CITY OF WESTMINSTER					
PLANNING	Date	Classification For General Release			
APPLICATIONS SUB COMMITTEE	17 July 2018				
Report of		Ward(s) involved			
Director of Planning		Warwick			
Subject of Report	52 Lupus Street, London, SW1V 3EE				
Proposal	Application 1: 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. Application 2: Display of 3no. externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.				
Agent	Advance Planning Licensing				
On behalf of	Town Sky Investment Ltd				
Registered Number	Application 1: 18/02472/FULL Application 2: 18/02473/ADV	Date amended/ completed	28 March 2018		
Date Application Received	27 March 2018				
Historic Building Grade	Unlisted	•			
Conservation Area	Pimlico				

1. RECOMMENDATION

Application 1:

Refuse permission- loss of retail, impact on residents, design (awnings)

Application 2:

Grant conditional advertisement consent.

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.

Application 1 is for a change of use from A1 retail to a mixed retail/ restaurant use (sui generis) with associated ducting to the rear and retractable awnings to the front and side elevations.

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Application 2 seeks advertisement consent for the display of 3 no. externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.

The key issues for consideration are:

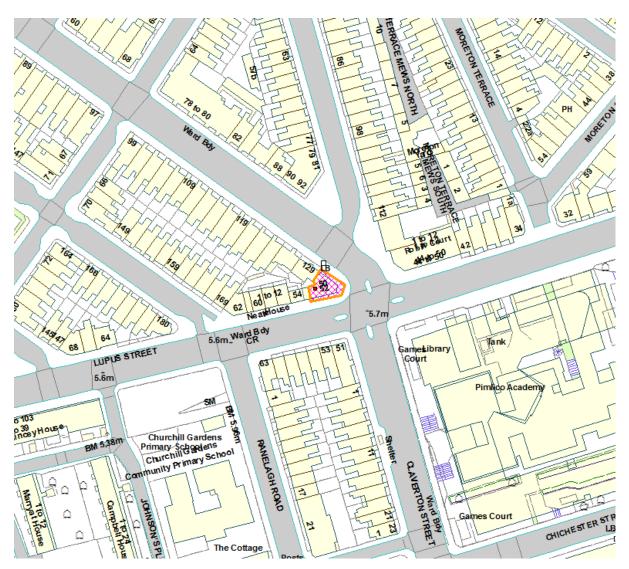
- *The impact of loss of A1 retail on local shopping facilities
- *The impact on the appearance of the building and upon the character and appearance of the Pimlico Conservation area.
- *The impact of the proposals on neighbouring residential amenity

Both applications have been assessed against the relevant policies as set out in the Unitary Development Plan (January 2007) and Westminster's City Plan (November 2016).

Application 1 is considered to be unacceptable in terms of land use, design and residential amenity.

Application 2 is considered to be acceptable in terms of design, residential amenity and highways safety and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection

THE FEDERATION OF PIMLICO RESIDENTS ASSOCIATIONS:

Objection.

- -The application is too vague for proper consideration
- -The property is unsuitable for any use in Class A3 due to is location on a busy corner, the residential properties above, traffic considerations, noise late at night and smells from cooking.
- -The retail parade should be retained, there are too may A3 uses in the area.

MORETON TRIANGLE RESIDENTS ASSOCIATION:

Objection

-The immediate area is already well served by A3 outlets and A1 usage is more appropriate at this location.

PIMLICO GRID RESIDENTS' ASSOCIATION:

Object to both applications.

Application 1 18/02472/FULL

- -The applicant has not sufficiently demonstrated the need for a change of use from A1 to A1/A3.
- -The applicant's documentation is not sufficiently specific or robust in its proposals.
- -The applicant has not sufficiently considered the impacts of their proposals on the residents of the encompassing residential building and others nearby.

Application 2 18/02473/ADV

- -The applicant has not sufficiently demonstrated a need for this application as: if the applicant is proposing to trade during daytime hours there will be little visible benefit from having an illuminated fascia, other premises nearby do not have illuminated fascia signs (including those serving food and drink that trade beyond 18:00) and because the proposals are likely to increase light pollution for surrounding residents.
- -Other signs in the parade are flat and non-neon, which means they have minimal impact on the surrounding properties.
- -The signage would erode the character of the conservation area.

CLEANSING MANAGER:

No objection, conditions suggested.

