



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 18th June, 2019

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Robert Rigby (Chairman)
James Spencer
Matt Noble
Elizabeth Hitchcock



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.

**Tel: 020 7641 7513; email: gwillis@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Elizabeth Hitchcock had replaced Councillor Louise Hyams.

To note any further changes to the membership

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

(Pages 5 - 8)

1. 30 - 31 GOLDEN SQUARE, LONDON, W1F 9LD

(Pages 11 - 36)

2.	47 VILLIERS STREET, LONDON WC2N 6NE	(Pages 37 - 56)
3.	10-14 THE HIPPODROME, CRANBOURN STREET, LONDON WC2H 7JH	(Pages 57 - 76)
4.	BASEMENT FLAT, 55 PORTNALL ROAD, LONDON, W9 3BA	(Pages 77 - 96)

Stuart Love
Chief Executive
10 June 2019

Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** Committee held on **Tuesday 28th May, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), Louise Hyams, Matt Noble and James Spencer

1 MEMBERSHIP

- 1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 The Chairman explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Hyams declared that in respect of Item 2 she had sat on a Sub-Committee which had considered an application at the same site previously.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 30 April 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 OPEN SPACE, GOLDEN SQUARE, LONDON, W1F 9HW

Installation of two sculptures ('The Bra' and 'The Corset') for a temporary period of 6 months.

RESOLVED UNANIMOUSLY:

That planning permission be granted subject to:

- a) A condition restricting the length of the display to six months only; and
- b) An additional informative to ensure there is signage available providing information on the sculptures and the artist.

2 37-38 MARGARET STREET, LONDON, W1G 0JF

Variation of Condition 3 of planning permission dated 31 January 2017 (RN: 16/10306/FULL) for 'Use of part of the ground floor as a restaurant (Class A3)'; NAMELY, to extend opening hours (from between 08.00 and midnight Sunday to Tuesday, between 08.00 and 01.00 on Wednesday and Thursday and between 08.00 and 02.00 on Friday and Saturday) to between 08.00 and 03.00 daily for a temporary period of one year.

The presenting officer tabled the current premises licence for the property as well as the following amendment to the reason for condition 3 and two additional informatives:

Reason 3

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

Additional Informatives

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 statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other formal written guidance, as well as offering a full pre application advice service, in order to ensure that the 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 Your attention is drawn to condition no 4 on this decision notice which relates to the operating hours of plant. These hours do not accord with the opening hours

hereby approved. You would need to submit a separate application to vary condition 4 if you wish to operate the plant to the extended hours. Such an application would need to include a full acoustic report to demonstrate that the plant is capable of complying with the City Council's normal noise criteria.

Mark Browning addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted for a temporary period of 1 year.

3 MAYFAIR ROW, LONDON, W1

Installation of a freestanding gate at the entrance to Mayfair Row and low level external lights on the flank wall of 7 Shepherd Street (within Mayfair Row).

The presenting officer tabled the following amendment to condition 6 on the planning application RN 18/03877/FULL and condition 4 on the linked listed building consent RN 19/01509/LBC to read:

The development hereby approved shall be implemented in its entirety within 4 months of the date of this decision notice.

Reason:

To protect the special architectural or historic interest of this listed 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

RESOLVED:

Grant: Councillors Rigby, Hyams and Spencer.

Refuse: Councillor Noble

- 1) That conditional planning permission, as amended, be granted;
- 2) That conditional listed building consent be granted; and
- 3) That the reasons for granting listed building consent as set out within informative 1 of the draft decision letter be agreed.

4 2 CHIPPENHAM MEWS, LONDON, W9 2AW

Use of ground floor as 1 bedroom flat and associated replacement of shopfront with timber doors and glazed windows.

The presenting officer tabled the following amendment to condition 8 so that it referred to internal noise transmission instead of external noise levels:

8. The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and

vibration from the development, so that they are not exposed to noise levels of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

RESOLVED:

That conditional permission, as amended, be granted.

The Meeting ended at 7.27pm.

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 18th June 2019
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 19/02404/FULL West End	30 - 31 Golden Square London W1F 9LD	Alterations including partial infilling of rear courtyard on basement and ground floors, rear extensions on first to fifth floors and seventh floor roof extension with plant enclosure, roof terrace and green roof above all to provide additional office accommodation (Class B1); new balconies/terraces at front fourth, fifth and seventh floor levels and at rear first, sixth and seventh floor levels. Flexible use of part basement and part ground floor for either retail / office/ gym use (Class A1/ B1/ D2), provision of cycle parking and associated external alterations.	
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : Application 1: 19/02440/TCH Application 2: 19/02443/TCH St James's	47 Villiers Street London WC2N 6NE	Application 1: The temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs, 23 umbrellas, 8 awnings and two serveries in connection with Gordon's Wine Bar, 47 Villiers Street (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m). Application 2: The temporary use of two areas along Watergate Walk each measuring 2.7m x 19.6m for the placing of 20 tables and 80 chairs in connection with the Gordon's Wine Bar, 47 Villiers Street.	
	Recommendation Application 1: Refuse permission - harm to residential amenity, pedestrian environment and heritage assets. Application 2: Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 19/01502/ADV St James's	10-14 The Hippodrome Cranbourn Street London WC2H 7JH	Display of 15 barriers outside the corner entrance between Cranbourn Street and Charing Cross Road and 10 barriers outside the Cranbourn Street entrance (measuring 1.35m x 0.69m)	
	Recommendation Refuse permission on design and highways grounds.			

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CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 18th June 2019
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 19/01686/FULL Harrow Road	Basement Flat 55 Portnall Road London W9 3BA	Erection of a single storey rear and side infill extension at lower ground floor level. Alterations to the front garden and lightwell including new planter.	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 June 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	30 - 31 Golden Square, London, W1F 9LD,		
Proposal	Alterations including partial infilling of rear courtyard on basement and ground floors, rear extensions on first to fifth floors and seventh floor roof extension with plant enclosure, roof terrace and green roof above all to provide additional office accommodation (Class B1); new balconies/terraces at front fourth, fifth and seventh floor levels and at rear first, sixth and seventh floor levels. Flexible use of part basement and part ground floor for either retail / office/ gym use (Class A1/ B1/ D2), provision of cycle parking and associated external alterations.		
Agent	Gerald Eve		
On behalf of	Aviva Investments		
Registered Number	19/02404/FULL	Date amended/ completed	1 April 2019
Date Application Received	1 April 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

30-31 Golden Square is an unlisted building situated in the Soho Conservation Area and the Core Central Activities Area (CAZ). The building comprises basement, ground and six upper floors and is in office use throughout.

Permission is sought for alterations including extensions to the office accommodation, with associated terraces, and for the use of part basement and part ground floor for flexible office, gym or retail use.

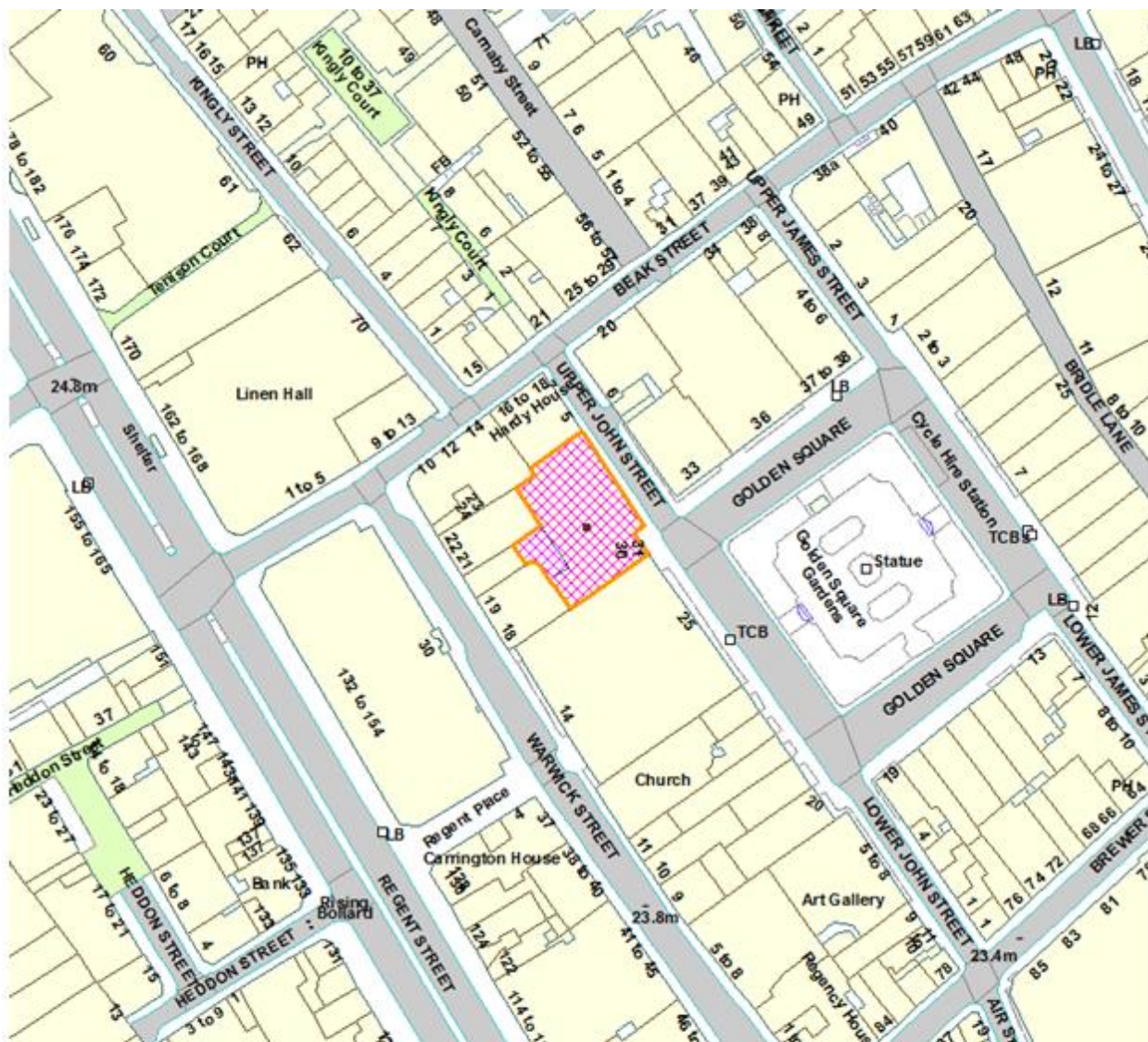
The key issues for consideration are:

- The acceptability of the proposal in design/townscape terms and its impact on the character and appearance of the Soho Conservation Area;
- The acceptability of a retail unit in this location; and

- The acceptability of the proposal in amenity terms.

The proposals are considered acceptable in land use, amenity, highways and design grounds and broadly comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING

No objection subject to conditions.

WASTE PROJECT OFFICER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 52

Total No. of replies to initial consultation: 6 letters of objection on the following grounds:

- Retail use unacceptable in this location/impact on Golden Square
- Loss of privacy to neighbouring flats
- Loss of light
- Hours of work should comply with Westminster regulations; request two hour cessation of building works each day.

Total No. of replies to re-consultation: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

30-31 Golden Square is an unlisted office building comprising basement, ground and six upper floors with a plant enclosure above. The site lies within the core Central Activities Zone (CAZ) and the Soho Conservation Area.

Although the immediate area is predominantly commercial in nature, there are no street level uses which serve visiting members of the public on the western side of Golden Square. However, there is a restaurant adjacent to the application site on the corner of Beak Street and Upper John Street.

There are flats to the north, on the opposite side of the street, at 6 Upper John Street and further residential premises at 24 and 25 Golden Square, to the south of the site.

6.2 Recent Relevant History

30 March 1995: Permission granted for the re-development of Nos 30-31 Golden Square to provide a seven-storey building for Class B1 office use. (ref: PE/TP/1424). Implemented.

7. THE PROPOSAL

The proposal is for alterations to the existing building to provide additional Class B1 office accommodation and for the introduction of a flexible office (B1)/retail (A1)/gym (D2) use on part basement and part ground floors, with independent access from Upper John Street.

The works include:

- The demolition of the existing plant structure at main roof level.
- Alterations to the existing sixth floor and the erection of a seventh floor roof extension to create a double mansard at sixth and new seventh floor level, with new plant, set within a plant enclosure, terrace and green roof above.
- The erection of a rear extension on first to fifth floors.
- Partial infilling of rear courtyard at lower ground and ground floor level.
- Infilling to existing setback at front fourth floor level facing Upper John Street.
- Alterations to the front façade including modification to windows and the entrance bay.
- Creation of terraces Juliet /balconies at fourth, fifth and seventh floor levels to the front and at first, sixth and seventh floor levels rear of the building.

The existing and proposed floorspace schedule is as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office B1	3,847.6	4,192.3	+344.7
Flexible A1/ B1/D2	0	216.9	+216.9
Total	3,847.6	4,409.2	+561.6

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Core Central Activities Zone where new office development is directed by City Plan policies. An increase in office floorspace in this location is therefore acceptable in principle.

City Plan Policy S1 applies to development within the Core CAZ where net additional B1 office floorspace is proposed. The policy requires the provision of new residential floorspace in specified circumstances. However, as the net additional floorspace (for all uses) is less than 30 % of the existing building floorspace, there is no policy requirement to provide residential floorspace in this case.

New retail floorspace (Class A1)

The scheme would potentially provide 216.9 sqm of new retail floorspace within the core CAZ. Policy SS4 of the Unitary Development Plan (2007) and policies S6 and S21 of the City Plan promote the introduction of new retail floorspace in this location.

Several objections have been received on the grounds that the introduction of a retail use would have an adverse impact on the quiet character of Golden Square. This part of Golden Square/Upper John Street experiences high pedestrian flows and is a key north-south pedestrian route. Furthermore, the wider area is characterised by ground floor commercial uses and it is anticipated that most customers would derive from passing trade. It is not considered that the introduction of a retail use, close to Beak Street, would adversely affect the character of this part of Soho or materially affect the character of Golden Square. Consequently, objections on these grounds could not be supported. However, it is recommended that a condition is imposed to limit the hours of use to between 06:00 to 23:00 to safeguard resident's amenity and the environmental quality of the area. Additionally, it is considered appropriate to prevent the use of the unit for food retail (supermarket purposes) given the acknowledged impact of servicing for such uses upon the operation of the highway.

Proposed gym (Class D2)

Policies SOC 1 of the UDP and S34 of City Plan encourage the provision of community facilities in appropriate locations throughout Westminster, provided they are accessible to residential area, will not harm the amenity of the surrounding area, including the effect of any traffic generated. Such uses must be safe and easy to reach on foot, by cycle and by public transport.

The site is centrally located and easily accessible to all potential users. A condition is recommended requiring the submission and approval of an Operational Management Plan for the gym including details of measures to prevent gym patrons entering/exiting the premises from causing nuisance for people in the area. A further condition is recommended to limit the hours of gym operation from 06:00 to 23:00 Monday to Friday and from 08:00 to 20:00 on Saturdays and Sundays. Subject to these conditions, it is not considered that the proposed gym would have a material impact on the amenity of neighbouring flats, including the effect of any traffic generated.

The Council's Environmental Health Officer has recommended a condition to ensure that the maximum noise levels generated by the proposed new development do not impact on neighbouring residential premises. However, given that there are no residential properties adjoining the proposed gym, it is not considered necessary to impose this condition.

It is considered that the proposed use is appropriate in terms of its location in terms of proximity to residential occupants.

In light of the above, the introduction of a gym in this location is considered acceptable.

8.2 Townscape and Design

The site is located on the north-western corner of Golden Square, within Soho Conservation Area and close to several listed buildings. The existing building was erected pursuant to a 1995 permission. A key benefit of this scheme was the reinstatement of the original building line at the corner of the Square. The massing of the upper floors was purposely broken up to minimize their visual impact.

In design and heritage asset terms the proposed façade alterations and the rooftop extension have been designed to suit the appearance of the building, by working with the building's existing detailed design and construction materials. The proposed double mansard is a type of roof than can be found in the area and its detailed design suits the appearance of the building. This accords with UDP policy DES 6.

Overall, the height of the new top floor accommodation is only slightly taller than the existing plant enclosure which it replaces. The main roof terrace is set back from the street facade and provided with metal railings that match the proposed design of those for the terrace and Juliette balconies below. Some areas of green roof are also proposed.

Windows to the altered, and partly infilled façade, at fourth floor level match the design of the windows on the floors below. Minor changes are proposed to the entrance bay of the building on the corner of Golden Square and a new entrance is to be created on Upper John Street for the commercial unit. These alterations are acceptable in design and heritage asset terms.

The existing rear elevation is extremely plain. It is proposed to erect an extension on the first to fifth floors, incorporating balconies, and to re-clad the facade and provide new windows to a more attractive pattern. This is a significant improvement.

