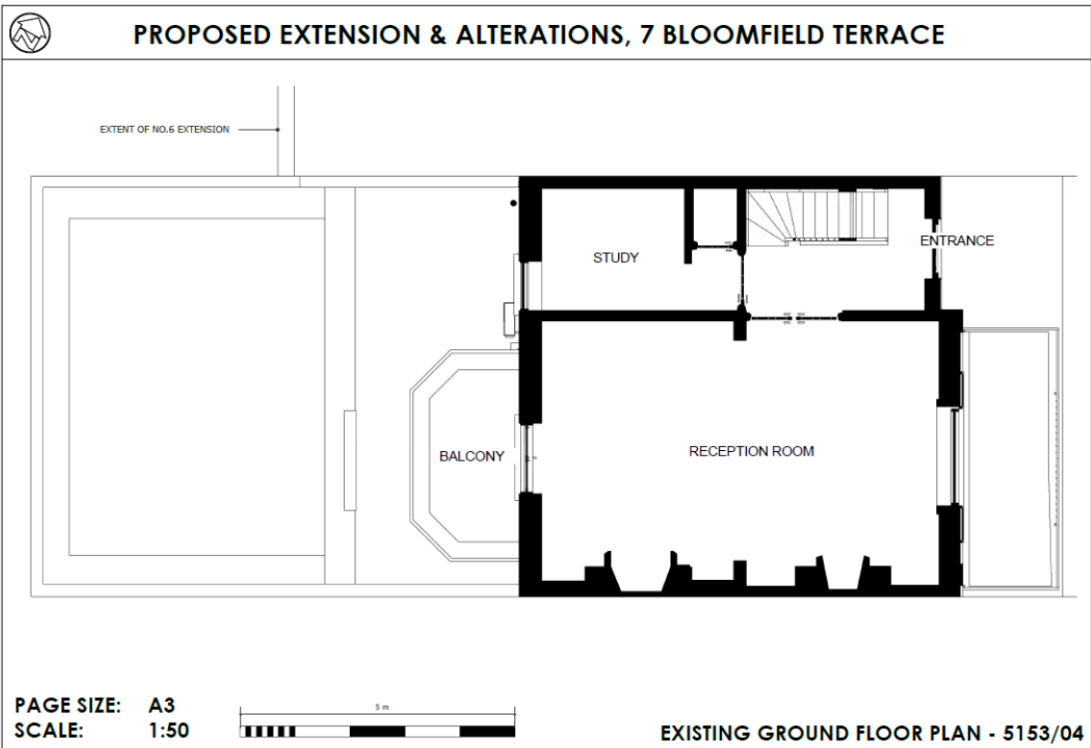
Proposed basement floor plan



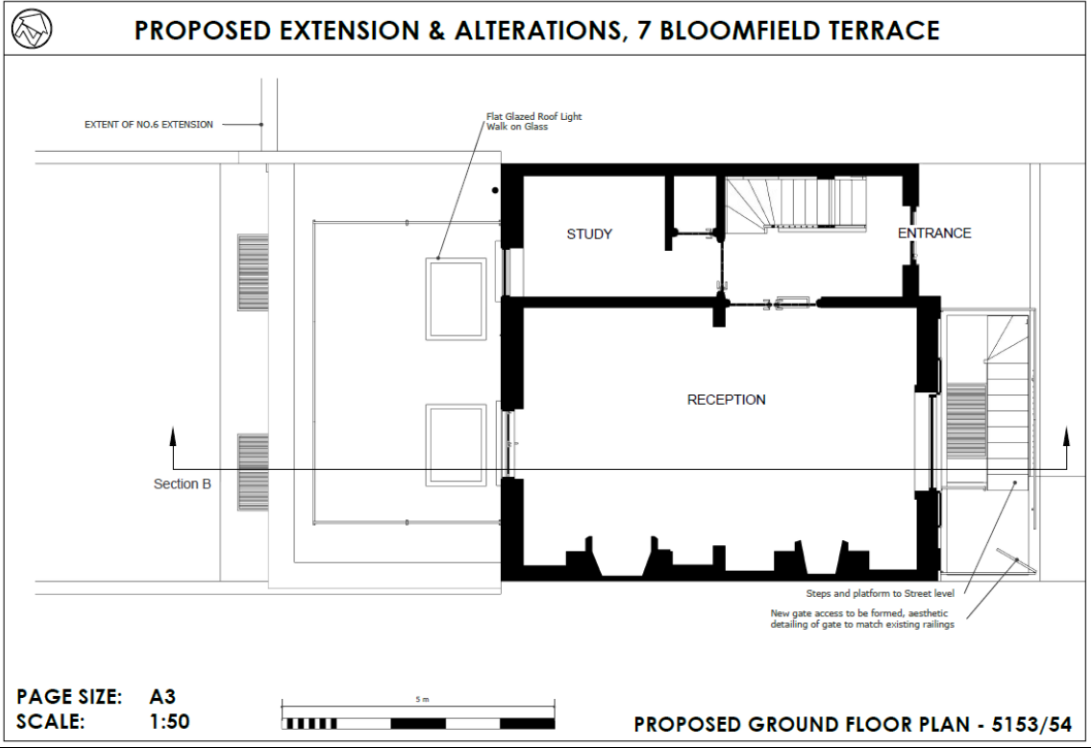
Existing lower ground floor plan



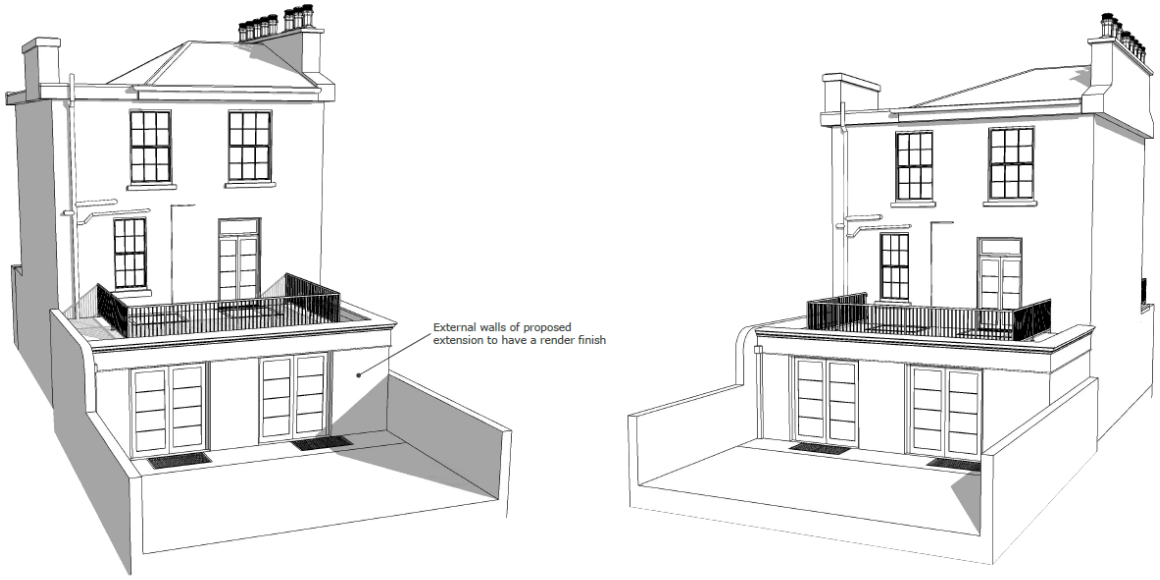
Proposed lower ground floor plan



Existing ground floor plan



Proposed ground floor plan



Proposed perspective

|          |
|----------|
| Item No. |
| 3        |

## DRAFT DECISION LETTER

- Address:** 7 Bloomfield Terrace, London, SW1W 8PG
- Proposal:** Erection of full width extension at rear lower ground floor level with terrace above; excavation of new basement beneath footprint of house with lightwells to front and rear; alterations and extension within front basement lightwell with new steps to street level; and internal alterations.
- Reference:** 23/04735/FULL
- Plan Nos:** Site location plan; 5153/01; 5153/02; 5153/03; 5153/04; 5153/05; 5153/50; 5153/51; 5153/52; 5153/53A; 5153/54; 5153/55; 5153/56; 5153/57; 5153/58; 5153/59; 5153/60; 5153/61; 5153/62; 5153/63; 5153/64 and 5153/65.

For information:  
Archaeological Desk-Based Assessment; Desk Study, Ground Investigation & Ground Movement Assessment dated June 2023; Flood Risk Assessment dated June 2023; Structural Methodology Statement dated June 2023 and Heritage statement.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 07866037773

### Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for

example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of the specifications and a photographic record (with actual samples available to view on site) of:
- (i) render to the new extension (and basement lightwell elevations, as appropriate), which shows its colour and texture;
  - (ii) flooring to lightwells, roof of front lightwell extension and rear extension at ground floor level.

You must not start work on these parts of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved samples.

Reason:



|          |
|----------|
| Item No. |
| 3        |

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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of detailed drawings at 1:20 (including sections) of the following parts of the development:

- (i) new rear extension, to show details including profiles of moulding to sills, fascia/entablature, cornice, coping, and any other decorative elements.

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

Reason:

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

- 8 Notwithstanding the drawings hereby approved, you must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 (specifying finished appearance) of the following parts of the development: -

- (i) new windows and doors (including those to extensions and front and rear lightwells);
- (ii) new railings to rear terrace;
- (iii) alterations to existing railings and plinth and new railings, plinth and gate (to match existing exactly);
- (iv) new lightwell grilles (to be of a traditional design);,
- (v) new metal stair to front lightwell;,
- (vi) new rooflights and relationship with terrace floor.

