

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 25 September 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>163-167 Praed Street, London, W2 1RH,</b>		
<b>Proposal</b>	<p><u>Application 1 (RN: 17/10613/FULL)</u> Reconfiguration of ground and basement floors to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, use of part of 1st floor as Class B1 office and part as dual/ alternative Class B1/ A3 use, use of 2nd floor as Class B1 offices, erection of a two storey roof extension to form new 3rd and 4th floors for use as Class B1 offices and alterations to the existing building including extensions to oversail the highway at 1<sup>st</sup> and 2<sup>nd</sup> floor levels, facade re-cladding, installation of new kitchen extract duct, installation of roof level mechanical plant and associated works.</p> <p><u>Application 2 (RN: 18/00071/LBC)</u> Erection of a two storey extension to existing retaining wall to Paddington District and Circle Line Underground Station.</p>		
<b>Agent</b>	Bidwells		
<b>On behalf of</b>	Yoda Holdings Limited		
<b>Registered Number</b>	17/10613/FULL and 18/00071/LBC	<b>Date amended/ completed</b>	15 January 2018
<b>Date Application Received</b>	29 November 2017		
<b>Historic Building Grade</b>	Unlisted (adjoining Paddington District and Circle Line Underground Station is Grade II listed)		
<b>Conservation Area</b>	Bayswater		
<b>Premises Licence</b>	<p>Existing restaurant at No.163 Praed Street (Aberdeen Angus Steak House has following permitted hours of opening:</p> <p>Monday to Saturday: 10:00 to 01:00</p> <p>Sunday 10:00 to 00:00</p> <p>Sundays before Bank Holidays: 10:00 to 01:00</p>		

## 1. RECOMMENDATION

### Application 1

1. Grant conditional permission.

### Application 2

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

## 2. SUMMARY

The site comprises of a three storey 1950s building with a basement level, located on the south side of Praed Street at the junction with London Street. The existing building is use as a Class A3 restaurant, Class A1 shop and a Class A2 bureau de change at basement and ground floors, with Class B1 offices on the upper floors.

The site is located within the Bayswater Conservation Area, the North Westminster Economic Development Area (NWEDA) and forms part of the Secondary Frontage of the Praed Street District Shopping Centre. The building on the application site is not listed, but its rear wall is shared with the adjacent Paddington District and Circle Line Underground Station, which is Grade II listed.

The scheme comprises two applications, one for planning permission (Application 1) and one for listed building consent (Application 2). Application 1 seeks permission for reconfiguration of the ground and basement floors to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, use of part of the 1st floor as Class B1 office and part as a flexible Class B1/ A3 use, continued use of 2nd floor as Class B1 offices, erection of a two storey roof extension to form new 3rd and 4th floors for use as Class B1 offices and alterations to the existing building, including extensions at 1<sup>st</sup> and second floor level oversailing the highway, facade re-cladding, installation of a new kitchen extract duct running through the building to roof level, installation of roof level plant within a plant enclosure to serve the enlarged building and associated external alterations.

Application 2 comprises a listed building consent application for upward extension of the rear wall of the building, which also forms the retaining wall to part of the Grade II Paddington District and Circle Line Underground Station to the rear of the site.

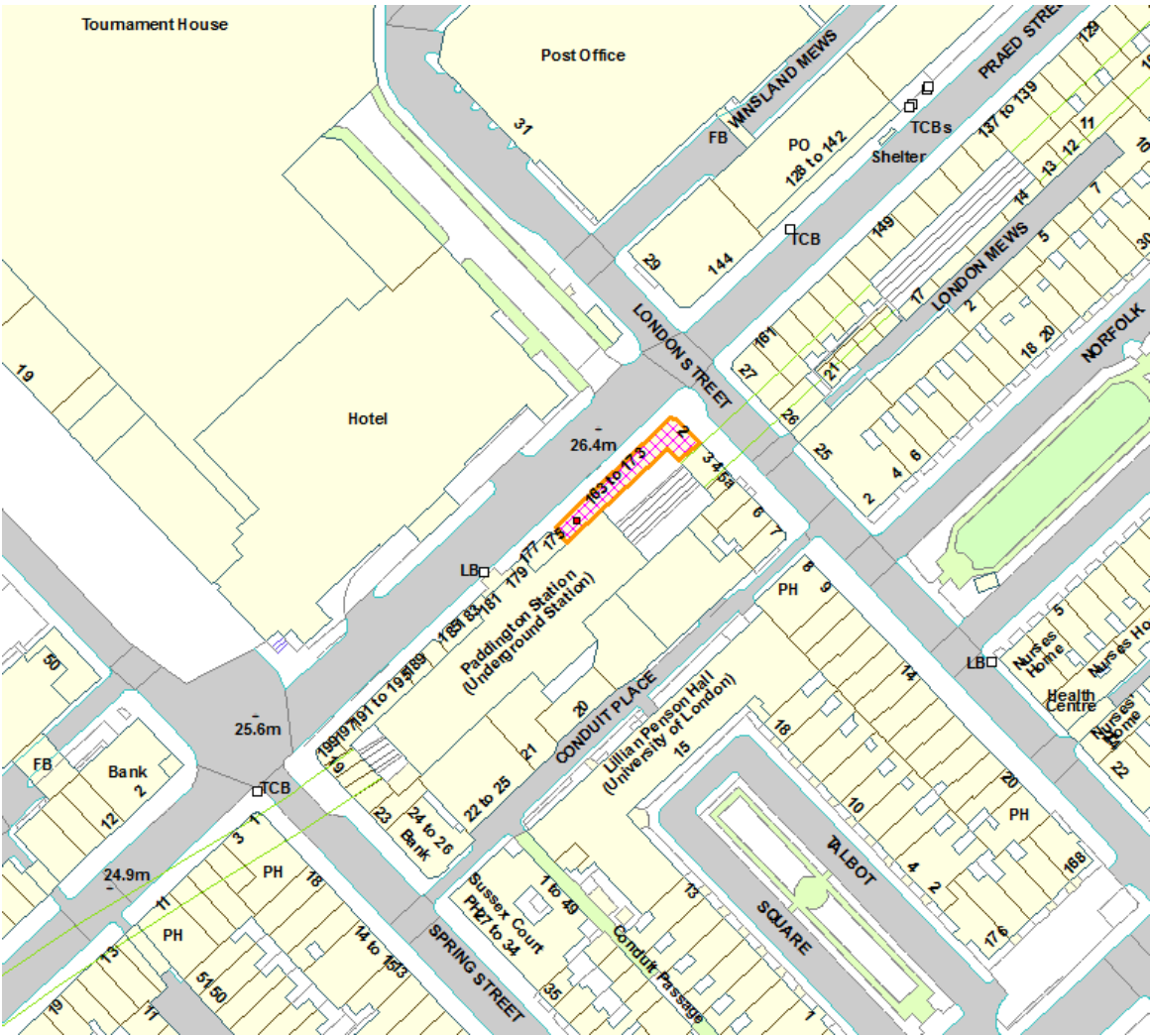
The key issues in this case are:

- The impact of the proposed development on the appearance of the building and the character and appearance of the Bayswater Conservation Area.
- The impact of the development on the special architectural interest of the listed station and the setting of surrounding listed buildings.
- The acceptability of the proposed uses in this location within the NWEDA and Praed Street District Centre.

- The impact of the extensions oversailing the highway in Praed Street and London Street on the usability and safety of the pavement of the public highway.
- The impact of the proposed development on the amenity of neighbouring residents.
- The impact of servicing of the proposed development on the surrounding road network.

For the detailed reasons set out in the report, the proposed development is considered to be acceptable in land use, design and conservation, amenity, highways and environment terms and would comply with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, the applications are recommended for approval subject to the conditions as set out in the draft decision letters appended to this report.

**3. LOCATION PLAN**



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4. PHOTOGRAPHS



Views of existing building from Praed Street.



View from London Street (top) and view from existing retaining wall to Paddington District and Circle Line Underground Station as seen from platform level (bottom).

## 5. CONSULTATIONS

### 5.1.1 Consultation on Initially Submitted Scheme (December 2017/ January 2018)

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### CLEANSING MANAGER

Objection. Waste storage is shown for the Class A3 use but also needs to be shown for the Class A1 and B1 uses.

#### ENVIRONMENTAL HEALTH

No objection. Recommend that the hours of opening of the restaurant should be restricted. No that the food businesses proposed would need to be registered with the Council's Food Team, who would require further details of these businesses. Conditions recommended including hours to control the use of mechanical plant and to prevent noise and vibration disturbance being caused by the mechanical plant.

#### DESIGNING OUT CRIME ADVISOR

Recommendations made in relation to ensuring security measures are implemented.

#### HIGHWAYS PLANNING MANAGER

No objection. Note that cycle parking should be secured by condition. Further details of waste storage need to be provided (see Cleansing Manager comments). Condition should be imposed to prevent a delivery service being operated from the restaurant unit. On balance use of the highway for servicing is considered to be acceptable given the limited increase in floorspace and as the existing building is already serviced from the highway. However, this is subject to a condition to secure an Operational Management Plan/ Servicing Management Plan (OMP/SMP) to ensure servicing is managed to minimise impact on the highway. Other conditions and informatives recommended.

#### HISTORIC ENGLAND

The application should be determined in accordance with national and local policy guidance.

#### PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)

Support. Scheme represents a marked improvement in terms of the quality of the streetscape in Praed Street at this vital front door to London. Proposal would improve the retail and office floorspace on the site. Provision of smaller scale Class B1 office space meets demand for smaller scale offices in the area.

#### TRANSPORT FOR LONDON

Comment that following points are raised in addition to those made by London Underground:

- Cycle parking should be provided in accordance with the London Plan.
- Given the site constraints, to avoid disruption to bus services and highway users then a Deliveries and Servicing Plan and a Construction Management and Logistics Plan should be secured.

#### LONDON UNDERGROUND

No objection in principle to development, subject to condition to require further structural details to ensure development will no harm London Underground Infrastructure. And to ensure he development will not pose a security risk to the underground railway. Object to the siting a kitchen extract duct on the rear elevation oversailing the platform of the District and Circle Line station. Existing duct does not appear to have LU consent and its maintenance would require a right of access, which the applicant does not have. It also poses a safety risk if it falls from the building.

#### BRITISH TRANSPORT POLICE

No objection in principal. Security measures may need to be considered where the building abuts the adjoining station building to prevent any ease of access by an intruder.

#### CROSSRAIL

No comment.

#### LONDON FIRE BRIGADE

Any response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 58; No. of Responses: 0.

#### ADVERTISEMENT/ SITE NOTICE

Yes.

### **5.2.2 First Reconsultation - On revisions to relocate kitchen extract duct from rear elevation to within the envelope of the extended building (May 2018)**

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### CLEANSING MANAGER

Further details are required of the bin capacities to confirm that the bin stores proposed are of sufficient size to accommodate waste and recycling generated by the retail, restaurant and office uses.

#### DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH

No objection to the principle of re-routing of the flue through the building. Comment that:

- Normal requirement is for duct to discharge higher than any building within 20 metres.
- Odour reduction scheme should be considered if there are higher buildings between 20m to 50m from the flue extract point.
- Flue will need to be housed in a fire rated compartment where it is routed internally.
- The flue should have access hatches every 3m for cleaning and maintenance purposes.

Condition suggested to reserve further details of the extract height and design of the kitchen extract equipment.



**HIGHWAYS PLANNING MANAGER**

No objection, subject to same comments as made in respect of initial consultation.

**HISTORIC ENGLAND**

The application should be determined in accordance with national and local policy guidance.

**LONDON UNDERGROUND**

No objection in principle and welcome relocation of kitchen extract duct from rear elevation to within the envelope of the building. Other comments remain the same as comments in response to consultation on the initially submitted scheme.

**PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)**

Any response to be reported verbally.

**TRANSPORT FOR LONDON**

Any response to be reported verbally.

**BRITISH TRANSPORT POLICE**

Any response to be reported verbally.

**CROSSRAIL**

No comment.

**LONDON FIRE BRIGADE**

Any response to be reported verbally.

**ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS**

No. of Consultations: 60; No. of Responses: 1. Email and brochure received from the applicant in support of the application.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**5.2.3 Second Reconsultation - Following amendment of drawings to consistently show upper floors oversailing the highway and correction of description to refer to oversailing of the highway (August 2018)****HYDE PARK ESTATE ASSOCIATION**

Any response to be reported verbally.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Object on the following grounds:

- Do not agree that the 'protruding extension' added on upper floors to wrap round the corner of London Street and at the west elevation next to the listed station building as this is not a proposal that will enhance the present building, street scene nor the Bayswater Conservation Area.

- Object to the proposed Class A3 use on first floor above the present restaurant and would prefer just office use as there are more than enough A3 uses in Praed Street and the surrounding area.
- Worried that if A3 use is allowed on the first floor, the opportunity will be taken to have a large garish sign (and maybe even flashing) behind the large window on the first floor so as to be exempt from advertisement control. This would spoil not only views from Praed Street but also detract from the listed hotel opposite and spoil view from the station and the new Paddington Square piazza immediately opposite. Therefore, a condition is required to stop this happening or at least that advert consent is required for any signage, external or internal, on all floors including the ground floor.
- If Class A3 is allowed there should be control of opening hours and prohibit the use of a takeaway service.
- Disappointed that opportunity has not been taken to improve the present unattractive shop fronts of both Class A3 and enlarged Class A1 unit when a substantially larger retail unit is being applied for.
- There should be a condition that a Construction Management Plan is submitted for approval as this is a very sensitive site due to the proximity to bus routes, the busy Paddington Station (high volume of pedestrians and deliveries to shops etc.) and the soon to commence demolition and construction works on the 'Paddington Cube' site opposite.

#### HIGHWAYS PLANNING MANAGER

No objection. Cycle parking should be secured by condition. Welcome revision of front door to prevent it opening over the highway. The overhang of the building on the street facades meets the criteria for structures oversailing the highway (2.6m or more vertical clearance and set back by 1m or more from the edge of the carriageway) and therefore this is not objectionable. Waste stores are now shown and that is welcomed. Conditions to prevent a takeaway service from the restaurant and to require an OMP/ SMP are recommended along with other conditions to control highway impact.

#### LONDON UNDERGROUND

Any response to be reported verbally.

#### DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

#### CROSSRAIL

No comment.

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 60; No. of Responses: 0.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site comprises of a three storey 1950s building with a basement level, located on the south side of Praed Street at the junction with London Street. The building has an L-

plan form with a return onto London Street. The building appears to be constructed around a concrete frame, which has been clad in brick facades and a projecting curtain wall on the front elevation. The building is use as a Class A3 restaurant, Class A1 shop and a Class A2 bureau de change at basement and ground floors, with Class B1 offices on the upper floors.

The site is located outside of the Central Activities Zone (CAZ) and is adjacent to the southern boundary of the Paddington Opportunity Area (POA). The site is within the North Westminster Economic Development Area (NWEDA) and forms part of the Secondary Frontage of the Praed Street District Centre.

The site is located within the Bayswater Conservation Area. Whilst the building is not listed, its rear wall is shared with the adjacent Paddington District and Circle Line Underground Station. The list description for the Paddington District and Circle Line Underground Station specifically includes reference to the retaining walls, which form part of the special interest of the station where they comprise their original decorative form at platform level. Above the original decorative elements of this wall at platform level, the retaining/ rear wall of the existing application building is a three storey wall comprising an externally expressed concrete frame with brickwork infill between the frame elements.

## **6.2 Recent Relevant History**

### **6.2.1 Nos.163-173 Praed Street (Offices on Upper Floors)**

#### 01/01918/FULL

Installation of five air conditioning units on the roof of the building.  
Application Permitted                      3 May 2001

#### 90/04276/FULL

Change of use from office use to educational use.  
Application Permitted                      11 October 1990

### **6.2.2 Nos.171-173 Praed Street (Currently a Budgens Retail Unit)**

#### 93/01155/FULL

Erection of duct at rear of building,  
Application Permitted                      19 October 1993

#### 92/06768/CLEUD

Use of basement and ground floor premises as restaurant/ café with ancillary retail.  
Application Permitted                      7 October 1993

## **7. THE PROPOSAL**

The scheme comprises two applications, one for planning permission (Application 1) and one for listed building consent (Application 2). Application 1 seeks permission for substantial refurbishment and extension of the existing building. At ground and basement floor levels it is proposed to reconfigure and rationalise the existing retail

floorspace to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, with the existing bureau de change omitted.

At first and second floor level the existing Class B1 office use would be retained as existing, although the applicant is seeking a flexible dual/ alternative use of part of the first floor so that it could be used as additional Class A3 floorspace in conjunction with the Class A3 unit at ground and basement level. It is proposed to extend the first and second floors so that they would extend out over the public highway below by approximately 0.5m to the Praed Street and London Street elevations. This projection would match the depth of the existing projecting bay, which is limited to part of the Praed Street façade of the existing building.

Above second floor level it is proposed to erect a two storey extension comprising a sheer third storey and a 4<sup>th</sup> floor roof storey with pitched roof slopes to the north, east and west roof slopes. It is proposed to use the new floorspace at 3<sup>rd</sup> and 4<sup>th</sup> floor level as additional Class B1 office floorspace. The alterations proposed to existing floorspace are shown in Table 1.

In combination with the proposed two storey extension it is proposed to reclad the north, east and west elevations in light/ buff brickwork with enlarged window openings. The new roof storey proposed would be finished in grey metal cladding. The existing detailing of the shop fronts at ground floor level would be retained, albeit with a new office entrance and amendments to omit the existing bureau de change shopfront.

Following amendment of the initially submitted scheme, it is proposed to replace the existing kitchen extract duct to the rear elevation, which can be seen from platform level within the Paddington District and Circle Line Underground Station, with a new kitchen extract duct running through the extended building and terminating at roof level. Additional plant to serve the extended building is also proposed at roof level with a plant enclosure.

Application 2 seeks listed building consent for the two storey upward extension of the existing retaining wall with the neighbouring Grade II listed Paddington District and Circle Line Underground Station. Listed building consent is not required for any other parts of the proposed development.

