

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved West End	
Subject of Report	12 Hay Hill, London, W1J 8NR		
Proposal	<p>Application 1 Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis)</p> <p>Applications 2 and 3 Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.</p>		
Agent	DP9		
On behalf of	12 Hay Hill Limited		
Registered Number	Application 1: 17/10045/FULL Application 2: 17/05869/FULL Application 3: 17/05870/LBC	Date amended/ completed	Application 1: 27 November 2017 Applications 2 and 3: 4 July 2017
Date Application Received	Application 1: 10 November 2017 Applications 2 and 3: 4 July 2017		
Historic Building Grade	Grade I		
Conservation Area	Mayfair		

1. RECOMMENDATION

Application 1:
Grant conditional permission.
Application 2:
Grant conditional permission.
Application 3:
1. Grant conditional listed building consent.

2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

BACKGROUND

The applications were considered at Sub-Committee on 15 May 2018 where all three applications were deferred to allow for further consideration of potential constraints on the use of the second floor terrace in light of the Committee's concerns in this respect. The Sub-Committee report of 15 May 2018 is appended to this addendum report, as are the minutes of this Sub-Committee.

In the Officer's presentation, amendments to proposed Conditions 3, 5, 7 and 8 were tabled in respect to Application 1. These amendments are reflected in the draft decision letter at the end of this report. In addition to these amended conditions, a change is proposed to Condition 6 which originally allowed four months from the date of the Sub-Committee on 15 May 2018 to comply with an approved Servicing and Waste Management Plan. This is proposed to be amended to allow four months from the date of this new Sub-Committee.

The Sub-Committee that took place on 15 May 2018 was a temporary committee whilst the makeup of the committees was being resolved following the local elections that took place on 3 May 2018. The Chair of this Sub-Committee (Cllr Beddoe) no longer sits on any Planning Applications Committee and therefore it is not possible to report the application back to a Sub-Committee with the same Chair. Two members of that temporary Sub-Committee (Cllrs Burbridge and Roca) now sit on Planning Application Sub-Committee 1 and therefore as much continuity of committee members as possible has been achieved.

CONSIDERATION

Design and Conservation

In the Officer's presentation, additional clarity in respect to the impact of the proposal from a design, listed building and conservation area perspective was verbally made. To this end it was outlined that, although not explicitly stated by the objector, it is inferred that it regards the harm to the special interest of the listed building as 'substantial harm'. Officers, however, consider that the use of the terrace in association with the use proposed in Application 1 would give rise to 'less than substantial harm' to the setting of the Grade I listed building at 3 Grafton Street.

Officers outline how Para. 134 of the NPPF makes it clear that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including optimising its optimum viable use. Officers emphasised that the Sub-Committee must also be mindful of the statutory duties within:

- Sections 16 and 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses; and

- Section 72 of this Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the Mayfair Conservation Area.

Officers made it clear that considerable importance and weight should be given to these duties.

In this case, though recognising the less than substantial harm caused, Officers outlined that it was considered that the mitigation by the conditions recommended on the draft decision letter and the public benefits accruing from the use of the building as a vibrant and successful business space in the heart of the Core Central Activities Zone, would outweigh this less than substantial harm to the significance of No. 3 Grafton Street (a designated heritage asset) that officers consider that the use of the terrace would give rise to as part of this scheme. Mindful of this and also mindful of the above statutory duties, it is considered that overall the application is acceptable in listed building terms.

Separately, Officers made it clear that the physical works proposed in Applications 2 and 3 in the form of the replacement of paving slabs laid with timber decking and tiled area and the installation of planters, is considered to be neutral in heritage asset terms through not being incongruous alterations in this location. As such, these alterations would have a neutral impact on the character and appearance of the Mayfair Conservation Area and the special interest of the listed building.

Amenity

The late representation verbally reported to Sub-Committee on 15 May 2018 from the owner of No. 3 Grafton Street reiterated previous grounds for objection and outlined how the intensification of the use of the second floor terrace that the proposed change of use (Application 1) could facilitate will unacceptably harm the amenity of the occupiers of this office building. Particular concern is raised in respect to:

- Smoke from the use of terrace as a smoking area.
- Smells from consumption of food on terrace.

The representation also requests a number of additional conditions to control the use of the terrace over and above that suggested in the draft decision letter.

The applicant has responded to this request and has argued that the proposed conditions are over-restrictive, unreasonable, unenforceable and unnecessary. To this end, the applicant argues that none of the ten conditions suggested should be imposed as they all fail the tests within Para. 206 of the NPPF.

One concession has, however, been made. This is to the layout of the proposed planters on the second floor terrace as proposed within Applications 2 and 3. Amended drawings have been submitted to amend the proposal in the following ways:

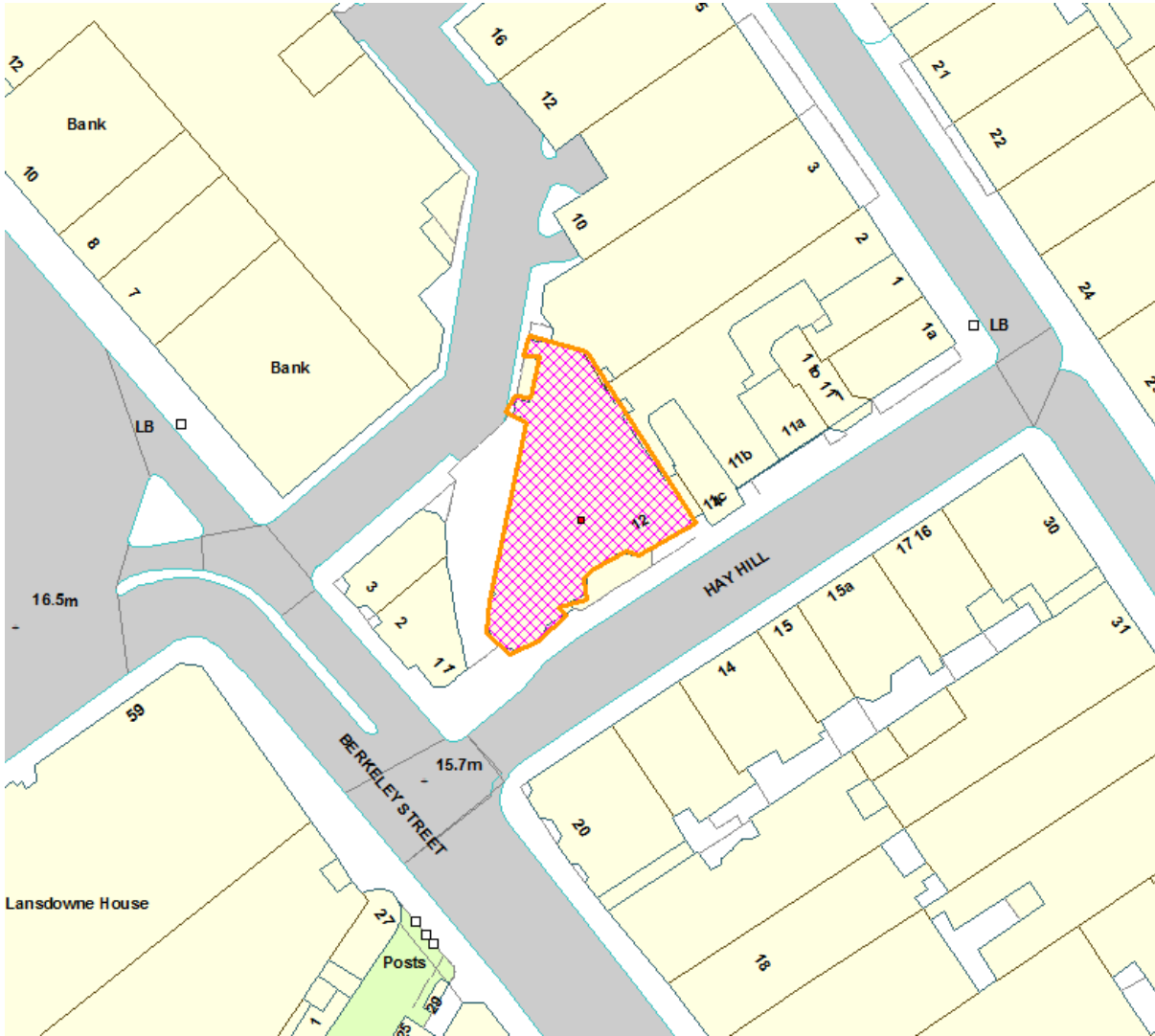
- Reduce the number of square tree planters from four to three. Relocate two to either side of the entrance door to the terrace and relocate one close to one of the windows of your client's property.
- Section off an area of the terrace in front of one of the windows of your client's property with new timber planters.
- Add additional planters along the flank of your client's property.

These amended drawings have been shared with the owners of No. 3 Grafton Street in order to allow any representations to be made.

Officers' view of the alterations proposed to the second floor terrace within Applications 2 and 3 remain unchanged; namely that they will have a neutral impact on the character and appearance of the Mayfair Conservation Area and the special interest of the listed building. As such, it is still recommended that Applications 2 and 3 be granted condition permission and listed building consent.

The proposed amended layout of the second floor terrace does mean that members and guests will not be able to stand directly outside of one of the windows of No. 3 Grafton Street. Officers' advice, however, remains unchanged from that set out within Para. 8.3 of the report to Sub-Committee on 15 May 2018. This is that the policies within the adopted development plan do not afford offices the same level of protection as dwellings, for example. Whilst the use of the terrace in association with the use sought in Application 1 is likely to result in a material increase in the intensity of the use of the second floor terrace over and above its lawful office (Class B1) use, the impact of this change of use on the amenity of the occupants of the neighbouring office building does not represent a sustainable reason for refusing permission. As such, it is still recommended that Application 1 be granted condition permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS

From Berkeley Street looking north.



From junction of Bruton Lane and Berkeley Street / Berkeley Square looking north-east.

