



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 18th September, 2018

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Robert Rigby (Chairman)
Jim Glen
Angela Harvey
Guthrie McKie



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 Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any 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. 11 GLOUCESTER PLACE MEWS, LONDON, W1U 8BA | (Pages 5 - 38) |
| 2. PRINT WORKS HOUSE, GROUND FLOOR, 83 GREAT TITCHFIELD STREET, LONDON, W1W 6RH | (Pages 39 - 54) |
| 3. 3 PARK CLOSE, LONDON, SW1X 7PQ | (Pages 55 - 64) |
| 4. 73 ECCLESTON SQUARE MEWS, LONDON, SW1V 1QN | (Pages 65 - 84) |
| 5. 6 SHELDON SQUARE, LONDON, W2 6HY | (Pages 85 - 98) |

Stuart Love
Chief Executive
10 September 2018

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 18th September 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/03277/FULL 18/03278/LBC Bryanston And Dorset Square	11 Gloucester Place Mews London W1U 8BA	Erection of a two storey rear extension and excavation of a new basement for use in association with the existing residential unit with associated internal alterations. (ADDENDUM REPORT)	
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/05444/FULL West End	Print Works House, Ground Floor 83 Great Titchfield Street London W1W 6RH	Variation of condition 10 of planning permission dated 11 October 2016 (RN: 16/05737/FULL) for the dual/alternative use of the ground floor, including new upper and lower mezzanine levels, for retail purposes (Class A1) and the use of the basement as offices (Class B1) or use of the basement, ground and upper and lower mezzanine levels as a Pilates studio, personal training area, physiotherapy/sports massage treatment rooms and retail floorspace (sui generis) (RN: 16/05737/FULL) NAMELY to permit opening of the Pilates studio/physiotherapy treatment rooms/sports massage facility/personal training rooms/retail area between 06.00 and 21.30 hours on Monday to Friday (not including bank holidays and public holiday) and between 08.00 and 20.00 hours on Saturdays, Sundays, Bank Holidays and public holidays.	
	Recommendation Grant conditional permission, subject to no new substantive issues being raised following the expiry of the consultation period on 21st September 2018.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/04256/TCH Knightsbridge And Belgravia	3 Park Close London SW1X 7PQ	Use of an area of the public highway measuring 1.2m x 7.35m for the placing of 3 tables and 6 chairs in connection with ground floor restaurant.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 18th September 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/05907/FULL Warwick	73 Eccleston Square Mews London SW1V 1QN	Erection of a mansard roof extension to provide additional residential accommodation, and alterations to existing facades.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/05435/TCH Hyde Park	6 Sheldon Square London W2 6HY	Use of the paved area outside unit 6 A&B measuring 26.6m x 1.3m (2.7m within the recessed bay) for the placing of 23 tables and 42 chairs, 2 benches and 2 planters in connection with the adjacent unit.	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 th September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	11 Gloucester Place Mews, London, W1U 8BA		
Proposal	Erection of a two-storey rear extension and excavation of a new basement for use in association with the existing residential unit with associated internal alterations.		
Agent	Reading + West Architects		
On behalf of	Mr Andrew Polydor		
Registered Number	18/03277/FULL and 18/03278/LBC	Date amended/ completed	25 April 2018
Date Application Received	23 April 2018		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional planning permission
2. Grant conditional listed building consent
3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

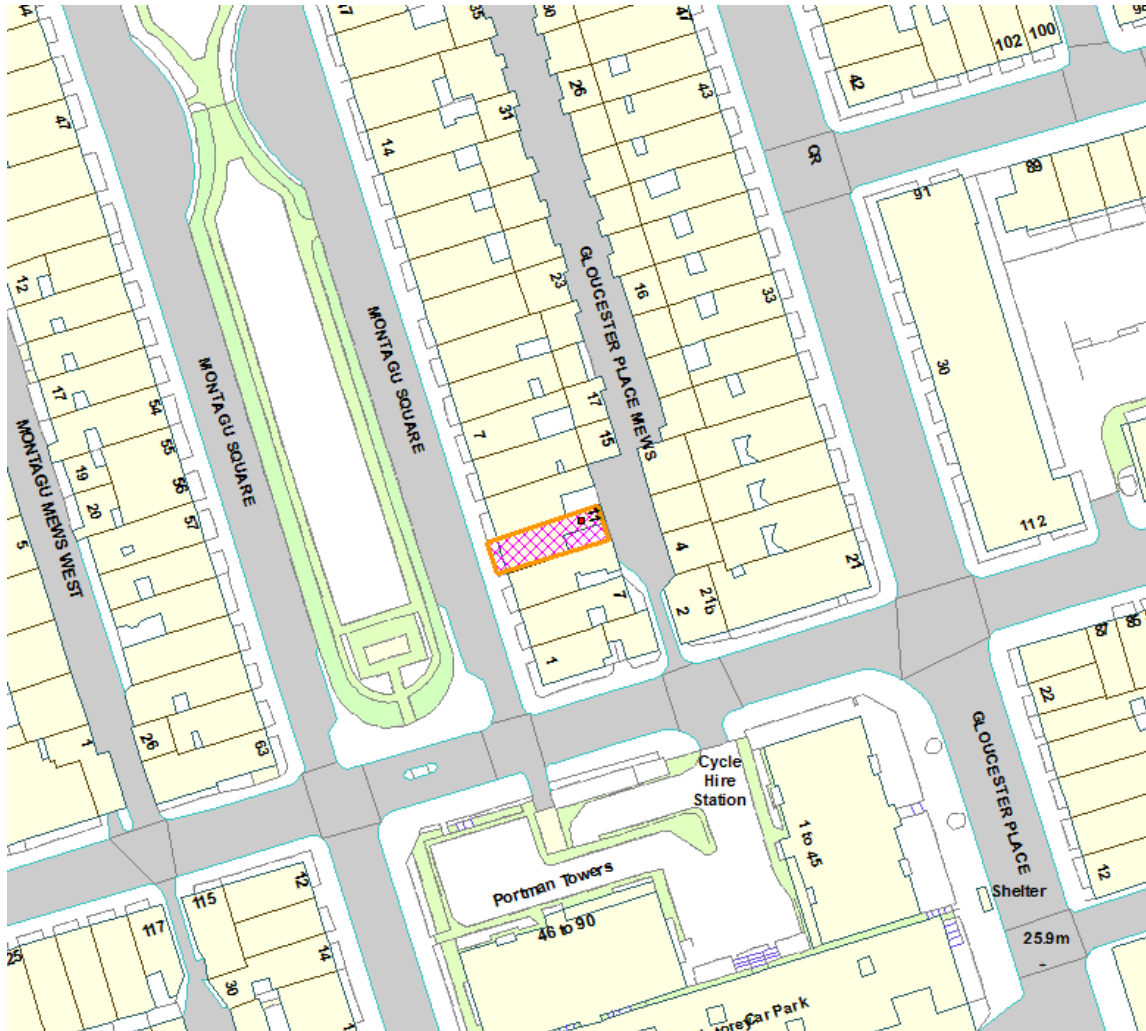
2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on the 24th July 2018. Committee resolved to defer the application for a site visit and to allow the applicant to submit a Daylight and Sunlight report to assess the impact of the proposal on the levels of daylight and sunlight received by the adjacent flats at 5 Montagu Square. The Committee site visit is to take place on the 14th September 2018.

The applicant has commissioned a Daylight and Sunlight report to assess the impact of the proposal on the windows of the adjoining flats in 5 Montagu Square (Flat 1 at lower ground and ground floor levels and Flat 4 at first floor level). It is not considered the proposal would have implications for any other windows within neighbouring properties. The report demonstrates that the proposed development will not result in any noticeable impact on the assessed windows, with all windows experiencing little to no change in daylight levels and no change in sunlight levels. The scheme is therefore fully compliant with the BRE guidelines in terms of both daylight and sunlight effects and is reported back to committee for determination.

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3. LOCATION PLAN



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4. PHOTOGRAPHS



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5. CONSULTATIONS

REPRESENTATIONS RECEIVED AND VERBALLY REPORTED TO THE COMMITTEE ON 24 JULY 2018

Email from neighbouring occupier requesting Committee visit the site and for the submission of a daylight and sunlight report.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1

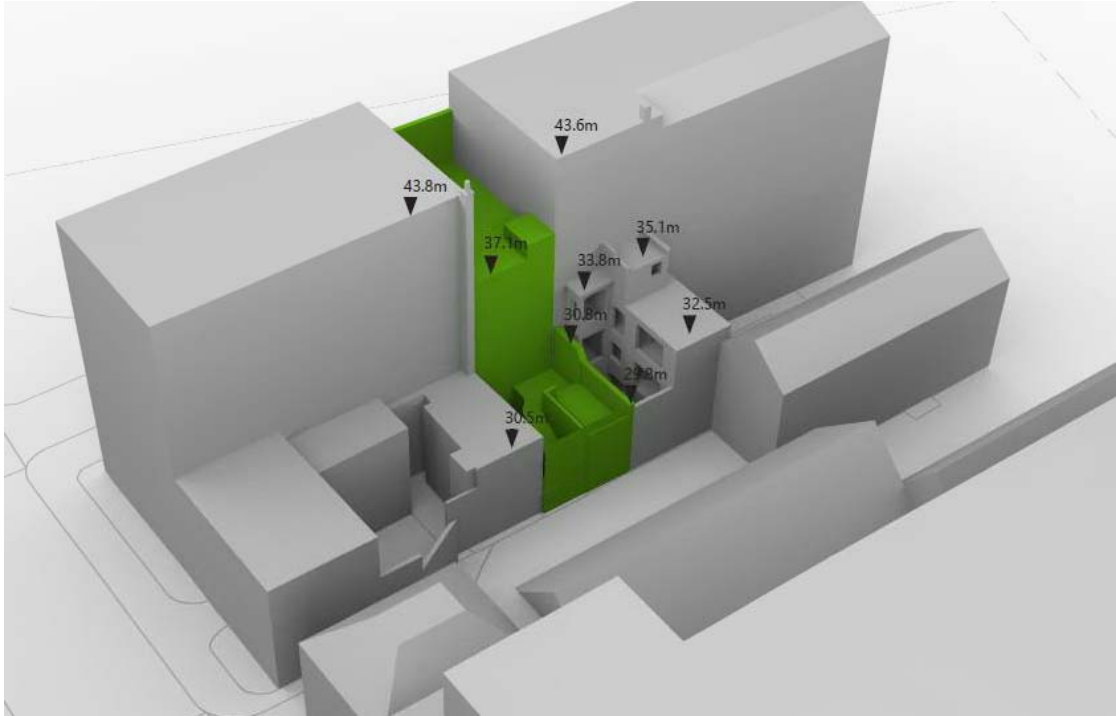
Total No. of replies: 0

The occupier of Flat 1, 5 Montagu Square has been re-consulted following receipt of the submitted Daylight and Sunlight Report. Any response will be reported verbally at the committee meeting.

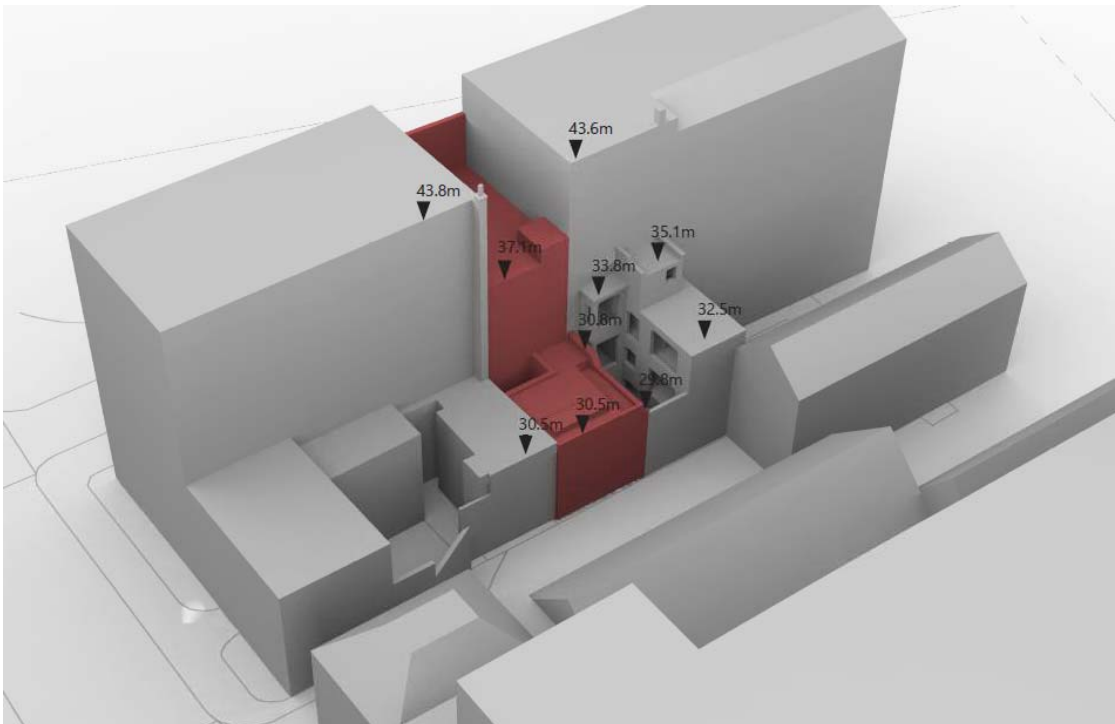
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk</p>
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6. KEY DRAWINGS

3D Visualisation of the existing arrangement:



3D Visualisation of the proposed arrangement:



DRAFT DECISION LETTER

Item No.
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Address: 11 Gloucester Place Mews, London, W1U 8BA

Proposal: Erection of a two storey rear extension and excavation of a new basement for use in association with the existing residential unit with associated internal alterations.

Reference: 18/03277/FULL

Plan Nos: Ground Investigation and Basement Impact Assessment (March 2018), Ground and Water Desktop Study (March 2018), Structural Methodology Statement (13.04.2018), Drawings: 95-156/P11 RevA, 95-196P10 RevA, 95-156/P13, 95-156/P14 RevA, 95-156/P15 RevA, 95-156/P16 RevA, 95-156/P17 RevA, 95-156/P18 RevA, 95-156/P19.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES

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1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:
1. New external windows and doors (1:20 and 1:5),
 2. Rooflights (1:20 and 1:5),

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

Reason:

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

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 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

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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)

- 8 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

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

Reason:

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

Informative(s):

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

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- 2 You are advised that under Condition 9 you would need to provide details of an intensive green roof as this provides additional biodiversity benefits when compared to sedum.
- 3 You are advised there may be public sewers crossing or close to the site, you are advised to read the Thames Water guide to working near or diverting relevant pipes. This can be downloaded at the following link: www.developers.thameswater.co.uk/developing-a-large-site/planning-your-development/working-near-or-diverting-our-pipes
- 4 You are advised to install a non-return valve or other suitable device to avoid the risk of backflow should the sewage network discharge to ground level during storm conditions.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging 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 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on-line via www.thameswater.co.uk/wastewaterquality.
- 6 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 it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

DRAFT DECISION LETTER

Address: 11 Gloucester Place Mews, London, W1U 8BA

Proposal: Erection of a two storey rear extension and excavation of a new basement with associated internal alterations.

Reference: 18/03278/LBC

Plan Nos: Ground Investigation and Basement Impact Assessment (March 2018), Ground and Water Desktop Study (March 2018), Structural Methodology Statement (13.04.2018), Drawings: 95-156/P11 RevA, 95-196P10 RevA, 95-156/P13, 95-156/P14 RevA, 95-156/P15 RevA, 95-156/P16 RevA, 95-156/P17 RevA, 95-156/P18 RevA, 95-156/P19.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

- 5 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:

1. New external windows and doors (1:20 and 1:5),
2. Rooflights (1:20 and 1:5),

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

Reason:

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

- 7 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES

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1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

Planning Applications Sub-Committee (2)
Tuesday 24th July 2018

4 11 GLOUCESTER PLACE MEWS, LONDON, W1U 8BA

Erection of a two storey rear extension and excavation of a new basement for use in association with the existing residential unit with associated internal alterations.

A late representation was Mr Alan Bristow dated 20.7.2018 was tabled.

RESOLVED UNANIMOUSLY:

That consideration be deferred for a site visit and for a daylight and sunlight report to assess the impact on neighbouring properties to be submitted.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	11 Gloucester Place Mews, London, W1U 8BA		
Proposal	Erection of a two storey rear extension together with excavation of a new basement for use in association with the existing residential unit and associated internal alterations.		
Agent	Reading + West Architects		
On behalf of	Mr Andrew Polydor		
Registered Number	18/03277/FULL and 18/03278/LBC	Date amended/ completed	25 April 2018
Date Application Received	23 April 2018		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional planning permission;
2. Grant conditional listed building consent
3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

2. SUMMARY

11 Gloucester Place Mews comprises two flats, one at lower ground and ground floor levels and the other at first and second floor levels. The property fronts on to Montagu Square to the west (4 Montagu Square) and Gloucester Place Mews to the east. Planning permission is sought for the demolition of the existing garage at rear lower ground floor level to allow an extension at lower ground and ground floor levels and the excavation of a new basement area, all to provide residential accommodation for use in association with the lower residential unit.

