



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 30th April, 2019

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Robert Rigby (Chairman)
Louise Hyams
Guthrie McKie
James Spencer



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 a pass, 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, Georgina Wills, Committee and Governance Officer.

**Tel: 020 7641 7513; email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on specific applications at planning committee meetings.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. 52 LUPUS STREET, LONDON, SW1V 3EE

(Pages 11 - 28)

2. 1-8 BATEMAN'S BUILDINGS, LONDON, W1D 3EN

(Pages 29 - 50)

3. 17 CHARLES STREET, LONDON, W1J 5DT

(Pages 51 - 70)

4. 28 BLOMFIELD ROAD, LONDON, W9 1AA

(Pages 71 - 92)

Stuart Love
Chief Executive
18 April 2019

Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 9th April, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), Louise Hyams, Guthrie McKie and James Spencer.

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Robert Rigby explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Louise Hyams declared that in respect of item 2, the application site was in her Ward and that she and her other ward councillors had received a briefing of the details of the application from the applicant.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 19 March 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 31 SALTRAM CRESCENT, LONDON, W9 3JR

Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).

An additional representation was received from a local resident (02.04.2019).

Late representations were received from the London Borough of Brent (08.04.2019 x 2 and 09.04.2019 x 2), Jon Dingle Limited (05.09.2014 x 2 and 09.04.2019), Malvern Mews Tenants Association (05.04.2019) and local residents (02.04.2019, 05.04.2019 x 2, 06.04.2019, 08.04.2019 x 3).

Euan Barr addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That in the light of the late representation from the London Borough of Brent, the application be deferred for officers to clarify the borough boundary.

2 HORSE AND DOLPHIN YARD, LONDON

Use of central canopy area measuring 15.75m x 3.75m for placing of 15 tables 60 chairs and a waiter's station as additional restaurant seating in connection with the restaurant at 9 Horse and Dolphin Yard.

Additional representations were received from Rolfe Judd (03.04.2019) and the Metropolitan Police (01.04.2019).

Sean Tickle addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted on a temporary one year basis, subject to an amendment to condition 4 stating that the central canopy area can only be used from 09:00 to 22:00 on Sunday.

3 194 QUEEN'S GATE, LONDON, SW7 5EU

Erection of roof extension to create new sixth floor and alterations to rear at fifth floor level in connection with the enlargement of the fourth and fifth floor maisonette (Flat 7).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 7.30 pm.

CHAIRMAN: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 30th April 2019
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/10574/FULL	52 Lupus Street London SW1V 3EE	Use of ground floor as sandwich bar and café (Sui Generis) (Retrospective)	
	Warwick	Recommendation Refuse permission - loss of retail/ impact on amenity.		
2.	RN(s) : 19/00237/FULL	1-8 Bateman's Buildings London W1D 3EN	Use of the lower ground, ground and first floor levels as a single restaurant (Class A3); installation of plant with associated screening at main roof level and in the rear light well; installation of high level extract ductwork; new shopfront at ground floor level and associated external alterations.	
	West End	Recommendation Grant conditional permission.		
3.	RN(s) : 18/08273/FULL 18/08274/LBC	17 Charles Street London W1J 5DT	Demolition of rear two-storey extension and erection of replacement two storey extension with associated terrace at first floor level for use in association with existing dwellinghouse (Class C3). Replacement of rear first floor windows with doors. Internal alterations including the lowering of basement level by approx. 300mm and associated alterations	
	West End	Recommendation 1. Grant conditional permission; 2. Grant conditional listed building consent; 3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.		
4.	RN(s) : 18/09355/FULL	28 Blomfield Road London W9 1AA	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.	
	Little Venice	Recommendation Grant conditional permission.		

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Warwick	
Subject of Report	52 Lupus Street, London, SW1V 3EE		
Proposal	Use of ground floor as sandwich bar and café (Sui Generis) (Retrospective)		
Agent	Town and Country Planning Law		
On behalf of	Town Sky Investment Ltd		
Registered Number	18/10574/FULL	Date amended/ completed	14 December 2018
Date Application Received	14 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse permission – loss of retail, impact on residents.
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2. SUMMARY

52 Lupus Street is an unlisted building located within the Pimlico Conservation Area, Pimlico CAZ and Lupus Street Local Centre. The application relates to the ground floor unit.

In July 2018, planning sub-committee resolved to refuse permission for use of the ground floor as a mixed retail/restaurant use (Sui Generis) with new ducting to the rear and retractable awnings to the front and side elevations (RN:18/10574/FULL). The application was refused on land use, amenity/lack of information (relating to the proposed use and extraction system) and design grounds.

Following complaints from residents, the Council has commenced an enforcement investigation into the unauthorised change of use of the premises from A1 to a mixed class A1/A3 use (RN:18/67661/U).

The current retrospective application for use of the ground floor as a sandwich bar and café (Sui Generis) seeks to address the previous reasons for refusal. Enforcement action is being held in abeyance pending the determination of this application.

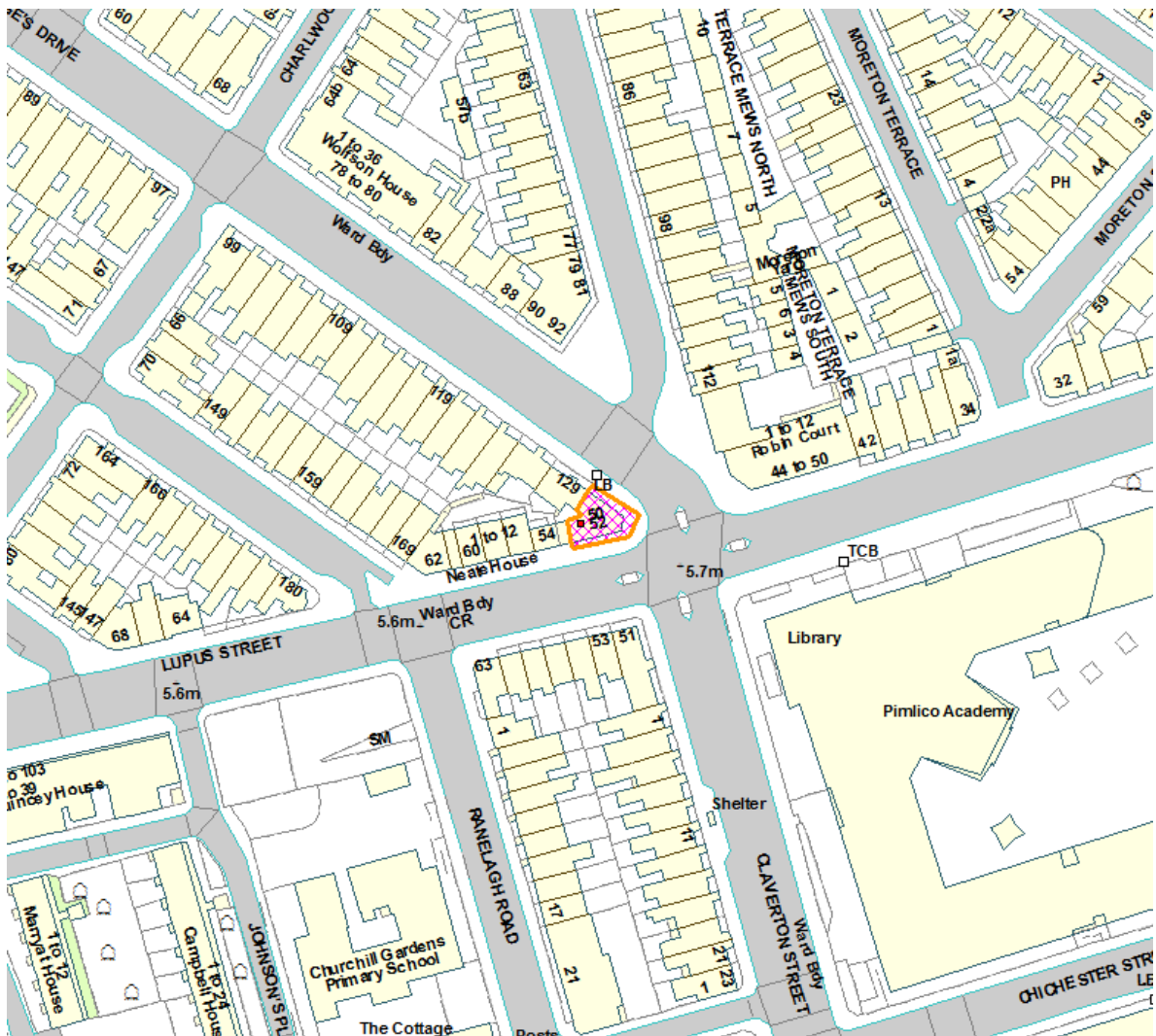
The key issues for consideration are:

*The impact of loss of A1 retail on local shopping facilities

*The impact of the proposals on residential amenity and local environmental quality

The application has been assessed against the relevant policies as set out in the Unitary Development Plan (January 2007) and Westminster's City Plan (November 2016) and is considered to be unacceptable in terms of land use, residential amenity and local environmental quality. As such, it is recommended that planning permission is refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

CLLR JACQUI WILKINSON

- Objection.
- The application refers to the “continued” use of A1/A3 status, which is misleading. An application for A3 usage (restaurant/café) has been refused, however it is clear that the unit has been operating as a café with table service and not a shop.
- The Council has refused an application for tables and chairs outside the premises, which the proprietors have implemented anyway, suggesting a total disregard for planning rules.
- There is limited space for waste disposal around the property and an A3 use is likely to generate much more waste than A1.
- The plans include an increase in the number of tables and chairs and hours of operation, suggesting a significant increase in the size and scope of the operation, which is part of a residential block. The cooking equipment proposed is also far beyond that needed by A1 usage despite claiming that “no primary cooking” would be conducted.
- Any expansion of the business could result in ventilation being ducted into the private yard of the flats above, which would intrude on the peace and amenity of residents.

PIMLICO FREDA

- Objection.
- The Sui Generis use class is unsatisfactory and the application should clearly state whether retail shop or café is the principal use and which use is ancillary.
- The current application illustrates that the applicant has been openly defiant of the Council’s previous decision (RN:18/10574/FULL), ignoring the existing planning use and carrying out a blatant breach of planning control.
- The proposals would lead to the loss of an A1 unit.
- There are two busy pelican crossings outside the unit, the proposals would add to congestion on the pavement in this area.
- The applicant has filled out the application form incorrectly.
- The proposed increase in tables and chairs and opening hours would cause noise and nuisance to local residents, harming residential amenity.
- Waste management is not mentioned in the application and the applicants currently use resident’s on-street black bins, which is unacceptable.
- Nuisance complaints have been made by immediate neighbours since the current operation “Café de Borek” opened.
- General “Creep” of A3 Use Class.
- The capabilities of the proposed cooking equipment suggests that primary cooking will take place.

PIMLICO NEIGHBOURHOOD FORUM

- Any response to be reported verbally.

WESTMINSTER SOCIETY

- Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

- Undesirable but could be made acceptable via conditions.
- The impact of the change of use on parking levels will be minimal.
- A condition is recommended to ensure cycle parking is provided in accordance with the London Plan.
- No off-street servicing is provided for the development. However, the site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development is the refuse collection vehicle. This will service the property in a similar fashion to other nearby properties.
- To minimise the impact of the proposed use on the network, no delivery service should operate from this location.

PROJECTS OFFICER (WASTE)

- The drawings submitted are not in line with the Council's recycling and waste storage requirements. This could be addressed by condition.

ENVIRONMENTAL HEALTH

- Objection.
- The proposals have the potential to cause nuisance from cooking odours.
- The proposed new use has residential flats immediately above and no acoustic report has been submitted to assess for noise transfer through the building fabric.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 219

Total No. of replies: 24

No. of objections: 16

No. in support: 8

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

Land use

- There is already too many cafes on Lupus Street and not enough retail shops. Loss of A1 retail would be contrary to City Plan Policy S21 and detrimental to the local area which is residential in character.
- The unit is currently being operated illegally as an A3 café, offering table service and limited take-away/retail options.
- The equipment proposed would suggest that the unit will actually be a restaurant with primary cooking.
- The use of the unit is gradually creeping toward entirely A3.

Amenity

- The increased hours of use (from 08:00 - 19:00 to 10:00 - 22:00) will cause disturbance to residents in the evenings and are longer than other nearby units.
- Cooking will generate fumes, steam and odours which will impact the amenity of local residents.

- The existing operation has led to nuisance complaints from neighbours in a mainly residential area.
- Residents opposite the site find that the large windows cause overlooking and loss of privacy.
- If longer hours of trading are permitted, there will be light spillage from the windows.
- Tables and chairs were placed outside the unit in summer 2018, this caused nuisance to residents from noise and smoking.
- Insufficient detail has been provided about the operation of the premises.

Design and Conservation

- Awnings would be out of keeping with the rest of the frontage and wider conservation area.

Other

- There are no areas for the storage of waste and refuse is often left on the public highway outside and in residential bins.
- Concern raised about accuracy of description of works "Continued Use"
- The cooking equipment poses a fire risk to the building

8 letters of support have been received on some or all of the following grounds:

Land Use

- The café provides a service to the local community, providing a place for social interactions and work. The proposals would allow an expanded food menu offering natural/organic produce.
- This is a totally new application for a café/sandwich bar, which is different from the previous application for retail/restaurant.
- Lupus Street is not a mainly residential area anymore.
- The unit has previously been vacant for a period of time and other A1 units on Lupus street remain vacant, therefore the application will not take up valuable retail space and will promote economic viability.
- There is not an overprovision of cafes in the local area.
- The café is accessible and provides for the needs of the elderly, disabled and pram users.

Design and Conservation

- As the frontage has not been physically altered it cannot be detrimental to the surrounding area. The cleaning of the frontage has had a positive impact on the appearance of the unit.

Amenity

- The frontage is similar to other retail frontages in Lupus Street and does not cause overlooking or loss of privacy.
- The proposals do not include outdoor tables and chairs.
- The café does not cause noise nuisance over the existing noise levels of the surrounding area.