-The drawings submitted are not in line with the Council recycling and waste storage requirements. A condition should be included which requires a revised plan indicating the proposals for the storage of residual waste, food waste and recyclable materials which must be approved prior to commencement of the development.

HIGHWAYS PLANNING MANAGER:

No objection, conditions suggested.

- -No car parking is provided. However, the site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to these controls. The impact on parking levels will be minimal
- -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

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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.

ENVIRONMENTAL HEALTH:

Objection.

- -The acoustic report states that the most affected premises are the flats at 129 St George's Drive. However, from the plans it appears the flats of the building housing the development may be the most affected. The applicant is therefore requested to confirm which is correct and adjust the sound mitigation measures if necessary.
- -There are residential flats immediately above the unit and the acoustic report has not assessed for noise transfer through the building. The applicant is therefore requested to submit a new acoustic report that assess the building fabric to demonstrate that mitigation measures are achievable to prevent the existing residents from being affected.
- -The kitchen extract ventilation does not comply with Environmental Health requirements as the discharge point is within 20m of a neighbouring building which is also higher. Additional odour control is proposed but this will not provide a universal solution.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 72 Total No. of replies: 120 No. of objections: 49 No. in support: 71

49 Letters of objection have been received on some or all of the following grounds:

Design

- -The extraction duct would be unsightly and add to visual clutter.
- -The retractable awning would have a negative impact on the conservation area.
- -The building will be visually overbearing.
- -The raised neon signage would be out of keeping with the surrounding properties/ area.
- The proposals fail to preserve or enhance the appearance and Character of the Pimlico Conservation Area.

Amenity

- -The installation of the duct and proposed cooking will cause noise disturbance, vibration, odours and reduce air quality.
- -The operating hours are too long and there will be increased noise and disturbance from customers leaving late at night and an increase in traffic.
- -The large windows and outdoor seating would cause a loss of privacy and light pollution/spillage to surrounding residential properties.
- The proposals could lead to anti-social behaviour, especially if alcohol is sold.

Land Use

- -The loss of an A1 unit would harm the retail function of the area.
- -There is already an over provision of A3 units in the area.
- Not clear from the plans exactly how the A1/A3 operation would function

Highways

- -The proposals would lead to the loss of parking, double-parking and dangerous driving near a major set of traffic lights and disturbance from servicing.
- -No details of waste storage provided.

Other

- -The application lacks detail.
- -The restaurant would generate food waste encouraging vermin and foxes.
- -The site is Located close to three schools which could lead to accidents, when children try to cross the road and health implications related to the food offering.
- Permitting A3 will reduce the price of the properties above and increase insurance premiums.
- Concern raised about whether alcohol will be served.
- Change of use could disrupt access to the physio centre and noise nuisance for users.
- the provision of a grill/ cooking appliances could potentially create a fire hazard for 127-129 St George's Drive (Neate House) which do not have fire escapes.

71 Letters of support have been received on some or all of the following grounds.

Design

-The modern contemporary look of the café will improve the look of the building.

Land Use

-The proposals would be beneficial to the area and community, which currently has a poor selection of cafes and restaurants providing healthy organic food.

<u>Amenity</u>

- -With the latest extraction technology in place, the proposals would not create a nuisance for nearby residents.
- -The café would be located on a busy highway not a residential street and is appropriate for the area.

Other

- -The application would help other local traders/ Pimlico Road Farmers Market and counter balance the high levels of chain stores in Pimlico
- -The proposals would provide a wheelchair friendly café, which the area is currently lacking.
- -The proposals will make the outside of the building less suitable for rough sleepers.
- There are no wheelchair friendly cafes, with toilets in the area.

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 the grounds that the loss of the retail unit would harm the retail character and function of the area and because it was considered that the information submitted was insufficiently detailed with respect to the proposed A3 use. In the absence of such information the full impact upon neighbouring residents could not be fully assessed and it was considered that the proposals could have a potentially adverse impact on neighbouring residents and the character and function of the area (RN: 04/08257).

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 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).

7. THE PROPOSAL

Application 1 is for a change of use from A1 retail to a mixed retail/ restaurant use (sui generis) with associated extract ducting attached to the rear wall of Neate House and retractable awnings attached to the front and side elevations.

The applicant states that the floorspace will be split equally between A1 and A3, however no explanation has been given as to how this was calculated.