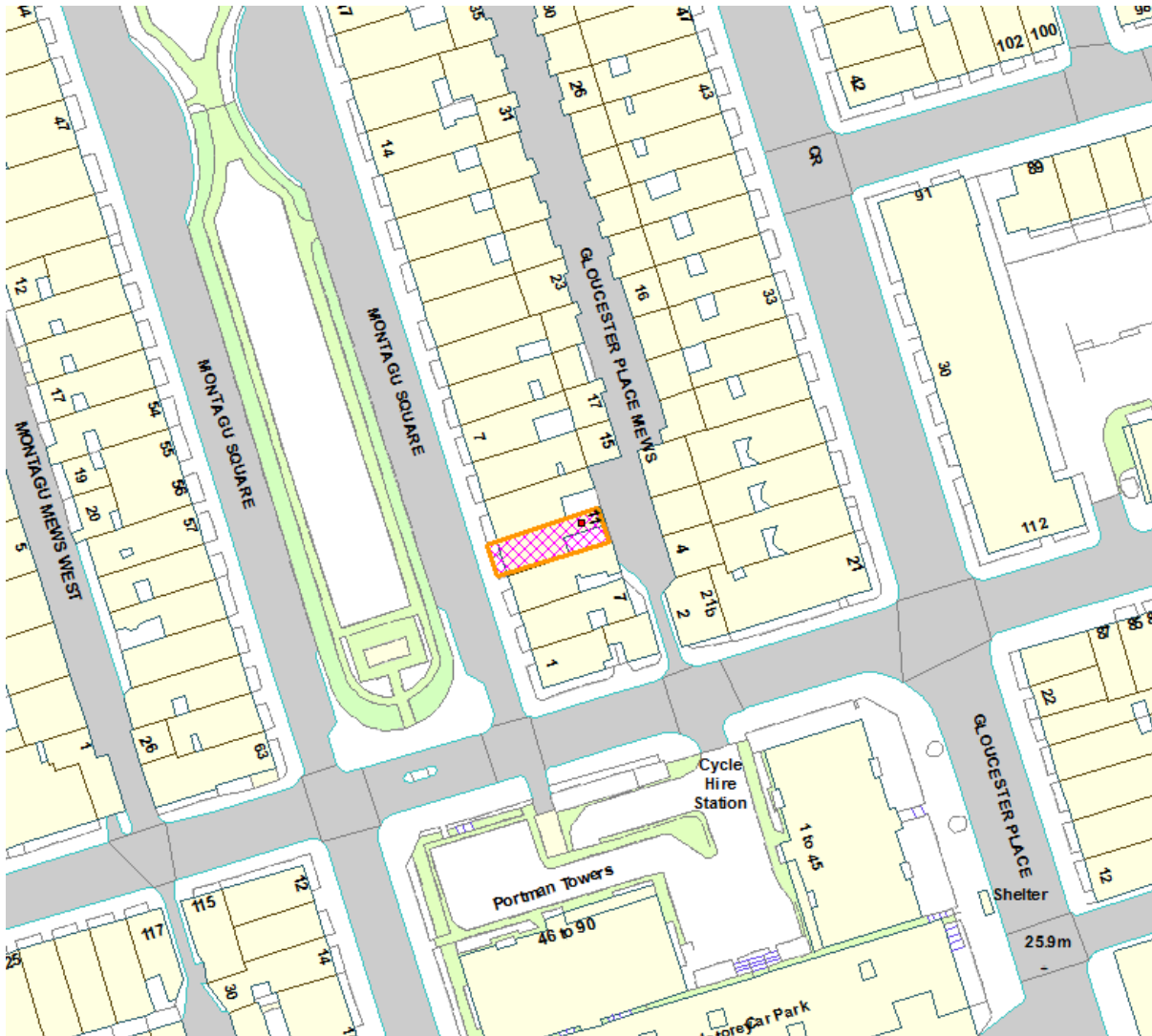
The key issues are:

- The impact of the proposed basement excavation on the amenity of nearby sensitive occupiers.
- The impact of the extension at ground and lower ground floor levels on the amenity of neighbouring residential occupiers.

Subject to conditions, the proposal is considered acceptable on highways, design, amenity and land use grounds and compliant with the relevant City Plan and Unitary Development Plan (UDP) policies.

It is therefore recommended that conditional planning permission and listed building consent are granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection on the following grounds:

The rendered finish of the new elevation to Gloucester Place Mews is considered detrimental to the character of the mews and conservation area.
There is a large loss in the outdoor amenity space resulting from the development.

CLEANSING

No objection subject to conditions.

HIGHWAYS

Objection to the loss of the garage car parking space and the lack of cycle parking in the proposed scheme.

THAMES WATER

No objection.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44; Total No. of replies: 6

No. of objections: 6, on some or all of the following grounds:

- Loss of daylight and sunlight to neighbouring properties resulting from the proposed extension.
- Structural implications for the building itself and neighbouring properties resulting from the proposed basement excavation.
- Detrimental impact upon neighbouring amenity during the construction process.
- Lack of consultation by the applicant with neighbouring occupiers prior to the submission of the application.
- The design of the rear wall fronting the mews is not consistent with the character of the remainder of the mews.
- Loss of 'trees'.
- The green roof does not provide the same biodiversity benefits as the potted plants in the courtyard.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

11 Gloucester Place Mews is a Grade II listed building located within the Portman Estate Conservation Area. The building is currently utilised as two flats, one at lower ground and ground floor levels and the other at first and second floor levels. The property fronts on to Montagu Square to the west (4 Montagu Square) and Gloucester Place Mews to the east. The neighbouring properties are all in residential use.

5.2 Recent Relevant History

Planning Permission and Listed Building Consent were granted on the 30th May 2002 for 'Part infill of front basement lightwell to Montagu Square frontage, erection of replacement screen to Gloucester Place Mews frontage and erection of railings around perimeter of existing roof terrace at ground floor level.'

Planning Permission and Listed Building Consent were granted on the 21st April 2009 for 'Internal alterations including demolition and rebuilding of wall at lower ground floor level. Replacement of three windows and alterations to one window opening. Replacement of three windows and alterations to one window opening and installation of new.'

6. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition of the existing garage fronting the mews and the erection of a two storey extension at lower ground and ground floor levels and the excavation of a new basement level, all for use in association with the existing residential unit on the ground and lower ground floor levels. A green roof will be installed on top of the proposed extension and a lightwell will be created between the new extension and the original rear wall of the main property, which extends to new basement level to allow the creation of a small courtyard area.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Residential use

The proposed extension to the dwelling will increase the residential floorspace by 98.5m² (GIA). This accords with Policy H3 of the UDP and Policy S14 of the City Plan, both of which encourage the increase in residential floorspace at suitable locations within Westminster. Given this modest increase, there is no policy requirement for the provision of affordable housing.

7.2 Townscape and Design

The building is positioned mid- terrace within a Grade II listed group. However, it is notably different to the others in the group in terms of height and design. Historic maps included in the heritage statement demonstrate that the building was badly damaged during World War II. It is evident from visual inspection, particularly from the rear of the site, that the building was substantially rebuilt during the post-war period and lacks the original Georgian detailing evident in other buildings within the group.

The Council's policies contain a presumption against full width extensions, particularly to listed buildings. DES 10 (Listed Buildings) of the Council's Unitary Development Plan states that 'rear extensions which span the full width of the building will rarely be acceptable, except in some circumstances at basement level.' The Council's Supplementary Planning Guidance titled 'Development and Demolition in Conservation Areas' also states, 'if the building has an L-shaped plan form at the rear then this should normally be retained... Generally, full width extensions are not acceptable, except in certain circumstances at basement level.'

The proposal for a two storey, full width wrap- around extension between the rear of the building and the boundary wall to Gloucester Place Mews is contrary to these policies. However, given that this building is largely a post- war reconstruction, the special interest of this part of the building appears to be limited. The interior at lower ground and ground floor level is entirely modern (other than the lower ground floor front vaults which appear to pre- date the above ground construction) and the rear elevation has also evidently been entirely rebuilt. The garage structure to the rear is also modern. The proposed extension will result in the demolition of this garage structure, which is uncontentious. A lightwell is incorporated which separates the new addition from the original building line, ensuring this remains legible. The treatment to the rear of this group of listed buildings is varied and inconsistent. Overall therefore, it is considered that the proposed two storey extension will not harm the special architectural or historic interest of the building or the group value of the terrace and will preserve the character and appearance of this part of the conservation area. Given these circumstances the proposed extension is considered acceptable in principle.

The proposed basement storey is positioned to the rear of the site beneath the courtyard and part of the footprint of the main building. The excavation in this area will not affect the historic vaults or any fabric of interest. The historic hierarchy and plan form of this post- war building makes a limited contribution to its special interest. It is therefore considered that the proposal to excavate another level beneath the rear courtyard will not adversely affect the significance of the listed building. Neighbours have objected to the potential structural implications for neighbouring listed buildings, but this matter will be dealt with by the Council's Building Control officers and is not a planning consideration.

Internally, alterations are proposed throughout, including reorganisation of the internal plan form with new door openings proposed. The proposed alterations will only affect modern fabric which is not of interest. The internal alterations are therefore considered uncontentious in listed building terms.

The local amenity society have objected to the application on the basis that the detailed design is inappropriate. Following negotiations, the drawings have been amended in response to these comments to clarify that a stock brick to match the existing adjacent properties is to be used for the rear wall. The imposition of a condition to secure a sample brick panel is recommended to ensure the materials relate sensitively to the palette of the mews. The design of the rear solid door originally proposed has also been amended to match the existing adjacent example, with a brick arch detail above. It is therefore considered that these comments have been addressed.

The local amenity society and neighbours have also objected on the grounds that the proposed rear wall lacks animation. However, the solid to void ratio of the new wall is typical of the rear boundary walls in this mews, where the size of window and door openings are small. Given that the design of the door opening has been amended to match the adjacent example, it is considered that the proposed design for the rear wall is not uncharacteristic of this part of the mews and these objections cannot be supported.

Overall, the revised scheme is considered compliant with DES 5, DES 9 and DES 10 of the Council's UDP and will preserve the special interest of the listed building and the character and appearance of this part of the conservation area subject to relevant conditions.

7.3 Residential Amenity

The party walls with the neighbouring properties to the north and south are retained at the existing height, with the proposed extension at lower ground and ground floor levels fully contained behind the party walls. The party wall with the neighbouring property to the north is higher towards the main rear walls of the properties than it is closest to the mews. The proposal includes a skylight over a stair adjacent to the lower section of the wall to ensure that the party wall does not need to be increased in height and will not impact upon the neighbouring property. It is proposed the front elevation to Gloucester Place Mews would be raised to be slightly higher than the existing wooden fence to match the existing height of the neighbouring wall on the property to the south.

Sunlight and Daylight

Objections have been received to the application concerned that the proposal will result in a loss of daylight and sunlight to the residential maisonette at lower ground and ground floor levels within the adjoining building to the north (5 Montagu Square). As detailed above the proposal does not include any increase in the height of the party wall between these properties and the extension behind the party wall will be completely hidden from the lower ground floor windows of this property. The only part of the proposal which could be partially visible is the very top of the new wall fronting the mews.

A letter has been received as part of the objection from the occupier within 5 Montagu Square from a rights to light consultant, commenting on the impact of the proposal on the levels of daylight and sunlight that the bedroom windows at lower ground floor level will receive. It would appear from the letter that the application has been misinterpreted, as it seems to imply that there is an increase in the height of the party wall between the two properties. This is not the case and as detailed above only a small section of the end wall would be visible from part of the lower ground floor. It is not considered that this would have any material impact on the levels of daylight and sunlight received by neighbouring properties and in this instance it is not considered necessary for the applicant to submit their own daylight and sunlight assessment for the proposal. Taking into account the built form of the proposal and the lack of visibility from neighbouring properties, consent could not be reasonably withheld on these grounds.

Sense of Enclosure

The proposal will not result in an increased sense of enclosure to neighbouring properties as the extensions are contained within the area behind the party walls. The proposal is therefore considered to comply with the requirements of Policies ENV12 of the UDP and S29 of the City Plan.

7.4 Transportation/Parking

The existing property includes a garage car parking space accessed off Gloucester Place Mews. No conditions have been applied to any previous planning consent relating to the property seeking the retention of the garage for the parking of motor vehicles. Therefore it would not constitute development to utilise the garage as part

of the residential accommodation. Whilst the Highways Planning Manager has objected to the proposal on the basis of the loss of the off-street car parking, the application cannot be reasonably refused on these grounds as there is no specific condition seeking its retention for this purpose.

No cycle parking has been shown on the submitted drawings, and it is considered that if the occupiers wished to have a bike they could store it within the property, as it has direct ground floor access to the mews. It is not considered necessary to condition drawings to show space for cycles within the property considering this application is for the extension of an existing dwelling and would not result in an increase in the number of residential units.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

No changes are proposed to the existing access arrangements for the property.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Suitable waste and recycling storage were no indicated on the submitted drawings and therefore a condition is included requiring the submission of revised drawings to show the appropriate storage facilities.

Biodiversity

An objection has been received to the application on the grounds that the proposed green roof will not provide the same biodiversity benefits as the existing vegetation. However, the existing vegetation is mainly in containers and small planting areas and could be removed by the occupier should they wish. The green roof area will be conditioned to be provided and maintained as part of any permission and therefore will provide sustained biodiversity benefits. Permission could not be reasonably withheld on these grounds. An informative had been included to advise the applicant that the green roof should be an intensive green roof as opposed to sedum due to the increased biodiversity benefits this affords.

Amenity Space

The local amenity society has objected to the 'near total' loss of the outdoor amenity space for the applicant's flat. The proposal would retain a small courtyard within the new lightwell, and also the front basement lightwell, as outdoor amenity space. There is no specific policy requirement for residential units to provide external amenity space and the proposed flat will provide satisfactory accommodation. Arguably, it is also the applicant's decision to replace the external terraces for improved internal accommodation.

Other

A number of informatives have been requested by Thames Water with regard water pressure, the installation of non-return valves and the process for relocation of any Thames Water pipes. These informatives have been included as requested.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

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

7.11 Other Issues

An objector has commented on the lack of prior discussion between the applicant and themselves with regard the submission of the application. Whilst discussions between the parties could have been useful in alleviating some of the concerns raised it is not a requirement and the City Council has carried out all required consultation on the application. The objection on these grounds is not therefore sustainable.

Basement

The proposal includes the excavation of a new basement level under part of the existing courtyard area and part of the main property to provide a new bedroom, utility room and store. As the proposal includes the excavation of a new basement area the application must be considered against Policy CM28.1 of the City Plan.

As the site is a residential building, Parts A, B and C of the policy are all applicable. The applicant is required to demonstrate account has been taken of the site-specific conditions, drainage and water environment of the area. A structural methodology statement and flood risk assessment are required and the applicant is required to confirm (by submitting a signed 'proforma Appendix A') that they will comply with the City Council's Code of Construction Practice. Additionally, the basement excavation must not affect the structural stability of the existing or nearby buildings, or exacerbate flood risk, and must minimise the construction impact of the development and safeguard archaeological deposits.

To accord with Part B of the policy, appropriate landscaping should be provided (where necessary). The scheme should not result in the loss of trees, must employ energy efficient measures and sustainable drainage measures, must protect the character of the building and garden, safeguard heritage assets and be protected from sewer flooding. Part C of the policy also stipulates that the basement cannot extend beneath more than 50% of the garden and, where the distance from the building to the site boundary is less than 8m, the basement can only extend 4m in that direction. It also states that basement excavation should 'not involve the excavation of more than one storey below the lowest original floor level 'unless in exceptional circumstances '. The garden area is defined within the City Plan as being 'the site area excluding the footprint of the original building'.

The submitted structural methodology statement has been reviewed by the Building Control Officer who has confirmed they are satisfied with the information provided. They also confirm that the likelihood of local flooding or adverse effects on the water tables are negligible. Objections have been received concerned about the structural implications of the proposal for the building and neighbouring properties. However,

the submitted information is considered to demonstrate that the proposed construction methodology is acceptable.

The applicants have also confirmed they will sign up to the City Council's Code of Construction Practice to mitigate construction impacts upon the highway and amenity within the vicinity. The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. A condition is proposed to secure this commitment.