Other

- The site does not have an alcohol licence.
- Fire safety is not a planning consideration
- There is no evidence to suggest that the café has led to parking congestion or has impeded pedestrian movement.
- The café does not leave refuse outside Neate House or the public bins opposite.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

52 Lupus Street is an unlisted building, which lies within the Pimlico Conservation Area, Pimlico CAZ and Lupus Street Local Centre. The application site consists of the ground floor retail unit. The basement of the property is currently used as a physiotherapy practice and the upper floors of the building are used as residential flats (Neate House).

6.2 Recent Relevant History

In December 2014, permission was refused for use of the basement and ground floors as a restaurant/ wine bar (Class A3) on land use and lack of information grounds.

In February 2016, permission was granted for use of part of the basement as a physiotherapy practice (Class D1) (RN:15/11319). Permission was granted for the creation of a lightwell enclosed by railings and associated works to allow direct access to the physiotherapy practice, in March 2016 (RN:16/00672).

In August 2018, permission was granted to expand the size of the physiotherapy practice into the remainder of the basement level (RN:17/05443).

In July 2018, planning sub-committee refused permission for use of ground floor as a mixed retail/restaurant use (sui generis) with new ducting at the rear and retractable awnings to the front and side elevation (RN:18/02472). The application was refused on land use, lack of information and design grounds. Conditional advertisement consent was granted for the display of 3no. externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3m x 2.5m (RN:18/02473/ADV).

Following complaints from residents, the Council has commenced an enforcement investigation into the unauthorised change of use of the premises from A1 to a mixed class A1/A3 use (18/67661/U). Enforcement action is being held in abeyance pending the determination of this application.

7. THE PROPOSAL

The proposals seek retrospective permission for a change of use of the ground floor from A1 retail to sandwich bar and café (Sui Generis) measuring 145sqm. The application site includes the public highway outside the unit on Lupus Street and St George's Drive. No external alterations are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the ground floor is retail (Class A1) and it was previously occupied by a chemist operated by “Geewick Ltd”.

The unit is currently occupied by the applicant, who is trading under “Café de Borek”. The submitted Design and Access (& Planning) Statement states that the application is for “...the continued use of a commercial unit as a shop selling retail goods, cold food for consumption off the premises, and as a cafe...”.

Objectors state that the unit is currently being operated illegally as an A3 café, offering table service and limited take-away/retail options.

The proposed floor plan shows a preparation/ store area, a counter and shelves, seating area (35 seats & 17 tables) and toilet area (2 toilets). The applicant has provided no information to demonstrate the proportion of total sales that can be attributed to A1 retail. From the information provided and the officers site visit, it appears likely that the proposed use would operate like a conventional A3 Café, with only an ancillary amount of A1 retained, and the premises also has the appearance of a conventional A3 café. However, without further information forthcoming from the applicant on the division of sales between food and drink consumed on or off the premises, it is not possible to be certain that it is an A3 café and this application is therefore being determined on the basis of the submission that it is a sui generis use – i.e. mixed A1 and A3.

Loss of Retail

Objectors contend that the loss of the A1 use would be detrimental to the local area and that Lupus Street is already well provided with café uses.

Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

The applicant has not sought to demonstrate that the unit would not be viable as an A1 unit. Instead the applicant contends that the proposed sui generis use still provides a convenience retail function and has not had a detrimental impact on local shopping facilities. However, even though insufficient information has been submitted by the applicant on this point, it certainly appears that any retail function at the site is very limited (and as previously stated the use may actually be A3) and, accordingly, the proposals are not considered to comply with Policy S21.

The application site is located within the Lupus Street Local Shopping Centre, in the non-core frontage.

Unitary Development Plan (UDP) policy SS7 aims to protect the designated Local Shopping Centres for the service they provide to residents, visitors and workers, and because they reduce the need to travel. Part (C) of the policy states that outside the

Core Frontages, permission will be granted for loss of an A1 use at ground-floor level if the proposal:

1. would not be detrimental to the character or function of the centre, nor have a harmful effect on the vitality or viability of the centre
2. would not reduce the range of local convenience shops, or have a detrimental effect on local shopping facilities
3. would not result in more than three non-A1 units located consecutively in a frontage
4. would not undermine the balance of A1 to non-A1 uses within the frontage as a whole.

The proposals would result in the loss of a local convenience shop. The applicant's Design and Access (& Planning) Statement references the Council's Shopping Centre Health Check from 2007 to justify the loss. However, the Council's most recent Health Check Survey (2014) shows that the overall number of A1 retail uses in Lupus Street decreased by 2 units between 2007 and 2013 and that the number of local convenience shops fell from 18 to 12. It is considered that the loss of another local convenience shop would have a detrimental effect on local shopping facilities and the retail character and function of the local centre. The proposals do not accord with Policy SS7.

Proposed Use

City Plan Policy S10 recognises the predominantly residential nature of Pimlico, and "Village" character with associated local uses and the sense of small-scale shops and services. Stating that the area will be primarily for residential use with supporting retail, social and community and local arts and cultural provision.

Policy S24 also requires that proposals for new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment use and any cumulative impacts and adverse impacts on residential amenity, health and safety, local environment quality, and the character and function of the area.

Given the size of the application site (145sqm), and the nature of the use, UDP policy TACE 8 is applicable. TACE 8 relates to restaurant and café uses and states that permission will only be granted where the City Council is satisfied that the proposed development will have 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 no adverse impact on the character and function of the area.

The application site is located directly underneath a number of residential properties at Neate House, with many more in close proximity. Concern has been raised by objectors that odours from the kitchen could generate steam and odours which will impact the amenity of local residents. The applicant states that there will be no "primary cooking" on site, a menu has not been provided. Environmental Health have raised objection to the proposals on odour nuisance grounds as the cooking equipment, if used to its fullest extent, has the potential to cause odour nuisance to nearby residents.

Objectors have raised concern about increased congestion on the pavement outside the unit which has already led to nuisance complaints from neighbours and subsequent enforcement action in relation to the placing of tables and chairs on the highway (RN: 18/68944/N). Whilst outdoor tables and chairs are not shown on the proposed drawings, the application site includes the pavement which indicates a clear intention that the applicant wishes to use the public highway outside the unit and, if the proposals were approved, they would be able to place tables and chairs in this location. One of the reasons for refusal of the last application was insufficient information with respect to the proposed use. Once again, no information has been provided with regards to capacity, staff numbers, tables and chairs or mitigation measures to reduce disturbance from customers. Further, Environmental Health officers have raised objection on noise grounds, as no acoustic report has been provided to assess for noise transfer through the building from the new use.

The proposed hours are 1000 – 2200 hours Monday to Sunday and objections have been received on the grounds that the hours are too long and would disturb surrounding residents. It is unclear whether or not these hours could be considered acceptable given the outstanding details.

The site is within a Controlled Parking Zone, which means that anyone who does drive to the site will be subject to those controls; because of this, it is considered that the impact of the proposals on parking would be minimal. The Highways Planning Manager recommends that if permission is granted, conditions be attached to ensure that no delivery service should operate from this location and that cycle parking is provided in accordance with London Plan standards. No servicing details have been provided.

Overall, it is considered that the information submitted is insufficiently detailed with respect to the proposed use. In the absence of sufficient information, it is considered that the use would have an unacceptably harmful impact on the amenity of neighbouring residents and local environmental quality. This would not meet Policies S24, S29, S31 and S32 of Westminster's City Plan (November 2016) and Policies TACE8, ENV5, ENV6, ENV7 and ENV13 of our Unitary Development Plan (January 2007).

8.2 Townscape and Design

No external alterations are proposed under this application.

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.

The unit has a number of large windows at ground floor level on the front and side elevations. Objectors have stated that residents opposite the site find that the windows have caused overlooking and could potentially cause light spillage if longer hours were permitted. Given the distance between the windows of the unit and those directly facing residential properties (approx. 21m to 53/55 Lupus Street), it is considered that proposals would not result in an unacceptable degree of overlooking between properties and it would not be justified to refuse the application on light spillage grounds.

Noise, disturbance and odour nuisance are addressed in section 8.1 of this report. As discussed above, it is considered that the information submitted is insufficiently detailed with respect to the proposed use and in the absence of sufficient information, it is considered that the use would have an unacceptably harmful impact on the amenity of neighbouring residents. Accordingly, it is considered that the proposals do not meet Policies S29 and ENV 13.

8.4 Transportation/Parking

Transportation/parking issues have been covered in section 8.1 of this report.

8.5 Economic Considerations

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

8.6 Access

No changes to the existing means of access are proposed.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Objectors state that the proposed use generates more waste than an A1 use would and have raised concern that the application makes no reference to waste management. It appears from the drawings that waste storage could be accommodated within the unit. Had the application been recommended for approval, this could have been secured by condition.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 London Plan

This application raises no strategic issues.

Item No.
1

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

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

This development does not generate a Mayor CIL or WCC CIL payment.

8.12 Environmental Impact Assessment

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

8.13 Other Issues

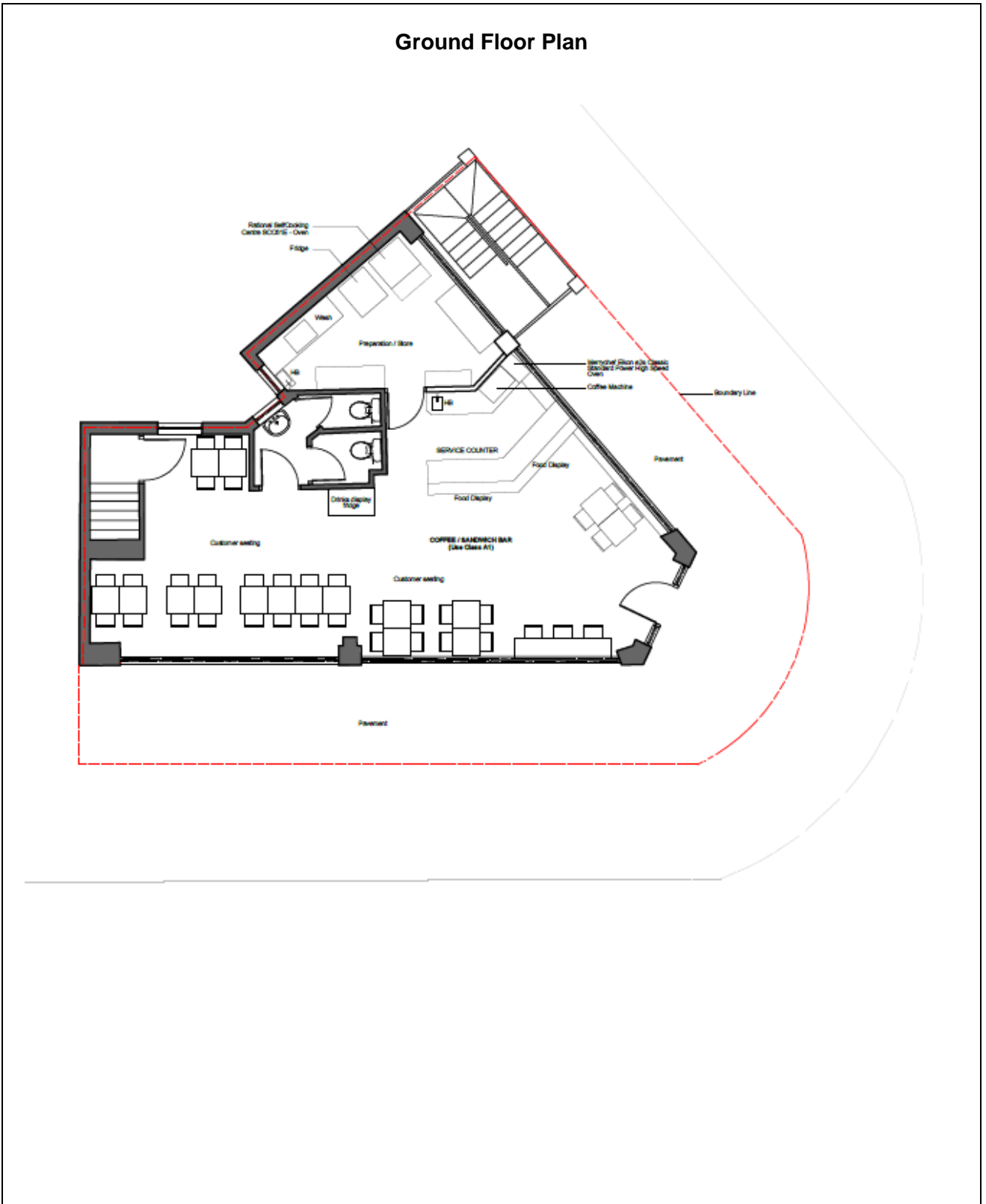
Fire Risk

Objectors have raised concern that the cooking equipment poses a fire risk to the building. Whilst noted, this is a building regulations matter.

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

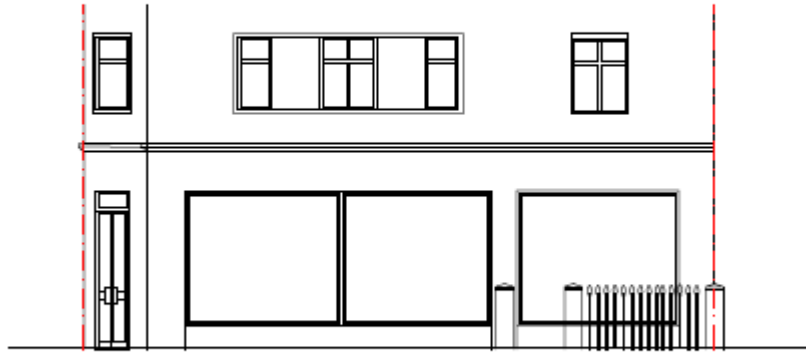
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk
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9. KEY DRAWINGS



Elevations

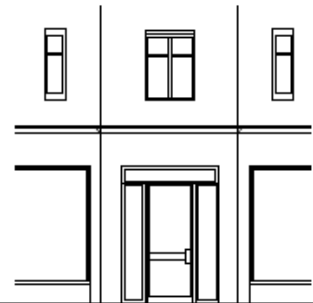
Note
No changes to the elevations is proposed



Existing Side Elevation (St. George's Drive)
Scale 1:100



Existing Front Elevation (Lupus Street)
Scale 1:100



Existing Corner Elevation - Entrance
Scale 1:100

DRAFT DECISION LETTER

Address: 52 Lupus Street, London, SW1V 3EE

Proposal: Use of ground floor as sandwich bar and café (Sui Generis) (Retrospective)

Reference: 18/10574/FULL

Plan Nos: Site Location Plan; TC/0202/PP/02; TC/0202/PP/01; TC/0202/PP/03; Design and Access (& Planning) Statement dated 4 November 2018; Merrychef Microwave Oven Specifications; Rational Selfcooking Center Specifications; Rational Internal Ventilation Specifications.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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

Your development would lead to the loss of a retail unit in the Lupus Street Local Centre as defined in our Unitary Development Plan that we adopted in January 2007. This would harm the retail character and function of the area and have a detrimental effect on local shopping facilities which would not meet S21 of Westminster's City Plan (November 2016) and SS7 of our Unitary Development Plan adopted (January 2007).

