



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (4)**

Meeting Date: **Tuesday 27th October, 2015**

Time: **6.30 pm**

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

Members: **Councillors:**

Tony Devenish (Chairman)
Jonthan Glanz
Angela Harvey
Jason Williams

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, Committee and Governance Officer.

**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

To note any changes to the membership.

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. TREE PRESERVATION ORDER 628, 11 GERALD ROAD, SW1W 9EH

Report of the Director of Law:

(Pages 1 - 12)

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. 11 GERALD ROAD, NW6

(Pages 19 - 30)

2. LORDS CRICKET GROUND, ST JOHN'S WOOD ROAD, NW8

(Pages 31 - 102)

3. 12 TREVOR SQUARE, SW7

(Pages 103 - 124)

4. 5 DENNING CLOSE, NW8

(Pages 125 - 148)

5. 98 WESTBOURNE GROVE, W2

(Pages 149 - 168)

- | | | |
|-----|--|----------------------|
| 6. | 3 HALL GATE, NW8 | (Pages 169 -
180) |
| 7. | 31 EASTCASTLE STREET, W1 | (Pages 181 -
210) |
| 8. | 41 FARM STREET, W1 | (Pages 211 -
224) |
| 9. | 32 HARCOURT STREET, W1 | (Pages 225 -
244) |
| 10. | 5 BINGHAM PLACE, W1 | (Pages 245 -
274) |
| 11. | 9 MONTAGU BRYANSTON AND DORSET SQUARE
MEWS WEST, W1 | (Pages 275 -
288) |
| 12. | 40-41 PALL MALL, SW1 | (Pages 289 -
330) |
| 13. | CLUTHA HOUSE, 10 STOREY'S GATE, SW1 | (Pages 331 -
362) |

Exempt Information under the Local Government Act (1972)

RECOMMENDED: That under section 100 (A) (4) and Schedule 12A of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person.

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| 14. | 8 CARLTON VALE, NW6 | (Pages 363 -
370) |
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Charlie Parker
Chief Executive
19 October 2015

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Executive Summary and Recommendations

Title of Report: **Tree Preservation Order No. 628
(2015)
11 Gerald Road, London SW1W
9EH**

Date: **27th October 2015**





Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 628
(2015) 11 Gerald Road, London
SW1W 9EH**

Date: 27th October 2015

Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect one London Plane tree (T1) located in the rear garden at 11 Gerald Road London SW1W 9EH. The TPO is provisionally effective for a period of six months from 29th May 2015 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 28th November 2015.

The TPO was made because the tree has significant amenity value and makes a positive contribution to the character and appearance of the area. The City Council, having been made aware of the proposal to remove T1 considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

Objection to the TPO has been made by Norman Rourke Pryme Limited and ACS Consulting on behalf of the owner of 11 Gerald Road.

The City Council's Arboricultural Officer has responded to the objections.

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 628 (2015); OR

(b) Confirm Tree Preservation Order No. 628 (2015) with or without modification with permanent effect.



City of Westminster

Committee Report

Item No:	
Date:	27 October 2015
Classification:	General Release
Title of Report:	Tree Preservation Order No. 628 (2015) 11 Gerald Road, London SW1W 9EH
Report of:	The Director of Law
Wards involved:	Knightsbridge and Belgravia
Policy context:	
Financial summary:	No financial issues are raised in this report.
Report Author:	James Holliman
Contact details	jholliman@westminster.gov.uk

1. Background

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 628 (2015), authorised by the Operational Director Development Planning acting under delegated powers on 28th May 2015, was served on all the parties whom the Council is statutorily required to notify and took effect on 29th May 2015.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they have to be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 628 (2015) was made following the receipt by the City Council of six weeks notice of intention to remove the London Plane tree (T2) submitted under section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas). The Tree is situated within the Belgravia Conservation Area. On receipt of such notice the City Council can either raise no objections to the works or make a Tree Preservation Order.
- 1.4 Removal of the London Plane tree was proposed on the grounds that the tree has outgrown its current location and has the potential to further dominate the property as it increases in size. The tree causes excessive nuisance associated with leaf and debris fall and the leaf hairs cause respiratory problems to the house holders. The tree also causes dense shade and prevents the residents from fully enjoying the property and its garden.
- 1.5 Subsequent to the making of the TPO the City Council received two objections.

2. Objection by Norman Rourke Pryme Limited

- 2.1 On 26th June 2015 the Head of Legal and Democratic Services received an email from Norman Rourke Pryme Limited objecting to the grounds for making the TPO, namely the significant public amenity value of the tree and the need to safeguard its preservation and future management.

3. Objection by ACS Consulting on behalf of the owner of 11 Gerald Road

- 3.1 On 26th June 2015 the Head of Legal and Democratic Services received a formal objection from ACS Consulting.
- 3.2 The grounds for objection were as follows:
 - 3.2.1 The TPO is not appropriate on the basis that the tree is secluded and is not visible by the general public from a public place.

3.2.2 The tree's general health and condition does not warrant protection in its own right.

3.2.3 The tree has no cultural or historic significance.

3.2.4 The tree does not make a significant contribution to the character and appearance of the conservation area.

4. Revised Objection by ACS Consulting

4.1 On 7th July 2015 the Head of Legal and Democratic Services received revised objection from ACS Consulting.

4.2 The grounds for objection were as follows:

4.2.1 The TPO is not appropriate on the basis that the tree does not meet the criteria in Government Guidance.

4.2.2 The Council's Belgravia Conservation Area Audit recognises the importance of trees but states that they should be in scale with their surroundings. T1 has out grown its locality and is inappropriate in this small garden.

4.2.3 The tree is not visible by the general public from a public space and the tree's general health and condition does not warrant protection.

4.2.4 The tree has no cultural or historic significance

4.2.5 The tree does not make a significant contribution to the character and appearance of the conservation area.

5. Response to Objection

5.1 The City Council's Arboricultural Officer responded to the objection by letter dated 18th September 2015.

5.1 The City Council considers the tree is of significant amenity value, an appropriate size and species for the location and makes a positive contribution to the character and appearance of the conservation area.

5.2 The amenity value of the tree was assessed by considering the visibility, the individual, collective and wider impact and any other factors.

5.3 The tree is visible from the neighbouring properties and partially visible from Burton Mews.

5.4 The tree is a significant specimen with good form and an attractive appearance.

5.5 The tree is not considered to be over dominant in the garden.

- 5.6 The tree enhances the rear garden views and softens the appearance of the tall buildings and as such makes a positive contribution to the character and appearance of the conservation area.
- 5.7 The tree makes some contribution to carbon dioxide absorption and nature conservation.

6. Support for retaining the London Plane Tree (T1)

- 6.1 In response to consultation on the section 211 notice of intent to remove the tree the City Council received two letters of objection to tree removal together with objections from the Belgrave Square Garden Committee, The Belgravia Society and the Grosvenor Estate.
- 6.2 In response to an application for consent to remove the tree the City Council received five objections to tree removal.

7. Ward Member Consultation

- 7.1 Ward member comments were sought in this matter but no responses have been received. Should any comments be received, they will be reported to the Committee at the meeting.

8. Conclusion

- 8.1 In the light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JAMES HOLLIMAN, PLANNING AND PROPERTY SECTION, LEGAL SERVICES ON 020 7641 2837 (FAX 020 7641 2761) (Email jholliman@westminster.gov.uk)

Local Government (Access to Information) Act 1985

Appendix 1 - Copy of TPO 628 (2015)

Background Papers

1. Objection by email dated 26th June 2015
2. Objection by letter dated 22nd June 2015
3. Revised objection by letter dated 7th July 2015
4. Responses to consultation and application for consent
5. Letter to objector dated 18th September 2015

TREE PRESERVATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER 628 (2015)

The Westminster City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order –

Citation

1. This Order may be cited as The City of Westminster Tree Preservation Order 628 (2015)

Interpretation

2. (1) In this Order “the authority” means Westminster City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 29th day of May 2015

THE COMMON SEAL OF THE LORD)
MAYOR AND CITIZENS OF THE)
CITY OF WESTMINSTER was)
hereunto affixed by order:)





~~Head of Legal and Democratic Services~~

Principal Solicitor

Seal No 134
59103

SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	London Plane	11 Gerald Road, London SW1W 9EH

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



Scale 1:1,250
 0 5 10 20 Metres



Map produced by Corporate GIS Team
 Date: May 2015 Map Reference: 628



 City of Westminster
 Corporate GIS Team

Tree Preservation Order Westminster No. 628.
 11 Gerald Road, London, SW1W 9EH

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The Head of Legal and Democratic Services

Signed:


 Principal Solicitor

DATED

29th May

2015

THE TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 628 (2015)

11 Gerald Road
London
SW1W 9EH

TREE PRESERVATION ORDER
MADE FOR THE PURPOSES
OF SECTION 198 OF THE
TOWN AND COUNTRY
PLANNING ACT 1990
(AS AMENDED)

Peter G Large
Head of Legal and Democratic Services
Westminster City Council
Westminster City Hall
Victoria Street
LONDON SW1E 6QP

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Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE - 27 OCTOBER 2015
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL
1	RN 15/05658/TPO Knightsbridge and Belgravia	11 GERALD ROAD, NW6	Removal of one London Plane from the rear garden of 11 Gerald Road.
<p>Recommendation</p> <p>Refuse consent.</p>			
2	RN 15/07111/FULL RN 15/07112/LBC Regent's Park	LORDS CRICKET GROUND, ST JOHN'S WOOD ROAD, NW8	Demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorer's Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new scorers Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment.
<p>Recommendation</p> <p>For Committee's Consideration:</p> <p>1. Does Committee agree that the less than substantial harm to the setting of the listed pavilion as a result of the proposed new stand is outweighed by the public benefits of the new stand and other works to the Ground, and the heritage improvements to the setting of the Grace Gates.</p> <p>2. If agree to 1. resolve to grant conditional permission subject to the concurrence of the Mayor of London and subject to the satisfactory completion of a legal agreement to secure the following:</p> <p>Construction Monitoring Contribution and Site Environmental Management Plan (SEMP) and adherence to the Construction Code of Practice.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.</p>			
3	RN 15/05331/FULL RN 15/05332/LBC Knightsbridge And Belgravia	12 TREVOR SQUARE, SW7	Excavation works into garden for extension of the existing lower ground floor level including the demolition of existing rear single storey extension. Use of the proposed extension roof as a terrace. Erection of a third floor mansard roof extension.
<p>Recommendation</p> <p>1. Grant conditional permission and conditional listed building consent.</p> <p>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>			
4	RN 15/01829/FULL Regent's Park	5 DENNING CLOSE, NW8	Creation of new basement storey with two front lightwells, one rear lightwell and one rear glazed rooflight.
<p>Recommendation</p> <p>Grant conditional permission.</p>			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE - 27 OCTOBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL
5	RN 15/01715/TCH RN 15/04113/FULL Bayswater	Application 1: 98 WESTBOURNE GROVE, W2 Application 2: 43 HEREFORD ROAD, 2 - 6 BOTTS MEWS, 2 CHEPSTOW ROAD, 104 - 106 WESTBOURNE GROVE, 98 - 112 WESTBOURNE GROVE, W2	Use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage.
			Variation of Condition 13 (tables and chairs) of planning permission dated 7 February 2003 (RN 02/03540) for part demolition/redevelopment to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works; namely to remove restrictions outside of No. 98 Westbourne Grove (Cote restaurant) only.
Recommendation 1. Grant conditional permission. 2. Grant conditional permission.			
6	RN 15/05588/ADFULL Regent's Park	3 HALL GATE, NW8	Details of a construction management plan pursuant to Condition 3 of planning permission dated 06 January 2015 (RN: 14/10072).
			Recommendation Approve details.
7	RN 15/04232/FULL West End	31 EASTCASTLE STREET, W1	Use of the lower ground and ground floors as a restaurant (Class A3); installation of a high level extract duct to rear; new access to front; replacement balustrade to front lightwell and alterations to the shopfront. Installation of plant within an enclosure in the rear lightwell at lower ground floor level.
			Recommendation Grant conditional permission.
8	RN 15/01607/FULL RN 15/01608/LBC West End	41 FARM STREET, W1	Retention and relocation of plant and installation of associated acoustic enclosures on the rear second floor level.
			Recommendation Had an appeal not been lodged, permission and listed building consent would have been refused on the grounds that the proposed plant installation would harm the appearance of this listed building and detrimentally impact upon the character and appearance of the Mayfair Conservation Area.

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE - 27 OCTOBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
9	RN 15/04723/FULL RN 15/04724/LBC Bryanston And Dorset Square	32 HARCOURT STREET, W1	Erection of a single storey rear extension at lower ground floor level and alterations to the front elevation including the removal of redundant advertising. Installation of a new rear high level extract duct in connection with the existing public house and internal alterations at all floor levels.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
10	RN 15/02805/FULL Marylebone High Street	5 BINGHAM PLACE, W1	Demolition of the existing dwelling behind the retained front facade. Excavation beneath site and erection of replacement dwelling (Class C3) over two basement storeys, ground, first and new mansard second storey. Use of Part of 21 Nottingham Place to form part of replacement dwelling (Class C3).	
	Recommendation Grant conditional permission.			
11	RN 15/04673/FULL Bryanston And Dorset Square	9 MONTAGU BRYANSTON MEWS WEST, W1	Erection of a second floor roof extension and re-configuration of existing terrace and other associated external alterations.	
	Recommendation Grant conditional permission.			
12	RN 14/10618/FULL St James's	40-41 PALL MALL, SW1 (ADDENDUM REPORT)	Demolition of 40 and 41 Pall Mall behind retained facades and redevelopment to provide a building of basement, ground and five upper floors comprising retail (Class A1) at part basement and part ground floor levels with the remainder of the building in use as four self-contained residential flats (Class C3).	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE - 27 OCTOBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
13	RN 03907/FULL St James's	CLUTHA HOUSE, 10 STOREY'S GATE, SW1	Conversion of part lower ground and all upper floors from offices (Use Class B1(a)) to 8 x residential flats (Use Class C3), including the erection of an enlarged mansard roof extension at fourth floor level, extension to wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above and associated external and internal works.	
	Recommendation Refuse permission - impact on public house.			

19/10/2015

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE -27 OCTOBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

This report is not available for public inspection because it is likely that the public will be excluded while it is being considered. The report contains information which is exempt under paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972 because it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
14	07832/TPO Maida Vale	8 CARLTON VALE, NW6	Felling of two Lime trees.	
	Recommendation Grant conditional consent.			

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For general release	
Report of Director of Planning	Wards involved Knightsbridge and Belgravia		
Subject of Report	11 Gerald Road, London, SW1W 9EH		
Proposal	Removal of one London plane from the rear garden of 11 Gerald Road		
Agent	ACS Consulting		
On behalf of	Miss Quona Mitchell		
Registered Number	15/05658/TPO	TP / PP No	TP/19396 PP-04297596
Date of Application	24.06.2015	Date amended/ completed	24.06.2015
Category of Application	Non DCLG		
Historic Building Grade			
Conservation Area	Belgravia		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Polices 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. RECOMMENDATIONS

- (i) If Committee decide to confirm Tree Preservation Order (TPO) no. 628, to refuse consent.
- (ii) If Committee decide not to confirm TPO no. 628, this application to remove the tree becomes invalid as there is no Order under which the application is made. In this case, the report is withdrawn.





11 GERALD ROAD, NW6

Item No.
1

2. SUMMARY

- 2.1 Consent is sought to remove one London plane from the rear garden of 11 Gerald Road. The application has been made on the grounds that the tree is not considered to be of public amenity value, and raises issues of over dominance, shading, leaf fall and irritating leaf hairs, which prevent full enjoyment of the garden.
- 2.2 Committee will already have considered the report of the Director of Law concerning the confirmation of TPO no. 628 which protects the tree. If Members decide to confirm the Order then the key issues to consider in relation to this application are the loss of amenity should the trees be removed, balanced with the reasons put forward to support tree removal. If Members decide not to confirm the Order, then no decision is necessary on this application and the tree can be removed without further reference to the Council.

3. CONSULTATIONS

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

As a result of notification of intent to remove the London plane tree application (15/08840/TCA), the following consultation was carried out.

No. Consulted: 21: Total No. of Replies: 2

Replies:

2 emails received from 2 local residents objecting to the removal of the tree under on the grounds that:

- The tree is healthy, in good condition and has the potential to make a continued contribution to the character of the conservation area.
- Tree removal would result in a loss of screening and privacy to surrounding properties.
- Respondents have queried the motive behind the application to remove the tree suggesting that a possible basement development may be part of the reason.
- The tree provides habitat and shelter for birdlife within the local area.

As a result of the current application to remove the London plane tree under the terms of the TPO the following consultation was carried out.

No. Consulted: 20: Total No. of Replies: 4

Replies:

3 emails and 1 letter received from 4 local residents objecting to the removal of the London plane tree on the grounds that:

- The tree is typical and representative of the area.
- The tree provides habitat and shelter for birdlife within the local area.
- A number of trees have already been lost from the surrounding gardens.
- The tree provides shade from the heat and glare of the sun.
- The owners of 11 Gerald Road purchased the property fully aware of the existence of the tree.

ADDITIONAL REPRESENTATIONS

GROSVENOR ESTATE

One email objecting to removal under application reference 15/03391/TCA stating that Grosvenor is not in favour of the removal of the tree unless it is deemed unsafe. A further email was received from Grosvenor objecting to removal under the current application. Included in the objection was an Arboricultural report stating that the tree appears in good

condition, makes a contribution to the green infrastructure of the area and provides amenity to local residents.

THE BELGRAVIA SOCIETY

One email objecting to removal under application reference 15/03391/TCA stating that the Society's policy is to retain as many trees within Belgravia as possible, that the owners purchased the property with the knowledge of the trees existence and that to request its removal in order to develop the property is unacceptable. The email also states that the tree encourages wildlife into the area and adds to the character and amenity of Belgravia.

BELGRAVE GARDEN SQUARE COMMITTEE

One email objecting to removal under application reference 15/03391/TCA stating that mature trees are very important to the local environment and that the tree provides valuable wildlife habitat.

4. BACKGROUND INFORMATION

4.1 The Application Site/ Tree

11 Gerald Road is a four storey residential property, with a relatively large rear garden which separates the host property from a two storey property at 2 Burton Mews.

The London plane is located on the south west side of the rear garden close to the boundary with 7 Gerald Road. The tree is approximately 18 m in height and is a mature specimen. Its canopy was reduced recently as agreed under reference 15/00614/TCA, from which points it is beginning to regrow. It is in good condition and has a long life expectancy if allowed to remain.

In addition to the London plane, there are three smaller semi-mature trees growing in the rear garden of 11 Gerald Road, an evergreen magnolia, a southern beech and a hornbeam. These trees are protected by virtue of being located within a conservation area.

4.2 Relevant History

15/09279/FULL

Extension to existing basement under terrace house at 11 Gerald Road and under existing Mews Building, and 85% of Front and Rear gardens.
Application received

15/07820/FULL

Excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road.
Pending consideration

15/07603/FULL

Excavation of lower ground floor and basement under the front garden. Replacement of front basement lightwell stair.
Pending consideration

15/03391/TCA

1 x London plane (rear): removal

This notice of intent to remove the tree was made on the same grounds as the current application for tree removal. Tree Preservation Order (TPO) no. 628 was made in response to the notification.

15/00614/TCA

1 x London plane (rear): Crown reduce to previous, most recent reduction points leaving furnishing growth.

No objections.

13/11570/TCA

T1 London plane (rear): thin crown by 20%

T2 Hornbeam (rear): thin crown by 20%

T3 Magnolia (rear): thin crown by 20%

T4 Southern beech (rear): prune back from neighbouring garden to boundary line.

No objections

08/03022/TCA

1 x plane tree: Crown reduction pruning to previous (most recent) pruning points.

1 x Hornbeam: Confine spread of crown by pruning lower outer most growth to suitable points.

No objections

5. THE PROPOSAL

1 x London plane (rear): removal

6. DETAILED CONSIDERATIONS

6.1 Reasons for the application

The application has been made by arboricultural consultants on behalf of the owner of 11 Gerald Road. Tree removal is proposed on the following grounds:

Amenity and conservation area reasons:

- The tree is of low public amenity value and its removal would have no discernible impact on the character and appearance of the area.

Technical and domestic reasons:

- Recent pruning has not resolved on going issues with the dominance/ overbearance of the tree. Continued maintenance is required. The tree has outgrown its current location.
- Tree pruning results in loss of visual amenity.
- The tree causes excessive nuisance associated with leaf and debris fall and leaf hairs causing respiratory problems to the house holders.
- The tree cause dense shade and prevents the owner from fully enjoying the property and the garden.
- The tree restricts landscaping options within the garden.

6.2 Appraisal

Amenity considerations

Tree Preservation Orders are made by the City Council where it is considered expedient in the interests of amenity under the powers of section 198 of the Town and Country Planning Act 1990. Current Government guidance advises local planning authorities that 'Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment'. The visibility of the tree, and its individual, collective and wider impact are important considerations in assessing amenity, and factors should be considered such as future potential as an amenity, rarity, cultural or historic value, contribution to, and relationship with, the landscape; and contribution to the

character or appearance of a conservation area.

The tree is visible in part from Burton Mews, and a large number of properties on Ebury Street, Elizabeth Street, South Eaton Place and Gerald Road overlook the tree, such that protection of the tree is justified in light of the public benefit it provides. This view is supported by the value placed on the tree in the objections to tree loss received from local residents and interested parties.

The tree is a mature specimen with a long life expectancy, and an attractive appearance with no significant defects which would preclude the making of a TPO. If allowed to remain it has a long future potential as an amenity.

With regard to the relationship of the tree with the landscape, whilst the tree is a large specimen of a large species which has a significant presence in the garden, the form and shape of the canopy, and the position of the tree in the garden are such that it is considered to a suitable tree for the garden.

The tree is also considered to make a positive contribution to the character and appearance of Belgravia conservation area. The Council's draft Conservation Area Audit identifies that mature trees in private gardens which are visible through townscape gaps, over wall or from mews add interest to the townscape and hint at the existence of a private realm beyond the formal streetscape. The London plane conforms to this description. The tree also enhances the rear garden views and softens the appearance of the tall buildings, and provides a focal point in views from rear windows of the many nearby properties which overlook 11 Gerald Road.

Technical and domestic reasons for tree removal

The tree is not considered to be over dominant, or to be the cause of excessive shade. The garden is not especially small, in fact it is one of the larger gardens in the vicinity, and the tree is located toward the south west boundary of the garden, about mid-way between the rear elevation of 11 Gerald Road and 2 Burton Mews. It is not unusual to find trees of a similar size in similar sized rear gardens in Westminster. The tree has relatively upright form, and crown reduction has limited its spread, so a large part of the garden remains outside the canopy spread of the tree. In addition the crown of the tree breaks at approximately 7 m above ground level, and this too helps to limit its dominance. Whilst the tree will cast shade across the garden at certain times of day, as will other trees and adjacent buildings including 11 Gerald Road itself, it is not considered that the impact of the tree is so great that that it merits removal on this basis.

With regard to pruning, regular reduction of the tree to the current reduction points is an appropriate and common means of management, and is not considered to be unduly onerous. The recent pruning has been carried out well, and the tree has an attractive symmetrical canopy.

The removal of the tree on the ground that regular pruning would result in a loss of visual amenity value is not considered to be justified. The loss of amenity through loss of foliage associated with regular pruning is considered to be minor and temporary compared to the loss of amenity which would ensue from the removal of the tree.

Leaf fall can be an inconvenience, especially in autumn. It can usually be dealt with by regular garden maintenance. It is a seasonal problem of limited severity, and is not considered sufficient reason to remove the tree. The regular reduction of the canopy of the tree would help to limit the problem.

Whilst the issue of respiratory problems which are said to be caused to the owner by the London plane are a serious consideration, no further information has been supplied regarding the severity of the problem or the alternative actions taken to alleviate symptoms. Leaf hairs are commonly shed from London planes in spring, and problems can be exacerbated by dry and windy conditions, so the inconvenience is usually short lived, and varies in severity from year to year. It is not considered that sufficient information has been provided to justify the removal of the tree on this basis.

Landscaping options within the garden are likely to be restricted at least in part by the presence of the London plane, and also by the presence of other trees, some of which such as the southern beech, are of poorer form and condition than the London plane. Whilst the presence of the tree is likely to require careful consideration of suitable species in any new landscaping scheme, it is not considered that the tree precludes creating an attractive garden landscape.

6.3 Tree replacement

The applicant suggests that either Amelanchier or Liquidambar would be suitable species for replacement planting. Amelanchier are small trees typically reaching a height of up to 7m on maturity. Liquidambar is a larger tree capable of reaching 20m on maturity.

The removal of a tree on the grounds that a replacement will be planted is not considered sufficient justification for the removal of this tree. The loss of character and amenity which results from the removal of mature trees takes a considerable length of time to restore by planting replacement trees. If the City Council were to accept proposals for removal of mature trees on the sole basis of replacement trees being planted, this would quickly result in erosion in public amenity, and would skew the age structure of the tree population.

6.4 Policy considerations

The National Planning Policy Framework (NPPF) sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing net gains in biodiversity.

In addition local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Policy S25 of Westminster's City Plan: Strategic Policies adopted in November 2013 aims to conserve Westminster's extensive heritage assets including listed buildings and conservation areas.

Policy S38 of Westminster's City Plan: Strategic Policies adopted in November 2013 aims to protect and enhance biodiversity and green infrastructure.

UDP Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings.

UDP Policy ENV16 states that trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.

The draft supplementary planning document the 'Draft Belgravia Conservation Area Audit' identifies the importance of rear garden trees in the consideration area.

Whilst there is no requirement to have regard to Development Plan policies when determining Tree Preservation Order applications, special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

6.5 Legal and financial implications

Under the terms of regulations 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 there are rights to claim compensation from the City Council. These terms allow that should loss or damage be experienced as a result of refusal of consent, or imposition of conditions, the applicant can claim compensation for loss or damage incurred, within 12 months of the date of the decision.

7. CONCLUSION

In assessing the merits of the application, the main considerations are the loss of amenity and the impact on the character and appearance of the conservation area which would result from the proposal, balanced with the reasons put forward to justify tree removal.

The removal of the tree would result in harm to public amenity, and detriment to the character and appearance of the conservation area. Strong opposition to the removal of the tree has been received from seven local residents. The Grosvenor Estate, Belgravia Society and Belgrave Garden Square Committee also support the retention of the tree.

The removal of the London plane tree is not considered to be justified on the basis of the submitted information. Regular pruning of the tree to control its size and reduce crown density is considered to be an appropriate means of management in response to the problems and inconveniences which are highlighted by the applicant. It is recommended that consent to remove the tree is refused.

BACKGROUND PAPERS

1. Application date 24 June 2015
2. Letter of consultation from Westminster City Council to local residents dated 14 May 2015
3. Email from owner/occupier of 1-5 Gerald Road dated 26 May 2015
4. Email from owner/occupier of 9 Gerald Road dated 27 May 2015
5. Email from The Belgravia Society dated 28 May 2015
6. Email from Grosvenor Estate dated 29 May 2015
7. Email from Belgrave Square Garden Committee dated 29 May 2015
8. Letter of consultation from Westminster City Council to local residents dated 7 August 2015
9. Email from Grosvenor Estate dated 25 August 2015
10. Email from owner/occupier of 126 Ebury Street dated 27 August 2015
11. Letter from owner/occupier of 130 Ebury Street dated 28 August 2015
12. Letter from owner/occupier of property on Ebury Street dated 28 August 2015
13. Letter from unknown address dated 28 August 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT TOM HOWGEGO ON 020 7641 5380 OR BY E-MAIL - thowgego@westminster.gov.uk

DRAFT

John Walker
Director of Planning

Edward Buckton
ACS Consulting
Pilgrims Court
15-17 west Street
Reigate
Surrey
RH2 9BL

Please reply to: Tom Howgego (Tree Section)

Direct Line/Voicemail: 020 7641 5380
Email: thowgego@westminster.gov.uk

Your Ref:
My Ref: PT/TH/TP/19396/PP04297596/15/05658/TPO

Date:

Dear Sir/Madam

**TOWN & COUNTRY PLANNING ACT 1990
TREE PRESERVATION ORDER WESTMINSTER NO. 628
11 GERALD ROAD LONDON SW1W 9EH**

I refer to your application for tree works at the above location.

You are advised that after careful consideration the City Council has determined to refuse consent for the tree works referred to below

1 x London plane (rear): removal

Consent is refused for the following reasons:

1. The removal of the London plane tree which is protected by a Tree Preservation Order would be detrimental to the public amenity, and would have an adverse effect on the character and appearance of Belgravia Conservation Area, thereby contrary to policies S25 and S38 of Westminster's City Plan: Strategic Policies which adopted in November 2013, and ENV 16 and DES 9 of our Unitary Development Plan that we adopted in January 2007.
2. The removal of the London plane tree on the grounds that it is not visible from a public place is not considered to be justified. The tree is visible in part from Burton Mews. It is also visible from a large number of properties and to a large number of residents, including those overlooking from Ebury Street, Elizabeth Street, South Eaton Place and Gerald Road. Objections received from local residents and amenity associations to the loss of the tree in relation to this application and the previous notification of intent to remove the tree (15/03391/TCA) indicate that the tree is valued for its appearance, screening, providing a green and leafy outlook, and other environmental qualities. Removal of the tree would have a significant negative impact on the local environment and its enjoyment by the public, and this accords with the intention of the tree protection legislation and current Government guidance (paragraph: 007 of Planning Practice Guidance 'Tree Preservation Orders and trees in conservation areas').

3. The tree is considered to contribute to the character of Belgravia Conservation Area. The species and size are in keeping with the scale and character of the properties in the area. It enhances the rear garden views and softens architectural form and appearance of the tall buildings. Trees such as this which are visible through townscape gaps, from mews or over garden walls are considered to provide contrast with the white stucco and formal layout of the conservation area, and to add interest to the townscape by hinting the existence of the private realm, without compromising the architectural form of the Belgravia terraces or obstructing footways.
4. The removal of the London plane tree on the basis of leaf drop is not considered to be justified. Whilst the issue of leaf drop is recognised as inconvenient to the owner, it is not considered to be of such severity as to merit the removal of tree
5. The removal of the London plane tree on the basis of its size/ overdominance and unsuitability to its location is not considered to be justified. The tree has a significant presence in the garden but it is located toward the south west boundary, so it does not appear overbearing or inappropriate for the site. It is not unusual to find trees of a similar size in similar sized rear gardens in Westminster. The tree has been subject to regular crown reduction, such that it limits the size and dominance of the tree. London plane is a species which responds well to pruning and is tolerant of pollution and environmental pressures. It is a common species in this part of central London and is well suited to the urban environment. As such it is considered to be an appropriate species for this location.
6. The removal of the London plane tree on the basis of shading to the garden is not considered to be justified. Although the tree is a large specimen, it has been managed through a regime of regular crown reduction to create a narrow upright canopy shape, with a high crown break, which limits the shading effect. Although the tree does cause some shading, the effect of this can be limited by pruning, and is not considered to be of sufficient severity to merit the removal of the tree.
7. The removal of the London plane tree on the grounds that it needs extensive pruning to control its growth is not considered to be justified. The tree is an attractive individual specimen of good form and in good condition, which has a long life expectancy if allowed to remain. The majority of plane trees in private ownership in the area are managed by periodic crown reduction and this is not considered to be of detriment to their appearance nor is it considered to be an indication that the tree is overly dominant. Tree management of this nature is not considered to be unduly onerous.
8. The removal of the tree on the ground that regular pruning would result in a loss of visual amenity value is not considered to be justified. The loss of amenity through loss of foliage associated with regular pruning is considered to be minor and temporary compared to the loss of amenity which would ensue from the removal of the tree.
9. Insufficient information has been submitted to justify the removal of the tree on the grounds of respiratory problems. No information has been supplied regarding the severity of the problem or the alternative actions taken to alleviate symptoms. Leaf hairs are commonly shed from London planes in spring, and problems can be

exacerbated by dry and windy conditions, so the inconvenience is usually short lived, and varies in severity from year to year.

10. The removal of the tree on the grounds that it restricts landscaping options is not considered to be justified. Future landscaping options will require careful consideration of suitable but it is not considered that the presence of the tree precludes creating an attractive garden landscape.
11. The removal of the London plane tree on the basis of provision of a replacement tree not considered to be adequate justification for its removal. The loss of character and amenity which results from the removal of mature trees takes a considerable length of time to restore by planting replacement trees. If the City Council were to accept proposals for removal of mature trees on the sole basis of replacement trees being planted, this would quickly result in erosion in public amenity, and would skew the age structure of the tree population.

Informatives:

1. Please see the City Council's letter dated 18 September 2015, in response to your objection to the making of Tree Preservation Order Westminster no. 628, for more details relating to the reasons for refusal of this application.
2. If you disagree with this decision, you can appeal to the Planning Inspectorate, The Environment Appeals Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN, in writing within 28 days of receipt of this decision, or any such longer period as the Secretary of State may allow. The Planning Inspectorate requires the completion of an appeals form available from the Planning Inspectorate on 0117 372 8912 or via their website:
<http://www.planningportal.gov.uk/planning/appeals/otherappealscasework>
3. If you suffer loss or damage as a result of this refusal of consent, you may be entitled to claim compensation from the City Council. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision).

Yours faithfully,

John Walker
Director of Planning

Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	Lords Cricket Ground, St John's Wood Road, London, NW8 8QZ		
Proposal	Demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorer's Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new scorers Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment.		
Agent	DP9		
On behalf of	Marylebone Cricket Club		
Registered Number	15/07111/FULL 15/07112/LBC	TP / PP No	TP/2260
Date of Application	28.07.2015	Date amended/ completed	02.10.2015
Category of Application	Major - Smallscale		
Historic Building Grade	The Pavilion is Grade II* and the Grace Gages Grade II listed		
Conservation Area	St John's Wood with the exception of the Thomas Lord Building which is located outside the 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		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

For Committee's Consideration:

1. Does Committee agree that the less than substantial harm to the setting of the listed pavilion as a result of the proposed new stand is outweighed by the public benefits of the new stand and other works to the Ground, and the heritage improvements to the setting of the Grace Gates.

2. If agree to 1. resolve to grant conditional permission subject to the concurrence of the Mayor of London and subject to the satisfactory completion of a legal agreement to secure the following:

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- a) Construction Monitoring Contribution and Site Environmental Management Plan (SEMP) and adherence to the Construction Code of Practice.
3. Grant conditional listed building consent.
4. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.





Thomas Lord Building St John's Wood Road NW8



Existing Tavern and Allen Stand in relation to the listed pavilion

LORDS CRICKET GROUND, ST JONHN'S WOOD ROAD, NW8



Tavern Stand and scorer's box



View from Century Court of the rear of the listed pavilion, Allen and Tavern Stands

LORDS CRICKET GROUND, ST JOHN'S WOOD ROAD, NW8



MCC office building



Bridge link from Allen Stand to the Pavilion

LORDS CRICKET GROUND, ST JOHN'S WOOD ROAD, NW8

2. SUMMARY

This proposal known as the South Western Project (SWP) is the next phase of the Lords Masterplan and comprises of six components:

- i) a new stand to replace the existing Tavern and Allen Stands, which will increase the capacity of the Ground by approximately 1082 additional seats and involves the re-location of the temporary floodlight to inside the new stand;
- ii) a new four storey Thomas Lord building fronting on St John's Wood Road with a basement which extends underneath the Harris Gardens. This scheme also involves the relocation of the Thomas Lord public house at the rear of the new building;
- iii) a new 2 storey Harris Gardens building to replace the existing single storey building,
- iv) works to refurbish the Bowlers' Annex building attached to the listed pavilion including a retail shop and internal and external alterations to the Grade II* pavilion including a new bridge link to the new stand;
- v) new Scorer's box located between the Mound Stand and the new stand;
- vi) re-configuration of the entrance areas around the Grace Gates on St John's Wood Road.

The objections from local residents relate to the height and proximity of the new stand next to the listed pavilion and its adverse impact on the setting of this heritage asset, and the relationship of the proposed retractable seats and the scoreboard to the pavilion. The proposed new Thomas Lord Building due to its increase in height and massing has attracted strong objections from residents in Century Court on grounds of loss of light, increased sense of enclosure, loss of privacy, and the loss of amenity as a result of the proposed relocation of the Lords Tavern public house to the rear of this new building and increased use of the Harris Gardens.

The application is supported in strategic planning terms by the Greater London Authority. Historic England generally support the proposal but has requested more justification in respect of the scoreboard and retractable seating to the new stand given their impact on the setting of the listed pavilion. The St John's Wood Society request that the Council carefully considers the loss of light and overbearing sense of enclosure for the lower level flats in Century Court and the relocated Tavern public house on amenity, and query the long term maintenance of the proposed green wall to the Thomas Lord Building and whether trees would be a better solution.

The key issues are:

- The demolition of the Allen Stand (an unlisted building of merit) and Tavern Stand within the St John's Wood Conservation Area.
- The impact of the new stand in terms of its architectural relationship, height and design on the special architectural and historic interest of the Grade II* heritage asset, and whether the less than substantial harm its setting is outweighed by the public benefits of the improved facilities at the Ground.
- The impact of the new Thomas Lord Building on the setting of the listed pavilion, the Grace Gates and on the character and appearance of the adjoining St John's Wood Conservation Area.
- The impact of the proposed works to improve the entrance into the Ground on the setting of the Grace Gates.
- The impact of the proposal on the amenities of adjoining residents in Century Court and the relocation of the temporary floodlight in the new stand and the relocation of the public house.

There are no objections to the new two storey MCC building at the end of the Harris Gardens, the new scorer's box and the works to the Bowlers' Annex, and the internal and external

alterations to the listed pavilion. The provision of improved facilities at the Ground are supported in land use terms, and it is recommended that an Operational Management Plan be imposed to control the operation /hours of use of the relocated public house in order to safeguard the amenities of neighbouring residents. It is recognised that the new Thomas Lord building and the new stand will affect daylight and increase sense of enclosure to neighbouring properties, but for the reasons set out in Section 6.3 of this report, these losses are not considered to be materially harmful to warrant refusal.

The Allen Stand is 80 years old and identified in the Conservation Area Audit as an unlisted building of merit but not of sufficient architectural quality to warrant listing. The new stand is generally considered to be a high quality replacement building, but the position of the scoreboard and the retractable seating above next to the listed pavilion will affect the setting of this heritage asset. Therefore Members views are sought as to whether the public benefits associated with the proposal outweigh the less than substantial harm to the listed pavilion and in the light of the welcome benefits to the setting of the Grace Gates and enhancements to this part of the St John's Wood Conservation Area.

3. CONSULTATIONS

WARD COUNCILLORS

Councillor Gotz Molhera has requested to be kept informed of the Committee date.

HISTORIC ENGLAND

Minded to direct the granting of the listed building consent. The Allen Stand and bridge retain some architectural and historic interest, but unlikely to meet the very high tests for statutory listing and do not wish to resist the loss of this structure. The Allen Stand dates from the 1960s and whilst designed by a prominent architectural practice, the stand is not considered of any great architectural or historic merit and its loss is not objectionable. The new stand would comprise of a substantial curved structure taller than the existing stands with a translucent white canopy above. The design is not overbearing and is distant enough from the pavilion not to intrude significantly on its setting. The roof structure has a family resemblance with the existing and consented structures across the complex but is sufficiently distinct to sustain the concept embedded in the Masterplan.

Views of the planning application -The size of the scoreboard along with the retractable raked seating above it would be a distracting feature within the setting of the Pavilion, diminishing its dignified and imposing presence in the grounds. Request that the City Council is satisfied that there is no other configuration of the seating across the new Allen Stand that might eliminate the need for seating above the scoreboard, and that the dimensions of the scoreboard are the minimum necessary for the club to function as it needs to urge that the City Council explore with the applicant the necessity of illuminated advertising in this location, or whether this might be limited or controlled in order that it does not visually compete with the Grade II* listed building. Recommend that further amendments are sought that might further enhance the setting of the pavilion. Where harm cannot be avoided, the City Council must weigh this against the public benefits of the scheme, including securing the long term future of the grounds as the home of cricket. In other respects, consider this scheme to be well conceived and capable of delivering a much improved public realm and enhanced setting for the Grace Gates, as well as the area to the rear of the Pavilion.

GREATER LONDON AUTHORITY (GLA)

Application is supported in strategic planning terms, but there are a number of outstanding issues. Applicant needs to provide further information regarding the size and location of the energy centre and the capacity of the proposed ground source heat pump and information on the uses and heat demands throughout the year at the Ground, and on the heating systems on site. The applicant should liaise with the Council to ensure that the short fall in carbon

dioxide reductions is met off site. In respect of transport, further information required on any changes to TfL's public highway, measures to encourage cycling, trip generation, the submission of a coach management plan, and the Council securing a delivery and servicing plan and a construction logistics plan.

TRANSPORT FOR LONDON (TfL)

The reduction in car parking is supported, any spaces modified as a result of this proposal must be provided with Electric Vehicle Charging Points. Request a Coach Management Plan is put in place and that additional coach parking is implemented on St John's Wood Road if necessary due to demand. Applicant urged to review cycling trips and set how cycling is to be actively encouraged through the Travel Plan. The moderate impact of additional trips arising is not considered to be significant enough to warrant specific mitigation towards public transport facilities or services in the vicinity of the site. Further information required in respect of any changes to TfL highway. A Delivery and Servicing Plan and Construction Logistics Plan to be secured by condition. Concerned that the proposed basement will be within the root protection area of street tree 7 and applicant's mitigation to install a timber fencing box around the tree is clearly inadequate. Proposal will attract Mayoral CIL payment.

TWENTIETH CENTURY SOCIETY

No response received to date.

NATURAL ENGLAND

No response to date.

ENVIRONMENT AGENCY

No comments to make.

SPORTS ENGLAND

Holding response received requested more information. Later confirmed no objections, and requested to be notified of the Committee report and Committee decision.

THAMES WATER

Identified an inability for existing wastewater infrastructure to accommodate the needs of this application and request that a Grampian condition is imposed to secure the submission of a drainage strategy. Request that fat traps are installed on all catering establishments. No impact piling shall take place until a piling method statement has been agreed in consultation with Thames Water as concerned about the impact on their underground sewerage infrastructure. Request a number of informatives.

BUILDING CONTROL

The structural method statement is considered acceptable. An investigation of existing structures and geology have been undertaken and found to be of sufficient details. The existence of ground water, including underground rivers has been researched and the likelihood of local flooding or adverse effects on the water table have been found to be negligible. The basement is to be constructed using piled walls with internal RC retaining walls which is considered appropriate for this site. The proposals to safeguard adjacent properties during construction are considered acceptable.

BUILDING CONTROL SUDS

To be reported verbally.

CRIME PREVENTION DESIGN OFFICER

To be reported verbally.

GO GREEN MANAGER

To be reported verbally.

SPORTS AND LEISURE

To be reported verbally.

ENVIRONMENTAL HEALTH

Request that the cost of Environmental Monitoring during the demolition and construction of the new stand, Thomas Lord building, MCC building and scorers box are secured by a legal agreement - estimate yearly costs are £31,000 per annum. Request that a Site Environmental Management Plan is covered by condition.

In respect of land contamination require Phase 3 (Remediation Strategy) and Phase 4 (Validation Strategy) to be controlled by condition. Request a condition to require the submission of a supplementary acoustic report in respect of new plant. In respect of light pollution from the relocated floodlight request that this is be controlled by conditions. The existing PA system in the stand is not covered by specific decibel levels on the existing Premises Licence and request a similar condition to that imposed on the Warner Stand. The development of the Thomas Lord building and the Harris Gardens is likely to lead to the Harris Gardens being utilised in conjunction with the public house and as part of any new licence seek restrictions to limit hours of use, no amplified music and limitations on capacity to control any potential noise arising from the use of this external area.

HIGHWAYS PLANNING MANAGER

To be reported verbally.

ARBORICULTURAL MANAGER

The submitted tree report is inadequate, as it omits the trees in the rear gardens of Grove End Road. It fails to assess the impact of the proposal on these trees and tree protection measures are inadequate. Object, likely loss of trees 1 and 2 (Limes) which are protected by a TPO as a result of the proposed basement likely loss of or damage to trees (3-8) London Planes on St John's Wood Road, and request that TfL be consulted in respect of the street tree.

SPORTS AND LEISURE

No response to date.

LONDON FIRE BRIGADE

No response to date

ST JOHN'S WOOD SOCIETY

The St John's Wood Society's executive committee has carefully considered the proposals for the south-western development project for Lords and we have also considered the comments of neighbours. They have met with Robert Ebdon and the architects on a number of occasions and significant amendments were made to the original design at pre planning stage. Architects have responded and developed the design in a positive, flexible and exemplary way and should be congratulated. If Lord's can continue to develop the design to ensure that quality is maintained during the detailed design and construction, the buildings should be a welcome addition to St John's Wood.

However the following concerns remain:

- We request that the Council carefully considers loss of light and the overbearing sense of enclosure for the lower level flats in Century Court which has been created by the increased height of the proposed Thomas Lord building.
- The relocated Tavern with balcony and external terrace as well as the use of the Harris Gardens will inevitably cause considerable noise nuisance for the residents of Century Court because of their close proximity. We ask that the Council applies stringent conditions to control the operational arrangements and use of this external space.
- There is a practical point about the green wall, its long term maintenance and whether trees in front of the wall might be visually more pleasing and practical.

ST JOHN'S WOOD COURT RESIDENTS ASSOCIATION

Object- the plans submitted are in contradiction to the professed aim of ensuring that the Lords Pavilion is not subservient to any of the proposed buildings. The proposed height of the Tavern/Allen Stands will be the approximately same height as the top of the pavilion. In approving the Warner Stand at a height of 57.3 metres understood that the GLA noted that the new stand would be subordinate to the pavilion. This proposal at 59.4 m and the pavilion at 60.2 m and therefore cannot claim to be subservient, and as a result the appearance of the listed pavilion will be harmed.

CENTRY COURT RESIDENTS ASSOCIATION

Object, loss of light to residents in terms of number of windows, and applicant's report does not address that a number of balconies are winter gardens.

No need or adequate justification for the additional height to the Thomas Lord building which is causing the loss of light, increased sense of enclosure and loss of privacy to residents. If the offending floors were removed, it would reduce the loss of light, and if the MCC wish to implement an office development it should be located elsewhere in the ground. Overbearing impact and enclosure from the extended Tavern building. Adverse impact on emissions from the proposed extended Tavern, in particular the use of the Harris Gardens as a Beer garden and the external terraces and balconies. The current Tavern is closed on major match days because of previous and repeated noise and anti-social behaviour after a day's cricket.

Substantial harm to the setting of the Grade II* listed pavilion, as only 6.7 m away. The new Warner Stand was judged on balance to be acceptable given its was subservient to the pavilion and this new stand is much higher. The GLA advised in April 2014 and the City Council concluded that the new Warner Stand would remain low enough to remain subservient to the listed building. The new Tavern Stand at 59.4 m in height is significantly taller than the new Warner Stand and cannot be described as being subservient. It is located 18 metres from the edge of the pavilion whilst the new Warner Stand is 15.5m removed from it. Although the new stand has been lowered by 0.75 m this is not enough and the upper floors accommodate hospitality and boxes and not spectator seats. The new Allen part of the stand is only 6.7 m from the edge of the pavilion and 8.8 m closer than the new Warner Stand. The proposal at a height of 53.2 m seems acceptable, but the proposal to increase the height of the stand on major match days to 56.6m to accommodate more seating will cause substantial harm to the pavilion and its setting when the building is on greatest display. Request that it is not elevated at all to respect the scale and setting of the pavilion.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 1299; Total No. of Replies: 29.

29 objections received to date from local residents raising the following:

Land Use

- Not convinced that Lords requires the extra capacity as many seats are empty on most match days. The redevelopment is too extensive and will cause many years of interruption

to the daily life of residents and the MCC have failed to take into account residents' suggestions and objections.

Design/Listed buildings

- Object to the loss of the existing stands.
- No new building should be taller than the Tavern Stand. The current proposal will tower over the Tavern Stand.
- Request a more appropriate form of development which is more in keeping with Lords.
- The potential substantial harm to the setting of the Grade II* listed pavilion as a result of the new stand, being only 6.7 m away.
- The new Warner Stand was judged by the Council to be on balance acceptable because amongst other things it was subservient to the pavilion. The new Warner Stand is 57.3m high and the new stand is over two metres higher at 59.4m and higher than the pavilion, will dwarf and overshadow this listed building.
- Despite consulting extensively with local residents, the resultant minor amendments have not reflected residents' comments and concerns.
- The retractable seating will be highly visible on major match days and for an extra 150 seats this does not justify the harm to the listed pavilion. Suggest that these retractable seats be removed.
- There is only one drawing which shows the height and its relationship with the pavilion.
- New stand will be as high as the top of the pavilion turret and will dominate it.

Amenity

- Loss of light to flats in Century Court as a result of the Thomas Lord Building. This increase in height will result in many flats losing daylight and feeling more hemmed in by the new buildings.
- Despite requests for additional visuals to show the view from the lower floor flats, none have been submitted with the application.
- Loss of privacy to residents in Century Court - new Thomas Lord building will be used as offices and be constantly occupied and overlook neighbours.
- Noise from the use of the open air garden of the public house causing nuisance and disturbance to residents in Century Court during the day and late into the evening.
- Beer garden in the Harris Gardens will be open to the public all year round and result in noise and disturbance to neighbours.
- The Police were recently called out due to an incident at the public house.
- Noise from corporate events.
- Oppose the new bars and restaurants, especially the open air plans for drinking and hospitality will create a great deal of noise and rowdiness.
- Lords brings disruption, noise and pollution on match days to St John's Wood and this proposal will make matters worse.
- Proposal offers nothing to the local neighbourhood when not in use for major match days.
- Lords should create a sports facility which residents can get a discounted membership as a way to acknowledge the local residents and thank them for their patience.
- The Harris Gardens should remain as the existing use as a 'champagne and pimm's bar' on major matches only.

Transportation/Highways

- Increased traffic in a very crowded residential area with many schools and young and old residents.
- Request that the bus stop on Grove End Road is not removed or moved as a result of the proposal.

Other Matters

- Question Lords claim that it is big employer in the area as most of their staff are temporary agency workers.
- Documents on line are unavailable and need to know how much higher the new stand is.

ADVERTISEMENT/SITE NOTICE: Yes

Six site notices have been erected on roads around the Ground.

Additional Information submitted regarding the scoreboard and the retractable seating, and additional visuals to show views from Century Court.

HISTORIC ENGLAND

To be reported verbally.

ST JOHN'S WOOD SOCIETY

To be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

Residents in Century Court and the Century Court Residents Association consulted; Total No. of Replies: 0.

Any late responses received will be reported verbally to Members.

4. BACKGROUND INFORMATION**4.1 The Application Site**

Lords Cricket Ground is approximately 6.9 hectares in area and is bounded by the north by Wellington Place /Cavendish Close to the north, Wellington Road to the east, St John's Wood Road to the south and Grove End Road to the west. The majority of the Ground is located within the St John's Wood Conservation Area, with the exception of the 1960's Thomas Lord Building which fronts onto St John's Wood Road.

The Ground contains a number of historic buildings and structures namely ;the Grade II* listed pavilion designed by Thomas Verity in 1889-90, the Grade II listed Grace Gates fronting St John's Wood Road (by Sir Herbert Baker 1923) and the Grade II listed relief sculpture by Gilbert Bayes on the corner of St John's Wood Road and Wellington Road. The Ground also contains modern iconic buildings such as the Mound Stand designed by Hopkins (1987), the new Grandstand designed by Grimshaw(1998) and the Media Centre designed by Future Systems (1990- a Stirling Prize winner).

The Tavern and the Allen Stands are two of the oldest stands in the Ground. The Allen Stand was designed by Baker and Faber in 1935 and was originally known as the 'Q' Stand. Part of the roof of the stand was removed in 1999 to accommodate a new electronic scoreboard.

The Tavern Stand and the Thomas Lord building were built together with Century Court in the mid to late 1960s by Louis de Soissons Partnership and as a result the Grace Gates was reconstructed 13 feet eastwards in 1966.

At the rear of the Thomas Lord building and at the end of the Harris Gardens, there is currently a single storey office building and shop serving the MCC. For the purpose of this report, this building is known as the MCC Office Building.

The Bowlers' Annex was rebuilt by Frank Verity in 1906 and is listed by virtue of its attachment to the main listed pavilion. The existing scorer's box is located in the gap between the Mound and the Tavern Stand.

The designated heritage assets at the Ground affected by this proposal are the listed pavilion and the Bowlers' Annex attached to it, the Memorial Building and the Allen Stand. The St John's Wood Conservation Area is also a designated heritage asset.

The application site lies outside the Central Activities Zone (CAZ) and the surrounding streets are predominantly residential in character, varying from mansion blocks, modern blocks of flats and houses. To the north of the Ground is Wellington Hospital and to the south east is the Danibus Hotel. There is a synagogue opposite the site in Blazer Court, St John's Wood Road.

4.2 Relevant Planning History

There have been a large number of planning decisions at Lords Cricket Ground and the following are relevant in the determination of this latest proposal.

Permission was granted in June 2014 for the redevelopment of the Warner Stand and works are due to commence in September 2015 with a completion date spring 2017.

In respect of the floodlights within the Ground, planning permission was granted in 2009 for the installation of four retractable floodlight masts (maximum of 12 matches and four practice matches per year) and the erection of a new substation. Although the applicant was seeking a permanent permission, Sub-Committee agreed that this permission was limited for a five year period in order to i) monitor their impact and ii) in the context of the forthcoming Masterplan.

20 May 2010 - Permission granted to vary Conditions 2 and 11 of the 2009 permission namely to allow an additional 12 days of use of the floodlights (to permit use during the day in bad light conditions) in addition to already consented 12 matches and four practice matches allowed by the 2009 permission, and changes to when the floodlights are fully extended and retracted to take account of the proposed additional use (Application under Section 73 of the Town and Country Planning Act 1990). Sub-Committee agreed to allow 12 additional day use rather than the 16 days originally requested by the applicant, and reduced the number of evening matches to 10 and two evening practice matches from 1 April to 30 September in any year.

21 March 2013 - Permission granted for variation of Condition 1 of permission dated 20 May 2010 (RN: 09/09775); namely, to retain the four retractable floodlights for another five year temporary period from 2014 to 2019 and variation of Condition 2 to increase the number of day cricket matches the floodlights can be used each season from 12 to 14 days. (Application under Section 73 of the Town and Country Planning Act 1990). These floodlights can only be used to a certain number of days use per cricket season; namely maximum of 14 days, 10 Evenings and 2 Evening Practice matches per season and are limited until 22 January 2019.

5. THE PROPOSAL

This proposal is the next phase of the Lords Masterplan and comprises of six elements:

- i) the redevelopment of the Tavern and Allen Stands to provide a new stand with an increased capacity of the Ground by approximately 1082 additional seats;
- ii) a new 4 storey Thomas Lord building fronting on St John's Wood Road with a basement car park which extends underneath the Harris Gardens. This scheme also involves the relocation of the Thomas Lord public house at the rear of the new building;

- iii) a new 2 storey Harris Gardens building to replace the existing single storey building;
- iv) works to refurbish the Bowlers' Annex including the creation of a retail shop in the undercroft area and internal and external alterations to the Grade II* pavilion,
- v) new scorer's box located between the Mound Stand and the new stand;
- vi) re-configuration of the entrance areas around the Grace Gates on St John's Wood Road and new public realm.

The facades of the new buildings designed by Populous architects (the architects who designed the new Warner Stand) and follow a common language to tie the buildings together. The primary material palette consists of white concrete and glass reinforced concrete as a framing and cladding panel elements, aluminium framed glazing with bronze-finished aluminium to the panelling and screening. A secondary palette of brickwork, and render and climbing plants are proposed to the side facades facing the adjoining residential properties.

The new stand

A single new stand is proposed to replace the Tavern and Allen Stands and its primary use is to provide increased seating capacity, in addition to ancillary hospitality boxes and restaurants which will be used on match days and for a variety of functions throughout the year. This will be the first phase of the SW Project. The pitch side restaurant on the top level will accommodate approximately 150 covers with associated kitchen facilities and this will be open all year round. Another restaurant is proposed at level 02 to be used on match days. The new stand will increase capacity and the number of seats with a good view of the cricket, and will have a capacity of 5200 which represents an increase of 1080 seats. The design of the new stand includes a new elevated bridge link to the listed pavilion to replace the existing link so spectators and officials can move between both buildings. The new stand accommodates an electronic scoreboard of approximately the same size and proportions as the existing one in the lower section of the new stand next to the pavilion with a row of retractable seats on the flat roof above.

The existing floodlight mast at the rear of the Tavern Stand is proposed to be moved to a position within the new stand. A basement is proposed under the new stand to provide waste and storage facilities and this will be linked to the new basement car park under the new Thomas Lord building.

Thomas Lord Building

It is proposed to redevelop the Thomas Lord building with a new four storey building with a basement as the second phase of the SW Project. The applicant states that a key driver for this is to improve security at the Ground with the upper levels providing offices for the MCC and the Middlesex Cricket Club, and replacement hospitality and conference facilities for 300 people with independent catering facilities. The new building re-provides the Tavern Public House which is shown to be located at rear ground floor level.

A new underground car parking and servicing area is proposed occupying a much larger footprint extending beneath the Harris Gardens which will link up with the basement under the new stand. The replacement Thomas Lord building is 5.7 m taller than the existing and set 0.5 m further east. The top floor is set 24 m away from the side façade of Century Court.

MCC Harris Garden

It is proposed to demolish the existing single building and erect a 2 storey building to provide a bar facility to eliminate the requirement for temporary buildings being sited on the Harris

Garden during the cricket season .Two additional dressing rooms are to be created to be used for the Real Tennis and Squash courts and double header cricket matches.

Scorer's Box

A new scorer's box is proposed, which is located between the end of the Mound Stand and the existing Tavern Stand is required, as the existing facility is too small. This will also form part of the Phase 1 works.

Listed Pavilion

Listed building consent is sought for works to refurbish the pavilion to provide enlarged dressing rooms and bathrooms and improved facilities for team officials, physiotherapy and a gymnasium. The existing MCC offices will move to the new Thomas Lord building.

Bowlers' Annex

At the ground level of the Bowlers' Annex a new shop is proposed to replace the existing shop in the basement of the pavilion. It is also proposed to refurbish the annex to provide a pitch viewing dressing/room for the umpires to link through to the new match day control facility in the new Warner Stand.

The Grace Gates

The proposal seeks to improve the setting of the Grace Gates by removing the majority of the servicing to the new Thomas Lord building .New boundary treatment is proposed either side of the Grace Gates and improving the public realm inside the Ground .

The applicant is seeking 5 year permission rather than the standard 3 year time limit.

6. DETAILED CONSIDERATIONS

6.1 Land Use

In 2013, the MCC developed its Masterplan for the Ground, and works are due to start on the first phase with the redevelopment with the redevelopment of the Warner Stand. This proposal for the second phase of the Masterplan.

6.1.2 Increase in the capacity of the Ground

Objections have been raised to the increase in the capacity of Ground and a number of objectors question whether the relatively small increase in capacity justifies the harm to the listed pavilion and to the amenities of residents.

The table below sets out the existing and proposed floor spaces:

Table 1: Floorspace Figures

Building	Existing GEA M2	Proposed GEA M2	Difference
Tavern Stand	1173	New stand 4868	+2592
Allen Stand	543		
Thomas Lord Building	2938	4792	+1854
Harris Building	204	486	+282
Bowlers Annex		57	+57
Total	4858	10202	+5344

In respect of seating, the proposal will increase the capacity in these two stands from 4118 to 5200; an increase of 1,082 seats (26% increase). The overall capacity in the Ground will increase by just over 3% to 30,530. It is not considered that this modest increase in capacity represents an over-development of the Ground and is acceptable in land use terms.

The proposal is supported by the Mayor of London as it is consistent with the London Plan's vision to retain and extend London's global role as an internationally competitive and successful world city. The proposals to develop Lords and to ensure that it remains a competitive choice for hosting major cricket matches is in accordance with London Plan policies.

The main considerations of this proposal are i) the demolition of the existing buildings, the impact of the new buildings and works on the historic pavilion and Grace Gates and this part of the St John's Wood Conservation Area and ii) on the amenities of neighbours. These matters are dealt with in more detail in Sections 6.2 and 6.3 of this report.

6.1.3 Relocation of the existing public house

The existing public house (Class A4) in the Thomas Lord building fronts onto St John's Wood Road and is approximately 244m² in area (GIA). The proposal is for a larger public house 380m² in area located at the rear on the ground floor of the new Thomas Lord building with its main entrance at the side of the new building and one of the key considerations is the impact on residential amenity in the light of Policy TACE 9. Strong objections have been received from the residents in Century Court on noise and disturbance grounds and cite a recent disturbance which required the police to attend. The St John's Wood Society also raise that the relocated Tavern with its balcony, external terrace and the use of the Harris Gardens will inevitably cause noise and disturbance and request stringent controls to control operational requirements and use of this space.

The existing public house has not been nominated as an Asset of Community Value (ACV), and will be re-provided as part of the redevelopment. There will be a temporary loss of this facility during the construction works, and given it will be reinstated in the new building and a small increase in its size; there are no objections in land use terms.

The proposed new public house is approximately 55% larger in floor area compared to the existing public house with an outdoor terrace at the rear. The design of the building incorporates a wall to the side to act as a screen this outdoor seating for views within Century Court. The MCC state that the control and management of customers will be easier when located inside Lords rather than facing the street. Residents' concerns about the intensification of the public house in terms of noise and disturbance are well understood. Whilst residents in St John's Wood Road may benefit from the relocation of the public house from street level, moving to public house to the rear and inside the Ground does have implications for other residents.

It is recommended that a condition be imposed to secure a detailed Operational Management Plan of this public house and the use of the Harris Gardens for both match and non-match days in order to safeguard the amenities of neighbouring residents. This will include the hours of operation and to allow a review after 6 months of operation.

It is recommended that there is no use of the Harris Gardens after 21.00 at night.

6.1.4 Class A3 Restaurants

New restaurant is being proposed on level 04 of the new stand facing onto the pitch and will cater for 150 covers and be open all year round.

In dealing with the new Warner Stand, conditions were imposed to limit the hours of the new restaurant (08.00 -23.00 hours), to limit the number of days it could be used each year (100 days per calendar year) and no post function cleaning/waste disposal until after 10 a.m. the next morning when no functions or cricket matches are taking place given its proximity to residents in Elm Tree Road.

Given the location of this proposed restaurant on the top floor of the new stand which faces onto the pitch, it is some distance away from nearby residents in St John's Wood Road, and its fairly modest size; it is not considered that its proposed use throughout the year will harm the amenities of nearby residents. It is recommended to control its hours of use from 08.00 to 23.00 hours.

A second restaurant and conferencing facilities are proposed at Level 02 to be used in association with match days at the Ground.

In the new Thomas Lord building, the dining room on Level 01 will be continued to be used as a dining room on match days and conferences, dinners and other events throughout the year as per the existing building, and this is not considered to have an adverse impact on the amenities of residents.

6.2 Townscape/Design

The proposals raise a number of issues in respect of the i) the demolition of an unlisted building of merit, ii) the impact on the fabric and setting of listed buildings and unlisted buildings of merit in the Ground and iii) the impact on the character and appearance of the conservation area and

6.2.1 Demolition of the existing Tavern and Allen Stands

The Allen and Tavern stands are unlisted buildings within the St John's Wood Conservation Area. The Allen Stand is the second oldest stand in the Ground, and is designated in the adopted Conservation Area Audit as an unlisted building of merit. The Tavern Stand which dates from the 1960s is identified by the Audit as a 'neutral' building.

It is accepted that the Allen Stand retains some architectural features associated with its architect, but it is considered that its significance architecturally has been affected by the scoreboard which resulted in the removal of much of its roof. It is recognised that the stand does have historical significance and communal significance, but it is 80 years old and fails to provide the modern standards and disabled access required for a major sporting venue.

The provision of the new stand is required to help secure the future of Lords as a host for international test matches and this benefit has to be weighed against its loss. Historic England advise that the Allen Stand and the bridge link to the pavilion retains some architectural and historic interest, but does not meet the very high tests for statutory listing and therefore do not wish to resist the loss of this building.

Therefore, the principle of the loss of this unlisted building of merit is considered acceptable, subject to a high quality replacement building. Its proposed demolition is not considered to cause harm to the setting to the listed pavilion or other unlisted buildings of merit and will preserve the character and appearance of this part of the St John's Wood Conservation Area.

The Tavern Stand dates from the 1960s and whilst designed by a prominent architectural practice and engineer it has limited historic interest and is a 'neutral' building. Historic England advice that the stand is not considered of any great architectural or historic merit and raises

no objection to its loss. This stand is 50 years old with poor disabled access and again there are no objections to the principle of its demolition.

Therefore the loss of these two existing stands is considered acceptable in the light of the Council's adopted design policies S25 and S28 in the City Plan and DES9 in the UDP and the advice set out in the NPPF.

6.2.2 Height and Design of the New Stand, Scoreboard and retractable seating and the impact on the setting of the listed pavilion and other designated heritage assets.

The new stand is of a substantial curved structure (taller than the existing two stands) with a translucent white canopy above the majority of the new stand. The lowest section of the new stand adjacent the pavilion is not covered by the canopy roof and accommodates a replacement scoreboard with retractable seating above. The new stand lies adjacent to the pavilion which is listed as Grade II* for its historical association with the game of cricket. The building is brick with ornate pink terracotta facings and consists of a long, two storey centre section with raked, covered seating above between two end pavilions with pyramidal roofs with ornate wrought and cast iron lanterns. The Long Room occupying most of the ground floor is of particular interest.

The footprint of the new stand respects the existing 6.7m gap between the existing pavilion and the Allen Stand. The lower section of the new stand/ top of the new scoreboard will be approximately 300mm lower than the terracotta parapet of the pavilion. The roof of the new stand which is located 18 m away from the pavilion is 0.8 m lower than the pyramidal roof /turret of the pavilion.

Objections have been raised that the new stand is too tall, it is overbearing and fails to respect the setting of the listed pavilion. Residents in particular highlight the location and height of the retractable seating so close to the pavilion which will be most visible when the eyes of the world are looking at the Ground.

In dealing with this application regard has been had to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the policies set out in S25 and S28 in the City Plan, and DES1, DES4, DES8 and DES10 and the relevant sections in the NPPF in particular paragraphs 128,129,131,132,134 and 135.

This proposal affects two heritage assets in the Ground, the listed pavilion and the listed Grace Gates. In respect of the listed pavilion, the main areas of concern are the retractable seating and scoreboard in the lower section of the new stand and its relationship with the pavilion and this is best appreciated in View 18 in the townscape analysis. This view tests the most important setting of the pavilion, its primary façade and focal point within the Ground itself.

Historic England consider that the size of the scoreboard along with the retractable raked seating above would be a distracting feature within the setting of the pavilion, diminishing its dignified and imposing presence in the Ground. The applicant has submitted further information to justify its location and size of the scoreboard. Historic England have raised the necessity of illuminated advertising on the scoreboard and whether this can be limited or controlled in order that it does not visually compete with the Grade II* listed building.

Officers consider that the existing scoreboard at the Tavern Stand because of its height and location currently detracts from the setting of the pavilion and reads as an add on feature to the Allen Stand Whilst officers recognise that the new scoreboard is an integrated within the design of the new stand, rather than an add on feature but it is now closer to the pavilion.

It is accepted that scoreboards need to be provided and the design preserves the existing townscape gap with the pavilion, therefore balance has to be made to between the setting of the listed pavilion and the needs of spectators in the Ground. In respect of possible locations for the new scoreboard, the architects investigated a number of alternatives .Option 1 on the other side of the new stand does not provide a suitable field of vision and has been discounted. Option 2 on the curved section of the new stand affects seating capacity of the new stand and this would result in the stand or the scoreboard being much higher and this would be unacceptable from a townscape point of view. Option 3 indicates the scoreboard being higher next to the pavilion, again undesirable in design terms.

Whilst it is accepted that the proposed location of the scoreboard next to the pavilion will cause an element of harm to the setting of the listed pavilion, but it is considered the most appropriate location compared to the other alternatives, and this less than substantial harm is outweighed by the public benefits created by the new stand.

The proposed 8 rows of retractable seating (150 seats) above the scoreboard will extend beyond the terracotta parapet of the pavilion, and again this is an aspect of the proposal which is highly contentious. The removal of these seats has been discussed with the applicant both at the pre-application and during the application, as officers that the removal of these seats would be the preferred solution. The applicant states that the original intention of the redevelopment of these stand was to create 2000 additional seats, but this number has been significantly reduced as a result of changes to lower the massing of the new stand, and that further reductions in capacity are being resisted and affect the viability of the scheme. The applicant considers that the retractable seating to be an appropriate solution which will only be used on major match days, and the rest of the year will not be visible.

Officers consider that the retractable seating will also cause less than substantial harm to the setting of the pavilion on those days when in use, and the rest of the year will not be visible Whilst this is not an ideal situation, again Members views are being sought as to whether the public benefits outweigh the less than substantial harm.

In terms of the rest of the new stand, its footprint and scale are considered acceptable and respects the existing gap with the Mound Stand and the Bicentenary Gates and ensures that the Ground retains its character as a collection of stands rather than a unified stadium. The canopy roof form is slim structure, which although different from the other roofs at the Mound Stand and the new Warner Stand, is an appropriate design treatment. The detailed design and use of materials employs materials used elsewhere in the ground and when viewed from the pitch is predominantly a white colour. The main change is external rear facades, which introduces the use bronze aluminium panels above the colonnade arch. This material is repeated in the new Thomas Lord building and the MCC office building. It is considered that this material offers richness to the façade, but does not compete with the terracotta and brick work of the listed pavilion.

Historic England considers that the design is not overbearing and is distant enough from the pavilion not to intrude significantly on its setting. They advise that roof structure has a family resemblance with the existing and consented structures across the complex but is sufficiently distinct to sustain the concept embedded in the Master plan, and this roof form will provide a light weight perimeter edge which follows the spirit of other lightweight roof structures within the Ground.

In respect of the impact on the setting of the Grace Gates, it is considered that the new stand and the alterations the entrance and the Thomas Lord will enhance the setting of the gates.

6.2.3 Impact on the character and appearance of the St John's Wood and Regent's Park Conservation Areas

Regard has been made to Section 72 of the Act which requires special attention shall be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.

The applicant's townscape analysis demonstrates that the proposal will not be visible from within Regents Park (Views 1 and 2), nor from Prince Albert Road in the background of the setting of the St John's Church (View 3). The impact from views from Grove End Road are considered to be very limited and will not result in any material harm.

The major change to the St John's Wood Conservation Area will be views along St John's Wood Road and around the Grace Gates in relation to the new stand and the new Thomas Lord building. It is considered that the proposal new buildings are high quality replacements which together with the improvements to the main entrance will enhance the setting of the Grace Gates will improve the overall appearance of this part of the Ground and will allow new views of the Harris Memorial garden.

Although objections have been received on the grounds of harm to the conservation area the proposal is considered to comply with the advice in the NPPF (paras 134 and 135) and Policies DES1, DES4, DES9 in the UDP and S25 and S28 in the City Plan.

6.2.4 Internal and External Alterations to the Listed Pavilion and Bowlers' Annex.

The proposed internal alterations to refurbish the Grade II* listed building on the upper floors will provide improved facilities, and will be sympathetic to the fabric and plan form of this heritage asset.

The proposal includes the removal of the existing bridge link and its roof between the pavilion and the Allen Stand. The modern glazed replacement is proposed and an existing window opening will be altered to form a doorway and the drainage pipe work will be relocated. The new bridge is a very modern addition is considered to be an appropriate form of intervention and will provide greater visual separation between the pavilion and the new stand. There will be a slight impact on the fabric of the building, but this is outweighed by the proposed restoration works to the historic terracotta façade.

The internal works to restore the original dressing room plan are welcomed and there are no objections to replacing modern fittings to the players' bathrooms, refurbishing management rooms, inserting Ladies WC and blocking up and creating replacement openings to the Bowler's Annex.

The works to the Bowlers' Annex will involve the infilling of the rear undercroft to create a new shop. The physical alterations to install new curtain wall glazing between the existing brick columns is considered to be an appropriate treatment. The undercroft is currently used for ground keeper's storage and this will be re-provided in the space between the new Warner Stand and the Bowlers' Annex. The proposal also creates a new umpires office on Level 02 of the Annex and the new openings in the party wall to the pavilion will not cause any harm to the fabric of the building.

Historic England has raised no objections to the listed building consent application for the works to the listed pavilion and Bowlers' Annex and has issued their authorisation.

6.2.5 Demolition of the Thomas Lord Building.

There are no design objections to the demolition of this 1960's building which is located just outside the St John's Wood Conservation Area and is of no architectural significance.

6.2.6 Height/Design of the Thomas Lord building

In townscape terms, the overall siting, footprint, massing of the replacement building is considered appropriate, by reducing the footprint of the building to the west improves the overall setting of the Grace Gates and opens up the entrance to the Ground.

The palette of materials follows the materials to be used on the new Stand, and is considered a high quality building which will enhance the appearance and character of the adjoining St John's Wood Conservation Area and the Grace Gates.

6.2.7 Demolition of the MCC office /Harris Gardens Building and the

Replacement Building

This single storey building is a modern structure dating from 1996, and there are no objections to the principle of its demolition in terms of its impact on the setting of the listed pavilion and the adjacent Memorial Building.

The new 2 storey building which follows the architectural language of the new stand and Thomas Lord building is considered appropriate in terms of its height and detailed design. It will continue to read as a subservient structure in relation to the side elevation of the Memorial building and will respect the setting of the listed pavilion. The removal of the temporary structures in the Harris Gardens is a benefit, and will allow this garden space to be appreciated.

6.2.8 New scorer's box

A new scorer's box is required as the existing facility is too small, cannot accommodate a wheelchair and has poor climatic conditions. The new box will be able to accommodate 11 people with disabled access. A manual scoreboard is required to ensure that play can continue if the electronic LED scoreboards fails. The new box infills the current gap between the Mound Stand and the new stand, and its detailed design is considered acceptable. The proposal will preserve the conservation area.

6.2.9 Alterations to the Front Boundary Treatment /Setting of the Listed Grace Gates

One of the main aims of this proposal is to improve the main entrance into the Ground and the setting of the listed Grace Gates. The demolition of the existing stands, the Thomas Lord building and the relocation of the floodlight mast together with the proposals to improve the main entrance will enhance the setting of the Grace Gates and this is welcomed and a benefit.

The proposal to create a new reception in the Thomas Lord building, the works to the boundary and removing the majority of servicing to basement level will create a more welcoming pedestrian entrance into Grand.

The creation of a new shop in the new stand will eliminate the requirement for the temporary buildings which currently clutter the forecourt area and this in turn will allow better crowd circulation on match days. A new security line will be created set back from the main Grace Gates which will allow visitors to enter the Ground.

A new gateman's lodge is proposed behind the Grace Gates but this will be a discreet glazed box to sit behind the Grace Gates piers, and its detailed design can be reserved by condition.

The street facing façade on the new stand extends out to the current boundary wall, and this is treated to respond to the existing arches in the adjacent Mound Stand.

Historic England welcomes the proposals to deliver a much improved public realm and enhanced setting of the Grace Gates. The new boundary treatment is now of sufficient solidity to ensure that the listed piers of the Grace Gates do not appear as isolated relics and read as an integral part of the new landscaping scheme. The detailed designs and materials will be reserved by condition.

6.2.10 Public Art

The new boundary /turnstiles either side of the listed Grace Gates will be form the public art of the development. It is proposed that the new entrance gates be designed to celebrate the achievements of cricketers with decorative metal work. The exact design has yet to be agreed, but this is considered to represent an appropriate approach to public art, and will be reserved by condition.

6.3 Residential Amenity (Daylight, Sunlight and Enclosure)

The existing Thomas Lord building is approximately 9.3 m high and is set back 14.5 m away from the side boundary with Century Court .The new building is effectively 2 storeys higher at 16.6 m high, although the top floor has been set back 24 m away it does have implications on the daylight and outlook for a number of flats within this block.

The new stand will be higher than the existing stands and this also has implications for daylight and outlook to the flats on the opposite side of St John's Wood Road. The new two storey MCC office building affects light and enclosure to a house at No 4 Grove End Road. In assessing the impact regard has been had to the advice set out in the BRE guidelines and policies S29 in the City Plan and ENV13 in the UDP.

6.3.1 Century Court

The residents and the Century Court Resident's Association object on the grounds of loss of daylight to their flats as a result of the proposed extended Thomas Lord building which is immediately outside their windows. They disagree with the applicant's daylight assessment that the proposal will accord with BRE guidance as a number of windows will fail and request that the City Council demand that the building is reduced in height. They cite in particular the loss of light to the ground floor kitchen window to the porters flat, and to the living rooms in the flats above. The St John's Wood Society request that the Council carefully consider the loss of light and enclosure to the lower floor flats.

Century Court is a 13 storey block of flats located to the west of the Thomas Lord building, and there are a number of windows in the east side facade which will be affected by the replacement Thomas Lord building and to a lesser extent by the new stand .There are two flats per floor and the windows which face onto the Ground serve living rooms and bedrooms although there are a number of the rooms have been converted into dining rooms and study's. At either end there are large projecting balconies and a number of these are enclosed in glass to form winter gardens.

The windows most affected are located a ground (a kitchen which serves the porters flat) and windows, and those on the first to fourth floors. The flats above fifth floor have not been tested as the proposal will have no appreciable impact on their daylight.

A number of flats in this block have been visited internally prior to the application being submitted. As the affected window face east they have been tested in terms of their daylight. A number of the existing windows are affected by the existing projecting balconies above, and it is recognised that these structures can limit the amount of daylight entering into rooms as the top of the balcony cuts out light from the top part of the window. Therefore in accordance with the advice in the BRE guidelines the applicant has carried out an analysis based on the existing and proposed situations with and without out the balcony in place. The results from the applicant's Daylight /Sunlight report are summarised in the table below.

Table 2: Loss of Daylight to Century Court.

Room/Window	Existing VSC	Proposed VSC	Loss of VSC	% Loss
Ground Floor R2/400 Window W2/400 Kitchen to porters flat	20.22	16.01	-4.21	-20.82
First Floor R1/401 W2/401 Living Room	9.52 (32.92)	4.67 (28.03)	-4.85 (-4.89)	-50.95 (-14.85)
First Floor Room 8 W9/401 Living Room	11.15 (35.98)	7.02 (31.09)	-4.13 (-4.89)	-37.04 (-13.59)
Second Floor Room 1/402 Window W2/402 Living Room	12.78 (35.98)	7.89 (31.09)	-4.89 (-4.89)	-38.26 (-13.59)
Second Floor Room 8/402 Window W9/402 Living Room	13.94 (36.24)	9.94 (31.94)	-4.00 (-4.30)	-28.69 (-11.87)
Second Floor R1/403 Window W2/403 assumed living room	14.47 (36.95)	11.39 (33.87)	-3.08 (-3.08)	-21.29 (-8.21)

These figures above are the loss of daylight that will occur to the rooms recessed behind the balconies/winter gardens (Scenario 1 in black assumes that the winter gardens do not exist) and Scenario 2 (in bold) with the winter gardens and balconies removed. In respect of the existing winter gardens, these have been tested by the applicant in Scenario 3, and the losses of daylight are under 20% recommended in the BRE Guidelines and therefore the losses are considered to fall within acceptable limits.

In terms of the loss of daylight, the loss of light to kitchen window serving the porters flat is just breaching the BRE guidelines at a 21% reduction, but it is not considered that this impact will be so material to warrant refusal of permission.

In terms of the upper floors, the losses to the first and second floors do breach the BRE guidelines in terms of the living rooms and whilst the losses are well in excess of the BRE guidelines, these rooms are served by other mitigating windows either to the south or north. The calculations undertaken with the balconies removed demonstrate that the losses would be within the BRE guidelines. Therefore it is considered on these habitable rooms will continue to receive adequate levels of daylight distribution and the objections on loss of daylight grounds cannot be supported.

The other windows in the side elevation will also lose daylight and these rooms do not have mitigating windows. The worst affected windows are those of first floor level which will experience losses between 15-17% of their daylight, but these losses are within the BRE guidance and these rooms will remain adequately well lit. Again, it is considered that the losses of light to these windows is acceptable.

6.3.2 Grove End Road houses

The applicant has tested the windows in the rear of Nos. 2, 2 a, 4, 6 and 10 Grove End Road which back onto the application site. The majority of losses to these houses are within the 20% reduction of VSC, and therefore the losses are within acceptable limits. The worst affected house is No 4. Three windows in the rear elevation at ground floor level which will experience losses in excess of the BRE guidelines which are set out in the table below:

Table 3: Loss of Daylight to No 4 Grove End Road

/Room /Window	Existing VSC	Proposed VSC	Loss of VSC	% Loss
Room 1/310 W3/310	19.54	12.55	-6.99	-35.77
Room 3/310 W1/310	16.37	9.95	-6.42	-39.22
Room 3/10 W2/310	17.13	10.46	-6.67	-38.94

It is not known which rooms are served by these three affected windows, and a further letter has been sent to the owner of this house to arrange a site visit, but no response has been received to date.

This house will be affected by the proposed 2 storey MCC Office building located adjacent the garden wall. The ground floor window W3/310 will lose approximately 36% of its VSC but this room has a mitigation window W4/310 which will allow this room to remain reasonably well lit. The second ground floor room is served by windows W1/130 and W2/310 and will experience losses in excess of 20%. Whilst this loss is regrettable, the No Sky Line (NSL) assessment demonstrates that the losses are largely concentrated to the rear of the room. Whilst it is accepted that losses of light to this room although perceptible, it is considered not to be so material to warrant refusal of permission.

6.3.3 St John's Wood Court

This eight storey mansion block located on the opposite side of St John's Wood Road will be affected in terms of loss of light, 97% of the tested windows will meet the BRE guidance and 11 windows will experience losses beyond the guidance.

Five of the 11 windows (W6/500, W27/501, W31/501, W9/503 and W13/503) will experience percentage losses between 20.1% to 27% of their former value and these losses are not considered to be so significant to warrant refusal. The remaining 6 windows have existing low levels of VSC between 8% and 1%, and four of these windows are located below existing architectural overhangs/balconies, therefore small percentage losses will be expressed as a high percentage figure. Again the losses are not so significant and it is understood that all the affected windows serve rooms with at least one mitigating window.

6.3.4 Blazer Court/Liberal Jewish Synagogue

The synagogue occupies the ground and first floor of Blazer Court and given its non-residential use has not been tested in terms of loss of daylight. The upper residential windows have

tested and 83 of the 85 tested windows will comply. Two windows (W3/602 and W6/202) will experience percentage losses between 21.88% and 34.6%. However, these windows have poor existing levels of light at 12.48 VSC and 5.95 VSC respectively therefore small losses of light will be expressed as a higher percentage figure. However the affected room does have five mitigating windows all of which will meet the BRE guidelines and therefore the losses are daylight are considered acceptable.

6.3.5 Pavilion Apartments

This 11 storey residential block which has existing projecting balconies and again assessments have been made with the balconies in place and without. In terms of the 100 windows tested 88 will meet the BRE guidelines. The porter's studio flat on the ground floor will experience 25% loss in daylight, but the room has two mitigating windows and therefore will retain an adequate level of daylight distribution over 99% of the room area. Six windows between the ground and second floors will experience losses between 21% and 27% of daylight. Five of these windows serve bedrooms which have a lower expectation of light compared to living rooms and therefore these losses are considered acceptable. The remaining window has low level reducing from 8%VSC to 6%VSC and a mitigating window. Again the losses of daylight are not considered to material to the occupants.

The proposal will not affect sunlight to the houses to the north in Elm Tree Road.

6.3.6 Sense of Enclosure

The Century Court Residents Association object to the height of the new Thomas Lord building on increased sense of enclosure grounds. The applicant has submitted a number of visuals taken from a number of flats in Century Court to show the new Thomas Lord building and the new stand from inside these flats.

The flats on the ground, first, second, third and fourth floors will experience an increase in sense of enclosure as a result of the proposed new building, and again the worse affected flats are those located at first and second floor levels. It is recognised that the outlook from these flats is already affected by the presence of the existing building, and this new building will result in a number of flats experiencing a greater degree of enclosure. The proposal increases the increase in height by 3 m from 9.3 m to 12.3 m adjacent the boundary which equates to an additional floor albeit the new top floor has been set further away from this sensitive boundary.

After visiting a number of flats, it is accepted that there will be an increase in enclosure. The proposed top floor this has been well set back by 24 m, which has mitigated the increase in height (16.6 m) and whilst it is accepted that this additional floor will be clearly be visible for residents in Century Court, the loss of amenity is considered to be a balance acceptable.

The new building and the stand will also affect the outlook of the flats to the south, but again due to the distances involved, this is not considered to be harmful.

The two storey MCC office will result in an increased sense of enclosure to the rear No 4 and its garden and to a lesser extent No 2 Grove End Road. It is accepted that the outlook from the rear of this house and its rear garden will be affected the proposed two storey building, but in the light of the public benefits, this loss of amenity is considered acceptable.

Overall, the proposal is considered to comply with policies S29 in the City Plan and ENV13 in the UDP.

6.3.7 Overlooking /Loss of Privacy

Objections have been received from residents on loss of privacy from the new buildings and also the use of the Harris Gardens by the public house and on match days.

The top floor of the new Thomas Lord Building is a glazed structure and in order to safeguard the residents of Century Court, the glass is shown to be obscured, and be fixed shut on the west facing side elevation. It is also recommended that the flat roof at this level is not used of the flat roof as a terrace.

A terrace is proposed to the rear of the Thomas Lords building but is screened by the proposed flank wall so not to afford views into Century Court. An Operational Management Plan will also cover the use of the Harris Gardens a match and no match days.

The top floor of the new stand which has a glazed screen will be obscured to protect the flats in the flats opposite and can be secured by condition.

6.4 Transport /Parking

The proposal will result increase in additional trips as a result of the increase in the capacity of the new stand, its restaurant and the facilities in the new Thomas Lord building. The changes in trips will result in an increase in walking, bus, rail and underground trips.

6.4.1 Car Parking

There are currently 32 car parking spaces in the basement of the Thomas Lord Building for players and staff, and there is no spectator parking provided at Lords .The larger basement will provide 28 spaces and 2 wheelchair accessible spaces. This small reduction in parking is considered acceptable in terms of the Council's car parking policies.

The spaces should be provided with electric charging provision (active and passive) to meet the London plan policy 6.13 and this can be secured by condition.