The City Council has adopted a Supplementary Planning Document which relates to basement extensions in Westminster. This identifies areas of the borough as being more susceptible to surface water flooding and where applications for basements will need to be accompanied by additional information relating to rainwater infiltration. As this site is located outside of the identified 'Surface Water Risk Hotspots' no further information is required with regard this issue.

The property is located outside of the Areas of Special Archaeological Priority as designated by Historic England and the impact of the basement upon the heritage asset is addressed above in section 7.2 above and has been considered acceptable.

The 'garden' area of the property including the area within the front basement lightwell and the courtyard area to the rear currently measures 25.3m² whilst with the basement the retained 'garden' area would be 13.2m² which is over 50% of the garden area being retained as such. The proposed basement does not extend over 4m from the rear elevation of the property and as detailed would not extend over more than 50% of the length of the garden.

Whilst objections have been received to the loss of 'trees' resulting from the development, the existing foliage on the site is within pots / containers or small planting areas and none of the vegetation could be described as actually being a tree, therefore the loss is considered compliant with the policy.

In view of the above, the proposed excavation of the new basement level in the proposal is therefore considered compliant with the relevant requirements of Policy CM28.1 of the City Plan.

Construction impact

Concerns have been raised by neighbouring occupiers with regard potential disruption and disturbance during building works. As detailed above, the applicants have agreed to sign up to the Code of Construction Practice which will be monitored by the Environmental Inspectorate. This will ensure all appropriate measures are included to deal with construction vehicle movements, dust, and cleaning of the highway. This will also ensure that no construction vehicles block access to any surrounding properties during the construction process. With these controls in place it is not considered the objections on these grounds could be supported. The standard building hours' condition is also recommended to safeguard residents' amenity.

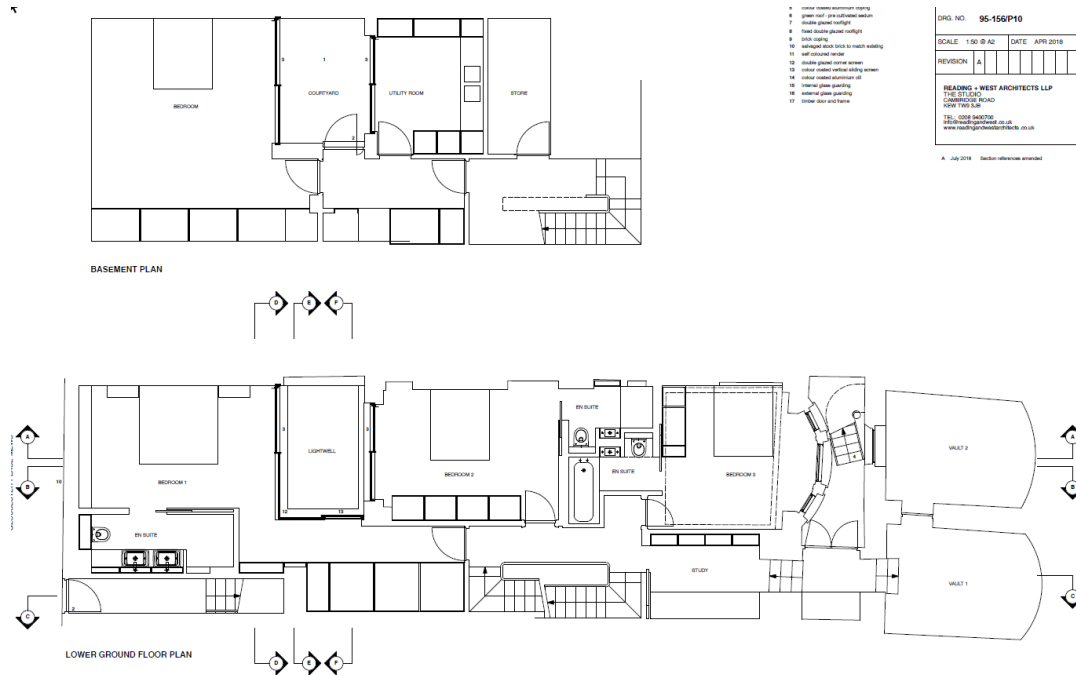
(Please note: All the application drawings and other relevant documents and Background

Papers are available to view on the Council's website)

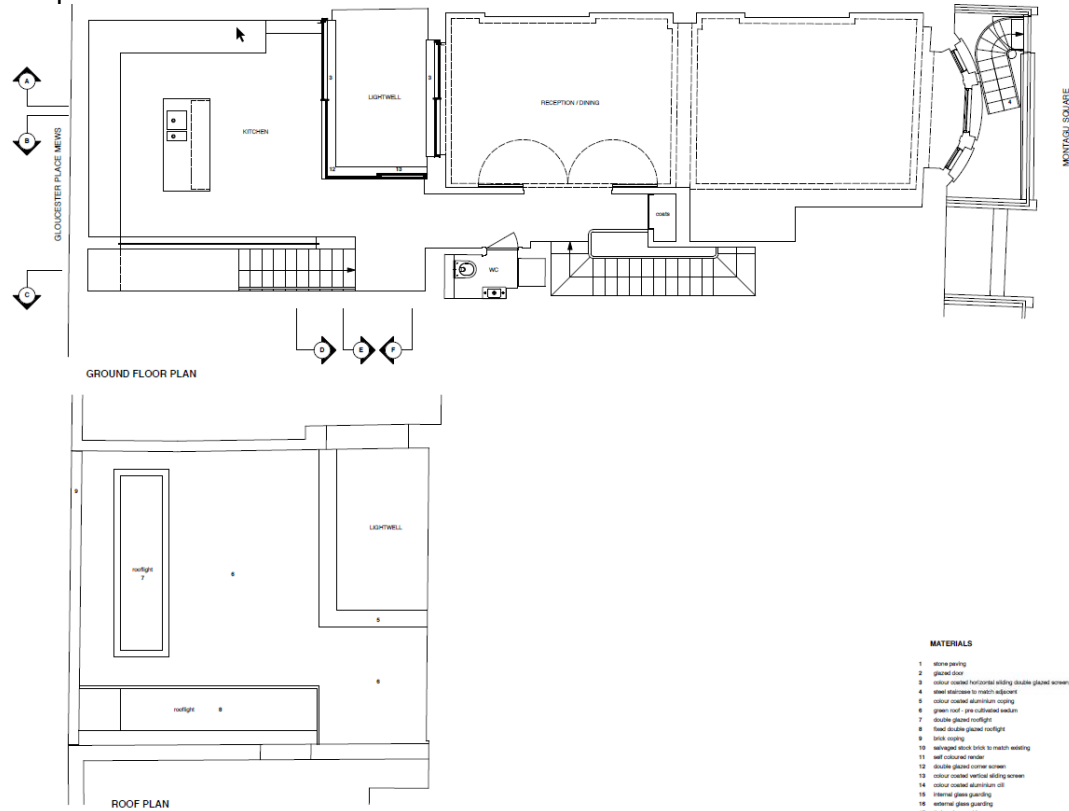
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING
OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

8. KEY DRAWINGS

Proposed Basement and Lower Ground:



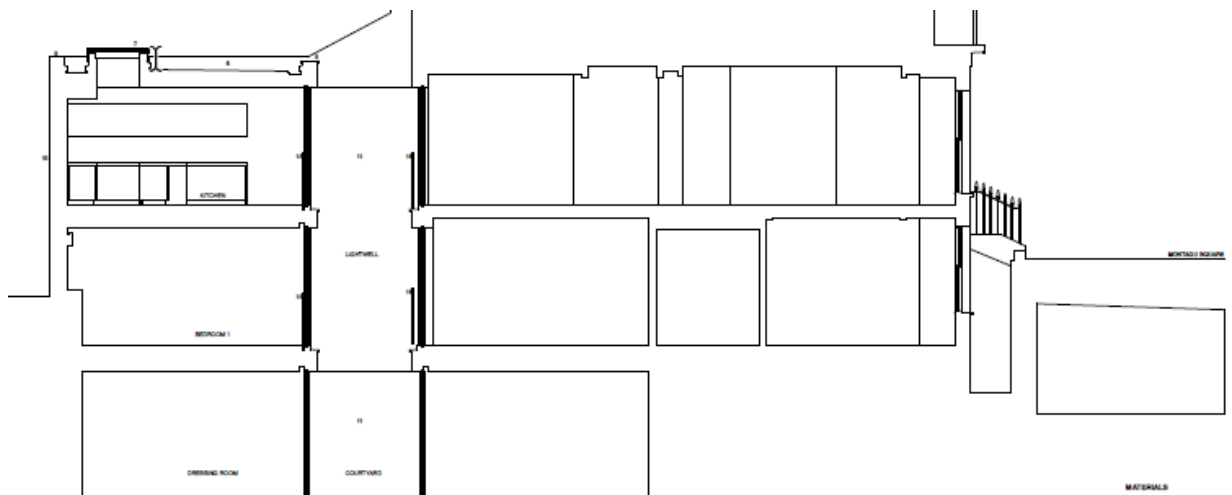
Proposed Ground and Roof:



Proposed Gloucester Place Mews Elevation:



Proposed Section:



MATERIALS

1. stone masonry
2. plaster
3. brick masonry (external walls) to match existing
4. brick masonry (internal walls)
5. brick masonry (external walls)
6. brick masonry (internal walls)
7. brick masonry (external walls)
8. brick masonry (internal walls)

DRAFT DECISION LETTER

Address: 11 Gloucester Place Mews, London, W1U 8BA

Proposal: Erection of a two storey rear extension and excavation of a new basement for use in association with the existing residential unit with associated internal alterations.

Reference: 18/03277/FULL

Plan Nos: Ground Investigation and Basement Impact Assessment (March 2018), Ground and Water Desktop Study (March 2018), Structural Methodology Statement (13.04.2018), Drawings: 95-156/P11 RevA, 95-196P10 RevA, 95-156/P13, 95-156/P14 RevA, 95-156/P15 RevA, 95-156/P16 RevA, 95-156/P17 RevA, 95-156/P18 RevA, 95-156/P19.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation

Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:
1. New external windows and doors (1:20 and 1:5),
 2. Rooflights (1:20 and 1:5),

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

Reason:

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

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 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)

- 8 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

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

Reason:

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

Informative(s):

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

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

- 2 You are advised that under Condition 9 you would need to provide details of an intensive green roof as this provides additional biodiversity benefits when compared to sedum.
- 3 You are advised there may be public sewers crossing or close to the site, you are advised to read the Thames Water guide to working near or diverting relevant pipes. This can be downloaded at the following link: www.developers.thameswater.co.uk/developing-a-large-site/planning-your-development/working-near-or-diverting-our-pipes
- 4 You are advised to install a non-return valve or other suitable device to avoid the risk of backflow should the sewage network discharge to ground level during storm conditions.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging 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 020 3577 9483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on-line via www.thameswater.co.uk/wastewaterquality.
- 6 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 it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

DRAFT DECISION LETTER

- Address:** 11 Gloucester Place Mews, London, W1U 8BA
- Proposal:** Erection of a two storey rear extension and excavation of a new basement with associated internal alterations.
- Reference:** 18/03278/LBC
- Plan Nos:** Ground Investigation and Basement Impact Assessment (March 2018), Ground and Water Desktop Study (March 2018), Structural Methodology Statement (13.04.2018), Drawings: 95-156/P11 RevA, 95-196P10 RevA, 95-156/P13, 95-156/P14 RevA, 95-156/P15 RevA, 95-156/P16 RevA, 95-156/P17 RevA, 95-156/P18 RevA, 95-156/P19.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:

1. New external windows and doors (1:20 and 1:5),
2. Rooflights (1:20 and 1:5),

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

Reason:

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

- 7 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including

paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: , ,
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Print Works House, Ground Floor , 83 Great Titchfield Street, London, W1W 6RH		
Proposal	Variation of Condition 10 of planning permission dated 11 October 2016 (RN: 16/05737/FULL) for the dual/alternative use of the ground floor, including new upper and lower mezzanine levels, for retail purposes (Class A1), of the basement as offices (Class B1), or use of the basement, ground and upper and lower mezzanine levels as a Pilates studio, personal training area, physiotherapy/sports massage treatment rooms and retail floorspace (sui generis); NAMELY, to permit opening of the Pilates studio, personal training area, physiotherapy/sports massage treatment rooms and retail area between 06.00 and 21.30 hours on Monday to Friday (not including Bank Holidays and public holidays) and between 08.00 and 20.00 hours on Saturdays, Sundays, Bank Holidays and public holidays.		
Agent	Pembroke Planning		
On behalf of	Ten Pilates		
Registered Number	18/05444/FULL	Date amended/ completed	28 June 2018
Date Application Received	28 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission, subject to no new substantive issues being raised following the expiry of the consultation period on 21st September 2018.

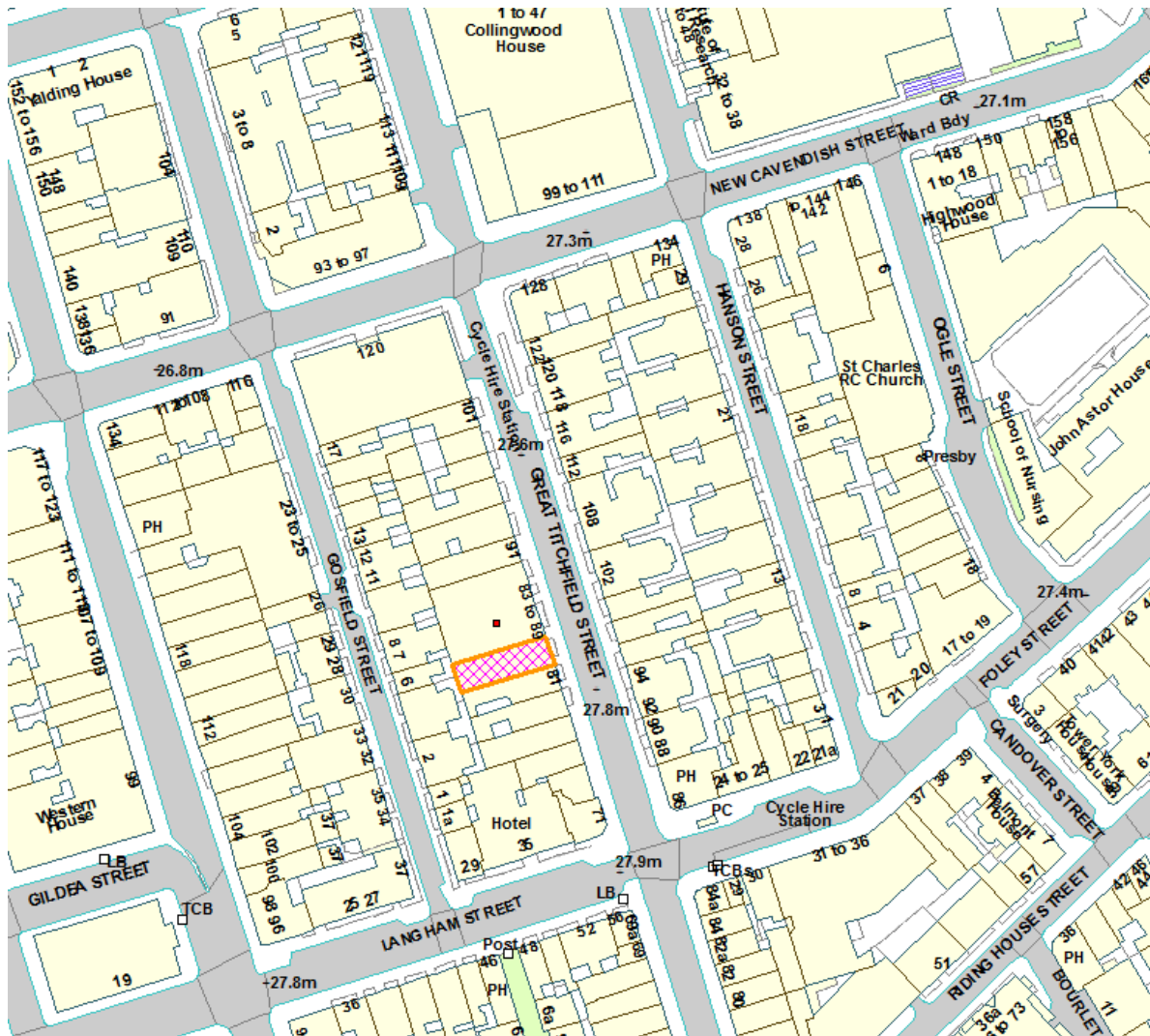
2. SUMMARY

Permission was granted in October 2016 for the dual/alternative use of the lower floors of the application premises as basement offices and a retail shop or as a Pilates studio, personal training area, physiotherapy/sports massage treatment rooms and retail floorspace (sui generis). A condition limits the Pilates studio opening hours to between 06.00 and 20.00 hours on Monday to Friday, 08.00 and 18.00 hours on Saturdays and to between 08.00 and 20.00 hours on Sundays, bank holidays and public holidays. Permission is now sought to increase the premises opening hours until 21.30

hours on Monday to Friday and until 20.00 on Saturdays, to enable an additional evening class to take place on these days.

