



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 18th July, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Andrew Smith (Chairman)
Iain Bott
Robert Rigby
Tim Roca



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 9-11 RICHMOND BUILDINGS, LONDON, W1D 3HF | (Pages 5 - 28) |
| 2. CARLTON COURT, 120 MAIDA VALE, LONDON, W9 1QA | (Pages 29 - 66) |
| 3. LORDS VIEW ONE, ST JOHN'S WOOD ROAD, LONDON, NW8 7HJ | (Pages 67 - 92) |
| 4. 11 PIMLICO ROAD, LONDON, SW1W 8NA | (Pages 93 - 104) |
| 5. 31-33 SHEPHERD MARKET, LONDON, W1J 7PT | (Pages 105 - 120) |
| 6. 8-13 BIRD STREET, LONDON, W1U 1BU | (Pages 121 - 136) |
| 7. 50 MARYLEBONE HIGH STREET, LONDON, W1U 5HN | (Pages 137 - 146) |

Charlie Parker
Chief Executive
10 July 2017

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 18th July 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/00688/FULL West End	9-11 Richmond Buildings London W1D 3HF	Demolition of existing front and rear façades and construction of replacement facades in new position incorporating full height front and rear extensions to provide additional office accommodation; extension to the undercroft; rooftop extension and relocation of the two existing residential units at 4th floor to the new 5th floor level, roof terraces at front fifth floor level and on the main roof, refurbishment of offices in remainder of the building and associated works.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a legal agreement to secure the following:</p> <p>i) A financial contribution of £91,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);</p> <p>ii) a Crossrail payment of £62,397;</p> <p>iii) car club membership for each of the two residential flats for 25 years;</p> <p>iv) Monitoring costs of £500 for each of the above clauses.</p> <p>2. If the S106 legal agreement has not been completed within two months, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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.</p>				
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 16/12165/FULL Abbey Road	Carlton Court 120 Maida Vale London W9 1QA	Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.	
<p>Recommendation</p> <p>Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/04239/FULL	Lords View One St John's Wood Road London	Erection of 2 storey extension to accommodate 4 additional apartments (Class C3) including terraces and green roofs. Associated works to include refurbishment of the existing exterior and internal door and parts, replacement lifts and	!

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	Regent's Park	NW8 7HJ	landscaping in connection with the provision of additional parking spaces.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/02635/TCH Churchill	11 Pimlico Road London SW1W 8NA	Use of the public highway for the placing of 3 tables, 12 chairs and two planters in an area measuring 1.7m (at its widest point) x 7.6m on the Ranelagh Grove frontage.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/03726/FULL West End	31-33 Shepherd Market London W1J 7PT	Use of premises as a mixed use restaurant and outdoor shisha smoking venue (sui generis) including use of an area of the public highway measuring 2.1m x 7.6m for the placing of 12 tables and 24 chairs. Installation of two awnings along the Shepherd Market (retrospective application).	
Recommendation Grant conditional permission for a temporary period of one year.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/02499/FULL 17/03483/TCH Marylebone High Street	8-13 Bird Street London W1U 1BU	<ol style="list-style-type: none"> 1. Installation of an openable shopfront and aluminium and glass entrance screen. 2. Use of an area of the public highway measuring 14.65m x 0.79m for the placing of 12 chairs and 6 tables in connection with restaurant use. 	
Recommendation <ol style="list-style-type: none"> 1. Refuse planning permission – Amenity grounds 2. Refuse planning permission – Amenity and highway safety grounds. 				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/00989/FULL Marylebone High Street	50 Marylebone High Street London W1U 5HN	Variation of Condition 3 of planning permission dated 21 April 2015 (RN 14/11015/FULL) for, 'Part redevelopment with alterations and extensions for restaurant (Class A3) and retail (Class A1) use on basement and ground floors with six flats at first, second and third floors and plant to first floor rear level', in order to allow an extension to the terminal hour for the restaurant over basement and ground floor level on Monday to Saturday nights from 00.00 to 00.30 (Sundays, Bank Holidays and other public holidays are unaffected).	

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 18th July 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation Grant conditional permission
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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	9-11 Richmond Buildings, London, W1D 3HF,		
Proposal	Demolition of existing front and rear façades and construction of replacement facades in new position incorporating full height front and rear extensions to provide additional office accommodation; extension to the undercroft; rooftop extension and relocation of the two existing residential units at 4th floor to the new 5th floor level, roof terraces at front fifth floor level and on the main roof, refurbishment of offices in remainder of the building and associated works.		
Agent	Gerald Eve LLP		
On behalf of	Almondbox Property Limited		
Registered Number	17/00688/FULL	Date amended/ completed	15 February 2017
Date Application Received	30 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) A financial contribution of £91,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development); ii) a Crossrail payment of £62,397; iii) car club membership for each of the two residential flats for 25 years; iv) Monitoring costs of £500 for each of the above clauses. <p>2. If the S106 legal agreement has not been completed within two months, then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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 existing building, dating from the 1960s, is currently vacant but was last used as offices with two flats on the top floor. The flats use the same entrance, staircase and lift as the offices. There is basement car parking accessed from a ramp at the rear of the building, in Richmond Buildings. Part of the building oversails the entrance to Richmond Mews and abuts the Soho Hotel, creating a small lightwell onto which some of the hotel bedrooms look. Permission was previously granted for the complete redevelopment of the site to provide a new building, with additional basements, for wholly residential use, comprising 13 flats with eight parking spaces.

The owner of the site now wishes to retain the office use but improve the accommodation with a major refurbishment of the building: most of it, apart from the basic framework, will be demolished and rebuilt, with extensions to the rear and one additional floor at roof level, similar to those approved in the residential scheme. The design and appearance will also be similar to the residential scheme, but the height will lower. The building line will be brought forward slightly, again in accordance with the approved scheme: the applicant wished to bring it forward even further but this was not acceptable on design grounds. In accordance with Council policy, the scheme replaces the residential accommodation on the top floor.

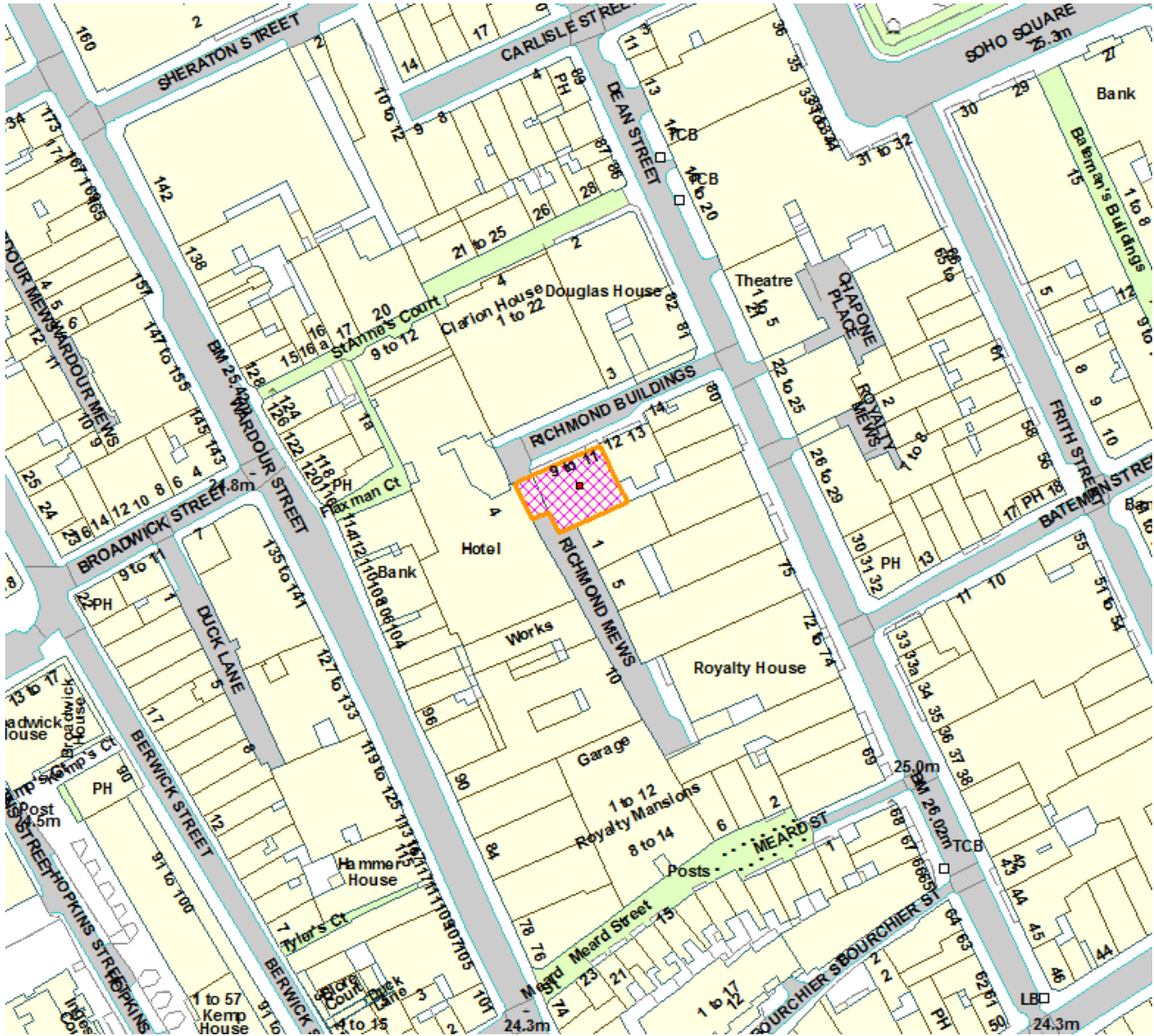
Notwithstanding the objections on amenity grounds received from residents living opposite, the proposals are considered to be acceptable, especially given that the latest proposal is lower than the approved building.

The key issues are considered to be:

- impact on the amenity of adjoining properties;
- affordable housing requirements;
- highways considerations.

For the reasons set out in detail in the main report, the revised proposal is considered to be acceptable. It is acknowledged that given the constraints of the site, partial demolition and construction of the new building will cause noise and disturbance, including local transport movements, but the proposals would be subject to the Council's Code of Construction Practice and this should help minimise disruption. The disruption will also be less than the approved scheme, which included excavation to create additional basements.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Do not consider that the façade as proposed makes a positive contribution to the Soho Conservation Area, in particular the adjacent building in Richmond Buildings and comment that façade could be improved by the use of London stock brick as is typical in the conservation area.

HIGHWAYS PLANNING MANAGER

Objection to:

- the loss of the car parking (on the assumption that this might have been used by the existing residential units and is not being re-provided for the replacement residential units);
- questions about the adequacy of the proposed cycle parking, including no separate cycle parking for the residential flats, no connection with the rest of the building and lack of support facilities for the cyclists (showers and changing rooms);
- concern about lack of connection of the waste store with the rest of the building;
- lack of off-street servicing (though this may be overcome by a robust service management plan);
- projection of the building line and apparent obstruction of the highway.

CLEANSING - DEVELOPMENT PLANNING

Objection on grounds of lack of information about the waste storage provision, and failure to provide separate waste storage for the offices and residential flats.

PLANT AND EQUIPMENT

No objection in principle, subject to conditions, including a requirement for a supplementary acoustic report to be submitted.

CROSS LONDON RAIL 1

Confirm that the site is now outside of the Crossrail 1 safeguarding zone and that they no longer need to be consulted (but confirm that the site is within the Crossrail 2 safeguarding zone).

CROSS LONDON RAIL 2

No objection, subject to a condition safeguarding Crossrail 2 infrastructure.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125; No. in support: 0

Total No. of replies: 11 – raising objections on some or all of the following grounds:

Use

- Increase in office accommodation [specifically use of the basement parking as office accommodation] impacts on the lives of local residents and nature of the community;

Amenity

- Loss of amenity to the residential flats opposite the site [Clarion House] especially due to the increased height of the building and the replacement flats, specifically

- overshadowing/loss of light and sunlight to the flats, roof terraces and the communal courtyard;
 - increased enclosure;
 - loss of privacy through increased overlooking;
 - noise nuisance from the terraces;
- Noise nuisance from the plant at roof level;
 - Noise and disruption (to the adjoining hotel) from the residential terraces and a request that their use is conditioned;
 - Overlooking of hotel suites;
 - Loss of view from hotel suites;

Design

- Loss of the existing building of merit/local heritage significance;
- Disagree that the proposed design will contribute to the conservation area;
- Adverse visual impact of the increased height of the building as a whole and increased bulk (at the rear);

Highways

- Increased traffic congestion caused by waste removal and servicing;
- Adverse impact on sightlines for vehicles coming out of Richmond Mews due to bringing the building line forward further than approved;
- Potential loss of residents parking bays in Richmond Buildings;

Other

- Noise and disruption from construction works, including increased congestion and adverse impact on the adjacent hotel;
- Inaccurate reference to disruption caused by excavation at basement level and installation of car stackers and increased traffic congestion caused by a basement car park – these refer to the approved residential scheme;
- Inaccuracies in the drawings, some referring to the approved residential scheme;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is located on the south side of Richmond Buildings, and partially oversails the entrance to Richmond Buildings. Dating from the 1960s, it comprises a lower ground floor largely occupied as parking space (approximately 5-6 vehicles, accessed from a shallow ramp in Richmond Mews), upper ground and four upper floors. Apart from two small flats occupying the fourth floor (114m² GIA), the rest of the building was last used as Class B1 offices (995m² GIA): the whole building is currently vacant. The flats and offices share the same entrance, stairs and a single lift.

The building is not listed but it is within the Soho Conservation Area. It is also within the Core Central Activities Zone and the West End Stress Area. Most of the site, apart from

the section which oversails the entrance to Richmond Mews, is within the safeguarding zone for Crossrail 2.

6.2 Recent Relevant History

August 2016 – permission granted for the demolition of the existing building and erection of a replacement building to provide sub-basements for use by a car stacker, and basement, lower ground, ground and first to fifth floor levels for use as residential accommodation comprising 13 residential units (Class C3); creation of terraces at first to fifth floor levels and lightwells to the front and rear of the property; installation of plant and PV cells at main roof level and condenser units within an enclosure at ground floor level within the undercroft.

This was subject to a legal agreement that secured the following:

- i) A financial contribution of £1,015,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 13 flats;
- iii) Provision of Site Environmental Monitoring Plan and £27,000 per annum towards construction monitoring;
- iv) Management and maintenance of the car lift;
- v) Securing unallocated car parking within the development;
- vi) Monitoring costs of £500 for each of the above clauses.

7. THE PROPOSAL

Although the Council granted planning permission for a wholly residential redevelopment last year, the applicant now wishes to effectively retain the existing mix of office and residential uses on the site, but to refurbish and expand them. The changes in floor space are summarised in the table below.

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	995	1,441	+446 (+44.82%)
Residential (Class C3)	114	175	+61 (+53.51%)
Total	1,109	1,616	+507 (+45.72%)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office floorspace

The site is located within the Core Central Activities Zone and, under the terms of policy S1 and S20 of the City Plan, an increase in office floorspace is acceptable in principle. The applicant advises that the existing accommodation is outdated and that the provision of modern floorspace will help contribute to the area's economic function, which is welcomed.

Although there has been an objection on the grounds that the use of the basement as additional office accommodation [and presumably the overall increase in office floorspace] will have a detrimental impact on local residents and the community, this is a mixed use area within the Core CAZ where office use is acceptable in principle. There are no planning controls that would prevent the existing parking area in the basement from being used as additional office accommodation.

Policy S1 also states that

A) Where the net additional floorspace (of all uses) is

- i) less than 30% of the existing building floorspace, or
 - ii) less than 400sqm; (whichever is the greater),
- or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.

Where A) does not apply and the net additional floorspace (of all uses) is:

- i) between 30% and 50% of the existing building floorspace, and
- ii) more than 400sqm,

residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

The residential floorspace can be provided:

- i. on-site,
- ii. off-site,
- iii. by mixed use credits (Policy CM47.2), or
- iv. as a payment in lieu of the residential floorspace.

It is at the applicant's discretion which of i to iv. above they wish to apply.

In this case the net additional floorspace (of all uses) is 45.72% and more than 400 sqm; and the net additional office floorspace is 40.22% of the existing building floorspace (of all uses). Taking account of the uplift in residential floorspace, this would generate a commuted payment (which is the applicant's preferred approach) towards the Council's affordable housing fund of £91,000. This will be secured by legal agreement, payable before commencement of the development.

Residential use

The existing two flats on the top floor of the building are both 1-bedroom and share the same access arrangements as the office accommodation. The applicant has informally asked whether there are alternative options for relocating the existing flats or making a payment in lieu for their replacement, but policy S14 of the City Plan is clear that residential use is the priority across Westminster except where specifically stated. All residential uses, floorspace and land will be protected. The replacement of the two flats is therefore in accordance with this policy and the small increase in floorspace is welcome.

The replacement flats would comprise one 1-bedroom and one 2-bedroom units, a slight improvement in the mix, which is welcome. The access arrangements would be the same as the existing situation, namely shared with the offices, but given the relatively small floor plate it is considered that this cannot be improved upon. The replacements flats are larger than the existing flats and would have a better standard of accommodation and amenity. They will also have their own small balconies.

8.2 Townscape and Design

Richmond Buildings is a short street in the Soho Conservation Area leading to Richmond Mews. It lies within protected vista 2A.2 - Parliament Hill summit to the Palace of Westminster and the Crossrail Line 2 Safeguarding Area. Its history is succinctly described in the Survey of London (volume XXXIII pp246-249).

The street has been comprehensively redeveloped and no buildings of historic interest or architectural merit survive other than at the south-east corner. The north side is occupied by buildings varying in height between three and six storeys and planning permission was recently granted to substantially alter the building on the corner of Dean Street (Nos. 81-82 Dean Street and No. 3 Richmond Buildings) with the intention of minimising its apparent height and to remove the incongruous bay windows which are not a characteristic feature of the conservation area. This development is nearing completion.

The south side of the street is also occupied by modern buildings, of four and five storeys, but the corner (No. 80 Dean Street and No. 14 Richmond Buildings) is a smaller and older scale of development and forms an important part of the setting of neighbouring listed buildings in Dean Street. Planning permission was recently approved for alterations and extensions at Nos. 12-13 Richmond Buildings and that development is nearing completion.

This application is, in design terms, very similar to the previously approved development which, along with the two recently approved developments in the street, are considered to represent significant and welcome improvements to two of the most unattractive buildings in the area. The current proposal, as before, follows their example both in terms of its scale and architectural sobriety. The proposal is considered successful in these key respects.

Contrary to representations made about the desirability of keeping the existing building, it is considered to be out of scale, incongruously designed, and faced with inappropriate materials, meaning its redevelopment is acceptable in principle. It is not worthy of retention but it is the kind of building that conservation area designation was intended to resist.

The proposed development represents a welcome improvement in comparison to the existing building in terms of its detailed design and facing materials. Although the Soho Society suggest that the design could be improved by the use of London Stock bricks, what is proposed is considered to be acceptable given the variety of building materials in the vicinity. Reintroduction of a hierarchy of fenestration and the use of brickwork will ensure that the building relates appropriately to its immediate surroundings and makes a positive contribution to the conservation area. The height and massing respects the prevailing overall height and massing of neighbouring buildings and the subtle vertical

sub-division of the facade would reintroduce an appropriate sense of plot widths more in character with the historic scale of development in the area.

A key feature of the design is the use of metal screens. While they are acceptable in principle, great care will be needed when working-up their detailed design, otherwise the appearance of the building could be spoiled. This may be dealt with by condition.

As with the approved scheme, the building line is being brought forward by 600mm: the existing building line is set back from the site boundary and creates a small forecourt with stairs leading up to the raised ground floor entrance. The applicant wishes to utilise this space and given that the building line along the street does vary, a small extension of the building line for this site was considered to be acceptable in the approved scheme. The current proposal originally sought to extend this projection even further (an additional 711mm) but this was not considered acceptable in townscape terms and the scheme has been revised so that the building line is the same as the approved scheme.

There has been an objection to the adverse visual impact of the increased height and bulk at the rear of the building. However, this is largely the same as in the approved scheme (though lower) and is considered to be acceptable. The current scheme has been revised to reduce the bulk at rear fifth floor level.

In design and heritage asset terms the development accords with NPPF paragraphs 56, 63, 131 and 132, the Westminster City Plan: Strategic Policies S25 and S28, UDP policies DES 1, DES 4 and DES 9, and the 'Development and Demolition in Conservation Areas' supplementary planning guidance.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

The application is supported by a daylight and sunlight report based on the guidance published by the Building Research Establishment (BRE). Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and

5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The BRE guidelines do advise that they should be applied sensibly and flexibly.

There have been six objections from residents in Clarion House, raising concerns about the impact of the proposals on the amenity of their property, both individual flats (including roof terraces) and the communal courtyard. There were no objections from residents in this building to the approved residential development of the site. In that larger scheme there was an assessment that demonstrated that the loss of daylight to these properties will generally be within the recommended guidelines: four of the windows in Clarion House would have experienced losses of daylight that marginally exceed the recommended 20% (maximum loss of VSC – 20.9%) but that is considered to be acceptable.

In the current proposal, the building will be lower than the approved scheme by approximately 2.4m (excluding the set back privacy screen to the roof terrace; including the privacy screen it is still 1.2m lower than the approved building. An updated daylight and sunlight assessment shows that whilst there will still be some losses of daylight, they will be less than in the approved scheme and the maximum losses to Clarion Court will be all be less than 20%. Several of the affected rooms which face the application site are bedrooms; there is also a kitchen (which loses 15.5% VSC) and some living rooms, where the maximum loss of VSC is 15.8%. These losses are within the 20% maximum beyond which the BRE guidelines advise that the impact may be noticeable.

Similarly, with regard to sunlight, in the approved scheme there were five windows in Clarion House which would have lost more than 20% of their annual probable sunlight hours (APSH) and 12 which would have lost more than 20% of their winter sunlight, in five cases all of it. Now there are three windows in Clarion House which will lose more than 20% of their annual probable sunlight hours (though only marginally), with the impact on winter sunlight being the same as in the approved scheme. However, for the winter sunlight, most of the affected windows currently enjoy very limited amounts of winter sun and therefore any reduction expressed as a percentage is disproportionate.

Whilst sympathetic to residents' concerns, although the loss of daylight and sunlight to this property is regrettable, on balance it is not considered to justify a refusal, especially bearing in the taller approved scheme which would have had a greater impact.

The existing building is barely visible from the communal courtyard at the centre of the Clarion House and it is not considered that the additional floor that is proposed will have any material impact on the daylight or sunlight to this space.

Immediately adjoining the site to the east is 12-13 Richmond Buildings, which has recently been converted to residential accommodation. The approved plans show a mix of bedrooms and living accommodation at the rear of the building. To address concerns about the potential impact of the proposals on the new flats, the scheme has been revised to ensure that the office windows very close to the new flats are kept closed (to minimise outbreak of noise). Whilst the scheme retains the rear infill of the site, the amenity at the rear is still largely determined by the flank wall of 1 Richmond Mews. This aspect of the latest proposals are virtually identical to the approved scheme. The applicant's previous

daylight assessment showed that one room will lose 76.3% VSC, but this is a third bedroom at basement level where existing VSC is already low (3.5%) so the loss is proportionately high. The rest of the affected windows have losses less than 20% or just over (up to 21.7% loss) and on balance the impact is considered to be acceptable.

Sense of Enclosure, Privacy and Loss of Views

Part (F) of Policy ENV13 seeks to resist developments that would result in an unacceptable degree of overlooking or increased sense of enclosure. There have been objections from the residents in Clarion House about increased overlooking. However, there is already a degree of overlooking from the existing offices and flats, and there would have been similar mutual overlooking with the approved scheme.

The current proposal does provide small balconies at the front of the building for the flats at fifth floor level, however their height relative to the flats in Clarion House will limit the scope of overlooking. Furthermore, the glass balustrade to the balconies is to be conditioned to comprise obscure glazing to further limit overlooking. Screening to the side of the balcony will also limit the opportunity of overlooking the hotel bedrooms next door.

The latest proposal does differ from the approved scheme in that it now includes a terrace on the main roof: this is to be used by the staff in the office accommodation. It has a screen around it (which will be conditioned) and this minimises the possibility of overlooking the flats opposite or the hotel bedrooms. It is proposed to condition the hours (08.00 – 21.00 hours, Monday to Friday only) that this terrace could be used to protect residents' amenity from potential noise nuisance. There are a number of roof terraces in the vicinity, though these largely seem to be for residential use) and given this it is not considered to be reasonable grounds for resisting a commercial roof terrace, subject to restricting the hours of use.

The hotel has asked that the residential balconies also have restricted hours, but this is not considered to be sustainable given their small size and domestic nature.

The additional floor will partially obscure views for the hotel's bedrooms on the upper floors but there are not considered to be planning grounds for resisting this. The impact on daylight and sunlight to the hotel will also be minimal, and less than in the approved scheme. The hotel's lightwell created where the application site over sails the entrance to Richmond Mews will be the same as existing, and again lower than in the approved scheme.

8.4 Parking, Servicing and Waste Storage

The Highways Planning Manager has raised a number of concerns about the current proposal:

Loss of Existing Car Parking and Car Parking for Residential Units

The existing site has some off-street car parking, accessed from a ramp in Richmond Mews, for approximately 5-6 car parking spaces. UDP policy TRANS23 states "The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances." The Highways Planning Manager is concerned

that the loss of the car parking will add to existing on-street parking pressures and be contrary to TRANS23 and therefore objects to the proposals. However, the applicant advises that there was no restriction on how this parking might have been used, i.e. the may have been used just by the offices and would not have been protected for use by the flats. Furthermore, the basement could have been used for other purposes ancillary to the office use on the upper floors of the building without the need for planning permission.

Notwithstanding the objection to lack of parking for the residential accommodation, the replacements of the existing flats is considered to take priority over the objection raised. The applicant has agreed to offer life time (25 years) car club membership for each of the flats and given the circumstances of the case, this is considered to be an acceptable compromise.

Some of the objectors have mistakenly referred to the provision of a car stacker being installed into additional basement levels. However, these were part of the approved scheme and are not part of the current proposals.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 90m² of B1 office and 1 space per 1 bedroom residential unit or 2 spaces for 2 plus bedroom units. Long term off-street cycle parking promotes this sustainable transport to staff. The proposed additional residential unit would require 3 cycle parking spaces (1 1-bed unit and 1 2-bed unit). For the 1680m² of B1 office floor space 19 cycle parking spaces are required.

The total required across the site is 22 long stay cycle parking spaces. The applicant states that 24 cycle parking spaces are proposed. These are to be provided in the same location at the rear of the site, in Richmond Mews. The office and residential accommodation will share the same facilities, and although the Highways Planning Manager has queried this, and the fact that the cycle store is not connected to the other parts of the building, these arrangements are considered to be acceptable.

Refuse

The proposed refuse store is the same as in the approved scheme, located beneath the over sail part of the building that leads into Richmond Mews. The proposed strategy for refuse is for waste to be stored at the basement level of the development and then, on collection days, it will be transferred up to ground level via the goods lift onto a specified collection area of private land on Richmond Mews.

The Highways Planning Manager has queried that it is not connected to the other parts of the building for either the B1 office or residential units. The Cleansing Officer has also raised concerns about the refuse storage provision, and particularly how the refuse will be collected. He has advised that recyclable materials are collected from Richmond Buildings for properties on Richmond Mews by dragging up the wheelie bins; general waste is collected from Richmond Mews by using a small refuse vehicle which reverses into Richmond Mews, but this is often problematic due to parked vehicles, deliveries, etc. that prevent collections.

The applicant has provided additional information about the capacities of the waste storage bins and clarified that there will also be provision for recyclable material storage. It is considered that how the waste collection works in practice can be adequately addressed by a condition requiring details of a refuse management strategy.

Servicing

Policies S42 and TRANS20 require off-street servicing. The Highways Planning Manager has commented that even though servicing currently occurs on-street, given the substantial intervention within the site, there appear to be no valid reasons not to provide off-street servicing. However, the site is relatively small, and a service bay could only be provided at the rear of the site, which would create its own problems, including increased traffic congestion with Richmond Mews. It is considered that servicing can be adequately dealt with by requiring a servicing management plan, which will be secured by condition.

Highway Boundary/Building Line

The proposal alters the building line in Richmond Buildings by bringing it forward (towards Richmond Buildings) by approximately 600mm. This space isn't highway, but within the site boundary. The current proposal originally sought to bring the building line forward by an additional 711mm: of concern is the impact of the altered building line on visibility splays, particularly those between pedestrians and vehicles at the junction of Richmond Buildings and Richmond Mews. There was an objection from a local resident on these grounds. However, given the existing highway layout and existing structures, namely the stairs that lead up the entrance of the existing building, it is not considered that the proposed change to the building line will have an adverse impact on the visibility splays.

