



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 10th March, 2015**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7, 17th Floor, City Hall**

Members: **Councillors:**

Andrew Smith (Chairman)
Peter Freeman
Angela Harvey
Nilavra Mukerji

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Reuben Segal.

**Tel: 020 7641 3160; Email: rsegal@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

Councillor Angela Harvey is replacing Councillor Louise Hyams.

Councillor Nilavra Mukerji is replacing Councillor Councillor Barbara Grahame.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 57 RUPERT STREET, W1 | (Pages 3 - 30) |
| 2. PADDINGTON CENTRAL, BISHOP'S BRIDGE ROAD, W2 | (Pages 31 - 62) |
| 3. FLAT 9, 8 FRANCIS STREET, SW1 | (Pages 63 - 80) |
| 4. GROUND FLOOR AND BASEMENT, 412 HARROW ROAD, W9 | (Pages 81 - 88) |
| 5. 24 BREWER STREET, W1 | (Pages 89 - 114) |
| 6. 34 LYALL MEWS, SW1 | (Pages 115 - 140) |
| 7. 8 PINDOCK MEWS, W9 | (Pages 141 - |

8. 10 WARWICK AVENUE, W2

9. 7 ARCHERY CLOSE, W2

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(Pages 157 -
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202)

Peter Large
Head of Legal & Democratic Services
2 March 2015

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Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 10 MARCH 2015
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL
1	RN 14/04624/FULL West End	57 RUPERT STREET, W1 (ADDENDUM REPORT)	Excavation to create a new basement and roofing over existing courtyard in order to extend bar (Class A4).
	Recommendation Grant conditional permission.		
2	RN 14/11805/FULL Hyde Park	PADDINGTON CENTRAL, BISHOP'S BRIDGE ROAD, W2	Public realm enhancements to the pedestrian routes under Bishop's Bridge Road and the Westway, the canal side between these routes and the area around the Sheldon Square amphitheatre, including alterations to paving, lighting, seating and tree planting, relocation of cycle parking, alterations to the undercroft beneath, removal of redundant basement exits and installation of green walls.
	Recommendation Grant conditional permission.		
3	RN 14/06798/FULL Vincent Square	FLAT 9, 8 FRANCIS STREET, SW1 (ADDENDUM REPORT)	Erection of single storey extension and installation of green roof at third floor level.
	Recommendation Grant conditional permission.		
4	RN 10/46117/M (ENF) Harrow Road	GROUND FLOOR AND BASEMENT, 412 HARROW ROAD, W9	Change of use from a restaurant (Class A3) to a hot food takeaway operation (Class A5 use).
	Recommendation That an Enforcement Notice be issued requiring that within 56 days of the notice taking effect the use as a hot food takeaway operation shall cease except between the hours of 10:00 and 23:00 on Monday to Saturday and 11:00 and 22:30 on Sundays and Bank Holidays and that the associated ventilation equipment shall not be used except between the hours of 10:00 and 23:00 on Monday to Saturday and 11:00 and 22:30 on Sundays and Bank Holidays.		
5	RN 14/09900/FULL West End	24 BREWER STREET, W1	Use of basement, ground, first and second floors as restaurant (Class A3). Installation of replacement shopfront and window at front first floor level, alterations at roof level to replace flat roof with part 'M-shaped' and part hipped roof, and erection of extract duct at roof level.
	Recommendation Grant conditional permission.		

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 10 MARCH 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
6	RN 14/08617/FULL Knightsbridge And Belgravia	34 LYALL MEWS, SW1	Excavation of a two storey basement with lightwell to first basement level and associated plant and landscaping.	
	Recommendation Grant conditional permission.			
7	RN 14/07310/FULL Little Venice	8 PINDOCK MEWS, W9	Basement extension and replacement of garage door with window in connection with the conversion of the garage to living accommodation. Installation of rooflight.	
	Recommendation Grant conditional permission.			
8	RN 14/11766/FULL RN 14/11767/LBC Little Venice	10 WARWICK AVENUE, W2	Excavation of basement extension below front garden, installation of glazed roof over lightwell, demolition and replacement of front garden boundary walls and railings, removal of two trees and planting of one replacement tree in front garden.	
	Recommendation Refuse permission and listed building consent – adverse impact on listed building, design and trees.			
9	RN 14/11604/FULL Hyde Park	7 ARCHERY CLOSE, W2	Erection of glazed openable roof to enclose rear garden at lower ground floor level.	
	Recommendation Grant conditional permission.			

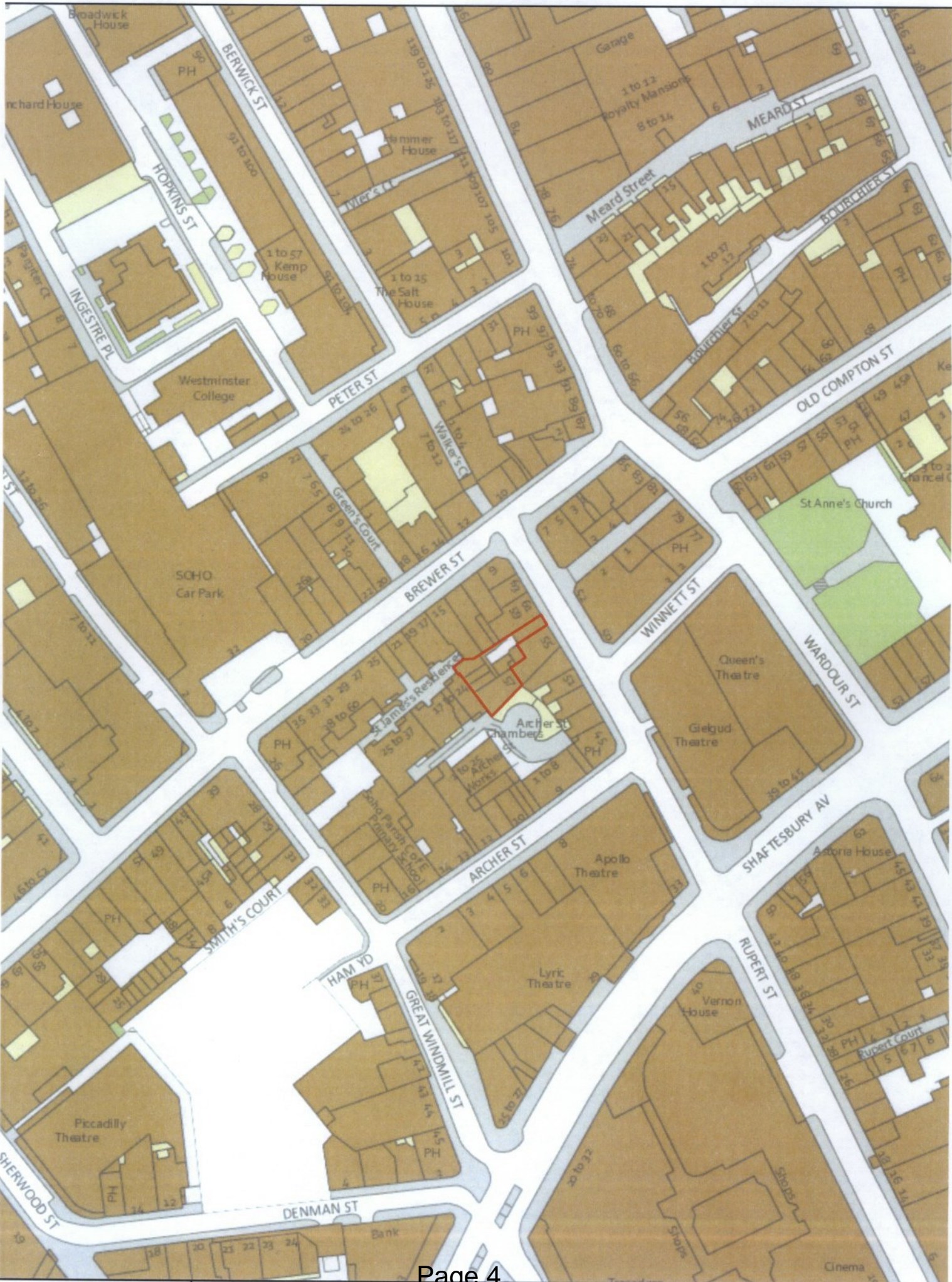
Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Addendum Report of Operational Director Development Planning		Wards involved West End	
Subject of Report	57 Rupert Street, London, W1D 7PJ		
Proposal	Excavation to create a new basement and roofing over existing courtyard in order to extend bar (Class A4).		
Agent	KR Planning		
On behalf of	Consolidated Property Corporation Ltd		
Registered Number	14/04624/FULL	TP / PP No	TP/14412
Date of Application	15.05.2014	Date amended/ completed	27.08.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Premises Licence opening hours: Monday-Thursday 10.00 - 22.30 Friday and Saturday 10.00 - 00.00 Sunday 12.00 - 23.00 Capacity restriction of 260 persons		

1. RECOMMENDATION

Grant conditional permission.





57 RUPERT STREET, W1
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2. SUMMARY

The application was reported to the Planning Applications Committee on 27 January 2015 where it was decided to defer the consideration of the case to allow for a Members site visit. A site visit took place on 11 February 2015.

Since Committee, as a result of the submission of an Architectural and Historic Interest Appraisal prepared by Paul Velluet on behalf of the proprietors of the Yard Bar, there have been on-going investigations into the historic significance of 57 Rupert Street and courtyard, and its contribution to the historic character and appearance of the conservation area. It has become clear that the significance of the building and its contribution to the character and appearance of the Soho Conservation Area is greater than originally thought.

No.57 Rupert Street dates from the 1880s and was built to accommodate stables, a loft, carriage house, and a small dwelling. Contemporary publications show model designs for accommodation of a notably similar design to the building on this tightly constrained urban site. It is one of few remaining semi-public yards in Soho.

Equine accommodation once found in the area may be divided into three categories:

1. Stables in public streets e.g. Duck Lane, Portland Mews, Richmond Mews, Bridle Lane etc. These are common and many survive in some form.
2. Stables associated with particular large scale buildings/uses e.g. J. Huggins & Co., brewers. These were less common and there do not seem to be any remaining.
3. Stables in yards behind buildings e.g. 45A Brewer Street (Horse Hospital), 57 Rupert Street etc. These were also less common and only these two examples seem to have survived. The former Horse Hospital is a Grade II listed building.

The application site is accessed via an archway from Rupert Street which opens into a yard enclosed by No.57 on its west and south sides to a height of two storeys, and to the north and east by the rear of premises in Brewer Street and Rupert Street which rise to a height of up to five storeys with mansard roofs above. Above and beyond No.57 to the west is the tall flank wall of St. James's Residences, and to the south is an open area beyond which is the rear of buildings in Archer Street.

Internally, it is clear that the original roof structures are intact and at ground floor level there are some areas of exposed white glazed brickwork, and cast iron columns that would have formed stalls. Otherwise the walls are plain brick or plastered, and there is an interesting blind arcade along the south side of the building at first floor level. Externally, the building has two hipped roofs and a small area of flat roof, the walls are of white painted brickwork with some original windows. The first floor walkway is a modern addition and the ground floor doors to the former carriage house are also modern. Nevertheless, the outward scale, form and design of the building makes a positive contribution to the character and appearance of the Soho Conservation Area and it is significant as a rare survival of a historic building type. Its historic interest and contribution to the conservation area are further enhanced by it being apparently the only example in Soho of this kind of stabling and because it was designed in accordance with late 19th century best practice.

The Architectural and Historic Interest Appraisal prepared by Paul Velluet demonstrates that the proposed alterations, including excavation of a basement and enclosure of the yard beneath a glazed roof would alter the size, form and design of the building, and significantly alter its relationship to the yard which is an important part of its historic character and appearance, and is of particular importance to the way in which it contributes to the Soho Conservation Area.

Since the application was presented to Committee in January the applicant has submitted amended drawings which increase the provision of openable glazed panels within the courtyard roof, extractor units and intake ventilation ducts. Under the previously allowed appeal, the Inspector imposed a condition requiring that the roof over the courtyard remained fixed shut. It is recommended that, if planning permission is granted, in order to protect neighbouring residential amenity, a condition to this effect be imposed in accordance with the Inspector's original aims.

3. CONSULTATIONS

REPRESENTATIONS RECEIVED AFTER THE PREVIOUS REPORT WAS COMPILED BUT VERBALLY REPORTED TO COMMITTEE

Two letters and an Architectural and Historic Interest Appraisal raised objections on the following grounds:

- The last remaining open stable yard in Soho could be lost forever.
- The building is an unlisted building of merit and should be protected and preserved.
- A second application at the site (RN:14/12447/FULL) relates to a roof extension to create three flats. The applications should be considered by the Committee at the same time.
- The development proposals do not complement or enhance the Soho Conservation Area and it will be an intensification of use.
- A well-established and profitable independent operator will be lost and there will be no controls over who takes the new space, especially as development costs are likely to place rents out of reach of independent operators.
- The existing bar appeals to a wide range of customers throughout the day, including office workers, residents, tourists and the LGBT community.
- Smokers will be displaced onto Rupert Street and this will potentially damage residential amenity and lead to a rise in anti-social behaviour and crime, which we have worked hard to manage in conjunction with the Police.
- Excavating a new basement will extend the premises and there are no guarantees that a licence will not be sought for later hours or a greater capacity in time. There are already adequate facilities for staff and storage.
- Additional plant will be needed at roof level and ducts within the yard for any future operation. This will have a further impact on the conservation area and would have an adverse impact on residential amenity.
- The noise report submitted by the applicant was prepared in 2009 when the premises was under the management of a different operator and did not have the same level of popularity. The current operator has employed their own noise specialist to review this and have submitted these comments to the City Council.
- The Committee report contains a lack of information about the changes and investment made to the existing operation, including use of a sound limiter, and better management of the site since the previous application was made in 2009.
- The previous application was granted at appeal. Emphasis was placed on the low numbers of customers and how this would not have an adverse impact on residential amenity. This situation has now changed considerably and is a material consideration.
- In conservation terms, the building is of considerable interest and significance, architecturally and, socially and archaeologically and merits every effort to secure its continued survival without harm. The proposed development will harm the heritage significance of the building, contrary to national and local planning policies.

One letter on behalf of the applicant raised the following issues:

- The issues relating to noise and smoker relocation were live issues on the previous appeal when the Inspector found in favour of the applicant.
- Ventilation of the bar is not a planning issue as it is dealt with by other regulatory controls.

REPRESENTATIONS RECEIVED AFTER THE PREVIOUS REPORT WAS COMPILED AND RECEIVED AFTER THE PREVIOUS COMMITTEE MEETING

COUNCILLOR CHURCH

- The proposal would harm the architectural merit of the application site.
- The proposals will worsen the lives of local residents and compromise local amenity.
- The venue is unique and should remain part of Soho life for years to come.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

- An updated Architectural and Historic Interest Appraisal which sets out the interest and architectural and conservation significance of the bar and courtyard.
- One letter of objection received on the following grounds:
The proposal would result in an unacceptable loss of historic character.

600 (approx) objections have been received which raise the following issues:
(As is the Council's usual practice, a copy of each of these has been supplied to every member of the Committee with the officers report).

Amenity and Crime

- The courtyard is essential for providing an on-site smoking solution that is easily controlled by the management.
- The proposed filling in of the courtyard will affect the running of the business and force smokers onto Rupert Street.
- The displacement of smokers will cause additional noise disturbance to residents and neighbouring occupiers.
- The displacement of smokers will result in more crime and disorder within the immediate area.
- At peak times the courtyard can accommodate 90 smokers. If displaced, this additional crowd will have a significant impact on the free flow of pedestrians.
- At the time of the previous allowed appeal, the public house operation was not popular and not frequented by large numbers of customers. The Inspector's references to a 'small number of smokers who would not noticeably increase noise levels, are incorrect.
- Smokers outside the premises would be difficult for the management to control.
- The loss of the open courtyard will have a significant impact upon local residents, business and the local environment.
- The applicant's noise assessment is based on survey work undertaken in November 2009. Bearing in mind the changing nature of the local environment, it is apparent that the survey work is now out of date and does not represent the noise character of the local area.
- The noise assessment does not consider the potential noise impact of circa. 90 additional smokers congregating on Rupert Street.

Design

- The application site has been identified as a building of merit, thereby the open courtyard is of significance and character. Its loss would be detrimental to the character and visual appearance of the building and wider conservation area.
- The loss of the open courtyard is contrary to the Council's policy for retaining all open spaces and their quality, heritage, ecological value, tranquillity and amenity.

Other

- The existing operators of the public house neither need the proposed development to enhance their operation, nor understand how the proposed alterations will have any benefit to the operation.
- In practice, the proposed layout would not meet basic fire escape requirements.

- The residential units adjoining the public house are currently under refurbishment (and vacant). The absence of any objections from these units should not be taken as meaning that occupiers tacitly support the proposals.
- The existing courtyard is a unique facility for patrons and should be protected.
- The excavation of a basement could harm the stability of surrounding properties.
- The premises is one of the few enclosed, but open to the sky, areas within Soho where it is possible to drink and smoke and as such is popular with local residents, workers and the wider LGBT community. This unique environment is part of the historic fabric of the original development and was not designed to take such physical intervention in the form of digging out or glazing over which would be harmful to its character and qualities.
- The result of developments such as this, and the consequent substantial increase in rents, means that only large brands and expensive restaurants can afford the resultant higher rental levels. This is having a very clear and unwelcome impact on Soho generally which is losing its character of small, independent and unique venues.
- The loss of the venue is harmful to the LGBT community who have suffered losses of a number of prominent venues within Soho and wider London over the past 18 months.

BACKGROUND PAPERS

1. Application form.
2. Report to Planning Applications Committee and minutes dated 27 January 2015.
3. Letter from Councillor Church received 23 February 2015.
4. Letter from Andy Jones, long term leaseholder of 57 Rupert Street received 22 January 2015
5. Letter from Kieran Rafferty on behalf of applicant received 26 January 2015
6. Letter from Jonathan Phillips on behalf of The Yard Bar received 26 January 2015.
7. Architectural and Historic Interest Appraisal prepared by Paul Velluet dated February 2015.
8. Letter from David Watkin, Emeritus Professor of the History of Architecture dated 12 February 2015.
9. 600 (approx) letters/emails received dating from 23 February 2015 – 28 February 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT HELEN MACKENZIE ON 020 7641 2921 OR BY E-MAIL – hmackenzie@westminster.gov.uk

RESOLUTION

6 57 RUPERT STREET, W1

Excavation to create a new basement and roofing over existing courtyard in order to extend bar (Class A4).

Late representations were received from Cllr Glenys Roberts (27.01.15), Kieran Rafferty (26.01.15), Jonathan Phillips (26.01.15), Andy Jones (22.01.15).

Late representations were also received from over 600 people objecting to the proposed development.

Councillor Jonathan Glanz and Councillor Glenys Roberts both spoke before Members of the Sub-Committee opposing the proposed application.

RESOLVED:

Decision deferred pending a site visit by the Committee.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 January 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved West End	
Subject of Report	57 Rupert Street, London, W1D 7PJ		
Proposal	Excavation to create a new basement and roofing over existing courtyard in order to extend bar (Class A4).		
Agent	KR Planning		
On behalf of	Consolidated Property Corporation Ltd		
Registered Number	14/04624/FULL	TP / PP No	TP/14412
Date of Application	15.05.2014	Date amended/ completed	27.08.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Premises Licence Opening Hours: Monday-Thursday 10.00 - 22.30 Friday and Saturday 10.00 - 00.00 Sunday 12.00 - 23.00 Capacity restriction of 260 patrons		

1. **RECOMMENDATION**

Grant conditional permission.

2. SUMMARY

The site comprises of a two storey bar known as "The Yard" to the rear of 55 and 59 Rupert Street within the Soho Conservation Area, Central Activities Zone (CAZ) and the West End Stress Area. It is accessed via a passageway underneath 55-59 Rupert Street.

Permission is sought for the excavation of a basement to provide additional staff accommodation for the bar and the installation of a roof over an existing courtyard. No changes to the opening hours or capacity are proposed as part of this application. The existing floor area of the site measures 325m² and the development would add a further 85m². The proposal is identical to an application previously refused by the City Council (RN:09/07815/FULL), but subsequently allowed by the Planning Inspectorate. That planning permission has now expired.

The key issues for consideration are:

- The impact of the proposals upon the amenities of neighbouring residents.
- The impact of the works upon both the host building and the wider character and appearance of the conservation area.
- The impact that patrons displaced from the existing 'smoking yard' will have on the potential for crime on Rupert Street.

The proposals are considered acceptable on amenity, design and conservation grounds and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

3. CONSULTATIONS

COUNCILLOR GLANZ

- The application is by the freeholder of the building over the head of the current long term lessee.
- The proposal would result in the intensification of the use of the site and would therefore materially adversely affect residential amenity in the area.
- The proposal will result in smokers being displaced onto Rupert Street.
- The premises is one of the few enclosed, but open to the sky, areas within Soho where it is possible to drink and smoke and as such is popular with local residents, workers and the wider LGBT community. This unique environment is part of the historic fabric of the original development and was not designed to take such physical intervention in the form of digging out or glazing over which would be harmful to its character and qualities.
- The result of developments such as this, and the consequent substantial increase in rents, means that only large brands and expensive restaurants can afford the resultant higher rental levels. This is having a very clear and unwelcome impact on Soho generally which is losing its character of small, independent and unique venues.

SOHO SOCIETY

Objection. The current use of the property as a bar included good urban design for its purpose with an open area suitable for smoking. The built environment of Soho has narrow pavements and should this application be approved, patrons of the premises would have to come out onto the street to smoke thus blocking the public highway. This would create additional noise nuisance and street crime problems. Increasing the size of the premises would increase the number of patrons to the detriment of residential amenity. The covering of the outdoor area would require mechanical ventilation and associated air conditioning units, which would be unsustainable in design terms. The design of the proposal would go against the heritage as a stable yard and would not improve the character of the conservation area.

WESTMINSTER POLICE LICENSING TEAM

Currently customers of 'The Yard' smoke within the internal courtyard. If a roof is created, the many smokers will end up in the street. There is an existing problem with thefts occurring in the vicinity and more people outside will result in more crime and disorder.

BUILDING CONTROL

No objection.

DESIGNING OUT CRIME OFFICER

No response received.

ENVIRONMENTAL HEALTH

No objection subject to standard conditions and Informatives.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 112; Total No. of Replies: 13.

Petition with 2767 signatures in opposition to the proposal.

Eleven letters of objection received on the following grounds:

Amenity and Crime

- The courtyard is essential for providing an on-site smoking solution that is easily controlled by the management.
- The proposed filling in of the courtyard will affect the running of the business and force smokers onto Rupert Street.
- The displacement of smokers will cause additional noise disturbance to residents and neighbouring occupiers.
- The displacement of smokers will result in more crime and disorder within the immediate area.
- At peak times the courtyard can accommodate 90 smokers. If displaced, this additional crowd will have a significant impact on the free flow of pedestrians.
- At the time of the previous allowed appeal, the public house operation was not popular and not frequented by large numbers of customers. The Inspector's references to a 'small' number of smokers who would not noticeably increase noise levels, are incorrect.
- Smokers outside the premises would be difficult for the management to control.
- The loss of the open courtyard will have a significant impact upon local residents, business and the local environment.
- The applicant's noise assessment is based on survey work undertaken in November 2009. Bearing in mind the changing nature of the local environment, it is apparent that the survey work is now out of date and does not represent the noise character of the local area.
- The noise assessment does not consider the potential noise impact of circa. 90 additional smokers congregating on Rupert Street.

Design

- The application site has been identified as a Building of Merit, thereby the open courtyard is of significance and character. Its loss would be detrimental to the character and visual appearance of the building and wider conservation area.
- The loss of the open courtyard is contrary to the Council's policy for retaining all open spaces and their quality, heritage, ecological value, tranquillity and amenity.

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Other

- The existing operators of the public house neither need the proposed development to enhance their operation, nor understand how the proposed alterations will have any benefit to the operation.
- In practice, the proposed layout would not meet basic fire escape requirements.
- The residential units adjoining the public house are currently under refurbishment (and vacant). The absence of any objections from these units should not be taken as meaning that occupiers tacitly support the proposals.
- The existing courtyard is a unique facility for patrons and should be protected.
- The excavation of a basement could harm the stability of surrounding properties.

One letter of support received on the following grounds:

The middle of a residential courtyard has always been a poor location for a late night entertainment use as multiple complaints to Environmental Health attest. Local residents have suffered excessive noise from the premises for a number of years. Any application that will improve the establishment and ensure peace for residents is supported.

One neutral letter received which neither opposed or supported the proposal.

4. BACKGROUND INFORMATION

4.1 The Application Site

The site comprises an unlisted two storey bar (Class A4) known as "The Yard". The premises are located to the rear of 55 and 59 Rupert Street within the Soho Conservation Area, Central Activities Zone and the West End Stress Area. The site is accessed via a passageway underneath 55-59 Rupert Street, which opens into a small courtyard which forms part of the premises. The bar extends into the first floor where there is a large balcony which is also accessible to patrons.

4.2 Relevant History

An identical application was previously refused by the City Council (RN:09/07815/FULL), on the grounds that the proposals would add to the existing late night activity and disturbance in this part of the West End Stress Area and would harm the character and function of the area, the quality of the area's environment and the general amenity of the area. However, the appeal was allowed by the Planning Inspectorate. The time for the works to commence has now expired, hence the applicant has submitted a new planning application.

5. THE PROPOSAL

Permission is sought for the excavation of a basement to provide additional staff accommodation for the bar and the installation of a roof over an existing courtyard. No changes to the opening hours or capacity are proposed as part of this application. The existing floor area of the site measures 325m² and the development would add a further 85m², resulting in an entertainment use of 410m². The proposal is identical to an application previously refused by the City Council (RN:09/07815/FULL), but subsequently allowed by the Planning Inspectorate. This planning permission has now expired.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal involves an increase in overall floorspace for a bar (Class A4) within the West End Stress Area and, on this basis, UDP Policy TACE 10 is relevant. Policy TACE 10 states permission will be granted for proposals only in exceptional circumstances.

Westminster's City Plan: Strategic Policy S24 relates to entertainment uses and states that entertainment uses need to demonstrate that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The planning history shows the original permission for the use was granted in 1993 for A3 (food and drink purposes) and is now used as a bar (Class A4), which was previously within the old A3 Use Classes Order (pre 2005 Use Classes Order). The premises have a licence to open between 10.00 - 23.30 Monday - Thursday, 10.00 - 00.00 Friday - Saturday and 12.00 - 23.00 on Sundays.

The premises are accessed via a passageway under 55-59 Rupert Street which opens onto a courtyard area. This courtyard area is generally very busy at peak times, and is also surrounded by a large balcony area at first floor level which allows additional patrons to drink and smoke outside. The existing plans indicate a retractable canopy which extends over the courtyard. This canopy was in place in 2009, but has since been removed by the current operators.

The application proposes a new glazed roof which would enclose both the balcony and the courtyard. Whilst the glazed roof would not add to the overall useable floorspace, it could give rise to a more intensive use of the floorspace. Subterranean excavation is also proposed to create a basement level. The submitted floorplans show that the new floor area will be used entirely for staff facilities, however, it is conceivable that this arrangement may alter in the future and the new floorspace could become available to the public.

The applicant has stated they do not wish to increase the capacity of the bar. The current premises licence has a capacity restriction of 260 patrons. There is also no intention to vary the current opening hours which at present has the following terminal hours: 23.30 on Monday to Thursdays; 00.00 hours on Fridays and Saturdays; 23.00 hours on Sundays, bank holidays and public holidays.

The proposed glazed roof and basement extension are unchanged from a previous application submitted to the City Council in 2009 (RN: 09/07815/FULL). The application was initially refused by the City Council, but subsequently approved by the Planning Inspectorate. The Inspector considered that, subject to steps being taken to restrict the opening hours and patron numbers permitted into the premises, the proposal would not intensify the existing use to a level that would cause additional harm to the amenity of neighbouring residents. A number of objections to the proposal have been received and these are addressed within the following sections of the report.

6.2 Townscape and Design

The proposed extension, enclosing the area between the main building fronting Rupert Street and the outbuilding at the rear is not considered contentious in design terms. While the proposal is unusual, this area has already been partially enclosed and is only visible from very limited private views. It is at low level and would not harm the appearance of the building or the character and appearance of the conservation area. The Planning Inspector in 2010 also confirmed her view that the proposal would preserve the character and appearance of the

conservation area. For these reasons it is considered to comply with Westminster's City Plan: Strategic Policies S25 and S28 and UDP Policies DES 1, DES 5 and DES 9.

One objection to the proposals refers to the requirement within Westminster's City Plan: Strategic Policy S35 to protect open spaces. This policy relates to public open spaces such as parks, pocket parks and civic amenity spaces rather than open spaces which are not public and are associated with entertainment uses. The policy does not preclude the roofing over of the existing courtyard.

6.3 Residential Amenity

Noise and the displacement of smokers

The existing premises are somewhat unusual, in that they feature a large external area for drinking and smoking within a site which is enclosed on all sides by a large number of residential properties. The City Council's records indicate that there have been 19 noise related complaints received since 2009. This is unsurprising given that the courtyard can be very busy during peak hours. One neighbouring resident has written in support of the proposals as it is their belief that the covering of the courtyard will significantly reduce the noise disruption currently experienced by neighbouring residents.

The application has been submitted by the freeholders of the premises, not the current operators of the bar and the operators object to the proposals.

The applicant has submitted a noise report which seeks to demonstrate that the proposed glazed canopy would significantly reduce noise levels for the occupiers of the residential properties overlooking the courtyard. The report, based on surveys on two separate dates, states that residents overlooking the courtyard experience a high level of noise late in the evening where noise levels from the courtyard were between 70-75dB. The report states that the reduction in noise from the glazed roof is estimated to be approximately 30dBA. Therefore, the noise levels at the nearest neighbouring residential properties would be between 45dB to 50dB. The noise reports also assessed noise levels on Rupert Street, to the front of the premises and concluded that the displacement of smokers from the premises would result in a 1dB increase in prevailing sound levels.

A noise report has been prepared on behalf of the operators of the premises to rebut the findings from the applicant's noise report. The report states that the applicant's report is outdated as it was prepared in 2009 and is not an adequate reflection of the existing activity at the application site. The contention is that the bar is now busier than it was at the time of the previous application (it is suggested that the turnover is now four times greater than the 2009 figures, albeit the Licensing capacity restriction has always been 260 patrons within the premises at a time). The objectors consider that the number of smokers displaced onto Rupert Street will be far greater than the number anticipated by the applicant's noise consultant and the Planning Inspector, who considered that the numbers would be small and would not cause a demonstrable noise impact.

It should be noted that there will always be an element of estimation when assessing crowd noises, given the nature of the noise which is variable rather than constant. For this reason a judgement needs to be taken on the likely impact that the proposal will have on the number of smokers outside the premises. Also, it could be argued that if the bar has been busier since 2009, in turn it will be more of a nuisance to existing residents.

The number of noise complaints received in the 12 year period between 1997 and 2009 was 28. In the five year period since 2009, 19 noise complaints have been received which indicates that while the bar is busier it is having a greater impact on amenity.

An objection submitted on behalf of the operators of the premises highlights that the current application has been submitted by the freeholder against the wishes of the operators who

would like to retain the courtyard area for al fresco smoking and drinking. The objectors have submitted surveys which indicate that at peak hours there are a large number of smokers within the courtyard and balcony. These smokers, who will be displaced outside the premises, will be more difficult for the management to control.

It could be argued that the reason that the number of smokers at the premises is so high is because patrons wishing to smoke are particularly attracted to the premises by its unique offer, which allows smoking without leaving the premises. It is considered that if the premises covered the yard, and lost this unique element, the number of patrons wishing to smoke who visited the bar may be reduced. It is therefore not unreasonable to consider that the number of smokers displaced onto Rupert Street may not be as high as the objectors believe.

Rupert Street is a particularly busy street especially during peak night time hours. It is likely that the number of displaced smokers would not be significant in the context of the overall pedestrian flows on Rupert Street. Based on the likely number of patrons who will be displaced to the street and the prevailing very busy street conditions, it is unlikely that a demonstrable noise impact will be experienced by neighbouring residents.

Overall, it is considered that the erection of a glazed roof over the courtyard, without any increase in the number of customers within the premises, is likely to result in a reduction in the level of noise experienced by neighbouring residents at the rear of Rupert Street. Whilst smokers will be displaced to the front of the premises, it is debatable whether patrons who wish to smoke will visit the premises in such large numbers as at present, as a result of the external smoking area being lost. It is understood that some noise, which at present emanates from the courtyard will be transferred to Rupert Street as a result of the displaced smokers. However, as Rupert Street is already a very busy street, it is not considered that this will cause demonstrable noise harm.

Impact on crime

A number of objections have focussed on the impact that large numbers of displaced smokers could have on crime levels within the immediate area outside the premises on Rupert Street and the junction with Tisbury Court. The concerns, including those expressed by the City Council's Police Licensing Team, are that this area of Rupert Street is a known crime 'hotspot' and that the greater the number of people congregating on the street the easier it is for drug dealers and other perpetrators of crime to act nefariously, and that those patrons congregating outside the premises are more likely to be victims of crime. However, it is not uncommon for smokers to congregate outside entertainment premises; in fact this is how the majority of entertainment uses within Soho operate, and it would not be sustainable to recommend the application for refusal on these grounds.

Daylight/Sunlight and Overlooking

The roofing over of the existing terrace is not considered to cause any amenity issues compared to the current situation in terms of daylight, sunlight and overlooking. It would not add to any overlooking issues to the neighbouring flats as it only involves roofing over the existing courtyard.

6.4 Transportation/Parking

The proposals do not require any additional parking provision.

6.5 Economic Considerations

Any economic benefits generated are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Not applicable.

6.7 London Plan

The proposal does not raise any strategic implications.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

None required.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

None required.

6.11 Access

Access to the main building would be unchanged.

6.12 Other Issues

Comments have been received concerning any potential impact that the basement excavation would have on the foundations and structural integrity of other buildings, and to the potential effects on the water table and the potential increase in the risk of flooding.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the building to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and

Item No.
6

enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who have advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The City Management Plan will include policies specifically dealing with basement and other subterranean extensions. This is at an early stage of development and will not carry any weight as a material consideration in determining planning applications until it has progressed significantly along the route to final adoption.

An objection to the proposal refers to the fact that the proposed layout would not meet fire escape requirements. This matter is dealt with under Building Regulations and planning permission could not be reasonably withheld.

6.13 Conclusion

The proposals are considered acceptable on amenity and design grounds, and comply with the policies set out in the UDP and City Plan.

BACKGROUND PAPERS

1. Application form
2. Letter from Councillor Glanz dated 25 September 2014
3. Letter from Soho Society dated 13 October 2014
4. Memorandum from Environmental Health dated 15 September 2014
5. Email from Westminster Police Licensing Team dated 14 October 2014
6. Memorandum from Building Control
7. Letter, external smoker survey results, email, correspondence from London Fire and Emergency Planning Authority and Noise Impact Report by Big Sky Acoustics, all submitted on behalf of the occupiers of the premises at 57 Rupert Street "The Yard" dated 29 September 2014, 20 October 2014, 21 October 2014 and 24 October 2014
8. Letter from owner/occupier of Circa, 62 Frith Street dated 01 October 2014
9. Letter from owner/occupier of Prowler Retail Store dated 04 October 2014
10. Letter from owner/occupier of Flat 1, Tisbury Court dated 07 October 2014
11. Two letters from owner/occupiers of 33 Broadwick Street dated 07 and 08 October 2014
12. Letter from owner/occupier of the Soho Salon, 5 Carlisle Street dated 07 October 2014
13. Letter from owner/occupier of Rupert Street Supermarket, 55 Rupert Street dated 07 October 2014
14. Letter from owner/occupier of 15 St James Residences, Brewer Street dated 07 October 2014
15. Letter from owner/occupier of The Full English, 18 Greek Street dated 08 October 2014
16. Letter from owner/occupier of Ronnie Scott's dated 08 October 2014
17. Two letters from owner/occupiers of Flat 6 Ingestre Court, Ingestre Place dated 09 and 10 October 2014
18. Letter from owner/occupier of Flat 13, 23 Brewer Street dated 10 October 2014
19. Letter from owner/occupier of 1st Floor Flat, 33 D'Arblay Street received 20 October 2014
20. Petition in opposition to the proposal containing 2767 signatories.
21. Appeal decision dated 14 September 2010.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT HELEN MACKENZIE ON 020 7641 2921 OR BY E-MAIL – hmackenzie@westminster.gov.uk

DRAFT DECISION LETTER

Address: 57 Rupert Street, London, W1D 7PJ

Proposal: Excavation to create a new basement and roofing over existing courtyard in order to extend bar (Class A4).

Plan Nos: A(GA)001; A(GA)P090/B; A(GA)P100/B; A(GA)P110/A; A(GA)P120/B; A(GA)P300/A; A(GA)P301; Noise Assessment (R3144-1 Rev) and Subterranean Construction Report (prepared by Pringuer James Consulting Engineers).

Case Officer: Billy Pattison **Direct Tel. No.** 020 7641 3267

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 Notwithstanding drawing number A(GA)P100/B the windows in the glazed canopy hereby permitted shall be used for emergency access and maintenance only, and shall be kept closed at all other times.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 6 No amplified or other music shall be played in the covered courtyard area shown on plan No. A (GA) P100/A

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 7 Customers shall not be permitted within the premises before 10.00 hours or after 23.30 hours on Monday to Thursdays; or before 10.00 hours or after 00.00 hours on Fridays and Saturdays; or before 12.00 hours or after 23.00 hours on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 8 You must not allow more than 260 customers into the property at any one time. (C05HA)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 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.
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
 Environmental Health Service
 Westminster City Hall
 64 Victoria Street
 London
 SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 4 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer
 Environmental Health Consultation Team
 Westminster City Council
 Westminster City Hall
 64 Victoria Street
 London SW1E 6QP

Phone: 020 7641 3153
 (173CA)

5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM_s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

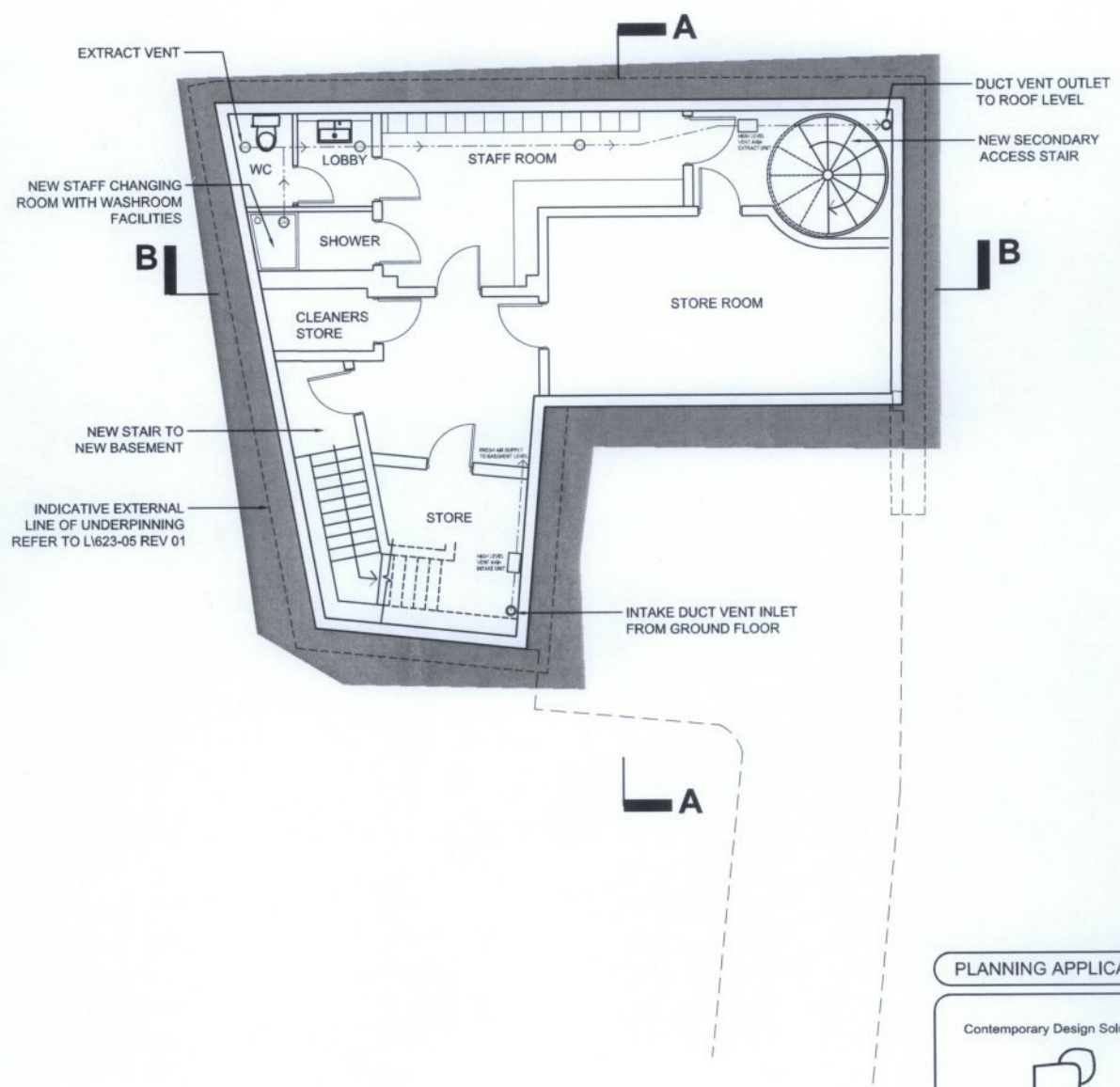
* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

REVISIONS		
Rev.	Date	By
A	Aug 2014	CT
A - Basement plan amended to reflect engineers underpinning plan; Spiral stair location amended to suit; section line BB added		
B	Feb 2015	CT
B - Ventilation intake and extract ducting proposal added to plan		



Proposed Basement Floor 1:100



PLANNING APPLICATION

Contemporary Design Solutions



46 Great Marlborough Street
London
W1F 7JW
Telephone: 020 7484 9000 Fax: 020 7484 4944

Client

HALLMARK PROPERTY GROUP

Project Title

New basement and ground and first floor refurbishment
57 Rupert street
London W1

Drawing Title

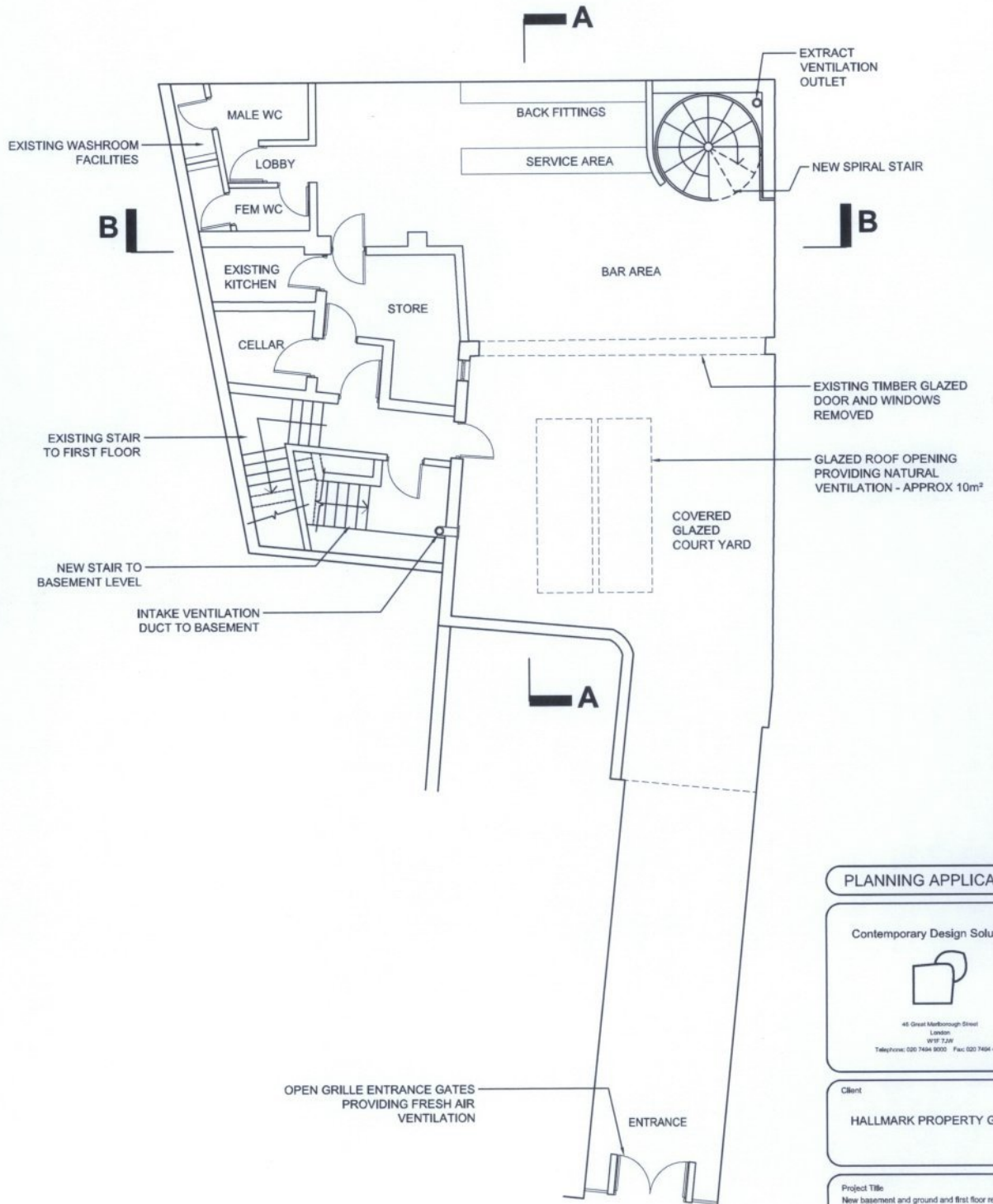
Proposed Basement Floor Plan

Scale 1:100 @ A3 Date September 2015

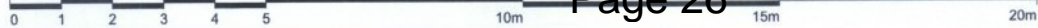
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Drawing No.	A(GA) P090	Rev.	B

REVISIONS

Rev.	Date	By
A	Aug 2014	CT
A - Staircase location amended Section line BB added		
B	Feb 2015	CT
B - Outline of ventilation opening and Intake/extract duct notes added		



Proposed Ground Floor Plan 1:100



PLANNING APPLICATION

Contemporary Design Solutions



48 Great Marlborough Street
London
W1F 7JW
Telephone: 020 7494 9000 Fax: 020 7494 4944

Client

HALLMARK PROPERTY GROUP

Project Title
New basement and ground and first floor refurbishment
57 Rupert Street
London W1

