



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 22nd November, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Andrew Smith (Chairman)
Barbara Grahame
Angela Harvey
Robert Rigby

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|-------------------------|
| 1. 30 UPPER GROSVENOR STREET, LONDON, W1K 7EH | (Pages 3 - 18) |
| 2. MOORE HOUSE, 2 GATLIFF ROAD, LONDON | (Pages 19 - 34) |
| 3. 7-14 COVENTRY STREET, LONDON, W1D 7DH | (Pages 35 - 44) |
| 4. CLARION HOUSE, MORETON PLACE, LONDON, SW1V 2NN | (Pages 45 - 70) |
| 5. 313 OXFORD STREET, LONDON, W1C 2HR | (Pages 71 - 90) |
| 6. 5 - 6 ST MATTHEW STREET, LONDON, SW1P 2JT | (Pages 91 - 108) |

Charlie Parker
Chief Executive
14 November 2016

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 22nd November 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 16/07959/FULL West End	30 Upper Grosvenor Street London W1K 7EH	Use of the ground floor as a restaurant (Class A3) including the installation of a full height extract duct to the rear elevation.	
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/05525/FULL Churchill	Moore House 2 Gatliff Road London	Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.	
Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/09194/FULL St James's	7-14 Coventry Street London W1D 7DH	Variation of Conditions 1 and 7 of planning permission dated 19 June 2012 (RN: 12/02627/FULL) for Use of the first floor (mezzanine) as a restaurant (Class A3) with retail (Class A1) accommodation at ground floor level. Associated external alterations including the installation of plant at roof level. Namely, to vary the approved drawings to allow the relocation of the approved ancillary retail use (Class A1) from ground floor to first floor (mezzanine) level, to enable the use of the ground floor level for Class A3 (restaurant) use in connection with the existing restaurant.	
Item No	References	Site Address	Proposal	Resolution
4.	RN NO(s) : 16/07573/FULL Tachbrook	Clarion House Moreton Place London SW1V 2NN	Demolition of an existing lightweight car port structure and construction of a two storey single family dwelling over an existing car park to the rear of Clarion House.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 22nd November 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 16/06485/FULL 16/06486/LBC West End	313 Oxford Street London W1C 2HR	Erection of a roof extension at fourth floor level and creation of a terrace, use of second, third, fourth floors as three-bedroom dwelling (Class C3), associated alterations including a link to the adjacent residential access core (from 315-319 Oxford Street including 24 Dering Street) at 313 Oxford Street. Installation of plant within second floor lightwell and fourth floor levels in connection with the retail and residential uses within the building.	
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : 16/08383/FULL St James's	5 - 6 St Matthew Street London SW1P 2JT	Dual/ alternative use of third and fourth floor as either office (Class B1) or two self-contained residential units (Class C3) with alterations to ground floor frontage and one additional window to rear lightwell.	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	30 Upper Grosvenor Street, London, W1K 7EH		
Proposal	Use of the ground floor as a restaurant (Class A3) including the installation of a full height extract duct to the rear elevation.		
Agent	Gerald Eve LLP		
On behalf of	Restaurant Craft Limited		
Registered Number	16/07959/FULL	Date amended/ completed	18 August 2016
Date Application Received	18 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site comprises the ground floor of this unlisted building which forms part of the Grosvenor House Hotel, located within the Mayfair Conservation Area. The lawful use of this unit is within Class A2 (bank/financial institution), though this use appears to have ceased around 2003. Since then it is understood that the site has been used unlawfully as storage for the Grosvenor House Hotel. Below the unit is a hotel service area and above is understood to be hotel rooms, both in use in conjunction with the Grosvenor House hotel.

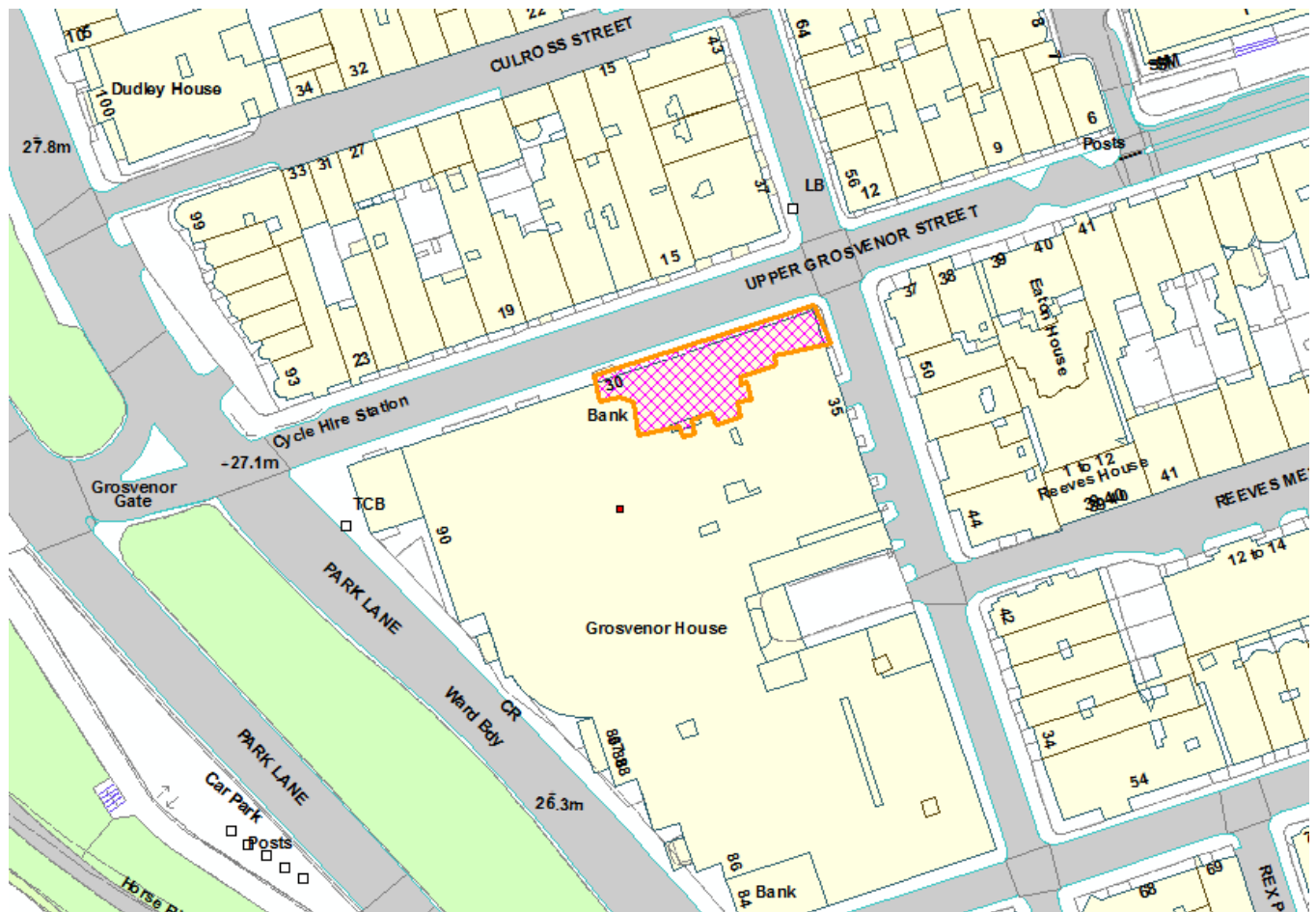
Permission is sought to use the unit as a restaurant (Class A3) operating Sunday – Thursday (including bank holidays and public holidays): 10:00 - 00:00 and Friday and Saturdays: 10:00 - 00:30. The proposed capacity would be 240 covers. Permission is also sought for the installation of a full height extract duct within a small enclosed lightwell.

The key issues for consideration are:

- The impact of the proposed entertainment use on the amenity of local residents (particularly on Upper Grosvenor Street and Park Street) and the character and function of the area.
- The impact of the proposed change of use on the character, function and vitality of this part of the Mayfair Conservation Area.

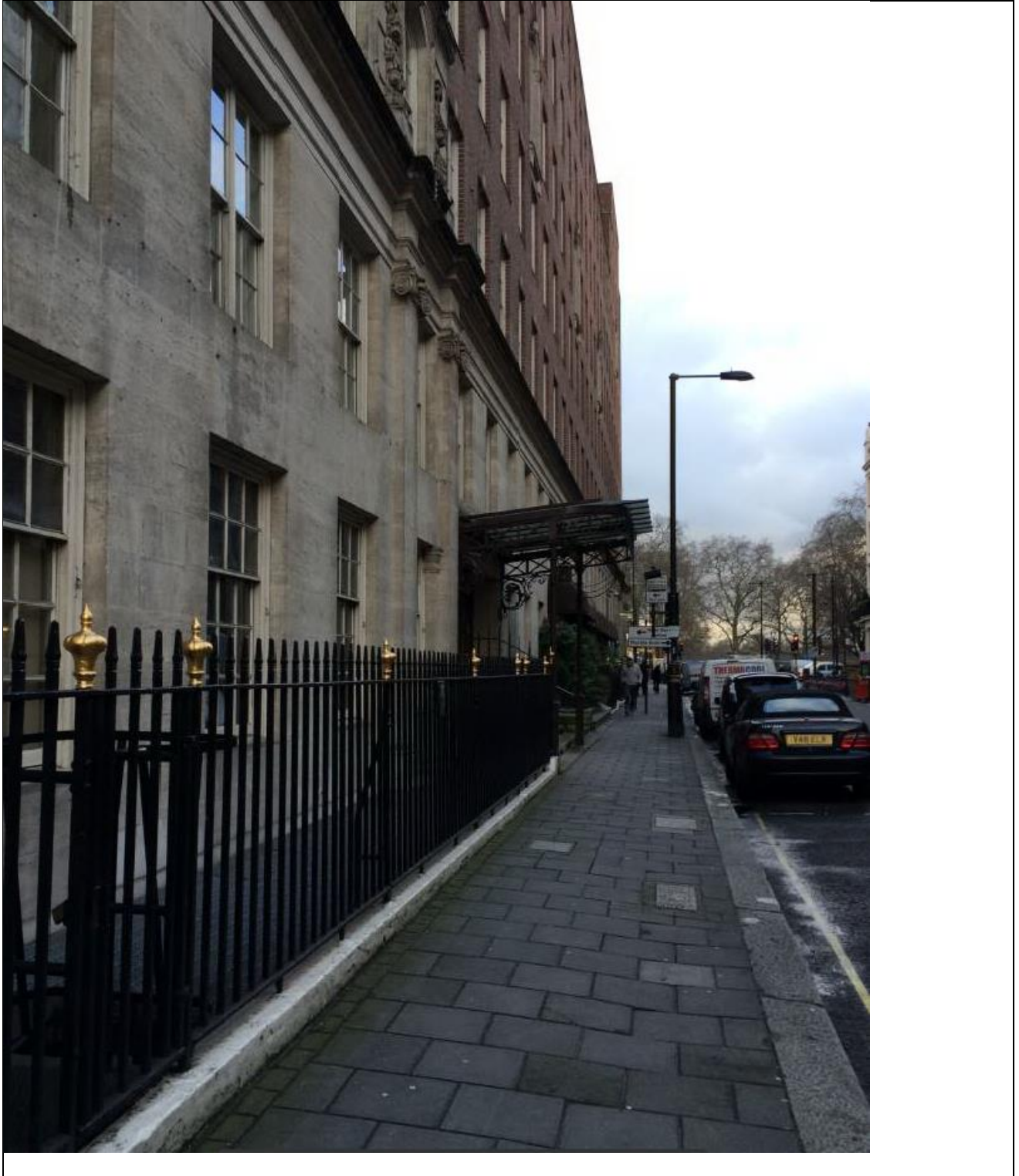
The restaurant use will bring this unit back into active use and will contribute to the existing character, function and vitality of the surrounding area, which is characterised by hotel uses which operate on a 24 hour basis and have a large amount of associated activity with guests entering and leaving late into the night. Subject to conditions, the proposal will preserve the amenity of local residents. For these reasons, the proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally

CLEANSING:

No objection subject to standard condition to secure waste storage provision.

ENVIRONMENTAL HEALTH:

No objection on environmental noise or nuisance grounds, subject to conditions.

HIGHWAYS PLANNING MANAGER:

No objection subject to servicing management plan and cycle parking conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154; Total No. of replies: 1

No. of objections: Representation on behalf of neighbouring residents on Park Street who object to the change of use of the premises in an area which has a number of existing A3 units, the opening hours being unacceptable and problems with the use of the existing hotel service area [on Park Street].

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the ground floor of this unlisted building located within the Core Central Activities Zone and within the Mayfair Conservation Area. The site is not located within a 'stress area'. The agent advises that the floorspace of the unit is 499 sqm (GEA). The property forms part of the Grosvenor House Hotel, 86-90 Park Lane with servicing for the hotel directly below the site and hotel accommodation above.

Council tax records and planning history set out that opposite the application site on Upper Grosvenor Street and Park Street is a mixture of residential and office use.

The application site was previously used as a bank until sometime before 2003. Since then it is understood that until recently the site has been used unlawfully as storage for the Grosvenor House Hotel. The property is now vacant.

6.2 Recent Relevant History

13 September 2016 – advertisement consent granted for the display of 1 No. internally illuminated menu box measuring 0.48m x 0.36m.

March 2006 – permission granted for the use of part basement, ground and first floors of existing hotel as a casino (Class D2). Installation of plant and associated alterations to hotel entrance [included the current application site]. Not implemented.

7. THE PROPOSAL

It is proposed to use the ground floor of 30 Upper Grosvenor Street, which forms part of the block which accommodates the Grosvenor House Hotel, 86-90 Park Lane, as a restaurant (Class A3) with a total floor space of 499sqm. A high level kitchen extract duct would be provided within an internal lightwell. Although the application includes the provision of some external tables and chairs in a narrow forecourt area on Upper Grosvenor Street, these are not considered acceptable for amenity reasons; they also raise queries about the size of the proposed restaurant, taking it over the 500 sqm threshold which has policy implications (see below).

The restaurant will be able to accommodate 240 covers at full capacity. The proposed operating hours are 10:00 - 00:00 Sunday to Thursday (including bank holidays and public holidays) and 10:00 - 00:30 Friday and Saturdays.

The application has been amended during the course of its consideration to:

- Omit awnings from the proposed plans of Upper Grosvenor Street elevation.
- Reduce the operating hours from 01:00 Monday to Saturday and 00:30 on Sundays.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

The property lies within the Core Central Activity Zone. Following pre-application discussions the size of the restaurant has been limited to 499sqm. This is subject to Policy TACE 8 within the City of Westminster Unitary Development Plan (adopted 24 January 2007) and policies S1, S6, S21 and S24 within Westminster's City Plan.

Policies TACE8, SS6 and S24 look at retail/entertainment uses and seeks to ensure that there is not an over concentration of entertainment (non-A1) uses and protect against any cumulative impact they have on residential amenity, health and safety, local environmental quality and the character and function of the area. New large scale late night entertainment uses over 500sqm will not generally be considered appropriate.

This part of the Mayfair conservation area is characterised by a mix of offices, residential and hotel uses. The City Council has received an objection from neighbouring residents regarding the following;

- i) Exacerbation of A3 use already in the area;
- ii) Opening hours unacceptable in residential area;
- iii) Noise impact assessment concerns;
- iv) Use of existing service area.

i) The proposal would result in a loss of A2 floorspace at ground floor level, The City Council does not have any policies to protect this use provided it is converted to a use that serves visiting members of the public (City Plan Policy S21). Subject to other policy considerations (such as impact on amenity) there are no land use grounds for restricting the number of restaurants in this locality (which is not a designated Stress Area).

ii) The opening hours are considerably later than the neighbouring restaurant Corrigan's, which currently operates the following hours: Monday – Friday, 12pm - 10pm, Saturday, 6pm - 10pm, and Sunday, 12pm - 4pm. However, that use is part of the hotel and not subject to any planning restrictions.

Section 8.88 of Westminster City Council's Unitary Development Plan states that; 'The Council's approach seeks to operate its controls as a local planning authority and as a licensing authority in a generally consistent way. As a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights and on Sundays immediately preceding Bank Holidays. An earlier closing time may be sought where there are residential uses in immediate proximity'.

With the above in mind it has been agreed with the applicant to amend the hours of business to terminate at 00:00 Sunday to Thursday (including bank holidays and public holidays) and 00:30 on Friday and Saturdays.

iii) The City Council's Environmental Health team have reviewed the acoustic report and consider the introduction of extract plant to be acceptable subject to standard conditions. The proposal is therefore acceptable on amenity grounds and is in accordance with ENV7 of the UDP and S32 of the adopted City Plan.

iv) Objections have been received about the increased use of the service area; a condition requiring a service management plan has been added to this application to ensure that a comprehensive plan is in place and the management of the service area is adhered to.

8.2 Townscape and Design

30 Upper Grosvenor Street forms part of a single architectural composition with Grosvenor House Hotel, of which it was originally part. It is a very large building dating from 1929 by A O Edwards with assistance from E Lutyens. The building is not listed, but makes a positive contribution to the character and appearance of the Mayfair Conservation Area.

The proposal is considered to be acceptable in design terms. The proposed duct rises in a discreet location within an interior lightwell adjacent to similar equipment. It is entirely hidden from both public and private views.

The plans show tables and chairs on a small area of currently open lightwell, as well as the infilled part. There is no design objection to the placing of tables and chairs on the lightwell grille, but the infilling of the lightwell, or the introduction of solid flooring material here in the future is unlikely to be acceptable.

8.3 Residential Amenity

There are residential properties located opposite the proposed restaurant on the Upper Grosvenor Street and Park Street elevations. It is proposed that their residential amenity

will be secured by conditions requiring the windows to be fixed shut and a secondary door to be kept shut (except when used to provide disabled access). It is considered that the restaurant use would contribute to the vitality of the area providing a more active ground floor frontage to this part of the hotel building.

TACE 8 allows entertainment uses where they will not have a negative impact in terms of noise, vibration, smells, increased late night activity or increase in parking or traffic. As discussed above the principle of a restaurant in this location is considered acceptable. A condition requires an expanded operational management plan to be submitted that should help ensure there is no loss of residential amenity.

Although the application includes a small number of tables and chairs on the narrow private forecourt outside the premises, given their proximity to the residential accommodation opposite, it is considered to be appropriate to require their removal by condition.

Given the commercial nature of the area, the proposed opening hours are considered acceptable in amenity terms. A condition is recommended to limit the percentage of bar within the restaurant to 15% to ensure that the main function of the unit is as a restaurant rather than a bar.

8.4 Transportation/Parking

The London Plan indicates that Class A3 use has a threshold set at 100m² and requires a minimum of 2 cycle parking spaces. Given the floor area a minimum of 3 cycle parking space should be provided.

The proposed restaurant is to be serviced via the existing Grosvenor House servicing area, which is accessed on Park Street to the West of the site. There is an existing dedicated servicing area in this location, with a rear serving door. The applicant has advised that with the exception of a few essential daily deliveries of small quantities of fresh produce, all servicing would take place during the hours of 7:30am and 1pm on Monday to Friday and between 8:20am and 1pm on Saturday / Sunday and Bank Holidays. However, given that the existing hotel service bay is not restricted in planning terms, it is not considered necessary to condition the servicing hours for the restaurant, other than to require all servicing to take place within the service bay.

A condition requiring a detailed Servicing Management Plan has been added to this application to require the applicant to apply to us for approval of a Servicing Management Plan prior to occupation. This condition has been added to protect the residential amenity on Upper Grosvenor Street.

8.5 Economic Considerations

The economic benefits of a more intensive use of this site are noted and are welcome.

