

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Star, 38 St John's Wood Terrace, London, NW8 6LS,		
Proposal	Installation of overhead awning above the existing forecourt.		
Agent	Mr Milan Babic		
On behalf of	DRUNCHSW3 LTD.		
Registered Number	17/01919/FULL	Date amended/ completed	3 March 2017
Date Application Received	3 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Refuse permission on design and amenity grounds.

2. SUMMARY

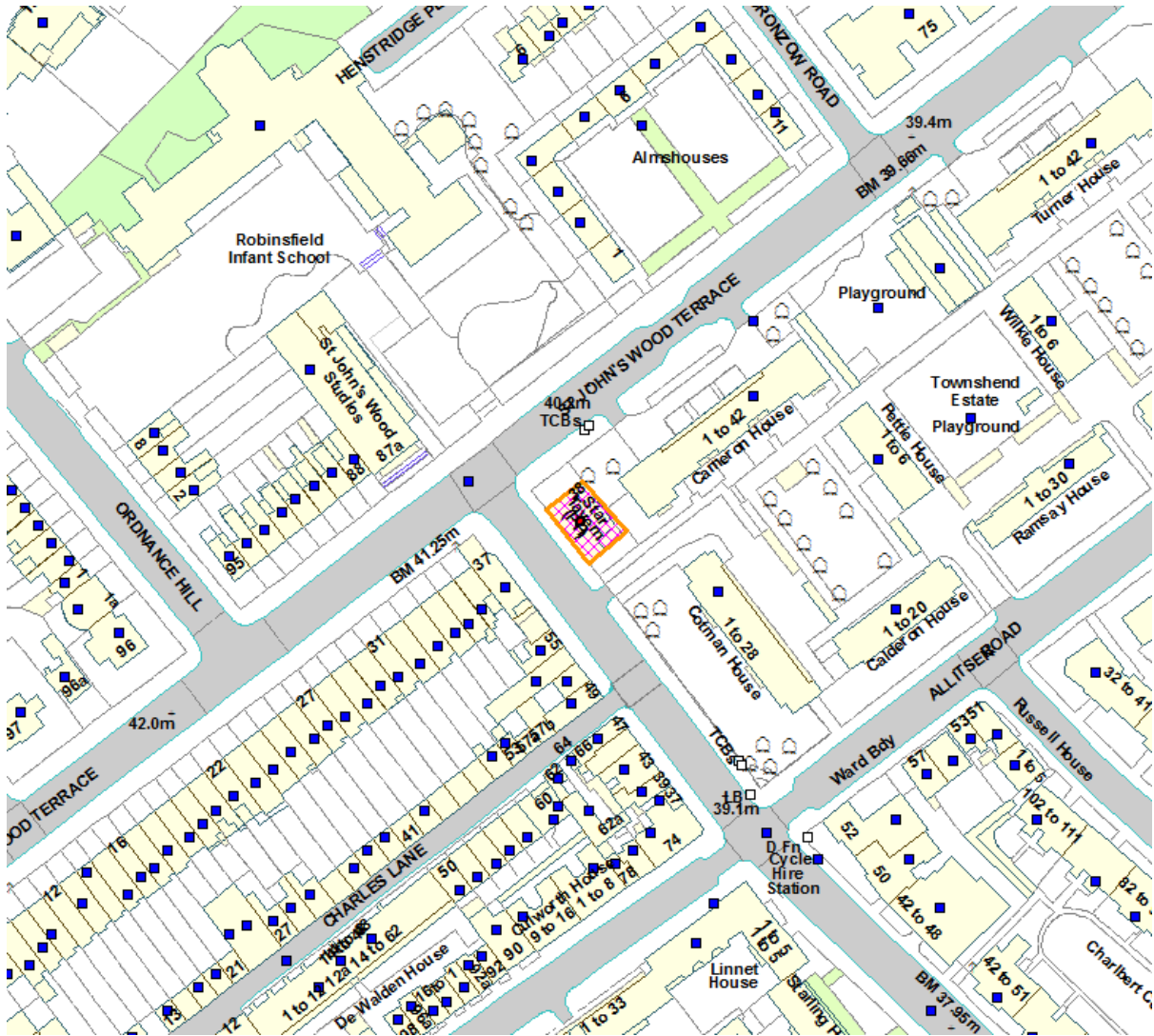
Permission is sought for the erection of an awning over the front forecourt. Objections have been received regarding the design of the awning, the impact on neighbouring amenity and the potential introduction of shisha smoking.

