

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	29-35 Rathbone Street, London, W1T 1NJ,		
Proposal	Alterations and extensions at basement, rear and roof level and partial change of use to provide a gym (Class D2) at basement, restaurant (Class A3) at ground floor and offices (Class B1) at first to third floor and fourth floor mezzanine with terraces, and installation of plant at third floor		
Agent	Mr Claire Treanor		
On behalf of	ISA Holdings Ltd		
Registered Number	16/02884/FULL	Date amended/ completed	7 April 2016
Date Application Received	31 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Charlotte Street, West		

1. RECOMMENDATION

Refuse permission – detailed design

2. SUMMARY

The application premises comprise a, largely vacant, unlisted building of merit in the Charlotte Street West Conservation Area. The building, on basement to third floors, is in lawful Class B1 use. Permission is sought for alterations and extensions to the property in connection with its refurbishment to provide a basement level gym (Class D2) and a ground level restaurant. The extended upper floors, including a new fourth floor mezzanine within the roofspace, would continue to be used as Class B1 offices.

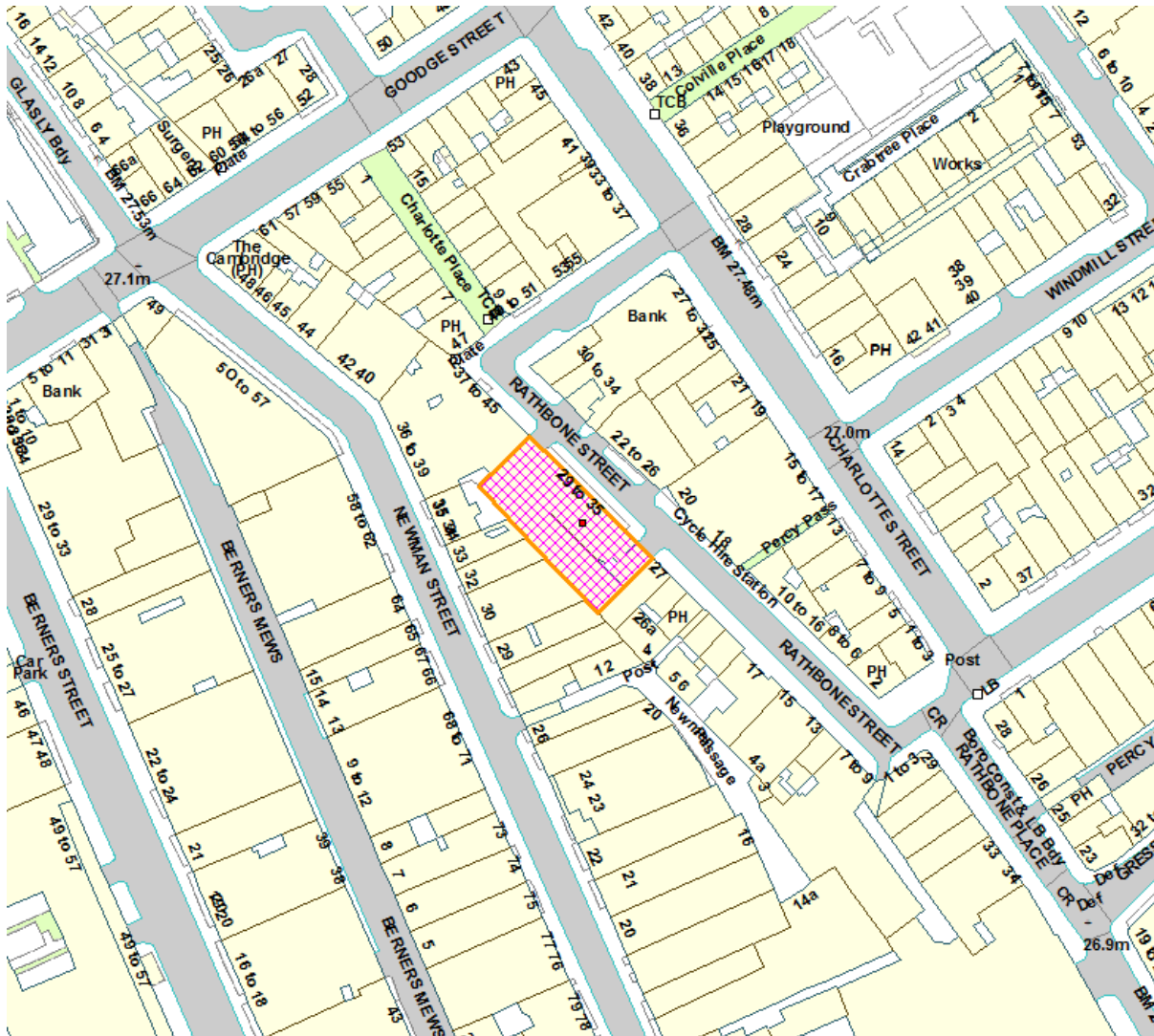
The key issues in this case are:

- the acceptability of the proposals in land use terms
- impact of the proposed alterations both upon the appearance of the building and the character and appearance of this part of the Charlotte Street West conservation area and
- the impact of the proposed restaurant use on the amenity of neighbouring residents.

The proposal is considered acceptable in land use terms. An objection has been received on the grounds that the introduction of another entertainment use in the area is unacceptable in principle and would have an adverse impact upon the amenities of local residents, particularly in terms of nuisance from increased taxi traffic. However, this is a vibrant area with a mixture of residential and commercial

uses and it is not considered that the introduction of the proposed restaurant use, nor associated increase in taxi movements, would have a significant impact. Subject to operational conditions for the restaurant and new gym uses, and conditions relating to the design and use of rear terraces, the application is considered acceptable on amenity grounds. However, the proposed second and third floor rear extension, and the third floor extensions (front) to either side of the central pavilion, are considered unacceptable in terms of terms of their detailed design and their consequent impact on the appearance of the existing building and this part of the conservation area, and the application is therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS







5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Objection: restaurant will exacerbate existing nuisance in this narrow one-way street caused by taxis dropping off/collecting customers visiting entertainment uses in the area; this area has a large residential population and is unsuited to a large number of entertainment uses

Scheme previously presented to residents included a residential element, which was welcomed, but this has since been removed from the application.

HIGHWAYS

No objection subject to conditions

CLEANSING

No objection subject to the designation of waste bins

ENVIRONMENTAL HEALTH

No objection subject to conditions. Consideration should be given to the impact of the restaurant operation on residents' amenities and appropriate conditions imposed.