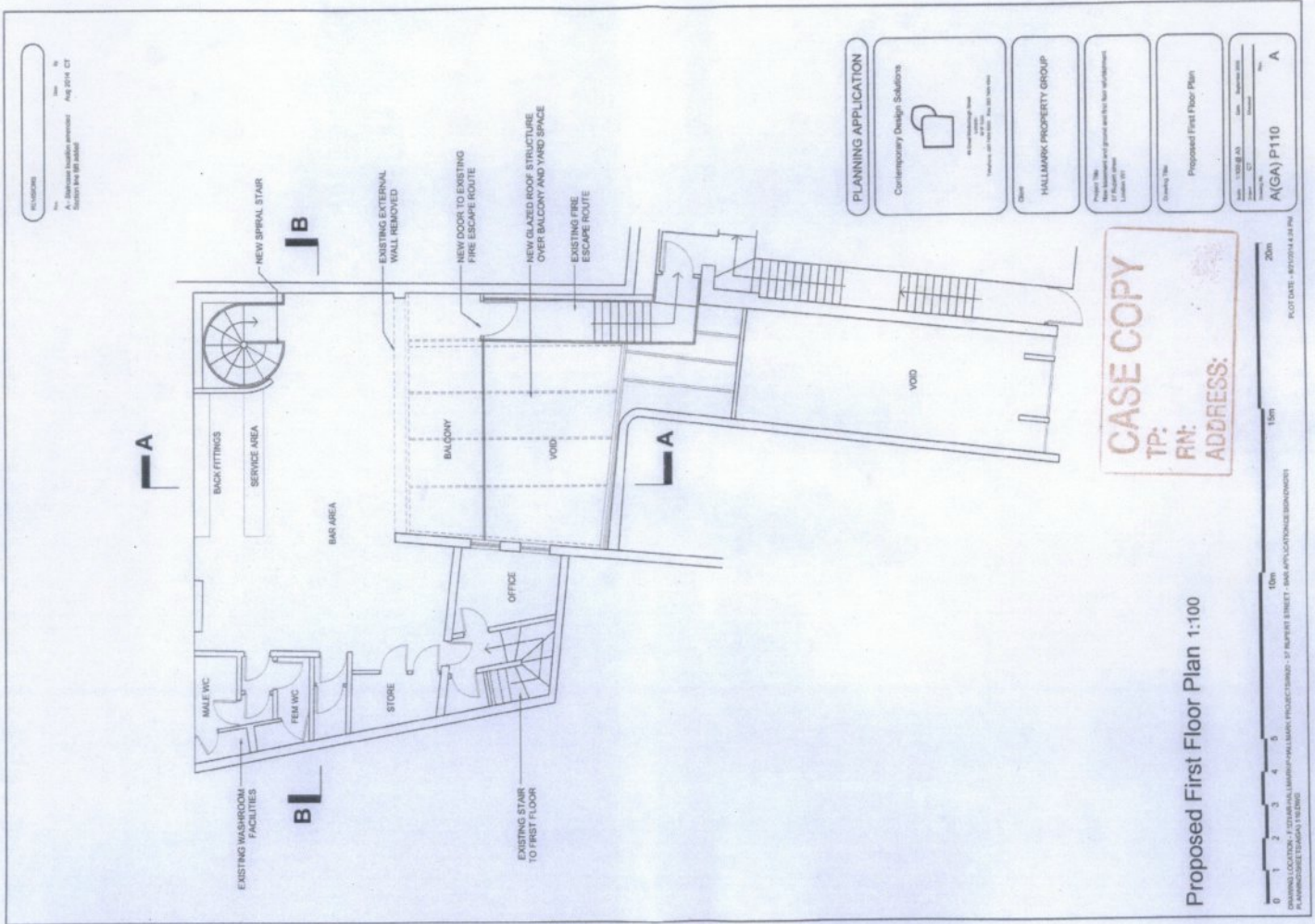
Drawing Title

Proposed Ground Floor Plan

Scale 1:100 @ A3 Date September 2009

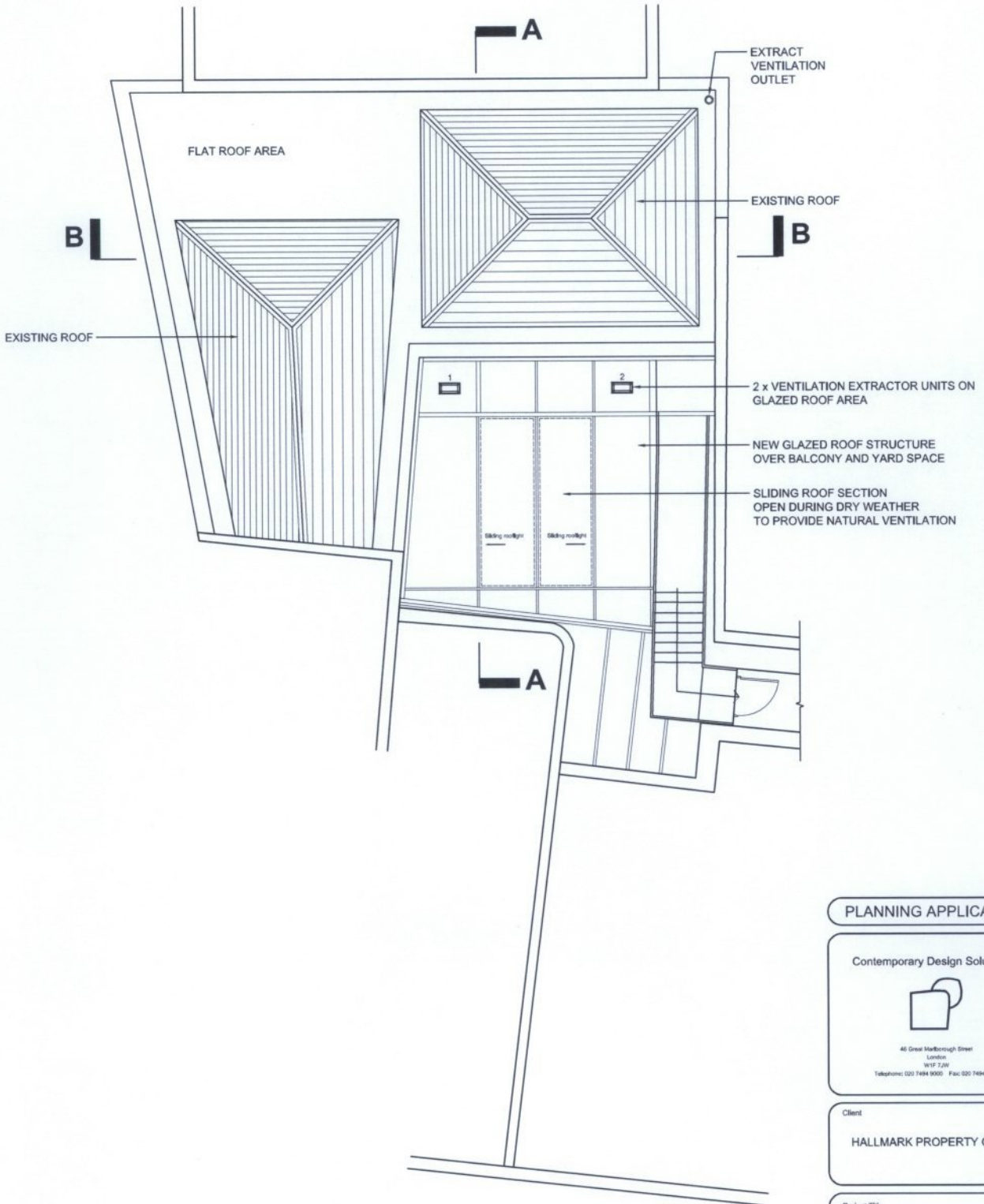
Drawn CT Checked

Drawing No. A(GA) P100 Rev. B



REVISIONS

Rev.	Date	By
A - Section line BB added	Aug 2014	CT
B - Ventilation opening / extract vents and associated notes added	Feb 2015	CT



PLANNING APPLICATION

Contemporary Design Solutions



46 Great Marlborough Street
London
W1F 7JW
Telephone: 020 7494 9000 Fax: 020 7494 4944

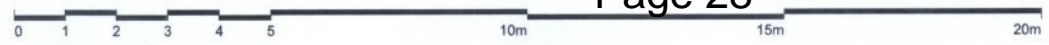
Client
HALLMARK PROPERTY GROUP

Project Title
New basement and ground and first floor refurbishment
57 Rupert street
London W1

Drawing Title
Proposed Roof Plan

Scale	Date
1:100 @ A3	September 2009
Drawn CT	Checked
Drawing No. A(GA) P120	Rev. B

Proposed Roof Plan 1:100




REVISIONS

CAGE COPY
TP:
RN:
ADDRESS:

PLANNING APPLICATION

Contemporary Design Solutions



44 Great Portland Street
London
W1P 2LP
Telephone: 020 7497 2000 Fax: 020 7496 4944

Client
HALLMARK PROPERTY GROUP

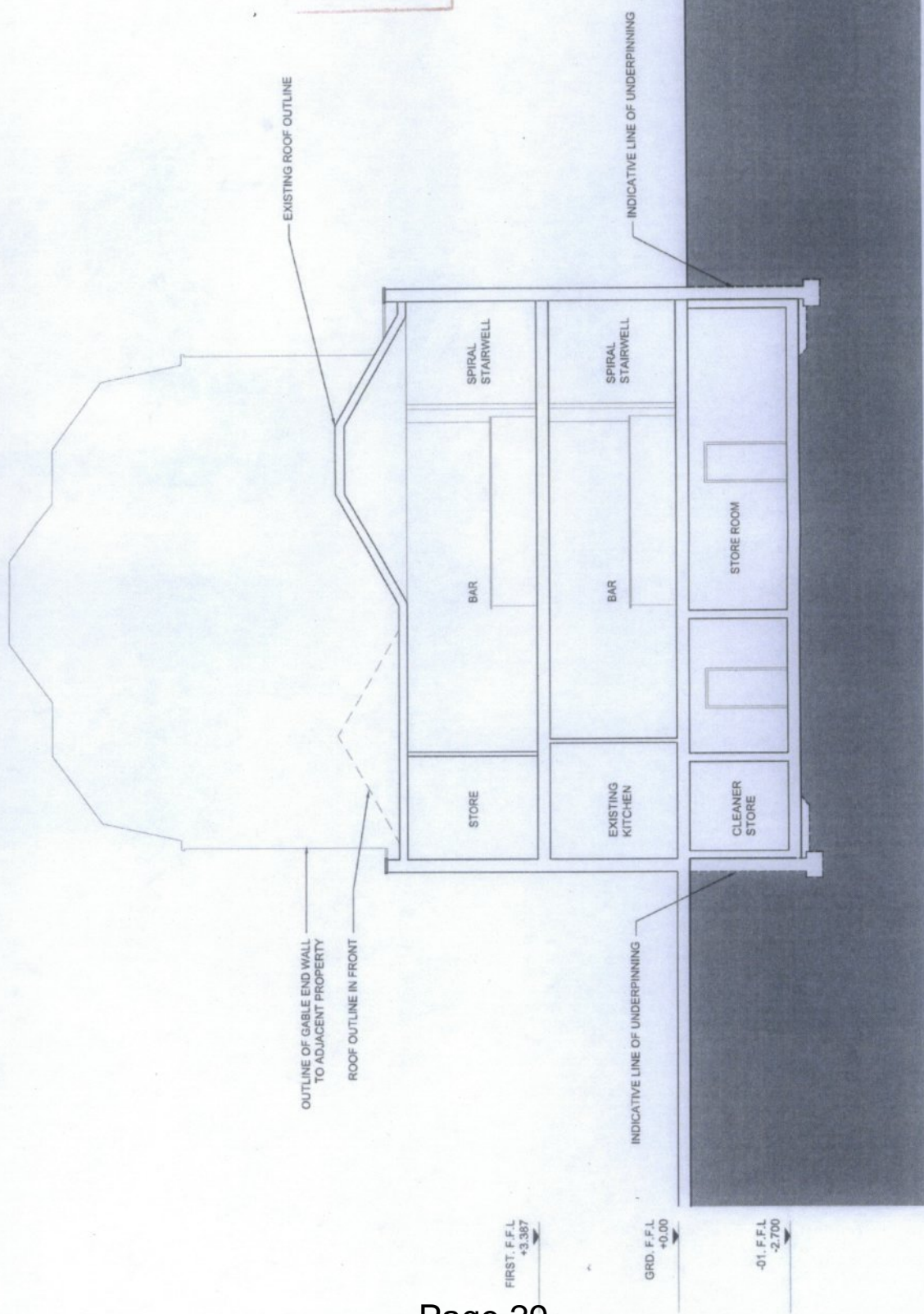
Project Title
New basement and ground and first floor refurbishment
37 Rupert Street
London W1

Drawing Title
Proposed Site Section BB

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Scale: B3
Drawing No: **A(GA) P301**

Drawn: []
Checked: []
Date: September 2008

PLOT DATE - 8/21/2014 4:27 PM



Proposed Section BB 1:100




REVISIONS

No. Date
 A - Basement section amended to reflect underpinning and new fire escape route details added

CASE COPY
 TP: _____
 RN: _____
 ADDRESS: _____

PLANNING APPLICATION

Contemporary Design Solutions

 44 Chancery Lane
 London
 WC2A 1PL
 Tel: 020 7464 0044

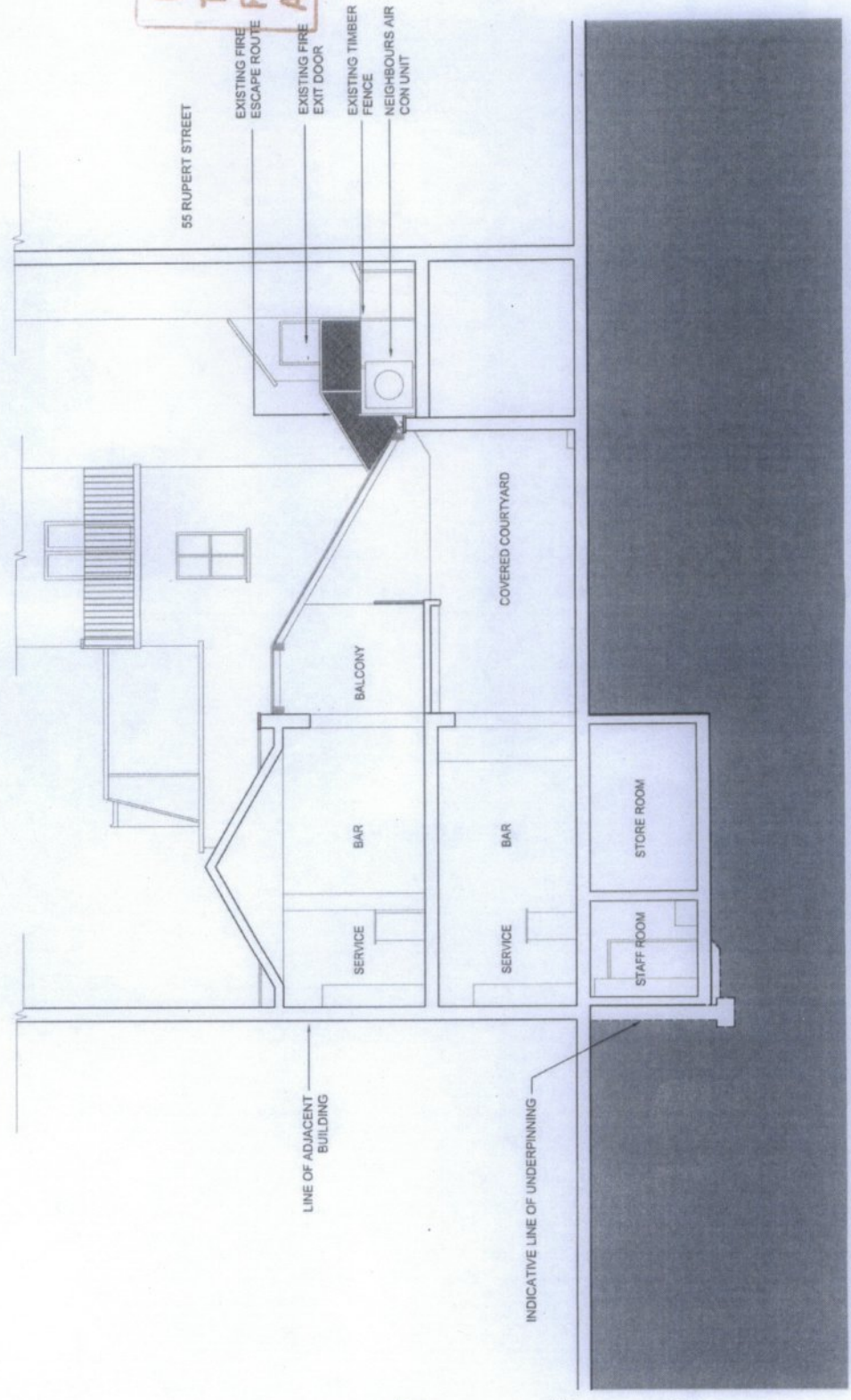
Client
HALLMARK PROPERTY GROUP

Project Title
 New basement and ground and first floor refurbishment
 57 Rupert Street
 London W1T

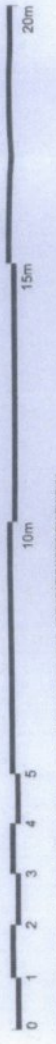
Drawing Title
Proposed Site Section AA

Date: 1.10.08	By: BS	Checked: _____	Date: September 2009
Drawing No: A(GA) P300		Rev: A	

PLOT DATE - 06/12/04 4:33 PM



Proposed Section AA 1:100



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 GRD. F.F.L +0.00
 -01 F.F.L -2.700

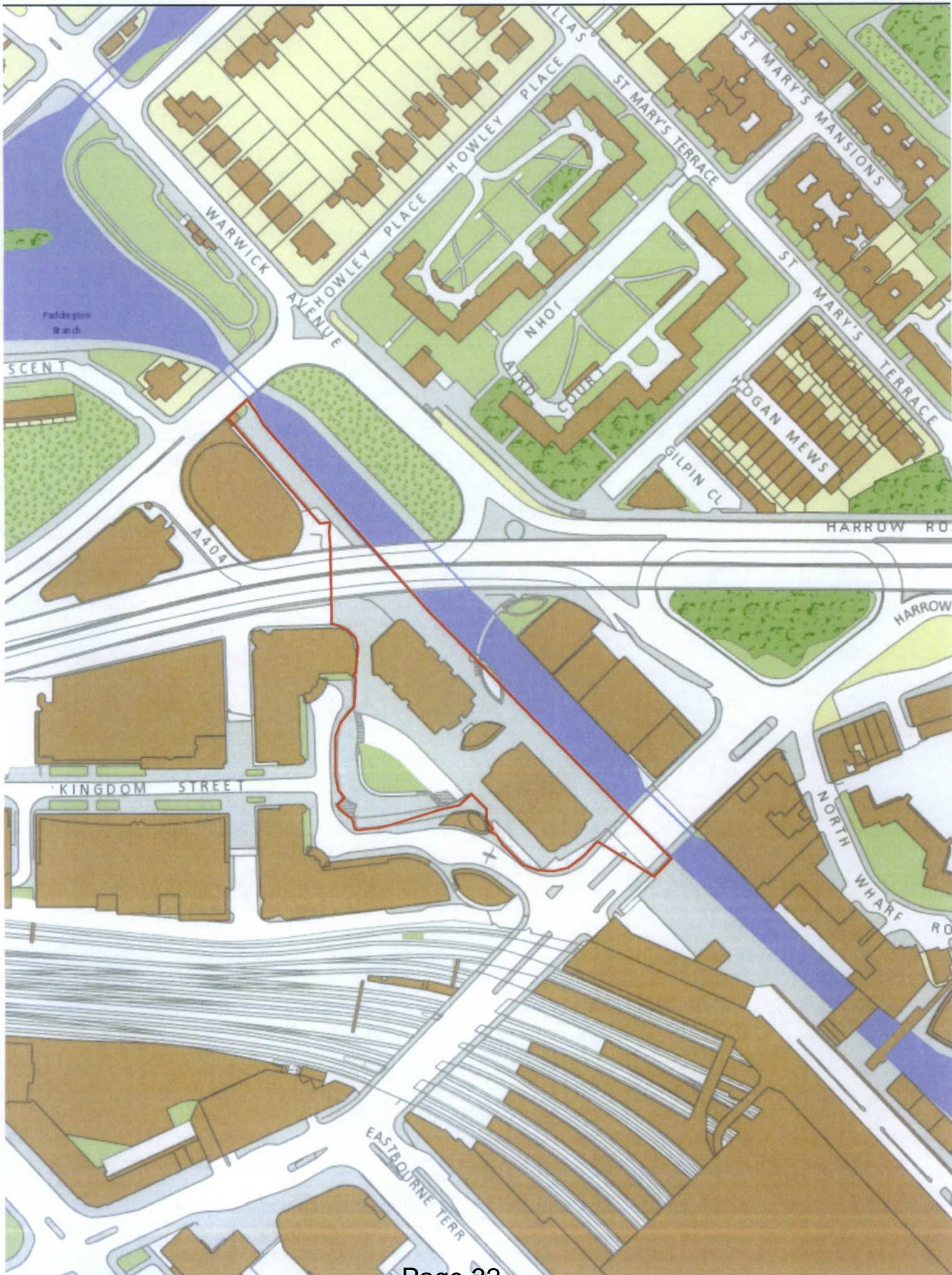
Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Hyde Park	
Subject of Report	Paddington Central, Bishop's Bridge Road, London, W2 6BA		
Proposal	Public realm enhancements to the pedestrian routes under Bishop's Bridge Road and the Westway, the canal side between these routes and the area around the Sheldon Square amphitheatre, including alterations to paving, lighting, seating and tree planting, relocation of cycle parking, alterations to the undercroft beneath, removal of redundant basement exits and installation of green walls.		
Agent	CBRE		
On behalf of	Paddington Central I (GP) Ltd		
Registered Number	14/11805/FULL	TP / PP No	TP/1419
Date of Application	28.11.2014	Date amended	23.02.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	The majority of the application is outside a conservation area, but the northern part of the site next to the canal and the Rotunda building is within the Maida Vale Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Paddington Opportunity Area Within Paddington Special Policy Area		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





PADDINGTON CENTRAL, BISHOP'S BRIDGE ROAD, W2
Page 33



Existing cycle racks under the bridge (top) and existing pedestrian route to be widened by extending over the void (bottom)



08/12/2014 13:26



Proposed new location of cycle racks (top) and trees at the rear of 27 Sheldon Square (bottom)



Trees along the canal side

PADDINGTON CENTRAL, BISHOP'S BRIDGE ROAD, W2

2. SUMMARY

This application relates to various works to the public realm of Phase 1 of Paddington Central. These include alterations to the paving, lighting, seating, landscaping including the removal of 41 trees, the relocation of the existing cycle parking, alterations to the undercroft beneath Bishops Bridge Road to widen the footway, the replacement of the solid parapet wall onto Bishop's Bridge Road with railings, and new green walls. The application has been amended to delete the railings along Bishops Bridge Road and pull the green wall away from the structure of the bridge. Objections have been received from an existing resident in Sheldon Square on the grounds that the loss of the trees will make overheating of her flat much worse, the public realm improvements will also result in loss of privacy and more noise and disturbance.

The key issues are:

- The impact of the proposed works on the appearance of Paddington Central and the adjacent canal.
- The impact on pedestrian routes within the development and the relocation of the cycle stands.
- The acceptability of the removal of 41 existing trees and whether the new planting compensates for the loss of these trees.
- The impact of the alterations on the amenities of existing residents within Paddington Central, in relation to their privacy, noise and whether the loss of the existing trees will make overheating worse.

The highway implications of the proposal in terms of the structural integrity of Bishop's Bridge Road Bridge.

Overall, the package of improvements to the public realm are most welcomed and will enhance pedestrian routes within this part of the development. The Arboricultural Manager raises no objection to the loss of the existing trees. Despite the objections received, it is not considered that the removal of these trees will make overheating for a number of existing flats within the development worse. The application is recommended for conditional approval.

3. CONSULTATIONS

CROSSRAIL

No response received to date.

TRANSPORT FOR LONDON

Supports proposal to move the cycle parking to a new location next to the canal and requests that the applicant consider increasing the level of cycle parking in the scheme to meet future demand. As part of the site is under the TLRN and alterations to the bridge are proposed further discussions are required and the approval of TfL structures will be required. The site is also located in close proximity to London Underground Infrastructure including the Hammersmith and City Line tunnels serving Paddington Station and submerged cables under Bishops Bridge Road. Technical approval will be required for all works by London Underground Infrastructure Protection and should be secured by condition. Request a Construction Logistics Plan is secured by condition. Confirm the proposal will not have an unacceptable impact on their road network.

LONDON UNDERGROUND INFRASTRUCTURE

Request condition reserving the submission of detailed design and method statements of all foundations and other structures below ground level.

CANAL AND RIVER TRUST

Supports the provision of cycle parking beneath the West way, although the loss of existing cycle parking beneath Bishops Bridge Road is regrettable. This cycle parking is well utilised and is a more convenient location for cyclists who are using Paddington Station. Although no net loss of cycle parking, consider that more should be provided. Given the area beneath Bishops Bridge Road is being widened some parking could be retained in this convenient and sheltered location. Consider that a row of some 25 Sheffield stands could be located next to wall without harming pedestrian permeability. Request that the replacement cycle parking is provided before the existing parking is removed. Concerned that the landscaping improvements will create a pinch point around the existing pedestrian footbridge and request that the tree nearest the bridge's ramp access is omitted from the scheme. If the Council is minded to approve request an informative is added.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Concerns over the relocation of the cycle racks and the impact on pedestrian safety. Before consenting to the relocation of the racks request that a study should be undertaken by the applicants to assess the impact of the change. Support the remainder of the proposal.

HYDE PARK ESTATE ASSOCIATION

To be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection, welcome the improvements as Paddington Central is in need of enhancement. Have concerns regarding the loss of trees and the proposed guard railing instead of a wall. The proposed railing onto Bishops Bridge Road seems to be very basic in design terms and is it strong enough to stand being hit by a car.

ARBORICULTURAL MANAGER

Various trees - Italian Alders, Limes and Sweet Gums are to be removed, but requested further clarification as some of the trees do not feature on the plans. Consider the applicant's suggestion of Birch trees alongside the canal lack sufficient stature for such a hard part of the urban townscape. Prefer *Alnus incana* 'Lancinata'. Further details required of the tree and shrub planting.

ENVIRONMENTAL HEALTH

Whilst shading is an important mitigation measure, Environmental Health would never accept shading by trees as being an acceptable solution due to their transient nature and not being under the control of affected persons (e.g. the trees could die, be pruned back for safety, disease or aesthetic reasons. Were trees to offer some mitigation they would need to cover the full height of all the windows of the premises to be protected and be immediately adjacent the windows to prevent the changing angle of the sun during the day varying the effectiveness of the shading provided. Looking at the photographs shown in the application, the trees appear to offer neither sufficient height or be close enough to provide meaningful mitigation. In addition, understand that most of the trees removed will be replaced by a different type but of a similar size. Environmental Health consider the objection to be unsustainable.

HIGHWAYS PLANNING MANAGER

The Highways Structure Team is concerned about the proposed changes and there are a number of concerns that need to be addressed to ensure highway safety for all users is maintained. The existing concrete bridge parapet is designed for a 30 tonne rigid HGV with an impact speed of 65 km/hr and require the same containment level to be maintained and this may require some design changes. Request a Risk Assessment with the railing height and the likelihood/consequence of the public falling or climbing over the railing. With regards to the green wall, a minimum clear horizontal gap of 1200mm required to facilitate access during routine bridge inspection regime .Request additional cross sections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 369; Total No. of Replies: 4.

All responses received are from one resident in Sheldon Square.

Amenity

- Proposal to remove trees and replace the solid boundary wall onto Bishops Bridge Road with railings will result in Flat 14, 27 Sheldon Square being overlooked causing a loss of privacy.
- Increased pollution into flat.
- Increasing the width of the pavement area outside flat will increase the number of people congregating outside (in the summer months) which will increase noise and cigarette smoke coming into flat and increased litter.
- Patrons of Smiths and Paddington Central workers smoke outside flat and the construction associated with Crossrail has resulted in health problems (asthma and related allergies)
- Proposed viewing rail will result in loss of privacy.

Trees

- Object to the loss of trees will result in increased overheating to existing flat at No. 27 Sheldon Square.
- These trees currently offer shading to existing flats.
- Flats have no air conditioning and in the summer temperatures can exceed 50 degrees on sunny days. There is an Environmental Health report in 2009 regarding heat hazard and if these trees are removed will make matters worse.
- Request that the three trees to be removed be replanted against the proposed railing/curved wall in order to provide more privacy.

Other

- Patrons using Smith's bar block the entrance into the flats and use this area for smoking and request that a specific smoker's area is created away from residents' blocks and the canal side. Entrance suffers from litter. Request that the Management Company addresses this as include no smoking signs as part of the public realm works.

ADVERTISEMENT/SITE NOTICE: Yes

Additional Information submitted in respect of the trees, sun path documents, highway works. Amended plans to delete railings and alternative position of green wall next to bridge.

LONDON UNDERGROUND LIMITED

Confirm now satisfied with the submitted details and no further involvement required.

HIGHWAYS PLANNING MANAGER

Repeats earlier concerns about the position of the green wall and allowing access to inspect the structure of the bridge. No further information has been provided on the bollards. In the absence of detailed design information cannot agree to the principle of development and this cannot be reserved by condition.

Re-consulted on the proposal to delete the railings and relocate green wall away from the bridge and any responses will be reported verbally.

ARBORICULTURAL MANAGER

To be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 1; Total No. of Replies: Page 39

Repeat previous objections to the public realm works, and disappointed that Environmental Health advised that issues are for the Planning Department and tired that the Council is passing the buck.

4. BACKGROUND PAPERS

4.1 The Application Site

This planning application relates to Phase 1 of Paddington Central which is located at the eastern end of the site next to the canal. Phase 1 is bounded by Bishops Bridge Road to the south and the elevated sections of the Harrow Road and Westway to the north. This was the first part of the former Paddington Goods Yard to be redeveloped in accordance with the 2000 outline consent. Phase 1 comprises of two residential blocks (both market and private housing) with shops and restaurants /bars on the ground floor, two office blocks, and a public square with shops. There is a pedestrian route running along the canal from Paddington Station to Pool at Little Venice and a pedestrian footbridge across the canal. There is a vehicle access from Bishops Bridge Road for dropping off, with the main vehicular access into the site is via a ramp adjacent 179 Harrow Road.

The majority of the application site is located outside a Conservation Area, although boundary of the Maida Vale Conservation Area lies to the north and includes section of the canal footway outside the Rotunda Building, and the boundary of the Bayswater Conservation Area to the south. The Rotunda Building and 179 Harrow Road to the north are Grade II* listed, and Paddington Station to the south is Grade I.

The application site is located within the Paddington Opportunity Area (POA) in the City Plan and within the Paddington Special Policy Area (PSPA) in the UDP.

The public realm areas in Phase 1 are on private land and not public highway.

4.2 Planning History

On 23 May 2000 outline consent was granted for the redevelopment of the former Paddington Goods Yard to provide offices, 210 residential units, local shopping and studio/light industrial units in buildings between seven and 13 storeys high, the creation of new access off Bishops Bridge Road, new egress ramp, basement car parking and ancillary office accommodation, new footpaths and pedestrian links including a new footbridge. This decision was the subject of a section 106 legal agreement.

Reserved matters approval for Phase 1 was granted on 5 November 2001 which included the public realm works and landscaping. There have been a large number of approvals relating to the later phases of development.

In respect of the existing cycle parking underneath Bishops Bridge Road, permission was granted on 31 January 2007(Ref: 06/09950/FULL). This approval was for 100 cycle spaces, but there are currently 92 spaces (46 stands).

5. THE PROPOSAL

This application is for various works to enhance the public realm at Phase 1. These relate to the pedestrian routes into the site from underneath Bishops Bridge Road and the Westway, along the canal side and around the Sheldon Square grassed amphitheatre. It is proposed to alter the paving, install new lighting, seating and tree planting/landscaping. It is proposed to widen the pedestrian route to the south of Sheldon square by continuing the deck over

the void below. New green walls are proposed. It is also proposed to relocate the existing cycle parking underneath Bishop's Bridge Road to a new location north under the Westway.

Other works include replacing the solid wall facing onto Bishops Bridge Road with railings and inserting bollards in front of the new railings.

It is also proposed to remove two basement step exits and lightwells and to infill these areas with green walls.

The proposal results in the removal of a 41 trees along the canal side .New trees and landscaping are proposed.

The application has been amended to provide additional information in respect of the removal of the existing trees and their impact on sun paths to the first floor flat at 27 Sheldon Square given the objections received on overheating grounds. Further information has been provided regarding the position of the green walls in relation to the bridge.

The proposal to replace the solid boundary wall with railings has been deleted from this application, albeit this is likely to be the subject of a separate planning application. The applicant has submitted an amended plan in respect of the location of the green wall next to Bishops Bridge Road Bridge to provide a 1200mm clear space to allow a visual inspection of the bridge.

6. DETAILED CONSIDERATIONS.

6.1 Land Use

This proposal raises no land use issues.

6.2 Townscape and Design

In general, the majority of the proposal alterations and improvements to the public realm are acceptable in townscape terms and will enhance the appearance of this development and preserve the appearance and character of the Maida Vale Conservation Area.

The palette of materials for the new paving has been simplified. The existing granite setts to the canal side are retained, with new granite paving alongside. York stone is proposed to the Bishops Bridge Road entrance and Westway entrance, and the proposal also includes refurbishing the areas of self binding gravel at the top of Sheldon Square. The samples submitted are considered acceptable. New lighting, landscaping and seating will improve the pedestrian spaces. The relocation of the cycle racks will enhance the visual appearance under the bridge which is the main approach into the site from Paddington Station.

The most contentious element in design terms, is replacement of the solid barrier with railings facing Bishops Bridge Road. Whilst there are no design objections to the railings per se, it is the associated bollards which need to be sited in front of the railings (to provide additional protection and also for anti-terrorism purposes) which will represent more clutter in the street scene. It is recognised that due to anti-terrorism concerns these bollards are now becoming common features in the street scene.

As set in Section 6.4 of this report, highways officers do not consider that the applicant has satisfactory addressed their concerns relating to highway safety and do not consider that these details can be reserved by condition. The applicant has now agreed to delete this aspect from the application.

6.3 Residential Amenity

Loss of Privacy

An objection has been raised on the grounds that the removal of the solid wall onto Bishop's Bridge Road and the proposed replacement railings and the loss of trees will make overlooking worse and members of the public walking along Bishop's Bridge Road and into Paddington Central will be able to look into existing flats in Sheldon Square.

It is recognised that there is a high level of mutual overlooking, and the proposed open railings will marginally make matters worse in respect of the first floor flats which face onto Bishop's Bridge Road. However, this aspect of the proposal has now been deleted by the applicant.

It is recognised that the existing trees do perform a screening function in the summer months, as do the other trees along the canal side and to the amphitheatre. Whilst it is regrettable that so many trees are being removed, the majority of the trees which are located outside a conservation area could be removed by the applicant without needing the formal approval of the City Council and a refusal on this basis could not be sustained.

Noise and Disturbance

An objection has been received that the works to improve pedestrian routes will result in additional footfall and this in turn will result in more noise and disturbance to existing residents.

The existing pedestrian route into the site from Bishop's Bridge Road is rather unsightly and cluttered, and this proposal seeks to improve and expand this route into the development. Whilst it is recognised that the number of pedestrians using this route will increase as a result of the works, it is not considered to result in such increased levels of noise and disturbance to harm the amenities of the residents above to warrant refusal.

Overheating

An objection has been raised by a resident in Flat 14, 27 Sheldon Square on the grounds that the felling of the trees at the rear of this block will make overheating of this flat much worse. This flat is located on the first floor and a number of the affordable housing flats in Paddington Central experience overheating. This is due to the lack of mechanical ventilation to these flats, and their generally southward orientation with largely glazed facades with windows which have restrictive openings. The objector's flat has been inspected internally to assess the impact.

The existing trees at the rear of this flat do perform a role of screening views of Bishop's Bridge Road and the access road leading in Sheldon Square in the summer months. However, these trees do not extend up to the full height of the first floor windows, and these trees are regularly pruned to limit their overall size.

In light of the objection received the applicant has submitted additional information (sun path drawings) to demonstrate that the removal of these trees will not make overheating worse.

Environmental Health advise that these trees do not appear to offer sufficient height or are close enough to provide any meaningful mitigation in respect of overheating, and they go onto state that they do not accept shading by trees as an acceptable solution to overheating due to their transient nature and not being under the control of affected persons, as trees can die, become diseased, be pruned and can be removed. Although the objections are well understood, the City Council is not able to refuse planning permission on the grounds of the loss of the trees.

The existing trees along the canal side, to the rear of 27 Sheldon Square and at the top of the amphitheatre are not protected by a Tree Preservation Order, or considered to be of such visual amenity value to warrant a Tree Preservation Order. The majority of trees (with the exception of the row of trees next to the Rotunda building) are not located within a conservation area; therefore the applicant does not need the approval of the City Council to remove them. Whilst the objector's concerns regarding overheating are understood, it is considered that the removal of these trees will not make overheating matters worse. Therefore this objection cannot be supported.

6.4 Transportation /Highways

Bishop's Bridge Road parapet wall /railings and green walls

The applicant is proposing to alter the existing solid barrier on the northern corner of the site with Bishop's Bridge Road with railings and to install bollards in the pavement in front of the railings. The applicant wishes to improve the visibility of the entrance and state that the proposal will not adversely affect highway safety.

Officers have a number of concerns about this aspect of the scheme. The existing concrete bridge parapet is designed for a 30 tonne rigid HGV with an impact speed of 65 km/hr and the Council requires the same containment level to be maintained. Officers have requested a Risk Assessment with the railing height and the likelihood/consequence of the public falling or climbing over the railing. They repeat their objections to the railings and do not consider that given fundamental issues have not been addressed that these matters can be reserved by condition. The applicant has now agreed to delete this aspect from this application and submit a fresh planning application once the additional information is available.

The proposed green wall adjacent Bishop's Bridge Road Bridge is another area of concern, as highway officers are concerned that there is sufficient space to facilitate access during routine bridge inspection regime. Following a meeting with the Highways officers, the applicant advises that their proposal will allow access for the inspection of the bridge, and once the design of the parapet wall has been worked up they will be able to demonstrate compliance with health and safety standards.

The Highways officer's repeat their concerns about the green wall and the railings. The applicant needs to demonstrate that there is sufficient space off the bridge and therefore this will need a redesign. The applicant has now submitted an alternative design which provides a 1200 mm clear space at the rear to facilitate a visual inspection of the bridge. The formal views of the Highways Planning Manager will be reported to Committee.

Relocation of existing cycle racks

Both the Canal and River Trust and Transport for London consider that more cycle parking should be provided within the development. The Paddington Waterways and Maida Vale also raise concerns over the relocation of the cycle racks and the impact on pedestrian safety and request that a survey be undertaken. The applicants have carried out surveys of cycle counts of the existing provision.

Relocating the cycle spaces to a new location underneath Westway will improve the pedestrian route from Paddington Station and there will be no net loss in the number of spaces (94). The new location will be suitably lit and monitored by CCTV. The proposal therefore accords with Policy TRANS 9. Whilst the provision of more cycle spaces would be welcomed, this can be addressed in dealing with future planning applications for the rest of the development. Given there is no net increase in floorspace /units, it is not considered reasonable to require more cycle parking as part of this development.

Pedestrian Access

In terms of pedestrian routes, the proposals to improve the Bishop's Bridge entrance by removing the walls and cycle parking underneath the bridge and to increase the size of the deck above the void below will improve pedestrian access to and from Paddington Station are supported.

The new widened pedestrian route will also be enhanced by the use of green walls (subject to agreement with highways regarding space to allow inspections of the bridge), new landscaping and new lighting. It is not considered that the other proposals to relocate the cycle spaces to a new position under Westway and the associated new landscaping in planters will harm pedestrian access along the canal.

Vehicular Access

No changes are proposed to the current vehicular access routes that serve the development. A Construction Logistics Plan as recommended by Transport for London will be secured by condition.

6.5 Equalities and Diversities

It is not considered that the proposal will affect disabled access within the development.

6.6 Economic Considerations

Not relevant in the determination of this application.

6.7 Other Westminster Policy Considerations**The Canal Side**

In respect of the impact on the canal environment, the proposals are considered to be an improvement and will not harm views of the canal or its ecology. The Canal and River Trust consider that the landscaping improvements will create a pinch point around the pedestrian footbridge and request that the tree nearest the ramp that serves the footbridge is removed. It is not considered that this proposed tree will compromise pedestrian safety.

Lighting

A new scheme of lighting is proposed to address a number of shortcomings associated with the existing lighting; namely excess light and glare in Sheldon Square, inadequate lighting along the pedestrian routes plus there is no clear hierarchy of lighting. The proposed new lighting is considered acceptable in principle and a condition is recommended to secure details of lux levels to ensure that the amenity of existing residents is safeguarded. It is not considered that the new lighting will have an adverse impact on the adjacent canal.

6.8 The London Plan

This application raises no strategic issues.

6.9 Planning Obligations

Not applicable.

6.10 Central Government Advice

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be

applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications. Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework.

The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. The relevant policies in the City Plan which has replaced the Core Strategy have been discussed in this report and other policies in the previous report have not changed significantly. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.11 Environmental Assessment, Sustainability and Biodiversity, Loss of Existing Trees

The applicant is proposing to remove a number of trees (41) as a desire to improve legibility and permeability in and across the site and 23 trees are to be retained. The applicant states that the Lime trees have grown to create dense, dark canopies, and although a number of trees will be removed, the proposed substantial new trees will enhance the appearance of this part of the Estate and compensate for the loss of existing trees. The trees to be removed are those facing the canal, removing a line of Lime trees and the hedge at the top of the amphitheatre, six Limes at the rear of 27 Sheldon Square, and the Sweet Gums to the northern section of the canal.

Whilst it is regrettable that so many trees are being removed, the Arboricultural Manager raises no objections to their removal. Despite the objection received by an existing resident to the loss of the trees, they are not considered to be of such amenity value to warrant a Tree Preservation Order. The vast majority of the trees within the Phase 1 are located outside a conservation area and as such the applicant does not require the Council's approval to remove them. The only trees which are within the Maida Vale Conservation Area are the row of trees along the canal next to the Rotunda Building.

The loss of the trees along the canal side and at the rear of No 27 Sheldon Square will be compensated by new planting. Whilst it is accepted that only 17 new trees are being planted to replace the 41 removed, it is considered that the improved landscaping /planting within Phase 1 together with the provision of new green walls will represent adequate mitigation.

The Arboricultural Manager did consider that the proposed Silver Birches along the canal side would not be suitable species for such a hard urban location and suggested an alternative *Alnus* (Cut Leaf Alder). The applicant has amended the proposal to include 5 Alders along the canal side with Silver birches. The formal views of the Arboricultural Manager will be reported verbally.

Green Walls

The creation of green walls within Phase 1 is encouraged. These walls will provide visual interest and also offer biodiversity benefits.

6.12 Other Matters

London Underground Infrastructure

London Underground have requested a pre-commencement condition to reserve the detailed design and method statements for all the foundation or any other structures given the proximity of some of the works to the Hammersmith and City Line tunnels. The applicant considers this condition to be unnecessary and has supplied further information showing that the closest works are some distance away from their tunnels. London Underground confirm that they are now satisfied with the details submitted by the applicant and this condition is not required.

Public Art

This application involves no changes to the existing pieces of public art. The applicant has indicated that they are looking at displaying new public art at Paddington Central and this will be the subject of a separate application in the future.

Seating

The existing bench seating on the canal side will be removed and replaced with new bench seating. New seating is also proposed at the top of the amphitheatre, and this is welcomed. Details of the new seating will be secured by condition.

Signage

The applicant is proposing new hanging signs to the retail units on Sheldon Square, but these benefit from deemed consent.

Patrons congregating outside the entrance

The objector requests that Paddington Central address the problems of smokers associated with Smith's bar standing outside the residential entrance and affecting residents in the block. The Estate Director advises that Smith's have a designated smoking area on the canal side of the block and that Smith's employ a member of staff to handle this issue. The Estate Security Team have been requested to keep an eye on this area in the evening and if smokers are congregating, they will be asked to move to the designated areas.

6.13 Conclusion

The revised scheme is now considered acceptable and the application is recommended for conditional approval.

BACKGROUND PAPERS

1. Application form.
2. Email from Transport for London dated 18.12.2014.
3. Email from Transport for London enclosing London Underground Infrastructure comments dated 19.12.2014.
4. Letter from the Canal and River Trust dated 9.1.2015.
5. Response from the Paddington Waterways and Maida Vale Society dated 15.12.2014.
6. Response from South East Bayswater Residents Association dated 4.2.2015.
7. Memorandum from the Arboricultural Manager dated 28.1.2015.
8. Email from Highways Planning Manager dated 7.1.2015.

9. Memorandum from Environmental Health dated 10.02. 2015.
10. Emails from Flat 14 27 Sheldon Square London W2 dated 9.1.2015 12.1.2015, 30.1.2015 and 19.2.2015.
11. Email from London Underground dated 13.2.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** Paddington Central, Bishop's Bridge Road, London, W2 6BA
- Proposal:** Public realm enhancements to the pedestrian routes under Bishop's Bridge Road and the Westway, the canal side between these and the area around the Sheldon Square amphitheatre, including alterations to paving, lighting, seating and tree planting, relocation of cycle parking, alterations to the undercroft beneath, removal of redundant basement exits and installation of green walls.
- Plan Nos:** Covering letter dated 28 November 2014 , letter from British Land dated 3 December 2014 , Arboricultural Impact Appraisal and Method Statement dated 26 November 2014 , Design and Access Statement November 2014 ; Public Realm Enhancements :Phase 2 ; ;London-Paddington Cyclist Counting and Intercept Report dated February 19th 2014 ; Statement of Community Involvement dated November 2014, Site Wide External Lighting by Arup, Tree Plan 14406-T1. 2200 Rev A ,2210 Rev A;2211 Rev A; 2220 Rev A ,2221 Rev A; 2252 RevA, 2253 Rev A;2254 Rev A, 2255 Rev A.2256 Rev A 2258 Rev A; TOWNN595(03) 3001, 3004,3005, 3006,3007 , 7001, 7002, 7003 SK_174.1 and SK_174.2; Green wall -typical plans. Tree Strategy Jan 2015; Stone Selections Feb 2015; Plan from London Underground Limited .Sample of York stone and Granite .Email dated 23.2.2015 and amended plans in respect of the green wall next to the bridge A_PCD_SK_184.1 and A_PCD_SK_184.2 .

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The development shall be carried out in accordance with the samples of granite and York stone submitted and the proposed palette of materials set out in the Design and Access Statement.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must carry out the planting shown on the drawings within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees 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. (C30EA)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Maida Vale Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 5 **Pre-Commencement Condition:** A Construction Logistics Plan (CLP) shall be submitted to and approved by the City Council in consultation with Transport for London. The development shall be carried out in accordance with the approved Plan.

Reason:

In order to safeguard the impact on Transport for London's Road network.

- 6 The relocated cycle parking as shown on drawing 2258 Rev A must be provided before the existing cycle parking underneath Bishop's Bridge Road is removed.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 8 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 14406-BT1. 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 we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 9 Before the new lighting is installed, a lighting contour map in accordance with the Institute of Lighting standards setting out lux levels to demonstrate that the residents in Paddington Central shall not be affected by glare shall be submitted to and approved by the City Council as local planning authority.
The development shall be carried out in accordance with the approved details.

Reason:

To safeguard the amenities of existing residents in Paddington Central as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 10 The new green wall adjacent Bishops Bridge Road Bridge shall be in the revised position to give 1200mm clear space to allow visual inspection of the bridge as shown on drawings A-PCD_SK_184.1 and 184.2.

Reason:

Top ensure there is adequate clear space at the rear of the green wall to allow a visual inspection of the bridge.

- 11 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green walls to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 12 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must apply to us for approval of details of the following parts of the development - new lighting and seating. 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 Before any works start on the green wall adjacent to Bishops Bridge Road bridge, a Bridge Inspection Access Strategy shall be submitted to and approved by the City Council. This strategy will need to include the following:
1. Size of vehicle required for inspections (given the height from ground to the bridge, a sizeable vehicle will be required)
 2. Access route through site from the public highway to inspection location, including width of access points and height clearances
 3. Access process, who to contact beforehand, what notification period they require, is any other structures needed to be cleared to allow access
 4. Space at ground level at inspection location for vehicle, including manoeuvring space, is anyone else affected or access blocked by inspection vehicle
 5. Ground conditions at inspection location (e.g. levels, material and are these suitable for the vehicle to base itself on etc)
 6. Undertaking to remove the green wall structure if requested by the Council to allow access to the bridge

The development shall be carried out in accordance with the approved strategy.

Reason:

To ensure that the proposed green wall does not compromise the safety of the bridge and to ensure that the bridge can be inspected and maintained.

