

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

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APP NO. PP/12/04140/Q13  
PLANNING APPLICATIONS COMMITTEE 16/04/2013  
AGENDA ITEM NO. S32

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**SITE ADDRESS**

195-197 King's Road  
LONDON  
SW3 5ED

**APPLICATION**  
**DATED**

18/10/2012

**APPLICATION**  
**COMPLETE**

22/10/2012

**APPLICATION**  
**REVISED**

25/01/2013

**APPLICANT/AGENT ADDRESS**

Gerald Eve LLP  
72 Welbeck Street,  
LONDON  
W1G 0AY

**LISTED**  
**BUILDING**

Grade II

**CONS.**  
**AREA**

Cheyne

WARD

Royal Hospital

**CAPS**

Yes

**ENGLISH**  
**HERITAGE**

N/A

ART '4'

No

**CONSULTED**

264

**OBJECTIONS**

3

**SUPPORT**

2

**PETITION**

0

**COMMENTS**

1

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**Applicant**

Martins Properties (Chelsea) Ltd

**PROPOSAL:** Erection of a single storey ground floor rear extension and first floor rear extension and change of use of first to fourth floors from Class A4 (bar) to Class C3 (residential).

RBK&C Drawing No(s):PP/12/04140 and PP/12/04140/A

Applicant's Drawing No(s): 1498(PL)000\_P3, PL 201 REV P6, SK 071, SK 068 REV B, SK 069 REV B, SK 070 REV A, SK 072, SK 073, SK 074

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**RECOMMENDED DECISION:**

**Granted subject to a Section 106 agreement**

**RECOMMENDATION 1**

**Grant planning permission subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:**

**Financial contributions towards:**

- **Education Facilities**
- **Health Facilities**
- **Community Facilities Revenue**

**A permit-free development where residents are not entitled to permits to park in the RBKC controlled parking zone**

**RECOMMENDATION 2**

**DELEGATE to the Executive Director, Planning and Borough Development, the authority to issue the planning permission following completion of a satisfactory Section 106 Agreement or to refuse the planning permission if the Section 106 is not completed by the 30 June 2013.**

## **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, 1498(PL)000\_P3, PL 201 REV P6, SK 071, SK 068 REV B, SK 069 REV B, SK 070 REV A, SK 072, SK 073, SK 074 (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. **Development shall not commence until samples (including sample panels of brickwork) or detailed drawings as appropriate, of the exterior materials to be used have been submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.**  
*Reason* - In order to safeguard the architectural significance of the listed building and appearance of the conservation area in accordance with policy CL3 and CL4 of the Core Strategy.
4. **No development shall commence until detailed drawings (at scale 1:50) of all fenestration, including surrounds, panelling, window framing and glazing details (including secondary glazing) have been submitted to and approved in writing by the Local Planning Authority, and only the approved fenestration shall be used unless otherwise agreed in writing by the Local Planning Authority.**  
*Reason* - In order to safeguard the architectural significance of the listed building and appearance of the conservation area in accordance with policy CL3 and CL4 of the Core Strategy.
5. **Full particulars of the method(s) by which all the existing trees on the site are to be protected during building and other operations on the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences, and the protection so approved shall be provided before the commencement of the development and maintained for the duration of building and other operations on site. (C021)**  
*Reason* - To ensure that the trees are adequately protected, to safeguard their contribution to the amenities of the area. (R020)
6. **For the duration of all works associated with carrying out the development hereby permitted, no tree within the curtilage of the site shall be lopped, topped, or felled, or root pruned, without the prior written approval of the Local Planning Authority. (C023)**  
*Reason* - To ensure that the trees are adequately protected, to safeguard their contribution to the amenities of the area. (R020)
7. **Full particulars 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:**

(a) a landscaping and tree/shrub planting scheme;

(b) which trees/shrubs are to be retained;

(c) a hard landscaping scheme, including any paths and the surfacing materials to be used;

(d) any walls, fences, railings, gates, or other boundaries or enclosures. (C016)

*Reason* - To ensure the appearance of the development is satisfactory, and to safeguard the amenity of the area. (R016)

8. **Development shall not commence until details of all plant and ventilation equipment (including vents etc) have been submitted to and approved in writing by, the Local Planning Authority.**

*Reason* - To safeguard the amenity of neighbouring property and the architectural significance of the listed building in accordance with Core Strategy policy CL4 and CL5.