One neighbour objection has been received on the grounds that the extension of operating hours would adversely affect neighbours' privacy and result in increased noise disturbance. However, there is no suggestion that the existing operation has caused any problems and there is no record of any complaints having been received. Given the nature of the use, it is not considered that the extension of opening hours would result in a loss of residential amenity and the application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

ENVIRONMENTAL HEALTH

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 103

One letter of objection on the following grounds:

- * Use is inappropriate in a residential area
- * Increased noise disturbance
- * Loss of privacy to neighbouring residents

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building, comprising basement, ground and four upper floors, located in the East Marylebone Conservation Area, outside of the Core Central Activities Zone. This site is not located on a Named Street or a designated Shopping Centre.

The lower floors are currently occupied as a basement level Pilates studio (70 sqm), retail floorspace at ground floor level (58.5 sqm) and two sports massage/ physiotherapy rooms (total 30 sqm) and a treatment/personal training room (30 sqm) on the mezzanine levels. Changing rooms and showers are provided within the basement. The applicants have advised that this use commenced in May 2017.

The premises are operated by Ten Pilates. Information provided in support of the original application confirmed that ten members of staff would be employed. The company runs several other studios in Westminster. Services are provided on a pay-as-you-go basis, with no membership or joining fees. The premises sells fitness products, such as sports-wear and nutritional products. These goods are displayed in the ground floor shop. Access to the pilates studio and treatment rooms is at the rear of the shop unit. There are secondary access points for use in the case of emergency.

There are residential flats on the first to fourth floors of the application premises, on the upper floors of neighbouring buildings at 79, 81 and 87 Great Titchfield Street) and opposite, at nos. 90-102. There are also numerous flat flats at the rear of the site at nos. 2, 4, 6 and 7-8 Gosfield Street.

This part of East Marylebone is characterised by a mixture of commercial and residential uses however, to the north of Foley Street the street is largely characterised by residential

and office uses. To the south of this junction, the mix is livelier, including numerous cafes and restaurants.

6.2 Recent Relevant History

16 June 2016: Permission granted for alterations at 83 Great Titchfield Street including the demolition and replacement of the basement and ground floor rear extensions to the ground floor retail shop (Class A1) with louvres to the pitched roof to accommodate plant located directly beneath the roof ridge; the erection of a first to third floor rear extension and replacement mansard roof extension (with plant enclosed within the rear louvered roof), including an extension over the existing fourth floor rear terrace and a glazed enclosure, accessing a new roof terrace. Use of the building as basement offices, a ground floor shop and three flats on first to fourth floors, installation of a satellite dish to fourth floor level (16/02502/FULL). Implemented.

11 October 2016: Permission granted for the dual/alternative use of the ground floor, including new upper and lower mezzanine levels, for retail purposes (Class A1) and the use of the basement as offices (Class B1) or use of the basement, ground and upper and lower mezzanine levels as a Pilates studio, personal training area, physiotherapy/sports massage treatment rooms and retail floorspace (sui generis) (16/05737/FULL). Whichever use is in existence ten years after the expiry of this permission would become the lawful use.

Condition 10 of this permission limits the hours of use of the Pilates studio, personal training area, physiotherapy/sports massage treatment rooms and retail floorspace to between 06.00 hours and 20.00 hours on Monday to Friday (not including Bank Holidays and public holidays), to between 08.00 and 18.00 hours on Saturdays and to between 08.00 and 20.00 hours on Sundays, Bank Holidays and public holidays. These were the opening hours originally sought by the applicants.

This permission was also the subject of conditions requiring the submission of acoustic reports to demonstrate that:

- i) acceptable noise levels could be achieved within neighbouring residential properties (Condition 5) and
- ii) that the operation of the plant would accord with Council standards (Condition 9).

These details were approved on 30 August 2018 (18/06944/ADFULL). The hours of plant operation were not controlled by condition.

7 THE PROPOSAL

This application seeks to vary condition 10 of the existing permission to allow the Pilates studio use to open:

- i) between 06.00 and 21.30 hours on Monday to Friday (not including Bank Holidays and public holidays) which is an extra 90 minutes later in the evening on these days than currently approved and
- ii) between 08.00 and 20.00 hours on Saturdays, Sundays, Bank Holidays and public holidays, which is an extra two hours later on Saturday evenings than currently approved.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any new land use issues. Given the scale and nature of the Pilates studio use, providing a mixture of leisure, health and medical-type functions, all of which are low key, it was previously considered that the use, which serves the resident and working populations, was acceptable in principle in land use terms.

As previously, the alternative retail (Class A1) and office uses (Class B1) are considered acceptable in land use terms.

8.2 Townscape and Design

No building alterations are proposed.

8.3 Residential Amenity

City Plan policy S29 seeks to ensure that new developments do not adversely affect the amenities of occupants of neighbouring residents. UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 requires disturbance from noise and vibration to be contained.

An objection has been received from an occupant of a flat within the neighbouring property at 87 Great Titchfield Street. This respondent states that he objected to the original application for the Pilates studio on the basis that it would represent 'the thin edge of a wedge' as the frontage between Langham Street and New Cavendish St is primarily residential in character, with the exception of the restaurant and public house at the Langham Street junction, and that other business uses keep regular office hours and generate low footfall.

The objector is concerned that the proposed extension of opening hours would create an unacceptable precedent and would affect the residents' privacy and result in increased noise disturbance at unsociable times. He states that he was assured, when the original application was submitted, that the opening hours would be restricted, as they were, and is concerned that further applications may be made for later opening hours in the future. The objector considers that 'a line should be drawn'. The previous committee report is clear that any future applications for extended opening hours would be determined upon their merits. The objector does not report any concerns relating to the existing operation and there is no record of any complaints having been made to the Council with regard to the existing use which has been operating for over a year.

All activities take place below the level of the residential flats in the adjoining properties and the ground floor shop provides a buffer to new flats on the upper floors of the application building. In submitting the original application, the applicants were keen to stress that the studio accommodates a maximum of 10 clients; that Pilates exercise involves the undertaking of slow movements to quiet music, played on a domestic music system, and that the use does not compare to a general gym use which often includes high impact

exercise to loud music. The sports massage and physiotherapy treatment services, provided on a one-to-one basis, are similarly low-key. The premises layout is restricted by condition.

The original permission was also subject to conditions requiring the submission of a supplementary noise report to demonstrate that noise levels within neighbouring flats meet acceptable limits and that the plant operation would comply with Council standards. These conditions have now been discharged. A further condition limits noise levels from any music that may be played.

The premises are accessed via the ground floor shop and a condition imposed on the original permission limits the use of secondary entrances/exits in the case of emergency only. Given the scale and nature of the use, and the limited numbers of clients visiting the premises at any one time, which is comparable with the potential numbers associated with the lawful office and retail uses, it was not previously considered that activities associated with customers and staff entering and leaving the premises would adversely affect neighbours' amenities.

The objector's concerns are noted. However, all previous operating conditions would apply and the operation of the plant and soundproofing measures appear satisfactory. In these circumstances, it is not considered that the proposed extension of opening hours until 21.30 on Monday to Friday and until 20.00 on Saturday would have a material impact upon residents' amenities and local environmental quality.

8.4 Highways

The proposal does not have any highways implications

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.6 Access

The existing site access arrangements are as previously approved.

8.7 Other UDP/Westminster Policy Considerations

Not relevant.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

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8.10 Planning Obligations

This application does not trigger any planning obligations, nor would it generate CIL payments.

8.11 Environmental Impact Assessment

The scheme does not require the submission of an Environmental Impact assessment.

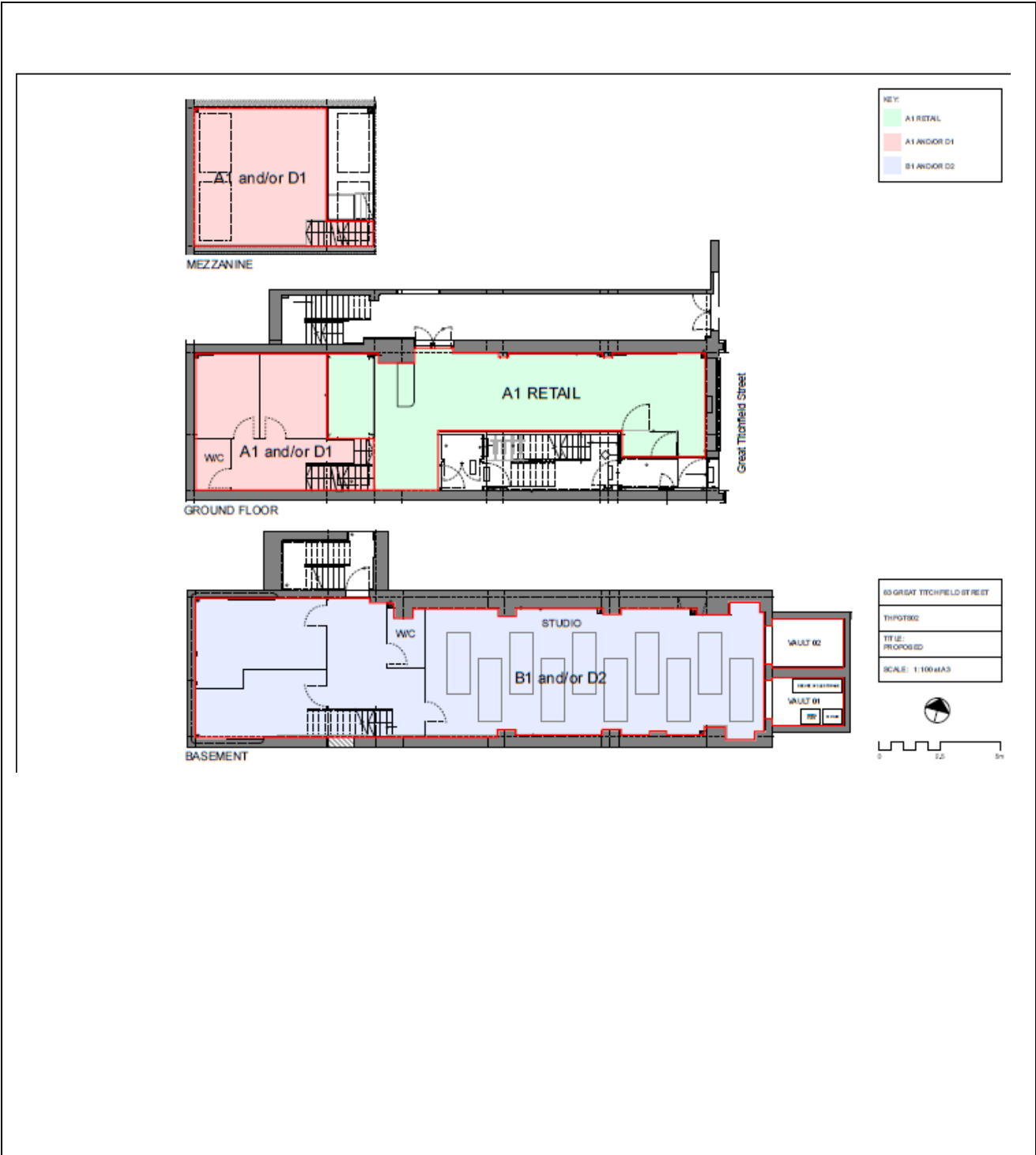
8.12 Other Issues

None relevant

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk</p>
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9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Print Works House, Ground Floor , 83 Great Titchfield Street, London, W1W 6RH

Proposal: Variation of condition 10 of planning permission dated 11 October 2016 (RN: 16/05737/FULL) for the dual/alternative use of the ground floor, including new upper and lower mezzanine levels, for retail purposes (Class A1) and the use of the basement as offices (Class B1) or use of the basement, ground and upper and lower mezzanine levels as a Pilates studio, personal training area, physiotherapy/sports massage treatment rooms and retail floorspace (sui generis) NAMELY to permit opening of the Pilates studio, personal training area, physiotherapy/sports massage treatment rooms and retail floorspace between 06.00 and 21.30 hours on Monday to Friday (not including Bank Holidays and public holidays) and between 08.00 and 20.00 hours on Saturdays, Sundays, Bank Holidays and public holidays.

Reference: 18/05444/FULL

Plan Nos: 18/05444/FULL
THFGTS02 (PROPOSED)

18/06944/ADFULL:
Drawing titled "Acoustic Beams Typical Arrangement" Rev. A ;
Acoustic Design Review by SYNTEGRA dated Feb 2016 ref: 15-1467 ;
201 Rev. B ; Noise Impact Assessment by SYNTEGRA dated May 2015 ref: 15-1467;

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s)

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

Reason:

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

2 You must provide the separate stores for waste and materials for recycling shown on drawing number THFGTS02. You must clearly mark them and make them available at all times to everyone using the basement offices (Class B1), ground floor shop (Class A1), including the new upper and lower mezzanine level, or the Pilates studio, personal training, physiotherapy/sports massage treatment rooms and retail premises (sui generis). (C14FB)

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)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

4 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 of the Further Alterations to the London Plan

5 Sound insulation measures should be installed and permanently maintained in accordance with details in the acoustic report approved on 30 August 2018 under reference 18/06944/ADFULL or in accordance with details of alternative sound insulation measures submitted to and approved by the City Council as local planning authority which should ensure compliance with condition 3 of this permission.

Reason:

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

6 No waste shall be stored on the highway

Reason:

To protect the environment as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

8 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. (R48AA)

9 The plant should operate in accordance with details in the supplementary acoustic report approved on 30 August 2018 under reference 18/06944/ADFULL, demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission, or in accordance with details in an alternative supplementary acoustic report which should be submitted to and approved by the City Council as local planning authority.

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. (R51AB)

10 Customers shall not be permitted within the Pilates studio/physiotherapy treatment rooms/sports massage facility/personal training rooms/retail area (sui generis) before 0600 or after 21.30 hours on Monday to Friday (not including Bank Holidays and public holidays) and before 08.00 or after 20.00 hours on Saturdays, Sundays, Bank Holidays and public holidays. (C12BD)

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

11 All access/egress to the Pilates studio/physiotherapy treatment rooms/sports massage facility/personal training room/retail area (sui generis) shall be via the ground floor shopfront entrance and the basement and ground floor doors leading into the adjacent corridor at 85 Great Titchfield Street, shown on drawing THFGTS01 (PROPOSED) hereby approved, shall only be used in the case of emergency.

Reason:

In accordance with the submitted application and to protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

12 The layout of the Pilates studio/physiotherapy treatment rooms/sports massage facility/personal training rooms and retail area (sui generis) must be provided and permanently maintained and the premises occupied in accordance with that layout as shown on drawing THFGTS01 (PROPOSED) hereby approved.

Reason:

In accordance with the submitted application, to prevent a use that would be unacceptable because of the character and function of this part of the East Marylebone Conservation Area and to ensure the provision of a retail trading area at ground floor level. This is in line with S21 and S25 of Westminster's City Plan (July 2016) and SS8 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

13 A retail shopfront display, situated immediately behind the ground floor shop window, and which must not contain any obscured elements shall be provided and permanently maintained for all times that the ground floor is occupied as part of the Pilates studio/physiotherapy

treatment rooms/sports massage facility/personal training rooms and retail use (sui generis).

Reason:

To maintain the retail appearance of the premises as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007. (R26IA)

14 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the Pilates studio/physiotherapy treatment rooms/sports massage facility/personal training rooms and retail area (sui generis) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

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

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

(a) The location of most affected noise sensitive receptor location and the most affected window of it;

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

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level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

15 No music shall be played within the Pilates studio/physiotherapy treatment rooms/sports massage facility/personal training rooms and retail area (sui generis) use that is audible outside the premises or within neighbouring properties.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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

2 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the basement, mezzanine and ground floors can change between within the Pilates studio/physiotherapy treatment rooms/sports massage facility/personal training rooms/retail area (sui generis) or the Class A1 retail and Class B1 offices uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	3 Park Close, London, SW1X 7PQ		
Proposal	Use of an area of the public highway measuring 1.2m x 7.35m for the placing of 3 tables and 6 chairs in connection with ground floor restaurant.		
Agent	Mr Francesco Amati		
On behalf of	Same as agent		
Registered Number	18/04256/TCH	Date amended/ completed	11 July 2018
Date Application Received	22 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge Green		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to part of the public highway outside 3 Park Close, which is a restaurant named 'Osteria Romana'. The restaurant comprises the ground and basement floors and is part of an unlisted building. Park Close is a pedestrian passageway between Knightsbridge and South Carriage Drive. The site lies within the Knightsbridge Green Conservation Area. The applicant seeks planning permission for the use of part of public highway for the placing of three tables and six chairs in connection with the restaurant.