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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your

proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 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.
- 5 To meet condition 8 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 6 When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81CA)

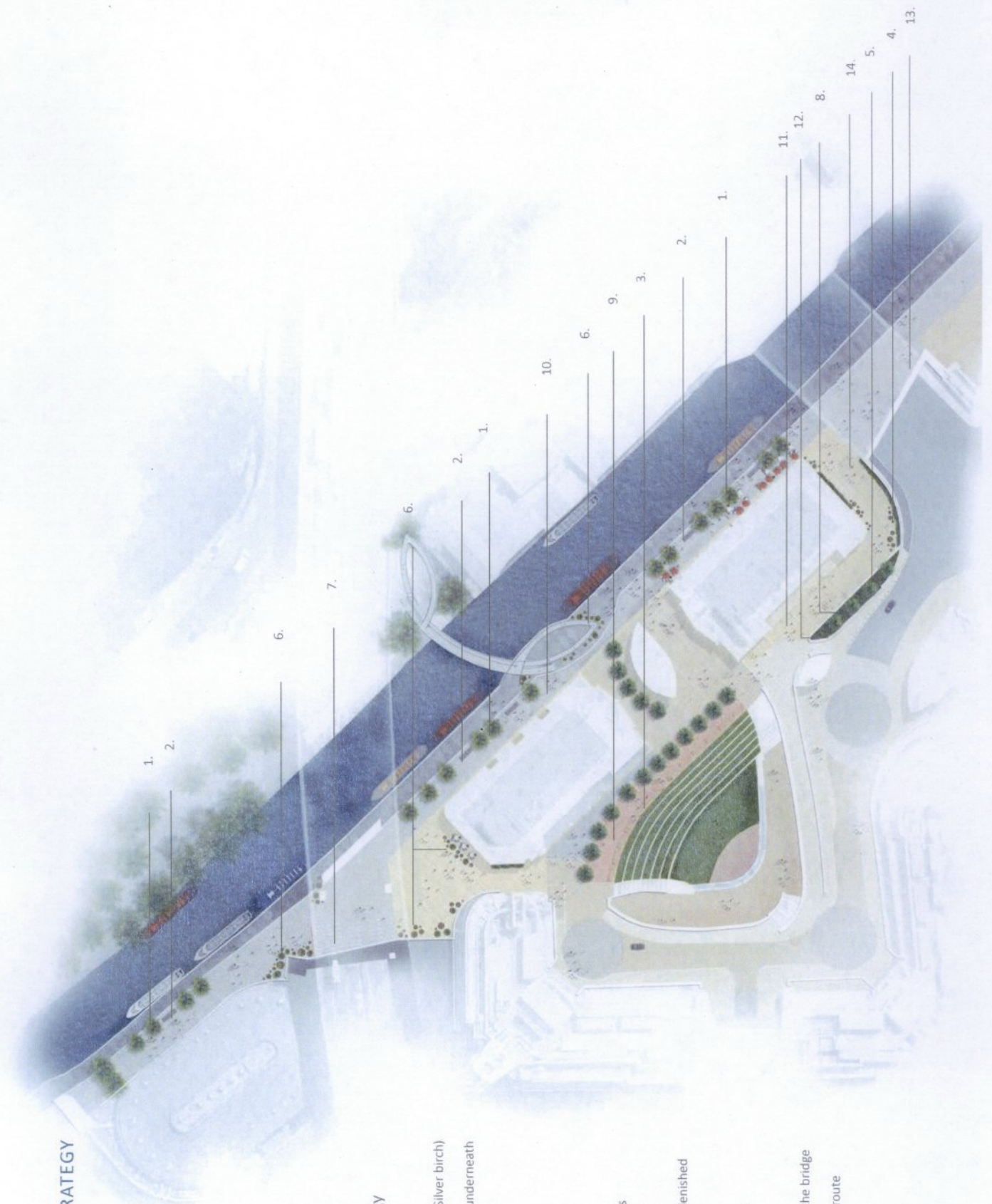
Existing Site Plan

Key:

1. Lime trees with dense canopy
2. Seated bench
3. Cycle spill-out
4. Cycle stands
5. Retail area
6. Footbridge
7. Planter
8. Small poplar trees
9. Void



4 OVERALL STRATEGY



Proposed site strategy

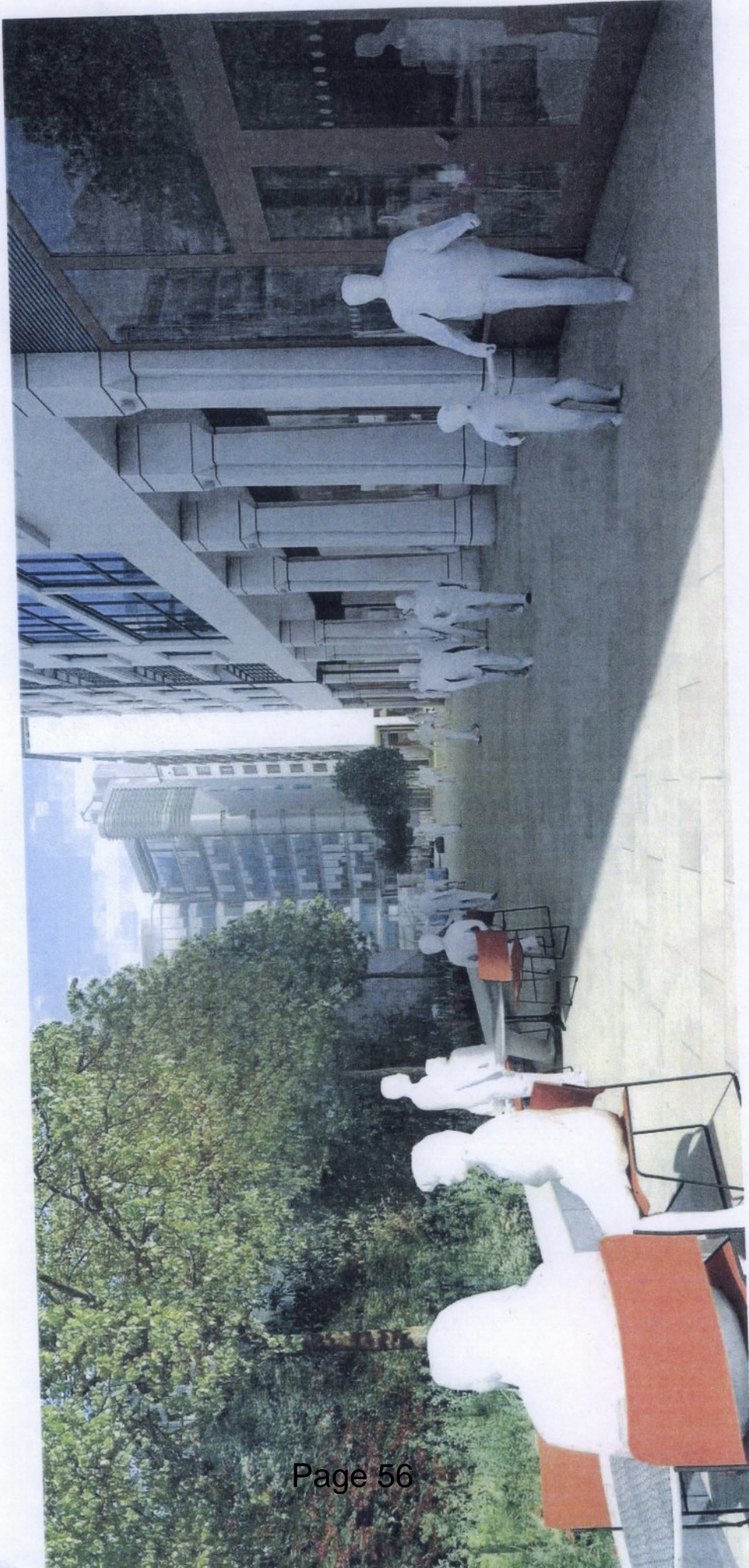
Key:

1. Betula pendula trees (Silver birch)
2. Benches with venting underneath
3. Timber benches
4. Green wall
5. Climbers up wall
6. Planted pots
7. Temporary cycle stands
8. Trees thinned
9. Self binding gravel replenished
10. New granite paving
11. New Yorkstone paving
12. Refurbished planting
13. Expanded area under the bridge
14. Expanded pedestrian route

BISHOP'S BRIDGE AFTER



BISHOP'S BRIDGE AFTER

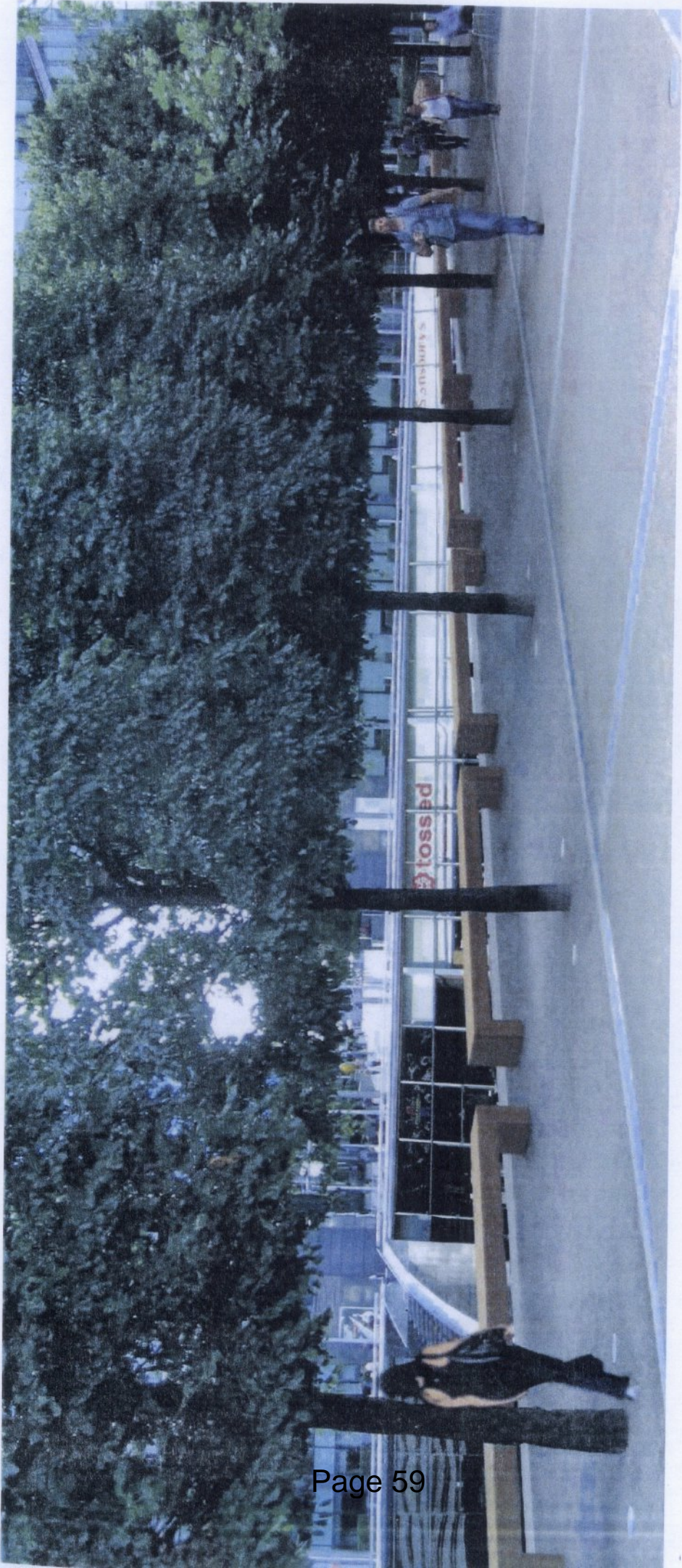




CANALSIDE - AFTER



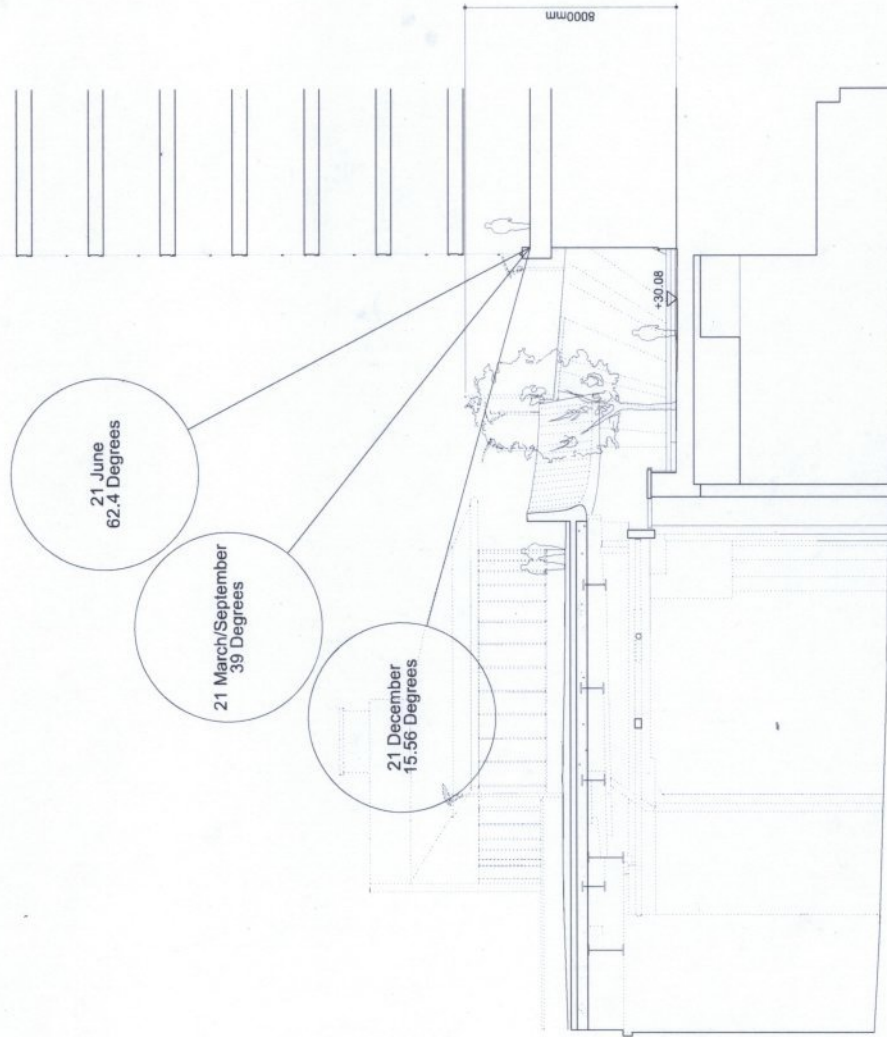
SHELDON SQUARE - AFTER



2/2

Sun Path Study
done at 12.00 pm

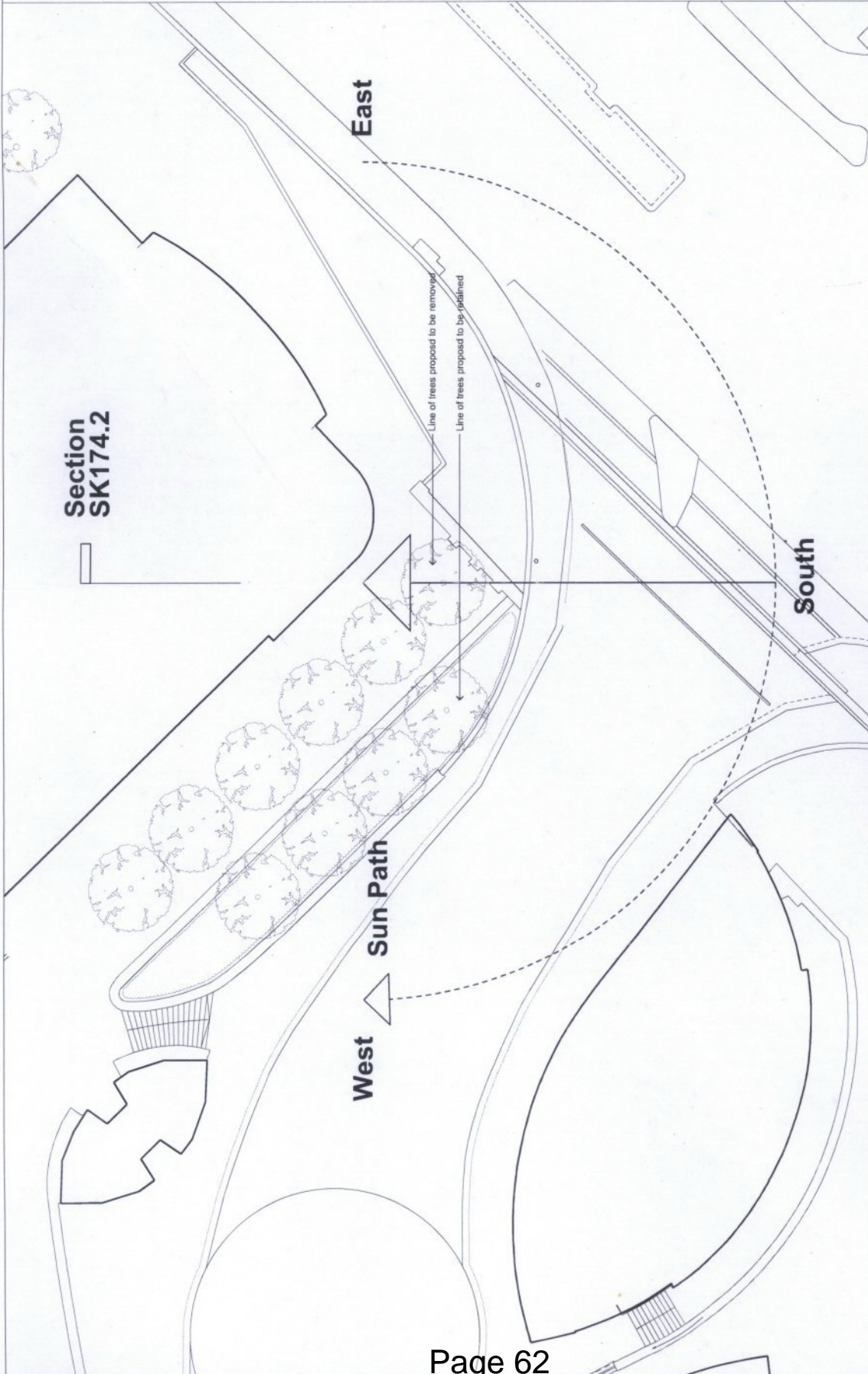
Height of existing
trees as per tree
survey information
(MSA drawing
3844 G Topo-Sheet
1 of 5, date
06.01.14)



Date	Rev.	Description	Approved By	Project	Subject	Architects	Sort Code	Drawing Number	Rev.	
				Paddington Central	Sketch of Sun Study - section	Hopkins Architects Partnership LLP 27 Broadley Terrace, London, NW1 6LG T: 020 7724 1751 E: mail@hopkins.co.uk	A/PCD	SK_174.2	-	
							Date	30.01.2015	Scale	1:200 at A3

1/2

Sun Path Study
done at 12.00 pm



Section
SK174.2

West
Sun Path

East

South

Date	Rev.	Description	Approved By	Project	Paddington Central	Sort Code	Drawing Number	Rev.	
				Subject	Sketch of Sun Study - plan	A/PCD	SK_174.1	-	
				Architects	Hopkins Architects Partnership LLP 27 Broadley Terrace, London, NW1 6LG T: 020 7724 1751 E: mail@hopkins.co.uk	Date	30.01.2015	Scale	1:200 at A3

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Addendum Report of Operational Director Development Planning		Wards involved Vincent Square	
Subject of Report	Flat 9, 8 Francis Street, London, SW1P 1QN		
Proposal	Erection of single storey extension and installation of green roof at third floor level.		
Agent	DP9		
On behalf of	Mr & Mrs J Pretorius		
Registered Number	14/06798/FULL	TP / PP No	TP/1831
Date of Application	10.07.2014	Date amended/ completed	10.07.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Cathedral		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





FLAT 9, 8 FRANCIS STREET, SW1

2. SUMMARY

This item was deferred at the Planning Applications Committee on 10 February 2015 for a Members site visit which has been scheduled for 9 March 2015.

The original Committee report for the 2006 approved scheme to develop the site stated in para 6.1.2:

"An additional storey is proposed on the main building. Given the scale of the surrounding buildings... the principle of an additional storey on the main building is considered acceptable. The proposed additional storey is sufficiently set back so as to appear as a recessive and subservient final storey of the building. The extent of glazing will also result in a visually lightweight appearance..."

The current proposal will not compromise the consideration given to the original scheme and the statement above remains valid. The extension will remain subservient to the existing roof extension and the main building and it will not be visible from the street. As such, the proposal remains acceptable in design and conservation area terms.

In terms of the application setting an unwanted precedent, each application is assessed on its own merits and this would not be a reason to withhold permission. The 2013 application which was withdrawn proposed an extension with a glass roof, doors that opened out onto the larger area of flat roof and a landscaping scheme that would require a high level of maintenance. It is for these reasons the application was not considered acceptable in amenity terms and was subsequently withdrawn. Officers consider that the current application has adequately addressed these issues.

The degree of maintenance required for the proposed green roof is infrequent. The schedule submitted with the application suggests that maintenance once a year during the autumn would be sufficient. There is no evidence to suggest that a green roof would fail in this location.

With regard to the concerns about potential light pollution, it is very unusual for purely internally used domestic lighting to give rise to nuisance to neighbouring properties. The levels of internal domestic lighting are relatively low and most occupiers will have curtains/blinds etc for privacy when lights are on at night. Given that the proposed extension has a solid roof and that the glazed elevations of the proposed extension are perpendicular to the Ashley Gardens windows, it is considered that permission could not be reasonably withheld on these grounds.

The applicant does not intend to use the roof as a terrace and a condition is recommended to prevent this, in the same way that a restrictive condition placed on the original permission to redevelop the site.

As previously reported to Committee, the application is recommended for approval.

3. CONSULTATIONS

No further consultation undertaken.

LATE REPRESENTATIONS RECEIVED AFTER PUBLICATION OF COMMITTEE REPORT FOR 10 FEBRUARY 2015 BUT REPORTED VERBALLY AT COMMITTEE ON THAT DATE:

WARD MEMBERS FOR VINCENT SQUARE

Raise objection on grounds of the negative impact on the conservation area and the setting of an unwanted precedent, the negative impact on roof profiles in the conservation area,

unwarranted impact on an unlisted building of merit, impact on local views, maintenance of the grassed roof and light pollution.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

Letters of objection have been received from two residents within Ashley Gardens, from the Ashley Gardens Residents Association and the Cathedral Area Residents Group raising objection on the following grounds:

Design

- Inconsistent with the Westminster Cathedral Conservation Area.
- Fundamental change to the roof profile.
- Inappropriate alteration to unlisted building of merit.
- Inconsistent with local views.

Amenity

- Light pollution.

Other

- Inconsistent with the public good.
- Inconsistent with original permission to develop the sorting office.
- Set an unwanted precedent.
- Question maintenance of grassed roof.

BACKGROUND PAPERS

1. Application form
2. Report to Planning Applications Committee dated 10 February 2015 and Background Papers.
3. Letter from the Vincent Square Ward Councillors dated 10 February 2015.
4. Letter from DP9 dated 9 February 2015.
5. Letter from the Ashley Gardens Residents' Association dated 6 February 2015.
6. Letter from the Cathedral Area Residents Group dated 5 February 2015.
7. Letters from the occupier of 145B Ashley Gardens dated 4 and 10 February 2015.
8. Letter from the occupier of 129A Ashley Gardens dated 4 February 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY E-MAIL – ajackson@westminster.gov.uk

**Planning Applications Committee (3)
Tuesday 10 February 2015**

7 FLAT 9, 8 FRANCIS STREET, SW1

Erection of single storey extension and installation of green roof at third floor level.

Late representations from the Ward Councillors, DP9, on behalf of the applicants and the objector at 145B Ashley Gardens were circulated. Councillor David Harvey addressed the committee.

During the course of the presentation the presenting officer tabled the following revised conditions:

With the exception of the door way in the north elevation, the north and south elevation of the extension hereby approved must not have any openable windows or doors. The roof of the extension must be provided as a solid roof as shown on the approved drawing and thereafter remain as such. The door within the northern elevation must only be used as a means of escape in case of emergency or for maintenance purposes.

RESOLVED:

That consideration be deferred for a site visit.

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 February 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Vincent Square	
Subject of Report	Flat 9, 8 Francis Street, London, SW1P 1QN		
Proposal	Erection of single storey extension and installation of green roof at third floor level.		
Agent	DP9		
On behalf of	Mr & Mrs J Pretorius		
Registered Number	14/06798/FULL	TP / PP No	TP/1831
Date of Application	10.07.2014	Date amended/ completed	10.07.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Cathedral		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. **RECOMMENDATION**

Grant conditional permission.

2. SUMMARY

No. 8 Francis Street forms part of the former South West Delivery Office site which has subsequently been developed to provide a range of uses including nine residential units. The building is unlisted but is located within the Westminster Cathedral Conservation Area. Permission is sought to erect a single storey extension and create a green roof to a flat roof at third floor level in connection with Flat 9.

The key issues for consideration are:

- The impact of the proposals on the appearance of the building and character of the surrounding Westminster Cathedral Conservation Area.
- The impact of the proposals on the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the applications are recommended for approval.

3. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 119; Total No. of Replies: 13.

Letters have been received from and on behalf of occupiers within Ashley Gardens and the Ashley Gardens Residents' Association raising objection on the following grounds:

Amenity

- Noise from open windows and doors;
- Loss of privacy;
- Light pollution from extension and lighting of terrace;
- Conversations within Ashley Gardens could be overheard;
- Loss of daylight;
- Plants may grow above parapet casting shadow and resulting in loss of light.

Other

- Proposals would breach the requirements of the original permission;
- The original condition that the roof is to be used for maintenance only should be upheld;
- Green roof would attract pigeons and other vermin;
- Query ownership of roof, what is beneath the roof and who would be responsible for damage.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application building is unlisted but is located within the Westminster Cathedral Conservation Area. The building comprises a number of different addresses on Howick Place and Francis Street relating to the various uses within which include a creative design and arts centre, offices, a retail showroom, a Royal Mail collection office and nine residential flats.

The site is surrounded by Howick Place and Francis Street on three sides and the mansion blocks on Ashley Gardens separated by a narrow vehicular service lane to the south and south west. The application specifically relates to Flat 9 which is located to the south of the site fronting Francis Street, adjacent to the party wall with the residential mansion blocks 9 and 10 of Ashley Gardens, each of which contains 32 flats.

4.2 Relevant History

Planning permission was granted in August 2006 for modifications to the former South West Delivery Office including the erection of an additional glazed storey, rooflights, plant and alterations to fenestration in connection with use of building as a Creative Design and Arts Centre, offices, a retail and/or retail showroom, Royal Mail Public Collection Office, nine self-contained residential flats and a community safety office with 10 car parking spaces at ground floor level.

Planning permission was granted in June 2010 for alteration to Flat 9 including the installation of glazed sliding doors, a green wall and planter shelf to the inside face of the external parapet wall to Francis Street, one new door and the installation of a flue to the roof.

A planning application was withdrawn in November 2013 for alteration to Flat 9 including a single storey extension to create a room which would open onto a landscaped garden which included decking. The application was not considered acceptable from a residential amenity perspective on the grounds that the garden would require a high level of maintenance and a door from the extension accessing the garden directly would encourage the roof to be used as a terrace.

5. THE PROPOSALS

Permission is sought for the erection of a single storey extension on part of a flat roof at third floor level in connection with Flat 9. The extension would accommodate approximately 23m² of additional residential floorspace. It would have a solid roof, glass sides and a door opening to the north elevation for maintenance purposes. A green roof is proposed to the remainder of the flat roof which is not to be used as a terrace.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal to extend this residential flat is considered acceptable in principle and is in line with Policy H3 of the UDP and S14 of the City Plan.

6.2 Townscape and Design

In design terms, the proposed extension would not be visible from street level and the green roof would provide an improved aspect for the flat. The extension would feature a solid metal roof to match the roof of the existing extension and it would have glass sides. The works would be visible from the upper floors of Ashley Gardens. The extension is of a modest scale largely set below the high boundary parapet wall facing towards Ashley Gardens.

It is considered that the proposals will not harm the character and appearance of the conservation area or the host building and as such complies with Policies S25 and S28 of the City Plan and Policies DES1, DES5, DES6 and DES9 of the UDP.

6.3 Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

On the west boundary of the site a tall parapet wall surrounds the majority of the third floor flat roof adjacent to Ashley Gardens. It is approximately 3m tall and 3m in distance from the

Item No.

closest windows in Ashley Gardens. Lower sections of parapet wall exist to the northern and southern most ends of the flat roof.

The flat roof outside Flat 9, both inside the parapet on Francis Street and the area inside the parapet facing Ashley Gardens, is not currently used as a terrace. This has been the case since the conditions to restrict its use have been attached to the original consent in 2006 and the subsequent consent for alterations in 2010.

The proposed extension would be modest in size and would be located towards the northern end of the flat roof. The extension would be 3m tall where it meets with the parapet wall, rising to 3.4m in height where the pitched roof meets the existing extension. It would be set back from the northern most boundary in a triangular section, approximately 2m from the lower section of parapet wall, narrowing where it meets the taller section of parapet wall.

The extension would be accessed by a single door from the kitchen within Flat 9. It would have a solid metal roof to match the roof of the existing extension and would have two glass sides. The north elevation would include an access door which leads to the remaining small triangular section of flat roof which is only to be used for maintenance purposes.

The remainder of the flat roof would be covered with a modular green roof system which comprises of low level vegetation within plastic carriers. The required maintenance of the green roof would be minimal. The schedule submitted as part of the application recommends that maintenance be undertaken once a year in the autumn.

The applicant has made it clear that this application does not seek the use of the flat roof as a terrace and that access is only required for maintenance purposes or in case of an emergency. The green roof has deliberately been chosen to preclude the use of the roof for walking on or placing tables and chairs for which it is not suitable.

The proposed extension would for the most part be screened by the existing tall boundary wall. Those windows in Ashley Gardens located above the tall boundary wall would look down on the solid roof and/or its glazed flanks. It would also be possible for some of the side bay windows within Ashley Gardens, located to the north, to view the proposed extension through the lower parapet wall section, although this would not be dissimilar to the relationship those windows have with the existing windows in the development such as the kitchen window to Flat 9.

It is considered that a combination of the design and location of the extension, with the addition of a condition to prevent openings in its roof and southern elevation, and the door in the northern elevation to only be used for maintenance or emergency purposes, that the extension would not result in an unacceptable loss of amenity including increased noise and light pollution, or loss of light, sufficient to justify refusing permission.

With regard to the flat roof and the installation of the green roof, subject to the imposition of a condition similar to those attached to the permissions granted in 2006 and 2010, to prevent its use as a terrace, the installation of a green roof will not result in an unacceptable loss of amenity including loss of privacy or increased noise.

Subject to conditions the proposals are considered acceptable in amenity terms and will accord with Policies S29 of the City Plan and ENV13 of the UDP.

6.4 Transportation/Parking

It is not considered that the small extension to this residential unit would have a material impact on traffic generation or on-street parking pressure in this area.

6.5 Economic Considerations

Not applicable.

6.6 Other UDP/Westminster Policy Considerations

Not applicable.

6.7 London Plan

The application is not referable to the Mayor and is not considered to raise strategic issues of any significance.

6.8 National Policy/ Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan even if there is a limited degree of conflict with the framework. The City Council is now required to give due weight to the relevant policies in existing plans 'according to their degree of consistency with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

The proposals are of insufficient scale to generate a requirement for any planning obligations.

6.10 Environmental Assessment

The proposals are of an insufficient scale to require an environmental assessment.

6.11 Other

The queries relating to property ownership and where the liability for potential damage falls are not valid planning considerations. They are private matters that would need to be dealt with by the relevant property owners.

6.12 Conclusion

The application is considered acceptable in design, conservation and amenity terms, in accordance with Policies S25, S28 and S29 of the City Plan and Policies ENV6, ENV13, DES1, DES5, DES6 and DES9 of our UDP, subject to the conditions set out in the draft decision letter.

Item No.

BACKGROUND PAPERS

1. Application form.
2. Letter from the Westminster Society dated 12 August 2014.
3. Letter from 140B Ashley Gardens dated 20 August 2014.
4. Two letters from 125A Ashley Gardens dated 20 August and 12 October 2014.
5. Letter from 141B Ashley Gardens dated 23 August 2014.
6. Three letters from 129A Ashley Gardens dated 24 August and 14 September 2014.
7. Two letters from 145B Ashley Gardens dated 27 August and 9 September 2014.
8. Letter from 136B Ashley Gardens dated 29 August 2014.
9. Letter from the Ashley Gardens Residents' Association dated 23 September 2014.
10. Letter from 130A Ashley Gardens dated 18 September 2014.
11. Letter from 131A Ashley Gardens dated 20 September 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: Flat 9, 8 Francis Street, London, SW1P 1QN

Proposal: Erection of single storey extension and installation of green roof at third floor level.

Plan Nos: EX01; EX02; DET90_1 RevA; GA01; GA02A; GA03; GA04; GA05; GA06; GA07;
Site location plan; Grufe Maintenance Schedule; Supporting Information dated 11 August 2014;

Case Officer: Vincent Nally **Direct Tel. No.** 020 7641 5947

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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 Westminster Cathedral Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The areas of flat roof at third floor level shown on drawing number DET90_1RevA (both inside the parapet on Francis Street and the areas inside the parapet facing Ashley Gardens) shall not be used for sitting out or for any other purpose other than as a means of escape in case of emergency or for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 With the exception of the door way in the north elevation, the north and south elevation of the extension hereby approved must not have any openable windows or doors. The roof of the extension must be provided as a solid roof as shown on the approved drawing and thereafter remain as such. The door within the northern elevation must only be used as a means of escape in case of emergency or for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

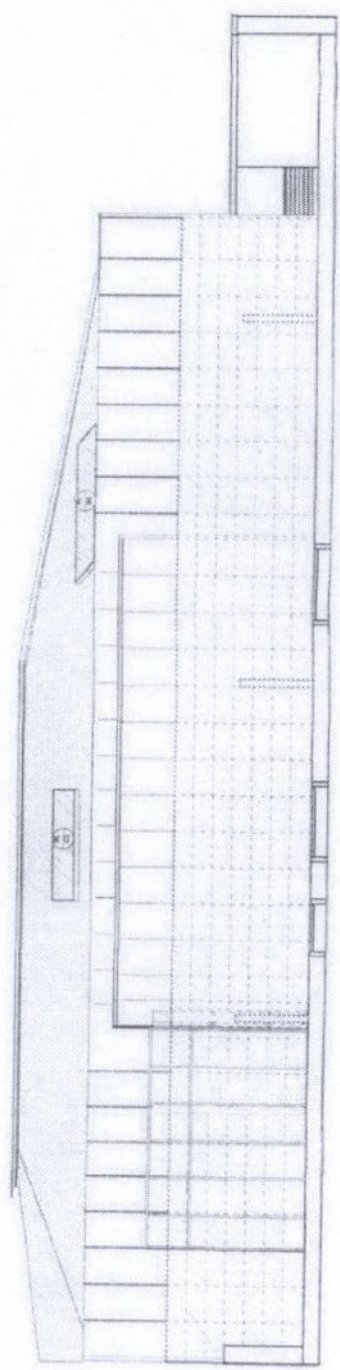
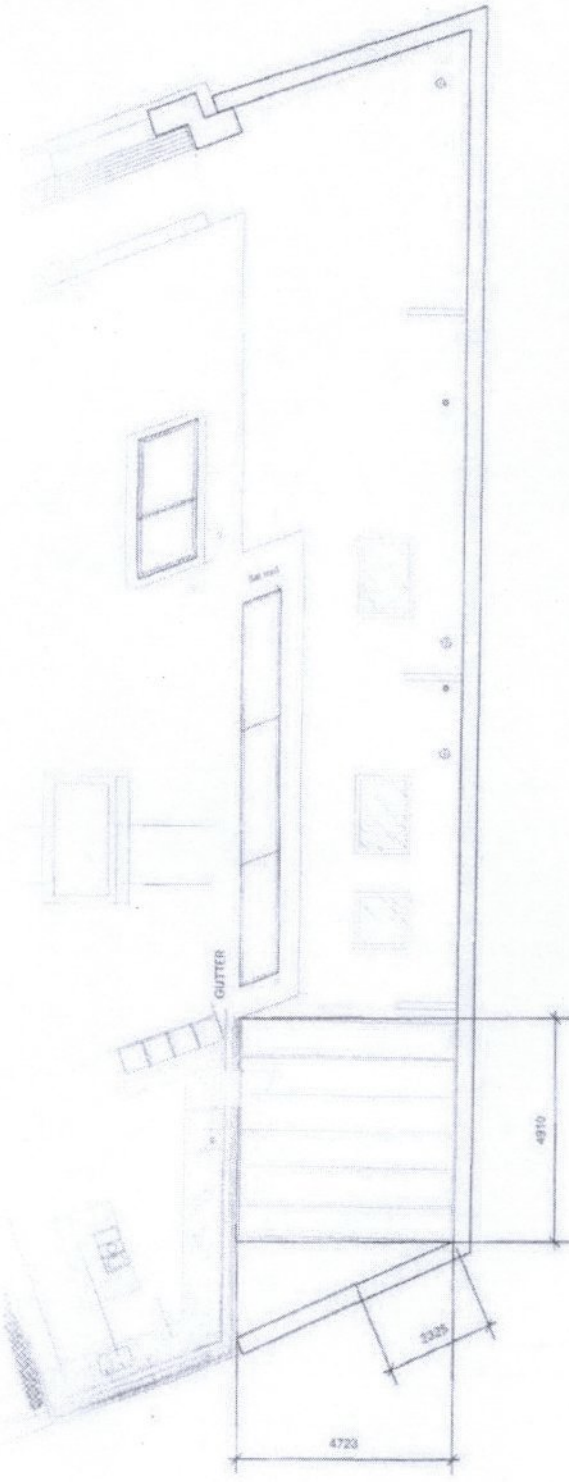
Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

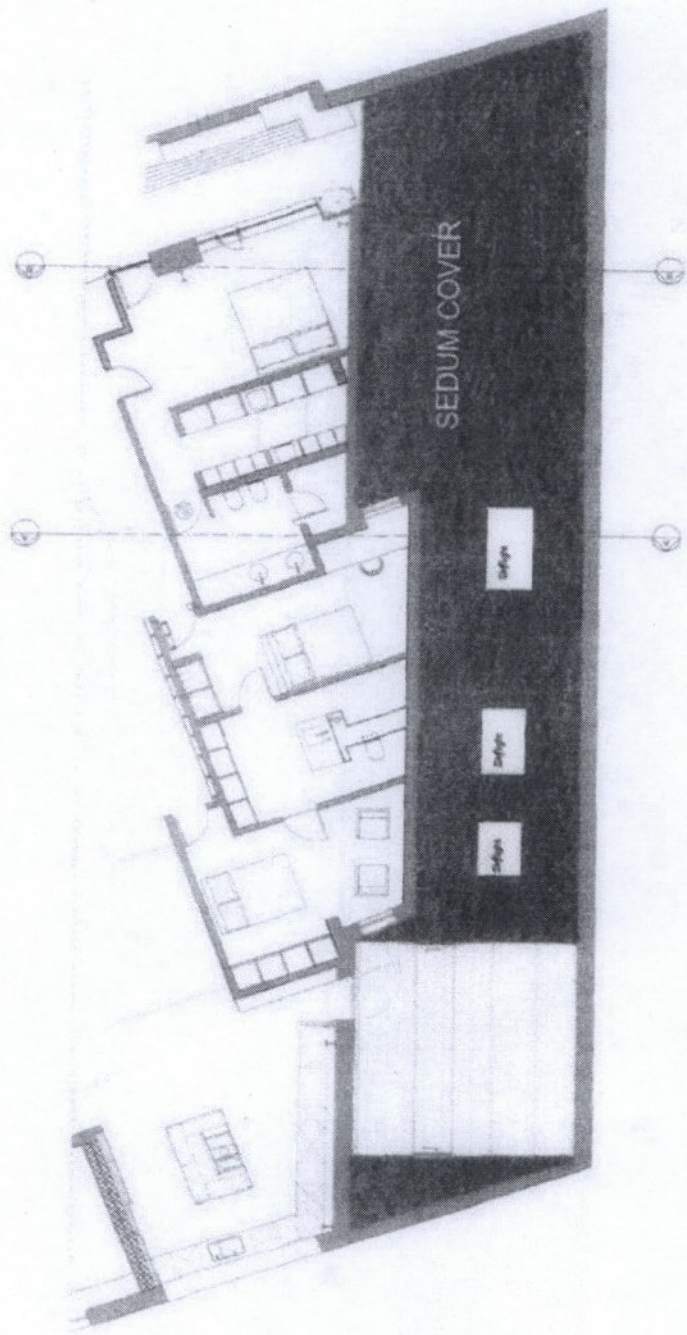
- 4 With regard to Condition 4, and for the avoidance of doubt, the maintenance of the green roof should only be carried out once each year in accordance with the submitted Grufe maintenance schedule.



<p>For information SCALE: 1/8" = 1'-0" 3 Howard Place, London WC1A 1AA</p>		<p>Architect: 25 Grosvenor Gardens</p>	
<p>DATE: 1988</p>	<p>NO: 100</p>	<p>REV: A</p>	<p>DATE: 1988</p>

Paul McAneary Architects Ltd

Architects and Interior Designers



Paul McAneary
Architects Ltd

8 Francis Street,
London EC2A 3AE
Tel: 020 7463 1000
www.paulmcaneary.com

This plan shows the proposed exterior of the building. It is a preliminary design and is subject to change. The plan is for information only and does not constitute an offer of any services. The plan is not to be used for any other purpose without the written consent of Paul McAneary Architects Ltd.



DATE	DESCRIPTION	BY	DATE
15/08/12	Planning	WR	15/08/12
23/09/12	Not for construction	WR	23/09/12

SW/1/P/10N
WR PM
Oct 2012

8 Francis Street, Unit 9
Proposed Exterior Plan
PMA 109 GA01 /

Agenda Item 4

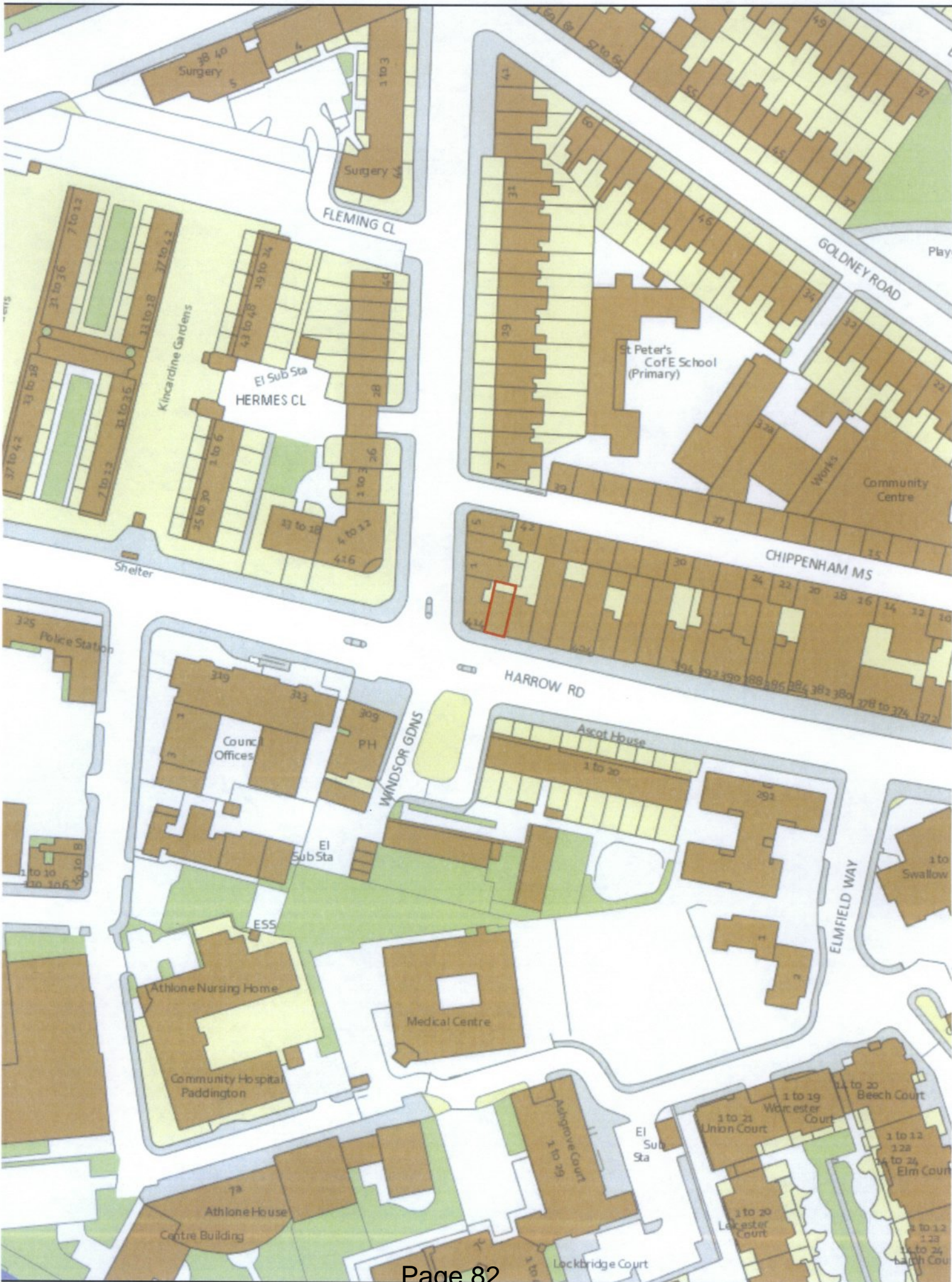
Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Harrow Road	
Subject of Report	Ground Floor and Basement, 412 Harrow Road, London W9 2HU		
Breach	Change of use from a restaurant (Class A3) to a hot food takeaway operation (Class A5 use).		
Agent	N/A		
On behalf of	N/A		
Registered Number	10/46117/M (ENF)	TP / PP No	TP/3777
Date Breach Reported	07.10.2010	Date amended/ completed	N/A
Category of Application	N/A		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone Outside Local Shopping Centres		
Stress Area	Outside Stress Area		
Current Licensing Position	Premises licence issued on 3 February 2015 (14/09347/LIPT)		

1. RECOMMENDATION

That an Enforcement Notice be issued requiring that within 56 days of the notice taking effect the use as a hot food takeaway operation shall cease except between the hours of 10:00 and 23:00 on Monday to Saturday and 11:00 and 22:30 on Sundays and Bank Holidays and that the associated ventilation equipment shall not be used except between the hours of 10:00 and 23:00 on Monday to Saturday and 11:00 and 22:30 on Sundays and Bank Holidays.





2. SUMMARY

No.412 Harrow Road is a three storey mid-terrace property close to the intersection of Harrow Road and Chippenham Road. The unit occupies the ground floor and basement premises. The terrace contains local shops and services at ground floor level, but does not form part of a designated shopping area. Immediately adjacent to the west of the subject property is a restaurant and adjacent to the east is a dental surgery. There are residential flats on the floors above the premises, and on the upper floors of the properties either side.

In October 2010 it came to the attention of the Planning Enforcement Team that a change of use had been undertaken without planning permission from the lawful use as a restaurant (Class A3 use) to a hot food takeaway operation (Class A5 use). The material change of use from the lawful use as a restaurant to the current use is unauthorised, and accordingly the current use is not subject to any conditions including any relating to the hours of operation or the operation of associated plant.

The late night operation of the premises (currently until approximately 01.00 hours) causes nuisance to residents in the flats above and adjacent, due to the noise of customers and the mopeds used for the delivery service leaving and arriving, and due to the operation of the associated ventilation equipment late into the night.

The impact of the change of use is considered to relate solely to potential noise and nuisance resulting from the unrestricted hours of operation and unrestricted operation of associated plant, which can be effectively controlled by condition. It is therefore not considered appropriate to use enforcement powers to require the unauthorised use to cease.

It is considered appropriate, reasonable and proportionate to 'under-enforce' by serving an enforcement notice requiring the premises to comply with reasonable conditions restricting the hours of operation and restricting the times during which the associated plant can be operated, to protect the current and future residential occupants of the flats at upper floor levels of the building.

Informal negotiations have failed to resolve the planning breach. The owners have been repeatedly encouraged to seek planning approval for the material change of use undertaken, but have chosen not to submit such an application.

3. CONSULTATIONS

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

CLEANSING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 23; Total No. of Replies: 2.

- One response raising concerns regarding the operation of the business and its impact upon residents; regarding the cleanliness of the premises and reports that it has resulted in mice at the flat above; and concerns that the operation of a hot food takeaway business affects the saleability of the flat above.
- One response raising concerns about the noise of the ventilation equipment.

4. BACKGROUND INFORMATION

4.1 The Application Site

No.412 Harrow Road is a three storey mid-terrace property close to the intersection of Harrow Road and Chippenham Road. The unit occupies the ground floor and basement premises. The terrace contains local shops and services at ground floor level, but does not form part of a designated shopping area. Immediately adjacent to the west of the subject property is a restaurant and adjacent to the east is a dental surgery. There are residential flats on the floors above the premises, and on the upper floors of the properties either side. The property is not listed and is not within a conservation area.

The ground floor contains a counter with menus displayed in illuminated panels above, and a kitchen area to the rear. There is space for six to seven persons to consume food on the premises, which is considered an ancillary part of the primary use as a takeaway operation.

4.2 Relevant History

21 May 1992 - planning permission was granted for a change of use from a delicatessen/off-licence to a restaurant (RN 92/00009/FULL).

12 September 1996 - planning permission was granted for relocation of the rear kitchen extract duct (RN 96/06668/FULL).

5. THE BREACH OF PLANNING CONTROL

Within the last 10 years and without the necessary express planning permission, the material change of use of the premises from a restaurant with ancillary hot food takeaway service (Class A3 use) to a hot food takeaway operation with ancillary seating (Class A5 use).

6. DETAILED CONSIDERATIONS

6.1 Land Use

The site is not subject to any specific designations in the City Plan or UDP that would restrict a change of use from the lawful use for Class A3 (restaurant) purposes. Accordingly, the impact of the change of use relates solely to amenity implications which are assessed in Section 6.3 of this report.

6.2 Townscape and Design

No material alterations have been undertaken to the premises as a result of the unauthorised use.

6.3 Amenity

There are residential flats immediately above the use at first and second floor levels in the property, and further residential flats at first and second floor levels within the terraced properties adjacent either side.

Hours of operation

It is understood that the current operation closes at approximately 01.00 hours, with deliveries undertaken by the three mopeds used for the delivery service until this time. Such operation causes noise and disturbance to the immediately surrounding residential occupiers, and in particular those on the first and second floor levels above the premises, as a result of people entering and leaving the premises and **Page 85** the street outside the premises, and also

the noise of the delivery vehicles starting up and pulling in to park on the pavement below the front-facing windows.

It is recognised that there is a tendency for takeaway operations such as pizza outlets, kebab shops or fried chicken shops to generate late night noise and disturbance, and this leads to unwelcome impact on the residential environment. The Planning Practice Guidance published in 2014 specifically mentions takeaway fast food activities as having the potential to '*have particular impacts, not least because activities are often at their peak in the evening and late at night*'.

Such late night operation fails to comply with City Plan Policy S29 which states that '*the Council will resist proposals that result in an unacceptable material loss of residential amenity*' and Policy S32 which seeks to minimise exposure to external noise. It also fails to accord with UDP Policy ENV 6 relating to the impact of noise from development on noise sensitive properties, and the Westminster Noise Strategy 2010-2015 which seeks to guard against noise-generating uses in areas with a strong residential character.

It is considered that the proposed hours of opening between 10:00 to 23:00 Monday to Saturday and 11:00 and 22:30 on Sundays and Bank Holidays are appropriate in noise and amenity terms, and that restricting the use to comply with these hours will safeguard the amenity of surrounding residential occupants.

Operation of associated plant

Concerns have been raised that the ventilation duct associated with the use causes noise that is clearly audible within the flats above. During a site inspection within the flats above the premises it was noted that the ventilation duct is positioned immediately adjacent to the rear-facing windows, which are within the kitchens of the two flats. The inspector who visited confirmed that the ventilation duct does generate noise within the complainant's kitchen. The equipment was installed in 1996 following grant of planning approval, and is therefore lawful. However, in view of the concern raised, it is recommended that a condition be imposed to restrict the hours of use of the plant in order to address this issue.

Accordingly, it is considered appropriate to include a condition restricting the use of the plant pertaining to the use to between the hours of 10:00 and 23:00 on Monday to Saturday and 11:00 and 22:30 on Sundays and Bank Holidays. The condition would ensure that the use of the equipment complies with UDP Policy ENV 6 relating to the impact of noise from development on noise sensitive properties, and the Westminster Noise Strategy 2010-2015 which seeks to guard against noise-generating uses in areas with a strong residential character.

6.4 Transportation / Parking

No objections raised by the Highways Planning Manager.

6.5 Other UDP/Westminster Policy Considerations

Not applicable.

6.6 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.7 Planning Obligations

Not applicable.

6.8 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is of an insufficient scale to require an environmental assessment.

6.9 Other Issues

Not applicable.

6.10 Conclusion

The change of use is considered acceptable in land use, amenity and highways terms. Subject to restrictions relating to hours of operation and the use of associated plant, the change of use will accord with the National Planning Policy Framework (2012); Planning Policy Guidance (2014); Policy 7.15 of the London Plan (2011); Policies S29 and S32 of the City Plan (2013); 'Saved' Policy ENV6 of the adopted Unitary Development Plan (2007); and the supplementary planning guidance contained in the Westminster Noise Strategy 2010-2015 (March 2010).

