

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	26 Bruton Place, London, W1J 6NG,		
Proposal	Erection of rear single storey extension to restaurant (Class A3) at first floor level with rooflight, installation of rooflight in existing rear roof slope and installation of rooflight at first floor flat roof level.		
Agent	Proun Architects		
On behalf of	Greens Grill and Restaurant Limited		
Registered Number	16/06862/FULL	Date amended/ completed	20 July 2016
Date Application Received	20 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application premises is an unlisted building, on ground, first and second floors, located in the Mayfair Conservation Area and the Core CAZ. The building is lawful restaurant use (Class A3).

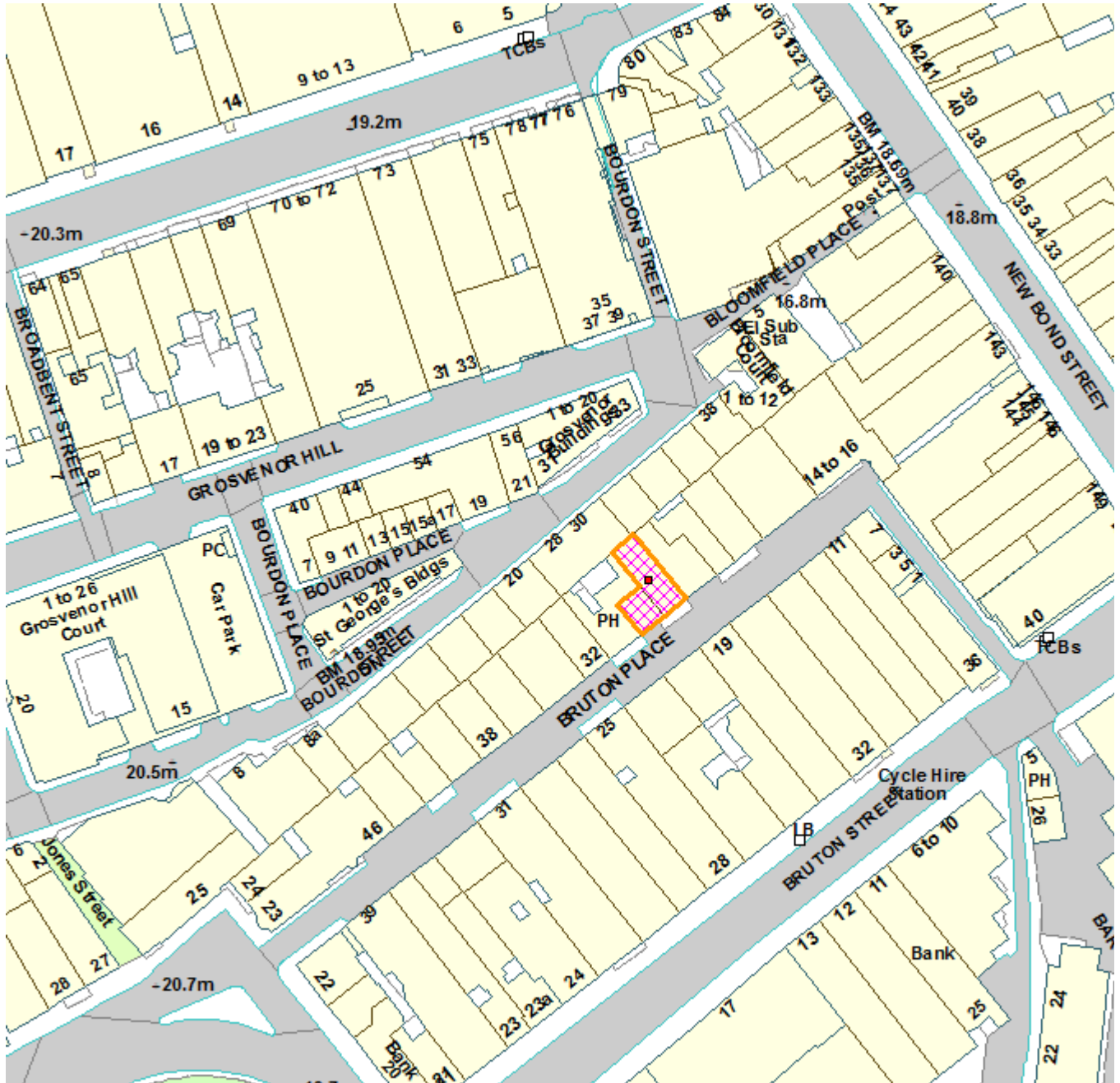
Permission is sought to erect a single storey extension on the first floor rear roof in order to enlarge the restaurant (Class A3) and for the installation of a rooflight in the rear roofslope.

