



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 4th September, 2018

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Iain Bott (Chairman)
Geoff Barraclough
Jim Glen
Selina Short



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|-------------------------|
| 1. 78-80 DUKE STREET, LONDON, W1K 6JQ | (Pages 5 - 32) |
| 2. 8 MONMOUTH ROAD, LONDON, W2 5SB | (Pages 33 - 44) |
| 3. LANDWARD COURT, HARROWBY STREET, LONDON, W1H 5HB | (Pages 45 - 60) |
| 4. 40 LONG ACRE, LONDON, WC2E 9LG | (Pages 61 - 92) |
| 5. 92 GROSVENOR ROAD, LONDON, SW1V 3LE | (Pages 93 - 102) |

Stuart Love
Chief Executive
24 September 2018

Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 4th September 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/10860/FULL West End	78-80 Duke Street London W1K 6JQ	Use of the ground and lower ground floors of no 78 and 80 as a restaurant (Class A3 use), installation of new shopfronts, installation of roof level extract duct and air conditioning units within first floor rear lightwell and associated external works. (Part of land use package with 64-66 Duke Street)	
<p>Recommendation</p> <p>1. Grant conditional permission subject to a s106 legal agreement to secure the provision of Class A1 retail floorspace on the basement and ground floors of 64-66 Duke Street.</p> <p>2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/04040/FULL Bayswater	8 Monmouth Road London W2 5SB	Erection of single storey side/front infill extension at second floor level and installation of glazed balustrade at rear of third floor roof.	
<p>Recommendation</p> <p>Refuse permission - design.</p>				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/04133/FULL Bryanston And Dorset Square	Landward Court Harrowby Street London W1H 5HB	Erection of a single storey roof extension at 13th floor level to provide two additional residential dwellings (Class C3) with external terraces.	
<p>Recommendation</p> <p>Refuse permission - design.</p>				
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/00950/FULL 18/00951/LBC St James's	40 Long Acre London WC2E 9LG	Erection of a single storey roof extension for office (Class B1) with plant enclosure and associated terrace at fifth floor level; installation of photovoltaic panels at roof level; associated internal and external alterations.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 4th September 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>Recommendation</p> <ol style="list-style-type: none"> 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
5.	<p>RN(s) : 17/07431/FULL</p> <p>Tachbrook</p>	<p>92 Grosvenor Road London SW1V 3LE</p>	<p>Demolition of existing conservatory at rear first floor level and replacement with a new extension and alterations to the railings.</p>	
	<p>Recommendation</p> <p>Grant conditional permission.</p>			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	78-80 Duke Street, London, W1K 6JQ,		
Proposal	Use of the ground and lower ground floors as a restaurant (Class A3 use), installation of new shopfronts, installation of roof level extract duct and air conditioning units within first floor rear lightwell and associated external works. (Part of land use package with 64-66 Duke Street)		
Agent	Gerald Eve		
On behalf of	Grosvenor West End Properties		
Registered Number	17/10860/FULL	Date amended/ completed	7 December 2017
Date Application Received	7 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission subject to a s106 legal agreement to secure the provision of Class A1 retail floorspace on the basement and ground floors of 64-66 Duke Street.
2. If the S106 legal agreement has not been completed within 6 weeks of this resolution, then:
 - a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

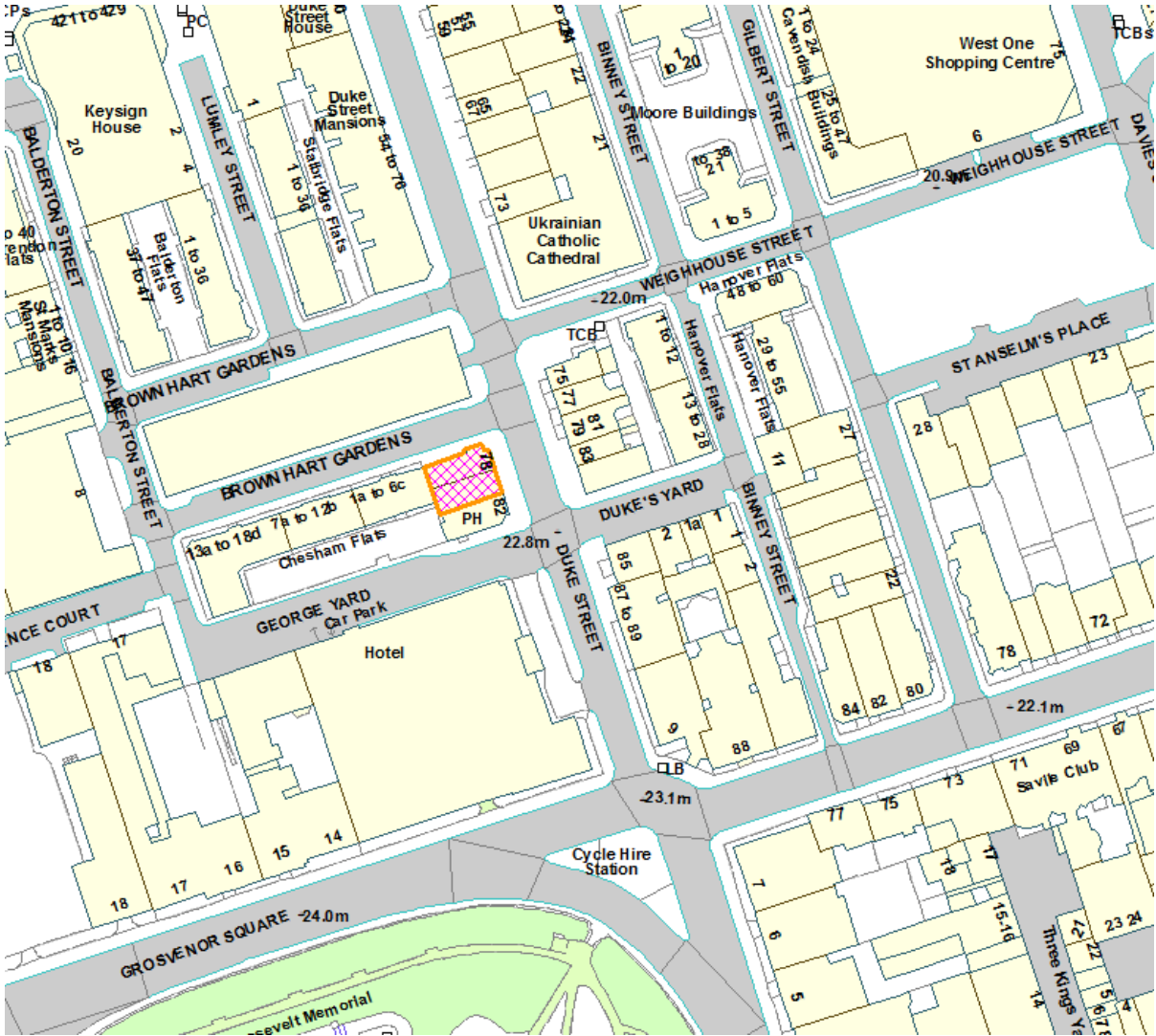
2. SUMMARY

The application relates to two adjacent basement and ground floor shop units on the west side of Duke street, which are currently trading as a hairdressing salon (Class A1) and a betting office (sui generis). Permission is sought for the amalgamation of the shop units and their conversion to restaurant use (Class A3), alterations to the ground floor facades, including a new shopfront and clear glazing to windows on the return frontage, and the installation of restaurant plant and an

internal kitchen extract duct terminating at roof level. It is proposed that the existing Class A floorspace would be relocated to premises at 64-66 Duke Street, which are currently vacant but have a lawful Class A3 use.

Objections have been received on land use, amenity and highways grounds. However, subject to appropriate operational controls and a s106 planning obligation ensuring the provision of Class A1 retail accommodation at 64-66 Duke street, it is not considered that the propels would have an adverse impact on residents' amenities, local environmental quality or upon the retail character and function of the area. The proposed alterations are considered acceptable in terms of their impact upon the character and appearance of this part of the Mayfair conservation area. The application is therefore recommended for approval subject to a s106 legal agreement to ensure the permanent use of the basement and ground floors of 64-66 Duke Street for Class A1 retail purposes.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS' ASSOCIATION OF MAYFAIR & ST JAMES'S

Any response to be reported verbally

MAYFAIR RESIDENTS GROUP

Objection: the scheme forms part of the applicant's wider proposals to eliminate smaller retail operations in North Mayfair by amalgamating units and converting the new larger premises into a much more up-market operation; loss of small business and the services offered by them is detrimental to the amenity of local people local residents, non-residents and visitors to the area.

ENVIRONMENTAL HEALTH

No objection subject to conditions

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

Request condition requiring submission if details of refuse stores

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

RECEIVED

No. Consulted: 82;

Total No. of replies: 3;

No. of objections: 3;

No. in support: 0

Land use:

- Loss of small retail units, for which there is a demand and which bring balance to the southern end of the street; tenants do not wish to vacate; applicant's stated plan is to close restaurants on the frontage immediately south of Oxford Street and to replace them with high end retail units
- Already numerous high-end restaurants/hotel restaurants in the immediate vicinity and vacant premises in North Audley Street and on the Brown Hart Gardens deck (since occupied); no demand for further restaurants in the area.

Amenity:

- Relocation of restaurant use would improve the amenity of occupants of the applicant's residential buildings whilst adversely affecting the amenity of residents in other parts of Duke Street.
- Roof of Chesham Flats is used residents for drying washing and as an amenity space/for growing plants, this use would be adversely affected by plant noise, smell nuisance from cooking fumes/stained washing and impact on plant growth; noise disturbance from plant in rear lightwell
- Noise from restaurant plant
- General noise disturbance from customers leaving the premises and from restaurant deliveries/collections; would exacerbate existing late night disturbance from neighbouring licensed premises and hotel operations – noise from customers, customers' cars, taxis and restaurant servicing; disturbance from

operation of a 100-seater restaurant is unavoidable even with an Operational Management Plan in place; unclear whether external seating is proposed.

- Proposed weekday and Sunday opening hours are too late and early deliveries are unacceptable.
- If permission is granted there should be no outdoor seating; a restriction on servicing hours and a requirement that all servicing should take place from Duke Street.

Highways

- Highway obstruction from restaurant servicing

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to two adjacent unlisted buildings, located on the west side of Duke Street, between its junctions with the south side of Brown Hart Gardens and Duke's Yard.

The site is within the Mayfair conservation area and the core Central Activities Zone. The buildings, which are in a parade of three shop units, comprise basement, ground, three upper floors plus an attic storey. The ground floor and rear basement at 78 Duke Street are occupied as a betting office (a sui generis use) with the remainder of the basement in Class B1 office use. The basement and ground floors at no. 80 are occupied as a hairdressing salon (Class A1). The upper floors of both buildings are in office use, accessed via separate street entrances,. The third unit, no 82, is a public house, the Barley Mow (Class A4).

To the south of the public house, on the opposite side of George Yard, is the London Marriot Hotel, which fronts Grosvenor Square. To the north is Brown Hart Gardens, which comprises a central raised deck (which provides public open space and houses a small café and a weekly food market) bound to the north and south by Peabody housing blocks, including Chesham Flats, which is immediately at the rear of the application site, and the Beaumont Hotel on the western side. To the north of Brown Hart Gardens, the shopping parade (west side), which extends to Oxford Street, is principally in Class A1 retail use on the lower floors, with flats (Duke Street Mansions) above. The unit at 64-66 Duke Street is currently vacant but has a longstanding use for Class A3 purposes and this appears to be the lawful use.

The eastern side of this part of Duke Street is primarily in Class A1 retail use on the lower floors closest to Oxford Street, with a mixture of retail and café uses to the south, where the Ukrainian Roman Catholic Cathedral is also located.

6.2 Recent Relevant History

78 Duke Street

17 November 1998: Permission granted for use of the basement as offices.

September 2005: Photograph submitted as part of an application for an Estate Agent's board shows a betting office.

80 Duke Street

No relevant planning history

64-66 Duke Street

Series of permissions/consents dating back until 2002 for shopfronts, new signs and tables and chairs on the highway in association with the restaurant use.

12.7.2018: Permission granted for new plant within an acoustic enclosure to the rear flat roof in connection with the refurbishment of retail premises. The outgoing tenant is described as an Italian restaurant [Bella Italia].

7. THE PROPOSAL

The application proposes the amalgamation of the basement and ground floors at 78 and 80 Duke Street to provide a restaurant (Class A3), the installation of new shopfronts and the installation of a kitchen extract rising through building and discharging at roof level, with new air conditioning units in the rear lightwell. Ground floor window openings overlooking Brown Hart Gardens, which are currently blocked up, would be fitted with new timber windows.

The applicants propose to relocate the existing Class A1 and sui generis floorspace to the basement and ground floors of a vacant unit at 64-66 Duke Street, replacing the lawful Class A3 restaurant use at that location with a new retail shop (Class A1). This land use package would be secured by a s106 planning obligation to ensure that the restaurant use would not commence prior to the donor site being made ready for retail occupation and to ensure that 64-66 Duke Street remains in Class A1 retail use. The change of use of this unit from Class A3 to Class A1 use, and the use of sui generis betting office for Class A1 retail purposes constitutes permitted development and would not require planning permission.

The application has been amended to relocate the proposed extract duct - it originally terminated immediately below the height, and adjacent to, the roof level clothes drying area of Chesham Flats, but is now in a more central position on the roof of the application building.

The schedule of existing and proposed floorspace (basement and ground floors) is as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
78-80 Duke Street			
Class A1 (Retail)	145.5	0	-145.5
Sui generis (Betting Office)	71.5	0	-71.5
Class B1 (Offices)	120.9	6.2	-114.7
Class A3 (Restaurant)	0	369.3	+ 369.3
Total	337.9	375.5	+37.6*

64-66 Duke Street			
A1 (Retail)	0	253	+253
A3 (restaurant)	253	0	-253
Total	253	253	

* The increase in GIA at 78-80 Duke Street is due to the removal of internal walls. No extension is proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Retail use

The scheme would replace the existing basement and ground floor Class A1 hairdressing salon (145.5 sqm), and the adjacent sui generis betting office (71.5 sqm) (total 217 sqm) with a restaurant. Both of these units are currently trading. No marketing information has been provided to suggest that these uses are not viable in this location.

The applicants propose to provide retail floorspace within the vacant restaurant premises (253 sqm) at 64-66 Duke Street, providing an overall increase in retail-type floorspace of 36 sqm over the two sites.

Objections have been received from the Mayfair Residents’ Group and local residents on the grounds that the proposals would result in the loss of two smaller retail units as part of the applicant’s wider plan to amalgamate small units to provide larger premises for more ‘up market’ operations. Objectors consider that the existing shops ‘add balance’ to the southern end of Duke Street and that the loss of these small businesses, and the services which they provide, is becoming critical for local residents, business occupiers and visitors to the area.

City Plan policy S21 protects existing retail floorspace throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. Existing non-A1 retail uses, and uses occupying shop-type premises within designated shopping centres will be protected from changing to uses that do not serve visiting members of the public and that do not have active shopfronts.

UDP policy SS4 and S6 of the City Plan aim to encourage the provision of new retail floorspace on appropriate sites within the CAZ. Policy SS5 seeks to protect and enhance the attraction of the West End International Centre and other parts of the CAZ as shopping and entertainment destinations, as well as attractive places in which to live, visit and work. It encourages a balanced mix of appropriate street-level activities, whilst seeking to maintain and safeguard local residential communities. To achieve this aim, the policy protects Class A1 uses at ground, basement or first floor level in the CAZ. Permission for the introduction of a non-A1 town centre use at these floor levels will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Proposals for non-A1 use ‘must not lead to, or add to, a concentration of

three or more consecutive non-A1 uses or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area'

The supporting text confirms that the number of consecutive non-A1 uses is calculated by 'counting the number of non- A1 uses occupying shop-type premises (not units) running consecutively (author's underlining) at ground floor level. This will include those that continue around a corner or past an alleyway but will not include those separated by a road'. If the proposal would result in three or more consecutive non-A1 uses, it will not be permitted.

Excluding the application premises, the only other property within the parade, which occupies the entire frontage between Brown Hart Gardens and George Yard, is a public house (the Barley Mow). George Yard is a through road running between the rear of the Marriot Hotel and Chesham Flats. The applicants consider that the proposal complies with policy SS5 because, as the restaurant would occupy the amalgamated shop units, the development would result in the creation of only two consecutive non-A1 uses – the new restaurant and the public house. This policy interpretation is debatable as, on this basis, an existing restaurant could be extended to occupy numerous adjacent Class A1 retail units, and still comply with the policy. This is evidently not the objective of policy SS5 and, as a result of the proposal, the three original, separate 'shop' units within the parade would all be in non-Class A1 use.

Paragraph 7.49 of the UDP confirms that, when assessing whether the introduction of a non-A1 town centre use would have a detrimental effect on the vitality and viability or character and function of an area, account will be taken of whether the number and range of shops, particularly local convenience shops, would be reduced; whether a concentration of specialist shops is reduced; whether the viability of the remaining shops in a frontage or street would be affected; whether a dead frontage would be created and whether the proposal would change, or add to a cumulative change, in the character and function of a street, at ground floor level, from mixed use to predominantly A3 and entertainment uses. An over-concentration of A3 and entertainment uses is considered to occur when the numbers and size of these types of uses begin to dominate a street or area and the consequential effects of their operations, including the numbers of customers, begins to have a detrimental effect on the local environment and residential amenity. If such a concentration already exists, additional A3 and entertainment uses will not be permitted as this would exacerbate the existing situation. Additionally, consideration will be given to whether unacceptably high levels of late-night activity are likely to result from the proposal or already exist in the area.

A hairdressing salon is considered to be a local convenience shop and a betting office is an appropriate use within a town centre shopping frontage. Although the proposals would result in the loss of these units, there is nothing to suggest that a local convenience use could not occupy the donor site, although the rental on this unit is likely to be higher, which might deter a number of prospective occupiers. Although no shop uses would remain within the existing parade, the new restaurant use would provide a service to visiting members of the public.

The existing retail and betting office units are somewhat isolated, and do not form part of any continuous retail frontage, being separated from other shops on the west side of Duke Street by Brown Hart Gardens. The existing hairdressing salon and betting office might be considered to be 'destination uses' which are less reliant on passing trade and so not adversely affected by their isolated position. Although no

representations have been received from the current tenants, objectors have advised that they do not wish to relocate. However, the existing application premises could be amalgamated to create a large Class A1 retail unit without the need for planning permission. The relevant land use policies are designed to protect land uses rather than individual occupiers. In these circumstances it is considered that the relocation of the existing retail floorspace to the unit at 64-66 Duke Street, within a healthy retail parade immediately to the south of Oxford Street, would add to the vitality of the shopping street, would provide an overall increase in Class A1 retail floorspace, while the proposal as a whole and would not have a material adverse impact upon the retail character and function of the street, nor would it change the character of the street from a mixed use to a predominantly entertainment use. In these circumstances, and subject to a s106 planning obligation to secure the provision and retention of the retail floorspace on the donor site, it is considered that the proposals would be difficult to resist on retail policy grounds.

8.1.2 Office use

The scheme would result in the loss of 114.7 sqm of Class B1 office floorspace, on the basement and ground floors. A smaller entrance lobby would be retained, providing access to offices on the upper floors. While City Plan policy S20 seeks to protect office floorspace within the CAZ from conversion to residential use, this policy does not apply to changes to alternative commercial uses and the loss of Class B1 accommodation is therefore acceptable in land use terms.

8.1.3 Restaurant use

The proposals would provide a new restaurant of 369sqm on the basement and ground floors. Given the size of the new restaurant, UDP policy TACE 8 applies, whereby permission will generally be granted for entertainment uses of this type and size where the City Council is satisfied that the proposed development has no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and would have no adverse effect on the character or function of the area. In considering applications for planning permission for such uses the Council will take into account the need for conditions to control operational measures, including limits on customer capacity and opening hours and measures to safeguard amenity, including nuisance from cooking smells, noise and vibration (including from ventilation equipment and air conditioning plant); servicing arrangements; and proposals for the storage, handling and for the disposal of waste and recyclable materials.

