

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 August 2021	Classification For General Release	
Addendum Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	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.		
Agent	Mr Stephen Wax		
On behalf of	Minaides		
Registered Number	20/07997/FULL	Date amended/ completed	8 July 2021
Date Application Received	15 December 2020		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 22nd June 2021, with an officer recommendation to grant conditional planning permission. Members deferred making a decision on the application, instead requesting that the rear extension to the restaurant be re-designed with non- openable doors and with sound insulation to prevent noise.

This element of the proposal has since been revised from a conservatory style rear extension with fully glazed openable bi-folding doors, to a brick extension with fixed shut windows (and door access only for emergency escape and access to waste store) and an insulated & living green roof. In addition, the second floor rear roof is also now proposed as a living green roof.

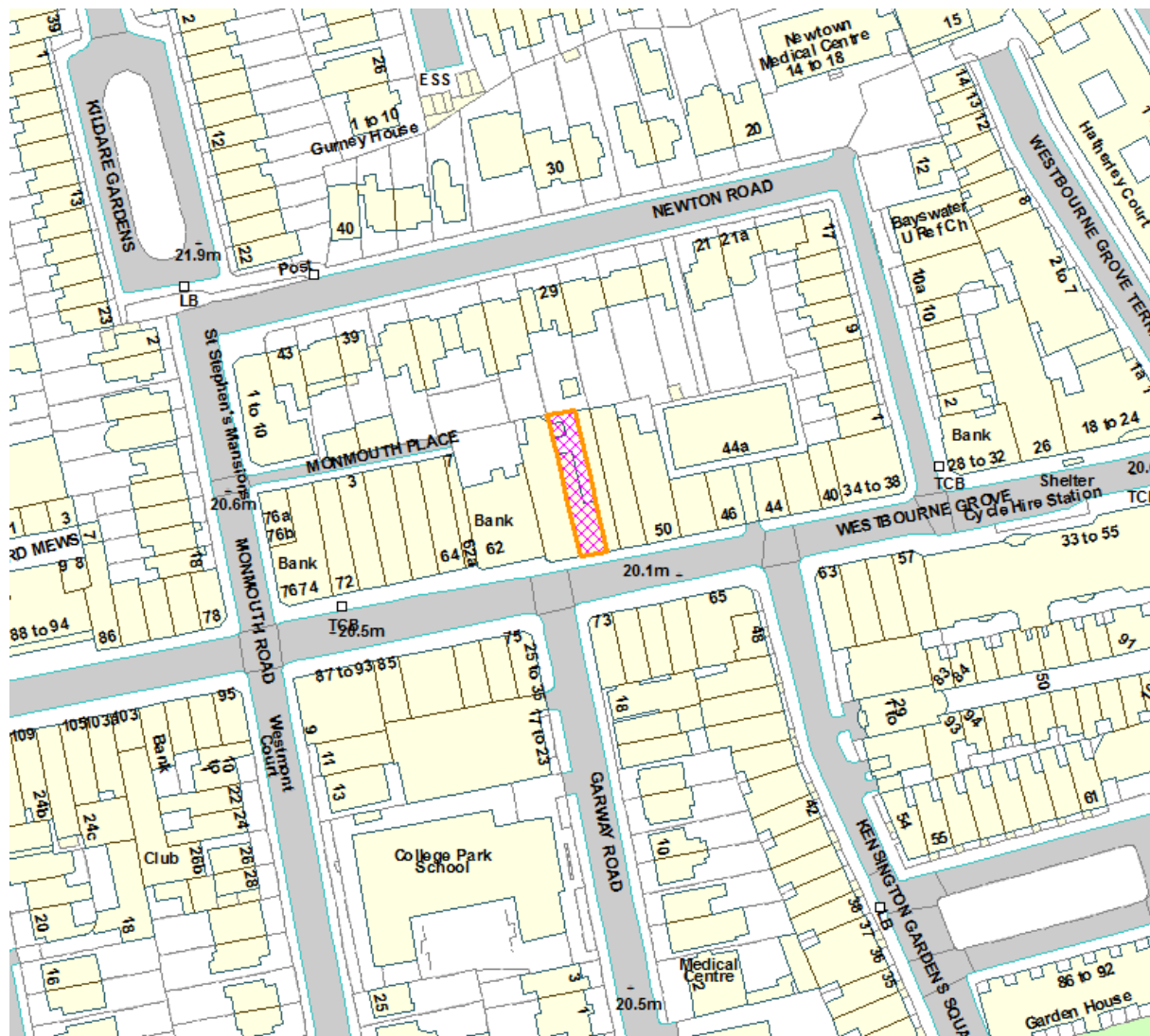
Since the date of committee two further representations of objection have been received by local residents on grounds of noise disturbance, impact on daylight and sunlight and land ownership issues.