Supported transportation issues

There is no objection to the lack of car parking for the replacement offices. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal and consistent with TRANS21 and TRANS22.

The Highways Planning Manager accepts that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floor space.

The existing building over sails the highway, across Richmond Mews. The proposal is for the over sail to be largely demolished and rebuilt. The drawings submitted by the applicant indicate a minimum clearance of 5.3 metres. This is consistent with the minimum requirements of the Westminster Highways Planning Guide. Therefore, the over sailing section of the proposal is considered acceptable.

8.5 Economic Considerations

The updated office accommodation is likely to contribute positively to the economic vibrancy of this part of the Core CAZ and as such is welcomed in principle.

8.6 Access

The new building provides level access into the entrance lobby, where there is a lift providing access to all the upper floors (including the replacement flats). This is an improvement on the existing situation, where there is a flight of stairs up to the main entrance.

8.7 Other UDP/Westminster Policy Considerations

Plant

The NPPF contains guidance on noise management in planning decisions. Paragraph 123 states that decisions should aim to avoid noise giving rise to significant impacts on quality of life as a result of development, and mitigate noise impacts. This paragraph contains recognition that development will 'often create some noise'. Policy 7.15 of the London Plan, 'Reducing Noise and Enhancing Soundscapes' aims to support the Mayor's Ambient Noise Strategy. The reduction of noise resulting from developments, and screening of them from major noise sources, is sought under this policy. The reduction of noise pollution is covered in Westminster's City Plan: Strategic Policies by Policy S 32. Improvements to the borough's sound environment will be secured, as will the minimisation and containment of noise and vibration in new developments. Developments should provide an acceptable noise and vibration climate for occupants. UDP Policy ENV 6 describes policy to address noise pollution issues. Design features and operational measures which minimise and contain noise from developments are required. Residential developments should be appropriately protected from background noise.

Plant is proposed at roof level. A noise survey report is provided as part of the application package, which identifies surveyed background noise levels and identifies the maximum plant noise emission limits for the proposed rooftop plant, in accordance with Westminster City Council's standards, so as to prevent any adverse noise from the plant adversely affecting the amenity of residents in the vicinity of the site. The proposals have been assessed by the Council's Environmental Health officer who has no objections in principle to the proposals, subject to standard conditions. This includes the need for a supplementary acoustic report as the specific plant has not yet been selected. On this basis the objection from the hotel about potential noise nuisance from the plant is not considered to be sustainable.

Energy, Sustainability and Biodiversity

Sustainability and Energy Statements have been submitted to accompany the planning application. These assess the proposals' compliance with policies and principles for sustainable development and energy efficiency. Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and

requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development.

Energy efficient measures for the building fabric will be incorporated to reduce the energy demand and carbon footprint of the proposals. The proposed measures will result in a total annual saving in carbon emissions over the 41.9% baseline. The feasibility of Combined Heat and Power (CHP) has been assessed, but the applicant concludes that a communal CHP unit is inappropriate for the proposed development given that there is an insufficient heat load and DHW requirements for the building.

It is proposed that the two residential units will have separate individual combi boilers for separated metering. In order to meet the London Plan requirements, an Air Source Heat Pump has been identified as an appropriate renewable energy source.

The proposals also include provision of a small green roof, on top of the rebuilt portion that over sails the entrance to Richmond Mews. Although the main benefit is likely to be visual, it will help promote biodiversity, in accordance with Policy 7.19 of the London Plan, Policy S38 of the City Plan: Strategic Policies and policies ENV4 and ENV17 of the UDP.

Other

There have been objections about the noise and disruption caused by the building works, as well as increased traffic congestion. The latter is a particular concern for the hotel, whose main entrance is on Richmond Buildings and regularly includes visits by taxis. The current proposal will obviously be less disruptive than the approved scheme as it does not involve excavation works to create additional basement. However, it is considered appropriate that the scheme is subject to the Council's Code of Construction Practice and this will be secured by condition.

One objector refers to errors in the submitted drawings – the original submission did include a coloured rendition of the front façade which was actually of the taller approved scheme. This has been rectified.

There has been an objection about potential loss of residents' parking bays in Richmond Buildings. There is no intention for this as part of the proposals. It is possible that parking bays may be temporarily lost during the construction process but this will be a matter to be addressed as part of the Code of Construction and is not known at this stage.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London. It will however generate a Crossrail contribution which the applicant estimates as being £62,397, which will be secured as part of the legal agreement.

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

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) a financial contribution of £91,000 (index linked) towards the City Council's affordable housing fund, to be paid on commencement of development;
- ii) a Crossrail payment of approximately £62,397 (adjusted to account for the Mayoral CIL);
- iii) car club membership for each of the two residential flats for 25 years;
- iv) monitoring costs for each of the above clauses.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

The applicant estimates that the Mayoral CIL will be £25,363 (subject to indexation) and the Westminster CIL to be £136,524 (subject to indexation).

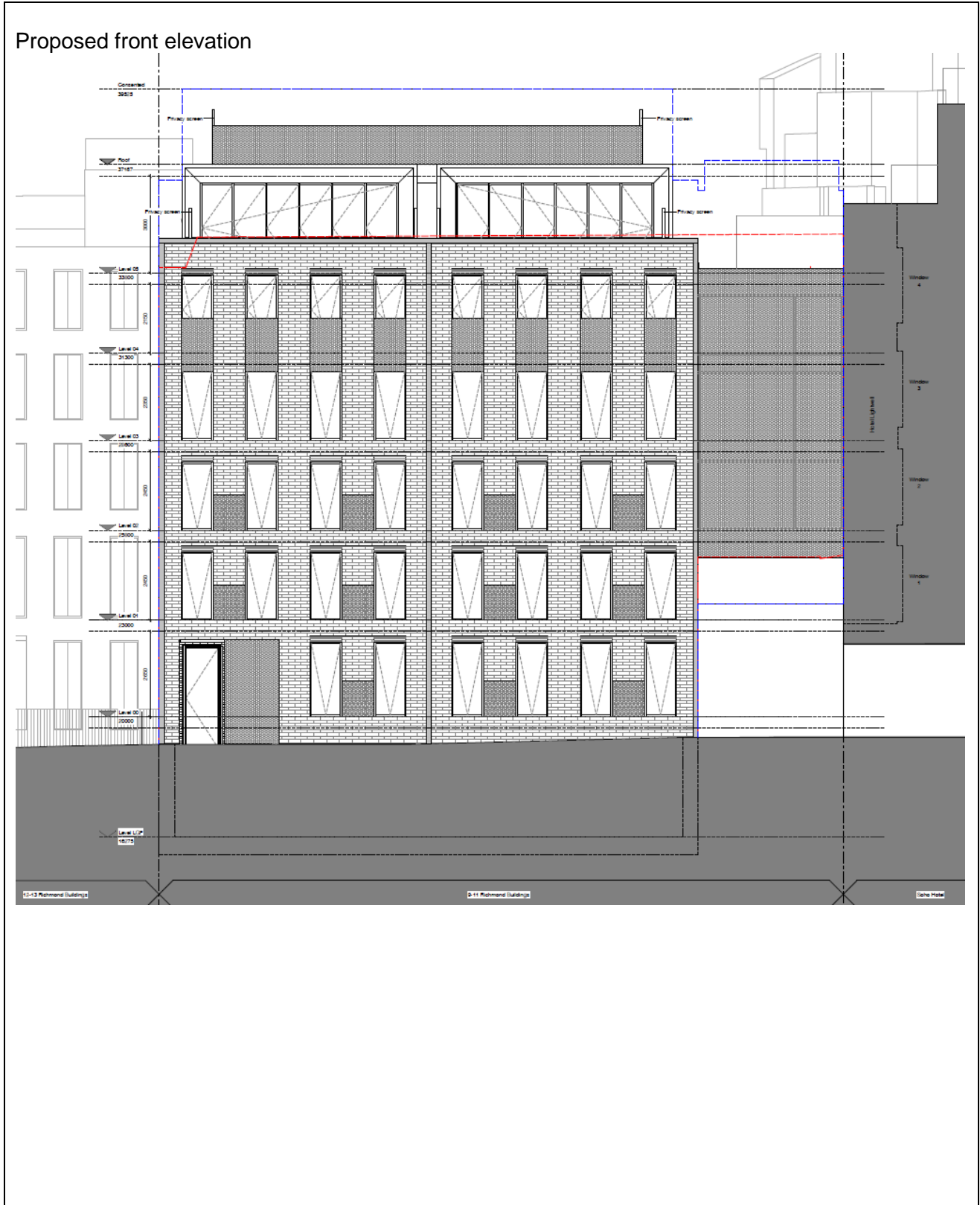
9. BACKGROUND PAPERS

1. Application form
2. Response from Cross London Rail 2 Links Ltd, dated 3 March 2017
3. Response from Environmental Services Team, dated 2 March 2017
4. Response from Soho Society, dated 9 March 2017
5. Response from Cross London Rail Links Ltd (1), dated 17 February 2017
6. Letter from occupier of 18 Clarion House, London, dated 1 March 2017
7. Letter from the occupiers of flat 38 Soho Lofts, 10 Richmond Mews, dated 10 and 30 March 2017
8. Letter from occupier of flat 14 Clarion House 4 St. Anne's court, Dean Street, dated 7 March 2017
9. Letter from occupier of Flat 6, Clarion House, dated 3 March 2017
10. Letter from occupier of Flat 9, Clarion House, dated 20 March 2017
11. Letter from occupier of Flat 9 Clarion House, 4 St Anne's Court, dated 20 March 2017
12. Letter from occupier of 7 Clarion House, 4 St Anne's Court, dated 6 March 2017
13. Letter from occupier of 18 Thurloe Place [on behalf of Firmdale Hotels], London, dated 3 March 2017
14. Letter from occupier of Flat 3, 10 Richmond Mews, dated 8 March 2017
15. Memorandum from the Highways Planning Manager dated 4 July 2017
16. Memorandum for the Projects Officer (Waste) dated 7 April 2017

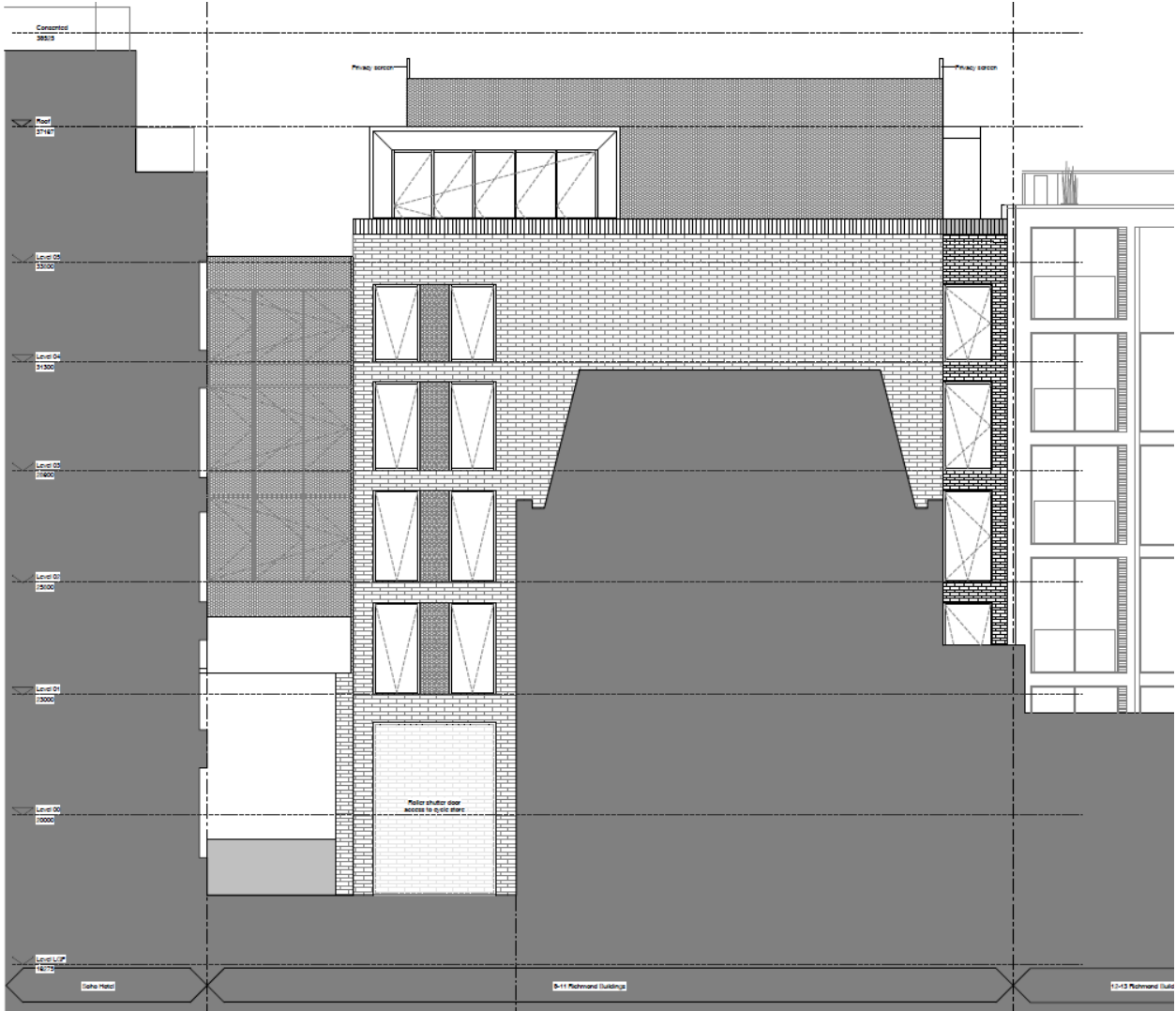
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

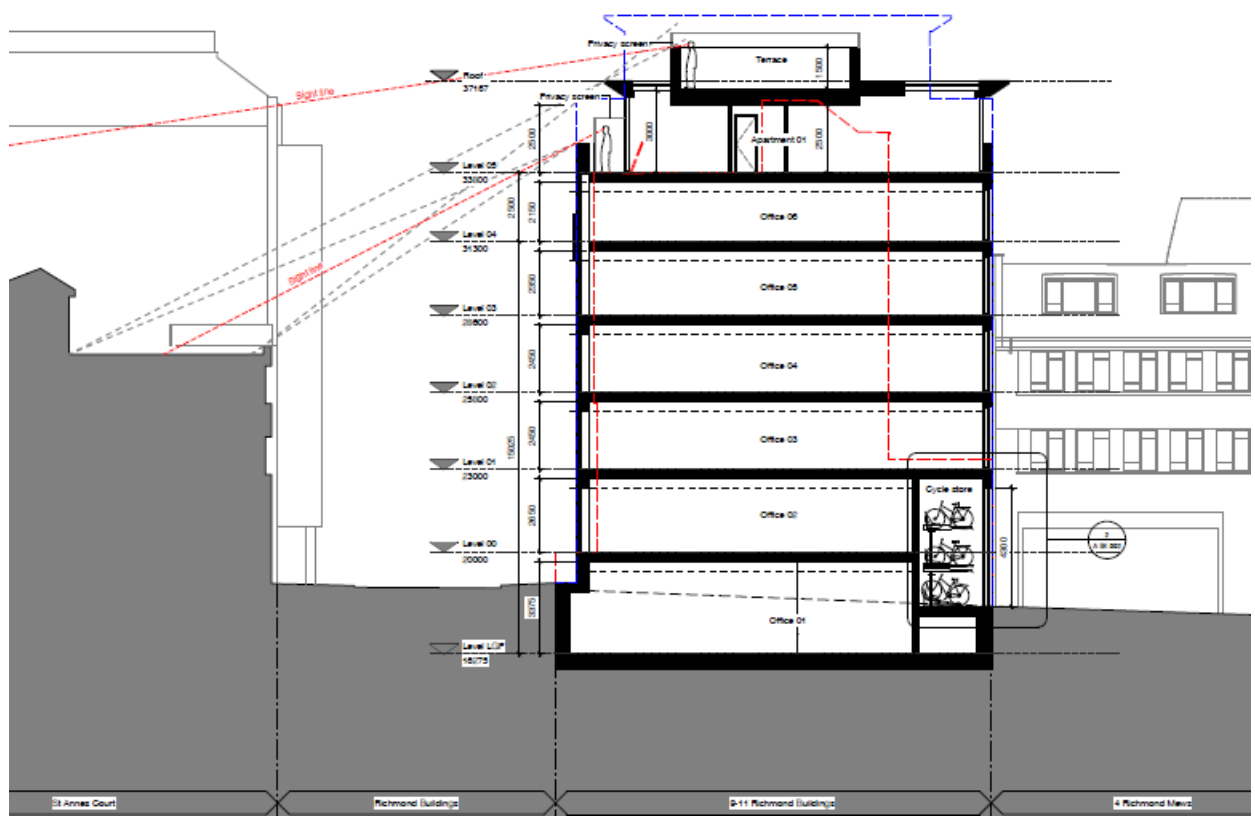
10. KEY DRAWINGS



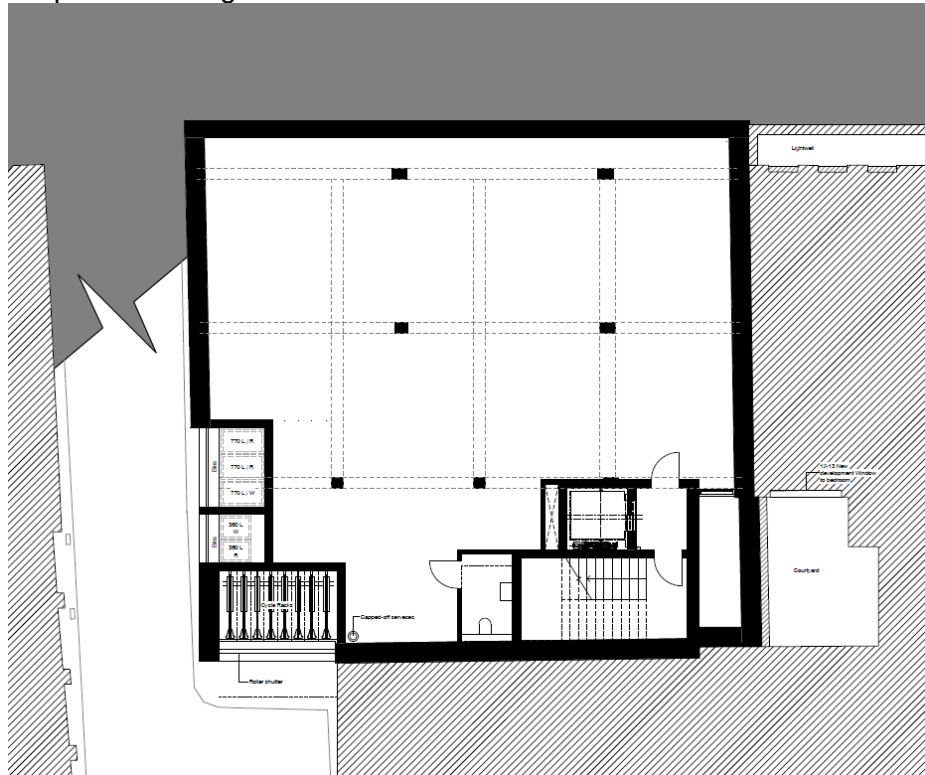
Proposed rear elevation



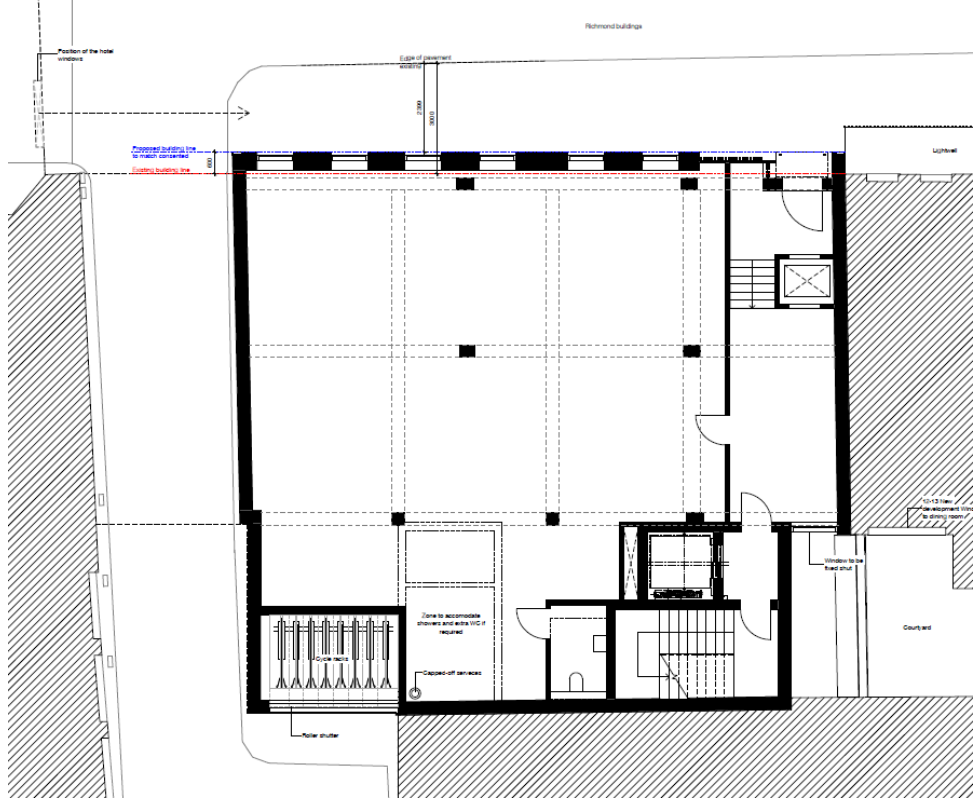
Proposed section



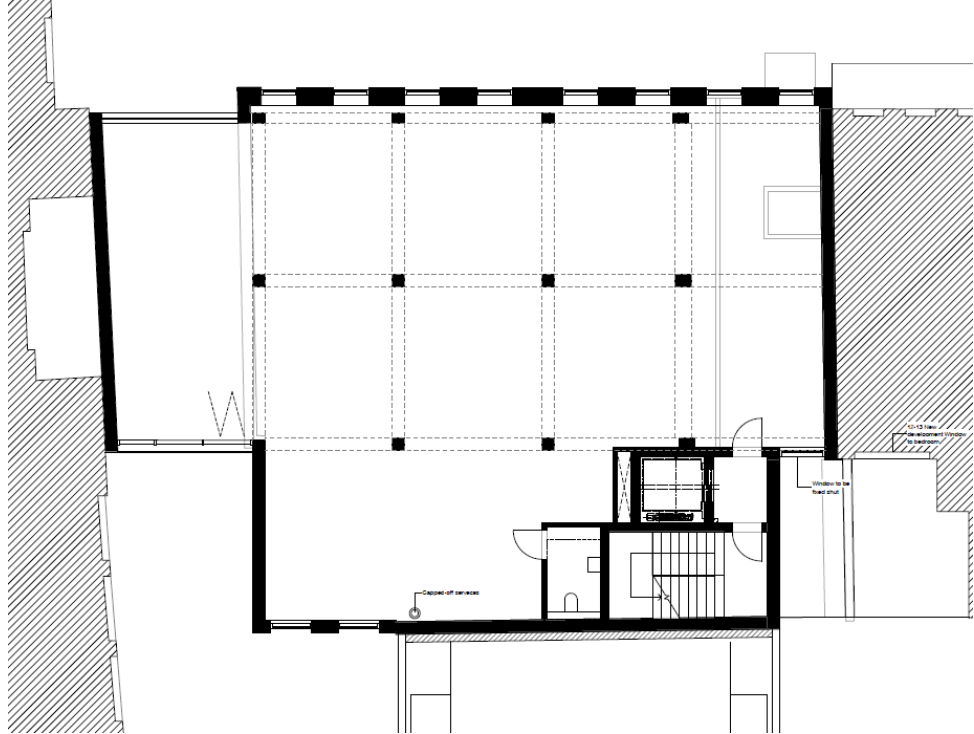
Proposed lower ground floor



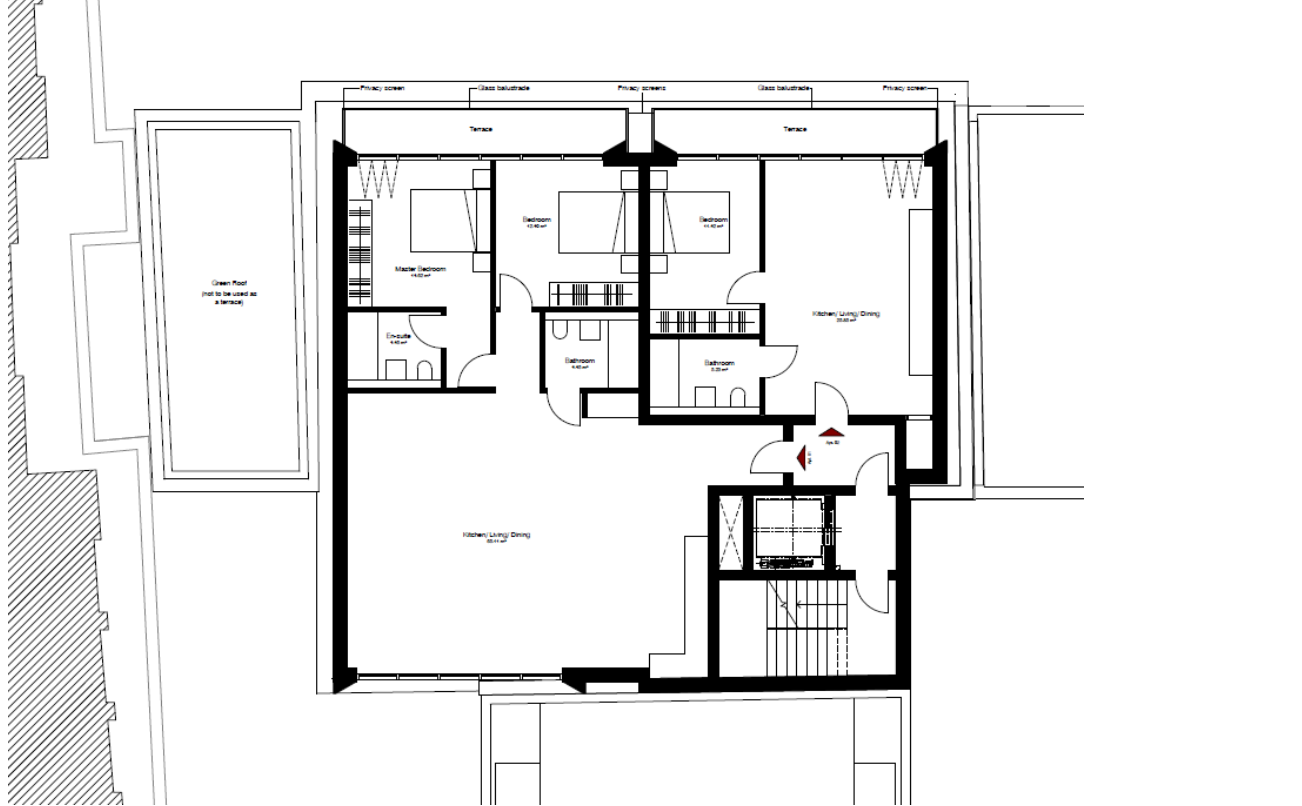
Proposed ground floor



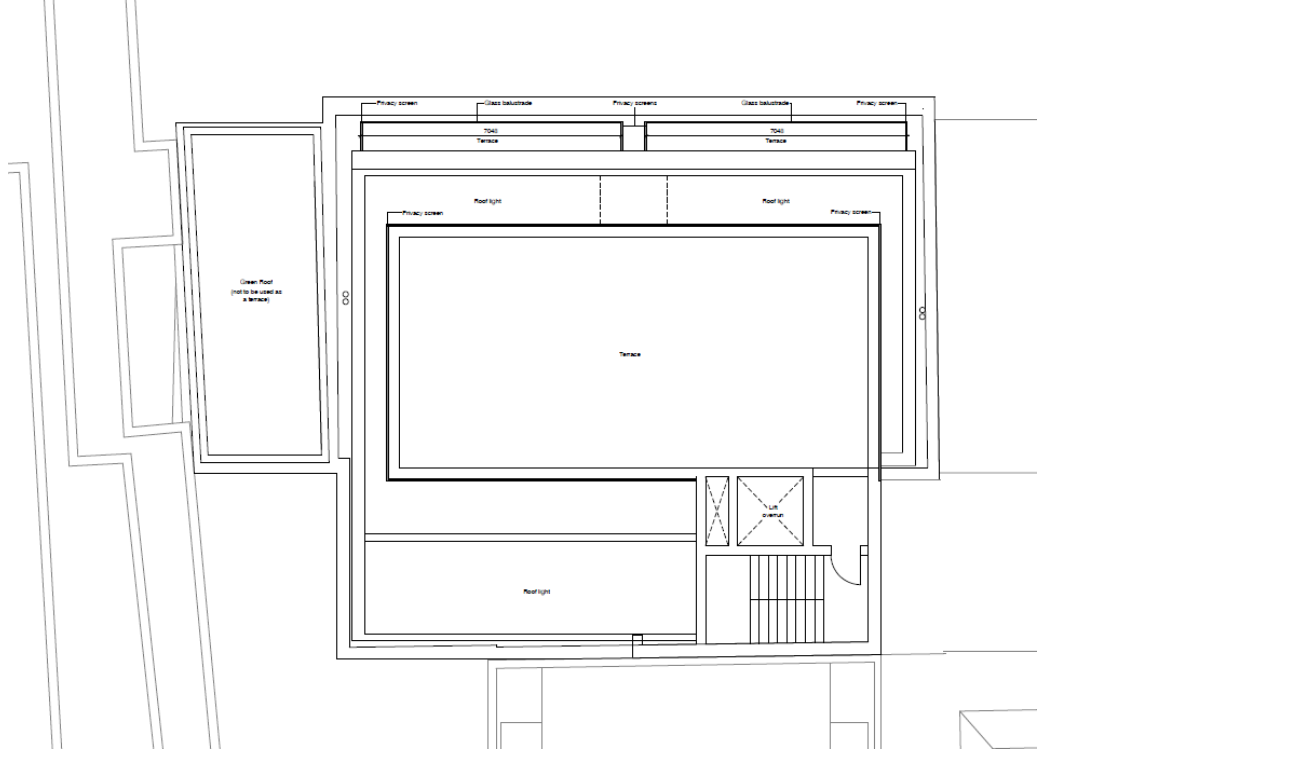
Proposed typical upper floor (Third)



Proposed fifth floor



Proposed roof and office terrace



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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Carlton Court, 120 Maida Vale, London, W9 1QA,		
Proposal	Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.		
Agent	Mr Alex Cotterill		
On behalf of	Honosa Ltd		
Registered Number	16/12165/FULL	Date amended/ completed	22 June 2016
Date Application Received	21 December 2016		
Historic Building Grade	Unlisted (but adjacent to grade II listed buildings to the south)		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grand conditional permission.