Paragraph 8.88 of the UDP confirms that as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, no customers will be allowed to remain on the premises after midnight on Sundays (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights and on Sundays immediately preceding Bank Holidays. An earlier closing time may be considered appropriate where there are residential uses in immediate proximity.

City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative

impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

City Plan policy S29 states that the council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment. City Plan policy S32 requires development to minimise and contain noise and vibration.

UDP policies ENV 6 and ENV 7 deal with the issue of noise pollution and require new developments to include design features and operational measures to minimise and contain noise in order to protect noise sensitive properties including the transmission of audible noise or perceptible vibration through the fabric of the building to adjoining properties. A noise and vibration assessment report is required where development or change of use could affect noise sensitive properties. When granting planning permission, conditions may be applied to restrict noise emissions, the transmission of noise or perceptible vibration and the hours of operation and to require the implementation of acoustic measures prior to the commencement of the use. Policy ENV 7 deals specifically with controlling noise from plant and internal activity. Developers will be required to demonstrate that the scheme will be designed and operated so that any noise emitted by plant and machinery and from internal activities, including noise from amplified or unamplified music and human voices, will meet acceptable standards in relation to the nearest noise sensitive properties.

Notwithstanding its close proximity to Oxford Street, the site is in close proximity to numerous residential properties including significant numbers of flats within the Peabody blocks and mansion flats and new residential developments on both sides of Duke Street, including directly opposite the site on the upper floors of 81, 83, 85 and 87-89 Duke Street and in Duke's Yard.

There are already several entertainment uses, or hotels which include entertainment-type facilities, in close proximity to the application site including:

- The Beaumont Hotel at 8 Balderton Street. Facilities including a public restaurant, bars and a private dining room are open to non-residents between 07.00 and 24.00 each day.
- The café on the deck of Brown Hart Gardens: consumption of food on the premises permitted between 08.00 and 20.00 each day. Takeaway sales permitted between 08.00 and 18.00 on Monday to Saturday and 10.00 and 18.00 on Sundays.
- A weekly food market on the deck of Brown Hart Gardens. This has been the subject of a series of temporary planning permissions. The latest of these permissions, which expires on 3 April 2019, permits a weekly food market, including hot food stalls, to take place between 11.00 and 16.00 hours for a maximum of one day per week (excluding Sundays).
- The Marriot Hotel on Grosvenor Square – which is serviced from George Yard, to the rear of Chesham Flats

Objectors have pointed to the number of 'high class' restaurants within close proximity of the proposed restaurant including restaurants in the Marriot and Beaumont hotels, restaurants in Grosvenor Square and to several vacant restaurant premises. In this context, they consider there to be no demand for another restaurant

use, particularly at the expense of the existing retail units, given the need for corner-type shops.

They have also referred to existing problems with evening and late night disturbance from licensed premises, restaurant and neighbouring hotels caused by hotel servicing in George Yard, disturbance from customers leaving neighbouring restaurant premises and noise from taxis. They consider that the proposals would exacerbate this disturbance (as a result of customers leaving the premises and noise nuisance from restaurant servicing) and contend that the area cannot accommodate the activity and additional noise disturbance associated with the new restaurant, however robust any management plan.

Objectors also consider that the proposed weekday and Sunday opening hours are too late (see below) and that this coupled with proposed restaurant servicing from 06.00 hours would result in unacceptable noise disturbance, particularly affecting residents' ability to sleep.

Should the proposals be considered acceptable, objectors have requested conditions to prevent the provision of external seating; to limit restaurant servicing (including deliveries/collections of goods, waste, and recyclable materials) to between 08.00 hours and 21.00 hours each day and to require all servicing to take place from Duke Street rather than from Brown Hart Gardens or George Yard.

This is a speculative application by Grosvenor West End Properties who would develop the site and hand the restaurant over to an operator. The applicants have submitted a draft Operational Management Plan (OMP) which includes various obligations designed to ameliorate the potential impact of the proposed restaurant upon the amenities of neighbouring residential properties and local environmental quality. This document is intended to set out the guiding principles for the operation of the restaurant which an incoming operator would put in place. The applicants have confirmed that their target operators would be high quality and well established who would be made aware of the potential impact of the proposed use upon the local environment.

The draft OMP includes the following undertakings:

- Restaurant opening between: 07:00 – 00:00 (midnight) on Monday to Saturday and between 09:00 – 22:30 on Sunday and bank holidays.
- The proposed customer capacity of 100, all situated internally.
- Servicing would take place from Duke Street between 06.00 and 09.00 hours in accordance with a daily delivery schedule. The operator will coordinate the management of the deliveries and will take all necessary steps to ensure that deliveries are kept to a minimum and are managed to minimise disturbance and to ensure highway safety is maintained.
- The entrance would be attended at all times by reception staff.
- A senior member of staff will oversee the operation at all times. It is envisaged that the operation will employ approximately 25 full and part time staff.
- No dedicated staff entrances will be provided for staff. The occupier will be responsible for the access of staff and the opening of their premises.

- The management will reserve the right to refuse entry or to remove persons from their own premises for whatever reason, at any time.
- No parking would be provided for patrons and staff and all taxi drop-offs would be made on Duke Street. A full list of public transport, public car parking and cycle parking locations within close proximity would be made available on the operators' websites.
- Notices will request that patrons recognise that the area includes residential homes and to leave the premises quietly.
- All waste will be stored within the building. Waste collection will be undertaken in line with Westminster City Council's existing arrangements.
- No designated smoking areas will be provided on the premises. Visitors and staff will be encouraged (through staff briefings and notices to visitors) to avoid smoking on adjoining residential streets and to dispose of cigarette butts in suitable receptacles.
- The operator will be encouraged to link into existing established networks in the locality, including the Safer Neighbourhood Team of the Metropolitan Police.
- The operator will engage regularly with local residents and business associations to discuss any issues and update them on any developments.
- The operator will ensure that all maintenance issues are attended to immediately, so that these can be resolved as quickly as possible. Where external works are to take place or those deemed to be of a significant nature, neighbours will be notified via the Residents' Associations, as appropriate.
- Neighbours will be provided with contact details of the restaurant management to ensure that any issues are addressed swiftly

The applicants are keen to emphasise that it is not in their interest to introduce a use that adversely affects the amenities of neighbouring occupiers. They have undertaken to contact residents who may be affected by the proposals and to provide their own point of contact to ensure that any issues arising from the proposed use are speedily resolved.

The proposed restaurant would replace a larger restaurant at 64-66 Duke Street, which is not subject to any planning controls. (It is noted that the premises licence at 64-66 Duke Street limited the opening hours of the previous restaurant at that site to between 09.00 and 01.00 hours Monday to Saturday and 09.00 and 00.00 hours on Sundays (but until 01.00 hours on Sundays before Bank Holidays There was no restriction on capacity.) Although the current land use package would enable controls to be imposed on the operation of the relocated restaurant, objectors consider that the relocation of the existing restaurant would improve the amenity of occupants of the applicant's own residential buildings (Duke Street Mansions) whilst adversely affecting the amenity of residents in other parts of Duke Street. However, planning policies which are designed to safeguard residents' amenities do not make any distinction between types of residential tenure.

The proposed operating hours accord with UDP guidelines for restaurant opening within primarily residential areas and are considered acceptable in this busy central location. The applicants have confirmed that all servicing would take place from Duke Street. Although servicing would commence at 06.00 hours, earlier than objectors have requested, this is considered acceptable given that Duke Street is characterised by ground floor commercial uses.

The draft OMP confirms that no external seating would be provided. Conditions are recommended to limit restaurant capacity, to restrict the size of any ancillary bar area; to prevent ancillary take away sales or the operation of a delivery service and to require all windows to be kept closed during restaurant opening hours. Subject to these conditions and with a condition requiring the submission of a finalised OMP which should also include details of measures to prevent customers queuing outside of the premises and a commitment to operate a complaints hotline during restaurant opening and delivery hours (and details of how/where this number will be publicised), it is not considered that the proposal would have a material impact on residents' amenities. Although the distribution of entertainment uses would be altered, given that the proposed restaurant would replace another restaurant approximately 80m from the site, it is not considered that there would be any material impact upon the character and function of the area.

8.2 Townscape and Design

The application buildings stands on the west side of the street on the corner of Brown Hart Gardens and adjoins Chesham Flats at the rear. Although one respondent has commented that the application premises are Grade II listed buildings, they are not listed. However, they stand opposite grade II listed buildings in Duke Street and the grade II listed sub-station in Brown Hart Gardens, all of which are in the Mayfair Conservation Area and to which the application premises make a positive contribution.

At ground floor level the alterations to the shopfronts accord with UDP policy DES 5 and the council's 'Shopfronts, Blinds and Signs' supplementary planning guidance. The painted timber-framed design will suit the appearance of the building and surrounding conservation area, which accords with UDP policy DES 9. Likewise the new windows at ground floor level are architecturally appropriate in terms of their design and accord with policies DES 5 and DES 9.

The proposed kitchen extract duct would be located internally and would discharge 300mm above main roof level, adjacent to the chimney on the party wall between the two properties. A condition requires full details of the extract to be submitted to ensure compliance with normal requirements. This is considered acceptable in terms of its impact upon the character and appearance of the building and surrounding conservation area and accords with UDP policies DES 5 and DES 9.

Mechanical plant is to be located in an acoustically screened enclosure in the first floor lightwell. This minimises its visual impact in accordance with UDP policies DES 5 and DES 9 and is acceptable in design and heritage asset terms.

Seen in the context of nearby listed buildings, for the reasons set out above, the proposal in its current form will maintain their setting which is in accordance with UDP policy DES 10.

Objections to the application have been received and relate mostly to amenity concerns. As the buildings are not listed, consideration of the internal alterations is limited in heritage asset terms. A concern has been raised about the increased size of the unit which results from combining two in to one. In this case, the alteration is neutral in terms of its impact on the character of this part of the conservation area. The resulting unit size is not out of character with the size of surrounding commercial premises and the outward manifestation of the change is unification of the shopfront designs – which is beneficial in terms of their appearance.

8.3 Residential Amenity

Plant

The application is accompanied by an acoustic report detailing plant proposals including the installation of air conditioning units within the rear lightwell at first floor level. It was originally proposed to site the duct within a false chimney running up the side elevation of Chesham Flats, terminating immediately below the height of the adjacent roof space. The application has since been amended. The duct would now run through the application premises and discharge in the centre of the roof, away from the neighbouring property.

Objections were received to the original application on the ground of potential noise disturbance from restaurant plant in relation to the enjoyment of the roof top amenity space at Chesham Flats and more generally. One objector has commented that, even though other hospitality/restaurant businesses in this locality have installed plant to operate in accordance with Council noise requirements, the night-time background noise level continues to rise because of the acoustic properties of this location. The objector contends that plant can be louder at other, more distant, noise sensitive locations than at the nearest noise sensitive property. The objector is concerned that noise from air conditioning equipment would amplify in both George Yard and around Brown Hart Gardens and has requested that the general increase in background noise levels is taken into account when determining maximum noise levels from air equipment.

This objection has been reviewed by the Council's Environmental Health officer. Although it is not clear what is meant by the 'acoustic properties' of the area, it is assumed that some locations are quieter at the back/behind the properties fronting onto Duke Street. This is reflected in the relatively low background noise levels within the acoustic report. The plant proposals have been assessed in the usual manner and a condition is proposed requiring noise emissions from the plant to be 10dB below the existing lowest background level at the nearest noise sensitive location. This would be sufficient to safeguard the amenities of those residents closest to the site and those occupants of properties further distant. However, it may be that there is existing plant somewhere in the vicinity which is noticeable above background levels.

The report recommends that acoustic enclosures are provided in order to achieve compliance with standard noise conditions. Subject to conditions including a requirement for acoustic screening to be installed prior to operation of the plant, it is not considered that objections to disturbance from the proposed plant could be supported and the proposals are therefore considered to comply with the relevant UDP and City plan policies.

Smell Nuisance

An objection was received to the original application on the grounds that the operation of the kitchen extract duct would result in smell nuisance to the roof of Chesham Flats which is used as an amenity space, for drying washing and for growing plants. Objectors are also concerned that the duct would make laundry dirty and affect plant growth. Given the revisions to the scheme, which repositions the extract duct away from the boundary with Chesham Flats, it is considered that the duct would adequately discharge cooking smells and that the objections cannot on smell nuisance and other grounds cannot be supported.

8.4 Transportation/Parking

Parking and Trip generation

The Highways Plan Manger has reviewed the application and considers that in terms of people arriving and departing the site, parking levels would be similar to those generated by the existing uses and that any increase in parking demand would not be significant. As the site is within a Controlled Parking Zone, anyone who does drive to the site will be subject to those controls.

However, the pattern of use associated with the site would change from activities spread throughout the day to concentrations at lunch time and during the evening with associated increased in vehicular traffic, particularly taxis.

Cycle Parking

The application has been revised to provide 2 staff cycle spaces. This accords with the requirements of London Plan Policy 6.9 and would be secured by condition.

Servicing

City Plan policy S42 and TRANS20 of the UDP require new developments to provide off-street servicing but, given the site constraints, there is no opportunity to provide this facility.

One respondent has referred to the fact that there is a no entry point in Brown Hart Gardens adjacent to the proposed restaurant, which would affect how deliveries and collections are undertaken. They are concerned that restaurant servicing has the potential to obstruct traffic on Duke Street, ‘...more so if proposed layout of Duke Street is made (sic), traffic from Balderton Street and the other section of Brown Hart Gardens is likely to increase causing more disturbance to residents in these areas’.

The Highways Planning Manager is unaware of proposals to redirect traffic in the area. As there is no existing on-street loading/unloading area near this location, deliveries would be made from Duke Street and received via a door on Brown Hart Gardens. (it is noted that the submitted drawings are incorrectly annotated and state that deliveries will be via the corner customer entrance). While details of the proposed vehicle delivery location are limited, this arrangement would appear acceptable in principle in highways terms. However, deliveries will need to be carefully managed to minimise the impact of deliveries on pedestrians, numbers of which continue to increase in the area. In these circumstances, a Servicing Management Plan would be required. The SMP should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as

detailing how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. The Plan should clearly outline how servicing will occur on a day to day basis to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users (including pedestrians).

To minimise the impact of the proposed use, and also to safeguard residents' amenities, it is considered that any permission for a new restaurant use should include a condition to prevent both take away sales and the operation of a delivery service as associated parking can reduce the availability of parking for other uses and increases potential noise disturbance.

Subject to the conditions outlined above, the proposals are considered acceptable in highways terms.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

Customer access to the restaurant will be via the existing entrance to the betting shop, on the corner of 78 Duke Street. There is currently a half-step at this entrance which will be removed through the provision of a small ramp, details of which are to be submitted. Offices on the upper floors will be continue to be accessed via Duke Street. Customer WC facilities will be provided at ground floor level.

8.7 Other UDP/Westminster Policy Considerations

Refuse

The Cleansing Officer has advised that the proposals do not accord with the council's recycling and waste storage requirements. A bin store is indicated at ground floor. However, confirmation will be required of the bin capacities and bins should be marked for general waste, food waste and recyclable materials in accordance with published guidelines. A condition is recommended requiring the submission of a revised plan including this information.

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.

8.10 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

A requirement that the Class A1 retail floorspace at 64-66 Duke Street is made ready for occupation prior to the commencement of the proposed restaurant use and that this retail use will be permanently retained.

8.11 Environmental Impact Assessment

The application is not of a scale to require the submission of an Environmental Impact Assessment. More general environmental issues are discussed elsewhere in the report.

8.12 Other Issues

Means of escape

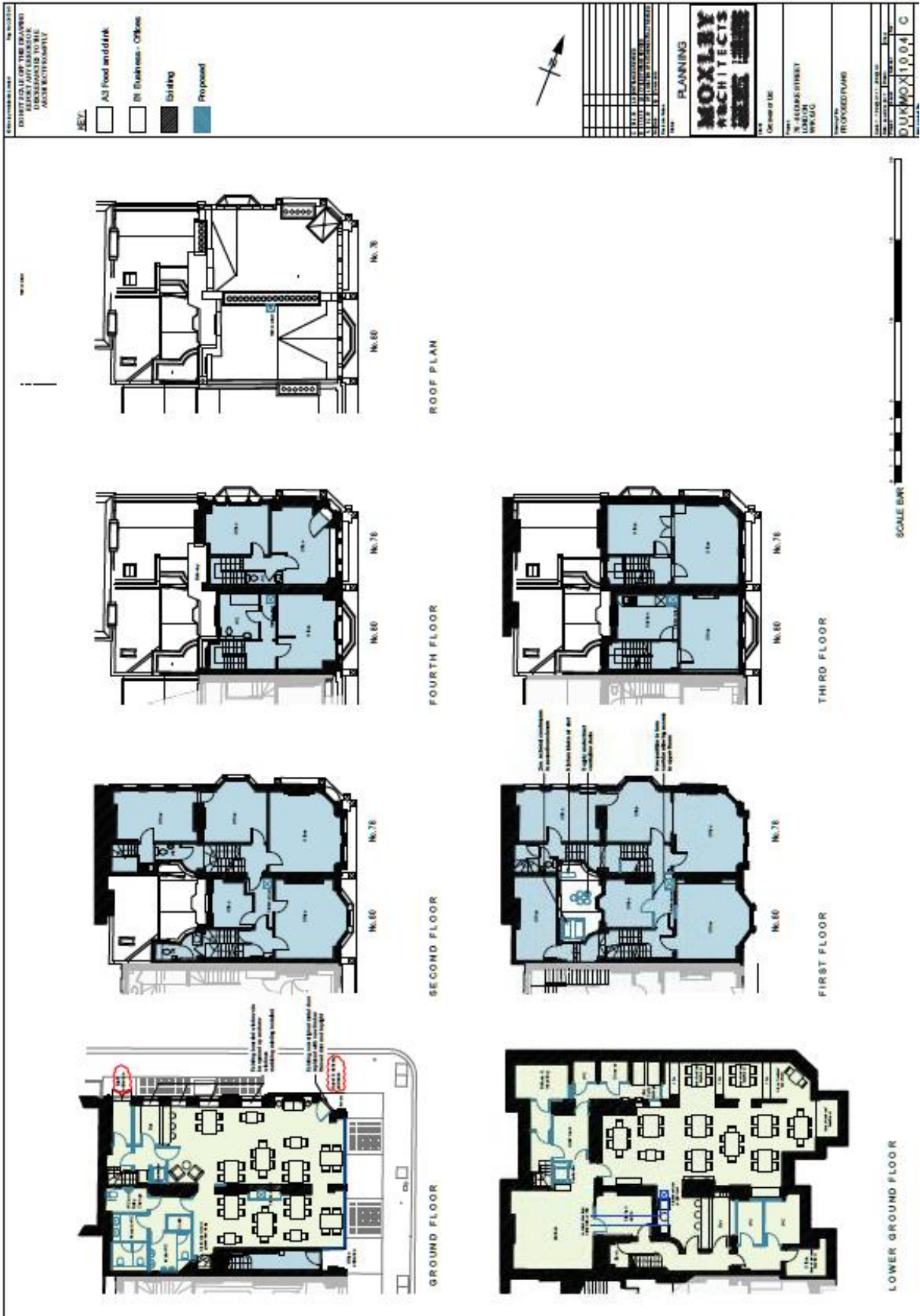
The Environmental Health officer has expressed concern that the basement shows a single means of escape for customers, via the ground floor, and that the travel distance to the ground floor exit seems 'quite significant'. This issue will be considered as part of any future application under the Building Regulations. An informative is recommended to advised that applicant that any building alterations required to address this issue may require further planning permission.