Given the above, the development is considered acceptable in terms of its impact on the character and appearance of the building, Golden Square, the Soho Conservation Area, and in terms of its impact on the setting of nearby listed buildings which will be unharmed. This accords with City Plan policies S25 and S 28, and UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity

UDP Policy ENV13 seeks to protect and improve the residential environment and to resist proposals, which would result in a material loss of daylight or sunlight, increased sense of enclosure to adjoining windows or loss of privacy to adjoining occupiers. Similarly, City Plan Policy S29 seeks to safeguard the amenity of surrounding properties.

Sunlight and Daylight

The application is supported by a daylight and report which assesses the impact of the proposed development on levels of daylight and sunlight to residential properties at 15 and 21-25 Beak Street, 56-57 Carnaby Street and 6 Upper John Street. Objections have been received from occupants of flats at 6 Upper John Street on the grounds that the proposal would result in a loss of daylight and sunlight to flats within those properties.

Daylight

Vertical Sky Component (VSC) is the method used to measure the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the window will have the potential to provide good levels of daylight. Reductions of more than 20% should be avoided as such losses are likely to be noticeable. The BRE guidance is clear that numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the site circumstances.

Where room layouts are known, the impact on the daylighting distribution in each rooms can be calculated by plotting the 'no sky line' in each of the main rooms. This divides the points of the working plane which can and cannot see the sky. If, as a result of the development, the area of the existing room which does not receive direct skylight is less than 0.8 times its former value, the room will appear more gloomy and this will be noticeable to the occupants.

The daylight analysis shows that any reductions in VSC would be well below the BRE target, the maximum loss being 6.72% to a fourth floor bedroom window at 6 Upper John Street. The NSL assessment confirms a maximum reduction of 4.82% to a first floor bedroom at 55-56 Carnaby Street. Where there are any losses, all rooms would continue to receive reasonable levels of light in this built up central location and objections on daylight grounds could not be supported.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, or there is more than a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

In most cases, windows do not face within 90 degrees of due south, and do not require testing, or losses are well below the 20% BRE threshold. There is a 33% loss of annual sunlight to a first floor living room widow at 56-57 Carnaby Street. Additionally, there would be a complete losses of winter sun (from 1%) to three windows serving two first floor living rooms at 55-56 Carnaby Street and reductions in winter sunlight of 40% (from 5 to 3%) and 50% (from 2 to 1%) in the case of two windows to a third floor living/kitchen/dining rooms at 6 Upper John Street. However, the overall reduction in annual sunlight hours to these windows would be 4% or less, satisfying the BRE test. In

these circumstances, it is not considered that there would be a material impact on the amenity of those properties and objections on sunlight grounds could not be supported.

Although the scheme will result in an increase of height and bulk to the rear of the site, adjacent to commercial properties at 18-22 Warwick Street, it is not considered that any impact on levels of daylight or sunlight received would compromise the continued operation of those properties.

Sense of Enclosure

Given the location of the proposed roof extension, which largely replaces an existing roof top plant enclosure, it is not considered that the development would result in any material increase in the sense of enclosure to neighbouring residential windows. Whilst the extensions have the potential to impact on the outlook from commercial properties to the rear, it is not considered that this would jeopardise the future use of these commercial properties.

Privacy

Concerns have been raised by the occupants of 6 Upper Johns Street regarding the increased potential for overlooking to their properties as a result of the proposal.

To the front, terraces/balconies are proposed at fourth and fifth floor levels, with Juliet balconies to the seventh floor dormers. Rear terraces are also proposed at first and sixth floor levels, with Juliet balconies to the front dormers. A new terrace would also be provided to the main roof.

The application has been revised to omit the northernmost terrace at fourth floor level, to reduce the extent of the fifth floor terrace and to incorporate a green roof on the northern corner of the main roof terrace, which has also been stepped back from the front building line. Given these amendments, it is not considered that incorporation of new terraces and balconies would result in any material impact on the privacy of flats and associated terraces at 6 Upper John Street or to other neighbouring buildings.

The windows serving the existing office building are large and afford a clear, albeit oblique, view of 6 Upper John Street at all levels. The proposal introduces new windows to the front and rear of the building and new windows within the proposed extensions. However, given the existing situation, and the relationship of the proposed extensions with neighbouring sites, it is not considered that the installation of new windows would result in any material increase in the potential for overlooking to adjoining properties.

Noise from terraces

Whilst there are no residential units immediately adjoining the application site, as detailed above, there are residential properties in the vicinity. Due to the size and number of terraces/balconies proposed, it is considered that the hours of their use should be restricted, to between 08:00 and 21:00 on Monday to Friday, to safeguard the amenity of neighbouring properties.

8.4 Transportation/Parking

Parking/traffic generation

The site is centrally located and well served by public transport including principal bus routes. Anyone visiting the site by car would be subject to local parking restrictions and the proposal is considered unlikely to have a significant impact on car parking demand and is consistent with UDP policies TRANS21 and TRANS22.

The application site is conveniently located with a vast range of public transport modes in the immediate vicinity. The proposal also includes adequate cycle parking and showers and changing facilities to encourage those wishing to walk or cycle to the proposed gym.

Servicing

The existing building is serviced from Upper John Street. While UDP Policy TRANS 20 seeks off-street servicing, there is no opportunity to provide this within the development. The site is serviced from single yellow lines in the vicinity, and there are no loading restrictions. It is considered that any increased servicing demands resulting from the development could be accommodated on street without detriment to the operation of the highway.

Cycle Parking

The proposal would require the provision of 68 cycle parking spaces in order to comply with the London Plan (as amended). The scheme includes 70 basement-level cycle spaces for the development, together with showers and lockers, which are accessed from the service entrance on Upper John Street. This is welcomed and cycle parking would be secured by condition.

Economic Considerations

Any economic benefits generated by the proposal are welcome.

8.5 Access

The revolving door to the main office entrance on Upper John Street will be replaced by power assisted double doors. The new office accommodation would be accessed via an extended lift.

The flexible retail, gym and office unit would have separate access from Upper John Street.

The basement would be accessible from a secondary entrance on Upper John Street, either via the lobby or the service bay gates, which lead to a secondary stair core down to the basement where cyclists will also enter.

The proposal includes step free access throughout.

8.6 Other UDP/Westminster Policy Considerations

Plant

New plant, with associated screening, is proposed at seventh floor level. The submitted acoustic report has been reviewed by the Council's Environmental Health Officer who considers that the plant is likely to comply with the City Council's standard conditions relating to noise and vibration. However, as the plant has not yet been selected, a further condition is recommended requiring the submission of supplementary noise report with specifications for the plant and details of noise/vibration attenuation measures. Conditions are also recommended requiring the plant screen to be installed prior to the operation of the plant and to control any noise emitted from the emergency generators. Subject to these conditions, the proposal would comply with UDP policy ENV7 and S32 of the City Plan.

Refuse /Recycling

The proposal provides a waste storage area at lower ground level to serve both the office and retail/gym uses. The Waste Project Officer has raised no objection to proposed refuse and recycling storage arrangements, which would be secured by condition.

Biodiversity

The proposal incorporates a section of green roof at main roof level. This is welcomed and accords with City Plan Policy S38 and ENV17 of the UDP. It is recommended that details of this roof (construction and planting) are secured by condition.

Sustainability

Although this is not a major application, the applicant has submitted a detailed Sustainability and Energy Strategy. In order to reduce carbon omissions, the scheme incorporates various measures including the use of thermally efficient building fabric, insulated pipework and ductwork (and air sealed ductwork) and energy efficient water, heating, cooling, lighting and ventilation (with heat recovery systems). It is anticipated that the refurbished and extended building would achieve a 62.2% improvement over the Building Regulations Part L 2013 Target Emission Rate, exceeding the 35% London Plan target which relates to major developments. This is welcomed.

Air Quality

The site is located within the designated Westminster Air Quality Management Area. The applicant has submitted an Air Quality Assessment which states that the proposal is air quality neutral in compliance with S31 of the City Plan. The Council's Environmental Health Officer has assessed the measures identified and considers it unlikely that the development will exceed air quality objectives. Mechanical ventilation and a heat recovery system with air purification filters will be installed to further reduce exposure. These measures are secured by condition.

8.7 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

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

8.10 Planning Obligations

The estimated Westminster CIL payment is £112,230 and the Mayoral CIL is estimated at £28,080.

The proposal does not trigger any planning obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale to require an environmental assessment.

8.12 Other Issues

Construction impact

Objections have been received regarding the impact of construction works on residents' amenity. Objectors are keen that building works should only be permitted during standard hours and have also requested a two-hour break from construction work during the day. A condition is recommended to control the hours of building works. While residents' concerns are noted, given the nature and scale of the development, it is not considered that it would be reasonable to impose any additional working hours

restrictions. An informative is also recommended to encourage the applicant to sign up to the Considerate Contractors scheme.

(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: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK.

9. KEY DRAWINGS

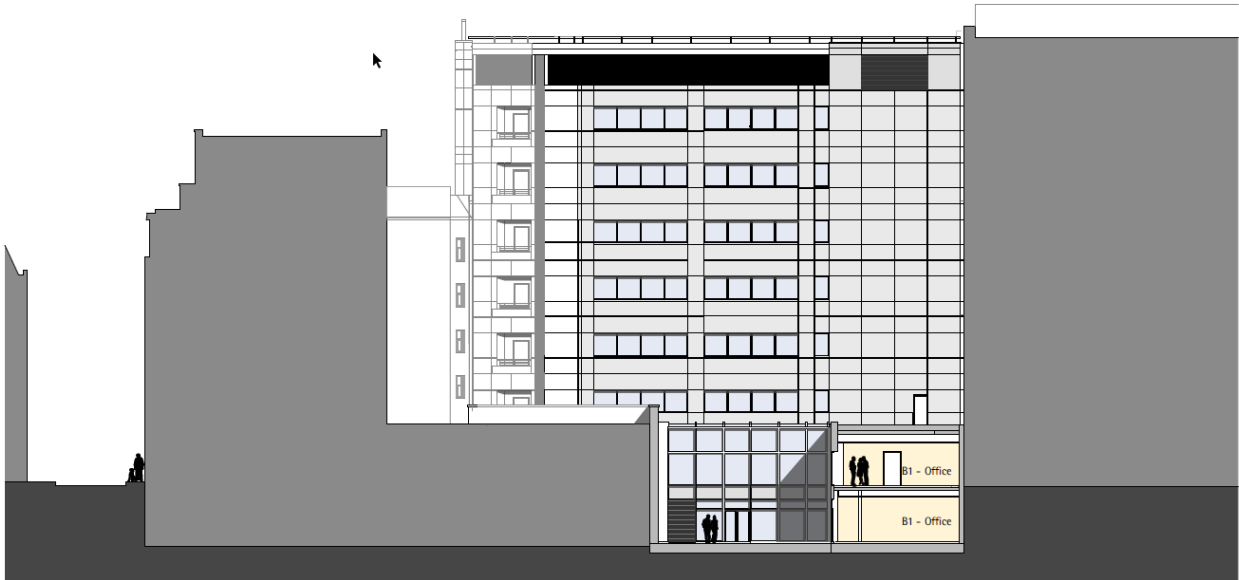
Existing front Elevation



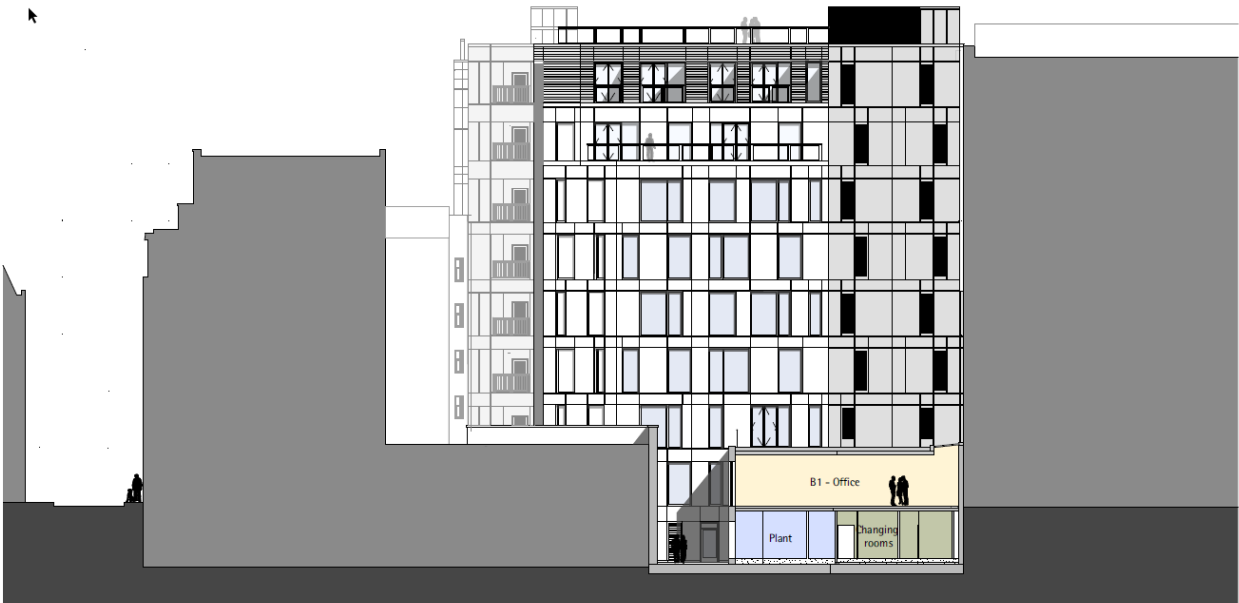
Proposed Front Elevation



Existing rear Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 30 - 31 Golden Square, London, W1F 9LD,

Proposal: Alterations including partial infilling of rear courtyard on basement and ground floors, rear extensions on first to fifth floors and seventh floor roof extension with plant enclosure, roof terrace and green roof above all to provide additional office accommodation (Class B1); new balconies/terraces at front fourth, fifth and seventh floor levels and at rear first, sixth and seventh floor levels. Flexible use of part basement and part ground floor for either retail / office/ gym use (Class A1/ B1/ D2), provision of cycle parking and associated external alterations.

Reference: 19/02404/FULL

Plan Nos: 1946-JRA-ZZ-00-DR-A-0150 P04, 1946-JRA-ZZ-00-DR-A-0053 P05, 1946-JRA-00-ZZ-DR-A-0155 P01, 1946-JRA-ZZ-00-DR-A-0056 P05, 1946-JRA-ZZ-00-DR-A-0057 P05, 1946-JRA-ZZ-00-DR-A-0161 P02, 1946-JRA-ZZ-00-DR-A-0160 P02, 1946-JRA-ZZ-00-DR-A-0052 P05, 1946-JRA-ZZ-00-DR-A-0152 P03, 1946-JRA-ZZ-00-DR-A-0049 P05, 1946-JRA-ZZ-00-DR-A-0050 P06, 1946-JRA-ZZ-00-DR-A-0154 P05, 1946-JRA-ZZ-00-DR-A-0054 P05, 1946-JRA-ZZ-00-DR-A-0051 P05, 1946-JRA-ZZ-00-DR-A-0055 P05, 1946-JRA-ZZ-00-DR-A-0058; 'Sustainability Statement' by Cundall dated 12 March 2019

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic

restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces or balconies hereby approved. (C26NA)

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 Soho 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 Customers shall not be permitted within the gym before 06.00 or after 22.00 on Monday to Friday or before 08.00 or after 20.00 on Saturday and Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must apply to us for approval of details of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary

plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

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

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

Reason:

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

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 9 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

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

- 10 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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

- 11 The terraces should not be in used between 21:00 and 07:00 hours the following day, except in the case of an emergency.

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)

- 12 Prior to the occupation of the gym, you must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are arriving and leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the gym until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the premises is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

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

- 14 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sections of green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details prior to occupation of any of the residential units hereby approved and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 15 You must provide the be lean and be green environmental sustainability features (environmentally friendly features) identified in Section 3 of document titled 'Sustainability Statement' by Cundall dated 12 March 2019 before you start to use any part of the new accommodation. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 16 Notwithstanding the detail shown on the approved drawings, you must hang all doors so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

- 17 You must provide the waste store shown on drawing 1946-JRA-ZZ-00-DR-A-0050 Revision P06 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 going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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

- 19 The area of fourth floor roof fronting Upper John Street labelled 'maintenance only' shown on drawing 1946-JRA-ZZ-00-DR-A-0054 P5 and the decked areas to north of the fifth floor terrace fronting Upper John Street shown on drawings 1946-JRA-ZZ-00-DR-A-0055 P05 must not be used for sitting out or for any other purpose. You can however use these areas for maintenance purposes and to escape in an emergency.