18 Oct 2017 15:04:56
London



5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED AFTER THE APPLICATION WAS PRESENTED TO PLANNING APPLICATIONS SUB-COMMITTEE ON 15 MAY 2018:

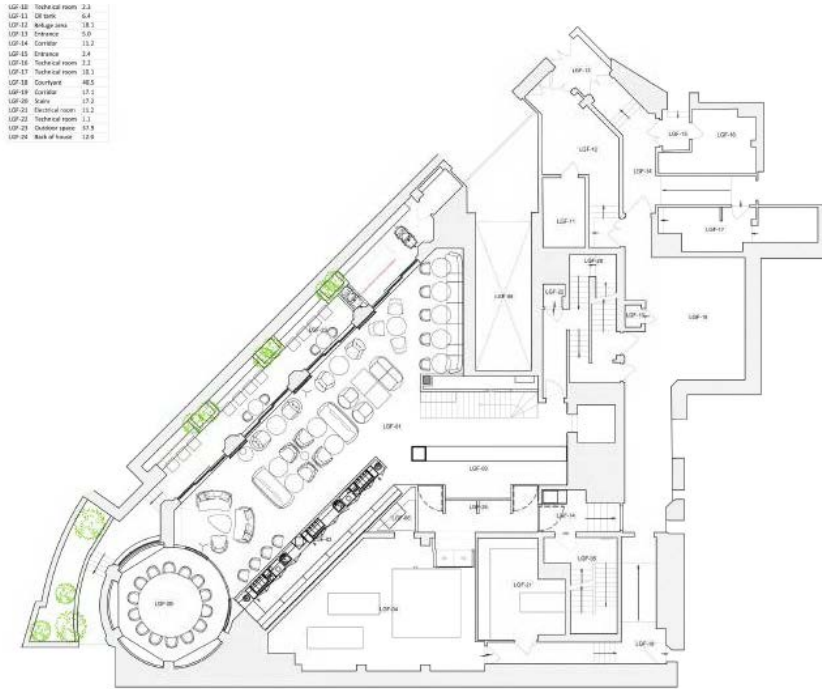
Letter dated 22 May 2018 written on behalf of the applicant appending a table setting out why each of the ten conditions suggested in the late representation dated 14 May 2018 from the owner of No. 3 Grafton Street should not be imposed.

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

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

6. KEY DRAWINGS

Lower ground floor plan:



Ground floor plan:



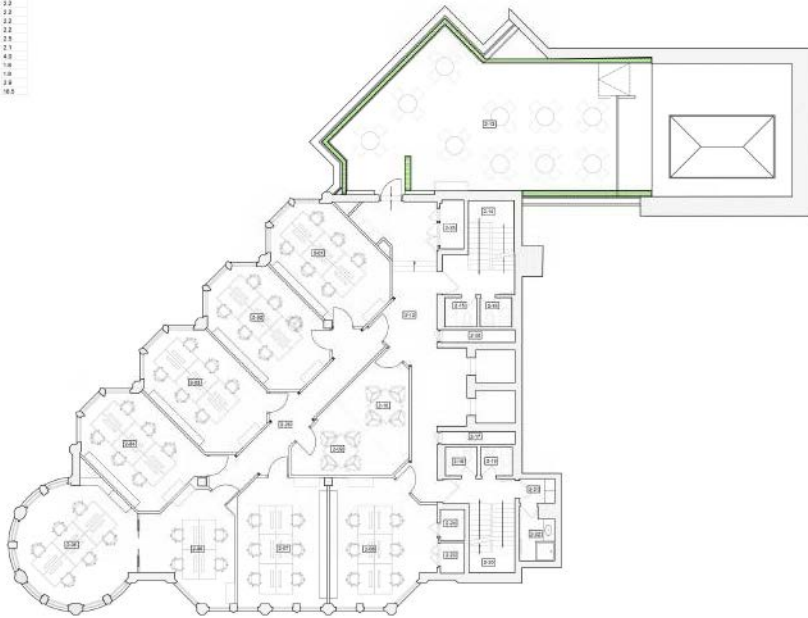
First floor plan:

1-13	Phone booth	3.0
1-14	Reception	2.9
1-15	WC	2.2
1-16	WC	2.2
1-17	Stairs	11.0
1-18	Technical room	1.8
1-19	Technical room	1.7
1-20	Technical room	2.8
1-21	Stairs	12.2
1-22	WC	2.2
1-23	WC	2.2
1-24	Technical room	2.2
1-25	Corridor	18.0
1-26	Corridor	3.9
1-27	Technical room	4.1

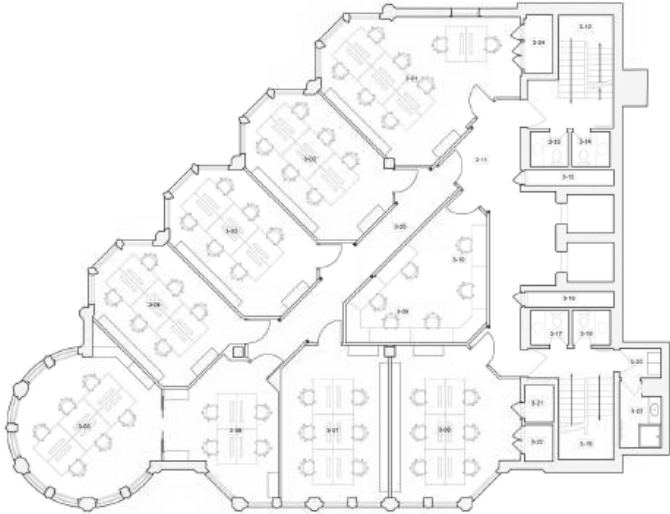


Second floor plan (including location of terrace):

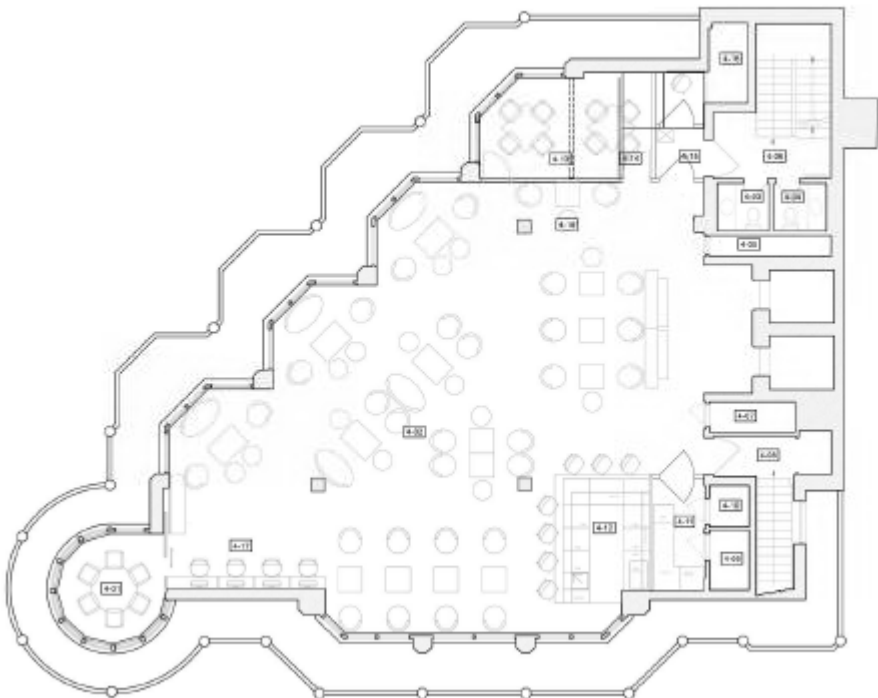
2-15	WC	2.2
2-16	WC	2.2
2-17	Technical room	2.2
2-18	WC	2.2
2-19	WC	2.2
2-20	Stairs	2.9
2-21	Stairs	2.9
2-22	Multi-charging mark	4.9
2-23	Technical room	1.8
2-24	Technical room	1.8
2-25	Technical room	2.8
2-26	Corridor	18.0



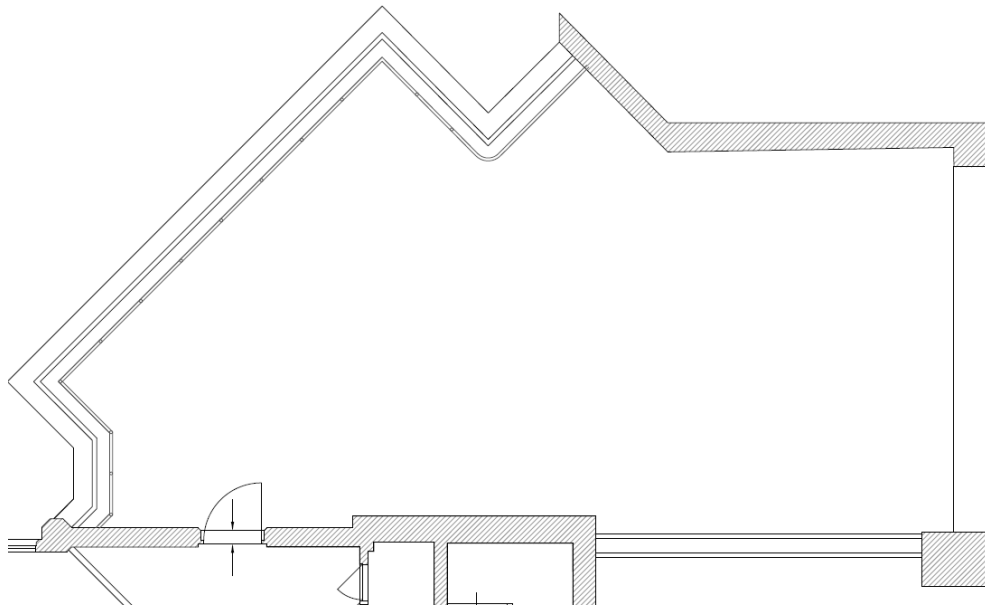
Third floor plan:



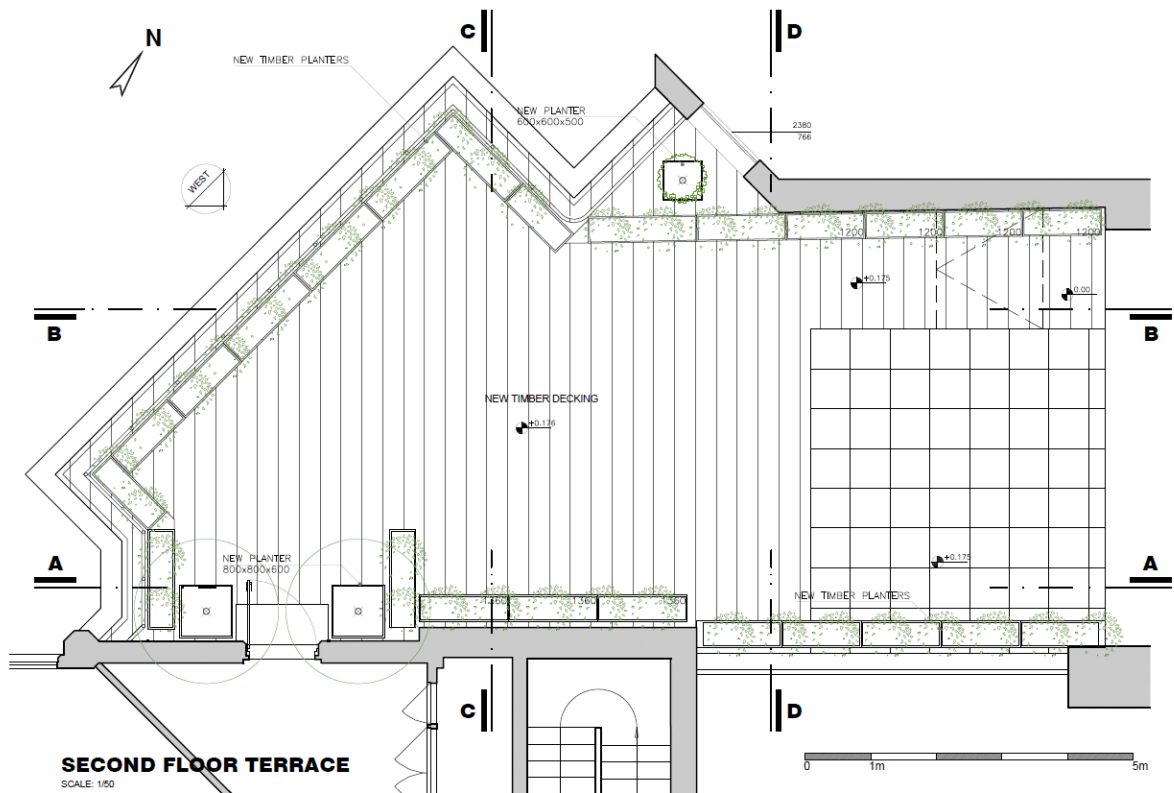
Fourth floor plan:



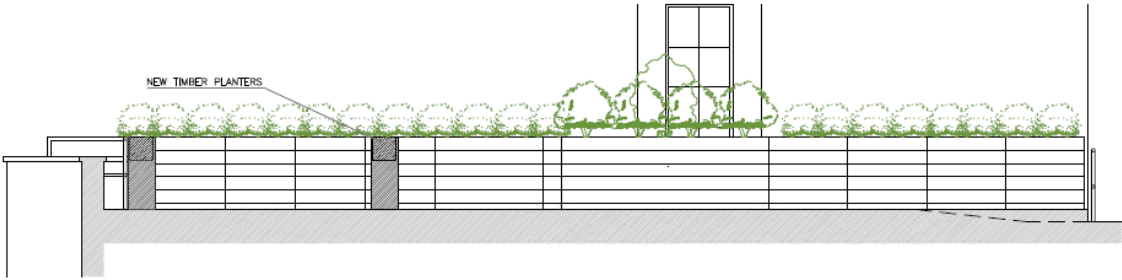
Prior to unauthorised works plan of terrace:



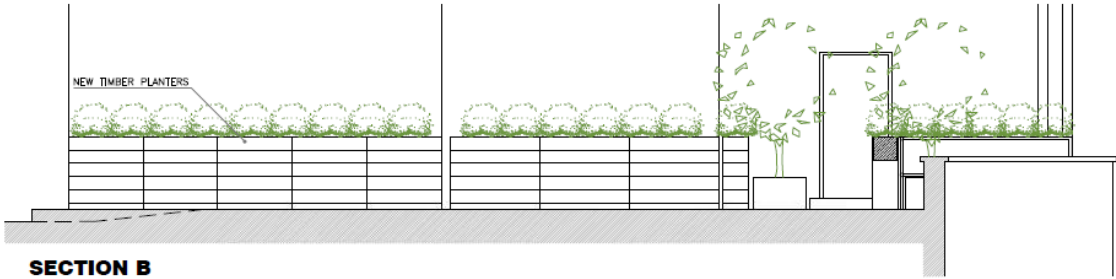
Proposed plan of terrace:



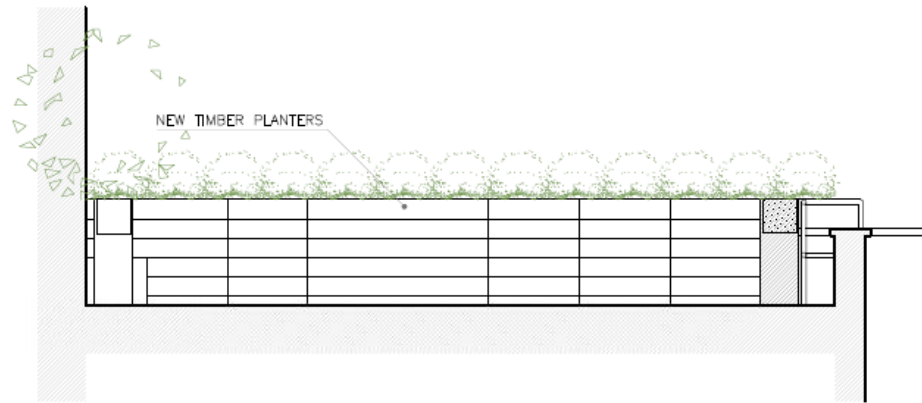
Sectional proposed elevations of terrace:



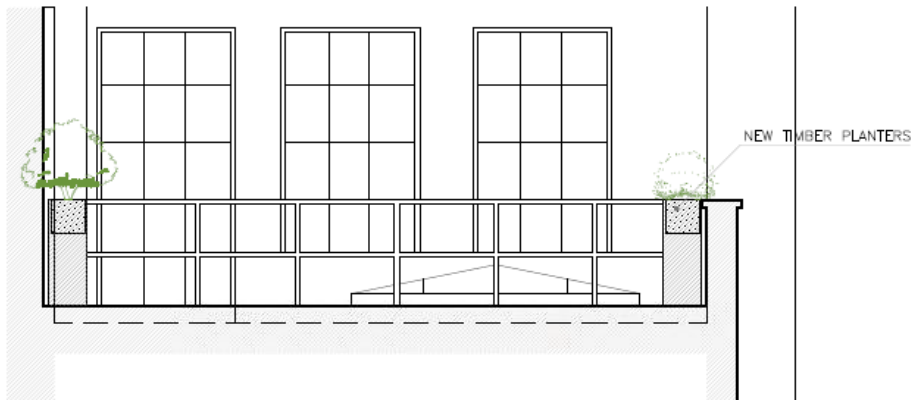
SECTION A
SCALE: 1/50



SECTION B



SECTION C
SCALE: 1/50



SECTION D
SCALE: 1/50

Existing west elevation:



Proposed west elevation:



DRAFT DECISION LETTER (Application 1)

Address: 12 Hay Hill, London, W1J 8NR,

Proposal: Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis)

Plan Nos: HH-I-100, HH-I-101, HH-I-102, HH-I-103, HH-I-104, HH-I-1005, HH-I-106 and 001.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Within six weeks of this permission, you must provide the separate stores for waste and materials for recycling shown on drawing number 001. You must clearly mark them, retain them and make them available at all times to everyone using the building.

Reason:

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

- 3 The following are not permitted on the second floor terrace: more than 40 person at any one times, 'Events' (i.e. organised activities/gatherings - whether or not by invitation), outdoor cooking or any music (live, recorded, broadcast, or otherwise).

Outdoor lighting and outdoor heating are also not permitted unless a 'Lighting and Heating Scheme' (including detailed drawings (1:20)) for the second floor terrace are submitted to and approved by the City Council. You must then carry out the work according to the approved 'Lighting and Heating Scheme' and the approved detailed drawings.

Reason:

Because they would harm the setting of the grade I listed building at No. 3 Grafton Street, contrary to S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 5 Only the areas at lower ground, ground and fourth floor level shown the drawings hereby approved and the second floor terrace shall be used for the consumption of food and drinks in association with the composite use comprising offices, conference facilities and private members business club for members and their guests (including cafe/bar/dining) (Sui Generis) hereby approved.

No more than 100 'Events' (i.e. organised activities at which more than 40 persons are present at any one time) can take place in any calendar year. No more than one Event can be held at any one time. There shall be no retail sale of hot or cold drinks of food to members of the public (i.e. non-members of the business club) at any time.

Reason:

To prevent the intensification of the use hereby approved and to ensure that it does not have unacceptable impact upon the character and function of this part of the Mayfair Conservation Area. This is in line with S24, S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 6 Within six weeks of the date of this permission, you shall apply to the City Council for approval of a Servicing and Waste Management Plan (including hours). The offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) use shall cease after 26 October 2018 unless it is in accordance with an approved Servicing and Waste Management Plan.

You must then comply with the approved Servicing and Waste Management Plan for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect neighbouring residents from noise nuisance, as set out in S24, S29, S32 and S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 10, TRANS 21 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 The offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) use hereby approved shall continue until 1 January 2039 or until vacated by 12 Hay Hill Limited (whichever is the sooner), after which the building must revert to its office use (Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as

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amended) (or any equivalent replacement order).

Reason:
At the request of the applicant.

- 8 The consumption of food and drinks shall be limited to between 07.30 and 23.00 (Monday to Friday).

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

Informative(s):

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

DRAFT DECISION LETTER (Application 2)

Address: 12 Hay Hill, London, W1J 8NR,

Proposal: Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters. (Linked to 17/05870/LBC)

Plan Nos: 02/10, 03/10, 04/10, 05/10 and 06/10.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

Informative(s):

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

DRAFT DECISION LETTER (Application 3)

Address: 12 Hay Hill, London, W1J 8NR,

Proposal: Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters. (Linked to 17/05869/FULL)

Plan Nos: 02/10, 03/10, 04/10, 05/10 and 06/10.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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

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

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had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:
S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 5.4, 5.7 and 6.1 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

7 12 HAY HILL, LONDON, W1J 8NR

Application 1

Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis).

Applications 2 and 3

Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.

Late representations were received from Forsters (14.05.2018) and Hay Hill (10.05.2018).

Application 1

Amended Condition 3

The following are not permitted on the second floor terrace: more than 40 person at any one times, e'Events' (i.e. organised activities/gatherings - whether or not by invitation), outdoor cooking, ~~outdoor lighting, outdoor heating~~, any music (live, recorded, broadcast, or otherwise).