**Table 1 – Existing and Proposed GIA Floorspace Figures.**

Use	Existing GIA (m2)	Proposed GIA (m2)	+/-
Class B1 - Office	385	606	+221
Class A1 - Retail	104	137	+33
Class A3 - Restaurant	188	211	+23
Flexible B1/A3	0	88	+88
Class A2 (financial)	12	0	-12
<b>Total</b>	<b>689</b>	<b>1042</b>	<b>+353</b>

## 8. DETAILED CONSIDERATIONS

## 8.1 Land Use

### 8.1.1 Extension of Existing Class B1 Offices

As the site is located within the NWEDA, Policies S12 and S20 in the City Plan are relevant. Policy S12 supports the promotion of economic activity within the NWEDA, whilst Policy S20 directs increases in Class B1 office floorspace to the NWEDA. The application site is therefore an appropriate location for Class B1 office growth and the provision of additional office floorspace in this location, along with the retail uses retained on the lower floors, would promote economic activity within the NWEDA in accordance with aspirations of Policy S12.

### 8.1.2 Reconfiguration and Enlargement of Retail Uses

Policy TACE 9 in the UDP relates to entertainment uses and is relevant for this scheme, which proposes a restaurant unit of 211m<sup>2</sup> (and potentially up to 299m<sup>2</sup> if the additional Class A3 floorspace at first floor level is included), which would replace the existing 188m<sup>2</sup> restaurant unit. Policy TACE 9 states that permission will only be granted where the proposal would not have an adverse impact on residential amenity or the local environmental quality.

Whilst the concerns of the South East Bayswater Residents Association in terms of the number of Class A3 uses within the Praed Street District Centre are noted, given the relatively small size of the existing restaurant, which would remain modest in size following its expansion as part of the proposed scheme (even including the provision of an additional 88m<sup>2</sup> of Class A3 floorspace at first floor level), it is not considered that the expanded restaurant use would give rise to appreciable adverse impacts on residential amenity or the quality of the local environment. This is particularly the case given the existing busy existing environment along Praed Street and outside Paddington Station and as the nearest residential property is at No.161 Praed Street, some distance from the application site (approximately 17m to the east across London Street). However, this assessment is subject to the imposition of a number of conditions to control the operation of the enlarged restaurant. The following conditions are therefore recommended to ensure the enlarged restaurant use that is proposed would be acceptable in land use terms and compliant with Policy TACE9:

- Restriction of opening hours to between 10.00 and midnight Monday to Saturday and between 10.00 and 23.30 on Sundays (the applicant states these are the existing opening hours of the restaurant premises; albeit it has a premises licence allowing opening until 01.00 Monday to Saturday and on Sundays prior to Bank Holidays and until midnight on Sundays).
- A condition to ensure the provision of the new kitchen extract duct running through the building to roof level.
- Conditions to control the operational noise and vibration levels of the proposed kitchen extract duct.
- Compliance with the submitted operational management plan, which includes measures to ensure servicing does not adversely affect the public highway.
- Prevention of an ancillary takeaway delivery service being operated from the premises to the A3 use.
- Provision of waste and recycling storage within the premises.

As the site forms part of the Secondary Frontage of the Praed Street District Centre, Policy S21 in the City Plan and Policy SS6 in the UDP are relevant. The policies seek to retain retail floorspace within the District Centre, particularly at ground floor level, to ensure its character and function and vitality and viability are maintained, and the scheme is compliant with the policies in this regard. The loss of the existing Class A2 bureau de change use in favour of enlargement of the existing Class A1 retail shop unit is not contentious and whilst it is proposed to enlarge the existing Class A3 restaurant use, this would not be at the expense of Class A1 retail shop floorspace or frontage. As such, the reconfiguration of the retail uses within the building are acceptable and in accordance with Policies S21 and SS6.

### **8.1.3 Dual/ Alternative Class A3/ B1 Use of Part of First Floor**

As noted in Section 8.1.2, it is proposed to provide flexibility in terms of the size of the Class A3 unit, by proposing the dual/ alternative ('flexible') use of part of the first floor as either office floorspace or additional restaurant floorspace. Given there would be an uplift in office floorspace as a result of the proposed development (even with this floorspace used as Class A3 restaurant floorspace), and as the enlargement of the restaurant would not harm the amenity of residents and the local environment and would not adversely affect the character and function of the District Centre, this proposal is not considered to be objectionable.

The granting of a dual/ alternative use for this part of the building would allow the use to switch between Class A3 and Class B1 for a period of 10 years from the date of the permission under Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), with the use being carried out on the 10<sup>th</sup> anniversary of the permission becoming the lawful use thereafter. An informative is recommended to remind the use being carried out after 10 years will thereafter become the lawful use of this part of the building.

## **8.2 Townscape and Design**

### **8.2.1 Legislation and Policy Context**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 of the same Act indicates that *'In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*.

In terms of the NPPF the key considerations are addressed in Chapter 16 with paragraphs 195 and 196 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise of the Bayswater Conservation Area, Paddington District and Circle Line Underground Station, the London Paddington Hotel and the terraces on Norfolk Square.

Policy DES 1 in the UDP establishes principles of urban design and conservation, ensuring the highest quality of new development. With regards to architectural quality it states that development should be of the highest standards, use high quality materials appropriate to its setting and maintain the character, scale and hierarchy of existing buildings.

Policy DES 5 in the UDP seeks to ensure the highest standards of design in alterations. It specifically states that permission will generally be granted where the alteration does not visually dominate the existing building, its design reflects the style and details of the existing building and the use of materials is consistent.

Policy DES 6 relates to roof level extensions. Permission may be granted where the development is in sympathy with the buildings architectural character and where the design, form scale and materials accords with the surrounding built form.

Policy DES 9, which relates to Conservation Areas, states in Part C that the alteration of unlisted buildings should use traditional, reclaimed or recycled materials and should use prevalent facing and roofing materials, having regard to the content of relevant C Conservation Area Audits or other adopted Supplementary Guidance.

Policy DES 10 in the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

### **8.2.2 Bayswater Conservation Area and the Significance of Affected Heritage Assets**

The current application proposes a roof level extension and façade alterations. A detailed heritage appraisal has been submitted with the application and this has assisted with the assessment of the contribution that the application site makes to the conservation area.

The Bayswater Conservation Area was first designated in 1968 and was most recently extended in 2002 when the sub-character area the site lies in as included. Whilst the conservation area is residential in character, the area in which the application site is located has a very distinctive character owing to the presence of the train stations and the commercial development along Praed Street.

Historic maps have shown that by 1890 some retail units were located in front of the underground station, occupying the footprint of the current site. The site subsequently suffered bomb damage and by 1960 the site had been redeveloped with the current building. The building has been constructed above the retaining walls to the underground station, with the rear wall being visible from the station platform.

Presently the building on site comprises three storeys above ground level, with a lower ground floor level. The building line is slightly recessed behind the underground station entrance on Praed Street but is consistent with the adjacent buildings in Spring Street. The flat roof is concealed behind a tall parapet and contains an access enclosure and plant and other equipment. The elevations are faced in brick slips with curtain wall framing for the central area of fenestration.

The applicant's heritage statement has concluded that the site '*does not contribute to the heritage value of the Conservation Area*'. The existing building is considered to make a limited contribution to the character and appearance of the Conservation Area and therefore the principle of alterations and extension that improve its appearance are not contentious in design terms.

The adjacent Paddington Underground Station dates from 1868 and was built using a 'cut and cover' method which sought to enable smoke and steam to be emitted at either end of the platforms. The street frontage was rebuilt in 1914 by Charles Clark, the Metropolitan Railway Engineer, who introduced the flanking white glazed faience façade. The special interest derives, not exhaustively, from the buildings form and scale as well as the evolution found in its detailed design and function.

The London Paddington Hotel is located opposite the site and is Grade II listed. Dating from 1854 the building is noted as being the first large purpose-built hotel in London. Interest is found in the buildings architectural style and relationship with its setting. Norfolk Square is located opposite the Spring Street elevation of the site and contains Grade II listed terrace's, which date from the 1840s. Each building is of four or five storeys and they have a uniform character which contributes to their special interest.

### **8.2.3 Assessment of Proposed Development**

The application proposes a two-storey roof level extension, with the proposed third storey being in keeping with the proposed fenestration treatment at first and second floors and the top storey being designed as a 'roof storey'. The existing curtain walling and fenestration at first and second floor levels is to be replaced with an extension projecting 0.5m over the highway, with new masonry/ brickwork cladding and fenestration with a more regular pattern. The proposed mansard roof level at fourth floor level is to be clad in grey metal and will contain dormer windows on the north-east and north-west street elevations. The south-west elevation is to be chamfered at both third and fourth levels and will contain a single dormer at fourth floor level.

The South East Bayswater Residents Association have raised objection to the oversailing extension of the upper floors to the street elevations, which they consider to be harmful to the appearance of the existing building or the character or appearance of the Bayswater Conservation Area.

The existing building is considered to make a limited contribution to the character and appearance of the Conservation Area and therefore, as per Section 8.2.2, the principle of some improvement works is not contentious in design terms. The proposed scheme includes extension of the existing upper floors so that they oversailing the ground floor level on both the Praed Street and Norfolk Place elevations by approximately 0.5m. This allows the introduction of the new brick cladding system/ facing material, but also serves to maximise the floorspace on the upper floors. Whilst oversailing of the highway is not a typical arrangement along in this part of the City or within the Bayswater Conservation Area, a degree of oversailing is already present in the existing building, which has a central concrete framed 'bay' on the Praed Street elevation at first and second floor level, which projects by 0.5m. Furthermore, the overall façade improvements that can be delivered by allowing a small projection on the upper floors of this constrained site,



which could not be achieved without the additional projection, are considered to outweigh impact of the additional bulk that the projection creates.