8.6 Access

It is proposed to use a secondary door on the street frontage to provide level access, which is welcomed, as the main entrance has several steps.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling:

On the advice of the City Council's Cleansing Manager, a condition is recommended to be imposed requiring the submission of details showing how waste and recyclable material will be stored on site and to ensure that no waste is left or stored on the public highway.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

None

9. BACKGROUND PAPERS

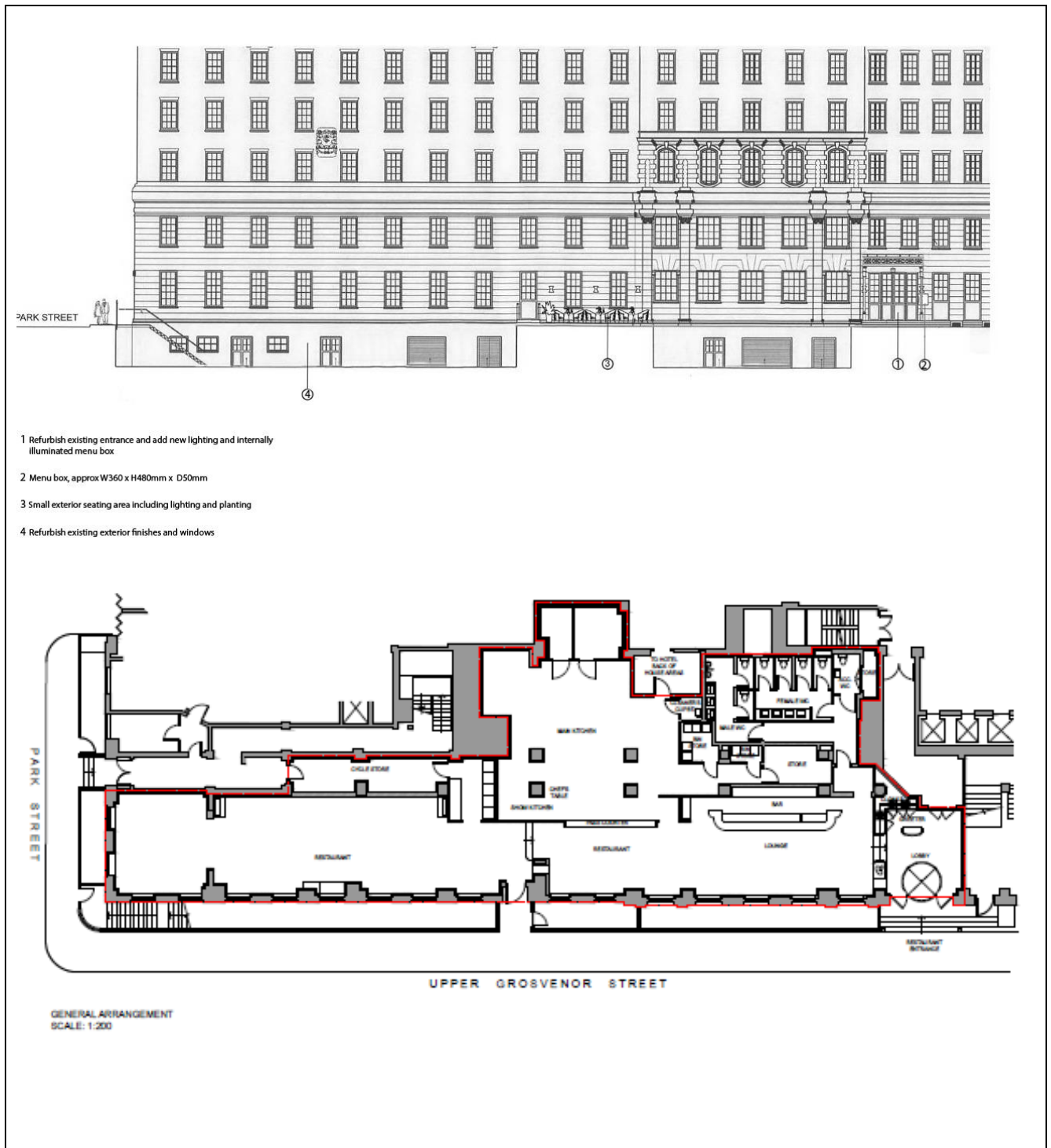
1. Application form
2. Response from Highways Planning – Development Planning dated 06 September 2016
3. Response from Environmental Health dated 28 October 2016
4. Response from Cleansing dated 06 September 2016
5. Letter from ASK planning on behalf of residents at No. 48 Park Street

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk .

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 30 Upper Grosvenor Street, London, W1K 7EH

Proposal: Use of the ground floor as a restaurant (Class A3) including the installation of a full height extract duct to the rear elevation.

Reference: 16/07959/FULL

Plan Nos: PL02 REV J, PL06, PL04 REV D, Operation Management Strategy dated August 2016, Noise impact assessment V2 dated 19 July 2016

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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: , o between 08.00 and 18.00 Monday to Friday; and , not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of a Servicing Management Plan prior to occupation. The plan should identify amongst other things the process, delivery and storage locations, scheduling of deliveries, type of vehicle and staffing. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the business is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must apply to us for approval of details of secure cycle storage for the A3 use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

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

Reason:

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

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

Reason:

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

- 8 You must keep the doors and windows in the property closed. You can use them in an emergency, for maintenance only or use the door to provide disabled access to the premises. (C13LA)

Reason:

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

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved

by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 11 You must apply to us for approval of an expanded operation management plan. The plan should identify amongst other things the day to day management of the restaurant, transport plans, correct opening hours. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the operation management plan at all times that the business is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that

we adopted in January 2007. (R05GB)

- 12 Customers shall not be permitted within the ground floor restaurant premises outside the following hours: Sunday to Thursday (including bank holidays and public holidays): 10:00 - 00:00 (midnight), Friday and Saturdays: 10:00 - 00:30.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

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

- 14 You must not allow more than 240 customers into the property at any one time. (C05HA)

Reason:

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

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

Reason:

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

- 16 Notwithstanding the approved plans which detail an outside seating area, this permission does not permit the use of tables, chairs and other furniture/ screening shown on drawing PL04 REV D.

Reason:

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

Informative(s):

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

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

- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 3 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic

Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 8 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 9 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 10 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following: , * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; , * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase; , * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained; , * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary; , * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 11 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 , The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>; , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 12 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under

environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

- 13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following., * Window cleaning - where possible, install windows that can be cleaned safely from within the building., * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement., * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm. , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 14 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	Moore House, 2 Gatliff Road, London, SW1		
Proposal	Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m ² retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.		
Agent	Indigo Planning Limited		
On behalf of	Sainsbury's Supermarkets Ltd		
Registered Number	16/05525/FULL	Date amended/ completed	14 June 2016
Date Application Received	14 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside conservation area		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application relates to Unit A1 on the ground floor of Moore House which is located on the corner of Ebury Bridge Road and Gatliff Road at the entrance to the St James Grosvenor Waterside development. The unit is occupied by Sainsbury's Supermarkets Ltd as a 'Sainsbury's Local' and comprises 227sqm of Class A1 retail floorspace. Immediately opposite the store on the south side of Gatliff Road is Gatliff Close, a block of residential flats which pre-dates Grosvenor Waterside.

Planning permission is sought to vary Condition 2 of planning permission dated 11 September 2012 relating to the opening hours of the existing Sainsbury's Local store to extend the opening hours by an additional hour on Monday to Saturday so that the store can stay open until 23.00 instead of 22.00 as currently and by three additional hours on Sundays and Bank Holidays so that the store can open at 07.00 instead of 08.00 and stay open until 23.00 instead of 21.00 as currently.

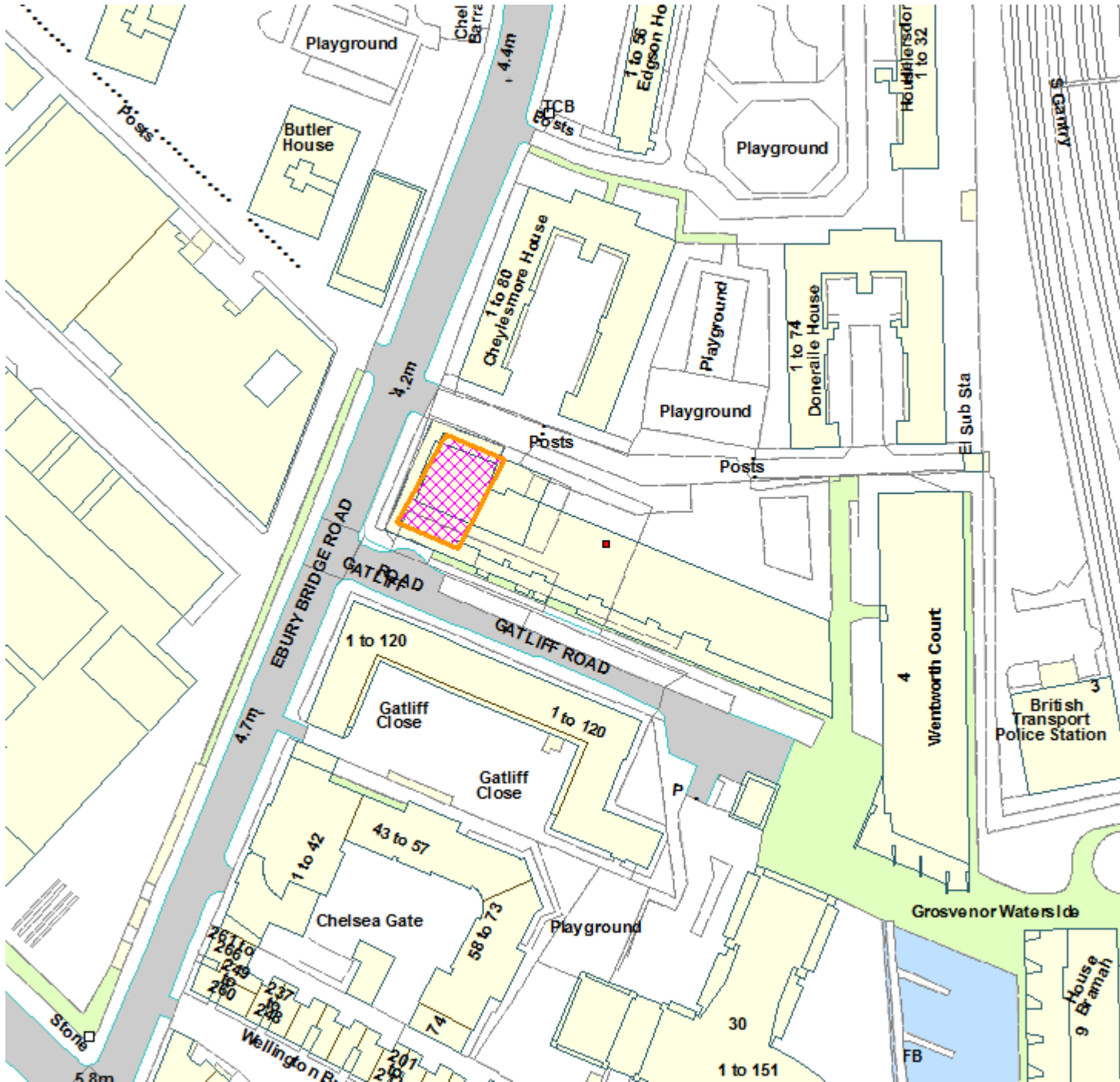
Objections have been received from Cllr Williams and the Gatliff Close Residents Association on

amenity and highways grounds.

The key issue in the determination of this application is the impact of the extended opening hours on the amenity of neighbouring residential occupiers.

The proposal is considered acceptable in amenity terms and accords with Unitary Development Plan (UDP) policies and Westminster City Plan: Strategic Policies (City Plan) policies and is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

Ward Councillor Jason Williams – Objects. Has received objections from local residents relating to the impact of the store on the local community; issues including parking in Gatliff Road, noise and light pollution will be exacerbated by an extension of opening hours. Note there have been problems in the past with service deliveries arriving at the front entrance on Gatliff Road rather than to the delivery bay at the rear. Request that the application is turned down.

Westminster Society – No objection

Highways Planning – No objection

Cleansing – No objection

Environmental Health – No objection. Environmental Health/Noise Team files have only one recorded complaint; a security alarm which was resolved relatively quickly by the store operator and there has been no recorded recurrence. There are no records of any complaints relating to servicing deliveries or internal activity noise.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 350; Total No. of replies: 2

No. of objections: 2 (from a resident of Gatliff Close commenting as an individual and on behalf of Gatliff Close Resident's Association) on the following grounds:

Highways

- The store attracts car drivers who park illegally in Gatliff Road
- Road safety issues – cars that are turned away at the entrance to Grosvenor Waterside by Estate Management staff cause accidents/near misses on Ebury Bridge Road

Amenity

- Light pollution – caused by the headlights of turning vehicles, fluorescent strip lighting in the store and self-scan tills
- Noise - from cars/vehicles coming and going/turning/engines left idling; from people using the cash machine late at night; cash machine attracts vehicular traffic 24 hours a day

Other

- Anti-social behaviour – including street drinking (alcohol)
- Cycles chained to Gatliff Close railings
- Reference to problems experienced in the past i.e. servicing not carried out from the rear of the store (in dedicated delivery bay); store newspaper delivery left outside Gatliff Close flats (and not in delivery bay) and a period of unauthorised extended

store trading from 07.00 to 23.00; difficulty in contacting the relevant person within Sainsbury's to deal with any problems arising.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to Unit A1 on the ground floor of Moore House which is located on the corner of Ebury Bridge Road and Gatliff Road at the entrance to the St James Grosvenor Waterside development. The unit is occupied by Sainsbury's Supermarkets Ltd as a 'Sainsbury's Local' and comprises 227sqm of Class A1 retail floorspace. Immediately opposite the store on the south side of Gatliff Road is Gatliff Close, a block of residential flats which pre-dates Grosvenor Waterside. To the rear of the store is Cheylesmore House, another residential block of flats which forms part of the Council's Ebury Bridge Estate.

6.2 Recent Relevant History

The application property is located on the ground floor of Moore House which forms part of Grosvenor Waterside. The relevant planning history is as follows:

23.07.2007 - planning permission granted for the erection of two buildings: Building A (Moore House) - part five/part six/part seven/part ten storeys for use as 164 residential units, two retail/restaurant (Class A1/A3) units and a street sweepers depot; Building B (Caro Point/Wentworth Court) - rising in stages from six storeys to fourteen storeys with tower feature for use as a 159 residential units (including 71 affordable units) and a retail/restaurant (Class A1/A3) unit (06/07097/FULL)

In the absence of a detailed servicing strategy, the three Class A units if used for Class A1 retail purposes were restricted by Condition 2 of the above permission, to non-food Class A1 retail sales only.

If occupied for Class A3 restaurant purposes the three Class A units could open to customers between 11.00 and 23.00 daily (Condition 4 of the above permission).

11.09.2012 - planning permission granted for use of the ground floor (Unit A1) of Moore House/Building A as a 227sqm retail unit (Class A1) with no conditions restricting food retail uses *or* as a Class A3 restaurant (12/03886/FULL). This is the permission which allowed Sainsbury's to occupy Unit A1 in Moore House.

Condition 2 of this permission restricted the supermarket trading hours to between 07.00 to 22.00 Monday to Saturday and 08.00 to 21.00 on Sundays and Bank Holidays.

Condition 3 of this permission allowed the restaurant (if Unit A1 was occupied as a Class A3 restaurant) to open to customers from 11.00 to 23.00 daily.

8.04.2016 - planning permission granted for variation of Condition 4 of permission dated 23.07.2007 (06/07097/FULL) to allow the cafe/restaurant in Unit A2 of Moore House to open to customers from 07.00 to 23.00 daily.

7. THE PROPOSAL

This is a S73 planning application to vary Condition 2 of planning permission 12/03886/FULL dated 11 September 2012 relating to the opening hours of the existing Sainsbury's Local store at 2 Gatliff Road.

Permission is sought to extend the store opening hours by an additional hour on Monday to Saturday so that the store can stay open until 23.00 instead of 22.00 as currently and by three additional hours on Sundays and Bank Holidays so that the store can open at 07.00 instead of 08.00 and stay open until 23.00 instead of 21.00 as currently.

8. DETAILED CONSIDERATIONS

8.1 Background

Sainsbury's occupy Unit A1 Moore House as a Sainsbury's Local by virtue of the conditional planning permission granted on 11 September 2012.

In addition to Condition 2 which controls the opening hours of the store, there are a number of other conditions which are relevant to the operation of the store namely; Condition 5 which requires that all servicing to the supermarket must be carried out from the service road accessed from Ebury Bridge Road at the rear of the store; Condition 6 requires that all servicing for the supermarket with the exception of newspapers/periodicals must take place between the hours of 10.00 and 17.00 daily; Condition 7 requires that all servicing must be carried out in accordance with the approved deliveries plan which sets out the servicing procedures for the store and the responsibilities of the store manager, staff and delivery vehicle drivers; and Condition 13 which prohibits customer car parking within Grosvenor Waterside, Gatliff Road and the service road.

Objections to the current application have been received from and on behalf of Gatliff Close residents and from Cllr Williams on highways and amenity grounds. A meeting attended by representatives of Sainsbury's, Gatliff Close Resident's Association, Cllr Williams and a council planning officer took place on site on 3 October 2016 to try to resolve some of the resident's on-going concerns relating to the operation of the Sainsbury store.

8.2 Highways issues – Servicing and Parking

The development has been designed to allow a large servicing vehicle of up to 10.7m in length to enter and leave the site in forward gear. The approved servicing arrangements for the supermarket require that all deliveries and servicing take place via the service road and dedicated bay at the rear of the store. There are up to four delivery vehicle visits each day plus a weekly cigarette delivery. All deliveries with the exception of newspapers/periodicals take place between the hours of 10.00 and 17.00 daily. It is the responsibility of the store manager to ensure that the delivery plan (approved as part of

the September 2012 permission) is adhered to. There have been two instances where the Planning Enforcement Team have investigated the breach of servicing conditions at this store; in 2013, the newspaper delivery was being left in Gatliff Road rather than in the servicing bay and in 2015 there was a further complaint about servicing taking place from the front of the store. However neither of these complaints resulted in the need for the Council to take formal enforcement action

There is no customer car parking for the supermarket either within Grosvenor Waterside or on Gatliff Road. Gatliff Road is a private road and the enforcement of parking controls along here is the responsibility of the Grosvenor Waterside Estate Management Team. Condition 13 of the September 2012 permission prohibits customer car parking and requires that this is managed by St James and Sainsbury's. There are double yellow lines on Ebury Bridge Road immediately in front of the supermarket. This is public highway and therefore normal traffic regulations apply to anyone wishing to stop or park along here.

In response to complaints from residents of both Gatliff Close and Grosvenor Waterside, about the noise and nuisance associated with the large volume of traffic using the entrance and exit from Ebury Bridge Road and the parking/drop-off area near the security hut adjacent to the flats in Gatliff Close, St James have had to take a more proactive approach to traffic management. This can involve Estate Management staff turning vehicles away at the entrance of Gatliff Road. However it should be noted that these vehicles may not be attempting to visit the supermarket but could be visiting the other commercial activities within Grosvenor Waterside, including Purple Dragon (private children's day nursery) or residents. Furthermore there is no evidence to suggest that the vehicles which are prevented from entering and are required to turn round have led to an increase in road traffic accidents at the junction of Gatliff Road/Ebury Bridge Road. Accordingly the Highways Planning Manager is satisfied that the extension of store opening hours would not give rise to any additional road safety issues.

8.3 Residential Amenity issues

The meeting on site on 3 October 2016 with Sainsbury's, Cllr Williams and a representative of Gatliff Close Residents Association sought to address resident's concerns about light pollution.

With regard to the nuisance caused to residents by the headlights of turning cars shining into their lower ground floor flats, it was acknowledged that this is a general Grosvenor Waterside traffic management issue and would need to be taken up with St James's Grosvenor Waterside Estate Management Team. With regard to light pollution emanating from the store itself, Sainsbury's have undertaken to do the following:

- Place a timer on the illuminated signage of the store. This would limit the illumination of the signs to the opening hours of the store and thus reduce the chance of attracting customers when the store is not open.
- Fast track the replacement of the existing in-store strip lighting with new LED lights (currently being rolled out in all Sainsbury stores)
- Find out if it is possible to turn off the lights on the self-scan checkouts during out of hours

Other issues discussed at the meeting include i) the possibility of moving the cash machine (ATM) from Gatliff Road and ii) placing vinyls on the south facing (Gatliff Road shopfront window of the store. However these could give rise to other issues; if the ATM was moved to Ebury Bridge Road this may cause highway safety issues with drivers tempted to park on the double yellow lines whilst using the ATM; if the ATM was moved to the rear of the store (the delivery area) there could be an issue with personal safety/potential for crime as this area has limited natural surveillance and is less well lit.

The possibility of installing vinyls to the inner face of the shopfront window on Gatliff Road was discussed as a way of reducing the nuisance caused by the lights on the self-scan checkouts in this part of the store. However as there are already vinyls on the north and west facing shopfront windows, this is the only elevation of the store which has an active frontage. Vinyl advertisement displays, although they do not require express advertisement from the council, are not generally encouraged because of the dead frontage they create at ground floor level for pedestrians. Sainsbury's willingness to find a way of turning off the lights to the self-scan checkouts is therefore welcomed as a better solution to the problem.

The meeting on 3 October was attended by Sainsbury's Town Planning Manager who is responsible for all the Sainsbury stores in Westminster. He has now provided the Gatliff Close Residents Association with his contact details (name, email and mobile number) so that should any further problems arise in the future the residents can contact him directly.

Given that the adjacent restaurant in Unit A2 of Moore House has approved opening hours of 07.00 to 23.00 daily and that this unit (Unit A1 of Moore House) could also be occupied as a restaurant under the terms of the flexible A1/A3 2012 permission with permitted opening hours of 11.00 to 23.00 daily, it is not considered that the one additional store opening hour on Mondays to Saturdays and the three additional hours on Sundays and Bank Holidays would have a significant impact on the amenity of adjoining residents subject to the conditions on the original permission controlling servicing and subject to an additional condition requiring the illuminated store signage to be controlled by a timer switch.

8.4 Economic Considerations

The economic benefits associated with the supermarket in terms of the service it provides for local residents and the local employment opportunities it offers to Westminster residents are welcomed.

8.5 London Plan

The proposal does not raise strategic issues and does have significant implications for the London Plan.