Outdoor lighting and outdoor heating are also not permitted unless a 'Lighting and Heating Scheme' (including detailed drawings (1:20)) for the second floor terrace are submitted to and approved by the City Council. You must then carry out the work according to the approved 'Lighting and Heating Scheme' and the approved detailed drawings.

No change to reason.

Amended Condition 5

Only the areas at lower ground, ground and fourth floor level shown the drawings hereby approved **and the second floor terrace shall be used for the consumption of food and drinks as bars, cafes and restaurants** in association with the composite use comprising offices, conference facilities and private members business club **for members** and their guests (including cafe/bar/dining) (Sui Generis) hereby approved.

No more than 100 'Events' (i.e. organised activities at which more than 40 persons are present at any one time) can take place in any calendar year. No more than one Event can be held at any one time. There shall be no retail sale of hot or cold drinks of food to members of the public (i.e. none-members of the business club) at any time.

No change to reason.

Amended Condition 7

The offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) use hereby approved shall continue until **1 January 2039** or until vacated by 12 Hay Hill Limited (whichever is the sooner), after which the building must revert to **its office use** ~~a use within~~ (Class B1) (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent replacement order).

Amended Condition 8

The consumption of food and drinks shall be limited to between 07.30 and 23.00 (Monday to Friday). ~~Members shall not be permitted within the premises before 07.30 or after 23.00 (Monday to Friday) and shall not be permitted within the premises at any time on weekends.~~

RESOLVED UNANIMOUSLY:

That applications 1, 2 and 3 be deferred to allow for further consideration of potential constraints on the use of the second floor terrace in light of the Committee's concerns in this respect.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	12 Hay Hill, London, W1J 8NR		
Proposal	Application 1 Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) Applications 2 and 3 Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.		
Agent	DP9		
On behalf of	12 Hay Hill Limited		
Registered Number	Application 1: 17/10045/FULL Application 2: 17/05869/FULL Application 3: 17/05870/LBC	Date amended/ completed	Application 1: 27 November 2017 Applications 2 and 3: 4 July 2007
Date Application Received	Application 1: 10 November 2017 Applications 2 and 3: 4 July 2007		
Historic Building Grade	Grade I		
Conservation Area	Mayfair		

1. RECOMMENDATION

Application 1:
Grant conditional permission.

Application 2:
Grant conditional permission.

Application 3:
1. Grant conditional listed building consent.

2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises a purpose built office (Class B1) building dating from the early 1990s. The main part of the building is arranged over basement, lower ground, ground and four upper floors and has an entrance on Hay Hill. Also part of the site is a three storey (above ground) brick-faced building with second floor roof terrace above that fronts onto Bruton Lane. The site is located within the Core Central Activities Zone (Core CAZ) and the Mayfair Conservation Area. No. 3 Grafton Street is located immediately adjacent to the site and is Grade I listed. The three storey (above ground) brick-faced building that fronts onto Bruton Lane is also considered to be Grade I listed.

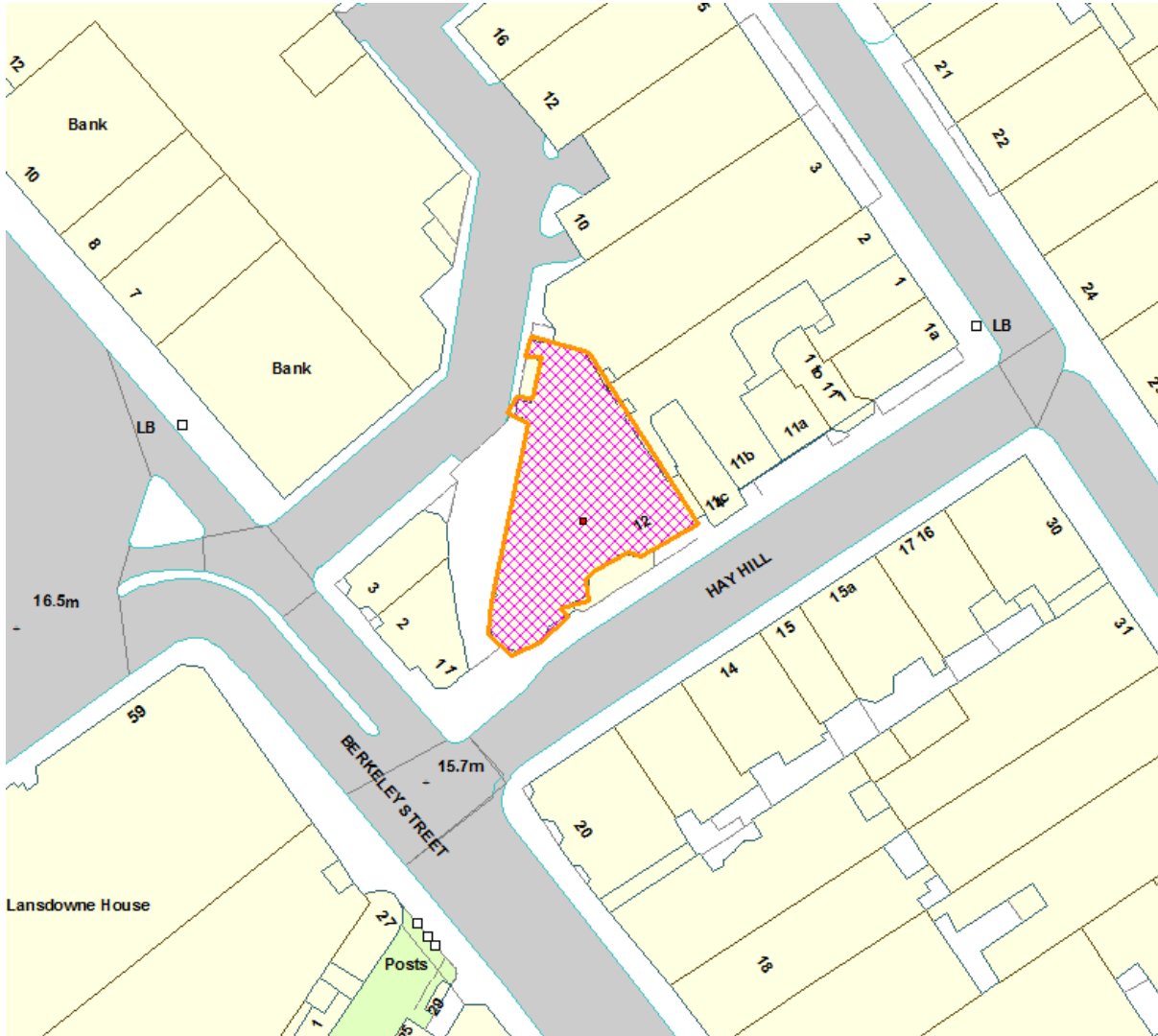
Retrospective permission is sought for a temporary period until 2039 or until vacated by the current occupier (12 Hay Hill Limited) for the use of the building as a composite use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis). Also proposed are a number of alterations to the second floor roof terrace in the form of new timber decking and tiled flooring and new timber and metal planters.

The key issues for consideration are:

- The acceptability of the loss of office floorspace and replacement with the proposed composite use.
- The impact of the proposed use and alterations to the second floor terrace on the character and appearance of the Mayfair Consecration Area, the special interest of the Grade I listed building and the setting of the adjacent No. 3 Grafton Street.
- The impact of the alterations and change of use of the second floor terrace on the occupiers of No. 3 Grafton Street.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan. Furthermore, the proposed change of use and alterations will not harm the special interest of the listed building or the setting of No. 3 Grafton Street and will preserve the character and appearance of the Mayfair Conservation Area. For these reasons, all three applications are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

From Berkeley Street looking north.



From junction of Bruton Lane and Berkeley Street / Berkeley Square looking north-east.



5. CONSULTATIONS

Application 1

Initial consultation

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

- No objection in principle but concern that no information has been submitted in respect to how cooking heat, fumes and odours will be dealt within a way that does not give rise to nuisance.
- Notes that the application does not appear to provide any details of any new plant and association acoustic considerations.

HIGHWAYS PLANNING:

- The level of servicing does not appear unreasonable.
- Suggests that a Service Management Plan is secured by condition to minimise impact upon the public highway.
- Notes that no details of cycle parking provided and requests that some provision s made on site.
- Waste storage should be clearly indicated to ensure minimum impact on the public highway.

CLEANSING:

- No objection to the proposed revised storage arrangement for waste and recyclable material. Request that condition are imposed to secure the provision and retention of this storage arrangement.

METROPOLITAN POLICE:

- It appears that there is not a disproportionate amount of crime being generate as a result of this building.
- Recommends that consultation with the Westminster Licensing Team is undertaken to see if they have any issues or problems with the location.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 15

No. of objections: 1

No. in support: 14

One objection from the owner of No. 3 Grafton Street on the following grounds:

Design and Conservation:

- The use of the terrace in association with the proposed use would be harmful to the special interest of this Grade I listed building and its setting. The City Council has a statutory duty to have special regard to protecting the special interest of this heritage asset and its setting. There are no public benefits that outweigh this harm.

Amenity:

- The use of the terrace in association with the proposed use will result in a loss of privacy for the occupants of two rooms within No. 3 Grafton Street that overlook the terrace.
- The proposed tree planters in front of a window within No. 3 Grafton Street as a means of mitigating this loss of privacy is unacceptable. As these trees mature, they will reduce light and block views out of this room, unacceptably increasing the sense of enclosure within this room.
- The intensification of the use of the terrace will result in an unacceptable nuisance for the occupiers of No. 3 Grafton Street by way of noise, fumes and increased light pollution.
- Given the close proximity of the terrace to these neighbouring windows, any use of the terrace for anything other than maintenance is not appropriate. Contrary to the assertion of Officers, the City Council clearly has the ability to impose conditions controlling the use of the terrace.

Other:

- The application drawings are highly misleading through failing to show the relationship between the third floor roof terrace and the neighbouring windows within the first floor of the octagonal rear room of No. 3 Grafton Street.
- The open air courtyard at front lower ground floor level is a far more suitable location for use as an outdoor space and smoking area.
- The harm to the quality of the experience within the neighbouring rooms within No. 3 Grafton Street will result in a reduction in future lettable and resale value.

15 in support (from members / tenants of the business club or neighbouring residents (or both)) on the following grounds:

Land use:

- The use has uplifted the area and brought a certain elegance to the street.
- The concept is fantastic that allows people to work in a mobile way and add to the British economy.
- The use supports the business community.
- The use blends harmoniously into Mayfair.

