



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 29th September, 2015**

Time: **6.30 pm**

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

Members: **Councillors:**

Tony Devenish (Chairman)
Angela Harvey
Jonthan Glanz
Ruth Bush

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 that Councillor Bush has replaced Councillor Williams.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. 10 DUCHESS STREET, W1 | (Pages 5 - 48) |
| 2. 40-41 PALL MALL, SW1 | (Pages 49 - 88) |
| 3. VENABLES STREET, NW8 | (Pages 89 - 110) |
| 4. 21 ANDOVER PLACE, NW6 | (Pages 111 - 136) |
| 5. OPEN SPACE, LEINSTER SQUARE, W2 | (Pages 137 - 150) |
| 6. 93 & 95 CHARLWOOD STREET, SW1 | (Pages 151 - 166) |
| 7. 15 CUNNINGHAM PLACE, NW8 | (Pages 167 - 190) |

- | | |
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| <p>8. 6 & 7 BOLNEY GATE, ENNISMORE GARDENS, SW7</p> <p>9. MATLOCK COURT, 45 ABBEY ROAD, NW8 (CONFIDENTIAL)</p> | <p>(Pages 191 -
212)</p> <p>(Pages 213 -
224)</p> |
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**Charlie Parker
Chief Executive
21 September 2015**

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 29 SEPTEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
1	RN 15/06130/FULL RN 15/06131/LBC West End	10 DUCHESS STREET, W1	Use for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres [for air inlet and air discharge] within existing window openings in east elevation and internal alterations.	
	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.			
2	RN 14/10618/FULL St James's	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).	
	Recommendation Grant conditional permission.			
3	RN 15/07114/COFUL Church Street	VENABLES STREET, NW8	Demolition of existing garages adjacent to Darent House and Windrush House in connection with the temporary use of the land as market storage for the Church Street market traders, erection of storage containers and new gates, fencing and security lighting.(Council's Own Development).	
	Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.			
4	RN 15/04397/FULL Maida Vale	21 ANDOVER PLACE, NW6	Installation of roof extension to school building to create additional play space and ancillary accommodation with mechanical plant.	
	Recommendation Grant conditional permission.			
5	RN 15/06102/FULL Bayswater	OPEN SPACE, LEINSTER SQUARE, W2	Demolition and erection of new garden shed in the south west corner and erection of a new pavilion in the north west corner.	
	Recommendation Grant conditional permission.			
6	RN 15/05600/FULL Warwick	93 AND 95 CHARLWOOD STREET, SW1	Use of the lower ground floor of Nos. 93 and 95 as two flats, creation of lightwells and associated railings on the Charlwood Street frontage, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 29 SEPTEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
7	RN 15/01446/FULL RN 15/01447/LBC Regent's Park	15 CUNNINGHAM PLACE, NW8	Use of the building as a single family dwelling. Excavation of basement in rear garden area with external alterations comprising the erection of single storey infill extension at lower ground floor rear to creating raised terrace with rooflight, and creation of new lightwell to rear elevation of building. Alterations to front boundary wall and lightwell. Replacement windows and door to rear, and internal alterations, including reinstatement of staircase. Removal of trees in rear garden.	
	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.			
8	RN 14/12804/FULL Knightsbridge And Belgravia	6-7 BOLNEY GATE, ENNISMORE GARDENS, SW7	Extension to single family dwelling including excavation at lower ground floor level including beneath terrace area to rear and erection of single storey extension at rear ground floor level with roof terraces above.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 29 SEPTEMBER 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).

CONFIDENTIAL

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
9	RN 14/11219/TPO Abbey Road	MATLOCK COURT, 45 ABBEY ROAD, NW8.	1 x Holm oak (Carlton Hill frontage, applicant's ref T1): removal.	
	Recommendation Grant conditional consent.			

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning	Wards involved West End		
Subject of Report	10 Duchess Street, London, W1G 9AB		
Proposal	Use for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres [for air inlet and air discharge] within existing window openings in east elevation and internal alterations.		
Agent	Howard de Walden Management Ltd		
On behalf of	Howard de Walden Estates Ltd		
Registered Number	15/06130/FULL 15/06131/LBC	TP / PP No	TP/7141
Date of Application	07.07.2015	Date amended/ completed	23.07.2015
Category of Application	Major		
Historic Building Grade	Grade II Listed Building		
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 Within Core 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.





10 DUCHESS STREET, W1
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2. SUMMARY

10 Duchess Street is Grade II listed building located within the Harley Street Conservation Area. Originally built as the stable-coach house to Chandos House, Queen Anne Street, at the rear of the site, it subsequently underwent substantial alterations and redevelopment behind the facade. The building is now quite separate from Chandos House, apart from mutual fire escapes. Now comprising basement, ground and three upper floors, the lawful use of the site is for Class B1 offices, but it is currently vacant. The total floorspace is 1,353.5m² (GIA).

Permission is sought on behalf of L'École Internationale Franco-Anglaise for the use of the building as a secondary school; they already occupy nearby 36 Portland Place as a primary school and wish to expand. A similar application was refused earlier this year on grounds of adverse impact on residential amenity, pedestrian safety (blocking the flow of pedestrians on the footpath) and that the application insufficient information about sound insulation between the proposed school and the adjoining mansion block. The earlier application was not refused on grounds of traffic congestion, as the Highways Planning Manager accepts the applicant's contention that as the students will be of secondary school age, they will mostly travel by public transport.

The applicants have sought to address these concerns by providing a more comprehensive acoustic report, that deals with the sound insulation issue, and have provided a Student Management Plan to demonstrate that the arrival and departure of students will be actively managed by teachers outside the premises. There has also been a slight reduction in the number of students, from 200 to 175.

The key issues raised by the proposal remain as follows:

- Potential impact of the school on the amenity of local residents, especially at the start and end of the school day;
- Increased congestion (both on the highway and footpath).

The proposals have again generated considerable objections from local residents (and some letters of support). Whilst sympathetic to the concerns of local residents about potential adverse effects there is a general policy presumption, especially at national level, to encourage new schools. It is considered that, on balance, the applicant has adequately addressed the previous reasons for refusal, subject to a number of conditions, the applications are recommended for approval.

3. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Any response to be reported verbally. It is noted that they raised no objection to the previous application subject to the submission of a finalised travel plan and measures prevent nuisance to nearby properties and the obstruction of local traffic given that there appears to be no outside space for a school collections and drop-offs for mini-buses and buses for sports needs particular attention.

HIGHWAYS PLANNING MANAGER

No objection in principle; note that there may be localised traffic congestion but given the age of the pupils, the transport facilities in the area and the implementation of a robust travel plan, traffic congestion is unlikely to be significant as the majority of pupils would be expected to use public transport; servicing requirements considered to be acceptable; would wish to see more cycle parking (25 spaces rather than the 20 that are proposed).

ENVIRONMENTAL HEALTH CONSULTATION TEAM

Advise that the acoustic assessment shows that noise breakout from the school is likely to be within acceptable limits, subject to conditions; also that the proposed internal plant [with new louvres on the east elevation] will operate within acceptable levels.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally. It is noted that he met the agent to discuss the previous application the agent and advised that whilst there were no significant issues there has been a proportionally high number of recorded crimes in Duchess Street (mostly thefts from motor vehicles) and he advised that the site should guard against crime and anti-social activity.]

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 198; Total No. of Replies: 40.

objections from 40 local occupiers (mostly residents), including a letter on behalf of the 2 Mansfield Street Residents Association, raising objections on some or all of the following:

- increased noise disturbance from due to students congregating outside the premises at the beginning and end of the school day and during lunchtimes and from use of the rear courtyard;
- noise breakout from within the premises (especially the canteen/common room adjacent to residential flats and proximity of rear classrooms to flats in rear of 2 Mansfield Street); noise from traffic;
- loss of residential amenity due to students loitering around the entrances of adjoining properties, and increased litter;
- increased traffic congestion (and traffic pollution) and increased pressure on parking, including queries about the accuracy of the Transport Statement/Travel Plan and the assumptions being made;
- insufficient cycle parking;
- increased congestion on the pavement (from students congregating outside), being a hazard for the students and other pedestrians;
- site is inappropriate due to lack of outside space and potential problems of taking groups of children to Regents Park (either by walking or mini-bus);
- concerns about noise breakout through the party walls and glazing at the rear;
- queries about the ventilation of the building and potential need to open windows (increasing noise breakout);
- the new vents/louvres are next to the air intake for the adjoining office building and cooking smells from the school's kitchen will affect their air-conditioning;
- the school will be fee paying and not an amenity for local children;
- high number of schools in the area;
- the impact on property values;

14 representations in support of the proposals, including comments that the intended occupier of the premises provide a well-run and responsible primary school.

ADVERTISED/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

10 Duchess Street is Grade II listed building located within the Harley Street Conservation Area. Originally built as the stable-coach house to Chandos House, Queen Anne Street, at the

rear of the site, it was significantly altered in the 1920s. Permission was subsequently granted for two schemes in December 2002 and March 2003 which involved substantial alterations and redevelopment behind the facade, and a two storey glazed extension to roof level, in association with the use of 10 Duchess Street as Class B1 offices (and use of the adjoining Chandos House as offices and/or professional/institutional use). The building is now quite separate from Chandos House, apart from mutual fire escapes.

Now comprising basement, ground and three upper floors, the lawful use of the site is therefore for Class B1 offices, but it is currently vacant. The total floorspace is 1,353.5m² (GIA).

The building is located on the south side of Duchess Street, west of Portland Place and opposite Duchess Mews. The wider area is characterised by a mix of commercial, residential and institutional uses. Chandos House at the rear is occupied by the Royal Society of Medicine; immediately to the west of the site is a residential mansion block, 2 Mansfield Street; immediately to the east is an office building (15 Portland Place).

It is noted that there are several schools nearby, particularly on Portland Place: L'École Internationale Franco-Anglaise (No. 36), the same teaching institution as the proposed tenant for the current site, but catering for primary school children); Portland Place School (No. 56-58); Queen's College Preparatory (No 61); and Southbank International School (Nos. 63-65); as well as others nearby in Harley Street, St Vincent's Street, Marylebone High Street, Marylebone Lane, Marylebone Road and York Terrace East (Regents Park).

4.2 Relevant History

February 2015 – Planning permission was refused for the use for a temporary period of 16 years as educational use (Class D1) on the following grounds:

Reason 1:

The proposals would result in unacceptable levels of increased noise, activity and disturbance which would harm the amenity of local residents, in particular from large numbers of school children congregating outside the premises at least twice a day and from internal activity. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

Reason 2:

Due to large numbers of school children entering and leaving the premises at concentrated points during the day this would block the flow of pedestrians (including the school children) along the footpath and so could be unsafe. This would not meet S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

Reason 3:

Insufficient information has been provided to show that there would be satisfactory noise insulation between the school and the adjoining residential properties to overcome noise transference through the structure of the building and noise outbreak from windows, especially the large glazed areas at the rear. This is contrary to the requirements of Policies S29 and S32 of the City Plan: Strategic Policies which we adopted in November 2013 and Policies SOC 1, ENV6 and ENV7 of the Unitary Development Plan that we adopted in January 2007.

The accompanying listed building application for internal alterations was approved.

5. THE PROPOSALS

This current application seeks to address these reasons for refusal. There are several changes in the current submission, including a reduction in the total number of children (by year 5) from 200 to 175, the submission of a Student Management Plan and an acoustic survey assessing potential outbreak of noise from the proposed school, in particular its potential impact on the adjoining mansion block (2 Mansfield Street).

Planning permission is again sought to use the whole building as a school within Class D1; listed building consent is submitted for internal alterations (mainly to install partitions etc to subdivide the existing open plan offices into separate classrooms and other ancillary accommodation). Permission is sought for a 'temporary' period of 16 years (to coincide with the length of the lease), on the expiry of which period the building will revert to its lawful Class B1 use. These applications include replacing two windows on the eastern boundary (adjacent to the rear of offices at 15 Portland Place, with louvres, providing air-intake and extract for new internal plant. This will supplement the existing roof level plant for air-conditioning the building.

The intended user is the International French School for London, for use as a private bilingual (English and French) non-denominational secondary school for children aged 11-18 years. The school will operate very closely with the existing French School at 36 Portland Place (for children aged 3 - 11 years), which was granted a 20 temporary permission by the Council in March 2013. The number of students will be built up gradually over a five year period from 68 students in Year 1 to 175 by Year 5. There will be a similar gradual increase in the number of staff (from 14 in Year 1 to a total of 20 in Year 5).

The school intends to operate on the basis of three terms per year, opening on weekdays only – the applicant advises that it will therefore be open 170 days a year. The school day will commence at 08.30 hours (opening its doors at 07.45 hours for staff and at 08.00 hours for students). The applicant anticipates that students will arrive in a staggered manner due to different means of transportation. Unlike the previous application, the current proposal includes a Student Management Plan, which sets out how the students will be actively managed by staff to address concerns about students creating noise and disturbance outside the premises. In the morning, students will be ushered into the school by teachers to the common area/canteen, at second floor level, where they will congregate until classes start at 08.30. The school bus will drop children off at the school at 08.10 and these children will also be ushered into the common area. The final arrival of children will be at about 08.20 for classes at 08.30. The applicant does not intend to provide a breakfast club.

The school day will end at 16.15 hours. The applicant anticipates that students will depart from the school in a staggered manner from then until 17.00 hours, depending on whether they stay at the school for the after-school club, which will end at 17.00. Cleaners are expected to depart the building by 19.00 hours.

The children will have lunch at the school within the proposed second floor canteen/ common room. The school will receive one lunch delivery every day, in which the total delivery time will be approximately 15 minutes. No student will be leaving the school to purchase their lunch off site, therefore all students will remain in the school during their daily lunch break.

Apart from a small courtyard at the rear of the premises, there is no outdoor space at this property. It is therefore proposed that the children will be taken to Regents Park for outdoor activities and off site to other locations for swimming and other physical education classes that cannot take place in the park. Students will generally walk to the park for recess and physical

educational classes, accompanied by teachers, though there will also be a school mini-bus available.

It is not proposed that the school will be used for activities by children during the holiday periods but the applicant advises that it could be used for ad hoc staff activities during these periods, to prepare for the next term's teaching, and for in-service training.

6. DETAILED CONSIDERATIONS

6.1 Land Use and Amenity Impact

6.1.1 Loss of office floorspace

The building has a lawful use for office purposes (Class B1) but is currently vacant. Although the Council's policies with regard to offices has recently changed, the current application was submitted before that change came into effect. Furthermore, the economic, social and environmental implications of the proposal should be assessed in the context of the NPPF's presumption in favour of sustainable development.

Policy S47 of Westminster's City Plan (2013) 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 [NPPF]....to secure development that improves the economic, social and environmental conditions in the area'.

Paragraph 72 of the NPPF states that

"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- o give great weight to the need to create, expand or alter schools; and
- o work with schools promoters to identify and resolve key planning issues before applications are submitted."

Government policy has also relaxed the planning requirements for new schools, so that now, subject to a number of conditions and restrictions, there is a right to change use of a building and any land within its curtilage as a state-funded school for a single academic year. Permission may then be sought for continued use, once the school has become established.

The proposal will result in a net reduction of 1,353.5m² (GIA) B1 office floorspace within the Core CAZ. Whilst there will be a net reduction in employment from the scheme, this is relatively small compared with the overall commercial provision in the Core CAZ, and can be off-set by other office developments in the area. Therefore in respect of the loss of office accommodation, the proposal is considered to be acceptable.

6.1.2 Educational use/Policy Considerations

6.1.1i Policy context

The applicant has submitted supporting information demonstrating the need for additional school places in general, and for French-speaking students in particular. This information

includes details about the distribution of French nationals living in London. Although there are concentrations in Kensington (where there are existing well established French schools) the submitted information indicates that there is also a significant number living in the Marylebone area and surrounding environs. Clearly the presence of the French primary school indicates that the demand for a French-speaking school exists in the vicinity.

As indicated above, the NPPF places great importance on ensuring that there are sufficient school places to meet the needs of existing and new communities. The framework identifies that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen the choice of education. The document places an obligation on planning decisions to deliver the new social facilities that communities need.

Policy 3.16 (Recreation and Enhancement of Social Infrastructure) and 3.18 (Education Facilities) of the London Plan specify education provision as being essential to meet the needs of a growing and diverse population and state that proposals delivering education and skills learning should be supported unless there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school.

The City Council's main policies regarding education facilities are set out in SOC 1 and SOC 3 of the Unitary Development Plan (UDP) and S34 of Westminster's City Plan: Strategic Policies (the City Plan). These policies aim to protect all social and community floorspace and generally support educational uses.

Policy SOC 1 relates to community facilities in general. It states that community facilities will be required to: be located as near as possible to the residential areas they serve; not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal; and be safe and easy to reach on foot, by cycle and by public transport. The policy goes on to state that existing community facilities will be protected.

Policy SOC 3 relates to education facilities. It aims to ensure that the needs of education and training facilities are met. The policy states that such facilities should be designed so that they can be used for other community uses outside teaching hours.

S34 of the Westminster City Plan: Strategic Policies adopted November 2013 states that "New social and community facilities [which include schools] will be encouraged throughout Westminster".

6.1.2 Operational impact

Whilst there is a general support for new educational facilities, the key considerations are their location relative to the area they serve, potential harm to the amenity of the surrounding area (including the effect of any traffic generated) and ease of access - on foot, by cycle and by public transport. There have been a large number of objections (summarised above) from local residents, especially those living in the mansion block (2 Mansfield Street) immediately adjacent to the site. Many objectors are concerned about noise nuisance and disturbance from large numbers of students arriving and departing the premises at the beginning and end of the day. There are also concerns that students will loiter in the vicinity of the school and will drop litter (especially if they were to go out at lunchtimes). Objectors refer to similar problems from the operation of existing local schools.

The current application includes a Student Management Plan which seeks to demonstrate that the school will actively manage the arrival and departure of students. It also confirms that students will be required to stay in the school at lunchtime. The applicants have also met with some local residents in an attempt to allay their concerns. It is also noted that there has been a

small reduction in the proposed number of students since the previous application (from 200 to 175).

The policy presumptions, especially at national level, to support new schools, in principle is noted. The previous application was refused on the grounds of that the use itself (particularly the arrival and departure of students) would have an adverse impact on the amenity of local residents. Whilst acknowledging the continuing concerns of objectors, it is considered that the applicants have sought to address, as far as reasonably possible, how the potential impact of the school can be minimised (including the other, related, issues addressed below). Subject to stringent conditions controlling capacity, opening hours, robust implementation of the Student Management Plan, etc, it is considered that a further refusal would be difficult to sustain. Accordingly, it is recommended that approval is granted, subject to these conditions.

6.1.2 Noise from within the premises

The rear and flank elevations of the application site comprise significant areas of glazing, and objectors have expressed concern about noise outbreak and transmission. A more detailed acoustic assessment has been submitted, assessing existing background noise levels and potential noise break-out from the school. The measurement locations for the noise survey were taken at the rear of the building (as well as the front of the building) thereby assessing the background noise levels at the rear of the building, close to the rear of flats in 2 Mansfield Street.

The Environmental Health Officer have assessed this information. As the existing windows at the site have been found to be in extremely good condition and should provide adequate they consider that sound insulation. However, this would also be conditional upon all school windows being kept closed during school hours. As the building is air-conditioned this should not be an onerous requirement and would be the subject of a condition.

The assessment of noise transfer through party walls considers that sound insulation is adequate but recommends some additional sound insulation works to the basement music room. This would be conditioned.

Given residents' concerns, it is also proposed to require a supplementary acoustic assessment, if the application is approved, so that this matter can be further assessed once the use has commenced the report would be required within three months of the first term commencing, demonstrating that there is adequate sound insulation. If not, the required remedial measures, would have to be carried out within the following three months.

Objectors' concerns about noise nuisance generated from use of the rear courtyard could be overcome by condition, preventing use of the courtyard other than for parking and removing bikes.

6.2 Townscape and Design

Although listed Grade II, and formerly associated with Chandos House at the rear, the building has been subject to façade retention, with later alterations including modern glass roof. As such, it has nothing internally of interest with the exception of quadripartite vaulting to basement level. The internal alterations are considered acceptable in listed building terms and do not affect the special interest of this listed building.

The replacement of two obscure glazed windows with louvres for new internal plant are acceptable in design and listed building terms. These louvres would face the rear service area of neighbouring properties and would have limited visibility.

6.3 Plant

Although the building already has air-conditioning, the applicant advises that a small number of additional plant units are required as part of the mechanical servicing of the school. The plant itself will be internal, but it does require installation the two louvres on the eastern flank façade, which adjoins the service area of neighbouring commercial properties.

The office occupier at (15 Portland Place) is concerned that these louvres provide a kitchen extract, and that expelled cooking fumes will affect their office air-conditioning. These louvres are required for air in-take and extract – they do not specifically provide a kitchen extract. Furthermore, there will be no primary cooking in the premises (this will be conditioned), with any food served in the canteen being pre-prepared.

Therefore there are not considered to be any issues concerning amenity, other than those directly associated with the use, addressed above.

6.4 Highways, Servicing and Parking

Most of the objections express concerns about the proposal increasing traffic congestion and car parking pressures in the immediate vicinity.

It is acknowledged that the site has very good transport links and has a public transport accessibility level (PTAL) rating of 6b, the highest possible level. The site is within close proximity of Regent's Park and Great Portland Street Underground stations, to the north of the site, and Oxford Circus Underground Station to the south. The nearest bus stop serves Portland Place, as well as a number of bus stops Marylebone Road to the north and Oxford Street to the south.

6.4.1 Trip generation

The Highways Planning Manager advises that, based on the information submitted, the proposal is likely to generate more trips per day than the lawful office use. There may be localised traffic congestion as a result of the proposal but given the age of the pupils (secondary school level), the transport facilities in the area and the implementation of a robust travel plan, he considers that this is unlikely to be significant. This is heavily based on the assumption that given their age, the majority of the pupils would be expected to use public transport. Although this has been queried by objectors, the application includes a recent travel survey for the primary school at 36 Portland Place which shows 28% of students travelling by walking/cycling/scooters, 37% by public transport, 33% by the school mini-bus and only 2% by car/taxi/car pool.

A Travel Plan has been submitted as part of the application; if the proposal is acceptable, a condition is recommended requiring this to be implemented, and reviewed at the 1, 3 and 5 year anniversaries of the school opening.

Again, whilst acknowledging the concerns from objectors about traffic congestions and increased parking pressures, for the reasons outlined above it is not considered that there is sufficient justification for refusing the proposals on highways grounds these grounds (nor did this constitute a reason for refusal with the earlier refused application).

6.4.2 Servicing

There have been objections that the proposal will result in increased servicing requirements. TRANS20 requires off-street servicing. No off-street servicing is indicated for the

development. The site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity permit loading and unloading to take place. The largest regular service vehicle expected to be associated with this development is the refuse collection vehicle. This will service the property in a similar fashion to nearby properties. The applicant has confirmed that there will be one lunch delivery every day, expected to take approximately 15 minutes and the Highways Planning Manager considers that the servicing requirements are unlikely to be significantly more than that which could be generated by the lawful office use. The objections on these grounds are therefore not considered to be sustainable.

6.4.3 Cycle Parking

There have been objections on the basis that proposed cycle parking provision on the site is inadequate with 20 spaces proposed in the rear courtyard. For D1 secondary school education Policy 6.9 of the further alteration to the London Plan requires 1 space per 8 staff/students and the Highways Planning Manager advises that there should be space for 25 cycles. It is acknowledged that the constraints of the site make greater provision of cycle parking impossible. Although regrettable, this is not considered to justify a refusal and therefore the objections on these grounds are not considered to be sustainable.

The applicant also refers to Local Authority maintained cycle parking facilities within close vicinity to the school which they anticipate will be used as well.

6.4.4 Pedestrian safety

Objections have been expressed about the large numbers of school children entering and leaving the premises at concentrated points during the day, on the grounds that would block the flow of pedestrians (including the school children) along the footpath and so could be unsafe. Whilst this was a consideration in the refused application, given the intention to actively manage students' arrival and departure as set out in the Student Management Plan (and the slight reduction in student numbers), it is considered that this matter has, on balance, been adequately addressed.

6.4.5 Waste

An internal waste store is shown on the proposed drawing which is acceptable.

6.5 Economic Considerations

The proposal provides an economically viable use that enables continued use of this listed building without the need for significant or potentially detrimental alterations.

6.6 Access

There is level access off the pavement into the ground floor. The building incorporates a lift serving the basement to third floors, therefore making it a disabled compliant building.

6.7 Other UDP/Westminster Policy Considerations

It is noted that the applicant has previously met the Designing Out Crime Officer. An informative encourages the applicant to pursue this further.

6.8 London Plan

Whilst the proposal does not raise strategic issues, the policies supporting educational use have been noted above.

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

Not applicable.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is of an insufficient scale to require an environmental assessment, and the proposals do not give rise to any sustainability or biodiversity issues.

6.12 Other issues

One objector has commented that the school will be fee paying and not an amenity for local children. This is not a planning consideration, though the supporting information with the application demonstrates that there are French nationals living in this area. The fact that this is meant to be the 'secondary' school to an existing 'primary' French school established nearby is considered to demonstrate that there is a demand for this type of school, and therefore this objection is not sustainable.

Some objectors consider the site inappropriate because there is no outside amenity space and the children have to go to Regents Park for outside activities. In itself this objection is not considered to be sustainable, as this is the arrangement for the existing school at 36 Portland Place and is a matter for the school management.

Objection on grounds of potential impact on property values is not a planning consideration.

6.13 Conclusion

Whilst sympathetic to the concerns of local residents about potential problems from noise nuisance and other amenity problems and traffic congestion, there is a general policy presumption, especially at national level, to encourage new schools. It is considered that, on balance, the applicant has adequately addressed the previous reasons for refusal, so that a second refusal could not be supported. Subject to a number of conditions therefore, the applications are recommended for approval.

BACKGROUND PAPERS

1. Application forms
2. Memorandum from Highways Planning Manager dated 3.9.15
3. Memorandum from Environmental Health Consultation Team dated 1.9.15
4. Letter from Firstplan dated 13.8.15 on behalf of 2 Mansfield Street Residents Association
5. Representation from the occupier, Flat 2, 2 Mansfield Street, dated 11.8.15
6. Representation from the occupier, Flat 4, 2 Mansfield Street, dated 11.8.15
7. Representation from the occupier, Flat 5, 2 Mansfield Street, dated 6.8.15
8. Representation from the occupier, Flat 6, 2 Mansfield Street, dated 11.8.15
9. Representation from the occupier, Flat 11, 2 Mansfield Street, dated 17.8.15
10. Representations from the occupiers, Flat 12, 2 Mansfield Street, dated 6.8.15
11. Representation from the occupier, Flat 15, 2 Mansfield Street, dated 9.8.15
12. Representations from the occupiers, Flat 16, 2 Mansfield Street, dated 16.8.15
13. Representation from the occupier, Flat 17, 2 Mansfield Street, dated 10.8.15
14. Representation from the occupier, Flat 18, 2 Mansfield Street, dated 18.8.15
15. Representation from David Quigley Architects on behalf of the occupier, Flat 23, 2 Mansfield Street, dated 12.8.15
16. Representation from the occupier, Flat 24, 2 Mansfield Street, dated 14.8.15
17. Representation from the occupier, Flat 26, 2 Mansfield Street, dated 11.8.15
18. Representation from the occupier, Flat 27, 2 Mansfield Street, dated 4.8.15
19. Representation from the occupier, Flat 30, 2 Mansfield Street, dated 17.8.15
20. Representations from the occupier, Flat 31, 2 Mansfield Street, dated 17.8.15
21. Representation from the occupier, Flat 32, 2 Mansfield Street, dated 27.7.15 and 7.8.15
22. Representation from the occupier, Flat 36, 2 Mansfield Street, dated 14.8.15
23. Representation from the occupier, Flat 37, 2 Mansfield Street, dated 14.8.15
24. Representation from the occupier, Flat 38, 2 Mansfield Street, dated 17.8.15
25. Representation from the occupier, Flat 39, 2 Mansfield Street, dated 17.8.15
26. Representation from the occupier, Flat 43, 2 Mansfield Street, dated 12.8.15
27. Representation from the occupier, Flat 48, 2 Mansfield Street, dated 10.8.15
28. Representation from the occupier, Flat 51, 2 Mansfield Street, dated 16.8.15
29. Representation from the occupier, Flat 53, 2 Mansfield Street, dated 5.8.15
30. Representation from the occupier, 12 Bedford Square, dated 20.8.15
31. Representation from the occupier, 14 Burrows Road, London NW10, dated 12.8.15
32. Representation from the occupier, 14 Chalcot Square, dated 18.8.15
33. Representation from the occupier, 7 Clipstone Street, dated 13.8.15
34. Representation from the occupier, 30 Devonshire Place, dated 25.8.15
35. Representation from the owner, 21 Duchess Mews, received 19.8.15
36. Representation from the occupier, Flat 3, 6 Hillfield Park, London N21, dated 12.8.15
37. Representation from the occupier, 16 Mansfield Street, dated 18.8.15
38. Representations from the occupier, 18 Mansfield Street, dated 3.8.15 and 5.8.15
39. Representation from the occupier, 35 Montagu Square, dated 18.8.15
40. Representation from the occupier, Flat 1, Crofton House, 1 New Cavendish Street, dated 25.8.15
41. Representation from the occupier, 15 Portland Place, dated 10.8.15
42. Representation from the occupier, 36 Portland Place, dated 11.8.15
43. Representation from the occupier, Flat 9, Winsley Court, 37 Portland Place, dated 12.8.15
44. Representation from the occupier Flat 2/37, Winsley Court, Portland Place, dated 13.8.15
45. Representation from the occupier, Flat 13, 14 Queen Anne Street, dated 8.8.15
46. Representation from the occupier, Flat 19, 14 Queen Anne Street, dated 16.8.15
47. Representation from the occupier, 84 Seaford Road, London W13, dated 12.8.15
48. Representation from the occupier, Flat 4, 6 Weymouth Mews, dated 10.8.15

- 49. Representation from the occupier, 41 Weymouth Mews, dated 17.8.15
- 50. Representation from the occupier, 46 Weymouth Mews, dated 18.8.15
- 51. Representation from the occupier, Flat 3, 53 Harley Street, dated 18.8.15
- 52. Representation from the occupier, Suite 206, Business Design Centre, 52 Upper Street, dated 12.8.15
- 53. Representation from Chene-Bougeries, Geneva, dated 13.8.15

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARA SPURRIER ON 020 7641 3934 OR BY E-MAIL – sspurrier@westminster.gov.uk

DRAFT DECISION LETTER

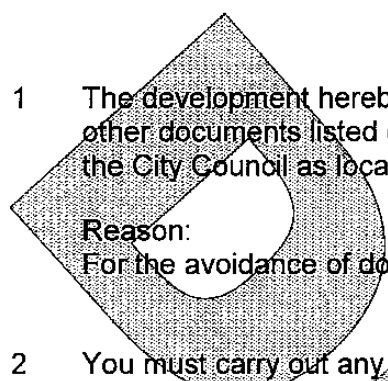
Address: 10 Duchess Street, London, W1G 9AB

Proposal: Use for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres [for air inlet and air discharge] within existing window openings in east elevation and internal alterations.

Plan Nos: Planning Statement/Design and Access Statement/Historic Building Assessment dated 7 July 2015; Site Location Plan; 1409/GA (00) 002 P6, 003 P6, 004 P6, 005 P6, 006 P5, 007 P5, 051 P5, 052 P5, and 053 P5.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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 a minimum of 20 cycle parking spaces in the rear courtyard as 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.

- 4 To provide cycle parking spaces for people using the development as set out in Policy 6.9 of the Further Alterations to the London Plan March 2015.
- 5 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the educational use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the educational use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

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 (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.

- 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 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.

- 8 (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.

- 9 You must provide the waste store shown on drawing GA (00) 002 Rev P6 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the school. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 10 The use hereby approved must be implemented in accordance with the 'School Travel Plan' dated July 2015 (reference M14107-02E STO). At the end of the first, third and fifth school years, following the commencement of the use, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 11 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 12 The educational use hereby approved must be carried out in full accordance with the EIFA 'Student Management Plan' dated July 2015. In particular there must be a minimum of two teachers outside the premises 30 minutes before the school day commences and 30 minutes after the school day ends.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 All windows to the school shall be kept closed when there are students on the premises, and any existing windows or areas of glazing with obscure glass shall have that obscure glass retained.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must use the property only as a secondary school. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 15 There shall be a maximum of 175 school children allowed on the premises, between the hours of 07.45 hours and 17.30 hours, Mondays to Fridays only, during term times, and not at all on Saturdays, Sundays, Bank Holidays and other public holidays outside term time.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 16 Apart from the parking and retrieval of cycles, the rear courtyard (nor the flat roof at rear second floor level) shall be used at any time except for maintenance purposes or in the event of an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 17 Apart from arrival and departure at the beginning and end of the school day, when leaving

and returning on supervised visits off-site and in the event of an emergency or fire drill practice, students must remain within the premises, including at lunch times.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 18 Apart from the collection of rubbish, all servicing must take place between 09.00 and 16.00 hours on Monday to Friday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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

- 19 Before the educational use hereby approved commences, the sound insulation works to the basement music room shall be carried out in accordance with the works set out in section 5.1 of the Acoustic Assessment dated 7 July 2015 (RBA Acoustics report reference 6579/AAR), and written confirmation submitted to the City Council that these works have been undertaken.

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 adjoining buildings from noise and vibration from the development.

- 20 Within three months of the start of the first school term, you must apply to us for approval of details of a supplementary acoustic report demonstrating that the premises are sufficiently insulated to comply with the Council's noise criteria as set out in Condition 5 of this permission, or including details of remedial measures that are required to ensure compliance. In the event that additional insulation remedial measures are required, they must be implemented within three months of the Council's approval of the supplementary acoustic report, with written confirmation of this within one month of completion of the remedial measures.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 21 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 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)

- 22 The new plant/machinery serving the new louvres on the eastern flank elevation hereby permitted shall not be operated except between 07.30 and 19.00 hours, Mondays to Fridays.

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.

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 It is noted that the applicant has previously consulted with the Designing Out Crime Officer and you are encouraged to consult with him again before the school use commences.
- 3 Under condition 11 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor equipment.

If you want to remove this condition you will need to send us full details of all the extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts. (I72AA)

- 4 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)

- 5 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and listed building consent, if you want to put up an advertisement at the property. (103AA)

DRAFT DECISION LETTER

Address: 10 Duchess Street, London, W1G 9AB

Proposal: Installation of louvres within east elevation and internal alterations.

Plan Nos: Planning Statement/Design and Access Statement/Historic Building Assessment dated 7 July 2015; Site Location Plan; 1409/GA (00) 002 P6, 003 P6, 004 P6, 005 P6, 006 P5, 007 P5, 051 P5, 052 P5, and 053 P5.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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 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. (C27BA)

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 2.4 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 2.4/2.5 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.

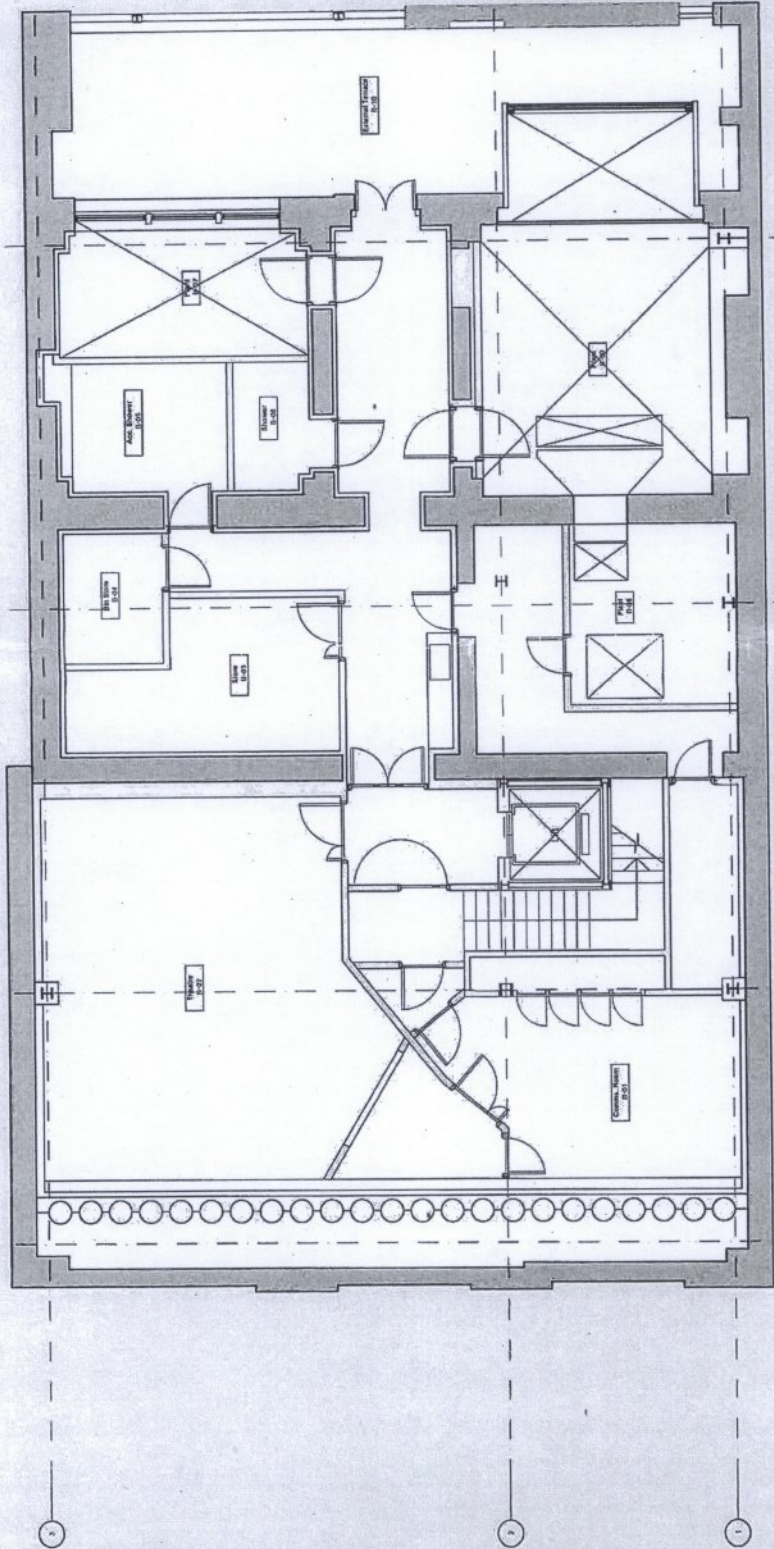
Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

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. (I59AA)

CASE COPY
 - 7 JUL 2012

Notes:

Project Name	10 DUCHESS STREET
Client	L'Ecole Internationale Franco-Anglaise
Project Number	EX (00)002 P1
Design Discipline	Architecture
Design Number	1409
Design Date	14 JUN 2012
Design Stage	Final for IBC - Document 10 - 10/11/12
Project File	
Information	
Design Title	BASEMENT PLAN - EXISTING
Design Discipline	
Design Number	
Design Date	
Design Stage	



A Basement Plan - Existing
 1:50 2/12/12

Duchess Street (Above)



Notes:

CASE COPY
7 JUL 2013

Project No.	1409	EX (00)003	P1
Project Name	10 DUCHESS STREET		
Client	L'Ecole Internationale Franco-Anglaise		
Architect	L'Ecole Internationale Franco-Anglaise		
Project No.	1409 EX (00)003 P1		
Project Name	10 DUCHESS STREET		
Client	L'Ecole Internationale Franco-Anglaise		
Architect	L'Ecole Internationale Franco-Anglaise		

GROUND FLOOR PLAN - EXISTING

INFORMATION

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Drawing No: 1409 EX (00)003 P1

Project No: 1409 EX (00)003 P1

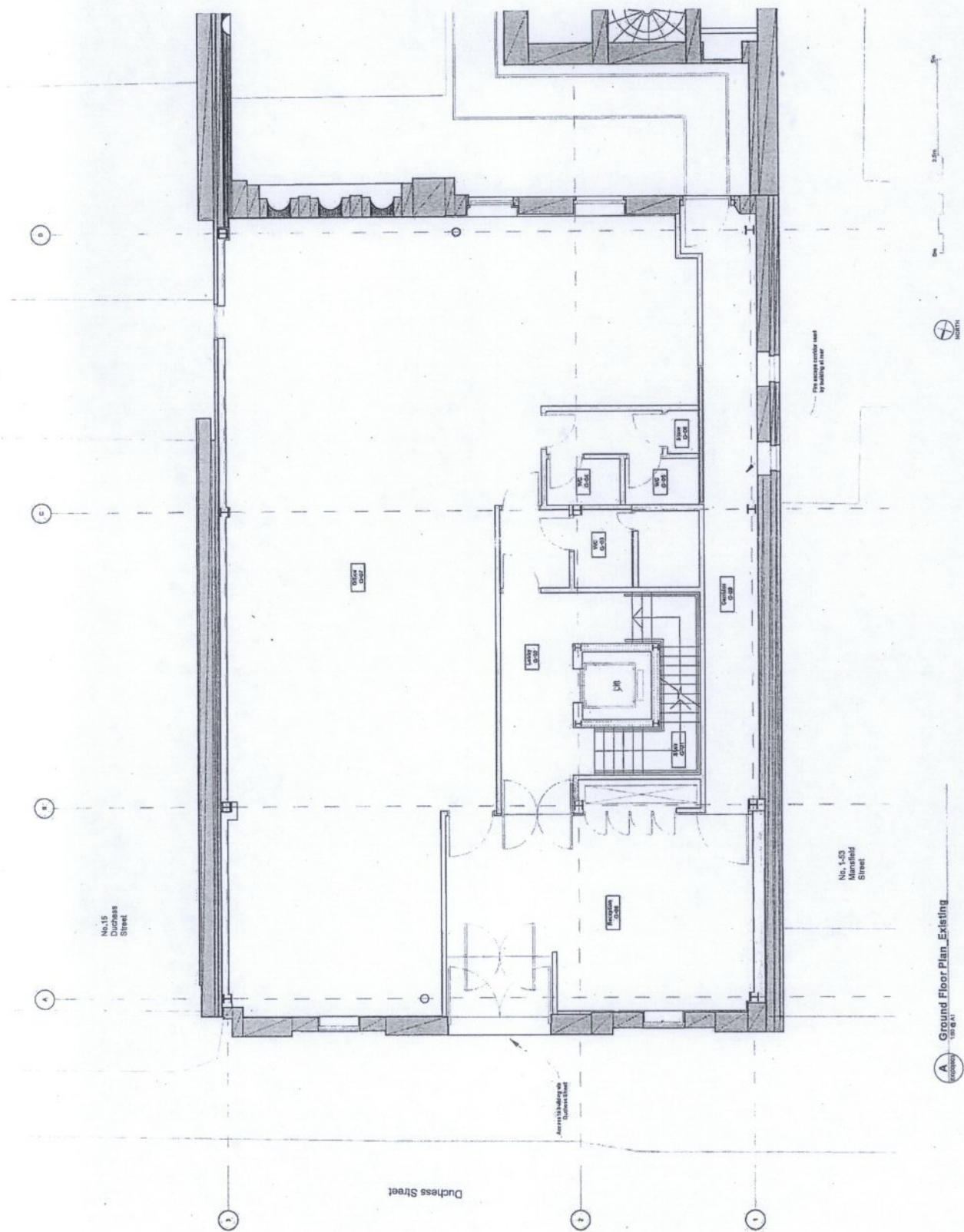
Project Name: 10 DUCHESS STREET

Client: L'Ecole Internationale Franco-Anglaise

Architect: L'Ecole Internationale Franco-Anglaise

Scale: 1:500

Date: 07/2013



Notes:

No changes are being made to the existing location of fire building.