Reason:

In the absence of sufficient information to demonstrate that the use would comply with the City Council's noise and odour policies it is considered that it would have an unacceptably harmful impact on the amenity of neighbouring residents and local environmental quality which would not meet S24, S29, S31 and S32 of Westminster's City Plan (November 2016) and TACE8, ENV5, ENV6, ENV7 and ENV13 of our Unitary Development Plan (January 2007).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way 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, neighbourhood plan (where relevant), 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.

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- 2 Although you have described the use of the ground floor as a sandwich bar and cafe (Sui Generis) we believe that, if you had provided sufficient information, it would probably be the case that this would be an A3 use.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	1-8 Bateman's Buildings, London, W1D 3EN,		
Proposal	Use of the lower ground, ground and first floor levels as a single restaurant (Class A3); installation of plant with associated screening at main roof level and in the rear lightwell; installation of high level extract ductwork; new shopfront at ground floor level and associated external alterations.		
Agent	Gerald Eve LLP		
On behalf of	Corbin & King Restaurant Group Limited		
Registered Number	19/00237/FULL	Date amended/ completed	18 January 2019
Date Application Received	11 January 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

1-8 Bateman's Buildings comprise basement, ground and first to third floor levels on the eastern side of Bateman's Buildings. The property is currently used entirely as office accommodation (Class B1). The property is not listed but is located within the Soho Conservation Area, the West End Stress Area and the Core Central Activities Zone.

Planning permission has previously been granted in September 2016 for the use of the lower, ground, ground and first floors as two restaurants. Permission is now sought for the use of the lower floors as a single restaurant premises with associated plant and extraction duct and a new shopfront on the Bateman's Buildings elevation.

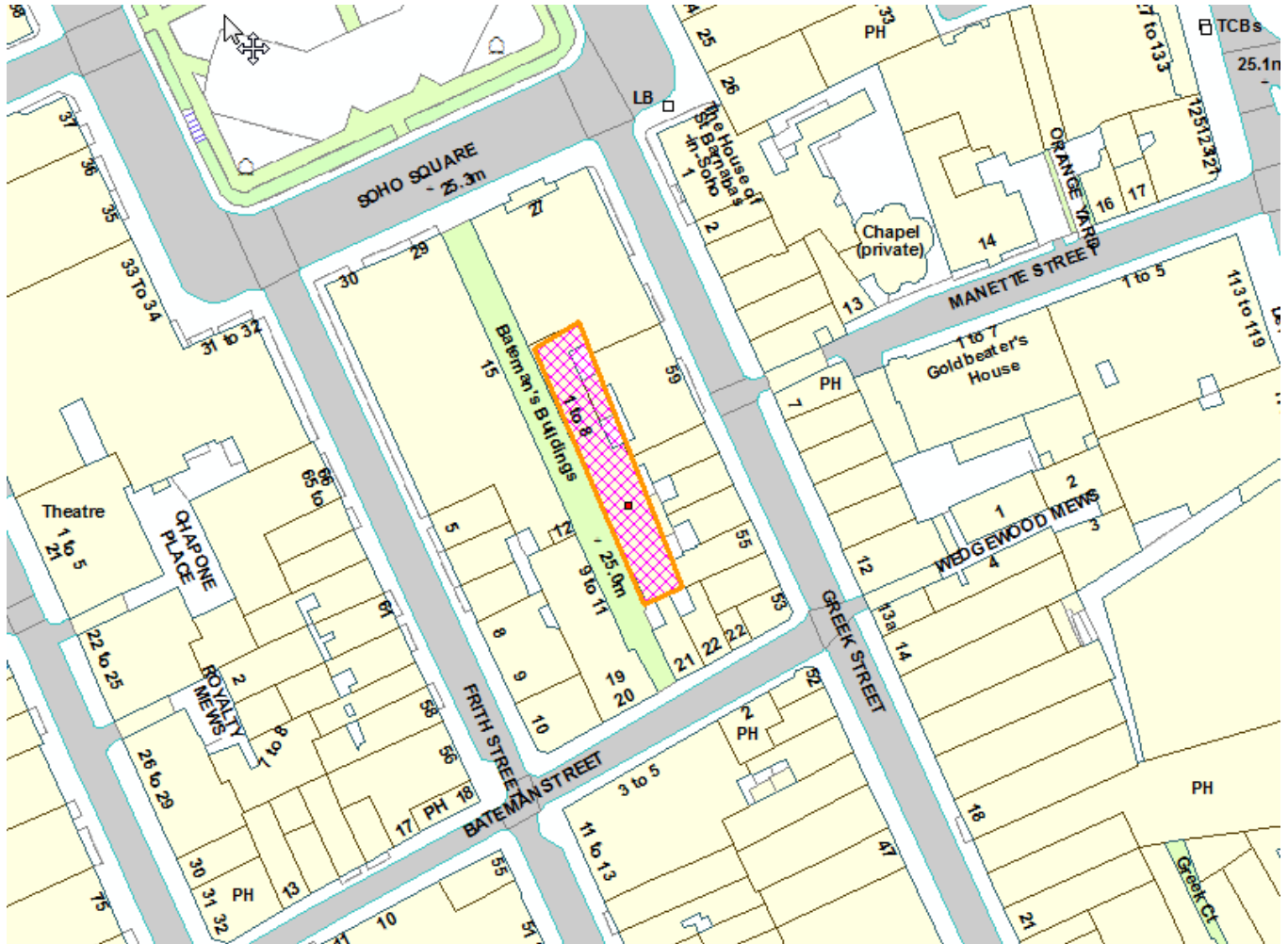
The key issues are:

- The principle of a large restaurant use within the West End Stress Area and its impact on the amenity of nearby sensitive occupiers.

- The impact of the proposed external alterations on the character and appearance of the Soho Conservation Area.

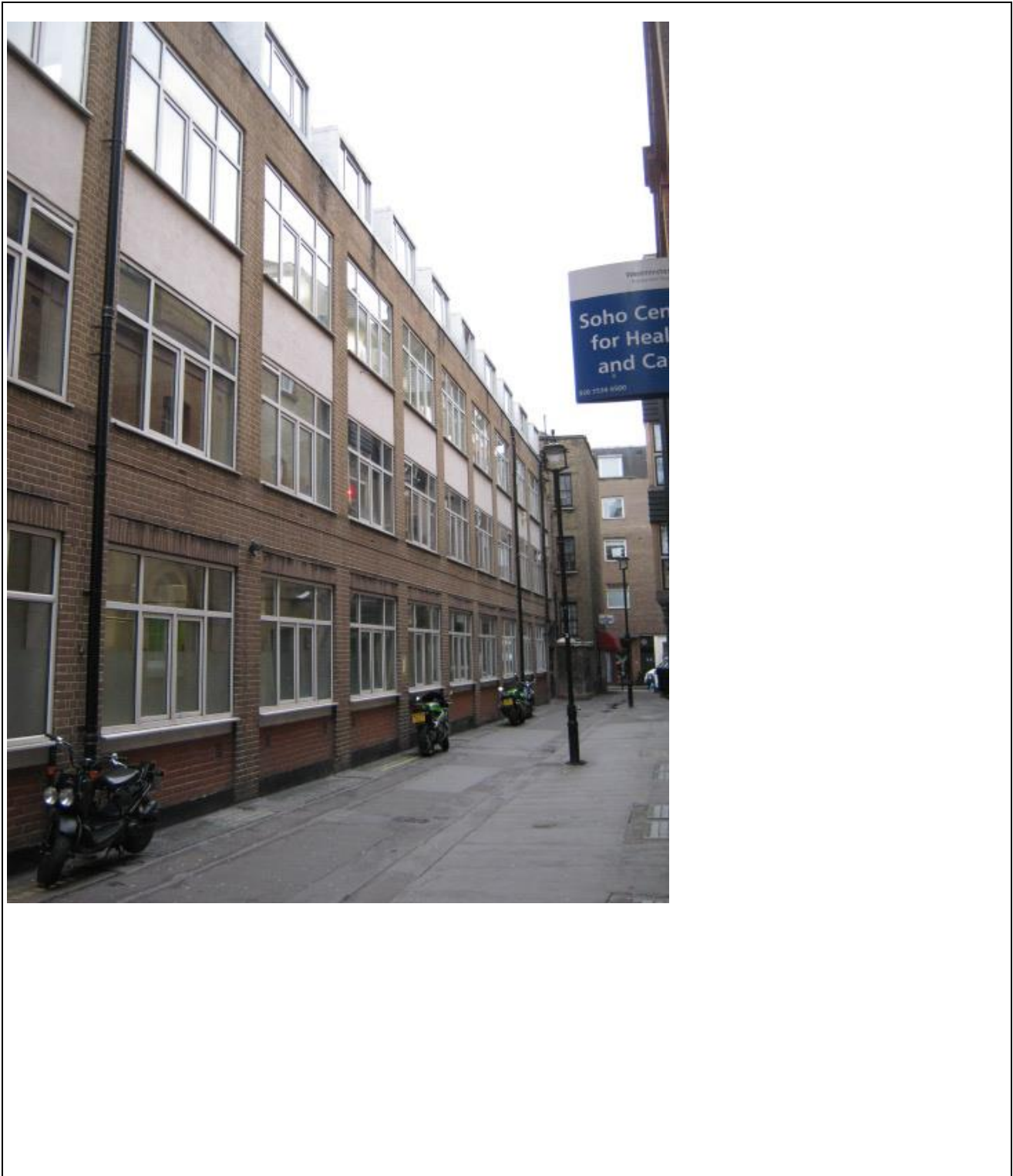
Subject to appropriate conditions it is considered the proposed restaurant use will be acceptable in terms of its impact upon residential amenity in the vicinity. Furthermore, the proposed external alterations are considered to preserve the character and appearance of the Soho Conservation Area. The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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

HIGHWAYS

No objection subject to conditions.

CLEANSING

No objection.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 75

Total No. of replies: 1

No. in support: 1

Letter of support on the following grounds:

Increased security and footfall in Bateman's Buildings will help mitigate the current anti-social behaviour in the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

1-8 Bateman's Buildings is an unlisted office building comprising lower ground, ground and first to third floor levels. Bateman's Buildings is a short pedestrianised street running on a north – south axis leading from Soho Square to the north down to Bateman Street to the south. The street mainly comprises back entrances to properties fronting Greek Street to the east and Frith Street to the west. The property is located within the Soho Conservation Area, Core Central Activities Zone and the West End Stress Area.

6.2 Recent Relevant History

Planning permission was granted on the 20 September 2016 for the; 'extensions at rear lower ground and ground floor levels to 1-8 Bateman's Buildings associated with the use of lower ground, ground and first floor levels as two restaurants (Class A3); the installation of plant within an enclosure at roof level, a high level extract duct on the rear elevation and new shopfronts to the Bateman's Buildings elevation.'

A condition was imposed ensuring that the two separate restaurant premises could not be amalgamated.

Planning permission was granted on the 8 December 2015 for; 'partial demolition and external alterations to 1-8 Bateman's Buildings associated with the use of lower ground and ground floor levels as two restaurants (Class A3), office (Class B1) and residential (Class C3) accommodation; and use of the first, second, third and fourth floors for office (Class B1) and residential accommodation (Class C3) to provide five residential units. Associated external alterations including the creation of two terraces at main roof; the installation of plant within an associated enclosure at roof level, the installation of a high level extract duct and the installation of a new shopfront to 55 Greek Street.'

Neither of these planning permissions has been implemented.

7. THE PROPOSAL

The existing office accommodation at 1-8 Bateman's Buildings is currently vacant, permission is sought for the conversion of the property, comprising basement, ground and first floor levels to a new single restaurant unit. Plant with associated screening is also proposed to be installed on the roof of the building and within the rear lightwell at basement level between the Bateman's Buildings property and 55 Greek Street. It is also proposed to install a high level extract duct in the rear lightwell and for the installation of a new ground floor shopfront along the Bateman's Buildings elevation.

Existing and Proposed land use table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	998	0	-998
Restaurant	0	998	+998
Total	998	998	998

Proposed Restaurant Use Table:

	Approved restaurants	Proposed restaurant
Restaurant floor space (sqm)	950sqm	998sqm
No. of covers	266	241
Hours of Operation	07:00 to 23:30 on Mondays to Thursdays; 07:00 till midnight on Fridays and Saturdays; 07:00 to midnight on Sundays immediately prior to Bank Holidays and 07:00 to 22.30 on other Sundays.	07:00 till 24:00 (midnight) Monday to Sunday
Ventilation arrangements	New kitchen extract to be routed externally to terminate at high level.	New kitchen extract to be routed externally to terminate at high level.
Refuse Stores	Relevant conditions included.	Relevant conditions included

The main difference between the consented application and the current application, is one restaurant is proposed over 998sqm, rather than two restaurants over 950sqm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

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

Proposed restaurant

The proposed single restaurant unit would measure 998sqm over the basement, ground and first floor levels of the property. An entertainment unit of this type and size located within the Core Central Activities Zone and the West End Stress Area would be considered against Policies TACE10 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP is also applicable and this states that entertainment uses over 500sqm will only be permissible in 'exceptional circumstances'.

