

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 October 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Churchill	
Subject of Report	King William IV Public House, 111 Grosvenor Road, London		
Proposal	Erection of a mansard roof extension, erection of infill extensions to the northern elevation at second floor level, erection of an infill extension to the rear courtyard with associated alterations to rear wall, and excavation to enlarge the single storey basement, all in connection with providing five residential flats (2 x one bed, 3x two bed) within the main building, a single family dwelling house (3 bed) in the rear courtyard and a public house (class A4) on part of the ground and basement floors of the main building, the creation of refuse and cycle parking areas.		
Agent	RPS Group		
On behalf of	Travel Joy Hostels Limited		
Registered Number	19/00260/FULL	Date amended/ completed	14 August 2019
Date Application Received	14 January 2019		
Historic Building Grade	Unlisted		
Conservation Area	Churchill Gardens		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

King William IV Public House is an unlisted building of merit within the Churchill Gardens Conservation Area. The site is part of a group of older buildings (sparsely found within this conservation area) of which 105 to 109 Grosvenor Road are grade II listed. The building is vacant, and its lawful use is as a public house (Use Class A4) with ancillary hostel type accommodation on the upper floors. The City Council previously granted various permissions allowing the applicant to use the upper floors as residential flats, a new mansard extension for residential flats and a new residential unit in the rear courtyard, all whilst retaining the public house use on part of the ground and basement floors.

This application essentially seeks to consolidate the previous permissions which relate to this site into a single permission, with additional extensions and design changes. These additional works include and an additional extension at second floor; excavation to enlarge the basement; redesign of

the rear courtyard building; alterations to the design of the mansard roof extension; and reconfiguration of internal layouts.

The key issues in this case are:

- The acceptability of the proposal in land use terms;
- the impact of the proposed development on the character and appearance of the building, the Churchill Gardens Conservation Area and the setting of nearby listed buildings; and
- the impact on the amenity of neighbouring residents.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Grosvenor Road



View of Rear Elevation

5. CONSULTATIONS

HISTORIC ENGLAND (Archaeology):

Unlikely to impact upon significant remains, no further assessment or conditions are necessary.

ENVIRONMENT AGENCY:

The site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event. But, the site is at risk if there is a breach and the City Council should make an assessment of the risk.

TRANSPORT for LONDON:

The proposal would not harm the Transport for London Road Network. No car parking is proposed which is appropriate. Acceptable cycle storage is proposed. Permission from Transport for London will be required if construction requires the suspension of a bus stop.

THAMES WATER:

No objections.

PIMLICO FREDA:

Any response to be reported verbally.

WESTMINSTER SOCIETY:

Any response to be reported verbally.

CHURCHILL GARDENS NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

HIGHWAY PLANNING MANAGER:

No objection, subject to a condition to ensure acceptable cycle storage arrangements. No car parking required. Altered public house use would not harm the highway.

PROJECT OFFICER for WASTE:

No objection, subject to a condition to ensure the waste and recycling arrangements are provided.

BUILDING CONTROL:

Following additional information submitted by the applicant, no objections raised.

ENVIRONMENTAL HEALTH:

No objections, subject to conditions attached to previous permission.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 91

Total No. of replies: 5 (Objections)

[N.B. 3 replies were received prior to the applicant revising their proposal. A second consultation post revisions resulted in 2 further objections]

Three neighbouring residential occupiers object on the following summarised grounds:

Design:

- the additional height of the mansard roof extension, and extension at second floor level, would harm the roofscape of the terrace (105 to 111 Grosvenor Road), particularly given most of these buildings are listed;

Residential amenity:

- the rear courtyard building would result in a loss of light for neighbours;
- the public house use [referred to as a restaurant] would result in increased noise;

Highways impact:

- the new residential flats would unacceptably increase parking stress within the area;
- the public house use [referred to as a restaurant] would result in increased comings and goings by vehicles, which would harm the highway and generate pollution;
- Grosvenor Road is dangerous with traffic moving at high speed and this, combined with the existing cyclists, would be worsened by further residents;

Basement impacts:

- excavation to enlarge the basement would harm adjoining buildings, concerns raised about the potential geological instability that it could cause;
- construction vibrations would impact on the adjacent listed buildings;
- the site is very close to the Thames; and
- basements are difficult to access for the disabled.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The King William IV Public House is an unlisted building of merit located within the Churchill Gardens Conservation Area. The public house is part of a group of older buildings (sparsely found within this conservation area) of which 105 to 109 Grosvenor Road are grade II listed.

The building is currently set over basement, ground, first and second floor levels. Grosvenor Road and then the River Thames are located to the south of the site and the Churchill Gardens Estate to the north. The site is outside of a district centre, local centre and the Core Central Activities Zone.

The building is vacant, and the lawful use of the building is as a public house with the first and second floors being ancillary hostel style accommodation.

6.2 Recent Relevant History

On 27 September 2017, the City Council refused permission for the dual/ alternative use of ground and basement floors as either Use Class A1 (shops) or Use Class A2 (financial and professional services), on the grounds it would have led to the loss of a traditional public house.

On 22 February 2017, the City Council granted permission for the erection of mansard roof extension to provide a two bedroom residential flat, use of first and second floors to provide four residential flats (2 x 1 bed, 1 x 2 bed and 1 x 3 bed); associated rear extension, refurbishment and improvements to the rear wall along with reconfiguration of the ground floor access arrangements.

On 15 December 2015, the City Council granted permission for the infilling of rear yard with a single storey structure including associated alterations to the rear wall all in association with the use of the new building as a self-contained residential unit.