BACKGROUND PAPERS

1. Premises licence issued on 22 February 2013 (12/10331/LIPN)
2. Copy of application for temporary licence for external tables and chairs (13/03794/STTC) and letter confirming withdrawal of application following refusal of planning permission.
3. Certificate of Lawfulness of Existing Use dated 3 June 1997 (RN. 97/03773/CLEUD)
4. Planning permission dated 18 June 2013 (RN 13/03314/FULL)
5. Planning permission refused on 8 April 2014 (RN 12/09342/TCH)
6. Email from owner/occupier within Chenies House dated 11 November 2014.
7. Email from owner/occupier within Chenies House dated 12 November 2014

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT KAREN BALL ON 020 7641 2932 OR BY E-MAIL – kball@westminster.gov.uk

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved West End	
Subject of Report	24 Brewer Street, London, W1F 0SN		
Proposal	Use of basement, ground, first and second floors as restaurant (Class A3). Installation of replacement shopfront and window at front first floor level, alterations at roof level to replace flat roof with part 'M-shaped' and part hipped roof, and erection of extract duct at roof level.		
Agent	Pegasus Planning Group Ltd		
On behalf of	Chilango Mexican Kitchen		
Registered Number	14/09900/FULL	TP / PP No	TP/5738
Date of Application	23.09.2014	Date amended/ completed	07.10.2014
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Premises licence allows for the following opening hours: 10.00 – 23.00 Monday to Friday, 10.00 – 00.00 on Saturdays and 12.00 – 22.30 on Sundays		

1. RECOMMENDATION

Grant conditional permission.





24 BREWER STREET, W1
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2. SUMMARY

No. 24 Brewer Street is an unlisted building located within the Soho Conservation Area, the Core Central Activities Zone and the West End Stress Area. The entire property currently has lawful use as an adult cinema. Permission is sought for the change of use of the premises to a restaurant (Class A3), the installation of associated plant including an internal extract duct which will vent at main roof level and air conditioning units at rear first floor level. Alterations are also proposed to the front and rear elevations and to the roof structure.

Planning permission was granted in March 2010 for the loss of the cinema. Following the grant of planning permission unauthorised works including the operation of a restaurant, the installation of ductwork and works to the roof were carried out. This proposal would remove some of the unauthorised alterations and reinstate the property to its previous condition.

The key issues for consideration are:

- The loss of the adult cinema.
- The impact of the proposed plant equipment on residential amenity.
- The impact of the proposed restaurant operation on residential amenity.

The loss of the adult cinema is considered acceptable taking into account the history of the premises. Subject to appropriate conditions, the proposed restaurant and external alterations are also considered acceptable in design, land use, highways and amenity terms and will accord with the relevant Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) policies.

3. CONSULTATIONS

COUNCILLOR GLANZ

- Requests the application is determined at Planning Applications Committee.
- Supports the objections raised by neighbours.

SOHO SOCIETY

Objection on the following grounds:

- Potential impact upon residential amenity resulting from the servicing hours, glass crushing and the opening hours of the premises.
- They consider the rear first floor flat roof area should only be used as a means of escape.

CLEANSING MANAGER

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

No objection.

THAMES WATER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 114; Total No. of Replies: 6.

Six letters (two from the same person) of objection raising the following:

Amenity

- Noise disturbance to residents from restaurant patrons.

- Noise disturbance to residents resulting from the servicing of the restaurant (specifically deliveries and rubbish collection).
- Noise disturbance to residents resulting from the operation of the plant.
- Concern that the rear flat roof area will be utilised for smoking / entertainment purposes.
- Concern that the submitted acoustic report is flawed as there is unlawful plant currently operating at a neighbouring premises which may have artificially elevated the background noise levels.
- Potential odour issues.

Other

- Lack of public consultation.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

Brewer Street is a mixed use street, with a variety of retail, restaurant and bar uses at ground floor level with office and residential uses on the upper floors. No. 24 Brewer Street is an unlisted building situated within the Soho Conservation Area, the Core Central Activities Zone and the West End Stress Area. The existing property comprises of basement, ground and two upper floors. The property is currently vacant, but has lawful use as an adult cinema.

Extensive building works have taken place at the property including the installation of an extract duct at the rear of the property, demolition of the rear walls and the rebuilding of the roof. Some of these works formed part of a planning approval granted in March 2010 while other works are unauthorised.

The rear of the site is overlooked by a number of residential flats (some including balconies) along Green's Court and Peter Street.

4.2 Relevant History

Planning approval was granted on 7 February 2002 for the use of the building as a cinema showing adult films. The officer's report concludes that the use of the building as an adult cinema would be preferable to the existing (at the time) use of the building as a strip show. Photographs taken at the time show advertisements on the building advertising 'live exotic peep show'. Previous to this granting of permission the property had a nil use due to the extensive enforcement action and refused applications for the use of the property as a peep show over an extended period of years.

Planning permission was granted on 1 May 2003 for a variation of Condition 2 of permission dated 7 February 2002 (RN: 01/02697) for the use of the building as a cinema showing adult films; namely, to vary opening hours to 10.00-00.00 hours.

The adult cinema stopped operating in July 2008.

A Certificate of Lawful Existing Use for the use of the ground, basement and first floor as a drinking establishment was refused on the 3 August 2009. Insufficient evidence was submitted to support the claim that the property had been used as such for the preceding ten years and the Council also held conflicting evidence that indicated it had been lawfully used as an adult cinema for a period of that time.

Planning permission was granted on the 4 March 2010 for the dual/alternative use of basement, ground and part first floor as a **Page 93** (Class A1) or restaurant (Class A3) measuring

159m²; use of part first and second floors as a two bedroom residential unit (Class C3); installation of plant within acoustic enclosure at first floor roof; and installation of extract duct rising to high level.

A restaurant did operate from the site for approximately six months between January 2013 and July 2013. However, none of the pre-commencement conditions attached to the March 2010 planning permission were discharged. It is therefore considered the above planning permission was not implemented.

5. THE PROPOSAL

Permission is sought for the use of the entire building as a restaurant (Class A3). The basement will be used as a store area with a separate waste / recycling area, the ground floor will include a kitchen / servery with seating and a disabled toilet. Additional seating and toilets are proposed at first floor level with associated staff and office accommodation at second floor level. Permission is also sought for the erection of a high level extract duct to terminate above the height of the main roof level and the installation of four air conditioning units under the existing metal stair leading to the flat roof area at rear first floor level. Works are proposed to re-instate the historical roof pitch and to re-instate the rear walls of the property which have been demolished.

The total floorspace of the proposed restaurant would match that of the existing lawful cinema (as there are no proposed extensions) and would amount to 251m².

	Existing Cinema	Approved restaurant	Proposed restaurant
Floorspace (m ²)	251	159	251
Covers	Un-restricted	30	80
Hours of opening	10:00 – 00:00 Daily	N/A	08:00 – 23:00 Monday to Friday; 08:00 – 00:00 Saturdays and 09:00 – 22:30 on Sundays.
Licensing hours granted	N/A	07:00 – 23:30 Daily	Monday to Friday 10:00 to 23:00 Saturday 10:00 to 00:00 Sunday 12:00 to 22:30.
Ventilation / extraction plant	Existing plant on rear first floor flat roof.	N/A	Air conditioning plant on the rear first floor flat roof; extract duct terminates at high level, adjacent to 22 Brewer Street.
Waste storage	Provided at basement level.	Air intake duct housed on the first floor roof, extract duct terminates at high level, adjacent to 22 Brewer Street.	Provided at basement level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Overview

Planning permission was granted on the 4 March 2010 for the use of the basement, ground and part first floors as either retail or restaurant accommodation and a residential unit at part first and second floor levels with associated plant and a high level extract duct. There were a number of conditions attached to this permission both in respect of the restaurant / retail use and the approved residential unit. Five of the conditions relating to the restaurant use were 'pre-commencement conditions' which meant they required further information to be submitted to the City Council for approval before the restaurant use could commence. However, none of these conditions were discharged before the restaurant began trading. As none of the pre-commencement conditions were discharged, it is not considered that the restaurant use was lawful, nor was the March 2010 planning permission implemented. This permission has now expired.

6.1.1 Loss of Adult Cinema

Permission was granted for the use of the whole building as an adult cinema in February 2002. The cinema stopped operating from the property in July 2008. As the 2010 permission was not considered to be implemented, the lawful use of the property is still considered to be as a cinema.

Policy TACE5 of the UDP seeks to protect arts and cultural uses, of which cinemas are included. Part A(1) stipulates that planning permission will not be granted for change of use from an arts or cultural use. The reasoning for the policy is that these uses "represent a valuable amenity for residents, workers and visitors to the city." It also states that "smaller-scale arts and cultural facilities and activities in particular can add to the vibrancy and quality of life of local communities."

It is difficult to extend this protection to an adult cinema, and as the loss of the adult cinema has previously been considered in 2010, its loss is therefore considered acceptable.

6.1.2 New restaurant use

As the proposal is for a new entertainment use comprising 251m² it needs to be considered under the TACE policies. Policy TACE 9 of the UDP states that permission for restaurant uses (Class A3) of between 150m² – 500m² of gross floorspace inside the Core CAZ and designated West End Stress Area, may be permissible, where the proposed development will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area. Policy S24 of the City Plan also relates to new entertainment uses and has similar policy requirements for units of this size.

Objections have been received from nearby residential occupiers and the Soho Society to the additional restaurant floorspace in the West End Stress Area. However, taking into consideration the current lawful permission for use as an adult cinema with an unrestricted capacity and the manner in which it previously operated, it is considered that the restaurant use with planning restrictions will improve amenity. Furthermore, as permission has previously been granted for a restaurant, the objections to the principle of the restaurant use are not considered sustainable.

The existing lawful use has no conditions restricting the capacity of the premises. The applicant has stated that if permitted they intend to provide a sit-down restaurant with 80 covers, a condition is recommended to restrict the capacity to this number.

An objection has been received on noise and disturbance from patrons leaving the restaurant. The latest terminal hour is proposed as midnight on a Saturday. This is considered acceptable and in accordance with Paragraph 8.88 of the UDP which states that *'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'*. In order to further ensure the protection of residential occupiers in the vicinity, a condition is proposed requiring the submission of an Operational Management Plan to ensure the restaurant is managed effectively. On this basis the objection is not considered sustainable.

There is a rear flat roof at first floor level and the Soho Society has commented it should only be used for emergency purposes. It is considered that the use of this area for sitting out could have an adverse impact on neighbouring residential properties and a condition preventing its use for dining/smoking etc. is recommended.

A neighbouring residential occupier to the rear within Peter Street has commented on the potential for noise and disturbance from the premises if the windows on the rear elevation are left open. These are considered legitimate concerns and a condition is recommended requiring the windows on the rear elevation to be fixed shut at all times.

Environmental Health consider the high level extract duct proposed suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity. An objection has been received to potential cooking odours, the proposed duct will terminate at a higher level than the nearby residential windows and this complies with the City Council standards for dispersing cooking odours. It should also be noted that the proposed extract terminates at a higher level than the extract duct which was previously approved in 2010.

Due to the close proximity of Piccadilly Circus Underground Station and the multiple bus routes which run along Shaftesbury Avenue and Regent Street, the proposed restaurant would be located in an area with very high accessibility to public transport, and it is therefore unlikely that it would result in any increase in traffic or parking demand which would be harmful.

The Cleansing Manager has confirmed the waste store as shown on the submitted drawing in the basement of the premises will be sufficient for the requirements of the restaurant. A condition is therefore attached to ensure that this waste store is provided and retained.

In order to protect residential amenity and ensure the noise of the restaurant is contained within the premises, a condition is proposed to ensure the single door shown on the drawings is only utilised in case of emergency and is not used as a standard access point for customers. A condition is also proposed to ensure any music played within the premises is not audible outside the premises to further protect the amenity of neighbouring residential occupiers.

The principle of the proposed restaurant is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

6.2 Townscape and Design

Reinstatement of the building to the form it was in prior to demolition is acceptable, and routing the new extract duct through the building will minimise its visual impact. It should be

noted that this is a significant design improvement on the scheme previously approved in 2010 where the extract duct ran horizontally along the rear flat roof at first floor level before rising vertically up the rear elevation of the property. The air conditioning plant located under the external metal stairs at the rear will have no adverse impact on the appearance of the building or surrounding conservation area given the highly enclosed nature of the space and other plant on neighbouring buildings.

Alterations to the street façade including a new shopfront and reinstated first floor sash window will improve its appearance and the proposal as a whole accords with Policies S25 and S28 of the Westminster City Plan and Policies DES 1, DES 5 and DES 9 of the 2007 UDP.

6.3 Amenity

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

The acoustic report specifies that the plant will only be in operation between the hours of 08.00 and 00.00. There is unauthorised plant currently in operation at a nearby restaurant (28 Brewer Street – Janetaria) which is the subject of on-going planning enforcement action. A neighbouring objector has commented that the unauthorised plant would have artificially elevated the measured background noise levels and this is not consistent with the revised guidance within BS 4142. The Environmental Health officer dealing with the application was alerted to this issue, and they have concluded that the background noise measurements do include the unauthorised plant on the neighbouring property. From the noise readings it is evident that the unauthorised plant is switched off at 22:00 as there was a significant drop in the background noise measurements at this time. After 22:00 the background noise levels followed a similar trend to what would be expected in this area and stayed at a near continuous level through the early hours of the following morning.

The lowest background noise level is taken from 00:00 (when the unlawful plant had been switched off) and is measured as 46dB which is consistent with what Environmental Health would expect in this area. To accord with City Council policies the noise levels from the plant would have to be no greater than 36dB at the nearest noise sensitive property which was identified as being the rear windows of 10 Green's Court at a distance of 3.2m from the nearest plant items.

The expected noise levels from the air conditioning units is 50dB, which would not comply with the standard noise conditions. The applicant has recommended that the air conditioning units are fixed on anti-vibration mounts and are housed within an acoustic enclosure. Environmental Health has no objection to the proposal on the basis that the acoustic enclosure is secured by condition, in addition to the City Council's standard noise conditions on this basis, neighbouring residents amenity will be protected.

6.4 Transportation/Servicing

The Highways Planning Manager considers that the number of people arriving and departing from the proposed restaurant would be comparable to the lawful cinema use. The site is located within a Controlled Parking Zone which means that single and double yellow lines in the vicinity allow loading and unloading to occur. The original information submitted by the applicant stated that servicing would take place between 00:00 and 04:00 daily. Objections were received from neighbouring residents concerned that noise from deliveries would adversely impact upon their amenity. The applicant has subsequently confirmed that to accord with the conditions on the premises licence, servicing would take place between 07:00 and 23:00. The Soho Society considers servicing should take place between 08:00 and 22:00

daily, however, the hours requested by the applicant are considered reasonable and it is not considered necessary to restrict them further. It is not considered servicing of the restaurant between these hours would impact upon neighbouring residents and the objections with regard noise from servicing are not considered sustainable.

The applicant is not intending for the restaurant to provide a delivery service and a condition will be attached to control this.

Taking into account the size of the restaurant, to accord with the requirements of Policy TRANS10 of the UDP, three cycle parking spaces must be provided. A condition is proposed requiring the submission of amended drawings to show this cycle parking provision and it is considered this could easily be provided in the basement of the premises.

6.5 Economic Considerations

Any economic benefits generated are welcome.

6.6 Access

A number of improvements are proposed including level access to the ground floor. A disabled toilet is also proposed at ground floor level for restaurant patrons.

6.7 Other UDP/Westminster Policy Considerations

An objection has been received to the lack of consultation for the application. The objector states that they have not received a letter and that the only notification of the planning application was on a lamp post and not on the premises itself. City Council records indicate that a consultation letter was sent to this property. It is unfortunate that this was not received by the occupant. Taking into account the number of objections which were received to the scheme, it is concluded that letters were received by neighbouring residents. The City Council did send out further consultation letters during the course of the application following amendments to the scheme.

Site notices are nearly always fixed to a lamp post close to the application site. It is very rare that site notices will be fixed to buildings as these may be removed. It is considered that the City Council has carried out its duties with regards to public consultation and therefore the objection on these grounds is not considered sustainable.

An objection has been received on the grounds that this will be a chain restaurant which will impact on the character of Soho. Planning policies do not allow us to consider the user, only the use. Therefore, the objection is not considered sustainable.

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

The application does not raise a requirement for a planning obligation.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The scale of the proposed development does not require the submission of an Environmental Impact Assessment or provide opportunities for additional sustainability measures.

6.12 Conclusion

The proposals are considered acceptable in land use, transport, amenity and design terms and accord with the relevant City Council UDP and City Plan policies. The application is therefore recommended for conditional planning approval.

BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Glanz dated 20.11.2014.
3. Memoranda from Environmental Health dated 28.11.2014, 04.02.2015 and 24.02.15.
4. Memorandum from the Highways Planning Manager dated 21.10.2014.
5. Memorandum from the Cleansing Manager dated 06.11.2014.
6. Email from the Soho Society received 06.11.2014.
7. Email from Thames Water dated 24.10.2014.
8. Email from the residential occupier of 15 St. James Residences, 23 Brewer Street, London received 10.11.2014.
9. Email from the residential occupier of Flat 3, 10 Green's Court, London dated 05.12.2014.
10. Emails from the residential occupier of 52 St. James Residences, 23 Brewer Street, London dated 16.12.2014.
11. Emails from the residential occupier of 2 Salvo House, 20 Peter Street, London dated 21.12.2014 and 22.02.14.
12. Email from residential occupier of 3 Salvo House, 20 Peter Street, London dated 20.02.15

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT HELEN MACKENZIE ON 020 7641 2921 OR BY E-MAIL – hmackenzie@westminster.gov.uk

DRAFT DECISION LETTER

Address: 24 Brewer Street, London, W1F 0SN

Proposal: Use of basement, ground, first and second floors as restaurant (Class A3). Installation of replacement shopfront and window at front first floor level, alterations at roof level to replace flat roof with part 'M-shaped' and part hipped roof, and erection of extract duct at roof level.

Plan Nos: Site Location Plan, Acoustic Report dated 22nd December 2014, Drawings: CHI-BRE-M01 RevB, CHI-BRE-M02 RevB, (12037_PL) 115 Rev4, 116 Rev5, 117 Rev6.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 You must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:
To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)
- 3 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 12037_PL_116 Rev05. You must clearly mark them and make them available at all times to everyone using the restaurant. (C14FB)
Reason:
To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)
- 4 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must install the 'brick-slip outer cladding to match existing building' as shown on drawing 12037_PL_117 at the same time as the high level extract duct is installed. It must thereafter be maintained in this position for as long as the extract duct remains in place.

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not allow more than 80 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 Customers shall not be permitted within the restaurant premises before 08:00 or after 23:00 on Monday to Friday; before 08:00 or after 00:00 (mid-night) on Saturday and before 09:00 or after 22:30 on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Soho Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must not use the rear first floor flat roof area of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance of the building / plant.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 12 All servicing must take place between 07:00 and 23:00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 13 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 S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 (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 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 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 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 15 The plant/machinery hereby permitted shall not be operated except between 08:00 hours and 00:00 (mid-night) hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted

in January 2007.

- 16 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 17 No music shall be played within the premises that is audible outside the premises.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 18 You must not operate a food delivery service from the premises.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 The single entrance door to the east of the main entrance doors at ground floor level to Brewer Street is not to be used by customers for access to the restaurant premises except in the case of an emergency and must be kept closed at all other times.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 20 You must apply to us for approval of details of secure cycle storage for the restaurant use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the premises. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 21 You must apply for approval of amended drawings to show the provision of the required acoustic enclosure for the units at rear first floor level, you must also provide the manufacturers specification of the enclosure and calculations to show that it will provide the

required acoustic mitigation. You must not install the plant at rear first floor level until we have approved these details. You must thereafter install the enclosure at the same time as the plant; finish / paint the enclosure dark grey and maintain it in this form for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 22 You must implement all the acoustic mitigation requirements as stated in the acoustic report dated December 2014 at the same time as the plant is installed. The plant must thereafter be maintained in this form for as long as it remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 23 The windows at rear first and second floor levels must be fixed shut and maintained in this form in perpetuity.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 24 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 25 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 26 The Class A3 use allowed by this permission must not begin until you have fitted self-

closing doors to the Brewer Street entrance. You must not leave these doors open except in an emergency or to carry out maintenance work.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 27 The high level extract duct hereby approved must be installed before the restaurant use can commence, it shall thereafter be permanently retained in situ and maintained for as long as the restaurant is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 28 You must apply to us for approval of detailed drawings of the following parts of the development - proposed new shopfront. 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 detailed drawings. (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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.

- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)

- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained. Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.

Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.

www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 8 If licensable activities are proposed in the commercial premises a new application for a Premises Licence will have to be submitted to the Licensing Service under the Licensing Act 2003. The applicant should have regard to the City of Westminster Statement of Licensing Policy with regard to operation of the licensed premises.

The premises should be constructed to ensure the requirements of the Workplace (Health Safety and Welfare) Regulations 1992, and BS 6465-1:2006: Tables 10.

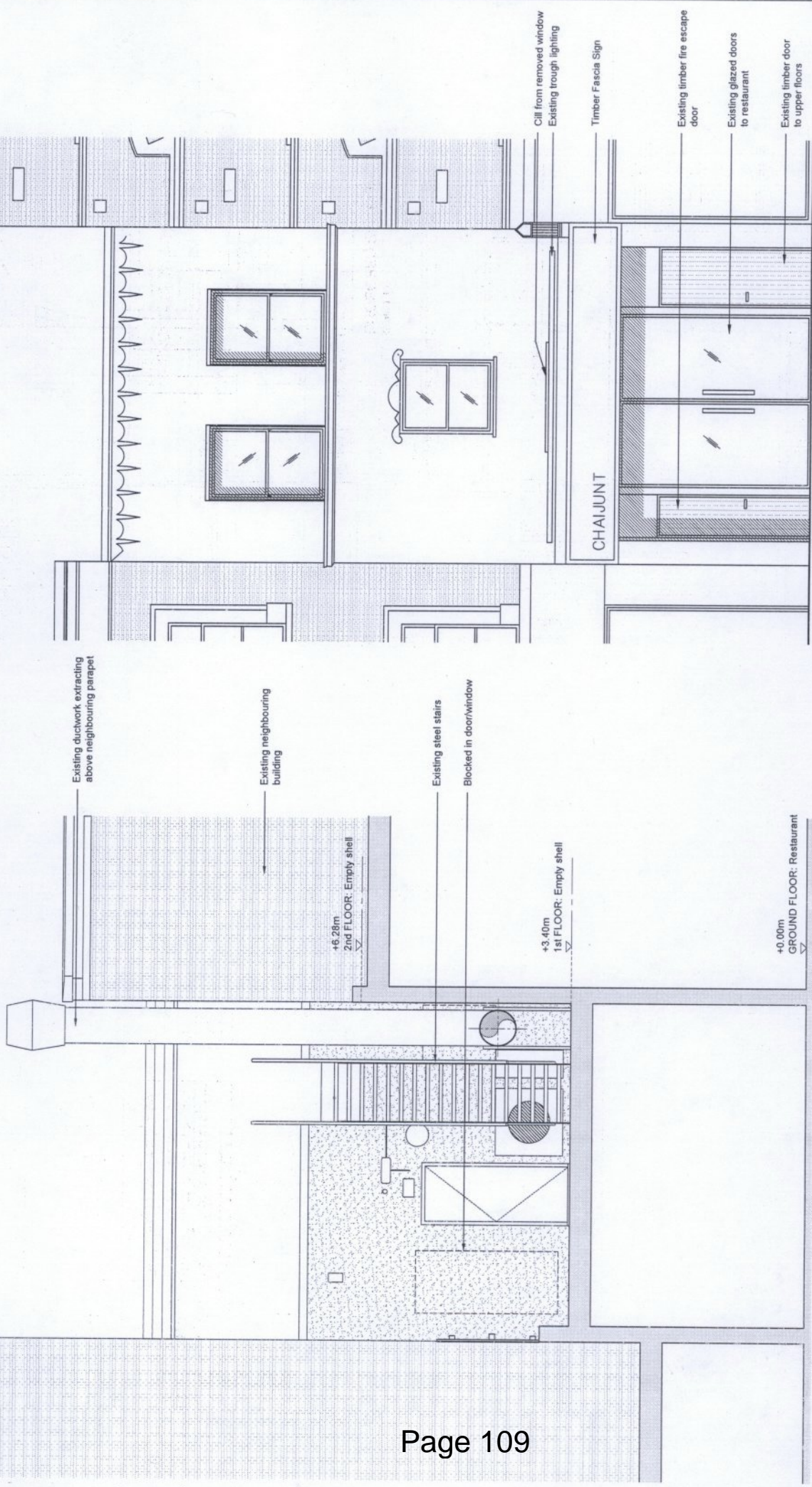
There is more guidance available in the following publications

' Workplace (Health Safety and Welfare) Regulations 1992 (L24) (Approved Code of Practice and Guidance)(1992). See the Health and Safety Executive website at www.hse.gov.uk.

' BS6465-1:2006, Sanitary Installations Part 1: Code of Practice for the Design of Sanitary Facilities and Scales of Provision of Sanitary Appliances.

- 9 Conditions 14 and 15 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

Existing



FRONT ELEVATION
SCALE 1:50

REAR ELEVATION
Scale 1:50

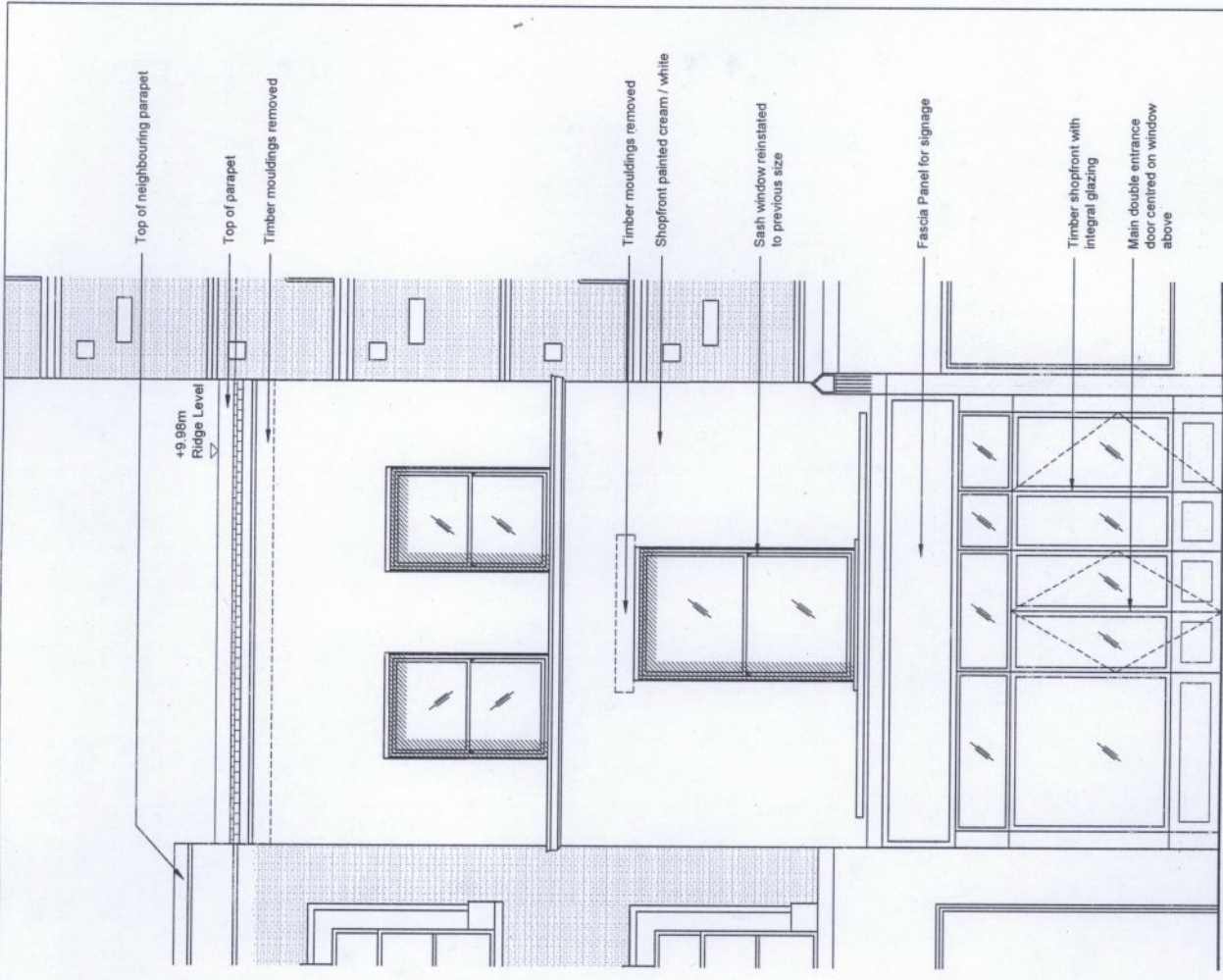
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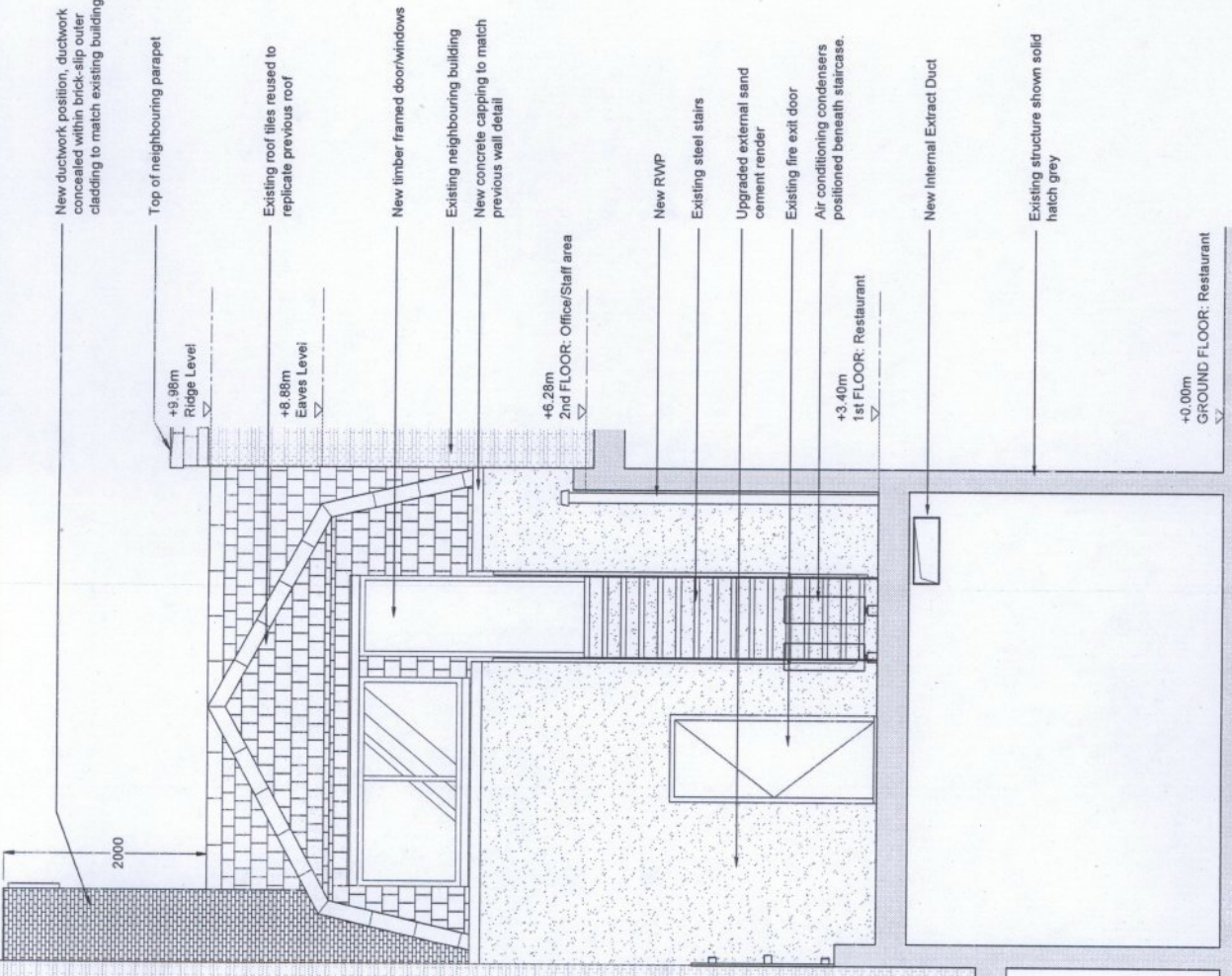
Mailen Design Urban Design is not responsible for any errors or omissions in this drawing. It is the responsibility of the client to ensure that the information provided is accurate and up to date. The client is responsible for ensuring that the information provided is accurate and up to date. The client is responsible for ensuring that the information provided is accurate and up to date.

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Proposed



PROPOSED FRONT ELEVATION
SCALE 1:50



PROPOSED REAR ELEVATION
SCALE 1:50

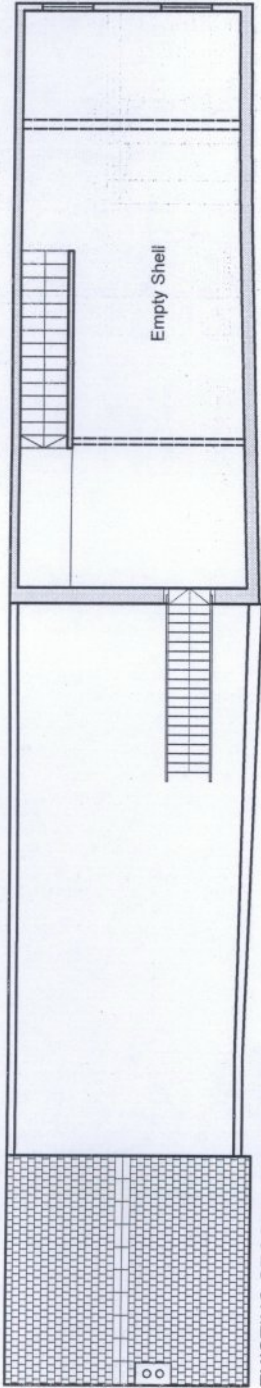
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<p>Scale 1:50</p>		<p>12037_PL_117</p>	<p>Scale 1:50</p>

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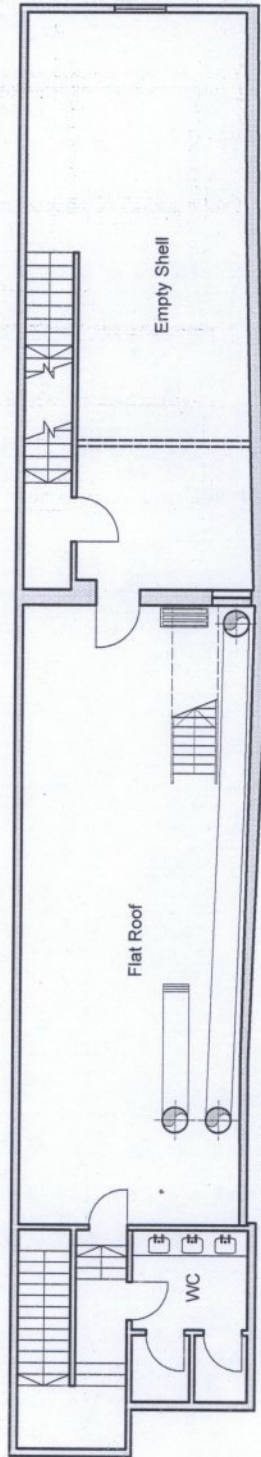
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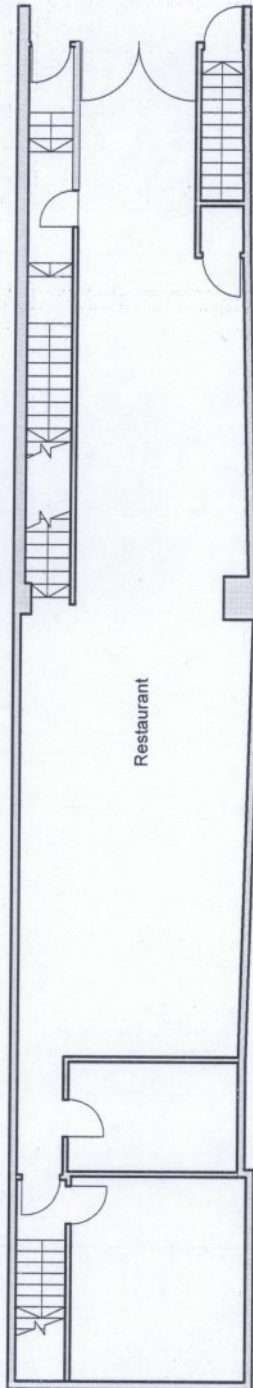
Existing



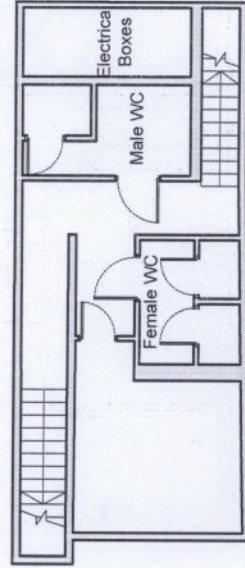
EXISTING SECOND FLOOR PLAN
Scale 1:100



EXISTING FIRST FLOOR PLAN
Scale 1:100



EXISTING GROUND FLOOR PLAN
Scale 1:100



EXISTING BASEMENT PLAN
Scale 1:100

Do not scale from drawings.
The architect retains liability for any dimensions indicated by measuring the drawings. The client is responsible for the accuracy of the information provided to the architect. The architect is not responsible for the accuracy of the information provided to the client.
The supply of all materials and services shown on drawings is the responsibility of the client. The architect is not responsible for the accuracy of the information provided to the client.
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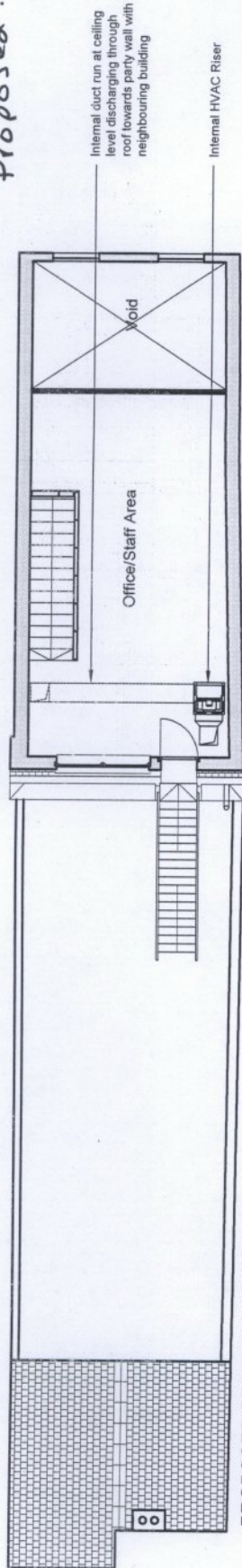
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REV	DATE	NOTES	Scale 1:100
1	20/04/14	Final Issue	1:100
Client Name	GH Brewer Street	Drawn	GH
Client Ref	Existing Floor Plans	Checked	GH
Client Ref		Drawn	BMA

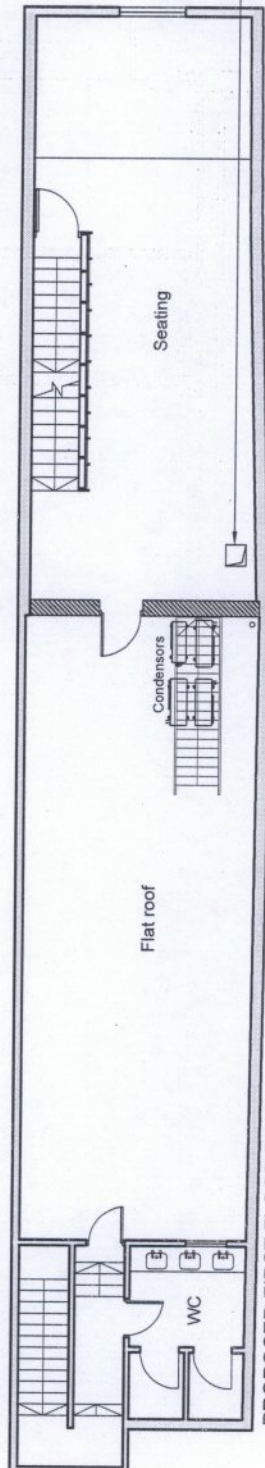


12037_PL_100

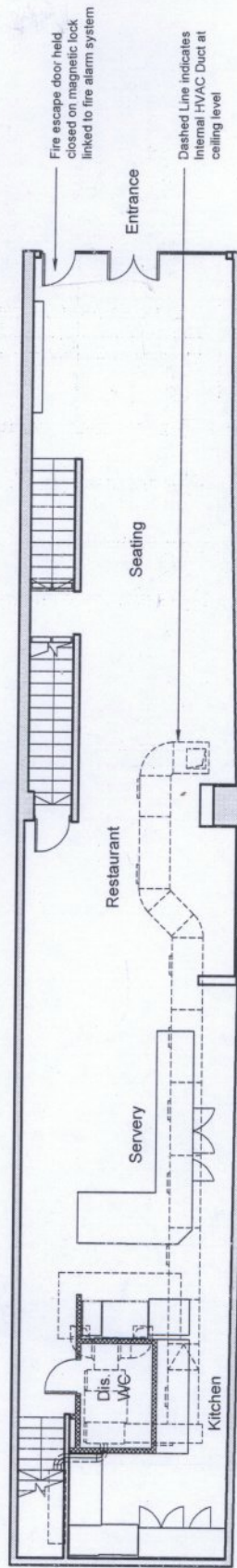
Proposed



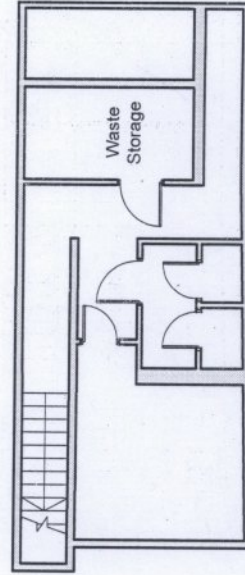
PROPOSED SECOND FLOOR PLAN
Scale 1:100



PROPOSED FIRST FLOOR PLAN
Scale 1:100



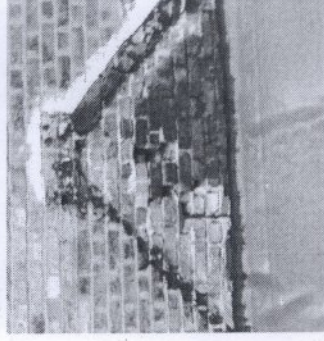
PROPOSED GROUND FLOOR PLAN
Scale 1:100



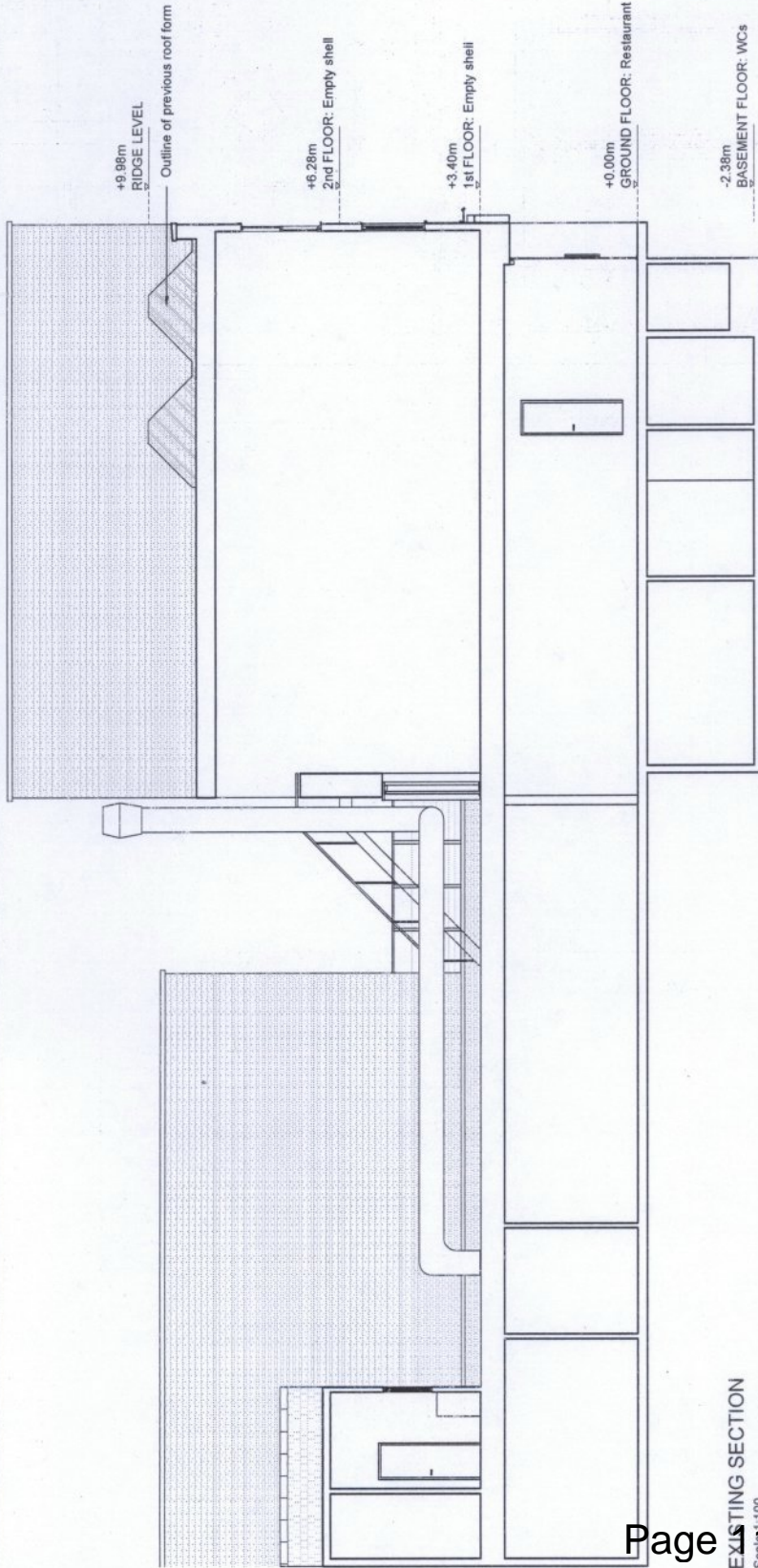
PROPOSED BASEMENT PLAN
Scale 1:100

<p>Do not scale from drawing</p> <p>The architect's drawings shall be responsible for any dimensions indicated by measuring or otherwise. The contractor shall be responsible for the accuracy of the dimensions indicated by measuring or otherwise. The contractor shall be responsible for the accuracy of the dimensions indicated by measuring or otherwise.</p> <p>The accuracy of all dimensions and areas shown shall be the responsibility of the architect. The contractor shall be responsible for the accuracy of the dimensions indicated by measuring or otherwise.</p> <p>The contractor shall be responsible for the accuracy of the dimensions indicated by measuring or otherwise. The contractor shall be responsible for the accuracy of the dimensions indicated by measuring or otherwise.</p>	<p>10m</p>	<p>Scale 1:100@A3</p>	<p>207 Project file Brewar Street</p> <p>208 Client DCI</p> <p>209 Date 11.05.14</p> <p>210 Drawn by GH</p> <p>211 Checked BMA</p> <p>Scale 1:100</p>	<p>Scale @ A3 1:100</p>
	<p>10m</p>	<p>Scale 1:100@A3</p>	<p>207 Project file Brewar Street</p> <p>208 Client DCI</p> <p>209 Date 11.05.14</p> <p>210 Drawn by GH</p> <p>211 Checked BMA</p> <p>Scale 1:100</p>	<p>Scale @ A3 1:100</p>

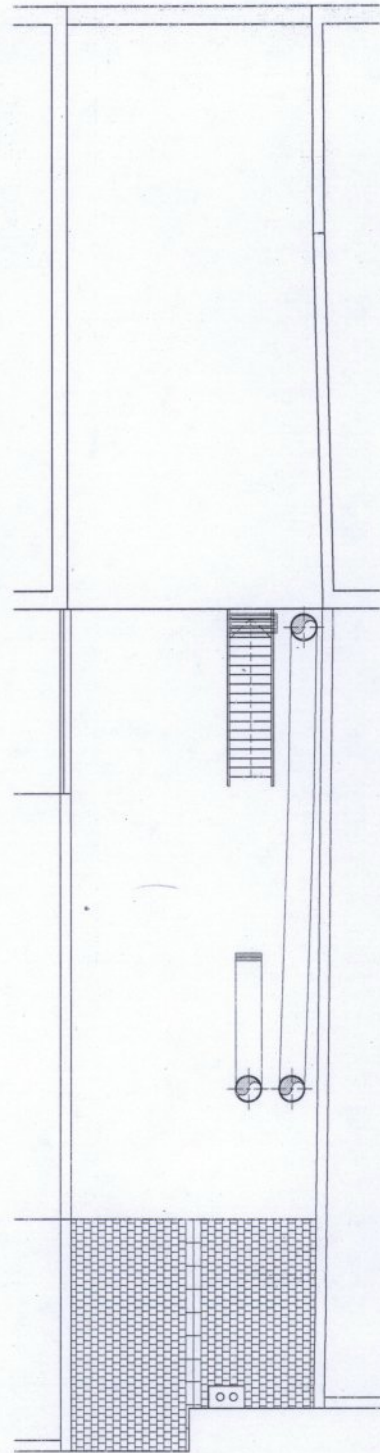
Existing



PREVIOUS ROOF FORM PHOTOS



EXISTING SECTION
Scale 1:100



EXISTING ROOF PLAN
Scale 1:100

Scale 1:100@A3



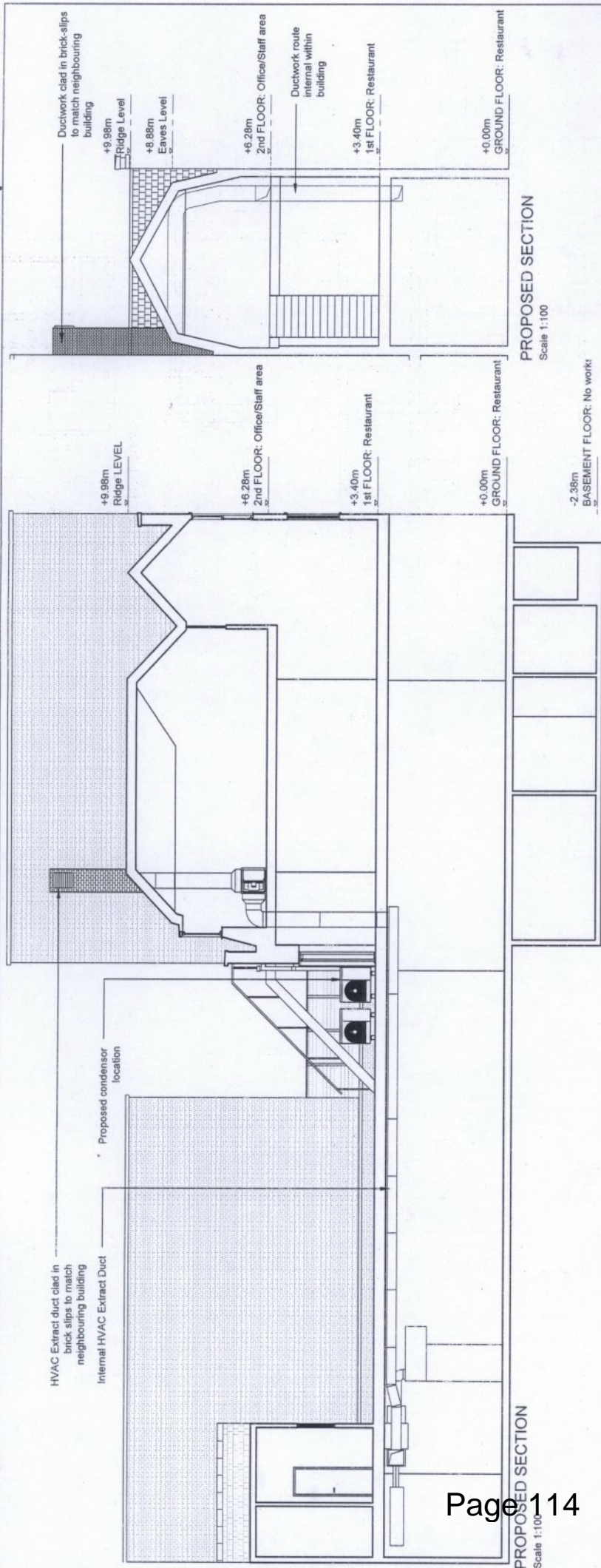
We warrant that the drawings were prepared by us or on our behalf by a person who is qualified to do so in accordance with the provisions of the Building Act 2004. We warrant that the drawings were prepared by us or on our behalf by a person who is qualified to do so in accordance with the provisions of the Building Act 2004. We warrant that the drawings were prepared by us or on our behalf by a person who is qualified to do so in accordance with the provisions of the Building Act 2004.

