



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 24th May, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Tony Devenish (Chairman)
Peter Freeman
Jonathan Glanz
Jason Williams

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

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



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

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 74-76 PRINCES SQUARE, LONDON W2 4NP | (Pages 5 - 22) |
| 2. 65 ALFRED ROAD, LONDON W2 5EU | (Pages 23 - 52) |
| 3. 11 GERALD ROAD, LONDON SW1W 9EH | (Pages 53 - 70) |
| 4. 67 DEAN STREET, LONDON W1D 4QH | (Pages 71 - 92) |
| 5. 108 - 112 ROCHESTER ROW, LONDON SW1P 1JU | (Pages 93 - 104) |
| 6. 31 - 36 FOLEY STREET, LONDON W1W 6DP | (Pages 105 - 122) |
| 7. 145 OXFORD STREET, LONDON, W1D 2JD AND 57 BERWICK STREET, LONDON W1F 8SR | (Pages 123 - 144) |

Charlie Parker
Chief Executive
16 May 2016

Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 24 MAY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 16/01573/FULL Lancaster Gate	74-76 Princes Square London W2 4NP	Conversion of 26 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed). Installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard and installation of balustrade to front dormer windows and existing terrace at rear fourth floor.	
	Recommendation Grant conditional permission.			
2	RN 15/08377/FULL Westbourne	65 Alfred Road London W2 5EU	Erection of two additional storeys and a side extension to form new third and fourth floor level to existing workshop and artist studio building; installation of plant; alterations to the eastern elevation	
	Recommendation Grant conditional permission.			
3	RN 15/07603/FULL Knightsbridge And Belgravia	11 Gerald Road London SW1W 9EH	Excavation of lower ground floor and basement under the front garden. Replacement of front basement lightwell stair.	
	Recommendation Grant conditional permission.			
4	RN 15/09628/FULL 15/09629/LBC West End	67 Dean Street London W1D 4QH	Use of the second and third floors as an extension to the existing private members club (sui generis) at basement, ground and first floor levels and internal alterations.	
	Recommendation 1. Refuse permission- loss of residential accommodation. 2. Refuse listed building consent – unacceptable works and insufficient information.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 24 MAY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
5	RN 15/10617/FULL Vincent Square	108 - 112 Rochester Row London SW1P 1JU	Variation of Conditions 3 and 10 of planning permission dated 03 December 2013 (RN:13/10069/FULL) for use of the basement and ground floors as conference centre and meeting rooms (Class D1), namely to extend opening hours to 08.00 to 22.00 Monday to Saturday and to limit occupancy to 90 delegates between the hours of 21.00 and 22.00.	
Recommendation Grant conditional permission.				
6	RN 15/10479/FULL West End	31 - 36 Foley Street London W1W 6DP	Retention of the building for office use (Class B1), extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.	
Recommendation Grant conditional permission.				
7	RN 16/00933/FULL RN 16/00935/LBC West End	Application 1 145 Oxford Street London, W1D 2JD Application 2 57 Berwick Street London W1F 8SR	Application 1 - Erection of mansard roof extension to create new fourth floor; erection of rear extensions at first to third floor levels; erection of plant enclosure, cycle parking enclosure and new terrace at second floor level; use of part ground, part first, second, third and new fourth floor as office floorspace (Class B1); use of first floor as retail floorspace (Class A1); and installation of replacement windows, new shopfront and associated works. Application 2 - Alterations to the chimney serving 57 Berwick Street.	
Recommendation Application 1 1. Grant conditional permission subject to a legal agreement to secure the following: (i) A payment of £732,000 towards the City Council's Affordable Housing Fund (index linked and payable prior to the commencement of development). (ii) Payment for monitoring the S106 Agreement. 2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then: a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 24 MAY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
			<p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>Application 2</p> <ol style="list-style-type: none"> 1. Grant conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter. 	

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	74-76 Princes Square, London, W2 4NP		
Proposal	Conversion of 26 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed). Installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard and installation of balustrade to front dormer windows and existing terrace at rear fourth floor.		
Agent	Mr Paul Wells		
On behalf of	Mr Kristian Dijkstra		
Registered Number	16/01573/FULL	Date amended/ completed	29 February 2016
Date Application Received	22 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

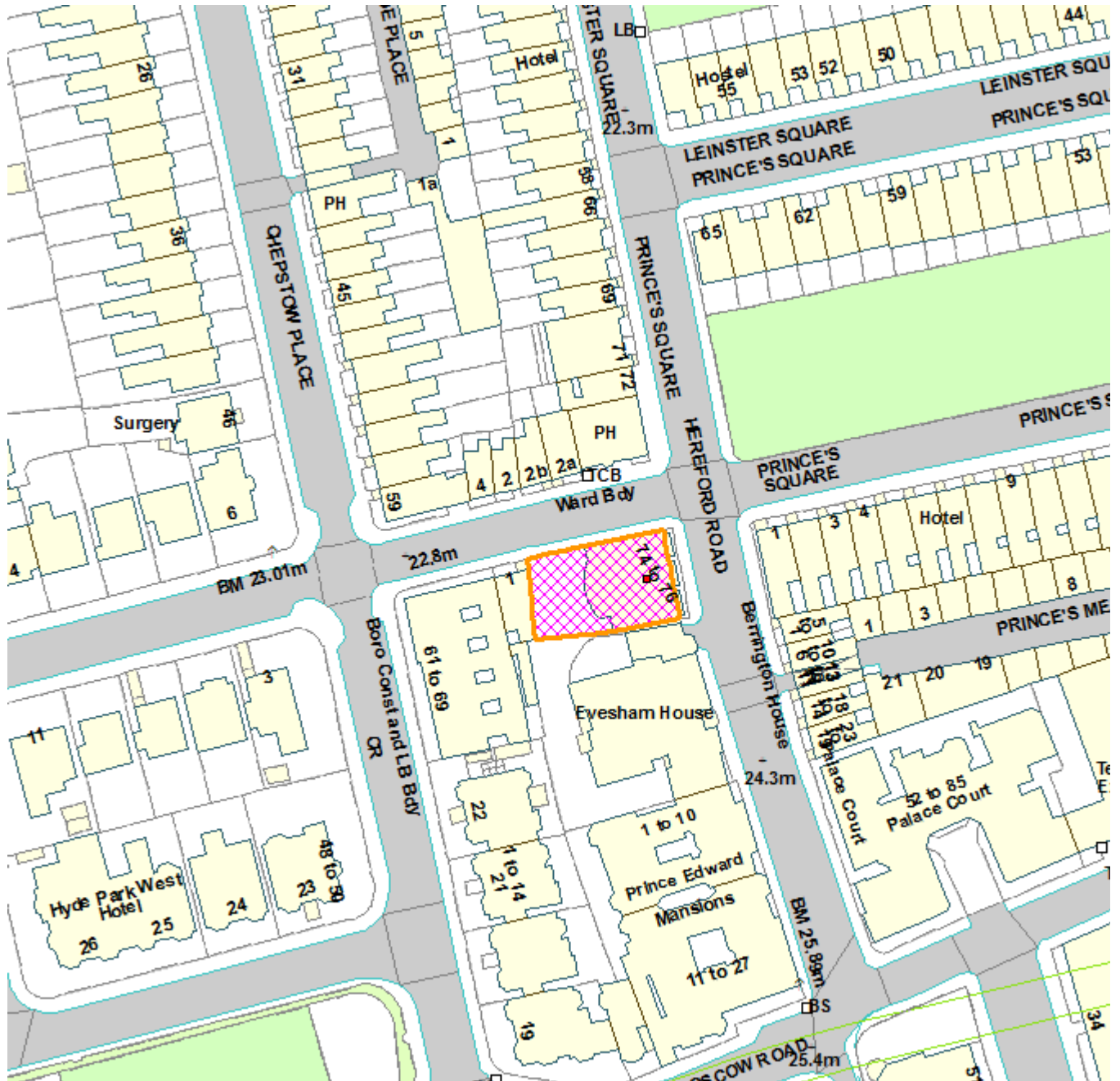
74-76 Princes Square is an unlisted six storey building located within the Bayswater Conservation Area and currently divided into 38 serviced apartments. Planning permission is sought for the conversion of 26 of the 38 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed) with the installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard.