On 10 February 2015, the City Council granted permission for the use of the first and second floors to provide four self-contained flats (2 x 1 bed, 1 x 2 bed, 1 x 3 bed) and continued use of the basement and ground for Class A4 purposes, and partial demolition and rebuilding of rear wall.

On 4 August 2014, the City Council issued a lawful development certificate for the use of ground floor as either retail (Class A1), financial and professional services (Class A2) or restaurant / cafe (Class A3). [This is no longer lawful]

On 19 October 2011, the City Council issued a lawful development certificate confirming the existing use of the building as a drinking establishment (Class A4) at ground floor level with ancillary 'letting room' accommodation at first and second floor level.

7. THE PROPOSAL

The applicant proposes the erection of a mansard roof extension, erection of infill extensions to the northern elevation at second floor level, erection of an infill extension to the rear yard with associated alterations to rear wall, excavation to enlarge the single storey basement, all in connection with providing five residential flats (2 x one bed, 3x two bed) within the main building, a single family dwelling house (3 bed) in the rear courtyard and a public house (class A4) on part of the ground and basement floors of the main building.

This application essentially seeks to consolidate the previous permissions which relate to this site into a single permission, with additional extensions and design changes. These additional works include:

- the erection of the extension at second floor level (adjacent to the road);
- excavation to enlarge the basement;
- redesign of the rear courtyard building;
- alterations to the design of the mansard roof extension; and
- reconfiguration of internal layouts.

Since submission, the applicant has revised the proposal. The revisions include:

- the reduction in height of the rear courtyard building; and
- alterations to the design and materials used for the rear courtyard building.

The applicant also provided further information to support their structural method statement.

Table 1: Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Public House (Class A4)	661	213	-448
Residential (Class C3)	0	635	635
Total	661	848	187

8. DETAILED CONSIDERATIONS

8.1 Land Use

The ground and basement floors are in use as a traditional public house (Class A4) and in 2011, the City Council issued a certificate confirming that the hostel accommodation at first and second floor levels was ancillary to this use. The City Council subsequently granted permission for the applicant to use the upper floors as residential flats, a new mansard extension for residential flats and a new residential unit in the rear courtyard, all whilst retaining the public house use on part of the ground and basement floors. The land use issues arising from the current application are whether the loss of part of the public house floorspace continues to be acceptable, and whether the provision of new residential units continues to be acceptable.

Loss of Public House Floorspace:

Paragraph 91 of the NPPF states planning decisions should aim to promote social interaction and paragraph 92 states that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of shared space, community facilities (which includes public houses) and guard against the unnecessary loss of valued facilities and services.

The Mayor's Draft New London Plan and draft 'Culture and the Night Time Economy' SPG are also material considerations in planning decisions. These promote the night-time economy, and state boroughs should support public houses, where appropriate (Emerging London Plan Policies HC6 and HC7).

Policy SS 8 of the Council's UDP aims to protect shops and services outside the District and Local Centres, because of the convenience and service they provide to residents, and visitors and local businesses. The policy application states 'traditional public houses are generally considered to add to the character and function of a locality and their loss will only be acceptable if they have been vacant and marketed for at least eighteen months without success.'

While the above policy context sets a strong presumption against the loss of traditional public houses, they do not preclude their reduction in size. Although to accord with the

aims of these policies, developers should not reduce the size of a public house to a degree that would render it unviable.

These proposals would retain a public house, albeit smaller. While the loss of floorspace is relatively high, most of the lost areas are from the ancillary parts of the existing building (i.e. the upper floors used for hostel purposes, and the rear courtyard area used for storage). As previously considered, the loss of these parts would not unacceptably hinder a public house remaining on the ground and basement floors of the main building.

Compared to the previous schemes, the ground floor area that would be in public house use decreases further to allow improved residential entrances and communal areas. This additional loss is relatively modest and is accompanied by alterations which would raise part of the ground floor to increase the floor to ceiling height at basement level to improve the usability of this area thereby allowing customers to use this space. Subject to a condition to ensure this work is carried out before the use of the residential flats, officers are satisfied that the public house would continue to be viable.

In terms of noise nuisance that could be generated by plant, the applicant does not propose a new kitchen and so no details of kitchen ventilation equipment are provided. Without proper equipment, primary cooking would harm neighbouring residents and so a condition is recommended to ensure primary cooking is not undertaken on site.

In terms of opening hours, the following is proposed:

Monday to Thursday 07:00 - 23:30

Friday to Saturday 07:00 - 00:00

Sunday 08:00 - 23:00

An objector states the public house [referring to the use as a restaurant] would result in increased noise impacts. The terminal hour of use matches the previously existing public house, but the opening hour is earlier (formerly the public house opened at 10am). Given the flats above are to be appropriately sound insulated (see below) and that the site is on a busy road, the additional activity this would create would not harm residents within or nearby the application building. Further, the capacity of the public house will be reduced from the previous 200 to 100 because of the works, so while the activity associated with the public house will be over a longer period, it would be less intense. The hours and capacity are recommended to be ensured by condition.

Provision of New Residential Flats:

Policy S14 of the City Plan states the City Council will work to achieve and exceed its borough housing target, and that residential use is the priority across Westminster unless otherwise stated in the plan. Policy S10 of the City Plan relates to Pimlico, where the site is located, and it confirms that the priority in this area is residential. Therefore, the principle of new residential units is acceptable.

The proposal would provide six residential units. Five units would be within the extended main building, comprising three 2 bed units and two 1 bed units, and one unit would be within the rear courtyard building, comprising 3 beds.