10	10.01.15	Client Approval	PC
11	10.01.15	Client Approval	PC
12	10.01.15	Client Approval	PC
13	10.01.15	Client Approval	PC
14	10.01.15	Client Approval	PC
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PLANNING

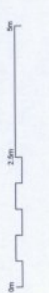
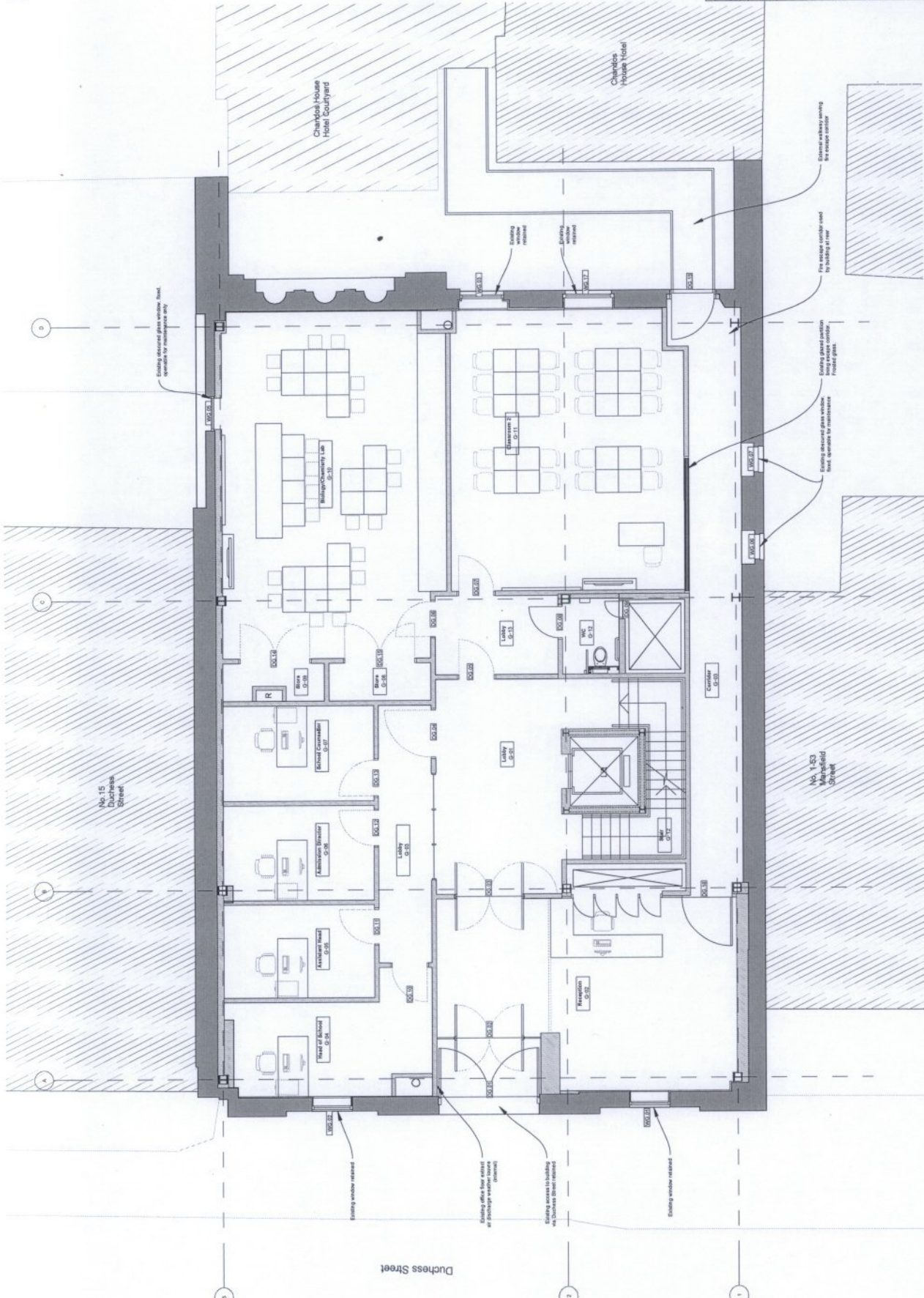
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Client Reference: **1409 GA (00) 003 P3**

Project Title: **10 DUCHESS STREET**

Client: **L'Ecole Internationale Franco-Anglaise**

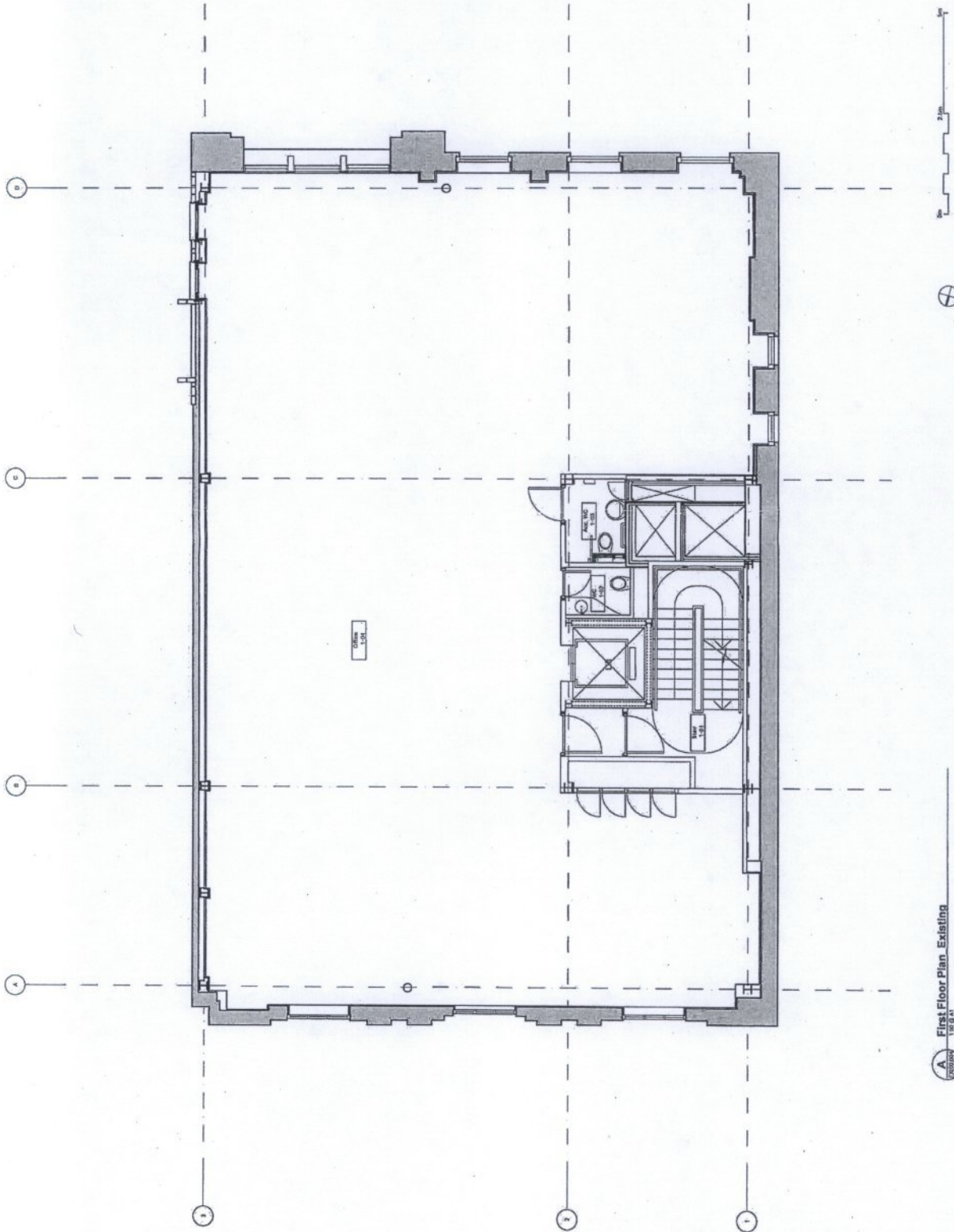
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A Ground Floor Plan, Proposed
1:50 @ A1

Notes:

CASE COPY
7 JUL 2019



A
FIRST FLOOR
First Floor Plan - Existing

Client	L'ÉCOLE INTERNATIONALE FRANCO-ANGLAISE
Project No.	1409 EX (00)004 P1
Project Title	10 DUCHESSE STREET
Drawn By	...
Checked By	...
Scale	...
Date	...

INFORMATION

Drawing Title:
FIRST FLOOR PLAN - EXISTING

Client:
L'ÉCOLE INTERNATIONALE FRANCO-ANGLAISE

Project No.:
1409 EX (00)004 P1

Project Title:
10 DUCHESSE STREET

Scale:
...

Date:
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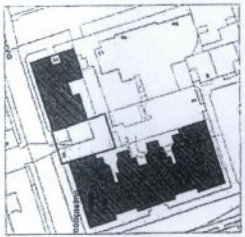
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L'ÉCOLE INTERNATIONALE FRANCO-ANGLAISE

Project No.:
1409 EX (00)004 P1

Project Title:
10 DUCHESSE STREET

Scale:
...

Date:
...



Location plan
11000 00 01
B

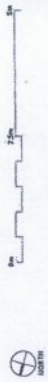
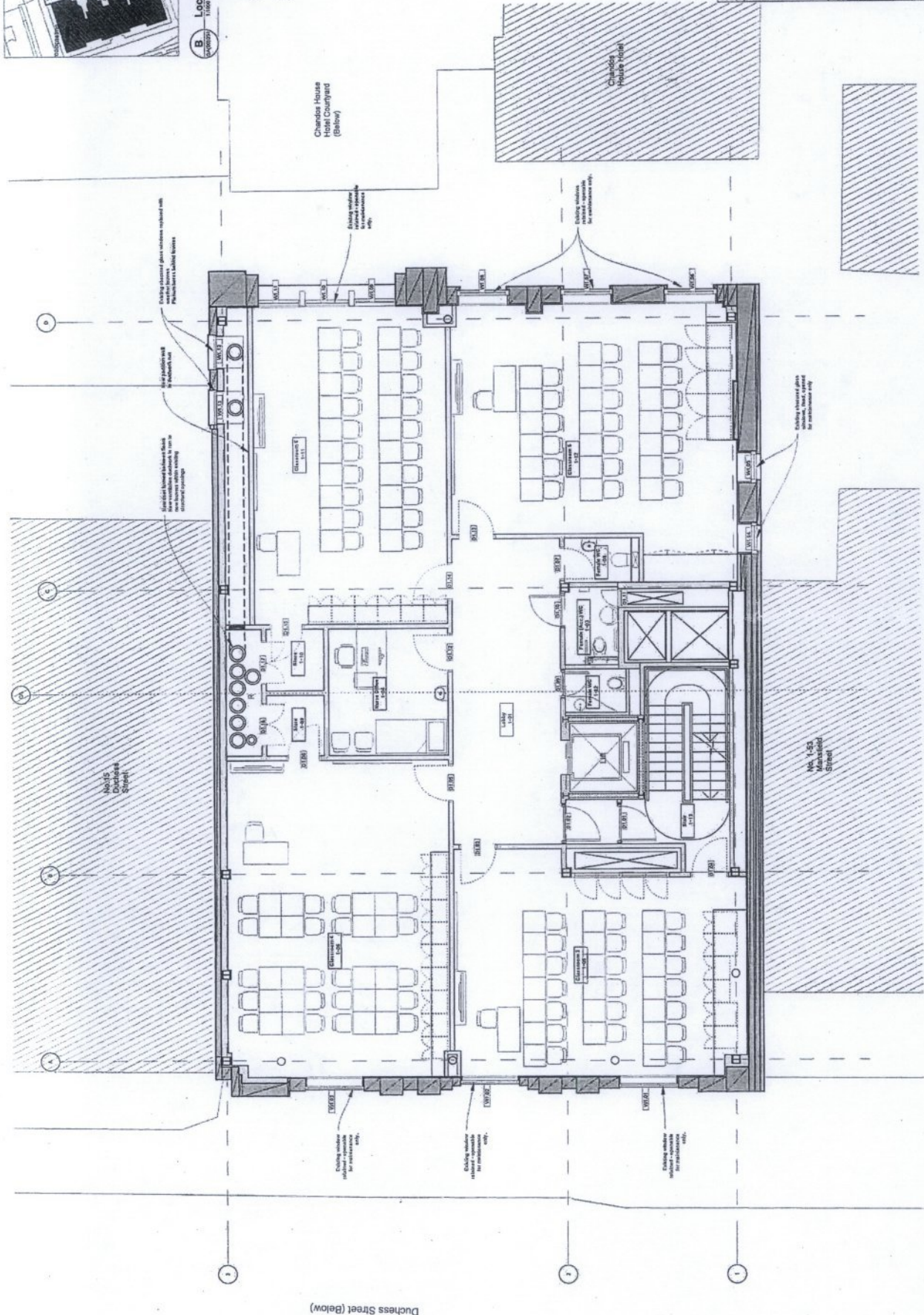
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No changes are being made to the existing facade of the building.

CASE COPY
- 7 JUL 2013

PLANNING
Drawing Title:
FIRST FLOOR PLAN,
PROPOSED

Project No.: 1409 GA (00)004 P6
Project Name: L'Ecole Internationale Franco-Anglaise
Address: 10 DUCHESS STREET
Drawing No.: 10 DUCHESS STREET

Client:
L'Ecole Internationale Franco-Anglaise
10 DUCHESS STREET
11000 00 01

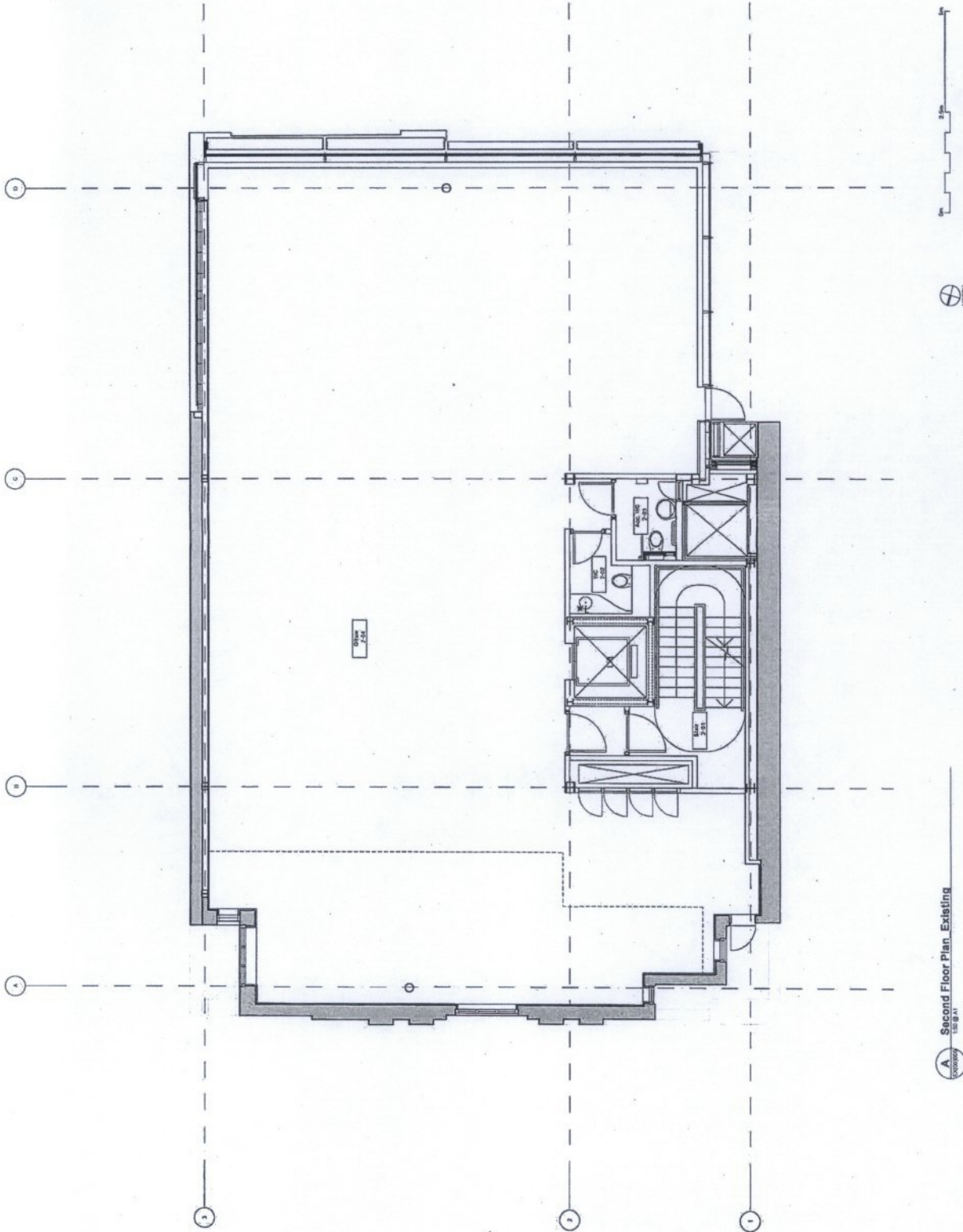


Duchess Street (Below)

A
First Floor Plan, Proposed
11000 00 01

Notes:

CASE COPY
- 7 JUL 2019



A Second Floor Plan Existing
USG AI

DATE: 10/11/18	REVISIONS:	BY:	CHK:
1	ISSUED FOR PERMIT	USG	USG
2	ISSUED FOR PERMIT	USG	USG
INFORMATION Drawing Title: SECOND FLOOR PLAN, EXISTING			
Drawing Reference: 1409 EX (00)005 P1			
Project No.:	Drawing Number:	Revision:	
1409-0001	EX (00)005 P1	1	
Project Title: 10 DUCHESS STREET			
Client: L'Ecole Internationale Franco-Anglaise			
<small>This drawing is prepared by the architect in accordance with the provisions of the Building Act, 1975, and the Building Regulations, 1984, and is intended to be used for the purposes of obtaining a building consent. It is not to be used for any other purpose without the written consent of the architect.</small>			



Notes:

CASE COPY
7 JUL 2013

Project No.	1409
Project Name	10 DUCHESS STREET
Client	L'Ecole Internationale Franco-Anglaise
Architect	LOUIS-PIERRE BISHARA ARCHITECTS LTD
Scale	1:100
Date	14 JUL 2013
Drawn By	LS
Checked By	LS
Project No.	1409
Project Name	10 DUCHESS STREET
Client	L'Ecole Internationale Franco-Anglaise
Architect	LOUIS-PIERRE BISHARA ARCHITECTS LTD
Scale	1:100
Date	14 JUL 2013
Drawn By	LS
Checked By	LS

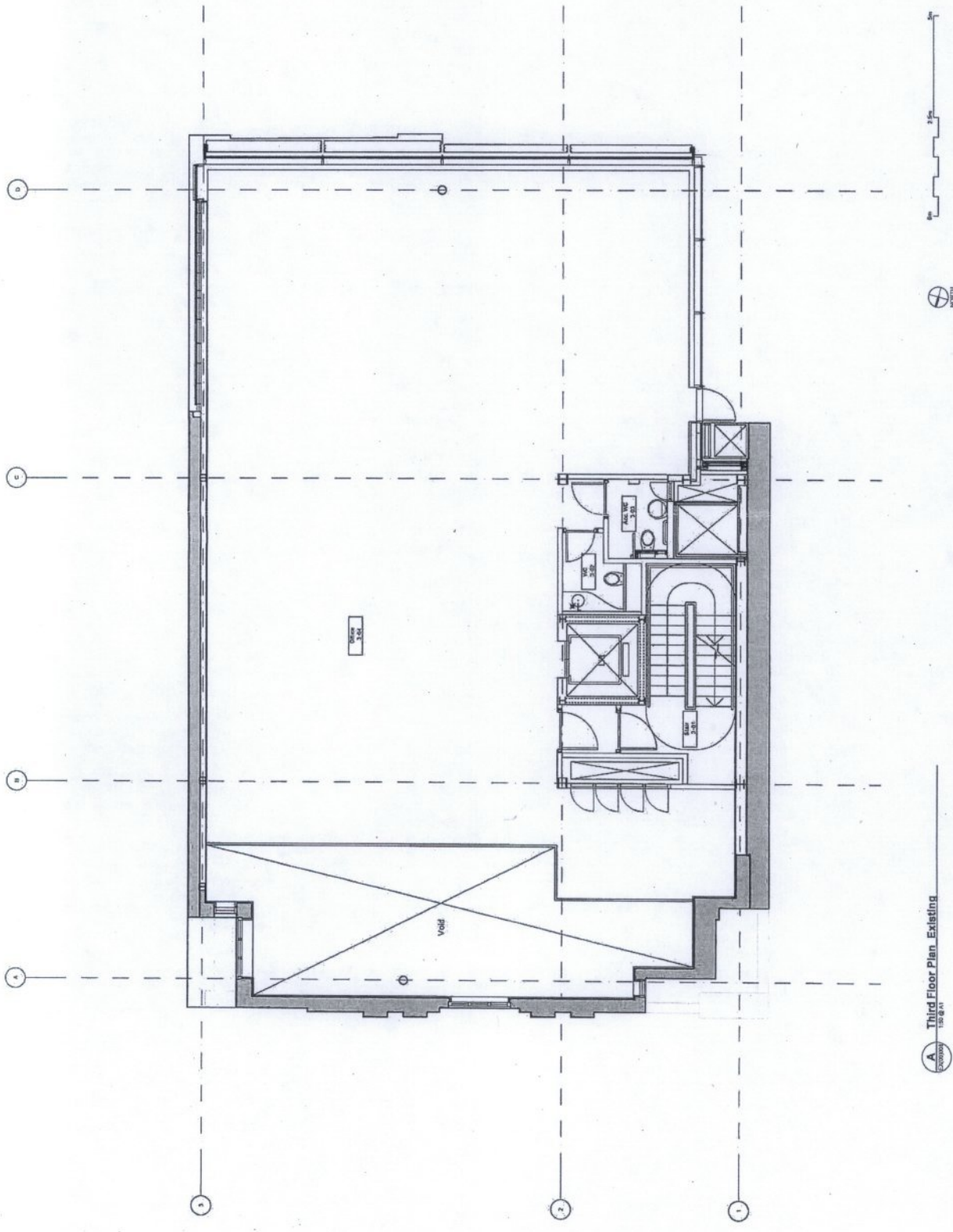
INFORMATION

THIRD FLOOR PLAN
EXISTING

1409 EX (00)006 P1

10 DUCHESS STREET

L'Ecole Internationale Franco-Anglaise



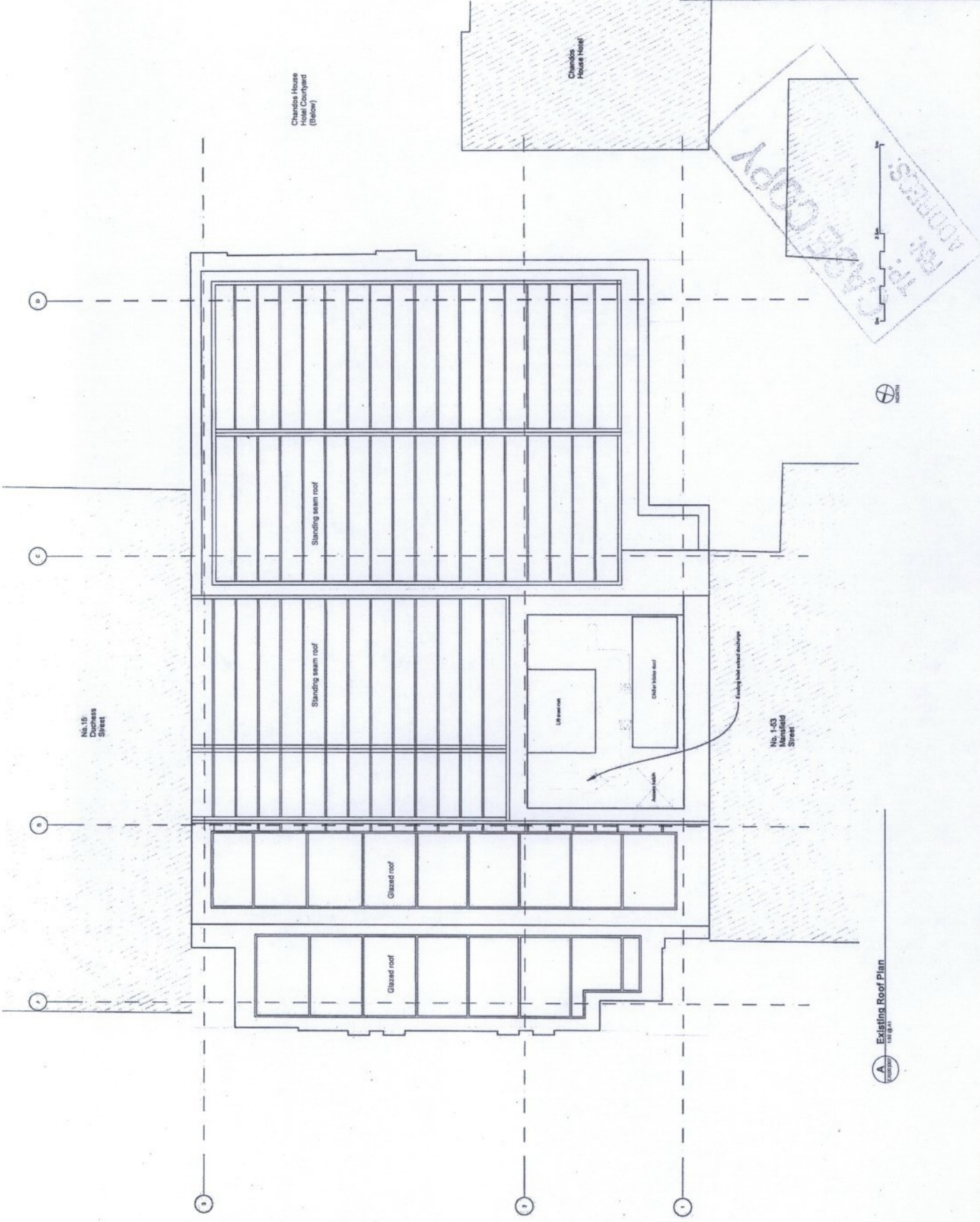
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15/06/2014
23.7.14

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Project No.	EX (00)007 P1
Drawn	13/08/14
Checked	13/08/14
Scale	1:100
Project Name	10 DUCHESS STREET
Client	L'Ecole Internationale Franco-Anglaise

PLANNING
EXISTING ROOF PLAN



Duchess Street (Below)

Existing Roof Plan
1:100





B Location plan
1:1000 @ A1
NORTH

Notes:

No changes are being made to the existing facade of the building

Chandos House
Hotel Courtyard
(Below)

CASE COPY
- 7 JUL 2011

Chandos House roof

Standing seam roof

Standing seam roof

Glazed roof

Glazed roof

Unfinished

Other habitable area

Existing flat roof extension

No. 1-53
Blanchard Street



A Proposed Roof Plan
1:100 @ A1

Project No.	1110101	Project Name	1409 GA (00)007 PF
Client	L'Espresso	Architect	L'Espresso
Scale	1:100	Checked By	GA
Date	2011	Drawn By	GA

PLANNING

Planning Ref:

PROPOSED ROOF PLAN

Client Ref: 1409 GA (00)007 PF
Project No. 1110101
Project Name: 1409 GA (00)007 PF
Client: L'Espresso

10 DUCHESS STREET

Client:

L'Espresso Internationale
Franco-Anglaise

L'Espresso Internationale
10 DUCHESS STREET, LONDON W1D 4DU

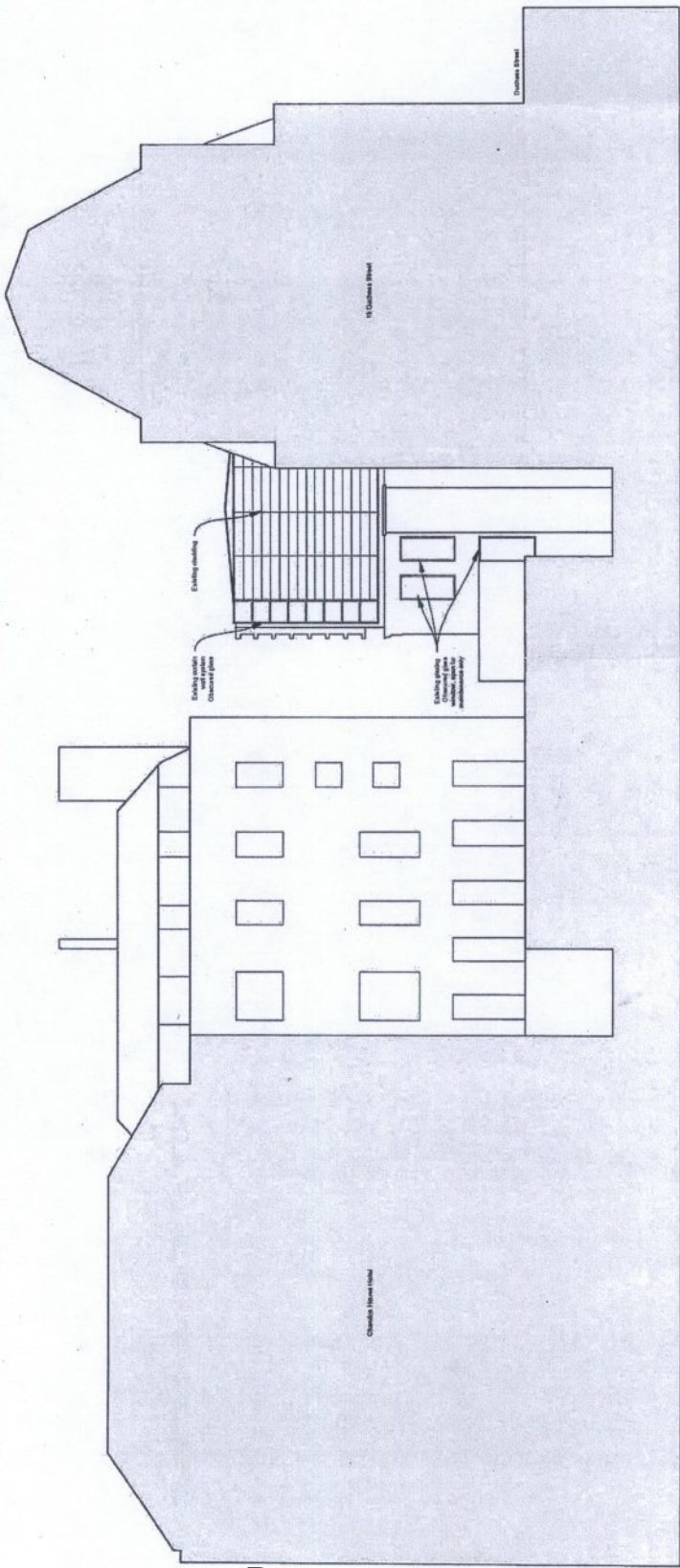


Duchess Street (Below)



B Location plan
11/08/01
NORTH

15106130/Full
23.7.15



10 DUCHESS STREET

CASE COPY
ADDRESS:
PM:

Project Name	11/08/01
Client	11/08/01
Architect	11/08/01
Structural Engineer	11/08/01
MEP Engineer	11/08/01
Cost Consultant	11/08/01
Quantity Surveyor	11/08/01
Other	11/08/01

PLANNING

Drawing Title

EAST ELEVATION, EXISTING

1409 EX (00)009 P2

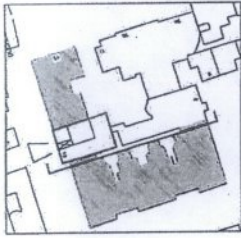
10' DUCHESS STREET

L'Ecole Internationale Franco-Anglaise

11/08/01

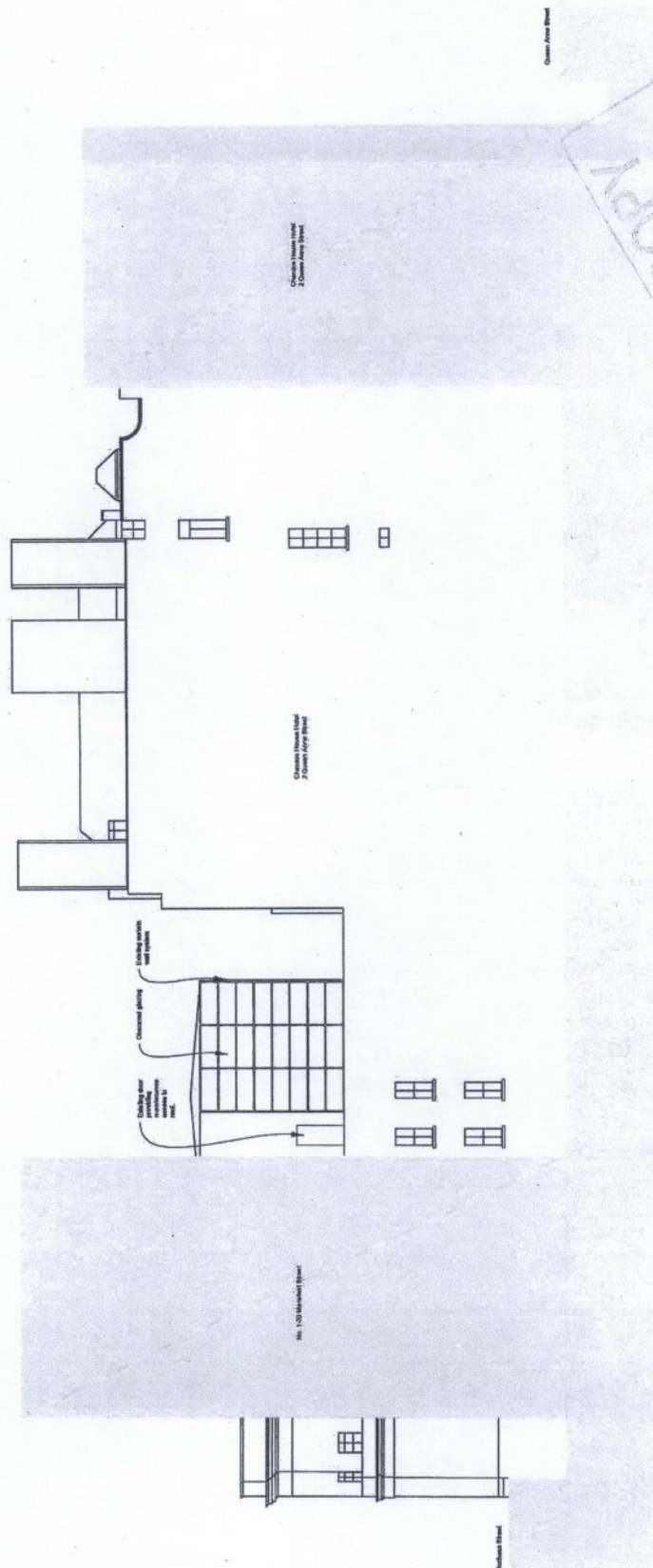


East Elevation Existing
11/08/01



B LOCATION PLAN
1:5000 @ A1
NORTH

1510618dfu 11
23.7.15



Queen Anne Street

10 DUCHESS STREET

Project No.	1409	EX (00)008 P2
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Address	10 DUCHESS STREET	
City	L'Ecole Internationale Franco-Anglaise	
Scale	1:500 @ A1	
Author	J. [Name]	
Checker	K. [Name]	
Project Manager	M. [Name]	
Project No.	1409	
Client	L'Ecole Internationale Franco-Anglaise	
Address	10 DUCHESS STREET	
City	L'Ecole Internationale Franco-Anglaise	
Scale	1:500 @ A1	
Author	J. [Name]	
Checker	K. [Name]	
Project Manager	M. [Name]	

THIS IS A COPY
ADDRESS

A WEST ELEVATION - EXISTING
1:500 @ A1



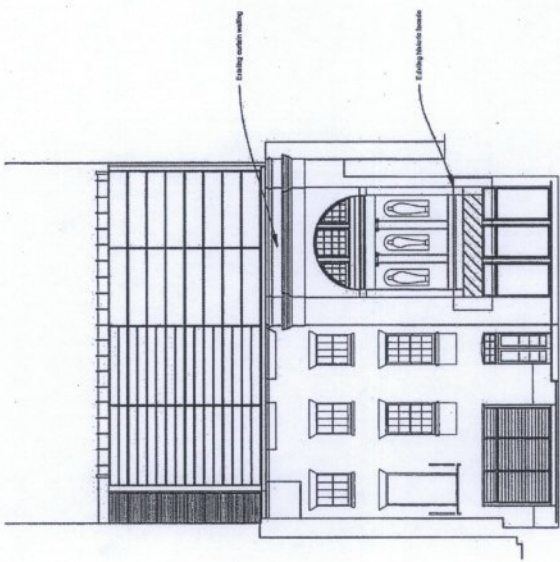


B Location plan
1:500 @ A1
NORTH

Notes:

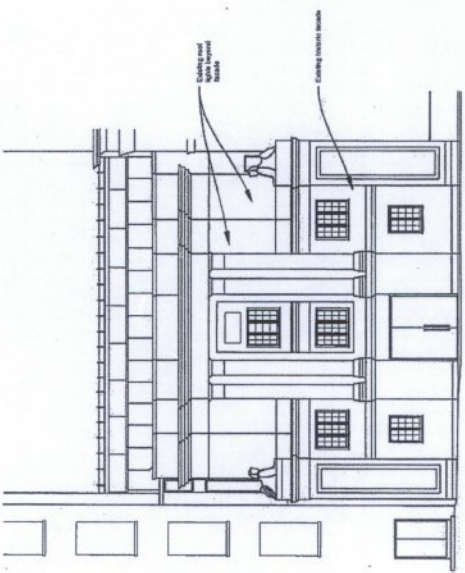
No changes are being made to the existing facade of the building.

15/06/20/PL/11
230.15



10 DUCHESS STREET

B South Elevation Proposed
1:500 @ A1



10 DUCHESS STREET

A North Elevation Proposed
1:500 @ A1

CASE COPY
P. 10 ADDRESS

PLANNING	PC
PLANNING	CONC

PLANNING
Drawing Title
**NORTH_SOUTH
ELEVATION_EXISTING**

1409 EX(00)010 P1
Project No. Drawing Number
10 DUCHESS STREET
Project Title

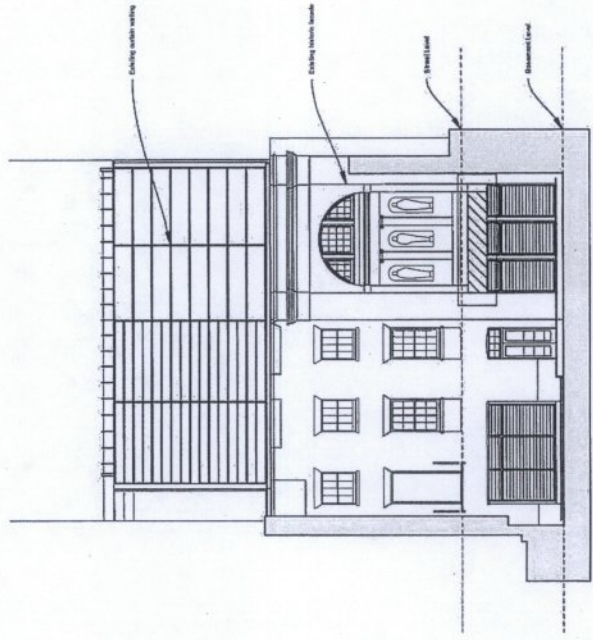
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Client
**L'Ecole Internationale
Franco-Anglaise**

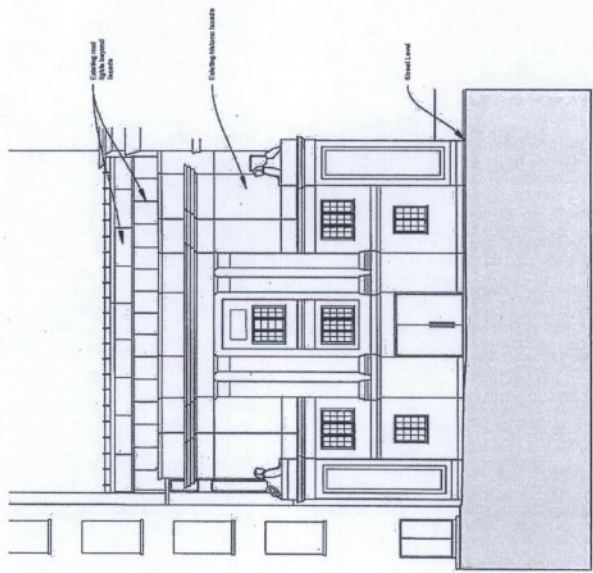




Location plan
1:1000 @ A1
NORTH



B
1:100 @ A1
South Elevation Proposed



A
1:100 @ A1
North Elevation Proposed

CASE COPY - 7 JUL 2015

Notes:
No changes are being made to the existing facade of the building.

PR	11/03/15	Proposed Planning Application	PLANNING
DR	11/03/15	Proposed Planning Application	PLANNING
CD	11/03/15	Proposed Planning Application	PLANNING
Project Name: 1409 GA(00)053 P6			
Project No: 1409 GA(00)053 P6			
Project File: 1409 GA(00)053 P6			
Client: L'Ecole Internationale Franco-Anglaise			
Address: 10 DUCHESS STREET			



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Agenda Item 2

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		
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
Page 51

Item No.
2

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.
2

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 A1/55 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 facades of both Nos.40 and 41, whilst not listed, are positive features of Pall Mall. Behind the facades, the buildings have been substantially altered in the 1950s. The rear facades do not retain the interest of the front and therefore the proposed demolition behind the front facades 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.

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2

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.
8. Letter from Building Control dated 2 September 2015.
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
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. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 4 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 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.

- 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.

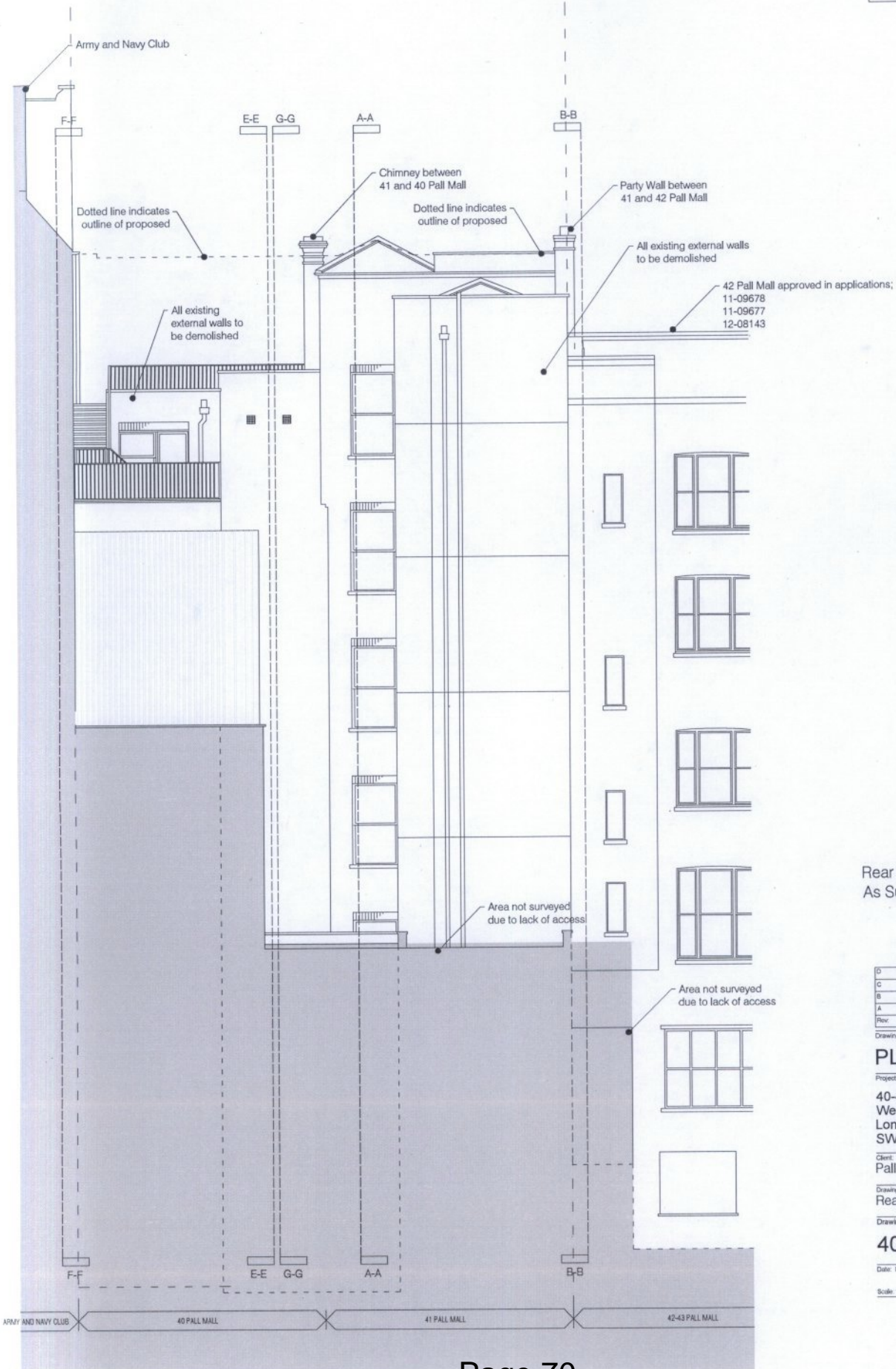
24 Hour Noise Team
 Environmental Health Service
 Westminster City Hall
 64 Victoria Street
 London
 SW1E 6QP

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. (I50AA)

- 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)

NOTES
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Rear Elevation
As Surveyed

Rev	Initials & Date	Modifications
D	ASR 18.09.2014	Planning Issue
C	CG 03.08.2014	Survey information updated
B	ED 25.03.2014	Area calculations revised
A	ED 18.03.2014	Survey information updated

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: Nov 2013 Drawn by: ED

Scale: 1:100@A3, 1:50@A1 Checked by:

NFA architects

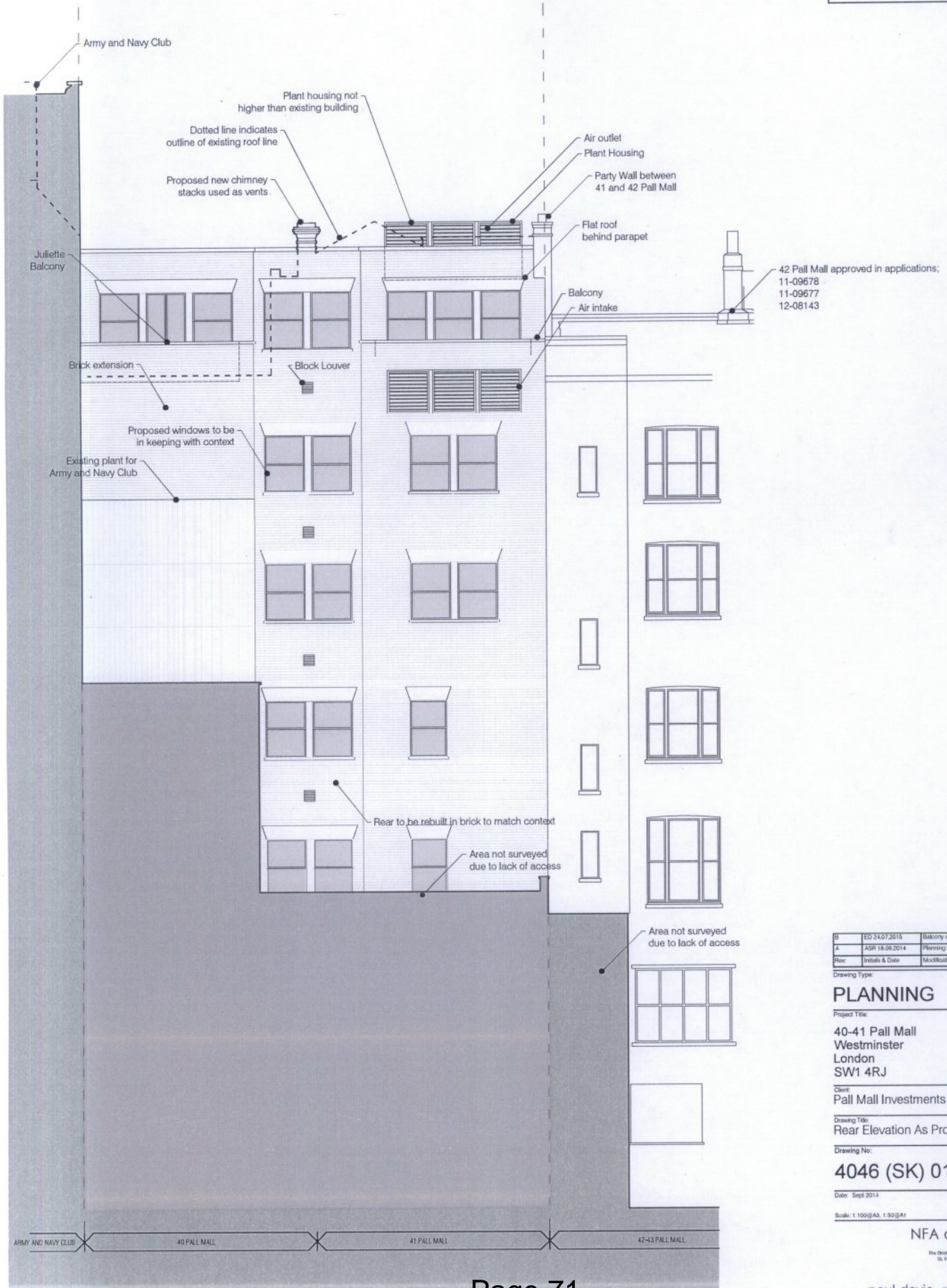
Chartered Architects
The Brick Barn, 20, Theobalds Court Farm,
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01	ED 24.07.2013	Balcony omitted
A	ASR 18.09.2014	Planning issue
Rev	Initials & Date	Modifications

Drawing Type:

PLANNING

Project Title:

**40-41 Pall Mall
Westminster
London
SW1 4RJ**

Client:

Pall Mall Investments Ltd

Drawing Title:

Rear Elevation As Proposed

Drawing No.:

4046 (SK) 010 B

Date: Sept 2014

Drawn by: CG

Scale: 1:100@A3, 1:50@A1

Checked by:

NFA architects

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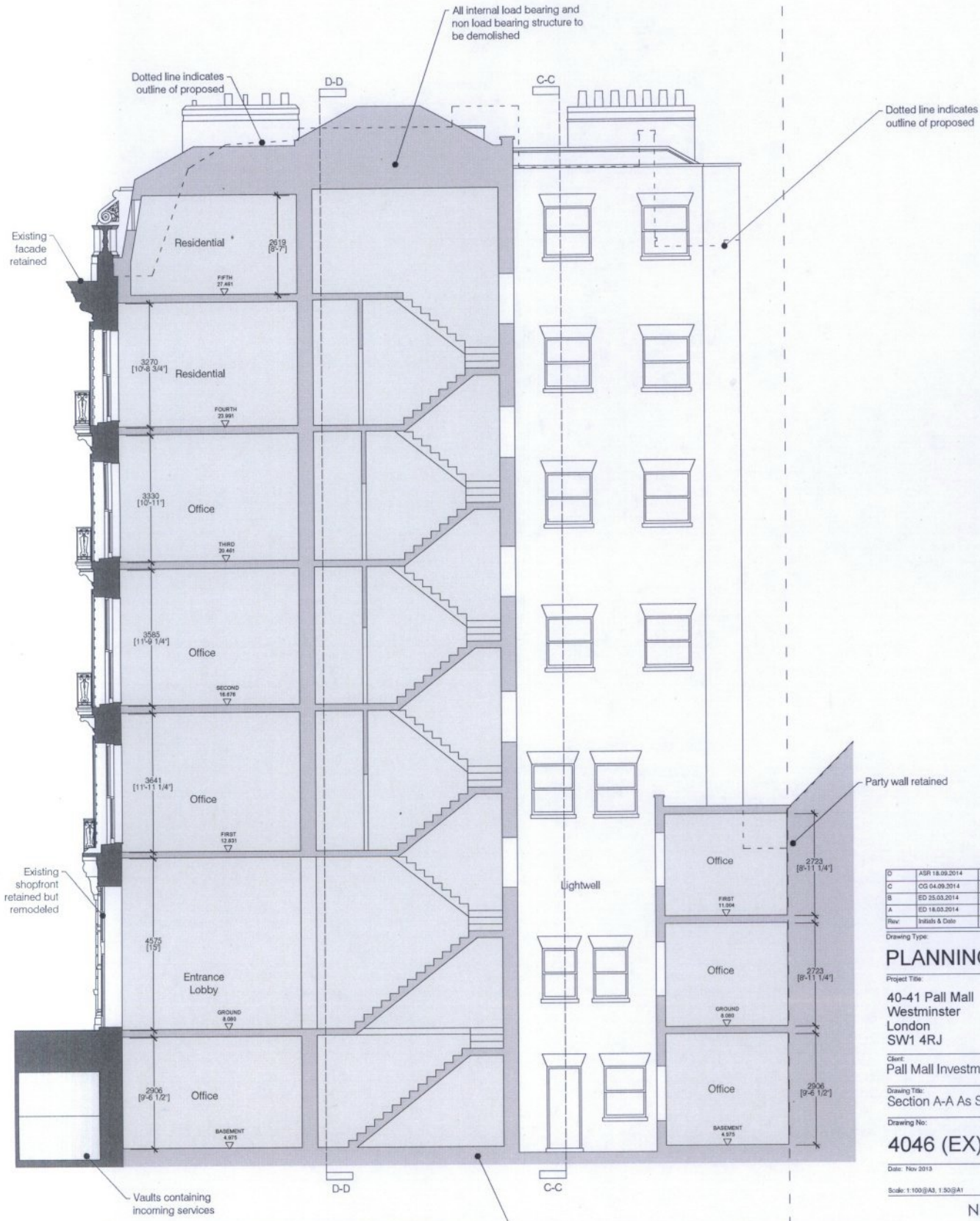
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ALL WORKS TO COMPLY WITH THE REQUIREMENTS OF BUILDING REGULATIONS 1997 AND SUBSEQUENT AMENDMENTS.