The key issues for consideration are:

- The acceptability of the proposals in land use terms;
- The impact of the proposals upon the amenities of neighbouring residential properties; and
- The impact of the proposals upon both the appearance of the existing building and on the character and appearance of this part of the Mayfair Conservation Area.

Objections have been received on land use, amenity and design grounds. However, for the reasons set out in the main body of the report, and subject to appropriate conditions, the proposals are considered to comply with relevant UDP and City Plan policies and the application is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

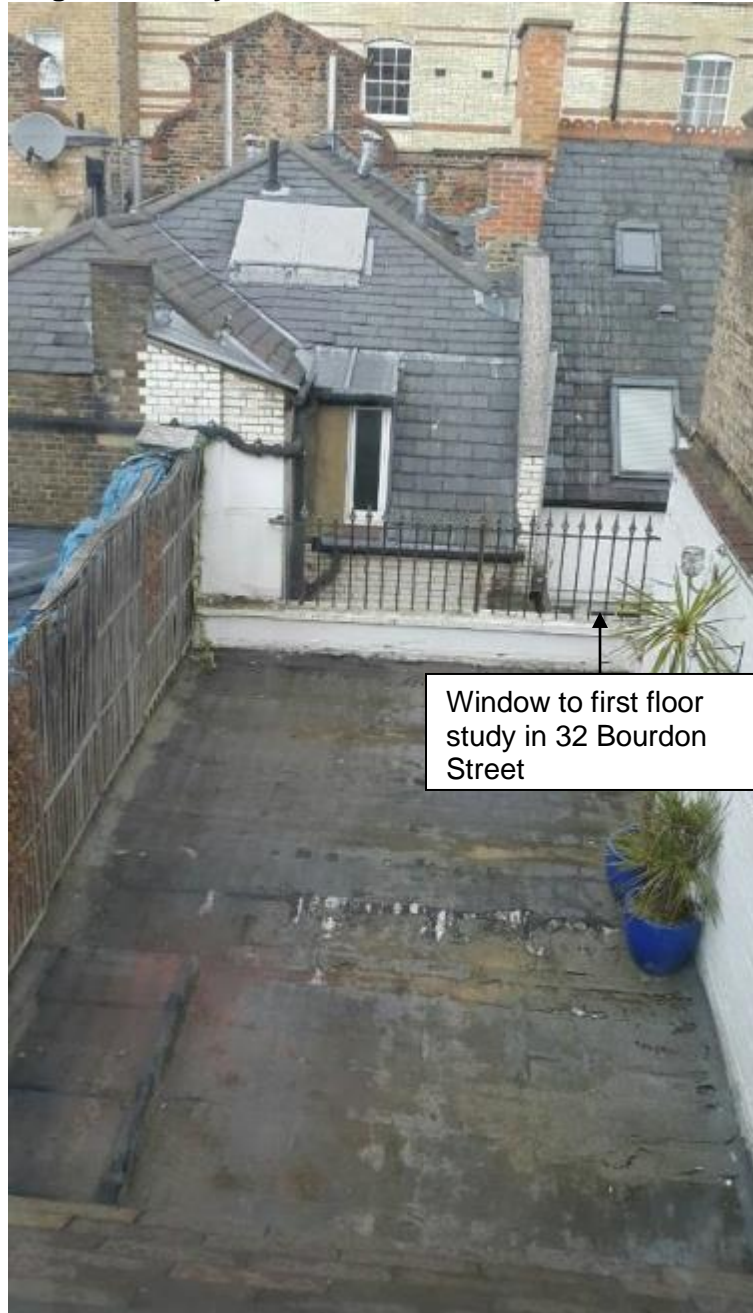
Photograph 1. Front elevation of application site



Photograph 2. Part courtyard and relationship to neighbouring properties



Photograph 3. Existing rear courtyard



Window to first floor
study in 32 Bourdon
Street

5. CONSULTATIONS

WARD COUNCILLORS FOR WEST END

COUNCILLOR GLENYS ROBERTS

Objection on grounds of overdevelopment, overlooking, sense of enclosure, loss of daylight, noise disturbance and smoke pollution from restaurant use.

Not realistic to impose conditions on use of terrace- it will fall on residents which will result in further loss of amenity and the need for enforcement.

COUNCILLOR PAUL CHURCH

Objection on grounds of residential amenity including overlooking, sense of enclosure and the harm to the character of the area.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Following the initial submission and revisions, the application has been re-advertised on two further occasions (20/02/2017 and 1/03/2017).