6.4.2 Coach Management Plan

The GLA have requested that a coach management plan should be provided and additional coach parking should be implemented on St John's Wood Road if demand shows this is necessary. There is no designated coach parking at Lords, and on major match days, there is low potential demand, and it is considered that the proposed small increase in capacity is not considered to justify the provision of such a plan.

6.4.3 Servicing

The existing car park entrance from St John's Wood Road will be marginally widened to accommodate a 3.5 tonne vehicle so that large transit van vehicles can enter the new basement car park to a pair of loading bays. The proposed larger basement beneath the new Thomas Lord building will accommodate the majority of servicing trips , and when constructed will remove a large number of vehicle movements through the existing Grace Gates, and this is considered to be a benefit for neighbouring residents and to users of the Ground .

It is expected that larger vehicles will continue to enter the ground at the Nursery End from the North and East Gates, until such time the East Gate service centre is constructed which will form part of a later phase of the Masterplan.

The new stand has its own basement and when the Thomas Lord building is built, both these basements will be linked.

A Servicing and Delivery Plan as requested by Transport for London can be secured by Condition if Members are minded to approve.

6.4.4 Pedestrian Movement within the Ground

The proposal includes the introduction pedestrian turnstiles either side of the listed Grace Gates which improve flows into the ground on major match days. These will remain gated during the rest of the year and the main Grace Gates will be used. The new public realm will be created around the Grace Gates and be accessible space on- match and non-match days with a new security line set back to the flanks of the new stand. This will represent a significant improvement.

6.4.5 Cycle parking

The GLA state that conflicting information has been submitted regarding the existing and proposed level of cycle parking for staff and visitors . The applicant has submitted additional information on cycle parking within the Ground and Transport for London's comments are awaited and will be reported verbally to Committee .

6.4.6 Public Transport

The GLA/TfL confirm that the impact of the additional trips expected is not considered to be significant to warrant any specific mitigation towards public transport facilities or services in the vicinity of the site. The proposal does not involve any changes to the position of the bus stops on Grove End Road which was raised by one of the consultee's responses.

6.4.7 Traffic Generation

Whilst it is recognised that during construction there will be an increased number of traffic, but the impact can be mitigated with a Construction Traffic Management Plan which can be secured by condition . The impact of construction is dealt with in more detail in Section 6.12 of this report.

The formal views of the Highways Planning Manager are awaited and will be reported verbally to Members.

6.5 Economic Considerations

The MCC have commissioned a report from Sheffield University to ascertain the economic impact of hosting cricket matches at Lords based on the 2013 Ashes Test matches and other international matches held that summer . The report concluded that Lords Cricket Ground contributes nearly £9million to Westminster's economy.

The proposed redevelopment will result in an increase in capacity and better views of the pitch, increase accessibility and the number of wheelchair seats and result in improved facilities which will help to support Lords future as the home of cricket.

6.6 Equalities and Diversities

One of the key aims of the proposal is to improve accessibility and the applicant has engaged with the MCC Disabled Members Group. The new stand will have two lifts to all floors which are large enough to accommodate two wheelchair users, together with a variety of accessible

seating with associated companion seating is proposed both at pitch side and each level above within acceptable distances of accessible WC facilities and this is most welcomed and improve significantly inclusive access.

6.7 Other Westminster Policy Considerations

6.7.1 Archaeology

This site is located outside an Area of Special Archaeological Priority and the applicant's desk top assessment concludes that potential for any archaeological remains is low.

6.7.2 Air Quality

The entire City of Westminster is within an Air Quality Management Area. During construction, air quality will be monitored by the main contractor as part of the Considerate Contractors Scheme. Methods of mitigation will focus on reducing the quantity of airborne particles and ensuring that plant is not idling when not in use.

It is not considered that the plant associated with the new buildings will lead to an increase in air pollution in accordance with policies S31 and ENV5.

6.7.3 Ground Contamination

Given the site's history, it is a low probability of any localised contamination. Environmental Health advise that the information submitted is sufficient to fulfil Phases 1 and 2 of the Council's land contamination condition, but Phases 3 and 4 need to be approved and this can be reserved by condition.

6.7.4 Light Pollution /Relocation of Temporary Floodlight

The existing floodlight mast behind the existing Tavern Stand has a temporary permission until 2019, and it is proposed to be removed and re-erected in a new position approximately 10.7 m east of its current position and be incorporated within the design of the new stand. The floodlight which is currently 22.m to the north of the boundary will now be 18 m away, and this may have implications on light pollution for residents opposite and on the views within the conservation area.

In order to improve the visual appearance of the floodlight , the existing structure will be modified to remove the section of mast from ground level to Level 01, with the mast fixed to Level 02 slab .The upper retractable part of the mast will remain , and the lamps on the head frame will need to be re-calibrated to ensure existing illumination measures are maintained Although no specific objections have been raised to the floodlight element of the application , the erection of floodlights in the Ground has been a contentious issue for local residents in the past.

Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. Policy ENV10 seeks to reduce light pollution and requires that when planning permission is granted for developments which include the installation of lighting apparatus, conditions be attached to ensure: a) no glare or conflict with street or traffic lighting's) minimal upwards light spill; and c) that energy efficient lighting is used. Regard has also been had to the guidance note produced by the Institute of Lighting Engineers (ILE) on Reduction of Obtrusive Light (2005). The ILE designates four environmental zones:

E.1 Intrinsically dark landscapes: National Parks, Areas of Outstanding Natural Beauty.

E.2 Low district brightness areas: Rural, small village or relatively dark urban locations.

E.3 Medium district brightness areas: Small town centres or urban locations.

E.4 High district brightness area: Town /city centres with high levels of night time.

The guidance sets out maximum lux levels before 23.00 hours and after 23.00 hours.

The City Council does not identify Environmental Zones for the City and in dealing with previous applications for the floodlights, conditions were imposed to restrict light spill from the floodlights to a maximum of 20 lux. Since their installation, regular monitoring has confirmed that the floodlights are operating below the originally predicted lux levels and in fact have reduced over time.

The applicant's submitted vertical illuminance report concludes that moving the floodlight within the new stand will not have an adverse impact on the lux levels to adjacent flats on the other side of St John's Wood Road. Environmental Health raises no objections subject to the same conditions imposed on the previous approvals.

In design terms, removing the lower section of the mast will help to screen its visual appearance, and overall is an improvement in townscape terms. Given the limited number of times each year the floodlight is used, it is not considered to result in harm to the conservation area.

It is noted that if permission is granted implementation of this permission may not start until Autumn 2019, and the current temporary permission for the floodlights will expire on 22 January 2019. It is therefore recommended that the same time limit condition be imposed, and if the applicant wishes to retain these structures for a longer period, this will have to be the subject of a separate planning application.

6.7.5 Noise

The majority of objections relating to noise relate to the relocation of the existing public house to the rear and the resultant noise and disturbance caused to residents in Century Court and this is dealt with in Section 6.1 of this report, and can be addressed via an Operational Management Plan.

In respect of plant, it is recommended to impose the standard noise conditions to safeguard the amenities of surrounding residents and the submission of a supplementary noise report in respect of the plant associated with each phase to ensure compliance in order to address the comments made by Environmental Health.

It is proposed to reserve details of the new PA system in the new stand (as per the Warner Stand) in order to protect the amenities of residents.

6.7.6 Refuse /waste storage

The creation of dedicated waste and storage facilities in the basement and this is in accordance with policy ENV10.

6.7.7 Plant /kitchen extract serving restaurants/public house

The applicant has submitted a report on the odour risk assessment for the kitchen facilities proposed in the new Thomas Lord building and the new stand which recommends that a high level of odour control is included in the design. It is recommended that the design of these

ducts be reserved by condition in order to safeguard the amenities of nearby residents and to ensure their design is acceptable if Members are minded to approve.

6.7.8 Security /Crime Prevention

The applicant advises that the proposal incorporates Secured by Design principles and the design has been discussed with representatives of the Metropolitan Police given it is a crowded place.

The Designing Out Crime officer has submitted minutes of his meeting with the architects. The new stand and Thomas Lord building are at high risk due to their location on the perimeter of the Ground and the Police have suggested defensive barriers in the kerb line, use of laminated safety glass, vehicle proof turnstiles and gates(to be crash tested and security rated) and CCTV /security access.

Retractable bollards are being proposed behind the Grace Gates and their detailed design can be reserved by condition. This proposal does not include any kerb line barriers, and any such proposal would require a fresh planning application.

6.7.9 Sustainable Urban Drainage (SuD)

The applicant's report concludes that the following SuD's management train is proposed: i) rainwater harvesting and the re-use of grey water and pitch irrigation: ii) green roofs to reduce runoff and provide treatment of pollutants iii).attenuation by pipes and subsurface storage and iv) discharge to the combined sewer. There is also the potential that pervious paving could be provided subject to further development on the landscaping. Overall, it is considered that this strategy will provide a significant reduction in surface water runoff and therefore a reduction in localised flooding. Thames Water has requested that a condition be imposed to reserve the submission of a Drainage Strategy and to reserve details of piling in relation to water infrastructure.

In respect of their comments in respect of water discharge for surface water and its impact on the local sewerage network that this will be the subject of a separate condition to ensure that the foul water and storm drainage design be submitted to the City Council and further consultation will take place with Thames Water.

6.8 The London Plan

This application is referable to the Mayor of London as the relocated floodlight is over 30 m in height. The Mayor's stage 1 response (which is set out in the background papers and summarised in the Consultations section of this report) supports the proposal in strategic planning terms but has raised a number of issues regarding cycle parking and energy which the applicant has responded to.

If the Council resolves to make a draft decision, the Mayor needs to be consulted again under Article 5 and to allow him 14 days to decide to allow the draft decision to proceed unchanged or to direct the Council to refuse the application, or to issue a direction for the GLA to determine the application.

6.9 Central Government Guidance

In dealing with these applications regard has been had to the advice set out in the NPPF, in particular to Section 12 which deals with the historic environment, and the impact on heritage assets.

6.10 Planning Obligations

Given the scale of the proposal and the close proximity to adjoining residents, it is considered that a legal agreement to secure construction monitoring, adherence to the Code of Construction and the submission of a SEMP in order to mitigate the environmental impacts during construction. Environmental Health indicate that the construction monitoring costs will be in the region of £31,000 per annum and this will need to be secured by a legal agreement.

The proposal will be liable to pay the Major's CIL and the applicant is being advised by way of an informative.

6.11 Environmental Assessment, Sustainability and Biodiversity

6.11.1 Environmental Assessment

This scheme is not considered to require an Environmental Impact Assessment, and this was confirmed by the City Council in a screening opinion dated 27 August 2014 (Ref: 14/07895/EIAOP).

6.11.2 Sustainability

The new buildings are being designed to target BREEAM 'Excellent' and the design incorporate ground source heat pumps, solar thermal and photovoltaic panels. Because of the white fabric roof, it is not possible to add PV panels to the new stand. The GLA advise that on site carbon dioxide savings fall short of the London Plan target, and they recognise that there is little further potential for carbon dioxide reductions on site, and recommend that the applicant should liaise with the City Council to ensure that the shortfall (equivalent to 33 tonnes per annum) is met off-site.

The applicant has submitted an Addendum to the Energy Statement to provide the additional information to the GLA regarding the solar thermal panels on the roof of the Thomas Lord Building and the Harris Buildings and the capacity of the heat pump to address the points raised by the GLA.

In respect of carbon off setting, it is not possible to achieve this off site and it is not considered reasonable to require a carbon off setting payment as requested by the GLA.

6.11.3 Biodiversity /Trees

Both the Thomas Lord Building and the Harris Garden building will have areas of green roofs and green facades which are welcomed in biodiversity terms. The facade planting to the west side of the Thomas Lords building facing onto Century Court will use a mix of both evergreen and flowering plants to act as green screen on a tensile steel structure. It is anticipated that the facade will be fully screened within 5-7 years of planting. The St John's Wood Society have queried the practicality of this green wall, its long term maintenance and raise whether trees in front of the building be more pleasing and practical.

It is considered that a green wall is a suitable architectural approach, and its maintenance will be secured by condition. The planting of mature trees along this boundary will be problematic given the basement below, and raised planters do limit the size and type of tree which can be planted.

The trees within the Ground are subject of a Tree Preservation Order. The proposed excavation of the basement under the Harris Gardens as part of the new Thomas Lord building has the potential to affect two mature Limes trees 1 and 2 which are 5.5 m away. The

applicant states that careful and controlled working practices in and around their root protection zones during the construction phase will ensure their retention.

The Council's Arboricultural Officer has raised objections to the inadequacy of the applicant's arboricultural report, and is of the opinion that the basement is likely to result in the loss of these Lime trees (1 and 2) and the trees in the adjoining rear gardens.

The new stand has potential to affect the row on London Plane trees (trees 3 to 8) in St John's Wood Road in terms of the erection of the new stand and basement. One tree (3) leans towards and overhangs the existing boundary wall and will require pruning in order to allow the new stand to be constructed. The Arboricultural Officer considers that the applicant's report has not fully addressed this and TFL has also raised concerns (as this street tree is their responsibility).

The applicant has been requested to address these matters with a revised arboricultural report and an update will be reported verbally to Committee.

New planting is proposed to the Harris Gardens and the existing flint boundary wall will be largely retained (a section will need to be taken down and rebuilt). New hard landscaping is proposed behind the Grace Gates, and at the entrance of the Grace Gates, the existing cobble setts which form the crossover are uneven and the applicant is proposing to relay the existing cobbles or replace with a new level granite sett surface. It is considered that relaying the existing cobbles would be the preferred solution and again this can be controlled by condition if Members minded to approve. Bird and bat boxes are proposed and these can be reserved by condition.

6.12 Other Matters

6.12.1 Five Year Permission

The applicant is applying for 5 year permission and listed building consent. The applicant states that this is a complex phased development, and there is uncertainty regarding the allocation of international cricket matches beyond 2019 and request a longer period than the standard three year time limit. The focus on Lords for the ICC Cricket World Cup Final in 2019 means that the Ground must be free of building works that summer and therefore the earliest the SWP could commence is Autumn 2019. In the light of the applicant's case, it is considered that a case has been made for a longer permission if Members are minded to approve.

6.12.2 Basement Excavation

The proposal involves the excavation of a basement under part of the new stand, and enlarging the existing basement under the existing Thomas Lord building and under the Harris Gardens. Building Control is satisfied with the structural approach taken to construct the basement, (which will be two phases) which will not affect the structural integrity of existing historic buildings in the ground or those adjoining.

Subject to the submission of a Site Environmental Management Plan (SEMP) and construction monitoring contribution and adherence to the Code of Construction to be secured in the legal agreement, it is considered that the impacts of construction can be adequately mitigated. The applicant in dealing with the construction of the new Warner Stand has actively engaged with neighbouring residents regarding the construction programme, and the same approach will be adopted with this project.

6.12.3 Stakeholder Engagement

A considerable number of meetings have been held with local stakeholder groups and public exhibitions held on 11.2.2015 and 22.4.2015. In addition the proposal has been presented at three Lords Community Group meetings in 2014 and 2015 and full details are set out in the applicant's Statement of Community Involvement. As a result of these meetings a number of changes have taken place, namely to reduce the height of the new stand, changes to the Thomas Lord building and alterations to the design of the front boundary treatment either side of the Grace Gates.

6.13 Conclusions

In assessing this proposal, considerable importance and weight has been given to the desirability of preserving the setting of the heritage assets (the Grade II* listed pavilion, the listed Grace Gates and the St John's Wood Conservation Area). The report sets out the justification for the demolition of the Allen Stand (an unlisted building of merit) and the less than substantial harm caused to the setting to the pavilion by the proposed scoreboard and retractable seating in the new stand. However, officers consider that the public benefits associated with this proposal together with the benefits to the setting of the listed Grace Gates outweigh this less than substantial harm. Members' views are therefore sought.

BACKGROUND PAPERS

1. Application forms
2. Stage 1 response from the Greater London Authority dated 28.9.2015.
3. Letters from Historic England dated 3.9.2015.
4. Email from Transport for London dated 27.8.2015.
5. Email from Building Control dated 18.8.2015.
6. Emails from Sports England dated 14.8.2015 and 3.9.2015.
7. Email from Environment Agency dated 17.8.2015
8. Email from Thames Water dated 21.8.2015
9. Comments from the Designing Out Crime Officer dated 25.8.2015.
10. Memorandum from Environmental Health dated 26.8.2015.
11. Memorandum from Arboricultural Officer dated 28.9.2015.
12. Memorandum from Environmental Health dated 7.10.2015.
13. Letter from Brunel Planning on behalf of the Century Court Residents Association sent to Historic England dated 22.7.2015.
14. Email from the St John's Wood Court Residents Association, c/o 77 St John's Wood Court, London NW8 dated 14.9.2015.
15. Letter from 31 Century Court Grove End Road London NW8 dated 21.8.2015
16. Email from Mr and Mrs Brodie (no address given) dated 23.8.2015
17. Response via public access from Flat 6r Grove End House Grove End Road London NW8 dated 23.8.2015
18. Response via public access from Flat 2H Grove End House Grove End Road London NW8 dated 24.8.2015
19. Response via public access from Flat 75 Century Court 2B Grove End Road London NW8 dated 24.8.2015.
20. Response via public access from Flat 8d Grove End House Grove End Road London NW8 dated 24.8.2015.
21. Response via public access from 22 Elm Tree Road London NW8 dated 24.8.2015.
22. Response via public access from Flat 94 Century Court 2B Grove End Road London NW8 dated 24.8.2015.
23. Response via public access from 22 Elm Tree Road London NW8 dated 24.8.2015

24. Response via public access from Flat 1 Pavilion Apartments 34 St John's Wood Road London NW8 dated 29.8.2015
25. Response via public access from 104 Century Court Grove End Road London NW8 dated 31.8.2015
26. Response via public access from 55 Century Court Grove End Road London NW8 dated 1.9.2015
27. Response via public access from 106 Lords View St John's Wood Road London NW8 dated 6.9.2015.
28. Response via public access from 122 Lords View St John's Wood Road London NW8 dated 5.9.2015
29. Response via public access from Flat 3.1 Grove End Road London NW8 dated 7.9.2015.
30. Response via public access from 1 Century Court Grove End Road London NW8 dated 9.9.2015.
31. Response via public access from 11 Century Court Grove End Road London NW8 dated 9.9.2015.
32. Response via public access from 64 Century Court Grove End Road London NW8 dated 9.9.2015.
33. Response via public access from 111 Century Court Grove End Road London NW8 dated 9.9.2015.
34. Response via public access from 22 Century Court Grove End Road London NW8 dated 9.9.2015.
35. Response via public access from 93 Century Court Grove End Road London NW8 dated 9.9.2015.
36. Response via public access from 105 Century Court Grove End Road London NW8 dated 11.9.2015.
37. Response via public access from 119 Lords View St John's Wood Road London NW8 dated 17.9.2015
38. Response via public access from 115 Century Court Grove End Road London NW8 dated 11.9.2015
39. Email from Brunel Planning on behalf of the Century Court Residents Association dated 22.9.2015.
40. Response via public access from 65 Century Court Grove End Road London NW8 dated 23.9.2015
41. Response via public access from 5 Carlton Close West Heath Road London dated 24.9.2015.
42. Letter from JPC Law on behalf of the owners of Flats 81 and 82 Century Court dated 24.9.2015.
43. Email from a resident in Century Court Grove End Road London NW8 dated 4.10.2015.
44. Response from the MCC dated 5.10.2015.
45. Email from Century Court Grove End Road London NW8 dated 9.10.2015.
46. Email from the St John's Wood Society dated 9.10.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** Lords Cricket Ground, St John's Wood Road, London, NW8 8QZ
- Proposal:** Demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorer's Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new scorers Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment.
- Plan Nos:** Planning Statement and draft Heads of Terms, Design and Access Statement, Statement of Community Involvement, Energy Strategy, Construction Management Plan, Transport Statement, Travel Plan, Delivery and Servicing Management Plan; Daylight, sunlight and Overshadowing Report, Historic Buildings and Townscape Assessment; Preliminary Site Waste Management Plan; Operational Waste Management Plan; Environmental Performance Statement, Sustainability Appraisal; Structural Impact Appraisal, Sustainable Urban Drainage Plan; Ventilation and Extraction Statement; Lords Cricket Ground Economic Impact Assessment; Light Impact Statement, Arboricultural Report; Heritage Appraisal; Historic Spectator Roof Seating; Design and Access Statement Addendum: Electronic Display Board and Retractable Seating Design Note; Design and Access Statement Addendum: Views Analysis Study.
4669-POP-PL-DSP-0010; 4669-POP-PL-DGA-0100; 0101, 0102, 0103, 0104, 0105, 200, 0201, 0202, 0203, 0204, 0205, 1100; 1101, 1102, 1103, 1104, 1106, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2210, 3100, 3101, 3102, 3103, 3104, 3105, 3200, 3201, 3202, 3203.
4669-POP-PL-DSE-0200; 0201, 0202, 0210, 0400, 0402, 0404, 0600,
4669-POP-PL-ELE-0001; 0100, 0101, 0102, 0103, 0104, 0105; 0002; 0200; 0201; 0202; 0003; 0300; 0301; 0302; 0303; 0400; 0401; 1300;
9810849-P-10-01.

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 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 for :
- i) new stand
 - ii) Thomas Lord building
 - iii) MCC office building
 - iv) scorer's box
 - v) new shopfront to the Bowlers' Annex and the bridge link from the main pavilion to the new stand.
 - vi) gatehouse to the Grace Gates and boundary wall treatment
- 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 St John's Wood 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 apply to us for approval of detailed drawings at a scale of 1:50 of the following parts of the development -
- i) retractable seating and scoreboard to the new stand
- 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 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 St John's Wood 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 **Pre Commencement Condition.** No development shall take place on each Phase of the development as shown on the indicative Phasing Plan, 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.

- 6 **Pre Commencement Condition** : No impact piling shall take place on site , until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out , including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved by the City Council in consultation with Thames Water .Any piling must be undertaken in accordance with the terms of the approved piling method statement .

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure and the proposed piling has the potential to impact on that infrastructure.

- 7 **Pre-Commencement Condition** : Details of the foul storm and drainage design shall be submitted to and approved by the City Council as local planning authority in consultation with Thames Water.
The development shall be carried out in accordance with the approved design.

Reason:

Since the site falls within the highly sensitive Counters Creek Catchment where flooding is a serious concern, Thames Water have require surface water attenuation to Greenfield runoff rates.

- 8 **Pre Commencement Condition**. You must not start any demolition work on the Allen and Tavern Stands until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the St John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 9 You must apply to us for approval of detailed drawings at a scale of 1:50 including samples of materials and details of the artwork of the of the following parts of the development - new front boundary entrance gates/screens. 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 protect the special architectural or historic interest of the listed Grace Gates and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 10 The floodlight being relocated within the proposed new stand shall be limited until 22 January 2019. On or before the expiry of this date , the floodlight and mast shall be removed from the stand .

Reason:

The City Council granted permission on 12 March 2013 for a further temporary permission of the four floodlights in the Ground until 22 January 2019 , in order to review the floodlights in the light of any forthcoming proposals for the Lords Masterplan and to assess the impact upon the amenities of surrounding residents and this part of the St John's Wood Conservation Area as set out in S11, S25, S28, S29, S32,S38 in the Westminster City Plan : Strategic Policies adopted November 2013 and DES1, DES3, DES9, DES10, ENV6, ENV7, ENV10, ENV16 of our Unitary Development Plan that we adopted in January 2007.

- 11 (a) The retractable floodlight hereby approved in the new stand shall only be used for the illumination of Lord's Ground for the playing of cricket (and not for any other purpose) for a maximum of 14 Days, 10 Evenings and 2 Evening practice matches throughout a period commencing on 1 April and expiring on (but including) 30 September in any year and not at all outside this period.
 (b) Where the floodlights are used during an Evening, the operating capacity of the floodlights shall be reduced by 50% from 21.50 hours, and be further reduced to 10% of their operating capacity from 22.30 hours and be turned off by 23.00 hours.
 (c) Where the floodlights are used on any Day they shall be switched off no later than 19.30 hours.
 (d) No spectators shall attend Evening practice matches.

For the purpose of this Condition :

Day means a period commencing at 10.00 and ending at 19.30 hours. The daytime use of the floodlights shall only be used when there are bad light conditions (as agreed by the Head of Cricket and the umpire) and in connection with existing Test Matches, One Day Internationals and domestic finals.

Evening means an occasion when a match takes place that it is scheduled to be played wholly or partly in the evening under floodlights and covers the period from the start of the

match until 23.00 hours.

If the masts are erected for a Day match, this will be counted as one of the permitted 14 Days whether or not the floodlights are switched on.

The applicant under the terms of this condition is not permitted to swap between the Day and Evening permitted number of matches, and any un-used Day or Evening matches from one season cannot be carried forward to the next.

Reason:

To protect the amenities of neighbouring residents and the environment in general and to ensure that the floodlight is only used for cricket matches and for no other purposes as set out in S29 and S32 of our Westminster City Plan: Strategic Policies that we adopted in November 2013 and ENV13, ENV10, ENV6 and ENV7 of our Unitary Development Plan that we adopted in January 2007.

- 12 The maximum vertical illuminate into windows outside the Ground from the relocated floodlight shall no exceed the lux values identified in the Technical Note on Light Pollution for the Tavern and Allen Stand mast relocation. If lux values exceed this figure, a scheme of mitigation shall be prepared and submitted to the City Council as local planning authority to identify the measures to be taken to address the light spill .Other than for testing under Condition 14, the floodlight shall not be used if these lux levels are exceeded until the appropriate mitigation measures and a scheme of implementation has been approved by the City Council.

Reason:

To ensure that the relocated floodlight does not cause unacceptable levels of light pollution to nearby residents as set out in S29 of our Westminster City Plan: Strategic Policies adopted November 2013 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 13 The floodlight mast (except the moving parts) shall be painted light grey and maintained in that colour unless otherwise agreed in writing by the City Council as local planning authority.

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 St John's Wood 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 Prior to the commencement of use of the floodlight (for competitive games and practice sessions), the applicant shall submit a scheme for the testing, commissioning, monitoring and evaluation to demonstrate that the floodlights are compliant with the maximum vertical illuminate values as identified in the Technical Note on Light Pollution for the Tavern and Allen Stand mast relocation dated 24 July 2015.

The scheme shall be approved in writing by the City Council as local planning authority and will consist of the following:-

Identification of monitoring points;

The regularity of monitoring and reporting to the Council;

Means of enabling local residents to register a complaint and a process for assessing and evaluating that complaint.

The date(s) of testing /commissioning prior to use of the floodlights for the first floodlit match each season which shall be agreed in writing with the City Council as local planning authority.

Details of the consultation with local residents to investigate ways of further reducing light spill levels within the lifetime of this permission in relation to the temporary floodlight.

The applicant will take appropriate mitigation action under the terms of Condition 12 if in the event that the agreed lux levels are exceeded.

The development hereby approved shall take place in accordance with these approved details.

Reason:

To ensure that the relocated temporary floodlight does not cause unacceptable levels of light pollution to nearby residents as set out in S29 of Westminster City Plan: Strategic Policies adopted November 2013 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 15 Except for the commissioning and testing approved under Condition 14, the floodlight hereby approved shall only be extended on the Day or Evening of intended use. Prior notification of intended Day and Evening use each season shall be given in writing to the Local Planning Authority before the start of each season. Any alterations to such intended use in a season shall be notified to the Council as soon as reasonably practicable.
The floodlight in respect Day use shall be lowered to their retractable positions at the end of each day of play and no later than 20.00 hours.
The floodlight in respect of Evening Use, the floodlight must not be lowered after 23.00 hours and no later than 09.00 hours on the following morning after use.

Reason:

To protect the environment of neighbouring residents, as set out in S29 of the Westminster City Plan: Strategic Policies adopted November 2013 and ENV6 of our Unitary Development Plan that we adopted January 2007.

- 16 The head frame to the retractable floodlight in the new stand shall be removed and stored no later than two weeks after the close of each season and re-erected no earlier than two weeks prior to the start of each cricket season. Details of the storage of the head frame shall be submitted to and approved in writing by the City Council as local planning authority prior to the use of the floodlight.

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 17 You must apply to us for approval of detailed drawings at scale of 1:50 of the following parts of the development retractable seating including details of mechanism. You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26CB)

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 St John's Wood 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)

- 18 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which forms part of Phase 2 works 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).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood 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)

- 19 **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 4669-POP-PL-DGA-2200. 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)

- 20 The green roof and the green facades to the Thomas Lord Building and the Harris Garden Building as shown on the drawings hereby approved must be provided prior to the occupation of these buildings.

Details of the facade planting and depth of planter and the planting to the green roofs include species, maintenance and irrigation shall be submitted to and approved by the City Council as local planning authority. And the development shall be carried out in accordance with the agreed details.

The approved green roofs and facade planting shall not be removed unless authorised by the City Council as local planning authority.

Reason:

To reduce the effect the development has on the bio diversity of the environment and also to improve the outlook for residents in Century Court and Grove End Road as set out in S38 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 21 You must apply to us for approval of a scheme of public art as described in your Design and Access Statement.

You must not start work on the public art until we have approved what you have sent us.

Before anyone moves into the Thomas Lord building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 22 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)

- 23 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people working in the building or calling there for business purposes. (C22AA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 24 At least 20% of the car parking spaces be provided with active Electronic Charging Points prior to the occupation of the Thomas Lord Building.

Reason:

To ensure that adequate electric charging points are provided in the basement car park.

- 25 (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 5 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 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.

(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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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.

- 26 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.

- 27 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 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.

- 28 You must apply to us for approval of detailed drawings and manufacturer's specification at a scale of 1:50 of the following parts of the development -
- i) kitchen extract ducts in the Thomas Lord Building
 - ii) kitchen extract ducts to the restaurant in the new stand

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 drawings. (C26DB)

Reason:

To make sure that the appearance of the ducts are suitable and preserves the character and appearance of this part of the St John's Wood Conservation Area and to safeguard the amenities of nearby residents. This is as set out in S25, S28, S29 and S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, ENV6, ENV13 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 30 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated July 2015 before you use the new stand, the Thomas Lord building and the Scorer's Box.

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 31 Details of the new PA system (including fixing maximum decibel levels) to the new Stand shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development. The works shall be carried out in accordance with the approved details.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally 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.

- 32 You must provide the waste stores at basement level as shown on drawing 4669-POP_PL_DGA-2206 before the new stand and the Thomas Lords building is occupied. You must clearly mark the waste stores and use the stores and only place the waste outside prior to collection. You must not use the waste stores for any other purpose.

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)

- 33 The development shall be carried out in accordance with the Sustainable Urban Drainage Plan dated July 2015, the features set out in this SuD's Plan shall be provided and shall not be removed unless authorised by the City Council as local planning authority.

Reason:

To ensure the development complies with policy 5.13 in the London Plan (March 2015) in respect of sustainable urban drainage/design.

- 34 The development shall in carried out in accordance with the submitted reports Phase 1: Desktop study - full site history and environmental information from the public records and Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.
The following reports shall be submitted to and approved by the City Council.
Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Phase 3 must be submitted 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 35 The restaurant on the top floor (Level) 4) of the new stand shall only be open from 08.00 to 23.00 hours daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 36 Three months prior to the commencement of the public house use in the new Thomas Lord Building, a detailed Operational Management Plan shall be submitted to and approved by the City Council as local planning authority.

This Operational Management Plan shall include the hours of use, measures to mitigate noise disturbance to local residents, both on match and non match day's .The Class A 4 use shall be carried out in accordance with the approved Plan.

The review of the Operational Management Plan shall be submitted to the City Council which will allow of review of the hours of use and use of the outdoor space in the light of experience.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 37 You must apply to us for approval of details of a security scheme for the entrance into the

Ground You must not start work on this part of the works until the City Council in consultation with the Metropolitan Police have approved what you have sent us. You must then carry out the work according to the approved details before the new entrance is used.

Reason:

To reduce the chances of crime without harming the appearance of the buildings, the setting of the Grace Gates and the character of the St John's Wood Conservation Area as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 38 The new buildings hereby approved shall achieve Building Research Establishment methods (BREEAM) 'excellent' rating, or if you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 39 You must not use the roof of the new Thomas Lord building at Level 03 for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 40 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 41 The glazing in the side elevation of the Thomas Lord Building at Level 03 must only contain obscure glass and be kept permanently fixed shut. A sample of this obscure glazing shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development. The development shall be carried out in accordance with the approved sample, and this glazing shall not be removed unless authorised by the City Council.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and

ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
(R21BC)

- 42 The glazing in top floor of the new stand at Level 04 must only contain obscure glass. A sample of this obscure glazing shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development.
The development shall be carried out in accordance with the approved sample, and this glazing shall not be removed unless authorised by the City Council.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
(R21BC)

- 43 Prior to the demolition of the Allen Stand , a detailed photographic record shall be undertaken and submitted to the City Council .Features such as the Q Stand and the MCC logo on the rear elevation shall be carefully removed and be stored.

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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to construction monitoring costs, adherence to the Code of. (I55AA)
- 4 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 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 In premises that are to be used for entertainment purposes, where there may be a risk to employees from their exposure to high noise levels, the design and layout must seek to minimise such exposure so far as is reasonably practicable. For further information and guidance, please see: www.hse.gov.uk/noise/musicound.htm.
- 7 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 8 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.

- 9 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 10 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 11 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)
- 12 All the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I31AA)
- 13 Thames Water recommends the installation of a properly maintained fat trap to all catering establishments.
- 14 In respect of Condition 6 you are advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
A Groundwater Risk Management Permit from Thames Water will be required to discharging ground water into a public sewer .Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry 1991 .Permit enquiries should be directed to Thames Water's Risk Management Team on 0203 577 9483 or emailing wwqriskmanagement@thameswater.co.uk .Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take into account of this minimum pressure in the design of the development.

DRAFT DECISION LETTER

- Address:** Lords Cricket Ground, St John's Wood Road, London, NW8 8QZ
- Proposal:** Internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together and the formation of a bridge link from the listed pavilion to the new stand which replaces the Tavern and Allen Stands. Alterations to the front boundary treatment either side of the listed Grace Gates in connection with the redevelopment of the Thomas Lord building and the construction of the new stand.
- Plan Nos:** Planning Statement and draft Heads of Terms, Design and Access Statement, Statement of Community Involvement, Energy Strategy, Construction Management Plan, Transport Statement, Travel Plan, Delivery and Servicing Management Plan; Daylight, sunlight and Overshadowing Report, Historic Buildings and Townscape Assessment; Preliminary Site Waste Management Plan; Operational Waste Management Plan; Environmental Performance Statement, Sustainability Appraisal; Structural Impact Appraisal, Sustainable Urban Drainage Plan; Ventilation and Extraction Statement; Lords Cricket Ground Economic Impact Assessment; Light Impact Statement, Arboricultural Report; Heritage Appraisal: Historic Spectator Roof Seating; Design and Access Statement Addendum: Electronic Display Board and Retractable Seating Design Note; Design and Access Statement Addendum: Views Analysis Study.
4669-POP-PL-DSP-0010; 4669-POP-PL-DGA-0100; 0101, 0102, 0103, 0104, 0105, 200, 0201, 0202, 0203, 0204, 0205, 1100; 1101, 1102, 1103, 1104, 1106, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2210, 3100, 3101, 3102, 3103, 3104, 3105, 3200, 3201, 3202, 3203.
4669-POP-PL-DSE-0200; 0201, 0202, 0210, 0400, 0402, 0404, 0600,
4669-POP-PL-ELE-0001; 0100, 0101, 0102, 0103, 0104, 0105; 0002; 0200; 0201; 0202; 0003; 0300; 0301; 0302; 0303; 0400; 0401; 1300;
9810849-P-10-01.

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 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 on the following:
- i) new shopfront to Bowlers' Annex
 - ii) new bridge link between the listed pavilion and the new stand
 - iii) gateman's lodge to the Grace Gates
 - iv) new decorative metal gates/turnstiles to the front entrance

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 protect the special architectural or historic interest of the Grade II * listed pavilion, Bowlers Annex, and the Grade II listed Grace Gates, make sure the development contributes to

the character and appearance of the St John's Wood 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of the Grade II * listed pavilion, Bowler's Annex and the Grade II Listed Grace Gates. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must apply to us for approval of detailed drawings at a scale of 1:50 including samples of materials and details of the artwork of the ; of the following parts of the development -
i) new front boundary entrance gates/screens.

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 protect the special architectural or historic interest of the listed Grace Gates and to make

sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 You must apply to us for approval of detailed drawings at a scale of 1:50 of the following parts of the development - new bridge link and shopfront to Bowlers Annex. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - retractable bollards behind the Grace Gates and Gatehouse. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations

* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

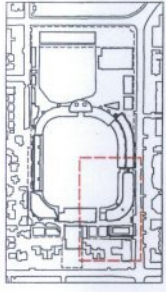
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 4 Under Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, you cannot demolish a listed building unless you have given Historic England the opportunity to make a record of the building. You must give Historic England at least 30 days' notice before you start demolition work to remove the bridge link between the pavilion and the Allen Stand. And within that period you must allow its officers reasonable access to the building. Historic England's address is:

Historic England , Architectural Investigations Section
1 Waterhouse Square
138-142 Holborn
London
EC1 2ST

DO NOT SCALE THIS DRAWING.

KEY PLAN:



1:500 @ A1: 1:1000 @ A3

STRUCTURES TO BE DEMOLISHED

SMP RED LINE BOUNDARY

NO.	PLANNING APPLICATION	APP.	PL.	DATE
1				23.03.2015
2				
3				

POPULOUS

POPULOUS CONSULTANTS LTD
100, MARKET STREET, MANCHESTER, M1 1PL
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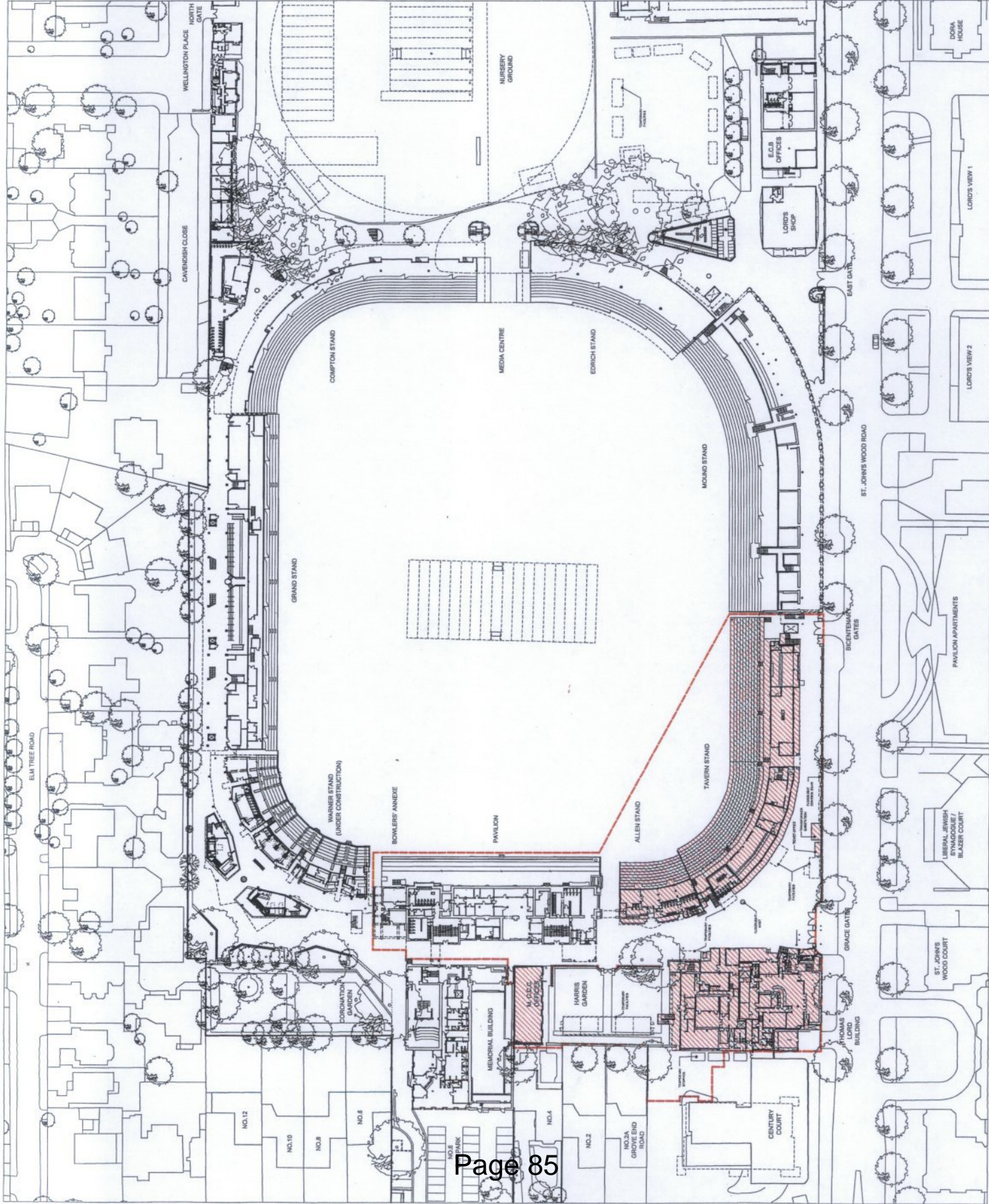
CLIENT
MARYLEBONE CRICKET CLUB



PROJECT
**LORD'S CRICKET GROUND
SOUTH WESTERN PROJECT**

DRAWING TITLE
**SITE PLAN LEVEL 00
EXISTING**

STATUS	PLANNING	REV.
DRAWING NUMBER	4869-POP-PL-DGA-0100	00
DATE	27.07.2015	SCALE @ A1 1:500
		SIZE A1
		ORIENTATION NORTH
		DRAWN BY M.B.P.



DO NOT SCALE THIS DRAWING.

1:1250 @ A1; 1:2500 @ A3



LEGEND

SWP RED LINE BOUNDARY



ID	PLANNING APPLICATION	APP	PJ	DATE
Rev	Description	Client	City	Date

POPULOUS

AN AFFILIATE OF POPULOUS CONSULTANTS LIMITED LIABILITY COMPANY

10000 W. 10TH AVENUE, SUITE 1000 DENVER, CO 80202

TEL: 303.733.8800 FAX: 303.733.8801 WWW.POPULOUS.COM

CLIENT: **MARYLEBONE CRICKET CLUB**



PROJECT: **LORD'S CRICKET GROUND
SOUTH WESTERN PROJECT**

DRAWING TITLE: **LOCATION PLAN
PROPOSED**

STATUS: **PLANNING**

DRAWING NUMBER: **4869-POP-PL-DSP-0020**

DATE: **27.07.2015**

SCALE @ A1: **1:1250**

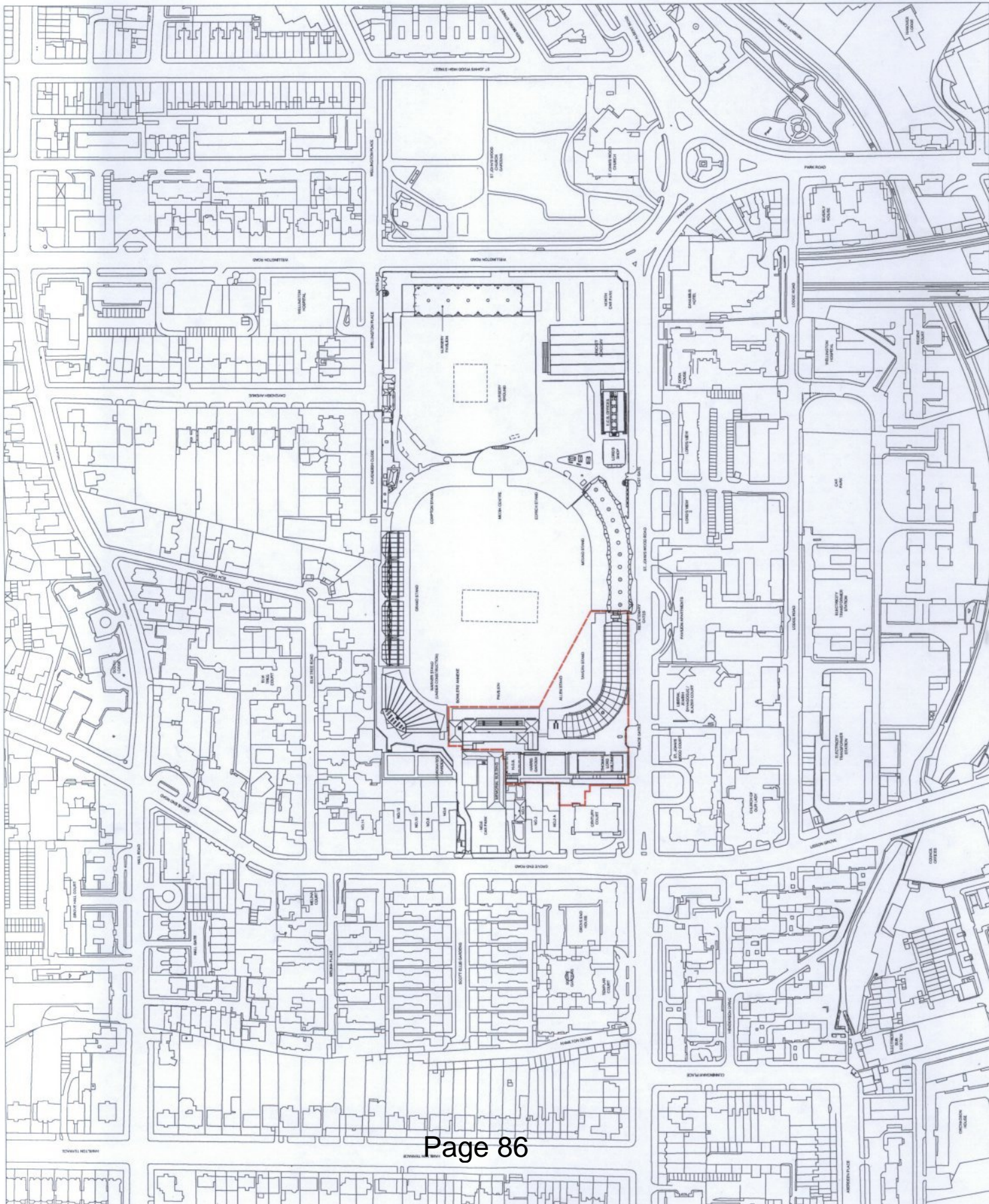
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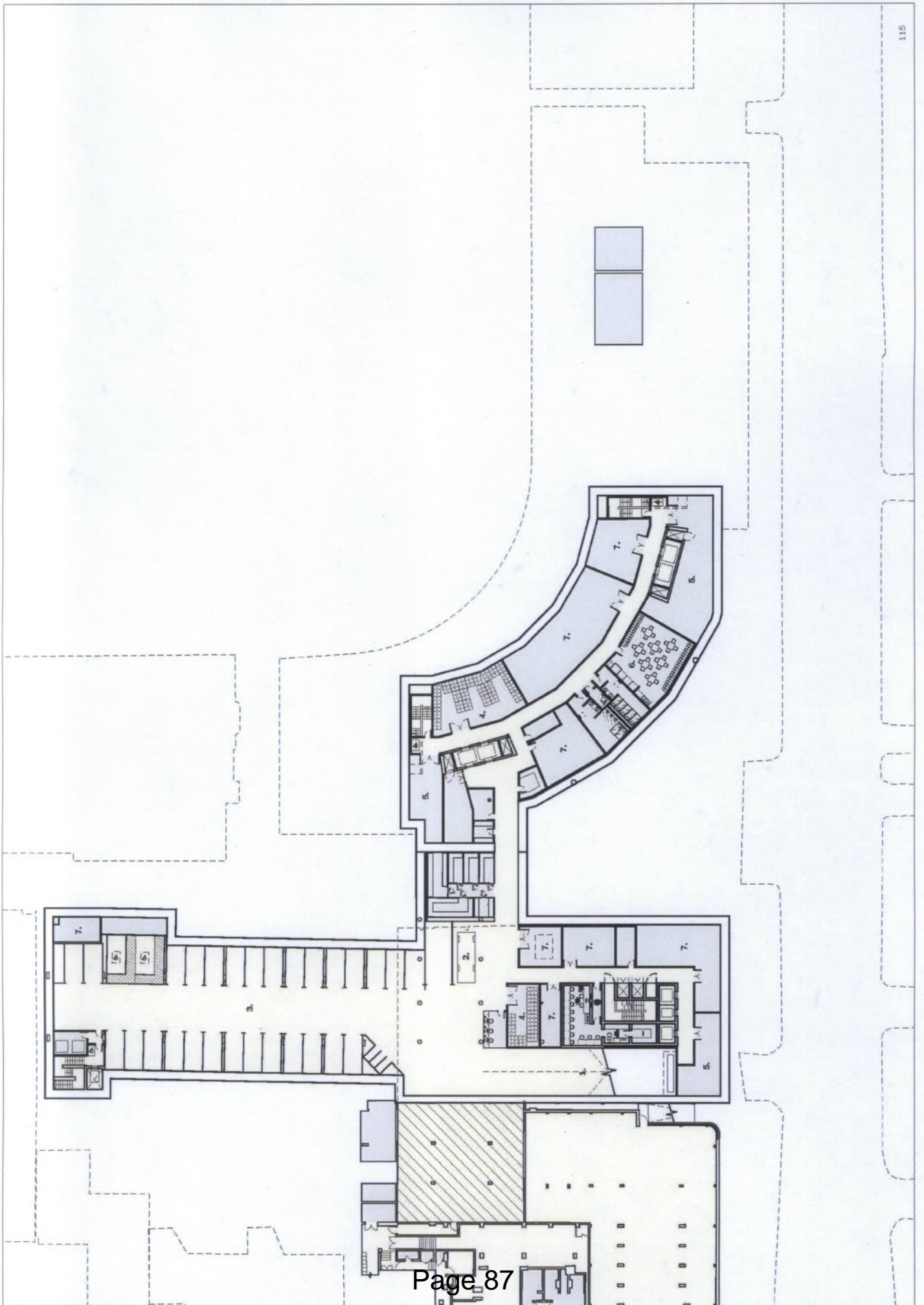
SIZE: **A1**

ORIENTATION: **NORTH**

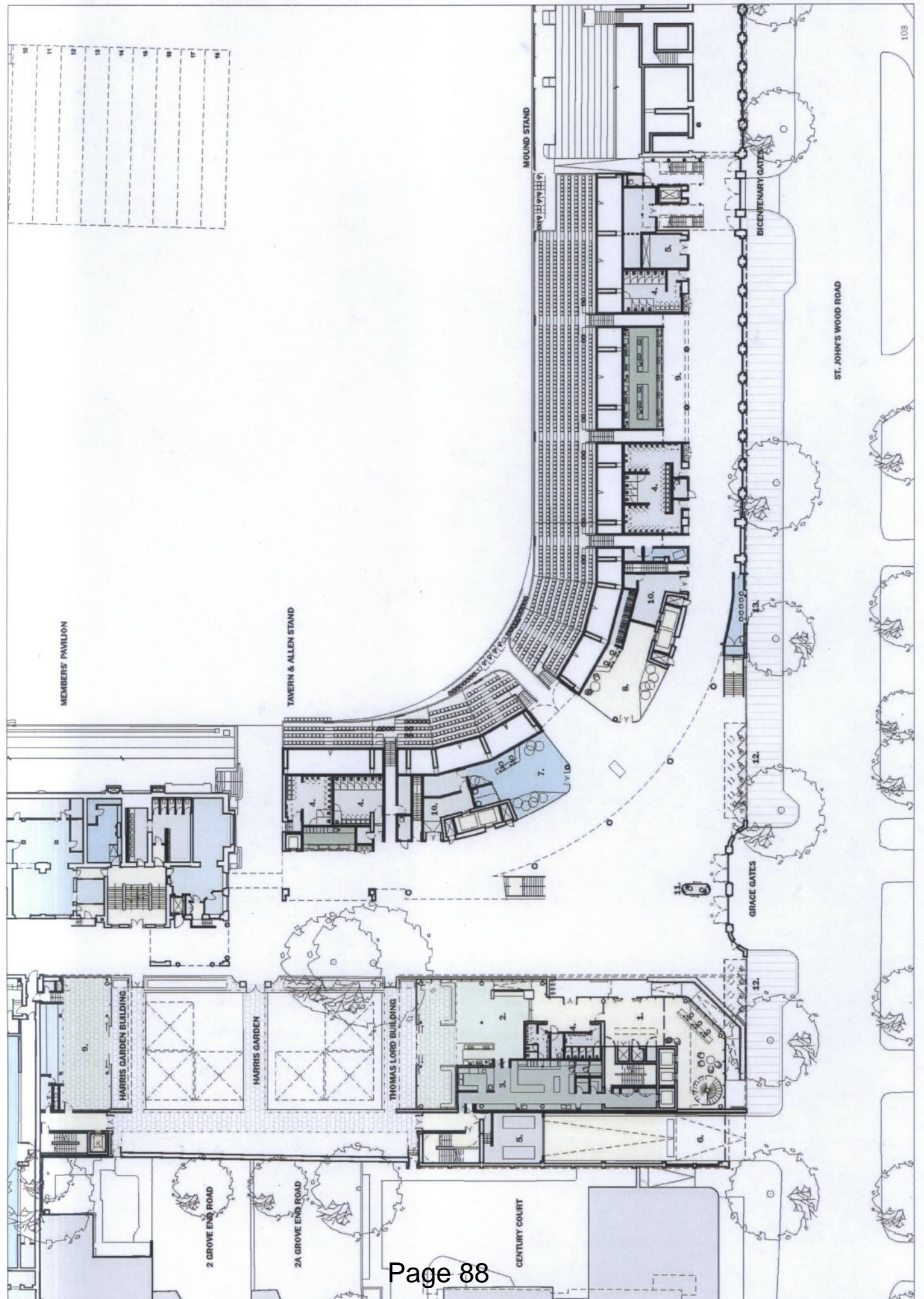
REV: **00**

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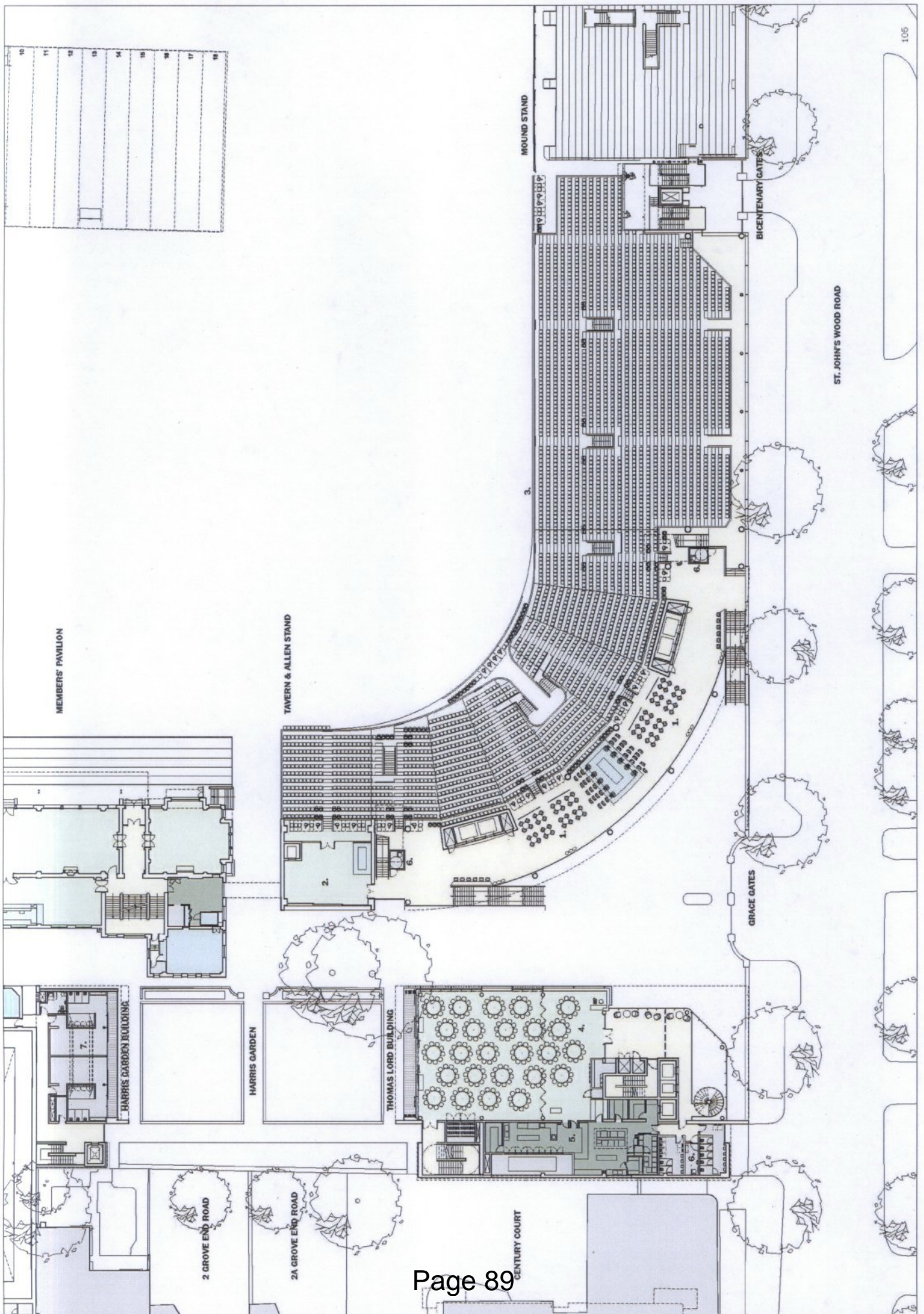




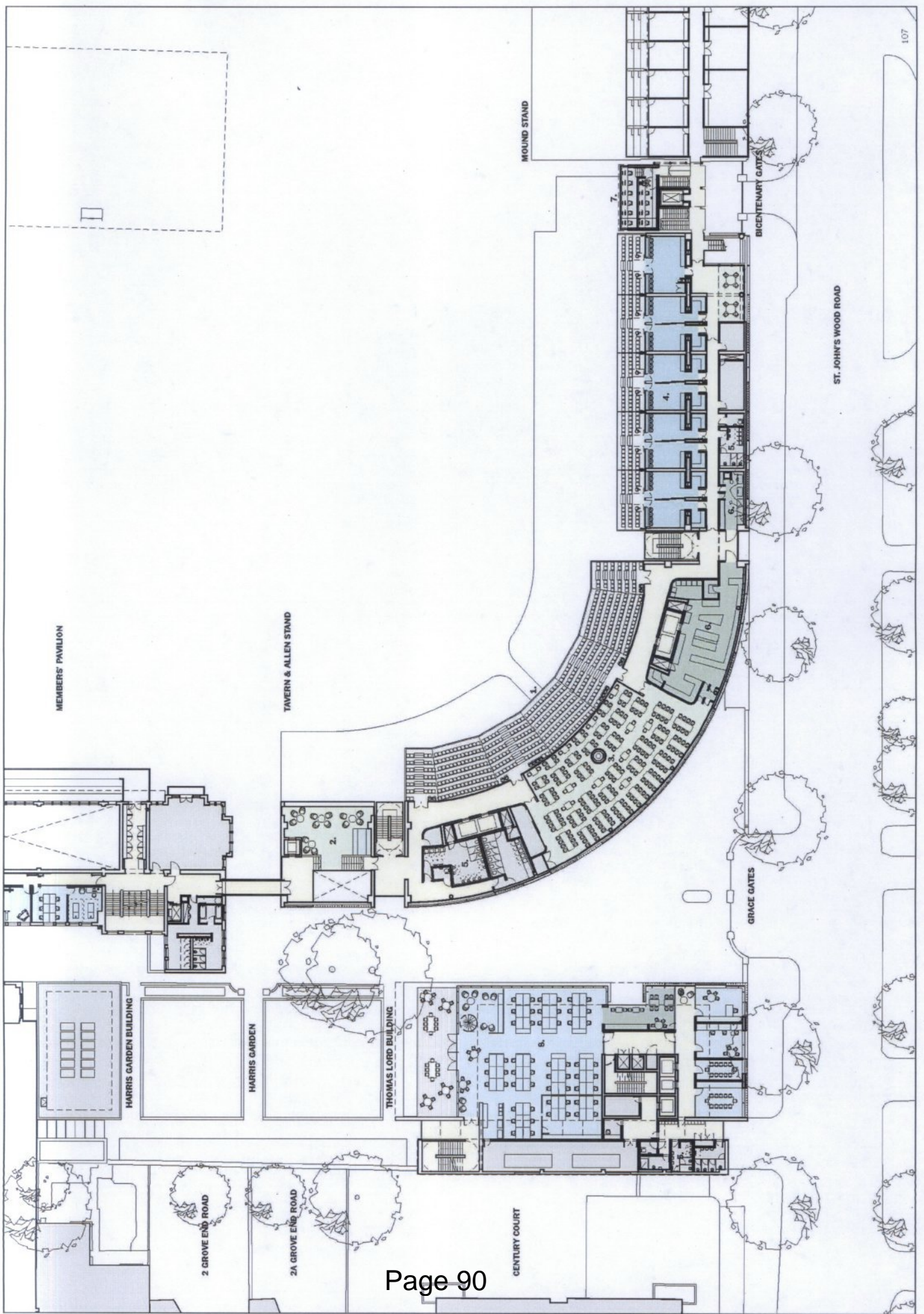
Proposed Ground Floor



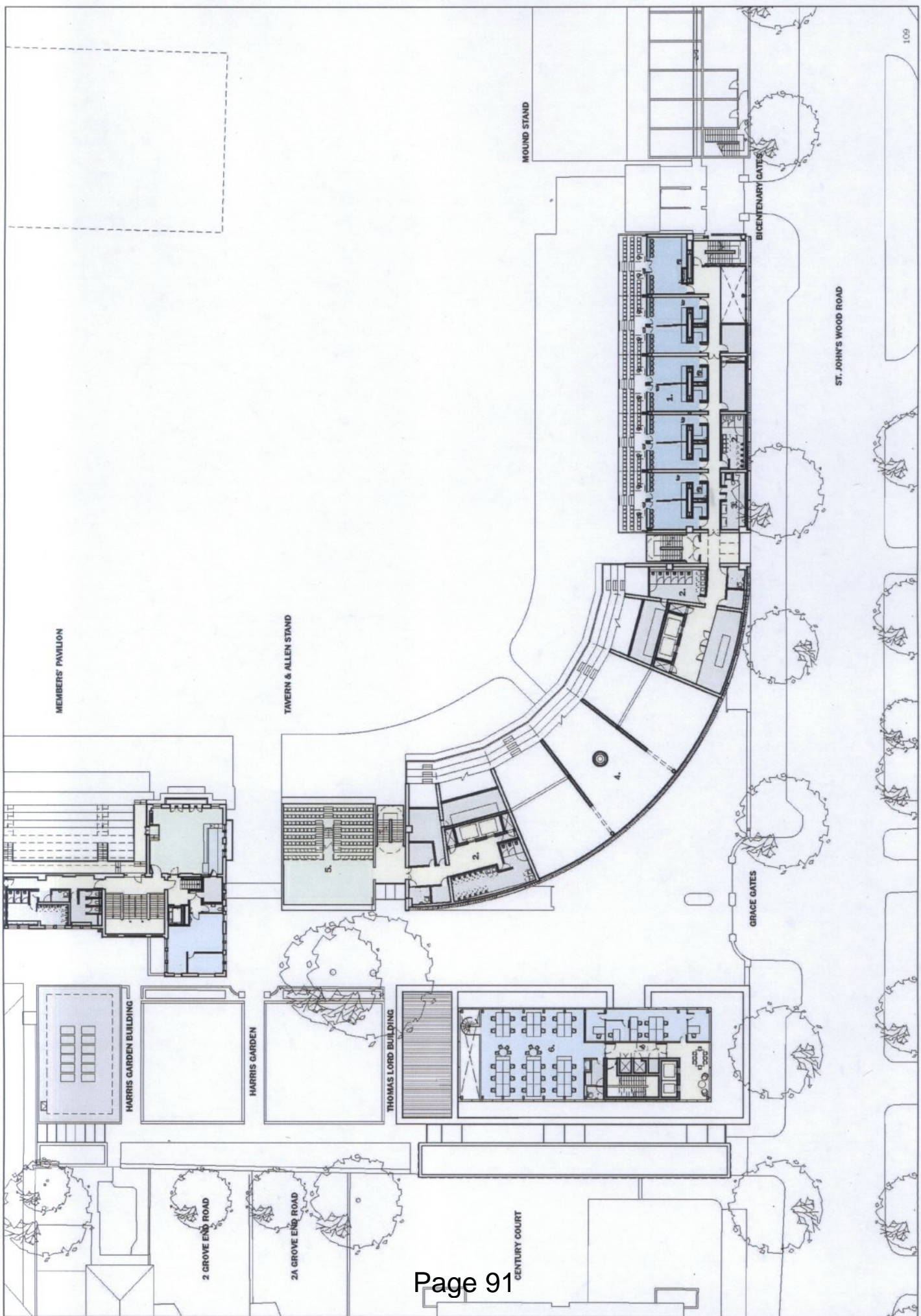
Proposed Level 01



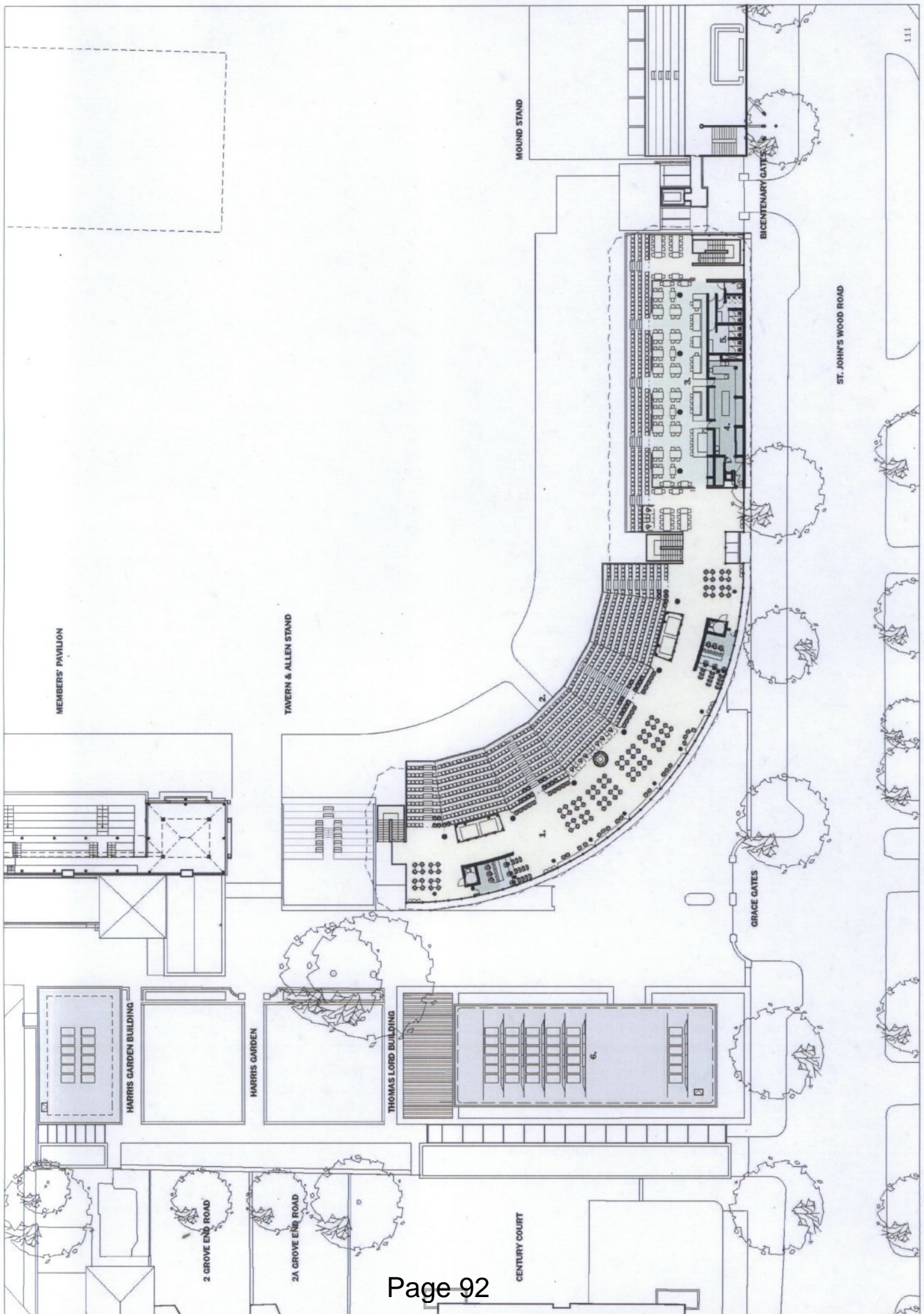
Physical Level 02

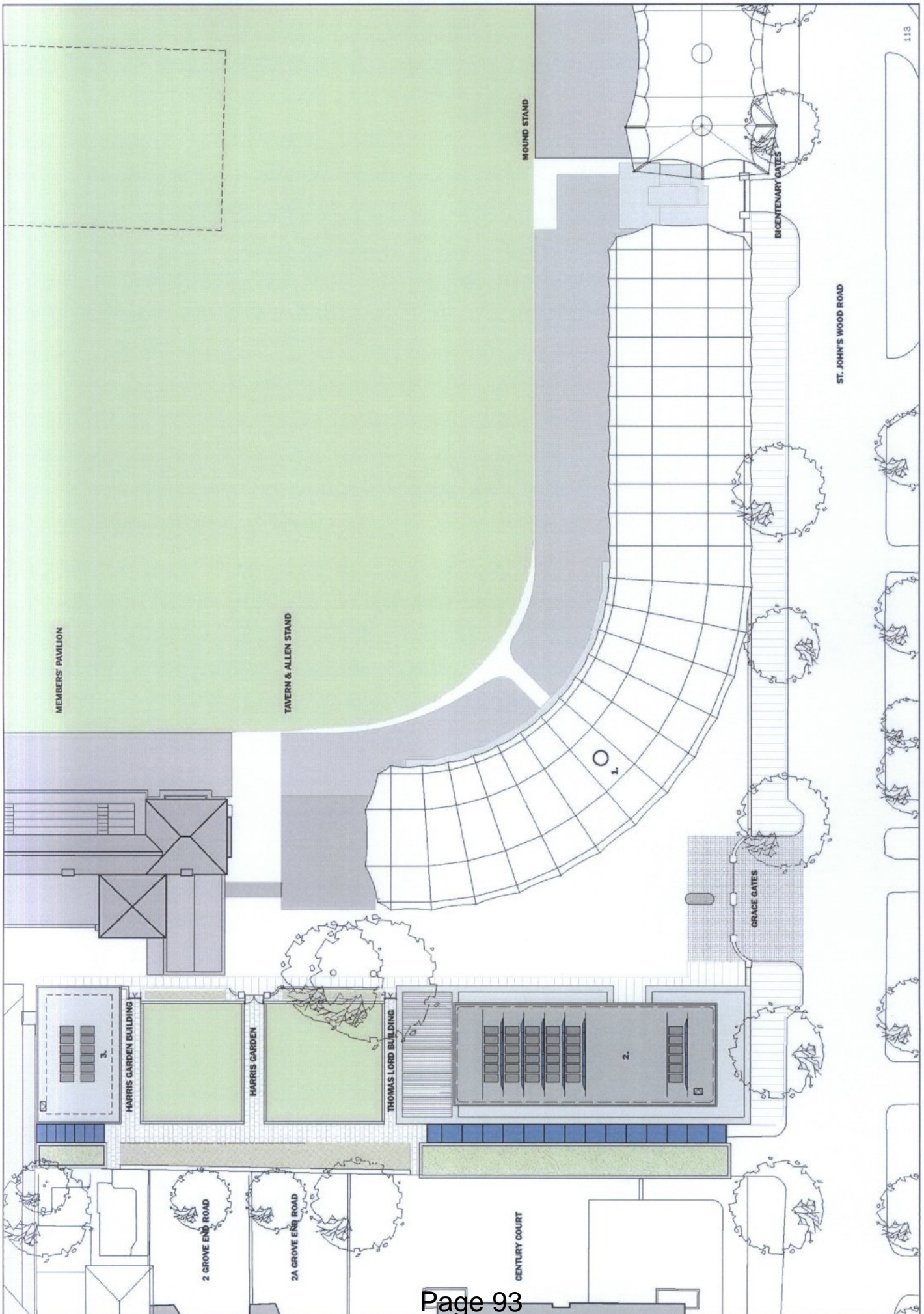


Proposed level 03



Proposed level 04

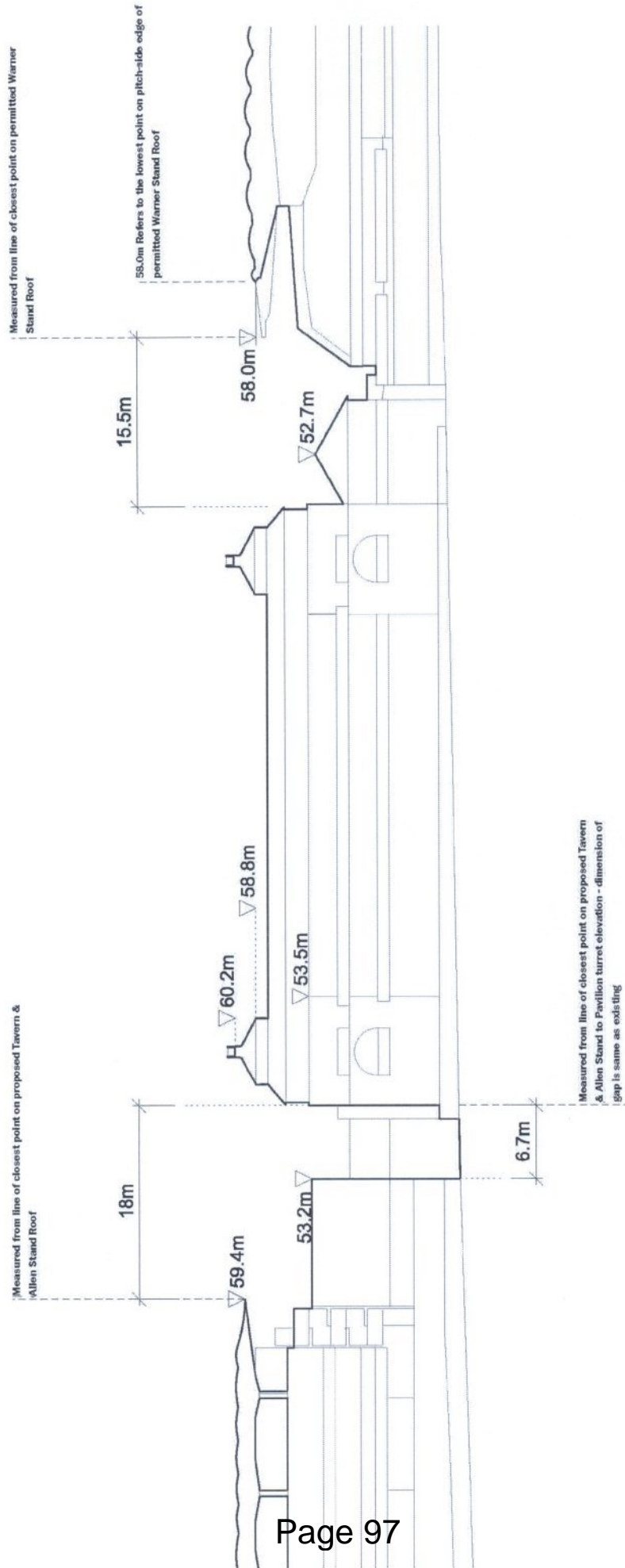














Cumulative



Cumulative



Computer Generated Image of the Proposed Harris Garden Building and Bridge Link to the Pavilion from the Harris Garden



Computer Generated Image of the Proposed Tavern & Allen Stand and Thomas Lord Building from the Main Garden

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Agenda Item 3

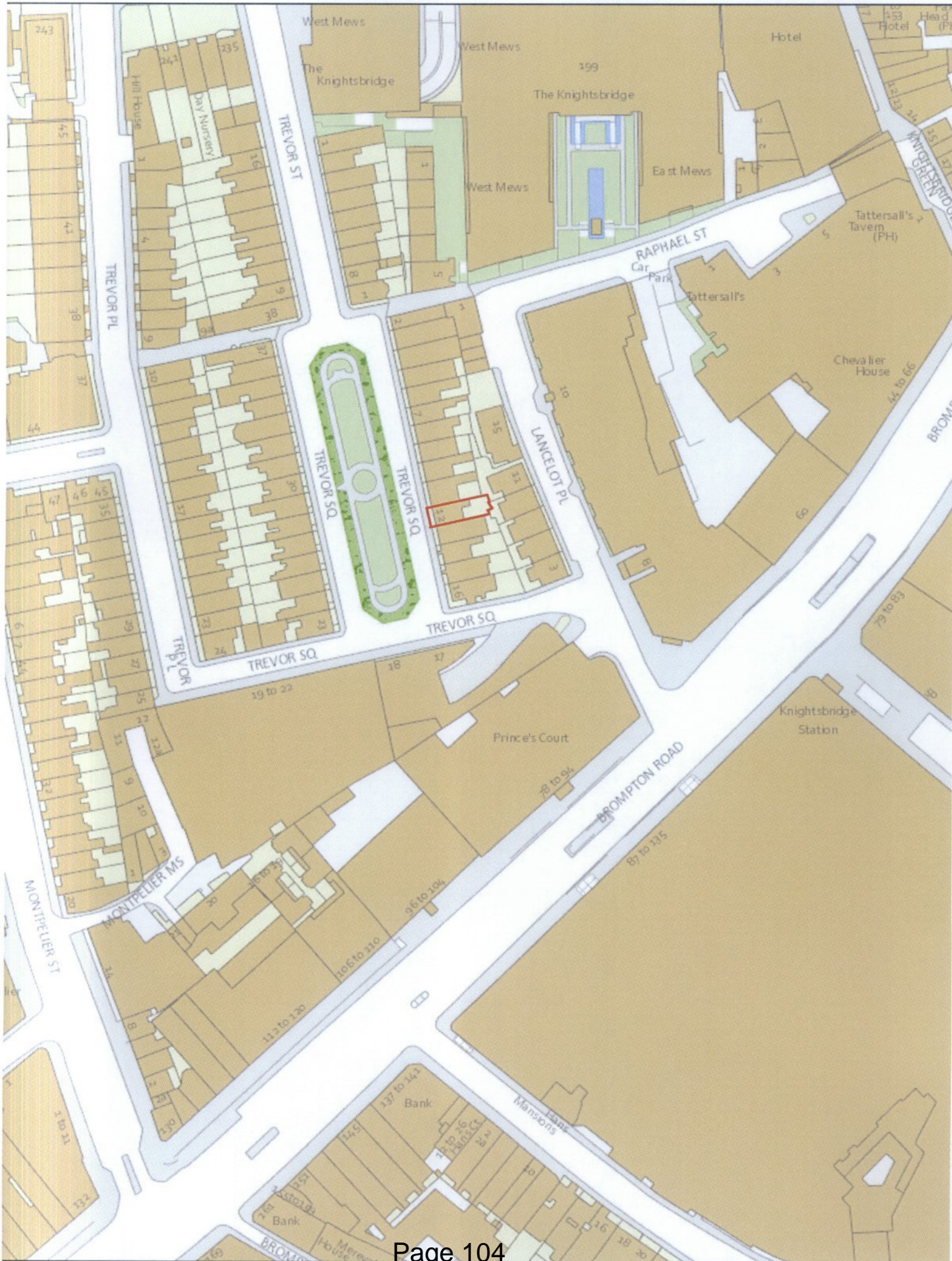
Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning	Wards involved Knightsbridge And Belgravia		
Subject of Report	12 Trevor Square, London, SW7 1DT		
Proposal	Excavation works into garden for extension of the existing lower ground floor level including the demolition of existing rear single storey extension. Use of the proposed extension roof as a terrace. Erection of a third floor mansard roof extension.		
Agent	Holden Harper		
On behalf of	Mr Geoffrey Bell		
Registered Number	15/05331/FULL 15/05332/LBC	TP / PP No	TP/18183
Date of Application	15.06.2015	Date amended/ completed	15.06.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Knightsbridge		
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 Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.





12 TREVOR SQUARE, SW7

2. SUMMARY

No. 12 Trevor Square is a single-family dwelling which is a Grade II listed building and within the Knightsbridge Conservation Area. The building is located on the east side of Trevor Square and comprises lower ground, ground and two upper floors. Permission and consent is sought for excavation works into garden for extension of the existing lower ground floor level with terrace above and the erection of a mansard roof extension. Associated internal alterations are also proposed.

The key issues for consideration are:

- The impact of the alterations on the character and appearance of the listed building and the Knightsbridge Conservation Area;
- The impact of the extensions and terrace on residential amenity.

The proposal is considered acceptable in land use, amenity, design and conservation grounds and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and is therefore recommended for approval.

3. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION

Object on the grounds that basement extensions should not exceed 50% of the garden and the increase in glazing would be a source of light pollution.

HIGHWAYS PLANNING

Undesirable on transportation grounds but could be considered acceptable.

BUILDING CONTROL

The structural method statement is considered to be acceptable.

ARBORICULTURAL OFFICER (verbally)

No concerns.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 14

No. of responses: 2

Two letters of objection have been received on the following grounds:

Design

- Size of the basement is disproportionate to the size of the listed building;
- If existing roof structure is original the roof extension is not acceptable in historic building terms;
- Upper ground floor extension is out of character;
- Loss of the rear garden would impact on the character of the listed building and garden square.

Other

- Concerns for trees in proximity of site.

ADVERTISEMENT/SITE NOTICE - Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

12 Trevor Square is a single-family dwelling which is a Grade II listed building and within the Knightsbridge Conservation Area. The building is located on the east side of Trevor Square, which is one of the older squares in the city and forms part of a wider terrace of mid-nineteenth century terraced houses of comparable architectural style. Consistent with the character of the square, it is a quite modest home laid over three floors (plus lower ground floor). Consistent with its earlier date than many terraces, it has a flat rear elevation rather than including a closet wing, although other houses on the row have received later additions of varying forms. The building remains internally essentially intact and externally little has been altered.

4.2 Relevant History

11 Trevor Square – Permission and consent granted on 20 November 2012 for the demolition of the existing ground floor extension and excavation work to create a new basement level beneath the existing garden with the formation of a lightwell and terrace at rear ground floor level.

10 Trevor Square – Permission and consent granted on 24 April 2012 for the demolition of existing rear ground floor extension, excavation of rear garden and erection of extension at rear basement level with roof terrace and associated railings above; alterations to fenestration including new doors for roof terrace at ground floor level.

5. THE PROPOSAL

Planning permission and listed building consent are sought to excavate into garden for the extension of the existing lower ground floor level including the demolition of the existing rear single storey extension. The roof of the lower ground floor extension is sought to be used as a terrace and a mansard roof extension is proposed at third floor level. Internal alterations in association with the works are also proposed.

The scheme has been revised during the course of the application to omit the erection of a single storey extension at upper ground floor level. The depth of the lower ground floor extension has also been reduced, setting it back from the rear boundary wall.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The extended lower ground floor and roof extension would create additional residential accommodation for this single-dwelling property. The proposed residential floorspace increase is welcomed under Policy H3 of the UDP and Policy S14 of the City Plan, so the scheme is acceptable in land use terms.

In terms of standard of accommodation, the proposed basement extension is considered acceptable on the basis that a high proportion of habitable rooms within the dwelling receive good levels of light.

6.2 Townscape and Design

The application site is a remarkably intact early 19th century mid-terrace house on one of Westminster's more modest and quiet squares. Internally the building remains substantially intact and externally little has been altered.

The demolition of the existing rear bathroom extension at lower ground floor level is to be welcomed. However its impact is mitigated in part by its small scale and only partial width across the rear façade.

In relation to the basement extension two letters of objection from neighbours have been received on the following grounds, the disproportionate size of the basement, the upper ground floor extension which is not in keeping with the terrace character, and the loss of rear garden. The Knightsbridge Association also objected on the grounds that the proposed extension will exceed 50% of the garden and the lack of 1.2m of soil for planting.

Upon officer's recommendation, the application has been revised during the course of the application. The revisions include the omission of the single-storey extension at upper ground floor level and the reduction of the depth of the basement from the rear boundary wall. The floor to ceiling height is now similar to the basement extension at No 11 Trevor Square adjacent. Additionally, the proposed balustrade to the upper ground floor terrace has been changed from glazing to metal.

The proposed design changes to the building, in combination with the knowledge of what has been approved to the adjacent property, means that the application is considered acceptable in design terms.

The Knightsbridge Association refers to policy CM28.1 and states that the proposed scheme is contrary to this. Whilst acknowledging the increasing trends towards basement excavation and extension and the potential need to tighten requirements for applications and to introduce limits on new basement development, there are no current policies in the City Plan that specifically refers to basement extension. To this end, part of the revisions of the City Plan which is currently being reviewed includes policy on basements. From the 16th of July to the 9th of September 2015 the Council consulted on those revisions. This application was submitted on the 15th of June 2015 prior to the consultation, therefore to apply this emerging policy would be premature and unreasonable. Consequently, the application must be tested against current development plan policies.

In these circumstances, whilst the size of the basement and the consequent reduction of the rear outdoor space are regrettable, it is not considered reasonable to refuse permission on this ground. The existing amenity space is only a courtyard with limited bed planting along the rear and side walls. The proposed size of space for outdoor space at this level is similar to No 11 Trevor Square. The proposals will retain a small element of garden which following revisions provide 1.2m of soil in accordance with the supplementary planning document Basement development in Westminster

The two letters of objection from neighbouring residents stated that the remodelling of the roof should not be supported if it is an original structure. The proposed roof extension is acceptable in principle due to the now almost universal precedents set on this side of the square. The design is also generally acceptable. During the course of the application the proposed mansard roof has been amended to overcome discrepancies.

The proposed internal alterations shown are considered acceptable, limited to those works associated with the extension proposals and for the fixing shut of one door at second floor level.

Following amendments the proposals are considered acceptable on listed building and townscape grounds in accordance with DES1, DES5, DES6, DES10, S25 and S28 and the guidance contained within our SPG 'Roofs' and 'Repairs and Alterations to Listed Buildings'.

6.3 Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect the amenity of existing residents from the effects of new development.

