

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 November 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>7-9 Balfour Mews, London, W1K 2BF</b>		
<b>Proposal</b>	Use of the lower ground and part ground floor as an interior design studio and showroom (Sui Generis), replacement of the existing roller shutter at front ground floor level with partially glazed timber doors, installation of Crittal style glazed screen and pavement lights at ground floor front elevation, installation of new and replacement windows and doors to rear light well at lower ground and ground floor level and internal alterations.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Grosvenor Properties		
<b>Registered Number</b>	Application 1: 20/03436/FULL Application 2: 20/03437/LBC	<b>Date amended/ completed</b>	3 June 2020
<b>Date Applications Received</b>	3 June 2020		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The site is a vacant lower ground and part ground floor unit within Nos. 7-9 Balfour Mews, now with a 'nil use' since the previous occupier pursuant to a personal permission vacated the unit in 2017. The site is Grade II listed and located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ).

Permission is sought to use an interior design studio and showroom (Sui Generis) and to make various relatively external minor alterations to the building. Listed building consent is also sought to make these external alterations, as well as a number of internal alterations.

The key issues for consideration are:

- The impact of the proposals on the special character of the listed building and the character and appearance of the Mayfair Conservation Area;
- Whether the proposed new commercial use is appropriate in this location in terms of its scale and intensity and the impact upon the character and function of the area; and
- The impact of the proposed use on the amenity of the neighbouring residential occupiers within Balfour Mews.

The proposals are considered to be in accordance with relevant national and local policies with regard to land use, transportation and amenity impact. This is subject to strict conditions controlling the operation of the proposed use. Furthermore, the proposed alterations to the building will preserve its special interest and not harm the character and appearance of the Mayfair Conservation Area. For these reasons, it is recommended that conditional permission and listed building consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Objection – considers the proposed use is fundamentally a retail use and this will negatively change the residential character of the street and harm residential amenity (including through the impact of events). Future occupiers may have a greater harmful impact. Believe that permitted development rights could be used to change the approved use to one with greater harm.

### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

### HIGHWAYS PLANNING

Objection: Possible loss of parking garage and possible operation of delivery service – conditions requested.

### WASTE PROJECT OFFICER

Objection: Drawings submitted for waste storage not in line with Council requirements – condition requested.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Objectors have raised some or all of the following points:

Land Use:

- Commercialisation of the Mews,
- Inappropriate to introduce commercial activity to a Mews,
- Inappropriate scale and intensity of commercial use,
- Areas more suited to commercial activity in close proximity,
- Site not located in West End Special Retail Policy Area and therefore inappropriate for retail use,
- Loss of residential character of the Mews,
- Objections/issues regarding submitted Management Plan
  - o Customers by appointment, but also walk ins,
  - o Intention to have evening events with hospitality and the impact these will have on residents' amenity,
  - o Possibility of these events 'spilling out' into the street
  - o Regularity of deliveries and impact of other associated vehicle traffic increasing congestion and noise,
  - o Do not believe adherence to management plan can be controlled by condition.
  - o Contradictory claims of management of door at all times vs. security guard on door for seasonal events
  - o Inability of tenant and council to control how customers will behave
- Claimed 'nil use' is incorrect,
- Assertion that proposed sui-generis use is incorrect
- Concerns over permitted development use changes for retail and associated amenity

- impacts,
- Concern over increase in retail activity in the unit,
  - Cumulative impact of proposal's use on the character of area,
  - Concern that future operators will not respect neighbouring residents and operate differently from the potential initial tenant,
  - Missed opportunity to provide additional residential unit or increase residential floorspace which would have been the historic use for the site.

Amenity:

- Increase in activity and noise in the Mews (customers, deliveries etc.),
- Amenity impact from staff and customers meeting in the Mews and smoking etc., and
- Concern over applicant's failure to control existing tenants in the area to limit amenity impacts on residents.

Highways:

- Increase use of parking bays by non-residents,
- No information regarding disposal of waste, and
- Question if deliveries would be as limited as the submission suggests,

Design and Conservation:

- Impact on historic character of the Mews,
- Impact on residential character of the Mews, and
- Consider best use for unit is for that which it was built (i.e. residential), in accordance with UDP Policy DES10.

Following the above comments, the applicant provided a letter in response to these issues. Some points listed above were re-iterated and further comments were received from residents which raised the following additional concerns:

Land Use:

- The proposal is for a retail use,
- Previous tenant breached their permission by operating an art gallery,
- Applicant has changed claims of how site was used partway through the application (suggesting an unauthorised one), showing lack of control of tenants from applicant.
- Assertions made by applicant regarding building never being in use as residential are incorrect and disingenuous given historic nature of the building,
- Question if change of use will be needed for any future tenants to occupy units,
- Sui-Generis use does not ensure only one occupier can use unit nor the extent of the principle uses within it.
- Suggests that the most desirable use for this the site would be to absorb the unit into an adjoining residential unit,
- Applicant not offering binding control relating to the opening hours, and
- No marketing evidence has been submitted by the applicant to demonstrate that there are no other viable uses for the unit and therefore the associated reference to Para 192 of the NPPF (putting listed buildings to viable uses) by the applicant appears misplaced.

Amenity:

- Mayfair Neighbourhood Plan put onus on applicants to demonstrate no adverse

- effects on amenity, and
- Applicant has not offered any real controls in regard to protecting amenity.