BUILDING CONTROL

Construction methodology appears acceptable

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 114

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Generally supports the proposals assuming that there have been no material changes to the plans previous presented to residents but concerned that the kitchen extract duct does not now appear to discharge at roof level.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building of merit, dating from the 1920s, located at the northern end (west side) of Rathbone Street within the Charlotte Street West conservation area. The site is within the core Central Activities Zone, outside of the designated stress areas, and close to the boundary with the London Borough of Camden.

The existing, handsome, building is formed of red brick and Portland stone and comprises basement, ground and three upper floors. There is a vehicular access at the southern end leading to a yard area at the rear of the site, which is covered by a glazed pitch roof. There is a separate pedestrian access to this yard, through the building, at the northern end of the site. Ground floor windows have high cills, reflecting the original use of the building, resulting in little connectivity between the building and the pavement beyond.

At third floor level, the accommodation is set back from the street frontage at both ends of the front facade, forming two roof/terrace areas to the front, with flat roofed accommodation at the rear. A conservatory extension has been erected on part of the southern roof. At the centre of the site, the accommodation is topped by a high pitched roof.

The application building has a lawful use for Class B1 purposes. Part of the building is still occupied. The applicants have advised that the last tenant is likely to vacate in January 2017.

This is a vibrant area characterised by a mixture of commercial and residential uses. Rathbone Street is a one-way “dog leg” running between its junction with Percy Street, at its southern end, and Charlotte Street at its eastern end (both LB of Camden). The lower floors of the Rathbone Street properties are largely in commercial use with various shops, an art gallery, offices, restaurants at nos. 4 (rear of 5 Charlotte Street), 11 and 21 and 33, public houses at nos. 2, 23 and 47, the Rathbone Hotel (no 30) and the rear of the Charlotte Street hotel.

There are residential flats to the south of the site (no 27), directly opposite at 22-26 and at 18-20 Rathbone Street and to the north at no. 37-45 Rathbone Street. There are also flats to the rear at nos. 29, 32, 34-35 and 36-39 Newman Street.

The wider area is also characterised by a mix of uses, including a concentration of restaurant uses on Charlotte Street.

6.2 Relevant History

The status of the external courtyard has been the subject of discussions between officers and the applicants.

The applicants have advised that the building was originally occupied by The Gas Light & Coke Company. Structural drawings, dating from 1928, have been supplied which propose the erection of a roof over the external courtyard (and the installation of damp proofing), to provide a covered storage space. The applicants have advised that this space was designed to house equipment used to service and maintain street lights etc. Whilst the drawings indicate that the intention was to roof over only half of the courtyard, subsequent modifications resulted in only the southern end remaining uncovered. The applicants have advised that the ground floor of the building was used for general storage and that the yard provided additional ancillary space.

1980: Permission granted for the use of the basement and ground floors (including the covered yard) for light industrial purposes and the use of the first, second and third floor (and ground floor entrance) for office purposes. A condition required the light industrial space to be occupied before the office use commenced but there is no condition restricting the occupation of the lower floors to only light industrial use. Consequently, permission would not have been required to convert these floors to general office use.

The applicants contend that today the yard continues to provide ancillary space to the office use and that it is fully lit, has power and provides sheltered accommodation. Although they acknowledge that “at times in the past” this area has been used for office parking, this use has never been formalised through planning. However, it is noted that drawings submitted as part of pre-application proposals describe the area as a car park. Parking accommodation is excluded from floorspace calculations under the definition within the Unitary Development Plan). The application drawings now refer to a “covered area”.

In the absence of any planning conditions requiring the space to be used for a particular purpose (i.e. as a parking area) no permission would be required for any alternative use of this space. At the time of the officers’ site inspection, the rear area was vacant. Although the entire yard is covered by a roof (and the applicants have advised that it is fully lit and has power) it is not, in its current state, capable of being sensibly used as true office accommodation. There are external openings between the roof edges and the courtyard walls and there is a significant gap above the vehicular entrance gates which lead into the courtyard. Consequently, officers have previously taken the view that yard area is effectively an external space, which should not be included in the existing floorspace calculations. However, for the reasons outlined above, the applicants contend that the covered courtyard should be included as part of the existing floorspace.

Whilst the status of the rear area does not have any implications with regard to the acceptability of the proposals in land use terms, it may affect the applicant’s CIL liabilities, although this is not a matter for consideration in the determination of the planning application.

1982: Retrospective permission granted for the retention of a conservatory on the southern terrace fronting Rathbone Street.

7. THE PROPOSAL

This application is for various alterations to the building including:

- The extension of the basement footprint to provide additional accommodation and the use of the basement as a gym with a ground floor entrance.
- The erection of a ground floor rear extension to the rear courtyard and the use of the ground floor as a restaurant (Class A3) with a dedicated off-street servicing bay
- Rear extensions at first and second floor levels, with office terraces on first to third floors; alterations to the rear roof, including the installation of rear dormer window to serve a new fourth

floor mezzanine level; the demolition of the third floor conservatory extension to the southernmost roof (fronting Rathbone Street) and the erection of extensions to the northern and southern roofs all to provide new office accommodation (Class B1).

- Alterations to the building elevations including the enlargement of ground floor windows; the removal of an access ramp within the front basement lightwell, its replacement with stairs to facilitate the introduction of new windows and doors to front basement lightwell
- The replacement of windows, the creation of a new office entrance; and the refurbishment of the entrance gates and decorative ironwork and railings.
- Installation of plant and kitchen extract equipment at roof level and within a lightwell at ground floor level. A separate sub-substation would be provided within the basement.
- The provision of a green roof
- Installation of rooflights within the front roofslope

8. DETAILED CONSIDERATIONS

8.1 Land Use

The schedule of existing and proposed land uses is as follows:

	Existing m2 (GEA)	Proposed m2 (GEA)	+/-
Offices (B1)	2000	1582	- 418
(excluding rear yard/entrances)	1646		-64
Restaurant (A3)	0	428	+428
Gym (D2)	0	330	+330
Total	2000	2340	+340
(excluding rear yard/entrances)	1646		+694

	Existing m2 (GIA)	Proposed m2 (GIA)	+/-
Offices (B1)	1798	1376	-422
(excluding rear yard/entrances)	1470		-94
Restaurant (A3)	0	398	+398
Gym (D2)	0	261	+261
Total	1798	2035	+237
(excluding rear yard/entrances)	1470		+565

8.1 Loss of offices

There would be an overall increase in commercial floorspace on the site but, depending on the status of the rear yard, the proposals would result in the loss of either 64 sqm (rear yard excluded) or 418 sqm (yard included) of Class B1 floorspace (GEA) and 94 sqm and 422 sqm (GIA) respectively.