Due to the palette of materials proposed, with brickwork the predominant facing material, the appearance of the building would be in keeping with the character and appearance of the buildings within the conservation area, which derives in part from their masonry form with punched window opening.

The surrounding buildings have varying heights; there is a single storey building directly to the rear of the site in London Street, the underground station is two storeys in height and the surrounding terraces are four or five storeys in height. In this context, the proposed height of the building will comfortably integrate with the surrounding building heights along Praed Street and Spring Street. The height complements the building on the opposite side of Spring Street and the neighbouring terraces and is not competitive with the taller buildings in the area, allowing them to remain visually prominent.

Due to the neighbouring single storey building in London Street, the rear elevation will be appreciated in part from the public realm. However, the material palette is to remain as existing and therefore the additional bulk is not considered to detract from the character and appearance of the conservation area, despite its functional appearance. Additionally, as the rear elevation of the site is supported by decorative piers and the retaining wall which formed the cut and cover part of the underground station, the additional height will be appreciated by those on the station platform. However, as this area was always intended to be sunken below street level and as the relationship with the open sky would not change significantly, the increase in bulk is not considered to harm special interest found in this part of the heritage asset.

Chamfering the south west side elevation away from the underground station is welcomed, as it allows for the form and proportions of the heritage asset to remain prominent in the street scene and prevents a blank flank wall views from the south west. During the course of the application the applicant has clarified the extent of mechanical plant required at roof level and made resultant revisions to the scale of the roof level plant enclosure to enclose all of the proposed plant, including the kitchen extract duct. As shown, the location and height of the plant enclosure would be visibly prominent in views from outside the station and in London Street to the north of the site. This has an adverse impact on the appearance of the building and the character and appearance of the conservation area due to its proximity to the street frontage of the building at roof level. As such, an amending condition is recommended to require the position, height and form of the plant enclosure to be revised so that it is less prominent in public views.

The roof level additions (kitchen extract duct and associated plant) are considered to be of limited scale and therefore they would not be visually appreciated in immediate views. Whilst they may be visible in longer and more oblique views, they are not considered to detract from the overall appearance of the building or the wider area.

It is noted that in extending the building a contemporary approach to a traditional form is proposed. This is considered to compliment the setting as mansard roof forms and strong masonry coping detailing are typical on buildings within the immediate setting, whilst the use of a metal cladding for the roof will use a traditional material in a

contemporary way. It is recommended that details of the proposed facing materials are secured by condition.

In terms of the impact on the setting of the identified heritage assets, the NPPF defines setting as the surroundings in which a heritage asset is experienced. There is considered to be a limited impact on the special interest of each identified heritage asset; their architectural form, character, appearance and relationship with the area is not considered to be impacted upon by the proposed works. In respect of paragraph 196 of the NPPF the works are considered to result in less than substantial harm, with the visual improvements to the building and the wider area considered to be a public benefit that outweighs the less than substantial harm that would be caused.

In conclusion, having had regard to the duties imposed by Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the Bayswater Conservation Area or on the setting of surrounding designated heritage assets. The extension of the existing retaining wall with Paddington District and Circle Line Underground Station would not harm the significance of this heritage asset. Therefore, the proposal is considered to comply with Policies DES 1, DES 5, DES 6, DES 9 and DES 10 in the UDP, Policies S25 and S28 in the City Plan and Chapter 16 of the NPPF.

### **8.3 Residential Amenity**

Policy ENV13 in the UDP and Policy S29 City Plan relate to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight or sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan seek to ensure that development does not result in noise disturbance or nuisance. Policy ENV7 specifically relates to the control of noise from mechanical plant.

#### **8.3.1 Daylight and Sunlight**

The nearest residential windows to the application site are located on the upper floors of No.161 Praed Street, which is separated by London Street and are located approximately 17m from the existing building. Other residential windows, and windows serving other light sensitive uses, in the vicinity of the site are a more significant distance from the application site and would not be materially affected in terms of losses of daylight or sunlight.

Policy ENV13 sets out that the impact of development in terms of losses of daylight and sunlight should be compliant with the standards set out in the Building Research Establishment (BRE) guidance document 'Site Layout Planning for Daylight and Sunlight' (2011). The applicant has undertaken a detailed daylight and sunlight assessment of the proposed scheme for the existing residential windows at No.161

Praed Street. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (NSL) available to windows in these properties. Sunlight is also assessed using the Annual Probable Sunlight Hours method of assessment. The submitted assessment demonstrates that all of the windows at No.161 Praed Street would be compliant with the BRE Guidelines and the proposed development would not cause any material losses of daylight or sunlight to neighbouring windows. As such, the scheme is compliant with Policies ENV13 and S29 in terms of daylight and sunlight impact.

### **8.3.2 Sense of Enclosure**

The nearest residential units to the site, at No.161 Praed Street, are separated by the width of the public highway along London Street. Taking into consideration the context of the site, where there are several taller buildings in the immediate context, it is not considered that the proposed two storey extension to the existing building would result in an unacceptable increase in sense of enclosure to adjacent occupiers. As such, the impact in terms of increased sense of enclosure would accord with Policies S29 and ENV13.

### **8.3.3 Loss of Privacy/ Overlooking**

There are no roof terraces proposed, with the use of the upper floors of the building being proposed to be used as Class B1 offices. The basement and ground floors are to remain in retail use. Given the proposed uses and as the separation of the site from neighbouring properties by the width of the public highway in Praed Street and Spring Street, it is not considered that significant additional overlooking would be caused to neighbouring properties. The rear elevation is to comprise a blank wall with no windows and therefore no overlooking would be caused to neighbouring properties to the rear. In this context, the proposals are considered to be acceptable in overlooking terms and consistent with Policies S29 and ENV13.

### **8.3.4 Mechanical Plant**

Mechanical plant and a new kitchen extract duct are proposed at main roof level. An acoustic report has been submitted during the course of the application and Environmental Health do not object on noise disturbance grounds. The acoustic report makes recommendations that the kitchen extract duct be fitted with a silencer and that the air handling units be fitted with acoustic louvres to the air intakes and exhausts. It is unclear if the submitted drawings show these noise attenuation measures and therefore a condition is recommended to secure drawings showing these noise attenuation measures to ensure they are provided and to ensure their appearance is acceptable. Subject to this condition and the other recommended conditions set out in the draft decision letter to ensure the mechanical plant operates in accordance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan, it is not considered that the mechanical plant would cause noise or vibration disturbance to neighbours.

Given the presence of the existing roof level extract duct to the rear elevation of the building, which is historic and lawful in planning terms, it is not considered to be reasonable to require further odour control measures as the proposed extract duct would discharge cooking odours at a higher level (above 4<sup>th</sup> floor rather than above 2<sup>nd</sup> floor

level), in a location that is further from the nearest neighbouring residential properties than the existing extract duct. Additionally, the duct would terminate in excess of one metre above roof level. An informative is recommended to advise the applicant of the recommendations from Environmental Health on the design of the kitchen extract and to remind the applicant that further planning permission will be required if the design of the kitchen extract duct is materially altered to meet the requirements of separate environmental health legislation.

#### **8.4 Transportation/Parking**

Policy S42 in the City Plan and Policy TRANS20 in the UDP seek the provision of off-street servicing as part of new development. Off-street servicing is not proposed in this case. However, given the scheme comprises modest extension of the existing office and retail uses on this site, which are currently serviced on street in London Street, the lack of off-street servicing is not considered to be objectionable.

The Highways Planning Manager has advised that he does not object to continuation of the existing servicing arrangements in respect of the enlarged building, subject to the servicing of the site being carried out in accordance with a Deliveries and Servicing Management Plan, which has also been requested by TfL in view of the importance of Praed Street to a number of bus routes. A Framework Operational Management Plan (FOMP) has been submitted with the application, which includes outline commentary on how servicing would be undertaken (see this document in the background papers). However, it is not considered that the details of servicing arrangements in the FOMP are sufficiently detailed to avoid increased disruption occurring to the public highway. Accordingly, a condition is recommended requiring submission of a more detailed Deliveries and Servicing Management Plan, which sets out in greater detail how servicing trips are to be managed and timed for all uses, and how servicing activity at the site is to be controlled so as not to obstruct the highway, particularly the along the footpath.

In terms of people arriving and departing the site, the levels would be similar to the existing situation, despite the increases in floorspace. Given the uses proposed and the proximity of a range of public transport options, the non-provision of off-street car parking is acceptable and in accordance with Policies TRANS21 and TRANS22 in the UDP. The proposals would not increase pressure on existing on-street parking in the vicinity, which is within a Controlled Parking Zone.

Policy 6.9 in the London Plan requires 1 cycle parking space per 175m<sup>2</sup> of Class A1 floorspace 1 space per 90m<sup>2</sup> of Class B1 office floorspace. Based on these ratios, the scheme is required to provide 1 cycle parking space for the Class A1 retail shop, 2 cycle parking spaces for the Class A3 restaurant and 7 cycle parking spaces for the Class B1 office floorspace. The scheme includes this number of cycle parking spaces within the building and is therefore compliant with Policy 6.9 in the London Plan. A condition is recommended to secure the provision of the cycle parking and its retention thereafter.

In terms of waste and recycling storage, the Cleansing Manager does not object to the principle of the waste and recycling stores that are proposed, but is seeking further details to ensure the stores are of sufficient size to meet the needs of the Class A1, A3 and B1 uses within the building. A condition is recommended to secure the further

details sought by the Cleansing Manager. Subject to the recommended condition, the proposal would accord with Policy ENV12 in the UDP.