2. SUMMARY

Carlton Court is a mid twentieth century building, which is currently in use as serviced apartments (Use Class C1) located in the St Johns Wood Conservation Area. The building comprises of two parts, a five storey building which fronts onto Maida Vale and a thinner three storey building which extends back into the application site. To the rear of the site there are existing garage structures, some of which have been converted to ancillary storage and office space for the hotel. There are currently two access routes down either side of the building. The rear area is currently all hard standing and used for parking.

The building and outbuildings are unlisted however the buildings to the south are Grade II Listed. The site is located outside of the Central Activities Zone (CAZ) and is not on a CAZ frontage or within a special policy area.

There have been three recent planning applications for redevelopments of different scale and form at

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the site, all of which were withdrawn as they were not acceptable on various grounds. Permission is again sought for the demolition of the existing building and outbuildings and erection of a replacement part five, part three storey building to be used as serviced apartments with ancillary restaurant, bar and lounge at ground floor level. A basement is also to be excavated, both under the main building and out under the rear garden to provide a pool and spa facilities. The rear garden is to be re-landscaped and will feature a single storey extension, which provides light and access down to the basement facilities.

The key issues with this application are:

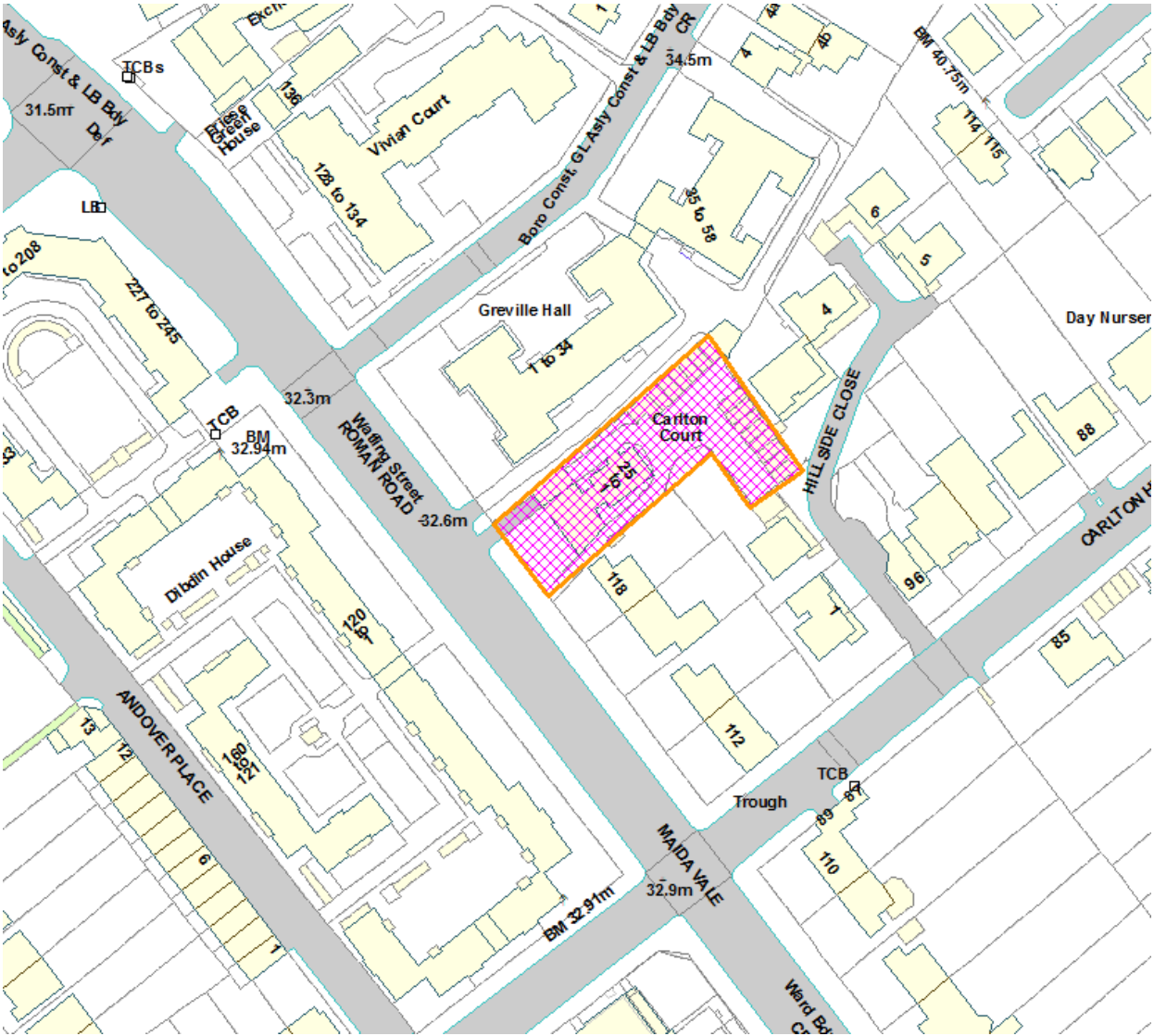
- * The impact of the redevelopment on the character and appearance of the conservation area and adjacent listed buildings.
- * The land use implications of a hotel redevelopment in this location.
- * The environmental impact of the redevelopment including the impact on amenity of nearby residents.
- * The impact of the redevelopment on trees.

Objections have been received on the grounds of loss of amenity, loss of parking and in relation to disturbance and potential harm to adjacent residences as a result of the excavation and construction works.

During the course of the application amendments were made to the drawings to fix drafting errors, updated acoustic information and updated north elevation to reduce overlooking to neighbours. Neighbours were re-consulted to advise them of these revisions.

The submitted drawings do still include some inconsistencies, however subject to conditions as set out on the draft decision letter appended to the report, the redevelopment proposals are considered to comply with the relevant land use, design, conservation, amenity and transportation policies in Westminster's City Plan (City Plan) adopted November 2016 and the Unitary Development Plan (UDP) adopted January 2007. As such the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation above; rear yard below





rear elevation above



view from rear of northern side of buildings adjacent to Greville Hall

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5. CONSULTATIONS

RESPONSES TO ORIGINAL CONSULTATIONS:

LONDON BOROUGH OF CAMDEN:

No objection.

TRANSPORT FOR LONDON (TfL):

No objection.

HISTORIC ENGLAND:

No comment, application should be determined in line with national and local policy guidance.

ENVIRONMENT AGENCY:

Any response to be reported verbally.

THAMES WATER:

Recommendations in relation to waste and water conditions and informatives.

ST JOHNS WOOD SOCIETY:

Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:

No objection. Neighbours' views should be taken into consideration.

ENVIRONMENTAL HEALTH:

No objection subject to standard noise conditions and acoustic screening in relation to the proposed plant.

BUILDING CONTROL:

The submitted structural information is acceptable. Comment that the layout of the building does not appear to comply with Building Regulations.

ARBORICULTURAL OFFICER:

Query if sufficient undeveloped land is provided. Suggest that additional soil depth is provided above the basement. However, subject to conditions and informatives no objection raised.

GO GREEN OFFICER:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection.

CLEANSING MANAGER:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 200

No. of replies: 10 letters of objection raising some or all of the following points:

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Land Use:

- It is unclear who the proposed restaurant is for and will not survive as not enough residents to sustain it. Plenty of other restaurants within the vicinity.

Amenity:

- Increased noise and disturbance as a result of the rear area being used as a terrace/restaurant, particularly given previous erection of a marquee and use as a Shisha bar.
- The rear flat roof at third floor level could be used as a terrace which would cause noise issues.
- Disturbance from new restaurant and associated cooking smells.
- Loss of light as a result of the development.
- Concerns in relation to noise from plant equipment on adjacent occupiers.
- Concerns that plant equipment will over time become noisier and cause disturbance.
- The extension to the building will result in loss of privacy to neighbouring residents.

Design:

- Overdevelopment
- Negative impact on street scene.

Highways:

- Query as to what parking is provided following the removal of the existing parking facilities.

Other matters:

- Concerns in relation to building works and their impact on adjacent residential building, their occupants and their services.
- Concerns that basement of adjacent Greville Hall will become more water logged than existing. Comments from Thames Water are alarming.
- The demolition of the garages will disturb existing waste facilities for adjacent residents.
- Concerns in relation to subsidence and rising damp.
- Noise, dirt and disturbance from building works.
- Building works will have a negative impact on proposed external redecoration works to Greville Hall adjacent.
- Cockroaches live underground in the area and the new basement is likely to find them a problem.
- Online application documents are incomplete.
- Concerns that the proposed pool access within the garden will result in a security risk.

ADVERTISEMENT / SITE NOTICE:

Yes

RESPONSE FROM NEIGHBOURS FOLLOWING REVISED DRAWINGS:

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 200

No. of replies: 2 objections raising the following points:

- Proposals will attract non-residents which will have a negative impact on the area in terms of traffic, noise and smell.
- As commented previously, no parking for provided for visitors or employees.

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- Comments in relation to the distance of the site from a tube station being a long walk, or on busy buses.
- Concerns in relation to cockroaches.
- Concerns in relation to competency of planning application due to inconsistencies and any future building contractors.

6. BACKGROUND INFORMATION

6.1 The Application Site

Carlton Court is located on the eastern side of Maida Vale in the St John's Wood Conservation Area. It is currently occupied by a mid 20th century hotel building which is set over ground and four upper levels at the front and three storeys high at the rear. There is also a plant room at fifth floor roof level. To the rear of the site there are existing garage structures, some of which have been converted to ancillary storage and office space for the hotel. There are currently two access routes to the rear down either side of the building. The rear area is currently all hard standing and used for parking. The site is located outside of the Central Activities Zone (CAZ) and is not on a CAZ frontage or within a special policy area.

The buildings themselves are unlisted however the buildings to the south are Grade II Listed. To the north of the property on Maida Vale is a residential block of flats called Greville Hall, which face onto both Maida Vale and Greville Place, which runs between the application site and Greville Hall. To the east on Maida Vale are large two and three-storey residential dwellings, within a private development called Hillside Close.

6.2 Recent Relevant History

A lawful development certificate was granted on 13 August 2009, which established the lawful use of the building as a hotel (Class C1). It is considered that this remains to be the lawful use.

Records indicate that enforcement action was taken in 2012 in relation to a marquee which was erected to the rear of the site, used for shisha smoking. The marquis and associated activities stopped prior to the issuing of a formal enforcement notice.

Three applications have recently been submitted, one in 2014, 2015 and 2016, which each included the demolition of the existing building and redevelopment, to provide a mixture of serviced apartments and new residential dwellings. All the applications were withdrawn following comments from officers that they were unacceptable on various grounds including design, amenity, affordable housing, substandard accommodation, tree works and on sustainability grounds. The three applications were for the following works:

Application withdrawn 23 December 2014 for “Demolition of existing five storey hotel (Class C1) on Maida Vale and single storey ancillary buildings to the rear, to provide a new building of five storeys plus double basement level comprising 11 serviced apartments on Maida Vale and three two storey plus double basement houses detached family dwelling houses to the rear (Class C3) set within a landscaped amenity area, together with basement leisure facilities, 13 car parking spaces, 34 cycle stands and plant.”

Application withdrawn 2 December 2015 for “Demolition of existing five storey hotel (Use Class C1) on Maida Vale and single storey ancillary buildings to the rear, to provide a five storey building with single

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storey basement comprising 9 serviced apartments (TSA) on Maida Vale and one detached family dwelling to the rear (Use Class C3) set within a landscaped amenity area, together with 10 car parking spaces, 26 cycle stands and plant.”

Application withdrawn 05 September 2016 for “Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.”

7. THE PROPOSAL

Planning permission is sought in relation to the demolition of the existing five storey hotel (Class C1) and single storey ancillary garage buildings to the rear and to erect a part five and part three storey serviced apartment hotel building (Class C1) with associated restaurant and spa facilities in newly excavated basement. It is also proposed to erect a single storey structure in rear garden to provide an alternative access to the basement.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals are for the re-provision of an aparthotel on the site. Similar to the existing use, the rooms are to be in the form of 12 serviced apartments and 8 studios, whereby each room has its own cooking facilities. The development will result in a net increase of 655sqm floorspace (from 1139sqm to 1794sqm).

Policies TACE 1 of the UDP and S23 of The City Plan seek to protect existing hotels where they do not have significant adverse effects on residential amenity. As there are no reported issues in relation to the existing hotel (since the ceasing of the shisha smoking in 2012), the retention of a hotel is considered to be in accordance with these policies.

Policy TACE 2 of the UDP relates to new hotels and extensions to existing hotels and states that outside the CAZ, CAZ Frontages and special policy areas, planning permission for new hotels would not be granted. The policy does allow for extensions to existing hotels, where they are appropriate in design terms, where facilities to non-residents are not lost, where the extension would not result in intensification of use of facilities by non-residents, where there would be no adverse effects on residential amenity and no loss of permanent residential accommodation. As discussed below, the proposals are considered to accord with these requirements, therefore in land use terms the proposals are considered acceptable.

Pool and Spa:

The proposals include the provision of a basement pool and spa facilities. In order to comply with UDP policy TACE 2 (C), a condition is recommended to ensure that these facilities are not available to non-residents of the hotel to confirm that that the use is not intensified.

New restaurant and bar:

The proposals result in the creation of a new restaurant/bar and lobby area at ground floor level. There is an existing restaurant area in the current hotel, which is not restricted by conditions as it formed part of

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the certificate of lawful existing use. The existing restaurant is small, with around 24 covers and a small kitchen located towards the rear of the building. It appears to largely just provide breakfast to hotel guests and tea and coffee making facilities. The proposals result in the provision of a much larger ground floor restaurant, lounge and bar area with around 72 covers in the restaurant (which is 8 more than the number of covers required should the hotel be at full capacity), 5 in the bar and a further 18 in the lounge.

The supporting documentation confirms that the restaurant would not be operated as a stand-alone facility, and would therefore be ancillary to the primary hotel use (Class C1), despite this the impact of the restaurant needs to be assessed against the City Council's entertainment policies.

In this instance, the proposal involves the provision of a restaurant measuring approximately 123sqm, which increases to 338sqm if you include the lounge / entrance area and therefore policy TACE 9 of the UDP applies. The existing restaurant measures approximately 65sqm. Similarly to policy TACE 2, Policy TACE 9 states that permission will only be granted for restaurant uses (between 150m2 and 500m2) where the City Council is satisfied that there is no adverse effect on residential amenity or local environmental quality, and no adverse effect on the character or function of the area. In reaching decisions, the City Council will have particular regard to factors including the number of people on the premises, the opening hours, servicing and arrangements to safeguard amenity (such as means of extraction/ventilation etc). Policy S24 in The City Plan is similarly worded.

Therefore, in order to satisfy these policies, the proposals need to demonstrate that they would not have a negative impact on the character of the area or have a negative impact on the amenities of neighbours.

There are currently no conditions which would limit the use of the rear area of hard standing for ancillary hotel uses, however the current layout of the hotel does not lend itself to such activity, with the rear used for parking, with access out to the rear via a side exit. The new restaurant is located towards the rear of the building, adjacent to the re-landscaped garden. The plans indicate that doors are proposed from the rear of the restaurant onto this outdoor area, which will inevitably result in the gardens being used more intensively than existing, and would therefore have an impact on the amenities of surrounding residents in terms of noise from general activity.

Given the location of hotel bedrooms on the upper levels, it would be in the interests of the hotel operator to ensure that the restaurant and rear garden are properly managed. A condition is therefore recommended to ensure that the restaurant and bar are only used by hotel guests in order to protect both the character of the area and the amenity of neighbours. Allowing an unrestricted use would likely give rise to an increase in activity from non-residents coming and going from the site and in providing a more intensively used restaurant, to the detriment of the area. Conditions are also recommended to ensure that the rear garden is not accessed after 10pm and for the submission of an operational management plan to show how guests will be managed in order to protect the amenity of surrounding residents.

In summary, despite the location of the site, which is not characterised by hotels or restaurants, given that the proposal involves the relocation of an existing restaurant from within the same site, and subject to the aforementioned conditions, it is not considered that the proposed ancillary ground floor facilities would have a significant adverse effect on the character or function of the area.

The ventilation and plant requirements for the hotel and its facilities are discussed in section 8.7 of this report.

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8.2 Townscape and Design

The application site is located on the east side of Maida Vale and is included within the St John's Wood Conservation Area. The existing main hotel building is located towards the western end of this relatively elongated E-W site and dates from the mid-20th century. The building covers five storeys with a smaller three storey rear extension behind, and towards the rear of the site are two single storey blocks containing garages, and also storage and ancillary offices.

The building itself is not listed, though the 19th century villa buildings located to the immediate south of the application site are Grade II listed. The existing main building is noted in the St John's Wood Conservation Area Audit as having a neutral contribution to the conservation area. Whilst of limited design quality in itself, it does at least incorporate yellow stock brickwork as the principal facing material, with use of stucco to highlight particular features - most notably the base to the composition at ground floor level, and in this regard, the general use of materials sits reasonably comfortably with the character of the surrounding area where brick and stucco are the dominant facing materials and commonly have ground floors picked out in white painted stucco with exposed brickwork above. The windows are arranged in horizontal openings, though with the windows having a distinct vertical rhythm of white coloured framing to the glazing. Overall, the block is not of high design quality, however it sits not uncomfortably in the context of Maida Vale. Its demolition would be considered acceptable in principle subject to a suitable replacement building. The single storey blocks to the rear of the site have no design interest, and their demolition is uncontentious.

Whilst it is noted that some of the drawings which have been submitted to accompany this application are inconsistent in terms of how they represent the size and detailing of window openings, the design approach proposed to be taken is understood in terms of the height, bulk, form, footprint, impression of the detailing intended and the materials proposed. From a consideration of the submission as represented in the application, the proposals represent a new building of appropriate design quality for the townscape context, and one of improved design quality as compared to the existing building on site.

In terms of the footprint of the building, it is noted that the existing front elevation is in line with the front elevation of the listed buildings to the south side of the site, whereas in the proposed scheme the front elevation line projects approximately 0.6m further forward to the south end of the front elevation, albeit that this projection is less to the northern end as the building proposed slightly angles back to the northern end of the front elevation. Whilst this step forward is somewhat regrettable, it is also noted that this is a freestanding building with significant tree cover to the front gardens and street in the vicinity of the site, and as such it is not considered that the step forward proposed would be so significant as to warrant a refusal of permission. The width of the front elevation is shorter than existing, principally by being pulled away from its current position flush with the northern boundary of the site to provide a gap at that point giving the development a more freestanding appearance on the site, and giving it a frontage shorter than both the paired villa building to the south and mansion block to the north, which is welcomed in itself in townscape terms.

The overall height of the main body of the building fronting Maida Vale is slightly lower than at present, albeit the bulk appreciated from street level would slightly increase as the proposed building rises sheer for its five floor levels, whereas the existing top floor is a recessed mansard style structure. In addition, the large stair/lift core projection which significantly clutters the rear roof of the building is not reproduced in the current scheme, which is welcome in design terms. Taken as a whole, including the rear wing to the proposed building which though with slightly greater bulk than at present is roughly comparable to the existing rear wing, the bulk and massing are considered acceptable. The

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development of only the frontage block to the site, and creation of a particularly large garden with the basement access structure as the only built form to the rear could be argued to represent a sub-optimum development of the site however other schemes which take up more of the site have been unsuccessful in gaining consent, therefore this is not considered as a reason for refusal in itself and will provide an attractive landscaped rear garden ground.

With regards to the architectural quality of the building proposed, this is generally interpretable from the submitted information, though it is disappointing that there are inaccuracies in the submitted information, notably that the plan, elevation and section drawings, and the visuals submitted, are not consistent in terms of how they reflect the size and detailing of the window openings. The basic design approach for the building is for each elevation to comprise a grid of window openings set into a brick framework to each elevation. To the front elevation, and to a lesser extent the rear, this grid is designed with a rhythm of window openings incorporating narrower and wider windows arranged in vertical bays giving some visual interest to the composition. The ground floor front has a subtly projecting base to give some grounding to the composition, and incorporates an entrance canopy structure to define the main entrance, details of which will be secured by condition.

The wider window openings incorporate a design detail whereby the central element projects forward as an oriel style window which appears a design of attractive character in itself and appear relatively well integrated into the design of the building.

It is characteristic of traditional buildings in the surrounding area having generally solid side elevations, as distinct from the consistent fenestration pattern to their front and rear elevations. Seen in this context, the scale of the windows openings set into the main brickwork elevations is relatively large at 1.9m x 1.9m, however to the front elevation the significantly fenestrated approach is considered appropriate to this prominent street elevation, and to the side elevations the central oriel window element will incorporate obscure glazing, and beneath and to the sides of the oriel the opening will incorporate timber cladding of a colour which will harmonise appropriately with the brickwork. The overall appearance therefore will be one of some appropriate solidity to the side elevations. With regards to the oriel windows, the extent of projection is not fully consistent across the submitted drawings, however this would be secured by condition adopting the approach that they should not project forward of the elevation line to side elevations to help give them an appropriately less heavily modelled design approach.

There is little clarity provided as to the particular choice of brick or how it would be detailed, albeit that the several coloured visuals submitted reflect a yellow stock brickwork facing which would sit comfortably in the surrounding townscape where most of the traditional buildings are faced in yellow stock brickwork. Samples and appropriate detailing will be secured by condition, with an informative advising of the preferred choice of brickwork and advising of the strong preference for a more textured detailing of brickwork at ground floor level to give an appropriate visually solid base to the composition.

One further area of concern relates to the front boundary to the site. The existing building has a run of black railings rising from a brick base flanking the pavement to Maida Vale, and whilst these are not of notably high design quality they at least provide some physical separation between the public realm of the pavement and the private realm of the front forecourt to the building. Strong boundary frontages are a notable feature of the surrounding area. The application seeks permission for a frontage comprising no structures but instead with greenery flanking the pavement. Such greenery would not provide the physical separation between pavement and front forecourt, and maintenance of vegetation may not be possible to be secured appropriately in the long term by planning condition. As such, and

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given the importance of solid boundary walls to the character of the area, an amending condition is recommended requiring revised drawings showing a brick wall, railings or combination of the two.

The incorporation of green roofs to main roof level is welcomed in itself, with these likely visible from the upper floors of the larger Dibdin House to the west side of Maida Vale, and these are considered to appropriately screen the plant equipment underneath the green roof panels.

It is recognised that the existing building on site is of relatively limited architectural quality, and that notwithstanding the issues above regarding drawing accuracy and some aspects of the detailing, overall the application proposes a new building of appropriate architectural quality with detailing of some distinct interest to the window openings, brick facing, attractive proportioning and it would integrate acceptably into the Maida Vale townscape and including integrating into the setting of the listed buildings adjacent to the south. As such, the proposals are considered contrary to policies DES 1, 7, 9 and 10 in our Unitary Development Plan, and policies S25 and S28 in our City Plan.

8.3 Residential Amenity

Policy ENV13 of the UDP and Policy S29 of the City Plan seek to protect the amenities of neighbouring occupiers. Concerns have been raised by neighbours in respect of the impact of the proposed development on their light, outlook and privacy.

Loss of Light and sense of enclosure:

The proposed main street facing part of the building is of a similar height to the existing building however the bulk has been reduced by removing a plant/lift over run at fifth floor level. The street facing part of the building has been pulled in from the boundary with Greville Hall by approximately 1.5m. The new building retains the same stepped nature as the existing building with the main street facing part of the building being wider and taller than the three storey building which extends out to the rear. However, the main front section is deeper than the existing building, with a depth of 14.6m compared to the existing building which is 9.1m deep. The three storey rear extension is also slightly wider than existing, measuring 11.8m wide rather than 9.8m as existing.

The additional bulk, particularly at ground to third floor level where the floorplate is being widened, will have an impact on the amenity of neighbouring residents, particularly Greville Hall to the north which has windows looking onto the site. Objections have been received from residents within this block.

The extended flank wall would be clearly visible from the windows in the side of Greville Hall and the windows of the one-bedroom flats that occupy the south west corner which are approximately 8m away. The daylight and sunlight report carried out by GL Hearn and submitted as part of the application identifies that there are 4 windows (3 at ground and 1 at first floor level) which fail the tests in relation to Vertical Sky Component (VSC) as set out by the Building Research Establishment (BRE) guidance. These windows appear to serve bedrooms and bathrooms, with the main living space for the flats located at the western end of the building, which have dual aspect. These windows only marginally fail, receiving circa 0.75 times their former values but this is largely due to the windows have a poor existing VSC figure, which disproportionately affects the results. The BRE sets out that rooms which receive less than 27% and less than 0.8m times its former value will notice a reduction in the amount of skylight. It also notes that bedrooms and bathrooms are afforded less protection than rooms such as living rooms. Given the use of these most affected rooms not being the main habitable spaces to the flats, and as the breach is only marginal, it is not considered that refusal on these grounds could be sustained.

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In relation to sense of enclosure the proposed development will have a slightly different bulk from the existing with the front section of the building being pulled away from the boundary with Greville Hall and the rear section of the building being widened. Overall it is considered that the replacement building will appear slightly more bulky than the existing and will have a material impact on the amenity of Greville Hall to the north. Despite this, as the overall height of the building is not to be increased (with the exception that the depth of the front part of the building is being widened), and the stepped nature of the replacement building, it is not considered that the impact would be so significant as to justify refusal.

Overlooking:

Objections have been received on the grounds of noise and general disturbance. Comments in relation to the use of the rear garden by hotel guests are addressed within the Land Use section of this report (Section 8.1).

The plans submitted with the application indicate that the rear flat roof at third floor level is not to be used as a terrace and is to feature a green roof. No railings have been shown around this roof. In order to ensure that this roof, or indeed the roof of the main building is not used as a terrace, a condition would have been recommended to limit access for emergency use only should the proposals have been considered acceptable in other terms.

There are currently no windows in the northern or southern sides of the main street facing building. The proposed development has a large number of windows in order to provide daylight to the new accommodation. In order to minimise overlooking it is proposed for the windows in the side elevation to be opaque glazed in the central section and timber clad in the window surrounds. A condition is recommended to ensure that these measures are provided to help to protect the amenities of the residents to the north. A condition is also recommended in relation to the detailed design of these windows and how they will be formed.

8.4 Transportation/Parking

Currently parking is provided on the existing hard standing to the rear of the site. The garages which surround the end of the site are no longer used for the parking of vehicles. An objection has been received in relation to the lack of parking proposed. Policy TRANS 22 of the UDP states that car parking facilities would not normally be permitted for hotels. The plans provided with the application indicate the removal of car parking on site, with the rear hard standing re-landscaped and the garages removed to provide a hotel garden area, which is welcomed.

