

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Churchill	
Subject of Report	Moore House, 2 Gatliff Road, London, SW1		
Proposal	Variation of Condition 4 of planning permission dated 23 July 2007 (RN:06/07097/FULL) for the erection of two buildings: Building A - part five/part six/part seven/part ten storeys for use as 164 residential units, two retail/restaurant (Class A1/A3) units and a street sweepers depot; Building B - rising in stages from six storeys to fourteen storeys with tower feature for use as a 159 residential units (including 71 affordable units) and a retail/restaurant (Class A1/A3) unit, namely to extend the opening hours of the cafe/ restaurant (Unit A2) to open from 07.00 to 23.00 on a daily basis.		
Agent	Barton Willmore		
On behalf of	St James Group Ltd		
Registered Number	15/02701/FULL	TP / PP No	TP/25131
Date of Application	26.03.2015	Date amended/ completed	17.04.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area			
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Application for premises licence transfer 15/07943/LIPT (decision pending) Previous premises licence opening hours: Monday to Saturday: 11.00 – 23.00 Sunday 11.00- 22.30		

1. RECOMMENDATION

Grant conditional permission subject to a deed of variation.





Moore House, 2 Gatliff Road, SW1

2. SUMMARY

The site is a vacant commercial unit (Unit A2) on the ground floor of Moore House originally referred to as Building A within the Grosvenor Waterside development. Permission has been granted for the unit to be used as a Class A3 café/restaurant, with a condition restricting the hours of use to between 11.00 and 23.00 daily.

Planning permission is sought to vary condition 4 of permission 06/07097/FULL granted 23 July 2007 for the café/restaurant to operate from 07.00 to 23.00 daily.

The key issue in the determination of this application is the impact of the extended opening times on the amenity of neighbouring residential occupiers.

The proposal is considered to be acceptable in amenity terms and accord with Unitary Development Plan (UDP) policies and Westminster City Plan: Strategic Policies (City Plan) policies and is therefore recommended for approval.

3. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 267; Total No. of Replies: 2.

Objections received on behalf of Gatliff Close Residents Association and Grosvenor Committee on the following grounds:

Amenity:

- Noise from deliveries and servicing.

Other:

- The public consultation procedure with regards to site notices was not carried out correctly and not put up in the correct locations.
- Discrepancies within the application form, particularly with regard to the name of the previous operator.
- The applicant does not state who the end user is and therefore can the application be properly assessed.
- There has been reference to the operators being Purple Dragon, who operate the children's private members club within the development which would be unacceptable.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

This application relates to a vacant ground floor Class A3 (restaurant) unit within Moore House which is situated within the Grosvenor Waterside residential development. The unit measures approximately 200m² (GEA) and fronts Gatliff Road and Wentworth Court. The site is also known as Unit A2.

4.2 Relevant History

Permission granted in 2007, under 06/07097/FULL, for construction of two buildings, comprising 164 residential units in Building A (Moore House) and 159 residential units in

Building B. On the ground floor of Moore House permission was also granted for two commercial units (Units A1 and A2) for use as either Class A1 shop units or Class A3 restaurant units. In Building B, a Class A1 or Class A3 unit was also approved.

Condition 4 of this permission states "You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the following times: between 11.00 and 23.00".

Planning permission was granted for the use of Unit A1 as a supermarket in September 2012 (12/03886/FULL). This permission was subject to a condition which stated that 'Customers shall not be permitted within the supermarket premises before 07.00 or after 22.00 Monday to Saturday and before 08.00 or after 21.00 on Sundays and Bank Holidays'.

5. THE PROPOSAL

Permission is sought for the variation of condition 4 of the 2007 permission to extend the opening times of the Class A3 restaurant in the morning to allow it to open from 0700 to 2300 on a daily basis.

Until recently the unit was occupied by the 'Old Tree Restaurant' but is now vacant. The applicant advises that the previous occupier failed to survive given the position of the unit (set back from Ebury Bridge Road) and because the restaurant was not able to attract morning customers because of the restrictive opening times. The applicant considers that the additional four hours sought (between 07.00 and 11.00) would capture the morning breakfast trade.

