

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 May 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Abbey Road	
Subject of Report	63 Abbey Road, London, NW8 0AE,		
Proposal	Application 1: Installation of external heaters to ground floor frontages on Belgrave Gardens and Abbey Road and installation of new front door. Application 2: Display of externally illuminated fascia sign measuring 0.02m X 0.08m and externally illuminated sign atop street post measuring 1.0m X 1.0m		
Agent	Miss Anna Vincent		
On behalf of	Olives & Cream Ltd		
Registered Number	Application 1: 18/10785/FULL Application 2: 18/10324/ADV	Date amended/ completed	6 December 2018
Date Application Received	6 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Licensed opening hours	Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:30		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to an attractive mid-19th century public house which sits on a prominent corner plot with frontages to both Abbey Road and Belgrave Gardens and is located within the St Johns Wood Conservation Area. The frontage comprises a projecting colonnade of fluted Corinthian/Composite columns framing glazing to both elevations, under a classical cornice. Given its age and attractive appearance, including its stuccoed upper storeys, it is designated an unlisted building of merit. The building is currently undergoing considerable building works, with much of the

inside of the building having been removed. The application relates to the 'Salt House', a pub which was previously at ground and first floor levels, however the site has been vacant for some time.

This application is for the installation of heaters above the existing windows on both the Abbey Road and Belgrave Gardens frontages and for the installation of a new entrance door. The application originally included the provision of lighting within the window reveals on the upper level and new planters, following officer comment that these were out of character with the area, the façade lighting has been removed. The drawings also indicate lighting at ground floor level, however this is shown as existing.

Advertisement consent is also sought for the display of an externally illuminated sign above front entrance on the corner of the property and an externally illuminated sign located atop the existing post which sits on the street.

PLANNING HISTORY:

18/07063/FULL: Replacement of canopies to Abbey Road and Belgrave Gardens elevations and additional canopy to corner elevation.

Application Refused 9 October 2018

16/04501/FULL: Alterations to existing canopy around western portion of external seating terrace on Belgrave Gardens frontage, including replacement of retractable roof.

Application Refused 30 June 2016

08/00970/FULL: Relay paving to the exterior/forecourt, erection of a wall around the forecourt and creation of a bin store on the Abbey Road elevation.

Application Permitted 23 May 2008

07/01059/FULL: Erection of decking with railings and steps to Belgrave Gardens and Abbey Road elevations to create an external terrace area and creation of a timber bin store to the Abbey Road elevation at the 'The Salt House' Public House.

Application Refused 13 April 2007

03/08334/FULL: Retention of a bamboo fence on Belgrave Gardens and bin store enclosure on Abbey Road.

Application Withdrawn 27 February 2004

ASSESSMENT:

Land Use & Amenity

Considerable objection has been received in relation to the unauthorised use of the premises as a shisha café and associated concerns such as noise, anti-social behaviour, health and smells. They state that the proposed outdoor heaters will make the outside space more attractive to sit out and will therefore cause disturbance. The objections state that as the new owner of the pub has other established shisha cafes, it is their intention, to change the use of the property to a shisha bar.

The applicant is not proposing a change of use, the application is solely for the installation of heaters and does not relate to the use. Refusal on those grounds could therefore not be sustained. An informative is however recommended advising the applicant that should a material change of use occur, planning permission will be required and assessed on its merits.

Permission cannot be refused on the grounds raised by objectors, such as anti-social behaviour, amenity or health implications as the application does not relate to the use. While the proposed heaters will make the outside space more appealing to patrons, the concerns raised relate to management issues and personal choice (to smoke) rather than something which can be assessed through planning legislation.

Design and Conservation:

In terms of the appearance of the heaters, they are to be located at the top of the windows, under the awnings. While they will add clutter to the frontage, given their size and location it is not considered that their impact will have such a harmful impact as to recommend refusal.

A new door is proposed to the corner. An objection has been received that this inappropriate and akin to a nightclub door. The door is constructed from timber with brass trims, which are traditional materials and considered is considered acceptable in conservation area terms.