The key issues are:

- * the impact on neighbouring residential amenity; and
- * the impact on pedestrian safety.

On 30 November 2017 and 15 May 2018, the City Council refused permission for the use of part of the public highway for the placing of six tables and 12 chairs on the grounds the use would result in unacceptable noise disturbance to nearby residents. These applications sought permission to use the area between 09:00 and 22:00 hours each day.

The current application reduces the number of proposed tables and chairs to three and six respectively, halving the number of seats. The applicant has also reduced the proposed hours of use to between 12:00 and 17:00 hours each day.

Eight objections have been received from neighbouring residents, and those who represent them, primarily on the grounds the proposal would harm residential amenity and would obstruct the footway.

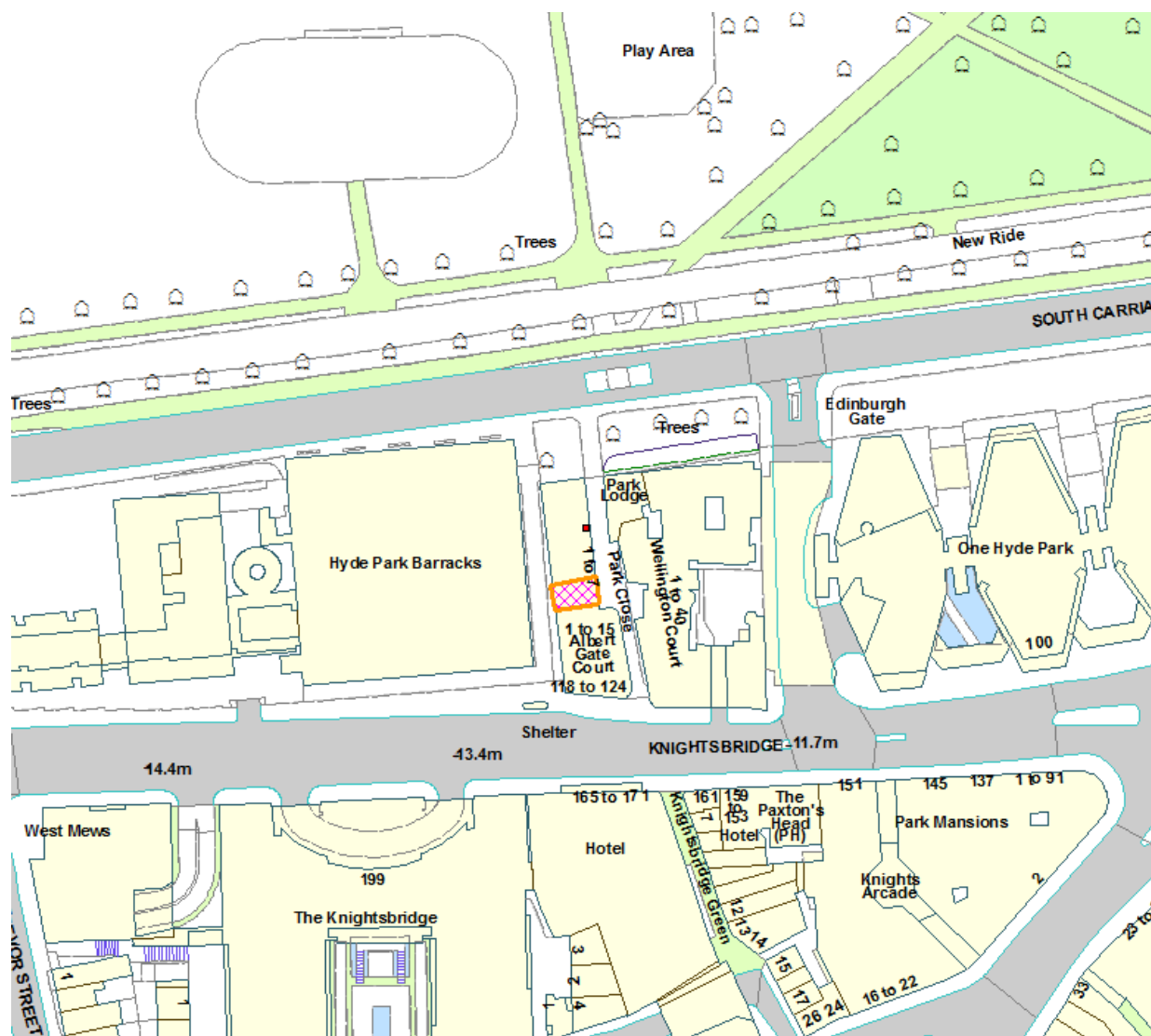
The Westminster Way Public Realm Strategy (2011) stipulates that proposals for outdoor seating should maintain a minimum clearance of 2 metres from the edge of the seating area to the limit of the pavement, and in pedestrianised streets half of the footway width should remain clear of any items (a maximum of 25% is allowed on each side). In this case, the footway is 6m wide outside 3 Park Close and the proposed tables and chairs area would be 1.2m deep, taking up 20% of the footway and reducing the clearway to 4.8m. This complies with the Westminster Way and allows sufficient space for a two-way flow of pedestrians. The Highway Planning Manager raises no objection.

The nearest residents live above the existing restaurant within Albert Gate Court and opposite within Wellington Court. Compared to the refused proposals, this application significantly reduces the number of patrons that could sit outside and the applicant has significantly curtailed the proposed hours of use, as outlined above. The continued concerns raised by neighbours regarding noise disturbance despite these changes is understood, particularly given the passageway is narrow. On balance however, given only six patrons would be able to dine outside at any one time and given the limited hours they would there, it is not considered that the proposal would create an increase in noise disturbance by a degree that would justify refusal. A condition is recommended to ensure the use be limited to a temporary one year period. This would allow the circumstances to be reviewed in future. The hours of use are also to be ensured by condition.

Objectors have raised concern that items would be left out in the passageway and therefore obstruct it, including in the event of an emergency. A condition is recommended to ensure the applicant puts the tables and chairs inside when not in use which would prevent this. Concern is also raised regarding smoking. Whilst diners may be able to smoke, it is unlikely to create such a nuisance or impact on air quality to be sufficient to justify refusing permission. Further concern is raised regarding waste storage and cleansing. The proposal would not alter the refuse arrangements of the restaurant and the external tables and tables would be serviced in the same manner as the internal covers. The Cleansing Manager has raised no objection to the proposal.

In design terms, the proposed furniture is considered acceptable in appearance and will not harm the character and appearance of the Albert Gate Conservation Area.

For the above reasons, the proposal is considered to comply with Westminster Way requirements and is accordance with Policy S41 of Westminster's City Plan, TRANS 3, ENV 6, ENV 13, DES 7, DES 9, TACE 11 of the Unitary Development Plan and the Tables and Chairs SPG.



4. PHOTOGRAPHS

View of passageway, with resturant to the left side of photograph

5. CONSULTATIONS

KNIGHTSBRIGE ASSOCIATION:

The reduction in both the number of tables & chairs and applied for hours are welcome and were contentious issues in former applications. We have some reservations regarding noise due to the canyon effect of the location. However, should this application be granted we would ask that it be kept under review.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

CLEANSING MANGER:

No objection. A condition should be attached to ensure the tables and chairs are stored within the premises.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 8 (objections)

8 letters of representation have been received raising the following concerns:

Amenity:

- Harm to residential amenity by way of noise disturbance, smoke and smells in a residential area;

Design:

- Harm to the character and appearance of the area;

Highway and Cleansing:

- Obstruction of footpath harming pedestrians and emergency services;
- Not clear where the tables and chairs would be stored;
- Would result in litter;

Other:

- Patrons would smoke outside and would congregate further along Park Close extending the restaurant area; and
- No mention of where the tables and chairs would be stored, and patrons may sit in them when the restaurant is closed;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.1 Recent Relevant History

On 7 November 2017, the City Council started a planning enforcement investigation into a report that tables and chairs were being put out in breach of planning control. The case was subsequently closed as the use had ceased.

Item No.
3

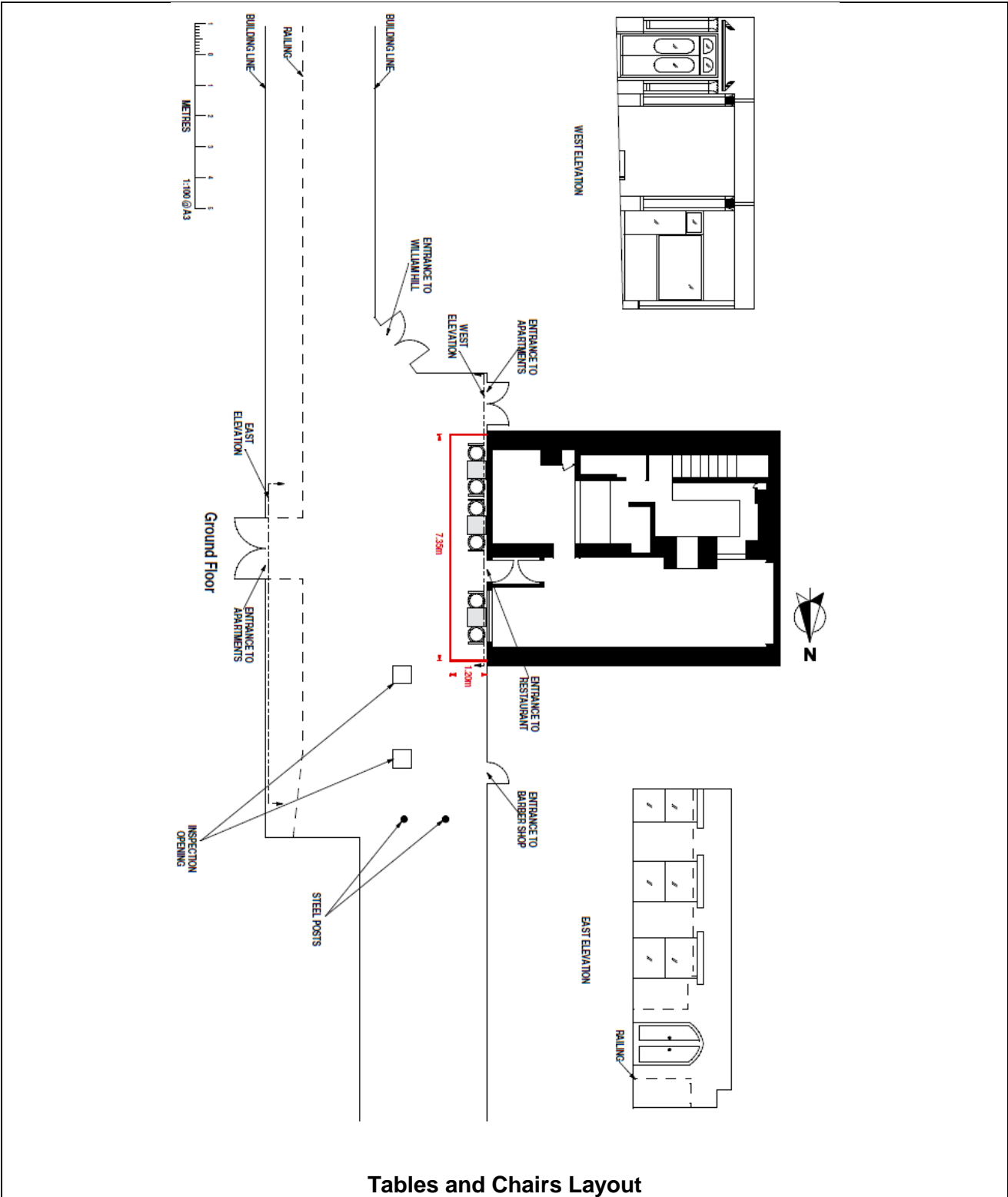
On 30 November 2017, the City Council refused permission for the use of an area of the public highway measuring 2000mm x 7357mm for the placing of six tables and 12 chairs, four planters in connection with ground floor restaurant use, on the grounds the use would result in unacceptable noise disturbance to nearby residents. (RN: 17/07485/TCH)

On 15 May 2018, the City Council refused permission for the use of an area of the public highway measuring 2.0m x 7.35m for the placing of six tables and 12 chairs, four planters in connection with ground floor restaurant use (hours of use from 12.00 to 20.00 daily), on the grounds the use would result in unacceptable noise disturbance to nearby residents. (RN: 18/02281/TCH)

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk</p>
--

6. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 3 Park Close, London, SW1X 7PQ

Proposal: Use of an area of the public highway measuring 2.0m x 7.35m for the placing of 3 tables and 6 chairs, four planters in connection with ground floor restaurant use.

Reference: 18/04256/TCH

Plan Nos: Location Plan; Osteria Romana Tables and Chairs Layout received 07.09.18; 125-PL-B-00 rev: B; Photographs of Tables and Chairs.

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641 2858

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 'Osteria Romana Tables and Chairs Layout received 07.09.18'. (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 You can only put the tables and chairs on the pavement between 12.00 and 17.00 hours each day.

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. (R25BD)

- 4 The tables and chairs must only be used by customers of the restaurant at 3 Park Close SW1X 7PQ. (C25CA)

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 This use of the pavement may continue until 30 September 2019. 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.

- 6 You can only put out on the pavement the tables and chairs shown on drawing 'Osteria Romana Tables and Chairs Layout received 07.09.18'. 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. (R25EA)

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)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	73 Eccleston Square Mews, London, SW1V 1QN		
Proposal	Erection of a mansard roof extension to provide additional residential accommodation, and alterations to existing facades.		
Agent	Studio-Q Developments Ltd		
On behalf of	As above		
Registered Number	18/05907/FULL	Date amended/ completed	31 August 2018
Date Application Received	12 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

73 Eccleston Square Mews is an unlisted mews building located within the Pimlico Conservation Area. The applicant seeks permission for the erection of a mansard roof extension to provide additional residential accommodation, and alterations to the existing facades.

The main issues for consideration are:

- the impact of the proposed development on the character and appearance of the building and the Pimlico Conservation Area; and
- the impact on the amenity of neighbouring residents.

The applicant has revised the scheme since submission to reduce the size of the extension. In this revised form, the application addresses the reason Planning Sub-Committee refused a larger extension in February 2018. The proposed extension is also comparable in size to a roof extension approved in December 1992. As such, the application accords with the relevant policies within Westminster's Unitary Development Plan adopted in January 2007 (UDP) and Westminster's City Plan adopted in November 2016 (City Plan). Therefore, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Front Elevation from Mews



View of Front and Roofscape Showing Adjoining Mansard Extensions

5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of objections: 4 (from two individuals)

Objections from neighbouring residents on all or some of the following summarised grounds:

- Harm to residential amenity given the proximity of the proposed extension to their windows, particularly in terms of loss of light and increased sense of enclosure;
- Loss of privacy; and
- The extension should be set back further from 26C.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

73 Eccleston Square Mews is an unlisted mews building located within the Pimlico Conservation Area. It makes a positive contribution to the character and appearance of the conservation area, and is identified in the Pimlico Conservation Area Audit as an 'unlisted building of merit'.

The application site is unusual, the side elevation adjoins two buildings on Belgrave Road, both of which have mansard roof extensions with windows looking over the roof of 73 Eccleston Square Mews. These windows are to 26C and 26D Belgrave Road.

6.2 Recent Relevant History

On 13 February 2018, the City Council refused planning permission for the erection of a mansard roof extension to provide additional residential accommodation, and alterations to the existing facades, on the grounds the roof extension was unneighbourly given how close it was to a window at 26D Belgrave Road. The applicant subsequently made an appeal and the Planning Inspectorate dismissed this on 4 May 2018.

On 25 July 2016, the City Council issued a Certificate of Lawful Development for the excavation of a new single-storey basement extension entirely within the footprint of the original house, installation of a new relocated front door and two new windows into the front facade.

On 17 December 1992, the City Council granted planning permission for the erection of a mansard roof extension and alterations to the façade. The applicant reports the façade alterations were implemented, and therefore they could argue that they could lawfully construct the mansard in perpetuity.

7. THE PROPOSAL

The applicant seeks permission for the erection of a mansard roof extension to provide additional residential accommodation, and alterations to the existing facades. The proposed roof form is a mansard to front and rear, with a sheer section facing the gap to Belgrave Road. The alterations to the front façade include the replacement of the front door and garage doors with a relocated front door and a new window at ground floor and two replacement windows at first floor. The alterations to the rear façade include the replacement of two ground floor windows.

The applicant has revised the application since submission to set the extension back from the rear elevation to ensure that it is not in front of a dining room window at 26D Belgrave Road. This would be in line with the extension approved in 1992.