In relation to cycle parking, the Transport Statement and ground floor plan indicate that 10 cycle parking spaces will be provided within the rear garden area. The Highways Planning Manager has confirmed that 10 spaces is welcomed, however recommend a condition for further details to be submitted to confirm that these spaces are secure and covered, which is considered reasonable.

8.5 Economic Considerations

Economic considerations are not required for a development of this scale.

8.6 Access

The site benefits from a forecourt, which allows for off street vehicle access and servicing. There is also currently access down either side of the building, providing access to the parking to the rear of the site. Only one of these access points is retained to the southern side of the site, which is due to this section of

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land being under separate ownership. The private forecourt to the front is being retained which is welcomed.

8.7 Other UDP/Westminster Policy Considerations

Basement:

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 2016) for the reasons set out as follows:

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advises that the structural methodology proposed is appropriate for the ground conditions found on this site.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

A flood risk assessment has been provided as part of the structural statement. Objections have been received from residents within Greville Hall that their existing basement suffers from flooding and therefore the provision of a basement is likely to make this worse, it may also result in issues for the proposed basement. The submitted report notes that the site is located within a low risk flooding area and it is also noted that the area is not within a flooding hotspot. While the concerns of the adjacent residents is noted, given the location of the site outside of a high risk flooding area, it is not considered that withholding permission on these grounds could be sustained.

Part A. 5 & 6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council also adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place

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and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is located within the Watling Street Area of Archaeological Priority. As the application was submitted prior to this new priority area being adopted by Historic England no archaeology report has been submitted. However Historic England has agreed that this can be protected with appropriately worded conditions as set out on the draft decision letter.

Part B. 1&2

There are trees within both the rear garden and adjacent gardens. The arboricultural officer has not raised objection to the proposals, subject to conditions to secure a landscaping scheme and suitable tree protection measures during construction.

Part B. 3

The application has been submitted within an energy statement and an overheating analysis report. The proposals meet with London Plan requirements in relation to carbon emissions and no objection has been raised by Environmental Health, the proposals are therefore considered to be acceptable.

Part B. 4 & 7

The basement has been set in from the boundaries within the garden to provide drainage around the subterranean structure. Informatives are recommended to ensure that the development proposals meet the requirement of Thames Water.

Part B. 5&6

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

Part C. 1

The proposals extend under part of the garden. It does not extend under more than 50% of this garden area.

A margin of undeveloped garden land is retained around the proposed basement. The arboricultural officer has queried if sufficient land is left clear once piling takes place. In excess of 0.5m is left clear, which is considered to be acceptable. This part of the policy is therefore considered to have been met.

Part C. 2

One metre of soil depth and 200mm drainage layer is provided over the proposed basement which is compliant with this part of the policy. The arboricultural officer has requested a minimum of 1.5m, however given that the development proposals will far improve the existing greening to the rear of the site (which is currently all hard standing), and as the majority of the rear garden is not taken up by a basement and will therefore be capable of sustaining larger shrubs, the proposed 1.2m is considered adequate.

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Part C. 3

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

Plant equipment and ventilation:

The applicant has submitted a noise survey as part of the application. Plant equipment is proposed to provide heating / cooling and ventilation to a kitchen at basement level. The noise report indicates that the equipment is likely to be inaudible at the nearest residential premises subject to the provision of noise mitigation measures as set out within the report. Environmental Health has no objections to the proposal subject to standard City Council noise conditions and conditions to ensure that the mitigation measures are implemented. Subject to these conditions it is considered the proposals will not result in a loss of residential amenity.

Refuse /Recycling:

The Cleansing Manager has received revised proposals in relation to the provision of waste storage during the course of the application. No objection has been raised subject to a condition to secure these details.

Biodiversity:

The proposals include the provision of green roofs above the main building and the rear three storey building which are welcomed. The rear garden is also to be landscaped. Conditions are recommended to secure the green roof and details of the landscaping.

Sustainability:

The scheme is required to achieve a 40% carbon reduction above Part L of the 2010 Building Regulations to meet policy 5.2 of the London Plan. The proposal would deliver a 37.9% carbon reduction when measured against Part L of the 2013 Building Regulations. The Go Green Officer confirmed on the previous applications that a 35% reduction against the 2013 regulations is the comparable to a 40% reduction against the 2010 regulations. The 37.9% reduction is therefore considered to comply with the requirements of policy 5.2 of the London Plan. A condition is recommended to ensure that this is provided.

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

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

The proposals result in the creation of 655sqm of additional commercial floorspace, in a fringe location, a CIL payment of approximately £32,750 for both the Mayor and Westminster will be required (totalling £65,500).

8.11 Environmental Impact Assessment (EIA)

The application is of insufficient scale to trigger the requirement of an EIA.

8.12 Other Issues

An objection has been received on the grounds that the proposed demolition of the garages to the rear of the site would impact on a waste store located on the other side at a neighbouring property. The wall to the rear of the garages would be retained, and therefore would have no impact on the waste store.

It has been noted that there is a cockroach problem for the adjacent building at Greville Hall at basement level and in other surrounding buildings. Concerns are raised that this will be worsened also be a problem for the new development. Such concerns are not planning considerations to which permission could be withheld.

Concerns have been raised that the proposed pool access stair within the garden will result in a security risk. It is not clear how this would be the case, however the hotel operator will need to ensure that sufficient security is in place to adequately manage this feature.

9. BACKGROUND PAPERS

1. Application form
2. Response from Camden Council, dated 22 March 2017
3. Response from TfL, dated 16 March 2017
4. Response from Historic England, dated 6 March 2017
5. Response from Historic England Archaeology, dated 5 July 2017
6. Response from Thames Water, dated 7 March 2017
7. Response from the Paddington Waterways & Maida Vale Society, dated 13 March 2017
8. Response from Environmental Health, dated 20 March 2017
9. Response from Building Control, dated 15 March 2017
10. Response from the Highways Planning Manager, dated 5 May 2017
11. Response from the Cleansing Manager, dated 27 June 2017
12. Response from the Arboricultural Manager, dated 29 June 2017
13. Three letters from the occupier of Flat 21, Greville Hall, dated 15 March, 10 May & 11 May 2017
14. Letter from occupier of Flat 30 Greville Hall, dated 16 March 2017
15. Letter from occupier of 12 Greville hall, dated 17 March 2017
16. Letter from occupier of Parkgate Aspen, Wilberforce House, Station Road, dated 17 March 2017
17. Letter from occupier of 17 Greville Hall, dated 17 March 2017
18. Letter from occupier of 31 Greville Hall, dated 19 March 2017
19. Letter from occupier of Hillside Close, dated 20 March 2017
20. Letter from occupier of 3 Hillside Close, 22 March 2017

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21. Letters from occupier of 2 Hillside Close, dated 22 March & 21 May 2017
22. Letter from occupier of 26 Greville Hall, dated 22 March 2017
23. Letters from occupier of Flat 21, Greville Hall, dated 15 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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .
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10. KEY DRAWINGS

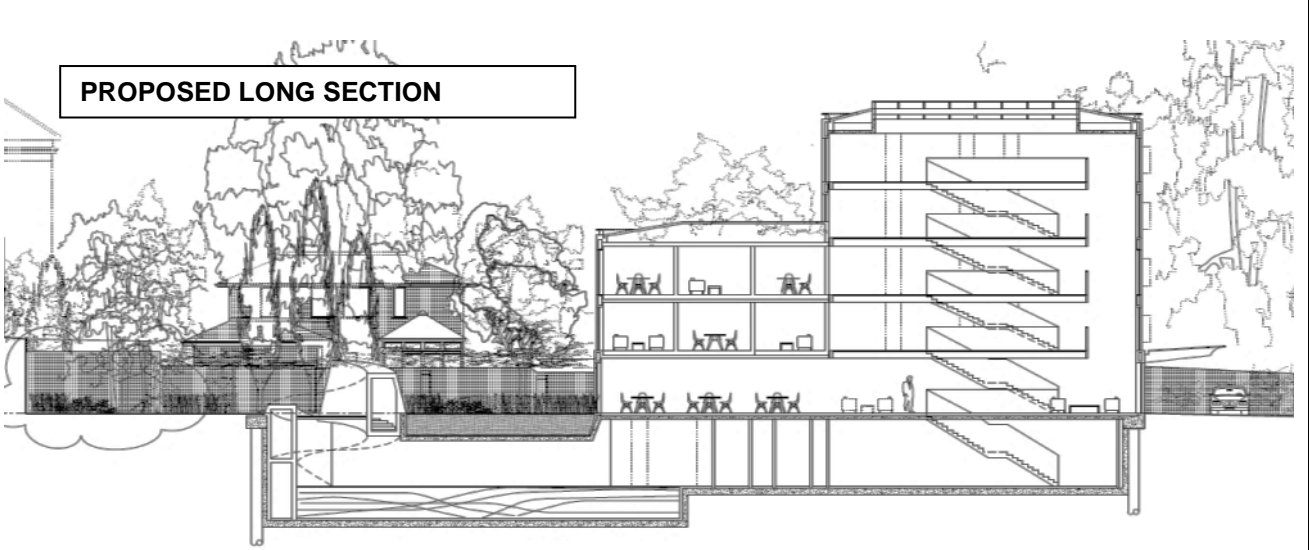


EXISTING MAIDA VALE ELEVATION

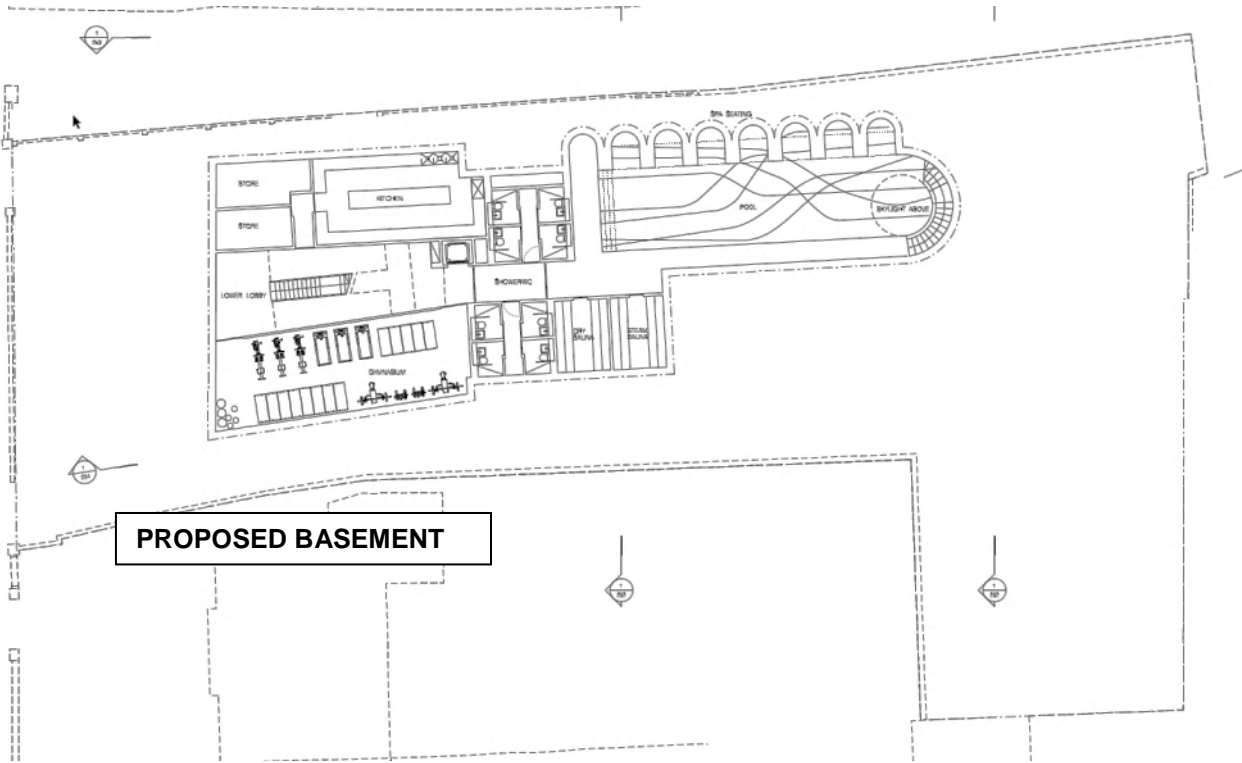


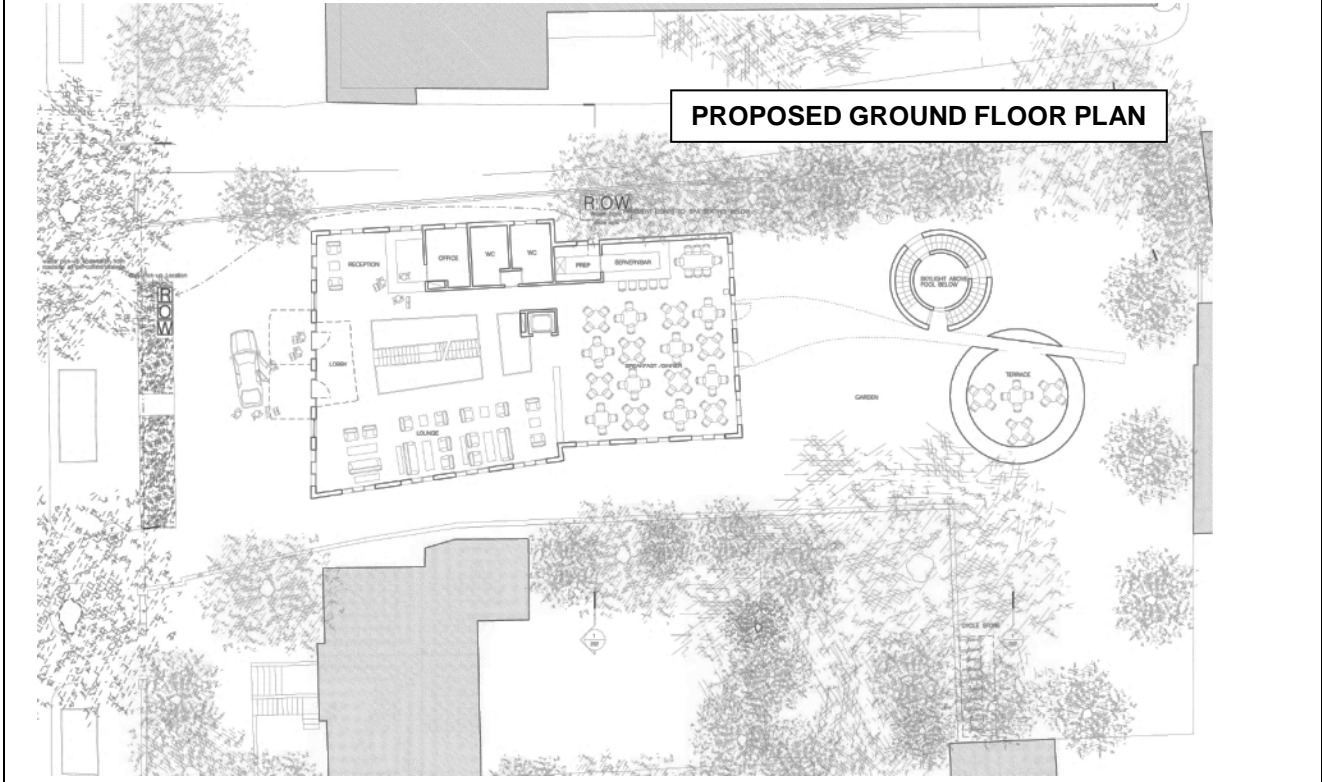
PROPOSED MAIDA VALE ELEVATION

PROPOSED LONG SECTION



PROPOSED BASEMENT







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DRAFT DECISION LETTER

Address: Carlton Court , 120 Maida Vale, London, W9 1QA

Proposal: Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.

Plan Nos: 000A; 001; 050 C; 052 C; 053 C; 054 C; 055 C; 100 C; 101 C; 102 C; 103 C; 151 C; 202 F; 203 H; 204 D; 205 D; 206 D; 207 D; 208 D; 210 C; 211 B; 212 B; 213 A; 214 A; 215 A; 255 D; 256 B; 257 B; 258 B; 259 B; 300 E; 301 F; 900 300; Design and access statement dated December 2016; Energy Assessment by eight associates Issue number 2; overheating analysis by eight associates issue number 2; transport statement by Honosa Ltd; Daylight and Sunlight Assessment by GL Hearn dated 3 November 2016; Arboricultural Impact Assessment by Oisin Kelly dated 25 October 2016; Optigreen Pitched green roof details; details of Max bespoke air handling units; Plant Noise Assessment by RBA Acoustics dated 17 March 2017.

For information only: SK01; Structural Engineering Report by Fluid Structures; Suggested sequent of construction by Fluid structures.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

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

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

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

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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 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 4 You must not paint any elements of the outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

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

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

Reason:

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

- 6 The brick facing material shall be formed of complete bricks and not brick slips or other panelised brick cladding system

Reason:

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

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January 2007. (R26BE)

- 7 You must apply to us for approval of two sample panels of brickwork which show the colour, texture, face bond and pointing. One panel shall show the brickwork to ground floor level, and one shall show the brickwork to an example area of the upper floor levels. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 8 You must apply to us for approval of elevation drawings and/or other clarification statement to show the brick bond proposed to each element of the exterior of the building. 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/clarification statements. (C26DB)

Reason:

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

- 9 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, or solar panels to the main roof level, unless they are shown on drawings we have approved. (C26MA)

Reason:

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

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

Front boundary to the site shown with boundary wall comprising a structure formed of brick or railings or a combination of the two

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)

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Reason:

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

- 11 You must apply to us for approval of detailed plan, section and elevation drawings (annotated to show materials) of the following parts of the development:-

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

- 12 The roof finishes, including skylight and green roofs, as shown to the application drawings shall be installed prior to the use of the plant equipment at roof level, and shall be retained in situ 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must apply to us for approval of elevation drawings (annotated to show materials) of the new bin store to the front forecourt area 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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14 You must apply to us for approval of plan, elevation and section drawings showing the following alteration(s) to the scheme:

- Drawings for each floor level showing the size/width of window openings, and including the size/width of the central 'oriel window' element to each window, and also the extent of projection of the 'oriel window' to each window.

These drawings shall not show the oriel window element projecting forward of the line of either of the side elevations. 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

15 You must apply to us for approval of detailed elevation and section drawings of the skylight structure within the rear garden of the site. 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

16 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

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)

17 The glass that you put in the windows in the north and south elevation of the building must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out

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in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

green roofs

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

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 19 (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;

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(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.

- 20 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.

- 21 The following plant/machinery hereby permitted (as referred to in the acoustic report by RBA Acoustics dated 19 January) shall not be operated except between the hours:

1 Air handling unit (HRU.01): 09:00 - 21:00 daily

Kitchen Extract Fan (KEF.01): 07:00 - 23:00 daily

Reason:

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

- 22 The plant equipment must not operate until the mitigation measures specified in Part 5.6 of the Plant Noise Assessment by RBA acoustics dated 17 March 2017 have been installed and shall be retained for as long as the air conditioning unit remains in use.

Reason:

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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.

- 23 You must apply to us for approval of details of secure cycle storage (location and how it will look) for the hotel 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. And to make sure that its appearance is suitable and contributes to the character and appearance of this part of the St Johns Wood 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 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must provide the waste store shown on drawing 208-203 I before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 25 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 26 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

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- i) identification of individual responsibilities and key personnel.
- ii) induction and personnel awareness of arboricultural matters.
- iii) supervision schedule, indicating frequency and methods of site visiting and record keeping
- iv) procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 27 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 2 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

28 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse

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Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 29 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

- 30 Before the use is commenced, you must provide an Operational Management Plan to include the following details:

- i) how guests arriving and departing from the site will be managed;
- ii) how guests using the rear garden will be managed.

The use must then operate in accordance with the approved statement.

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 TACE2, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 31 No live or recorded music shall be played that is audible outside of the building.

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)

- 32 You must not use the rear or side garden for sitting out or for any other purpose after 10pm daily. You can however use the garden to escape in an emergency. (C21AA)

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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)

- 33 The spa/pool/fitness facilities at basement level and bar/lounge/breakfast room/restaurant at ground floor level, shall only be used as an ancillary part of the hotel use and must only be used by hotel guests.

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 TACE2, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 34 You must provide the environmental sustainability features (environmentally friendly features) as outlined within the Energy Assessment prior to the occupation of the building and must be retained thereafter.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

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 the expectation with regards to condition 5 is that samples will be submitted demonstrating that the building is faced in yellow stock brickwork, or brickwork of similar quality and tone.
- 3 You are advised that condition 13 of this decision is intended to secure both an accurate and consistent set of drawings, and to secure an arrangement of window detailing considered appropriate to the site. You are advised that the plan, section and elevation drawings submitted with the application were not consistent with regards to the size and proportioning of the window openings (including the extent to which the central section projected forward).

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- 4 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)

- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

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

- 7 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties

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suffering blocked drains, sewage flooding and pollution to local watercourses.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developers Cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services Contact Centre on 0800 009 3921 for further information.

- 8 Conditions 19-22 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)
- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

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CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 10 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 11 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)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 14 Condition 25 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

* the order of work on the site, including demolition, site clearance and building work;

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- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

15 Some of the trees on/ adjacent to the site the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 7761 or 020 7641 2922.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	Lords View One, St John's Wood Road, London, NW8 7HJ,		
Proposal	Erection of 2 storey extension to accommodate 4 additional apartments (Class C3) including terraces and green roofs. Associated works to include refurbishment of the existing exterior and internal common parts, replacement lifts and landscaping in connection with the provision of additional parking spaces.		
Agent	Mark Wiseman		
On behalf of	Mr c/o Agent		
Registered Number	17/04239/FULL	Date amended/ completed	15 May 2017
Date Application Received	15 May 2017		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to an unlisted residential block of flats, named Lords View One, facing St John's Wood Road. The building is not located in a conservation area and comprises a ground floor plus 10 upper storeys and a further plant room storey.

Permission is sought to remove the existing plant room storey and for the erection of a two storey roof extension at eleventh and twelfth floor levels to create 4x3 bedroom flats with terraces, green roof and solar panels. Additionally, the application proposes re-landscaping in connection with the provision of seven additional car parking spaces, replacement of mosaic tiles on the building face, replacement windows and changes to the front entrances.

Letters of objection and support have been received to the proposals.

The key issues in the determination of this application are:

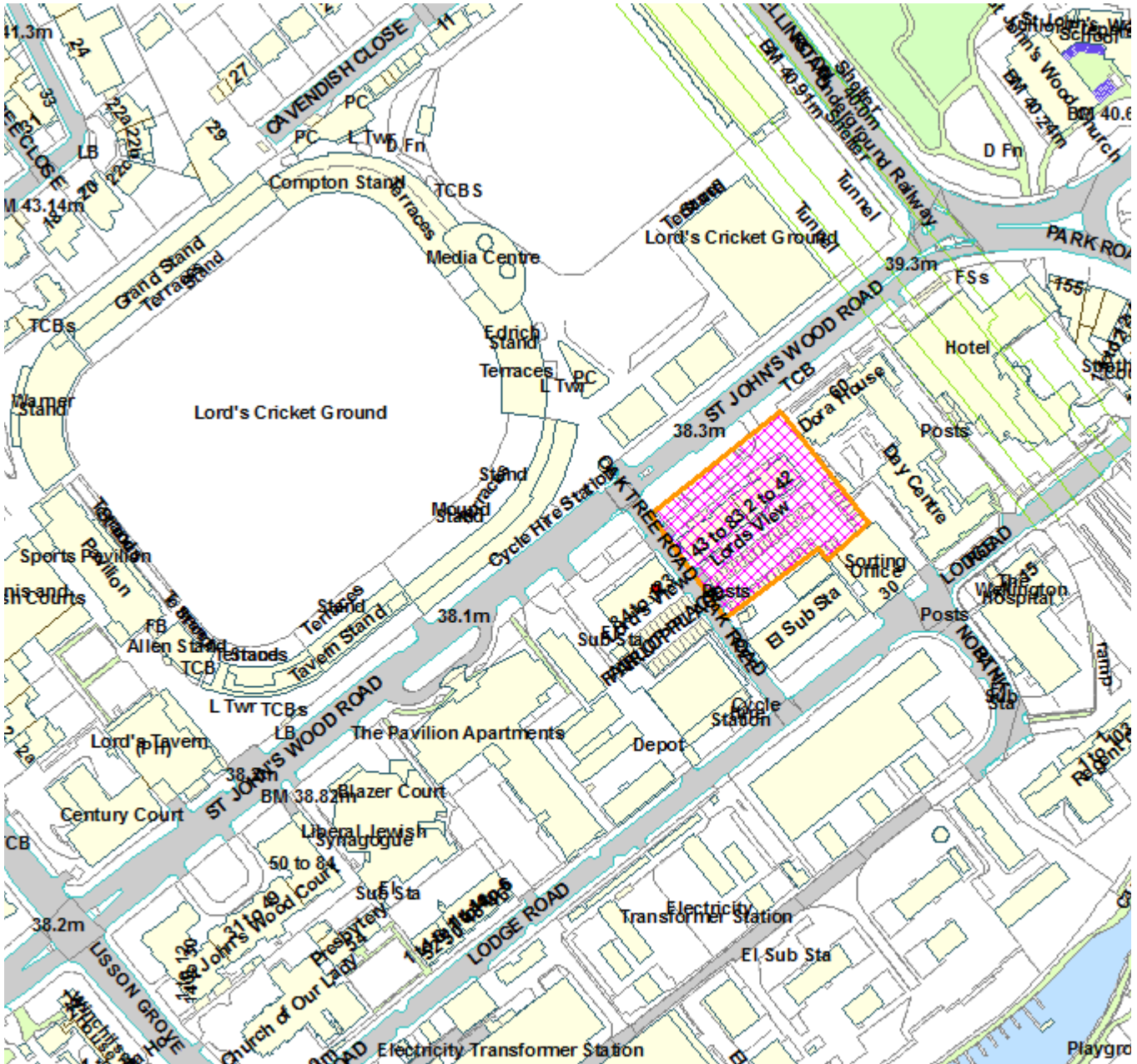
- The impact of the proposed extension and alterations upon the character and appearance of the building and wider townscape;

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- The impact of the proposals upon the amenity of neighbouring properties, notably those in Lords View Two

The application is considered to accord with policies in the City Plan adopted November 2016 and Unitary Development Plan (UDP) adopted January 2007 with respect to land use, design, amenity, highways and trees and the application is therefore recommended for approval subject to the conditions as set out within the draft decision letter appended to the report.

3. LOCATION PLAN



4. PHOTOGRAPHS



Application site (above) and aerial photo (below) to show application site in wider context.



5. CONSULTATIONS

WARD COUNCILLORS

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY

No objection. The additional two stories on this unremarkable building are of architectural merit and an acceptable addition.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

CLEANSING:

No objection

ENVIRONMENTAL HEALTH

No objection.

BUILDING CONTROL

No comment. As not a basement, a structural assessment will need to be made at building regulations application stage.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

No objection subject to security certified door fittings.

NATIONAL GRID ELECTRICITY TRANSMISSION

No objection however the noise generated from the nearby substation when determining the application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 338 (including redundant Dora House addresses)

Total No. of replies: 30

No. of objections: 4

No. in support: 30 (on behalf of 16 properties)

Four objections from residents in Lords View Two received on the following grounds:

Design:

- The proposals are incongruous;
- The proposals will mean that Lords View One and Two will no longer resemble each other, despite being built at the same time and in a similar design;
- Lords View One will be significantly taller than any other building in the surrounding area.

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Amenity:

- The sunlight and daylight assessment does not assess Lords View Two.

Parking:

- Parking in the area is an issue and future occupiers of the flats should not be allowed to apply for a residents permit.

Other:

- Noise and disruption during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Lords View One is an eleven storey (plus plant room) residential building comprising 83 self-contained flats, located on the south side of St John’s Wood Road. It was built in the 1960s and is neither listed nor in a conservation area. Pedestrian and vehicular access is via St John’s Wood Road and there are numerous lock-up garages to the south of the site. The immediate neighbouring residential tower, Lords View Two, was built to a similar design and height at the same time as Lords View One although it occupies a narrower footprint. The properties are separated by Oak Tree Road.

6.2 Recent Relevant History

Planning permission was granted in February 2012 for the removal of the existing rooftop plant room and erection of two storey roof extension at eleventh and twelfth floor levels to create 4x3 bedroom flats with terraces, living green roof and solar panels. Re-landscaping in connection with the provision of seven additional car parking spaces.

The 2012 permission was a refinement on a permission granted in February 2009 for the removal of the existing rooftop plant room and the construction of four self-contained two storey residential units with roof terraces at tenth floor roof level and the provision of an additional seven car parking spaces at ground level.

On 15 August 1986 permission was granted (and subsequently built) for the erection of two flats at roof level and two flats at ground floor level at Lords View Two.