The revised design of the conservatory, with a reduced level of glazing and more solid, brick, elevations together with sound attenuation to the roof, together with living green roofs to this extension and the first floor extension, is considered acceptable in design and townscape and amenity terms.

An objection has been raised with respect to ownership of land and suggesting that some of the development to which this application relates is on private land belonging to another party. The applicant has disputed this. However, this is a private matter between the parties involved.

Notwithstanding the objections raised on amenity grounds, which are considered to have been addressed fully in the original report to committee (attached as a background paper), the proposals are considered to accord with the relevant policies in the City Plan 2019-2040 (adopted April 2021) and the new NPPF. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report, which has been updated following the discussion at committee. Accordingly, the application is reported back to committee for determination.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

5. CONSULTATIONS

ORIGINAL REPRESENTATIONS AS DETAILED IN REPORT TO COMMITTEE OF 22.06.2021

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 roofto 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 reality.
- 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 has 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 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. I.e., further Objection needs to be submitted.

a

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

ADDITIONAL REPRESENTATIONS RECEIVED AFTER REPORT OF 22.06.2021 WERE PUBLISHED AND CIRCULATED TO MEMBERS PRIOR TO THE COMMITTEE MEETING (BLUES):

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

The proposals at the rear of site could affect SEBRA members and others in terms of noise, odour, light pollution etc.

I am not clear as to the size of the rear extension to the 'restaurant' compared with existing previous 'restaurant' which closed many years ago.

Controlling the future use could be anything within the new Class legislation. I note under Condition 8, the hours of customers within the 'restaurant' are controlled (0700 to 2300) but what is position if premises are used as another use in E Class e.g. Retail, Health Club?

I also note no hours of operation proposed for the new full height extract duct, plant and A/C units. Would it be a good idea to control the hours of use, in order to protect the residential amenity of adjacent and nearby residential units, or would that be dealt with under Condition 4? Likewise, would delivery and refuse and recycling collections etc be dealt with in this condition?

LATE REPRESENTATION RECEIVED AFTER REPORT OF 22.06.2021 WAS PUBLISHED AND CIRCULATED TO MEMBERS AT THE COMMITTEE MEETING (REDS):

One objection from local resident, issues raised summarised below:

- I am writing on behalf of several residents on Newton Road.
- In the 27 years since I've lived on Newton Road, there has never been a restaurant, drinking place or conservatory with outdoor space in any business establishment that backs onto Newton Road which is a very quiet residential street, and everybody enjoys the peace and tranquillity of their gardens.
- This proposal would pose a real threat to our privacy as people could see into the backs of our houses and our gardens-it could be extremely noisy as the proposed structure has full bi-fold opening doors on all sides as well as windows and the sound would also be amplified from the buildings surrounding the proposed extension/ conservatory- there is a very real threat that diners would step out of the conservatory for a smoke causing a nasty smell-there is also the threat of smells coming from poor ventilation and extraction from the restaurant itself.
- There is absolutely no precedent for this building which will be an absolute disaster-the conservatory is located 3 meters -direct line-away from a bedroom window at the back of the first floor flat of 58 Westbourne grove-even with fully enclosed sound proofed structure the noise of diners will destroy the peace and basic living qualities. The planning process has been flawed.
- I tried on several occasion to speak to the case officer and managed to finally after leaving her numerous messages; I suggested she come round to my house to see what the development would mean for us and our neighbours -she said she could not and that I should send her photos instead.
- I was not informed of this meeting until Thursday of last week despite being an objector of record and only heard about it from my neighbours and then emailed the council.
- This whole proposal is ill thought through -very detrimental to the neighbourhood and the planning process has been at best haphazard and at worst chaotic with no due process observed.
- The people on whom this will have the greatest impact in Newton Road are several residents who are in their early 90s and in poor health; they spend a lot of time in summer sitting in their garden and this proposal could ruin the last years of their lives.
- I ask the council to refuse this permission on all the grounds I have specified

REPRESENTATIONS RECEIVED FOLLOWING CONSULTATION ON REVISED DOCUMENTS 12 JULY 2021:

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION
Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER
No objection, subject to standard noise and vibration conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 17
Total No. of replies:2
No. of objections: 2
No. in support: 0