No. Consulted: 11

Total No. of replies: 25

No. of objections: 25

No. in support: 0

25 letters of objection (from 19 respondents) have been received. This includes an objection from the Grosvenor Estate who are the freeholders of a neighbouring building (32 Bourdon Street) and two letters of objection from the Mayfair Residents Group. One letter of objection has been accompanied by a letter from Anstey Horne, a rights of light and party wall consultants.

The 25 letters of objection raise some or all of the following grounds:

Land use

- Commercial overdevelopment of the local area
- Inappropriate location for a commercial extension
- Precedent for other commercial development in the area

Amenity

- Antisocial behaviour associated with the restaurant use
- Adverse impact on elderly residents
- Overlooking
- Noise from customers using the proposed extension and terrace area
- No detail on how the extension will be ventilated/absence of plant resulting in nuisance from ventilation through doors to the extension
- Loss of daylight/sunlight and absence of a daylight/sunlight assessment (with the original proposal)

- Overshadowing to neighbouring terrace
- Increased sense of enclosure

Design

- Extension of unacceptable and unsympathetic design and bulk
- Adverse impact on setting of neighbouring listed buildings

Other

- Access Statement defines the immediate area inaccurately
- The occupiers of the building are unlikely to comply with conditions
- Fire hazard from use of terrace as a smoking area

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

26 Bruton Place is an unlisted building situated on the north side of Bruton Place, close to its junction with Berkeley Square. The site is located within the Mayfair Conservation Area and the Core Central Activities Zone but is not within a designated Stress Area.

The building is in restaurant use (Class A3). Existing floor plans show dining accommodation, a kitchen and WCs on the ground floor; additional dining rooms and an office on the first floor and staff accommodation on the second floor. Two sets of doors lead from the first floor dining room onto a rear flat roof, which is described as a terrace. At the time of the site visit, the premises were vacant.

Bruton Place is characterised by a mix of uses including a number of retail and restaurant uses at ground floor. The upper floors are generally in residential and office use. The application premises sit between offices at 22-24 Bruton Place and a public house, The Guinea Grill, at no. 30 Bruton Place. The upper floors of the public house appear to be in residential use.

The premises back on to properties on Bourdon Street which includes a number of Grade II listed mews buildings and residential properties.

6.2 Recent Relevant History

Lawful use of the application site:

In 1976, planning permission was granted for the use of the ground floor of the application site as a wine bar with ancillary storage and toilet accommodation. One garage at ground floor was retained to be used in association with residential accommodation on the upper floors. In 1977, planning permission was granted for the use of the ground floor garage as an extension to the restaurant at No. 30 Bruton Place. One garage remained for use in association with the residential unit on the first and second floors of the application site.

At some point between 1982 and 1985, the restaurant extended into the ground floor garage and all of the residential accommodation above without the benefit of planning

permission. It also became independent of the Guinea Grill Public House at No. 30. This unauthorised use resulted in the loss of residential floorspace.

In 1985, planning permission was granted on appeal to regularise the use of the ground and first floor as restaurant floorspace and for alterations and extensions to the restaurant on ground and first floors. The second floor and ground floor garage remained as residential accommodation (Class C3) as part of this permission.

This planning permission was only part implemented. The restaurant was in use as such on the ground and first floors prior to and at the time of the appeal decision. The alterations and extensions were not implemented.

In 1993, a Lawful Development Certificate was issued for use of the garage on ground floor and the second floor as ancillary to the restaurant use.

It is therefore considered that the lawful use of the building is Class A3 (Café and Restaurants). Of relevance, given the planning history of the building, there are no controls attached to any planning permission over existing hours of operation or capacity.

However, the premises licence authorises the playing of recorded music, late night refreshment and sale by retail of alcohol. The approved opening hours of the premises are Monday to Saturday 10:00 to 00:30 and Sunday 12:00 to 00:00 (RN: 06/06272/WCCMAP).

Permission was refused on 26 September 2002 for the erection of a rear extension at first and second floor levels in connection with continued residential use (Ref: 02/02503/FULL). The bulk, height and detailed design of the extension were considered unacceptable but the application was not refused on amenity grounds.

7. THE PROPOSAL

This application is for alterations to the existing restaurant including the erection of a single storey rear extension on the first floor rear roof, incorporating a rooflight. A second rooflight is proposed in the remaining flat first floor roof and a third rooflight is proposed in the second floor rear roofslope.