#### Highways:

- Applicant's suggestion that would be more deliveries and disturbance from residential use peculiar.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises the basement of 7-9 Balfour Mews, the ground floor of 9 Balfour Mews and the rear ground floor of 7 Balfour Mews. The building is Grade II listed and is located in the Mayfair Conservation Area. The site is also located in the Core CAZ. The Mayfair Neighbourhood Plan (MNP) identifies the site as being within West Mayfair.

The property comprises of basement, ground and two upper floors, the upper floors of which are in residential use. The front ground floor at No. 7 serves as access to the upper floors and as a small garage. The site has a 'nil use' and has been vacant since January 2017. The site was most recently used as offices and storage (Sui Generis).

### 6.2 Recent Relevant History

08/01513/FULL and 08/01514/LBC

Use of basement and ground floor as offices and storage (sui generis). Erection of glazed screen and replacement of roller shutter to front garage entrance and installation two of air conditioning units in rear lightwell.

Permitted – 1 May 2008

This permission was personal, with Condition 6 stating: *"Only Ms Sadie Coles can carry out the storage and ancillary office use. No one else may benefit from this permission."*

## 7. THE PROPOSAL

Planning permission and listed building consent are sought to use the basement and part ground floor as an interior design studio and showroom (Sui Generis). The proposal also include replacing the existing roller shutter at No.9 (which forms the entrance to the site) with new timber doors in a style along with an internal Crittal style glazed screen that will be visible when the new timber doors are opened and act as a suitable frontage to the unit in opening hours. Replacement of the existing, but covered over, pavement lights are also proposed, as well as replacement windows and doors to the rear lightwell at basement and ground floor levels. Internally the applicant will also remove a secondary car platform, undertake other various alterations to the layout to allow better use of the site, and install a new staircase.

The applicant advises that the proposed use will be for their intended occupier, Pirajean

Lees, a London-based studio bringing together Interior Design, Product Design and Creative Direction. They intend to occupy the unit as a showroom at ground and part basement level, whilst the remainder of the basement is proposed to be used as a design studio and associated facilities. The applicant expects that the proposed use will employ around ten members of staff.

The applicant advises that no furniture will be made on site and only very small pieces can be purchased and taken away on the same day. Most furniture is made offsite and distributed direct to the customer and would not be delivered to or collected from the site.

The Operational Management Plan (OMP) submitted as part of the application elaborates and states that *“As well as PIRAJEAN LEES's own furniture collection, it will feature a carefully curated selection of designers and artists, including furniture, objects, lighting, and art”*. It also advises that *“designers will be working on various Interior Architecture projects from the gallery at 9 Balfour Mews, providing the customers with direct access to the creative team, to discuss commissioning of bespoke solutions and Interiors projects.”* The OMP also states that *“Most of the site will be dedicated to the open-space furniture gallery while the small design team will be located in the lower floor.”*

In essence, when the application was submitted the proposed use comprised a composite use comprising elements of retail and office, with both sales and the design of products (in collaboration with customers) taking place in the same planning unit. Prior to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 coming into force on 1 September 2020, such a use was not considered to fall within a single use class and was therefore a *sui generis* use. This is how the application was described, consulted upon and now assessed. The transition provisions in terms of how to deal with such applications is discussed below in Section 8.1.

With regards to the activities at the site, the OMP identifies that the unit will be open to customers Monday to Friday, from 10:00 to 18:00. It also states that, while the unit will be open to the general public during these hours, most of the customers would have pre-booked appointments before their visit. It goes on to describe that existing customers may visit the unit on Saturdays by appointment only. Additional information provided by the applicant outlines that it is estimated that some days there may be up to four appointments, whilst on others there may be none. They state that the intention of the unit is not to attract passing trade, hence not seeking to locate on a busy street.

The OMP identifies that the PIRAJEAN LEES's team will have access to the design studio during usual working hours, Monday to Friday from 09:00 to 19:00 and that exceptionally, access may be required outside of these hours.

The OMP goes on to describe that seasonal events may be held to coincide with Mayfair and London's artistic diary (such as Frieze, PAD, London Design festival), or for the launch of a new product. These would have a capacity of up to 60 guests, by invitation only, and held up to four times a year. It is proposed that these events will take place between 18:00 to 21:00 on any day except Sundays and consist of drinks and canapés.

A summary of the floorspace figures for the proposal are shown in the table below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Nil Use [Previously personal permission for offices and storage (Sui Generis)]	284	0	-284
Interior design studio and showroom (Sui Generis)	0	284	+284
Total	284	284	0

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use and Amenity

#### Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class. Of relevance to this application, former Class A1 (Shops) and former Class B1 (Business) are now included within Class E. Planning permission is not required to change the use of a building (or part of a building) between offices and shops. This is because changes of use within a use class does not constitute development.

There is currently a legal challenge to these Regulations that was heard on 14-15 October 2020. If a decision is made on this legal challenge by the time of this Sub-Committee, Members will be verbally updated.

Regardless of the outcome of this legal challenge, as the application was submitted before these Regulations came into force, the application has been assessed and must be determined by reference to the use classes as they were specified on 31 August 2020. In this case, the proposed use comprised a composite use comprising elements of a shop (former Class A1) and elements of an interior design studio (former Class B1). As neither use is ancillary to the other, the proposed interior design studio and showroom use would have fallen outside any use class and therefore been a *Sui Generis* use.

