



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 29th August, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Melvyn Caplan (Chairman)
Ruth Bush
Paul Church
Gotz Mohindra



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. HOLIDAY VILLA HOTEL, 35-39 LEINSTER GARDENS, LONDON, W2 3AN | (Pages 5 - 32) |
| 2. VICTORIA EMBANKMENT GARDENS, VILLIERS STREET, LONDON, WC2N 6NE | (Pages 33 - 52) |
| 3. ORANGE SQUARE FARMERS MARKET, PIMLICO ROAD, LONDON, SW1W 8NB | (Pages 53 - 70) |
| 4. SITE 1: 1 BERKELEY MEWS, LONDON, W1H 7AT; SITE 2: 16 BERKELEY MEWS, W1; SITE 3: 17 BERKELEY MEWS, W1 | (Pages 71 - 98) |
| 5. 8 SOUTH STREET, LONDON, W1K 1DE | (Pages 99 - 120) |
| 6. BASEMENT AND GROUND FLOOR, 54 QUEENSWAY, LONDON, W2 3RY | (Pages 121 - 144) |

**7. FLAT 1, 46 QUEEN'S GARDENS, BAYSWATER,
LONDON, W2 3AA**

**(Pages 145 -
166)**

**Charlie Parker
Chief Executive
21 August 2017**

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 29th August 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 16/04404/FULL 1/04405/LBC Lancaster Gate	Holiday Villa Hotel 35-39 Leinster Gardens London W2 3AN	Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.	
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/05149/FULL 17/05150/ADV St James's	Victoria Embankment Gardens Villiers Street London WC2N 6NE	Use part of Victoria Embankment Gardens for a temporary cinema event for the BFI London Film Festival (LFF) and a series of World Cinema premieres from 4th - 20th October 2017 including construction and de-rigging between 21st September - 4th October and 21st - 27th October and display of three externally illuminated fascia signs measuring 5.40m x 4.00m, 2.00m x 6.00m, 2.00m x 1.50m and a non-illuminated hoarding sign measuring 0.50m x 1.00m.	
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/05148/FULL Churchill	Orange Square Farmers Market Pimlico Road London SW1W 8NB	Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market.	
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/04565/FULL 17/04566/FULL 17/04567/FULL Bryanston And Dorset Square	Site 1: 1 Berkeley Mews London W1H 7AT	1. Use of ground and first floor as an office (Class B1) (retrospective application). 2. Use of ground and first floor as an office (Class B1). 3. Use of ground and first floor as an office	
		Site 2: 16 Berkeley Mews, W1		

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 29th August 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

		Site 3: 17 Berkeley Mews, W1		
Recommendation Applications 1, 2 and 3: 1. Grant conditional permission subject to a S106 legal agreement to secure the following: a) prevent the implementation of the George Street planning permission (ref 12/01611/FULL). b) Costs of monitoring the S106 agreement 2. If the S106 legal agreement has not been completed by 17 September 2017 then: a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.				
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/01318/FULL West End	8 South Street London W1K 1DE	Use of part basement and ground floor levels as a restaurant (Class A3), alterations to the South Street frontage to include the creation of an external seating terrace. Installation of a retractable glass roof over the existing rear courtyard and installation of a high level extract duct and plant within the courtyard.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/00786/FULL Lancaster Gate	Basement And Ground Floor 54 Queensway London W2 3RY	Use of ground floor and basement as hot food take-away (class A5).	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 16/11683/FULL 16/11682/LBC Lancaster Gate	Flat 1 46 Queen's Gardens Bayswater London W2 3AA	Amalgamation of Flat 1 and Flat 4 into a three-bedroom flat over part ground and part lower ground floor levels, replacement of two windows at rear lower ground floor level with a pair of glazed doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level. (Linked to 16/11682/LBC)	
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 29th August 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	decision letter.
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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Holiday Villa Hotel , 35-39 Leinster Gardens, London, W2 3AN		
Proposal	Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.		
Agent	Rolfe Judd Planning		
On behalf of	Leeds Property Ltd		
Registered Number	16/04404/FULL and 16/04405/LBC	Date amended/ completed	4 July 2016
Date Application Received	11 May 2016		
Historic Building Grade	Grade 2		
Conservation Area	Bayswater		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Refuse – contrary to affordable housing policy. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.
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2. SUMMARY

<p>The application site is located on the western side of Leinster Gardens. It contains five, seven storey, Grade 2 listed buildings located within the Bayswater Conservation Area. These buildings have been laterally converted historically and are currently used as a single hotel premises (Use Class C1).</p> <p>Planning permission and listed building consent are sought for conversion of the existing hotel (Use Class C1) into 32 residential units (Use Class C3). To facilitate the proposed conversion, internal alterations, including relocation of walls and reinstatement of party walls are proposed. Reconstruction of the existing mansard roof level and rationalisation of roof top plant are also</p>
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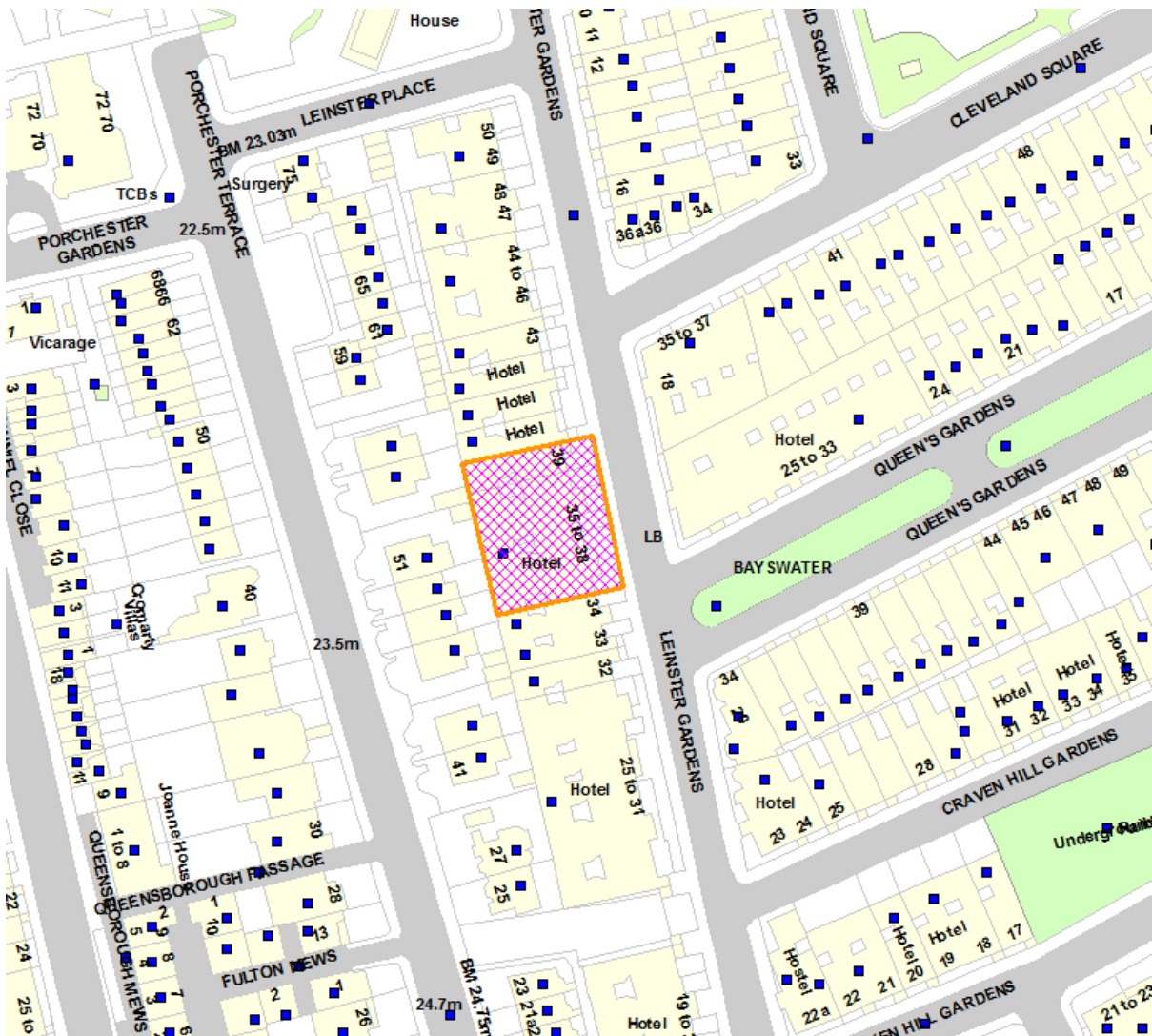
proposed. Fenestration alterations to the rear elevation are also proposed.

The key considerations are:

- Provision of residential units and affordable housing contribution;
- Impact on the special architectural and historic interest of this listed building and the character and appearance of the Bayswater Conservation Area; and
- Impact on on-street parking

The proposed development fails to provide an appropriate on-site, off-site or financial affordable housing contribution and is therefore contrary to policy S16 of the City Plan, policy H4 of the Unitary Development Plan and the Interim Note on the Affordable Housing Policy. Accordingly, refusal of the planning permission application is recommended. However, the proposed works would preserve the special architectural and historic interest of this listed building and it is recommended that listed building consent is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from corner of Leinster Gardens and Queens Gardens

5. CONSULTATIONS

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally

HISTORIC ENGLAND

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

THE GEORGIAN GROUP

No response received.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

No response received.

TWENTIETH CENTURY SOCIETY

No response received.

THE VICTORIAN SOCIETY

No response received.

ANCIENT MONUMENTS SOCIETY

No response received.

COUNCIL FOR BRITISH ARCHAEOLOGY

No response received.

ENVIRONMENTAL HEALTH OFFICER

Raise no objection, subject to conditions limiting plant and internal noise and requiring the development to be carried out in accordance with the City Council's Code of Construction Practice.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions to secure appropriate cycle parking.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection in principle to the conversion of the hotel to flats. Seems a good mix of units and better than the very large flats in other developments in the area.

Are concerned with residents parking, particularly if a significant proportion of the occupants have cars. The development should be one that that does not carry the right to a residents parking permit.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the objector raises the following issues:

- The proposed development includes no off-street parking and would greatly increase on-street parking in the area;
- The parking survey submitted omits reference to other consented developments in the area;
- The parking survey area is too large;
- The anticipated car ownership levels within the parking survey are too low for a development of this type; and
- The proposal would increase traffic congestion in this part of Leinster Gardens

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the western side of Leinster Gardens. It contains five, seven storey, Grade 2 listed buildings located within the Bayswater Conservation Area. These buildings have been laterally converted historically and are currently used as a single hotel premises (Use Class C1).

6.2 Recent Relevant History

14/06486/LBC

Alterations and repairs to front elevation and replacement slates to the mansard roof.
Granted – 22 September 2014

7. THE PROPOSAL

Planning permission and listed building consent are sought for conversion of the existing hotel (Use Class C1) into 32 residential units (Use Class C3). To facilitate the proposed conversion, internal alterations, including relocation of walls and reinstatement of party walls are proposed. Reconstruction of the existing mansard roof level and rationalisation of roof top plant are also proposed. Fenestration alterations to the rear elevation are also proposed.

The proposed conversion would result in the following changes to floorspace on-site:

USE	EXISTING GIA (sqm)	PROPOSED GIA (sqm)	CHANGE
Hotel	3695	-	-3695
Residential Units	-	3563	+3563

The proposal would provide the following mix of units:

Unit Type	No. of Units
1 Bed	17
2 Bed	4
3 Bed	9

4 Bed	2
TOTAL	32

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Hotel Use

Policy TACE1 of the Unitary Development Plan (January 2007) (“the UDP”) and policy S23 of the City Plan (November 2016) (“the City Plan”) allow for the loss of existing hotels outside the CAZ, CAZ Frontages and the PSPA, in areas of over-concentration of hotels, such as Bayswater and Pimlico where existing hotels are causing adverse effects on residential amenity. The policy application wording notes that “hotels that are not purpose built and do not have adequate provision for servicing, especially for coaches, are more likely to give rise to adverse effects on local resident’s amenity and environmental quality”. Paragraph 8.12 of the UDP identifies that such premises are appropriate candidates for conversion to residential use and that this will be encouraged.

The application site does not have any provision for off-street servicing and nor could this be provided given the impact this would have on the special architectural and historic interest of these grade 2 listed buildings or the character and appearance of the Bayswater Conservation Area. The buildings were originally built as five large townhouses and not as a purpose built hotel premises. Being listed, the layout and accommodation that can be provided by the premises is compromised by the impact that internal alterations would have on the special interest of the building. As such, the principle of returning the building to permanent residential use is supported in land use terms.

Accordingly, loss of the hotel use is supported by policies TACE 1 of the UDP and policy S23 of the City Plan.

8.1.2 Residential use

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of more residential floorspace including the creation of new residential units and encourage changes of use from non-residential uses to residential use. Accordingly, the provision of residential flats on this site is supported in principle.

Affordable Housing

Policy 3.12 of the London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regards to several factors, including the need to encourage rather than restrain residential development and the specific circumstances of individual sites. The latter includes development viability.

The proposal would result in new residential floorspace exceeding 1,000 square metres of Gross Internal Area (GIA). As such, policy S16 of the City Plan expects a proportion of the floorspace to be provided as affordable housing.

Based on the total residential floorspace of approximately 3563 square metres GIA and the City Council's Interim Guidance Note on Affordable Housing (November 2013) ("the Interim Note"), there is a requirement for 880 square metres (or 11 units) of affordable floorspace to be provided. This equates to a financial contribution of £4,447,520, should it be accepted that the other options in the policy cascade are not appropriate.

Policy S16 requires this affordable floorspace to be provided on-site. Only where the Council considers that this is not practical or viable, affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible.

In this instance, the applicant proposes no affordable housing on-site, off-site in the vicinity or off-site within the City. They also initially contended on viability grounds that they could not provide any financial contribution in lieu, but have since offered a contribution of £381,505.00.

The viability of the development has been reviewed by GVA on behalf of the City Council. With regards to on-site provision, GVA consider that a policy compliant level of on-site affordable housing could in principle be provided within one of the buildings. However, the need for an additional core and entrance and the fact that this is a listed building might mean that the associated costs and area lost reduces the amount of affordable housing that could be accommodated on-site. This can only be confirmed by reviewing a properly designed and costed on-site scenario which the applicant has failed to provide. The applicant has also failed to demonstrate why affordable housing cannot be provided off-site. The applicant has therefore failed to demonstrate why they cannot satisfy the first three parts of the policy cascade in policy S16 of the City Plan.

With regards to the financial contribution offered by the applicant GVA note that, when the assumptions (e.g. build costs, sales values, profit levels etc) underlying the applicants viability appraisal are input into market recognised appraisal software, the proposed development would appear to not be viable as the target profit is not achieved. This calls into question the reliability of the applicants appraisal assumptions as no reasonable developer would undertake the development were the applicants appraisal correct. Subsequently, the applicant and GVA have now agreed on the correct figures for almost all of these assumptions.

However, the applicant contends that GVA have not allowed for landowner return. GVA disagree, noting that their assumption of the sites existing value is based on market evidence, which includes landowner return. On this basis, GVA conclude that the development could provide a contribution of £3,344,001.00, which greatly exceeds the applicant's offer of £381,505.00.

Given the above, the proposed development fails to provide an appropriate on-site, off-site or financial affordable housing contribution and is therefore contrary to policy H4

of the UDP, policy S16 of the City Plan and the Interim Note on Affordable Housing Policy.

Residential Mix and Standard of Residential Accommodation

Policy H5 of the UDP requires 'one third' of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP. In this instance, approximately 34% of the proposed units would be family sized which would be consistent with policy H5 of the UDP.

The proposed flats would all exceed the size requirements of the Nationally Described Space Standard (March 2015) and policy 3.5 of the London Plan (March 2016). Accordingly, the proposed flats would provide an acceptable standard of accommodation.

8.2 Townscape and Design

Roof Level Alterations

The existing mansard structures are a more recent addition to the building, and their reconstruction will not therefore remove historic fabric. The new mansards are to be faced in natural slates, and are designed generally in line with the City Council's guidance on mansard roof extensions, with one exception that the party wall upstands are not fully expressed. Were the development otherwise acceptable, an amending condition would be recommended requiring that the party walls are expressed externally between each building to avoid the appearance of a continuous structure above buildings designed originally as distinct and separate terraced houses. To the front the dormer windows are more appropriately sited lower down the roofslope than the existing, and are more traditionally detailed. To the rear the existing mansard has a particularly unattractive modern rear elevation and the change to a traditional mansard would be a marked improvement.

There are numerous pieces of plant equipment scattered to roof level, and though there are no clear details of when these were authorised, many appear relatively longstanding features of the building. The roofline of the building would be rationalised with a new lift overrun and a single plant enclosure in place, with other equipment removed. The lift overrun and larger plant enclosure are located more towards the north end of roof level and will thus be off axis from the long view west on Queen's Gardens and as such will not likely be visible from street level to the east. To the west they may be visible from several viewpoints on Porchester Terrace though these are generally more glimpsed views and/or through tree cover. Overall, the works will tidy up the roof of the building, which is welcomed in design terms.

Entrance Doors

The existing entrance doors are generally of poor quality, and their replacement with new entrance doors in a traditional panelled arrangement with fanlight above would notably improve the character of the frontage of the building.

Front Elevation

Flues are to be removed to first, second and third floor levels on the front elevation of the building, which is welcomed in design terms and would give a less cluttered appearance to the front elevation.

The front lightwells would be largely restored to more like their original form, which would restore a good sense of the original relationship between building and front garden. Were the development otherwise acceptable, further details of the balustrading for these newly opened areas of lightwell would be secured by condition, as would details of the privacy screens within the lightwells to ensure they are not visible above the top of the lightwells. The new doors facing onto this area are not assured in design, and an amending condition would also be recommended to secure a more appropriate design.

Rear Elevation

The rear elevation has been heavily altered over the years, with much of its original character significantly altered. The scheme sees the installation of new windows to the rear in a more traditional pattern of white framed sash windows, and would notably improve the appearance of this modernised elevation.

The rear areas of these buildings are also to have lightwells reinstated back to more like their original form, revealing the original rear elevation lines as open to the lightwells, which is welcomed in design terms.

Internal Alterations

The original staircases are to be retained, and to one section a new staircase would be restored back to a location from where it has been removed in the past. Overall, the party walls between the properties would have a similar degree of openings as at present. Although the works internally are extensive, they are affecting buildings already greatly altered in design terms. Internally, secondary glazing is also proposed to be added to the windows, which is acceptable in itself.

Overall and given the above, the proposed development would preserve the special architectural and historic interest of this listed building and the character and appearance of the conservations area. Accordingly, the proposed development would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

The proposed flats would result in less people coming and going to the site in comparison to the existing hotel. Accordingly, the proposed use would result in less potential noise and disturbance for the occupiers of neighbouring properties from the occupants of the development.

The proposed mansard extension would occupy a similar volume to the existing mansard extension. Accordingly, it would not result in significant or unacceptable losses of light or sense of enclosure.

The fenestration alterations proposed would have a comparable degree of outlook to the existing windows within the hotel. Accordingly, the proposed development would not result in unacceptable loss of privacy through overlooking.

The Environmental Health Officer has reviewed the proposed development and has no objection to it, subject to conditions to control mechanical plant noise to protect the occupiers of neighbouring sites amenity. Were the development otherwise acceptable, these conditions would be imposed.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policies ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

The objector is concerned that the proposed development will increase on-street parking stress and traffic congestion within the area. They also identify several concerns with the Transportation Assessment supporting the development.

The Highways Planning Manager has reviewed the proposed development. The proposed development includes no on-site car parking. Census information also indicates that 31% of households within this ward own at least one car. It is therefore likely that approximately one third of this developments residents would own cars.

Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

The City Council's most recent day and night time parking surveys indicate that on-street parking occupancy is 68% and 78% respectively. As such, any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Therefore, the proposed development would be consistent with policy TRANS23 of the UDP and an objection to parking congestion associated with the development cannot be sustained.

The Highways Planning Manager also notes that at least 47 secured and covered cycle spaces would be required for the proposed flats under policy 3.16 of the London Plan (March 2016). However, only 36 are proposed. Were the development otherwise acceptable, a condition would be imposed to secure the required 47 spaces.

Sufficient on-site waste storage has been provided on-site, consistent with policy TRASN20 of the UDP.

8.5 Economic Considerations

No economic considerations are applicable or apparent from the proposed development.

8.6 Access

All flats would be accessible by lift and have been designed to meet Lifetime Homes Standard. Given the constraints of this listed building, the applicant has made adequate provision for access.

8.7 Other UDP/Westminster Policy Considerations

None

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.

As the proposal results in a decrease in floorspace and the existing use is still operational, no CIL payment is applicable.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction Impact

Were the development otherwise acceptable, conditions would be imposed to control construction hours and require compliance with the City Council's Code of Construction Practice. Subject to these conditions, the proposed development would adequately mitigate the impact of construction arising from its implementation.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 12 July 2016
3. Response from Highways Planning Manager, dated 12 July 2016
4. Response from Waste Projects Officer, dated 19 July 2016
5. Response from Environmental Health Officer, dated 27 September 2016
6. Response from South East Bayswater Residents Association, dated 30 July 2016
7. Letters from occupier of 425 Leinster Gardens, dated