The Knightsbridge Association objection letter expresses concerns about light pollution due to the introduction of glazing to the rear of the basement extension. The proposed window will face a wall of approximately 3.9m in height. It is considered that the introduction of glazing at this level will not create an unacceptable level of light pollution to neighbouring residents including those within Nos. 9 and 11 Lancelot Place.

The proposed terrace at upper ground floor level does not raise concerns as it is in line with adjoining properties in terms of depth. The rear of the flat roof will not be accessible because of the installation of a balustrade. This is considered to be an appropriate mitigation measure to prevent overlooking for the adjoining properties in Trevor Square and Lancelot Place.

As mentioned in the design section it is regrettable that the proposed development occupies the only available open space, but the creation of a first floor terrace will provide expected outdoor amenity space for a family dwelling.

Regarding the impact of the construction works, a construction management plan (CMP) has been submitted with the application. There are no objections to the scope of the CMP from the Highways Planning Manager. A condition is recommended to limit the hours when noisy works are permitted to Monday to Friday 08.00 to 18.00 and Saturdays 08.00 to 13.00 with not excavation works on a Saturday.

Subject to recommended conditions the proposal is therefore considered acceptable in amenity terms.

6.4 Transportation/Parking

The proposal does not raise any significant highway issues.

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

Item No.
3

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.

6.7 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 existing rear courtyard is already paved, therefore the basement will not result in the loss of any garden space.

6.10 Other Issues

Structural issues relating to basement excavation

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.

The submitted structural report has been considered by our Building Control officers who 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 through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Trees

Two respondents expressed concerns about the impact of the excavation works on the trees in the vicinity of the site. However, there are no trees in the properties immediately adjoining the application site. The Council's tree officer verbally confirmed that the proposal raises no concerns.

7 Conclusion

Following revisions to the scheme and subject to appropriate conditions, it is not considered that the objections can be sustained to warrant refusing the application. The proposal is considered acceptable in design and amenity terms subject to the conditions set out in the draft decision letters.

BACKGROUND PAPERS

1. Application form
2. Email from the Knightsbridge Association dated 28.07.2015
3. Memo from the Highways Planning Manager dated 13.07.2015
4. Memo from Building Control dated 24.07.2015
5. Email from occupier at 10 Trevor Square dated 31.07.2015
6. Email from occupier at 11 Trevor Square dated 31.07.2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY E-MAIL – vnally@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 12 Trevor Square, London, SW7 1DT
- Proposal:** Excavation works into garden for extension of the existing lower ground floor level including the demolition of existing rear single storey extension. Use of the proposed extension roof as a terrace. Erection of a third floor mansard roof extension.
- Plan Nos:** Site location plan; 596/P01 B; 596/P02 C; 596/P03 B; 596/P04 B; 779TV200; 779TV300; Design, access, and heritage statement dated 12 June 2015; Construction and traffic management plan dated 12 June 2015.

For information only - Basement impact assessment and basement construction statement dated 12 June 2015.

Case Officer: Aurore Manceau **Direct Tel. No.** 020 7641 7013

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of details of the following parts of the development -

- a) new windows, doors, and rooflights (scale 1:5);
- b) new balustrade/railings (scale 1:5);
- c) overall external profiles of extension (scale 1:20).

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 details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 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 Knightsbridge 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 put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Knightsbridge 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)

- 7 The balustrade on the upper ground floor terrace must be installed prior to the use of the flat roof as a terrace. You must then retain and maintain the balustrade for as long as part of the roof is used a terrace.

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 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 3 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)
- 4 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.
- 5 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)
- 6 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 7 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.

DRAFT DECISION LETTER

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- Proposal:** Excavation works into garden for extension of the existing lower ground floor level including the demolition of existing rear single storey extension. Use of the proposed extension roof as a terrace. Erection of a third floor mansard roof extension. Associated internal alterations.
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Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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:
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 - * between 08.00 and 13.00 on Saturday; and
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- * 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 and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of details of the following parts of the development -

- a) new windows, doors, and rooflights (scale 1:5);
- b) new balustrade/railings (scale 1:5);
- c) overall external profiles of extension (scale 1:20).

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Reason:

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Reason:

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Reason:

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Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

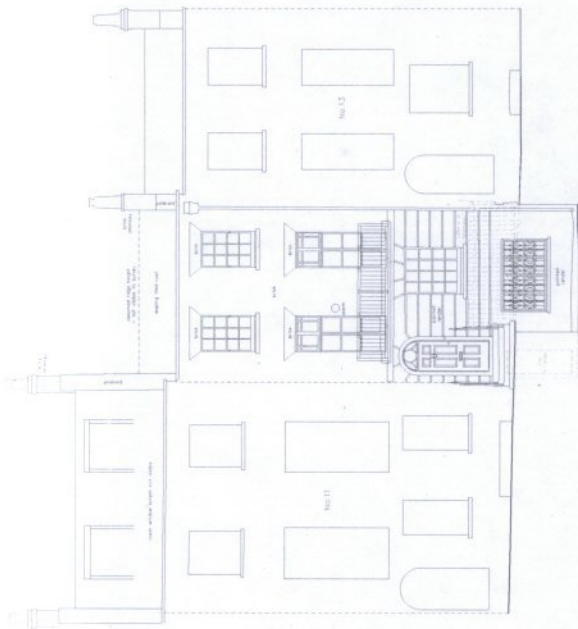
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

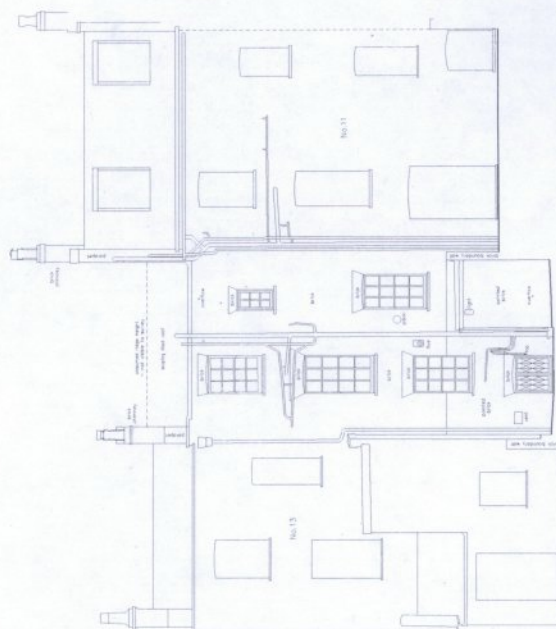
Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)



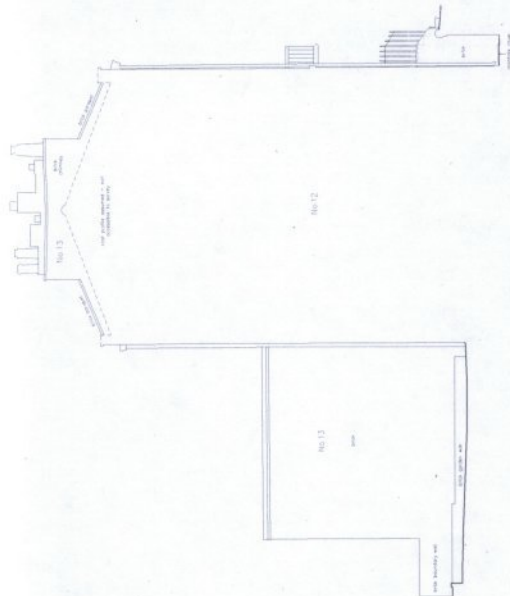
Elevation 1

Datum: 8.00



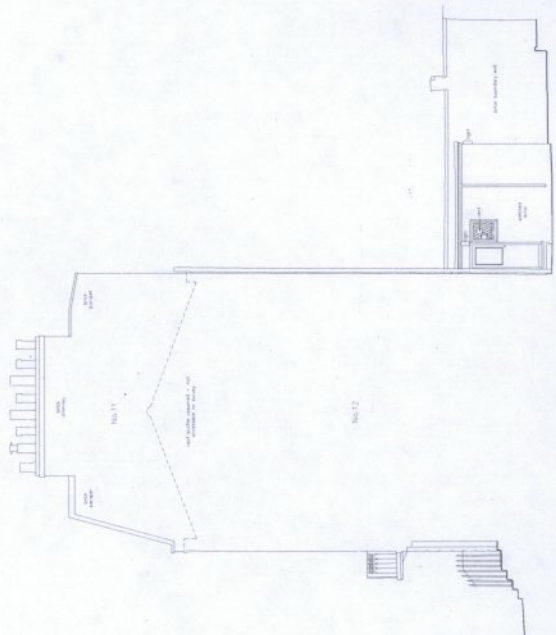
Elevation 3

Datum: 8.00



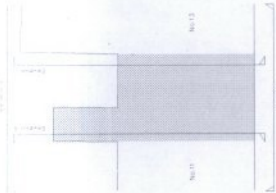
Elevation 2

Datum: 8.00



Elevation 4

Datum: 8.00



Keyplan @ 1:100

14/3/15
 1:10 Scale Elevation 03 - Elevations from the North East and South West.

site:line
 Ltd E. Windsor
 24 Parkway Drive
 2009 RGJ
 T 01753 821111
 F 01753 821112
 e info@site-line.co.uk

Geomatics Surveys	Client
Mrs Geoffrey Bell	Contract
15 TREVOIS SQUARE WINDHILL TERRACE LONDON	
ELEVATIONS	Title
7/19/2015 - Sheet 1 of 1	Drawing No.
APRIL 2015	Date
1:50 (A1)	Scale
ET/1/16	Surveyor

NOTES:

ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE BUILDING REGULATIONS.

C	12/2015	12/2015	12/2015
B	12/2015	12/2015	12/2015
A	12/2015	12/2015	12/2015
Rev	Date	Description	By
1/01	12/2015	12 TREVOR SQUARE LONDON, SW7	

DWG: PROPOSED FRONT & REAR ELEVATIONS

DATE: 14/04/2015

SCALE: 1:50 @ A1

SCALE: 1:100 @ A3

SCALE: 1:50 @ A1

SCALE: 1:100 @ A3

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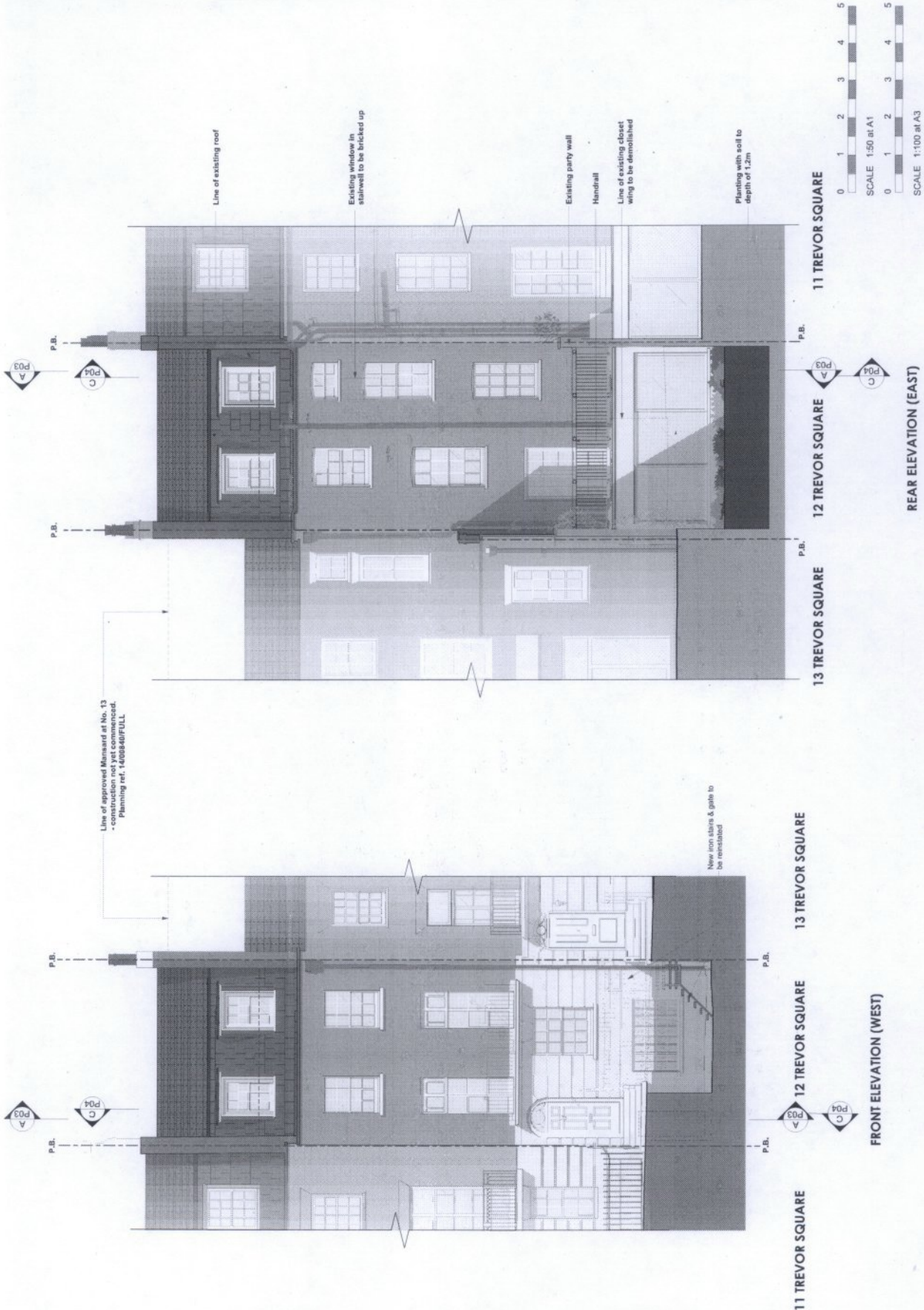
SCALE: 1:100 @ A3

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SCALE: 1:100 @ A3

SCALE: 1:50 @ A1

SCALE: 1:100 @ A3



Holden Harper
architects & engineers
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EC2A 4DF
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Email: info@holdenharper.co.uk
www.holdenharper.co.uk

NOTES:

UNLESS SHOWN OTHERWISE IN CONFORMANCE WITH THE ACT.

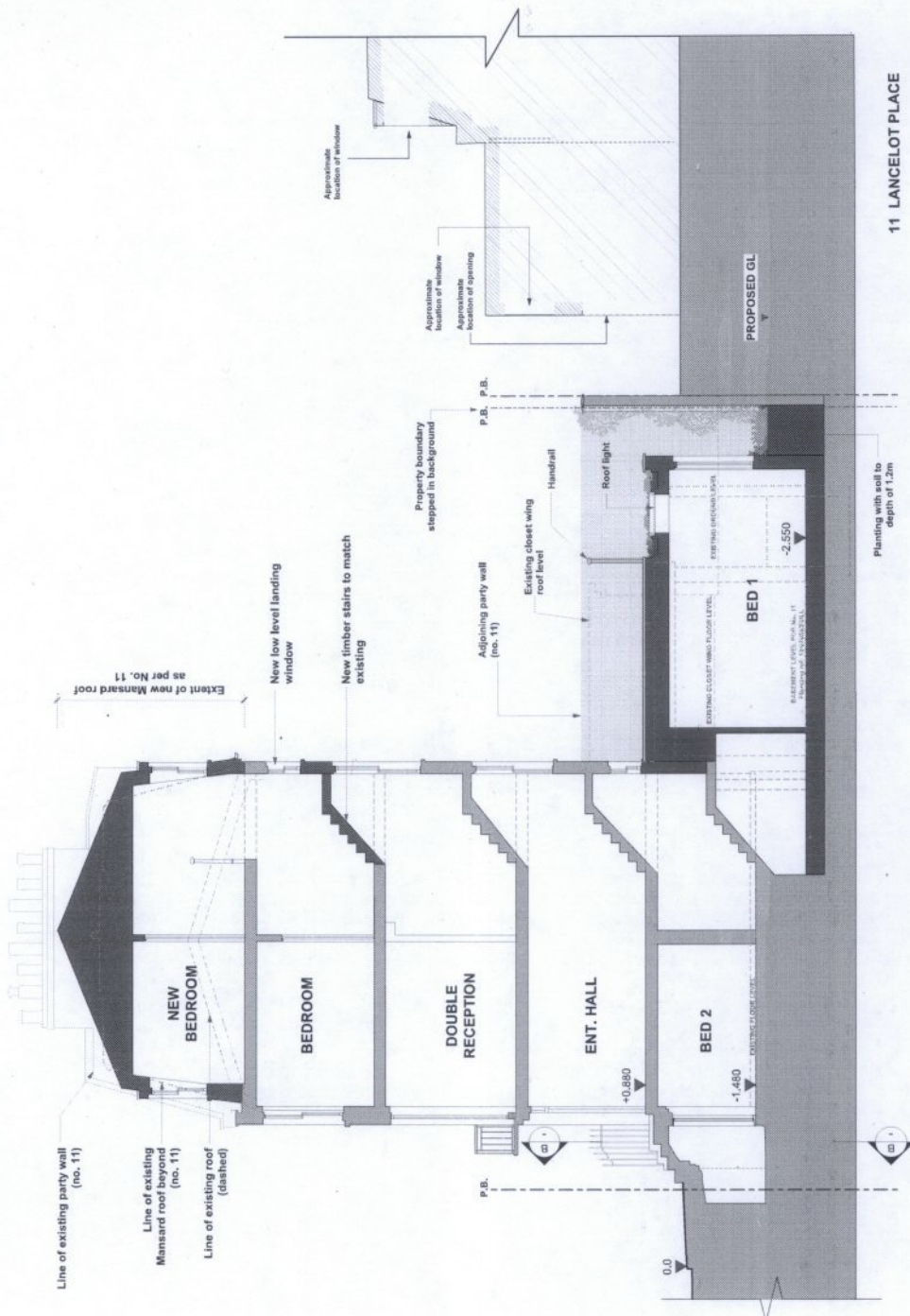
KEY

	Proposed New Walls
	Existing Walls

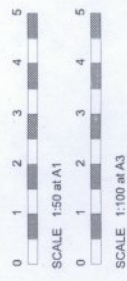
DATE	14/09/2015
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REVISION	B
DESIGN NO.	511/P/04
DESIGN	SN
PROPOSED SECTION C	
12 TREVOR SQUARE	
11 LANCELLOT PLACE	
12 RENOVATION	
10/01/15	
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31/02/15	

Do not scale this drawing.
 All dimensions to be checked on the ground.
 10/01/15

Holden Harper
 architects & engineers
 25 High Street, Brisbane
 Telephone: 07 325 3522
 Email: info@hh.com.au
 www.holdenharper.com.au



SECTION C-C



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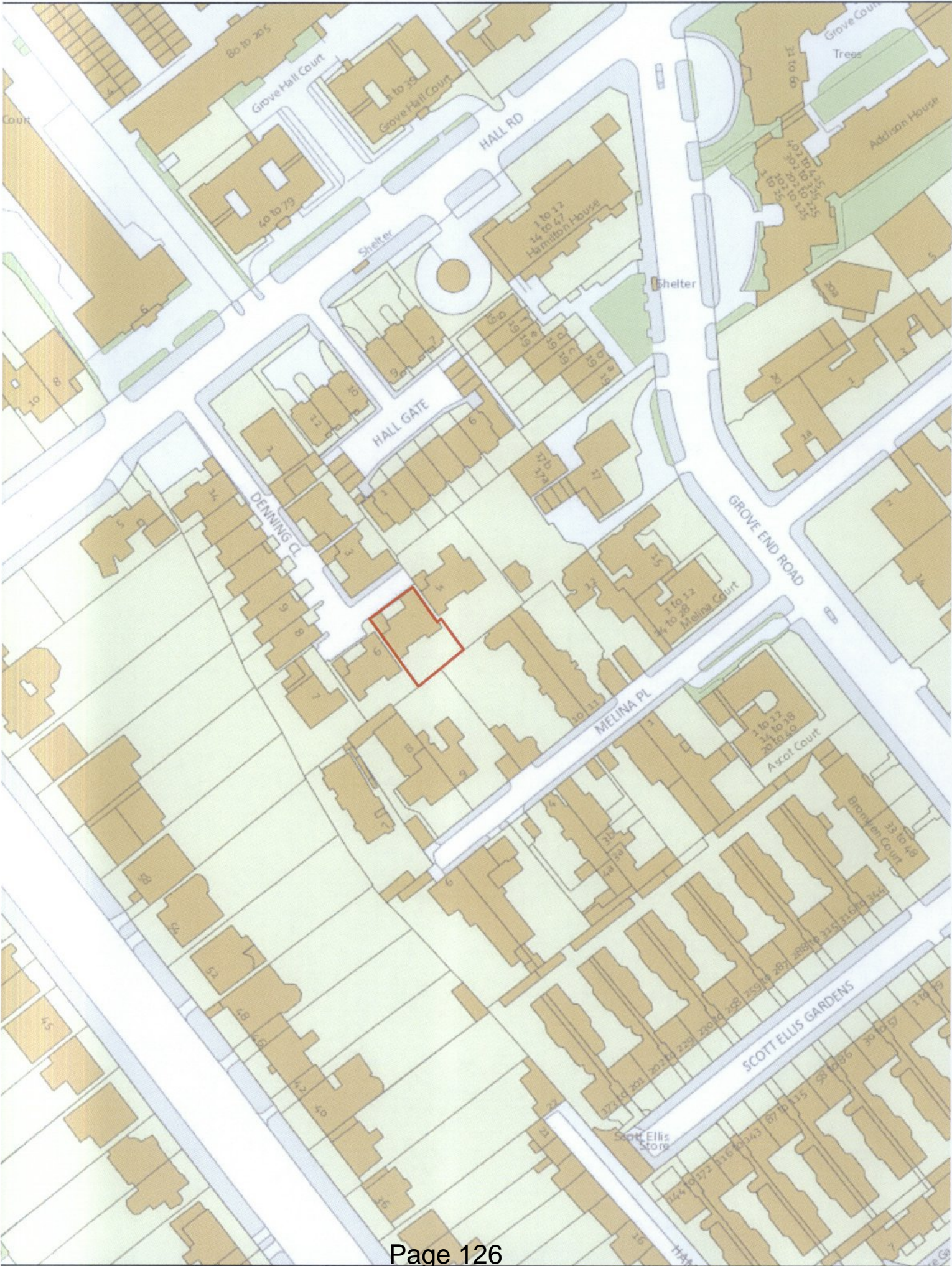
Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	5 Denning Close, London, NW8 9PJ		
Proposal	Creation of new basement storey with two front lightwells, one rear lightwell and one rear glazed rooflight.		
Agent	The Basement Design Studio		
On behalf of	Mrs Sally Kattan		
Registered Number	15/01829/FULL	TP / PP No	TP/10352
Date of Application	02.03.2015	Date amended/ completed	11.06.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
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.





5 DENNING CLOSE, NW8

2. SUMMARY

Permission is sought for the excavation of a basement with two front lightwells, one rear lightwell and one rear glazed rooflight and follows permission granted in 2013 for a smaller basement. The proposal has attracted a number of objections from neighbouring residents on the grounds of the impact of construction works on their amenities, especially regarding the potential access issues generated by construction vehicles attending the site.

The key issues are:

- The impact of the proposal upon the character and appearance of this house, and this part of the St John's Wood Conservation Area.
- The impact on the amenities of neighbours.

The proposal once built would preserve the character and appearance of this part of the St John's Wood Conservation Area. Conditions are recommended to secure an updated Construction Management Plan and limit the hours of building work to seek to address neighbours concerns as far as practicable. Subject to these conditions the proposal would accord with the UDP and City Plan policies and a favourable recommendation is made.

3. CONSULTATIONS

ORIGINAL CONSULTATION

ST JOHNS WOOD SOCIETY

Basements in locations such as this result in a significant loss of amenity for other residents. Access to 5 Denning Close is severely restricted via a narrow private road and we request that the case officer carefully considers the construction management plan and the access issues raised by the residents of Denning Close.

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL OFFICER

Concern regarding the birch tree in the front garden and incursions to its root protection area.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 13; Total No. of Replies: 7.

Objections from five neighbours, from an architect making representations on behalf of one of those neighbours and the Directors of the Management Company for Denning Close on one or all of the following grounds.

Townscape /Design

- Bulk of property disproportionate to surroundings.

Amenity

- Noise and fumes from basement boiler would disturb neighbours.

Other Matters

- Management Company of Denning Close states each shareholder in the company has rights of way over the entire private road. Skip and other construction facilities are proposed outside the curtilage of no 5 therefore Certificate B on planning application should have been signed.
- Denning Close a narrow private road where access for large construction vehicles would be impossible.
- Safety problem during construction because of construction vehicles.
- Concerns regarding access of vehicles including emergency vehicles specifically Fire Engines to No.4
- Congestion on Hall Road which will be caused during construction adding to current problem.
- Denning Close a private road which cannot prevent visitors and tradesmen parking along length.
- A parking audit of Denning Close has been submitted by residents in support of their objections. They cite this as demonstrating the access problems which would be encountered by construction vehicles and the access and safety issues that would result for pedestrians and cyclists. The applicants construction management plan does not adequately address these issues.
- Skip would restrict the width of the road and grab lorry would not be able to fit alongside the skip to empty it.
- One skip does not allow segregation of waste as detailed in Site Waste Management Report
- Dwell time stated in Construction Management Plan is unrealistic and optimistic but would block access to No 4. for that time in any case.
- 3m hoarding around the skip would not enable grab lorry operation.
- Conflict with refuse collection.
- No permission for use of road or loss of right of way from Management Company of Denning Close.
- Failure of applicant to consult with neighbours.
- Amendment to CMP should require withdrawal of current application and new application.
- Number of basement applications in Denning Close
- Not enough road width to facilitate vehicles passing by skip.
- A hoarding around the skip is the only appropriate method. The use of a tarpaulin covering it is insufficient, unsafe and impractical. A report on the safety and risk of injury of using a tarpaulin by Cooper Safety Associates has been submitted along with the objection.
- Insufficient care put into CMP
- Tracking diagram shown in CMP not possible and submitted assessment by Atkins shows this.
- At least three times a day when vehicles attend the site access to the road will be limited.
- Pedestrian access to No. 4 would be difficult when road occupied by vehicles because it is narrow and has trees and a lamppost on it.
- Surface water would be pushed to neighbouring gardens
- Disturbance during construction.
- Structural stability put at risk.

ADVERTISEMENT/SITE NOTICE: Yes

REVISED CONSULTATION (Amendment to Construction Management Plan and alteration to form of basement to move basement excavation away from tree in front garden).

ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

The Construction Management Plan appears to cover all the issues we would usually expect to be covered. Given the historical nature of Westminster streets, it is not uncommon for large construction vehicles to need to manoeuvre backwards and forwards to be able to turn corners or gain access to mews type locations. Alternatively, smaller vehicles could be used, particularly relating to removal of spoil. These might be able to make the turn/reverse with fewer forward and reversing movements, but may increase the number of trips to and from the site required as they can carry less material. Suggests the CMP could do with some very minor updating.

ARBORICULTURAL OFFICER

No objection to current proposal. Scheme amended to move basement excavation away from tree and retain existing wall and foundations to the car port. For clarity recommended condition requiring submission of new protection plan and method statement.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 13; Total No. of Replies: 3.

Letters from two neighbours who had also replied to the first consultation and from a representative of one of those neighbours maintaining their objections on all of the grounds stated in the original consultation above.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

5 Denning Close is a two storey unlisted building located within the St John's Wood Conservation Area located within a private close. The property is in use as a single family dwellinghouse.

4.2 Planning History

Permission was granted on 25.09.2013 for the creation of new basement storey with two front lightwells and one rear glazed roof 13/07524/FULL. This has not been implemented.

5. THE PROPOSAL

Planning permission is sought for the excavation of a new basement with two front lightwells and one rear glazed roof.

The proposal has been amended during the course of its consideration. These amendments have involved changes to the area of excavation to ensure the protection of a tree in the front garden and changes to the Construction Management Plan including removing a compressor and materials store from Denning Close so that only a skip was located on the close itself as in the Construction Management Plan for the approved basement scheme. These amendments have all been subject to consultation.

6. DETAILED CONSIDERATIONS**6.1 Land Use**

The principle of additional residential floorspace in land use terms is supported by Policy H3 of the UDP.

6.2 Townscape and Design

An objection has been made to the proposal on grounds that the bulk of proposal is disproportionate to surroundings. However as this is a basement excavation it is largely subterranean and therefore has limited impact in design terms on this modern building or on the wider St John's Wood Conservation Area. The lightwells are not overly large and are located at the front and side of the house covered with metal grilles. All of the lightwells and the ground floor rooflight are discreetly located and the rear and side/rear lightwell are not visible from any surrounding properties. The use of timber sash windows to match the remainder of the property is considered appropriate. The proposals are considered acceptable in design terms and would preserve the character and appearance of the St John's Wood Conservation Area.

The proposal would be consistent with Policies DES1, DES5 and DES9 of the UDP and Policies S25 and S28 in the City Plan.

6.3 Residential Amenity

The proposed development, once complete and by reason of its subterranean nature and the small scale and location of the above ground works, would not result in unacceptable loss of amenity. An objection has been received regarding potential noise and fumes generated by the boiler proposed in the basement however boilers are standard small scale domestic equipment that would not generate unreasonable amenity issues. Accordingly, the proposal would be consistent with Policy ENV13 of the UDP and Policy S29 of the City Plan.

6.4 Transportation/Highways

One off street car parking space exists at the premises and this is maintained as a result of the proposal. On this basis the Highways Planning Manager has no objection to the proposal on transportation grounds. A number of objections have been received relating to access and transportation but these relate to temporary issues during the construction and are dealt with in section 6.11 below.

6.5 Equalities and Diversities

No change to access arrangements into this house.

6.6 Economic Considerations

Not relevant in the determination of this householder application.

6.7 The London Plan

This proposal raises no strategic issues.

6.8 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. 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

Not relevant in the determination of this householder application.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The City Council's Arboricultural Officer has no objection to the current proposal. The scheme has been amended to move the proposed basement excavation away from the silver birch tree in the front garden and to retain the existing wall and foundations to the car port. This is considered sufficient to ensure the protection of the tree. To further safeguard this tree a condition is recommended requiring the submission of a new tree protection plan and method statement.

6.11 Other Matters

Basement Excavation

In terms of the progression of our policy towards basements, the City Council recently adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' on 24 October 2014. The SPD provides detailed advice and clarification on how current policy is implemented in relation to basement development. It does not introduce any additional restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Policy remains the subject of consultation and has not yet been adopted. It is this document which will provide a specific basement policy and it will form part of the local plan (replacing the UDP) in due course. It has some, but only very limited, legal weight (known as material weight or a material consideration). It will not gain more legal weight until after consultation and amendment and will need to be tested at an independent examination before formal legal adoption.

The new basements policy may introduce restrictions on basement excavations provided there is a valid planning reason for doing so, but, as explained above, it has to go through a formal process including an examination in public by an independent Inspector and then legal adoption and it is not, therefore, likely to be formally adopted until early 2016.

In this case concern has been raised by residential occupiers of neighbouring properties over the potential impact of the basement excavation on the structure and foundations on adjoining Grade II listed properties in this terrace. 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.

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 endeavor 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 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, particularly where the buildings in question are heritage assets, as is the case with this site. To seek 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.

An objection has been received from a neighbour concerned about the structural implications of the proposed basement on the foundations of neighbouring buildings and on the potential for surface water to be pushed to surrounding gardens. Building Control advise that the structural approach for the construction of the proposed basement is acceptable. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible.

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 through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction Management

The Construction Management Plan (CMP) has been altered a number of times during the consideration of the application largely in response to neighbours concerns. Only a skip is proposed on the carriageway of the close itself and tracking diagrams demonstrate the ability of construction vehicles to manoeuvring.

The Management Company of Denning Close state each shareholder in the company has rights of way over the entire private road. As skip and other construction facilities are proposed outside the curtilage of no 5 they claim Certificate of ownership B should have been signed. However as all of the proposed development is taking place within the freehold of No.5 the correct ownership certificate, (Certificate A) has been submitted.

The majority of objections relate to Denning Close being a narrow private road where access for large construction vehicles would be difficult or impossible. Although it is acknowledged that access is likely to be challenging for large vehicles given the historical nature of Westminster streets, it is not uncommon for larger construction vehicles to need to manoeuvre backwards and forwards to be able to turn corners or gain access to mews type locations. The CMP includes tracking diagrams demonstrating such manoeuvres are possible and although these are disputed by objectors and they have submitted opinions from Atkins in support of their claims these have been assessed by the Highways Planning Manager who has raised no objection. The alternative to using the vehicles shown in the CMP would be using smaller vehicles, particularly relating to removal of spoil. These might be able to make the turn/reverse with fewer forward and reversing movements, but is likely to increase the number of trips.

Objections have also been raised regarding the safety of pedestrians and cyclists as a result of construction vehicles. It is considered that reasonable steps to ensure safety are contained in the CMP. The plan states that at least 2 banksmen will be in position for all collections /deliveries. The CMP also states that safe pedestrian access will be maintained at all times and the right of way regularly cleaned and inspected for hazards.

Further concerns have been raised regarding vehicle access to No.4, especially emergency vehicles. Even with the skip in place sufficient room is available on the carriageway for emergency vehicles to pass. When a grab lorry is alongside the skip this would indeed block access to No.4 but the CMP states that traffic management will be in operation and banksmen in attendance to give priority to emergency vehicles and to minimise disruption to residents. The safety report submitted by an objector states that delivery vehicles are not controlled by London Basements and that the independent contractors providing them would not supply them because of cost implications. It therefore concludes that there is a considerable risk that a resident or child would be struck by a manoeuvring vehicle. This appears to be suggesting that delivery vehicles would actively ignore the banksmen that London Basements state will be provided on site which would be unlikely.

Objections have been made regarding potential congestion on Hall Road which will be adding to an existing problem partly created by existing developments on that road. The applicant has detailed a call off procedure in their CMP which is considered a reasonable plan to help mitigate any such problem.

It has been claimed that the dwell time stated in the Construction Management is unrealistic and optimistic. There is no reason to doubt the specified estimated dwell times of 30-45 minutes for concrete, 15-20 minutes for deliveries and 20-25 minutes for grab lorries. However it is also stated that bankmen will also be in attendance during those times to avoid disruption.

Objections are also raised to the potential conflict between refuse collection vehicles and construction vehicles. However the attendance of banksmen would limit such conflict.

An objection has been made on the grounds that no permission for the use of road or the loss of right of way has been gained from the Management Company of Denning Close. This is a private matter between the applicant and the management company and planning permission would not remove the need for the applicant to gain any other relevant consents.

Concern is raised that a number of planning applications for basements are being made in Denning Close. Although neighbours concerns are acknowledged it would not be reasonable to refuse permission on this basis.

Objections have also been received to the use of tarpaulin to cover the skip rather than hoarding used to surround it. A report from Cooper Safety Associates has been submitted by an objector to support this claim. The concern being that tarpaulin would be unsafe for passing pedestrians. Such Health and safety issues lie outside the planning acts. However tarpaulin are commonly used for such situations and the use of hoardings would further reduce the width of the available carriageway so would generate its own problems.

The residents' concerns about the impact of the construction works on their amenities are well understood. However it is considered that the Construction Management Plan is reasonable and seeks to mitigate the impact of the works on neighbours. The Highways Planning Manager has assessed the CMP and the report by Atkins submitted by an objector and considers that the CMP is acceptable although suggests that it would be helpful to be updated to make minor alterations to remove reference to meeting with Westminster's highways officers as this is a private road and to consider the use of smaller vehicles. A condition is therefore recommended to require submission of an updated Construction Management Plan.

7 Conclusion

For the reasons set out in this report it is therefore recommended that conditional permission is granted.

BACKGROUND PAPERS

1. Application forms.
2. Email from St Johns Wood Society dated 7.04.15
3. Email from Building Control undated.
4. Memorandum from Arboricultural Officer dated 7.08.15
5. Memorandum from Highways Planning Manager dated 20.3.2015 and email dated 24.09.15
6. Email from Chartered Surveyors instructed by 3 Hall Road Management Company dated 1.04.15
7. Letter from Owner/Occupier of 11 Denning Close dated 30.3.2015.
8. Letter from Owner/Occupier of 2 Denning Close dated 30.3.2015
9. Letter from Owner/Occupier of 10 Denning Close dated 25.3.2015 with attachment
10. Letters and Emails from Owner/Occupier of 9 Denning Close dated 24.03.15 (including Technical Note from Atkins dated 22.12.14), 21.04.15, 21.04.15, 1.05.15, 12.05.15, 2.06.15; 12.06.15, 4.09.15 (including a Health and Safety Report by Neil Cooper Safety Associates dated 25.5.2015 and e-mail from Atkins dated 24th June 2015).
11. Letters from Owner/Occupier of 4 Denning Close dated 18.03.15, 30.03.15, 7.04.15, 20.04.15, 21.04.15, 05.05.15, 03.07.15 (including letter from GAK Consultancy dated 2.09.13) 07.08.15, 27.08.15,
12. Letter from Peter French representing owner of 9 Denning Close dated 13.05.15

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: 5 Denning Close, London, NW8 9PJ

Proposal: Creation of new basement storey with two front lightwells, one rear lightwell and one rear glazed rooflight.

Plan Nos: 13-018-01A (Sheet 1 of 4); 13-018-01A (Sheet 2 of 4); 13-018-01A (Sheet 3 of 4); 13-018-01A (Sheet 4 of 4); 13-018-02E (Sheet 1 of 4); 13-018-02E (Sheet 2 of 4); 13-018-02E (Sheet 3 of 4); 13-018-02E (Sheet 4 of 4); Design and Access Statement; Photographs; Construction Management Plan Revision D (for information only); Environmental Performance Statement; Tree Report; Construction Method Statement (for information only);

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 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 St John's Wood 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 Notwithstanding the documents submitted you must apply to us for approval of the ways in which you will protect the trees on and close to the site. 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. You must then carry out the work according to the approved details.

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)

- 5 Pre Commencement Condition.
Notwithstanding the Construction Management Plan submitted 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 Condition 5 requires the submission of a revised Construction Management Plan. You are advised to remove reference to meeting with the Local Highways Enforcement Officer as Denning Close is a private road which the Highway Authority has no control over. You should also consider the impact of using smaller vehicles for each stage of the construction process.

- 3 The application does not indicate the installation of plant. It should be noted that the proposed installation of any plant/machinery with external manifestations will require the submission of acoustical information that demonstrates that the plant/machinery meets the Council's noise criteria.



SCHEDULE OF AREAS:
(gross internal)

Proposed Basement (as drawn):
*125m² (1345 sq. ft.)

Approved Basement
13/07/24/16U,
25.9.2013.

NOTES:

This drawing is intended as a scheme proposal and serves as a guide to clients to indicate possible room configurations.

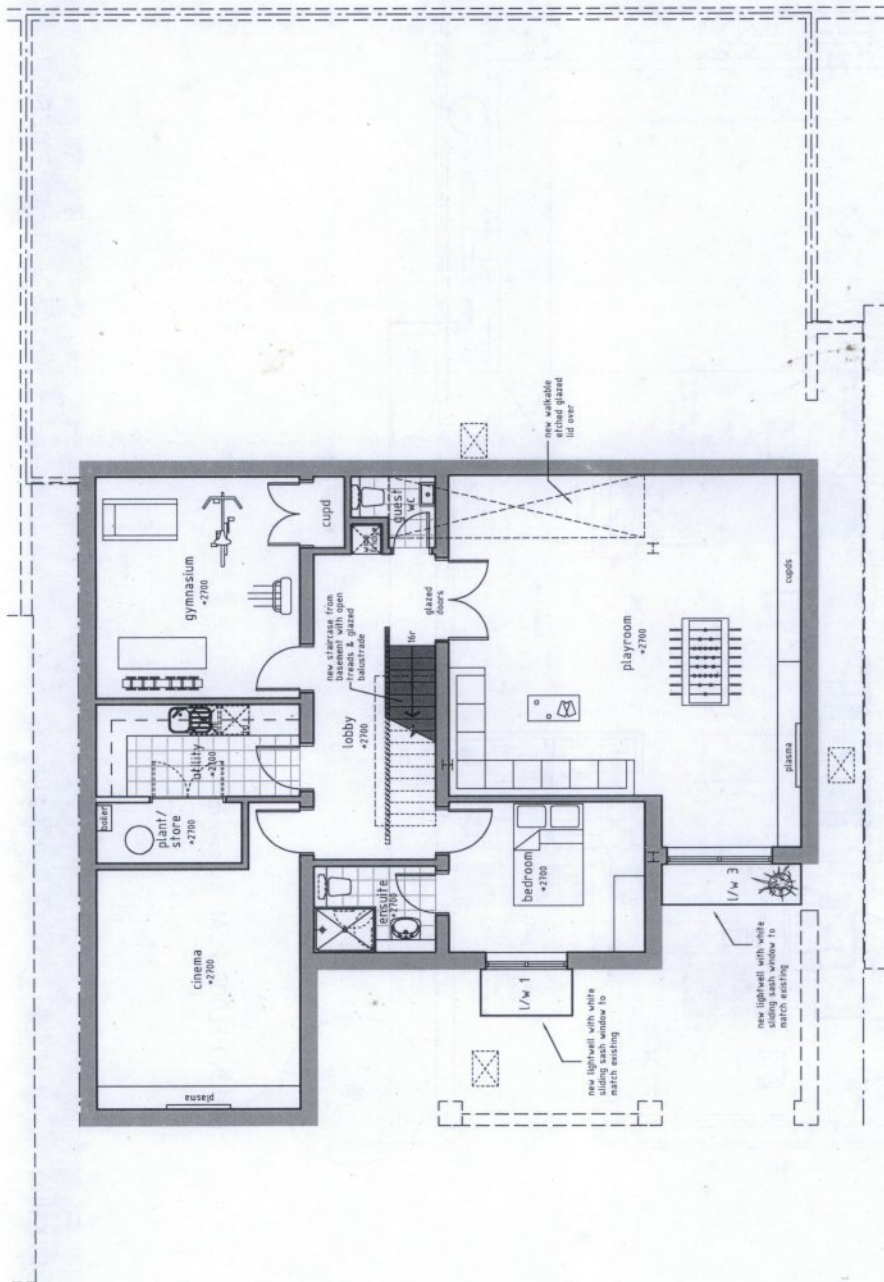
Clients should be aware that these scheme proposals may be subject to change and that they should obtain their own initial estimates such as additional excavation, enlarged or additional lightwells and/or the removal of chimneys.

This drawing has been based on a dimensional survey without the benefit of trial holes or other exploratory works.

As a consequence this drawing does not necessarily take account of perimeter wall thicknesses and/or foundation projections. Room sizes are therefore approximate and scaled dimensions should not be relied upon.

We cannot guarantee that all additional space indicated can be created in areas where access was not available.

Clients are advised that additional supports, piers, posts or buttresses may be required in the final structural design.



BASEMENT FLOOR PLAN (AS PROPOSED)

Client: Mr. D. Kattan

Project: 5 Denning Close
London
NW8 9PJ

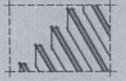
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Date: June 13

SCHEME DESIGNS

Drawing Title

Drawing No. 13-018-02 (sheet 2 of 4)



the basement
design studio

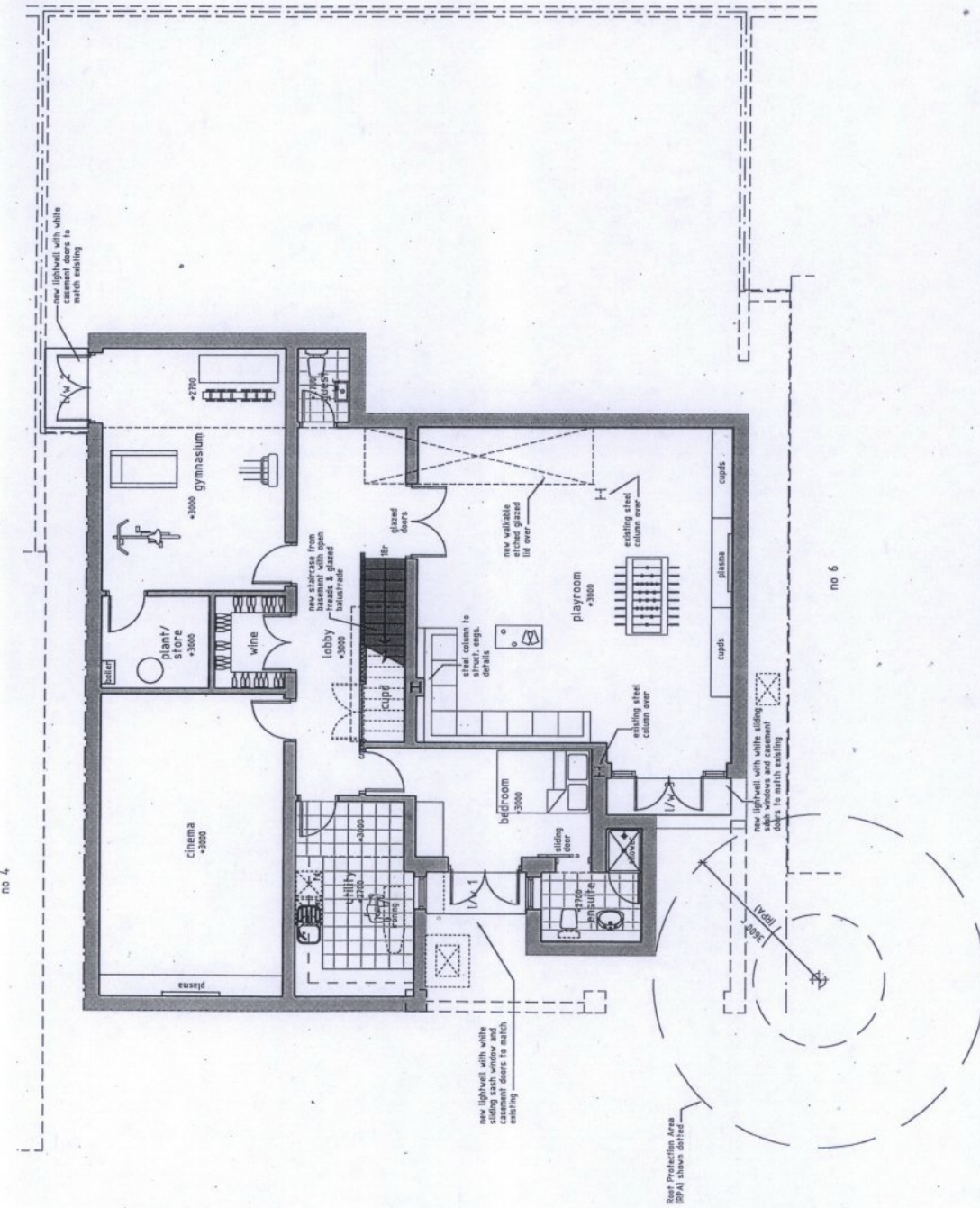
Sulla 17, Maple Court, Grove Park, White Waltham, SL8 3LW
Tel: 01628-526066
www.basementdesignstudio.co.uk

Room plan 2013



SCHEDULE OF AREAS:
(gross internal)

Proposed Basement (as drawn):
**150m² (1600 sq. ft.)



NOTES:

This drawing is intended as a scheme proposal and serves as a guide to clients to indicate possible room configurations.

Clients should be aware that these scheme proposals may indicate works that may not have been allowed for in the initial estimate such as additional excavation, enlarged or additional lightwells and/or the removal of chimneys.

This drawing has been based on a dimensional survey without the benefit of trial holes or other exploratory works.

As a consequence this drawing does not necessarily take account of perimeter wall thicknesses and/or foundation projections. Room sizes are therefore approximate and scaled dimensions should not be relied upon.

We cannot guarantee that all additional spaces indicated can be created in areas where access was not available.

Clients are advised that additional supports, piers, posts or buttresses may be required in the final structural design.

REV E	FRONT ENSUITE REVISED FOR TREE RPA	01/04/15
REV D	FURTHER CLIENT AMENDMENTS	21/01/15
REV C	FURTHER CLIENT AMENDMENTS	20/01/15
REV B	FURTHER CLIENT AMENDMENTS	15/01/15
REV A	CLIENT AMENDMENTS	09/01/15

the basement design studio

Suite 17, Maple Court, Grove Park, White Waltham, S.G. 13 1W
tel. 01628-426865
www.basementdesignstudio.co.uk

BASEMENT FLOOR PLAN (AS PROPOSED)

Client: Mr. D. Kattan

Project: 5 Denning Close
London
NW8 9PJ

Drawing Title: SCHEME DESIGNS

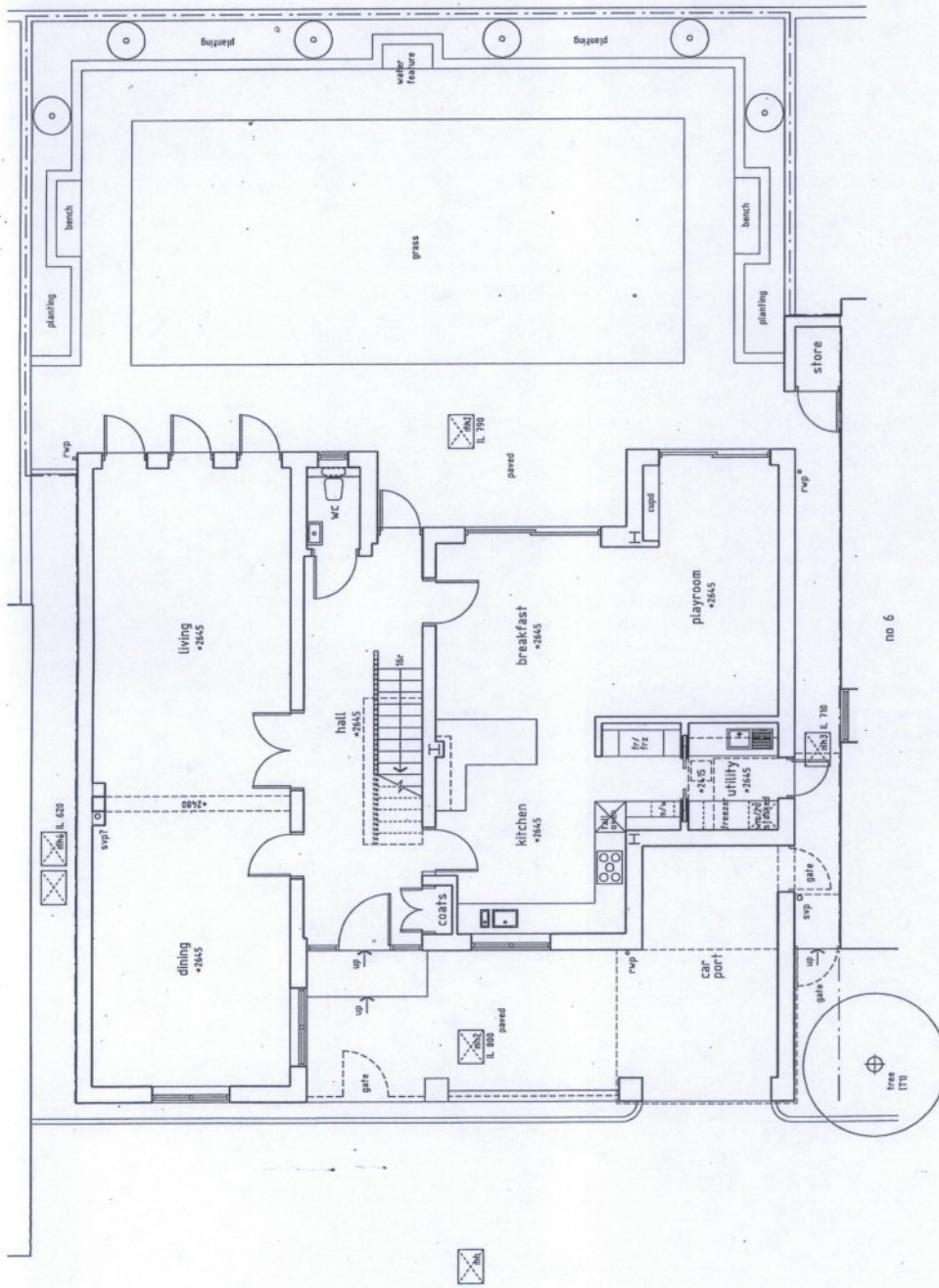
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Date: June 13

Drawing No.: 13-018-02E (sheet 2 of 4)



no 4



GROUND FLOOR PLAN (AS EXISTING)

REV A 1:500 BLOCK PLAN ADDED 08/01/15

Client Mr. D. Kattan

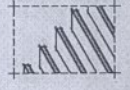
Project 5 Denning Close
London
NW8 9PJ

Scale 1:100 @ A3

Date June 13

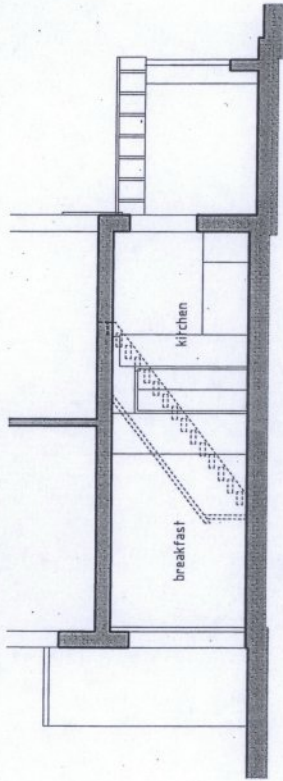
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Drawing No. 13-018-01A (sheet 2 of 4)

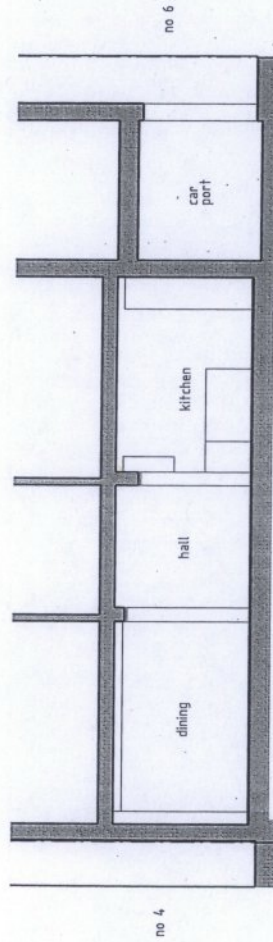


the basement
design studio

Suite 17, Maple Court, Grove Park, White Waltham, SL5 3LW
Tel: 01235-608005
www.basementdesignstudio.co.uk



LONGITUDINAL SECTION
(AS EXISTING)



CROSS SECTION (AS EXISTING)

REV A 1:500 BLOCK PLAN ADDED 09/01/16

Client Mr. D. Kattan

Project 5 Denning Close
London
NW8 9PJ

Scale 1:100 @ A3

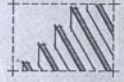
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EXISTING PREMISES

Date June 13

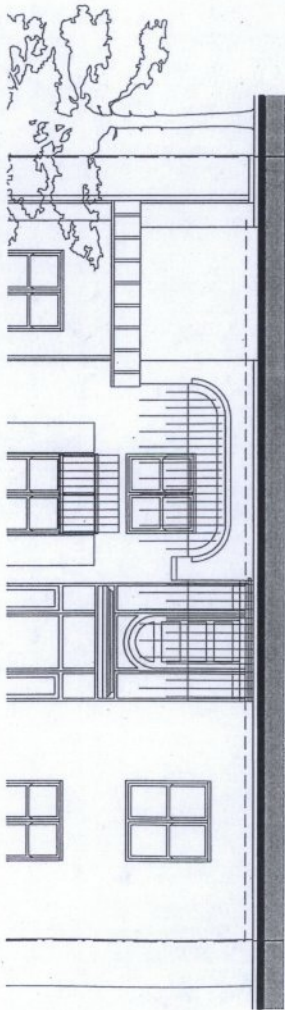
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13-018-01A (sheet 4 of 4)

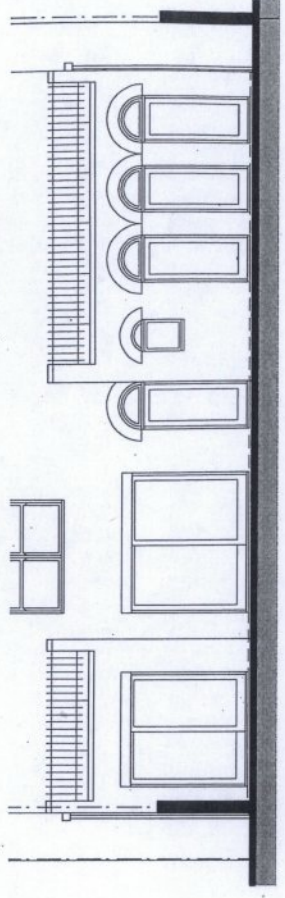


the basement
design studio

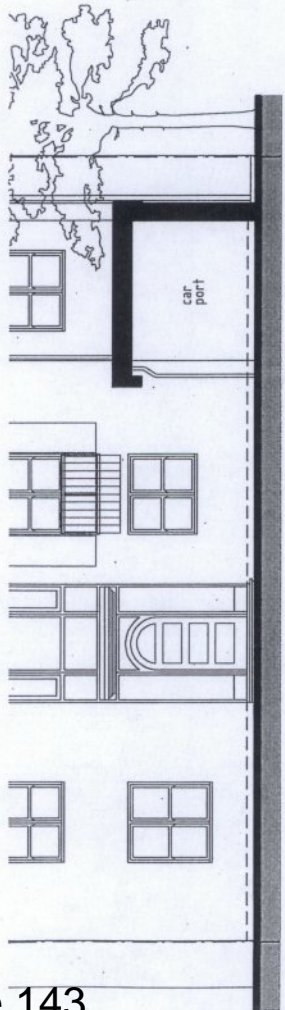
Suite 17, Maple Court, Grove Park, White Waltham, SL8 3LW
Tel: 01628-420066
www.basementdesignstudio.co.uk



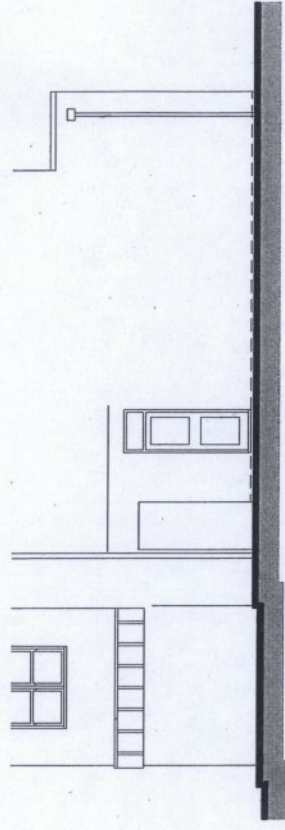
FRONT ELEVATION in true elevation
(AS EXISTING)



REAR ELEVATION (AS EXISTING)



FRONT ELEVATION (AS EXISTING)



SIDE ELEVATION (AS EXISTING)

REV A 1:500 BLOCK PLAN ADDED 09/01/15

client Mr. D. Kattan

Project 5 Denning Close
London
NW8 9PJ

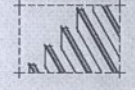
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Drawing No. 13-018-01A (sheet 3 of 4)

Scale 1:100 @ A3

Date June 13

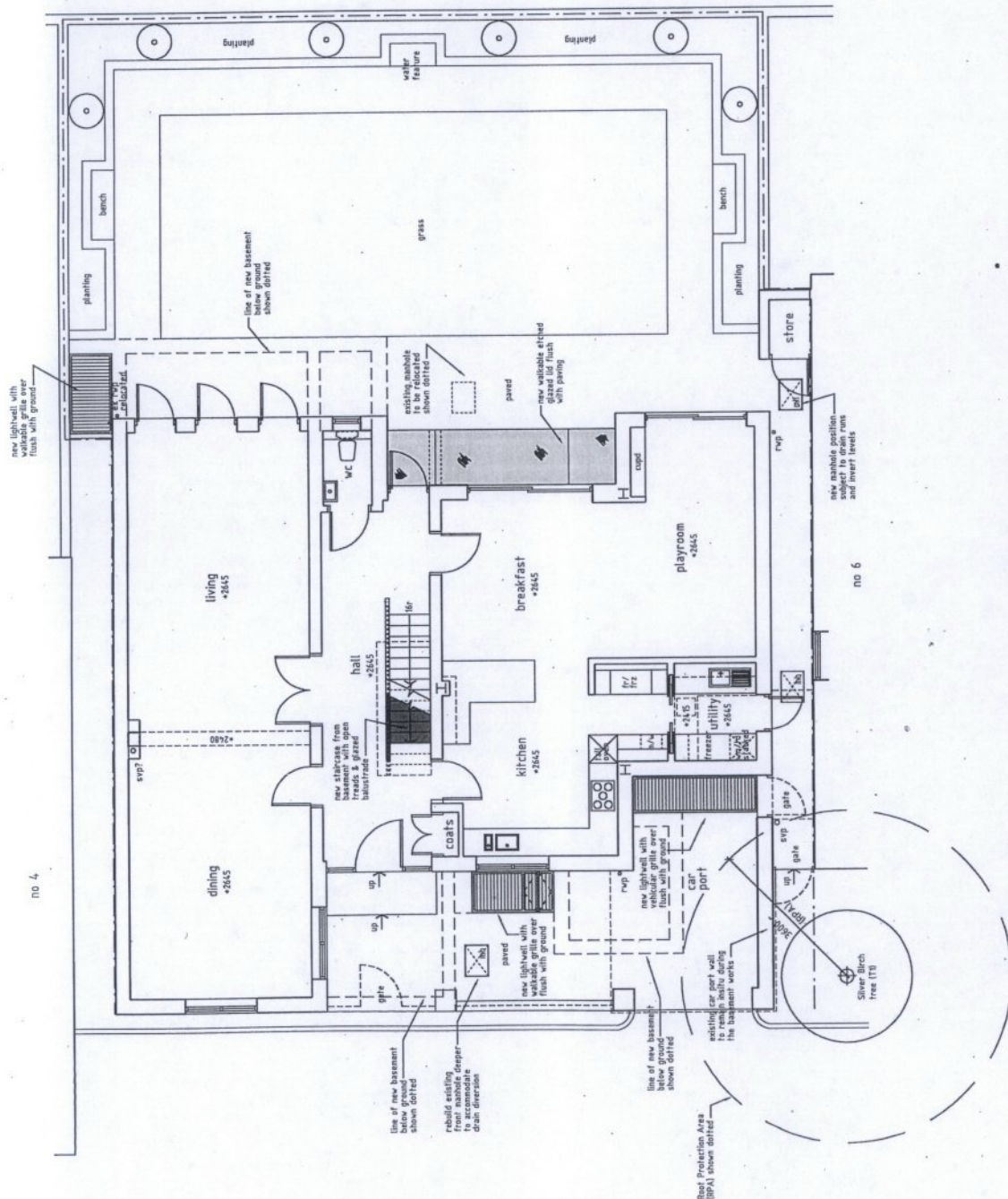
the basement
design studio



Studio 17, Maple Court, Grove Park, White Waltham, SL8 3LW
Tel: 01628-825066
www.basementdesignstudio.co.uk



NO 4.



GROUND FLOOR PLAN (AS PROPOSED)

REV E 01/04/15
REV D 21/01/15
REV C 20/01/15
REV B 15/01/15
REV A 09/01/15

FRONT ENSUITE REVISED FOR TREE RPA
FURTHER CLIENT AMENDMENTS
FURTHER CLIENT AMENDMENTS
FURTHER CLIENT AMENDMENTS
CLIENT AMENDMENTS

Client: Mr. D. Kattan

Project: 5 Denning Close
London
NW8 9PJ

Scale: 1:100 @ A3

Date: June 13

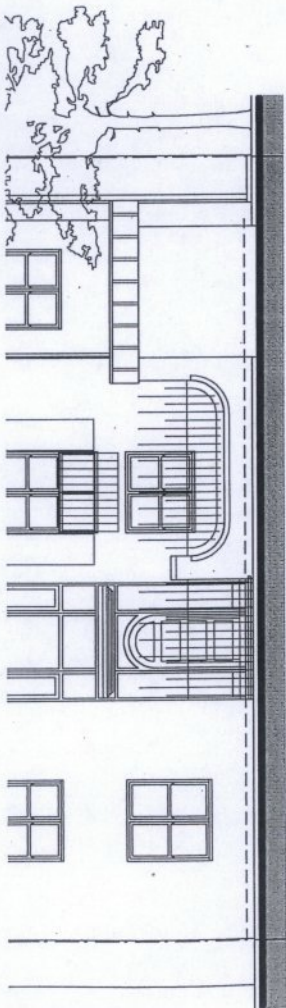
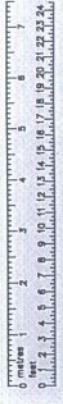
Drawing Title: SCHEME DESIGNS

Drawing No.: 13-018-02E (sheet 1 of 4)

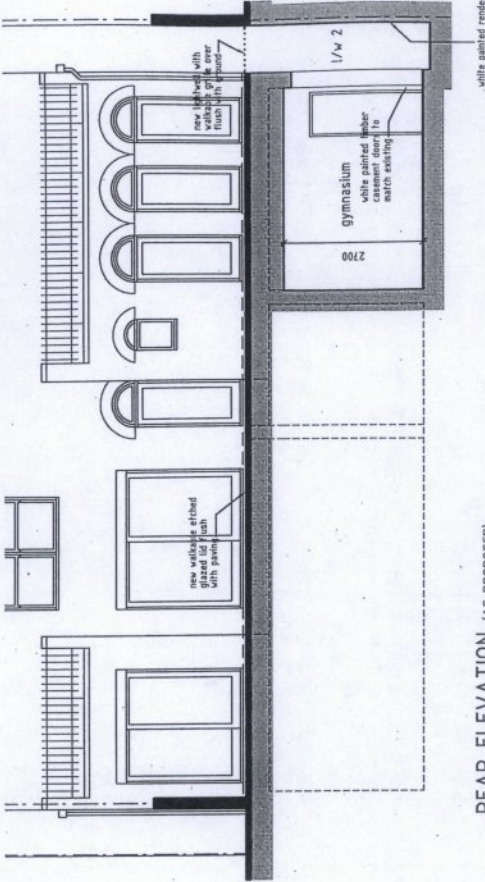


the basement
design studio

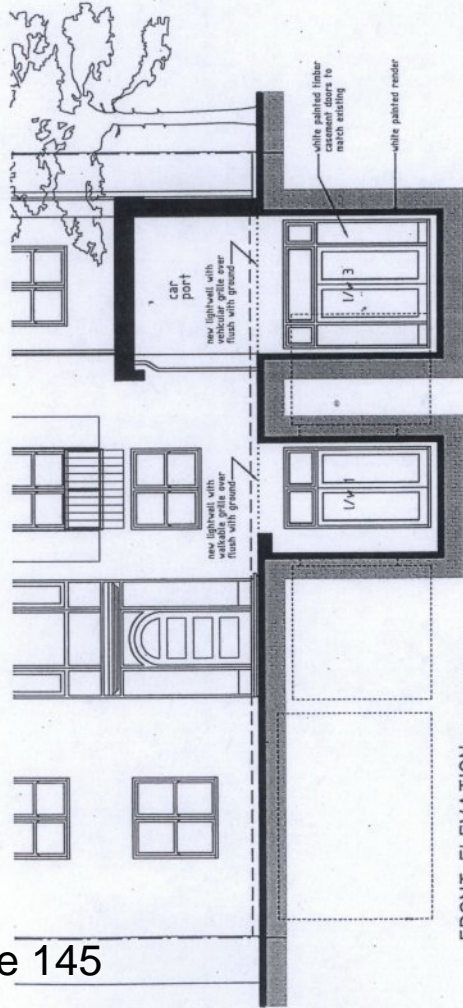
Suite 17, Maple Court, Grove Park, White Waltham, SL6 3LW
Tel: 01295 259588
www.basementdesignstudio.co.uk



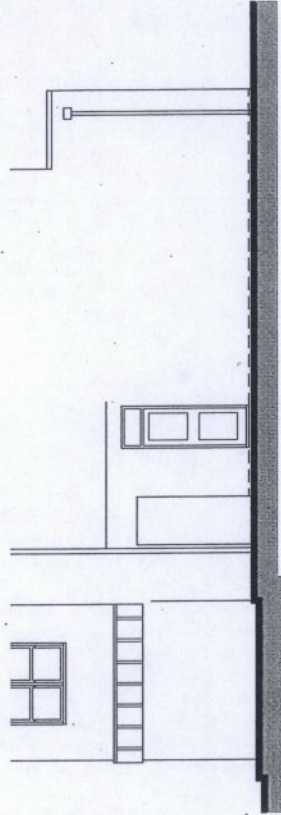
FRONT ELEVATION in true elevation
 (AS PROPOSED)



REAR ELEVATION (AS PROPOSED)



FRONT ELEVATION (AS PROPOSED)



SIDE ELEVATION (AS PROPOSED)

- REV E FRONT ENSUITE REVISED FOR TREE RPA
- REV D FURTHER CLIENT AMENDMENTS
- REV C FURTHER CLIENT AMENDMENTS
- REV B FURTHER CLIENT AMENDMENTS
- REV A CLIENT AMENDMENTS

- 01/04/15
- 21/07/15
- 20/07/15
- 15/07/15
- 09/07/15

Client Mr. D. Kattan

Project 5 Denning Close
 London
 NW8 9PJ

Scale 1:100 @ A3

Date June 13

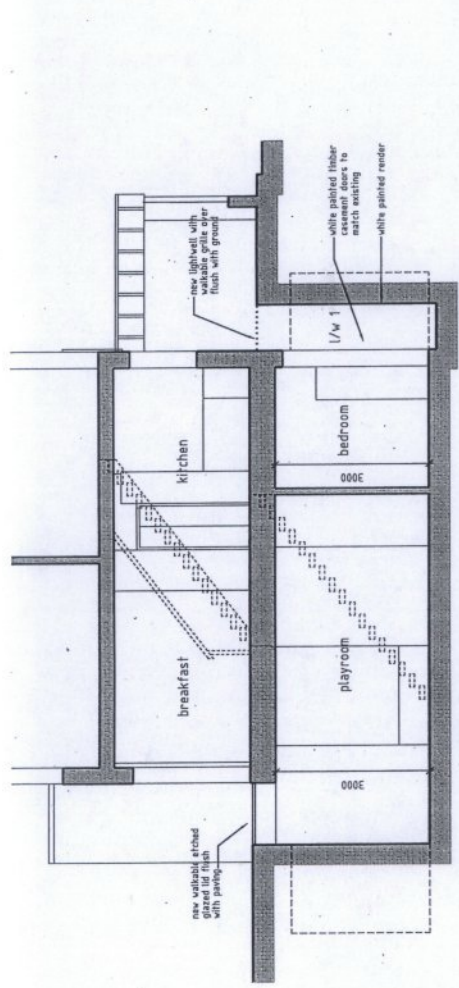
Drawing Title SCHEME DESIGNS

Drawing No. 13-018-02E (sheet 3 of 4)

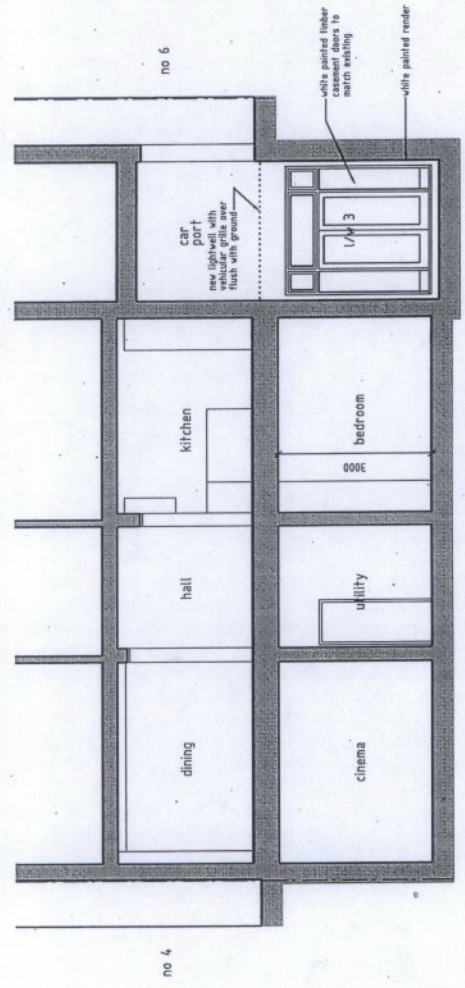


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 tel. 01828-828085
 www.basementdesignstudio.co.uk



LONGITUDINAL SECTION
(AS PROPOSED)



CROSS SECTION (AS PROPOSED)

- REV E FRONT ENSUITE REVISED FOR TREE RPA 01/04/15
- REV D FURTHER CLIENT AMENDMENTS 21/01/15
- REV C FURTHER CLIENT AMENDMENTS 20/01/15
- REV B FURTHER CLIENT AMENDMENTS 15/01/15
- REV A CLIENT AMENDMENTS 09/01/15

the basement design studio

Units 17, Maple Court, Grove Park, White Waltham, SL5 3JW
Tel: 01628-425655
www.basementdesignstudio.co.uk

Client: Mr. D. Kattan

Project: 5 Denning Close
London
NW8 9PJ

Scale: 1:100 @ A3

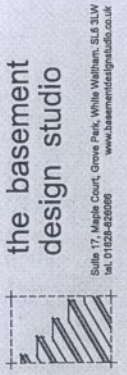
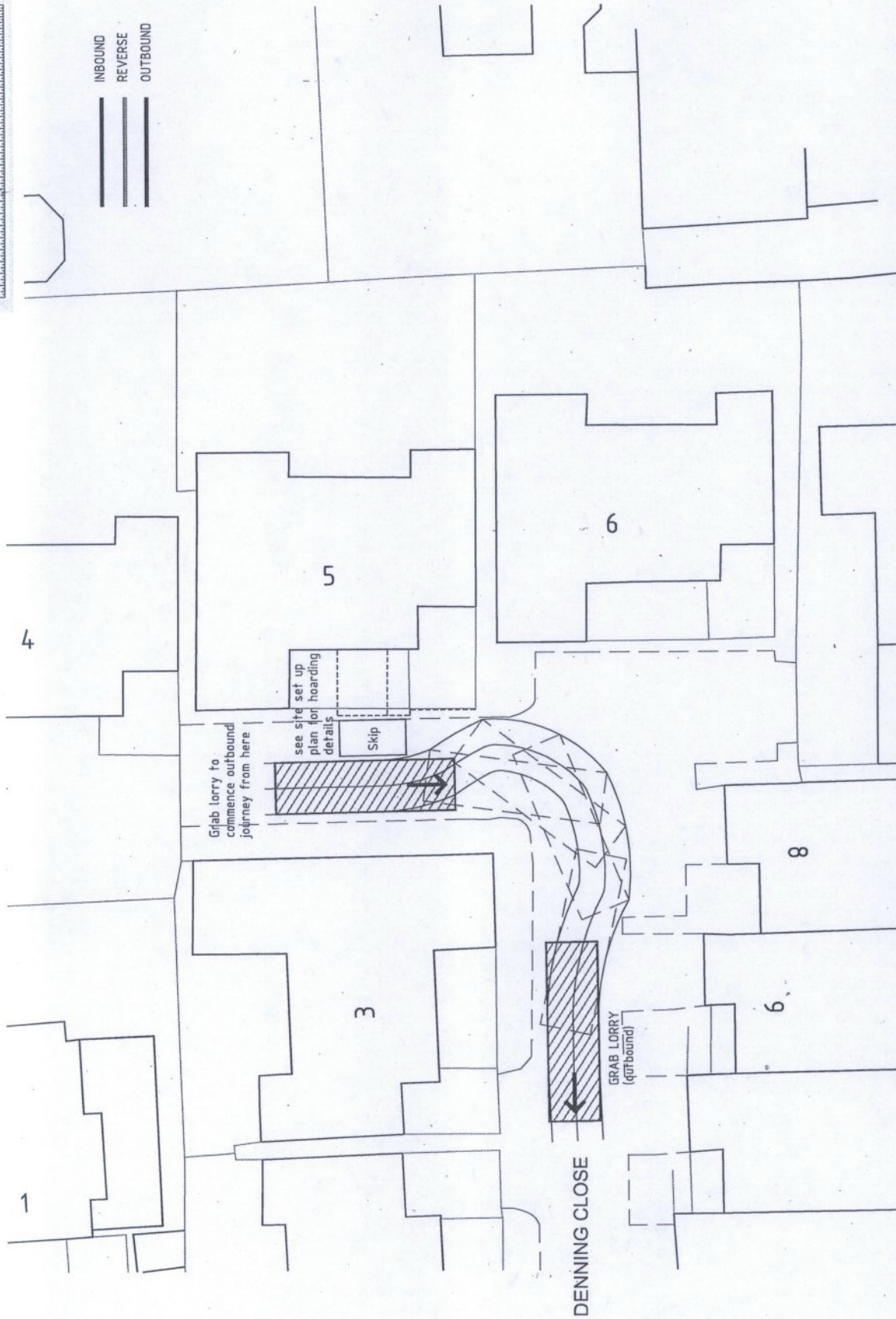
Date: June 13

Drawing Title: SCHEME DESIGNS

Drawing No.: 13-018-02E (sheet 4 of 4)



INBOUND
REVERSE
OUTBOUND



the basement
design studio

Suite 17, Maple Court, Grove Park, White Waltham, SL6 3LW
Tel: 01753-826095
www.basementdesignstudio.co.uk

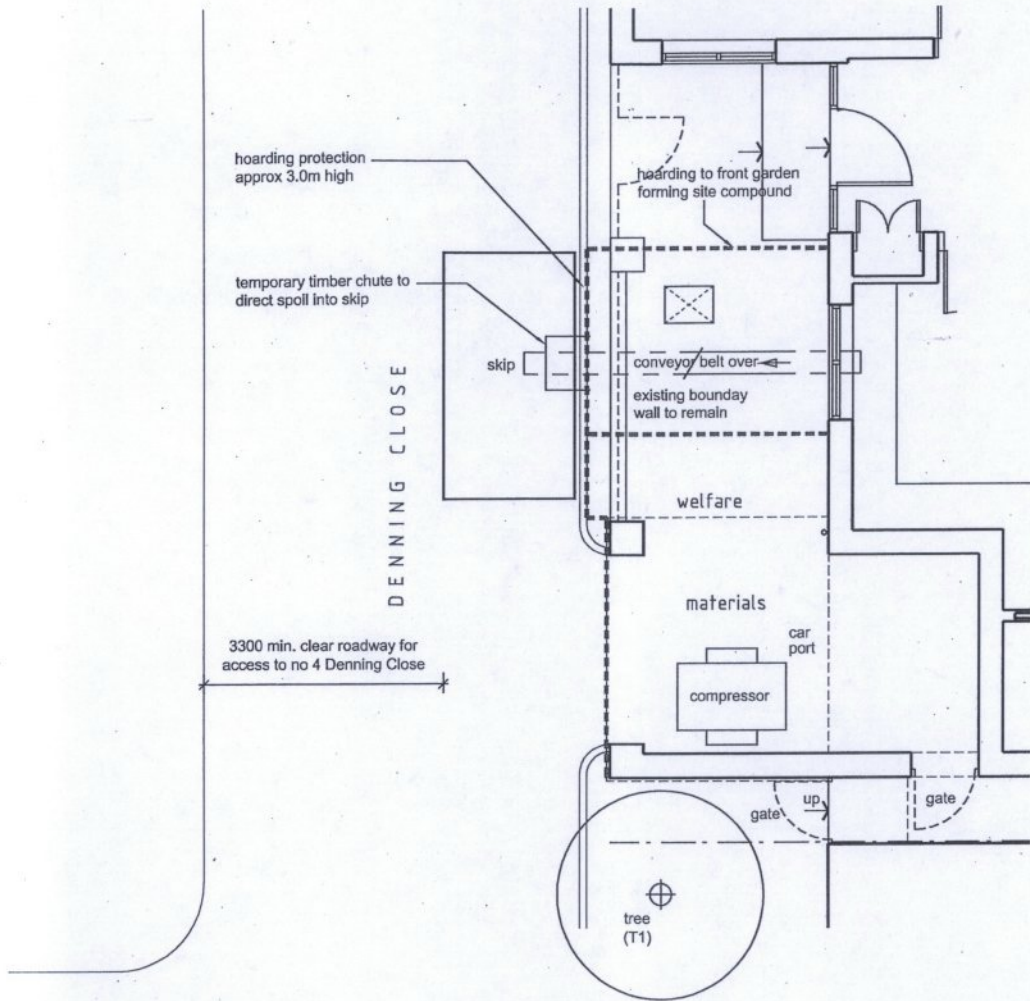
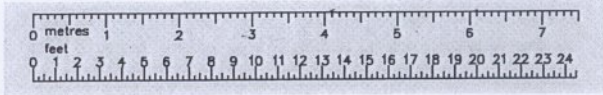
OUTBOUND
TRACKING PLAN
13/018-OTRACKING

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Drawing Title
Drawing No.
Date May '15

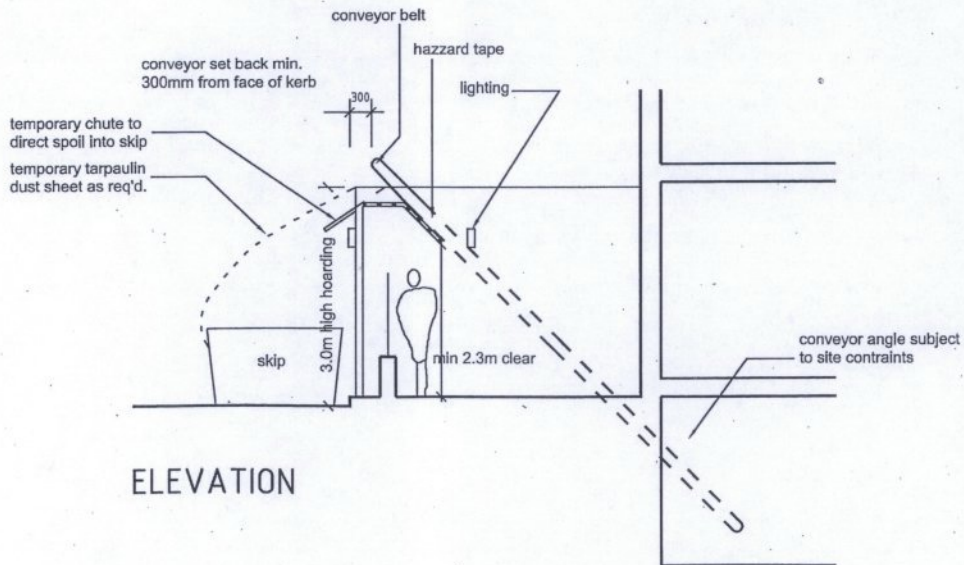
Project
Mr. D. Kattan
5 Denning Close
London
NW8 9PJ

Client
london basement
UNIT 4 VICTORY BUSINESS CENTRE
FLEETWOOD WAY, GILGUTH, TW7 6EL
020 8817 1431 www.londonbasement.co.uk
Job ref.





PLAN AT PAVEMENT LEVEL



ELEVATION



Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved Bayswater	
Subject of Report	<ol style="list-style-type: none"> 1. 98 Westbourne Grove, London, W2 2. 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road, 104 - 106 Westbourne Grove, 98 - 112 Westbourne Grove, W2 		
Proposal	<ol style="list-style-type: none"> 1. Use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage. 2. Variation of Condition 13 (tables and chairs) of planning permission dated 7 February 2003 (RN 02/03540) for part demolition/redevelopment to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works; namely to remove restrictions outside of No. 98 Westbourne Grove (Cote restaurant) only. 		
Agent	Popleston Allen Solicitors		
On behalf of	Cote Restaurants Limited		
Registered Number	15/01715/TCH 15/04113/FULL	TP / PP No	TP/10490
Date of Application	25.02.2015 28.05.2015	Date amended/ completed	25.02.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		
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 District Shopping Centre		
Stress Area	Within Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional permission.





**Application 1:
98 WESTBOURNE GROVE, W2**

**Application 2:
43 HEREFORD ROAD, 2 - 6 BOTTS MEWS,
2 CHEPSTOW ROAD, 104 - 106 WESTBOURNE GROVE,
98 - 112 WESTBOURNE GROVE, W2**

2. SUMMARY

Planning permission is sought for:

1. The use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage. (15/01715/TCH)
2. Variation of Condition 13 of planning permission dated 07 February 2003 (RN:02/03540), to remove 'Westbourne Grove' from the Condition 13 so that it would read:

"No planters, tubs, tables or chairs, freestanding advertisements or any other items shall be placed on either the private forecourt or adjoining public highway along the Hereford Road/Chepstow Road frontages of the application site." (15/04113/FULL)

The key issues are:

- The impact of the tables and chairs upon pedestrian safety.
- The impact of the use of external tables and chairs on residential amenity.

Both applications accord with current Unitary Development Plan (UDP) and City Plan policies relating to pedestrian safety and amenity and are recommended for approval.

3. CONSULTATIONS

Application 1- Ref 15/01715/TCH

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Pavement is too narrow in this very busy section of Westbourne Grove.

NOTTING HILL EAST NEIGHBOURHOOD FORUM (Previously WNA)

Pavements are public space and not for private sale.

HIGHWAYS PLANNING MANAGER

No objection to proposals.

Submitted revised Drawing shows the area proposed for placing tables and chairs to measure approximately 2.8m from building line (pinch point) to the closest item of street furniture; the area proposed for placing tables and chairs is approximately 0.8m, leaving approximately 2m as a pedestrian clearway. This measure accords with the City of Westminster public realm strategy, Westminster Way, minimum requirement of 2m for pedestrian movement. The proposal accords with the aims of the City Council's Policy TRANS 3.

CLEANSING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 89; Total No. of Replies: 8.

Eight objections.

Transportation

- Tables and chairs will cause congestion on busy pedestrian crossing outside of restaurant.

- Congestion caused would be amplified by single yellow line outside restaurant which is often used for deliveries.
- Tables and chairs would obstruct smooth flow of deliveries to 8 adjoining retail units.
- Allowing tables and chairs would obstruct free flow of pedestrians along a busy road which is too narrow to accommodate this, and would set precedent for other restaurants on the street.
- Proposal does not take into account the additional 0.75 - 1m of pavement width for staff to serve tables, nor the addition of another chair.

Amenity

- Restaurant already has problems associated with staff and visitors smoking outside, causing a noise nuisance and not closing on time. Placing of tables and chairs would worsen situation.
- New application does not address any of the concerns previously raised.
- People waiting at the pedestrian crossing will be exposed to cigarette smoke.