The key issues are:

- The lack of off street car parking spaces for the new residential units.
- The lack of affordable housing provision.
- The standard of accommodation proposed.
- The mix of unit size proposed.
-

The proposals are considered acceptable in land use, amenity, arboricultural and conservation area terms and are in accordance with policies in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and are therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



Above: Application Site

Below: Rear Garden



5. CONSULTATIONS

Bayswater Residents Association
Any response to be reported verbally.

Highways Planning
Undesirable on transportation grounds because of lack of off street car parking provision for the proposed residential units.

Cleansing
No objection subject to conditions.

Designing Out Crime
No response.

Arboricultural Section
No objections subject to conditions.

Environmental Health
No objection.

Building Control
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 176
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies in the Bayswater Conservation Area

6.2 Recent Relevant History

11/10038/FULL

Installation of replacement windows to the front and rear elevations, installation of Juliette balconies to front elevation and installation of balustrade to rear at fourth floor level to create roof terrace.

Application permitted 6 July 2012

06/07214/FULL

Internal alterations to subdivide existing studio serviced apartment into two studio serviced apartments.

Application Permitted 23 November 2006

00/03127/FULL

Conversion of resident's lounge area to provide an additional studio flat.

Application Permitted 6 July 2000

98/09076/FULL

74-76 Princes Square London w2 - erection of building with basement, ground, upper ground & 5 upper floors for use as 36 serviced flats. (alterations to scheme in the course of construction granted on 25/10/96)

Application Permitted 29 January 1999

7. THE PROPOSAL

Planning permission is sought for the conversion of 26 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed) with the installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard and the installation of balustrade to front dormer windows and existing terrace at rear fourth floor (previously approved in 2012)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential Use

The conversion of serviced apartments (temporary sleeping accommodation) to permanent residential accommodation is acceptable in principle in land use terms. City Plan policy S14 and UDP policy H3 seek to optimise housing delivery and prioritise residential use in Westminster. The change of use therefore accords with these policies.

Three of the proposed seventeen units fail to meet the Nationally Described Space Standards (Technical Housing Standards DCLG 2015). Flat 2 (studio -34 m²); flat 15 (studio – 34.7 m²); and flat 24 (two bed 3p – 59m²). In terms of the mix of units the proposal is for 4 studio units, 3 1 bed units, and 10 2 bed units. The proposal does not provide any family sized units (3 bed or more). Policy H5 of the UDP states that the City Council will normally require 33% of housing units in housing developments to be family sized. The applicant has stated that the structural and practical constraints involved in converting and amalgamating existing units means that it is not feasible to achieve in all cases the size and mix standards required by these policies.

It is considered that in this particular case the benefits of the change of use means that these policies should be applied flexibly. In the case of space standards the majority of the units comply and the ones that don't fall short by only 2-3m². It is therefore, on balance not considered appropriate to refuse the application on the basis of space standards. In terms of the mix of units it is recognised that the change of use will provide more affordable smaller household units where currently there are only small serviced apartments. It is therefore considered that the provision will be an improvement on the current situation and therefore the

provision of 3 bed units will not be required in this case. As the building will be part shared with some retained serviced apartments and has limited amenity space the property is less suited to families and more suited to smaller households in any case.

Every habitable room in the proposed flats has an exterior window and therefore access to natural daylight and ventilation.

Although it is not an ideal arrangement to have the new permanent residential accommodation access (entrance corridors etc.) shared with the existing serviced apartments in this case on balance the benefit of the additional permanent residential units is considered to outweigh any potential amenity conflict. It is relevant that the serviced apartments are not being introduced into an existing permanent residential building rather than serviced apartments being introduced into an existing permanent residential building. There is a large foyer/entrance area and adequate internal circulation space. Such shared access should not necessarily create conflict so long as they are managed effectively, which is a private matter between the shared apartment and new owner/occupiers. There is no evidence that the property hasn't been managed effectively as serviced apartments.

Affordable Housing

The new residential floorspace triggers a requirement for the provision of affordable housing under Policy H4 of the UDP and Policy S16 of Westminster's City Plan. Policy S16 of the City Plan requires that, in developments proposing housing of either 10 or more additional units or more than 1,000m² of additional residential floorspace, affordable housing should be provided.

In this case, the additional residential floor space of 1303m² requires 240m² of the floor space to be provided as affordable housing.

Policy S16 requires affordable housing to be provided on-site but where this is not practicable or viable, cascade options allow for it to be provided off-site in the vicinity or possibly beyond the vicinity. The supporting text to this policy notes that financial contributions in lieu of affordable housing provision is an option the Council will only accept if the cascade options have been thoroughly explored and proved impracticable or unfeasible.

The applicant argues that providing affordable housing on site will make their development unviable. The Council's independent consultants, James R Brown & Company Ltd accept this position and confirm that this cannot be accommodated within the current scheme. The applicant also confirmed that they do not own another available site within the vicinity or within Westminster and is therefore unable to pursue an off-site solution and that the development of this site would not be viable if they were liable for any affordable housing payment. James R Brown & Company Ltd have assessed the applicant's viability case and confirm that the scheme cannot viably afford to make an affordable housing contribution of any sort (a policy compliant contribution would be £2.06 million)

The proposals are therefore considered, on balance, to be acceptable in land use terms and comply with policies S14 and S16 of the City Plan and H3 and H5 of the UDP.