The proposal has been substantially negotiated and the proposal now seeks to provide a rear extension set back 4m approximately from the edge of the first floor roof. The extension would provide 21m² of additional restaurant floorspace. The revisions also involved the reduction in the height of the extension bringing it below the height of the eaves to the main building. A previous iteration set the extension back 2m from the edge of the first floor roof and was accompanied by a daylight/sunlight assessment to address the concerns of objectors.

All neighbouring residents were notified of this amendment to the proposal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

UDP Policies TACE 8-10 control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city. City Plan policy S24 requires proposals for new entertainment uses to be 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 existing restaurant measures 251.6sqm (GIA). The proposed extension would provide 21sqm of additional accommodation, resulting in a total restaurant floorspace of 272.6sqm (GIA).

Given the size of the restaurant, policy TACE 8 is relevant to the consideration of the application. This policy states that permission will generally be granted where the City Council is satisfied that the proposed development has no adverse effect (nor taking into account the number and distribution of entertainment uses in the vicinity, any cumulative adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking or traffic and no adverse impact on the character and function of the area. In considering applications the Council will pay particular regard to the number of customers that may be present, the opening hours, prevention of smells, noise and vibration, servicing arrangements and the arrangements for waste storage and disposal.

City Plan Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses (amongst others).

Objections have been received on the grounds that the proposals represent an inappropriate commercial development in this area and would contribute to its increasing commercialisation. Objections have also been raised on the grounds that this is an inappropriate location for such development where the upper floors surrounding the site are predominantly in residential use. Concerns are raised that the proposal will have a detrimental impact on the character of the area. City Plan Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses including restaurant uses (Class A3). The single storey extension at first floor level has an area of 21sqm. This is considered to be an appropriate scale and size in relation to the existing restaurant. The surrounding area does contain residential properties at first floor level, however as demonstrated in this report, it is not considered that the proposal will result in a material level of harm to surrounding residential occupiers. The use of the premises remains unchanged. It is therefore considered that the proposal will not have a detrimental impact on the character of the area in terms of the mix of uses on Bruton Place.

It is not considered that a modest, first floor, extension to an established restaurant use would have an adverse impact upon the character and function of this part of the Mayfair conservation area and the application is therefore considered acceptable in principle land use terms

The impact of the proposals upon residents' amenities and the highway network in discussed in sections 8.3 and 8.4 below.

8.2 Townscape and Design

This part of the Mayfair conservation area is characterised by a dense built environment. There is a diverse and varied building line to the rear of the group of buildings of which the application premises forms part and there is no consistency or uniformity in design or massing. The application building has not been extended to the rear and, consequently, is set considerably further back from properties to the rear than most of the buildings within the group. An extension in this location is therefore considered acceptable in principle in design terms.

The proposed extension would be constructed from stock brick, to match the existing building. Following officers' advice, the application has been revised to reduce the height of the proposed extension, setting it below existing eaves level in order to reduce its dominance in the context of the rear façade. This ensures that the rear of the building remains legible. The extension has also been set further back from the (rear) roof edge, away from the listed buildings on Bourdon Street and behind the (extended) rear building line of other properties within the same terrace.

A number of objections have been received to the design and bulk of the proposed extension and its impact on the setting of listed buildings in Bourdon Street. However, given the revisions to the scheme, and in the context of other properties within the same terrace, it is not considered that these objections could be supported. Subject to conditions, the proposals are considered acceptable in design/townscape terms and comply with relevant UDP and City Plan policies.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight, loss of privacy or increased sense of enclosure to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise.

UDP Policy ENV 6 states that the City Council will require design features and operations measures to minimise and contain noise from developments, to protect noise sensitive properties. Similarly, City Plan Policy S32 aims to protect Noise Sensitive Receptors from noise by requiring development to minimise and contain noise and vibration.

Objections have been received on the grounds that the proposals would have an adverse impact upon the amenities of neighbouring residents as a result of a loss of daylight and sunlight, loss of privacy, increased sense of enclosure and noise disturbance from the use of the extension (and adjacent flat roof).

Revised proposal were received in September 2016 and subsequently further revisions were made in March 2017 and the City Council undertook re-consultations on the revised

schemes. Objections have been raised to the revised proposal on the grounds that the impacts of the amended proposal would be the same as for the original proposal.

An objection has also been received on the grounds that the fact that planning permission was not refused on amenity grounds in 2002 should not be binding as there has been a change in circumstances at the site. This proposal will be considered in relation to current circumstance.