Amenity:

- There has never been any noise or any sort of feeling of crowdedness in the area.

Other:

- The security of the area is enhanced as the building has 24 hour security.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Re-consultation following amendment to the description of development to accurately summarise the existing operation for which retrospective permission is sought (14 March 2018):

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Applications 2 and 3

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

HISTORIC ENGLAND:

- Authorisation given for the City Council to determine the application for listed building consent (Application 3) as it sees fit. No views expressed on the merits of the proposals.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10
Total No. of replies: 1
No. of objections: 1
No. in support: 0

One objection from the owner of No. 3 Grafton Street on the following grounds:

Design and Conservation:

- The use of the terrace will be intensified by the proposed alterations and this would be harmful to the special interest of this Grade I listed building and its setting. The City Council has a statutory duty to have special regard to protecting the special interest of this heritage asset and its setting. There are no public benefits that outweigh this harm.

Amenity:

- The use of the terrace will be intensified by the proposed alterations and this will result in an unacceptable increase in nuisance to the occupied of No. 3 Grafton Street by way of noise, fumes and increase light pollution.
- The proposed tree planters in front of a window within No. 3 Grafton Street as a means of mitigating this loss of privacy is unacceptable. As these trees mature, they will reduce light and block views out of this room, unacceptably increasing the sense of enclosure within this room.

Other:

- The application drawings are highly misleading through failing to show the relationship between the third floor roof terrace and the neighbouring windows within the first floor of the octagonal rear room of No. 3 Grafton Street.
- The submitted drawings are not to a specified. This is a statutory requirement and render them insufficient to gauge the impact of the properties development on the

special interest of the listed building and the amenity of the occupants of No. 3 Grafton Street.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a purpose built office (Class B1) building dating from the early 1990s. The main part of the building is arranged over basement, lower ground, ground and four upper floors and has an entrance on Hay Hill. Also part of the site is a three storey (above ground) brick-faced building that fronts onto Bruton Lane. Collectively these two building are known as 12 Hay Hill.

For the reasons set out in more detail in Section 8.2 of this report, it is considered that the three storey brick-faced building fronting onto Bruton Lane is Grade I listed but the stone-faced building that makes up the remainder of the site is unlisted.

The site is located within the Mayfair Conservation Area and the Core CAZ. Immediately to the north of the site is the Grade I listed No. 3 Grafton Street. Immediately to the south-west are Nos. 1, 2 and 3 Berkeley Square, each of which are Grade II listed.

Records indicate that the nearest residential properties are immediately to the north-east of the site (No. 4 Hay Hill), to the south-east of the site (43 x flats within Berkeley House, 15 Hay Hill) and to the north of site (No. 4 Grafton Street). No. 3 Grafton Street is in office (Class B1) use.

When the application site was redeveloped in the early 1990s it was part of a larger site including No. 3 Grafton Street, but No. 3 Grafton Street was separated from No. 12 Hay Hill shortly after 2006.

The flat roof of the three-storey brick-faced building front onto Bruton Lane is accessed from a door within the flank elevation of the stone-faced building. Drawings in the City Council's town planning files from 1991 show the roof area annotated as a 'roof terrace'. There is also a photograph submitted with an application in 2006 of the terrace which described the picture as, '*View of rear elevation and terrace roof to 3 Grafton Street/12 Hay Hill...*'. This second floor roof terrace is therefore a long-standing feature of the site and could revert to being used in association with the lawful office use of the building without permission.

6.2 Recent Relevant History

91/4746

Use of basement of No. 3 Grafton Street as restaurant and of front and middle rooms on ground floor of No. 3 for office purposes; additional pipework, guard rails and extract cowls on the roof of No. 3; rebuilding of rear additional to No. 3 for use in conjunction with No. 12 Hay Hill; and redevelopment of No. 12 to provide building comprising basement, lower ground and five upper floors for use an ancillary car parking and plant in the basement, two residential units on the lower ground floor and offices throughout the remainder.

Permitted 28.11.91

07/04301/CLEUD

Use of part lower ground floor as offices (Class B1).

Permitted 17.09.07

This lawful development confirms that the two flats approved in 1991 were converted to office accommodation without permission and this use subsequently became the lawful use through being immune from enforcement action.

7. THE PROPOSAL

Following investigations by the City Council's Planning Enforcement Team, Officers are of the view that the use of the building materially changed from its lawful office (Class B1) in 2015. This is partly as a result of the large amount of floorspace dedicated to the preparation, service and consumption of food and drinks at basement, lower ground, ground and fourth floor levels and the way in which the building has become partly a private members 'business club' where the focus is on networking, meeting and entertaining clients. Whilst there are some areas of the building that are dedicated to meeting rooms on an hourly rate or in the form of the 23 x offices normally leased for a year, it is no longer considered that this office element of the current use is the primary use of the building. This is reflected in the make up of the occupiers of the building, with only approximately 120 being 'resident' members (i.e. leasing a dedicated office) and there being approximately 400 members of the business club that are able to 'hot desk' and use the dining and meeting room facilities. For these reasons, it is considered that the current unauthorised use comprises a composite use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis)

The current use operates between 07.30 and 23.00 (Monday to Friday). It is closed on weekends. Deliveries and waste collection takes place from Bruton Lane via a dedicated car lift, although delivery vehicles do not enter the site so will unload from the street.

Application 1 seeks retrospective permission to continue the existing composite use for a temporary period until the expiry of the applicant's lease of the building (in 2039) or until the applicant (12 Hay Hill Limited) vacates the building (whichever is sooner). The following land use table summarises Application 1:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
Office (Class B1)	2,561	0	-2,561
Offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis)	0	2,561	+2,561
Total	2,561	2,561	0

Applications 2 and 3 seeks partially retrospective planning permission and listed building consent for alterations to the flat roof of the three storey brick faced building facing Bruton Lane. These alterations are as follows:

- The installation of a new timber deck above the existing concrete pavers (this element has been completed and therefore retrospective permission is sought).
- The installation of timber planters around the majority of the outer face of the flat room (the flat roof is currently enclosed by 1.2m high railings).
- The installation of new floor tiles.
- The installation of four metal planters on the flat roof.
- The installation of new timber planters along the eastern side of the flat roof.

In order to address the concerns raised by the owner of No. 3 Grafton Street, the applicant has suggested a number of conditions to be imposed in respect to Application 1 control the use of the building and the second floor roof terrace. These are:

1. No more than 100 'Events' (i.e. organised activities at which more than 40 persons are present at any one time) can take place in any calendar year.
2. No Events are to be held on the second floor roof terrace,
3. No more than one Event to be held at any one time.
4. No retail sale of hot or cold drinks or food to members of the public (i.e. none members of the business club) at any time.
5. Not to install or use any outdoor cooking equipment or play any amplified music on the second floor roof terrace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

City Plan Policy S20 outlines how the City Council will work to exceed the target of additional B1 Office floorspace capacity for at least 58,000 new jobs (774,000sqm B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum.

The proposal would see the loss of 2,561 sqm of office floorspace within the Core CAZ. However, there is no policy protection for office floorspace where it is being converted to another commercial use; only where it is being converted to or replaced by residential floorspace (see City Plan Policy S20). There is therefore no objection to the loss of the office floorspace on site.

Proposed composite use

There is clearly an entertainment element to the proposed use in the form of dining, drinking and socialising. City Plan Policy S24 requires new entertainment uses to be, *'...appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area'*. Within the CAZ, City Plan Policy S1

states that the City Council will encourage development which promotes Westminster's World City Functions and supports it living, working and visiting populations. City Plan Policy S6 outlines how the Core CAZ is an appropriate location for a range of commercial and cultural uses.

The terminal hour of 23.00 is modest in this busy location within the Core CAZ that is heavily commercial in character (albeit with some residential properties in close proximity to the site). Furthermore, the use is closed on the weekends which is indicative of the business focus of its mode of operation.

The proposed clearly supports the business community and provides employment opportunities (38 full time employees) and is considered to be a welcome and innovative offer for the business community, in accordance with City Plan Policy S1 and S6. Subject to conditions controlling the hours of operation to between 07.30 and 23.00 (Monday to Friday), limiting the entertainment areas to those shown on the submitted drawings at lower ground, ground and fourth floor level in order to prevent the intensification of the entertainment element of the use, and limiting the number of 'events' held to no more than 100 in any calendar year, Application 1 is considered to be acceptable in land use terms.

8.2 Townscape and Design

As set out above, No. 3 Grafton Street is located immediately to the north-east of the application site. No. 3 Grafton Street is a Grade I listed building, designed by Sir Robert Taylor, built circa 1770. At the time of its listing in 1958 there were ancillary buildings at the rear in Bruton Lane, and it is highly likely that there has always been some form of building on this site in Bruton Lane since No. 3 Grafton Street was built.

As summarized within Section 5 of this report, there have been strong objections in design and heritage asset terms from the owner of No. 3 Grafton Street to the proposed alterations to the second floor terrace and the change of use of 12 Hay Hill. A key objection is that the alterations affect the setting of No. 3 Grafton Street, to its detriment.

Extent of the listed building at No. 3 Grafton Street

In 1988 the back of No. 3 Grafton Street was described in the following terms:

"The rear of the building as viewed from Bruton Lane and Berkeley Square, is a particularly significant aspect. By removal of the buildings subsequently added to the rear of 3 Grafton Street, a new two storey building has been designed to create a continuity in the accommodation of the Grafton Street and Hay Hill premises.

This has given the opportunity of reinstating the original rear façade of Grafton Street and reveals the form of the 'octagon tower'. The materials for the new building will be in a used mixed London Stock to match the existing, and the whole brick façade will be carefully soot washed and repointed to harmonise the existing with the new."

Extract from a Sidell Gibson Partnership letter dated 04.10.88.

Noting the above points, and the granting of listed building consent, it is reasonable to conclude that the new building constructed at the rear of No. 3 Grafton Street was an

integral part of the building. It was in the same ownership, attached to it, accessible from within it, and part of the original plot of land on which No. 3 Grafton Street was built, having replaced a previous structure that itself replaced earlier structures on the site. The comment about “revealing the form of the ‘octagon tower’” and its visibility from Berkeley Square is helpful in relation to matters of setting.

In 2006 an application was made to separate No. 3 Grafton Street from No. 12 Hay Hill and it was subsequently approved. The two buildings ceased to be in the same ownership, and were no longer interconnected. However, that does not automatically mean the divided-off part of No. 3 Grafton Street in Bruton Lane ceased to be listed.