9. **Noise emitted by the all building services plant and equipment, shall be -10dBA below the existing measured lowest LA90(15min) background noise level at any time when all plant is in use, where the plant noise source has a tonal spectrum is shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises and/or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with manufacturers instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply. (C57c)**

*Reason* - To protect the amenities of nearby occupiers. (R57c)

10. **The kitchen extract fan and duct shall be supported and fitted with adequate proprietary anti-vibration mounts and connections as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. (C57f)**

*Reason* - To protect the amenities of nearby occupiers.

11. **Odour expelled from any flue serving a stove, oven or other cooking device shall not cause annoyance to any adjacent occupied premises. The use shall not commence until a fully detailed scheme indicating the measures to be used to control and minimize odour has been submitted to and approved in writing by the Local Planning Authority in consultation with the Director of Environmental Health. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply. (C57g)**

*Reason* - To protect the amenities of nearby occupiers. (R57g)

12. **The areas for the storage of bicycles and bins shall be provided in strict accordance with the approved plans prior to occupation of the flats, and retained for that use thereafter.**

*Reason* - In the interest of residential amenity and to promote cycle use in accordance with policy CL5 and CT1 of the Core Strategy.

13. **No development shall take place before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the ground floor commercial use and the first floor residential dwelling has been submitted to and approved in writing by the Local Planning Authority in consultation with the Director of Environmental Health. The sound insulation shall be installed and maintained only in accordance with the details so approved. The residential dwelling(s) shall not be occupied until the approved scheme has been fully implemented. (C53b)**  
*Reason - To safeguard the amenity of neighbouring premises. (R53a)*
14. **No works shall commence on the first floor rear extension until the replacement shopfront has been completed in accordance with drawing 1498 (SK)068 Rev B.**  
*Reason - To safeguarded the special architectural and historic interest of the listed building in accordance with Core Strategy policy CL4.*
15. **The doors and windows of the ground floor rear extension hereby approved shall be closed between the hours of 9pm and 9am.**  
*Reason - To safeguard the amenity of neighbouring properties.*

## **INFORMATIVES**

- 1 In granting this permission the Council has had regard to Planning Obligation(s) under Section 106 of the Town and Country Planning Act 1990, as amended. (I08)
- 2 I10 Attention to Conditions
- 3 IDN3 GTD/Pre-app/At submission Est.G/No amend
- 4 I.67A

## **1.0 SITE**

- 1.1 The application site comprises a four storey building (including basement) which is currently in use as a public house (Use class A4). The basement accommodates the kitchen, while the main bar area is situated on the ground floor, with function rooms on the first floor. The second and third floor provide ancillary staff accommodation and office space.
- 1.2 The building is Grade II Listed and within the Cheyne conservation area, and forms part of the secondary shopping frontage of the Kings Road major shopping centre.

## **2.0 PROPOSAL**

- 2.1 Planning permission and listed building consent are sought for the following:
- Erection of a rear extension at ground and first floor level
  - Insertion of rear dormer window and rooflight
  - Internal and external alterations (including a new shop front, reworking of external plant)
  - change of use of the first to third floors from ancillary accommodation of the public house to residential (6x1 bed flats).
- 2.2 The application and submitted drawings also state that the ground floor and basement will be used as a restaurant. Planning permission has not be sought for this change as it is permitted development.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 LB/12/04141 - Erection of a single storey ground floor rear extension and first floor rear extension and change of use of first to fourth floors from Class A4 (bar) to Class C3 (residential) (listed building consent) - pending consideration

PP/11/04067 - Erection of a single storey ground floor rear extension and change of use of 1st - 4th floors from Class A3 (Restaurant) to Class C3 (Residential), 1st floor rear extension, external and internal alterations and associated works - Withdrawn

LB/11/04068 - Erection of a single storey ground floor rear extension and change of use of 1st - 4th floors from Class A3 (Restaurant) to Class C3 (Residential), 1st floor rear extension, external and internal alterations and associated works (Listed Building Consent) - Withdrawn

