

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	93-95 Charlwood Street, London, SW1V 4PB,		
Proposal	Use of part of the ground and lower ground floors of No. 93 as a three bedroom flat (Class C3) and use of part of the ground floor as retail (Class A1). Creation of light wells and associated railings and steps to Nos. 93 and 95, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults. Replacement of rear window with double doors to rear of No. 93.		
Agent	Harper Planning Consultants Ltd		
On behalf of	Mr R Kenlock		
Registered Number	16/06554/FULL	Date amended/ completed	28 September 2016
Date Application Received	12 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse permission – loss of retail and associated harm to the vitality and viability of the Lupus Street Local Centre.

2. SUMMARY

Nos. 93 and 95 Charlwood Street are unlisted buildings located in the Pimlico Conservation Area. The site forms part of non-core frontage within the Lupus Street Local Shopping Centre. At ground floor, No. 93 Charlwood Street is in use as a café, known as 'My Café'. The lower ground floor of Nos. 93 and 95 Charlwood Street are currently in use as a residential flat.

On 29 September 2015 planning permission was granted for the use of the lower ground floor of Nos. 93 and 95 as two flats, creation of lightwells and associated railings on the Charlwood Street frontage, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults.

This latest application is for the use of part of the ground and lower ground floors of No. 93 as a three bedroom flat (Class C3) and use of part of the ground floor as retail (Class A1). The application also proposes the same external works as the extant 2015 permission.

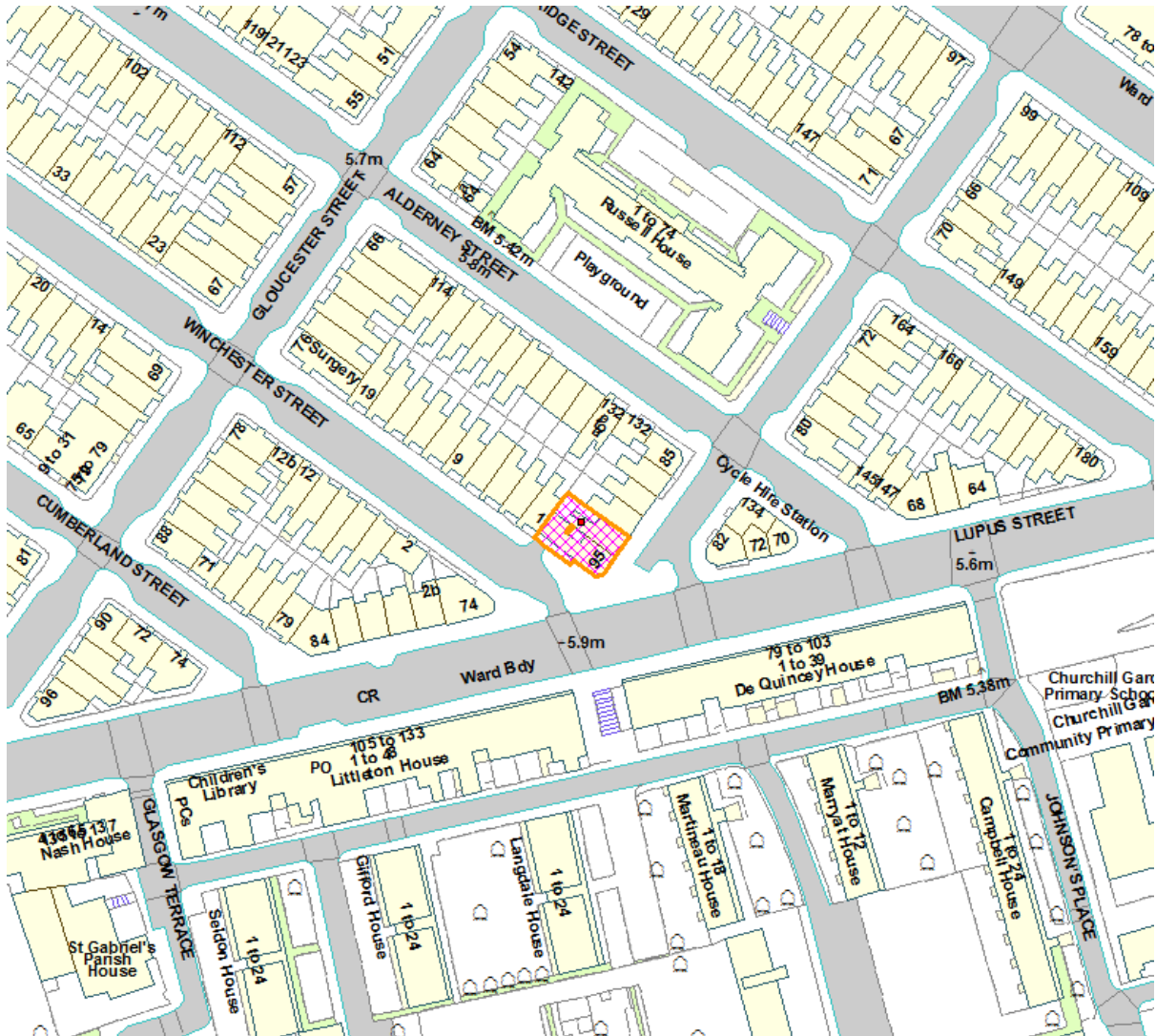
The key issues in the determination of this application are:

- The impact of the proposals on vitality and viability of the Lupus Street Local Shopping Centre;
- The impact of the proposals upon the character and appearance of the Pimlico Conservation Area;
- The impact of the proposals on the amenity of neighbouring occupiers.

A number of objections have been received from residents who object to the loss of the existing café at No. 93 Charlwood Street (My Café) as they consider it contributes positively to the local area and is the hub of the local community. A number of letters of support have also been received from residents who consider the café to have an adverse effect on the local area in terms of noise, smells, and rubbish.

The proposals would result in the loss of 36 square metres of ground floor non-A1 retail floorspace and provide a smaller ground floor A1 retail unit of 22 square metres. The loss of ground floor non-A1 retail floorspace and the resultant smaller retail unit will have a harmful effect on the vitality and viability of the Lupus Street Local Shopping Centre. This would not meet policy S21 of Westminster's City Plan: Strategic Policies (November 2016) and the aims of policy SS7 of the Unitary Development Plan (January 2007) which aims to safeguard and strengthen those urban local centres which offer a range of everyday community shopping.

3. LOCATION PLAN



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4. PHOTOGRAPHS



No. 93 Charlwood Street



Nos. 95 and 93 Charlwood Street

5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

HIGHWAY PLANNING MANAGER:

Objection: no car or cycle parking provided.

CLEANSING MANGER:

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 167

Total No. of replies: 13

No. of objections: 9 (including 3 from one resident and 2 from another)

No. in support: 4

N.B. one resident stated support but objected to the proposal in the body of their comment. This reply is identified as an objection in the above figures.

Objections from neighbouring residents on some or all of the following grounds:

- The loss of the café use is opposed as the existing business is well used, well liked and is considered to be an asset to the community. There are few comparable businesses within the area. It is a social hub for a variety of residents and visitors to Pimlico;
- The proposed residual commercial unit would be unviable given the limited floorspace it would provide.

Support from neighbouring residents on some or all of the following grounds:

- The proposed lightwells would improve the quality of the residential accommodation at lower ground floor level;
- The proposals would improve the visual appearance of the building and area;
- The existing café use impacts negatively on the amenity enjoyed by neighbours in terms of noise, smells, waste, and increased loitering;
- Planning permission has not been granted for the café use; rather the use became lawful by virtue of the length of time it had been in existence. Consequently, the premise has not been designed for making hot food and the extractor is unsuitable;
- There are alternative café uses nearby which better serve residents such as the Pimlico Library café on Lupus Street which can be accessed by wheelchair.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site relates to two unlisted buildings located in the Pimlico Conservation Area, they are noted within the conservation area audit as 'unlisted buildings of merit'. The site is located on the corner of Charlwood Street, Lupus Street and Winchester Street, and forms part of non-core frontage within the Lupus Street Local Shopping Centre

At ground floor, No. 93 Charlwood Street is in use as a café, known as 'My Café'. The lower ground floor of Nos. 93 and 95 Charlwood Street are currently in use as a single self-contained residential flat.