(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

9 KEY DRAWINGS





UNIVERSITY PARK
DISTRICT SCALE AND THE PLANNING
BOARD AND BOARD OF
ARCHITECTURAL REVIEW

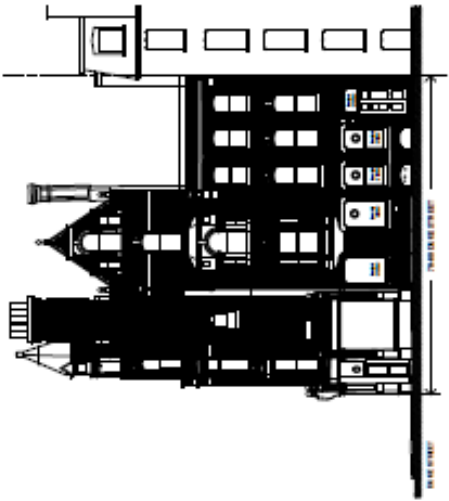
KEY:
Proposed demolition



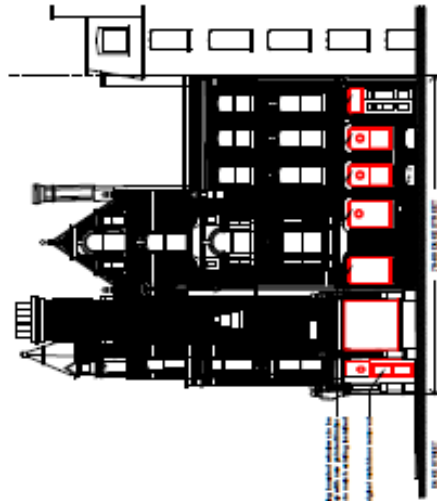
PLANNING
MOXLBY
ARCHITECTS
1000 UNIVERSITY PARK
UNIVERSITY PARK, TEXAS 75001
TEL: 214.343.1111
WWW.MOXLBY.COM

DATE: 08/11/14
PROJECT: UNIVERSITY PARK
1000 UNIVERSITY PARK

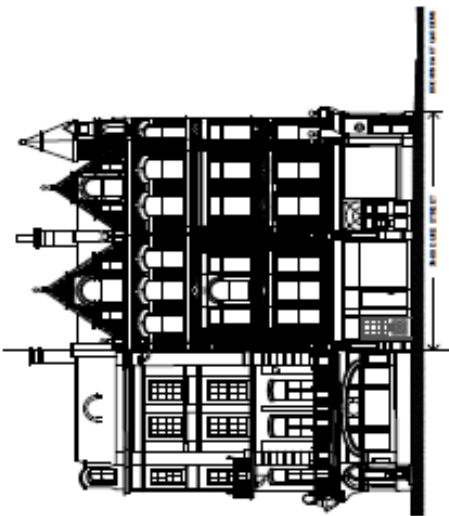
UNIVERSITY PARK
DISTRICT SCALE AND THE PLANNING
BOARD AND BOARD OF
ARCHITECTURAL REVIEW



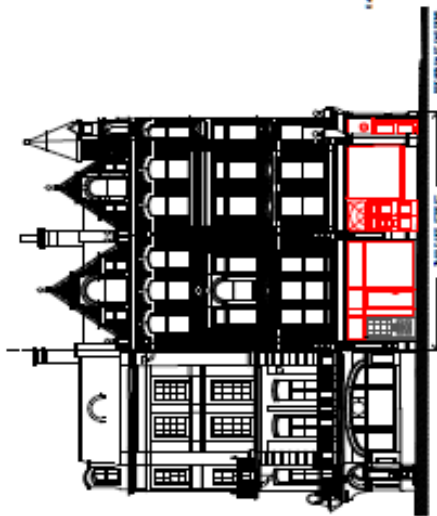
BROWN HART GARDENS ELEVATION B-B
SCALE 1:100



BROWN HART GARDENS ELEVATION B-B
SHOWING PROPOSED DEMOLITION
SCALE 1:100



DUKE STREET ELEVATION AA
SCALE 1:100



DUKE STREET ELEVATION AA
SHOWING PROPOSED DEMOLITION
SCALE 1:100



PROJECT NO. 1612
DUKE STREET, BRISTOL, BRISTOL
UNIVERSITY
ARCHITECTURE

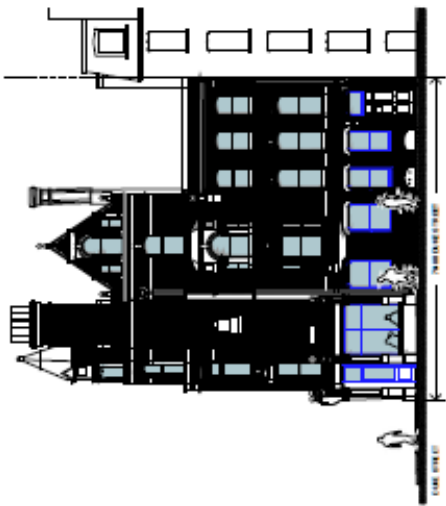
REV.



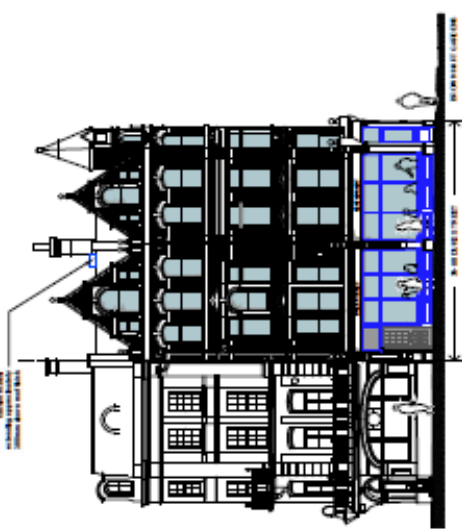
MOXLEY
ARCHITECTS

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

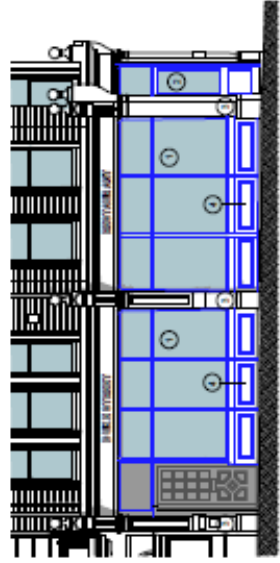
DUMMOX 10.11 B



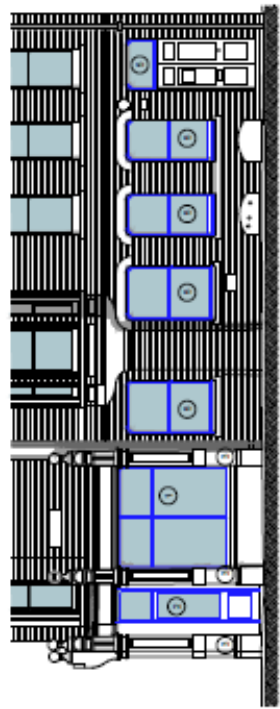
DUKE STREET ELEVATION A-A
SCALE 1:100



BROWN HART GARDENS ELEVATION B-B
SCALE 1:100



DUKE STREET ELEVATION EXTRACT
SCALE 1:50 @ A1



BROWN HART GARDENS ELEVATION EXTRACT
SCALE 1:50 @ A1

Explanations

- 1 Glass/restaurant frontage with painted timber framing
- 2 Timber entrance door and top-light
- 3 Existing stone-work to be cleaned and repaired as required
- 4 Timber paneled sash doors
- 5 Sliding boarded windows to be opened up with new painted timber windows to match existing installed

SCALE BAR

DRAFT DECISION LETTER

Address: 78-80 Duke Street, London, W1K 6JQ,

Proposal: Use of the ground and lower ground floors as a restaurant (Class A3 use), installation of new shopfronts, installation of roof level extract duct and air conditioning units within first floor rear lightwell and associated external works. (Part of land use package with 64-66 Duke Street)

Reference: 17/10860/FULL

Plan Nos: DUK/MOX/1004C, 1011B; TPS/78-80DS/LG, G, 1, 2, 3, 4,R

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

4 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

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

Reason:

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

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

- i) the new shopfronts
- ii) new windows

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 drawings. (C26DB)

Reason:

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

7 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 restaurant. (C14EC)

Reason:

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

8 (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)

9 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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)

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

Reason:

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

11 No waste shall be stored on the public highway

Reason:

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

12 You must apply to us for approval of a Servicing Management Plan (to include waste collections) which should identify process, storage locations, scheduling of deliveries and staffing arrangements and confirm how vehicle delivery size will be managed and how the time that delivered items remain on the highway will be minimised. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

Reason:

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

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

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

14 No delivery service shall be operated in association with the restaurant use hereby approved, including deliveries by any independent delivery service operators

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

15 You must keep the bar areas to the parts of the property marked 'bar' (lower ground and ground floors) on drawing number DUK/MOX/1004 Rev C. You must use the bar areas to serve restaurant customers only, before, during or after their meals. You must only use the rest of the property as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

16 Customers shall not be permitted within the restaurant premises before 07.00 hours or after 24.00 hours (midnight) on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 and 22.30 hours on Sundays, bank holidays and public holidays. (C12BD)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

17 You must not allow more than 100 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

18 No customer seating shall be provided on any private forecourts outside the premises

Reason

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

19 Other than in the case of energy or for maintenance purposes, all windows to the restaurant hereby approved shall be kept fully closed that all times that customers are on the premises and all doors shall be kept closed except for the purpose of access and egress.

Reason

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

20 You must apply to us for approval of a management plan to show how you will prevent restaurant activities, including the treatment and disposal of glass waste, from adversely affecting neighbours' amenities and how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

Reason:

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

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

Reason:

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

22 All servicing must take place between 06.00 and 09.00 hours. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

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

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

Reason:

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

25 Pre Commencement Condition: You must apply to us for approval of detailed drawings of how you will give people with disabilities access to all parts of the development. These drawings must include:

- * full details of threshold levels;
- * relevant elevations, plans and cross sections of the building at a scale of 1:50 and
- * plans of all doors and any handrails at a scale of 1:20

You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings/details.

Reason

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

Informative(s):

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

2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building, including alterations to provide a secondary means of escape, or the purpose it is used for. (I23AA)

6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the requirement for the basement and ground floor shop units at 64-66 Duke Street to be made ready for occupation prior to the commencement of the restaurant use and to be permanently retained as Class A1 retail floorspace. (I55AA)

7 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

8 The term 'clearly mark' in condition 7 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 August 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Bayswater		
Subject of Report	8 Monmouth Road, London, W2 5SB		
Proposal	Erection of single storey side/ front infill extension at second floor level and installation of glazed balustrade at rear of third floor roof.		
Agent	Aspect Property Services Limited		
On behalf of	Mr Charles Payne		
Registered Number	18/04040/FULL	Date amended/ completed	18 July 2018
Date Application Received	16 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Refuse permission – design.

2. SUMMARY

The application site is one half of a three storey unlisted semi-detached villa within the Westbourne Conservation Area.

Planning permission is sought for the erection of a single storey side infill extension at second floor level and the erection of a glazed balustrade to the rear of the third floor level flat roof.

The applicant is a relative of Councillor Payne.

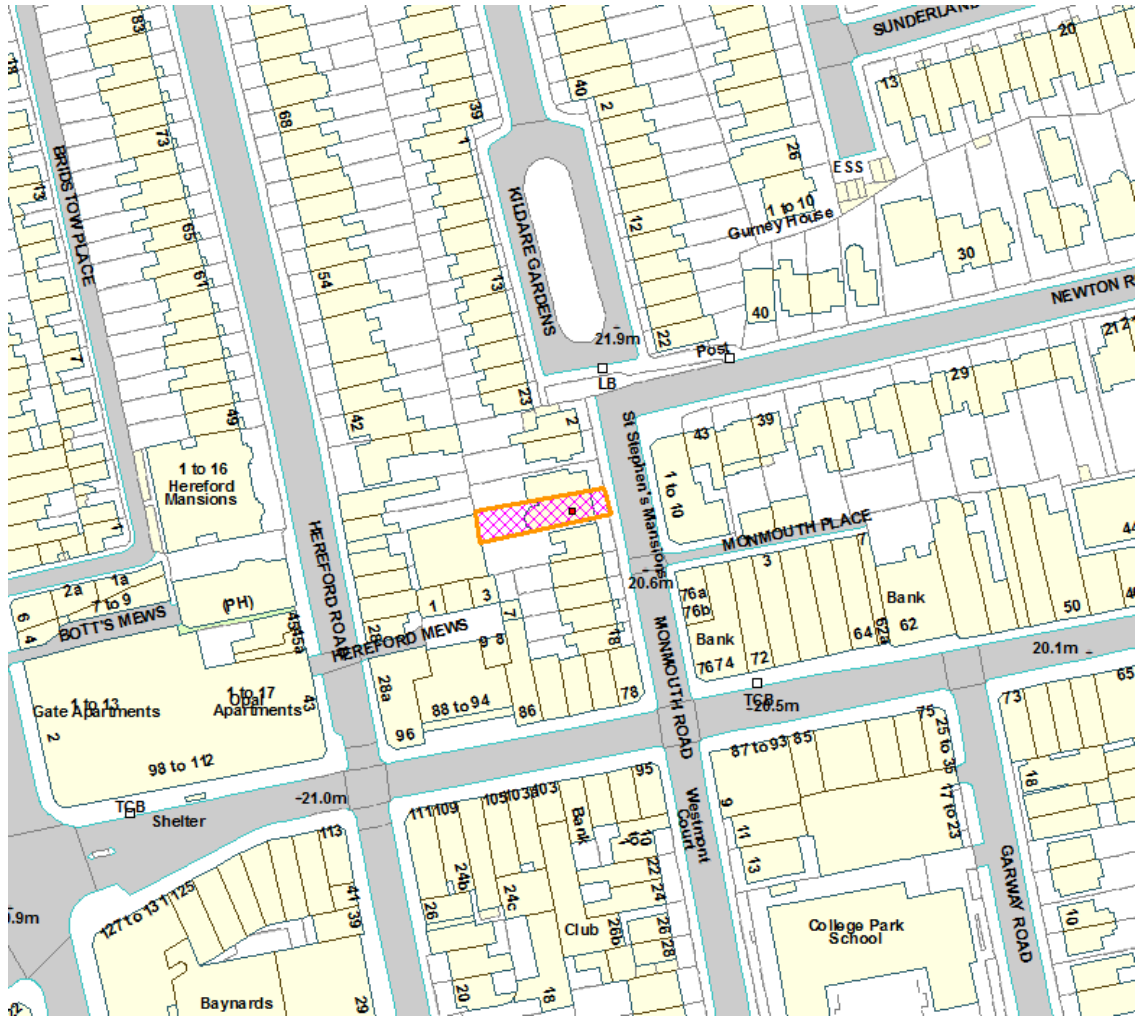
Planning permission has previously been refused for similar extensions in 2016 and 2017. Both previous refusals have been the subject of planning appeals and both appeals have been dismissed (see appeal decisions in the background papers). The application differs from the 2016 application in that it proposes a reduction in height so that it is below the eaves of the main building and from the 2017 application in that the extension has a small set back from the front wall of the property. Neither of the refused applications included the addition of the glazed balustrade at third floor level, which is included in this application.

The key issues in this case are:

- The impact of the proposal on the character and appearance of the Westbourne Conservation Area; and
- The impact of the proposal on the amenity of neighbouring residents.

The modest changes to the front building line and parapet in comparison to previously refused schemes are insufficient to overcome the concerns regarding the bulk and visual impact of the proposed side extension, as outlined in earlier appeal decisions. In addition, the proposed glazed balustrade is considered to be unacceptable in design terms. It is considered that the proposal would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) (the City Plan) and DES 1, DES 5, DES 6 and DES 9 of the Unitary Development Plan (January 2007) (the UDP).

3. LOCATION PLAN



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

4. PHOTOGRAPHS



Front of application site.



Rear of application site

5. CONSULTATIONS

COUNCILLOR CARMAN

Supports application on the grounds that the extension would be unobtrusive and in harmony with its surroundings. Also states that the applicant has offered a further modification to help preserve the roofline (a low structure at a 45 degree angle instead of glass panels on the outer walls).

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is one half of a three storey unlisted 1840s semi detached villa within the Westbourne Conservation Area. The property is a single dwellinghouse although it is currently unoccupied while rear extensions and a basement extension are under construction (see RNs: 16/05882/FULL and 16/04450/FULL).

6.2 Recent Relevant History

16/05882/FULL

Erection of a single-storey rear extension at first floor level.

Application Granted 19 December 2016

16/04450/FULL

Basement with front and rear lightwells and alterations to front elevation, single storey rear extension to replace existing conservatory.

Application Refused 11 July 2016

An appeal was allowed 1st March 2017.

16/10459/FULL

Erection of second floor front infill extension.

Application Refused 8 December 2016

An appeal was dismissed 1st March 2017 (see copy of appeal decision in the background papers).

17/03961/FULL

Erection of second floor front infill extension.

Application Refused 21 June 2017

An appeal was dismissed 20th December 2017 (see copy of appeal decision in the background papers).

7. THE PROPOSAL

Permission is sought for the erection of a single storey side/ front infill extension at second floor level and erection of a glazed balustrade at third floor flat roof level towards the rear of the property.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed extension of the existing dwellinghouse accords with Policy S14 of the City Plan and Policy H3 of the UDP, which encourage the provision of additional residential floorspace.

8.2 Townscape and Design

Proposals for a second floor infill extension have been refused on design grounds twice previously. In the decision dated 20 December 2017 (ref APP/X5990/D/17/3183474), the Inspector commented (para. 7-9):

“The proposed extension would effectively infill between the existing canted second floor extension and the front of the dwelling. While No 8 has been extended to the side and in line with the front elevation, I consider that a further extension at second floor level would form a prominent and dominant addition which would further unbalance the semi-detached pair to a harmful degree.

This effect would not be overcome by the small set-back of the extension from the front wall of the dwelling. Moreover, the proposed flat roof and upstand would be above the level of the eaves of the existing hipped roof and would have a particularly awkward relationship with this and would further emphasise the incongruity of the development.

As a villa depicting one of the early phases of 19th Century development of the area, the appeal property makes a positive contribution to the character of the CA, in terms of its architecture and in terms of its age and history as part of the growth and development of the area during that period. The proposed development would be highly visible in the street scene and accordingly would also cause harm to the character and appearance of the CA”.

A second scheme for a similar extension was also dismissed at appeal on 9 May 2018 (APP/X5990/D/18/3193343) with the Inspector noting (para. 7):

“The proposed infill extension at second floor level would be flush with the main front wall of the house and have a flat roof tucking under the eaves to the hipped roof over the original dwelling. Whilst it would hide the present chamfered wall at second floor level, it would result in a bulky addition that would be prominent in the street scene. The additional width at second floor level would affect the proportions of the dwelling in relation to the roof and would detract from the appearance of the building itself and from the pair of semi-detached dwellings”.

The second Inspector agreed with the first Inspectors findings when stating (para. 8):

“In this respect, I concur with the findings of the Inspector who determined an appeal in 2017 for a similar infill extension at second floor level at the appeal site. She commented, “While No 8 has been extended to the side and in line with the front elevation, I consider that a further extension at second floor level would form a prominent and dominant addition which would further unbalance the semi-detached pair to a harmful degree”. That proposal differed from the current proposal in that it would have been set back from the front wall and would have had a parapet wall to the flat roof. The changes made to the current proposal do not overcome the harm identified in relation to the previous appeal. Indeed the forward siting of the extension to be flush with the main front wall would mean that the original form and profile of the dwelling below eaves level would be lost”.

The principle of the front second floor extension has been found unacceptable in the two refusals and dismissed by the aforementioned appeal decisions. This scheme is slightly different in that it includes both a set back from the front elevation and a slight lowering of the parapet at eaves level. These modest changes to the front building line and parapet do not overcome objections to the bulk and visual impact of the extension, as outlined in previous refusals and the appeal decisions of two Inspectors.