MAILEN DESIGN
Architecture Interiors Urban Design
www.mailendesign.com info@mailendesign.com

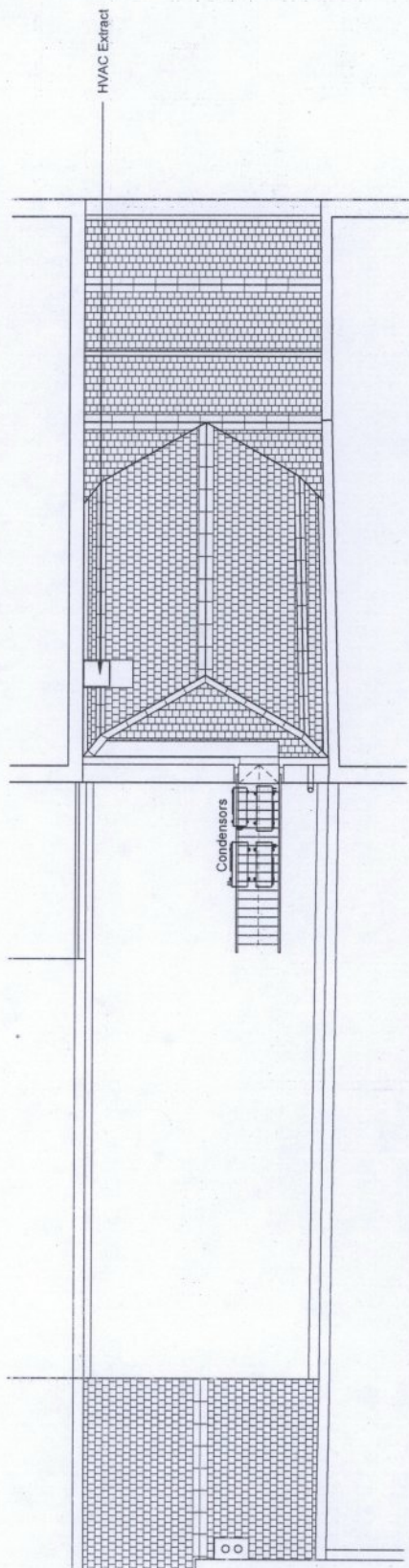
REV	DATE	NOTES
1	20/04/14	First Issue

B/E/T	Project No	304 Brewer Street	Scale @ A3
	Drawing Title	Existing Section	Scale
	Drawing No	12037_PL_102	1:100
	Client	BMA	

Proposed



PROPOSED SECTION
Scale 1:100



PROPOSED ROOF PLAN
Scale 1:100

MAILLEN DESIGN
Architecture Interiors Urban Design
www.mailedesign.com info@mailedesign.com

PROPOSED SECTIONS WITH HVAC

REV	DATE	NOTES
1	20.04.14	1st Issue
2	11.05.14	Revised Ductwork Route
3	11.05.14	Revised Ductwork Route LPA comments
4	20.11.14	Condenser locations added to drawing

Scale @ A3
1:100

Drawn by: **BMA**

Project File: **Brewer Street**

Drawings: **Proposed Sections with HVAC**

Drawn on: **12037_PL_115**

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Knightsbridge And Belgravia	
Subject of Report	34 Lyall Mews, London, SW1X 8DJ		
Proposal	Excavation of a two storey basement with lightwell to first basement level and associated plant and landscaping.		
Agent	DP9		
On behalf of	Mr E Bertarelli		
Registered Number	14/08617/FULL	TP / PP No	TP/21954
Date of Application	28.08.2014	Date amended/ completed	14.01.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





34 LYALL MEWS, SW1
Page 117

2. SUMMARY

No. 34 Lyall Mews is a single family dwelling comprising of lower ground to third floor level. The building is unlisted but lies within the Belgravia Conservation Area.

Permission is sought for the excavation of a two storey basement with lightwell to first basement level and associated plant and landscaping.

The key issues in this case are:

- The impact on residential amenity.
- The impact on the character and appearance of the Knightsbridge Conservation Area.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies and the application is accordingly recommended for approval.

3. CONSULTATIONS

COUNCILLOR ROBATHAN

Size of extension is disproportionate to the existing scale and nature of the mews; overdevelopment; raises significant issues re: construction traffic.

COUNCILLOR DIMOLDENBERG

Request that the application is reposted to Committee for a decision.

ENVIRONMENT AGENCY

Proposal falls within Flood Zone 1, is less than 1 hectare and development is not within 20m of a main river therefore the agency does not need to be consulted on the proposal.

THAMES WATER

Applicant to incorporate within their proposal, protection to the property by installing for example a non-return valve or other suitable device to avoid risk of backflow at a later date.

BELGRAVIA RESIDENTS ASSOCIATION

Any comments to be reported verbally.

BUILDING CONTROL

Structural method statement acceptable.

ARBORICULTURAL MANAGER

No objection subject to conditions to secure hard and soft landscaping.

HIGHWAYS PLANNING MANAGER

No objection subject to a condition protecting the existing garage.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 43; Total No. of Replies: 15.

Land Use

- Concern that basements will be used as a recording studio.
- Basements will not provide good quality accommodation.

Design

- Out of scale and character with host building, mews and conservation area.
- Presence of basement would be visible from private views to the rear of the building along Chesham Place due to the large lightwell.
- Impact on Grade II listed buildings to the rear along Chesham Place.
- Indicative landscaping does not provide enough detail.
- Other houses in mews have permission for single basement only.

Other

- Construction traffic within the narrow mews.
- Structural damage to adjoining properties.
- Risk of ground movement.
- Impact on the water table/geological and soil conditions.
- Only single storey basements should be considered.
- Depth of excavation will cause excessive and prolonged disruption to those living within the mews.
- Concerns about content/details in submitted Construction Management Plan i.e. position of hoardings, skips, use of outriggers etc.
- Failure of applicant to consult with adjoining neighbours prior to submission of application.
- Application drawings inadequate and not consistent with submitted technical documents.
- Completion of Certificate A of the application as opposed to Certificate B.

Amenity

- Impact of appearance of garden.
- No acoustic report submitted.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

No.34 Lyall Mews is an unlisted single family dwelling located within the Belgravia Conservation Area. The building is a three storey building with a basement plant room and wine cellar and a single storey rear extension. The application site has an established rear garden with a mix of soft and hard landscaping.

The application site is bounded to the rear by Nos. 34 and 35 Chesham Place which are Grade II listed buildings. Access into the mews is from Lyall Street.

4.2 Relevant History

Planning permission was granted in 1988 for excavation to the rear garden to provide an underground plant room and store with air vent above and new stair to garden level and new railings to the rear garden.

5. THE PROPOSAL

Permission is sought for the excavation of two storey basement with a lightwell to the first basement level and associated planting and landscaping of the rear garden area.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposed works seek to create a two storey basement. The provision of additional residential floorspace is considered acceptable in terms of Policy S14 of Westminster's City Plan.

Concern has been raised by residents that the use of the basements has not been specified and that they may be used as recording studios and provide little in the way of good quality accommodation, except as a series of basement rooms. The submitted plans indicate that basement 1 will provide a dining room, family room, cinema area and associated store and plant area and basement 2 will provide a kitchen, gym, laundry area and plant area.

Environmental Health have advised that whilst the proposed basement rooms are not compliant with the minimum requirements of the Housing Act 2004 for habitable rooms if they were separately occupied, they are however considered acceptable on the grounds that the principal living rooms at ground floor level and above are compliant with the Act and that the property is to be used as a single family dwelling.

6.2 Townscape and Design

The existing mews property is constructed over three floors with a basement plant room and wine cellar under the rear garden area. The existing basement comprises an area of approximately 32m² and is 2.8m deep but does not extend beneath the mews house. There is an existing ventilation shaft that extends above ground which is accessible by stairs from the rear garden area to the basement.

The proposed works seek to provide a two storey basement beneath the main building and rear garden area. The proposed basements will have an overall depth of approximately 7.5m with basement 1 having a floor to ceiling height of 3m and basement 2 a floor to ceiling height of 2.5m. The proposed basement will involve the removal of the existing ventilation shaft, stair access and associated railings and soft landscaping. As part of this, a lightwell is proposed in the location of the planting bed along the rear property line to provide natural light into basement 1. A glazed balustrade is proposed around the lightwell but an amending condition is recommended to secure details of simple black metal railings to the lightwell area, which will be more appropriate to the period of the property and to the character and appearance of the conservation area.

The application site is located to the rear of 34 and 35 Chesham Place, both of which are Grade II listed buildings. Historically the mews properties on Lyall Mews would have been linked to the houses in Chesham Place and would have been used to provide ancillary facilities to the main buildings. The application site is not listed and the proposed basements will be set back from the boundary wall by approximately 0.5m for basement 1 and 0.9m for basement 2. The application site is separated from 34 Chesham Place which is located to the rear of the application property and the neighbouring Lyall Mews properties by existing boundary walls. The only external manifestation of the proposed basement will be the new lightwell which will be located to the rear part of the garden area and will only serve the basement 1 level.

The lightwell area will contain a soil depth of 0.6m and will be planted with a new tree. In design terms this is considered to be a minimal intervention to the garden area as it will not be visible from the public realm, but only in limited views from the adjoining properties and is considered acceptable.

There have been a large number of objections from other residents within the mews. There are seven other properties within Lyall Mews that have had planning permission or Lawful Development Certificates granted for the formation of single storey basement extensions (Nos. 1, 2, 3, 4, 49, 51 and 55) between 2003 and most recently October 2014. The proposal for a two storey basement will be the first within the mews and a number of objectors considered that this represents an overdevelopment of the site and is disproportionate to the scale of the existing building and the function of the mews. However, given the subterranean nature of the proposed two storey basement, which will have a minimal impact on the appearance of the existing building, the development will result in a neutral impact on the Belgravia Conservation Area.

The structural method statement originally submitted with the application indicated that the rear wall, roof and internal floor levels of the house would be demolished in order to facilitate the excavation of the new basements. The applicant has subsequently submitted an addendum to the structural method statement confirming that the proposed basements can be excavated without the need for demolition of the existing building. The City Council is not approving any works of demolition to the building and an Informative is recommended to this effect.

The proposed landscaping of the garden area as a result of the proposed basement works will be subject to conditions to ensure hard and soft landscaping is reinstated.

6.3 Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Lyall Mews is a private mews and concern has been raised that the proposals will result in noise, dust and disturbance to properties within the mews particularly to those adjoining the application site. Whilst it is recognised that there will inevitably be an element of disturbance to residents, particularly during the construction of the new basements, conditions are recommended to restrict the hours of building works in order to mitigate the impact on nearby residential occupiers. In terms of disturbance from construction works, it is considered that works can be adequately controlled by use of the City Council's standard hours of work condition. An Informative is also recommended to encourage the applicant to join the nationally recognised Considerate Constructors Scheme as well as keeping residents informed concerning the works.

A Construction Management Plan has been submitted as part of the application. A number of criticisms have been raised by residents regarding the detail of the Construction Management Plan i.e. that it does not adequately address the access and egress of construction traffic into the mews, the existing site constraints of the mews, the fact other properties which have permission for basement extensions could undertake their works at the same time and that Grosvenor own the southern side of the mews (opposite the application site).

In order to address these concerns, a condition is recommended requiring the submission of a revised Construction Management Plan.

6.4 Transportation/Parking

The proposals do not result in any changes to the public highway. The Highways Planning Manager has recommended a condition to ensure that the existing garage is retained. However, as the proposed works are confined to the rear in terms of the formation of the new basements such a condition is not considered necessary in this instance.

6.5 Economic Considerations

The economic benefits generated are welcome.

6.6 Other UDP/Westminster Policy Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 Planning Obligations

The proposal does not trigger any requirement for Planning Obligations.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

The substantial private garden that is a part of this property is not typical of mews buildings in Belgravia. However, the existing garden provides an element of soft landscaping which contributes to the character and appearance of the Belgravia Conservation area.

The existing garden area is made up of a paved area and includes various shrubs in planters and beds. There is an existing semi-mature Himalayan Birch to the rear of the garden.

The proposed basement will be located under the main part of the garden area. To the rear of the garden in the area where the Himalayan Birch is located an area of unexcavated soil to a depth of 1.2m will be maintained. It is proposed to replace the Himalayan Birch tree with a new tree. In the lightwell above basement 2, a soil depth of 0.6m is proposed. There are several trees in the neighbouring garden of 33 Lyall Mews. Trial excavations have been undertaken which demonstrate that the tree roots are not growing beneath the foundations of the boundary wall.

Concern has been raised that the submitted drawings show an indicative landscaping scheme and do not provide detailed information concerning the landscaping of the garden area. The Arboricultural Manager has raised no objection subject to conditions to secure hard and soft landscaping details of the garden area.

6.10 Other Issues

Basement extension

The impact of the basement excavation is at the heart of concerns expressed by objectors. They are concerned that the excavation of new basements is a risky construction process with potential harm to the property and adjoining buildings. One neighbour is particularly concerned about the impact on neighbouring listed buildings. Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report together with the objections raised concerning the method of excavation has been considered by our Building Control officers who advised that the structural approach and consideration of the local hydrology appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go

further would be to act beyond the bounds of planning control. A condition requiring more detailed site investigations to be carried out in advance of construction works commencing, together with the written appointment and agreement of a competent contractor to undertake the works is not therefore considered reasonable.

The City Council adopted its supplementary planning document on basement extensions in November 2014. The SPD is a material consideration in assessing basement extensions; however, the document does not include any new planning policy which restricts the extent to which basements can be constructed but supports the implementation of adopted policies in the Council's development plan. It provides guidance on information that needs to be submitted and how planning applications will be assessed in relation to the adopted policy framework. The City Council has yet to formally introduce a basement policy which limits the extent to which basements can be built. The City Council can only assess the proposed basement in terms of ensuring it can be undertaken without causing harm to adjoining properties.

Plant rooms at basement level

The proposed basement plans show a number of rooms which will accommodate new mechanical plant. The application does not include any new external mechanical plant or vents. An Informative is recommended to advise the applicant that permission would be required for either external plant or vents. Environmental Health have raised no objections subject to our standard noise conditions.

Procedural issues

One neighbour is concerned that the applicant has not consulted with neighbours prior to submitting the application. Whilst the City Council undertakes its own form of consultation, it is at the applicant's discretion as to whether they liaise with neighbours prior to the submission of a planning application.

The applicant initially completed Certificate A of the application form. However, as the works involve excavating under the party walls of the adjoining properties notice was required to be served on the adjoining properties. The applicant accordingly amended the application and completed Certificate B.

Concern has been raised that the level of information contained within the technical documents has not been shown on the planning drawings. The drawings have been amended to show the proposed landscaping in more detail. The structural method statement is for information purposes only at this stage and will form the subject of a Building Regulations application in due course.

6.11 Conclusion

Following revisions to the proposals and subject to appropriate conditions, it is not considered that the objections raised can be sustained to warrant refusing the applications. The proposal is considered acceptable in land use, amenity, design and highway terms subject to the conditions set out in the draft decision letter.

BACKGROUND PAPERS

1. Application form.
2. E-mail from Councillor Paul Dimoldenberg dated 4 October 2014.
3. E-mail from Councillor Rachael Robathan dated 4 December 2014.
4. E-mail from Thames Water dated 16 October 2014.

5. E-mail from the Environment Agency dated 17 September 2014.
6. Memorandum and e-mail from Building Control dated 15 September 2014 and 7 November 2014.
7. Memorandum from Environmental Health dated 22 October 2014.
8. Memorandum from the Arboricultural Manager dated 11 November 2014.
9. Memorandum from the Highways Planning Manager dated 11 February 2014.
10. E-mails from the residential occupier of 12A Lyall Mews, SW1 dated 22 September 2014 and 13 November 2014.
11. E-mails from the residential occupier of 2 Chesham Close, SW1 dated 3 October 2014 and 23 January 2014.
12. E-mail from the residential occupier of 36 Lyall Mews, SW1 dated 6 October 2014.
13. Letters on behalf of the owner/occupier of Flat 5, Chesham Place, SW1 dated 6 October 2014 and 29 January 2015.
14. Letters from TLT Solicitors on behalf of 35 Lyall Mews, SW1 dated 3 October 2014 and 28 January 2015.
15. Letters from Chesham Place Limited on behalf of 30 to 37 Chesham Place, 2 Lowndes Place and 32 Lyall Mews dated 2 October 2014 and 27 January 2015.
16. Letters from Kerman & Co LLP Solicitors on behalf of 32 Chesham Place and 32 Lyall Mews dated 3 October 2014 and 27 January 2015.
17. Letters from Maurice Turnor Gardner LLP on behalf of 35 Chesham Place, SW1 dated 6 October 2014 and 22 January 2015.
18. E-mails from the residential occupier of 33 Lyall Mews, SW1 dated 9 October 2014 and 11 October 2014.
19. Letter from the residential occupier of 14 Lyall Mews, SW1 dated 9 October 2014.
20. E-mails from Grosvenor dated 14 November 2014 and 19 January 2015.
21. E-mails from Austin Mackie Associates Ltd on behalf of the residential occupier of 33 Lyall Mews, SW1 dated 9 October 2014, 13 October 2014 and 23 December 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY E-MAIL – ajackson@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 34 Lyall Mews, London, SW1X 8DJ
- Proposal:** Excavation of a two storey basement with lightwell to first basement level and associated plant and landscaping.
- Plan Nos:** 001, 001 Rev. P1, 000 Rev. P1, 200 Rev. P1, 002 Rev. P1, 003 Rev. P2, 010 Rev. P1, 011 Rev. P1, 020 Rev. P1, 201 Rev. P2, 202 Rev. P2, 203 Rev. P2, 210 Rev. P1, 211 Rev. P1, 220 Rev. P2, 222 Rev. P1, 223 Rev. P2, 226 Rev. P1, 227 Rev. P1, 229 Rev. P1, 230 Rev. P1, 231 Rev. P1, 021 Rev. P1, G421 Rev. P1, 225 Rev. P1, 228 Rev. P1, Planning statement in support of proposed development prepared by DP9 dated August 2014, Design and Access Statement prepared by Boundary Space and Revised Tree Survey - Arboricultural Impact Assessment - Arboricultural Method Statement prepared by Challice Consulting Ltd (ref: CC/1225 AR2230) dated 20 August 2014.

For information purposes: Structural Methodology Statement prepared by Heyne Tillet Steel dated August 2014 and 34 Lyall Mews - Structural Method Statement Addendum (see informative 5) and Construction Management Plan prepared by Knight Harwood (see informative 4).

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- the glass handrail to the proposed rear lightwell must be replaced with a simple black metal handrail.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 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 what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Belgravia Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 7
- (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 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 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 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 L A90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 8 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.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order 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.

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 10 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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.
- 4 For the avoidance of doubt the Construction Management Plan required under condition 4 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 You are advised that this permission does not allow any demolition of the main mews building. Should any demolition works be required in order to implement the works to form the new basements then this will require planning permission.
- 7 The proposed basement 1 and basement 2 plans (201 Rev. P2 and 202 Rev P2) shows the provision of plant rooms. This permission does not permit the installation of any new external mechanical plant or vents that would allow for the ventilation of any internal plant. Therefore a separate planning application accompanied by an acoustic report would be required for either external plant or vents.
- 8 You are advised that the proposed basement rooms are not compliant with the minimum requirements of the Housing Act 2004 for habitable rooms and should not be let or separately

occupied. The scheme is considered acceptable on the grounds that the principle living rooms at ground floor level and above are compliant and that the property is to be used as a single family dwelling.

- 9 The applicant will need technical approval for the works to the highway (supporting structure) prior to the commencement of the development. The applicant should contact Andy Foster (0207 641 2541) in Engineering and Transportation Projects to progress the applicant for works to the highway.
- 10 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

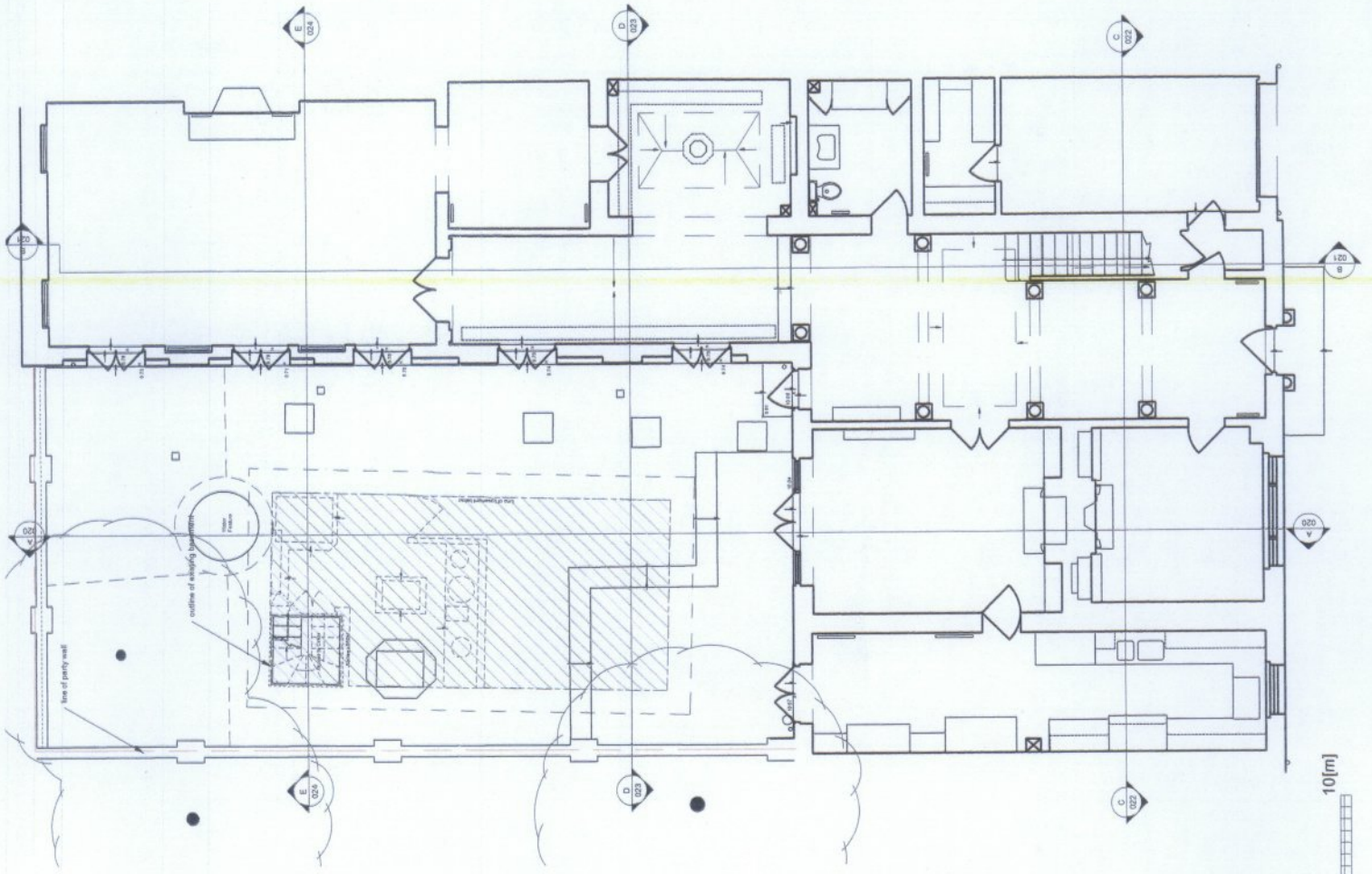
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water requests you to incorporate within your proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 11 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 12 Conditions 7, 8, 9 & 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



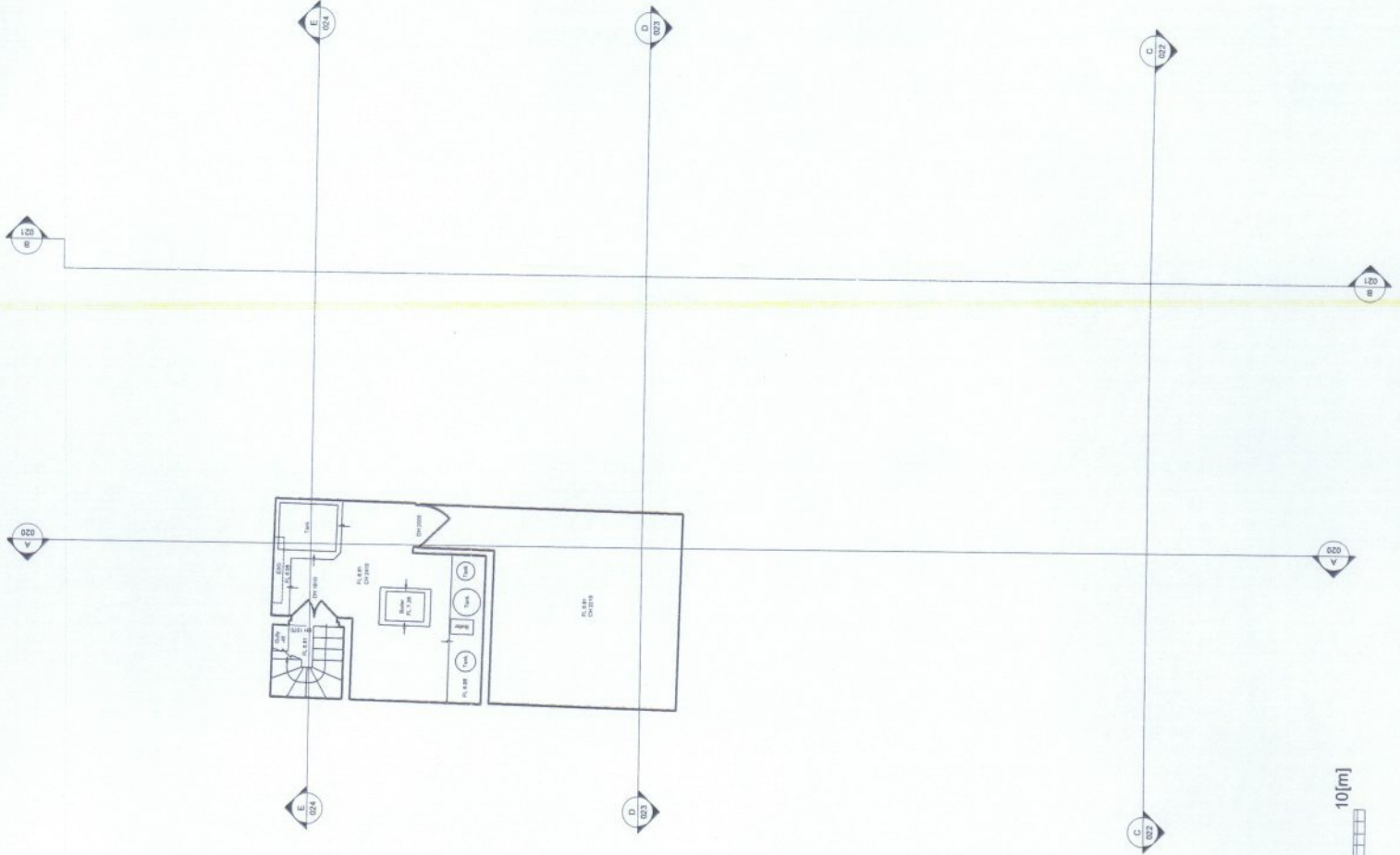
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 Project Name: _____
 Drawing Title: _____
 Date: 1/20/10

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 P1 14:00:05 14:00:05

B BOUNDARY SPACE
 ARCHITECT: BOUNDARY SPACE ARCHITECTS
 444 1ST ST #114 1001
 ANAHEIM, CA 92801-3000
 TEL: 714 771-1100
 FAX: 714 771-1101
 WWW.BOUNDARYSPACE.COM

No responsibility is to be accepted from this drawing. All measurements in this drawing are to be taken from the original information and no responsibility is taken for any errors or omissions. Changes and alterations should be made in accordance with the contract documents and any amendments thereto. All work shall be in accordance with the contract documents and any amendments thereto.

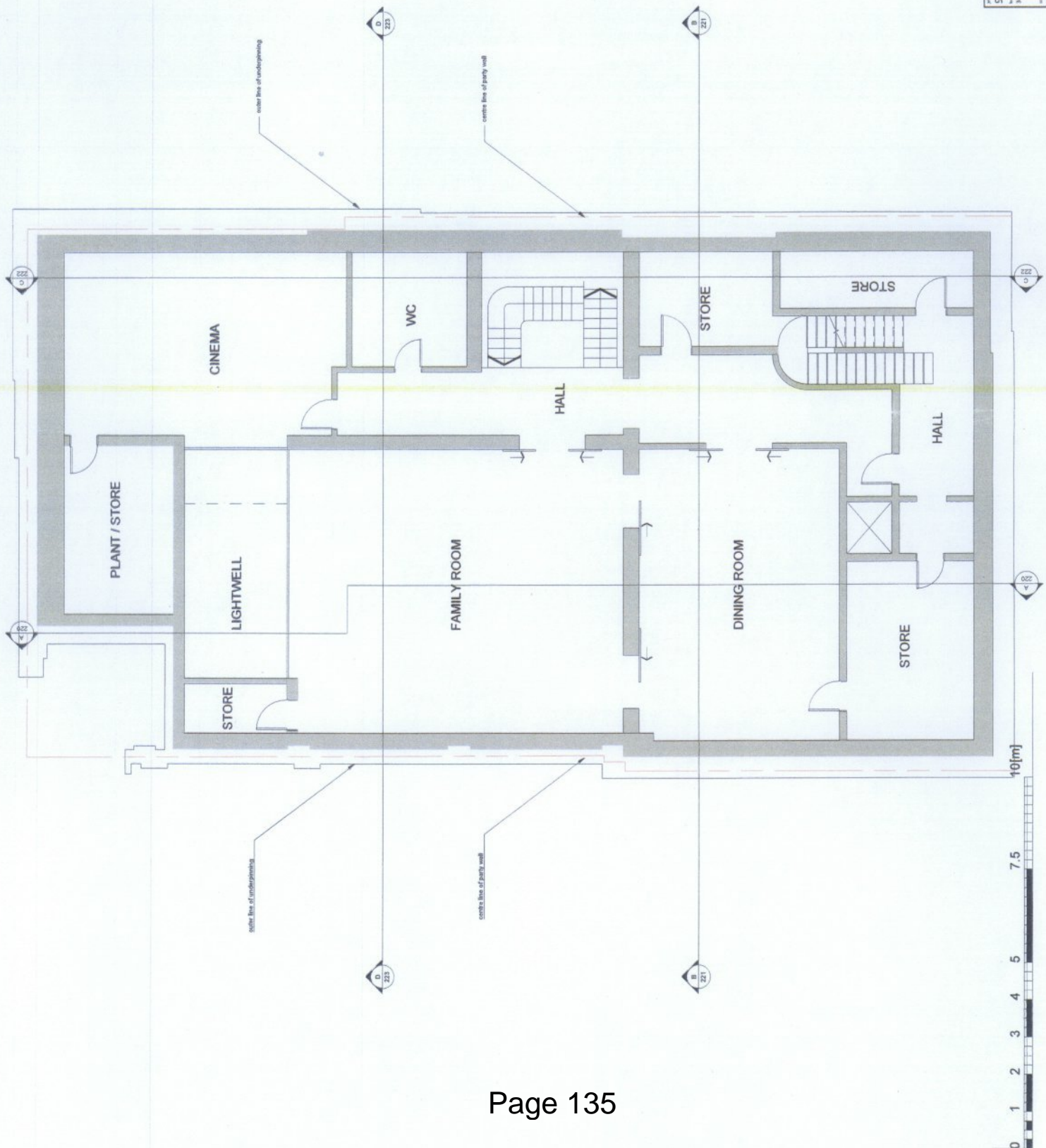


CASE COPY
 No. 002
 Address:



918 Arch 002 P1 34 Tylt Meadows Clontarf		BOUNDARY SPACE www.boundaryspace.com 01 833 3333 1000 GORTON ROAD, LONDON, UK
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The information on this plan is to be used for information only. It is not intended to be used for any other purpose. Any use of this information for any other purpose is at the user's risk. The user is responsible for ensuring that the information is used for the intended purpose. The user is also responsible for ensuring that the information is used in accordance with the relevant legislation. The user is also responsible for ensuring that the information is used in accordance with the relevant legislation.



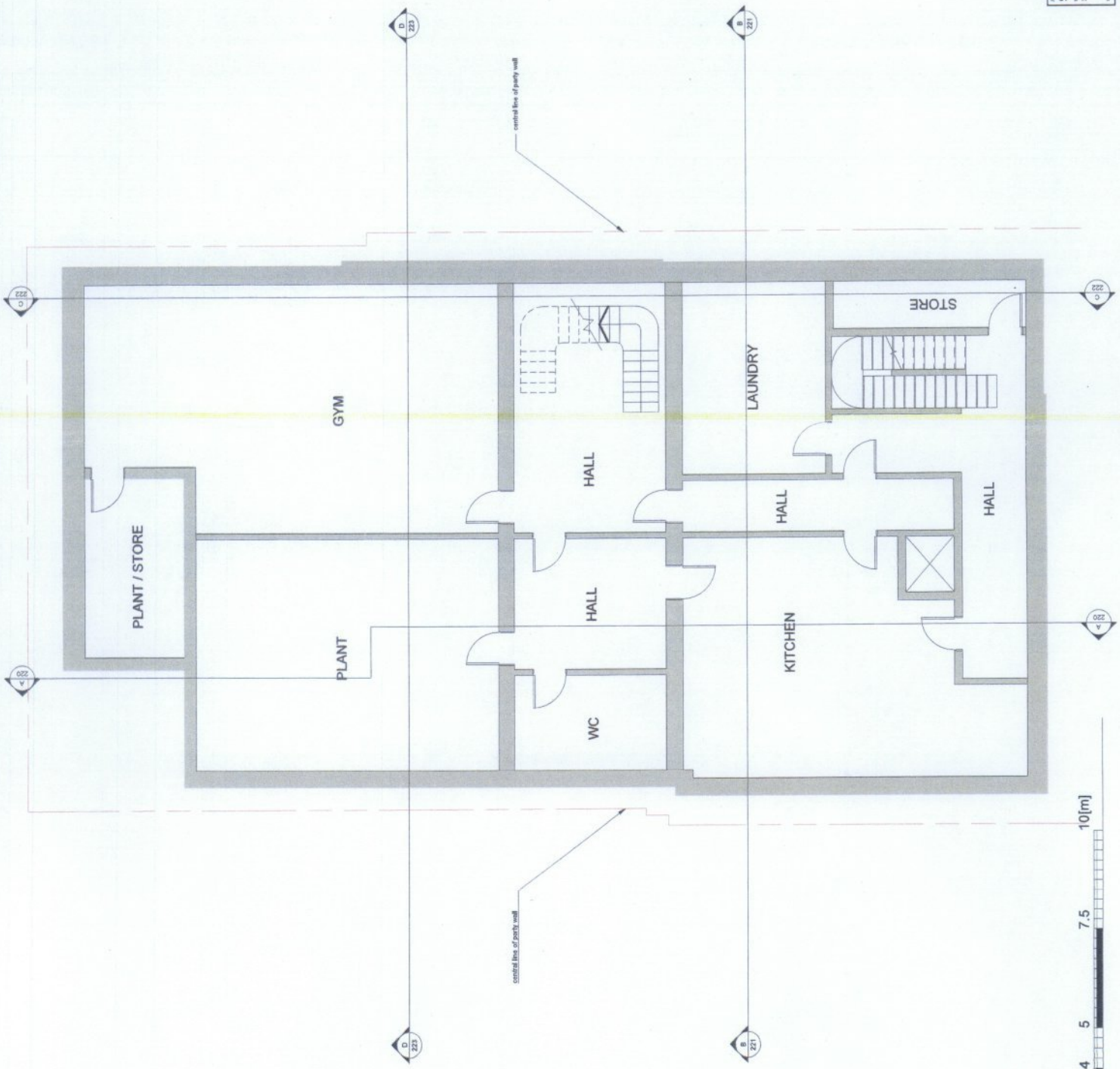
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TP: _____
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 ADDRESS: _____

918 Arch 202 P2
 34 Loyal Mews
 Proprietor
 www.boundaryspace.com
 +44 (0) 20 7 411 1111
 10th Floor, 10th Avenue, London, UK E8 5EA

BOUNDARY SPACE
 10th Floor, 10th Avenue, London, UK E8 5EA

All measurements are to the center line of the wall unless otherwise stated. Any dimensions shown are approximate and should not be used for construction purposes. Any dimensions in this drawing shall be reported to the Architect.

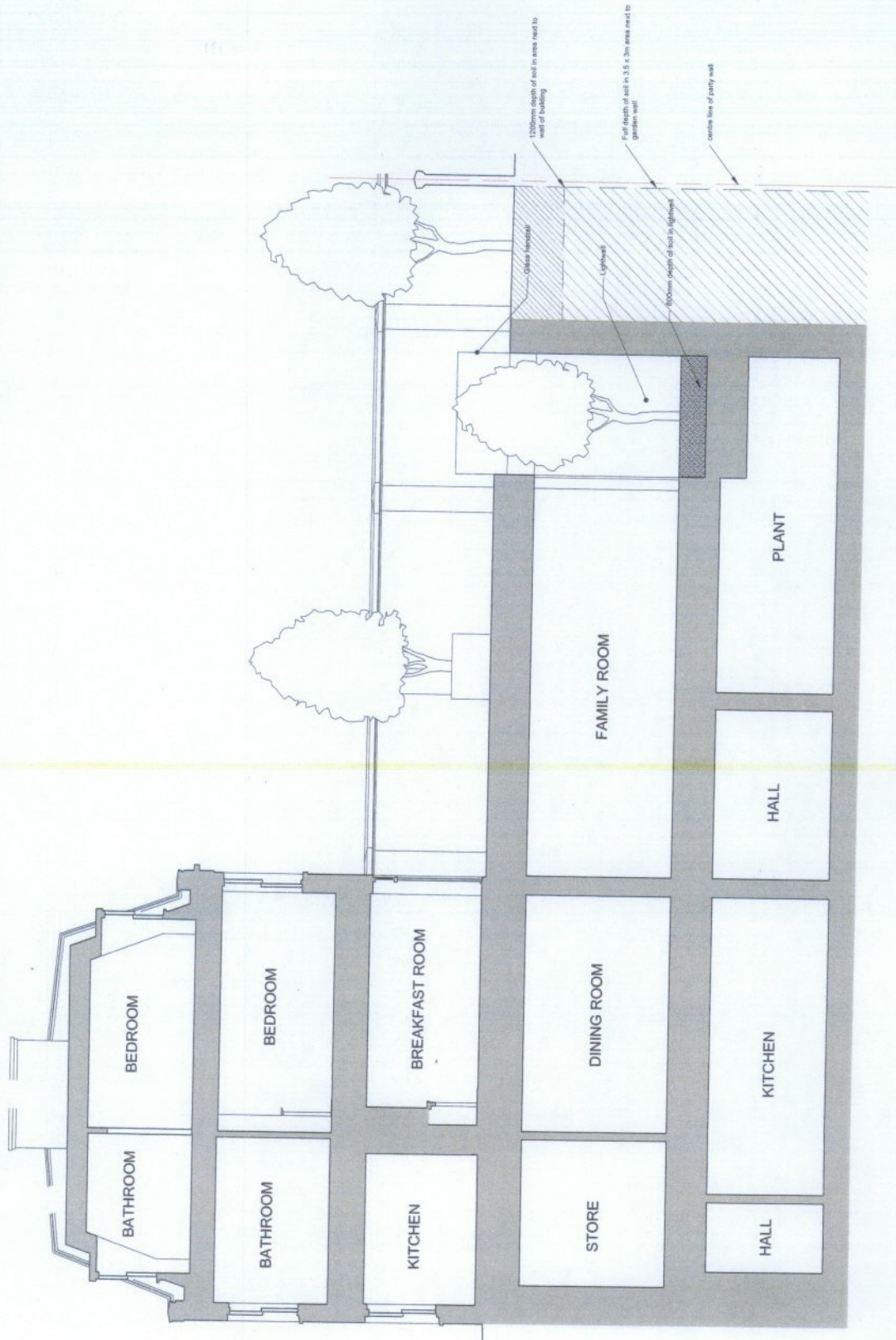


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341 East Avenue		Proposed
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<small> www.boundaryspace.com 144 East 27th Street New York, NY 10016 </small>		



No dimensions are to be scaled from this drawing. Dimensions to be marked on site. Any errors are to be corrected by the client. The client is responsible for the accuracy of the information provided to the architect. The architect is not responsible for the accuracy of the information provided to the client. The architect is not responsible for the accuracy of the information provided to the client.



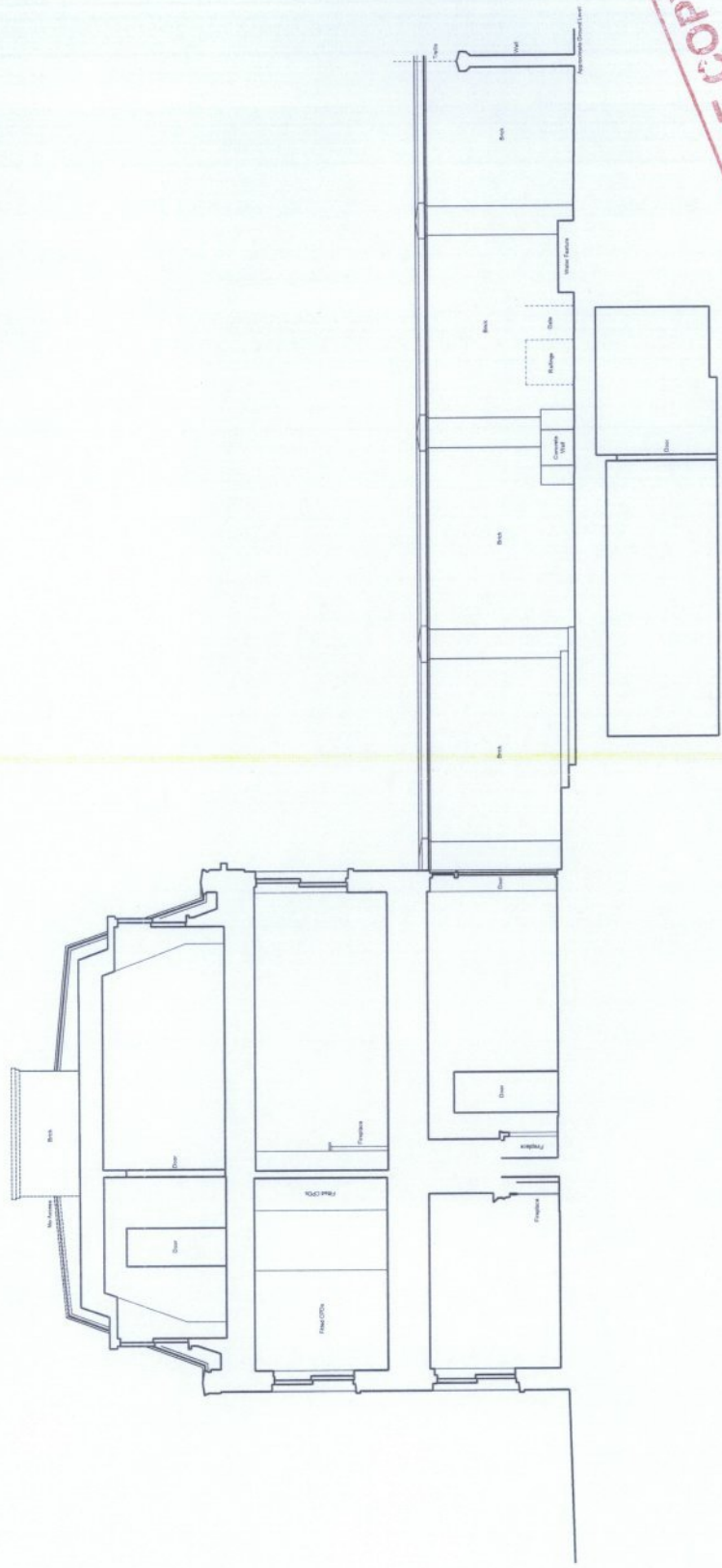
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 RN: _____
 ADDRESS: _____

Project No: 918 Arch 220 PZ
 Client: M Loyal Homes
 Section: Section A
 Status: Proposed
 Date: 12/06/18

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 www.boundaryspace.com
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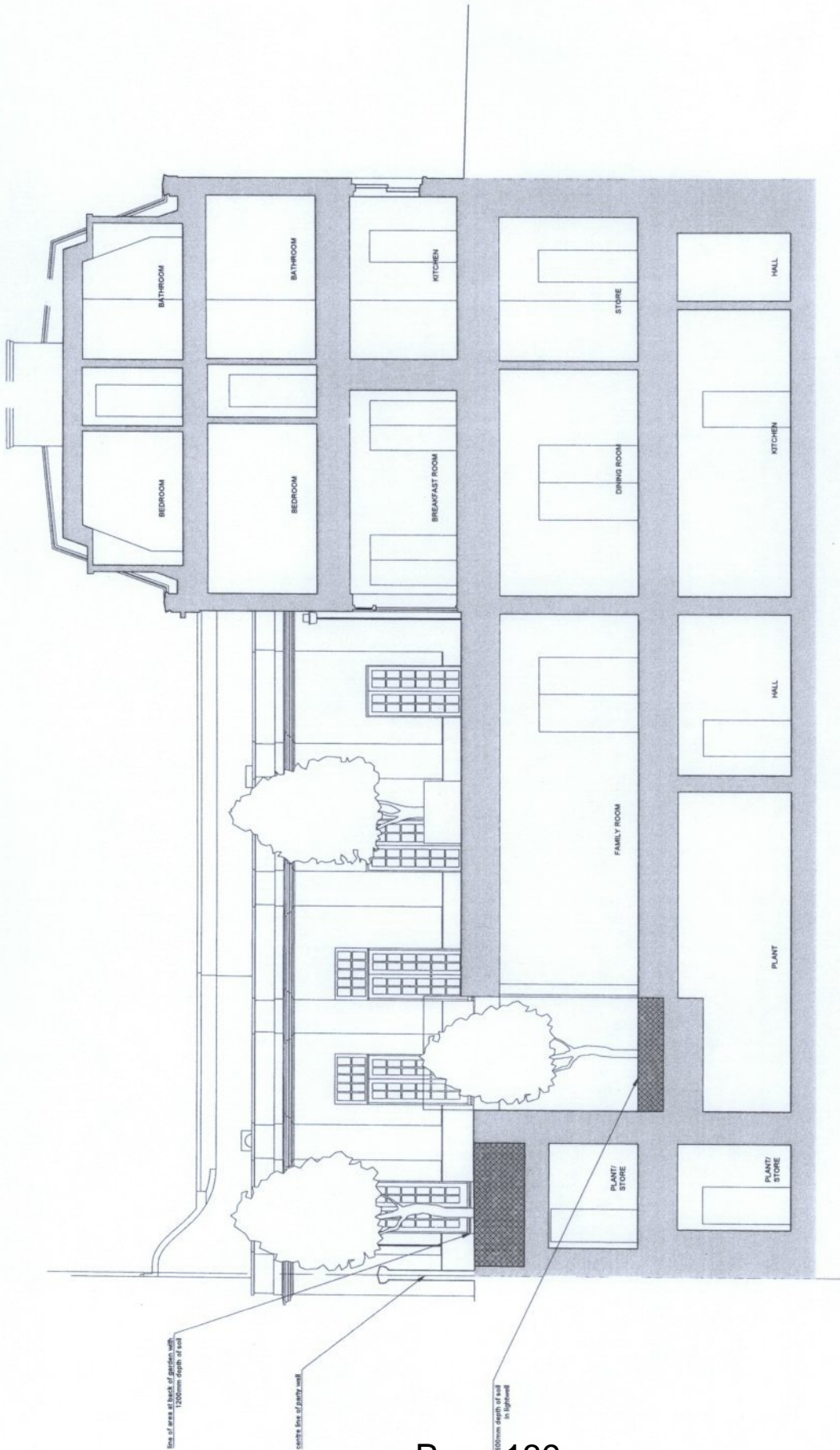
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 31 Yell Bldg
 1000 10th St
 Denver, CO 80202

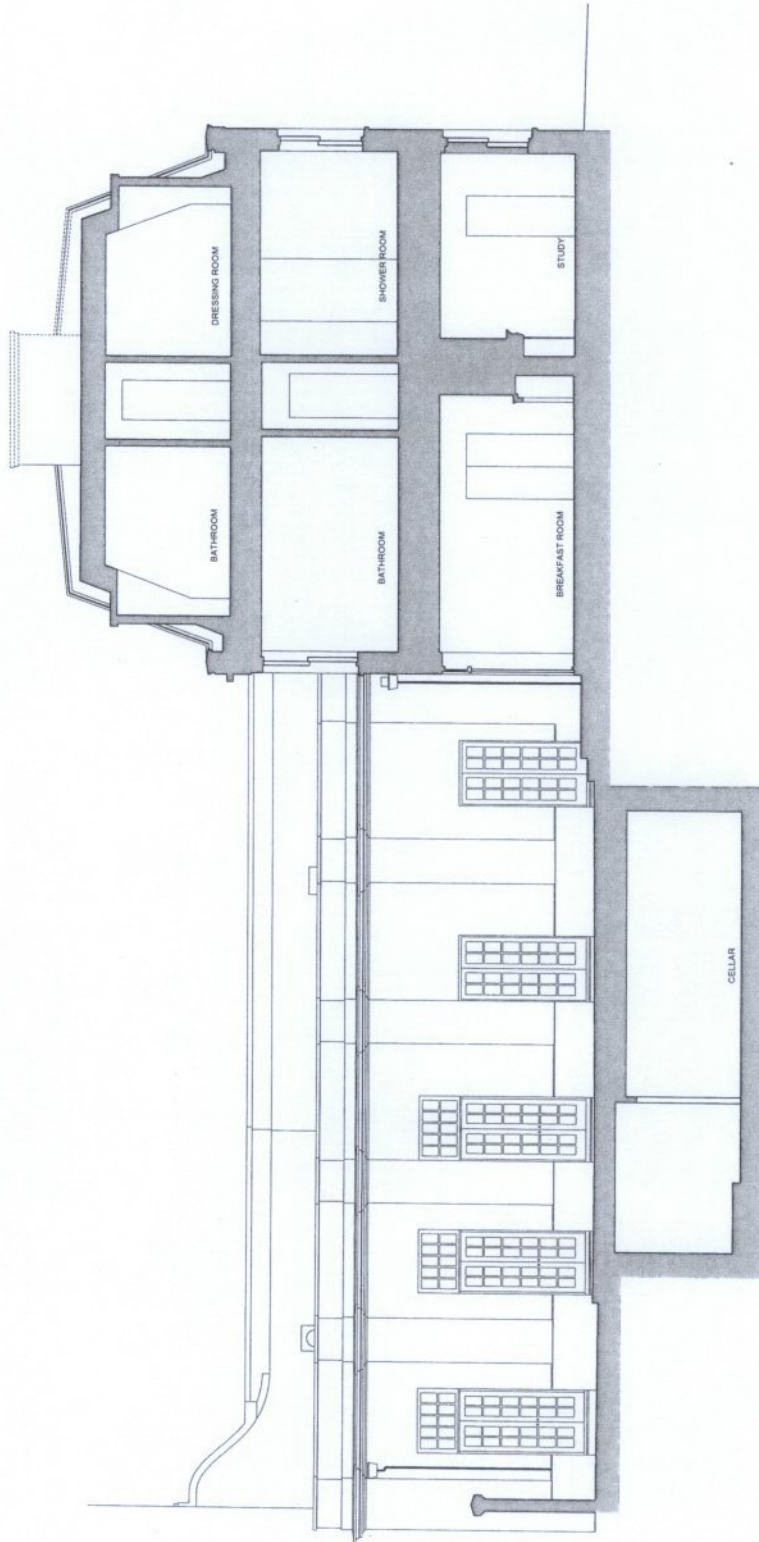
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1000 10th St
 Denver, CO 80202
 303.733.3333

Do not amend this drawing. If any amendments are made, they shall be shown as amendments. All dimensions are in millimetres unless otherwise indicated and no responsibility is taken for their accuracy. Changes shall be noted in consultation with the relevant professional body and any amendments shall be approved by the architect.