The Highways Planning Manager raised initial concern that doors were shown opening partially over the highway to the restaurant and office elements of the scheme. Such arrangements can pose a risk to the safety of pedestrians and block the footpath, contrary to Policy TRANS3 in the UDP and S41 in the City Plan. The door to the restaurant unit would remain as existing and therefore this door is not objectionable. The proposed entrance door to the office accommodation has been amended during the course of the application to address this concern and ensure that the door would be sufficiently recessed so as not to open over the highway in Praed Street. The bin store to the retail shop has also been amended to have a sliding door to prevent this door from opening over the highway and causing an obstruction.

The scheme includes proposals to extend the building so that it would project over the footpath of the public highway in Praed Street and London Street at first floor level and above. The Highways Planning Manager advises that this is not objectionable in this case as canopies and structures over the highway must provide 2.6 metres vertical clearance to allow for pedestrian passage along the highway and must be set back 1 metre from the kerb edge to allow for sufficient clearance from vehicles. Where structures or canopies are within 1 metre of the kerb edge or over the carriageway 5.3 metres clearance must be provided. In this case the projection over the highway provides 3.8 metres of vertical clearance and would be set back by approximately 3 metres or more from the curb line along both Praed Street and London Street. As such, the proposed oversail of the highway would not have a significant adverse impact on the usability or safety of the public highway.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposed scheme comprises the retention and extension of the existing building and consequently the step up to the front entrance of the office and restaurant uses within the building would remain due to the height of the ground floor slab. However, once within the building, a lift is proposed, which would provide improved access to the office accommodation on the upper floors.

#### **8.7 Other UDP/Westminster Policy Considerations**

None relevant.

#### **8.8 Neighbourhood Plans**

Not applicable.

#### **8.9 London Plan**

The application does not raise any strategic issues.

## **8.10 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF (July 2018) unless stated otherwise.

## **8.11 Planning Obligations**

The scheme is of insufficient scale to require the provision of planning obligations.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on an additional 345m<sup>2</sup> of floorspace (GIA) as stated on the applicant's CIL form, the estimated CIL payment would be £61,489 for Westminster's CIL (£150 per square metre in Commercial Core) and £24,908 for the Mayor's CIL (£50 per square metre in Zone 1).

## **8.12 Environmental Impact Assessment**

The application is of insufficient scale to require the submission of an Environmental Impact Assessment.

## **8.13 Other Issues**

### **8.13.1 Construction Management**

TfL have suggested that given the tight constraints of the site and the proximity to bus routes, a condition should be imposed requiring a Construction Management/ Logistics Plan. Whilst a Framework Construction Traffic Management Plan has been submitted, officers share the concerns of TfL. This is because it would be premature at this stage to approve a detailed Construction Traffic Management Plan (CTMP), as the CTMP needs to be compatible with the construction works that have recently started on the 'Paddington Cube' development and associated public realm works opposite the site. A further consideration is the proximity of St. Mary's Hospital and the need to ensure that the construction works do not inhibit access to this facility, either in isolation or in combination with the works to be carried out on the 'Paddington Cube' site. In this context a condition is recommended reserving approval of a detailed CTMP.

In addition, given the sensitivity of the setting of the site (as outlined above) it is considered that it is a site that should be 'upgraded' from a 'Level 3' site to a 'Level 2' site under the Code of Construction Practice (CoCP). As a 'Level 2' site, the CoCP sets out that a condition should be imposed requiring compliance of the construction works with the CoCP and such a condition has been included on the draft decision letter.

It is considered that the measures set out in the preceding paragraphs would address the South East Bayswater Residents Association's concerns on construction management issues.

### **8.13.2 Impact of Existing Duct and Proposed Development on Adjacent Underground Station**

London Underground initially raised objection to the scheme due to the location of the kitchen extract duct, which was originally shown on the rear elevation, over sailing the platform of the District and Circle Lines at Paddington Underground Station. Despite this being the existing and apparently lawful situation, London Underground advised that any extension or replacement of this duct would not be acceptable to them given the risk they consider it poses to the safe operation of the railway. To address these concerns, the applicant has revised the scheme to route the duct through the building to roof level and this has addressed London Undergrounds initial concerns.

London Underground have requested a condition to ensure that the impact of the development on the structure of their adjacent station is appropriately considered and to ensure that the development can be carried out without need for access to the station and in a manner that does not compromise the security of the station (both during construction and post completion). This latter point was also of concern to the British Transport Police. Given the importance of safeguarding this strategically important piece of transport infrastructure, in accordance with Policy 6.3 in the London Plan, and to ensure that the station as a heritage asset would not be structurally harmed (see also Section 8.2), the condition recommended by London Underground has been included in draft decision letter appended to this report.

### **8.13.3 Other Issues**

The South East Bayswater Residents Association are concerned regarding potential advertisements on the inside of the first floor window for the Class A3 restaurant use and issues that may arise in controlling this. However, a condition cannot reasonably be attached to planning permission restricting advertisements which may otherwise be deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Should any signage be displayed which may be considered harmful to the visual amenity of the area, then the City Council may choose to take discontinuance action to seek removal of the advertisement.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

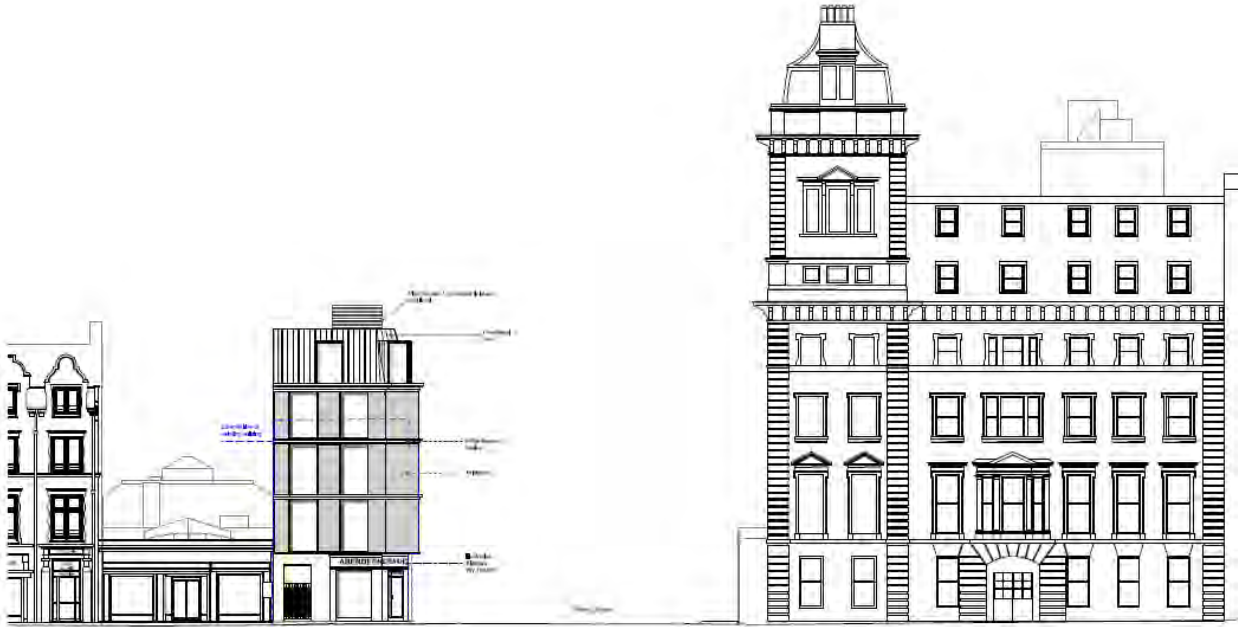




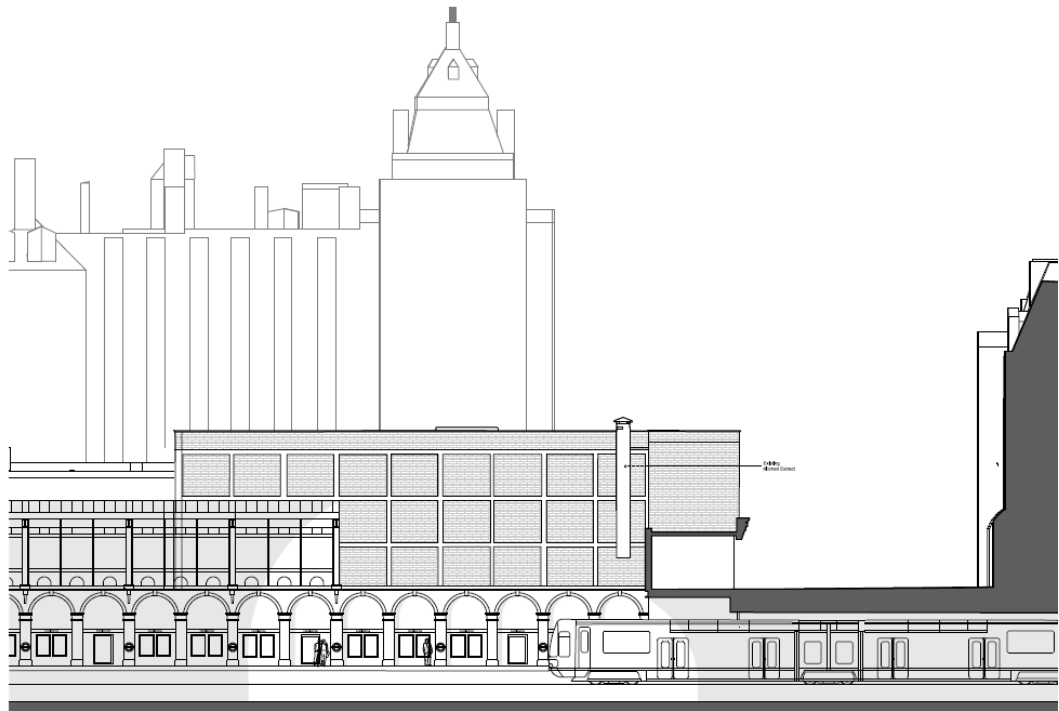
Existing London Street Elevation (North-East):