Policy H5 of the UDP seeks to provide a range of unit sizes and specifically promotes family sized units (3+ bedrooms), stating the City Council will normally require developments to achieve 33% of the units as family sized – but the policy application section of H5 states officers will apply this with some flexibility.

While only one of the six units is of a family size (17%), given the smaller 1 and 2 bed units would be within the main building on top of a drinking establishment and along a main road, this part of the site is less suited for family sized dwellings. Therefore, the proposed mix is acceptable in this instance.

All the proposed units would provide an adequate internal living environment because they would provide sufficient space, light and outlook for prospective occupiers. London Plan policy 3.5, and the 'nationally described space standard' (MHCLG), state a minimum floorspace of 39 sqm for a 1 bedroom (1 person) flat, 61sqm for a 2 bedroom (3 person) flat and 84sqm for a 3 bedroom (4 person) unit over two floors. The units would all exceed these minimums and would be the following sizes:

Unit 1 (1 Bed): 48 sqm
Unit 2 (2 Bed): 63 sqm
Unit 3 (1 Bed): 48 sqm
Unit 4 (1 Bed): 63 sqm
Unit 5 (2 Bed): 81 sqm
Unit 6 (3 bed): 154 sqm

The flats within the main building would all be dual aspect and would enjoy good levels of outlook and light consequently. The building in the rear courtyard would have more limited levels of outlook and light given it would be over the ground and basement levels. There are windows and a small courtyard at ground floor and rooflights proposed to the roof to allow light into the dwelling. Indeed, the applicant has designed the internal arrangement of this building to maximise light reaching the basement. On balance therefore, this unit would also provide an acceptable living environment for prospective occupiers.

The extant permissions for the use of the first and second floors as residential were allowed subject to conditions relating noise mitigation to prevent harmful noise transfer from the commercial use and the main road. Regarding the current application, Environmental Health have advised the same conditions should apply as the circumstances are similar. This includes conditions to secure the provision of details of sound insulation to protect occupiers from both internal and external noise disturbance.

It was previously noted that mechanical ventilation would likely be required as windows on the South elevation would need to remain shut in order to provide acceptable internal noise levels. Details of this ventilation are to be secured by condition also.

8.2 Townscape and Design

UDP policies DES 1 (urban design / conservation principles), DES 5 (alterations and extensions), DES 6 (roof level alterations and extensions) and DES 9 (conservation areas) are the most relevant design policies, but given the site is adjacent to the grade II listed buildings at 105 -109 Grosvenor Road, policy DES 10 (listed buildings) is also

relevant. Policies S25 and S28 of the City Plan provide the strategic policy basis for the application. The Churchill Gardens Conservation Area Audit is also relevant. Together, these policies seek to ensure the highest standards of design that maintains or improves the character and appearance of conservation areas and the setting of listed buildings.

The Churchill Gardens Conservation Area Audit notes that the building is one of the few surviving Victorian buildings in the area and identifies it as an unlisted building of merit and is a key feature in several local views identified within the audit.

Mansard Roof Extension:

Objectors state the mansard roof extension would harm the character and appearance of the building and the terrace, including the setting of the listed buildings.

Whilst the City Council generally resists the addition of a further storey above buildings that are a completed composition, a similar extension enjoys extant permission. The report for the previous permission explains a mansard roof extension to this building would be discreet given the relatively high decorative parapet. Consequently, the mansard roof extension would not adversely affect the building's composition as the decorative parapet would remain the most prominent feature in almost all views of the building – the applicant at the time demonstrated this with a townscape analysis.

The design changes between the currently proposed and previously permitted mansard roof extension are modest. They include extending the footprint of the extension in light of the second floor extension proposed below, inclusion of a lift overrun, reduction in the number of windows and modestly bringing the extension closer to the parapets. The acceptability of the second floor extension is discussed below, but extending the mansard over this new proportion of the building would be logical, and would form an acceptably sized mansard. The lift overrun would add height to the mansard, but because it would be located centrally on the roof it would not harm the streetscape. The reduction in the number of windows would not have a significant impact, subject to their detailed design. Given the reduction in the gap between the extension and the parapet is modest, the impact would not be significant.

Overall therefore, these alterations do not alter the acceptability of the roof extension. As such the roof extension is acceptable in design and conservation area terms and would not harm the setting of the adjacent listed buildings, subject to conditions for detailed drawings of the windows and natural slate for the mansard roof.

Infill Extensions at Second Floor Level:

Policy DES 5 states that extensions should normally terminate at the penultimate storey of the existing building, excluding any roof storeys (i.e. one storey below parapet level). The policy goes on to explain the reason for this criterion is to prevent extensions from upsetting the proportions of existing buildings.

In this case there are two second floor extensions proposed below the parapet (i.e. the ultimate storey). Both would infill indentations at the corner of the building with 110 Grosvenor Road and by the road to the side of the building. While not complying with a criterion of policy DES 5 could indicate an extension is unacceptable, in this case, the extensions would not overtly affect the character of the rear elevation – which the policy seeks to prevent. Indeed, the City Council previously allowed the infill of the indentation

at the corner with 110 Grosvenor Road on the basis it was modest and would not harm the appearance of the building.

The indentation by the side road does not have extant permission to be infilled, but it is not a significant feature of the building or townscape, indeed much of the rear elevation already reaches the height of the proposed extension and so matching it in this section would not upset the architectural style of the building. In these circumstances, and subject to a condition to ensure the applicant constructs it in acceptable brickwork, these extensions are acceptable.