The dimensions are to be verified from the following drawings in the schedule of work. Any work shown and indicated in this schedule is shown for information only and is not to be taken as an order for work. The architect is not responsible for the accuracy of the dimensions in this drawing and the contractor is to verify the dimensions in the field.



P1 20.00.15
 231 Arch
 34 Hill Street
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Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Little Venice	
Subject of Report	8 Pindock Mews, London, W9 2PY		
Proposal	Basement extension and replacement of garage door with window in connection with the conversion of the garage to living accommodation. Installation of rooflight.		
Agent	Mr Jeremy Butterworth		
On behalf of	Mr Rahul Patkar		
Registered Number	14/07310/FULL	TP / PP No	TP/20334
Date of Application	24.07.2014	Date amended/ completed	10.12.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





2. SUMMARY

The application site is a three storey dwellinghouse within the Maida Vale Conservation Area. Planning permission is sought for the excavation of a new basement storey beneath the existing footprint of the building, and changes to the front elevation of the building to facilitate the conversion of the existing garage to habitable living space.

The key issues in this case are:

- Whether the changes to the front elevation are acceptable given the character of the mews and the surrounding conservation area;
- Whether the principle of the basement excavation is acceptable.

The proposed development is considered to comply with the relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP). As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letter.

3. CONSULTATIONS

KAREN BUCK MP

Enclosed correspondence from constituents regarding concern about impact of construction works on local residents and regarding the replacement of a door with a window.

COUNCILLOR CAPLAN

Written emphasising importance of Construction Management Statement in determination of application.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Concern about loss of off street parking and loss of garage door which will alter streetscape.

Second consultation undertaken on 19 February 2015 - Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Objection on grounds that there is no means of escape.

HIGHWAYS PLANNING MANAGER

Objection on the grounds that proposal would result in the loss of off street parking.

BUILDING CONTROL

Layout does not comply with fire safety requirements. Structural method statement is acceptable (email 21 November).

ARBORICULTURAL MANAGER

Any response to be reported verbally.

THAMES WATER

Comments relating to waste and surface water drainage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 25; Total No. of Replies: 10.

Objections received on the following grounds:

Design

- Principle of basement excavation inappropriate for mews environment.

- Objection to the loss of the garage door and replacement with a window, being considered out of character with the remainder of the mews.
- Impact on cobbled street with excavation of basement area.

Transportation Issues

- Impact of loss of garage on demand for parking spaces in vicinity of property.

Construction Impact

- Concern about impact of building works including additional noise generated through building works.
- No detail submitted of noise protection measures through building works.
- Health and safety considerations relating to basement excavation and construction works.
- Concern about loss of highway during construction works.
- Concern that Construction Management Plan does not adequately show how waste is to be moved in and out of the site during building works.
- Insufficient detail on construction works.
- Concerns about emergency vehicle access, and access for refuse and recycling vehicles, delivery vehicles during construction phase.
- Access to neighbouring properties during construction works and pedestrian protection.
- Insufficient detail of vehicular movements in and out of the mews.
- No flood risk assessment prepared by applicant.
- Risk of flooding and disruption to water table.

Further consultation taken place on 19 February 2014 - Any further responses to be reported verbally.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is an unlisted mid-terrace mews building, located along Pindock Mews within the Maida Vale Conservation Area. Pindock Mews is a characteristic example of a traditional mews located between Castellain Road and Warwick Avenue, accessed from two narrow entrances from either road.

4.2 Relevant History

The existing building was converted to a residential dwelling following planning permission granted in 1989. A further planning application was granted the same year to permit the current arrangement of dormer windows in the roof.

5. THE PROPOSAL

Planning permission is sought for the excavation of a new basement storey beneath the existing footprint of the building to enlarge the amount of habitable residential accommodation within the building. To facilitate the conversion of the existing garage to habitable living accommodation, changes are also proposed to the front elevation of the building, involving the replacement of the existing garage door with a window.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal will result in an increase in the amount of habitable living accommodation within the mews building. Such works are consistent with the City Council's policies on encouraging residential extensions, as set out in Policy S14 of the City Plan and Policy H3 of the UDP.

6.2 Townscape and Design

A number of objections are raised regarding the loss of the garage door, which is considered to typify the character of the mews in which the building is located. Following advice from officers, the applicant has now amended the plans to show a traditional window and folding door in line with guidance set out in the Supplementary Planning Guidance note on Mews. The existing garage door has a modern design and the replacement window, whilst losing the function of a garage, is considered to compliment the character of the surrounding mews.

The basement is to be constructed entirely beneath the footprint of the existing building. It does not have any external manifestations, and would not have any impact on the surrounding streetscene. It is therefore considered acceptable in principle in design terms.

The applicant proposes to install a rooflight on the roof of an existing rear dormer. This would not harm the appearance of the building and would only be visible in very limited private views. It is not contentious in design terms.

The proposed development accords with Policies S25 and S28 in the City Plan and Policies DES1, DES5 and DES9 in the UDP, and the City Council's Supplementary Planning Guidance on Mews. Given that the building has an established use as a single family dwelling, all the works proposed in this application are considered to fall within the parameters of 'Permitted Development'.

6.3 Amenity

The only above ground manifestation of the proposed development would be the new window on the front elevation. This would not have any adverse effect on the amenity of surrounding residents.

Environmental Health express concern that mechanical ventilation may be necessary for the new basement accommodation. The fact that such ventilation is not shown on the plans however, does not constitute a reasonable ground to withhold planning permission in itself. An Informative has been added to the decision notice advising the applicant that, should mechanical ventilation be proposed, planning permission may be required.

The proposal is considered to be acceptable in amenity terms and accords with Policy S29 in the City Plan and Policies ENV6 and ENV13 in the UDP.

6.4 Highways/Parking Issues

The Highways Planning Manager has objected to the proposal on the grounds that it would result in the loss of an off street parking space. It has, however, been established that the original planning permission that permitted the existing garage does not have a condition requiring the retention of the garage space for the purposes of off street parking. As such, the conversion of the existing garage to habitable living accommodation, whilst regrettable, could be undertaken under permitted development rights set out by Central Government in the

General Permitted Development Order 1995. For these reasons it would not be reasonable to refuse the application on the grounds of the loss of the existing off street parking.

The proposal otherwise relates to internal alterations that do not raise highways issues.

6.5 Equalities and Diversities (including Access)

Not relevant to this application.

6.6 Economic Considerations

Not relevant.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposals do not raise strategic issues.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

The scheme is of insufficient scale to require planning obligations.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The new basement accommodation is to be constructed immediately beneath the footprint of the existing building, and in light of this it is not considered likely to have an impact on the rooting environment of surrounding trees within the vicinity of the site.

6.12 Other Issues

6.12.1 Basement Excavation

A number of objections relate to the principle of a basement excavation in this location. However, under the current legislative framework set out by Central Government, a basement excavation that falls directly under the footprint of an existing building, as with the proposal now under consideration, can be carried out under Permitted Development rights. The Council does not currently have a specific planning policy relating to basement development but is working with local residents to develop one in revising our adopted City Plan to incorporate detailed policy. Until this plan has been adopted, the Supplementary Planning Document 'Basement Development in Westminster', adopted 24 October 2014 is relevant and has been taken into account in the assessment of this planning application.

Objections from neighbouring residents relate to concerns about the impact of the proposed basement in terms of drainage impact, structural stability and as a result of noise and disturbance from construction works. Indeed, the impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site,

existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Building Control have assessed the report and consider that the proposed construction methodology appears satisfactory. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, as cited above. To go further would be to act beyond the bounds of planning control.

6.12.2 Construction Management

Objections have been raised regarding the impact of building works in terms of dust, noise and disruption to the public highway. In response to these concerns, it is recommended that the standard conditions are imposed to restrict the hours of construction works, particularly noisy works of excavation.

The applicant has submitted a draft Construction Management Plan. This sets out general information about traffic management relating to the excavation works, and some detail of the construction programme. It demonstrates that thought has been put in to how the development is to be undertaken although some detail, such as a 24 hour emergency number, has not been provided at this stage. Objectors have raised a number of comments regarding the process through which construction is to be undertaken, drawing attention to the limited detail set out in the draft report.

The concerns raised by residents are understandable given the constraints of the site: there is no pavement, the properties open out onto the street and the access points to the main mews (from Castellain Road and Warwick Avenue) are narrow. There is clearly, however, sufficient highway width to accommodate the type of building works that are necessary to support a basement excavation project of this nature, and indeed excavations have taken place on significantly more constrained sites within other parts of the City. It would not be reasonable to refuse planning permission on the grounds of inadequate detail being provided in the draft Construction Management Plan at this stage. Furthermore, many of the points of understandable concern expressed by residents, such as of construction traffic blocking the highway, are matters that technically fall outside the scope of planning control.

It is recommended that an updated and more detailed Construction Management Plan, meeting the terms of the City Council's standard condition, is submitted prior to the commencement of works. This is considered to be as far as the City Council can realistically take this matter within the current legislative framework.

6.13 Conclusion

In summary, the proposed development is considered to be acceptable in land use, conservation and design, residential amenity and environmental terms and would accord with the relevant policies in the City Plan and UDP. As such, the application is recommended for conditional approval.

BACKGROUND PAPERS

1. Application form
2. Correspondence with Karen Buck MP dated 28 November 2014
3. Correspondence with Councillor Melvyn Caplan dated 6 December 2014
4. Undated memo from Paddington Waterways and Maida Vale Society.
5. Memorandum from Environmental Health dated 4 November 2014.
6. Memorandum from Highways Planning Manager dated 13 November 2014
7. Memorandum from Building Control dated 19 January 2014.
8. Memorandum from Building Control dated 13 November 2014.
9. Consultation from Thames Water dated 13 November 2014.
10. Email from Tom Spreutels dated 9 November 2014.
11. Email from neighbour dated 12 November 2014.
12. Email from neighbour dated 12 November 2014.
13. Email from neighbour dated 12 November 2014.
14. Email from neighbour dated 12 November 2014.
15. Email from neighbour dated 14 November 2014.
16. Email from neighbour dated 16 November 2014.
17. Letter from occupier, 1 Pindock Mews dated 16 November 2014.
18. Email from occupier, 4a Pindock Mew, dated 20 November 2014.
19. Email from occupier, 17 Pindock Mews dated 24 November 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

Address: 8 Pindock Mews, London, W9 2PY

Proposal: Basement extension and replacement of garage door with window in connection with the conversion of the garage to living accommodation. Installation of rooflight.

Plan Nos: Site Location Plan, 140610-101, 140610-102, 140610-103, 140610-104 rev 02, 140610 rev 02, 140610-106, 140610-106A. Letter dated 25 July 2014 from J Butterworth Planning and Development, Construction Management Plan by Cavlow Construction. For information only: Structural Methodology Statement by Ecos Maclean.

Case Officer: Neil Holdsworth **Direct Tel. No.** 020 7641 5018

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 Maida Vale Conservation Area. This is as set out

in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)

3

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.

- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

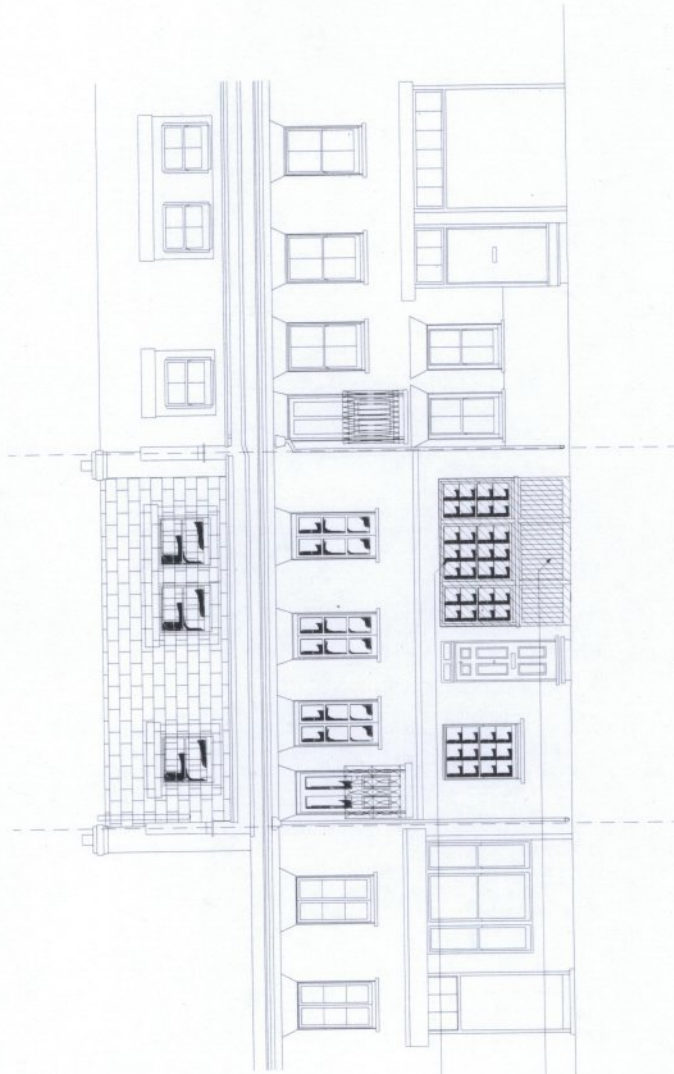
Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 This planning permission does not specifically authorise mechanical ventilation to be installed in the new basement accommodation. Should you wish to install mechanical ventilation facilities, planning permission may be required.



Painted white timber tripartite sash window to suit existing style.

Painted white timber panel infill forming a screen together with sash windows above to suit existing opening for previous garage doors.

1 Proposed Elevation

KEY

EXISTING WORK
PROPOSED WORK



Scale Bar

Drawing to be read in conjunction with all relevant information from Architects, Structural Engineers and Consultants.

Do not scale from this drawing. All dimensions to be checked on site before commencement of works. Discrepancies, where identified, must be reported to the Design Team immediately. Areas, quantities and dimensions are given as approximate and are only for guidance.

General Notes

REV	DATE	COMMENT
02	09/02/15	Issued for Approval
01	28/02/15	Issued for Approval
00	08/07/14	Issued for Approval

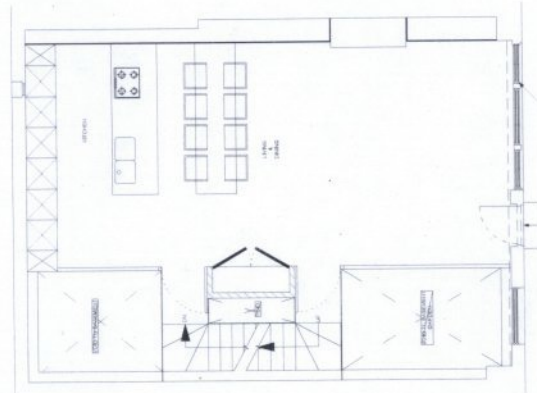
Preliminary
As Built
For Information

For Approval
For Tender
For Construction

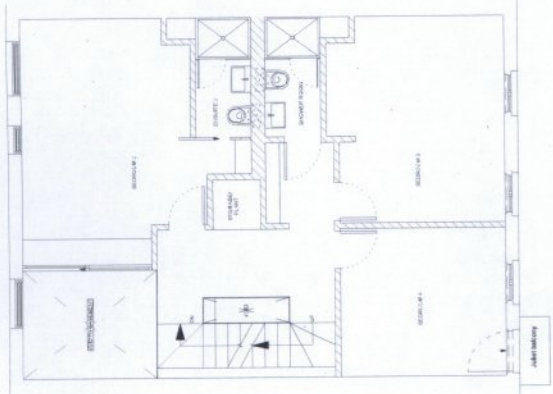
PROJECT TITLE
DRAWING TITLE
SCALE

8 FINDOCK MENS
PROPOSED ELEVATIONS
1:100 @ A3

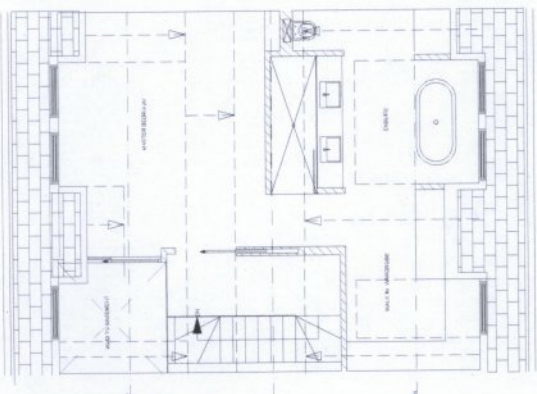
REV: 02 DWG NO: 140610-105



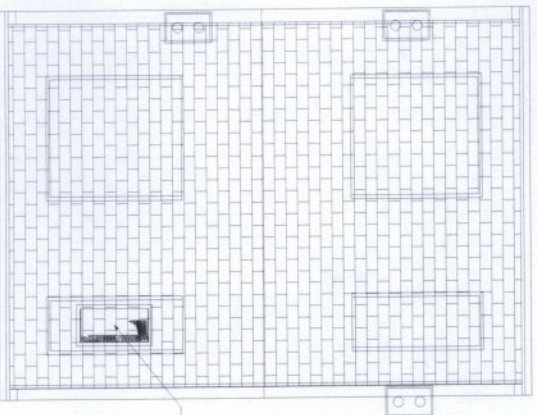
1 Proposed Ground Floor Plan



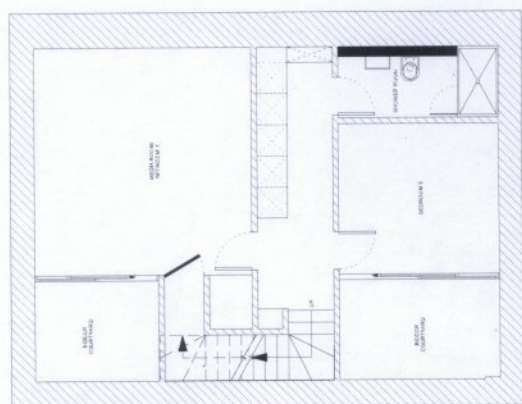
2 Proposed First Floor Plan



3 Proposed Second Floor Plan



4 Proposed Roof Plan



5 Proposed Basement Floor Plan



KEY
 EXISTING WALLS
 PROPOSED WALLS

Drawing to be read in conjunction with all relevant information from Architects, Structural Engineers and Consultants.

Do not scale from this drawing. All dimensions to be checked on site before commencement of works. Do not scale unless otherwise stated. All dimensions must be reported to the Design Team immediately (Areas, distances and dimensions are given as approximate and are only for guidance).

General Notes

REV	DATE	COMMENT
02	09/02/25	Issued for Approval
01	20/07/24	Issued for Approval
00	08/07/24	Issued for Approval

Preliminary For Information
 As Built For Information
 For Approval For Under Construction
 For Approval For Construction

PROJECT TITLE: 8 FINDOCK MEWS
 DRAWING TITLE: PROPOSED PLANS
 SCALE: 1:100 @ A3

REV: 02 DWG NO: 140610-104

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Agenda Item 8

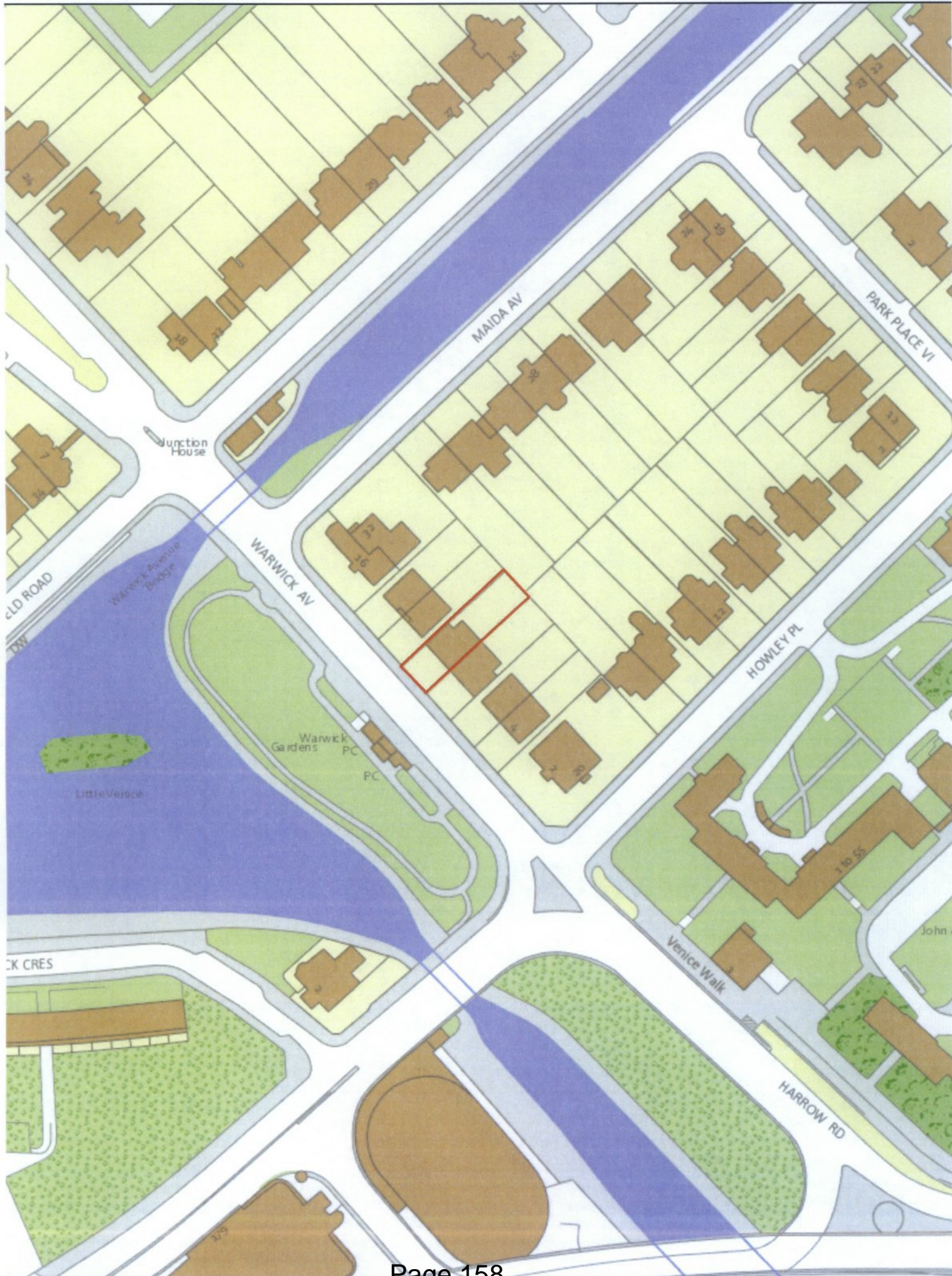
Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Little Venice	
Subject of Report	10 Warwick Avenue, London, W2 1XB		
Proposal	Excavation of basement extension below front garden, installation of glazed roof over lightwell, demolition and replacement of front garden boundary walls and railings, removal of two trees and planting of one replacement tree in front garden.		
Agent	fourfoursixsix		
On behalf of	Mr Michael Secretan		
Registered Number	14/11766/FULL 14/11767/LBC	TP / PP No	TP/21843
Date of Application	27.11.2014	Date amended/ completed	27.11.2014
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Maida Vale		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Refuse permission and listed building consent – adverse impact on listed building, design and trees.





10 WARWICK AVENUE, W2
Page 159

2. SUMMARY

The application site is a two storey semi-detached Grade II listed building located on the eastern side of Warwick Avenue within the Maida Vale Conservation Area.

Planning permission is sought for the excavation below the front garden area of this listed building to create a basement extension. The proposal involves the roofing over of a front lightwell, the introduction of a stone balustrade within the front garden and the removal of a tree.

The main issues for consideration are:

- The impact of the proposal on the special architectural and historic interest of this Grade II listed building and the setting of neighbouring listed buildings.
- The impact of the proposal on the character and appearance of this part of the Maida Vale Conservation Area.
- The impact of the proposal on the amenities of neighbouring properties.
- The impact of the proposal in highways and parking terms.
- The impact of the proposal on trees.

Objections are raised to the roofing over of the lightwell and installation of a balustrade within the front garden, both of which would be alien features that obscure and detract from important features of the host listed building. Further concerns arise over the loss of a tree within the front garden with insufficient soil volume proposed for its replacement and the applications are recommended for refusal on these grounds.

3. CONSULTATIONS

COUNCILLOR CAPLAN

Requested the applications be heard at a Planning Applications Committee.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objected to the scheme. Raised concerns that the loss of the lightwell detracted from the appearance of the property and resulted in loss of run off. Also stated the loss of trees was unacceptable and the proposed replacement inadequate. Suggested railings should be consistent with other railings in the area.

BUILDING CONTROL

Any response will be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions to control hours of building works.

HIGHWAYS PLANNING MANAGER

No objection.

ARBORICULTURAL MANAGER

Objected to the scheme on the basis of insufficient soil depth being retained over the basement. Suggested concerns over location of replacement trees could be dealt with by condition.

THAMES WATER

Offered advice on requirements for the application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 15; Total No. of Representations: 160

One letter of objection was received from Park Place Amenity, who agreed with comments made by Paddington Waterways and Maida Vale Society insofar as they expressed concerns with the impact of the proposal on the character of the area.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is a two storey semi-detached dwelling located on the eastern side of Warwick Avenue. The property is not subject to any Article 4 directions but is located within the Maida Vale Conservation Area and is a Grade II listed building.

4.2 Relevant History

There have been a number of applications for works to the front of the property. Planning permission was refused in March 2012 for the following development:

'Demolition of retaining wall and concrete stair and excavation of front garden and construction of basement extension (RNs: 11/12252/FULL and 11/12253/LBC)'.

The reasons for refusal given related to the infilling of the lightwell associated with the scheme, obscuring important features of the listed building and eroding the symmetry to the front of the site. Additional concerns were raised over the lack of detail given for the proposed alterations to the front boundary wall.

Subsequent applications for a front basement extension were approved in 2013 (RNs 12/09575/LBC and 12/09574/FULL). These applications retained the front lightwell, albeit with alterations to the staircase, with the extension infilling space under the front garden around the lightwell.

The most recent applications submitted prior to the current proposal (RNs 14/02400/FULL and 14/02401/LBC) proposed alterations similar to the scheme approved in 2013, but the lightwell was covered by a glazed roof to incorporate the lightwell into the basement level as a habitable room. These applications were refused due to the glazing over of the lightwell, removing an important feature of the host listed building. A further reason for refusal given was the lack of room and soil depth for a replacement tree to be planted on the site.

5. THE PROPOSAL

The applicant proposes to excavate under the front garden area on the property to create an extended basement level of accommodation. The proposal involves erecting a glazed rooflight over an existing lightwell in the front garden area and the creation of an opening between the lightwell and basement similar to the scheme refused in 2014 (14/02400/FULL and 14/02401/LBC). The departure from the refused application being the introduction of a stone balustrade within the front garden area with a view to screening the alterations.

6. DETAILED CONSIDERATIONS

6.1 Land Use

There are no objections in land use terms to this small increase in residential floorspace. The scheme would comply with Policies H3 of the adopted Unitary Development Plan (UDP) and S14 of Westminster's City Plan.

6.2 Townscape and Design

The application site is an extremely sensitive one, being located within the Maida Vale Conservation Area and with the host property being a Grade II listed building. With specific reference to listed buildings, Policy DES 10 of the UDP requires all applications to respect the character of host properties while Policies S28 of the City Plan and DES5 of the UDP seek a high standard of design in all new development. Policy DES 5 goes on to specifically state that objections should be raised where added floorspace is obtained by the roofing over of basement areas.

The proposal is considered to fail to meet the aims and objectives of these policies. The proposed glazed roof over the lightwell will serve to obscure views of a number of key and significant features of this handsome villa, including its pier bases. Additionally, in combination with the roof, the opening between the existing lightwell and basement extension would create an internal through room severely compromising the original plan form of the host property. Features that have traditionally formed the external frontage of the dwelling and an integral part of its setting would be replaced by internal rooms and create an external manifestation of this significant basement extension.

The applicant has pointed towards other rooflights installed in the locale in the hope of justifying the current scheme. It is acknowledged that there are examples of such glazed roofs on neighbouring listed buildings but none appear to have gained planning approval under current policy guidance and as such are looked at as examples of development that should be avoided rather than setting a template for future change. Further examples given related to non listed buildings or proposals where like for like replacements were proposed, none of which are considered sufficient to justify the current proposal.

The applicant has endeavoured to provide additional supporting information for the current application, which raises the same design concerns as the previously refused applications on the site. This involves highlighting screening from hedging to the front of the site and proposing a balustrade to the front of the lightwell offering further screening.

With regards to the screening provided by the hedge, this has been acknowledged within previous schemes. Public views would be restricted as a result of the hedge. However, such a screen may be removed without the benefit of planning permission so it does not guarantee restricted views for the lifetime of the development but also, more importantly, it is not considered acceptable to introduce unsympathetic alterations to buildings on the basis that they would be obscured from public view. To screen the development would not overcome concerns over impact on the heritage value and architectural integrity of the host listed building, with policies and legislation designed to preserve such buildings regardless of whether they are publicly visible.

Further screening is proposed through the installation of a stone balustrade, to match treatment on the adjoining property (8 Warwick Avenue). On the basis of the above, such screening is considered not to overcome concerns raised, with the additional issue that a non original feature would be introduced into the front garden that has the potential to further detract from the frontage of the property. The balustrade on No.8 Warwick Avenue appears to have gained planning approval in 2005, and permission was granted on the basis that it was being relocated from another area of the front garden. As such, the existence of this feature on No.8 Warwick Avenue alone is considered insufficient reason to justify the current scheme. The introduction of this alien feature into the front garden which would, in its own right, have the effect of obscuring some of the original features of frontage of the site and is therefore considered unacceptable.

As has been considered within previous applications, the basement extension to the front of the property, aside from the concerns outlined above, is acceptable in principle. However, due

to the roofing over the front lightwell and installation of a balustrade, the proposal is considered to detract from the character of the host property and surrounding area and to be contrary to Policies S25 and S28 of Westminster's City Plan and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our UDP.

6.3 Residential Amenity

The alterations proposed, being primarily at or below ground floor level, are considered not to raise any concerns in terms of impact on neighbours amenities. The changes are not of a scale or location that are likely to impact on light or outlook to neighbouring properties and no concerns in terms of loss of privacy arise over the existing arrangement.

As such, the proposal is considered to comply with Policies ENV 6, ENV 10 and ENV 13 of the UDP and S29 of Westminster's City Plan.

6.4 Transportation /Highways

This proposal raises no transportation issues.

6.5 Equalities and Diversities

Not relevant in the determination of these applications.

6.6 Economic Considerations

Not relevant in the determination of these applications.

6.7 Other Westminster/UDP Policy Considerations

No further policies are relevant to the current applications.

6.8 Central Government Advice/Guidance

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

6.9 London Plan

This proposal raises no strategic issues.

6.10 Planning Obligations

Not applicable.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

In terms of landscaping proposed, the proposal is similar to previous schemes in plan form, with which no concerns were raised subject to a new tree and soft landscaping to replace the loss of two existing trees (a False Acacia and Apple). It has already been agreed as acceptable within the previous approval on the site (ref: RN 12/09574/FULL) for a single replacement tree to be installed in their place.

However, objections have been raised by the Arboricultural Manager with the soil depth retained on the site. Whereas previous proposals have retained a soil depth of 1m to allow for the retention of hedging and the planting of a replacement tree, the depth has now been reduced to 80cm. Objections are raised that this soil depth is not sufficient for replacement planting and landscaping and the proposal is therefore considered to conflict with Policies ENV 4 and ENV 16 of the UDP.

6.12 Other Matters

Excavation of Proposed Basement

The principle of the basement extension has been considered acceptable within three previous applications on the property, with issues arising primarily restricted to the design of the scheme and impact on trees. Since the most recent refusal, the Council has adopted its SPD 'Basement Development in Westminster'. The current scheme, aside from the issues of soil depth raised above, is considered to meet the aims and objectives of the SPD. A Traffic Management Plan and Construction Method Statement have been submitted with the applications and no objections have been raised by local residents on these grounds.

6.13 Conclusion

Because of their design and location, the glazed rooflight over the front lightwell and stone balustrade would obscure and detract from important features of this Grade II listed building. The scheme is therefore considered to detract from the architectural character and integrity of the host property and the appearance of both the host property and surrounding area. In proposing insufficient soil depth the scheme would not be able to provide sufficient replacement planting for the loss of two prominent trees. The scheme would therefore conflict with Policies S25 and S28 of Westminster's City Plan and DES 1, DES 5, DES 9, DES 10 (A), ENV 16 and paras 10.108 to 10.146 of the UDP.

BACKGROUND PAPERS

1. Application forms.
2. Comments from Paddington Waterways and Maida Vale Society dated 15 January 2015.
3. Memorandum from Highways Planning Manager dated 10 December 2014.
4. Memorandum from Environmental Health dated 13 January 2015.
5. Memorandum from Arboricultural Manager dated 6 January 2015.
6. Email from Thames Water dated 18 December 2014.

7. Email from occupier of 24 Maida Avenue W2 dated 30 January 2015
8. Email from Councillor Melvyn Caplan dated 30 January 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

Address: 10 Warwick Avenue, London, W2 1XB

Proposal: Excavation of basement extension below front garden, installation glazed roof over lightwell, demolition and replacement of front garden boundary walls and railings, removal of two trees and planting of one replacement tree in front garden.

Plan Nos: Design and Access Statement, Construction Method Statement, Supplementary Report on Conservation, Development and Planning, Heritage Assessment, Letter from Tim George (Tree Services Limited), GA150 rev X, GA151 rev X, GA160 rev X, GA161 rev X, GA162 rev X, GA200, GA201, GA300, GA301 rev X, GA400, GA401, D500 rev X, GA101 rev X, GA120, GA120A, GA121, GA121A, GA130A, GA130, GA131, GA131A, GA140, GA141, GA100 rev X, V800 and V801.

Case Officer: Matthew Rees

Direct Tel. No. 020 7641 6248

Recommended Reason(s) for Refusal:

- Reason:**
- 1 Because of their design and prominent location; the glazed roof over the front lightwell and stone balustrade would harm the character, appearance and architectural integrity of this grade 2 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Maida Vale Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Reason:

 - 2 Because of the lack of room and soil depth provided above the new basement, the proposal would be incapable of providing a suitable replacement tree and planting, to offset the loss of 2 existing trees and landscaping which is considered to be important to the character and setting of the grade 2 listed building and surrounding Maida Vale Conservation Area. This would not meet ENV16 of our Unitary Development Plan that we adopted in January 2007.

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

DRAFT DECISION LETTER

Address: 10 Warwick Avenue, London, W2 1XB

Proposal: Part removal of an internal wall on the lower ground floor, between the kitchen and hallway; construction of a new room under the front garden and a recessed glazed canopy to the exiting lightwell and removal of two trees and replaced by a new specimen tree.

Plan Nos: Design and Access Statement, Construction Method Statement, Supplementary Report on Conservation, Development and Planning, Heritage Assessment, Letter from Tim George (Tree Services Limited), GA150 rev X, GA151 rev X, GA160 rev X, GA161 rev X, GA162 rev X, GA200, GA201, GA300, GA301 rev X, GA400, GA401, D500 rev X, GA101 rev X, GA120, GA120A, GA121, GA121A, GA130A, GA130, GA131, GA131A, GA140, GA141, GA100 rev X, V800 and V801.

Case Officer: Matthew Rees

Direct Tel. No. 020 7641 6248

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43 St. John Street
 16, Southampton, ST
 +44 (0) 20 7329 3040 +44 (0) 840 91 2624

Note:

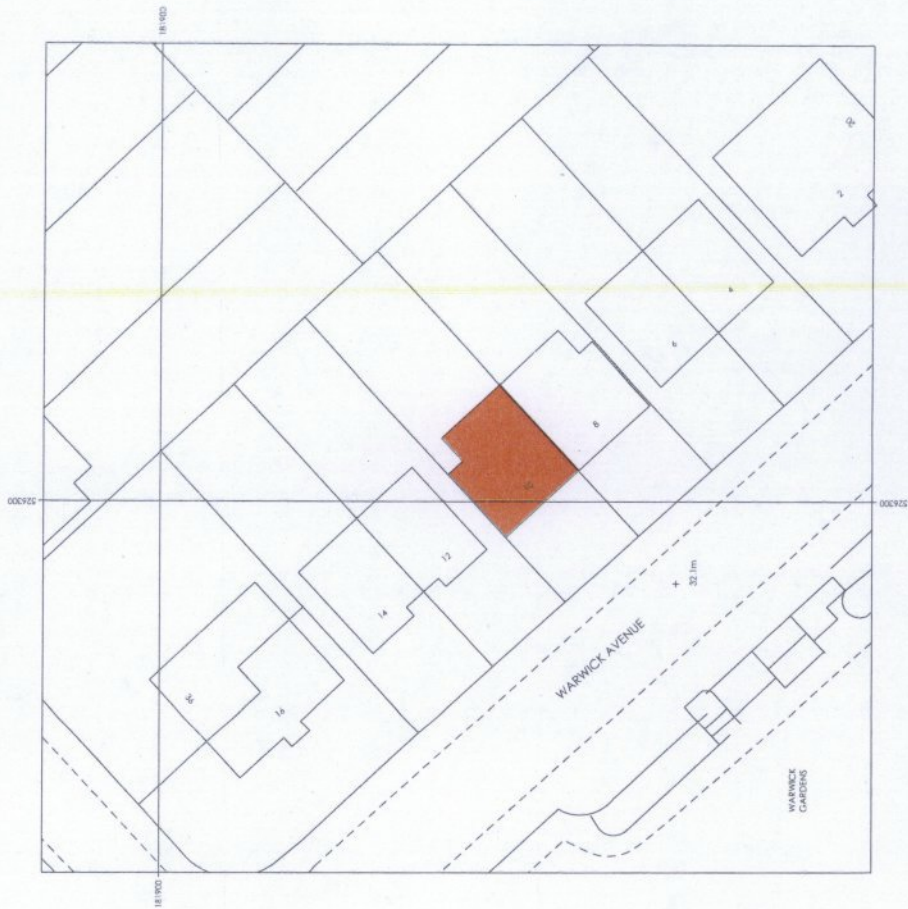
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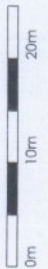
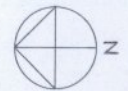
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Project Architect
fourfour'sixsix
 Contact: David Williams
 Email: david@fourfour'sixsix.com

CASE COPY
 TP
 RN
 ADDRESS



SITE PLAN
 Scale 1:500



Rev	Description	Date	By	Checked
A				
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D				
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H				

Project:
 10 Warwick Avenue
Location:
 LONDON, UK
Status:
 CONCEPT
Project No.:
 116
Drawing Title:
 SITE PLAN
Drawing No.:

GA 101

Date	Scale @ A3	Rev
07/10/2014	1:500	X

333, John Street
 16, Salford, M6 6PU
 +44 (0) 20 7322 2640
 +44 (0) 845 95 5000

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CASE COPY

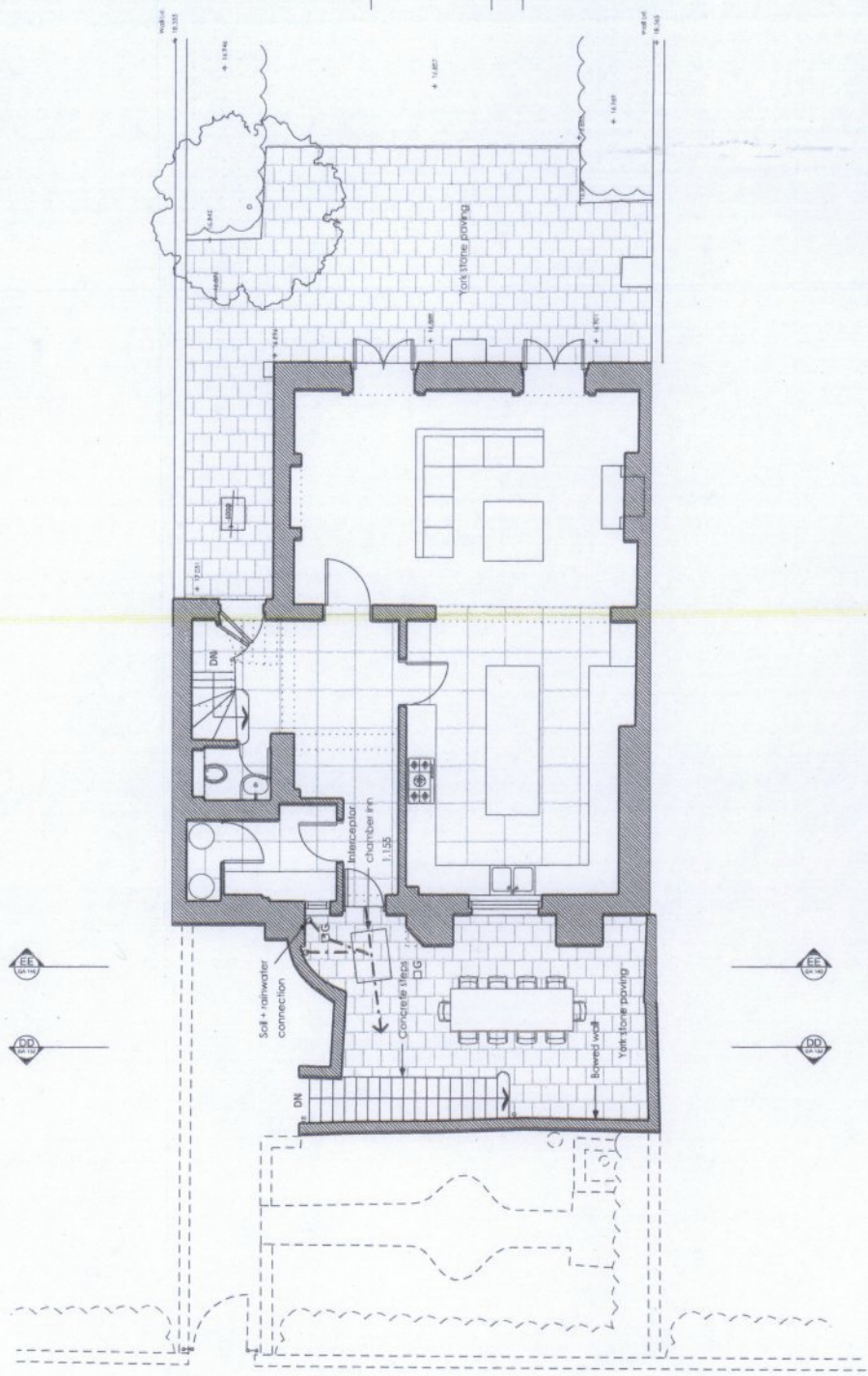
Rev	Description	Date	By	Checked
A				
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H				
I				
J				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: EXISTING LOWER GROUND FLOOR PLAN
Drawing No.: GA 121

GA 121

Date: 07/10/2014
 Scale: A3
 Rev: 1/1000

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EXISTING
 Lower Ground Floor Plan



41, 43, 45, 47, 49, 51
Warwick Avenue
London EC2M 4AN
+44 (0) 20 7322 2040 +44 (0) 845 97 5000

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CASE COPY
ADDRESS
RN
IP
AA
BB

No.	Description	Date	By	Checked
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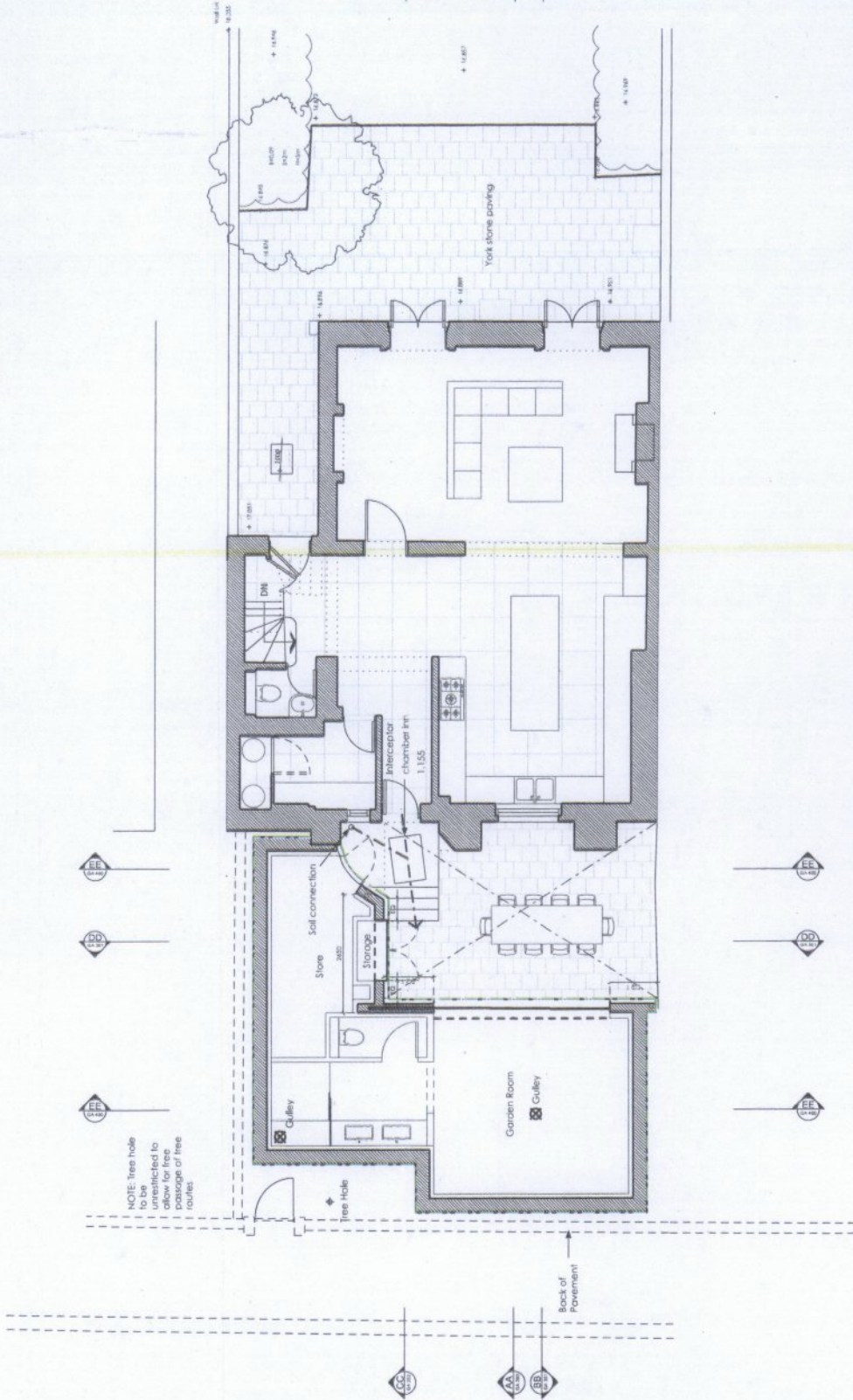
Project:
10 Warwick Avenue
Location:
LONDON, UK

Status:
CONCEPT
Project No.:
116

Drawing Title:
LOWER GROUND FLOOR PLAN
Drawing No.:
GA 201

GA 201

Date:
07/10/2014
Scale @ A3:
1:100
Rev:



NOTE: Tree hole
to be
located to
allow for tree
passage of free
routes.