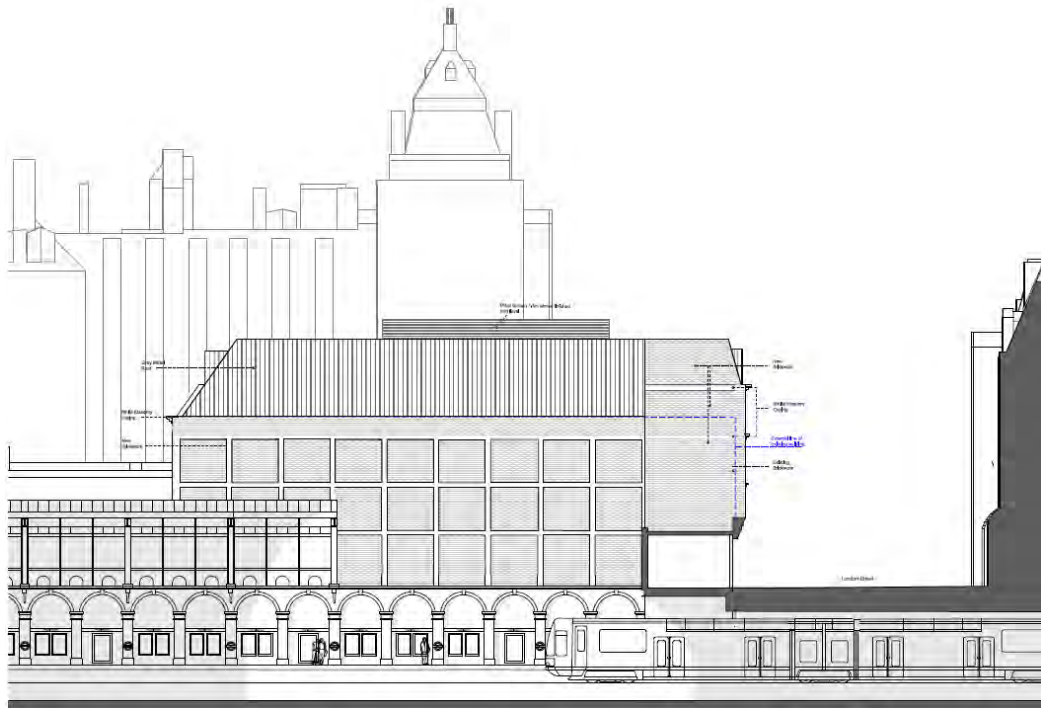
Proposed London Street Elevation:



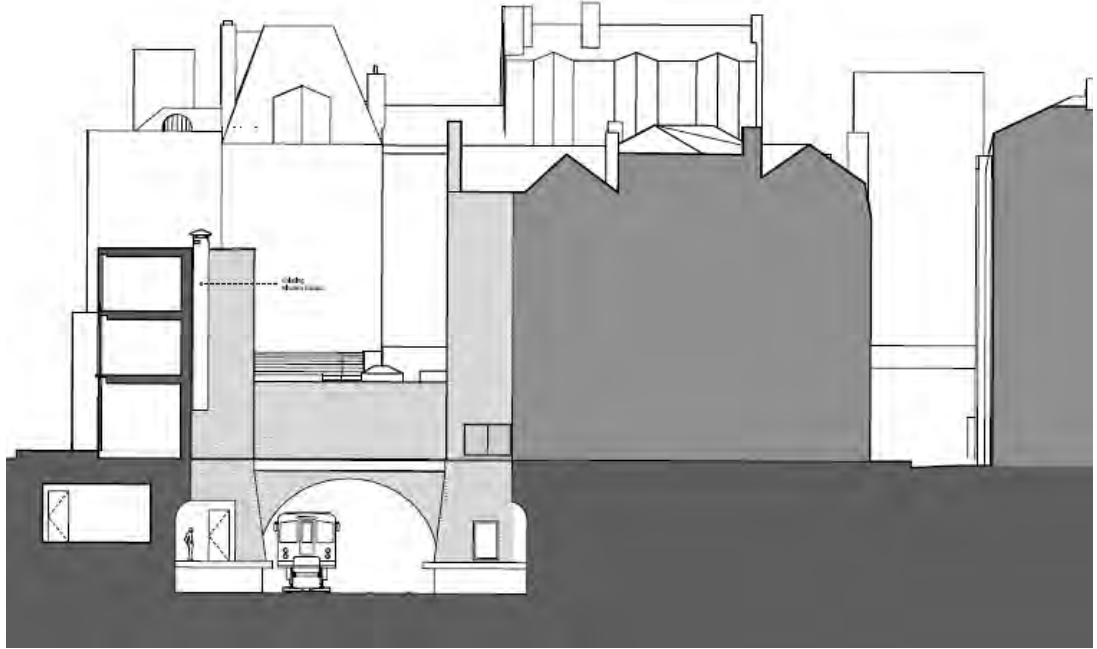
Existing Platform Elevation (South-East):



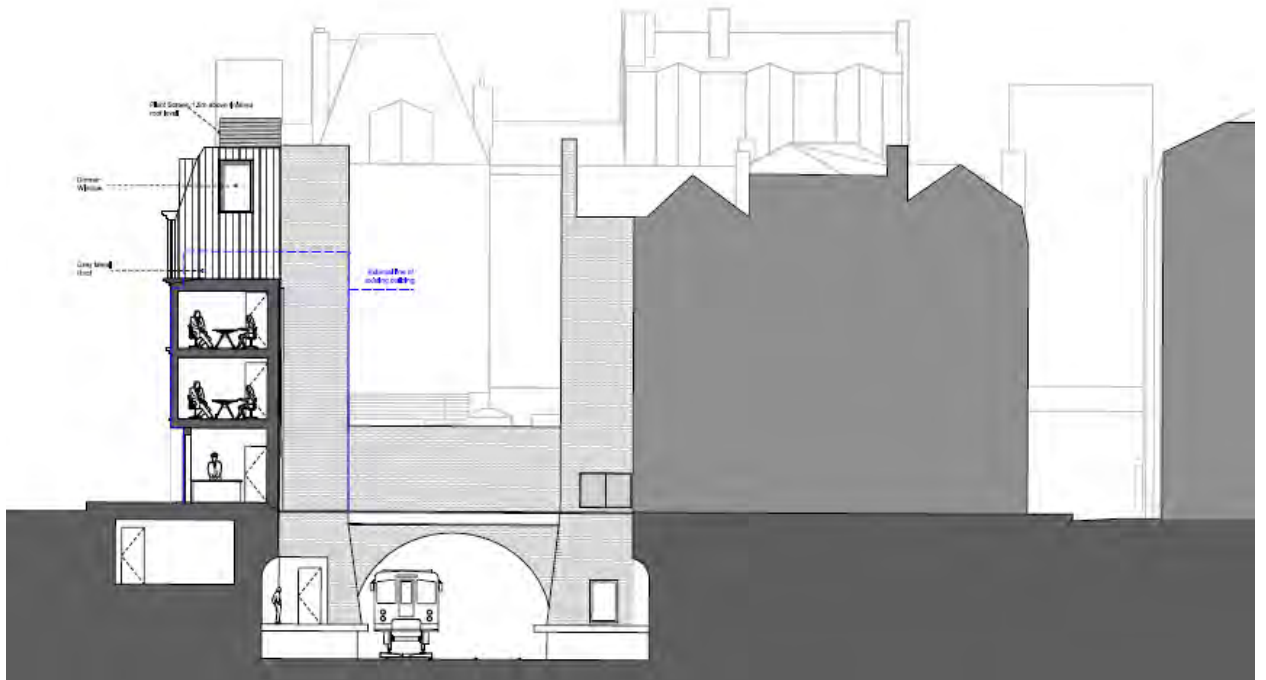
Proposed Platform Elevation:



Existing South-West Elevation:



Proposed South-West Elevation:



Existing Basement Floor Plan:



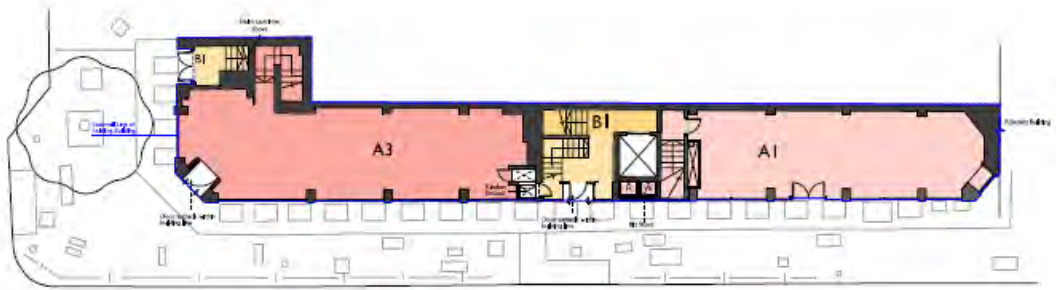
Proposed Basement Floor Plan:



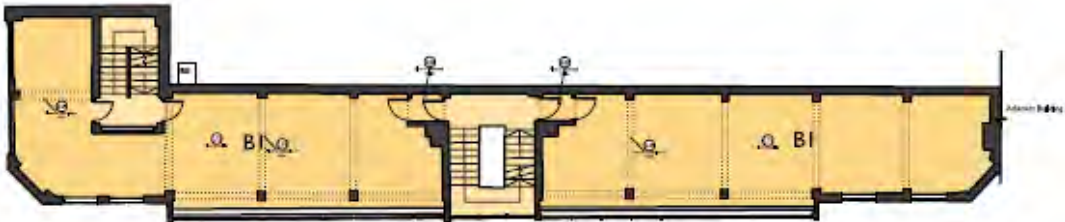
Existing Ground Floor Plan:



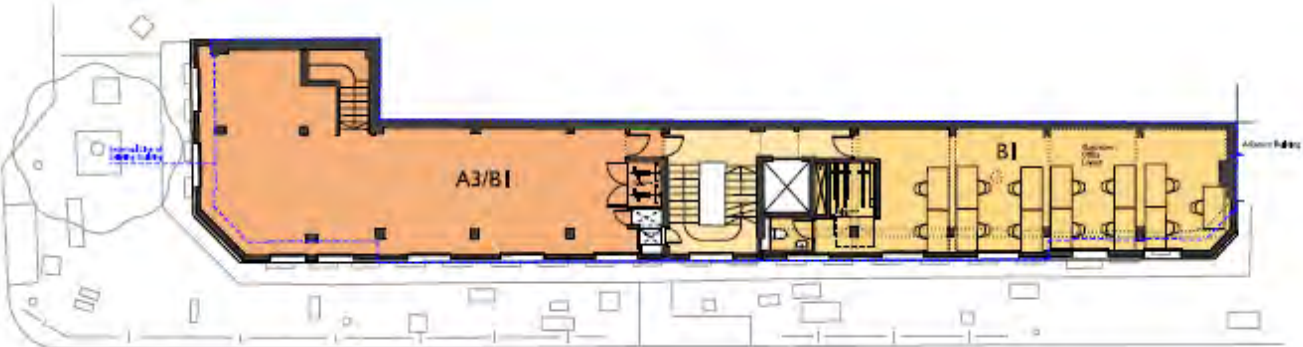
Proposed Ground Floor Plan:



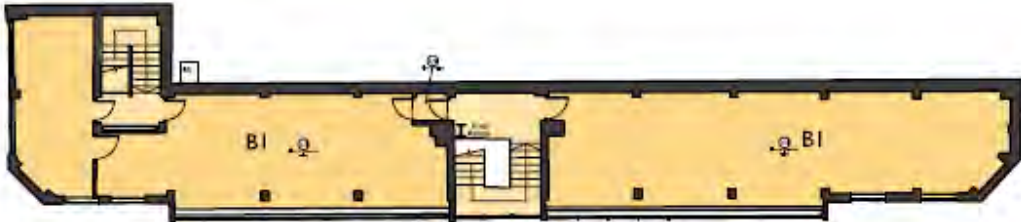
Existing First Floor Plan:



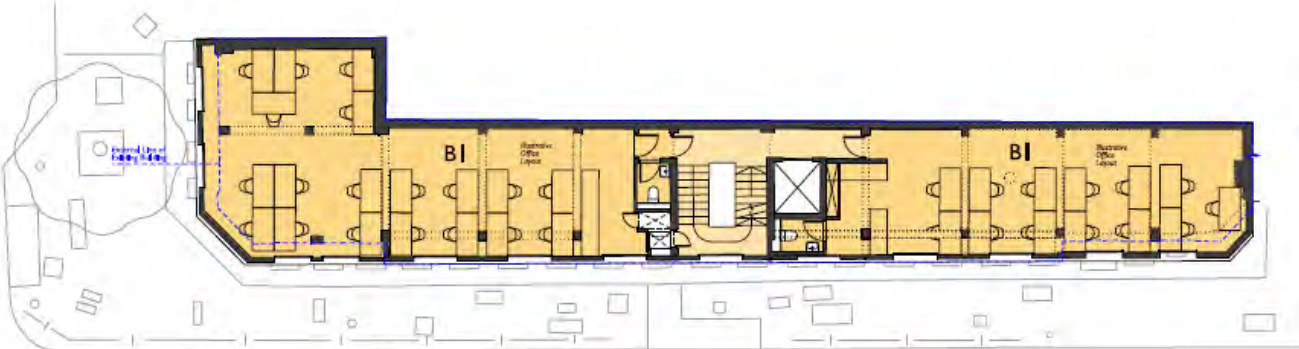
Proposed First Floor Plan:



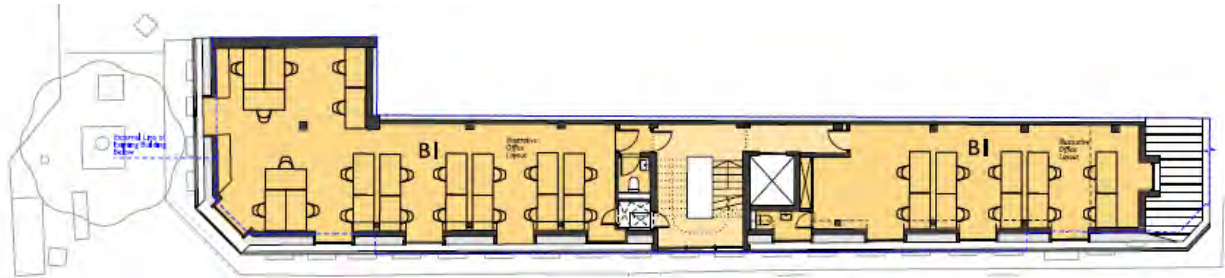
Existing Second Floor Plan:



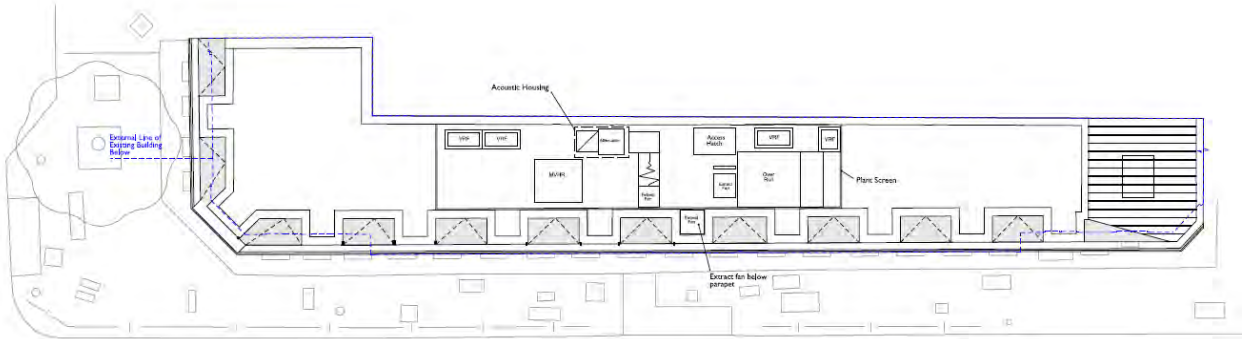
Proposed Second and Third Floor Plan:



Proposed Fourth Floor Plan:



Proposed Roof Plan:



Perspective image of scheme as viewed from Winsland Mews.



Montage image of proposed extended building as seen from London Street/ Winsland Mews..

**DRAFT DECISION LETTER**

**Address:** 163 - 173 Praed Street, London, W2 1RH,

**Proposal:** Reconfiguration of ground and basement floors to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, use of part of 1st floor as Class B1 office and part as dual/ alternative Class B1/ A3 use, use of 2nd floor as Class B1 offices, erection of a two storey roof extension to form new 3rd and 4th floors for use as Class B1 offices and alterations to the existing building including extensions to oversail the highway at 1st and 2nd floor levels, facade re-cladding, installation of new kitchen extract duct, installation of roof level mechanical plant and associated works.

**Plan Nos:** Praed-A-01-01 Rev C; Praed-A-01-02 Rev C; Praed-A-01-10 Rev C; Praed-A-01-11 Rev C; Praed-A-01-12 Rev C; Praed-A-01-19 Rev C; Praed-A-06-01 Rev A; Praed-A-07-01 Rev C; Praed-A-07-02 Rev C; Praed-A-07-03 Rev A; Praed-A-07-04 Rev A; Praed-A-11-10 Rev C; Praed-A-11-11 Rev C; Praed-A-11-12 Rev C; Praed-A-11-13 Rev C; Praed-A-11-14 Rev D; Praed-A-11-15 Rev E; Praed-A-11-19 Rev C; Praed-A-16-01 Rev A; Praed-A-17-01 Rev C; Praed-A-017-02 Rev D; Praed-A-17-03 Rev A; Praed-A-17-04 Rev D; 1014822-SK-001 Rev D; 1014822-SK-002 Rev D; 1014822-SK-003 Rev D; 1014822-SK-004 Rev D; 1014822-SK-005 Rev D; 1014822-SK-006 Rev D; 1014822-SK-008 Rev F; Daylight & Sunlight Study by Delva Patman Redler dated October 2017; Heritage Statement by van Bruggen Limited dated November 2017; Acoustic Report by KP Acoustics Ltd dated May 2018; Statement entitled 'Enstar House, Praed Street' by Matt Architecture dated April 2018.