The building in Bruton Lane was constructed as an alteration to No. 3 Grafton Street, designed to harmonise with it, is on the original plot, and replaced previous buildings on the site that also formed part of No. 3 Grafton Street. Furthermore it looks like it is part of No. 3 Grafton Street rather than No. 12 Hay Hill, and the roof terrace is still potentially accessible from a door at first floor level in No. 3 Grafton Street. The change in ownership and blocking-up of connecting doors are not considered sufficient in this case to mean that the Bruton Lane building at the rear of No. 3 Grafton Street is no longer part of that listed building. It therefore follows that alterations affecting its special interest require listed building consent. Whilst the issue is debatable, the applicant has submitted an application for listed building consent and it will be considered on its merits.

Setting considerations

Regarding the impact of the proposal on the setting of No. 3 Grafton Street, Historic England guidance advises that, amongst other things, the impact of alterations on ‘setting’ needs to be assessed according to the particular significance of the heritage asset concerned, and how it is experienced. In this case the setting of No. 3 Grafton Street is affected in public and private views towards it and in private views from within it. Updated guidance was produced in 2017 – ‘The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)’ and it is also relevant to note that noise and smell can affect the setting of a heritage asset.

Since its construction the internal layout and use of No. 3 Grafton Street has changed. It is no longer in residential use and the magnificent staircase is a later alteration. This has changed the way in which its setting is perceived from within, and its setting has markedly changed over the years.

Aside from changes in Grafton Street itself, the first major physical change affecting the setting at the rear of No. 3 Grafton Street occurring towards the end of the nineteenth century when the site of No. 1 Grafton Street was redeveloped along with the north side of Hay Hill. Further changes took place circa 1927 when the property on the east side of Berkeley Square was demolished to make way for the Air Ministry building and the southern end of Bruton Lane was rerouted, thus creating the views to/from Berkeley Square that the rear of No. 3 Grafton Street has today. There was some redevelopment of mews buildings in Bruton Place in the post-war years and No. 12 Hay Hill was redeveloped in 1990s.

There is permission for a terrace on the main roof of No. 3 (Ref: 16/08312/FULL) and there are roof terraces on neighbouring buildings in Bruton Lane, albeit in residential use, for example as approved at the rear of No. 4 Grafton Street (Ref: 14/12836/FULL),

and at the rear of No. 5 Grafton Street (Ref: 13/02576/FULL). Therefore, the setting of No. 3 Grafton Street is in a broad sense, in part, characterised by roof terraces. The main impact on the setting of No. 3 Grafton Street results from the use of the roof area accessed from No. 12 Hay Hill as a terrace, the things put on it, and its materials of construction.

At the time of its construction, the octagonal room in No. 3 Grafton Street may have been a bedroom. The plan at first floor level is likely to have been comparable to that of a contemporary property of similar scale at No. 25 Portland Place (demolished), of circa 1780, by Robert Adam (see Survey of London) which states that the octagonal room there was a bedroom. It is also possible that it was a dressing room. There is an octagonal room at first floor level in No. 106 Piccadilly for which Adam produced a decorative scheme, in 1765, for Lady Coventry's Dressing Room (see drawings in the Soane Museum). Both uses tend to be more inward rather than outward looking and, as regards No. 3 Grafton Street, the views out of the octagonal room would have been towards the back of properties in Berkeley Square and over the roof of the mews adjacent. Whatever its original purpose, it is clear that it was a room of importance and this is still reflected in its decorative treatment.

In its current use as an office, the octagonal room is set up with a single desk facing the windows with the chair having its back to the door. Whilst the focus of work ought normally to be directed towards what is on the desk, the room is clearly set up to be outward looking rather than being focused towards the fireplace or door. Therefore, in its current use and noting the layout of the octagonal room, the neighbouring roof clearly does form part of the setting of No. 3 Grafton Street.

The existing flat roof surface is modern and was, until recently, paved with drab slabs laid in a grid pattern. In this case, the replacement timber decking and tiled area is neutral in heritage asset terms; they neither improve nor worsen the appearance of the surface and as building materials they are neither better nor worse than the slabs. A roof of lead sheet would be most appropriate for a flat roof in this location, but the roof of this modern building has never been so covered. Therefore, the setting of No. 3 Grafton Street as seen from inside that building, principally from within the octagonal room (but also from its upper floors at the rear), is not harmed by the decking. It is also unharmed by the planters which are similarly neutral and not at all incongruous. Their appearance above the parapet wall would be similar to those on the roof terrace at the rear of No. 4 Grafton Street. Standing in Bruton Lane both could be seen together and would not appear out of character. Consequently, the setting of No. 3 Grafton Street is maintained in street level views. It also follows that the character and appearance of the Mayfair Conservation Area is also maintained as the alterations are not out of character and are similar to those on neighbouring buildings and others in the wider area.

Regarding use of the flat roof as a terrace in association with the proposed composite use, in heritage asset terms, the impact on the setting of No. 3 Grafton Street relates to the presence of people on the roof, noise, and the potential for obtrusive smells from smoking and/or cooking permeating No. 3 Grafton Street, and how these factors affect the perception of No. 3 Grafton Street from within and when seen from the street and surrounding properties.

There is nothing historically inappropriate about the smell of tobacco smoke in the context of a late eighteenth century house. It may be offensive to the modern 'nose' but that does not make it harmful in heritage asset terms. In fact, it is one of the few smells that has persisted over the centuries since the building's construction unlike that of coal fires, open sewers and horse manure. Cooking smells, however, are a different matter and the modern tendency to cook outdoors would be harmful to the setting of No. 3 Grafton Street if carried out on the roof area of No. 12 Hay Hill. The activity is incongruous and the smell harmful because it is entirely alien and highly intrusive. Nevertheless, as set out above, the applicant has suggested the imposition of a condition in respect to Application 1 to prevent the installation or use of any outdoor cooking equipment which addresses this heritage objection.

The area of flat roof on No. 12 Hay Hill can accommodate many people and noise from events taking place on that roof have disturbed the occupiers of No. 3 Grafton Street. In this respect, the intensive use of the roof for events has, in the past, detracted from the setting of No. 3 which was never intended to be subject to so much noise in such close proximity to its windows. However, some use of the roof would not detract from the setting of No. 3 Grafton Street as far as noise is concerned provided that the number of people on the roof is restricted, and no music is played (live or from recordings). As set out above, the applicant has suggested control over the use of the terrace to prevent entertainment 'events' from taking place on the terrace and preventing the playing of amplified music. Subject to such conditions, which would be expanded to prevent any music being played (live or from recordings), the impact upon the setting of this listed building from the use of the terrace is considered to be acceptable.

Listed building considerations

In terms of its impact on the special interest of the listed building, the existing paving is not a feature of special historic or architectural interest and its replacement is acceptable in principle, in heritage asset terms, subject to the new materials being appropriate. The tiled surface and timber decking are neither better nor worse than the modern paving slabs. The planters are of little significance as designed and positioned, and are similar to many to be found throughout Westminster on listed and unlisted buildings. So, the physical alterations have a neutral impact on the special interest of the building.

Conclusions

There is no objection in heritage asset terms to the installation of new surfaces to the terrace or planters as shown on the drawings. While the alterations do, to a slight extent, alter the setting of the listed building at No. 3 Grafton Street, the impact is minimal and acceptable. They are typical of what can be found on roof terraces throughout Mayfair, and they would not be incongruous or uncharacteristic when seen from the upper floors of surrounding properties or when seen from within No. 3 Grafton Street especially when it is noted that the area of roof in question has been in use as a terrace for many years. Likewise the use, subject to conditions, would maintain the setting of No. 3 Grafton Street in all respects.

The proposed alterations and use are acceptable in heritage asset terms whether they are an alteration to a listed building or not (this matter has been the subject of dispute). The special interest of No. 3 Grafton Street is maintained by the alterations, as is its setting, and the alterations and use are acceptable in terms of their impact on the

character and appearance of the Mayfair Conservation Area. This accords with UDP policies DES 1, DES 6, DES 9 and DES 10.

8.3 Amenity

As set out above, strong objections have been received to all three applications from the owner of No. 3 Grafton Street on privacy, increased sense of enclosure, fumes, light pollution and noise grounds. The objector is of the view that any use of the terrace other than for maintenance is not appropriate.

As set out above, the second floor terrace is annotated as such on the approved drawings for the redevelopment of this site in the early 1990s and the terrace is a longstanding feature of the site when the building was being lawfully used within Class B1 (Business). Application 1 seeks permission for a materially different use to the lawful use of the building and the terrace as an office. The central issue is therefore whether the use sought in Application 1 would result in an unacceptable material increased amenity impact upon the owners / occupiers of neighbouring properties, including No. 3 Grafton Street, over and above the lawful use of the terrace within Class B1 (Business).

No. 3 Grafton Street is clearly the most affected neighbouring property given the close proximity to the second floor rear terrace. It is, however, in office use which are not afforded the same level of policy protection as dwellings, for example. City Plan Policy S29 outlines how the City Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment. City Plan Policy S21 and UDP Policy ENV 6 seek to reduce noise pollution and its impacts and protect Noise Sensitive Receptors (defined as residential use, educational establishments, hospitals, hotels, hostels, concert halls, theatres, law courts, and broadcasting and recording studios). Clearly, an office use is not a Noise Sensitive Receptor. Finally, UDP Policy ENV 13 seeks to protect, improve and enhance the residential environment (Parts A and B), resist developments that result in a material loss of daylight/sunlight, particularly (not exclusively) to existing dwellings and educational buildings (Part E), and resist development that result in a significant increase in the sense of enclosure or overlooking, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Clearly, any use of the terrace will result in overlooking and noise to the occupiers of No. 3 Grafton Street. There may also be some increase in sense of enclosure by any trees planted within the planters on the second floor terrace. However, the use affected is an office and therefore the weight given to this impact is considerable less than if the affected building was in residential use, for example. Subject to conditions preventing any 'events' taking place on the terrace, preventing any cooking taking place or any music being played, it is not considered that the impact of the proposed change of use and alterations to the second floor terrace upon the office occupiers of No. 3 Grafton Street would cause such harm to the function of this office building to warrant refusing permission.

The request by the owner of No. 3 Grafton Street that the terrace be used for maintenance purposes is considered to be unreasonable, not being necessary to make the development acceptable in planning terms (as required by NPPF Para. 204).