The key issues in this case are:

- The impact of the proposal on the appearance of this public house and on the character and appearance of this part of the St John's Wood Conservation Area; and
- The impact of the proposal on amenity

The proposed development is considered to be contrary to the Council's policies in relation to design and amenity and it is recommended that permission is refused for the reasons set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR FREEMAN: Support comments made by St John's Wood Society

ST JOHN'S WOOD SOCIETY: Objection

- *Oversized canopy will have a negative impact on the character of the building and the Conservation Area
- *Canopy will block light and make the pub entrance unwelcoming
- *No materials have been stated in the application
- *Increased noise and smoke nuisance
- *question the accuracy of the acoustic report

ENVIRONMENTAL HEALTH: Objection

Insufficient environmental noise assessment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 119

Total No. of replies: (from 38 properties)

No. of objections: (from 38 properties)

Petition (25 addresses) in Objection: 1

Petition raised on the following grounds:

Amenity

- *Impact of noise, smoke fumes, light
- *Intensification of the use of the outside space

Design

- *Impact on the character and function of the area
- *Design of the canopy is unprecedented and not in keeping with the Conservation Area.

Other

- *Proximity of shisha smoking to an Infant School and playground.

Individual objections have been raised on all or some of the following grounds:

Land Use

- *Canopy is to allow for the smoking of shisha which is not stated within the application
- *Star public house is an Asset of Community Value (ACV) and the proposed use does not support this

Amenity

- *Increased noise to a quiet residential area
- *Light pollution due to the continues use of the area
- *Use of outside are would be intensified and therefore there will be constant noise
- *Smoking of shisha and the smoke would disturb local residents
- *Previously disturbed by late night noise and fear this will intensify
- *Shisha has health impacts and therefore should be resisted in residential areas

*Attendees at the local school will no longer be able to enjoy a clean and safe environment if shisha smoking is allowed

Design

*Canopy will be unsightly

*Outside cover should be casual and not permanent, like other public houses in the area

*Canopy is not in keeping with the appearance of the area and wider Conservation Area.

*Other public houses in the local area do not have canopies. The photos provided are misleading as they show high street shops which are not comparable to pubs.

*Improvements to the site should be carried out respectfully of the area and not disregard the needs of the local residents

Highways

*Shisha offering is likely to attract more patrons and result in an increased amount of traffic

*Potential increase in anti-social driving

Other

*Canopies are to be used for shisha smoking, which should not be carried out in close proximity to a school and playground

*Published report on Shisha smoking highlights potential increase of criminal activity and anti-social behaviour which would not be welcomed in this area.

*Shisha smoking will not serve the local community

*An awning at 1 Blenheim Terrace was removed following enforcement action and this case should follow that precedent

*We should be seeking to improve our health by trying to encourage cleaner air.

*There has been no community consultation

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Star is a public house located on the south side of St John's Wood Terrace on the junction with Charlbert Street. It is an unlisted building located within the St John's Wood Conservation Area. It has been designated as an Asset of Community Value (ACV). The site is bordered by residential properties to the east, west and south and sits opposite Robinsfield Infant School to the North. The area is predominantly residential in character.

One respondent has commented that the application proposals relate to a listed building; however the Star itself is not a designated heritage asset. It is located within the St John's Wood Conservation Area which is a designated heritage asset.

6.2 Recent Relevant History

15/05273/CLUED

Application seeking confirmation that use of this building for Class A2 purposes (estate agency) commenced before 6 April 2015 and is a lawful use (Amended Description).

Application refused; Appeal dismissed on 20.07.2016

13/11379/FULL

Use from a public house (Class A4) to a single family dwelling house (Class C3) including demolition of existing single storey rear extensions; creation of habitable space at basement level and installation of a lightwell to front elevation; single storey rear extensions at second floor level; use of flat roof at first floor level as a terrace and erection of associated screening; and other minor alterations.

Application withdrawn - 17.01.2014.

7. THE PROPOSAL

Planning permission is sought for the erection of an awning over the existing forecourt. The forecourt is located to the front of the building, facing St John's Wood Terrace. The awning will consist of a frame with a solid roof and will cover the entirety of the front space, terminating at the boundary wall. No details of the materiality of the awning have been given during the course of the application. The indicative details show a metal frame with retractable fabric coverings in 3no parts.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed awning would be located over the forecourt area at the front of the site. No material change of use is proposed as part of this application and the property would retain its lawful A4 use.

Whilst objectors concerns regarding the smoking of shisha and a potential change of use are noted, there is nothing in this application to suggest that the use of this area or the public house generally would change from its lawful A4 use and the application has to be considered as presented.

Given the ACV status of the application site, changes to other uses, including other A class like restaurants and/or uses with a more than ancillary degree of shisha smoking (Sui Generis Use) would be prohibited pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Should such a use take place, it would be subject to enforcement action by the City Council. An informative is recommended to remind the applicant that planning permission would be required to change the use of this premise from a public house to any other use.

