

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	110 Vauxhall Bridge Road, London, SW1V 2RQ,		
Proposal	Retention of the existing public house at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide 8 flats (6 x 1 bed, 2 x 3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level, and installation of wall lighting and entry system.		
Agent	Ms Nicola Dale		
On behalf of	Mendoza Ltd		
Registered Number	15/09678/FULL	Date amended/ completed	16 October 2015
Date Application Received	16 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Vincent Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application property is an historic (late 19th century) but unlisted public house (The Surprise) which comprises of basement, ground and two upper floors and is located within the Vincent Square Conservation Area.

Permission is sought for the retention of the existing public house at basement and ground floor levels. Extensions are proposed at rear first and second floor levels, including the widening of rear wing, alterations to rear fenestration and new mansard roof at third floor level. The extensions are sought in connection with the creation of eight residential flats on the upper floors.

This application follows the refusal of a similar application on 3 August 2015, on the grounds that it failed to preserve the character and appearance of the conservation area. The current proposals respond to the Council's previous design objections by omitting the sheer storey extension at third floor level, pulling back the new extension and by improving the design of the proposed mansard.

The key issues in this case are:

- * The impact of the proposals upon the character and appearance of the conservation area.
- * The impact of the proposals on neighbouring residential amenity

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

LOCATION PLAN



3. PHOTOGRAPHS



4. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

TRANSPORT FOR LONDON

No objection, subject to a condition requiring the submission of a construction logistics and management plan.

ENVIRONMENTAL HEALTH

No objection, subject to conditions requiring submission of an overheating strategy, sound insulation and noise mitigation measures.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions to secure cycle parking.

CLEANSING

No objection, subject to condition requiring revised proposals for the storage of waste and separate storage of recyclable material.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 210

Total No. of replies: two letters, one on behalf of five residents

Objections received from neighbouring residential occupiers on some or all of the following grounds;

Townscape and Design

- The impact of the proposals upon the character and appearance of the conservation area, specifically the appearance of the north-east elevation of the rear wing.
- Overdevelopment

Other

- Noise, dust and disruption from the construction works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application property is an historic (late 19th century) but unlisted public house (The Surprise) which comprises of basement, ground and two upper floors and is located within the Vincent Square Conservation Area. The building contributes positively to the character and appearance of the conservation area by virtue of its aesthetic, social and historical values as defined in the conservation area audit.

The building is currently vacant but was last occupied as a public house (Class A4) on the basement and ground floors with an unlawful tourist hostel (Class C1) on the upper floors. Permission for the retention of the hostel was refused in November 2013 on grounds including impact to residential amenity. A subsequent appeal was dismissed by the Inspectorate in March 2014.

The application site includes a stand-alone hot food takeaway (Class A5) at ground floor level, 112 Vauxhall Bridge Road. No alterations are proposed to this unit under this application.

5.2 Recent Relevant History

112 Vauxhall Bridge Road

13/04845/FULL

Use of the ground floor as hot food takeaway (Class A5). Installation of brick clad kitchen extract ducting at rear to discharge above building parapet.

Application Refused

14 October 2014

14/00011/TPREF

Use of ground floor as a hot foot takeaway (Class A5). Installation of brick clad kitchen extract ducting at rear to discharge above building parapet.

Appeal Allowed

4 August 2014

110 Vauxhall Bridge Road

13/08752/FULL

Continued use of first and second floors as a backpackers hotel (Class C1).

Application Refused

18 November 2013

13/00320/TPREF

Continued use of first and second floors as a backpackers hotel (Class C1).

Appeal Dismissed

March 2014

15/04608/FULL

Retention of the existing public house at basement and ground floor levels and extension at rear first to second floor levels, sheer extension at third floor level and mansard extension at fourth floor level in connection with the provision of nine residential units on the upper floors (6 x 1 bed, 1 x 2 bed, and 2 x 3 bed units).

Application Refused (design grounds)

3 August 2015

6. THE PROPOSAL

Permission is sought for the retention of the existing public house at basement and ground floor levels. Extensions are proposed at rear first and second floor levels, including the widening of rear wing from approx.4m to approx. 6m, alterations to rear fenestration and new mansard roof at third floor level. The extensions are sought in connection with the creation of eight residential flats on the upper floors.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Residential

The proposed use of the upper floors of the building as residential flats is supported under Policies S14 of the City Plan and H3 of the Unitary Development Plan (UDP). The small loss of A4 floorspace to enable improved access to the upper floors and cycle storage for the residential accommodation is also considered acceptable.