Item No.
1

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

10. KEY DRAWINGS

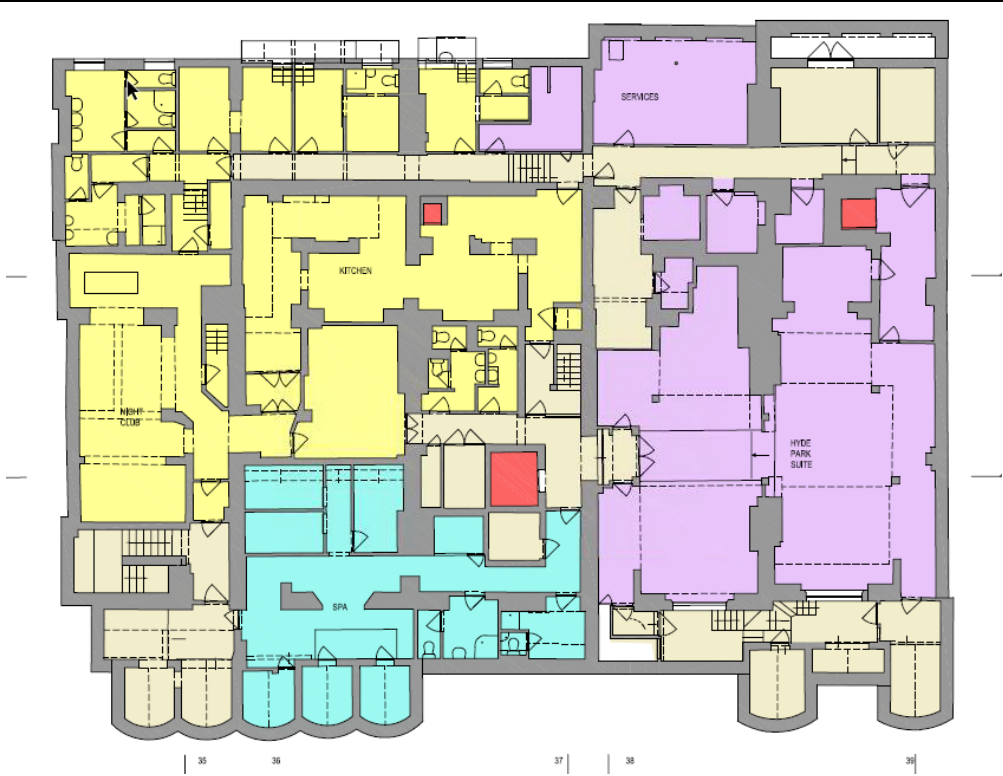




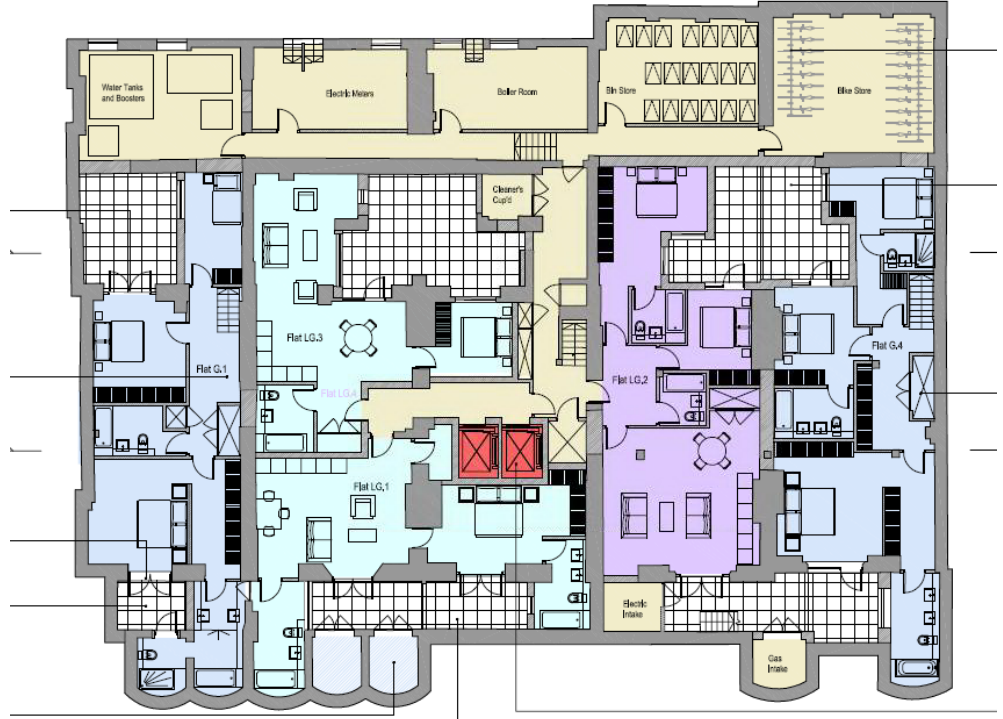
Existing Rear Elevation



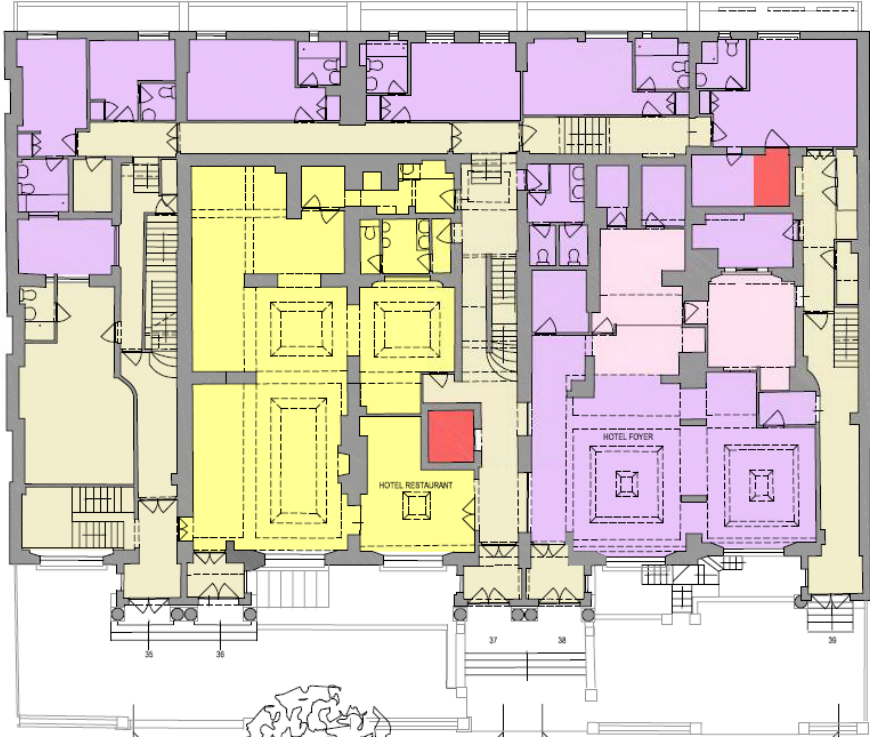
Proposed Rear Elevation



Existing Lower Ground Floor Plan



Proposed Lower Ground Floor Plan



Existing Ground Floor Plan



Proposed Ground Floor Plan



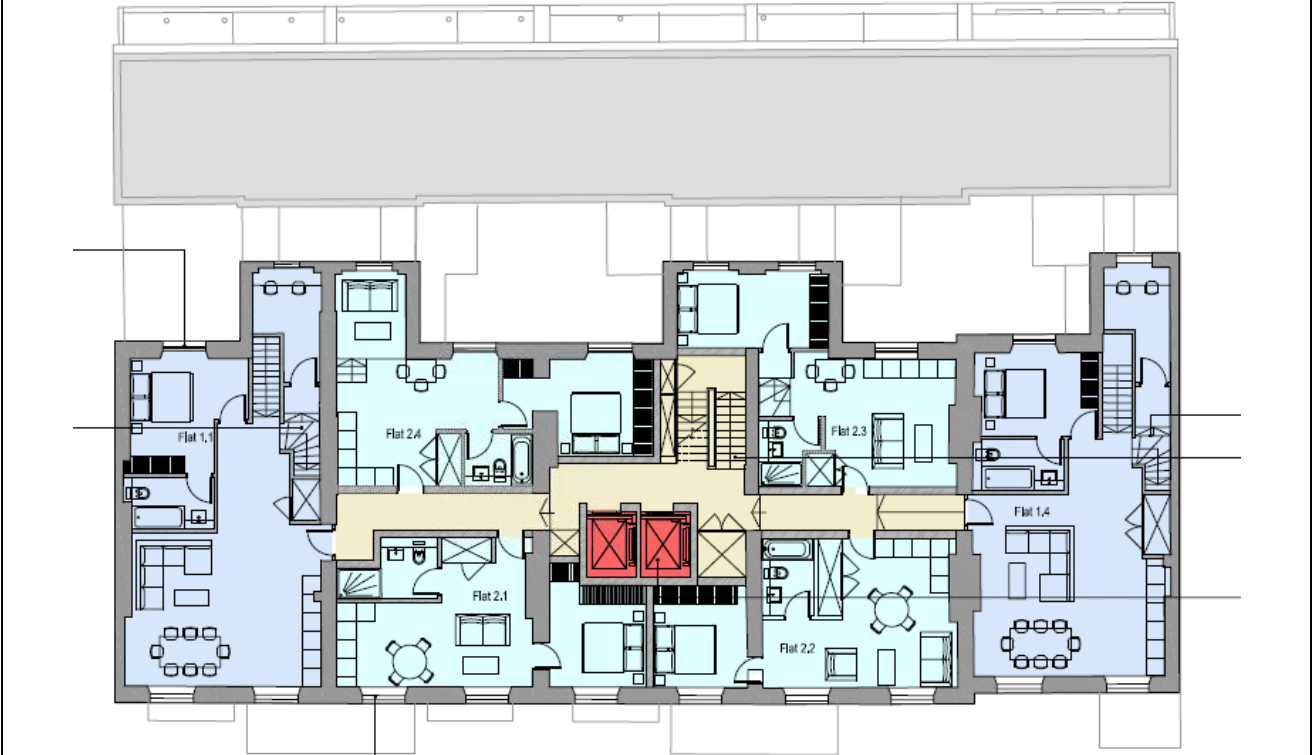
Existing First Floor Plan



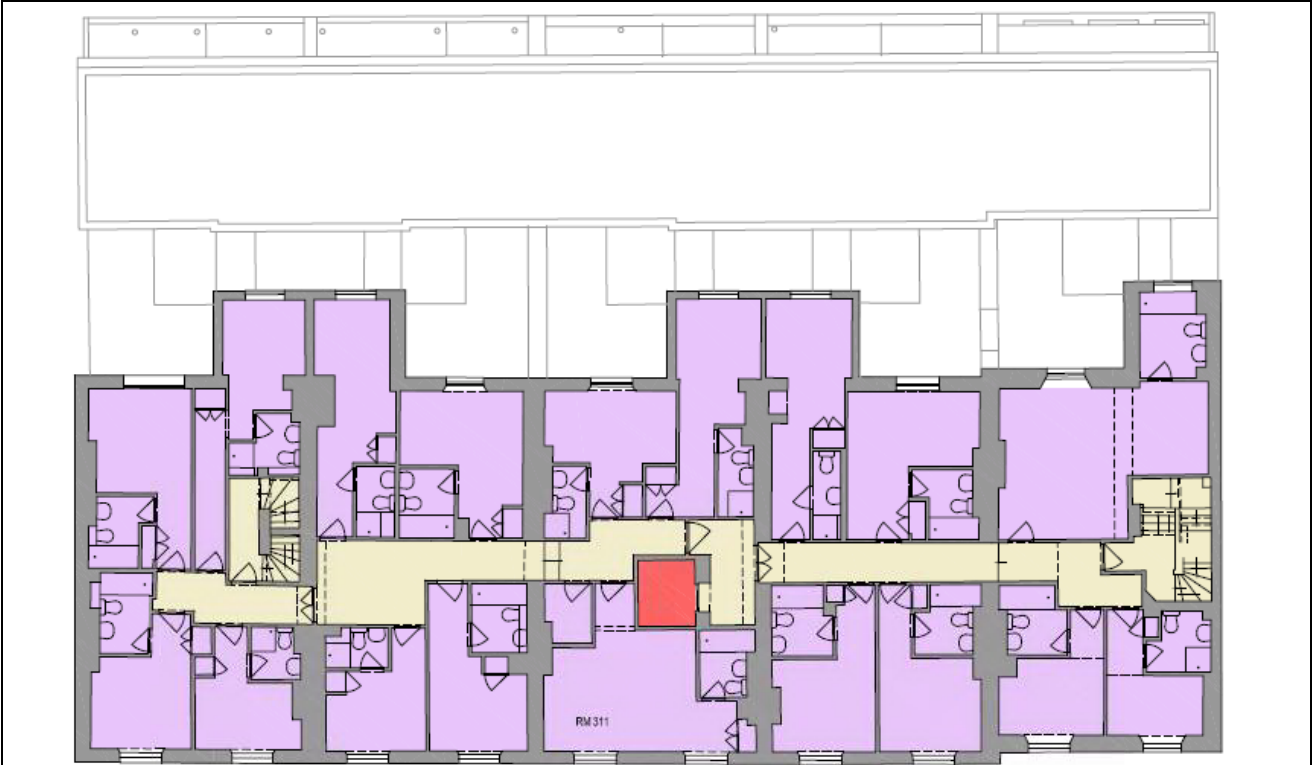
Proposed First Floor Plan



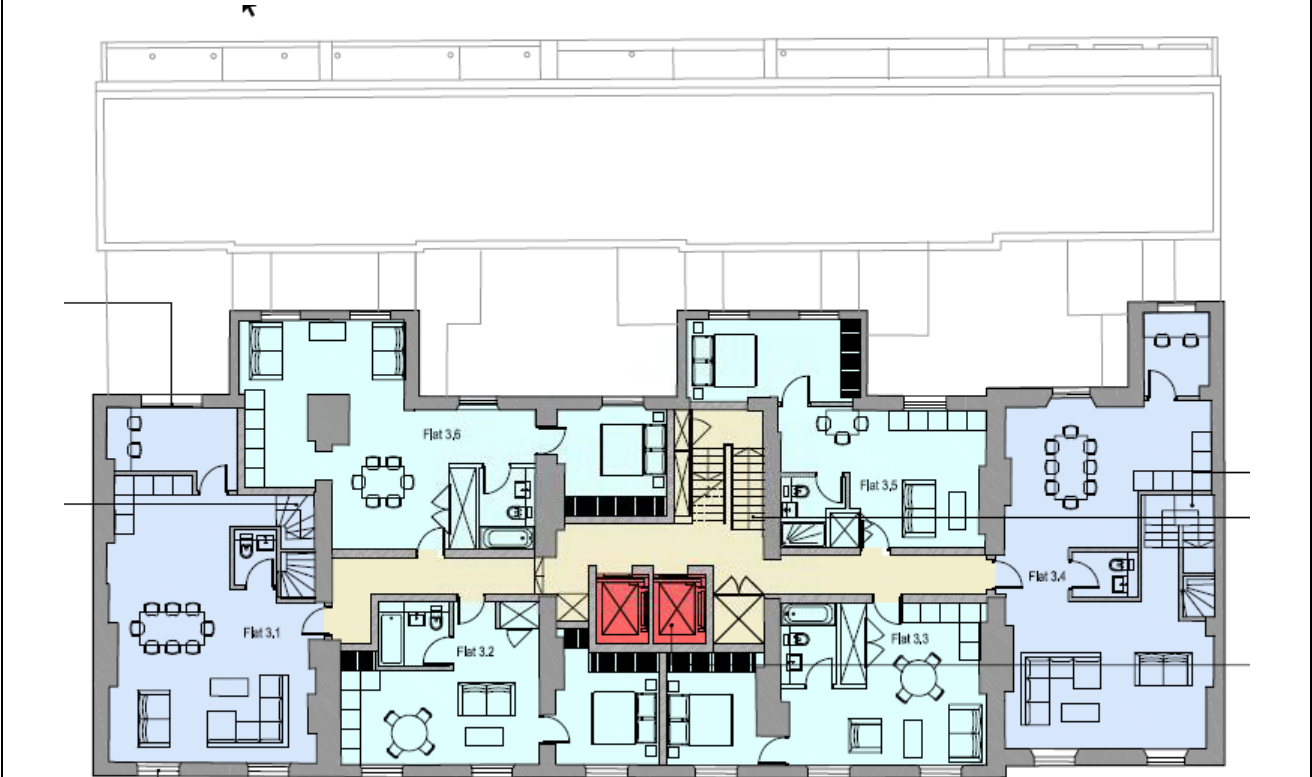
Existing Second Floor Plan



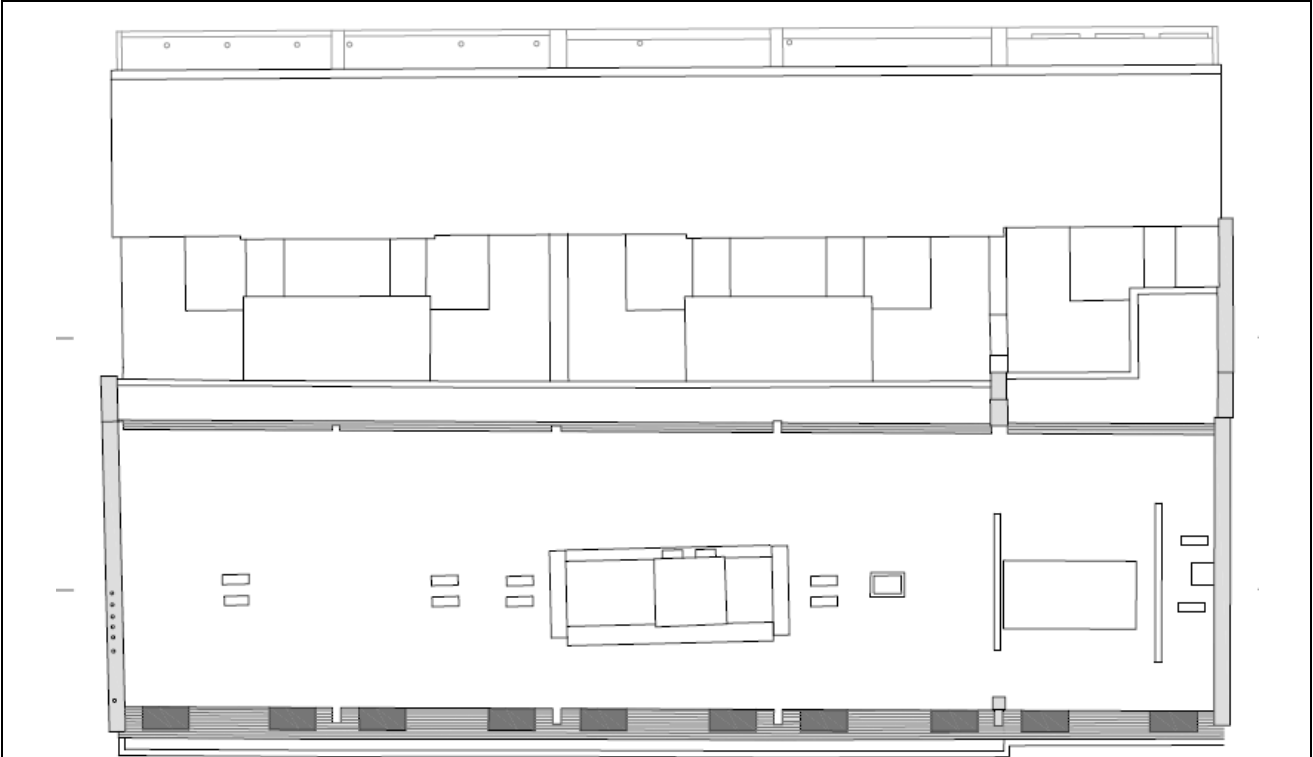
Proposed Second Floor Plan



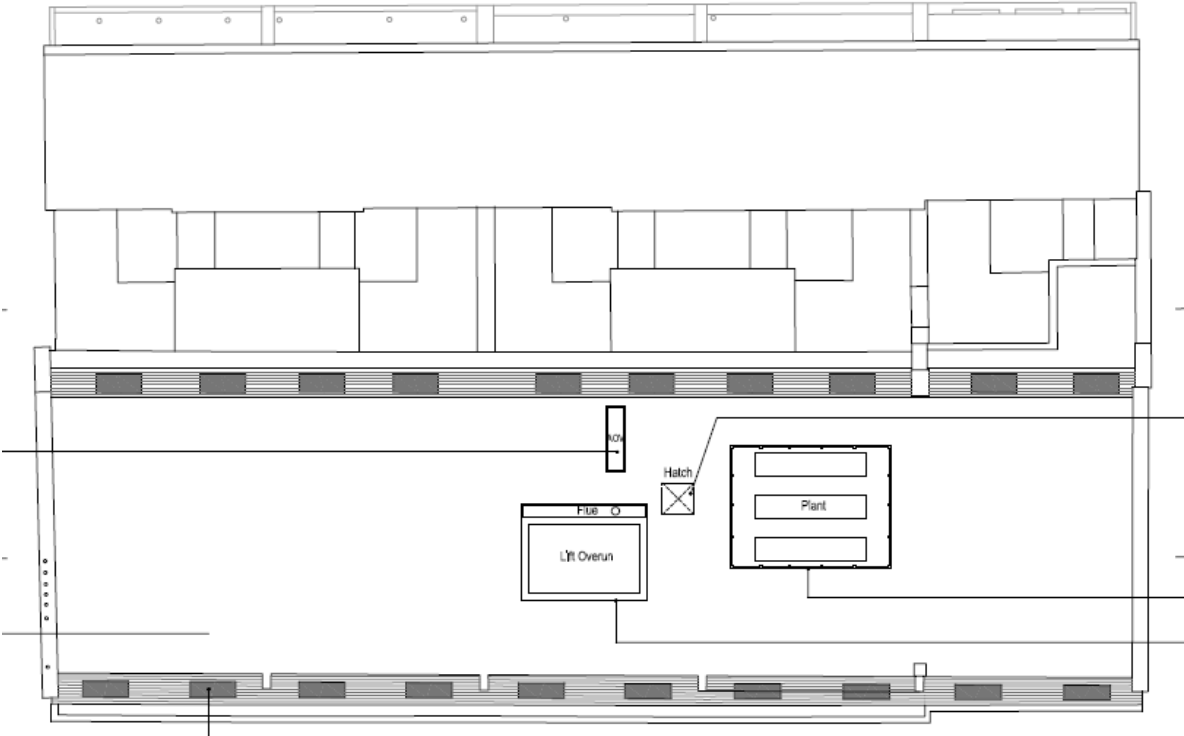
Existing Third Floor Plan



Proposed Third Floor Plan



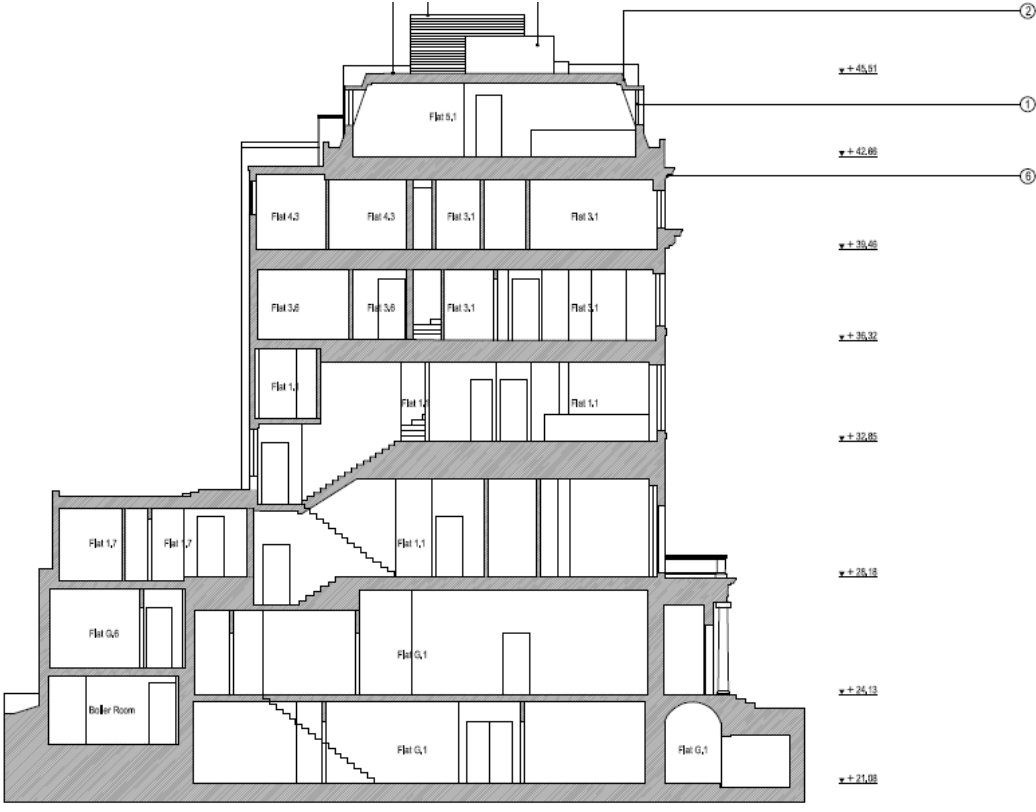
Existing Roof Plan



Proposed Roof Plan



Existing Section



Proposed Section

DRAFT DECISION LETTER

Address: Holiday Villa Hotel , 35-39 Leinster Gardens, London, W2 3AN

Proposal: Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.

Reference: 16/04404/FULL

Plan Nos: 1422-0100 Rev A, 1422-0101 Rev A, 1422-0102 Rev A, 1422-0103 Rev A, 1422-0104 Rev A, 1422-0106 Rev A, 1422-0107 Rev A, 1422-0200 Rev A, 1422-0201 Rev A, 1422-0202 Rev A, 1422-0203 Rev A, 1422-0204 Rev A, 1422-0205 Rev A, 1422-0206 Rev A, 1422-0300 Rev A, 1422-0301 Rev A, 1422-0302 Rev A, 1422-1107 Rev G, 1422-1110 Rev E, 1422-1125 Rev D, 1422-1126 Rev D, 1422-1143 Rev E, 1422-1151 Rev C, 1422-1154 Rev E, 1422-1162 Rev E, 1422-1200 Rev D, 1422-1201 Rev D, 1422-1202 Rev D, 1422-1203 Rev E, 1422-1204 Rev E, 1422-1205 Rev E, 1422-1206 Rev E, 1422-1300 Rev D, 1422-1301 Rev D, 1422-1302 Rev D, 1422-0900, 1422-0901, 1422-0902, 1422-0903, 1422-0904, 1422-0905, 1422-0906, 1422-0907, 1422-0910, 1422-0911, 1422-0912, 1422-0913

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

1. The proposed development fails to provide an appropriate on-site, off-site or financial affordable housing contribution and is therefore contrary to policy S16 of the City Plan (adopted November 2016), policy H4 of the Unitary Development Plan (adopted January 2007) and the Interim Note on the Affordable Housing Policy (April 2015).

Informative

- 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. 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.

DRAFT DECISION LETTER

Address: Holiday Villa Hotel , 35-39 Leinster Gardens, London, W2 3AN

Proposal: Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.

Reference: 16/04405/LBC

Plan Nos: 1422-0100 Rev A, 1422-0101 Rev A, 1422-0102 Rev A, 1422-0103 Rev A, 1422-0104 Rev A, 1422-0106 Rev A, 1422-0107 Rev A, 1422-0200 Rev A, 1422-0201 Rev A, 1422-0202 Rev A, 1422-0203 Rev A, 1422-0204 Rev A, 1422-0205 Rev A, 1422-0206 Rev A, 1422-0300 Rev A, 1422-0301 Rev A, 1422-0302 Rev A, 1422-1107 Rev G, 1422-1110 Rev E, 1422-1125 Rev D, 1422-1126 Rev D, 1422-1143 Rev E, 1422-1151 Rev C, 1422-1154 Rev E, 1422-1162 Rev E, 1422-1200 Rev D, 1422-1201 Rev D, 1422-1202 Rev D, 1422-1203 Rev E, 1422-1204 Rev E, 1422-1205 Rev E, 1422-1206 Rev E, 1422-1300 Rev D, 1422-1301 Rev D, 1422-1302 Rev D, 1422-0900, 1422-0901, 1422-0902, 1422-0903, 1422-0904, 1422-0905, 1422-0906, 1422-0907, 1422-0910, 1422-0911, 1422-0912, 1422-0913

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 The solid elements to the new entrance doors to the front elevation shall be formed in painted timber

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The pitched roofs of the new mansard structures to fifth floor level shall be clad in natural slates, and the

dormers shall be clad in lead to sides, cheeks and roofs

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must put up the plant screen to roof level shown on the approved drawings before you use the machinery contained within. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 The plant enclosure to main roof level shall be painted or otherwise treated and permanently maintained in a mid to dark grey or black colour, and shall be maintained in that colour thereafter

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 The new windows shall be formed in glazing and white painted timber framing

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

-Doors to the front elevation at lower ground floor level designed as single width doors without side lights.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must apply to us for approval of a sample of the stone you will use to pave the front lightwells and front forecourt. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

-Party wall upstands externally expressed to the front, rear and roof between each of the original buildings comprising nos. 35-39 Leinster Gardens.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 11 The new party wall upstands shall be faced in render and painted and permanently maintained in a colour to match the colour of the render to the front elevation

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 12 You must apply to us for approval of detailed drawings (including confirmation of materials and colour of finish) of the new balustrading to the front forecourt of the building at ground floor level. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 14 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 16 You must apply to us for approval of plan, elevation and section drawings showing the privacy screens to the front lightwell and their relationship with the height of the front lightwell (including any balustrading adjacent) and with the ground floor entrance porch structures. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You are advised that with regards to condition 16, the details should show privacy screens not visible from the pavement outside the site.

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 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 August 2017	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	Victoria Embankment Gardens, Villiers Street, London, WC2N 6NE		
Proposal	Use part of Victoria Embankment Gardens for a temporary cinema event for the BFI London Film Festival (LFF) and a series of World Cinema premieres from 4 th - 20 th October 2017 including construction and de-rigging between 21 st September - 4 th October and 21 st - 27 th October. Display of three externally illuminated fascia signs measuring 5.40m x 4.00m, 2.00m x 6.00m, 2.00m x 1.50m and a non-illuminated hoarding sign measuring 0.50m x 1.00m.		
Agent	British Film Institute		
On behalf of	British Film Institute		
Registered Number	17/05149/FULL & 17/05150/ADV	Date amended/ completed	9 June 2017
Date Application Received	9 June 2017		
Historic Grade	Grade II Star Registered Historic Park		
Conservation Area	Savoy		

1. RECOMMENDATION

1. Does the Sub-Committee agree that the public and cultural benefits of the event are sufficient to outweigh the short term harm it causes to the Registered Park and to the setting of the adjacent York Water Gate, listed memorials, listed buildings and conservation area?
2. Subject to 1 above grant conditional planning permission and advertisement consent.

2. SUMMARY

The Victoria Embankment Gardens are a Grade II Star Registered Historic Park. The Villiers Garden is located to the north of Embankment Station and is one of three gardens which comprise the Victoria Embankment Gardens. Planning permission and advertisement consent are sought for the use of part of the gardens for the erection of structures between 21st September and 27th October 2017 (inclusive of setup and derig) in connection with the BFI London Film Festival.

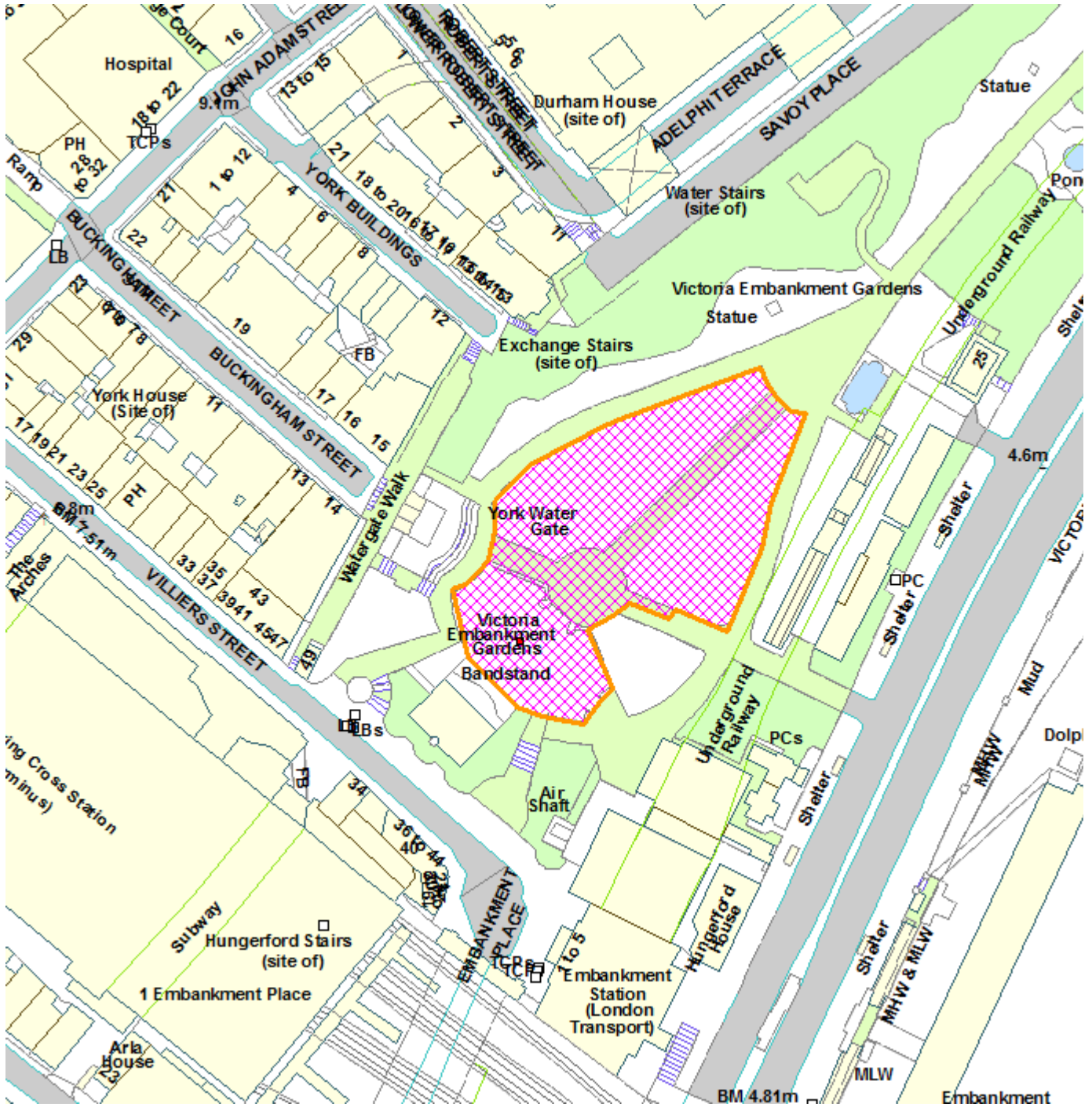
The main issue for consideration are:

- The impact of the proposals on the Registered Park;

- The impact of the proposals on the setting of adjacent heritage assets including the Conservation Area;
- The impact of the proposals on neighbouring residential amenity.

The garden would remain open to the public during the event but it would lose some of its important open character and it would affect the setting of adjacent and nearby heritage assets. The event will provide cultural and public benefits but it will also cause temporary harm to heritage assets and as such Member's views are sought on this issue.