Infill Building in Rear Courtyard:

Since submission, the applicant revised the design of this element because the original would have been at odds with the character and appearance of the main building and the terrace it forms a part – and this would have been highly apparent from the public realm. The revisions have altered the design so that the infill would be set behind a raised boundary wall – much like the infill previously approved. The window openings are also similar to those previously approved, but the door design is simpler in its currently proposed form. The applicant also lowered the roof and proposes more traditional materials.

A key difference in the form of this part of the building (compared to that previously approved) is its bulk toward the east of the courtyard. The previous permission had this eastern portion of the infill at a lower level than the part closest to the main building. This meant the applicant did not need to raise the eastern part of the boundary wall, whereas now they propose to raise it uniformly by approximately 1 metre. This is partly to allow the new basement level underneath and is partly to allow a consistent floor level at ground floor.

While the new wall would be higher than the existing, it would not be incongruous or harmful to the conservation area. Similarly, given the roof would utilise more traditional materials, and is of a simpler design, it would not upset the character of the area.

Therefore, in this revised form and with the traditional materials proposed (officers recommend a condition to secure this), this infill building is acceptable in design and conservation terms.

Alterations to Fenestration:

There are further alterations to doors and windows proposed. To the front, the applicant seeks to block an existing doorway and replace it with a window to match the adjacent windows; to the rear of the main building, they propose to re-position the windows into a more orderly arrangement; and to the side they propose new doors. These alterations would not harm the character and appearance of the building or area, subject to conditions to ensure the openings are of an acceptable detailed design.

8.3 Residential Amenity

Policies S29 and S32 of the City Plan, and ENV6, ENV7 and ENV13 of the UDP seek to protect residential amenity in terms of noise pollution, light, privacy, sense of enclosure, overlooking and essentially encourage development which enhances the residential environment.

Objectors raise concern the development would harm residential amenity, principally because of loss of light.

The closest residential property is the adjacent building, 110 Grosvenor Road, it comprises two residential units, one at lower ground floor and one on all the other floors. The garden of 109 Grosvenor Road abuts the rear courtyard and the residential block Anson House is located to rear of the main building.

Daylight and Sunlight

The Building Research Establishment (BRE) guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' provides guidance on avoiding unacceptable impacts for levels of daylight and sunlight. The applicant has not produced a daylight and sunlight report in this instance but given the existing context and the scale/ location of the development, one is not necessary.

In terms of measuring daylight (diffuse light), the vertical sky component (VSC) and no-sky line (NSL) would be used. VSC represents the amount of visible sky that one would see from the midpoint of a window and the NSL measures the proportion of a room where one would see visible sky. Sunlight (direct sunshine), is measured by annual probable sunlight hours which is calculated in a similar way to VSC. The BRE guidelines measures loss of light as a function of visible sky obstructed by development.

At lower ground floor level at 110 Grosvenor Road there is a small rear courtyard which is enclosed by high walls, the proposed courtyard infill at the application site would be behind these high walls. Given the height of these walls will not change, and that the additional height of the courtyard infill would be sloped away from them at a 45 degree angle, the window and door which look out into this patio at 110 Grosvenor Road would not be able to view the new courtyard infill – the infill would not obstruct visible sky. Consequently, it would not result in a loss of light.

Above at raised ground floor level at 110 Grosvenor Road there is a kitchen window, the new courtyard infill would be in front of this window. There is a 25 degree rule of thumb set out in the BRE guide which is used when new development directly faces an affected window, it states that suitable daylight is achieved when a 25 degree vertical angle taken from the centre of the window is kept unobstructed – which this window would achieve indicating lighting would not noticeably change.

While there are secondary windows to Anson House which could be impacted in terms of light, because the rooms they serve have primary, larger, windows unaffected by the development the rooms will remain well lit.

In terms of 109 Grosvenor Road, because extension would be sloped away from the boundary wall (which would remain at its existing height), there would be no harmful impact on these neighbours either.

Sense of Enclosure

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. As set out above the nearest residential property is 110 Grosvenor Road, and the lowest openings within the small courtyard of this building would not be able to view the extension so would not be further enclosed by it. The kitchen window at ground floor (referred to above) is obscure and this therefore prevents views through it, but even if it were not obscure, the impact would be limited given the height of the infill extension relative to this window. In terms of other properties, these are further, and/or their windows are orientated as to mean they would not be unduly enclosed by the proposed extensions.

Privacy

In terms of privacy, new windows and repositioned windows are proposed to the side, rear and at roof level. Again, given the position and distance to neighbouring properties, these would not harm residential amenity.

8.4 Transportation/Parking

A neighbouring resident objects on the grounds that the development would harm the highway network.

Car Parking

No off-street parking is proposed. Policy TRANS 23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The City Council's most recent parking surveys indicate relatively low levels of occupancy within the vicinity, and the Highway Planning Manager therefore considered any additional on-street parking generated will be absorbed into the surrounding street network. The objector raised concern that the public house use would result in harm to the highway, but given it will be smaller than existing, the impact it generates will be lessened.

Cycle Parking

A condition is recommended to ensure that the cycle parking provisions conforms with the requirements of the London Plan.

Waste Storage

The Project Officer for Waste has confirmed the proposed waste and recyclable storage is acceptable and a condition is recommended to ensure it is provided.

8.5 Economic Considerations

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

8.6 Access

The access into the public house involve a platform lift, internal to the building, to allow those with reduced mobility access into the building. Regrettably, the basement level of the public house would not be step free, but this is as existing so no objection is raised. The residential flats above would include a new lift which will improve access to these flats. This is welcomed.