8.6 National Policy/Guidance Considerations

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

8.7 Planning Obligations

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

8.8 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

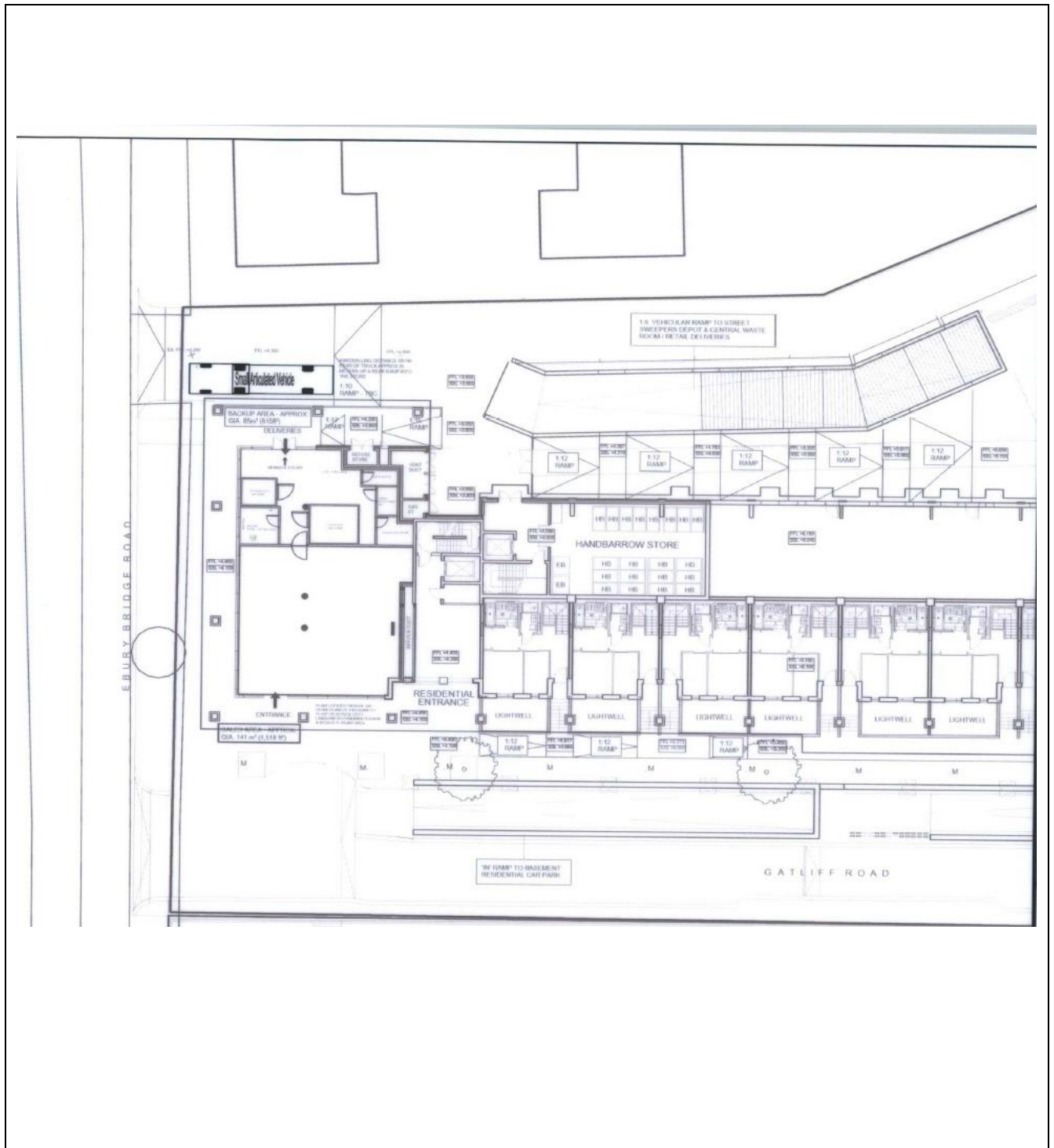
1. Application form and Indigo Planning letter dated 14.6.2016 and email dated 17.10.16
2. Planning permission dated 11.9.2012 (12/03886/FULL)
3. Councillor Jason Williams (Churchill Ward Councillor) email dated 1.8.2016
4. Westminster Society on-line comment dated 5.7.2016
5. Highways Planning memorandum dated 7.7.2016
6. Cleansing memorandum dated 13.7.2016
7. Environmental Health on-line comment dated 15.07.2016
8. Occupier of 9 Gatliff Close, Gatliff Road on-line comments on behalf of Gatliff Close Residents Association dated 29 July 2016
9. Occupier of 9 Gatliff Close, Gatliff Road on-line comments dated 29 July 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT: ajackson@westminster.gov.uk

10. KEY DRAWINGS



Unit A1 Moore House – ground floor plan

DRAFT DECISION LETTER

Address: Moore House, 2 Gatliff Road, London, ,

Proposal: Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m² retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.

Reference: 16/05525/FULL

Plan Nos: Original approved scheme:
9795-1-00-9105-Z00 01; 3085-00-271; 3085-00-273; 9947-D24; 120391/AR/C01; 120391_PD_01; Servicing Delivery Information (Points 1-4); Covering Letter dated 5 April 2012; Design and Access Statement dated April 2012; Supporting Servicing and Operational Statement dated March 2012.
Revised S73 application scheme:
Indigo Planning letter dated 6 June 2016 & email dated 17.10.16; site location plan

Case Officer: Amanda Jackson

Direct Tel. No. 020 7641 2934

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 Customers shall not be permitted within the supermarket premises before 07.00 or after 23.00 daily.

Reason:

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

3 (1) Where noise emitted from the proposed plant and machinery approved as part of the 06/07097/FULL permission will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery approved as part of the 06/07097/FULL permission will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment approved as part of the 06/07097/FULL permission, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

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

4 No vibration from the plant approved as part of the 06/07097/FULL permission shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

5 All servicing to the supermarket must be carried out from the service road accessed from Ebury Bridge Road as shown on drawings 120391-AR-C01 and 120391/PD/01.

Reason:

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

6 With the exception of newspapers/ periodicals, all servicing for the supermarket must take place between the hours of 10.00 and 17.00 daily

Reason:

To avoid blocking the access to the street sweepers depot at basement level of Moore House and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

7 Servicing must be carried out in accordance with points 1-4 of the Sainsbury's Delivery Information, as approved as part of the permission dated 11 September 2012 reference 12/03886/FULL.

Reason:

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

8 If Unit A1 is used for Class A3 restaurant/cafe purposes then it must only be used as a sit-down restaurant with waiter service. If you provide a bar and bar seating, it must not take up more than 15% of the floor area of each restaurant. You must use the bar to serve restaurant customers only, before, during or after meals.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

9 Customers shall not be permitted within the restaurant premises before 11.00 or after 23.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

10 If Unit A1 is to be used for restaurant purposes then it shall be constructed and sound insulated and ventilated so as to ensure that there is no perceptible noise (including amplified and nonamplified music and human voices) or vibration transmitted through the structure to adjoining residential premises.

Reason:

To ensure that the plant/machinery hereby permitted which is outside the Central Activities Zone (CAZ), not on a CAZ Frontage and not in a Stress Area will be designed and operated so that noise generated by the plant/machinery hereby permitted will not exceed the background noise outside the nearest noise sensitive property.

This is required in order to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R39AB)

11 If Unit A1 is to be used as a restaurant, you must apply to us for written approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

12 If Unit A1 is to be used for restaurant purposes you must apply to us for written approval of details of a holding store for waste within the restaurant. The restaurant use must not begin until we have approved a waste holding store for that unit. You must then provide the waste holding store in line with the approved details and make it available to everyone using that restaurant unit.

Reason:

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

13 No customer car parking shall be provided or allowed within the Grosvenor Waterside development, including Gatliff Road or the service road. This shall be maintained and managed by both Sainsbury's Supermarkets Ltd and St James Group.

Reason:

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

14 In accordance with Indigo Planning email dated 17.10.16 a timer device shall be fitted to the illuminated signage of the store to ensure that the signage is only illuminated during store opening hours between 07.00 to 23.00 daily. The timer device shall be installed within two months of the date of this decision and shall thereafter be permanently retained for as long as Sainsbury's occupy the shop premises.

Reason:

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

Informatives

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

is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 You must still keep to the terms and conditions of the original planning permission dated 11 September 2012 unless this decision has changed those terms and conditions. (I15AA)

3 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, Unit A1 of Moore House can change between the Class A1 and Class A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

4 Conditions 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

5 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	7-14 , Coventry Street, London, W1		
Proposal	Variation of Conditions 1 and 7 of planning permission dated 19 June 2012 (RN: 12/02627/FULL) for use of the first floor (mezzanine) as a restaurant (Class A3) with retail (Class A1) accommodation at ground floor level and associated external alterations including the installation of plant at roof level - namely, to vary the approved drawings to allow the relocation of the approved ancillary retail use (Class A1) from ground floor to first floor (mezzanine) level, and to enable the use of the ground floor level for Class A3 (restaurant) use in connection with the existing restaurant.		
Agent	CgMs		
On behalf of	Bubba Gump Shrimp Company Ltd		
Registered Number	16/09194/FULL	Date amended/ completed	23 September 2016
Date Application Received	23 September 2016		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site forms part of the Trocadero complex, comprising part ground and first floor (mezzanine) on the corner of Coventry Street and Rupert Street. The site is located within the Soho Conservation Area and the West End Stress Area.

In June 2012 planning permission was granted for the use of the first floor as a restaurant with retail accommodation at ground floor level and since October 2014 the Bubba Gump Shrimp Company has occupied the premises in accordance with that planning permission. The main restaurant space is on the first floor (mezzanine) level extending to 1,170 sqm gross internal area with space for approximately 380 covers (though the earlier permission allows for 450). The restaurant is accessed via the ground floor, which also provides a retail area selling Bubba Gump themed merchandise. That retail floorspace is required to be maintained by Condition 7 of the 2012 permission.

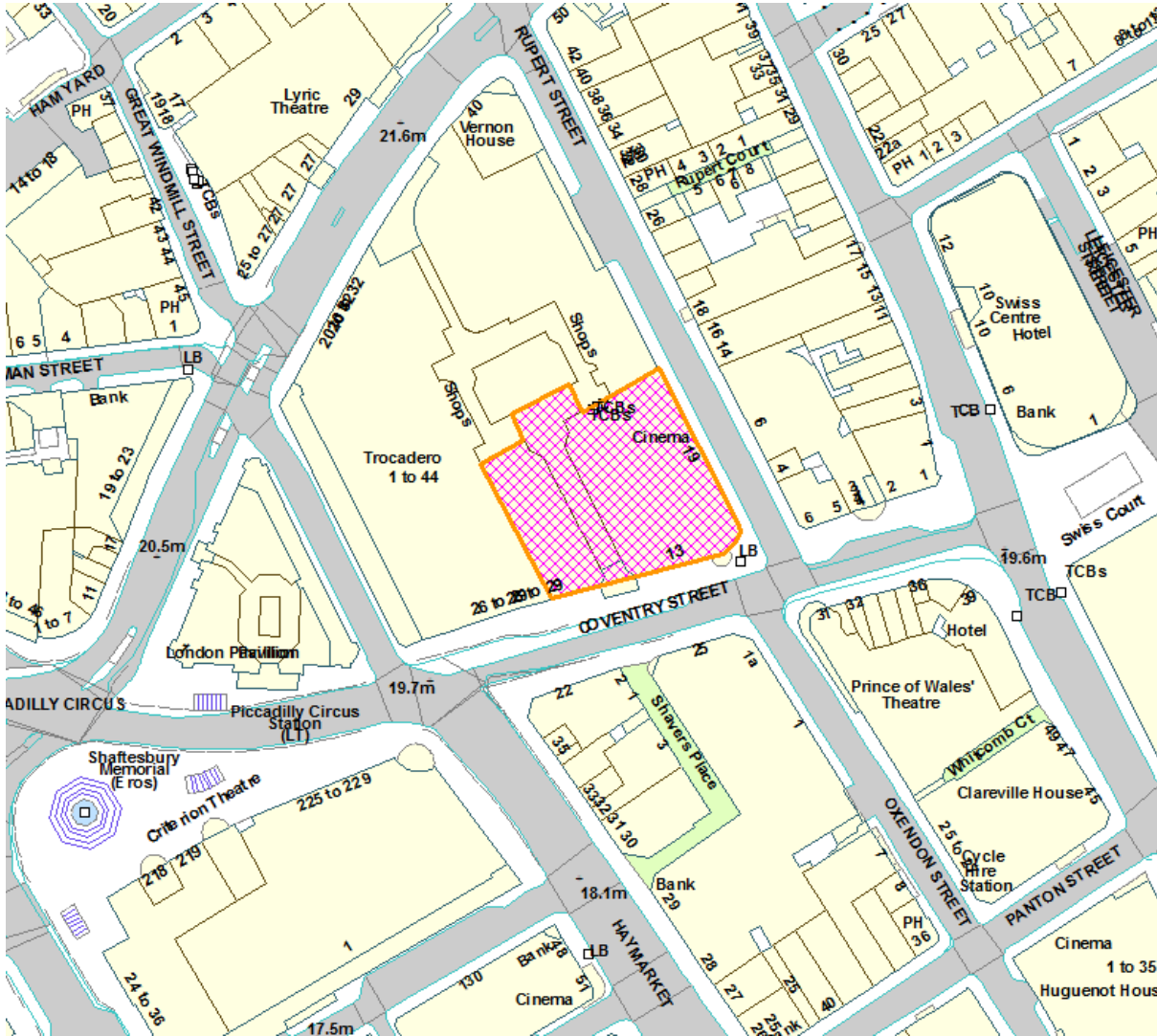
Consent is now sought to use the ground floor for restaurant purposes and relocate the retail element to first (mezzanine) floor. No changes are proposed internally or to the external elevation, and the applicant proposes to retain a display window at ground floor.

City Plan Policy S7 seeks to maintain and enhance the unique status and offer of the West End Special Retail Policy Area. City Plan Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. Finally, UDP Policy SS5(C) states that proposals for non-A1 uses must not lead to, or add to, a concentration of three or more consecutive non-A1 uses.

In support of the application, the applicant argues that the retail element of the business is ancillary to the restaurant and contributes around only 9% of total revenue, the majority of which is driven by customers to the restaurant, rather than from passing trade. The applicant also contends that in the restaurant's first full year of trading (2015), it saw an operating loss of £1.8 million and that so far in 2016 net sales are down by 18%, potentially resulting in an operating loss of over £3 million. Without action, the applicant argues that the business will close. In order to address this problem and to increase the visibility of the restaurant, the applicant proposes to reconfigure the ground floor space as a restaurant area with customer seating for approximately 20 covers, and to relocate the retail element to the first floor (mezzanine). The overall number of allowed covers would remain the same.

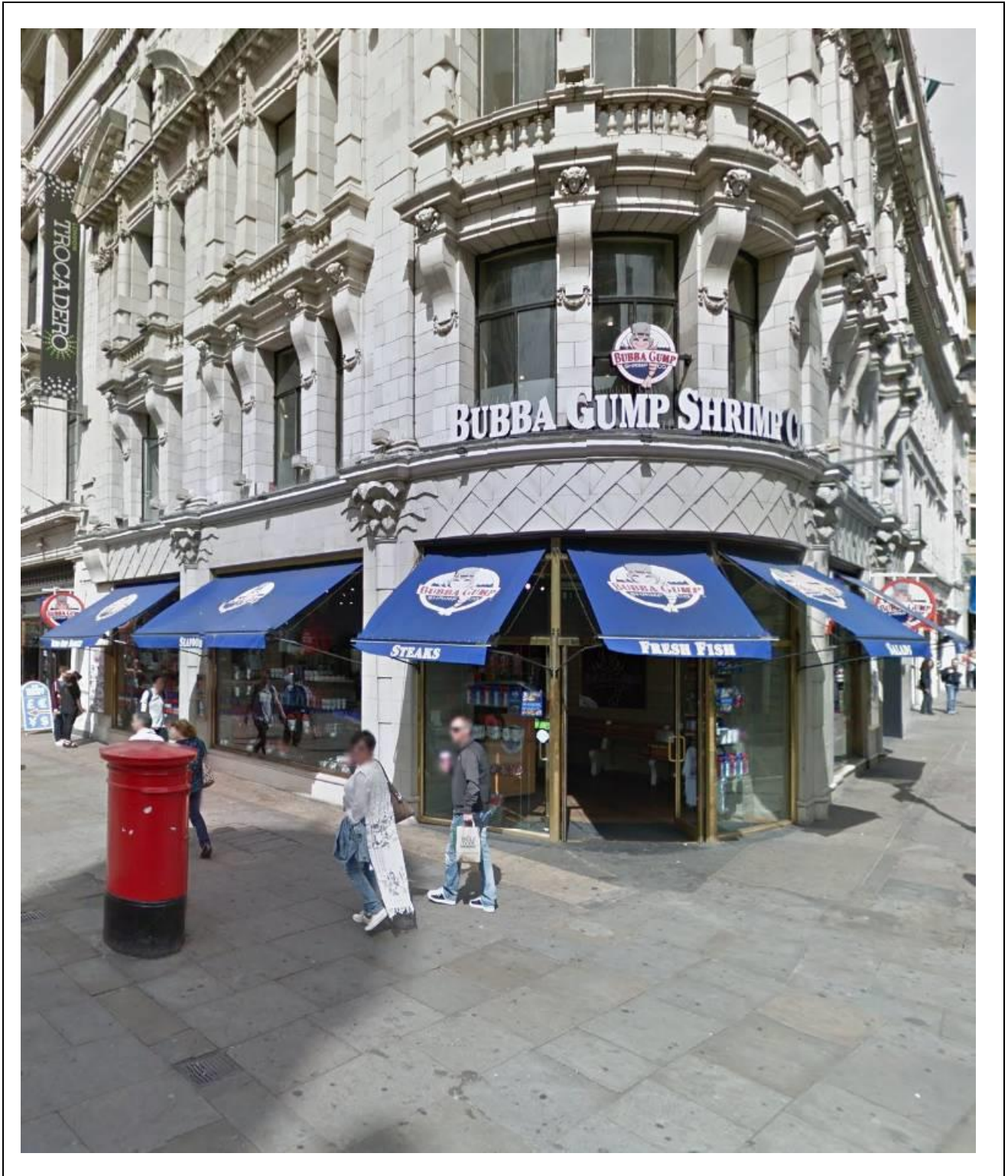
The limited viability information that the applicant has put forward would not ordinarily be sufficient to outweigh the strong policy presumption to retain retail floorspace and the proposal is undoubtedly contrary to City Plan Policies S21 and UDP Policy SS5. However, the only retail goods on offer are Bubba Gump themed products including clothing, glassware, DVD's and cookery books. As such, the retail element is in practice ancillary to the main use of the premises as a restaurant and it is not considered that the sale of such themed products provides 'destination' retailing. The applicant intends to retain a display window at ground floor and the same amount of retail floorspace is to be provided at first floor. On this basis, and provided the window display at ground floor level and the retail area at first floor are retained, it is not considered that there would be a detrimental loss of retail floorspace and approval is therefore recommended.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

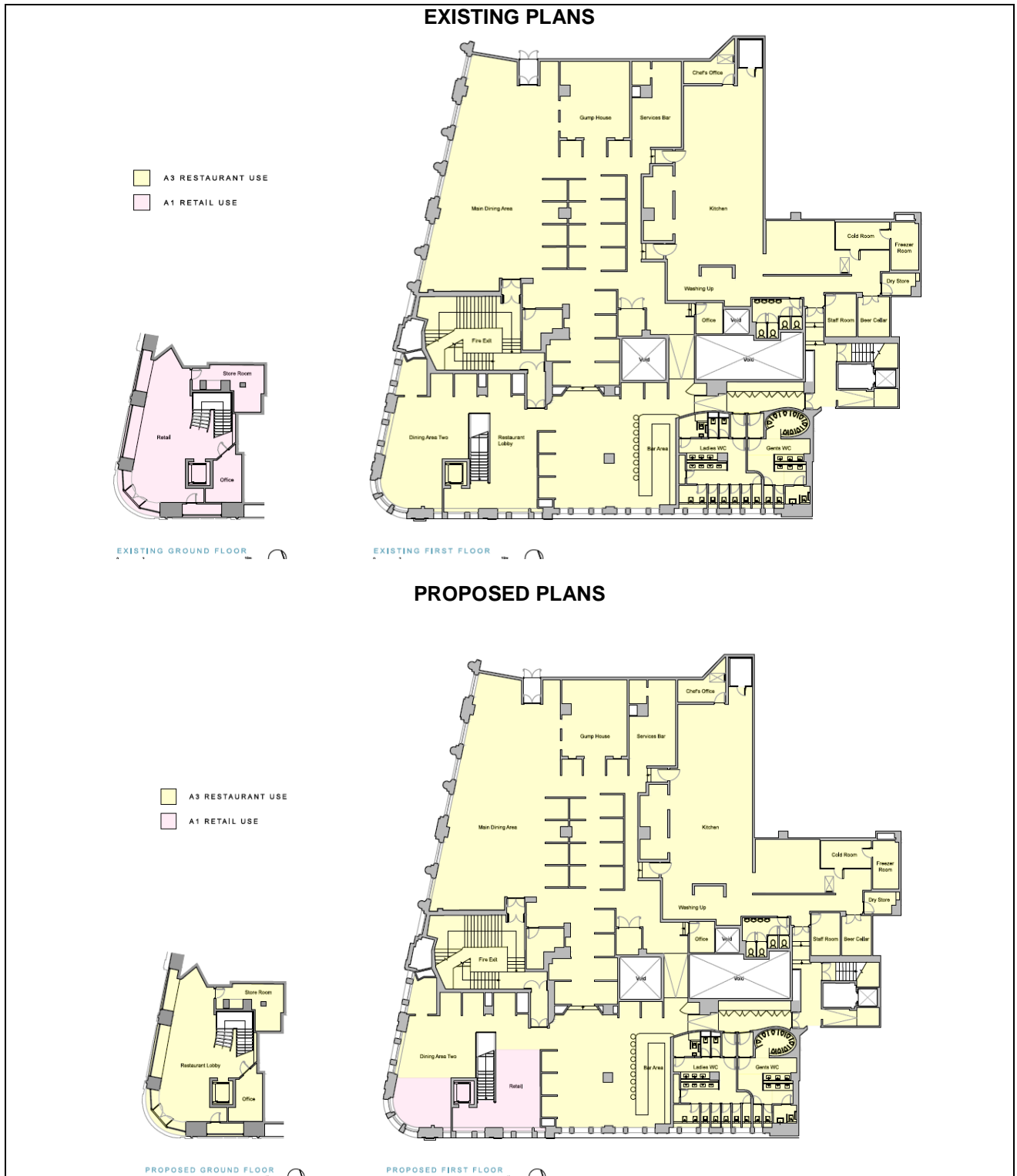
6. BACKGROUND PAPERS

1. Application form

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 7-14 , Coventry Street, London, W1D 7DH

Proposal: Variation of Conditions 1 and 7 of planning permission dated 19 June 2012 (RN: 12/02627/FULL) for Use of the first floor (mezzanine) as a restaurant (Class A3) with retail (Class A1) accommodation at ground floor level. Associated external alterations including the installation of plant at roof level. Namely, to vary the approved drawings to allow the relocation of the approved ancillary retail use (Class A1) from ground floor to first floor (mezzanine) level, and to enable the use of the ground floor level for Class A3 (restaurant) use in connection with the existing restaurant.