PP/00/00139 - Change of use of first floor from offices (Class B1) to food and drink use (Class A3) in connection with ground floor and basement and erection of air conditioning equipment at rear of first floor level - Allowed on Appeal

## **4.0 PLANNING CONSIDERATIONS**

- 4.1 The principal determining issues in these cases include:
- Principle of Development
  - Housing Diversity
  - Proposed Residential Environment
  - Impact on Heritage Assets
  - Impact on Neighbouring Properties
  - Transport
  - Planning Obligations

- Trees

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 development plan policies are:

Core Strategy

C1 - Infrastructure Delivery and Planning Obligations

CT1 - Improving alternatives to car use

CL1 - Context and Character

CL2 - New Buildings, Extensions and Modifications

CL3 - Heritage Assets - Conservation Areas and Historic Spaces

CL4 - Listed Buildings, Scheduled Ancient Monuments & Archaeology

CL5 - Amenity

CH2 - Housing Diversity

Unitary Development Plan

CD63 - Conservation Area Views

Weight has also been given to the following supplementary planning guidance:

- Cheyne Conservation Area Proposals Statement
- Planning Obligations SPD
- Transport SPD

**Principle of Development**

4.3 The Core Strategy does not preclude the change use of public houses, although it does recognise their contribution to communities. The proposed use of the ground floor as a restaurant instead of a bar does not require planning permission under the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and therefore does not form part of this application.

4.4 The change of use of the upper floors from ancillary accommodation (within Use Class A4) to residential would technically result in the loss of floorspace in A4 public house use. However, this floorspace is not currently publicly accessible (except part of the first floor for occasional use for function) and as such would not form the main public house use that may warrant a level of protection.

4.5 In addition, the Core Strategy supports the provision of new housing, and the proposal would deliver 6 new units. In planning policy terms the proposals are acceptable in principle.

4.6 The emerging revisions to policy CK2 resist the loss of public houses throughout the Royal Borough. These revisions carry weight in determining planning applications, having been submitted to the Secretary of State following three stages of public consultation. They are only relevant to the aspects of the application that require planning permission. As explained above, the first floor is not currently publicly accessible and would not warrant the level of protection afforded to public bars. Any conflict with emerging policy CK2 is in this particular case outweighed by the benefits of meeting the Borough's housing needs.

**Housing Diversity**

4.7 Core Strategy policy CH2 requires new residential developments to include a

mix of types, tenures and sizes of homes that reflect the varying needs of the Borough. The proposed residential floorspace falls below the threshold for affordable housing provision set out in CH2.

- 4.8 The Council does not prescribe a particular housing mix, but identifies housing shortfall. There is a noted shortfall in 1 and 2 bed units. The proposals create 6x1 bed flats, which does not offer a mix of unit sizes as required by CH2. However, given the particular site constraints, i.e. sensitive listed building within a commercial frontage, the mix in this particular case is acceptable.

### **Proposed Residential Environment**

- 4.9 Core Strategy policy CH2(b) requires new residential developments to be designed to achieve lifetime homes, the Councils floorspace and ceiling height standards and seeks a minimum of 10% of the proposed dwellings have wheelchair accessibility. It has not been possible to achieve wheelchair accessibility due to the constraints imposed on the development by the listed building.
- 4.10 Core Strategy policy CL5 states that the *'Council will require new buildings, extensions and modifications and small scale alterations and additions, to achieve high standards of amenity.'* To deliver this the Council will, among other things, *'require good daylight and sunlight amenity for buildings and amenity spaces'*. The Mayors Housing Supplementary Planning Guidance also provides baseline internal and external space requirements for residential accommodation.
- 4.11 The six flats would meet the internal space stands set out in the SPG. Two of the flats would not have access to private outdoor space. However, in each case the internal floor space far exceeds the baseline requirements in the Mayor's SPG and is therefore acceptable in this particular case.
- 4.12 The proposed residential units would be above a large restaurant. The application is therefore supported by a Site Noise Level Survey which concludes that with suitable windows the residential units should not experience unacceptable level of noise disturbance from the restaurant.
- 4.13 Bin and cycle storage is provided on the ground floor within an accessible and secure location.