6.2 Recent Relevant History

Nos. 93 and 95 Charlwood Street

On 29 September 2015 planning permission was granted for the 'use of the lower ground floor of Nos. 93 and 95 as two flats, creation of lightwells and associated railings on the Charlwood Street frontage, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults.'

On 27 November 2014 planning permission was refused for the 'use of the lower ground floor Nos. 93 and 95 including the infill extension of the lightwells and vaults and associated works to the Charlwood Street and Lupus Street elevations, to create two residential units (1 x 1 bed and 1 x 2 bed) (Class C3)' on the grounds of visual harm and the poor standard of the proposed living environments.

No. 93 Charlwood Street

On 18 June 2009 a Certificate of Lawful Development (Existing) was issued for the 'use of ground floor as a cafe serving hot food (Class A3).'

On 15 April 2009 planning permission was refused for the 'installation of an extract duct to rear to discharge over roof of No. 1b Winchester Street' on the grounds of harm to residential amenity (noise) and harm to the visual appearance of the building.

7. THE PROPOSAL

Planning permission is sought for the use of part of the ground and lower ground floors of Nos. 93 as a three bedroom flat (Class C3) and use of part of the ground floor as retail (Class A1). External works include the creation of light wells and associated railings and steps to Nos. 93 and 95, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults; and replacement of a rear window with double doors to the rear of No. 93.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses are summarised below:

Table 1. Existing and Proposed Land Uses

Use	Existing (sqm GIA)	Proposed (sqm GIA)	Change (sqm GIA)
Café (Class A3)	58	0	-58
Retail (Class A1)	0	22	+22
Class A1/A3	58	22	-36
Residential (Class C3)	70*	106	+36
Total	128	128	0

*Figure for lower ground floor flat with extant permission at No. 93 Charlwood.

Proposed Retail Use

Objections have been received from residents concerned with the loss of the existing café (My Café). The café forms part of the Lupus Street Local Shopping Centre and objectors consider the café to be a valuable facility that positively contributes to the character and function of the area and is the hub of the local community.

The site forms part of non-core frontage within the Lupus Street Local Shopping Centre. Policy S21 of the City Plan states 'existing non-A1 retail uses, and uses occupying shop-type premises within designated shopping centres will be protected from changing to uses that do not serve visiting members of the public'.

Policy SS7 of the UDP relates to Local Centres and its aim is to safeguard shopping facilities for local residents in order to maintain a range of local shops and protect the character and function of the local shopping area. Therefore, the focus of this policy is to protect retail uses. However, the City Council acknowledges the role of service uses such as cafés in supporting the character and function of Local Centres, and this is indicated in the reasoned justification for this policy.

The proposals would result in the loss of 36 square metres (sqm) of ground floor non-A1 retail floorspace and provide a smaller ground floor A1 retail unit of 22 sqm. Whilst the principle of a retail unit within a Local Centre is supported by the aforementioned policies, in this case, the resultant ground floor retail unit (22 sqm) is significantly reduced in size in comparison to the existing ground floor café (58 sqm).

Concern has been raised by objectors regarding the viability of this new unit given its limited size. The application is supported with a letter from a letting agent who is of the opinion the unit would be viable because other small retail units are let within the area. The planning statement also notes planning permission has been granted for small retail units elsewhere in Pimlico. The smallest of these was for a unit of some 35 sqm. The applicant

also refers to five other nearby units with small retail spaces ranging from some 24 sqm to 32 sqm, although there is no planning history for each of these.