ADVERTISEMENT/SITE NOTICE: Yes

Application 2- Ref: 15/04113/FULL

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object to removal of condition.

- Removing condition would effect not only restaurant use at No. 98 but would apply to the whole development.
- Condition was originally agreed by all parties.
- All tenants who occupy the premises are aware of this restriction.
- Condition was originally justified owing to the constrained conditions of the site, particularly narrow pavement on Chepstow and Hereford Road.
- Westbourne Grove should be retained for pedestrian use only owing to high footfall, and two heavily used crossings adjacent to site.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Condition 13 is imposed for good public reasons.

BRA

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection to proposals

ADJOINING OWNER/OCCUPIERS

No. consulted: 89; Total No of Replies: 0.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application relates to the Cote Restaurant at 98 Westbourne Grove. It is located within the Westbourne Conservation Area. This part of Westbourne Grove is identified as a District Centre and is located within in the Queensway/Bayswater Stress Area.

4.2 Relevant History

13 August 2001 - Planning permission, listed building consent and conservation area consent was granted by the Planning Applications Sub-Committee under references 00/00824/FULL, 00/00825/LBC, 00/00826/CAC at site comprising 98 - 112 Westbourne Grove, 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road and 112A - 112B Westbourne Grove for the part demolition/redevelopment to provide new buildings providing 36 flats 2 "live-work" units, ground floor retail and restaurant uses and 35 parking spaces in the basement.

07 February 2003 - Resubmission of previous consent granted in 2001, this time around including 106 and 108 Westbourne Grove which were not available at the time of the 2001 permission, providing an enlarged ground floor A1 unit (No. 7) and enlarged A3 unit (No. 4). (02/03540/FULL).

Condition 16 of the 2001 permission prohibited the placement of street furniture, including tables and chairs, either on the private forecourt or adjoining public highway along the Westbourne Grove/Hereford Road/Chepstow Road frontages of the application site. The reasoning for the imposition of this condition was related to pedestrian safety. The condition is referred to in full in the 'proposal' section of this report above. This condition was also imposed in the latter resubmission in 2003 (subsequently numbered condition 13), which is the subject of this application.

In the original 2001 application, SEBRA had expressed concerns that that the private forecourts should be dedicated as public highway to address long term traffic management and pedestrian safety. The report detailed that the applicant had declined to dedicate the private forecourts outside the premises. Officers however recommended the inclusion of the said condition to the same effect which consequentially appeared on the decision notice and the 2003 decision notice which followed.

1 January 2015 - Planning permission refused for Use of the public highway for the placing of six tables and 12 chairs in two areas measuring 10.5m x 0.75m on Westbourne Grove and 6m x 0.75 on Hereford Road elevation in connection with associated restaurant. The application was refused on highways grounds due to the restricted pavement width on Hereford Road only as a result of the existing bicycle parking stands. An informative was attached to that decision notice advising that tables and chairs on the Westbourne Park Road only were likely to be considered favorably.

5. THE PROPOSAL

Planning permission is sought for:

Application 1 – Ref 15/01715/TCH

1. Use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage.

Application 2 – Ref 15/04113/FULL

Variation of Condition 13 of planning permission dated 07 February 2003 (RN:02/03540), to remove 'Westbourne Grove' from condition 13, so that the condition would read;

"No planters, tubs, tables or chairs, freestanding advertisements or any other items shall be placed on either the private forecourt or adjoining public highway along the Hereford Road/Chepstow Road frontages of the application site"

6. DETAILED CONSIDERATIONS

6.1 Land use

The proposed external tables and chairs would be associated with the existing lawful restaurant (Class A3) and would not change the use of the site.

6.2 Townscape

The tables and chairs do not raise design and townscape issues.

6.2 Highways

Policy TACE 11 of the UDP states that permission for tables and chairs on the public footway will only be granted where such proposals will not cause an obstruction, endanger pedestrians and wheelchair users or cause or exacerbate a problem with refuse storage or street cleansing. Condition 13 of the 2003 permission for the redevelopment of the block prevented external tables and chairs being placed on the private forecourt of the public highway in the interest of public safety.

Permission is sought to allow 3 tables and 6 chairs to be placed outside of Cote restaurant on Westbourne Grove. The submitted drawing shows the area proposed for placing tables and chairs measures 2.8m from building line (pinch point) to the closest item of street furniture. The area proposed for placing tables and chairs is 0.8m, leaving 2m as a pedestrian clearway at its narrowest point. The tables and chairs are also positioned either side of the frontage, away from the pedestrian crossing ramp.

Objections have been received from the SEBRA and BRA and local residents on the grounds that the tables and chairs would obstruct the highway, with particular regard for the busy pedestrian crossing outside the restaurant on Westbourne Grove. These objections were initially put forward by SEBRA at the time of the original grant of permission.

The City of Westminster's public realm strategy, 'Westminster Way', was adopted September 2011 and is a material factor in considering applications for street furniture. It sets out that in the holistic management of the street environment, the space required for people should come first with other obstructions, where permissible, placed to minimise the intrusion into that space. Pursuant to this it requires that a minimum pavement width of 2m must remain unobstructed for pedestrian movement. It states that this clear zone may have to be widened in some busy places.

This is a busy location, given it is designated as a stress area and District Centre. Notwithstanding this, a depth of 3m between the seating area and kerb is maintained at its widest points, dropping to 2m at pinch points. Moreover the number of tables and chairs is limited to 3 tables and six chairs only and located away from the pedestrian crossing. The City Council's Highway's Manager has accordingly not objected to the proposal. It is therefore considered that the impact upon pedestrian movement is unlikely to be obstructive and therefore accords with the aims of the City Council's Policy TRANS 3.

As highlighted by SEBRA the wording of the proposed variation of condition 13 of the 2003 permission would apply to the whole Westbourne Grove frontage of the development, from No. 98 to 112, with the effect of allowing premises to place tables and chairs within their private forecourts without having to apply for planning permission. The number of premises that retain a private forecourt is not known to the Council and has not been supplied with the variation of condition application. It is clear however that other premises, between 100 –112

Westbourne Grove, have various items of street furniture in front of them. It is therefore recommended that the condition be re worded to exclude the frontage to 98 Westbourne Grove only, as it has been demonstrated in this application that sufficient pavement width can be maintained. Any future application at other premises would therefore be considered on their individual merits.

With regard to street cleansing and continued servicing provisions, neighbours have pointed out that the tables and chairs are likely to interfere with this operation, whereby servicing from the dedicated bay on Hereford Road could be obstructed. However, the City Councils Cleansing Manager has not objected to the proposal.

6.3 Amenity

Policy TACE11 states that permission for tables and chairs on the public footway will only be granted where such proposals would not unacceptably intensify an existing use, cause a nuisance to residents, harm the amenity of the area or create opportunities for crime. Westbourne Grove is a busy road with active ground floor commercial uses and residential generally on upper floors. Objections have been received from local neighbours and residential occupiers of flats above the restaurant relating to potential noise nuisances from the proposed external seating area.

The proposed hours within which the tables and chairs are sought to be placed outside of the restaurant are between 08:00 - 23:00 on any day and falls within the lawful operating hours of the premises. Moreover TACE11 sets out that tables and chairs will not normally be permitted outside premises after 22.00 which is consistent with what is proposed. There are no registered noise complaints on the planning record for these premises. It is acknowledged that there may be some audible activity from the restaurant and other commercial uses nearby at upper floor level. The street however has an established ground floor active frontage, conducive to its mixed commercial and residential character and subject to the removal of tables and chairs from the public highway at 22.00 as proposed, the amenity of adjoining occupiers is unlikely to be adversely affected.

6.3 Other

Neighbours are concerned that the proposed tables and chairs would require more space than that shown on the drawings. The permission would be based on the approved plans which propose three tables and six chairs, in the locations specified. In terms of serving space, it is acknowledged that waiters would be likely to stray outside of the seating area to get to tables. However given that only three tables and six chairs are proposed, it is not considered that the volume of service would be such that it would represent an obstruction to pedestrians and form grounds to withhold planning permission.

This variation of condition permission constitutes a fresh planning permission. The planning conditions have therefore been updated to have regard to current policy, and where necessary has incorporated subsequent approval of details and variation of condition applications that have been granted planning permission since the original permission in 2003.

6.4 Economic Considerations

Not applicable.

6.5 Other UDP/Westminster Policy Considerations

Not applicable.

6.6 London Plan

The proposal does not raise strategic issues.

6.7 National Policy/Guidance considerations

Not applicable

6.8 Planning Obligations

Not applicable.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

7 Conclusion

The application is recommended for approval because it is considered that it meets the requirements of UDP Policies TRANS3 and TACE11.

BACKGROUND PAPERS

Application 1 - Ref 15/01715/TCH

1. Memo from Bayswater Residents Association dated 3 April 2015.
2. Memo from Highways Planning Manager dated 17 March 2015.
3. Memo from Notting Hill East Neighbourhood Forum dated 8 April 2015.
4. Email from the occupier of 8c Hereford Mews dated 23 March 2015.
5. Email from the occupier of Flat B, 8 Hereford Mews dated 23 March 2015.
6. Email from the owner of 2 Hereford Mews dated 24 March 2015.
7. Email from the occupier of Flat 3, 43 Hereford Road dated 25 March 2015.
8. Email from the occupier of Flat 1, Opal Apartments, 43 Hereford Road dated 25 March 2015.
9. Email from the occupier of Flat 10, 43 Hereford Road dated 25 March 2015.
10. Email from the occupier of Flat 1, 28A Hereford Road dated 25 March 2015.
11. Email from the occupier of Flat 6, 43 Hereford Road dated 25 March 2015.

Application 2 - Ref 15/04113/FULL

1. Memo from South East Bayswater Residents Association dated 31 July 2015.
2. Memo from Notting Hill East Neighbourhood Forum dated 25 June 2015.
3. Memo from Highways Planning Manager dated 9 June 2015.
4. Decision Ref: 02/03540/FULL dated 7 February 2003 for 'Part demolition / redevelopment to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works' at Site At 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road, 104 - 106 Westbourne Grove, 112a/B, 98 - 112 Westbourne Grove, London, W2 5RU

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: 98 Westbourne Grove, London, W2 5RU

Proposal: Use of the public highway (10.5m x 0.75m) for the placing of three tables and six chairs on the Westbourne Grove frontage.

Plan Nos: OS map, Exterior Bamboo Dining Chair specification, 2 Top Marble Round Table specification, A.01 rev A

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s):

- 1 You must not put the tables and chairs in any other position than that shown on drawing A.01 Rev A.
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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)
- 2 The tables and chairs must only be used by customers of the ground floor premise, 98 Westbourne Grove W2 5RU.
Reason:
 To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.
- 3 This use of the pavement may continue until 30 October 2016. You must then remove the tables and chairs.
Reason:
 We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.
- 4 You can only put the tables and chairs on the pavement between the hours of 08:00 and 23:00 on any day.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 5 You can only put out on the pavement the tables and chairs shown in the Furniture Schedule approved as part of the current application.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 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.

DRAFT DECISION LETTER

- Address:** Site At 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road, 104 - 106 Westbourne Grove, 112a/B, 98 - 112 Westbourne Grove, London, W2 5RU
- Proposal:** Variation of Condition 13 (tables and chairs) of planning permission dated 07 February 2003 (RN:02/03540) for Part demolition / redevelopment to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works; namely to remove restrictions outside of No. 98 Westbourne Grove (Cote restaurant) only.
- Plan Nos:** Original approved documents dated 7 February 2003 (RN:02/03540/FULL);
- A139/000,001A,002C ,003B,004A,005,006, 007A,008,009,011A, 012A,013B,014,015, 016,017B,018A,019, 020,A239/001A,002C, 003,004A,005,006,007 ,008,009,010,011,012, 013,014,015,016A,017, 018, SK0-P1A,(SK)2V-01, (SK)2V-02,SK(B)06 and SK(B)07.
- Approved documents of variation dated 20 August 2004(RN:04/05232/FULL);
- A239/003A,004B,009A and site location plan.
- Approved documents of variation dated 10 March 2005 (RN:04/08845/FULL);
- Letter dated 28th January, Planning Statement dated 21st October 2004, Drwgs A239/001 Rev C, 002 Rev E, 1201/001 Rev D amd 002 Rev C. (sl)2-10 Rev A, A139/000, 1202/001 Option 1, Photographs and planning statement.
- Approved documents of variation dated 10 March 2005 (RN:05/00486/FULL);
- A139/000, CCD 021 GATE01 rev A.
- Approved documents of variation dated 12 May 2005 (RN: 04/08483/FULL);
- A239/001 Rev C, 002 Rev E, 1201/001 Rev F and 002 Rev C. (sl)2-10 Rev A
- Case Officer:** Samuel Gerstein **Direct Tel. No.** 020 7641 4273

Recommended Condition(s) and Reason(s):

- 1 You must not use the premises as:
- (a) temporary sleeping accommodation as defined in Section 25 of the Greater London Council (General Powers) Act 1973 as amended by the Greater London Council (General Powers) Act 1983; or
- (b) holiday accommodation under either a tenancy agreement or any other form of accommodation contract. (C08AA)

Reason:

To ensure the proposal provides permanent domestic residential accommodation in accordance with Policies S14 and S15 of Westminster City Plan: Strategic Policies adopted November 2013 and policies H2 and H3 of our Unitary Development Plan that we adopted 24 January 2007.

- 2 Notwithstanding the provisions of Class A3 of the Town and Country Planning (Use Classes)

Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) no food or drink of any kind shall be sold on the premises for consumption off the premises, other than at 108 Westbourne Grove, London W2 5RU in accordance with Variation of condition permission granted 15/09/2004 under reference 04/05705/FULL.

Reason:

In granting this permission the City Council has had regard to policies S13 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and policies SS6, TACE9 and ENV13 of our Unitary Development Plan that we adopted 24 January 2007.

- 3 You must only use the Class A3 restaurants as sit down-waiter service -restaurants. You must not use any part of the Class A3 premises as a bar, ancillary bar area, or for any other purpose within Class A3 of the Town and Country Planning Use Order 1987 (or any order that may replace it).

Reason:

To protect the 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)

- 4 You must not use the Class A3 restaurants hereby permitted for playing live or recorded music or of any amplified sound that can be heard outside the property.

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 The Class A3 restaurant uses hereby permitted shall not be carried on except between the hours of 08.00 hours to 24.00 hours midnight on Monday to Saturday excluding Bank Holidays and 08.00 hours to 23.00 hours on Sundays and Bank Holidays.

This is apart from Unit 3 108 Westbourne Grove may be open from 08:00 - 00:30 hours (Mon. - Sat) and from to 08:00 - 24:00 hours midnight (Sun. & Bank Holidays) as permitted by variation application ref: 06/00320/FULL dated 06.03.2006.

Reason:

To protect the environment of people in neighbouring properties, as set out in policies S13 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and policies SS6, TACE9 and ENV13 of our Unitary Development Plan that we adopted 24 January 2007.

- 6 You must provide the waste store shown on drawing A239/002C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is to be collected. (C14DA)

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)

- 7 The Class A1 retail accommodation hereby approved shall at no time be occupied in less than

the five self-contained units as shown on Drawing No. A239/002C hereby approved.

Reason:

To ensure the retention of shop units of the size permitted which are compatible with the needs of retail trades appropriate to this area, and to ensure compliance with the City Council's policies as set out in S13 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS6 of our Unitary Development Plan that we adopted January 2007.

- 8 The means of access and egress suitable for people with disabilities which is shown in drawing no(s). A239/002C hereby approved shall be provided prior to the occupation of the development and permanently retained unless otherwise approved in writing by the City Council as local planning authority. (C20A)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 9 At least one car parking space shall be provided for each of the residential flats (excluding the affordable units located at 6 Botts Mews) and the two 'live work' units within the redevelopment hereby approved. The parking spaces to be reserved for the use of residents shall be separately identified and thereafter permanently maintained to the satisfaction of the City

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 10 The whole of the cycle store shown on the drawings shall be provided and retained permanently for the accommodation of bicycles of the occupiers of residential accommodation in this development.

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.

- 11 The delivery bay in the basement car park shown on Drawing No. A239/001A shall be clearly and separately identified and thereafter permanently retained in perpetuity for the use of service vehicles visiting any part of the application site.

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.

- 12 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.

- 13 No planters, tubs, tables or chairs, freestanding advertisements or any other items shall be placed on either the private forecourt or adjoining public highway along frontages of the application site along Hereford Road, Chepstow Road and Westbourne Grove, apart from the temporary tables and chairs outside No.98 Westbourne Grove, approved under planning permission granted under 15/01715/TCH, or any subsequent permission.

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 14 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in 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.

- 15 Detailed drawings as appropriate of the following part(s) of the development shall be submitted to and approved by the City Council as local planning authority before any work is commenced on the relevant part of the development:-

- i) all new shopfronts;
- ii) the set-back frontage between the upper floors of 104-106 Westbourne Grove and 108-110 Westbourne Grove, including the glass railing to the roof terrace;
- iii) typical windows and surrounds of the upper floors of 43 Hereford Road/98-104 Westbourne Grove;

This part of the development shall not be carried out otherwise than in accordance with the details thus approved. (C26D)

This is unless the development is carried out in accordance with the details approved under references; 04/08131/ADFULL dated 14/05/2005, 04/06874/ADFULL dated 09/09/2004, 04/02052/ADFULL dated 27/07/2004.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in 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.

- 16 Full particulars/detailed drawings as appropriate of the following part(s) of the development shall be submitted to and approved by the City Council as local planning authority before any work is commenced on the relevant part of the development:-

- i) details of how overlooking of the side window of residential Unit 5 from the roof terrace of residential Unit 4 will be prevented;
- ii) screening to the roof terraces serving the residential units the 'live work' units and affordable units in Bott's Mews.

This part of the development shall not be carried out otherwise than in accordance with the

details thus approved.

This is unless the development is carried out in accordance with the details approved under references; 04/05915/ADFULL dated 19/08/2004, 04/05922/ADFULL dated 19/08/2004.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 17 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 Westbourne 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.

- 18 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 Westbourne 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.

- 19 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 Westbourne 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.

- 20 The combined residential and workshop space hereby approved in 4 and 5 Bott's Mews shall not be sub-let, sub-divided or used or occupied other than as a single live/work unit. These premises shall only be used for purposes within Class C3 or Class B1 as defined by the Town and Country Planning (use Classes) Order 1995 (as amended), and the proportion of Class C3 and Class B1 accommodation shown on the approved plans shall not be amended without the prior approval of the Council as local planning authority.

Reason:

To enable the City Council to review the position in the light of experience and the prevailing circumstances and make sure it is in line with Policies S14 and S15 of Westminster's City Plan: Strategic Policies adopted November 2013, and policy H3 of our Unitary Development that we adopted in January 2007.

- 21 The new windows on the upper floors of 43 Hereford Road/98-104 Westbourne Grove shall be double-hung timber sliding sash windows.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in 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.

- 22 The set back link at roof level between the mansard roofs of 112 and 112a Westbourne Grove (shown on Drawing No. A239/010) shall be faced with lead rather than slate.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in 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

- 23 The windows to the first floor on the Chepstow Road frontage of 2 Chepstow Road (labelled 2-3 Bott's Mews on Drawing No. A239/010) shall be retained as 12 pane timber sash windows.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in 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

- 24 The flats hereby approved shall not be occupied until those flats above or adjacent to any of the commercial premises on the site have been insulated to minimise noise transmission between them, in accordance with details which shall be submitted to and approved by the City Council as local planning authority.

This part of the development shall not be carried out otherwise than in accordance with the details thus approved, unless constructed in accordance with details approved under reference 04/05943/ADFULL dated 20/09/2004.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 25 Detailed drawings showing the design, construction and insulation of the entire ventilation system and any associated plant, including the air intake, shall be submitted to and approved by the City Council as local planning authority before any work is commenced on the relevant part of the development.

Provision in accordance with the details thus approved shall be made prior to the commencement of the use and shall thereafter be permanently retained to the satisfaction of the City Council as local planning authority. (C13B)

This is unless the development is carried out in accordance with the details approved under reference 04/05103/ADFULL dated 06/09/2004 and shall thereafter be permanently retained to the

satisfaction of the City Council as local planning authority,

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 of our Unitary Development Plan that we adopted in January 2007.

- 26 Details of a scheme of public art shall be submitted to and approved by the City Council as local planning authority. Further, the approved scheme shall be implemented prior to the occupation of the building and thereafter it shall be retained and maintained on site unless its removal and/or relocation has been approved in writing, in advance, by the City Council as local planning authority. This is unless the development is carried out in accordance with details approved under reference 04/10201/ADFULL dated 10/03/2005, ref: 04/06789/FULL dated 12/10/2004)

Reason:

To ensure the provision of public art, in accordance with Policy S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 27 Prior to the occupation of the development hereby permitted, a scheme of security measures to improve the access arrangements in respect of the rear refuse store accessed from Botts Mews shall be implemented in accordance with details to be submitted to and approved in writing by the City Council as local planning authority, in consultation with the Metropolitan Police Crime Prevention Design Adviser.

The development shall not be carried out otherwise than in accordance with the details thus approved. This is unless the development is carried out in accordance with the details approved under reference 04/07498/ADFULL dated 02/12/2004.

Reason:

To reduce the vulnerability of the development to crime, and to ensure that such provision is made in a manner that does not detract from the external appearance of the building, as set out in policies S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007.

- 28 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.

Informative(s):

- 1 This variation of condition permission constitutes a fresh planning permission. The planning conditions have therefore been updated to have regard to current policy, and where necessary has incorporated subsequent approval of details and variation of condition applications that have been granted planning permission since the original permission in 2003.
- 2 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.

REVISION	DATE	DESCRIPTION
A	02.02.15	MEMPHIS ROAD FURNITURE GRANTED

APPLICATION 1

CANTORMASTERS
 INTERIOR DESIGN
 No1 The Colour House
 7 Bell Yard Mews
 London SE1 3UA
 Tel: +44(0)20 7407 5434
 e: info@cantormasters.com
 www.cantormasters.com

COTE RESTAURANTS
 PROJECT
 98 Westbourne Grove
 London W2 5RU
 DRAWING NO
 003
 SCALE
 1:50@A1
 DATE
 30.10.14
 REVISION
 A
 A1 SHEET

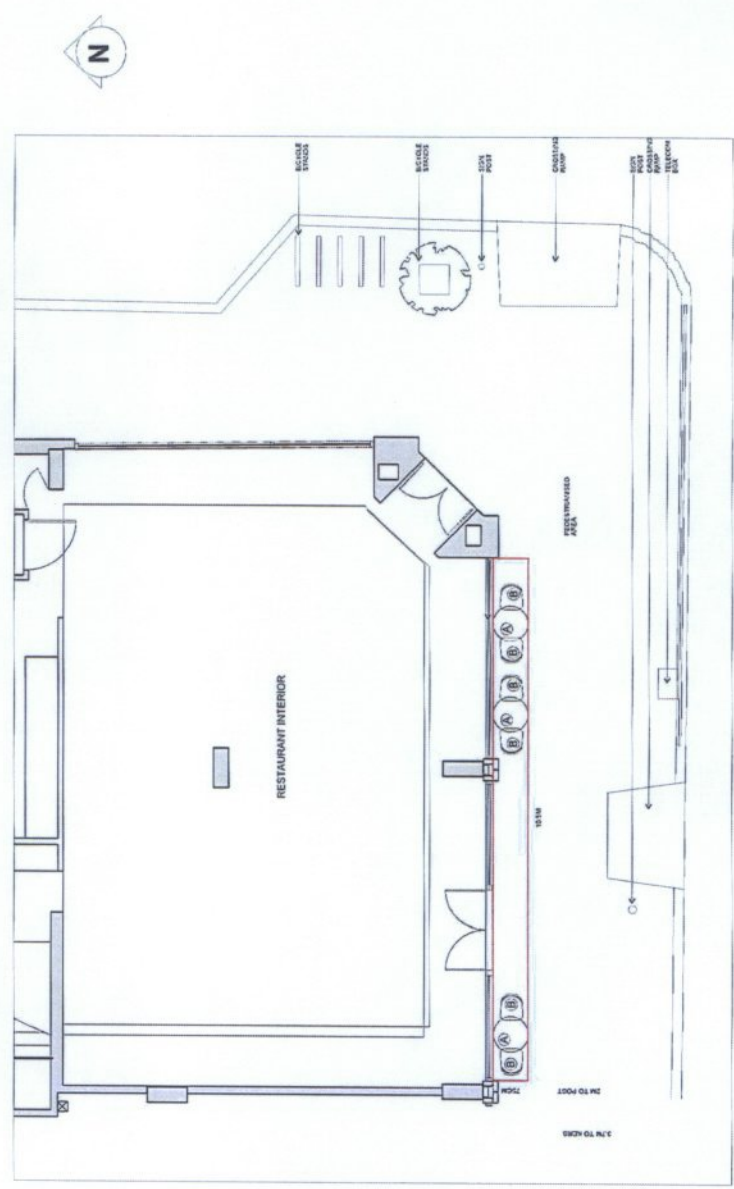
EXTERIOR FURNITURE PLAN
 This drawing is prepared by Cantormasters Ltd. It is the property of Cantormasters Ltd. and is not to be used for any other project without the written consent of Cantormasters Ltd. Cantormasters Ltd. is not responsible for any errors or omissions in this drawing. The client is responsible for ensuring that all necessary permissions and consents are obtained for the proposed works. All dimensions are in millimetres unless otherwise stated. The drawing is to be used for the purpose of the application only and is not to be used for any other purpose. The drawing is not to be used for any other purpose. The drawing is not to be used for any other purpose.



(B) TYPICAL EXTERIOR FURNITURE ARRANGEMENT



(A) EXISTING EXTERIOR



SCALE OF PROPORTION
 (A) EXISTING EXTERIOR
 (B) TYPICAL EXTERIOR FURNITURE ARRANGEMENT
 (C) RESTAURANT INTERIOR
 (D) RESTAURANT AREA
 SCALE 1:50@A1
 SCALE 1:50@A1

(A) PLAN SCALE 1:50@A1

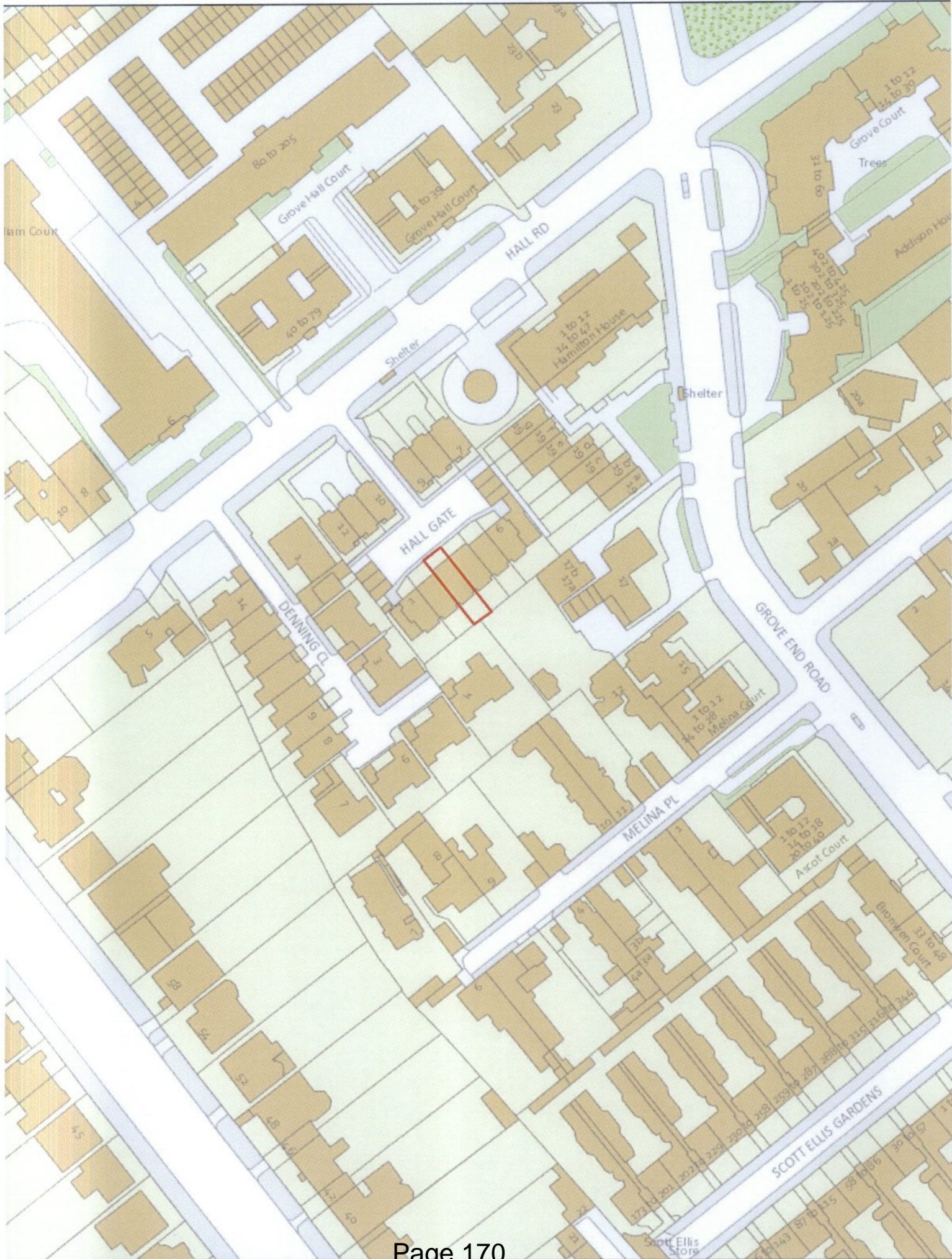
Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	3 Hall Gate, London, NW8 9PG		
Proposal	Details of a construction management plan pursuant to Condition 3 of planning permission dated 06 January 2015 (RN: 14/10072).		
Agent	Savills		
On behalf of	Mr T Gousgounis		
Registered Number	15/05588/ADFULL	TP / PP No	TP/11208
Date of Application	22.06.2015	Date amended/ completed	24.06.2015
Category of Application	Non DCLG		
Historic Building Grade	Unlisted		
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		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Approve details.





3 HALL GATE, NW8

2. SUMMARY

The application seeks approval of a Construction Management Plan (CMP) pursuant to Condition 3 of the planning permission for excavation of a basement floor below the existing dwellinghouse with lightwells to front and rear elevations, as well as alterations at roof level and to the front and rear elevations, which was granted permission by the Planning Applications Committee on 6 January 2015.

The key issue in this case is the compliance of the CMP that has been submitted with the requirements of Condition 3 (a full copy of the submitted CMP is provided in the background papers). Condition 3 states that:

'Notwithstanding the construction management plan submitted with the application, 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.'

The CMP that has been submitted does not provide a 24 hour emergency contact number as the contractor has yet to be finalised; however, it does undertake to provide a 24 hour emergency contact number on the hoarding around the site for the duration of the construction works. This is considered to be an acceptable undertaking in response to (i) above. The construction programme is projected to be 47 weeks, of which the excavation of the basement and construction of the basement shell will take 21 weeks. These timescales are considered to be reasonable given the scope of the proposed works and the need to comply with the restrictions on hours of works imposed by Condition 2 of the 6 January 2015 permission. A monthly progress report is to be published to allow neighbouring residents to understand where in the construction programme the development has reached.

There is to be no on-site parking for site operatives and site operatives will be expected to access the site by public transport. The tracking diagram appended to the CMP demonstrates that construction vehicles of the size required to carry out the development will not obstruct vehicular access once they have been reversed into the site from Hall Road. Accordingly (ii) above has been satisfactorily addressed.

Materials are to be loaded and unloaded in the location shown on the tracking diagram appended to the CMP. As per the previous paragraph, in this location the loading and unloading of construction vehicles would not obstruct vehicular access to neighbouring properties for neighbouring residents. It is expected that 1 or 2 lorry movements per day will be required during the basement construction phase of the development (up to 21 weeks),

with the vehicles almost entirely being 8 metre long rigid lorries (as shown in the submitted tracking diagram). The applicant suggests that only a 'handful' of longer 10 metre lorries will be required for particular deliveries and that these will not occur before 10.00 to limit the impact on access for neighbouring residents. A banksman will be on hand to assist drivers of construction vehicles with their manoeuvres into and out of Hall Gate. Deliveries are to be timetabled to ensure only one vehicle is on-site at anyone time and construction vehicle drivers will be instructed not to wait in Hall Road if they need to wait to access the site for a scheduled delivery. The CMP confirms that deliveries will not be scheduled when householder waste and recycling collections in Hall Gate are carried out. Plant and materials to be used to construct the development are to be stored in the applicant's garage (also shown on the tracking diagram appended to the CMP). These measures are considered to be sufficient to address part (iii) of the condition.

Hoardings are to be erected around the front forecourt to contain debris and ensure the site remains safe. The spoil skip for excavated material will be located within the hoarded area. The skip is to be emptied by a grab lorry. The hoarding is to be alarmed to prevent unauthorised access to the site. In this case, given the small scale of the development, there is not a requirement for a decorative display or a viewing facility. The hoardings proposed accord with point (iv).

The front and rear elevations are to be covered in a sheeted scaffold and a 2.5 metre high sheeting screen is to be erected around the rear garden and these measures, in tandem with the proposed hoarding, will lessen dust dispersal to neighbouring buildings and gardens. Wheel washing is not proposed and is not necessary given that construction vehicles will not leave the paved surface within Hall Gate. The applicant has confirmed that the contractor will be required to clear up any debris from the development that may be dropped in Hall Gate. The contractor is to be required to be a member of the Considerate Contractors scheme and this will compel the contractor to comply with good construction practice. Accordingly it is considered that the requirements of part (v) of the condition have been met.

Given the limited space available on site, the waste from the site is to be removed from site and disaggregated off site into different waste and recycling streams by a registered waste management contractor. Given the constraints of the site, this approach is considered to be acceptable and the requirements of (iv) have been met.

A number of the objections received question who is responsible for any future damage to the road surface and other communal parts of Hall Gate. As Hall Gate is a private road and not part of the public highway this is a private legal matter between the applicant and the owners of Hall Gate and not a matter that is relevant to the CMP, which deals with the impact of the carrying out of the development on the amenity of neighbouring residents and the operation of the local public highway network.

One objector queries the definition of what constitutes a 'large vehicle' and this is a legitimate concern given that vehicles over 8 metres in length may obstruct vehicular access for neighbouring residents. The applicant has clarified this section of the CMP to confirm that a 'large vehicle' (in Section 2 of the CMP) refers to vehicles over 8 metres in length. Given this clarification by the applicant, the CMP would prevent vehicular obstruction for neighbouring residents prior to 10.00am throughout the construction period as larger vehicles which may block the private road within Hall Gate would only be permitted to visit the site after 10.00am. In light of this, it is not considered that the request for construction vehicles to be banned from visiting the site prior to 10.00 is reasonable.

Concern has been expressed regarding noise disturbance from the proposed construction works. Noise disturbance from construction works cannot be wholly avoided; however, the applicant has committed to appointing a contractor who is a member of the Considerate Constructors Scheme and therefore the contractor would be compelled to seek to minimise noise pollution during construction works. The applicant has confirmed that measures will be

taken, such as use of noise suppression devices on power tools, to minimise noise disturbance. Furthermore, the hours of noisy basement excavation and construction works would be limited to between 08.00 and 18.30 Monday to Friday and not at all at weekends.

Significant concern has also been expressed by one neighbour in terms of dust suppression. However given the scale of the development, it is considered that the measures proposed, which are described earlier in this report, are sufficient in combination with on site dust suppression techniques such as damping down, to prevent the spread of a significant proportion of the dust generated by carrying out the development.

In conclusion, having regard to the size of the proposed basement development, for the reasons set out in this report, the proposed CMP is considered to be acceptable and addresses the requirements of Condition 3 of the planning permission dated 6 January 2015. It is therefore recommended that the approval of details application is approved.

3. CONSULTATIONS

COUNCILLOR RIGBY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection, provided the applicant works with Highways Licensing to obtain the requisite highways licenses.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 14; Total No. of Replies: 3.

Three email raising objection on all or some of the following grounds:

- No reference in the CMP to common property or insurance (note that pots along shared entrance driveway may be damaged).
- Works to implement 'ill conceived project' will cause noise and disruption to neighbours.
- CMP does not specify what constitutes a 'large vehicle' and this could result in vehicles blocking Hall Gate early in the morning when vehicular access is required.
- CMP should prevent construction vehicles from visiting the site prior to 10.00am.
- Dust spread prevention should be guaranteed and measures proposed are not considered to be adequate.
- Dust spread could harm the health of neighbouring residents.
- Applicant should undertake to clean Hall Gate.
- Maximum noise levels should be quantified and limited.
- 11 month construction programme seems ambitious.
- Appended drawing does not show larger lorries, grabbers and skip lorries in and out of Hall Gate.
- Dirt and noise will be difficult for neighbours to cope with.
- The general traffic jams for this do seem to need a timetable.
- Lorries will damage kerb stones and not clear who will repair this damage.

ADVERTISEMENT/ SITE NOTICE: Yes.

BACKGROUND PAPERS

1. Application form.
2. Copy of Construction Management Plan dated May 2015 (as amended on 16 October 2015).
3. Memo from the Highways Planning Manager dated 15 July 2015.
4. Email from the occupier of 6 Hall Gate dated 26 July 2015.
5. Email from the occupier of 4 Hall Gate dated 3 August 2015.

6. Email from the occupier of 10 Hall Gate dated 4 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk.

DRAFT DECISION LETTER

Address: 3 Hall Gate, London, NW8 9PG

Proposal: Details of a construction management plan pursuant to Condition 3 of planning permission dated 6 January 2015 (RN: 14/10072).

Plan Nos: Construction Management Plan dated May 2015 (as amended on 16 October 2015 by email from Joe Haines - Savills).

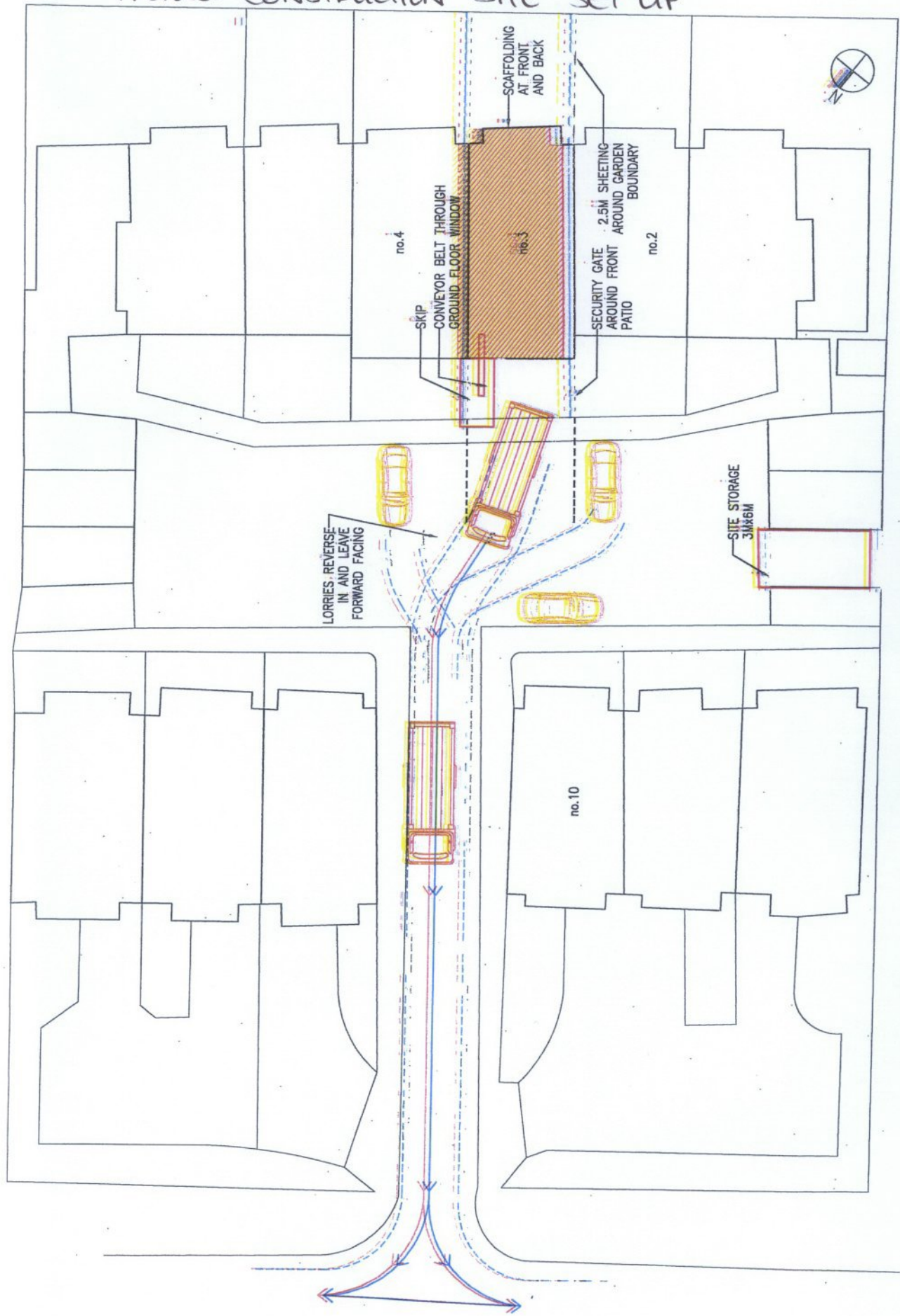
Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

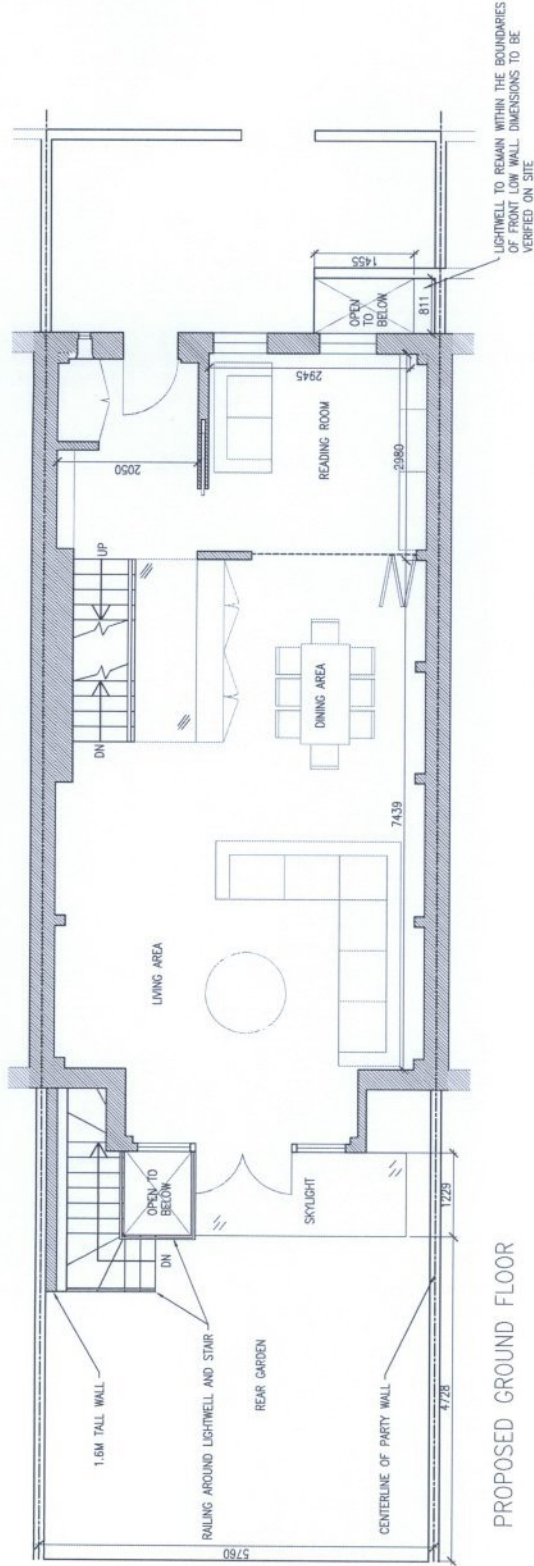
Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**Informative(s):**

- 1 This permission fully meets condition 3 of the planning permission dated 6 January 2015. (111AA)
- 1 You are reminded of the need to comply with the Construction Management Plan throughout the construction period. In particular, you have undertaken to display a 24 hour emergency contact number on the site hoarding at all times and provided a monthly update to neighbours, which provides an update on progress on the development. You have also undertaken to ensure that the contractor that is appointed to carry out the development is a member of the Considerate Contractors scheme.

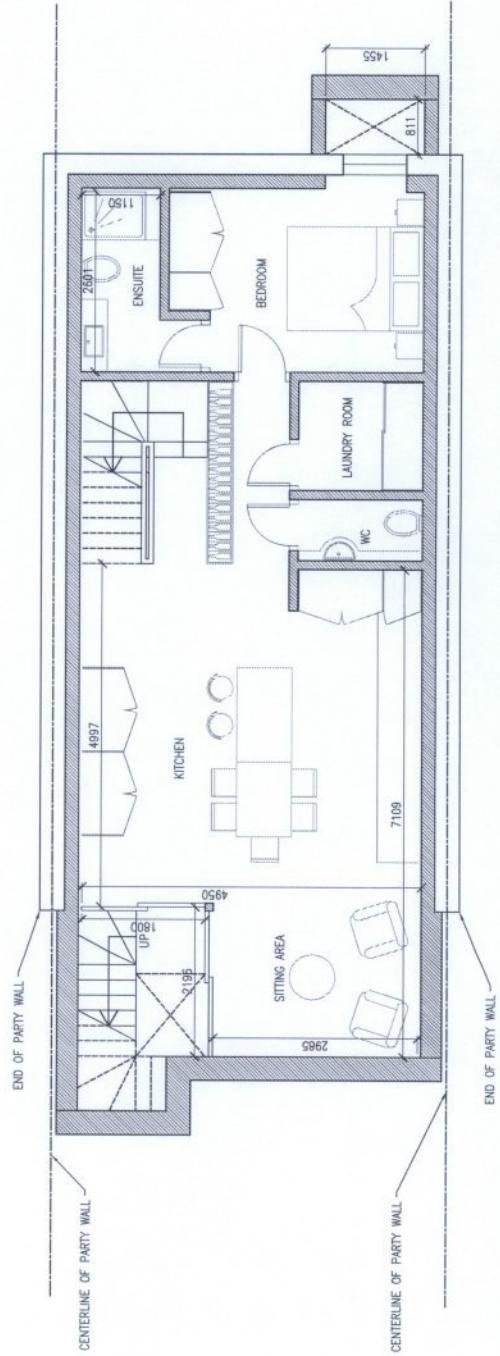
PROPOSED CONSTRUCTION SITE SET UP



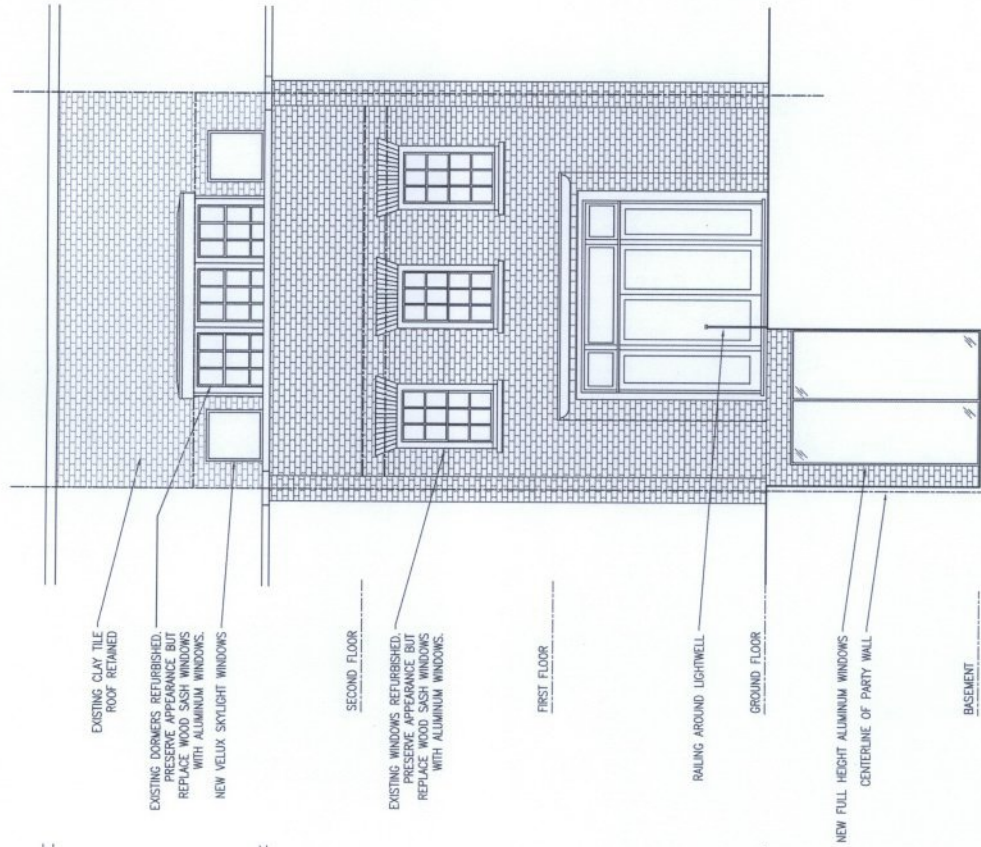
Designer: KRISTINA ARGYROS STUDIO	Client: Mr Thomas Gousgounis	Phase: PLANNING APPLICATION	Project: 3 Hall Gate, London, NW8 9PG	Drawing 07 revision: Proposed Ground Floor & Basement	Scale: 1:75@ A3	Date: Dec 2014
			Drawing 07 revision: Proposed Ground Floor & Basement			



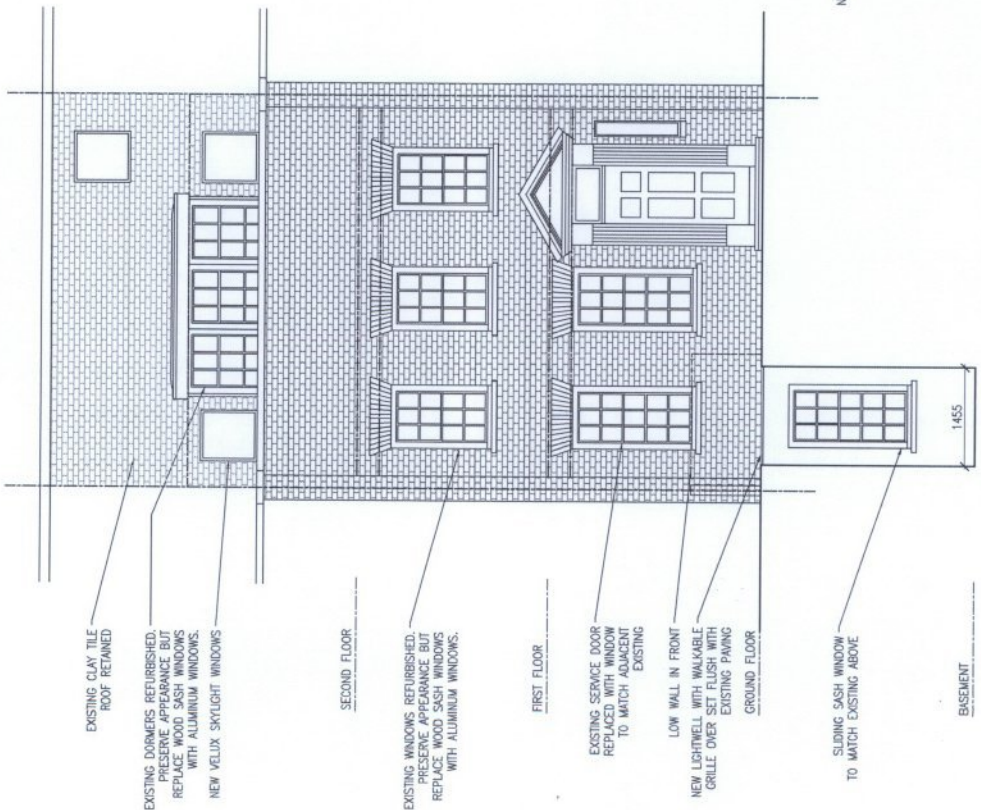
PROPOSED GROUND FLOOR



Designer: KRISTINA ARGYROS STUDIO	Client: Mr Thomas Gousounis	Phase: PLANNING APPLICATION	Project: 3 Hall Gate, London, NW8 9PG	Drawing 02 revision: Proposed Front & Rear Elevations	Scale: 1:75 @ A3	Date: Dec 2014



PROPOSED REAR ELEVATION

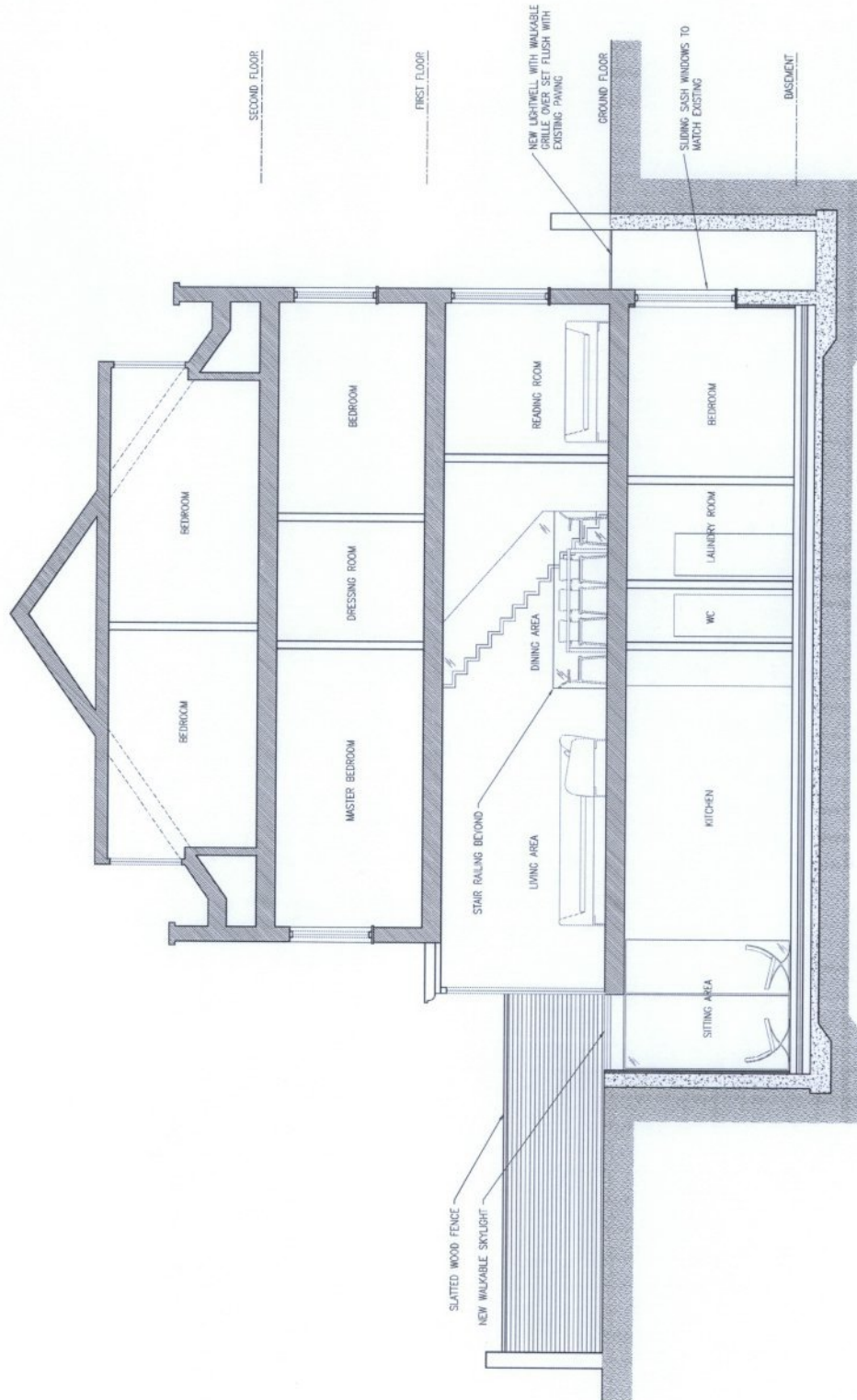


PROPOSED FRONT ELEVATION



APPROVED DRAWING

Designer: XRISTINA ARGYROS STUDIO	Project: 3 Hall Gate, London, NW8 9PG	Drawing OS: Proposed Section AA'	Scale: 1:75@ A3	Date: Oct 2014
Client: Mr Thomas Gousgounis				
Phase: PLANNING APPLICATION				



Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	31 Eastcastle Street, London, W1W 8DL		
Proposal	Use of the lower ground and ground floors as a restaurant (Class A3); installation of a high level extract duct to rear; new access to front; replacement balustrade to front lightwell and alterations to the shopfront. Installation of plant within an enclosure in the rear lightwell at lower ground floor level.		
Agent	Clifford Rance Associates		
On behalf of	Shelana Investments Ltd		
Registered Number	15/04232/FULL	TP / PP No	TP/6186
Date of Application	13.05.2015	Date amended/ completed	13.05.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
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	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





31 EASTCASTLE STREET, W1

2. SUMMARY

The application premises is located on the northern side of Eastcastle Street. The building which comprises basement, ground and four upper floors is in commercial use. The basement is occupied by a post production media company (Class B1), the ground floor is a clothing showroom (Sui Generis). Permission is sought for the use of the basement and ground floors as a restaurant use (Class A3). External alterations include the installation of a new shopfront, plant and a rear high level rear extraction duct.

The key issues in this case are:

- The impact in land use terms, of the loss of the existing uses and proposed restaurant on the character and function of the area;
- The impact on residential amenity;
- The impact in design terms.

Subject to appropriate conditions, the proposal is considered acceptable in land use, transport, design and amenity terms. The application is therefore recommended for approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Acceptable subject to conditions.

HIGHWAYS

Acceptable subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 62; Total No. of Replies: 2.

Two objections received (from the same agent on behalf of the occupants of the basement and grounds) on the following grounds:

Land Use

- Loss of the showroom at ground floor level.
- Loss of the light industrial use at basement level.
- Proposed restaurant is unacceptable.

Design

- Alterations would be detrimental to the appearance of the building, and would adversely impact the character and appearance of the East Marylebone Conservation Area.

Amenity:

- Noise nuisance.
- Odour nuisance.

Other Issues:

- Partial implementation would result in noise nuisance to the occupant of the basement.
- The freeholder has not consulted with existing tenants. The application is 'premature' taking into account the remaining length of the lease for the basement occupier.
- Insufficient information has been provided to determine the application which includes errors and omissions.
- Lack of cycle parking.

- Disabled access provision is not sufficient.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

31 Eastcastle Street is an unlisted building located within the East Marylebone Conservation Area and the Core Central Activities Zone but outside of any designated Stress Area. The building comprises of basement, ground and four upper floors. The ground floor is in use as a clothing showroom (Sui Generis), the basement floor is occupied by a post-production media company (Class B1), whilst the lawful use of the upper floors of the property appears to be a mix of offices and showrooms.

4.2 Relevant History

Planning permission was granted on the 27th June 1980 for the 'demolition of 31 and 32 Eastcastle Street, W1 and erection of a basement, ground and four upper storey building comprising showrooms at basement, ground and first floor levels, light industrial use at second and third floors and offices on the fourth floor.

Planning permission was subsequently granted on the 20th July 1984 for the 'use of basement as light industrial accommodation and second and third floors as offices' It should be noted there was a condition attached to this permission stating 'this permission shall be personal to Shelana Fashions Ltd and shall not endure for the benefit of the land'.

Planning permission was granted on the 10th December 2012 for the 'replacement of the existing ground level façade'.

5. THE PROPOSAL

Permission is sought for the use of the basement and ground floors as a restaurant premises (Class A3). Alterations are also proposed to the front which include the installation of a new shopfront and a new balustrade to the front lightwell. It is also proposed to install plant with an enclosure in a rear lightwell at lower ground floor level and a full high level extract duct terminating at main roof level.

The total floorspace of the proposed restaurant would be 441m².

	Proposed restaurant incorporating basement and ground floor level
Total A3 Floorspace (m2)	441m ²
No. of covers in restaurant	146
Hours of Operation	08.00 - 00.00 Monday to Thursday, 08.00 – 00.30 on Friday and Saturday and 08.00 - 23.00 on Sundays
Ventilation arrangements	Full height kitchen extract duct and air conditioning units.
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at basement level.

6. DETAILED CONSIDERATIONS

Detailed objections have been received on behalf of the occupiers of the ground and basement raising primarily land use, design and amenity issues.

6.1 Land Use

6.1.1 Loss of showroom

Ground Floor:

The ground floor is currently in use as a wholesale showroom (Sui generis) UDP policy COM12 seeks to retain wholesale showrooms at ground and basement level within the East Marylebone Special Policy Area (SPA). The adopted City Plan; Strategic policies reduce the size of the East Marylebone Special Policy Area (SPA). The site now lies outside the SPA. Accordingly the application needs to be assessed against policy which deals with the loss of showrooms outside the SPA.

UDP Policy COM 12 B is relevant. The policy states that 'permission for change of use from a wholesale showroom at ground floor will not normally be granted where the showroom contributes to the character and function of the area. In other cases, planning permission will be granted where the proposed use is as a retail shop, or a use appropriate for a street level location, generating passing trade and providing a direct service to customers, if the proposed use is within an area which would benefit from its introduction.'

Since 2012 permission has been granted for the loss of showrooms at four separate locations on Eastcastle street namely at 34-35 Eastcastle Street, 16-19 Eastcastle Street, 51 Eastcastle Street and 36 Eastcastle Street. The principle of loss of showrooms outside the East Marylebone SPA has therefore been firmly established. As the proposal will retain a 'service use' on site the loss of the ground floor showroom use is considered acceptable.

6.1.2 Loss of light Industrial use

Basement:

Planning permission was granted on the 20 July 1984 for the use of the basement as light industrial accommodation which was made personal to Shelana Fashions Limited. This permission was implemented and there have been no subsequent permissions relating to the use of the basement.

The basement is currently occupied by Jumbuck Limited as a mix of office accommodation and audio post-production facilities. Upon vacation of the premises by Shelana Fashions the basement would have had a nil planning use.

As already stated objections have been received on behalf of the current occupants of the basement and ground floors. One of the grounds for objection is that the proposal would result in the loss of a light industrial use, within the Creative Industry SPA. The objection refers to this being contrary to UDP policies COM 8 and COM 10. Policy COM 8 seeks to retain light industrial floorspace within the Creative Industries Special Policy Area. UDP Policy COM 10 seeks to retain light industrial floorspace outside the SPA where the existing use meets local service and employment needs and has no adverse impact on residential amenity.

The Creative Industries Special Policy Area is not carried forward into the adopted City Plan; Strategic Policies, furthermore given that the basement would have had a nil planning use when Shelana Fashions Ltd vacated in 1984, and there are no planning controls which would prevent the loss of the light industrial use. In the circumstances permission could not reasonably be withheld on the grounds that light industrial floorspace should be retained.

The objector makes reference to the noise sensitive nature of the current basement occupier, being an audio post-production facility. They advise that there is an informal agreement between the ground floor and the basement occupier to ensure the ground floor is operated in a manner considerate of the noise sensitive work of the basement occupier. An objection is made on the basis that partial implementation of permission would result in noise from a ground floor restaurant detrimentally affecting the operation of the audio post-production company in the basement. Whilst these concerns are noted if the layout of the proposed restaurant would preclude its partial implementation. Plant equipment is shown in the basement lightwell and the cycle parking and waste storage are also shown internally within the basement. A condition is recommended which requires their provision before the restaurant use can be implemented. This objection is not therefore considered to be sustainable.

6.1.3 New restaurant use:

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. City Plan Policy S24 requires proposals for new and extension to existing entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, and relationship to any existing concentrations of entertainment uses.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

As the proposal is for a new restaurant comprising 441m² outside a stress area and needs to be considered against UDP Policy TACE8. The policy presumption where TACE 8 is applicable is that restaurants will generally be permissible, where the proposal will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area.

Impact on amenity

Whilst the application is purely speculative at this stage, the applicant confirms that given the size of the premises, the restaurant capacity would be limited to 146 covers. The proposed opening hours of the premises are 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday and Saturday (the following morning) and 08.00 to 23.00 on Sundays.

The nearest residential units are located at second and third floor levels within the demise of the Welsh Baptist Chapel, which is the adjoining building to the east. There is also an extant permission for residential flats on the upper floors of 34-35 Eastcastle Street approximately 17m to the west of the proposed restaurant.

Objections have been received that the proposed restaurant would result in noise nuisance, including noise emanating from music that may be played within the premises. Given the intended capacity and opening hours proposed, it is considered that any activity associated with the restaurant would not be harmful to residential amenity. Both the capacity and opening hours can be controlled through the imposition of conditions. Conditions are also recommended which would:

- i) prevent music being played within the restaurant being audible outside the premises and requiring windows to be fixed shut;
- ii) restrict any bar area to a maximum of 15% of the total bar area and require that drinks can only be served to customers dining;
- iii) require the use to be carried out in accordance with an Operational Management Plan.

The objections received also refer to potential nuisance from cooking odours.

A high level extract duct is proposed which will disperse of cooking smells from the premises. Environmental Health consider raise no objection to this advising that the proposed duct is suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity. This aspect of the application is considered acceptable.

Subject to the imposition of conditions referred to it is considered that the restaurant would not adversely impact on residential amenity and the proposal would comply with Policy S24 of the City Plan and Policies TACE8, ENV6 and ENV13 of the UDP.

Impact on character and function of the area

The area is mixed use in character comprising commercial offices and entertainment uses and a significant number of residential properties. There are some licensed premises in the vicinity although it is not considered that the area is 'saturated' with such uses. The nearest licensed premises are restaurants at 10-12 Winsley Street and 48 Eastcastle Street. The terminal hour of these premises is 00.30 the following morning on Saturdays (as proposed at the application site). It is considered that the provision of a new restaurant would not be harmful to the character and function of this part of the East Marylebone Conservation Area

6.2 Townscape and Design

No.31 Eastcastle Street is a red-brick structure of modest architectural ambition which makes a neutral contribution to the street and surrounding conservation area, and its role is also neutral in forming part of the setting of the neighbouring Grade II listed Welsh Chapel. The street façade is of harsh and uniform colour only moderately relieved by basic detailing and the shopfronts are quite unremarkable and partly set behind crudely supported glass balustrading. The rear facade is similarly dreary.

Objections to the proposal have been received relating to the design of the shopfront, railings, and plant installation, and to the use as being out of character with the conservation area.

The existing shopfront is of no particular merit, and neither is the entrance to the building which has been altered in recent years. In design and heritage asset terms there is no objection in principle to the shopfront alterations, although the glass screen should be omitted as this is incongruous in the street and out of character with the conservation area which is not noted for glass balustrades. Black-painted metal railings are considered to be more appropriate to the character and appearance of the conservation area. This may be dealt with by condition. This would accord with UDP policy DES 5 and the City Council's supplementary planning guidance 'Shopfronts, Blinds and Signs', and the proposed advertisement's location accords with the advice given in the 'Advertisement Design Guidelines' SPG. There is a wide variety of signage in the street and conservation area, and the proposal in its current form (a modest fascia logo) is acceptable in principle. Any incoming tenant would be required to obtain 'express consent' for illuminated advertisement and any such application would be considered on its merits. Therefore, the objection to these aspects of the proposal is not considered sustainable.

At the rear, there is no objection in principle to the proposed plant which has been sited to minimise its visual impact and is acceptable subject to suitable visual screening. In particular, the duct must be clad to match the brickwork in order to maintain the setting of the neighbouring Grade II listed chapel when seen from the upper floors of surrounding properties. This may be dealt with by condition.

Mechanical plant can be found on many buildings in the conservation area and UDP policies set out the requirements for plant installations (DES 5), maintaining the character and appearance of conservation area (DES 9) and the setting of listed buildings (DES10). In this

case, subject to visual screening, the new rear duct would maintain the appearance of the building and the character and appearance of the conservation area as well as the setting of the neighbouring listed building. Therefore the objection is not considered sustainable.

6.3 Amenity (Daylight/ Sunlight/ Sense of Enclosure/ Privacy)

The proposal does not involve any extensions to the building other than the full height rear extract duct which would not impact on the amenity of occupants of surrounding properties.

6.4 Transportation / Servicing

Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that 'vehicular servicing needs of developments are fully accommodated on-site and off street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development'. No off street servicing is proposed for the proposed use and the site is located within a Controlled Parking Zone, where single yellow lines allow for the loading and unloading of vehicles.

There is no opportunity for off street servicing in this location, however, it is common for premises within this area to be serviced on-street. The application site is within a Controlled Parking Zone (Monday to Friday 08.30 to 18.30) and directly outside the site there are single yellow lines which will allow for loading and there is pay and display parking on the opposite side of the street. The site is also well served by public transport. No objections have been raised by the Highways Planning Manager in relation to impact on parking levels.

In order for the development to accord with the requirements of FALP three cycle parking spaces are required within the demise of the premises. Whilst originally no cycle parking was shown on the drawings, the application has been amended to show cycle parking provision. A condition is proposed to ensure these cycle parking spaces are provided and retained. An objection was received to the lack of cycle parking but as detailed this issue was resolved during the course of the application.

The Highways Planning Manager has expressed concern with regard home deliveries from the proposed restaurant use which can reduce the availability of parking in the locality and increase noise and fumes. Therefore a condition is proposed to ensure no delivery service or any hot food takeaway provision is provided.

The drawings have been amended during the course of the application to include the provision of waste and recycling storage facilities. This is considered acceptable and is secured by condition.

The Highways Planning Officer sought confirmation that the lightwell at the front of the premises is not to be increased in size and the applicant has confirmed this is the case.

6.5 Economic Considerations

Any economic benefits generated are welcome.

6.6 Access

Level access will be provided to the ground floor of the premises (via a new ramp) and a disabled access toilet is shown on the submitted drawings within the restaurant premises at ground floor level. The objector has queried whether the proposed disabled access provision could be improved upon but any implemented proposal would have to be DDA compliant and taking into account the proposed improvements it is not considered permission could be reasonably withheld on these grounds.

6.7 Other UDP/Westminster Policy Considerations

6.7.1 Noise

6.7.2 Plant

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 states the plant will be in operation between the hours of 08:00 and 00:30 daily, which accords with the opening hours of the restaurant.

The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows. The report identified a design level criteria of 36dB which is 10dB below the lowest recorded background noise level over the proposed operational period.

The residential windows within the Welsh Baptist Chapel at 30 Eastcastle Street are 18m distant from the plant in the rear lightwell, 6m distant from the fan in the rear extract duct and 12m distant from the grilles in the front basement elevation.

In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes acoustic screening for the units located on the rear lightwell and the installation of 'in-duct attenuators' to the ductwork. With these acoustic mitigation measures in place Environmental Health have confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal subject to conditions.

The objector is concerned that there was no consultation between the freeholder and the leaseholders before the submission of the application. However, there is no statutory requirement for the freeholder to notify the leaseholders unless they have in excess of seven years remaining on their leases which is not the case in this instance.

The objector has picked up on a number of minor errors and omissions within the documentation submitted by the applicant as part of the planning application. Whilst it is acknowledged that there are some errors in the application such as the suggestion that the ground and basement floors are currently vacant, the application has been determined on its own merits and there is no justification for refusing the application due to some minor errors in the submission which have not materially impacted upon the determination of this application.

Concern is also raised by the objector that the lease for the basement does not expire until 2019. They therefore consider the application to be 'premature' as any consent would only be extant for three years. Whilst this is noted this is a private matter between the freeholder and the leasehold and does not materially impact upon the acceptability of the application.

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.

7 Conclusion

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

BACKGROUND PAPERS

1. Application forms.
2. Memorandum from Environmental Health dated 17 September 2015
3. Memorandum from the Highways Planning Manager dated 7 October 2015
4. Letter from the representative of the commercial occupier of the basement dated 18 June 2015.
5. Letter from the representative of the commercial occupier of the ground floor dated 18 June 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY E-MAIL – mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address: 31 Eastcastle Street, London, W1W 8DL

Proposal: Use of the lower ground and ground floors as a restaurant (Class A3); installation of a high level extract duct to rear; new access to front; replacement balustrade to front lightwell and alterations to the shopfront. Installation of plant within an enclosure in the rear lightwell at lower ground floor level.

Plan Nos:

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 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)

- 4 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 5 You must not sell any hot-food take-away or drink on the premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 3058/101 RevA. You must clearly mark them and make them available at all times to everyone using the premises. (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)

- 7 If you choose to provide the bar and bar seating as shown on the submitted drawings, 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.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must not allow more than 146 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 TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 Customers shall not be permitted within the restaurant premises before 08.00 or after 00.00 (midnight) on Mondays to Thursdays (not including bank holidays and public holidays), before 08.00 or after 00.30 on Fridays and Saturdays (not including bank holidays and public holidays) and before 08.00 or after 23.00 on Sundays and bank holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 Prior to the occupation of the premises for restaurant purposes, you shall submit and have approved in writing by the local planning authority 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.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 The high level extract duct hereby approved must be installed before the restaurant use commences, 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)

- 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 East Marylebone 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 a sample of the GRP cladding for the ductwork (as required to be installed by Condition 14 of this permission). You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme (1) Installation of black painted metal railings to the front lightwell instead of a glass balustrade. (2) The new rear duct to be clad in GRP to match the adjacent brickwork. 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.

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 East Marylebone 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)

- 15 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.

- 16 (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.

- 17 The plant/machinery hereby permitted shall not be operated except between 08:00 hours and 00:30 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.

- 18 You must install the acoustic mitigation measures as detailed in the approved acoustic report at the same time as the plant is installed. These measures must be retained in the approved 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)

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 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

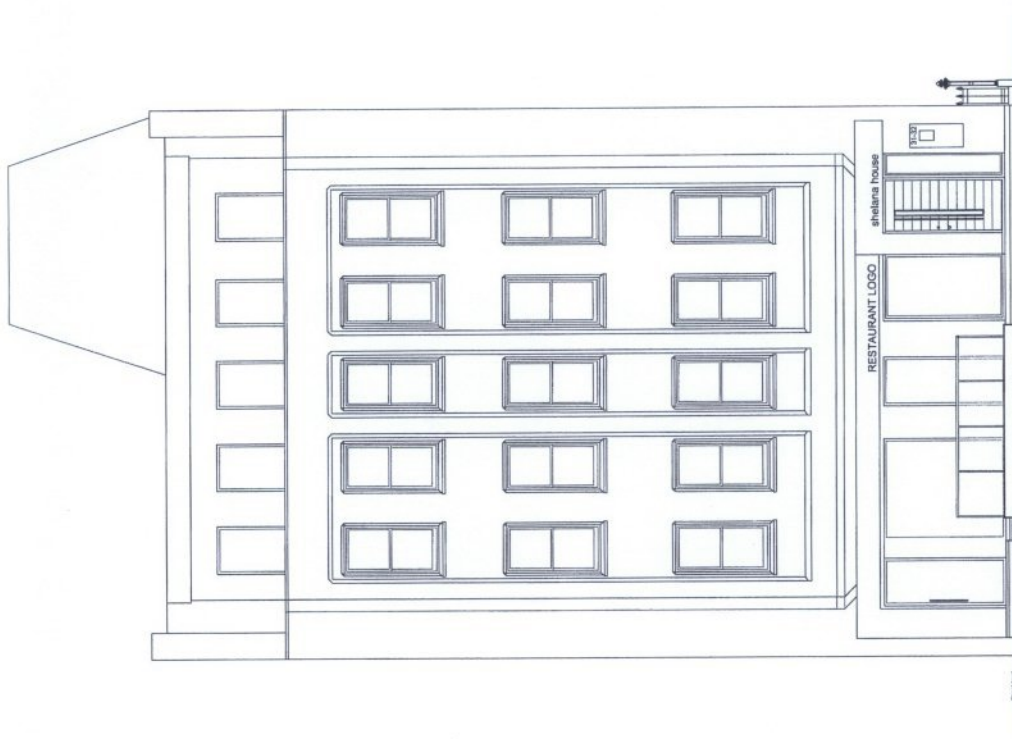
It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 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)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 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 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

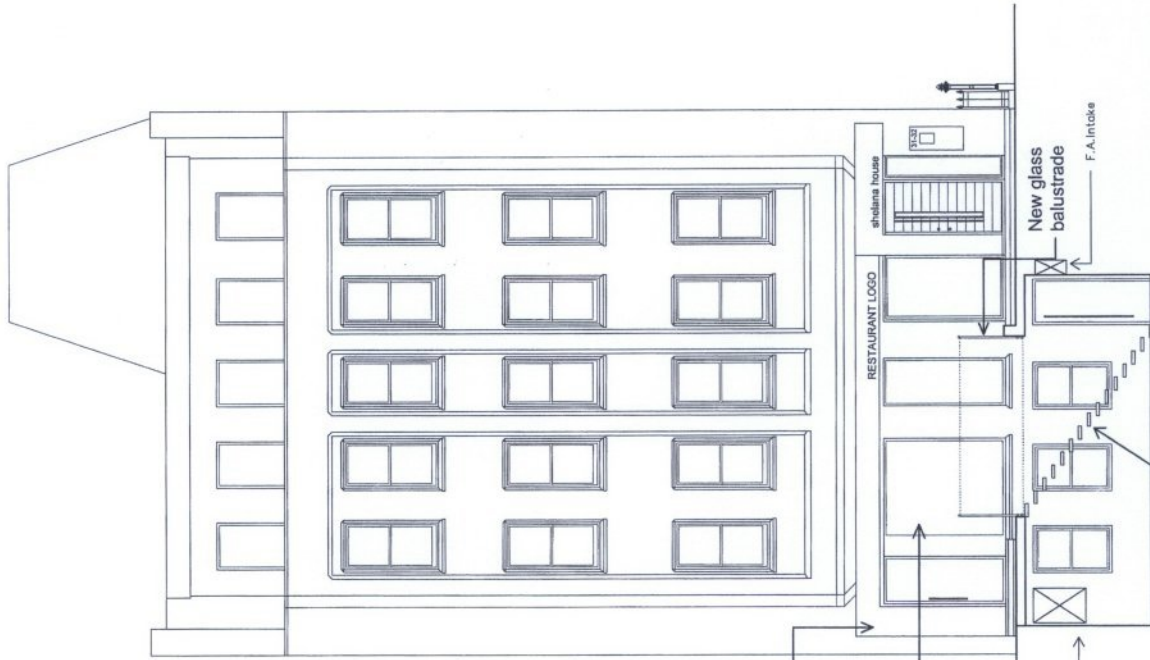
- 8 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.
Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, 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)
- 9 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 cause noise, smells or other types of nuisance. (I06AA)
- 10 All kitchen extract ducts must be fitted with doors/hatches for cleaning, at 3 metre intervals, complying with the H&S safe access standards.