Also as a point to note, permission has recently been granted for the redevelopment of Dora House directly to the east on St John’s Wood Road, essentially comprising two new buildings, one containing affordable sheltered housing accommodation & the other private flats. Works have commenced in clearing part of the rear of the site. Permission has also recently been granted for the residential redevelopment of the St John’s Wood Sorting Office at 30 Lodge Road to the south.

7. THE PROPOSAL

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Planning permission is sought for the erection of 2 storey structure to accommodate 4 additional apartments (Class C3) including terraces, splash pools and green roofs.

Associated works to include refurbishment of the existing exterior including window replacement, replacement of white mosaic panels to frontages, new balustrades, new entrance lobbies with caopies and external landscaping in connection with the provision of additional parking spaces.

The application proposes a similar extension to an application granted consent in April 2012 but proposes an increase in the height of the roof extension by 0.3m and varies the design and of the appearance of the previously approved extension.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use policy terms, the provision of additional residential floorspace is in accordance with Policy S14 of the City Plan and H3 of the UDP and is therefore welcomed.

The extension would create 4 residential duplex units comprising 201m², 189m², 192m², and 197m². The total floorspace for the extension is 906m². The units exceed the minimum requirements outlined in policy S15 of the Westminster City Plan, Meeting Housing Needs and the Nationally Described Space Standards for a 3 bed residential unit which is 102m², however in the context of the existing building which provides primarily 2 bedroom flats, this is considered acceptable and considered to result in an appropriate mix of units.

Policy 3.5 of the London Plan, policy S29 of the adopted City Plan and policy ENV13 of the adopted Unitary Development Plan seek to ensure a satisfactory standard of accommodation for future occupiers. The proposed units provide significant outdoor amenity space of between 40m² and 46m² and would be dual aspect to allow adequate natural light and ventilation and are therefore considered acceptable in terms of the standard of accommodation.

The proposals are acceptable in land use terms and comply with City Council policies.

8.2 Townscape and Design

The main issue is the effect of the proposed two storey extension in short and long distance views of the building, bearing in mind that the tower block is adjacent to the St John's Wood Conservation Area. Policy S28 of the City Plan seeks to ensure that development incorporates exemplary standard of sustainable and include urban design and architecture. Policy DES 6 relates to roof level extensions and resists extensions which would adversely affect the architectural integrity of a building or group of buildings. Policy DES 9 relates to conservation areas, including the preservation or enhancement of their settings.

Although not in a conservation area, the uniformity of scale of the buildings provides legible character to this part of St John's Wood Road. The buildings on the south side of the road are mainly high rise, whilst the north side of the road is occupied by much lower buildings forming the Lords Cricket Ground complex.

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Lords View One and Two were originally built to the same height. However, Lords View Two was extended to provide two penthouse flats following a 1986 permission, meaning it is now taller than Lords View One. Should the proposed development be implemented, Lords View One would be the marginally taller building. Given the scale of the townscape in this area (also bearing in mind the recent permissions for Dora House and 30 Lodge Road), the overall height of the building would be broadly consistent with the scale of buildings on St John's Wood Road. This increase in height is therefore acceptable.

The detailed design of the two new storeys, incorporating elevations stepped back from the existing parapet on the front elevation of between 1.9m and 2.5m at 11th floor and the 12th floor even further set back between 5.1m and 5.8m (which also facilitate the provisions of amenity spaces for the proposed units) and 1m set back on the side elevations, would ensure that in short views the extension would have a measure of subservience. Views from the south side (from Lodge Road) would be more prominent due to the sheer façade of the extension and the differing fenestration. However, the extra height would not adversely affect the neighbouring conservation area, given that the south elevation faces an area which is more industrial in character, being dominated by electricity distribution buildings and lock up garages. The building up of this sheer elevation was also established under the two previous consents.

As part of the proposals, it is proposed to upgrade and refurbish the existing building with replacement windows, changes to the rear service areas which backs onto the garage/ parking areas and alterations to the front entrances which will create a more pleasant and pronounced street presence, incorporating enhanced accessed for those less able. It was originally proposed to install a new cladding system to the elevations, however this has been removed from the proposals during the course of the application. The existing white mosaic tile panels are now to be replaced on a like for like basis.

The proposed palette of materials for the external refurbishment works include slimline anthracite (grey) windows; mosaic tile panels to be replaced to match existing to tie into the existing building finish found on the stair cores and panels below windows on each of the existing facades; new clear glass balustrade and stainless steel handrails to new and existing balconies and the entrances. These materials would allow the roof extension to be read as a more modern addition to this utilitarian building and for the appearance of the existing building to be dramatically improved in what will be a substantially changed townscape should the recent permissions on adjacent sites be built out. For this reason, the differing materials are acceptable.

The proposed landscaping alterations to the front forecourt raise no design concerns and in all likelihood will improve the appearance of the setting of this building.

The proposed extension and external alterations preserves the overall character of the townscape to St John's Wood Road without harming the setting of the St John's Wood Conservation Area, according with S28 of the City Plan and Policy DES 1, DES 6 and DES 9 of the UDP.

8.3 Residential Amenity

Policy S29 of the City Plan seeks to resist proposals that result in an unacceptable loss of residential amenity. Policy 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

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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.

Objections have been received from residents within Lords View Two in relation to loss of light, increased sense of enclosure and loss of privacy.

Sunlight and Daylight

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines analysing windows The Landseer development west of the application site, the proposed buildings of the Dora House redevelopment (taken from the approved floor plans) and the approved plans of the development approved at the mail sorting office of 30 Lodge Road, although this permission has yet to be implemented. A further technical note addressing the implications of the proposals upon residents of Lords View Two has been received during the course of the application, in response to objectors concerns from Lords View Two that this property had not been included in the original assessment. The applicant confirmed that they were not aware that the windows in the eastern elevation of Lords View Two served habitable rooms. Further to clarification with them that these were secondary windows to the living/dining areas of the flats within the eastern side of Lords View Two, with the primary windows of the living area facing north to Lords Cricket Ground, the assessment was updated.

In terms of daylight, of all windows assessed , 7 windows (four in The Landseer on the first, second and third floor serving living/kitchen rooms and 3 in 30 Lodge Road on second, third and fourth floor serving bedrooms) fall short of BRE targets for daylight. The windows that are most affected are those with very low vertical sky component (VSC) in their existing condition and thus a small reduction in VSC has a disproportionate impact. Notwithstanding this the majority of windows will meet the BRE guidance. In terms of daylight distribution, all windows assessed will meet the BRE guidance.

In terms of sunlight, all of the windows tested that face within 90 degrees of due south will meet the BRE guidance.

The proposals are therefore not considered to be so harmful to warrant refusal and considered to comply with our policies..

Sunlight and Daylight to Proposed Units

All of the rooms in the proposed development will meet BRE guidance for average illuminance internally or ADF.

The windows to the south elevation of the proposed units will achieve good levels of sunlight.

Privacy

The primary windows in the proposed extension are in the north and south elevations, overlooking Lords Cricket Ground and to an open aspect south of the site. There are windows in the east and west elevations, however these have been sensitively designed to relate to the internal layout of the flats proposed and rooms layouts designed to encourage future occupiers

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to use and look north and south. As with most residential units, it is envisaged that soft furnishings such as blinds and curtains will be installed to protect their privacy. There is one window on each floor in the eastern elevation of Lords View Two which is a secondary window to a living/dining area, where the main large windows face north and serve a small balcony. At roof level of Lords View Terrace there is a terrace serving the penthouse flat, again facing north and primarily overlooking Lords Cricket Ground, although there are views possible to the east toward the roof of the application site. Given the location of the windows proposed in the side elevations of the roof extensions and coupled with the fact that the nearest windows in Lords View Two are over 12m away it is not considered that any detrimental overlooking would occur. It is also not considered that the proposals would result in any harmful overlooking to those future occupiers of the Dora House redevelopment.

To the northern elevation of each of the units, terraces are proposed to both floors. A splash pool is proposed to each unit on the lower level (Floor 11). These terraces would not give rise to any overlooking to the small north elevation balconies of Lords View Two as these balconies are enclosed by the side walls of the building itself and any views into the secondary living room windows described above would be so oblique so as not to be harmful.

Sense of Enclosure

The extension occupies the majority of the footprint of the existing building and measures 6.1m in height, however this is sited behind the existing parapet wall and would therefore only project some 4.9m above the parapet. Whilst residents in flats on the upper levels of the eastern side of Lords View Two would see the proposed extension from their secondary living room windows, given the distance of the proposed extension over 12m away from these properties and its relatively lightweight construction and appearance of glass and white mosaic tiles it is not considered that the extension would result in a harmful sense of enclosure.

The proposals are considered to accord with City Council amenity policies in the City Plan and UDP.

Noise from Terraces

Terraces are common place on Lords View One and Two. The proposed terraces to serve the four new units are not considered to result in unacceptable noise levels harmful to the amenity of existing residents in Lords View One or adjacent at Lords View Two.

8.4 Transportation/Parking

Car Parking

There are currently 47 garages and 36 parking spaces in the grounds of Lords View One. A further seven parking spaces would be provided at the front of the building, taking the total to 90 spaces, by remodelling the front forecourt. Included in the reconfiguration of the spaces will be 6 disabled spaces.

Policy TRANS 23 requires one or two car space per unit of residential accommodation containing three bedrooms or more, provided that the aggregate provision does not exceed 1.5 spaces per dwelling. 7 car parking spaces would exceed the specified maximum, however the principle of these additional spaces has been agreed under the 2011 on the basis of the current under-provision of car parking spaces on site and is still considered acceptable.

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Cycle Parking

8 secure cycle parking spaces are to be provided in a store to the rear of the site adjacent the existing garages. This has been provided in accordance with London Plan policy and this is welcomed. The store does not conflict with access to any existing garages.

8.5 Economic Considerations

The applicant argues that the construction of additional residential units at the site helps facilitate the external improvement of Lords View One with new windows and landscaping works. This is welcomed, however, the application must be judged on its own merits as no legal agreement has been proposed to link the apartment development with the proposed upkeep of the existing building.

8.6 Access

There are currently two ramped entrances from street level to the raised ground floor entrance. These are to remain and are to be enhanced as a result of the proposed external improvements and landscaping works.

Internally, it is proposed to replace the old lifts serving the whole block and these will also serve the additional rooftop residential units

8.7 Other UDP/Westminster Policy Considerations

Plant

The plant equipment at roof level is large, bulky and some 40 years old. As part of the proposals it is proposed to site as much equipment internally within the building at ground/ lower ground floor to the rear of the site (adjacent the garages). The plant equipment has not yet been selected. The proposed 12th floor plan indicates that a plant room, open to the elements is incorporated into the extensions. Environmental Health officers have assessed the acoustic report submitted with the application and have no concerns that future plant couldn't comply with City Council standard noise conditions (in relation to existing residents and those future residents in the extension itself), however a supplementary acoustic report will be required to be submitted once specific plant has been chosen.

Substation

National Grid Energy Transmission (NGET) do not object to the proposals in principle however consider that due to the developments close proximity to a large NGET substation and that NGET have in the past had complaints from residents near by in regards to the level of noise from the substation(s) that this should be referred to in the acoustic report. However, NGET advise that everything has been done that is reasonably practicable to mitigate the noise issue. Given the location of the residential units proposed on the 11th and 12th floor it is not considered that any noise created from the substation would be so harmful.

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Structural Stability

The structural stability of the building and the likelihood of it being able to withstand the weight of a two storey extension – as expressed in a neighbour objection – is a matter for the District Surveyor to address at the Building Regulations Approval stage.

The splash pools will be constructed of a double skin, insulated mono block. Fully encapsulated with internal plumbing fixtures and overflow valves to ensure against flooding or leakage. As a secondary measure the underside of the mono block dipping pools will be lined with an additional waterproof membrane discharging to a waste water gutter. A Structural Report and Methodology Statement has been submitted assessing the implications of these splash pools, but ultimately are a matter for Building Regulations.

Trees/Landscaping

The remodelling of the front forecourt to provide extra parking spaces would involve the loss of part of the grassed area separating the forecourt from the pavement of St John's Wood Road. However, the large mature tree would be retained and protected during the course of the alterations. This approach was agreed under the previous consents. A condition to secure the replacement landscaping is recommended.

The scheme includes a green roof above the penthouses, again previously secured under the previous consents. This has the potential to offer a more diverse range of flora and fauna than the grassed strip at the front of the site and will also reduce rainwater run-off. A condition is recommended to ensure that this is provided.

Thermal Control/ Overheating

Glazed elements to the south elevation and roof will utilise a composite triple-glazing system with an expanded metal mesh layer mounted in-between the exterior and middle sheets of glass, which is capable of controlling thermal gain and reducing glare while maintaining visual transparency and sight lines, as well as possessing excellent thermal, acoustic and air tightness properties. Being multiple aspect, the new dwellings will also benefit from natural cross ventilation and air conditioning / comfort cooling (details to be secured at a later date).

Refuse /Recycling

Lords View One's refuse is managed by a bin chute system in each core which collects refuse in two enclosed bin stores to the rear of the building at Ground Floor level and management services and rotate bins as required. Recycling is managed by a series of bins located on the pavement between the site and St. John's Wood Road. Refuse is collected twice weekly on a Monday and a Thursday, where the service vehicles are able to drive in and out of the site in a forward gear. Recycling is collected weekly.

The proposed 4 x 3 bedroom dwellings will require the following additional provision on Site:

Refuse - 12 bedrooms x 40 litres = 480 litres (9% increase)

Recycling - 12 bedrooms x 60 litres = 720 litres (9% increase)

The City Council's Waste Managers concurs with the applicants findings that the site's management consider the 9% increase in Recycling + Refuse provision to be manageable within the existing system and therefore no adjustment is required to accommodate the proposals.

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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 total estimated CIL payment is £496,851.78 of which £49,429.82 corresponds to Mayoral CIL and £447,421.96 corresponds to Westminster CIL.

8.11 Environmental Impact Assessment

Not applicable to a development of this scale.

8.12 Other Issues

Construction impact

Objections have been received from residents within Lords View Two on the grounds of noise and disruption during the course of construction. Planning permission cannot reasonably be refused on the grounds of noise and disruption from construction. Conditions regarding hours of working are attached to the draft decision notice to minimise the impact of noise and disruption during the development.

The total floorspace proposed is 906m² and therefore this does not trigger the requirement for the applicant to sign up to the City Council's Code of Construction Practice, introduced July 2016.

Crime and security

The Designing Out Crime Officer has no objections to the proposals subject to an informative advising on security doors to be installed throughout the development. This could be secured through Building Regulations.

An objection on the grounds of increased service charge has been raised, due to the addition of high specification flats to be erected. Refusal on these grounds could not be sustained, with service charges being a private matter between the freeholder and leaseholder.

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society dated 21 June 2017.
3. Response from Designing Out Crime Officer dated 24 May 2017.
4. Response from Environmental Health dated 30 May 2017.
5. Response from Cleansing Manager dated 31 May 2017.

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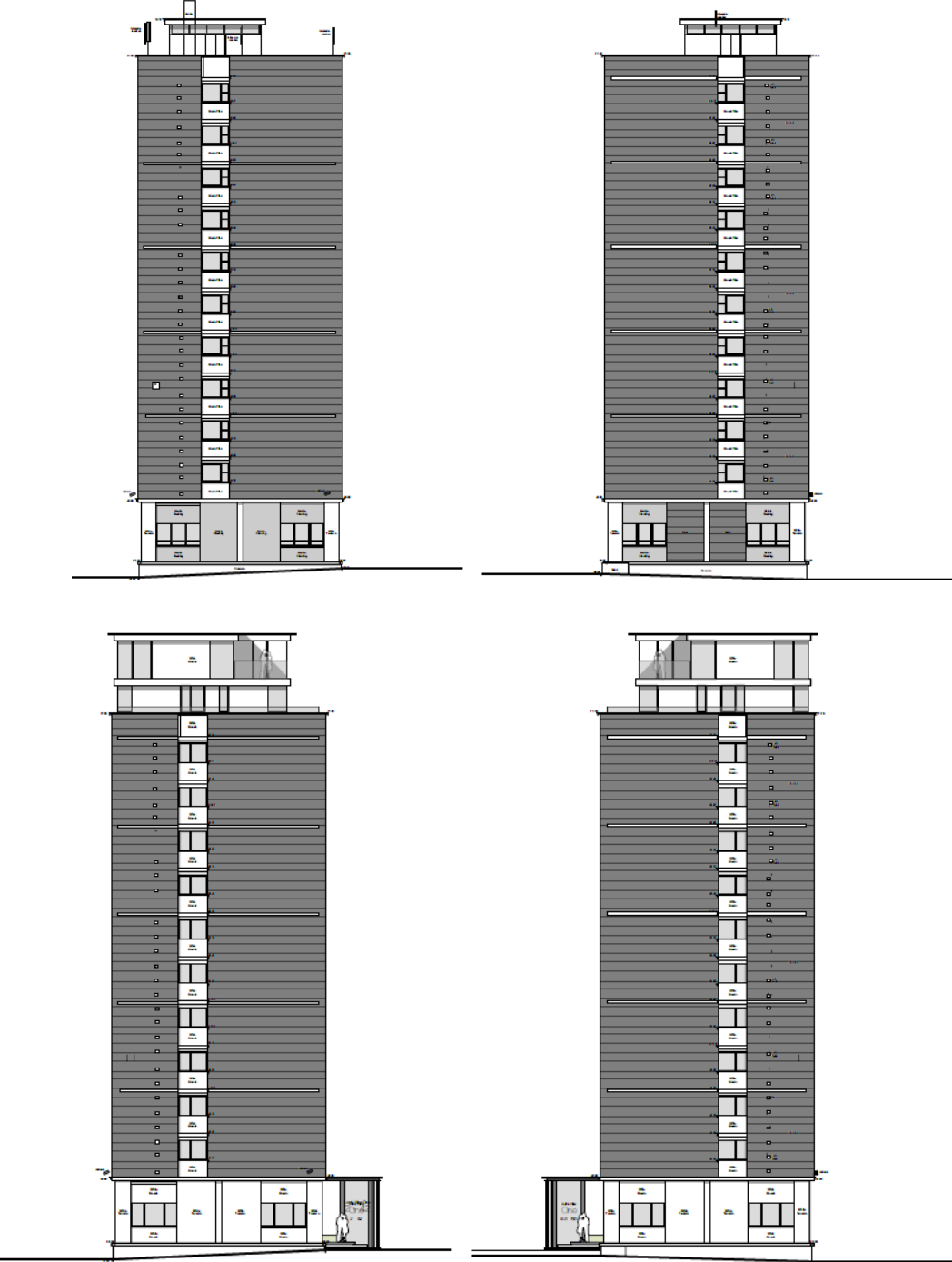
6. Response from Building Control - Development Planning dated 6 June 2017.
7. Response from National Grid dated 29 June 2017.
8. Response from Highways Planning Manager dated 30 June 2017.
9. Response from owner/occupier of 116 Lords View dated 25 May 2017.
10. Response from owner/occupier of 119 Lords View dated 2 June 2017.
11. Response from owner/occupier of 122 Lords View dated 2 June 2017.
12. Response from owner/occupier of 117 Lords View dated 6 June 2017.
13. Response from 48 Vera Avenue dated 25 May 2017.
14. Response from owner/occupier of 24 Lords View dated 26 May 2017.
15. Responses from Oakwood Lodge, Common Road dated 31 May and 27 June 2017.
16. Response from owner/occupier of 66 Lords View dated 5 June 2017.
17. Response from owner/occupier of 72 Lords View dated 5 June 2017.
18. Response from owner/occupier of 30 Lords View dated 7 June 2017.
19. Response from owner/occupier of 11 Lords View dated 8 June 2017.
20. Response from 9 Vale Close dated 8 June 2017.
21. Response from owner/occupier of 32 Lords View dated 11 June 2017.
22. Responses from owner/occupier of 1 Lords View dated 13 June 2017.
23. Response from owner/occupier of 43B Lords View dated 14 June 2017.
24. Response from owner/occupier of 34 Lords View dated 16 June 2017.
25. Response from owner/occupier of 43 Lords View dated 16 June 2017.
26. Response from owner/occupier of 23 Lords View dated 18 June 2017.
27. Response from owner/occupier of 40 Lords View dated 20 June 2017.
28. Response from owner/occupier of 44 Lords View dated 21 June 2017.
29. Response from owner/occupier of 60 Lords View dated 23 June 2017.
30. Response from owner/occupier of 24 Lords View dated 30 June 2017.
31. Response from owner/occupier of 33 Achilles Road dated 1 July 2017.
32. Response from an owner/occupier of Lords View dated 3 July 2017.
33. Response from owner/occupier of 16 Lords View dated 05 July 2017.
34. Response from owner/occupier of 20 Lords View dated 07 July 2017.
35. Response from owner/occupier of 74 Lords View dated 07 July 2017.
36. Response from owner/occupier of 77 Lords View dated 07 July 2017.
37. Response from owner/occupier of 76 Lords View dated 07 July 2017.

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

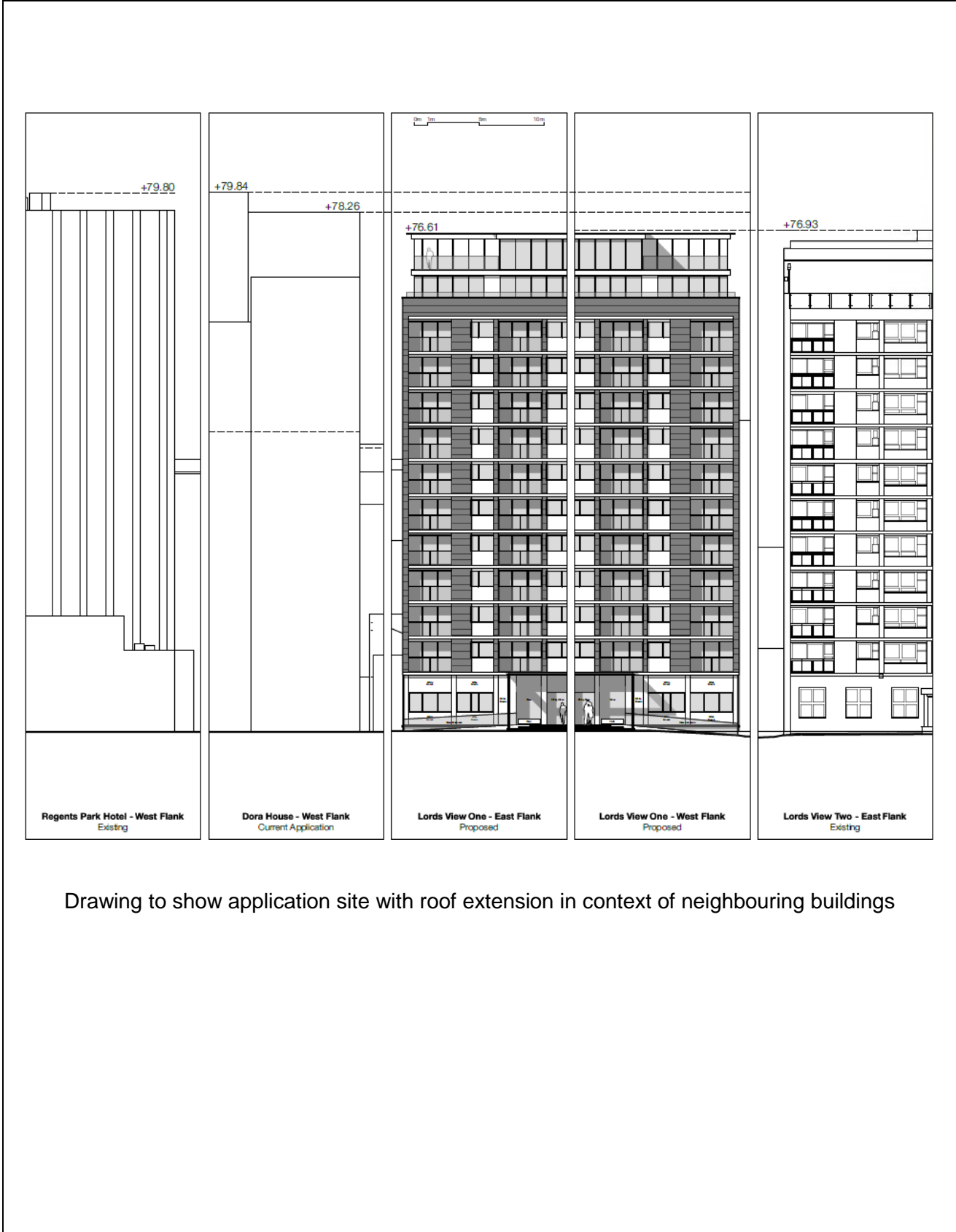
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .
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10. KEY DRAWINGS

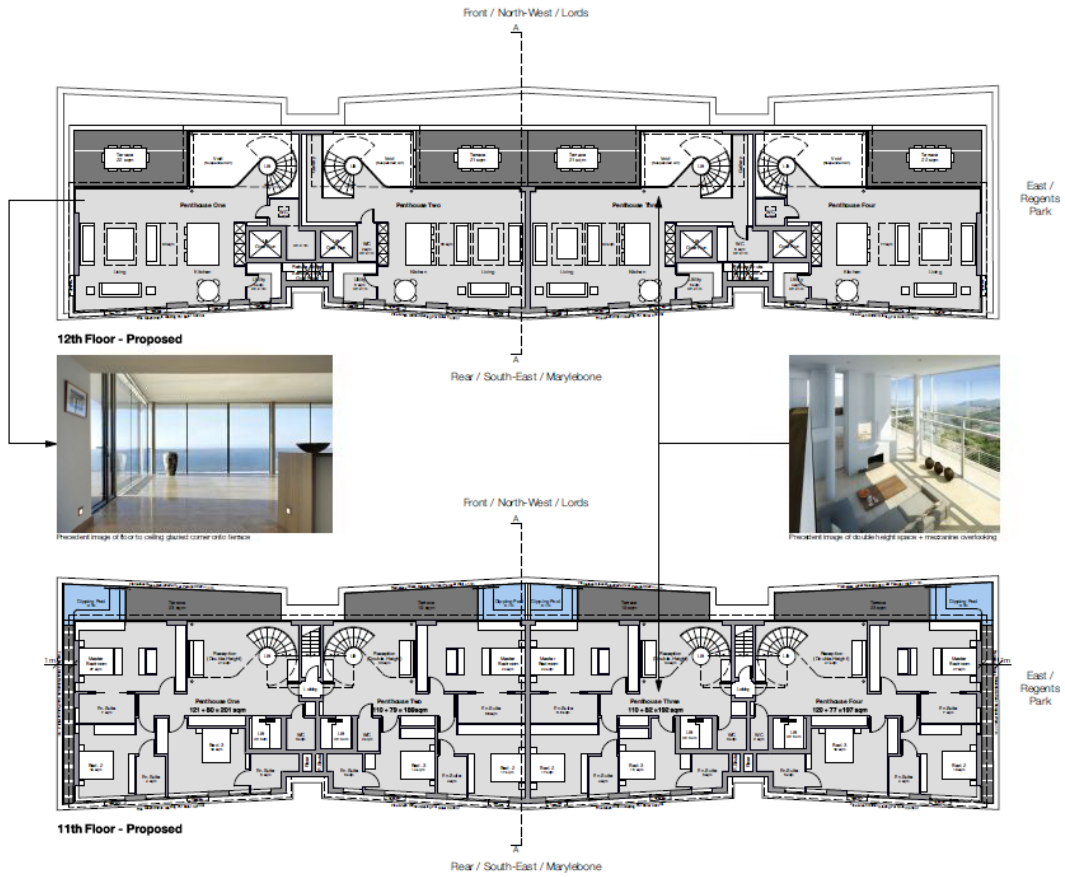




Existing (top) and Proposed (bottom) Side Elevations



Drawing to show application site with roof extension in context of neighbouring buildings



Proposed floor plans of roof extension



Visual of proposed roof extension and new entrances



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DRAFT DECISION LETTER

- Address:** Lords View One, St John's Wood Road, London, NW8 7HJ
- Proposal:** Erection of 2 storey roof extension to accommodate 4 additional apartments (Class C3) including terraces and green roofs. Associated works to include refurbishment of the existing exterior and internal common parts, replacement lifts and landscaping in connection with the provision of additional parking spaces.
- Plan Nos:** 001 D1; 002 D1; 010 D1; 011 D1; 012 D1; 022 D1; 023 D1; 024 D1; 100 D1; 110 D1; 120 D1; 130 D1; 140 D1; 210 D1; 211 D1; 220 D1; 230 D1; 240 D1; 250 D1; 300 D1; 310 D2; 400 D1; Planning Statement; Design and Access Statement dated 10 May 2017; Noise Report dated 26 April 2017; Sunlight and Daylight Report and Addendum Report dated April 2017 and June 2017; MEP Strategy Rev A dated 8 May 2017; For Information Only: Structural Statement dated 8 May 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 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 You must apply to us for approval of samples of the facing materials you will use, including

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glazing and panelling. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Green Roof

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

Reason:

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

- 5 You must apply to us for approval of either a manufacturer's specification or detailed drawings showing that the car park will be constructed of a permeable material. You must not start work on this part of the development until we have approved what you have sent to us. You must then carry out this part of the development in accordance with the approved details.