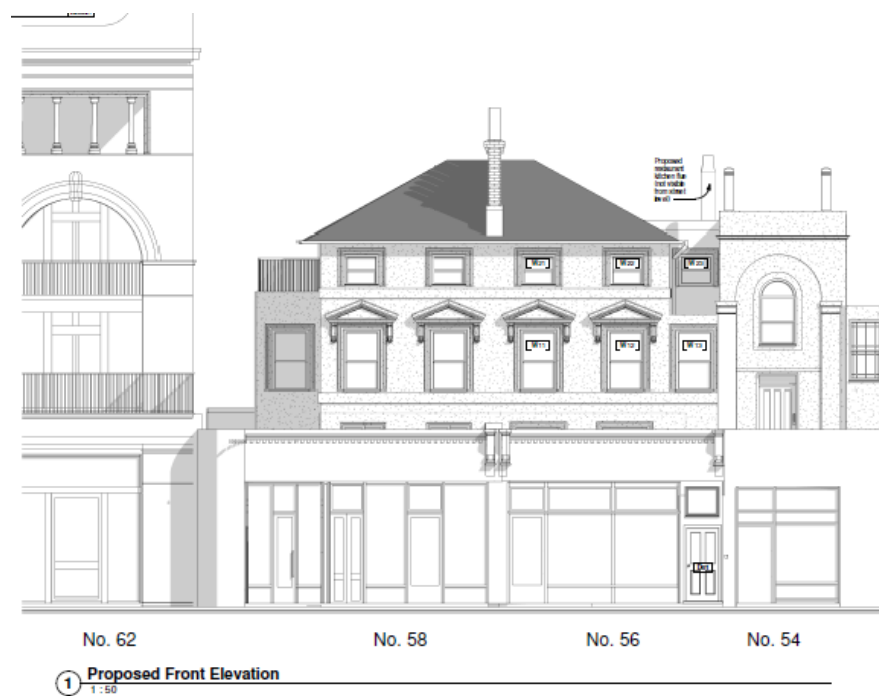
Issues raised are summarised below:-

- While I am pleased to see that some of our concerns have been addressed by the recent changes to this application I would like to say that I am still concerned that the existence of doors for fire escape purposes and to put the bins out may still mean that we get a lot of new noise
- I would ask that the council make it clear that this door should not be used to allow staff to go out and have a cigarette or a break to have a chat I still feel that this development is not a good idea for all the reasons I previously stated, and I shall be policing it very actively if it goes ahead
- Noise pollution: The newly proposed rear structure with 4 large windows and an opening door, is not in any shape or form going to protect the surrounding residents; the windows are still large noise concern and does not adequately deal with the issue; a detailed drawing for those windows including a satisfactory sound report are essential to satisfy our concerns; our windows are less than 3m away from this structure and so we are concerned; an opening door described as for fire escape or staff use only must not be allowed; it is worthless to sound insulate this structure and allow an opening door; how can this stop the noise from diners from going out if staff forgot to shut the door behind them? This door is impossible to monitor; there is no need whatsoever to introduce a fire exit door when there is another door to the same area 4 steps away (D04).
- Day and Light: there are serious misrepresentation and misleading evidence documented within the current and all the previous drawings of this proposal; several drawings show the existing structure incorrectly, including showing ply wood panels on top of the rear extension between no. 58 and 56 showing them as permanent structures when they are temporary; this should not be relied on when considering the impact on daylight and sunlight.
- Other matters: The Land Registry Title Plan for 56 Westbourne Grove confirms that the submitted proposed block plan (drawing no SW318-20- Rev E) shows that the application area infringes on adjoining land at 58 Westbourne Grove by estimated 3 feet in some parts; This application is seeking planning permission on land that doesn't belong to the applicant; and no notification was sent to the adjoining neighbour