### **Impact on Heritage Assets**

- 4.14 Heritage significance of the listed building and its contribution to the Cheyne Conservation Area

The site is a stand alone public house in Cheyne Conservation Area designed by George Crickmay. Listed grade II in 2002 circa and built in 1900 it is a purpose built public house in an arts and crafts style and is architecturally distinctive and influential as a pub design. The buildings suffered bomb damage 1941 and 1949, and there were further changes in the late twentieth century. Although extensively altered internally at ground level with the loss of the historic public bar and creation of an open plan space the historic floor plan is evident on the upper levels and there is a particularly fine front room on the principal first floor as well as complete staircases both main and secondary.

- 4.15 The second and third floor levels still have remnants of historic features, including the floor plan, cornices and chimney pieces. In addition to the internal alterations there is a later glazed ground floor bay extension to the rear public bar which is poor quality and at odds with the architectural vocabulary of the

main historic property. The lower ground has remnants of the historic structure but has been significantly partitioned with services and back of house facilities. The integrity of the rear elevation has also diminished through incoherent services, including air conditioning and ducting resulting in visual clutter. Notwithstanding this the asymmetrical nature of the rear elevation is still clearly evident as is the original rear elevation from first floor up. The front elevation has maintained many original features although the main ground floor frontage has been subject to extensive refurbishment and has incompatible detailing of varying quality. The public house is set within a substantial and generous garden space which is used as a part of the public house and is intrinsic to its setting.

4.16 The existing pub is one of four that remain in the Cheyne Conservation Area. The others include The Phene, the Cross Keys and the Pigs Ear. In the recent Phene Arms appeal decision the Inspector noted that these four pubs are representative of historic Chelsea prior to the construction of Chelsea Embankment in the 1870s. The existing pub dates from 1900 and is therefore a more recent addition to the Kings Road townscape and Conservation Area, although historically there is evidence of a pub on this site known as the Six Bells dating back to the early nineteenth century.

4.17 Overall despite significant and incompatible alterations the special interest of the listed building and its contribution to the Conservation Area is:

- a distinctive late Victorian pub design, an exemplar of the "mock antique tavern"
- front elevation with triple bay gabled frontage and jettied attic, oriel windows and decorative embellishment
- the site has been occupied by a public house since the early nineteenth century
- designed by George Crickmay
- first floor still a single space and has retained architectural features
- upper levels retain historic floor plan and fragments of architectural features
- rear elevation has a distinctive appearance
- large garden setting to the rear

4.18 The scheme proposes a restaurant use at basement and ground floor level and to convert the upper floors to residential use (6x1 bed flats). To facilitate this the scheme comprises alterations and extensions to the rear elevation, including removal and replacement of a later 1980s glazed extension, a new first floor extension and insertion of new dormer windows and terraces as well as consolidating existing services for the kitchen and air conditioning. In addition there would be an overall refurbishment of the building including a new shop front and repairs to the front elevation.

#### Change of use of building and impact on heritage significance

4.19 Recent appeal decisions at the Phene Arms and Cross Keys recognised the community benefits of a public house and how this contributes to the character and appearance of the conservation area. Both the Phene Arms and The Cross Keys schemes proposed the change of use from public house to residential. This application is materially different in that it would retain a restaurant at ground and lower ground level a use that does not require planning permission.

4.20 Core Strategy policy CL4 seeks to resist changes of use which would materially harm the character of a designated heritage asset. The existing pub at ground and lower ground is internally devoid of architectural or historic value due to extensive refurbishment and extensions. Therefore use of these spaces for a restaurant would have limited impact on what remains in terms of the buildings public house character as the layout, fittings and fixtures have all been removed.

The first floor function room has historic and architectural value, which manifests itself in the proportions of the room, the joinery, generous oriel windows and the double chimney pieces at either end of the room. However, room is effectively an ancillary room to the main public house and does not function as a traditional public house space. The incidental use of this room means that it does not have the same cultural qualities as the ground floor public house and therefore the privatisation of this space for residential use would not result in a loss of character.

#### Impact of Ground Floor Extension

- 4.21 The scheme comprises the removal of the later 1980s glazed extension and replacement with a full width ground floor extension. The removal of the existing extension is welcome. The proposed extension expresses itself as a modern addition, but draws references from the main building in terms of articulation. It is set back from both boundaries and incorporates a stepped footprint and vertical emphasis which mirrors the asymmetrical nature of the main building. The materials are responsive to the main building in terms of red brick and white timber finishes and include an expressed stone cornice and frame to the windows. Further details will be secured by condition 3 and 4.