The principal difference with this scheme is that it also includes a glass balustrade fixed to the parapet, which would formalise the use of the roof area for sitting out as a terrace. The glass balustrade has not been included in previous proposals and would be a high level and prominent addition. It would add roof level clutter and make the side extension, already harmful in its own right, even more visible. Despite being set back, the glass balustrade would be visible from a variety of vantage points, in oblique views from the front, from buildings opposite and from rear gardens and the many overlooking windows. The glass material of the balustrade would be eye-catching through its reflectivity, with the glinting of sunlight ensuring the glazed balustrade would appear as a dissonant addition at roof level.

Given the above, the proposed second floor front extension and glazed balustrade would be contrary to Policies S25 and S28 of the City Plan and Policies DES 1, DES5, DES6 and DES9 of the UDP.

8.3 Residential Amenity

The proposed extension would not project beyond the existing building line and therefore would have no amenity impact on the neighbouring properties (No.10) front elevation windows in terms of sense of enclosure and loss of daylight or sunlight. There is a small window in the side elevation at No.10 which would be affected as the extension would

infill the chamfered corner of the building at second floor level adjacent to the window. However, the neighbouring window is obscure glazed and appears to serve a bathroom rather than a habitable room. The window would also remain approximately 1.5 metres from the extension due to the gap between these buildings. Because of these factors and given its flank wall location, this window can be afforded only limited protection in any case. It is not considered that permission for this extension could be refused because of its amenity impact on this window.

Windows are proposed in the side elevation of the property facing onto No.10. However, the drawings indicate that these would be obscure glazed on the submitted drawings and could be conditioned as such if the application was acceptable in all other regards.

The flat roof area to which the balustrading is proposed appears to have been used for sitting out on for some time. The applicant has produced an estate agent's brochure from 1988 which describes the existence of a "sunroof terrace" Notwithstanding this, as the property is a dwellinghouse, the use of roof for purposes incidental to the enjoyment of the dwellinghouse would not require planning permission in any event. Nevertheless, it is necessary to consider the impact the balustrade would have in terms of facilitating more intensive use of the roof. It is apparent that the existing use of the roof affords oblique views into some windows and the garden of the neighbouring property and given this, whilst some intensification of the use of the roof for sitting out on would occur as a result of the installation of balustrading, it is not considered that this would be such a significant increase relative to the existing lawful situation so as to warrant withholding permission on overlooking grounds.

For the reasons set out in this section it is considered that the proposals are acceptable in amenity terms and would accord with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan.

8.4 Transportation/ Parking

The proposal involves the extension of an existing dwellinghouse with no increase in units. Therefore, there are no parking or transportation implications.

8.5 Economic Considerations

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

8.6 Access

The proposal would not result in any changes to the existing access arrangements to the property.

8.7 Other UDP/ Westminster Policy Considerations

None 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 (July 2018) unless stated otherwise.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues.

Councillor Carman mentions in her letter of support that a similar extension has been completed nearby at No. 25 Newton Road. This example has been highlighted by the applicant and considered by the Council and Inspectorate in previous applications and appeals. In the most recent appeal decision dated 9th May 2018 the Inspector stated:

“The appellant has made reference to a recent permission for a similar extension at 25 Newton Road. The second floor extension here balances that to no.23 with which the property is paired and abuts a similar extension to the adjacent building at 27 Newton Road. The site circumstances therefore are different to those at the appeal site (8 Monmouth Road) and this recent addition does not set a precedent for the appeal proposal”.

Councillor Carman also states that the applicant has suggested a further modification involving a *“low structure at a 45 degree angle which would provide safety while preserving the roofline of the building”*. However, no drawings of this have been submitted for consideration during the current application. As the principal of the extension is unacceptable in any event, it is not considered that the amendment referred to would overcome the significant concerns set out in Section 8.2 of this report.

(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: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

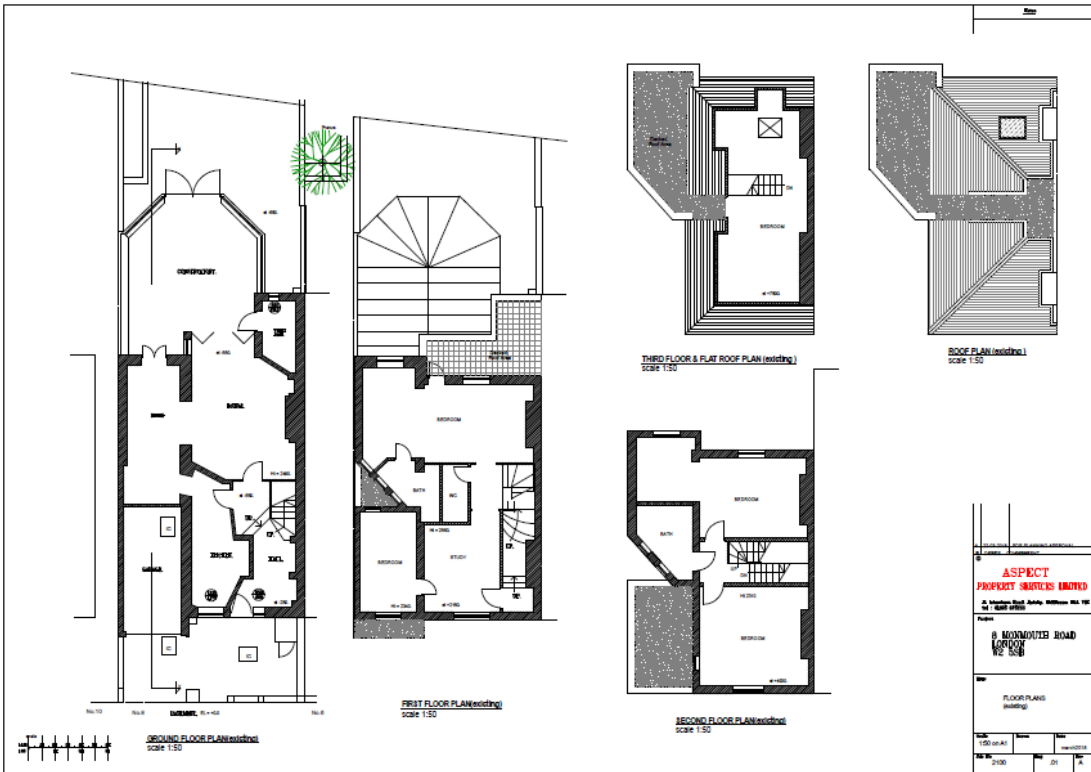
9. KEY DRAWINGS



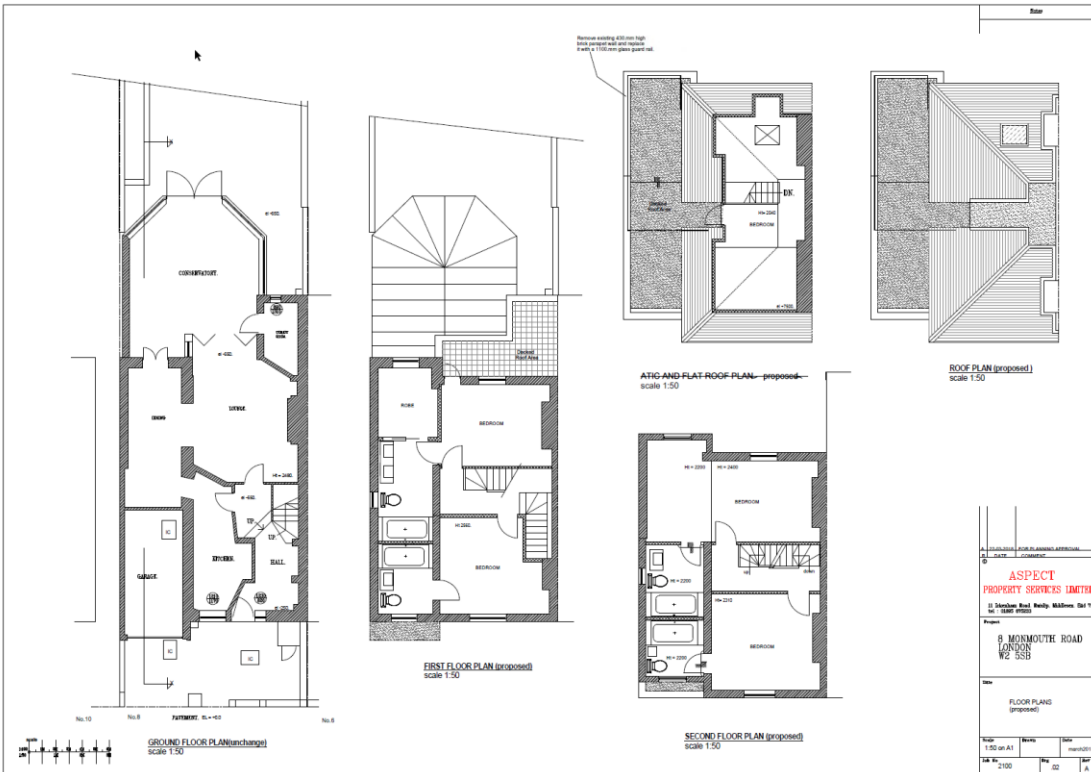
Existing Elevations



Proposed Elevations



Existing Floorplans



Proposed Floorplans

DRAFT DECISION LETTER

Address: 8 Monmouth Road, London, W2 5SB

Proposal: Erection of single storey side/ front infill extension at second floor level and installation of glazed balustrade at rear of third floor roof.

Reference: 18/04040/FULL

Plan Nos: Site location Plan; Drawing numbers .01 Rev A; .02 Rev A; .03 Rev A; .04 Rev A; .05 Rev A; Design and Access Statement.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s)

Reason:

- 1 Because of its prominent location to the front of the building, its impact on the appearance and proportions of the house and the proposed glass parapet balustrade, the proposed development would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 5, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. The proposals would also be contrary to advice contained in adopted and published supplementary planning guidance namely 'Development and Demolition in Conservation Areas' (City of Westminster: 1996) and 'Roofs: A Guide to Alterations and Extensions on Domestic Buildings' (City of Westminster: 1994).

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

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

Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Landward Court, Harrowby Street, London, W1H 5HB		
Proposal	Erection of a single storey roof extension at 13 th floor level to provide two additional residential dwellings (Class C3) with external terraces.		
Agent	Stephen Davy Peter Smith Architects		
On behalf of	Heartpride Limited		
Registered Number	18/04133/FULL	Date amended/ completed	31 May 2018
Date Application Received	18 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

Refuse planning permission – design.

2. SUMMARY

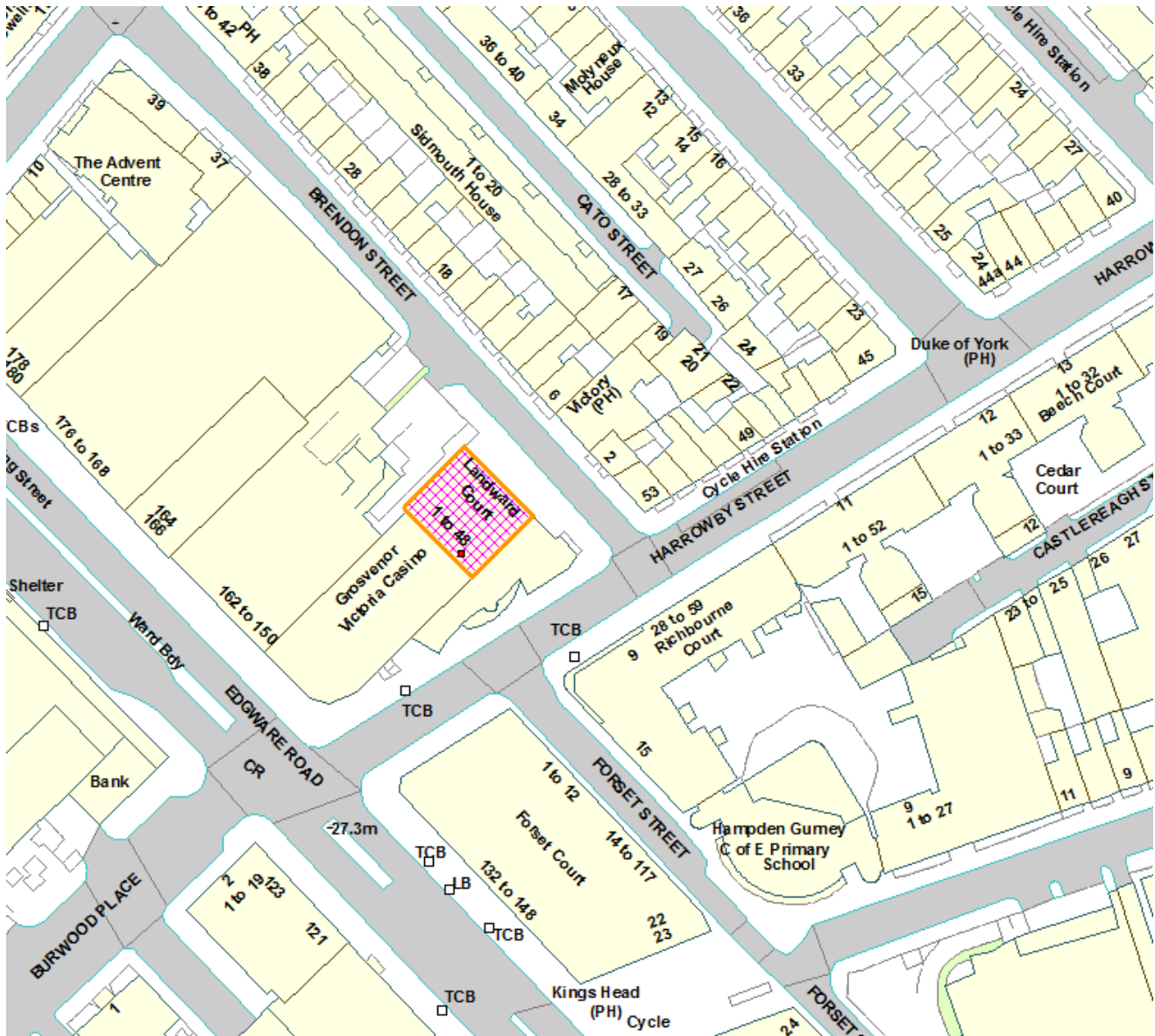
Landward Court is an unlisted 12-storey plus basement and ground floor residential building comprising 48 flats, located outside of any conservation area. The building is prominently positioned on the north side of Harrowby Street with a frontage to Brendon Street to the east. Planning permission is sought for the erection of a single storey extension on the roof of the building to provide an additional two residential units with terraces.

The key issues in this case are:

* The impact of the proposed works on the appearance of the building and the character and appearance of the neighbouring Molyneux Street Conservation Area and the setting of nearby listed buildings.

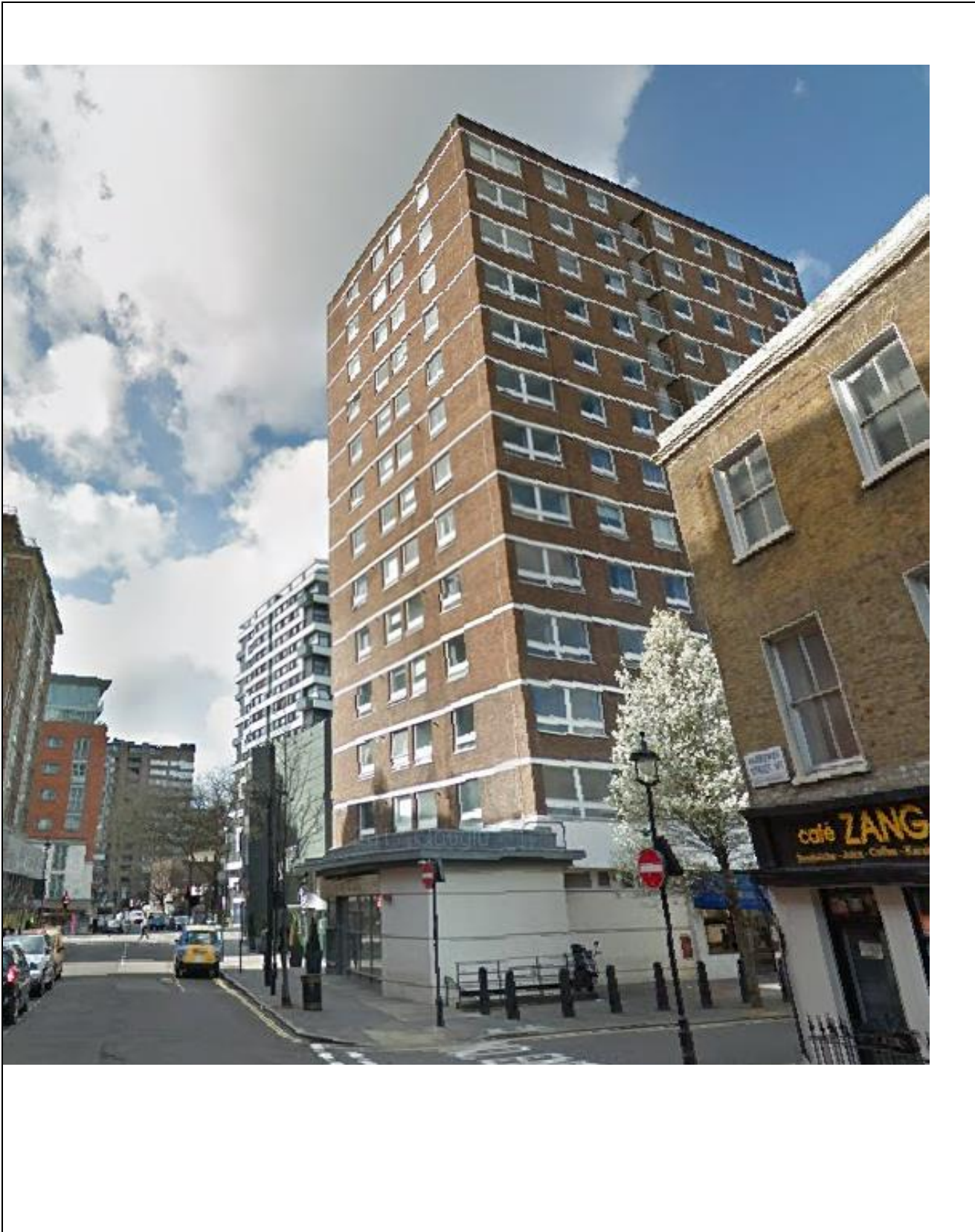
The proposal is considered unacceptable because of its design, increased massing and visibility of this high rise building. It is considered that the proposal would harm the appearance of the building itself, detrimentally affect the character and appearance of the Molyneux Street Conservation Area and the setting of neighbouring listed buildings.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



View looking west along Harrowby Street:



View looking south along Brendon Street:



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection on the following grounds:

Proposed extension will be visible in long views of the site from within the Molyneux Street Conservation Area.

There may be additional design implications resulting from the installation of the balustrade and new parapet.

HARROWBY AND DISTRICT RESIDENTS' ASSOCIATION

Proposed extension to this tall building will detrimentally impact upon the character of the Molyneux Street Conservation Area.

CLEANSING

No objection subject to conditions.

HIGHWAYS

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 529; Total No. of replies: 9

No. of objections: 9; No. in support: 0

Objections on the following grounds:

Design

Increased height of building will be detrimental to the character and appearance of the neighbouring conservation area.

Detrimental impact upon the design of the property.

Amenity

Loss of daylight and sunlight to neighbouring properties.

Increased use of the existing two lifts (including the transport of construction materials)

Detrimental impact from construction in terms of noise, dust and vehicle movements.

Other

Increased traffic in the area.

Increased volume of rubbish left in the streets.

Potential use of the apartments as short-term lets.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises basement, ground and twelve upper floors, with lift motor room at roof level and parking in the basement. The building, dating from the 1960s, is in use as 48 flats with access from Brendon Street.

The building, which dominates the immediate vicinity, is located on the corner of Harrowby Street and Brendon Street and is adjacent to (but outside) the Molyneux Street Conservation Area. The buildings on the east side of Brendon Street are identified as unlisted buildings of merit in the Molyneux Street Conservation Area Audit. There are also Grade II listed buildings located within the immediate vicinity, namely 45- 53 Harrowby Street and the majority of buildings on Molyneux Street.