STREET ELEVATION



SECTION THROUGH LIGHTWELL

New render fascia

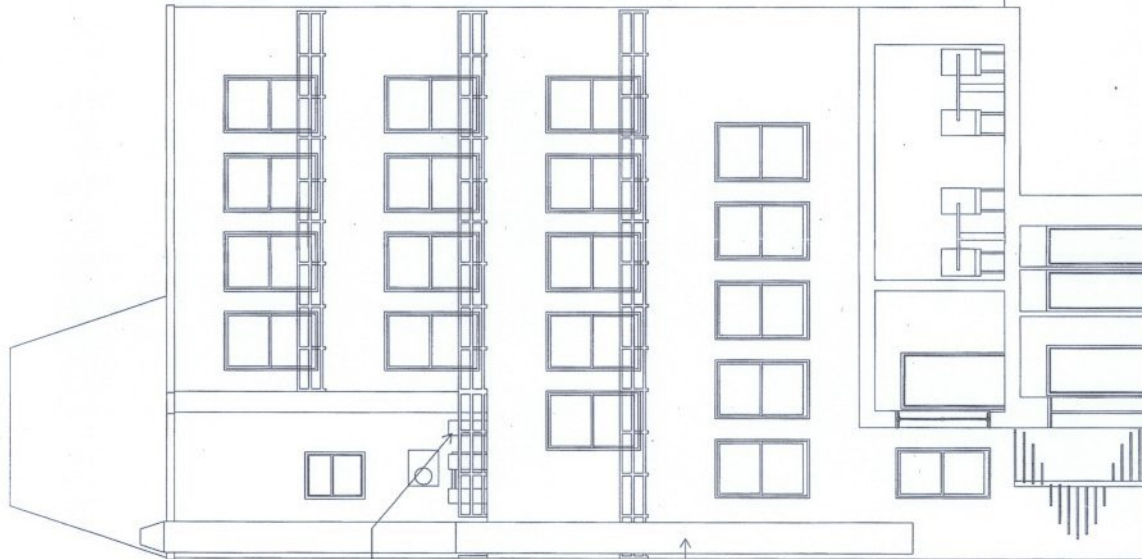
New shopfront with ramped access to entrance door
Painted Minimum frame Clear Glass

Basement extract louvre. Circa 1000x 650

New glass balustrade

F.A. Intake

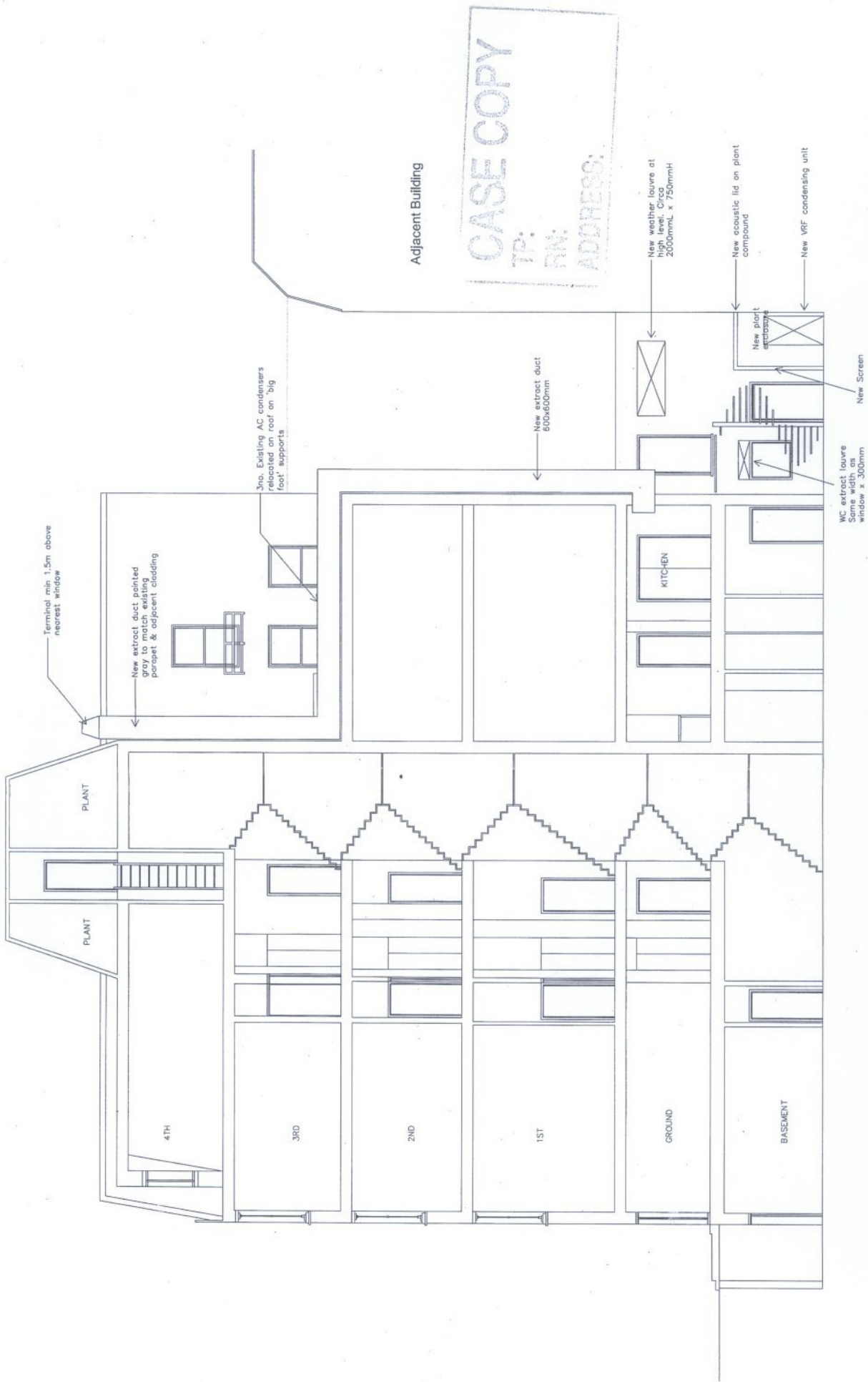
Relocate existing stair

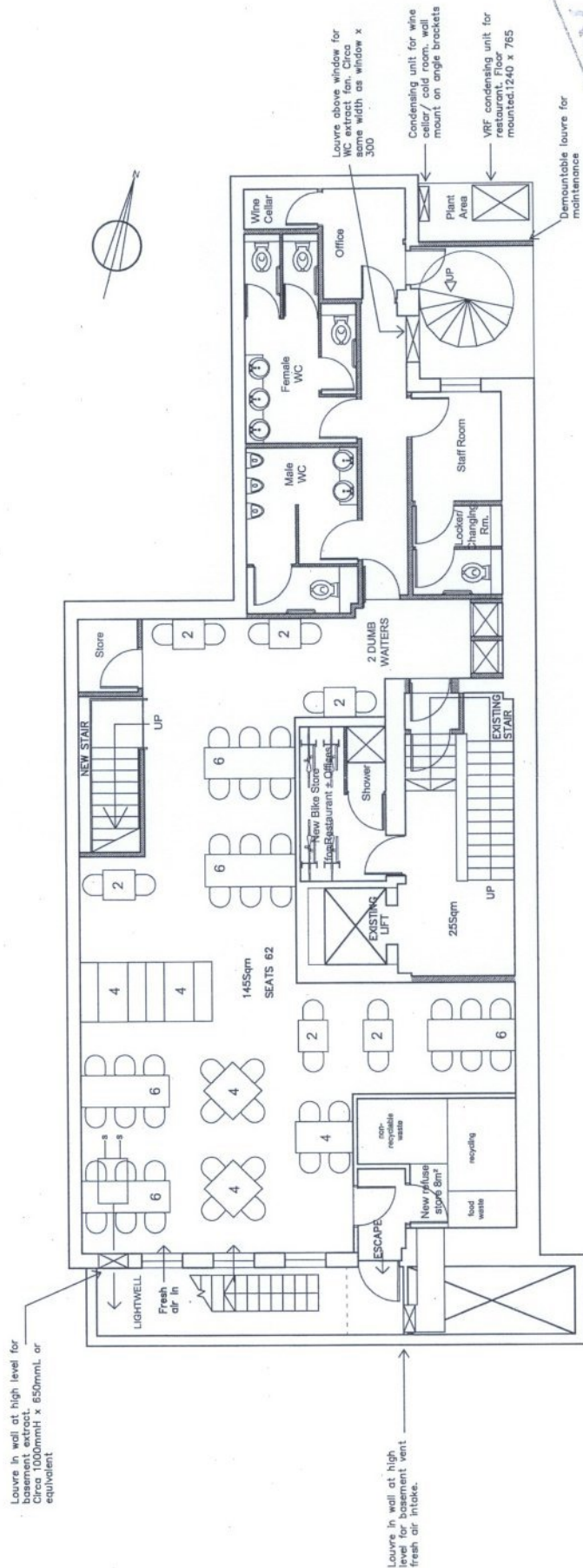


3 no. Existing AC condensers
relocated on roof on 'big
foot' supports

New extract duct 600x600
painted grey

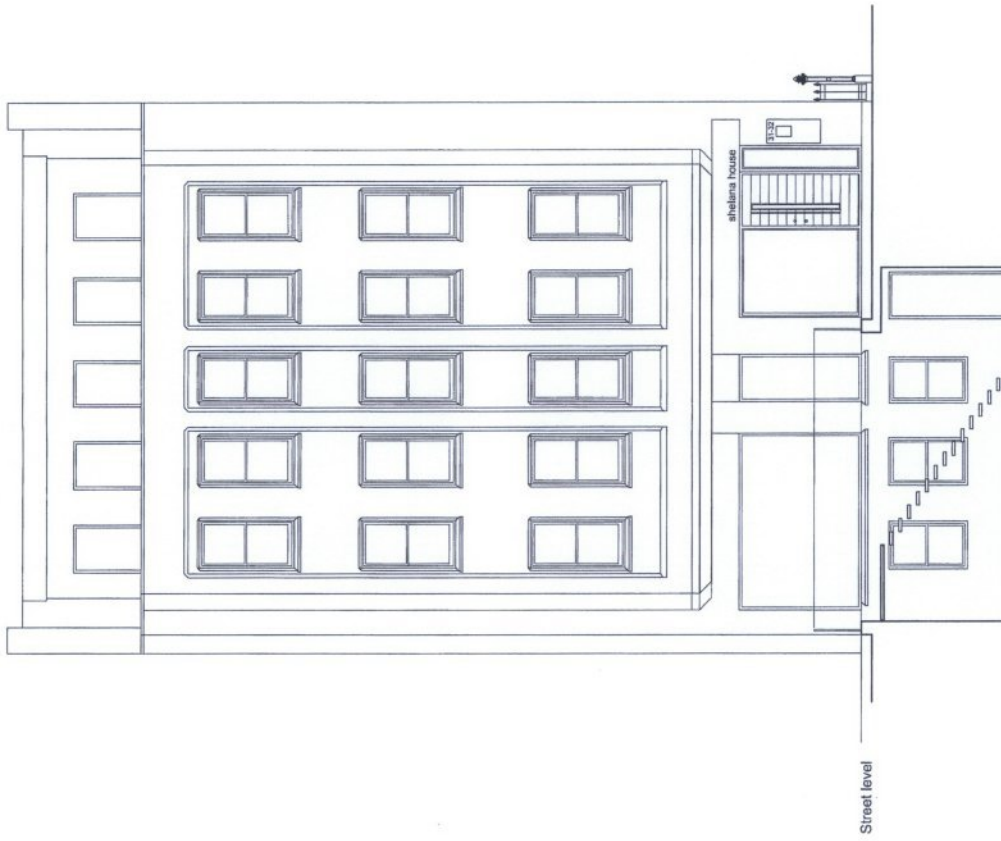
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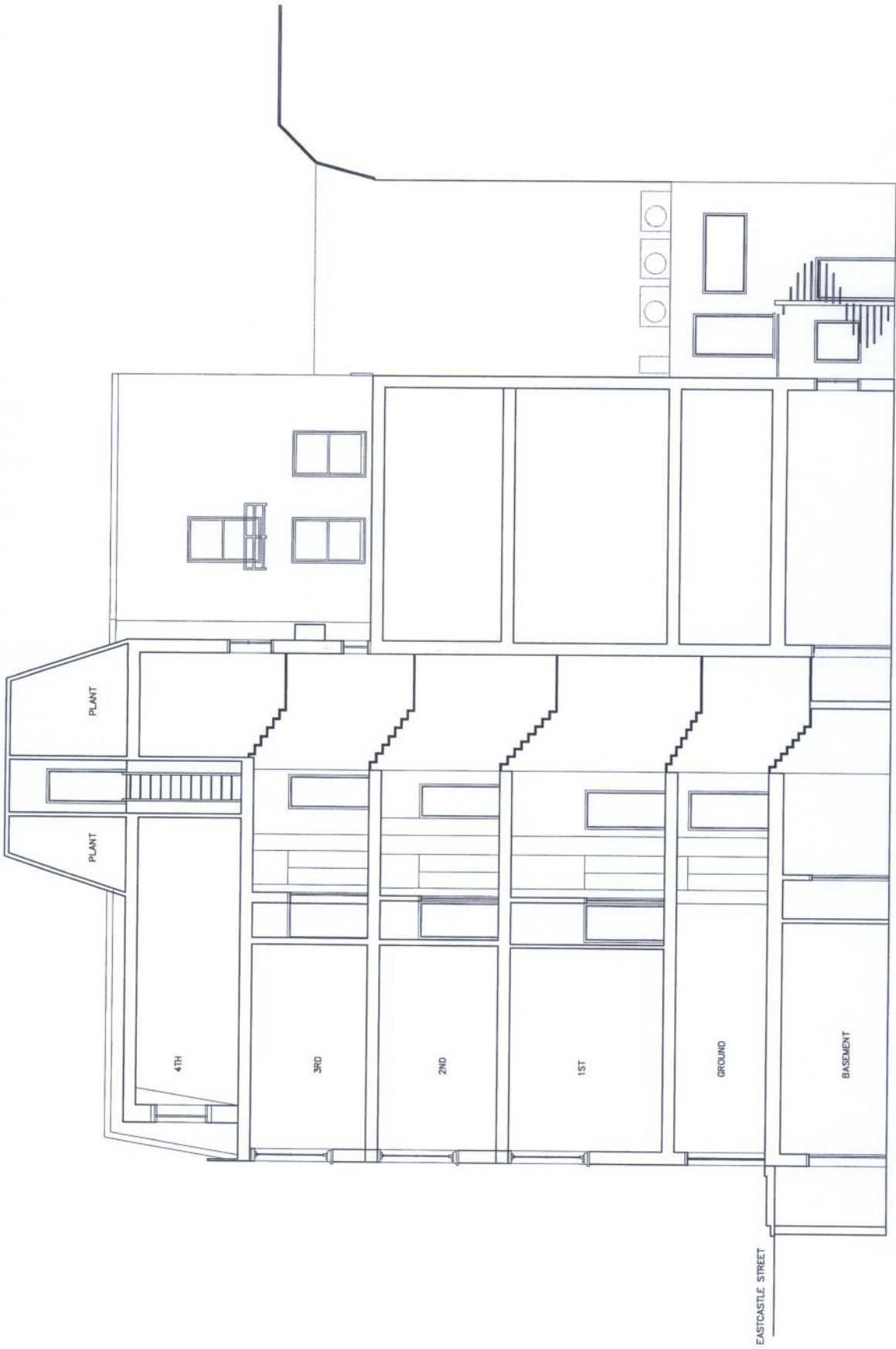




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 TIME: 10:00 AM

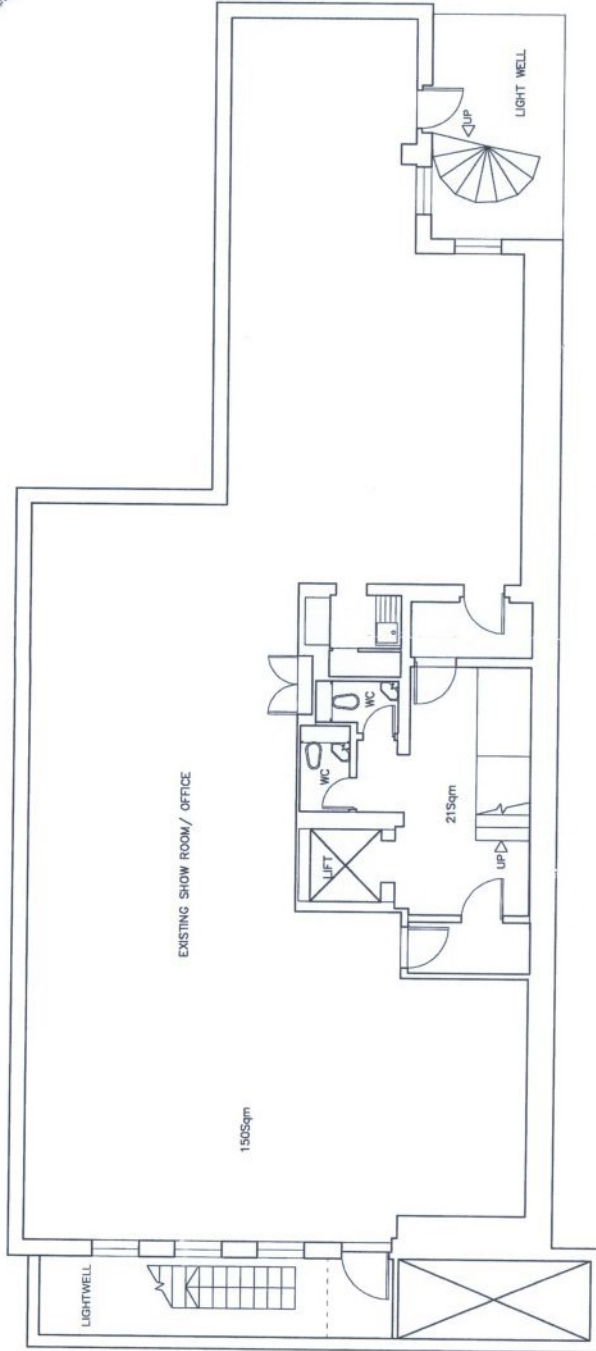


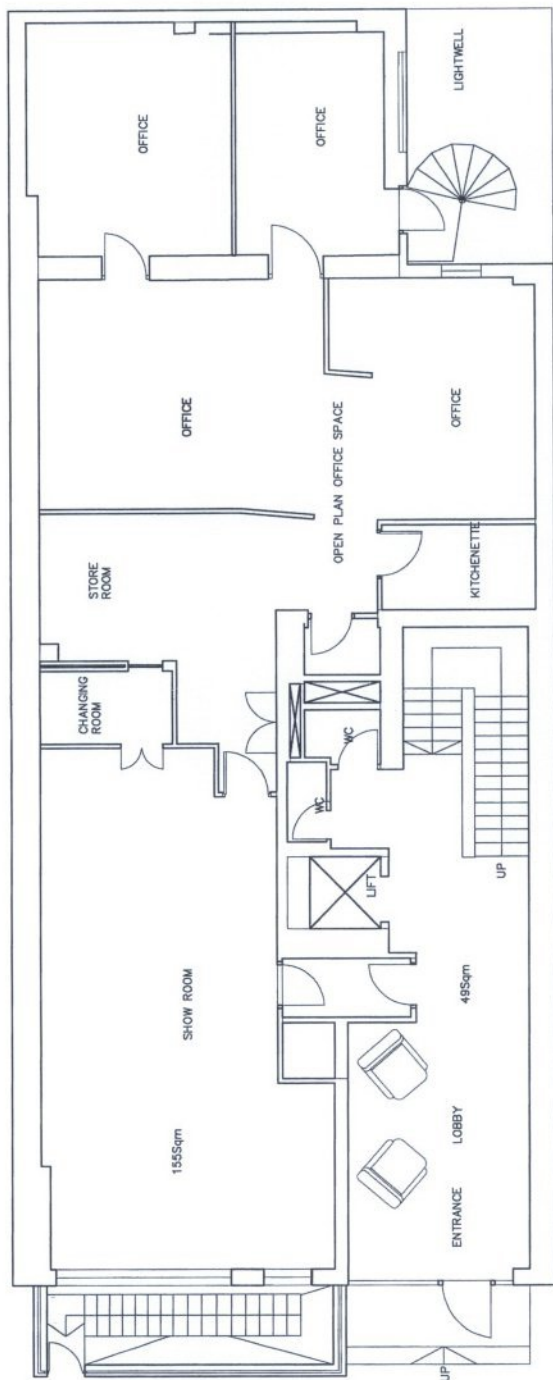






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13 MAY 2015





EASTCASTLE STREET
GROUND FLOOR

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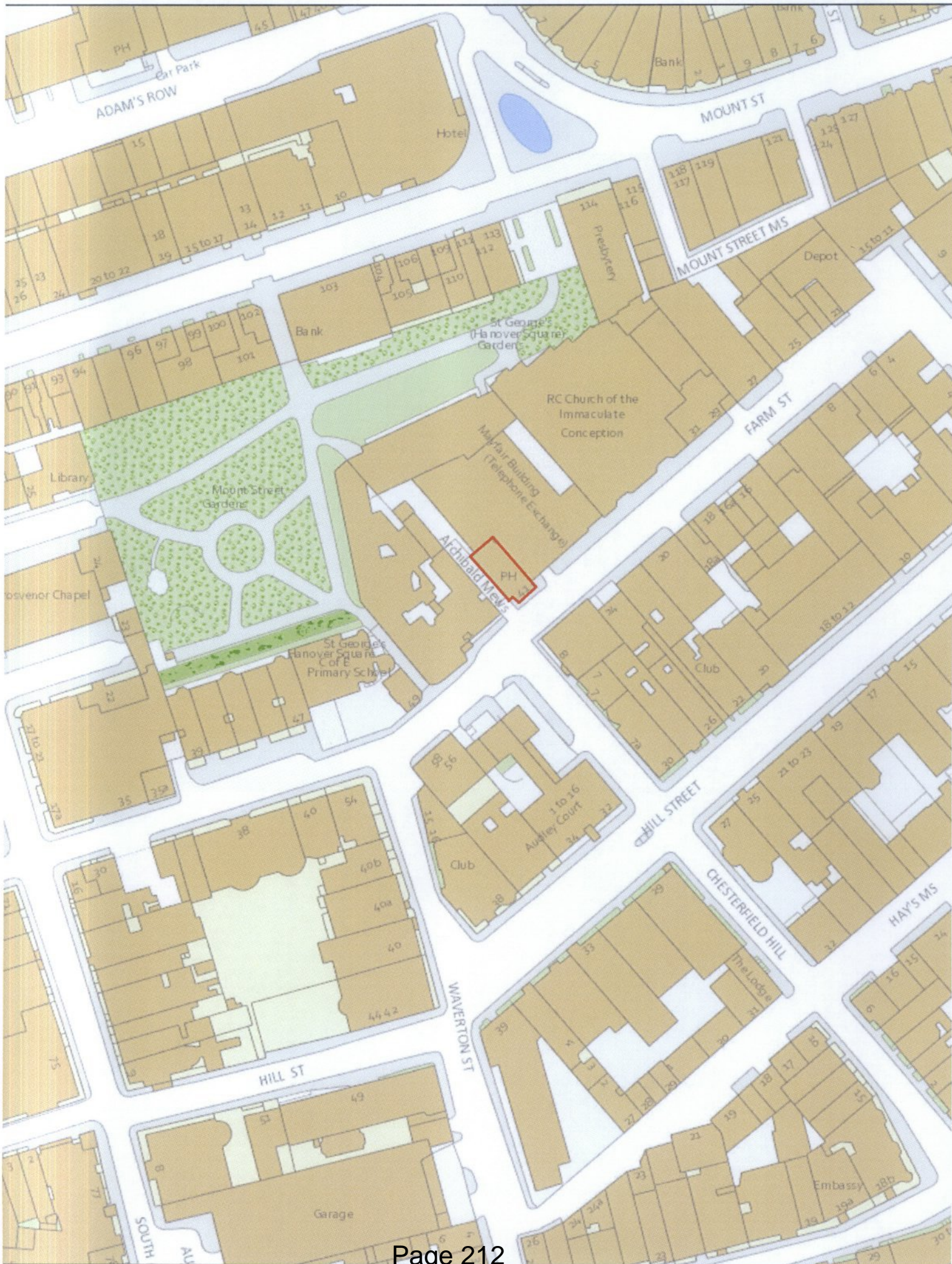
Agenda Item 8

Item No.
8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	41 Farm Street, London, W1J 5RP		
Proposal	Retention and relocation of plant and installation of associated acoustic enclosures on the rear second floor level		
Agent	Walsingham Planning		
On behalf of	Cirrus Inns Ltd		
Registered Number	15/01607/FULL 15/01608/LBC	TP / PP No	TP/2730
Date of Application	23.02.2015	Date amended/ completed	23.02.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Mayfair		
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	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Had an appeal not been lodged against non-determination, planning permission and listed building consent would have been refused on the grounds that the proposed plant installation and associated screening would harm the appearance of this listed building and detrimentally impact upon the character and appearance of the Mayfair Conservation Area.





41 FARM STREET, W1

2. SUMMARY

No. 41 Farm Street is a Grade II listed public house located within the Mayfair Conservation Area and the Core Central Activities Zone. Five air conditioning units and a chiller unit have been installed unlawfully on the rear first floor flat roof. Planning permission is sought for the retention of the five air conditioning units in their current location and relocation of the chiller unit within new acoustic enclosures.

The key issues in this case are:

- The impact of the proposed works on the character and appearance of this part of the Mayfair Conservation Area.
- The impact of the plant operation upon the amenity of neighbouring residents in terms of noise disturbance.

Subject to appropriate conditions, controlling noise emissions the scheme is considered acceptable on amenity grounds. The proposal is however considered unacceptable in design terms as the screening to the plant is extremely large and bulky. It is considered that this proposal would harm the appearance of the listed building and detrimentally affect the character and appearance of the Mayfair Conservation Area. The applications are the subject of appeals for non-determination. Had the appeals not been lodged, the applications would have been recommended for refusal for the reason outlined above.

3. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 69; Total No. of Replies: 5.

Five objections were received on some or all of the following grounds:

Amenity:

- Noise nuisance from the operation of the plant.
- Odour nuisance.

Other Issues:

- Works are unauthorised.
- Structural implications for the property
- Unacceptable design
- Discrepancies between the acoustic reports.
- The information provided on the drawings is inadequate.
- The installation of air conditioning is not considered necessary.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

41 Farm Street is a Grade II listed property located within the Mayfair Conservation Area and the Core Central Activities Zone as defined by the City Plan. It stands on the north side of the street at the junction of Archibald Mews and Chesterfield Hill. A public house has been on this site since approximately 1750 and the whole of the property is still considered to be a public house (Class A4). The site is abutted to the rear by a large telephone exchange and there is a much taller block of residential flats to the west on the opposite side of Archibald Mews which overlook the property.

4.2 Relevant History

14/03702/FULL / 14/03703/LBC – Applications for planning permission and listed building consent for: 'Installation of plant, ductwork and extraction equipment on a flat roof at rear second floor level and associated internal alterations.' These applications were refused on the 8 August 2014 due to noise nuisance, odour nuisance and design concerns. An appeal against the refusal was dismissed on the 26 March 2015 and all three reasons for refusal were upheld.

This appeal was in relation to the proposed installation of extraction ducting and associated equipment on the rear second floor flat roof. These works are not the subject of this application which relates to the retention and relocation of existing, unlawful equipment and the installation of associated screening.

5. THE PROPOSAL

Permission and listed building consent is sought for the installation of plant items on the rear first floor flat roof area with associated acoustic screening. The plant comprises air conditioning units and a chiller unit to provide refrigeration.

There is on-going planning enforcement action relating to the plant which is the subject of these applications. A planning enforcement notice and a listed building enforcement notice have been issued seeking the removal of the unlawful plant and appeals have been lodged by the applicant against these notices.

Appeals have also been made against non determination of these applications for planning permission and listed building consent.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal raises no land use issues.

6.2 Townscape and Design

The building was listed on 15 July 1987, and dates from circa 1750. It is a small scale structure of stuccoed brickwork with a roof of slate and pantiles. The rear of the building is lower and there is evidence on the form of scarring on the walls of there having been shallow pitched roof over part of what is all now covered by a flat roof.

The application seeks approval to partially retain and partially relocate existing unlawful plant and to provide new visual and acoustic screening.

An appeal against refusal for the installation of plant, ductwork and extraction equipment on the flat roof at rear second floor level was dismissed on 26 March 2015. The Inspector advised that:

"The proposal would replace existing equipment on the flat roof but would extend over a substantially larger footprint and spread over much of the roof. Parts would also project well above the flat roof level. Due to the parapet surrounding the roof and the taller neighbouring sections of building, the plant would not be evident in views from the front in Farm Street or from the passage way of Archibald Mews which runs alongside. However, it would be clearly seen from residential windows at a number of levels in the taller residential apartment building of 51 South Street which abuts the other side of the Mews and therefore is very close by. Although these are private views, such vistas of roofscape are a material aspect of the Conservation Area and, in this case, the roof forms part of the fabric of the listed building.

It might be that screening of the plant in some way could reduce its visual impact, but none is included in the current scheme. With the size, extent and appearance of the plant it would be an obtrusive and incongruous feature on the flat roof area. It would detract from the architectural quality of the building and the contribution this makes to the Conservation Area. The result would be a degree of harm to the significance of the heritage assets, albeit less than substantial. The proposal does not meet the design requirements of policies S25 of the Westminster City Plan: Strategic Policies 2013 or of policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the Westminster Unitary Development Plan 2007 in terms of a respect for context."

A key issue in the appeal scheme, and in this case, is the impact the plant will have on the special architectural interest of the building and on the character and appearance of the surrounding conservation area.

The area of the building on which the equipment is to be located is a later addition and the principle of installing equipment here is considered acceptable. However, the current proposal does not provide a suitable design for the visual screening; neither does it contain the plant within a suitable area of the roof.

The proposed plant is considered far worse in design terms than the existing arrangement. It is incongruous, creates clutter on the roof, and it is entirely alien to the architecture of the building. Furthermore, the detrimental effect of the plant is exacerbated by the proposed crude industrial screening which does absolutely nothing to ameliorating its visual impact.

The plant should be contained in one area to the rear of the roof with appropriate screening to ensure its visual impact is minimized and acceptable. If this is not possible, then the amount of plant should be reduced until it can be suitably screened.

For the reasons set out above, the proposal is contrary to UDP policy DES 6 which requires the highest standard of design in roof level alterations.

The scheme would not provide a suitable design and/or location of plant, and is therefore also contrary to UDP policies DES 9 and DES 10 which require at the least that proposals maintain the character and appearance of conservation areas and the special architectural and historic interest off listed buildings.

With regard to listed buildings, the City Council's 'Repairs and Alterations to Listed Buildings' supplementary planning guidance is also relevant and makes clear the importance of carefully locating plant and providing suitable screening. It states in paragraph 6.17 that:

"External services or fittings will require listed building consent where they affect the character of a listed building. These include satellite dishes, burglar alarms, meter boxes, security cameras, light fittings, flues and trunking. The City Council will need to be satisfied that such additions are necessary, and have been designed and located to minimise their impact. Where such proposals are considered to harm the appearance or character of a listed building, consent will be refused."

In this case, in design and heritage asset term, the proposed alterations are contrary to the City Council's development plan policies and supplementary planning guidance and have no public benefits to outweigh the harm as set out in the NPPF.

6.3 Amenity

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and Policy S32 of the adopted City Plan. These policies seek to protect the amenity of nearby noise sensitive properties.

There is a residential building housing a number of flats at 51 South Street, approximately 5m distant from the proposed plant across a small alley (Archibald Mews) to the west of the application site. This neighbouring property is significantly taller than the pub and a number of the residential flats have windows overlooking the flat roof area where it is proposed to install the plant. Objections have been received from occupants of these flats with regard the potential noise nuisance from the plant operation.

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.

Some of the proposed plant will provide refrigeration for the restaurant unit and would need to operate on a 24 hour basis. The submitted acoustic report has therefore tested the ability of all of the proposed plant to operate within the stipulated City Council noise levels over 24 hours.

To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background noise levels at the nearest noise sensitive windows. The report identified a noise level criteria of 34dB, which is 10dB below the lowest recorded background noise level over the entire 24 hour period.

The nearest noise sensitive window was identified as being a residential window 8m distant from the air conditioning plant and 5m distant from the refrigeration plant serving a flat within 51 South Street.

In order to ensure the plant noise is compliant with the City Council criteria the Environmental Health Officer requires that acoustic screening is installed around all of the plant, as detailed within the acoustic report. With these acoustic mitigation measures in place calculations demonstrate the resultant noise level at the nearest sensitive window will be 32dB which is 2dB below the design criteria and 12dB below the lowest recorded background noise level.

Subject to appropriate conditions the Environmental Health Officer has raised no objection to the proposal. Whilst the objections with regard potential noise disturbance from the plant are noted, these objections are not considered sustainable given the conclusions of the acoustic report and the assessment by Environmental Health.

One objection refers to discrepancies between the acoustic reports submitted. It is noted that in the 'supporting information' it does say there is uncertainty as to whether the '100' or the '150' version of the refrigeration unit has been installed, but concludes there is no difference in

the noise output. The objector also noted that in the 'supporting documentation' it concludes the refrigeration unit should be located closer to the parapet wall and includes a drawing to show this location. The location of the refrigeration unit in the acoustic report accords with that shown on the submitted proposed drawings. The acoustic report also measures the distance to the nearest residential window from the chiller unit as being 5m which accords with the drawings.

It should also be noted that the plant installation will have to comply with the proposed condition ensuring the plant noise is 10dB below the background noise level. It is therefore considered that sufficient acoustic information has been provided to enable determination of the application.

An objector is concerned that some of the plant has already been installed on the roof without consent. Whilst this is regrettable, retrospective consent can be sought and is done so at the risk the City Council will refuse the application and proceed with enforcement action against the applicant.

An objector has queried the section of the acoustic report which refers to the noise attenuation provided by a standard window. However, this part of the report is an assessment of whether the plant installation complies with British Standard 8233:2014, having already determined it complies with the Westminster City Council requirements. The report concludes the installation would accord with the noise guidelines set out in the relevant British Standard.

6.4 Transportation/Servicing

Not applicable.

6.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

6.6 Access

Not applicable.

6.7 Other UDP/Westminster Policy Considerations

An objector has commented on the potential for an increase in odour nuisance resulting from the proposal. However, this application is solely for the installation of air conditioning and refrigeration plant and there would be no odour output associated with their operation. Comments have also been made with regard the structural capacity of the roof to support the weight of the plant and equipment. This is not however considered a planning matter and the application could not be refused on these grounds.

An objection queries why air conditioning is required on a property which has been without air conditioning since the 1750's. The application could not be reasonably refused on these grounds and it is considered reasonable that a public house may want to install air conditioning to ensure the comfort of its patrons.

An objection also refers to the poor quality of the drawings and the lack of relevant annotated dimensions and a scale. However, the proposed drawing includes a scale and relevant dimensions. It is considered sufficient information has been included on the drawings to show exact what is being applied for and permission could not be withheld on the grounds of this objection.

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

Not applicable.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

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

7. Conclusion

The proposed works would harm the appearance of the Grade II listed public house and detrimentally impact upon the character and appearance of the wider Mayfair Conservation Area. It is therefore recommended that had appeals not been lodged, permission and listed building consent would have been refused.

BACKGROUND PAPERS

1. Application form.
2. Memorandum from the Residents' Society of Mayfair and St. James's dated 16 March 2015.
3. Memorandum from Environmental Sciences dated 18 May 2015.
4. Email from the Planning Enforcement Team undated.
5. Letter from J&P Badham on behalf of occupiers of 24 Farm Street and a flat in 51 South Street dated 10 March 2015
6. Email from an occupier of a flat in 51 South Street, London dated 11 March 2015.
7. Email from Portrait Solicitors on behalf of the occupier of Flat 24, 51 South Street, London dated 19 March 2015.
8. Email from an occupier of a flat in 51 South Street, London dated 23 March 2015.
9. Email from the occupier of Flat 12a, 51 South Street, London dated 23 March 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY E-MAIL – mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address: 41 Farm Street, London, W1J 5RP

Proposal: Retention and relocation of plant and installation of associated acoustic enclosures on the rear second floor level

Plan Nos: Site Location Plan, Acoustic Report dated 9th February 2015, Supplementary Acoustic Information dated 2nd February 2015, Drawing: 102.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Reason for Refusal:**Reason:**

Because of its location and detailed design the mechanical plant installation would harm the appearance of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 6, DES 9, DES 10 (A) and paras 10.108 to 10.146 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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

The plant should be located in a more suitable location on the roof with appropriate screening.

DRAFT DECISION LETTER

Address: 41 Farm Street, London, W1J 5RP

Proposal: Installation of plant within associated acoustic enclosures on the rear second floor flat roof.

Plan Nos: Site Location Plan, Acoustic Report dated 9th February 2015, Supplementary Acoustic Information dated 2nd February 2015, Drawing: 102.

Case Officer: Matthew Giles **Direct Tel. No.** 020 7641 5942

Recommended Reason for Refusal:**Reason:**

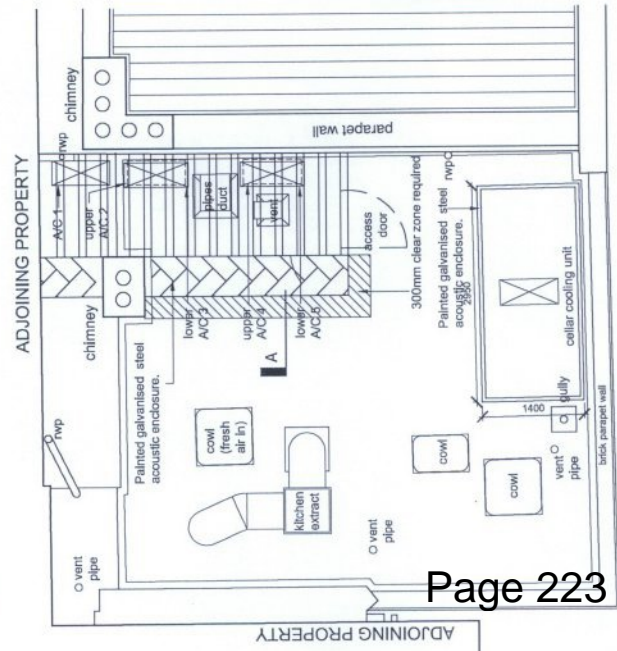
Because of its location and detailed design the mechanical plant installation would harm the appearance and special architectural interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

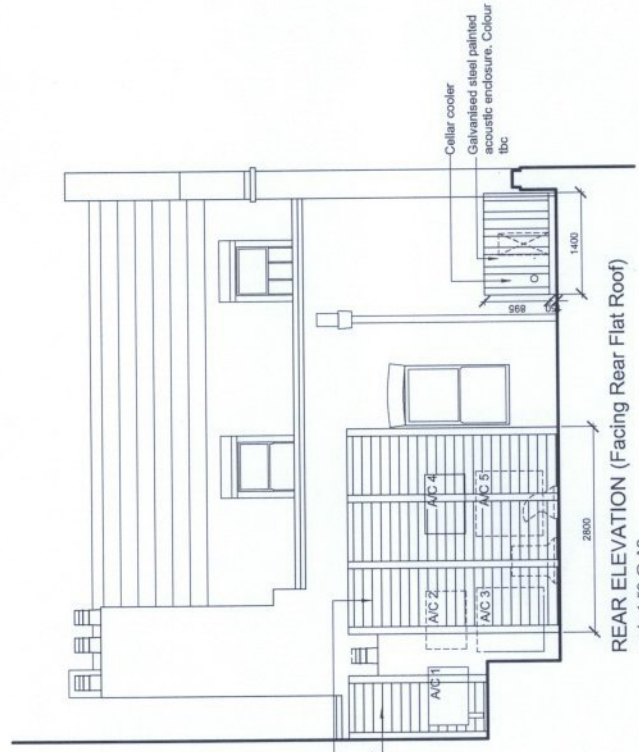
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's 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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

You are advised that the reasons for refusal relate to the proposed installation of plant with associated screening on the rear roof of the property. A revised listed building consent application for the plant in a more suitable location with appropriate screening may be considered more favourably.

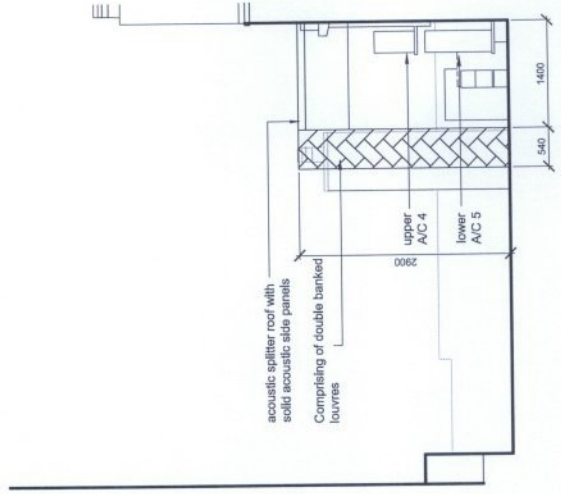
- AIR CONDITIONER KEY**
 MITSUBISHI ELECTRIC
 A/C 1 - model SUZ-KA35VA4
 A/C 2 - model SUZ-KA35VA4
 A/C 3 - model SUZ-KA71VA4
 A/C 4 - model SUZ-KA35VA4
 A/C 5 - model SUZ-KA71VA4
- CELLAR COOLER**
 model Hubbard Premium 100 with single evaporator



PLAN
 scale 1:50 @A2



REAR ELEVATION (Facing Rear Flat Roof)
 scale 1:50 @ A2



SECTION AA (Facing side Flat Roof)
 scale 1:50 @ A2

(d.m.p.)

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revision: 20.01.10
 20.01.10

ref: 2006
 rev: 1

scale: 1:50 @ A2

title: sketch of plant on flat roof Plan & Elevation

client: Punchbowl London for Citrus Inns

date: 06-11-06

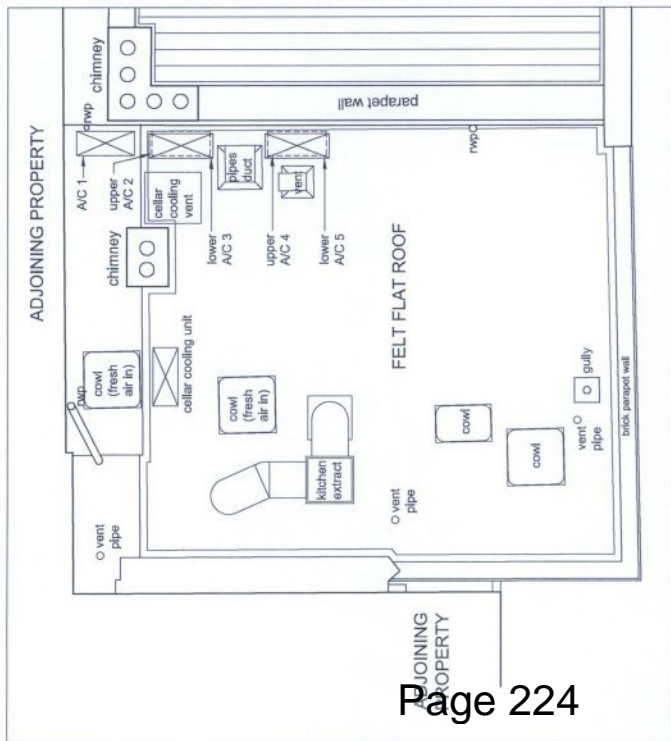
status: planning

job no: 12.114

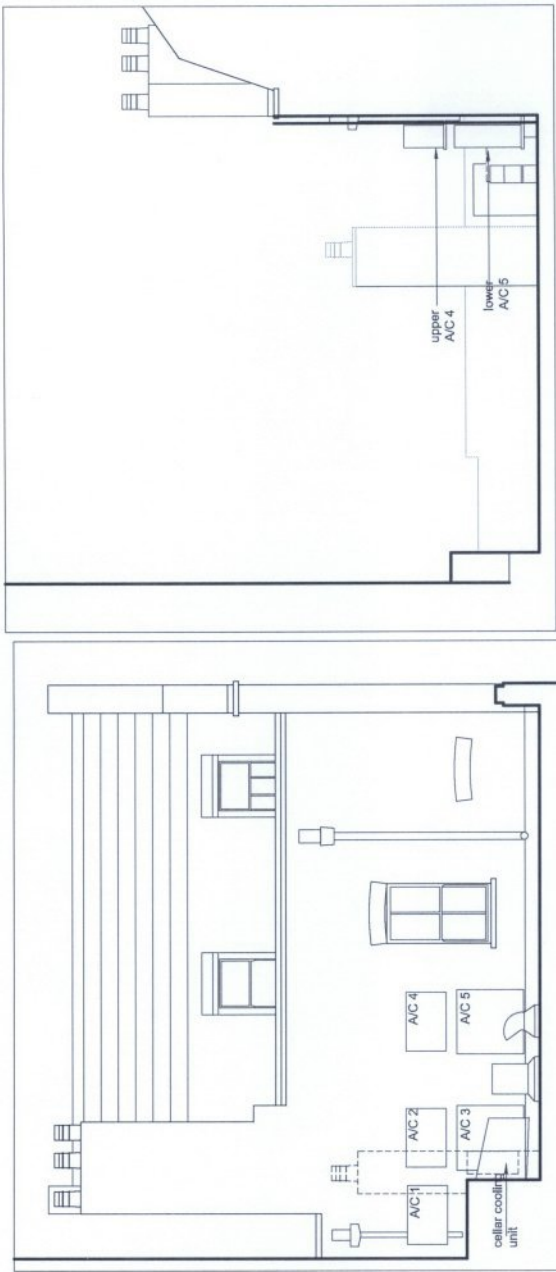
rev:

102

AIR CONDITIONER KEY
 MITSUBISHI ELECTRIC
 A/C 1 - model SUZ-KA35VA4
 A/C 2 - model SUZ-KA35VA4
 A/C 3 - model SUZ-KA71VA4
 A/C 4 - model SUZ-KA35VA4
 A/C 5 - model SUZ-KA71VA4



PLAN
 scale 1:50 @A2



REAR ELEVATION (Facing Rear Flat Roof)
 scale 1:50 @A2

SIDE ELEVATION (Facing side Flat Roof)
 scale 1:50 @A2

	design management:partnership 8 Trade Street, Cardiff, CF10 5dt T +44(0)29 2064 4828 F +44(0)29 2064 4831 E mail@designmanagementpartnership.com		scale B A2 1:50 title Flat Roof Services Plan & Elevation	drawn JMC/KC 90	check JMC 90	date 02/14	status planning	job no 12.114	rev A
	<p><small>All dimensions to be checked by the contractor before commencing work. All drawings to be checked by the contractor with the architect before work commences. The drawing is the property of design management:partnership. Copyright reserved by them and the drawing is loaned on the basis of any unauthorised person either wholly or in part without the consent of design management:partnership.</small></p>		scale B A2 1:50 title Flat Roof Services Plan & Elevation	drawn JMC/KC 90	check JMC 90	date 02/14	status planning	job no 12.114	rev A

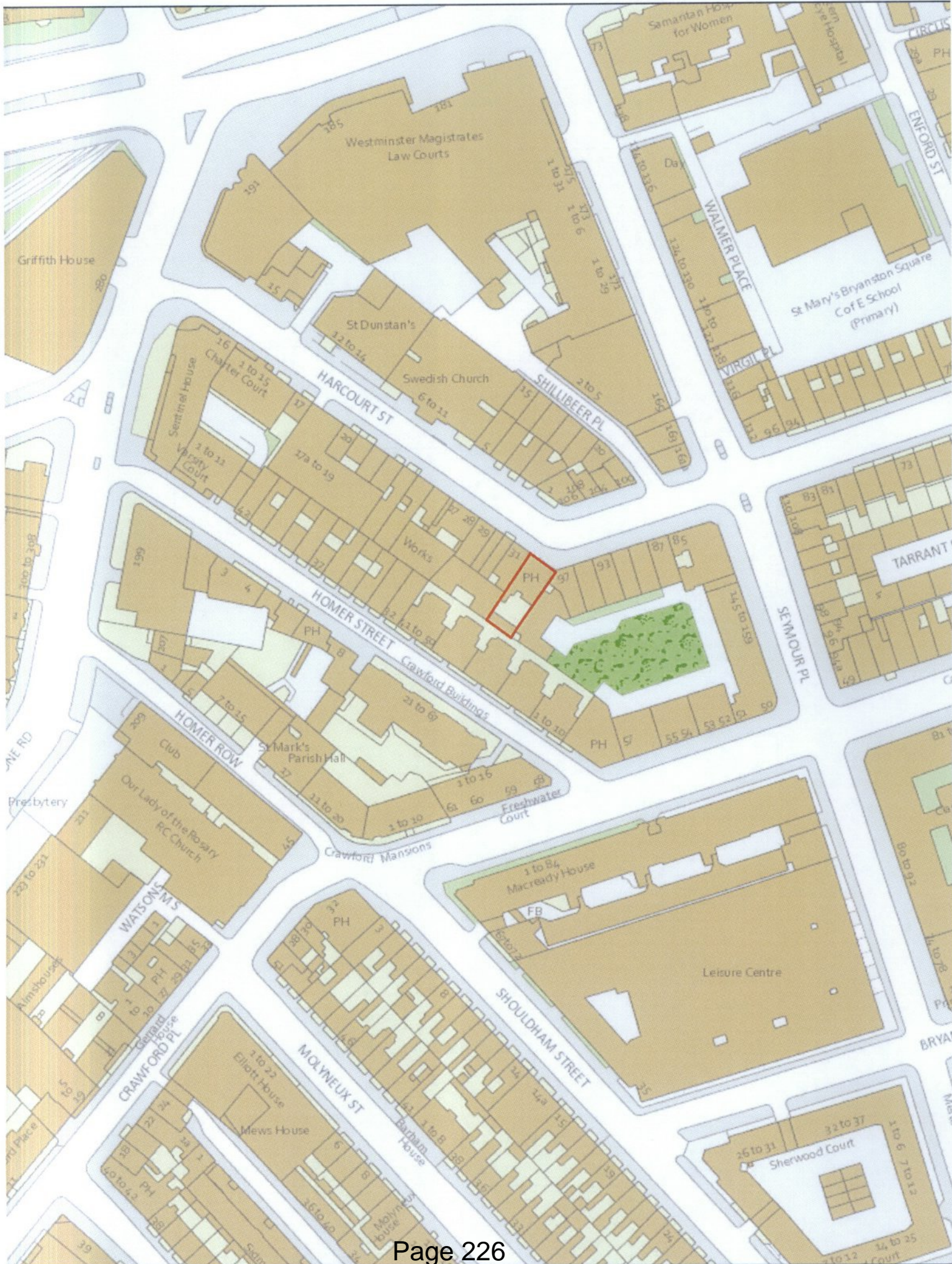
Agenda Item 9

Item No.
9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved Bryanston And Dorset Square	
Subject of Report	32 Harcourt Street, London, W1H 4HX		
Proposal	Erection of a single storey rear extension at lower ground floor level and alterations to the front elevation including the removal of redundant advertising. Installation of a new rear high level extract duct in connection with the existing public house and internal alterations at all floor levels		
Agent	Stuart Loxton Ltd		
On behalf of	HARCOURT PUB PLC		
Registered Number	15/04723/FULL 15/04724/LBC	TP / PP No	TP/3575
Date of Application	27.05.2015	Date amended/ completed	22.06.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Portman Estate		
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 Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	11.00-11.30 Monday to Saturday 12.00-11 Sundays		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.





32 HARCOURT STREET, W1

2. SUMMARY

The application site comprises a Grade II listed building situated within the Portman Estate Conservation Area. The property is a Public House (Class A4) which has been vacant since the end of 2014. The building comprises lower ground, ground and three floors. Permission is sought for the erection of a single storey rear lower ground floor extension and full height extract duct, to the front of the building redundant advertising. will be removed. Internal alterations are proposed at all floor levels

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 special interest of the listed building and the character and appearance of the conservation area.

The proposals which includes a small rear extension is considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

3. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to the imposition of relevant noise conditions.

THAMES WATER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 81; Total No. of Replies: 10.

10 letters of objection received on some or all of the following grounds:

Amenity

- Loss of daylight/sunlight/ privacy.
- Noise nuisance from use of the courtyard/ doors being left open/plant (recent history complaints have been made to the City Council's Noise Team and to the Police).
- Noise report incorrectly refers to Crawford Buildings rather than Cranfield Court as the nearest neighbouring residential properties.
- Odours/ pollution from smoke/ kitchen extract.

Highways

- Increased pressure on parking.

Other

- The Pub is of local social importance.
- The existing open space provides peace and tranquillity.
- Consultation period is insufficient.

ADVERTISEMENT/SITE NOTICE: YES

4. BACKGROUND INFORMATION

4.1 The Application Site

No. 32 is a Grade II listed property located on the south western side of Harcourt Street, comprising lower ground, ground and three upper floors. Whilst currently vacant, the lawful use of the premises is a public house (Class A4) throughout.

The site is located outside the Core Central Activities Zone, within the Portman Estate Conservation Area.

4.2 Relevant History

In 2007, planning permission and listed building consent were granted for the retention of a timber frame shelter in the rear beer garden.

5. THE PROPOSAL

Permission and listed building consent are sought for the erection of a single storey rear extension at lower ground floor level and erection of a full height rear extract duct. Alterations to the front elevation include the removal of redundant advertising. Internal alterations are proposed to all floors.

The works are in connection with the continued use of the property as a public house (Class A4). The public house's licensed hours are 10.00am-23.30 Monday to Saturday and 12.00-22.00 on Sundays. These hours are unchanged by the application.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The entire property is in lawful use as a public house. The proposed rear extension would provide approximately 75m² of additional floorspace; this would result in an enlarged entertainment use with a gross floorspace of 391m².

Westminster's City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. City Plan Policy S24 requires proposals for new and extension to existing entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, and relationship to any existing concentrations of entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

As the site lies outside of the core CAZ, UDP Policy TACE 9 applies.

The policy states that permission will only be granted where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, increased parking and traffic.

The proposals have garnered strong objections from neighbouring residents within Cranfield Court, a residential property which is located directly to the rear of the application site and shares a party wall which runs along the pub's rear courtyard area. Many of the objections express dissatisfaction with the management of the public house over recent years, and state that as a result the City Council's Noise Team have made numerous visits to the pub and on occasion the Police have attended.

Initially, the proposed extension covered part of the courtyard leaving a small open area directly adjoining the party wall with Cranfield Court.

This could have been used as an external smoking area. Many of the objections from Cranfield Court residents are to this original design. The objectors considered that retaining a small external smoking area, would serve to 'funnel' patrons of the pub to the rear of the property closest to Cranfield Court. They object that this would exacerbate existing problems of noise disturbance and cigarette smoke pollution to neighbouring residents.

The application has been amended and the entire courtyard is to be infilled and there is no external space remaining. The area to the rear of the courtyard will be covered by a glazed roof. To protect the amenity of neighbouring residents, conditions are recommended which would require the extension to be constructed in its entirety and prevent the glazed roof from being openable.

At present, there are no planning controls to restrict the number of patrons using the courtyard for smoking and drinking, and its hours of use are only restricted in line with the pub's licensed hours. Therefore, the public house could re-open at any time without the requirement for planning permission and unrestricted numbers of patrons could again use the rear courtyard area for smoking and drinking. Under the current proposals the rear courtyard area will be fully enclosed and this will prevent smoking and outdoor drinking to the rear of the pub, thus reducing noise transmission to Cranfield Court. It is therefore considered that the proposal is acceptable in amenity terms.

6.2 Townscape and Design

The proposed enclosure of the whole of the rear area to this building must be set against its historical context. Historic maps from the earliest date of construction show multiple structures on this area of land. The area itself is large and as the property was purpose built as a public house this rear area would have been extensively used and built upon, in fact, the entire area is at present hard standing, and clearly demarcates the footings of earlier structures.

The current proposals take a solid single storey structure from the rear of the main property almost up to the rear boundary wall. The rear section near the wall, whilst fully enclosed, will be covered with patent glazed roofing and leave at least an impression of open space.

It is also worth noting that the single storey extension leaves the majority of the rear elevation of the pub with its historic pattern of development and fenestration intact, which is to be welcomed and would not be the case should the proposed floorspace be accommodated in extensions over more than one storey. The harm of this element of the proposals is minimal, and offset by sympathetic alterations elsewhere in the scheme.

The presence of the large steel duct on the rear of the property is not an uncommon sight on urban pubs such as this, and whilst utilitarian in appearance, its installation is acceptable in design and conservation terms. In order to minimise its visual impact a condition requiring that it be painted black is proposed.

Internally, the main bar area has previously seen significant alteration with no fixtures or fittings of any interest remaining. The relatively open plan form which is probably close to original is being maintained. The new decorative scheme, timber and partitioning is all acceptable in heritage terms. The new decorative partition at the main entrance will maintain the detailing of the pub frontage. Works to the basement and first floor are relatively minor and non-contentious. The use of panelling at first floor level is acceptable subject to a sensitive junction with the existing skirting board which is considered to be original. It is proposed that conditions will be imposed to require the submission of details of any uncovered historic features under the existing front elevation sign and details of the patent glazed roof to the rear of the new extension.

6.3 Amenity (Daylight/Sunlight/Overlooking)

The rear extension is below a rear party wall and therefore would have no impact to Cranfield Court residents to the rear in terms of loss of light, increased enclosure or loss of privacy.

6.4 Transportation/Servicing

It is not considered that the relatively small floorspace increase to the existing public house will have any material impact on the highways and servicing requirements for the premises.

6.5 Economic Considerations

Any economic benefits generated by the scheme are welcome.

6.6 Access

As existing, level access will be provided to the ground floor of the premises.

6.7 Other UDP/Westminster Policy Considerations

6.7.1 Plant

Several of the objections refer to past problems with existing plant equipment creating excessive noise whilst in operation, and concerns that additional plant will exacerbate these noise problems. The proposal involves installation of a full height extract duct. This aspect of the scheme 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 area has been identified in the applicant's Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows, which have been identified as being 7.5m from the plant installation.

The Environmental Health officer has reviewed the Acoustic Report and considers that the duct and associated plant is likely to comply with design noise level criteria, subject to the kitchen extract system being fitted with a suitable in-line silencer. However, given that strong objection have been received on noise grounds the Environmental Health Officer advises the imposition of a planning condition which requires a supplementary noise report to demonstrate after completion of the works to demonstrate that sufficient attenuation is realised.

Objectors also refer to the potential for cooking odours to harm residential amenity. The scheme also involves the installation of a full height kitchen extract duct. The full height duct is an improvement on the existing extraction system and will be sufficient to allow cooking odours to be dispersed without affecting the amenities of existing occupiers.

6.7.2 Refuse storage

Subject to the imposition of a condition requiring full details of the waste and recycling storage this is considered to be acceptable.

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 these applications are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

The application does not trigger a requirement for planning obligations.

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.

6.12 Other Issues

None relevant

6.13 Conclusion

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

BACKGROUND PAPERS

1. Application forms
2. Memorandum from Environmental Health dated 05 August 2015

3. Letter from Marylebone Association dated
4. Letter from Thames Water dated 16 July 2015
5. Letters from the occupier of 28 Cranfield Court dated 8, 9, 16 July 2015
6. Letter from the occupier of Flat 2, 31A Harcourt Street dated 9 July 2015
7. Letter from the occupier of 27 Cranfield Court dated 14 July 2015
8. Letter from the occupier of 11 Cranfield Court dated 14 July 2015
9. Letter from the occupier of 20 Cranfield Court dated 14 July 2015
10. Letters from the occupier of 22 Cranfield Court dated 17 July 2015
11. Letter from the occupier of 21 Cranfield Court dated 14 July 2015
12. Letter from the occupier of 17 Cranfield Court dated 19 July 2015
13. Letter from the occupier of 45 Cranfield Court dated 20 July 2015
14. Letter from the occupier of 30 Cranfield Court dated 27 July 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY E-MAIL – mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address: 32 Harcourt Street, London, W1H 4HX

Proposal: Erection of a single storey rear extension at lower ground floor level and alterations to the front elevation including the removal of redundant advertising. Installation of a new rear high level extract duct in connection with the existing public house and internal alterations at all floor levels

Plan Nos:

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 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 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 (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.

- 5 The plant/machinery hereby permitted shall not be operated except between 11.00 hours and 23.30 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.

- 6 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.

- 7 All new external ducting must be made out of metal and painted black and retained in that colour. (C27HA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 8 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 4 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.

- 9 The glazed roof over the rear extension at lower ground floor level must not be openable and must remain closed at all 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 ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 10 The development must be included in its entirety before the rear extension hereby approved is used by customers of the public house.

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 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.

DRAFT DECISION LETTER

Address: 32 Harcourt Street, London, W1H 4HX

Proposal: Erection of a single storey rear extension at lower ground floor level and alterations to the front elevation including the removal of redundant advertising. Installation of a new high level extract duct on the rear elevation and internal alterations at all floor levels.

Plan Nos: 15/356/01/A; 15/356/04/F; 15/356/05/H; 15/356/06/F; 15/356/07/E; 15/356/08/C; 13/356/13/B; 15/356/14/C; 15/356/15/D; 15/356/16/B; 15/356/17/A; 32

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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 Any historic detailing uncovered following the removal of the high level fascia sign should be recorded and reported to the City Council. Any material shall remain in place subject to a new scheme of alteration being submitted to and approved by the City Council.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 4 You must apply to us for approval of sections and elevations (at a scale of 1:5) of the following parts of the development:
the new panelling and how it will relate to the existing historic skirting at first floor level. You must not start work until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26CB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must apply to us for approval of plans and elevations (at a scale of 1:20) and detailed sections (at a scale of 1:5) of the following parts of the development - the patent glazed roof in the new rear extension.
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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

NOTES
 1. All windows are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the Architect before construction.
 2. All work is to be completed in accordance with the relevant specifications.
 3. All contractors and subcontractors must ensure that they have the correct issue of this drawing and related details before the commencement of work on site.
 4. All work is to be completed in accordance with the relevant specifications and manufacturer's instructions and recommendations.
 5. All work on site, managed and implemented as a result of the design, shall be subject to the relevant Building Regulations and Safety Case Regulations in respect of Design and Implementation on site and no works are to be undertaken until the relevant Building Regulations and Safety Case Regulations have been approved.
 6. This drawing is not to be scaled.
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Rev.	Date	Revision
A	26/05/2015	Specification notes revised.

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Project Title
**32 Harcourt Street
 London
 W1H 4HX**

Drawing Title
Proposed Front Elevation

Status
PLANNING ISSUE

Scale
 1: 50 @ A2

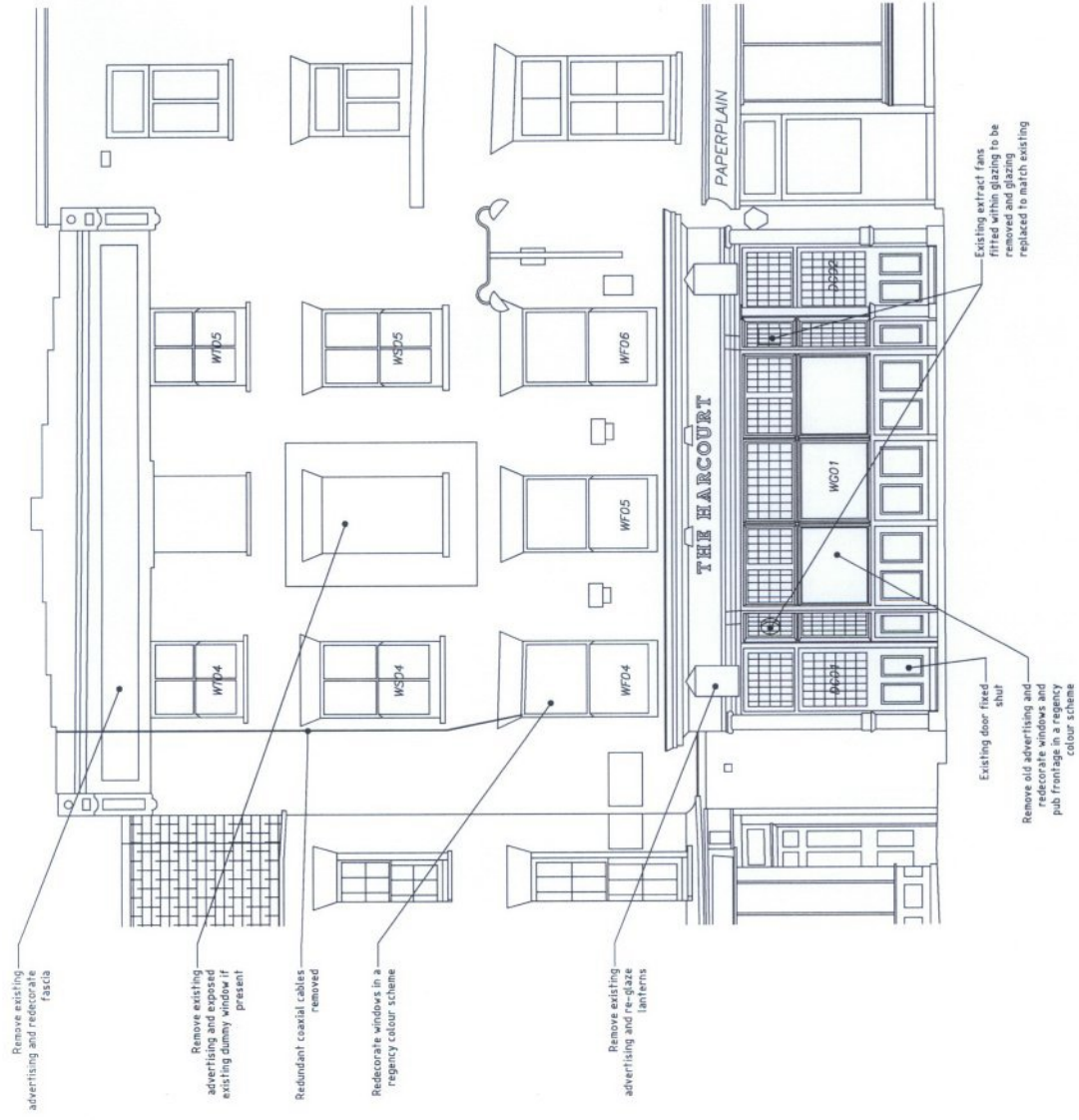
Date
 March 2015

Drawn
 Stuart Loxton

Actual: 1000mm x 700mm

Drawg. No.
15/356/17

Rev.
A



Datum: 95.00m.
Front Elevation

NOTES

1. All work is to be checked as the site in the commencement of work and any discrepancy is to be reported to the Architect before construction.
2. All work is to comply with the current Building Regulations and all legislation.
3. All work is to be carried out in accordance with the current edition of the drawing and related details before the commencement of work on site.
4. All work is to be carried out in accordance with the current edition of the manufacturer's instructions and recommendations.
5. All works on site, managed area implemented as a result of the design information they are to be carried out in accordance with the current edition of the drawing and related details before the commencement of work on site.
6. All work is to be carried out in accordance with the current edition of the Building Regulations in respect of Design and Implementation on site and no works are to be undertaken if it is considered that compliance with the CDM Regulations cannot be achieved.
7. All dimensions shown in millimetres.
8. All dimensions shown in millimetres.
9. All work is to be carried out in accordance with the current edition of the drawing and related details before the commencement of work on site.
10. All work is to be carried out in accordance with the current edition of the drawing and related details before the commencement of work on site.

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Rev.	Date	Revision
C	20/08/2015	Present glazing system added
B	20/05/2015	Mech vents shown. Note added to say metal drainage pipes. Glazing notes revised.
A	15/02/2015	Flat roof covering revised and rear drainage rationalised

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Project Title
 32 Harcourt Street
 London
 W1H 4HX

Drawing Title
 Proposed Rear Elevation

Status
 PLANNING ISSUE

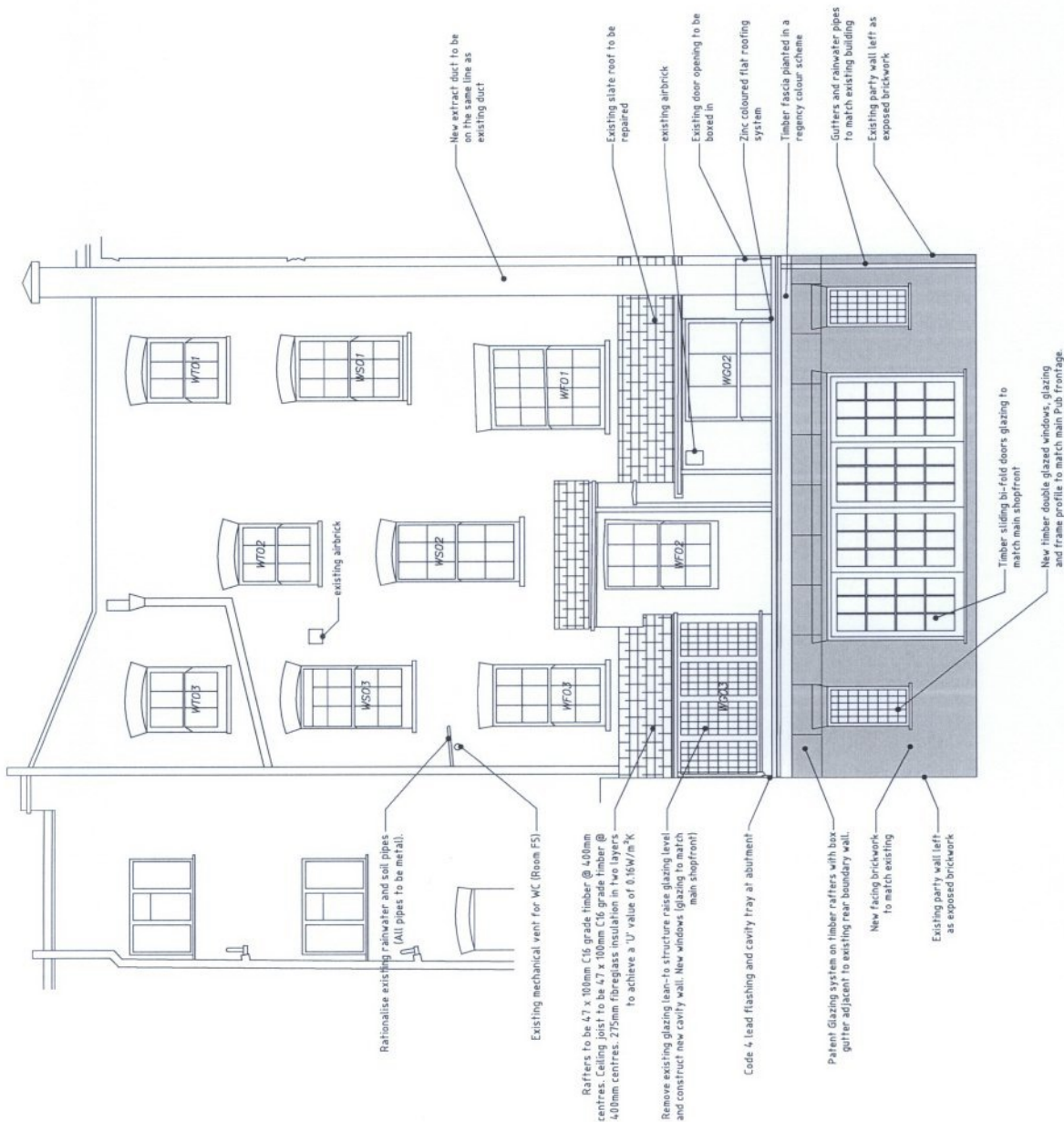
Scale
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Date
 March 2015

Drawn
 Stuart Loxton

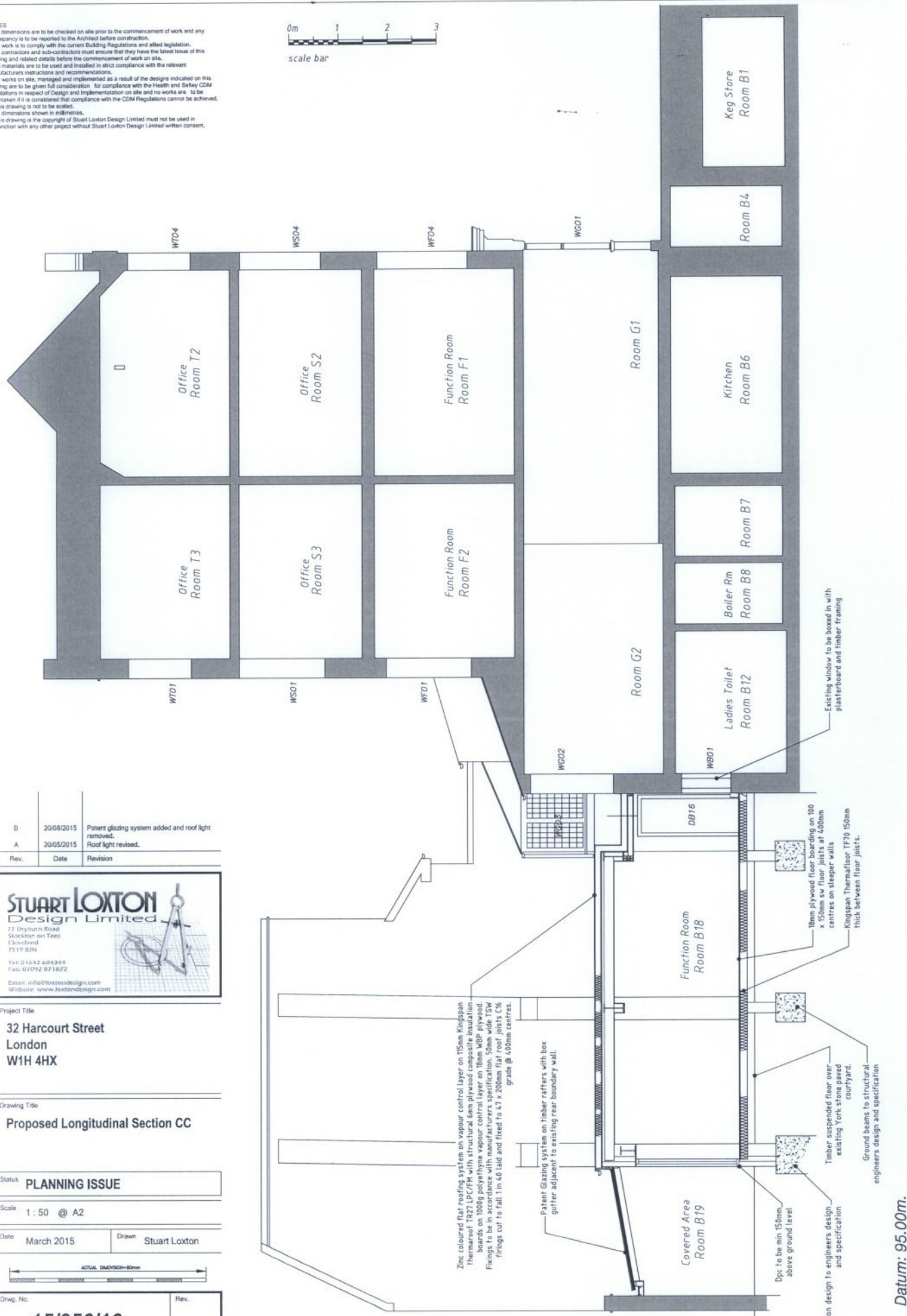
Drwg. No.
 15/356/14

Rev.
 C



Datum: 95.00m.
Rear Elevation

- NOTES
1. All dimensions are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the Architect before construction.
 2. All work is to comply with the current Building Regulations and allied legislation.
 3. All contractors and sub-contractors must ensure that they have the latest issue of this drawing and related details before the commencement of work on site.
 4. All materials are to be used and installed in strict compliance with the relevant manufacturers instructions and recommendations.
 5. All works on site, managed and implemented as a result of the designs indicated on this drawing are to be given full consideration for compliance with the Health and Safety CDM Regulations in respect of Design and Implementation on site and no works are to be undertaken if it is considered that compliance with the CDM Regulations cannot be achieved.
 6. This drawing is not to be scaled.
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Rev.	Date	Revision
B	20/08/2015	Patent glazing system added and roof light removed.
A	20/05/2015	Roof light revised.

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Project Title
**32 Harcourt Street
 London
 W1H 4HX**

Drawing Title
Proposed Longitudinal Section CC

Status
PLANNING ISSUE

Scale
1: 50 @ A2

Date
 March 2015

Drawn
 Stuart Loxton

ACTUAL DIMENSION=30mm

Drawg. No.	Rev.
15/356/16	B

Datum: 95.00m.
 Longitudinal Section CC

NOTES:
 1. All dimensions are to be checked on the job to the commencement of work and any discrepancy is to be reported to the Architect before construction commences.
 2. All contractors and sub-contractors must ensure that they have the latest issue of this drawing and that they are aware of any amendments to the drawing.
 3. All work must be carried out in strict accordance with the relevant manufacturer's instructions and recommendations.
 4. The design is based on the assumptions set out in the design notes.
 5. Requirements in respect of Design and Implementation on site are to be in accordance with the relevant Building Regulations and the relevant standards.
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Project Title
**32 Harcourt Street
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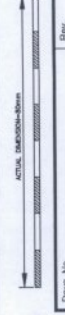
Drawing Title
Existing Floor Plans

Status
PLANNING ISSUE

Scale
1:100 @ A2

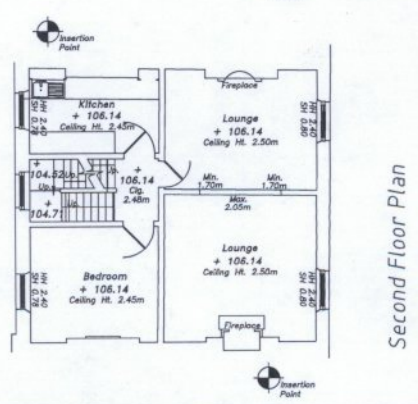
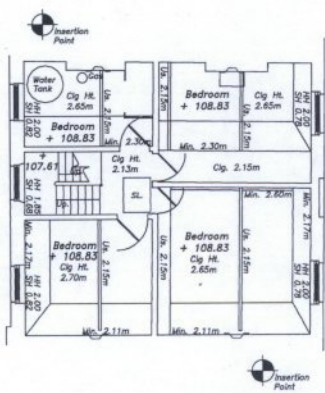
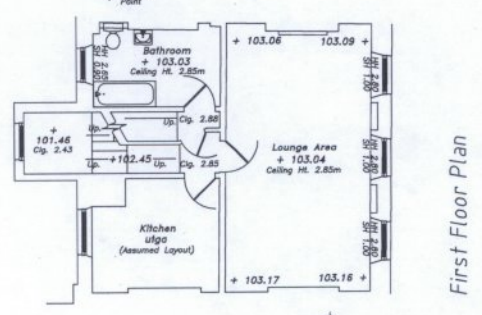
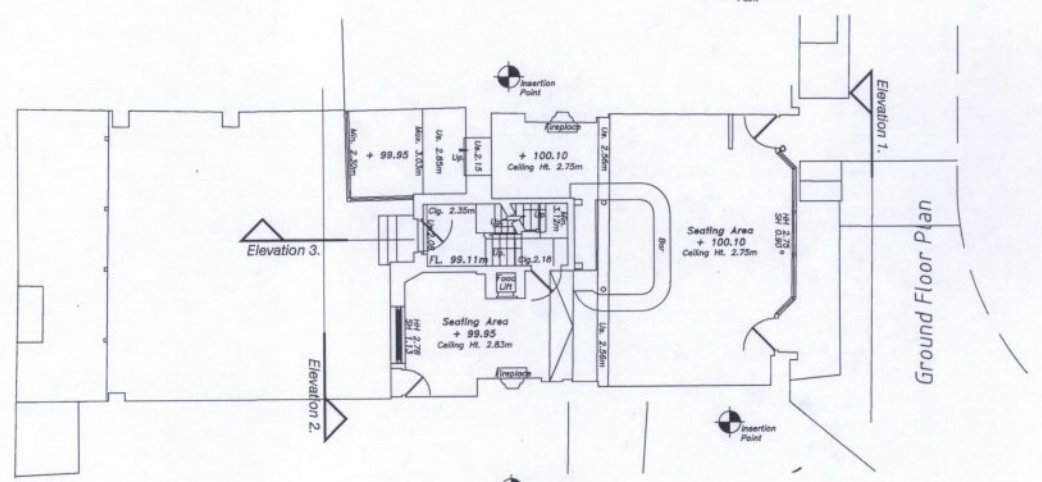
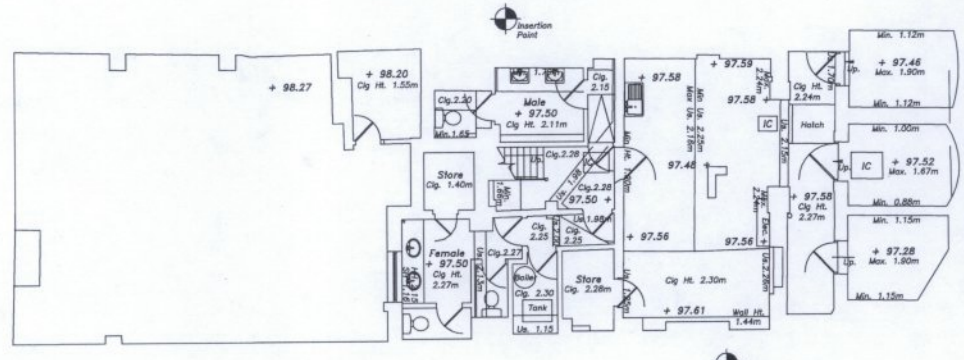
Date
January 2015

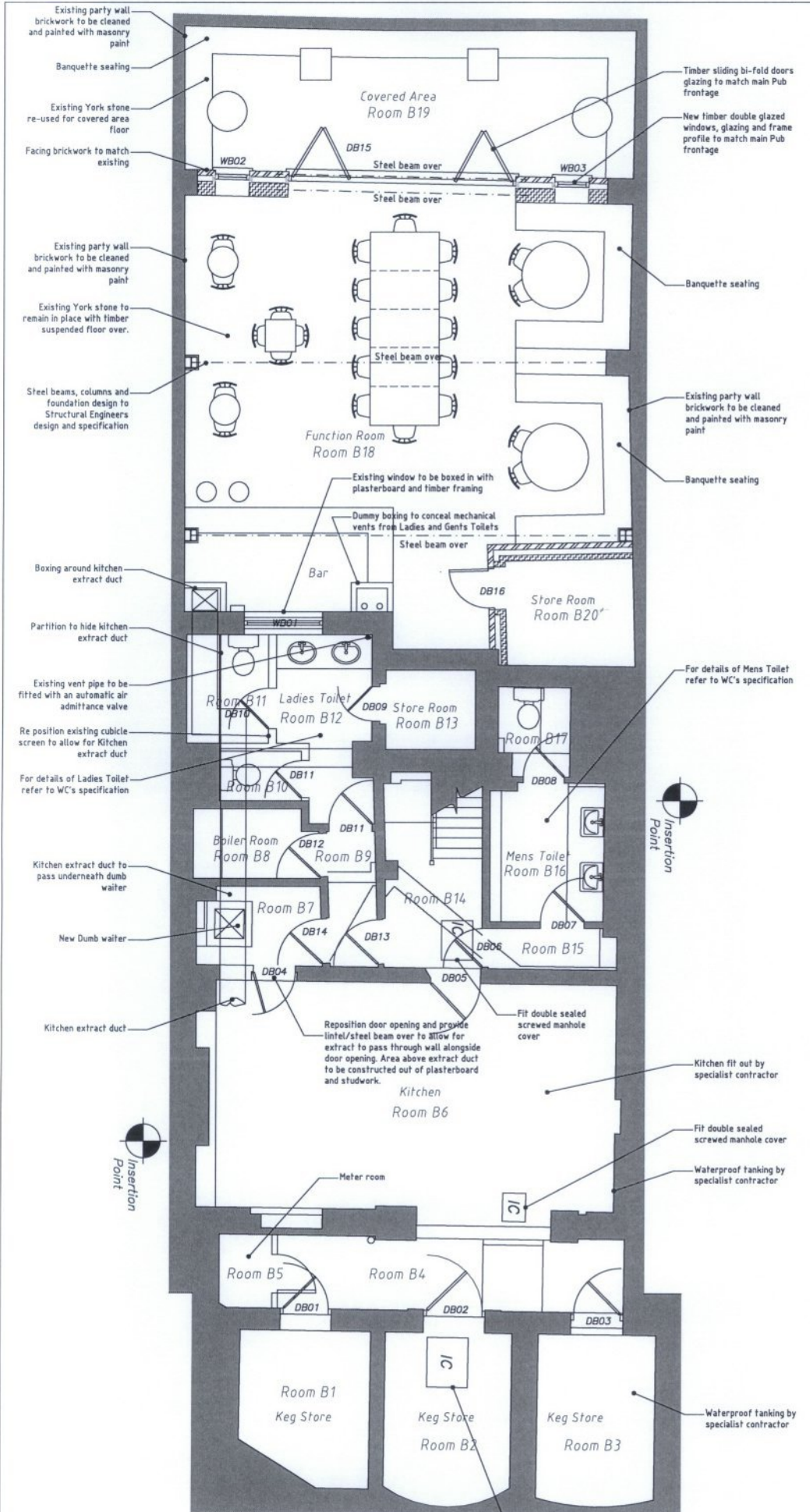
Drawn
Stuart Loxton



Drawg. No.
15/356/02

Rev.
A





- NOTES**
1. All dimensions are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the Architect before construction.
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 5. All works on site, managed and implemented as a result of the designs indicated on this drawing are to be given full consideration for compliance with the Health and Safety CDM Regulations in respect of Design and Implementation on site and no works are to be undertaken if it is considered that compliance with the CDM Regulations cannot be achieved.
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NOTE:
All new electrical works to be carried out by a Part P registered competent person.

Provide at least one low energy light fitting with a luminous efficacy greater than 40 lumens/circuit watt.

All new radiators to be fitted with Thermostatic Valves.

FOUL WATER DRAINAGE
All waste pipes to be formed in PVC with rodding eyes at all changes of direction and be fitted with 75mm deep seal anti-vac traps to CP 304 and BS 5572. WC pans to be fitted with Multi quick outlets. Waste pipe sizes (diameter)
WC = 100mm
Basin = 40mm
Sink = 40mm
If waste pipes exceed 3m in length a separate 25mm branch ventilating pipe should be provided and connected to the SVP above spillover level of appliance.
SVP's to be formed in 100mm diameter PVC pipework, to terminate with a roof tile vent minimum 900mm above window openings.
Stub stack, to terminate above spillover level of highest connection.



Rev.	Date	Revision
H	27/08/2015	Covered Area seating and paving note revised
G	20/08/2015	Room title to room B19 revised to Covered Area
F	28/05/2015	Boiler and A/C note added.
E	20/05/2015	Toilet mech vent note added.
D	15/05/2015	Specification notes added, kitchen extract duct revised
C	05/05/2015	Specification notes added
B	30/03/2015	Rear screen wall revised
A	04/03/2015	Revised to suit measured survey and drawing number revised

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Project Title
**32 Harcourt Street
London
W1H 4HX**

Drawing Title
Proposed Basement Plan

Status	PLANNING ISSUE
Scale	1:50 @ A2
Date	January 2015
Drawn	



Drawg. No.	15/356/05	Rev.	H
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Agenda Item 10

Item No.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved Marylebone High Street	
Subject of Report	5 Bingham Place, London, W1U 5AT		
Proposal	Demolition of the existing dwelling behind the retained front facade. Excavation beneath site and erection of replacement dwelling (Class C3) over two basement storeys, ground, first and new mansard second storey. Use of Part of 21 Nottingham Place to form part of replacement dwelling (Class C3).		
Agent	Montagu Evans LLP		
On behalf of	Latitude Investments Limited		
Registered Number	15/02805/FULL	TP / PP No	TP/23545
Date of Application	30.03.2015	Date amended/ completed	09.04.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
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 Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional planning permission.





5 BINGHAM PLACE, W1

2. SUMMARY

The application site comprises 5 Bingham Place, an unlisted mews building situated within the Harley Street Conservation Area and in use as a single family dwelling (Class C3). Permission is sought for extensive works, including a mansard roof extension and the excavation of a new double basement to form a larger single family dwelling.

The key issues for consideration are:

- The impact of the proposals upon the amenities of neighbouring residents.
- The impact of the works, in design terms, on the application property and the character and appearance of the wider conservation area.

Permission was previously refused in 2001 for a scheme which involved a mansard roof extension and larger rear extension. However, since this refusal permission has been granted for mansard roof extensions at several other properties along Bingham Place. Given these circumstances, it is now considered that the proposed mansard roof extension, which takes a traditional design, is considered to be acceptable.

The proposals are considered acceptable in 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

MARYLEBONE ASSOCIATION

Request conditions to reduce that noise and disturbance from the basement construction work including an exemplary Construction Management Plan.

BUILDING CONTROL

No objection.

HIGHWAYS PLANNING MANAGER

No objection subject to condition requiring cycle and waste storage.

THAMES WATER

Request that the applicant incorporates a non-return valve or other suitable device to avoid backflow problems during storm conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 80; Total No. of Replies: 14

13 letters of objection and 1 neutral letter received on the following grounds:

Basement and construction issues

- Impact on the stability of neighbouring properties.
- Impact on the water table and local drainage.
- Harm to amenity of residents as a result of construction noise, fumes, dust and scaffolding from works and vehicles associated with the development.
- Inconvenience caused to residents and businesses from construction works and associated disruption.
- The development would set an unacceptable precedent for basements.
- Bingham Mews is too narrow for the large vehicles associated with the construction works
- The impact of construction traffic on the local traffic network

Design

- Design fails to respect character of the Harley Street Conservation Area.

- Harmful effect on the architectural and historic interest of the mews
- Contributes to the wider impact on the character of Marylebone caused by a number of recent large developments.
- Substantial loss of original fabric is unacceptable.

Highways

- Loss of residential parking spaces during construction works.
- Increase in traffic congestion on local road networks as a result of construction works.

Amenity

- Roof terrace will encourage outdoor activities and associated noise.
- Overlooking from Bingham Place to Albert Mansions.
- Loss of daylight and sunlight to surrounding residential properties and hotel on Nottingham Place.

Other

- The proposal will provide luxury accommodation not homes for local residents.

4. BACKGROUND INFORMATION

4.1 The Application Site

No.5 Bingham Place is a two storey unlisted mews building currently in use as a single family dwelling (Class C3) and located within the Harley Street Conservation Area. Part of the property oversails office premises (Class B1) at lower ground floor level which are part of 21 Nottingham Place, located immediately to the rear of the application property.

4.2 Relevant History

On 7 August 2001 an application (RN:01/03999/FULL) for the erection of a mansard roof and two storey rear extension was refused due to the impact that the proposals would have on the appearance of the conservation area and the sense of enclosure and impact on amenity of neighbouring residents at 21 Nottingham Place.

On 11 July 2002 an application (RN:02/03705/FULL) for the use of the rear ground floor flat roof as terrace and erection of associated screens was refused for design and amenity reasons. At present, this area of roof appears to be unlawfully in use as a terrace.

5. THE PROPOSAL

Permission is sought for the demolition of the existing dwelling behind a retained front façade and the rebuilding of a replacement dwelling. Subterranean excavation is proposed to create a second basement level. The existing lower ground floor level, which is currently in use as office premises forming part of, and accessed from, 21 Nottingham Place will be amalgamated into the new replacement dwelling. The new dwelling will have three upper stories including a mansard storey. The rebuilt rear elevations will largely follow the existing form of the building with a slight extension at rear first floor level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal increases the amount of residential floorspace in accordance with UDP Policy H3 and City Plan Policy S14.

It is proposed to amalgamate the office floorspace at lower ground floor of 21 Nottingham Place into the new single family dwelling at 5 Bingham Place. There are no current or emerging policies which protect offices outside of the core Central Activities Zone. The loss of office floorspace is considered to be acceptable.

6.2 Townscape and Design

5 Bingham Place is an attractive mews building within the Harley Street Conservation Area. The mews as a whole has a mixed Victorian character and many of the buildings have undergone alterations, with the majority of the eastern side of the street having already had mansard roof extensions. The Harley Street Conservation Area Audit does not identify No. 5 as a building which contributes to the character of the conservation area. However, this is considered to be an error as the building makes a positive contribution to this mews and the character of the wider area. The audit also identifies no. 5 as a building which is unsuitable for roof extension. The primary policies of relevance in relation to the design conservation are DES1, DES 5, DES6 and DES9 of the Westminster Unitary Development Plan.

The proposed demolition of the building behind retained façade is considered acceptable in principle, as it is the front façade which makes the greatest contribution to the character and significance of this part of the conservation area. The rear elevations on this mews have a mixed character, with many buildings having undergone significant alterations and extensions. No 5 has been extended and does not retain its original detail and character to the rear. The rebuilt rear elevations will largely follow the existing form of the building with slight extension and partial rebuilding of the closet wing to 21 Nottingham Place. Traditional materials are to be used at rear which will be in brick with all windows in timber and glazed brick in the lower courtyard. Subject to conditions to ensure appropriate details, this is considered acceptable.

The proposed new basement will have no visual impact and, as such, it is not considered this will affect the townscape or character and appearance of the conservation area. It is, however, recognised that this is a constrained mews site and the demolition/ excavation methodology will therefore be important. It is recommended a condition is imposed to ensure demolition and excavation will be undertaken sensitively and original historic fabric to the front façade of the building will not be damaged and will be retained.

The principle of a mansard roof extension on this site is contentious as the conservation area audit identifies No. 5 as unsuitable for roof extension. In 2001 permission was refused for a scheme which involved a mansard roof extension and larger rear extension. However, since this refusal permission has been granted for mansard roof extensions at several other properties along Bingham Place.

