

30

R.D.K.C.
APPROVED BY
THE COUNCIL ON
- 7 MAR 2000

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 07/03/2000 APP NO. PP/99/02471/MNW/49
AGENDA ITEM NO. 4031

ADDRESS

21 Elystan Street,
Chelsea, SW3 3NT

RECOMMENDATION
ADOPTED.

APPLICATION DATED 26/11/1999

APPLICATION COMPLETE 08/12/1999

APPLICATION REVISED N/A

+ Inf
Re: lightings

APPLICANT/AGENT ADDRESS: CONSERVATION AREA N/A CAPS No
ARTICLE '4' No WARD Royal Hospital

Thomas
Marsterson,
Jones Lambell Architecture and Design,
Studio 30, 38 Burns
Road,
London
SW11 5GY

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 58 OBJECTIONS 4

SUPPORT 0 PETITION 0

Applicant Christian Hammer

PROPOSAL:

Extension of existing restaurant into adjacent covered passage.

RBK&C Drawing No(s): PP/99/02471
Applicant's drawing Nos: 000, 001, 002, 005, 006, 007, 010, 015, 016 and 017

RECOMMENDED DECISION: Grant planning permission

31

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of five 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 be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority. (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. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)**
Reason - To ensure a satisfactory standard of external appearance. (R071)
4. **No more than seventy five customers shall be on the restaurant at any one time.**
Reason - To safeguard the amenities of neighbouring properties.
5. **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)
6. **Before the use hereby permitted commences, the premises shall be insulated so as to prevent the transmission of excessive airborne and impact noise from the premises in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and the insulation shall be installed only in accordance with the details so approved and shall be so maintained. (C054)**
Reason - To safeguard the amenity of neighbouring property. (R054)

INFORMATIVES

1. I09
2. I10
3. I21
I25

5. Your attention is drawn to condition 1 of the original permission which permits the Class A3 (food and drink) use of the unit, Ref. TP/82/0307, dated 28/4/1982, which states:
- "The hours of opening shall be restricted to those normally enjoyed by licensed premises i.e. 11 a.m. to 3 p.m. and 5.30 p.m. to 11 p.m. Mondays to Saturdays, and 12 p.m. to 2 p.m. and 7 p.m. to 10.30 p.m. on Sundays."
- A further planning application need be submitted under Section 73 of the Town and Country Planning Act, 1990 should one wish to amend this permission.

33

1.0 SITE

- 1.1 The application relates to a property which lies within Maylands House, part of the Sutton Dwellings development which lies on the western side of Elystan Street, close to the junction with Petyward. Maylands House is characterised by a number of commercial uses at ground floor level with residential above. A restaurant (Class A3) lies on the ground floor and basement floor of Nos. 19 and 21 Elystan Street.
- 1.2 The unit lies adjacent to a large arch which gives pedestrian and emergency vehicular access to the courtyard behind. The property does not lie within a Conservation Area.

2.0 PROPOSAL

- 2.1 Planning permission is sought to extend the ground floor unit into part of the adjacent covered passage. The proposed extension will be two metres wide and 9.6 metres deep. The proposed front and side elevation will take the form of a traditional glazed timber shopfront with timber stall risers. It will match the rest of the unit.
- 2.2 The proposed extension will increase the number of covers within the unit from approximately 55 to a total of 70.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 1982 for the continued use of the ground floor as a wine bar. (TP/82/0307).
- 3.2 There is no other relevant planning history.

4.0 RELEVANT PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration relate to; firstly, the impact that proposal will have upon the character and the appearance of the area; secondly, the impact that the extension of the restaurant will have upon parking pressure within the area; thirdly the impact that the extension will have upon the pedestrian environment; and fourthly the impact that the intensification of use will have upon the amenity of adjoining occupiers.
- 4.2 The relevant policies for consideration are as follows:
 - CD25 (High standard of design)
 - CD63 (Shopfronts)
 - S22 (Alterations are in keeping with character of parade)

- TR21 (Safe environment for pedestrians)
- TR39 (Development and congestion)