8.2 Townscape and Design

The application is currently in use as a public house and has a forecourt to the front. It is proposed to enclose this area with an awning, which would involve a metal frame and solid canopy; the sides would remain open.

UDP policy DES 5 seeks to ensure alterations to buildings are of the highest standard of design. It specifically states that permission will generally be granted where it is confined

to the rear of the building, where it does not visually dominate the existing building and where it is in scale, a design and materials consistent with the host building. Additionally Part B states that permission may be refused for development where it occupies an excessive part of the garden and involves the loss of significant gaps between buildings.

Objections to the scheme have been received from the local amenity society and local residents on the grounds that the awning is unsightly, it will be out of keeping with the appearance of the area and wider Conservation Area and that any weather protection should be temporary rather than a permanent structure.

As proposed, the awning will be highly visible in the streetscene due to its location and its scale. Located on a corner plot the application site is highly prominent in the area and as the awning is located to the front of the building the structure will be readily appreciated. As a result of its scale the awning will dominate the front elevation, detracting from the scale and proportion of the host building. This would be contrary to DES 5 as the structure will be visually dominant and will detract from the appearance of the building.

Furthermore the buildings within the immediate setting typically are set back from their front boundary, retaining an area of front garden. The proposal will introduce an alien feature in this context compromising the characteristic garden setting. The resultant appearance will be an extension of the built line, an increase in mass and the erosion of the interpretation of the garden. This is considered to harm the setting of the building and the wider character and appearance of the conservation area.

The awning has not been designed to reflect the architectural style of the host building. It is noted that the height terminates below the string course demarking the change from render on the ground level and painted brick above, however the frame does not correspond with the vertical detailing on the front elevation at ground floor level, the brick piers to the front boundary. Furthermore the materials have not been specified and it is implied from the indicative details that the awning will consist of a metal frame with canvass canopies. These materials do not reflect the materiality of the host building or any characteristic materials found in the wider setting. This would reinforce its alien aesthetic harming the character and appearance of the Conservation Area and failing to accord with DES 5.

As proposed the awning is not considered to comply with UDP policies DES 1, DES 5 and DES 9 as well as City Plan policies S25 and S28. The proposal also fails to preserve or enhance the character and appearance of the Conservation Area.

8.3 Residential Amenity

The proposed awning is not located immediately adjacent to residential properties and has a relatively modest height of 2.6 to 3.6 metres. Accordingly, it would not result in unacceptable loss of light or sense of enclosure for the occupiers of nearby residential properties.

Potential shisha smoking under the awning is the source of concern for many of the objectors. However, there is nothing in this application to indicate that this area would be used exclusively for shisha smoking or shisha smoking at anything more than an ancillary level. Furthermore, smoking ancillary to the lawful A4 use of this premise has taken place

historically within the forecourt without planning permission and without any limitation and can continue to take place. Given this and the fact that shisha smoking is not proposed under this application, an objection to the awning on this basis would not be sustainable.

The existing use of the forecourt is known to cause noise and disturbance. It is therefore paramount that any development at this site does not exacerbate this. However, the proposed awning would provide greater and more permanent weather protection for users of the forecourt than the existing garden area which is covered only by large moveable umbrellas. This would encourage more people to congregate and use this area in a more formal fashion than it could be used at present. Raised voices and persons congregating in the forecourt, would be audible to occupiers of nearby premises, including the neighbouring flats at Cameron House. This would be particularly so at night when prevailing traffic noise will be lower and in the summer months when resident's windows are likely to be open. The lightweight design of the awning would also provide little noise attenuation to mitigate people noise.

The applicant has provided a letter from KP Acoustics Limited contending that noise levels from the forecourt would be noticeable but not intrusive. However, the Environmental Health Officer has raised a number of concerns with this letter, noting that it contains no actual measured data upon which to base its findings. Accordingly, this letter does not justify people noise from the awning.

It is considered that the introduction of a permanent awning would intensify the use of the forecourt throughout the year, including during inclement weather, exacerbating noise and disturbance to residents, which would detrimentally impact upon the amenities they currently enjoy. This is contrary to policy S32 of the City Plan and policies ENV6 and ENV7 of the UDP.

8.4 Transportation/Parking

Concerns have been raised from local residents that the offering of a permanent outdoors area is likely to increase usage of the pub and therefore the amount of traffic will be increased. Given the existing use of the building and the presence of a forecourt in association with its use, there is not considered to be such an increase in traffic as a result of the awning. Therefore a reason for refusal cannot be sustained on these grounds.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the site would remain unchanged by the proposed development.

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

It is understood that the applicants have met with the local amenity society and have expressed an intention to introduce shisha smoking to the premise, in association with the erection of the awning. This forms the basis of many of the objections received. This application purely seeks permission for the erection of an awning and the provision of using the site for shisha smoking would be dealt with via alternative planning controls.