8.2 Townscape and Design

The new cycle store and bin store are located within the rear garden of the property. There is a view into this garden through a gate at street level on Dawson Place, though generally the rear garden is well screened from view aside from the rear windows of this flat, as the large tree to the rear garden and relatively high boundary wall to the street screens much of the view from the other side of Dawson Place and the two adjoining buildings have either blank or almost blank elevations facing towards this area. Though the bin store and cycle store structures are relatively large, there is already an unsightly pergola structure to the rear garden and the structures are set against the blank side elevation of the adjoining building. Both the bin store and cycle store are principally timber clad structures and will integrate well into the rear garden setting.

The new safety handrailing and works to doors proposed for the rear fourth floor terrace is in line with the approval of 6 July 2012, and represents a small scale addition to the rear which will not have a significant visual impact upon the building. The terrace area and rear parapet is heavily screened from view by a large tree in the rear garden, and the terrace faces towards a blank side elevation of the adjacent building to the west. Similarly the new railings proposed in front of the front dormer windows and works to these windows are as previously approved, and though adding some degree of clutter in views from upper floor windows in the surrounding area, they are not likely to be visible from street level except a glimpsed view of their upper section for a very short section on Princes Square.

The proposals are considered acceptable in conservation and design terms and comply with policies S28 of the City Plan and DES1, DES5 and DES9 of the UDP.

8.3 Residential Amenity

The proposal does not include any changes to the external envelope of the building apart from the addition of the bike and bin store in the rear garden which are located away from neighbouring residential windows. The proposal will therefore have no significant impact on the amenity of surrounding properties in terms of sense of enclosure or loss of sunlight/daylight.

The proposal includes the addition of a metal balustrade to an existing fourth floor rear terrace and the addition of external handrails to inward opening French doors at fourth floor front elevation. These works were granted planning permission on 6 July 2012. The assessment for that application concluded that the addition of railings to the terrace would intensify its use however it was sufficient distance (7.5m) from the nearest residential window in Evesham House (to the south of the site) to ensure there would not be any material loss of privacy to the neighbouring occupier. To the immediate west, the terrace would look onto the flank elevation of 1 Dawson Place, and is set sufficiently away from the rear of properties on Chepstow Place to ensure there would be no material loss of privacy to these neighbours.

The proposals are therefore acceptable in amenity terms and comply with policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The proposal involves the replacement of 26 serviced apartments with 17 permanent residential flats however no off street car parking provision is made. The Highways Planning Manager has stated that the whilst in the immediate vicinity of the site, the parking thresholds do not breach the TRANS23 specified 80%, the proposals are undesirable on transportation grounds because of this lack of parking however has stated that if the case officer is minded to grant permission then lifetime car club membership should be secured by way of a legal agreement.

The applicant has agreed to provide the car club membership for all the flats, which will be secured via a legal agreement. It is not considered that the application could be refused on the grounds of lack of car parking, and the provision of car club membership is considered to offer sufficient mitigation in this case.

8.5 Economic Considerations

Not applicable.

8.6 Access

There will be no changes to the existing access to the properties.

8.7 Other UDP/Westminster Policy Considerations

There are works proposed in the rear garden to construct cycle storage and waste/recycling storage. A mature tree is located in the rear garden. The proposal has been assessed by the City Council's Arboricultural Officer who has no objection subject to further details of the foundations and construction of the structures been provided together with details of tree protection measures.

The proposal would be liable for Westminster and Mayoral CIL payments. It is estimated that the total Westminster CIL payment would be £10,800 and the total Mayoral CIL would be £1,350. A total of £12,150.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

As discussed above it is recommended that a condition is added to any permission requiring that appropriate arrangements to secure on street car parking mitigation measures prior to work on site commencing.

8.11 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.12 Other Issues

Only include matters not covered elsewhere in the report.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health Consultation, dated 13 April 2016
3. Responses from Environmental Health, dated 21 March 2016
4. Response from Arboricultural Officer, dated 24 March 2016
5. Response from Highways Planning, dated 13 April 2016

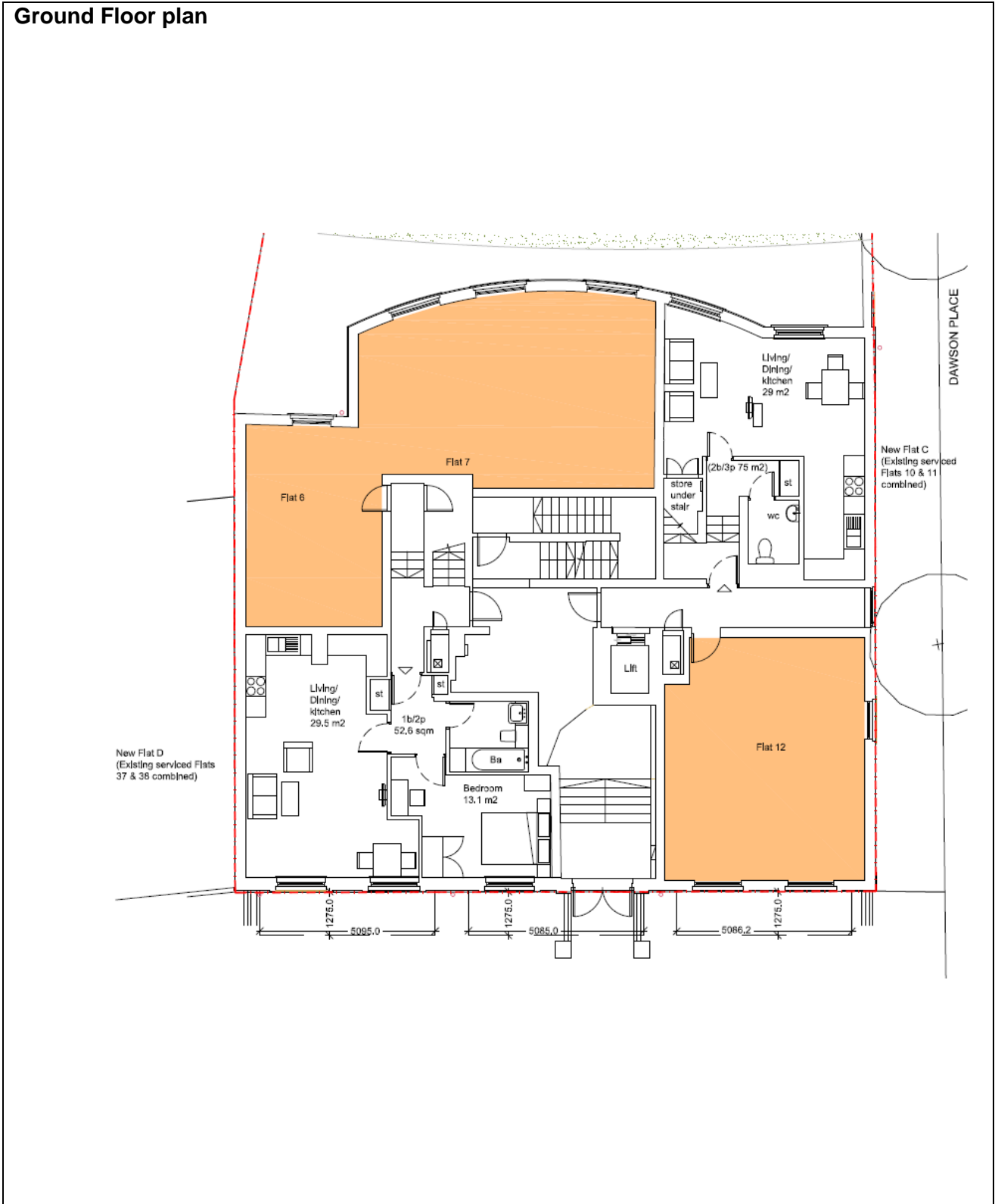
Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