8.4 Transportation/Parking

The proposed composite use is likely to have great servicing requirements that the lawful office use given the greater quantities of food and drink consumed on site than a typical office. Highways Planning has raised no objection to the proposed servicing arrangements from Bruton Lane. It is recommended that a Service Management Plan be secured by condition in order to minimise the impact upon the public highway.

Whilst no details of cycle parking have been provided, it is likely that the demand for cycle parking will be lower for the proposed composite use than the lawful office use of the building. For this reason, it is not considered to be reasonable to secure cycle parking provision by condition.

8.5 Economic Considerations

The economic impact of the proposed use is considered to not be materially different to the lawful use of the building, with both uses contributing to business activity within the Core CAZ.

8.6 Access

The access arrangements remain unchanged and are therefore acceptable.

8.7 Other UDP/Westminster Policy Considerations

Plant

No additional plant is proposed. The kitchen extract arrangement remain unchanged from the arrangements present when the building was in office use (i.e. a low level extract at lower ground floor level adjacent to the narrow terrace). Whilst the City Council's normal approach is for extract ducts to be at high level in order to ensure adequate dispersal of cooking smells, there are no residential properties in close proximity to this low level extract and there have been no complaints in respect to cooking smells from the premises. The lack of demonstrable harm and that the low level extract has been in situ for a number of years in association with the office use (which may have had an ancillary office canteen) is considered to represent exceptional circumstances to depart for the City Council's normal approach. The extract arrangements are therefore considered to be acceptable.

Refuse /Recycling

The Cleansing Manager has no objection to the proposed storage arrangements for waste and recyclable material, subject to the imposition of conditions securing its provision and retention.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

It is not considered that any planning obligations are necessary to make the development acceptable in planning terms.

No increase in floorspace is proposed and therefore the development is not liable for the either the Westminster or Mayor of London's Community Infrastructure Levy.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

An objection has been received on the ground that the application drawings are misleading through failing to show the relationship between the second floor terrace and the adjacent windows of No. 3 Grafton Street. Officers are fully aware of the relationship between the terrace and these windows, having visited both the application site and No. 3 Grafton Street. This relationship has been described fully in the report and will be illustrated in the Officers' presentation to Sub-Committee. For this reason, the City Council will be able to make a decision in full possession of the facts of the case and the interests of the owner of No. 3 Grafton Street will not be prejudiced.

The submitted drawings initially were not to an identified scale. This has been rectified and the amended drawings forwarded to the owner of No. 3 Grafton Street. Any comments will be reported verbally to Sub-Committee in order to ensure that the interests of the owner of No. 3 Grafton Street will not have been prejudiced.

The impact of the proposed development upon the future lettable and resale value of No. 3 Grafton Street is not a material planning consideration.

9. BACKGROUND PAPERS

Application 1

1. Application form
2. Response from Environmental Health, dated 8 December 2017
3. Response from Highways Planning, dated 7 March 2018
4. Response from Cleansing, dated 14 March 2018
5. Response from Metropolitan Police, dated 15 December 2017
6. Letter from occupier of 34 Berkeley House, 15 Hay Hill, dated 11 December 2017
7. Letter from occupier of 63 Curzon Street, London, dated 11 December
8. Letter from occupier of 8 Manor Hall Drive, dated 12 December 2017
9. Letter from occupier of 27 Yeldham Rd, Hammersmith, dated 14 December 2017
10. Letter from occupier of 16 Berkeley Square, London, dated 14 December 2017
11. Letter from occupier of 15 Carlton Mansions, 215 Randolph Avenue, dated 14 December 2017

12. Letter from occupier of Third Floor, Landsdown House, 57 Berkeley Square, dated 14 December 2017
13. Letter from occupier of 85 Harbord Street, London, dated 14 December 2017
14. Letter from occupier of 12 Hay Hill, Mayfair, dated 15 December 2017
15. Letter from occupier of 31 Berkeley Street, Mayfair, dated 18 December 2017
16. Letter from occupier of 12 Hay Hill, London, dated 20 December 2017
17. Letter from occupier of Beech Farm, Whitemans Green, Cuckfield dated 20 December 2017
18. Letter from occupier of Flat 23, Berkeley House, 15 Hay Hill, dated 20 December 2017
19. Letter from occupier of Flat 1308, 20 Palace Street, dated 2 January 2018
20. Letter written on behalf of owner of 3 Grafton Street, dated 10 January 2018
21. Letter from occupier of Flat 30, Scotts Sufferance Wharf, 5 Mill Street, dated 30 January 2018

Applications 2 and 3

1. Application form
2. Letter of authorisation signed by the National Planning Casework Unit, dated 25 July 2017
3. Letter written on behalf of owner of 3 Grafton Street, dated 14 August 2017
4. Letter written on behalf of applicant, dated 6 September 2017

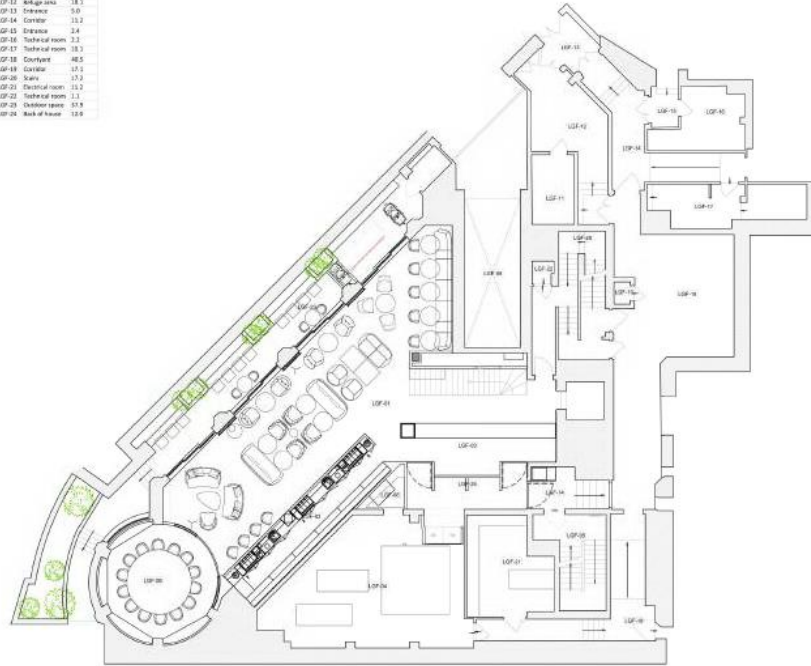
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS

Ground floor plan:

GG-01	Technical room	2.3
GG-02	Office	6.4
GG-03	Break-up area	18.3
GG-04	Entrance	5.8
GG-05	Corridor	11.2
GG-06	Entrance	2.4
GG-07	Technical room	2.2
GG-08	Technical room	18.3
GG-09	Courtyard	46.5
GG-10	Corridor	17.1
GG-11	Skylit	17.0
GG-12	Technical room	11.2
GG-13	Technical room	1.3
GG-14	Outdoor space	11.9
GG-15	Back of house	12.8



First floor plan:

FF-01	Boardroom	17.0
FF-02	Boardroom	28.0
FF-03	Technical room	3.8
FF-04	Technical room	3.8
FF-05	Corridor	6.0
FF-06	Skylit	10.8
FF-07	Technical room	3.6
FF-08	MC	2.2
FF-09	MC	3.0
FF-10	Technical room	2.2
FF-11	MC	2.2
FF-12	MC	2.2
FF-13	MC	2.2
FF-14	MC	2.2
FF-15	MC	2.2
FF-16	MC	2.2
FF-17	MC	2.2
FF-18	MC	2.2
FF-19	MC	2.2
FF-20	MC	2.2
FF-21	MC	2.2
FF-22	MC	2.2
FF-23	MC	2.2
FF-24	MC	2.2
FF-25	MC	2.2
FF-26	MC	2.2
FF-27	MC	2.2
FF-28	MC	2.2
FF-29	MC	2.2
FF-30	MC	2.2
FF-31	MC	2.2
FF-32	MC	2.2
FF-33	MC	2.2
FF-34	MC	2.2
FF-35	MC	2.2
FF-36	MC	2.2
FF-37	MC	2.2
FF-38	MC	2.2
FF-39	MC	2.2
FF-40	MC	2.2
FF-41	MC	2.2
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FF-98	MC	2.2
FF-99	MC	2.2
FF-100	MC	2.2



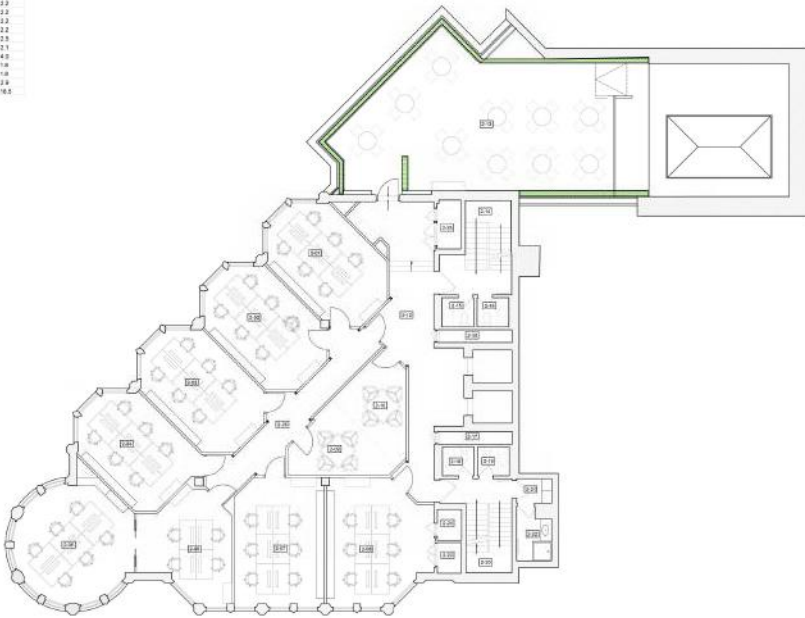
Second floor plan:

1-13	Phone booth	2.0
1-14	Break room	2.9
1-15	WC	2.2
1-16	WC	2.2
1-17	Stairs	11.0
1-18	Technical room	1.8
1-19	Technical room	1.7
1-20	Technical room	2.8
1-21	Stairs	12.2
1-22	WC	2.2
1-23	WC	2.2
1-24	Technical room	2.2
1-25	Center	18.0
1-26	Center	3.0
1-27	Technical room	4.1

