

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 22 June 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>56 Westbourne Grove, London, W2 5SH</b>		
<b>Proposal</b>	Replacement shopfront and architectural mouldings; replacement of all windows with double-glazed timber windows; replacement of rear conservatory and restaurant refurbishment; demolition of existing rear extensions at mezzanine and 1st floors and replacement with two storey rear extension to form an additional residential unit (Class C3); provision of amenity space for flats; installation of two rear conservation rooflights; replacement of existing restaurant extraction duct to the rear with new duct; replacement of 2 x existing air-conditioning units with 2 x new air-conditioning units; and general internal refurbishment and upgrade.		
<b>Agent</b>	Mr Stephen Wax		
<b>On behalf of</b>	Minaides		
<b>Registered Number</b>	20/07997/FULL	<b>Date amended/ completed</b>	12 March 2021
<b>Date Application Received</b>	15 December 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		
<b>Licensing</b>	<b>Last Licence granted was in 2009 Licence Number 09/08426/LIPD</b> <b>The opening hours of the premises specified on this Licence were:</b> Monday to Saturday: 10:00 to 00:30; Sunday: 12:00 to 00:00		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

56 Westbourne Grove is a 3-storey plus basement property which forms part of a pair of unlisted buildings which together form a villa, located within the Westbourne Conservation Area, and within the Queensway/ Westbourne Grove Major Centre. The ground floor is a vacant restaurant use and the upper floor are residential flats. The proposal is to refurbish the ground floor of the building, and demolish and extend to the rear at ground floor with a conservatory extension to the restaurant, and

to rear mezzanine and first floor levels, to provide an additional residential unit, with associated refurbishment and upgrading works including the replacement of the restaurant extraction duct to the rear with a new duct and the replacement of 2 x air-conditioning units with 2 x new air-conditioning units.

During the application, in response to an objection from the Environmental Health Officer, and design concerns, revised documents were submitted, including details of the replacement kitchen duct; details of the replacement air-conditioning units to the rear; revised Acoustic report; revised Daylight and Sunlight Report; details of proposed new fenestration to be in timber; associated revised drawings and Design and Access Statement; and the description of the proposal was revised to reflect the changes. A full formal re-consultation was carried out as a result of these revisions.

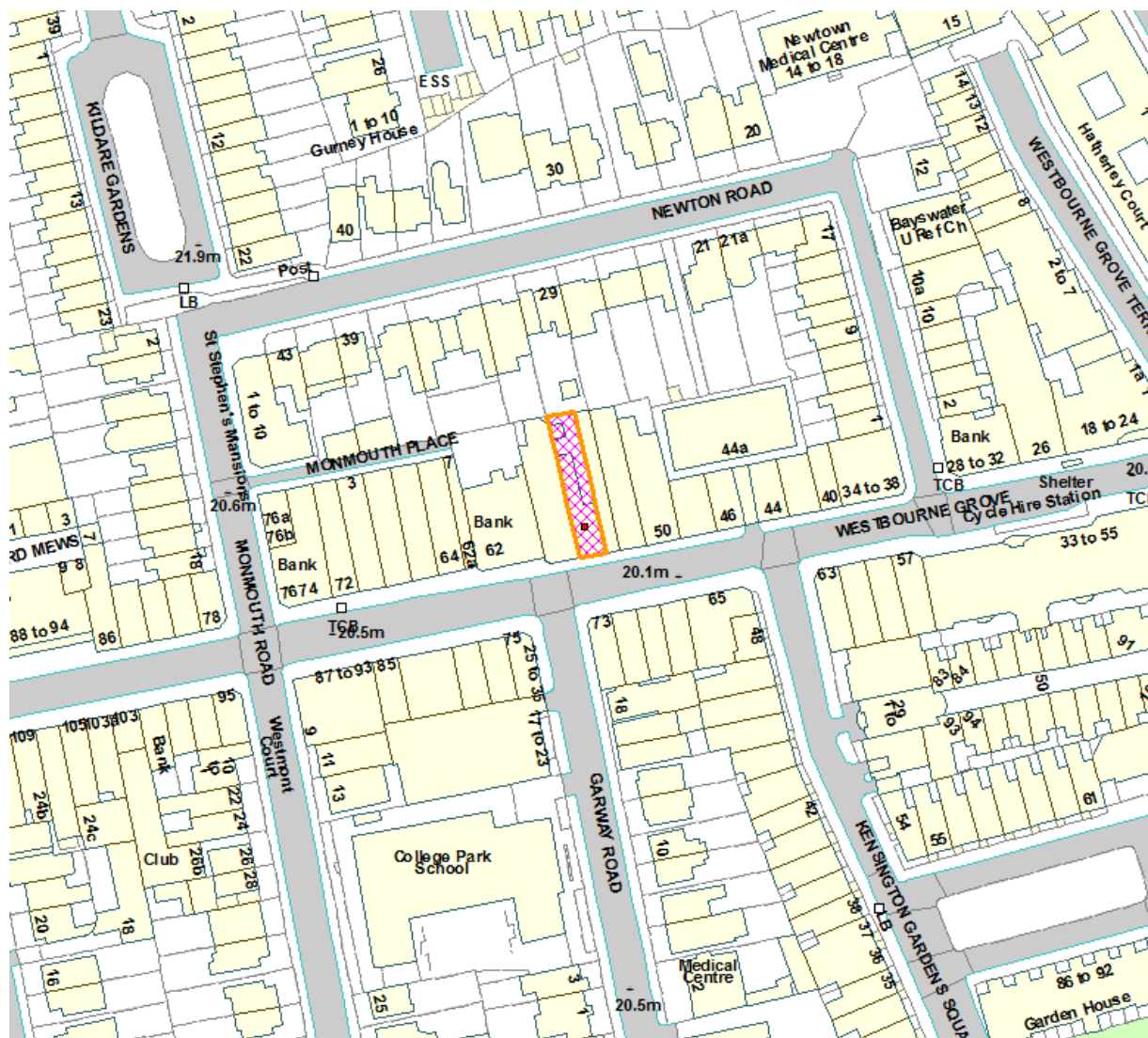
The South East Bayswater Residents' Association had objected on raised concerns to the initial drawings due to lack of details regarding a replacement restaurant kitchen extraction duct; more appropriate fenestration for the Westbourne Conservation Area. Concern was also raised with regards to potential impact on residential amenity to adjoining neighbours in terms of loss of light, potential overlooking, light pollution and noise or odours from the proposed large restaurant.

Objections have also been received from adjoining neighbours on grounds of design and materials; impact on residential amenity, including in terms of loss of light, loss of privacy, increased sense of enclosure, general noise and disturbance as a result of various aspects of the proposal, including the intensified use of the restaurant within the new conservatory extension to the rear; concern that there would be outside dining to the rear; noise disturbance into late hours; concern over whether the proposed replacement extraction duct would cause more smell and noise than the existing; noise impact on adjoining reflexology and massage business; concern that that the residential flat could be used as an Air B&B causing more disturbance.

The key issues in this case for consideration are:

- The impact of the proposed works on character and appearance of the building and the Westbourne Conservation Area
- The acceptability of the proposed additional residential unit in land use terms
- Quality of proposed new residential unit on future occupants
- The impact of the proposed extensions and intensified restaurant use on the amenities of surrounding residential occupiers
- The impact on highways matters, including parking, servicing and waste storage;

During the course of the determination of this application, the City Council's has adopted its new City Plan 2019-2040 on 21 April 2021, which has now replaced the UDP and 2016 City Plan policies. Therefore this application has been assessed in the light of these new development plan policies. And, for the reasons as set out in the report, the proposals are considered to accord with the land use, design, amenity and highways policies in the City Plan 2019-2040 (adopted April 2021). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.



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#### 4. PHOTOGRAPHS



Front Elevation



Rear Elevation

## 5. CONSULTATIONS

### First round of consultation – December 2020

#### WARD COUNCILLORS (BAYSWATER)

Any response to be reported verbally.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object to the proposal until satisfied with a number of relevant points and policies

- Would prefer wooden double-glazed sash windows in the rear as well as front as more appropriate for the Westbourne Conservation Area.
- Why is existing ventilation high level duct being removed; if there is to be a restaurant (as shown on fascia) will not get a premises licence to sell alcohol and late-night refreshments without proper ventilation etc?
- Will noise and fumes effect upper floor flats with no duct and with large opening rear windows at rear.
- On page 6 [of Design and Access Statement] - a very strange contrary bullet point No. 8 re solid roof ....to maximise natural light- we want solid roof for restaurant.
- The rear visual on page 7 looks totally different to that on page 5.
- On large proposed shopfront details we welcome traditional style design but fan light over residential entrance door looks strange.
- Also do not like or understand need for powder coated metal grilles;
- Why are windows below in obscure glass as spoils shop front - we trust not connected with any extract ventilation as if so, needs a noise report and hours of etc controlled
- Trust refuse and recycling arrangements good for flats and restaurant and on latter hours of collection times controlled so as not to disturb residents above and other local residents
- As not shown on drawings assume no canopy proposed and we note no letter boxes or street numbers shown.
- Also not keen on any use of front terrace as would end up full of clutter, parasols etc.
- As only one extra flat, no need for one off street parking space but will accept car club membership and cycle racks

#### BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH OFFICER

Object to the application on the grounds that the applicant has not provided sufficient information to show how cooking heat, fumes, odours and possible products of combustion arising from the restaurant kitchen will be adequately removed, dispersed and diluted in a manner that is not likely to give rise to nuisance and which meets the requirements of the WCC Guidelines for commercial kitchen extract ventilation systems. It is noted that an acoustic report has been submitted; however further details are required with respect to the type and location of the proposed new plant, especially if the scheme is likely to include the relocation of a commercial kitchen extract duct.

#### HIGHWAYS PLANNING OFFICER

No car parking proposed, and so lifetime car club membership is recommended. The proposed cycle parking and provision of waste storage should be secured by condition.



It is noted that there are some works proposed to the vaults as part of refurbishment works, which may affect the structure supporting the highway. However, there is no objection raised in highways terms, but an informative is recommended advising the applicant that technical approval will be required prior to commencement of development.

Cycle parking is welcomed and should be secured by condition.

No concerns raised with regards to servicing for the site as there it would continue in a similar fashion.

#### WASTE PROJECT OFFICER

No objection. The provision of waste and recyclable materials as shown on the submitted drawings to be permanently available. No waste should be left on the public highway.

#### ARBORICULTURAL OFFICER

Raise no objections subject to conditions requiring tree protection measures to be in place prior to any works on site, - including any demolition, clearance and construction, - and details of a landscaping scheme to be agreed and implemented.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Objections have been received on some or all of the following grounds:

#### AMENITY

- the 2-storey extension will overlook neighbouring properties;
- overlooking from the new raised amenity garden;
- loss of light to neighbouring garden;
- The information submitted with the Daylight and Sunlight report is misleading as it does not correctly show this window and therefore a request is made for Councillors to visit this flat to see the realit;
- concern that the new duct is going to be noisy and result in odours;
- Noise pollution and disturbance from the use of the conservatory which has bi-folding opening doors on all sides;
- the proposed development will severely impact on noise sensitive businesses in the locality from the use of the restaurant, the extension to the restaurant and the new raised amenity garden.

#### DESIGN

- The full glass conservatory is not in harmony with the conservation area and there is no precedent that exists at the rear of Westbourne Grove.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

**Second round of consultation – March 2021****WARD COUNCILLORS (BAYSWATER)**

Any response to be reported verbally.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Pleased to see that many of the earlier points have been addressed. It is however difficult to fully assess the revisions and the effect on the adjoining neighbours and the Westbourne Conservation Area.

Primary concern remains the effect on the neighbouring properties and the residents in terms of loss of light, potential overlooking, light pollution and noise or odours from the proposed large restaurant etc

**BAYSWATER RESIDENTS ASSOCIATION**

Any response to be reported verbally.

**ENVIRONMENTAL HEALTH OFFICER**

No objections on noise or nuisance grounds subject to standard noise and vibration conditions, as well as the installation of attenuation measures for the air-conditioning units.

**HIGHWAYS PLANNING OFFICER**

Original comments are reiterated.

**WASTE PROJECT OFFICER**

Original comments reiterated.

**ARBORICULTURAL OFFICER**

Original comments reiterated.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 15

Total No. of replies: 7 ; including 3 from neighbours who had written previously (2 replies of which are from same addressee on this occasion); 1 received on behalf of an affected neighbour; and 3 from additional neighbours

No. of objections: 7

No. in support: 0

The objections reiterate many of the original concerns noted above. The objections further raise some or all of the following grounds:

**AMENITY**

- The amendments have changed little apart from to the roof – proposals will still impact on local businesses in terms of noise and pollution;
- Loss of sunlight and daylight, with the submitted daylight and sunlight assessment still does not adequately set out the difference between the existing situation and that resulting from the proposed development;
- Daylight/ sunlight assessment may be intentionally technical and difficult so as to



confuse members of the public (as a side point The report is also dated 17 February and precedes the amended plans received on 11 March 2021;

- The submitted noise survey dated March 2021 takes no account of neighbouring buildings. The conclusions relate only to the application building;
- No odour assessment has been submitted to accompany the application, despite there being many habitable room windows in close proximity to proposed extract flues;
- Overlooking to neighbouring properties;
- The proposed development is considered contrary to Westminster's City Plan (2016) policy S29 in amenity terms;
- The application seems to imply the restaurant has outside dining space to the rear; this would be noisy;
- A glass conservatory at the back of the building with opening doors on every side will create a major noise issue to the surrounding residents if these are openable;
- The noise assessment does not take account of the cumulative effect of all the restaurant's operating at the same time nor the echo/ courtyard effect in essentially a square behind. We also know that in practice with lack of maintenance, the limits are never observed. It is left to residents to check and control this constantly;
- Noise from the restaurant and amenity garden
- The creation of a new extraction at the rear and the 2 new air-conditioning units have the potential to result in unacceptable noise.

#### LAND USE:

- Another restaurant does not with current council policy.

#### DESIGN

- The proposed development is considered to be contrary to Westminster's City Plan (2016) policies S25 and S28;
- The development bears no architectural relationship whatsoever to the host building;
- The Westbourne Conservation Area Audit (2002) notes that virtually all unlisted buildings in the conservation area are nonetheless buildings of merit, and in this regard the audit seeks to retain the character and appearance of these; and the proposals don't marry with this with the he proposed rear extension being of a utilitarian appearance with a flat roof, window forms and external materials that are wholly inappropriate to a conservation area and a building in close proximity to many listed buildings;
- The SPD on Development and Demolition in Conservation Areas makes specific reference in Para 1.3 to rear extensions; it is considered that the proposed development is contrary to this guidance as the form scale and appearance of the extension does not complement the appearance of the existing building or neighbouring buildings which include listed buildings. It is noted that the planning application is not accompanied by a Heritage Appraisal.

#### QUALITY OF ACCOMMODATION PROPOSED

- Proposal is not in compliance with London Plan standards which strongly encourage a minimum ceiling height of 2.5m for at least 75% of the gross internal area of residential units and with no internal storage;

- The site is within an area of open space deficiency and the proposed amenity area on the site is wholly unsuitable for three flats in terms of size and quality;

#### PARKING/CYCLE STORAGE

- is the bicycle storage area is at mezzanine level practical and accessible;
- the proposed development would have a significant adverse impact on parking stress in the area, contrary to TRANS23 of the UDP.

#### OTHER

- A new external staircase is proposed as part of the proposed works, yet no mention is made of this in the development description;
- Policies D12(A) and D5 of the New London Plan (2021) require that development proposals be accompanied by a Fire Safety Strategy and an Inclusive Design Statement. Neither of these documents have been submitted to accompany the planning application in question;
- If the flats, existing and new are used for Air B&B accommodation this will be unacceptable; causing even more disturbance;
- For residents it is not always clear that an application has been changed and that the initial objections may not be taken into account in relation to the revised application. ie a further Objection needs to be submitted.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises of a ground floor unit with basement at 56 Westbourne Grove with residential flats above, located in the Westbourne Conservation Area and within the Queensway/ Westbourne Grove Major Centre in the City Plan 2019-2041 (April 2021).

The ground floor unit is currently vacant, but was previously occupied by a restaurant. The upper floors of the building are in use as residential accommodation, comprising of 1 x 2 bedroom flat on the Mezzanine floor; 1 x 1 bedroom flat on the first floor and 1 x 2 bedroom flat on the second floor.

The rear of the premises the site has been subject to unsympathetic alterations over the years.

There are also trees within adjoining gardens to the rear and side.

### 6.2 Recent Relevant History

20/02298/CLEUD

Use of mezzanine floor of the property as self-contained residential unit (Class C3).

*Application Permitted 1 June 2020*

18/07465/FULL

Temporary use of ground floor as office (Class B1) until 28 February 2019, after which it will revert back to Class A3 use.

*Application Withdrawn 9 June 2020*

14/05767/FULL

New shop fronts to 56-58 Westbourne Grove, extend 58 Westbourne Grove shop front to its original position in line with 56 Westbourne Grove and beneath the existing overhead section of shop front.

*Granted 10 November 2014*

14/02953/FULL

New shop front to 56-58 Westbourne Grove, extend 58 Westbourne Groves shop front to its original position in line with 56, Westbourne Grove and beneath the existing overhead section of shop front.

*Application Refused 22 May 2014*

## 7. THE PROPOSAL

The initial documents submitted for this application had not included some elements of the final proposal, including the proposed replacement air-conditioning units. There also was insufficient information in relation to the new replacement kitchen extraction. Revised and additional documents were subsequently submitted, which also sought to address design concerns, including details of the replacement kitchen duct; details of the replacement air-conditioning units to the rear; revised acoustic report; revised Daylight and Sunlight Report; details of proposed new fenestration to be in timber; associated revised drawings and Design and Access Statement; and the description of the proposal was revised to reflect the changes. A full formal re-consultation was carried out on these additional and revised documents.

Planning permission is sought for the replacement of the shopfront and architectural mouldings; the replacement of all windows with double-glazed timber windows; the replacement of a rear conservatory at ground floor, and general restaurant refurbishment, to include the replacement of the existing restaurant kitchen extraction duct with a new duct.

It is also proposed to demolish the existing rear extensions at mezzanine and 1st floor levels, and replace them with a two-storey rear extension to form an additional 1-bedroom maisonette over the mezzanine and first floors. Communal amenity space for the residents of the flats is also proposed within the rear garden, which will be accessible from the mezzanine level, via a staircase. It should be noted that the stairs has not been included in the formal description of development, a point raised by an objector but it is clear that this is associated with the newly proposed amenity garden. It is also proposed to install two rear conservation rooflights; and replace 2 no. existing air-conditioning units with 2 no. new air-conditioning units to be located at the end of the garden within an acoustic enclosure. It is proposed to generally refurbish and upgrade of the building, which will also allow for the re-configuration of the layouts of the floors.

The proposed re-configured mezzanine floor will provide a 1-bedroom flat located towards the front of the premises with doors to a terrace at the front, replacing the area

currently taken up by a 2-bedroom flat. Part of this existing 2-bedroom flat at mezzanine level is to be demolished and re-built as part of the proposal, with most of the area created by the new rear extension at mezzanine and first floor level being for the new 1-bedroom maisonette, which will have a gross internal area of 58sqm over the two floors. At first floor level a 1-bedroom flat will be retained; and the second floor is to have a large 1-bedroom flat replacing the existing 2-bedroom flat, with essentially the two smaller bedrooms being replaced with a larger double bedroom. The schedule of residential units on each floor is set out in the table below:

<b>Floor</b>	<b>Existing</b>	<b>Proposed</b>
Mezzanine	1 x 2 bedroom flat	1 x 1 bedroom flat and over floor of new 1-bedroom maisonette
First Floor	1 x 1 bedroom flat	1 x 1 bedroom flat and upper floor of new 1-bedroom maisonette
Second Floor	1 x 2 bedroom flat	1 x 1 bedroom flat (in same floor area)

The application also proposes associated cycle parking/storage for 8 bicycles at rear mezzanine level for the use of occupants of the new residential unit and existing units; and associated waste and recycling storage for both the new residential unit as well as for the extended restaurant.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

Relevant policies within the City Plan 2019-2040 (April 2021) for the new residential unit are Policy 8 on Housing delivery and Policy 12 on Housing quality.

Policy 8 seeks to optimise housing delivery, supporting the delivery of as many new homes as each site can accommodate, without compromising quality of life for new and existing neighbouring residents.

Policy 12 seeks to ensure that all new homes provide high quality accommodation, and stipulates that they should meet or exceed the Nationally Described Space Standards where the units are self-contained. It also states that new-build homes should provide at least 5sqm of private external amenity space, although it is also recognised that this may be impracticable or inappropriate in a densely built environment such as Westminster for some homes within a development.

Whilst the proposals relating to the residential part of the building result in the provision of an additional residential unit which is supported, it is also acknowledged that the two existing 2-bedroom flats are to be reduced to 1-bedroom flats. The 2-bedroom flat at mezzanine level includes an area which is proposed to be demolished and re-built, resulting in the loss of the smaller bedroom to the new maisonette. It is considered that the newly configured floor would be an improvement in terms of the quality of accommodation as it provides a larger 1-bedroom flat, as the existing second bedroom to the flat on this floor measures less than 6.5sqm in area, which is less than the

minimum of 7.5sqm stipulated for a single bedroom within the Technical housing standards – nationally described space standard DCLG 2015. This could not be considered a loss of family sized dwelling. The newly re-configured and refurbished flat would also have access to its own private terrace to the front of the property. On balance, a larger 1-bedroom flat in this case would provide a better quality of accommodation.

The existing 2-bedroom flat at second floor is to be re-configured with a new layout which would result in a larger 1-bedroom flat. However, both the existing bedrooms in this flat have an area of less than 7.5sqm which is less than the minimum 7.5sqm stipulated for a single bedroom within the Technical housing standards – nationally described space standard DCLG 2015. Its refurbishment to replace this with a large 1-bedroom flat is therefore considered to provide a better quality of accommodation than the existing.

In terms of the quality of the internal space for occupants, the proposed new maisonette meets the internal space standards set out in Policy D6 Housing quality and standards in the London Plan (March 2021) and the Government's Technical Housing Standards (March 2015). As such, the residential accommodation provided would be of an acceptable standard. This is also in accordance with Policies 8 and 12 of the City Plan 2019-2040 (April 2021)

It is acknowledged that the floor to ceiling height of the new residential unit measures 2.3m which falls short of the required minimum of 2.5m as set out in Policy D6 on Housing quality in the London Plan (March 2021). However, in this case, it is considered that as the proposed 1-bedroom maisonette would provide a good quality of accommodation in all other respects, including meeting the minimum floor space standards of 58sqm (for a 1-bedroom unit over two floors) as set out in the Technical housing standards – nationally described space standard (DCLG 2015), and also all of the existing flats are to be refurbished to provide better quality of accommodation, as discussed above, it is considered that the application would not warrant refusal on these grounds.

Whilst the new maisonette does not have its own private amenity space, there is communal amenity space proposed for residents of this flat and the existing reconfigured flats within the building in the rear garden at ground floor level. This is welcomed, as it would provide some amenity space for residents of both the existing flats as well as the new residential unit. A condition is recommended restricting this space for the use of residents of the flats only, and not by any staff or customers of the ground floor restaurant use.

Accordingly, the proposed additional residential unit is supported in land use terms.

### **Extension to the ground floor restaurant**

The application site is located within the Queensway/ Westbourne Grove Major Centre as allocated in the City Plan 2019-2041 (April 2021). The ground floor of the building has been vacant for a number of years, but the authorised use is as a restaurant.

It is proposed to refurbish and extend the restaurant, which will include alterations to the shopfront, the replacement of the kitchen extraction flue and a new conservatory

extension at rear ground floor level.

Relevant City Plan 2019-2014 (April 2021) policies include Policy 14 on Town centres, high streets and the CAZ; and Policy 16 on Food, drink and entertainment. Part A of Policy 14 states that the intensification of town centres, high streets and the and the CAZ to provide additional floorspace for main town centres uses is supported in principle, subject to impact on townscape and heritage. Part A of Policy 16 states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location.

In land use terms, there are no objections to the proposed works, as the proposed use is to remain the same. In respect of Policy 14 it is considered that the proposed works meet the requirements of this part of the policy, as set out in section 8.2 of this report below. Part C goes onto to state that all development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed, and this is the case here.

In regard to policy 16, in this case, the unit is already authorised to be used as a restaurant. However, it is acknowledged that as the unit has been vacant for a number of years, to bring it back into use after a period of vacancy, together with also intensifying the use due to the proposed extension to the restaurant allowing for greater capacity, it will result in an increase in impact on neighbouring amenity. The proposal for the works to the restaurant, consequently, would be considered to be acceptable in land use terms subject to the impact of the intensified use, as a result of the extent and nature of the work, on neighbouring amenity as discussed in section 8.3 of this report.

## **8.2 Townscape and Design**

The City Council aims to preserve or enhance the character and appearance of a conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Additionally, section 16 of the NPPF requires great weight to be placed on the preservation of designated heritage assets (listed buildings and conservation areas). In considering the proposals in design and heritage terms, the relevant City Plan 2019-2040 (April 2021) policies are 38, 39 and 40.

In assessing the rear extensions, City Plan 2019-2040 policies 38 and 40 are of particular relevance. The policies state extensions should not be visually dominant, should be in scale with the host building and be of a design, including using materials, that are in keeping with the building and surrounding area. It is recognised that the building has historically been subject to unsympathetic alterations and that the proposals seek to rationalise these and make a more functional arrangement, which is welcomed. The extensions as shown to the ground, mezzanine and first floor levels are accepted in the context of the existing arrangement, with the scale, form and proposed materials considered to improve the existing arrangement and align with comparable additions on neighbouring buildings. A lightweight addition at lower ground floor level is considered to be appropriate in this location and appears as subordinate to the host building. As such the rear extensions are considered to be in accordance with the identified policies and

will enhance the character and appearance of the building and in turn the conservation area.

The comment made by the local amenity society is noted with respect to the windows design. It is proposed to replace the windows like for like on the front elevation and install sash windows on the rear elevation. It has been confirmed that the replacement windows are to be constructed in timber. As existing, there are different window scales and designs on the rear and therefore a uniform approach to the new windows is considered to be appropriate in this context. There is hierarchy with regards to their scale and specific details and sections are requested by condition however the use of timber will preserve the character and appearance of the conservation area. The introduction of rooflights is not contentious in design terms.

The proposals to the shopfront maintain its exiting design and profile, which is welcomed. The comment by the local amenity society regarding the window above the door is noted, however this is an existing arrangement and therefore accepted. The detailed design of the shopfront is considered to maintain the character and appearance of the building and therefore the conservation area.

On the rear there is an existing flue which is proposed to be removed and replaced with a slimmer flue on a different part of the rear elevation. The flue projects 1metre above the flat roof and therefore will be visible in oblique views from the public realm on Westbourne Grove. The applicant has agreed that the flue will be painted to match the wall it is affixed to and it is recommended this is secured by condition. Whilst a flue is undesirable in design and heritage terms, given the existing flue, the proposed scale and form are considered to be an improvement on the existing arrangement and given the agreement to disguise it, there will also be a visual improvement. The existing flue projects above the pitched roof and whilst the visibility of the proposed flue will be greater owing to it projecting above a flat roof, the change in visibility, given it will be seen in limited views, is not considered to be so harmful to the character and appearance of the conservation area. Given the mitigation measures, whilst the flue is regrettable, it is not considered to be so harmful as to warrant an objection in design and heritage terms.

Conditions requiring details of the proposed external materials; further details of the proposed replacement windows; details of the final painted colour of the new flue; and no structures to be permitted on the flat roof above the shopfront at mezzanine level are recommended.

Subject to recommended conditions, the proposals are acceptable in design terms and in accordance with the identified policies, preserving the character and appearance of the conservation area. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Section 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

### **8.3 Residential Amenity**

The relevant policies within the City Plan 2019-2040 (April 2021) for consideration of the



proposal are Policies 7 on Managing development for Westminster's people, Policy 16 on Food, drink and entertainment; Policy 33 on Local environmental impacts and Policy 38 on Design principles.

Part A of Policy 7 states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

### 8.3.1 Daylight/Sunlight/Sense of Enclosure

Objections have been received on the grounds that the proposed extension will have an impact on daylight and sunlight to the first floor occupiers of 58 Westbourne Grove. The objection received includes a photograph that includes an area blocked out which the objector considers to be the likely view from the affected window.

The application is accompanied by a Daylight & Sunlight Internal Illuminance & Overshadowing Analysis, which has been assessed in line with Building Research Establishment's (BRE) Guidelines 'Site layout planning for daylight and sunlight', the most recent version of which was published in 2011.

The Guidelines specify two principal methods of assessment to establish the degree of impact a development is likely to have on neighbouring windows. These are the Vertical Sky Component (VSC) and No Skyline (NSL) methods of assessment. The VSC method of assessment considers the potential for daylight within a room by calculating the angle of vertical sky visible at the centre of each of the windows serving the residential buildings which look towards the site.

A material loss of daylight, which may be visible to the occupier of the room served by the affected window will occur using the VSC method of assessment where the resultant VSC level below 27% and is less than 0.8 times its former value.

Using the NSL method of assessment, a material loss of daylight which may be noticeable to occupiers of the room served by the affected window(s) would occur where the area of the working plane within the room (0.85m above ground level), which can receive skylight, is reduced to less than 0.8 times its former value.

The BRE Guidelines set out that the diffuse daylight received by an existing building may be adversely affected where either of the above test (VSC and NSL) have been exceeded.

The submitted assessment report has assessed the effect of the development upon daylight to the following properties:

- first and second floor windows to the rear elevation of 54 Westbourne Grove;
- the first-floor window to the rear elevation of 58 Westbourne Terrace.

Objectors have also raised comment that the sunlight and daylight report are too technical or have been submitted as such so that they won't be able to assess the implications.

With regard to 54 Westbourne Grove, the analysis demonstrated that resultant VSCs

were in excess 27% which is a level of daylight deemed acceptable in any circumstance.

The analysis to the first-floor bedroom window to the rear elevation of 58 Westbourne Terrace showed an improvement in daylight received due to the reduction in height of the existing rear extension immediately adjacent to this window which can be seen below in the table.

Window	Floor	Existing VSC	Proposed VSC	Compared to former value
1 (58 WG)	First Floor	23.78	24.78	1.04
2 (54 WG)	First Floor	32.94	30.69	0.93
3 (54 WG)	Second Floor	36.15	36.15	1.00

With regards to these closest windows, all windows retain over 0.8 times its former value. The only window that has a resultant VSC level below 27% is the first-floor bedroom window at 58 Westbourne Grove which has an existing value already below that. The height of proposed extension to 56 Westbourne Grove where it will be adjacent to this window is approximately 1.3m higher than the existing wooden structure that runs along this boundary (between the rear elevation of the existing rear projection and flank of the chimney of the pitched roof within the 56 Westbourne Grove. The extension proposed at first and second floor is deeper than the existing wooden structure/ extension, and where there is additional projection, this is partly obscured by the pitched roof to the rear of 56 Westbourne Grove. It should be noted that the existing second floor wooden structure is to be removed as part of the proposals. As a result of this removed bulk on the boundary, this means that the VSC level will actually be greater than its former value, being 1.04 its former value and therefore an improvement in daylight terms.

The new extension will be seen from the window of the objectors property at 58 Westbourne Grove as its marginally higher than the existing wooden fence/ structure, but it is not considered that this additional bulk results in a harmful sense of outlook or that it creates a sense of enclosure. The applicant has submitted a response to this objection which includes further information that illustrates what they consider is the impact on this neighbouring property.

The submitted report has also assessed the impact of the development on overshadowing on adjoining amenity in accordance with BRE guidelines, and concludes that there will be *de minimis* additional overshadowing. The report illustrates this impact which has been assessed in line with BRE guidelines.

It is considered that based on the technical analysis as set out in the Daylight and Sunlight Report, carried out in accordance with BRE Guidance, the proposals will have no substantive effects upon other adjoining properties daylight/sunlight, and that the proposals will have no overshadowing upon adjoining properties amenity areas.

The submitted assessment also considers the impact of the development on the existing and future residential occupants of 56 Westbourne Grove, and the levels of internal illuminances of the proposed residential dwellings. Living rooms, kitchens and dining rooms have been located to maximise illuminance with some bedrooms having lower illuminance levels as a consequence. However, in sites which are densely built up such

as the context of the application site, this would accord with BRE Guidance.

In response to the objection on the technical basis of the report, it has been discussed in this report what the findings of the assessment are, and it is expected that reports such as this would include technical language to ensure they are complying with often technical guidance. An issue has also been raised with regards to the date on the report being 17 February which precedes amended plans which were received on 11 March. The revised drawings were received on 11 March by the Council but had been revised earlier by the applicant; the date on the revised drawings are February 2021. The applicant had been compiling a package of revised documents and some would have been completed before others.

In conclusion, it is considered that the proposed development would not result in a material loss of daylight or sunlight, or an increase in a sense of enclosure of neighbouring properties.

### **8.3.2 Privacy and light pollution**

Objections have been received on the grounds that the proposal would cause the occupiers of neighbouring and adjoining properties would suffer a material loss of privacy, due to the increase in the use of the rear garden, access to the rear garden and use of the area which provides the access to the garden. There is also concern that the openable doors/windows to the proposed restaurant conservatory would enable the rear garden to be accessed by customers of the restaurant, resulting on a harmful impact on the privacy of neighbours.

It is considered that the new restaurant conservatory could result in amenity concerns if not managed in some way. The proposed conservatory is to have bi-folding openable doors, and a condition requiring them to be permanently closed would restrict ventilation. In the circumstances, it would be appropriate to recommend conditions which did not permit any customers to access any outside space to the rear of the property, and staff to only be permitted in order to access the waste and recycling storage at ground floor level. Only residents of the flats at 56 Westbourne Grove would be permitted access to the rear garden, which is provided via new stairs from the mezzanine level. This would mean that the rear garden would only be accessible to residents, and otherwise only staff of the restaurant may access the area for maintenance and access to the waste and recycling storage at ground floor level, which in any case is below the stair access for residents from mezzanine level to the rear garden for the residents. It is considered that this arrangement would mean that there would not be an unduly harmful impact on the privacy of neighbouring properties. It is also considered appropriate to require an operational management plan, to be secured by condition, which would ensure this is managed by the restaurant operator.

A condition is also recommended that does not permit the use of any flat roof areas to the extensions to the rear for sitting out or as a terrace, including the area at mezzanine level where the proposed cycle parking is sited, and also the flat roof of the extension at second floor, above the new extension.

There is to be a terrace at the front of the building, above the shopfront at mezzanine level which is hidden from view. There will be access from the flat on this side onto this

area. However, it is considered that this would not pose any issues of privacy for any neighbours as it will be behind the shopfront fascia and enclosed from neighbouring properties.

Part B of Policy 33 of the City Plan 2019-2040 (April 2021) on Local environmental impacts states that developments must be designed to minimise the detrimental impact of glare and light spill on local amenity. Concern has been raised by objections with regards to potential light pollution from the conservatory extension. The local amenity society had queried whether the roof of the conservatory would be glazed or solid; and it has been confirmed that it is to be solid, which is as shown in the submitted documents. There will therefore be no issues of light emitted from the roof of the conservatory. Whilst the sides of the conservatory will be glazed, it will be at ground floor level and there are high boundary walls that will help reduce the impact on neighbouring properties. On balance, it is not considered that the proposal will result in unacceptable levels of light spill, having regard to the size of the extension, the extent of glazing that would allow light emission, and the context of the site.

### **8.3.3 Noise and disturbance and impact of odour**

Objectors have expressed concern that the proposed development, including the use of the proposed conservatory with openable doors and windows; the air conditioning units and the kitchen extraction duct will cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance, and odour nuisance.

Policy 33 of the City Plan 2019-2040 (April 2021) on Local environmental impacts seeks to protect the quality of life and health and well being of existing and future occupiers, are not adversely affected by harmful pollutants and other negative impacts on the local environments.

#### Proposed kitchen extraction flue

The proposed works would mean that the existing extraction flue will need to be upgraded and re-located. The Council's Environmental Health Officer had initially objected to the application due to the lack of any information on the proposed replacement duct. Details have since been submitted, which the Environmental Health Officer raises no objection to, on the basis that the kitchen extract ventilation discharge shall not be less than 1m above any openable windows of any neighbouring building within 20m of 56 Westbourne Grove. It is also advised that A scheme of odour reduction may also need to be incorporated together with full height discharge if there are surrounding residential premises (and/or commercial buildings with openable windows) between 20m - 50m distance and which are also higher than 56 Westbourne Grove. In this case, the duct does terminate over 1m above all the closest openable windows and the adjoining properties at 54 and 58 Westbourne Grove. The next closest building which is taller than 56 Westbourne Grove is 62 Westbourne Grove which is approximately 11 metres away and projects further out and also has no flank wall windows. It is considered that within the context of the site being a built-up area, that the proposed new extraction flue is the best practical solution for this location.

Proposed air condition units

The Environmental Health Officer has considered the submitted Noise Survey and is satisfied that the proposed plant noise design rating level will comply with Westminster's noise criteria and raises no objection, subject to standard noise and vibration conditions, and the installation of attenuation. A condition is recommended to require the installation of the proposed acoustic enclosure prior to the operation of the air conditioning units. The objection has been received on grounds that the noise survey takes no account of neighbouring buildings. The report shows the location of one the test locations to be in the rear garden of the application site in proximity to rear gardens. The Council's Environmental Health Officer has confirmed that he raises no objections subject to conditions are discussed above.

Noise from use of conservatory extension to restaurant

Objections have been received with regards to the use of the premises as a restaurant into late hours. Although the use is authorised, due to the premises having been vacant for a few years, and with it being located in proximity to several residential properties both above, either side and directly to the rear, with private residential gardens to the rear, it is considered appropriate to restrict opening hours to no later than 23:00 hours.

In order to protect the residential amenity of residents of the flats at 56 Westbourne Grove and their access and use of the communal rear garden, it is also considered appropriate to condition the use of the rear garden, which would only be permitted for use by residents. This would also reduce the impact on other adjoining residents.

Concerns with regards to the openable doors to the conservatory and therefore resulting in noise disturbance from both staff and customers, it is considered appropriate to require the applicant to submit an operational management plan by condition. A condition only permitting access to the rear patio and bin storage areas as shown on drawing no. SW318/21 Rev D is also recommended. A condition requiring all conservatory doors and windows to be closed after 22:00 every day and not be permitted to open again until 07:00 the next day.

In addition to this, it is recommended that a condition is imposed which requires the applicant to submit an operational management plan prior to the operation of the restaurant use, which requires further details of how the premises will be managed to mitigate noise disturbance, including from the use of the conservatory, and restricting waste/recycling disposal of noisy items, such as glass bottles, during late hours.

Subject to these conditions, it is considered that the proposal would not cause unduly harmful impact in terms of noise disturbance from the restaurant use.

For the reasons, the proposals would consistent with policies 7, 33 and 38 of the City Plan 2019-2040 (April 2021).

**8.4 Transportation/Parking**

The Highways Planning Manager has raised an objection to the lack of car parking, and has recommended lifetime car club membership. However, given that only one additional residential unit which is to have 1-bedroom, is proposed, and the location of the development is in close proximity to good public transport, it is not considered that

refusal on the grounds of lack of parking could be sustained.

The proposed cycle parking is welcomed and it is recommended it is secured by condition. The objection received with regards to the cycle storage being at high level and potentially being impractical is noted. However, in this location, and for residential flats located on upper floors, it is considered that they would be suitable. They will also be sheltered and in proximity to the flats themselves, which is considered a better option than being located further into the rear garden.

It is noted that there are some works proposed to the vaults as part of refurbishment works, which may affect the structure supporting the highway. However, there is no objection raised in highways terms, but an informative is recommended advising the applicant that technical approval will be required prior to commencement of development.

No concerns are raised with regards to servicing for the site as there it would continue in a similar fashion as an existing restaurant wood. A conditions not permitting doors or gates to be hung so they open to the highway, and a condition not permitting waste to be to be and no refuse to be left on the highway, are also recommended.

Subject to the above recommended conditions and informative, the scheme complies with Policy 25 on Walking and cycling; Policy 27 on Parking; and Policy 29 on Freight and servicing.

## **8.5 Economic Considerations**

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

## **8.6 Access**

The proposals would not alter the existing access to the site.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Refuse/Recycling**

A condition is recommended by the Waste Project Officer requiring the provision of waste and recycling storage for the ground floor restaurant and also that for the new residential unit as shown on the drawings prior to occupation. Subject to this condition, the proposed development would provide satisfactory waste and recycling storage.

### **8.7.2 Trees**

There are trees located within adjoining gardens at the rear of the site which may be impacted by the proposed building works, and the application is accompanied by an Arboricultural Report.

The Arboricultural Officer raises no objection to the proposal, and recommends a condition requiring tree protection measures to be in place prior to any demolition, clearing or building works, in accordance with the submitted Arboricultural Report. A

condition requiring details of a landscaping scheme is also recommended.

## **8.8 Westminster City Plan**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **8.9 Neighbourhood Plans**

None relevant to this application.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

No pre-commencement conditions have been recommended

## **8.12 Planning Obligations**

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's additional floor space figures the estimated CIL payment would be £17,020 for Westminster's CIL and £ 2,760 for the Mayor's CIL (. It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

## **8.13 Other Matters**

An objection has been received to the application on grounds that an Inclusive Design Statement and a Fire Safety Strategy has not been submitted with the application.



These documents are required by new London Plan Policies. The London Plan was adopted in March 2021, and the initial application was submitted prior to this, with revised drawings being submitted in March 2021.

In this case, matters of inclusive design (as required by Policy D5 of the London Plan) have been addressed within the submitted design and access statement. This confirms that the restaurant use will have level access from the street as a result of the new shopfront proposed.

It is considered that a Fire Safety Strategy is not required in this case as the proposed development is not of a scale where it is a requirement. However, this matter would be dealt with by Building Regulations

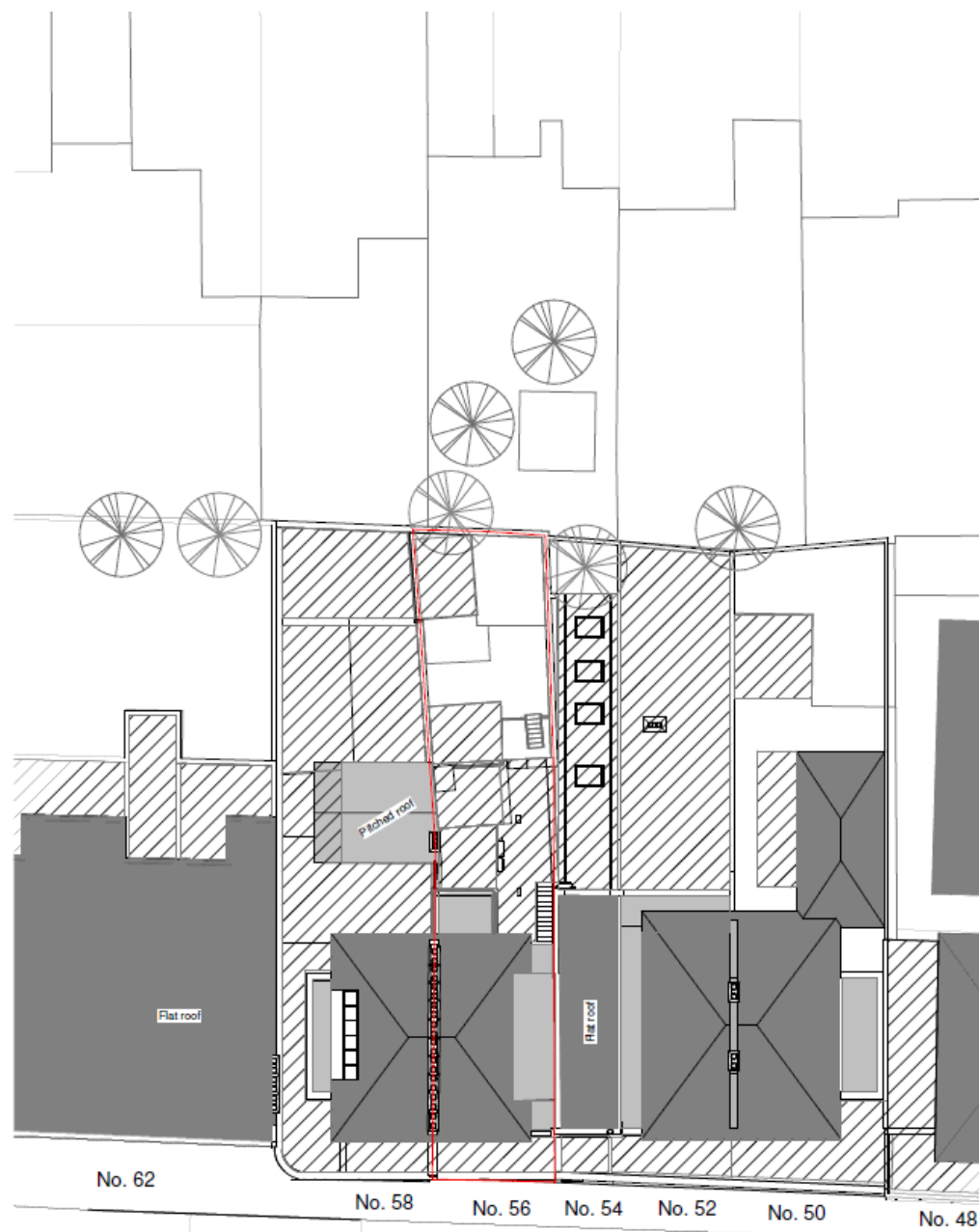
An objection has also been raised in relation to the proposed staircase to the garden level not being included in the description. It is not practical for all aspects of a development proposal to be included in the description of development, otherwise descriptions of development would be excessively lengthy. In this case, the description does include the provision of amenity space for the flats, which would be expected to have access to it.

An objection to the proposed new flat has been raised on grounds that it may be used as an Air B&B. The application does not propose an Air B&B or similar type of use, although planning permission is only required for 'temporary sleeping accommodation' if such a use is used for more than 90 nights in any single calendar year, under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015. The applicant will be advised of this by informative. If at any time it is suspected that the premises are used as an Air B&B or similar, then this should be reported to the Planning Enforcement Team to investigate.

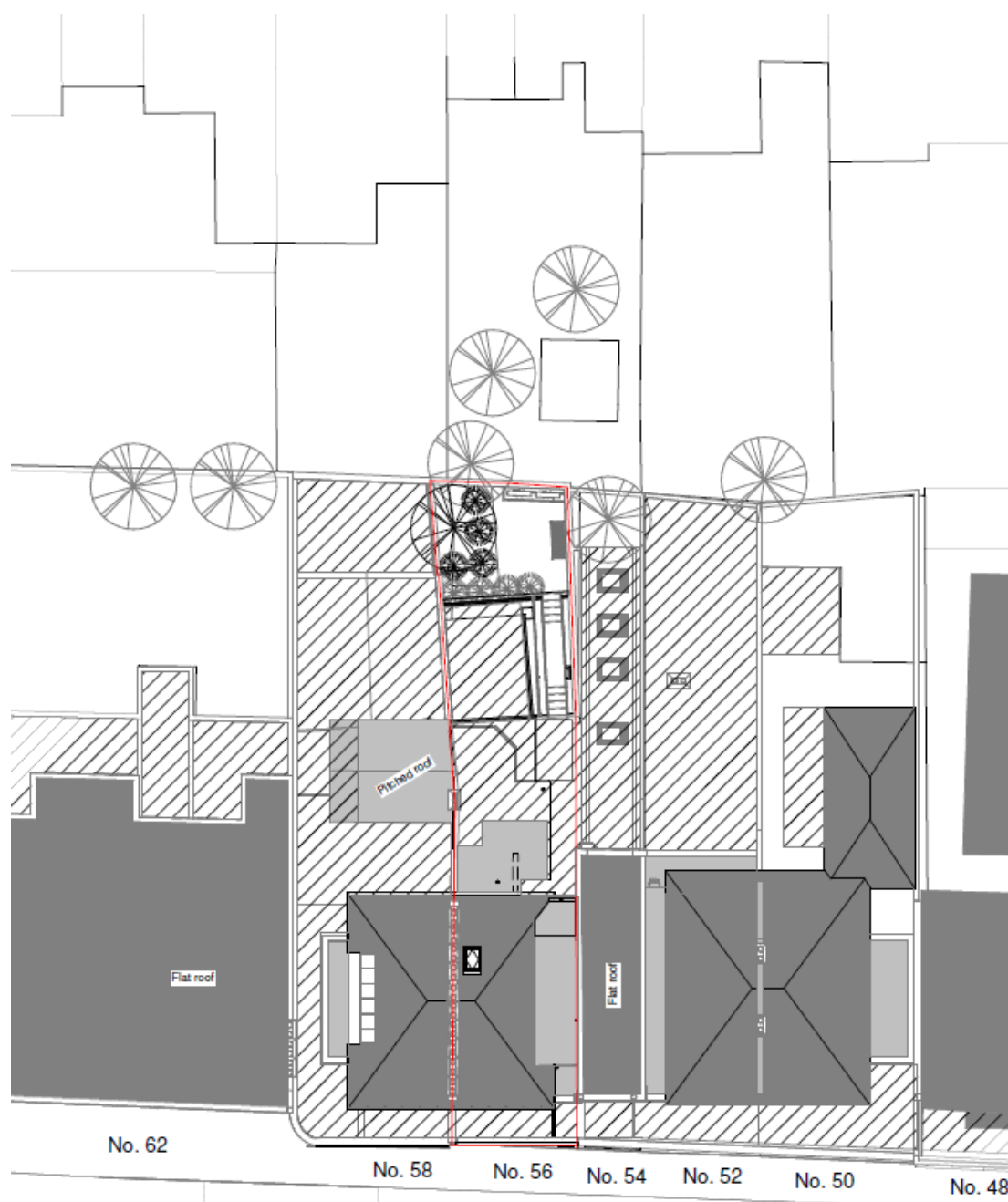
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)

## 9. KEY DRAWINGS



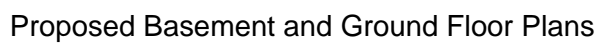
Existing Block Plan

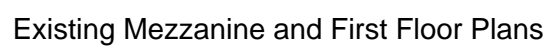


Proposed Block Plan



Existing Basement and Ground Floor plans

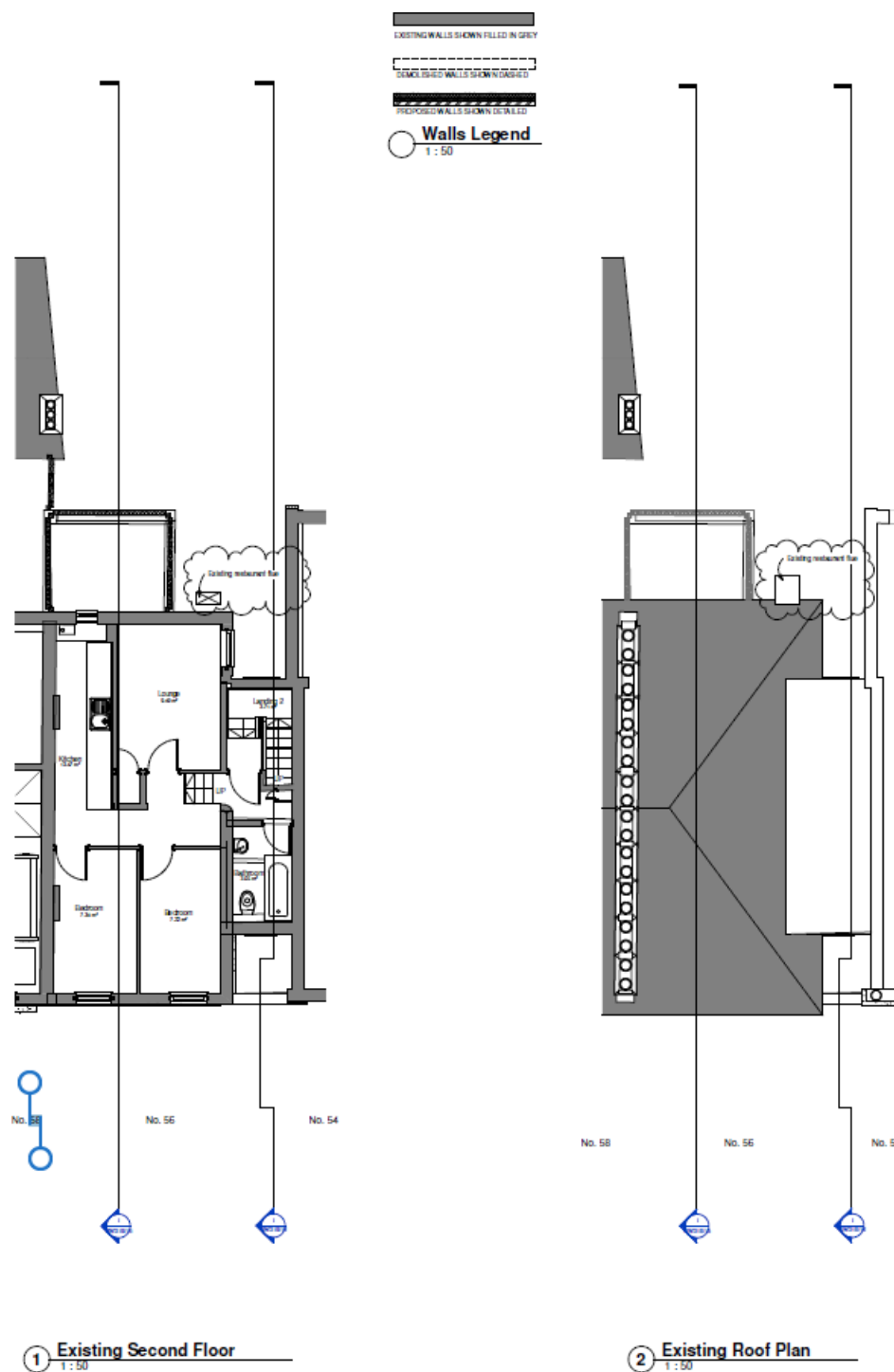






Proposed Mezzanine and First Floor Plans





Existing Second Floor and Roof Plans

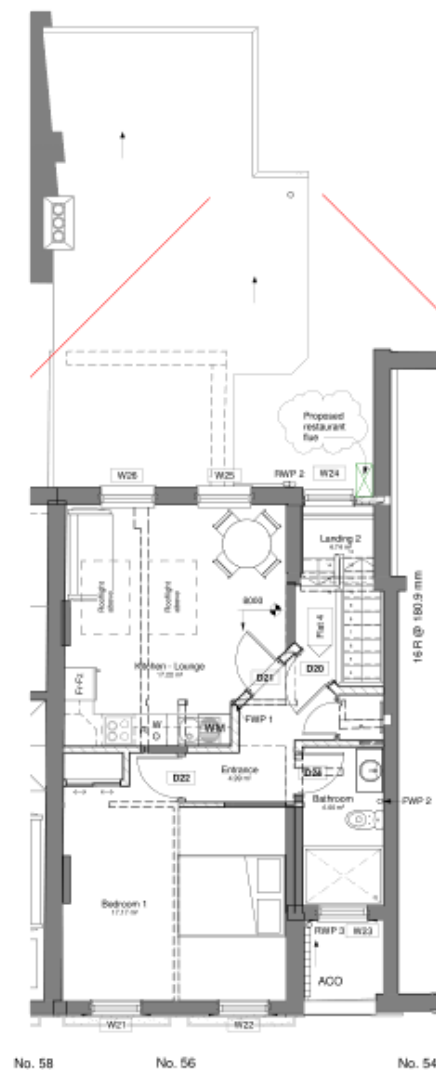
Rev.	Description	Date
1	Issue for approval	10/10/20
2	Revise	10/10/20
3	Revise	10/10/20
4	Revise	10/10/20
5	Revise	10/10/20
6	Revise	10/10/20
7	Revise	10/10/20
8	Revise	10/10/20
9	Revise	10/10/20
10	Revise	10/10/20

EXISTING WALLS SHOWN FILLED IN GREY

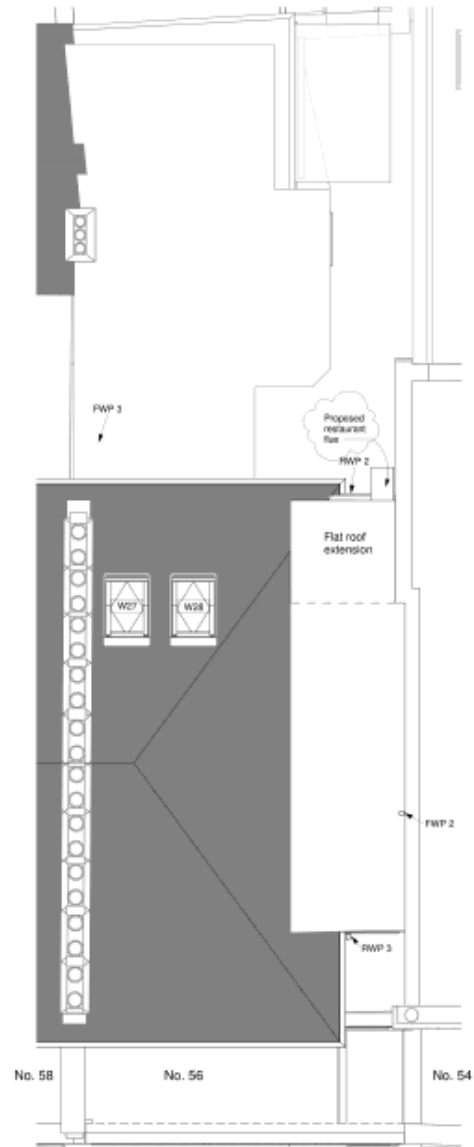
DEMOLISHED WALLS SHOWN DASHED

PROPOSED WALLS SHOWN DETAILED

**Walls Legend**  
1 : 50

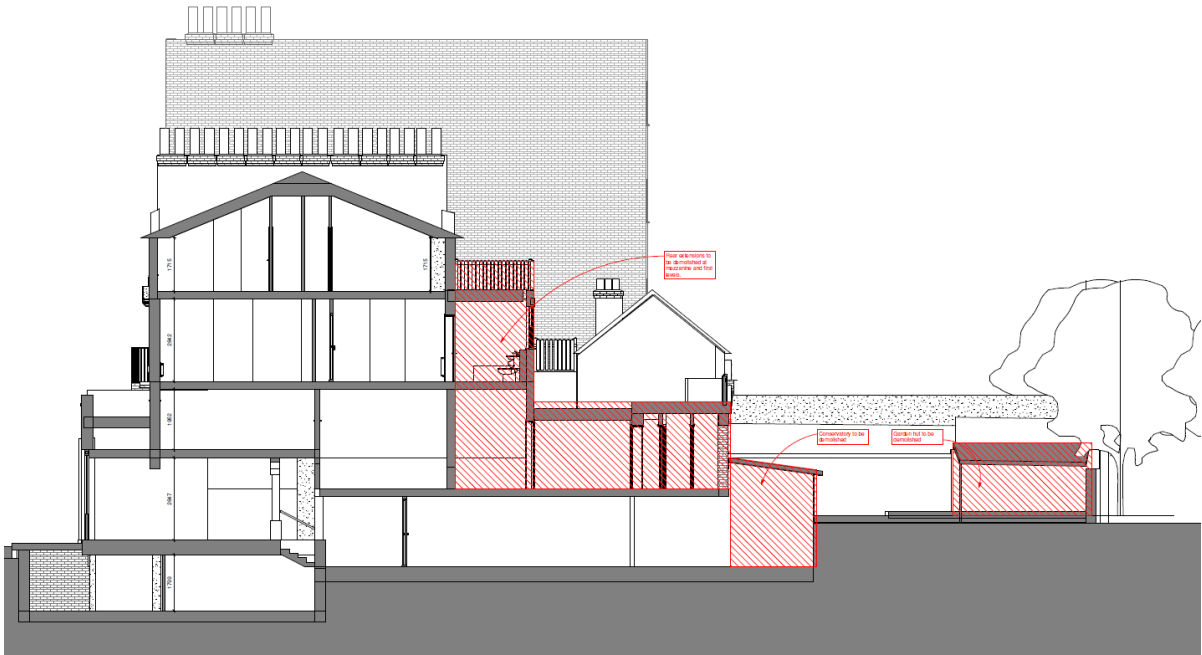


**1 Proposed Second Floor**  
1 : 50



**2 Proposed Roof Plan**  
1 : 50

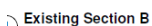
Proposed Second Floor and Roof Plans



Existing Section A



Proposed Section A



 **Proposed Section B**

## Proposed Section B



1 Existing Front Elevation  
1:50



Existing Rear Elevation

BESPOKE

ARCHITECTS

Existing Front and Rear Elevations

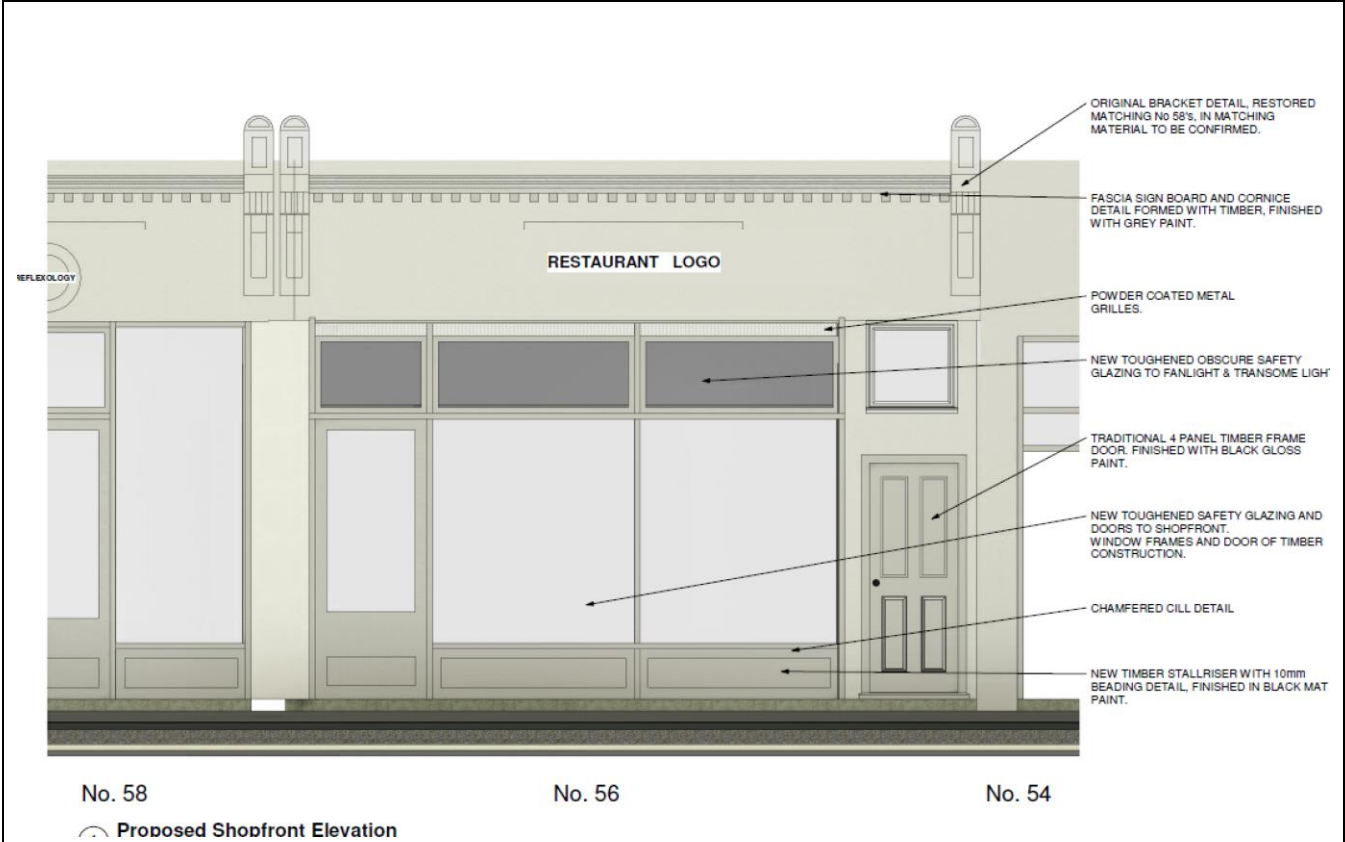


1 Proposed Front Elevation  
1:50



2 Proposed Rear Elevation

### Proposed Front and Rear Elevations



Proposed Shopfront





CGI of proposed Rear Elevation

**DRAFT DECISION LETTER**

**Address:** 56 Westbourne Grove, London, W2 5SH

**Proposal:** Replacement shopfront and architectural mouldings; replacement of all windows with double-glazed timber windows; replacement of rear conservatory and restaurant refurbishment; demolition of existing rear extensions at mezzanine and 1st floors and replacement with two storey rear extension to form an additional residential unit (Class C3); provision of amenity space for flats; installation of two rear conservation rooflights; replacement of existing restaurant extraction duct to the rear with new duct; replacement of 2 x existing air-conditioning units with 2 x new air-conditioning units; and general internal refurbishment and upgrade [REVISED DESCRIPTION]

**Reference:** 20/07997/FULL

**Plan Nos:** SW318/01 Rev A; SW318/04; SW318/10 Rev A; SW318/20 Rev C; SW318/21 Rev D; SW318/33 Rev A; SW318/39; SW318/16 Rev D; SW318/11 Rev C; SW318/12 Rev D; SW318/13 Rev D; SW318/15 Rev C; SW318/22 Rev F; SW318/23 Rev F; SW318/24 Rev F; SW318/25 Rev D; SW318/26 Rev F; SW318/41 Rev A; SW318/14 Rev D; SW318/19 Rev C; Design & Access Statement dated March 2021; Simon Pryce Arboriculture Report dated 3 December 2020; Daylight & Sunlight Internal Illuminance & Overshadowing Analysis by Richard Staig dated February 17 2021; Appendix C: ENV-08777 1 of 3 Rev A; ENV-08777 2 of 3 Rev A; ENV-08777 3 of 3 Rev A; , Appendix F: Restaurant kitchen proposed extraction system; FUJITSU Air Conditioning Brochure - Simultaneous Twin, Triple & Quad Systems; Specifications for Model: AUYG12LVLB/AUYG14LVLB/AUYG18LVLB/AUYG24LVLB; Results of a double 24-hour Noise Level Survey Carried out at the Front and Rear of the Building by Emtec Products Ltd dated 10 March 2021; , For Info Only: B-01; B-02 Rev A; B-03 Rev B; B-04 Rev B; TW-01; SEBRA comments and replies to Application; Comments on Objection;

**Case Officer:** Avani Raven

**Direct Tel. No.** 07866037313

**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 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 , onot 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 Customers shall not be permitted within the restaurant premises before 07.00 hours or after 23.00 hours each day. (C12AD)

Reason:  
To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 4 Prior to the operation of the restaurant use hereby approved, a detailed Operational Management Plan for the restaurant use shall be submitted to and approved by the City Council as local planning authority.

Details within the Operational Management Plan shall include the following information (but not exclusively),

1. Customer opening hours,
2. How outside areas to the rear will operate and be managed,
3. General measures to mitigate noise disturbance to local residents by restaurant staff and customers,
4. Mitigation measures ensuring that disposal of waste/recycling to the bin storage areas for the restaurant, as shown on drawing no. SW318/21 Revision D do not result in noise disturbance to local residents,

You must not occupy the restaurant premises until we have approved what you have sent us. You must then operate the use in accordance with the details approved at all times.

Reason:  
To protect the environment of people in neighbouring properties. This is as set out in Policies 7, 16, 33 and 38 of the City Plan 2019 - 2040 (April 2021).

- 5 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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of photographs and annotated plans of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

**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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of detailed drawings of the following parts of the development - elevations and sections at a scale of 1:10 of the windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

**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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must apply to us for approval of the final painted colour of the proposed new flue. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details

**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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the flat roof above the shopfront at mezzanine level.

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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until the tree protection measures as set out in the Simon Pryce Arboriculture Report dated 3 December 2020 are in place. The development shall then be undertaken in accordance with the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Westbourne Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 11 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Westbourne Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise

level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. , , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 13 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive

property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 14 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49BB)

- 15 Prior to the operation of the air-conditioning units located in the rear garden, you must install the acoustic enclosures in accordance with the acoustic report entitled 'Results of a Double 24-hour Noise Level Survey' by Emtec dated 10 March 2021, and as shown in drawing no. SW318/21 Rev D which must be retained for as long as the plant equipment is in operation.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 16 The rear garden area annotated as 'Communal Amenity' on drawing no. SW318/21 Rev D, may only be used by residents of the flats within 56 Westbourne Grove and must not be used by any patrons of the restaurant.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 17 Only restaurant staff shall have access to the rear patio/bin area as shown on drawing SW318/21 Rev D. The conservatory windows and doors shall remain closed after

22:00 each day, and must remain closed until 07:00 the following day.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 18 You must not use the roofs of the rear extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 19 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 20 The provision for the storage of waste and recyclable materials for the development, as shown on drawing no. SW318/21 Revision D for the restaurant use and drawing no. SW318/22 Revision F for the new residential unit is to be made permanently available and used for no other purpose.,

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 22 You must not leave any waste on the highway.



**Reason:**

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures)., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk)., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
- 3 You are advised that the further details of the Operational Management Plan (OMP) should include details of the opening hours of the restaurant use; details relating to the closure of doors and windows to the conservatory extension, hereby approved, by 22:00 hours at the latest each day; how the outside areas to the rear of the property will operate, including no restaurant customers being permitted outside; hours during which staff may be using outside areas; and mitigation measures from noise disturbance from disposal of waste and recycling materials (eg glass) during late hours. This list is not exclusive and the OMP should also include any other activities that may be deemed to cause noise or any other type of disturbance to neighbouring properties, including residents of surrounding properties and those within 56 Westbourne Grove.

- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: [www.westminster.gov.uk/trees-and-high-hedges](http://www.westminster.gov.uk/trees-and-high-hedges). You may want to discuss this first with our Tree Officers by emailing [privatelyownedtrees@westminster.gov.uk](mailto:privatelyownedtrees@westminster.gov.uk).
- 5 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: [www.westminster.gov.uk/short-term-lets](http://www.westminster.gov.uk/short-term-lets)., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 6 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Louisa Augustine ([laugustine@westminster.gov.uk](mailto:laugustine@westminster.gov.uk)) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:  
[www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

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**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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.

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