3. LOCATION PLAN



4. PHOTOGRAPHS



Aerial photograph looking west

5. CONSULTATIONS

WESTMINSTER SOCIETY

No comment.

HISTORIC ENGLAND

Remain concerned that the proposed temporary building's bulk, scale and massing would have an adverse impact upon the open character of the registered park and limit views of the York Water Gate from Embankment and the north-south views within the garden.

TRANSPORT FOR LONDON

No objection to the proposed temporary cinema use. Request the applicant to contact TfL regarding access to the site from the TfL Road Network.

GREATER LONDON AUTHORITY - CULTURE TEAM

Support the application which is in line with the GLA's Cultural Strategy and the GLA's Economic Development Strategy. The LFF makes a significant contribution to the cultural life of Londoners and its visitors.

LAMBETH BOROUGH COUNCIL

Any response to be reported verbally.

THE GARDENS TRUST

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

HIGHWAYS PLANNING

The exhibition will occur wholly within the gardens and not on the public highway. The site will be serviced from Embankment which will need to be agreed with TfL as the responsible Highway Authority.

ENVIRONMENTAL HEALTH

A similar event was staged last year under the Council's Premises License and there were no issues made aware to Environmental Health during the staging of the event. Forthcoming events will also be subject to their own Premises License. Noise levels will be set in conjunction with Environmental Health on completion of the build.

TREE SECTION

No objection subject to conditioning tree protection measures.

CITY PROMOTIONS, EVENTS AND FILMING

No objection. The previous event in 2016 was well managed and the organisers have a proven track record. The event will provide a number of associated benefits.

PARKS MANAGER

Support the LFF. All repairs and maintenance were addressed to Park's satisfaction and no adverse comments were received from park users.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 509

Total No. of replies: 10

No. of objections: 7

No. in support: 3

Letters have been received from VisitBritain/VisitEngland, Film London and the UK Film Distributors Association writing in support for the event.

Seven neighbouring residents have raised objection to the proposals on the following grounds:

- Experienced noise from past 'Planit' events;
- Increase levels of traffic, rubbish and security issues;
- The gardens are intended to be a place of peace and relaxation and should be retained as such;
- The gardens should not be used for private and profit making events;
- Not in keeping with the façade of the buildings.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

The Victoria Embankment Gardens are a Grade II Star Registered Historic Park. The Villiers Garden is located to the north of Embankment Station and is one of three gardens which comprise the Victoria Embankment Gardens. It is located within the Savoy Conservation Area and there are a number of listed memorials and other structures within it, including most notably for this proposal the Statue of Sir Wilfred Lawson (Grade II), the Camel Corps Memorial (Grade II) and the York Water Gate (Grade I).

Outside of the gardens to the north are a number of listed buildings of all grades, including the notable enclave of 17th / 18th century terraced houses in Buckingham Street, built on the site of the former York House - the view through the gardens, of the Water Gate with the terrace of houses beyond is noted by the Savoy Conservation Area Audit as a Local View, with a number of other Local Views noted variously around the Gardens in recognition of its landscape and spatial characteristics and interaction with the surrounding townscape.

6.2 Recent Relevant History

7 September 2016 – Planning permission granted for the use of part of Victoria Embankment Gardens as a temporary cinema event space for the 60th BFI London Film Festival from 6th to 16th October 2016 which includes installation of enclosed temporary cinema structure (with approximately 780 raked audience seats) accompanying box office/concessions structure and a red carpet cinema entrance and display of externally illuminated signs measuring 5m x 4m and 2m x 6m and non-illuminated sign measuring 2m x 1.5m. (16/07369/FULL and 16/08130/ADV)

7. THE PROPOSAL

The application relates to the open space of lawns, flower beds and footpaths at the western end of this section of the gardens. Permission is sought to use part of the gardens as a temporary cinema event space between 4th - 20th October 2017. This will comprise of the LFF between 5th-15th October and the BFI UK/India between 17th - 20th October. During these dates the operation of the event will not be outside of 1100 - 2300 hours each day.

The 13 days setup and 7 days derig would take place between 21st September - 4th October and 21st - 27th October respectively. The site boundary would increase during these dates to include the hard standing opposite the bandstand and road access from Victoria Embankment. The total duration on site of would be 37 days.

The largest structure is the auditorium which would provide seating for 820 and would be approximately 35m long, 25m wide and 12m high. Other structures include a toilet block, box office, VIP and red carpet areas. The proposals include night-time temporary lighting and ancillary paraphernalia such as generators, fencing and temporary surfacing. The front of the auditorium, box office and all heras fencing will be treated with green geometric 'camouflage' wraps.

Advertisement consent is also sought for the display of three externally illuminated fascia signs measuring 5.40m x 4.00m, 2.00m x 6.00m, 2.00m x 1.50m and a non-illuminated hoarding sign measuring 0.50m x 1.00m.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The 16 days of cultural film screen events would begin with the LFF which is Britain's leading film event. In 2016 the annual event presented approximately 250 feature films and 150 short films from more than 70 countries and attracted approximately 195,000 attendances across London and in cinemas throughout the UK.

2017 marks the first UK-India Year of Culture which has been launched this year by the British Council, the Indian High Commission and the UK government. The BFI will host 'India on Film' events across the year and during the LFF venues in October.

The applicant states that the "LFF provides a unique showcase of British and International Talent, which supports a diverse and growing industry providing strong economic and social benefits. In addition, by location the LFF in Victoria Embankment Gardens, this

serves to boost the economy and standing of Westminster and London as a cultural hub and world city – benefits that are reflected in the support this application has received from the GLA, VisitBritain/VisitEngland, Film London and the UK Film Distributors Association.”

The principle of events operating in the gardens has been established over the years, most notably by the Luna Cinema and Planit events, although there is no planning history for those events. The garden has also been used for other events such as the interactive sport stations during the 2012 Olympics. Most recently permission was granted for a similar proposal for the LFF in 2016.

Policies S35 of the City Plan and DES12 of the Unitary Development Plan (UDP) both seek to protect open spaces including squares and gardens. The event will be temporary in nature but will conflict with these policies whilst the associated structures of the event are in place. The gardens would remain open to the public during the event but it would lose some of its important open character and it would affect the setting of adjacent and nearby heritage assets. Consideration of the harm is set out in more detail below.

8.2 Townscape and Design

Victoria Embankment Gardens is a Grade II Star Registered Park of notable landscape, townscape and historic interest. The gardens contain a number of listed memorials, most notably for this proposal the Camel Corps Memorial and the York Water Gate (Grade I listed). The site lies on the cross-axis from the southern entrance to the Gardens from the road, to the Water Gate with the group of Grade I and II* listed buildings that line Buckingham Street in the background. This is a significant element of the Gardens' landscape design.

The application is similar to the temporary siting of a cinema on this site for the LFF that was approved in 2016. The period previously approved was for 11 days (6th - 16th October) whereas the current proposal is for 17 days (4th - 20th October). The construction and de-rigging period before and after these quoted dates increase the effects of the proposals to over a month.

The design of the proposal is essentially the same as the 2016 scheme, but with some tightening of the red carpet structure, and the rear corridor which previously encroached onto the east-west northern footway. The external treatment of the structure is also improved in terms of focussing on the greenery of the park, rather than the sky blue wrap approved in 2016. All heras fencing and the front of the auditorium will include a green geometric 'camouflage' wrap which are designed to reduce the visual impacts of the structures. Ideally all elevations of the auditorium would be covered in the wrap but the applicant has confirmed it would not be possible this year at least.

The event will inevitably have a detrimental effect on the character of the gardens, and the setting of adjacent and nearby heritage assets for the duration of its build, operation and removal. At full effect, this will be 'substantially' harmful to the character of the gardens as it will fundamentally change that character from a public park to a developed and branded entertainment site, albeit for a temporary period.

The impacts will include encroachment into views of the York Gate and Buckingham Street listed buildings along the axis from the southern gate, and in views from those back

towards the gardens and the river beyond. The setting of the listed memorials will also be compromised. The impacts on built heritage assets would represent 'less than substantial' harm. Whilst the mitigating colour wraps are an improvement upon last years, this can only provide partial mitigation to the visual impacts due to the large scale and built nature of the development which contrasts with the character of the site.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard be given to the preservation of the setting of listed buildings, and to the preservation or enhancement of the character or appearance of conservation areas when determining applications affecting them. As advised by Paragraphs 133 and 134 of the NPPF, (which also requires a similar level of care be given to Registered Parks) and by the Council's own policies and guidance (in particular DES 1, DES 9, DES 10 and DES 12 of the UDP), this effectively means a statutory presumption against the approval of harmful proposals unless the harm caused is demonstrably outweighed by public benefits which the proposals would secure. In this regard, and as highlighted by Historic England, it is important to give due regard to whether that public benefit could be alternatively provided by other, less sensitive sites.

The applicant proposes some measures to protect the Camel Corps monument and York Watergate during the construction phase. During the event branding is proposed to highlight and celebrate the historic stories of these assets.

Given the degree of harm, albeit temporary, the application should only be approved if the Committee is satisfied that the cultural and public benefits which the event would bring will offset this harm.

With regard to the advertisements sought, subject to the principle of the wider development being considered acceptable, the temporary nature of the signage is considered acceptable subject to a condition to ensure they are only displayed between 4th September - 27th October this year.

8.3 Residential Amenity

In terms of increased noise and disturbance, it should be acknowledged that Victoria Embankment Gardens and its surrounds is a busy location and hosts many outdoor events. The nearest residential is located on York Buildings, Buckingham Street and Villiers Street, approximately 50m from the proposed event structures.

Environmental Health has confirmed that no complaints were made during the staging of the event last year. The event will be subject to its own Premises License which will be assessed by Environmental Health and the noise and vibration levels will be set in conjunction with Environmental Health on completion of the build. The event will be subject to the relevant controls exerted on it by the Licensing regime and Health & Safety legislation. On this basis it is not considered necessary to attach noise and vibration conditions in this instance.

The activity that the event would produce between the hours of 11.00 and 23.00 is not considered to be unreasonable given the character and location of the surrounding area. The application is considered to comply with Policies ENV13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

The event and associated structures will occur wholly within the Gardens itself and not on the public highway. Given the dimensions of the Gardens, it is considered that there will be sufficient room for the use and servicing will to be carried out without adverse impact on the public highway. All servicing will need to be from Embankment which is part of the TfL Road Network. An informative is added to remind the application to contact TfL.

8.5 Economic Considerations

The Head of City Promotion, Events and Filming has made some comments which include potential economic benefits that the LFF event could provide and are summarised below:

- The event will provide income from hire of the gardens wold be reinvested in Council services, including the maintenance of parks.
- It will assist in raising the profile of the Northbank as a destination in its own right and attract investment.
- The event could provide new employment opportunities and benefit local business.
- Provides support to a key creative industry within Westminster.

8.6 Access

The auditorium is designed to meet the DDA best practice guidance.

8.7 Other UDP/Westminster Policy Considerations

Waste

A cleaning team will collect waste during the day and place it into wheelie bins around the site. This will then be transferred to euro bins for collection at the end of each day by a single dustcart.

Trees and Biodiversity

An Ecology Appraisal of the site has been undertaken which explores the impact of event. The appraisal considers the event to be low impact and makes minor mitigation recommendations which include the use of a low impact lighting scheme. The applicant has confirmed that they will be undertaking the mitigation measures set out in the report. The Tree Section recommends tree protection measures which are to be secured by condition.

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. There will not be a requirement to make a Community Infrastructure Levy payment due to the proposals being temporary.

8.11 Environmental Impact Assessment

The application is not of a sufficient scale to require its own Environment Impact Assessment.

8.12 Other Issues

Construction impact

The main build is scheduled between 21st September – 4th October and dismantling is scheduled for 21st – 27th October. The standard hours of construction condition is recommended limiting noisy works to between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. All vehicles will enter from the east side of Embankment. This is part of the TfL Road Network and as such the applicant will need to liaise with TfL to obtain the necessary permissions.

Crime and security

24-hour site security coverage will be provided by the BFI's appointed special events security provider. A Crime Prevention and Counter Terrorism Statement has been provided which is informed by the Met Police and National Counter Terrorism Security Advisors.

9. BACKGROUND PAPERS

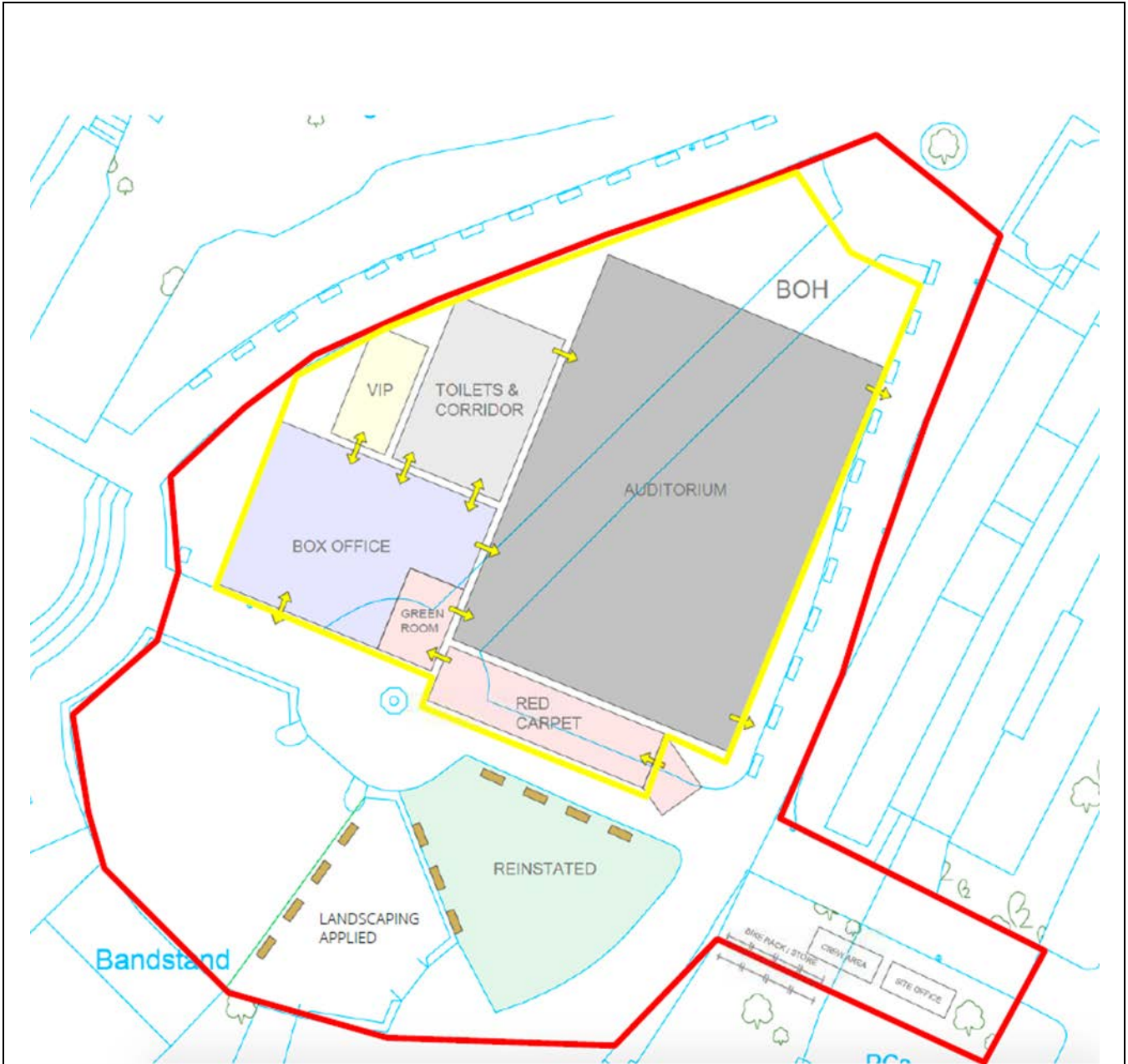
1. Application form.
2. Response from Historic England dated 4 July 2017.
3. Response from the Westminster Society dated 22 June 2017.
4. Response from Transport for London dated 6 July 2017.
5. Response from the Greater London Authority dated 7 July 2017.
6. Response from Parks Manager dated 1 August 2017.
7. Response from Highways Planning dated 10 August 2017.
8. Response from Head of City Promotions, Events and Filming dated 9 August 2017.
9. Response from the Tree Section dated 11 August 2017.
10. Response from Environmental Health dated 10 August 2017.
11. Response from the Film Distributors' Association dated 10 July 2017.
12. Response from Film London dated 12 July 2017.
13. Response from VisitBritain and VisitEngland dated 14 July 2017.
14. Response from the owner/occupier of Flat 2, 18 Buckingham Street dated 27 June 2017.
15. Response from the owner/occupier within Buckingham Street dated 10 July 2017.
16. Response from the owner/occupier of Flat B, 19 Buckingham Street dated 29 June 2017.
17. Response from the owner/occupier of Flat 4, 19 Buckingham Gate dated 27 June 2017.
18. Response from the owner/occupier of Flat 36, 10-14 John Adam Street dated 25 June 2017.
19. Response from the owner/occupier of Flat 5, 19 Buckingham Street dated 26 June 2017.

20. Two responses from the owner/occupier within 19 Buckingham Street dated 27 June 2017.

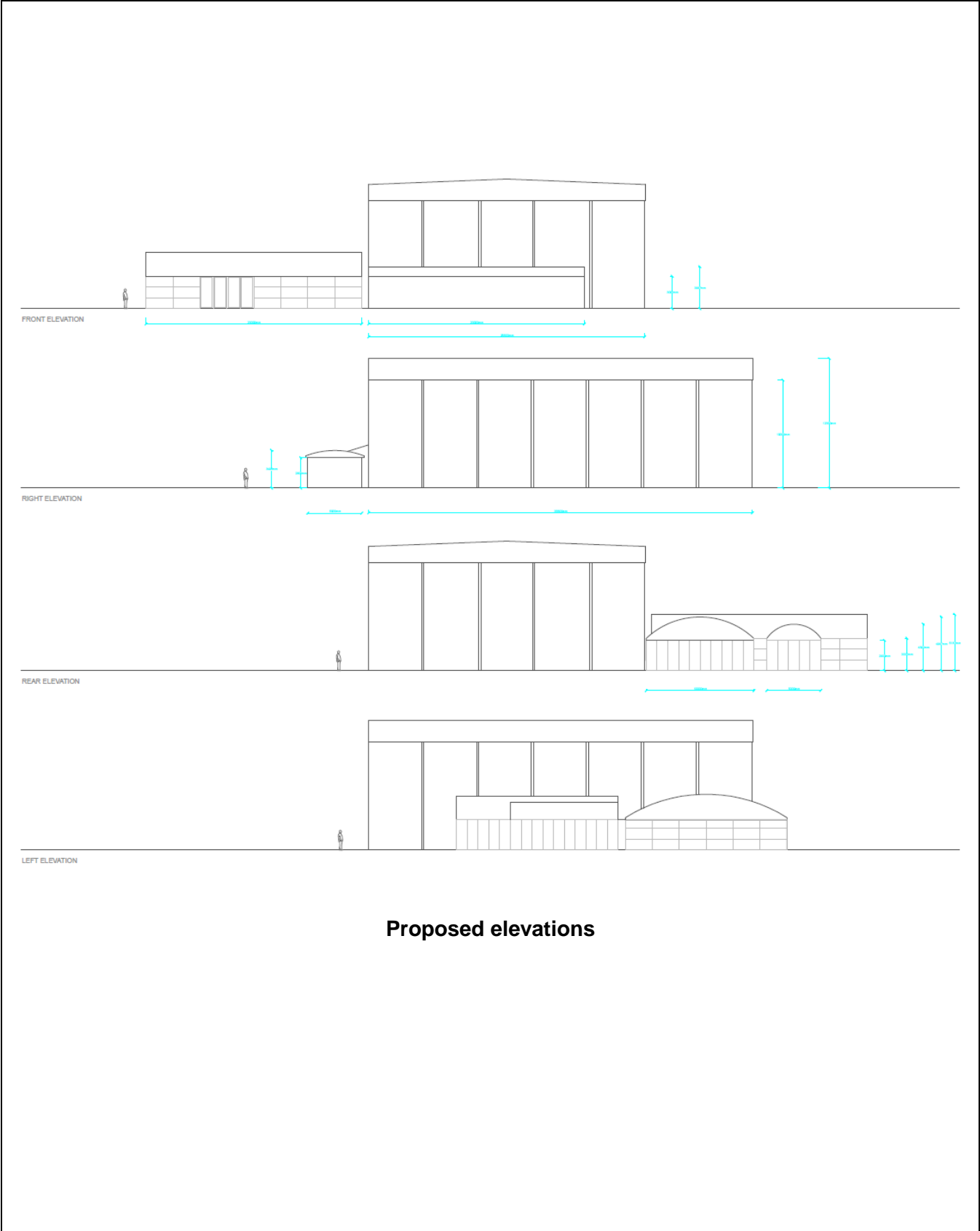
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS



Proposed plan



Proposed elevations



Computer generated Image

DRAFT DECISION LETTER

- Address:** Victoria Embankment Gardens , Villiers Street, London, WC2N 6NE
- Proposal:** Use part of Victoria Embankment Gardens for a temporary cinema event for the BFI London Film Festival and a series of World Cinema premieres from 4th - 20th October 2017 (including construction and de-rigging between 21st September - 4th October and 21st - 27th October. (Linked to 17/05150/ADV)
- Reference:** 17/05149/FULL
- Plan Nos:** 170677 Rev V1; BFI Temporary Cinema 2017 plan document dated May 2017; Block Plan; Planning Statement dated 7 June 2017; Design and Access Statement dated June 2017; Heritage Statement dated 30 May 2017; Crime Prevention and Counter Terrorism Statement; Noise Management Plan dated 15 May 2017; 3D visualisation; Event Safety Management Plan V1; Reduced Site Schedule; Heras fencing example text; Image of top panel design; Construction and Servicing Management Plan.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of

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

- 3 The use of Victoria Embankment Gardens for the BFI London Film Festival and BFI UK/India event hereby approved can only take place between 4 October 2017 and 20 October 2017. You must not begin works to set up the site before 21 September 2017. You must remove all structures from the site by 27 October 2017. Once all structures are removed the land must be made good and returned to its previous condition and use.

Reason:

Use for more than a limited period would be harmful to the character and appearance of the gardens and the Savoy Conservation Area., , To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The hours of operation of the event shall not be outside of the following: 11.00 to 23.00 hours each day.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 5 During the construction and de-construction of the event structures, you must fully protect any of the listed monuments/structures which are within 10m of the event structures or within 5m of the route for construction vehicles. The protection measures must include appropriate exclusion fencing or hoardings which are capable of withstanding impact from building elements or construction vehicles. All vehicle movements must be attended by a banks-person and all site personnel must be trained regarding the protection of the listed monuments/structures within the Gardens. All protection measures must be fully reversible and removed immediately upon completion of the construction and de-construction phases. If any physical damage is caused to listed monuments/structures within or bounding the Gardens, you should make arrangements, with agreement from the Council, to carry out repairs within six months of the date of the event structures being removed from the site.

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

- 6 Before the works commence you must protect the trees in Victoria Embankment Gardens by:

- the erection of protective fencing;
- placement of ground protection,
- remediating the soil in the root protection areas of the trees; and
- implementing an auditable system of arboricultural site supervision during construction and dismantling of the event structures

The specifications and details of for the tree protection must conform to the recommendations in BS5837:2012 Trees in relation to design, demolition and construction - recommendations. You must maintain the tree protection for the duration of the development and you must not start any work, and you must not take any equipment, machinery or materials for the development onto the site until these tree protection tree protection measures are in place.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Savoy Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 7 The event must not commence until the wrap/branding of the structures has been applied as set out in the Design and Access Statement.

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The area is going to be providing licensable activities, this will require a Premises Licence under the Licensing Act 2003. The applicant should have regard to the City of Westminster Statement of Licensing Policy and the hours of operation with regard to applying for licensable activities such as the Supply of Alcohol, Regulated Entertainment and Late Night Refreshment. Further advice can be given by the Council's Licensing Service on 020 7641 1884.
- 3 You are advised that before the site is open to the public, it must be inspected by the

Environmental Health Consultation Team to ensure that it complies with all the relevant statutory requirements.

- 4 Any speakers must be located to the satisfaction of the Environmental Health Consultation Team.
- 5 Any generators, refrigerators or other machinery must be silenced, screened or sited so as not to be audible outside the gardens.
- 6 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)
- 7 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 8 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.
- 9 You are reminded that this permission does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent (or temporary) highway scheme and any temporary highway works required during the construction phase of the development. Details can be found at <https://tfl.gov.uk/modes/driving/red-routes>. Please contact Transport for London (GavinMcLaughlin@TfL.gov.uk) at the earliest opportunity in relation to any required abnormal loads or cranes accessing the site from or on the TLRN.

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

DRAFT DECISION LETTER

- Address:** Victoria Embankment Gardens , Villiers Street, London, WC2N 6NE
- Proposal:** Display of 3 externally illuminated fascia signs measuring 5.40m x 4.00m, 2.00m x 6.00m, 2.00m x 1.50m, and a non-illuminated hoarding sign measuring 0.50m x 1.00m. Linked to 17/05149/FULL
- Reference:** 17/05150/ADV
- Plan Nos:** 170677 Rev V1; BFI Temporary Cinema 2017 plan document dated May 2017; Block Plan; Planning Statement dated 7 June 2017; Design and Access Statement dated June 2017; Heritage Statement dated 30 May 2017; 3D visualisation; Heras fencing example text; Image of top panel design.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

Recommended Condition(s) and Reason(s)

- 1 You can display the advert from 21 September 2017 to 27 October 2017. You must then remove it without delay. (C04BA)

Reason:

The advert is temporary, so under DES 8 of our Unitary Development Plan that we adopted in January 2007, we can only approve it for a limited period. (R04AB)

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 SUB COMMITTEE	Date 29 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	Orange Square Farmers Market, Pimlico Road, London, SW1W 8NB		
Proposal	Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market.		
Agent	Mr Mark Handley		
On behalf of	Mr Mark Handley		
Registered Number	17/05148/FULL	Date amended/ completed	9 June 2017
Date Application Received	9 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to an area of public open space located at a prominent junction within the Belgravia Conservation Area.

Planning permission was originally granted in 2001 for the use of this public open space as a weekly Saturday farmers' market. This permission has been renewed a number of times on a temporary basis with the most recent permission due to expire on 31 August 2017.

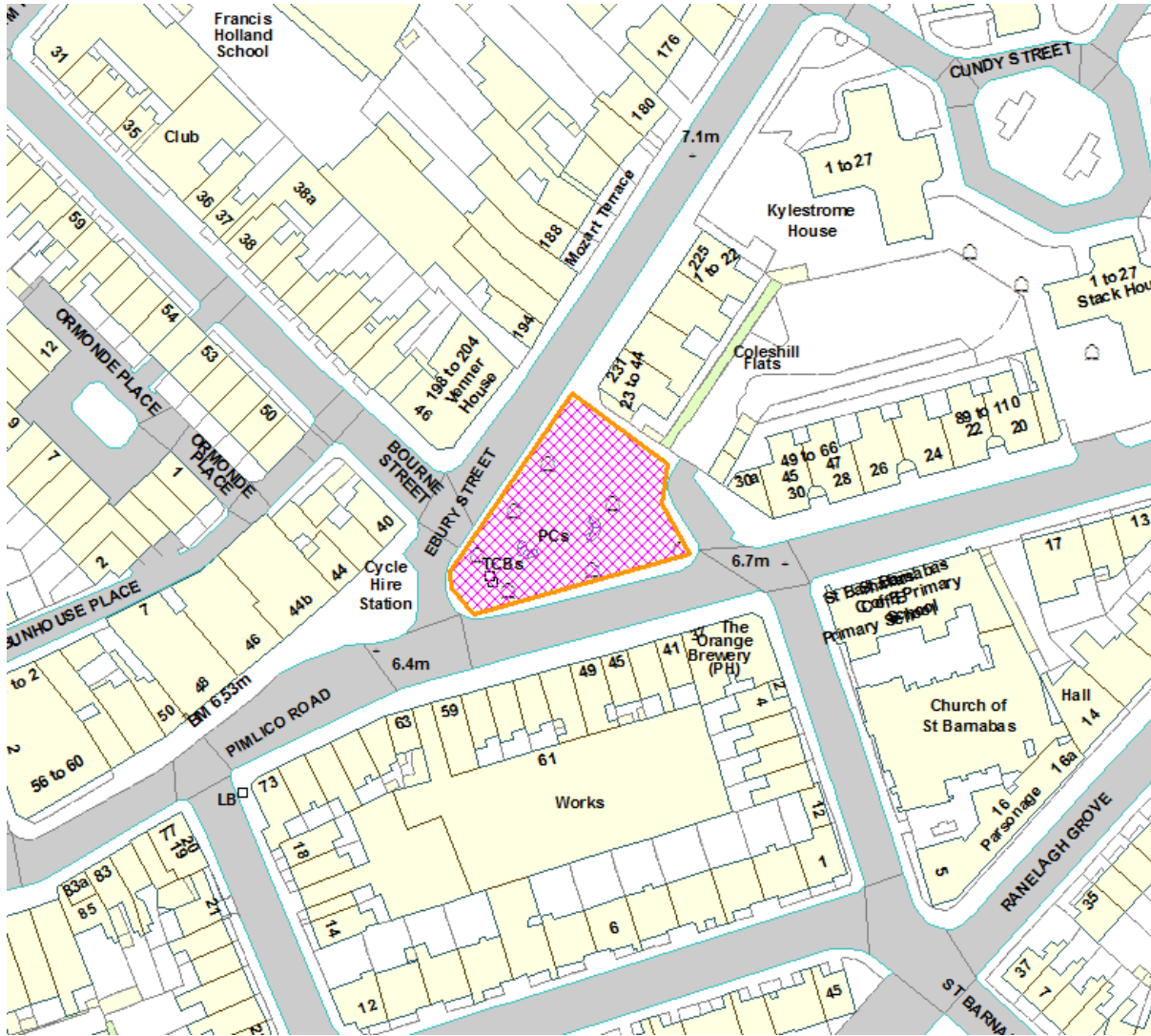
The current application is seeking to operate a farmers' market for a further five years with the market operating on a Saturday only between 09.00-13.00.