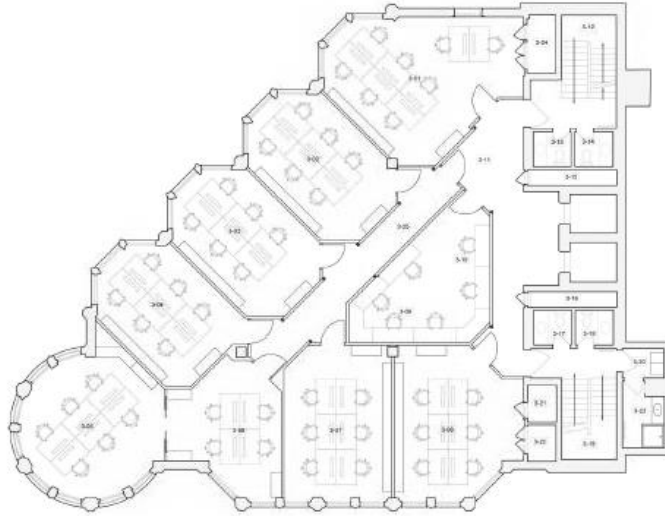


Third floor plan (including location of terrace):

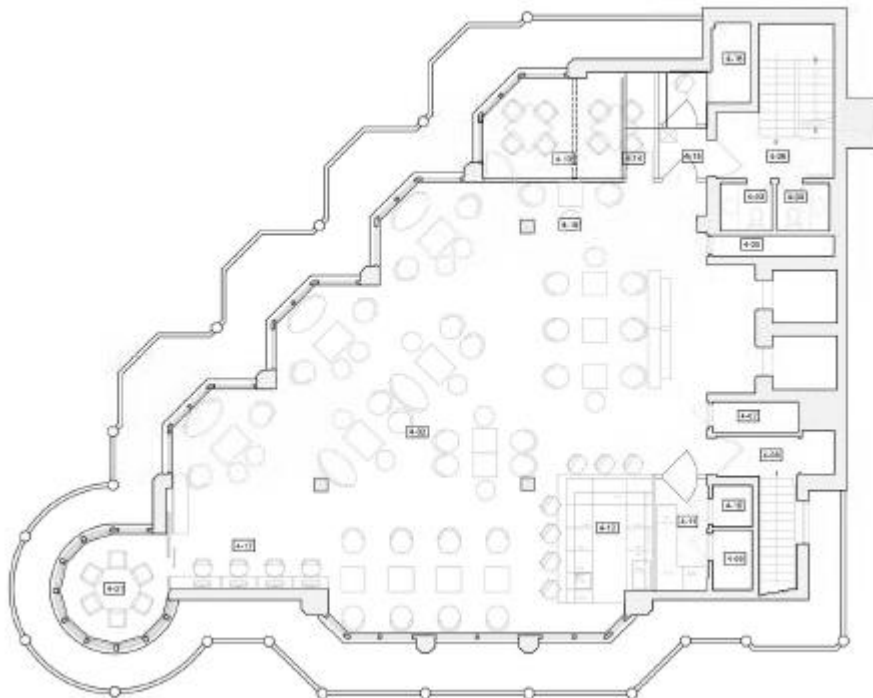
2-18	WC	2.2
2-19	WC	2.2
2-11	Technical room	2.2
2-18	WC	2.2
2-19	WC	2.2
2-20	Stairs	2.9
2-21	Stairs	2.9
2-22	Male changing room	4.9
2-23	Technical room	1.8
2-24	Technical room	1.8
2-25	Technical room	2.8
2-26	Center	18.0



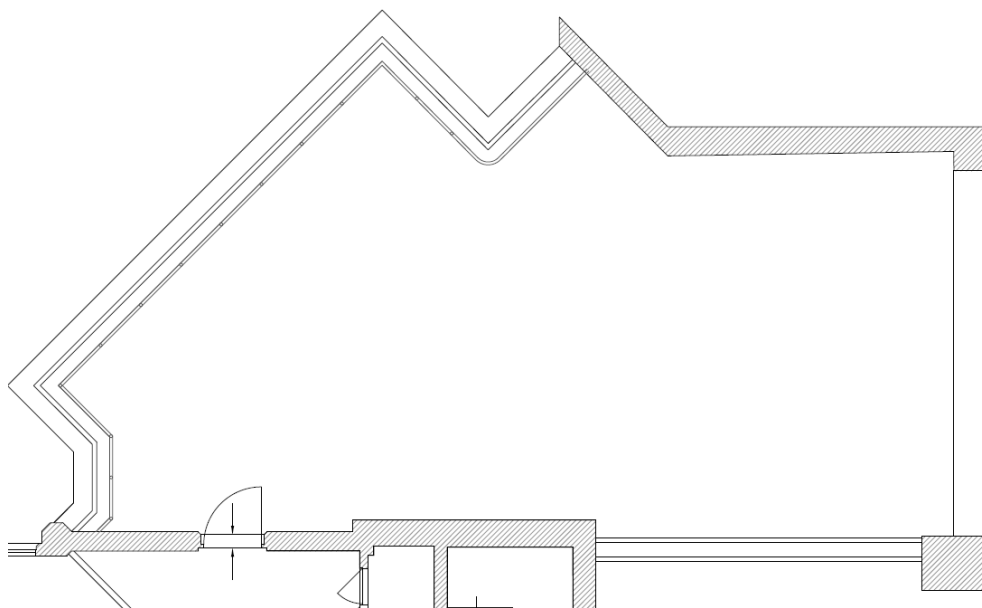
Fourth floor plan:



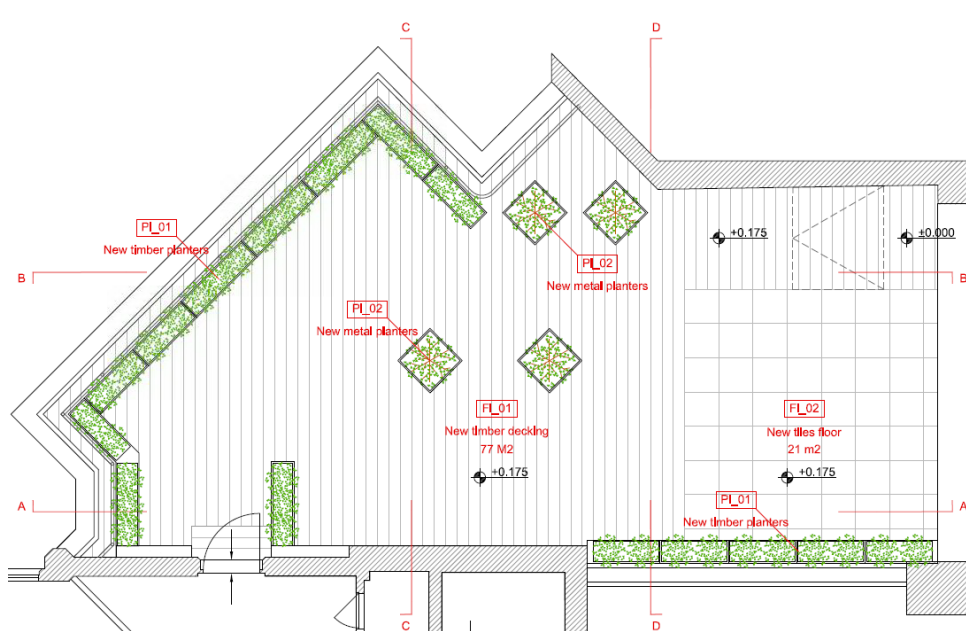
Fifth floor plan:



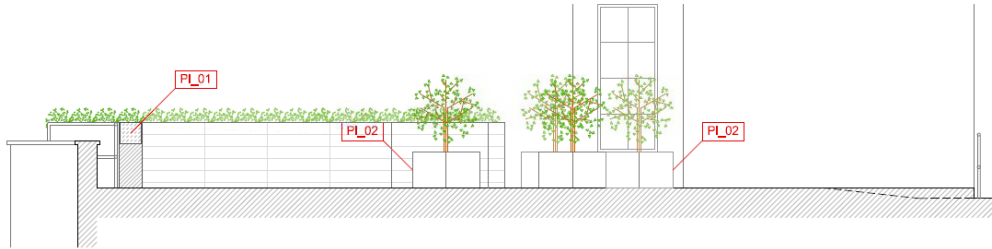
Prior to unauthorised works plan of terrace:



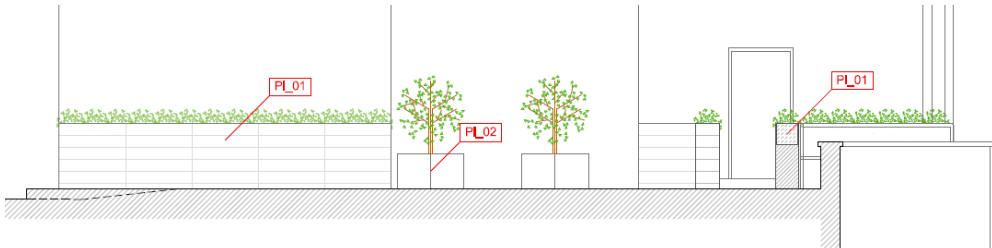
Proposed plan of terrace:



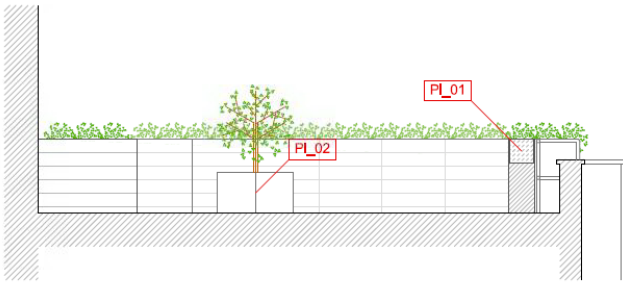
Sectional proposed elevations of terrace:



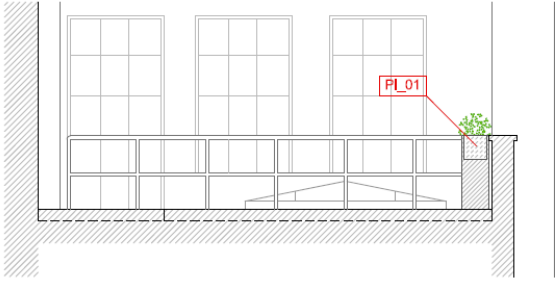
SECTION A



SECTION B



SECTION C



SECTION D

Existing west elevation:



Proposed west elevation:

