

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved Bayswater	
Subject of Report	<ol style="list-style-type: none"> 1. 98 Westbourne Grove, London, W2 2. 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road, 104 - 106 Westbourne Grove, 98 - 112 Westbourne Grove, W2 		
Proposal	<ol style="list-style-type: none"> 1. Use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage. 2. Variation of Condition 13 (tables and chairs) of planning permission dated 7 February 2003 (RN 02/03540) for part demolition/redevelopment to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works; namely to remove restrictions outside of No. 98 Westbourne Grove (Cote restaurant) only. 		
Agent	Popleston Allen Solicitors		
On behalf of	Cote Restaurants Limited		
Registered Number	15/01715/TCH 15/04113/FULL	TP / PP No	TP/10490
Date of Application	25.02.2015 28.05.2015	Date amended/ completed	25.02.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone District Shopping Centre		
Stress Area	Within Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional permission.





**Application 1:
98 WESTBOURNE GROVE, W2**

**Application 2:
43 HEREFORD ROAD, 2 - 6 BOTTS MEWS,
2 CHEPSTOW ROAD, 104 - 106 WESTBOURNE GROVE,
98 - 112 WESTBOURNE GROVE, W2**

2. SUMMARY

Planning permission is sought for:

1. The use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage. (15/01715/TCH)
2. Variation of Condition 13 of planning permission dated 07 February 2003 (RN:02/03540), to remove 'Westbourne Grove' from the Condition 13 so that it would read:

"No planters, tubs, tables or chairs, freestanding advertisements or any other items shall be placed on either the private forecourt or adjoining public highway along the Hereford Road/Chepstow Road frontages of the application site." (15/04113/FULL)

The key issues are:

- The impact of the tables and chairs upon pedestrian safety.
- The impact of the use of external tables and chairs on residential amenity.

Both applications accord with current Unitary Development Plan (UDP) and City Plan policies relating to pedestrian safety and amenity and are recommended for approval.

3. CONSULTATIONS

Application 1- Ref 15/01715/TCH

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Pavement is too narrow in this very busy section of Westbourne Grove.

NOTTING HILL EAST NEIGHBOURHOOD FORUM (Previously WNA)

Pavements are public space and not for private sale.

HIGHWAYS PLANNING MANAGER

No objection to proposals.

Submitted revised Drawing shows the area proposed for placing tables and chairs to measure approximately 2.8m from building line (pinch point) to the closest item of street furniture; the area proposed for placing tables and chairs is approximately 0.8m, leaving approximately 2m as a pedestrian clearway. This measure accords with the City of Westminster public realm strategy, Westminster Way, minimum requirement of 2m for pedestrian movement. The proposal accords with the aims of the City Council's Policy TRANS 3.

CLEANSING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 89; Total No. of Replies: 8.

Eight objections.

Transportation

- Tables and chairs will cause congestion on busy pedestrian crossing outside of restaurant.

- Congestion caused would be amplified by single yellow line outside restaurant which is often used for deliveries.
- Tables and chairs would obstruct smooth flow of deliveries to 8 adjoining retail units.
- Allowing tables and chairs would obstruct free flow of pedestrians along a busy road which is too narrow to accommodate this, and would set precedent for other restaurants on the street.
- Proposal does not take into account the additional 0.75 - 1m of pavement width for staff to serve tables, nor the addition of another chair.

Amenity

- Restaurant already has problems associated with staff and visitors smoking outside, causing a noise nuisance and not closing on time. Placing of tables and chairs would worsen situation.
- New application does not address any of the concerns previously raised.
- People waiting at the pedestrian crossing will be exposed to cigarette smoke.

ADVERTISEMENT/SITE NOTICE: Yes

Application 2- Ref: 15/04113/FULL

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object to removal of condition.

- Removing condition would effect not only restaurant use at No. 98 but would apply to the whole development.
- Condition was originally agreed by all parties.
- All tenants who occupy the premises are aware of this restriction.
- Condition was originally justified owing to the constrained conditions of the site, particularly narrow pavement on Chepstow and Hereford Road.
- Westbourne Grove should be retained for pedestrian use only owing to high footfall, and two heavily used crossings adjacent to site.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Condition 13 is imposed for good public reasons.

BRA

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection to proposals

ADJOINING OWNER/OCCUPIERS

No. consulted: 89; Total No of Replies: 0.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application relates to the Cote Restaurant at 98 Westbourne Grove. It is located within the Westbourne Conservation Area. This part of Westbourne Grove is identified as a District Centre and is located within in the Queensway/Bayswater Stress Area.

4.2 Relevant History

13 August 2001 - Planning permission, listed building consent and conservation area consent was granted by the Planning Applications Sub-Committee under references 00/00824/FULL, 00/00825/LBC, 00/00826/CAC at site comprising 98 - 112 Westbourne Grove, 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road and 112A - 112B Westbourne Grove for the part demolition/redevelopment to provide new buildings providing 36 flats 2 "live-work" units, ground floor retail and restaurant uses and 35 parking spaces in the basement.

07 February 2003 - Resubmission of previous consent granted in 2001, this time around including 106 and 108 Westbourne Grove which were not available at the time of the 2001 permission, providing an enlarged ground floor A1 unit (No. 7) and enlarged A3 unit (No. 4). (02/03540/FULL).

Condition 16 of the 2001 permission prohibited the placement of street furniture, including tables and chairs, either on the private forecourt or adjoining public highway along the Westbourne Grove/Hereford Road/Chepstow Road frontages of the application site. The reasoning for the imposition of this condition was related to pedestrian safety. The condition is referred to in full in the 'proposal' section of this report above. This condition was also imposed in the latter resubmission in 2003 (subsequently numbered condition 13), which is the subject of this application.

In the original 2001 application, SEBRA had expressed concerns that that the private forecourts should be dedicated as public highway to address long term traffic management and pedestrian safety. The report detailed that the applicant had declined to dedicate the private forecourts outside the premises. Officers however recommended the inclusion of the said condition to the same effect which consequentially appeared on the decision notice and the 2003 decision notice which followed.

1 January 2015 - Planning permission refused for Use of the public highway for the placing of six tables and 12 chairs in two areas measuring 10.5m x 0.75m on Westbourne Grove and 6m x 0.75 on Hereford Road elevation in connection with associated restaurant. The application was refused on highways grounds due to the restricted pavement width on Hereford Road only as a result of the existing bicycle parking stands. An informative was attached to that decision notice advising that tables and chairs on the Westbourne Park Road only were likely to be considered favorably.

5. THE PROPOSAL

Planning permission is sought for:

Application 1 – Ref 15/01715/TCH

1. Use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage.

Application 2 – Ref 15/04113/FULL

Variation of Condition 13 of planning permission dated 07 February 2003 (RN:02/03540), to remove 'Westbourne Grove' from condition 13, so that the condition would read;

"No planters, tubs, tables or chairs, freestanding advertisements or any other items shall be placed on either the private forecourt or adjoining public highway along the Hereford Road/Chepstow Road frontages of the application site"

6. DETAILED CONSIDERATIONS

6.1 Land use

The proposed external tables and chairs would be associated with the existing lawful restaurant (Class A3) and would not change the use of the site.

6.2 Townscape

The tables and chairs do not raise design and townscape issues.

6.2 Highways

Policy TACE 11 of the UDP states that permission for tables and chairs on the public footway will only be granted where such proposals will not cause an obstruction, endanger pedestrians and wheelchair users or cause or exacerbate a problem with refuse storage or street cleansing. Condition 13 of the 2003 permission for the redevelopment of the block prevented external tables and chairs being placed on the private forecourt of the public highway in the interest of public safety.

Permission is sought to allow 3 tables and 6 chairs to be placed outside of Cote restaurant on Westbourne Grove. The submitted drawing shows the area proposed for placing tables and chairs measures 2.8m from building line (pinch point) to the closest item of street furniture. The area proposed for placing tables and chairs is 0.8m, leaving 2m as a pedestrian clearway at its narrowest point. The tables and chairs are also positioned either side of the frontage, away from the pedestrian crossing ramp.

Objections have been received from the SEBRA and BRA and local residents on the grounds that the tables and chairs would obstruct the highway, with particular regard for the busy pedestrian crossing outside the restaurant on Westbourne Grove. These objections were initially put forward by SEBRA at the time of the original grant of permission.

The City of Westminster's public realm strategy, 'Westminster Way', was adopted September 2011 and is a material factor in considering applications for street furniture. It sets out that in the holistic management of the street environment, the space required for people should come first with other obstructions, where permissible, placed to minimise the intrusion into that space. Pursuant to this it requires that a minimum pavement width of 2m must remain unobstructed for pedestrian movement. It states that this clear zone may have to be widened in some busy places.

This is a busy location, given it is designated as a stress area and District Centre. Notwithstanding this, a depth of 3m between the seating area and kerb is maintained at its widest points, dropping to 2m at pinch points. Moreover the number of tables and chairs is limited to 3 tables and six chairs only and located away from the pedestrian crossing. The City Council's Highway's Manager has accordingly not objected to the proposal. It is therefore considered that the impact upon pedestrian movement is unlikely to be obstructive and therefore accords with the aims of the City Council's Policy TRANS 3.

As highlighted by SEBRA the wording of the proposed variation of condition 13 of the 2003 permission would apply to the whole Westbourne Grove frontage of the development, from No. 98 to 112, with the effect of allowing premises to place tables and chairs within their private forecourts without having to apply for planning permission. The number of premises that retain a private forecourt is not known to the Council and has not been supplied with the variation of condition application. It is clear however that other premises, between 100 –112

Westbourne Grove, have various items of street furniture in front of them. It is therefore recommended that the condition be re worded to exclude the frontage to 98 Westbourne Grove only, as it has been demonstrated in this application that sufficient pavement width can be maintained. Any future application at other premises would therefore be considered on their individual merits.

With regard to street cleansing and continued servicing provisions, neighbours have pointed out that the tables and chairs are likely to interfere with this operation, whereby servicing from the dedicated bay on Hereford Road could be obstructed. However, the City Councils Cleansing Manager has not objected to the proposal.

6.3 Amenity

Policy TACE11 states that permission for tables and chairs on the public footway will only be granted where such proposals would not unacceptably intensify an existing use, cause a nuisance to residents, harm the amenity of the area or create opportunities for crime. Westbourne Grove is a busy road with active ground floor commercial uses and residential generally on upper floors. Objections have been received from local neighbours and residential occupiers of flats above the restaurant relating to potential noise nuisances from the proposed external seating area.

The proposed hours within which the tables and chairs are sought to be placed outside of the restaurant are between 08:00 - 23:00 on any day and falls within the lawful operating hours of the premises. Moreover TACE11 sets out that tables and chairs will not normally be permitted outside premises after 22.00 which is consistent with what is proposed. There are no registered noise complaints on the planning record for these premises. It is acknowledged that there may be some audible activity from the restaurant and other commercial uses nearby at upper floor level. The street however has an established ground floor active frontage, conducive to its mixed commercial and residential character and subject to the removal of tables and chairs from the public highway at 22.00 as proposed, the amenity of adjoining occupiers is unlikely to be adversely affected.

6.3 Other

Neighbours are concerned that the proposed tables and chairs would require more space than that shown on the drawings. The permission would be based on the approved plans which propose three tables and six chairs, in the locations specified. In terms of serving space, it is acknowledged that waiters would be likely to stray outside of the seating area to get to tables. However given that only three tables and six chairs are proposed, it is not considered that the volume of service would be such that it would represent an obstruction to pedestrians and form grounds to withhold planning permission.

This variation of condition permission constitutes a fresh planning permission. The planning conditions have therefore been updated to have regard to current policy, and where necessary has incorporated subsequent approval of details and variation of condition applications that have been granted planning permission since the original permission in 2003.

6.4 Economic Considerations

Not applicable.

6.5 Other UDP/Westminster Policy Considerations

Not applicable.

6.6 London Plan

The proposal does not raise strategic issues.

6.7 National Policy/Guidance considerations

Not applicable

6.8 Planning Obligations

Not applicable.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

7 Conclusion

The application is recommended for approval because it is considered that it meets the requirements of UDP Policies TRANS3 and TACE11.

BACKGROUND PAPERS

Application 1 - Ref 15/01715/TCH

1. Memo from Bayswater Residents Association dated 3 April 2015.
2. Memo from Highways Planning Manager dated 17 March 2015.
3. Memo from Notting Hill East Neighbourhood Forum dated 8 April 2015.
4. Email from the occupier of 8c Hereford Mews dated 23 March 2015.
5. Email from the occupier of Flat B, 8 Hereford Mews dated 23 March 2015.
6. Email from the owner of 2 Hereford Mews dated 24 March 2015.
7. Email from the occupier of Flat 3, 43 Hereford Road dated 25 March 2015.
8. Email from the occupier of Flat 1, Opal Apartments, 43 Hereford Road dated 25 March 2015.
9. Email from the occupier of Flat 10, 43 Hereford Road dated 25 March 2015.
10. Email from the occupier of Flat 1, 28A Hereford Road dated 25 March 2015.
11. Email from the occupier of Flat 6, 43 Hereford Road dated 25 March 2015.

Application 2 - Ref 15/04113/FULL

1. Memo from South East Bayswater Residents Association dated 31 July 2015.
2. Memo from Notting Hill East Neighbourhood Forum dated 25 June 2015.
3. Memo from Highways Planning Manager dated 9 June 2015.
4. Decision Ref: 02/03540/FULL dated 7 February 2003 for 'Part demolition / redevelopment to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works' at Site At 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road, 104 - 106 Westbourne Grove, 112a/B, 98 - 112 Westbourne Grove, London, W2 5RU

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: 98 Westbourne Grove, London, W2 5RU

Proposal: Use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage.

Plan Nos: OS map, Exterior Bamboo Dining Chair specification, 2 Top Marble Round Table specification, A.01 rev A

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s):

- 1 You must not put the tables and chairs in any other position than that shown on drawing A.01 Rev A.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 2 The tables and chairs must only be used by customers of the ground floor premise, 98 Westbourne Grove W2 5RU.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 3 This use of the pavement may continue until 30 October 2016. You must then remove the tables and chairs.

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 4 You can only put the tables and chairs on the pavement between the hours of 08:00 and 23:00 on any day.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 5 You can only put out on the pavement the tables and chairs shown in the Furniture Schedule approved as part of the current application.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

DRAFT DECISION LETTER

- Address:** Site At 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road, 104 - 106 Westbourne Grove, 112a/B, 98 - 112 Westbourne Grove, London, W2 5RU
- Proposal:** Variation of Condition 13 (tables and chairs) of planning permission dated 07 February 2003 (RN:02/03540) for Part demolition / redevelopment to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works; namely to remove restrictions outside of No. 98 Westbourne Grove (Cote restaurant) only.
- Plan Nos:** Original approved documents dated 7 February 2003 (RN:02/03540/FULL);
- A139/000,001A,002C ,003B,004A,005,006, 007A,008,009,011A, 012A,013B,014,015, 016,017B,018A,019, 020,A239/001A,002C, 003,004A,005,006,007 ,008,009,010,011,012, 013,014,015,016A,017, 018, SK0-P1A,(SK)2V-01, (SK)2V-02,SK(B)06 and SK(B)07.
- Approved documents of variation dated 20 August 2004(RN:04/05232/FULL);
- A239/003A,004B,009A and site location plan.
- Approved documents of variation dated 10 March 2005 (RN:04/08845/FULL);
- Letter dated 28th January, Planning Statement dated 21st October 2004, Drwgs A239/001 Rev C, 002 Rev E, 1201/001 Rev D amd 002 Rev C. (sl)2-10 Rev A, A139/000, 1202/001 Option 1, Photographs and planning statement.
- Approved documents of variation dated 10 March 2005 (RN:05/00486/FULL);
- A139/000, CCD 021 GATE01 rev A.
- Approved documents of variation dated 12 May 2005 (RN: 04/08483/FULL);
- A239/001 Rev C, 002 Rev E, 1201/001 Rev F and 002 Rev C. (sl)2-10 Rev A
- Case Officer:** Samuel Gerstein **Direct Tel. No.** 020 7641 4273

Recommended Condition(s) and Reason(s):

- 1 You must not use the premises as:
- (a) temporary sleeping accommodation as defined in Section 25 of the Greater London Council (General Powers) Act 1973 as amended by the Greater London Council (General Powers) Act 1983; or
- (b) holiday accommodation under either a tenancy agreement or any other form of accommodation contract. (C08AA)

Reason:

To ensure the proposal provides permanent domestic residential accommodation in accordance with Policies S14 and S15 of Westminster City Plan: Strategic Policies adopted November 2013 and policies H2 and H3 of our Unitary Development Plan that we adopted 24 January 2007.

- 2 Notwithstanding the provisions of Class A3 of the Town and Country Planning (Use Classes)

Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) no food or drink of any kind shall be sold on the premises for consumption off the premises, other than at 108 Westbourne Grove, London W2 5RU in accordance with Variation of condition permission granted 15/09/2004 under reference 04/05705/FULL.

Reason:

In granting this permission the City Council has had regard to policies S13 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and policies SS6, TACE9 and ENV13 of our Unitary Development Plan that we adopted 24 January 2007.

- 3 You must only use the Class A3 restaurants as sit down-waiter service -restaurants. You must not use any part of the Class A3 premises as a bar, ancillary bar area, or for any other purpose within Class A3 of the Town and Country Planning Use Order 1987 (or any order that may replace it).

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 4 You must not use the Class A3 restaurants hereby permitted for playing live or recorded music or of any amplified sound that can be heard outside the property.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 The Class A3 restaurant uses hereby permitted shall not be carried on except between the hours of 08.00 hours to 24.00 hours midnight on Monday to Saturday excluding Bank Holidays and 08.00 hours to 23.00 hours on Sundays and Bank Holidays.

This is apart from Unit 3 108 Westbourne Grove may be open from 08:00 - 00:30 hours (Mon. - Sat) and from to 08:00 - 24:00 hours midnight (Sun. & Bank Holidays) as permitted by variation application ref: 06/00320/FULL dated 06.03.2006.

Reason:

To protect the environment of people in neighbouring properties, as set out in policies S13 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and policies SS6, TACE9 and ENV13 of our Unitary Development Plan that we adopted 24 January 2007.

- 6 You must provide the waste store shown on drawing A239/002C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is to be collected. (C14DA)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 The Class A1 retail accommodation hereby approved shall at no time be occupied in less than

the five self-contained units as shown on Drawing No. A239/002C hereby approved.

Reason:

To ensure the retention of shop units of the size permitted which are compatible with the needs of retail trades appropriate to this area, and to ensure compliance with the City Council's policies as set out in S13 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS6 of our Unitary Development Plan that we adopted January 2007.

- 8 The means of access and egress suitable for people with disabilities which is shown in drawing no(s). A239/002C hereby approved shall be provided prior to the occupation of the development and permanently retained unless otherwise approved in writing by the City Council as local planning authority. (C20A)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 9 At least one car parking space shall be provided for each of the residential flats (excluding the affordable units located at 6 Botts Mews) and the two 'live work' units within the redevelopment hereby approved. The parking spaces to be reserved for the use of residents shall be separately identified and thereafter permanently maintained to the satisfaction of the City

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 10 The whole of the cycle store shown on the drawings shall be provided and retained permanently for the accommodation of bicycles of the occupiers of residential accommodation in this development.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 11 The delivery bay in the basement car park shown on Drawing No. A239/001A shall be clearly and separately identified and thereafter permanently retained in perpetuity for the use of service vehicles visiting any part of the application site.

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 12 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 13 No planters, tubs, tables or chairs, freestanding advertisements or any other items shall be placed on either the private forecourt or adjoining public highway along frontages of the application site along Hereford Road, Chepstow Road and Westbourne Grove, apart from the temporary tables and chairs outside No.:98 Westbourne Grove, approved under planning permission granted under 15/01715/TCH, or any subsequent permission.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 14 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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.

- 15 Detailed drawings as appropriate of the following part(s) of the development shall be submitted to and approved by the City Council as local planning authority before any work is commenced on the relevant part of the development:-

- i) all new shopfronts;
- ii) the set-back frontage between the upper floors of 104-106 Westbourne Grove and 108-110 Westbourne Grove, including the glass railing to the roof terrace;
- iii) typical windows and surrounds of the upper floors of 43 Hereford Road/98-104 Westbourne Grove;

This part of the development shall not be carried out otherwise than in accordance with the details thus approved. (C26D)

This is unless the development is carried out in accordance with the details approved under references; 04/08131/ADFULL dated 14/05/2005, 04/06874/ADFULL dated 09/09/2004, 04/02052/ADFULL dated 27/07/2004.

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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.

- 16 Full particulars/detailed drawings as appropriate of the following part(s) of the development shall be submitted to and approved by the City Council as local planning authority before any work is commenced on the relevant part of the development:-

- i) details of how overlooking of the side window of residential Unit 5 from the roof terrace of residential Unit 4 will be prevented;
- ii) screening to the roof terraces serving the residential units the 'live work' units and affordable units in Bott's Mews.

This part of the development shall not be carried out otherwise than in accordance with the

details thus approved.

This is unless the development is carried out in accordance with the details approved under references; 04/05915/ADFULL dated 19/08/2004, 04/05922/ADFULL dated 19/08/2004.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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.

- 18 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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.

- 19 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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.

- 20 The combined residential and workshop space hereby approved in 4 and 5 Bott's Mews shall not be sub-let, sub-divided or used or occupied other than as a single live/work unit. These premises shall only be used for purposes within Class C3 or Class B1 as defined by the Town and Country Planning (use Classes) Order 1995 (as amended), and the proportion of Class C3 and Class B1 accommodation shown on the approved plans shall not be amended without the prior approval of the Council as local planning authority.

Reason:

To enable the City Council to review the position in the light of experience and the prevailing circumstances and make sure it is in line with Policies S14 and S15 of Westminster's City Plan: Strategic Policies adopted November 2013, and policy H3 of our Unitary Development that we adopted in January 2007.

- 21 The new windows on the upper floors of 43 Hereford Road/98-104 Westbourne Grove shall be double-hung timber sliding sash windows.

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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.

- 22 The set back link at roof level between the mansard roofs of 112 and 112a Westbourne Grove (shown on Drawing No. A239/010) shall be faced with lead rather than 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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

- 23 The windows to the first floor on the Chepstow Road frontage of 2 Chepstow Road (labelled 2-3 Bott's Mews on Drawing No. A239/010) shall be retained as 12 pane timber sash windows.

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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

- 24 The flats hereby approved shall not be occupied until those flats above or adjacent to any of the commercial premises on the site have been insulated to minimise noise transmission between them, in accordance with details which shall be submitted to and approved by the City Council as local planning authority.

This part of the development shall not be carried out otherwise than in accordance with the details thus approved, unless constructed in accordance with details approved under reference 04/05943/ADFULL dated 20/09/2004.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 25 Detailed drawings showing the design, construction and insulation of the entire ventilation system and any associated plant, including the air intake, shall be submitted to and approved by the City Council as local planning authority before any work is commenced on the relevant part of the development.

Provision in accordance with the details thus approved shall be made prior to the commencement of the use and shall thereafter be permanently retained to the satisfaction of the City Council as local planning authority. (C13B)

This is unless the development is carried out in accordance with the details approved under reference 04/05103/ADFULL dated 06/09/2004 and thereafter be permanently retained to the

satisfaction of the City Council as local planning authority,

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 26 Details of a scheme of public art shall be submitted to and approved by the City Council as local planning authority. Further, the approved scheme shall be implemented prior to the occupation of the building and thereafter it shall be retained and maintained on site unless its removal and/or relocation has been approved in writing, in advance, by the City Council as local planning authority. This is unless the development is carried out in accordance with details approved under reference 04/10201/ADFULL dated 10/03/2005, ref: 04/06789/FULL dated 12/10/2004)

Reason:

To ensure the provision of public art, in accordance with Policy S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 27 Prior to the occupation of the development hereby permitted, a scheme of security measures to improve the access arrangements in respect of the rear refuse store accessed from Botts Mews shall be implemented in accordance with details to be submitted to and approved in writing by the City Council as local planning authority, in consultation with the Metropolitan Police Crime Prevention Design Adviser.

The development shall not be carried out otherwise than in accordance with the details thus approved. This is unless the development is carried out in accordance with the details approved under reference 04/07498/ADFULL dated 02/12/2004.

Reason:

To reduce the vulnerability of the development to crime, and to ensure that such provision is made in a manner that does not detract from the external appearance of the building, as set out in policies S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007.

- 28 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.

Informative(s):

- 1 This variation of condition permission constitutes a fresh planning permission. The planning conditions have therefore been updated to have regard to current policy, and where necessary has incorporated subsequent approval of details and variation of condition applications that have been granted planning permission since the original permission in 2003.
- 2 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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

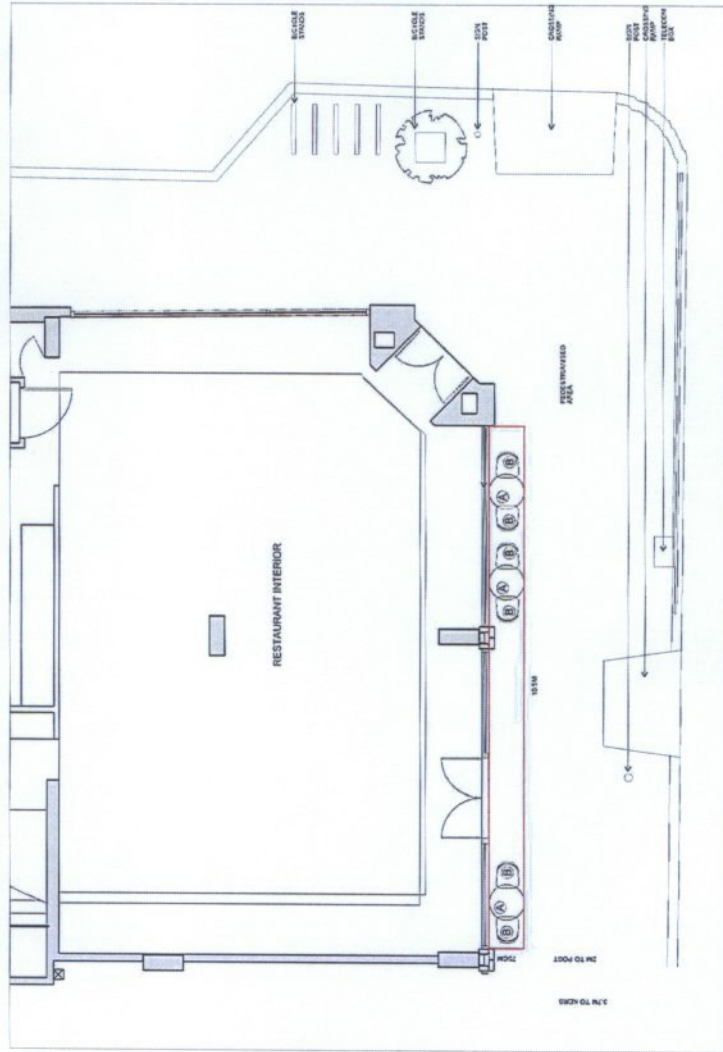
REVISION	DATE	DESCRIPTION
A	02.02.15	MEMPHIS ROAD FURNITURE GRANTED



(A) EXISTING EXTERIOR



(B) TYPICAL EXTERIOR FURNITURE ARRANGEMENT



(A) PLAN SCALE 1:50@A1

SCALE OF PROPORTION
 (A) EXTERIOR
 (B) EXTERIOR FURNITURE
 (C) SCALE OF FURNITURE
 QUANTITY
 1:50
 1:10
 1:10



APPLICATION 1

**CANTORMASTERS
 INTERIOR DESIGN**

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 PROJECT
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EXTERIOR FURNITURE PLAN
 SHEET
 003
 SCALE
 1:50@A1
 DATE
 30.10.14
 REVISION
 A
 A1 SHEET

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