The mix of the proposed units is as follows: 6 x 1 bed; 2 x 3 bed which provides 25% family sized accommodation (3 or more beds). This falls below the policy expectation of 33% family sized provision required by Policy H5 in the UDP. The provision of two family size units is considered acceptable in this instance given the lack of off-street parking and private outdoor amenity space.

In terms of internal floor area, the residential units would all provide a good standard of accommodation, which would be consistent with guidance in the Technical Housing Standards – Nationally Described Space Standard (2015).

Policy ENV 6 of the UDP states that the City Council will require residential developments to provide adequate protection from existing background noise. The need to insulate the new residential properties from existing background noise has been identified in the submitted Noise Assessment report, conditions have been recommended to ensure adequate protection against internal (public house) and external (road traffic) noise.

Environmental Health have raised concerns about internal noise breakout from the public house to the proposed residential unit, recommending that a condition be attached ensuring that a noise limiter be fitted to the musical amplification system to operate within a known maximum Music Noise Level of 90dB(A) and controlling hours of opening of the public house.

A condition has also been attached ensuring that prior to the occupation of the residential flats, details shall be submitted of a scheme of ventilation to be installed, to prevent overheating with the windows closed. The applicant has accepted the imposition of these conditions.

Retained Public House

The ground and basement floors are currently vacant, despite being marketed since approx. August 2014. The applicant has advised that it is their intention to market the premises to prospective public house operators.

In order to protect the public house use going forward, a condition has been attached requesting detailed drawings of the design, construction and insulation of the ventilation system and any associated equipment for the public house use prior to commencement of development and a condition requiring the use of the basement and ground floors to be retained as a Class A4 public house.

There are currently no planning restrictions on the hours of use of the public house. However, given the introduction of residential units on the upper floors of the building, it is considered reasonable to attach a condition restricting the operational hours in line with the previous license which did not allow customers within the public house premises before 09:00 hours or after 23:30 hours Monday to Thursday, before 09:00 hours and after 00:00 hours Friday to Saturday and before 12:00 hours and after 23:00 hours on a Sunday. A condition has also been attached requiring a servicing management plan for the public house.

7.2 Townscape and Design

The application site is an unlisted building of merit within the Vincent Square Conservation Area (VSCA), and opposite the Lillington and Longmore Gardens Conservation Area (LLGCA). It is an important face for the VSCA's frontage on Vauxhall Bridge Road and also forms a visible element of views out of the conservation area from the square.

In accordance with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is necessary to give special regard to the preservation or enhancement of the character or appearance of the VSCA. This is supported by national policy and guidance in the form of Sections 7 and 12 of the NPPF and Historic England's practice guides, and by the Development Plan, in the form of Policies S25 and S28 of the City Plan, and DES 1, DES 5, DES 6 and DES 9. The VSCA Audit must also be considered, as should that for LLGCA, with respect to setting.

The application site is currently vacant and there is therefore some importance to it returning to a viable use. The retention of the pub use is important to the vitality of the conservation areas, and should be given weight. It is welcome that this forms part of the current application.

The current proposals follow a previously refused application. The infill extension to the rear courtyard is terminated a floor below the parapet, and is therefore compliant with Policy DES 5(B)(1). The proposed mansard is suitably designed, and would relate acceptably to the architecture of the building below.

An objection has been submitted on behalf of a number of residents of 37 to 45 Vincent Square, to the appearance of the north-east elevation of the rear wing. The objectors suggest that the best way to reduce the impact of this elevation would be through the creation of a living wall (green wall).

However, whilst this wall may appear somewhat abrupt, it must be noted that this is an enlargement of an existing feature, not a new feature altogether, nevertheless, it is considered that the appearance of the wall does need to be lightened. Despite this, the objector's suggestion of a green wall is not considered to be appropriate: such features do not work well on historic buildings, and are somewhat alien. They also introduce a significant management issue and often die. Following officer advice, the north-east elevation of the rear wing has been changed to painted white render with a single blind window introduced to the centre of the first and second floor levels: this is considered to be a more appropriate and integrated option.