6.2 Recent Relevant History

An appeal was submitted with regard non-determination of a previous planning application (17/06912/FULL) for the 'erection of a two storey roof extension to provide four additional residential dwellings (Class C3) with external terraces provided at 13th floor level.' The appeal was dismissed on the 13th March 2018 (a copy of the decision is included in the background papers).

The Council resolved that had an appeal not been submitted the proposal would have been refused on the following grounds:

'Because of its height, bulk and design the proposed roof extension would fail to maintain or improve (preserve or enhance) the setting of the neighbouring Molyneux Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (F) of our Unitary Development Plan that we adopted in January 2007.'

'Because of its height, bulk and design the proposed roof extension would harm the setting of the neighbouring grade II listed buildings at 46- 53 Harrowby Street. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007. '

'Because of its height, bulk and design the proposed roof extension would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1 and DES 3, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007.'

'Your development would not provide an appropriate mix of housing units contrary to the requirements of Policies S15 of Westminster's City Plan adopted November 2016 and H5 of the Unitary Development Plan adopted January 2007 which seek to provide a range of residential units including family sized housing. We do not consider that the circumstances of your case justify an exception to our policy.'

Planning permission (RN: 03/08068/FULL) was refused on the 2nd December 2003 for the 'erection of 2-storey roof extension to provide 4 residential units each with 3 bedrooms'. An appeal against the refusal was dismissed.

The two reasons for refusal were:

'Because of its height and bulk, the proposed extension would harm the appearance of this building, the setting of the adjacent Molyneux Street Conservation Area and this part of the City generally. This would not meet policy DES 3, DES 4, DES 5, DES 6 and DES

7 of our Unitary Development Plan, DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Replacement Unitary Development Plan (Second Deposit version) and DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Pre-Inquiry Unitary Development Plan.' 'Because of its height, bulk and design, the proposed extension would harm the setting of the neighbouring grade 2 listed buildings in Harrowby Street, Shouldham Street and Molyneux Street. This would not meet DES 8 of our Unitary Development Plan, DES 10(E) of our Replacement Unitary Development Plan (Second Deposit version), DES 10(E) of our Pre-Inquiry Unitary Development Plan and paragraphs 2.16, 2.17 and 3.5 of Planning Policy Guidance Note 15.'

Planning permission (RN: 03/08069/FULL) was also refused on the 2nd December 2003 for the 'erection of 2-storey roof extension with associated terraces to provide 4 residential units each with 3 bedrooms'. (This proposal had a different detailed design to the refused planning permission above.) An appeal against this refusal was also dismissed.

The two reasons for refusal were:

'Because of its height, bulk and design, the proposed extension would harm the appearance of this building, the setting of the adjacent Molyneux Street Conservation Area and this part of the City generally. This would not meet policy DES 3, DES 4, DES 5, DES 6 and DES 7 of our Unitary Development Plan, DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Replacement Unitary Development Plan (Second Deposit version) and DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Pre-Inquiry Unitary Development Plan.'

'Because of its height, bulk and design, the proposed extension would harm the setting of the neighbouring grade 2 listed buildings in Harrowby Street, Shouldham Street and Molyneux Street. This would not meet DES 8 of our Unitary Development Plan, DES 10(E) of our Replacement Unitary Development Plan (Second Deposit version), DES 10(E) of our Pre-Inquiry Unitary Development Plan and paragraphs 2.16, 2.17 and 3.5 of Planning Policy Guidance Note 15.'

7. THE PROPOSAL

Planning permission is sought for the erection of a single storey extension on the roof of the building to provide an additional two residential units with terraces.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of new residential floorspace is welcomed in principle and would comply with Policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land or buildings in residential use. The proposal results in the creation of two new units, one having one bedroom and the other three bedrooms.

The two new residential units equate to 158sqm of internal accommodation with the external terraces providing 114sqm. The one bedroom flat would measure 56.3m² whilst the three bedroom flat would measure 97.4m²:this accords with the minimum sizes set out in the London Plan without being excessively large. The proposed units will also

have windows to multiple aspects which will ensure a good level of internal light and the ability to naturally ventilate the units.

Policy H5 of the UDP requires that in new developments, 33% of the residential units should be family sized (three bedrooms or more), whilst Policy S15 of the City Plan also requires that 'residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs, and creating mixed communities'. The previously refused application proposed four units, none of which would have been family sized and was considered contrary to the above policy requirements. It was considered that had an appeal not been lodged the proposal would have been recommended for refusal on this basis and this position was upheld in the appeal decision. The current application proposes 50% off the new units to be family sized which complies with the above policy requirement and the application is therefore considered acceptable in land use terms.

As the increase in residential floor space does not exceed 1000m² or 10 additional residential units, there is no policy requirement to provide affordable housing provision, as set out in Policy S16 of the City Plan.

8.2 Townscape and Design

The tower is located immediately adjacent to the boundary of the Molyneux Street Conservation Area which runs down the centre of Brendon Street, encompassing the buildings on its eastern side, all of which are identified as unlisted buildings of merit in the Molyneux Street Conservation Area Audit (2002). There are also Grade II listed buildings located close to the proposal site, namely at 46- 53 Harrowby Street and the majority of buildings on Molyneux Street and Shouldham Street.

Appeal decision

In 2004 the Planning Inspectorate dismissed two appeals for two storey upward extensions to Landward Court. The Inspector supported the City Council's view that Landward Court harms the setting of the Molyneux Street Conservation Area and numerous nearby listed buildings and that the addition of a further two storeys would serve to exacerbate this harm. More recently, the Planning Inspectorate dismissed a third appeal relating to a two storey copper clad roof extension. In paragraph 6 of his decision dated 13 March 2018, the Inspector stated:

'...when viewed along Harrowby Street, the building abruptly rises significantly above the height of the terraced properties within the CA (conservation area), disrupting the general uniformity of the low level buildings. Furthermore, the modern design of the building visually jars with the surrounding historical architecture, exacerbating the existing harm the building has to the character and appearance of the CA and the setting of 46-53 Harrowby Street.'

He goes on to state in paragraph 7:

'The increase in the height of the building would only exacerbate the dominance it has over the nearby low level historical properties within the CA, particularly 46-53 Harrowby Street, diminishing their significance. The modern design of the extension would be in marked contrast to the existing building and neighbouring historical buildings and the

use of copper cladding would appear incongruous when read against the brick exterior of the existing building and the prevailing brick and stucco exterior of properties within the CA, including 46-53 Harrowby Street. This incongruity would be compounded by the height of the extension, which would draw the eye away from street level, where the significance of the CA and the listed building are best appreciated.'

This most recent appeal was lodged on the basis of non- determination. The City Council determined that had an appeal not been lodged, the application would have been refused due to the impact of the height, bulk and design of the proposed roof extension on the setting of neighbouring Molyneux Street Conservation Area and the neighbouring grade II listed buildings at 46- 53 Harrowby Street. The Planning Inspector supported these reasons for refusal in his appeal decision.

Current proposal

The current application for a roof extension reduces the proposal to a single storey. The additional storey is to be constructed using a textured white brick with stone detailing, aluminium framed windows and a glazed balustrade. The extension is of an angled rectilinear form with a flat roof, set back from the edge of the building on all sides. The existing lift overrun is to be retained, which will project above the height of the proposed additional storey.

The Molyneux Street Conservation Area is characterised by narrow fronted, three storey uniform terraces which date from the early nineteenth century. In contrast, Landward Court is a high rise post- war tower block, which serves to dominate a number of important viewpoints within the adjacent conservation area, particularly the long views from the northern approach on Brendon Street and the eastern approach on Harrowby Street. The Molyneux Street Conservation Area Audit, adopted in 2002, identifies the site and its immediate surroundings as a negative feature, stating that 'the development on the western side of Brendon Street facing the conservation area is poor with the service entrances and dead space of this modern development contributing little to the street scene and showing no respect to the traditional form of the terraced development opposite.' Likewise, the tower also serves to dominate the setting of the low rise Grade II listed buildings, particularly on Harrowby Street when viewed from the east. The audit management proposals state that proposals for development adjacent to the conservation area should have regard to its setting, and particularly the impact on views out of the conservation area.

Landward Court currently consists of thirteen storeys plus a lift overrun. The lift overrun is set well back from the principal elevations and is not visible from many vantage points within the conservation area, but is visible in longer views on Harrowby Street and Norfolk Crescent/ Burwood Place. The proposed development retains this overrun, with the existing roof level plant rooms demolished. Whilst the overall height of the proposed extension will not exceed that of the existing the lift overrun, the impact of extending frontwards on all sides will serve to increase the visibility and massing of the uppermost storey. The proposed extension will be visible from the conservation area in street level positions where the existing plant enclosures and lift overrun are currently not. Thus, the additional storey will be considerably more visible than the existing overrun and the impact on long views will be greater. The proposed white brick palette, which will contrast the tones of the existing materials, will exacerbate this visual impact from street

level. The angled form of the proposed roof storey would also be discordant with the simple, rectilinear form of the existing tower.

The proposed development will increase the massing and visibility of this high rise building and therefore its impact on the adjacent conservation area and listed buildings. Given that the existing building is considered a negative and unattractive feature, harmful to the setting of the adjacent conservation area and listed buildings, the proposed increase in height and bulk is considered unacceptable in principle in design terms.

There has been strong local objection to the scheme. Many of the objections received cite the harmful visual impact of the additional storey. An objection has also been received from the local amenity society who note that the proposal will affect the Molyneux Street Conservation Area. The local resident's association objects on the grounds of the impact of an additional storey on the character of the conservation area. These objections are considered valid for the reasons set out above and refusal is recommended.

The proposed roof extension is therefore contrary to DES 6, DES 9 and DES 10 of the Council's Unitary Development Plan and the Council's supplementary planning guidance and will fail to preserve the setting of the adjacent Molyneux Street Conservation Area and the adjacent listed buildings, a view which has previously been supported by the Inspectorate and local objections. The public benefit of two additional residential units is not considered sufficient to outweigh that harm. The application is therefore recommended for refusal on design grounds.

It is also noted the recently revised National Planning Policy Framework (NPPF July 2018) states in paragraph 118.e) that

[Planning policies and decisions should] support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

However, in this case the proposal would clearly be inconsistent with the prevailing height and form of neighbouring properties and the overall street scene and therefore fails to comply with the guidance set out in the NPPF.

8.3 Residential Amenity

A number of objections have been received to the application with regard the potential loss of daylight and sunlight to neighbouring sensitive properties. A Daylight and Sunlight Assessment has not been provided in support of the application and it is not considered one is necessary. The existing building is significantly higher than the surrounding buildings and given the distance and height of the extension it is not considered the proposal would have a material impact upon the levels of daylight / sunlight received by neighbouring properties. It is also noted that the refusal for the two storey extension refused earlier this year and the two refusals in 2003 were not refused

on amenity grounds. The objections on these grounds are not therefore considered sustainable.

Had the application been considered acceptable standard conditions would have been applied with regard the construction of the properties to ensure adequate noise protection measures to protect occupiers.

The proposed new residential units would be served by the existing lift in the building. Objections have been received to the application in relation to the use of the lifts by the additional flats and the impact this will have on existing occupiers in the building. This is considered a private matter between the freeholder and the existing leaseholders and it is not a material planning consideration. The recent application for four residential units was also considered acceptable with this regard.

8.4 Transportation / Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond designated 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for 2 spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy during the day is 77%, overnight parking occupancy was measured as being 63% and residents can park for free on metered bays and on single yellow lines. Whilst the provision of residential units without off-street car parking is likely to increase these stress levels on the basis of car ownership levels and spare capacity in on-street parking, any additional on-street parking requirements generated by the proposal can be absorbed by the highway network without increasing the stress levels beyond 80%. The development is therefore considered compliant with the requirements of Policy TRANS23. Whilst objections have been received to the application with regard the potential for the development to result in increased parking pressures on on-street parking availability, for the reasons detailed above the application is considered acceptable with regard its impact on parking pressures.

'Further Alterations to the London Plan' requires that two cycle parking spaces are provided for every new residential unit with over one bedroom, which means cycle parking spaces should be provided for three cycles. The Highways Planning Manager has requested a condition be applied to any permission requiring the submission of drawings to show suitable cycle parking in the demise of the building but the applicant advises there is currently no communal cycle store and no capacity for providing any. Taking this into account, it is not considered cycle storage could be conditioned within the demise of the individual residential flats (had the application been considered acceptable).

8.5 Economic Considerations

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

8.6 Access

Access to the building will be through the existing main entrance (which appears to provide level access) and using the existing lift to the 12th floor. The applicant advises that a new platform lift will be installed in the hallway of the 12th floor to provide disabled access to the new 13th floor. The existing lifts cannot be extended as this would require the height of the building to be raised to accommodate the overrun, increasing the massing of the proposals.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Cleansing Manager has confirmed that an appropriate condition could be attached to any consent requiring the submission of amended drawings to show appropriate storage facilities for waste and recycling. Had the application been recommended for approval a condition would have been attached as requested. Objections were received concerned the proposal could have resulted in increased rubbish being left in the streets but with this condition in place appropriate waste and recycling storage would have been provided, the application is therefore considered acceptable in this regard.

Other

Concerns have been raised with regard to the potential use of the new units as short term letting accommodation, however, planning permission has been sought for the use as permanent residential accommodation and any use as short-term letting accommodation would require the benefit of planning permission.

An objection has been received commenting on the potential 'overdevelopment' of the site and the corresponding impact upon local services (health, education). Had the proposal been considered acceptable it would have been liable to make the required Community Infrastructure Levy to help deliver infrastructure to support the development. It is not considered that there would be any material impact on local services from just two flats.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The estimated CIL payment relating to the creation of an additional residential unit is £11,407 for the mayoral CIL and £75,093 for the Westminster CIL.

8.11 Other Issues

Construction impact

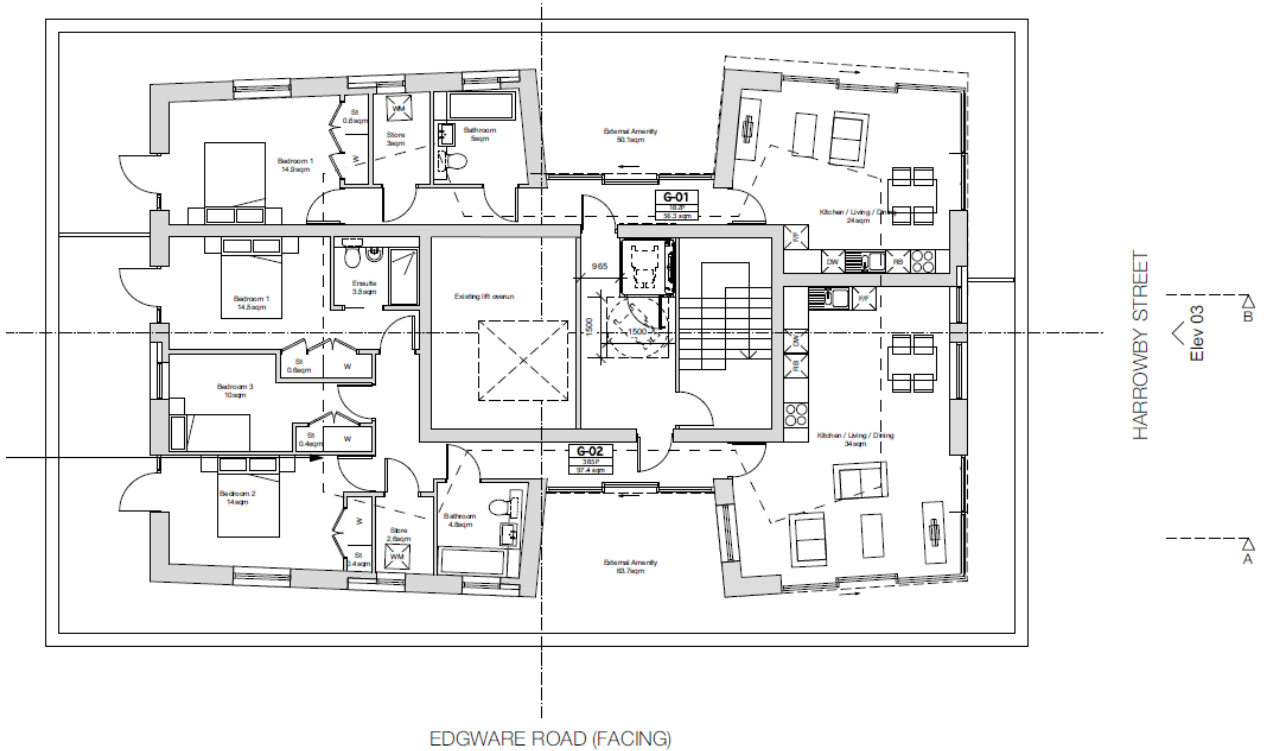
Objections have been received to the application with regard to the potential impact of the construction works on the amenity of existing residents with regard to noise, dust and transportation movements. A condition would have been attached to any permission to ensure compliance with the City Council Code of Construction Practice and a standard condition would also have controlled the hours of building works. With these conditions in place it is considered the impact of the construction would have been ameliorated.