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 20 In the event that you use the premises for D2 use, you must use the property only for gym, fitness or health club use. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

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 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 21 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order)

the retail accommodation hereby approved shall not be used for food/supermarket purposes

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 22 Customers shall not be permitted within the retail unit before 06.00 or after 23.00 daily.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP.
Phone: 020 7641 2000

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

- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)

- 6 Manual-handling accidents account for 38% of all reported accidents. Careful consideration at the design stage can eliminate or reduce the need for manual handling within buildings, for example the location of delivery areas in relation to store rooms and access to and the position of plant rooms. There is more guidance on the Health and Safety Executive website at <http://www.hse.gov.uk/msd/index.htm>. (I80EB)

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 8 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: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 9 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, part of the basement and ground floor can change between the retail (Class A1) / gym (Class D2) / office uses (Class B1) we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 10 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 June 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	47 Villiers Street, London, WC2		
Proposal	Application 1: The temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs, 23 umbrellas, 8 awnings and two serveries in connection with Gordon's Wine Bar, 47 Villiers Street (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m). Application 2: The temporary use of two areas along Watergate Walk each measuring 2.7m x 19.6m for the placing of 20 tables and 80 chairs in connection with the Gordon's Wine Bar, 47 Villiers Street.		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Court Pie Catering Ltd		
Registered Numbers	Application 1: 19/02440/TCH Application 2: 19/02443/TCH	Date amended/ completed	2 April 2019
Date Applications Received	2 April 2019		
Historic Building Grade	47 Villiers Street is unlisted. On the boundary of Watergate Walk are: Grade I listed York Water Gate, grade I listed 14 Buckingham Street, grade II listed gateway and railings at the junction with Buckingham Street and the Registered Park and Garden: Victoria Embankment Gardens.		
Conservation Area	Adelphi and Savoy Conservation Areas.		

1. RECOMMENDATION

Application 1:

Refuse permission - harm to residential amenity, pedestrian environment and heritage assets.

Application 2:

Grant conditional permission.

2. SUMMARY

The application relates to Watergate Walk, a private pedestrian passageway (sui generis) linking Villiers Street with Buckingham Street and York Buildings, and it relates to 47 Villiers Street, a wine bar (Use Class A4).

On 27 June 2018, the City Council opened a planning enforcement investigation following reports that tables, chairs and cooking facilities were located on Watergate Walk without the requisite permission. The applicant subsequently applied to regularise this unauthorised use of Watergate Walk, seeking permission to place 28 barrels, 204 chairs and 23 tables and numerous other items in the area. These proposals represented the all most complete occupation of Watergate Walk by Gordon's Wine Bar, changing it from being a pedestrian passageway to an outdoor bar. On 2 October 2018, the City Council refused permission for this proposal for the following summarised reasons:

1. the use results in noise, disturbance and nuisance to nearby residential occupiers;
2. the plans did not show suitable arrangements for ventilation and getting rid of cooking smells;
3. the tables, chairs and other furniture blocked the flow of pedestrians along the passageway;
4. the proposals harmed the setting of adjacent listed buildings/ structures and the character and appearance of the conservation areas; and
5. the submission included insufficient details for the City Council to fully assess the application.

On 8 November 2018, the City Council issued an enforcement notice requiring the applicant cease the unauthorised use and remove all items in the area. On 25 February 2019, the Planning Inspectorate informed the City Council that the applicant had made an appeal against the City Council's decisions to refuse permission and to issue an enforcement notice. A hearing date has been set for 2 July 2019.

Compared to the refused proposals, the two current applications propose a lesser number of chairs and other items, remove the cooking facilities and propose altered the management of the area. Application 1 reduces the principal items to 42 tables, 168 chairs and two serveries whereas application 2 reduces the principal items further still to 20 tables and 80 chairs. Application 2 would match the number of tables and chairs that the City Council previously approved in 2007 (this is the most recent permission for tables and chairs, and it expired on 30 November 2008).

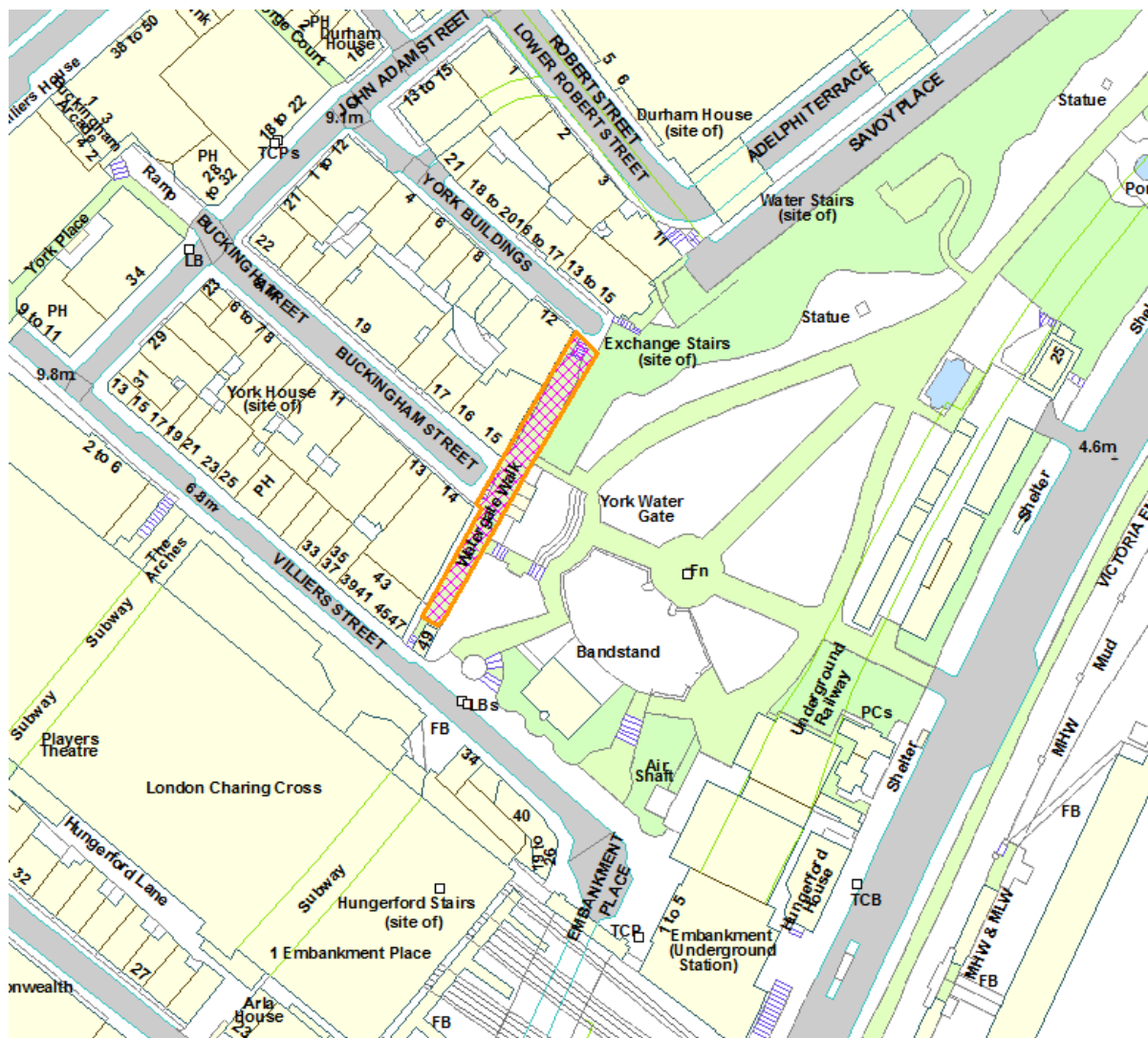
The key issues in this case are:

- the impact of the proposals on residential amenity and local environmental quality;
- the impact of the proposals on pedestrian movements; and
- the impact of the proposals on designated heritage assets.

As set out in this report, the proposed development in application 1 would result in harm to residential amenity, pedestrian convenience and the setting of heritage assets and therefore fails to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, application 1 is recommended for refusal for the reasons set out in the first draft decision letter.

As also set out in this report, the proposed development in application 2 would accord with the relevant policies in the UDP and the City Plan and is therefore acceptable in land use, highway, design and amenity terms. As such, the application is recommended for approval subject to the conditions as set out in the second draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Above, lunchtime 26 March 2019
Below, evening 1 March 2019





Layout in 2007

5. CONSULTATIONS

APPLICATION 1:

COUNCILLOR SHEARER:

The application should be reported to planning sub-committee for consideration.

Observes there is overwhelming support for the larger scheme (application 1), reflecting the output of resident meetings attended; Watergate Walk is unique in nature which should be debated/ considered; welcomes one year permissions to allow greater control.

WESTMINSTER SOCIETY:

Any response to be reported verbally.

HIGHWAY PLANNING MANAGER:

Not supported. The layout excessively restricts the footway, harming the pedestrian environment.

PROJECT OFFICER (WASTE):

No objection.

ENVIRONMENTAL HEALTH:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 144

Total No. of replies: 14

No. of objections: 1

No. in support: 13

In summary, neighbouring residents/ interested parties support the application for the following reasons:

- these proposals have been modified in ways that can command local support and maintain the viability of the business;
- Gordon's Wine Bar is a good neighbour and valuable local facility;
- Gordon's Wine Bar is responsive in dealing with concerns and has liaised with residents; and
- it would be negative if the proposals were refused as the use prevents other, more harmful (criminal/ anti-social) activities.

In summary, a neighbour residents objects to the application for the following reason:

- the noise associated with the above has increased over the years and it too loud.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

APPLICATION 2:

COUNCILLOR SHEARER:

The application should be reported to planning sub-committee for consideration.

Observes there is overwhelming support for the larger scheme (application 1), reflecting

the output of resident meetings attended; Watergate Walk is unique in nature which should be debated/ considered; welcomes one year permissions to allow greater control.

WESTMINSTER SOCIETY:
Any response to be reported verbally.

HIGHWAY PLANNING MANAGER:
No objection.

PROJECT OFFICER (WASTE):
Objection to a permanent use, no objection to a temporary use.

ENVIRONMENTAL HEALTH:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 144
Total No. of replies: 4
No. of objections: 1
No. in support: 3

In summary, neighbouring residents / interested parties support the application for the following reasons:

- Gordon's Wine Bar is good neighbour and has liaised with residents to address their concerns; and
- it would be negative if the proposals were refused as the use prevents other, more harmful (criminal/ anti-social) activities.

In summary, a neighbour residents objects to the application for the following reason:

- the noise associated with the above has increased over the years and it too loud.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to Watergate Walk, a private pedestrian passageway (sui generis) linking Villiers Street with Buckingham Street and York Buildings, and it relates to 47 Villiers Street, a Wine Bar (Use Class A4). The site is within the Core Central Activities Zone (Core CAZ).

47 Villiers Street is an unlisted building located within the Adelphi Conservation Area. Watergate Walk is within both the Adelphi and Savoy Conservation Areas and contains on its boundaries the grade I listed York Water Gate, grade I listed 14 Buckingham Street, the grade II listed gateway and railings at the junction with Buckingham Street and the Registered Park and Garden: Victoria Embankment Gardens.

6.2 Recent Relevant History

On 2 October 2018, the City Council refused permission Use of Watergate Walk for the placing of 23 tables 204 chairs, 28 barrels, umbrellas, grill servery, wine servery and other furniture in five separate areas in connection with Gordon's Wine Bar for the following summarised reasons:

1. the use results in noise, disturbance and nuisance to nearby residential occupiers;
2. the plans did not show suitable arrangements for ventilation and getting rid of cooking smells;
3. the tables, chairs and other furniture blocked the flow of pedestrians along the passageway;
4. the proposals harmed the setting of adjacent listed buildings/ structures and the character and appearance of the conservation areas; and
5. the submission included insufficient details for the City Council to fully assess the application.

On 8 November 2018, the City Council issued an enforcement notice requiring the applicant cease the unauthorised use and remove all items in the area. On 25 February 2019, the Planning Inspectorate informed the City Council that the applicant had made an appeal against the City Council's decision to refuse planning permission and issue an enforcement notice. A hearing date has been set for 2 July 2019.

On 3 October 2007, the City Council granted a temporary planning permission for the use of the land for the placing of 20 tables and 80 chairs. This permission expired on 30 November 2008. Prior to this, the City Council granted other one year temporary permissions for the placing of tables and chairs in 2007, 2006, 2005, 2004, 2002, 2001 and 2000. There are also historic records of earlier permissions in the 1980s and 90s.

On 22 January 2010 and 7 April 2008, the City Council granted temporary planning permissions for the installation of awnings and heater within Watergate Walk. These permissions expired 22 January 2013 and 7 April 2011.

7. THE PROPOSAL

Application 1

In application 1, the applicant proposes the temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs, 23 umbrellas, 8 awnings and two serveries in connection with the wine bar (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m).

This application is supported by an operational management plan which sets out the operational policies and procedures the applicant has drawn up following consultation with local residents and businesses.

Application 2

In application 2, the applicant proposes the temporary use of two areas along Watergate Walk for the placing of 20 tables and 80 chairs in connection the wine bar (Area 1 and 2 measure 2.7m x 19.6m)

8. DETAILED CONSIDERATIONS

8.1 Land Use

The use of the highway for tables and chairs in connection with eating and drinking establishments is considered under Policy TACE 11 of the UDP and Policy S41 of the City Plan. Policy TACE 11 recognises that al fresco eating and drinking is popular and can provide opportunities for visitors, residents and workers to experience and contribute to the vibrancy and character of an area. Therefore, these policies permit tables and chairs where they are safe, where a convenient pedestrian environment is maintained and where no unreasonable harm to local residential amenity and environmental quality occurs.

Application 1

As explained in the sections below, application 1 would result in an excessive number of items within Watergate Walk thereby allowing a high number of patrons to eat, drink and socialise near neighbouring residential occupiers. This would have three principal affects: it would harm the amenity enjoyed by these neighbouring residents; it would unduly restrict pedestrian movement along the passageway; and it would create excessive visual clutter harmful to designated heritage assets. This would not accord with the aim of policy TACE 11 which is to ensure the benefits of external seating are realised without adversely affecting residents or an area. Application 1 would be unacceptable in land use terms therefore.

Application 2

As explained in the sections below, application 2 proposes a more restrained external seating area which would support the continued vitality and vibrancy of this wine bar, and the area more widely, without being at the expense of residential amenity, pedestrian convenience and heritage assets. Application 2 would be acceptable in land use terms therefore.

8.2 Townscape and Design

The site is located within both the Adelphi and Savoy Conservation Areas, and on the boundaries of Watergate Water is the grade I listed York Water Gate, grade II listed gate and railing at the end of Buckingham Street, the grade I listed 14 Buckingham Street and the Registered Park and Garden: Victoria Embankment Gardens.

When determining applications for development within a conservation area, or affecting a listed building or its setting, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. These require special regard be had to the desirability of preserving the special interest of the listed building and preserving or enhancing the character and appearance of the conservation area. The National Planning Policy Framework (NPPF) sets out the government's policies for making planning decisions and how they should be applied. It states that any harm to a listed building requires clear and convincing justification (para.194). Any harm caused by a scheme should be weighed against any public benefits, including any heritage benefits (para.195), with great weight given to the asset's conservation whatever the degree of harm, and even greater weight given to highly graded assets (para.193). Conflict between an asset's conservation and any aspect of a proposal should be avoided or minimised (para.190),

including through more sensitive design (NPPG, 'Conserving and enhancing the historic environment' para.018).

Policy DES 9 of the UDP states that development within Conservation Areas should either preserve or enhance the Conservation Area within which they are found. Policy DES 10 aims protect and enhance listed buildings and their settings. Policy DES 1 sets out the Council's general design principles, and highlights the importance of the historic pattern of streets and walkways. Furthermore, specific regard should be given to the relevant Conservation Area Audit when coming to the decision over whether development does in fact preserve or enhance. Watergate Walk itself is of importance to the wider conservation area, and tells an important story to the history of the area from a period when the River Thames banks were far wider than they are today before the embankment was constructed. The Watergate Walk passageway provides a more intimate street scene, being much narrower and pedestrian only, as well as allowing movement around several key historic sites of importance within the conservation area – including the several listed buildings found around its edges. This importance is specified in the Adelphi Conservation Area audit, which mentions specifically Watergate Walk.

Application 1

The unauthorised use has led to a proliferation of tables, chairs, umbrellas, awnings, structures and other items associated with the wine bar along the passageway. These items serve to clutter the street scene and harm the character and appearance of the passageway and the setting of the listed buildings and structures found on its boundaries. Consequently, when the applicant recently applied to retain the use and the paraphernalia associated with it, one of the reasons the City Council refused permission was because of this harm to heritage assets.

Application 1 does little to reduce this harm, the applicant still proposes a very high number of items. The applicant has supported this application with a heritage report which argues the items have “no harmful effect” on the character and appearance of the area or the setting of listed building and structures, but officers have already concluded differently previously and maintain this position regarding application 1.

The high number of items within the passageway would have the effect of cluttering, obscuring and depreciating the setting of nationally important heritage assets, including the grade I listed York Water Gate and the grade II listed Gateway and Railings at the end of Buckingham Street. Evidently, if the surrounding of a listed building is altered in a manner that reduces the ability to appreciate its significance, harm is caused to its setting, and this would occur under application 1.

In addition, as the use proposed in application 1 would occupy almost the entirety of Watergate Walk, the character of the passageway would change from a pedestrian route to a commercial outdoor bar. This would fail to preserve or enhance the heritage assets because the passageway as a pedestrian route is significant to the setting of the listed buildings and the character of the conservation area. To protect the character of the passageway, external seating should be the subordinate purpose of the passageway, not the main purpose as proposed in application 1.