The principle of a restaurant use in this location has been accepted on two previous occasions. The main difference between the consented applications and the current application is that the floorspace is to be used as a single restaurant. The proposed operator is Corbin And King who operate several other restaurants in the West End, namely The Wolseley, Brasserie Zedel, the Delaunay etc.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings in use as office accommodation on the upper floors and retail / restaurants on the lower floor levels. However, Bateman's Buildings itself is a relatively short street between Soho Square to the north and Bateman Street to the south with the pedestrianised route on the east mainly comprising this property and to the west being the back of buildings fronting Frith Street. The street is not well overlooked with little activity at street level and would appear relatively intimidating during the evenings and night-time.

There are no residential properties within Bateman's Buildings and the closest residential units are on the upper floors of 21 Bateman Street immediately to the south of the application site. Council records indicate there are also residential properties on the upper floors of 22 Bateman Street, and 57, 58 and 59 Greek Street to the east of the application site. The upper floors of 9-11 Bateman's Buildings are in use as a hotel. No objections have been received to the application, but a letter of support has been received from a representative of Soho Estates, a large land owner in the area. They consider the new restaurant to be a benefit to Soho and would help mitigate current levels of anti-social behaviour in Bateman's Buildings.

The 'exceptional' circumstances the applicant has put forward are:

- The location of the premises within the Core CAZ;
- Very few sensitive properties in the vicinity;
- Principle of a restaurant use has been previously accepted; and
- Fewer number of proposed covers than the consented restaurant schemes;

The proposed capacity of the restaurant in this application is 241 covers whilst the cumulative capacity of the two approved restaurants is 266. The approved restaurants had opening hours of; 07:00 to midnight on Fridays and Saturdays, 07:00 to midnight on Sundays immediately prior to Bank Holidays and 07:00 to 22.30 on other Sundays; and 07:00 to 23:30 on Mondays to Thursdays. The proposed restaurant opening hours are 07:00 till midnight daily which although slightly later on certain days is still broadly similar. These proposed opening hours are considered reasonable and accord with Paragraph 8.88 of the UDP which states that 'no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'.

The proposed restaurant would also help to enliven Bateman's Buildings, improve the appearance of the building and help reduce the anti-social behaviour which clearly takes place in the street.

The applicant has also provided an Operational Management Plan for the potential restaurant use. Compliance with this Plan would be conditioned on any approval, the plan outlines measures to reduce noise and disturbance for residential occupiers in the vicinity, through controls on customers entering and leaving the premises and the provision of doorstaff for security.

For the reasons detailed above, the applicant considers that the proposals would have a limited impact and that this constitutes 'exceptional circumstances' under Policy TACE 10. Conditions are proposed requiring the restaurant operation to accord with the Operational Management Plan and the Servicing Management Plan which have been submitted to ensure that the operation and servicing of the unit does not negatively impact upon the amenity of residents in the vicinity or use of the highway. Conditions are also proposed to ensure that there is no takeaway service provided from the property or a home delivery service which might result in increased vehicular movements. A condition is also proposed to ensure that any music played in the premises is not audible externally or within adjacent premises.

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Environmental Health consider the proposed high level extract duct (terminating within the screened plant area at main roof level) suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity.

There are a number of other entertainment premises in the vicinity including a club at 21 Bateman Street being the adjoining building to the south with licensed opening hours of 09:00 till 03:30 Monday to Saturday and 09:00 till 00:30 on Sundays. 22 Bateman Street is a restaurant called the Bonnie Gull licensed to be open between 10:00 and 00:30 Monday to Saturday and 12:00 till 00:00 on Sundays at 23-24 Bateman Street is a nightclub licensed to be open between 09:00 and 03:30 Monday to Saturday and 12:00 and 23:00 on Sundays. Given the late opening of the nearby premises it is evident that the proposed hours of the restaurant will not result in increased noise and disturbance at times when there is not already activity within the vicinity.

Whilst it is acknowledged the restaurant premises would constitute a large entertainment use, the number of covers proposed is relatively modest and less than the cumulative number granted consent in the extant approval for two units at the site. The hours of use proposed also accords with the City Council core hours. It is also acknowledged that the development will help to enliven what is currently a poorly utilised street susceptible to anti-social behaviour. Taking this into account and considering the stipulations in the Operational Management Plan submitted which details a high degree of management and control at the premises it is not considered the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. Further the City Council granted consent for two restaurants which would cumulatively be the same size and this permission is still extant (albeit with a condition attached to the consent stipulating that the two restaurants cannot be amalgamated).

The proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE10 and City Plan Policy S24.

8.2 Townscape and Design

The building is unlisted and in the Soho Conservation Area. It is a comparatively modern structure with a simple brick façade, standing on the east side of the street which is a narrow pedestrian route and has a distinct character as a consequence. Previously permission has been given for various alterations and this application results from further evolution of the design.

There are minor alterations proposed at street level in Bateman's Buildings relating to the positioning of some doors. There is no objection to these alterations in design and heritage asset terms which will suit the appearance of the building and maintain the character and appearance of the surrounding conservation area.

The more contentious aspect of the proposal is the rooftop plant and rear extract duct. However, since submission the design has been revised and as now proposed the rooftop plant area is only modestly enlarged in comparison to the approved design and it is acceptable in design and heritage asset terms subject to the screening being finished dark grey and being maintained that colour. The rear duct is to be clad with brick slips to minimise its visual impact and this too is now acceptable in design and heritage asset terms.

8.3 Residential Amenity

The impact of the proposed restaurant on the amenity of neighbouring sensitive occupiers has been considered in Section 8.1 of this report. It is not considered the installation of the plant or ducting would have any impact on the amenity of neighbouring occupiers given the existing built form.

8.4 Transportation/Parking

The site is located within a Controlled Parking Zone so anyone driving to the site will be subject to these restrictions. It is expected that most people visiting the site will use public transport.

Information has been provided with regard deliveries in the Servicing Management Plan and this has been considered acceptable with the Highways Planning Manager. A condition is proposed to ensure the servicing of the restaurant use is carried out in accordance with the stipulations of the plan. A condition is also included to prevent the restaurant operating a delivery service as this would generate additional traffic movements and no information has been provided to demonstrate that this would not have a detrimental impact upon the highway within the vicinity of the restaurant.

Cycle parking would be provided within the lower ground floor level and the level accords with the requirements of the London Plan. A relevant condition is proposed to ensure this is provided and retained.

With these conditions in place the proposal is considered acceptable in transportation terms.

8.5 Economic Considerations

Any economic benefits generated by this proposal are welcomed.

8.6 Access

Level access is provided to the ground floor of the proposed restaurant from the street with a DDA compliant toilet to be provided at ground floor level.

8.7 Other UDP/Westminster Policy Considerations

Plant Noise

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

An acoustic report has been submitted in relation to the installation of the plant equipment. The nearest noise sensitive properties have been assessed as being 57 Greek Street, an annexe to the Hazlitt's Hotel backing onto Bateman's Buildings opposite the application site and 21 Bateman Street to the south. The design level

criteria for the plant has been measured as being 42dB between the hours of 07:00 and 00:00 (mid-night) and 36dB between 24:00 and 07:00. The majority of the plant will only operate when the restaurant is open but the cold store condenser unit is proposal to be able to operate at any time.

The expected noise levels from the plant will be 39dB (07:00 – 00:00) and 34dB (00:00 – 07:00) at the nearest noise sensitive windows with acoustic mitigation installed to include a silencer for the ducting and acoustic screening around the plant units.

Immediate neighbours have been consulted and no objections have been received. In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that the plant is installed within an acoustic enclosure as shown on the drawings to the specification detailed in the acoustic report. With these acoustic mitigation measures in place, Environmental Health have confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal. Conditions are proposed in relation to noise, vibration, hours of plant operation and the installation and retention of the required acoustic mitigation.

Refuse /Recycling

The Cleansing Officer has requested the submission of additional information with regard the capacity of the waste and recycling bin stores. A condition is attached as requested requiring the submission and approval of this information before occupation of the restaurant premises.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the

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written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. No pre-commencement conditions are proposed with regard this application.

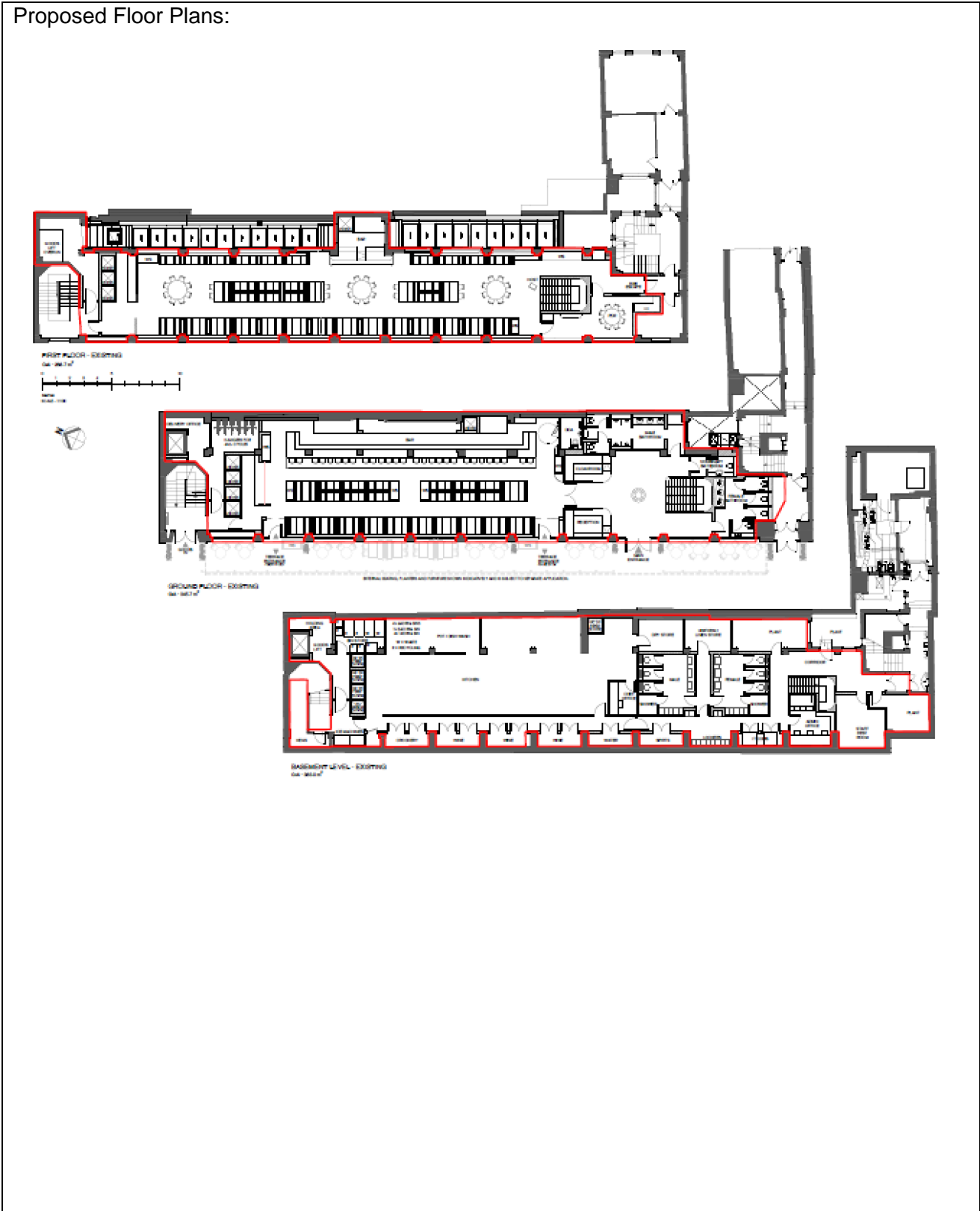
8.11 Planning Obligations

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

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

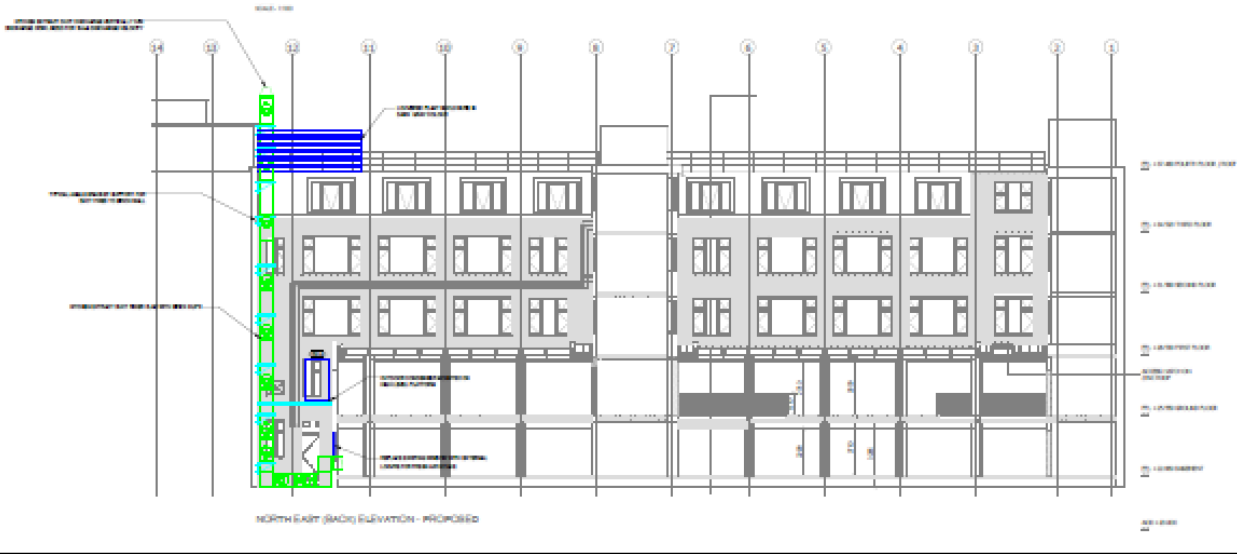
9. KEY DRAWINGS



West Elevation:



East Elevation:



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DRAFT DECISION LETTER

Address: 1-8 Bateman's Buildings, London, W1D 3EN,

Proposal: Use of the lower ground, ground and first floor levels as a single restaurant (Class A3); installation of plant with associated screening at main roof level and in the rear lightwell; installation of high level extract ductwork; new shopfront at ground floor level and associated external alterations. (Site includes 55 Greek Street)

Plan Nos: Documents: Acoustic Report (18/0726/R1-1), Service Management Plan, Corbin and King Operational Management Strategy, Drawings: SK01 RevF, SK02 RevE, SK03 RevE, Proposed Floor Plans RevB1.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

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

Reason:

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

- 2 All new work 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 Soho 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)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development - all new windows, shopfronts and external doors. 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 Soho 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 Soho 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 unless they are shown on the approved drawings.
(C26KA)

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

- 6 The extract ductwork must be clad in brick slips and be maintained in that condition. You must not occupy the premises until the ductwork has been fully clad and the brick-slip cladding must be retained thereafter.