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

Reason:

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

9 **Pre Commencement Condition.**

Prior to the commencement of any:

- a) demolition, and/or,
- b) earthworks/piling and/or,
- c) construction ,

|          |
|----------|
| Item No. |
| 3        |

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

**10 Pre Commencement Condition.**

You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

**Informative(s):**

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

|          |
|----------|
| Item No. |
| 3        |

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 With regard to Condition 10 and Radon, it should be noted that while the whole of Westminster is in the lowest band of radon potential; as per Public Health England document titled: 'UK National Radon Action Plan' published in 2018 it states: 'Radon measurements should be made in regularly occupied basements of properties irrespective of their geographical location (HPA, 2010)'. Therefore any contaminated land assessments should include an assessment of radon., , As per our Contaminated Land guidance dated October 2022, assessment of Radon levels as part of a planning application should include consideration of appropriate mitigation measures. Mitigation could be achieved by design and the submitted assessment must demonstrate the design and/or construction of the basement would be such, that it would mitigate against adverse impact from Radon on human health.
- 3 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)
- 4 You are advised that riven York stone is likely to be considered an appropriate flooring material for the front lightwell area.
- 5 All new brickwork must be in matching, preferably reclaimed, imperial stock bricks and using lime mortar with slightly brushed back flush pointing and laid in a Flemish bond.
- 6 The new and replacement windows and doors must be in hand painted timber and where glazed be slimline double glazed (max. 14mm build up - 4mm glass/ 6mm gap/ 4mm glass) and with true dividing (integral, not applied) glazing bars, with concealed trickle vents and no external weather bars.
- 7 With reference to condition 9 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to**

|          |
|----------|
| Item No. |
| 3        |

**commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

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

|          |
|----------|
| Item No. |
| 3        |

## DRAFT DECISION LETTER

**Address:** 7 Bloomfield Terrace, London, SW1W 8PG

**Proposal:** Erection of full width extension at rear lower ground floor level with terrace above; excavation of new basement beneath footprint of house with lightwells to front and rear; alterations and extension within front basement lightwell with new steps to street level; and internal alterations.

**Reference:** 23/04736/LBC

**Plan Nos:** Site location plan; 5153/01; 5153/02; 5153/03; 5153/04; 5153/05; 5153/50; 5153/51; 5153/52; 5153/53A; 5153/54; 5153/55; 5153/56; 5153/57; 5153/58; 5153/59; 5153/60; 5153/61; 5153/62; 5153/63; 5153/64 and 5153/65.

For information: Archaeological Desk-Based Assessment; Desk Study, Ground Investigation & Ground Movement Assessment dated June 2023; Flood Risk Assessment dated June 2023; Structural Methodology Statement dated June 2023 and Heritage Statement.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 07866037773

### Recommended Condition(s) and Reason(s)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 3 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of the specifications and a photographic record (with actual samples available to view on site) of:

- (i) render to the new extension (and basement lightwell elevations, as appropriate), which shows its colour and texture;
- (ii) flooring to lightwells, roof of front lightwell extension and rear extension at ground floor level.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 6 You must apply to us for approval of detailed drawings at 1:20 (including sections) of the following parts of the development:

- (i) new rear extension, to show details including profiles of moulding to sills, fascia/entablature, cornice, coping, and any other decorative elements.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 7 Notwithstanding the drawings hereby approved, you must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 (specifying finished appearance) of the following parts of the development: -
- (i) new windows and doors (including those to extensions and front and rear lightwells);
  - (ii) new railings to rear terrace;
  - (iii) alterations to existing railings and plinth and new railings, plinth and gate (to match existing exactly);
  - (iv) new lightwell grilles (to be of a traditional design);
  - (v) new metal stair to front lightwell;
  - (vi) new rooflights and relationship with terrace floor.
  - (vii) new stairs between lower ground and basement level (front and rear).

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 8 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)
- 8 To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)
- 9 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

|          |
|----------|
| Item No. |
| 3        |

**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, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
  
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: \* any extra work which is necessary after further assessments of the building's condition;, \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)
  
- 3 The new and replacement windows and doors must be in hand painted timber and where glazed be slimline double glazed (max. 14mm build up - 4mm glass/ 6mm gap/ 4mm glass) and with true dividing (integral, not applied) glazing bars, with concealed trickle vents and no external weather bars.
  
- 4 All new brickwork must be in matching, preferably reclaimed, imperial stock bricks and using lime mortar with slightly brushed back flush pointing and laid in a Flemish bond.,
  
- 5 You are advised that riven York stone is likely to be considered an appropriate flooring material for the front lightwell 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.