The application has been submitted on behalf of the managing agents, rather than a specific restaurant operator. Objections have been received on this basis in that without an end user a full assessment of the application cannot be made. It is not uncommon for planning applications to be submitted without an end user in mind and it is the Council's responsibility, when granting planning permission to impose conditions which would negate the harm to residential amenity. This does not however prohibit the end user submitting a further application to vary conditions.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal does not alter the authorised land use of the application site.

6.2 Townscape and Design

The proposals do not alter the external appearance of the property.

6.3 Amenity

The key issue in the impact from the earlier opening time proposed on residential amenity. Objections to noise disturbance from the extended hours of opening and from servicing and deliveries have been received from Grosvenor Waterside residents.

Although Grosvenor Waterside is a primarily a residential development there are other commercial units within the development. The nearby Sainsbury's supermarket within Unit A1 is open from 7am and this does not appear to have raised any amenity concerns or complaints. The application site is located on Gatliff Road which forms the main vehicle entrance for visitors to the site and is located opposite the civic square. Given the level of activity on Gatliff Road and the overall permeability of the Grosvenor Waterside development

for pedestrians, there is no reason to consider that the extended opening hours proposed for Unit A1 will cause harm to residential amenity. In addition the extended hours would be likely to enhance the viability of this commercial unit and encourage a 'mixed-use' feel to this development, as originally intended.

The concerns about servicing are noted. Grosvenor Waterside is a private development and there are no conditions that restrict how the commercial units within the development are serviced. The applicant proposes to service the restaurant unit using the service ramp for Moore House with deliveries brought up to ground floor level from the internal lifts. The deliveries would then have to be wheeled in front of two ground floor flats adjacent to the restaurant entrance. The applicant is seeking servicing hours of 0700 to 1700 daily. Given that there are no restrictions on the current servicing hours of this restaurant unit, this is considered acceptable. It is recommended that these servicing hours are controlled by condition.

Refuse will be contained within the premises. The waste is then collected by a private collection company from the rear of the site. The previous operator, Old Tree Restaurant would have operated in this way. It is proposed that this arrangement would continue with any new operator. This is considered acceptable.

It is considered that the proposal will not result in significant levels of noise and disturbance or have a detrimental impact upon residential amenity to warrant refusal.

6.4 Transportation/Serviceing

The Highways Planning Manager has raised no objections to the proposal.

6.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

6.6 Access

The proposals raise no access issues.

6.7 Other Core Strategy/ UDP/Westminster Policy Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13th November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.9 Planning Obligations

The proposal does not raise the need for planning obligations.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

6.11 Other Issues

It is accepted that the Council's site notices advertising the planning application were placed on Ebury Bridge Road and not within Grosvenor Waterside itself. Following neighbour concerns additional site notices were placed closer to the site itself. It is therefore considered that the planning application has been advertised properly.

Objections were received on the grounds of discrepancies within the application form, particularly with regard to the name of the previous operator. A revised application form and supporting statement has been received which rectifies these issues and has been available for public view on the Council's website.

An objection has been received on the basis that Purple Dragon, who operate the children's private members club within the development, had expressed an interest in the lease of the restaurant to use as a deli open to members of the public and as potentially a space for private hire. As stated above, the application has been submitted on behalf of the managing agent and should Purple Dragon operate the unit, they would have to do so within the confines of a Class A3 restaurant use and relevant planning conditions.

7 Conclusion

The proposals are considered to accord with the City Council's policies in relation to amenity and highways and are recommended for approval.

BACKGROUND PAPERS

1. Application forms.
2. Letter from Westminster Society dated 13 May 2015.
3. Email on behalf of Gatliff Close Residents Association dated 5 June 2015.
4. Emails on behalf of Grosvenor Waterside Residents Association dated 10; 11; 16 and 18 June.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: Moore House, 2 Gatliff Road, London,

Proposal: Variation of Condition 4 of planning permission dated 23 July 2007 (RN:06/07097/FULL) for the erection of two buildings: Building A - part five/part six/part seven/part ten storeys for use as 164 residential units, two retail/restaurant (Class A1/A3) units and a street sweepers depot; Building B - rising in stages from six storeys to fourteen storeys with tower feature for use as a 159 residential units (including 71 affordable units) and a retail/restaurant (Class A1/A3) unit, namely to extend the opening hours of the cafe/ restaurant (Unit A2) to open from 07.00 to 23.00 on a daily basis.