8.7 Other UDP/Westminster Policy Considerations

Basement Excavation

Policy CM28.1 relates to all basement excavation in the City. The proposal complies with this policy. Of relevance to this application are the parts of the policy that consider structural impacts, construction impacts, flood risk and archaeological impacts and these are discussed below. The policy also seeks to ensure that heritage assets are protected but this is discussed above in section 8.2 and that trees are protected but there are not trees near the site that could be affected.

Structural Impact:

Objectors have raised concern on structural impact grounds, arguing harmful impacts on the structural integrity of the building and adjoining buildings.

The applicant submitted a detailed structural methodology statement as required by the basement policy. The City Council's Building Control team initially requested additional information be submitted which explained how the basement would be constructed, and the applicant has since provided this. Building Control have subsequently confirmed that the applicant's structural method statement is satisfactory and have raised no further concerns with it. The applicant has investigated existing structures and geology and Building Control consider this to be of sufficient detail. Further, the developer proposes to construct the basement using RC underpinning / traditional underpinning with internal RC retaining walls which Building Control confirm is appropriate, and so too are the plans to safeguard adjacent properties during construction. In these circumstances, there are no grounds to withhold permission because of the structural impacts on neighbouring properties.

It should be noted that the purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that the developer must use during construction which may need to be altered once the site investigation/ excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Construction Impact:

The principal way the basement policy seeks to limit the disturbance to neighbours during construction is by limiting the size of the basement developments – this therefore limits the duration and harmful impacts associated with the works. The proposed single storey basement contained underneath the footprint of the new courtyard dwelling accords with the size criteria with the basement policy.

The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant would comply with the relevant parts of the council's Code of Construction Practice (CoCP). The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that the developer should carry this out if and when the City Council grants planning permission and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help reduce the impact of the development process.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are acceptable.

Flood Risk:

The site is located within Flood Risk Zone 3 and is protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event. The Environment Agency have said their latest flood modelling shows that the site would be at risk if there was to be a breach in the defences but have recommended the City Council consider the adequacy of the applicant's plans.

The applicant's flood risk assessment has calculated the flood level in 'a 2100 epoch defence-breach event' and have proposed the ground floor sleeping accommodation (in the rear courtyard infill) be above this level. This would mean all residents within the site would be able to occupy a floor above the flood level, which would reduce risks associated with flooding and would be acceptable. Further, Building Control have confirmed that the applicant has acceptably researched the likelihood of local flooding and impacts on the water table, and have found the impacts to be negligible.

Archaeological Impact:

The site is within a Tier 3 Archaeological Priority Area (Pimlico and Church Gardens Conservation Area). Historic England's Greater London Archaeological Advisory Service (GLAAS) have reviewed the applicant's submission and consider that the work would unlikely affect archaeological assets and state no further assessment or conditions are necessary.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal

consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

None relevant.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

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

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

8.12 Planning Obligations

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

The estimated Community Infrastructure Levy (CIL) payment is: £52,360

Westminster CIL: £37,400

Mayoral CIL: £14,960

8.13 Environmental Impact Assessment

Not relevant to this application.