PROPOSED
Lower Ground Floor Plan
--- Line of concealed scheme 12/09574/FULL

43 St John Street
 16, Salford, M6 6JN
 +44 (0) 20 7322 2040
 +44 (0) 840 85 5000

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Project Architect

fourfoursixsix

Company: Fourfoursixsix
 Email: info@fourfoursixsix.com

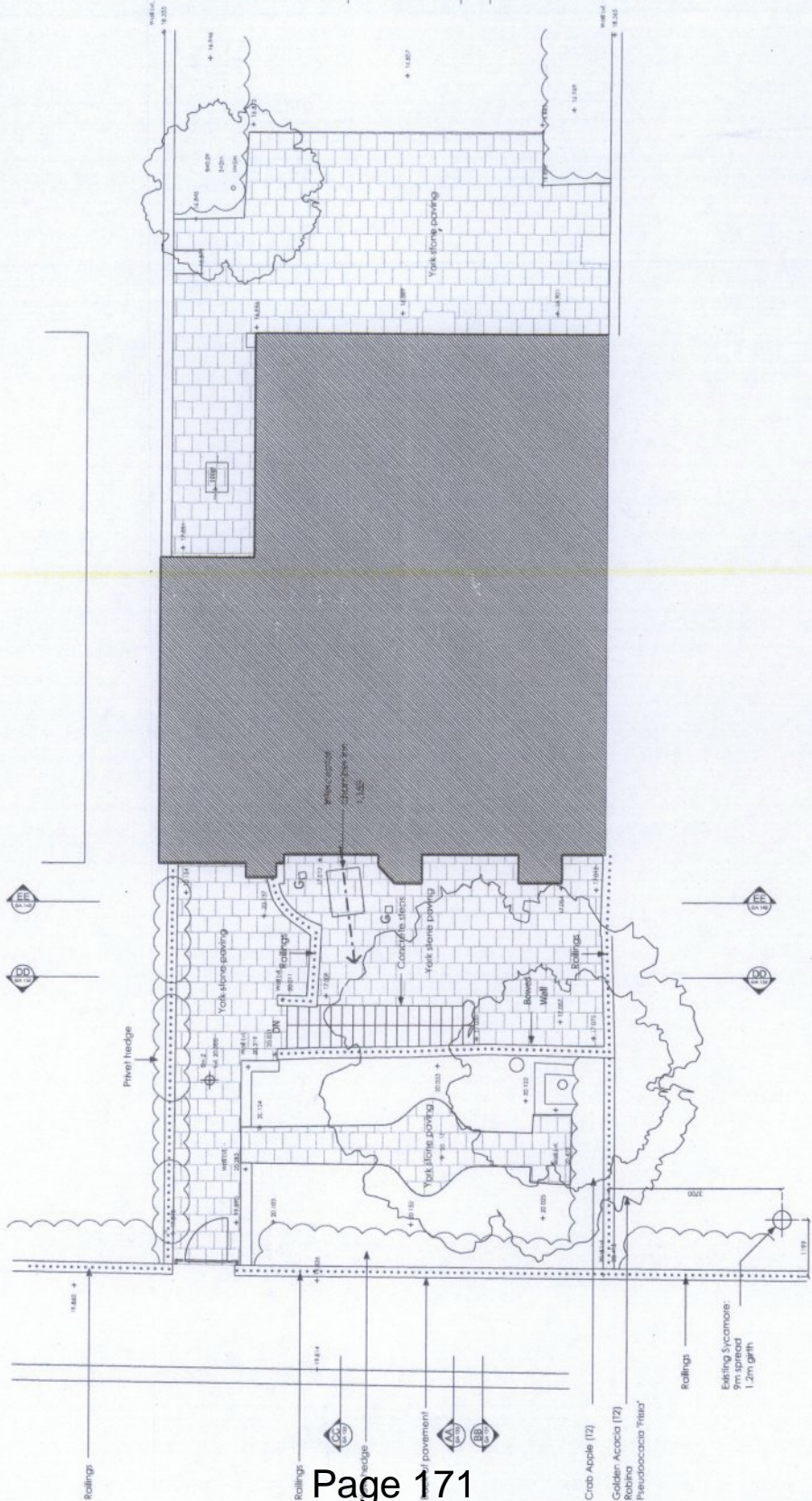
CASE COPY

Rev	Description	Date	By	Check
A				
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Project: 10 Warwick Avenue
 Location: LONDON, UK
 Status: CONCEPT
 Project No.: 116
 Drawing Title: EXISTING GROUND FLOOR PLAN
 Drawing No.:

GA 120

Date	Scale	Rev
07/10/2014	A3 1:100	



EXISTING
Ground Floor Plan

43 St John Street
London EC1A 4JN
+44 (0) 20 7373 2040
+44 (0) 845 49 5000

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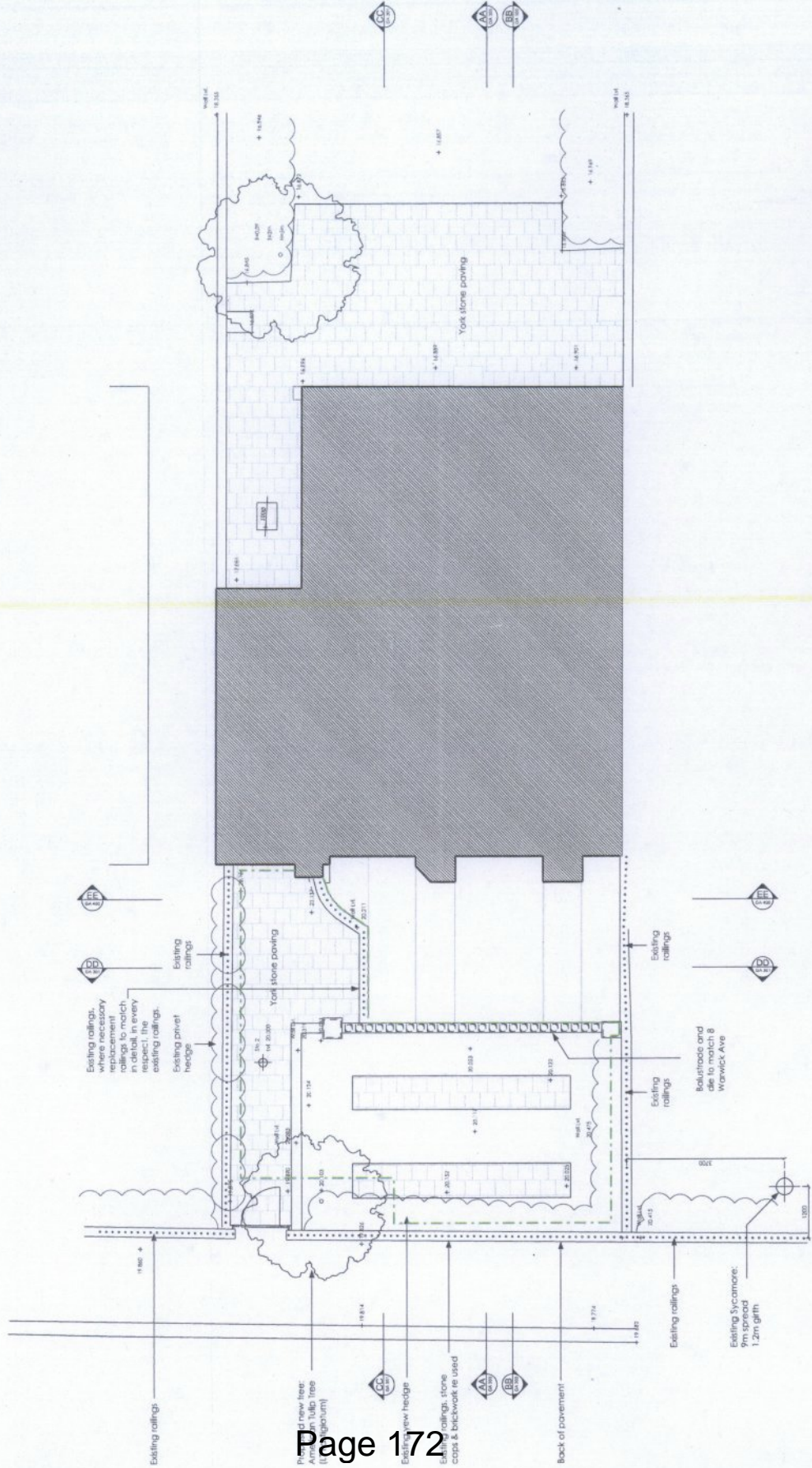
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Email: david@fourfoursix.com

CASE COPY

TP
RN
ADDRESS



PROPOSED
Ground Floor Plan

--- Line of concentrated scheme 12/09/14/FULL



Rev	Description	Date	By	Checked
A				
B				
C				
D				
E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: GROUND FLOOR PLAN
Drawing No.:

GA 200

Date	Scale	Rev
07/10/2014	A3	1:100

43 St John Street
 London E1 1AA
 +44 (0) 20 7323 2660
 +44 (0) 840 95 1000

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Project Architect

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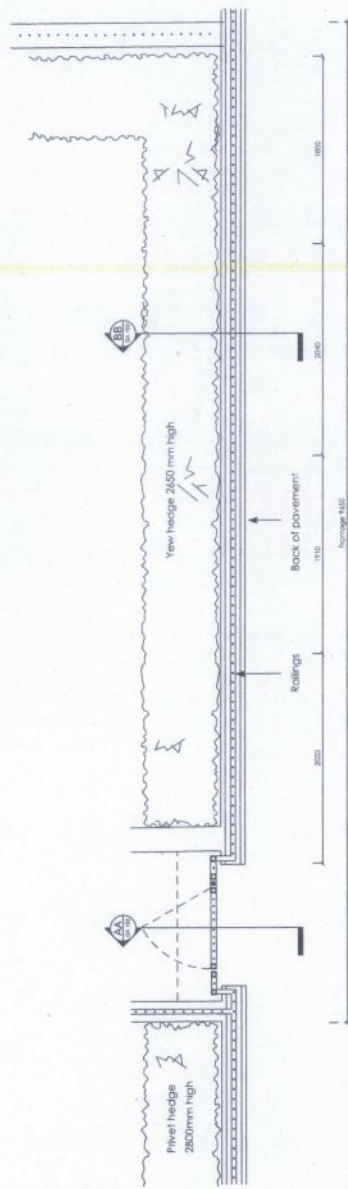


Rev	Description	Date	By	Checked
A				
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E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: EXISTING FRONT GARDEN WALL
Drawing No.:

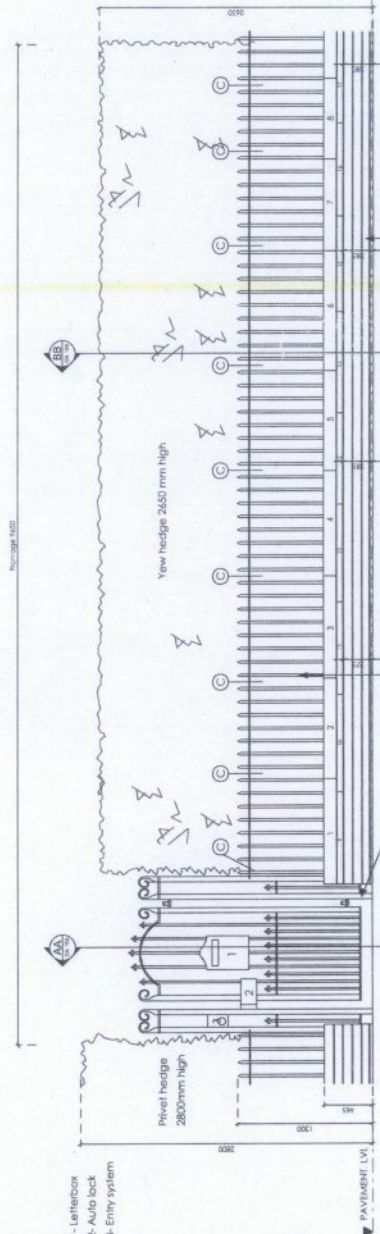
GA 150

Date	Scale	Rev
07/10/2014	A3 1:50	X



EXISTING AND PROPOSED

Plan of front garden wall



EXISTING AND PROPOSED

Elevation of front garden wall

- 1- Letterbox
 - 2- Auto lock
 - 3- Entry system
- NOTE: Denotes where flat is cut so that railings can remain connected to stone capping on temporary removal. All to be reinstated on completion of works (flat welded) in sequence shown

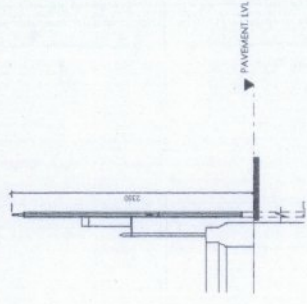
Brick work english garden wall bond, 3 stretches one header repeat every course with closets to maintain bond, bricks mainly yellow stocks with the odd red multi flush pointed in lime mortar

NOTE: Railings not visible, concealed by the hedge

M/S Railings:
 Standards: 25 Ø
 Railings: 16 Ø
 Flat 38 x 8

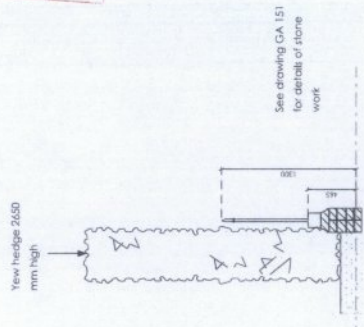
Existing gate to be reinstated

Gate constructed in mild steel, corrosion treated & painted black



EXISTING AND PROPOSED

Section AA



EXISTING AND PROPOSED

Section BB

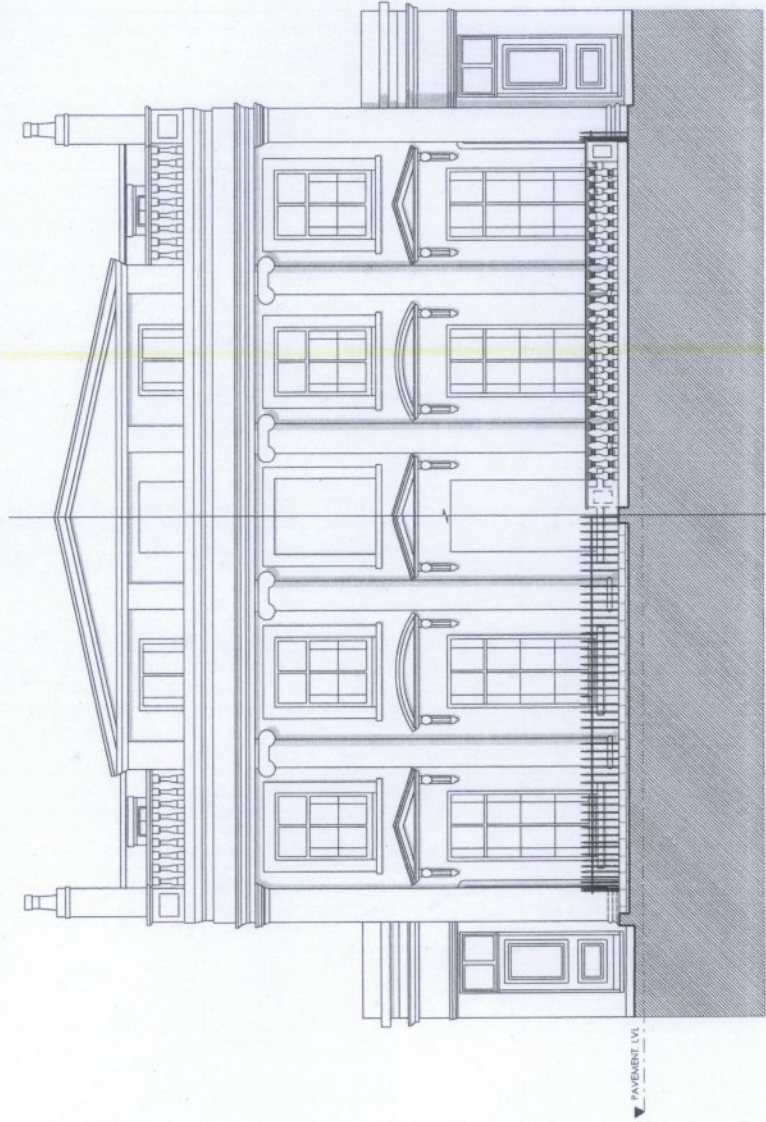
41 St John Street
 London EC1M 4AN
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 TP
 RN
 ADDRESS



EXISTING
 Garden Elevation (shown without planting)

8 Warwick Avenue

10 Warwick Avenue

Rev	Description	Date	By	Checked
A				
B				
C				
D				
E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: EXISTING GARDEN ELEVATION
Drawing No.:

GA 141

0m 5m

Date: 07/10/2014
Scale @ A3: 1:100
Rev:

43 St John Street
14 Southview 31
London EC1M 4AN
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Project Architect

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RN
ADDRESS



Revisit the site and railings to match 8 Warwick Ave
Spacing and detailing of railings to match those of the existing railings around the basement-area of no. 8 immediately adjacent
Railings stop short of pillar and do not make contact

8 Warwick Avenue

10 Warwick Avenue

PROPOSED

Garden Elevation (shown without planting)

Rev	Description	Date	By	Check
A				
B				
C				
D				
E				
F				
G				

Project:

10 Warwick Avenue

Location:

LONDON, UK

Status:

CONCEPT

Project No.:

116

Drawing Title:

GARDEN ELEVATION

Drawing No.:

GA 401

0m 5m

Date: 07/10/2014
Scale @ A3: 1:100
Rev:
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 info@fourfoursixsix.com

Note:
 These retaining walls, highlighted in red, would be demolished to allow the excavation and construction of the proposed space.

All masonry bricks as possible would be retained from these existing walls.

The reclaimed bricks would then be reused to face the proposed concrete retaining structure built in the same location as these retaining walls.

The proposed concrete walls would be faced with 1/2 brick thick reclaimed stock from the original retaining wall brickwork. The bricks would be laid in cement lime sand mortar with weather shut pointing.

Note:
 The concrete steps, highlighted in red, would be demolished as this access is not required in the proposed scheme. Access for the proposed space is via the existing lower ground external door.

Note:
 These parapets, highlighted in blue, are constructed with impeded bricks. This would be temporarily removed and the bricks retained for the construction of the proposal. These bricks would then be reused to reface these parapet walls on completion of the works.

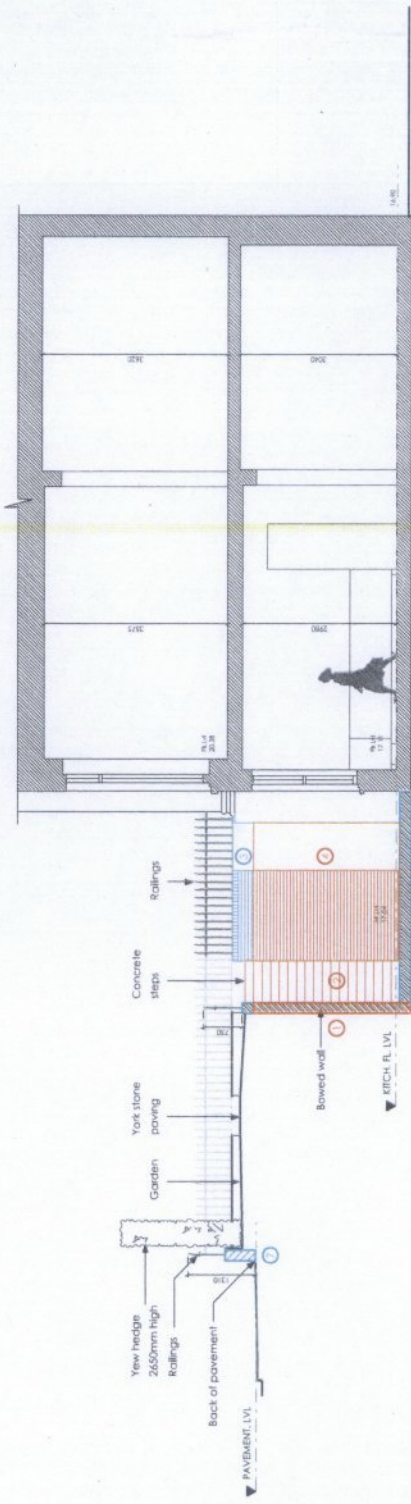
CASE COPY
 TP
 RN
 ADDRESS

The existing railings would also be retained and reused. Where railings are proposed beyond renovation they would be replaced by new ones that match in detail in every respect. The existing railings would be replaced by new ones that match in detail in every respect. The existing railings would be replaced by new ones that match in detail in every respect.

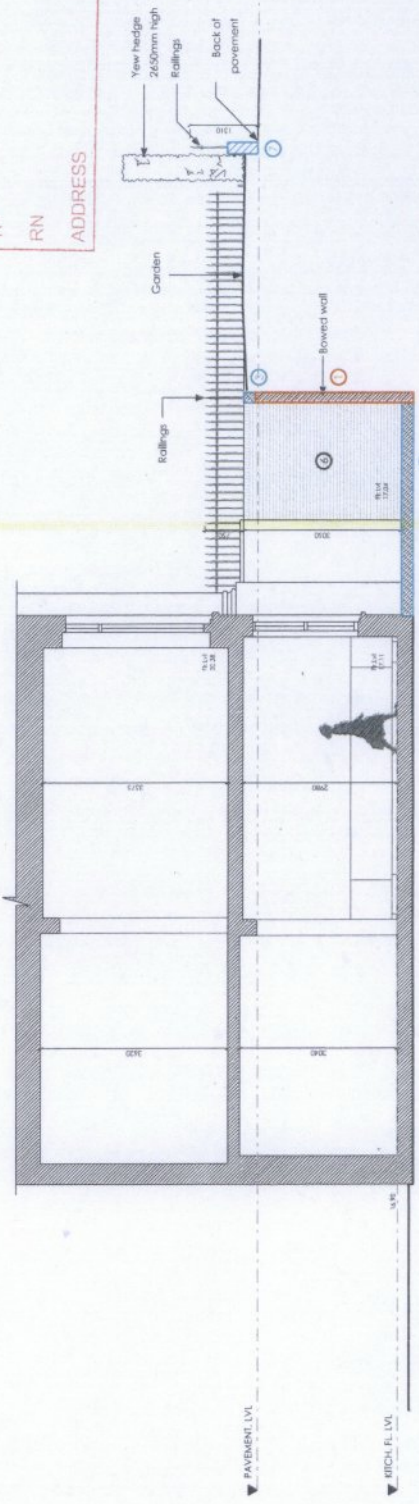
Note:
 The existing light well floor, highlighted in blue, is finished with york stone paving. This would be temporarily removed and retained for the construction period. The paving would then be reinstated on the floor of the proposed glazed light well on completion of the works.

Where additional jobs were required, these would be sourced to match the existing in detail and in every respect.

Note:
 The proposal does NOT require the demolition of the party wall. The front garden light well party wall will need to be underpinned.



EXISTING
 Long Section AA



EXISTING
 Section BB

Rev.	Specification	Date	By	Checked
A				
B				
C				
D				
E				
F				
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Project:
 10 Warwick Avenue
Location:
 LONDON, UK
Status:
 CONCEPT

Project No.:
 116

Drawing Title:
 EXISTING SECTION AA & BB

Drawing No.:
 GA 130A

Date:
 07/10/2014
Scale @ A3:
 1:100
Rev:
 1



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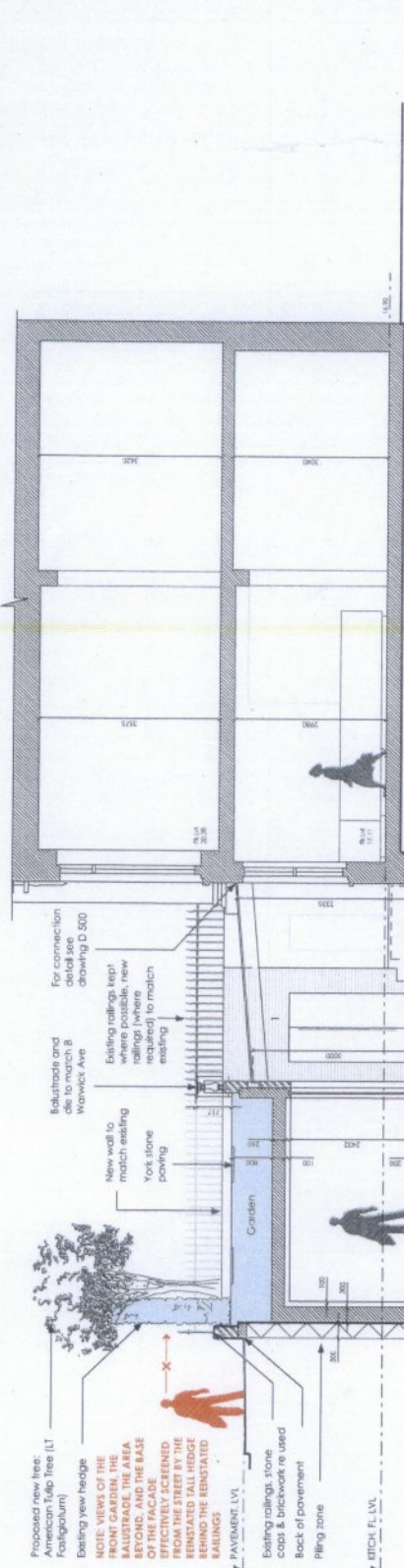
Project Architect

fourfoursixsix

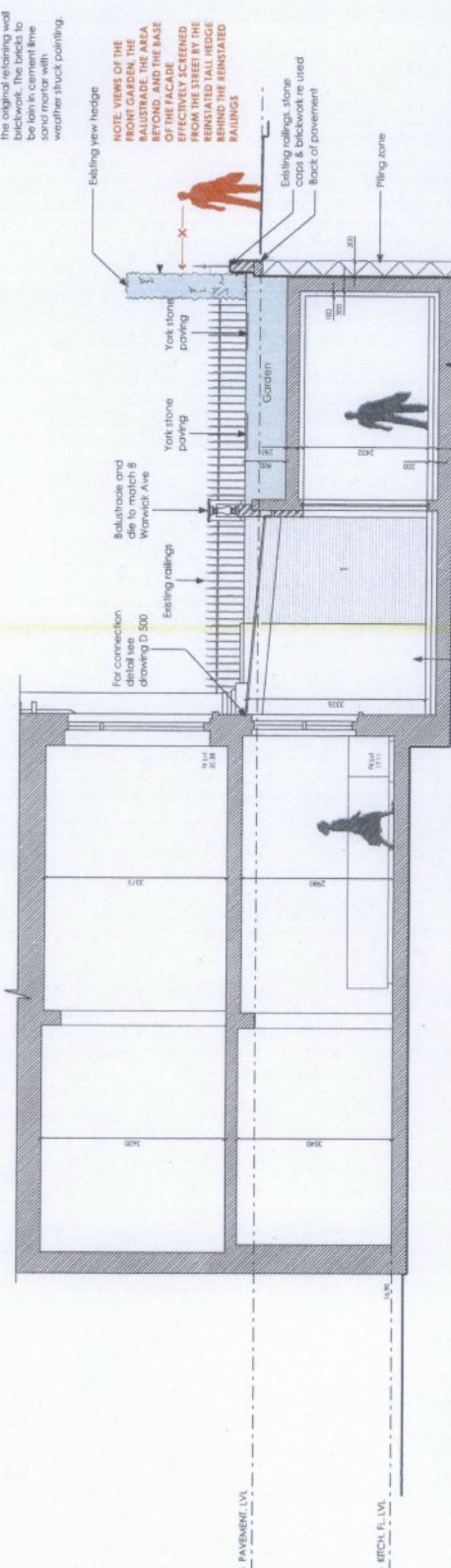
Contact: Mike Secretan
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Fax: 020 7323 2260
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CASE COPY

TP
RN
ADDRESS



PROPOSED
Section AA



PROPOSED
Section BB

1- New Brickwork:
The reinforced concrete retaining structure within the area is to be faced with brickwork. The brickwork is to be a reclaimed stock brickwork from the original retaining walls in the area. The brickwork is to be laid in Flemish bond to match the original retaining wall. The brickwork is to be laid in cement mortar with weather struck pointing.

NOTE: VIEWS OF THE FRONT GARDEN, THE AREA BEYOND, AND THE BASE OF THE FACADE SHOULD BE MAINTAINED FROM THE STREET BY THE REINSTATED TALL HEDGE BEHIND THE REINSTATED RAILINGS



No.	Description	Date	By	Checked
A				
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E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: PROPOSED SECTION AA & BB
Drawing No.:

GA 300

Date	07/10/2014	Scale @	A3	Rev	
			1:100		

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fourfoursixsix
Contact: fourfoursixsix
Tel: 020 7323 2860
Email: enquiries@fourfoursixsix.com

① **Note:**
These retaining walls, highlighted in red, would be demolished to allow the excavation and construction of the proposed space.

As many bricks as possible would be retained from their existing walls.

The reclaimed bricks would then be reused to face the proposed concrete retaining structure built in the same location as these retaining walls.

The proposed concrete wall would be faced with 1/2 brick thick reclaimed brick from the original retaining wall brickwork. The bricks would be set in cement lime sand mortar with weather sluc/pointing.

② **Note:**
The concrete steps highlighted in red would be demolished as the access is not required in the proposed scheme. Access for the proposed space is via the existing lower ground external door.

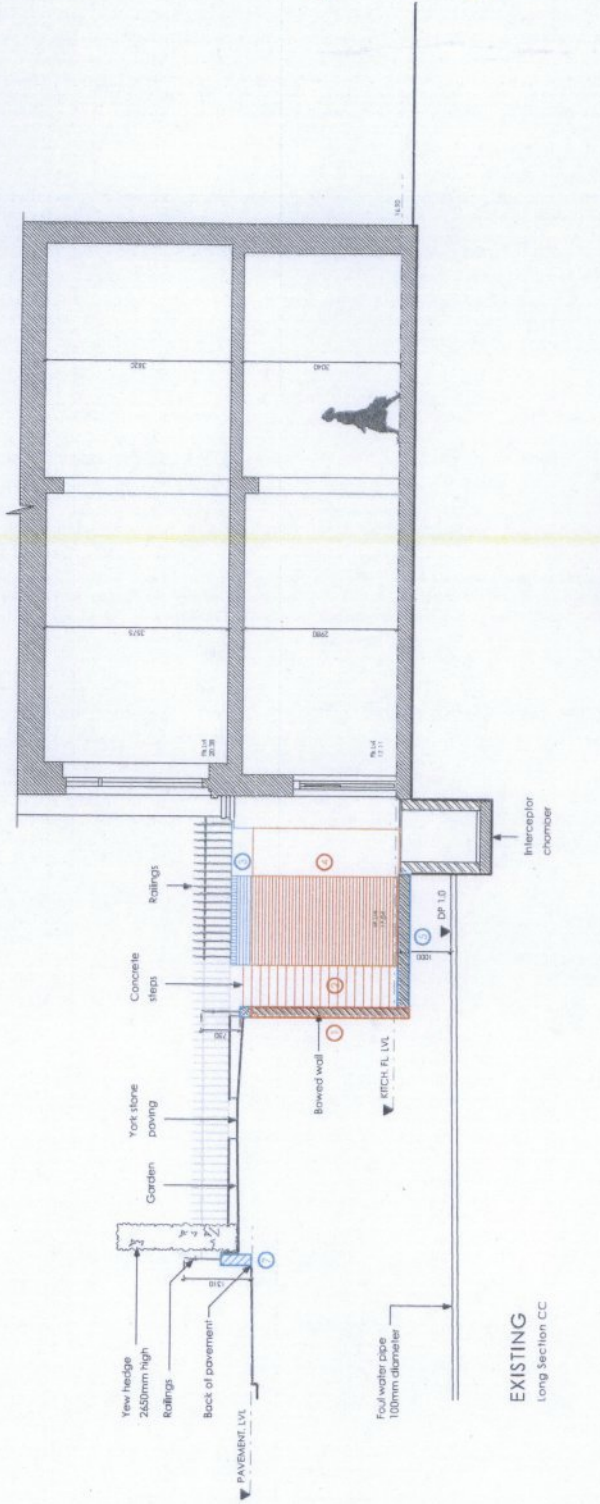
③ **Note:**
These parapets, highlighted in blue, are constructed with RW140 bricks. These would be temporarily removed, and the brick reinstated for the construction of the proposed wall. These bricks would then be reused to replace their parapet walls on completion of the works.

The existing railings would also be retained and reused. Where railings are contacted by stone renovation these would be replaced by new ones that match in detail in every respect the existing.

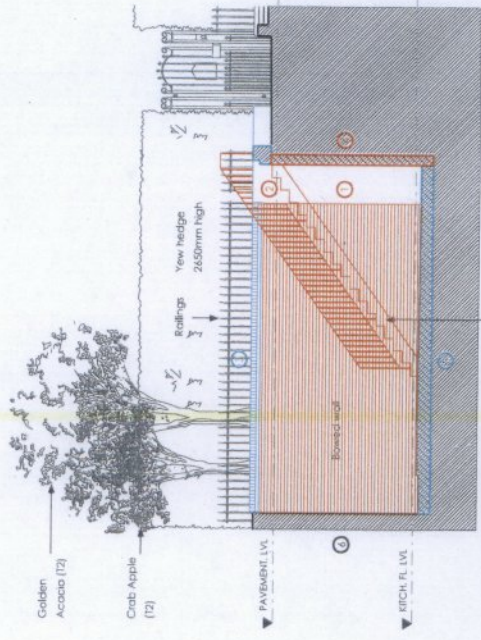
④ **Note:**
The existing light well floor, highlighted in blue, is finished with York stone paving. This would be temporarily removed and retained for the construction period. The paving would then be reinstated on the floor of the proposed glazed light well on completion of the works.
Where additional slabs were required, these would be sourced to match the existing in detail and in every respect.

⑤ **Note:**
The proposal does NOT require the demolition of the party wall. The front garden light well party wall will need to be underpinned.

CASE COPY



EXISTING
Long Section DD



EXISTING
Short Section DD

No.	Revision	Date	By	Checked
A				
B				
C				
D				
E				
F				
G				

Project:
10 Warwick Avenue
Location:
LONDON, UK
Status:
CONCEPT
Project No.:
116
Drawing Title:
EXISTING SECTION CC & DD
Drawing No.:
GA 131A

GA 131A

Date:
07/10/2014
Scale:
@ A3
Rev:
1:100



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Client

Mike Secretan

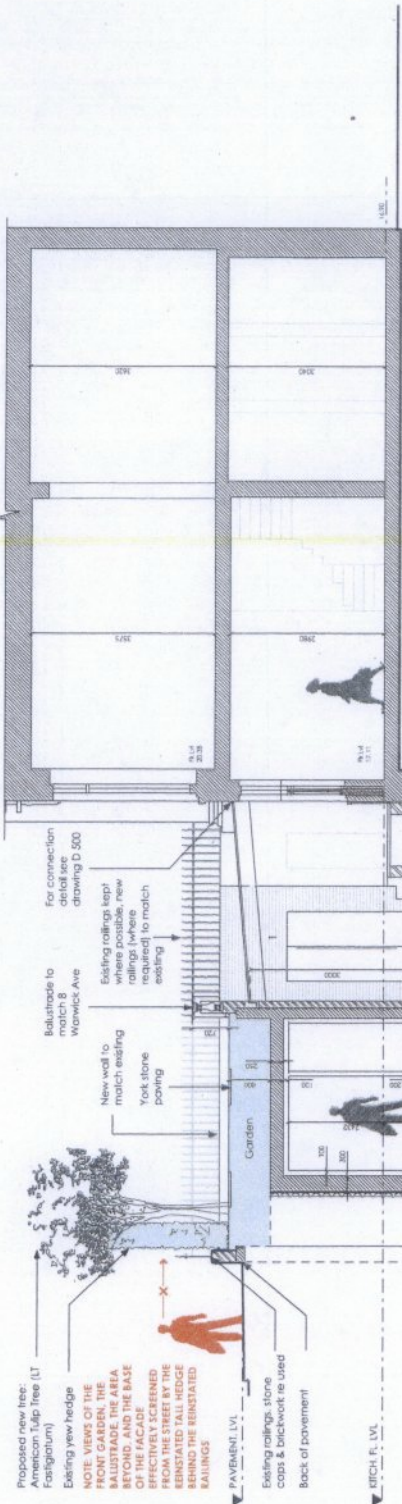
Contact: Mike Secretan
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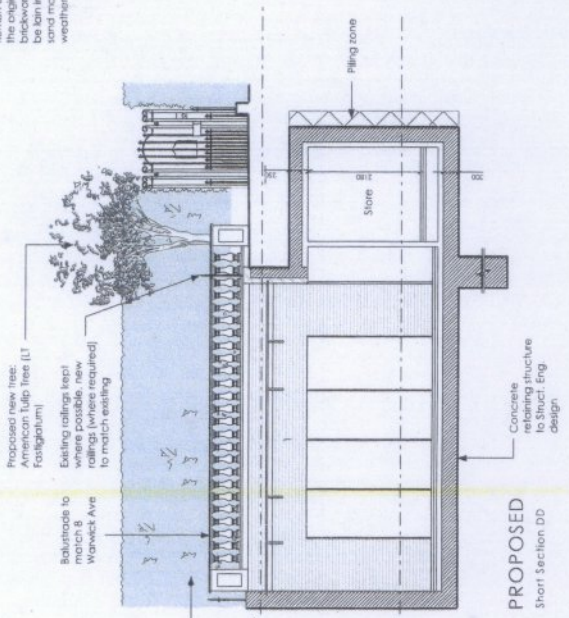
Contact: fourfour sixsix
Phone: +44 (0) 20 7322 2665
Email: info@fourfour-sixsix.com

CASE COPY
TP
RN
ADDRESS



1- New Backwork:
The reinforced concrete retaining structure within the garden is to be replaced with 1/2 brick thick reclaimed stock brickwork from the original retaining wall in the garden. The brickwork to be laid in cement lime sand mortar with weather struck pointing.

PROPOSED
Section CC



PROPOSED
Short section DD



No.	Description	Date	By	Checked
A				
B				
C				
D				
E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: PROPOSED SECTION CC & DD
Drawing No.: GA 301

Date: 07/10/2014
Scale: A3
Rev: 1:100
X

43 St. John's Street
London, EC1M 4AN
Tel: (44) 20 7323 1880

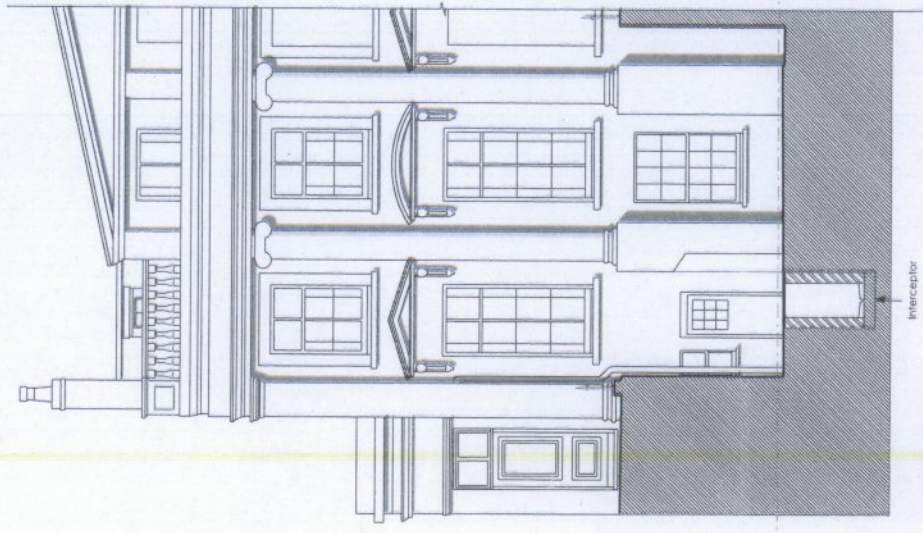
16 Southwark Street
London, SE1 1TU
Tel: (44) 20 7323 1880

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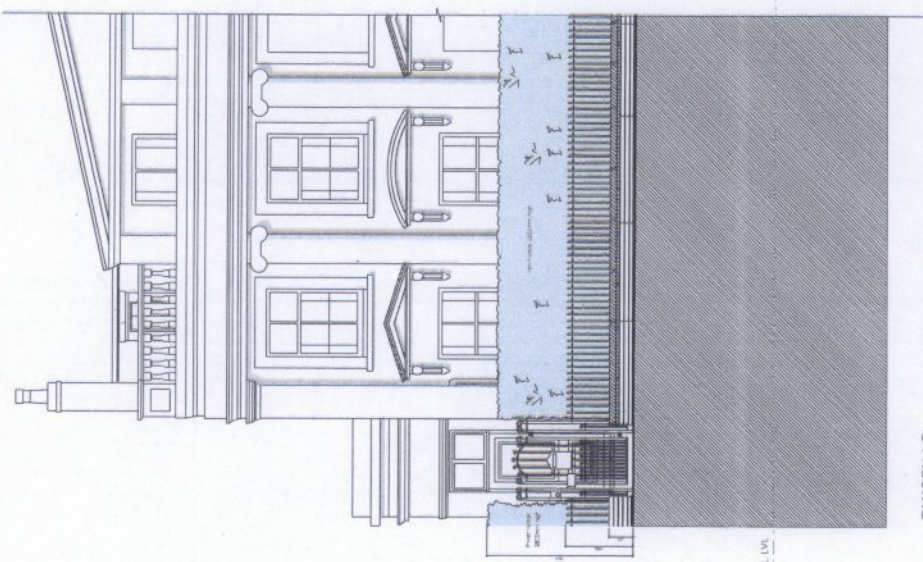
Dimensions are in millimetres, unless otherwise stated.
Drawings set for construction. Do not scale these drawings. All measurements to be verified on site. Any discrepancies to be reported to the Project Architect before any work commences.

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EXISTING
Section EE



EXISTING
Street Elevation

CASE OC
TP
RN
ADDRESS

Rev.	Description	Date	By	Checked
A				
B				
C				
D				
E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: EXISTING STREET ELEVATION & SECTION EE
Drawing No.:

GA 140

Date: 07/10/2014
Scale @ A3: 1:100
Rev:



43 St John Street
London, EC1M 4AN
+44 (0) 20 7323 2080

16 Saffron Hill
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+44 (0) 20 7497 3000

Note:
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All dimensions are in millimetres, unless otherwise stated.
Dimensions for construction, for each trade, shall be taken from the drawings. All measurements to be taken to the Project Architect before any work commences.

Client

Mike Secretan

Contact: Mike Secretan
m.secretan@fourfoursixsix.co.uk

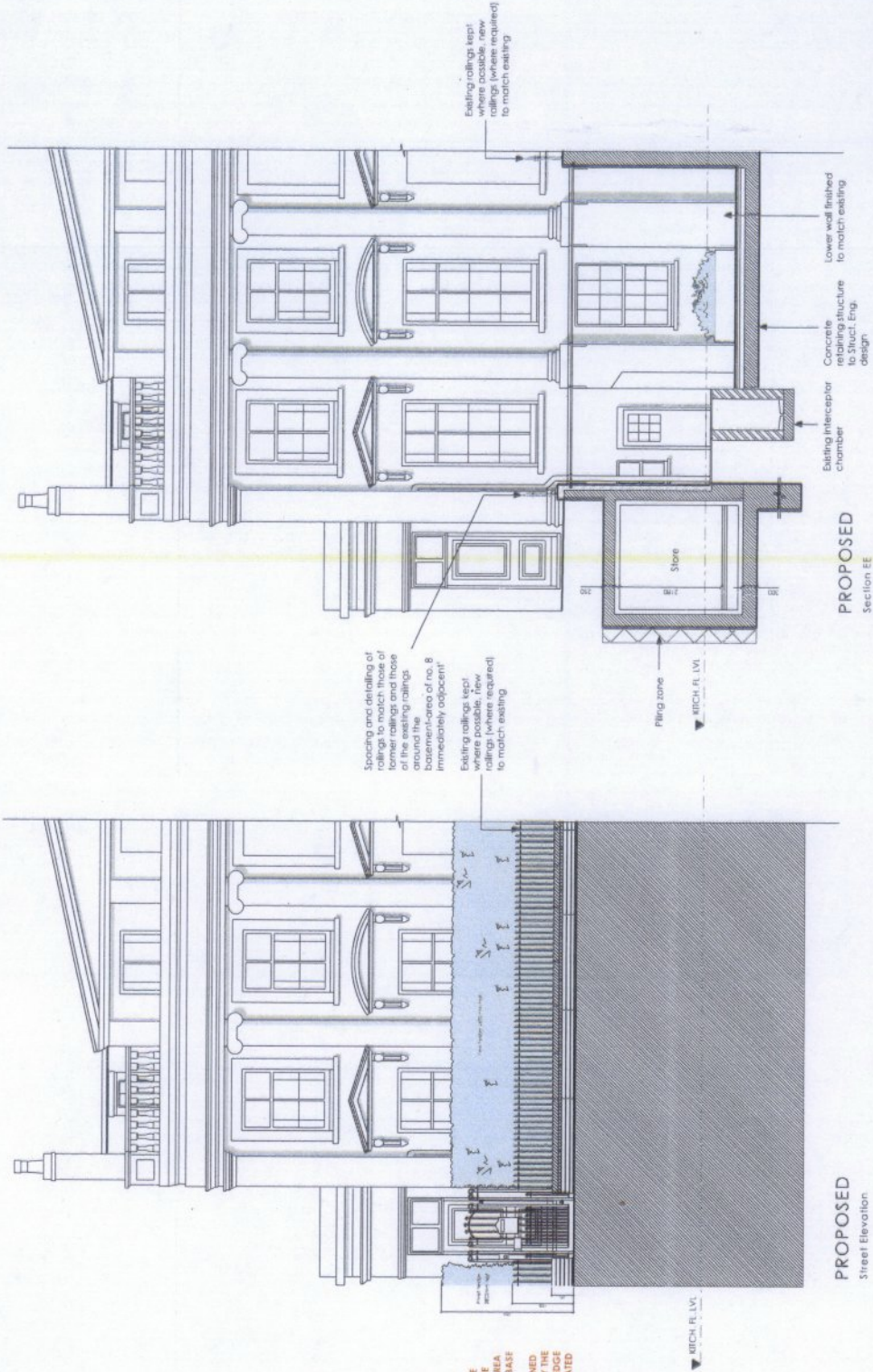
Project Architect

fourfoursixsix

Contact: fourfoursixsix
020 7323 2080
Project: overwood@fourfoursixsix.co.uk

CASE COPY

TP
RN
ADDRESS



PROPOSED
Section EE

PROPOSED
Street Elevation

NOTE: VIEWS OF THE FRONT GARDEN, THE BALUSTRADE, THE AREA BEYOND, AND THE BASE OF THE FACADE BEHIND FROM THE STREET BY THE REINFORCED TALL HEDGE BEHIND THE REINFORCED BALUSTRADES

Rev	Description	Date	By	Checked
A				
B				
C				
D				
E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: PROPOSED STREET ELEVATION & SECTION EE
Drawing No.:

GA 400

Date	Scale	#	Rev
07/10/2014	1:100	A3	

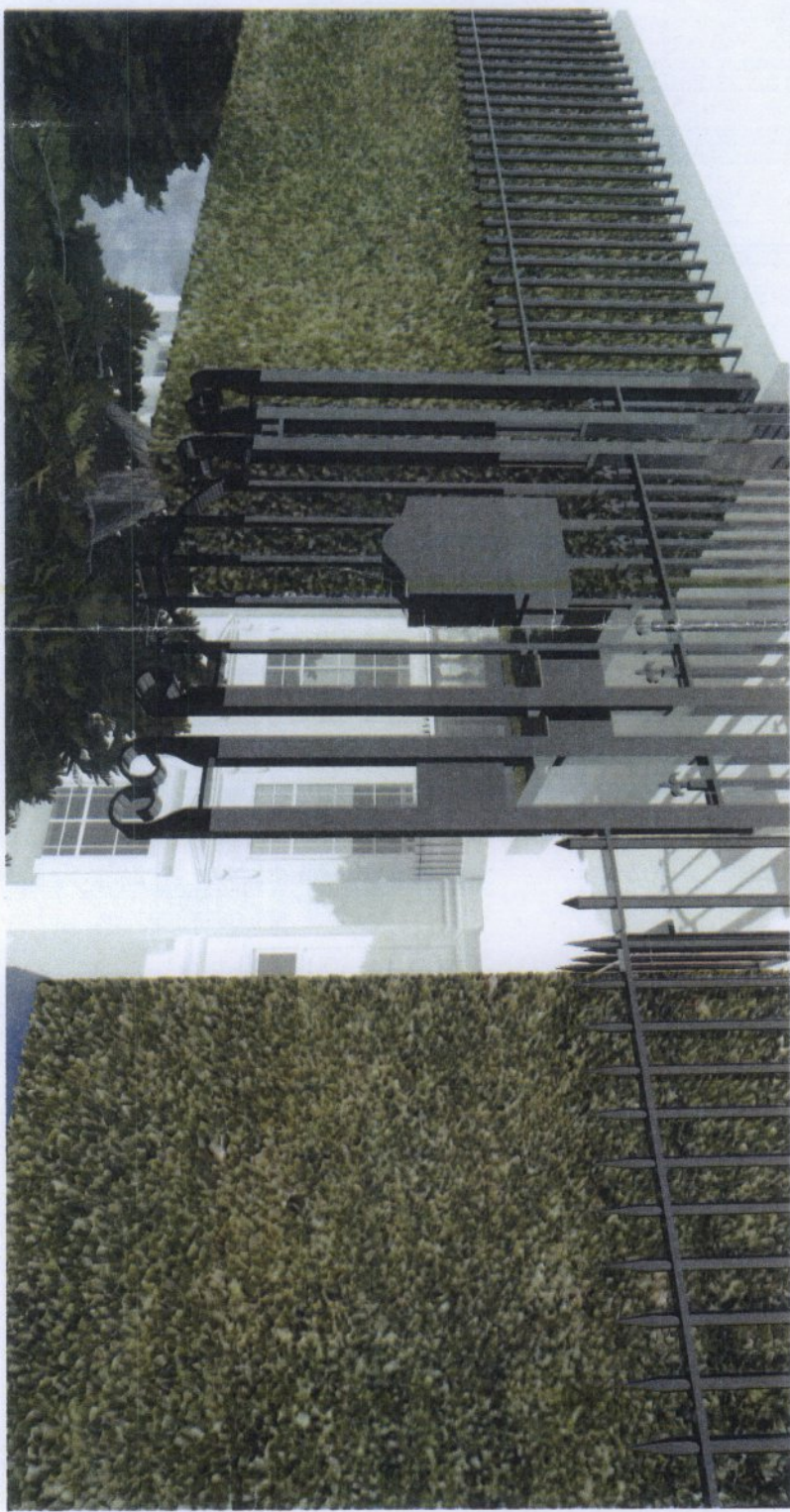


10 The Old Rectory
 15 St Albans Road
 London EC1M 4AN
 +44 (0) 20 7323 2062 +44 (0) 847 95 3000

Note:
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 All dimensions are in Millimetres, unless otherwise stated.
 Drawing not for construction. Do not scale from this drawing. All dimensions to be reported to the Project Architect before any work commences.