(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

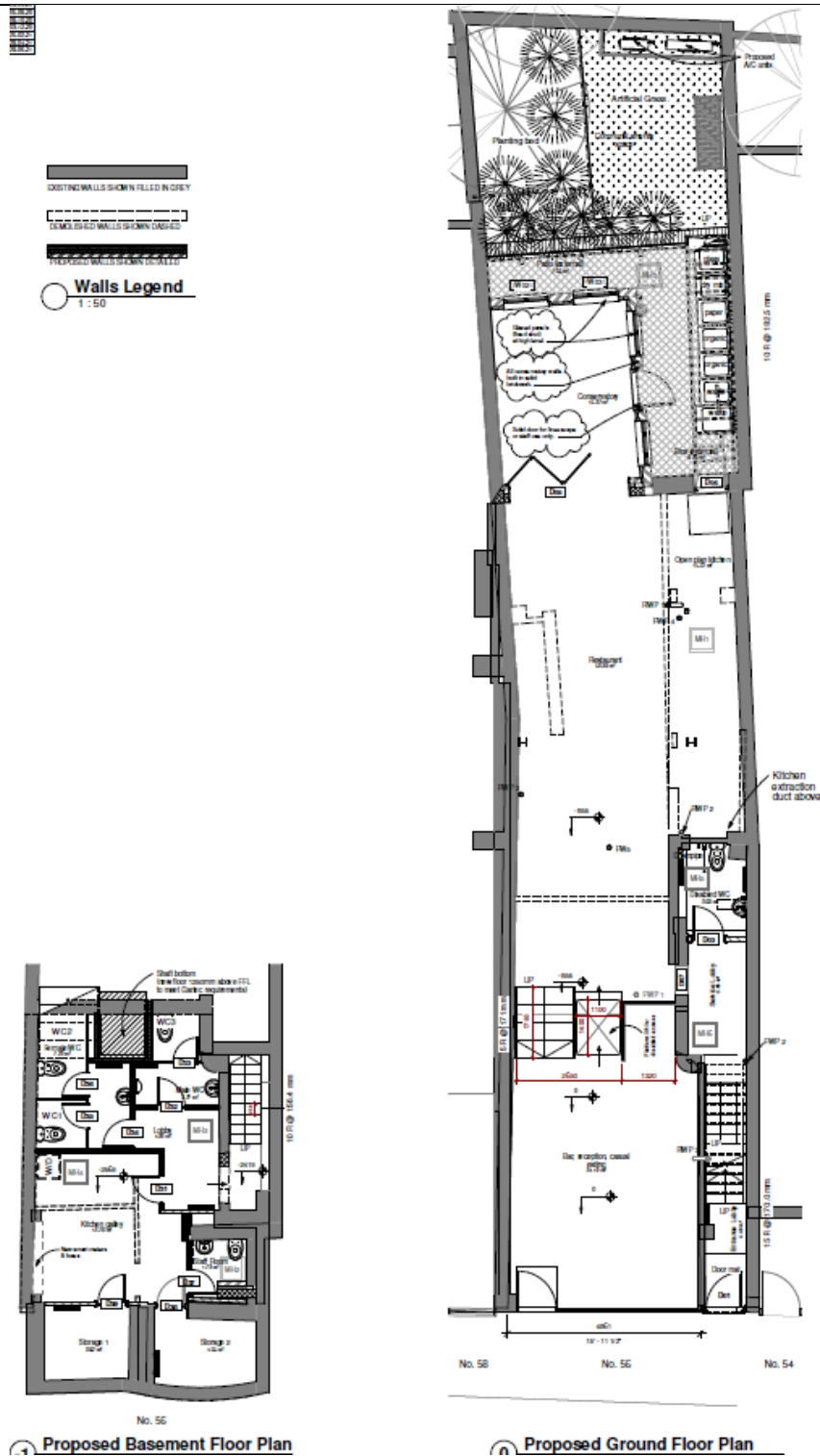
KEY DRAWINGS



Proposed elevations

[illegible]

Proposed sections



Proposed Basement and Ground Floor Plans

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 E; SW318/21 Rev G; SW318/33 Rev A; SW318/39; SW318/16 Rev F; SW318/11 Rev C; SW318/12 Rev D; SW318/13 Rev F; SW318/15 Rev E; SW318/22 Rev H; SW318/23 Rev I; SW318/24 Rev H; SW318/25 Rev G; SW318/26 Rev I; SW318/41 Rev C; SW318/14 Rev D; SW318/19 Rev C; Design & Access Statement dated July 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; Appendix G - Green roof specifications and benefits; , 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; undated cover letter responding to matters raised at planning committee

Case Officer: Avani Raven

Direct Tel. No. 020 7641
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 G 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 Environmental Supplementary Planning Document (May 2021), 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 Environmental Supplementary Planning Document (May 2021). (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 Environmental Supplementary Planning Document (May 2021). (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 G 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 G, 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 G. 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)

- 23 You must use the commercial floor space at part ground/ part basement for retail/ offices or a medical/health facility (as defined under Class Ea, c, e, g) only. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because it would harm the amenity of neighbouring occupiers and would not meet Policies 7, 14 and 33 of the City Plan 2019 - 2040 (April 2021).

- 24 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 Environmental Supplementary Planning Document (May 2021). (R49BB)

- 25 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 26 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application., , Green roofs to the rear conservatory extension and rear flat roof area at second floor level as shown in drawings SW318/22 Rev H and SW318/23 Rev I, , You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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., , 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 or visit 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

- 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 (e.g. 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. You may want to discuss this first with our Tree Officers by emailing 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/planning-building-and-environmental-regulations/planning-enforcement/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) 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 , 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 , Forms can be submitted to CIL@Westminster.gov.uk, , **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.