The proposal would increase residential floorspace, which is summarised below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C3 (residential)	138	175.3	37.3

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application property is a single family dwellinghouse and the additional residential floorspace created would enlarge it. This would raise no land use implications.

8.2 Townscape and Design

Roof Extension

The Pimlico Conservation Area Audit suggests 73 Eccleston Square Mews may be a building suitable for a roof extension. The majority of the buildings on this mews exhibit a roof extension and in 1992, the City Council approved a roof extension to this building that the applicant did not construct.

The proposed roof form is a mansard to front and rear, with a sheer section facing the gap to Belgrave Road. This is an unconventional roof form, but one that would not be apparent except in views from the upper storeys of the Eccleston Square buildings. The roof would read as a conventional one in all street level views.

Viewed from Belgrave Road, the additional sheer section of the roof extension would fill the gap between the buildings on Belgrave Road, albeit set back to the depth of those buildings. The sheer storey would not harm the character of the conservation area. The gap is not a 'Pimlico gap' as described in the Pimlico Design Guide and Audit and so infilling it would be acceptable.

Viewed from Eccleston Square Mews the appearance of the mansard from the front would be conventional; all the other buildings on the north side of this part of the mews have similar roof extensions.

The roof extension would also be apparent from views from the rear where it will increase the apparent height of the building. However, as it is comparable to other roof extensions and of a mansard design, it is considered that the increase is within an acceptable range.

For these reasons, the proposals are considered to comply with policies S25 and S28 of the City Plan and DES 1, DES 6 and DES 9 of the UDP. To ensure an acceptable detailed design, conditions are recommended to ensure details of materials, finishes and the detailed design of the extension and alterations.

Façade Alterations

The changes to the door and windows on the front elevation are undesirable. The Council’s ‘Mews – A Guide to Alterations’ states the simplicity of mews houses is one of their great attractions, and alterations to mimic small-scale town houses will often be opposed. The proposed door surround is considerably grander than one would expect in a mews building. In addition, the existing modest garage doors and sash window with apron make a positive contribution to the appearance of the building and the area.

However, the changes to the doors and window would be permitted development, and would not therefore require planning permission to implement. A Certificate of Lawful Development has recently been issued which confirms similar alterations are permitted development. It would therefore be unreasonable to refuse permission for the façade changes in the current application on design grounds.

8.3 Residential Amenity

Numerous residential properties are located in close proximity to the application site, most notably 26C and 26D Belgrave Road adjoin to the north-east and are orientated perpendicularly to the application site. Two of their roof level rear windows look over the roof of 73 Eccleston Square Mews. Immediately to the rear is 73 Eccleston Square, which is split into residential flats, and to the front across the mews is the rear of 26B Belgrave Road.

Objections have been received from adjoining residential occupiers at 26D and 26C Belgrave Road on the grounds of harm to their amenity. They consider the proximity of the proposed extension to their window would worsen the enjoyment of their property, particularly in terms of loss of light, increased sense of enclosure and loss of privacy.

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

Sunlight and Daylight

The applicant has carried out an assessment of adjoining properties based on the methodologies laid down in the Building Research Establishment (BRE) guide “Site Layout

Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. The BRE guide does not require the assessment of non-habitable rooms, such as bathrooms.

The applicant's assessment relates to 26C and 26D Belgrave Road and 73 Eccleston Square (the property to the front, on the opposing side of the mews, has no windows that face the site).

26D Belgrave Road

From an objector's window at 26D Belgrave Road the extension would no longer be in front of the dining room window. Part of the proposed extension would also be immediately adjacent to this window, but this would not result in a harmful loss of light because the room affected also enjoys three other windows and benefits from a rooflight. This room would remain well lit therefore.

26C Belgrave Road

26C Belgrave Road also has a window that looks over the roof of the application site, and the resident there has objected to the proposal on the grounds of loss of light. This window serves a bathroom, and the extension would be in front of this window but set back and sloped away. As this window serves a non-habitable room, the BRE guide's methodologies would not apply - the loss of light to a bathroom would not be a sustainable reason to refuse planning permission, and the Planning Inspectorate concurred with this conclusion in the recent appeal decision.

73 Eccleston Square

With regards to 73 Eccleston Square, the applicant has identified two sets of glazed doors at garden level, and a window at first floor, where the BRE guide suggests further analysis is required as the development would be within the 25 degree line from these window and doors. The assessment the applicant conducted for daylight values is the 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The applicant's analysis confirms the development would not breach this criteria. The maximum loss is 6.3%. There would be no noticeable loss of daylight therefore. The rear windows to this building are not within 90 degrees of due south and so would not suffer from a noticeable loss of sunlight.

Sense of Enclosure

26D Belgrave Road

Given the unusual site layout, the main implication of the proposal is the impact on a sense of enclosure for residents living at 26D Belgrave Road. This is because the proposed extension would be in close proximity to one of its windows that serves the principle living area of that dwelling.

On 17 December 1992, the City Council granted planning permission for a roof extension. Originally, that application had proposed an extension that would have occupied the entire roof of the mews. The situation with the Belgrave Road properties windows looking over the roof was extant at that time, and objections were received from the occupiers of 26D Belgrave Road on the grounds it would obstruct their window. The applicant revised the design of the roof extension to address this - the extension was set back 2.4 metres from the rear elevation to avoid being directly in front of the window at 26D Belgrave Road and it was set back and sloped away from the affected window at 26C Belgrave Road. In this form, Planning Committee considered the proposal was acceptable and granted permission.

On 13 February 2018, the City Council refused planning permission for a larger roof extension on the grounds it would unacceptably enclose those at 26D Belgrave Road. That application proposed a larger extension that would have been in front of a window at 26D Belgrave Road. The applicant appealed that decision and the Planning Inspectorate dismissed the appeal, stating the following:

“Notwithstanding the light and aspect afforded by other windows to the living room, the proposal would have an overbearing effect and would significantly increase the sense of enclosure from within the room. It would be an unneighbourly form of development by reason of its bulk and proximity. There would be a material change compared with the present outlook from the window that would have a substantial effect on the residential environment within the room.”

With regards to the current application, it originally proposed an extension that would have still been in front of 26D Belgrave Road but further set back from it than the refused scheme. Following officer advice that this would not overcome the reason for refusal of the February 2018 scheme, the applicant revised the extension again to be in line with the extension the City Council permitted in 1992.

In this revised form, the impact on the living environment at 26D Belgrave Road is reduced significantly. The extension would still be visible from more oblique angles, but this would not be overbearing or create an unacceptable sense of enclosure. This is consistent with the decision made in 1992.

26C Belgrave Road

As the window affected at 26C Belgrave Road is to a non-habitable bathroom, the living areas of this property would not be harmed in terms of enclosure. The mansard extension has been set back and sloped in the same manner as was granted permission in 1992 and proposed in the February 2018 scheme. The Planning Inspectorate considered this impact and said:

“The front part of the mansard roof would be in front of a bathroom window at no.26C; as this would not affect a habitable room there would not be a significant adverse effect on the living conditions of the occupiers of this flat.”

73 Eccleston Square

The roof extension would increase the height of the and bulk of the building which would be apparent from the rear windows and garden of 73 Eccleston Square. Given the relative distance to the affected windows, that the height and bulk of the extension is comparable to the other mansard roof extensions on the mews and because it would be set back from the existing parapet and sloped, it is not harmful.

Privacy

The roof extension would contain new front, rear and side windows. An objector raises concern regarding the side window on the grounds it could result in a loss of privacy. This window would be within the ‘gap’ looking out at Belgrave Road. There are windows to the sides of 26C and 26D Belgrave Road which are orientated perpendicular to the proposed new window. Given this position any views would be very oblique and would not result in a harmful loss of privacy.

The front windows are proposed to be clear. To the front, there would be no direct views into neighbouring buildings. To the rear, harmful overlooking would be prevented as the windows are set back from the rear parapet thereby preventing overlooking

At ground floor level, the rear windows are proposed to be replaced with larger windows. The existing windows are clear, but are high level. It is proposed to replace this with larger windows but they would continue to be high level which would prevent harmful overlooking and therefore this alteration is not opposed.

8.4 Transportation/Parking

Whilst there are garage doors to this property currently, the off-street car parking space that it is assumed once existed has been converted in to habitable space. There were no conditions to prevent this. In these circumstances, the proposals would have no highway implications.

8.5 Economic Considerations

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

8.6 Access

Whilst the front door would be relocated, and the new access arrangement would be similar to the existing.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 Neighbourhood Plans

None relevant.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

The development is not CIL liable, less than 100 square metres of floorspace would be created.

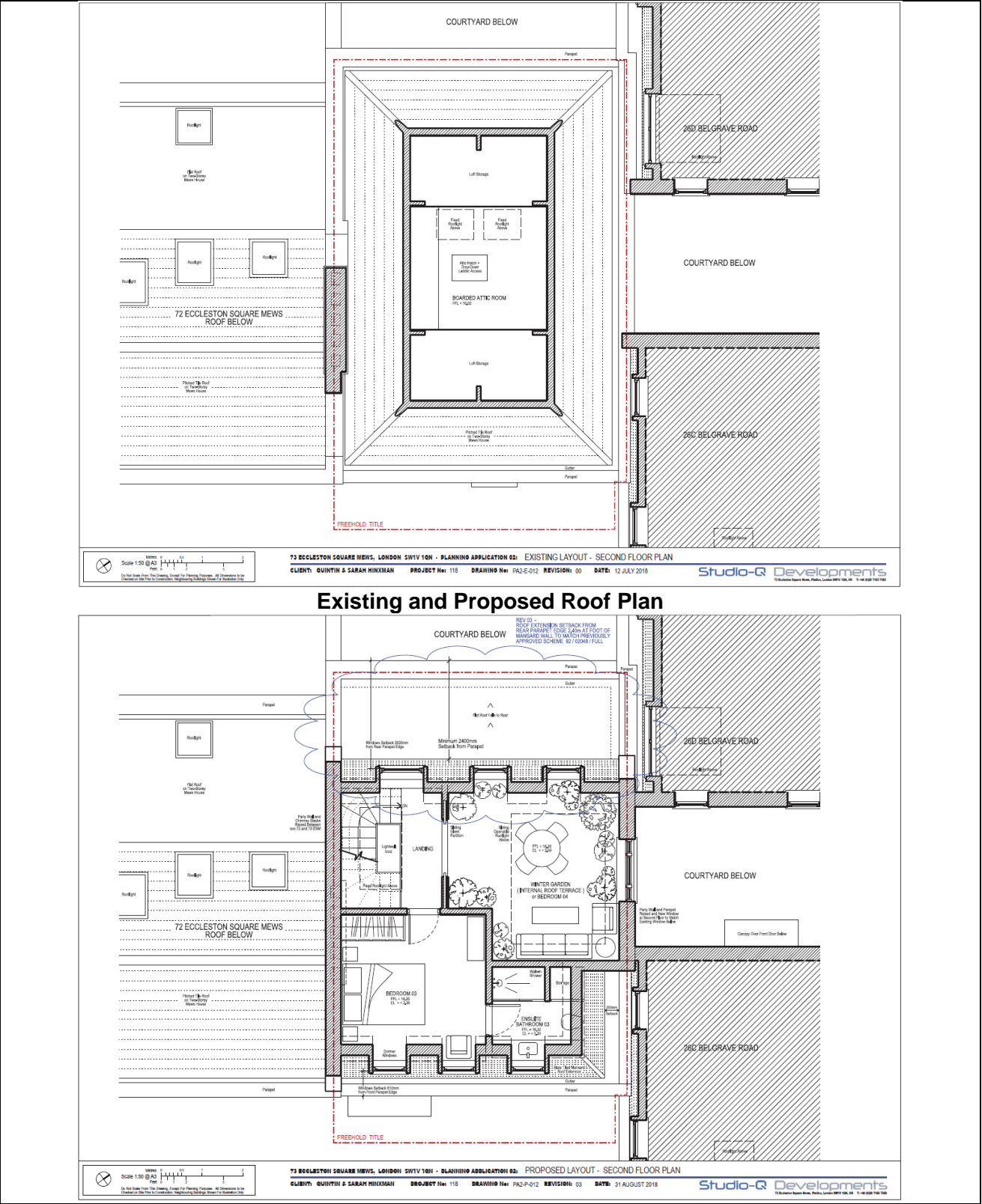
8.12 Environmental Impact Assessment

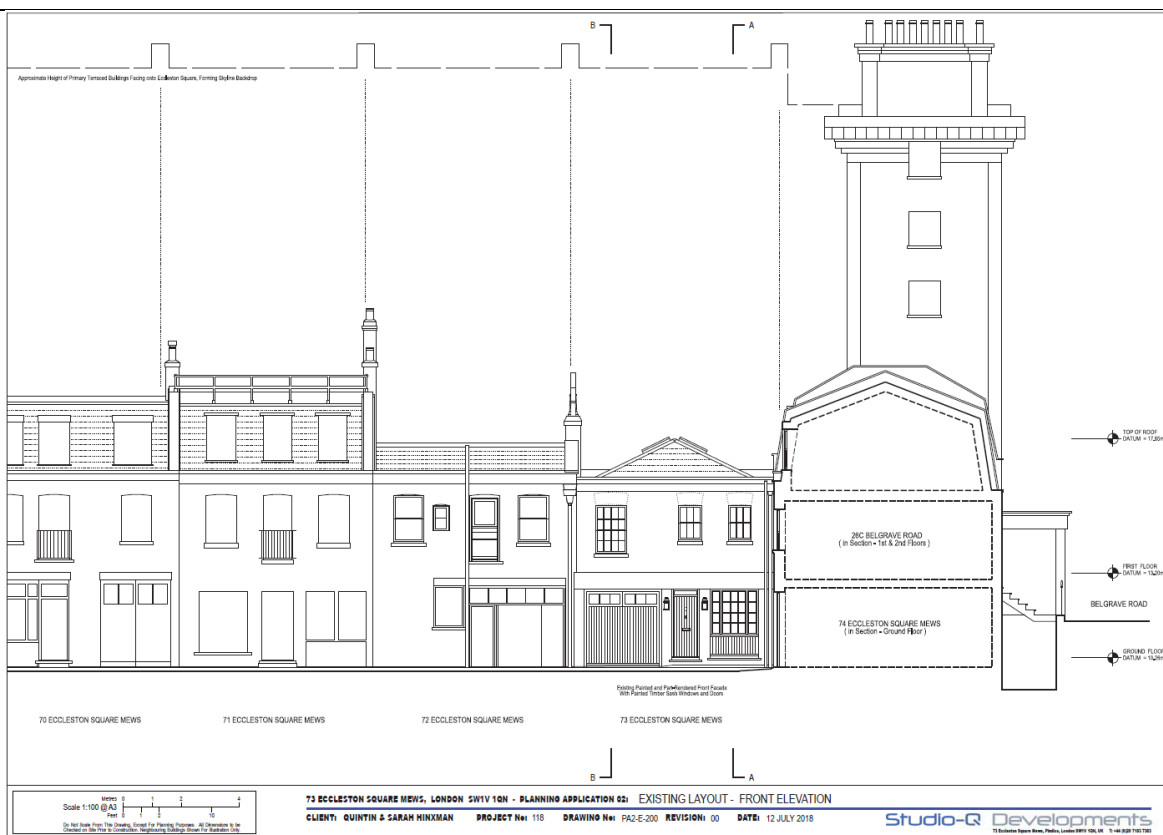
The application is of insufficient scale to trigger the requirement of an EIA.