Reference: 16/09194/FULL

Plan Nos: 16022 005 P2

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 3 You must not allow more than 430 customers into the restaurant at first floor level and 20 customers at ground floor level, at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 4 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the following times: between 09.00 and 23.30 on Monday to Thursday; 09.00 and 01.00 Fridays and Saturdays and Bank Holidays and 09.00 and 00.30 on Sundays. (C12BC)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary

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

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

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

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

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

Reason:

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

Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 7 The retail accommodation as shown on drawing 16022-005-P2 must be permanently maintained.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 8 You must carry out the measures included in your management plan hereby approved at all times that the restaurant is in use. (C05KA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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

Reason:

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

- 10 No goods must be sold/displayed on the pavement and display boards must not be put out on the pavement.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 11 All servicing must take place between 07:00 and midnight on Monday to Friday and 08:00 and midnight on Saturday and Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 12 You must apply to us for approval of details showing how you will maintain an active display area at ground floor level. You must not use the ground floor area for restaurant purposes until we have approved what you have sent us. You must then maintain the display area according to the approved details.

Reason:

To protect the appearance and character of the shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007. (R26IA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 3 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 4 Conditions 5&6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 5 You are encouraged to employ Westminster residents.

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 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Tachbrook	
Subject of Report	Clarion House, Moreton Place, London, SW1V 2NN,		
Proposal	Demolition of an existing car port structure and construction of a two storey single family dwelling over an existing car park to the rear of Clarion House.		
Agent	Mr Andrew Paulson		
On behalf of	Mr Donald Riley		
Registered Number	16/07573/FULL	Date amended/ completed	20 September 2016
Date Application Received	8 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse permission – amenity grounds and insufficient information about impact on trees
--

2. SUMMARY

The application site is the rear yard of Clarion House a post war block of flats comprising lower ground, upper ground and three upper floors located on the East side of Moreton Place. The site lies within the Pimlico Conservation Area and sits within a terrace of mid-nineteenth century stucco front townhouses, typical of the Pimlico Conservation Area. Clarion House has a central vehicular access route which leads to the open yard at the rear. This hard landscaped area is retained by boundary walls to the north, east and south and accommodates a car port to the north.

The key issues for consideration are:

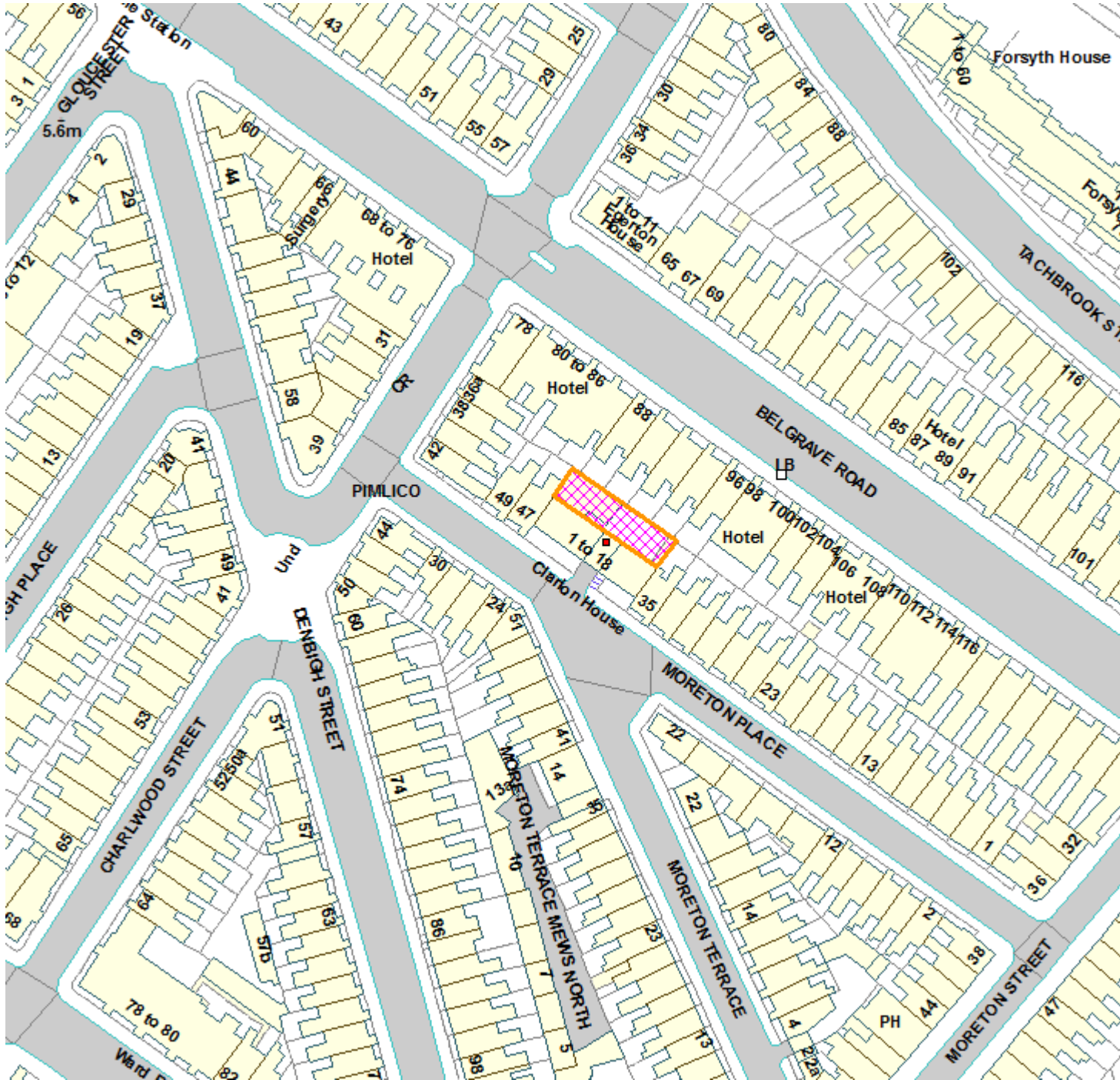
- The design of the new building and its impact on the Pimlico conservation area;
- The impact of the new building on the amenity of neighbouring residential properties;
- The lack of information regarding the potential impact on adjacent trees;

One letter of support and seventy-five letters of objection have been received on design grounds, amenity grounds, impact on trees, disturbance during construction works, and parking.

Notwithstanding the objections received, the design of the new building is considered acceptable but the height of the proposed dwelling-house is considered to have an unacceptable impact in terms of the increased sense of enclosure and loss of daylight which would be caused to adjacent residential properties.

There is also considered to be insufficient information regarding the potential impact on adjacent trees. The application is therefore recommended for refusal on these grounds.

3. LOCATION PLAN



4. PHOTOGRAPHS





5. CONSULTATIONS

ENVIRONMENT AGENCY (THAMES REGION)

No objection – development is at low risk from flooding

WESTMINSTER SOCIETY

Object on the grounds of overdevelopment and loss of daylight/sunlight.

MORETON TRIANGLE RESIDENTS ASSOCIATION

Object on the following grounds

- over-development
- sense of enclosure,
- loss of privacy and light
- impact on trees
- other matters – lack of clarity re: leasehold interests and impact on utilities & services to Clarion House

HIGHWAYS PLANNING

Car park layout would be improved by removing space 3 which would improve manoeuvrability for spaces 1 & 2.

CLEANSING

No objection subject to condition requiring suitable refuse storage provision.

ARBORICULTURAL MANAGER

Object on the grounds of insufficient information regarding the potential impact on adjoining trees.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57

Total No. of replies: 76

No. of objections: 75

No. in support: 1

75 letters of objection on the following grounds:

Land use

- Inadequate standard of residential accommodation

Design

- Overdevelopment
- Inappropriate design & use of materials will have detrimental impact on conservation area

Amenity

- Loss of daylight & sunlight

- Loss of privacy/increased overlooking
- Increased sense of enclosure
- Loss of open space
- Light pollution
- Noise transmission
- Perceived increased security/crime risk

Highways

- Loss of existing parking
- Increased car movements

Trees

- Insufficient information about impact on adjacent trees

Other

- Noise & disruption during building work
- Would restrict access for emergency vehicles
- Increased flooding risk
- Visuals & plans do not accurately represent development
- Impact on property values
- Access to Clarion House services/utilities would be restricted
- Consultation and legal notifications inadequate

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Clarion House is a post war block of flats comprising lower ground, upper (raised) ground floor, and three upper floors. The site sits within a terrace of mid-nineteenth century stucco front townhouses, typical of the Pimlico Conservation Area. Clarion House has a central vehicular access route which leads to the open yard at the rear. This hard landscaped area is retained by boundary walls to the north, east and south and accommodates a carport to the north.

6.2 Recent Relevant History

In 1955 planning permission was granted for the erection of a building comprising 14 flats.

In 1958 planning permission was granted for an additional bed sit in the centre of the building above the ramp to the rear car park.

Permission was refused on 02 July 1992 for removal of existing garage structure and construction of a new garage and flat extension over at Flat 7 Clarion House (RN: 91/05111/FULL)

7. THE PROPOSAL

Permission is sought for the demolition of the existing car port and the erection of a two-storey dwelling-house on the rear yard.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

Whilst the existing rear yard might originally have been intended for use as car parking for Clarion House, the yard is currently used as car parking rented out on a commercial basis but not to residents of Clarion House. The proposal is remove the existing car port and to erect a single-family dwelling-house on the rear yard. The creation of new residential floorspace is considered acceptable in land use terms, and complies with both Policy H3 of the UDP and S14 of the City Plan which seek to increase the residential floorspace within Westminster.

It is proposed to create a three-bedroom family-sized dwelling which is in line with Policy H5 of the UDP which seeks a range of unit sizes in housing developments and to protect family housing. This part of Pimlico is an area of where UDP policies specifically protect family sized housing.

The proposed dwelling (159sqm) will exceed the minimum floorspace standard (90sqm) for a dwelling of this type, as set out in the nationally prescribed housing standards and includes areas of private amenity space in the form of a courtyard at lower ground floor level and a further courtyard and a balcony at upper floor levels. All habitable rooms meet the BRE recommended internal daylight standards.

8.2 Townscape and Design

Objections have been received on the grounds that the scheme is over-development and that the design of the proposed dwelling house would not be in keeping with the surrounding buildings and the character and appearance of the Pimlico Conservation Area.

Raised over a retained parking area, the single storey building will span the width of the site. The short flanking walls will incorporate full height glazing and timber screens, whilst the rear, which will exceed the height of the existing boundary walls, will be clad in copper mesh which would conceal high level obscured windows. The copper mesh panels will continue beyond the building creating a continuous boundary treatment above the existing walls. The front the building will be rendered and exhibit a central entrance and steps. Light is provided through the arrangement of unassuming multi-faceted pitched zinc roofs incorporating top roof lights.

The building will be most visible from the rear of neighbouring properties along Belgrave Road, and obliquely through the vehicle access of Clarion House from Moreton Place. The copper mesh panelling is a more robust choice of material than the timber cladding proposed at pre-application stage and would sit in contrast with but not detract from the brick walls.

It is evident there are a number of site restraints due to the modest size and the position in relation to neighbouring residents, however the building maintains a design quality through appropriate materials and a distinctive roof form. From a conservation area perspective the building will be mostly visible from private views of Clarion House and the wider terrace. Given the buildings compact form and design quality it is not considered detrimental to the character and appearance of the area. The proposals are therefore considered acceptable on design and conservation grounds in accordance with UDP policies DES1, DES4 and DES9.

Had the application been considered acceptable on all other aspects a condition requiring the submission and approval of materials would have been recommended.

8.3 Residential Amenity

Policy ENV13 of the UDP and the City Plan policy S29 state that the Council seeks to protect residential amenity.

The Westminster Society, the Moreton Triangle Association and the adjoining neighbours have raised concerns in terms of sense of enclosure, noise, loss of daylight and sunlight and loss of privacy.

Some objectors do not consider that the submitted drawings accurately reflect the relationship between the proposed building and the existing properties. However it is considered that the submitted information in conjunction with a site visit carried out by officers is sufficient to assess the impact of the scheme.

8.3.1 Daylight and Sunlight

Policy ENV13 seeks to ensure good lighting levels for habitable rooms in existing residential premises.

Objections have been received from the occupants of flats in Clarion House, Belgrave Road, 47 Moreton Place and 35 Moreton Place on the grounds the proposals would result in a loss of daylight to windows facing the scheme.

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (second edition 2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on

internal calculations, which means it is not necessary to gain access to all the affected properties. If the VSC achieves 27% or more, then the BRE guide advises that the windows have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable.

The 'no sky line' (NSL) method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. The BRE advises that a room may be adversely affected if the area of the room beyond the NSL is less than 80% of its former value.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

Windows in the rear of Clarion House directly face the application site. The submitted daylight assessment shows that none of these windows would experience any loss of daylight.

The assessment also shows that there would be no material impact on daylight to windows at 47 Moreton Place, 80-86 Belgrave Road, 88 Belgrave Road, 90 Belgrave Road and 96 Belgrave Road.

At 35 Moreton Place the daylight assessment shows that out of 9 windows tested one window would have a VSC value less than 0.8 its former value (0.71). However this is one of two windows to a kitchen and the other is not materially affected.

The windows to flats at 92-94 Belgrave Road have also been tested and there would be no material losses of VSC to any of these windows. However two of the flats which are both single aspect have windows which would lose NSL greater than BRE recommended levels. Flat 5, 92 Belgrave Road would experience losses of 51% to a bedroom window and 50% to the living room window. There would be a similar loss to a window of another single aspect flat in 94 Belgrave Road. Given that these are single aspect flats it is considered that any reductions in daylight in excess of BRE guidelines would be unacceptable.

The submitted daylight and sunlight assessment demonstrates that none of the surrounding residential properties would experience a material loss of sunlight.

8.3.2 Sense of Enclosure

Sense of enclosure is covered by UDP Policy ENV13 (F). The policy states that the development should not result in significant sense of enclosure

The space between buildings is important to allow people to enjoy life without feeling enclosed. The encroachment of new buildings and extensions into such spaces can adversely affect the quality of life. Even when there may be no material loss of daylight or sunlight, new development can still be unacceptable because of an increase in the sense of enclosure.

The proposed building would infill an open space between Clarion House and the rear gardens of 88 to 94 Belgrave Road. At upper floors the elevation of the new building will be 3m away from the lower ground floor and upper ground floor windows to rear elevations of Clarion House. A 3m elevation at its lowest point and a 4.3m at its highest will rise in front of those windows which serve bedrooms, kitchens and bathrooms.

Properties at 88 to 94 Belgrave Road will see an increase in height and bulk above the existing boundary wall of up to 4.5m. There are single aspect flats in these properties with living-rooms and bedrooms facing the proposed development

Given the proximity of this increase in height and bulk it is considered that the proposed development would result in an unacceptable increased sense of enclosure and that the quality of the living environment of existing residents would be seriously compromised. The existing properties currently benefit from a significant gap creating a sense of space. The infilling of this gap with a new building would remove this sense of space and would be overly oppressive for neighbours. The occupiers of 88 to 94 Belgrave Road would feel too shut in by the new building and its overbearing proximity.

Although there would be increases in height on the boundary walls with 47 Moreton Place (flats) 35 Moreton Place (house) of 2.1m and 3.1m respectively it is not considered that this would be sufficiently harmful to result in an unreasonable increased sense of enclosure to the occupiers of these properties.

8.3.3 Privacy and overlooking

Letters of objection have been received on the grounds of loss of privacy and overlooking. However there are no windows in the elevation facing Clarion House. The windows to the North elevation are at high level and obscure glazed. The windows to both side elevations and the proposed courtyards would be concealed behind timber panels.

The central glazed element of the proposed house does not face onto any habitable rooms in Clarion House and therefore raises no privacy or overlooking concerns.

The proposed green roof would not be accessible as amenity space. Had the application been considered acceptable on all other aspects this would have been controlled by condition.

8.3.4 Light pollution

Objections have been received on the grounds of potential light pollution but given the very limited amount of glazing in the proposed development it is considered that permission could not be withheld on these grounds.

8.3.5 Noise

With regard to objections concerning potential noise nuisance from car parking, the existing rear yard is already used as a car park, it would therefore be unreasonable to refuse permission on these grounds. With regard to concerns about possible noise transference between dwellings, had the scheme been acceptable in all other respects and been granted permission, it would still need to be built to appropriate standards under building regulations including sound proofing.

8.3.6 Construction works

Objections on the grounds of noise and disruption during construction works for both residents and businesses do not in themselves form a justifiable reason to refuse permission.

The lack of a construction traffic management plan and timetable for works at this stage is not considered sufficient reason to withhold permission as this could be dealt with by condition

Had the application been considered acceptable on all other aspects, conditions controlling the hours of building works and requiring a construction management plan would have been recommended.

8.4 Transportation/Parking

8.4.1 Car Parking

Objections have been received to the loss of existing car parking. However this is not parking for Clarion House residents but is rented out commercially and therefore there is no policy to protect it.

The proposed residential unit would be provided with 3 car parking spaces, which exceeds the Council's residential off-street parking standards, but there is limited space for these to be used effectively. Had the application been recommended for approval a condition would have been imposed to remove one of the spaces from the scheme to ensure that it was possible to manoeuvre into the remaining two spaces.

8.4.2 Cycle Parking

The London Plan requires 1 cycle parking space per 1 bed residential dwelling and 2 spaces for all other sized units. 2 cycle parking spaces are provided for the dwelling which is welcomed.

8.5 Economic Considerations

The economic benefits of the proposed development are recognised.

8.6 London Plan

This application does not raise strategic issues.

8.7 National Policy/Guidance Considerations

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

8.8 Planning Obligations

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

The estimated CIL payment is £73,296.86.

8.9 Environmental Impact Assessment

The proposal is of insufficient scale to require environmental impact assessment.

8.10 Other Issues

8.10.1 Trees

There are mature trees in the rear gardens of the adjacent Belgrave Road properties. The applicant has failed to provide any information or assessment of the potential impact of the proposed development on these trees. In the absence of this information the Council's Arboricultural officer recommends that the application is refused on the grounds of insufficient information to ensure the continued health and appearance of these trees both during construction and once the development is in place..

8.10.2 Flooding

A Flood Risk Assessment was submitted with the application and the Environment Agency has confirmed that the development is at low risk from flooding.

8.10.3 Other matters

Objections raising other matters such as concerns about the impact on property values, trespass, access across private land, security, structural integrity are not material planning considerations and are covered by other legislation.