There are mansard roof extensions at the majority of properties on the east of Bingham Place; the exceptions being No's 2, 3, 12 and 15 Bingham Place. In addition, the building retains its attractive original pitched roof form and is already taller than No 4, whilst the adjoining building at No. 6 is already taller than No. 5, with a prominent party wall upstand which has a detrimental impact in street views. The proposed mansard will partially obscure views of this upstand.

In terms of its detailed design, the height of the proposed mansard to No. 5 has been kept to a minimum and chimney stacks will be retained to maintain the character of the roofscape. It will be a traditionally detailed natural slate mansard and the parapet will be in brick, with brick on edge coping to match the detail of the adjoining buildings on the street. On balance, the principle of a mansard on this site is therefore considered acceptable. In light of the above, proposals are considered to be acceptable in design and conservation terms and will accord with UDP Policies DES5, DES6 and DES9.

6.3 Residential Amenity

UDP Policy ENV 13 and S29 of the City Management Plan: Strategic Policies seeks to ensure that new developments do not result in a material loss of amenity to existing residents.

Overlooking

Located directly to the rear of the application property No. 21 Nottingham Place has residential windows from ground floor level and above. The proposal's new ground floor level window will look towards an obscure glazed ground floor bathroom window within 21 Nottingham Place, thus having no additional impact on privacy.

As existing there is a level of mutual overlooking between the application property and No. 21 Nottingham Place. It is not considered that the new east facing windows at first and second floor level will have any greater impact on the neighbouring occupiers' privacy than the existing windows allow. At first floor level a new bathroom window is proposed in very close proximity to the rear window of No. 21. In order to ensure overlooking is not possible a condition is proposed to require that the bathroom window is obscure glazed.

A previous application for the use of the rear ground floor roof area as a terrace was refused as it was considered that it would result in a loss of privacy to the neighbouring residential properties within 21 Nottingham Place. At present, this area of roof appears to be unlawfully in use as a terrace. It is considered that there has been no material change in circumstances that would allow the use of this area of roof as a terrace. In order to protect the amenity of residents at No. 21 it is proposed that conditions are imposed to prohibit the use of this area for sitting out, and requiring the submission of amended drawings which detail an appropriately designed barrier across the first floor sliding doors to prevent access to the flat roof.

Objections have been received from occupiers of Albert Mansions, which is located on the opposite side of Bingham Mews, on the grounds that the mansard roof extension will result in a loss of privacy and loss of daylight and sunlight.

The mansard roof will have three new dormer windows which will look towards Albert Mansions. However, it is considered that the existing character of Bingham Place is that of a narrow mews with mutual overlooking from properties on both sides. Albert Mansions is already overlooked by No. 5's windows at first floor level as well as windows on the upper floors of several other properties on the eastern side of Bingham Place. It is not considered that the addition of three new dormer windows will have a significant impact on the privacy levels of residents within Albert Mansions.

Daylight and Sunlight

With regard to the loss of light to properties within Albert and Nottingham Mansions, recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout for daylight and sunlight' 2011.

Vertical Sky Component (VSC) is the amount of light hitting the surface of a window. If this achieves 27% or more, the BRE guidance advises that the window will have the potential to provide good levels of daylight. The guidance also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. In respect of sunlight, the guidelines also suggest that any reductions of over 20% over the whole year are likely to be noticeable.

A Daylight Report has been submitted in support of the application. This assesses the impact of the development on windows within Albert Mansions. The report illustrates that windows at ground and first floors of Albert Mansions will not be affected by the proposals. There will be slight reductions to existing VSC levels however, the losses will be between 0% and 5.5%. The losses are therefore significantly below the BRE guidance of 20% which should be avoided as occupiers are likely to notice the change.

The Daylight Report considers the impact on 21 Nottingham Place located to the rear of the application property. The windows on the upper floors will suffer no loss of daylight, however two windows at ground floor level have VSC reductions of 33% and 46%. The window that loses 46% supplies a bathroom and is not afforded the level of protection that a habitable window would receive. With regard to the window which would experience a 33% loss of VSC, the actual reduction (from 7.83% to 5.86 %) is only 1.97%, but the overall percentage loss is relatively high due to the fact that the existing level of light is relatively low and any loss is therefore proportionately higher when expressed as a percentage of the original value. In these circumstances, it is not considered that the impact will be significant.

In terms of sunlight the BRE guidance states that sunlight need only be tested where the development lies within 90 degrees to the south of the window in question. In this case the residential flats at Albert Mansions are situated to the west of the application premises and the residential windows to the rear of Nottingham Place are located to the east. A sunlight test is not therefore required.

Noise from construction

Objections have been received on the grounds that the proposed works will be noisy and disruptive, that construction vehicles in the mews will make it difficult for existing residents to park, and that construction vehicles will potentially cause congestion to the local road network. Objections on the grounds of noise and disruption during construction do not in themselves form a sustainable reason for refusal. The City Council's standard building works and excavation condition is recommended to control the hours of building works.

The applicant has submitted a Construction Management Plan (CMP) which addresses how the proposed works will commence. However, given the proximity to neighbouring residents, the level of objection from neighbours, and the potential for disruption it is recommended that a condition is imposed requiring a more detailed CMP to be submitted which specifically sets how it is intended to ameliorate the impact of works on neighbouring residents.

A plant area is indicated within a basement level store to provide domestic scale mechanical ventilation heat recovery. The plant is located internally and will recover heat by extracting air from two WCs and the kitchen. If any additional air conditioning plant were to be proposed in the future it would require a new planning application. Notwithstanding this, the Council's standard noise conditions are proposed in order to protect against any noise outbreak.

6.4 Transportation/Parking

As the proposal does not involve an increase in residential units there is no requirement for any additional car parking provision. However, the redevelopment does provide an opportunity for the provision of cycle and waste storage. Conditions requiring the necessary details will be imposed.

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 these applications 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 unaffected.

6.12 Other Issues

Objections 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 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.

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.

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

BACKGROUND PAPERS

1. Application forms
2. Letter from Marylebone Association dated 07 May 2015
3. Memorandum from Highways Planning Manager dated 28 April 2015
4. Letter from owner/occupier of 8 Albert Mansions, Luxborough Street dated 25 April 2015
5. Letters from owner/occupier of 1A Nottingham Mansions, Nottingham Street dated 26 April 2015 and 6 May 2015
6. Letter from owner/occupier of 7 Albert Mansions, Luxborough Street dated 01 May 2015
7. Letter from owner/occupier of 9 Nottingham Mansions, Nottingham Street dated 5 May 2015
8. Letter from owner/occupier of 8 Nottingham Mansions, Nottingham Street dated 06 May 2015
9. Letter from owner/occupier of 21 Bingham Place dated 06 May 2015
10. Letter from managing agent (Quadrant Properties Ltd) of Albert Mansions, Luxborough Street dated 06 May 2015
11. Letter from owner/occupier of 6 Albert Mansions, Luxborough Street dated 06 May 2015
12. Letter from management agents of Nottingham Mansions dated 07 May 2015
13. Letter from owner/occupier of 11 Albert Mansions, Luxborough Street dated 09 May 2015
14. Letter from owner/occupier of 11 Albert Mansions, Luxborough Street dated 09 May 2015
15. Letter from owner/occupier of 10 Albert Mansions, Luxborough Street dated 09 May 2015
16. Letter from owner/occupier of 4 Bingham Place dated 28 July 2015
17. Letter from owner/occupier of 1A Nottingham Mansions, Nottingham Street
18. Email from District Surveyor's Service dated 25 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY E-MAIL – mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address: 5 Bingham Place, London, W1U 5AT

Proposal: Demolition of the existing dwelling behind the retained front facade. Excavation beneath site and erection of replacement dwelling (Class C3) over two basement storeys, ground, first and new mansard second storey. Use of Part of 21 Nottingham Place to form part of replacement dwelling (Class C3).

Plan Nos: AL [00] 001/01; 110/01; 111/01; 112/01; 113/01; 114/02; 115/01; 210/04; 310/04; 311/03; 312/04; 313/04; 314/02; 100/01; 101/01; 102/01; 200/01; 300/01; 301/01; 302/01; 303/01; 304/01; Construction Management Plan Ref MCM/FJK/A17238; Daylight and Sunlight Report Ref P144

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 and details 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 Harley Street 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.

- 5 You must apply to us for approval of details of secure cycle storage for the residential 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. 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.

- 6 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the dwellinghouse. (C14EC)

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)

- 7 You must apply to us for approval of detailed drawings at 1:10 or 1:20 of the following parts of the development - all new windows and doors. 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 Harley Street 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)

- 8 The tiles that you use on the new mansard roof must be natural Welsh slate tiles.

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 Harley Street 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 Harley Street 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 The glass that you put in the first floor bathroom window in the northern elevation of the of the new dwellinghouse must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 You must not use the ground floor roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

The installation of an appropriately detailed metal railing to prevent access from the ground level kitchen to the adjacent flat roof.

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 protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 13 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

- 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 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.

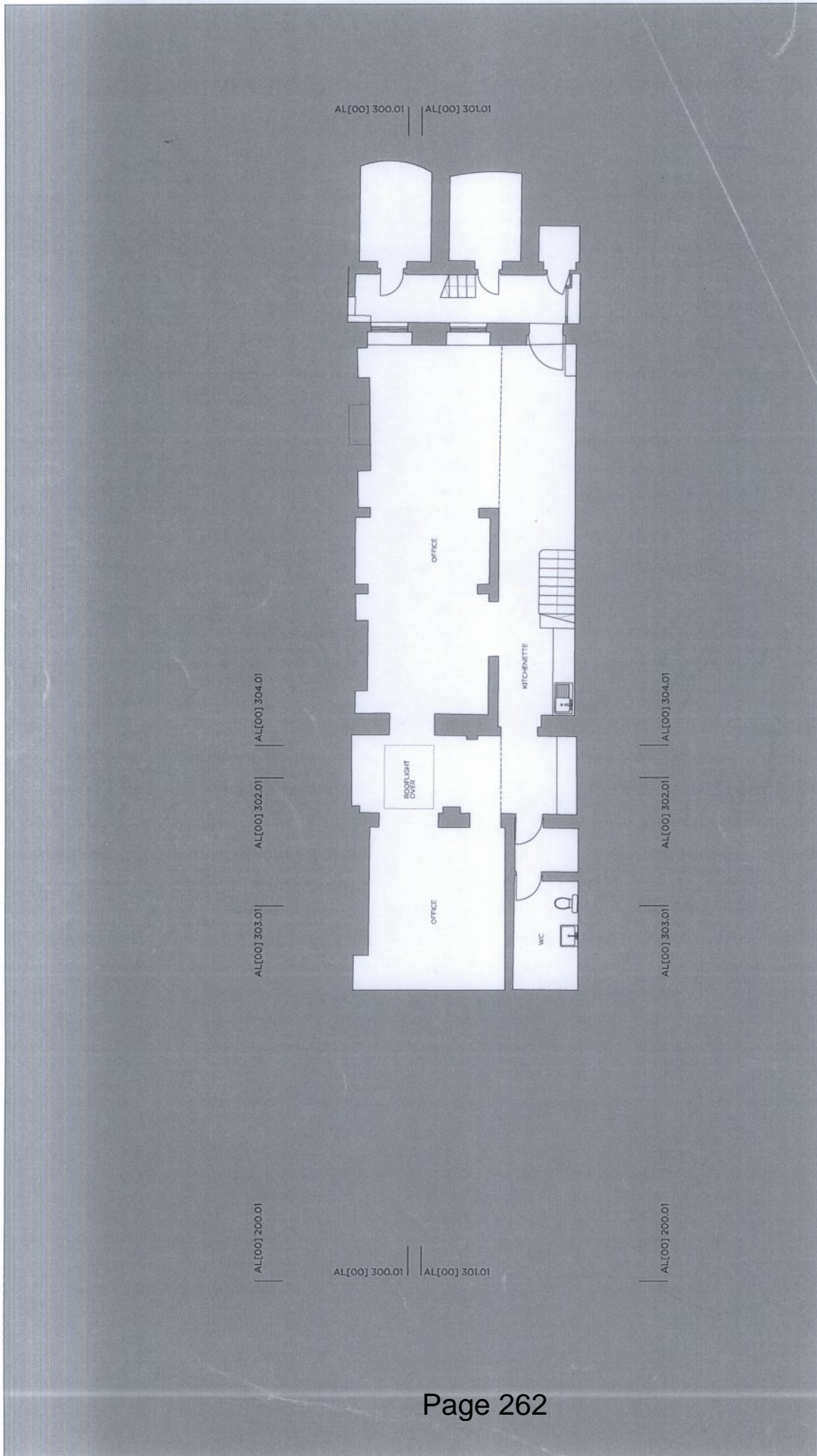
Reason:

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.

Informative(s):

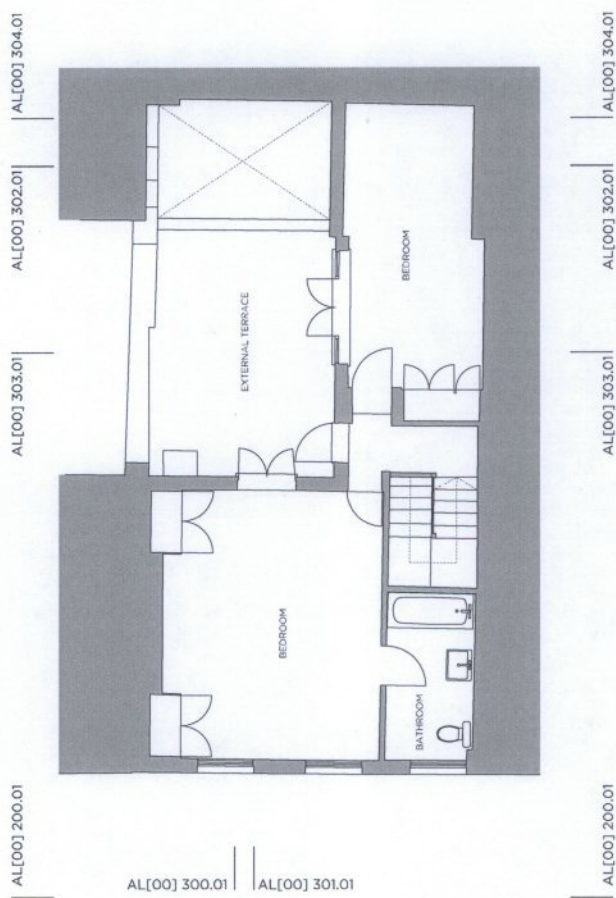
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic 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 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge. If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 3 This permission is based on the structural report by Price & Myers submitted with the application. For the avoidance of doubt these reports have 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.



01 EXISTING FIRST BASEMENT PLAN

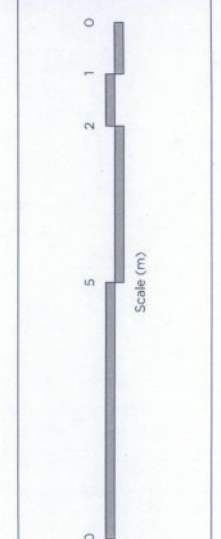
<p>REVISIONS</p> <p>NO. DATE</p> <p>BY</p>	<p>SCALE</p> <p>Scale (m)</p>	<p>TEAM</p> <p>CLIENT: LAYTON INVESTMENTS LTD</p> <p>PLANNING CONSULTANT: GIBSON THORNTON</p> <p>STRUCTURAL ENGINEER: M&E CONSULTANTS</p> <p>MECHANICAL ENGINEER: M&E CONSULTANTS</p> <p>ELECTRICAL ENGINEER: M&E CONSULTANTS</p> <p>PROJECT MANAGER: M&E CONSULTANTS</p> <p>DATE: 10/10/2017</p>	<p>GENERAL NOTES</p> <p>1. Do not scale from this drawing.</p> <p>2. All dimensions are in millimetres unless otherwise stated.</p> <p>3. All dimensions are to the centre line of a wall.</p> <p>4. All dimensions are to the finished floor level unless otherwise stated.</p> <p>5. All dimensions are to the finished floor level unless otherwise stated.</p> <p>6. All dimensions are to the finished floor level unless otherwise stated.</p> <p>7. All dimensions are to the finished floor level unless otherwise stated.</p> <p>8. All dimensions are to the finished floor level unless otherwise stated.</p> <p>9. All dimensions are to the finished floor level unless otherwise stated.</p> <p>10. All dimensions are to the finished floor level unless otherwise stated.</p>	<p>LOCATION</p> <p>BINGHAM PLACE</p> <p>EXISTING FIRST BASEMENT PLAN</p> <p>DATE: 10/10/2017</p> <p>BY: M&E CONSULTANTS</p> <p>PROJECT: 13017</p> <p>ZONE: AL</p> <p>CLASSIFICATION: 100</p> <p>REVISION: 01</p>	<p>GIBSON THORNTON</p> <p>Gibson Thornton Architects Limited</p> <p>Unit 7, The Energy Centre</p> <p>100 Broad Street</p> <p>Birmingham B1 2JE</p> <p>0121 634 4000</p> <p>www.gibsonthornton.co.uk</p>
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01 EXISTING FIRST FLOOR PLAN

REVISIONS/NOTES	REVISION DATE	BY	DATE

TEAM	CLIENT
PLANNING CONSULTANT	LATITUDE ARCHITECTS LIMITED
ARCHITECTURAL CONSULTANT	ARCHITECTURAL CONSULTANT
STRUCTURAL ENGINEER	STRUCTURAL ENGINEER
MECHANICAL ENGINEER	MECHANICAL ENGINEER
ELECTRICAL ENGINEER	ELECTRICAL ENGINEER
PLUMBING ENGINEER	PLUMBING ENGINEER
HEATING ENGINEER	HEATING ENGINEER
LANDSCAPE ARCHITECT	LANDSCAPE ARCHITECT
INTERIOR DESIGNER	INTERIOR DESIGNER
PROJECT MANAGER	PROJECT MANAGER
CONTRACT MANAGER	CONTRACT MANAGER



GENERAL NOTES

1. Do not scale from this drawing.
2. All dimensions are to be taken from the face of the work unless otherwise stated.
3. All dimensions are to be taken from the face of the work unless otherwise stated.
4. This drawing is for information only and does not constitute a contract.
5. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.
6. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.
7. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.
8. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.
9. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.
10. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.

GIBSON THORNLEY
 Gibson Thornley Architects Limited
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 London EC4A 3DF
 Tel: +44 (0)20 7799 7064
 Fax: +44 (0)20 7799 7065
 Email: info@gibsonthornley.com

BINGHAM PLACE
 EXISTING FIRST FLOOR PLAN

DATE: 15/08/2017
SCALE: 1:50 @ A1
PROJECT NO.: BG 1500@A1
CLIENT: MJT
LOCATION: BINGHAM PLACE, BINGHAM, LEICESTERSHIRE, LE15 1JG

13/01/17 - **AL** [00] **102** **01**

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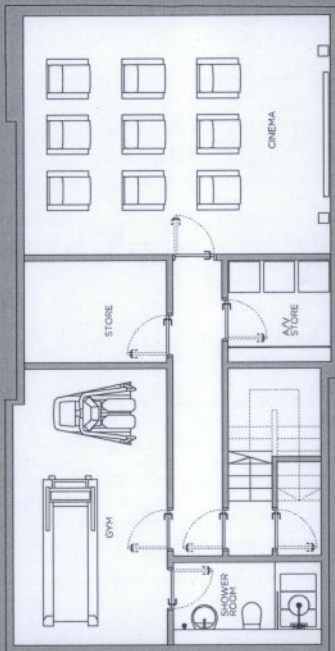
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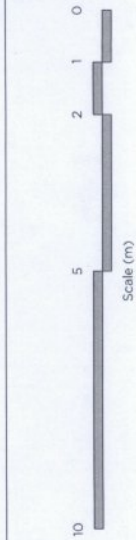
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01 PROPOSED SECOND BASEMENT PLAN

DATE: 23.08.16

SCALE: 1:50



PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT NAME: BINGHAM PLACE

PROJECT NUMBER: 1500@AT
1100@A3

DATE: 11.08.16

PROJECT PHASE: PLANNING

PROJECT NUMBER: 1500@AT
1100@A3

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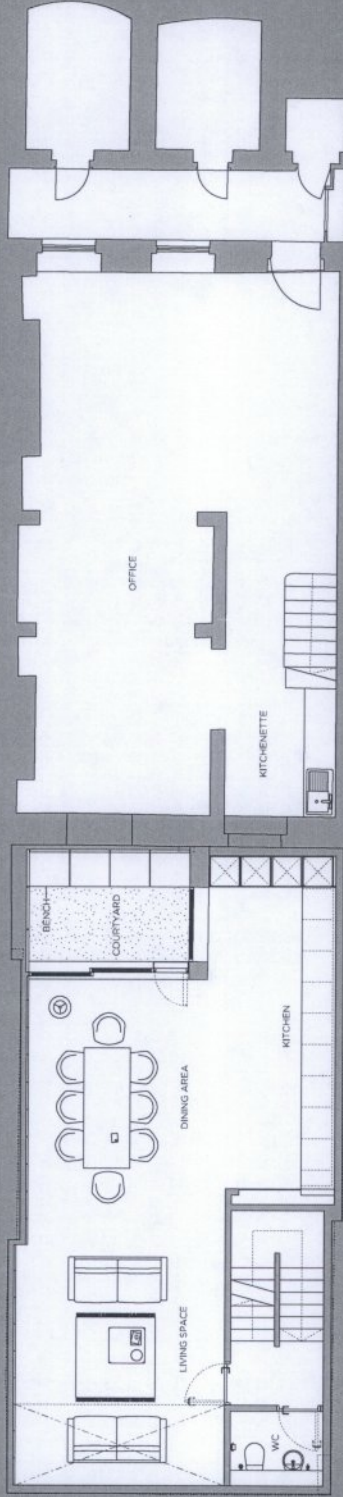
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AL[000] 210.01

AL[000] 310.01 | AL[000] 311.01

AL[000] 315.01 | AL[000] 312.01 | AL[000] 314.01

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01 PROPOSED FIRST BASEMENT PLAN

REVISION DATE NOTE

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GIBSON THORNLEY

Gibson Thornley Architects Limited
 Unit 7, The Energy Centre
 100, Victoria Road
 London SE18 2JH
 +44 (0)20 7799 7004

BINGHAM PLACE
 PROPOSED FIRST BASEMENT PLAN

DATE: 15/08/21
 DRAWN BY: MJT
 CHECKED BY: AL [000]

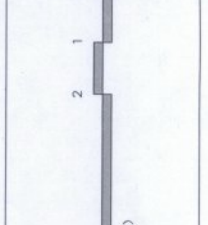
PROJECT: 13017
 ZONE: -
 TYPE: AL [000]
 CLASSIFICATION: PLANNING
 DRAWING NO: 111
 SHEET NO: 01

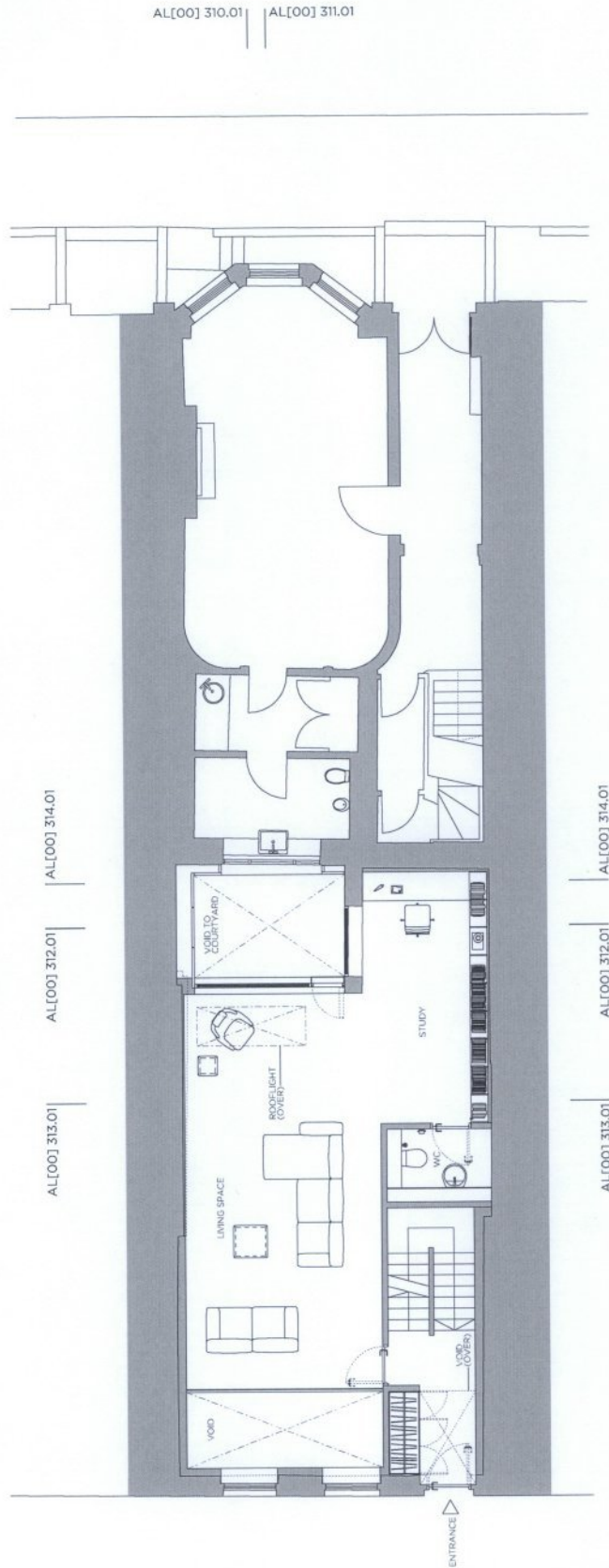
LOCATION

GENERAL NOTES
 1. Do not scale from this drawing.
 2. All dimensions are in millimetres unless otherwise stated.
 3. Report all dimensions with units.
 4. This document is the property of Gibson Thornley Architects Limited. It is to be used only for the project and site specified. It is not to be used for any other project or site without the written consent of Gibson Thornley Architects Limited. It is not to be used for any other purpose without the written consent of Gibson Thornley Architects Limited. It is not to be used for any other purpose without the written consent of Gibson Thornley Architects Limited.

SCALE

CLIENT: LATTERS INVESTMENTS LIMITED
 PLANNING CONSULTANT: GIBSON THORNLEY ARCHITECTS LIMITED
 STRUCTURAL ENGINEER: MILES & PIERCE
 MECHANICAL ENGINEER: MILES & PIERCE
 ELECTRICAL ENGINEER: MILES & PIERCE
 PROJECT MANAGER: MILES & PIERCE
 SURVEYOR CONSULTANT: POINT SURVEYORS





GIBSON THORNLEY
 Gibson Thornley Architects Limited
 15008A1
 15008A3
 13017

BINGHAM PLACE
 PROPOSED GROUND FLOOR PLAN

DATE: 12/12/2024
 DRAWN BY: MJT
 CHECKED BY: BG
 PROJECT NO: 15008A1
 CLIENT: AL [00] 112
 DRAWING NO: 01

GENERAL NOTES

1. All work shall be done in accordance with the Building Regulations and all work shall be done in accordance with the Building Regulations.
2. All work shall be done in accordance with the Building Regulations.
3. All work shall be done in accordance with the Building Regulations.
4. All work shall be done in accordance with the Building Regulations.

SCALE

1:10

0 1 2 3 4 5 10

Scale (m)

GENERAL NOTES

1. All work shall be done in accordance with the Building Regulations and all work shall be done in accordance with the Building Regulations.

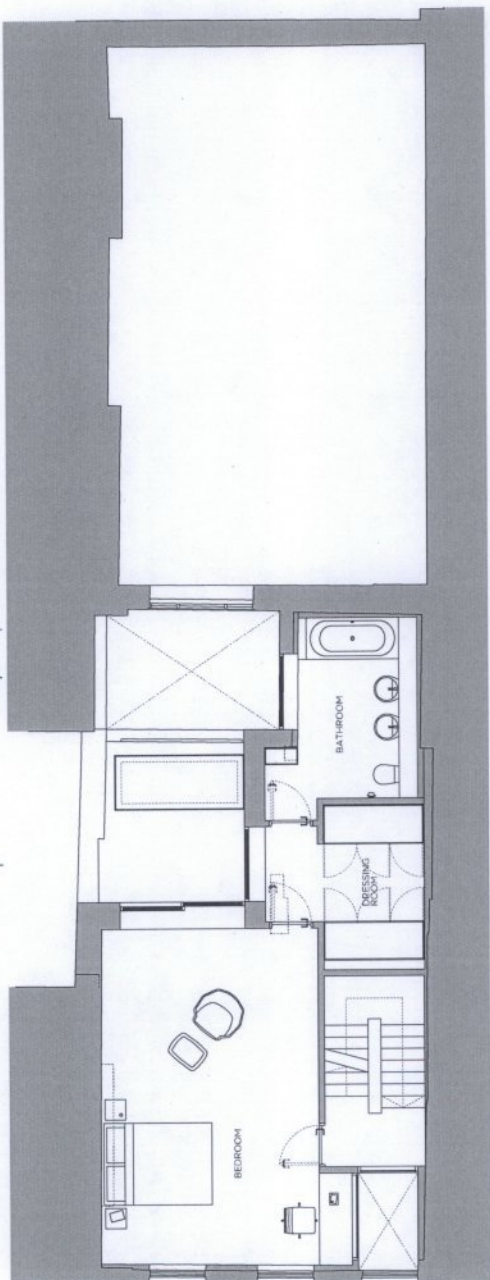
2. All work shall be done in accordance with the Building Regulations.

3. All work shall be done in accordance with the Building Regulations.

4. All work shall be done in accordance with the Building Regulations.

01 PROPOSED GROUND FLOOR PLAN

DATE: 12/12/2024
 DRAWN BY: MJT
 CHECKED BY: BG
 PROJECT NO: 15008A1
 CLIENT: AL [00] 112
 DRAWING NO: 01



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AL[00] 313.01 | AL[00] 314.01

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AL[00] 210.01 | AL[00] 270.01

01 PROPOSED FIRST FLOOR PLAN

<p>GIBSON THORNLEY Gibson Thornley Architects Limited 150 Old Street, London EC1A 1DU Tel: +44 (0)20 7729 7000 Email: info@gibsonthornley.com www.gibsonthornley.com</p> <p>BINGHAM PLACE PROPOSED FIRST FLOOR PLAN</p> <p>DATE: 15/08/23 DRAWN BY: MJT CHECKED BY: BG SCALE: 1:100@A1 PROJECT NO: 13017</p>	<p>GENERAL NOTES</p> <p>1. Do not scale from this drawing.</p> <p>2. All dimensions are to the face of the work unless otherwise stated.</p> <p>3. All work to be in accordance with the Building Regulations.</p> <p>4. The architect is not responsible for the structural design of the building.</p> <p>5. The architect is not responsible for the design of the building's external appearance.</p> <p>6. The architect is not responsible for the design of the building's internal appearance.</p> <p>7. The architect is not responsible for the design of the building's external appearance.</p> <p>8. The architect is not responsible for the design of the building's internal appearance.</p>	<p>TEAM</p> <p>ARCHITECT: GIBSON THORNLEY</p> <p>PLANNING CONSULTANT: GIBSON THORNLEY</p> <p>STRUCTURAL ENGINEER: GIBSON THORNLEY</p> <p>MECHANICAL ENGINEER: GIBSON THORNLEY</p> <p>ELECTRICAL ENGINEER: GIBSON THORNLEY</p> <p>PROJECT MANAGER: GIBSON THORNLEY</p> <p>DATE: 15/08/23</p>	<p>SCALE (m)</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION			
NO.	DATE	DESCRIPTION								

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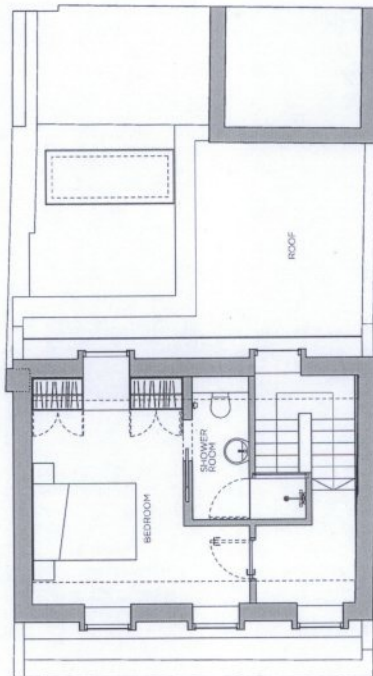
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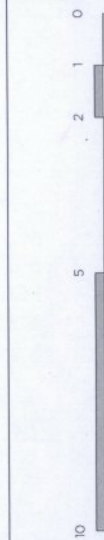
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01 PROPOSED SECOND FLOOR PLAN

DATE: 15/03/2011
 DRAWN BY: M.J.T.
 CHECKED BY: M.J.T.

SCALE: 1:50 @ A1
 1:100 @ A3



DATE: 15/03/2011
 DRAWN BY: M.J.T.
 CHECKED BY: M.J.T.

GENERAL NOTES:
 1. Do not scale from this drawing.
 2. All dimensions are in millimeters unless otherwise stated.
 3. All dimensions are to the center of the wall unless otherwise stated.
 4. All dimensions are to the center of the window unless otherwise stated.
 5. All dimensions are to the center of the door unless otherwise stated.
 6. All dimensions are to the center of the staircase unless otherwise stated.
 7. All dimensions are to the center of the roof unless otherwise stated.
 8. All dimensions are to the center of the floor unless otherwise stated.
 9. All dimensions are to the center of the ceiling unless otherwise stated.
 10. All dimensions are to the center of the wall unless otherwise stated.

GIBSON THORNLEY
 Gibson Thornley Architects Limited
 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000



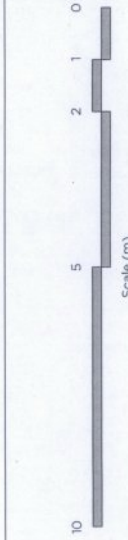
01 EXISTING FRONT ELEVATION

GENERAL NOTES

REVISION DATE NOTE

TEAM
 PLANNING CONSULTANT
 ARCHITECTURAL ENGINEER
 STRUCTURAL ENGINEER
 MECHANICAL ENGINEER
 ELECTRICAL ENGINEER
 CIVIL ENGINEER
 ENVIRONMENTAL ENGINEER
 LANDSCAPE ARCHITECT
 PROJECT MANAGER
 SURVEY CONSULTANT
 PHOTO SURVEY

GENERAL NOTES
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 2. All dimensions are in millimetres unless otherwise stated.
 3. All dimensions are to the face of the work unless otherwise stated.
 4. The architect shall be responsible for the accuracy of the information provided in this drawing.
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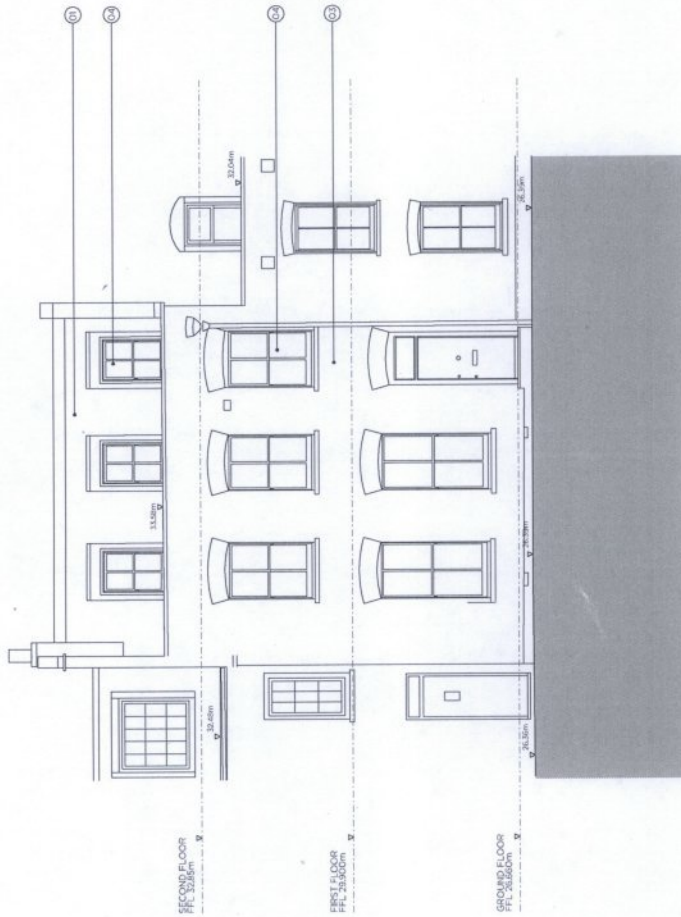
GIBSON THORNLEY
 Gibson Thornley Architects Limited
 15000 Bingham Place
 London N1 6EA
 +44 (0)20 729 7064
 www.gibsonthornley.com

BINGHAM PLACE
 EXISTING FRONT ELEVATION
 DRAWN BY: M.J.T.
 CHECKED BY: BG
 DATE: 15/08/21
 SCALE: 1:100@A3

PROJECT: BINGHAM PLACE
 ZONE: AL [00]
 DATE: 200 01

Key

- 01. Slate mansard roof covering
- 02. Double glazed dormer timber window
- 03. Existing brickwork
- 04. New timber double glazed sash window
- 05. Timber window
- 06. Ventilation panel
- 07. Timber frame glazed sliding door
- 08. Brickwork to match the existing
- 09. Glazed balcony
- 10. Roof light
- 11. Built-in bench with integrated supply/extract air to lower ground floor
- 12. Brickwork

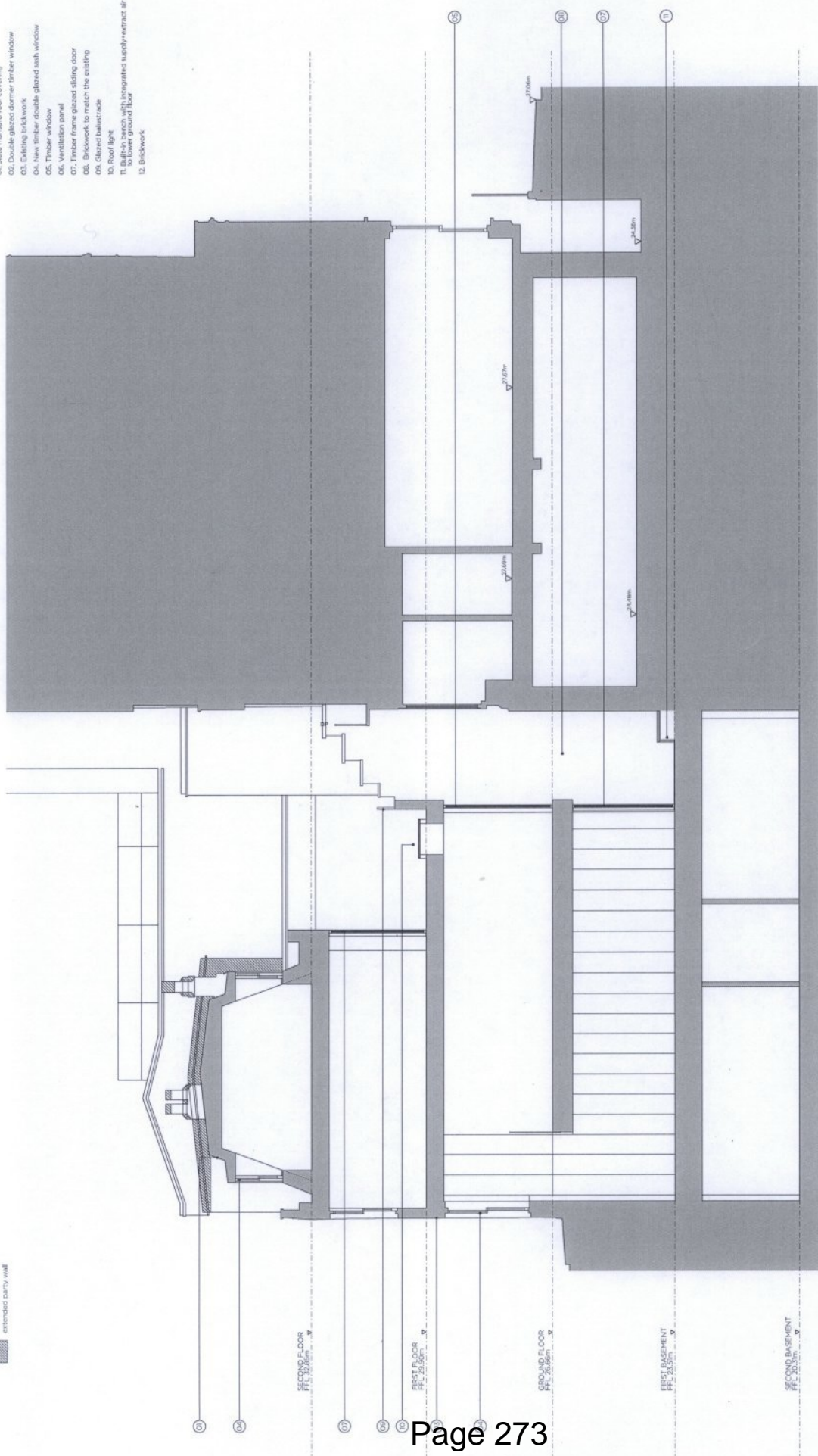
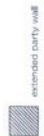


01 PROPOSED FRONT ELEVATION

<p>GIBSON THORNLEY Gibson Thornley Architects Limited Unit 7 The Energy Centre 100, Victoria Road London N16 6JL +44 (0)20 7729 7204</p> <p>PROJECT: BINGHAM PLACE DATE: 15/08/21 DRAWN BY: JLM CHECKED BY: BG SCALE: AL 1:100</p>	<p>LOCATION: BINGHAM PLACE DATE: 15/08/21 DRAWN BY: JLM CHECKED BY: BG SCALE: AL 1:100</p>	<p>PROPOSED FRONT ELEVATION</p>	<p>DATE: 15/08/21 DRAWN BY: JLM CHECKED BY: BG SCALE: AL 1:100</p>	<p>SCALE: 1:100 10 5 0 1 2 3 4 5 6 7 8 9 10 Scale (m)</p>	<p>NOTE: 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.</p>
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- Key
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 - 02. Double glazed dormer timber window
 - 03. Existing brickwork
 - 04. New timber double glazed sash window
 - 05. Timber window
 - 06. Ventilation panel
 - 07. Timber frame glazed sliding door
 - 08. Brickwork to match the existing
 - 09. Glazed balustrade
 - 10. Roof light
 - 11. Built-in bench with integrated supply connect air to lower ground floor
 - 12. Brickwork

04.30m



01 PROPOSED SECTION

<p>DATE: 15/01/2024 DRAWN BY: JLM CHECKED BY: JLM PROJECT: BINGHAM PLACE</p>	<p>DATE: 15/01/2024 DRAWN BY: JLM CHECKED BY: JLM PROJECT: BINGHAM PLACE</p>	<p>DATE: 15/01/2024 DRAWN BY: JLM CHECKED BY: JLM PROJECT: BINGHAM PLACE</p>	<p>DATE: 15/01/2024 DRAWN BY: JLM CHECKED BY: JLM PROJECT: BINGHAM PLACE</p>	<p>DATE: 15/01/2024 DRAWN BY: JLM CHECKED BY: JLM PROJECT: BINGHAM PLACE</p>	<p>DATE: 15/01/2024 DRAWN BY: JLM CHECKED BY: JLM PROJECT: BINGHAM PLACE</p>
<p>GIBSON THORNLEY Gibson Thornley Architects Limited Unit 7 The Energy Centre 100-102 The Energy Centre London W14 8LJ www.gibsonthornley.com +44 (0)20 7726 7024</p>					
<p>BINGHAM PLACE PROPOSED SECTION DRAWN BY: JLM CHECKED BY: JLM PROJECT: BINGHAM PLACE</p>					
<p>CLASSIFICATION: AL [00] 310 04</p>					

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Agenda Item 11

Item No.
11

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved Bryanston And Dorset Square	
Subject of Report	9 Montagu Mews West, London, W1H 2EE		
Proposal	Alterarions including the erection of a 2nd floor roof extension, to provide access to an existing roof terrace.		
Agent	Higgs Young Architects		
On behalf of	Mr Neil Cooper		
Registered Number	15/04673/FULL	TP / PP No	TP/1190
Date of Application	30.04.2015	Date amended/ completed	27.05.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		
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 Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission





9 MONTAGU MEWS WEST, W1

2. SUMMARY

The site is a two storey mews house. Montagu Mews is a short residential mews situated to the west of Montagu Square within the Portman Estate Conservation Area. Permission was granted the use of the roof as a terrace in 2004. Access onto the roof terrace is via a small access hatch.

Permission is sought for the erection of a roof extension and new metal balustrade. The addition would provide more convenient access onto the roof terrace.

The key issues for consideration in this case are:

- The impact on residential amenity
- The impact on the appearance of the building and its setting in the Conservation Area.

The proposed extension is a relatively modest addition, which would not adversely impact on the amenity of surrounding residents. The extension would not readily visible from street level views and is considered acceptable in design terms. The application accords with adopted City Plan and Unitary Development Plan (UDP) policies and is recommended for approval.

3. CONSULTATIONS

MARYLEBONE ASSOCIATION :

Objection roof addition is too high and out of character with host property

ADJOINING OWNERS OCCUPIERS: No Consulted 70 Total No of responses 6

6 objections from 4 individual occupants raising some or all of the following issues:

Amenity

Loss of daylight/ sunlight/ privacy

Increased sense of enclosure

Loss of sight lines

Noise nuisance from use of the terrace

Design

The Portman Estate Conservation Area Audit indicates that the mews building is unsuitable for a roof extensions

The extension would not make a positive contribution to the character and appearance of the Portman Estate Conservation Area

Fails to preserve and enhance a listed building

Loss of original fabric

Excessive height and bulk

Inappropriate to context

Other Issues

Architects statement that neighbours support the proposal is incorrect

Marylebone Association have a conflict of interest

4. BACKGROUND INFORMATION

4.1 The Application Site

The application premises is a two storey mews building located on the western side of Montagu Mews West, a cul de sac accessed from George Street to the south. The building is

in use as a 2 x bedroom house, comprising living room, dining room, kitchen and garage at ground floor level with bedrooms, bathroom and study on the first floor. A small access hatch allows access onto a decked roof terrace. The roof is enclosed by a high balustrade. The mews and surrounding area are residential primarily residential.

The building is not listed but lies within the Portman Estate Conservation Area.

4.2 Relevant History

On 23 September 2004 permission was granted for retention of a staircase enclosure allowing access onto the roof level terrace (RN 14/01193/FULL).

5. THE PROPOSAL

Permission is sought for the erection of a pavilion roof structure. At present the roof terrace is accessed via a pull down ladder and the small access hatch. The proposed scheme would extend a staircase into the new glazed pavilion structure to provide improved access onto the roof. The application includes the provision of a new front and rear metal balustrade.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Not applicable

6.2 Townscape and Design

No. 9 forms part of a group of post-war mews buildings, from nos. 4 to 9 inclusive, which do not feature full roof storeys. However, they do have roof level terraces with small access structures. The Portman Estate Conservation Area Audit states that, because of the unextended nature of the group, the principle of a roof extension is unacceptable. However, since the Audit was published circumstances have changed slightly. Planning permission has been granted for a roof level extension (but not a full roof storey) at no.5 in 2009 and no.6 in 2014. These are modern in design, do not occupy the full width of the buildings and are set back so that they are not visible from street level.

The current proposal is to add a modern extension to provide access to the roof. It is set back from the front facade and does not extend the full width of the property. The extension will be barely visible from the street; the fascia will be visible above the existing parapet from the east side of the mews.

Objections have been received from the Marylebone Association and nearby residents that the extension is out of keeping with the building and would be harmful to the appearance of the building and its setting in the Portman Estate Conservation Area. One of these objections refers to harm to a listed building. The building is not listed and for the reasons set out above it is considered that the set-back extension would not harm the appearance of the building or the townscape.

Given the recent history of this side of the mews and the relatively small visual impact from street level the proposal is considered to comply with UDP Policies DES 1, DES 6 and DES 9.

6.3 Amenity

The proposed pavilion is set in from the front eastern elevation and the flank elevation with number 8 on the southern boundary.

Policy S29 of the City Plan seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or significant increase in sense of enclosure or overlooking.

Objections have been received from neighbouring residents on the grounds that the height and bulk of the extension would result in a material loss of daylight and sunlight, an increased sense of enclosure and that the proposal would result in a loss of privacy.

6.3.1 Daylight and Sunlight

Policy ENV13 seeks to ensure good daylighting levels for habitable rooms in existing premises. Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (second edition 2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

The properties tested include No's 8, 9, 10-12 Bryanston Squaresituated directly to the rear and 12 Montagu Mews West located to the front, all of which are residential properties.

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to all the affected properties. If the VSC achieves 27% or more, then the BRE guide advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable.

The assessment demonstrates that the impact to daylight levels to all the windows tested would be very minor. The greatest loss is only 2.6%. In all cases the losses in VSC levels are well below the 20% guideline which the BRE guidelines refer to as being noticeable.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

At 10-12 Bryanston Street (to the rear) one window would experience a loss of 33% winter sunlight. The windows are east facing and only receive early morning sunlight. The study shows that in the case of the single window in which there is a technical breach currently receives 3% of the annual probable winter sunlight hours and this would be reduced to 2%. Therefore although this is of 33% and a technical breach of the BRE guidelines this can be attributed to the existing low winter sunlight levels and the actual impact of the development is minimal.

6.3.2 Sense of enclosure

Given the distance between the application premises and neighbouring buildings it is considered that the increase in bulk and mass would not result in a significant increased sense of enclosure.

6.3.3 Privacy/Overlooking

The use of the roof as a terrace was permitted in 2004. A number of other properties on the western side of the Montagu Mews West have permitted roof terraces. The proposed extension will facilitate improved access to the existing terrace. It is considered that this will not result increased overlooking or loss of privacy.

6.4 Transportation/ Parking

Not applicable

6.5 Equalities and Diversities

Not applicable

6.6 Economic Considerations

Any economic benefits generated are welcomed.

6.7 Other UDP/Westminster Policy Considerations

Not applicable

6.8 London Plan

The proposal does not raise any 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 these applications are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

None required.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable

7. CONCLUSION

The proposal is considered acceptable subject to the recommended conditions and would accord with relevant design and amenity policies within the UDP and City Plan.

BACKGROUND PAPERS

1. Application forms
2. Email from Marylebone Association dated 30 June 2015
3. Email from Owner/Occupier Flat 18 Ellerton House 11 Bryanston Square dated 9 June 2015
4. Emails from Owner/ Occupier Flat 1 9 Bryanston Square dated 15 June (x 2) and 12 August 2015
5. Email from Owner /Occupier Flats 2 and 3 48 Montagu Square dated 23 June 2015
6. Email from Owner/Occupier Flat 4 50 Montagu Square dated 6 September 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY E-MAIL – mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address: 9 Montagu Mews West, London, W1H 2EE,

Proposal: Alterarions including the erection of a 2nd floor roof extension, to provide access to an existing roof terrace.

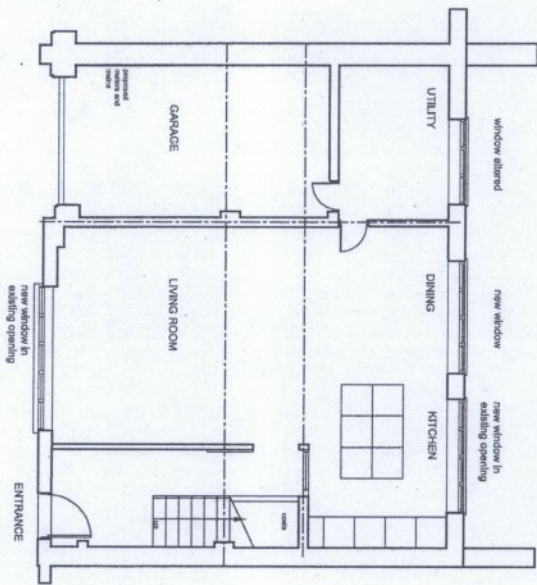
Plan Nos: 15009, 15008-11, 15008-12,15008-13, 15008-14, 15008-15, 15008-16, 15008-17.

Case Officer: Mike Walton

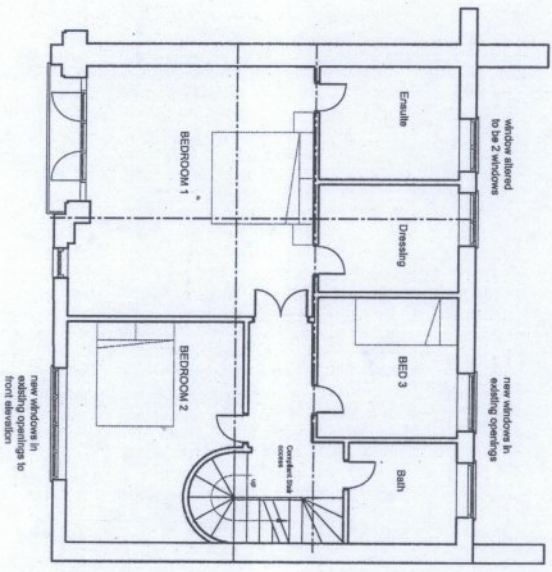
Direct Tel. No. 020 7641 2521

Unconditional or if an Advert Application only the standard advert conditions

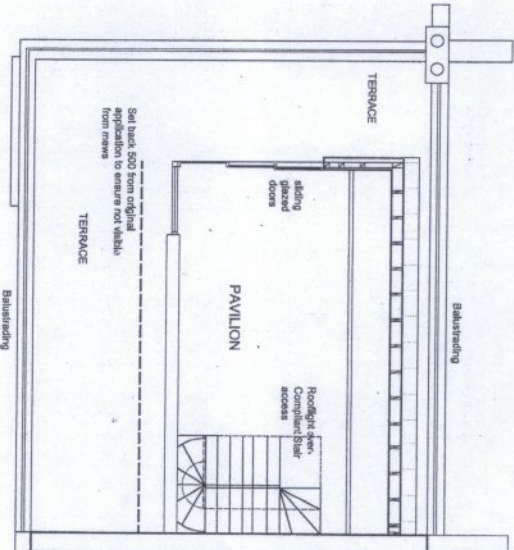
Informative(s):
DRAFT



Ground Floor Plan



First Floor Plan



Terrace Level Plan



1:100 meters

Revision A - Front building line set back

CLIENT	DATE	STATUS	SCALE	PROJECT	DRAWING NAME	DRAWING NUMBER
COOPER	30-04-15	Planning	1:100 @ A3	9 MONTAGU MEWS WEST	Proposed Floor Plans	15008 - P - 17A

HIGGS YOUNG ARCHITECTS
 HIGGS YOUNG ARCHITECTS LTD
 54 BOSTON PLACE
 LONDON NW1 6ER
 Tel: 0044 (0)20 7724 9395
 E-mail: info@higgseyoung.com



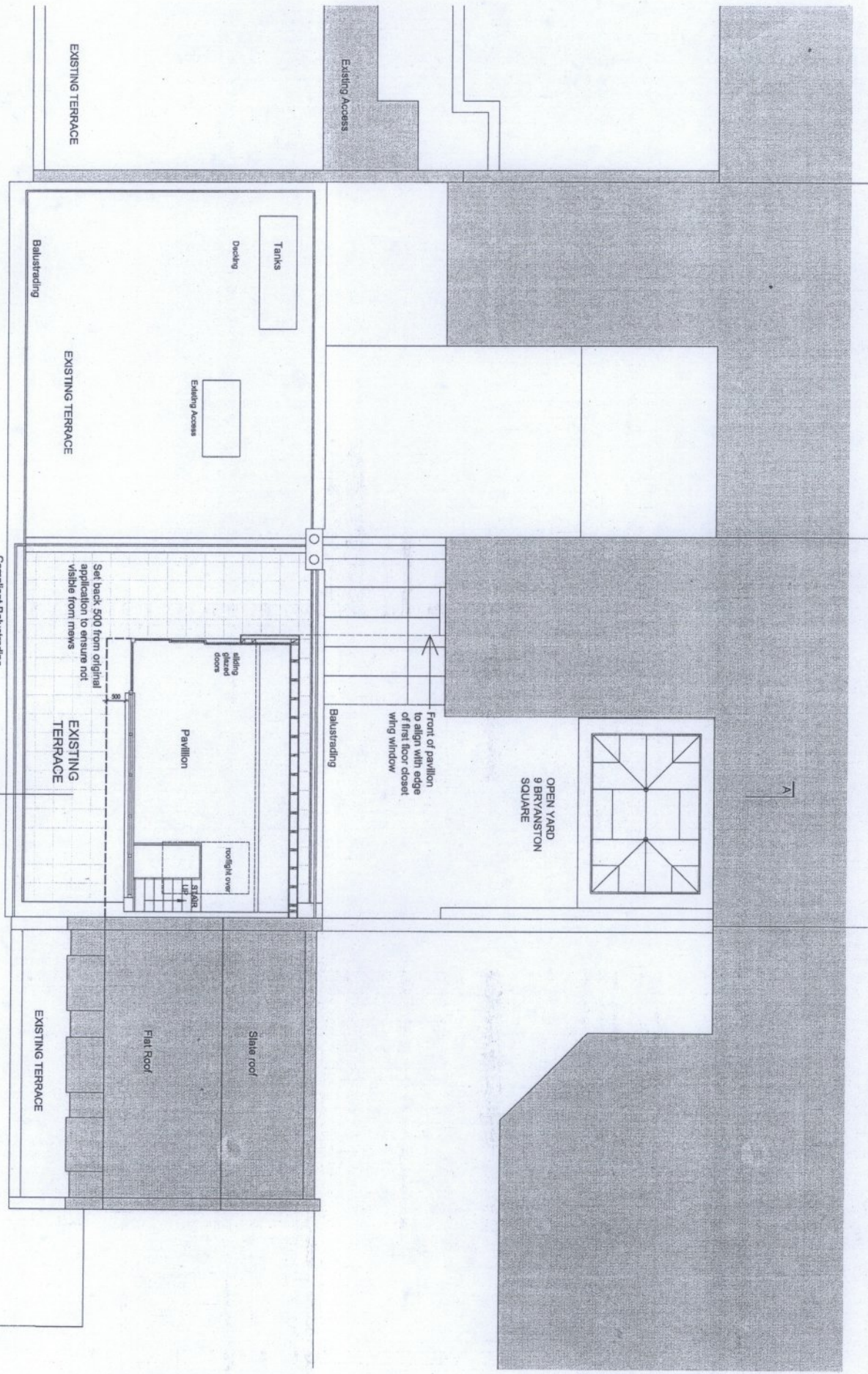
MONTAGU MEWS WEST

No. 7

No. 8

No. 9 Montagu Mews West

No. 10



Compliant Balustrading added/ Pergola retained

Set back 500 from original application to ensure not visible from mews

Front of pavilion to align with edge of first floor closet wing window

A - Front of extension set back

Revision A - Front building line set back

CLIENT	DATE	STATUS	SCALE	PROJECT	DRAWING NUMBER	HIGGS YOUNG ARCHITECTS
COOPER	30-04-15	Planning	1:100 @ A3	9 MONTAGU MEWS WEST	15008 - P - 16A	HIGGS YOUNG ARCHITECTS LTD 54 BOSTON PLACE LONDON NW1 6ER Tel: 0044 (0)20 7724 9395 E-mail: info@higgseyoung.com



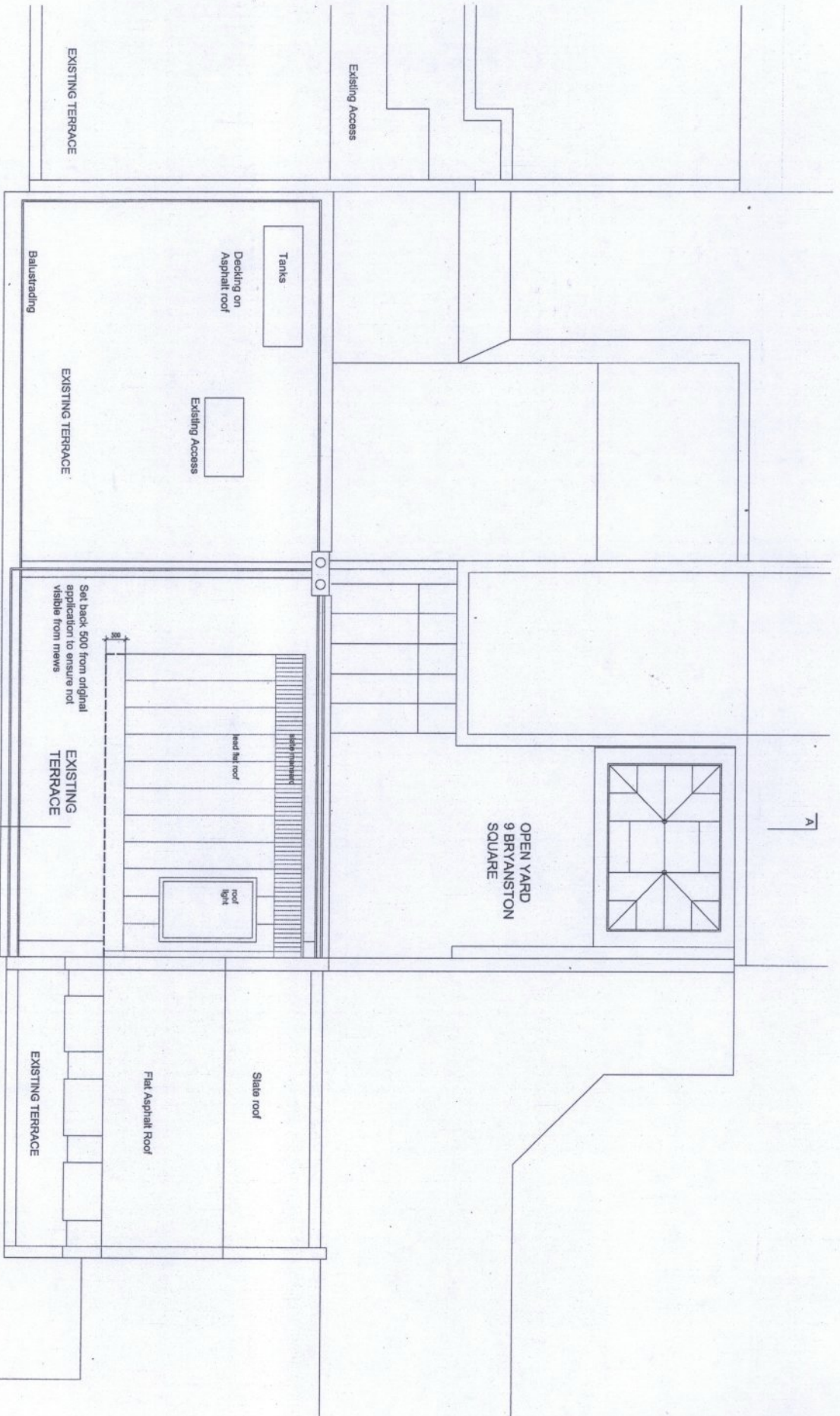
MONTAGU MEWS WEST

No.9 Montagu Mews West

No. 7

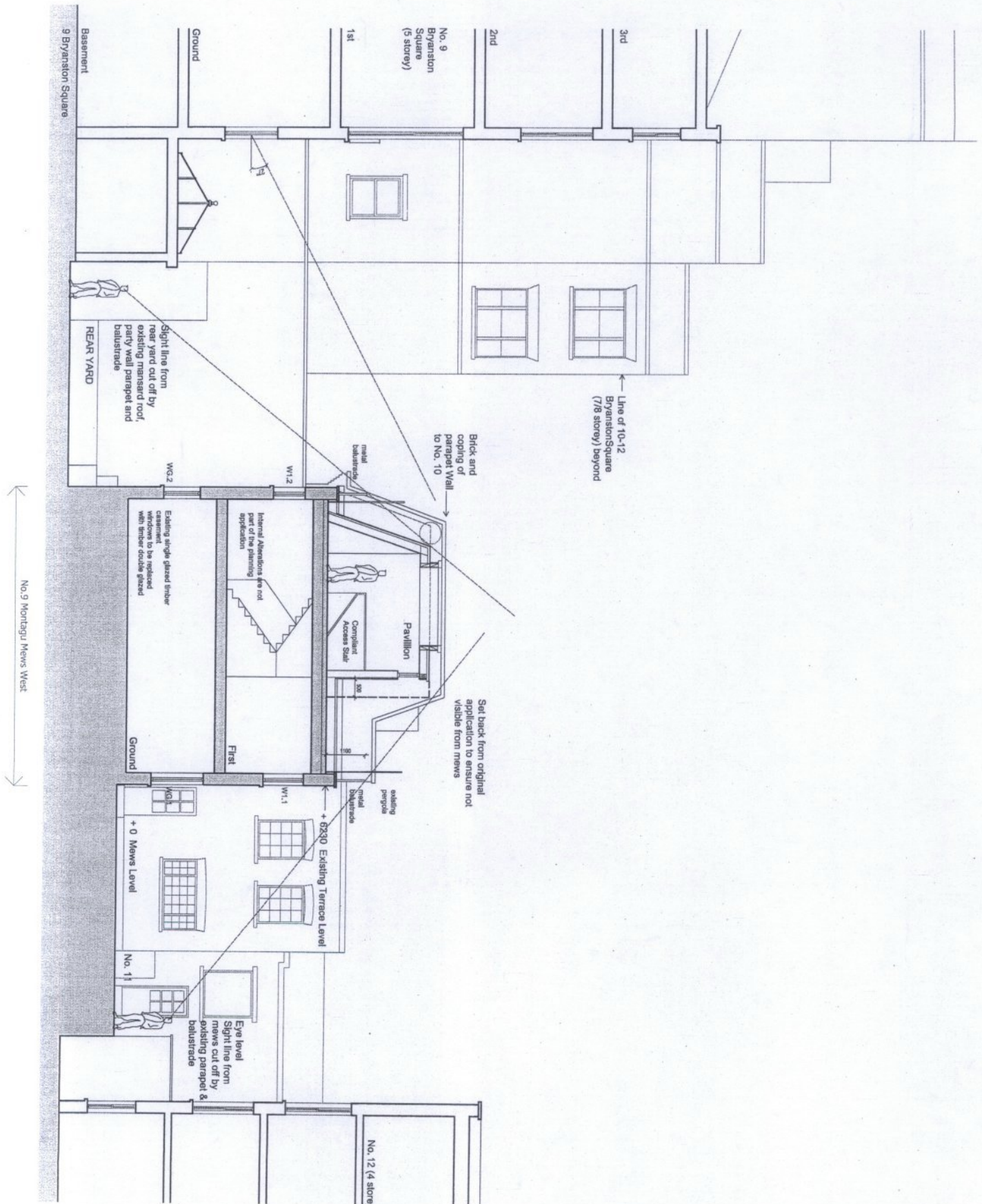
No. 8

No. 10



Revision A - Front building line set back

CLIENT	DATE	STATUS	SCALE	PROJECT	DRAWING NAME	DRAWING NUMBER	HIGGS YOUNG ARCHITECTS
COOPER	30-04-15	Planning	1:100 @ A3	9 MONTAGU MEWS WEST	Proposed Roof Plan	15008 - P - 11A	<p>HIGGS YOUNG ARCHITECTS LTD 54 BOSTON PLACE LONDON NW1 6ER Tel: 0044 (0)20 7724 9395 E-mail: info@higgsyoung.com</p>



Revision A - Front building line set back

CLIENT	DATE	STATUS	SCALE	PROJECT	DRAWING NUMBER	HIGGS YOUNG ARCHITECTS
COOPER	30-04-15	Planning	1:100 @ A3	9 MONTAGU MEWS WEST	15008 - P - 14A	HIGGS YOUNG ARCHITECTS LTD 54 BOSTON PLACE LONDON NW1 6ER Tel: 0044 (0)20 7724 9395 E-mail: info@higgsyoung.com

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Agenda Item 12

Item No.

12

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Addendum Report of Director of Planning		Wards involved St James's	
Subject of Report	40 - 41 Pall Mall, London, SW1Y 5JG		
Proposal	Demolition of 40 and 41 Pall Mall behind retained facades and redevelopment to provide a building of basement, ground and five upper floors comprising retail (Class A1) at part basement and part ground floor levels with the remainder of the building in use as four self-contained residential flats (Class C3).		
Agent	Savills		
On behalf of	Pall Investments Ltd		
Registered Number	14/10618/FULL	TP / PP No	TP/10116
Date of Application	24.10.2014	Date amended/ completed	17.12.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	St James's		
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	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





40-41 PALL MALL, SW1

2. SUMMARY

Nos. 40 and 41 Pall Mall are unlisted buildings of merit located within the St James's Conservation Area. Permission is sought for the demolition of the buildings behind retained facades and redevelopment to create a building comprising basement, ground and five upper floors. The proposals would provide an enlarged retail unit at part basement and part ground floor level with the remainder of the building providing four residential flats and ancillary areas.

A substantial amount of objection has been received from the adjoining Army and Navy Club and from occupiers of the existing building.

The key issues are:

- The impact of the proposals on the character and appearance of the conservation area.
- The impact of the proposals on the amenity of neighbouring occupiers.

The redevelopment of Nos. 40 and 41 are considered acceptable in design and conservation area terms as is its impact on amenity of neighbouring occupiers. The proposed development is considered to comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. CONSULTATIONS

HISTORIC ENGLAND

Authorisation given to determine as seen fit.

WESTMINSTER SOCIETY

No objection.

ST JAMES'S CONSERVATION TRUST

Supports the Army and Navy Club and objects to the increased height and bulk, loss of privacy and loss of light. The proposals would conflict with the St. James's Special Policy Area status by harming the reputation of the Club and the enjoyment of Club users.

BUILDING CONTROL

The method of construction is acceptable.

CLEANSING MANAGER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

One cycle parking space should be provided for the retail use. If the retail unit is to be used as a food retailer, a Servicing Management Plan should be required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 64; Total No. of Replies: 22.

Letters have been received from and on behalf of one commercial and two residential occupiers within the application site and from a neighbouring office occupier. Letters

have also been received from and on behalf of the Army and Navy Club and its members. The responses raise the following concerns and objections.

Design

- The increase in height and bulk of the development would be harmful;
- The proposals would represent overdevelopment;
- The residential entrance would create a dead frontage.

Amenity

- Increased height and bulk would result in a loss of light, increased overshadowing and increased sense of enclosure to the Club;
- The terraces and additional windows would result in a loss of privacy and loss of security to the Club.

Land Use

- Lack of mix in unit sizes;
- Lack of outdoor amenity space;
- Query whether the Council protects offices.

Other

- Concern over noise, vibration, dust and disruption during construction;
- Request to delay works until nearby redevelopment is completed;
- Office occupier requests works be undertaken outside normal office hours;
- The Club requests works do not take place before 10.00hrs, between 12.00-14.30hrs or after 17.30hrs.
- The proposals would prejudice the potential for redevelopment of the Club in the future;
- Residential occupiers within the application site hold life interest/assured tenancy and seek re-housing;
- Reference is made to the Landlord and Tenant Act;
- No provision to replace the existing cafe operator;
- Query why no full height extract duct is provided.

BACKGROUND PAPERS

1. Application form.
2. Letter from English Heritage dated 13 January 2015.
3. Letter from the Westminster Society dated 20 January 2015.
4. Letter from the St. James's Conservation Trust dated 17 August 2015.
5. Memorandum from Environmental Health dated 9 January 2015.
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9. Letter from occupier of 45 Pall Mall dated 21 January 2015.
10. Letters on behalf of the occupier of 4th-5th floor flat 40 Pall Mall dated 21, 27 January, 2 February and 14 August 2015.
11. Letters on behalf of the St James Cafe at 40 Pall Mall dated 28 January and 2 February 2015.
12. Letters from and on behalf of the Army and Navy Club dated 28 January, 25 March, 29 April, 14 July, 19 August and 2 September 2015

Item No.

12

13. Letter on behalf of the occupier of 4th floor 40-41 Pall Mall dated 28 January 2015.

14. Letters from members of the Army and Navy Club dated 19 (x4), 20 (x2), 21 (x2), 26, 27 August and 1 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY E-MAIL – vnally@westminster.gov.uk

2 40-41 PALL MALL, SW1

Demolition of 40 and 41 Pall Mall behind retained facades and redevelopment to provide a five storey building comprising retail (Class A1) at part basement and part ground floor levels with the remainder of the building in use as four self-contained residential flats (Class C3).

Councillor Hyams addressed the Committee in her capacity as a Ward Councillor in objecting to the application.

RESOLVED:

That the application be deferred for the applicant to consider the following:

- (a) Improving the window design at the rear 3rd and 4th floors to minimise overlooking.
- (b) Making provision for retaining the cafe.
- (c) Reducing bulk at the rear of the proposed building to minimise the impact on the Army and Navy Club.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved St James's	
Subject of Report	40-41 Pall Mall, London, SW1Y 5JG		
Proposal	Demolition of 40 and 41 Pall Mall behind retained facades and redevelopment to provide a building of basement, ground and five upper floors comprising retail (Class A1) at part basement and part ground floor levels with the remainder of the building in use as four self-contained residential flats (Class C3).		
Agent	Savills		
On behalf of	Pall Investments Ltd		
Registered Number	14/10618/FULL	TP / PP No	TP/10116
Date of Application	24.10.2014	Date amended/ completed	17.12.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
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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	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

40 and 41 Pall Mall are unlisted buildings of merit located within the St James's Conservation Area. Permission is sought for the demolition of the buildings behind retained facades and redevelopment to create a building comprising basement, ground and five upper floors. The proposals would provide an enlarged retail unit at part basement and part ground floor level with the remainder of the building providing four residential flats and ancillary areas.

A substantial amount of objection has been received from the adjoining Army and Navy Club and from occupiers of the existing building.

The key issues are:

- The impact of the proposals on the character and appearance of the conservation area.
- The impact of the proposals on the amenity of neighbouring occupiers.

The redevelopment of Nos. 40 and 41 are considered acceptable in design and conservation area terms as is its impact on amenity of neighbouring occupiers. The proposed development is considered to comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. CONSULTATIONS

HISTORIC ENGLAND

Authorisation given to determine as seen fit.

WESTMINSTER SOCIETY

No objection.

ST JAMES'S CONSERVATION TRUST

Supports the Army and Navy Club and objects to the increased height and bulk, loss of privacy and loss of light. The proposals would conflict with the St. James's Special Policy Area status by harming the reputation of the Club and the enjoyment of Club users.

BUILDING CONTROL

The method of construction is acceptable.

CLEANSING MANAGER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

One cycle parking space should be provided for the retail use. If the retail unit is to be used as a food retailer, a Servicing Management Plan should be required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 64; Total No. of Replies: 22.

Letters have been received from and on behalf of one commercial and two residential occupiers within the application site and from a neighbouring office occupier. Letters have also been received from and on behalf of the Army and Navy Club and its members. The responses raise the following concerns and objections.

Design

- The increase in height and bulk of the development would be harmful;
- The proposals would represent overdevelopment;
- The residential entrance would create a dead frontage.

Amenity

- Increased height and bulk would result in a loss of light, increased overshadowing and increased sense of enclosure to the Club;
- The terraces and additional windows would result in a loss of privacy and loss of security to the Club.

Land Use

- Lack of mix in unit sizes;
- Lack of outdoor amenity space;
- Query whether the Council protects offices.

Other

- Concern over noise, vibration, dust and disruption during construction;
- Request to delay works until nearby redevelopment is completed;
- Office occupier requests works be undertaken outside normal office hours;
- The Club requests works do not take place before 10.00hrs, between 12.00-14.30hrs or after 17.30hrs.
- The proposals would prejudice the potential for redevelopment of the Club in the future;
- Residential occupiers within the application site hold life interest/assured tenancy and seek re-housing;
- Reference is made to the Landlord and Tenant Act;
- No provision to replace the existing cafe operator;
- Query why no full height extract duct is provided.

4. BACKGROUND INFORMATION

4.1 The Application Site

40-41 Pall Mall consists of two adjacent unlisted buildings located on the northern side of Pall Mall close to the junction with St James's Square. To the east of the site is the Army and Navy Club and to the west is Nos.42-43 Pall Mall which has recently been redeveloped to provide retail and residential.

No.40 dates from the 1850s and No.41 is dated from the 1870s. Neither building is listed but the two facades contribute positively to the character of the St James's Conservation Area. Both buildings comprise of basement, ground and five upper floors, albeit No.41 is taller by approx.3.5m. The buildings share a central stair core which links the different levels between the two properties.

The ground floor of No.41 contains a cafe (mixed Class A1/A3/A5). The ground floor of No.40 contains a vacant unit for which the history is unclear but appears to have last been used by an architectural design and construction business. Existing offices (Class B1) are located at basement and first to third floor levels and three self-contained residential flats (Class C3) are located at fourth and fifth floor levels.

Item No.

4.2 Relevant History

13 March 2012 - Permission granted for the continued use of the ground floor of 41 Pall Mall as a sui generis mixed retail/cafe/takeaway (Class A1/A3/A5).

13 February 2012 - Permission granted for the redevelopment of Nos.42-43 Pall Mall behind retained facade at No.42 to provide a building of basement, ground and five upper floors, use of part basement and part ground floors for retail purposes and the upper floors as four residential flats comprising 3 x 3 bed and 1 x 4 bed units.

5. THE PROPOSAL

Permission is sought for the demolition of both buildings behind retained facades which includes the removal of the fifth floor extensions and redevelopment to create a building comprising basement, ground and five upper floor levels (part sixth floor to No.40). Alterations are also sought to introduce traditional shopfronts.

The replacement building would comprise of a retail unit (Class A1) at part basement and part ground floor levels with the remainder of the building containing four self-contained residential flats comprising 3 x 3 bed and 1 x 4 beds (Class C3). The replacement building would include plant, cycle and refuse storage within the basement and a modest plant and ventilation housing at roof level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

	Existing (m2)	Proposed (m2)	Change (+ or - m2)
Office	456	0	- 456
Residential	423	1,081	+ 658
Retail	112	185	+ 73
Total	991	1,266	+ 275

6.1.1 Loss of Offices

The proposals would result in the loss of office floorspace amounting to 456m2 within the CAZ. The change of use needs to be assessed in the context of Policy S47 of the City Plan which advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of Pall Mall, the St James's area or the City as a whole would be sufficiently harmful in this instance to withhold permission. The change to increase residential use would provide social benefits with the provision of a net increase of one residential unit and all four units being family sized.

6.1.2 Residential Use

Two residential occupiers within the application site hold life interest/assured tenancy. Objections have been raised on the grounds that alternative comparable accommodation should be secured. A request has been made for the Council to require the applicant to enter into a legal agreement to ensure an existing occupier is re-housed. This legal agreement is sought by the objector on the basis that the separate private legal agreement between the applicant and tenant is unlikely to be resolved prior to determination of the application.

Officers have sought legal opinion on this point, and whilst we sympathise with the personal position of the existing tenants, the matter of securing alternative accommodation, through the Landlord and Tenancy Act or by other means, is considered to be a private matter between the respective parties and it is entirely appropriate that this is dealt with outside of the planning application process.

Policy S14 of the City Plan and Policy H3 of the UDP seek to maximise the amount of land or buildings in residential use. The introduction of an additional residential unit on site would help the Council meet its housing target and is welcomed in policy terms. The mix of the residential provided on site would be 3 x 3 bed and 1 x 4 bed units.

The residential provision is less than 1000m² and does not trigger a requirement to provide affordable housing. The units proposed would range in size between 171m² (three bed) to 336m² (four bed). Although large, the units are typical for this type of development and are not considered to be oversized. It could be possible to increase the number of residential units on site, however, given the location of the access core, this would likely to result in residential flats which would be wholly north facing. It is considered that a request to increase the unit numbers could not be reasonably sustained in this instance.

The flats would all be dual aspect and would receive acceptable levels of natural light for this urban location. All units comply with the London Plan housing minimum space standards and all bedrooms are over the minimum 8m² requirement. The Council wants to encourage more families to move into and stay in the City by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family sized (being three or more bedrooms). All of the proposed units are family sized which is considered acceptable.

As part of housing developments, Policy H10 of the UDP normally expects the provision of amenity space. The policy recognises that this can be met through the use of balconies and roof terraces on sites within CAZ. Only the top floor maisonette includes outdoor amenity space in the form of two roof terraces to the front of the building. An additional terrace was proposed at rear fifth floor level but this has subsequently been omitted following concerns raised by the Club. Given the dense urban location of the site, the inability to increase outdoor amenity space to the front of the building, and the enclosed north facing rear aspect, the level of outdoor amenity space provided is considered acceptable in this instance.

Background noise levels in this area of the City can be high. Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise. Environmental Health officers have confirmed that subject to the imposition of safeguarding conditions, it is considered that sufficient measures can be put into place to mitigate against internal and external noise.

6.1.3 Retail Use

The proposal would result in the loss of a retail type premises at No.40, although the planning history of this unit does not conclusively confirm it as having a lawful Class A1 use. It appears that the unit was last in use by an architectural and building company. The proposal would also result in the loss of a mixed Class A1/A3/A5 café at No.41.

Permission is sought for a single retail unit (Class A1) amounting to 185m² which amounts to more than the two existing units combined. This would represent 73m² of additional retail floorspace and is considered compliant with Policy S21 which seeks to protect existing A1 and non-A1 retail uses.

Objections have been received on behalf of the current café operator on the grounds that their operation will not be replaced. Planning legislation cannot protect individual occupiers, and instead can only have regard to the use classes in which they operate. It would be unreasonable to withhold permission on the ground that the café operator is not to be reinstated. In any event, the replacement retail as part of the scheme is for a Class A1 use rather than A1/A3/A5 café operation.

Comments have been received with regard to the lack of a replacement full height extract duct. The proposal does not include a full height duct due to the replacement retail unit being a Class A1 shop. A Class A3 or A5 unit is not proposed, and it is these uses that would normally involve cooking and the requirement of a duct.

The point has been raised that the residential entrance to No.41 would create a dead frontage. The proposal is similar to that implemented next door at Nos.42-43 where one shopfront is used as the entrance lobby for the residential flats and the other shopfront is used for an enlarged retail unit. Given the application proposes an increase in retail floorspace, improvements to the shopfronts and that site has existing dead frontage, the proposals are considered acceptable in this regard.

6.2 Townscape and Design

Nos.40 and 41 are not listed buildings but are considered to be unlisted buildings of merit and contribute positively to the character of the St James's Conservation Area. The main consideration in design terms is the proposed demolition of the buildings behind the retained front façades.

The façades of both Nos.40 and 41, whilst not listed, are positive features of Pall Mall. Behind the façades, the buildings have been substantially altered in the 1950s. The rear façades do not retain the interest of the front and therefore the proposed demolition behind the front façades is considered acceptable in principle.

The rebuilt rear building line extends further than existing, however, it has been designed to closely replicate two projecting wings, which helps to break up the overall mass. At roof level, mansards are proposed to both buildings, set back behind the existing retained façade. Both are considered in keeping with the buildings overall appearance and similar to alterations that have previously been allowed to buildings along Pall Mall.

The proposed redevelopment is considered to preserve the character and appearance of the existing buildings and this part of the St James's Conservation Area. Subject to conditions requiring the submission of facing materials, a sample panel of brickwork and details of windows and doors, the proposals are considered acceptable.

The new shopfronts which reinstate historically appropriate features are also considered in keeping with the style and character of the buildings and area as a whole. The shopfront works are considered acceptable, subject to a condition requiring the submission of additional details on the construction and finish of the shopfronts.

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.

The nearest residential properties to the site are located adjoining the site at No.42-43 Pall Mall. Objections have not been received from these residential properties. The remainder of the surrounding properties are in commercial use. These include the large office building to the rear at 20 St. James's Square and the Army and Navy Club adjoining the site to the east and to the rear which includes a large roof terrace. A large amount of objection has been received from the Club on the grounds of loss of light, increased overshadowing, increased sense of enclosure and loss of privacy.

The redeveloped No.41 will be similar in height to the existing with a replacement mansard. The redeveloped No.40 would include an additional roof storey increasing in height by approx. 3.5m to match the height of No.41 and the adjoining Nos.42-43. The closet wing to the rear of No.40 would also be increased by a single storey.

The current building line to the rear will, on the whole, decrease at ground and first floor levels with the relocation of an internal lightwell to the rear boundary of the site. From second to fourth floor levels the rear building line will be altered with the closet wing to the rear of No.40 increasing in width by approx. 1m and the closet to No.41 increasing in width by approx. 0.5m. The depth of the closet wing at No.40 would remain the same and the depth of the closet wing to No.41 would be reduced by approx. 300mm. The rear building line in between the closet wings would increase in depth by approx. 3.7m.

6.3.1 Daylight and Sunlight/Overshadowing/Sense of Enclosure

Policy S29 of the City Plan seeks to resist proposals that result in an unacceptable material loss of residential amenity. Policy ENV 13 of the UDP seeks to resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and education buildings. In addition, developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Given the orientation and scale of the proposals, it is considered that the only residential dwellings neighbouring the site at Nos.43-44 would not experience a material loss of light, increase in overshadowing or increased sense of enclosure as a result of the proposals.

In policy terms it is clear that commercial premises are not afforded the same protection as residential properties. Notwithstanding this, the Army and Navy Club does include an element of residential occupancy by members of the type akin to a hotel service. Windows to these boarding rooms is located to the north east of the application site and the windows face south west. The roof terrace which serves the Club's bar is also located behind to the north of the application site.

Officers consider that the Club is a non-domestic use which has a reasonable expectation of daylight and sunlight, similar to that of a hotel. However, the windows which serve the boarding rooms are set back from the application site by the depth of the roof terrace and are substantially screened by the Club itself which adjoins the application site to the east being two storeys taller than the proposed development. It is considered that the application site is orientated in such a way and located sufficient distant from these windows to ensure there is no unacceptable loss of light or increased sense of enclosure.

With regard to the terrace which serves the Club bar, it is acknowledged that this is a valued space for members, however, given the modest increase in height to No.40 by approx. 3.5m and the increase in depth of the building line by approx.3.7m which is set between the two projecting closet wings, it is considered that there would not be a sufficiently detrimental loss of light, increase in overshadowing or sense of enclosure to preclude the continued use of this space.

6.3.2 Privacy

Policy ENV13 of the UDP seeks to resist development which would result in an unacceptable degree of overlooking. Once again the most sensitive area in this respect would be the residential dwellings located within the adjoining Nos. 42-43. Given the orientation of the site to the neighbouring dwellings and location of the proposed terraces to the front of the building, the proposals will not result in an unacceptable loss of privacy.