While officers acknowledge that there are some benefits to application 1, these are primarily private to the applicant's business and the public benefits are limited. Moreover,

the public benefits that do arise, such as providing management of Watergate Walk, could be achieved without the excessive number of items proposed in application 1. As such, the benefits of the scheme would not outweigh the harm identified. In these circumstances, application 1 would not meet S25 and S28 of the City Plan and DES 1, DES 5, DES 9, DES 10 of the UDP.

Application 2

Application 2 proposes significantly less items, and these are limited to tables and chairs in two areas which occupy a much-reduced area of the passageway as compared to the previously refused proposal. The character of the passageway would be maintained as a pedestrian route and the external seating area would be understood as ancillary to this purpose. The reduction in items, including the structures and the excessive numbers of umbrellas, means that passers by would be able to appreciate the setting of the listed buildings and structures and the character and appearance of the conservation area would not be harmed. In these circumstances, application 2 would accord with S25 and S28 of the City Plan and DES 1, DES 5, DES 9, DES 10 of the UDP.

8.3 Residential Amenity

While historically the City Council granted temporary permissions for the applicant to use parts of this passageway for the placing of tables and chairs in connection with the wine bar, the last permission expired in 2008. Yet, the placing of tables and chairs in the passageway continued to present. Moreover, in recent years, the use of Watergate Walk for the placing of tables and chairs has been expanding with increasing numbers of tables and chairs put out, without the requisite permission. In addition, the applicant altered the passageway by paving over areas that were formerly grass to enlarge the area so more tables and chairs could be put out, again without the requisite permission.

By the time the applicant applied for permission in 2018, the use had expanded to include hundreds of unauthorised tables and chairs, as well as many barrels to facilitate vertical drinking and outdoor cooking facilities. These changes allowed hundreds of patrons to drink, eat and socialise outside – and the City Council received complaints about the use. The City Council refused the 2018 application which sought to retain this use in part because these activities caused detriment to the enjoyment of neighbouring residential properties and the local environment. The residential occupiers live near the site including within Kipling House on Villiers Street, which is above the wine bar and includes flats positioned adjacent to Watergate Walk. Other residents live on Buckingham Street and York Buildings, which are off Watergate Walk.

Policy TACE 9 of the UDP relates to entertainment uses (such as bars) that may be permissible and policy TACE 11 relates to tables and chairs on footways. Policy TACE 9 states that entertainment uses will only be granted where there is no adverse effect upon residential amenity or local environmental quality and no adverse effect on the character or function of its area. Policy TACE 11 states that the provision of tables and chairs on footways will only be granted when they do not unacceptably intensify an existing use; cause obstruction; endanger pedestrians and wheelchair users; cause refuse problems; have a detrimental effect on the character and appearance of the area, or setting of a listed building; cause a nuisance to residents; harm the amenity of the area; or create opportunities for crime. Further policies; S29 of the City Plan, and ENV 6 and ENV 13, seek to protect residential amenity.

Application 1

In 2018, objectors reported that noise, disturbance and nuisance from the use of Watergate Walk had a detrimental impact on their quality of life. Application 1 reduces the number of items, removes outdoor cooking and proposes an altered management of the area in order to reduce the noise disturbance associated with the use. In terms of the management plan, the applicant drew this up in consultation with neighbouring residents, and the key aspects of control would be:

- limiting the capacity of the area to 168;
- prevent vertical drinking;
- display signage to help manage patrons and create designated smoking areas;
- strategies to relating to waste and cleansing operations;
- prevention of music;
- strategies for closing and dispersal, including ensuring all patrons and staff clear the area by 23:00;
- arrangements for deliveries; and
- arrangements for staff and security, including requirements for a security operative to be present to ensure patrons adhere to the policies in the plan.

The refused scheme attracted 15 objections and 12 supporting comments, whereas application 1 has attracted 1 objection and 12 supporting comments.

Application 1 is clearly an improvement over the refused scheme, and the work the applicant has done with neighbouring residents in drawing up a management plan which seemingly addresses most of their concerns is a welcomed development – and the Environmental Health officer has not objected to the management plan. Further, the proposals now do not involve any outdoor cooking. Nevertheless, officers remain concerned that application 1 proposes an excessive number of items and would allow too many patrons to socialise close to neighbouring residents.

The size of the outdoor area in application 1 would still be larger than the indoor area of the bar and would allow 168 patrons to eat and drink within the passageway (more than within the wine bar itself). Two servery structures would still be placed within the passageway, allowing the outdoor area to practically operate independently of the bar itself, rather than an external seating area being ancillary to it.

Policy TACE 9 which relates to entertainment uses requires no adverse effect on residential amenity and TACE 11 requires no nuisance to residents, and therefore the policy application section of TACE 11 advises that tables and chairs located below residential flats (such as in this case) are not normally permitted. While officers accept that the circumstances in this case mean it reasonable to apply some flexibility, the proposed high number of patrons would exceed the bounds of that flexibility significantly. It is not plausible that 168 patrons socialising in a small area close to residential flats will not result in significant levels of noise disturbance. As officers advised in 2018, a more restrained use with a reduction in tables and chairs in less areas could be acceptable. But application 1 still proposes an excessive number of items, would allow too many people to socialise until late in the evening and this would create harmful noise disturbance. This would constitute an unneighbourly development that is also harmful to the local

environment. Therefore, this proposal would not meet S24, S29 and S31 of Westminster's City Plan and ENV 5, ENV 6, ENV 13, TACE 9 and TACE 11 of the UDP.

Application 2

In 2007, the City Council granted permission for a layout of tables and chairs that matches the number and layout proposed currently in application 2. It would allow 80 patrons to drink, eat and socialise in the passageway – less than half the number proposed in application 1.

Application 2 has attracted 1 objection and 3 supporting comments, and the 2007 application attracted no objections or support.

While 80 patrons would be a high number of people to socialise under residential properties, Villiers Street is a busy road with bars, restaurants and other entertainment venues along it and so more outdoor socialising than usual is to be expected – this is why officers accept that this is a location where we should apply greater flexibility. The external seating would also add to the vibrancy and vitality of the bar and area and the use prevents other anti-social behaviour occurring within the passageway, both of which are welcomed. In these circumstances, the principle of the use is acceptable.

Originally, the applicant applied for permanent permission. The applicant considers the City Council should make an exception to the practise of only granting temporary permissions for tables and chairs on the highway. Since submission, the applicant has agreed to a condition to ensure this permission would be temporary. The applicant notes national guidance indicates that Local Planning Authorities should not repeatedly grant permission for trial periods and that Watergate Walk is not part of the public highway (it is private highway, although still owned by the City Council), and that usual restrictions should not apply. Notwithstanding their objection to a temporary permission, the applicant has agreed to it in this instance.

Officers have explained to the applicant that the reasons for the permission to be temporary are not because it is a form of trial period. It because Watergate Walk is a pedestrian passageway, and this should remain its use. Permanent permission would change the use of the land from pedestrian passageway to essentially the forecourt of the wine bar, and this would manifestly fail to protect the pedestrian environment (as required by the City Plan and UDP). It should be noted that dissimilar to the applicant's assertion, the City Council's planning policies do not make the distinction the applicant draws between public and private highways. The temporary permission also allows the City Council to regularly assess the impact of the use.

Further conditions are recommended to control the harmful aspects of the scheme, including a condition to ensure vertical drinking is prevented and that the area is closed and cleared by 23:00.

8.4 Transportation/Parking

Whilst this pedestrian passageway is not part of the public highway, it is open to pedestrian movement and therefore pedestrian safety and comfort must be considered. Policy S41 of the City Plan states all developments will prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment. This is also the aim

of policy TRANS 3 and TACE 11 of the UDP. The 'Westminster Way: Public Realm Strategy' SPD recommends that proposals for commercial activities on pedestrianised streets/ alleyways should maintain at least half of the footway width clear of any commercial activity – this should usually be 25% on each frontage. In other circumstances, the minimum allowable clearway for pedestrians is a 2 metre width. The national guidance in 'Manual for Streets' also expects that the minimum clearway should be 2 metres.

Application 1

In 2007, the passageway was narrower as the applicant had not implemented the unauthorised alterations to pave over the grass areas. The 2007 permission allowed a 1.83m clearway, and this met the requirement for a pedestrian clearway that was used at that time; a minimum of 1.8 metres. Since the 2007 permission, the City Council has adopted the 'Westminster Way: Public Realm Strategy' SPD. This document goes into further detail on how the City Council will protect and improve the public realm, and it sets the new standards as outlined above.

Post widening, Watergate Walk has a width of 6 metres. To accord with the Westminster Way the applicant should keep 3 metres of the width clear any commercial activity. Strictly speaking, this should be limited to 25% (1.5 metres) on each side, but the Highway Planning Manager states that if only one side is used for activity, then 50% on one side would accord with the aims of the strategy. The Westminster Way also notes that: "Where footways and pedestrian areas have been enlarged to give more room for people, there is a presumption against allowing new obstructions that take the footway back to or near its former width".

In application 1, the applicant proposes to use 1.4 metres on the north side and 2.8 metres on the south side for a total width of 4.2 metres for tables and chairs (70% of the width), leaving just 1.8 metres clear, contrary to the City Council's guidance and national guidance. So, while the applicant widened the footway (in breach of planning control), because of the excessive numbers of tables, chairs and other items proposed, less space would be left for pedestrians than in 2007 when the City Council's applied its old, less generous, standard and also less than the 2 metres that would be required in other circumstances. This evidently is a worsening of the pedestrian environment, which policies TACE 11, TRANS 3 and S41 seek to prevent and is contrary to the relevant guidance.

Commercial activities in public places have to be regarded as a privilege and the City Council must ensure that they are of a scale that means they do not get in the way of the main purpose of the footway they are located on – application 1 fails in this regard.

Application 2

In application 2, the applicant proposes tables and chairs on the southern side of Watergate Walk only. This would occupy 2.8 metres of the width along the passageway (47%), and a 3.2 metre clearway would be kept. This would be in excess of the City Council and national guidance and consequently is acceptable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Unfortunately, Watergate Walk is not accessible to those who require level access.

8.7 Other UDP/Westminster Policy Considerations**Refuse /Recycling**

The Project Officer (Waste) raises no objection as the application does not affect the public highway for which street cleaning operates are responsible.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

None relevant.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

8.12 Planning Obligations

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

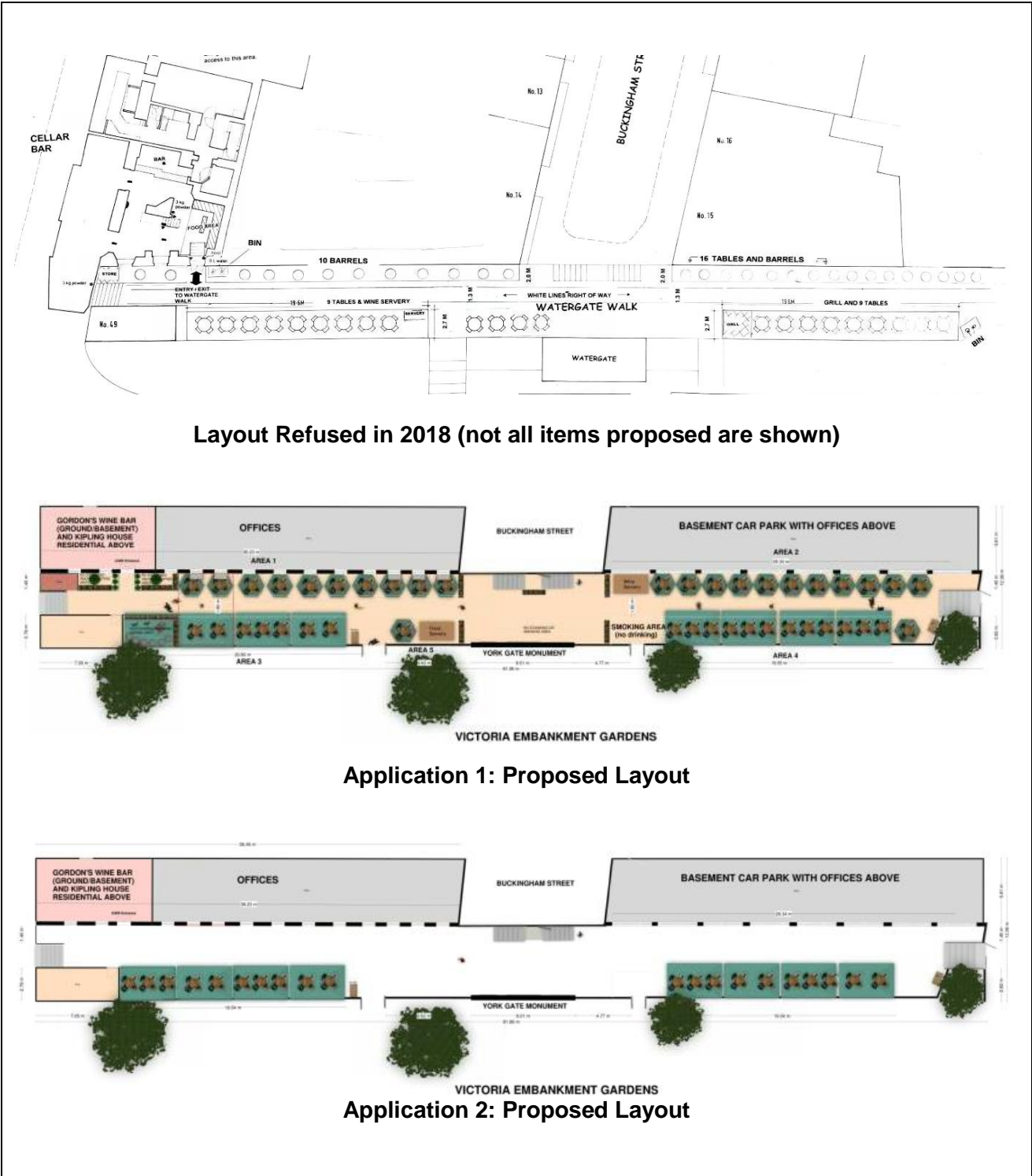
8.13 Environmental Impact Assessment

Not relevant to this application.

(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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

9. KEY DRAWINGS



DRAFT DECISION LETTER: APPLICATION 1

Address: 47 Villiers Street, London, WC2N 6NE,

Proposal: The temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs and two serveries in connection with Gordon's Wine Bar, 47 Villiers Street (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m)

Plan Nos: Site Location Plan; Existing Plan; Proposed Plan; Proposed Plan showing Umbrellas and Awnings; Furniture and Awnings Specs; Operational Management Plan; Historic Report; Planning Statement.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

The use of Watergate Walk for outdoor drinking and eating, in connection with Gordon's Wine Bar at 47 Villiers Street, would result in noise, disturbance and nuisance to nearby residential occupiers, including those within Kipling House on Villiers Street and on Buckingham Street and York Buildings. This is harmful to residential amenity and is contrary to S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, TACE 9 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

Reason:

The tables, chairs and other furniture would block the flow of pedestrians along the passageway and so would not provide a convenient, attractive and safe pedestrian environment. This does not meet S41 of Westminster's City Plan (November 2016) and TRANS 3 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (X08AC)

Reason:

Because of the number of tables, chairs, umbrellas, and other items, the proposal harms the setting of the grade I listed building York Water Gate and the grade II listed Gateway and Railings at the end of Buckingham Street. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Adelphi and Savoy Conservation Areas. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning

Item No.
2

documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered by the case officer to the applicant during the processing of the application. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Reduction in the number of tables, chairs and other items and reduce the areas where tables and chairs are located.

DRAFT DECISION LETTER: APPLICATION 2

Address: 47 Villiers Street, London, WC2N 6NE,

Proposal: The temporary use of two areas along Watergate Walk each measuring 2.7m x 19.6m for the placing of 20 tables and 80 chairs in connection with the Gordon's Wine Bar, 47 Villiers Street.

Plan Nos: Site Location Plan; Proposed Plan; Furniture Specs.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on the approved drawing.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only use the tables and chairs and, where relevant, other furniture, equipment or screening structures, hereby approved on Watergate Walk between 08.00 and 23.00.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 4 The tables and chairs must only be used by customers of Gordon's Wine Bar, 47 Villiers Street.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 5 This use of the pavement may continue until 30 June 2020. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, highway and we want to protect the rights of the public to the use and enjoy this area. We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) 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.

- 6 You can only put out on Watergate Walk the tables and chairs, and other furniture/ equipment and structures hereby approved. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

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. (R25EA)

- 7 All customers using the external area the subject of this planning permission shall only be served drinks and/or food if they are seated, and shall only be served drinks and/or food by waiter service.