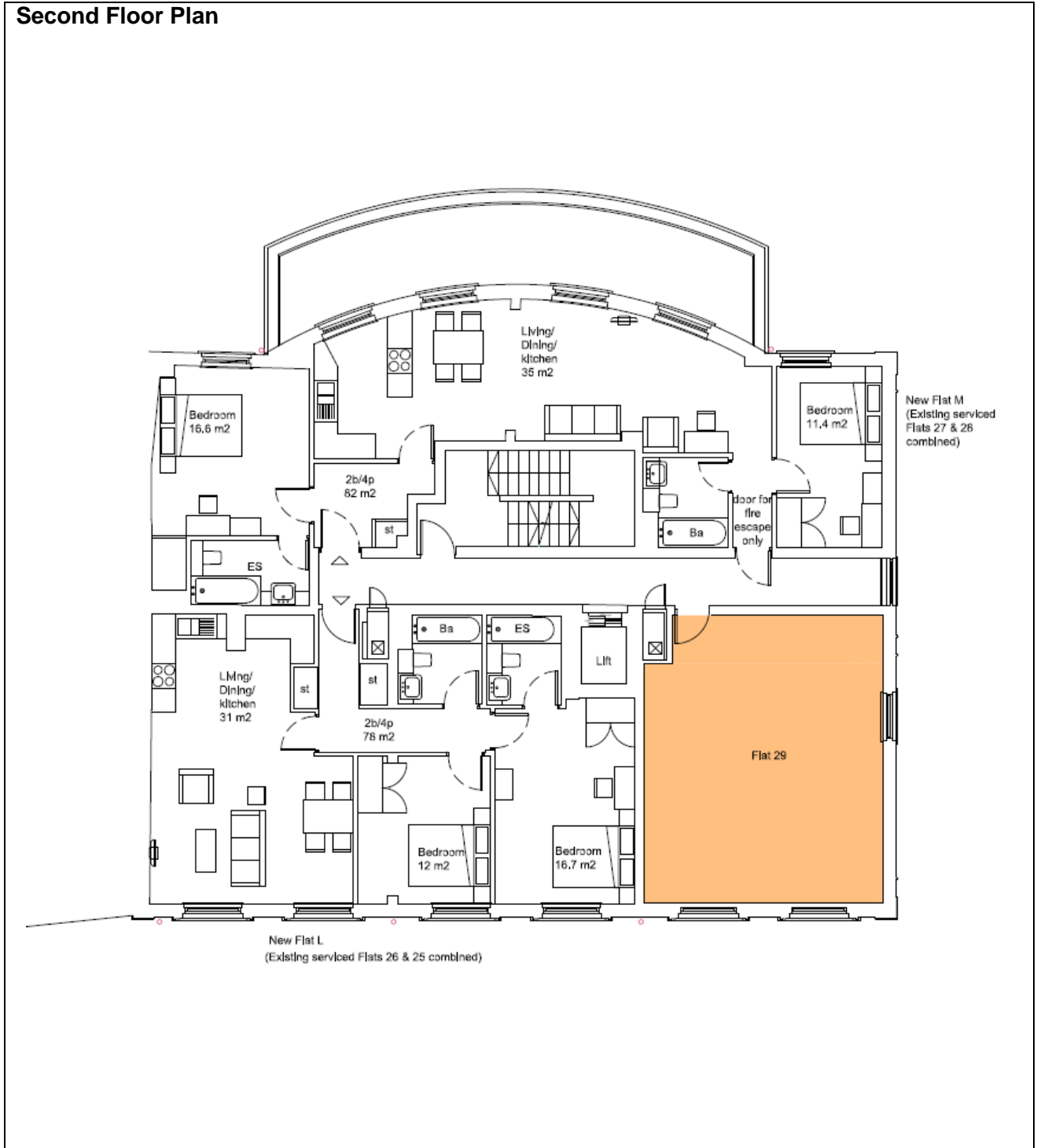
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