The key issue in this case is the impact on the amenity of neighbouring residents.

The principle of using the square as a weekly farmer's market has been previously accepted by the City Council. The use is considered compatible with UDP and City Plan policies relating to public open space. In terms of consultation, the Council has received a large number of letters and a petition in support of the market together with a smaller number of letters and comments from two amenity

societies raising concerns relating to the way the market is run, particularly in relation to the 7am start up time. For the reasons set out in the report it is considered appropriate to only grant permission for the market for a further 12 month period to allow for monitoring by the City Council's Market Inspectors.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Ebury Street

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

The Association supports the market in principle but request that traders arrive after 8.00am and that engines are not left running. It is inappropriate for rubbish from the market to be placed in bins for the public. Consideration should be given to extending the opening hours of the market.

THE BELGRAVIA SOCIETY

The Society fully supports the existence of the market but raise an objection to the set up times. A number of residents have complained to the Society about the early set up process and noise from car doors and the construction of the stalls. The only way to reduce noise levels is not to start the setup process until 8am

BELGRAVIA NEIGHBOURHOOD FORUM

Any response received will be verbally reported.

DESIGNING OUT CRIME

Any response received will be verbally reported.

ENVIRONMENTAL HEALTH

Objection raised to the operational arrangements of the market. If approved activity from the market is likely to increase the risk of noise nuisance and disturbance to nearby local residents. The application has been discussed with the City Inspector's Market Team who have set out a number of concerns about how the market has been operating.

HIGHWAYS PLANNING MANAGER

No objection on the basis that the use of public highway is for a temporary period.

CLEANSING MANAGER:

No objection- subject to details of waste storage being conditioned.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106

Total No. of replies: 77

No. of objections: 10

No. in support: 67

A petition with 273 pro forma letters.

The letters of objection principally raise the following amenity concerns:

- object to the 7.00am start up time in a residential area. It is too early.
- the market has become an anti-social nuisance.
- noise and disturbance from the set-up of the market.
- complaints that the set-up of the market sometime takes place before 7.00am
- an 8.30am start up time is more acceptable.
- the area is left in a mess after the market leaves the site.

The letters of support make the following points:

- the market is a great asset to the neighbourhood serving local community and attracting visitors to the area.
- would be a great addition more than one day a week
- more enjoyable to visit the area; gives a sense of community.
- a good use of Orange Square which brings revenue to other businesses around the area.
- the area is left clean after the market.

The petition has 269 pro forma letters stating support for the planning application for the weekly farmers' market to continue trading on Saturdays under the existing arrangements and 4 letters that's that also refer to expanding the market to 7 days per week.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to an area of public open space located at a prominent junction that is bounded by Ebury Street and Pimlico Road. The site is located within the Belgravia Conservation Area and surrounded by the Pimlico Local Centre as designated within the Unitary Development Plan (UDP).

6.2 Recent Relevant History

12/08541/FULL

Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market.

Application Permitted 15 November 2012

09/04818/FULL

Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market.

Application Permitted 18 August 2009

06/03420/FULL

Use of open space as weekly Saturday farmers' market.

Application Permitted 29 June 2006

02/08533/FULL

Use of open space as a weekly Saturday farmers' market.

Application Permitted 20 March 2003

01/05927/FULL

Use of open space as weekly Saturday farmers' market.

Application Permitted 7 December 2001

7. THE PROPOSAL

Permission is again sought to operate a farmers' market on the application site for a further five years. The applicant is London Farmers Markets who operate 23 markets across London. As originally submitted the application sought permanent permission for the market, however, following officer advice this aspect of the scheme has been amended and a temporary permission is once again sought.

The hours sought for the market are the same as previously approved namely, operation of the market between 9.00am and 1.00pm with stallholders arriving on site from 7.00am to set up, and leaving by 3.00pm.

This application does not propose to increase the size of the market which varies from approximately 20 stalls up to a maximum of 30 (the highest recorded number of stalls).

8. DETAILED CONSIDERATIONS

8.1 Land Use

UDP Policy SS13 states that proposals for new street markets will be considered with reference to amenity, parking, servicing, highways, cleansing, refuse storage/recycling and licensing considerations and the effect on existing street markets and local shopping facilities.

Policy S18 of the City Plan directs new commercial development to the Core CAZ and designated shopping centres, amongst other specific locations, but states that proposals for new commercial uses must be appropriate in terms of the scale and intensity of land uses and their impact on the character and function of the area. Policy S21 directs new retail uses (floorspace) to the designated shopping centres, amongst other specified locations.

Given that the market has now been operating for a period of 16 years and the fact that it only operates on a Saturday, it is not considered that it would have an adverse impact on local shopping in the area, but could be seen to supplement it. Given the proximity of the site to the CAZ, and the nature of the proposals, it is not considered that the market could reasonably be resisted on the grounds that it would have an adverse impact upon the character and function of the area. In these circumstances, the market is again considered acceptable in principle in land use terms.

8.2 Townscape and Design

Policy DES12 states that development will not be permitted on or under parks, landscaped spaces and public or private gardens where the open spaces form an important element in the townscape, part of a planned estate or street layout; are characteristic features of conservation areas; provide the setting of a listed building or are of significant ecological value.

Under Policy S35, all open spaces and their quality, heritage and ecological value, tranquillity and amenity will be protected.

The demountable market stalls are of a uniform design (as per the existing market stalls) and these will be removed at the end of the day. Therefore, the proposal will have limited impact on the townscape of this area.

8.3 Residential Amenity

Policy ENV6 of the UDP and S29 and S32 of the City Plan seek to residential amenity and contain noise from development proposals.

As demonstrated by the letters of support and the petition, the market is clearly valued by a lot of people in the neighbourhood and has been running successfully for 16 years. The Council has received 67 letters of support including from addresses within the vicinity of the site.

There appear to be no objections to the period that the market is open to the public (between 9.00am and 1.00pm), in fact there seem to be some calls for this period to be extended. However concerns have been expressed from a number of local residents and the amenity societies about noise and disturbance from the stallholders setting up the market early in the morning. It would also appear that on occasions there have been breaches of the approved start time with set up works starting earlier than 7.00am. Environment Health has also raised objections to the management of the market and has provided a number of negative comments about the market operation from the Council's Market Inspector's team.

In response to these concerns the applicant advises that the 7.00am start time has been in place for 16 years and is policed rigorously by themselves. The applicant states that a start time of 7.00am is required because stallholders need to unload prior to the operation of parking restrictions at 8.30am. A later start time they argue would mean a reduced servicing window resulting in more vehicles competing for limited road space. The applicant advises that moving the start time any later than 7.00am will put the market under threat because of the potential traffic management problems. Notwithstanding this the applicant has now proposed a slightly later start time of 7.05am.

In response to the concerns of residents the applicant has reiterated that they have operational procedures designed to keep noise and disturbance to noise sensitive properties down to a minimum. These procedures are set out in the following documents submitted with the application (and provided as Background Papers 85, 86 and 87): Farmers Market Noise Prevention Procedure, Farmers Market Parking Arrangement and the London Farmers Market Method Statement for set up and break down. The Farmers Market Parking Arrangement seeks to ensure that no waiting takes place on the marked part of Ebury Street prior to 7.05am.

In addition to the above the applicant advises that they employ a market manager who is on site from 6.50am until the market closes who aims to:

- Reduce noise associated with vehicles; by ensuring all vehicles turn off engines when on site, enforce a ban on car radios and using horns.
- Enforce the voluntary parking plan so that vehicles do not park on Ebury Street until 7.05am

- Reduce noise associated with people: By enforcing a no shouting policy. Also no gathering of market sellers prior to 7:05am
- Reduce noise associated with stall equipment: By identifying equipment causing a problem and change the way it is handled.
- Report all incidents to the office so that LFM can take further action through fines or even suspension if necessary.

The applicant advises that if noise can be identified to a particular stall or person they will be formally warned that they are causing a disturbance and unless they reduce the level of noise they will be removed from the market if they continue. They will have two warnings and then be asked to leave the market.

Based on the submission documents the operators of the market appear to have robust procedures in place to keep noise and disturbance from the market to a minimum. It is also the case that the market appears to have been operating for 16 years without any major complaints. However given the concerns raised in the letters of representation it is considered that a temporary 12 month permission should be granted instead of five years. This would allow the applicant to assess whether any further changes to the operating procedures are necessary and if so to include these as part of the next submission. In response to this, the applicant advises that a 12 month permission is too short, that it suggests the market is a problem and could be forced to close. The concerns of the applicant are noted however it is considered that a cautionary approach is required in this instance in order to protect residential amenity.

There are no objections to the continued trading hours of the market between 9.00am and 1.00pm. Given the market's proximity to a busy junction, it is not considered that the general level of activity associated with the market when trading would have a significant adverse impact upon the amenities of local residents.

No comments have been received raising the issue of smell nuisance as a result of cooking from the stalls, notwithstanding the fact that the market has been operating on a weekly basis since 2001.

The comments from Environmental Health raise the issue of placing cooking stalls close to trees which would be a fire hazard. Condition 9 on the draft decision notice prevents any stalls that generate heat being placed under trees. An informative is recommended to remind the applicant of this condition.

A number of objections have been received on the grounds that the market increases litter generation and that the stall market holders do not dispose of waste correctly. The applicant has confirmed that all market stallholders are responsible for removing, and disposing of their own packaging and food waste. In addition the applicant states that the Council has never reported any waste management problems to them in the markets 16 year history. Condition 6 on the draft decision notice requires the applicant to clean Orange Square between 1330 and 1500 on every Saturday the market is open.

8.4 Transportation/Parking

There are no highway issues given that the market can be serviced from the street and the proposal is for a temporary rather than permanent use.

8.5 Economic Considerations

The economic benefits generated by the market are welcome.

8.6 Access

This application raises no issues and the market will be accessible to those with physical disabilities.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Not applicable.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health dated 14 July 2017
3. Response from Highways Planning Manager dated 20 June 2017.
4. Letter from Cleansing dated 29 June 2017.
5. Letter from Belgravia Residents Association
6. Letter from Belgravia Society dated 10 July 2017.
7. Letter from occupier of 11 Furness house, London, dated 21 June 2017
8. Letter from occupier of 39A, Crimsworth Road, dated 20 June 2017
9. Letter from occupier of 172 Mozart Terrace, Ebury street, dated 20 June 2017
10. Letter from occupier of 38 Chelsea Gardens, Chelsea Bridge Road, dated 23 June 2017
11. Letter from occupier of 4 Billing Road, London, dated 21 June 2017
12. Letter from occupier of 60 Pimlico Road, London, dated 21 June 2017
13. Letter from occupier of Woodlands Cottage, Droxford Road, dated 23 June 2017
14. Letter from occupier of Nantyllaethdy, Dyffryn Crawnon, dated 24 June 2017
15. Letter from occupier of 17 Pearce House, Montaigne Close, dated 24 June 2017
16. Letter from occupier of 31 Knowsley Road, London, dated 20 June 2017

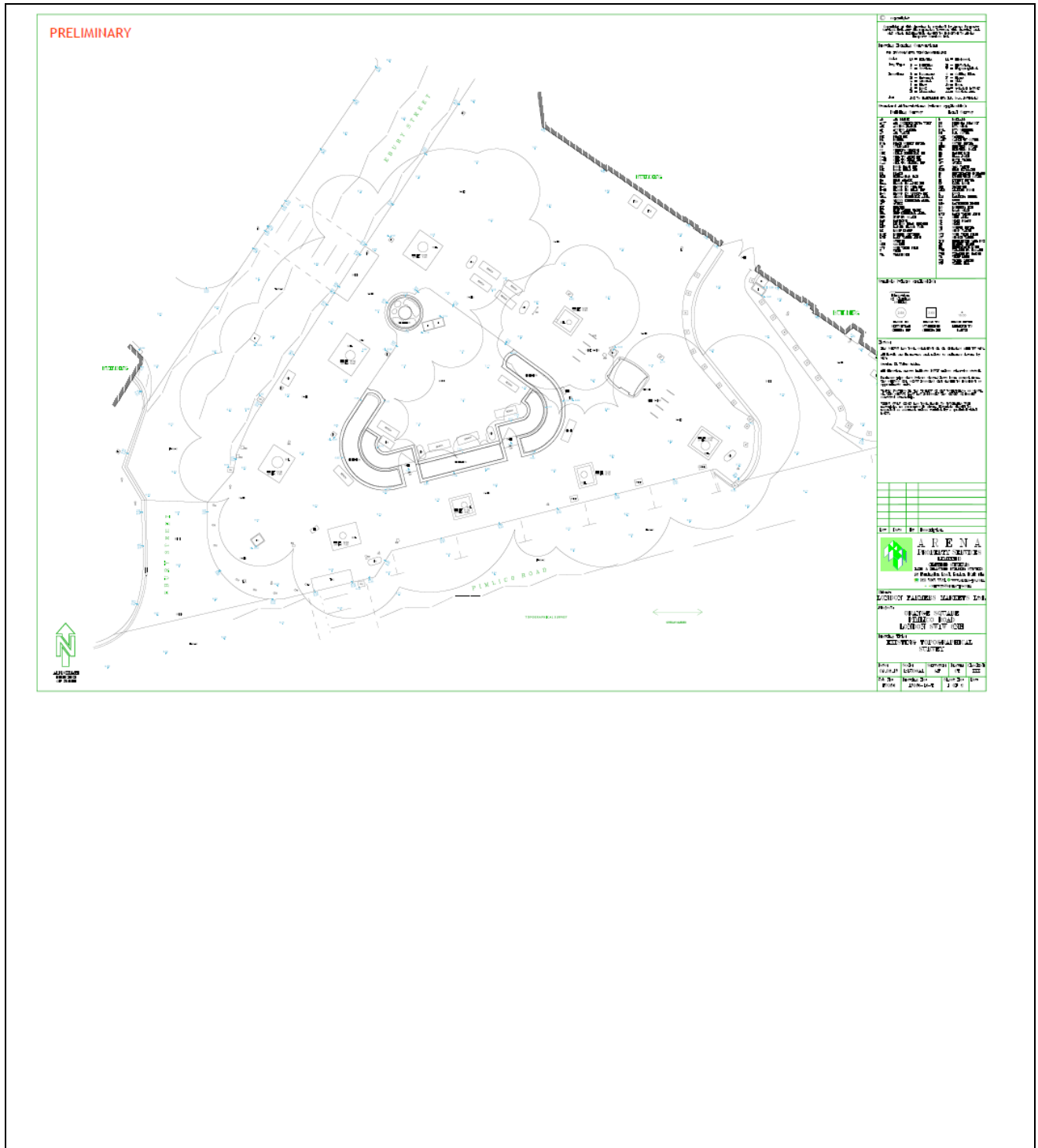
17. Letter from occupier of 30 St Mary Le Park Court, Parkgate Road, dated 21 June 2017
18. Letter from occupier of 8A Blythe Close, London, dated 23 June 2017
19. Letter from occupier of 9 Lowther House, Churchill Gardens, dated 21 June 2017
20. Letter from occupier of 7 Lochmore House, Cundy Street, dated 22 June 2017
21. Letter from occupier of The Old School House, 178 Ebury Street, dated 21 June 2017
22. Letter from occupier of 121, Caple House,, London, dated 24 June 2017
23. Letter from occupier of K10 Sloane Avenue Mansions, Sloane Avenue, dated 20 June 2017
24. Letter from occupier of 36 Winchester St, London, dated 23 June 2017
25. Letter from occupier of 43 Westminster Mansions, Great Smith Street dated 29 June 2017
26. Letter from occupier of 21 Minera Mews, London, dated 20 June 2017
27. Letter from occupier of 36 Winchester Street, London, dated 20 June 2017
28. Letter from occupier of 194 Ebury St, London, dated 21 June 2017
29. Letter from occupier of 25 Winchester, London, dated 20 June 2017
30. Letter from occupier of 22 Rita Road, London, dated 21 June 2017
31. Letter from occupier of 105 Pimlico Road, LONDON, dated 27 June 2017
32. Letter from occupier of 83 Pimlico Road, London, dated 27 June 2017
33. Letter from occupier of 76-84 Pimlico Road, London, dated 28 June 2017
34. Letter from occupier of 50-52 Pimlico Road, London, dated 21 June 2017
35. Letter from occupier of Haynes fine art, 70 Pimlico road, dated 20 June 2017
36. Letter from occupier of 69 Pimlico Road, London, dated 20 June 2017
37. Letter from occupier of Flat 20, 1 Ambrosden Avenue, dated 20 June 2017
38. Letter from occupier of 21 Minera Mews, London, dated 20 June 2017
39. Letter from occupier of 2 Claxton Grove, London, dated 20 June 2017
40. Letter from occupier of FBC London, 66 Pimlico Road, dated 22 June 2017
41. Letter from occupier of 56 Sisters Avenue, London, dated 20 June 2017
42. Letter from occupier of 24 Pimlico Road, London, dated 21 June 2017
43. Letter from occupier of 46 Maskelyne Close, London, dated 21 June 2017
44. Letter from occupier of 46 Bourne St, London, dated 20 June 2017
45. Letter from occupier of 4A Cumberland Street, London, dated 25 June 2017
46. Letter from occupier of 68 Pimlico Road, London, dated 27 June 2017
47. Letter from occupier of 14 Park Lofts, 63 LYHAM RD, dated 27 June 2017
48. Letter from occupier of 1 Coleshill flats, Ebury street, dated 30 June 2017
49. Letter from occupier of 14 Bloomfield Terrace, London, dated 20 June 2017
50. Letter from occupier of 23 Burns Road, London, dated 25 June 2017
51. Letter from occupier of 57 Probyn House, Page Street, London, dated 20 June 2017
52. Letter from occupier of 9 Chelsea Towers, Chelsea Manor Gds, dated 20 June 2017
53. Letter from occupier of 12 St. Georges Mansions, Causton St, dated 24 June 2017
54. Letter from occupier of 4a Cumberland Street, London, dated 28 June 2017
55. Letter from occupier of 10 Lochmore House, Cundy Street, dated 21 June 2017
56. Letter from occupier of 38 Chelsea Gardens, Chelsea Bridge Road, dated 24 June 2017
57. Letter from occupier of 17 Coleshill, Ebury Street, dated 2 July 2017
58. Letter from occupier of 30 Pimlico Road, London, dated 27 June 2017
59. Letter from occupier of 81 Hepworth Court, 30 Gatliff Road, dated 26 June 2017
60. Letter from occupier of The Orange, 39 Pimlico Road, London, dated 21 June 2017
61. Letter from occupier of 33 Coleshill Flats, Ebury Street, dated 30 June 2017
62. Letter from occupier of Ebury Street, Belgravia, dated 3 July 2017
63. Letter from occupier of 26 Clarendon Street, Pimlico, dated 10 July 2017
64. Letter from occupier of 50 WARWICK SQUARE, LONDON, dated 3 July 2017
65. Letter from occupier of 3 Briardene, Margery Lane, dated 5 July 2017

66. Letter from occupier of 31 Coleshill, Ebury St, dated 6 July 2017
67. Letter from occupier of 13 Eccleston Square, London, dated 4 July 2017
68. Letter from occupier of 80 Warwick Square, London, dated 24 July 2017
69. Letter from occupier of 204, Dolphin Sq, dated 4 July 2017
70. Letter from occupier of 11 Coleshill, Ebury St, dated 5 July 2017
71. Letter from occupier of 52a Elizabeth street, London, dated 6 July 2017
72. Letter from occupier of 1, Coleshill Flats, dated 6 July 2017
73. Letter from occupier of 74b Eccleston Square, London, dated 5 July 2017
74. Letter from occupier of 36 Bourne Street, Belgravia, dated 3 July 2017
75. Letter from occupier of 12 Eccleston Square, London, dated 7 July 2017
76. Letter from occupier of 61 Bourne Steet, London, dated 6 July 2017
77. Letter from occupier of 18 Tintern house, London, dated 6 July 2017
78. Letter from occupier of 61 Eaton Square, B, dated 23 July 2017
79. Letter from occupier of 12 Eccleston Square, London, dated 7 July 2017
80. Letter from occupier of 2 Fir Lodge, 3 Gipsy Lane, dated 4 July 2017
81. Letter from occupier of 91 Cambridge St, London, dated 8 July 2017
82. Letter from occupier of 13 Eccleston Square, LONDON, dated 4 July 2017
83. Letter from occupier of 37 Coleshill, Ebury St, dated 5 July 2017
84. Emails from applicant dated 16 August and 19 July 2017.
85. Farmers Market Noise Prevention Procedure.
86. LVM Method Statement.
87. Farmers Market Parking Arrangement.

(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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

10. KEY DRAWINGS



DRAFT DECISION LETTER

- Address:** Orange Square Farmers Market, Pimlico Road, London, SW1W 8NB,
- Proposal:** Use of open space between Ebury Street and Pimlico Road as weekly Saturday farmers' market.
- Reference:** Site plan, Pimlico Road Farmers Market Parking Arrangement, LFM Method Statement, Pimlico Noise Prevention Plan, Trading Areas Plan, Letter dated 8 June 2017.
- Plan Nos:** Site Plan,

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)

- 1 Only London Farmers' Markets Ltd can carry out the market use. No one else may benefit from this permission.

Reason:

Because of the special circumstances of this case, we would not have granted planning permission to anyone other than London Farmers' Markets Ltd. This is as set out in SS13 of our Unitary Development Plan, adopted January 2007.

- 2 The market use allowed by this permission can continue until 31 August 2018. After that the land must return to its previous condition and use.

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S29 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV 6 and ENV 13 of the Unitary Development Plan, adopted January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 3 You can use Orange Square for this purpose between 0700 and 1500 on Saturdays and not at any other times. Outside these hours the site shall be clear of all materials, produce, waste, spillages and equipment connected with the market.

Reason:

In order to reserve details of the days/ times for the operation of the market with the chosen market operator in order to safeguard the amenities of nearby residents as set out in S29 and S32 of Westminster's City

Plan: Strategic Policies which we adopted in July 2016 and ENV6 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 4 You must store and dispose of waste and materials for recycling, make the storage available to all stallholders, and clean Orange Square between 1330 and 1500 on every Saturday the market is open.

Reason:

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

- 5 You must display a contact address and telephone number of London Farmers' Markets Ltd, and a contact number for the Market Manager at the site from 0700 to 1500 every Saturday the market is open.

Reason:

To provide visitors and people in neighbouring properties with contact details of the applicant, if they have any questions or complaints about the market.

- 6 You must not allow any vehicles to mount or drive across the paved parts of Orange Square.

Reason:

To make sure that the paving, street furniture, trees and underground vaults are not damaged by vehicles visiting the site. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

- 7 You must not clean the paving or the areas around the tree bases with any substances which would harm the future health of any tree in Orange Square.

Reason:

To make sure that trees are not damaged when Orange Square is cleaned. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

- 8 You must not fix advertisements, signs or anything else to trees in Orange Square with nails or screws. You must remove any signs fixed with string by 1500 every Saturday the market is open.

Reason:

To make sure that trees are not damaged by items fixed to them. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

- 9 You must not put any hot dog stalls, roast chestnut stalls or anything else that generates heat beneath any part of any tree in Orange Square.

Reason:

To make sure that trees in Orange Square are not damaged by heat. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

- 10 If any pruning or work to the trees in Orange Square is necessary, it must only be done by contractors working for us, under instructions given by us.

Reason:

To make sure that any work to the trees is absolutely necessary and is done properly. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

- 11 If any trees in Orange Square are damaged by stallholders, you must rectify the damage to our satisfaction and at your expense.

Reason:

To make sure that any damage to any trees is rectified and the future health of the trees is maintained. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

- 12 You must ensure that stallholders do not cook or heat food, or serve hot food from any stall at the market without first getting written approval from us.

Reason:

To make sure that trees in Orange Square are not damaged by heat. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV16 of our Unitary Development Plan, adopted January 2007.

- 13 You must operate and manage the market in accordance with the approved Noise Prevention Procedure, the LFM Method Statement and Parking Arrangement plans.

Reason

To protect the environment of the occupiers nearby residential properties in accordance with S29 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV 6 and ENV 13 of the Unitary Development Plan, adopted January 2007.

Informative(s):

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

- 2 Following comments raised by the Council's Market Inspector's Team, you are reminded of the need to comply with Condition 9 to ensure there is no fire risk to trees on the site.

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	1, 16 and 17 Berkeley Mews, London, W1H 7AT		
Proposal	Application 1 – 1 Berkeley Mews Use of ground and first floor as an office (Class B1) (retrospective application). Application 2 – 16 Berkeley Mews Use of the ground and first floor as an office (Class B1) Application 3 – 17 Berkeley Mews Use of ground and first floors as an office (Class B1)		
Agent	Gerald Eve LLP		
On behalf of	The Portman Estate Nominees (One) Ltd and The Portman Estate Nominees (Two) Ltd		
Registered Number	Application 1 - 17/04565/FULL Application 2 – 17/04566/FULL Application 3 - 17/04567/FULL	Date amended/ completed	5 June 2017
Date Application Received	24 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

<p>Applications 1, 2 and 3:</p> <ol style="list-style-type: none"> 1. Grant conditional permission subject to a legal agreement to secure the following: <ol style="list-style-type: none"> a) Upon permission being granted, the George Street planning permission (Ref: 12/01611/FULL) shall not be implemented. b) Costs of monitoring the S106 agreement. 2. If the S106 legal agreement has not been completed by 17 September 2017 then: <ol style="list-style-type: none"> a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if

so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application sites comprise three mews buildings within Berkeley Mews. All are located within the Central Activities Zone (CAZ) (but outside of the Core CAZ) and within the Portman Estate Conservation Area. None are listed buildings. No. 1 Berkeley Mews comprises a two-bedroom single family dwellinghouse with integral garage. Nos. 16 and 17 Berkeley Mews comprise commercial garaging / storage space at ground floor level with 2 x two-bedroom flats above at first floor level.

The application proposes to use all three buildings as offices. Whilst this would ordinarily be unacceptable in principle due to the loss of residential floorspace / units and through creating office floorspace outside of the Core CAZ and not on a Named Street within Marylebone and Fitzrovia, the applicant proposes that this package of sites replaces an extant but unimplemented permission to convert the upper floors of Nos.67-69 George Street from five flats into offices. This permission forms part of a land use package with sites at No. 21 George Street and Nos. 23-25 Castlereagh Street whereby the loss of residential floorspace was acceptable provided it was re-provided at Nos. 23-25 Castlereagh Street.

Despite the objection to the loss of residential floorspace from a resident within Berkeley Mews, the proposed revised land use package represents a significant improvement over the approved land use package, with two additional residential units provided and an additional 170 sq.m (GIA) of residential floorspace. Subject to a legal agreement preventing the George Street planning permission (Ref: 12/01611/FULL) ever being implemented, the proposal is acceptable in land use, transportation and amenity terms. The schemes therefore comply with adopted Unitary Development Plan (UDP) and City Plan policies and are recommended for approval.