Reason:

To prevent vertical drinking/eating by customers, in order to protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 June 2019		Classification For General Release
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	10-14 The Hippodrome , Cranbourn Street, London, WC2		
Proposal	Display of 15 barriers outside the corner entrance between Cranbourn Street and Charing Cross Road and 10 barriers outside the Cranbourn Street entrance (measuring 1.35m x 0.69m)		
Agent	Montagu Evans		
On behalf of	Hippodrome Casino Ltd		
Registered Number	19/01502/ADV	Date amended/ completed	27 February 2019
Date Application Received	27 February 2019		
Historic Building Grade	The Hippodrome is a grade II listed building.		
Conservation Area	Leicester Square		

1. RECOMMENDATION

Refuse permission on design and highways grounds

2. SUMMARY

The Hippodrome is a grade II listed building located at the corner of Cranbourn Street and Charing Cross Road within the Leicester Square Conservation Area.

Advertisement consent is sought for display of 'The Hippodrome Casino London' advertisements on crowd control barriers to be sited beneath the canopy of the Hippodrome Casino along Charing Cross Road and Cranbourn Street. Each barrier to measure 1.35m x 0.69m. There will be 10 barriers outside the Cranbourn Street entrance and 15 outside the corner entrance on Charing Cross Road and Cranbourn Street. It is proposed that the barriers will be removed between the hours of 06.00 and 12.00 to allow for cleaning which had the proposal been recommended for approval could be secured by condition.

Advertisement consent has previously been granted for 4 barriers each at the Cranbourn Street and Charing Cross Road entrance. These were required to signal where the two customer entrances are at the Hippodrome. These consents expired in 2018. This application seeks to increase the number of barriers to both entrances for the reasons set out below.

The applicant considers that the previously approved barriers have proven to be an important part of

the safe management of the casino. However, the applicant advises that there has been a marked increase in the number of people in the recent months which has given rise to several issues in the area. The applicant states that 'space taken up by rough sleepers [under the canopy] is extensive, causing the pavement to become congested and forcing pedestrians into the road presenting a safety hazard'. Also, that 'there has also been a rise in aggressive begging, with customers of the casino and the public at large feeling intimidated and unsafe. Belongings are regularly left unattended throughout the day which itself leads to security concerns given the high profile nature of the area.' The applicant has provided comments from the Metropolitan Police (provided as a background paper) which advises that taking ownership of this part of the pavement will reduce the amount of covered space making it less conducive for sleepers.

Letters of support have been received from local business organisations and landlords on the grounds that the barriers are an appropriate measure to deal with the rough-sleeping and beggar issue and the associated anti-social behaviour and safety concerns. The letters of support consider that the barriers do not obstruct pedestrian movement to the tube station and they are an adequate visual solution in the streetscene.

The key considerations for this application are the impact of the crowd control barriers on highway safety and visual amenity.

In terms of highways safety, the relevant policies are S41 (Pedestrian Movement and Sustainable Transport) of the City Plan and UDP Policy TRANS3 (Pedestrians). These policies seek to ensure that all development prioritises pedestrian movement and create a convenient, attractive and safe pedestrian environment, with particular emphasis in areas with high pedestrian volumes or peaks. The Westminster Way's public realm strategy is also a relevant consideration as it strives to promote walking rather than disadvantage pedestrians. For visual amenity the relevant policies are S25 (Heritage), S28 (Design) and DES8 (Signs and Advertisements) of the UDP. DES 8 seeks to secure the highest standards of design in all advertisements, and their compatibility with the townscape. Also relevant is guidance contained within the council's Advertising Design Guidelines Supplementary Planning Guidance.

Highway Safety

This part of Charing Cross Road experiences extremely high levels of pedestrian traffic as it is adjacent to an entrance to Leicester Square Underground station, opposite a heavily used pedestrian crossing and adjacent to a key gateway to Leicester Square. The primary function of the highway is for the safe and convenient movement of pedestrians and this is part of the city where obstructions for pedestrians must be contained to the bare minimum in order to keep the maximum area of footway clear. The barriers would obstruct the highway on Charing Cross Road which would be harmful to pedestrian movement. As the barriers would not be fixed to the ground there is a concern that they could easily be moved thus reducing the area of unobstructed footway still further.

Visual Amenity

It is considered that due their number and appearance the barriers and associated advertising would amount to intrusive and harmful visual clutter which would detract from the visual amenity of the area and would be harmful to the character and appearance of the Leicester Square Conservation Area.

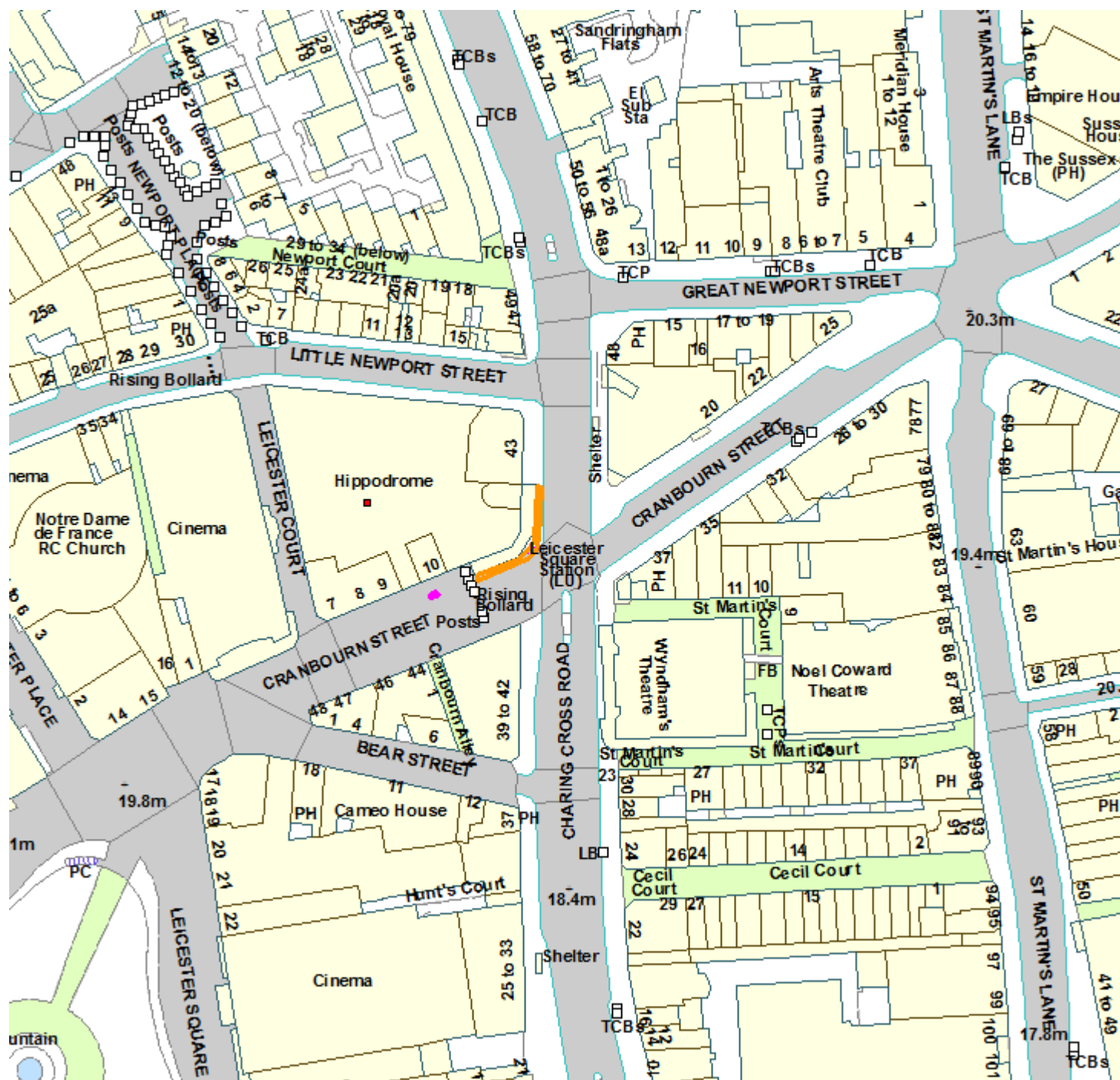
Conclusion

Officers are sympathetic to the concerns raised by the applicant about antisocial behaviour. However, it is not understood how the installation of barriers will address the problem of rough sleeping in any meaningful way. The barriers are only likely to displace the problem. In addition, from

the photographic evidence submitted by the applicant and from the officer's site visit, it is understood that the rough sleeping issue is largely concentrated near the Leicester Square Underground station entrance in Charing Cross Road. Therefore, it is not considered that the installation of many barriers along Cranbourn Street is justified in this instance.

It is considered that the proposals are unacceptable in design and highways terms resulting in harm to the character and appearance of the area and wider conservation area and obstruction to pedestrian movement therefore contrary to Policy S25, S28, S41 of the City Plan and Policies DES 8, DES 9 and TRANS 3 of the UDP and the Westminster Way.

3. LOCATION PLAN



4. PHOTOGRAPHS



Cranbourn Street elevation



Entrance at the corner of Cranbourn Street and Charing Cross Road



Charing Cross Road elevation



Cranbourn Street elevation

5. CONSULTATIONS

WARD COUNCILLORS FOR ST JAMES'S: support the erection of barriers if they are well design and aesthetic as this micro location has been particularly troublesome for rough sleeping

TRANSPORT FOR LONDON: No objection following receipt of drawings showing remaining footway width.

METROPOLITAN POLICE: Any response to be reported verbally.

HIGHWAYS PLANNING: Refuse on the grounds of unnecessary obstruction of the highway in an area that experience extremely high levels of pedestrian traffic adversely affecting the safe, direct and convenient pedestrian traffic contrary to S41, TRANS3 and Westminster Way.

WASTE PROJECT OFFICER: No objection.

PUBLIC PROTECTION AND LICENSING: extra barriers are a good idea as many complaints with regards to rough sleepers bedding down in the area and this will stop that.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 6

No. of objections: 0

No. in support: 6

6 letters of support on the following grounds:

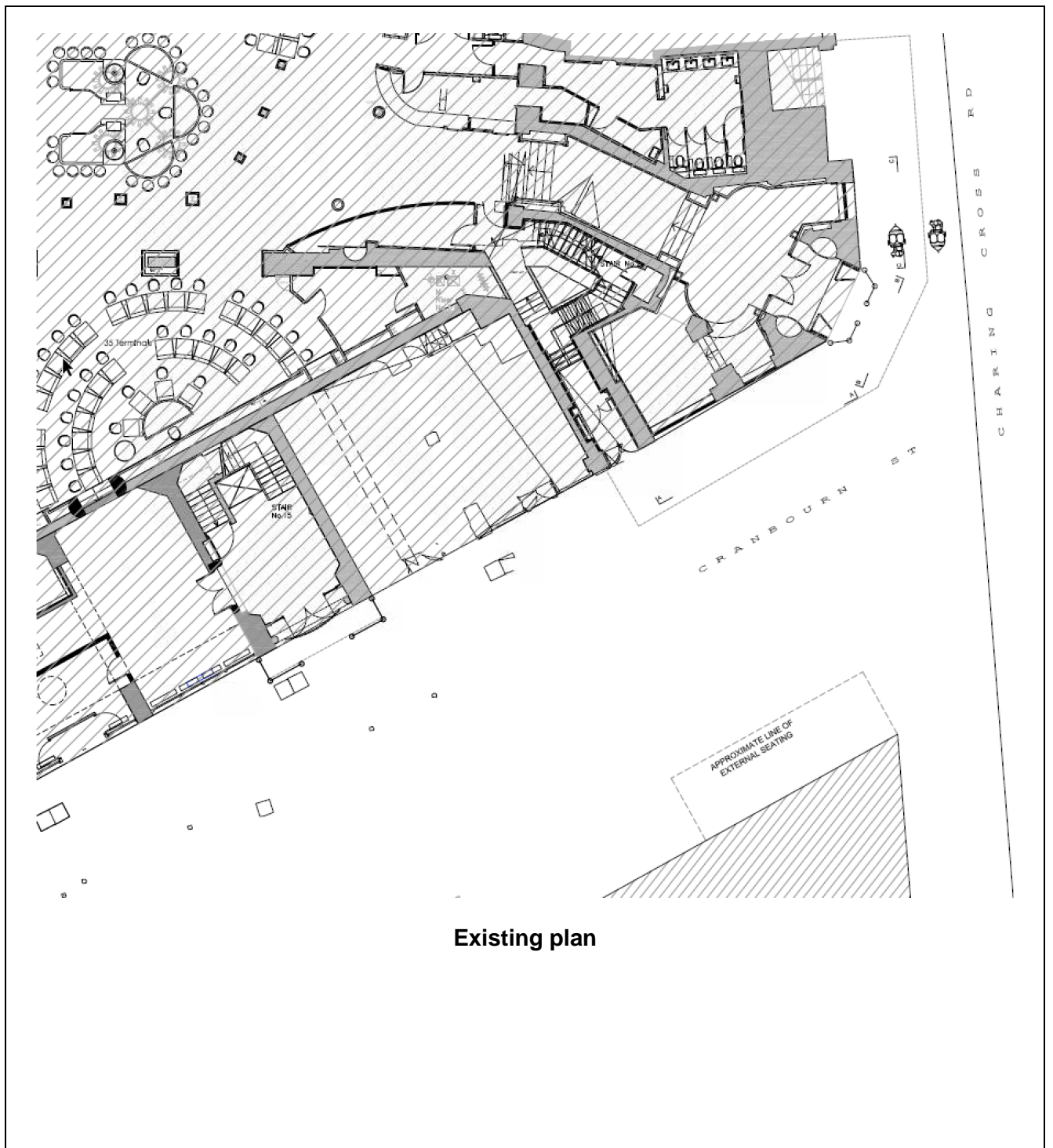
- No obstruction to the users entering/exiting the tube station and pedestrians and minimal impact on pedestrian safety considering the width of the pavement
- Help to reduce antisocial behaviour and health and safety problems created by rough sleepers and beggars, simple and effective solution to reduce attractiveness of the Hippodrome for rough sleepers
- Will bring character to the streetscene of Leicester Square which is the heart of the London tourist area, the barriers are in keeping with the local street scene

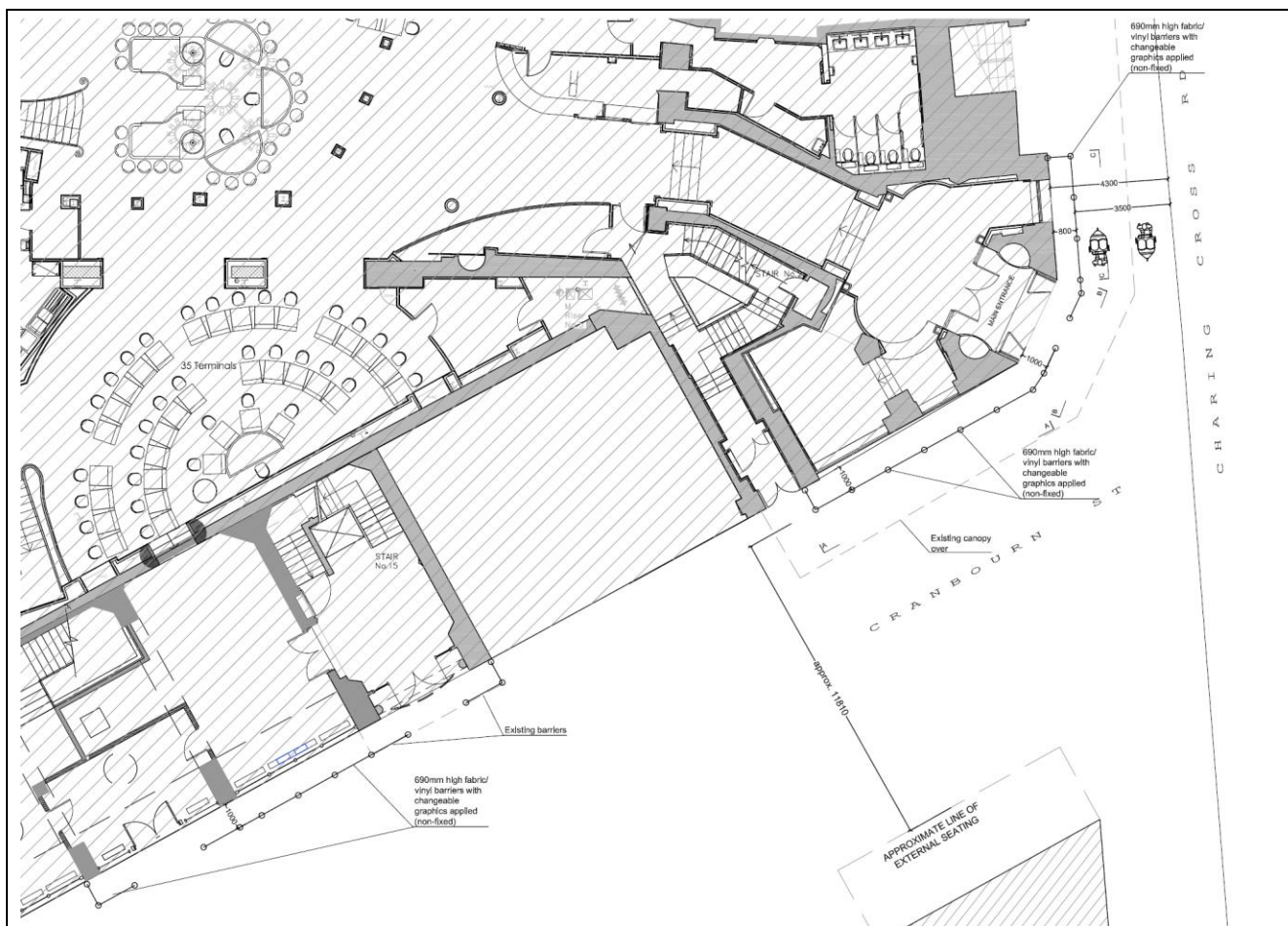
PRESS ADVERTISEMENT / SITE NOTICE: Yes

(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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