Under City Plan policy S1, the loss of office floorspace is acceptable where the replacement use is for alternative commercial purposes. As the proposed new uses on the site are a restaurant and a commercial gym, which are both employment-generating, the loss of Class B1 floorspace is considered acceptable in land use terms.

Notwithstanding the overall reduction on office floorspace, the proposals would create larger, clear floorplates on the upper floors, with improved natural lighting and some external space. Additionally, the rationalisation of the interiors will improve the proportion of lettable floorspace and the installation of improved services will allow for increased occupancy levels, all of which would prove more attractive to future office tenants. The proposed layouts are suitable for a single occupancy or multiple lettings.

This site was the subject of previous pre-application proposals which included the introduction of a residential use on the upper floors of the building. The local amenity society has objected to the current application on the grounds that the application omits this residential use. However, the overall increase in (non-office) commercial floorspace on the site does not generate a requirement to provide new residential accommodation under revised policy S1 and this objection cannot be supported.

8.1. 2 New restaurant

The scheme would provide a new restaurant at ground floor level (428 sqm GEA), including a new extension within the rear yard area.

The site lies inside the core CAZ, but outside of the designated Stress Areas. Given the size of the proposed restaurant UDP policy TACE 8 applies. This states that permission for new restaurant uses will generally be granted where the Council is satisfied that the proposal would have no adverse effect (nor, taking into account the number and

distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, increased parking and traffic; and no adverse effect on the character and function of the area.

In assessing the acceptability of the proposed restaurant use, the Council will have regard to various factors including the number of customers who may be present on the premises, opening hours, arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of ventilation and air conditioning plant) from the premises, servicing arrangements and arrangements for the storage and disposal of waste and recyclable material. Where necessary and appropriate, conditions will be imposed to control aspects of the proposed use.

City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The local amenity society has objected to the principle of the new restaurant use, considering that this part of Fitzrovia is becoming a “stress area” and is unsuitable for such a large number of entertainment uses given its residential population. One neighbouring resident has written in general support of the application, No other comments have been received.

As detailed above, this part of the city is characterised by a mixture of uses with a number of entertainment premises in Rathbone Street itself, including three historic public houses, and in neighbouring streets (many of which fall within the London Borough of Camden). Given the vibrant character of the area, it is not considered that the introduction of a new restaurant use on this site would have a significant effect upon the character or function of the area and this aspect of the scheme is therefore considered acceptable in land use terms. The impact of the restaurant use on residents’ amenities and the local highway network is discussed in the section 8.3 below.

8.1.3 Proposed gym

The scheme also proposes the introduction of a gym use (Class D2) at basement level (330 sqm) which includes the excavation of an additional area to house the plant room for the gym (and shower facilities for the offices).

UDP policy SOC 1 deals with the provision of new social and community facilities (both public and private) in general and requires new facilities to be located as near as possible to the residential areas they serve, to have no adverse impact on the amenity of the surrounding area, including the effect of any traffic generated by the use, and to be safe and easy to reach on foot, by cycle and by and by public transport. The public use of private facilities in new developments will also be sought. More specifically, policy SOC 7 deals with proposals for indoor leisure facilities (and libraries) and requires these to include facilities for local community arts or social activities, where appropriate. City Plan policy S34 encourages new social and community uses, including health and leisure facilities.

Given this policy context, the provision of new gym at basement level is considered acceptable in principle in land use terms. In view of the small size of the gym, it is not considered that it would be appropriate to require the applicants to provide additional public facilities. A condition would be required to limit the space to a gym use.

8.2 Townscape and Design

The existing building is a handsome structure with a strong presence in the street, to which it makes a positive contribution, except that at roof level there is a highly obtrusive and incongruous conservatory. The rear facade of the building is a simplified version of the front and is concealed at ground floor level by a glazed roof over the yard area.

Noting the formal, classically inspired, architectural composition of the building and its positive contribution to the conservation area it is essential that, in design terms, any alterations will not detract from the character and appearance of the building and conservation area.

New and altered basement windows, increasing the size of the ground floor windows facing the street by lowering their sills, and reducing the height of the railings' plinth are acceptable. However, most of the proposed alterations are not acceptable.

Whilst not exactly symmetrical at the rear, the overall balance of the composition must be maintained. However, the rear extension is a dramatic off-centre addition. It is so large and badly positioned that it would severely compromise the architectural quality of the rear facade of the existing building. The extensions at third floor level, on either side of the central pavilion, would detract from the appearance of the building by reducing the prominence of the primary feature of the street facade.

Whilst there is no objection, in principle, to altering and extending the building at the rear, the extension must be symmetrical and any high level alterations at the front must be subordinate to the building and sympathetic to its detailed design.

The benefits of the scheme in terms of removing the conservatory are comprehensively outweighed by the harm caused the building's appearance by the proposed extensions at the rear and at third floor level. This is contrary to UDP policies DES 1, DES 5, DES 6 and DES 9, and the City Councils 'Development and Demolition in Conservation Areas' supplementary planning guidance.

8.3 Residential Amenity

8.3.1 Impact of restaurant use

The Fitzrovia Neighbourhood Association has objected to the proposed restaurant use on the grounds there are already several restaurants and public houses in the street, resulting in a busy area with taxis picking up/dropping off restaurant and bar customers. They consider that the introduction of another entertainment use would exacerbate

existing levels of nuisance associated with taxi movements, in this narrow, one-way street, which would be further detrimental to residential amenity.

The Environmental Health Officer has also requested that due consideration be given to the impact of the use on residents' amenities including in terms of the hours of operation. This is a speculative restaurant proposal but the applicants are aware of the potential impact of increased evening activity upon neighbouring occupiers. This is a speculative proposal but is supported by an Operational Management Plan which details various measures designed to ensure that the potential impact on residents' amenities would be ameliorated. These include:

- A maximum customer capacity of 180, including any ancillary bar areas. (The applicants have advised that this figure is based on calculations relating to means of escape and plant requirements)
- Opening hours of 08.00 to 23.00 on Monday to Friday; 08.00 to 24.00 (midnight) on Saturday and 09.00 to 22.30 on Sunday.
- Control of restaurant servicing hours between 0700 and 1100 hours.
- The creation of an internal forecourt to the restaurant for customers to gather on arrival/departure, within the restaurant demise
- Front of house staff trained to support customers' arrivals/departures, including arranging for taxi collections
- Requirement that any background music played within the restaurant is not audible outside the premises
- A reservations protocol, which could include staggered sittings times to minimise the impact of arrivals/departures
- Notices asking smokers to respect neighbours' amenities and dispose of refuse responsibly
- Management of staff who will be prevented from congregating outside of the premises
- Dedicated telephone numbers made available for residents' complaints. (Details would need to be provided to demonstrate how this would be advertised).