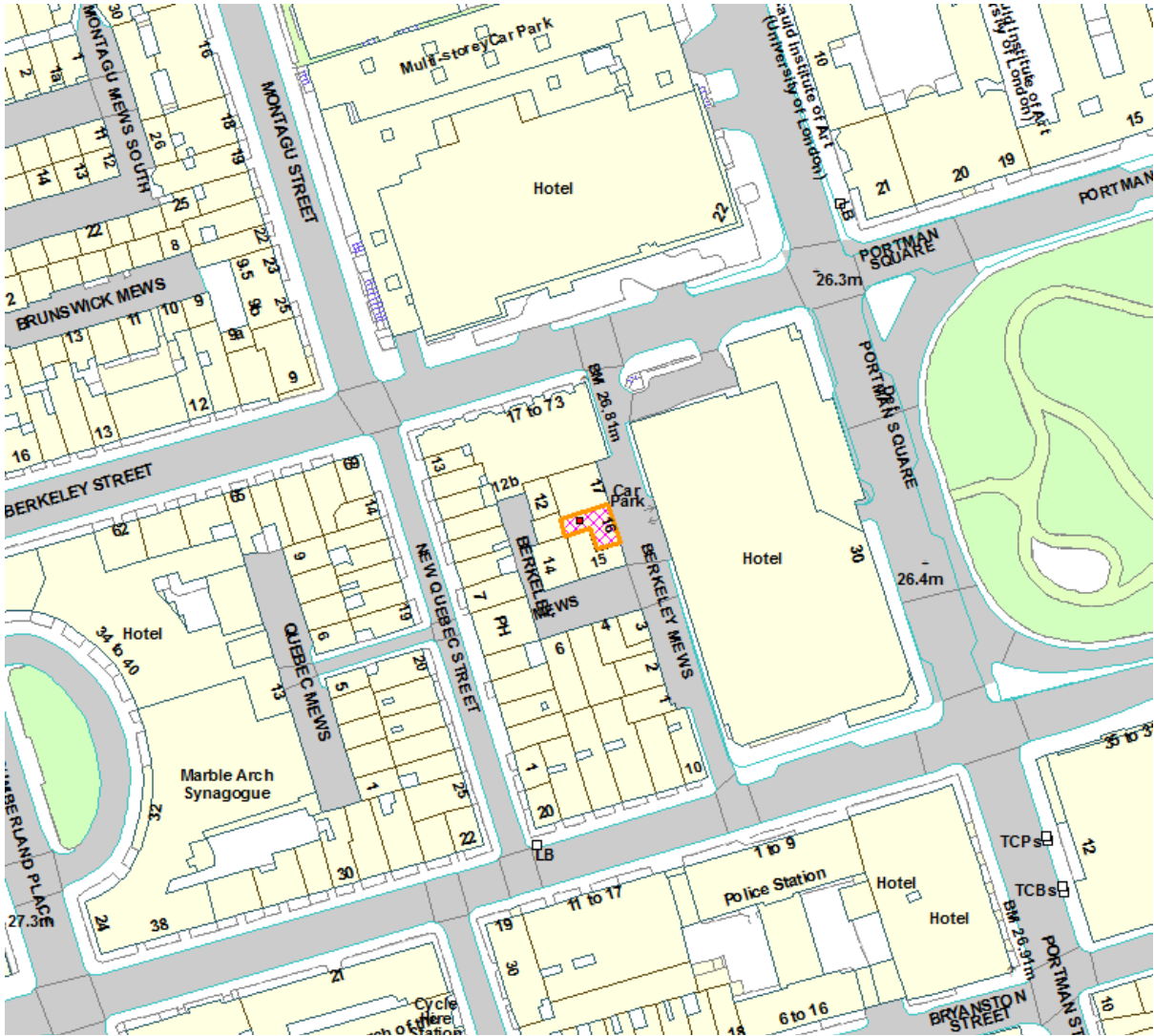
3. LOCATION PLAN

Application 1 – 1 Berkeley Mews



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Application 2 – 16 Berkeley Mews



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Application 3 – 17 Berkeley Mews



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4. PHOTOGRAPHS

1 Berkeley Mews:



16 Berkeley Mews:



17 Berkeley Mews:



Item No.
4

CONSULTATIONS

Application 1 – 1 Berkeley Mews

MARYLEBONE ASSOCIATION:

Objection, as application appears to be premature in terms of change of use.

HIGHWAYS PLANNING:

- Confirms that the impact of the change of use on parking levels will be minimal.
- Objects to the loss of the garage if it is protected by a planning condition or similar for residential car parking.
- Accepts that the proposed use will not generate a significant increase in servicing.
- Requests that cycle parking provision be secured by condition.

CLEANSING:

Requests that a condition is imposed requiring details of storage of waste and recyclable material to be submitted for the City Council's approval.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 15

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objecting on the following grounds:

- The replacement of a dwellinghouse with an office will leave them as the only resident within this part of Berkeley Mews which will make the area unsafe and dangerous, with trade people and deliveries schedules through the day and the area will be completely deserted during the evenings.
- The Portman Estate has prevented their mews house being converted into an office. This is discrimination.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2 – 16 Berkeley Mews

MARYLEBONE ASSOCIATION:

No comment.

HIGHWAYS PLANNING:

- Confirms that the impact of the change of use on parking levels will be minimal.
- Objects to the loss of the garage if it is protected by a planning condition or similar for residential car parking.
- Accepts that the proposed use will not generate a significant increase in servicing.
- Requests that cycle parking provision be secured by condition.

CLEANSING:

Requests that a condition is imposed requiring details of storage of waste and recyclable material to be submitted for the City Council's approval.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 54

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

*Application 3 – 17 Berkeley Mews***MARYLEBONE ASSOCIATION:**

No comment.

HIGHWAYS PLANNING:

- Confirms that the impact of the change of use on parking levels will be minimal.
- Objects to the loss of the garage if it is protected by a planning condition or similar for residential car parking.
- Accepts that the proposed use will not generate a significant increase in servicing.
- Requests that cycle parking provision be secured by condition.

CLEANSING:

Requests that a condition is imposed requiring details of storage of waste and recyclable material to be submitted for the City Council's approval.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 48

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION**5.1 The Application Site**

No. 1 Berkeley Mews comprises an unlisted two-bedroom single family dwellinghouse with integral garage. This building is currently being unlawfully used as a site office for the contractors undertaking the redevelopment of the former Marylebone Police Station, 1-9 Seymour Street, located opposite the southern entrance to Berkeley Mews.

Nos. 16 and 17 Berkeley Mews comprise commercial garaging / storage space at ground floor level with 2 x two-bedroom flats above at first floor level. The commercial garaging / storage space are occupied but both flats are vacant.

All three buildings are located within the Central Activities Zone (CAZ) but outside of the Core CAZ. None of the buildings are listed but are all located within the Portman Estate Conservation Area.

Berkeley Mews is mixed in character. It comprises six residential units at Nos. 1, 2, 12, 13, 16 and 17. Commercial uses such as offices occupy Nos. 3, 4, 5, 14 and 15, whilst Nos. 6 – 10 New Quebec Street are in retail use and back onto the mews. The Churchill Hotel, 30 Portman Square also backs onto Berkeley Mews and has a loading bay and car park entrance accessed from the mews.

5.2 Recent Relevant History

Application 1 – 1 Berkeley Mews

15/06739/CLOPUD

A lawful development certificate was granted on 7 April 2016 confirming that alterations to the fenestration on all elevations, creation of new front door and incorporation of the garage into the living accommodation was either 'permitted development' or, in the case of incorporating the garage into the living accommodation, did not result in a material change of use.

Application 2 – 16 Berkeley Mews

17/04568/CLEUD

A lawful development certificate to confirm that the lawful use of the ground floor (with the exception of hallway to upper floors) is commercial car parking (*Sui Generis*) was withdrawn on 16 August 2017. This was on the basis that there was insufficient evidence to demonstrate that the two garages had been in use for in excess of ten years prior to the date of the application as commercial car parking (*Sui Generis*). The evidence, however, did make it clear that neither of the garages were lawfully used in an ancillary capacity to the flat above but had long been in commercial use.

Application 3 – 17 Berkeley Mews

A lawful development certificate to confirm that the lawful use of the ground floor (with the exception of hallway to upper floors) is commercial car parking (*Sui Generis*) was withdrawn on 16 August 2017. This was on the basis that there was insufficient evidence to demonstrate that the garage had been in use for in excess of ten years prior to the date of the application as commercial car parking (*Sui Generis*). The evidence, however, did make it clear that the garage was not lawfully used in an ancillary capacity to the flat above but had long been in commercial use.

6. THE PROPOSAL

It is proposed to convert Nos. 1, 16 and 17 Berkeley Mews (including garaging) into office (Class B1) floorspace totalling 460 sq.m (GIA). As shown in Table 1 below, the result would be:

- The loss of 300 sq.m (GIA) of residential floorspace.
- The loss of three residential units.
- The loss of 160 sq.m (GIA) of commercial car parking / storage.

No external alterations are proposed.

	Residential (sq.m) (GIA)	Residential units	Car parking / storage (sq.m) (GIA)	Total
1 Berkeley Mews	133	1	0	
16 Berkeley Mews	67	1	65	
17 Berkeley Mews	100	1	95	
Total	300	3	160	460

Table 1 – Existing floorspace.

7. DETAILED CONSIDERATIONS

7.1 Land Use

By itself, the proposal is wholly unacceptable. It would result in a reduction in 300 sq.m of residential floorspace and three good quality dwellings, contrary City Plan Policy S14. Furthermore, the creation of office floorspace outside of the Core CAZ (and not on a Named Street in Marylebone and Fitzrovia) is contrary to City Plan Policies S8 and S20.

If approved, however, this package of sites is proposed to be subject to a legal agreement that would prevent the permission dated 18 September 2012 (Ref: 12/01611/FULL) at Nos. 67-69 George Street being implemented.

The permission at Nos. 67-69 George Street allows the conversion of the five flats over part second, third and fourth floors into office floorspace. Together with a permission at No. 21 Gloucester Place (Ref: 12/05485/FULL) that allowed the conversion of the third floor from one flat to office floorspace, this site formed part of a land use package whereby the loss of residential floorspace / units at these two sites could only take place once the residential floorspace / units had been re-provided at Nos. 23-25 Castlereagh Street in accordance with permission (Ref: 12/01610/FULL) that allowed the redevelopment of the site to create ten residential units. All three of the sites are located in the CAZ but outside of the Core CAZ and are in close proximity to each other.

The approved land use package is summarised within Table 2 below. Permission was granted for this land use package as, when taken as a whole, it is policy compliant through providing a net increase of 326 sq.m (GIA) of residential floorspace in the form of two additional family-sized units and through providing improved quality units, each with outdoor amenity space.

As existing				
	Residential (GIA)	Residential units	Family sized units	Office (GIA)
23-25 Castlereagh Street	179	2	0	543
67-69 George Street	470	5	0	0
21 Gloucester Place	86	1	0	849
Total	735	8	0	1392
As approved				
23-25 Castlereagh Street	1061	10	2	0
67-69 George Street	0	0	0	470
21 Gloucester Place	0	0	0	945
Total	1061	10	2	1415
Net	+326	+2	+2	+23

Table 2 – Approved land use package.

The development at Nos. 23-25 Castlereagh Street has been implemented, as has the development at No. 21 Gloucester Street. The development at Nos. 67-69 George Street, however, has not commenced and remains extant until 17 September 2017.

The current proposals seek to supplant the permission at Nos. 67-69 George Street, with a legal agreement proposed that would prevent this permission from ever being implemented. As No. 1 Berkeley Mews is already being used unlawfully for the proposed office use, if granted, the Berkeley Mews package will have been implemented immediately which would render the Nos. 67-69 George Street defunct. The applicant would therefore not be able to choose to implement either the Berkeley Mews permissions or the George Street permission.

Table 3 summarises the proposed new land use package:

As existing					
	Residential (GIA)	Residential units	Family sized units	Car parking / storage (GIA)	Office (GIA)
23-25 Castlereagh Street	179	2	0	0	543
1 Berkeley Mews	133	1	0	0	0
16 Berkeley Mews	67	1	0	65	0
17 Berkeley Mews	100	1	0	95	0
21 Gloucester Place	86	1	0	0	849
Total	565	6	0	160	543
As proposed					
23-25 Castlereagh Street	1061	10	2	0	0
1 Berkeley Mews	0	0	0	133	0
16 Berkeley Mews	0	0	0	132	0
17 Berkeley Mews	0	0	0	195	0
21 Gloucester Place	0	0	0	86	0
Total	1061	10	2	546	0
Net result	+496	+4	+2	-160	+3

Table 3 – Proposed land use package

In the context of sites outside of the Core CAZ where residential floorspace is prioritised over commercial floorspace, Table 4 clearly shows that the proposed land use package represents a significant improvement over the approved land use package, with two additional residential units provided and an additional 170 sq.m (GIA) of residential floorspace. The loss of 160 sq.m (GIA) of car parking / storage is uncontentious in the context of the lack of policies to protect this commercial floorspace, as is the slight fall in office floorspace created given that City Plan Policies S8, S14 and S20 promote increases in residential floorspace and resist increases in office floorspace in this location.

	Residential (GIA)	Residential units	Family sized units	Car parking / storage (GIA)	Office (GIA)
Approved	+326	+2	+2	0	+23
Proposed	+496	+4	+2	-160	+3
Difference	+170	+2	0	-160	-10

Table 4 – Net result comparison – approved and proposed.

The impact on the character of the mews, the quality of the residential accommodation, the impact upon residential amenity of the residents remaining in the mews, however, needs to be balanced against the wider benefits set out above. The current applications follow:

- Permission being granted on 11 December 2007 (Ref: 07/04385/FULL) to convert the mews house at No. 15 Berkeley Mews into office accommodation as part of a land use swap with No. 12 Seymour Street (Ref: 07/04383/FULL); and
- Permission being granted on 4 May 2005 (Ref: 04/08127/FULL) to convert 2 x one-bedroom flats at first floor level with commercial garaging beneath at Nos. 3-4 Berkeley Mews into office accommodation as part of a land use swap with No. 8 Robert Adam Street (Ref: 04/08124/FULL).

The current applications would continue the trend of commercialising Berkeley Mews and will change the character of the mews from one of mixed residential and commercial uses to one of predominantly commercial uses. An objection has been made to the proposal from the occupant of No. 2 Berkeley Mews highlighting that this would leave only them as residents within this part of Berkeley Mews. It is alleged that commercial activity during the day makes the area unsafe and in the evenings the area is completely deserted which also brings danger. The objector adds that the Portman Estate has previously preventing this occupier from converting their mews house into an office and that they are convinced that this is discriminatory.

City Plan Policy CM47.1 outlines how planning permission for the swapping of uses between sites and for land use packages (swaps between more than 2 sites) which are located in the Central Activities Zone will be appropriate where:

- a. the sites are in the vicinity of each other;
- b. the mixed use character of the immediate area is secured at a fine grain;
- c. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
- d. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
- e. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
- f. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

The applications for all sites have not been submitted at the time and Berkeley Mews would become less mixed use in character, contrary to City Plan Policy CM47.1 Parts (b) and (f). Due to the close proximity to the loading bay and car park entrance at the rear of the Churchill Hotel which is likely to cause noise and disturbance for occupants of the application sites, retaining the residential accommodation within Nos. 67-69 George Street is considered to result in higher quality residential accommodation within this part of the CAZ, in accordance with City Plan Policy CM47.1 Part (e). Furthermore, the revised land use package will result in two additional residential units and 170 sq.m (GIA) more residential floorspace compared to the approved land use package and all of the sites are in the vicinity of each other, in accordance with City Plan Policy CM47.1 Parts (a) and (c). Whilst the concerns of the local resident are sympathised, these public benefits are considered to outweigh any feeling of increased isolation within Berkeley Mews.

In respect to the safety of the occupier of No. 2 Berkeley Mews and Berkeley Mews in general, it is not considered that the conversion of the application site into offices will have a material impact in terms of public safety. The conversion of these properties to offices

would allow the opportunity for ground floor uses that would provide additional street surveillance during the day. It is considered that this would balance against the lack of activity at night or on the weekends. In terms of vehicular movements, the small scale nature of the offices is considered to mean that it is unlikely that this will lead to any additional cumulative impact of trade and deliveries on either safety or in respect to residential amenity through increase noise and traffic pollution. For this reason, there is considered to be no material loss of residential amenity as a result of the revised land use package, in accordance with UDP Policies ENV 6 and City Plan Policies S29, S32 and CM47.1(d).

In respect to the accusation that the Portman Estate has discriminated against the objector through not allowing their mews house to be converted to an office, the applicant outlines how the resident has a lease as a protected tenant. Whilst not a planning matter, the applicant outlines how, if this mews house was converted to an office, the tenant would lose rights to reside in the property.

7.2 Townscape and Design

No external alterations are proposed and therefore the character and appearance of the Portman Estate Conservation Area would not be affected.

7.3 Residential Amenity

No external works are proposed and therefore the development proposal will have no impact in terms of sunlight / daylight, increase sense of enclosure or loss of privacy. The impact of the proposed change of use on residential amenity in terms of the servicing and deliveries associated with the proposed offices are set out within Section 7.1 of this report.

7.4 Transportation/Parking

Given the commercial nature of any car parking at ground floor levels within Nos. 16 and 17 Berkeley mews, there is no objection to its potential loss through not being used for car parking in association with the proposed new offices.

Highways Planning has confirmed that the impact of the proposed change of use on parking levels will be minimal and accepts that the proposed offices will not generate a significant increase in servicing.

In order to promote sustainable transport to the proposed offices, a condition is recommended to be imposed details of cycle parking provision to be submitted to the City Council for approval.

7.5 Economic Considerations

The economic benefits of additional office floorspace are noted and welcomed.

7.6 Access

Access arrangements would remain unchanged as a result of the proposed change of use.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

As requested by the Cleansing Manager, a condition is recommended requiring details of storage of waste and recyclable material to be submitted for the City Council's approval.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In order to prevent the loss of residential floorspace and units overall, contrary to City Plan Policy S14 and UDP Policy H3, it is recommended that a legal agreement is entered into preventing planning permission (Ref: 12/01611/FULL) at 67-69 George Street being implemented. This legal agreement meets the above tests.

As no increase in floorspace is proposed, no Westminster CIL or Mayoral CIL payment are due.

There is also no requirement to make a contribution to funding Crossrail under the Mayor's Crossrail Funding SPG (2016) as the proposals do not result in a net increase in office floorspace of more than 500 sq.m (GIA).

7.11 Environmental Impact Assessment

The proposal is of insufficient scale to require the submission of an Environmental Statement.

7.12 Other Issues

None.

8. BACKGROUND PAPERS

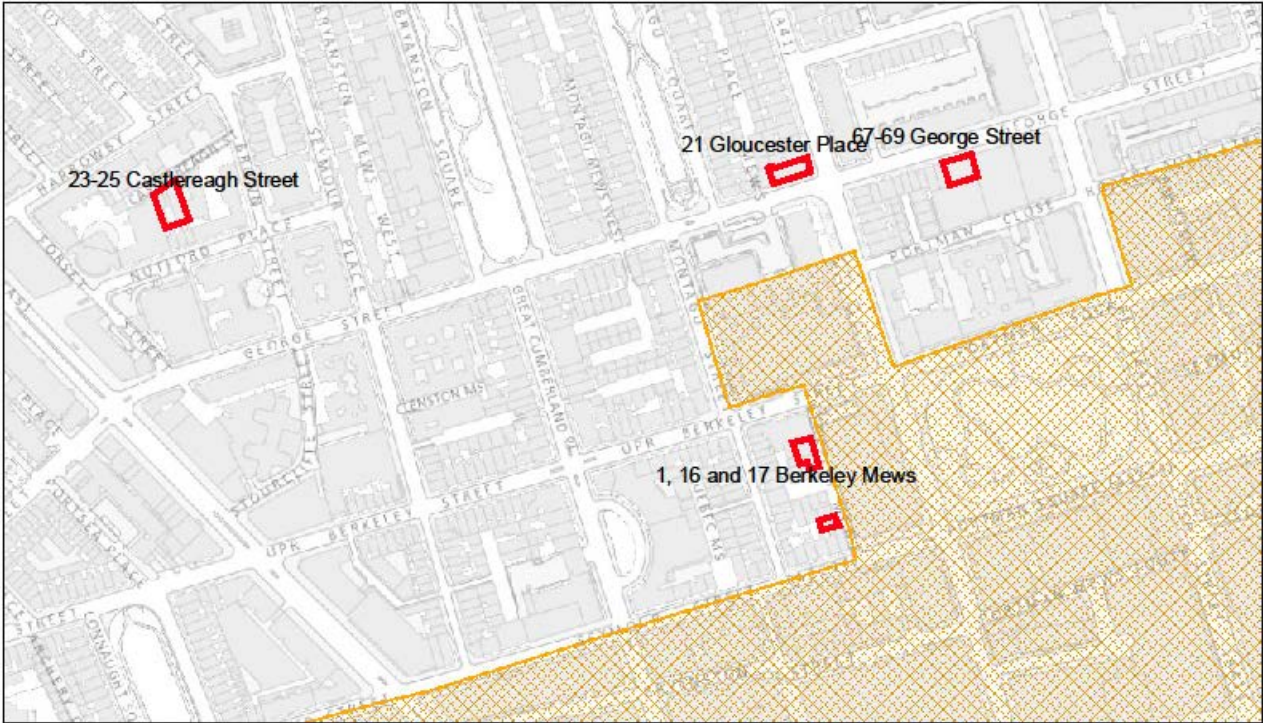
1. Application form

2. Response from the Marylebone Association, dated 26 June 2017.
3. Response from the Marylebone Association, dated 26 June 2017.
4. Response from the Marylebone Association, dated 26 June 2017.
5. Response from the Cleansing Manager, dated 15 June 2017.
6. Response from the Cleansing Manager, dated 19 June 2017.
7. Response from the Cleansing Manager, dated 19 June 2017.
8. Response from the Highways Planning Manager, dated 20 June 2017.
9. Response from the Highways Planning Manager, dated 20 June 2017.
10. Response from the Highways Planning Manager, dated 20 June 2017.
11. Letter from the occupier of No. 2 Berkeley Mews, dated 12 June 2017.

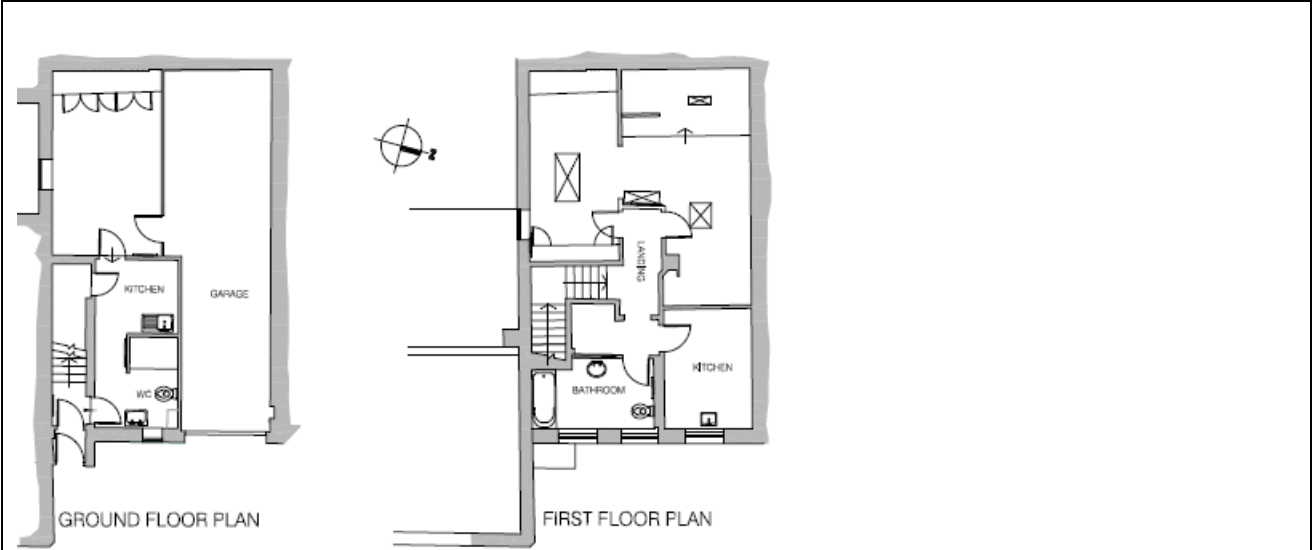
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

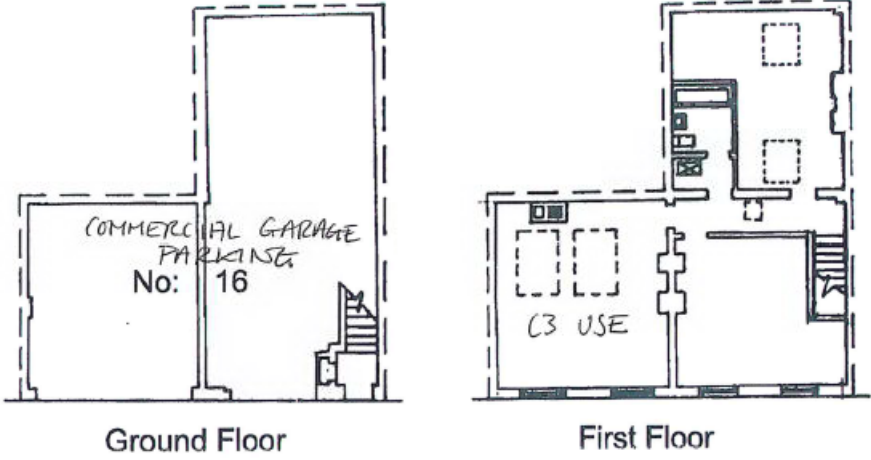
9. KEY DRAWINGS



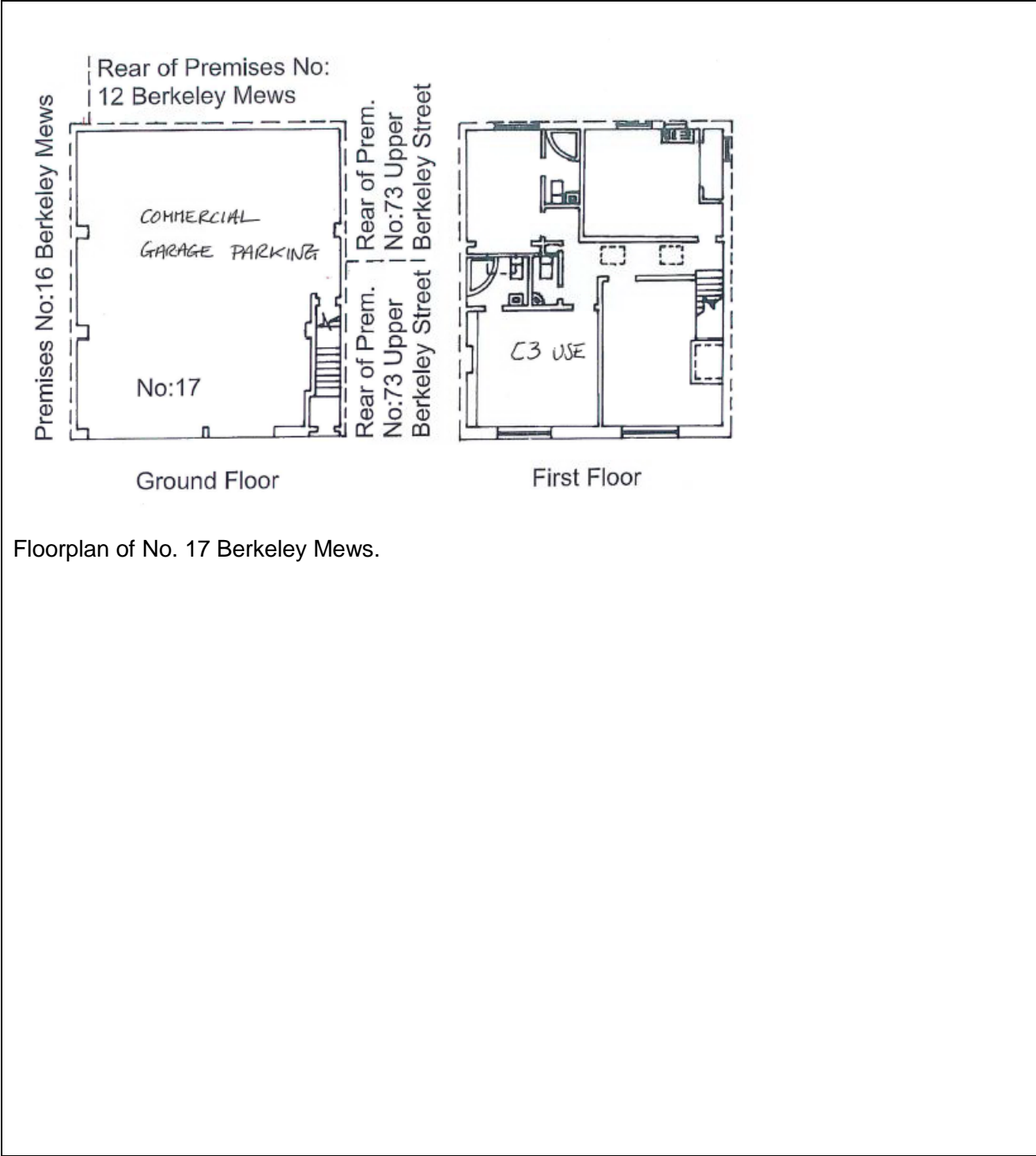
Location of land use package sites in context with the Core CAZ (hatched).