8.3.1 Daylight and Sunlight

Policy ENV13 states that in considering the impact of development proposals on the level of daylight and sunlight received to neighbouring properties, regard should be given to the Building Research Establishment guidance entitled, 'Site layout planning for daylight and sunlight: a guide to good practice' (the BRE Guide). Objections were received on the grounds that the original application was not accompanied by a daylight/sunlight assessment. Under the first set of revised proposals, a daylight and sunlight report was also submitted; this demonstrated that the windows in 28 & 30 – 30A Bourdon Street and 32 Bourdon Street (identified as windows 1, 2, 3 and 4) met the tests set out within the BRE guidelines in terms of both daylight and sunlight.

In respect to the latest revisions with the rear extension being set back 4m from the edge of the flat roof, the daylight and sunlight report has not been updated. However, it is evident, given the calculations set out in the daylight and sunlight assessment for the previous revision, that the rear extension will not have a material impact upon daylight or sunlight to neighbouring properties.

Further the existing parapet/rear wall is taller than the existing windows in the rear of 32 Bourdon Street and, given the angle and distance, the revised proposal would not have a material impact on the amenities of the occupants of the affected rooms and would satisfy the BRE guidelines in this respect.

For the reasons outlined above it is not considered that objections relations to a loss of daylight and sunlight can be supported.

Objections have been raised on the grounds that the proposed works would result in overshadowing of the first floor rear terrace at 32 Bourdon Street.

Given the set back (4m approximately) of the extension from the edge of the first floor terrace it is considered that this amenity space will not experience an unacceptable degree of overshadowing as a result of the proposals. The objections cannot be supported in this regards.

8.3.2 Sense of Enclosure

The existing relationship between the rear of the buildings on Bruton Place and Bourdon Place is such that there is already a degree of enclosure to rear windows in both terraces.

The boundary walls to the application premises and 22-24 Bruton Place, currently form an enclosure around the terrace at 32 Bourdon Street. The two storey extension to the rear of 22-24 Bruton Place, is also set much closer to the Bourdon Street properties than the

proposed extension to the application premises. Given that this extension has now been reduced in height and significantly set back from the rear roof edge, it is not considered that the proposals would have a material impact on the sense of enclosure to neighbouring windows. This is particularly so in the case of the first floor study window at 32 Bourdon Street which faces onto the flank party wall of the application premise.

One objection relates to comments that the proposed works could increase their sense of claustrophobia. Given the above, and the extent the proposal has been revised, it is not considered that the proposal would have a detrimental impact upon the amenities of neighbouring occupiers, including claustrophobia.

8.3.2 Overlooking

Objections have been received on the grounds that this flat roof could be accessed by customers, resulting in overlooking to rear windows and a terrace at the rear of the Bourdon Street properties. An objection has been received on the grounds that it would not be realistic to impose conditions on the use of the extension as this would likely lead to the need for enforcement which would fall upon the residents and result in further loss to amenity.

Following the objections, the relationship of the extension and access to existing rear terrace has been revised. The proposed rear extension has been set back from the edge of the roof by 4m (approx) and contains a blank rear elevation removing a door previously providing access to the rear terrace. The applicant is happy to accept a condition to prevent access to the roof other than for maintenance purposes. As such it is considered that the rear extension would preserve the privacy of occupiers within 28 & 30 – 30A and 32 Bourdon Street.

The revised plans do however maintain access to the terrace along the rear elevation (to maintain access to the existing high level extract duct). At its widest point this measures 1.2m and would have an outlook over the courtyard of the adjacent public house at 30 Bruton Place. Beyond there are no habitable residential windows and therefore no resulting overlooking.

Following the revised plans, the proposal would not result in any material loss of privacy and the objections on these grounds could not be supported.

8.3.4 Noise

Objectors considered that the use of the extended restaurant, and the increased number of customers visiting the premises, would result in an unacceptable level of noise disturbance. They have also expressed concern about the impact of the use of the extension and the adjacent roof on noise levels, particularly in the evening.

Given the modest increase in restaurant floorspace (21sqm), it is not considered that the proposal would result in a significant increase in restaurant capacity. Proposed plans show the extension at first floor level to include 18 covers. The proposed plans indicate approximately 94 dining covers throughout the ground and first floor as well as 7 bar seats. This is considered to be a reasonable number of covers for a sit-down restaurant of this size and any increase in capacity facilitated by the proposed extension is unlikely to

have a material impact on the level of activity and noise levels when compared with the existing use. The number of covers would also be considered as part of any application for a premises licence.