The applicants anticipate that a finalised OMP will be agreed once an operator is identified.

The proposed terminal opening hours accord with the core hours set down in the Council's Statement of Licensing Policy (January 2016), which are: 10:00 to midnight on Fridays and Saturdays; midday to midnight on Sundays immediately prior to Bank Holidays; midday to 22:30 on other Sundays; 10:00 to 23:30 on Mondays to Thursdays. These are considered to be reasonable.

Subject to conditions including those controlling the capacity of the premises, servicing hours, a requirement for all restaurant windows to be closed and for no music to be audible outside the premises, and the submission of a finalised OMP once an operator is identified, it is not considered that the proposed use would have a materially harmful impact on neighbouring residential amenity.

Given that the area is already subject to taxi/mini cab traffic, it is not considered that the additional demand generated by the proposed use would have a significant impact on the general living environment of the area.

The proposed restaurant in the development is therefore considered acceptable.

8.3.2 Impact of gym use

The proposed gym use is also speculative and the application is supported by a draft Management Plan which includes a commitment that a dedicated telephone number would be provided for residents to discuss any concerns regarding the operation of the premises. The proposed operating hours (originally 07.00 to 23.00 on Monday to Friday; 08.00 to 24.00 (midnight) on Saturday and 09.00 to 22.30 on Sunday) have since been amended, to between 0700 and 22.00 hours, on officers' advice.

However, subject to controls over the hours of gym use and a condition requiring all windows to the gym to be fixed shut and to prevent any music played from being audible outside the premises, it is not considered that this use would have a material impact on neighbouring residential amenity.

8.3.3 Sunlight and Daylight

UDP Policy ENV13 seeks to protect existing premises, particularly those in residential use, from the impact of new development and to ensure that neighbouring properties do not experience and material loss of daylight or sunlight, increased sense of enclosure to windows or a loss of privacy. Similarly, policy S29 states that the Council will resist development proposals which result in a material loss of amenity to existing residents.

8.3.3.1 Daylight and sunlight

The application is supported by a daylight and sunlight report which assesses the impact of the proposed development on levels of daylight and sunlight received to neighbouring properties including flats in building opposite the site, to the north and to the rear in Newman Street.

The proposed restaurant extension at rear ground floor level would sit behind the existing rear site boundary wall, which would be increased in height by 0.8m.

The first and second floor office extensions are sloped away from the rear site boundary, and extend to the southern boundary with 27 Rathbone Street (which is in residential use on the upper floors), but are set away from the rear of flats on the northern site boundary at 37-45 Rathbone Street.

Further extensions are proposed (new and replacement) on third floor flat roofs at the front of the building, in front of the line of the existing accommodation.

8.3.3.1.i Daylight

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window.

If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. The BRE guideline states that where a significant proportion of the working plane (which can receive direct skylight) lies beyond the NSL, the distribution of daylight within the room will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable. In all cases, testing need only be undertaken in the case of habitable rooms.

The submitted analysis shows that for windows on the first to fourth floors of 18-20 Rathbone Street and the second to seventh floors of 22-26 Rathbone Street, (opposite the site), the maximum reduction in VSC would be at 2%. In many cases, there would be a marginal improvement over existing levels. All windows on the upper floors would continue to receive a VSC of 27% or more. Any reductions in NSL are also below 20% and many rooms will experience some slight improvements.

To the rear of the site, at nos. 29, 32-33 and 34-35 Newman Street, there would be reductions in VSC to some ground to third floor windows, at 6% or less, but other windows would not be affected. Again, any reductions in NSL would be well below 20%.

At 37-45 Rathbone Street, where some rear windows face towards the proposed rear extensions, the maximum loss of VSC would be 11%, and most losses would be below 5%. The maximum reduction in NSL would be 4%.

The original analysis has been updated to include an assessment of the adjacent property at 27 Rathbone Street. This shows that reductions in VSC at second floor level are at a maximum of 7.73% and that third floor windows would continue to receive VSC values above the 27%. Where there are reductions to NSL to these rooms, these are at a maximum of 1.6%

8.3.2.1.ii Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values. Only habitable rooms facing within 90 degrees of due south require assessment.

The sunlight analysis shows that most room at 18-20 and 22-26 Rathbone Street will continue to receive good sunlight levels with only five windows seeing any loss of annual sun (maximum 4%), and most continuing to receive annual sunlight levels exceeding 25% and winter sunlight values of 5% or more.

In the case of the other windows tested at 32-33 Newman Street and 37-45 Rathbone Street, only one window would see any loss of summer sun (5%). Other windows would experience no losses of summer sun and all windows would continue to receive adequate winter sunlight levels.

At 27 Rathbone Street, there would be no loss of sunlight to second floor windows and Third floor windows would continue to receive annual and winter sunlight values well above the target.

In these circumstances, the proposals would have no material impact on levels of daylight or sunlight received to neighbouring properties and they would therefore continue to be well lit.

8.3.2.2 Sense of enclosure

Given the form of the proposed extensions and their relationship with neighbouring properties, it is considered that the development would result in no material increase sense of enclosure to adjacent residential windows.

8.3.2.3 Overlooking/use of terraces

The application involves the creation of office terraces at rear first to third floor levels. While the first floor terrace would be set away from the northern site boundary, behind a lightwell and green roof, and the second floor terrace stepped further back from this boundary, these proposed terraces would be close to the rear of residential properties at 32, 34-35 and 36-39 Newman Street. However, it is proposed that 1.8m privacy screens would be installed in some locations. Subject to these privacy screens being provided on all open sides of these terraces, it is not considered that the use of these spaces would have no significant impact on residential privacy.

The third floor terrace would look towards the rear of the Newman Street properties, running along a strip of flat roof to the second floor extension, with the sloping glass roof falling away beneath. Given that this terrace is set further back from the boundary with the Newman Street properties, it is considered that its use would not afford direct views into neighbouring flats to the north and east of the site.