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that

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we adopted in January 2007. (R26AD)

- 8 You must apply to us for approval of detailed drawings of the following part of the development:

i) Planted hedge along the front boundary wall to screen the remodelled parking area.

The drawings must be annotated to show the number, size, species and position of the shrubs forming the hedge and the depth of soil in which they will be planted. You must not start work until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 9 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential block. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 10 (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.

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(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.

- 11 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.

- 12 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 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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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.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

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Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 The Designing out Crime Advisor advises that security certified doors are fitted. Acceptable security certificated doors are BS PAS 24 - 2016, LPS 1175 sr 2 +, STS 201, STS 202 BR2.

Further information is available at www.securedbydesign.com

- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	11 Pimlico Road, London, SW1W 8NA,		
Proposal	Use of the public highway for the placing of 3 tables, 12 chairs and two planters in an area measuring 1.7m (at its widest point) x 7.6m on the Ranelagh Grove frontage.		
Agent	Mr Adam Wilkinson		
On behalf of	Darwin and Wallace		
Registered Number	17/02635/TCH	Date amended/ completed	6 April 2017
Date Application Received	24 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

11 Pimlico Road is an unlisted building in the Belgravia Conservation Area which comprises a public house (No.11 Pimlico Road) at basement and ground floors with residential above. Located on a corner it has frontages on Pimlico Road and Ranelagh Grove, the latter has a predominantly a residential character.

Permission was refused in 2001 for the use of the public highway for the placing of 7 tables and 28 chairs in areas measuring 2.75m x 1.65m, 3.85m x 1.65m and 7.9m x 1.65m along the Ranelagh Grove frontage in connection with the former Ebury Arms. The reason for refusal was on the grounds of noise disturbance to surrounding residential occupiers.

The current application initially proposed 4 tables, 16 chairs and 2 planters on the Ranelagh Grove frontage and two benches on the corner with Pimlico Road. This has since been reduced due to highways concerns. Permission is now sought for the placing of 3 tables, 12 chairs and two planters in an area measuring 1.7m (at its widest point) x 7.6m on the Ranelagh Grove frontage.

One letter of objection has been received from a local resident on highways and amenity grounds.

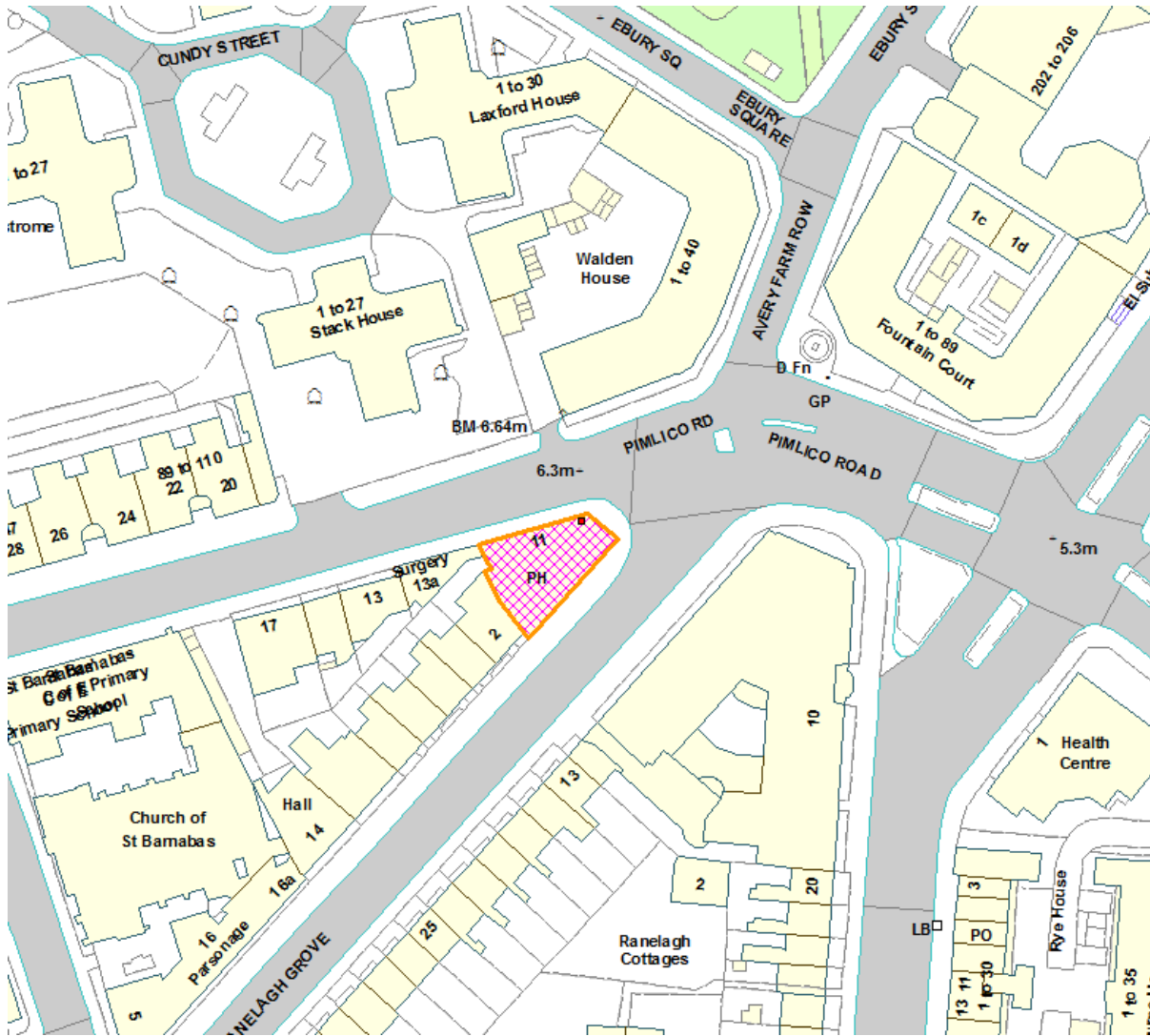
The tables and chairs would leave 2.1m of clear footway for safe pedestrian movement which meets the minimum standard of 2m set out in the Westminster Way. Pedestrian flow and directness of movement should not be unduly affected. Following the amendments to reduce the area and amount of furniture the proposal is considered acceptable in highways terms.

With regard to noise and disturbance, the objector has an existing problem with drinks, empty glasses and cigarettes butts being left on their porch and from noise caused by music and customers. This is an existing issue, most likely caused by customers standing on the pavement. This is outside of planning control and is a matter for the Licensing Inspectors. Notwithstanding this the applicant has provided an Operational Noise Management Plan which provides assurances which include staff monitoring of the tables and chairs area, clearing the area of litter, that no external music be played, and to appoint a neighbourhood liaison and provide contact details. It is recommended that this be secured by condition.

The hours sought for the tables and chairs are between 0900 and 2200 hours on Monday to Saturday and between 0900 and 2100 hours on Sundays and Public Holidays. The hours also represent a reduction to those originally sought. This in conjunction with the reduced amount of furniture and the operational noise management plan, it is considered that the proposal will not result in an unacceptable loss of amenity to neighbouring occupiers.

For the reasons set out in the report, the proposals are considered acceptable and in accordance with the relevant Unitary Development Plan UDP and Westminster's City Plan policies. The application is recommended for approval on a temporary one year basis so that any future proposal for tables and chairs in this location can be assessed in light of past experience.

3. LOCATION PLAN



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4. PHOTOGRAPHS



11 Pimlico Road



Ranelagh Grove frontage

5. CONSULTATIONS

BELGRAVIA SOCIETY

No response to date.

BELGRAVIA RESIDENTS ASSOCIATION

No response to date.

BELGRAVIA NEIGHBOURHOOD FORUM

No response to date.

HIGHWAYS PLANNING

No objection subject to a one year temporary permission.

CLEANSING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6

Total No. of replies: 1

No. of objections: 1

Objections have been received from an individual resident of 2 Ranelagh Grove on the following grounds:

Amenity

- The tables and chairs would cause a noise nuisance to residents.
- Noise caused by music and visitors of the No.11 restaurant and bar is already above the acceptable levels.
- A similar application has been refused on the grounds of unacceptable degree of noise and disturbance of adjoining properties contrary to the policy of the City Council.

Other

- The customers leave their drinks, empty glasses and cigarette butts on the porch which causes nuisance to residents.

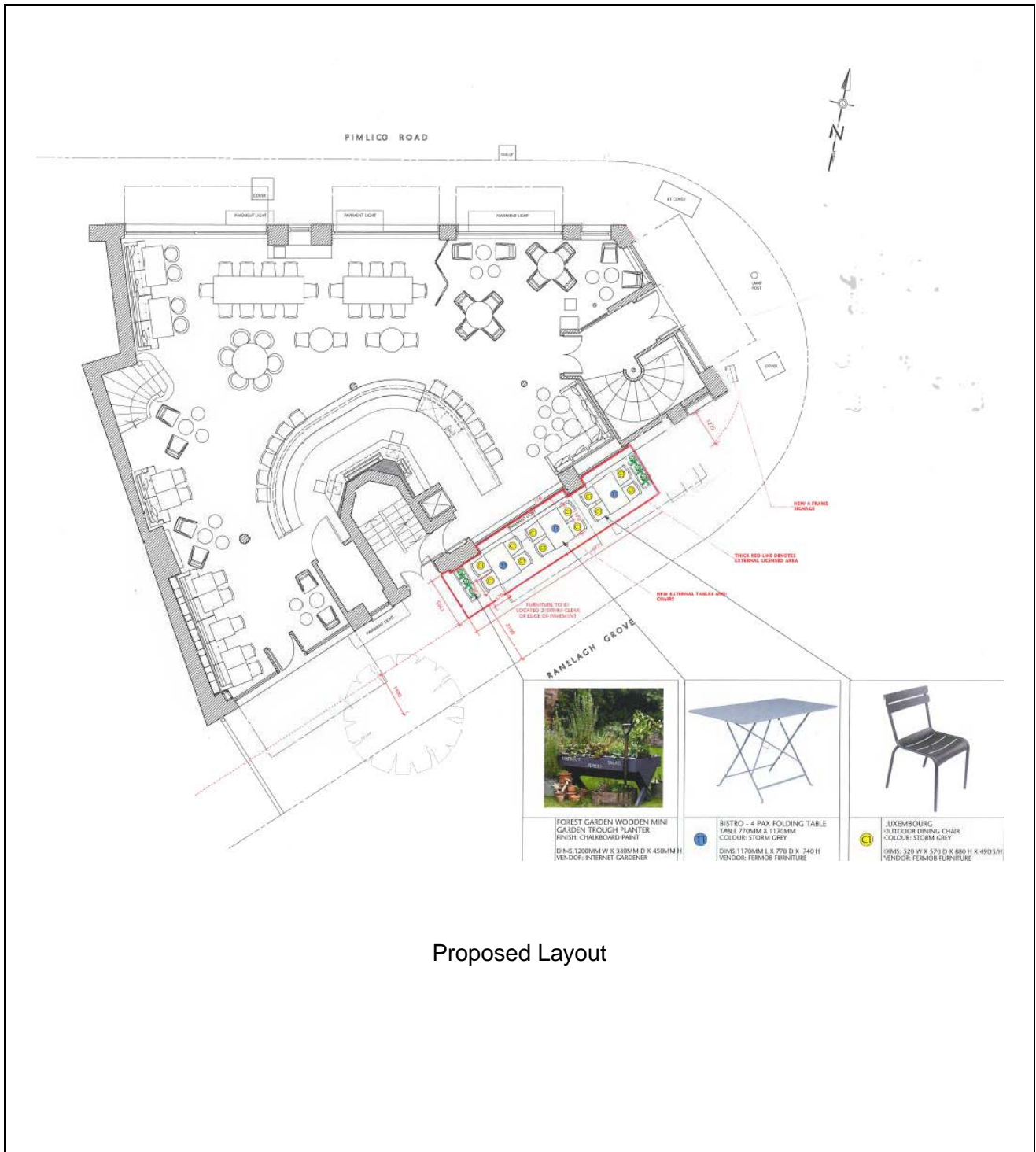
6. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Cleansing dated 3rd July 2017.
3. Memorandum from Highways Planning dated 4th July 2017.
4. Letter from occupier of 2 Ranelagh Grove dated 6th May 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

7. KEY DRAWINGS



DRAFT DECISION LETTER

- Address:** 11 Pimlico Road, London, SW1W 8NA,
- Proposal:** Use of the public highway for the placing of 3 tables, 12 chairs and two planters in an area measuring 1.7m (at its widest point) x 7.6m on the Ranelagh Grove frontage.
- Reference:** 17/02635/TCH
- Plan Nos:** Site plan; 133.01/EXT01; Tables and Chairs Operational Noise Management Plan.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
- Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 You must not put the tables and chairs in any other position than that shown on drawing 133.01/EXT01. (C25AA)
- Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)
- 3 The tables and chairs must only be used by customers of the public house at No.11 Pimlico Road. (C25CA)
- Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)
- 4 This use of the pavement may continue until 31st July 2018. You must then remove the tables and chairs. (C25DA)
- Reason:
We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the

highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 You can only put the tables and chairs on the pavement between 09.00- 22.00 Monday to Saturdays and 10.00-21.00 Sundays and public holidays (C25BA)

Reason:

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

- 6 You can only put out on the pavement the tables and chairs shown on drawing 133.01/EXT01. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

- 7 You must undertake the measures set out within the Operational Noise Management Plan received on 19 June 2017 for as long as the tables and chairs hereby approved are in situ.

Reason:

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

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), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 3 You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	31-33 , Shepherd Market, London, W1J 7PT		
Proposal	Use of premises as a mixed use restaurant and outdoor shisha smoking venue (sui generis) including use of an area of the public highway measuring 2.1m x 7.6m for the placing of 12 tables and 24 chairs. Installation of two awnings along the Shepherd Market (retrospective application).		
Agent	Mr Motaz Aladas		
On behalf of	Mr Motaz Aladas		
Registered Number	17/03726/FULL	Date amended/ completed	2 May 2017
Date Application Received	2 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.
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2. SUMMARY

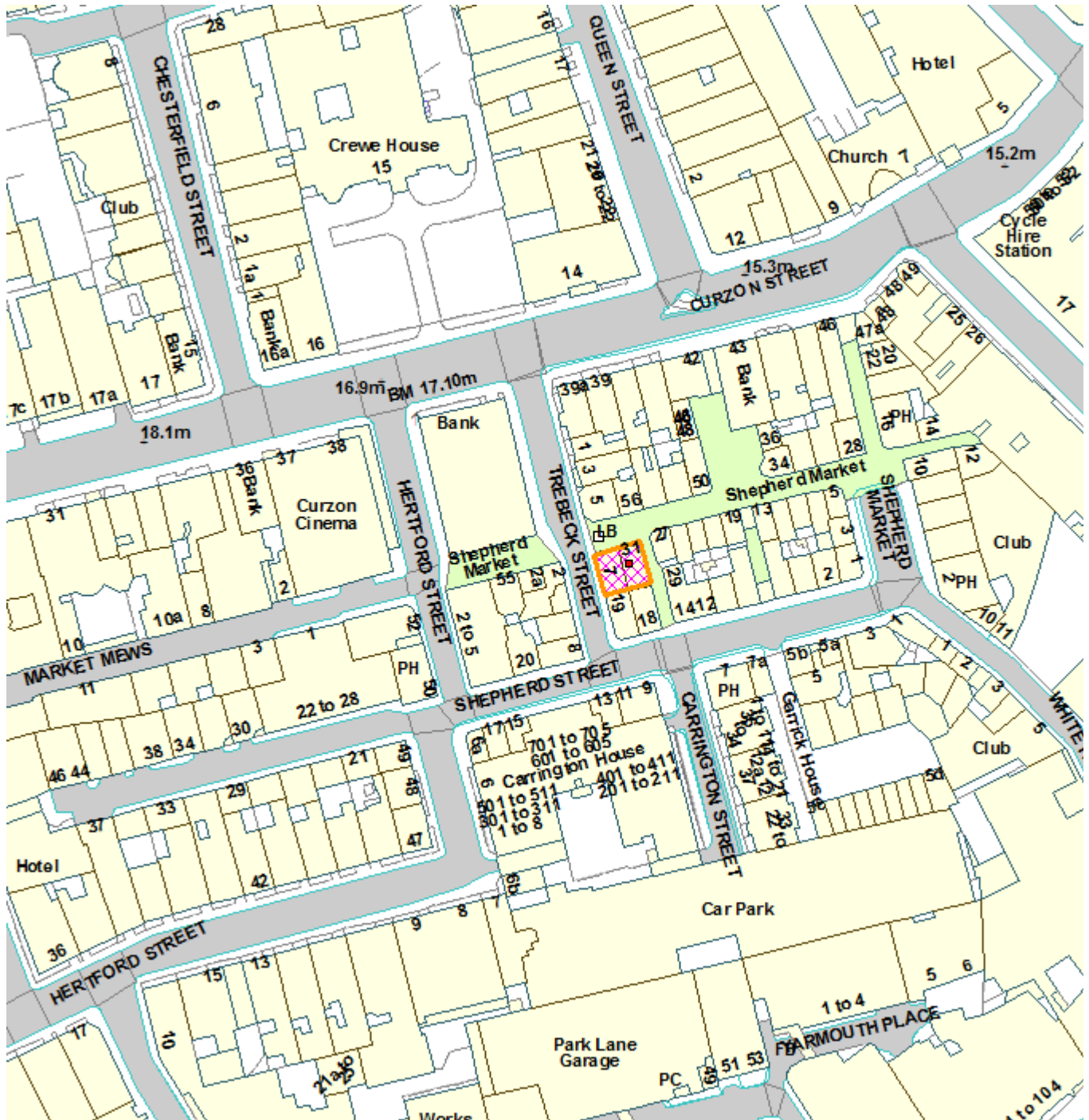
The application site comprises a three storeys plus basement building on the south east corner of the junction between Shepherd's Market and Trebeck Street. The site is not listed, but is located within the Mayfair Conservation Area. The lawful use of the basement and ground floors is as a restaurant (Class A3) with office on the first floor and residential accommodation on the second floor.

Permission is sought for the use of the basement and ground floor for restaurant and shisha purposes (sui generis), use of an area of the public highway measuring 2.1m x 7.6m for the placing of 12 tables and 24 chairs and the installation of two awnings along the Shepherd Market frontage.

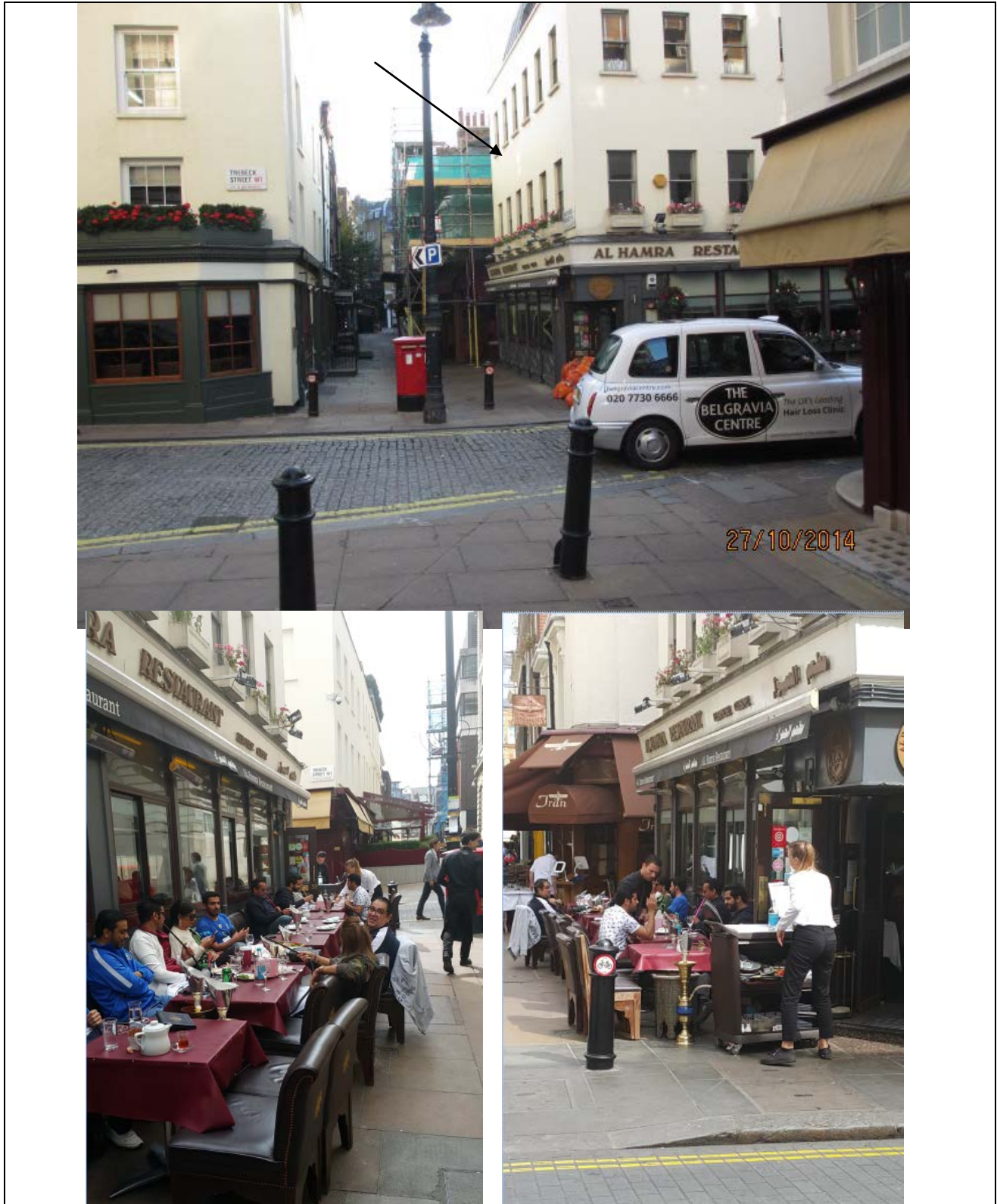
The key issue is the impact of the proposed use on local amenity.

The proposal is considered acceptable in land use, amenity, design and conservation grounds (subject to amending conditions) and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore recommended for approval for a temporary period of one year to enable the amenity aspects of the proposal to be monitored.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Object on the following grounds:

- Late even noise
- Smoke in a residential area

CLEANSING

No objection subject to conditions

HIGHWAY PLANNING

No objection subject to conditions limiting the use of the highway

PLANNING ENFORCEMENT

No objection

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 24; Total No. of replies: 1

No. in support: 0

No. of objections: 1, on the grounds of smells and plumes, detriment to the health and enjoyment of patrons.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a three storeys plus basement building on the south east corner of the junction between Shepherd's Market and Trebeck Street. The site is not listed, but is located within the Mayfair Conservation Area.

The lawful use of the basement and ground floor is as a long-standing restaurant (Class A3) with office and residential accommodation on the upper floors. The upper floors, however, are not the subject to the application. There are tables and chairs with the capacity for 24 customers placed on the highway along the Shepherd Market frontage, being used as area for serving food, drink and shisha (unlawfully) in connection with the existing restaurant. The Council has granted permission for the tables and chairs since the 1990s.

The basement and ground floor to which the application relates equates to 165 m2 GIA.

The immediate surrounding properties are largely in retail or restaurant uses at ground floor level with a mix of residential and commercial on the upper floors.

6.2 Recent Relevant History

31-33 Shepherd Market

Permission was granted on the 26 June 2015 (ref: 15/03834/TCH) for the use of an area of the public highway measuring 2.1m x 6.85m for the placing of 12 tables and 24 chairs in connection with adjacent ground floor unit. This permission expired on 30th June 2017.

There is an active and on-going enforcement investigation at this address (ref: 16/61530/U) in relation to the unauthorised and material change of use of the premises from an A3 restaurant to a sui generis mixture of restaurant and for the smoking of Shisha.

A certificate of lawfulness was refused on the 09 August 2016 for the use of the premises as a Class A3 (restaurant) with ancillary shisha element. This determination was upheld within an appeal decision dated 16 March 2017 (ref: APP/X5990/W/16/3154409).

5 Trebeck Street

Permission has also previously been granted for the placing of external seating outside 5 Trebeck Street along the Shepherd Market frontage, opposite the application site, on a number of occasions. The most recent of which (ref: 16/06975/TCH) permitted the use of the highway for the placing 16 tables and 32 chairs in an area 2m x 11m in association with the existing ground restaurant between 11.00 and 23.00 daily. This permission expires 30 September 2018.

7. THE PROPOSAL

Retrospective permission is sought for the continued use of the basement and ground floor for restaurant and shisha purposes (sui generis). It is proposed that the shisha will be served within an area of the public highway measuring 2.1m x 6.85m where 12 tables and 24 chairs are proposed. This is same number of tables and chairs in the same area that the Council has previously approved. The application also seeks to install two replacement awnings along the Shepherd Market frontage.

The proposed shisha preparation area is located in the basement in a separate area from the kitchen. The charcoal which is placed on top of the shisha pipe in order to burn the flavoured tobacco is burnt in the basement. The smoke from this is connected internally to the existing kitchen extract duct.

The shisha pipes will be served through the side door on the Shepherd Market frontage and after use they will be cleaned in the same area.

The restaurant and shisha premises will be able to accommodate 104 covers at full capacity; however shisha will only be able to be served externally which has the capacity for 24 customers. The proposed operating hours of the restaurant (set by their licence) are 10.00 to 00.00 hours (midnight) Monday to Saturday and 10.00 to 23.30 hours on Sundays; however, the use of the external tables and chairs terminates at 23.00 daily.

The application has been amended during the course of its consideration to remove side valances on the proposed awnings.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

Loss of restaurant floorspace

The premises would effectively continue to operate as a restaurant but technically it would change from Class A3 to a sui generis use. There is no policy to protect the loss of restaurant (Class A3) floorspace to another retail type unit in the CAZ; therefore the proposal is acceptable in principle in land use terms.

Impact of restaurant/ shisha smoking venue on character and function of the area

City Plan Policy S6 states that “the core CAZ is an appropriate location for a range of commercial and cultural uses”, subject to a number of priorities including (and of relevance):

- “Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure that area retains its globally important function as a business location.....”

Shepherd’s Market, at street level, is predominantly characterised by boutique shops (Class A1) and restaurants (Class A3) offering a variety of cuisines. The majority of premises in proximity to the application site have tables and chairs on the public highway.

The application premises is occupied by Al Hamra Restaurant, which offers traditional Lebanese cuisine. Shisha smoking is synonymous with the Lebanese and wider middle eastern community and is an authentic element of their customers’ experience. As such, it is considered that the introduction of shisha to be served within the external seating area associated with the existing restaurant is an authentic part of the existing restaurant.

Proposed shisha/restaurant (Sui Generis) floorspace

The proposed shisha/restaurant use comprises 165m² GIA (excluding the external seating) and Policy TACE8 of the UDP applies. This relates to entertainment uses which may be permissible. TACE8(B) states that permission will generally be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of its area.

The Mayfair Association and a member of the public who resides in Lancaster Gate (and appears to be a visitor to the area) have objected to the shisha element of the proposal, commenting that it will result in smells and plumes, detrimental to the health and enjoyment of patrons and residents and an increase noise and disturbance in a residential area in the evening.

The existing premises license for the premises controls the restaurant opening times (10:00 – 00:00 Monday to Friday, no restrictions on Saturdays and from 12:00 to 23:30 on Sundays); however, there is no known planning history controlling the hours of operation or number of covers within the existing restaurant. The conditions proposed for this decision would ensure that the use would essentially be a sit-down shisha parlour/restaurant (limited to 104 covers (80 internally and 24 externally). Furthermore the ancillary bar could be limited to a small part of the premises, to be used only by diners or shisha smokers before and after meals: a condition has been recommended to ensure that the bar area shall not exceed 15% of the proposed shisha/restaurant premises. The hours of opening would be restricted to the terminal hour of 00:00 Monday to Saturday and 23:30 on Sundays with service starting from 10:00 daily.

A number of permissions have been permitted for tables and chairs in connection with the existing restaurant occupier for in excess of 20 years, with comparable hours, layout and with the capacity for 24 customers (as proposed). Shisha has been served in the premises since September 2015 (as a minimum). There has been one known complaint regarding noise and shisha smoke at 10:30 on the 29 July 2016 from a residential occupant within 27 Shepherd's Market. No other complaints have been received in relation to the customers utilising the external seating within the last 20 years as such it is considered that this was an isolated incident and not representative of the management of the current occupier.