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

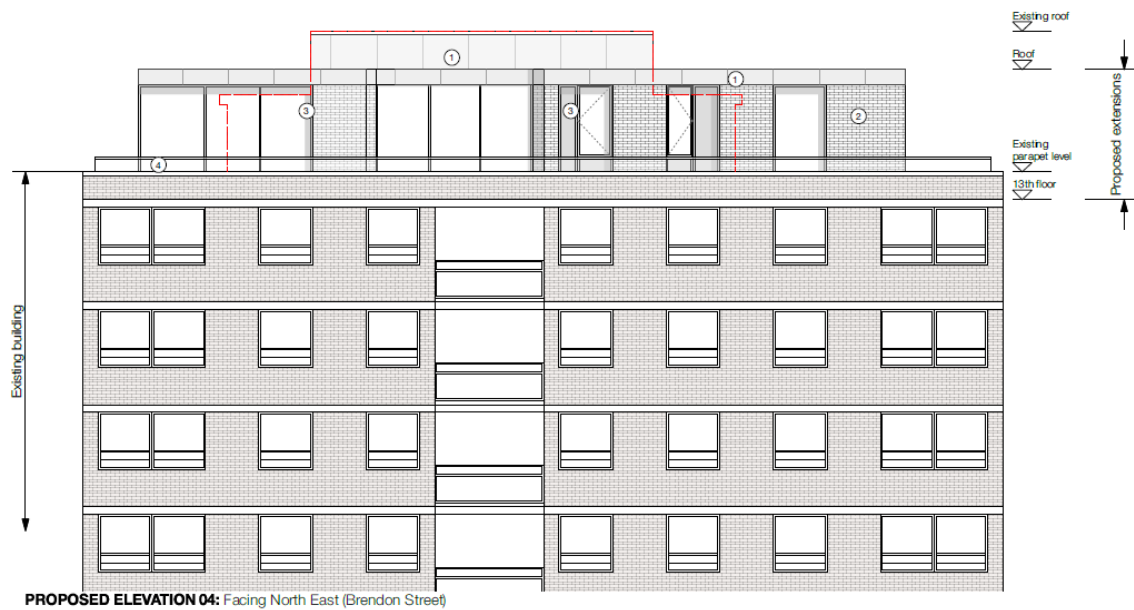
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

Proposed 13th Floor:



Proposed Elevation to Brendon Street:



DRAFT DECISION LETTER

- Address:** Landward Court , Harrowby Street, London, W1H 5HB
- Proposal:** Erection of a single storey roof extension to provide two additional residential dwellings (Class C3) with external terraces provided at 13th floor level.
- Reference:** 18/04133/FULL
- Plan Nos:** Drawings: LWR-P100-S2-P7, LWR-P110-S2-P1, LWR-P200-S2-P4, LWR-P201-S2-P4, LWR-P202-S2-P4, LWR-P203-S2-P3, LWR-P204-S2-P3, LWR-P205-S2-P3, LWR-P206-S2-P3.
- Case Officer:** Matthew Giles **Direct Tel. No.** 020 7641 5942

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of its height, bulk and design the proposed roof extension would fail to maintain or improve (preserve or enhance) the setting of the neighbouring Molyneux Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (F) of our Unitary Development Plan that we adopted in January 2007. (X21AD)
- Reason:
- 2 Because of its height, bulk and design the proposed roof extension would harm the setting of the neighbouring Grade II listed buildings at 46- 53 Harrowby Street. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007. (X20AC)
- Reason:
- 3 Because of its height, bulk and design the proposed roof extension would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1 and DES 3, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (X16BC)

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

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

This page is intentionally left blank

Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	40 Long Acre, London, WC2E 9LG		
Proposal	Erection of a single storey roof extension for office (Class B1) with plant enclosure and associated terrace at fifth floor level; installation of photovoltaic panels at roof level; associated internal and external alterations.		
Agent	DP9 Ltd		
On behalf of	Transport for London		
Registered Number	18/00950/FULL and 18/00951/LBC	Date amended/ completed	2 February 2018
Date Application Received	2 February 2018		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Covent Garden		

1. RECOMMENDATION

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

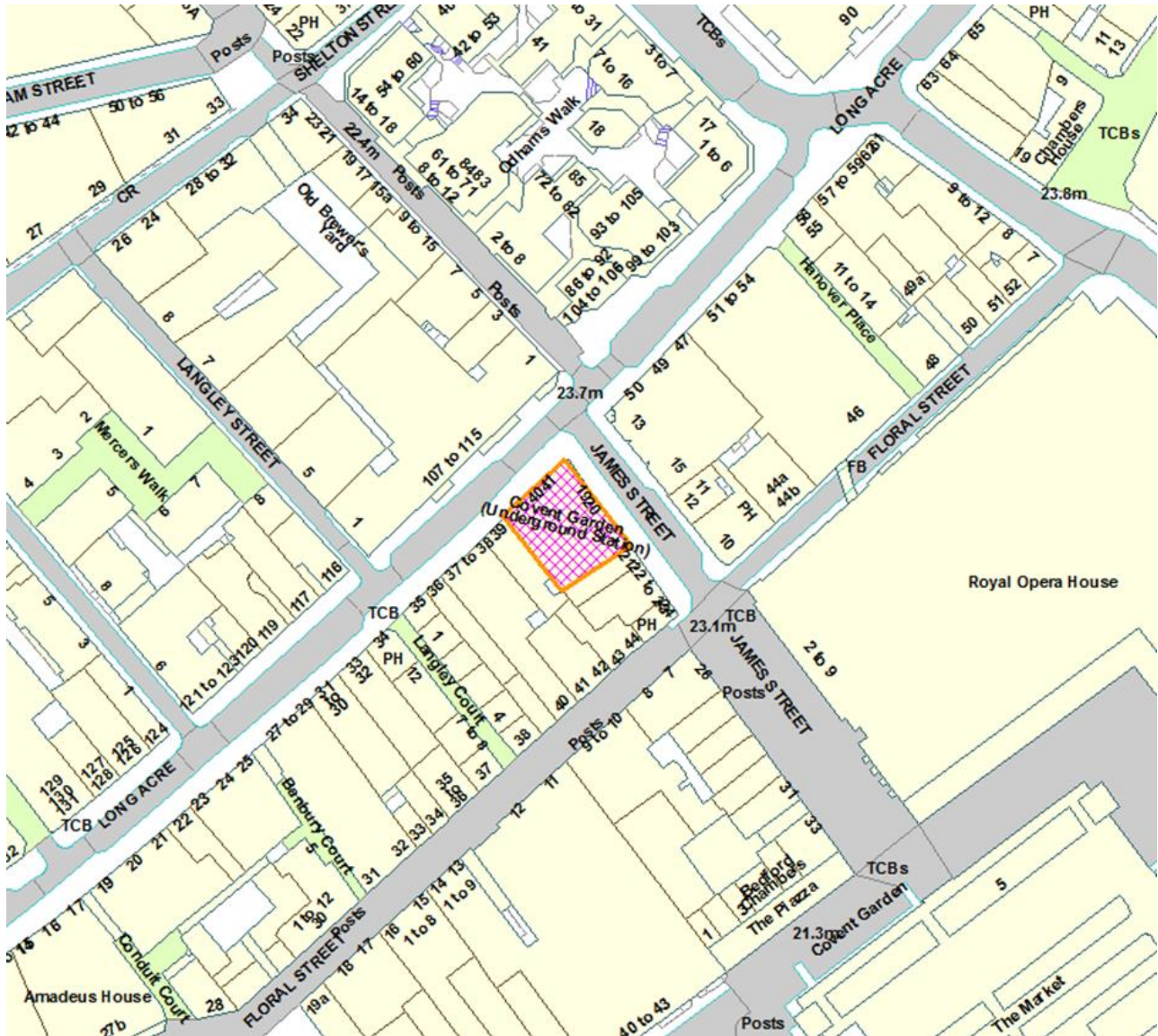
2. SUMMARY

<p>40 Long Acre is a grade II listed building located within the Covent Garden Conservation Area, Core Central Activities Zone (Core CAZ) and West End Stress Area. The building comprises four storeys over ground floor level. The ground floor accommodates entrance to the Covent Garden underground station and the four upper floors are currently used as offices.</p> <p>Planning permission and listed building consent are sought for the erection of a single storey roof extension for office use (Class B1) with plant enclosure and associated terrace at fifth floor level, installation of photovoltaic panels at roof level plus associated internal and external alterations.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> -The impact on the amenity of neighbouring properties
--

- The impact on the appearance of the Grade II list building and the character and appearance of the Conservation Area
- The impact of construction on neighbouring residents.

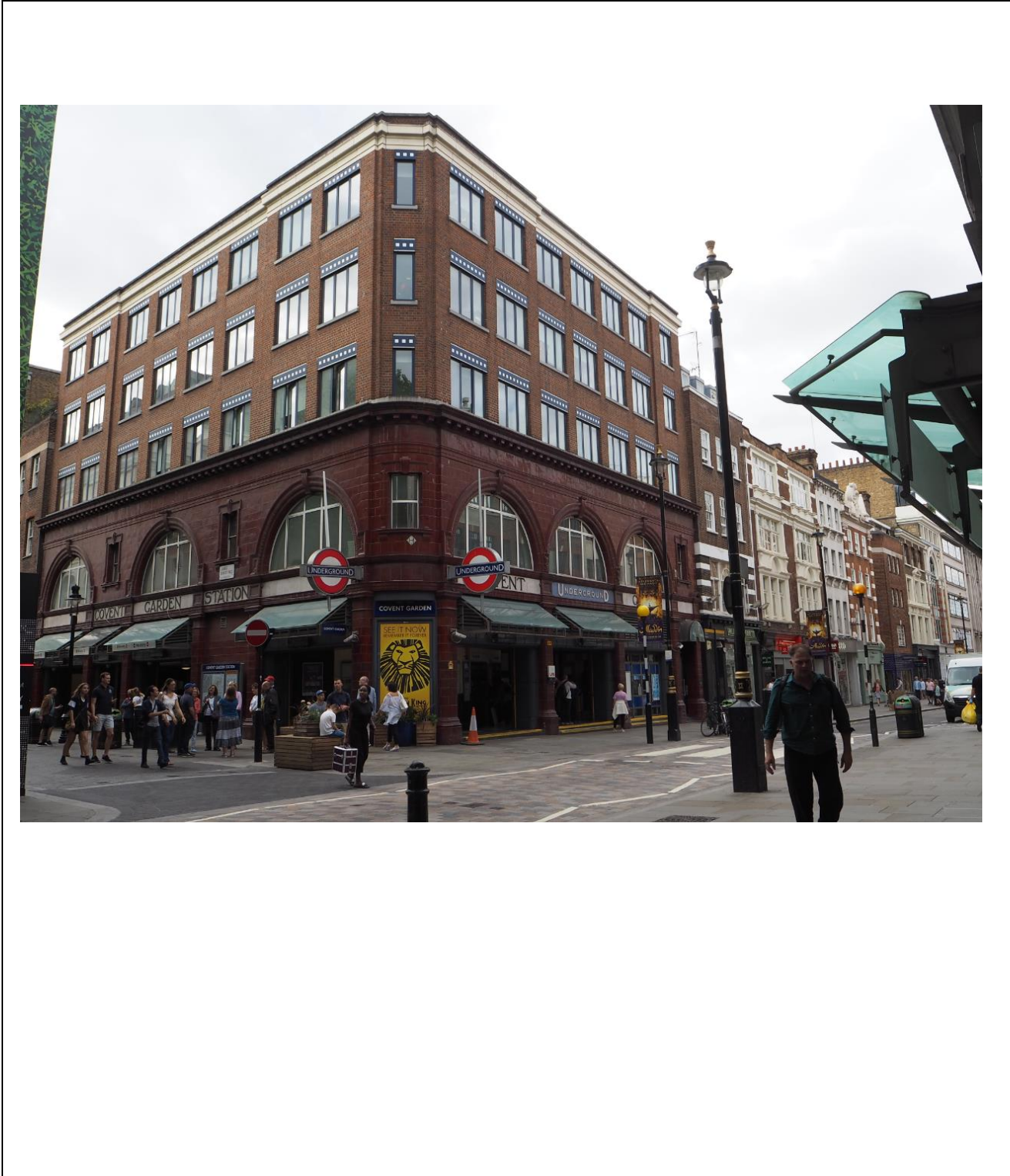
The proposed development is considered acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). As such, it is recommended that conditional planning permission and listed building consent is granted.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



5. CONSULTATIONS

TRANSPORT FOR LONDON (SPATIAL PLANNING)
No comment.

LONDON UNDERGROUND INFRASTRUCURE PROTECTION
No comment.

HISTORIC ENGLAND
Authorisation give to determine as seen fit.

COVENT GARDEN COMMUNITY ASSOCIATION
No objection.

HIGHWAYS PLANNING MANAGER
No objection subject to conditions.

CLEANSING MANAGER
No objection subject to conditions.

ENVIRONMENTAL HEALTH
No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44
Total No. of replies: 2
No. of objections: 2

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

Design

The proposed roof extension would be out of keeping with the location.

Amenity

Concern that the roof extension may have windows overlooking the roof terrace at 21 James Street causing a loss of privacy.

Other

The works will cause disruption to the local area and could lead to a loss of rental income for surrounding properties.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

40 Long Acre is a Grade II listed building located with the Strand Conservation Area, Core Central Activities Zone (Core CAZ) and the West End Stress Area, comprising four storeys over ground floor level. The ground floor accommodates the entrance and ticket hall to Covent Garden underground station. The four upper floors are in office use (Class B1) accessed from a ground floor entrance on Long Acre. The office benefits from an existing roof terrace at rear second floor level.

6.2 Recent Relevant History

In 2015 planning permission and listed building consent was granted for use of part ground and first to fourth floors for residential purposes to provide 13 flats (Class C3). Erection of a single storey roof extension, terraces at second and fifth floor level and installation of skylights, photovoltaic panels and plant enclosure at roof level. (15/06315/FULL and 15/06316/LBC)

7. THE PROPOSAL

The proposals involve the addition of a new roof extension for office use (Class B1) creating a new fifth floor level. Also at fifth floor level and plant room is sought to the rear and a narrow terrace along the Long Acre and James Street frontages. Solar panels, air source heat pumps and an access hatch are sought at roof level. The existing fire escape is to be replaced and extended to the rear. Alterations to the external elevations include fenestration changes and replacement of the office entrance door. Internally, floors 2 -4 will be renovated and the existing stairs and lift replaced.

	Existing GIA (sqm)	Proposed GIA (sqm)	+
Office Use (Class B1)	1196	1477	284

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in Office Floorspace

Policy S20 of the City Plan identifies the need for significant additional office floorspace within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as it contributes to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London. The provision of additional office floorspace in this location is therefore acceptable in principle.

Policy S1 of the City Plan sets out the circumstances in which development proposals which include an increase in B1 office floorspace trigger a requirement to provide new residential accommodation. As the net additional floorspace (284 sqm GIA) is less than 30% of the total existing building floorspace (23.7% of 1196sqm GIA), no residential floorspace is required to offset the increase in office floorspace.

The proposals are considered to be acceptable in land use terms.

8.2 Townscape and Design

The main design/ townscape issues raised in this case are the impact of proposals on the special architectural and historic interest (significance) of the listed building and its setting and the impact on the character and appearance of the Covent Garden Conservation Area.

In considering the above, national policy as set out in the NPPF stresses the importance of high quality design including the conservation and enhancement of the historic environment. Further, the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers to pay special regard/ attention to the desirability of preserving the special architectural / historic interest of the listed building and preserving or enhancing the character or appearance of conservation areas.

Local policies of relevance include saved policies within the Unitary Development Plan, in particular DES5 (alterations and extensions), DES 6 (roof extensions), DES10 (listed buildings DES 9 (Conservation Areas), as well as City Plan policies S25 (Heritage), S28 (Design) of the City Plan.

In terms of the listed building, its special interest derives from the original 1906 red faience tiled station by Leslie Green, which forms the base of the building. The upper floors were a later addition added in the 1950s and remodelled in the 1980s and the list description specifies that 'the office block above the station is not of special interest and does not form part of this listing'.

Works to the listed building itself are limited in scope. The arched windows to the first floor would be replaced. These are aluminium and are not original and would be replaced in timber, detailed to the original pattern. Minor changes are also proposed to the entrance to the upper floors on James Street to create step free access, as well as some internal changes. Subject to conditions to secure an appropriate quality of detailing, these minor alterations are acceptable and will not harm the special interest of the building.

Most significant changes are proposed to the upper levels of the building. Fenestration will be changed from second to fourth floor levels and a new roof storey added. The upper storeys do not currently contribute to the character of the listed building and wider conservation area and improvements are therefore welcome. Fenestration will be simplified and lintels above existing windows removed. Changes will have a significant visual impact but, subject to use of a high quality of materials, proposals are acceptable and likely to be an improvement to the existing.

An objection has been received on the grounds that the roof extension would be out of keeping with the location. A roof extension behind raised parapet has previously been granted in 2015 and some additional height is considered appropriate in principle on this prominent corner site above the station. To the front facades, the extension would use a combination of brick, ceramic tile coloured to reflect the colour tones to the station, and glazing. It is considered that this combination of materials will relate more successfully to lower levels than that previously approved. Further, while the extension is larger than that previously approved, the set back and raised parapet are sufficient to ensure the impact will not be significantly greater than the approved scheme and will not be harmful in street views. At the rear anodised metal and glazing is proposed to the roof storey and there is a louvred plant room, which has been set back from the front parapet following officer's advice (neighbour notification not considered necessary due to minor nature of changes). Given the more limited visibility of this rear façade, these works are acceptable.

Overall, subject to recommended conditions to ensure materials and detailing is of an appropriate quality, proposals are acceptable and will not harm the special interest of the listed building or its setting or the character and appearance of the Covent Garden Conservation Area. As such, they accord with policy, including national policy in the NPPF, and local policies in the city plan and unitary development plan, as referred to above.

8.3 Residential Amenity

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.

An objection has been received from the owner of the 3rd – 4th floor flat at 21 James Street on the grounds that the proposals could have windows overlooking the rear terrace of their property. Whilst there will be changes to the fenestration to the rear and large windows introduced at fifth floor level, these will not directly overlook the objector's rear terrace. It is considered that the proposed fenestration would not lead to an unacceptable loss of privacy to surrounding residential or commercial properties when compared to the existing situation.

The applicant has provided a daylight and sunlight study which shows that the works, as initially proposed, would have satisfied all of the requirements set out in the BRE guide "Site Layout Planning for Daylight and Sunlight". The size of the plant room at fifth floor level has subsequently been reduced for design reasons and will now be set back approx. 1.05m from the building edge. Given the orientation of the property and the scale and massing of the proposed extensions, it is considered that there will not be an unacceptable loss of light or increased sense of enclosure to surrounding residential or commercial properties.

A terrace is proposed at fifth floor running along the frontages of Long Acre and James Street at a depth of approx. 1m from the inner parapet. The size of the terrace has been reduced over the course of the application and set-in by approx. 1.5m from the boundary with the residential property at 21 James Street. The terraces at 21 James Street are located two storeys below the proposed terrace. Given the setback, direct views will not

be possible towards this property. A condition is recommended to prevent the remainder of the flat roof being used as a terrace. The proposal will not lead to an unacceptable loss of privacy or increase in noise.

Overall, it is considered that the proposals would meet City Plan policy S29 and UDP policy ENV 13 and are therefore acceptable in terms of amenity.

8.4 Transportation/Parking

No car parking or off-street servicing is proposed, however it is considered that the increase in office space would not lead to a material impact on parking or servicing demand in the area.

In terms of cycle parking, it is proposed that 10 vertical hooks are provided internally at first floor level and three Sheffield stands externally on the existing second floor terrace. The spaces are considered to be difficult to reach, however given the constraints of the site and the size of the proposals, the level of provision is considered to be acceptable and in accordance with the London Plan. A condition is recommended to ensure that the proposed cycle parking is retained.

8.5 Economic Considerations

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

8.6 Access

The proposals would create a new level access into the building from Long Acre, replace the existing lift with an accessible compliant lift. The proposals also includes protective refuge space for wheelchair users on each floor, accessible WCs, increased corridor widths and turning circles for wheelchair users.

8.7 Other UDP/Westminster Policy Considerations

Plant Machinery

The applicant has submitted an acoustic report demonstrating that the proposals can meet the Council's policies for noise and vibration. No objections have been raised by Environmental Health subject to the Council's standard noise and vibration conditions which area recommended.

Refuse / Recycling

The drawings submitted are not in line with the Council's recycling and waste storage requirements. A condition has been attached to ensure that the applicant must submit details of how waste is going to be stored on the site and how materials for recycling will be stored separately.

8.8 Neighbourhood Plans

No neighbourhood plan is in place for this area.

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

The estimated Mayor's CIL payment is £14,050.

The estimated WCC CIL payment is £56,200.

8.12 Environmental Impact Assessment

This application is not of a sufficient scale to require an Environmental Impact Assessment.

8.13 Other Issues

Construction Impact and Loss of Rental Income

Objectors have raised concern about potential disruption and noise from building works, which could lead to a loss of rental income for the owners of surrounding properties. Loss of rental income or property value is not a material planning consideration.

It is a requirement of the Town and Country Planning Act 1990 (as amended) and the NPPF that applications are determined in accordance with the development plan. Noise and disturbance during construction is an unwelcome consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works.

The City Council cannot refuse permission to develop on the grounds that building work will be noisy and disruptive. As a local planning authority, we will impose a restriction on the working hours through condition and encourage contractors to be a member of the Considerate Constructors Scheme by way of an informative. A condition has been added restricting any building work which can be heard at the boundary of the site to between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work is restricted to between 08:00 and 18:00 Monday to Friday and will not be carried out on Saturdays, Sundays, bank holidays and public holidays.