Client
Mike Secretan
 15 St Albans Road
 London EC1M 4AN
 Email: msecretan@fourfoursixsix.com

Project Architect
fourfoursixsix
 Contact: David Williams
 Email: dwilliams@fourfoursixsix.com



CASE COPY
 TP
 RN
 ADDRESS

No.	Description	Date	By	Checked
A				
B				
C				
D				
E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: VISUALISATION
Drawing No.: 116

V 800

Date: 07/10/2014
Scale: A3
Rev: N/A

PROPOSED
 Visualisation

43 St John Street
 London EC1M 4AN
 +44 (0) 20 7333 2650 +44 (0) 840 89 5000

Note:

The above drawings, specifications, ideas, designs and arrangements represented are provided for the project of the Project Architect. No liability is accepted for any errors or omissions used in conjunction with any other work or project. The Project Architect is not responsible for the preparation and distribution for, without written consent of the Project Architect.

All dimensions are in millimetres, unless otherwise stated.

Drawings not for construction. Do not scale from drawings. Any alterations to be marked on the Project Architect before any work commences.

Client

Mike Sevelan

Mobile: 0773 352 7362
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Project Architect

fourfoursixsix

Company: 2007458389
 Email: info@fourfoursixsix.com



CASE COPY

TP
 RN
 ADDRESS

Rev	Description	Date	By	Check
A				
B				
C				
D				
E				
F				
G				

Project: 10 Warwick Avenue
Location: LONDON, UK
Status: CONCEPT
Project No.: 116
Drawing Title: VISUALISATION
Drawing No.: V 801

V 801

Date	Scale	Rev
07/10/2014	A3	
	N/A	

PROPOSED
 Garden Visualisation

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Agenda Item 9

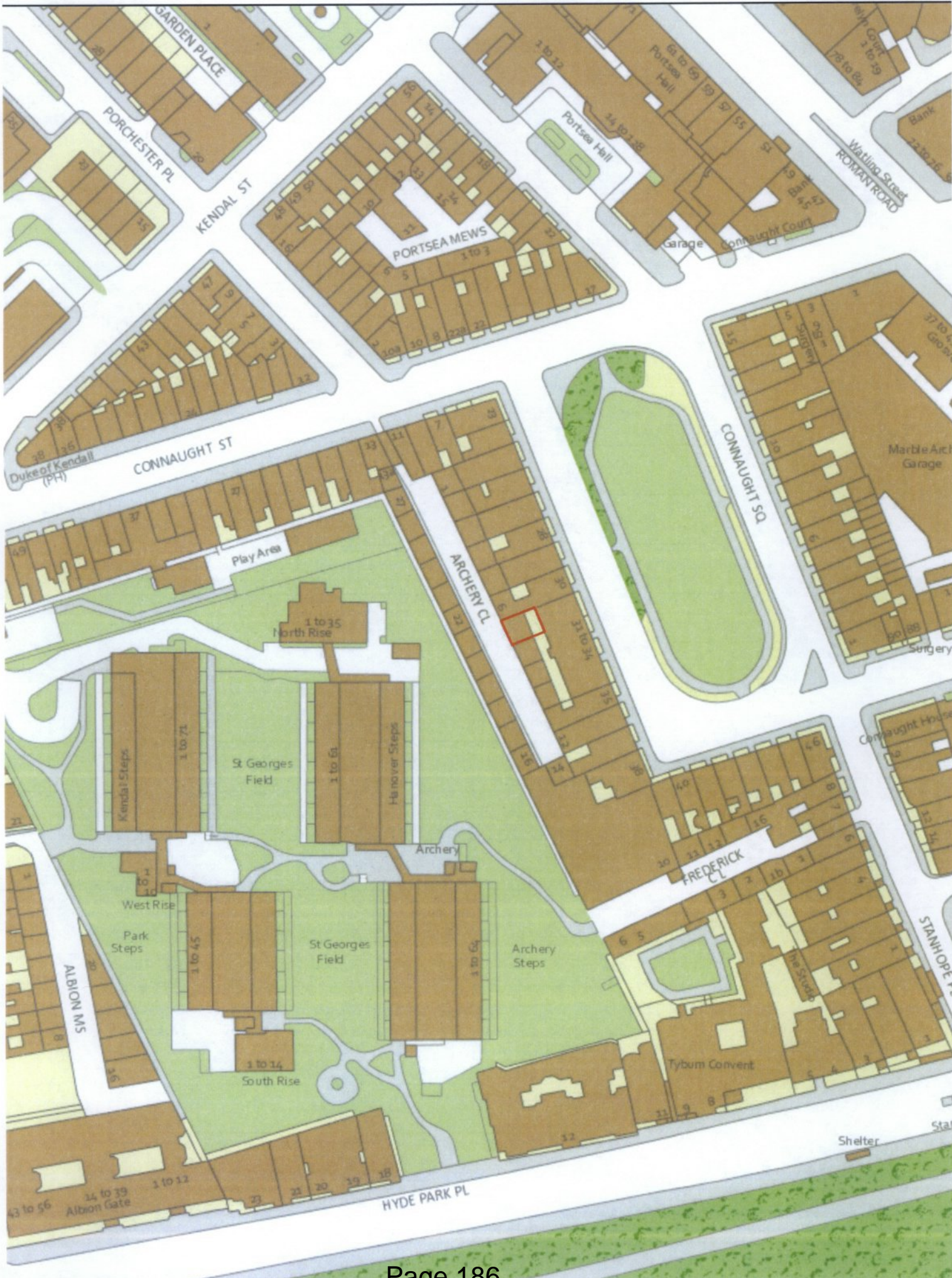
Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Hyde Park	
Subject of Report	7 Archery Close, London, W2 2BE		
Proposal	Erection of glazed openable roof to enclose rear garden at lower ground floor level.		
Agent	Turley		
On behalf of	c/o agent		
Registered Number	14/11604/FULL	TP / PP No	TP/25374
Date of Application	24.11.2014	Date amended/ completed	26.01.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





7 ARCHERY CLOSE, W2
Page 187

2. SUMMARY

No. 7 Archery Place is a modern two storey plus basement mews property located within the Bayswater Conservation Area. The property has an authorised use as a dwellinghouse.

Permission is sought for the erection of a glazed openable roof to enclose the rear garden at lower ground floor level.

The key issues in this case are:

- The impact of the proposals on the residential amenity of neighbouring occupiers.
- The impact of the proposed works on the character and appearance of the Bayswater Conservation Area.

An application for a similar proposal involving the enclosure of the same area with a fully glazed, slightly higher retractable roof with a glazed side panel resting on the boundary wall with No.8, was approved in September 2013. A roof enclosure was constructed at the property which was not built in accordance with the approved scheme. The construction was higher than the approved scheme and had more non glazed elements, particularly on the elevation adjacent to No. 8 Archery Close. An enforcement notice was served in August 2014 requiring that the works be removed or that they be altered in accordance with the planning permission granted in September 2013. An appeal has been made against the enforcement notice on the grounds that planning permission should be granted for the works that had been carried out and that the City Council has not allowed adequate time for the notice to be complied with. The proposals under consideration for this application propose a reduced height roof/enclosure.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies and the application is recommended for approval.

3. CONSULTATIONS

FIRST CONSULTATION

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 14; Total No. of Replies: 2.

One comment from neighbour that the upheaval created by ongoing works at the site and neighbouring properties should be considered.

One objection letter from neighbours at 8 Archery Close on the following grounds.

Design

- Approved design was lightweight compared with what was built which was more solid with cavity wall, part solid roof and heavy dark coloured metal frame and with a height of 3.45m as opposed to the approved 2.6m. Loss of much of rear wall to create open plan area rather than adding two patio doors and two fixed windows as shown on the approved drawings.

Amenity

- Decrease in light - any height increase above 2.6m and not of glass construction should not be acceptable.

- Extension occupies 100% of curtilage which increases the sense of enclosure and is overwhelming to residents of 8 Archery Close and does not provide amenity space for sitting out, rainwater drainage and repair and maintenance of surrounding properties.
- Solid wall and solid elements of roof mean that the proposal still creates a sense of enclosure to No.8.

Other

- Were not consulted on previous application.
- Drawings inaccurate, especially position of balcony handrail lintel and height of person standing on flat roof. Also show different heights in different drawings.
- Height should be measured from patio of No.8 as 7 Archery Close patio has been raised by 15cm.
- Title of application as "glass enclosure" wrong because no glass side panel and part solid roof.

ADVERTISEMENT/SITE NOTICE: Yes.

SECOND CONSULTATION (CORRECTION TO INACCURACIES IN DRAWINGS AND CHANGES TO DRAINAGE ARRANGEMENTS)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 15; Total No. of Replies: 1.

One objection letter from neighbours at 8 Archery Close on the following grounds (to be added to previous objections).

Design

- Present application not a lightweight glass enclosure.
- Incompatible with surrounding residential environment - more commercial than residential.

Amenity

- Still a decrease in light as shown by 45 degree angle. State that any height above 2.6m will interfere with light to Archery Close and should not be acceptable as previously stated by the Planning department.
- Sense of enclosure created by solid nature of extension and side wall.
- Current planning application occupies 100% of curtilage of No.7 resulting in increased sense of enclosure to residents of No. 8.
- Also results in a lack of ability to drain rainwater within property boundary, repair and maintenance space.

Other

- Were not consulted on previous application.
- Previous application did not involve removal of external wall just new windows. Did not have planning permission to incorporate into building and increase floorspace.
- Original planning permission was totally ignored and replaced by unauthorised extension. City of Westminster was aware it had been constructed incorrectly as at a later date were supplied with name of Approved Inspector's firm for Building Regulations.
- Dividing wall not a party wall but on side of No. 8.
- Previous planning permission decision main consideration was its lightweight and inconspicuous nature.
- Title of application as "glass enclosure" wrong because no glass side panel and part solid roof.
- No provision within the boundary of No.7 for rainwater drainage. Current guttering is attached to nothing and water cascades onto patio of 8 Archery Close. Coping stones

added to boundary wall with No. 8 should be removed to prevent splashing onto No. 8 which can affect foundations and increase dampness in No. 8.

- Applicant should be required to demolish unauthorised extension and Council should not consider alternative applications until this is done.
- Question why need to make a further application on same subject.
- Question how Building Regulations was signed off "off plan".

4. BACKGROUND INFORMATION

4.1 The Application Site

No. 7 Archery Place is a modern two storey plus basement mews property located within the Bayswater Conservation Area. The property has an authorised use as a dwellinghouse.

4.2 Relevant History

Planning permission was granted in September 2013 (Ref: 13/05253/FULL) for the erection of a single storey glass enclosure to the rear garden at lower ground floor level with opening roof sections, installation of replacement windows, enlargement of window openings and fenestration changes. A roof system/enclosure was constructed at the property which was not built in accordance with the approved drawings. The construction was higher than the approved scheme and was of more solid appearance. An enforcement notice was served on these works in August 2014 requiring that they be removed or altered in accordance with the September 2013 planning permission. An appeal has been lodged against the enforcement notice on the grounds that planning permission should be granted for the works and that the City Council have not allowed adequate time for the notice to be complied with. The appeal has yet to be determined.

5. THE PROPOSAL

This application seeks approval for an amended scheme for an openable glazed roof enclosing the rear garden. It is lower than the approved scheme both in its overall height and its height at the boundary with No. 8 Archery Close. It differs from the approved scheme in design as it has more of a solid surround with a glazed openable central roof area.

6. DETAILED CONSIDERATIONS

6.1 Land Use

No change of land use is proposed as part of the application. Policy H3 states that proposals for extensions to existing housing will be acceptable in principle.

6.2 Townscape and Design

As with the approved 2013 application, the addition of the glazed infill extension in this location is considered acceptable in design terms because of its limited visibility in a largely enclosed location. There are already a number of examples of rear extensions in the street where the gap between the Archery Close and Connaught Square properties is fully infilled including between Nos. 1-6 Archery Close and 25-30 Connaught Square and most properties have at least part of the rear yard infilled. The proposed infill at No.7 is less conspicuous than many of these due to the largely glazed nature of the infill, the ability for it to be opened and the fact it is lower than most examples. The former two elements also allow a continued appreciation of the original gap between the mews building and its neighbour on Connaught Square.

Although not as lightweight a design as the approved scheme due to the solid element surrounding the glazed openable roof, it is still a largely glazed structure between solid boundary walls and any increase in solidity is considered to be compensated for by the reduction in height in terms of its visual impact.

Objections from the neighbour at No.8 have been received on the grounds that the approved design was lightweight compared with what was built which was more solid with cavity wall, part solid roof and heavy dark coloured metal frame and with a height of 3.45m as opposed to the approved 2.6m. As discussed above, the proposal under consideration is lower than the unauthorised and the permitted scheme and although the design is altered to introduce more solid elements, for the reasons outlined above, it is considered acceptable on design grounds.

The objector has also objected to the loss of much of the original rear wall to create an open plan area rather than adding two patio doors and two fixed windows as shown on the previously approved drawings. It is not considered that the removal of the lower ground floor wall is contentious in design terms. Such works would not be visible and could be completed under permitted development once the planning permission was implemented and the wall became internal.

The objector has also stated that the proposal is incompatible with the surrounding residential environment and is of more commercial than residential appearance. However, the predominant material is glass and metal framing which is commonly used in a residential environment. The limited height and location at lower ground floor level largely between existing boundary walls means that this is not considered a sustainable reason for refusal.

6.3 Residential Amenity

It is not considered that the proposal would result in any detrimental impact to the amenity of surrounding properties. The roof would be contained on three sides within existing blank walls and the rear wall of the host building. At the boundary with No. 8 Archery Close the proposal would result in an increase of approximately 30cm. The structure would then slope up from this height away from the boundary to accommodate the glazed roofing system and would have a modest maximum height of 2.5m (2.6m if measured from No.8 patio level as requested by the objector). This means that the proposal is 1 cm lower than the approved scheme at its maximum height and 50cm lower at the boundary wall with No.8. It is considered that this reduction in height compensates in amenity terms for the fact that the proposed scheme does not have a glazed side panel which could in any case be internally blocked to prevent light penetration. The proposal would not have a material impact on the amenity of No.8 in terms of loss of daylight/sunlight or sense of enclosure considering the modest increase in height proposed at the boundary and the fact the yard area is already largely enclosed in any case.

The occupiers of No.8 have objected to the proposal on the grounds of loss of light and sense of enclosure which as explained above are not considered sustainable. The objection states that the fact that the proposal occupies 100% of the curtilage of the back yard area means that the proposal increases the sense of enclosure to No. 8 and does not provide amenity space for sitting out, rainwater drainage and repair and maintenance of surrounding properties. It is considered that key to the sense of enclosure experienced by No.8 is the increase in height adjacent to their boundary as opposed to the amount of the neighbouring premises occupied by the roof. There are numerous examples along the street of where the gap between the buildings on Archery Close and Connaught Square have been fully infilled and many examples where they have been partly infilled. Because of their enclosed nature, the yards have limited amenity value and in the case of this proposal, as with the 2013 permission, the openable glazed roof at least allows the area to be multifunctional and become a semi outside space when required. The maintenance of the subject premises and neighbouring properties could still be facilitated regardless of if the proposal was erected or not.

Although not a planning consideration, the applicant has demonstrated in their amended drawings that provision has been made for rainwater drainage from the extension within the application site.

The objector also states that any height above 2.6m and not of a glass construction will always interfere with light to Archery Close and should not be acceptable as previously stated by the Planning department. This appears to be referring to an extract of the officer's report for the September 2013 planning permission which merely stated that that proposal resulted in only a modest 2.6m height at the boundary wall and would not have a significant impact on the daylight and sunlight or sense of enclosure to No.8. It did not suggest that any increase beyond that would result in an unacceptable impact on the light to No.8. In any case the height of the enclosure at the boundary wall of the proposed scheme is less than 2.6m (approximately 2.1m when measured from the patio of No.8).

6.4 Transportation/Parking

Not applicable.

6.5 Economic Considerations

Not applicable.

6.6 Diversities and Equalities

Not applicable.

6.7 Other City Plan/UDP/Westminster Policy Considerations

Not applicable.

6.8 London Plan

Not applicable.

6.9 Planning Obligations

Not applicable.

6.10 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Not relevant.

6.12 Other Matters

The occupiers of No.8 have stated that they were not consulted on the 2013 application. Council records indicate that letters were sent to six neighbouring properties, including No.8 on 25 July 2013 as part of the consultation for this application. Site and press notices were also published.

The objectors pointed out in their response to the initial consultation that a number of inaccuracies were present on the submitted drawings including the position of the balcony handrail, French door lintel and height of person standing on the flat roof of No. 8. The applicant has since revised the drawings to correct these inaccuracies.

It was also pointed out that the title/description of the proposal as a "glass enclosure" is inaccurate because it does not have a glass side panel and has a part solid roof. The majority of the enclosure is made up of glazed panels and it is not considered that the description is inaccurate, however, for absolute clarity the description of the proposal has been changed to "Erection of glazed openable roof to enclose rear garden at lower ground floor level".

An objection has also been received on the grounds the original planning permission was totally ignored and replaced by an unauthorised extension and that the City of Westminster were aware it had been constructed incorrectly as at a later date they were supplied with the name of an Approved Inspector's firm by Building Regulations. It is unclear exactly how this objection relates to the proposal. The fact that the objector had been provided with details of the Approved Inspector for the extension does not mean that the City Councils District Surveyor would have a responsibility to check it had been built in accordance with the relevant planning permission. The Approved Inspector has a statutory obligation to review the development against Building Regulations, not the planning permission, The City Council is not obliged to reassess the Approved Inspector's Building Regulations work let alone review it against the planning permission.

The objector states that the boundary wall between No.7 and No.8 is not a party wall but is constructed on No.8 side. Although party wall issues are not planning considerations, notifying all with an ownership interest in the land where the works are proposed is required. The owner of No. 8 was served with notice of the application as part of the application according to the planning application form. It would appear in any case that the proposal involves the construction of the side wall of the enclosure inside the existing wall.

The objection also states that no provision has been made within the boundary of No.7 for rainwater drainage, that the current guttering is attached to nothing and water cascades onto the patio of 8 Archery Close. Coping stones added to the boundary wall with No. 8 should be removed to prevent splashing onto No. 8 which can affect foundations and increase dampness in No. 8. As discussed above, the applicant's amended drawings have addressed the issue of rainwater drainage and show that this will be provided for within the site. It is not considered that it would be reasonable for the application to be refused on this basis.

An objection has also been lodged on the grounds that the applicant should be required to demolish the unauthorised extension and the Council should not consider alternative applications until this is done. This would neither be reasonable nor helpful in regularising the unauthorised works.

The objectors also question why the applicant needs to make a further application on the same subject. A new application was required for the works as the proposal under consideration is materially different to the approved scheme.

7. CONCLUSION

It is recommended that conditional permission is granted for the proposal.

BACKGROUND PAPERS

1. Application form.
2. Letter from owner/occupier of 8 Archery Close dated 11.12.2014
3. E-mail from owner/occupier of 30 Connaught Square dated 17.12.2014
4. Letter from owner/occupier of 8 Archery Close dated 9.02.2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

Address: 7 Archery Close, London, W2 2BE

Proposal: Erection of glazed openable roof to enclose rear garden at lower ground floor level.

Plan Nos: Revised drawings 1269SK001; 1269SK002; 1269PL930RevA; 1269PL931RevA; 1269PL932RevA; 1269PL933RevA; 1269PL934RevA; 1269PL940RevA; 1269PL941RevA; 1269PL942RevA; 1269PL943RevA; 1269PL944RevA; 1269PL950RevA; 1269PL951RevA; 1269PL952RevA; 1269PL953RevA; 1269PL954RevA;

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

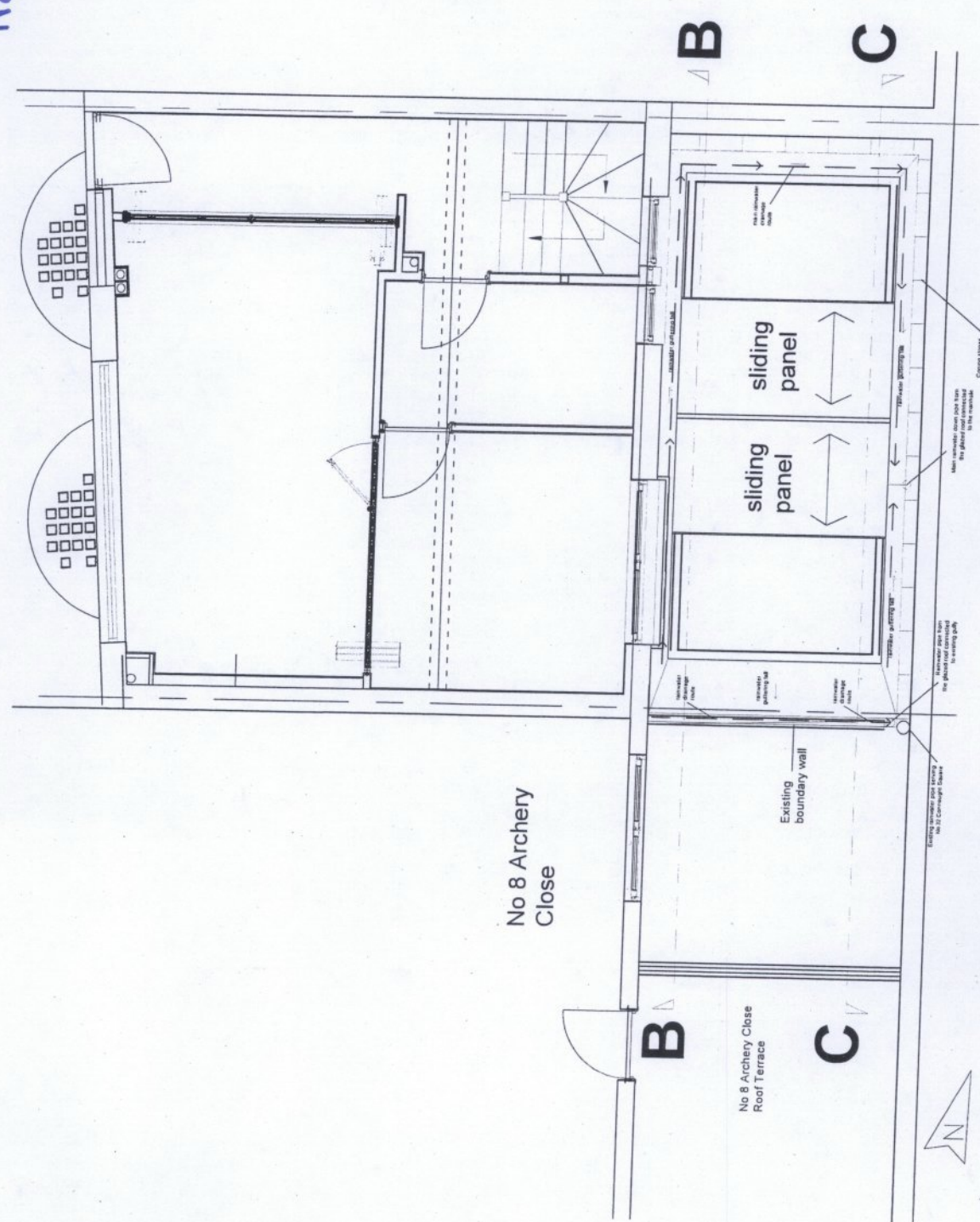
Informative(s):

- 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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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.

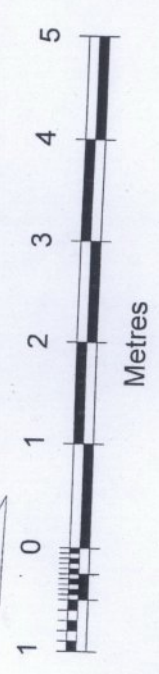
Proposed

NOTES:
 CHANGING DEVELOPMENT: The
 drawing and notes are submitted for
 approval under the provisions of the
 Planning Act 2008 and the Planning
 Regulations 2015. The applicant
 warrants that the information provided
 is true and correct and that the
 proposed development complies with
 the relevant planning legislation.
 It is the responsibility of the Contractor to
 ensure that the proposed development
 complies with the relevant planning
 legislation and to obtain any necessary
 planning consent.

ANNEXATION: ARCHERY A
 150112
 REGION: LONDON
 PLANNING APPLICATION #:
 141112
 ARCHERY CLOSE
 HOUSE NO 7
 PLANNING APPLICATION
 LONDON
 REAR EXTENSION
 ROOF PLAN
 Project No: 150112
 SHEET NO: 1
 DATE: 12/09/14
 DRAWN BY: JH
 CHECKED BY: JH
 PROJECT NO: 150112
 1289 PL 934 A30



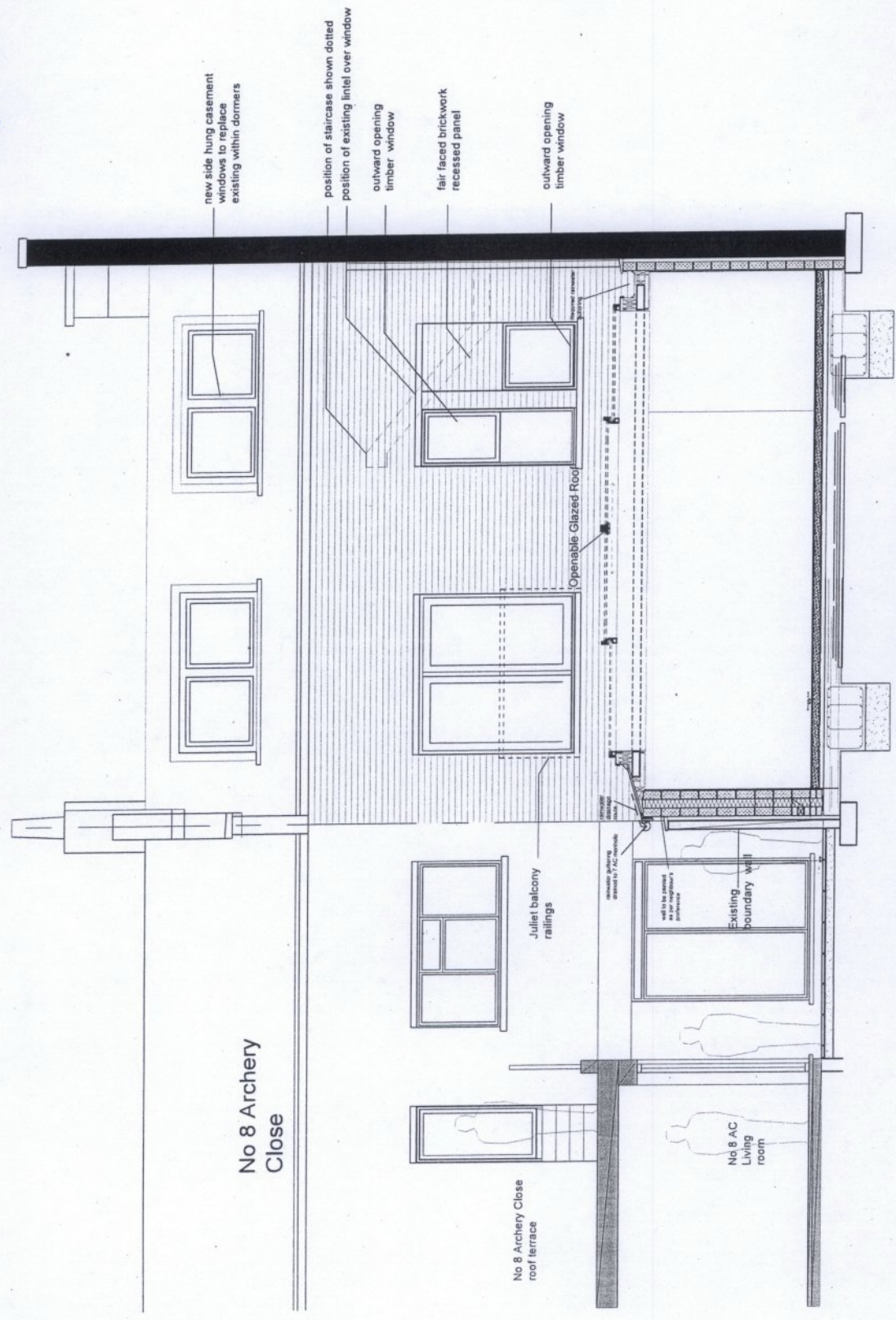
REAR EXTENSION ROOF PLAN



NOTES:
 CHANGING LOCAL DEVELOPMENT: The drawing is NOT a final stage or a final proposal. It is a preliminary drawing and is subject to change without notice. It is to be used for information only and is not to be used for any other purpose.
 DESIGN COORDINATION: All design elements have been coordinated with the relevant authorities. The design is based on the information provided by the client and is subject to change without notice. The client is responsible for the accuracy of the information provided and for any third party design.

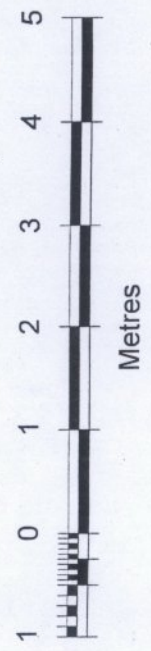
NEIGHBOURING ELEVATION SHOWN UNTRIMMED AND UNFINISHED
 14.12.18
 DESIGNED FOR
 14.11.12
 PLANNING APPLICATION #
 ARCHERY CLOSE HOUSE NO 7
 PLANNING APPLICATION
 LONDON
 SECTION B-B
 (Proposed Elevation)
 1/50@A3
 PH
 HE
 14.11.12
 1269 PL 932 A30

Proposed



SECTION B-B

(section through closed glazed Roof above courtyard)



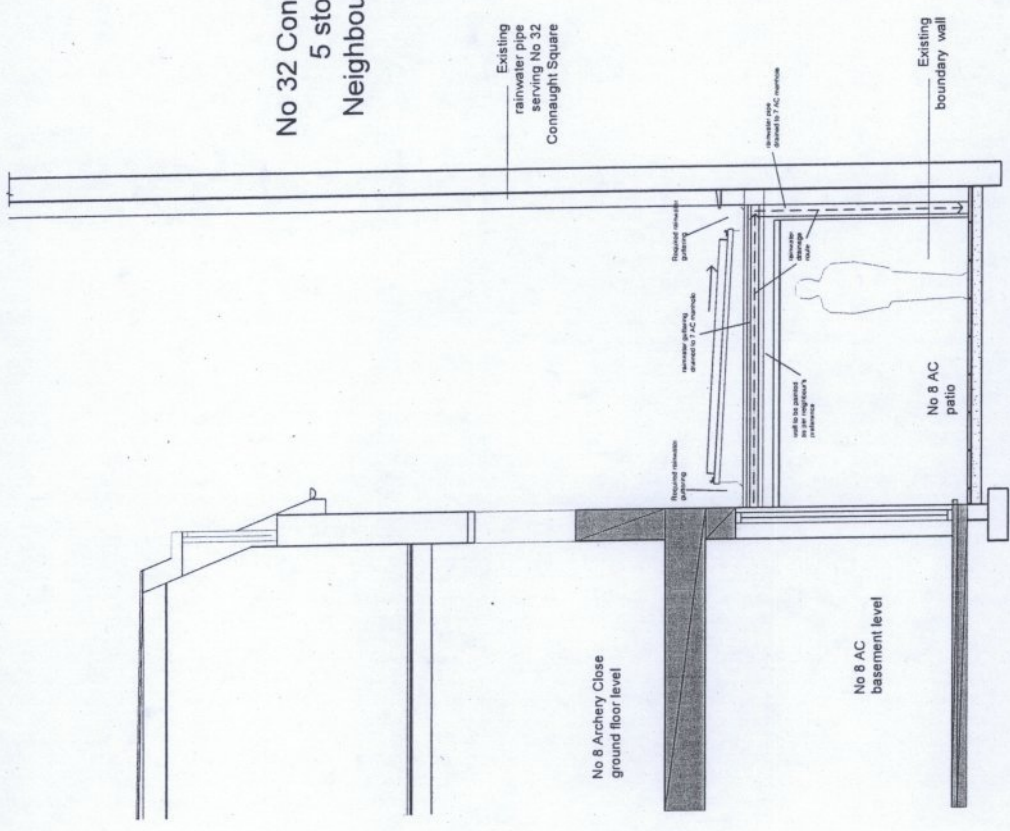
NOTES
CHANGING DESIGN DEVELOPMENT: The
designer shall be responsible for the
design and construction of the
structure and any other works
required for the development.
The designer shall be responsible for
the design and construction of the
structure and any other works
required for the development.
The designer shall be responsible for
the design and construction of the
structure and any other works
required for the development.

NEIGHBOURING ELEVATION NUMBER:
AND ADDRESS: A
14.12.18
PLANNING APPLICATION #
14.11.12
ARCHERY CLOSE
HOUSE NO 7

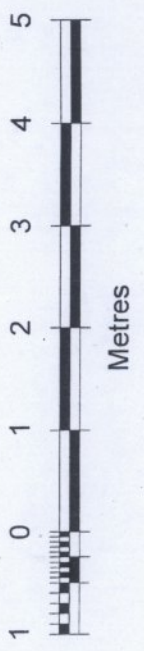
PLANNING APPLICATION
LONDON
SIDE ELEVATION
Project Ref: 1/50@A2
Date: 14.11.12
PH
1269 PL 93 | A30

Proposed

No 32 Connaught Square
5 storey Rear
Neighbouring Property



SIDE ELEVATION
(from No 8 Archery Close Patio)



NOTES

GROUND DATA DEVELOPMENT: The production of this drawing and other documents is based on the information provided to the architect by the client. The client is responsible for the accuracy of the information provided. The architect does not warrant the accuracy of the information provided and shall not be liable for any loss or damage caused by the use of the information provided.

DESIGN RESPONSIBILITY: The architect is responsible for the design of the building and shall be liable for any loss or damage caused by the use of the building.

CONTRACTOR RESPONSIBILITY: The contractor is responsible for the construction of the building and shall be liable for any loss or damage caused by the use of the building.

PLANNING APPLICATION: The architect is responsible for the preparation of the planning application and shall be liable for any loss or damage caused by the use of the planning application.

ISSUED FOR: ARCHERY CLOSE HOUSE, NO. 7

PLANNING APPLICATION # 14.11.12

DATE: 14.11.12

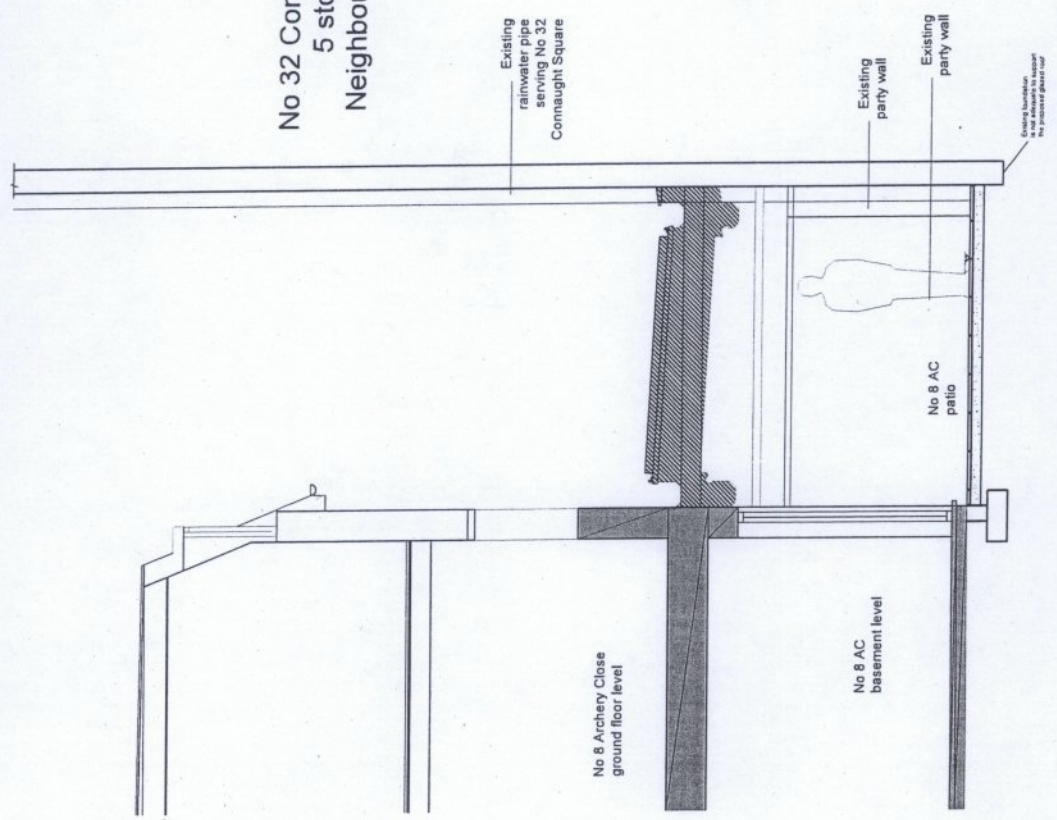
SCALE: 1/50 @ A3

PROJECT: 1269PL 941#30

DATE: 14.11.12

Unauthorised

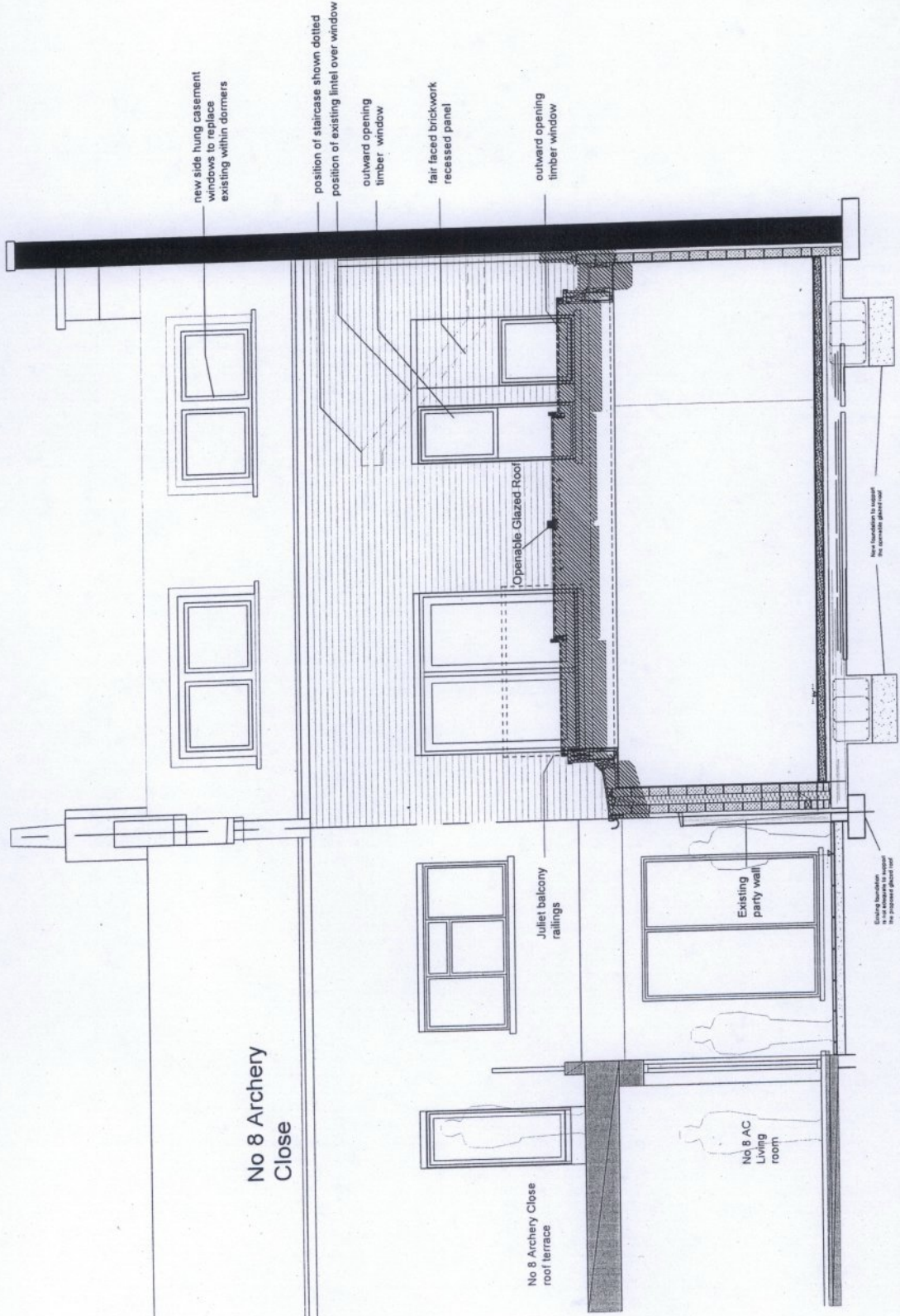
No 32 Connaught Square
5 storey Rear
Neighbouring Property



SIDE ELEVATION
(from No 8 Archery Close Patio)

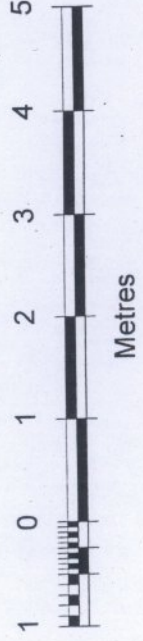
NOTE: SECTION B-B (RIGHT) The drawing is NOT a structural drawing or a structural calculation. It is a planning drawing and should not be used for structural purposes. It is the responsibility of the structural engineer to provide the necessary structural calculations and drawings for the proposed design. It is the responsibility of the architect to ensure that the design is in accordance with the relevant building regulations and to provide the necessary details for the proposed design.

Unauthorized



SECTION B-B

(section through closed glazed roof above courtyard)

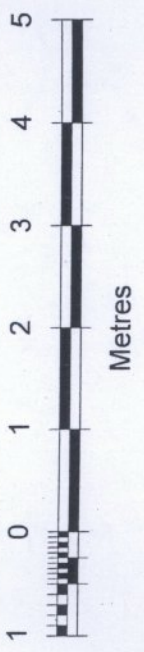
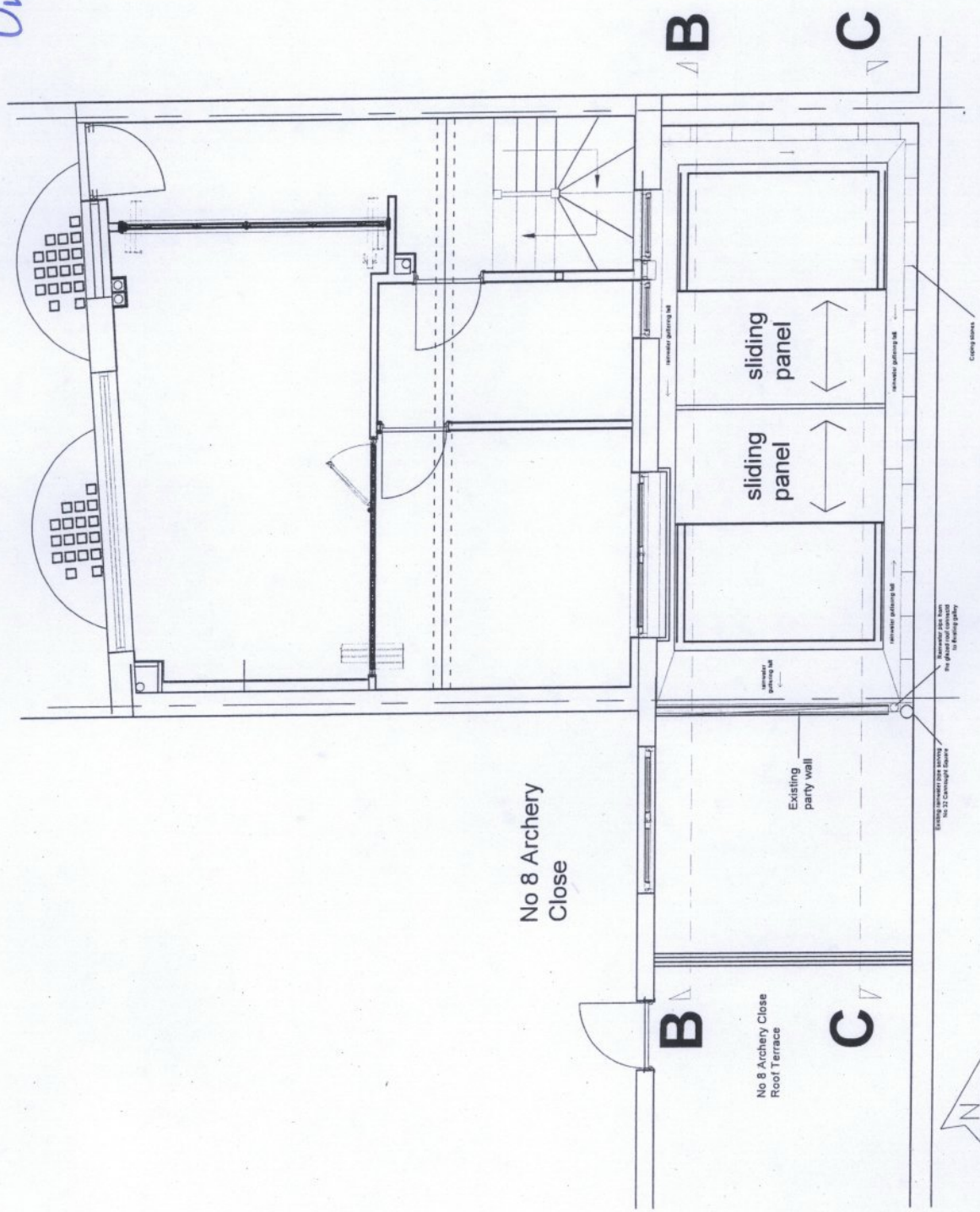


ISSUED FOR
PLANNING APPLICATION #
14.11.12
ARCHERY CLOSE
HOUSE NO. 7
LONDON
SECTION B-B
(see north arrow)
1/50@A3
14.11.12
1269PL94230

Unauthorized

NOTES:
1. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT OR THE CONTRACTOR.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL AUTHORITIES.
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9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL AUTHORITIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL AUTHORITIES.

ISSUED FOR: 14.11.12
PLANNING APPLICATION # 14.11.12
AFCHEERY CLOSE HOUSE NO. 7
1/500A.3
14.11.12
1260PL94430



REAR EXTENSION ROOF PLAN

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