The existing ground floor café comprises of 58 sqm of non-A1 retail floorspace. The proposed ground floor retail unit would comprise of 22 sqm of floorspace, with a tradable area of 16sqm. No storage area is provided in the new unit. Whilst the application is supported by way of an opinion from a local letting agent and a supporting planning statement which asserts the premise would be viable, it is not considered that any detailed evidence has been submitted to substantiate the assertion. All other examples of existing small retail units cited by the applicant are all larger in size than this proposal. It is also understood that no tenant or particular retailer has been secured at this stage.

Given the limited size of the proposed retail unit, and in the absence of substantive evidence to support the applicant's assertions, it is considered that the loss of ground floor non-A1 retail floorspace and the resultant smaller retail unit will have a harmful effect on the vitality and viability of the Lupus Street Local Shopping Centre. A unit of this size would limit the number of retailers that would be able to trade from the premises by such a degree that the unit may be unviable, and consequently could be left vacant. This is because a retail unit without sufficient storage areas and with limited tradable floorspace would not be a particular attractive proposition for many retailers. Furthermore, if an operator for the small retail unit was secured, the type of retail services that could be provided is likely to be significantly limited in comparison to the existing café use, which provides a service to residents, visitors, and workers in the Lupus Street Shopping Centre, thereby supporting its vitality and viability.

The proposals would result in the loss of 36 square metres of ground floor non-A1 retail floorspace and provide a smaller ground floor A1 retail unit of 22 square metres. The loss of ground floor non-A1 retail floorspace and the resultant smaller retail unit will have a harmful effect on the vitality and viability of the Lupus Street Local Shopping Centre. This would not meet policy S21 of Westminster's City Plan: Strategic Policies (November 2016) and the aims of policy SS7 of the Unitary Development Plan (January 2007) which aims to safeguard and strengthen local centres which offer a range of everyday community shopping.

Proposed Residential Use

The rear of the ground floor of No. 93 is proposed to be converted to residential use to provide additional residential floorspace for the basement flat. The enlargement of this flat would improve its living environment and would provide a three bedroom 'family sized' unit. The improvement and enlargement of residential units, particularly to create 'family sized' units, is supported by the City Plan and UDP.

The proposal would not alter the residential flat with extant planning permission on the lower ground floor of No. 95.

8.2 Townscape and Design

The design changes proposed in this application all benefit from the extant planning permission. These include the installation of railings at street level which are required to guard the proposed lightwells to the buildings, the installation of a new external staircase

within the proposed lightwell to the Charlwood Street frontage of No. 95, alterations to vaults to enlarge living areas, replacement of a window with a door to the rear elevation of No. 93 at lower ground floor level and a replacement pavement light on Winchester Street.

The lightwells proposed are considered to replicate historic lightwells that are a feature within the Pimlico Conservation Area and would be consistent with the lightwells and railings found at No. 86 Charlwood Street and opposite at No. 74 Lupus Street. The small extension underneath the pavement bridge is discreet and not overly visible from street level. The principle of a replacement pavement light and rear opening is acceptable subject to conditions securing further details. The proposals are considered to comply with Policy S28 of the City Plan and policies DES 1 and DES 5 of the UDP.

8.3 Residential Amenity

It is not considered that the proposals will give rise to any significant amenity concerns.

A number of letters of support have been received from residents who consider the loss of the existing café would improve residential amenity with regard to noise, smells, and rubbish. An A1 retail unit would not require ventilation or extraction equipment, and therefore would likely have less impact on neighbours in terms of noise and smells.

Had the proposal been considered acceptable, a condition would have been recommended to ensure the residential unit would be of such a standard that it protects residents within from external noise.

8.4 Transportation/Parking

Vaults

The proposal involves lowering the floor level to the vaults underneath the highway. The Highways Planner Manager does not object to this aspect of the scheme, although, had the proposals been considered acceptable, an informative would have been added informing the applicant technical approval for the works would be required.

Lightwell

Given the existing railings on the terrace and the width of the pavement, the Highway Planning Manager has confirmed the works would not obstruct pedestrians.