Reason:

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest,

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

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

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

Reason:

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

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 9 You must install the high level extract duct as shown on the approved drawings before the restaurant operation hereby approved can begin.

Reason:

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

- 10 The plant / machinery hereby permitted can only operate between the hours of 07:00 and 00:00 (mid-night) daily, except for the plant serving the cold store which can operate at any time.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 11 You must install the acoustic mitigation measures as detailed in the approved acoustic report and as shown on the approved drawings at the same time as the plant is installed and these must thereafter be maintained in situ for as long as the plant remains in place.

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 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 12 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the restaurant use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the restaurant. You must not use the waste and recycling store for any other purpose. (C14GA)

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)

- 13 You must not sell any hot-food take-away or drink within the restaurant premises hereby approved (Class A3), nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not

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meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 14 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

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

- 15 You must not allow more than 241 customers into the restaurant premises hereby approved at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 Customers shall not be permitted within the restaurant premises before 07:00 or after 00:00 (mid-night) each day. (C12AD)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 17 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 2016 (R22FA)

- 18 All servicing of the restaurant hereby approved shall be undertaken in accordance with the Service Management Plan unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 19 You must carry out the measures included in your management plan titled 'Corbin and King Operational Management Strategy' at all times that the restaurant is in use.

Reason:

Item No.
2

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 20 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)

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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 5 Conditions 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 6 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order.
B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to;
Section 2 - New ductwork system cleanliness
Section 3 - Design and access to the internal surfaces of the ventilation system
Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning).
Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 7 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.

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	17 Charles Street, London, W1J 5DT		
Proposal	Demolition of rear two-storey extension and erection of replacement two storey extension with associated terrace at first floor level for use in association with existing dwelling house (Class C3). Replacement of rear first floor windows with doors. Internal alterations including the lowering of basement level by approx. 300mm and associated alterations.		
Agent	Purcell LLP		
On behalf of	Mr & Mrs Juffali		
Registered Number	18/08273/FULL & 18/08274/LBC	Date amended/ completed	9 October 2018
Date Application Received	27 September 2018		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

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 within informative 1 of the draft decision letter.
--

2. SUMMARY

<p>The application site is located on the north side of Charles Street within close proximity to its junctions with Chesterfield Hill and Queen Street and bounded to the north by residential properties on Hays Mews. The building comprises a mid terrace house dating back from c. 1753 and which consists of basement, ground, first, second, third and fourth floor levels. The building is Grade II listed and located within the Mayfair Conservation Area. The current lawful use of the property is as a single-family dwelling (Class C3).</p> <p>Planning permission and listed building consent are sought for the demolition of the two storey extension to the rear of the building and erection of replacement two storey extension with a terrace</p>
--

at first floor level, the replacement of rear first floor windows with doors, internal alterations at all levels including excavation to part of the basement floor level by approx. 300mm and associated alterations.

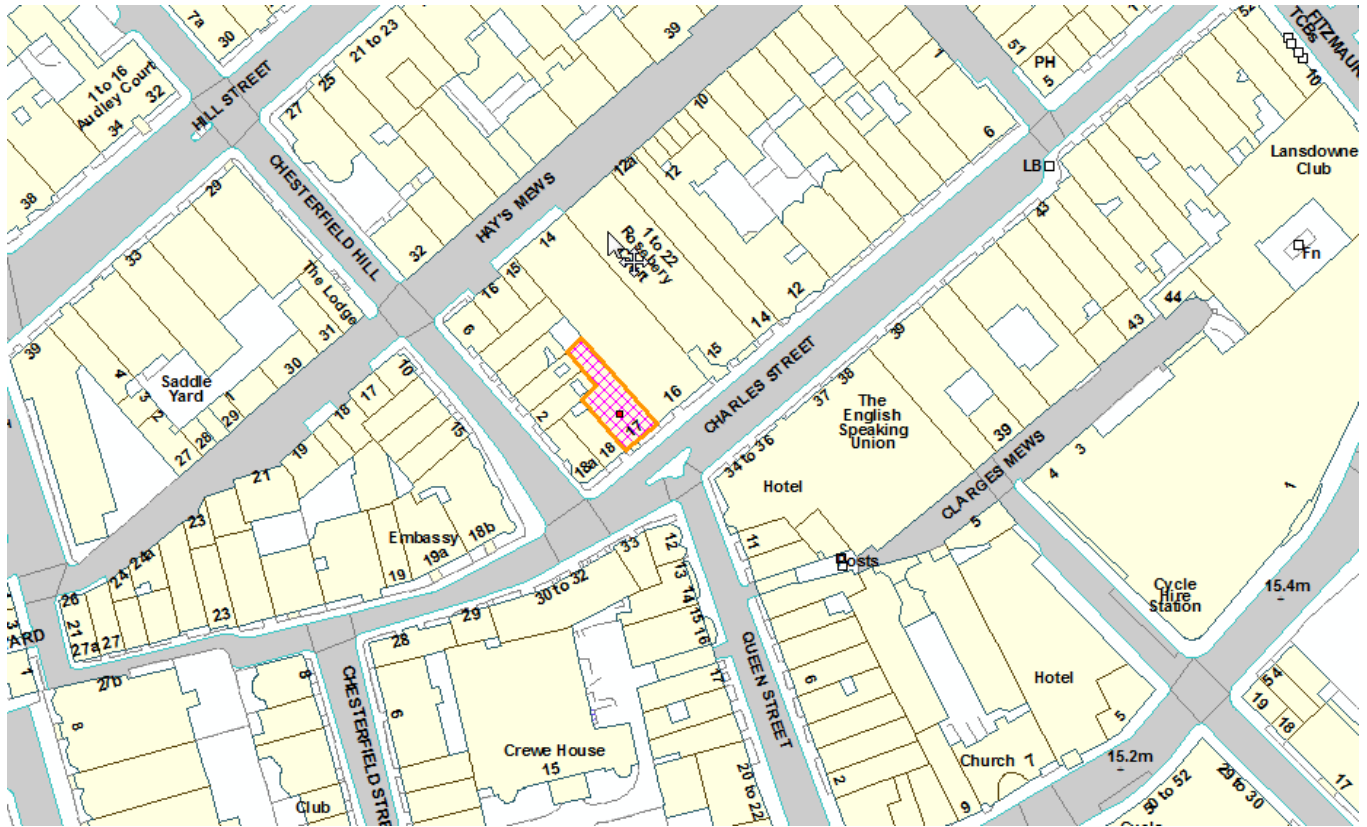
The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents;
- The impact of the works upon both the special interest of the listed building and the Mayfair Conservation Area.

Consent has been granted on two previous occasions for the creation of a roof terrace at rear first floor level. The proposal is similar to the previous consents, but now includes internal alterations.

The proposal is considered acceptable and is in line with the policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation given to determine the application as the City Council see fit.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS' GROUP

Any response to be reported verbally.

GEORGIAN GROUP

Objection raised to the changes to the plan form of the house.

LONDON UNDERGROUND

No objection subject to condition to ensure development does not impact on existing London Underground transport infrastructure.

TRANSPORT FOR LONDON

No comment.

ADJOINING OWNERS / OCCUPIERS AND ANY OTHER REPRESENTATIONS

No. of original consultees: 41

No. of objections: 2

Two objections have been received from neighbouring properties. The objections relate to:

- Loss of amenity due to increased noise from outdoors terrace
- Concerns relating to excessive noise during the construction period.
- Loss of daylight

PRESS ADVERTISEMENT AND SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

17 Charles Street comprises lower ground, ground and five upper floors in use as a single family dwelling house. The building is Grade II listed and is located within the Mayfair Conservation Area. The rear of the site is in close proximity to other properties surrounding the site, in particular those properties on Chesterfield Hill.

6.2 Recent Relevant History

Planning permission and listed building consent was granted on the 6 September 2016 for the demolition of existing glazed roof to the rear of the property and installation of a first floor roof terrace for use in association with dwelling house.

This permission allowed for a similar roof terrace to that currently being proposed.

Planning permission and listed building consent was then granted on 9 May 2017 for a variation to the 2016 consent to increase the depth of the first floor terrace and installation of associated privacy screen.

The 2017 consent allowed for a larger terrace than the 2016 consent and that currently proposed. The approved screening comprises opaque glazing and is 1.8m tall.

7. THE PROPOSAL

Permission and listed building consent are sought for the demolition of the existing two storey extension to the rear of the building. The existing extension includes a pitched glazed roof, the proposed two storey extension includes a flat roof, to allow for part of it to be used as a terrace. The new roof will not raise above the first floor level and it will be below the ridge height of the existing pitched roof. Screening around the terrace is proposed to reduce the impact the terrace will have on overlooking. The proposal also includes the replacement of rear first floor windows with doors, to allow access to the terrace. Internal alterations are proposed to all floors of the building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any land use issues.

8.2 Townscape and Design

17 Charles Street is a grade II listed building of c.1753. in the Mayfair Conservation Area. It is adjacent to the grade II* 16 Charles Street, and forms part of its setting.

The building consists of 5 storeys and basement. It must have originally had a very fine interior, but it has been much altered, chiefly in the 1950s. It retains a good staircase and fine ceilings in the ground and first floor front rooms, but the other decorative features and much of the fabric appears new.

The proposal is for a number of internal works. The key elements of the scheme are:

- The removal of modern partitions in the entrance hall and at upper floors
- new secondary staircases between the basement and ground floors, the second and fourth floors, and the fourth and fifth floors
- The conversion of modern windows in the first floor sitting room into doors leading onto a new terrace
- Alterations to the modern rear extension at first floor, ground and basement levels
- Alterations to the second floor landing

The following contentious elements have been removed from the scheme following discussion with the applicants:

- A new doorway between the entrance hall and dining room
- The opening-up of two large sections of wall into the first floor front room

An objection to the internal works has been received from the Georgian Group. Their principal objections, to the openings into the front room at ground and first floor levels, these objections have been overcome by the omission of these elements from the proposals. The remaining elements to which their objection refers, is the alteration of the plan form at second and third floors by inserting a stair into the existing lobby between front and rear rooms.

The evidential value of the lobby between front and rear rooms is uncertain. Certainly, it is an unusual plan form, but whether original, or whether it previously accommodated a secondary stair is uncertain.

Given that the proposed alterations are to floors above the primary rooms, and that it is feasible that a stair previously existed here, this element of the works is considered to be acceptable. The second floor landing has evidently been altered in the past. The proposed works here are therefore considered to be acceptable.

A further staircase is proposed between basement and first floors, at the rear of the building, replacing an existing stair between basement and ground floors only. This staircase is a later addition and its loss is acceptable. The new stair entirely contained within a rear room featuring no historic fabric. Its impact on the fabric and plan form is acceptable.

The removal of modern partitions is a benefit in terms of the plan form.

The works to the modern rear extension are considered uncontentious, Similarly the fourth and fifth floors are later additions, (nineteenth and twenty first century respectively), and the works here have little effect on the significance of the listed building.

8.3 Residential Amenity

The rear of the application site is in close proximity to the rear of the residential properties on Chesterfield Hill.

Two objections have been received on the grounds of noise and loss of privacy from the roof terrace, concerns have also been raised to the potential impact of the proposed privacy screen on daylight and sunlight.

During the consideration of the two previous applications, an objection was not forthcoming from 2 Chesterfield Hill. An objection has been received from this property on the grounds that there will be a loss of privacy as a result of the proposals, the objector has also raised concerns that the proposed privacy screen will have an impact on daylight and sunlight and states that as a bare minimum, the report should include the losses of daylight if the privacy screen was a solid obstruction.

Privacy

The windows at ground and first floor level of 2 Chesterfield Hill overlook the application site. The ground floor window serves a kitchen and opens into a courtyard between the two properties. The window/door looks onto the blank boundary wall. The window/door at first floor level serves a living room and leads out to an external balcony.

The consents in 2016 and 2017 included a condition to ensure that an obscure 1.8m high screen was erected on the boundary of the application site to protect the privacy of the occupants of 2 Chesterfield Street.

During the course of this application, negotiations have taken place with the occupiers of 2 Chesterfield Hill and the applicants, it is now proposed to build up the boundary wall by 200mm to install a glazed privacy screen (900mm). The objectors have requested that the screen comprises clear glazing. It is noted, however, that a clear screen will not protect the privacy of the objector.

Sunlight and Daylight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on ground and first floor rear windows of 2 Chesterfield Hill.

Both of the windows face north east and therefore do not receive direct sunlight. These windows do not need to be tested (as they do not orientated within 90 degrees of due south) in line with the BRE Guidelines.

With regards daylight the submitted report indicates that the existing levels of VSC to the ground floor windows is low (4.66%). The existing low levels are largely due to high boundary walls surrounding this window. As a result of the proposals there is a loss of VSC above 20% (35%), with the resultant level being 3.05%. However, where there are existing low levels of VSC, even small losses will result in a high percentage change, it is not considered that the losses would be noticeable by the occupant. The resultant levels of VSC are not unusual in this dense urban context, where there are high boundary walls, a narrow courtyard and surrounding tall buildings. The BRE Guidelines are intended to be interpreted flexibly and it is considered that the loss of VSC to the ground floor window is acceptable. There is no loss to VSC levels to the first floor window.