	Existing GIA (sqm)	Proposed GIA	+/-
		(sqm)	
A1	77	38.5	- 38.5
A3	0	38.5	+38.5

Application 2 seeks advertisement consent for the display of three externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the ground floor unit is retail (Class A1), the last occupier was a chemist operated by "Geewick Ltd". The application seeks a change of use from A1 to a mixed retail/ restaurant use (sui generis), the applicant's agent states: "the proposal is to create a space with mix use of A1 and A3 where the main purpose of the premises will be A1 selling Artisan and Organic Coffees, organic specialty teas, organic and glutenfree bread, sandwiches and cakes".

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The proposed floor plan shows a cooking area with grill, a counter and shelves, a seating area (9 tables, 28 chairs) and a toilet area (2 toilets). From the information provided, it would appear that the mixed retail/ restaurant use (sui generis) would operate very much like a conventional A3 restaurant, with only a small or ancillary amount of A1 retained.

8.1.1 Loss of Retail

Objectors contend that the loss of the A1 use would harm the retail function of the area.

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.

A letter from the landlord of the property "Geewick Ltd" has been provided dated 21 May 2018, which states that the unit became unviable to operate as a chemist and due to suffering loss of profits, the landlord started marketing the property themselves in June 2015 (Ground and Basement floors). On 1st December 2015 the landlord states they sub-let the basement level and, having continued to market the ground floor themselves and reducing the rent, decided to use a local commercial estate agent to market the ground floor from May 2016 for a further two years.

Evidence of the marketing undertaken by the commercial estate agent and of how the landlord marketed the property was requested by the case officer. In response, a further letter from the landlord dated 24 May 2018 has been provided stating that they have been unable to obtain the requested information from the estate agents, providing two undated pictures of the application site with an estate agents sign in the window instead. No evidence or further information about the methods used by the landlord to market the property has been provided.

It is considered that the information provided does not show that the ground floor is not viable as an A1 unit, as demonstrated by long-term vacancy despite reasonable attempts to let. 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 Council's most recent Shopping Centre 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.

8.1.2 Proposed Use

Objectors contend that the area surrounding the application site is a quiet residential area and that another A3 use would not be suitable. Supporters state that the application site is located on a busy main road in central London and that this type of use would not be out of place in the surrounding area.

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 premises (77sqm), and the nature of the use, UDP policy TACE 8 is applicable. TACE 8 relates to restaurant and café uses (Class A3) 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.

Objections have been received on the grounds that there is already an over provision of A3 uses in the area. Officers consider that whilst there are other entertainment uses within the vicinity including Goya (approx. 82m) and The Pimlico Fish Bar (approx. 180m). This does not constitute an overconcentration or "stress area". Lists and maps showing other entertainment uses in Pimlico has been provided by objectors, however the area shown is considered too wide to be relevant to the criteria in TACE 8 relating to cumulative impact.

Concern has been raised by objectors that odours from the kitchen will cause nuisance to surrounding residents, especially those living at Neate House. The applicant states that only minor food preparation will happen in the kitchen and that no frying or heavy cooking preparation will happen on site, however no detailed information about the menu or cooking methods has been provided. The proposals include the installation of a duct to the rear for kitchen extract ventilation, however this does not comply with

Environmental Health's requirements as the discharge point of the kitchen extract ventilation is within 20m of a neighbouring building and would be below the windows of the residential flats at 129 St George's Drive.

Objectors also state that noise generated by the proposed mixed retail/restaurant use (sui generis) and associated ventilation machinery will cause unacceptable disturbance. No information has been provided with regards to capacity, staff numbers or mitigation measures to reduce disturbance from customers. An acoustic report has been provided with the application, however this has not assessed for noise transfer through the building fabric and fails to demonstrate that the proposals can meet the City Council's policies for noise and vibration.

Objectors have also stated that the proposed use would increase parking pressure in the surrounding streets and could involve later servicing which would cause disturbance to residents. 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. However, the Highways Planning Manager recommends that if permission is granted, a condition be attached to ensure that no delivery service should operate from this location. No servicing details have been provided.

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.

Overall, it is considered that the information submitted is insufficiently detailed with respect to the proposed mixed retail/restaurant use (sui generis). In the absence of such information, the full impact upon neighbouring residents and on the character and function of the area cannot be fully assessed. It is considered that these proposals could have a potentially adverse impact on neighbouring residents and on the character and function of the area cannot be fully assessed. This would not meet Policy S24 of the City Plan and Policy TACE 8 of the UDP.

8.2 Townscape and Design

Application 1

The proposals involve the installation of retractable awnings to the front and side elevations and a full-height duct to the rear of the building.