Rev	Details & Date	Modifications
D	ASR 18.09.2014	Planning Issue
C	CG 04.09.2014	Note issued
B	ED 25.03.2014	Proposed outline added
A	ED 18.03.2014	Survey information updated

Drawing Type:

PLANNING

Project Title:
**40-41 Pall Mall
Westminster
London
SW1 4RJ**

Client:
Pall Mall Investments Ltd

Drawing Title:
Section A-A As Surveyed

Drawing No:
4046 (EX) 009 D

Date: Nov 2013 Drawn by: ED

Scale: 1:100@A3, 1:50@A1 Checked by:

NFA architects

Chartered Architects
The Beck House, 25, Hudsons Court Farm
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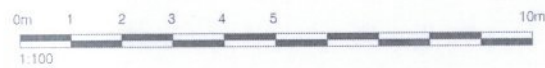
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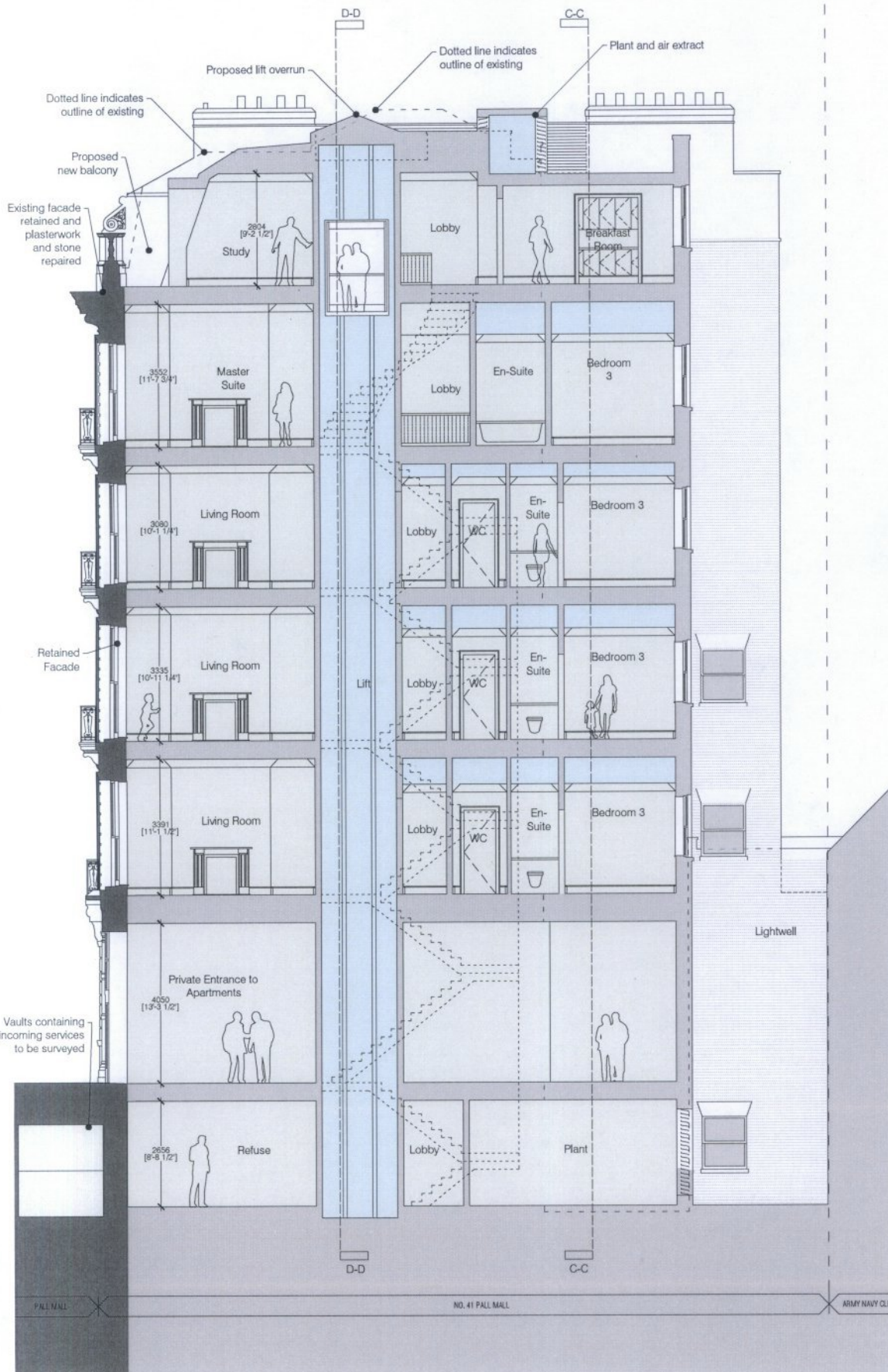
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All internal load bearing and non load bearing structure to be demolished

Section A-A
As Surveyed



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It	4581 18.09.2014	Planning Issue
A	CG 04.09.2014	Note Revised
Rev.	Initials & Date	Modifications

Drawing Type
PLANNING

Project Title:
**40-41 Pall Mall
Westminster
London
SW1 4RJ**

Client:
Pall Mall Investments Ltd

Drawing Title:
Section A-A As Proposed

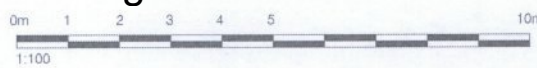
Drawing No:
4046 (SK) 008 B

Date: Nov 2013
Scale: 1:100 @ A3, 1:50 @ A1
Drawn by: ED
Checked by:

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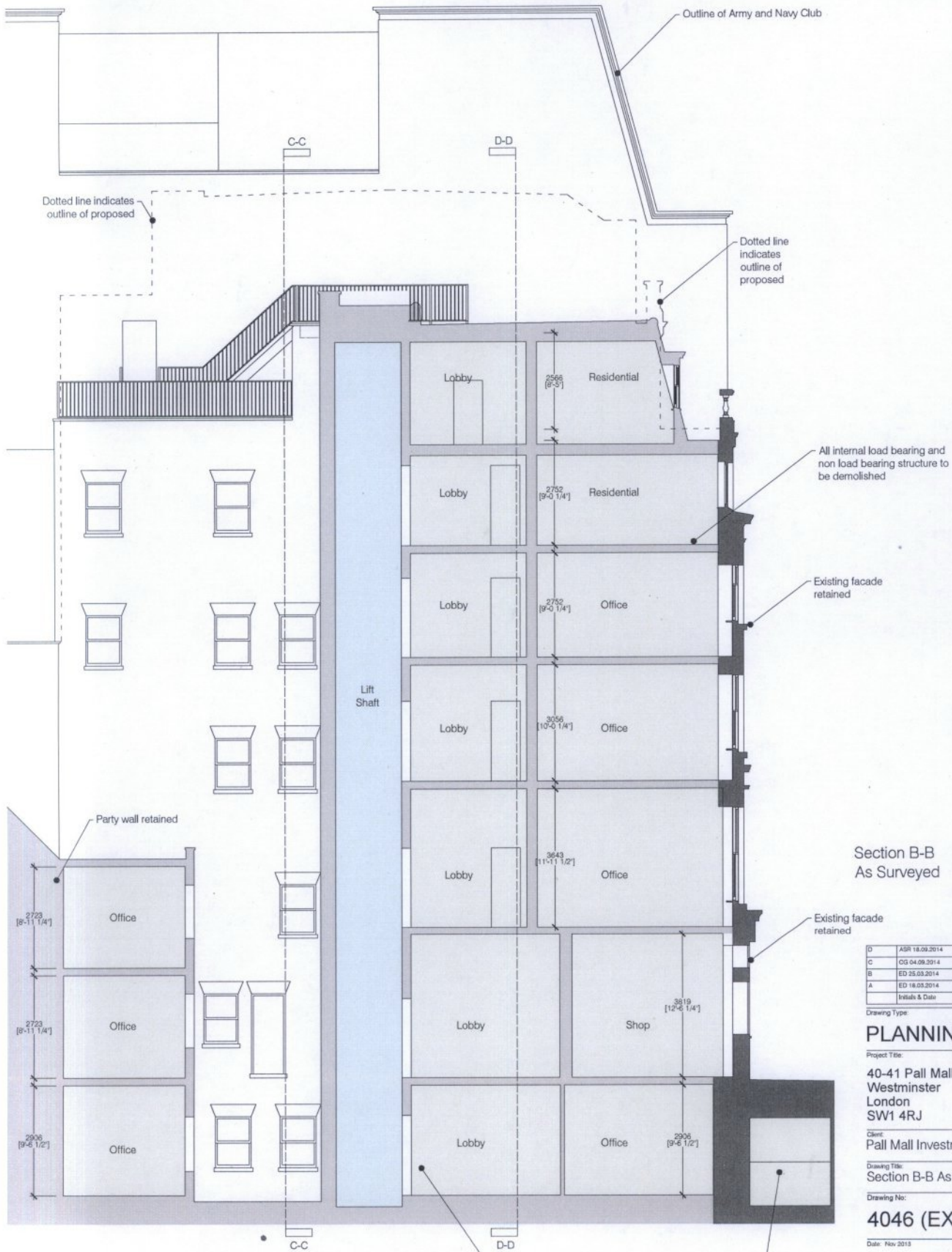
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Section B-B
As Surveyed

Revision	Date	Description
D	ASR 18.09.2014	Planning Issue
C	CG 04.09.2014	Note Added
B	ED 25.03.2014	Area calculations revised
A	ED 18.03.2014	Survey information updated
	Initials & Date	Modifications

Drawing Type:

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 2015

Drawn by: ED

Scale: 1:100@A3, 1:50@A1

Checked by:

NFA architects

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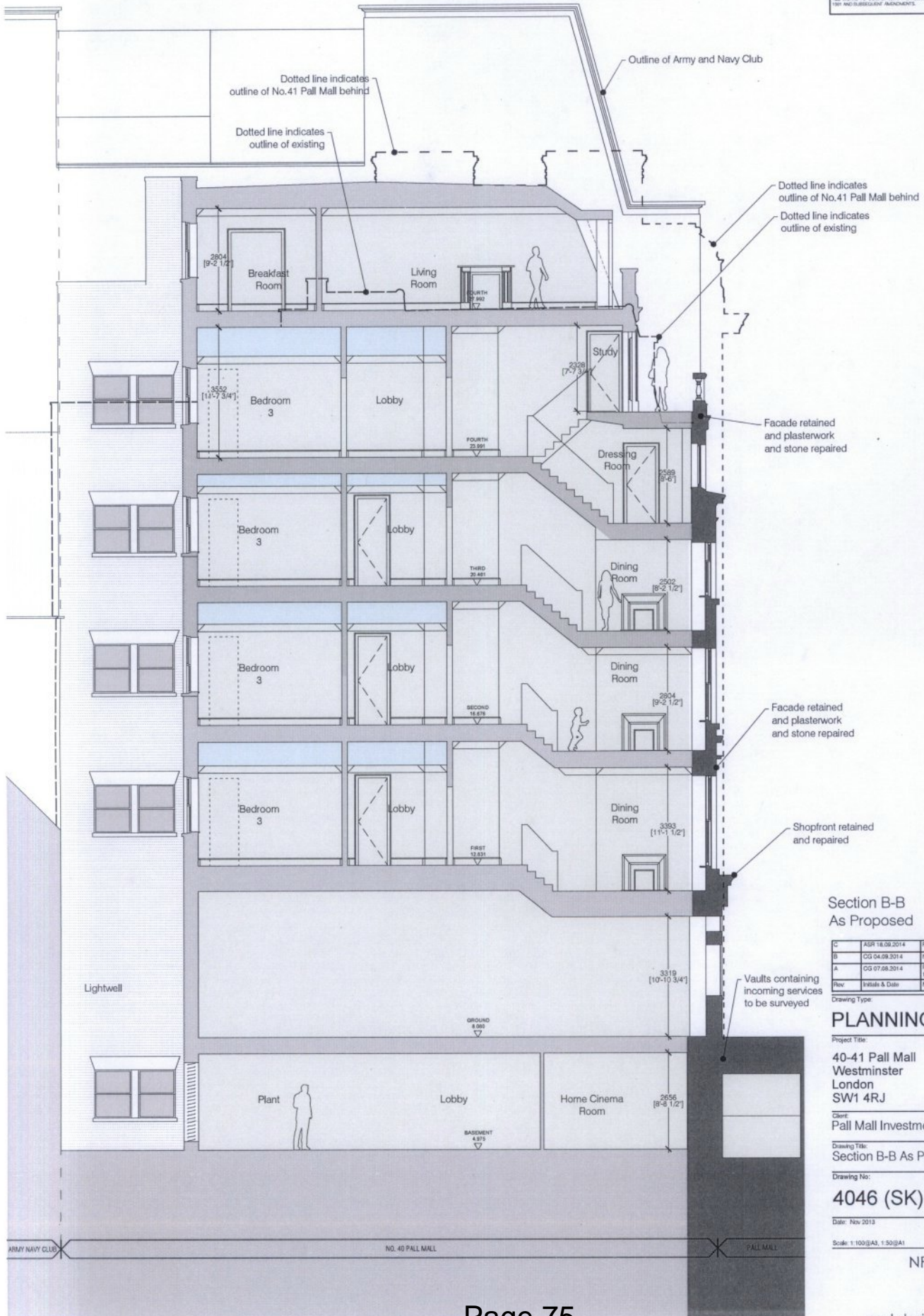
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Vaults containing
incoming services
to be surveyed

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**Section B-B
As Proposed**

C	ASR 18.08.2014	Planning Issue
B	CG 04.09.2014	Note Added
A	CG 07.08.2014	Revised Option Retaining both facades (page layout revised)
Rev	Initials & Date	Modifications

Drawing Type:

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: Nov 2013

Drawn by: ED

Scale: 1:100@A3, 1:50@A1

Checked by:

NFA architects

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Key:

- Shared Common Areas
- Common Areas
- Office Lettable

Basement Floor

Office 40 Pall Mall - 62sqm / 677sqft
Office 41 Pall Mall - 55sqm / 592sqft
Shared Common Areas - 33sqm / 353sqft
Common Areas - 34sqm / 366sqft
Gross External Area - 246 sqm / 2648 sqft

Rev.	Initials & Date	Modifications
D	ASR 18.09.2014	Planning Issue
C	ED 25.03.2014	Area calculations revised
B	ED 19.03.2014	Area calculations revised
A	ED 18.02.2014	Survey information updated

PLANNING

Project Title:
40-41 Pall Mall
Westminster
London
SW1 4RJ

Client:
Pall Mall Investments Ltd

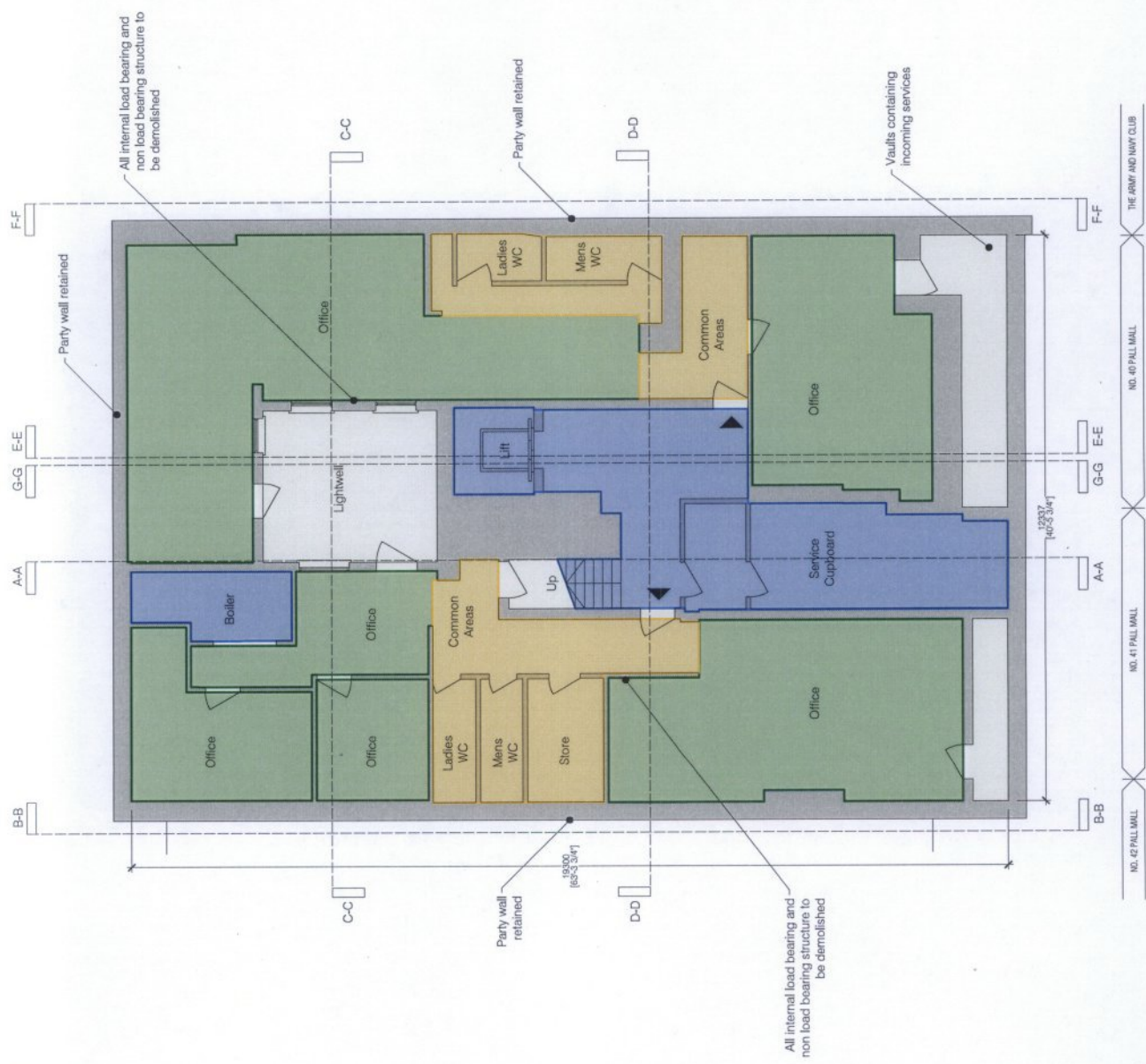
Drawn By:
Basement Plan As Surveyed

Drawing No:
4046 (EX) 001 D

Date: Oct 2013
Scale: 1:100 (A3, 1:50 (A4))
Drawn by: ED
Checked by:

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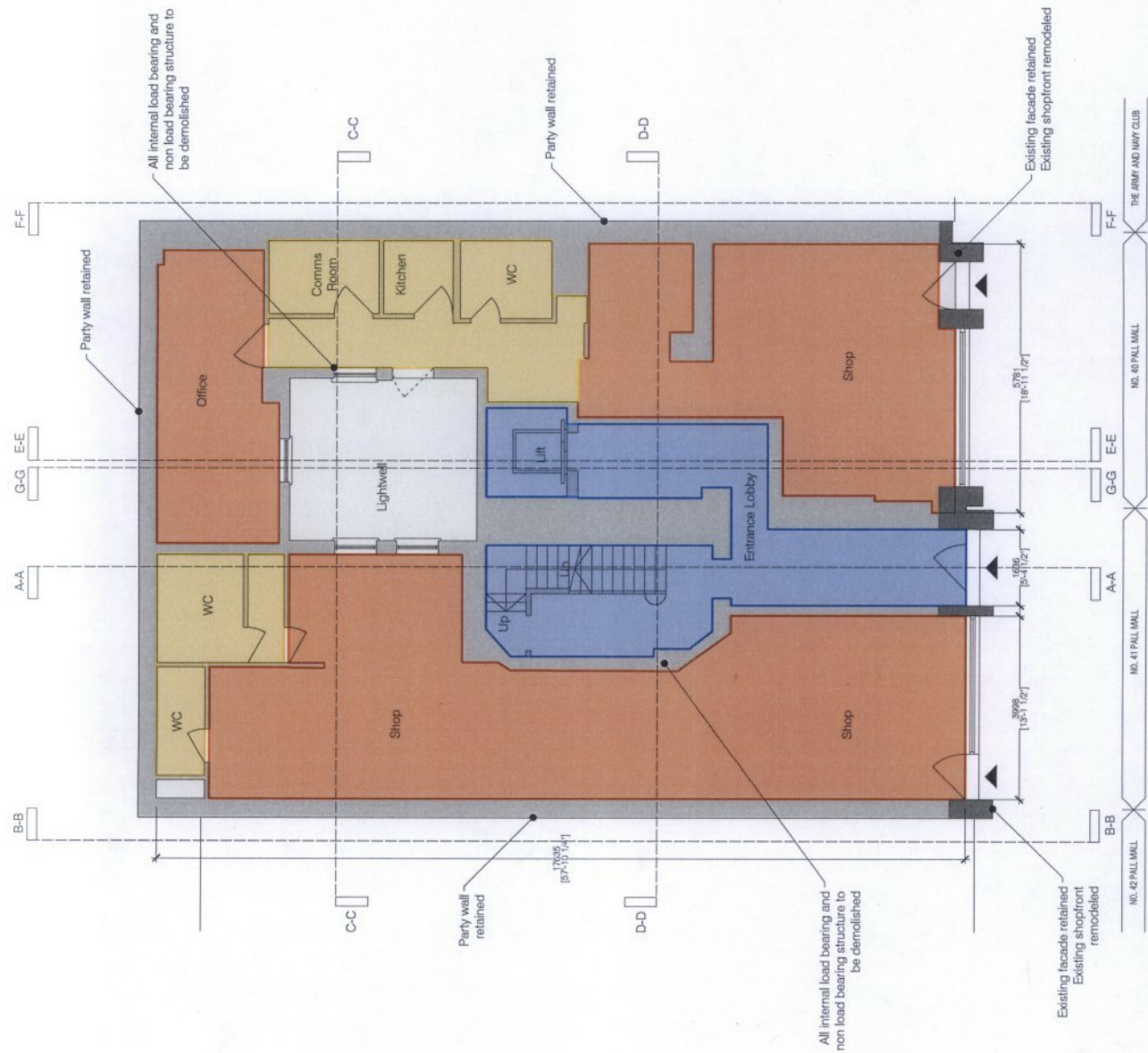
Basement Floor Plan
As Surveyed



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THE ARCHITECT SHALL BE RESPONSIBLE FOR THE INTERPRETATION OF BUILDING REGULATIONS AND ANY NECESSARY AMENDMENTS.

Key:
Shared Common Areas
Common Areas
Retail

Ground Floor Plan
Retail 40 Pall Mall - 50sqm / 542sqft
Retail 41 Pall Mall - 62sqm / 672sqft
Shared Common Areas - 31sqm / 330sqft
Common Areas - 29sqm / 312sqft
Gross External Area - 218 sqm / 2347 sqft



Ground Floor Plan
As Surveyed

Rev.	Date	Description
0	ASR 18.09.2014	Planning Issue
C	ED 25.03.2014	Area calculations revised
B	ED 18.03.2014	Area calculations revised
A	ED 18.03.2014	Survey information updated

Rev: Initial & Date
Modifications

PLANNING

Project Title:
40-41 Pall Mall
Westminster
London
SW1 4RJ

Client:
Pall Mall Investments Ltd

Drawing Title:
Ground Floor Plan As Surveyed

Drawing No:
4046 (EX) 002 D

Date: Oct 2013
Scale: 1:100 (A1 1200x914)
Drawn By: ED
Checked By:

NFA architects
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Key:
█ Shared Common Areas
█ Common Areas
█ Office Lettable

Second Floor Plan
 Office 40 Pall Mall - 57sqm / 615sqft
 Office 41 Pall Mall - 55sqm / 591sqft
 Shared Common Areas - 26sqm / 280sqft
 Common Areas - 15sqm / 161sqft
 Gross External Area - 192 sqm / 2067 sqft

Rev	Date	Description
0	ASR 18.08.2014	Planning Issue
1	ED 25.03.2014	Area calculations revised
2	ED 19.03.2014	Area calculations revised
3	ED 18.03.2014	Survey information updated
A	ED 18.03.2014	Survey information updated
B	ED 18.03.2014	Initials & Date
C	ED 18.03.2014	Initials & Date

PLANNING

Project Title:
 40-41 Pall Mall
 Westminster
 London
 SW1 4RJ

Client:
 Pall Mall Investments Ltd

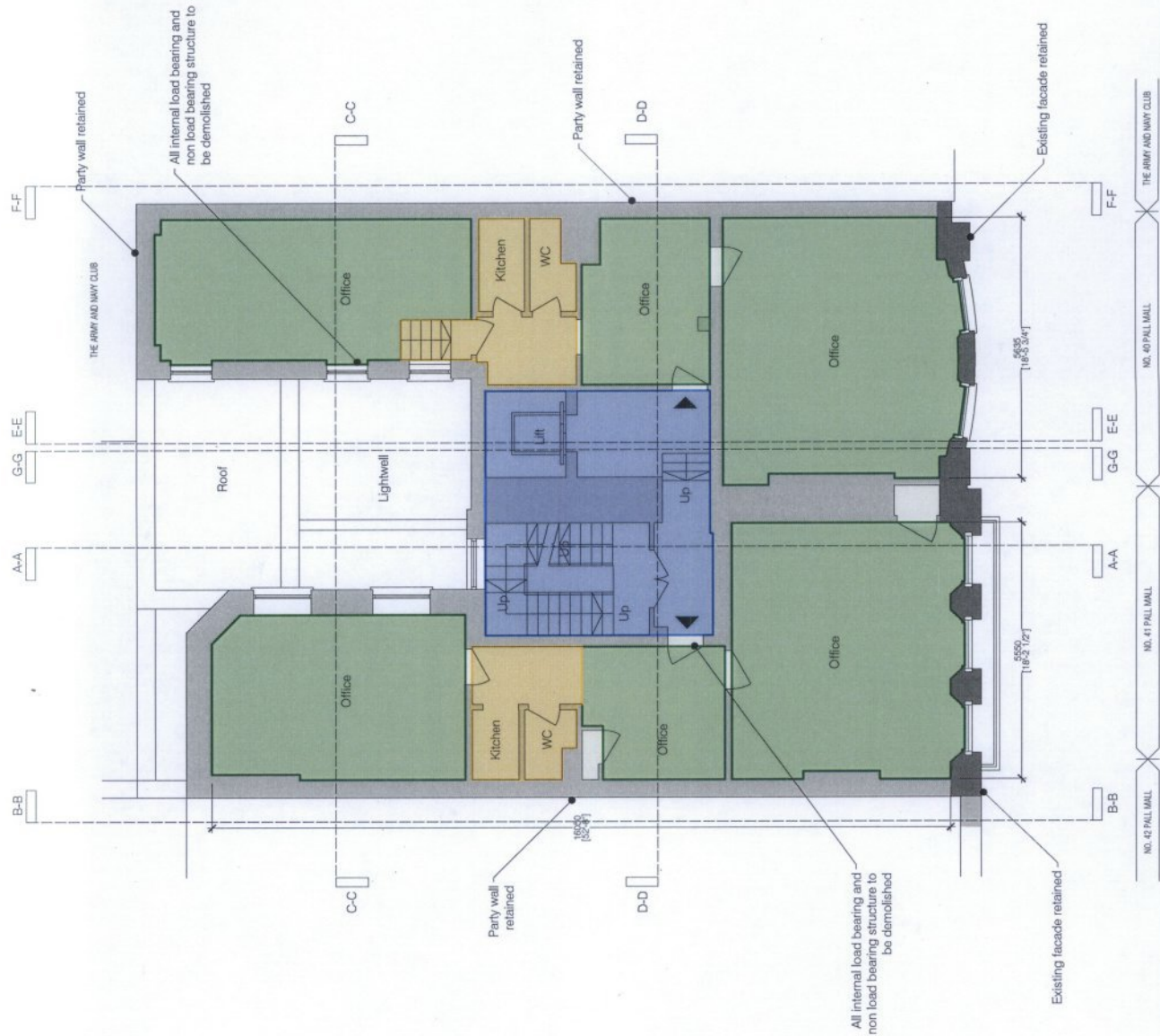
Drawings Title:
 Second Floor Plan As Surveyed

Drawing No.:
 4046 (EX) 004 D

Date: Oct 2013
Scale: 1:100 (A1) 1:500 (A0)
Checked by:
Drawn by: ED

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 Tel: 020 7493 8800
 Fax: 020 7493 8801
 Email: info@nfaarchitects.co.uk
 www.nfaarchitects.co.uk

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Second Floor Plan
As Surveyed

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- Key:**
- Shared Common Areas
 - Common Areas
 - Office Lettable

Third Floor Plan
Office 40 Pall Mall - 57sqm / 615sqft
Office 41 Pall Mall - 55sqm / 591sqft
Shared Common Areas - 26sqm / 280sqft
Common Areas - 15sqm / 161sqft
Gross External Area - 192 sqm / 2067 sqft

D	18.09.2014	Planning Issue
C	25.03.2014	Area calculations revised
B	18.03.2014	Area calculations revised
A	18.03.2014	Survey information updated
Rev:		Initial & Date
		Modifications

PLANNING

Project Title:
40-41 Pall Mall
Westminster
London
SW1 4RJ

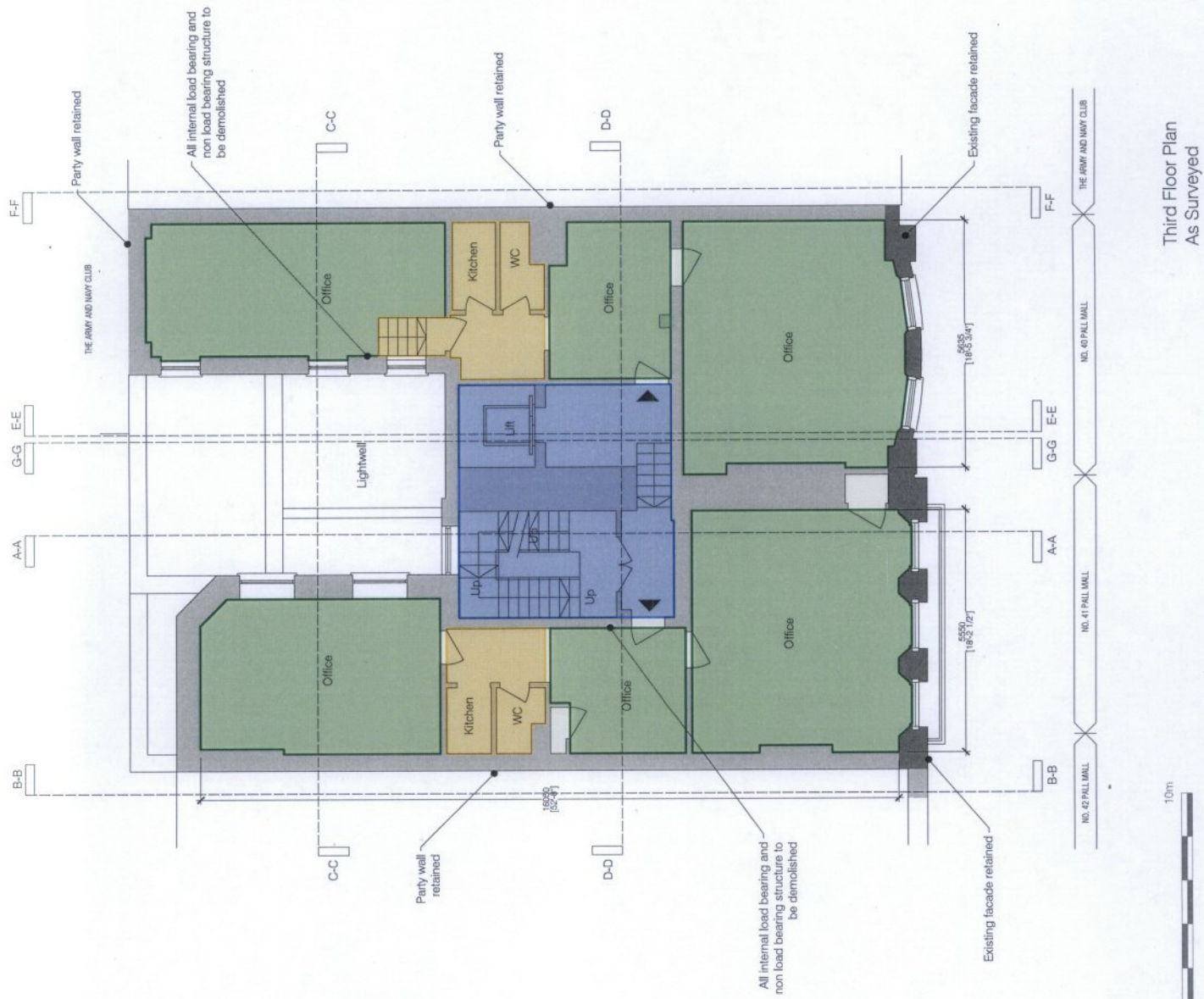
Client:
Pall Mall Investments Ltd
Drawn Title:
Third Floor As Surveyed

Drawing No:
4046 (EX) 005 D

Date: Oct 2013
Scale: 1:100 (A3) 1:50 (A4)
Drawn by: ED
Checked by:

NFA architects
Chartered Architects
The Bank One, 25, Abchurch Lane, London EC4N 3DF
Tel: 020 7493 8888
www.nfaarchitects.co.uk
E: info@nfaarchitects.co.uk

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Third Floor Plan
As Surveyed

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Drawings based on survey information provided by: **ABC Surveys Ltd**
Building Surveyors

Key:
— Shared Common Areas
— Not Saleable Residential

Fourth Floor Plan
 Residential 40 Pall Mall - 65sqm / 700sqft
 Residential 41 Pall Mall - 63sqm / 691sqft
Shared Common Areas - 26sqm / 280sqft
 Gross External Area - 192 sqm / 2067 sqft

Fourth Floor Plan
 Residential 40 Pall Mall - 43sqm / 458sqft

D	18.03.2014	Planning Issue
C	18.03.2014	Area calculations revised
B	18.03.2014	Area calculations revised
A	18.03.2014	Survey information updated
Rev:		Revised & Dumb
		Modifications

PLANNING

Project Title:
40-41 Pall Mall
 Westminster
 London
 SW1 4RJ

Client:
 Pall Mall Investments Ltd

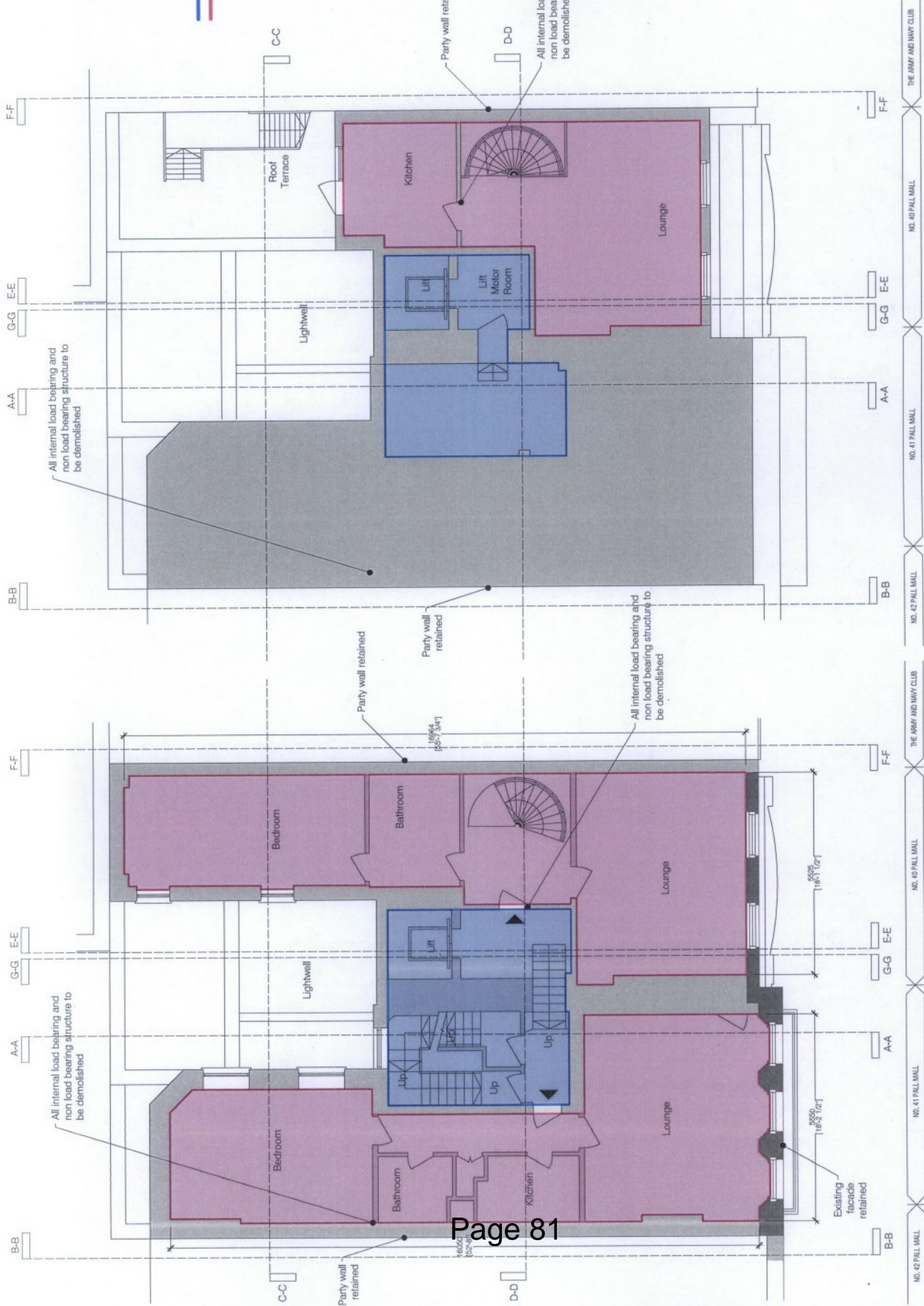
Drawing Title:
 Fourth Plan As Surveyed

Drawing No:
4046 (EX) 006 D

Date: Oct 2013
 Drawn by: ED
 Checked by:

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Fifth Plan
 40 Pall Mall Only
 As Surveyed

Fourth Floor Plan
 As Surveyed

Drawings based on survey information provided by: **ABC Surveys Ltd**
Building Surveyors

NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010 AND THE BUILDING ACT 2010. THE DRAWING IS TO BE USED IN CONJUNCTION WITH ALL OTHER GENERAL NOTES AND SPECIFICATIONS WHICH MAY BE REFERRED TO IN THIS DRAWING. THE DRAWING IS TO BE USED IN CONJUNCTION WITH ALL OTHER GENERAL NOTES AND SPECIFICATIONS WHICH MAY BE REFERRED TO IN THIS DRAWING. THE DRAWING IS TO BE USED IN CONJUNCTION WITH ALL OTHER GENERAL NOTES AND SPECIFICATIONS WHICH MAY BE REFERRED TO IN THIS DRAWING.

Key:

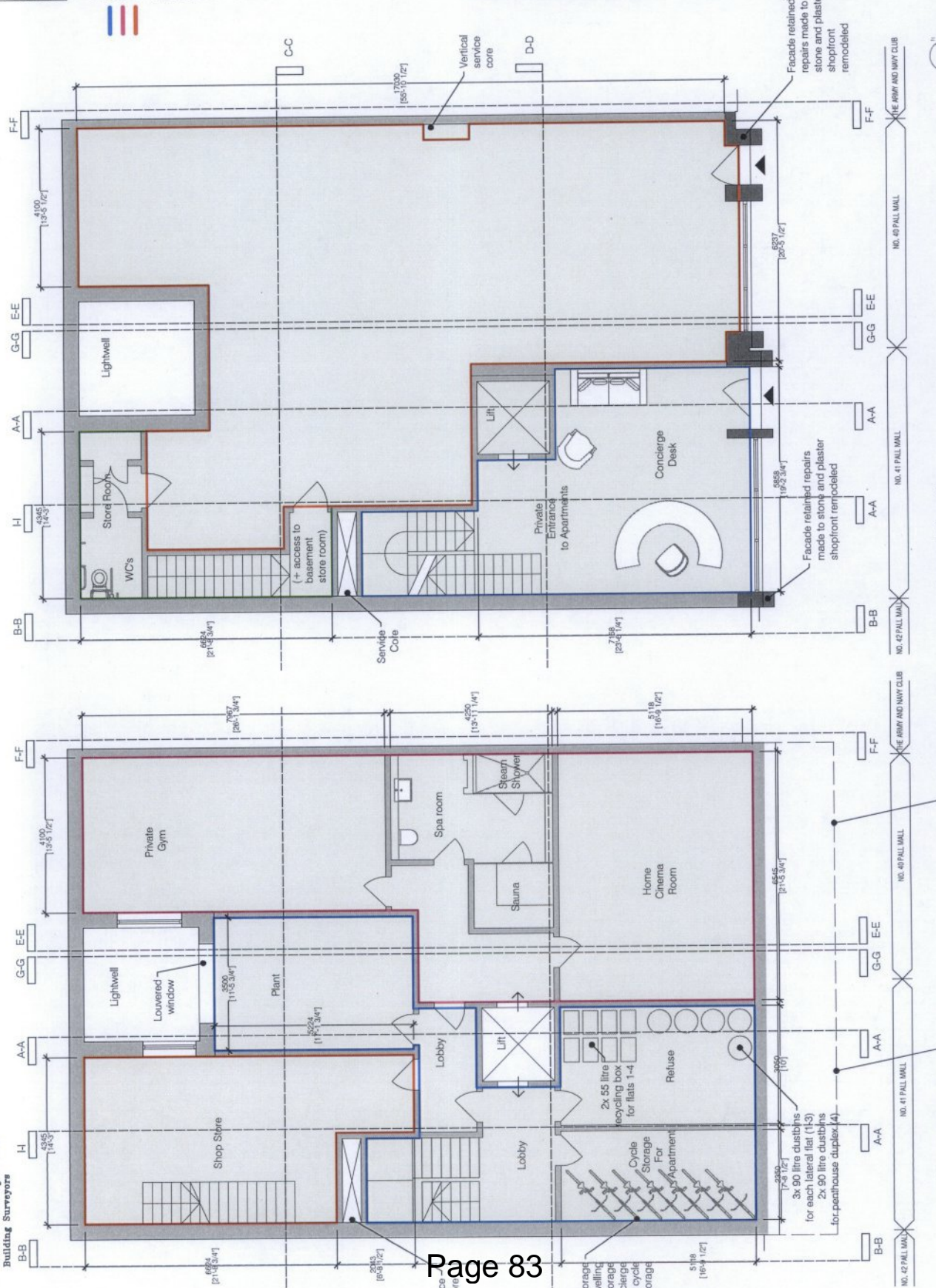
- Shared Common Areas
- Residential
- A1 Commercial

Basement Plan

- Shared Common Areas - 66sqm / 710sqft
- Residential - 94sqm / 1011sqft
- A1 Commercial - 33sqm / 355sqft
- Gross External Area - 213sqm / 2,293sqft

Ground Plan

- Shared Common Areas - 44sqm / 473sqft
- A1 Commercial - 148sqm / 1,593sqft
- Gross External Areas - 213sqm / 2,293sqft



Ground Floor Plan
(Commercial Units 1)
As Proposed

Basement Floor Plan
(Includes Duplex Apartment)
As Proposed



No.	Date	Description
1	18.09.2014	Issue for Approval
2	03.09.2014	Revised
3	03.09.2014	Revised
4	17.03.2014	Revised
5	19.03.2014	Revised
6	19.03.2014	Revised
7	11.03.2013	Revised
8	04.12.2013	Revised
9	04.12.2013	Revised
10	04.12.2013	Revised

PLANNING

Project Title:
40-41 Pall Mall
Westminster
London
SW1 4RJ

Client:
Pall Mall Investments Ltd

Drawing Title:
Basement, Ground Plan As Proposed

Drawing No:
4046 (SK) 001 1

Date: Nov 2013
Drawn by: ED
Checked by:

Scale: 1:100 (Scales 1:500/1:200/1:100/1:50)

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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

IS	ASR 18.03.2014	Planning Issue
F	09.07.2014 <td>Forward Option Referring both</td>	Forward Option Referring both
E	25.03.2014 <td>Revised Option Referring both</td>	Revised Option Referring both
D	18.03.2014 <td>Modifications made following</td>	Modifications made following
C	15.01.2014 <td>Original Option Referring both</td>	Original Option Referring both
B	11.12.2013 <td>Proposed Option Referring both</td>	Proposed Option Referring both
A	04.12.2013 <td>Modifications made following</td>	Modifications made following
Rev:		Initials & Date
		Modifications

PLANNING

Project Title:
40-41 Pall Mall
Westminster
London
SW1 4RJ

Client:
Pall Mall Investments Ltd

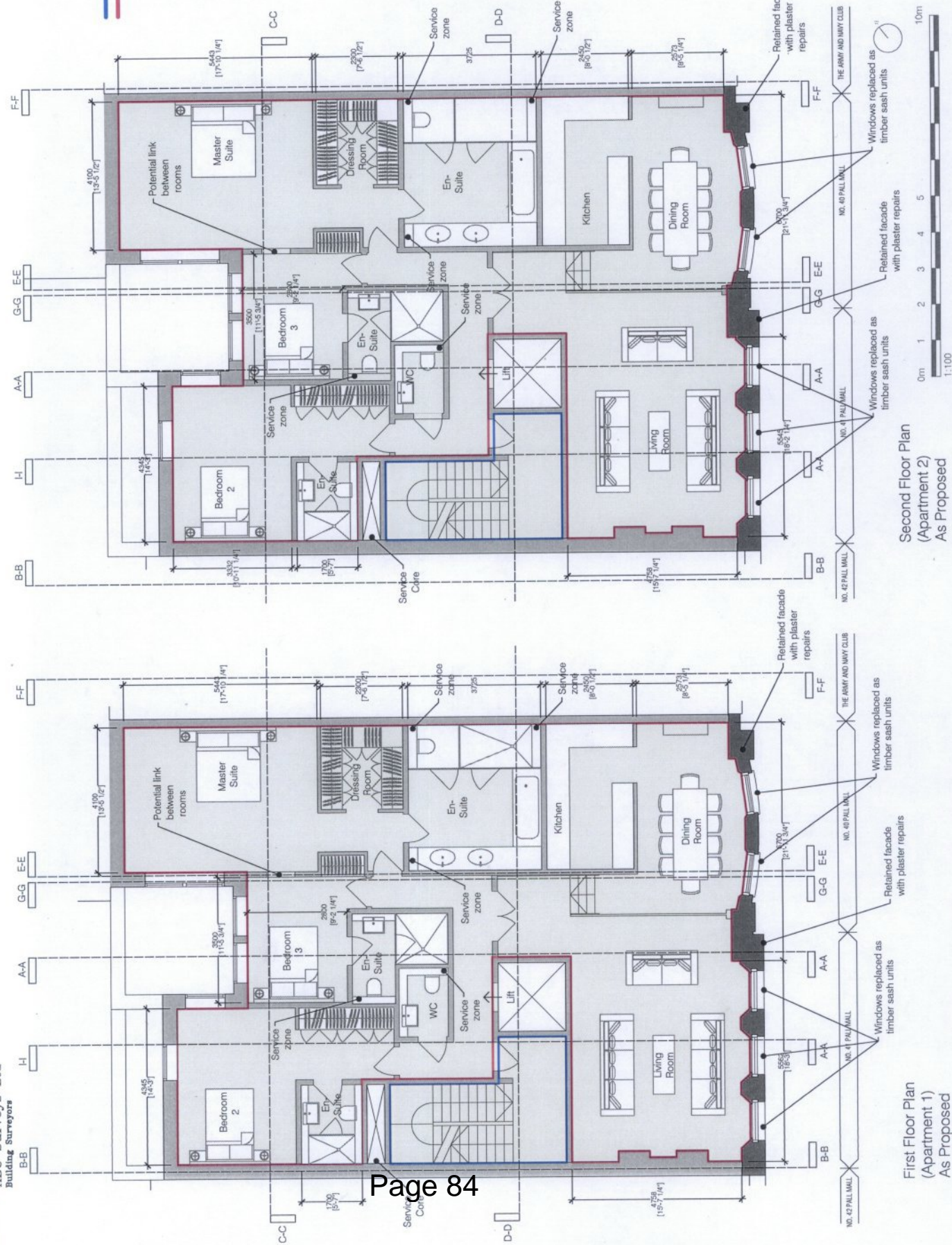
Drawing Title:
First, Second Plan As Proposed

Drawing No:
4046 (SK) 002 G

Date: Nov 2013
Drawn by: ED
Checked by:

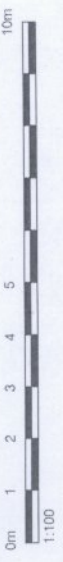
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First Floor Plan (Apartment 1) As Proposed

Second Floor Plan (Apartment 2) As Proposed



NOTES

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10. DIMENSIONS OF SERVICES ARE TO FINISH UNLESS OTHERWISE STATED.

Key:
 Shared Common Areas
 Residential

Third Floor Plan
 Shared Common Areas - 13sqm / 140sqf
 Residential - 171sqm / 1840sqf
 Gross External Area - 216sqm / 2,325sqf

Rev	Date	Description
0	ASR 14.09.2014	Planning Issue
1	09.10.2014	Revised Section Relating to Lift
2	09.10.2014	Revised Section Relating to Staircase and Grand Floor
3	09.10.2014	Revised Section Relating to Staircase and Grand Floor
4	09.10.2014	Revised Section Relating to Staircase and Grand Floor
5	09.10.2014	Revised Section Relating to Staircase and Grand Floor
6	09.10.2014	Revised Section Relating to Staircase and Grand Floor
7	09.10.2014	Revised Section Relating to Staircase and Grand Floor
8	09.10.2014	Revised Section Relating to Staircase and Grand Floor
9	09.10.2014	Revised Section Relating to Staircase and Grand Floor
10	09.10.2014	Revised Section Relating to Staircase and Grand Floor

PLANNING

Project Title:
40-41 Pall Mall
 Westminster
 London
 SW1 4RJ

Client:
 Pall Mall Investments Ltd

Drawing Title:
 Third Floor Plan As Proposed

Drawing No:
4046 (SK) 003 G

Date: Nov 2013
 Drawn by: ED
 Checked by:

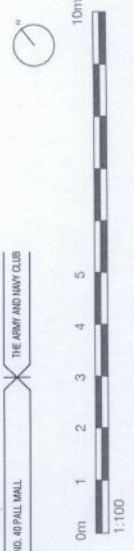
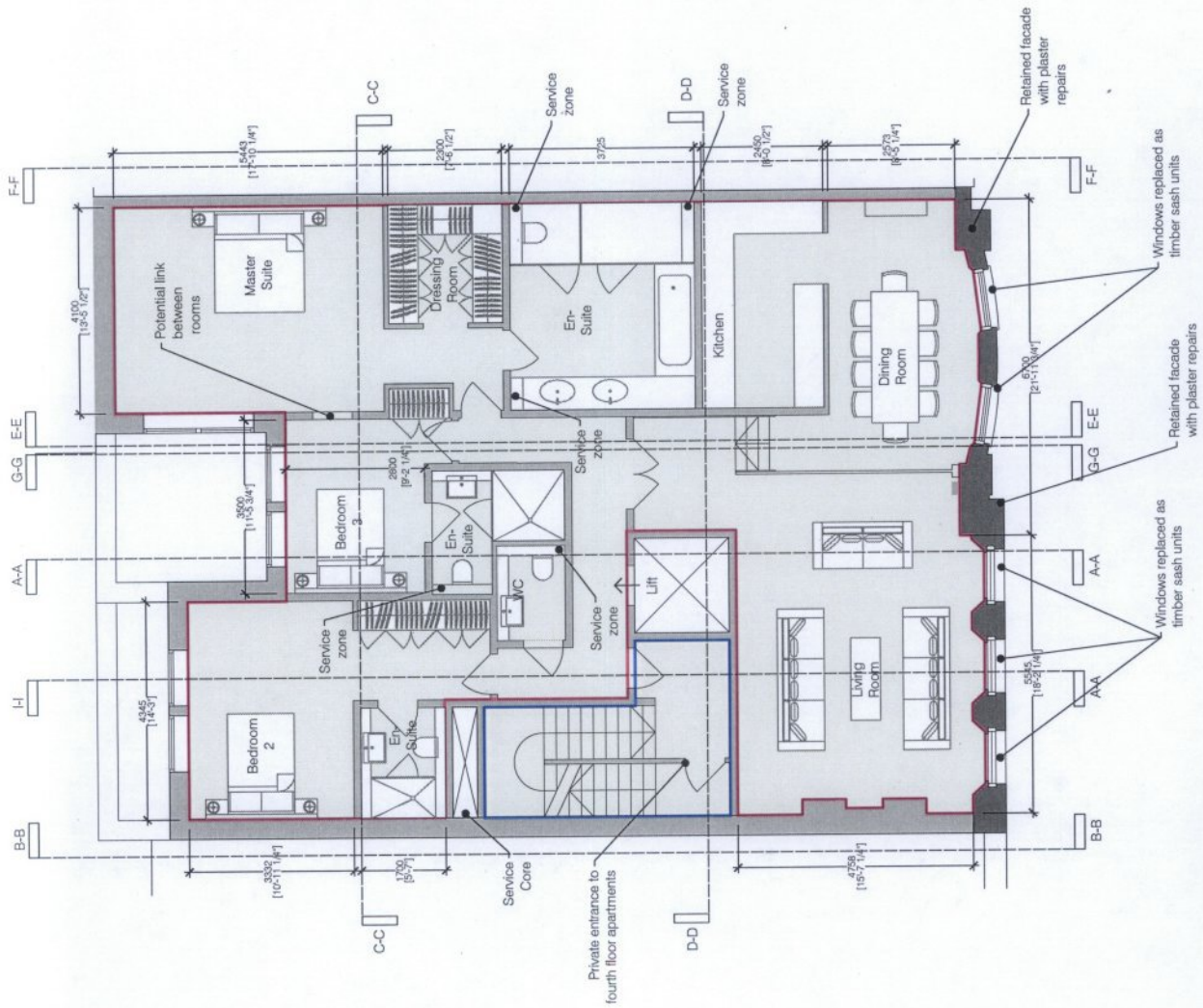
Scale: 1:100 (A4, 1:50 (A1))

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THE ARMY AND NAVY CLUB



NO. 42 PALL MALL
 NO. 41 PALL MALL
 NO. 40 PALL MALL
 THE ARMY AND NAVY CLUB

Third Floor Plan
(Apartment 3)
As Proposed

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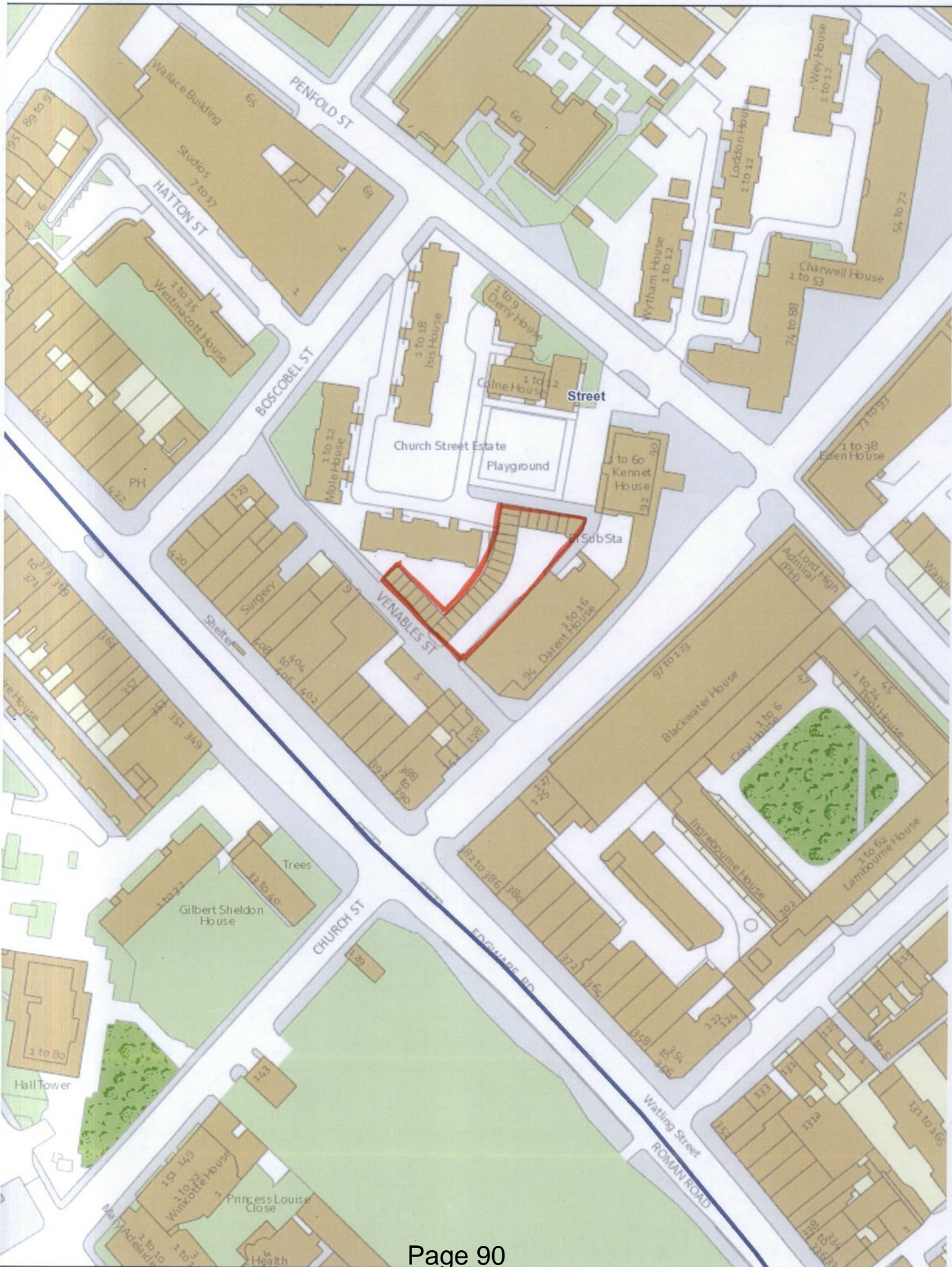
Agenda Item 3

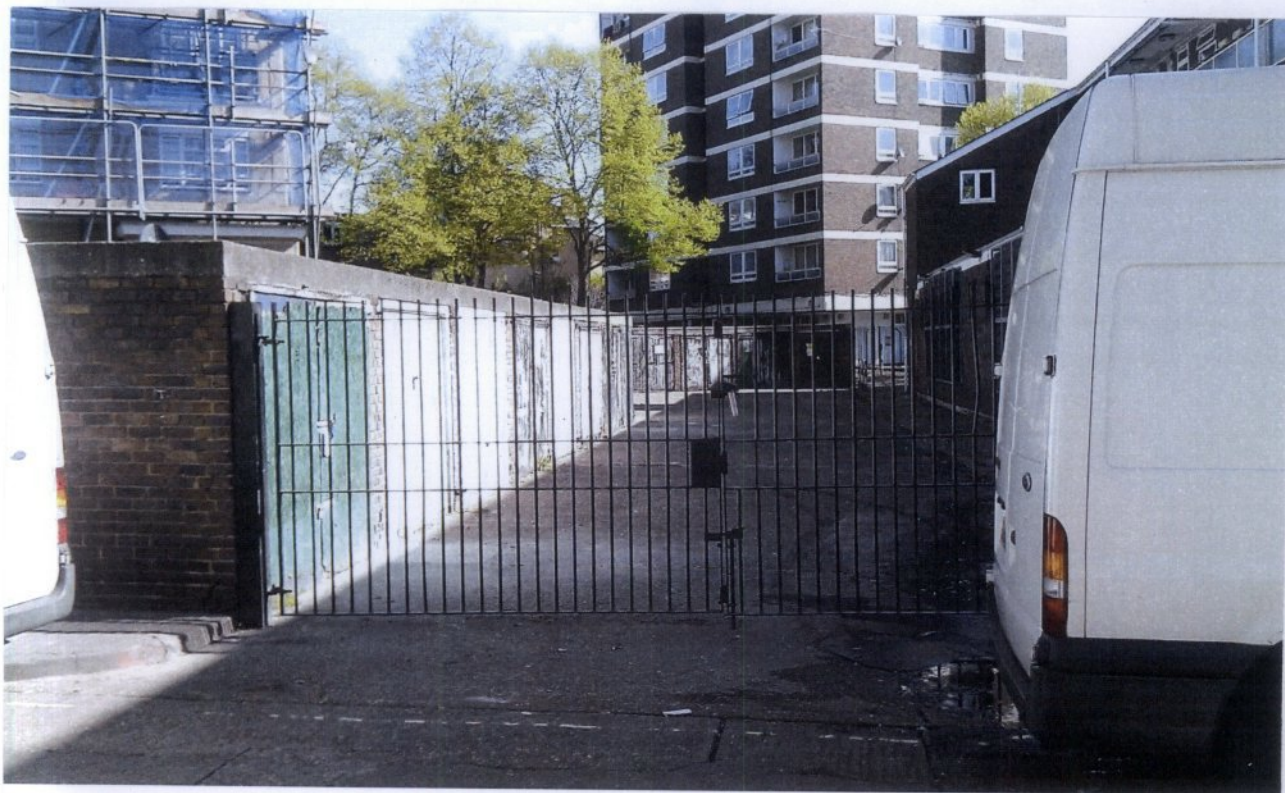
Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning	Wards involved Church Street		
Subject of Report	Venables Street, London, NW8		
Proposal	Demolition of existing garages adjacent to Darent House and Windrush House in connection with the temporary use of the land as market storage for the Church Street market traders, the erection of storage containers and new gates, fencing and security lighting.(Council's Own Development)		
Agent	David Miller Architects		
On behalf of	Westminster City Council		
Registered Number	15/07114/COFUL	TP / PP No	TP/25783
Date of Application	06.07.2015	Date amended/ completed	05.08.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Within North Westminster Economic Development Area (NWEDA)		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.





VENABLES STREET, NW8
Page 91

2. SUMMARY

This Council's Own Development application involves the demolition of the existing single storey garages in Venables Street and the replacement with 25 single storey metal shipping containers to provide storage for the market traders in Church Street. Alternative storage facilities need to be provided for the market, as the existing units in Samford Street will be lost as part of the forthcoming redevelopment of Luton Street, one of the key sites in Phase 1 of the Church Street regeneration programme. A temporary permission is being sought until a permanent location can be found which will form Phase 2 of the regeneration proposals.

The main considerations are:

- Whether the benefits of providing alternative storage for the market traders for a temporary period represents an exceptional circumstance to warrant the loss of off-street residential car parking spaces which Policy TRANS 23 normally seeks to protect.
- The impact of the proposed use, in particular the hours of opening early in the morning on the amenities of nearby residents, and how this impact can be adequately mitigated.
- The impact of these metal storage containers on the visual amenity of the area, and increased traffic and vehicular movement associated with the use.
- Policy TRANS 23 seeks to protect the existing garages, but it is considered that the need to provide storage for the market traders represents an exceptional circumstance to warrant a policy departure.

The submitted Operational Management Plan indicated hours of use from 04.00 to 00.00 (midnight). The applicant has agreed to revised hours of 06.00 to 22.00 Monday to Saturday only, albeit the seven storage containers fronting onto Venables Street will be open from 04.00 as a number of traders have to store perishable foods and need access to the units as these deliveries arrive early. This proposed early morning use has the potential to cause noise and disturbance to residents on the opposite side of the street and in Windrush House. It is therefore recommended to impose a condition to require the submission of a detailed Operational Management Plan which includes the implementation of a range of mitigation measures and emergency contact numbers for residents. It is recommended that this Plan to be reviewed after six months of use and this will allow a re-assessment of the hours of operation in the light of any comments received from residents. It is therefore recommended to grant a temporary five year permission.

3. CONSULTATIONS

WARD COUNCILLORS

To be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

To be reported verbally.

ST MARYLEBONE SOCIETY

Defer to the Church Street Group.

CHURCH STREET GROUP

To be reported verbally.

CRIME PREVENTION DESIGN ADVISOR

To be reported verbally.

HIGHWAYS PLANNING MANAGER

Refuse on transportation grounds. The proposal is in breach of Policy TRANS 23 which protects existing off-street residential parking spaces. No evidence submitted to justify their loss, although in poor condition has any attempt been made to repair the garages? Cannot support the proposal. Parking occupancy rates within 200 metres radius is 92.8% in the daytime and 91.8% at night time. The containers on Venables Street open out onto the highway but given existing garages open out raise no objection. Normally require the double gates onto Venables Street to be set back, but given the gates are already in this location again raise no objection. If minded to approve, agree with the suggestion that the double yellow lines are implemented outside the entrances to the containers to stop other drivers parking outside controlled hours and for this to be secured by an appropriate condition or legal agreement.

ENVIRONMENTAL HEALTH

To be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 225; Total No. of Replies: 1.

One objection (anonymous) received to date.

Amenity

- The proposed use will shatter the current peace and quiet and quality of life for local residents throughout the night and into the early hours of the morning.
- Increased noise and disturbance will affect residents' health.
- The Noise Assessment report states that Kennet House is 17m away from the nearest refrigeration unit, but the distance is only 7m away. Impossible for residents to have their windows closed at night especially in the summer months.
- No clear operational responsibility for residents if traders abuse the hours of use.

Other

- Proposal will attract and increase noise from seagulls perching on top of the container roofs attracted by the sight/smells of food and fish.

ADVERTISEMENT/SITE NOTICE: Yes

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

This application for Council's Own Development relates to a garage block and yard accessed from Venables Street, There are 24 single storey garages which are in poor condition, and seven of these garages front directly onto Venables Street. The majority of the garages are empty, albeit a number are being used for storage purposes by a number of Church Street market traders.

The garages are located at the rear of Darent House, to the south of Windrush House and to the west of Kennet House and are overlooked by residential flats. At the end of the yard there is a substation and pedestrian access via a gate onto Church Street.

The application site is located outside a conservation area and within the North Westminster Economic Development Area (NWEDA).

4.2 Planning History

None relevant on the application site.

The existing market traders stores (28 units) are located in Samford Street to the east of the application site. These stores will form part of a much larger redevelopment site in Luton Street, which is a key site in the wider Church Street regeneration programme. The Church Street Futures Plan is a 15-20 year plan to regenerate the Church Street neighbourhood. A Draft Planning Brief for Luton Street was published in October 2011 for consultation purposes, but the Brief was not formally adopted by the City Council. It is anticipated that a planning application for the redevelopment of Luton Street will be submitted later this year.

Church Street market operates six days a week, Monday to Saturday and opens from 08.00 to 18.00. There are 220 trading pitches on Saturday and 154 trading pitches on weekdays.

5. THE PROPOSAL

This planning application is for the demolition of the existing single storey garages and for the temporary use of this land as market storage for the Church Street market traders for a temporary period and the installation of 25 retrofitted shipping containers. These containers are approximately 6m (20 foot) long and will be in blue, green, red and orange colours. The existing substation will remain.

The units which will be used to store fish, fruit and vegetables and other perishable foodstuffs will have suitable chiller provision, with ventilation louvres on the roof.

An Operational Statement has been submitted with the planning application which sets out the proposed hours of operation. The applicant is applying for use from 04.00 to midnight, and states that some traders will require earlier access at 04.00 in order to take delivery of fresh produce and these units will be located facing onto Venables Street. The rest of the market is set up between 06.00 to 08.00 hours and must be complete by 10.00. The stalls are removed from 16.00 to 20.00. The traders will need access to the stores through the day to replenish their stock.

The Operational Management Plan states that the Market Managers will oversee the operation of the market and they are on shift weekdays (either 07.00 -17.00 or 08.30 to 18.30) and Saturdays (06.00 to 16.00 and 11.00 to 21.00) and if only one officer it will be between 06.00 to 16.00 only. The Market Managers are located at City Hall and start and end their shift at City Council. If complaints or issues arise when the market is not in use, these will be reported to the Environmental Action Line.

No waste will be stored on the site.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The lawful use of this land is residential garages, and Policy TRANS 23 in the UDP states that 'the permanent loss of off-street residential car parking spaces will not be permitted other than in exceptional circumstances'.

The existing garages are in a poor condition and have not been used for residential parking for some time. A number of the garages are being used for storage by the market traders, and it is understood that these traders have been given notice to quit.

In land use terms, the loss of 24 garages are regretted and normally resisted under Policy TRANS 23. The Highways Planning Manager objects to the loss of the existing off-street residential garages and does not consider that a convincing case has been made for their loss.

Whilst the loss of these car parking spaces is regretted, car ownership in the Church Street Ward is low, and these garages have not been used for parking in some time and are in a very poor condition. Although it is recognised that on street parking pressures are high, it is considered that the wider economic benefits of the proposal outweigh the loss of parking.

The future redevelopment of the Samford Street garages as part of the larger Luton Street redevelopment necessitates that alternative provision for the market traders is provided and this needs to be located close to the market. There are few suitable sites in the vicinity.

It is anticipated that permanent storage for the market will form part of Phase 2 of the Church Street redevelopment proposals, which is at least 5 years away.

Policy SS13 in the UDP relates to street markets and seeks to protect licensed street markets such as Church Street. Proposals for the relocation of existing markets will be considered with reference to amenity, parking, servicing, highways, cleaning, refuse storage, recycling and licensing considerations, and the effect on existing street markets and local shopping facilities.

The provision of adequate market storage is essential to allow the continued use of the Church Street market and as such the proposed use will accord with Policy SS13 in the UDP and comply with City Plan Policy S12 for the WEDA.

It is considered that the retail economic benefit to the local area will outweigh the loss of these existing garages and represents an exceptional circumstance to depart from Policy TRANS 23.

The impact of the use on the amenities of neighbouring residents is set out in Section 6.3 of this report.

6.2 Townscape and Design

Venables Street was created in the mid-20th century, sometime after the creation of the Church Street Estate adjacent to the east, and as a result both the estate and the buildings to the west which front onto Edgware Road largely turn their back onto this street creating a poor quality urban environment. The street is flanked to the west by high and largely blank boundary walls and with the east side containing the unattractive garages which are proposed to be replaced in this application.

The new containers are single storey and of utilitarian design and appearance, and though clearly not of a high and well-crafted design quality, in a setting such as this they will have a positive impact when considered as a replacement for the existing garage structures, and will add some life and vitality to a street of currently poor urban quality. The more sedate blue colour is proposed for the containers directly flanking Venables Street, with the brighter colours set further into the site. They will rise little higher than the existing fencing elsewhere along the east side of the street and are appropriately scaled for this small scale urban space.

Had this been a permanent use, a more bespoke design of structure would be appropriate, however, given the use is for a temporary period it is considered that the proposed storage container structures will add some life and colour to the street in replacement for the existing unattractive garages. The proposal is considered acceptable in townscape terms.

There are no objections in townscape terms to the new fences and security lights. The existing gates will be retained. A new tarmac surface will be laid to the existing road.

6.3 Residential Amenity

Daylight/Sunlight /Enclosure

It is not considered that the replacement of single storage garages with single storey storage containers (approximately 2.9m high) will result in any material loss of daylight or sunlight or enclosure to adjoining residents in Darent House, Windrush House or the flats on the other side of Venables Street. The main impact on residential amenity is the proposed hours of use of the facility and the activity associated with the use.

Noise from Operations

The current market storage in Samford Street is accessible 24 hours, but this has been historic use and not subject to any planning controls regarding its hours of use. It is proposed that the replacement stores will be open from 04.00 to 00.00 (midnight).

The applicant's acoustic report recommends the following mitigation measures be in place to minimise the impact on neighbouring residents:

- A clear management plan to include guidance on the control of noise. This should include but not limited to switching off engines when stationary, no slamming of doors, loading and unloading with goods trolleys with rubber wheels, no reversing alarms and time restrictions on unit use.
- Appropriate signage reminding unit users to be considerate to neighbours.
- Entry doors to the containers to be fitted with rubber seals and snubbers to minimise the effects of noise of the container doors being opened and closed.
- In order to minimise the effects of the metal containers resonating and causing noise disturbance, it is recommended that the containers are boarded out with a single layer of 15mm ply board on minimum 10mm rubber blocks, to isolate the board from the metal containers.
- The nearest residential occupiers to be informed of the proposed plans and given a contact number for complaints.

One objection has been received to date on the grounds that the proposal will generate unacceptable noise and disturbance which will affect residents' health.

The operational noise from the day to day use of the containers has the potential to cause adverse impacts on nearby residents especially in the early hours of the morning and late at night when residents can expect peace and quiet.

It is considered that access to all the units from 04.00 until midnight is likely to cause noise and disturbance in the early hours of the morning and late at night to neighbouring residents. Therefore, it is considered that units inside the yard shall only be accessed from 06.00 to 22.00 hours and limited to six days a week (Monday to Saturday) and no access on Sundays. Whilst it is accepted that 06.00 is still early, this has to be balanced against the need to allow this popular street market to operate whilst at the same time balancing the needs of residents.

The applicant has stressed that a number of traders will require access in the early hours of the morning in order to take deliveries of fresh produce from 04.00 to 06.00 and is suggesting that these traders be offered the container units which directly front onto Venables Street and therefore will not need to enter inside the yard.

Such use in the early hours of the morning is highly contentious, and in order to mitigate any adverse impact on residential amenity, there needs to be a very robust management plan.

It is recommended that this Plan will need to ensure that engines are switched off when stationary, no slamming of doors, unloading and loading using goods trolleys with rubber wheels, no reversing alarms, appropriate signage and a procedure for residents to register any complaints. The management plan also needs to address that no rubbish is left within the yard or the street, and for the traders to strictly adhere to the Plan in their street trading licence. Traders need to be reminded that failure to adhere to the licence and breaches of the access outside the consented times may result in the revocation of their licence.

It is also regrettable that the Market Managers will not be present early in the morning or late at night to oversee the operation of the stores. Therefore, an agreed procedure for the handling of any complaints, actions taken and any further mitigation required needs to be embedded in the revised Operational Management Plan.

The applicant has been requested to submit a revised Plan which will be reported verbally to Committee. However, in the interim, it is recommended that this revised Plan be secured by condition. The draft condition will also require for this Plan to be reviewed after six months of operation in the light of experience and complaints from residents. This review will allow the opportunity for the hours of opening to be reviewed by officers and the Committee, and the flexibility to amend the hours of use if required.

6.4 Transport/Parking

As stated in Section 6.1 of this report, the Highways Planning Manager objects to the loss of off street residential parking and recommends that the application be refused. However, it is considered that there are exceptional circumstances to allow a policy departure.

The layout of the storage containers within the yard will allow sufficient space for two vehicles to pass safely and there is a turning head at the end of the yard. It is recognised that the proposed use will generate additional vehicular movements compared to the existing residential garage use, but this is not considered to result in such increased levels of traffic or parking pressures to warrant refusal of permission.

The majority of the container units can be serviced off street, with the exception of those units which face onto Venables Street. These container units have doors which open onto the crossover and will be serviced from the street which is normally undesirable in highway safety terms. The Highways Planning Manager advises that this is normally discouraged, but given the existing garage doors currently open up over the highway, no objection is raised.

The Highways Planning Manager would also prefer the double gates in Venables Street to be set back to allow a vehicle to wait, but as there are already gates in this location, again no objection is raised.

The Highways Planning Manager advises that if minded to approve this application, the proposal to paint double yellow lines outside the entrances to the Venables Street containers be carried out to prevent other drivers parking outside controlled hours and for this to be secured by condition or a legal agreement. It is considered that a condition can secure this.

6.5 Equalities and Diversities

There is level access to the storage containers.

6.6 Economic Considerations

The proposal will continue to provide storage for market traders to the Church Street market and this is welcomed from an economic development point of view, but this benefit has to be weighed against the impact on the amenities of neighbours.

6.7 Other UDP/Westminster Policy considerations

Noise from Plant

It is proposed that the chiller units that are currently located within the Samford Street garages would be relocated to Venables Street and installed in the containers which will be used to store perishable foods such as fish, fruit and vegetables. There is an alternative option for new chiller units to be installed. An objection has been received from a local resident that the plant will cause a noise nuisance to nearby residents and the acoustic report wrongly refers to Kennet House being 17m away.

The applicant's acoustic report concludes that the sound from the relocated chillers is unlikely to cause an adverse impact on the nearest residents at Windrush House and Venables Street, and it is recommended to impose the standard noise conditions to safeguard the amenities of nearby residents. The units which will have chillers are those used to store perishable food which front directly onto Venables Street, a good distance away from Kennet House.

If the existing units are to be replaced with new units, a further acoustic assessment will be necessary.

The formal views of Environmental Health are awaited and will be reported verbally to Committee.

Refuse and Recycling

A separate planning application has been made for the relocation of the market's compactor to Blackwater House and this application will be dealt with separately. The draft Operational Management Plan states that traders will be responsible for the management of their waste and this will be part of the conditions of their street trading licence.

Contamination

It is likely that the existing garages may contain asbestos and the applicant is being advised by way of an Informative regarding the demolition of the existing garages and the safe disposal of asbestos to ensure no adverse impact on human health.

Designing out Crime

The gates will be locked and the traders have access to their individual units. New security lighting is proposed and there is an existing security camera which covers the land. The applicant has included an email from the Designing Out Crime Officer dated 8.6.2015 which is recommending that all container padlocks should be Sold Secure approved with the ownership of keys and units to be carefully managed. General access through both gates is to be electronically controlled to facilitate access during the approved hours of operation. Lighting is to be provided throughout, use of lightweight/anti-climb trellis and to make it visible to those outside that the site is carefully managed and operated.

The formal views of the Crime Prevention Design Officer will be reported verbally to Committee. It is recommended to condition the design of the new security lights and lux levels in order to safeguard the amenities of nearby flats.

In order to ensure that the yard is kept secure the existing pedestrian gate onto Church Street must be fitted with security controls.

6.8 London Plan

This application raises no strategic issues.

6.9 Central Government Guidance

Regard has been had to the advice in the National Planning Policy Framework (NPPF).

6.10 Planning Obligations

It is not considered that a development of this scale will require a legal agreement.

6.11 Environmental Assessment including Biodiversity and Sustainability Issues.

There is a mature Lime tree to the north east of the application site, and this will not be affected by the proposal.

The applicant is to erect timber posts, fencing with a cable trellis to the rear façade to the containers, and to plant climbers which will help to screen the view of the metal storage units from Windrush House. This landscaping and maintenance will be secured by condition.

6.12 Other Matters

Time period for permission

The applicant is applying for a flexible time period of more than five years, until an alternative facility is provided as part of the Church Street Phase 2 development.

Given no formal applications have been granted for Phase 2 schemes, it would not be reasonable to have such an open ended planning permission. There are no objections to a temporary five year permission subject to the market operating in accordance with an agreed Operational Management Plan.

Statement of Community Involvement

The applicant states that a number of consultation events have been held in respect of this proposal. The first was held on 21.11.2014, and this scheme included enterprise units on top of the market storage. The responses were broadly positive and two residents were completely opposed to the proposal.

A second event was held on 3.2.2015, and this was based on updated plans which no longer included the enterprise units. Residents voiced strong concerns about the increased traffic implications of creating an exit for traders from Venables Street into Penfold Street, and residents in Kennet House opposed opening up a route through the adjacent blocks.

A third consultation was held on 11.6.2015 and welcomed the removal of the access route to Penfold Street. The key areas of feedback related to traffic management, security and reducing the risks of anti-social behaviour, rodent/rubbish and noise from traders. There has also been consultation with the market traders.

Substation

UK Power Networks will have access to the substation on site 24 hours a day in case of emergency.

Vermin

There is a risk of vermin associated with food storage, but the containers are secure metal structures. No waste compactor will be located in this area.

6.13 Conclusion

Subject to the submission of a revised Operational Management Plan and a review of the Plan after six months of operation, it is recommended to grant permission for the proposed use and associated storage containers for a limited five year period.

BACKGROUND PAPERS

1. Application form.
2. Response from St Marylebone Society dated 29.8.2015.
3. Memorandum from Arboricultural Manager dated 28.8.2015.
4. Memorandum from Highways Planning Manager dated 15.9.2015.
5. Anonymous letter from a local resident dated 7.9.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

Address: Venables Street, London, NW8

Proposal: Demolition of existing garages adjacent to Darent House and Windrush House in connection with the temporary use of the land as market storage for the Church Street market traders , the erection of storage containers and new gates, fencing and security lighting.(Council's Own Development)

Plan Nos: Church Street Market Storage document Revision R1 ; Community Consultation Statement , Noise Assessment Report July 2015 , Venables Street and Penfold Street Parking and Traffic Review December 2014, Tree Schedule , Email from Designing Out Crime Officer dated 8.6.2015 .
VEN DMA ALL GF DR A3 01002 Rev A, VEN DMA ALL ZZ DR A3 01001 Rev A,
VEN DMA ALL RF DR A3 02102 Rev A, VEN DMA ALL ZZ DR A3 03101 Rev A,
VEN DMA ALL ZZ DR A3 04101 Rev A; VEN DMA ALL ZZ DR A3 04102 Rev A.
70009501-01-TK-01 Rev A and 02 Rev A

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 Prior to the occupation of the containers, they shall be painted to all sides and roof and in the colours shown on the application drawings, and maintained as such thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 3 You must apply to us for approval of details including lux levels of the following parts of the development - security lights. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 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)

- 5 The market traders storage use hereby approved shall only take place within the following times:

06.00 to 22.00 hours Monday to Saturdays , and no use on Sundays

with the exception of the 9 containers fronting on Venables Street which can be accessed from 04.00 to 22.00 Monday to Saturdays, and no use on Sundays.

The use shall not commence until an Operational Management Plan has been submitted to and approved by the City Council as local planning authority. The use shall take place in accordance with the approved Operational Management Plan .The Operational Management Plan shall be reviewed by the local planning authority within 6 months of the date of the use commencing.

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 S13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 Before the use commences, all the storage containers shall be boarded out with a single layer of 15 mm ply board on a minimum 10 mm rubber blocks, in order to isolate the board from the metal containers .The boards shall not be removed unless agreed by 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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 7 If it is agreed to install new chillers rather than relocate the existing chillers from Samford Street, 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 8 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.

8 (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:

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.

- 9 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.

- 10 The planting to the rear of the containers as set out in the Design and Access Statement shall be implemented before the use commences and this planting to be maintained for the lifetime of the development.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 11 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 12 The storage use for market traders allowed by this permission can continue until 30 September 2020. After that, the use must end and you must remove the containers.

Reason:

The proposed use is temporary until alternative permanent provision for the market traders is provided as part of the Church Street Phase 2 redevelopment, and so we can assess the effect of the use and make sure it meets policies S12, S29, S31 of the City Plan and policies S13, ENV6, ENV13, TRANS 2, and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must use the land and containers only for storage by the Church Street market traders. You must not use it for any other purpose, including any within Class B8 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use within Class B8 because it would not meet S13, ENV6, ENV13 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 14 Before the containers fronting Venables Street are used, double yellow lines must be painted in order to prevent other drivers parking outside these units outside controlled hours.

Reason:

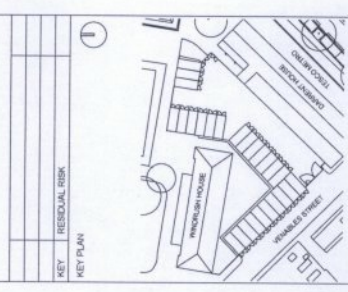
To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

Informative(s):

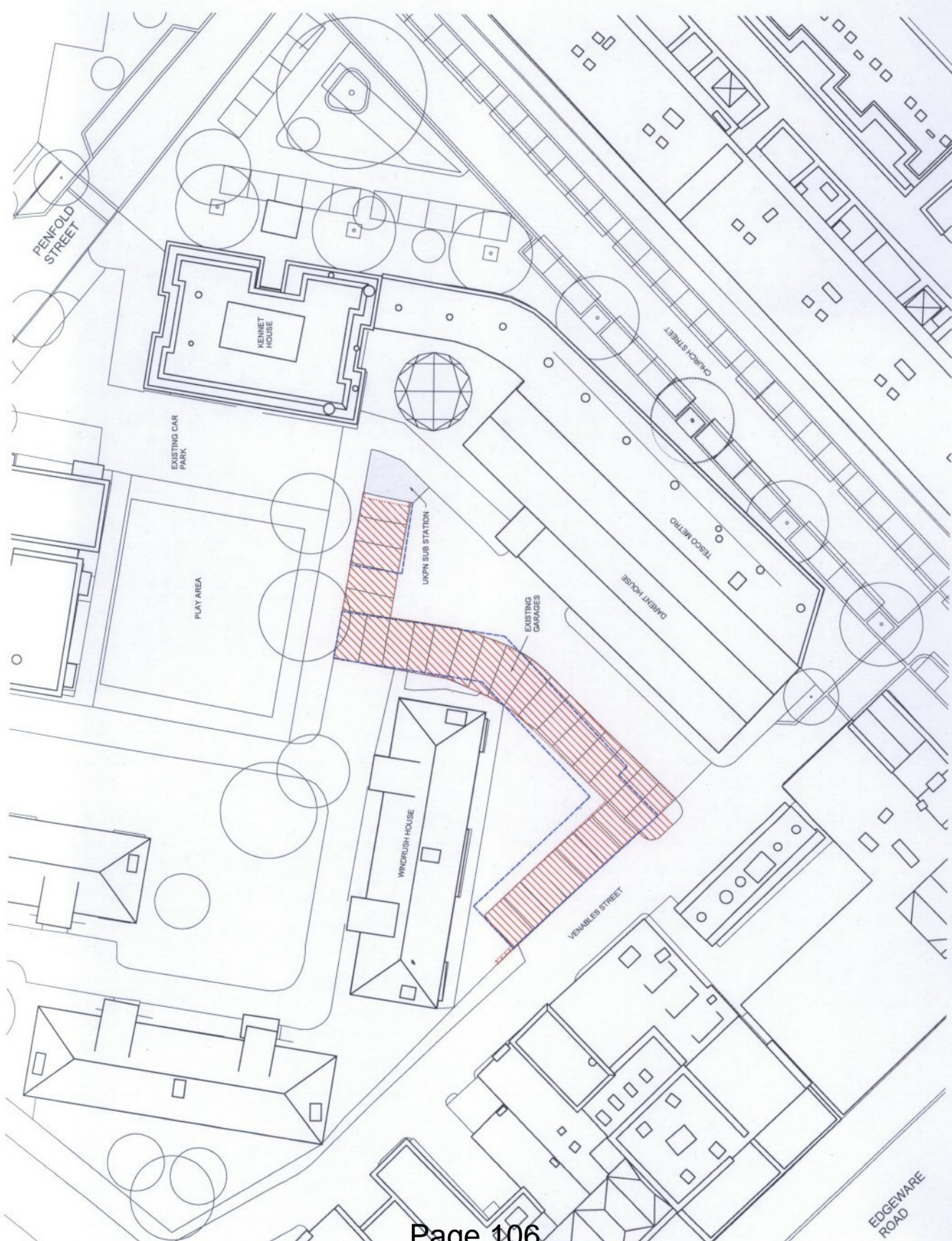
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic 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 With regards to condition 3 of this approval, you are advised that the preference would be for new railings to match those existing to the immediate north side of the existing garages which flank the western side elevations of Windrush House and Mole House.
- 3 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)
- 4 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)
- 5 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 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 [.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)

DEMOLITION ZONE: 

NEW OUTLINE: 

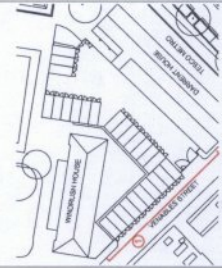


CONTRACTOR	WWW.SPAINLAND.CO.UK
TITLE	EXISTING SITE PLAN
JOB NO	13/0004
DATE	07/07/13
SCALE	1:200
PROJECT	WINDRUSH HOUSE
VEN	DMA
ALL	OF
DR	A3
01002	A

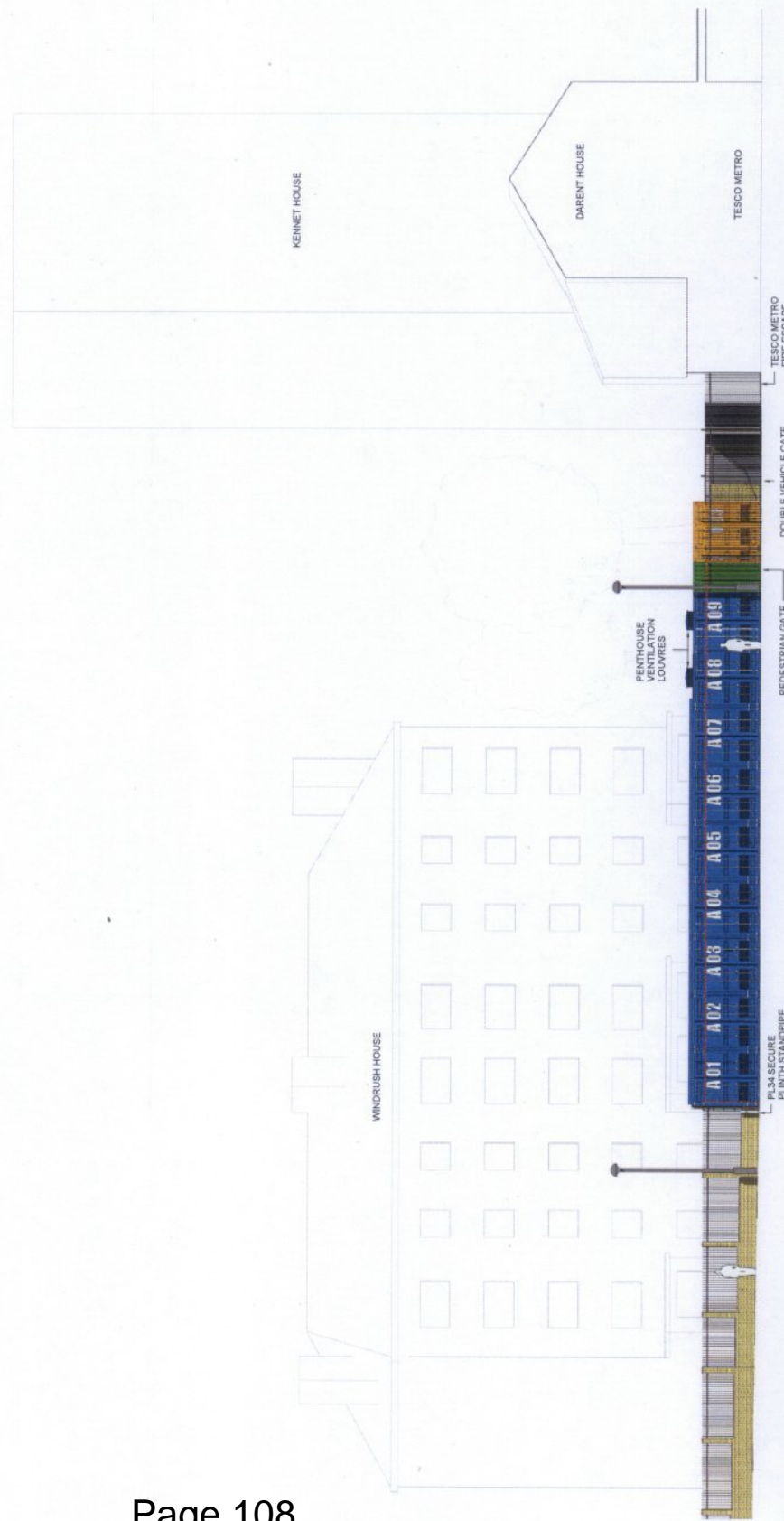


EXISTING GARAGE
OUTLINE

KEY	RESIDUAL RISK
①	



CONTRACTOR	www.davidmiller.co.uk
DESIGNER	www.davidmiller.co.uk
VENABLES ELEVATION	
JOB TITLE	3D/17
FOR PLANNING	07.07.18 (AS)
MARKET STORAGE	DMA
PROJECT DRAWN	DATE
VEN	DMA
ALL	ZZ
DR	A3
03/01	A



1 VENABLES STREET ELEVATION 1:100

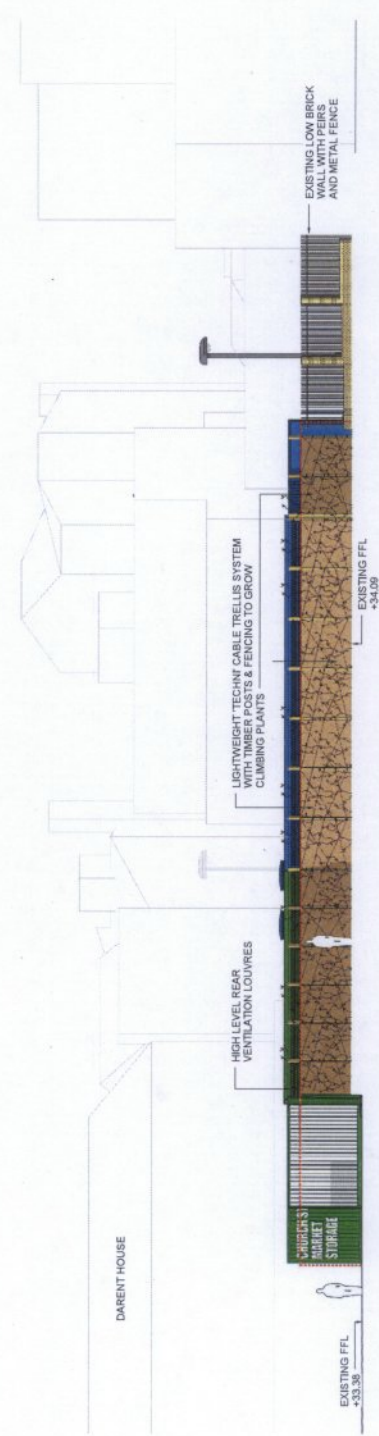
DATE	10/11/18
BY	JP/ML
PROJECT	WINDRUSH HOUSE
DESCRIPTION	EXISTING GARAGE OUTLINE

KEY	RESIDUAL RISK
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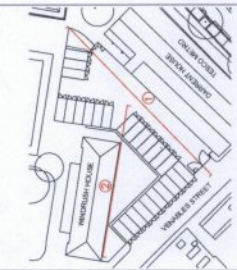
CLIENT	WINDRUSH HOUSE
ARCHITECT	www.jay-waller.com
JOB TITLE	Structural Engineer
SCALE	1:100
DATE	07/07/18
PROJECT	WINDRUSH HOUSE
VEN	DMA
ALL	ZZ
DR	A3
04/01	A



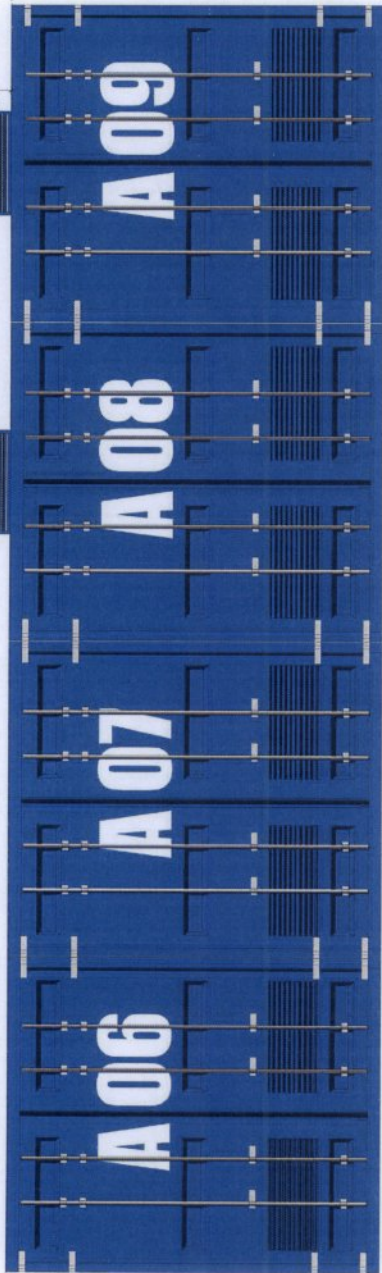
1 WINDRUSH HOUSE ELEVATION 1:100



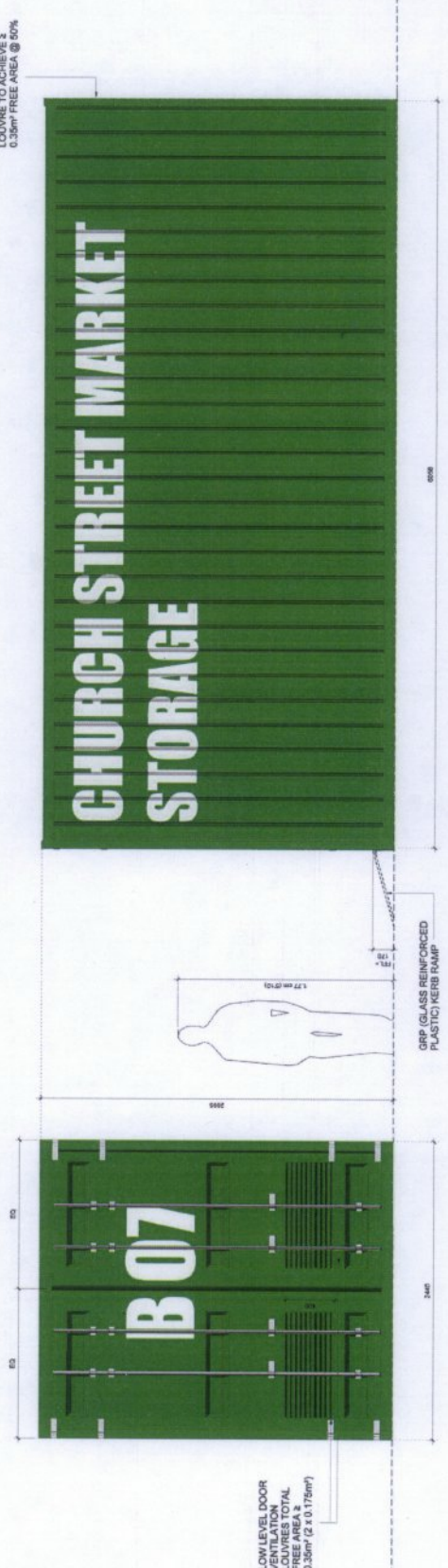
2 DARENT HOUSE ELEVATION 1:100



800x800x300 PENTHOUSE VENTILATION
LOUVRE TO ACHIEVE ± 0.35m² FREE
AREA @ 50%



HIGH LEVEL VENTILATION
LOUVRE TO ACHIEVE ±
0.35m² FREE AREA @ 50%



LOW LEVEL DOOR
VENTILATION
LOUVRE TO ACHIEVE ±
0.35m² (2 x 0.175m²)

GRP (GFRS REINFORCED
PLASTIC) / GRP FLAMP

CONTAINER DETAILS

1/20

KEY RESIDUAL RISK

KEY PLAN

CREATOR	REVISION	CONTAINER DETAILS
WWW.SPACIALSOLUTIONS.COM		
ARTICLE NO.	STATUS	
317	FOR PLANNING	
Market Storage	ISSUED	
1.2024A	07/07/18 DMS	DMA
PROJECT OWNER	ZONE	LVLS
VEN DMA	ALL	ZZ
	DR	A3
		10001
		A

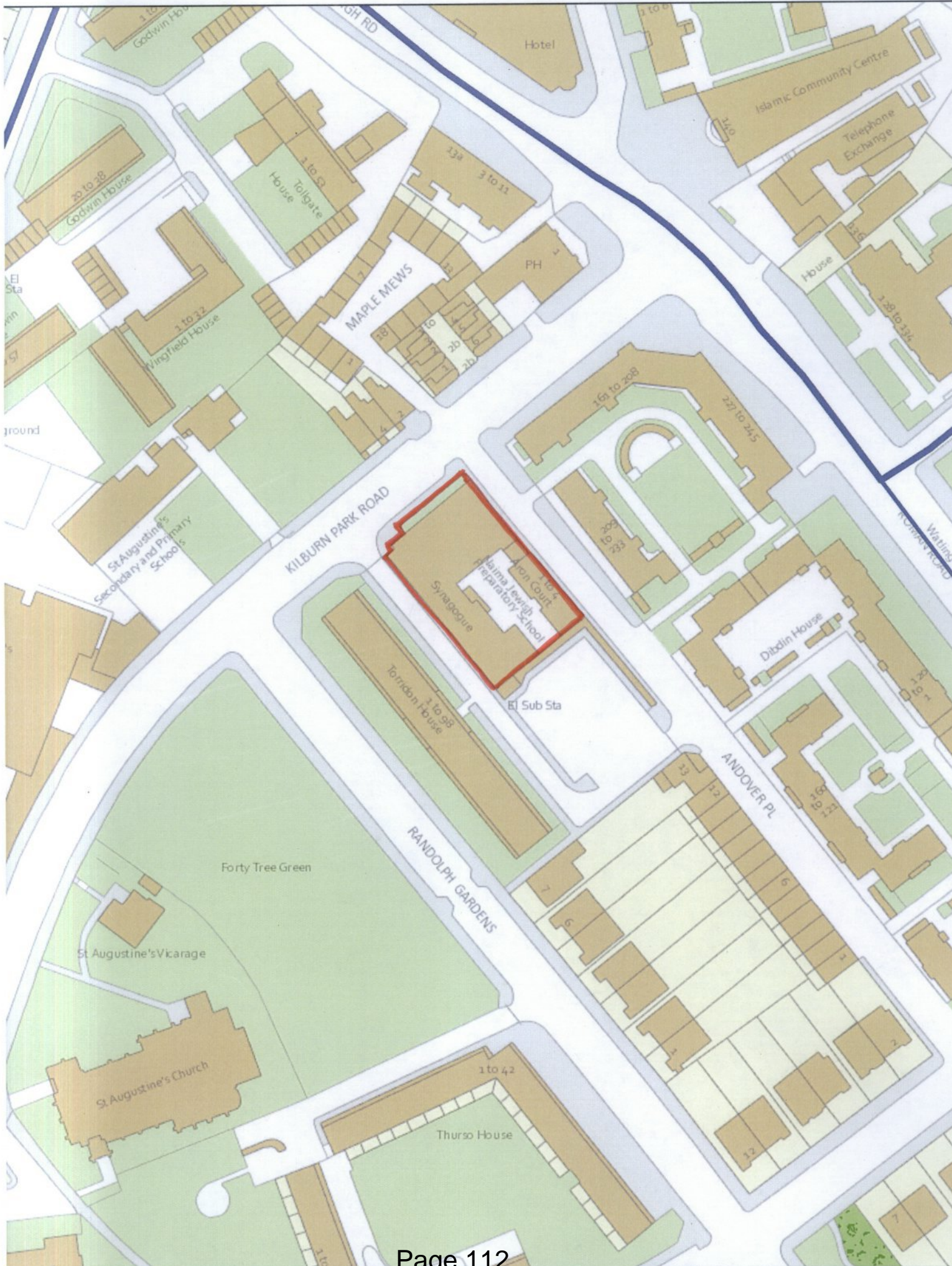
Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved Maida Vale	
Subject of Report	21 Andover Place, London, NW6 5ED		
Proposal	Installation of roof extension to school building to create additional play space and ancillary accommodation with mechanical plant.		
Agent	Ed Toovey Architects		
On behalf of	Naima JPS		
Registered Number	15/04397/FULL	TP / PP No	TP/2063
Date of Application	18.05.2015	Date completed	18.05.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





21 ANDOVER PLACE NW6

2. SUMMARY

The application site is an unlisted Jewish Preparatory School and Synagogue, located on the east side of Kilburn Park Road on the corner of Andover Place and outside of a conservation area. The proposal seeks approval for the construction of a roof extension to accommodate a covered play space, and additional storage and WC's. The applicant has stated that there will be no increase in the number of pupils as a result of the proposal.

Permission was granted by the Planning Applications Sub-Committee on 9 October 2012 (12/05713/FULL) for a roof extension of a "squared" form in the same location. A further application for a roof extension with a curved roof form was refused by the Planning Applications Committee on 16 December 2014 (14/04737/FULL) on design grounds. An appeal has been made against this refusal and permission was granted by the Planning Inspectorate on 8 September 2015. The current proposal differs from the appeal scheme in that it creates a symmetrical central bay with subservient side wings and uses standing seam zinc as the principal facing material. The current application involves only a minor change in floorspace created, a reduction of 6m² compared to the 2012 approved scheme.

The key issues are:

- The impact of the proposal on the amenity of neighbouring residents.
- The impact of the proposal on the building and the area in design terms.

The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools. Although the proposal does not involve an expansion in school places it does involve the alteration and expansion of facilities. It is considered that the new amended proposal now addresses the earlier design concerns and it is recommended that conditional approval is granted.

3. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY
Any comments to be reported verbally.

HIGHWAYS PLANNING MANAGER
No objection.

ENVIRONMENTAL HEALTH
No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
No. Consulted: 212; Total No. of Replies: 1.
One objection on the following grounds.

- Noise from playground being higher will be worse than existing situation.
- Additional noise from construction.
- Parking problems during construction.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is a Jewish Preparatory School and Synagogue (D1 use) occupying a rectangular site bounded by Kilburn Park Road to the north, Andover Place to the east and a service road that serves Torridon House, a block of flats, to the west. The site is not listed and does not lie within a conservation area.

4.2 Planning History

Planning permission was granted by the Planning Applications Sub-Committee on 9 October 2012 for the erection of a roof extension of the existing school buildings to create additional classrooms and covered play space (RN:12/05713/FULL).

Planning permission was refused by the Planning Applications Committee (RN: 14/04737/FULL) on 16 December 2014 for the installation of a roof extension to school building to create additional indoor play space with associated mechanical plant on the grounds of the poor design of the proposal. An appeal was made against this refusal. On 8 September 2015, the Planning Inspectorate granted permission. The Inspector concluded that the design of the curved roof would be innovative and beneficial rather than harmful.

5. THE PROPOSAL

Planning permission is sought for the installation of a roof extension to the school building to create additional indoor play space with associated mechanical plant, which seeks to overcome the earlier reason for refusal.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposed new internal play space (481m²) will enhance the existing facilities on offer to pupils, and there will be no increase in the overall number of pupils. There are no objections in land use terms to this proposal and it is in accordance with Policies SOC1 and SOC4 in the Unitary Development Plan (UDP) and S34 in the City Plan, which encourage the provision of new and enhanced educational facilities.

The applicant has stated that there will be no increase in the amount of children attending the school as a result of the proposal. This could be controlled by condition and would address previous concerns raised by neighbouring residents that the proposed enlargement of the school building would lead to intensification of the site.

The previous permission included a condition that the enclosed play space should not be used outside of the hours 08.30 and 19.00 hours unless all windows serving the play space are closed. It is recommended that the same condition could be attached to minimise noise disturbance.

6.2 Townscape and Design

The existing school building is of an undistinguished design in brick and pre-cast concrete. There are no listed buildings in the immediate vicinity and the site lies outside a conservation

area, although the Maida Vale Conservation Area lies close by to the south. The surrounding urban context is varied in both scale and architectural style. Immediately to the south west is an 11 storey modern block of flats, while adjoining to the north east is a five storey block of flats with a mansard pitched roof form. To the north west, on the other side of Kilburn Park Road, is a four storey above basement period stucco building.

The two storey school building is considerably lower than its immediate neighbours and the surrounding townscape in general. As such, the extension to the building to introduce greater height does not have any adverse impact on the surrounding townscape and could be considered as bringing a more acceptable scale of development to this part of the street scene. There is no design objection to the principle of extending the height of this building.

In the scheme approved in 2012, the architectural approach for the extension was considered to provide a coherent and logical extension to the building without extending the current aesthetic of brick and concrete panels, and without replicating the architectural expression of the original building.

The current proposal differs from the approved scheme, in that it introduces a curved roof extension, with side wings to the extension along the east and west elevations which have a pitched roof. This design has developed in order to bring about the desired internal layout for the school. The principal facing material will be a standing seam zinc which will cover the main curved roof and the side wings. The zinc will be pre-patinated to give it an already weathered and natural appearance. The windows will be polyester powder coated aluminium frames.

As with the previously approved scheme, the proposed extension is considered to successfully complement the form and modelling of the original building (which itself is to be refurbished). While the curved roof form will have a striking and assertive visual impact, it is considered that the proposal will have an overall architectural integrity and in the context of a varied townscape, the design is considered acceptable. Furthermore, the use of a standing seam zinc facing material is durable and appropriate as a roofing material which will enhance the overall design.

The proposal is considered to accord with design Policies DES 1 and DES 6 of our UDP and S28 of our City Plan.

6.3 Amenity

6.3.1 Daylight and Sunlight and Sense of Enclosure

The applicant has submitted a Daylight and Sunlight Report in support of their application. The report assesses the impact of the development on Dibdin House, Torridon House and within 1-10 Vale Side House. Torridon House is located 13m from the proposed extension, Dibdin House is 10m away, and the Kilburn Park Road properties opposite are 22m away.

The applicant's Daylight and Sunlight Report concludes that the proposed development would not result in any significant loss of daylight or sunlight to surrounding residential properties and the proposal would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan on this basis.

Although the roof extension will inevitably change the outlook from some neighbouring properties, it is not considered that the impact would result in a material increase in sense of enclosure. As such, the proposal would accord with Policy ENV13 in the UDP and S29 in the City Plan.

6.3.2 Overlooking

All windows proposed in the roof extension which could facilitate overlooking (on the north elevation) are shown as frosted glass. Openable windows and the upper section of glazing are proposed at high level to the south and north elevations, however, it is not considered that this would result in overlooking and the objections to the proposal on this ground are therefore not considered sustainable. Policies ENV13 in the UDP and S29 in the City Plan are satisfied.

6.3.3 Noise Disturbance of Activity

The proposed play space would be enclosed, albeit with openable windows to allow for ventilation, and therefore noise from the use of this space by children will be limited.

The school intends that the local community and sports groups will be able to use the indoor play space out of school hours and this is generally encouraged under Policies SOC7 and S34. However, in order to mitigate any noise disturbance during evenings and weekends, it is considered that a condition should be placed on the permission to restrict the use outside of school hours to only take place when the windows of the play space are shut.

6.3.4 Noise Disturbance from Plant

The mechanical plant proposed is internal to the building and will exhaust through louvred panels on the north, south and east elevations. An acoustic report regarding the proposed plant was submitted during the course of the application and further consultation took place. Environmental Health have assessed this and have no objection to the proposal provided the standard noise conditions are attached to any planning permission granted.

6.4 Transportation/Parking

It is not intended that the number of children attending the school will increase as a result of the proposal and on this basis the Highways Planning Manager does not consider that the development would have any significant highway or transportation implications.

6.5 Economic Considerations

None relevant.

6.6 Access

No alterations are proposed to the current vehicle and pedestrian access arrangements to the school. It is proposed to extend lift access up to the new roof extension to provide level access to the new internal floorspace. As such, the proposal is acceptable in access terms and accords with Policy DES1 in the UDP.

6.7 London Plan

Policy 3.18 in the London Plan 2011 states that 'proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes'. As such, it is considered that the proposed development is in accordance with the London Plan 2011.

6.8 National Planning Policy Considerations

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

applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

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

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

6.9 Planning Obligations

The proposed development is of insufficient scale to generate a requirement to provide planning obligations.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

It is regrettable that the development does not incorporate sustainable or biodiversity features (e.g. green roofs or photovoltaic panels). However, no such features were included in the scheme approved in 2012 or the appeal scheme. The requirement for the extension to comply with the latest Building Regulations would improve the school's overall thermal performance relative to that of the existing school.

6.11 Other Issues

Although not generally required for such developments, a Construction Management Plan has been submitted with the application. It intends that construction and delivery vehicles will service the site from Kilburn Park Road. This is the logical location due to the wider width of this road and the greater distance from neighbouring properties when compared with Andover Place and Torridon House. Licenses for any works that impact on the highway will need to be agreed with Highways Licensing prior to their implementation.

7. CONCLUSION

The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools. Although the proposal does not involve an expansion in school places, it does involve the creation of additional facilities and this latest design is considered to be an improvement which now overcomes the earlier reason for refusal. Given that the Planning Inspector has recently approved the previous scheme, there are no design grounds to refuse this latest submission.

BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning Manager dated 9.06.15.
3. Memorandum from Environmental Health dated 12.06.15.
4. Online objection from owner/occupier of 61 Torrison House dated 28.08.2015
5. Copy of previous permission.
6. Copy of appeal decision dated 8.9.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 21 Andover Place, London, NW6 5ED

Proposal: Installation of roof extension to school building to create additional play space and ancillary accommodation with mechanical plant.

Plan Nos: 1124B/GL/001; 1124B/GA/001; 1124B/GA/002; 1124B/GA/003; 1124B/GA/011; 1124B/GA/012; 1124B/GA/014; 1124B/GA/015; 1124B/GA/016; 1124B/GE/001; 1124B/GE/002; 1124B/GE/003; 1124B/GE/004; 1124B/GE/011; 1124B/GE/012; 1124B/GE/013; 1124B/GE/014; 1124B/GL/002; 1124B/GS/001; 1124B/GS/002; 1124B/GS/003; 1124B/GS/011; 1124B/GS/012; 1124B/GS/013; Design and Access Statement; Daylight and Sunlight Report; Acoustic Report; Construction Management Plan.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

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

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development

Plan that we adopted in January 2007. (R26CD)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development - typical windows and rooflights. 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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 The number of pupils on the school premises at any one time shall be limited to no more than 180 pupils.

Reason:

In order to safeguard the amenities of neighbouring residents and the area in general as set out in S29 and CS32 of our City Plan that we adopted in November 2013 and ENV6 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 6 The enclosed play space at second floor level hereby approved shall not be used outside of the hours of 08:30 and 19:00 hours unless all windows serving the play space are closed and retained closed during the period when the playspace is in use outside these hours.

Reason:

In order to safeguard the amenities of neighbouring residents and the area in general as set out in S29 and CS32 of our City Plan that we adopted in November 2013 and ENV6 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must then carry out the development in accordance with the approved Construction Management Plan.

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.

- 8 The glass that you put in the bottom sections of the glazing on the Kilburn Park Road elevation and the glazing on the Andover Place and west elevation of the second floor level play space must not be clear glass, and, notwithstanding the window configurations shown on the submitted drawings, you must fix the obscure glazed windows on the east and west elevations 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.

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)

- 9 (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.

- 10 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.

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

You will need to re-apply for planning permission if another authority or council department asks

- 2 you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 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)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 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.
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 7 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.

- 8 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.
- 9 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)

- 10 You are advised of the need to vary Condition 7 if you change the approved Construction Management Plan.

Previous schemes - refused
(subject to appeal)

Design process: design

Remission granted by the
Planning Inspectorate on
8 September 2015.

A new start

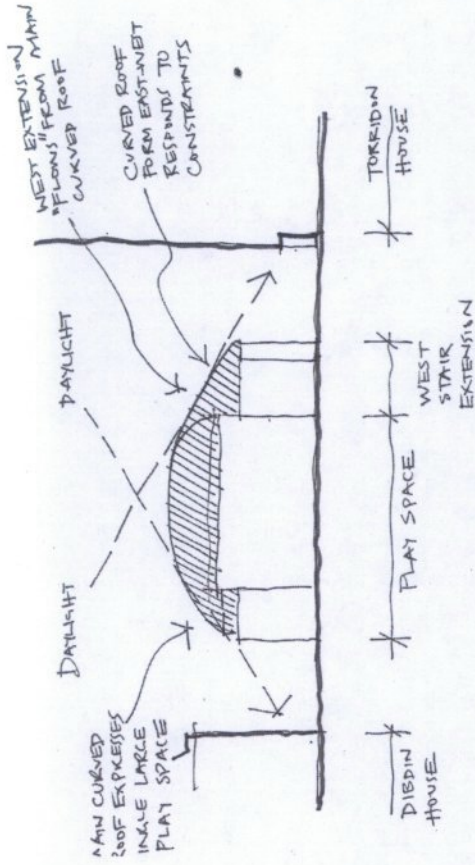
The conclusion from this process was that the requirements could better generate a new design that avoided the compromises of adapting the 'consented scheme'.

The opportunity was there to shape the form to respond to daylighting requirements at the same time.

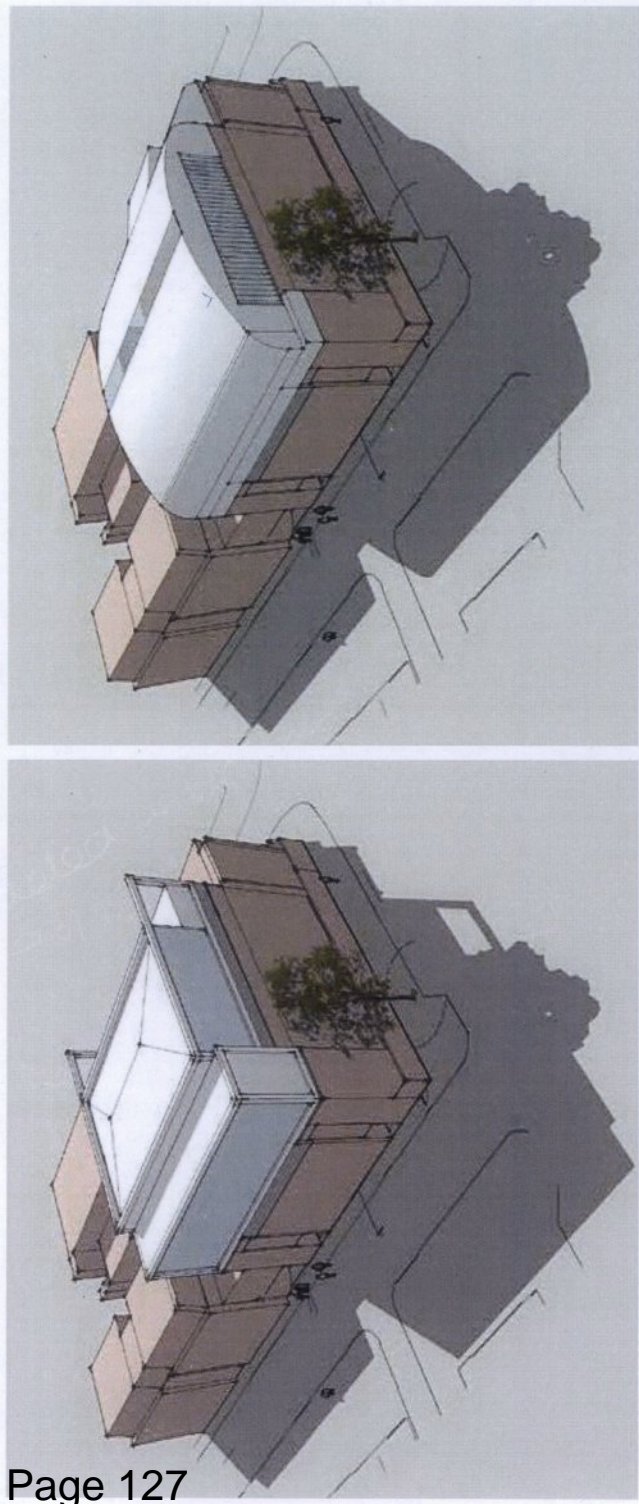
The result was the curved roof form to the main play space, expressing the single School community area under one embracing, sheltering roof, with the west extension to accommodate the stair and lift connection under a roof that 'peels off the main roof, still curving downward.

This design directly addresses the site constraints, while offering the School a dramatic but sensitive large play space on the second floor, while linking down well to the lower levels and the main School stair.

ed toovey architects



Early sketch section of the new proposal



Consented scheme: 3D massing model from north-east 9 OCT 2012
This design proposal: 3D massing model from north-east
REFUSED SCHEME (16 DECEMBER 2014)

Appearance: massing

The illustrations show the 3D Concept massing model with the proposed extension, seen against Dibden House to the east, and Torridon House to the west.

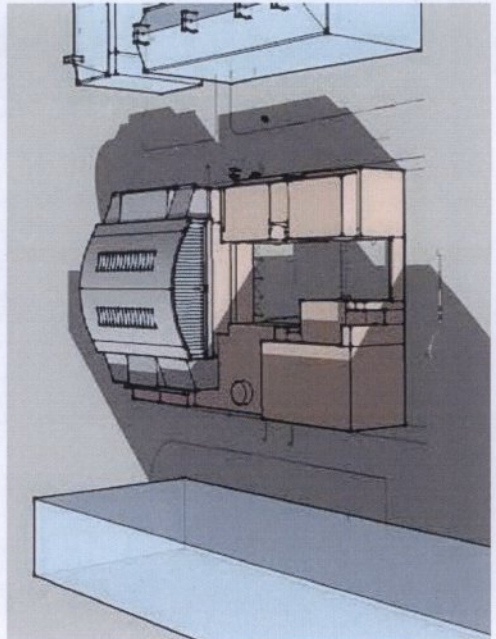
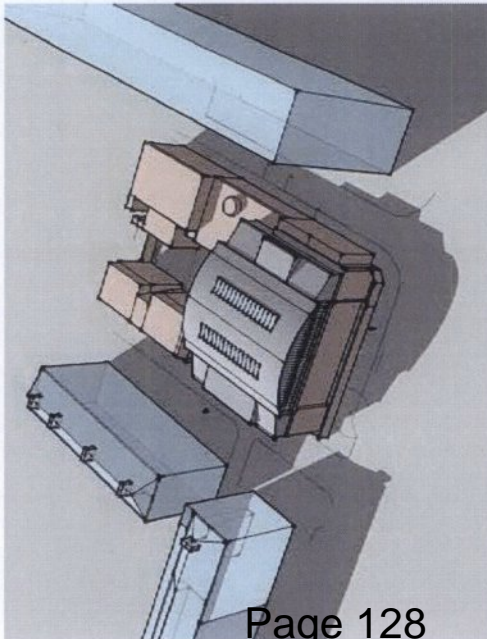
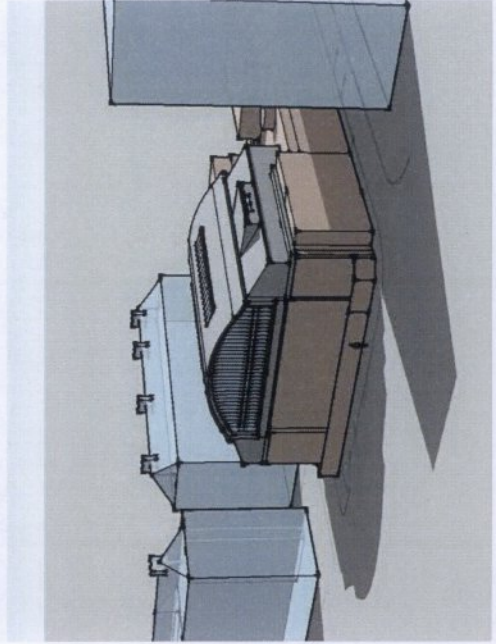
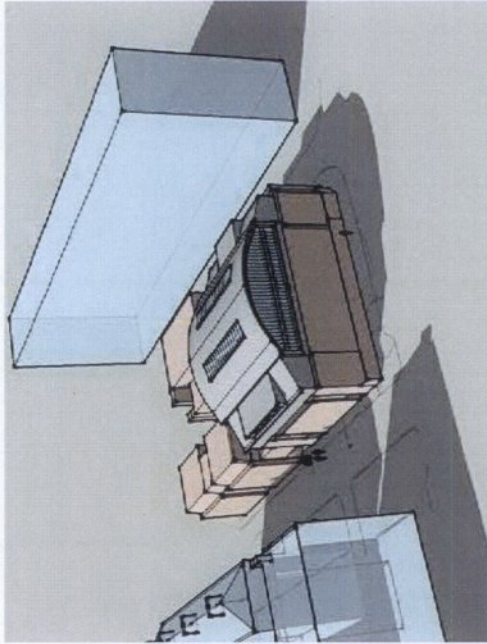
The massing model shows how the curved roof form provides a subtle, graceful conclusion to the roof, while the side wings to east and west are clearly differentiated with their pitched roofs.

The gutters to the main curved roof are continuous front to back, which clearly separates the forms of primary and secondary spaces.

It also shows how the intention to bring the eaves down from the consented scheme to east and west significantly has been realised.

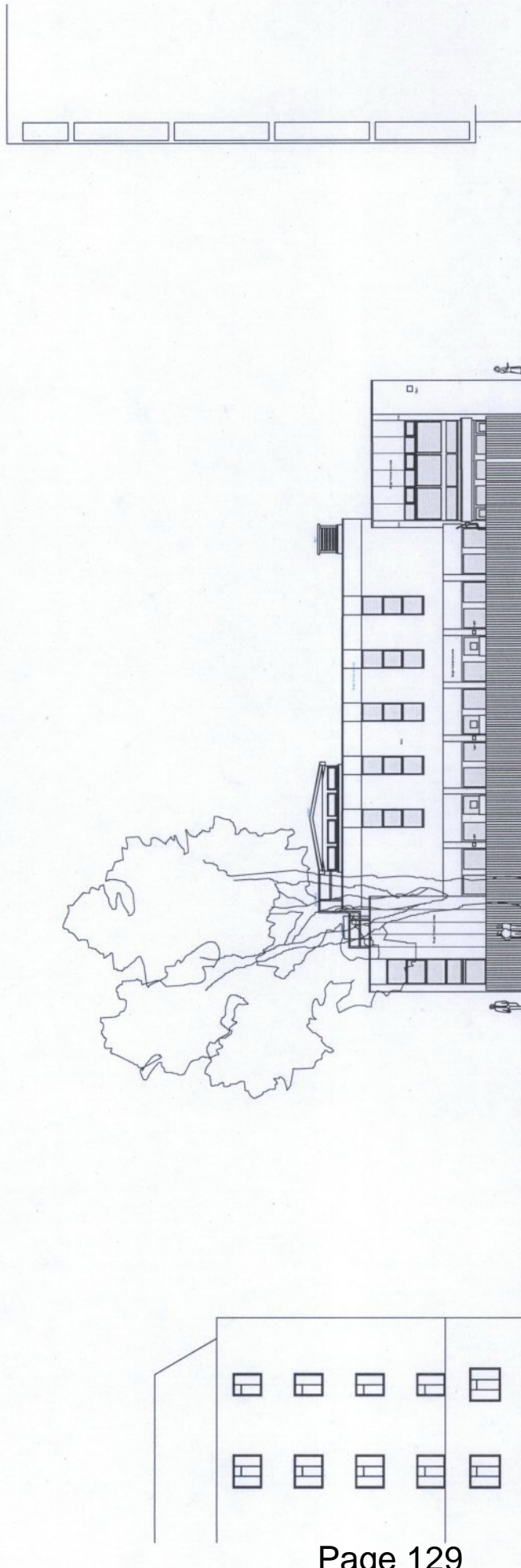
The consistent zinc material reinforces the clarity of this proposal as a roof "studio" extension.

At the public consultation neighbours commented that the existing building appearance could also be improved. As a result of this consultation the proposed construction works project will now also include cleaning of brickwork and concrete, and repainting of key elements of the existing building fabric so that the whole building is enhanced by these proposals.



Existing materials

- Wall finishes: Concrete panels, fairface dark brown brickwork, painted rendered masonry
- Roof finishes: Flat felt roofing
- Windows: UPVC glazing systems with single glazed units
- Cladding: Clear glass
- Rainwater goods: Concealed gutters and internal downpipes
- Louvers: Painted metal louvers



NORTH ELEVATION EXISTING

ed toovey architects

studio 401 route building
31 verwick road
london n1 7Jh
07880 725763
edtoovey@yahoo.co.uk

Revisions:

PLANNING ISSUE

Rev

Naima JPS Roof Extension Project

Elevation North Existing

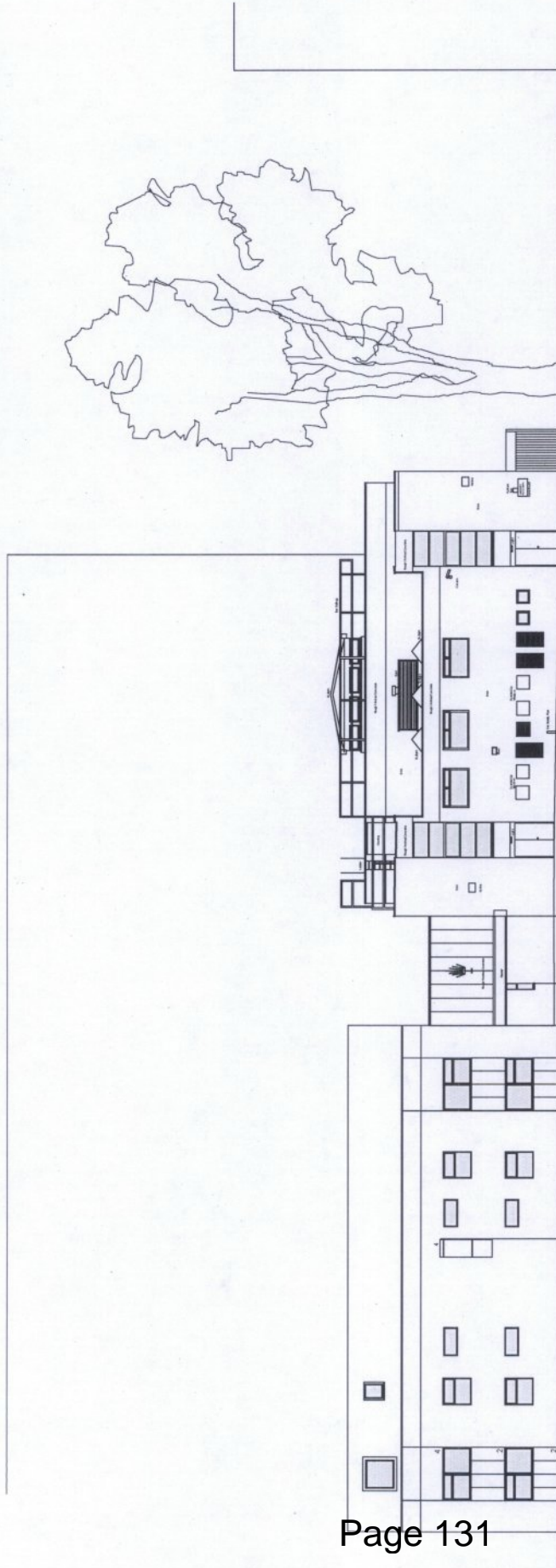
April 2015

Drwg No. 1124B /GE / 001 -

Scale 1:200 @ A3

Existing materials

- Wall finishes: Concrete panels, fair-face dark brown brickwork, painted rendered masonry
- Roof finishes: Flat felt roofing
- Window/rooftight: Metal cladding systems with single glazed units
- Cladding: Clear glass
- Rainwater goods: Concealed gutters and internal downpipes
- Louvers: Painted metal louvers



Main entrance to School

KILBURN PARK ROAD

NAIMA JPS SCHOOL SITE



ed toovey architects
 studio 401 royle building
 31 verwick road
 london n1 7jh
 07880 725763
 edtoovey@nthoo.co.uk

Revisions:

PLANNING ISSUE

Rev

- Do not scale
- Always take site measurements to verify dimensions
- Refer to PG&E Engineers drawings for all services

Naima JPS Roof Extension Project
 Elevation East Existing

April 2015

Drwg No. I124B /GE / 003 -

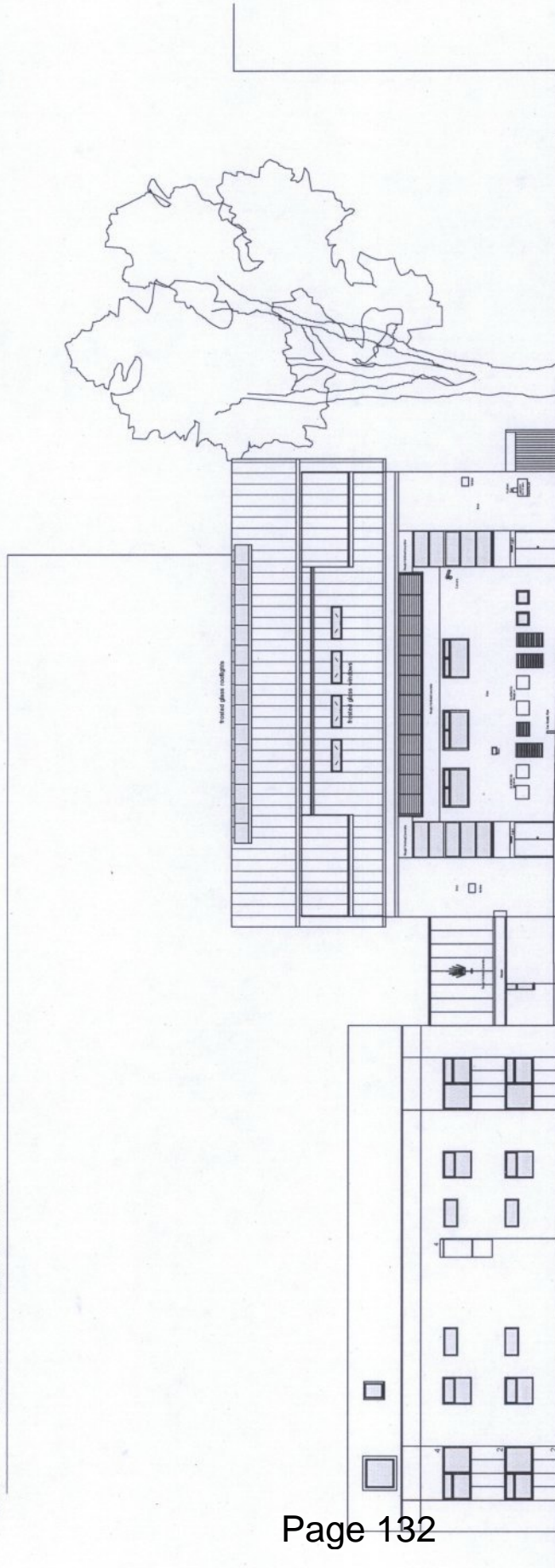
Scale 1:200 @ A3

Existing materials

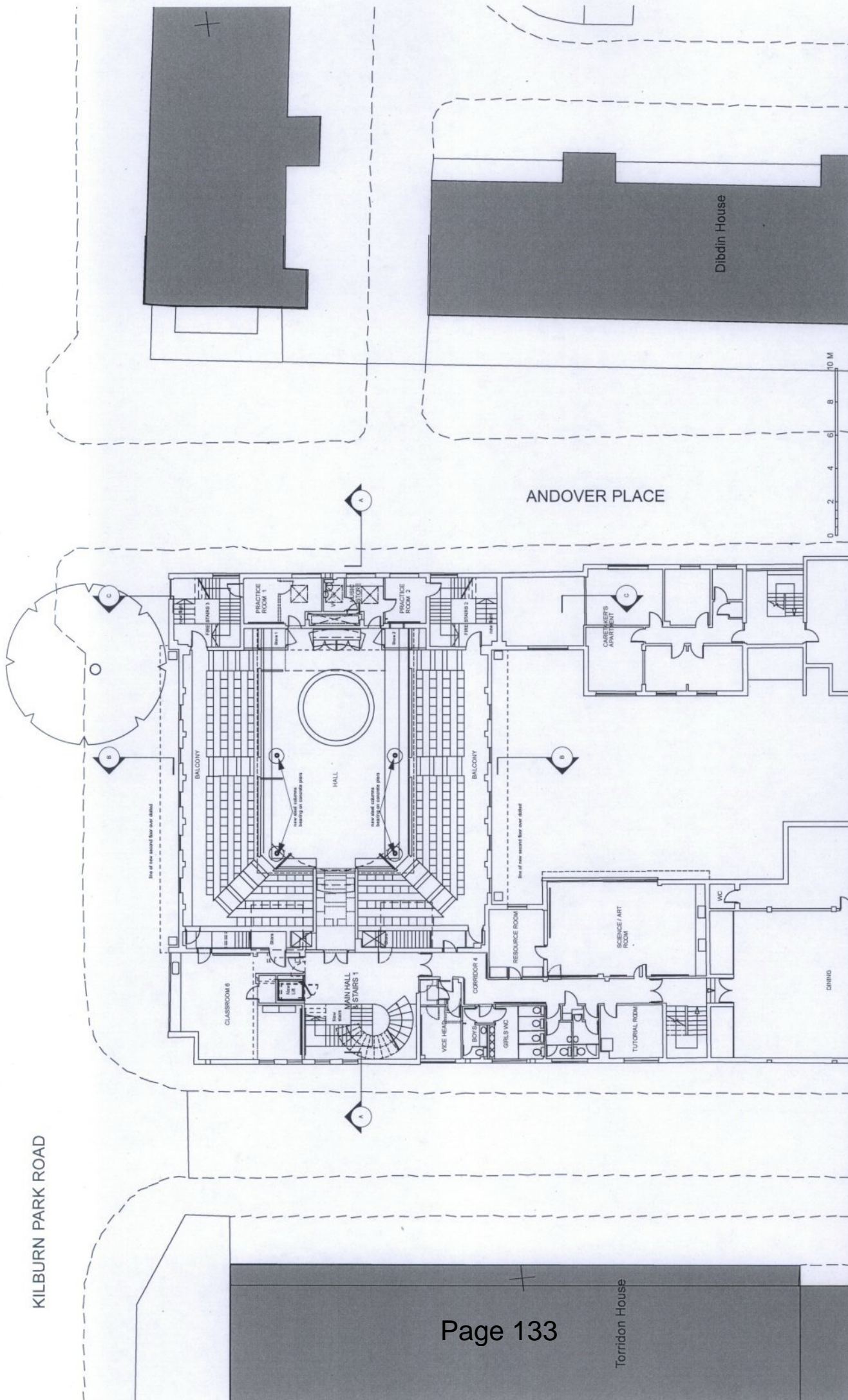
- Wall finishes: Concrete panels, fair-face dark brown brickwork, painted rendered masonry
- Roof finishes: Flat felt roofing
- Windows/rooftight: Vertical glazing systems with single glazed units
- Cladding: None
- Rainwater goods: Concealed gutters and internal downpipes
- Louvers: Painted metal louvers

Proposed materials for roof extension

- Wall finishes: Standing seam natural zinc cladding
- Roof finishes: Standing seam natural zinc cladding
- Windows: Polyester powder coated aluminium framing with clear / translucent glass
- Rooftights: Polyester powder coated aluminium framing with clear/translucent glass
- Rainwater goods: Natural zinc gutters and downpipes
- Louvers: Polyester powder coated metal louvers on metal frame



KILBURN PARK ROAD



ANDOVER PLACE

Dibdin House

0 2 4 6 8 10 M

Naima JPS Roof Extension Project

First Floor Plan Proposed

April 2015

Drwg No. I124B/GA/012 -

Scale 1:200 @ A3



PLANNING ISSUE

Revisions:

Rev

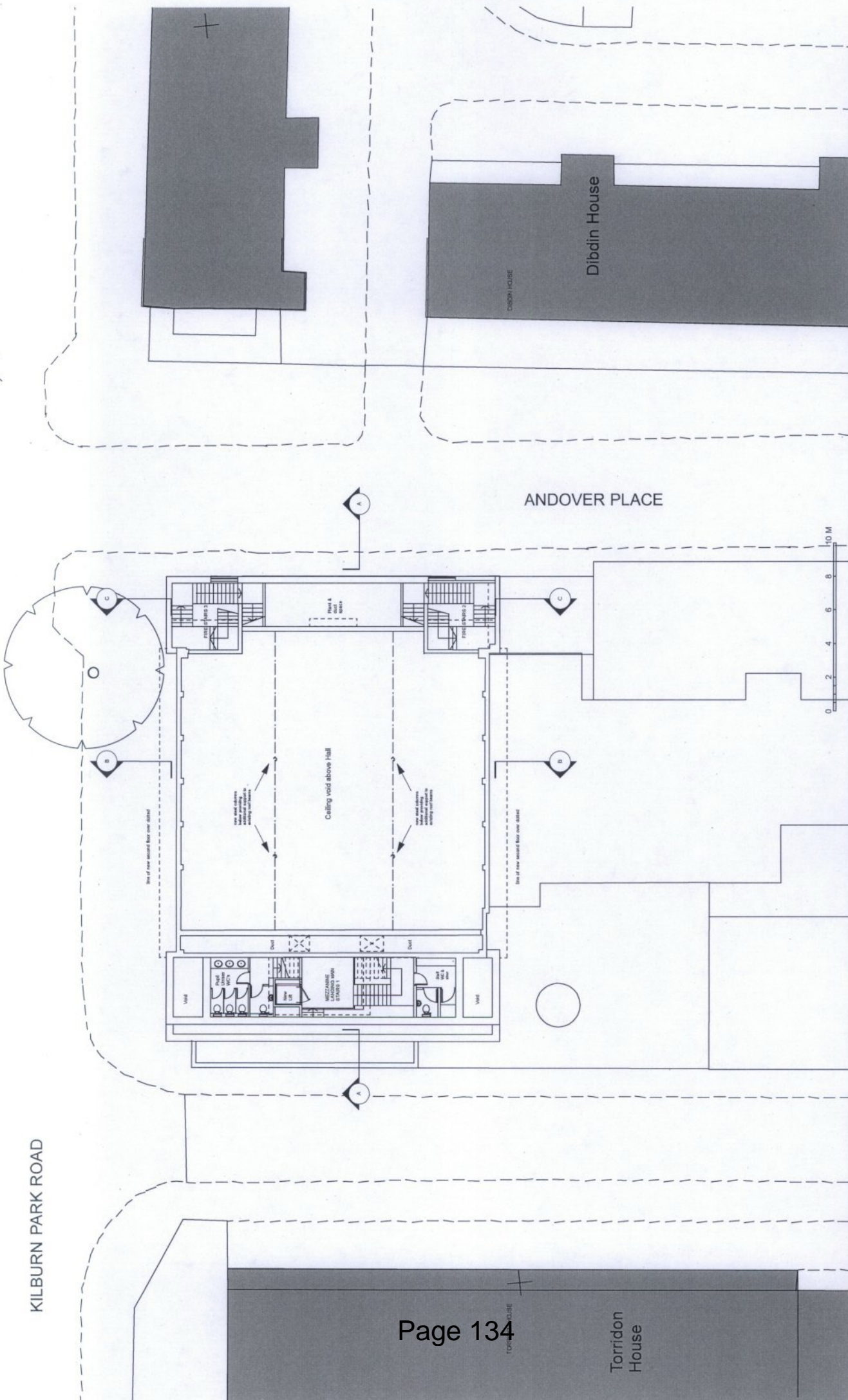
edtooveyarchitects

studio 401 royle building
 31 wenlock road
 london n1 7th
 07880 725763
 edtoovey@yahoo.co.uk