It is important to note that the outside seating area could be used for normal smoking purposes and there is no reason to believe that customers consuming shisha in the external seating area would have a materially different impact than the customers currently utilising the same area for dining purposes.

In line with the 2015 consent for tables and chairs which expired on the 30 June 2017, it is proposed to utilise the tables and chairs on the highway from 11:00 to 23:00 daily. Despite the objection on the late night disturbance, the hours proposed are within the generally acceptable hours set out in the UDP.

With the imposition of the above conditions including a restriction on the capacity to 104 diners (including external seating), it is considered that there will be no material increase in noise disturbance issues as a result of the shisha/restaurant use and offers better control over the existing situation.

According to the British Heart Foundation, shisha smoke releases toxins including carbon monoxide and heavy metals. The nearest residential window is located 7.1m above the ground of the external seating area. Environmental Health have reviewed the proposal. They have stated that the impact of the shisha smokers is difficultly to quantify, but they do not believe they can object to this proposal on this basis. Due to the potential impacts associated with the smoke from the shisha use, it is recommended that permission is granted for a temporary period of one year in the first instance to enable the situation to be monitored.

The impacts on parking, traffic and highways obstruction are discussed in section 8.4 below.

8.2 Townscape and Design

The proposed awnings (to be conditioned to be canvas) and external furniture are considered acceptable in terms of its design and materials. The works are considered to preserve and enhance the character and appearance of the Mayfair Conservation Area. The proposals therefore comply with S28 of Westminster's City Plan, DES 1, DES 5 and DES 9, of Westminster's Unitary Development Plan (adopted January 2007) and SPG 'Shopfronts, Blinds and Signs' (adopted May 1993).

8.3 Transportation/Parking including Tables and Chairs on the Highway

The Highways Planning Manager raises no objections to the proposed use and considers that it is unlikely to have a significant impact on car parking in the area. The site is also well served by public transport.

Servicing

UDP TRANS20 requires off street servicing. No off-street servicing is proposed. The site is located within a Controlled Parking Zone, which means that single/double yellow lines in the vicinity can allow loading and unloading to occur. The largest regular servicing vehicle expected to be associated with the development is the refuse collection vehicle.

The Highways Planning Manager is satisfied that the servicing requirements are not expected to have an adverse impact on the public highway.

Cycle parking

The current restaurant has no cycle parking. No cycle parking has been shown on the proposed drawings. To comply with the London Plan (as amended) a minimum of two cycle spaces are required. Given there is no change to the restaurant internally at ground floor level and the constrained internal stair (narrow and winding) leading to the basement which is used to access the kitchen and the proposed shisha preparation area, it is considered that it would be unreasonable to secure these spaces by condition.

Tables and chairs

Tables and chairs on the footway are controlled by policy TACE 11 of the City of Westminster Unitary Development Plan (UDP) 2007. This states that permission will only be granted when such a proposal fulfil a number of criteria, including that they will not cause an obstruction, unacceptably intensify the existing use, have a detrimental effect on the character or appearance of the area nor cause a nuisance to residents.

The proposed layout for the external tables and chair is comparable to the 26 June 2015 permission in terms of the dimensions of the seating area and furniture layout, albeit that the seating would now utilise an extra 0.75m along the Shepherd Market frontage. With the exception of whether or not the proposal causes an obstruction, the other criteria have been discussed in sections 8.1 and 8.2 above.

This section of the pedestrianised Shepherd Market measures 5.82m in width and it is proposed that the tables and chairs project 2.1m out from the front of the building, which

leaves 3.72m remaining width. Due to the presence of consented tables and chairs outside 5 Trebeck Street (along the Shepherd Market frontage) which project 2m from the building line opposite 31-33 Shepherd's Market, this leave 1.72m pedestrian clearway. The normal highway standard is to ensure that a maximum of 50% of the pedestrian street is occupied by commercial activity (25% on either side) with a minimum of 2m left clear for pedestrians as stipulated by the Council's 'Westminster Way – Public realm strategy, Design principles and practice'. This standard is not quite achieved by this proposal, however, given the location and the previous permissions allowing identical areas (in terms of width) to be used, it is considered acceptable in highways terms.

As with all tables and chairs approvals, permission would be granted for a temporary period only, initially for one year and then normally two years for subsequent renewals.

8.4 Economic Considerations

Any economic benefits generated are considered to be minimal.

8.5 Access

The existing access arrangements to the premises are unchanged.

8.6 Other UDP/Westminster Policy Considerations

No specific waste store for waste and recyclable materials is illustrated on the plans. This will be secured by a planning condition within two months of issuing a decision.

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

The application does not trigger any CIL requirements nor planning obligations.

8.10 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 24 May 2017
3. Response from Planning Enforcement Team, dated 15 May 2017
4. Response from Environmental Health, dated 7 June 2017

5. Response from Environmental Health, dated 14 June 2017
6. Response from Highways Planning Manager, dated 30 June 2017
7. Letter from occupier of Flat 19, 100 Lancaster Gate, dated 31 May 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT PQUAYLE@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 31-33 , Shepherd Market, London, W1J 7PT

Proposal: Use of premises as a mixed use restaurant and outdoor shisha smoking venue (sui generis) including use of an area of the public highway measuring 2.1m x 7.6m for the placing of 12 tables and 24 chairs. Installation of two awnings along the Shepherd Market frontage.

Reference: 17/03726/FULL

Plan Nos: Drawing AC/31-33/2017/A received 26 June 2017

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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

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

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

Reason:

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

- 3 You must not sell any hot-food take-away on the premises, nor operate a delivery service, even as an ancillary part of the shisha/restaurant use (Sui Generis). (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 The provision of a bar and bar seating must not take up more than 15% of the floor area of the restaurant premises. You must use the bar to serve shisha/restaurant customers only, before, during or after their meals or while smoking shisha.

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 adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 80 customers into the property at any one time (including any customers waiting at a bar) and 24 customers externally utilising the tables and chairs on the highway.

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 adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not play live or recorded music on your property 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)

- 7 Customers shall not be permitted within the shisha/restaurant premises before 10:00 or after 00:00 Monday to Saturday and before 10:00 or after 23:30 on Sunday.

Reason:

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

- 8 You must apply to us for approval of details of how waste is going to be stored on the site within 2 months of the issuing of this decision notice. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the premises. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 9 The restaurant/shisha use (Sui Generis) use allowed by this permission can continue until 31 July 2018. After that the land must return to its previous condition and use. (C03AA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 12 You must not put the tables and chairs in any other position than that shown on drawing AC/31-33/2017/A received 26 June 2017. (C25AA)

Reason:

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

- 13 You can only put the tables and chairs on the pavement between 11:00 and 23:00. (C25BA)

Reason:

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

- 14 The tables and chairs must only be used by customers of the restaurant/shisha use on the basement and ground floor of 31-33 Shepherd's Market. (C25CA)

Reason:

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

- 15 This use of the pavement may continue until 31 July 2018. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 16 You can only put out on the pavement the tables and chairs shown on drawing AC/31-33/2017/A received 26 June 2017. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 In line with Section 130 (1) of the Highways Act 1980, we cannot give you permanent permission for the proposed placing of tables and chairs on the highway can only be granted on a temporary basis therefore any future renewals (if permitted) will be temporary in nature.

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

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	8-13 Bird Street, London, W1U 1BU		
Proposal	<ol style="list-style-type: none"> 1. Installation of an openable shopfront and aluminium and glass entrance screen. 2. Use of an area of the public highway measuring 14.65m x 0.79m for the placing of 12 chairs and 6 tables in connection with restaurant use. 		
Agent	Ian Thompson Architecture		
On behalf of	Busaba Eathai Ltd		
Registered Number	<ol style="list-style-type: none"> 1. 17/02499/FULL 2. 17/03483/TCH 	Date amended/completed	<ol style="list-style-type: none"> 1. 22 March 2017 2. 16 May 2017
Date Application Received	<ol style="list-style-type: none"> 1. 21 March 2017 2. 21 April 2017 		
Historic Building Grade	Unlisted		
Conservation Area	Not applicable		

1. RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none"> 1. Refuse planning permission – Amenity grounds 2. Refuse planning permission – Amenity and highway safety grounds. |
|--|

2. SUMMARY

The application site is an unlisted building located outside a conservation area, but which lies within the Core Central Activities Zone (CAZ). The building comprises a ground floor restaurant and residential flats at first to ninth floor levels.

Separate applications have been submitted for the installation of a new entrance and a partially new shopfront to the restaurant, incorporating openable windows, and for the placing of tables and chairs on the highways in association with the restaurant use.

The restaurant has an existing lawful openable shopfront element to the north eastern elevation of the property. The current shopfront application is for the extension of the openable shopfront by one additional bay and an aluminium framed glazed entrance screen on the corner of the site at the Bird Street/Barrett Street junction. Several objections have been received on design grounds to the shopfront application and on amenity grounds on both applications.

The key issues for consideration are:

- The impact of the opening windows upon the amenities of neighbouring residential properties.
- The impact of the openable shopfront upon the appearance of the existing building.
- The impact of the tables and chairs upon the amenities of neighbouring residential properties.
- The impact of the tables and chairs on pedestrian safety.

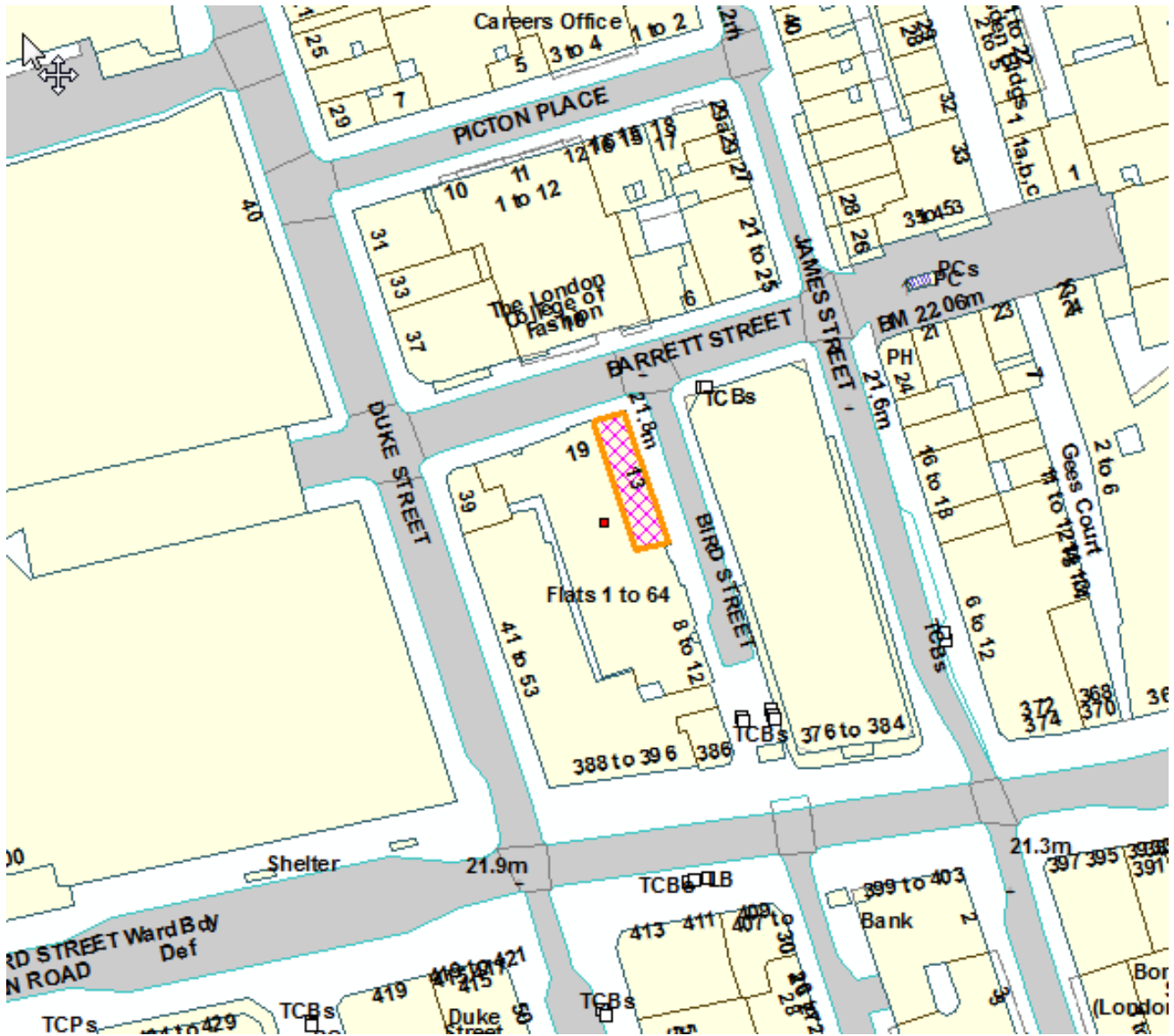
Previous proposals for the installation of an openable shopfront on the site were dismissed on appeal, on design grounds only. Retrospective permission was subsequently granted for an openable shopfront of a revised design. It is considered that the additional openable element applied for in this application would have a greater impact upon the amenity of neighbouring occupiers due to the location of the internal bar and seating area.

It should be noted that Bird Street has recently benefitted from temporary public realm works on behalf of New West End Company (NVEC), to provide temporary design alterations to Bird Street. This was done to enliven the street, making it more inviting to pedestrians with improved pedestrian access between Oxford Street and the streets to the north. The scheme, permitted in December 2016, allows the installation of five kiosks along the eastern side of the Bird Street and associated landscaping works, namely the laying of artificial grass, which results in the pedestrianisation of the street. This was for a temporary period until 6th December 2017.

The application for the openable shopfront is considered to be unacceptable in amenity terms and fails to comply with ENV 6 and ENV 7 of our Unitary Development Plan and Policy S29 and S32 of our City Plan and is therefore recommended for refusal. However, it's design matches the existing openable element of the shopfront and as such it is considered to be acceptable in design terms.

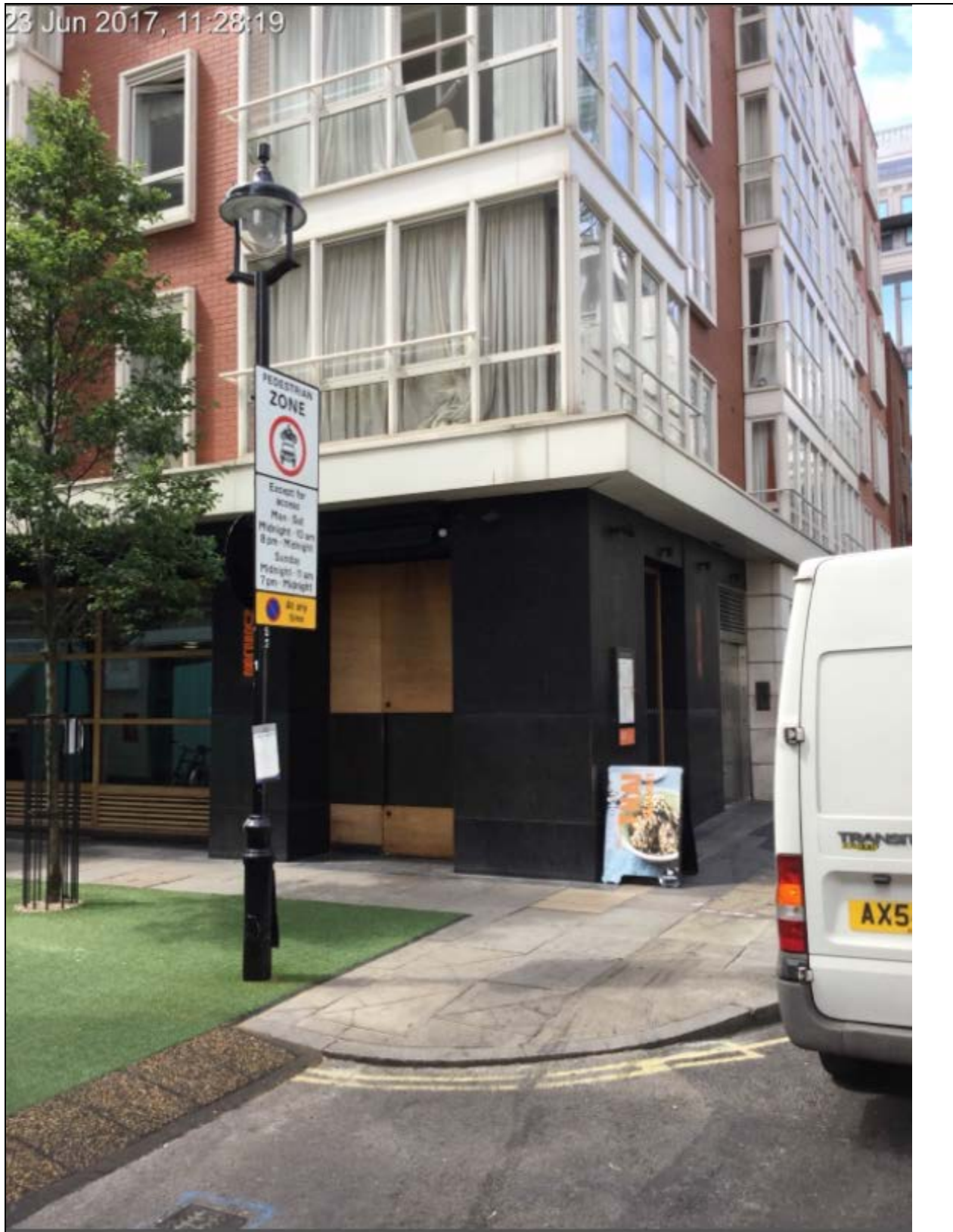
The application for the tables and chairs is considered to be unacceptable in highways and amenity terms and fails to comply with Policy ENV 6, TRANS 3 and TACE 11 of our Unitary Development Plan and S29 and S32 of the City Plan policies and is therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



23 Jun 2017, 11:28:23



5. CONSULTATIONS

Application 1 (shopfront)

MARYLEBONE ASSOCIATION:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 123

Total No. of replies: 10

No. of objections: 10 raising the following concerns:

Amenity

Adverse impact on the amenities of neighbouring residential properties as a result of noise disturbance and nuisance from food odours and customers' cigarette smoke.

Design

Shopfront design is out of character with the appearance of the building.

Other

Concern regarding the obstruction of access to the residential entrance should the public highway be used for dining in the future.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2 (tables and chairs)

MARYLEBONE ASSOCIATION:

No objection

CLEANSING:

Concerns regarding street cleansing operatives being unable to clean and maintain this part of the pavement.

HIGHWAYS PLANNING MANAGER:

Proposed tables and chairs at this depth are not considered consistent with Westminster Way Supplementary Planning Document (SPD) or are in accordance with S41 and TRANS3.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88

Total No. of replies: 6

No. of objections: 6 raising the following concerns:

Amenity

Adverse impact on the amenities of neighbouring residential properties as a result of blocking for pushchairs/wheelchairs/deliveries of public highway, noise disturbance and nuisance from food odours and customers' cigarette smoke.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a restaurant on the ground floor of an unlisted building located within the Core CAZ, just to the north of the Oxford Street Primary Shopping frontage and within the West End Stress Area. The nine upper floors of the building (known as The Phoenix) are in residential use. The remainder of the street/area is characterised by a mixture of retail and office use.

The restaurant, occupied by "Busaba" has frontages on Bird Street and Barrett Street. The restaurant has an existing opening shopfront on the Bird Street elevation. There are entrances to the upper flats on both street frontages.

The permitted restaurant opening hours are from 08.00 and 00.00 hours (midnight) on Monday to Saturday and 10.30 and 22.00 hours on Sundays and Bank Holidays.

The site is limited to restrict capacity to 168 customers into the restaurant at any one time (excluding customers visiting the premises to collect takeaways).

6.2 Recent Relevant History

4 June 1996 (95/06426): permission granted for redevelopment of the existing building above ground floor level for retail or restaurant use on ground floor, 64 residential flats on nine upper floors with 38 parking spaces in the basement: condition 18 restricted the restaurant use to between 8am and 12 midnight on Monday to Saturday and not at all on Sundays and Bank Holidays.

26 June 1997 (97/04059): permission granted for variation of condition 18 of planning permission dated 4.6.96, to enable the restaurant to operate on Sundays and Bank Holidays between the hours of 10.30 am and 7.30 pm.

13 December 2004 (04/07731): permission granted for the installation of new shopfront

19 April 2005 (05/01679): permission refused on design and amenity grounds for alterations to the shopfront, including a fully-openable element.

22 September 2005 (05/01679): Appeal against the Council's decision of 19 April 2005 was dismissed on design grounds. The Inspector concluded that the openable shopfront would not have an adverse effect on the living conditions of neighbouring residents through noise disturbance.

3 November 2005 (05/06116): permission granted for removal of Condition 17 of planning permission dated 4 June 1996 (RN: 95/06426): namely, to allow ancillary take away facility and permit the sale of food and drink for consumption off the premises.

10 January 2006 (05/09582): retrospective permission granted for the retention of the openable shopfront comprising a set of sliding doors on the Bird Street elevation.

25 September 2007 (07/06909): permission was refused for the use of the public highway for the placing of 12 tables and 24 chairs in between existing trees adjacent to Bird Street pavement edge in connection with existing restaurant. It was considered that the tables and chairs would block the flow of pedestrians along the footpath and so could be unsafe and the close proximity to residential flats above, the external seating area would lead to a loss of residential amenity and noise disturbance to the residential occupiers on the upper floors of 8-13 Bird Street.

30 April 2015 (15/00780): Permission refused on design grounds for the installation of openable shopfront and the relocation of entrance door.

6 December 2016 (16/08018): Permission granted for the installation of 5 new kiosks on the eastern side of Bird Street and associated landscaping works, including works to the highway, the laying of artificial grass and provision of green wall.

7. THE PROPOSALS

Application 1:

Permission is sought for the installation of a new/replacement openable shopfront along part of the Bird Street frontage and for a new aluminium and glazed entrance screen at the corner of Bird Street and Barrett Street.

Application 2:

Permission is also sought for the use of the public highway for the placing of 6 tables and 12 chairs in connection with the restaurant use.

8. DETAILED CONSIDERATIONS

8.1 New Shopfront (application 1)

8.1.1 Land Use

The premises are in lawful restaurant use and the application does not raise any land use issues.

8.1.2 Townscape and Design

The application site is located just to the north of Oxford Street, within the narrow confines of Bird Street, outside of any designated conservation area. It is a contemporary brick building to the upper levels. The existing shopfront is of a reasonable quality comprising dark slate with recessed bays punctuated by heavy columns at ground floor level. There is already one small openable element to the shopfront which was permitted in January 2006 (05/09582). This proposal would see a second solid element of the ground floor shopfront elevation removed and replaced with a sliding openable timber door to match the existing timber door approved in 2006.

Objections have been raised on the grounds that the proposed shopfront is not in keeping with the style of the host building.

In townscape terms the existing elevation is a series of bays framed by thick concrete pilasters with basic steel and glass windows in between. The proposals will broadly replicate this pattern. The most noticeable change is the corner elevation will become mostly glazed with no stallriser. Given the dour current elevation this amendment is minor and will contribute a more active frontage than currently exists. The application is acceptable in design terms and in accordance with DES 1; DES 5; S 25; S 28 and the NPPF. Accordingly the objections on design grounds are not considered to be sustainable.

8.1.3 Residential Amenity

Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development. Similarly, Policies ENV 6 and ENV 7 of the UDP and S32 of the City Plan seek to control noise disturbance from development. Of particular relevance, is paragraph 9.108 of Policy ENV 7 which states that 'The City Council will discourage provision of openable shop fronts that would enable noise from inside the premises to be heard outside'.

Openable shopfronts will generally be resisted where there is the potential for internal noise to escape and cause disturbance to neighbouring residents. There are 64 flats over nine floors immediately above the restaurant premises; objections have been received from 9 occupants of the residential building and one from the residents association on behalf of the residents.

The existing shopfront, incorporating openable windows and sliding doors, was approved in June 2006, it should be noted that the existing openable shopfront element is within a corridor leading to the restaurant from the main entrance door. This proposal will create a new fully openable element of the shopfront to include an additional window bay on the Bird Street frontage, replicating that of the end bay closest to Barrett Street.

It should be noted that in the appeal against the Council decision (19 April 2005) to refuse an application for the installation of an openable shopfront at the northern end of the unit, the Planning Inspector dismissed the appeal on design grounds only. He concluded that as the fully openable element was in fact at the entrance foyer to the unit, the proposal would not have any additional adverse impact upon the living conditions of adjoining residents, particularly as the hours it could be opened could be restricted by condition.

The nearest residential properties are located on the first floor of the property and above. Notwithstanding previous permissions, openable shopfronts are generally discouraged by the City Council on the basis that internal noise can escape and cause nuisance for nearby residents as set out in Policy ENV 7 of the UDP (2007). In contrast to the wider context (James Street and Oxford Street), this part of Bird Street is relatively quiet and it is not considered that a noise condition, similar to that imposed on the 2005 permission, will sufficiently restrict the noise levels emitted from the internal activity: as mentioned above, the proposed additional openable window is located within the main restaurant and bar area. This is likely to create a greater source of noise and odours than that of the existing openable window and is likely to have a negative impact on the residential properties directly above the premises.

The application fails to meet the requirements of Policy ENV 6, ENV 7 of the UDP and S29 and S32 of the City Plan and is therefore unacceptable in amenity terms.

8.2 Tables and chairs (application 2)

8.2.1 Highways

Objections have been received on the grounds that the proposed seating area will cause disruption to neighbouring residents of 'the flats in the upper floors of the building.

The Westminster Way, which requires a minimum 2m width of public highway beyond the proposed seating area to be maintained, free of physical obstructions to allow for pedestrian traffic. The equipment used by the City Council's street cleansing contractor also requires a minimum clearance of 2m to operate efficiently. Submitted drawings show the pavement proposed for tables and chairs to measure approximately 4.7m from building line to the kerb edge. The area proposed for placing tables and chairs is 0.8m, which should leave a pedestrian clearway of approximately 3.9m for a pedestrian clearway which would appear to satisfy the City Council's 2m minimum requirements. However this measure does not take into account the existing tree pits and when combined with the proposal leaves approximately 1.8m as a pedestrian clearway. This is not acceptable in Highway Planning terms as this measure is below the minimum 2m standard. Given the location, the proposed tables and chairs at this depth is not considered consistent with Westminster Way SPD or are in accordance with S41 and TRANS3.

The submitted drawings also show existing cycle racks with a 2m clearance. However the measure shown is when the cycle stands are unoccupied, once occupied the possibility of overspill is likely and any overspill will narrow the pedestrian clearway below the 2m minimum requirement.

The Highways Planning Manager has further concerns that it will be difficult for the proposal to keep within a depth of approximately 0.6m and this measure will not allow for disabled seating and does not offer a buffer area for service. Again any overspill will further narrow the existing pedestrian clearway, which is already below the minimum requirement at some points along the length of the proposal, and will potentially pose an obstruction to pedestrian movement contrary to Council guidelines.

The primary function of the highway is the free and unobstructed movement of the highway users. This includes pedestrians, motorists' and cyclists. Secondary functions can be considered those that relate to the primary function (e.g. parking of vehicles, provision of cycle parking, and bus stop facilities). Tertiary functions of the highway are those that need not occur on the highway and include table and chairs and queuing space for premises. Therefore the priority is given to pedestrian movements.

No details of storage of the tables and chairs have been provided. Tables and chairs must be stored internally outside of the units operating hours, clear details of internal storage must be provided, if permission is to be granted.

The proposal is therefore considered unacceptable on highways grounds.

8.2.2 Residential Amenity

It is proposed to place the tables and chairs on the highway between 0900 and 2000 Monday to Sunday and Bank Holidays.

Objections have been received from 9 occupants of the residential building relating to noise, odours, anti-social behaviour, vermin and reduced accessibility.

In addition to policies S29, S32 and ENV 6, detailed above, the supporting text to UDP Policy TACE 11 states that the City Council normally would not permit external tables and chairs where the upper floors of the building are in residential use. In this case it is considered that the tables and chairs have the potential to create noise and disturbance to the residents above. It is not considered however that the objections about odour and vermin can be sustained.

The application fails to meet the requirements of Policy ENV 6 and TACE 11 of the UDP and S29 and S32 of the City Plan and is therefore unacceptable in amenity terms.

8.3 Economic Considerations

Any economic benefits generated by the proposal are considered to be minimal and outweighed by the harm to pedestrian safety and residential amenity.

8.4 Access

The access arrangements to the restaurant remain unchanged.

8.5 Other UDP/Westminster Policy Considerations

None

8.6 London Plan

This application raises no strategic issues.