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

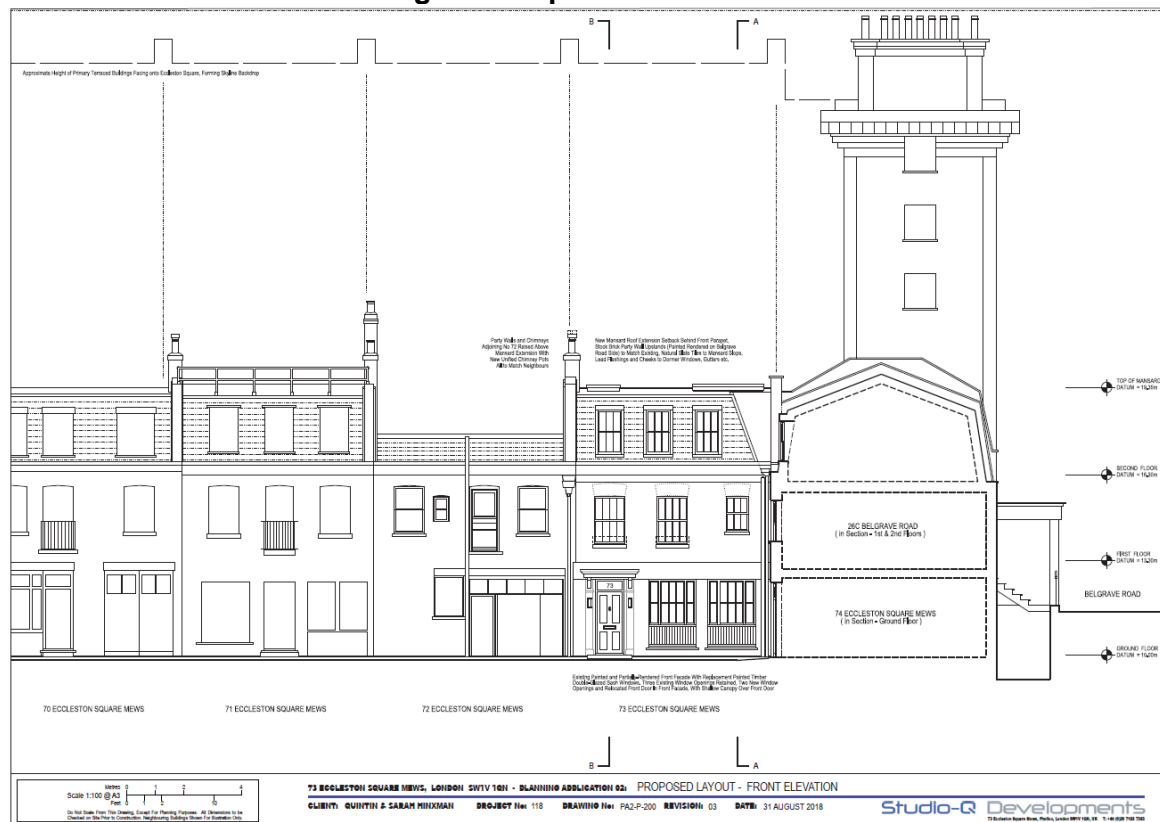
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

9. KEY DRAWINGS

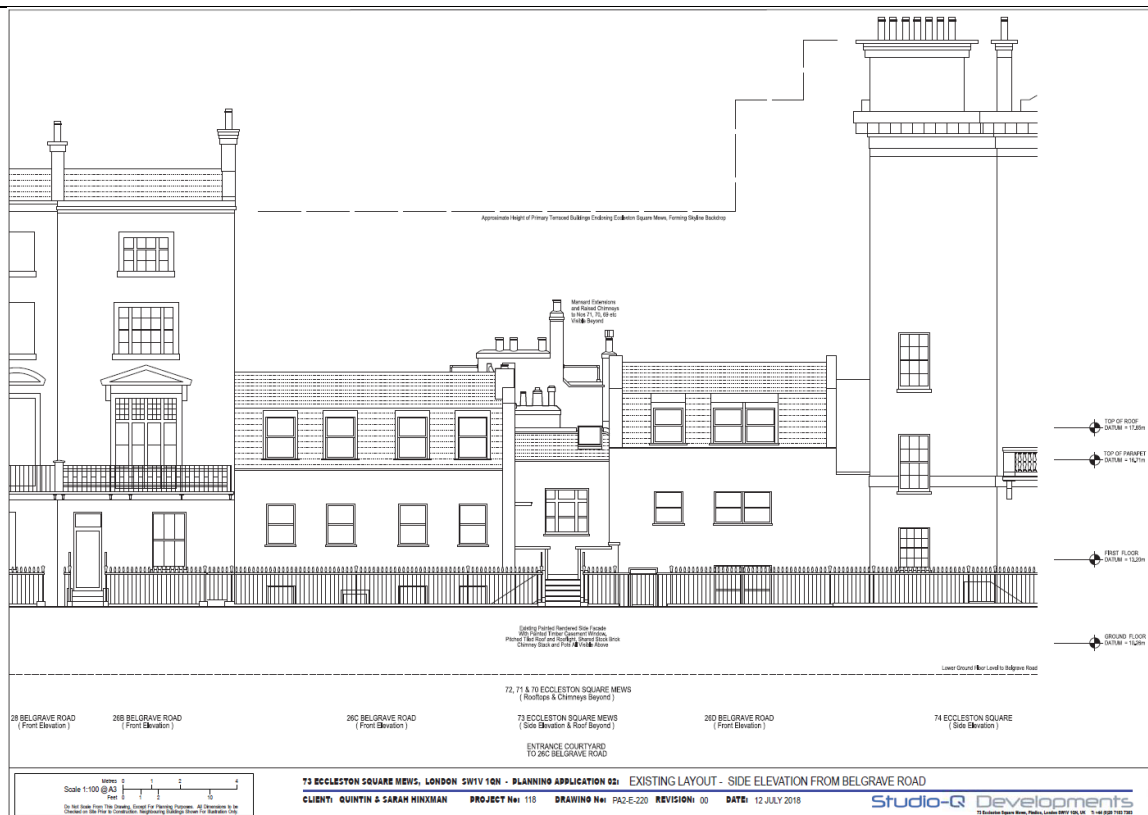




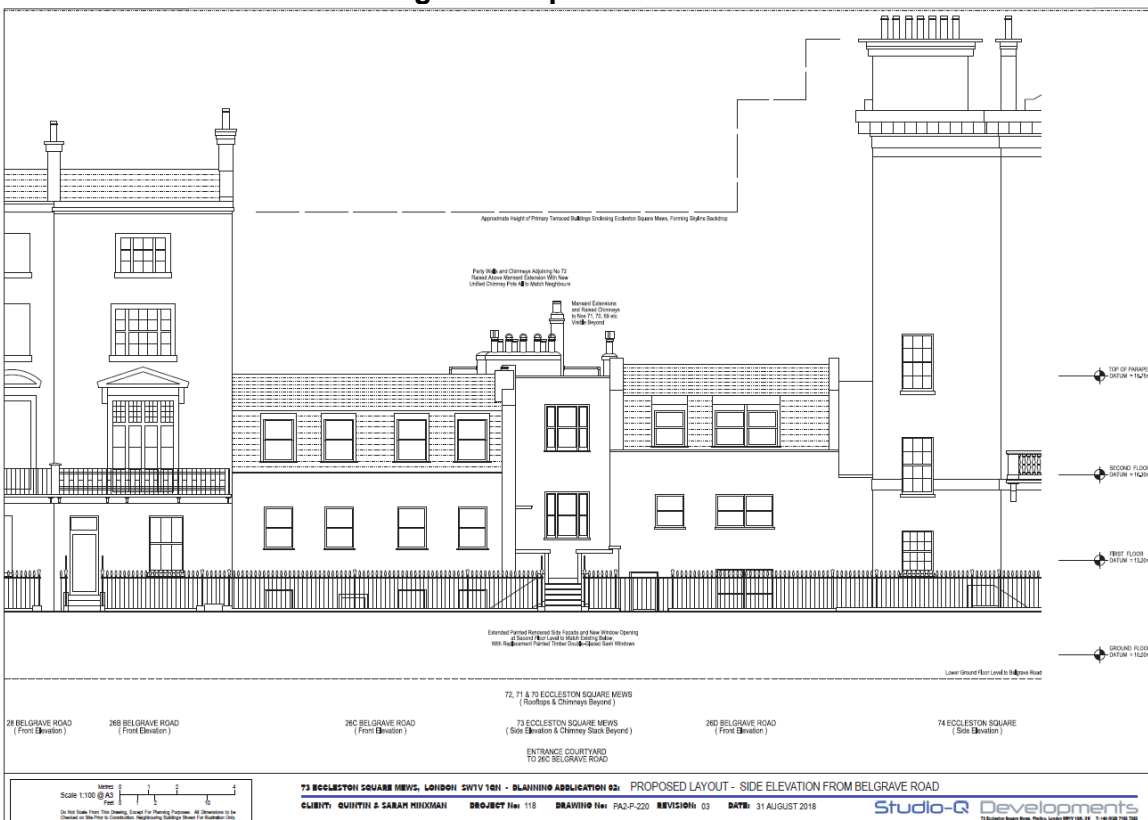
Existing and Proposed Front Elevation

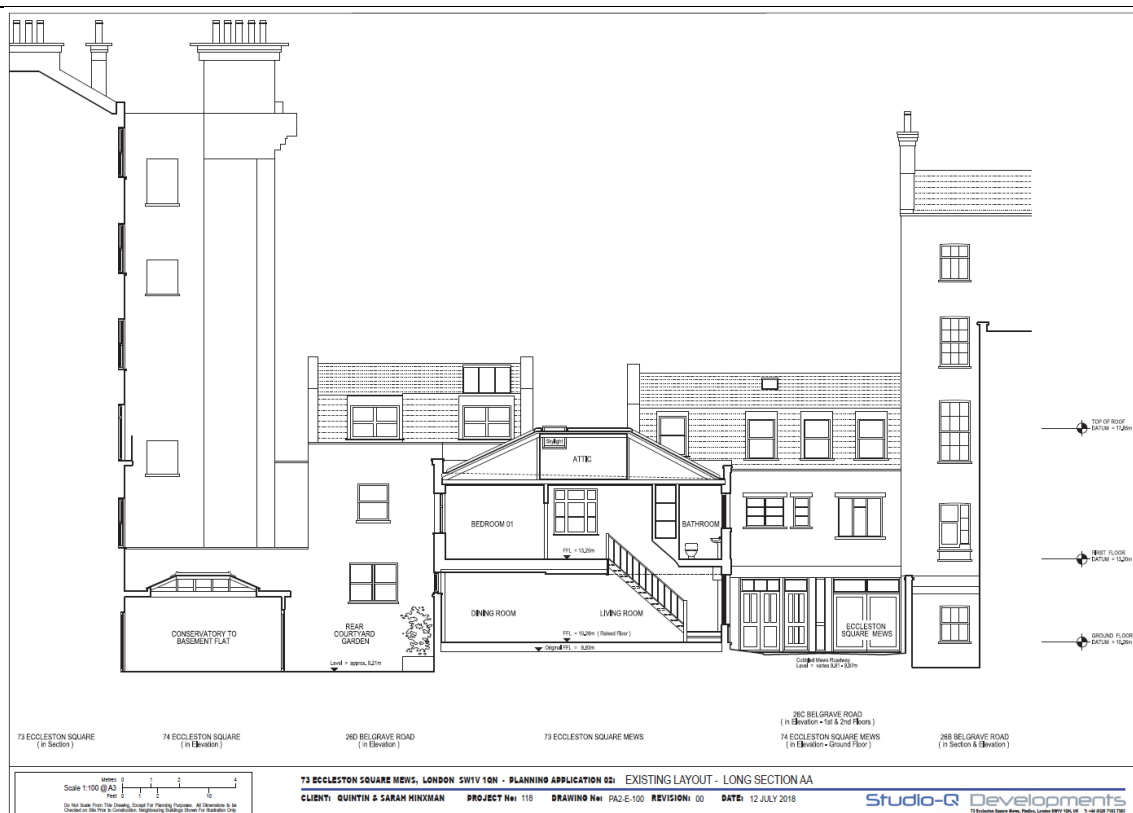




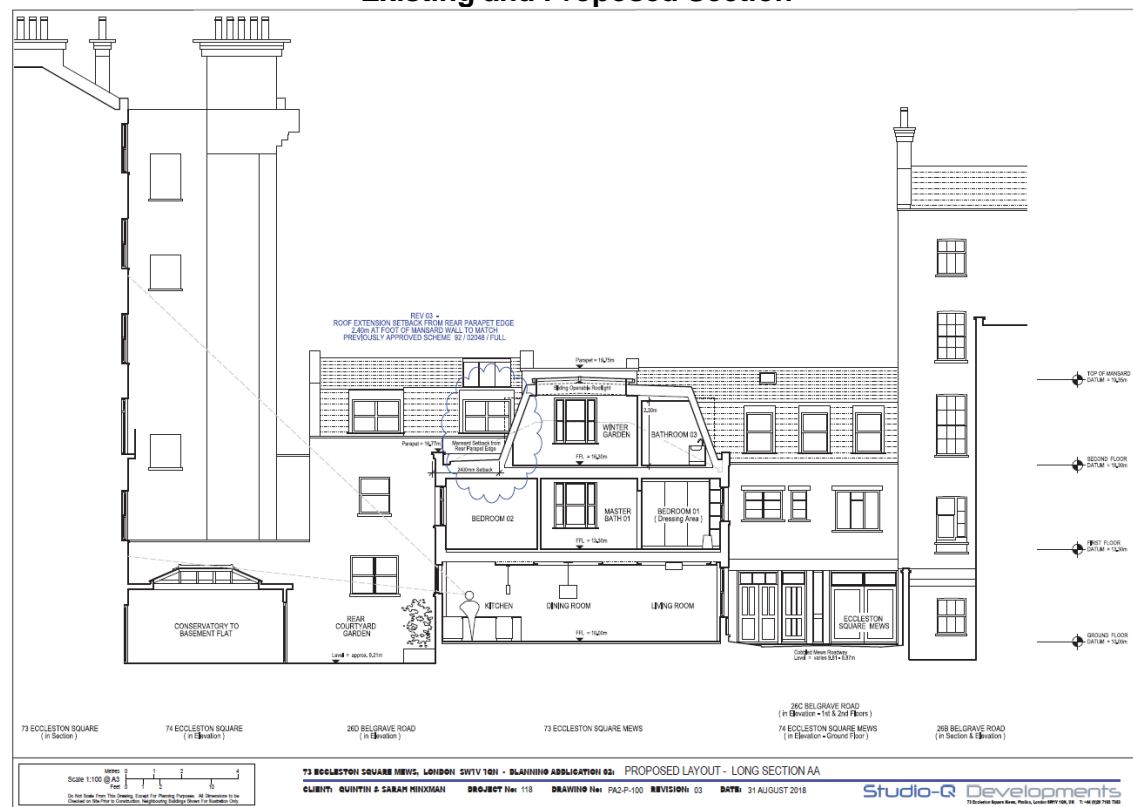


Existing and Proposed Side Elevation





Existing and Proposed Section



DRAFT DECISION LETTER

Address: 73 Eccleston Square Mews, London, SW1V 1QN

Proposal: Erection of a mansard roof extension to provide additional residential accommodation, and alterations to existing facades.

Reference: 18/05907/FULL

Plan Nos: PA1-E-001; PA1-E-002; PA1-E-010; PA1-E-011; PA1-E-012; PA1-E-100; PA1-E-110; PA1-E-200; PA1-E-210; PA1-E-220; PA2-P-010 rev 03; PA2-P-011 rev 03; PA2-P-012 rev 03; PA2-P-013 rev 03; PA2-P-100 rev 03; PA2-P-110 rev 03; PA2-P-200 rev 03; PA2-P-210 rev 03; PA2-P-220 rev 03; Design and Access Statement; Impact Assessment.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must clad the sloped elevations of the mansard roof extension hereby approved in natural slate.

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 Pimlico 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 finish the flank elevation (Belgrave Road elevation) of the extension hereby approved in painted render to match the existing painted render on that elevation.

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 Pimlico 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 dormers shall be clad in rolled leadwork and shall be permanently retained in this material.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in

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

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

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico 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 The new and replacement windows and door hereby approved shall be formed in painted timber and retained in that material and finish.

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

- 9 You must apply to us for approval of further details of the following parts of the development:
- detailed drawings, including sections at a scale of 1:20 or 1:10 of the new windows and door.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (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 Pimlico 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 not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

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)

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.

CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 September 2018		Classification For General Release	
Report of Director of Planning			Ward(s) involved Hyde Park	
Subject of Report	6 Sheldon Square, London, W2 6HY,			
Proposal	Use of the paved area outside unit 6 A&B measuring 26.6m x 1.3m (2.7m within the recessed bay) for the placing of 23 tables and 42 chairs, 2 benches and 2 planters in connection with the adjacent unit.			
Agent	Mr Graham Timms			
On behalf of	Vagabond			
Registered Number	18/05435/TCH	Date amended/ completed	14 August 2018	
Date Application Received	27 June 2018			
Historic Building Grade	Unlisted			
Conservation Area				

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a currently vacant unit located adjacent to the canal towpath at the base of Sheldon Square, which is located within the Paddington Central development. The building comprises commercial units at ground floor level with the upper floors from first floor up in residential use.