9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Freeman, dated 1 May 2017
3. Response from St John's Wood Society, dated 24 March 2017
4. Response from St John's Wood Society, dated 4 April 2017
5. Response from St John's Wood Society, dated 11 April 2017
6. Response from EH Consultation, dated 25 April 2017
7. Petition of 25 signatures received 21 April 2017
8. Letter from occupier of 4, Norfolk Road, London, dated 24 March 2017
9. Letters from occupiers of 41c Marlborough Hill, London, dated 28 March 2017 and dated 12 April 2017
10. Letter from occupier of 94 St John's Wood Terrace, London, dated 30 March 2017
11. Letters from occupiers of 52 Charles Lane, London, dated 31 March 2017 and 15 April
12. Letter from occupier of 37A St John's Wood Terrace, London, dated 31 March 2017
13. Letter from occupier of 14 St John's Wood Terrace, London, dated 3 April 2017
14. Letter from occupier of 105 Century Court, Grove End Road, dated 4 April 2017
15. Letter from occupier of 4 Norfolk Road, London, dated 5 April 2017
16. Letters (2no) from occupiers of 1 Queen's Grove, London, dated 5 April 2017
17. Letter from occupier of 47 Blenheim Terrace, London, dated 5 April 2017
18. Letter from occupier of 3 Queens Grove, London, dated 5 April 2017
19. Letters (2no) from occupiers of 36 St John's Wood Terrace, London, dated 5 April 2017 and 23 April 2017
20. Letter from occupier of 6 Blenheim Road, London, dated 6 April 2017
21. Letter from occupier of 34 St John's Wood Terrace, London, dated 12 April 2017
22. Letter from occupier of Flat 15 Ambassador House, Carlton Hill, London, dated 13 April

2017

23. Letter from occupier of 114 Hamilton Terrace, London, dated 13 April 2017
24. Letter from occupier of 18 Ascot Court, Grove End Road, dated 13 April 2017
25. Letter from occupier of 1 Swallow House, Barrow Hill Estate, dated 13 April 2017
26. Letters (4no) from occupiers of 95, St John's Wood Terrace, St John's Wood, dated 19 April 2017 (3no) and 19 April 2017 (1no).
27. Letter from occupier of 5 Park Lodge, St John's Wood Park, dated 20 April 2017
28. Letter from occupier of 88 St John's Wood Terrace, London, received 20 April 2017
29. Letter from occupier of 35 St John's Wood Terrace, London, received 21 April 2017
30. Letter from occupier of 136 Hamilton Terrace, London, dated 22 April 2017
31. Letter from occupier of 14 Aquila Street, London, dated 22 April 2017
32. Letter from occupier of Flat 52, William Court, 6 Hall Road, dated 22 April 2017
33. Letter from occupier of 47 Carlton Hill, London, dated 22 April 2017
34. Letter from occupier of 14 Park Mansions, 89 Allitsen road, dated 22 April 2017
35. Letter from occupier of 11 Abercorn Place, London, dated 22 April 2017
36. Letter from occupier of 4 Grove End Gardens, London, dated 22 April 2017
37. Letter from occupier of 19 St John's Wood Terrace, London, dated 23 April 2017
38. Letter from occupier of 5 Langford Place, London, dated 23 April 2017
39. Letter from occupier of 2 Regent Court, Northbank, dated 23 April 2017
40. Letter from occupier of 23 Neville Court, Abbey Road, dated 23 April 2017
41. Letter from occupier of 100 Grove End Gardens, Westminster, dated 23 April 2017
42. Letter from occupier of Middlefield, London, dated 24 April 2017
43. Letter from occupier of 6 Melina Place, London, dated 27 April 2017
44. Letter from occupier of 27 Albemarle Street, London, dated 27 April 2017
45. Letter on behalf of the Hospital of St John and St Elizabeth, 60 Grove End Road, dated 2 May 2017

(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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS



Indicative Visuals



DRAFT DECISION LETTER

Address: Star, 38 St John's Wood Terrace, London, NW8 6LS,

Proposal: Installation of overhead awning above the existing beer garden.

Reference: 17/01919/FULL

Plan Nos: 7779/02; PA928/001/Rev00; PA928/002/Rev00; PA928/003/Rev00;
PA928/004/Rev00; PA928/005/Rev00.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s)

Reason:
1 Because of its location, scale and detailed design the awning would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 5, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Reason:
2 The awning would facilitate the intensification of the use of the forecourt throughout the year including during inclement weather, exacerbating noise and late night disturbance for nearby residents. This would not meet S32 of Westminster's City Plan (November 2016) and policies ENV6 and ENV7 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 (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. 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.

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.