#### First floor extension, roof dormers and internal changes second floor

- 4.22 The proposals for the residential development have sought to retain the historical significance of the listed building including floor plan and historic features. The first floor front room is of primary significance and it would be retained as a single space and converted into a studio apartment. All original finishes and features would be retained including floorboards, ceilings, cornices and joinery. A freestanding centrally positioned piece of furniture would accommodate the kitchen and dressing room and enable the original proportions of the room to be fully appreciated as this would not be full height. Fan coil units and other associated services would be incorporated into this freestanding structure and pipework would be contained between the joists of the room. The entrance to the room would be retained but remodelled to incorporate a discreet fire curtain and the bathroom facilities would utilise an existing room. The key features and proportions of this room would be maintained despite the change of use.
- 4.23 The accommodation for apartment 2 could require removal of some original internal partition walls and part of the historic southern rear elevation to create an extension. This area is considered to be of more limited significance and has been already altered, there is an existing first floor extension in this area and the external space which the extension would occupy is littered with unsightly services. The single storey extension has been designed to reflect the original facade and references the main pitched roof and asymmetrical character of the building. The windows and materials would also be compatible with the detailing of the main building.
- 4.24 The remaining four flats on the second and third floor would require the adaptation of the floor plan, but would be legible with the retention of walls, chimney breasts, nibs, archways, downstand beams and leaded windows. Where non original pvc windows exist these will be replaced with leaded windows to match the existing.
- 4.25 Services for the flats will be incorporated into the loft space. This will require cowls on the roof which are acceptable in principle but further details will be secured by condition 8. Five conservation roof lights are proposed which will be flush with the roof and the existing slate and lead finishes will be refurbished.

### Terraces

- 4.26 Three new terraces are proposed at first and second floor level. Two would utilise existing flat roof space which are currently fully accessible, while a further small terrace would be created outside a new dormer window (tucked back into the roofspace where there is an existing flat roof area). These would be sympathetic additions to the existing building.

### Secondary glazing

- 4.27 All residential windows will have secondary glazing installed. This is acceptable in principle, but further details will be secured by condition 4.

### Alterations to the front elevation

- 4.28 There is historic evidence that provides a good indication of the original composition of the shopfront. The proposed scheme is now more closely modelled on the original early nineteenth century design based on historic photographs which date from 1903. The new shopfront will significantly enhance the external appearance of the building and will benefit both the Kings Road townscape, the listed building and the Conservation Area.

### External services

- 4.29 Mechanical ventilation heat recovery units will be provided for each flat and further details will be secured by condition 8 for all supply vents to living and bedroom spaces, to ensure the location and size is discrete. There is an existing substantial duct from ground to roof level and this is routed up the face of the rear elevation and then diverted back towards the roof and then up the line of the adjacent roof. The proposed kitchen vent will take a more concealed route from basement to third floor through a designated riser before joining the line of the existing duct. This is a visual enhancement.

### **Impact on Neighbouring Properties**

- 4.30 Policy CL5 of the Core Strategy seeks to ensure that development does not unreasonably affect neighbouring properties with respect to daylight; sunlight; privacy; enclosure; noise and disturbance.
- 4.31 Officers note the residents concerns about noise. The use of the ground floor as a restaurant does not require planning permission. Conditions are proposed which would control noise from plant and equipment, including the installation of a new extract flue and condition 11 secures details to ensure that cooking odours are controlled. Condition 16 will ensure that the windows and doors in the rear extension are closed between 9pm and 9am.
- 4.32 The ground and first floor extensions would not project beyond the plane of window walls of neighbouring properties and as such no loss of light or outlook would result from the proposals.
- 4.33 The terraces on the first floor are enclosed by the flank walls of neighbouring properties and would not offer any direct views into neighbouring properties. The terrace outside the dormer window is of minimal size and views are limited to the plane of sight from the window itself. This would not cause unacceptable or harmful levels of overlooking.

### **Transport**

- 4.34 Core Strategy policy CT1 seeks to ensure that there are better alternatives to

car use by making it easier and more attractive to walk, cycle and use public transport and by managing traffic congestion and the supply of car parking. Significant traffic generating uses in areas with poor accessibility will normally be resisted where they would have adverse impact on traffic congestion and on street car parking.