Torridon House

KILBURN PARK ROAD

ANDOVER PLACE



TORRIDON HOUSE

Torridon House

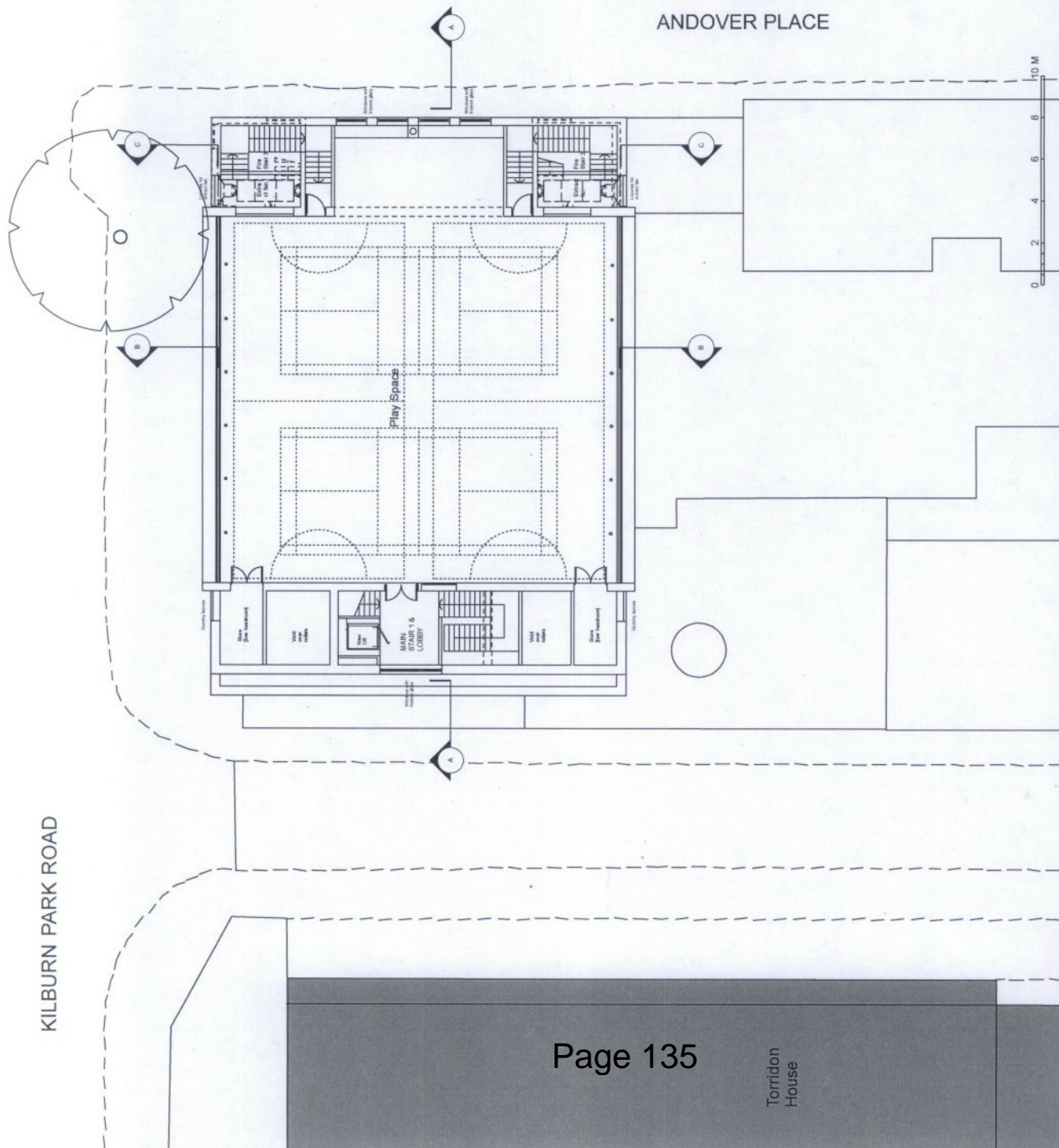
Naima JPS Roof Extension Project
 Mezzanine Plan Proposed
 April 2015
 Drwg No. 1124B /GA / 014 -
 Scale 1:200 @ A3



Revisions:
PLANNING ISSUE
 Rev

ed toovey architects
 studio 401 royle building
 31 wenslock road
 london n1 7ja
 07880 725763
 edtoovey@atn.co.uk

KILBURN PARK ROAD



ANDOVER PLACE

Dibdln House

Torrldon House

Revisions:

PLANNING ISSUE

Rev



Naima JPS Roof Extension Project

Second Floor Plan Proposed

April 2015

Drwg No. 1124B /GA / 015 -

Scale 1:200 @ A3

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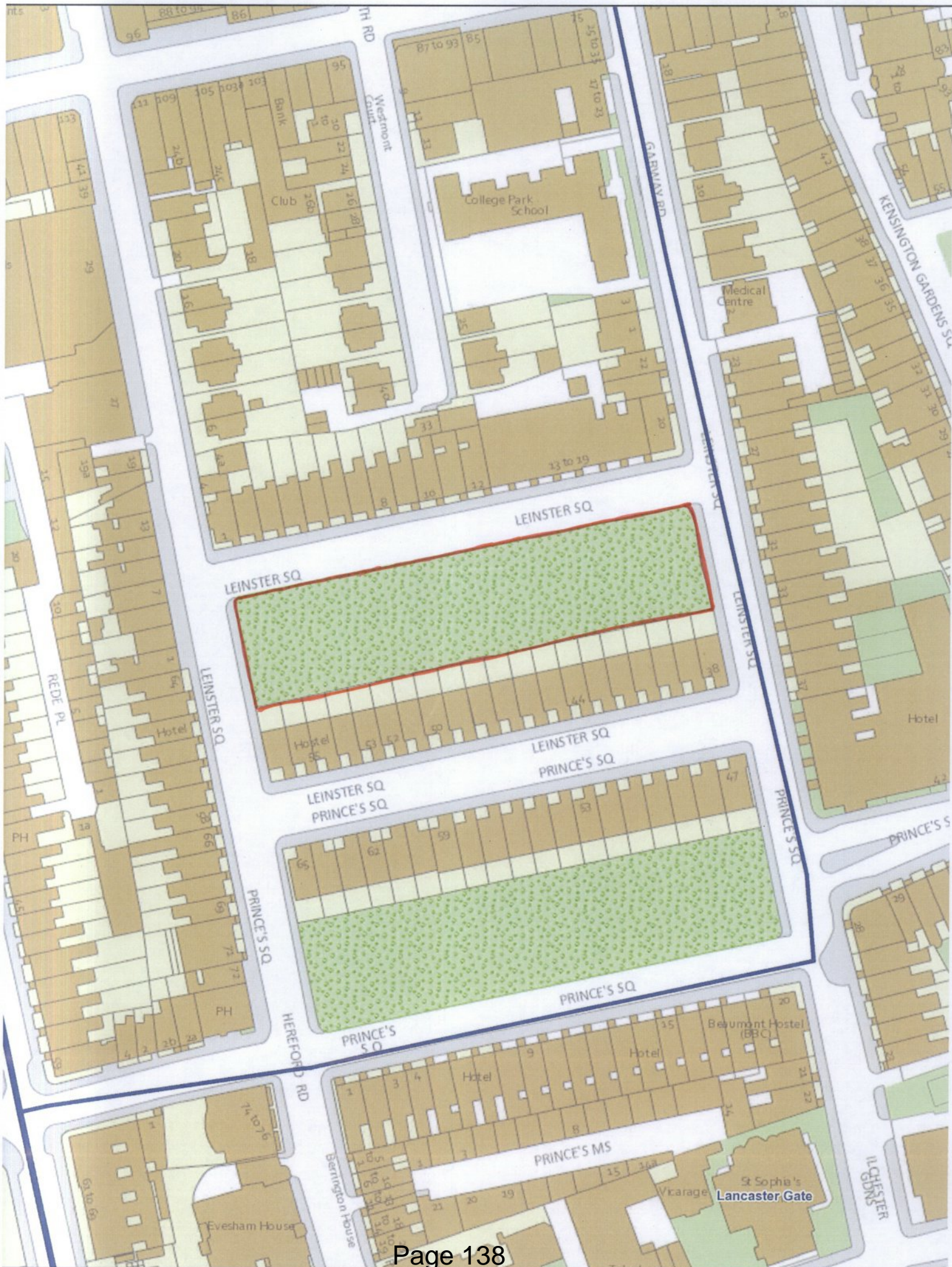
Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning	Wards involved Bayswater		
Subject of Report	Open Space, Leinster Square, London, W2 4PU		
Proposal	Demolition and erection of new garden shed in the south west corner and erection of a new pavilion in the north west corner.		
Agent	Turley		
On behalf of	AG Leinster Square (Jersey) Limited		
Registered Number	15/06102/FULL	TP / PP No	TP/21699
Date of Application	06.07.2015	Date completed	18.08.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





OPEN SPACE, LEINSTER SQUARE, W2

2. SUMMARY

This application relates to the erection of a timber gazebo and a timber shed in this private communal garden as part of the works to refurbish the gardens. Objections have been received to the appearance of the gazebo, and its impact on privacy, noise and residents' use of the garden. Other objections relate to the detailed design of the landscaping which does not require planning permission and loss of wildlife habitat. Five emails in support have also been received from local residents and the Bayswater Residents Association also support the proposed works.

The key issues are:

- The impact of these proposed structures on the appearance of the garden and the appearance and character of this part of the Bayswater Conservation Area.
- The impact on neighbours and on the mature TPO trees in the garden.

The proposal is considered acceptable in land use, design and amenity terms and is recommended for approval.

3. CONSULTATIONS

BAYSWATER RESIDENTS ASSOCIATION

No objections, support the proposed works.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

To be reported verbally.

ARBORICULTURAL MANAGER

No objections to the erection of a new garden shed and a new pavilion at the western end of the garden. Soil contouring has the potential to inflict damage to the root systems as such work should be undertaken under the supervision of a specialist in arboriculture and be conditioned. The current degree of protection being afforded to these trees is inadequate and the applicant needs to address this.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 265; Total No. of Replies: 9.

Four objections received of which three emails are from the same objector.

Townscape/Design

- Elements of the proposal are detrimental to this valuable community asset.
- The proposed pavilion/gazebo is too large for its purpose and its appearance is not in keeping with the rest of the garden.

Amenity

- The gazebo will affect the privacy of adjoining properties and generate noise.
- The proposed earth works, landscaping and contouring will reduce the flexibility of the use of the garden for residents.

Biodiversity

- Loss of wildlife habitat.

Other

- Two objections from a resident on the grounds to reduce areas of lawn space to create larger planting beds and the rationale for creating these larger beds are invalid reasons - already adequate privacy and screening to the garden, the widening of the paths is pointless and also result in the loss of lawn space. Loss of planting to the north bed, health and safety implications of exhaust fumes and barbecue smoke affecting residents using the garden, the circular surrounds to the weeping ash trees using hoggin will be unattractive.
- Second email refers to a further meeting with the landscape architects where it was agreed that the hoggin encircling the west end weeping ash would be narrowed and not project beyond the outer edge of the two semi-circular beds.
- Works have already started on site and a fait accompli.
- Five emails in support - proposal will be a vast improvement. The old shed was dilapidated, unusable and verging on dangerous. The addition of a new shed and a pretty pavilion will hugely enhance the garden and the enjoyment of those who use it. The pavilion is in keeping with the Victorian garden.

ADVERTISEMENT/SITE NOTICE: Yes (x4)

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

This application relates to the private communal garden in Leinster Square, located within the Bayswater Conservation Area. The terraces to the north, east, and south are Grade II listed, and a number of buildings to the west in Hereford Road are also Grade II listed. A number of trees in the garden are protected by a Tree Preservation Order.

Works have started on site to refurbish the garden, and the shuttering has been put in place for the bases to serve the proposed new shed and gazebo.

4.2 Planning History

None relevant.

5. THE PROPOSAL

This proposal forms part of the works to comprehensively refurbish the gardens. The majority of the works which include the refurbishment/replacing of the boundary railings, repaving poor quality paths and increasing their width to 1.9m, new raised beds and increasing the width of new beds, new benches do not require planning permission, but the erection of a new shed for the gardener and a timber gazebo structure do require planning permission.

The applicant has confirmed that the rear of the gazebo will now be solid, rather than open trellis.

The replacement shed is located in the south western corner of the garden. The timber gazebo is located in the north western corner of the garden. It is an octagonal structure 3.134m wide with a domed roof which is 3.471m high. Both the shed and gazebo will be stained. The details of the colour of the stain will be reported verbally to Committee.

Objections have been received on the grounds that the gazebo is out of keeping with the garden, it may be used for parties which has the potential to cause noise and loss of privacy to residents. Objections have also been raised to the landscaping works which do not normally require planning permission on the grounds of loss of lawn, habitat and affect the residents' use of the garden. Other objections relate to the fact that works have already started on site.

Five emails in support have been received to date and the Bayswater Residents Association supports the proposal.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposed garden structures are ancillary to the use as a communal garden and are acceptable under Policy DES 12 in the UDP.

6.2 Townscape and Design

As the existing planting in the garden has been cut back, the proposed new gazebo and shed will be visible from public views within the Bayswater Conservation Area. New planting is proposed which will screen these structures from street views. Despite the objections received, the proposed gazebo and shed are considered appropriate structures in this private garden.

The proposed gazebo replaces a former dilapidated shed and the new shed is modest in terms of its size, and both structures will preserve the appearance and character of this part of the Bayswater Conservation Area and accord with Policies S25 and S28 in the City Plan and DES5, DES9 and DES10 in the UDP.

6.3 Residential Amenity

It is not considered that the proposed gazebo structure will materially affect the light and outlook of neighbouring residents. The proposed shed is located close to the rear boundary of No. 57 Leinster Square, but it is located far away from habitable windows so as not to cause a material loss of light. Whilst there will be a small increase in enclosure, this shed will be screened by planting and therefore will not result in any material loss of amenity.

The applicant has now confirmed that the rear of the gazebo will be closed, rather than open trellis in order to address concerns regarding the privacy of users in the garden.

It is not considered that the proposal will harm the amenities of the residents using the garden. The proposal therefore complies with Policies S29 in the City Plan and ENV13 in the UDP.

6.4 Transportation/Parking

This application raises no transportation issues.

6.5 Equalities and Diversities

Not relevant in the determination of this application.

6.6 Economic Considerations

This application raises no economic issues.

6.7 Other UDP/Westminster Policy Considerations

An objection has been raised that the gazebo will be used for large parties which is against the ethos of the garden and result in noise and disturbance to other residents using the garden. This private garden is subject to its own rules and this will be a matter for the management company to control.

6.8 London Plan

This application raises no strategic issues.

6.9 Central Government Guidance

Regard has been had to the relevant advice in the National Planning Policy Framework (NPPF) regarding heritage assets.

6.10 Planning Obligations

Not relevant in the determination of this application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The proposed new shed is located close to a Cherry tree on the western end of the garden, but it is not considered that the construction of a concrete base for the shed will affect the health of this tree.

The Arboricultural Manager had raised initial concerns regarding the adequacy of the tree protection measures to the mature trees in the garden, but this has now been addressed by the applicant on site, and the measures are now considered acceptable. The soil contouring measures has the potential to inflict damage to root systems and the Arboricultural Manager has requested specialist supervision which the applicant has agreed to.

An objection has been received to the loss of wildlife habitat. The works to refurbish the garden has resulted in the loss of some planting, but this is being replaced by new planting. It is not considered that the proposal will harm the biodiversity of this attractive private garden.

6.12 Other Matters

A number of the objections relate to the new landscaping in the garden which is not a ground to refuse permission.

6.13 Conclusions

It is recommended to grant conditional permission.

BACKGROUND PAPERS

1. Application form.
2. Comments from the Arboricultural Manager dated 28.8.2015.

3. Emails from Flat 3 63-65 Leinster Square London W2 dated 7.9.2015 and 8.9.2015.
4. Email from 55 Leinster Square London W2 dated 7.9.2015.
5. Email in support from 49 Hereford Road London W2 dated 28.8.2015.
6. Email in support from 27 Leinster Square London W2 dated 25.8.2015.
7. Email in support from 28a Leinster Square London W2 dated 9.9.2015.
8. Letter in support from 27F Leinster Square London W2 dated 9.9.2015.
9. Email from 5A Leinster Square London W2 dated 11.9.2015.
10. Response from the Bayswater Residents Association dated 30.8.2015.
11. Email in support from 32F Leinster Square London W2 dated 11 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** Open Space, Leinster Square, London, W2 4PU
- Proposal:** Demolition and erection of new garden shed in the south west corner and erection of a new pavilion in the north west corner.
- Plan Nos:** Covering letter dated 6 July 2015 , Design Concepts for the Leinster Square Gardens dated 13th August 2015, Arboricultural Implications of Landscaping Works dated 23 March 2015 ; 10, photograph of proposed shed , dimensions of proposed shed ;6x6 Floor Plan -with floor ; 6x6 Floor Plan - No floor ; plan of gazebo openings and roof design , front and side elevations of gazebo, rear and side elevations of gazebo ; 154/01 Rev B , 154/02, 154/03, 154/04 , 154/05 154/09, Existing Garden Plan drawing 1 of 1;
Proposed extent of grassed slope, TSP_01, Drawing showing section through earthworks to be read in conjunction with drawing 154/04.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

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

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

Reason:

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

- 3 You must carry out any work to soil strip around trees T2 and T4 around existing roots by hand or using hand-held tools (other than power-driven tools) and in accordance with the construction methodology set out in the Arboricultural Implications of the Landscaping Works report dated 23 March 2015 . You must protect any roots that are exposed by the work by placing sharp sand around the roots to avoid further damage. (C31GA)

Reason:

To protect the trees and the character and appearance of this part of the Bayswater Conservation Area. 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. (R31DC)

- 4 The tree protection measures as shown on drawing TSP_01 must be installed prior to any demolition, site clearance or building work, and taking any equipment, machinery or materials for the development onto the site. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005.

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)

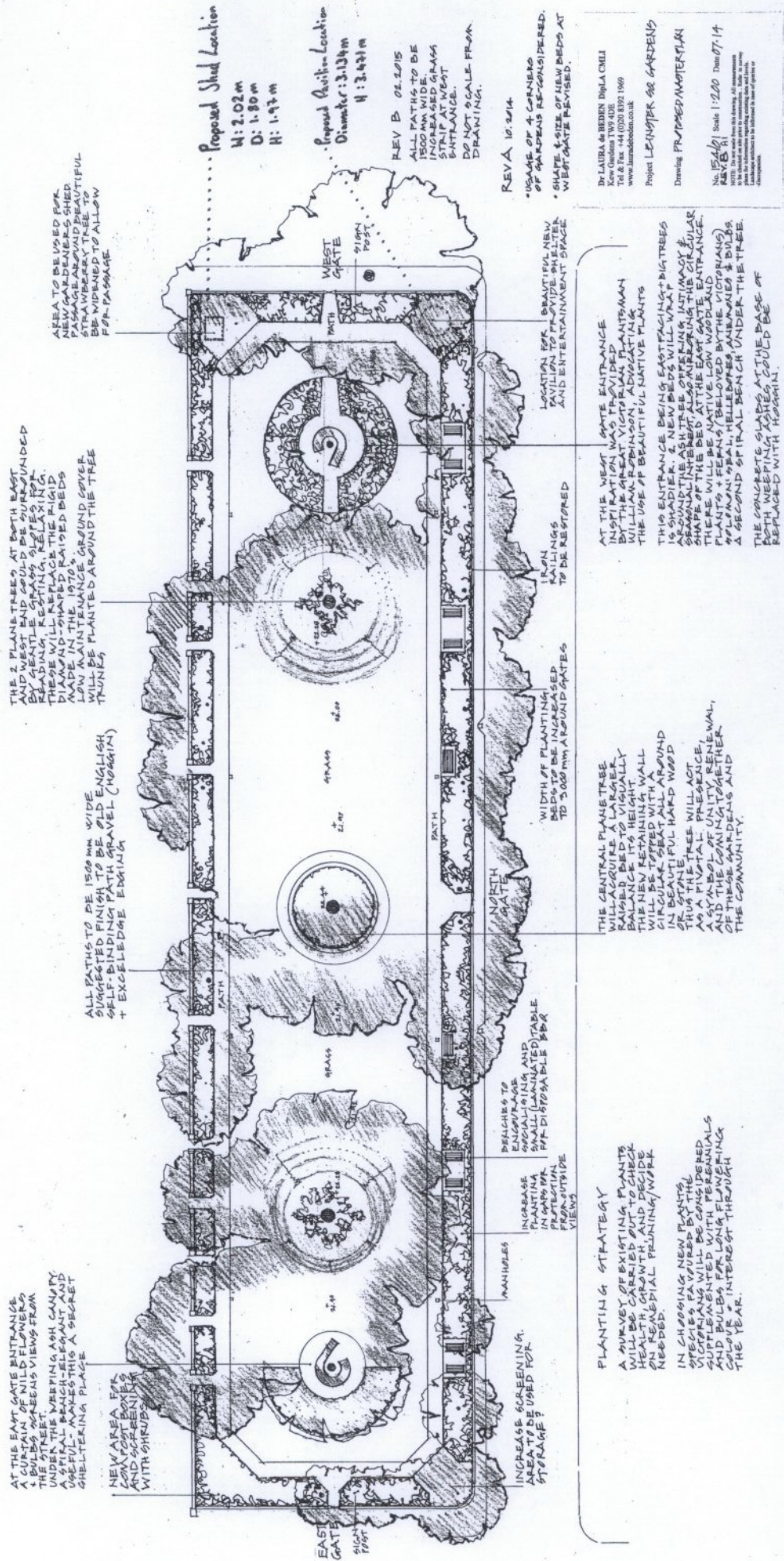
- 5 Despite what is shown on the approved drawings for the gazebo, the rear facades of the gazebo shall be solid.

Reason:

In order to safeguard the privacy of residents in the garden 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.

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 Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start work to soil strip around T2 and T4 trees referred to in condition 3. (I34AA)



AT THE EAST GATE ENTRANCE A CURTAIN OF WILD FLOWERS UNDER THE WEeping ASH CANOPY A SPIRAL BRANCH-ELEGANT AND SHELTERING PLACE

NEW AREA FOR MANICURING AND SCREENING WITH SHRUBS

ALL PATHS TO BE 1500MM WIDE SUGGESTED FINISH TO BE OLD ENGLISH SELF-BINDING PATH GRAVEL (HOGGIN) + EXCELLEDGME EGGING

THE 2 PLANE TREES AT BOTH EAST AND WEST END COULD BE SURROUNDED BY A CURTAIN OF WILD FLOWERS READING RESTING, RELAXING THESE WILL REPLACE THE RIGID DIAMOND-SHAPED RAISED BEDS LOW MAINTENANCE GROUND COVER WILL BE PLANTED AROUND THE TREE TRUNKS

Proposed Shed Location
W: 2.02m
D: 1.80m
H: 1.93m

Proposed Pavilion Location
Diameter: 3.134m
H: 3.423m

REV B 02.2015
ALL PATHS TO BE 1500MM WIDE. INCREASED GRASS ENTICING EAST ENTRANCE DO NOT SCALE FROM DRAINING.

REV A 10.2014

*USAGE OF 4 CORNERS OF GARDENS RE-CONSIDERED.
*SHAPE & SIZE OF NEW BEDS AT WEST GATE REVISED.

Dr LAURA de BREDEN DIBLA CHILI
New Zealand 7500 438
New Zealand 7500 1869
www.lauradibla.co.nz
Project LEINKEP & GARDENS
Drawing PROPOSED MATERIAL
No 15/240 Scale 1:200 Date 07.14
MTR 15/240
This drawing is the property of the author. All measurements are in millimeters unless otherwise stated. The author shall not be held responsible for any errors or omissions.

AT THE WEST GATE ENTRANCE INSPIRATION WAS PROVIDED BY WILLIAM ROBINSON ADVOCATING THE USE OF BEAUTIFUL NATIVE PLANTS THIS ENTRANCE BEING EAST FACING BIG TREES AROUND THE ASH TREE OFFERING INTIMACY & SENSUAL INTEREST ALSO OFFERING THE CIRCULAR ENTRANCE THERE WILL BE AT THE END OF THE PLANTS & FEARS (BELOVED BY THE VICTORIANS) WILMANI SPAL, HELLEBORUS, ANEMONES & BULBS A SECOND SPIRAL BENCH UNDER THE TREE THE CONCRETE SLABS AT THE BASE OF BOTH WEeping ASHES COULD BE REPLACED WITH HOGGIN.

THE CENTRAL PLANE TREE WILL ACQUIRE A LARGER BALANCE TO ITS HEIGHT THE NEW RETAINING WALL WILL BE TOPPED WITH A CIRCULAR PLANT AND AROUND OF STONE FULL HARD WOOD TRUS THE TREE WILL ACT AS A PINNACLE TREES BEHIND AND THE COMING TOGETHER OF THESE GARDENS AND THE COMMUNITY.

PLANTING STRATEGY
A SURVEY OF EXISTING PLANTS WILL BE CARRIED OUT TO CHECK HEALTH, GROWTH, AND DECIDE ON REMEDIAL PRUNING/WORK NEEDED.
IN CHOOSING NEW PLANTS SPECIES FAVOURED BY THE GARDENERS WILL BE CHOSEN AND BUILDS FOR LONG FLOWERING COLOUR & INTEREST THROUGH THE YEAR.

REPAIRING TO ENCOURAGE SOCIALISING AND SMALL ILLUMINATED TABLES IN DISCREET PLACES
INCREASE PLANTING PROTECTIVE FROM OUTSIDE VIEWS
MANICURES
INCREASE SCREENING AREA TO BE USED FOR STORAGE

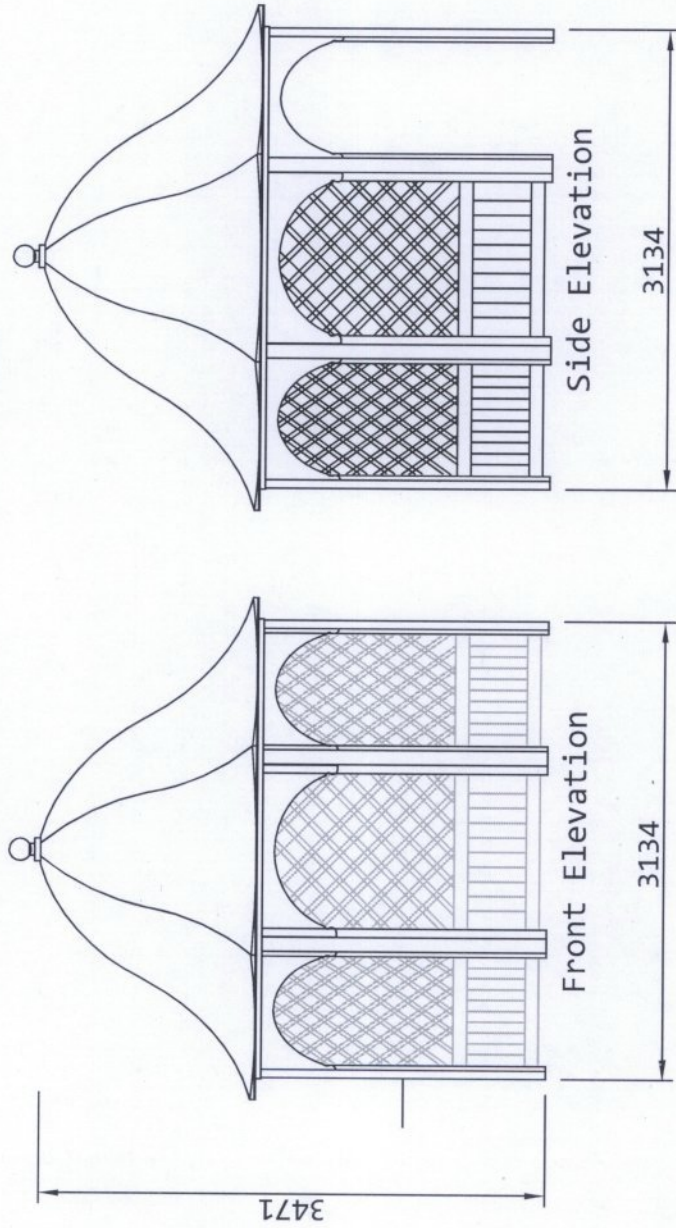
LOCATION FOR BEAUTIFUL NEW PAVILION TO PROVIDE SHED AND ENTERTAINMENT SPACE
RAILINGS TO BE RESTORED
WIDTH OF PLANTING BEDS TO BE INCREASED TO 3000MM AROUND GATES

MANICURES
INCREASE SCREENING AREA TO BE USED FOR STORAGE

REPAIRING TO ENCOURAGE SOCIALISING AND SMALL ILLUMINATED TABLES IN DISCREET PLACES

INCREASE PLANTING PROTECTIVE FROM OUTSIDE VIEWS

Oxborough Gazebo (3000)



Elevation Drawing

Hardwood: Posts, Ring Beam
Birch Plywood: Laminated Rafters, 6mm Roof Decking, Solid Panels
Colour Finish: Water Based Woodstain (Customer Colour)
Other Information: Code 3 Lead.

© HSP Garden Buildings Ltd

Date : 24/05/13
Scale : 1:50
Dimensions : mm



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Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved Warwick	
Subject of Report	93 and 95 Charlwood Street, London, SW1V 4PB		
Proposal	Use of the lower ground floor of Nos. 93 and 95 as two flats, creation of lightwells and associated railings on the Charlwood Street frontage, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults.		
Agent	MV Heritage Consultancy Ltd		
On behalf of	Mr R Kenlock		
Registered Number	15/05600/FULL	TP / PP No	TP/24299
Date of Application	22.06.2015	Date amended/ completed	22.06.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		
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.





93 AND 95 CHARLWOOD STREET, SW1

2. SUMMARY

93 and 95 Charlwood Street are unlisted buildings located in the Pimlico Conservation Area. The site is located on the corner of Charlwood Street, Lupus Street and Winchester Street. At lower ground floor there is an existing two bed flat and at ground floor level there is a hairdressers and a cafe.

Planning permission is sought for the use of the lower ground floor as two flats (1 x 1 bed and 1 x 2 bed), creation of lightwells and associated railings on the Charlwood Street frontage, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults.

A large number of objections to the application have been received on the grounds that the proposed works to create a lightwell outside 93 Charlwood Street will mean that access to the cafe will be hindered as well as use of the outdoor area.

The key issues in the determination of this application are:

- The impact of the proposals in land use terms.
- The impact of the proposals upon the character and appearance of the Pimlico Conservation Area.
- The impact of the proposals upon the amenity of neighbouring properties.

The proposals are considered to be acceptable in terms of land use, design and amenity and accord with Unitary Development Plan (UDP) policies and Westminster City Plan: Strategic Policies (City Plan) policies and are therefore recommended for approval.

3. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

HIGHWAYS PLANNING MANAGER

Objection - The proposal represents a lack of car parking contrary to TRANS23 and does not provide any cycle parking. It would be desirable for the railings at street level to be chamfered.

ENVIRONMENT AGENCY

No objection - Despite the application site being in Flood Zone 3, it is considered to be at a low risk of flooding.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 65; Total No. of Replies: 46.

Six letters of support, 40 letters of objection and one petition with 650 signatures received

Objections raised on the following grounds:

Amenity

- The creation of habitable rooms in pavement vaults and the use of borrowed light from lightwells is inadequate.

Other

- The proposed alterations at street level to 93 Charlwood Street prohibit disabled users from accessing the cafe and the outside area.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site relates to two unlisted buildings located in the Pimlico Conservation Area, although they are noted within the conservation area audit as 'unlisted buildings of merit'. The site is located on the corner of Charlwood Street, Lupus Street and Winchester Street.

4.2 Relevant History

Planning permission was refused on 27 November 2014 for the use of the lower ground floor of Nos. 93 and 95, including the infill extension of the lightwells and vaults and associated works to the Charlwood Street and Lupus Street elevations, to create two residential units (1 x 1 bed and 1 x 2 bed) (Class C3), on the grounds that the proposed ground floor railings were unacceptable in design terms and that the standard of the flat accommodation was unacceptable in terms of light and outlook (14/09779/FULL).

5. THE PROPOSAL

The proposal seeks to change the existing two bed residential unit at lower ground floor to 1 x 1 bed unit and 1 x 2 bed unit. The associated works create a small extension underneath the existing pavement crossover on Winchester Street to allow permanent access to the vaults which are to be incorporated into the one bed flat. An existing pavement light is to be enlarged to allow for additional daylight to the proposed lobby. Access to the one bed flat remains the same as the access to the existing flat. The two bed unit is to be accessed by a new lightwell stair that will be accessed on the Charlwood Street frontage, outside the hairdressers. A further lightwell to this flat is proposed to allow for additional daylight/ventilation to the living area of this flat which is to be located outside the cafe. These lightwells will be surrounded by railings at ground floor level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The subdivision of one large flat to two flats comprising 1 x 1 bed and 1 x 2 bed is considered acceptable, and is in accordance with Policies H3 of the UDP and S14 of the City Plan.

To overcome the previous reason for refusal, a daylight report has been submitted with the application which assesses the levels of daylight the rooms within the two flats are likely to receive. The report concludes that all the rooms assessed will comply with the BRE Guidelines in terms of Average Daylight Factor. The standard of accommodation for both flats is considered acceptable. Since the last application, changes have been made to the 'infilling of the lightwell' on Winchester Street. This now allows for the bedroom in the one bed flat to have an acceptable outlook over the lightwell area, which is typical of basement flats within Pimlico. The two bedroom flat benefits from outdoor amenity space to the rear and this is welcomed.

6.2 Townscape and Design

The main design changes are railings at street level, which are required to guard the proposed lightwells to the two bed unit on the Charlwood Street elevation. Other works include a small extension under the pavement bridge and a replacement pavement light.

The scheme differs to the previous application that was refused, in that the large expanse of railings on the Winchester Street façade have been removed and the extent of railings on the Charlwood Street frontage, notably to No. 93 have been reduced. These works are now considered acceptable in design terms and replicate historic lightwells that are a feature within Pimlico. The proposals are considered to generally match the lightwells and railings seen at 86 Charlwood Street and across the street at 74 Lupus Street.

The small extension underneath the pavement bridge is discreet and not overly visible from street level. The principle of a replacement pavement light is acceptable subject to a condition securing further details. The proposals are considered to comply with DES 1 and DES 5 of the UDP and S28 of the City Plan.

6.3 Amenity

The subdivision of one flat to create two flats does not raise any amenity concerns. The creation of additional lightwells and the installation of railings at street level also raise no amenity concerns.

6.4 Transportation/Servicing

The Highways Planning Manager objects to the proposals on the grounds that the proposal represents a lack of car parking contrary to TRANS23 and does not provide any cycle parking. Comment is also made that it would be desirable for the railings at street level on Charlwood Street that serve the landing to the stair be chamfered so as to reduce the impact on pedestrian movement.

Whilst parking levels are high in this area both at daytime and night time, it is not considered that the creation of one additional unit, representing an increase of one bedroom compared to the existing, would be so detrimental to the current parking levels to warrant refusal.

Cycle parking can be accommodated within the flat or within the lightwell area and this is considered to be sufficient.

The proposed railings and their design follow the established line of the forecourt and are considered to be acceptable in design terms. If chamfered, this would be at odds with the design of the other railings at street level within Pimlico. Their 'square' design would impact no further on pedestrian movement and flow had they have been chamfered.

The proposals are therefore considered to be acceptable in highways terms.

6.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

6.6 Access

There is no level access to the existing café at 93 Charlwood Street and there are no alterations proposed to this threshold as a result of this application. The proposals seek to create a lightwell at street level in front of 93 Charlwood Street to provide natural light and ventilation to the proposed lower ground floor flat. This would remove part of the private forecourt that the café uses for tables and chairs. Objections have been received on the grounds that disabled users use this area on a daily basis and without this they would not be able to use the café or the outside area. The area currently used for tables and chairs, is private land and does not form part of the public highway. Planning permission is not required for the use of this area for placing tables and chairs. The applicant has provided a copy of the lease and the private forecourt does not form part of the café lease. Whilst it is unfortunate that the area for outside tables and chairs is to be reduced, it is not considered that the application can be reasonably withheld on this basis.

6.7 Other UDP/Westminster Policy Considerations

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

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

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

6.8 London Plan

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

6.9 Planning Obligations

The proposal does not raise the need for planning obligations.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

6.11 Other Issues

Not applicable.

6.12 Conclusion

The proposals are considered to accord with the City Council's policies in relation to land use, design and amenity and are recommended for approval.

BACKGROUND PAPERS

1. Application form.
2. Letter from Westminster Society dated 21 July 2015.
3. Memorandum from Environmental Health dated 20 July 2015.
4. Memorandum from Highways Planning Manager dated 21 July 2015.
5. Letter from Environment Agency dated 13 August 2015.
6. Letter received on behalf of owner/occupier of 91 Charlwood Street dated 13 July 2015.
7. Letter received on behalf of owner/occupiers of 2 Winchester Street dated 14 July 2015.
8. Letter received from occupier of 93a Charlwood Street dated 16 July 2015.
9. Letter received from owner of the hairdressers at 95 Charlwood Street dated 21 July 2015.
10. Letter received from owner of 95a Charlwood Street dated 24 July 2015.
11. Letter received from owner of 1b Winchester Street dated 24 July 2015.
12. Letter received on behalf of owner of cafe at 93 Charlwood Street dated 3 August 2015.
13. Letter received on behalf of occupier of 89 Charlwood Street dated 3 August 2015.
14. Letter received from occupier of 49 Bramwell House dated 3 August 2015.
15. Letter received from occupier of 4, 110 Alderney Street dated 3 August 2015.
16. Letter received from occupier of 1 Galliff Close, Ebury Bridge Road dated 3 August 2015.
17. Letter received from occupier of 22 Balderton Flats, Brown Hart Garden dated 3 August 2015.
18. Letter received from occupier of 178 Old Shoreham Road dated 3 August 2015.
19. Letter received from occupier of 30 Knotts Place dated 3 August 2015.
20. Letter received from occupier of 18 Durrell Drive, Cawston dated 3 August 2015.
21. Letter received from occupier of 150a Wandsworth Bridge Road dated 3 August 2015.
22. Letter received from occupier of 36 Sherbourne House dated 3 August 2015.
23. Letter received from occupier of 51a Denbigh Street dated 3 August 2015.
24. Letter received from occupier of Lupus Street property dated 3 August 2015.
25. Letter received from occupier of 3, 56 St George's Drive dated 3 August 2015.
26. Letter received from occupier of 46 Littleton House dated 3 August 2015.
27. Letter received from occupier of 105 St Georges Drive dated 3 August 2015.
28. Letter received from occupier of 802 Howard House dated 4 August 2015.
29. Letter received from occupier of 26 Moore Buildings, Gilbert Street dated 4 August 2015.
30. Letter received from occupier of 113 Livingstone Road, Hove dated 4 August 2015.
31. Letter received from occupier of 7, 39 Sillwood Road, Brighton dated 4 August 2015.
32. Letter received from occupier of 38 Sherbourne House, Abbots Manor dated 4 August 2015.
33. Letter received from occupier of 55 St George's Drive dated 4 August 2015.
34. Letter received from occupier of 60 Cardigan Street dated 4 August 2015.
35. Letter received from occupier of 95 Wincheseter Street dated 4 August 2015.
36. Letters received from occupiers of 5b Peabody Avenue, Sutherland Street dated 4 and 5 August 2015.
37. Letter received from occupier of 35 Ripley House, Churchill Gardens dated 4 August 2015.
38. Letter received from occupier of A, 73 Denbigh Street dated 4 August 2015.
39. Letter received from occupier 51 Wilkins House, Churchill Gardens dated 5 August 2015.
40. Letter received from occupier of 34 Tiller Road dated 5 August 2015.
41. Letter received from occupier 61 Lenthall House, Churchill Gardens dated 5 August 2015.
42. Letter received from previous resident of Pimlico dated 5 August 2015.

43. Letter received from occupier of 22 Hayles Buildings, Elliott Row dated 5 August 2015.
44. Letter received from resident in Gloucester Street dated 6 August 2015.
45. Letter received from occupier of 80 Bereweke, Winchester dated 8 August 2015.
46. Letter received from occupier of 20 West End, Launton dated 8 August 2015.
47. Letter received from occupier of 63 Sancroft Road, Eastbourne dated 8 August 2015.
48. Letter received from occupier of 62 Newport Road, Stafford dated 9 August 2015.
49. Letter received from occupier of 13 Winchester Street dated 9 August 2015.
50. Letter received from occupier of 3 Langdale House, Churchill Gardens dated 9 August 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: 93 and 95 Charlwood Street, London, SW1V 4PB

Proposal: Use of the lower ground floor of Nos. 93 and 95 as two flats, creation of lightwells and associated railings on the Charlwood Street frontage, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults.

Plan Nos: 15/2028/01 B; 15/2028/02 B; Site location plan; Heritage Report dated June 2015; Daylight Report dated June 2015; Planning Statement Summary dated June 2015; Design and Access Statement dated June 2015; Flood Risk Assessment dated September 2014.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of detailed drawings of the following parts of the

development - pavement light on Winchester Street. 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 Pimlico 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 The new railings at street level shall be simple black metal vertical railings and remain in this condition thereafter.

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

- 6 You must apply to us for approval of details of how waste is going to be stored on the site. 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the flats. You must not use the waste store for any other purpose. (C14CD)

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 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.

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 You will 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)
- 4 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)
- 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.