Car Parking

The Highways Planning Manager objects on the grounds no off-street parking is provided for the residential units contrary to UDP policy TRANS 23. Whilst it is acknowledged parking levels are high in this area, the proposal here would create no additional units in comparison to the extant permission. It was not previously considered the additional residential unit granted consent in 2015 would be detrimental to parking levels to justify refusal.

Cycle Parking

The Highways Planning Manager objects to the lack of secure cycle parking contrary to the London Plan. Had the proposals been considered acceptable, it is considered that cycle parking could be accommodated within the flat or within the lightwell area, and would have been secured by condition.

Waste

The drawings submitted do not include the provision for storage of waste and recyclable materials. Had the proposals been considered acceptable, this would have been secured by condition.

8.5 Economic Considerations

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

8.6 Access

There is no level access to the existing café and no alterations are proposed to the retail entrance in this application.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Asset of Community Value

The City Council has received an asset of community value (ACV) nomination by the Churchill Gardens Neighbourhood Forum in respect of My Café, 93 Charlwood Street. The nomination has been validated and is being considered and the City Council is due to make a decision on this before the 11 January 2017.

It is not considered that this nomination affects the material planning considerations and adopted policies taken into consideration in determination of this application.

9. BACKGROUND PAPERS

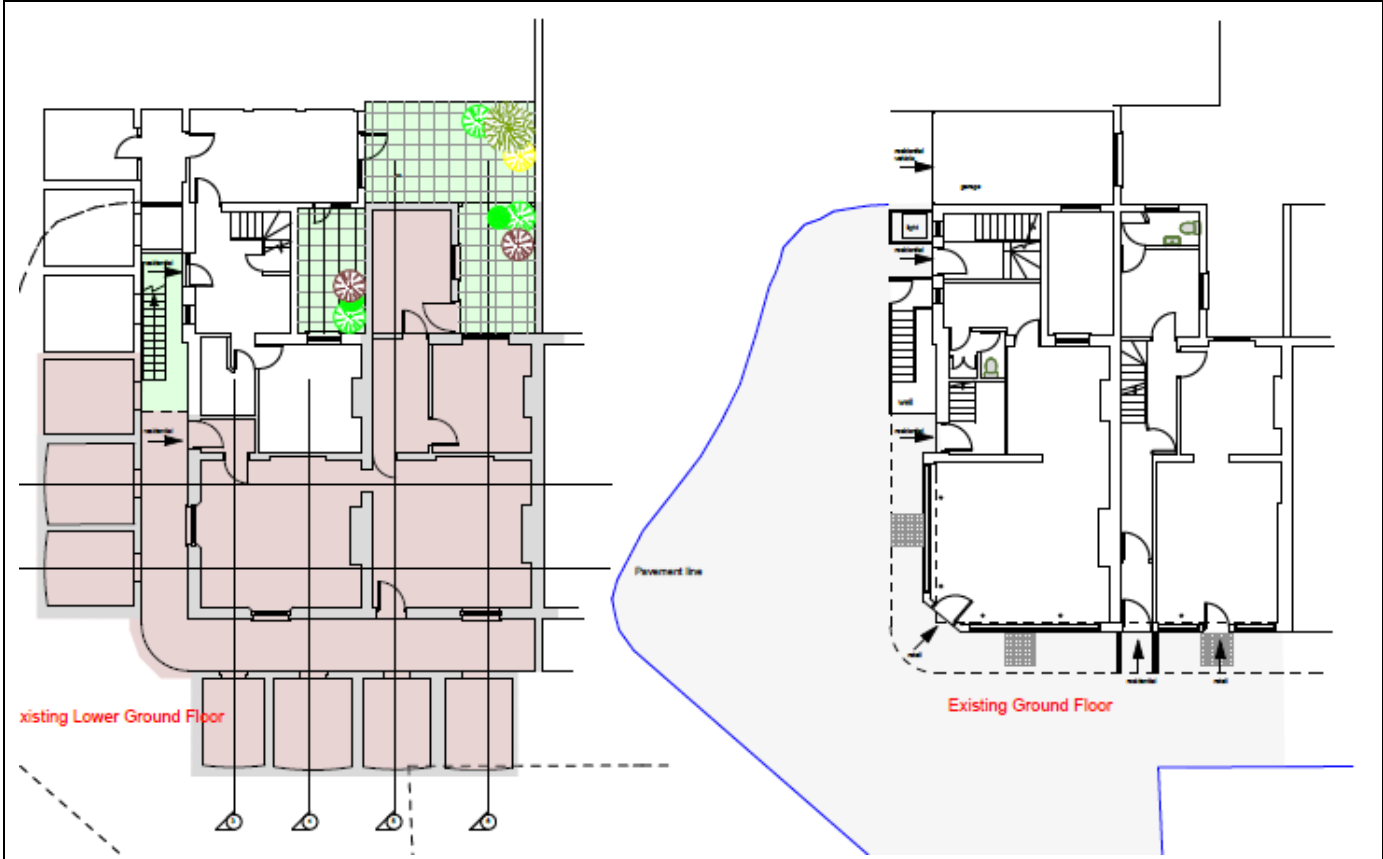
1. Application form
2. Letters (x2) from Westminster Society, dated 9 August 2016 and 25 October 2016
3. Memorandum from Cleansing Manager, dated 16 August 2016
4. Memorandum from Highways Planning Manager, dated 10 October 2016
5. Email from Policy, Performance & Communications Department, dated 18 November 2016
6. Letter from occupier of 52 Keats House, Churchill Gardens, dated 9 August 2016
7. Letter from occupier of 74 Lupus Street, dated 11 August 2016
8. Letter from occupier of 110 Alderney Street, dated 15 August 2016
9. Letters (x3) from occupier of 3 Langdale House, Churchill Gardens, dated (x2) 18 August 2016 and 30 September 2016
10. Letter from occupier of 44 Tothill House, Page Street, dated 19 August 2016
11. Letters (x2) from Co-founder Churchill Gardens Neighbourhood Forum and occupier of 63 Shelley House, dated 22 August 2016 and 1 October 2016
12. Letter from occupier of 93A Charlwood Street, dated 14 October 2016
13. Letter from occupier of Flat 407, Howard House, Dolphin Square, dated 18 October 2016
14. Letter from occupier of 176A Cambridge Street, dated 18 October 2016
15. Letter from occupier of 1B Winchester Street, dated 19 October 2016

