

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA
REPORT BY EXECUTIVE DIRECTOR,
PLANNING AND BOROUGH DEVELOPMENT**

**APP NO. PP/11/02878/Q18
PLANNING APPLICATIONS COMMITTEE 06/03/2012
AGENDA ITEM NO. C30**

SITE ADDRESS

Hotel 160 Cromwell Road LONDON SW5 0TL	<u>APPLICATION DATED</u>	25/08/2011
	<u>APPLICATION COMPLETE</u>	08/09/2011

APPLICANT/AGENT ADDRESS

**Mr G Stamos
Stamos Yeoh Architects
First Floor The Old Town Hall
354 Mare Street
LONDON
E8 1HR**

<u>LISTED BUILDING</u>	N/A	<u>CONS. AREA</u>	Lexham Gardens	WARD	Abingdon
<u>CAPS</u>	No	<u>ENGLISH HERITAGE</u>	N/A	ART '4'	No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
3	5	0	0	0

Applicant Majestic Hotel

PROPOSAL: Construction of an external smoking terrace to rear facade of hotel at ground floor level.

RBK&C Drawing No(s):PP/11/02878

Applicant's Drawing No(s): PR000054-0020-001, 009 C, 008 C, 007 C, 018, 012, 014, 015, 019, 1269/002 A, 025

RECOMMENDED DECISION: Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans, PR000054-0020-001, 009 C, 008 C, 007 C, 018, 012, 014, 015, 019, 1269/002 A, 025 (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)
3. **The smoking terrace shall not be used between 22:00 and 08:00 hours the following day.**
Reason - In order to safeguard the amenities of local residents.
4. **No music shall be played within the premises the subject of this permission so as to be audible outside the premises. (C048)**
Reason - To safeguard the amenity of neighbouring property. (R048)
5. **Full particulars including samples of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:**
 - (a) **materials to be used on the external elevations of the terrace;**
 - (b) **a detailed rear elevation of the terrace at a scale of 1:50 showing the external treatment and screening.****(C011)**
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory. (R011)

6. **The planted boxes which form part of the external elevation of the terrace shall be planted to a height of 2.5 metres above the base of the terrace and so maintained.**

Reason - in order to protect the amenity of occupants of neighbouring occupants

INFORMATIVES

- 1 I09 Variations due to Building Regs.
- 2 I10 Attention to Conditions
- 3 I11 Care - Conservation Area
- 4 I67A Construction Management
- 5 I68 TFL - Olympic Route Network

1.0 SITE

- 1.1 The application relates to a Hotel, on the northern side of the Cromwell Road.
- 1.2 The property is not listed but lies within the Lexham Gardens Conservation Area.

2.0 PLANNING HISTORY

- 2.1 Planning permission was recently granted for alterations to the boundary treatment and railings to the roof ref: PP/10/01411).

3.0 PROPOSAL

- 3.1 Planning permission is sought for the construction of an external smoking terrace to the rear/side facade of the hotel at ground level.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations relate to: the visual impact of the proposals on the character and appearance of the property and this part of the Lexham Gardens Conservation Area and the impact of the proposals on the amenities of the adjoining residential properties, and.
- 4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8th 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan (July 2011), plus relevant 'saved' policies from the UDP. The relevant policies are as follows:

- CL1 (character and context)
- CL2 (new buildings, extensions and modifications)
- CL3 (historic environment)
- CL5 (amenity)
- CL6 (small scale alterations)
- CE05 (air quality)
- CE06 (noise and vibration)

- 4.5 The Lexham Gardens Conservation Area Proposals Statement is also a material consideration in this case.

Visual Impact

- 4.6 Core Strategy policy CL2 refers specifically to extensions, requiring them to be visually subordinate to the original building, allow the form of the original building to be clearly seen, and reinforce the integrity of the original building. This is reiterated by 'saved' UDP policy CD47. The proposed terraced area would be located on the eastern side of the building. Views of the terrace from the highway would be blocked by the presence of a single storey substation which fronts onto the highway. To the side, very oblique views would be afforded to the site from the Sainsbury's car park. However, the boundary treatment is quite high and substantial and it is therefore not considered that the terrace would be noticeable when cars drive in and out. A site visit has confirmed that there would be some views from the private properties along the rear of Lexham Gardens.
- 4.7 The proposed terrace area would infill a vacant lightwell space and includes a solid mono-pitched canopy. The canopy at its highest point would rise above the height of the substation but it is not considered that the presence of the terrace would be obvious from the highway. In terms of the appearance of the terrace, the proposed roof would be constructed of metal, the proposed walls would be MDF boxing and veneered panelling incorporating planting. Given the concealed nature of the location and the boundary treatment, it is considered that the proposal would preserve the appearance of the building in terms of visual amenity and this part of the conservation area. It is therefore considered that the proposal complies with CS policy CL1, CL2 and CL3 which seeks high quality design.

Impact on amenity

- 4.8 The proposed addition of the terrace area would not provide any additional bulk or height near neighbouring windows and it is therefore not considered that these elements would cause a significant increase in sense of enclosure, or loss of sunlight and daylight to adjoining properties, compliant with this part of policy CL5.
- 4.9 Given the proposed finish of the materials of the terrace, and planted boxes proposed around the perimeter of the terrace it is not considered that the proposed terrace to the light well would provide direct views to adjoining properties on Lexham Gardens. It is therefore not considered that there would be any significant loss of privacy as a result of the proposals, compliant with CL5.
- 4.10 In terms of the impact arising from the use of the terrace as a smoking area by the hotel, the Councils Environmental Health Team has been consulted. They have responded as follows:

The application details proposals to create a terrace at the rear of the premises to provide a smoking area for the adjacent bar, which is currently being refurbished. I have examined the plans and carried out a site visit to the premises.

I have concerns regarding any noise that might be generated by hotel customers using the area, as it is in very close proximity to the adjacent residential windows and gardens of Imperial Court (2-10 Lexham Gardens). Although the application designates that the area will be for smokers, as it will be adjacent to the bar it is likely that it may become an extension to that area and result in hotel customers using the area to drink and therefore be outside for longer periods of time.

If permission is granted, I would wish to see the use of the area restricted for smoking only and that it should be closed at 22:00 hours each evening.

A condition requiring cessation of use of the terrace by 22.00 to the above effect has been recommended accordingly in order to preserve the amenity of neighbours.

- 4.11 It is considered that subject to the recommended condition the proposed terrace would preserve the character and appearance of the host property and this part of the conservation area, and the amenity of neighbouring occupants, in line with adopted policy.

5.0 PUBLIC CONSULTATION

- 5.1 The occupants of neighbouring properties were notified of this application and to date letters of objection have been received. The issues raised are as follows:

5.2 1. Noise nuisance from the terrace.

All of the objections lodged against this scheme relate to the raised terraced area generating increased noise levels contributing to nuisance for neighbours. It is acknowledged that there would be an increase in the level of noise, however given the location of the proposed terrace to the side of the hotel, and the proximity of the terrace to the busy Cromwell Road and Sainsbury's car park, it is not considered that noise generated by the use of the terrace would be of such a degree as to have a significant adverse effect on the amenity of neighbouring occupants. Coupled with the safeguarding conditions recommended by the Council's environmental health team, it is not considered that this reason could be used to warrant the refusal of the proposal.

5.3 2. Overlooking into neighbouring properties.

In terms of the overlooking, it is considered that given the distance of the terrace from neighbouring windows, and the level of planting and screening provided by the materials used on the sides of the terrace, the level of overlooking afforded to neighbours would not warrant a reason for refusal on these grounds. Details of the planting and screening have been

reserved by condition.

5.4 **3. An inappropriate addition to a residential area.**

Whilst the properties on Lexham Gardens are predominantly residential, the frontage onto Cromwell Road is more commercial and as such it is not considered that this particular addition is incongruous.

6.0 CONCLUSION

6.1 It is concluded that the proposed development would comply with relevant policies of the Core Strategy in particular CL1, CL2, CL3, CL5, CE5 and CE6, and 'saved' policy CD47 of the UDP, subject to appropriate conditions in respect of amenity and reserved details regarding materials.

7.0 RECOMMENDATION

7.1 **Grant planning permission**

**JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

List of Background Papers:

The contents of file PP/11/02878 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: GK
Report Approved By: ER/DT
Date Report Approved: 22/02/2012**

PSC03/12/GK.REP

23/02/2012 11:21:48

**Construction of an external smoking terrace to rear facade of hotel
at ground floor level.**

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

It is concluded that the proposed development would comply with relevant policies of the Core Strategy in particular CL1, CL2, CL3, CL5, CE5 and CE6, and 'saved' policy CD47 of the UDP, subject to appropriate conditions in respect of amenity and reserved details regarding materials.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.