If the application had been submitted after 31 August 2020, it is considered that the proposed use would have fallen within Class E through being:

- Partly a use for the display or retail sale of goods (other than hot food) principally to visiting members of the public; and
- Partly a use for the research and development of products or processes which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

### Land Use Status of the Site

The applicant advises that the 2008 permission was implemented and that Ms Sadie Coles occupied the unit between 2008 to 2017. By virtue of this permission being personal (with no wording that allows the site's reversion to the previous use) and that person having vacated the site, the site has a 'nil use' which means that planning permission is required to bring the building back into any use

An objector has challenged the claims by the applicant that the unit is a nil use and says that this is "...entirely without foundation." and also "...not the correct starting point when assessing the current proposals." This position is incorrect. The site has a nil use.

### Proposed Interior Design Studio and Showroom Use

City Plan Policy S1 identifies that, within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted. Policy S6 identifies the Core CAZ as an appropriate location for a range of commercial and cultural uses with complimentary uses. Policy MSG2(f) of the MNP identifies west and central Mayfair area as a suitable location for mixed use and residential growth.

Policy S18 of the City Plan states that commercial development will be encouraged and directed to a number of areas within the City, including the Core CAZ. It also states that Commercial and other non-residential activity is the priority in the Core CAZ but that new commercial uses must be appropriate in terms of scale and intensity of land uses, and character and function of the area. It also states that, while commercial development is the priority for the Core CAZ, "...where residential streets and areas within those areas are wholly residential, commercial encroachment is not appropriate".

Policy MRU1 of the MNP states that new commercial uses in Mayfair "...must demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise or rubbish between 11pm and 7am."

Objectors have stated they do not consider the Mews to be an appropriate location for commercial uses, arguing that its predominantly residential character would be undermined and that the scale and intensity of a commercial use is inappropriate. They also state that areas more suited to commercial activity are in close proximity. Objectors argue that it would be more suitable to subsume the application site into an adjacent residential unit.

Balfour Mews is considered to have a predominately residential character with, aside from the application site, the only other non-residential activity taking place is at the rear of No. 65 South Audley Street, which exits out to the rear on Balfour Mews at the ground floor on No.5 Balfour Mews.

Given the site's location within the Core CAZ, the proposed commercial use is considered acceptable in principle, in accordance with policies S1 and S6 of the City Plan, and MSG2 of the MNP. With regards to Policy S18, the Mews is not wholly in residential use and there is therefore no in-principle objection.

With regards to the scale and intensity of the proposed use, given the small size of the unit (284sqm), the limited hours of opening for customers, anticipated low footfall and limitations on deliveries (discussed below in section 8.4), it is considered that the use would be acceptable subject to the imposition of a number of conditions. These shall restrict times the unit can be open to customers (Monday to Saturday, from 10:00 to 18:00), secure compliance with the submitted OMP, limit the capacity at these events to 60 and require that any seasonal events described above are only held four times a year and terminate at 21:00, as identified in the OMP. It is considered highly unlikely that these events will spill out into the Mews.

With regards to Policy MRU1 and the impact on amenity of the proposed use, it is considered that the conditioned restrictions in the paragraph above will serve to protect the amenity of the occupants of the surrounding residential properties. The hours of operation do not fall within those identified by the MNP as being undesirable for additional noise. This with the exception for the described existing waste collection hours of the Mews. As these are existing hours for waste collection, it is not considered there would be any impact on amenity from utilising these existing hours.

Objectors have raised concerns relating to the impact of the use on residential amenity in terms of the increase in activity and noise in the Mews (customers, deliveries etc.), the impact from staff and customers meeting in Mews and smoking etc. and raising concern over applicant's failure to control existing tenants in the area to limit amenity impacts on residents. They also object on the grounds of the cumulative impact of proposed use on the character of area, and draw attention to the fact that the MNP puts the onus on applicants to demonstrate no adverse effects on amenity and consider that the applicant has not offered any real controls in regard to protecting amenity,

As outlined above, it is not considered that the nature of the operation as described would have a significant material impact on amenity of the area with customer footfall anticipated to be low, and an estimate of only ten employees being on site. Smoking etc. around the building cannot be controlled by planning legislation that is only able to control matters taking place within the application site. The small scale of the proposed use and the modest hours proposed means that staff and events guests smoking outside are unlikely to cause a material loss of amenity.

Subject to the conditions above, it is considered that the proposed use is in accordance with City Plan Policy S18 and MRU1 of the MNP and will bring a listed building back into use in a manner that is consistent with its conservation as a designated heritage asset.

To ensure that the development is carried out in accordance with the use sought and assessed and to ensure that the site is not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, it is recommended that a condition be imposed requiring the site to be used as an interior design studio and showroom use in accordance with the approved floorplans only and for no other purpose within Class E.

## **8.2 Townscape and Design**

In considering the proposal the City Council has a duty to take into account the Planning (Listed Buildings and Conservation Areas) Act 1990, where section 66 requires that *"In*

*considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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 requires 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.”*

With specific regard to listed buildings, the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 requires *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.”*

The Courts have held that harm to listed buildings and/or conservation areas should be given great weight and importance in planning decisions. Furthermore, Chapters 12 (*Achieving well-designed places*) and 16 (*Conserving and enhancing the historic environment*) of the NPPF, reminds the decision maker that great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF notes that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard, or pay special attention, to the preservation of the designated heritage asset(s) as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The application site is part of a row of grade II listed buildings in the Mayfair Conservation Area, to which they make a positive contribution. The Survey of London describes them as *“...two-storey stabling serving the new houses to the north and west. Balfour Mews itself was a new broad yard, open at both ends, with the residential parts of the stabling planned so as to face Aldford Street and South Street. All the new development here was undertaken by the builders Charles Daw and Son to designs supplied in some cases by Balfour and Turner, in others by their assistant G. A. Codd, who followed their elegant but sober late Queen Anne idiom. Though altered in several respects, these brick-and-stone buildings retain a modest charm.”*

Internally, Nos. 7-9 Balfour Place have been altered at ground and basement levels. There is a car-lift (a later, and modernised, addition) that remains more-or-less intact in No.9, and there are remains of an older, and now inoperable, car lift in the basement of No.7.

The original plan form of the buildings is legible at these levels and the rooms retain some features of interest such as small areas of wall paneling enclosing the basement stairs, patches of hexagonal wall-tiling, and match-board cladding. Many of the rooms have been concealed behind modern partitions and they can only be accessed via holes broken through the modern partitions. Some rooms are entirely derelict and suffering from pigeon infestation.

The roller shutter at ground floor level is a negative feature of the building that detracts from its appearance. When the roller shutter is open, the concertina gates of the car lift are clearly visible occupying about half of the opening. The visual effect of the gates tends towards suggesting an industrial/commercial, rather than residential, use.

The proposed alterations will replace the roller shutter with timber doors similar to those of adjoining buildings and based on the likely original design illustrated in the Survey of London. Internally, a glazed screen will be erected at ground floor level to enclose the space when the new doors are open. This is similar in principle to other properties that also have glazed screens at ground floor level, albeit not recessed.

The remains of the car-lift in the basement of No. 9 will be removed, and provision is made for a new staircase on the site of the car-lift at No. 7 which will render what remains of it obsolete and useless. While the car-lifts have some interest as later additions to the building, representing a phase in its history, the remains in No. 7 are not significant. The (presumably) operable car lift in No.9 has been modernised, and it is not a key feature of special interest. Its alteration as proposed is minimally harmful in heritage asset terms. Furthermore, that less than substantial harm is more than outweighed by the improvement to the street frontage where new timber doors will replace the unattractive and incongruous roller shutter. This is a public benefit that clearly outweighs this less than substantial harm. The detailed design of the new staircase may be dealt with by condition.

In the rear lightwell, two uPVC windows are to be replaced with metal-framed double-glazed windows, new partitions are to be installed at basement and ground floor levels, some of which will be glazed, and defective pavement lights are to be replaced. The impact of these alterations is neutral in heritage asset terms.

A strong objection has been received in relation to the proposed use, which the objector believes would introduce a commercial use at odds with the residential character of the mews. This, they believe, would be harmful to the conservation area. The character and appearance of the mews has changed since it was first built. The horse-and-carriage has made way for cars, and in this mews some of the garages have been converted to wholly residential use, and there is a commercial use at No.5. In this context the changes proposed represent another phase of change and, in this case, it is not harmful to the character and appearance of the Mayfair conservation area, which is mixed, as is Balfour Mews. Equally, this is the case in relation to the point the objector makes whereby they consider the best use for unit is for that which it was built, as identified in UDP policy DES10. The stabling and garaging phase of the Mews has passed, and it would not be fully appropriate for such a use to be reinstated.

As such, whilst being mindful of policies DES 1, DES 5, DES 9 and DES 10 of the UDP and S25 and S28 of the City Plan, given the public benefits that would be delivered, which comprise the improvements to the frontage, the proposal is considered acceptable in terms of its impact on the designated heritage asset. Therefore, the recommendation to grant conditional permission and is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 8.3 Transportation/Parking

The Highways Planning Manager has assessed the application and raised a number of concerns. These relate to the possible loss of the parking, possible operation of delivery from the unit, as well as concerns over the installation of new pavement lights in front of the property.

With regards to the possible loss of a parking garage, as set out above the site has a nil use and therefore there is no loss of off-street car parking.

The Highways Planning Manager states that to minimise the impact of the proposal on the road network, no delivery service should operate from this location. Delivery vehicle parking can reduce the availability of parking for other uses and increases noise and fumes in the area. The applicant's Management Plan states:

*“Due to the bespoke nature of our offering, most pieces will be delivered directly from the manufacturer to the client's property, meaning that most deliveries and collections will be for small items and accessories, of which we will hold only a small stock. It will minimize disruption, in favour of a low-traffic furniture gallery.”*

Objectors have raised concern regarding the impact of deliveries to the site and the impact of increased traffic etc. as well as questioning if the number of deliveries to the site would be as limited as claimed by the applicant (maximum of two deliveries daily made by small-medium sized vans). Following objections, the applicant has stated that deliveries will be kept to an absolute minimum and will be restricted to between 08:00 and 18:00, Monday to Saturday only. Given the moderate number of deliveries anticipated, these delivery hours are considered appropriate and shall be secured by condition, fully addressing to the objections raised.

The applicant has also advised that deliveries will mainly be couriers or small items for office supplies. The intended occupier will not receive product or stock deliveries on a daily (or weekly) basis as the majority of the products are made to order and will be sent directly from the manufacturer to the client. As such, the gallery will rarely deliver to clients directly. While this statement goes some way to address the concerns of objectors and the Highways Planning Manager, it is considered necessary to prohibit any delivery operation from the unit to address the concerns.

Objectors have raised concern over the likely increased use of parking bays/space in the mews by non-residents. The Highways Planning Manager considers that the new use will have a minimal impact on parking levels in the area which will, in any events, be controlled by existing parking restrictions. Additionally, it is noted that the site is located in the highest PTAL area (with a PTAL rating of 6b, indicating excellent access to public transport), which typically will reduce journeys to the site in private vehicles. As such, and when considering the abovementioned limitations on delivery vehicles to be imposed, it is not considered that the objections on these grounds can be upheld.

The Highways Planning Manager notes that four cycle spaces are shown on the proposed plans which is acceptable and will be secured by condition.

There were initial concerns over the installation of new pavement lights in front of the

property. The applicant attests that they consider these are simply replacements as there are some already there, despite there being no such structure in the highway surface as they have long been covered over and only the frames visible from below when inside the building. In spite of this, the Highways Planning Manager has agreed that, while such new structures in the highways surface are usually strongly resisted in principle to ensure a high quality highway surface, in this instance they are acceptable given that no additional excavation would be required and they are located away from any desire lines of the majority of vehicles or pedestrians passing through the Mews.

#### **8.4 Economic Considerations**

Any economic benefits derived from the commercial use of the site are welcome.

#### **8.5 Access**

Access arrangements to the property will be unchanged by the proposals.

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

##### **Refuse /Recycling**

The Waste Project Office and Highways Planning Manager have both raised concern that, while the proposed plans show waste storage, the details appear not to be in line with Council requirements. They have requested that details of the appropriate waste storage be secured by condition to overcome these concerns. However, the submitted drawings include details of bin storage locations and capacities of these. Given the size and nature of the use this is considered acceptable and the provision of this storage will be secured by condition. Any tenant of the unit would be responsible for securing an appropriate waste collection service, be it from the Council or other provider, and ensure that waste is not left on the highway aside from before collection time.

#### **8.7 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 19 June 2019 and 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place in September and October 2020. Following the Examination, a letter from the Inspectors was received on 29 October 2020 stating that the draft City Plan was not sound but that a number of 'main modifications' could be made to make Plan sound. These main modifications will be subject to public consultation and, only once responses have been received and considered, will the Inspectors' report be drafted. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will generally continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

#### **8.8 Neighbourhood Plans**

The Mayfair Neighbourhood Plan includes policies on a range of matters including

character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

### **8.9 London Plan**

This application raises no 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 unless stated otherwise.

No pre-commencement conditions are required for this application.

### **8.11 Planning Obligations**

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

### **8.12 Environmental Impact Assessment**

Not applicable.

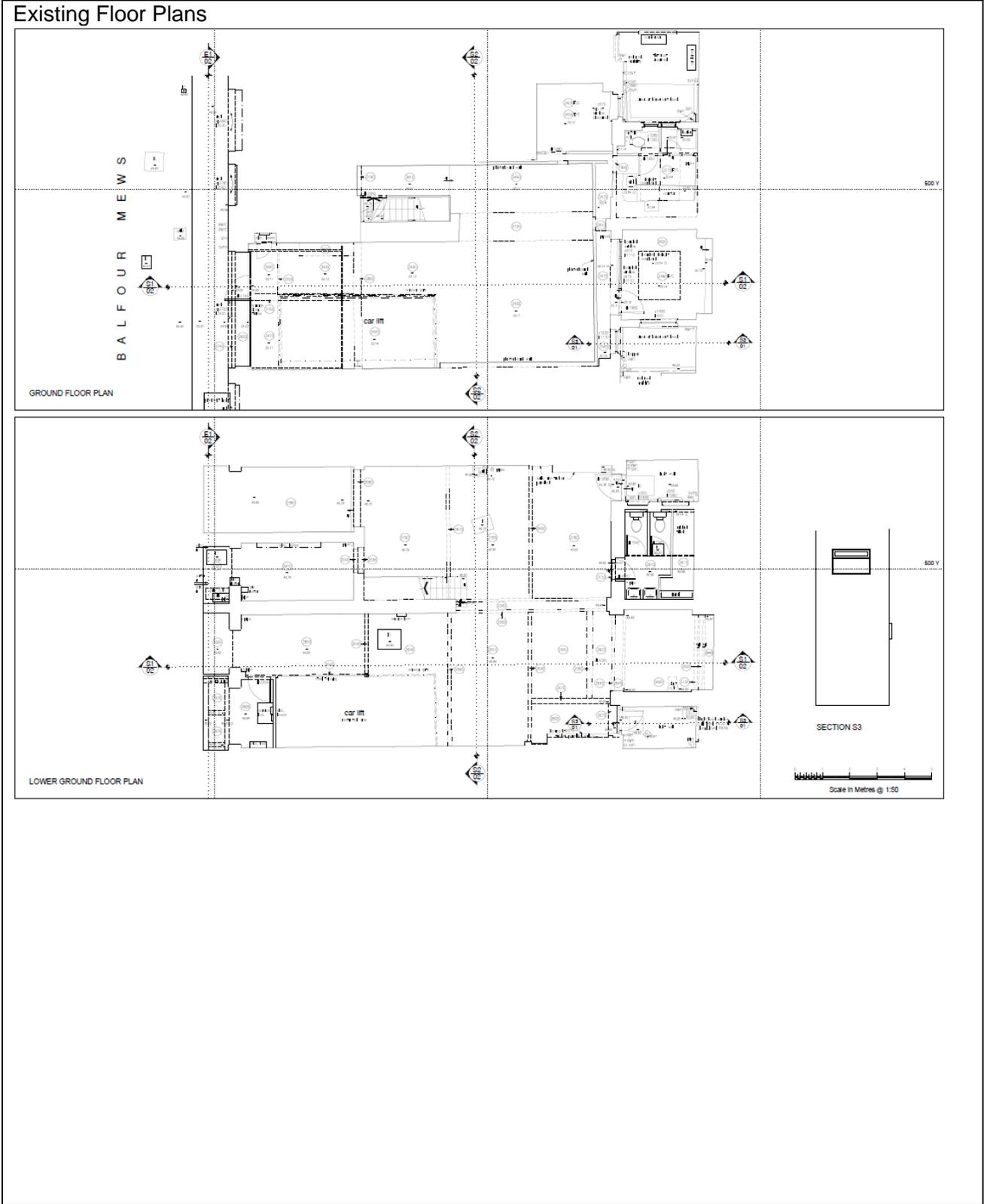
### **8.13 Other Issues**

None

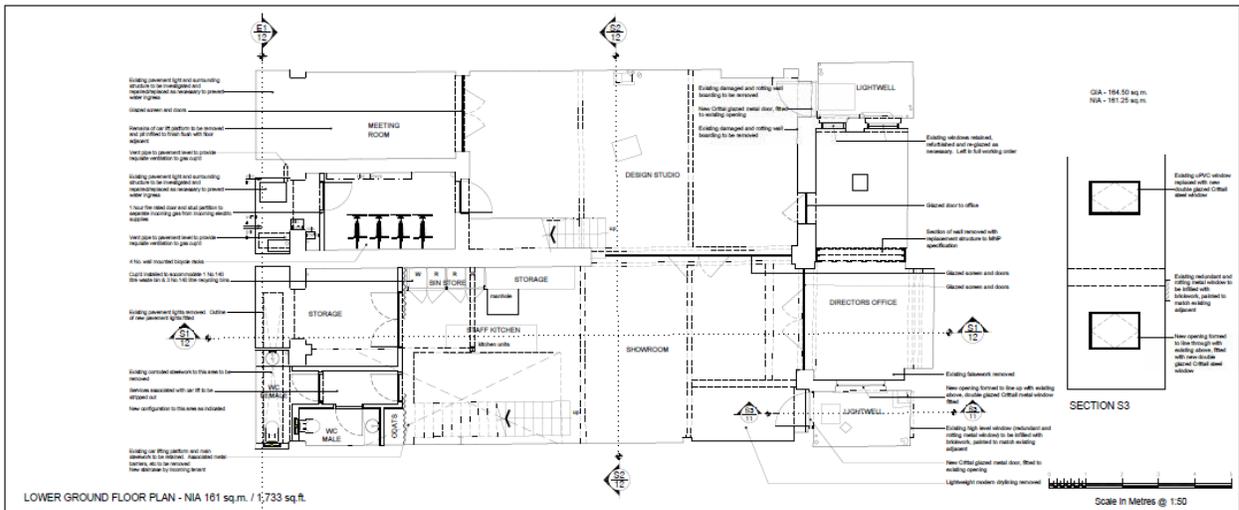
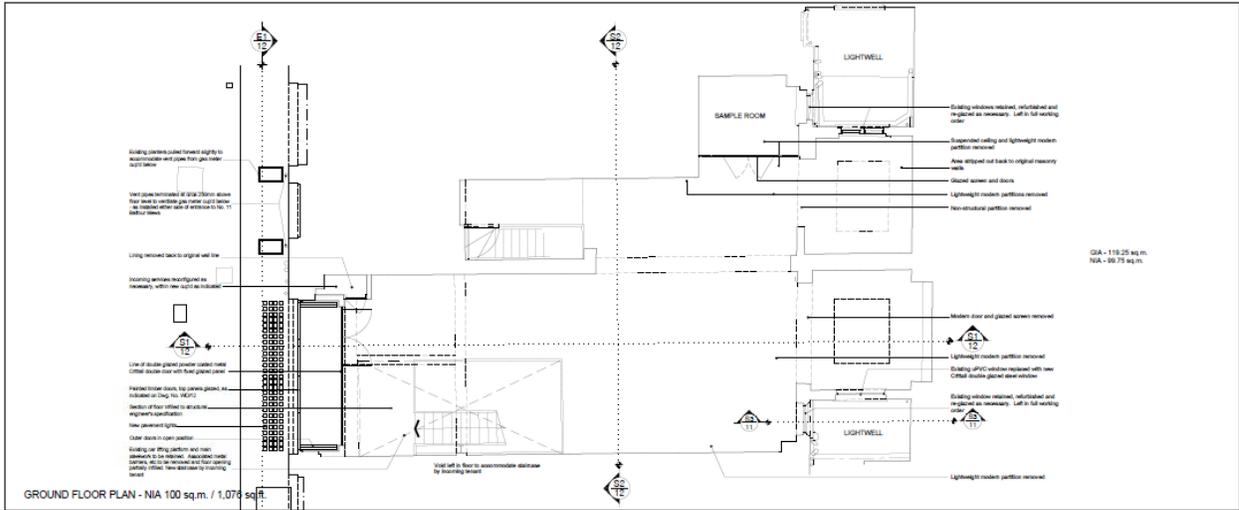
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [MHOLLINGTON2@WESTMINSTER.GOV.UK](mailto:MHOLLINGTON2@WESTMINSTER.GOV.UK)

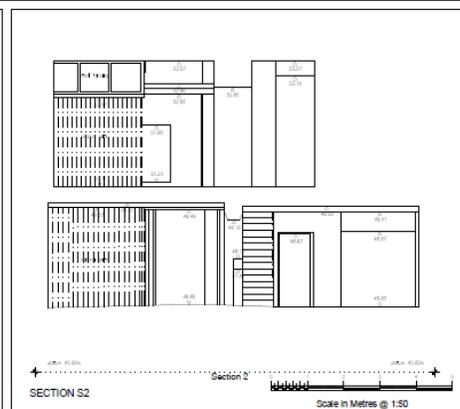
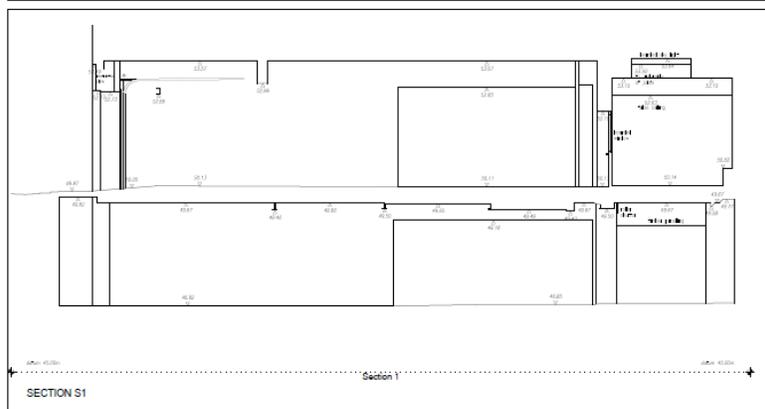
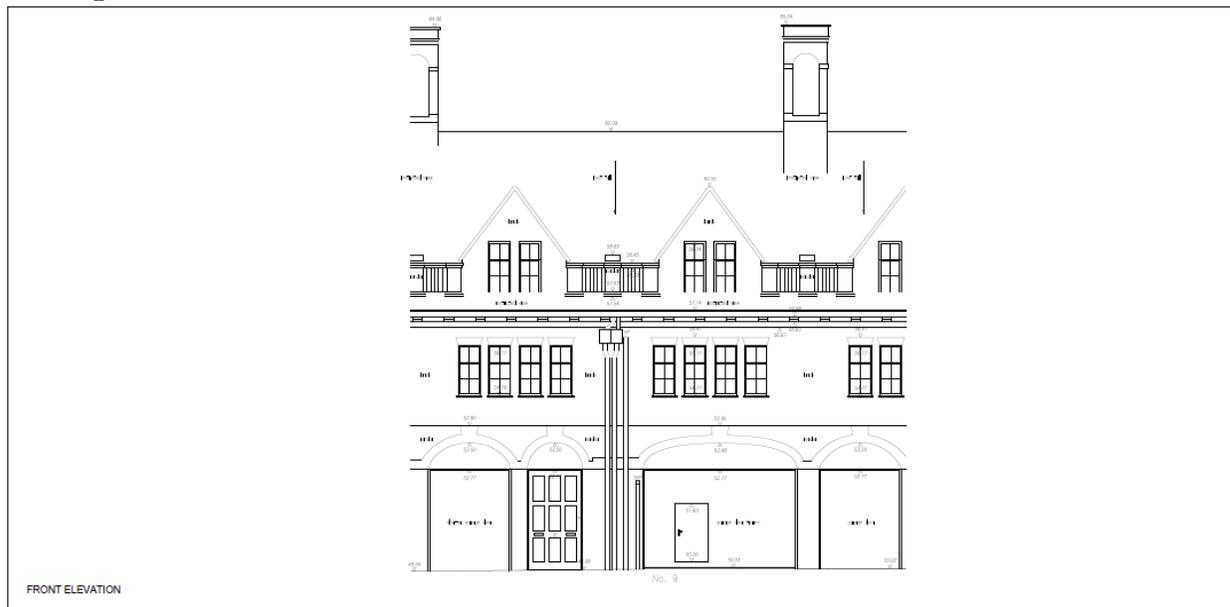
9. KEY DRAWINGS