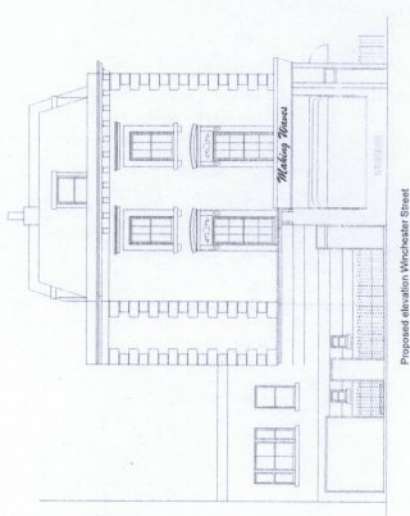
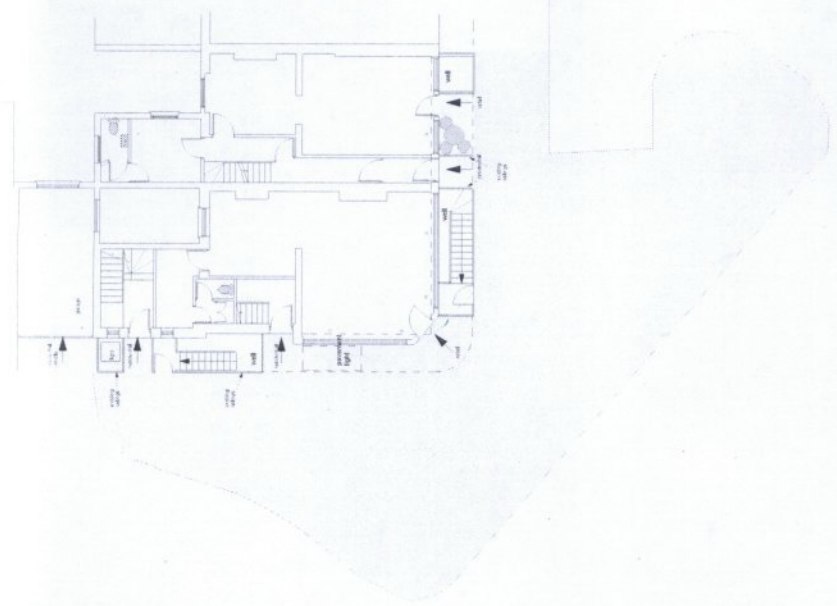
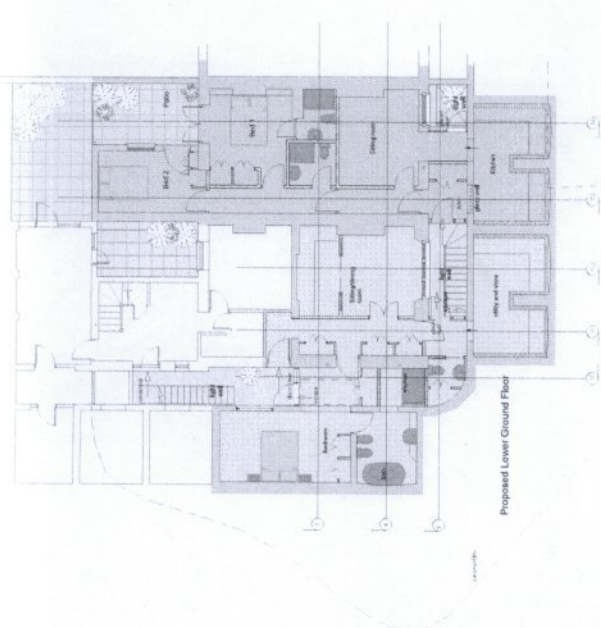
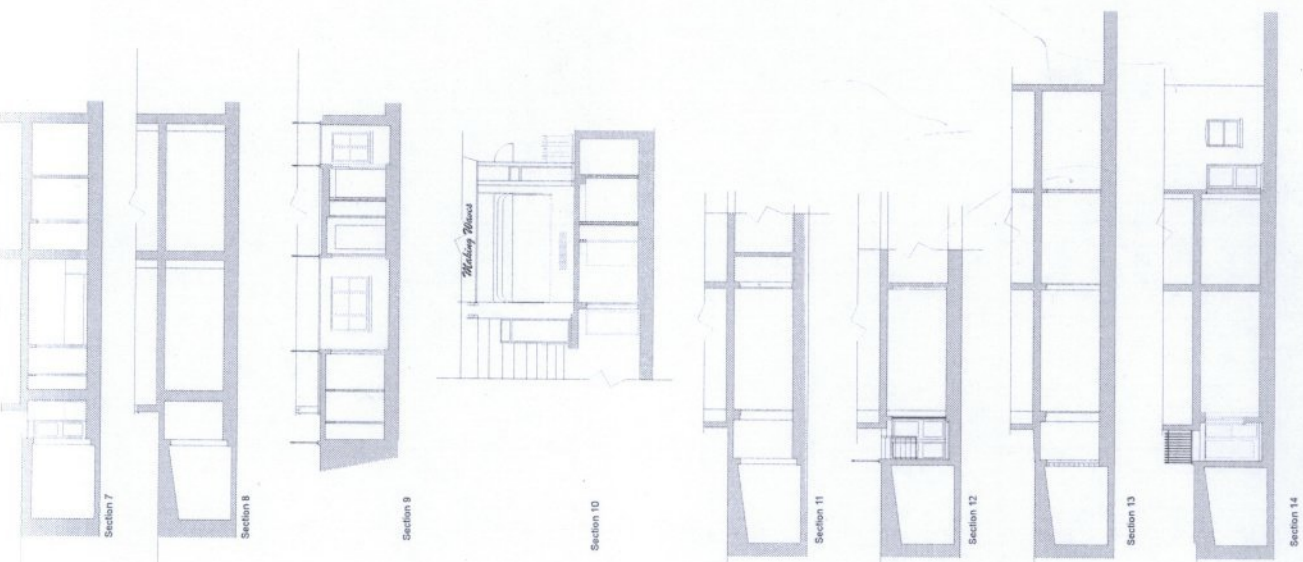
24 Hour Noise Team
Environmental Health Service
Westminster City Hall

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. (I50AA)

- 6 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)



DO NOT SCALE ON WRITTEN DIMENSIONS ARE VALID. ALL DIMENSIONS SHALL BE TAKEN FROM THE ARCHITECT'S DRAWINGS. THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE ARCHITECT'S WRITTEN CONSENT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

Mykings House
Architects
100-102 Winchester Street
London SE17 2SR

PROJECT
93-95 Charwood Street

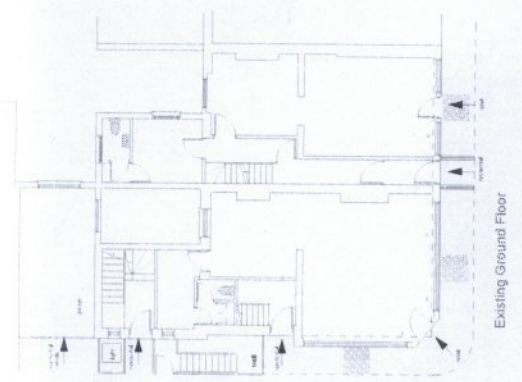
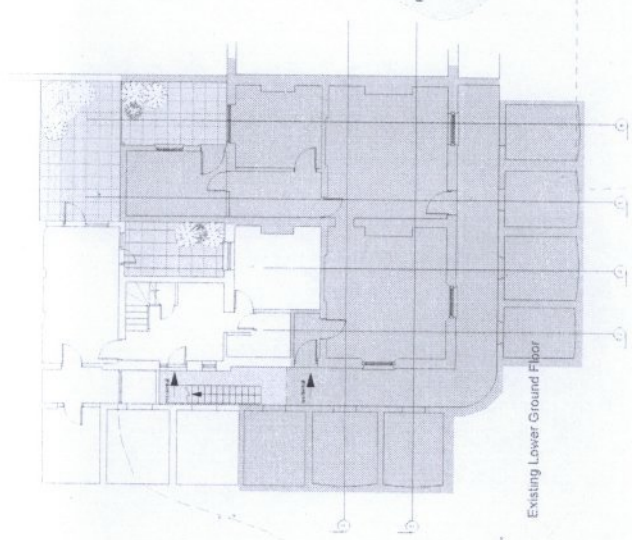
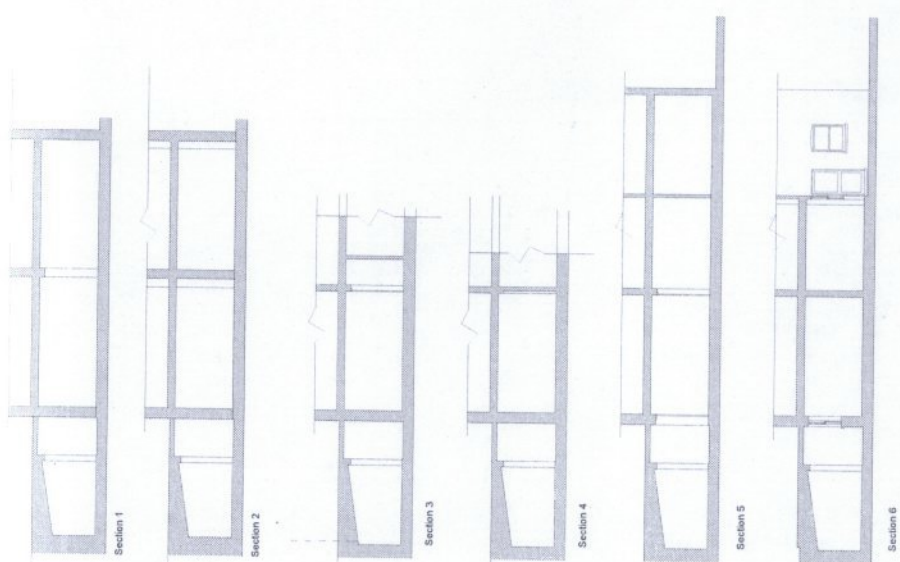
DRAWING
Proposed plans, elevations and sections

DATE
April 2015

DESIGNED BY
15/2028/02

DRAWN BY
B

CHECKED BY
1:100



8 Apr 15 11:45 AM
 15/02/2015
 1:100, 1:250
 15/02/2015
 B
 1:100, 1:250

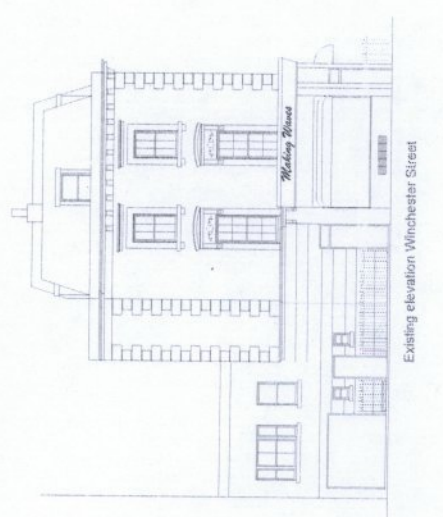
PROJECT
93-95 Charwood Street

DRAWING
 Existing plans, elevations, section
 and location

DATE: April 2015
 DRAWN: 15/02/2015
 CHECKED: 15/02/2015

Scale: 1:100
 Scale: 1:250

Scale: 1:100
 Scale: 1:250



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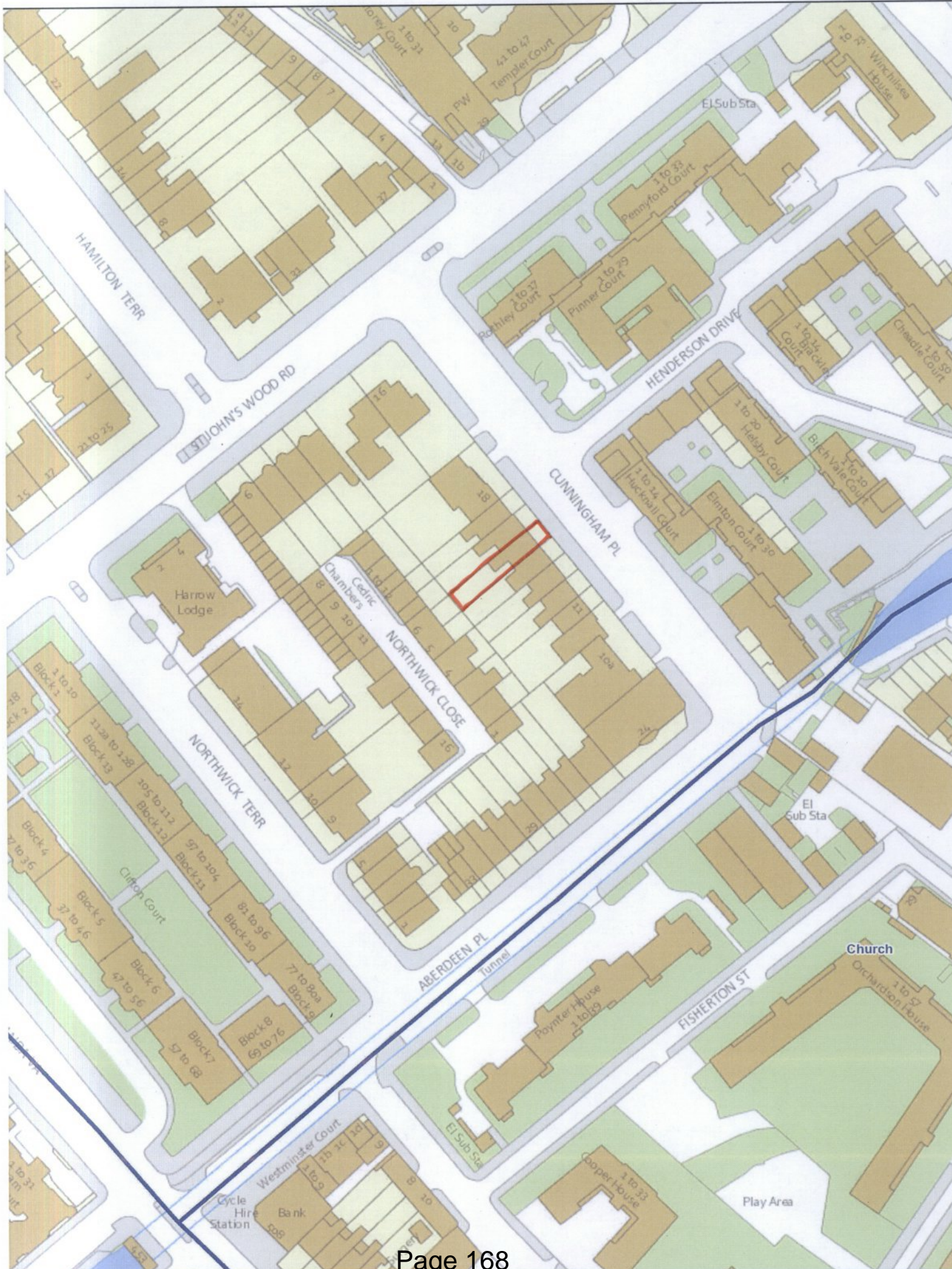
Agenda Item 7

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	15 Cunningham Place, London, NW8 8TJ		
Proposal	Use of the building as a single family dwelling. Excavation of basement in rear garden area with external alterations comprising the erection of single storey infill extension at lower ground floor rear raised terrace with rooflight, and creation of new lightwell to rear elevation of building. Alterations to front boundary wall and lightwell. Replacement windows and door to rear, and internal alterations, including reinstatement of staircase. Removal of trees in rear garden.		
Agent	Studio Webb Architects Ltd		
On behalf of	Mr Rupert Whitten		
Registered Number	15/01446/FULL 15/01447/LBC	TP / PP No	TP/19425
Date of Application	17.02.2015	Date amended	14.04.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
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

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.





15 CUNNINGHAM PLACE, NW8
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2. SUMMARY

15 Cunningham Place is a Grade II listed 19th century townhouse located within the St John's Wood Conservation Area. Planning permission and listed building consent are sought for a single storey rear infill extension and alterations in connection with the excavation of a basement in the rear garden area of the building. Alterations are also proposed to the front boundary, and for the partial enclosure of the front courtyard to create a utility room, in connection with the amalgamation of the lower ground floor flat with the rest of the building to create a single house.

The key issues in this case are:

- The conversion of the property back to a single house.
- Whether the proposed basement will harm the special architectural and historic interest of this Grade II listed house, and preserve the appearance and character of this part of the St John's Wood Conservation Area.
- Whether the internal and external alterations are acceptable in listed building terms.
- The impact of the rear extension on the amenities of neighbours.
- Proximity of the basement in relation to the mature tree in the rear garden of No. 16 Cunningham Place.

The application has been amended to reduce the footprint of the basement and remove the ground floor extension.

The revised proposal is considered acceptable in listed building, design, and residential amenity terms and it is recommended that the applications are approved subject to conditions.

3. CONSULTATIONS

Original Submission

ST JOHN'S WOOD SOCIETY

Objection raised on the following grounds:

- Overdevelopment of site.
- Loss of trees.
- Size and scale of proposed basement which extends under two thirds of the garden.
- Excessive rooflights.
- Rear extension is a glazed box and projects above the boundary wall and will create a sense of enclosure to the neighbour.
- Railings should be traditionally fixed in to the coping stone.

HIGHWAYS PLANNING MANAGER

Proposal is acceptable on transportation grounds.

THAMES WATER

Comments relating to water infrastructure.

ENVIRONMENTAL HEALTH

Concerns relating to light levels in proposed basement.

BUILDING CONTROL

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Proposal is acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 30; Total No. of Replies: 19.

Consultation on initial scheme:

Thirteen letters of objection (including five letters from one resident), two neutral comments, four letters of support.

Design Issues

- Lightwell out of character with host building.
- Excavation of basement would disrupt hierarchy of the building and room spaces.
- Rooflights and lightwells are not complimentary in design terms to the appearance of the Grade II listed building.

Amenity Issues

- Concern about light pollution from proposed lightwells.
- Insufficient information about noise and ventilation for basement.

Arboricultural Issues

- Concern about impact of works on Chestnut tree in rear garden and impact on surrounding trees to rear garden.

Other Issues

- Concern about inaccuracy of plans provided by applicant.
- Information missing from initial submission.
- Concern about insufficient consultation and incorrect process in initial consultation period.
- Impact of basement excavation on potential subsidence and flooding.
- Flood risks associated with basement excavation.
- Adverse impact of construction works, insufficient information regarding party wall agreements.
- Concern about works to walls to front and rear of building.

Letters of support

- Proposal will support family cohesion by providing family sized accommodation.
- Improvements to appearance of street scene.
- Proposal considered to maximise potential of site given constraints.

Third consultation

Any further responses to be reported verbally.

Revised scheme (9 September 2015)

ST JOHN'S WOOD SOCIETY

To be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 19. No replies received to date.

Any further responses to be reported verbally.

ADVERTISEMENT/SITE NOTICE: Yes ...

4. BACKGROUND INFORMATION

4.1 The Application Site

15 Cunningham Place is a Grade II listed building within the St John's Wood Conservation Area. The property is currently divided into two units, with a self-contained flat at lower ground floor level and a larger family sized unit on ground, first, second and third floors.

4.2 Relevant History

Planning permission and listed building consent were granted in 1994 for the subdivision of the building that exists at present (94/01842/FULL and 94/01843/LBC). Following this, two applications were refused in 2001 (references 00/089333/FULL and 01/07003/FULL) for the erection of a conservatory and a second floor rear extension with associated roof terrace. Both were refused on design grounds and, in the case of the roof terrace, its impact on residential amenity.

5. THE PROPOSAL

The proposed development has been altered in the course of its consideration. Previous elements of the scheme including a single storey extension at ground floor level have been removed and the size of the basement has been reduced to ensure a larger area of garden is retained and to reduce the impact of the proposals on surrounding trees.

The works now under consideration comprise:

- The amalgamation of the flat at lower ground floor level with the maisonette above to return the building to a single family dwelling.
- Alterations to the front boundary of the property to create a new boundary wall and gate.
- Partial infill of the existing front courtyard to create a utility room.
- External alterations to the rear of the property to create a lower ground floor rear infill extension with rooflights, new external lightwell immediately abutting the rear closet wing.
- A new basement level beneath part of the rear garden creating a study/media room, connected to the main building.
- Associated internal alterations to the plan form of the building to facilitate the amalgamation of the two units.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal to amalgamate the existing one bedroom unit at lower ground floor level with the larger unit above would return this Grade II listed building to its original use as a single family dwelling. Whilst the proposal will result in the loss of a residential unit, Policy S14 of the City Plan specifically states that proposals involving the amalgamation of existing flats to return a building to its original use as a single dwelling will be acceptable in principle. As such, the

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proposal and the associated extension to the residential accommodation being provided are considered to comply with Policies S14 of the City Plan and H3 of the UDP.

An objection has been raised by the St John's Wood Society on overdevelopment grounds, but it is not considered that the revised basement and rear extension represent an undesirable intensification of the site.

6.2 Townscape and Design

Located on the west side of Cunningham Place, No. 15 forms part of a wider terrace of Grade II listed early 19th century townhouses within the St John's Wood Conservation Area.

Comprising lower ground, ground and three upper storeys, the property exhibits a classical Georgian two-bayed facade with stuccoed lower ground and ground floors, with segmental-arched sash windows, iron balcony at first floor with a distinctive heavy cornice above second floor. Consistent with the wider terrace, the property terminates with a parapet which conceals a traditional butterfly roof. It is evident that minor alterations have occurred to the rear, however, its original form and details have mostly been retained.

6.2.1 Basement

The principle of introducing a basement under the rear garden is considered to be acceptable in historic building terms. The basement would form a subservient ancillary space accessed from the main building via the infill extension at the rear of the property. It is considered to be a sensitive addition that provides additional habitable living space with minimal alterations to the external appearance of the building and will not harm its special architectural and historic interest.

The walk on rooflight proposed adjacent to the rear elevation is considered to be uncharacteristically large in scale in light of the adopted supplementary planning guidance on Basement Development in Westminster. An amending condition has been added to require the rooflight to be reduced in size, with further guidance given in an Informative on how to achieve this.

6.2.2 Rear infill extension

Alterations are proposed to the rear elevation to facilitate the enlarged basement area. This involves the construction of a raised terrace within the infill between the closet wing and the boundary of 14 Cunningham Place, and a lightwell adjacent to the rear closet wing extension.

Accessing the basement from within an infill extension is considered to be sympathetic to the significance and interpretation of the heritage asset, therefore the principle of a single storey infill extension is considered to be acceptable. Whilst it is acknowledged that the extension projects beyond the built line of the closet wing, due to the change in ground levels and introduction of an external lightwell, the interpretation of the historic core is maintained.

The replacement of the modern fenestration on the rear elevation of the closet wing is acceptable in design terms, subject to the detailed design which can be reserved via condition.

6.2.3 Front lightwell

Works to the front courtyard are proposed involving the creation of a utilities store, upgrading

the staircase and the introduction of railings to the front elevation. This reconfiguration facilitates the return of the building to its use as a single family dwelling and also enables an enclosed secure utility room/bike store to be constructed to the front of the property. This will be covered by planters.

Regarding the front railings, the proposals shown on the plans require amendment to be acceptable in design terms. To be consistent with the appearance of the street, the brick courses will need to be lowered and higher railings installed to be consistent with other parts of the terrace. These changes are set out in an amending condition.

The courtyard area was previously altered to facilitate the sub-division of the building into flats. The appearance of the revised courtyard is acceptable and fairly consistent with other buildings of this age and appearance. As such, it is acceptable in listed building and design terms, subject to additional detail of the materials and detailed design being required by condition.

6.2.4 Internal alterations

The internal plan form of the lower ground floor level has been compromised to some extent due to its separation from the upper floors. The reinstatement of the basement stairs in its historic location is welcomed. The associated works, which involve lowering the floor by one step at ground floor level are considered to be acceptable as this arrangement is not uncommon in buildings of this style and age, plus the benefit of the reinstatement of the staircase is considered to outweigh the loss of any fabric in the hall.

Regarding the lower ground and upper floors, the proposals on these floors relate to modern partitions and therefore their removal/alteration is considered to be acceptable. The retention and sealing off of existing doors is welcomed as this aids the interpretation of the historic plan form.

In the closet wing it is proposed to insert French doors on the side elevation. These alterations are considered to have a limited impact on the significance of the heritage asset as the interpretation of the plan form will remain through the retention of nibs.

Overall, the amended proposals are considered to meet the objectives of Policies S25 and S28 of the City Plan and DES 1, DES 5, DES 9 and DES 10 of the UDP.

6.3 Residential Amenity

Concerns were originally expressed that the originally submitted scheme involving a ground floor infill extension would result in a loss of daylight and sunlight to No. 14 Cunningham Place, but following the deletion of the ground floor infill extension, this concern has been addressed. The works now under consideration would not result in any significant impact on the daylight and sunlight of neighbouring residents.

The proposed raised ground floor terrace adjacent to No. 14 Cunningham Place, has the potential to result in overlooking over the existing boundary wall shared between No. 14 and 15 Cunningham Place to a greater extent than exists at present. The applicant proposes to address this by constructing a timber trellis fence on top of the existing boundary wall to a height of 2.15m from ground level. This arrangement is fairly typical of boundary walls and would not create an unacceptable loss of light or sense of enclosure for the neighbouring resident.

Concerns have been expressed that no details of ventilation have been provided for the basement excavation. The plans do not depict plant, and the applicant has confirmed this is the case, and this is reflected in an Informative.

The application is considered to be acceptable in amenity terms, meeting the requirements of S29 of the City Plan and ENV13 of the UDP.

6.4 Highways/Parking Issues

None relevant.

6.5 Equalities and Diversities

Not relevant.

6.6 Economic Considerations

Not relevant.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposals do not raise strategic issues.

6.9 National Policy/Guidance Considerations

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

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

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

6.10 Planning Obligations

The development is of insufficient scale to require planning obligations.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

A number of objections to the original application drew attention to the overall size of the rear

basement proposed, which comprised a large amount of the rear garden. The Supplementary Planning Guidance Document 'Basements' supports an undeveloped margin of garden land to be retained in new developments, and a 1.2 metre deep soil covering any additional basement excavation. The applicant has amended the application to comply with this guidance.

There are a number of small trees within the existing rear garden. These trees are not of any value regarding the conservation area in which they are located and the Arboricultural Manager does not object to their loss, subject to satisfactory replacement landscaping which is to be dealt with by condition. There are a number of trees in the vicinity of the site, including a Sycamore tree in the rear garden of No.16 Cunningham Place which is covered by a TPO. The adjacent owner, and a number of other residents objected to this application expressing concerns that the proposed works to excavate the basement would result in damage to this tree.

On the advice of the Arboricultural Manager, the applicant has amended the application to reduce the size of the basement which is considered to be an acceptable distance (10 metres) from the Sycamore tree. The proposal as amended is considered to address the concerns of the neighbouring resident.

6.12 Other Issues

6.12.1 Basement Excavation

The Council does not currently have a specific planning policy relating to basement development but is working with local residents to develop one in revising our adopted City Plan to incorporate detailed policy. Until this plan has been adopted, the Supplementary Planning Document 'Basement Development in Westminster', adopted 24 October 2014 is relevant and has been taken into account in the assessment of this planning application.

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

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

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

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

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

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

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

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

6.12.2 Construction Management

The applicant has submitted a revised Construction Management Plan which is considered acceptable in highways and amenity terms and this will be secured by condition.

6.12.3 Accuracy of plans

The neighbouring resident has made a number of allegations stating that the proposals are misleading and inaccurate, particularly in respect of the design and access statement. Following discussion with officers, the applicant has reviewed the application materials and made minor amendments and a further period of consultation was undertaken. The applicant states that the existing plans were drawn to an accurate survey, discrepancies may exist between measurement of rooms on the application site and those on adjoining properties but no evidence has been presented to suggest that there are material inaccuracies in respect of the information that has been submitted.

The site location plan reflects the area to which the application relates. Concern is also raised regarding the accuracy of the arboricultural report. Regarding this, the report submitted by the applicant is considered to be sufficiently detailed to meet the relevant technical standards to enable an assessment to be made regarding the principle of this development. Further details relating to tree protection measures are required by condition. Overall, the drawings and supporting information that have been submitted by the applicant to describe this application are of a standard consistent with other similar applications for planning permission for projects of this nature and are considered to meet national and local information requirements. No evidence has been presented to the Council to suggest that there are inaccuracies that may be material to the determination of this application.

The works involve alterations to the respective party walls to both the front and rear of the property. These have been assessed on the basis of the proposed plans, which show altered boundary walls to the rear with an extended timber trellis fencing measuring 2.15m high facing 16 Cunningham Place and a similar height to the boundary with 14 Cunningham Place. For the reasons discussed previously in this report, a two metre high garden boundary wall is a fairly typical arrangement and would not have a material impact on the amenity of the neighbouring residents.

The proposed works involve operations and alterations to land outside the ownership of the applicant. Legally the applicant can apply for planning permission and listed building consent to land including buildings and fixtures outside its ownership. The applicant submitted a Certificate B on 3 March 2015 notifying the respective ownership interests of the proposed development, in line with the provisions of planning law. Any works taking place to land outside the ownership of the applicant necessary to implement this permission would be a matter of negotiation between the parties concerned, and it is for the applicant to comply with all relevant legislation relating to construction activity particularly where it involves works to land and buildings outside its ownership. The concerns expressed by the neighbouring resident have been followed up in as far as it is possible to do so in the context of determining these applications.

7. CONCLUSION

In summary, the proposed development is considered to be acceptable in design and conservation, amenity, transportation and environment terms and would accord with the relevant policies in the City Plan and UDP. As such, the applications are recommended for approval, subject to the conditions set out in the draft decision letters.

BACKGROUND PAPERS

1. Application forms
2. Objection letter from St John's Wood Society dated 7 April 2015.
3. Response from Highways Planning Manager dated 17 March 2015
4. Response from Thames Water dated 25 March 2015.
5. Response from Environmental Health (undated).
6. Response from Arboricultural Manager dated 18 August 2015
7. Response from Arboricultural Manager dated 7 September 2015
8. Response from occupier of 16 Cunningham Place dated 12 March 2015.
9. Response from occupier of 16 Cunningham Place dated 14 March 2015.
10. Response from occupier of 4 Northwick Close dated 16 March 2015.
11. Response from occupier of 15 Cunningham Place dated 19 March 2015.
12. Response from occupier of 16 Cunningham Place dated 20 March 2015.
13. Response from occupier of 3 London dated 22 March 2015.
14. Response from occupier of 27 Aberdeen Place dated 23 March 2015.
15. Response from adjoining resident dated 23 March 2015.
16. Response from occupier of 16 Cunningham Place dated 25 March 2015.
17. Response from resident of Cedric Chambers, Northwick Close dated 24 March 2015.
18. Response from occupier of 16 Cunningham Place dated 25 March 2015.
19. Response from occupier of 9 St John's Wood Road dated 26 March 2015.
20. Response from occupier of 16 Cunningham Place dated 27 March 2015.
21. Response from occupier of 26 Aberdeen Place dated 30 March 2015.
22. Response from 14 Cunningham Place dated 23 April 2015.

- 23. Response from 17 Cunningham Place dated 30 April 2015.
- 24. Response from 12 Cunningham Place dated 1 May 2015.
- 25. Response from John Lyons Charity dated 7 May 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 15 Cunningham Place, London, NW8 8TJ
- Proposal:** Use of the building as a single family dwelling. Excavation of basement in rear garden area with external alterations comprising the erection of single storey infill extension at lower ground floor rear raised terrace with rooflight, and creation of new lightwell to rear elevation of building. Alterations to front boundary wall and lightwell. Replacement windows and door to rear, and internal alterations, including reinstatement of staircase. Removal of trees in rear garden.
- Plan Nos:** Site Location Plan, S.00, GE.01, GS.00 rev B, GA.00 rev B, GA.01 rev B, GE.00 rev B, GA.02 rev A, GA.03 rev A, EX.00, EX.01, EX.02, EX.03, EX.04, EX.05, DE.00 rev A, DE.01 rev A. Construction Management Plan (Rev A) Heritage Statement, Design and Access Statement (revised). For information only: Arboricultural Report by Sylva Consultancy (received 17 April 2015). Structural Engineering report and construction method statement by Cambridge Architectural Research, Site investigation plans by Chelmer site investigations.

Case Officer: Neil Holdsworth

Direct Tel. No. 020 7641 5018

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

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

You must carry out basement excavation work only:

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

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2018 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AG)

- 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 You must apply to us for approval of detailed drawings, including sections, of the following parts of the development

- new doors and windows

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 these 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 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 You must apply to us for approval of detailed drawings, sections and elevations of the following parts of the development

- new railings to ground floor front elevation, including internal railings leading down to the lower ground 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 details (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)

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

- rooflight on ground floor of rear extension reduced in size

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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)

- 7 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to 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)

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within of completing the development (or within any other time limit we agree to in writing).

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

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the 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)

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- revisions to the boundary treatment on the front elevation to show a lowered brickwork wall with larger railings, matching other front boundaries along this side of Cunningham Place.
- You must not start on these parts of the work until we have approved what you have sent us.
You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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)

- 10 The development shall be carried out in accordance with the approved Construction Management Plan (CMP), unless an alternative CMP is submitted to and approved by the City Council as local planning authority.

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 In respect of condition 6, you are advised that as proposed the obscure glazed rooflight projects from the rear elevation down the side of the closet wing and is uncharacteristically large in scale. In order to reduce the visual impact on the rooflight and maintain the setting of the heritage asset it is recommended that the scale of the rooflight is reduced or it is introduced in a narrow L-plan around the footprint of the rear elevation. To meet the requirements of this condition you must submit a smaller rooflight amended in line with this advice.
- 3 Our approval is based on Chelmer Site investigations structural engineering scheme dated 29 January 2015. Because of the professional qualifications of this company we have not done any double-checking or appointed our own consultant engineers. We are relying on the knowledge and qualifications of your consultants. You and the consultants are responsible for carrying out the work in a way that will cause as little disturbance to the listed buildings as possible.

You must send us any changes you want to make to the approved structural engineer's scheme so that we can approve them under the terms of condition 1. (I89AA)

- 4 This permission has been granted on the basis that the proposed basement is to be naturally ventilated. Should you proposed mechanical ventilation, you may need to apply for planning permission.
- 5 In respect of condition 9 you are advised that the proposed retention of the existing front boundary wall with a small set of railings is not considered to be acceptable as it would be of different proportions to other boundary wall/railing combinations found along this part of Cunningham place. If you want to amend the boundary wall, you are advised to reduce its height and introduce larger railings. The drawings should also show revised alterations to front brick piers consistent with others along Cunningham Place.
- 6 Some of the trees adjacent to 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 2922.
- 7 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 8 Please read the following.
 - * British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction
 - * National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)
 - * Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)

DRAFT DECISION LETTER

Address: 15 Cunningham Place, London, NW8 8TJ

Proposal: Excavation of basement in rear garden area with external alterations comprising the erection of single storey infill extension at lower ground floor rear to creating raised terrace with rooflight, and creation of new lightwell to rear elevation of building. Alterations to front boundary wall and lightwell. Replacement windows and door to rear, and internal alterations to create a single family dwelling, including reinstatement of staircase.

Plan Nos: Site Location Plan, S.00, GE.01, GS.00 rev B, GA.00 rev B, GA.01 rev B, GE.00 rev B, GA.02 rev A, GA.03 rev A, EX.00, EX.01, EX.02, EX.03, EX.04, EX.05, DE.00 rev A, DE.01 rev A.

Case Officer: Neil Holdsworth

Direct Tel. No. 020 7641 5018

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 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 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)

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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)

- 4 All new outside rainwater and soil pipes must be made out of metal and painted black. (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 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)

- 5 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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 You must apply to us for approval of detailed drawings, sections and elevations of the following parts of the development

New railings to front elevation.

You must not start work until we have approved what you have sent us.

You must then carry out the work according to these details (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 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)

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

- revisions to the boundary treatment on the front elevation to show a lowered brickwork wall with larger railings, matching other front boundaries along this side of Cunningham Place.

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 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)

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

- rooflight on ground floor of rear extension reduced in size

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:

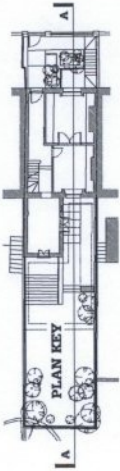
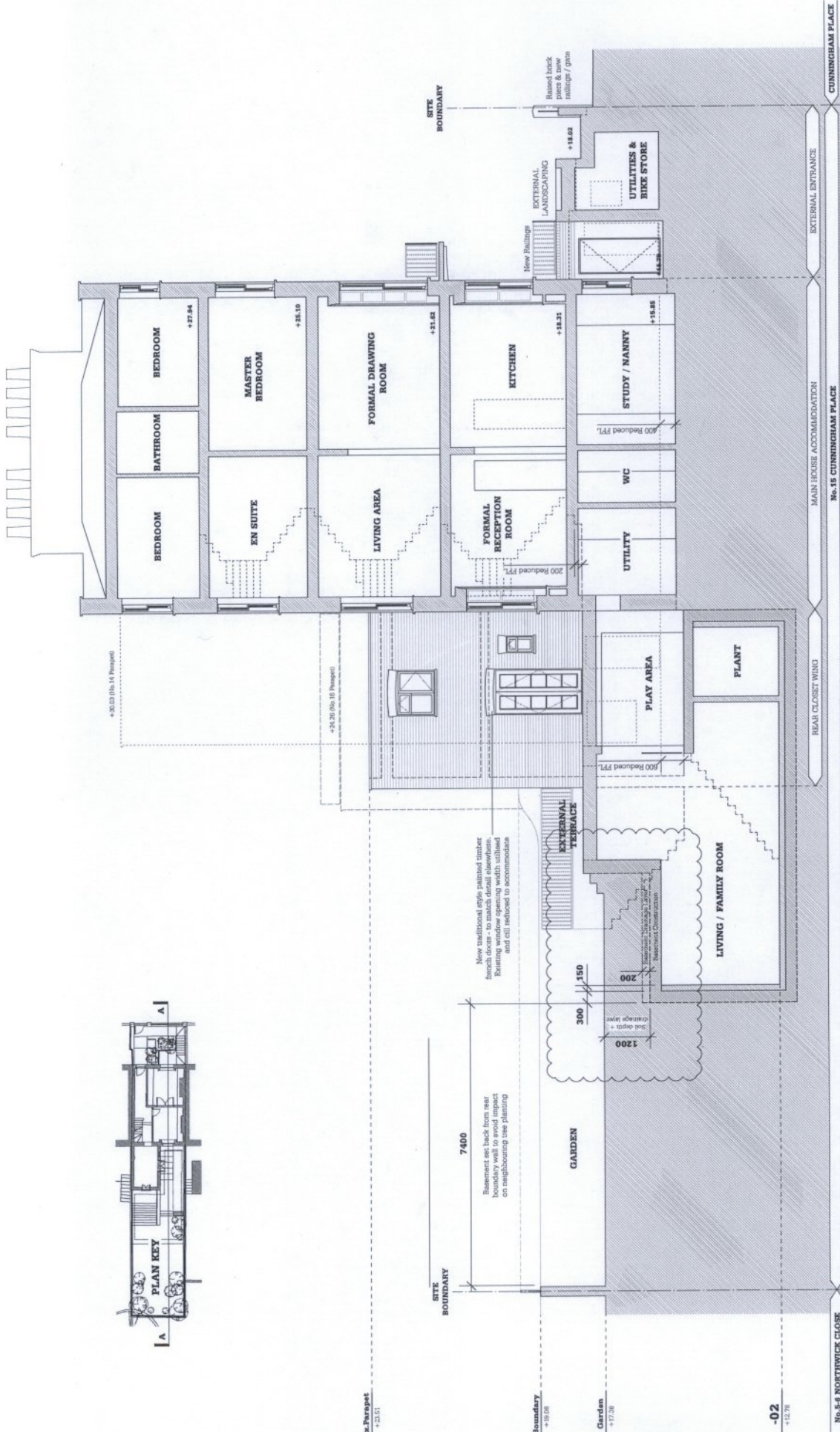
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning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

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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.



SECTION A-A (PROPOSED) SCALE 1:100 @ A3

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FOR
Rupert Whitten

SCALE 1:100 @ A3



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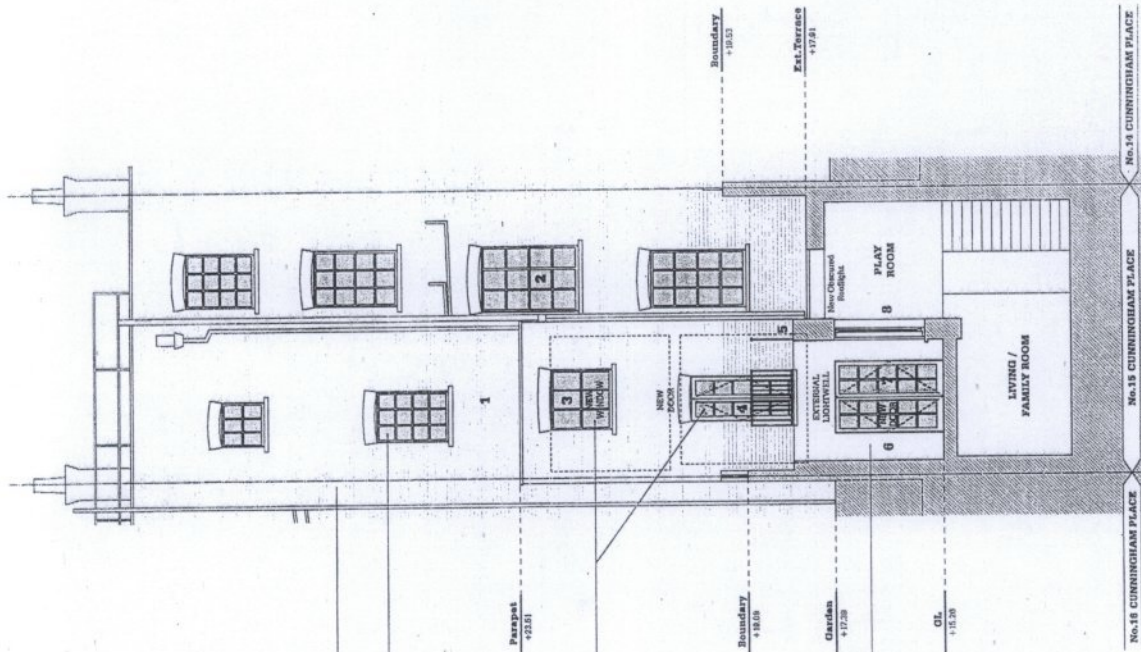
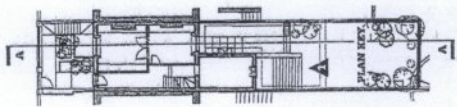


REV	DATE	REVISION NOTES
A	31.07.15	Basement / Full Amendments
B	20.08.15	Basement / Drainage Layer Slab

PROJECT NAME
15 Cunningham Place, NW8 8JT

DRAWING TITLE	Section A-A (Proposed)
PROJECT NO.	14618
DATE	02.2015
ISSUE NO.	B
REVISION	PLANNING APPLICATION

DRAWING NO.
08.00



Existing brickwork to main house & closet wing is to be retained.

Upper level existing painted timber sash windows are to be retained

Existing "hooded" windows and french doors to the closet wing rear facade are to be removed (structural openings retained), and new painted timber sash / french doors installed

New external light-well formed to garden area. Windows to be retained to match low level detailing elsewhere to the listed block. New painted timber french doors and window are proposed.

Schedule of Materials

- 1 Yellow / brown facing brickwork (Piemish Bond, Imperial Bricks) - Existing retained
- 2 Painted timber sash windows (white) - Existing retained
- 3 Painted timber sash windows (white) - replacement unit to match existing windows to rear facade
- 4 Painted timber double french doors (white) - replacement unit
- 5 Black painted metal railings
- 6 Bonded wall face (white) - to match existing low level treatments elsewhere
- 7 Painted timber double french doors (white)
- 8 Painted timber forest window unit

REAR ELEVATION 01 (PROPOSED) SCALE 1:100 @ A3

FOR
Rupert Whittan

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SCALE / PAPER SIZE
1:100 / A3



PROJECT NAME
18 Cunningham Place, NW8 8JT

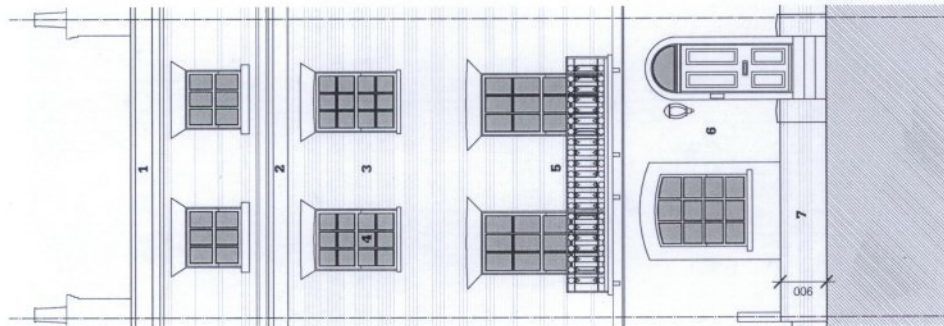
DRAWING TITLE
Rear Elevation 01 (Proposed)

PROJECT NO
14018

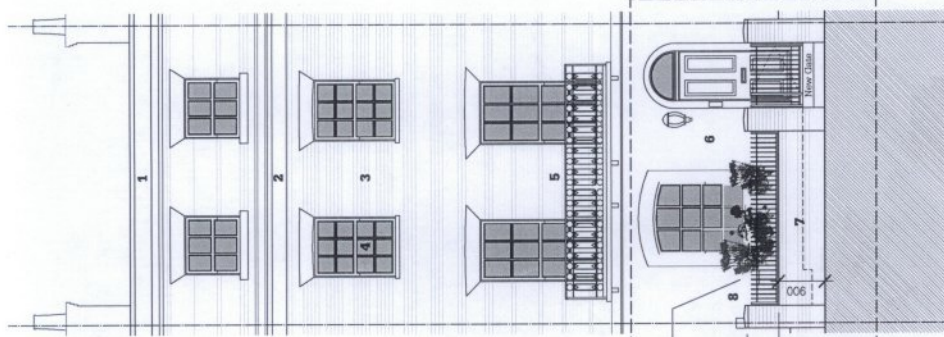
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GE.00

DATE

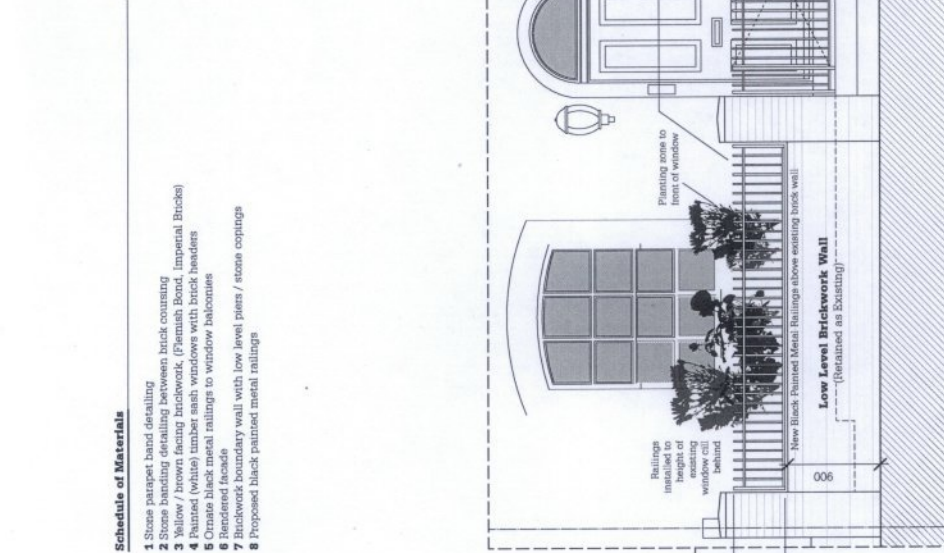
REVISION



FRONT ELEVATION (EXISTING) SCALE 1:100 @ A3



FRONT ELEVATION (PROPOSED) SCALE 1:100 @ A3



FRONT BOUNDARY ELEVATION (PROPOSED) SCALE 1:50 @ A3

Schedule of Materials

- 1 Stone parapet band detailing
- 2 Stone banding detailing between brick coursing
- 3 Yellow / brown facing brickwork, (Purbeck Bond, Imperial Bricks)
- 4 Painted (white) timber sash windows with brick headers
- 5 Orange brick metal railings to window balconies
- 6 Handmade brick
- 7 Black painted boundary wall with low level piers / stone copings
- 8 Proposed black painted metal railings



REV	DATE	REVISION NOTES

PROJECT NAME 15 Cunningham Place, NW8 8JT	DRAWING TITLE Front Elevation (Existing & Proposed)	DRAWING NO GE.01
PROJECT NO 14018	DATE 02.2015	REVISION
STATUS PLANNING APPLICATION		



Agenda Item 8

Item No.
8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved Knightsbridge And Belgravia	
Subject of Report	6-7 Bolney Gate, Ennismore Gardens, London, SW7 1QW		
Proposal	Extension to single family dwelling including excavation at lower ground floor level beneath terrace area to rear and erection of single storey extension at rear ground floor level with roof terraces above.		
Agent	JCL Planning		
On behalf of	Smech Management Co Ltd		
Registered Number	14/12804/FULL	TP / PP No	TP/1733
Date of Application	18.12.2014	Date amended/ completed	29.12.2014
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





6-7 BOLNEY GATE, ENNISMORE GARDENS, SW7

2. SUMMARY

6-7 Bolney Gate is a single family dwelling comprising of lower ground, ground, first to fourth floor levels. The building is not listed and is located outside of a conservation area. To the rear of the building is a raised terrace area and beyond that a communal garden area which is accessed by the application site and from Ennismore Gardens via a private gate.

Permission is sought for the extension of the existing single family dwelling including excavation at lower ground floor level beneath the terrace area to the rear and erection of a single storey extension at rear ground floor level with roof terraces above.

The key issues in this case are:

- The impact of the proposals on the residential amenity of neighbouring occupiers.
- The impact of the proposed works on the character and appearance of the area.

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

3. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION

No objection.

BUILDING CONTROL

Structural method statement is considered to be acceptable.

ENVIRONMENTAL HEALTH

No objection.

ARBORICULTURAL MANAGER

No objection subject to conditions to protect trees at street level and during construction phase.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 60; Total No. of Replies: 18.
(Two from the freeholder of 1-7 Bolney Gate).

Amenity

- Loss of sunlight.
- Noise, dust and vibrations due to excavation works.
- Noise from existing condensers.
- Limit hours of building work.
- Overlooking by workmen into adjacent flats at Kingston House South.

Basement excavation

- Timeline for works.
- Objection to formation of a basement.

Highways

- Access to garage space in adjoining building will be blocked by construction vehicles.

- Suspension of residents parking bays.
- Obstruction as a result of construction traffic.

Other

- Disruption caused by skip deliveries and collections.
- Security risk caused by workmen.
- No consent given by landlord of Kingston House South for drilling and soil sampling.
- Works will cause pedestrian obstruction.
- Inconsistency in consultation undertaken for similar applications at Nos. 1 and 4 Bolney Gate.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

6-7 Bolney Gate is a single family dwelling comprising of lower ground, ground and first to fourth floor levels. There is a level change within the building and the rear of the site. On entering the building there is a small ground floor hallway with steps leading down to the lower ground floor area and steps leading up to the first floor area which provides access to the living areas at first floor level and onto the raised first floor terrace area. Due to this level change the first floor terrace when viewed from the rear of the site from the communal gardens reads as the ground floor level.

To the rear of the building beyond the raised terrace area is the communal garden area which is accessed directly from the application site and from Ennismore Gardens via a private gate adjacent to No. 7.

The building is unlisted and is located outside of a conservation area.

4.2 Relevant History

There is no relevant planning history in relation to Nos. 6-7.

However, similar proposals have been submitted and granted for Nos. 1 and 4 Bolney Gate respectively.

1 Bolney Gate

Planning permission has been submitted for the extension at lower ground floor level to create kitchen, family room, including excavation under the ground floor rear patio and conservatory; and external alterations to the lower ground floor rear elevation and installation of walk on roof lights to patio and relocated external stair to the rear communal garden (15/04913/FULL). This application is currently under consideration by the Council.