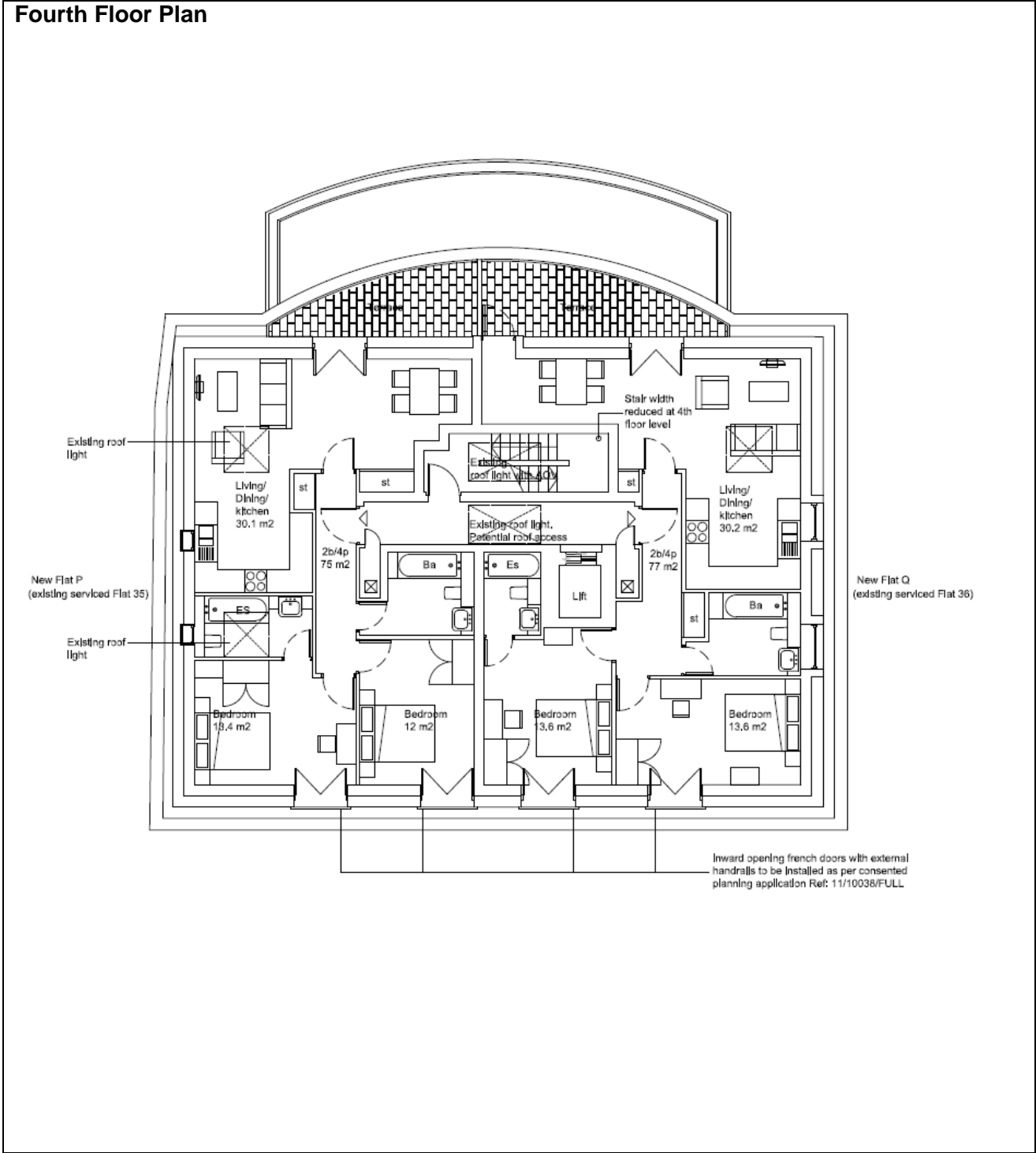
Ground Floor plan



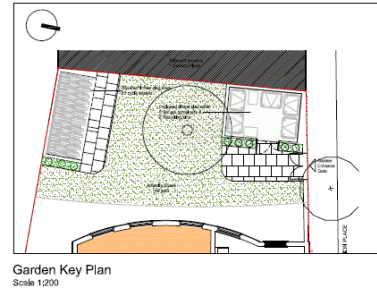
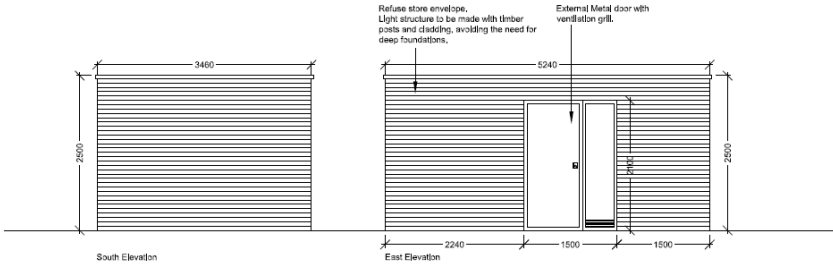
Second Floor Plan



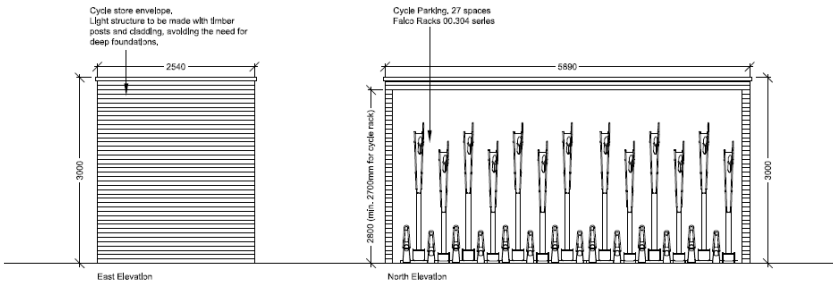
Fourth Floor Plan



Proposed Ground floor courtyard plan/ Cycle and Refuse Storage Details



Refuse Store Elevations
Scale 1:50



Refuse Store Elevations

DRAFT DECISION LETTER

Address: 74-76 Princes Square, London, W2 4NP,

Proposal: Conversion of 26 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed) with the installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard.

Reference: 16/01573/FULL

Plan Nos: A 000 001 P0; A 000 002 P3; A 025 001 P0; A 025 002 P0; A 025 003 P0; A 025 004 P0; A 025 005 P0; A 025 006 P0; A 025 007 P0; A 025 008 P0; A 100 001 P5; A 100 002 P7; A 100 003 P5; A 100 004 P5; A 100 005 P5; A 100 006 P5; A 100 007 P5; A100 008 P3; A 100 010 P1; Bike storage Specification; Flat Floorspace Schedule; Energy Statement; Planning Statement; Transport Statement.

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

4 The new metal railings to fourth floor level shall be formed in black metal

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 Bayswater 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 framing to the new windows and external doors to fourth floor level shall be formed in white painted timber

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 Bayswater 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 The timber to the new cycle store and bin store structures to the rear garden area shall be stained a mid to dark brown, green or grey colour, and shall be 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 this part of the Bayswater 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 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)

8 You must provide details of the construction of the refuse stores, cycle storage and hard surfacing in the rear garden, including section drawings of foundations. The foundations of these structures should either be 'no-dig' construction or should be informed by trial excavations in order to avoid tree roots. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings

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)

9 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following:

Reduce the impact of the development on on-street residents car parking in the vicinity of the application site.

In the case of each of the above benefit, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in STRA25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007

10 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

11 You must submit detailed drawings indicating revised proposals for the storage of general waste and recyclable materials for approval by the City Council. This development will require a minimum of two 1,100L bins for recyclable materials, and one 660L bin for general waste. , , Before anyone moves into the residential flats, you must provide the separate stores for waste and materials for recycling as shown on the approved details. You must clearly mark them and make them available at all times to everyone living in the flats.

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)

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 relation to condition 11, this development will require two 1,100L bins for recyclable materials, and one 1,100L bin and one 660L bin for general waste because the storage capacity for recyclable materials should be more than the storage capacity for waste., , However, they can have three 1,100L for recyclable materials storage and two 1,100L for general waste storage if they want more storage capacity., , oThe storage containers should be marked R for recyclable materials and W for the general waste., , Refer applicant to the Council Recycling and Waste Storage Requirements sections 3.1.1 and 2.3.1., , Link provided below., , <https://www.westminster.gov.uk/waste-storage-planning-advice>

3 Under condition 9 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure an undertaking to provide one car club membership for each residential unit within the development for a period of not less than 25 years from the date of first occupation. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

4 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission.

5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an Assumption of Liability Form immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a Commencement Form, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Westbourne	
Subject of Report	65 Alfred Road, London, W2 5EU		
Proposal	Erection of two additional storeys and a side extension to form new third and fourth floor level to existing workshop and artist studio building; installation of plant; alterations to the eastern elevation.		
Agent	DP9		
On behalf of	Great Western Studios Limited		
Registered Number	15/08377/FULL	Date amended/ completed	29 September 2015
Date Application Received	9 September 2015		
Historic Building Grade	Unlisted		
Conservation Area	NA		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site contains a three-storey building comprising multiple units all used for studio/light industrial purposes (Class B1) which are individually let. The building is unlisted and not within a conservation area. The application site is located within the Crossrail Safeguarding Zone, and the North Westminster Economic Development Area (NWEDA).