Given the proximity of windows within the first and second floor rear extension to the rear site boundary, it is considered that it would be appropriate to require these windows to be fully obscurely glazed. Due to their relationship with neighbouring properties, it is considered that the new dormer window in the rear roofslope or the new and replacement third floor extensions at the front of the building would result in no material loss of privacy to flats at the rear or those opposite the site.

The new terraces, particularly those on the lower floors, are formalised spaces (and there would appear to be some likelihood that the flat roof was used as ad hoc terraces in the past). Given their size, they have the potential to accommodate numbers of office workers and in view of their proximity to neighbouring flats it is considered that it would be appropriate to limit their use to between 0900 to 1900 hours, on Monday to Fridays only, in order to safeguard the amenities of residents in flats at the rear.

8.4 Transportation/Parking

The site is extremely well served by public transport and is within walking distance of several underground stations and close to numerous bus routes. There is also a cycle docking station nearby.

8.4.3 Parking/traffic generation

The Highways Planning Manger considers that the impact of the proposals on parking levels in the area is likely to be insignificant. The site is located within a Controlled Parking Zone and anyone visiting the premises will be subject to existing parking controls.

It is likely that most people would visit the office and gym using public transport, cycles or on foot. Visits to the restaurant are most likely to be made using public transport or taxi.

The local amenity society has expressed concern about the potential impact of additional taxi/minicabs traffic visiting the proposed restaurant on the basis that this is a narrow one-way street. However, they have acknowledged that the street is already subject to high volumes of taxi traffic and it is not considered that any additional demand generated by the proposed restaurant use would have a significant impact on the level of traffic generation in the area. (The impact of taxi movements on residents' amenity is discussed on section 8.3).

The scheme would provide 22 cycle parking spaces for the office use, three long and three short stay spaces for the restaurant use and 5 spaces for the gym use, together with shower and storage facilities for the offices. This level of provision accords with the requirement of the Further Alterations to the London Plan and would be secured by condition. Access stairs within the basement lightwell will incorporate an integrated cycle rail.

8.4.2. Servicing

The restaurant would be served from the off-street servicing bay created within the existing vehicular access to the rear yard. There is sufficient space for a service vehicle to reverse into the servicing area and leave the site in forward gear. (This area would provide customer access into the restaurant at other times). The provision of this off-street servicing bay is welcomed and a condition is recommended requiring this space to be provided and maintained.

The applicants have advised that restaurant servicing will take place between 0700 and 1100 hours in order to safeguard neighbouring residential amenity. The servicing area also accommodates the entrance to the restaurant. While the proposed servicing hours would coincide with restaurant opening hours (from 0800 hours), the applicants consider that as the breakfast/mid-morning service is likely to be less intensive than the more formal lunchtime/evening services, and with sensible management of the entrance area, this arrangement would work satisfactorily, particularly as the use would generate only 6-7 deliveries by vehicle per day.

The offices and gym would be serviced from the street where there are adjacent single yellow lines (and double yellow lines where restrictions permit) in the vicinity of the premises. As the servicing needs of the offices and gym would be modest, these arrangements are considered appropriate.

8.5 Economic Considerations

The economic benefits generated by the scheme are welcomed

8.6 Access

Level access to the building will be provided via all entrances.

Each office floor will be served by a DDA compliant lift and WC facilities will be provided on each floor, including those for disabled people. All external areas will be created with a level threshold.

Gym access would be via the basement lightwell stairs and also via a DDA compliant lift the lift within the ground floor entrance.

No WC facilities are currently indicated for the gym or restaurant uses, including facilities for disabled customers, as the layouts of these premises will be subject to tenants' requirements, but will be required under the relevant legislation.

8.7 Other UDP/Westminster Policy Considerations

8.7.3 Plant and ventilation equipment

New plant will be provided within a ground level courtyard/lightwell and within enclosures at either end of the roof, the southern enclosure replacing an existing plant room.

The application is supported by an acoustic report which has been assessed by the Council's Environmental Health Officer who has confirmed that with attenuation measures, the plant operation is likely to comply with standard noise conditions and has raised no objection to the part of the application subject to standard conditions relating to plant noise and vibration. (The submitted acoustic report does not include details of premises operating hours).

The applicants have advised that the restaurant plant would operate one hour before and one hour after restaurant opening (i.e. between 07.00 and midnight on Monday to Friday; 07.00 to 01.00 the next morning on Saturday and 08.00 to 23.30 on Sunday).

Gym plant would operate up to 30 minutes before and after gym operating hours.

Subject to conditions relating to plant noise and vibration, it is not considered that the plant operation would adversely affect neighbours' amenities. However, it would be appropriate to restrict the hours of plant operation for all proposed uses (excluding refrigeration plant).

The kitchen extract duct for the restaurant is shown on the application drawings and would discharge at roof level. The Environmental Health Officer has raised no objection to the proposed arrangements thereby addressing the concerns raised by one local resident regarding the acceptability of the proposed kitchen extract system.

8.7.2. Refuse /Recycling

The submitted plans show storage areas for refuse and recyclable materials for all proposed uses. The Project Officer (Waste) has raised no objection to the scheme in principle subject to the submission of revised plans identifying the separate storage containers for general waste, recycling and food waste for the individual uses, as appropriate, and showing the storage location for waste cooking oil for the restaurant. This would be dealt with by planning condition

8.7.3 Biodiversity and Sustainability

The application involves extensions to a relatively old, 1920s building. The new building fabric will improve levels of building insulation and thermal protection. Energy efficient water and lighting systems will be installed and all plant will be renewed. The scheme will include an air source heat pump. The application is supported by an energy strategy which indicates that the proposal will achieve a minimum 16% reduction in carbon dioxide emissions over Part L of the Building Regulations. Given the scale and nature of the development, this is considered acceptable

There is currently no soft planting at the site. The scheme introduces some new landscaping and planting. A green roof is indicated, which could be secured by condition. There would also be the opportunity to introduce some planting on the office terraces. Overall, the development would make some contribution to the bio diversity of the area, and this is welcomed.

8.7.4 Construction impact

The application site is entirely covered by buildings and a hard surface, beneath a glazed roof, which extends to the site boundaries. The existing basement level accommodation extends beneath part of the site. The application involves a small extension to the basement footprint at the north-western part of the site, beneath the existing rear service yard, rather than the excavation of additional basement level. This accommodation would provide a plant room for the gym and showers/changing rooms for the offices.