Selected relevant drawings

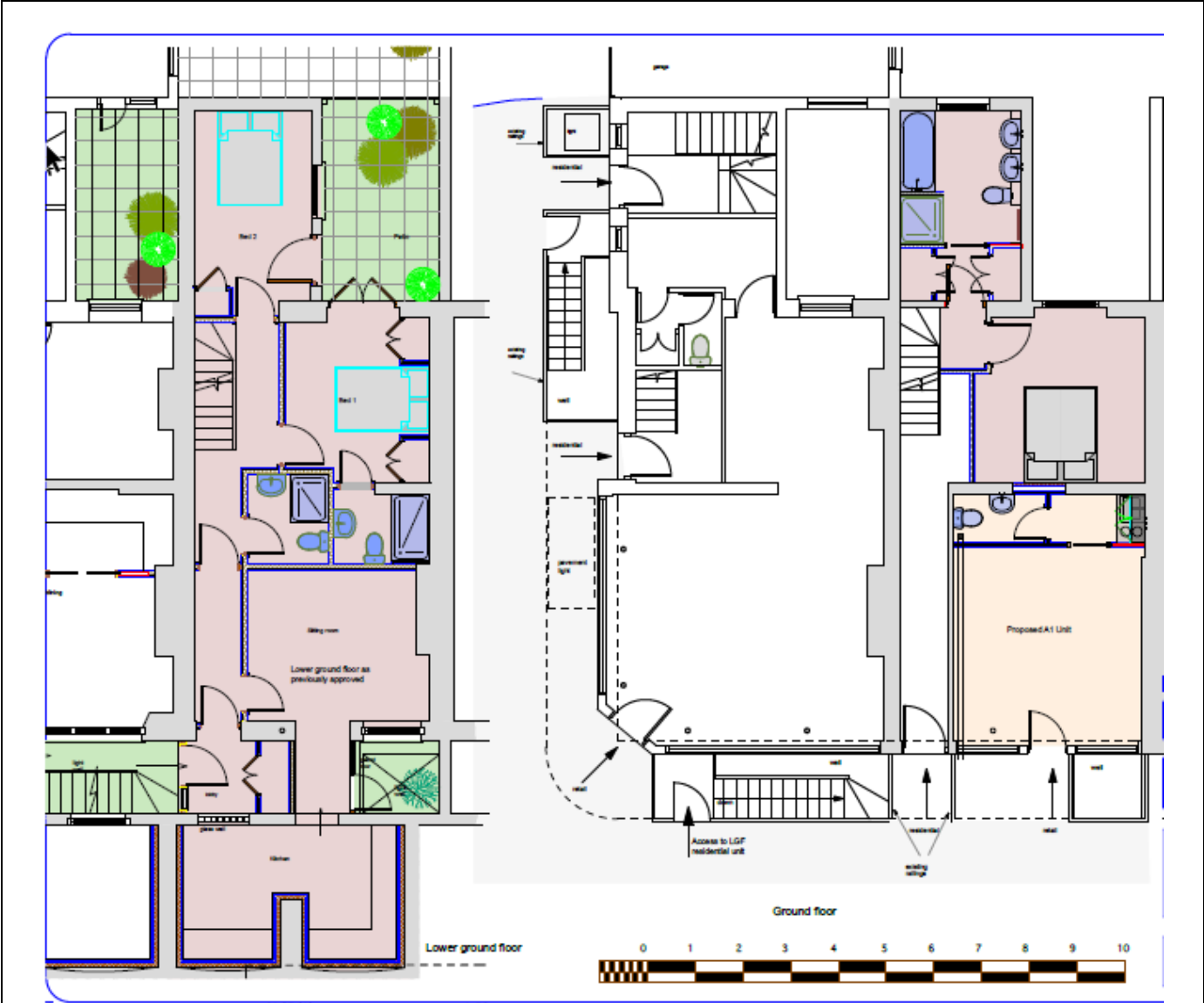
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddoward@westminster.gov.uk

10. KEY DRAWINGS



Existing lower ground and ground floor plans



Proposed lower ground and ground floor plans



Existing elevation Winchester Street
95 Charwood Street



Existing elevation Charwood Street
93-95 Charwood Street



Proposed elevation Winchester Street
95 Charwood Street as approved under
planning consent 15/05600/FULL



Proposed elevation Charwood Street
93-95 Charwood Street as approved under
planning consent 15/05600/FULL

Existing and proposed elevations

DRAFT DECISION LETTER

Address: 93-95 Charlwood Street, London, SW1V 4PB,

Proposal: Use of part of the ground and lower ground floors of Nos. 93 as a three bedroom flat (Class C3) and use of part of the ground floor as retail (Class A1). Creation of light wells and associated railings and steps to Nos. 93 and 95, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults. Replacement of rear window with double doors to rear of No. 93.

Reference: 16/06554/FULL

Plan Nos: Site Location Plan; 15/2028/01 rev B; 15/2018/20 rev A; 15/2018/21; 15/2018/22 rev A; Letter from Dautons Commercial; Planning Statement (Harper Planning).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

Your development would lead to the loss of ground floor non-A1 retail floorspace and a resultant smaller retail unit which will have a harmful effect on the vitality and viability of the Lupus Street Local Shopping Centre. This would not meet policy S21 of Westminster's City Plan: Strategic Policies (November 2016) and the aims of policy SS7 of the Unitary Development Plan (January 2007) which aims to safeguard and strengthen those urban local centres which offer a range of everyday community shopping.

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.

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.