Floorplan of No. 1 Berkeley Mews



Floorplan of No. 16 Berkeley Mews.



Floorplan of No. 17 Berkeley Mews.

DRAFT DECISION LETTER

Address: 1 Berkeley Mews, London, W1H 7AT

Proposal: Use of ground and first floor as an office (Class B1) (retrospective application).

Reference: 17/04565/FULL

Plan Nos: PE.01.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of details of secure cycle storage for the office use hereby approved 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.

- 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 occupy the office use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the office. (C14EC)

Reason:

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

Informative(s):

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

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement secures that the George Street planning permission (Ref: 12/01611/FULL) shall not be implemented.

DRAFT DECISION LETTER

Address: 16 Berkeley Mews, London, W1H 7AY

Proposal: Use of the ground and first floor as an office (Class B1)

Reference: 17/04566/FULL

Plan Nos: Proposed Plan (January 2004).

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of details of secure cycle storage for the office use hereby approved 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.

- 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 occupy the office use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the office. (C14EC)

Reason:

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

Informative(s):

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

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement secures that the George Street planning permission (Ref: 12/01611/FULL) shall not be implemented.

DRAFT DECISION LETTER

Address: 17 Berkeley Mews, London, W1H 7AZ

Proposal: Use of ground and first floors as an office (Class B1)

Reference: 17/04567/FULL

Plan Nos: Proposed plan dated August 2003.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of details of secure cycle storage for the office use hereby approved 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.

- 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 occupy the office use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the office. (C14EC)

Reason:

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

Informative(s):

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

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement secures that the George Street planning permission (Ref: 12/01611/FULL) shall not be implemented.

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 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	8 South Street, London, W1K 1DE,		
Proposal	Use of part basement and ground floor levels as a restaurant (Use Class A3), alterations to the South Street frontage to include the creation of an external seating terrace. Installation of a retractable glass roof over the existing rear courtyard and installation of a high level extract duct and plant within the courtyard.		
Agent	DP9 Ltd.		
On behalf of	Hyde Park Residence Ltd		
Registered Number	17/01318/FULL	Date amended/ completed	23 February 2017
Date Application Received	17 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY

8 South Street is an unlisted building which is part of a wider building at 55 Park Lane, located within the Mayfair Conservation Area and the Core Central Activities Zone but outside of the designated stress areas.

The building currently comprises of basement, ground and first to tenth floor levels and is utilised as a mixture of residential flats and commercial office suites. Planning permission is sought for the change of use of part of the basement and ground floor levels from the existing office accommodation to a restaurant use (Class A3). On the South Street elevation alterations are proposed to provide an external terrace area over the existing vents, converting the ground floor windows to doors to allow access. It is also proposed to install a disabled platform lift on the South Street elevation. There is an existing external courtyard area utilised in association with the office accommodation which it is proposed to cover with a partially retractable glass roof for use in association with the new restaurant. Plant would also be installed within the courtyard area and a high level extract duct would be installed

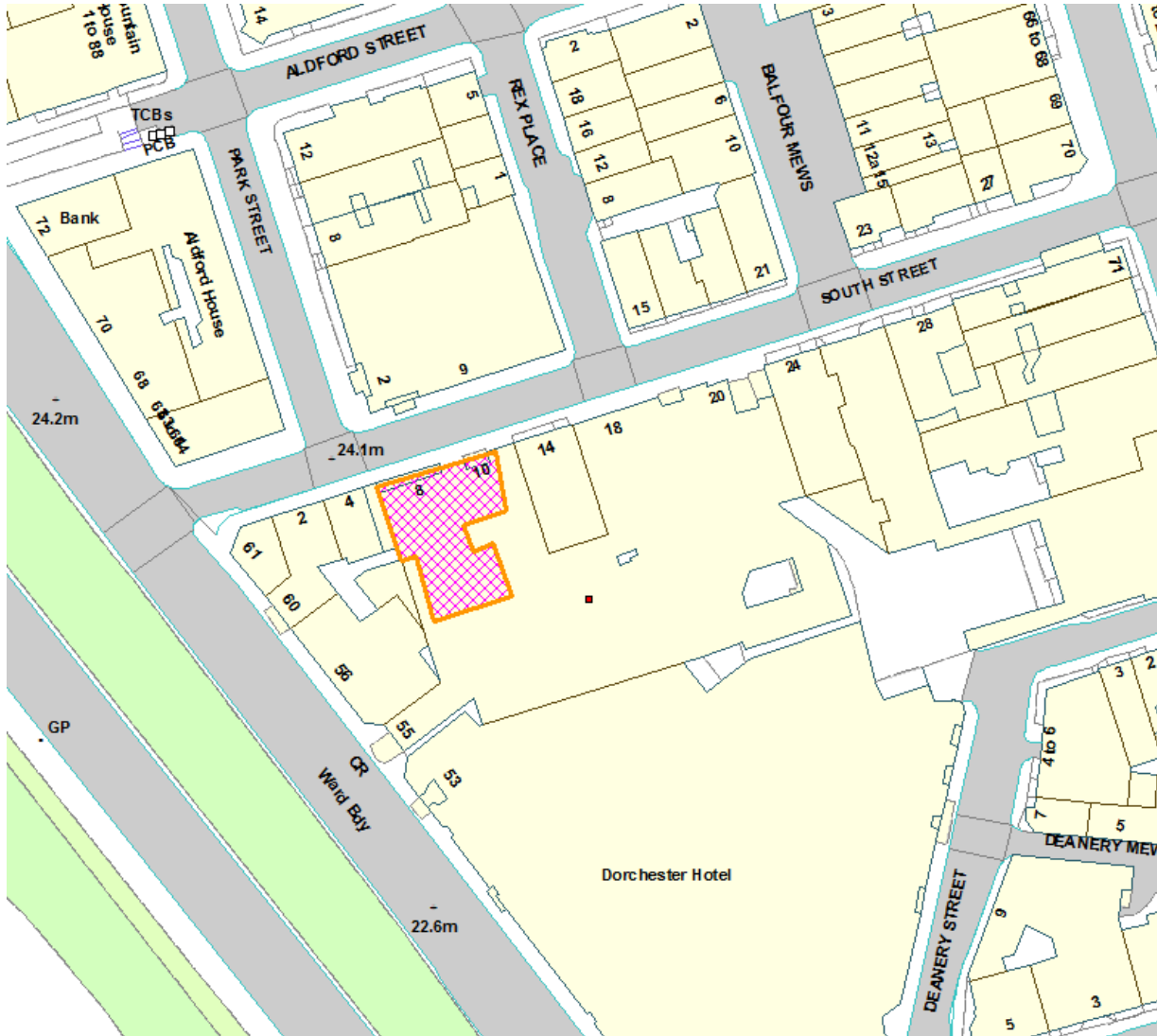
on the courtyard elevation of the building to terminate at main roof level.

The key issue is:

- The impact of the proposed use on the amenity of nearby sensitive occupiers.
- The impact of the proposed external alterations on the character and appearance of the Mayfair Conservation Area.

Subject to appropriate conditions it is considered the proposed restaurant use will be acceptable in terms of its impact upon residential amenity in the vicinity. Furthermore, the proposed external alterations are considered to preserve the character and appearance of the Mayfair Conservation Area. The proposal is therefore considered acceptable in land use, transport, design and conservation, and amenity terms and the application is recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

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.

HIGHWAYS

Acceptable subject to conditions.

CLEANSING

Objection – insufficient detail has been provided with regard the waste and recycling storage.

ENVIRONMENTAL HEALTH

Acceptable subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 251

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objection on the following grounds:

- Overlooking of residential flats on the upper floors of the property resulting from the use of the courtyard by the restaurant.
- Increase in noise disturbance resulting from the use of the courtyard and rubbish collections.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

8 South Street is part of a larger building forming 55 Park Lane which is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone. The property is located outside of any designated stress area. The building comprises basement, ground and ten upper floors and is utilised as a mixture of office suites and residential flats.

The area of the basement and ground floor of the property to which this application relates is currently utilised as office accommodation. It is noted that planning permission was granted in 1995 for the same areas to be utilised as a restaurant premises along with the installation of plant items and a high level extract duct. This permission was not implemented.

6.2 Recent Relevant History

Planning permission was granted on the 3rd August 1995 for, 'Use of part ground floor and basement as a restaurant (Class A3), part infilling of existing lightwell; alterations to entrance from South Street; erection of roof level ventilation duct and 2 air handling units and installation of 3 chiller units and housing to the roof of the lightwell infill'.

7. THE PROPOSAL

Permission is sought for the change of use of part of the office accommodation at basement and ground floor level to create a new restaurant unit. It is also proposed to cover an existing internal courtyard with a partially retractable glass roof for use in association with the restaurant with plant items installed on one side of the courtyard. A new high level extract duct is to be installed on the external courtyard elevation to terminate at main roof level. The restaurant will utilise the existing entrance off South Street as the main entrance to the new restaurant. On the South Street elevation it is also proposed to install a disabled access platform lift adjacent to the main entrance and an external terrace area over existing vents with ground floor windows changed to doors to allow access.

Restaurant Use Table:

	Proposed restaurant incorporating basement and ground floor levels
Restaurant floor space (m2)	499m ²
No of covers	150
Hours of Operation	08:00 till 23:00 Monday to Saturday and 08:00 till 22:00 on Sundays.
Ventilation arrangements	New kitchen extract to be routed externally on the courtyard elevation to terminate at main roof level.
Refuse Storage arrangements	Relevant conditions proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use:

The City Council has no policies seeking the protection or retention of general office accommodation in this location where the proposed change is to another commercial use. The loss of the office floor space is therefore considered acceptable in principle.

Provision of restaurant use:

The proposed restaurant over ground and basement levels of the building would measure 499m². An entertainment unit of this type and size located within the Core Central

Activities Zone but outside of a designated stress area would be considered against Policies TACE8 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan requires that, *'New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.'* Policy TACE8 of the UDP has similar stipulations and relates to new entertainment uses which 'will generally be permissible'. Where the City Council considers the proposal will not have an adverse impact (including cumulative effects) resulting from noise, vibration, odour, late night activity or traffic implications permission may be granted but conditions would be required to restrict opening hours, capacity, servicing, arrangements for waste and recycling, any take-away from the premises, deliveries, music, bar areas and suitable arrangements should be made to prevent noise nuisance and to disperse cooking odours.

It is recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floor space to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The immediate vicinity is characterised mainly by car showrooms at ground floor level along Park Lane with office or residential uses on the upper floors, South Street has fewer uses serving visiting members of the public at ground floor level, again mainly comprising office and residential uses.

There are a large number of residential units on the upper floors of the building itself all accessed through 55 Park Lane. An objection has been received from one resident in the block concerned with regard increased noise and overlooking resulting from the new restaurant premises.

It is proposed for the new restaurant premises to have 150 covers and opening hours of 08:00 till 23:00 Monday to Saturday and 08:00 till 22:00 on Sundays. Paragraph 8.88 of the UDP states; *'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 to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'*. The proposed opening hours are therefore considered reasonable and accord with the policy requirements. With these opening hours conditioned it is not considered the proposal would result in additional late night noise within the area especially in such close proximity to Park Lane which will facilitate rapid dispersal of patrons leaving the premises.

The proposal also includes the installation of a partially retractable glass roof over the existing external courtyard for use in association with the restaurant. The existing courtyard is utilised in association with the office accommodation and does not have any conditions controlling the use. Whilst the proposal would allow a more intensive use of the courtyard, it also presents an opportunity to impose conditions on the use to ensure the

protection of the residential amenity of the occupiers of the upper floors of the building. The applicant has agreed to a condition being applied to any approval to require the retractable glass roof to be closed between the hours of 21:00 and 09:00 to ensure that there is no noise disturbance to residential occupiers on the upper floors of the building during the late evening. In addition, the same hours are applied to the opening of the doors to the terrace on South Street to ensure that both the terrace cannot be used past this hour and that internal noise from the restaurant does not disturb nearby residents at more sensitive times.

With regard a potential increase in overlooking, the applicant has advised that they wish to install a number of banners suspended internally across the glass roof. This could be acceptable to mitigate any increase in overlooking but this would depend on their size, positioning etc. No further details have been provided by the applicant on this aspect of their scheme and therefore a condition is imposed requiring the submission of details to show how the scheme would be designed to minimise overlooking of the existing residential flats on the floors above as well as reducing any potential increase in light pollution.

Taking into account the size of the courtyard, there is the potential that shisha smoking could take place within this area. Shisha smoking can have a detrimental impact upon neighbouring residential occupiers due to the intensity and duration of smoke and odour generation and often the more intensive use of outdoor areas. As there are a large number of residential units in close proximity to the courtyard, it is considered necessary to include a condition prohibiting shisha smoking on the external areas in order the protect residential amenity.

Additional conditions are proposed to control the opening times and activity to limit the impact on nearby residents. These conditions would ensure that the use would essentially be sit-down restaurant with any ancillary bar limited to a small part of the premises (15%) and this could be used only by diners before and after meals with no take-away service (including home delivery) operating from the premises. With these safeguarding conditions in place it is not considered the objection from the residential occupier could be sustained.

A condition is also proposed stating that no music can be played in the premises which is audible externally or within adjoining properties. This is to ensure there is no noise nuisance to the adjoining residential occupiers. As the end restaurant operator has not been specified a condition is also imposed requiring the submission of an Operational Management Plan to detail how the restaurant will be managed to prevent customers who are leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings.

The proposed restaurant would have a new high level extract duct terminating at main roof level which would provide suitable odour dispersal and a condition is proposed to ensure that if the restaurant use is implemented the duct is provided and retained in association with the extended restaurant premises.

The applicant has not provided an acoustic report to assess the building structure and the impact of the proposed use with regard noise levels transferring through the building structure to the residential units on the floor above. The Environmental Health Officer has

requested conditions be applied to any consent stipulating acceptable noise levels within the adjoining residential properties and they consider that these requirements will be achievable.

The proposed restaurant will be directly below residential flats and an objection has been received from a resident to the creation of a new restaurant unit on noise and overlooking grounds. However, with the relevant safeguarding conditions detailed above and the modest opening hours of the restaurant, it is not considered that the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality and it is not considered the application could be reasonably refused on these grounds. The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE8 and City Plan Policy S24.

Impact on character and function of the area

The area is mixed use in character comprising commercial offices and residential uses further east along South Street, this area of Park Lane has a large number of car showrooms, hotels and offices / residential. There are few licensed premises in the vicinity and it is not considered the area is saturated with such uses.

8.2 Townscape and Design

This is a large unlisted building, of limited architectural interest, in the Mayfair Conservation Area. Following negotiations, the proposed alterations to the front of the building are now within the building line. The design of the new doors and railings and the access lift, all on the front facade, are considered acceptable. They will not harm the appearance of the building or this part of the Mayfair Conservation Area.

The retractable roof at the rear is also acceptable in design terms. It will not harm the character and appearance of the Mayfair Conservation Area. Overall, the proposals comply with the City Council's urban design and conservation policies, including City Plan policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5 and DES 9.

8.3 Residential Amenity

The impact of the proposed restaurant on the amenity of neighbouring sensitive occupiers has been considered in Section 8.1 of this report.

8.4 Transportation/Parking

The application includes alterations to the elevation of the property fronting South Street. These changes include the installation of a disabled access lift on the eastern side of the frontage adjacent to 14 South Street. The proposed lift location would be on an area of highway which has been open and passable to pedestrians for at least 20 years and therefore forms part of the public highway. Ordinarily the installation of a lift such as this on the highway would be resisted. However, in this instance the lift would be located immediately adjacent to the lightwell serving 14 South Street to the east and the existing entrance staircase to 8 South Street. The lift would extend no further into the highway than the lightwell for 14 South Street and would have minimal impact upon pedestrian

movements. Taking this into account the installation of the disabled access on the eastern side of the entrance is considered acceptable in highways terms and welcomed in terms of the accessibility improvements to the property.

On the western side of the South Street elevation it is proposed to create a terrace area over existing vents with the conversion of the windows to doors to allow access to this area. Following negotiation with the applicant, this terrace area has been reduced in size. As the reduced terrace area now no longer impacts upon the highway boundary the proposal is acceptable in this aspect.

As the application is for a speculative restaurant with no specified end user, very limited details of servicing have been provided with the application. However, it has been confirmed that servicing can take place from the existing basement car park as shown on the submitted drawings. A condition is proposed requiring the submission of a Servicing Management Plan which will clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised.

For a proposal of this size three cycle parking spaces need to be provided. It is considered that these could easily be provided in the basement of the new unit and a condition is therefore proposed requiring the submission of drawings to show this provision.

Whilst trip generation is likely to increase as a result of the proposal, the highways network will easily be able to accommodate this and the site is within a Controlled Parking Zone so anyone driving to the premises will be subject to these controls. The impact upon parking levels in the vicinity is considered to be minimal.

A condition is proposed stating that no deliveries can take place from the property as no information has been provided to show this could happen without detriment to highways movements and amenity.

8.5 Economic Considerations

Any economic benefits of the proposal are welcomed.

8.6 Access

A new disabled access lift will be provided from street level into the restaurant premises and all the toilet facilities are provided at ground floor level. These disabled access improvements are welcomed and a condition is proposed to ensure they are provided and retained with the new use.

8.7 Other UDP/Westminster Policy Considerations

Plant:

Plant is proposed within part of the external courtyard behind an acoustic screen with a new high level extract duct routed on the external courtyard elevation to terminate at main roof level.

The proposed plant installation has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Background noise assessments have been undertaken at two key positions, being the internal courtyard and at main roof level. The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and night time. To accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows.

The nearest noise sensitive windows have been identified as being the first floor windows of the residential flats within the building itself and the windows of the flats on the top floor of the building which are closest to the fan associated with the high level duct. In relation to the fan unit at roof level the design criteria over a 24 hour period is 42dB which is 10dB below the lowest recorded background noise level. The expected noise level from the duct fan is 31dB. The lowest recorded background noise level for the courtyard was 52dB which results in a noise level criterion of 42dB, calculated noise levels from the proposed plant to the residential windows at first floor level are 41dB.

In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes the acoustic screening for the units located in the courtyard and the installation of silencers for the kitchen extract duct. With these acoustic mitigation measures in place, Environmental Health has confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal. Conditions are proposed in relation to noise, vibration, and the installation of the acoustic mitigation features.

Refuse / Recycling:

There are existing central waste and recycling storage facilities within the basement of the property which serve all the residential and office units in the building, with an existing refuse hoist to take the materials up to the South Street pavement for collection. There is sufficient capacity for the restaurant refuse, recycling and cooking oil to also be stored here for collection in a similar manner. As this is a speculative application with no end user identified final waste / recycling storage details would be confirmed with the end operator. The Cleansing Manager has requested further details but as sufficient capacity is clearly available in the basement of the property and there is an existing hoist to take waste to the South Street pavement it is considered acceptable in this instance to condition the submission of detailed drawings indicating bin sizes.

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.

9. BACKGROUND PAPERS

1. Application form
2. Response from the Cleansing Manager dated 29 March 2017
3. Response from the Highways Planning Manager dated 26 July 2017
4. Response from Environmental Health dated 20 July 2017
5. Letter from occupier of Flat 98, 55 Park Lane, dated 27 March 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

EXISTING ELEVATION SOUTH STREET

0 5 10M
SCALE

HPR ARCHITECTS 55 Park Lane London W1K 1NA T 020 75769417 E raymond.casey@hpr			
CLIENT PRESTIGE PROPERTIES SA			
PROJECT 55 PARK LANE PROPOSED RESTAURANT			
DRAWING TITLE EXISTING ELEVATION SOUTH STREET			
DATE	SCALE	PROJECT NO.	REV.
Jan 2017	1:50	55/8-10/10	

SOUTH STREET ELEVATION PROPOSED

STEEL FRAMED WINDOWS BEING INSTALLED APPROVED 16/04446/FULL

REPLACE 2nd FLOOR WINDOWS WITH FULL HEIGHT DOORS

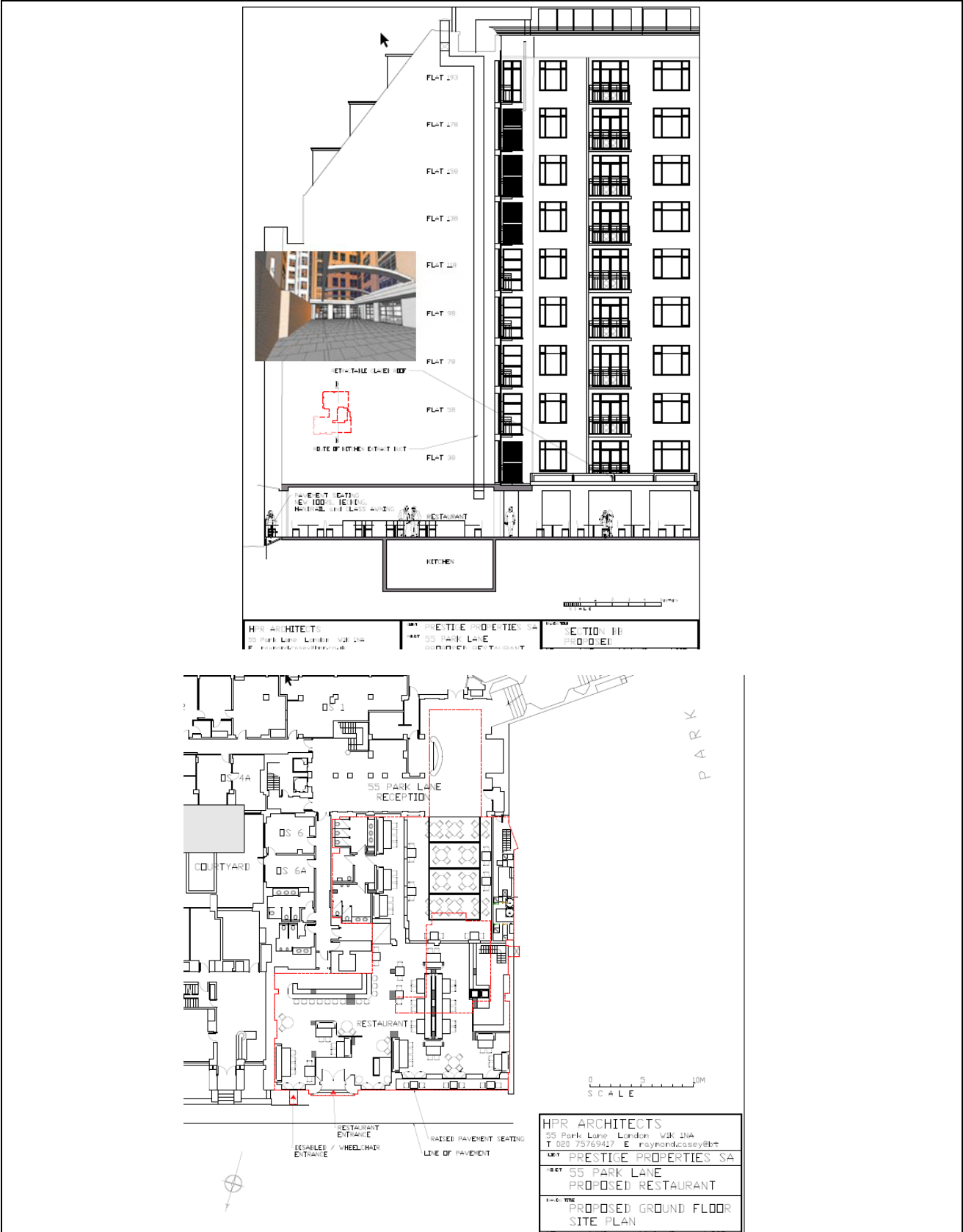
WHEELCHAIR ACCESS VIA SESAME WATERLOO LIFT

RESTAURANT ENTRANCE
ADDITIONAL STEP
NEW STONE STEPS
NEW DOORS

PAVEMENT SEATING, TIECKING,
STAINLESS STEEL HANDRAIL
and GLASS AWNING

0 1 2 3 4 5 METRES
SCALE

HPR ARCHITECTS 55 Park Lane London W1K 1NA E raymond.casey@hpr.co.uk T 020 75769417		CLIENT PRESTIGE PROPERTIES SA	PROJECT 55 PARK LANE PROPOSED RESTAURANT	DRAWING TITLE SOUTH STREET ELEVATION PROPOSED
DATE	SCALE	PROJECT NO.	REV.	
Jan 2017	1:100	55/8-10/16		A



DRAFT DECISION LETTER

Address: 8 South Street, London, W1K 1DE,

Proposal: Use of part basement and ground floor levels as a restaurant (Use Class A3), alterations to the South Street frontage to include the creation of an external seating terrace. Installation of a retractable glass roof over the existing rear courtyard and installation of a high level extract duct and plant within the courtyard.

Reference: 17/01318/FULL

Plan Nos: Acoustic Report (21.12.2016), Drawings: (55/8-10) 03 RevC, 05 RevB, 07 RevB, 09 RevB, 11 RevB, 12 RevB, 14, 15 RevA, 16 RevA, 17, 21 RevC, 24.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

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

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

the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 4 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.

- 5 You must install the acoustic mitigation measures as detailed in the approved acoustic report at the same time as the plant is installed. These mitigation measures must thereafter be retained in place for as long as the plant is in operation.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 6 You must not sell any hot-food take-away from the restaurant premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use.
- Reason:
We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)
- 7 You must not allow more than 150 customers into the property at any one time. (C05HA)
- Reason:
We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)
- 8 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.
- Reason:
To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)
- 9 The high level extract ducting shown on the approved drawings shall be fully installed before the restaurant use commences and thereafter maintained for as long as the Class A3 restaurant is in operation.
- Reason:
To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)
- 10 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:
- 08:00 till 23:00 Monday to Saturday; and
08:00 till 22:00 on Sundays.
- Reason:
We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)
- 11 Prior to the occupation of the restaurant, you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the restaurant use. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.
- Reason:
To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)
- 12 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)
- Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January

2007. (R24AC)

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

Reason:

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

- 14 The extract duct must be finished / painted to match the adjoining facing materials.

Reason:

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

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

Reason:

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

- 16 If you provide a bar and bar seating within the restaurant premises, it must not take up more than 15% of the floor area of the restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S24 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must provide the access for people with disabilities as shown on the approved drawings before you can occupy the new restaurant unit. The disabled access must thereafter be retained in situ for as long as the restaurant unit is in operation.

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 18 The sliding glass roof over the rear courtyard shall be closed between the hours of 21:00 and 09:00 daily.

Reason:

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

- 19 The doors providing access to the terrace on the South Street elevation shall be closed between the hours of 21:00 and 09:00 daily.

Reason:

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

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

Reason:

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

- 21 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the restaurant unit 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 restaurant. (C14EC)

Reason:

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

- 22 You must apply to us for approval of details of a strategy to mitigate for any increase in light pollution or overlooking of neighbouring sensitive properties associated with the use of the courtyard as part of the restaurant use. Until such time as the City Council has approved these details you cannot operate the use hereby approved. Once these details have been approved the use must operate in accordance with the approved strategy for as long as the restaurant use is in operation.

Reason:

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

- 23 You must apply to us for approval of details of secure cycle storage for the restaurant use. You must not occupy the restaurant unit 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.

- 24 No shisha smoking shall take place within the demise of the restaurant unit including the external terrace on the South Street elevation and within the courtyard area.