- 4.3 The principle of the proposed extension is considered to be acceptable in design terms. The extension is considered to sit comfortably in the side part of a covered walkway and, given its relatively enclosed location, it is not considered to have a significant impact on the character of the surrounding area. The proposed extension is considered to be of a high quality traditional design, using high quality materials which matches the rest of the unit and the majority of other shopfronts in the parade. Therefore, the proposed extension is considered to comply with Council policy as set out in Chapter 4 of the UDP, in particular with Policies CD25 and CD63.
- 4.4 The proposed extension of the floor space of the restaurant is considered to be acceptable in terms of its impact on traffic and on on-street parking provision in the area. The Council's Transportation Section have been consulted with regard to this application and have raised no objection. They consider that a moderate increase in the number of covers in the unit will not cause a significant increase in congestion. However, a condition is considered to be appropriate to ensure that no more than seventy five customers will be on the premises at anyone time. This will ensure that excessive parking pressure will not occur. Therefore, the proposal is also considered to comply with TR39 of the UDP.
- 4.5 The Transportation Section have also been consulted with regard to the impact of the proposed extension on pedestrian access to Sutton Dwellings. No objection is raised. A strip of pavement, 2 metres wide, will be enclosed by the development. However, members are advised that the remainder of the passage under the archway will remain almost exclusively available to pedestrians. General vehicles are not permitted to use this access, which is blocked by two retractable bollards. Vehicular access is restricted to emergency vehicles only. The main vehicular access to Sutton Dwellings lies in Cale Street to the south. Therefore, the proposed extension is considered to comply with Policy TR21 as is not considered to have a detrimental impact on pedestrian safety.
- 4.6 Turning to the impact of the proposal on the quiet enjoyment of the neighbouring residential properties, it is considered that an increase in approximately fifteen covers to a long established Class A3 use, lying within a commercial parade, will not cause a significant increase in noise or disturbance.
- 4.7 Furthermore, the original permission for the continued use of the premises as a wine bar, (granted in 1982), has a number of conditions placed upon it. This includes a condition which states:

"The hours of opening shall be restricted to those normally enjoyed by licensed premises i.e. 11am to 3 p.m. and 5.30 p.m. to 11 p.m. Mondays to Saturdays, and 12 p.m. to 2 p.m. and 7 p.m. to 10.30 p.m. on Sundays."



The reason for this permission is to safeguard the amenities of nearby residents. The change of use from wine bar to restaurant is not a material change of use which requires planning permission, as both uses fall within the same use class (A3 - food and drink.)

This condition has not been altered, and therefore, still applies to the extended premises. An informative is considered appropriate to remind the applicant of this condition, and inform them that a new planning application would need to be submitted under Section 73 of the Town and Country Planning Act, 1990 should they wish to amend it.

5.0 PUBLIC CONSULTATIONS

- 5.1 Fifty nine adjoining properties have been consulted in Elystan Street and Maylands House, Sutton Estate. Three letters of objection have been received from occupiers of Maylands House on the grounds that the intensification of use will cause excessive noise and disturbance. One letter refers to the current noise generated by refuse collection.

An increase of approximately fifteen covers is not considered to be so significant as to have a seriously detrimental effect on the quiet enjoyment of the surrounding residential properties. A condition is considered to be appropriate to ensure that adequate acoustic insulation be installed to ensure that the use of the extension will not cause a direct noise nuisance to adjacent residential properties. With regards the noise associated with refuse collection, the Directorate of Environmental Health has advised the Planning Directorate that refuse collection has recently been rescheduled for daytime collection.

- 5.2 The Chelsea Society have objected to the proposal on the following grounds:

"Firstly we object to the loss of the footpath through the archway. This is a frequently used pedestrian route and should be maintained.

Secondly the extension of restaurant use is undesirable in an area which is already over-supplied with restaurants. Policy S13 and paragraphs 4.10 and 4.11 (page 158) of the UDP apply."

The construction of the extension within the archway will not significantly disrupt the existing pedestrian access to Sutton Dwellings. An area of "road" 3.7 metres wide and used by pedestrians and emergency vehicles only, will be maintained.

Paragraph 4.11 and Policy S13 refers to new restaurants, and therefore, are not directly relevant to this application which concerns an extension of an existing unit. However, looking at S13 it is considered that the modest increase in scale of operation of the unit is not considered to have a significant reduction in the area's residential character. The Council's Transportation Section do not

36

consider that the modest increase in covers will increase traffic pressure, and have not objected to the loss of extension onto the small area of paving. Limiting the number of customers to 75 on the premises on any one time will ensure that the operation will not cause problems in the future. Members will note that there are currently no controls on the number of covers in the existing unit, and that therefore, the imposition of this condition introduces a useful additional control.

6.0 RECOMMENDATION

6.1 Grant planning permission

**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

List of Background Papers:

The contents of file PP/99/02471 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: CT
Report Approved By: BC/LAWJ
Date Report Approved: 21/02/2000**

PSC00.03/CT.REP

ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR, PLANNING &
CONSERVATION
PLANNING SERVICES COMMITTEE
7th MARCH 2000

The Planning Services Committee is asked to note and agree the following amendments to the Committee reports for the **SOUTH EAST** area team.

AGENDA ITEM 4031 21 ELYSTAN STREET, SW3

AMEND Condition 4 to read: "No more than seventy five customers shall be in the restaurant at any one time."

AGENDA ITEM 4034 13 WEST EATON PLACE, SW1

AMEND Condition 4 to read: "New windows on the additional storey shall be timber, double hung, and single glazed vertical sliding sashes and shall be so maintained."

AGENDA ITEM 4037 KNIGHTSBRIDGE STATION, BROMPTON ROAD, SW3

ADD Informative 9. With regards to Informative 7 above, you are advised that any structure which is to be constructed over an area which still technically remains highway, a stopping up order will be required before the development can be implemented.