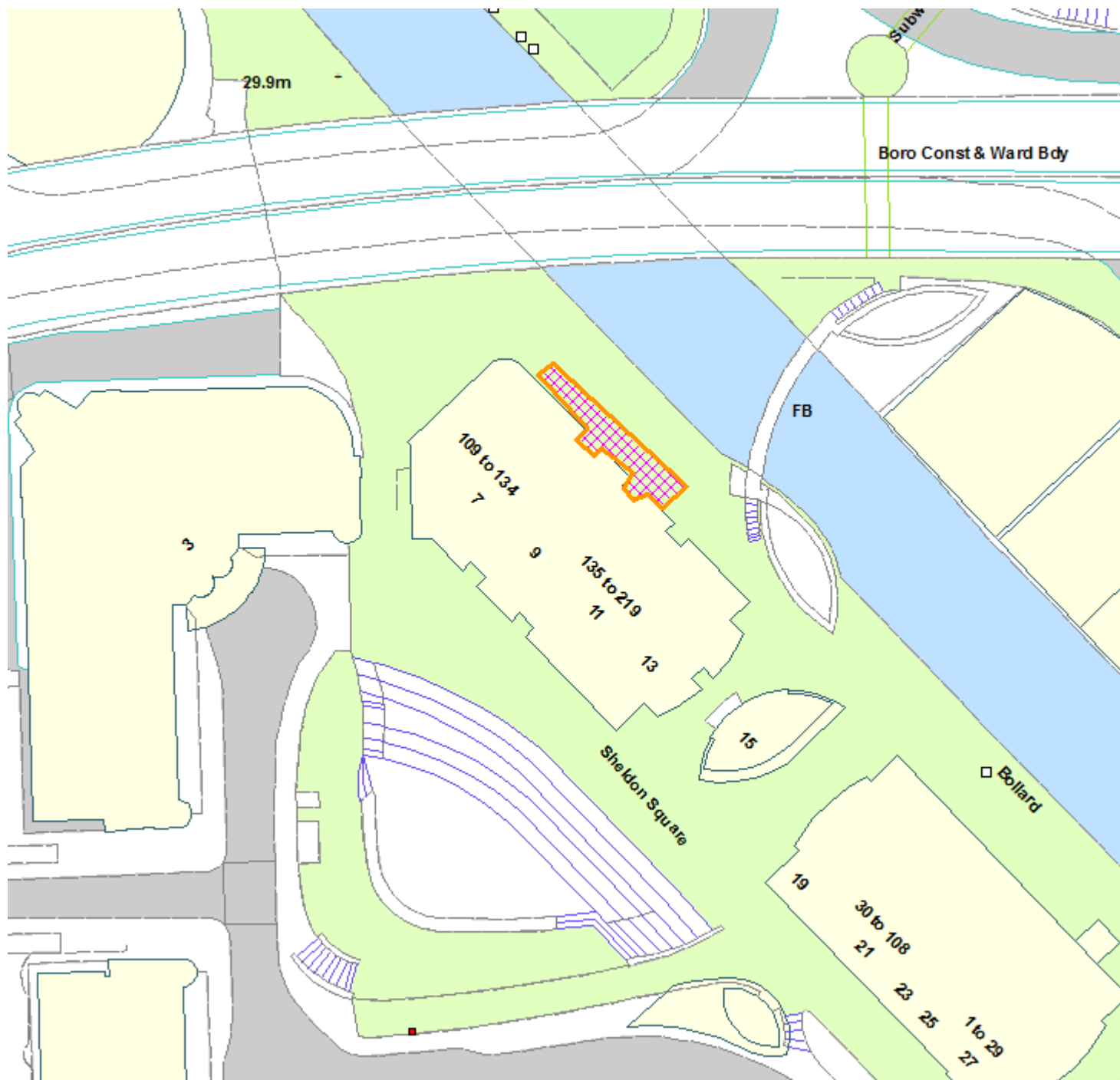
Permission is sought for the placement of tables, chairs and planters on an area of pavement measuring 26.6m x 1.3m (widening to 2.7m within a recessed bay). The proposals have been revised during the application process, reducing the width of pavement to be used and the number of tables, chairs and planters.

The key issues in the consideration of this application are:

- The impact on the amenity of occupiers of neighbouring properties;
- The impact on the pedestrian movement;
- The acceptability of the proposals in land use terms.

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

3. LOCATION PLAN



4. PHOTOGRAPH



5. CONSULTATIONS

CONSULTATION RESPONSES TO INITIAL PROPOSALS:

SOUTH EAST BASWATER RESIDENTS ASSOCIATION:

Raise objection on the grounds of potential nuisance, crime and disorder to local residents in the area. Also state that the number of tables and chairs are too many and will impede pedestrian and cyclists along the tow path. Note that the described location/address is confusing, concerns in relation to licensing issues, smoking. Concern will impede pedestrians and cyclists passing along canal footpath.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:

Raise an objection as the proposals will cause congestion to pedestrians, cyclists, pushchairs and wheelchairs and should therefore not be permitted. Alterations to the street furniture and planting could be made to alleviate this. Request for neighbours' views to be taken into consideration.

DESIGNING OUT CRIME OFFICER:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Raise objection as the proposals do not comply with the Westminster Way or the Councils public realm strategy.

CLEANSING MANAGER:

No objection as not a publically maintained space.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 117

No. of replies: 1 response from an unknown address raising general issues in relation to lack of consultation.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

CONSULTATION RESPONSES TO REVISED PROPOSALS:

SOUTH EAST BASWATER RESIDENTS ASSOCIATION:

Maintain objection as still too many tables and chairs due to location under a large block of flats. Also comment that no dedicated smoking area has been shown and note that similar comments have been made in relation to a licensing application. Request a condition that planters are maintained at all times in a good condition, particularly given that plants at other sites are dead or missing.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:

The applicant has failed to address the issue of the restriction in the footpath caused to the south of the premises. Whilst the reduction in the tables and chairs is noted, the loss of the barriers will result in customers spreading across the pavement/tow path causing

a greater problem. There is also nowhere to 'contain' people who have come outside to smoke. Is it considered the revised proposal to be ill conceived and unmanageable. If the 16 seats and tables to the Southern end were removed and the barriers re-installed along with a dedicated smoking area provided then this would be acceptable. Also request for neighbours' views to be taken into consideration

DESIGNING OUT CRIME OFFICER:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection to revised proposals. Note that 3.3m free pavement would meet Transport for London Pedestrian Comfort Guidance for London.

CLEANSING MANAGER:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 117

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to an area of pavement adjacent to an unlisted building located outside of a designated conservation area. The site is however within the Central Activities Zone (CAZ), the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area. The ground floor of the building is largely in commercial use, with a café, a bar and a restaurant on the other three frontages of the building. The upper floors (first floor and up) are in residential use.

The tables and chairs subject to this application are to be used in association with a unit located at ground and basement level of the building facing the canal, which has recently been granted planning permission for a Sui Generis mixed use.

6.2 Recent Relevant History

18/03640/FULL

Use of unit 6a and 6b and part basement as a mixed Sui Generis unit offering the sale of wine for consumption on and off the premises and sale of food for consumption on the premises (Class A1/A3/A4). Alterations to shopfront including the blocking up of existing entrances and creation of new entrance.

Application Permitted 19 June 2018

There is an application currently under consideration for the variation of this permission to allow for low level extraction of the kitchen ventilation system for this approved mixed use (referenced 18/06001/FULL).

16/10173/FULL

Use of ground floor Units 6A and 6B for retail purpose (Class A1).

Application Permitted 14 December 2016

7. THE PROPOSAL

The application has been revised during the course of the application to reduce the width of pavement to be used and the number of items of furniture to be placed on the highway. Permission is now sought for the use of an area of the footpath outside of unit 6 A&B measuring 26.6m x 1.3m (increasing to 2.7m within the recessed bay) for the placing of 23 tables and 42 chairs, 2 benches and 2 planters in connection with the adjacent unit.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Proposals for the use of the footway for the provision of tables and chairs in association with eating and drinking establishments is considered under Unitary Development Plan (UDP) Policy TACE 11 and Policy S41 of the City Plan. These policies permit tables and chairs to be sited on the footway where they would not result in obstruction and where there would be no material loss of amenity to neighbouring occupiers. The impact of the proposals in these terms is discussed in sections 8.3 and 8.4 of this report.

8.2 Townscape and Design

The proposed furniture is not considered to have a negative impact on the local townscape and is therefore considered acceptable in design terms.

8.3 Residential Amenity

Policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our UDP (January 2007) concern the impact on the amenities of the occupiers of neighbouring and adjoining properties.

Concerns have been raised by the South East Bayswater local amenity society on the grounds that the proposed tables and chairs will have a negative impact on the amenity of the residential flats located on the upper levels of the building. Such concerns are shared by officers.

The application has been amended to significantly reduce the number of tables and chairs which are to be placed on the highway, this will help to reduce noise emanating from people sitting out. The applicant has provided an Operational Management Plan in support of the application, which sets out how patrons will be managed to reduce

disturbance and a dispersal policy. A condition is recommended to ensure that this Plan is adhered to.

It is appreciated that there is currently no outside tables and chairs on the canal side frontage of this building, therefore there will be some increase in general noise as a result of the proposals, particularly in the evening. However, such furniture is now established around both of the residential blocks, with the eastern block including restaurants and bars and much larger areas of seating (due to less obstructions on the footway) along the canal. It is recommended that permission is only granted on a temporary basis of one year so that the impact can be re-assessed.

For the reasons stated above, and subject to the proposed conditions, it is considered that the proposal is in accordance with policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our UDP (January 2007).

8.4 Transportation/Parking

The City Council's UDP policies TRANS 3 (A) and TACE 11 and Supplementary Planning Guidance (SPG) The Westminster Way (adopted November 2011) relate to tables chairs and other objects placed on the footway.

Objection was received to the original proposals from the Highways Planning Manager and two local amenity societies due to the extent of footway to be used for furniture, which would block pedestrian flows.

Due to the location of the pedestrian bridge, and fixed street furniture and street trees, the natural flow of pedestrians is pushed up to the building line where the tables and chairs are proposed to be placed. Given the pleasant canal side location, there are regular pushchairs and large numbers of pedestrians who use this stretch of footway.

Following officer comments that the proposed layout was not considered acceptable, a revised layout with reduced tables, chairs and planters has been submitted.

One of the local amenity societies remains of the opinion that the proposals are unacceptable, and that the removal of the line of planters means that patrons will spread over the footway. While these comments are noted, it is not possible under planning regulations to limit vertical drinkers or smoking. This would be a matter of management of the premises and licensing.

No objection has been received to the revised proposals from the Highways Planning Manager, which now leaves a clear pavement width of at least 3m. The revised proposals are considered to leave sufficient pavement width for pedestrian flows and the application is therefore considered to be acceptable in these terms.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the unit will remain as permitted.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 Neighbourhood Plans

Not applicable to this site.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment (EIA)

The proposed development is of insufficient scale to require an EIA.

8.13 Other Issues

An objection has been received with general complaints in relation to consultation with residents about planning and licensing applications, particularly in relation to the location of the site noticed. It is unknown which particular applications the objection relate, however the following comments are made.

Consultation letters have been sent out to all of the resident's location above the application site. No responses (other than this one) have been received. The council has not consulted the residents within the eastern block due to the nature of the proposals, which relate to the retail unit at ground floor level facing the canal, which is considered acceptable.

In relation to the site notice being displayed on Bishops Bridge Road (a significant distance from the application site), the issue here arises due to Paddington Central being a privately managed estate (by British Land) and therefore the lamp posts, trees and walls etc. are not owned by the City Council and therefore the attachment of the signs is not permitted. The site notices have been displayed on the nearest public highway to the development site, however it is accepted that this may be of limited use given the distance to Bishops Bridge Road. In addition to the site notices and the neighbour consultation, we place an advert in the local press. It is considered that the council has met its statutory consultation requirement which is to undertake either neighbour consultation or a site and press notice.

(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: RICHARD LANGSTON BY EMAIL AT rlangston@westminster.gov.uk.

The architectural floor plan depicts a large, multi-room building with a complex layout. The plan is heavily annotated with red and blue lines, dimensions, and labels. Key features include:

- ROUTE FOR GENERAL PUBLIC:** A red line indicates the main circulation path through the building.
- STAIRS:** A central staircase is labeled "STAIRS" and "ROUTE FOR GENERAL PUBLIC".
- START UP ROAD TO GROUND FLOOR:** A red line indicates the main circulation path through the building.
- ROUTE FOR GENERAL PUBLIC:** A red line indicates the main circulation path through the building.
- Rooms and Areas:** Numerous rooms and areas are labeled with numbers and letters, including "DEF 01", "DEF 02", "DEF 03", "DEF 04", "DEF 05", "DEF 06", "DEF 07", "DEF 08", "DEF 09", "DEF 10", "DEF 11", "DEF 12", "DEF 13", "DEF 14", "DEF 15", "DEF 16", "DEF 17", "DEF 18", "DEF 19", "DEF 20", "DEF 21", "DEF 22", "DEF 23", "DEF 24", "DEF 25", "DEF 26", "DEF 27", "DEF 28", "DEF 29", "DEF 30", "DEF 31", "DEF 32", "DEF 33", "DEF 34", "DEF 35", "DEF 36", "DEF 37", "DEF 38", "DEF 39", "DEF 40", "DEF 41", "DEF 42", "DEF 43", "DEF 44", "DEF 45", "DEF 46", "DEF 47", "DEF 48", "DEF 49", "DEF 50", "DEF 51", "DEF 52", "DEF 53", "DEF 54", "DEF 55", "DEF 56", "DEF 57", "DEF 58", "DEF 59", "DEF 60", "DEF 61", "DEF 62", "DEF 63", "DEF 64", "DEF 65", "DEF 66", "DEF 67", "DEF 68", "DEF 69", "DEF 70", "DEF 71", "DEF 72", "DEF 73", "DEF 74", "DEF 75", "DEF 76", "DEF 77", "DEF 78", "DEF 79", "DEF 80", "DEF 81", "DEF 82", "DEF 83", "DEF 84", "DEF 85", "DEF 86", "DEF 87", "DEF 88", "DEF 89", "DEF 90", "DEF 91", "DEF 92", "DEF 93", "DEF 94", "DEF 95", "DEF 96", "DEF 97", "DEF 98", "DEF 99", "DEF 100".
- Dimensions:** Various dimensions are provided throughout the plan, such as "1000", "1500", "2000", "2500", "3000", "3500", "4000", "4500", "5000", "5500", "6000", "6500", "7000", "7500", "8000", "8500", "9000", "9500", "10000".
- Other Labels:** Other labels include "DEF 01", "DEF 02", "DEF 03", "DEF 04", "DEF 05", "DEF 06", "DEF 07", "DEF 08", "DEF 09", "DEF 10", "DEF 11", "DEF 12", "DEF 13", "DEF 14", "DEF 15", "DEF 16", "DEF 17", "DEF 18", "DEF 19", "DEF 20", "DEF 21", "DEF 22", "DEF 23", "DEF 24", "DEF 25", "DEF 26", "DEF 27", "DEF 28", "DEF 29", "DEF 30", "DEF 31", "DEF 32", "DEF 33", "DEF 34", "DEF 35", "DEF 36", "DEF 37", "DEF 38", "DEF 39", "DEF 40", "DEF 41", "DEF 42", "DEF 43", "DEF 44", "DEF 45", "DEF 46", "DEF 47", "DEF 48", "DEF 49", "DEF 50", "DEF 51", "DEF 52", "DEF 53", "DEF 54", "DEF 55", "DEF 56", "DEF 57", "DEF 58", "DEF 59", "DEF 60", "DEF 61", "DEF 62", "DEF 63", "DEF 64", "DEF 65", "DEF 66", "DEF 67", "DEF 68", "DEF 69", "DEF 70", "DEF 71", "DEF 72", "DEF 73", "DEF 74", "DEF 75", "DEF 76", "DEF 77", "DEF 78", "DEF 79", "DEF 80", "DEF 81", "DEF 82", "DEF 83", "DEF 84", "DEF 85", "DEF 86", "DEF 87", "DEF 88", "DEF 89", "DEF 90", "DEF 91", "DEF 92", "DEF 93", "DEF 94", "DEF 95", "DEF 96", "DEF 97", "DEF 98", "DEF 99", "DEF 100".

DRAFT DECISION LETTER

Address: 6 Sheldon Square, London, W2 6HY,

Proposal: Use of the paved area outside unit 6 A&B measuring 26.6m x 1.3m (2.7m within the recessed bay) for the placing of 23 tables and 42 chairs, 2 benches and 2 planters in connection with the adjacent unit.

Plan Nos: GA_01 J; Ground floor plan; Site location plan; Operational Management Strategy.

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 You must not put the tables and chairs in any other position than that shown on drawing GA_01 J. (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 You can only put the tables and chairs on the pavement between 10:00 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. (R25BD)

- 4 The tables and chairs must only be used by customers of the unit at 6A&B Sheldon Square. (C25CA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 5 This use of the pavement may continue until 30 September 2019. 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 as a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing GA_01 J. 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. (R25EA)

- 7 The tables and chairs shall be managed in accordance with the Operational Management Strategy.

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. (R25BD)

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 If you want to know about the progress of your application for a street trading licence, you can contact our Licensing Service on 020 7641 8549. (I49AB)

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