9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 16 August 2016
3. Response from Moreton Triangle Association, dated 31 August 2016
4. Response from Environment Agency, dated 19 August 2016
5. Response from Cleansing, dated 26 August 2016
6. Response from Highways Planning, dated 14 September 2016
7. Response from Arboricultural Section, dated 06 October 2016
8. Letter from occupier of Flat 17, Clarion House, dated 19 August 2016

9. Letter from occupier of 47 Moreton Place, London, dated 21 August 2016
10. Letter from occupier of Flat 7 Belgrave House, 92-94 Belgrave Road, London, dated 21 August 2016
11. Letter from occupier of Flat 11, 92-94 Belgrave Road, London, dated 21 August 2016
12. Letter from occupier of 22 :Lupus Street, London, dated 22 August 2016
13. Letter from occupier of Flat 12 Belgrave House, 92-94 Belgrave Road, London, dated 22 August 2016
14. Letter from occupier of 47 Moreton Place, London, dated 22 August 2016
15. Letter from occupier of Flat 1 Belgrave House, 92-94 Belgrave Road, London, dated 23 August 2016
16. Letter from occupier of 47 Moreton Place, 1st Floor Flat, dated 23 August 2016
17. Letter from occupier of Brooks House, 1 Albion Place, dated 24 August 2016
18. Letter from occupier of 43 Moreton Terrace, London, dated 24 August 2016
19. Letter from occupier of Flat 5 Belgrave House, 92-94 Belgrave Road, dated 25 August 2016
20. Letter from occupier of 51a Moreton Terrace, London, dated 26 August 2016
21. Letter from occupier of 8, Clarion House, Moreton Place, Pimlico, dated 26 August 2016
22. Letter from occupier of Hill House, Hamels Lane Boars Hill, Oxford, dated 26 August 2016
23. Letter from occupier of 1st/2nd Floors, 8 Moreton Terrace, dated 26 August 2016
24. Letter from occupier of Flat 4, Belgrave House, 92-94 Belgrave Road, London, dated 26 August 2016
25. Letter from occupier of 33 Wilkie House, Cureton Street, dated 26 August 2016
26. Letter from occupier of 29a Moreton Place, London, dated 27 August 2016
27. Letter from occupier of Flat 7 Clarion House, London, dated 28 August 2016
28. Letter from occupier of Flat 18 Clarion House, 37-45 Moreton Place, dated 28 August 2016
29. Letter from occupier of 13 Clarion House, Moreton Place, dated 28 August 2016
30. Letter from occupier of Flat 3 Webster House, 26 Gloucester Street, dated 29 August 2016
31. Letter from occupier of Flat 10, Clarion House, Moreton Place, dated 29 August 2016
32. Letter from occupier of Flat 10, Clarion House, 37-45 Moreton Place, dated 29 August 2016
33. Letter from occupier of Flat 3 Webster House, 26 Gloucester Street, dated 30 August 2016
34. Letter from occupier of 4 Clarion House, Moreton Place, dated 30 August 2016
35. Letter from occupier of Flat 20, Belgrave House, 92-94 Belgrave Road, dated 30 August 2016
36. Letter from occupier of 55a Moreton Street, Top Floor Flat, dated 31 August 2016
37. Letter from occupier of 130 Belgrave Road, London, dated 31 August 2016
38. Letter from occupier of 61 Moreton Street, London, dated 31 August 2016
39. Letter from occupier of 7 Moreton Terrace, London, dated 31 August 2016
40. Letter from occupier of Flat 2, Clarion House, 37 Moreton Place, dated 31 August 2016
41. Letter from occupier of Flat 4, 100 Belgrave Road, dated 1 September 2016
42. Letter from occupier of 78, Belgrave Road, London, dated 1 September 2016
43. Letter from occupier of flat 18, 94 Belgrave road, London, dated 1 September 2016
44. Letter from occupier of Clarion House, 37 Moreton Place, London dated 1 September 2016
45. Letter from occupier of Clarion House, 37-45 Moreton Place, dated 1 September 2016
46. Letter from occupier of 90 Belgrave Road, London, dated 1 September 2016

47. Letter from occupier of Flat 1, Clarion House, Moreton Place, dated 1 September 2016
48. Letter from occupier of 94 Belgrave Road, London, dated 1 September 2016
49. Letter from occupier of 33 Moreton place, London, dated 1 September 2016
50. Letter from occupier of 27 Moreton Terrace, London, dated 1 September 2016
51. Letter from occupier of 122, Belgrave Road, London, dated 1 September 2016
52. Letter from occupier of The Attic, 98, Belgrave Road, dated 1 September 2016
53. Letter from occupier of 15 Moreton Terrace, London, dated 2 September 2016
54. Letter from occupier of 41-43 morton street, London, dated 2 September 2016
55. Letter from occupier of 84 Belgrave Road, London, dated 2 September 2016
56. Letter from occupier of 3rd Floor Flat, 88 Belgrave Road, dated 2 September 2016
57. Letter from occupier of 44 Charlwood Street, London, dated 3 September 2016
58. Letter from occupier of 44 Charlwood Street, London, dated 3 September 2016
59. Letter from occupier of Flat 8, 98 Belgrave Road, dated 3 September 2016
60. Letter from occupier of Flat 3, Clarion House, London, dated 3 September 2016
61. Letter from occupier of Flat 2, 37-45 Moreton Place, dated 4 September 2016
62. Letter from occupier of Kilderkin Cottage, Andover, dated 4 September 2016
63. Letter from occupier of 88 Belgrave Road, London, dated 4 September 2016
64. Letter from occupier of Flat 2, 88 Belgrave Road, dated 4 September 2016
65. Letter from occupier of Clarion House Limited c/- Flat 18 Clarion House, 37-45 Moreton Place, dated 4 September 2016
66. Letter from occupier of 88 Belgrave Road, London, dated 4 September 2016
67. Letter from occupier of Flat 7, Clarion house, dated 4 September 2016
68. Letter from occupier of Flat 4/5, 88 Belgrave Road, London, dated 4 September 2016
69. Letter from occupier of Albany House, High Street, Hindon, dated 5 September 2016
70. Letter from occupier of Flat 3, 47 Moreton Place, London, dated 5 September 2016
71. Letter from occupier of Clarion House, 37-45 Moreton Place, dated 5 September 2016
72. Letter from occupier of 2A Clarion House, London, dated 5 September 2016
73. Letter from occupier of 1 Sunnyside, Upper Clatford, dated 5 September 2016
74. Letter from occupier of Flat 1, Clarion House, Moreton Place, dated 5 September 2016
75. Letter from occupier of 22 Moreton Terrace, Pimlico, dated 5 September 2016
76. Letter from occupier of 88a Belgrave Road, London, dated 6 September 2016
77. Letter from occupier of 22 Moreton Terrace, Pimlico, dated 8 September 2016
78. Letter from occupier of Flat 9, 94 Belgrave Road, dated 10 September 2016
79. Letter from occupier of Kilderkin Cottage, Horse Shoe Lane, Ibthorpe, dated 13 September 2016
80. Letter from occupier of First Floor Flat, London, dated 13 September 2016
81. Letter from occupier of 1 Moreton terrace mews north, London, dated 13 September 2016
82. Letter from occupier of 35 Moreton Place, LONDON, dated 4 October 2016
83. Letter from occupier of 35 Moreton Place, London, dated 4 October 2016

Selected relevant drawings

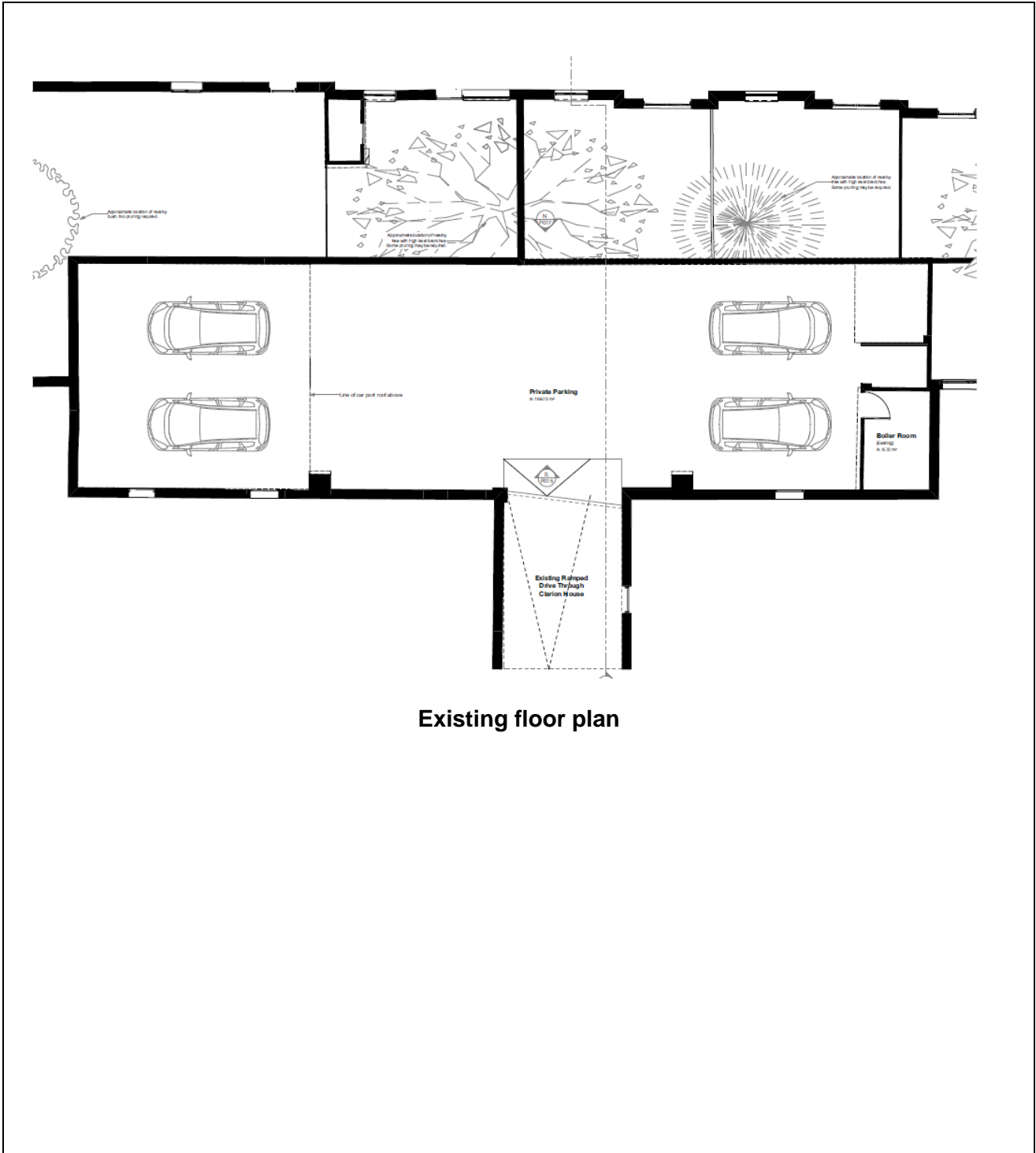
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk

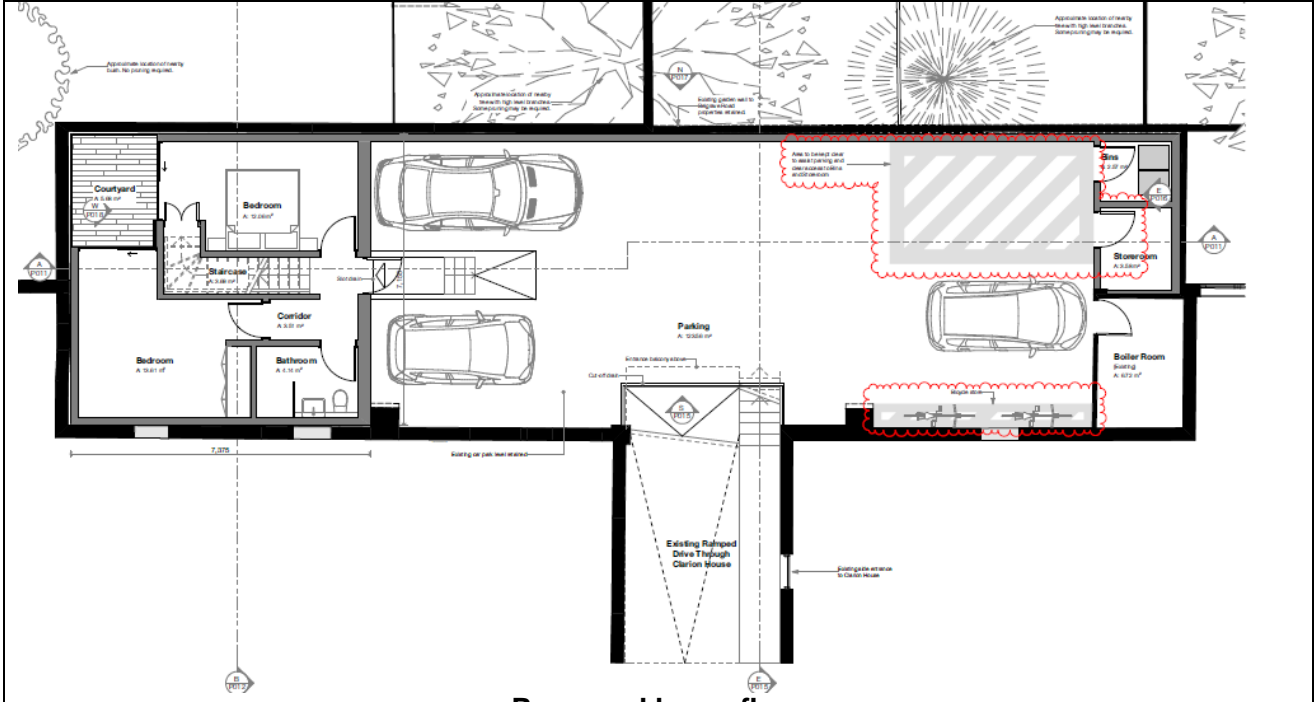
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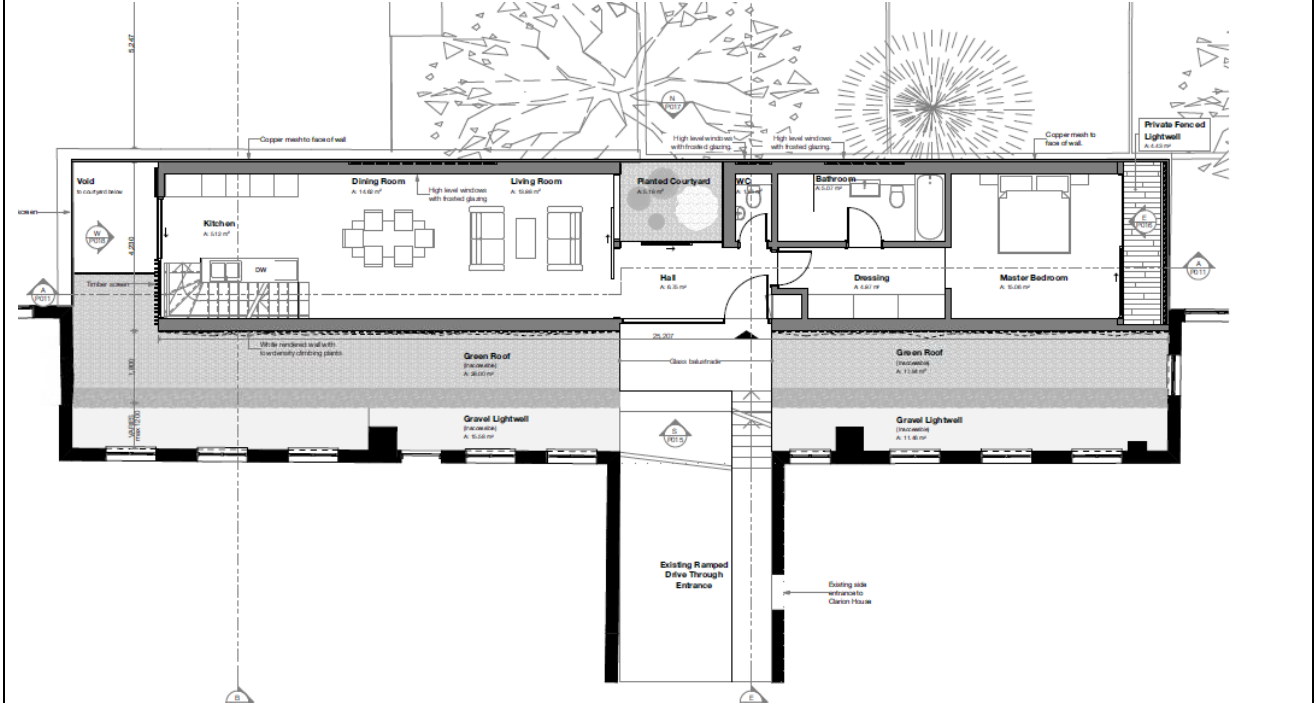
10. KEY DRAWINGS