The building is modern, with a simply designed front elevation. The street does not include awnings/ canopies. Letters of support state that the modern contemporary look of the café would improve the overall look of the building. Officers consider that the awnings would break the unaltered and flat appearance of the building's elevation and would not be in keeping with the other shopfronts. Accordingly, it is considered that the installation of the awnings would fail to maintain or improve (preserve or enhance) the character and appearance of the building and Pimlico Conservation Area.

Objections have been received regarding the design of the proposed duct. The tightly enclosed nature of the rear elevation is such that very few views of the proposed duct

will be available. The rear elevation adds little to the significance of the building and therefore the erection of a duct may be considered acceptable. However, further details of the duct, showing its relationship with the roof are required in order for a judgement on its acceptability to be made. Had the application been considered acceptable, conditions would have been recommended requiring further details.

Application 2

Advertisement consent is sought for the display of three externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.

Objections have been raised on the grounds that the raised "neon" signage would look out of place and erode the appearance of the surrounding area.

The signs would be stainless steel "floating lettering" and the applicant has confirmed that the only method of illumination proposed is trough lighting. It is considered that by virtue of their size, location and method of illumination, the proposed signs would be in accordance with DES8, DES 9 and the Council's "Advertisement Design Guidelines" (1992).

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 state that these windows will allow customers of the mixed retail/restaurant use to look directly into the windows of surrounding residential properties, leading to an unacceptable degree of overlooking. It is noted that two of the windows on the Lupus Street elevation have previously been obscured by advertisements and that these will be removed under the current proposals. However, permission is not required to remove the advertisements and the size of the windows will not be changing. Given the distance between the windows of the unit and those in directly facing residential properties (approx. 21m to 53/55 Lupus Street), it is considered that the proposals would not lead to an unacceptable degree of overlooking. Concern has also been raised about noise disturbance and overlooking from outdoor tables and chairs, however this is not proposed and would require a further application.

Objectors raise concern that the existing windows and proposed signage will create light spillage, disturbing surrounding residents. The proposed signage will be externally illuminated by trough lighting and as previously stated the windows will not be changing in size. Accordingly, it would not be sustainable to refuse the proposals because of potential light spillage.

Given its size, massing and position on the rear elevation, it is considered that the proposed extract duct would not cause an unacceptable reduction of light or increased sense of enclosure to surrounding properties.

Environmental Health have objected on the grounds that insufficient information has been provided to demonstrate that the proposed kitchen extract duct will be designed and operated without causing harm to the amenity of neighbouring residential occupiers

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as a result of noise, vibrations and odours. Without this information, the proposals would not meet Policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

Application 1

Transportation/parking issues have been covered in section 8.1.2 above.

Application 2

Because of their size, position and method of illumination the proposed fascia signs are considered to be acceptable in terms of highways safety.

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

Objections have been raised on grounds that no refuse storage details have been provided and that any waste left outside could encourage vermin and foxes. It appears from the drawings that waste storage could be accommodated within the unit, had the application been acceptable, a condition could be attached requiring details of waste storage to be approved prior to commencement of the use.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

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

8.11 Environmental Impact Assessment

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

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8.12 Other Issues

Fire Risk

Objectors have raised concern that the provision of a grill/ cooking appliances could potentially create a fire hazard and that 127-129 St George's Drive (Neate House) do not have fire escapes. Whilst noted, these are matters to be considered under the building regulations.

The Sale of Alcohol

The applicant states that they do not intend to sell alcohol, however this is a licencing matter.

Works on Site

Complaints have been received that work has already commenced on site. The Council's Planning Enforcement Team have been made aware and are investigating the matter.