Item No.
4

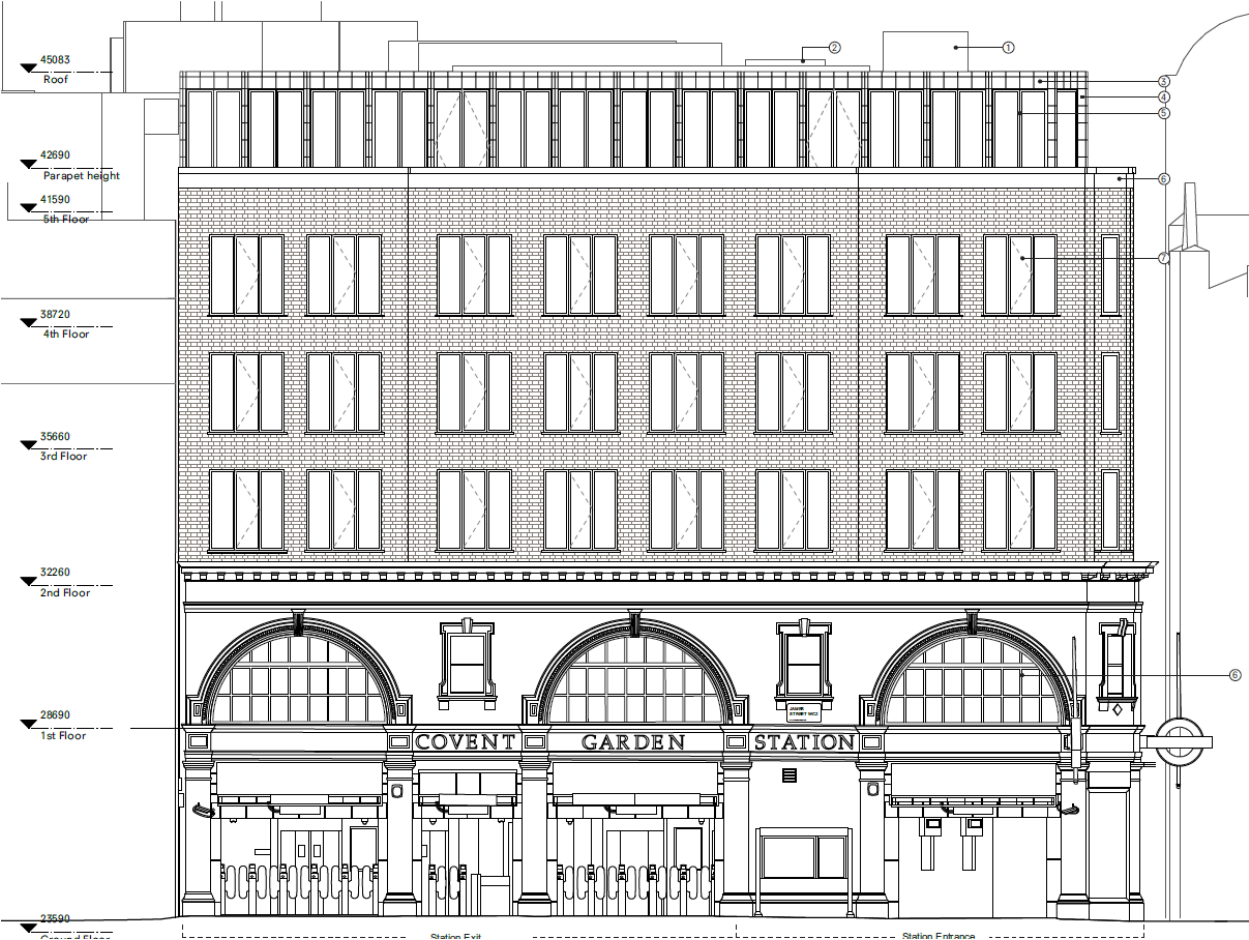
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



Proposed James Street Elevation



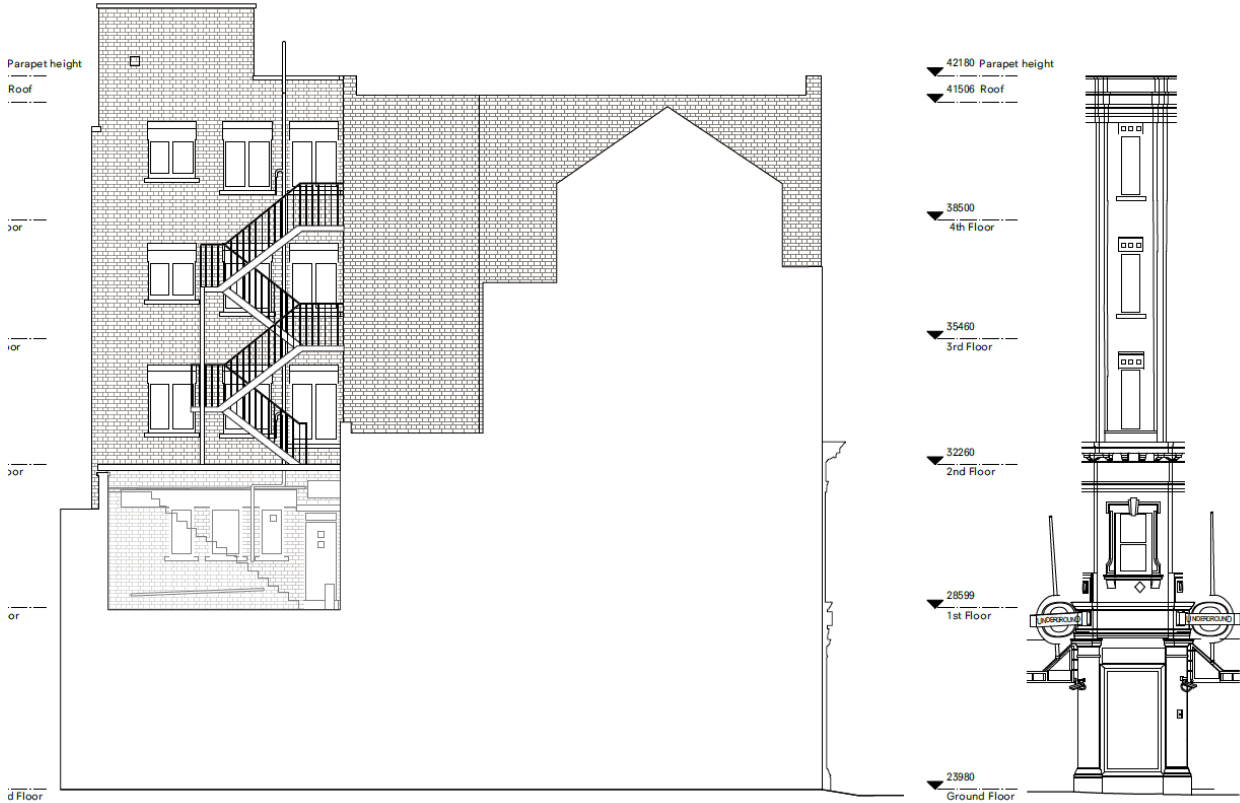
Existing Long Acre Elevation



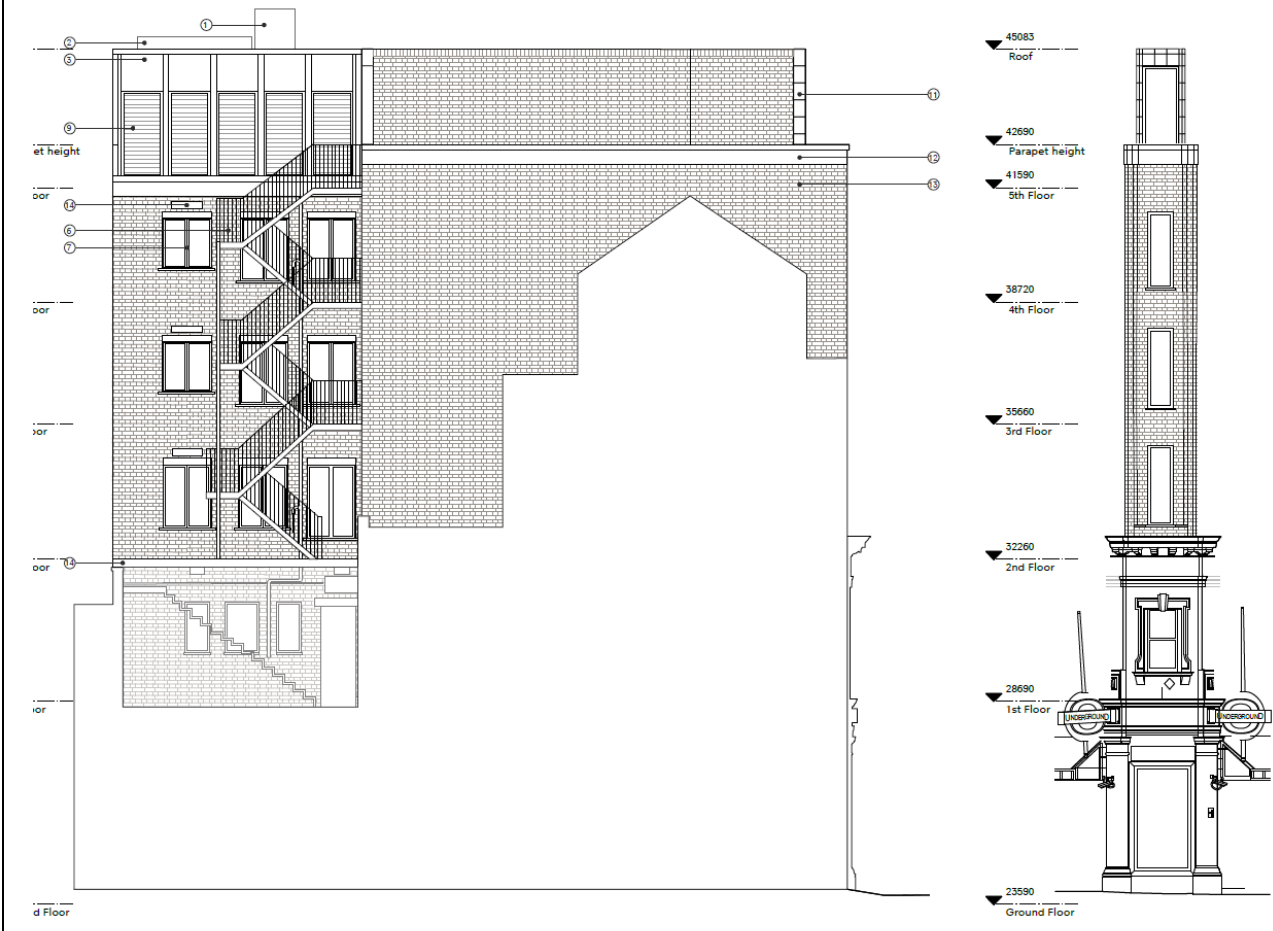
Proposed Long Acre Elevation



Existing Rear and Corner Elevation



Proposed Rear and Corner Elevation



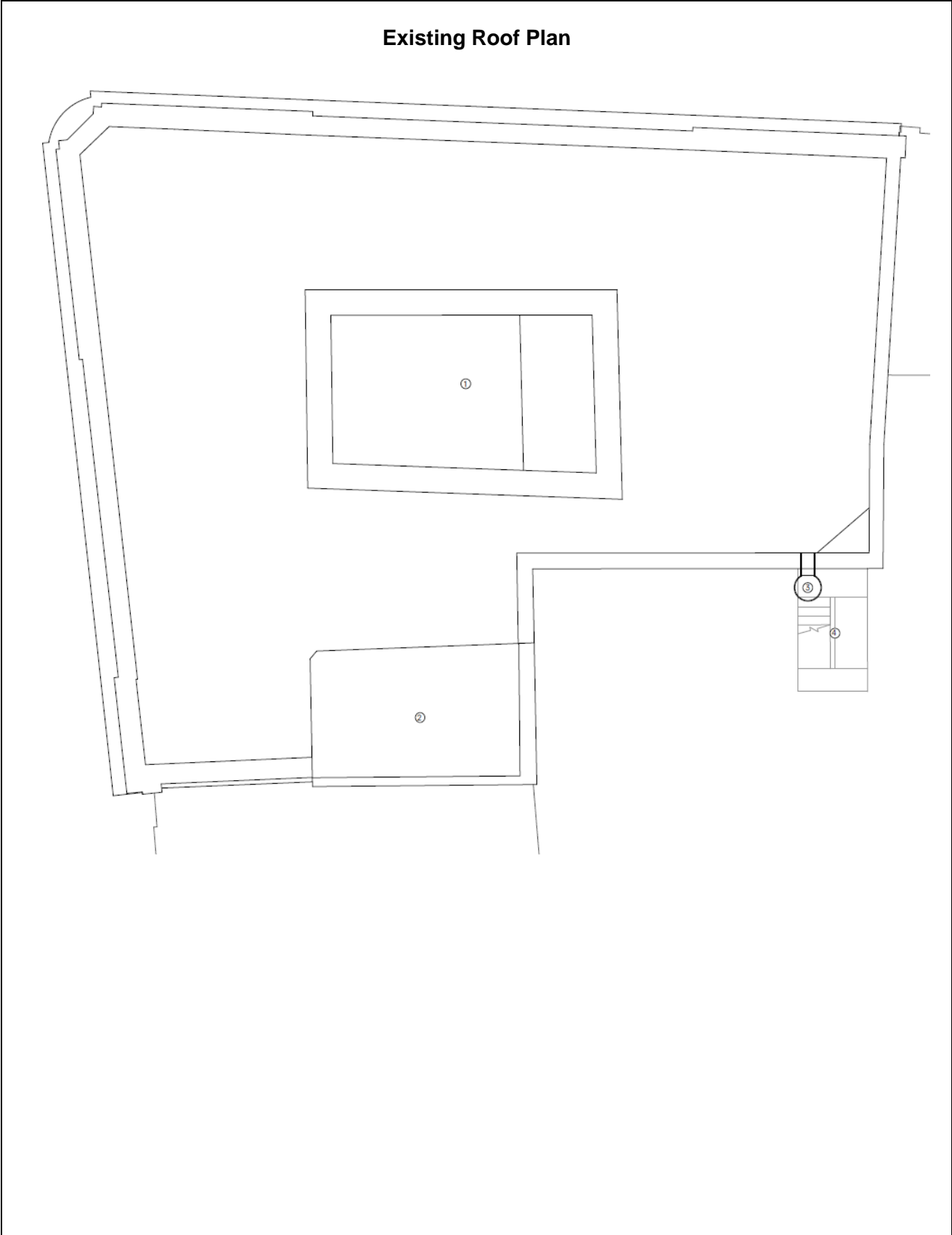
Existing Rear Elevation 02



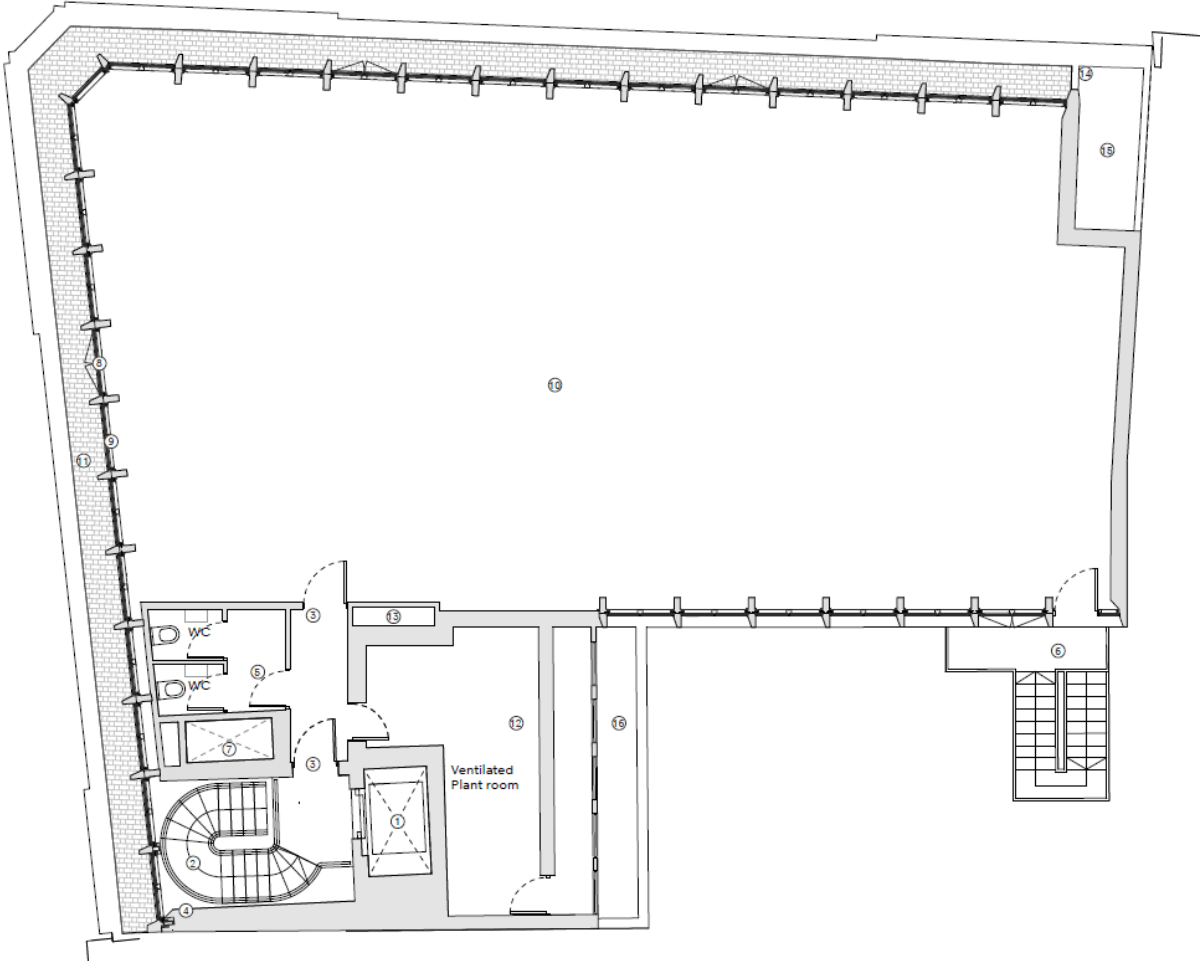
Proposed Rear Elevation 02



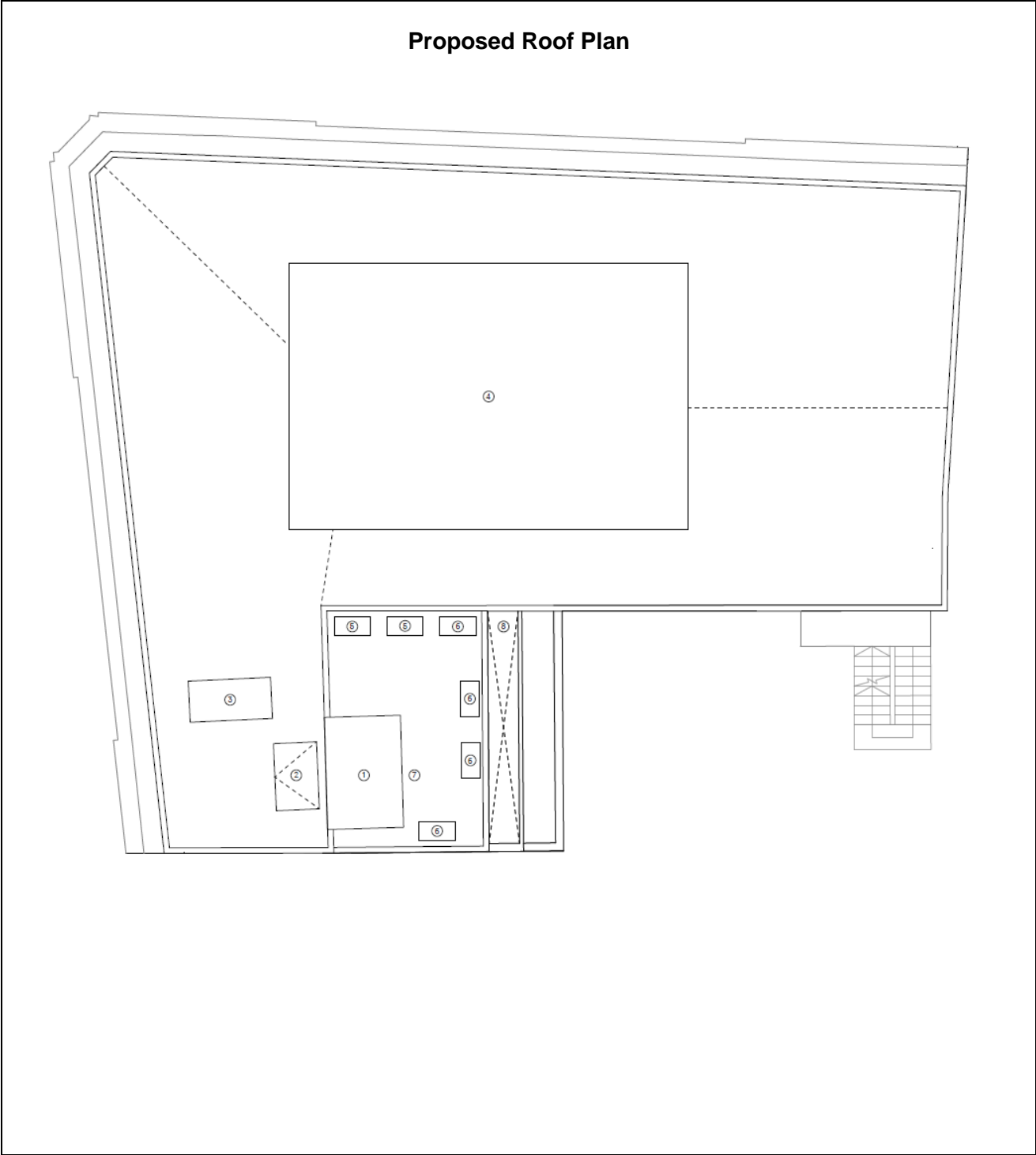
Existing Roof Plan



Proposed Fifth Floor Plan



Proposed Roof Plan



DRAFT DECISION LETTER

Address: 40 Long Acre, London, WC2E 9LG

Proposal: Erection of a single storey roof extension for office (Class B1) with plant enclosure and associated terrace at fifth floor level; installation of photovoltaic panels at roof level; associated internal and external alterations.