City Plan policy CM28 relates to applications for basement development and requires these to demonstrate that they have taken account of the site-specific ground conditions, drainage and water environment(s) in the area of the development. Applications are required to be accompanied by a detailed structural methodology statement, with a separate flood risk assessment, where appropriate and an undertaking from the applicant that they will comply with the relevant parts of the Council's Code of Construction Practice. Developments are also required to safeguard the structural stability of the existing building, adjacent buildings and other infrastructure and should not increase or otherwise exacerbate flood risk on the site or beyond, and should be designed and constructed to minimise the

impact at construction and occupation stage on neighbouring uses and occupiers or users of the highways.

In the case of non-residential development adjoining residential properties, where there is potential for an impact on those adjoining properties, the scheme must provide a satisfactory landscaping scheme incorporating permeable surfacing as appropriate; use the most energy efficient means of ventilation, and lighting, involving the lowest carbon emission, incorporate sustainable urban drainage measures to reduce peak rate of run-off and protect the character and appearance of the existing building

The application was submitted prior to the adoption of the revised City Plan and new arrangements relating to the Code of Construction Practice. However, it is supported by a Construction Management Plan and various technical reports, including a Construction Methodology Statement. These reports have been assessed by the Building Control Officer who has advised that an investigation of existing structures and geology has been undertaken in sufficient detail and that the existence of groundwater, including underground rivers has been researched. He has also confirmed that the likelihood of local flooding or any adverse effects on the water table is negligible, that the proposed basement construction method is appropriate and that proposals to safeguard adjacent properties during construction works are acceptable.

As the entire site is covered by buildings and impermeable surfaces, and given the nature of the proposed development, it is not considered appropriate to require the incorporation of landscaping proposals.

Had the scheme otherwise been considered acceptable, Officers would have sought an undertaking from the applicants to comply with the relevant parts of the Council's Code of Construction Practice which includes an annual capped payment for site monitoring.

8.8 London Plan

This application does not raise any 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.

8.10 Planning Obligations

The development does not trigger a requirement for any planning obligations.

The applicants consider that the outside area should be included in the calculation of existing floorspace, on the basis London Plan Supplementary Planning Guidance relating to the Mayoral CIL, states that “open sided covered area(s)” should be included. On this basis, the existing floorspace, (1798 sqm GIA) would be greater than the chargeable floorspace of 1774 sqm GIA) (the gym and sub-station would not attract a CIL payment), and the scheme would not be CIL liable.

However, on the basis that the existing rear yard and entrances are not included within the existing floorspace figure, there would be an increase in chargeable floorspace. There is an overall increase in floorspace (GIA) of 565 sqm. Of this, taking into account the loss of offices (94 sqm) and the fact that the gym (261 sqm) would not be CIL liable (the sub-station is also excluded), the balance of 398 sqm, the restaurant, would be CIL liable. It is estimated that this levy would be £79,600.

The scheme’s CIL liability is subject to final verification by the Westminster CIL officer.

8.11 Environmental Impact Assessment

The application is not of a scale to require the submission of an Environmental Impact Assessment. Other environmental considerations are covered elsewhere in this report.

8.12 Conclusion

Whilst, subject to appropriate conditions, the proposals are considered acceptable in land use and amenity terms, for the reasons outlined above, it is considered that the proposed extensions, by reason of their detailed design, would have an adverse impact upon the appearance of the existing building and would fail to preserve or enhance the character and appearance of this part of the Charlotte Street West conservation area and the application is therefore recommended for refusal.

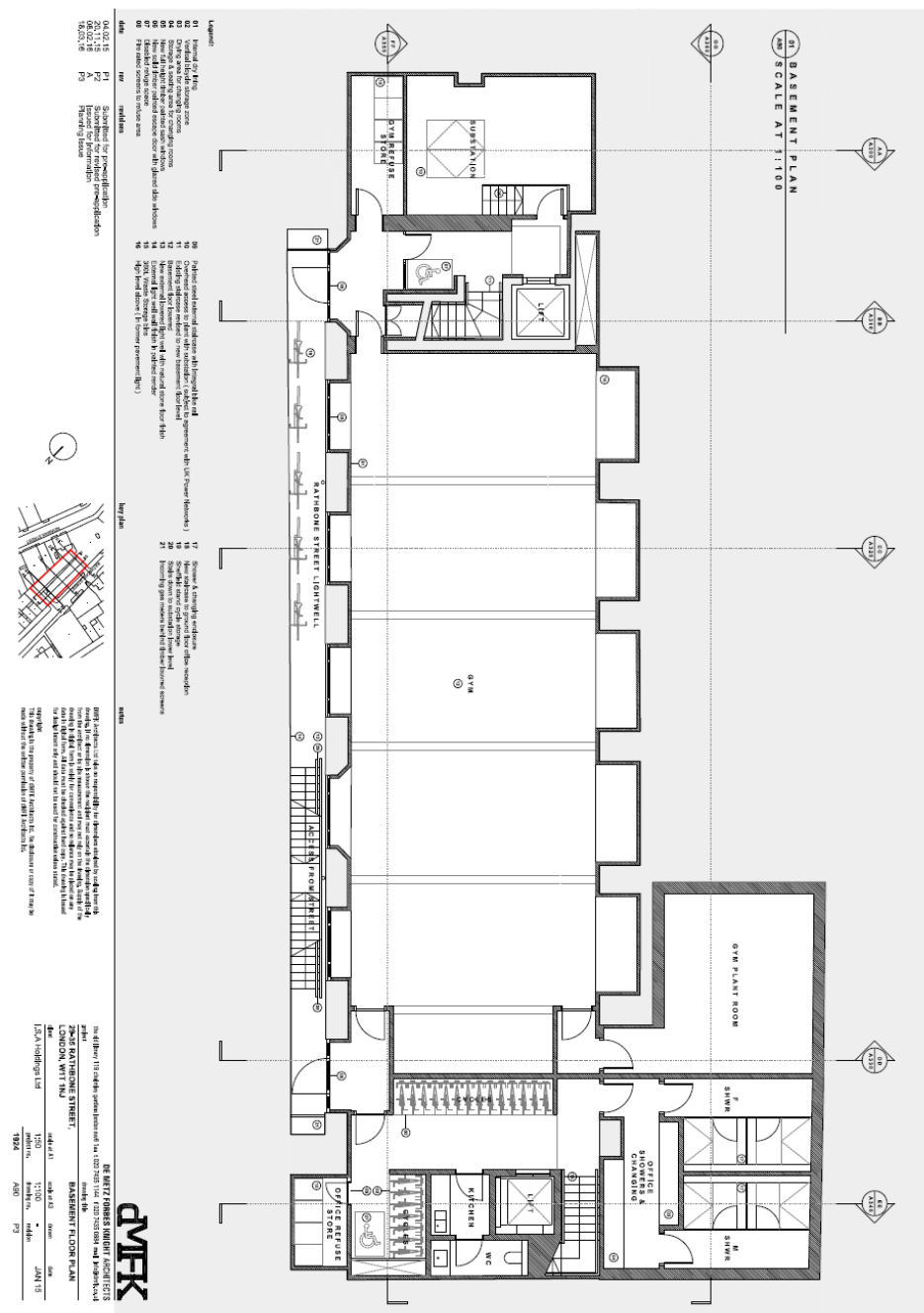
1. Application form
2. Letter from the Fitzrovia Neighbourhood Association dated 30 April 2016
3. Memorandum from Environmental Health dated 17 August 2016.
4. Response from Building Control dated 15 September 2016
5. Memorandum from Highways Planning dated 8 June 2016
6. Memorandum from Project Manager (Waste) dated 25 April 2016
7. Letter from occupier of Flat 1A, 34-35 Newman Street, dated 14 May 2016