Permission is sought for a two storey roof extension and a side extension to accommodate 21 additional studio/light industrial units (Use Class B1). This would be one additional storey to that recently approved under permission ref: 13/11924/FULL and which is currently being implemented. The top storey would also feature a sign stating 'Great Western Studios on its southern elevation and integrated into the fabric of the top storey. Alterations to the eastern façade and provision of associated plant and car and cycle parking are also proposed.

The key considerations are:

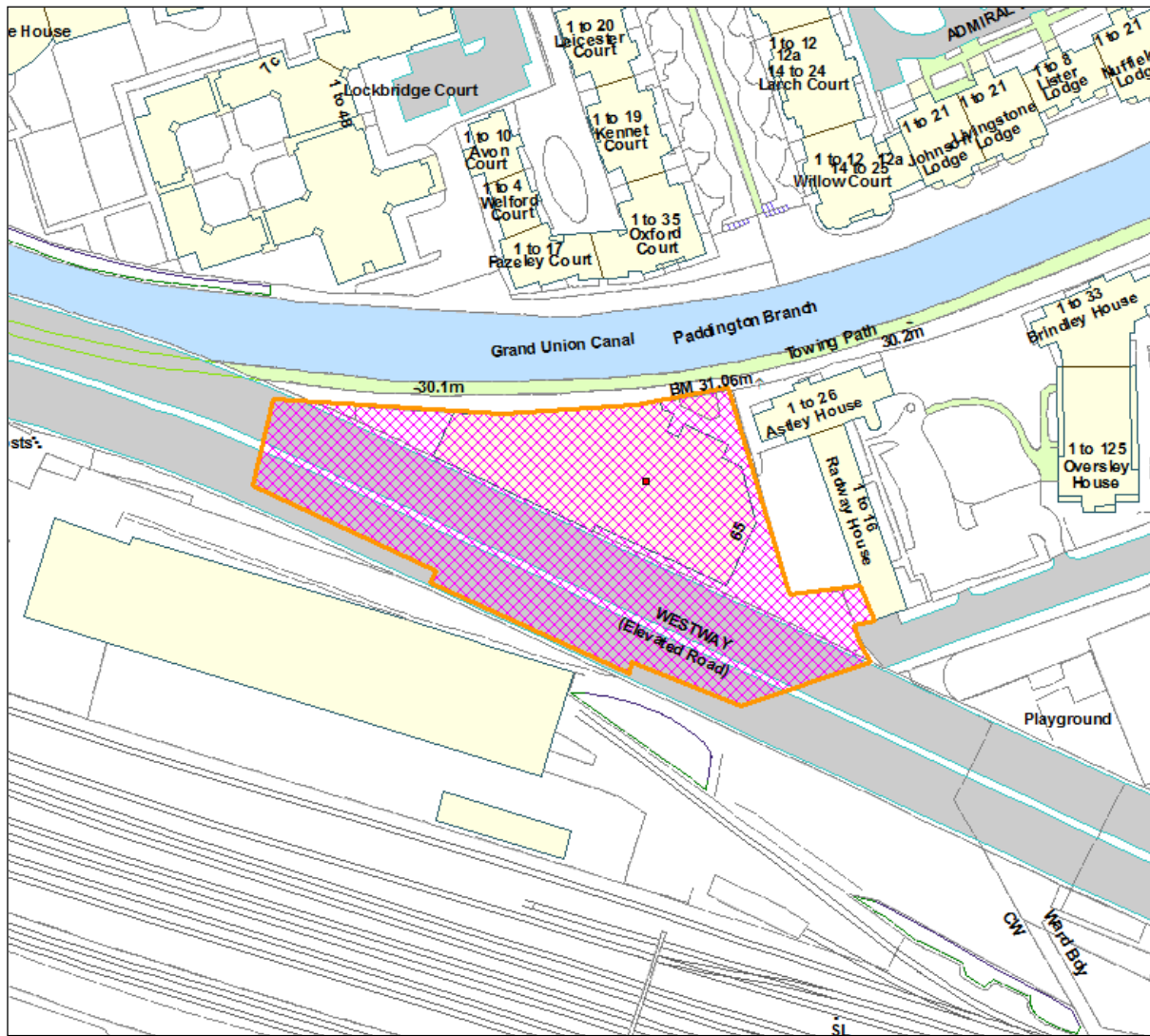
- The provision of additional employment floorspace within NWEDA;
- Impact of the proposed extensions on the character and appearance of the existing building and the area;
- Impact on the amenity of residential properties nearby, including loss of light; and

- Impact on highways and parking;

The proposed development would result in daylight loss to surrounding properties that exceeds BRE Guidance. However, the additional units/floorspace would help to maintain local employment and assist in the regeneration of the area whilst providing affordable and small workspaces for a wide range of creative businesses/industries. Accordingly, these light losses are not sufficient to refuse permission when weighed against the benefits of the development.

In all other respects, the development would be consistent with relevant development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FIRST ROUND OF CONSULTATION THAT EXPIRED ON 30 OCTOBER 2016.

Councillor David Boothroyd

Asked that this application is referred to Planning Applications Committee as there are concerns from neighbouring residents about the light impact.

Crossrail

No objection subject to condition requiring approval of method statement that demonstrates that the proposal would not impede construction of Crossrail structures and tunnels.

Environmental Health Officer

No objection. Have not requested monitoring by the Environmental Inspectorate. Have requested conditions to control plant noise and vibration.

North Paddington Society

Supports projects that bring increased opportunity and employment to the area. However, this cannot be at the expense of residents rights to enjoy their home life. They have received comments from a resident concerned at the loss of daylight should the proposal go ahead. They also have concerns about the non-specific proposed installation of plant - would this be air-con units on the roof or license to install noisy printing presses within the building?

Highways Planning

Proposed does not show where cycle parking will be provided. Disappointed that additional parking provided at expense of servicing area. Request condition requiring completion of Travel Plan, Servicing Management Plan, and details of waste storage. Comments considered in greater detail below.

Transport for London

No objection. Have requested conditions requiring details of the location of cycle parking, electric vehicle charging points, an updated Travel Plan and Construction Management Plan.

Canal & River Trust

No objection, subject to conditions regarding stormwater discharge, the green roof, oil tank on roof, construction management. Have requested planning obligation in relation to towpath improvements to discourage anti-social behaviour.

Inland Waterways Association

Any response to be reported verbally.