Reason:

To protect the environment of people in neighbouring properties as set out in policies ENV5 and TACE8 of our Unitary Development Plan that we adopted in January 2007 and policy S24, S29 and S31 of Westminster's City Plan adopted November 2016.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our 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)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 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)
- 5 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)
- 6 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)
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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

Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Basement And Ground Floor , 54 Queensway, London, W2 3RY		
Proposal	Use of ground floor and basement as hot food take-away (class a5).		
Agent	WYG		
On behalf of	Apogee Enterprises Limited		
Registered Number	17/00786/FULL	Date amended/ completed	7 February 2017
Date Application Received	1 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

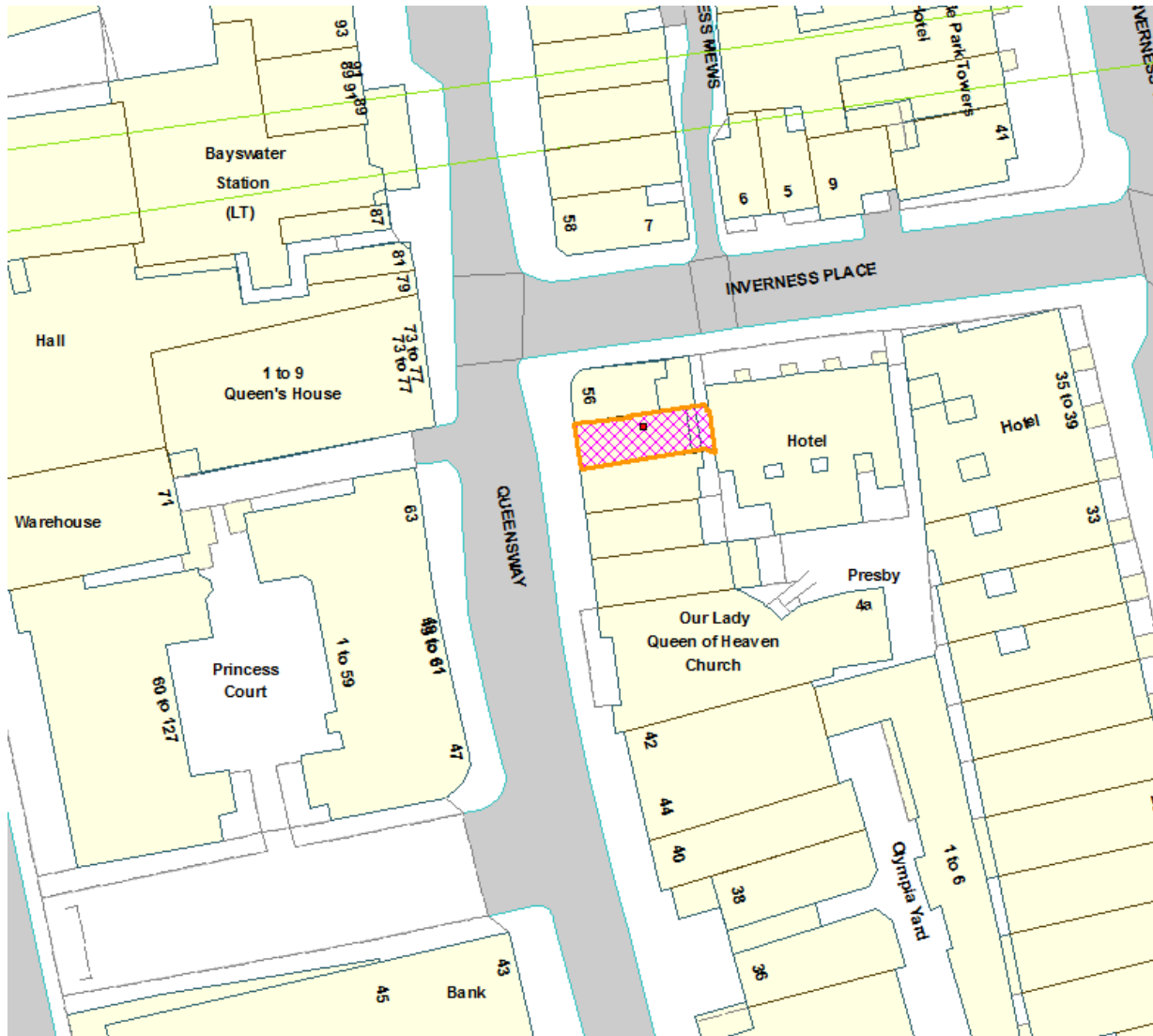
1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

<p>This application was reported to the Planning Applications Committee (2) 4th July 2017 with a recommendation for approval. Objections from ward councillors, neighbours and the South East Bayswater Residents Association (SEBRA) had been received. This committee resolved that determination of this application be deferred for the following reason:</p> <p><i>“That determination of the application be deferred to obtain more information on the likely operator of the class A5 use and how it will operate (Management Plan) including measures to deal with litter and clarity over the takeaway delivery service”.</i></p> <p>The applicant has now provided details of the named operator (i.e. KFC), a copy of their standard ‘Good Neighbours Guide’ and revised floor plans showing details of waste store. The applicant has also provided a letter that details restrictions on delivery services, measures to mitigate noise, nuisance and litter, and waste storage and servicing. Further consultation with Ward Councillors, neighbours and statutory consultees has been undertaken with a single comment being provided by SEBRA relating to likelihood of tables and chairs being placed outside premises. Notwithstanding these comments, the additional information addresses this committees concerns and the proposal is therefore recommended for conditional approval.</p>

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front of application site 'Tuk Tuk noodle bar



Basement Kitchen and ground floor interior



Existing rear service entrance from Inverness Place



5. CONSULTATIONS

CONSULTATION UNDERTAKEN FOLLOWING THE DEFERRAL OF APPLICATION AT PLANNING APPLICATIONS COMMITTEE 4 JULY 2017.

WARD COUNCILLORS FOR LANCASTER GATE
Any response to be reported verbally to committee.

BAYSWATER RESIDENTS ASSOCIATION
Any response to be reported verbally to committee.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION
The forecourt area will likely be used to place tables and chairs.

CLEANSING - DEVELOPMENT PLANNING

Further details of waste storage (recycling, food waste and residual waste) to be secured through condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 99
Total No. of replies: 0

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to an restaurant (Use Class A3) occupying the ground and basement floors of No. 54 Queensway. A four storey building, the upper floors are in office use (Use Class B1). The premises is located within the designated Queensway District Shopping Centre (Core Frontage) and the Bayswater Queensway Stress Area, as identified in the UDP and the Major Shopping Area of the City Plan. The property lies outside of the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). The adjacent premises are in use as a currency exchange at No. 56 and a souvenir shop at No.52.

6.2 Recent Relevant History

This application was deferred from the Planning Applications Committee (2) meeting on 4 July 2017. The minute reads as follows;

“That determination of the application be deferred to obtain more information on the likely operator of the class A5 use and how it will operate (Management Plan) including measures to deal with litter and clarity over the takeaway delivery service”

The officers report from that committee is appended to this report.

7. THE PROPOSAL

This application seeks permission for a change of use from a restaurant to hot food takeaway (Use Class A5). The premises has a gross internal floor area of 85sqm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The previous report to Planning Applications Committee (2) (appended to this report), noted that the conversion would not result in the loss of any retail floor area which is prioritised in this District Centre location, nor would it result in an over concentration of A5 takeaway uses within the vicinity of the site with the most recent town centre health checks in 2013 recording 1.8% of the frontage as a whole in A5 uses. Officers own survey in connection with this current application indicated this proportion had not undergone any significant changes. As reflected in late representations for the Committee 4 July 2017 as set out above, the level of hot food takeaway on offer on Queensway is considered to be high given that many of the restaurants offer ancillary takeaway services. Notwithstanding this, the proportion of A5 uses actually remains relatively low.

In terms of the details of the operation itself, members were advised that the application appeared to be speculative and exact operational management details therefore were not available for comment. Members considered that additional details were deemed necessary to understand the implications of the use more fully within the context of the Queensway and Bayswater Stress Area, as reflected in the Committee minutes. Given that hot food takeaway uses are not considered suitable for the Stress Area unless it can be demonstrated they would not have adverse implications on the locality and neighbouring amenity as reflected in the requirements of policy TACE 9 of the UDP, the need for additional details was considered necessary. These are summarised below.

8.2 Residential Amenity

A named operator (i.e. KFC) has been confirmed and the following additional details have been provided;

- Letter from applicants agent.
- Good Neighbour Guide produced by KFC GBI.
- Drawing Number 2670/G100 Rev. A - amended proposed layout plans showing waste.

With regards to how the use will operate, the 'Good Neighbours Guide' provides details of its operations under five headings. These are; creating meaningful careers and recognised training for local people, contributing to the local community, running sites responsibly, taking responsibilities on food and nutrition seriously, reducing environmental impact. This document is generic for any given KFC site although it does incorporate some standard practices that are a useful indicator of how the use will operate. These include; a litter picking programme consisting of 4 litter patrols each day surrounding the restaurant up to a 100m radius, vehicular servicing schedules outside of peak times, consideration of noise and odour with regards to location of mechanical plant, commitment to switching off mechanical plant outside of opening hours and training of staff in conflict management to resolve issues. These additional details provide greater assurances that the operator has structured practices in place to operate responsibly and

reduce instances of adverse impacts upon the locality and neighbouring residents. Notwithstanding this, given the KFC good neighbours guide is a generic document that could apply to any of its premises, it is still considered appropriate to seek through condition details of an operational management plan prepared specifically for this site as sought in the original recommendation to Committee.

With regards to concerns regarding the operation of a delivery service, the statement prepared by Beamish Planning Consultancy reiterates the applicant's willingness to have conditions that restrict the use from operating a delivery service. Given the absence of any details of how delivery vehicles can be managed without having an adverse impact upon nearby neighbours and the locality, the imposition of such a condition is considered appropriate pursuant to the objectives of policy TACE 9 of the UDP.

Members expressed concerns with the potential for third party delivery operators (such as Uber eats or Deliveroo) serving the A5 use and the likely disturbance to neighbouring amenity these would result in, in particular the residents of Princess Court opposite No.54. The applicants agent explains in his supplementary statement that the applicant can only control activities that take place within the curtilage of the application site and that the existing restaurant could operate such a service presently providing the use remained ancillary to the lawful restaurant use. However in light of these additional points being made by the ward Councillors and the Residents Association, in order for the originally recommended restrictive condition to be effective it is considered necessary for it to be extended to third party operators as well as the use itself. Contrary to the remarks given in the supplementary statement regarding the inability to control aspects of the use that fall outside of the site curtilage, it is considered that the premises would have control over whether or not to utilise third party delivery providers given that they would be able to opt in or out of an agreement with such operators. The operator can also refuse to serve these third party operators if compelled to do so by condition. A condition is therefore recommended.

9. BACKGROUND PAPERS

Representations received prior to Planning Committee 4 July 2017

1. Application form
2. Response from Environmental Health Consultation (x2), dated 7 March 2017, 21 June 2017 and 2 July 2017.
3. Letter from South East Bayswater Association (x3), dated 13 March 2017, 26 June 2017
4. Response from Waste Planning, dated 14 February 2017.
5. Response from Highways Planning, dated 15 February 2017.
6. Response from Designing out Crime, dated 20 June 2017.
7. Letter from occupier of 35 Princess Court, London, dated 12 February 2017.
8. Letter from occupier of First floor, 54 Queensway, dated 13 February 2017.
9. Letter from occupier of 53 Queensway, London, dated 13 February 2017.
10. Letter from occupier of 80 Princess Court, London, dated 23 February 2017.
11. Letter from occupier of 56 Queensway, 2nd Floor, dated 1 March 2017.
12. Letter from occupier of 238 Gloucester Terrace, London, dated 21 March 2017.
13. Letter From Ward Councillor (Burbridge) dated 28 June 2017.
14. Letter From Ward Councillor (Smith) dated 3 July 2017.

15. Letter From Ward Councillor (Davies) dated 29 June 2017.

Representations received post Planning Committee 4 July 2017

16. Letter from South East Bayswater Residents Association dated 09 August 2017.

17. Response from Waste Planning, dated 8 August 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Basement And Ground Floor , 54 Queensway, London, W2 3RY

Proposal: Use of ground floor and basement as hot food take-away (class a5).

Reference: 17/00786/FULL

Plan Nos: Planning cover letter dated 1 February 2017, Site location plan, 2670/G100 rev A, 2670/G099, email from agent dated 21 June 2017

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 Customers shall not be permitted within the takeaway premises before midday or after 11:00pm on any day of the week.

Reason:

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

- 4 The plant/machinery in connection with the takeaway use shall not be operated except between the hours of midday to 11:00pm on any day of the week.

Reason:

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

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

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

Reason:

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

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 5 and 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 8 The door to the premises shall be fitted and permanently maintained with a self-closing door.

Reason:

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

- 9 You must not operate a delivery service, nor shall the premises utilise a delivery and collections service operated by third parties, for the takeaway use hereby approved.

Reason:

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

- 10 You must apply to us for approval of an operational management plan for the proposed takeaway use which provides details of the following;

1. How the takeaway use will operate.
2. How customers leaving premises will be prevented from causing nuisance for people in the area, including people who live in nearby buildings.
3. General procedures to prevent noise and nuisance.
4. Waste, recycling storage and collections provision.
5. Staff welfare facilities provision.
6. How daily deliveries to and from the premises are managed effectively.
7. Litter patrols

You must not occupy the premises until we have approved what you have sent us. You must then operate the use in accordance with the details approved at all times.

Reason:

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

- 11 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 premises.

Reason:

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

Informative(s):

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

- 2 You are advised that full planning permission and advertisement consent are likely to be required to undertake alterations to the shopfront or install signage associated with the conversion. Please seek additional information from the City Councils Planning department if you are intending on carrying out these works. You are encouraged to incorporate step free access if you are considering making shop front alterations.

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Basement And Ground Floor , 54 Queensway, London, W2 3RY		
Proposal	Use of ground floor and basement as hot food take-away (class A5).		
Agent	Mr Adam Beamish		
On behalf of	Mr BEAMISH		
Registered Number	17/00786/FULL	Date amended/ completed	7 February 2017
Date Application Received	1 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

Further to any response from the Lancaster Gate Safer Neighbourhoods Team, grant conditional permission.

2. SUMMARY

The application relates to the 'Tuk Tuk Thai Noodle bar' (Use Class A3) on Queensway. It is situated within the Queensway District Centre and Queensway Stress Area. It occupies the ground floor with a kitchen located in the basement. The upper floors are in use as offices (use Class B1). Permission is sought for a conversion to a hot food takeaway (Use Class A5).

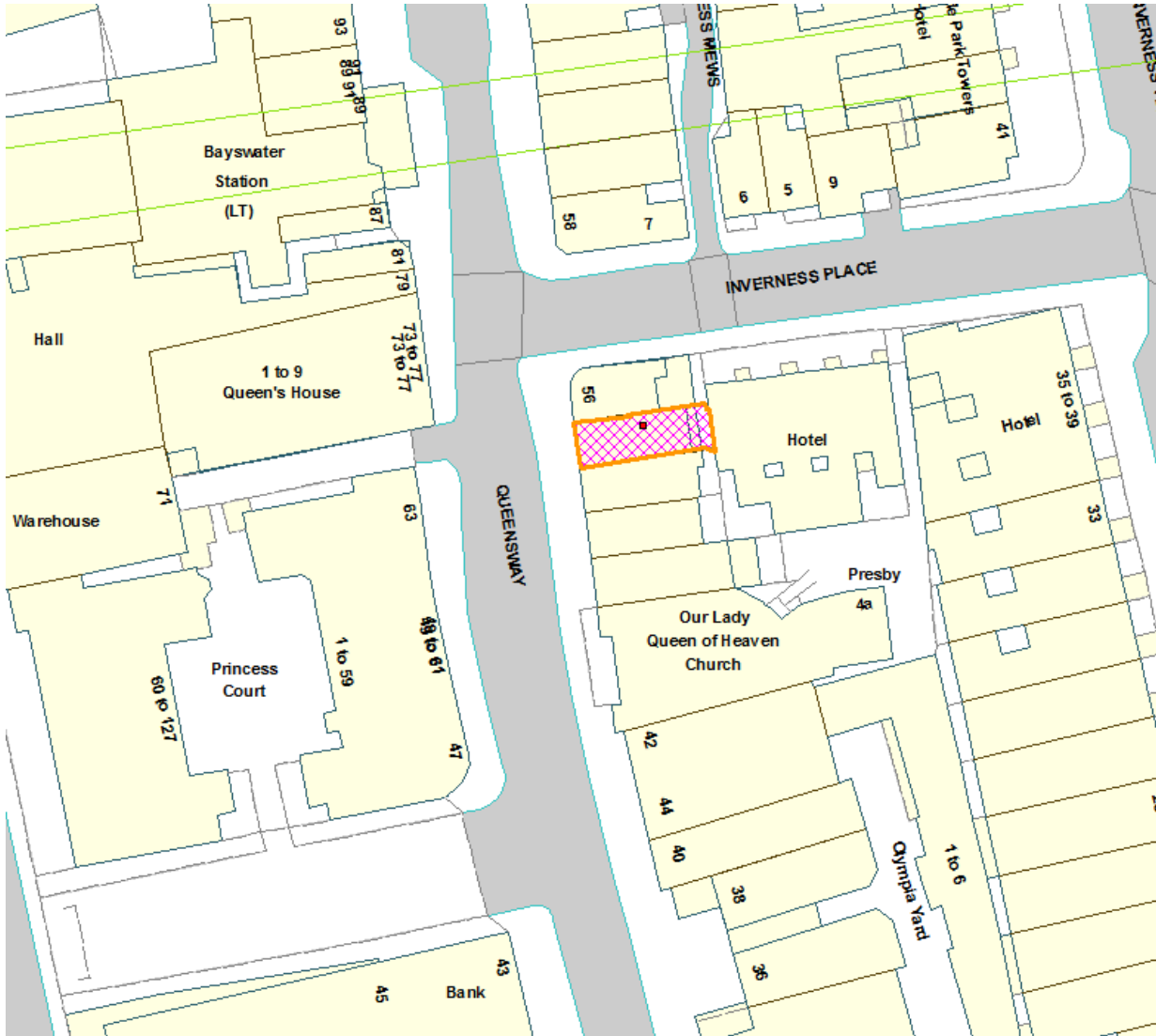
Objections have been received from neighbouring residents and the South East Bayswater Residents Association (SEBRA) on grounds of the proposed A5 use unduly impacting the local environment, whilst letters of support have also been received.

The main issues in the consideration of this application are:

- * The impact of the use upon character and function of the area.
- * The impact of the use upon the neighbouring residents and local environment.

Notwithstanding the objections received, the proposed takeaway use is not considered to unduly impact the amenity of the locality and complies with the relevant policies within the City Plan and UDP and is therefore recommended favourably, subject to conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front of application site 'Tuk Tuk noodle bar



Basement Kitchen and ground floor interior



Existing rear service entrance from Inverness Place



5. CONSULTATIONS

ENVIRONMENTAL HEALTH

No objections.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

* Takeaway use not appropriate for location.

* Noise and disturbances from increased comings and goings.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

LANCASTER GATE SAFER NEIGHBOURHOODS TEAM

Any response to be reported verbally.

DESIGNING OUT CRIME

No objections, defer to local policing team.

HIGHWAYS PLANNING MANAGER

No objection

CLEANSING MANAGER

No objection subject to details of refuse storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 99

Total No. of replies: 6

No. of objections: 3

No. in support: 3

Three objections received on the following grounds:

Land Use:

- New A5 use does not provide retail use pursuant to policy S13 of City Plan.

Amenity:

- Increased comings and goings late at night.
- Disturbances to neighbouring residents.
- Impact from late night servicing.

Support

* Use would be welcome to the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to the 'Tuk Tuk Thai Noodle Bar' (Use Class A3) occupying the ground and basement floors of No. 54 Queensway, a four storey building, the upper floors are in office use (Use Class B1). The premises is located within the designated Queensway District Shopping Centre (Core Frontage) and the Bayswater Queensway Stress Area, as identified in the UDP and the Major Shopping Area of the City Plan. The property lies outside of the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). The adjacent premises are in use as a currency exchange at No. 56 and a souvenir shop at No.52.

6.2 Recent Relevant History

There is no relevant history to this site.

7. THE PROPOSAL

This application seeks permission for change of use from a restaurant to hot food takeaway (Use Class A5). The premises has a gross internal floor area of 85sqm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The premises comprises an A3 restaurant use (Tuk Tuk Noodle Bar) with a gross internal floor area of 85sqm. The upper floors of the building are in office use. Policy S13 of the City Plan (November 2016) advises that the priority for the core frontage outside of the CAZ and NWEDA will be for retail and other appropriate town centre uses whilst policy SS6 of the UDP seeks to safeguard an appropriate proportion of retail uses within the core frontage of designated District Centres, in this case the Queensway District Centre. The conversion from a restaurant (Use Class A3) to hot food takeaway (Use Class A5) would not result in the loss of retail floor area so would not directly impact the overall proportion of retail uses within the centre.

Notwithstanding this, the above policies advise that new entertainment uses such as a takeaway use will only be allowed within the designated Stress Area where the Council considers that they are low-impact, would not result in an increased concentration of late-night uses and would not compromise the retail character and functioning of the Shopping Centre either individually or cumulatively. This aim is also supported by policies TACE 8-10 of the UDP which seeks to ensure uses classified as 'entertainment uses', such as a hot food takeaway, maintain the established character and function of the various parts of the city and safeguard the amenity of local residents and the local environment.

Pursuant to this, there are a mixture of various restaurants, retail and other town centre use along the Queensway frontage. The most recent Town centre health checks (2013) record A5 uses occupying 1.8% of the frontage as a whole. The premises sits in between a currency exchange and a souvenir shop, whilst in the immediate vicinity the uses are a mixture of retail uses and restaurant uses that appear predominantly oriented to dining in. There are no other hot food takeaway uses within the immediate vicinity. It is not therefore considered the proposed use would harm the character and function of the locality or result in an over concentration of hot food takeaways.

In terms of safeguarding residential amenity, UDP policy TACE 9, which relates to uses with a floor area of 150sqm or less, stipulates that within the stress area, permission will only be granted where it can be demonstrated that it will have no adverse impacts. The application appears to be speculative given it is not related to a particular operator. In the absence of this detail, a detailed operational management statement (OMS) would be required by way of condition in order to provide details of the operator and arrangements for avoiding any adverse impacts on the local environment. Subject to this, and the conclusions arrived at in the following paragraphs of this report it is considered the conversion satisfies the City Councils landuse policies with regards to character and function and safeguarding the local environment.

8.2 Residential Amenity

With regards to the impacts of the operation on the locality, SEBRA and neighbours have objected to the increased comings and goings, particularly late at night that the conversion to an A5 use would result in. Originally the proposed operating hours were to be between 12:00pm until 00:00 Monday to Saturday and 12:00pm until 23:30pm Sunday. This would have been consistent with the current opening hours, and the hours permitted through their premises licence. It is acknowledged that, consistent with the character of hot food takeaway uses, the volume of customers may increase as a result of the conversion, as reflected by the uplift in staff members as listed on the application forms, of between 8 – 10 staff on site at any one time. The Designing out crime Officers have not objected to the proposals and any comments from the Lancaster Gate Safer Neighbourhoods Team will be reported verbally to members. Given the nature of the change the agent was asked to agree to earlier closing times, 11pm rather than midnight sought. Written confirmation of this has been provided by the agent and a condition is recommended securing these earlier closing times.

In terms of operating a delivery service, the Highways Planning Manager has advised that this aspect of a takeaway use is often contentious given that delivery vehicles can reduce the availability of parking for other uses and increase fumes and vehicular activity in the area. In this instance the application has not set out their intention is to operate a delivery service nor provided any details of how one would operate. Following a request for clarification from Officers, the agent has supplied written confirmation that it is not intended to operate a delivery service. This will therefore be secured through planning condition.

The premises benefits from an existing extraction system serving the lower ground floor kitchen, which utilises a duct terminating at roof level above the eaves. The City Council's Environmental Health Officers have no objection to the proposals on grounds of potential odour nuisance. With regards noise and vibration, Environmental Health confirm that there are no registered complaints in this respect. However given the nature of the existing operation will change to accommodate the takeaway use, with different demands potentially placed on the extraction system, it is recommended a condition is attached requiring a supplementary acoustic report; to demonstrate compliance with the Councils standard conditions with regards to noise and vibration.

As such, whilst applications for hot food takeaway uses within the designated stress areas are treated with caution to avoid the over concentration of such uses, in this instance

taking the circumstances of this site into account including the use of the upper floors as offices rather than residential, it is not considered the proposals would result in harm to local amenity. This is due to; the premises already being in A3 use with the extraction equipment to operate in this way already established, the opening hours being restricted to 11pm which are earlier than the existing hours, no uplift in floor area, confirmation from agent that it is not intended to operate a delivery service and details of an OMS to be provided prior to the occupation of the premises. Subject to the above the proposals are considered acceptable in amenity terms.

8.3 Townscape and Design

Given the proposals are not accompanied by any elevation details, pertaining to the shop front for example, there are no townscape and design considerations in this application, although an informative is recommended to advise that a full application and potentially advertisement consent will be required for future alterations and signage.

8.4 Transportation/Parking

No car parking is provided for the proposed use. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls (the areas Residential Bays are restricted from 08:30 to 22:00, seven days a week. The impact of the change of use on residential bays parking levels is likely to be minimal due to the hours of restriction.

In terms of servicing, given the location, the proposals size and the proposed use it is considered that there is unlikely to be a significant change in the servicing generated by the site and any change can be accommodated without significant impact on the operation of the highway network. Double yellow lines in the vicinity of the site allow loading and unloading to occur. Notwithstanding this it is recommended details of servicing are provided in the operational management plan, to ensure servicing takes place during reasonable hours to coincide with other existing operators to minimise disruption.

The agreement from the applicant that the premises does not intend on operating a delivery service is welcomed.

Concern is raised that the proposed change of use does not include provision for cycle parking. This would be for staff use and encourage sustainable travel modes. The London Plan would require 2 spaces for the 1st 100m² and an additional space for every 175m². Given the floor area of the proposal no cycle parking provision is required under the London Plan.

8.5 Economic Considerations

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

8.6 Access

The entrance to the premises is via a short set of steps on the left hand side of the shop front. This does not facilitate wheelchair access, however given that it is an existing situation, it is not sustainable to withhold permission on these grounds. An informative will

be included to advise that the inclusion of step free access would be a welcome part of any application to make alterations to the shop front.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application. The application is not liable to pay CIL given application involves a change of use from its existing lawful use with no change in floor area.

8.10 Other Issues

Waste:

In terms of waste storage, Officers site visit confirmed the existing provisions for waste storage are to the rear of the premises with access to Inverness Place provided. Notwithstanding this, no details of proposed waste arrangement are included although it is expected it will utilise the same location. A condition is therefore recommended to secure this facility.

9 BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health Consultation (x2), dated 7 March 2017 and 21 June 2017.
3. Letter from South East Bayswater Association, dated 13 March 2017.
4. Response from Waste Planning, dated 14 February 2017.
5. Response from Highways Planning, dated 15 February 2017.
6. Response from Designing out Crime, dated 20 June 2017.
7. Letter from occupier of 35 Princess Court, London, dated 12 February 2017.
8. Letter from occupier of First floor, 54 Queensway, dated 13 February 2017.
9. Letter from occupier of 53 Queensway, London, dated 13 February 2017.
10. Letter from occupier of 80 Princess Court, London, dated 23 February 2017.
11. Letter from occupier of 56 Queensway, 2nd Floor, dated 1 March 2017.
12. Letter from occupier of 238 Gloucester Terrace, London, dated 21 March 2017.

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Agenda Item 7

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Flat 1 , 46 Queen's Gardens, Bayswater, London, W2 3AA		
Proposal	Amalgamation of Flat 1 and Flat 4 into a three-bedroom flat over part ground and part lower ground floor levels, replacement of two windows at rear lower ground floor level with a pair of glazed doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level.		
Agent	DP9		
On behalf of	Ms Michelle Collias		
Registered Number	16/11683/FULL 16/11682/LBC	Date amended/ completed	7 June 2017
Date Application Received	9 December 2016		
Historic Building Grade	II		
Conservation Area	Bayswater		

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 letter.

2. SUMMARY

The application relates to a Grade II listed building located on the south side of Queens Gardens within the Bayswater Conservation Area. The proposals relate specifically to Flat 1, 46 Queens Gardens and Flat 4, 48 Queens Gardens, which are both split over part ground and part basement floors of the relevant building.