6. KEY DRAWINGS





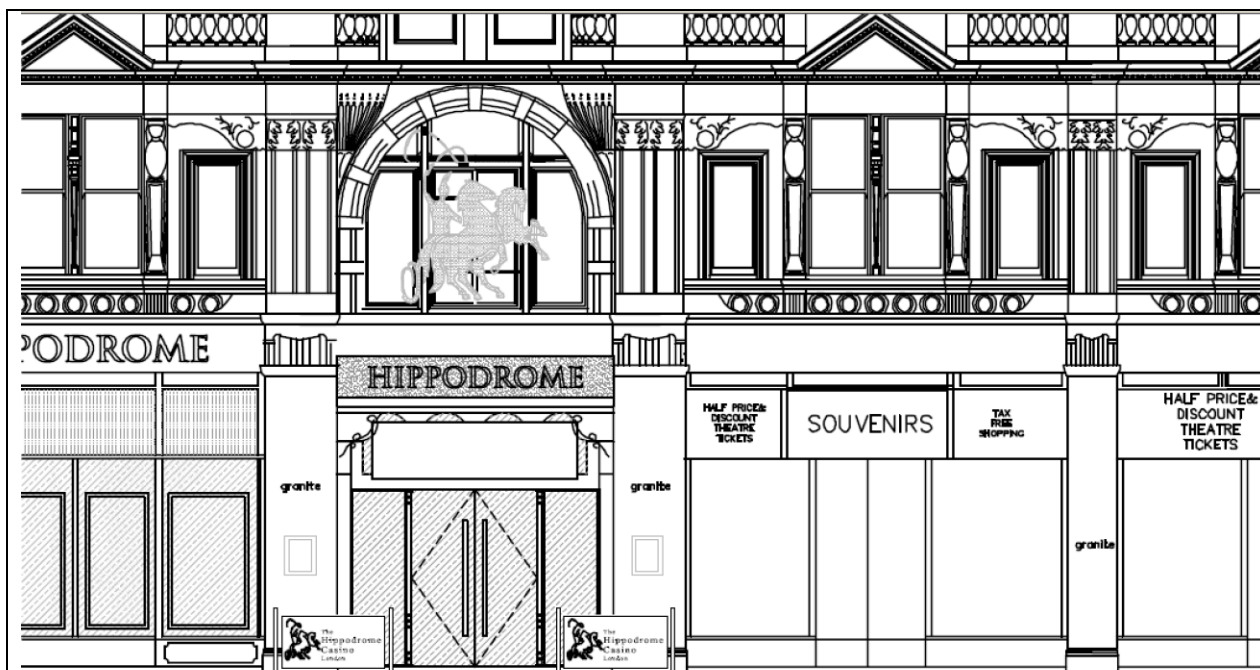
Proposed plan



Existing Cranbourn Street elevation



Proposed Cranbourn Street elevation

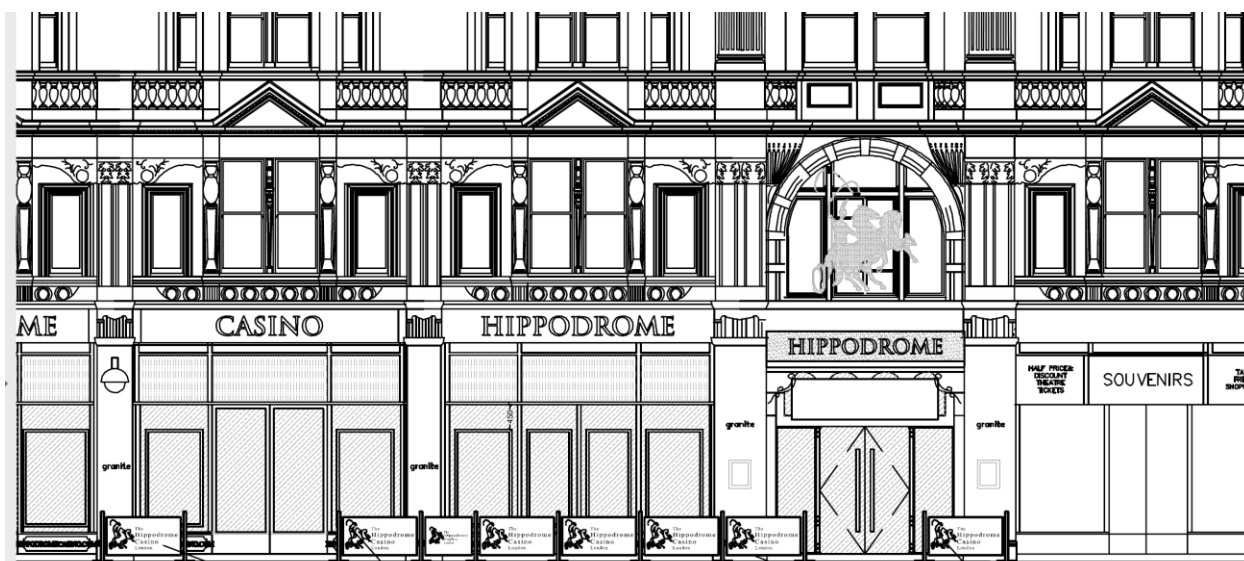


HIPPODROME

GIFT SHOP

VIP ENTRANCE DOOR

Existing Cranbourn Street entrance



CRYSTAL ROOMS

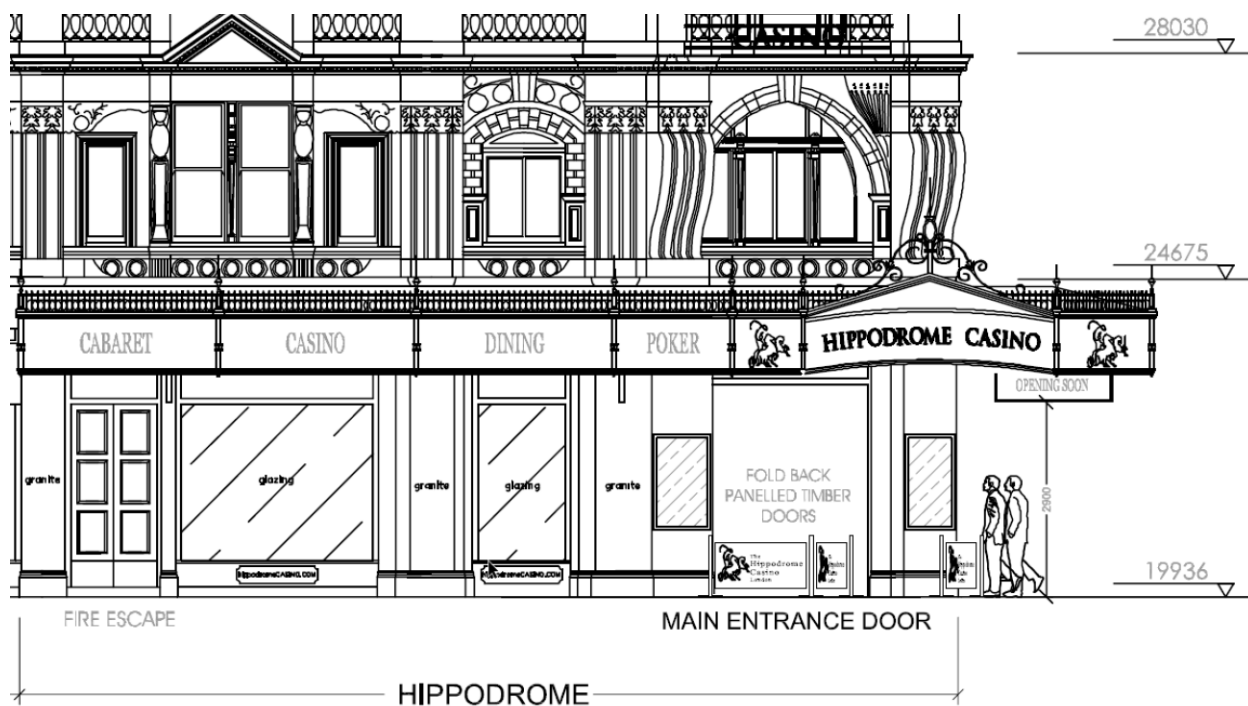
HIPPODROME

Existing barriers

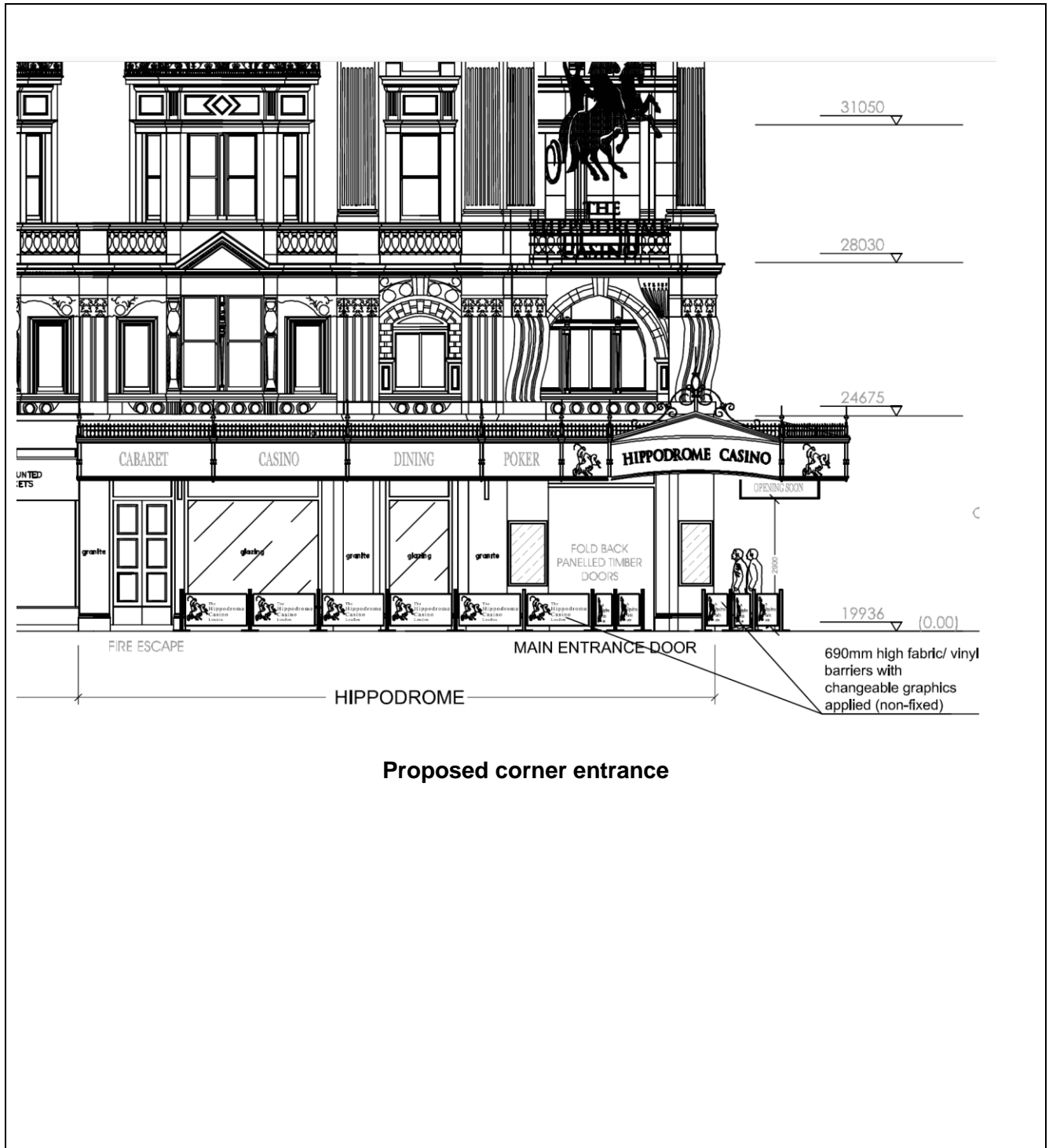
VIP ENTRANCE DOOR

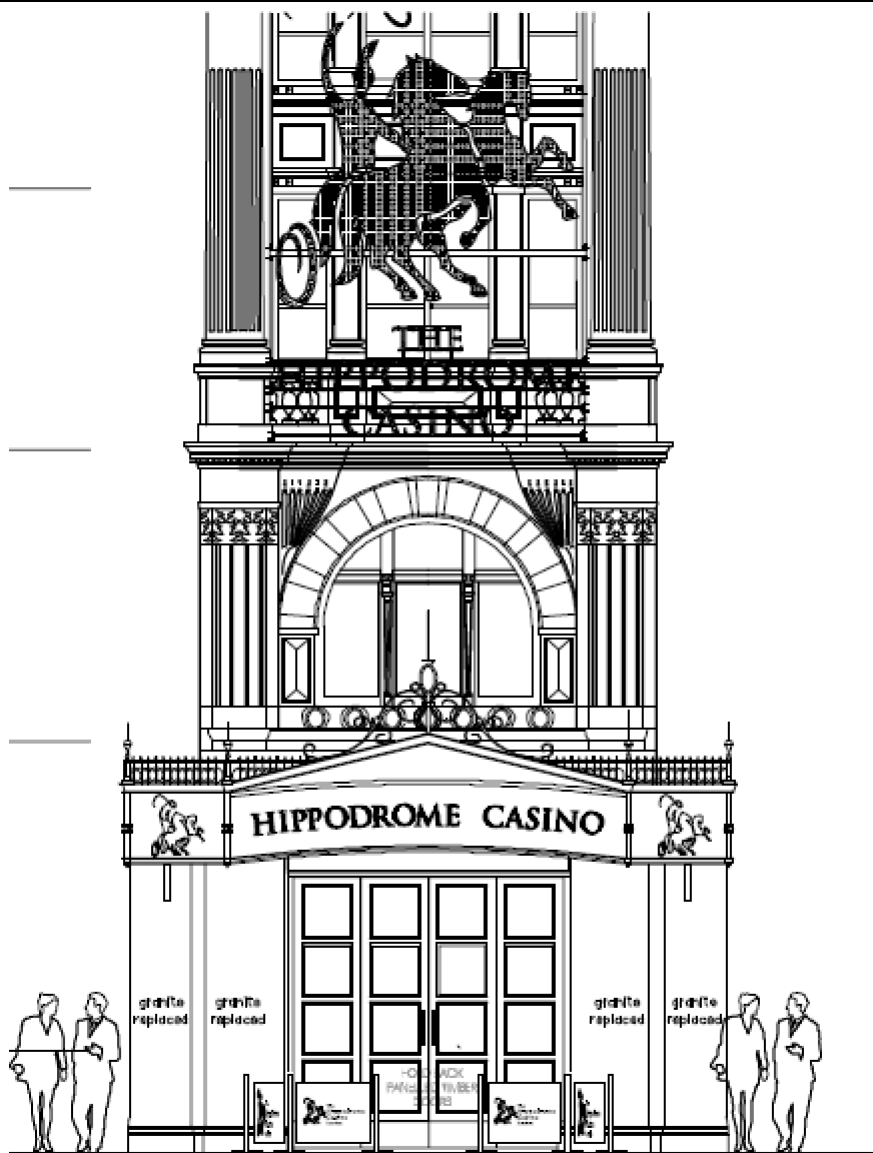
PROPOSED

Proposed Cranbourn Street entrance



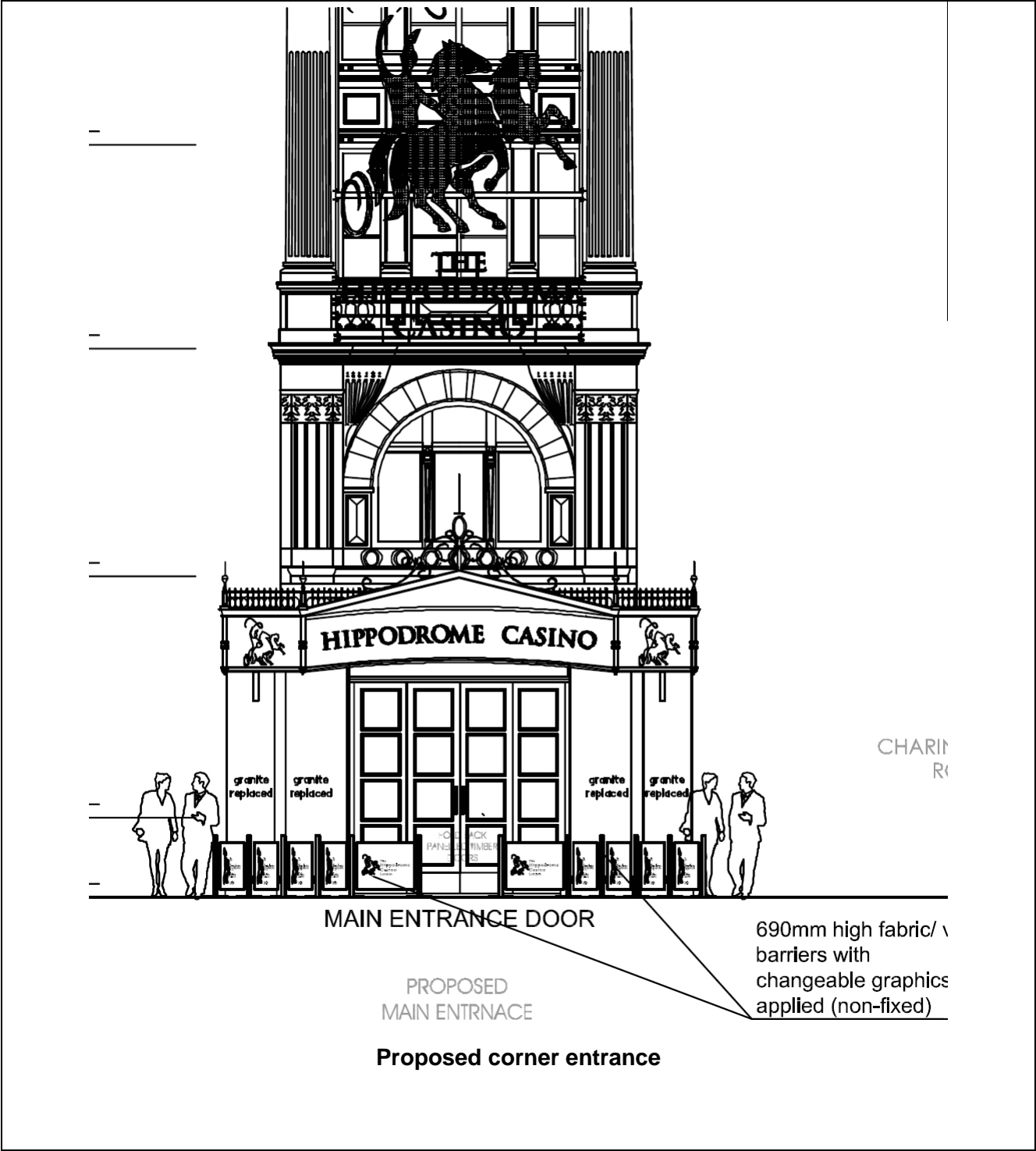
Existing corner entrance

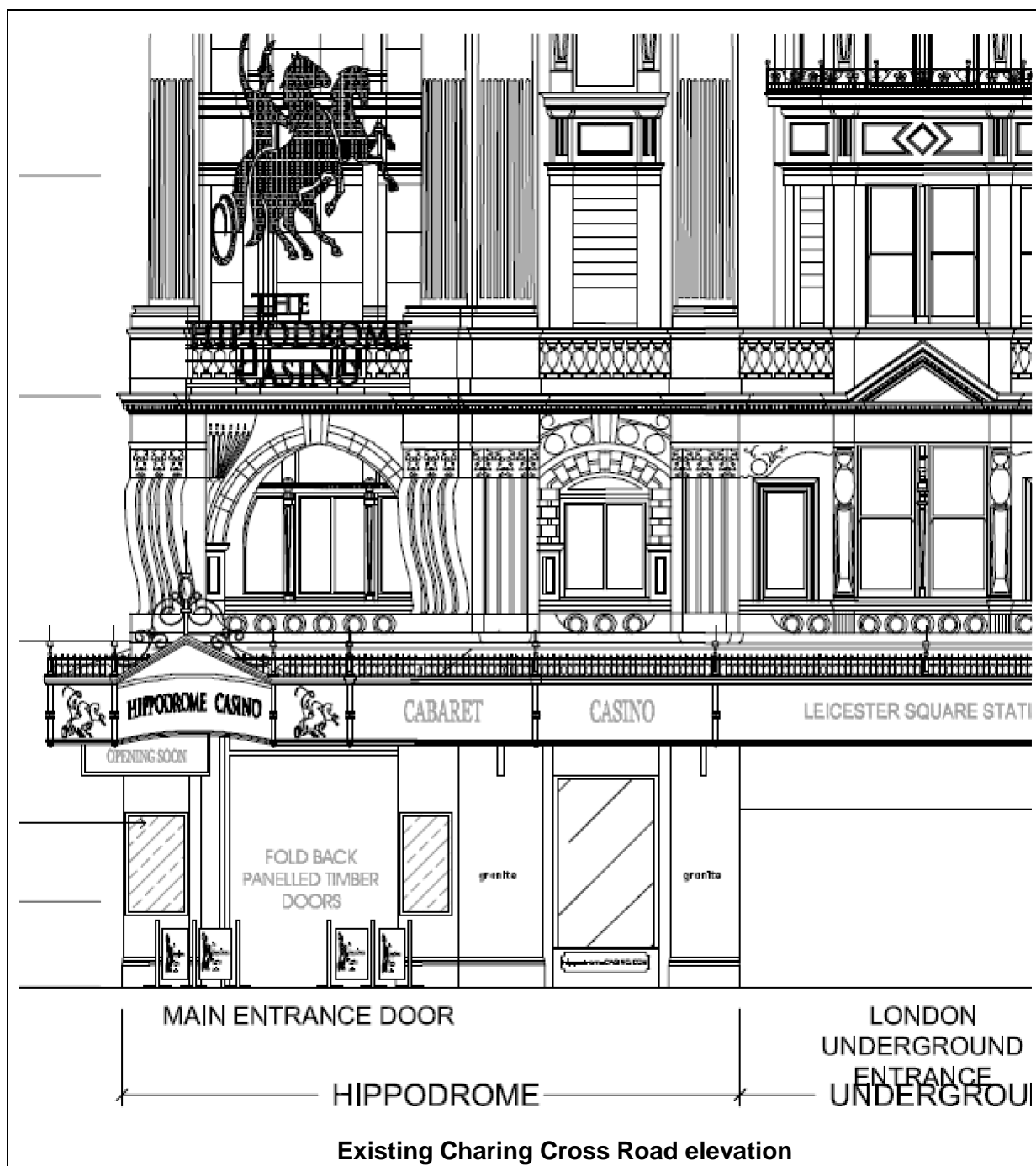


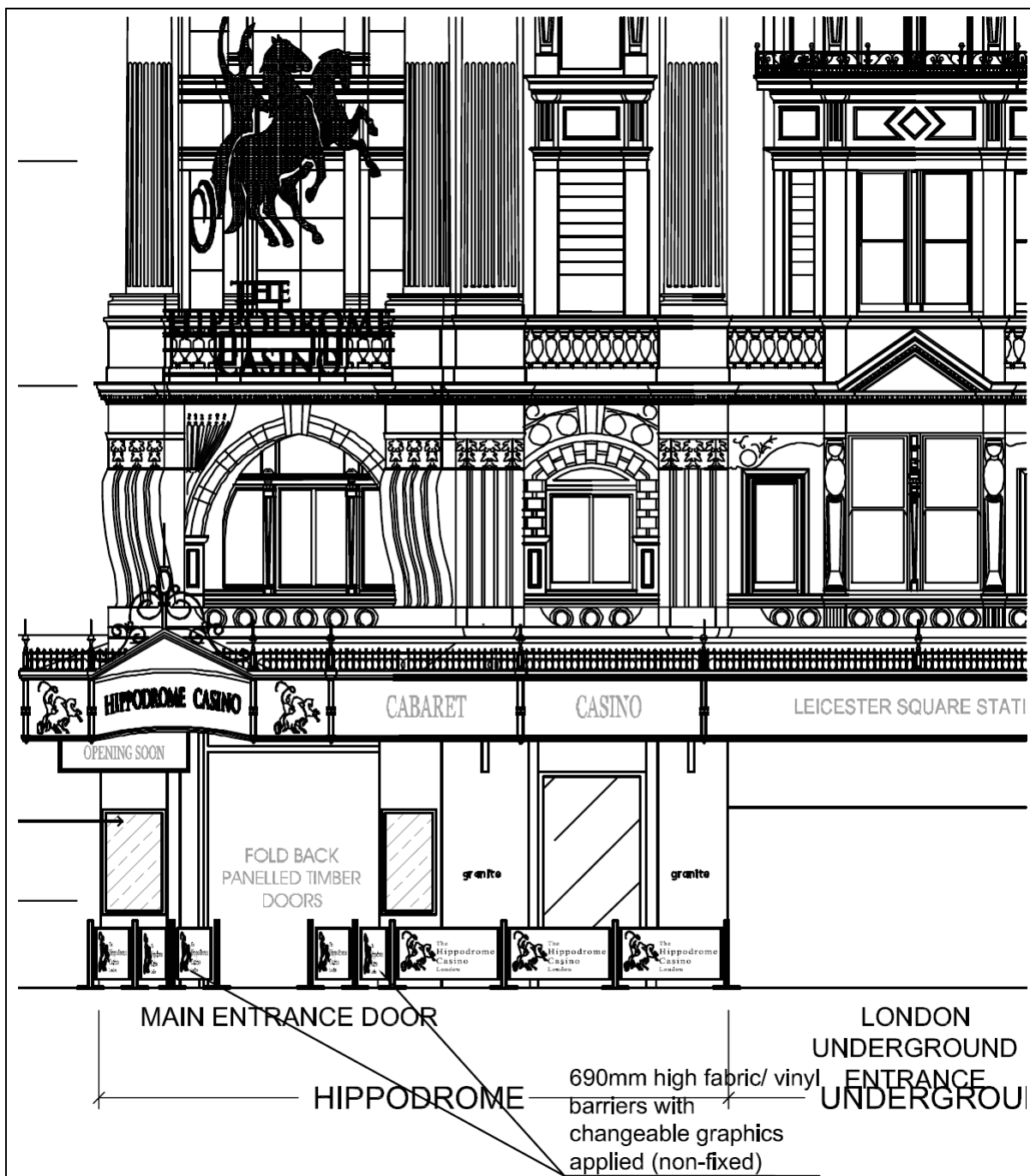


MAIN ENTRANCE DOOR

Existing corner entrance







Proposed Charing Cross Road elevation

DRAFT DECISION LETTER

Address: 10-14 The Hippodrome , Cranbourn Street, London, WC2H 7JH

Proposal: Display of 15 barriers outside the corner entrance between Cranbourn Street and Charing Cross Road and 10 barriers outside the Cranbourn Street entrance (measuring 1.35m x 0.69m)

Reference: 19/01502/ADV

Plan Nos: P-E1600 A; P-P1600 D; Site location plan; 15 photographs of the highways

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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

Because of their number and design the barriers would harm the appearance of the building and the appearance (amenity) of the area. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Leicester Square Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 8 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X15AD)

Reason:

The proposal will result in an unnecessary obstruction of the highway in an area that experience extremely high levels of pedestrian traffic adversely affecting the safe, direct and convenient pedestrian traffic contrary to S41 of Westminster's City Plan (November 2016), TRANS 3 of our Unitary Development Plan that we adopted in January 2007 and Supplementary Planning Guidance Westminster Way (September 2011).

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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Item No.
3

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 th June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Harrow Road	
Subject of Report	Basement Flat , 55 Portnall Road, London, W9 3BA		
Proposal	Erection of a single storey rear and side infill extension at lower ground floor level. Alterations to the front garden and lightwell including new planter.		
Agent	Mr Dressler		
On behalf of	Mr Edelstein		
Registered Number	19/01686/FULL	Date amended/ completed	5 March 2019
Date Application Received	5 March 2019		
Historic Building Grade	Unlisted		
Conservation Area	Outside of conservation area.		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

55 Portnall Road is an unlisted mid-terrace three storey building subdivided into three flats. This application relates to the flat at basement / lower ground floor level. The building is outside of a conservation area.

Permission is sought for works involving rear extensions and alterations to the building, namely a single storey extension from the closet wing and a single storey extension infilling to the side of the closet wing. Alterations are also proposed to the front including a new planter.

Objections have been received from neighbours on a number of grounds including the design of the extension, land use, amenity impacts and concerns in relation to construction and maintenance.

The key considerations are:

- Impact of the proposal on the character and appearance of the building and townscape; and
- Impact of the proposal on the amenities of neighbouring properties.

Subject to the conditions as set out on the draft decision letter at the end of this report, the proposal is considered acceptable and satisfies the relevant planning policies in our Unitary Development Plan and City Plan. Accordingly, it is recommended that permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of nos. 57 (left), 55 (centre) and 53 (right) Portnall Road.



Rear elevation of nos. 53 (left), 55 (centre) and 57 (right) Portnall Road.



View north from the rear garden of 55 Portnall Road.



View south from the rear garden of 55 Portnall Road.



Existing bin store and front lightwell area of 55 Portnall Road.



5. CONSULTATIONS

FIRST CONSULTATION

MAIDA HILL NEIGHBOURHOOD FORUM

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 35

No. of objections: 9 (from 5 different addresses) on the following grounds:

LAND USE