The daylight and sunlight report has been based on the assumption that the screen enclosing the terrace will be low-opacity (translucent). The BRE Guidelines state that the transmission of light through glass and dirt on glass factors are applied in relation to the windows tested, not the surrounding windows or any external elements. As the screen is to be glazed and not a solid structure, the results as presented are consistent with the BRE Guidelines.

Noise

Objections have been submitted to the potential increase in noise as a result of the terrace. The terrace will be used in connection with the existing residential dwelling and given that it is a domestic use, it is not considered that the use of the terrace would increase noise levels to an unacceptable level.

A terrace at this level has been granted on two previous occasions and remains extant until September 2019. It would therefore be difficult to justify a reason for refusal on amenity grounds.

8.4 Transportation/Parking

The proposal does not raise any transportation issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The access arrangements to the property remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

The proposal includes the lowering of the basement floor by 300mm, this is considered acceptable.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

8.12 Planning Obligations

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

The proposal is not CIL-liable.

8.13 Environmental Impact Assessment

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

8.14 Other Issues

Objections have been received to the building works and associated disruption. Permission cannot be reasonably withheld on these grounds and the City Council standard building works condition is recommended. The objections on these grounds are not justified.

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS

Existing front and rear elevation

1 Existing Front Elevation showing Demolitions
120 150

2 Existing Rear Sectional Elevation showing Demolitions
120 150

Notes:
 Drawing prepared on current data and may not accurately represent what is on the ground.
 Do not scale from this drawing. All dimensions are to be verified on the ground including with the client.
 All dimensions are in millimeters unless noted otherwise.
 Partial floor levels are shown in writing in all dimensions.

Scale:
 Not to Scale

Legend:
--- Area of Demolition

Rev.	Issue	By	Date
001	ISSUED	001	0000-00-00

CLIENT: Client Name

PROJECT: 11 Charles Street - Stages 1 & 2

DRAWING TITLE: Existing Elevations
Showing Demolitions

ISSUE SCALE: A1/L: 1:50 @ A1

DRAWING TYPE/STATUS: FOR PLANNING

JOB NUMBER: 23103

DRAWING NO.: 038

REVISION: 0

Proposed front and rear elevation

1 Proposed Front Elevation
220 150

2 Proposed Rear Sectional Elevation
220 150

Notes:
 Drawing prepared on current data and may not accurately represent what is on the ground.
 Do not scale from this drawing. All dimensions are to be verified on the ground including with the client.
 All dimensions are in millimeters unless noted otherwise.
 Partial floor levels are shown in writing in all dimensions.

Scale:
 Not to Scale

Legend:
--- Area of Demolition

Rev.	Issue	By	Date
001	ISSUED	001	0000-00-00

CLIENT: Client Name

PROJECT: 11 Charles Street - Stages 1 & 2

DRAWING TITLE: Proposed Elevations
Showing Demolitions

ISSUE SCALE: A1/L: 1:50 @ A1

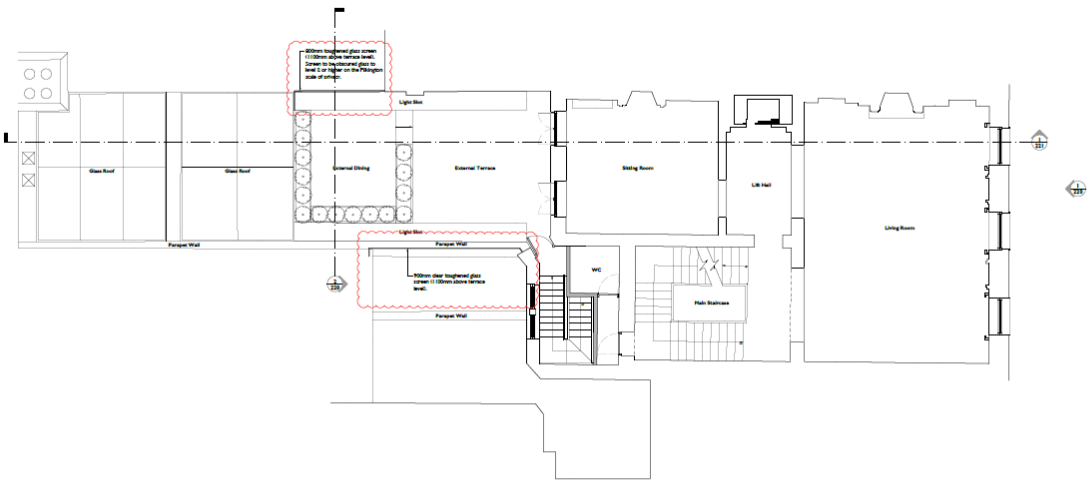
DRAWING TYPE/STATUS: FOR PLANNING

JOB NUMBER: 23103

DRAWING NO.: 038

REVISION: 0

Proposed first floor plan



1 Proposed First Floor Plan
211 1:50@ A1

<p>Notes:</p> <p>Drawings are based on current data and may not accurately represent what is currently on site.</p> <p>Do not scale from this drawing. All dimensions are to be verified on site before proceeding with the work.</p> <p>All dimensions are in millimeters unless noted otherwise.</p> <p>Partial shall be notified in writing of any discrepancies.</p>		<p>Locations of new walls and doors</p>	<p>D 08/01/17 DM JP Update to program extension</p>	<p>CLIENT O'Max (p) Ltd</p>	<p>DRAWING TITLE Proposed First Floor Plan</p>	<p>JOB NUMBER 139155</p>	
			<p>C 08/01/17 DM JP Update to program extension</p>				
<p>Rev No: 08/01/17 DM JP</p>			<p>DATE 08/01/17</p>	<p>STATUS ISSUED FOR PLANNING</p>	<p>DESIGN D</p>		

DRAFT DECISION LETTER

Address: 17 Charles Street, London, W1J 5DT

Proposal: Demolition of rear two-storey extension and erection of replacement two storey extension with associated terrace at first floor level for use in association with existing dwellinghouse (Class C3). Replacement of rear first floor windows with doors. Internal alterations including the lowering of basement level by approx. 300mm and associated alterations.

Reference: 18/08273/FULL

Plan Nos: 201 REV A, 210 REV A, 211 REV D, 212 REV A, 213 REV A, 214 REV A, 215 REV A, 216 REV A, 217 REV A, 120 REV A, 121 REV A, 220 REV D

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 You must apply to us for approval of a sample of the glass (at least 300mm square) that you will use as the clear glass privacy screen adjoining the boundary of No. 2 Chesterfield Hill labelled on Drawing No. 211 REV D. You must then fit the type of glass that we have approved. You must not use the terrace until the clear glass privacy screen is in place and you must then retain it in situ in perpetuity.

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)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair 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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

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

Reason:

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

- 7 You must apply to us for approval of detailed drawings of the following parts of the development - all new external doors and 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 drawings. (C26DB)

Reason:

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

- 8 You must apply to us for approval of photographs 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 9 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which: - provide details on all structures, - accommodate the location of the existing London Underground structures and tunnels, - accommodate ground movement arising from the construction thereof, - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 3 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.

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: 17 Charles Street, London, W1J 5DT

Proposal: Demolition of two-storey rear part of building and erection of replacement two storey extension with associated terraces above for use in association with existing dwellinghouse (Class C3). Replacement of rear first floor windows with doors, associated internal alterations.

Reference: 18/08274/LBC

Plan Nos: 201 REV A, 210 REV B, 211 REV E, 212 REV B, 213 REV B, 214 REV B, 215 REV B, 216 REV B, 217 REV A, 121 REV A, 220 REV D

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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 apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development, , All new doors and windows, New staircases, Second floor landing details, ,

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair 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 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: * any extra work which is necessary after further assessments of the building's condition;* stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Little Venice	
Subject of Report	28 Blomfield Road, London, W9 1AA		
Proposal	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.		
Agent	Mr Jon Presland		
On behalf of	Mr Paul Kempe		
Registered Number	18/09355/FULL	Date amended/ completed	8 November 2018
Date Application Received	1 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to an unlisted single family dwelling located within the Maida Vale Conservation Area. Planning Permission was granted at planning sub-committee on 2 August 2016 for works similar to those proposed under this current application, namely a single storey rear ground floor extension and a single storey basement under the rear garden. Permission was granted for three years and therefore the permission can be implemented until 1 August 2019. This application seeks to amend the approved proposals as follows:

- The rear extension is to have a solid rather than glazed roof;
- The height of the rear extension has been reduced by 30cm's;
- The roof of the rear extension has been set in from the boundary by 60cm;
- Amendment to the location of the basement by 50mm;
- Amendment to the size of the basement rooflight/escape hatch.

This application was due to be presented to planning committee on the 12 March 2019, however was subsequently removed from the agenda in order for the applicant to provide clarification in relation to

the roof of the extension. Following the submission of new drawings, the neighbours and objectors have been re-consulted.

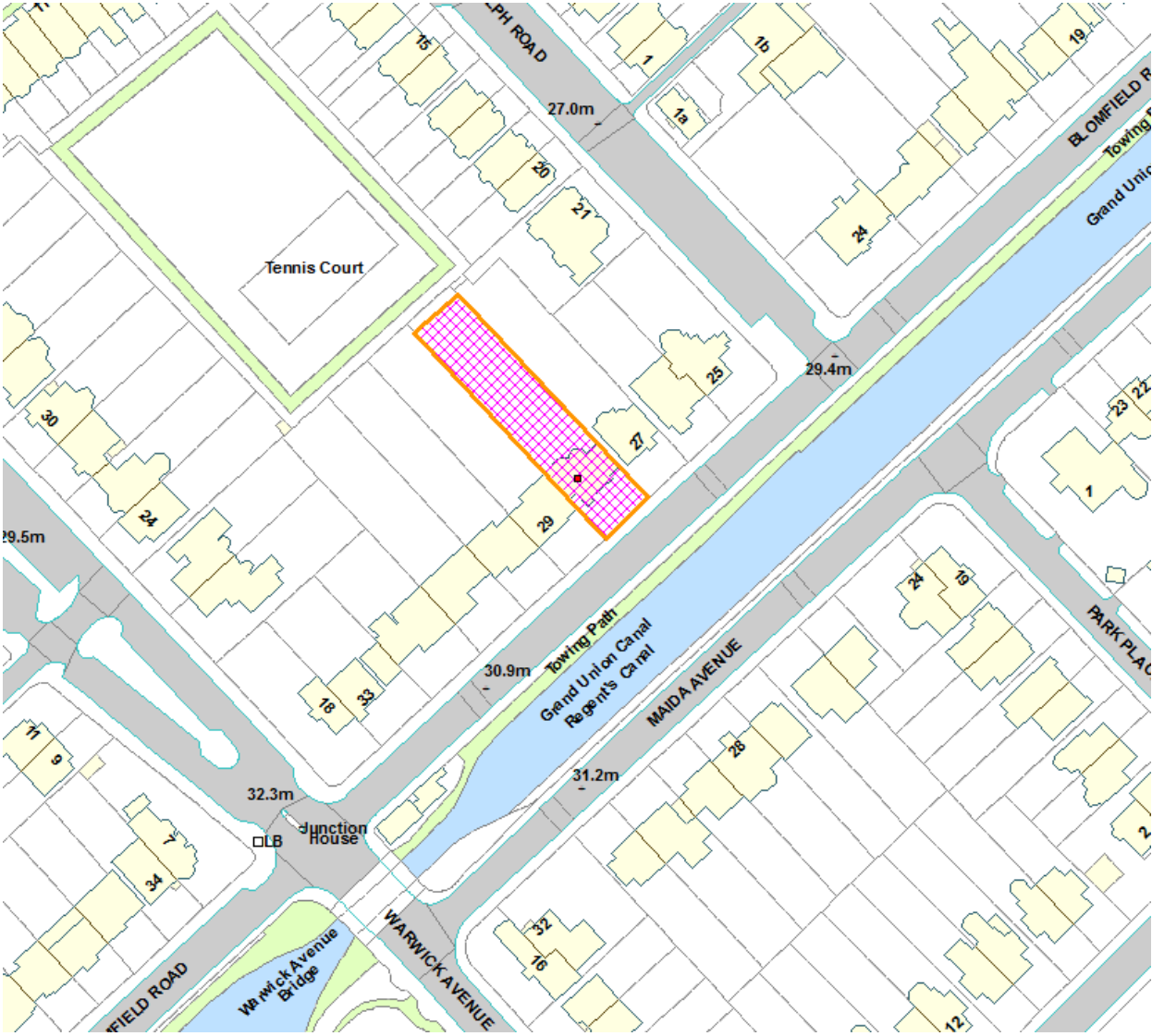
Objection has been received, namely in relation to the originally approved proposals, but also raising issues in relation to lack of information. No additional representations have been received following re-consultation.

The key considerations are:

- The impact on the appearance of the building and character and appearance of the Maida Vale Conservation Area.
- The impact on the setting of the neighbouring listed building at No.29 Blomfield Road.
- The impact on the amenity of neighbouring residents.
- The impact upon trees on the site and in neighbouring gardens.

The amended extension and basement are considered to remain consistent with relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation (top) and Rear Elevation (bottom).



5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objections, request for neighbours views to be taken into consideration.

THAMES WATER:

Any response to be reported verbally.

WASTE PROJECTS OFFICER:

No objection.

ARBORICULTURAL OFFICER:

No objection. Comment in relation to planting associated with the 60cm change to the rear extension and that the proposals are as previously approved, therefore the same conditions are recommended.

HIGHWAYS PLANNING MANAGER:

No objection.

BUILDING CONTROL:

Any response to be reported verbally.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 5

No responses: 3 letters of objection, with two on behalf of the same residents and one in support of the objections raised. The objections raises the following points:

Design:

- No Heritage Statement submitted to justify proposals against local and regional policies or the NPPF. This is also contrary to the local validation requirements.

Basement:

- A reduced area of undeveloped garden land is proposed adjacent to No 29 Blomfield Road. Reduces from 0.5m as approved under application 16/00616/FULL down to 0.45m. This is insufficient.
- No details of basement plant equipment to be used and its associated noise impact.