Objections have been received from the Club on the grounds of loss of privacy in particular to the terrace area. The concerns are intensified due to the potential security implications as current and former armed forces personnel frequently use the terrace.

The terrace, when compared to the application site, is located at approx. third floor level. A substantial amount of plant and ducting is located between the terrace and the application site which is surrounded with a single storey timber plant screen which terminates at approx. fourth floor level. Due to the level of existing screening, the majority of overlooking would occur from the proposed fourth and fifth floor maisonette. The terrace is already overlooked by the existing top floor flat within No.41.

The proposals will introduce additional windows to the rear elevation, although no windows are located within the rear of the closet wing to No.40 which shares a boundary with the terrace. From third to fifth floor levels, four bedrooms, a kitchen and a dining room could have views towards the terrace. The majority of new windows in the rear elevation will face towards a lower plant area, located beyond the roof terrace. No terraces or balconies are proposed to the rear of the site.

The replacement building will continue to be used as private dwellings on the upper floors. It is acknowledged that there will be an increase in overlooking from the new windows and extension, however, the orientation of these windows and level of existing screening will to some extent mitigate overlooking. The level of overlooking would be no more than one would reasonably expect in such a dense urban environment and similar relationships are found throughout the City. A large number of windows already overlook the terrace from the surrounding office buildings. It is considered that the replacement building would not cause an unacceptable degree of overlooking to the Club sufficient to justify refusing permission.

6.3.4 Noise

Given the level of separation between the site and neighbours, and typically the noisy nature of this area, the potential for increased noise from the residential flats would not be sufficient to justify refusing permission.

New plant is proposed within the basement and at roof level. Environmental Health officers have confirmed that they have no objection subject to the Council's standard noise conditions including a supplementary acoustic report to ensure compliance once the plant items have been finalised.

Subject to these conditions, it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity. It is also considered that additional retail floorspace and residential units, including roof terraces, would not result in an unacceptable level of noise to the existing neighbouring properties.

With regard to construction impact, this is dealt with under Section 6.10 of this report.

6.4 Transportation/Parking

6.4.1 Car Parking

Policy TRANS23 requires, where appropriate and practical, the provision of off-street parking for new residential developments. Given the site constraints, including the lack of vehicular access into the application site, car parking is not provided as part of the proposals.

The policy states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent parking survey in 2011 indicates that parking occupancy of legal parking spaces within a 200m radius of the site is 54% at night and 61% during the day.

Although the introduction of two additional residential units in this area without off-street parking or on-street parking restraint would likely increase the stress levels, the Highways Planning Manager has advised that the potential on-street parking generated could be absorbed into the surrounding street network.

6.4.2 Cycle Parking

Seven secure cycle parking spaces are to be provided for the residential units at basement level. Ideally one cycle parking space should be provided for the retail unit, however, given the limited floorspace it is not considered reasonable to require its provision in this instance.

6.4.3 Servicing

Policy TRANS 20 of the UDP generally requires servicing to be provided off-street. Servicing for development is to be undertaken on-street with delivery vehicles temporarily waiting on Pall Mall, as per the existing arrangement. The Highways Planning Manager has stated that the servicing requirements are likely to be similar to the existing situation. A condition is recommended to secure the submission of a Servicing Management Plan in the event that the retail unit is to be used by a food retailer.

6.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated by the increase in retail floorspace and new residential units are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Access

All thresholds into both the retail and residential areas will be designed as level access. A mechanical lift will provide access across all floors. The residential units at first to third floor levels all have a split level element due to the staggered window positions to the front elevations of Nos. 40 and 41. Short stairs are designed to be wide enough to retrofit a stair lift should this be required. The access arrangements are considered acceptable.

Refuse

Policy ENV12 of the UDP requires the provision of suitable facilities for waste storage and recycling in new developments. The waste store for the residential and commercial unit will be stored at basement level. It is recommended that the provision of this storage is secured by condition.

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 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

Not applicable.

6.10 Other issues**Future Club development**

The Club has raised concern with regard to the proposals prejudicing any future redevelopment opportunities of the Club in the future. Each application must be considered on its own merits. The current application cannot be reasonably withheld on the basis that a future application on an adjoining site may be submitted.

Construction

The proposal does not include basement excavation. The façade retention structure relies on flying shores and ladder beams spanning between the retained party walls. Building Control has confirmed that this appears well designed. The permanent structure behind the retained façade is a reinforced concrete frame founded on a new basement slab.

With regards to noise, vibration, dust and disruption from construction, the worst effects of these can to some degree be mitigated by the careful management of the site. Much of this can be negotiated and agreed outside of the planning process with other mechanisms such as through the Party Wall Act.

An Informative is recommended to encourage the applicant to join the Considerate Constructors Scheme. The Council's standard condition to control hours of building work is recommended which ensures works can only be carried out between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturdays and not at all on Sundays, bank holidays or public holidays. It is not considered reasonable to restrict the hours of work further.

6.11 Conclusion

The demolition of Nos.40 and 41 behind retained façades is considered acceptable to provide a mixed use development that will complement the character and appearance of the conservation area. The principle of new residential units in this location is acceptable and the scheme is considered acceptable in terms of its impact on the amenity of surrounding occupiers.

In all other respects the proposals are considered acceptable in land use, design and amenity terms and therefore planning permission is recommended for approval.

BACKGROUND PAPERS

1. Application form.
2. Letter from English Heritage dated 13 January 2015.
3. Letter from the Westminster Society dated 20 January 2015.
4. Letter from the St. James's Conservation Trust dated 17 August 2015.
5. Memorandum from Environmental Health dated 9 January 2015.
6. Memorandum from Cleansing Manager dated 9 January 2015.
7. Memorandum from Highways Planning Manager dated 20 January 2015.
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9. Letter from occupier of 45 Pall Mall dated 21 January 2015.
10. Letters on behalf of the occupier of 4th-5th floor flat 40 Pall Mall dated 21, 27 January, 2 February and 14 August 2015.
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12. Letters from and on behalf of the Army and Navy Club dated 28 January, 25 March, 29 April, 14 July, 19 August and 2 September 2015
13. Letter on behalf of the occupier of 4th floor 40-41 Pall Mall dated 28 January 2015.
14. Letters from members of the Army and Navy Club dated 19 (x4), 20 (x2), 21 (x2), 26, 27 August and 1 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY FAX 020 7641 2339 OR BY E-MAIL – vnally@westminster.gov.uk

DRAFT DECISION LETTER

Address: 40 - 41 Pall Mall, London, SW1Y 5JG

Proposal: Demolition of 40 and 41 Pall Mall behind retained facades and redevelopment to provide a building of basement, ground and five upper floors comprising retail (Class A1) at part basement and part ground floor levels with the remainder of the building in use as four self-contained residential flats (Class C3).

Plan Nos: 4046(LO)001; 4046(EX)001D; 4046(EX)002D; 4046(EX)003D; 4046(EX)004D; 4046(EX)005D; 4046(EX)006D; 4046(EX)007D; 4046(EX)008C; 4046(EX)009D; 4046(EX)010D; 4046(EX)011D; 4046(EX)012D; 4046(EX)013C; 4046(EX)015; 4046(EX)016; 4046(EX)017; 4046(EX)018; 4046(EX)019; 4046(EX)020; 4046(EX)021; 4046(EX)022; 4046(EX)023; 4046(EX)024; 4046(EX)025; 4046(EX)026; 4046(EX)027; 4046(EX)028; 4046(EX)029; 4046(EX)030; 4046(EX)031; 4046(EX)032; 4046(SK)001I; ; 4046(SK)002G; ; 4046(SK)003G; 4046(SK)004I; 4046(SK)005F; 4046(SK)006E; 4046(SK)007B; 4046(SK)008B; 4046(SK)009C; 4046(SK)010B; 4046(SK)011; 4046(SK)012A; 4046(SK)013B; 4046(SK)14C; 4046(SK)015; L(14)01P1; L(14)02P1; BRE Daylight/Sunlight Report dated October 2014; Sustainability Statement; Preliminary M&E Services Description; Historic Building report dated October 2014; Noise Impact Assessment Ref: 102792.ph.Issue1; Design and Access Statement RevB.

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 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 4046(SK)001 I. You must clearly mark them and make them available at all times to everyone using the premises and the waste store shall not be used for any other purpose.

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 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 5 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)

- 6 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 St James's 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)

- 7 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 St James's 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)

- 8 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St James's 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 9 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows,
- ii) Doors,
- iii) Shopfront, including proposed finishes.

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's 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 carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St James's Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 11 (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.

- 12 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.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure

and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 14 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

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.

- 15 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 11 and 12 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.

- 16 You must apply to us for approval of sound insulation measures to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 13 and 14 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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.

- 17 You must apply to us for approval of details of all ventilation systems, flues and plant associated with the residential use. 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 work according to these details prior to occupation.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 18 If the Class A1 retail unit hereby approved is to be used by a food retailer, you must submit a detailed Servicing Management Plan for the approval of the City Council before occupation of the Class A1 retail unit. The plan must include details of the management of waste, delivery vehicles, number of deliveries, time of deliveries and how deliveries will be managed. The Class A1 use must then operate in accordance with the approved Servicing Management Plan.

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 ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 19 You must not use areas of roof at rear fourth and fifth floor levels for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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 will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 3 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)
- 4 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

- 5 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

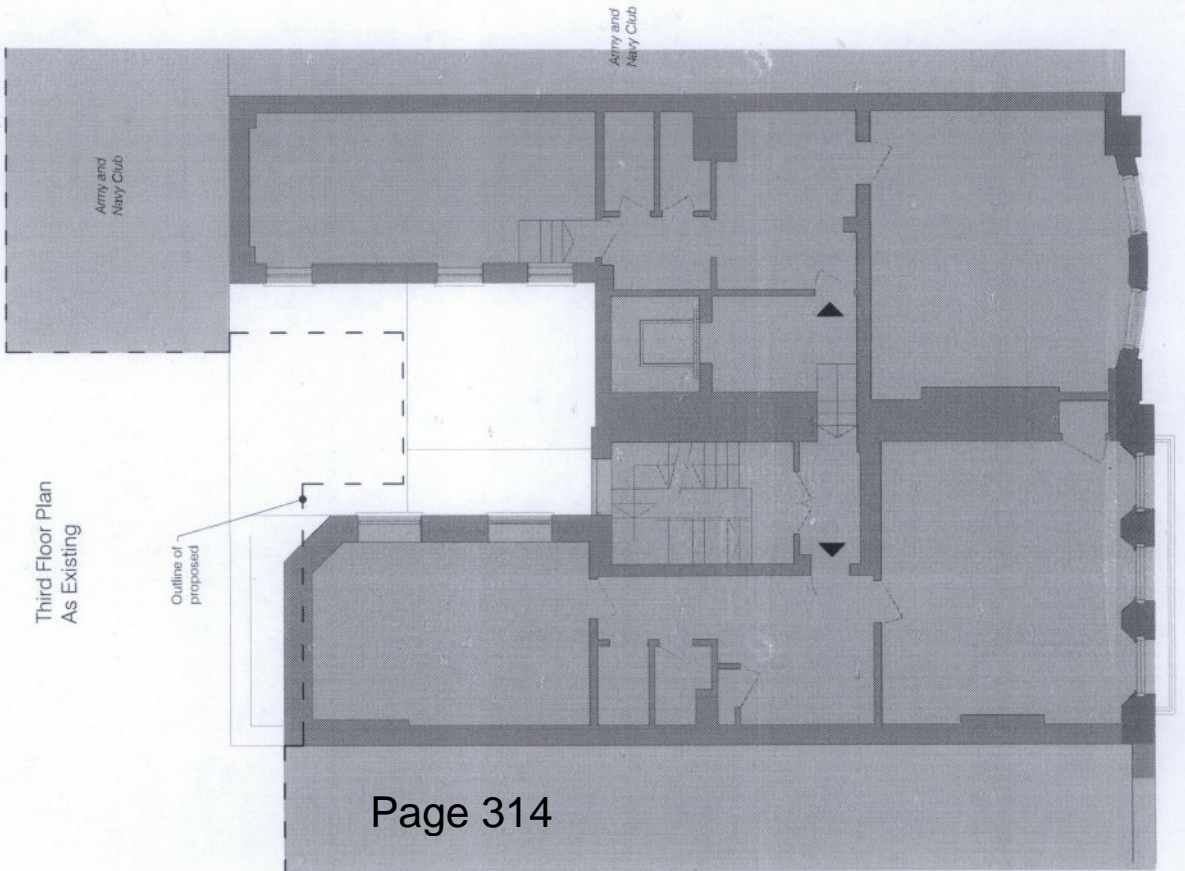
Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 6 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 7 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.
- 8 Conditions 11 and 12 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. (182AA)

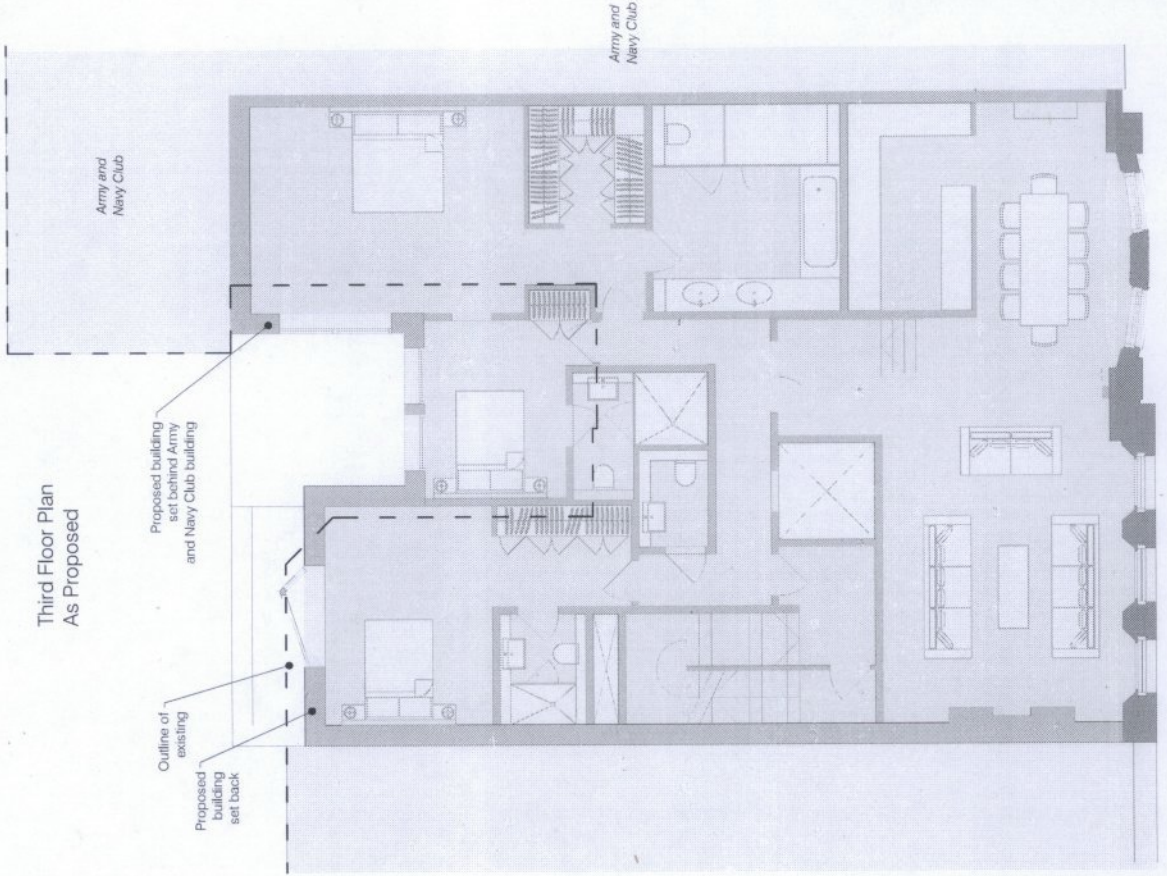
Drawings based on survey information provided by
ABC Surveys Ltd
 Building Surveyors



Third Floor Plan
 As Existing



Third Floor Plan
 As Proposed



NOTES

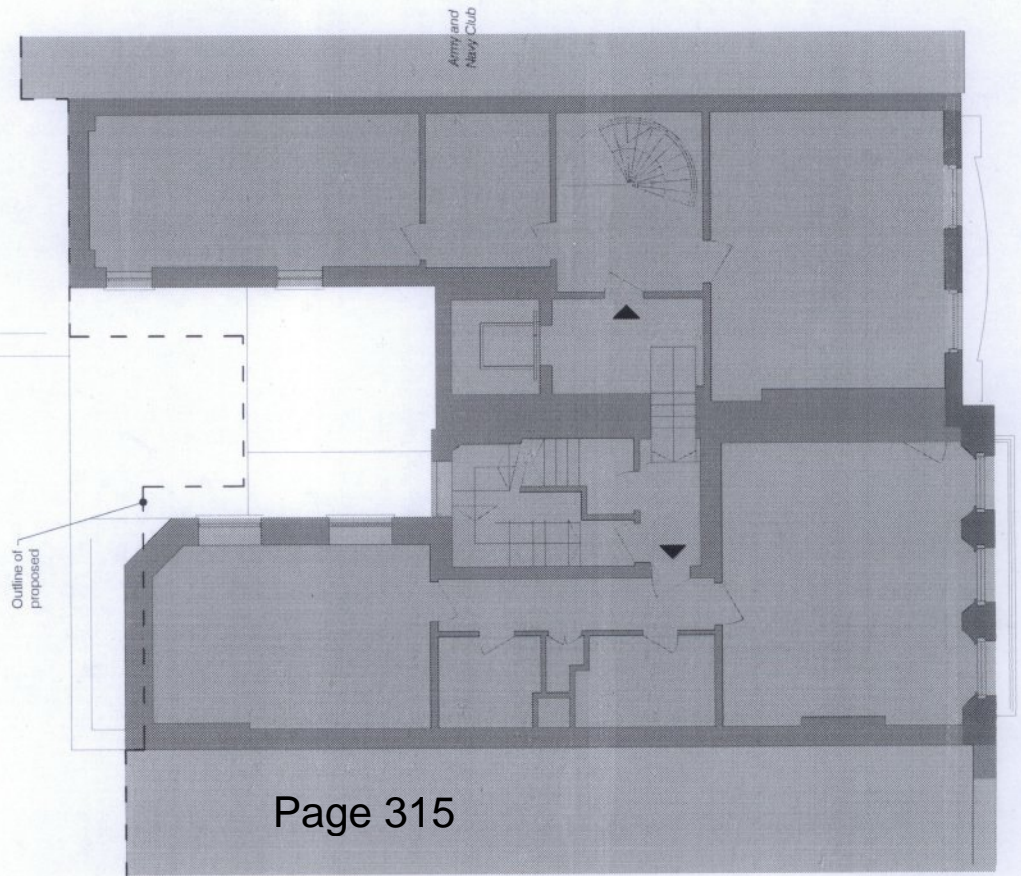
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Rev	Health & Code	Contributions
PLANNING		
Project Title		
40-41 Pall Mall Westminster London SW1 4RJ		
Client		
Pall Mall Investments Ltd		
Drawing Title		
Third Floor Existing & Proposed		
Drawing No.		
4046 (SK) 021		
Date	Oct 2013	Drawn by
		ED
Scale	1:100 (A3) 1:50 (A1)	Checked by
NFA architects		
The Old Bank 25, South Molton Street London W1K 7EJ Tel: 020 7493 8800 Fax: 020 7493 8801 Email: info@nfa-architects.com www.nfa-architects.com		
paul davis architecture		
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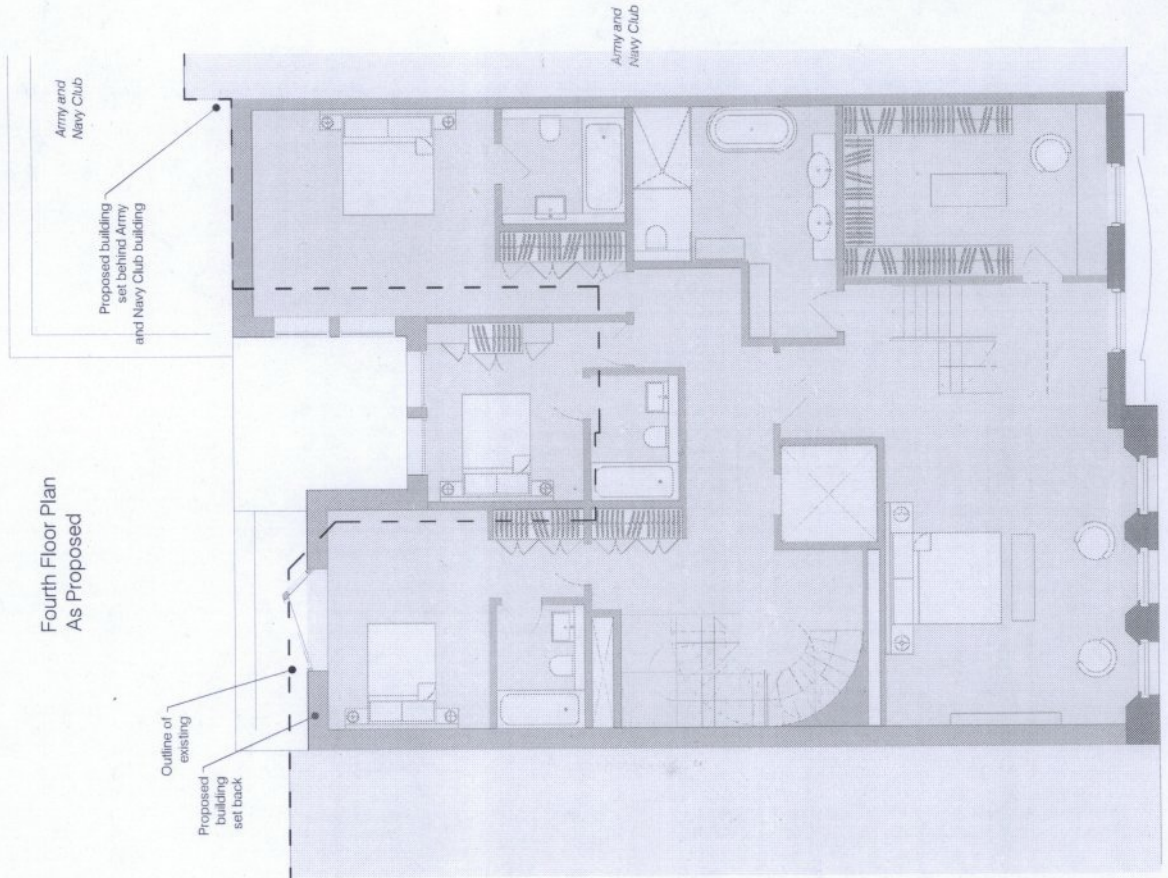
Drawings based on survey information provided by ABC Surveys Ltd Building Surveyors



Fourth Floor Plan As Existing



Fourth Floor Plan As Proposed



NOTES

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4. THE DRAWING NOTES ARE TO BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS AND SPECIFICATIONS RELATING TO THIS PROJECT.

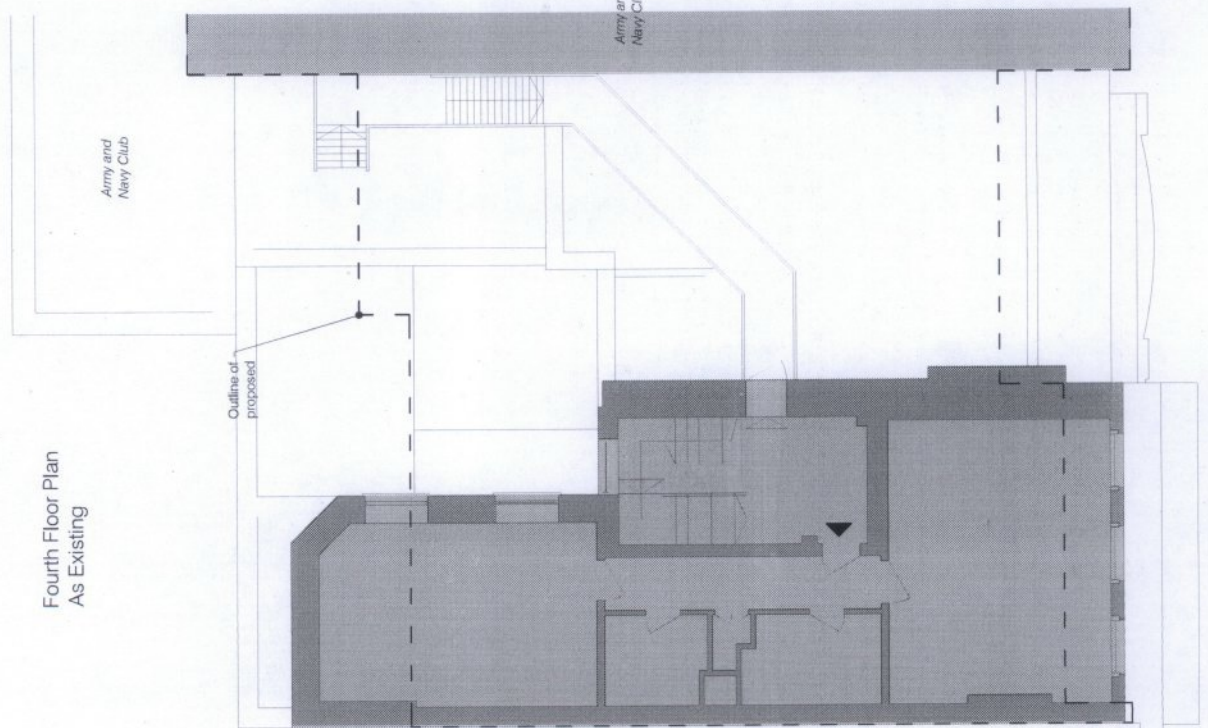
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No. _____
 Drawing Type _____
PLANNING
 Project Title
40-41 Pall Mall
Westminster
London
SW1 4RJ
 Client
Pall Mall Investments Ltd
 Drawing Title
Fourth Floor Existing + Proposed
 Drawing No.
4046 (SK) 022
 Date: Oct 2013
 Drawn by: BD
 Checked by:

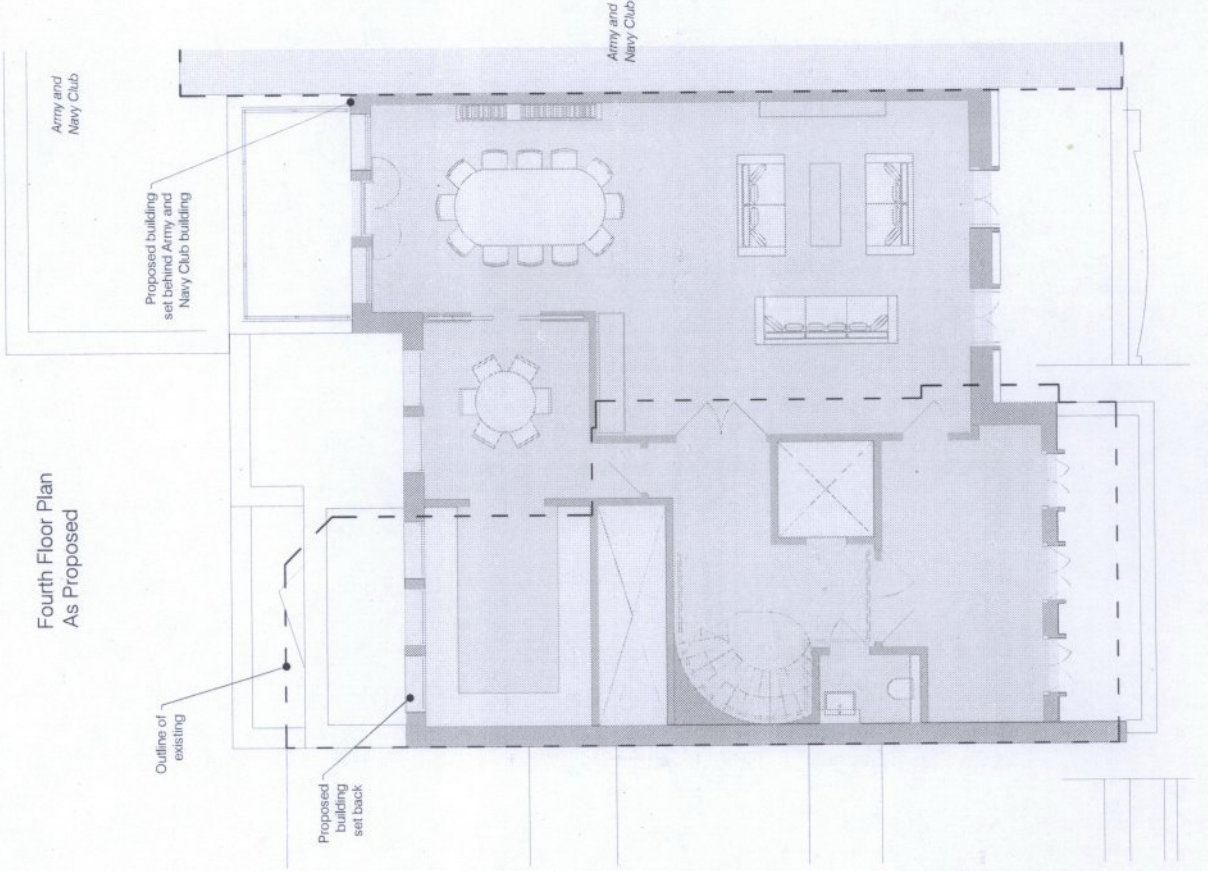
NFA architects
 The Old Bank, 15, South Colindale Avenue,
 Colindale, London, NW9 1UH
 Tel: 020 885 0000
 Fax: 020 885 0001
 Email: info@nfaarchitects.co.uk
 www.nfaarchitects.co.uk
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Fourth Floor Plan
 As Existing



Fourth Floor Plan
 As Proposed



NOTES

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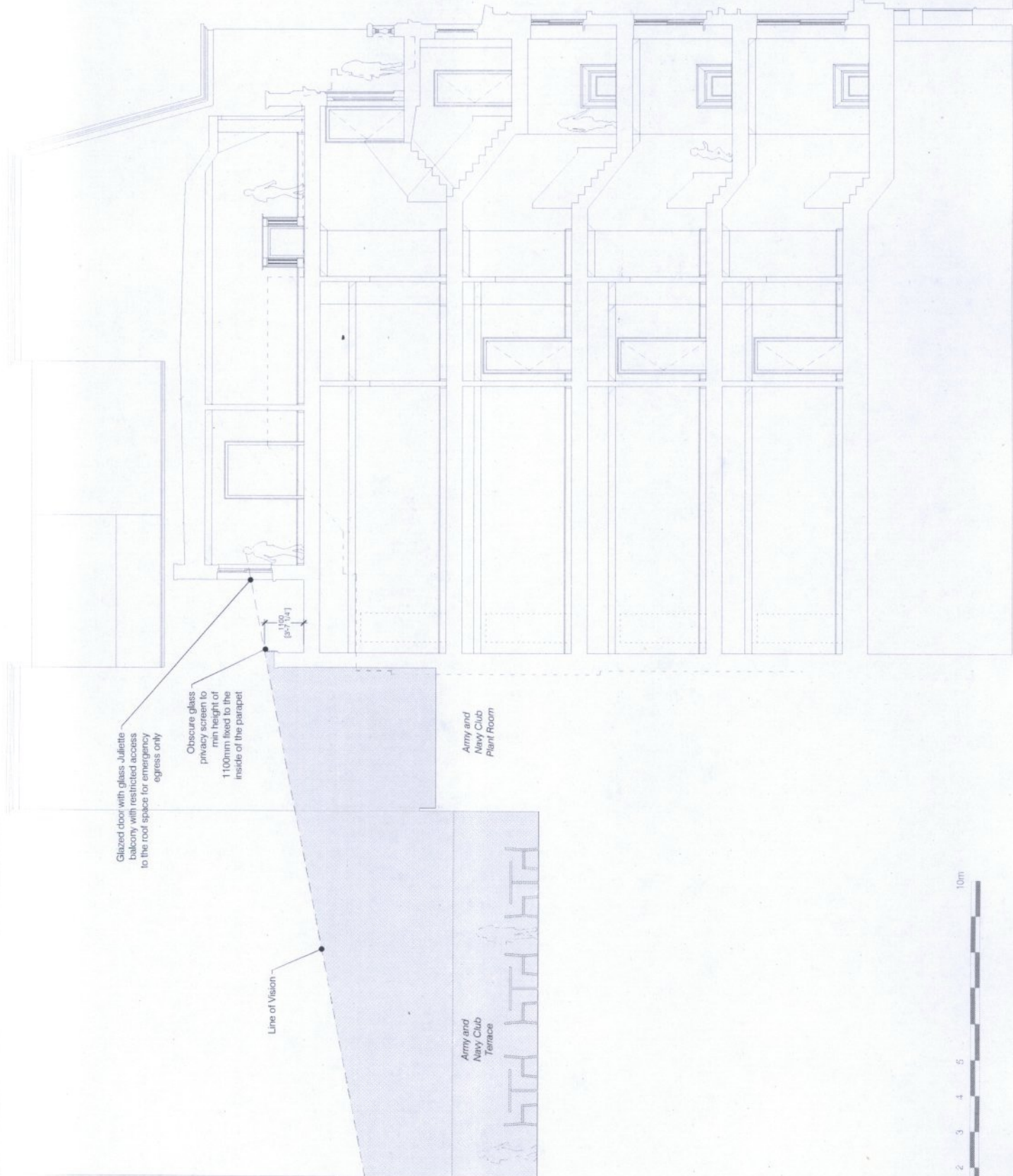
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Rev	Issue & Date	Modification
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Project Title:		
40-41 Pall Mall		
Westminster		
London		
SW1 4RJ		
Client:		
Pall Mall Investments Ltd		
Drawing Title:		
Fifth Floor Existing + Proposed		
Drawing No:		
4046 (SK) 023		
Date:	01/10/13	Drawn by: ED
Checked by:		
NFA architects		
The British Architect's Registration Board		
15, North Colindale Avenue, London NW9 1EQ		
Tel: 020 8834 3535		
Fax: 020 8834 3536		
Email: info@nfa-architects.co.uk		
Website: www.nfa-architects.co.uk		
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paul davis architecture		

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 Building Surveyors



Rev	02/11/2015	Planning Amendments
Rev	02/11/2015	Revisions

PLANNING
 Project Title:
40-41 Pall Mall
Westminster
London
SW1 4RJ
 Client:
Pall Mall Investments Ltd
 Drawing Title:
Overlooking Diagram
 Drawing No.:
4046 (SK) 018 A
 Date: Sept 2014
 Drawn by: GS
 Checked by:

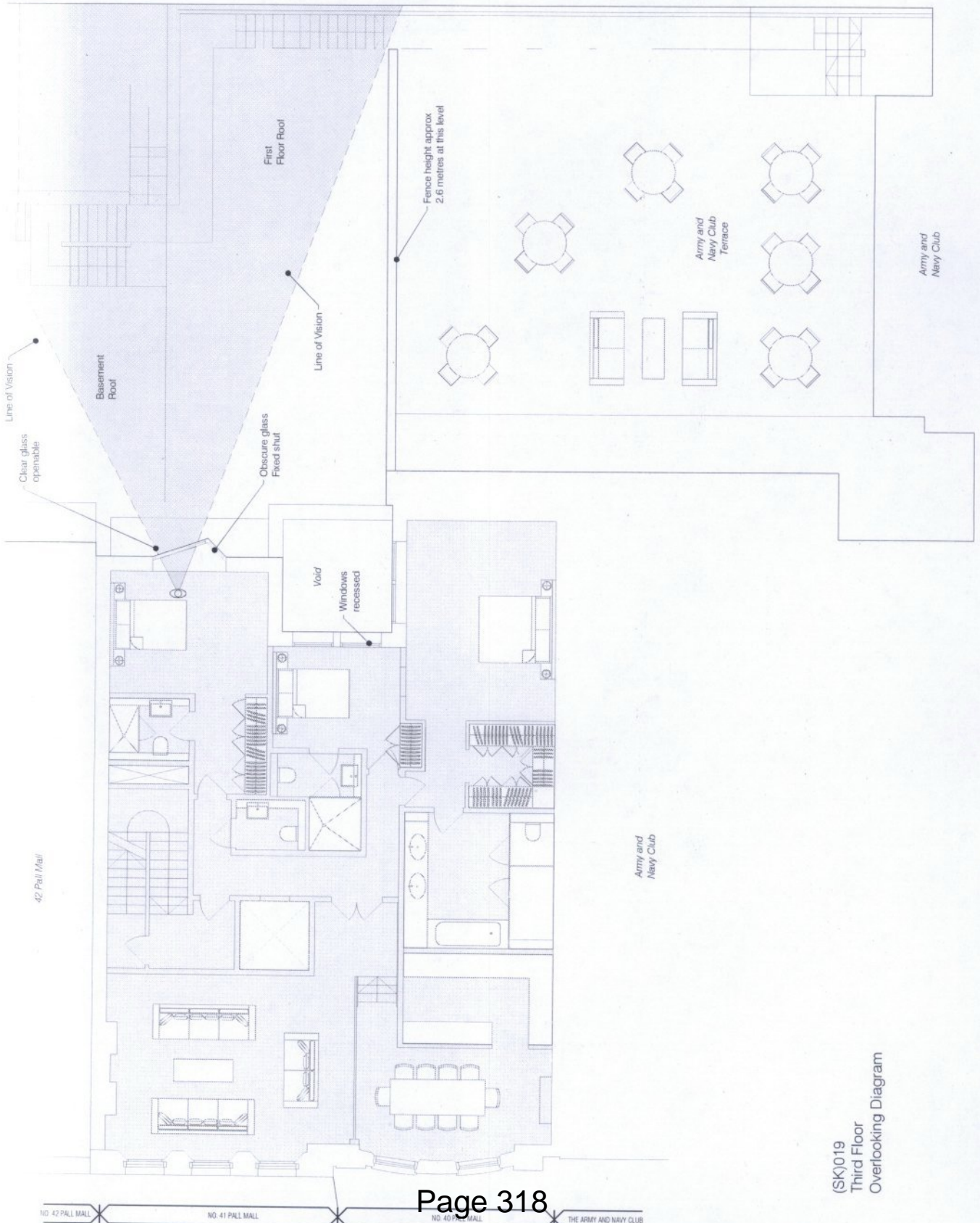
NFA architects
 10, St. James's Place, London SW1A 1BJ
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 Fax: +44 (0)20 7493 8101
 Email: info@nfa-architects.co.uk
 www.nfa-architects.co.uk

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 Building Surveyors



(SK)019
 Third Floor
 Overlooking Diagram

B	05/05/2015	Planning Amendments
C	05/05/2015	Planning Amendments
Rev	Issue & Date	Description

PLANNING

Project File:
40-41 Pall Mall
Westminster
London
SW1 4RJ

Client:
Pall Mall Investments Ltd

Drawing Title:
Overlooking Diagram

Drawing No:
4046 (SK) 019 B

Date: April 2014
 Drawn By: CS
 Checked by:

NFA architects
 The Block, 8, Nicholas Court Lane
 15, Nicholas Court Lane
 W 1R 4JH, London
 Tel: 020 7493 8888
 Fax: 020 7493 8889
 Email: info@nfa-architects.co.uk
 www.nfa-architects.co.uk

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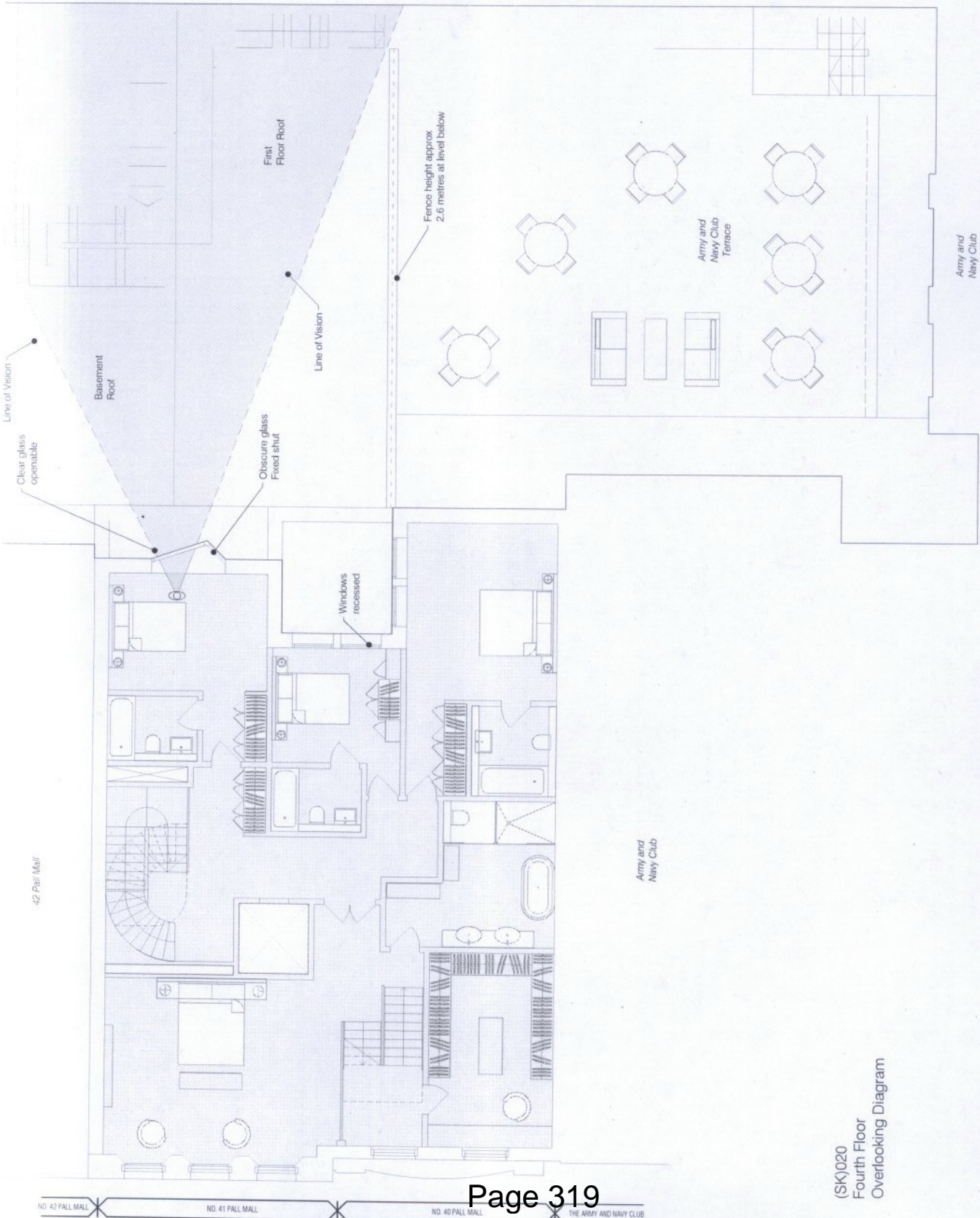
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Drawings based on survey information provided by: **ABC Surveys Ltd**
Building Surveyors



(SK)020
Fourth Floor
Overlooking Diagram



Rev	01	02	03
Date	10/09/13	10/09/13	10/09/13
By	ABC	ABC	ABC
Check	ABC	ABC	ABC
Drawn by	ABC	ABC	ABC

PLANNING

Project Title:
**40-41 Pall Mall
Westminster
London
SW1 4RJ**

Client:
Pall Mall Investments Ltd

Drawing Title:
Overlooking Diagram

Drawing No:
4046 (SK) 020 B

Date: Sept 2014
Drawn by: CG
Checked by:

NFA architects
The Brick Barn, 25, North Colindale Avenue,
Colindale, London, NW9 1ES
Tel: 020 8850 6000
www.nfa-architects.co.uk

paul davis architecture
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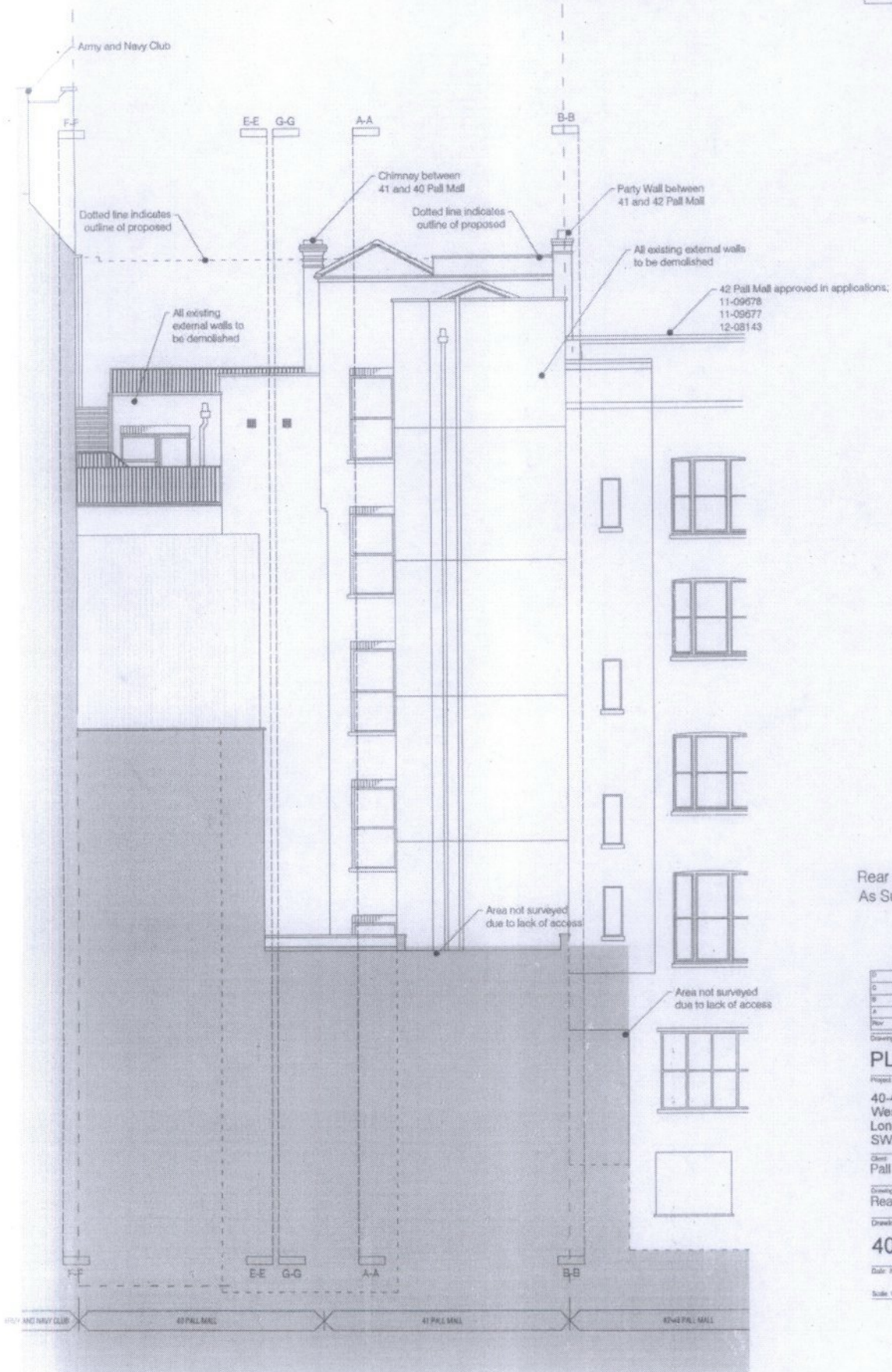
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Rear Elevation
As Surveyed

01	18.09.2014	Planning Issue
02	20.09.2014	Survey information updated
03	20.09.2014	Area information revised
04	18.09.2014	Survey information updated
Rev	Notes & Date	Modifications

Drawing Type

PLANNING

Project Title

40-41 Pall Mall
Westminster
London
SW1 4RJ

Client
Pall Mall Investments Ltd

Drawing Title
Rear Elevation As Surveyed

Drawing No.

4046 (EX) 011 D

Date: 18/09/14

Drawn by: JD

Scale: 1:100 (A3), 1:50 (A4)

Checked by:

NFA architects

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NOTES

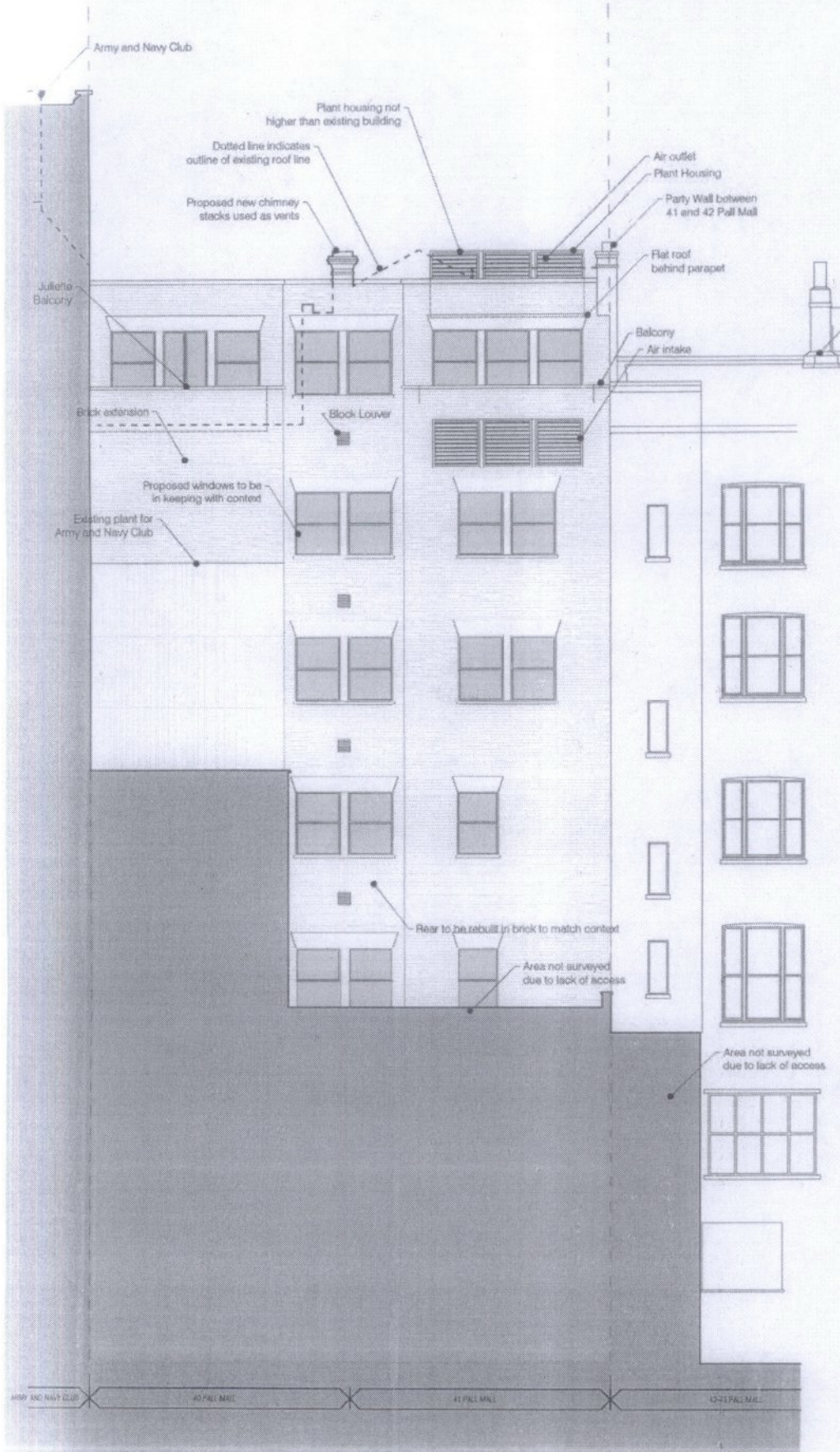
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42 Pall Mall approved in applications:
11-09678
11-09677
12-08143

Ref	ED/14/01/2015	Planning control
A	ADR 18/08/2014	Planning issues
Rev	Health & Safety	Structural issues

Drawing Type:
PLANNING

Project Title:
**40-41 Pall Mall
Westminster
London
SW1 4RJ**

Client:
Pall Mall Investments Ltd

Drawing Title:
Rear Elevation As Proposed

Drawing No:
4046 (SK) 010 B

Date: Sept 2014
Drawn by: GCS

Scale: 1:100 (AS 1:50) 1:50 (GA)
Checked by:

NFA architects

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020 7460 8000
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NOTES

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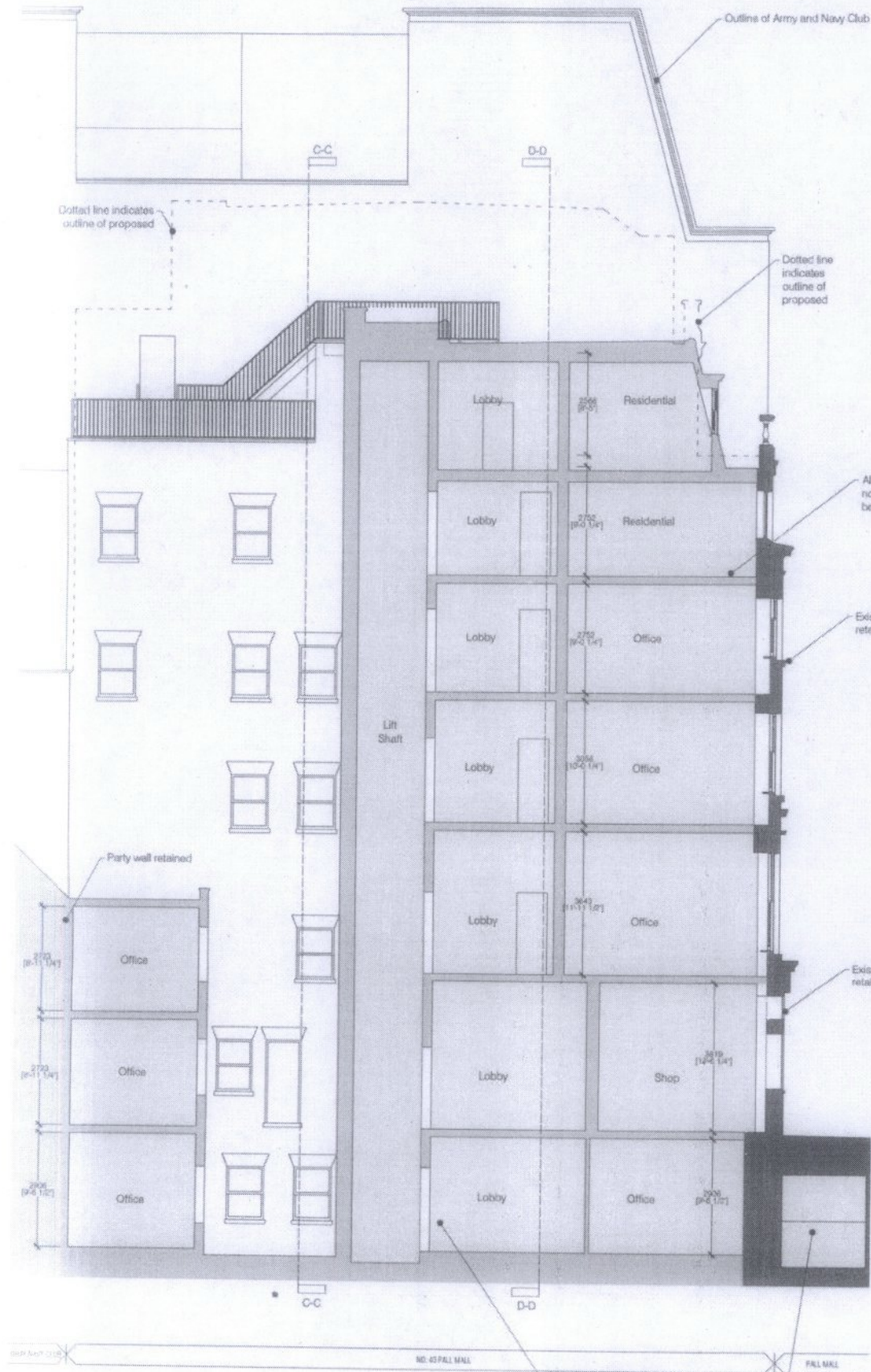
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Section B-B
As Surveyed

D	18/08/2014	Planning team
C	04/08/2014	NAIA Admin
B	25/03/2014	Area calculations checked
A	18/03/2014	Survey information checked
		Shah & Coe
		MultiStore

Drawing Title: **PLANNING**

Project Title: **40-41 Pall Mall Westminster London SW1 4RJ**

Client: **Pall Mall Investments Ltd**

Drawing Title: **Section B-B As Surveyed**

Drawing No: **4046 (EX) 010 D**

Date: Nov 2013

Drawn by: ED

Scale: 1:50 (B&L, 1:50) A1

Checked by:

NFA architects

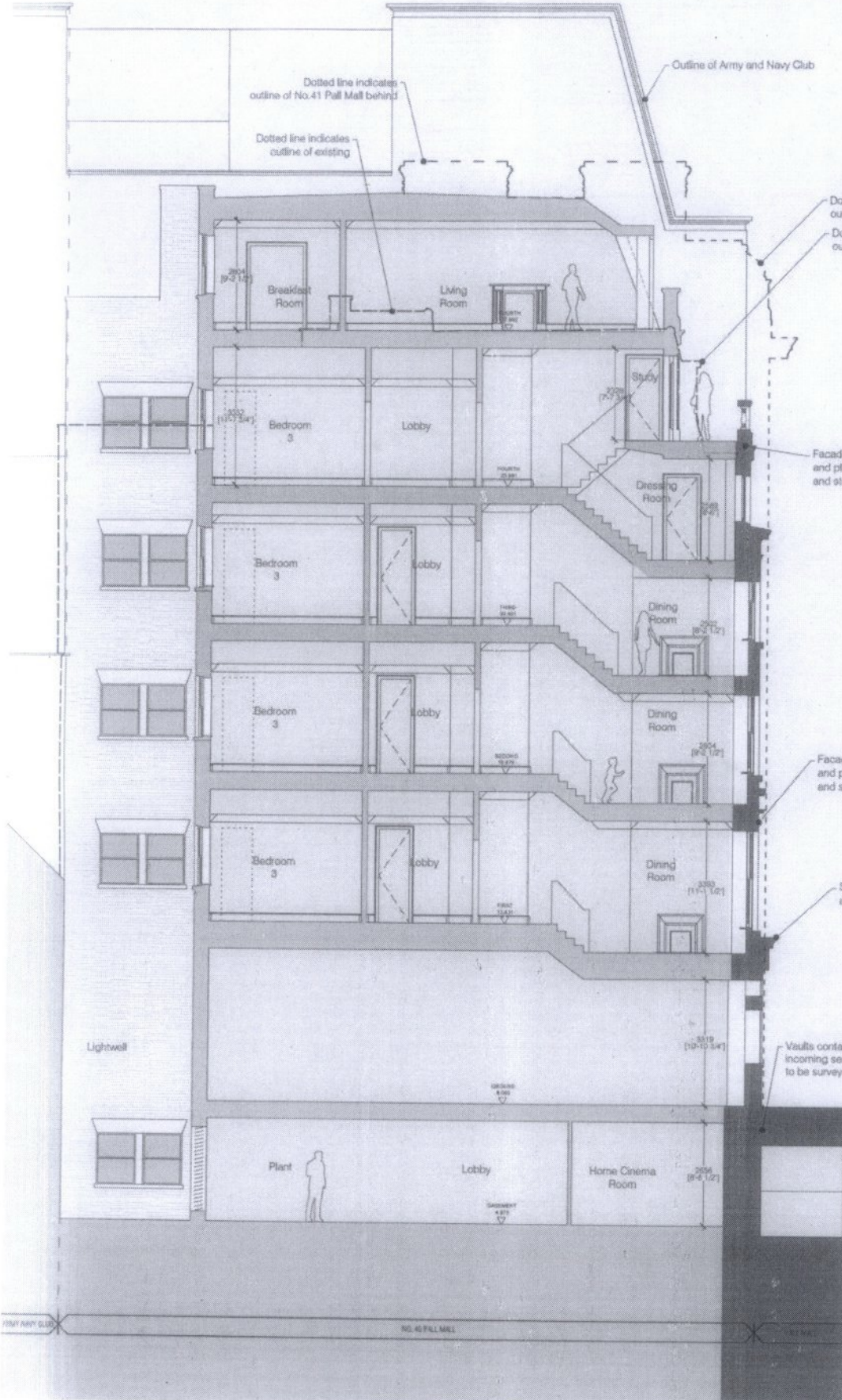
Chelsea Buildings
The Old Bank, 15, Waterloo Street, London, SE1 8UL
Tel: 020 7592 1000
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Vaults containing incoming services to be surveyed

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**Section B-B
 As Proposed**

C	10/01/2014	Planning Issue
B	04/08/2013	Permit Applied
A	07/08/2013	Received 100% Planning Dept. Approval. Local Street widened.
Rev	Initial & Date	Modification

Drawing Title:

PLANNING

Project Title:
**40-41 Pall Mall
 Westminster
 London
 SW1 4RJ**

Client:
Pall Mall Investments Ltd

Drawing Title:
Section B-B As Proposed

Drawing No:
4046 (SK) 009 C

Date: Feb 2011
 Drawn by: BD

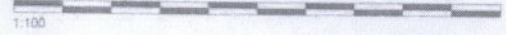
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 Checked by:

NFA architects

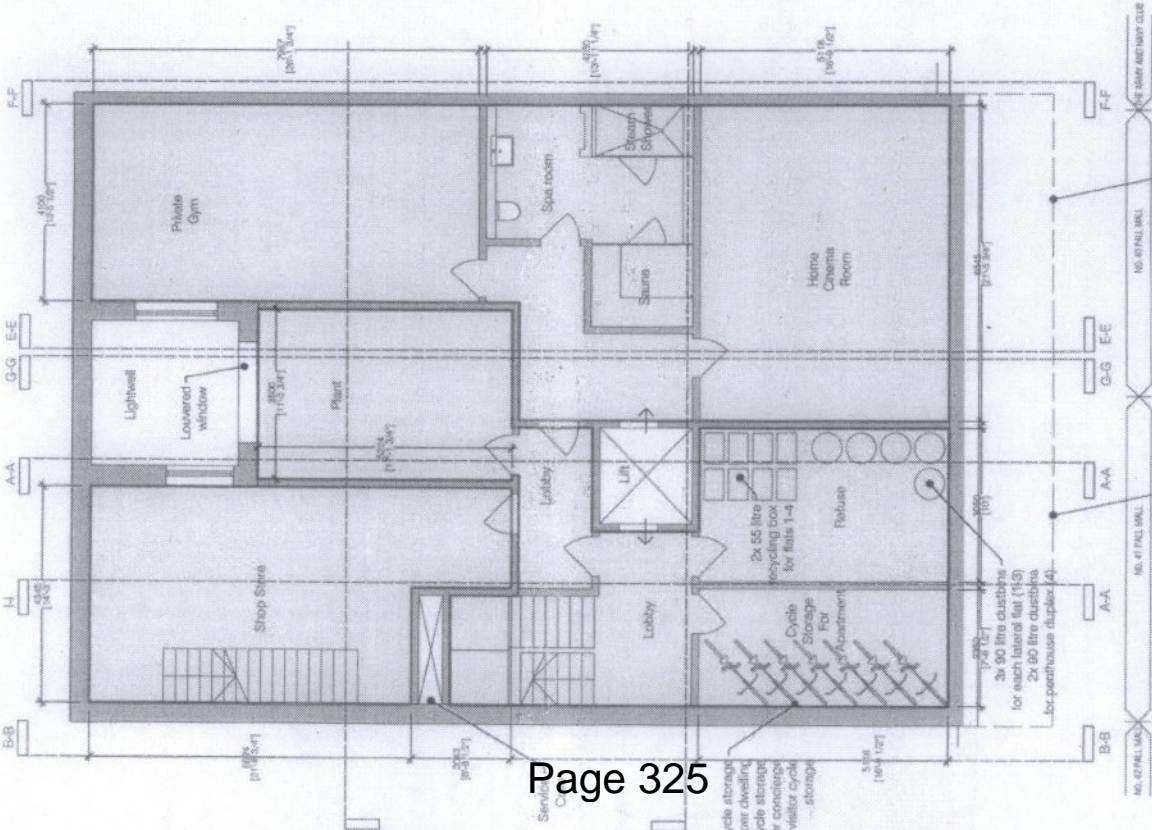
100 Abchurch Lane, London EC4N 3DF
 Tel: 020 7490 8800
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Drawings based on survey information provided by ABC Surveys Ltd Building Structures



Basement Floor Plan (Includes Duplex Apartment) As Proposed

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 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

Key:
 Shared Common Areas
 Residential
 A1 Commercial

Basement Plan
 Shared Common Areas - 66sqm / 710sqft
 Residential - 84sqm / 910sqft
 A1 Commercial - 33sqm / 355sqft
 Gross External Area - 213sqm / 2,293sqft

Ground Plan
 Shared Common Areas - 44sqm / 473sqft
 A1 Commercial - 148sqm / 1,593sqft
 Gross External Area - 213sqm / 2,293sqft

NO.	DATE	DESCRIPTION
1	10/03/2014	Issue for Planning
2	10/03/2014	Issue for Planning
3	10/03/2014	Issue for Planning
4	10/03/2014	Issue for Planning
5	10/03/2014	Issue for Planning
6	10/03/2014	Issue for Planning
7	10/03/2014	Issue for Planning
8	10/03/2014	Issue for Planning
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11	10/03/2014	Issue for Planning
12	10/03/2014	Issue for Planning
13	10/03/2014	Issue for Planning
14	10/03/2014	Issue for Planning
15	10/03/2014	Issue for Planning
16	10/03/2014	Issue for Planning
17	10/03/2014	Issue for Planning
18	10/03/2014	Issue for Planning
19	10/03/2014	Issue for Planning
20	10/03/2014	Issue for Planning

PLANNING

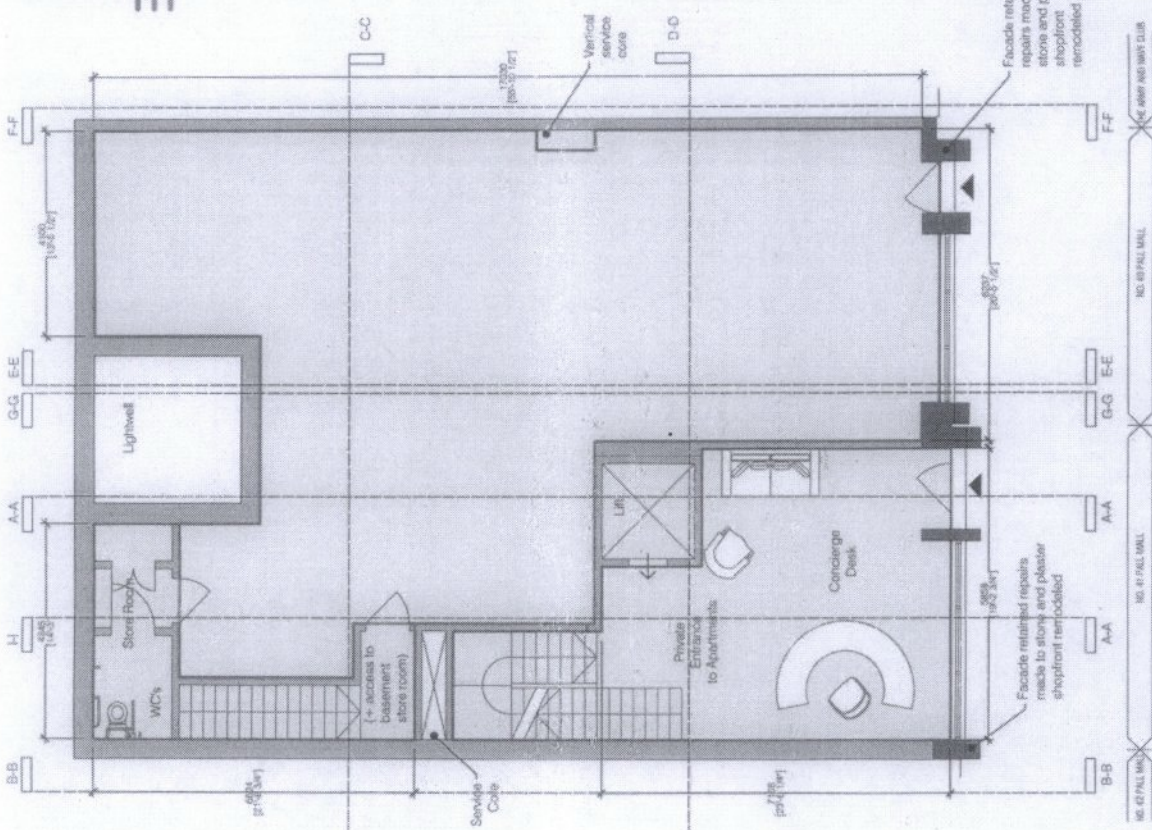
Project Title:
 40-41 Pall Mall
 Westminster
 London
 SW1 4RJ

Client:
 Pall Mall Investments Ltd

Basement, Ground Plan As Proposed

Drawing No:
 4046 (SK) 001 I

Date: 10/03/2014
 Scale: 1:100
 Drawing No: 4046 (SK) 001 I
 Checked by: [Signature]
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Ground Floor Plan (Commercial Units 1) As Proposed



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Key:
 Shared Common Areas
 Residential

First Floor Plan
 Shared Common Areas - 13sqm / 140sqft
 Residential - 171sqm / 1840sqft
 Gross External Area - 216sqm / 2,325sqft

Second Floor Plan
 Shared Common Areas - 13sqm / 140sqft
 Residential - 171sqm / 1840sqft
 Gross External Area - 216sqm / 2,325sqft

NO.	DATE	DESCRIPTION
1	14.03.2024	Issue for Planning
2	14.03.2024	Revised Drawing
3	14.03.2024	Final Drawing

PLANNING

Project Site:
 40-41 Pall Mall
 Westminster
 London
 SW1 4RJ

Client:
 Pall Mall Investments Ltd

Drawing No:
 First, Second Plan As Proposed

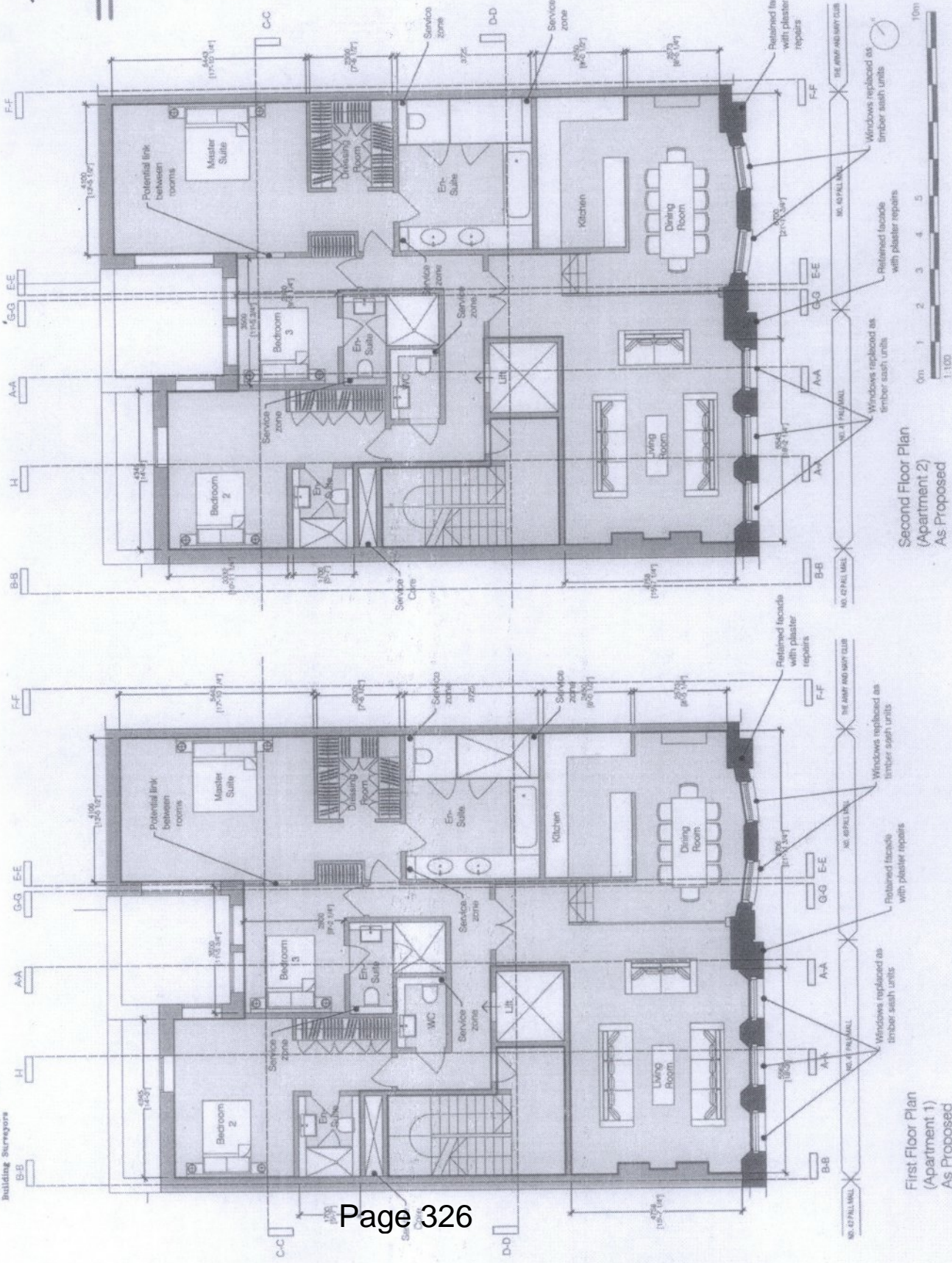
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Scale: 1:100 (AS - 1:500)
 Date: 14.03.2024
 Drawn by: ED
 Checked by:

NFA architects

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Drawings based on survey information provided by ABC Surveys Ltd Building Surveyors

Second Floor Plan (Apartment 2) As Proposed

First Floor Plan (Apartment 1) As Proposed

NOTES

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Key:

Shared Common Areas
 Residential

Third Floor Plan
 Shared Common Areas - 13sqm / 140sqft
 Residential - 171sqm / 1840sqft
 Gross External Area - 216sqm / 2,325sqft

Item	Quantity	Unit	Description
1	1	sqm	Shared Common Areas
2	171	sqm	Residential
3	216	sqm	Gross External Area

PLANNING

Project Title:
 40-41 Pall Mall
 Westminster
 London
 SW1 4RJ

Client:
 Pall Mall Investments Ltd

Drawing No:
 4046 (SK) 003 G

Scale: 1:100

Drawn By: ED

Checked By:

Date: 15/09/2014

Project No: 1509240_1/0001A

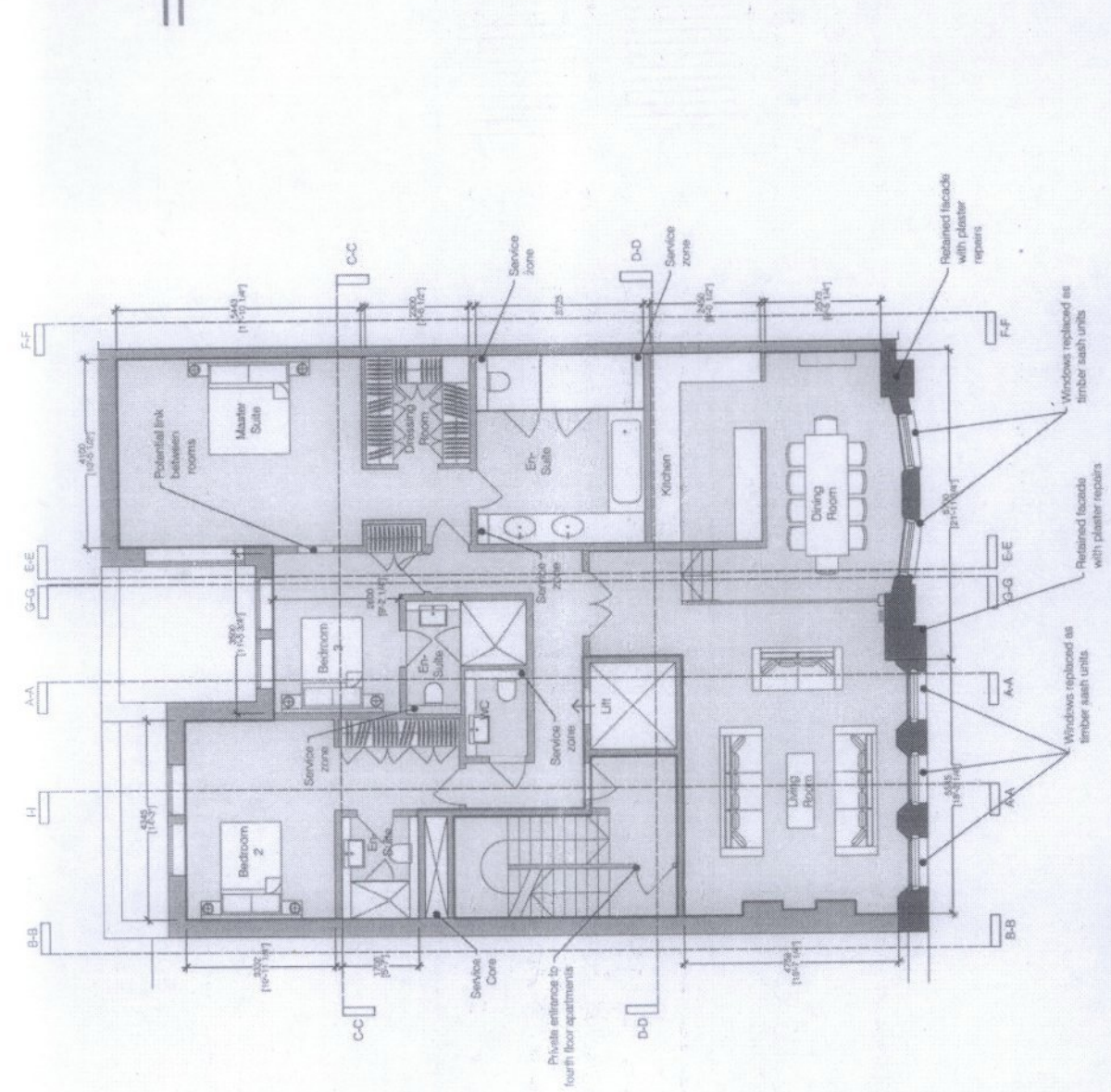
NFA architects

15, GERRARD STREET, WESTMINSTER, LONDON, W1D 6PF

020 7493 8888

paul davis architecture

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15. 41 PALL MALL

15. 41 PALL MALL

THE ARMY AND NAVY CLUB

10m 1 2 3 4 5

1:100

10m

Third Floor Plan
 (Apartment 3)
 As Proposed

NOTE:
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Drawings based on survey information provided by:
ABC Surveys Ltd
 Building Surveyors

Key:
 Residential
 Fourth Floor Study
 Balcony
 Gross Residential - 210sqm/2296sqft
 - 191sqm/2055sqft
 - 120sqm/1296sqft
 - 100sqm/1076sqft

NO.	DATE	DESCRIPTION
1	15/01/2014	Preparation of drawings
2	15/01/2014	Submission of drawings to Building Control
3	15/01/2014	Submission of drawings to Building Control
4	15/01/2014	Submission of drawings to Building Control
5	15/01/2014	Submission of drawings to Building Control
6	15/01/2014	Submission of drawings to Building Control
7	15/01/2014	Submission of drawings to Building Control
8	15/01/2014	Submission of drawings to Building Control
9	15/01/2014	Submission of drawings to Building Control
10	15/01/2014	Submission of drawings to Building Control

PLANNING

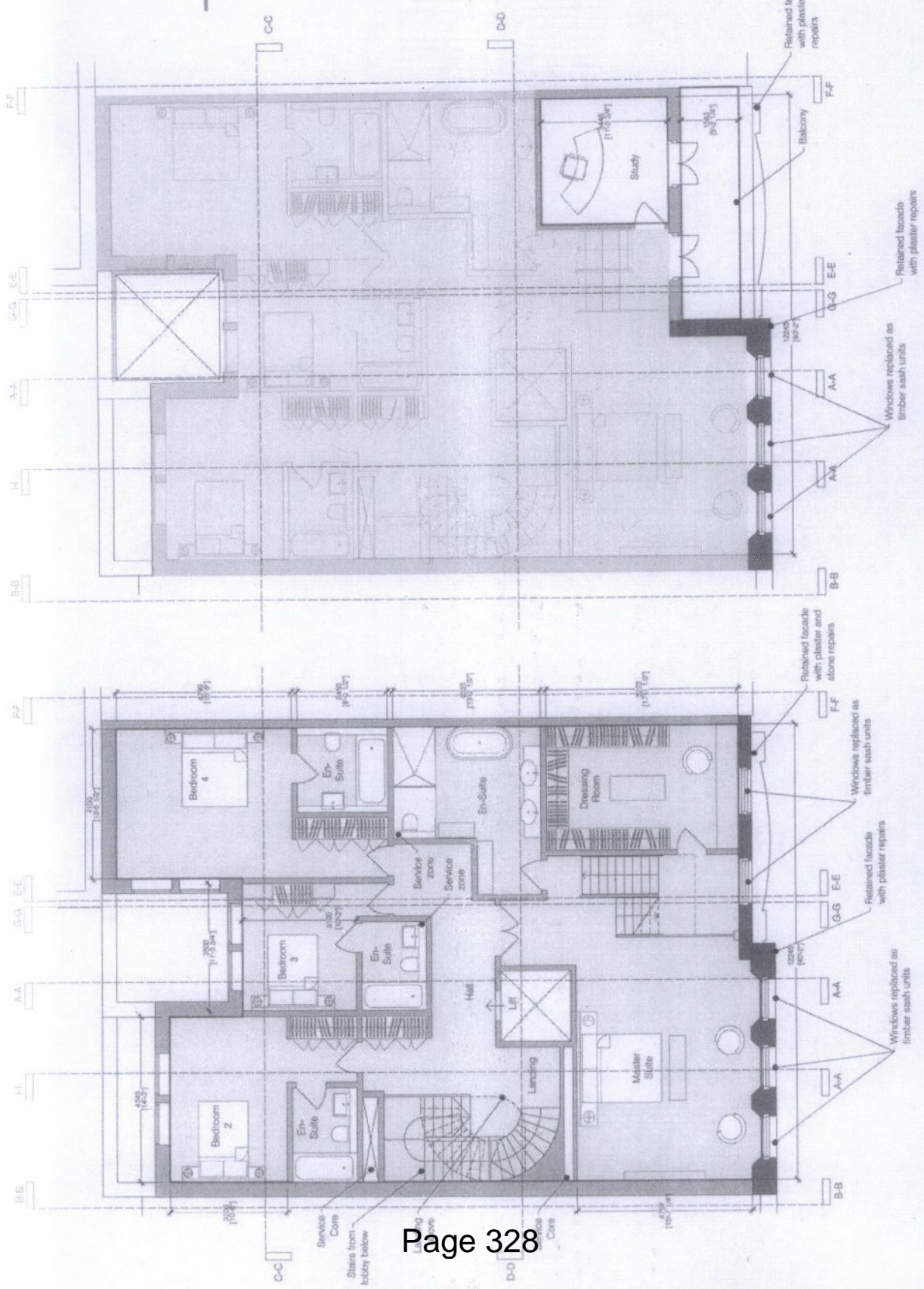
Project Title:
40-41 Pall Mall
 Westminster
 London
 SW1 4RJ

Client:
 Pall Mall Investments Ltd

Drawing No:
 Fourth Floor Plan As Proposed

Drawing No:
4046 (SK) 004 I

Scale: 1:100
 Date: 15/01/2014
 Drawing No: 4046
 Client: Pall Mall Investments Ltd
 Architect: **NFA architects**
 100, Pall Mall, London SW1 4RJ
 Tel: 020 7592 1000
 Email: info@nfa-architects.co.uk
 Website: www.nfa-architects.co.uk



Scale: 1:100

0m 1 2 3 4 5 10m

NO. 41 PALL MALL NO. 42 PALL MALL NO. 43 PALL MALL NO. 44 PALL MALL NO. 45 PALL MALL NO. 46 PALL MALL NO. 47 PALL MALL NO. 48 PALL MALL NO. 49 PALL MALL NO. 50 PALL MALL

Fourth Floor Plan (Duplex Apartment) As Proposed

Fourth Floor Plan (Duplex Apartment) As Proposed

Drawings based on survey information provided by:
ABC Surveys Ltd
 Building Surveys

Drawings based on survey information provided by:
ABC Surveys Ltd
 Building Surveys

Key:
 Shared Common Areas
 Residential

Fifth Floor Plan
 Residential - 145sqm / 1561sqft
 Gross External Area - 163sqm / 1755sqft

NO.	DESCRIPTION	QUANTITY	UNIT
1	ROOF LIGHT	1	SQ
2	VENTILATION SHAFT	1	SQ
3	PROPOSED NEW CHIMNEY STACKS USED AS VENTS	2	SQ
4	LIFT OVERRUN	1	SQ
5	FLAT ROOF	1	SQ
6	FLAT ROOF	1	SQ
7	FLAT ROOF	1	SQ
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PLANNING

Project No:
 40-41 Pall Mall
 Westminster
 London
 SW1 4RJ

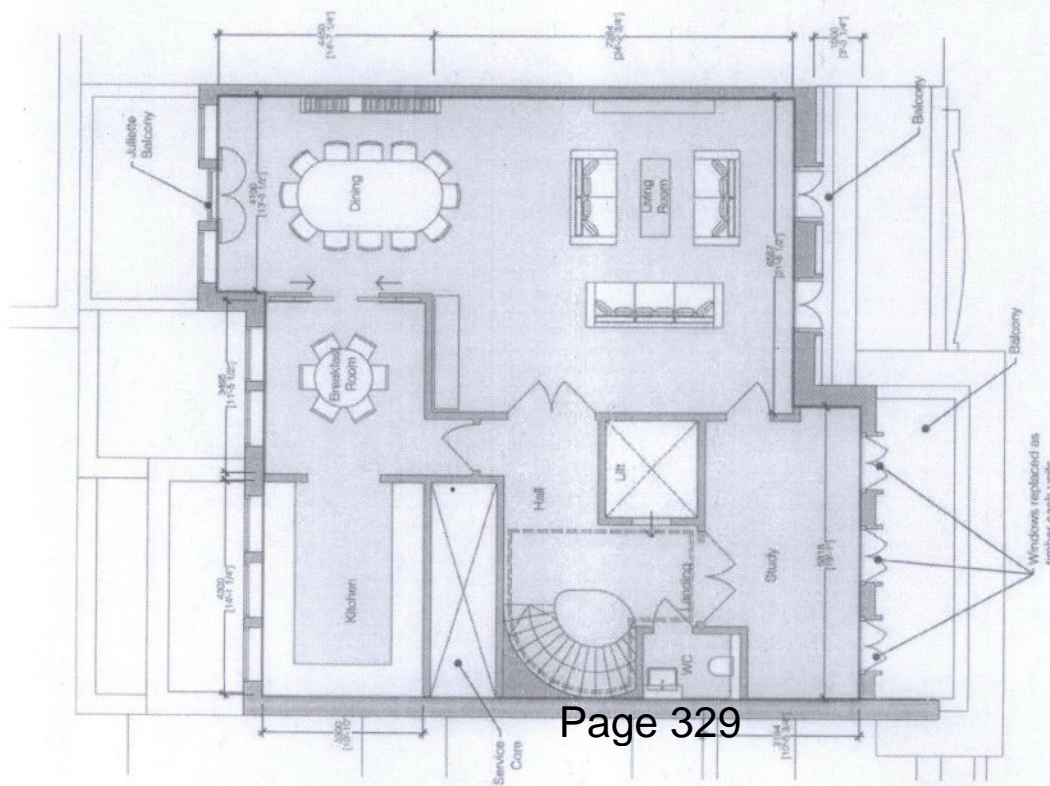
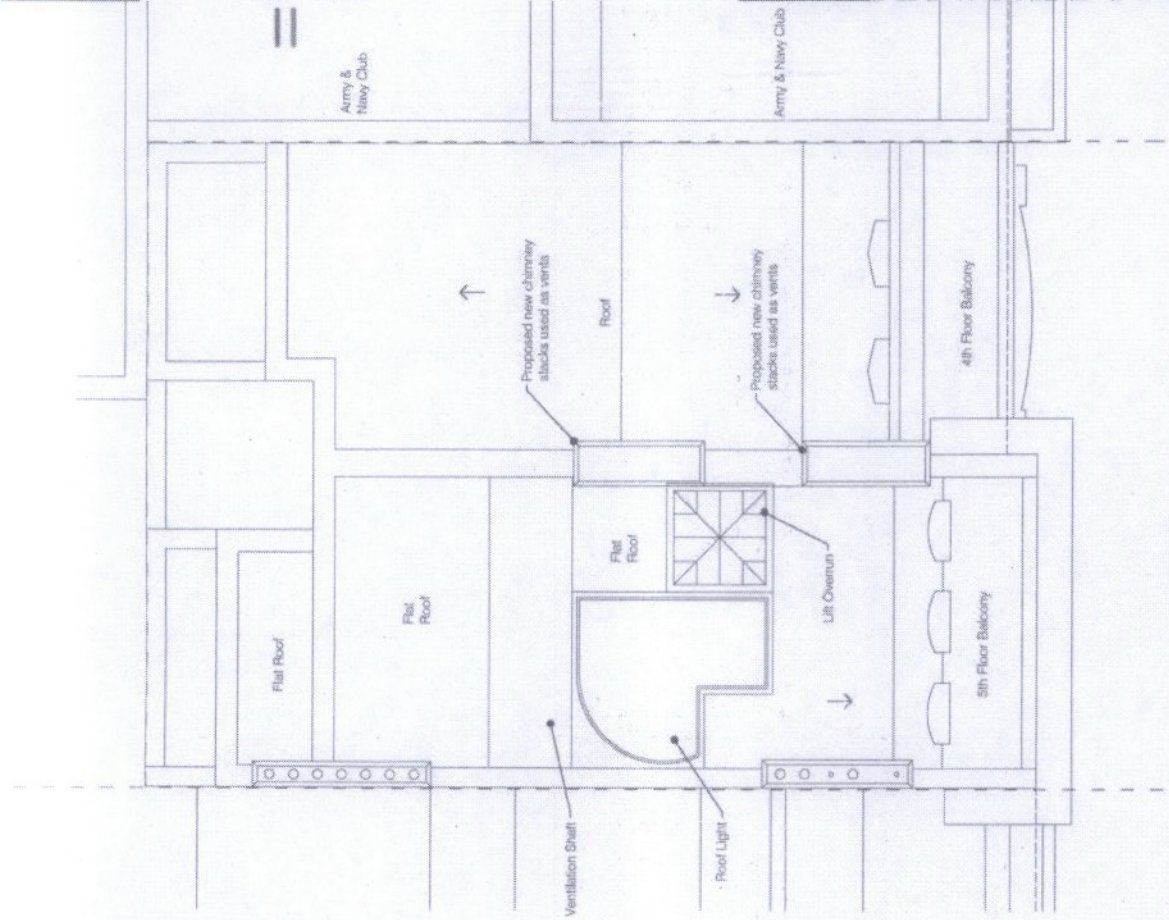
Client:
 Pall Mall Investments Ltd.