4 Bolney Gate

Planning permission was granted on the 23 April 2014 for the extension to lower ground floor kitchen to create a family room including excavation under the existing first floor rear patio and conservatory at upper ground floor level; and extension to existing roof lights to patio and relocation of staircase to garden area set behind existing garden wall (14/00649/FULL).

Planning permission was granted on the 22 July 2014 for the excavation of additional basement level under house (14/05026/FULL).

5. THE PROPOSAL

The application seeks to extend the application site by enlarging the existing lower ground floor area by excavating under the existing first floor rear patio. The proposals also seek to extend the depth of the rear bay extensions and provide terraces above.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The creation of additional residential floorspace accords with Policy S14 of the City Plan.

6.2 Townscape and Design

The rear of the property is clearly visible when viewed from the communal gardens. The rear elevations of the properties have an established and consistent pattern with bay fronted extensions at rear first floor level leading onto the first floor patio area, solid walls behind the brick boundary wall fronting the communal garden area, simple black railings and access door into the garden area.

The alterations to the rear first floor elevation involve extending the bay extensions by approximately 2m and providing an enlarged terrace area at second floor level. The proposals would represent a subtle change to the rear elevation which would be generally consistent with the remainder of the properties that form part of the terrace with Nos. 6-7. The sole difference to those cases would be the linking spandrel between the two extended bays. Whilst this would create some architectural contrast with the neighbouring properties, this would only be slight and it would not be harmful to the existing building. As the two properties are internally linked it would remove what would otherwise be a somewhat awkward gap.

It is proposed to rebuild the lower ground floor perimeter wall facing onto the garden area. A condition is recommended requiring the brickwork to match existing.

6.3 Amenity

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

The proposals seek to enlarge the existing lower ground floor level by excavating beneath the raised terrace area to the rear of the existing kitchen. Given its subterranean location, there would be no external manifestations of the extension. The proposal would therefore not have a material impact on the amenity of neighbouring residents.

A number of objections have been received from the residents of Kingston House South which is a residential block of flats. Kingston House South is located to the south of the application site and separated by a private road which provides access to the car park area that serves Kingston House South. The side elevation of Kingston House South has a number of windows with a central balcony which serves each of the flats and has views of the application property and the rear of the area surrounding the application site.

One of the main areas of concern is the noise, dust and disturbance that would be caused by the proposed works, on street disruption that would be caused by construction vehicles to the site and obstruction to resident's properties, and hours of building work should be limited to

between 09.00 to 13.00 on weekdays only. A condition is recommended to secure a construction management plan to manage the works in order to minimise disturbance to the adjoining residential properties and the Council's standard condition controlling building works limiting excavation works between 08.00 and 18.00 Monday to Friday only and all other works (excluding excavation) to between 08.00 and 18.00 Monday to Friday and between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. Given the scale of the proposals, this is considered reasonable in order to manage works on site.

A resident in Kingston House South has raised concerns that the proposal would result in a loss of light to their flat. The proposed works will involve extending the existing bay windows at rear first floor level by 2m. This extension will match that of the neighbouring properties which form part of the terrace on Bolney Gate. It is unclear what level the flat is located on but there is a distance of approximately 10m separating the side of the application property with the side elevation of Kingston House South. Given the distance that separates the application site from Kingston House South, it is not considered that the extensions to the existing bays would cause a material loss of light to the windows within Kingston House South to justify refusing the application. In addition, the modest increase in size of the extension is not considered to give rise to an unacceptable loss of privacy to neighbouring residents.

The same resident has raised concerns that the works would result in overlooking into flats by workmen. Given the scale of works, it would be unreasonable to withhold permission on this basis. An Informative is recommended to advise the applicant to join the nationally recognised Considerate Constructors Scheme.

Condenser units are proposed within the internal area at lower ground floor level. As they are located within the building they do not require planning permission. However, an Informative is recommended advising the applicant that if external mechanical plant is proposed then this will require planning permission.

6.4 Transportation/Parking

The proposals do not result in any changes to the public highway.

Residents within Kingston House South have objected to construction vehicles obstructing access to the parking area within Kingston House South and the suspension of parking bays located opposite the site. As highlighted above, a construction management plan will be secured by condition and an Informative is recommended to ensure the applicant obtains the relevant licenses from the Highways Licensing Team.

6.5 Economic Considerations

The economic benefits generated are welcome.

6.6 Other UDP/Westminster Policy Considerations

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

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing

plans “according to their degree of consistency” with the NPPF. Westminster’s City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.7 London Plan

The proposal does not raise strategic issues.

6.8 Planning Obligations

The proposal does not trigger any requirement for planning obligations.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

Details have been submitted concerning the proposed works in respect of trees and soft landscaping within the application site and the neighbouring property at No. 5. These indicate that there are minimal root incursions from the neighbour’s trees (a Magnolia and Cedar) through the brickwork foundation of the boundary wall. The majority of fine roots appear to be from shrubs within the application site. A mature London Plane tree within the communal garden is to be retained but again the proposals are unlikely to have a significant impact on this tree.

The Arboricultural Manager has concluded that the proposed works are unlikely to significantly harm the trees. Conditions are recommended to ensure that the existing trees are protected during the construction works.

6.10 Other Issues

Excavation at rear lower ground floor level

The applicant has submitted a method statement relating to the excavation works proposed. The statement has been assessed by Building Control officers who have confirmed that the method statement is acceptable.

The purpose of such a report at the planning application stage is to demonstrate that the proposed works at lower ground floor level 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. In addition, the application proposals are not seeking to create a new basement level but rather excavating beneath the rear terrace to extend the existing lower ground floor level.

The City Council adopted its supplementary planning document on basement extensions in November 2014. The SPD is a material consideration in assessing basement extensions; however, the document does not include any new planning policy which restricts the extent to which basements can be constructed but supports the implementation of adopted policies in

the Council's development plan. It provides guidance on information that needs to be submitted and how planning applications will be assessed in relation to the adopted policy framework.

Consultation

The managing agents of the seven properties in Bolney Gate, Kingston House Property Management Limited, have objected to the method of consultation. The Council relies on the applicant to ensure that the correct certificates are completed on the application form and that notification is given to all relevant freeholders and leaseholders. The correct certificate and notice was served for this application.

The Council itself can only send out neighbour consultation letters to property addresses. It is the responsibility of the occupants to make the relevant leaseholder/freeholders aware of applications that may affect those properties.

6.11 Conclusion

Subject to the conditions set out in the draft decision letter, it is considered that the proposals could not be reasonably withheld on planning grounds. The application is considered acceptable in amenity, highways and design terms and is recommended for approval.

BACKGROUND PAPERS

1. Application form.
2. E-mail from Thames Water dated 16 January 2015.
3. Letter from the Knightsbridge Association dated 27 January 2015.
4. E-mail from Environmental Health dated 3 February 2015.
5. E-mail from Building Control dated 26 February 2015.
6. Memorandum from the Arboricultural Manager dated 28 August 2015.
7. Letter from occupier of 56 Kingston House South dated 24 January 2015.
8. E-mail from occupier of 52 Kingston House South dated 2 February 2015.
9. Letter from occupier of 86 Kingston House South dated 4 February 2015.
10. Letter from occupier of 36 Kingston House South dated 9 February 2015.
11. Letter from Peerman Investments Limited c/o 54 Kingston House South on behalf of Flat Nos. 44, 46, 49, 50, 51, 53, 54, 57, 58, 66, 73, 77, 78 dated 4 February 2015.
12. Letter from occupier of 40 Kingston House South dated 8 February 2015.
13. Letter from occupier of 48 Kingston House South dated 8 February 2015.
14. Letter from occupier of 56 Kingston House South dated 8 February 2015.
15. Letter from occupier of 59 Kingston House South dated 8 February 2015.
16. Letter from occupier of 60 Kingston House South dated 8 February 2015.
17. Letter from occupier of 61 Kingston House South dated 8 February 2015.
18. Letter from occupier of 63 Kingston House South dated 8 February 2015.
19. Letter from occupier of 64/65 Kingston House South dated 8 February 2015.
20. Letter from occupier of 70 Kingston House South dated 8 February 2015.
21. Letter from occupier of 72 Kingston House South dated 8 February 2015.
22. Letter from occupier of 80 Kingston House South dated 8 February 2015.
23. Letter from occupier of 86 Kingston House South dated 8 February 2015.
24. Letters from Stepien Lake LLP freehold owner of 1-7 Bolney Gate dated 9 February 2015 and 29 July 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:** 6-7 Bolney Gate, Ennismore Gardens, London, SW7 1QW
- Proposal:** Extension to single family dwelling including excavation at lower ground floor level beneath terrace area to rear and erection of single storey extension at rear ground floor level with roof terraces above.
- Plan Nos:** 6312-PL01 Rev. B, 6312-PL02 Rev. A, 6312-PL03 Rev. A, 6312-PL04, 6312-PL05, 6312-PL10 Rev. B, 6312-PL11, 6312-PL12 Rev. B, 6312-PL13 Rev. A, 6312-PL14 Rev. D, design and access statement, Arbtech Tree Survey dated 24 April 2015, Arbtech Arboricultural Method Statement dated 12 May 2015, Arbtech AIA 01, Arbtech TPP 01 and E-mails dated 13 July 2015 and 27 August 2015 and plan showing the trial excavation for trees.

For information purposes only: Method statement for basement construction and drawings 13/557/SK1 Rev. A and 13/557/SK2 Rev. A (see informative 5) and construction management plan (see informative 3).

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

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

Reason:

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

- 6 **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 Arbtech AIA 01 and Arbtech TPP 01. 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 protect trees and the character and appearance of the site 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. (R31CC)

- 7 When you apply to us for approval under condition 6, you must include the following.
- (a) A plan to a scale of 1:20 that shows the position and canopy spread of every tree, hedge and area of shrubs, both on the site and on neighbouring land, that may constrain (limit) the development, as defined by section 5 of British Standard BS 5837: 2005.
 - (b) The tree details as recommended in paragraph 4.2.6 of BS 5837: 2005, in the form set out at appendix D of that standard.
 - (c) Details of all planned tree surgery and removal, and the reasons why you want to carry out this work to the trees.
 - (d) Details of any alterations you want to make to the existing ground levels, or any other work you want to carry out within the root protection area (as defined by paragraph 5.2.2 of BS 5837: 2005) and within five metres beyond it, around any tree shown on the plan or schedule you have sent to us under parts (a) and (b) above.
 - (e) Details of how you will protect each tree that you are going to keep before and during the development.
- (C31HA)

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)

Informative(s):

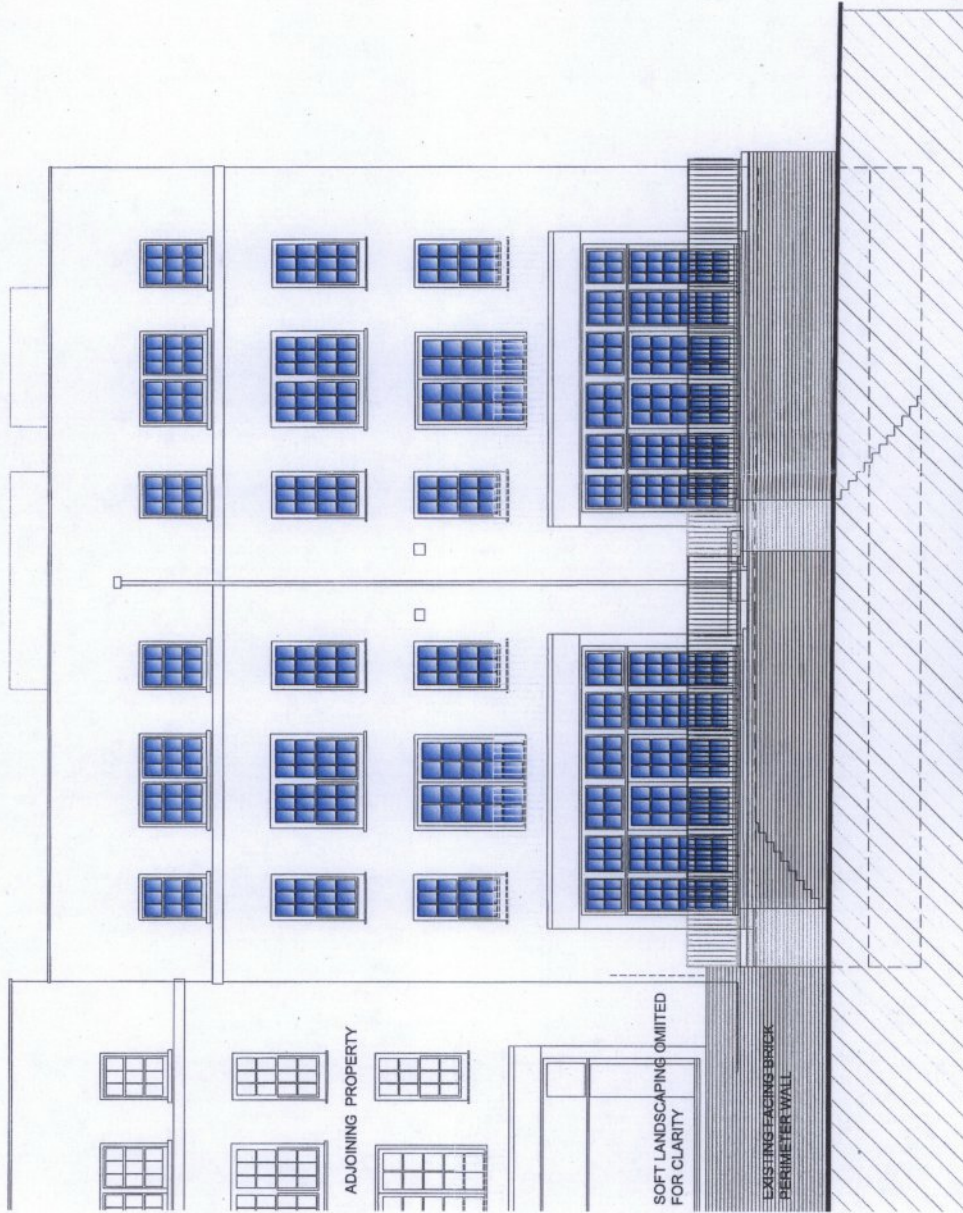
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 For the avoidance of doubt the Construction Management Plan required under condition 5 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 This permission does not permit the installation of any new external mechanical plant or vents that would allow for the ventilation of any internal plant. Therefore a separate planning application accompanied by an acoustic report would be required for either external plant or vents.
- 7 You are advised that in relation to Conditions 5, 6 and 7 that the details submitted satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on an adjacent to the site will rely on an appropriate means of construction.

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Rear Elevation

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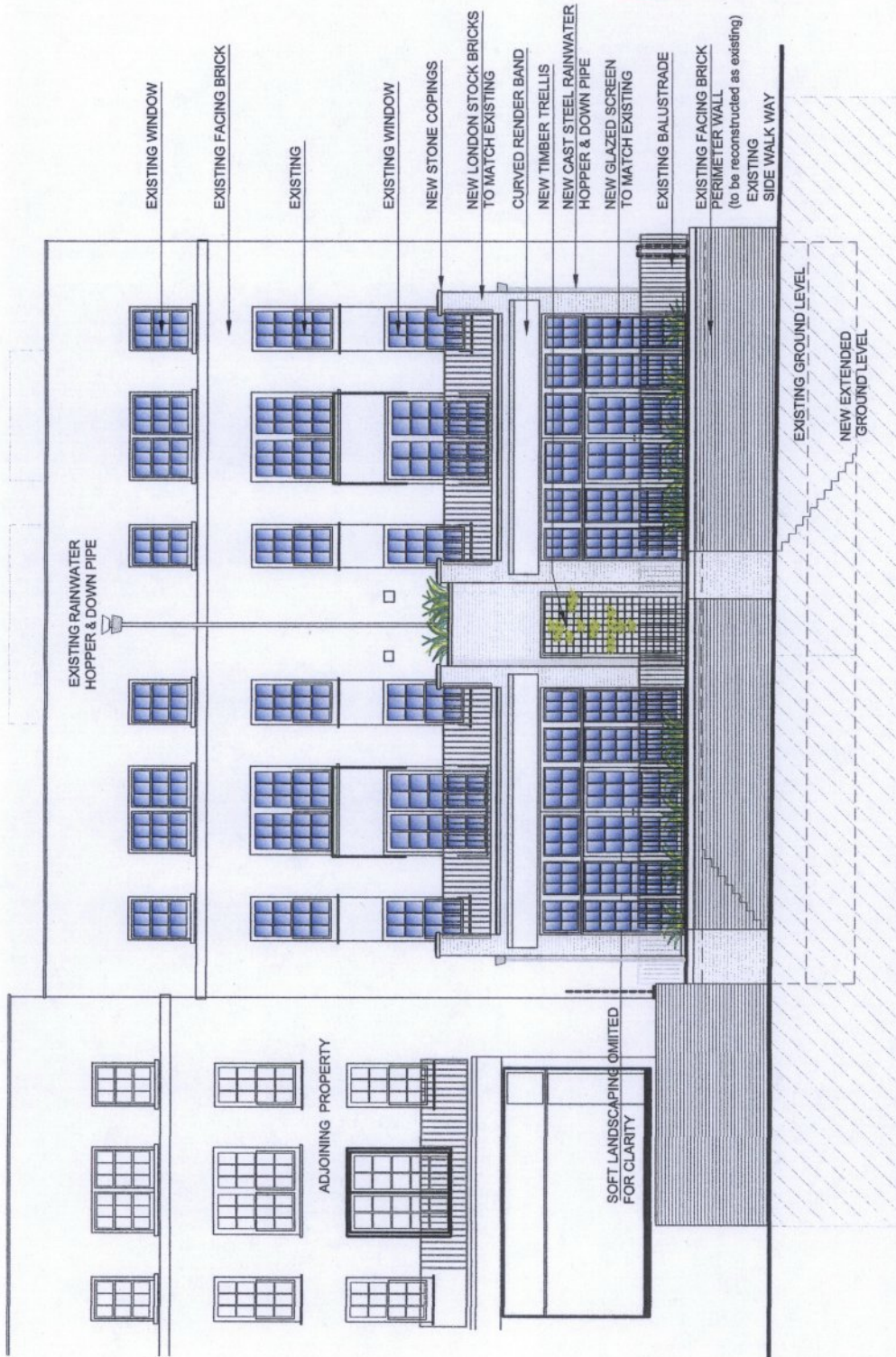
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TP: _____
 RN: _____
 ADDRESS: _____

STATUS	PLANNING
Howard Fairbairn: MHK chartered architects <small>10000 Highway 100, Suite 1000, Burnaby, BC V5A 4R7 Tel: 604-666-6232 Fax: 604-666-6233 www.howardfairbairn.com</small>	
Client	SMECH
Project	6-7 BOLNEY GATE SW7 Y0W
Title	EXISTING REAR ELEVATION
Drawn by	NG
Scale	1:100 @ A3
Checked by	RT
Date	NOV 14
CAD No:	6312
Drawn:	6312 - PL13
Rev:	A

REVISIONS		
NO.	DATE	DESCRIPTION

DO NOT SCALE



REAR ELEVATION

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 ADDRESS:

CASE COPY
 TP:
 RN:
 ADDRESS:

STATUS
PLANNING

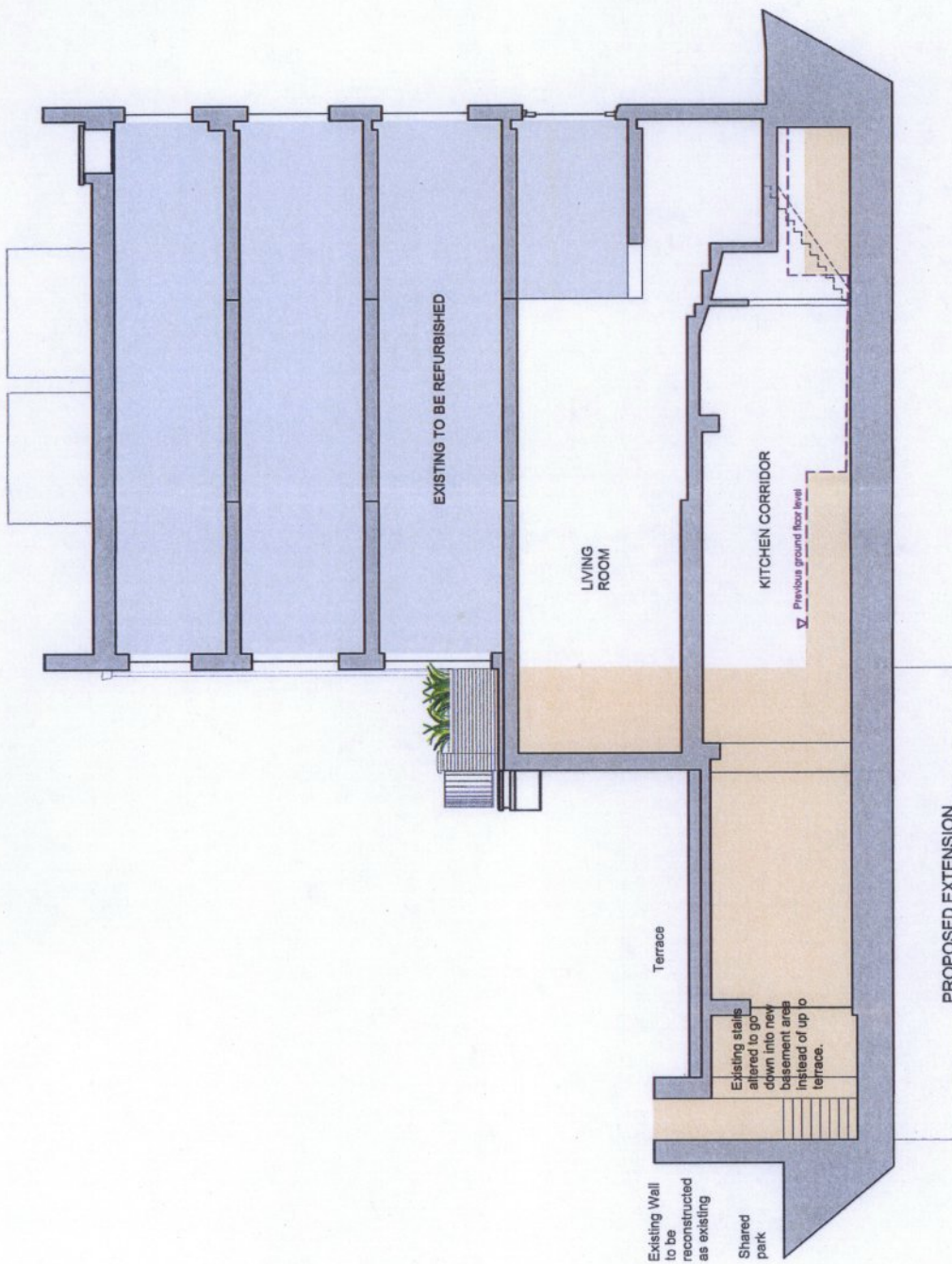
Howard Fairbairn MHK

Howard Fairbairn Project Services Ltd
 150 Victoria Road
 Chesham
 Bucks HP80 1JF
 Telephone: 01295 8665 5222
 Fax: 01295 8665 0252
 www.hfmh.com
 info@hfmh.com

Client	SMECH
Project	6-7 BOLNEY GATE SW7 1QW
Title	PROPOSED REAR ELEVATION
Drawn by	NG
Checked by	RT
Scale	1:100 @ A3
Date	NOV 14
CAD Ref:	6312

Dwg No: 6312 - PL04 Rev: 1

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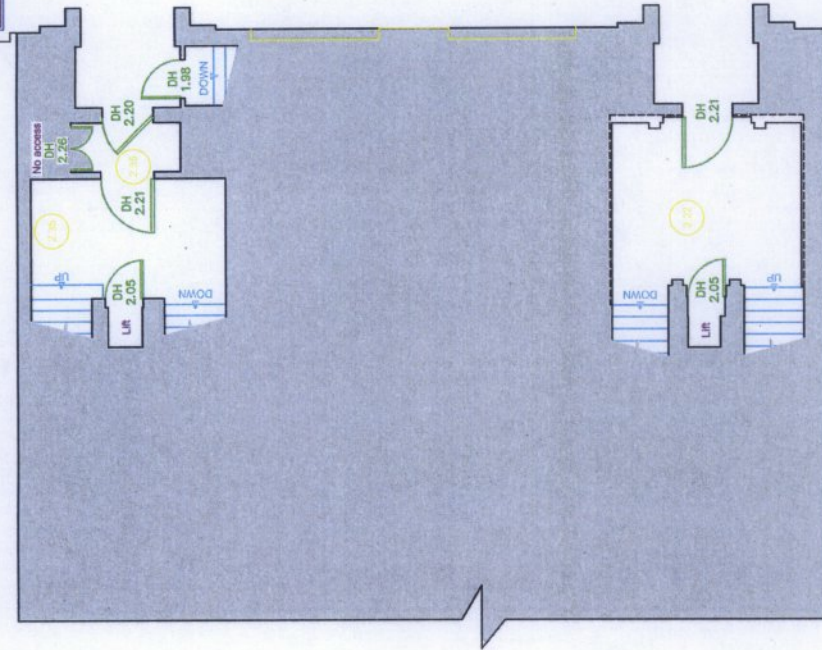


CASE COPY
 TP:
 RN:
 ADDRESS:

STATUS		PLANNING
Howard Fairbairn:MHK		
Chartered architects		
<small>Head office: 100 South Molton Street, London W1K 6RQ City office: 421 Ludlow Road, City of London, EC3A 3DF</small>		
<small>Member of the Chartered Institute of Building Services Ltd www.hfa.com 020 7669 5552 020 7669 4333 enquiries@hfa.com</small>		
Client	SMECH	
Project	6-7 BOLNEY GATE SW7 1QW	
Title	PROPOSED SECTION	
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Scale	1:100 @ A3	Date NOV 14
CAD Ref:	6312	
Drawn by	6312 - PL03	Rev A

PROPOSED SECTION

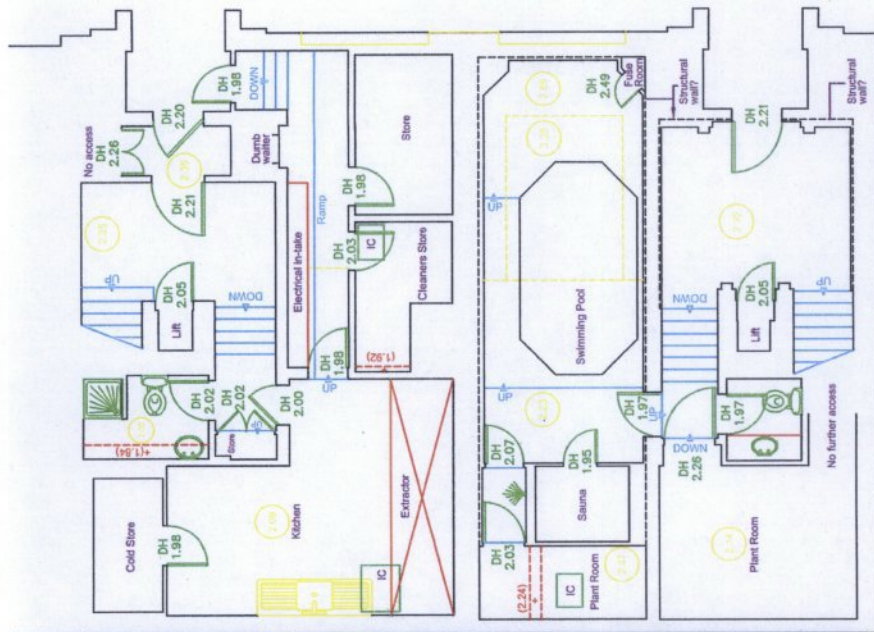
Entrance Level (Ground)



0 1m 2m 3m 4m 5m



Lower Ground



UNDERGROUND

dn

REV	DATE	BY	CHKD	DESCRIPTION
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2	01/03/11	MMK	MMK	On site for site visit (Contract)
3	02/04/11	MMK	MMK	Final design issued (Contract)

STATUS	PLANNING
Howard Fairbairn MHK	
Chartered Architects	
Howard Fairbairn MHK Project Services Ltd	
4th Floor, 100 Broad Street, Birmingham, B1 2HT	
0121 633 1000	
www.hfmhk.com	
020 8448 6322	
020 8448 6323	
020 8448 6324	

Client	SMECH
Project	6-7 BOLNEY GATE SW7 10W
Title	EXISTING GROUND FLOOR AND LOCATION PLAN
Drawn by	NG
Checked by	RT
Scale	1:100 @ A3 Date NOV/11
CAD Ref	ES12

Drawn by	Rev
06/10	B

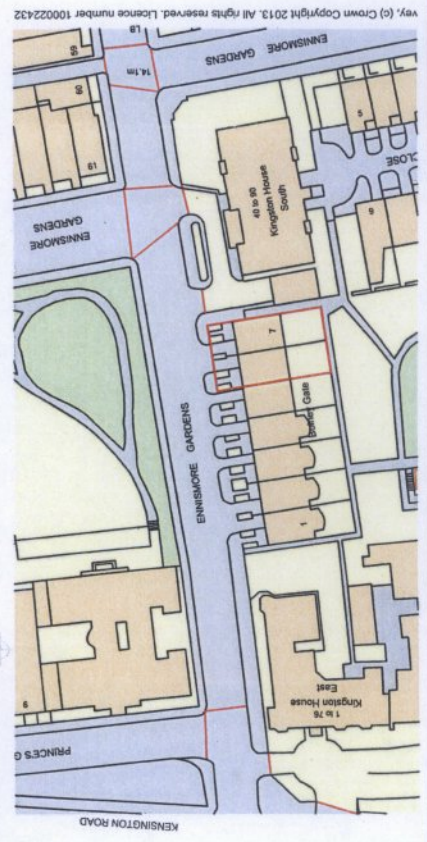
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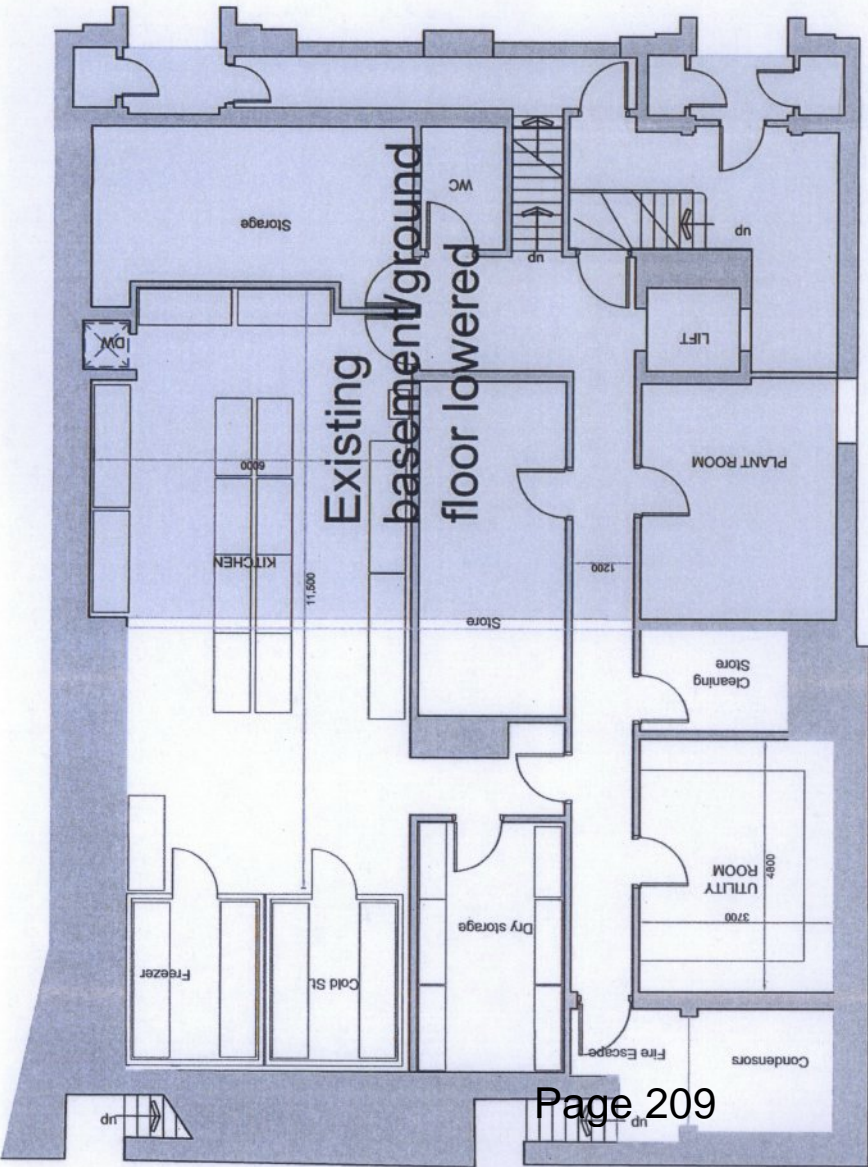
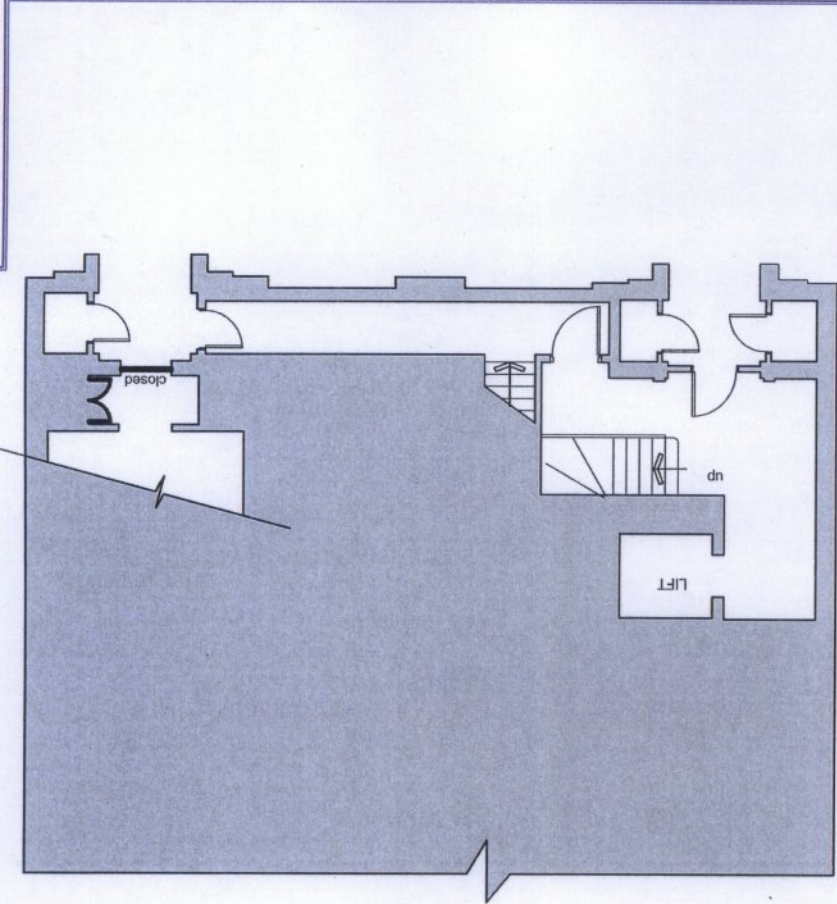
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Location Plan @1:1250



Very. (c) Crown Copyright 2013. All rights reserved. Licence number 100022432

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9	12/10/14	AW	1/50
10	12/10/14	AW	1/50



PLANNING

Howard Fairbairn MHK
 chartered architects
 Howard Fairbairn MHK
 477 London Road
 London SE16 6LW
 020 8445 8332
 www.hfmhk.com
 info@hfmhk.com

SMECH	
Client	6-7 BOLNEY GATE
Project	SW7 1QW
Title	PROPOSED GROUND FLOOR PLAN
Drawn by	NS
Checked by	JRT
Scale	1:100 @ A3
Date	NOV 14
CAD Ref	6312

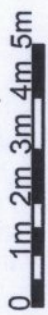
Drawn by	Scale	Date	Checked by
NS	1:100 @ A3	NOV 14	JRT

Entrance Level (Ground)

Lower Ground Floor

CASE COPY
 TP:
 RN:
 ADDRESS:

Proposed Extension



REVISIONS	
NO.	DATE

CASE COPY

TP: _____
 RN: _____
 ADDRESS: _____

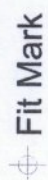
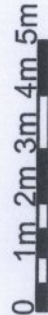
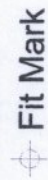
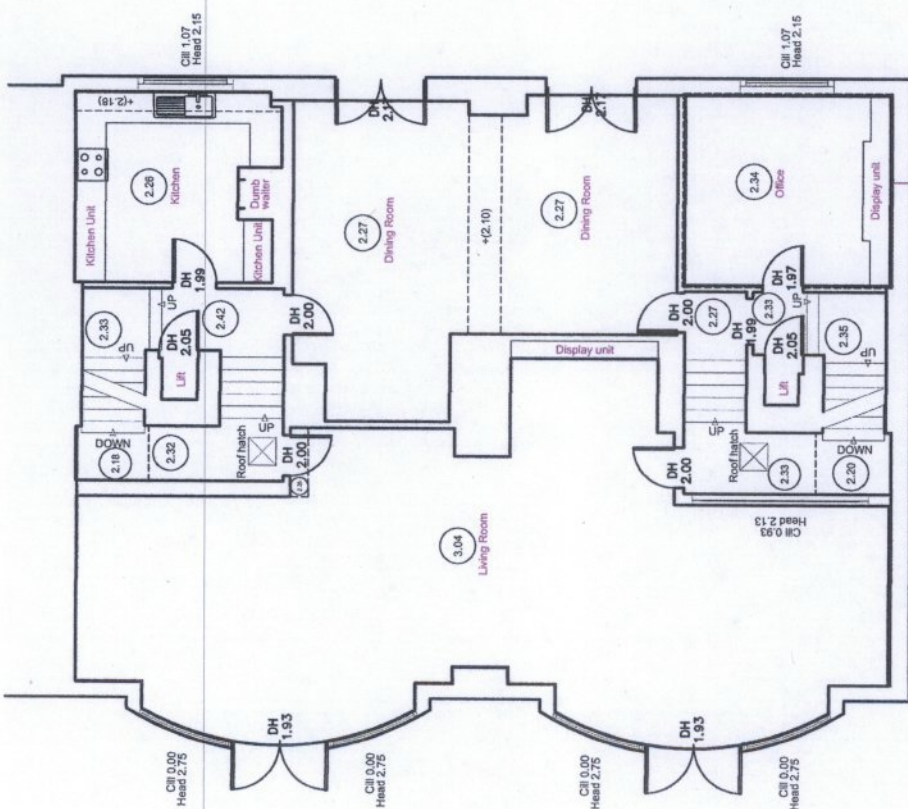
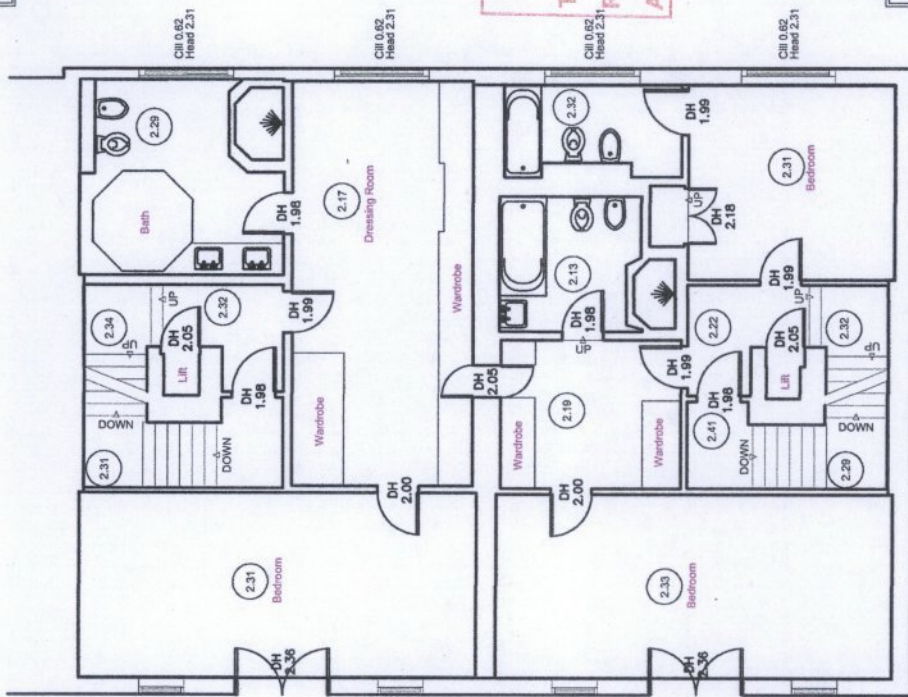
STATUS **PLANNING**

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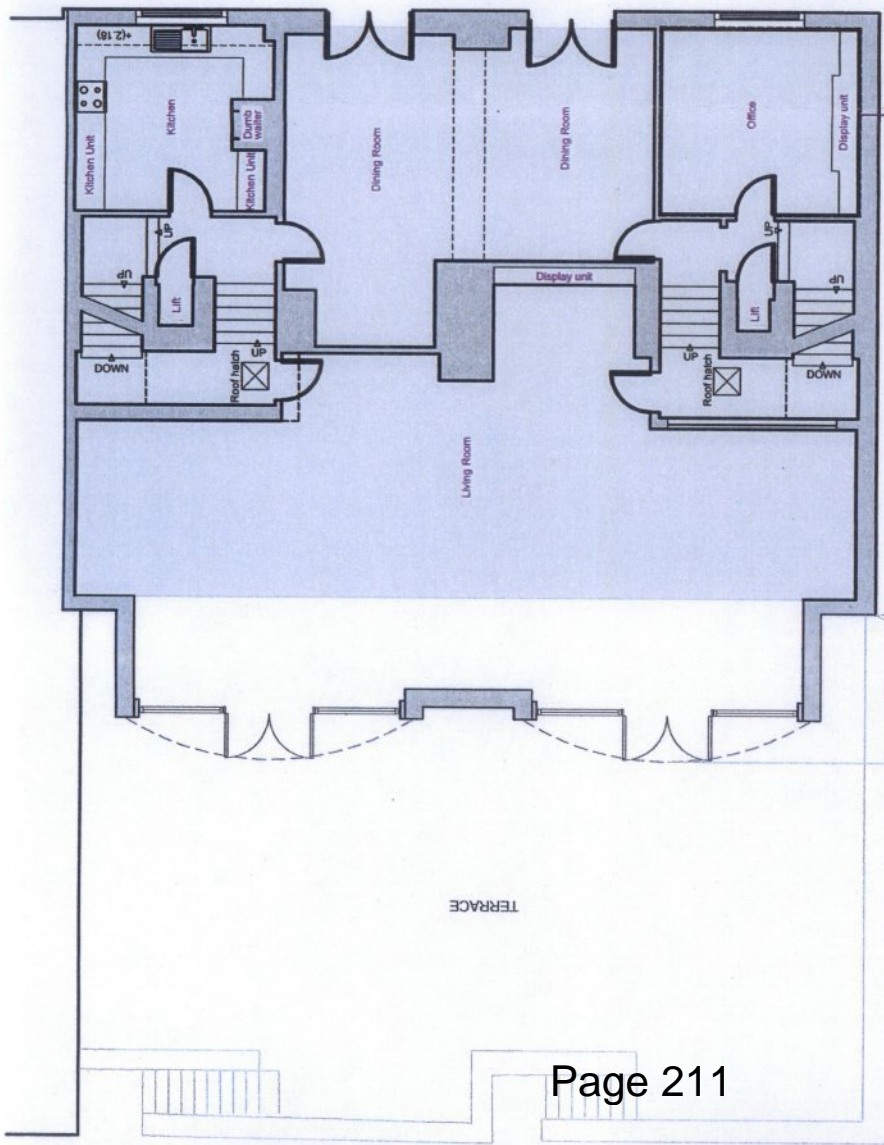
Member of the
 Howard Fairbairn Project Services Ltd
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 Email: info@hfmhk.com

Client	SMECH
Project	6-7 BOLNEY GATE SW7 1QW
Title	EXISTING FIRST AND SECOND FLOOR PLAN
Drawn by	NG
Checked by	RT
Scale	1:100 @ A3
Doc#	NOV 14
CAD Ref.	6312

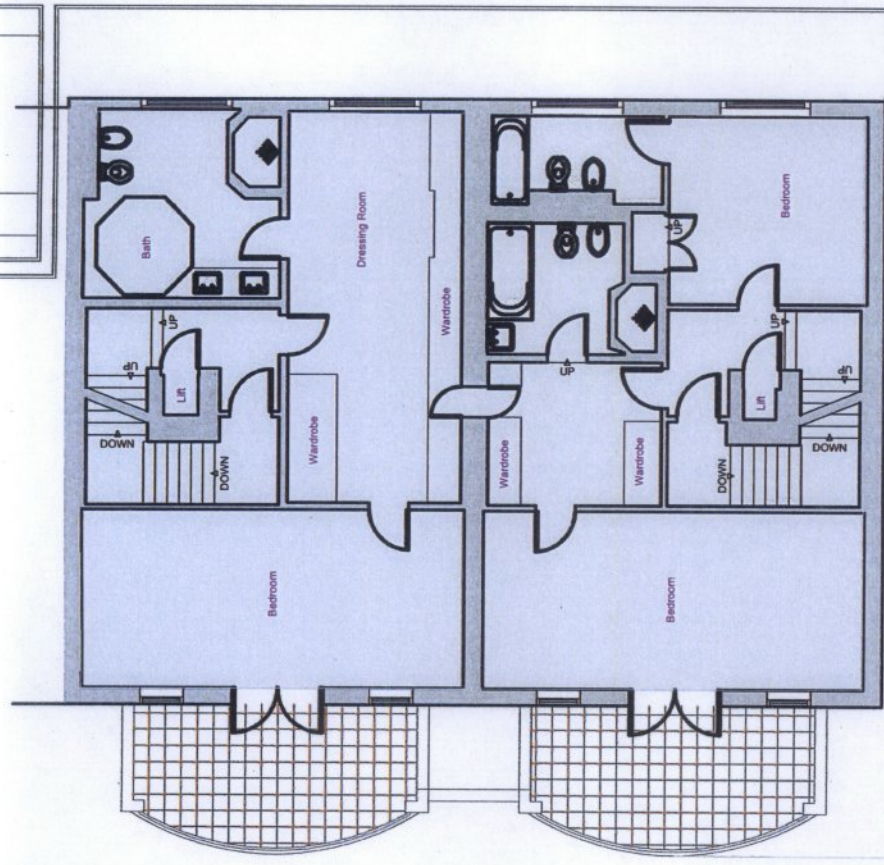
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Date	NOV 14
Scale	1:100 @ A3
Doc#	NOV 14
CAD Ref.	6312



REVISIONS		DATE	BY	CHKD
1	ISSUE FOR PERMIT			
2	ISSUE FOR CONSTRUCTION			



First Floor



Second Floor

CASE COPY

TP:
RN:
ADDRESS:

PLANNING	
Howard Fairbairn .MHK Chartered Architects	
<small>Head Office: Fairbairn Project Services Ltd 110 Wood Lane Croydon CR9 3PF</small>	
<small>Telephone: 020 8666 0332 Mobile: 07771 234567 Fax: 020 8666 0333 www.hfa.co.uk info@hfa.co.uk</small>	
Client:	SMECH
Project:	6-7 BOLNEY GATE SW7 1QW
Title:	PROPOSED FIRST AND SECOND FLOOR PLAN
Drawn by:	NG
Checked by:	RT
Scale:	1:100 @ A3
Date:	NOV 14
CAD No.:	6312
Drawn by:	6312 - PL02
Rev:	A

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Agenda Item 9

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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