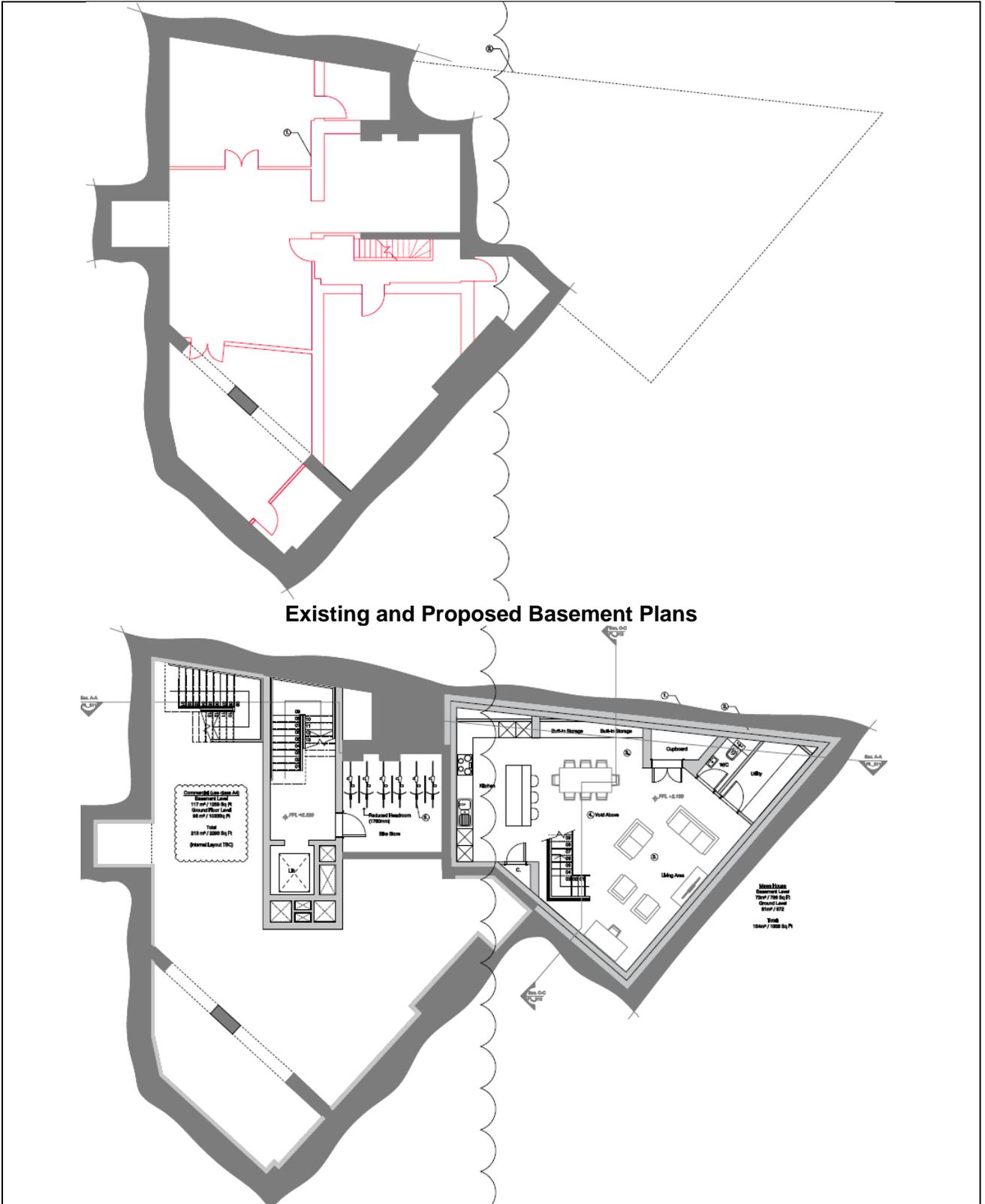
8.14 Other Issues

None

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

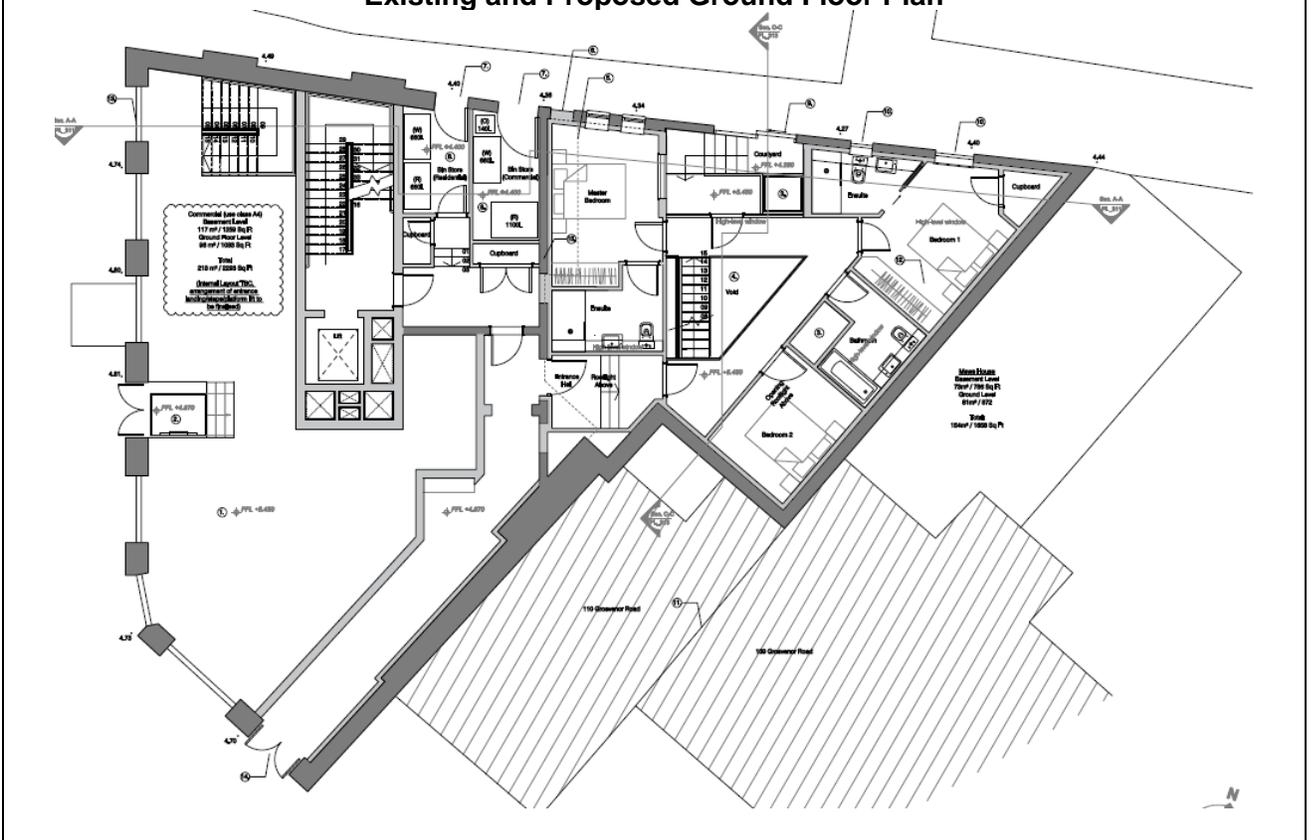
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