Arboricultural Section

No objection. Have requested green roof.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 230

Total No. of replies: 16
 No. of objections: 12
 No. in support: 4

In summary, the objectors raise the following issues:

- The proposal would result in loss of privacy as people in the development would be able to look into neighbouring residential properties;
- The existing building has already caused significant loss of light for neighbouring residents and this would be exacerbated by the proposed extension;
- Proposal is overdevelopment of site;
- Proposal would increase traffic and parking congestion on Alfred Road and surrounding streets, particularly with other uses already on the street;
- The local amenity society have not been consulted;
- The studios provide no benefit to local residents, providing neither housing or employment;
- Construction noise, pollution and traffic would be harmful to local residents;
- The additional height would be overpowering when viewed from neighbouring properties;
- The proposals would result in loss of property value for surrounding residents;
- The proposal would result in loss of views for surrounding residents;
- Object to the presence of plant on the roof;
- The proposed studios would be used by 'High End Art Businesses'; and
- The proposed development would contravene the Human Rights act.

In summary, those supporting the application raise the following issues:

- The existing studio complex provides an opportunity for new businesses to network and grow;
- The expansion would allow existing businesses in the building to expand and not have to relocate;
- The expansion would contribute to the economic performance of this poor, but dynamic Westminster quarter; and
- Construction would cause disruption but we live in a middle of a city which is constantly growing.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

SECOND ROUND OF CONSULTATION THAT EXPIRED ON 15 FEBRUARY 2016
 FOLLOWING CORRECTION TO DEVELOPMENT DESCRIPTION

Councillor David Boothroyd

The proposed extension would result in light losses exceeding BRE guidance at several properties in Fazeley Court and Astley House

Crossrail

No further comments received.

Environmental Health Officer

No further comments received.

North Paddington Society

No further comments received.

Highways Planning

No further comments received.

Transport for London

No further comments in addition to those received in response to first consultation.

Canal & River Trust

Advise that they have no further comments to make.

Inland Waterways Association

Any response to be reported verbally.

Arboricultural Section

No objection. Have reiterated request for green roof and landscaping.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 230

Total No. of replies: 4

No. of objections: 3

No. in support: 2

In summary, the objectors raise the following issues:

- The proposed extension would result in significant loss of light for neighbouring resident's;
- The light assessment does not contain any assessment of Oxford Court;
- The proposal would result in further traffic congestion;
- The proposal would offer no benefits to local residents;

In summary, the supporter of the application raises the following issues:

- The extension would allow existing businesses to stay and grow;
- The studios are a hub that enables creative businesses to start up, grow and prosper.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

The application site contains a three-storey building comprising multiple units all used for studio/light industrial purposes (Class B1) which are individually let. The building has ancillary communal areas including a café, atrium, gallery, shower room and reception area. The existing floorspace is approximately 5300 sqm.

The building is bounded to the north by the towpath serving the Grand Union Canal and to the south by the elevated part of the Westway which passes over part of the building. To the east is an eight-storey blocks of flats known as Astley House which adjoins the four-storey plus basement known as Radway House.

The building is unlisted and not within a conservation area. The application site is located within the Crossrail Safeguarding Zone, and the North Westminster economic Development Area.

6.2 Recent Relevant History

08/10932/FULL

Use of building for studio/light industrial purposes by Great Western Studios (Class B1(b) and (c)). External alterations to the existing building with new windows and access points, new grey render finish and the erection of an additional second floor and extensions at ground and first floor levels. Pedestrian access from the canal towpath.
Application Permitted 19 March 2009

13/11924/FULL

Erection of additional storey to form new third floor level to provide additional studio/light industrial units and erection of extension at part ground, part first and second floors to provide new studio/light industrial units and associated works. (Class B1(b) and (c)).
Application Permitted 12 May 2014

This permission has recently been implemented.

7. THE PROPOSAL

The proposal is for the construction of extensions to facilitate the creation of new studio/light industrial units (Use Class B1).

Two additional storey's (i.e. levels three and four) and a side extension would be added to the existing three storey building. This would be an additional storey above the development approved under planning permission ref: 13/11924/FULL. The additional floorspace would provide an additional 1075 square metres GIA of floorspace accommodating 21 additional units if configured as studios or 8 duplex and 5 studio units if so configured. In total, the proposal would increase floorspace on-site to 7673 square metres GIA.

Like the previous approval, the proposed third floor would match the detailing of the existing building, while the new proposed fourth floor extension is intended to be clad in a ribbed terracotta cladding to differentiate it and define it as the top storey. The top storey would also feature a sign stating 'Great Western Studios on its southern elevation. This sign would be integrated into the fabric of the top storey.

It is also proposed to install plant and associated screening, provide additional parking and install additional cycle parking.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed additional floorspace for Class B1 (b) and (c) studios is welcomed in land use terms and is supported by policy S12 for the North Westminster Economic Development Area (NWEDA) of Westminster's City Plan: Strategic Policies (adopted 2013) ("the City Plan"). The proposal is also supported by policy S18 of the City Plan which encourages and directs commercial development to NWEDA.

The additional units/floorspace would help to maintain local employment and assist in the regeneration of the area. It will continue to provide affordable and small workspaces for a wide range of creative businesses/industries. As per the previous permission, a condition is recommended that would restrict the use to Class B1(b) and (c) studios and light industry rather than allowing general Class B1 use, which includes offices.

8.2 Townscape and Design

Permission was granted in May 2014 for an additional storey and this development has been begun. This proposal seeks to add an additional storey to the 2014 scheme (i.e. a two storey extension to the existing building). The proposed third floor, as previously approved, would match the detailing of the existing building, while the new proposed fourth floor extension is intended to be clad in a ribbed terracotta cladding to differentiate it and define it as the top storey. This top storey would be set back from the third floor at its eastern end and there would also be a plant zone and roof terrace incorporated within this new fourth floor, positioned centrally on the southern side of the roof plan. The latter area will be screened on its south side (i.e. facing the Westway) and it is proposed to incorporate signage reading 'Great Western Studios' into the fabric of this screen (eg. etched or carved into the material). Plant is also proposed on the main roof. The window arrangement of the new floors would follow the established pattern and size. It is also proposed to reclad the first floor section of the building around the entrance and facing towards Alfred Road in Corten and to undertake changes to the signage in this location and to undertake modifications at ground floor level associated with relocating a café area.

Given the character and scale of the adjacent townscape, the principle of a two storey enlargement of the existing building would be acceptable in design terms. Furthermore, it is appropriate that the top storey is distinguished from the rest of the building in terms of the choice of material and that the proposed terracotta cladding, providing it is tonally complementary, would also be acceptable. It is considered that there is merit in setting back the top storey (on the canal-facing side) both to further define it as the top storey and also to allow a visually more satisfactory transition in materials.

The changes proposed at ground and first floor level around the entrance to the building are uncontentious in design terms. The change in cladding material will define the entrance area and in this highly varied townscape context, the choice of corten is not regarded as having any adverse impacts.

The concept of introducing a high level non-illuminated sign 'Great Western Studios' integrated into the fabric of the new top storey is acceptable in townscape and design terms, but further details of its appearance would be required. It is considered that any such sign ought to be relatively discreet and tonally complementary to the cladding

material. A condition is recommended to secure further details of this sign to be secured by condition.