Plan Nos: 9795-T-02-0462-ZXX 01; 9821-F-02-9121-Z00 02; Position Statement received 10 September 2015 and updated 6 October 2015; 2A4 colour photographs.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 Customers shall not be permitted within the Class A3 restaurant premises (Unit A2) before 0700 or after 2300 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 All servicing for Unit A2 must take place between 07.00 and 17.00 daily. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 You must carry out the servicing of the Class A3 restaurant (Unit A2) in accordance with the Position Statement submitted as part of this application.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV

7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 If Unit A2 is to be used for restaurant purposes then it shall be constructed and sound insulated and ventilated so as to ensure that there is no perceptible noise (including amplified and non-amplified music and human voices) or vibration transmitted through the structure to adjoining residential premises.

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.

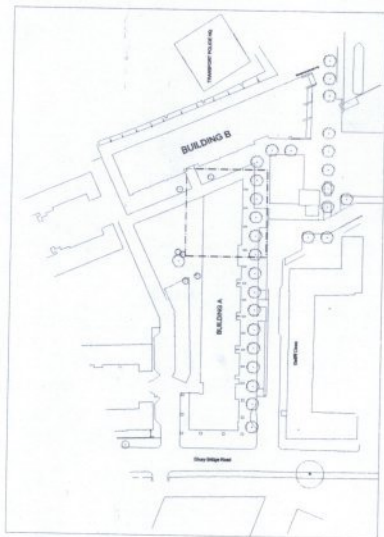
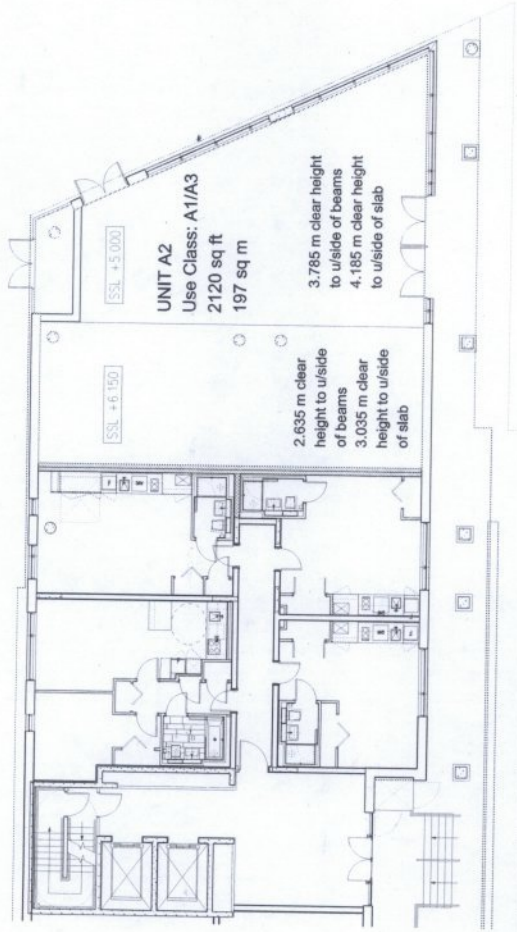
- 7 You must apply to us for approval of details of the ventilation system to get rid of cooking smells from the restaurant kitchen of Unit A2, including details of how it will be built and how it will look. You must not use Unit A2 for restaurant purposes until we have approved a ventilation system and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.



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GROSVENOR WATERSIDE
 BUILDING A

UNIT A2 - COMMERCIAL UNITS SITE
 CONVEYANCE PLAN

INFORMATION
 Project No. Type BU Number Zone/Ld Date
 9821 - F - 02 - 9121 - Z00 1:200@A3 13.10.08

02 Issued for information - columns outlined in green
 01 Issued for information
 No Revision

Notes:
 1. Do not scale
 2. Contractor to check all dimensions and report omissions and errors to the Architect