9. KEY DRAWINGS



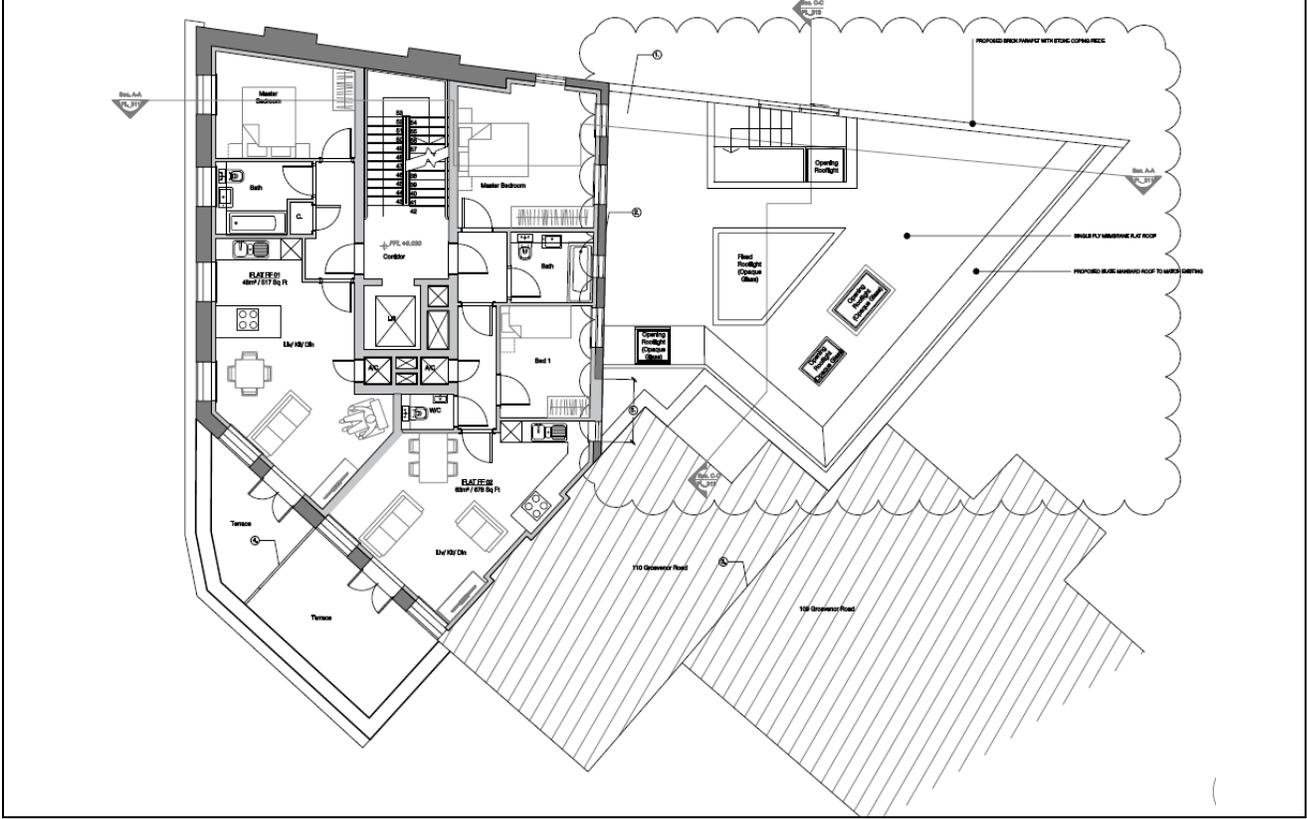


Existing and Proposed Ground Floor Plan





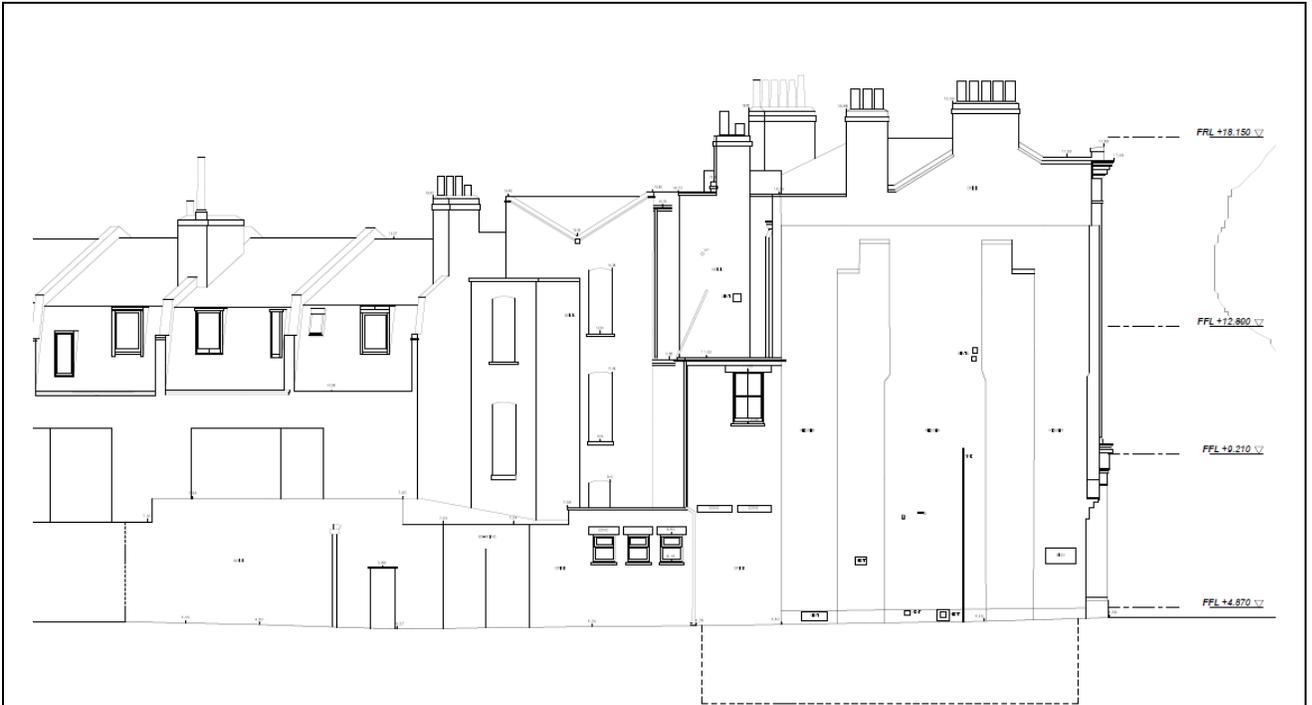
Existing and Proposed First Floor Plan





Existing and Proposed South West Elevation





Existing and Proposed North Elevation





Existing and Proposed Section CC



DRAFT DECISION LETTER

Address: King William IV Public House, 111 Grosvenor Road, London, ,

Proposal: Erection of a mansard roof extension, erection of an infill extensions to the northern elevation at second floor level, erection of an infill extension to the rear yard with associated alterations to rear wall, and excavation to enlarge the single storey basement, all in connection with providing five residential flats (2 x one bed, 3x two bed) within the main building, a single family dwelling house (3 bed) in the rear courtyard and a public house (class A4) on part of the ground and basement floors of the main building, the creation of refuse and cycle parking areas.

Reference: 19/00260/FULL

Plan Nos: Site Location Plan; Block Plan; RG0110_PL_101; RG0110_PL_102; RG0110_PL_103; RG0110_PL_104; RG0110_PL_105; RG0110_PL_111 rev 01; RG0110_PL_112 rev 01; RG0110_PL_113 rev 02; RG0110_PL_114 rev 02; RG0110_PL_115 rev 02; RG0110_PL_116 rev 02; RG0110_PL_201; RG0110_PL_202; RG0110_PL_203; RG0110_PL_204; RG0110_PL_211 rev 02; RG0110_PL_212 rev 02; RG0110_PL_213; RG0110_PL_214; RG0110_PL_301; RG0110_PL_303; RG0110_PL_311 rev 02; RG0110_PL_313 rev 02.

For Information:

Design and Access Statement (dated 20/12/18); Planning Statement (dated December 2018); Structural Engineering Report (dated 14/12/18) and associated drawings; Construction Method Statement (received 14/08/19); Geotechnical Report on Ground Investigation (dated June 2018); Flood Risk Assessment (dated 18/12/18); Archaeological Desk-Based Assessment (dated February 2019); Heritage Statement (dated December 2018); RG0110_PL_003.,

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;

- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

3 Pre Commencement Condition. Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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),

- 4** 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 Churchill Gardens Conservation Area. This is as

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

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

i) New windows

You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

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

- 6 You must apply to us for approval of sample panel(s) of the following parts of the development – brickwork for rear extensions and courtyard infill.

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 details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Churchill Gardens 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 The new mansard roof shall be clad in natural slate.

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 Churchill Gardens 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 A4 premises at ground and basement level before 07:00 or after 23:30 on Monday to Thursday, before 10:00 or after 00:00 Friday to Saturday (not including bank holidays and public holidays) and before 12:00 or after 23:30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You must not allow more than 100 customers into the Class A4 premises at any one time. (C05HA)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: the provision of internal entrance lobbies to the Class A4 premises. You must not start occupy any part of the site until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 Apart from the entrances to the Class A4 premises annotated on the approved drawings, the ground floor openings to the Class A4 premises shall be fixed permanently shut.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 The sound insulation of the development shall be of such a standard that it will protect residents (both within the building and adjacent) to the following maximum limits:

1) General Commercial Noise, a. indoors 35 dB LAeq 1hr daytime (07.00 to 23.00hrs); and, b. inside bedrooms 30 dB LAeq 5min night - time (23.00 to 07.00hrs).

2) Commercial uses including music and entertainment., The design of the separating building fabric should be such that the received value in the residential habitable spaces, with music or entertainment playing, should be 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFM_{ax} in the octave bands of 63 Hz & 125 Hz. (Should measurement not be possible in the residential space the limits of NR 30 (day) , 25 (night) and 40 (L_Amax, night time) may be used to demonstrate that the intrusive noise would be effectively inaudible.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 13 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 14 The residential accommodation shall not be occupied until you have carried out and sent us a post commissioning noise survey and we have approved the details of the survey in writing. The post commissioning noise survey must demonstrate that the noise criteria set out in conditions 12 and 13 have been met.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 15 You must apply to us for approval of details of the following parts of the development: an internal mechanical ventilation scheme for the flats along the southern facade. You must not occupy the residential parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 16 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 17 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number RG0110_PL_112 rev 01. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 18 You must apply to us for approval of details of secure cycle storage for the residential units and public house use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 19 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 20 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the rear courtyard infill building without our permission. This is despite the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the appearance of the property and the character of the area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R21DC)

- 21 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)

- 22 The residential units we have allowed can only be occupied if you have carried out the works to the public house unit to allow the basement level to be a tradeable area, these works include increasing the floor to ceiling height at basement level and installing a new staircase from ground to basement level.

Reason:

Developing the site without the public house alterations would not meet SS 8 of our Unitary Development Plan that we adopted in January 2007. (R07BB)

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 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 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)

- 4 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 5 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

- 6 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.

- 7 Under condition 16 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor equipment.

If you want to remove this condition you will need to send us full details of all the full height extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts. (I72AA)

- 8 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 9 Under condition 18, you are required to provide details of cycle parking spaces. This is because you need to increase the number of spaces to be in line with Draft London Plan policy standards.
- 10 The proposals show a crane will be placed in the bus stop adjacent to the site for construction purposes. The developer must discuss the acceptability of this with TfL Bus Operations and separate permissions will be required.

Item No.
4

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.