- The cumulative impact of the provision of more bedrooms will pressurise local infrastructure.

DESIGN

- Scale and style not in keeping with the building's character and neighbouring properties.
- Interrupts views down the gardens of the side of the street.
- Loss of over half of rear garden land.

AMENITY

- Loss of daylight to 53A and 57A Portnall Road.
- Increased enclosure and loss of outlook from kitchen diner at 53A Portnall Road.
- Light pollution - requests the use of integrated blinds.
- The glazed roof may reflect light and heat into upstairs flat.

CONSTRUCTION

- Construction work nearby has displaced rats threatening resident's health and their electrics.
- Construction will generate noise disturbance to residents and wildlife.
- Request that builders hose down site to reduce dust.
- Demolition of internal fireplaces could harm the structure of the party walls and create further subsidence.
- Request no building after 16:30 on weekdays and none at weekends.

OTHER

- Errors in drawings - waste water pipes and roofs are not shown correctly.
- Lack of details of how the existing boundary walls will be retained.
- Comments in relation to future maintenance of the extension and that maintenance would not be possible without access to gardens nos. 53 and 57.
- Increasing the likelihood of the flat above being burgled.
- The cumulative impact of the provision of more bedrooms will pressurise local infrastructure.
- Increased surface water run-off due to extension and loss of soft landscaping and increased flooding.

- Loss of garden would be detrimental to local wildlife.
- Structural concerns.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

RESPONSES TO RECONSULTATION:

The following changes were consulted on:

1. Inaccuracies on drawings rectified.
2. The front lightwell area has been redesigned

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 35

No. of objections: 3 (from 2 different addresses) on the following grounds:

DESIGN

- The extension will look 'ugly'.
- Loss of green space.

AMENITY

- Light pollution - requests the use of integrated blinds.
- The glazed roof may reflect light and heat into upstairs flat.

OTHER

- Waste water pipes and roofs are not shown correctly.
- The annotations on the proposed lower ground floor plan and proposed section do not match.
- Insufficient information with respect to green roof.
- The applicant has not discussed the shared bin store with neighbours.
- Increasing the likelihood of the flat above being burgled.
- Concern about water pressure and increased demand on sewer.
- Query in relation to Solar Panels and green roof.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is the basement level flat in a mid-terrace building that is formed of three storeys. The building dates from 1880s is unlisted and is located outside of a conservation area. The building is faced in London stock bricks and has a painted stucco bay to the front.

6.2 Recent Relevant History

18/09874/FULL

Erection of single storey rear extension at lower ground floor flat rear extension and installation of solar panels on the new flat roof.

Application Withdrawn

28 January 2019

7. THE PROPOSAL

Planning permission is sought for a single storey brick extension from the rear closet wing, which will feature a green roof and a glazed side infill extension. Permission is also sought for alterations to the front lightwell area, these include formation of an area to store bins and a new planter bed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

An objection has been received that the cumulative increase in floor space and increase in provision of bedrooms within properties' in the area will pressurise local infrastructure. As the proposals relate to an existing flat and no additional units are proposed, it is not considered that this objection can be sustained. The proposed 16sqm increase of residential floor space is in accordance with City Plan policy S14 and Unitary Development Plan (UDP) policy H3.

8.2 Townscape and Design

Extensions

The majority of the properties on the eastern side of Portnall Road still retain their original layout and footprint, however No. 59 Portnall Road to the north has a two-storey brick closet wing extension that appears to have been in place for some time and no. 45 Portnall Road to the south had permission granted under application referenced 17/07392/FULL on 27th October 2017 for a closet wing extension and side infill extension which projects approximately 3.4m from the original closet wing.