Planning permission and listed building consent are sought for the amalgamation of two flats in 46 and 48 Queen's Gardens into a three bedroom flat, minor external works to front and rear and internal works in association with the linking of the flats. It should be noted that the application has been revised since its original submission and neighbours were notified of the revisions.

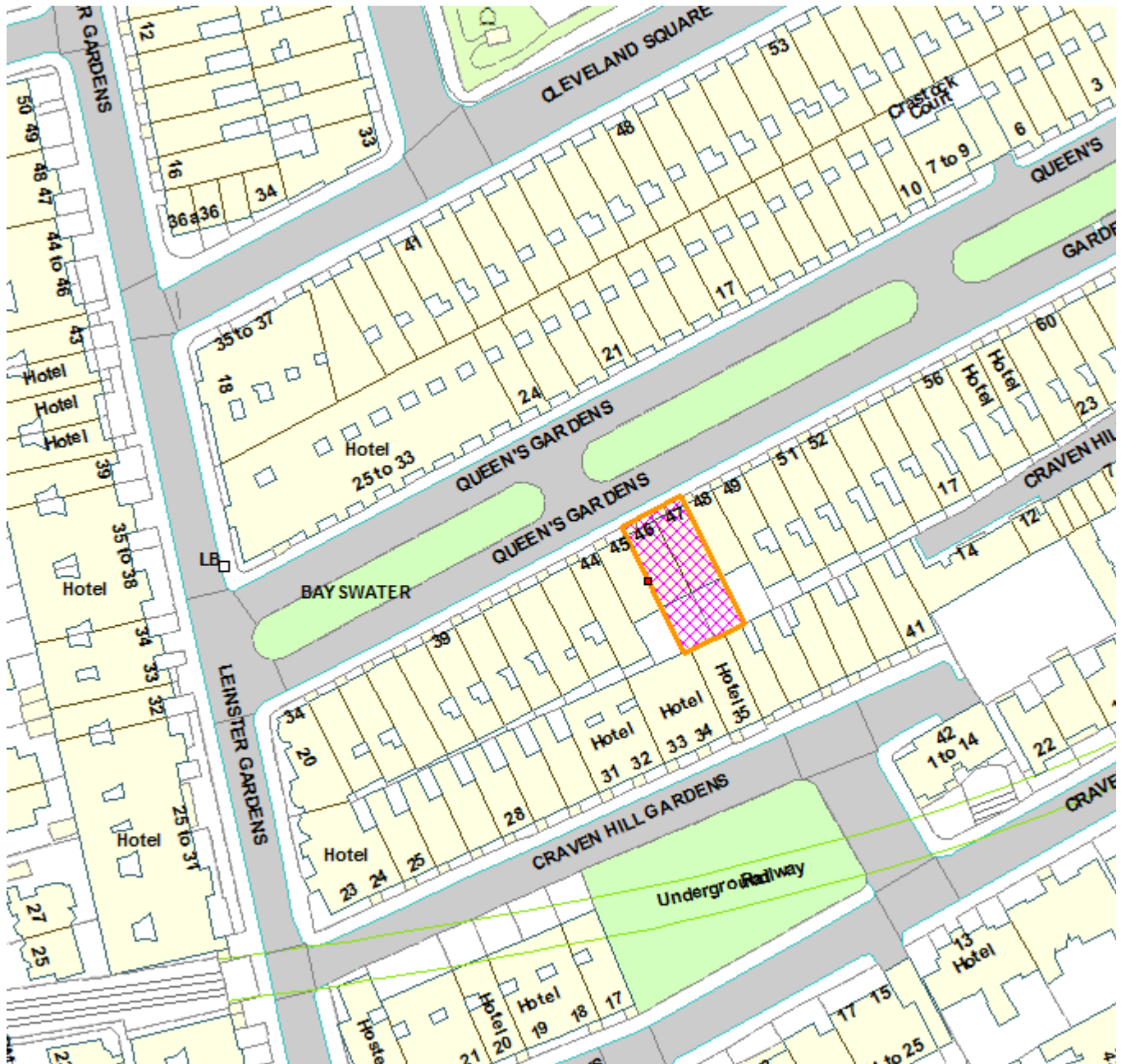
Objections have been received to the proposals on land use and amenity grounds primarily.

The key issues are:

- The implications of the proposals in land use terms;
- The implications of the proposals upon the character and appearance of the Bayswater Conservation Area;
- The implications of the proposals upon the special interest of the Grade II listed building; and
- The implications of the proposals upon the amenity of neighbouring properties.

The proposals are considered to accord with the City Council's policies in relation to conservation, design, listed buildings, land use and amenity in the City Plan and the UDP and accordingly the applications are recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



Front Elevation of Application Site



Existing Rear Conservatory



Rear Elevation

5. CONSULTATIONS

WARD COUNCILLORS FOR LANCASTER GATE:

Any responses to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection to loss of a residential unit.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 46

Total No. of replies: 16

No. of objections: 5

No. in support: 10

Five letters of objection have been received on some or all of the following grounds:

Land Use:

- Drawings do not show a 3 bedroom unit as being applied for, rather a 2 bedroom unit and this is contrary to S14 of the City Plan.

Amenity:

- Unacceptable noise levels from proposed boiler

Other:

- Incorrect certificate on the application form has been submitted;
- Legal ownership matters relating to entrance porch;
- Incorrect statements with regards to proposed new entrance;
- Structural concerns as a result of opening up works;
- Noise and disruption during works;
- No consultation with residents has taken place;
- Applicant has not obtained a license for the works as required by their lease.

10 Letters of support have been received to the proposals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED APPLICATION

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 46

Total No. of replies: 1

No. of objections: 1

One objection received supporting the revisions to the enclosure of the boiler, but still maintaining an objection on noise and amenity grounds. Objector also notes that whilst the correct certificate of ownership has been completed there are still outstanding concerns regarding the legal ownership of the entrance porch and structural matters.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a Grade II listed building located on the south side of Queens Gardens within the Bayswater Conservation Area. Nos 46 and 48 Queens Gardens comprise two buildings occupied as flats (with some links internally) which replaced the original buildings at Nos.45, 46, 47 and 48 Queens Gardens. The buildings appear to have been rebuilt behind the retained front facade in the mid 1970s following a series of permissions for the development of residential flats to replace the former hotel. The exact layout of the approved scheme cannot be ascertained from historic files due to missing drawings however it is clear from a site inspection that there are level changes within the buildings (and within some of the flats).

The current applications relate specifically to Flat 1, 46 Queens Gardens and Flat 4, 48 Queens Gardens, which are both split over part ground and part basement floors of the relevant building. The applicants currently live in Flat 1, No.46 and they own Flat 4, No.48 however the latter flat has been vacant for some time and has been stripped out (including the unauthorised removal of partitions). The two flats in question have rear gardens and Flat 1 has a rear conservatory.

6.2 Recent Relevant History

13/01162/FULL & 13/01663/LBC

Amalgamation of Flat 1, 46 Queen's Gardens and Flat 4, 48 Queen's Gardens into a three-bedroom flat over part ground and part lower ground floor levels, replacement of two windows at rear lower ground floor level with a pair of glazed doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level.

Withdrawn on 25 April 2013, as the applications were recommended for refusal by officers on land use grounds.

7. THE PROPOSAL

Planning permission and listed building consent are sought to amalgamate the two flats to create a three bedroom flat by providing a number of openings in the party walls. The proposals also include the provision of a mezzanine within the flat at No.48, similar to that within the flat at No.46. The existing redundant entrance door to No.47 would be used to lead directly into the enlarged flat. Minor external works to the rear relating to the installation of a boiler and rainwater butt and changes to windows and doors to the conservatory and the rear elevation are also proposed.

The proposals have been revised during the course of the application to categorically show three bedrooms at lower ground floor level as only two had originally been annotated on the plans; to amend the certificate of ownership and serve notice on the other leaseholders in the building and to provide clarification on acoustic attenuation to the boiler in the rear courtyard.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves the amalgamation of two flats, both of which contain two bedrooms each to create one, three bedroom flat. Policy S14 of the Plan states that all residential uses will be protected and that proposals that would result in a reduction in the number of residential units will not be acceptable. It does however provide an exception to this policy whereby proposals to amalgamate two flats into a family sized dwelling (three or more bedrooms) would be acceptable.

The proposals are therefore considered to comply with S14 of the City Plan and the objections received on this matter cannot be sustained.

8.2 Townscape and Design

As noted above the buildings appear to have been rebuilt behind the retained front facade in the mid 1970s following a series of permissions for the development of residential flats to replace the former hotel. The buildings were listed in 1975 and it is unclear if this was before or after the buildings were redeveloped. Of note though is the listing description which refers to the buildings external appearance and integral nature to Queen's Gardens:

“Grand terrace of houses. 1852-7. Stucco. Each 2 windows wide; 4 storeys, attic and basement. Rustication to ground floor. Projecting Ionic porches. Panelled doors. First floor continuous balustraded balcony. Square-headed windows. First floor windows flanked by fluted, Corinthian half columns and pedimented. Second and third floors corniced with individual balustraded balconies. Sashes, plate glass; first floors French casements. Rich dentil cornice above third floor and subsidiary cornice to attic, partly removed. Cast iron area railings. Return to right. Integral part of Queen's Gardens layout”

Internally, a number of works are proposed. The key works are the creation of an opening between the ground floor front rooms to create a living area and the installation of a mezzanine in the ground floor of 48 Queens Gardens, which will replicate the mezzanine at 46 Queen's Gardens. An opening between the two mezzanine levels is also to be created. Whilst a large opening between the principle rooms of a listed building would normally be considered wholly unacceptable, given that only the façade of the listed building and a small proportion of the dividing/ boundary walls remain and the remainder of the building is all modern fabric, the newly created opening at ground floor level is in this instance considered to be acceptable and an exception to the city Council's listed building policies are justified. The new mezzanine level and opening to the existing adjacent mezzanine are considered to be acceptable in listed building terms. The works are considered to preserve the special interest of the building and the original fabric.

To the front elevation, it is proposed to reinstate the original entrance door at 48 Queens Gardens. This is welcomed in design and listed building terms as there is currently

unsympathetic cosmetic features internally behind this entrance which will be removed as a result of the proposals.

To the rear, the modern conservatory is to be modified slightly to relocate the rear elevation entrance doors to the side elevation and this raises no design objections. To the main rear elevation at lower ground floor it is proposed to change a window to a set of doors to a study. This is acceptable in design terms and they have been designed to match the existing windows and doors on the rear elevation. A condition to ensure that these are finished white to match the existing is recommended. The boilers and the water butt are to be sited in an enclosure against the boundary wall with 50 Queen's Gardens. This is acceptable subject to being painted to match the colour of the rear brickwork.

The proposals are considered to comply with the City Council's design and listed building policies, S25 and S28 of the City Plan and DES 1; DES 5; DES 9; DES 10 of the UDP.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The use of the two flats as a single flat, including the opening and use of the front entrance door to No.47 by the occupants, would not impact on neighbouring residential amenity.

The changes to the fenestration do not result in amenity implications. The proposed boilers and rainwater butt would sit against the existing garden boundary wall and would be of modest bulk and scale. As such, they would not result in loss of light or increased sense of enclosure to neighbours.

The conservatory is existing and only minor changes to it are proposed to relocate the doors from the rear elevation to the side elevation. This is not considered to result in any un-neighbourly harm.

Objections to the siting of the boilers to the rear have been received on noise grounds and that no acoustic report has been submitted with the proposals. The boilers would be of a domestic nature only and it is not considered that these would result in any unreasonable noise concerns. To this end, an acoustic report has not been requested of the applicant. The applicant has however, in response to the objections, confirmed that the boiler will be sited in an acoustic enclosure comprising decorative boarding on 18mm plywood lined with 25mm acoustic foam.

The proposals are considered to be acceptable in amenity terms and in accordance with S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The proposals raise no transportation or parking concerns.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The entrance at ground floor level to 48 Queen's Gardens is proposed to be the main entrance/ access to the flat. The entrance will not be level with the pavement. However, this is no different a situation to all the other properties on Queen's Gardens. As the buildings are listed, there is little scope to alter the stepped entrance.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

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 proposals are not CIL liable.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Certificate of Ownership

In response to objections received, the correct certificate of ownership has been submitted during the course of the application and noticed was served on all the leaseholders within the building. The neighbours were all reconulted on this matter.

Front Entrance Door to 48 Queen's Gardens

The application documents say that the entrance to the proposed flat will bring back the existing entrance door back into use and objections to this statement has been received from residents within this building, on the grounds that this entrance has never been used to access this flat and that this needs to be at the agreement of the leaseholders. This is considered to be a private matter between the applicant and all other freeholders/ leaseholders and is not a reason to withhold permission. The implications of using this entrance upon the building have been assessed the townscape and design section of this report.

Structural Matters

A number of objections have been raised with regard to the structural impacts of the proposed removal of walls. The impact of the works in listed building terms is discussed above, and as the works are internal they do not warrant consideration in planning terms. In any event, the extent of demolition does not raise significant concerns in structural terms and this matter will be dealt with under the Building Regulations. As a point to note the applicant has already confirmed that should planning permission and listed building consent be granted then a structural report would be commissioned.

Noise and Disruption

Concerns raised regarding noise and inconvenience from works are not a material planning consideration. The standard hours of working condition is recommended. .

9. BACKGROUND PAPERS

1. Application form
2. Response from South East Bayswater Residents Association, dated 18 April 2017
3. Letter from occupier of 11, 48 Queens Gardens dated 18 April 2017
4. Letter from occupier of 2, 48 Queens Gardens dated 19 April 2017
5. Letter from occupier of 11, 48 Queens Gardens dated 18 April 2017
6. Letters from occupier of 1, 48 Queens Gardens dated 24 April and 28 June 2017
7. Letter from occupier of 5, 46 Queens Gardens dated 24 April 2017
8. Letter from occupier of unknown flat, 48 Queens Gardens dated 26 April 2017
9. Letters from occupiers of 9, 48 Queens Gardens dated 25 April and 15 May 2017
10. Letter from occupier of 15, 48 Queens Gardens dated 25 April 2017
11. Letter from occupier of unknown flat 48 Queens Gardens dated 25 April 2017
12. Letter from occupier of 13, 48 Queens Gardens dated 25 April 2017
13. Letter from occupier of 14, 46 Queens Gardens dated 25 April and 3 May 2017
14. Letter from occupier of 13, 48 Queens Gardens dated 25 April 2017
15. Letter from occupier of 4, 46 Queens Gardens dated 15 May 2017
16. Letter from occupier of 24 Queens Gardens dated 15 May 2017

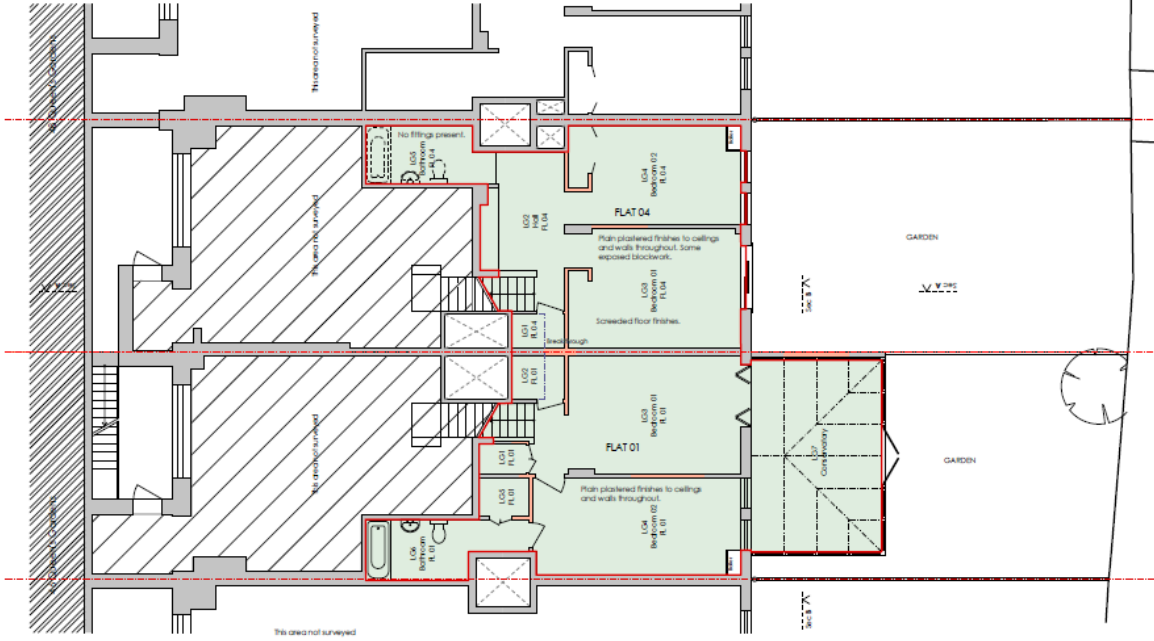
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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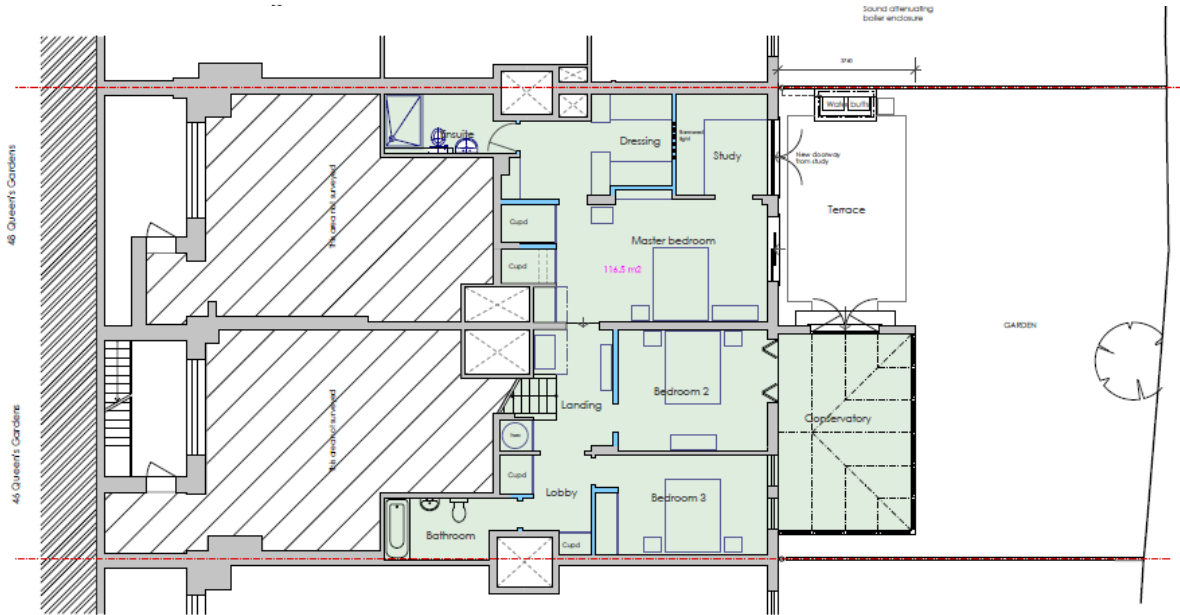
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

10. KEY DRAWINGS

Existing & Proposed Lower Ground Floor Plan

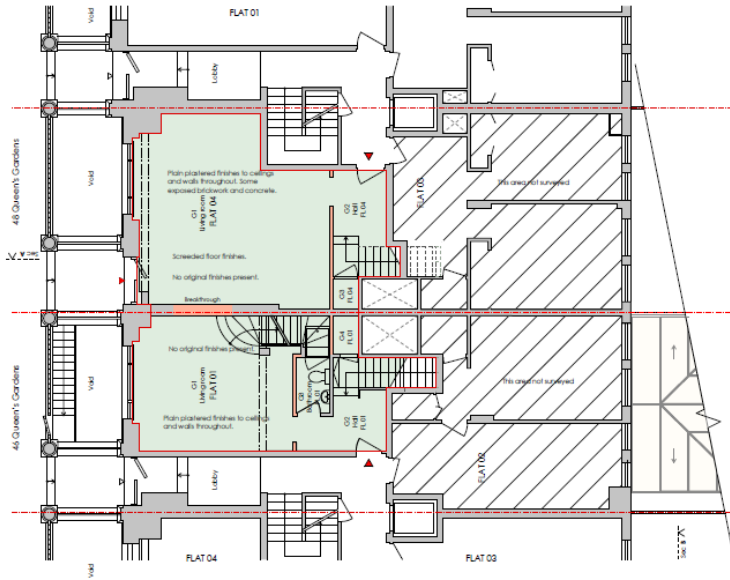


LOWER GROUND FLOOR PLAN - EXISTING

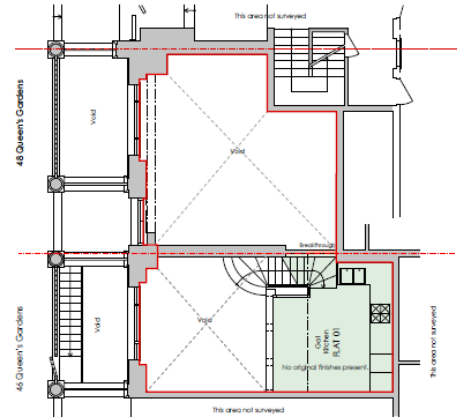


LOWER GROUND FLOOR - PROPOSED

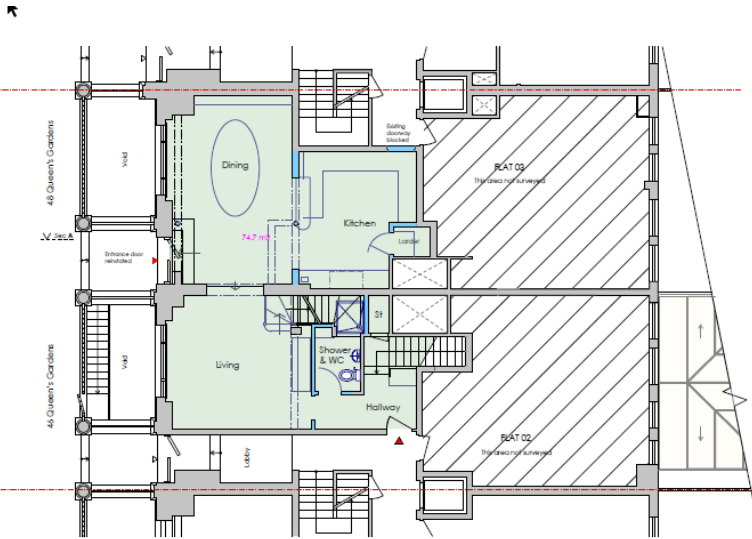
Existing & Proposed Ground Floor Plan



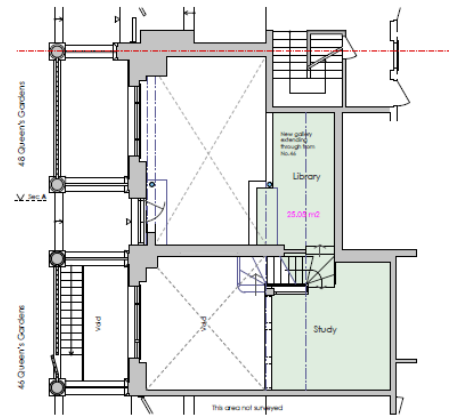
GROUND FLOOR - EXISTING



GALLERY LEVEL - EXISTING



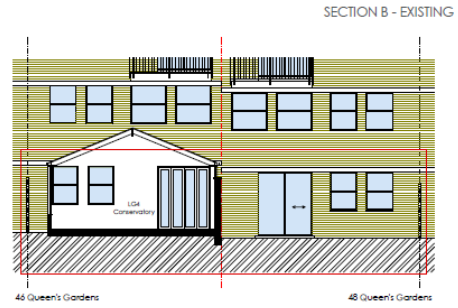
GROUND FLOOR - PROPOSED



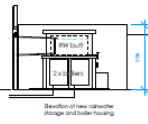
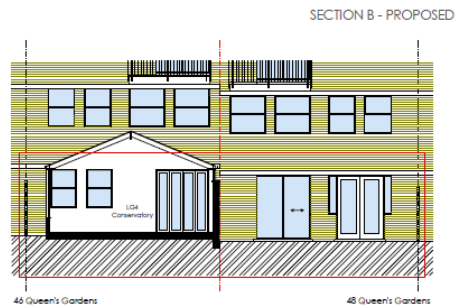
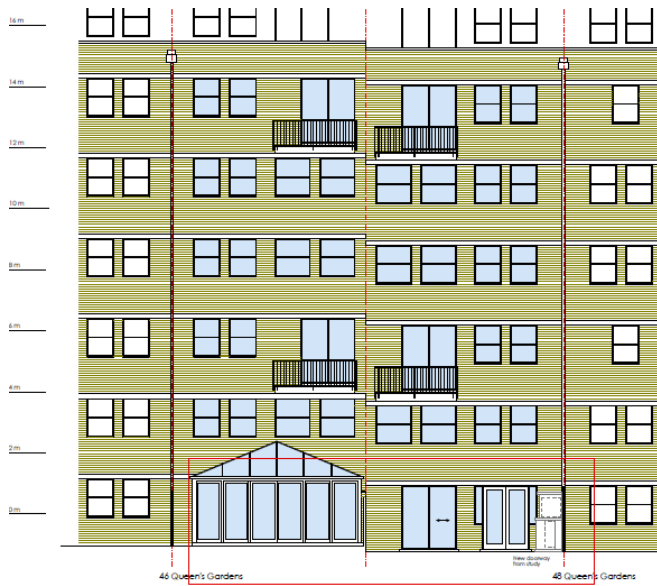
GALLERY LEVEL - PROPOSED



Existing and Proposed Rear Elevation (extract)



46 & 48 Queen's Gardens, London W2 DWG: 378/1304
 REAR ELEVATION, SECTION B - EXISTING SCALE: 1:100 at A3
 JONATHAN A LAW & ASSOCIATES DATE: 08 FEB 2017
 22 LINCOLN COURT LONDON W1B 5EA T 020 7822 8700 E jala@jala.co.uk



46 & 48 Queen's Gardens, London W2 DWG: 378/2304/B
 REAR ELEVATION, SECTION B - PROPOSED SCALE: 1:100 at A3
 JONATHAN A LAW & ASSOCIATES DATE: 08 MAY 2017
 22 LINCOLN COURT LONDON W1B 5EA T 020 7822 8700 E jala@jala.co.uk

DRAFT DECISION LETTER – 16/11683/FULL

Address: Flat 1 , 46 Queen's Gardens, Bayswater, London, W2 3AA

Proposal: Amalgamation of Flat 1 and Flat 4 into a three-bedroom flat over part ground and part lower ground floor levels, replacement of two windows at rear lower ground floor level with a pair of glazed doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level. (Linked to 16/11682/LBC)

Reference: 16/11683/FULL

Plan Nos: 378/0300; 378/1301; 378/1302; 378/1303; 378/1304; 378/1305; 378/2301 C; 378/2302; 378/2303; 378/2304 B; 378/2305 B; Covering letter dated 9 December 2016; Heritage Statement dated November 2016; Email from Robert Allen dated 7 June 2017.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the

choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 4 The windows and doors shall be finished white to match the existing windows and doors and be retained in that condition thereafter.

Reason:

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

- 5 The enclosure to the external boilers and water butt shall be painted to match the existing brickwork of the main building and be retained in that condition thereafter.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

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

DRAFT DECISION LETTER

Address: Flat 1 , 46 Queen's Gardens, Bayswater, London

Proposal: Replacement of two windows at rear lower ground floor level with a pair of glazed doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level, internal alterations at ground and lower ground floor (Flat 1, 46 Queens Gardens and Flat 4, 48 Queens Gardens) (Linked to 16/11683/FULL)

Plan Nos: 378/0300; 378/1301; 378/1302; 378/1303; 378/1304; 378/1305; 378/2301 C; 378/2302; 378/2303; 378/2304 B; 378/2305 B; Covering letter dated 9 December 2016; Heritage Statement dated November 2016; Email from Robert Allen dated 7 June 2017.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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

Reason:

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

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

Reason:

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

- 3 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

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

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

Reason:

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

- 5 The windows and doors shall be finished white to match the existing windows and doors and be retained in that condition thereafter.

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

- 6 The enclosure to the external boilers and water butt shall be painted to match the existing brickwork of the main building and be retained in that condition thereafter.

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

Informative(s):

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

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance:

Repairs and Alterations to Listed Buildings.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)