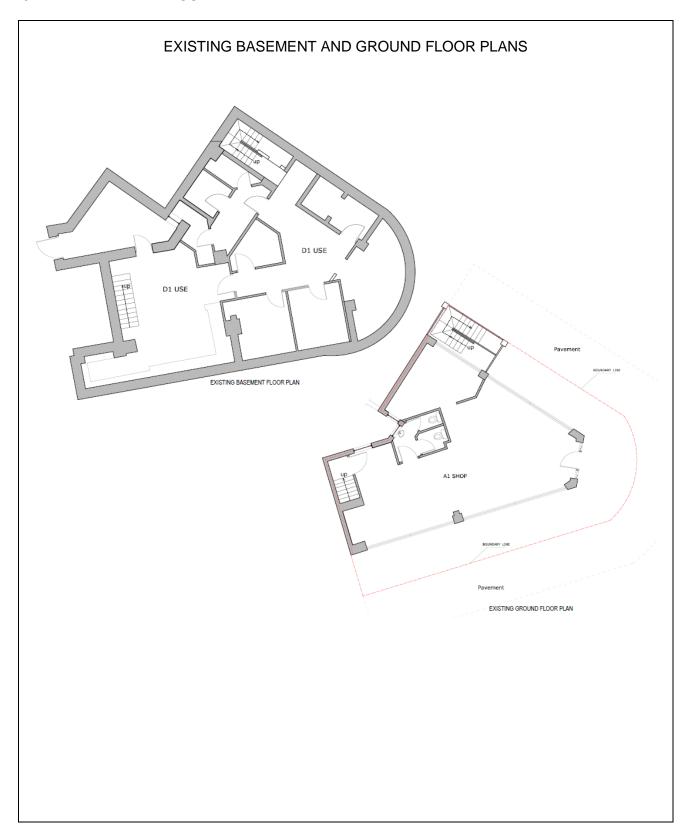
Other Matters

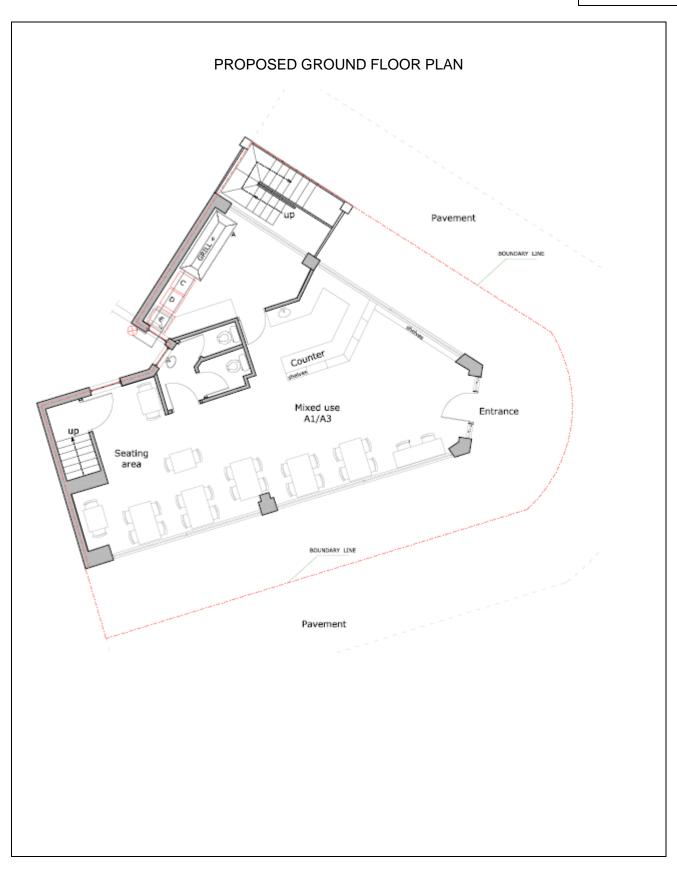
Whilst noted, matters such as property prices, insurance premiums, proximity to schools and counter balancing the number of chain stores in Pimlico are not planning considerations.