The rear extension proposed projects 3m from the closet wing into the garden adjacent the boundary with no. 57 Portnall Road. The extension is to be brick built but contains a set of folding glazed doors in its rearward facing elevation. The side infill extension is to be set back slightly from the rear brick extension adjacent with the boundary to No. 53 Portnall Road and formed from glazing with powder coated aluminium frames in dark grey.

It has been raised in objections from neighbours that the extensions result in an unacceptable loss of the rear garden. The existing rear garden measures approximately 48sqm, and that the retained rear garden would measure approximately 25sqm plus an additional 2sqm with the formation of the internal lightwell. UDP policy DES 5 Part B2 states permission may be refused when extensions occupy an "excessive part of the garden". The amount of rear garden retained is considered acceptable, providing adequate space for the enjoyment of the flat and will not retaining an acceptable amount in townscape terms, which is considered to be in accordance with this policy.

Objections have also been received in relation to the design and scale of the proposed rear extensions. While these objections are noted officers consider that the lightweight infill extension with a glazed roof and fully glazed rearward facing elevation, allows for a clear distinction between the adjacent brick rear closet wing extension which sits in line

with the original brick closet wing. The infill extensions lightweight character gives recognition to the side return that was originally designed to be kept open as garden. For these reasons it is therefore considered that the design approach is in keeping with the character and appearance of the host building and considered acceptable.

In order to help protect the character of the area, conditions are recommended to ensure that the bricks used match those of the existing building. A condition is also recommended to ensure the provision of the green roof, to help mitigate the loss of the small amount of garden.

It was raised in an objection that as the extensions project beyond the original rear line of the building by 3m, they would interrupt views up and down the gardens over the low rear garden walls found in the area. As these local views are not protected, refusal on these grounds could not be sustained.

Front Lightwell Alterations

The front lightwell area as existing is fully hard landscaped and includes a concrete bin store. It is proposed that a new planter is formed and an area is created behind the front boundary wall for the storage of bins. At the bottom of the steps in the lightwell there is to be a bench. This simple arrangement is not considered contentious in design terms.

Conclusion

Given the above, the application is considered to be compliant with relevant design policies of S25 of the City Plan and DES 1 and DES 5 of our UDP.

8.3 Residential Amenity

Development proposals are assessed against policies ENV13 of the UDP and S29 of the City Plan, which seek to protect the environment and amenity of adjacent occupiers. Objections have been received from adjacent occupiers in relation to the impact of the development in terms of loss of light, increased sense of enclosure and loss of outlook.

Due to the orientation of the site, the main impact in terms of daylight and sunlight will be on the property to the north, 57 Portnall Road, which has a lower ground floor window looking out onto the rear garden in the end of the closet wing. This window will also be impacted in terms of sense of enclosure. The existing party wall which runs down between the properties is approximately 1.2m high. The proposed extension is to be set within the site and is to be 2.4m in height and extends 3m further into the garden from the closet wing, therefore increasing the bulk along the boundary by approximately 1.2m. The affected window has obscure glazing and therefore the impact in terms of sense of enclosure is considered to be limited as the outlook is already impaired by the type of glazing. There is likely to be some impact in terms of light, however as the extension is only a single storey and the location of the window set away from the boundary, it is not considered that the impact would be so significant as to justify a reason for refusal.

The neighbour to the south, No 53, will also be affected, with the most affected window being a kitchen diner which looks down the side return along the boundary with No 55. There is also a glazed door which faces onto the boundary, providing access to the garden. While there are some inaccuracies on the drawings in relation to the existing boundary wall between these properties, officers have visited the site, and the neighbouring property to assess the impact. The drawings are annotated that the

boundary wall is not to be altered, with the extension set on the applicant's land. The new extension is approximately 0.7m higher than the existing boundary, is set away from the main rear elevation by 1.1m and projects 7m down the boundary (shared with No 53). Occupiers of No 53 are unlikely to experience a significant increased loss of light, or increased sense of enclosure given the height of the existing boundary wall, the single storey nature of the extension, and given the existing bulk of the closet wing on the application site.

It is not considered that the proposed extension would result in a significant increase in terms of overlooking, given that its main aspect will be out onto its own garden, and will be more overlooked by existing windows above than result in additional overlooking.

The proposals are therefore considered to be acceptable in amenity terms.

8.4 Transportation/Parking

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

8.5 Economic Considerations

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

8.6 Access

No change to access is proposed.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

None relevant to this application.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

No environmental impact assessment was required for this application.

8.14 Other Issues

Construction

Objections have been submitted that raise concerns over construction matters, namely how it will cause disturbance to residents, local wildlife and also displace rats which may threaten resident's health and their electrics. Concerns have also been received that the proposed works could also cause undue harm to the structure of the building and affect adjacent properties.

As the building is not listed, internal works would not require planning permission. In relation to the structural concerns, such considerations are governed by building regulations and subject to separate building control approval. Refusal of planning permission on such grounds could not be sustained.

It was requested by a neighbour that if permission is granted, builders should hose down the site to reduce a dust created and that no building work after 16:30 on week days and none at weekend is carried out. Although the City Council cannot directly control the activity of the builders, if permission is granted a condition will be included requiring that work ceases at 18:00 on weekdays, 13:00 on Saturdays and that there is none on Sundays. This condition is in accordance with environmental health legislation and to further limit the hours is not considered to be justified as this could have the unwelcome impact of elongating the time it takes to implement the works. In addition, an informative is to be added advising the applicant to use builders who are members of the considerate constructors scheme.

Light reflection and heat

Concerns have been raised that the proposed glazed side extension could result in unwanted light and heat being reflected, and light emanating from the extension could cause disturbance to flats above. Glazed extensions such as the one proposed and conservatories are common structures within rear gardens and refusal on such grounds could not be sustained. Some suggestion is made to the provision of blinds within the roof of the extension, however it is not considered that such a requirement could be justified or suitably enforced post implementation.

Security and maintenance

It has been raised that the flat roof would make the flat above the application site more vulnerable to burglaries. Concerns have also been raised that the development would be hard to maintain and make the maintenance of the existing building difficult. Single

storey extensions are common and refusal on these grounds could not be sustained and are a private matter between residents and their management companies.

Bin Store

There is an existing concrete structure in the front garden for bins. The plans indicate that bins can be placed adjacent to the front boundary and new planter. Such arrangements are common and the provision of some greening with the new planter is welcomed. The existing bin store is not attractive and an area for the bins is to be retained.

Flooding

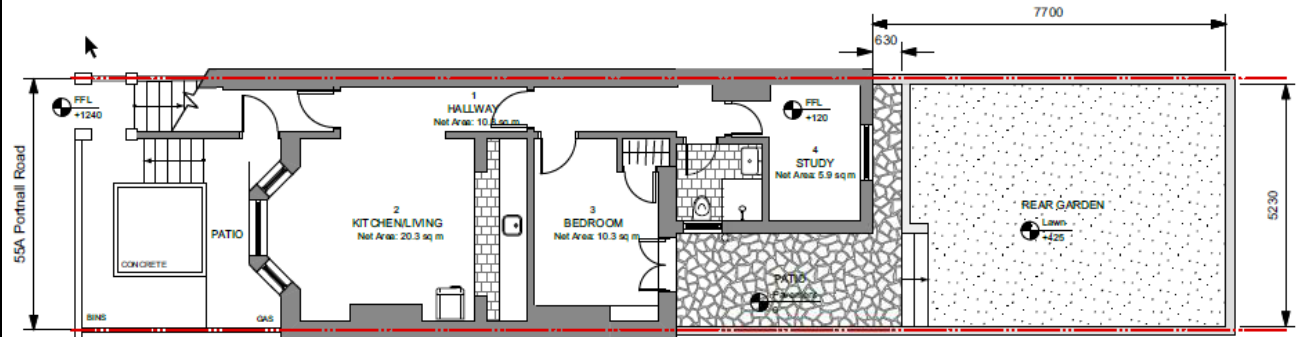
Concerns have been raised in relation to loss of habitat, increased surface water runoff and flooding. As the proposals relate to an existing lower ground floor flat, and as a green roof and a large proportion of the garden is to be retained, it is not considered that the development would have a significant impact in these terms.

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

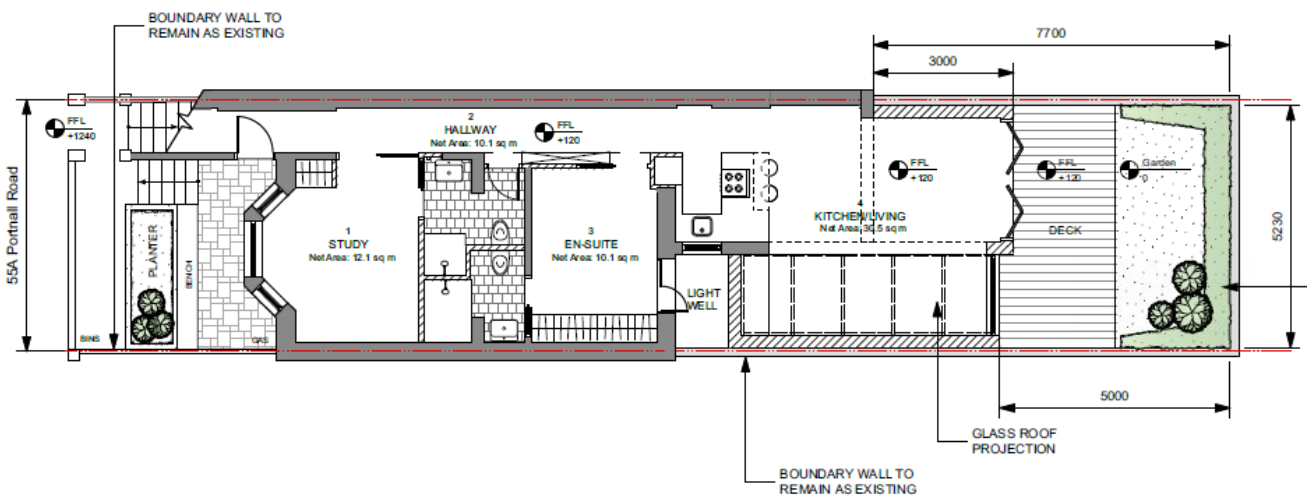
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT RHANDLEY@WESTMINSTER.GOV.UK

9. KEY DRAWINGS

Existing Ground Floor Plan



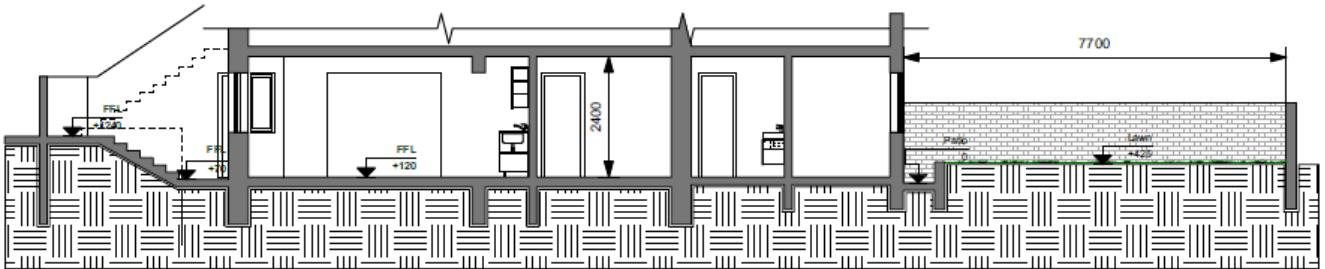
Proposed Ground Floor Plan



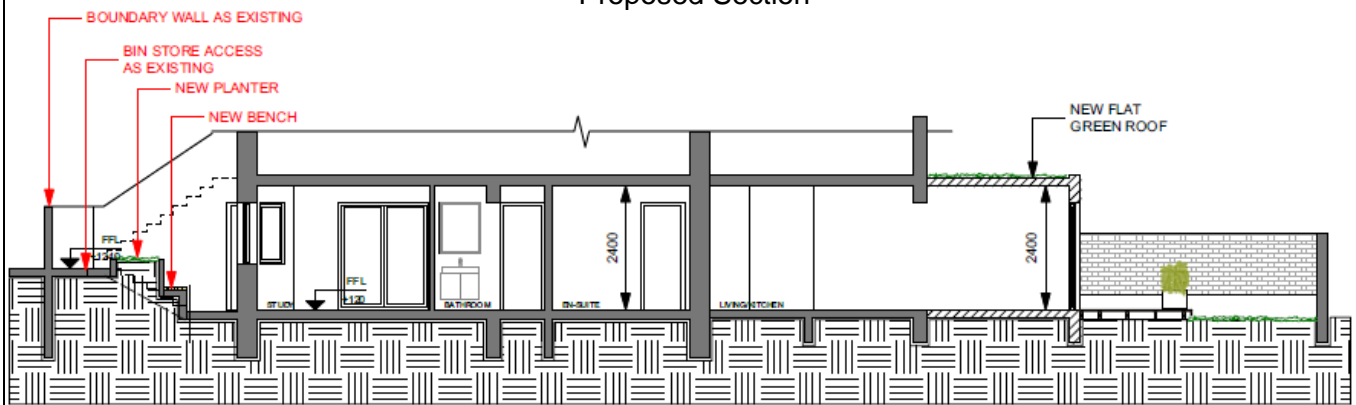
Existing and Proposed Rear Elevations



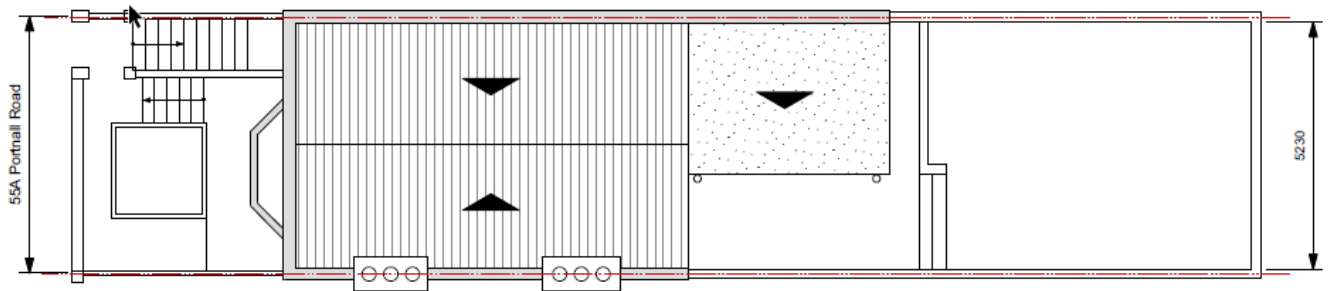
Existing Section



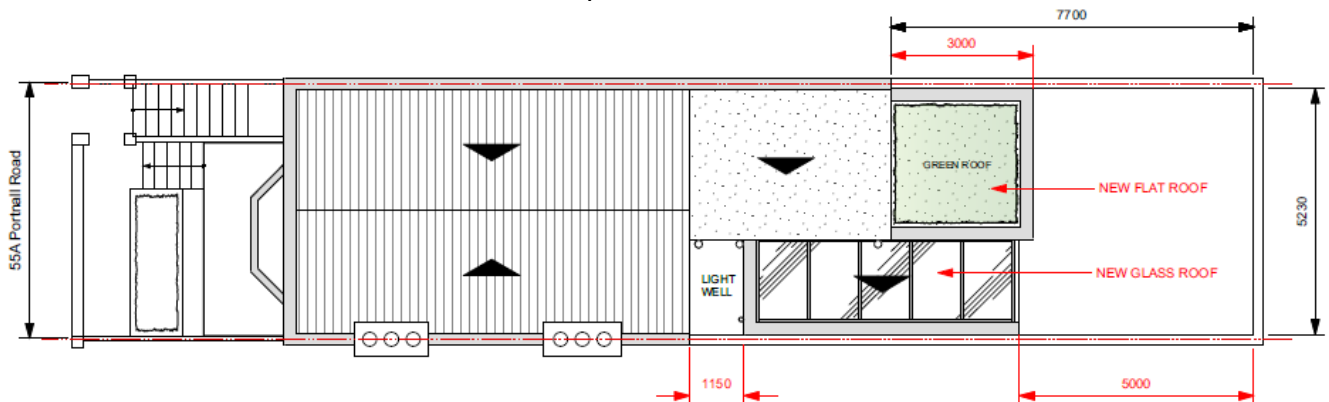
Proposed Section



Existing Roof Plan



Proposed Roof Plan



DRAFT DECISION LETTER

Address: Basement Flat , 55 Portnall Road, London, W9 3BA

Proposal: Erection of a single storey rear and side infill extension at lower ground floor level.
Alterations to the front garden and lightwell including new planter.

Plan Nos: A-001, A-010, A-011 Rev A, A-020 Rev A, A-021 Rev A, A-022 Rev A, A-033 Rev A, A-034 Rev A, A-090 and Design and Access Statement.

Case Officer: Harry Berks

Direct Tel. No. 020 7641 3998

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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

Green roof

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 6 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

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