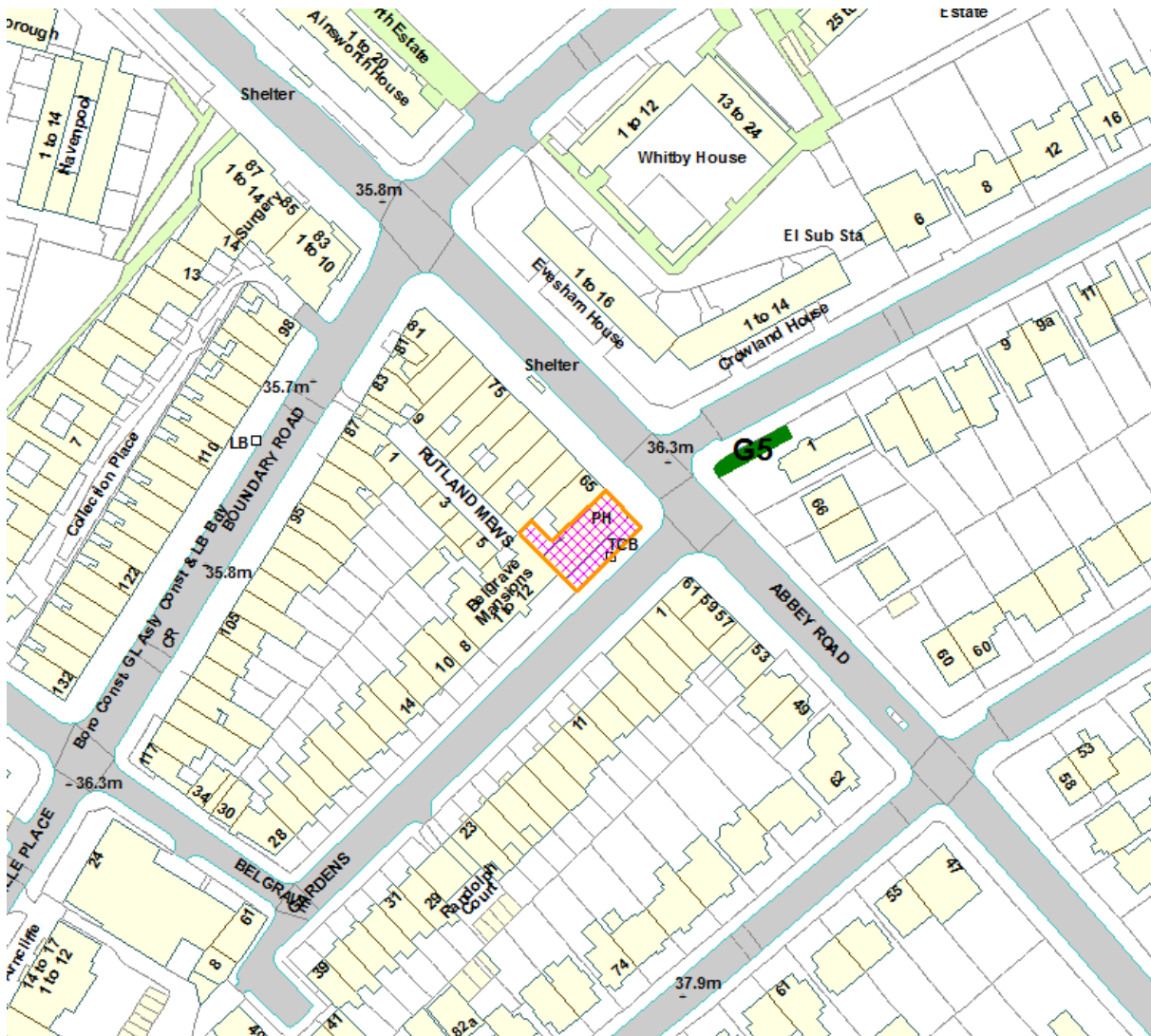
Signage/lighting:

Objections have been received in relation to the proposed lighting of both the signage to the front of the building and to the modern nature of the design of the signage. As the lighting to the front elevation has been removed these comments solely relates to the adverts, which are considered acceptable given that the sign on the post replaces an existing similarly illuminated sign and given that the sign above the front door is small and lit by an existing light fitting. Advertisement regulations do not control the content of an advert, but the size and method of illumination, as mentioned as this is not being changed this is considered acceptable. The adverts are therefore not considered to have a negative impact on the character and appearance of the conservation area and are considered acceptable.

Other:

Objections in relation to increased traffic and concerns that the applicant is looking to circumvent planning process have also been received. As the proposals do not relate to the use, and subject to an informative to advise the applicant that any change of use would require planning permission, these objections are not sustained.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Current Street view (taken 2 May 2019)



Photo from June 2017

5. CONSULTATIONS

Consultation responses for 18/10785/FULL

WARD CLLR FREEMAN:

Request for application to be reported to committee.

ST JOHNS WOOD SOCIETY:

Object to the high level lighting of the facades, which will be detrimental to the building and conservation area. Also object to the heaters as such equipment would intensify the use of the outside space in the winter and negatively impact on neighbours in terms of noise.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 40

No responses: 8 objections on the following grounds:

Land Use:

- Belgrave Gardens is a residential street, do not want to encourage the use of outdoor areas.
- Comment that the upper floors may be converted to residential unlawfully.
- Ground floor likely changed use to a Shisha Bar.
- Loss of local pub disappointing.

Amenity:

- Increased noise and nuisance due to use of outdoor amenity space.