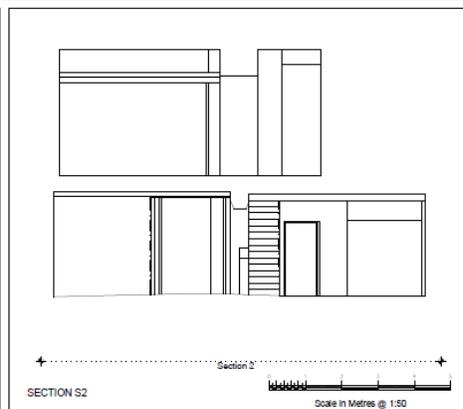
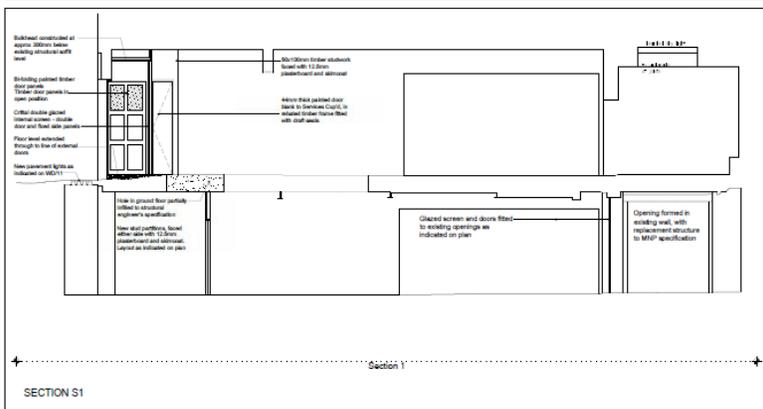
Proposed Floor Plans



### Existing Elevations/Sections



### Proposed Elevations/Sections



**DRAFT DECISION LETTER (PLANNING PERMISSION)**

**Address:** 7-9 Balfour Mews, London, W1K 2BF,

**Proposal:** Use of the lower ground and part ground floor as an interior design studio and showroom (Sui Generis), replacement of the existing roller shutter at front ground floor level with partially glazed timber doors, installation of Crittal style glazed screen and pavement lights at ground floor front elevation, installation of new and replacement windows and doors to rear light well at lower ground and ground floor level and internal alterations.

**Plan Nos:** Demolition Drawings:  
SY/03 Rev. A

Proposed Drawings:  
WD/11 Rev. D ; WD/12 Rev. D

Documents:  
Operational Management Plan dated 31 March 2020 Revision C by Pirajeau Lees.

**Case Officer:** Adam Jones

**Direct Tel. No.** 07779431391

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

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

- (A) the new external timber doors,
- (B) the replacement pavement-lights, and
- (C) the replacement rear lightwell windows.

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 approved detailed drawings.

Reason:

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

- 5 You must complete the work to the new external timber doors before you occupy the premises.

Reason:

To ensure the public benefits of the development are delivered, to protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

- 7 Customers/clients are only permitted on the premises between 10:00 to 18:00 Mondays to Saturdays, with the exception of when special events are held at the premises.

In the case of special events, these may only be held on Mondays to Saturdays and all attendees of the special event must have left the site by 21:00.

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)

- 8 Special events must have no more than 60 guests in attendance. The number of special events held per calendar year at the site may not exceed 4 (four).

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, and to avoid blocking the surrounding streets, to protect the environment of people in neighbouring properties, and in the interest of public safety as set out in S41 and S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 2, TRANS 3, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must carry out the measures included in your Operational Management Plan dated 31 March 2020 Revision C (or an alternative Operational Management Plan submitted to and approved by the City Council) at all times that the interior design studio and showroom is in use.

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, and to avoid blocking the surrounding streets, to protect the environment of people in neighbouring properties, and in the interest of public safety as set out in S41 and S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 2, TRANS 3, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not accept deliveries other than between 08:00 and 18:00 on Monday to Saturday and not at all on Sundays.

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 No delivery of goods shall take place from the site to customers.

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)

- 12 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.

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)

- 13 Prior to occupation, you must provide the separate stores for waste and materials for recycling shown on drawing number WD/11 Rev. D. You must clearly mark them and make them available at all times to everyone using the interior design studio and showroom.

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)

- 14 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the interior design studio and showroom (Sui Generis) use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the interior design studio and showroom (Sui Generis) use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

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)

- 15 You must use the site only as an interior design studio and showroom, in accordance with the layout of uses shown on the approved drawings. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed and to ensure that the site is not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, contrary to Policies S18, S24, S29, S31, S32, S41 and S42 of Westminster's City Plan (November 2016) and ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007.

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 Should you be required to install any form of physical noise mitigation to comply with the requirement of Condition 14, this is likely to require listed building consent. Any forthcoming application will be assessed on its merits.
- 3 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). 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).
- 4 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 and to apply online please visit [www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).
- 5 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).
- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (154AB)
- 8 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.

- 9 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
  
- 10 The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (I88AA)

**DRAFT DECISION LETTER (LISTED BUILDING CONSENT)**

**Address:** 7-9 Balfour Mews, London, W1K 2BF

**Proposal:** Replacement of the existing roller shutter, installation of Crittal style glazed screen and pavement lights at ground floor front elevation, removal of secondary car platform, installation of new and replacement windows and doors to rear light well at lower ground and ground floor level. Internal alterations including the addition and removal of partitions and removal of false ceilings.

**Reference:** 20/03437/LBC

**Plan Nos:** Demolition Drawings:, SY/03 Rev. A,  
Proposed Drawings:, WD/11 Rev. D ; WD/12 Rev. D

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641  
07779431391

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 All new work 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 building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:  
(A) the new external timber doors,  
(B) the replacement pavement-lights,  
(C) the replacement rear lightwell windows, and  
(D) the new staircase in No. 9.

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.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must complete the work to the new external timber doors before you occupy the premises.

Reason:

To ensure the public benefits of the development are delivered, to protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Item No.
<b>2</b>

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.