The rear elevation is now a blank wall following the revised plans removing doors leading out from the first floor dining area out onto the rear roof. It is considered reasonable to restrict access (other than for maintenance and in an emergency) to the first floor rear terrace. This will prevent customer access to the roof terrace. It is also considered necessary to impose a condition requiring the two larger rooflights to be fixed shut in order to contain noise from diners. Subject to these conditions, the objections on the increase in noise and disturbances cannot be supported in this regards.

However, the application does not include any proposals for additional ventilation plant and objectors consider that the proposed extension would, necessarily be ventilated via the doors to the extension, allowing noise to escape.

In relation to the lack of plant in the proposal, it is not considered reasonable for the City Council to request this. This would be at the discretion of the applicant and an application for plant could follow at a later date. The applicant has confirmed that the premises are intended to be naturally ventilated using the existing windows to the front of the property with a small internally mounted extract fan located to the rear of the building discharging through the new flat roof via a low level acoustically treated vent. The existing restaurant is ventilated in the same way. Conditions are recommended to be imposed requiring details of how the rear extension will be naturally ventilated and how excessive solar gain will be prevented being submitted to the City Council for approval.

One objector considers that the application should be supported by a noise assessment, which would assess existing noise levels in the area. Given the nature of the development and subject to conditions recommended to safeguard residents' amenities, this is not considered necessary in this instance.

8.3.5 Odour

Objections have been raised on the grounds of smells from the restaurant escaping from the proposed extension. The use of the premises and arrangements for the dispersal of cooking fumes remains unchanged. The applicant has advised that the existing high level kitchen extract duct will be used. There is no planning consent for this high level extract duct. However, the restaurant use is long established so it is likely that the extract duct has been in situ for more than four years.

Given that the rear extension will not contain a door nor window within it and the rooflights will be fixed shut, it is not considered that the proposals have the potential to result on a material increase in potential nuisance from food odours.

8.3.6 Light pollution

Objectors have raised concerns over light pollution from the proposed extension – and the rooflight. However, it is not considered that the proposed extension would not increase local light pollution to an unacceptable degree.

8.4 Transportation/Parking

The proposal is not considered to raise any adverse impacts upon parking or servicing.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

The existing access arrangements to the building would be unchanged.

8.7 Other UDP/Westminster Policy Considerations

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

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.

The application is not liable for CIL.

8.11 Environmental Impact Assessment

The proposal is not of a scale to require an Environmental Impact Assessment.

8.12 Other Issues

Precedent for A3 development

Objections have been made on the grounds that the proposal will set a precedent for similar commercial extensions in residential areas which would be detrimental to residential amenity. All planning applications are assessed on their individual merits and it is not considered that any decisions made in relation to this site would inform decisions made in relation to other sites in the vicinity.

Design and Access Statement

An objection has been received on the grounds that the Design and Access Statement which describes the area as containing "a wide variety of uses including residential, office,

retail, entertainment, hotel and other non-residential uses” is too broad. The objector states that the properties immediately surrounding the application site are predominantly residential in character.

The description of the area is not considered to be misleading given that the area is characterised by many different uses including hotels, shops, restaurants and offices, as well as significant residential concentrations. However, the proposal has been assessed in the context of the properties immediately surrounding the application site and this report acknowledges that many of these are in residential use.

Antisocial behaviour

Objections have been made on the grounds that the proposals will encourage antisocial behaviour including smoking on the terrace at the rear of the proposed extension, littering and drunk behaviour. The use of the rear flat roof will be restricted by condition and there is no reason to believe that a modest extension to the size of the restaurant would give rise to an increase in unacceptable behaviour associated with the use.

Impact on local elderly residents

An objection comments on the impact on local elderly residents. An assessment has been made on the impact of the proposals upon all neighbouring occupiers, and a distinction has not been made as to their age.

2002 planning application refusal on design grounds

An objection has been raised on the grounds that the 2002 planning application was for a residential extension and not a commercial extension and therefore the amenity issues would be different. The objector states that the City Council erred in finding the proposal acceptable in amenity terms and that they had not developed their outdoor terrace in 2002 and were not consulted in 2002. The objector states that this refusal should therefore not be a material consideration in favour of the current application.