The proposed infill extension has also been amended to gain proportion over the first floor windows, by adding additional courses of brickwork and an appropriate coping.

Following these amendments, the proposals now preserve the character and appearance of the VSCA and the setting of the LLGCA, complying with the relevant policies and guidance mentioned above.

7.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

The proposals will increase the depth of the site, whilst retaining the L-shape footprint of the upper levels, leaving a gap along the south boundary with the adjoining 124 Vauxhall Bridge Road of approx. 3m. The roof extension would result in an increase in height to the building from approx 12m to 14.5m. Additional windows would also be created within the extension.

The majority of surrounding buildings are in residential use. The adjoining 124 Vauxhall Bridge Road and 30 Vincent Square contain approx 16 and 93 flats respectively. To the rear of the site is a gated private access which leads the rear of No.124 and a separate car park. Beyond that is the rear of the terrace houses located on Vincent Square. The application site boundary is located approx 11m from the rear garden boundary and approx 20m from the rear elevations of the nearest Vincent Square dwellings.

Notwithstanding the increase in height and bulk and additional windows, it is considered that the extended application building would be orientated in such a way and located sufficiently distant from neighbouring residential windows and gardens so as not to cause an unacceptable loss of amenity including loss of light, increased sense of enclosure or loss of privacy.

The resulting relationship between the application building and neighbouring properties would not be dissimilar to those found throughout the city. As such the proposal is considered acceptable in amenity terms compliant with policies S29 of the City Plan and ENV13 of the UDP.

7.4 Transportation/Parking

This proposed development is located on Vauxhall Bridge Road which forms part of the Transport for London Road Network (TLRN). Transport for London is the highway authority for the TLRN and is therefore concerned about any proposal which may affect the safety or performance of this road.

TfL have requested that the footway and carriageway on the TLRN is not blocked during demolition or construction. A condition has been added that no development shall take place, including any works of demolition, until a construction logistics and management

plan for the proposed development has been submitted to the Council and approved in consultation with TfL.

No off-street parking is provided as part of the development, however parking pressures in the area remain below the 80% stress level set out in policy TRANS23. On the basis of the Council's data and car ownership levels any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Therefore the development is consistent with TRANS23 and an objection cannot be raised on insufficient off-street car parking provision.

The London Plan requires 1 cycle parking space per 1 bed residential unit and 2 spaces for all others: 12 secure cycle parking spaces are proposed, which is acceptable for the residential use and will be secured by condition. Given that the public house is the existing lawful use, it is not considered reasonable to condition the provision of on-site cycle parking

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

Due to the compact nature of the site a residential passenger lift is not a viable solution for access. Accordingly, the proposed development has been designed to accommodate residents with centralised staircase, designed to provide safe and secure access to all units, with handrails, treads and nosings in accordance with Part M of the Building regulations.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The ground floor plan shows an indicative location for waste storage accessed via separate service entrance, the cleansing officer has requested a condition be added to secure details of separate storage for waste and recycling material for both the public house and residential accommodation.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

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

7.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

7.12 Other Issues

Construction impact

A neighbouring resident has raised concerns in relation to the general disturbance and pollution caused by the construction process. Noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works. The City Council cannot refuse permission to develop on the grounds that building work will be noisy and disruptive. As a local planning authority, we can impose a restriction on the working hours and encourage contractors to be a member of the Considerate Constructors Scheme. A condition has been added restricting any building work which can be heard at the boundary of the site to between 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 on Saturday and not at all on Sunday's, bank holidays and public holidays. An informative has been added recommending the applicant join the Considerate Constructors Scheme.

8. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 1 December 2015
3. Response from Transport for London, dated 08 March 2016
4. Response from Environmental Health, dated 10 December 2015
5. Response from Environmental Health, dated 29 January 2016
6. Response from Environmental Health, dated 22 March 2016
7. Response from Highways Planning, dated 9 November 2015
8. Response from Cleansing, dated 10 November 2015
9. Letter from occupier of Flat 6, 124 Vauxhall Bridge Road, dated 2 December 2015
10. Letter from Nicholas Taylor & Associates on behalf of 37, 39, 43 & 45 Vincent Square, London, dated 23 November 2015

Selected relevant drawings

(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 IAN CORRIE ON 020 7641 1448 OR BY EMAIL AT icorrie@westminster.gov.uk

9. KEY DRAWINGS



<p>13 Lambeth Walk London SE11 4DX 020 7732 5479 black@blackarch.com</p>	<p>The drawing is not to be scaled. Any errors or discrepancies should be reported to the architect as soon as they are discovered. Information: 02015 Black Architecture Limited</p>	<p>110-112 VAUXHALL BRIDGE ROAD Existing South West Beavan</p>	<p>PLANNING</p>															
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				<p>Drawn: ZKC Checked: SB Date: 22.05.2015 Proj: 0420</p>	<p>Rev: 023</p>	<p>Date: 22.05.2015</p>	<p>Proj: 1008/A3</p>



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				<p>Drawn: ZKC Checked: SB Date: 22.05.2015 Proj: 0420</p>	<p>Rev: 203</p>	<p>Date: 22.05.2015</p>	<p>Proj: 1008/A3</p>

DRAFT DECISION LETTER

Address: 110 Vauxhall Bridge Road, London, SW1V 2RQ,

Proposal: Retention of the existing public house at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide 8 flats (6 x 1 bed, 2 x 3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level, and installation of wall lighting and entry system.

Reference: 15/09678/FULL

Plan Nos: 001 Rev.A; 109 Rev.A; 110 Rev.A; 111 Rev.A; 112 Rev.A; 113 Rev.A; 115 Rev.B; 300 Rev.A; 200 Rev.A; 201 Rev.A; 202 Rev.C; 203 Rev.C; Report 12101.NIA.01 Rev C dated 8 February 2016; Design and Access Statement dated October 2015;

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and,
- * not at all on Sundays, bank holidays and public holidays.,

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development;
- (a) New windows, dormers and doors (at a scale of 1:5),
 - (b) Overall profile of extensions (at a scale of 1:20),

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must not paint any outside walls, except where already painted without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

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 Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 Prior to the occupation of the residential flats, details shall be submitted of a scheme of ventilation to be installed, to prevent overheating with the windows closed, demonstrating compliance to at least the Overheating Standard of CIBSE Guide A (2006), Specifically;
- i) for living rooms, less than 1% of occupied hours are over an operative temperature of 28 degrees C;
 - ii) for bedrooms, less than 1% of occupied hours are over an operative temperature of 26 degrees C.

Reason:

To safeguard the amenity of residential occupiers of the development as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 10 A noise limiter must be fitted to the musical amplification system within the public house (Class A4) set at 90dB(A) so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered to increase sound levels or alteration or modification to any existing sound systems(s) should be effected so as to ensure that no noise nuisance is caused. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device

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.

- 11 You must apply to use for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately for both the public house and residential accommodation. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential accommodation and public house. 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.

Reason:

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

- 12 No development shall take place, including any works of demolition, until a construction logistics and management plan for the proposed development has been submitted to the Council and approved in consultation with Transport for London.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary

Development Plan that we adopted in January 2007. (R24AC)

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 You must apply to us for approval of detailed drawings of the design, construction and insulation of the ventilation system and any associated equipment for the public house (Class A4). No development shall take place until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 15 Customers shall not be permitted within the Public House premises before 09:00 hours or after 23:30 hours Monday to Thursday, before 09:00 hours and after 00:00 hours Friday to Saturday and before 12:00 hours and after 23:00 hours on a Sunday.

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 TACE9; of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 (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: Strategic Policies adopted November 2013, 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.

- 17 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.

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

Reason:

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

- 19 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 indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

- 20 You must apply to us for approval of a servicing management plan for the public house use (Class A4). You must not use the part basement and part ground floor for the Class A4 use until we have approved what you have sent us. Thereafter you must carry out the work according to the approved plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 21 The public house located at part basement and part ground floor levels as shown on drawings 109 Rev.A and 110 Rev.A shall only be used as a public house within Class A4 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2015 (or any equivalent class in any order that may replace it).

Reason:

The loss of a public house would be contrary to S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS8 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 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. (I54AA)

- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 7 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.
- 8 With regard to Condition 9 you are advised to contact the Environmental Health Officer Anil Drayan directly on 0207 641 1774, adrayan@westminster.gov.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.