Roof Plan As Proposed
4046 (SK) 005 F

Date: 15th 03/11
 Scale: 1:100
 Drawing No: 4046 (SK) 005 F

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NO. 41 PALL MALL NO. 42 PALL MALL NO. 43 PALL MALL NO. 44 PALL MALL NO. 45 PALL MALL NO. 46 PALL MALL NO. 47 PALL MALL NO. 48 PALL MALL NO. 49 PALL MALL NO. 50 PALL MALL NO. 51 PALL MALL NO. 52 PALL MALL NO. 53 PALL MALL NO. 54 PALL MALL NO. 55 PALL MALL NO. 56 PALL MALL NO. 57 PALL MALL NO. 58 PALL MALL NO. 59 PALL MALL NO. 60 PALL MALL NO. 61 PALL MALL NO. 62 PALL MALL NO. 63 PALL MALL NO. 64 PALL MALL NO. 65 PALL MALL NO. 66 PALL MALL NO. 67 PALL MALL NO. 68 PALL MALL NO. 69 PALL MALL NO. 70 PALL MALL NO. 71 PALL MALL NO. 72 PALL MALL NO. 73 PALL MALL NO. 74 PALL MALL NO. 75 PALL MALL NO. 76 PALL MALL NO. 77 PALL MALL NO. 78 PALL MALL NO. 79 PALL MALL NO. 80 PALL MALL NO. 81 PALL MALL NO. 82 PALL MALL NO. 83 PALL MALL NO. 84 PALL MALL NO. 85 PALL MALL NO. 86 PALL MALL NO. 87 PALL MALL NO. 88 PALL MALL NO. 89 PALL MALL NO. 90 PALL MALL NO. 91 PALL MALL NO. 92 PALL MALL NO. 93 PALL MALL NO. 94 PALL MALL NO. 95 PALL MALL NO. 96 PALL MALL NO. 97 PALL MALL NO. 98 PALL MALL NO. 99 PALL MALL NO. 100 PALL MALL

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Fifth Floor Plan (Duplex Apartment) As Proposed

Roof Plan As Proposed

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Agenda Item 13

Item No.
13

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Wards involved St James's	
Subject of Report	Clutha House, 10 Storey's Gate, London, SW1P 3AY		
Proposal	Conversion of part lower ground and all upper floors from offices (Use Class B1) to 8 x residential flats (Use Class C3), including the erection of an enlarged mansard roof extension at fourth floor level, extension to wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above and associated external and internal works.		
Agent	Montagu Evans LLP		
On behalf of	GM Investment Trustees Limited		
Registered Number	15/03907/FULL	TP / PP No	TP/20287 : PP-04123664
Date of Application	05.05.2015	Date amended/ completed	18.08.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Abbey And Parliament Square		
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	Outside Stress Area		
Current Licensing Position	Westminster Arms, 9 Storey's Gate Playing of Recorded Music: Unrestricted Late Night Refreshment: Monday – Saturday 23.00 to 23.30 Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted Sale by Retail of Alcohol: Monday – Saturday 10.00 to 23.00; Sunday 12.00 to 22.30		

1. RECOMMENDATION

Refuse permission - quality of the residential development (noise) and impact on the operation of the adjoining public house and wine bar.





CLUTHA HOUSE, 10 SROEY'S GATE, SW1

2. SUMMARY

10 Storey's Gate is located within the Westminster Abbey and Parliament Square Conservation Area and the Central Activities Zone. It is not a listed building, but is of merit, occupying a prominent corner location at Storey's Gate and Matthew Parker Street. The building is currently in use as offices throughout with the exception of part of the basement which is in use as a wine bar. The wine bar is connected at basement level to the neighbouring public house 'The Westminster Arms' (9 Storey's Gate).

Planning permission is sought for the conversion of part lower ground and all upper floors from offices (Use Class B1) to 8 x residential flats (Use Class C3) (6 x 2 bed and 2 x 3 bed flats), including the erection of an enlarged mansard roof extension at fourth floor level, extension to the wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above, and associated external and internal works.

The key issues in this case are:

- The quality of the residential development in terms of provision of adequate means to protect residents from noise disturbance (internal noise levels and patron noise from adjoining public house and wine bar);
- Impact on the operation of the adjoining public house and wine bar;
- The acceptability of the proposals in land use terms with particular regard to the Council's affordable housing policies;
- The impact on the character and appearance of the building and the Westminster Abbey and Parliament Square Conservation Area;
- The impact of the proposals on the surrounding highway network.

In summary, it is not considered that the development would provide good quality residential accommodation in terms of provision of adequate means to protect residents from noise disturbance. In Westminster, noise from bars, and other commercial and entertainment uses can form a significant element of noise disturbance to residents. It is therefore vital that exceptional attention is paid to providing good quality residential accommodation for future residents. It has not been demonstrated that the proposed residential use would provide adequate means of protection to residents from noise disturbance. In particular, potential noise disturbance from internal noise levels, and patron noise associated with the adjoining public house and wine bar 'Westminster Arms and Storey's Wine Bar'. The proposals are likely therefore to harm the amenity of future occupiers of the residential flats. This would be contrary to policies ENV6, S29 and S32 which require all new housing to provide a high quality living environment, including adequate means of protection from existing background noise.

In addition and as a result of this deficiency, it has not been demonstrated that the proposed residential use would be compatible with the adjoining public house and wine bar, which may lead to future complaints concerning the operation of the public house jeopardizing its continued future existence. The loss of the pub, or any significant curtailment of its current operation, would harm the special local character and entertainment offer in this busy part of the central Activities Zone. This would be contrary to Policies 2.10 and 3.1B of The London Plan March 2015 and the advice contained in the National Planning Policy Framework (March 2012).

3. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

ENVIRONMENTAL HEALTH:

Objection on following grounds:

- Sound Insulation: Potential noise disturbance from internal noise levels and failure to meet Westminster City Council standard policy (ENV 6) on internal noise levels from adjoining commercial activity.
- Patron Noise: Potential noise disturbance and likely complaint from patron noise associated with the adjacent and adjoining Pub and Wine bar.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING:

No objection

HIGHWAYS PLANNING MANAGER:

Object to lack of off-street car parking.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATION:

No. consulted: 196; No. of replies: 170

170 objections received on one or more of the following grounds:

- Loss of offices/ Central London activity within the CAZ.
- Change of use would threaten continued operation of existing office occupiers who require a Central London/ Westminster location.
- The development would likely put, The Westminster Arms, out of business. The area does not need 9 new luxury apartments, but it does need a hub for tourists, for local workers, and the heritage of the area should be protected. (N.B. circa 160+ objections received on these grounds).
- Potential for noise impact from existing wine bar and public house on the residential units/ future occupiers.
- The daily activity at the adjacent Queen Elizabeth II Conference Centre's would adversely affect the residential units/ future occupiers
- Risk of conflict and objections from future residents due to the operation of the centre's business.
- Noise and disturbance from building works will adversely affect adjacent premises.
- Loss of wine bar (N.B. the proposal was amended to retain the wine bar at lower ground floor level)
- No on-site affordable housing.
- Residential use at basement levels poses a flood risk (N.B. the proposal was amended to retain the wine bar at lower ground floor level)

ADVERTISEMENT / SITE NOTICE:

Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

10 Storey's Gate is located within the Westminster Abbey and Parliament Square Conservation Area and the Central Activities Zone. It is not a listed building, but is of merit, occupying a prominent corner location on Storey's Gate and Matthew Parker Street. The building is currently in use as offices (Class B1) throughout with the exception of part of the basement which is in use as a wine bar (Class A4). The wine bar is connected at basement level to the neighbouring public house 'The Westminster Arms' (9 Storey's Gate).

4.2 Relevant History

On 16 May 1991 planning permission was granted for the use of part of the basement as offices (Ref: 91/01569/FULL).

5. THE PROPOSAL

Planning permission is sought for the conversion of part lower ground and all upper floors from offices (Use Class B1 (a)) to 8 x residential flats (Use Class C3) (6 x 2 bed, 2 x 3 bed), including the erection of an enlarged mansard roof extension at fourth floor level, extension to wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above, and associated external and internal works.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The existing and proposed land uses are summarised below:

Table 1. Existing and Proposed Land Uses

Use	Existing (m2 GEA)	Proposed (m2 GEA)	Uplift (m2 GEA)
Office (Class B1)	1,108	0	-1,108
Wine Bar (Class A4)	64	72	+8
Residential (Class C3)	0	1,250	+1,250
Total	1,172	1,250	+78

6.1.1 Loss of office

The proposals would result in the loss of office floorspace amounting to 1,108m² within the CAZ. There have been objections to the loss of office floorspace, however the change of use needs to be assessed in the context of Policy S47 of the City Plan which advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of Central Activities Zone or the City as a whole would be sufficiently harmful in this instance to withhold permission. The change to increase residential use would provide social benefits with the provision of a net increase of eight residential units.

6.1.2 Residential Use

The use of the proposed building for residential purposes is supported by Policies H3 of the UDP and S14 of Westminster's City Plan.

The proposal would create 1,250m² of residential floorspace (GEA) in the form of 8 flats. This would make an important contribution to new housing provision and is welcomed in policy terms.

6.1.3 Affordable Housing

Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant.

The policy requirement is that proposals for housing developments of either 10 or more additional units or over 1000m² additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The proposed residential floorspace is 1,250m² GEA. Using the calculations set out in the Interim Guidance Note, this requires 160m² of the total residential floorspace to be provided as affordable housing (2 on site affordable homes).

Policy S16 requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note. A policy compliant payment in lieu is £660,100. The agents have confirmed that the applicant is willing to make a full policy compliant payment in lieu which could be secured by legal agreement.

As this development is a conversion rather than a new build, it will prove difficult to provide a separate core and access arrangements for 2 on-site affordable homes. It is also highly improbable that any affordable units provided could avoid a proportion share of high service charges making these affordable homes unaffordable. The applicant has also confirmed that they do not have any suitable alternative sites to provide off-site provision. The Head of Affordable and Private Sector Housing advises that a policy compliant payment in lieu is acceptable in the circumstances of this case.

6.1.3 Residential mix and layout

The proposal would create 8 residential units in the following housing mix:

Table 2. Mix of units

Units	Number	%
2 bed	6	75
3 bed	2	25
Total No.	8	100

Policy H5 of the UDP requires that 33% of housing units be family sized (being three or more bedrooms). In this case 2 (25%) of the 8 units are family sized. It is considered that there is a case for a slightly lower amount of family housing given that this is a central location within the CAZ and the opportunities to provide outdoor space for all flats is limited given the constraints of the site.

All units have been designed to meet or exceed the Mayor's dwelling space standards set out in London Plan Policy 3.5.

Policy H10 (A) states that the City Council will normally expect the provision of amenity space. Only one of the units would have access to an outdoor terrace. It is acknowledged that the constraints of the site would make it difficult to provide sufficient amenity space for all units in line with policy H10. Given the site is in close proximity to public parks, the proposals can be considered acceptable in the context of policy H10 even if it not possible to provide each flat with outdoor space.

6.2 Townscape and Design

10 Storey's Gate, known as Clutha House is located within the Westminster Abbey and Parliament Square conservation area. It is not a listed building. This application seeks to erect a mansard roof extension and to extend at lower ground floor level. Plus the creation of a terrace at ground floor level, and associated works including the installation of a satellite dish and alterations to the existing windows and doors.

Erection a mansard roof extension: The site currently has a mansard roof form, which is restricted to the rear of the building, making it hidden from ground level. However, the safety rails are visible and are considered unsightly. The new mansard will have a traditional appearance and whilst visible from street level it is considered an improvement to the building and the conservation area. Samples of the roofing slate are to be secured by way of condition.

Extension at lower ground floor level with terrace above: The existing courtyard is partially in filled with a WC block, this is to be removed and an extension added to increase the internal floor space. At ground floor level a terrace will be created above. Given the internal and enclosed nature of this location, the works are not considered to harm the character of the conservation area.

Installation of a satellite dish: The proposed 'potential' location is to the rear of the building, located against the parapet wall. This location would not be visible from the surrounding streets or from the open space in front of the Queen Elizabeth II conference centre. As such it is deemed acceptable.

Alterations to the existing windows and doors: The existing front windows are to be refurbished and slim lite double glazing added. Three new windows are proposed in currently blocked openings on the front elevation to match those already existing. New windows are proposed for the rear elevations. Further details of all the new windows are to be secured by way of condition. The main entrance door is also to be slightly lowered to accommodate the removal of the stepped access. These works are not deemed to harm the character of the building or conservation area.

In summary the works are considered acceptable in design terms, subject to the conditions noted above.

6.3 Amenity

Policies S29 and S32 of the City Plan, and ENV6 and ENV13 of the UDP seek to protect residential amenity in terms of noise pollution, light, privacy, sense of enclosure, overlooking and essentially encourage development which enhances the residential environment.

6.3.1 Noise pollution

In Westminster, noise from bars, and other commercial and entertainment uses form a significant element of noise disturbance to residents. It is accepted that the background noise levels in this area of the City are high. It is therefore vital that exceptional attention is paid to providing good quality residential accommodation for future residents.

Policy S29 states that all new housing will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.

Policy S32 states that the Council will work to reduce noise pollution and its impacts and protect Noise Sensitive Receptors from noise by ensuring development provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources.

Policy ENV 6 covers noise pollution issues (other than noise from plant, which is covered by ENV 7). Policy ENV 6 (4), states 'The City Council will require residential developments to provide adequate protection from existing background noise'.

Para 9.83 of the UDP states that residential developments that will be exposed to high levels of existing noise will require design, features and sound insulation to enable residents to be protected from such external noise. These should be designed to enable the following WHO guideline levels to be met in all residential developments:

- a) indoors: $35\text{dB}_{\text{LAeq16}}$, daytime to prevent interference of speech and moderate annoyance
- b) inside bedrooms, night time: $30\text{dB}_{\text{LAeq8}} / 45\text{dB}_{\text{LAmax}}$, to prevent sleep disturbance.

The application is supported by an Acoustic Assessment by RBA acoustics which assesses the issue of internal noise levels to the new flats and assesses the building envelope's acoustic performance. The Acoustic Assessment concludes that acceptable internal noise levels, assessed against Westminster's standards, can be achieved on all facades using high specification thermal slim line double-glazing and a further layer of secondary glazing, and sound insulation between the retained wine bar and the ground floor residential unit.

The Council has received objections on behalf of Shepherd Neame Ltd, operators of the adjoining public house and wine bar 'Westminster Arms and Storey's Wine Bar'. Shepherd Neame have provided their own Acoustic Assessment by Hann Tucker and object on the grounds that the applicant's Acoustic Assessment does not sufficiently demonstrate that the proposed residential use will be adequately protected from potential noise disturbance from internal noise levels and patron noise associated with the adjoining public house and wine bar. Shepherd Neame are concerned that this could lead to future complaints to the Council's Environmental Health Department from occupants of the residential flats, which can be damaging to business and potentially lead to future licensing problems.

Environmental Health has assessed the applicant's original Acoustic Assessment, the objector's Acoustic Assessment, and the applicant's subsequent follow up report. Environmental Health object to the application on the basis of noise and nuisance grounds for two main reasons:

1. Potential noise disturbance from internal noise levels and failure to meet Westminster City Council standard policy (ENV 6) on internal noise levels from adjoining commercial activity. – Sound Insulation.
2. Potential noise disturbance and likely complaint from patron noise associated with the adjacent and adjoining Pub and Wine bar. – Patron Noise

Sound Insulation

Environmental Health has considered the application which includes the applicant's additional acoustic report by RBA acoustics and the objector's acoustic report by Hann Tucker. While RBA acoustics have rightly considered the issue of internal sound transmission, neither RBA nor Hann Tucker has considered the worst case situation which is possible in this case. The Licence which covers the Lower Ground, Ground, First and Second floor areas of part of the same and adjoining building, allows for Page 339 music and/ or entertainment in terms of the noise (dB) level and the hour at which these may be conducted.

While the Council has standard conditions which seek to protect future residents from existing commercial activities, it is a concern in cases where two parties are unable to work together or worse still, where both parties are at odds about the proposals.

There is a particular risk to sound insulation work performance where the developer is not in control or cannot guarantee control of either side of the partitions (walls / floors). For the best sound insulation performance / results, then both sides of the partition should be treated especially where loud music including bass content of music is involved. It is acknowledged that RBA and Hann Tucker have suggested a bespoke planning condition to require sound insulation work to be undertaken to achieve a particular standard. However, this is not acceptable for two main reasons:

- a. The Licenced premises also includes Ground, 1st and 2nd floors within the Licence with no restrictions on music and entertainment (either level of noise or terminal hour) in any of these areas. The assessment carried out by RBA is only for the Floor between the Wine Bar and Living room of the 3 x bed unit located on the ground floor. The assessment should be carried out at all partitions between the Licence Premises and the proposed residential (which does include living rooms as well as Bedrooms).
- b. The stated sound insulation performance of 60 dB $D_{nT,w}$ may not be adequate, especially when taking into consideration low frequency noise from bass music content.

It should also be noted that there appears to be a service lift which runs from the lower ground to upper floors as well as the opening between the basements of Clutha House and 9 Storey's Gate. Both of these openings in the partition structures have not been dealt with within the applicant's submissions.

It is noted that in the latest Acoustic Report by RBA Acoustics (15th October 2015) and submitted acoustic details; the proposed sound insulation treatment is provided to the wine bar ceiling. It is unknown how this will work in practice. For instance, the applicant will have to have access and agree with the wine bar operators to carry out this work and the wine bar operators will have to ensure that this treatment is kept in situ and kept within the condition that it is installed. Therefore, this will have an on-going impact upon the wine bar operator's ability to install fixings, lighting, ventilation, services, speakers etc. to the proposed ceiling.

Notwithstanding the above points of access, agreement and on-going up-keep of the ceiling treatment, the acoustic specifications provided in the latest acoustic report are still based upon the existing measured noise levels within the wine bar, and do not take into consideration the 'potential' dB levels and the terminal hour which could be operated under the Licence.

Patron Noise

Given the close proximity of residential windows to the front of the Westminster Arms and Storeys Wine bar, it is a concern that noise from patrons (vertical drinking, patrons arriving and departing) is likely to give rise to noise complaint. It is noted in the Environmental Health database that only one (unsubstantiated) complaint has been received with regard to patron noise from the Licence premises in the last 15 years, this is most likely because of the lack of residential which is currently affected by the premises.

Premises Licensing officers have confirmed that the pub regularly has very large numbers of vertical drinkers outside of the front of the pub in Storeys Gate (+50 patrons). Large groups of vertical drinkers will be in very close proximity to proposed residential habitable rooms on ground (the same level) and 1st floor level, and such activity is very likely to be clearly audible with windows open or closed.

Environmental Health agrees with the objector's assertion in the Hann Tucker report that insufficient consideration has been given to this issue. RBA's measurements on 30th January 2015 would not have captured the levels of noise which undoubtedly arise from the use of this premises during summer months. Environmental Health agrees with the correction of the January 30th noise survey by 5 dB to reflect the noise from patrons at the ground and 1st floor windows of the proposed residential. Although, Environmental Health accept that a 5 dB correction would be applicable to the exposure of road traffic noise to the proposed 1st floor windows (which is what it was intended for), this would not be the same correction for a source of noise such as a group of vertical drinkers to a window only circa 3 – 5 metres away.

RBA state that they have measured the patron noise on Friday the 24th July at the time that they conducted the internal noise level survey within the wine bar. However, there is insufficient information with regard to this measurement to determine if this is an appropriate assessment of the typical noise levels associated with Patrons drinking outside the pub. It is unknown if the measurements were taken before, during or after the internal wine bar survey. The number of customers is also unknown, if they were seated, standing or a single large group or a number of smaller groups. Also a 5 minute measurement is not adequate sample duration to properly assess this noise.

Insufficient information and consideration has been given to the impact of patron noise and the potential adverse impact on the existing licence due to complaints. It is also noted that Table and Chairs Licences have been given over a number of years and the future consideration of such Licences will be impacted upon the introduction of residential units particularly at street level.

Noise pollution summary

In summary, the applicant has not taken into consideration the 'potential' legitimate worse case operation of the Licence, or the fact that the licence covers the ground, 1st and 2nd floor levels of the public house within the adjoining building, and not just the wine bar within the lower ground floor of the same building. Even if sound insulation conditions were imposed, it is a concern that unless all interested parties can work together than the results of sound insulation may be limited and may disadvantage the current legitimate licensed operation. Insufficient information and consideration has also been given to the impact of patron noise and the potential adverse impact on the existing licence due to complaints.

It is not considered that the development would provide good quality residential accommodation in terms of provision of adequate means to protect residents from noise disturbance. It has not been demonstrated that the proposed residential use would provide adequate means of protection to residents from noise disturbance. In particular, potential noise disturbance from internal noise levels, and likely complaint from patron noise associated with the adjoining public house and wine bar 'Westminster Arms and Storey's Wine Bar'. The proposals are likely therefore to harm the amenity of future occupiers of the residential flats. This would be contrary to policies ENV6, S29 and S32 which require all new housing to provide a high quality living environment, including adequate means of protection from existing background noise.

6.3.2 Light/ Sense of Enclosure/ Overlooking

The application is supported by a Daylight and Sunlight Report that analyses the impact of the development on the amount of natural light available to neighbouring buildings. The report finds that all neighbouring properties fully meet the BRE guidelines for daylight and sunlight.

The alterations and extensions, including terrace, are not considered to have any material impact on the amenity of neighbouring residents in terms of loss of light, increase in sense of enclosure, or overlooking.

6.4 Transportation/ Parking

6.4.1 Car Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. 'Stress levels' are defined as circumstances where the occupancy of on-street legal parking spaces exceeds 80%.

The City Council's most recent daytime survey (2011) indicates that occupancy of legal parking spaces within a 200m radius of the site is 84% occupied during the day. During the daytime, the only legal parking spaces for permit holders are Residential and Shared Use Bays.

During the evening, occupancy of Residential and Shared Use Bays increases to 88%. However TRANS 23 includes all legal parking spaces, and with the addition of Single Yellow line availability during the night, the stress level reduces to 26%.

The Highways Planning Manager has recommended that the application be refused due to no off street car parking. However given that the site benefits from excellent public transport links, it is not considered that refusal on these grounds could be sustained.

6.4.2 Cycle Parking

The plans show provision for cycle spaces within a secure internal store at basement level. This level of provision is secured by condition.

6.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated by the proposed residential units are welcomed.

6.6 Access

A platform lift is provided within the entrance to allow step free access. All of the units have been designed to meet Lifetime Home space standards, and the main core is fitted with a wheelchair accessible lift that provides flush access to all floors.

6.7 Other UDP/Westminster Policy Considerations

A condition is 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.

The application has attracted objections on ground that the development would lead to the loss of the neighbouring 'Westminster Arms Public House'. This application does not propose to change the use of the neighbouring 'Westminster Arms Public House'.

The proposals have attracted significant objections on grounds that the development would likely put, The Westminster Arms, out of business. The objections further state that the area does not need 9 new luxury apartments, but it does need a hub for tourists, for local workers, and the heritage of the area should be protected. (N.B. circa 160+ objections received on these grounds).

There is also objection from the adjacent Queen Elizabeth II Conference Centre's on grounds that their daily activities would adversely affect the residential units/ future occupiers which

may lead to a risk of conflict and objections from future residents due to the operation of the centre's business.

As outlined in section 6.1.4 of this report, conditions are recommended to minimise noise intrusions within the flats. As such the scheme, subject to the additional measures to be secured by condition, is considered to comply sufficiently with ENV 6 (4) which requires residential developments to provide adequate protection from existing background noise.

6.8 London Plan

Shepherd Neame has raised concerns that the proposed residential use could lead to future noise complaints to the Council's Environmental Health Department from occupants of the residential flats, which could be damaging to business and potentially lead to future licensing problems.

Paragraph 4.48A of the London Plan states that the Mayor recognises the important role that London's public houses can play in the social fabric of communities. Policy 3.1B is also specifically referenced so that pubs are included in the following protection: 'Development proposals should protect and enhance facilities and services that meet needs of particular groups and communities (Policy 3.1 B)'.

Policy 2.10A relates to the Central Activities Zone and states that the Mayor will, and boroughs and other relevant strategic partners should enhance and promote the unique international, national and London wide roles of the Central Activities Zone (CAZ), supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations.

Section 6.3.1 of this report (noise pollution) illustrates the concerns over the quality of the residential accommodation, in terms of protecting residents from noise disturbance. As a result of this deficiency, it has not been demonstrated that the proposed residential use would be compatible with the adjoining public house and wine bar, which may lead to future complaints concerning the operation of the public house jeopardizing its continued future existence. The loss of the pub, or any significant curtailment of its current operation, would harm the special local character and entertainment offer in this busy part of the central Activities Zone. This would be contrary to Policies 2.10 and 3.1B of The London Plan March 2015.

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.

The National Planning Policy Framework seeks to promote healthy communities by guarding against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. It is clear that community facilities in this context include public houses.

The loss of the pub, or any significant curtailment of its current operation, would be contrary to the advice contained in the National Planning Policy Framework (March 2012).

6.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

Had the application been considered acceptable, a S106 legal agreement would be required to secure the following:

- Payment in lieu of affordable housing (£660,100).
- S106 monitoring payment.

The proposed development is also liable for a Mayoral CiL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance

with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

7. Conclusion

In conclusion, it has not been demonstrated that the development would provide good quality residential accommodation that would provide adequate means of protection to residents from noise disturbance. In particular, potential noise disturbance from internal noise levels and patron noise associated with the adjoining public house and wine bar 'Westminster Arms and Storey's Wine Bar'. The proposals are likely therefore to harm the amenity of future occupiers of the residential flats.

In addition and as a result of this deficiency, it has not been demonstrated that the proposed residential use would be compatible with the adjoining public house and wine bar, which may lead to future complaints concerning the operation of the public house jeopardizing its continued future existence. The loss of the pub, or any significant curtailment of its current operation, would harm the special local character and entertainment offer in this busy part of the Central Activities Zone.

The proposal would be contrary to Policy ENV 6 of our Unitary Development Plan that we adopted in January 2007, Policies S29 and S32 of the City Plan: Strategic Policies that we adopted in November 2013, Policies 2.10 and 3.1B of The London Plan March 2015 and the advice contained in the National Planning Policy Framework (March 2012).

BACKGROUND PAPERS

1. Application form.
2. Memos from the Westminster Society dated 08.09.2015 and 16.06.2015.
3. Memo from Highways Planning Manager dated 09.06.2015
4. Memo from Environmental Health dated 16.10.2015.
5. Letter and emails with attached Acoustic Report from Milliken & Company on behalf of Shepherd Neame Ltd, Westminster Arms, 9 Storey's Gate dated 17.06.2015, 08.08.2015, and 22.09.2015.
6. Letter from the Policy Exchange Ltd, Clutha House, 10 Storey's Gate dated 09.05.2015.
7. Email from PACTS (Parliamentary Advisory Council for Transport Safety), Clutha House, 10 Storey's Gate dated 01.07.2015.
8. Letter and email from the Queen Elizabeth II Centre dated 22.06.2015 and 23.06.2015.
9. Email from Head of Affordable and Private Sector Housing dated 15.09.2015.
10. Email from The Heritage Alliance, Clutha House, 10 Storey's Gate dated 14.09.2015.
11. 165 emails from interested parties received between 17.06.2015 and 09.07.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT DAVID DORWOOD ON 020 7641 2408 OR BY E-MAIL – ddorwood@westminster.gov.uk

DRAFT DECISION LETTER

Address: Clutha House, 10 Storey's Gate, London, SW1P 3AY

Proposal: Conversion of part lower ground and all upper floors from offices (Use Class B1) to 8 x residential flats (Use Class C3), including the erection of an enlarged mansard roof extension at fourth floor level, extension to wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above and associated external and internal works.

Plan Nos: PL001, 009, 010, 011, 012, 013, 014, 015, 040, 070, 070.1, 071, 072, 073, 109D, 110D, 111D, 112C, 113C, 114B, 115, 140C, 170B, 170.1, 171B, 172D, 173C, 600, 601, 209B, 210B, 211B, 212B, 213B, 214, 215, 240B, 270, 271, 272B, 273B; Schedule SG1; Montagu Evans Covering Letter dated 31 July 2015; Location Plan; Schedule SG2; Design and Access Statement; Planning Statement dated 31 July 2015; Daylight and Sunlight Assessment; RBA Acoustic Assessment dated 03.08.2015 and addendums dated 18.09.2015 and 15.10.2015; Energy Statement; Building Services Report; Flood Risk Assessment; Structural Statement.

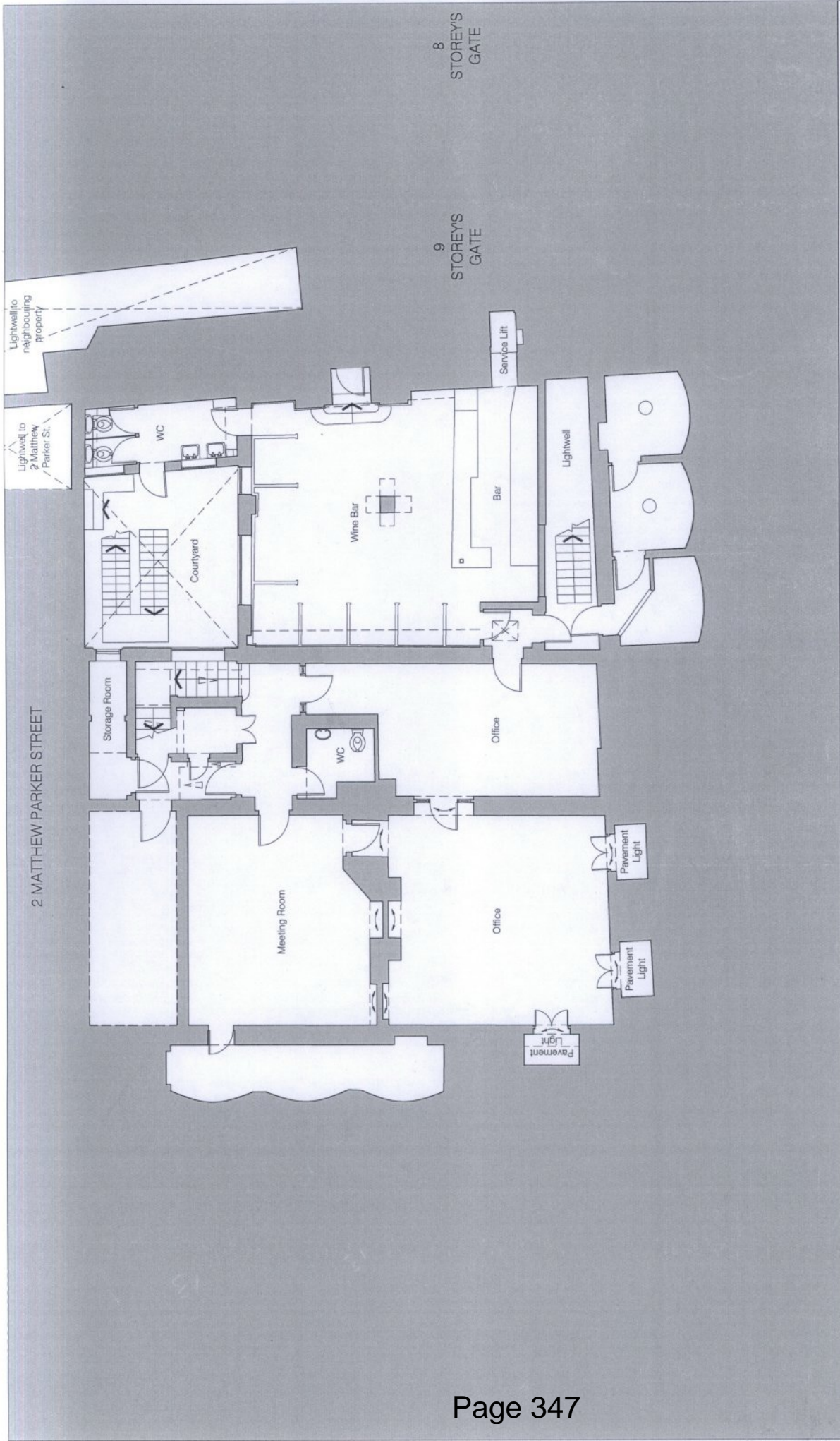
Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

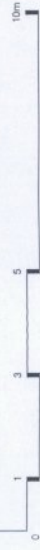
Recommended Reason(s) for Refusal:**Reason:**

- 1 You have not demonstrated that the proposed residential use would provide adequate protection from potential noise disturbance from internal noise levels and patron noise associated with the adjoining public house and wine bar. The proposals are likely therefore to harm the amenity of future occupiers. In addition and as a result of this deficiency it has not been demonstrated that the proposed residential use would be compatible with the adjoining public house and wine bar which may lead to future complaints concerning the operation of the public house jeopardizing its continued future existence. This would be contrary to Policy ENV 6 of our Unitary Development Plan that we adopted in January 2007, Policies S29 and S32 of the City Plan: Strategic Policies that we adopted in November 2013, Policies 2.10 and 3.1B of The London Plan March 2015 and the advice contained in the National Planning Policy Framework (March 2012).

Informative(s):



existing - lower ground floor plan



KEY

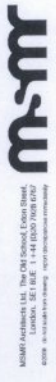
Existing wall construction

GENERAL NOTES:
Do not scale from this drawing.
All dimensions are in millimetres.

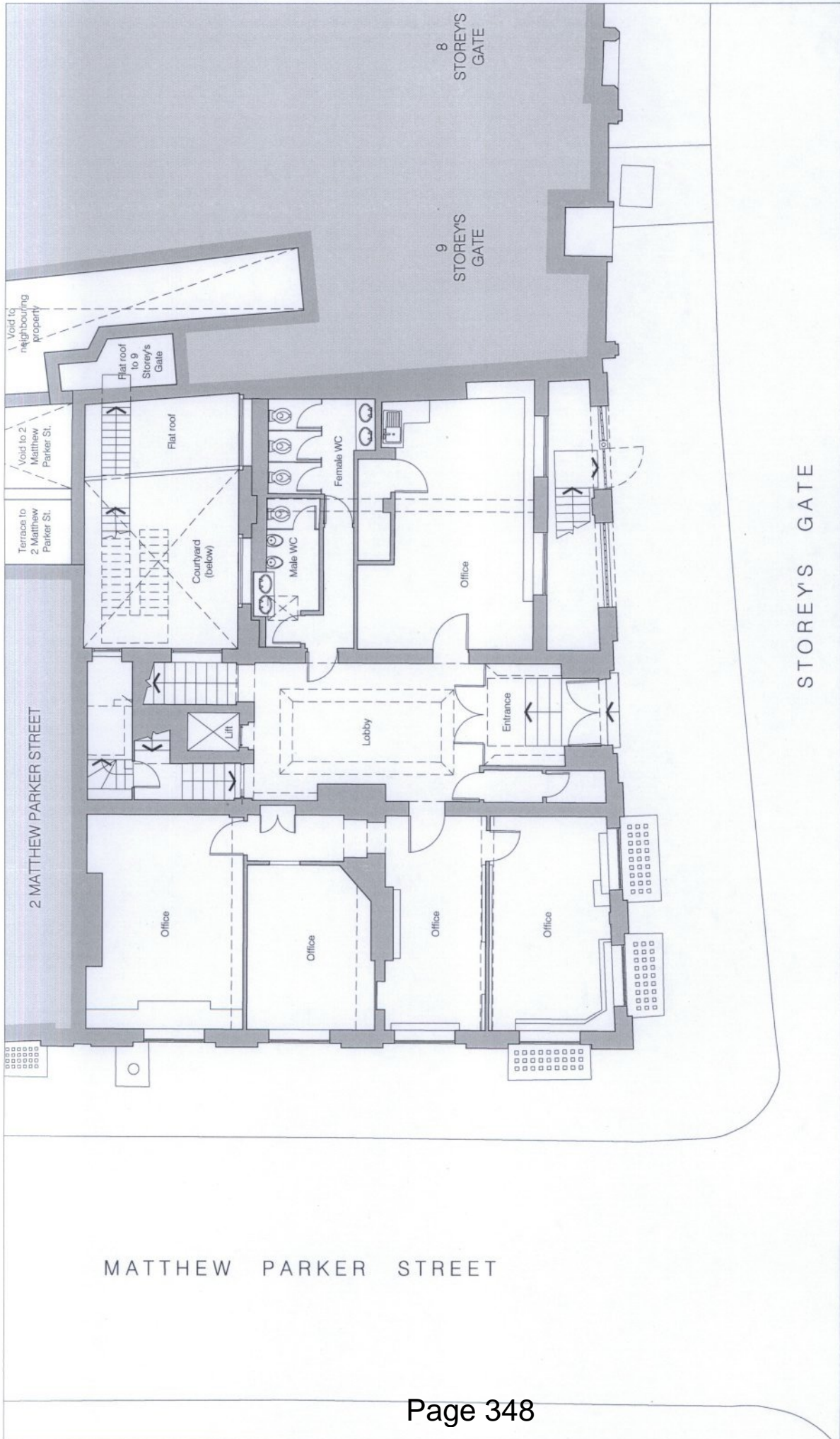
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	25/04/15	Planning PERMIT

NO	DATE	DESCRIPTION
26	09/11	ISSUE
25	09/11	ISSUE

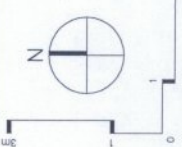
PROJ. NO. **14079**
PL009 A
 10 Storey's Gate, London SW1P 3AY
 Existing - Lower Ground Floor Plan
 15/09/11 / 1/10/09/AS



MSMR Architects Ltd, The Old School, Essex Street,
 London, SE1 1AE. T: +44 (0)20 7688 8207
 www.msmrarchitects.com



existing - ground floor plan



KEY

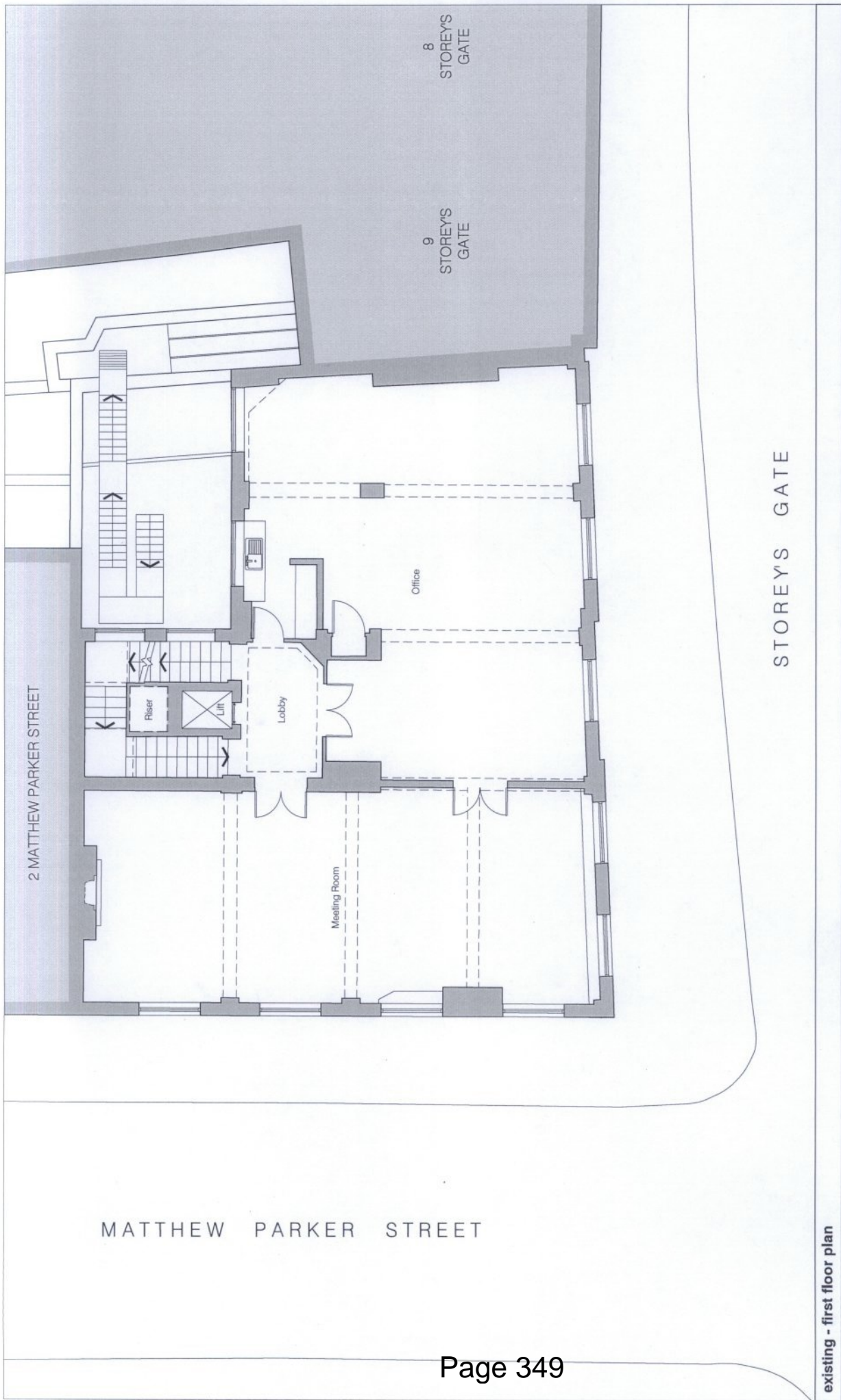
Existing wall construction

GENERAL NOTES:
Do not scale from this drawing.
All dimensions are in millimetres.

A	2504 US	Planning_BUIE
	2504 US	Planning_DRAW
		Author
		Drawn
		Checked

Ref No. **14079**
PL010 A
 10 Storey's Gate, London SW1P 3AY
 Existing - Ground Floor Plan
 1/500 A1 / 1.1.000A3

msm
 MSAF Architects Ltd, The Old School, Eaton Street,
 London, SE1 8JE. T +44 (0)20 7088 0707
 www.msa.com



existing - first floor plan



KEY



Existing wall construction

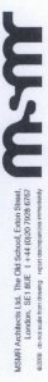
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Do not scale from this drawing.
All dimensions are in millimetres.

A	20.04.15	Planning_DRAW
-	23.04.15	Planning_DRAW
REV	DATE	DESCRIPTION

JLR	DR	checked
JLR	DR	checked
DR	DR	checked

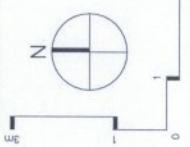
Page No. **1407b**
PL011 A
 10 Storey's Gate, London SW1P 3AY
 Existing - First Floor Plan
 1/20/09 At 1:1 1003/43



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 London, SE1 8JE. T +44 (0)20 7508 0557
 www.msm-architects.com



existing - second floor plan



KEY
 Existing wall construction

GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.

A 20.04.15 Planning_02/04
 23.04.15 Planning_02/01
 01/05/15 date revision

JH JH JH
 JH JH JH
 JH JH JH

14079
PL012 A
 10 Storey's Gate, London SW1P 3AY
 Existing - Second Floor Plan
 1.309/A1 / 1.100/3A3
m+m
 M+M Architects Ltd, The Old School, Leam Street,
 London, SE1 1 6LE T +44 (0)20 7646 6700
 www.mmmarchitects.com



existing - third floor plan



KEY

Existing wall construction

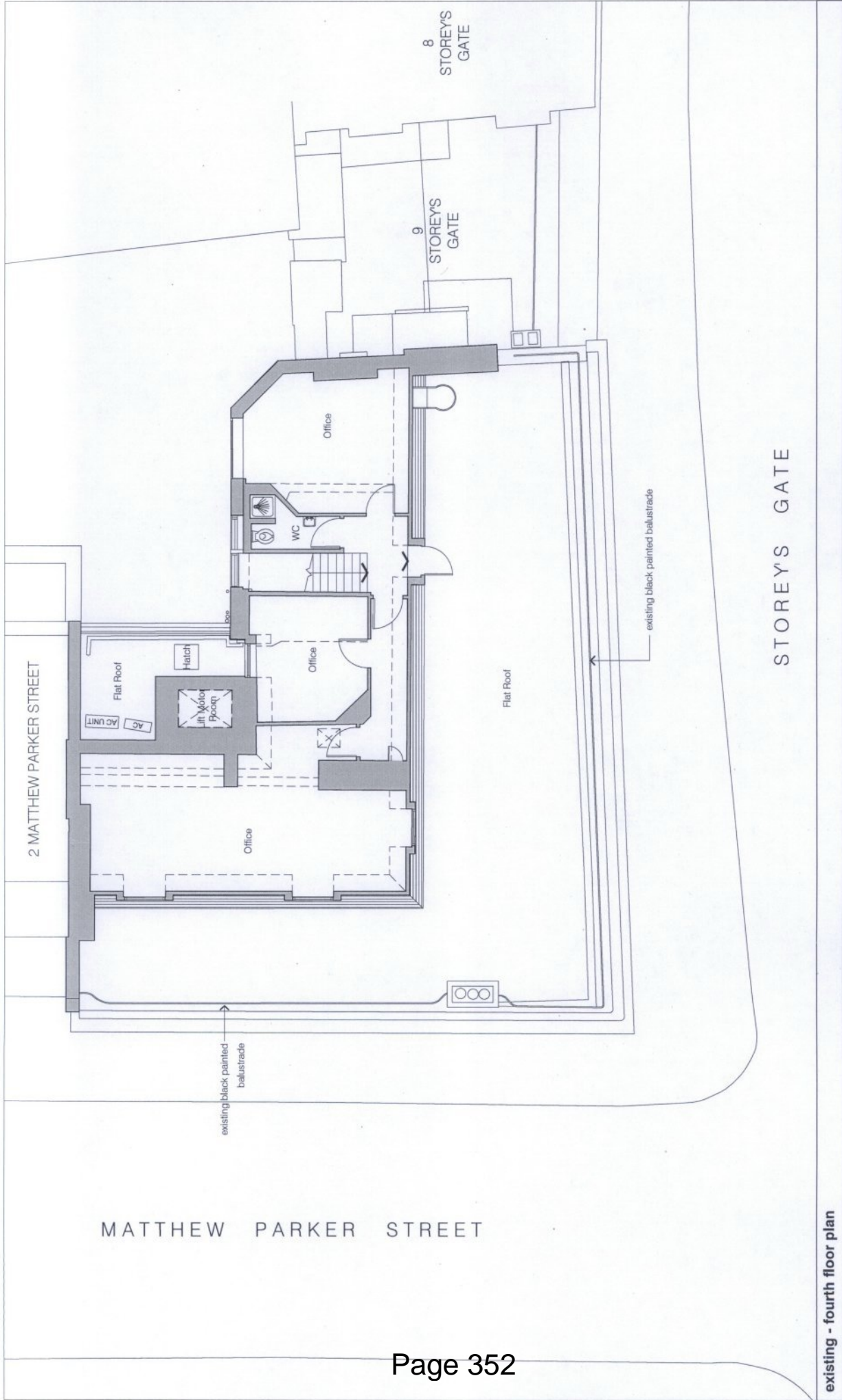
GENERAL NOTES:
Do not scale from this drawing.
All dimensions are in millimetres.

A	20/11/15	Planning_BSI/E
	20/11/15	Planning_DRAFT
WT	WT	WT

JB	SH
JB	SH
JB	SH

Ref No: **14079**
PL013 A
 10 Storey's Gate, London SW1P 3AY
 Existing - Third Floor Plan
 1:50 @ A1:1:100/3A3

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 M-S-M Architects Ltd, The Old School, London Street,
 London, SE 1 1AE. T +44 (0)20 7628 0767
 www.m-s-m.co.uk



existing - fourth floor plan



KEY

Existing wall construction

GENERAL NOTES:

Do not scale from this drawing.
All dimensions are in millimetres.

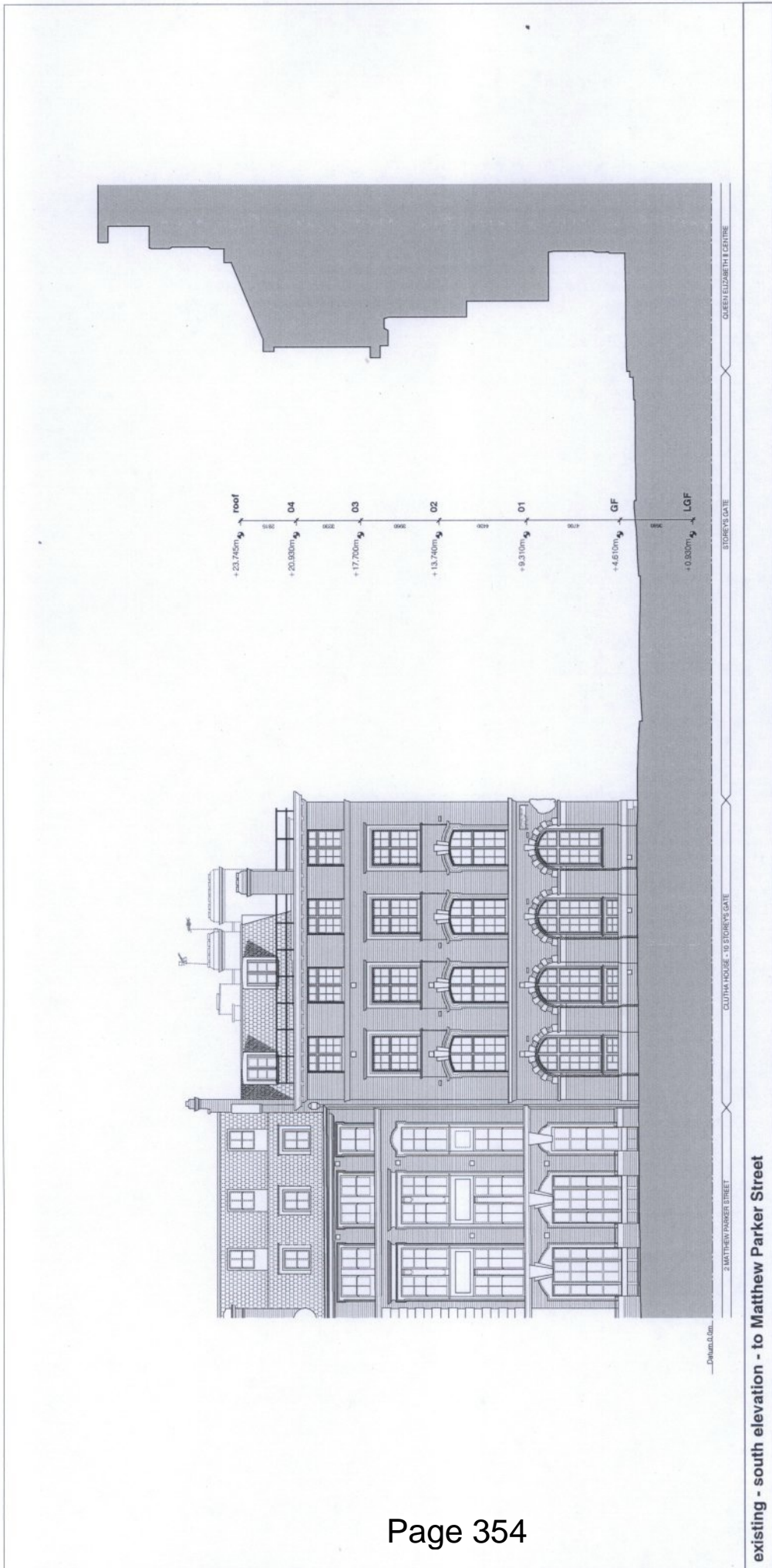
A	28.04.15	Planning ISSUE
	23.04.15	Planning DRAFT
		Issue
		Author

JOB	SR
JOB	SR
DATE	checked

Ref No: **14079**
PL014 A
 10 Storey's Gate, London SW1P 3AY
 Existing - Fourth Floor Plan
 T: 509 4171/100343

MJM Architects Ltd, The Old School, Eaton Street, London, SE 1 8EE. T +44 (0)20 7938 6762
 www.mjmarchitects.com

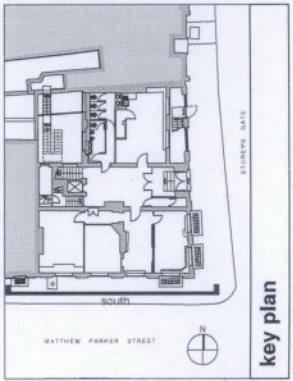




existing - south elevation - to Matthew Parker Street



GENERAL NOTES:
Do not scale from this drawing.
All dimensions are in millimetres.



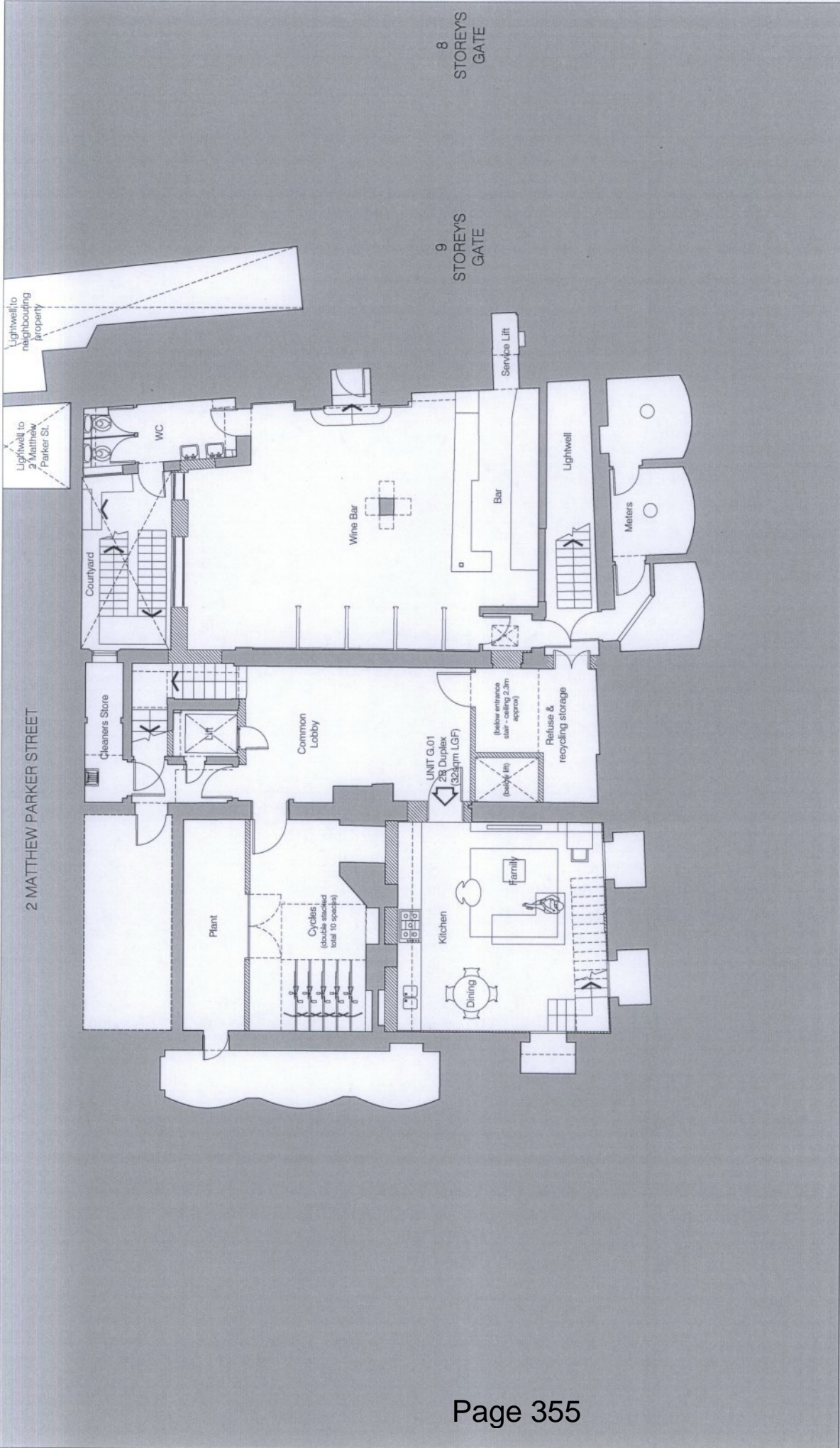
key plan

14079
10 Storey's Gate, London SW1P 3AY
Existing - South Elevation
1:100 @ A1 / 1:200 @ A3

PL071 A

A	20 JUL 15	Planning Update	JB	BR	check
	23 JUL 15	Planning Update	JB	BR	check
	08	08	08	08	check

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London, SE1 1 JBE. T +44 (0)20 7308 6702
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proposed - lower ground floor plan

KEY

- Existing wall construction
- Proposed wall construction

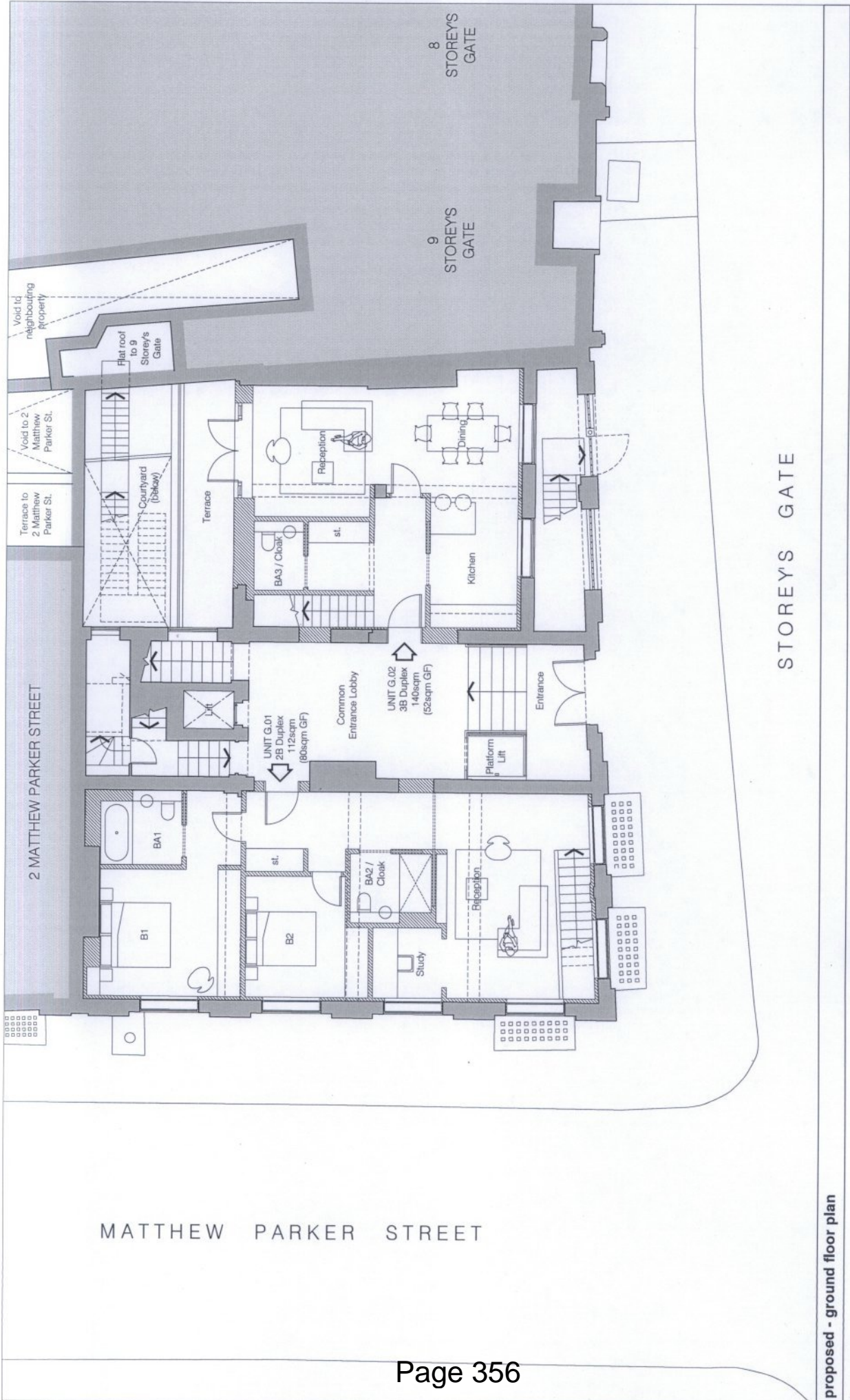
GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.

REF	DESCRIPTION	DATE	BY	CHKD
D	05.04.15	Secondary glazing	SR	SR
C	07.07.15	PANTRY_BAR_Wine bar extension	ED	JR
B	02.07.15	PANTRY_BAR extension	ED	JR
A	29.04.15	PANTRY_BAR extension	JR	SR
	23.04.15	PANTRY_BAR extension	JR	SR

14079
 10 Storey's Gate, London SW1P 3AY
 Proposed - Lower Ground Floor Plan
 1:500 (A1 / 1:1000) A3

PL109 D

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 www.mmm.co.uk



14079
 10 Storey's Gate, London SW1P 3AY
 Proposed - Ground Floor Plan
 1:500 @ A1 / 1:100 @ A3

PL110 D

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 www.mmmarchitects.com

Rev	Date	Description	By	Check
D	06.06.15	Secondary planning	SR	SR
C	07.07.15	PLANNING ISSUE, When for submission	ED	JB
B	02.07.15	Planning, when for submission	ED	JB
A	26.04.15	PLANNING ISSUE	JB	SR
-	23.04.15	Planning, DWG 1	JB	SR
01	01.04.15	Submission	SR	SR

KEY

- Existing wall construction
- Proposed wall construction

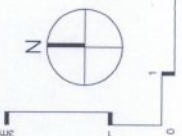
GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.



proposed - ground floor plan



proposed - first floor plan



KEY

- Existing wall construction
- Proposed wall construction

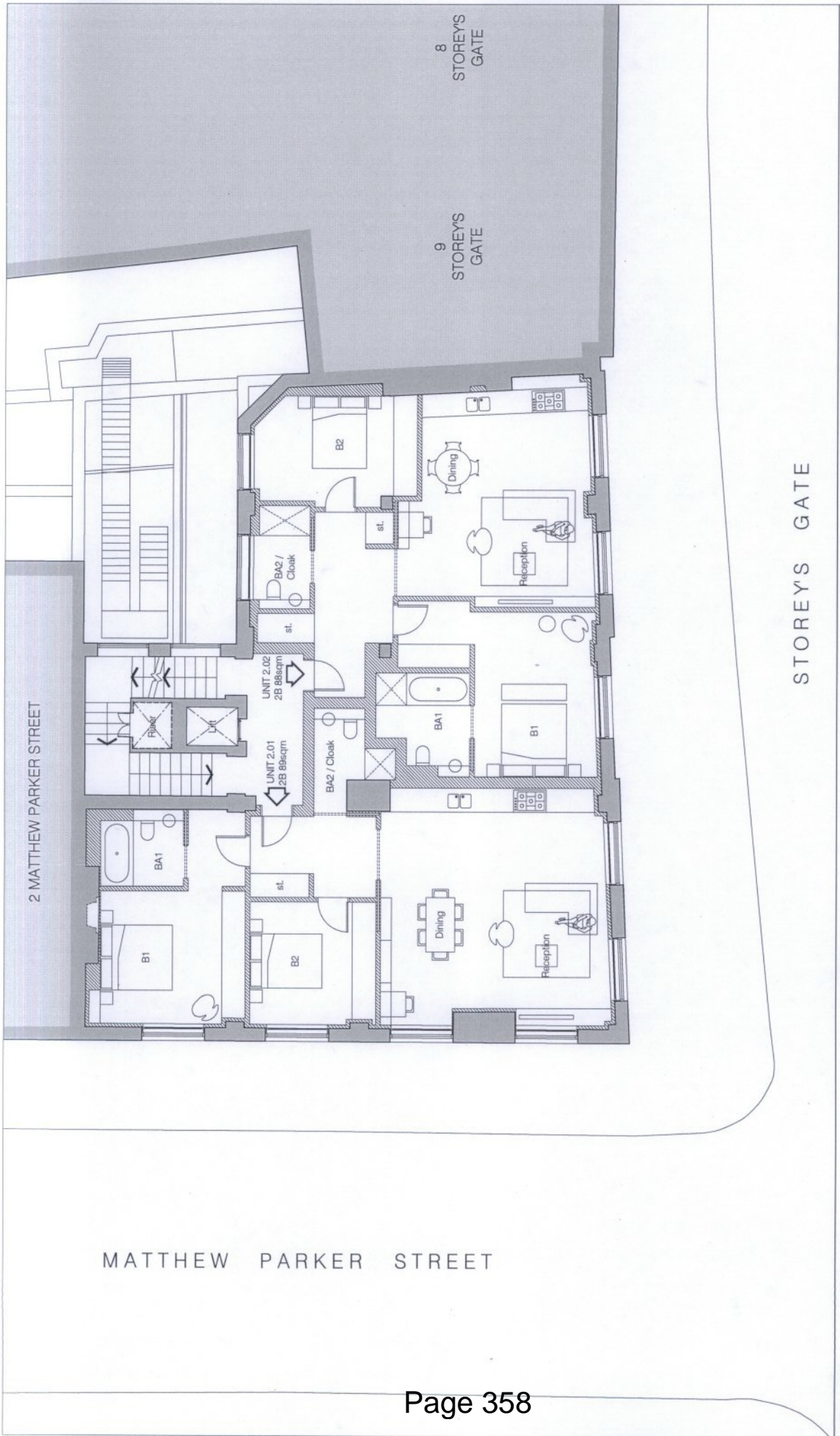
GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.

REV	DATE	DESCRIPTION
D	10.06.15	Secondary glazing
C	07.02.15	PLANNING_DRAWING_With bar relocation
B	02.02.15	Planning_drawings_bar relocation
A	20.04.15	PLANNING_DRAWING
	23.04.15	Planning_DRAWING
		Other description

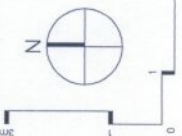
REV	DATE	DESCRIPTION
JR		
EO		
JR		
EO		
JR		
EO		
JR		
EO		

14079
 10 Storey's Gate, London SW1P 3AY
 Proposed - First Floor Plan
 1:500 @ A1 / 1:100 @ A3
PL111 D
 MRM Architects Ltd, The RM School, Essex Street, London, SE 1, BBE. T +44 (0)20 7526 6767
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proposed - second floor plan



KEY

- Existing wall construction
- Proposed wall construction

GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.

- C 05.08.15 Secondary glazing
- B 07.07.15 PLANNING_DRAWING_FOR_APPROVAL
- A 28.04.15 PLANNING_DRAWING
- 1 23.04.15 PLANNING_DRAWING

- JR GR
- ED JR
- JR GR
- JR GR
- AR GR

14079
PL112 C
 10 Storey's Gate, London SW1P 3AY
 Proposed - Second Floor Plan
 1:500 A1 / 1:1000 A3

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14079
PL113 C
 10 Storey's Gate, London SW1P 3AY
 Proposed - Third Floor Plan
 1:50 @ A1 / 1:100 @ A3
 M&M Architects Ltd, The Old School, Eaton Street,
 London, SE 1 1RE. T +44 (0)20 7928 0267
 www.mmm.co.uk

JH SH
 EC AP
 JH SH
 JH SH

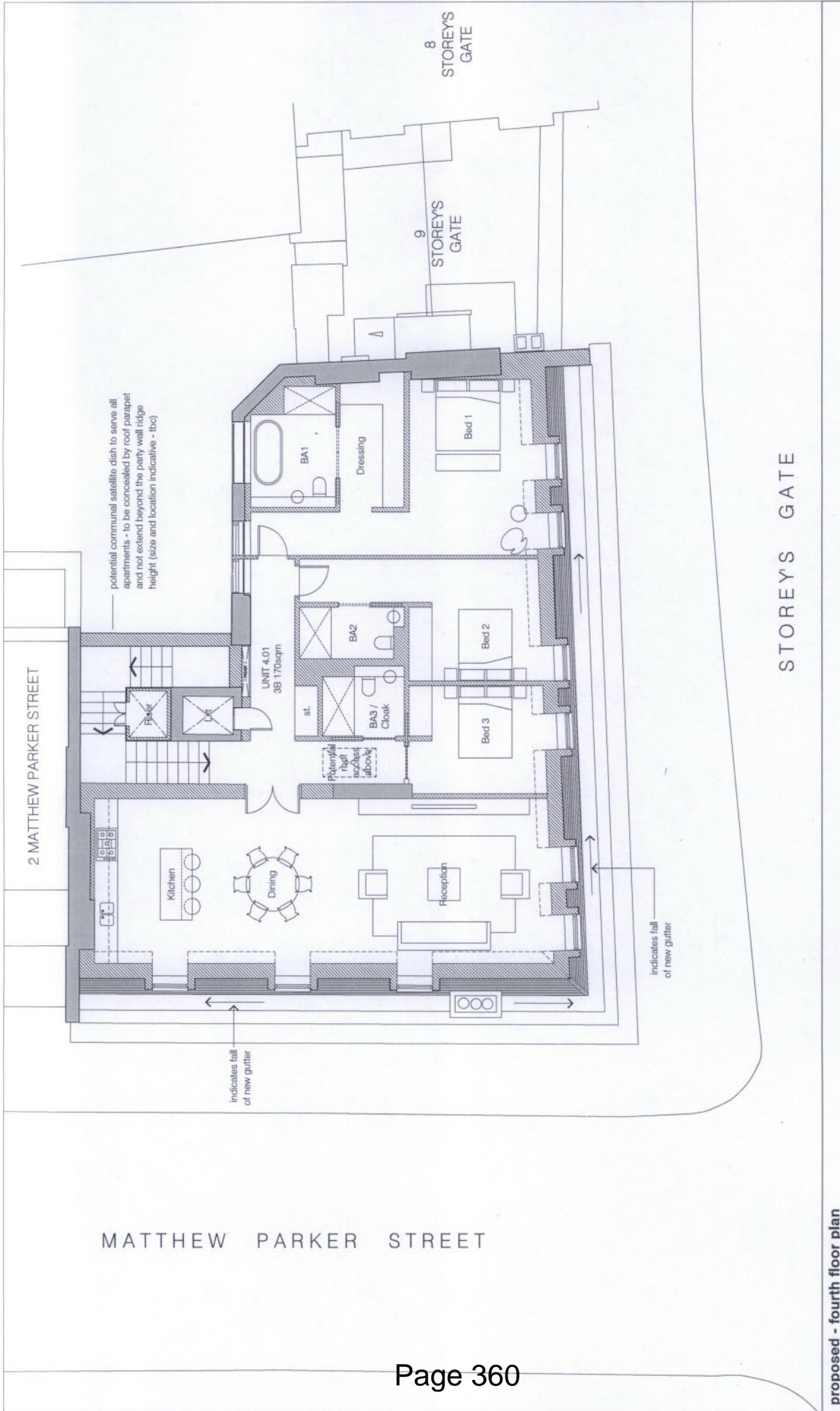
C 15.06.15 Secondary planning
 B 07.07.15 PLANNING_DRAWINGS
 A 29.04.15 PLANNING_DRAWINGS
 - 23.04.15 PLANNING_DRAWINGS

KEY
 Existing wall construction
 Proposed wall construction

GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.



proposed - third floor plan



14079
PL114 B
 10 Storey's Gate, London SW1P 3AY
 Proposed - Fourth Floor Plan
 1:500 A1/1:100SD3
 M3M Architects Ltd, The Old School, Leake Street,
 London, SE1 1UE. T +44 (0)20 7098 0707
 www.m3marchitects.com

SR	SR	SR	SR
JR	JR	JR	JR
SR	SR	SR	SR

B	06.04.15	Secondary glazing
A	29.04.15	Planning, B15E
	23.04.15	Planning, DM17
		Other

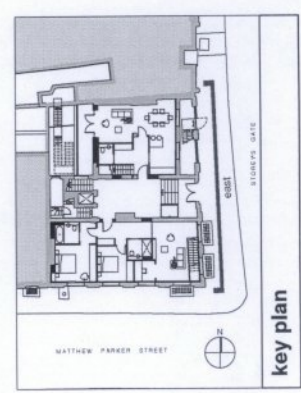
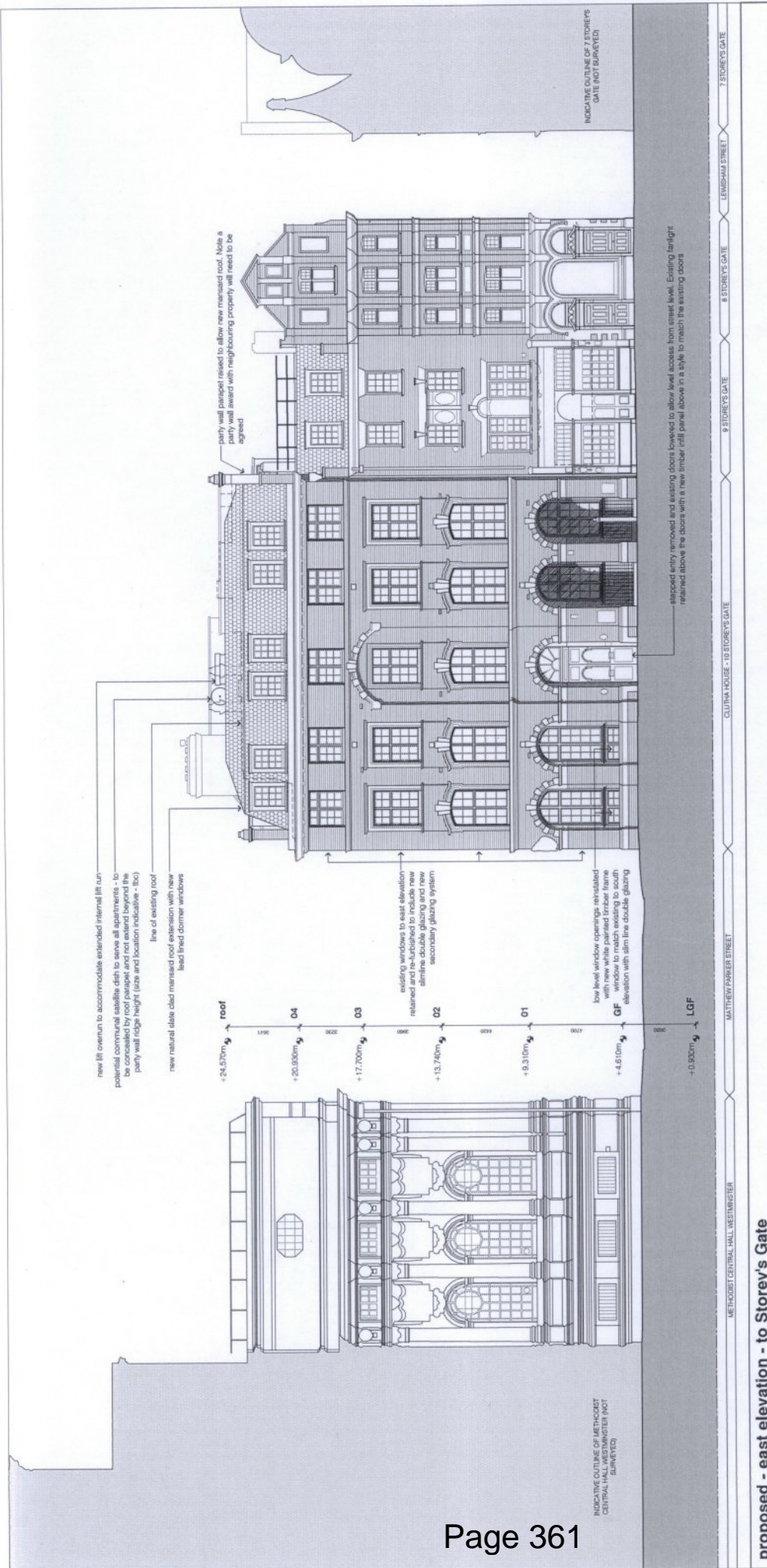
KEY

	Existing wall construction
	Proposed wall construction

GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.



proposed - fourth floor plan



PROJ. NO. 14079
 10 Storey's Gate, London SW1P 3AY
 Proposed - East Elevation
 1:100 @ A1 / 1:200 @ A3

PL170 B

M&M Architects Ltd. The Old School East End Street
 100 Old Street London EC1M 6RU
 020 7424 4444
 www.mamarchitects.com

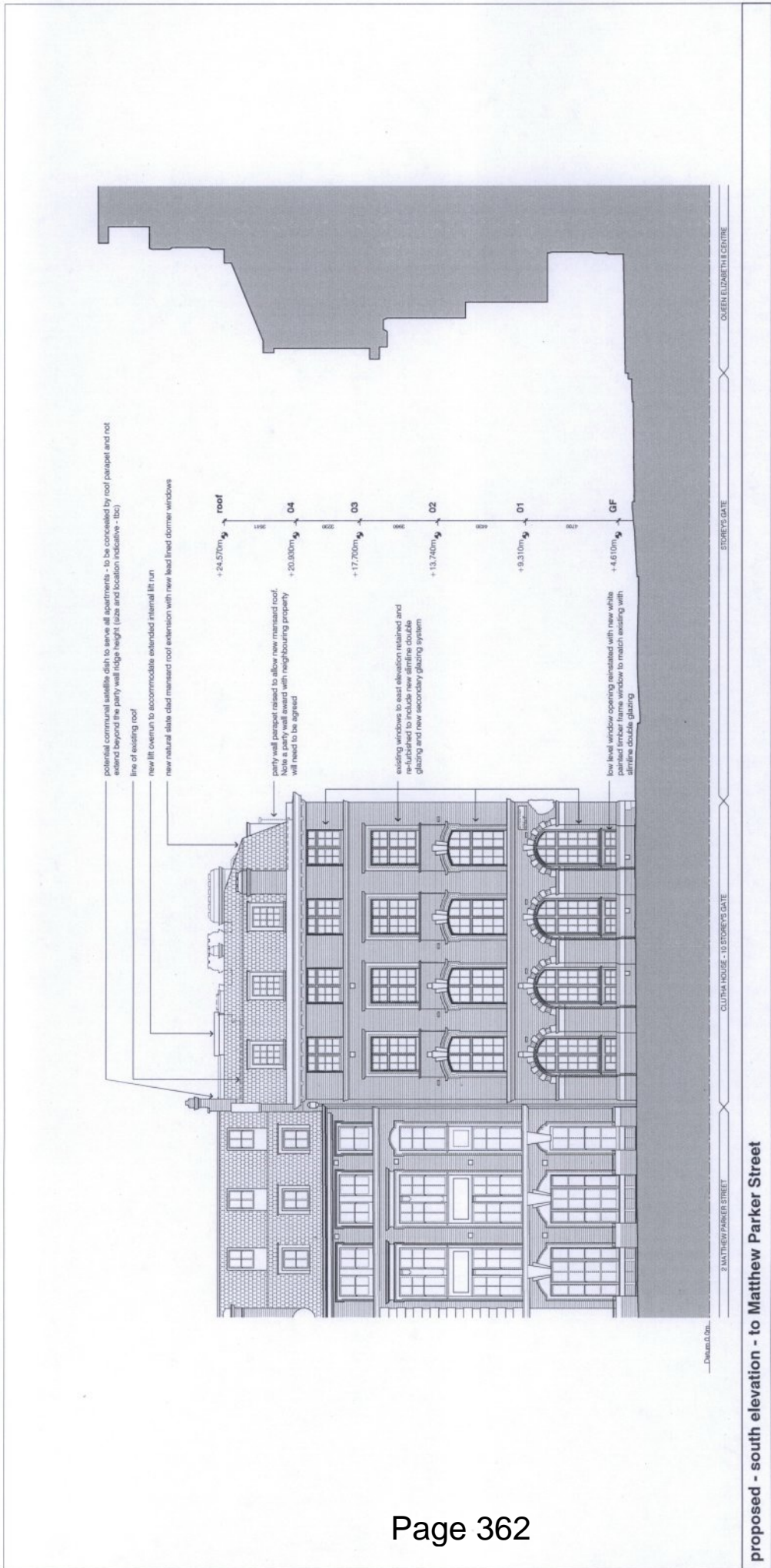
REV	DATE	DESCRIPTION
B	20/04/18	Secondary glazing
A	20/04/18	Revised Gate
1	20/04/18	Planning, DPA1
0	01/04/18	Issue

KEY

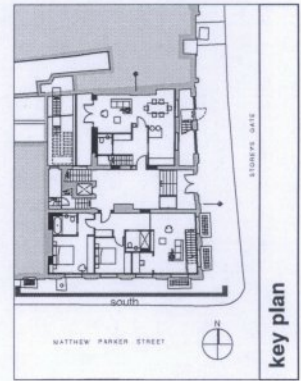
- Existing wall construction
- Proposed wall construction

GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.





proposed - south elevation - to Matthew Parker Street



- KEY**
- Existing wall construction
 - Proposed wall construction

GENERAL NOTES:
 Do not scale from this drawing.
 All dimensions are in millimetres.



- B** 05.06.15 Secondary glazing
A 25.04.15 Planning/CLTHA
1 25.04.15 Planning/CLTHA

- DR** 05
DR 04
DR 03
DR 02
DR 01

PROJ NO: **14079**
PL171 B
 10 Storeys Gate, London SW1P 3AY
 Proposed - South Elevation
 1:100 @ A1 / 1:200 @ A3

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 MCMH Architects Ltd, The Old School, Eaton Street, London SW1W 9JH
 0203 0123 4567 8910 | www.mcmh.co.uk

Agenda Item 14

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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