Design:

- Heaters are out of place with the building.
- Considerations should be had for the general appearance of the site on the area.
- Lighting likely OK if just replacing existing to improve energy efficiency.
- Lighting and alterations to the signage out of character with the area.

Highways:

- Use as a shisha bar would not be used by local people, increasing pressure on parking.

Other:

- Installation of outside heaters will encourage smoking and/or shisha.
- No requirement for outside heaters or lighting.
- Smoking is bad for health.
- Name of premises should not be changed.
- Applicant trying to circumvent the planning process.
- Awnings have been removed, unclear if they will be replaced and with what.

SITE NOTICE / PRESS ADVERT:

Yes

Consultation responses for 18/10324/ADV

ADJOINING OWNERS / OCCUPIERS:

No consulted: 0

No responses: 8 objections which do not raise the same comments to those summarised above under application referenced 18/10785/FULL as well as the following addition comments / queries:

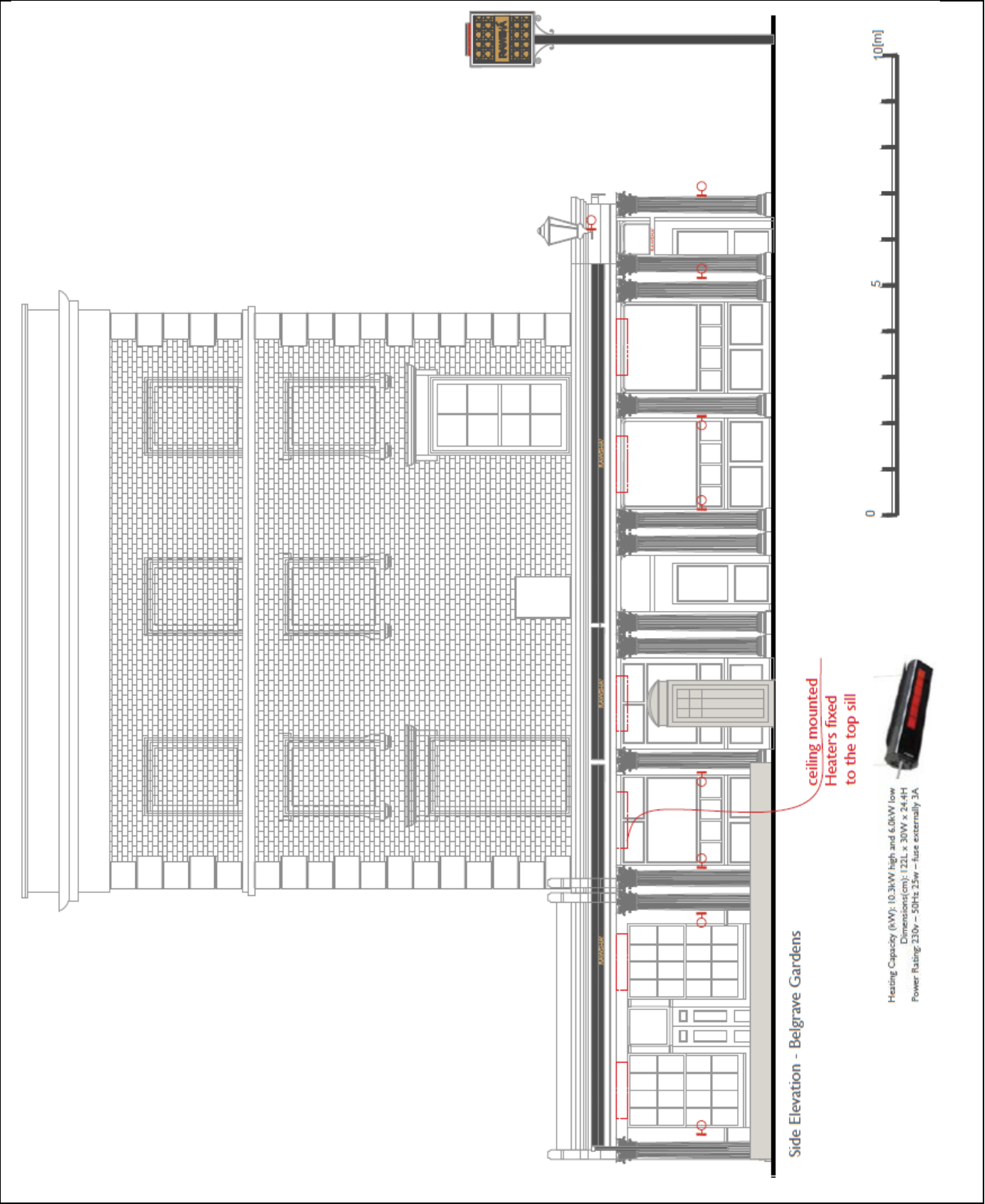
- The new door looks like an entrance to a nightclub.
- Query if basement is to be used as a nightclub.

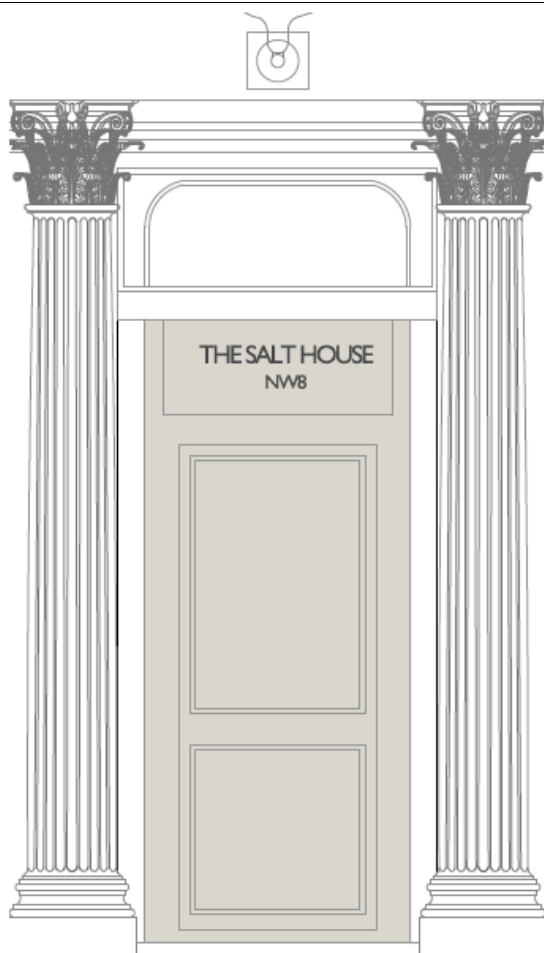
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

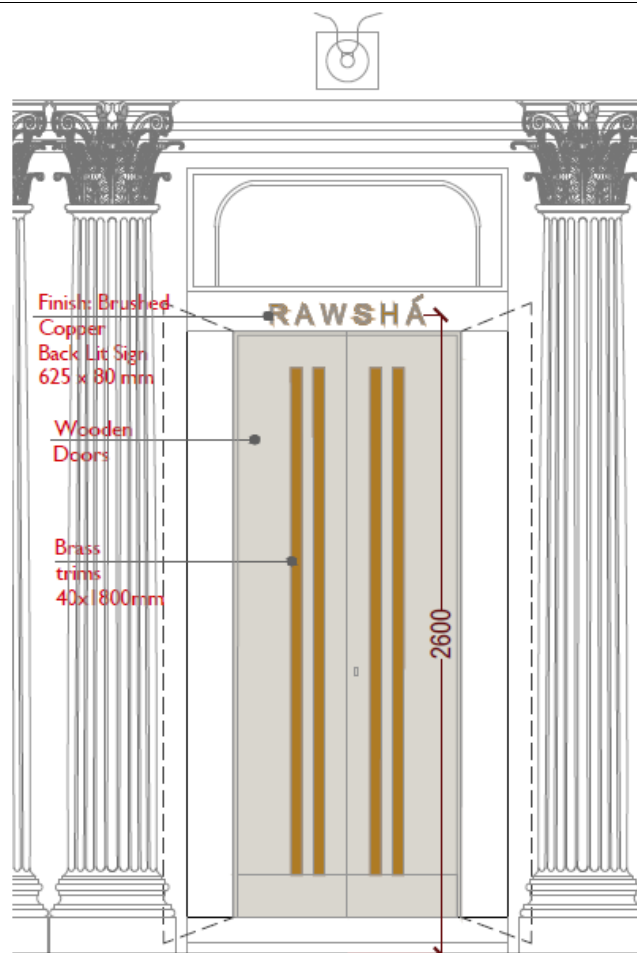
6. KEY DRAWINGS







Existing Main Door



Proposed Main Door

DRAFT DECISION LETTER for 18/10785/FULL

Address: 63 Abbey Road, London, NW8 0AE,

Proposal: Installation of external heaters to ground floor frontages on Belgrave Gardens and Abbey Road and installation of new front door.

Plan Nos: VAL 63AR 00 dated 01 October 2018; VAL 63AR 12 dated 5 December 2019; VAL 63AR 13 dated 21 March 2019; VAL 63AR 14 dated 5 December 2018; VAL 63AR 15 dated 21 March 2019; VAL 63AR 17S dated 1 October 2018.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood 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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 **HIGHWAYS LICENSING:**

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.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 You are advised that a change of use from a public house to a restaurant/cafe/shisha would require the benefit of planning permission.

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.

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Unconditional or if an Advert Application only the standard advert conditions