8.7 National Policy/Guidance Considerations

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

8.8 Planning Obligations

Planning obligations are not relevant in the determination of this application. The proposal is not CIL-liable.

8.9 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

Application 1:

1. Application form
2. Appeal Decision dated 22 September 2005
3. Response from Marylebone Association, dated 24 April 2017
4. Letter from occupier of Flat 35 The Phoenix, Bird Street, dated 6 April 2017
5. Letter from occupier of flat 35 the phoenix, bird street, dated 6 April 2017
6. Letter from occupier of FLAT 57, THE PHOENIX, 19 BARRETT STREET, dated 17 April 2017
7. Letter from occupier of Flat 24 The Phoenix, Bird Street, dated 6 April 2017
8. Letter from occupier of Flat 38 The Phoenix, Barratt Street, dated 6 April 2017
9. Letter from occupier of 1, The Phoenix, 8, Bird Street, dated 15 April 2017
10. Letter from occupier of 14 Radnor Gardens, Enfield, dated 1 May 2017
11. Letter from occupier of FLAT 57 THE PHOENIX, LONDON, dated 7 May 2017
12. Letter from occupier of Flat 10, Phoenix Apartments, 8 Bird Street, dated 5 April 2017
13. Letter from occupier of Flat 57, The Phoenix, 19 Barrett Street,, dated 2 May 2017

Application 2:

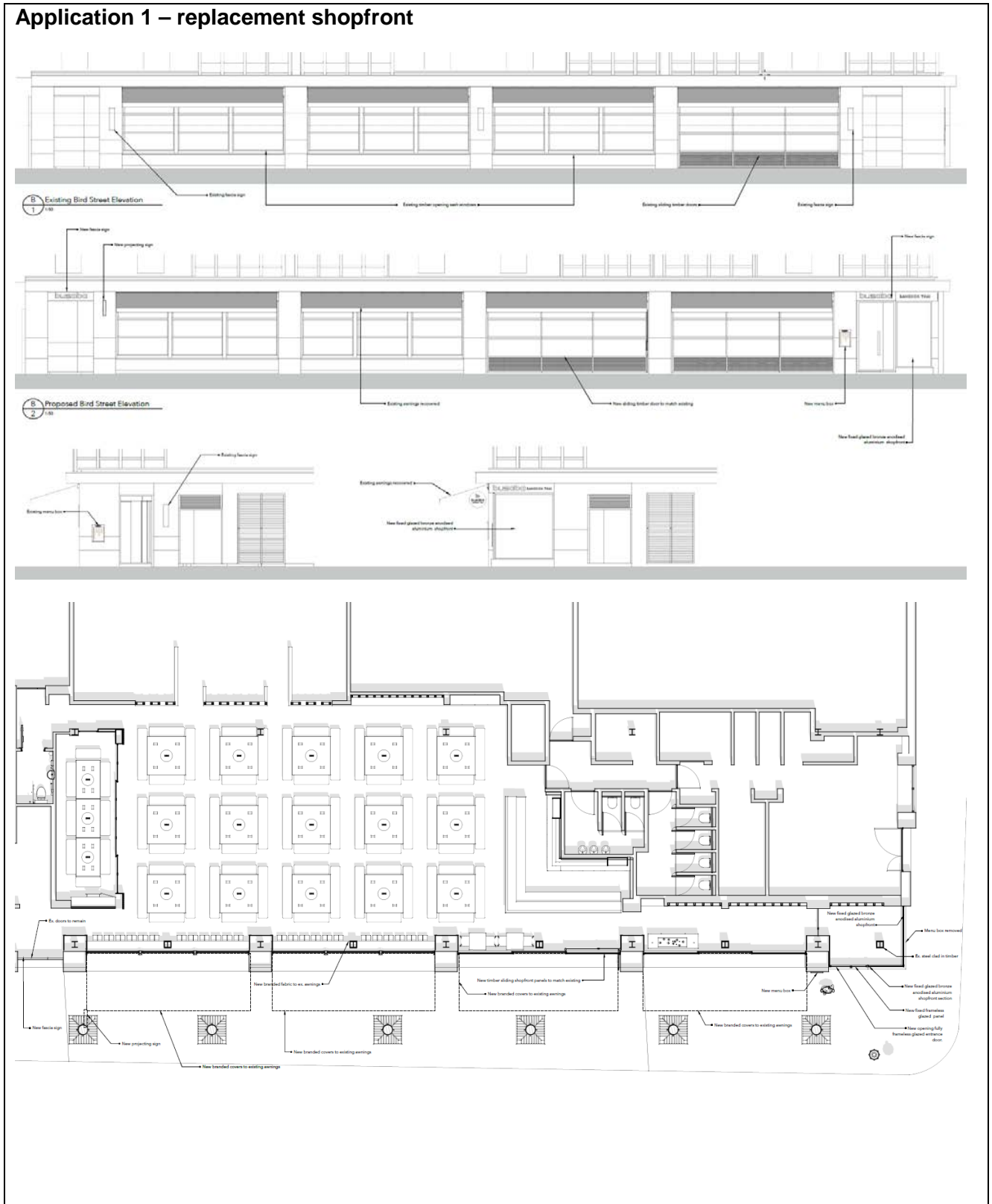
1. Application form
2. Highways Planning Manager consultee response, dated 9th June 2017
3. Cleansing consultee response, dated 26th May 2017
4. Response from Marylebone Association, dated 14 June 2017
5. Letter from occupier of Flat 35 The phoenix, 8/13 bird street, dated 1 June 2017
6. Letter from occupier of 1, The Phoenix, 8, Bird Street, dated 5 June 2017
7. Letter from occupier of FLAT 57, THE PHOENIX, 19 BARRETT STREET, dated 9 June 2017
8. Letter from occupier of Flat 38 The Phoenix, 8/13 Bird street, dated 1 June 2017
9. Letter from occupier of Flat 15, The Phoenix, Bird St, dated 26 May 2017
10. Letter from occupier of Flat 24 The Phoenix, 8/13 Bird street, dated 1 June 2017
11. Letter from occupier of Flat 35 The phoenix, 8/13 Bird street, dated 1 June 2017
12. Letter from occupier of Flat 57, The phoenix, dated 15 June 2017
13. Letter from occupier of 14 Radnor Gardens, Enfield (on behalf of The Phoenix Management Company Ltd), dated 9 June 2017

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

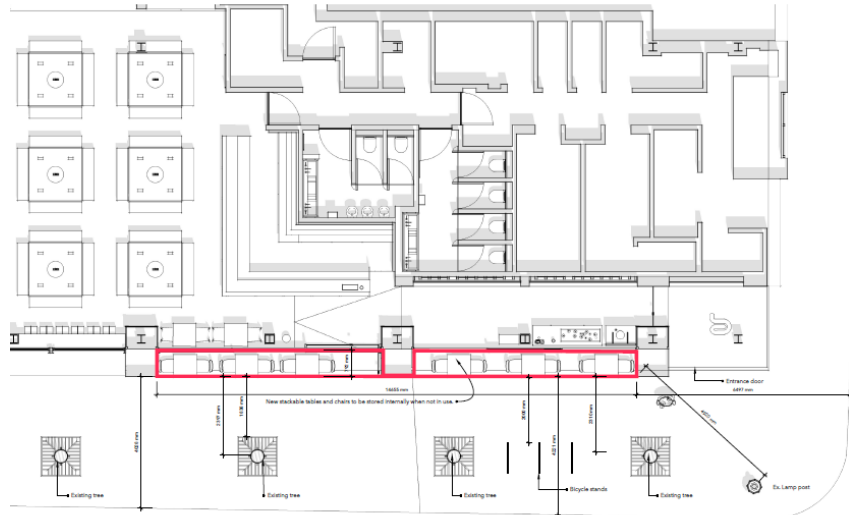
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

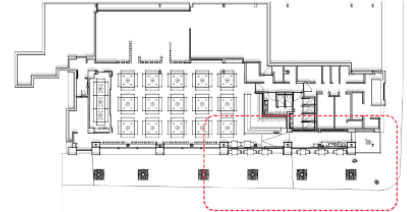
Application 1 – replacement shopfront



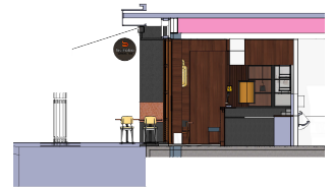
Application 2 – tables and chairs



Proposed Terrace Layout Plan
1:50
METRES



Proposed GA Layout Plan
1:50



Proposed Section Thru Terrace
1:50



Proposed Bird St Terrace Elevation
1:50
METRES

PROJECT NAME SABA BANGKOK THAI BIRD STREET	DRAWING TITLE EXTERNAL TERRACE LAYOUT	DRAWING NUMBER 1609 FU-02	REVISION F	SCALE A.S.	DATE APRIL 2017	1 DOKKA ROAD LONDON SW6 0HP 0202 7188922 IANTHOMPSONARCHITECT. IAN THOMPSON ARCHITECT
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Application 1 – openable shopfront

DRAFT DECISION LETTER

Address: 8-13 Bird Street, London, W1U 1BU

Proposal: Installation of a new openable shopfront and new aluminium and glazed entrance screen.

Reference: 17/02499/FULL

Plan Nos: 1609 SE-01 REV D, 1609 GA-01 REV D, 1609 EL-01 REV D

Case Officer: Shaun Retzback **Direct Tel. No.** 020 7641 6027

Recommended Condition(s) and Reason(s)

- 1 The partially openable shopfront would, when open, allow noise generated from within the premises to be audible outside. This would be a source of disturbance for neighbouring noise sensitive properties and would therefore be contrary to policies S29 and S32 of our City Plan that we adopted in November 2016 and ENV6 and ENV 7 of the Unitary Development Plan that we adopted in 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirements in the National Planning Policy Framework with the applicant and positive way provide made available as stipulated. We have made our statutory duties under the City Plan (November 2016) and Unitary Development Plan (Supplementary 2016) and the Development Plan, briefs Supplemental Planning Documents, and the Council's planning and guidance, in order to ensure that the application gives every opportunity to submit an application which is likely to be successful. As the applicant, the applicant clearly recognised that the application was offered to the applicant and the applicant could not overcome the reasons for refusal.
- 2 The proposal to replace the corner entrance is considered acceptable on design and amenity grounds. You are requested to submit a separate application should you wish to seek planning permission for this proposal.

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.

Application 2 – tables and chairs

DRAFT DECISION LETTER

Address: 8 - 13 Bird Street, London, W1U 1BU,

Proposal: Use of an area of the public highway measuring 14.65m x 0.79m for the placing of 12 chairs and 6 tables in connection with restaurant use.

Reference: 17/03483/TCH

Plan Nos: 1609 FU-02 REV F

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

- Reason:
- 1 The tables and chairs would block the flow of pedestrians along the footpath and so could be unsafe. This would also make it difficult to clean the footpath. This would not meet S41 of Westminster's City Plan (November 2016) and TRANS 3 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (X08AC)
 - 2 The introduction of tables and chairs in this location would lead to a loss of amenity for residents on the upper floors of the building by way of increased noise and general disturbance. The proposal is therefore contrary to S29 and S32 of the City Plan that we adopted in November 2016 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

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 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	50 Marylebone High Street, London, W1U 5HN		
Proposal	Variation of Condition 3 of planning permission dated 21 April 2015 (RN 14/11015/FULL) for, 'Part redevelopment with alterations and extensions for restaurant (Class A3) and retail (Class A1) use on basement and ground floors with six flats at first, second and third floors and plant to first floor rear level', in order to allow an extension to the terminal hour for the restaurant over basement and ground floor level on Monday to Saturday nights from 00.00 to 00.30 (Sundays, Bank Holidays and other public holidays are unaffected).		
Agent	RadcliffesLeBrasseur		
On behalf of	Corbin & King Restaurant Group Limited		
Registered Number	17/00989/FULL	Date amended/ completed	21 February 2017
Date Application Received	8 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a restaurant (Class A3) occupying the basement and ground floors of an unlisted building located within the Harley Street Conservation Area. The site is located within the Central Activities Zone (CAZ) but outside the Core CAZ. The site is not located within a stress area.

The site is at the northern end of Marylebone High Street which is mixed in character, comprising retail and restaurant uses on the lower floors with offices and residential flats above. There are a significant number of residential properties in the immediate vicinity of the site. The upper floors of the application premises, adjacent premises and properties directly opposite are all in residential use.

The restaurant is permitted to trade between 07.00 and 00:00 (Monday to Saturday) and between 08.00 and 23.30 (Sundays, bank holidays and public holidays). An area in front of the restaurant is permitted to be used for *al fresco* dining until 23.00 (Mondays to Saturdays) and 22.00 (Sundays and

Bank Holidays). This temporary permission expires on 31 May 2018.

When permission was originally granted for the redevelopment of this site in 2001, all customers were required to have vacated the restaurant by 23.30. This terminal hour was extended to 00.00 on Monday to Saturdays on 21 April 2015.

This application seeks to vary the wording of Condition 3 of the 2015 permission in order to further extend the terminal hour for the restaurant's operation from 00.00 to 00.30 on Mondays to Saturdays. No change is proposed on Sundays and Bank Holidays.

The northern end of Marylebone High Street is more residential in character than the southern end. The central issue is whether, given the character of the street and the circumstances of the case, extending the operating hours from 00.00 to 00.30 on Mondays to Saturdays would be harmful to the amenity of residents in the vicinity of the site.

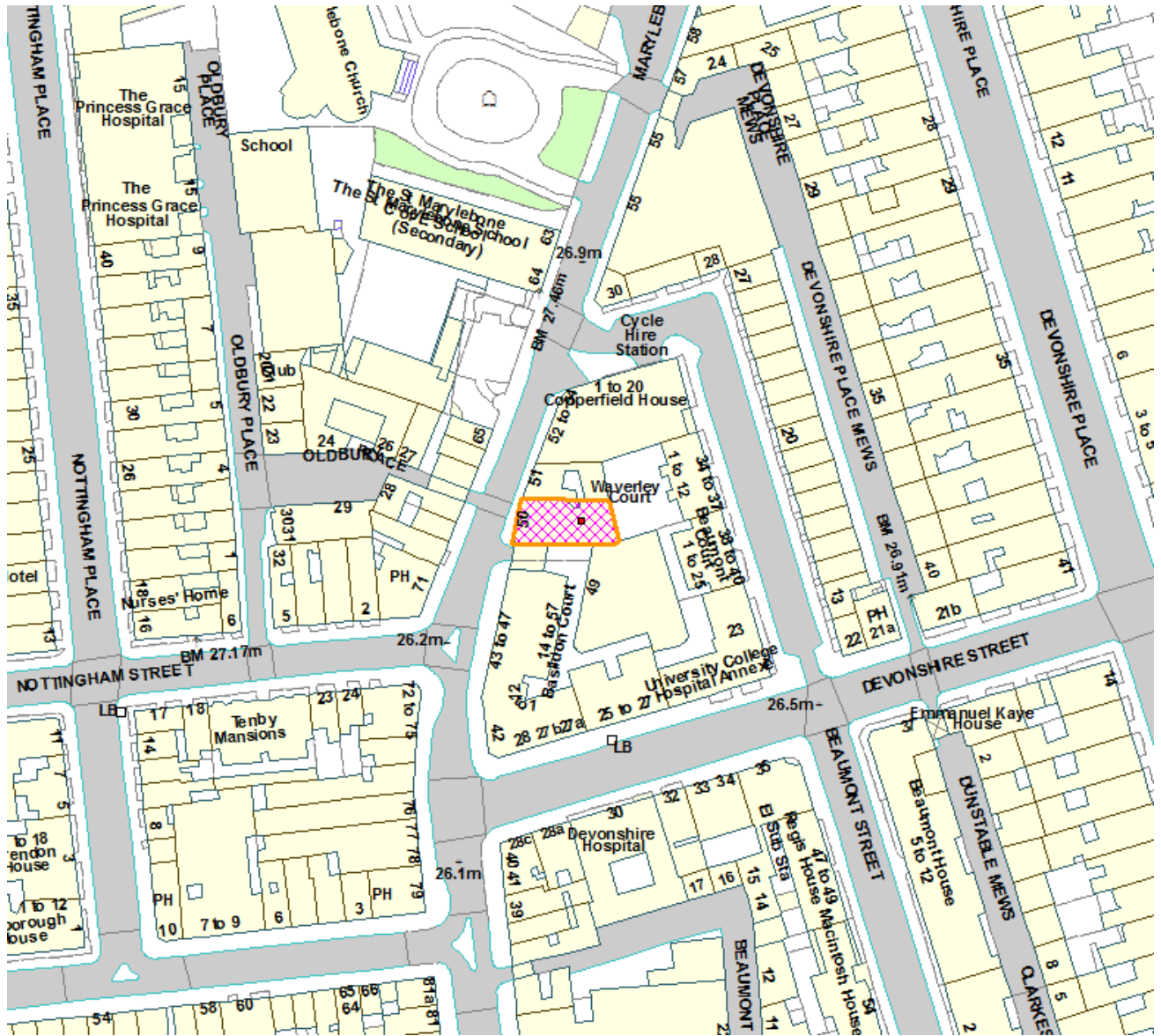
According to the approved drawings for the 2001 permission, a bedroom is located above the entrance to this restaurant at first floor level and also immediately to the north of the site at No. 51 Marylebone High Street (also at first floor level). Occupants of the flats about the restaurant and in neighbouring buildings have been consulted but no responses have been received.

Ensuring that the City is an attractive place for residents to live is of central importance, with City Plan Policy S29 stating that the City Council will resist proposals that result in an unacceptable material loss of residential amenity. However, this protection of residential amenity must be balanced against ensuring that commercial operators are not unduly restricted. The City Council's general approach to opening hours in predominantly residential areas is set out within UDP Para. 8.88 where it 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 (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights and on Sundays immediately preceding Bank Holidays. An earlier closing time may be sought where there are residential uses in immediate proximity".

The proposal does not accord with the City Council's general approach in predominantly residential areas on Mondays to Thursdays by opening beyond midnight. However, the site is located on a fairly busy street in a mixed use area. Furthermore, the restaurant is modest in size (i.e. under 500 sq.m) and there have been no complaints in respect to late night noise from customers leaving the restaurant. There have also been no objections to this application. For these reasons, it is considered that a terminal hour of 00.30 on Mondays - Saturdays is acceptable in the context of Marylebone High Street, as it is unlikely to cause an unacceptable loss of residential amenity for local residents. Therefore the proposal is considered to be in accordance with City Plan Policy S29 and it is accordingly recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION - No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 185; Total No. of Replies: 0.

ADVERTISEMENT/SITE NOTICE: Yes.

6. BACKGROUND INFORMATION- Relevant Planning History

Permission was granted on 2 October 2001 (Ref: 00/06626/FULL) for, 'Part redevelopment with alterations and extensions for restaurant (Class A3) and retail (Class A1) use on basement and ground floors with 6 flats at first, second and third floors, plant to first floor rear'. Condition 5 of this permission reads:

"The restaurant use hereby permitted shall not be carried on except between the hours of 09.00 to 22.00. Between the hours of 22.00 and 22.30 no customers shall be admitted to the restaurant and by 11.30pm all customers shall have vacated the restaurant".

An application (Ref: 10/02902/FULL) to vary Condition 5 of the 2001 permission to allow the restaurant to open at 07.00 hours daily was refused on 16 June 2010 on the grounds that the earlier opening hours would result in noise and disturbance to residents. On 27 January 2011 an appeal against this refusal was allowed, permitting the restaurant to open at 07.00 on Mondays - Saturdays and 08.00 on Sundays.

An application (Ref: 14/04632/TCH) to use of the two areas of public highway both measuring 1.85m x 0.75m for the placing of 2 x tables and 4 x chairs in connection with the restaurant (Class A3) at No. 50 Marylebone High Street was permitted on 1 July 2014. Condition 3 limited the operating hours to between 09.00 - 18.00. An application (Ref: 14/08495/FULL) to vary the wording of Condition 3 to extend the operating hours to 08.00 to 23.00 hours (Mondays to Saturdays) and 09.00 to 22.00 hours (Sundays and Bank Holidays) was permitted on 27 October 2014. The latest 'tables and chairs' permission (Ref: 16/02290/TCH) has the same condition in respect to hours of use and is a temporary permission that expires on 31 May 2018.

An application (Ref: 14/11015/FULL) was granted on 21 April 2015 to vary Condition 3 of planning permission dated 13 May 2014 (RN:14/01407/FULL) (a permission granted following an application to vary the servicing hours of the 2001 permission) to allow an extension of trading hours to 07.00 to 00:00 Monday to Saturday (from 07.00 to 23.30) (no change was proposed on Sundays or Bank Holidays).

7. BACKGROUND PAPERS

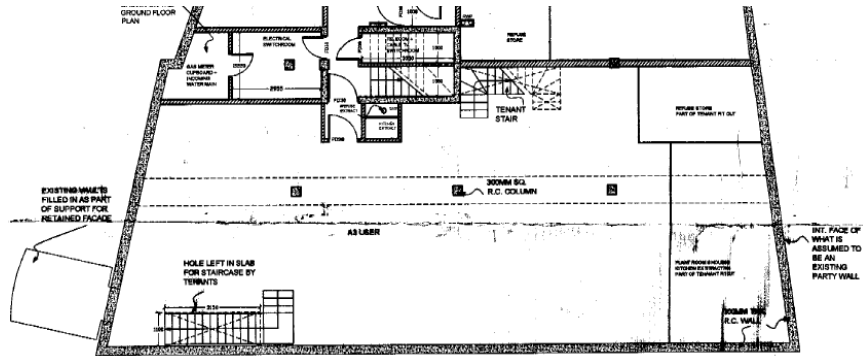
1. Application form
2. Response from Marylebone Association, dated 24 March 2017

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

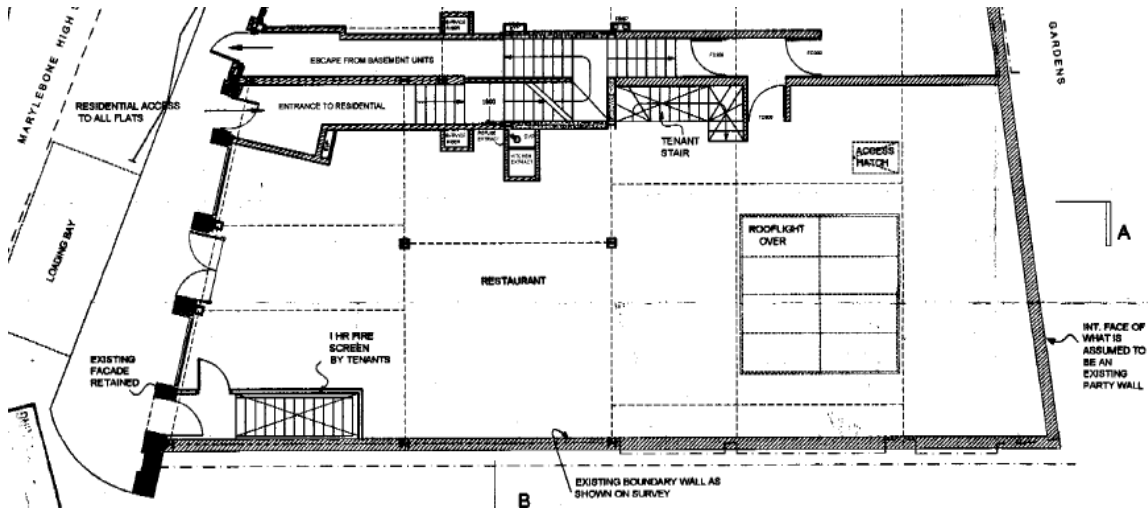
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER:
PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk.

8. KEY DRAWINGS

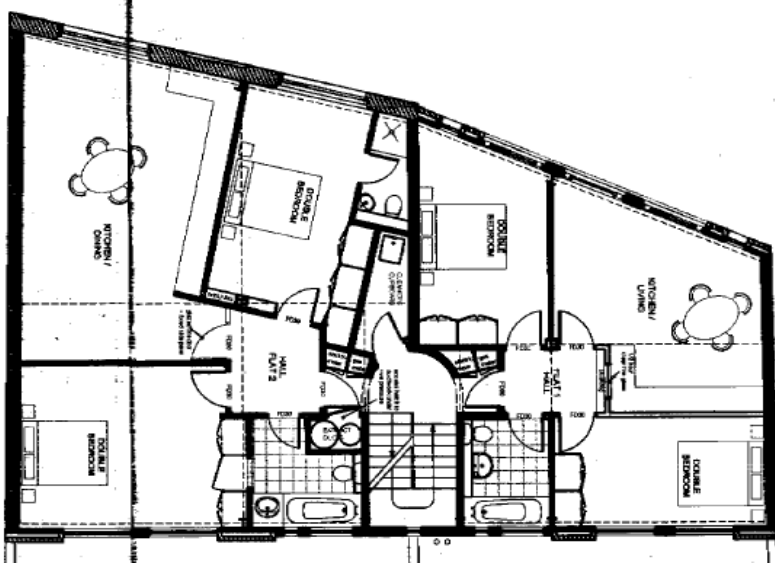
Permitted basement floor plan (2001 permission):



Permitted ground floor plan (2001 permission):



Permitted first floor plan (2001 permission – second and third floors similar):



DRAFT DECISION LETTER

Address: 50 Marylebone High Street, London, W1U 5HN,

Proposal: Variation of Condition 3 of planning permission dated 21 April 2015 (RN 14/11015/FULL) for, 'Part redevelopment with alterations and extensions for restaurant (Class A3) and retail (Class A1) use on basement and ground floors with six flats at first, second and third floors and plant to first floor rear level', in order to allow an extension to the terminal hour for the restaurant over basement and ground floor level on Monday to Saturday nights from 00.00 to 00.30 (Sundays, Bank Holidays and other public holidays are unaffected).

Reference: 17/00989/FULL

Plan Nos: 961/97/01-08; 775/P10X, P11R, and P12M.

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	The restaurant use hereby permitted shall only be used for restaurant purposes and for no other purpose (including any other purpose within Class A3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or reenacting that Order). Any bar use shall remain ancillary to the primary restaurant use and drinks shall not be sold or supplied within the restaurant other than to diners immediately before, during or immediately after their meal.
	Reason: We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)
3	Customers shall not be permitted within the ground and basement floor restaurant premises before 07.00 or after 00.30 (the following morning) on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

	Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)
4	The refuse store(s) shown on approved drawing no. 775/P10X, P11R, P12M shall be provided prior to the occupation of the development and thereafter shall be maintained permanently for the storage of refuse for the occupiers of the development and shall be used for no other purpose, unless otherwise agreed in writing by the City Council as local planning authority. Refuse shall be stored within the premises at all times, other than immediately prior to collections. (C14D)
	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	No doors or gates shall be hung so as to open over or across the public highway. (C24A)
	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)
6	The roof of the building shall not be used for sitting out or for any other purpose not previously approved by the City Council as local planning authority, except as a means of escape in the case of emergency. (C21A)
	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)
7	The means of access and egress for people with disabilities to the retail and restaurant units shall be permanently retained to the satisfaction of the City Council as local planning authority, in accordance with the detailed drawings approved on 22 November 2001 (RN 01/09102/ADFULL).
	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)
8	Notwithstanding the provisions of Class A3 of the Town and Country Planning (Use Classes)

	Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) no food or drink of any kind shall be sold on the premises for consumption off the premises. (C05C)
	Reason: We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)
9	The total capacity of the ground floor restaurant use hereby approved shall be a maximum of 100 customers at any one time of which a maximum of 20 shall be accommodated within the ancillary bar area.
	Reason: We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)
10	The glazing to the rooflight shall be fixed shut and permanently retained as such.
	Reason: In order to protect the amenity of adjoining occupiers.
11	The blinds within the rooflights at rear first floor level shall be retained in situ and closed between the hours of sunset and 9.00am.
	Reason: In order to protect the amenity of adjoining occupiers by preventing the outbreak of artificial lighting.
12	No music shall be played in the restaurant and retail units hereby approved which is audible outside the premises.
	Reason: In order to protect the amenity of adjoining occupiers.
13	<p>Servicing of the retail unit at No. 51 Marylebone High Street shall only take place between the hours of 8.00am and 18.00 and at no other time.</p> <p>Servicing of the restaurant unit at No. 50 Marylebone High Street shall only take place between the hours of 07.00 and 18.00 (Mondays to Fridays) (except Bank Holidays) and 08.00 - 18.00 (Saturdays, Sundays, and Bank Holidays).</p>
	Reason: In order to protect the amenity of adjoining occupiers.

14	The plant screen installed at rear first floor level shall be retained in place for as long as plant is in situ in this location.
	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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)
15	No mechanical plant, ductwork, tanks, satellite or radio antennae or other structures shall be located on the roof other than those shown on the drawings hereby approved. (C26P)
	Reason: Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

Informative(s)

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

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