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 THE PRESENTING OFFICER: SARA SPURRIER AT SSPURRI@westminster.gov.uk .
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KEY DRAWINGS





- [illegible]

Key plan

estimates

date	rev	revisions
04.02.15	P1	Submitted for pre-application
20.11.15	P2	Submitted for revised pre-application
08.02.16	A	Issued for information
18.03.16	P3	Planning submission



DMK Architects Ltd. is responsible for the design and construction of the building. It is therefore to them the architect must attach the disclaimer stipulated in the contract or by the statement and may not do so on the ground, simply of the fact that the building is to be used for residential and not otherwise use in place to any other use. All other cases in which a disclaimer is not possible. The disclaimer should for any project and should not be used for construction of other rooms.

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GROUND FLOOR PLAN

**29-35 RATHBONE STREET,
LONDON, W1T 1JL**

scale at A1 scale at A3 date

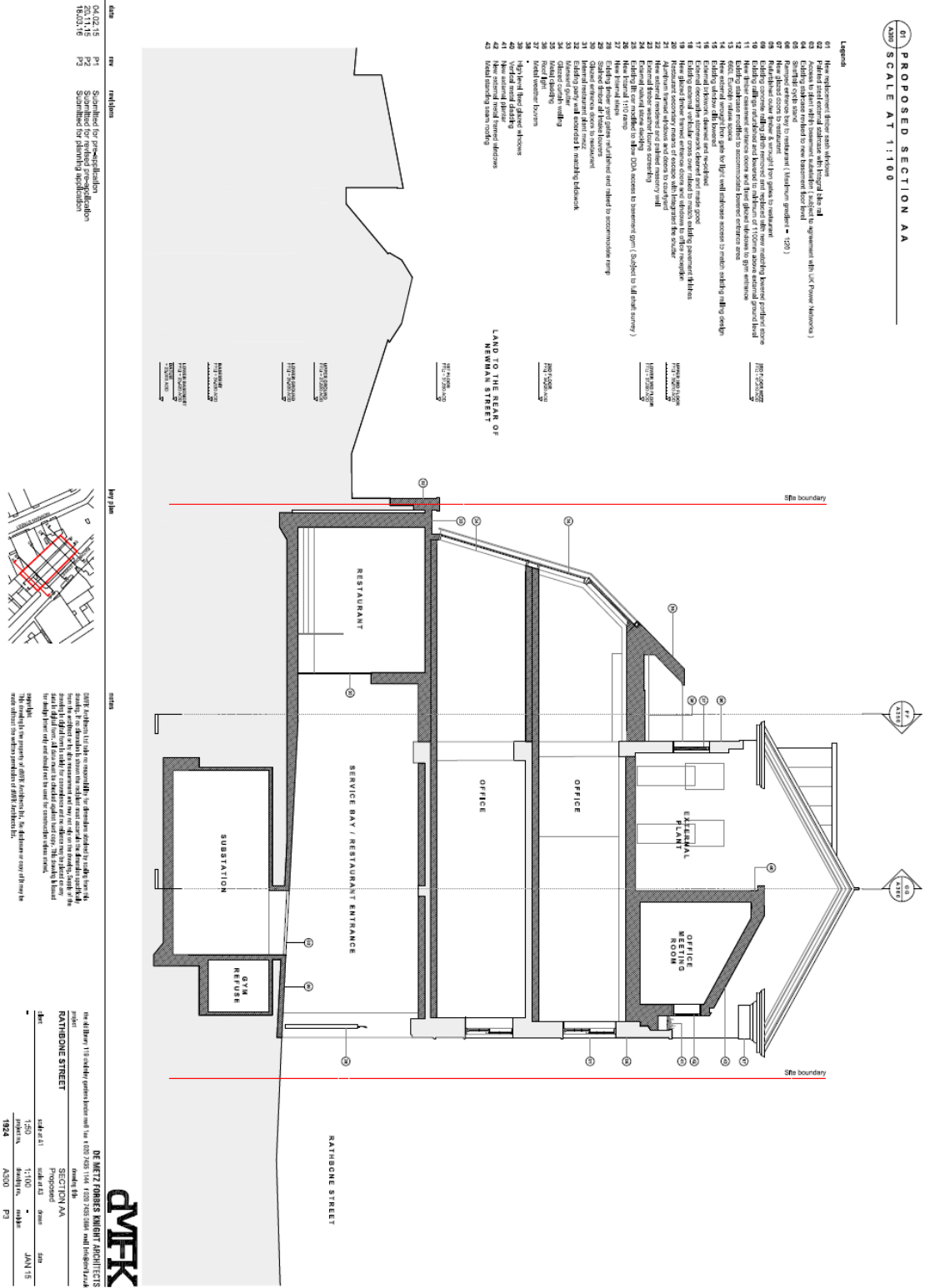
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1924	A100	P3
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PROPOSED SECTION AA