Amenity:

- The alterations do not overcome concerns previously raised by neighbours in terms of increased sense of enclosure and loss of light, which are contrary to policy.

Trees:

- The survey information with the Tree Report is over 4 years old and should be updated.
- The report does not suitably justify the impact of the development on trees or address local policies.

Other:

- Request for additional time to respond to consultation.
- No details in relation to the impact of building works on neighbouring properties.

- The submitted Structural Method Statement is dated 23/12/2015 and has not been updated to address changes. An objection was previously raised in relation to this statement on the previous application and these previous concerns have not been addressed.
- The Traffic Management Plan is inadequate and fails to identify the likely level of disruption on local highway network.

One additional representation has been received following the application being withdrawn from the agenda for planning committee dated 12 March, which raises the following points:

- Consider a precautionary approach should be taken in relation to basement construction and their impacts on adjacent buildings particularly listed buildings such as No.29. The proposals fail to demonstrate this.
- Consider a condition for low impact tools and building techniques used and these are monitored, which would be in accordance with the NPPF.
- It is unclear if there is a time limit to implement the works should permission be granted, which should be 3 years.y31

SITE NOTICE / PRESS ADVERT:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises a semi-detached unlisted villa on the north west side of Blomfield Road. The site is located within the Maida Vale Conservation Area. The adjoining property No. 29 Blomfield Road is a Grade II listed building. The rear of the site borders the boundary of the Little Venice Garden which is a Site of Importance for nature Conservation (SINC).

6.2 Recent Relevant History

05/08199/FULL

Erection of a side extension at basement, ground and first floor levels, a single storey rear conservatory extension to provide additional residential accommodation, a concealed valley roof infill and alterations to the front boundary wall including replacement of gates.

Application Permitted 5 January 2006

06/03060/FULL

Erection of single storey rear extension and replacement flat roof to existing single storey side extension.

Application Permitted 13 June 2006

06/09823/FULL

Alterations during the course of construction to planning permission dated 5 January 2006 (RN: 05/08199) namely the addition of a pitched roof to the side extension and roundel windows to the front and rear elevations of the side extension.

Application Permitted 13 February 2007

07/04776/FULL

Excavation of basement extension below front garden with associated alteration to front basement lightwell, installation of railings to lightwell and replanting of existing tree within front garden.

Application Permitted 14 August 2007

16/00616/FULL

Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.

Application Permitted 2 August 2016

7. THE PROPOSAL

Permission is sought to make minor revisions to the 2 August 2016 permission for a rear ground floor extension and basement extension under the rear garden. The revisions are namely:

- The rear extension is to have a solid rather than glazed roof;
- The height of the rear extension has been reduced by 30cm's;
- The rear extension roof has been set in from the boundary by 60cm;
- Minor amendment to the location of the basement by 50mm;
- Minor amendment to the size of the basement rooflight/escape hatch.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwellinghouse is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

There has been no significant change in Planning Policy since the original permission, with the exception of the formal adoption of the then draft basement policy (Cm28.1 of the City Plan).

An objection has been received on the grounds that no Heritage Statement has been provided contrary to Westminster Validation Guidance and no reference has been made to the NPPF. A heritage statement has subsequently been provided. While the submitted statement is brief, focusing on the amendments which are proposed over the previously approved, as these changes are minor and as there is an extant consent, it is considered acceptable.

As there has been no change to the relevant City Council policies since the original proposals, the principle of the proposed rear extension and basement are still considered acceptable in terms of their impact upon the setting of the adjacent listed building and wider conservation area.

The proposals and the minor amendments to the previously consented scheme are considered acceptable and will not have a negative impact on the character and appearance of the conservation area or the host building or the setting of the adjacent listed building. The proposals are therefore considered to comply with DES 1, DES 5, DES 9 of the UDP and S25 and S28 of the City Plan and London Plan Policies.

Considerations in relation to the basement will be discussed in section 8.7 of this report.

8.3 Residential Amenity

There has also been no change in the relevant adopted policies since the original permission, namely Policy ENV13 of the UDP which states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 in the City Plan aims to protect the amenity of residents from the effects of development.

The objector has noted that the revised proposals do not overcome previous objections in relation to the development. The proposals are still considered acceptable on amenity grounds, given the relationship with the adjacent property, the scale of the proposed rear extension and its location. In addition, the rear extension has been amended slightly from previously approved, namely that the roof has been set in from the boundary by 60cm and lowered in height by 30cm, which will reduce its impact on the neighbouring property slightly. The proposals are therefore considered to comply with the objectives of policy ENV13 in the UDP and policy S29 in the City Plan.

8.4 Transportation/Parking

The proposed development does not raise any transportation issues.

8.5 Economic Considerations

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

8.6 Access

No alterations to access to this private dwellinghouse are proposed.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement

Objection has been received in relation to the reduced area of undeveloped land being provided compared to that previously approved. In addition objection has been raised in relation to the lack of information of how the basement will be ventilated and the submitted structural statement. Additional objection has been received on the grounds that additional conditions should be implemented given the location of the site adjacent to a listed building.

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

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents are the same as previously submitted, however include annotations in relation to the revised proposals. The Building Control Officer has commented that the information is acceptable.

The basement has been amended slightly from previously, however the revisions are minor, with the alteration moving the location of the basement by 50mm. No change is proposed to the way that the basement is constructed and given its location under the garden, the minor revision will not impact on any buildings. As such, the information is considered acceptable and the objection on the grounds that the structural report is unacceptable is not sustained.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the CoCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense. This condition is to replace the previously required construction management plan as such details will be required and considered by the Environmental Inspectorate in the applicants CoCP submission. Given that no objection has been raised by Building Control, the location of the basement under the rear garden, and subject to the CoCP condition it is not considered that the objectors request of additional conditions to further control the development construction are justified. Such considerations are subject to Building Control regulations.

The site is located within the Maida Vale Flooding hot spot. A flood risk assessment has been included within the structural information which concludes that the risk of flooding is low and the development is not expected to affect the risk of flooding elsewhere, which is considered acceptable.

Part A. 5 & 6

An objection has been received in relation to noise and vibration from construction. The impact of construction work associated with the proposed basement and general disturbance associated with construction activity is mitigated by limiting the proposed hours of working with a condition, which states that no piling, excavation and demolition work is undertaken on Saturdays or Sundays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours. The CoCP will also manage the construction of the basement in consultation with Environmental Inspectorate.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B. 1&2

While objection has been received in relation to the age of the survey information within the tree report, no objection has been received from the arboricultural manager in relation to the revised proposals, subject to the same conditions and informatives as previously attached

to the extant consent, namely in relation to tree protection and for the planting of a replacement tree.

Part B. 3

The proposals do not include any details in relation to ventilation and an objection has been received on these grounds. Alike with the previous proposal, the development does not indicate any plant equipment. An informative is recommended to advise the applicant that any plant equipment, which vents externally, would likely require planning permission. This would be subject to separate consideration and consultation with neighbours.

Part B. 4 & 7

The submitted structural statement/ flood risk assessment confirms that the proposals will not have a significant negative impact in terms of surface water flooding, which is considered acceptable.

Part B. 5&6

The proposals are located under the existing garden and are therefore considered discreet and will not negatively affect the conservation area.

Part C. 1

The basement does not extend beneath more than 50% of the garden land and will leave a margin of undeveloped garden land. While this has been reduced by 50mm along the boundary with No 29 (from 500mm to 450mm), this is considered acceptable, given the significant size of the garden which will remain undeveloped and allow drainage.

Part C. 2

1m of soil and 200mm drainage layer has been provided above the basement which is to be secured by condition.

Part C. 3

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

Part D

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

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The site is not located within an area with a Neighbourhood Plan.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and in relation to tree protection. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment EIA

The development is of insufficient scale to require the submission of an EIA.

8.14 Other Issues

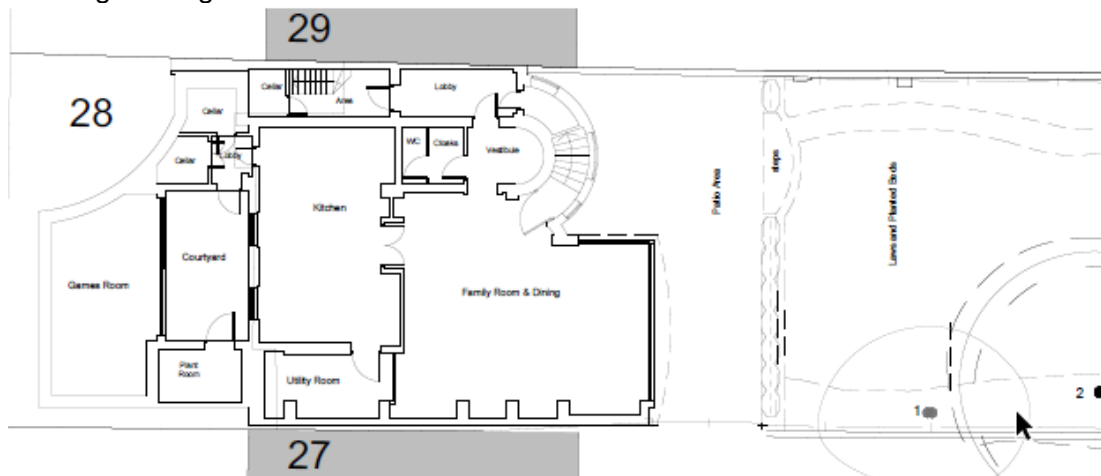
None.

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

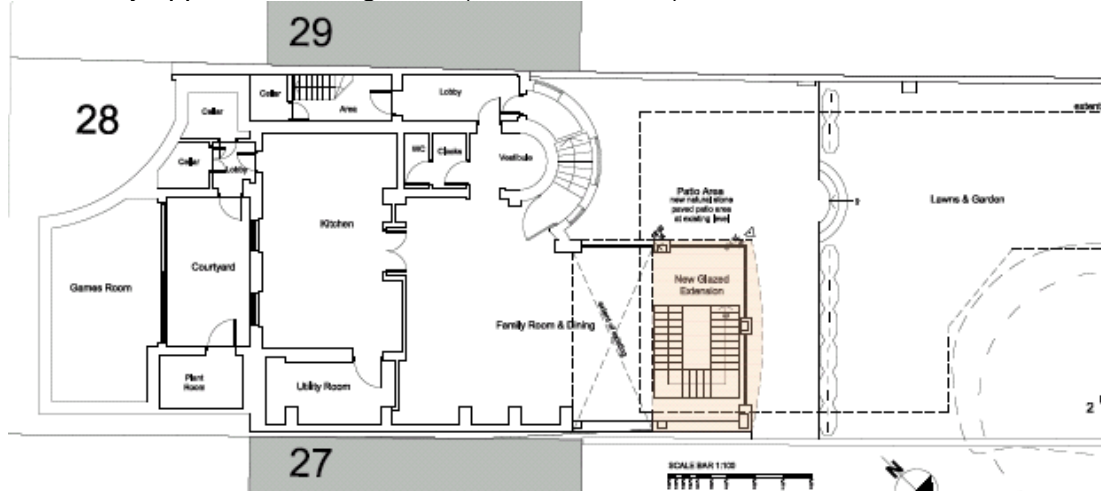
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