Amenity concerns regarding loss of privacy, daylight / sunlight and sense of enclosure are considered to be largely the same for a proposed extension whether it be used in connection with residential accommodation or commercial floorspace. The bulk and height of an extension would have the same impact on these issues regardless of what the extension was used for. As stated previously in the report, the officer’s report for the 2002 permission states ‘there is considered to be sufficient distance between the rear of the proposed extension and any residential windows for there to be any material change in the daylight received by the existing flats, or for overlooking to be an issue.’ The proposed extension in the 2002 permission was larger in height and bulk. The current proposal is only one storey compared to two storeys and is also set further back from the rear building. The circumstances surrounding the site do not appear to have altered since the 2002 application. It is therefore considered that the current proposal would not have a materially harmful impact on the residential amenity of surrounding residential neighbours with regard to loss of privacy, daylight / sunlight and sense of enclosure.

9. BACKGROUND PAPERS

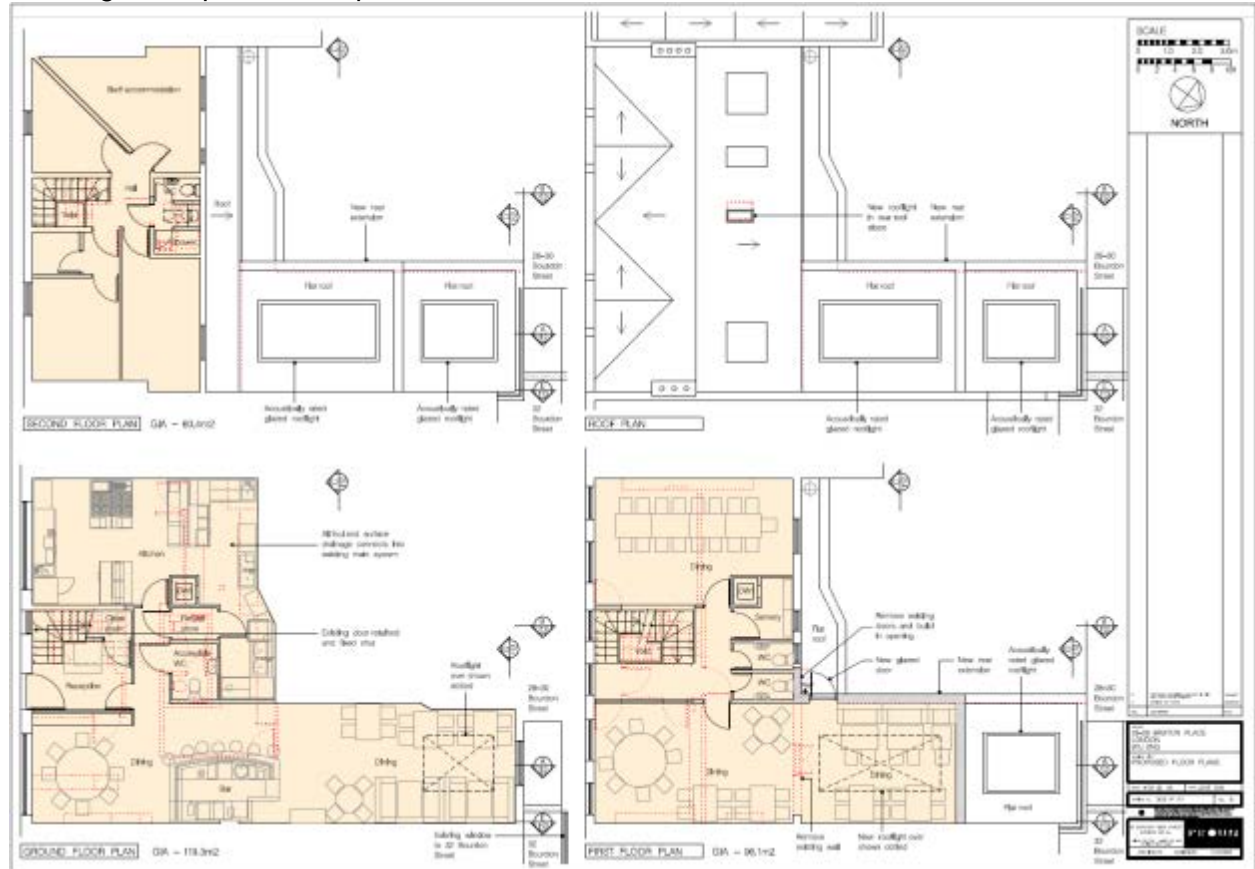
1. Application form
2. Response from Councillor Church, Members Dispatch, Westminster City Hall, 7 September 2016 and 28 February 2017
3. Response from Councillor Roberts, Members Despatch, Westminster City Hall, dated 3 October 2016
4. Letter from occupier of Apartment 2, 10 Bourdon Street, dated 11 and 15 August and 9 and 7 October 2016 and 10 March
5. Letter from occupier of 14 Bourdon Street, London, dated 12 August 2016, 3 October 2016
6. Letter from occupier of 14 St Georges Buildings, Bourdon Street, dated 11 October 2016
7. Letter from occupier of Flat 3, 10 Bourdon Street, London, dated 11 August 2016
8. Letter from occupier of Grosvenor Office, 70 Grosvenor Street, dated 12 August 2016
9. Letter from occupier of 38 Bourdon Street, London, dated 17 August, 29 September and 7 March 2017
10. Letter from occupier of 29A Brook Street, London, dated 6 August and 3 October 2016
11. Letter from occupier of 32 Bourdon Street, London, dated 14 and 17 August, 1 and 11 October 2016 and 2 March 2017
12. Letter from occupier of 17 St Georges Buildings, Mayfair, dated 12 August and 5 October 2016
13. Letter from occupier of 34 Bourdon Street, London, dated 18 August and 8 October 2016
14. Letter from occupier of Basement And Ground Floor Maisonette A, 21 Bourdon Street, dated 22 August 2016