*For Information Only:* Building Services Planning Report Rev A by Cundall dated 9/11/1017; Statement of Community Engagement by Comm Comm UK dated November 2017; Framework Construction Traffic Management Plan by Transport Planning Associates dated November 2017 and Framework Operational Management Plan by Transport Planning Associates dated November 2017.

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641 2857

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

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

Reason:

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

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

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



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

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

Reason:

To protect the environment of 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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 4 **Pre-Commencement Condition** Notwithstanding the submitted Framework Construction Traffic Management Plan, prior to the carrying out of any work on site you must apply to us for approval of a detailed Construction Traffic Management Plan, which sets out in detail how deliveries and construction waste collection vehicles will be managed to minimise the impact of the construction works on the amenity of neighbouring residents and the operation of the local highway network, which has regard to the cumulative impact of construction sites in the vicinity of the application site. You must not carry out any works on site until we have approved what you have sent us. You must then carry out the development in accordance with the detailed Construction Traffic Management Plan we approve.

Reason:

To protect the environment of neighbouring occupiers and to maintain the safe operation of the local highway network. This is as set out in S29, S32 and S41 of Westminster's City Plan (November 2016) and ENV 6, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 5 The development hereby permitted shall not be commenced until detailed design, method statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- (i) provide details on all structures;
- (ii) provide details on the use of tall plant/scaffolding;
- (iii) accommodate the location of the existing London Underground structures and tunnels;
- (iv) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land;
- (v) demonstrate that there will at no time be any potential security risk to our railway, property or structures;
- (vi) accommodate ground movement arising from the construction thereof;
- (vii) and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy 6.3 in the London Plan 2016 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

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

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

Reason:

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

- 8 Customers shall not be permitted within the Class A3 restaurant premises before 7.00 or after

midnight on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 9 No takeaway delivery service shall be operated from the Class A3 restaurant premises hereby approved.

Reason:

In the interests of public safety and to avoid blocking the road and to protect the amenity of neighbouring residents as set out in S29, S32 and S41 of Westminster's City Plan (November 2016) and TACE 9, TRANS 2, TRANS 3 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 Notwithstanding the submitted Framework Operational Management Plan, prior to occupation of the proposed development you must apply to us for approval of a Deliveries and Servicing Management Plan, which sets out in detail how deliveries and servicing for all uses within the development will be managed and timed and how servicing activity at the site (including on the public highway) will be managed during servicing. You must not occupy the development until we have approved what you have sent us. You must then operate the uses within the development in accordance with the Deliveries and Servicing Management Plan we approve.

Reason:

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

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

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

should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

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

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

Reason:

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

- 13 Notwithstanding the storage shown on the drawings hereby approved, you must apply to us for

approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. The drawings must demonstrate that the storage proposed is of sufficient size to accommodate the waste storage requirements of each use and you must include details of the type and capacity of the bins to be used within each bin store. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details prior to occupation of the development and clearly mark the stores and make them available at all times to everyone using the retail, restaurant and office uses. (C14EC)

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 17 You must apply to us for approval of detailed drawings showing the noise attenuation measures specified in the Planning Compliance Review (Noise) report dated 10 May 2018 (Ref: 16879.PCR.01). You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. You must not operate the mechanical plant until the noise attenuation measures have been installed and thereafter you must not remove the noise attenuation measures from the building. (C26DB)

Reason:

To protect the amenity of neighbouring occupiers in terms of noise disturbance and 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 Bayswater Conservation Area. This is as set out in S25, S28 and S32 of Westminster's City Plan (November 2016) and DES 1, DES 6, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 18 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- A revised arrangement of roof level mechanical plant and equipment with the plant and surrounding plant enclosure set back from the street elevations of the building.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. Thereafter you must not remove the plant enclosure unless or until all of the plant within the enclosure has been removed from the roof of the building. (C26UB)

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 Bayswater 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)

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

- (a) The office entrance and signage structure.
- (b) Typical windows to the main facades.
- (b) Typical dormer window at fourth floor level.
- (c) The roof level plant screen.
- (d) The ground floor shop bin store door.

You must not start work until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26CB)

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 Bayswater 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.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the first floor can change between the office (Class B1) and restaurant (Class A3) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 5 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 6 You may need separate licensing approval for the use of the ground floor and first floor for an A3 use. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 7 The refuse storage should be capable of storing up to 3 days accumulated refuse. It should be finished so as to be capable of easy cleaing and will also require ventilation.

- 8 As Licensable activities are going to be carried out on site then an application for a Premises Licence will have to be submitted to the Licensing Service under the Licensing Act 2003. The applicant should have regard to the City of Westminster Statement of Licensing Policy with regard to the proposed operation of the business.
- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 10 With respect to Condition 13, please ensure that the drawings of waste storage for the respective uses confirm the bin capacities for the storage of residual waste and recyclable materials for the development. The bins should be indicated on the drawing and marked "R" and "W". Please refer to the City Council's Recycling and Waste Storage Requirements guidance document (sections 2.3.1 and 3.1). This can be found at the following link: [www.westminster.gov.uk/waste-storage-planning-advice](http://www.westminster.gov.uk/waste-storage-planning-advice)
- 11 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 12 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway



works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 14 You are advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods. They can be contacted via [locationenquiries@tube.tfl.gov.uk](mailto:locationenquiries@tube.tfl.gov.uk) or on 020 3054 1365.
- 15 The applicant is reminded that this application does not include any changes to the existing shopfronts; any indicative details showing any changes to the shopfronts do not form part of this application.
- 16 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 17 The submitted Building Services Planning Report Rev A by Cundall dated 9/11/1017; Statement of Community Engagement by Comm Comm UK dated November 2017 and Statement entitled 'Enstar House, Praed Street' by Matt Architecture dated April 2018 are not approved documents and are for information only. This is because some of the information contained within these documents have been partially superseded by revised documents.
- 18 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

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

- 19 With respect to Secure by Design, please note the following advice provided by the Metropolitan Police Crime Prevention Design Advisor:
- All communal doors which lead onto street level are a standard of LPS1175 SR2 minimum with access control.
  - Internal office doors should be PAS 24 2016 as a minimum to protect equipment inside and each office should have a fob entry to ensure only legitimate users of that space can enter.
  - Ground floor and accessible windows should be PAS24 2016.
  - There should be no recesses on street level which exceed 600mm and any recess present should be lit from dusk until dawn to prevent ASB, urination, attempted break in etc.
  - If CCTV is present then it should complement any lighting so not to distort colours or images and be in a position which cannot be tampered with. Ideally situated on entrance and exit points to capture a clear facial image.
- 20 You are advised that you may need to amend the kitchen extract duct hereby approved to meet the requirements of separate Environmental Health legislation. You should be aware that the following specifications may be required under other legislation and that if this is the case, further planning permission may be required if this materially alters the appearance or operational noise level of the kitchen extract duct hereby approved:
- Extract ducts should be designed to discharge at highest roof level and discharge vertically and clear of all existing and proposed windows in the vicinity.
  - If there buildings between 20 to 50m away that are also higher than the discharge point then an odour reduction scheme may need to be incorporated in the kitchen ventilation system.
  - All cookline equipment must be placed within the extract canopy
  - All kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 3 metre intervals, complying with the H & S safe access standards.
- 21 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

Item No.
<b>1</b>

**DRAFT DECISION LETTER**

- Address:** 163 - 173 Praed Street, London, W2 1RH,
- Proposal:** Erection of a two storey extension to existing retaining wall to Paddington District and Circle Line Underground Station (linked to 17/10613/FULL).
- Plan Nos:** Praed-A-01-01 Rev C; Praed-A-01-02 Rev C; Praed-A-01-10 Rev C; Praed-A-01-11 Rev C; Praed-A-01-12 Rev C; Praed-A-01-19 Rev C; Praed-A-07-01 Rev C; Praed-A-07-02 Rev C; Praed-A-07-03 Rev C; Praed-A-07-04 Rev C; Praed-A-11-10 Rev C; Praed-A-11-11 Rev C; Praed-A-11-12 Rev C; Praed-A-11-13 Rev C; Praed-A-11-14 Rev D; Praed-A-11-15 Rev D; Praed-A-11-19 Rev C; Praed-A-17-01 Rev C; Praed-A-017-02 Rev D; Praed-A-17-03 Rev A; Praed-A-17-04 Rev D; Heritage Statement by van Bruggen Limited dated November 2017; and Statement entitled 'Enstar House, Praed Street' by Matt Architecture dated April 2018.

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641 2857

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

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)  
  
Reason:  
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)
- 3 You must not disturb existing ornamental features forming part of the lower section of the retaining wall between No.163-173 Praed Street and Paddington District and Circle London Underground Station. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)  
  
Reason:  
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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