9. KEY DRAWINGS

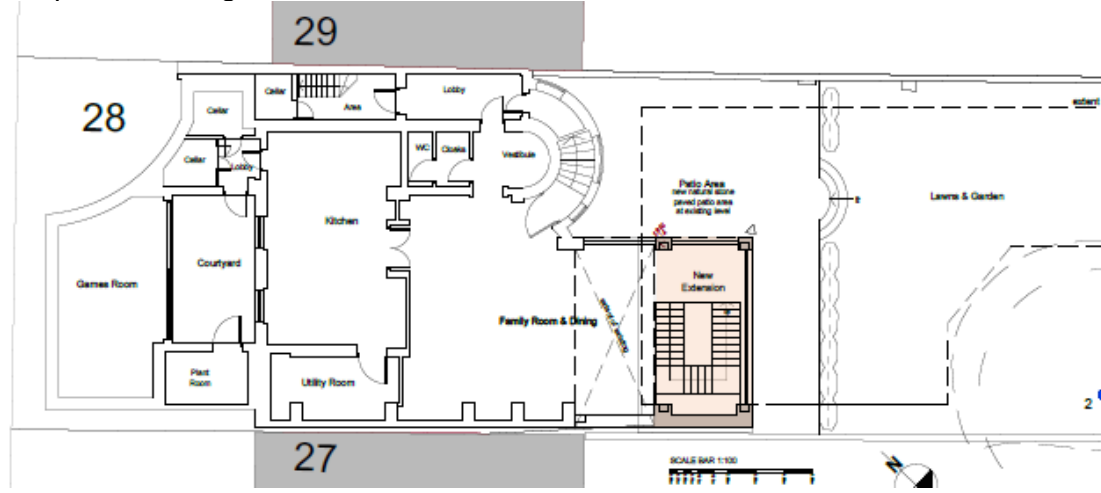
Existing lower ground

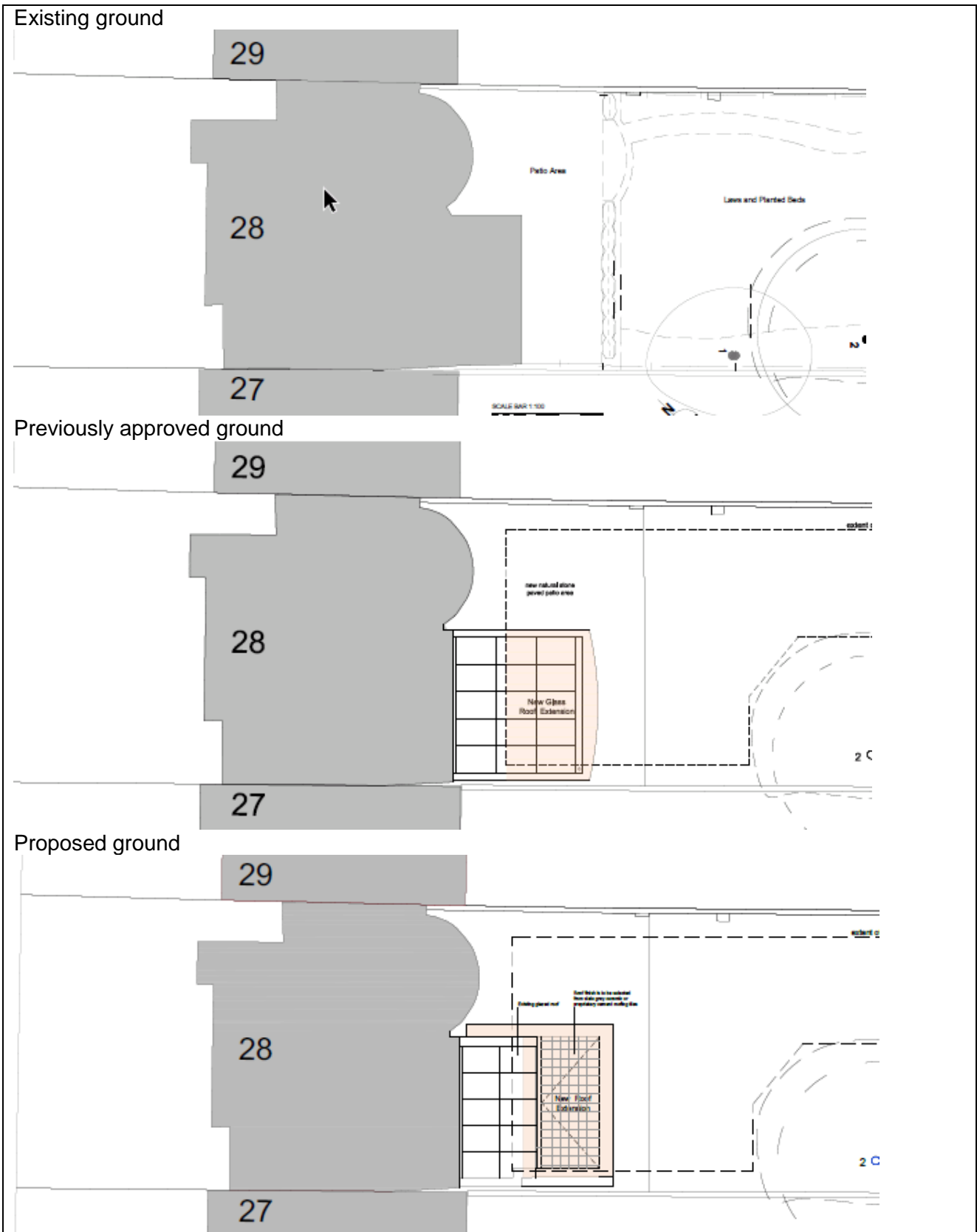


Previously approved lower ground (16/00616/FULL)

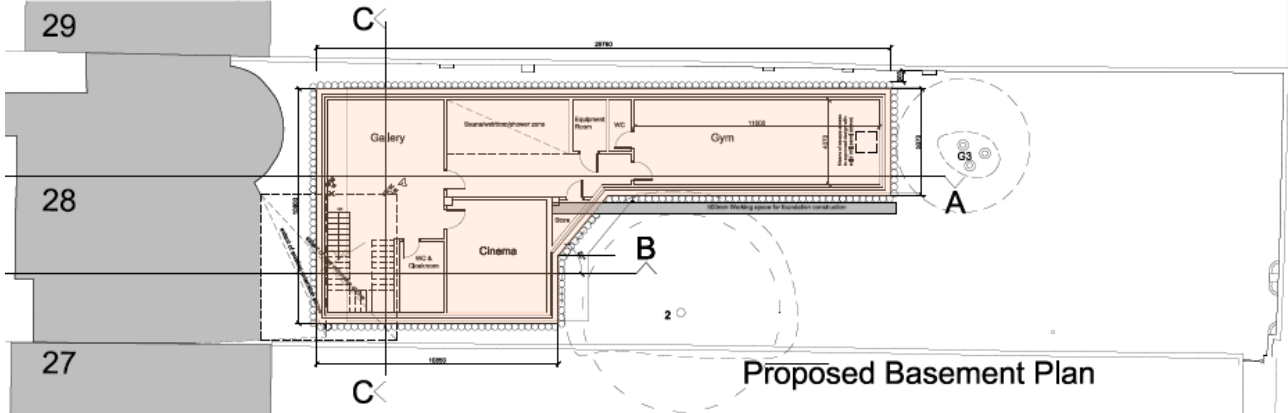


Proposed lower ground



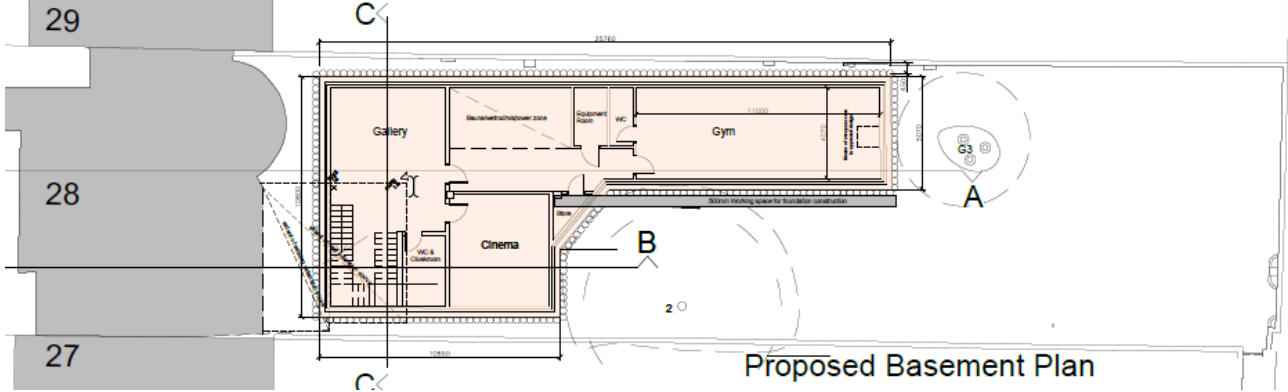


Previously approved basement



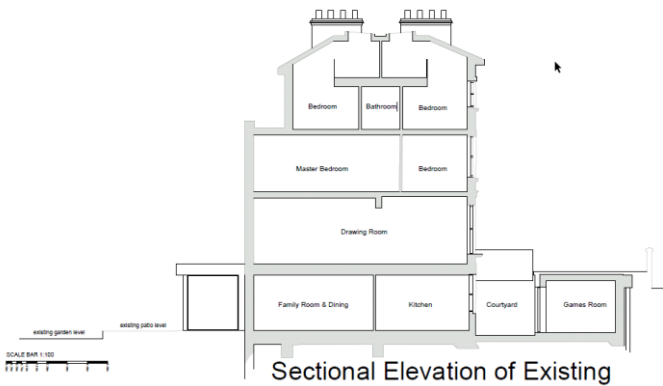
Proposed Basement Plan

Proposed basement

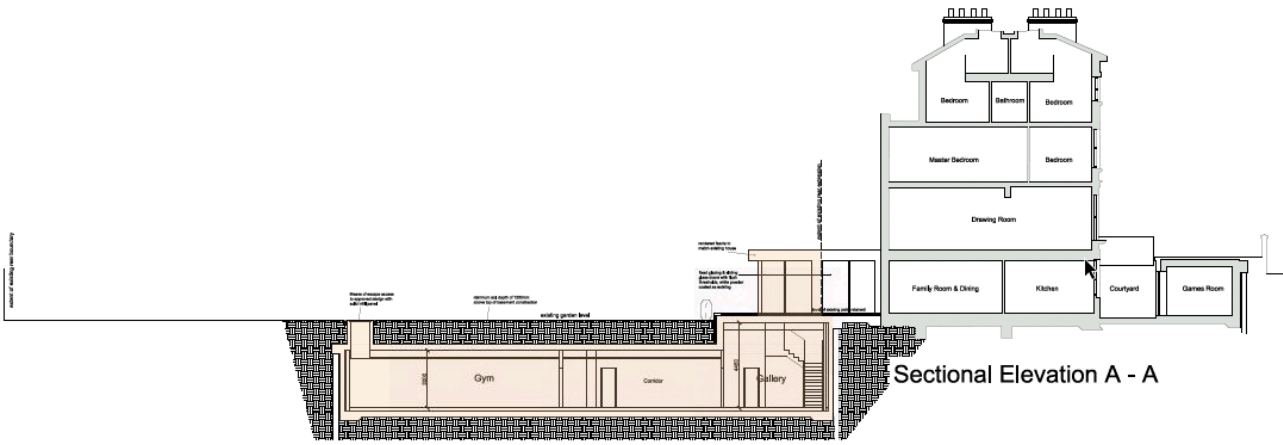


Proposed Basement Plan

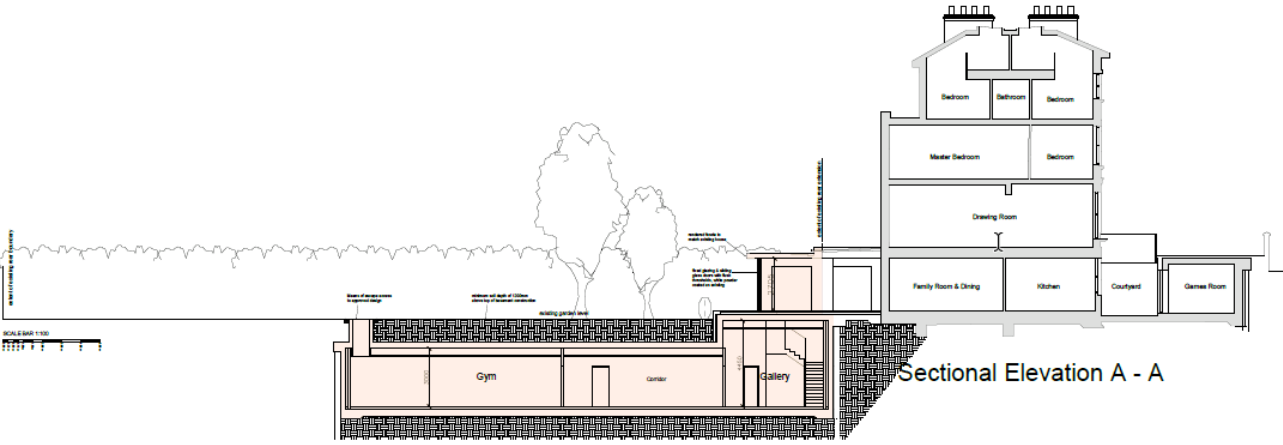
Existing section



Previously approved section



Proposed section



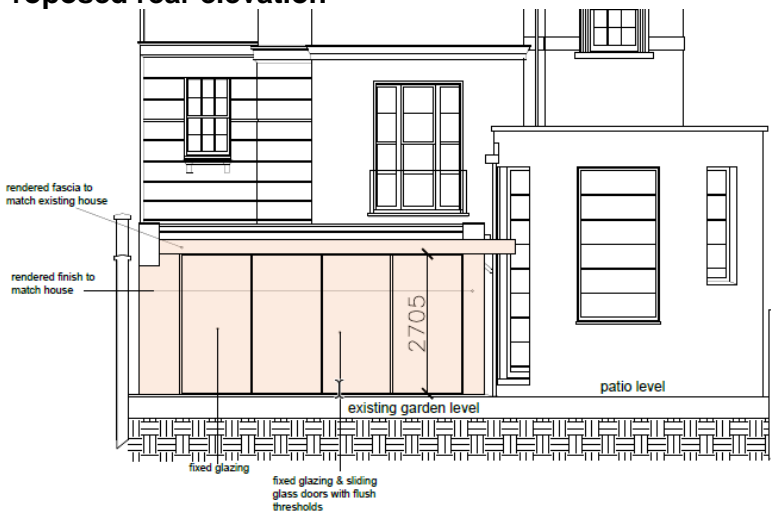
Existing rear elevation



Previously approved rear elevation



Proposed rear elevation



DRAFT DECISION LETTER

Address: 28 Blomfield Road, London, W9 1AA,

Proposal: Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden (Minor revisions to application referenced 16/00616/FULL granted 02 August 2016).

Plan Nos: Site location plan; P/100; P/200; P/201 B; P/202 B.
For information only: Method Statement for the Excavation by DDC Ltd; Construction Management Plan DDC Ltd; Structural Method Statement by Elliottwood P1; Design & Access Statement; Heritage Statement; Minor Modifications document; Arboricultural Implications Assessment and Method Statement by ACS dated 18 January 2016.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (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 Maida Vale 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 detailed drawings including plans, elevations and sections of the following parts of the development;

- means of escape access in rear garden.

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 drawings.

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 Maida Vale 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 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

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you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

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

- 7 You must plant the replacement tree to replace the Purple Plum Tree (No.1), which is to be removed as part of the development hereby approved, in the same place or in any other place we agree to in writing. You must apply to us for our approval of the size and species of the replacement tree, and you must plant the replacement tree within 12 months of removing the original tree. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we approve this application with another of tree of similar size and species to the one that was originally planted.

Reason:

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

- 8 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved. (C30GA)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 In respect of the stump of the dead American Sweetgum. Under the terms of s 206 of the Town and Country Planning Act 1990, it is the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as reasonably possible, unless on

application the Council dispenses with this requirement. The duty to replant is a legislative duty. We will need to formally agree the size and species and location of the replacement. You can contact our Arboricultural team on 020 7641 2922.

- 3 In recognition of the greater susceptibility of basements to flooding from surface water and sewerage in comparison to conventional extensions, it is recommended you install a 'positive pumped device' (or equivalent reflecting technological advances) in the basement.
- 4 You are advised that this permission is not for the installation of any mechanical plant in the basement. Should you wish to install any mechanical plant at the property which is outside or internal with extraction to an exterior surface or location, you will need to obtain planning permission.
- 5 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 6 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

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

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

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

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

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

- 8 You are advised that Condition 4 requires the secondary means of escape to be designed so that it appears as a typical garden structure and does not appear as a lightwell or rooflight within the garden.

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