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk,

9. KEY DRAWINGS

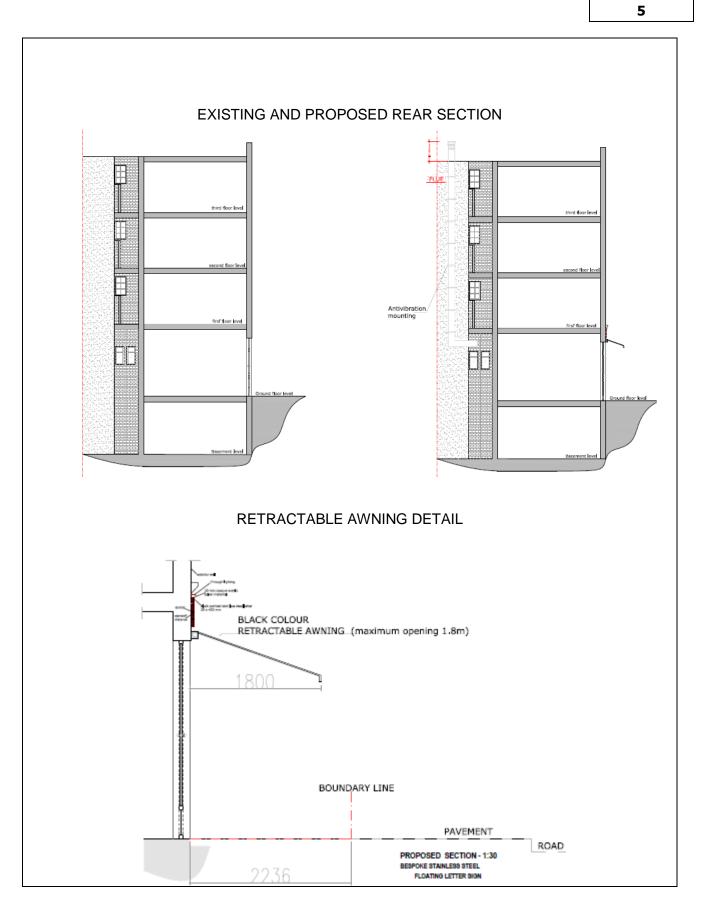


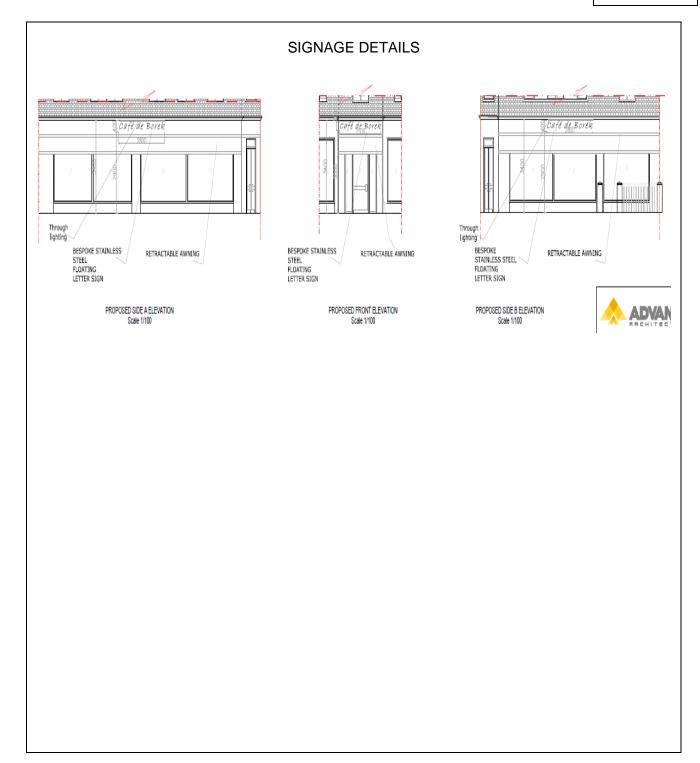




PROPOSED FRONT AND SIDE ELEVATIONS







DRAFT DECISION LETTER

Address: 52 Lupus Street, London, SW1V 3EE

Proposal: 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.

Reference: 18/02472/FULL

Plan Nos: Site Location Plan; P-102 P-105; P-104; P-107 Rev. 1; Design and Access

Statement; Noise Impact Assessment Report - Mechanical Plant dated 19 March 2018; Ventilation Statement; Marketing Information; E-mail dated 9 May 2018.

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:

It is considered that the information submitted is insufficiently detailed with respect to the proposed retail/restaurant use (sui generis). In the absence of such information, the full impact upon neighbouring residents and on the character and function of the area cannot be fully assessed. It is considered that these proposals could have a potentially adverse impact on neighbouring residents and the character and function of the area. This would not meet S24 and S31 of Westminster's City Plan (November 2016) and TACE8 and ENV 5 of our Unitary Development Plan adopted in January 2007.

Reason:

Because of their location, size and appearance the proposed awnings would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

Reason:

Insufficient information has been provided to demonstrate that the proposed kitchen extract duct will be designed and operated without causing harm to the amenity of neighbouring residential occupiers as a result of noise, vibrations and odours. Without this information your proposal would not meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

DRAFT DECISION LETTER

Address: 52 Lupus Street, London, SW1V 3EE

Proposal: Display of 3no. externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x

2.8m and 0.3 x 2.5m.

Reference: 18/02473/ADV

Plan Nos: Site Location Plan; P-104; P-106 Rev. 1; P-107 Rev.1; Design and Access

Statement.

Case Officer: lan Corrie Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