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

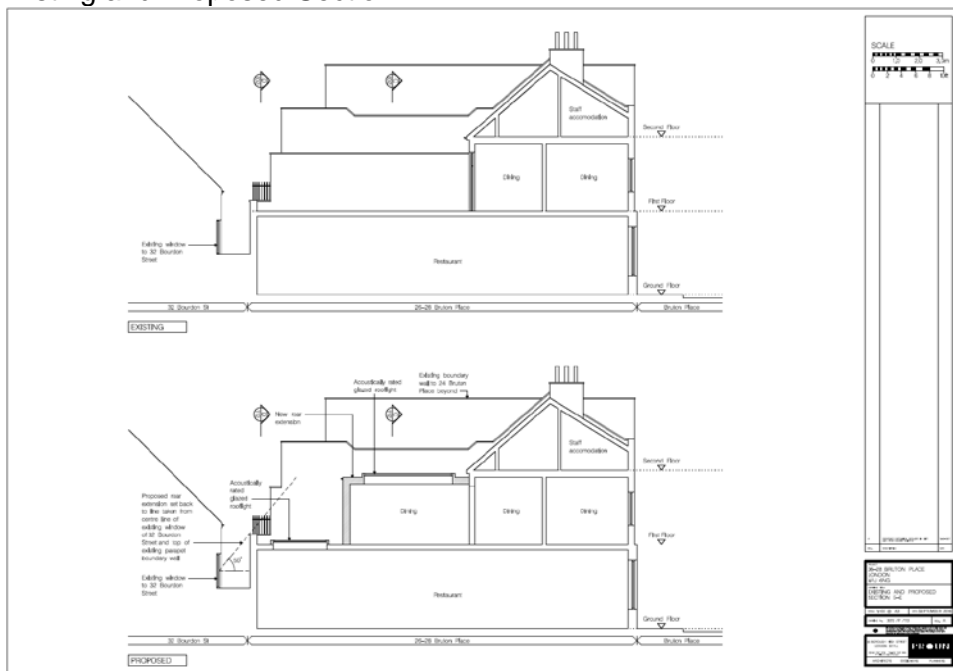
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

Drawing 1. Proposed floor plan



Drawing 2. Existing and Proposed Section E-E



DRAFT DECISION LETTER

Address: 26 Bruton Place, London, W1J 6NG,

Proposal: Erection of rear single storey extension at first floor level with rooflight, installation of rooflight in existing rear roof slope and installation of rooflight at first floor flat roof level.

Reference: 16/06862/FULL

Plan Nos: 3013/P/111 Rev. B; 3013/P/112 Rev. B; 3013/P/113 Rev A.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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

- 3 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof of the first floor rear extension or first floor terrace, except those shown on the approved drawings. (C26PA)

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

- 4 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 6 You must not use the roof of the first floor extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 7 You must not use the flat roof at first floor level for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 8 The horizontal rooflights in the ground and first floor roofs hereby approved shall be permanently fixed shut.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 9 You must apply to us for approval of detailed drawings and manufacturer's specification of the following parts of the development -

- Measures to prevent excessive solar gain through the horizontal rooflights in the ground and first floor roofs hereby approved.
- Measures to secure the natural ventilation of the rear second floor extension hereby approved.

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 the approved detailed drawings and manufacturer's specification. (C26DB)

Reason:

To ensure that the rear first floor extension hereby approved does not overheat and is properly ventilated. This is to prevent the need for openable windows which would not protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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.

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.