Reference: 18/00950/FULL

Plan Nos: 111_GS_1000 Rev. PL.00; 111_GS_1001 Rev. PL.00; 111_GS_1002 Rev. PL.00; 111_GS_1600 Rev. PL.00; 111_GS_1601 Rev. PL.00; 111_GS_1602 Rev. PL.00; 111_GS_1603 Rev. PL.00; 111_GS_1604 Rev. PL.00; 111_GS_1605 Rev. PL.00; 111_GS_1606 Rev. PL.00; 111_GS_1700 Rev. PL.00; 111_GS_1701 Rev. PL.00; 111_GS_1800 Rev. PL.00; 111_GS_1801 Rev. PL.00; 111_GS_1802 Rev. PL.00; 111_GS_1803 Rev. PL.00; , 111_GS_2100 Rev. PL.00; 111_GS_2101 Rev. PL.00; 111_GS_2102 Rev. PL.00; 111_GS_2103 Rev. PL.00; 111_GS_2104 Rev. PL.00; 111_GS_2105 Rev. PL.00; 111_GS_2106 Rev. PL.01; 111_GS_2107 Rev. PL.01; 111_GS_2200 Rev. PL.00; 111_GS_2201 Rev. PL.00; 111_GS_2300 Rev. PL.00; 111_GS_2301 Rev. PL.00; 111_GS_2302 Rev. PL.01; 111_GS_2303 Rev. PL.01; External Noise and Acoustic Assessment Preliminary (P03) dated January 2018; External Noise and Acoustic Impact -Addendum 1 dated March 2018; Long Acre - Response to Lift Noise Concerns Raised by Planners dated 21 March 2018.

For Information: Heritage Appraisal dated January 2018; Planning Statement dated February 2018; Design and Access Statement dated 2 February 2018; Cover Letter dated 2 February 2018; E-mail dated 22 August 2018; Daylight and Sunlight Report dated 25 January 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

- 5 You must apply to us for approval of detailed drawings and sections (scales 1:20, 1:5 and 1:1 as appropriate) of the following parts of the development:

- (a) all new windows, including reveals and cills;
- (b) new doors;
- (c) new parapet and roof extension.

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden 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 All new windows at second floor and above must be formed of steel and maintained in that 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 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 A light soot wash or similar shall be applied to brickwork to create an even finish and ensure new brickwork will match the colour and appearance of existing brickwork below. You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing of new brickwork. 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.

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 12 (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)

- 13 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)

- 14 Except for the terrace area annotated no.11 on drawing no. 2106 Rev. PL.01, you must not use the roof of the building or fire escape for sitting out or for any other purpose. You can however use them to escape in an emergency.

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.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following:
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.,
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)

More guidance can be found on the Health and Safety Executive website at:

www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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: 40 Long Acre, London, WC2E 9LG

Proposal: Erection of a single storey roof extension with plant enclosure and associated terrace at fifth floor level; installation of photovoltaic panels at roof level; associated internal and external alterations.

Reference: 18/00951/LBC

Plan Nos: 111_GS_1000 Rev. PL.00; 111_GS_1001 Rev. PL.00; 111_GS_1002 Rev. PL.00; 111_GS_1600 Rev. PL.00; 111_GS_1601 Rev. PL.00; 111_GS_1602 Rev. PL.00; 111_GS_1603 Rev. PL.00; 111_GS_1604 Rev. PL.00; 111_GS_1605 Rev. PL.00; 111_GS_1606 Rev. PL.00; 111_GS_1700 Rev. PL.00; 111_GS_1701 Rev. PL.00; 111_GS_1800 Rev. PL.00; 111_GS_1801 Rev. PL.00; 111_GS_1802 Rev. PL.00; 111_GS_1803 Rev. PL.00; , 111_GS_2100 Rev. PL.00; 111_GS_2101 Rev. PL.00; 111_GS_2102 Rev. PL.00; 111_GS_2103 Rev. PL.00; 111_GS_2104 Rev. PL.00; 111_GS_2105 Rev. PL.00; 111_GS_2106 Rev. PL.01; 111_GS_2107 Rev. PL.01; 111_GS_2200 Rev. PL.00; 111_GS_2201 Rev. PL.00; 111_GS_2300 Rev. PL.00; 111_GS_2301 Rev. PL.00; 111_GS_2302 Rev. PL.01; 111_GS_2303 Rev. PL.01; External Noise and Acoustic Assessment Preliminary (P03) dated January 2018; External Noise and Acoustic Impact -Addendum 1 dated March 2018; Long Acre - Response to Lift Noise Concerns Raised by Planners dated 21 March 2018.

For Information: Heritage Appraisal dated January 2018; Planning Statement dated February 2018; Design and Access Statement dated 2 February 2018; Cover Letter dated 2 February 2018; E-mail dated 22 August 2018; Daylight and Sunlight Report dated 25 January 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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 Covent Garden 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 building and to make sure the development contributes to the character and appearance of the Covent Garden 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)

- 4 New windows to the listed building shall be formed of painted timber and maintained in that material.

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 Covent Garden 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 You must apply to us for approval of detailed drawings and sections (scales 1:20, 1:5 and 1:1 as appropriate) of the following parts of the development:

- (a) new windows:
- (b) new 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 details.

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 Covent Garden 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, the London Plan 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 2.1-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 September 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Tachbrook		
Subject of Report	92 Grosvenor Road, London, SW1V 3LE,		
Proposal	Demolition of existing conservatory at rear first floor level and replacement with a new extension and alterations to the railings.		
Agent	Mr Peter Trill		
On behalf of	Mr Stanley Yeh		
Registered Number	17/07431/FULL	Date amended/ completed	9 August 2018
Date Application Received	17 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is 92 Grosvenor Road, which is an unlisted building located in the Pimlico Conservation Area. The building contains six residential flats. The application relates to the ground floor flat which also includes the first floor conservatory accessed via a communal stair.

On 18 November 2014, Planning Committee resolved to grant permission for the demolition of existing conservatory at rear first floor level and replacement with a new extension including railings surrounding the flat roof on the east elevation and infill extension at rear ground floor level.

The applicant has lawfully implemented this permission as work began on the ground floor extension within the time limit. Whilst the applicant has not constructed the replacement conservatory extension, they could finish the 2014 development as approved if they decided to do so.

The current application proposes: 'Demolition of existing conservatory at rear first floor level and replacement with a new extension and alterations to the railings.' Originally, the applicant proposed to extend the extension at a half storey height over the remaining flat roof adjacent to the extension. Following officer advice, this element was omitted. The extension would now occupy the same footprint as the approved extension. The main differences between this and the approved scheme are altered

materials, roof design, railing and the replacement of a door with a window (a condition to the 2014 permission had ensured this amendment also).

The existing conservatory dates from the late 1980s, it is currently in poor condition and it detracts from the appearance of the building and the Pimlico Conservation Area. It is highly visible from the rear of the site (Dolphin Square) and other nearby properties. It has an octagonal footprint and occupies only part of the roof that it sits. Railings enclose parts of the remaining area.

The proposed extension would be solid. It would be constructed in brick to the west and rear elevations, matching the existing materials on those elevations a floor below, and it would be rendered to the east to match that elevation. The footprint would be extended rearwards and westwards. The extension would have the effect of raising the rear wing walls one storey on those sides therefore. The extension would not project further eastwards, or towards the main building. The railing would be altered to accommodate the extension. The new windows would be timber framed.

Unitary Development Plan ("UDP") policy DES 5 requires extensions be designed to reflect the style and details of the existing building and to use external materials consistent with that of the existing building (amongst other things). The existing conservatory fails to meet these criteria, further, it is located at a high level which increases the visual dominance of the extension. Therefore, its removal and replacement with an extension of a suitable scale and constructed in suitable materials is acceptable. The proposal complies with the relevant design policies: S28 of Westminster's City Plan, DES 1, DES 5, DES 9 of the UDP.

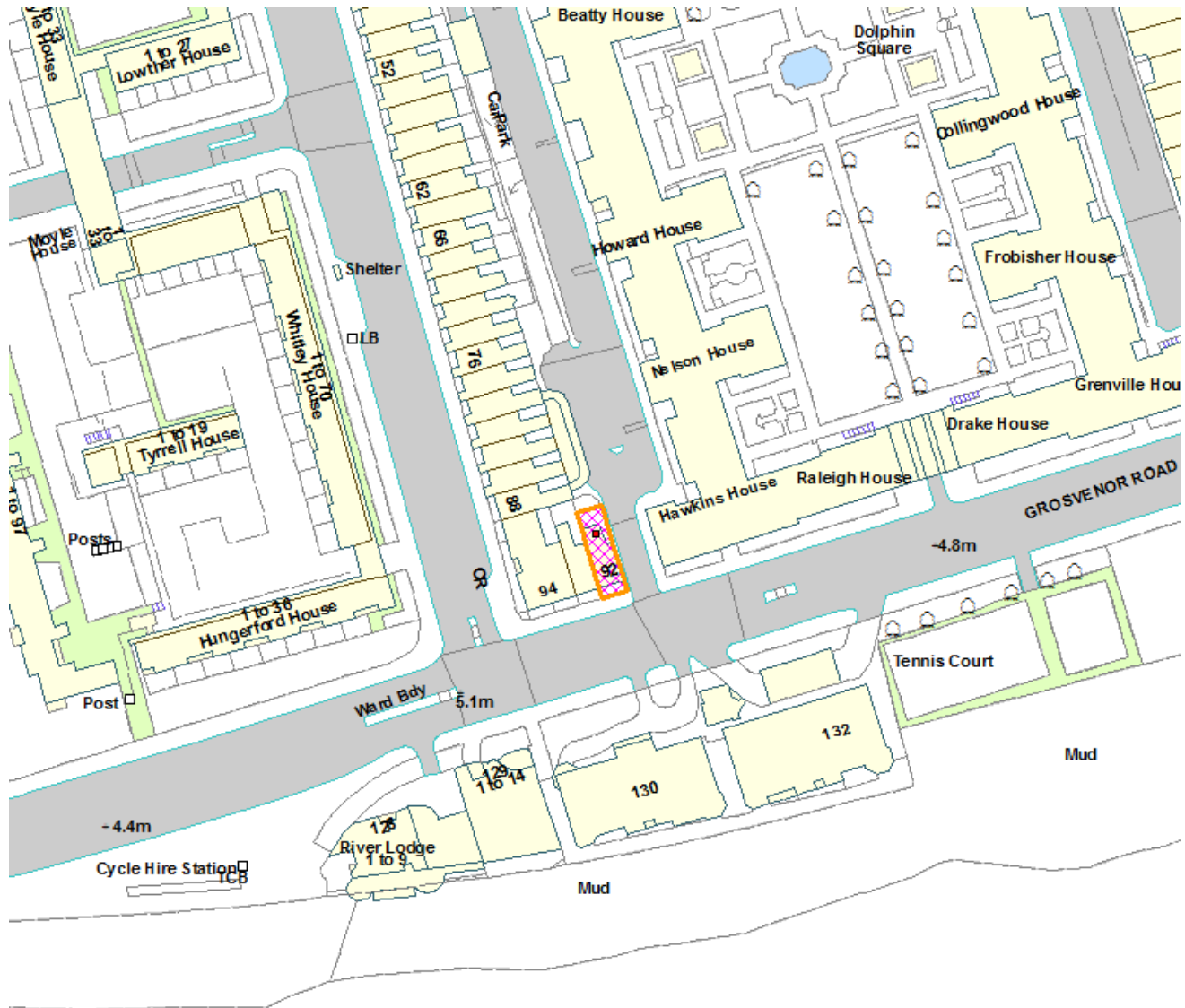
The proposed extension would modestly increase the bulk of the extension compared to the existing. This additional bulk is largely to the west and rear. There are neighbouring windows close to the extension, particularly at basement ground at no. 93 to the west. These windows are already somewhat enclosed by the existing rear wing and, given the increased bulk of the proposed extension is modest, it would not result in a loss of light or increased sense of enclosure sufficient to justify refusing permission. The submitted daylight and sunlight assessment demonstrates it would not result in harmful losses of light.

The applicant omitted the doors onto the flat roof and replaced them with a window. This prevents access onto the roof. The applicant proposes to alter railings in connection with the extension. However, these railings are only to ensure safe maintenance of the flat roof and not for a balcony. A condition is recommended to ensure that the flat roof is not used for amenity space. The windows would not give rise to any privacy concerns over the existing arrangement. In these circumstances, the proposal complies with S29 of Westminster's City Plan and ENV 13 of the UDP.

An objector raised concerns regarding the side windows at ground level. This is subject to a separate planning enforcement enquiry. This application only relates to the first floor extension, and the conditions relating to those windows attached to the 2014 permission are still relevant. Condition 7 requires windows annotated as WN6 and WN7 to be obscure. An informative is recommended to remind the applicant of this.

A further objection has been received on the grounds of encroachment and that the submitted drawings are inaccurate. The extension would be maintained within the footprint of the ground floor rear wing and therefore would not encroach on the neighbours. The design of the roof has been altered slightly during the course of the application to ensure that rainwater is directed away from no.93, thereby mitigating the need for pipes on the west elevation. The revised drawings are accurate.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100010000

4. PHOTOGRAPHS



View from Dolphin Square Car Park

5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 11

No. replies: 2 (objections)

Two neighbouring residents object on the following summarised grounds:

Residential Amenity:

- Loss of light
- Privacy: the side windows at ground floor level should obscure and high quality;

Other:

- Encroachment onto neighbouring property;
- The existing drawings misrepresent the existing building and there are a number of inconsistencies and inaccuracies in the submission;
- The extension should be set back from the western elevation;
- The reason the conservatory needs replacing is because it has been poorly maintained; and
- Clarification should be sought regarding the materials for the walls and roof materials.

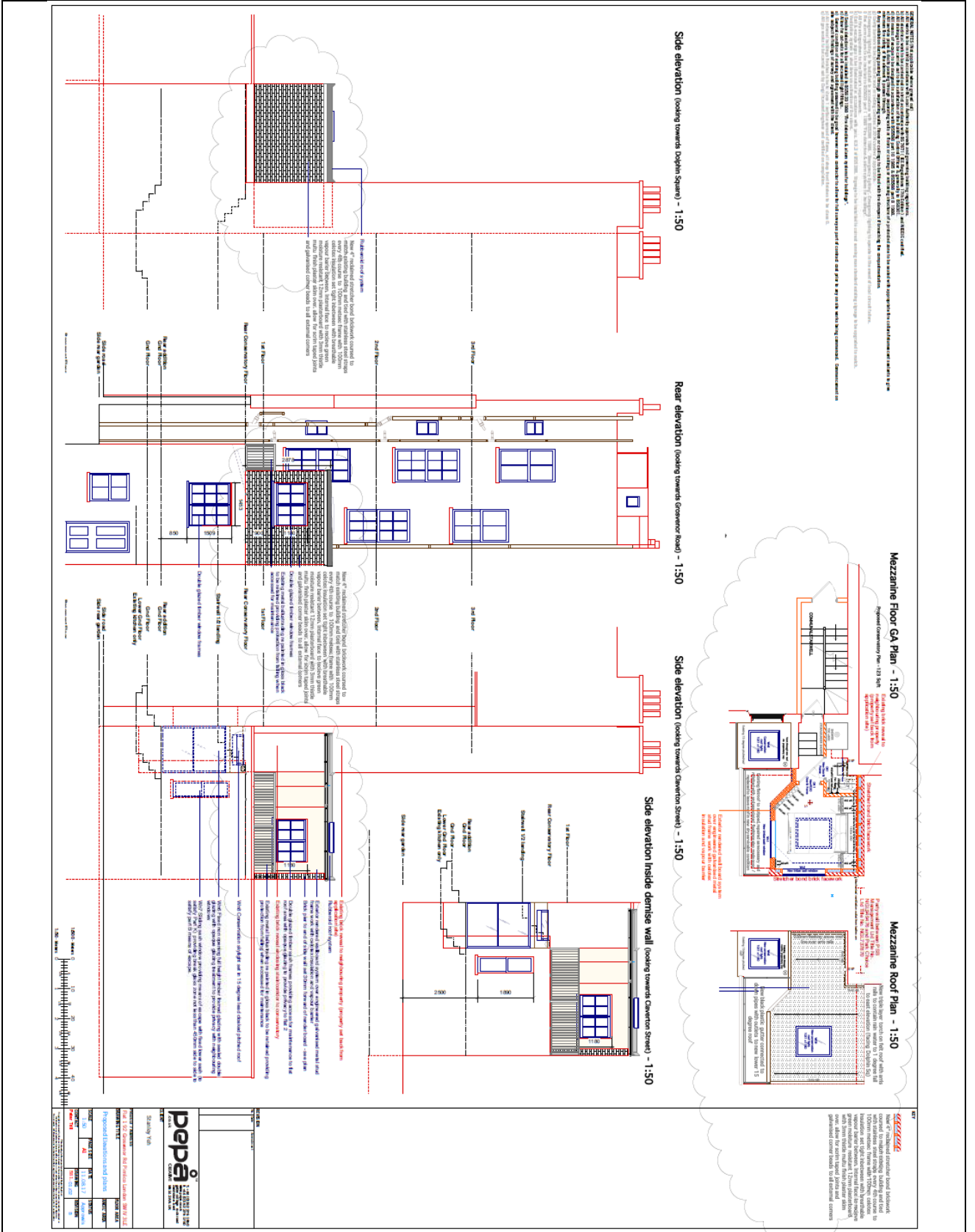
PRESS/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

On 18 November 2014, the City Council granted permission for the demolition of existing conservatory at rear first floor level and replacement with a new extension including railings surrounding the flat roof on the east elevation and infill extension at rear ground floor level.(RN: 14/00494/FULL)

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



DRAFT DECISION LETTER

Address: 92 Grosvenor Road, London, SW1V 3LE,

Proposal: Demolition of existing conservatory at rear first floor level and replacement with a new extension and alterations to the railings.

Reference: 17/07431/FULL

Plan Nos: Site Location Plan; 581.01.01; 543.05.02; 581.01.02 rev B.

For Info:
Design and Access Statement; Daylight and Sunlight Study.

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 construct each elevation of the extension with materials that match the materials a floor below on that elevation, as show on approved drawing 581.01.02 rev B.

Facing brickwork must match the existing original work a floor below in terms of colour, texture, face bond and pointing.

Where the elevation below is painted, you must finish the elevation of the extension above in a matching colour, and you must then keep it that colour.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 You are reminded that condition 7 pursuant to permission dated 18 November 2014 (RN: 14/00494/FULL) still applies. This condition requires windows annotated as WN6 and WN7 at ground floor be obscure.

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.