Existing floor plan



Proposed lower floor



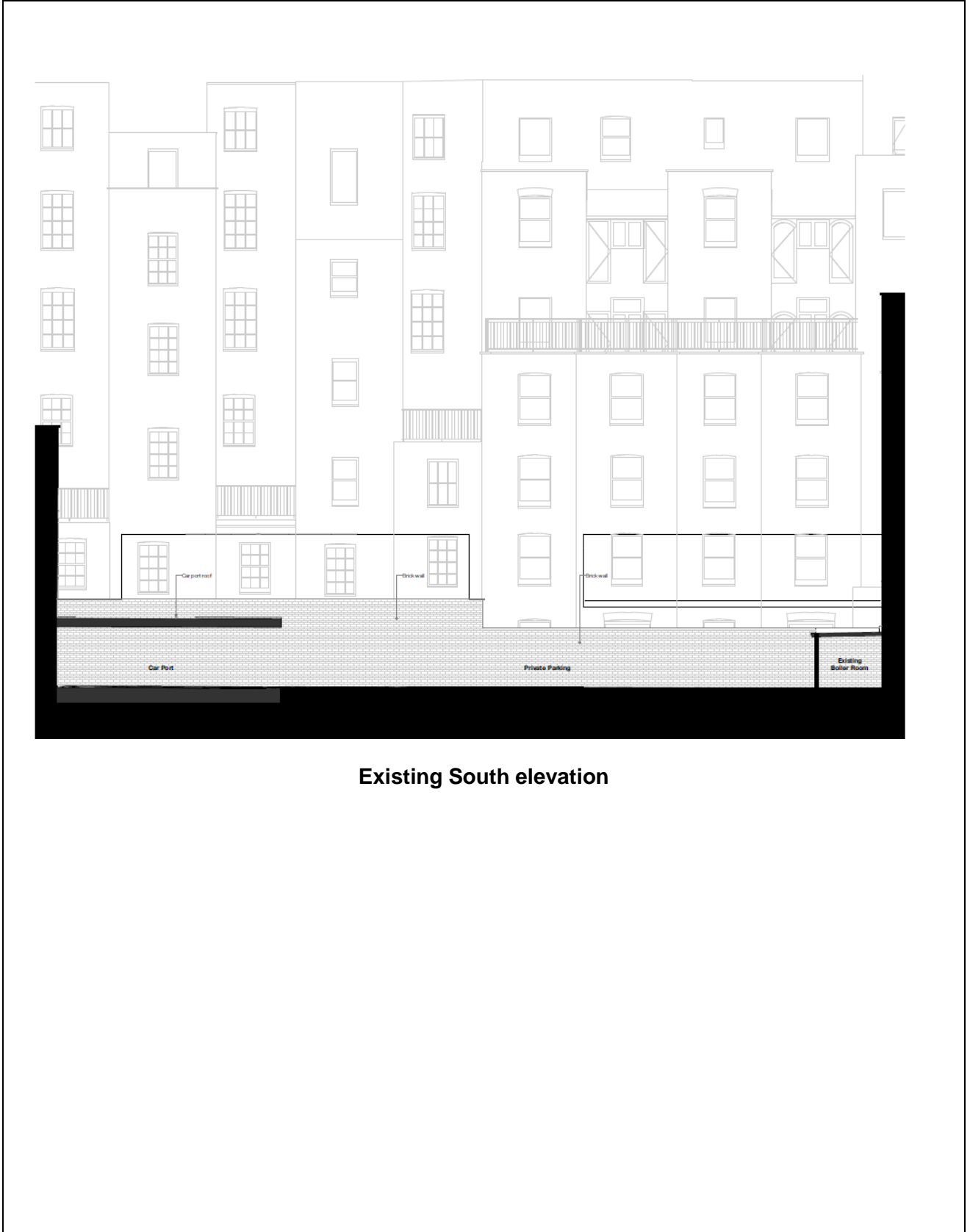
Proposed upper floor



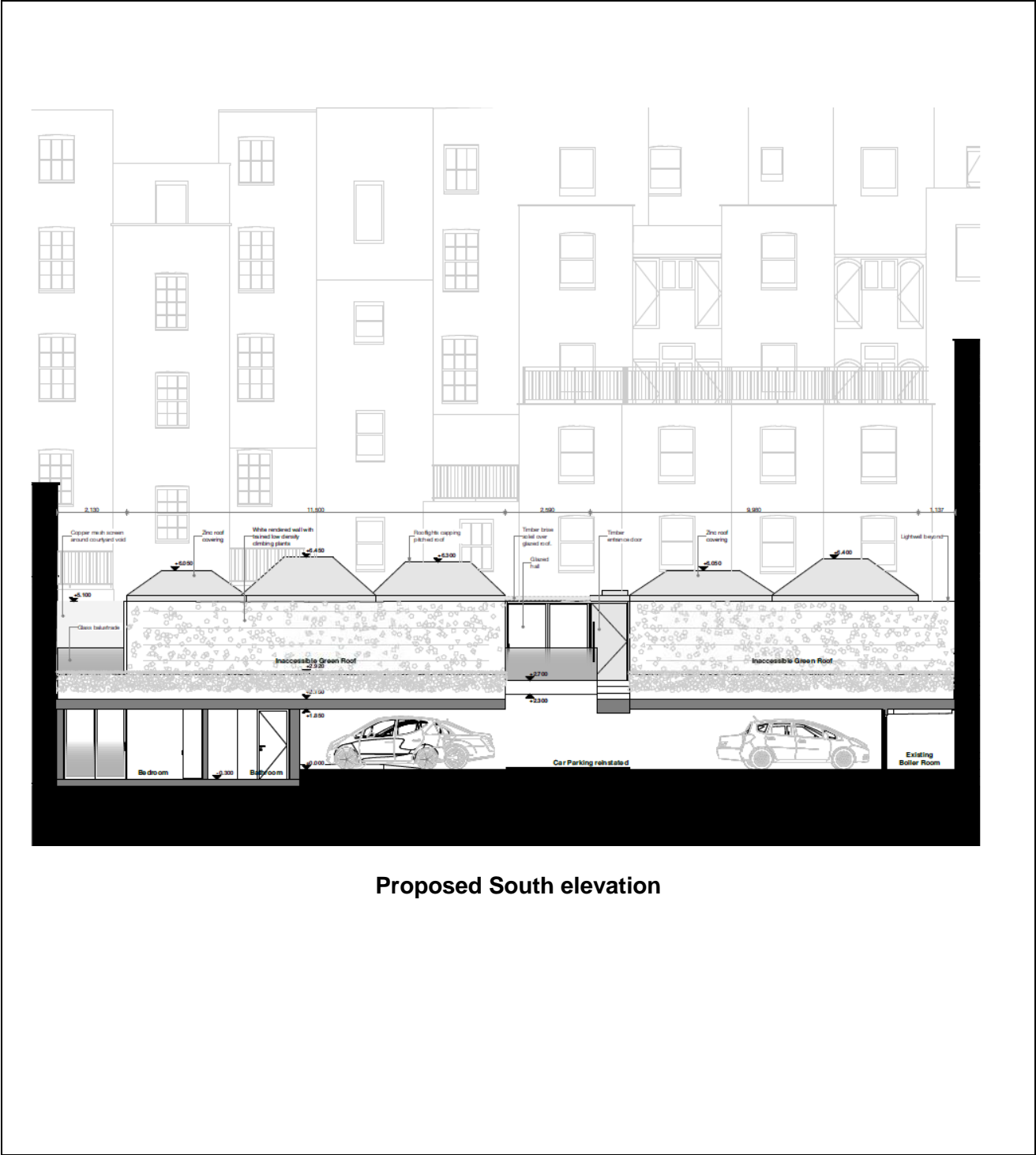
Existing North elevation



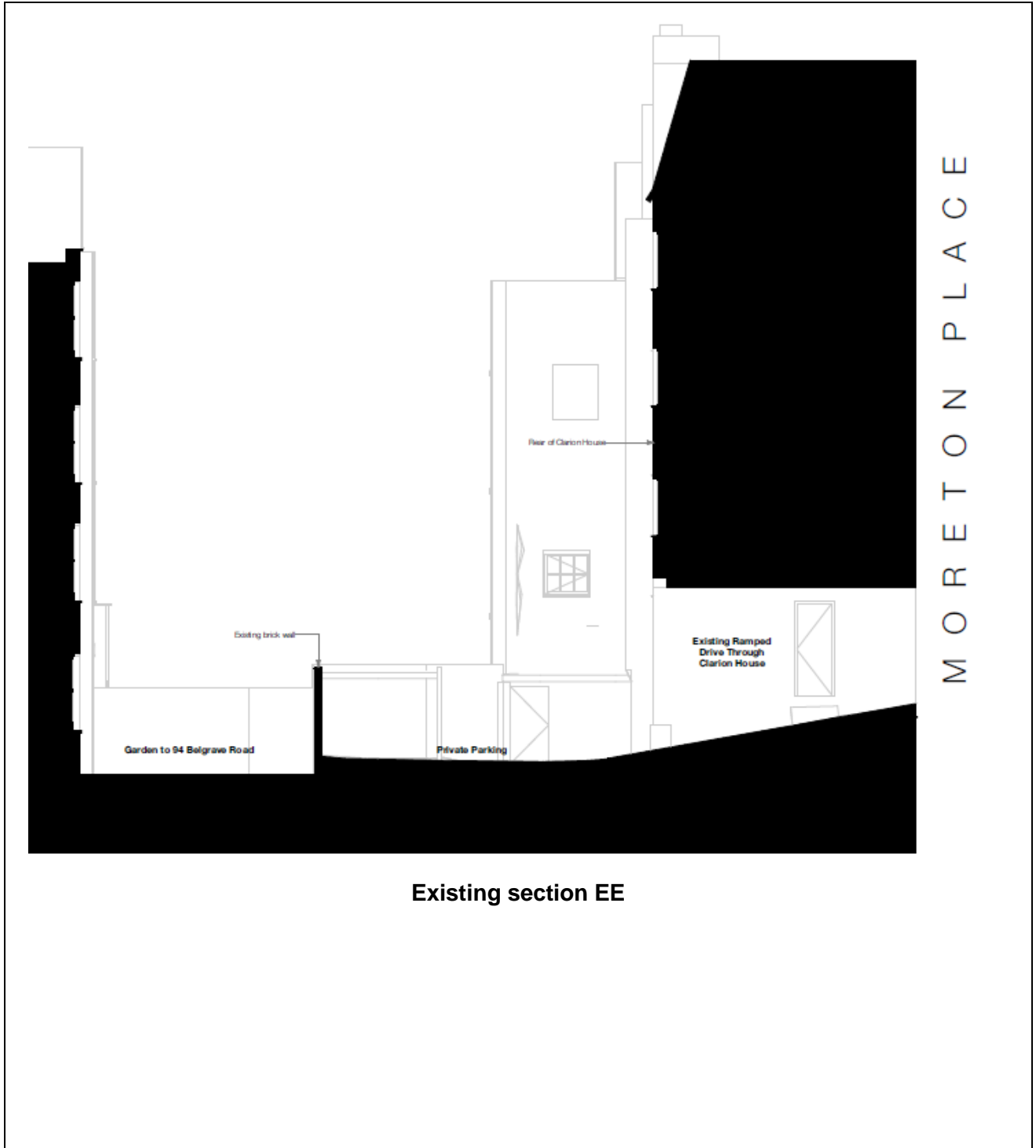
Proposed North elevation

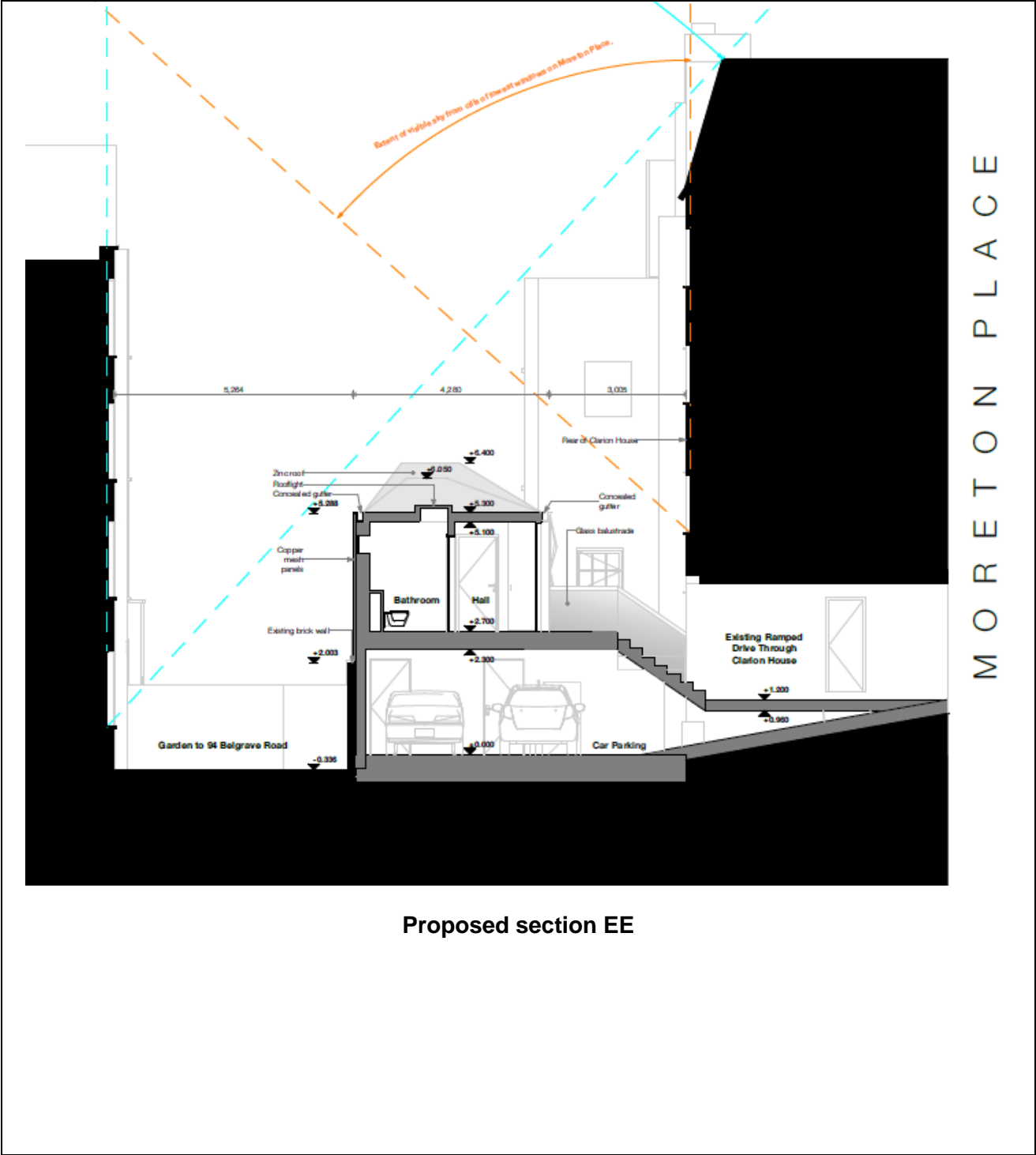


Existing South elevation

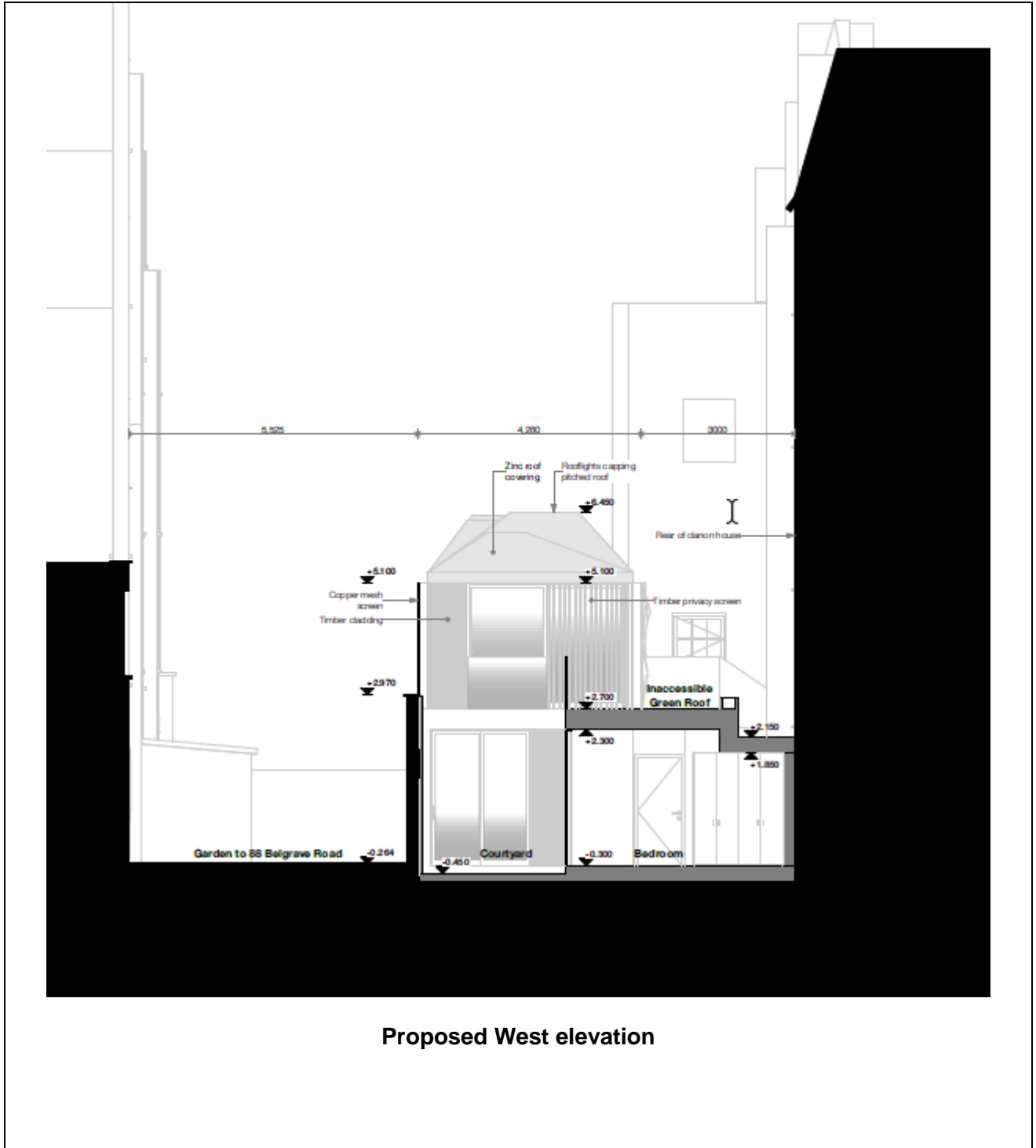


Proposed South elevation





Proposed section EE



DRAFT DECISION LETTER

Address: Clarion House, Moreton Place, London, SW1V 2NN,

Proposal: Demolition of an existing lightweight car port structure and construction of a two storey single family dwelling over an existing car park to the rear of Clarion House.

Reference: 16/07573/FULL

Plan Nos: 974/P001 P02; 974/P005 P02; 974/P006 P02; 974/P007 P02; 974/P008 P02; 974/P009 P02; 974/P010 P03; 974/P011 P02; 974/P012 P02; 974/P013 P02; 974/P014 P02; 974/P015 P02; 974/P016 P02; 974/P017 P02; 974/P018 P02; 974/P019 P02; 974/P020 P02; 974/P021 P02; 974/P022 P02; 974/P023 P02; 974/P024 P02; 974/P025 P02; 974/P026 P02; 974/P027 P02; 974/P028 P02; Design and access statement dated 08.08.16.

For information only: Daylight and sunlight study (within development) dated 30 June 2016; Daylight and sunlight study dated 25 October 2016; Flood risk assessment dated August 2016.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

Recommended Condition(s) and Reason(s):**Reason:**

The infilling dwellinghouse would be an unneighbourly structure due to it appearing overbearing and as a result would make the people living at the lower floors of Clarion House and Nos 88 to 94 Belgrave Road feel too shut in. This is because of its bulk and height and how close it is to windows and amenity space in neighbouring properties. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X14BB)

Reason:

The two storey dwelling house would lead to a loss of daylight for the people living in the ground floor flats of 92-94 Belgrave Road. This is because of the height and proximity of the development to windows in the rear of 92-94 Belgrave Road. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X14AB)

Reason:

Insufficient information has been submitted to determine the impact upon trees on neighbouring properties. The proposed scheme would be harmful to the health and appearance of the tree(s), would be detrimental to amenity of the area, and would have an adverse effect on the character and appearance of this part of the Pimlico Conservation Area thereby contrary to policies S25 and S38 of Westminster's City Plan (July 2016), and ENV 16 and DES 9 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	313 Oxford Street, London, W1C 2HR		
Proposal	Erection of a roof extension at fourth floor level and creation of a terrace, use of second, third, fourth floors as three-bedroom dwelling (Class C3), associated alterations including a link to the adjacent residential access core (from 315-319 Oxford Street including 24 Dering Street). Installation of plant within second floor lightwell and fourth floor levels in connection with the retail and residential uses within the building.		
Agent	Strathmore Estates		
On behalf of	AAA Investment Ltd		
Registered Number	16/06485/FULL 16/06486/LBC	Date amended/ completed	8 July 2016
Date Application Received	8 July 2016		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

2. SUMMARY

313 Oxford Street is a Grade II listed building. It occupies a basement, ground, first - third floors and is lawfully in retail (Class A1) use; however the second and third floors are currently vacant. The site also includes 24 Dering Street, which is unlisted and is in wholly in residential (Class C3) use containing 11 apartments.

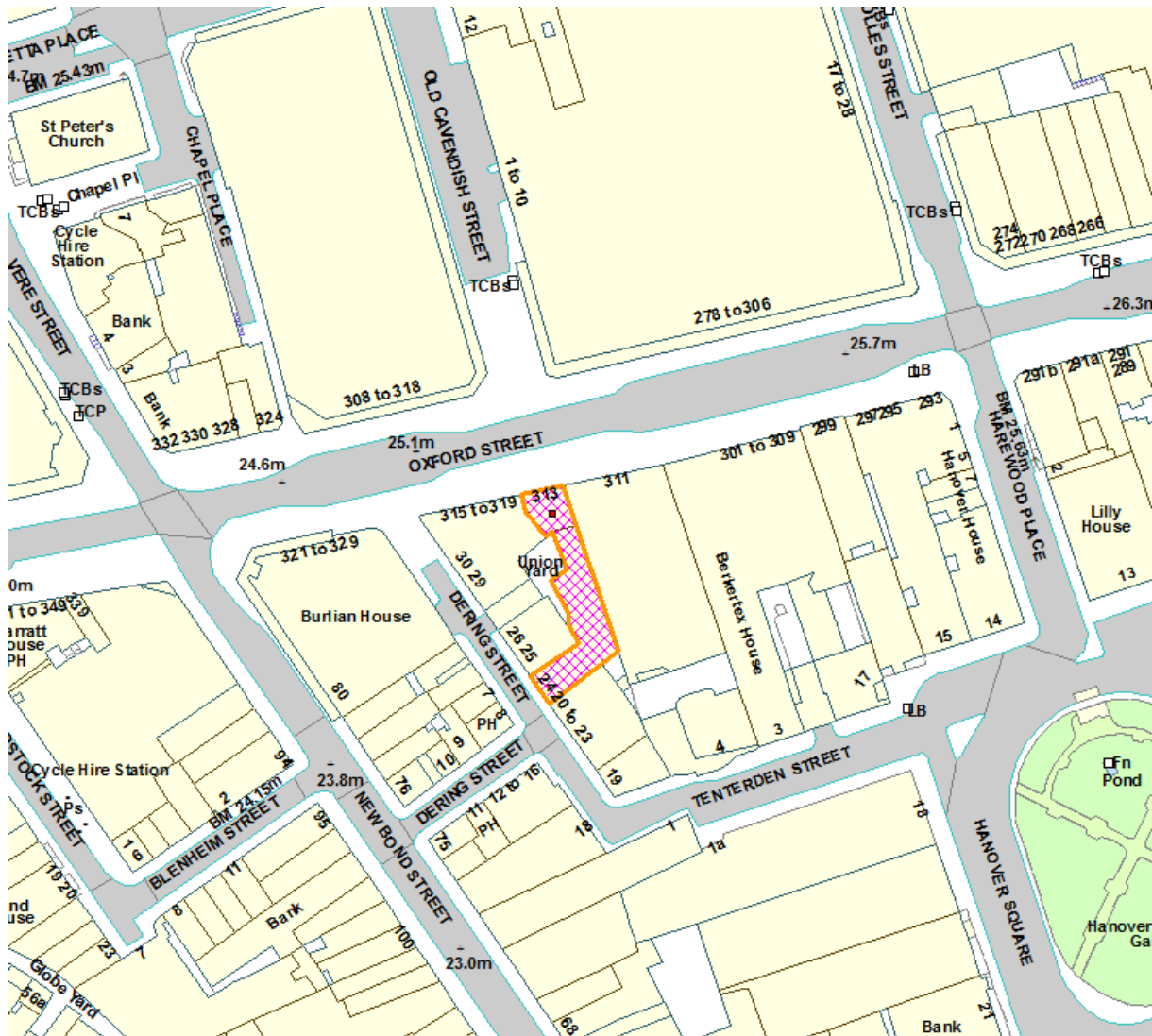
Planning permission and listed building consent is sought for the erection of a roof extension at fourth floor level and creation of a terrace and use of second, third, fourth floors as three-bedroom dwelling (Class C3) and the installation of plant within a second floor lightwell and at fourth floor levels. In order to provide access, it is also proposed to provide a link to the adjacent residential access core (from 315-319 Oxford Street including 24 Dering Street).

The key issues for consideration are:

- The loss of lawful retail use within the building

The application is acceptable in land use, design, amenity and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of building



Residential entrance and entrance to residential waste store at 24 Dering Street



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S: Any response to be reported verbally

CLEANSING: No objection

HIGHWAYS PLANNING MANAGER: Objection-lack of car parking.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 37; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

313 Oxford Street is a Grade II listed building. It occupies a basement, ground, first - third floors and is lawfully in retail (Class A1) use; however the second and third floors are currently vacant. The site also includes 24 Dering Street, which is unlisted and is in wholly in residential (Class C3) use containing 11 apartments.

Access is provided from Oxford Street to the small retail unit (ground and basement floors) which is currently occupied by Swatch. Access to the upper floors (first - third) is via the first floor of the neighbouring retail unit at 315-319 Oxford Street and is currently occupied by the retailer Pull and Bear; however they only use the first floor for storage.

The application site is located within the Mayfair Conservation Area, the Core Central Activities Zone (CAZ), West End Special Retail Policy Area (WESPRA) and Oxford Street is designated as a Primary Shopping Frontage in the City Policies: Strategic Policies.

6.1 Recent Relevant History

April 2013 – listed building consent granted for the creation of a doorway to the adjoining building and internal alterations at first floor level.

7. THE PROPOSAL

Planning and listed building consent at 313 Oxford Street are sought for the erection of a roof extension at fourth floor level and creation of a terrace and use of second, third, fourth floors as three-bedroom dwelling (Class C3). In order to provide access, it is also proposed to provide a link to the adjacent residential access core (from 315-319 Oxford Street including 24 Dering Street). The applications also include installation of plant within second floor lightwell and fourth floor levels in connection with the retail and residential uses within the building.

The residential use will consist of one 3-bedroom apartment, over 3 storeys including a fourth floor roof extension and terrace at the rear set into the fourth floor extension. The dwelling will provide 188.7m² (GIA).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail use

This property is located on a Primary Shopping Frontage and within the West End Special Retail Policy Area and Core CAZ. Policies S6 (Core CAZ) and S7 (West End Special Retail Policy Area) of the City Plan encourages retail floorspace in these locations. Policy S21 (retail) considers that existing retail will be protected, except where the Council considers that the unit is not viable. Policy SS3 of the UDP protects retail use in general and specifies that, except in the most exceptional circumstances, planning permission will not be granted for a change of use from A1 use at basement, ground floor or first floor levels within the Primary Shopping Frontages.

The lawful use of the whole of the property is for Class A1 retail purposes. Only the basement and ground floors are currently occupied as a retail use (by Swatch), with the first floor used as ancillary (storage) use by the adjoining shop. The second and third floors appear to have been left vacant for a number of years.

The applicant has submitted marketing evidence from Harper Dennis Hobbs in support of the application. It states that a new lease was negotiated with Swatch in 2011 in which Swatch refused to take on the upper floors (the basement providing sufficient ancillary accommodation) and did not want to sacrifice any part of the ground floor space that would be necessary to provide access to the upper parts. With no grounds to reject the tenancy or to force them to take additional space, a 10 year lease over ground and basement was agreed with Swatch.