4.35 The residential units would have no off street car parking and would not be entitled to any on street parking permits. This will be secured by a unilateral undertaking should planning permission be granted.

4.36 The restaurant use does not require planning permission and as such the transport implications are not a matter for consideration.

### **Planning Obligations**

4.37 Contributions to mitigate the impact of the proposals on Borough Services and Infrastructure are required in accordance with Core Strategy policy C1 and the Planning Obligations SPD. These will be secured by a legal agreement in the event that Committee resolve to grant planning permission. Officers would add that in the event that a legal agreement is not secured planning permission will be refused under delegated powers.

### **Trees**

4.38 Core Strategy policy CR6 states that the Council will require the protection of existing trees and the provision of new trees that complement existing or create new, high quality green areas which deliver amenity benefits. The development will not result in the loss of any trees of amenity value.

## **5.0 PUBLIC CONSULTATION**

5.1 267 addresses were notified of the proposal. Four letters of objection and two letters of support have been received. The issues can be summarised as follows:

- Loss of pub is a shame - *This issues is addressed in paragraph 4.3 and 4.18-1.19*
- Conversion of function room is loss of amenities of Chelsea - *This issues is addressed in paragraph 4.19 and 4.21*
- Loss of staff accommodation - *This issues is addressed in paragraph 4.3-4.5*
- Noise and disturbance - *This issues is addressed in paragraph 4.30*

## **6.0 CONCLUSION**

6.1 It is recognised that this grade II listed building would benefit from sensitive refurbishment. This scheme offers a holistic approach to the entire building. While it is desirable to maintain the original use of the a building, the restaurant use is not the subject of this application and the proposed residential use are viable uses which can secure the restoration of this building and its future. The alterations to the listed building cause "less than substantial harm" to significance and therefore the NPPF requires the local planning authority to balance this against the wider benefits which in this case include: an enhanced shopfront based on historic evidence; extensive repair and refurbishment and a more unified rear elevation; and long terms uses of the upper floors. The proposals would be sensitive to residential amenity and would accord with the Core Strategy.

## **7.0 RECOMMENDATION**

### **7.1 RECOMMENDATION 1**

**Grant planning permission subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:**

**Financial contributions towards:**

- **Education Facilities**
- **Health Facilities**
- **Community Facilities Revenue**

**A permit-free development where residents are not entitled to permits to park in the RBKC controlled parking zone**

### **RECOMMENDATION 2**

**DELEGATE to the Executive Director, Planning and Borough Development, the authority to issue the planning permission following completion of a satisfactory Section 106 Agreement or to refuse the planning permission if the Section 106 is not completed by the 30 June 2013.**

**JONATHAN BORE**

**EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

**List of Background Papers:**

**The contents of file PP/12/04140 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Erection of a single storey ground floor rear extension and first floor rear extension and change of use of first to fourth floors from Class A4 (bar) to Class C3 (residential).**

**SUMMARY OF REASONS FOR DECISION**

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), 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:

**Core Strategy adopted 8 December 2010**

C1	Infrastructure Delivery and Planning Obligations
CT1	Improving alternatives to car use
CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CL5	Amenity
CH2	Housing Diversity

**'Saved policies of the Unitary Development Plan adopted 25 May 2002**

CD63	Conservation Area Views
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Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Cheyne adopted 2 June 1983 (19), Transport adopted 10 December 2008 (0803), Planning Obligations adopted 17 August 2010 (1001). These documents were adopted following public consultation. 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 recognised that this grade II listed building would benefit from sensitive refurbishment. This scheme offers a holistic approach to the entire building. While it is desirable to maintain the original use of the building, the restaurant use is not the subject of this application and the proposed residential use are viable uses which can secure the restoration of this building and its future. The alterations to the listed building cause "less than substantial harm" to significance and therefore the NPPF requires the local planning authority to balance this against the wider benefits which in this case include: an enhanced shopfront based on historic evidence; extensive repair and refurbishment and a more unified rear elevation; and long term uses of the upper floors. The proposals would be sensitive to residential amenity and would accord with the Core Strategy.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/12/04140>. If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.