SCALE AT 1:100



91 REVISED REAR ELEVATION
A210 SCALE AT 1:100



Legend

- | | | |
|--|--|--|
| 01 Existing brick rear access gate refurbished for service bay use | 13 Existing portland stone facade features cleaned and made good | 25 Party wall adjacent to adjacent property |
| 02 New access to C&A entrance | 14 New double glazed top hung brick casement windows | 26 Third placed the rated PVC coated metal frame curtain walling |
| 03 New stained timber & glass C&A entrance doors | 15 Existing grey slate roof replaced for new matching | 27 Overhead placed the rated metal frame curtain walling |
| 04 Reducted black painted cast iron railings | 16 New vertical masonry brick cladding | 28 Green roof |
| 05 New park stone arch | 17 New portland stone parapet wall capping | 29 White painted brick boarded corners |
| 06 New white painted sash windows with lowered lifts to restaurant | 18 New vertical masonry cladding to shed enclosure | 30 Single sly masonry front gutter |
| 07 Existing glass painted cast iron rain water pipes extended externally to ground | 19 Metal frame sliding windows | 31 Existing window removed |
| 08 New change entrance entrance | 20 New glass railings to terraces | 32 Existing window sly removed and converted to white painted brick and glass door |
| 09 New change entrance lighting | 21 Office terrace | 33 Existing corner to office terrace |
| 10 New stained timber and glass entrance doors to office | 22 New white painted brick sash windows | 34 PVC aluminium weather frame to existing window opening |
| 11 Replacement masonry of the existing brick sash windows with DO double units | 23 New central stone sly planter | |
| 12 Existing entrance cleaned and repointed to match existing | 24 Existing sly shut terrace | |

date	rev	revisions
04.02.15	P1	Submitted for pre-application
25.11.15	P2	Submitted for pre-application
16.03.16	P3	Submitted for planning application

key plan



notes

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92 EXISTING REAR ELEVATION
A210 SCALE AT 1:100



date	rev	revisions
16.03.16	P1	Planning Issue

key plan



notes

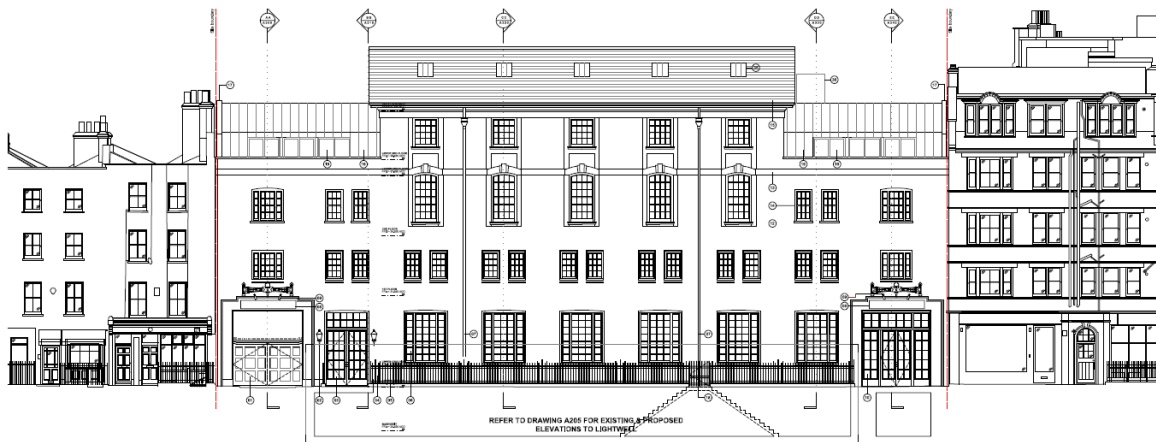
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61 PROPOSED FRONT ELEVATION
A00 SCALE AT 1:150



Legend:

- 01 Existing brick new access gate refurbished for service lay out
- 02 New barriers to open entrance
- 03 New shallow brick to glass open entrance doors
- 04 Polychrome black cast-iron cast iron railings
- 05 New painted gate posts (PVC)
- 06 New white painted main entrance with shallow glass to be measured
- 07 Existing black painted cast iron side water glass entrance assembly to be measured
- 08 New stone above entrance
- 09 New stone walling
- 10 New shallow brick and glass entrance doors to office
- 11 New stone walling and glass entrance doors to office
- 12 Existing brickwork cleaned and repointed to match existing

- 13 Existing roofline above terrace facade altered and made good
- 14 New double glazed top hung brick entrance windows
- 15 Existing grey clay roof replaced with new mansard
- 16 New vertical green metal roof cladding
- 17 New roof brick stone concrete wall roofing
- 18 New existing access gate to basement entrances
- 19 Metal frame glass entrance
- 20 Clear glass entrance to terrace
- 21 Glass entrance
- 22 New white painted brick main entrance
- 23 New vertical green metal roof cladding
- 24 Existing metal gate house

- 25 Party wall alterations to adjacent property
- 26 Floor glassed the stone PVC coated metal frame entrance
- 27 Concrete glassed the stone PVC coated metal frame entrance
- 28 Green roof
- 29 White painted brick entrance
- 30 Single glass entrance front gate
- 31 Existing entrance entrance
- 32 Existing entrance glass dropped and converted to white painted brick and glass door
- 33 Existing entrance to office entrance
- 34 Open entrance entrance lay out to be measured
- 35 Metal frame glass entrance entrance
- 36 Metal PVC entrance glass entrance

date	rev	revision
04.02.15	P1	Submitted for planning application
25.11.15	P2	Submitted for revised planning application
16.03.16	P3	Submitted for planning application

key plan



notes

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project: 25-25 RATHBONE STREET, LONDON, W1T 1LJ

drawing title: FRONT ELEVATION

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DRAFT DECISION LETTER

Address: 29-35 Rathbone Street, London, W1T 1NJ,

Proposal: Alterations and extensions at basement, rear and roof level and partial change of use to provide a gym (Class D2) at basement, restaurant (Class A3) at ground floor and offices (Class B1) at first to third floor and fourth floor mezzanine with terraces, and installation of plant at third floor

Reference: 16/02884/FULL

Plan Nos: 1924/A90/P3, A100/P3, A110/P3, A120/P3, A130/P3, A140/P3, A150/P3; A200/P3; A200/P3, 205/P3, A210/P3, A2000/P1, A2010/P1, A2020/P1, A2030/P1, A300/P3, A310/P3, A320/P3, A330/P3, A340/P3, A350/P1, A360/P3,

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s):

1 Reason:

Because of their size, design, and location, the rear and third floor extensions would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Charlotte Street West Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 5, DES 6, DES 9 and paras 10.108 to 10.128 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 (July 2016), Unitary Development Plan, 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.
7

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.