The landlord in July 2013 agreed a deal with Inditex (brand being Pull and Bear) to take the first floor above 313 Oxford Street as additional storage, accessed via 315-319 Oxford Street. They were offered concessionary terms to take the second and third floors, however the first floor was sufficient to meet Inditex's requirement. The second and third floor is isolated without independent access and un-lettable until the expiry of the two tenant's leases. The submitted information, suggests that there is unlikely to be any interest in occupying the top two floors for retail purposes.

The City Council acknowledges in SS3 that in some cases not all the upper floors can be effectively used for A1, and that other A2 or A3 uses may be offered. This situation is mostly offered by large retail shops, department and flagship stores, however; this building would not be classified as one of the above.

Given that the first floor has been let for retail use to the adjoining retail premises, and based on the information submitted by the applicant setting out the leases of the basement- first floors and the long term vacancy and access restrictions in respect to the second and third floors and the floors, the loss of retail use is considered to be acceptable. Exceptional circumstances are considered to have been demonstrated that justifies an exception being made to the normal policy presumption to protect the retail use.

Residential use

Policy H3 in the UDP aims to maximise the amount of housing outside the Core CAZ and, where appropriate, within the Core CAZ. This is emphasised by City Plan policy S14 which states that residential use is the priority across Westminster except where specifically stated. Therefore the principle of providing residential floorspace within the second and third floors of 313 Oxford Street is supported by City Plan policies S6 and S14 and UDP policy H3.

The residential use will consist of one 3 bedroom apartment, over 3 storeys including a fourth floor roof extension. The dwelling will provide 188.7m² (GIA) and exceeds the requirements set out in the GLA Housing Standards and will be a family sized unit complying with policy H3 of the UDP. The unit will be single aspect, onto Oxford Street; however, there is amenity space in the form of a terrace at the rear set into the fourth floor extension.

The windows will have secondary glazing and subject to conditions to ensure that the unit would achieve satisfactory internal noise levels in relation to internal and external noise sources, the scheme is considered to provide a good standard accommodation for future residents.

The increase in residential floorspace does not trigger the requirement to provide a proportion of affordable housing within this scheme.

8.2 Townscape and Design

313 Oxford Street is an attractive grade II listed building dating from the late 19th Century in the Mayfair Conservation Area. Originally it was built as a public house.

The building has suffered substantial unsympathetic modification; however some original detailing survives at the third floor, along with floor boards and the staircase. Much of the special interest is concentrated in the front façade, however no work is proposed to this area. A roof extension is proposed which is shown in the position of a previous roof form that historically existed at the time the premises were used as a public house. However, the modern design of the roof extension is considered acceptable as it has limited public visibility and is not considered to be harmful to the character and appearance of the listed building.

On balance the proposals are considered to be acceptable in design terms and to be in accordance with DES 5, DES 6, DES 9 and DES 10 of the City Councils UDP.

8.3 Residential Amenity

The properties to either side, 311 and 315-319 Oxford Street, are higher than the application site. The roof extension and terrace would be set behind the existing building's façade in an enclosed area. No surrounding property is considered to overlook this area and there would be no impact on surrounding properties in terms of daylight and sunlight.

The proposals include measures to ensure that there is adequate separation between the retail and residential unit and that the residential unit is protected from external noise levels by secondary glazing from road traffic etc on Oxford Street.

8.4 Transportation/Parking

There is no prospect of providing off street parking and the area is well served by public transport. It is recognised that this site is located within a highly accessible location and as the proposed development is for one residential unit, it is unlikely to result in a significant increase in demand for on-site parking in the vicinity. A refusal could not be sustained on these grounds and the objection from the Highways Planning Manager is not sustainable.

The plans indicate 2 cycle parking spaces will be provided within the flat at third floor level, consistent with the London Plan (2016) and a condition is recommended to ensure that they are provided and retained.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The new flat would be accessed via the existing stair core/lifts serving the flats at 315-319 Oxford Street (accessed from 24 Dering Street).

8.7 Other UDP/Westminster Policy Considerations

Noise

The proposed terrace measures 8.5m² and there are high walls to this area. Given the distances from neighbouring properties and the high boundary walls, the small terrace is unlikely to give rise to any significant noise disturbance and would help to maintain privacy for both the occupiers and any neighbouring occupiers.

Plant

The plant area is proposed to be relocated to the building lightwell, and will provide plant to serve both the retail and residential uses within the building. The site is located within an area in which existing ambient noise levels are above WHO guideline levels. The operational time for the air conditioning plant is 08:30-19:00 Monday -Saturdays and 10:00-17:00 on Sundays with the air conditioning units operated by an automatic time switch system. The residential plant is proposed to operate 24 hours a day. The nearest noise sensitive property is the new apartment and residential units over 315 Oxford Street. A condensing unit for the residential property will be installed at 4th floor roof level. The proposed plant is likely to comply with the design level criterion at the proposed residential noise receptor and raises no objections from environmental health.

Refuse /Recycling

A waste and recycling storage area will be provided in an existing waste and recycling bin store within the neighbouring building at 315-319 Oxford Street/24 Dering Street (where residential access will be taken from). The cleansing officer has confirmed that the refuse area has capacity to accommodate the waste and recycling for the residential unit. As the existing waste and recycling storage facilities are within the control of the applicant, a condition is recommended to ensure that this facility is maintained for the lifetime of the development.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The estimated CIL payment is: Mayor: £3,488.43; WCC: £31,460.00.

8.11 Environmental Impact Assessment

There are no environmental impact issues associated with this proposed development

8.12 Other Issues

None

9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing - Development Planning, dated 30 August 2016
3. Response from Highways Planning - Development Planning, dated 7 October 2016
4. Response from Environmental Health, dated 28 October 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

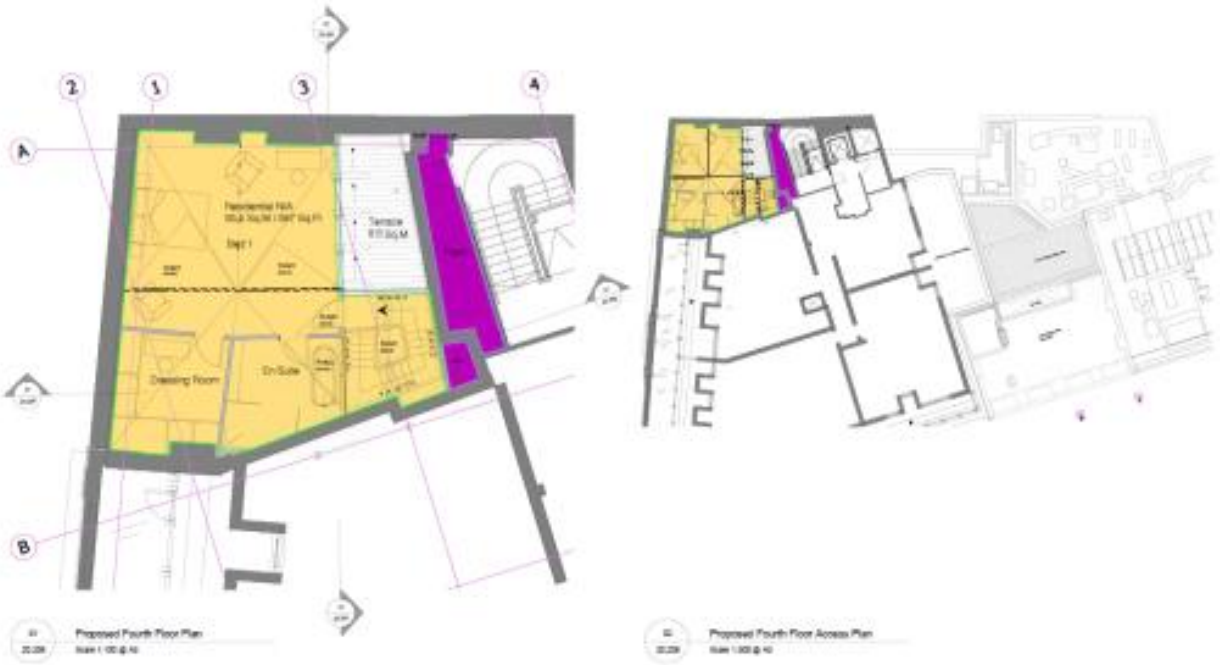
Drawing 1. Proposed second floor



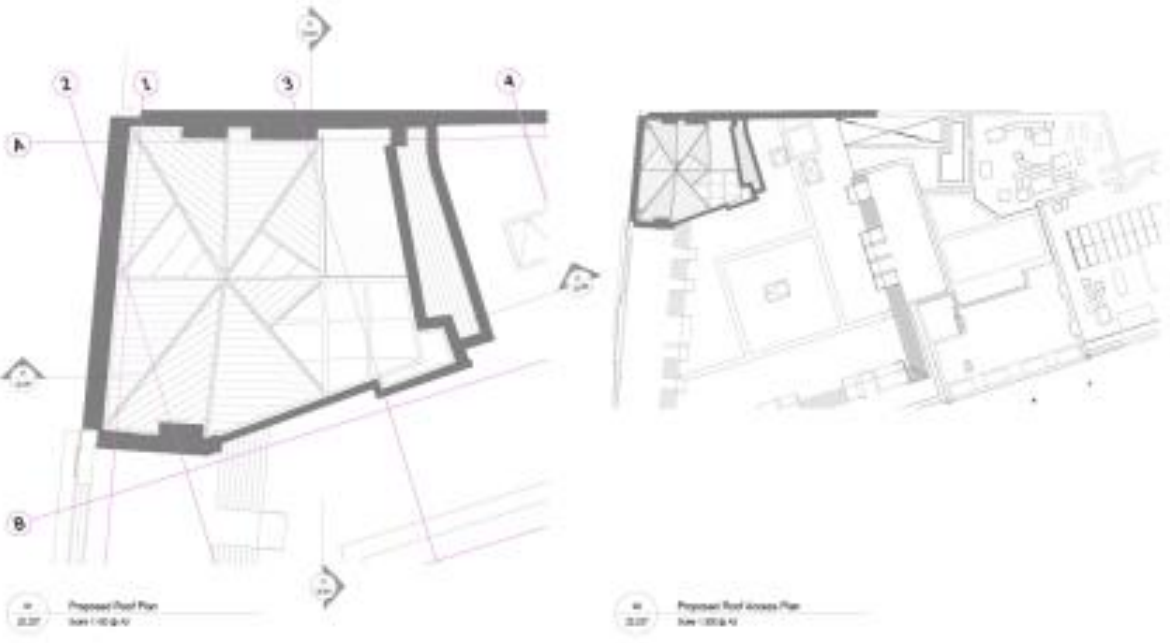
Drawing 2. Proposed third floor



Drawing 3. Proposed fourth floor



Drawing 4. Proposed roof plan



Drawing 5. Proposed front elevation



Key:
 - Eaves profile
 - Line of rise for addition below each gable.

Note:
 1. Ridge line set back 3m from each gable.
 (See notes from surrounding context at sheet 0001)



View from the corner of Old Cambridge Street and Colton Street at eye height



View from Old Cambridge Street

For Planning

App. No.	20/271	Ref.	20/271
App. No.	20/271	Ref.	20/271
App. No.	20/271	Ref.	20/271

Client:
AAA Investments

Project:
313 Oxford Street

Title:
Proposed North Elevation (Front)

Project No.	Drawing No.	Rev.
5513	20.271	P2

Note:
 Do not scale from this drawing. The Contractor is to take and check all dimensions on site before work commencing. Dimensions must be reported to the ARCHITECT. SUBCONTRACTOR MUST NOTIFY ARCHITECT OF ANY DIMENSIONS ON SITE BEFORE MAKING A LINE DRAWING OR COMMENCING MANUFACTURING. This drawing is copyright ©

DRAFT PLANNING DECISION LETTER

Address: 313 Oxford Street, London, W1C 2HR

Proposal: Erection of a roof extension at fourth floor level and creation of a terrace, use of second, third, fourth floors as three-bedroom dwelling (Class C3), associated alterations including a link to the adjacent residential access core (from 315-319 Oxford Street including 24 Dering Street) at 313 Oxford Street. Installation of plant within second floor lightwell and fourth floor levels in connection with the retail and residential uses within the building.

Reference: 16/06485/FULL

Plan Nos: 20.201 P1; 20.202 P1; 20.203 P1; 20.204 P1; 20.205 P2; 20.206 P1; 20.207 P1; 20.251 P2; 20.252 P1; 20.271 P2; 20.272 P2; 20.273 P2. 20.221 P1. Marketing Letter dated 20 June 2016.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 20.221 P1. You must clearly mark them and make them available at all times to everyone using the residential unit. (C14FB)

Reason:

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

- 5 You must provide each cycle parking space shown on drawing 20.205 P2 prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 6 The three bedroom residential unit shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H3 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 10 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development –
i) roof lights; ii) windows iii) external doors iv) new roof. 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 details. (C26DB)

Reason:

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

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

Reason:

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

- 12 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 listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials

on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 14 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.,
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include;
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the

plant and equipment.

Reason:

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

- 15 The commercial retail plant hereby permitted shall not be operated except between 08:30-19:00 hours on Monday to Saturdays and 10:00-17:00 hours on Sundays.

Reason:

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

Informative(s):

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

- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

DRAFT LISTED BUILDING CONSENT DECISION LETTER

Address: 313 Oxford Street, London, W1C 2HR

Proposal: Erection of a roof extension at fourth floor level and creation of a terrace, use of second, third, fourth floors as three-bedroom dwelling (Class C3), associated alterations including a link to the adjacent residential access core (from 315-319 Oxford Street including 24 Dering Street) at 313 Oxford Street. Installation of plant within second floor lightwell and fourth floor levels in connection with the retail and residential uses within the building.

Reference: 16/06486/LBC

Plan Nos: 20.201 P1; 20.202 P1; 20.203 P1; 20.204 P1; 20.205 P2; 20.206 P1; 20.207 P1; 20.251 P2; 20.252 P1; 20.271 P2; 20.272 P2; 20.273, 30.251 P2; 30.252 P250.601 P2.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

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

- 5 You must not disturb existing original floor boards and doors at third floor level unless changes are shown on the approved drawings. (C27MA)

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

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

- i) roof lights
- ii) windows
- iii) internal doors
- iv) new roof
- v) secondary glazing
- vi) new stair case extension

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 details. (C26DB)

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

- 7 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 building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):**1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**

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

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	5 - 6 St Matthew Street, London, SW1P 2JT,		
Proposal	Dual/ alternative use of third and fourth floor as either office (Class B1) or two self-contained residential units (Class C3) with alterations to ground floor frontage and one additional window to rear lightwell.		
Agent	Paul O'Neill		
On behalf of	Bolton Group Ltd		
Registered Number	16/08383/FULL	Date amended/ completed	12 September 2016
Date Application Received	23 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

5 - 6 St Matthew Street is a five storey building built originally for mixed office and residential purposes pursuant to planning permission granted in 1987. The original approved scheme provided for a garage and entrance foyer at ground floor level, offices at first and second floor levels and two residential flats at third and fourth floor levels.

The building is currently vacant but has most recently been occupied entirely for office purposes.

On 7 July 2016 planning permission was refused for a retrospective application for the continued use of building as office (Class B1) on the grounds that this would result in the loss of two residential units.

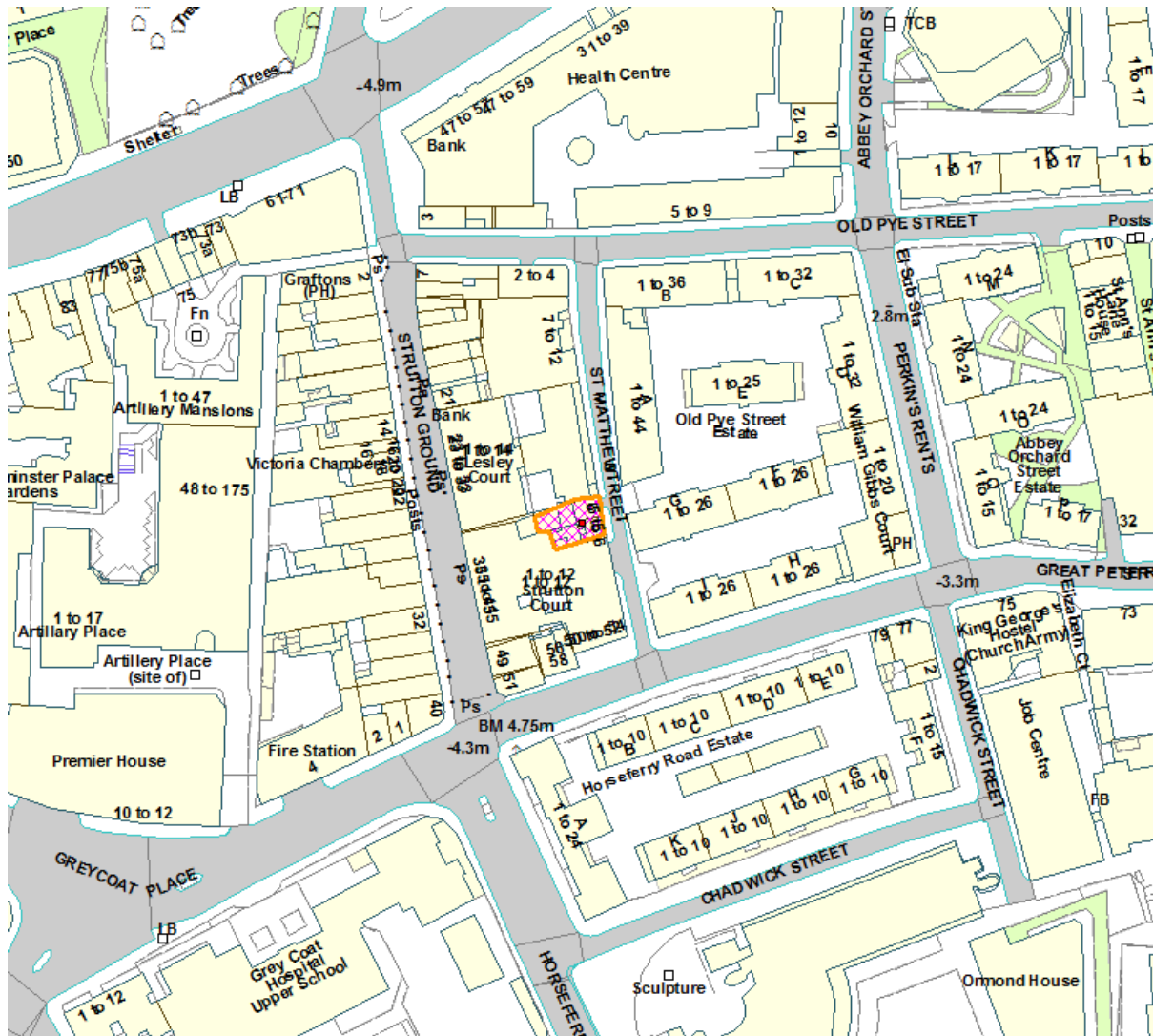
The applicant now seeks planning permission for the dual/ alternative use of the third and fourth floors as either office (Class B1) or two self-contained residential units (Class C3) with alterations to ground floor frontage and one additional window to rear lightwell as before. The application is also supported by additional information about the way in which the building has been occupied since it was first built.

The main issues for consideration are:

- The acceptability of the proposals in land use terms;
- The impact of the external alterations on character and appearance of the building and the conservation area;
-

There is no evidence to suggest that the third and fourth floors of the building have ever actually been occupied as permanent residential accommodation. Based on information provided by the applicant it would appear that these floors have been used as ancillary to the offices on the floors below, either as additional office space or as temporary sleeping accommodation. There is therefore no loss of existing permanent residential accommodation. The flexible use proposed would allow for the use of the third and fourth floors as office accommodation or as two permanent residential flats. The creation of additional small scale office space is supported by the Thorney Island Society. The proposal is considered to comply with the Council's policies in the City Plan and the Unitary Development Plan (UDP) and is accordingly recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THORNEY ISLAND SOCIETY

The applicant has justified a B1 office use for this building, particularly given small-scale office accommodation is needed within the area. Therefore, it is not understood why the proposal is for a dual/ alternative use.

WESTMINSTER SOCIETY

Given the complex planning history of the premises, the Society is reluctant to come to a firm view but unless circumstances have materially changed since the most recent refusal of planning consent, we suggest that the City Council maintains the position it adopted at that time.

HIGHWAYS PLANNING MANGER

Would object to the loss of residential off-street car parking but there is no requirement for off-street parking for office use. Provision of cycle parking should be secured by condition.

CLEANSING MANGER

No objection subject to condition requiring refuse storage accommodation.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

5 - 6 St Matthew Street is a five storey building dating from the 1980s. Originally built for mixed office and residential purposes the building has most recently been used entirely as offices.

The building is unlisted and lies within the Broadway and Christchurch Gardens Conservation Area. The property is outside the Core Central Activities Zone.

6.2 Recent Relevant History

On 7 July 2016 planning permission was refused for the 'continued use of building as office (Class B1); alterations to ground floor frontage and one additional window to rear lightwell' on the grounds the development would result in the loss of two residential units.

On 4 September 2007 planning permission was granted for the 'erection of rear extension at ground, first, second and third floor level, conversion of upper floors to form five self-contained flats and office at ground floor level.' (Not implemented).

On 10 June 2005 an application for a Certificate of Lawful Development (Existing) was refused for the 'use of third and fourth floors as temporary sleeping accommodation' on

the grounds that it had not been demonstrated the floors had been in this use for a continuous period of at least 10 years.

On 19 October 2004 an application for a Certificate of Lawful Development (Existing) was refused for the 'use of 3rd and 4th floors as temporary sleeping accommodation' on the grounds that it had not been demonstrated the floors had been in this use for a continuous period of at least 10 years.

On 18 September 1986 planning permission was granted for the 'erection of 5 storey building for office and residential purposes'.

7. THE PROPOSAL

The applicant seeks planning permission for the dual/ alternative use of third and fourth floor as either office (Class B1) or two self-contained residential units (Class C3) with alterations to ground floor frontage and one additional window to rear lightwell.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The Proposed Flexible Use at Third and Fourth Floors:

Policy S20 of the City Plan states new office development will be encouraged in the Core Central Activities Zone, Named Streets and Opportunity Areas because these areas have been identified as capable of predominately providing Westminster's office growth capacity. The application site is not within one of these areas but it is close to the Core Central Activities Zone and the Victoria Opportunity Area. In support of their application, the applicant highlights the fact that there is a significant shortage of suitable office space for smaller businesses within the area, and suggests that the space provided by the large office developments within the core commercial areas is unlikely to be able to fully serve the variety of business sizes and types which contribute to Westminster's diverse economy. It is acknowledged that there is a shortage of office spaces suitable for small and medium sized businesses and that many small offices have been lost to residential use. The provision of additional small office space as part of this application is therefore supported.

Policy H3 of the UDP and S14 of Westminster's City Plan seek to protect and increase permanent residential accommodation. The proposed flexible use would allow for the third and fourth floors to be used as either two residential flats or office accommodation. The option for the floors to also be used to provide residential accommodation which would contribute to Westminster's permanent housing stock is therefore also welcomed.

Conversion of Ground Floor Garage to Office Accommodation:

The ground floor garage area is considered to be ancillary to the office use on the floors above. Planning records indicate that this area has not been in use as off-street residential parking; rather it has been used for car parking in connection with the office use. As such, there are no land use implications with its conversion into office accommodation.

8.2 Townscape and Design

Policy DES 5 of the UDP and S28 of the City Plan aim to ensure the highest standards of design in alterations and extensions. Policy DES 9 of the UDP and S25 of the City Plan aim to preserve or enhance the character or appearance of conservation areas.

The external alterations include changes to the ground floor and seek to introduce three sections of full height glazing with fascia panels above. It is considered that these changes would improve the frontage of the property and therefore enhance the character and appearance of the conservation area.

The installation of a new window at rear ground floor level is not opposed on design grounds.

8.3 Residential Amenity

Amenity of Neighbours:

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

It is not considered that either use proposed here would be harmful to neighbours over the existing/ pre-existing arrangements. A condition is recommended to ensure the fire escape is not used as an amenity space.

Amenity of Proposed Residential Units:

The residential units comprise two one bedroom flats. The units would provide an adequate internal living environment being dual aspect and providing space in excess of those required by the London Plan.

8.4 Transportation/Parking

Car Parking:

The garage area would no longer be provided. Policy TRANS 22 of the UDP states that offices should have a maximum of one space for each 1,500sqm of floorspace. The office option results in a building of approx. 316sqm of floorspace. The provision of no off-street parking would therefore be complaint with TRANS 22. However, the Highway Planning Manager has objected to the proposal on the grounds that policy TRANS 23 resists the loss of any existing off-street residential car parking spaces. The ground floor garage area is considered to be ancillary to the office use, and therefore this office car parking is not protected by this policy.

Policy TRANS 23 also sets standards for the provision off-street parking in residential developments. If the residential option is implemented it is not considered that the creation of two residential units would have a significant impact on on-street parking demand in the area.

Cycle Parking:

The London Plan policy 6.9, as outlined in table 6.3, requires one cycle parking space per 90 sqm for office uses and one space per one bedroom flat. The applicant has noted this

requirement in the Planning Statement, but no detail has been provided. Therefore, this provision is recommended to be secured by condition.

8.5 Economic Considerations

The economic benefits of the proposed development are recognised.

8.6 London Plan

This application raises no strategic issues.

8.7 National Policy/Guidance Considerations

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

8.8 Planning Obligations

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

8.9 Environmental Impact Assessment

The proposal is of insufficient scale to require environmental impact assessment.

9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 20 September 2016.
3. Response from Thorney Island Society, dated 21 September 2016.
4. Response from Cleansing Manager, dated 20 September 2016.
5. Response from Highways Planning Manager, dated 28 September 2016.

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk

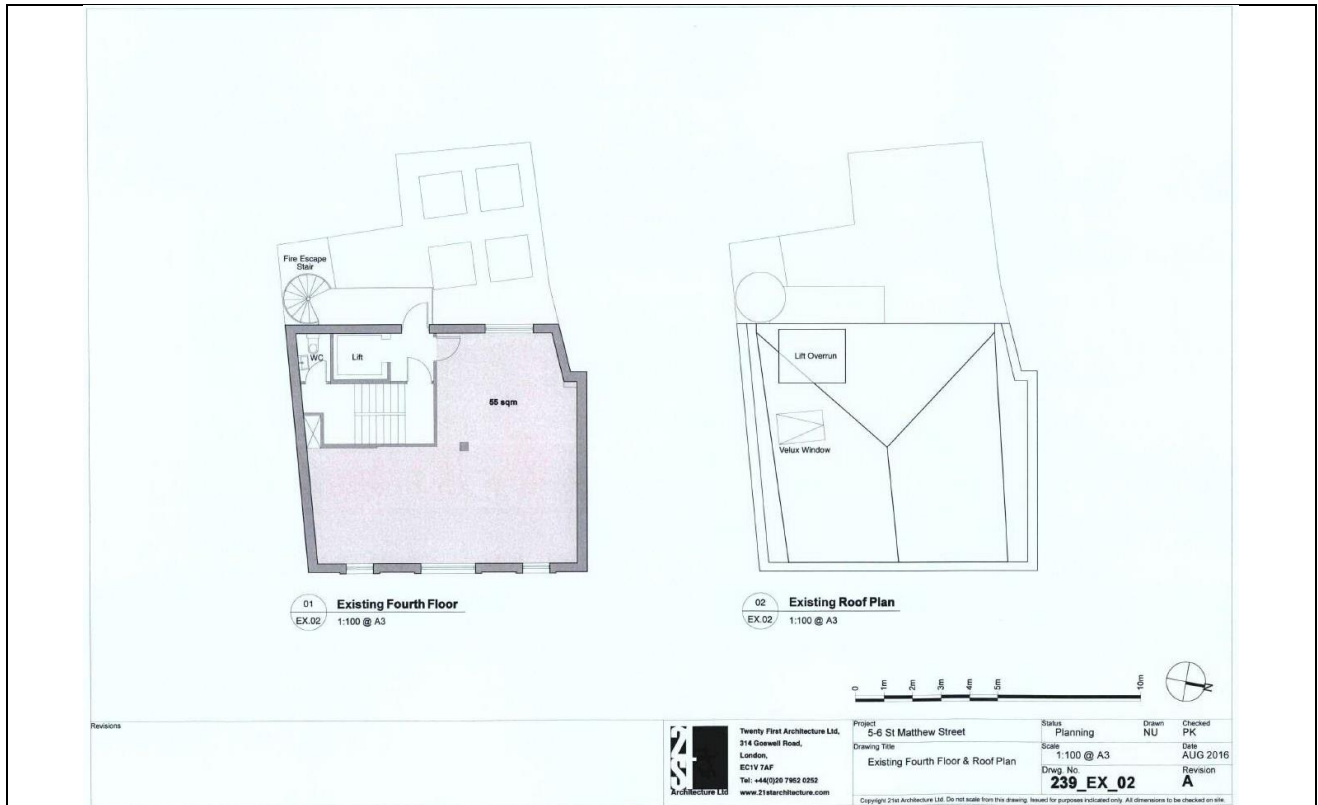
10. KEY DRAWINGS



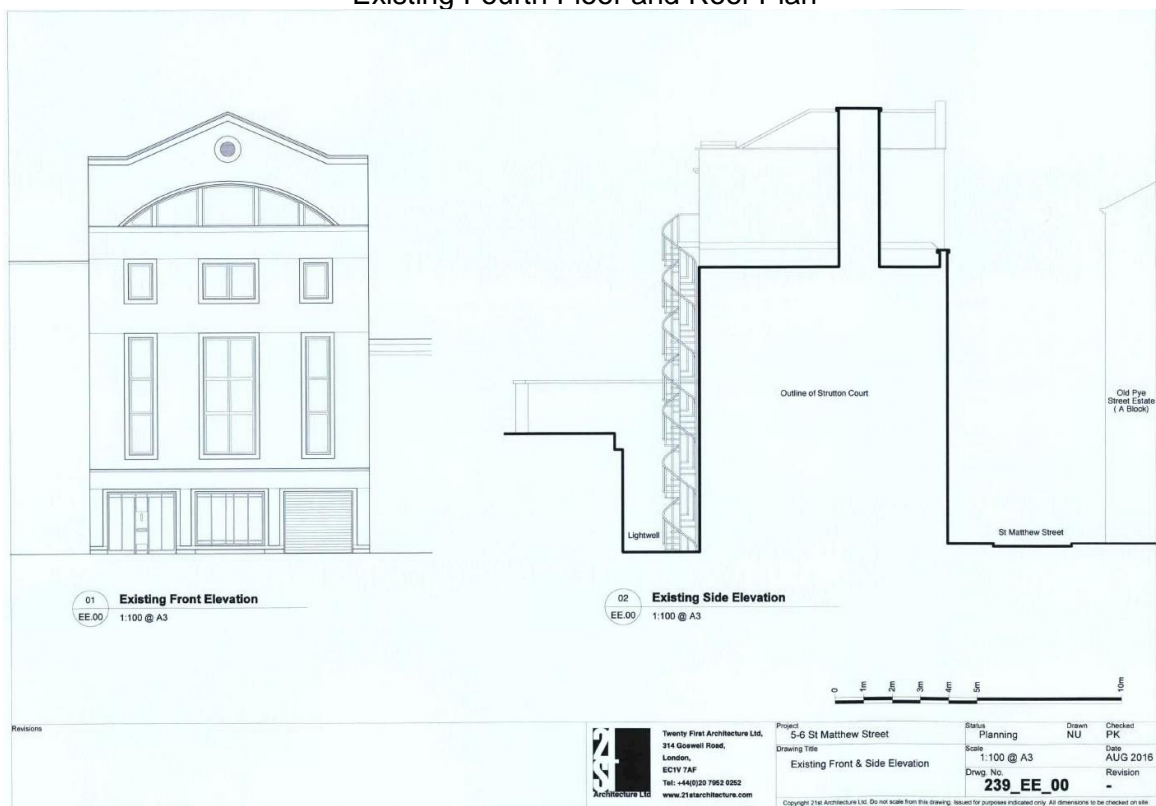
Existing Ground and First Floor Plans



Existing Second and Third Floor Plans



Existing Fourth Floor and Roof Plan



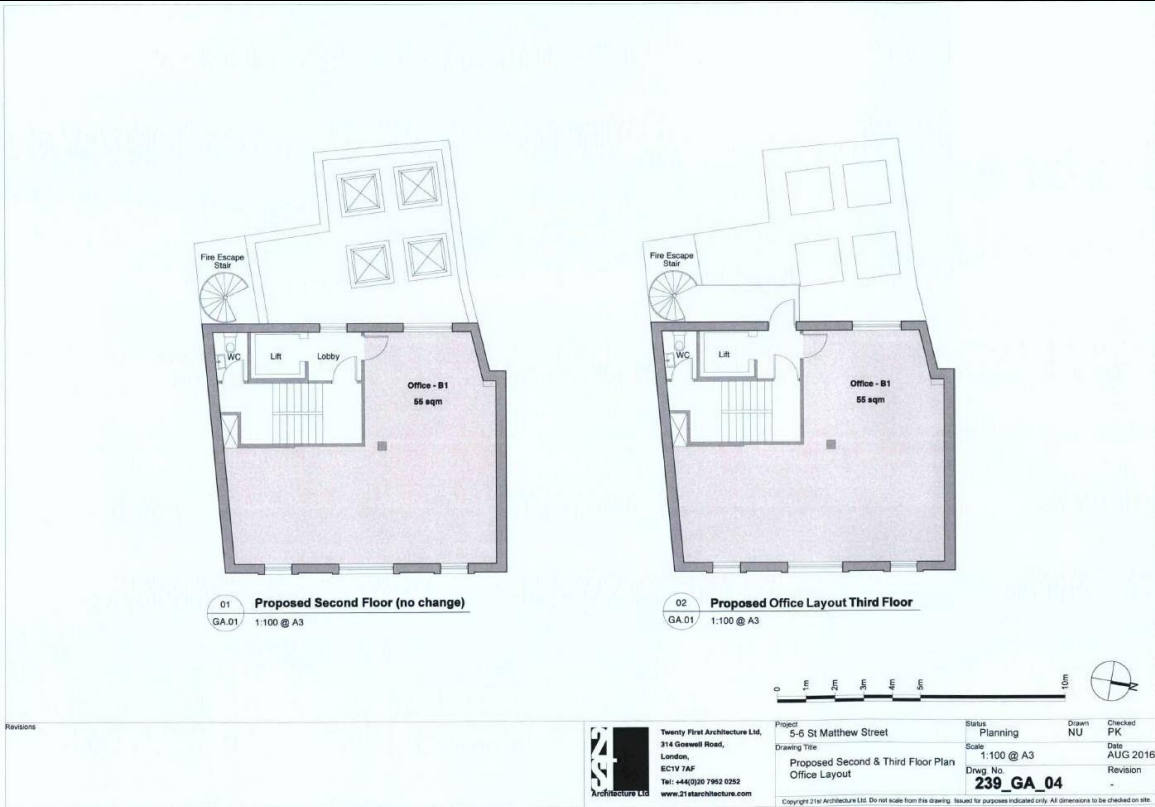
Existing Front and Side Elevations



Proposed Ground and First Floor Plans (both options)



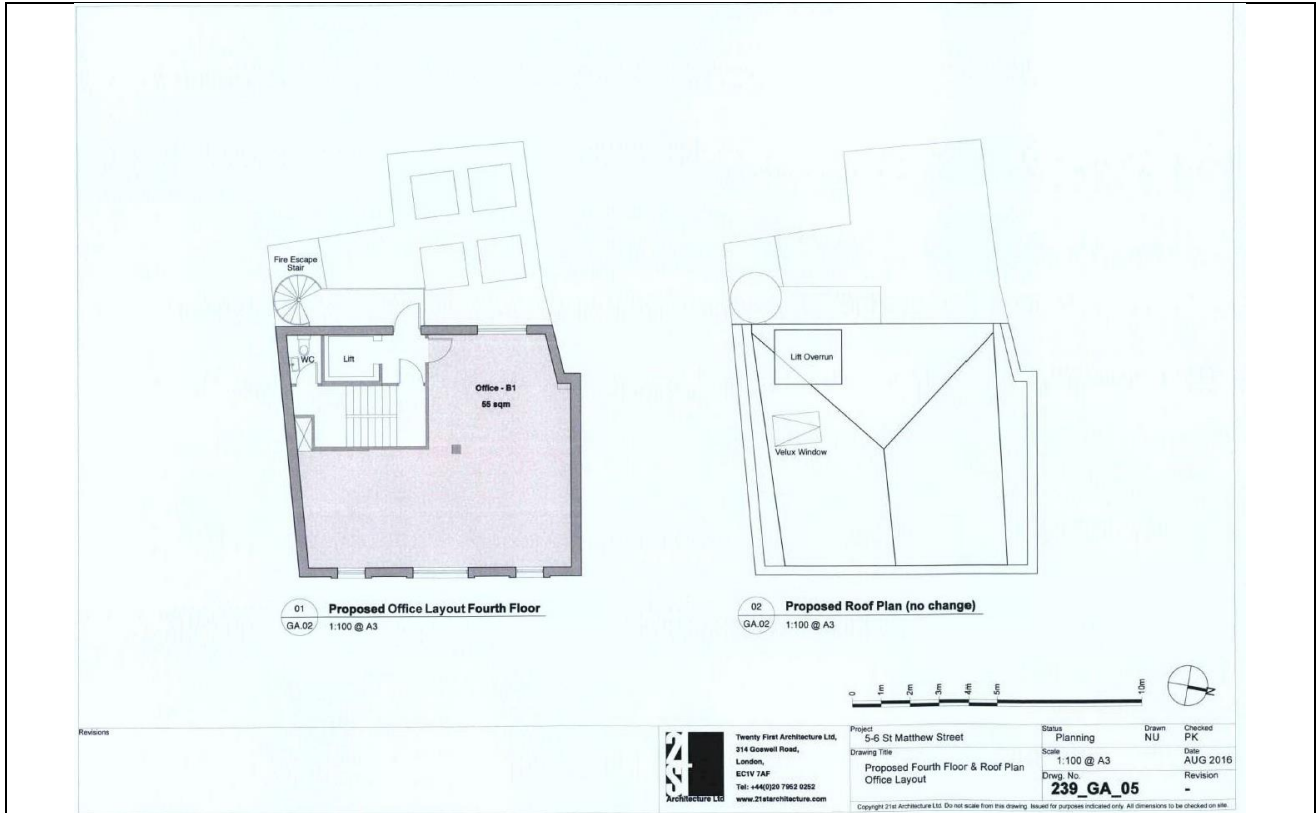
Proposed Second Floor Plan (residential option)



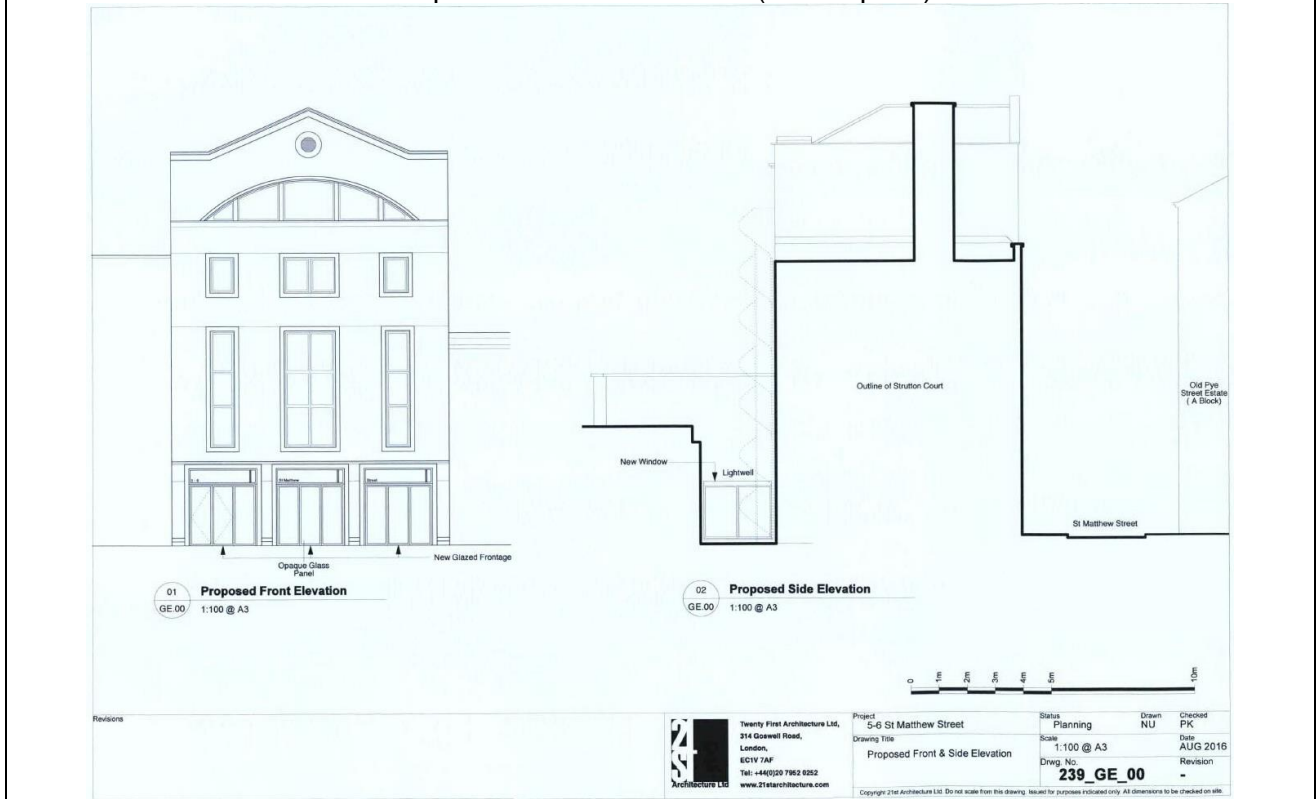
Proposed Second and Third Floor Plans (office option)



Proposed Third and Fourth Floor Plan (residential option)



Proposed Fourth Floor Plan (office option)



Proposed Front and Side Elevations (both options)

Item No.

6

DRAFT DECISION LETTER

- Address:** 5 - 6 St Matthew Street, London, SW1P 2JT,
- Proposal:** Dual/ alternative use of third and fourth floor as either office (Class B1) or two self-contained residential units (Class C3) with alterations to ground floor frontage and one additional window to rear lightwell.
- Reference:** 16/08383/FULL
- Plan Nos:** Site Location Plan; 239_EE_00; 239_EX_00; 239_EX_01 rev A; 239_EX_02 rev A; 239_GA_01 rev A; 239_GA_02; 239_GA_03 rev A; 239_GA_05; 239_GE_00; 239_GA_00; 239_GE_01; Planning Statement; Cover Letter (dated 23 August 2016); Cover Letter (dated 19 August 2016).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 In the event you continue to use the building for office use, within one month of the date of this decision you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the premises.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 6 In the event you continue to use the building for office use, within one month of the date of this decision you must apply to us for approval of details of secure cycle storage for the building. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

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

Reason:

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

- 8 You must not use the fire escape for sitting out or any purpose other than to escape in an emergency.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the third and fourth floors can change between the office (Class B1) and residential (Class C3) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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

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