Given the above, the proposed development is consistent with policy S28 of the City Plan and policies DES 1, DES 5, DES 6 and DES 8 of the Unitary Development Plan (adopted 2007) (“the UDP”).

8.3 Residential Amenity

8.3.1 Use

By definition, uses within Class B1 can be carried out within a residential area without creating a nuisance. Accordingly, the expansion of the existing use would not adversely affect the amenities of neighbouring residents in Alfred Road, Carlton Gate and Elmfield Way.

8.3.2 Loss of Daylight

The majority of the objections to this development received are concerned with loss of day and sunlight.

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (second edition 2011) (“the BRE Guide”). The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances.

The applicant has submitted a Daylight and Sunlight Report by GIA (“the Light Study) and data and an assessment has been provided in respect of daylight and sunlight and their impact upon three neighbouring block of flats. The Light Study considers loss of daylight and sunlight to the following residential properties:

- 1-17 Fazeley Court;
- 1-26 Astley House;
- 1-16 Radway House;
- Oxford Court;
- Lockbridge Court

All other residential properties are located too far from the application site to result in unacceptable loss of light when considered against the BRE Guide.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The Light Studies conclusions on daylight are summarised in the table below:

Daylight Loss Summary

SITE	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (%)	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
1-26 Astley House	11 out of 24	25.5 - 49.7	3 out of 16	26.67 – 50.86
1-16 Radway House	6 out of 57	21.28 - 23.5	6 out of 36	23.01 – 41.27
1-7 Fazeley Court (without balconies*)	11 out of 54	20.6 - 25.9	14 out of 46	21.58 – 43.11
Oxford Court (without balconies*)	3 out of 65	21 – 48.6	1 out of 40	22.56
Lockbridge Court (without balconies*)	0 out of 28	NA	0 out of 20	NA
TOTAL	30 out of 228 (13%)		24 out of 158 (15%)	

*The presence of these balconies was found to be the main factor in causing light loss and calculations were made without them to indicate the true extent of light loss from the proposed development, as suggested by the BRE Guide.

The BRE Guide itself stresses that its guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In an urban location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies.

Overall, the proposed development also achieves a relatively high level of compliance with BRE Guidance for a development of this scale. Only 13% of all windows and 15% of all eligible rooms would experience light loss that would be noticeable according to the BRE.

Out of the 11 windows at Astley House experiencing VSC losses above 20%, seven would have losses between 30.25% and 46.94%. Two bedrooms would also experience NSL losses of 44.14% and 50.86%, although bedrooms are less important for daylight levels, as noted in the BRE Guide.

At Radway House, the levels of VSC loss and NSL loss to three rooms (kitchens) would marginally exceed what is deemed noticeable by the BRE Guide. Three rooms would

experience NSL loss levels between 30.51% and 41.27% where the loss could be considered harmful.

With regards to the daylight losses to Fazeley Court, the transgressions of VSC are only marginally beyond those deemed noticeable by the BRE Guide. NSL losses at Fazeley Court would be higher, with seven rooms experiencing NSL losses that would be reasonably considered noticeable (i.e. 20-30%) and the remaining seven experiencing losses that could be reasonably considered harmful (i.e. 30-43.11%). However, the rooms and windows affected are also shaded by existing trees on the northern bank of the canal.

Of the three windows at Oxford Court with VSC losses above 20%, two would have losses exceeding 40%. NSL losses exceeding BRE guidance at Oxford Court would be confined to one room and that loss would be only marginally above what is deemed noticeable by the BRE.

Lockbridge Court would not experience levels of daylight loss exceeding BRE guidance.

Overall, the windows and rooms experiencing what could be deemed harmful levels of light loss (i.e. a loss of 30% or more), would be limited to 9 windows and 12 rooms. This equates to 4% of eligible windows and 8% of rooms.

However, these light losses must be weighed against the benefits of the development. In this instance, the additional units/floorspace would help to maintain local employment and assist in the regeneration of the area whilst providing affordable and small workspaces for a wide range of creative businesses/industries. Given these benefits of the development, the relatively small number of windows and rooms with harmful levels of light loss and the flexibility set out within the BRE Guide, refusal of the development on this basis would not be sustainable.

8.3.3 Loss of Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. The BRE Guide states that only sunlight to living rooms needs to be assessed.

Sunlight Loss Summary

SITE	No. of Eligible Windows With Sunlight Loss Exceeding BRE Guidelines
1-26 Astley House	1 out of 8
1-16 Radway House	0 out of 41
1-7 Fazeley Court (without balconies)	0 out of 34

Oxford Court (without balconies)	1 out of 49
Lockbridge Court (without balconies)	0 out of 25
TOTAL	2 out of 157 (1%)

The sunlight loss proposed would be relatively modest for an urban site such as this with only 1 window at Astley House and 1 window at Oxford Court having losses exceeding BRE Guidance. When considered against the benefits of this development, this level of sunlight loss would not warrant refusal of this application.

8.3.4 Sense of Enclosure

The proposed development would be separated from Oxford, Fazeley and Locksbridge Courts by the width of the Grand Union Canal (i.e. over 26 m away). The width of the canal provides sufficient separation distance to ensure that the proposed development does not result in a significant increase in sense of enclosure for the occupiers of those properties.

The proposed development has been designed so that it steps away from Astley and Radway Houses at its closest points to those buildings. The eastern façade is also not parallel to Astley and Radway Houses and includes a large recess which ensures that windows in Astley and Radway Houses would have oblique views of the proposed extension. Given the above and the separation distance between the proposed development and these properties, the proposed development would not result in a significant sense of enclosure for the occupants of Astley and Radway Houses.

Given the above, the proposed development would not result in a significant sense of enclosure for the occupants of residential properties surrounding the site. Accordingly, the proposal would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.5 Privacy

The windows proposed in the eastern and northern elevations at the eastern end of the extension would have a similar outlook to the existing building. They would also be orientated at an oblique angle to Astley and Radway Houses and would be located no closer than approximately 13 m to those buildings.

The proposed development would be separated from Oxford, Fazeley and Locksbridge Courts by the width of the Grand Union Canal (i.e. over 26 m away). The additional windows proposed would also have a comparable outlook to existing windows. Accordingly, the additional windows on the northern face of the building would not result in a material loss of privacy for the occupiers of those properties.

The proposed terrace on the eastern side of the site at fourth floor level would be separated from Astley House by 9 m at its nearest point and would largely face existing terraces at Astley House. Given this separation distance, this terrace is not considered to

result in a material loss of privacy or increased overlooking into Astley House particularly given there are existing terraces in this block. A condition is recommended to prevent further roof terraces that may cause harm to the amenity of nearby residents.

Subject to the recommended condition, the proposed development would not result in unacceptable loss of privacy for the occupants of nearby residential properties and would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.3.6 Plant Noise

The proposed development would include rooftop plant. The Environmental Health Officer has reviewed the proposed development and the acoustic report submitted by the applicant. The Environmental Health Office advises that the application site is located in an area with high background noise levels, largely from the adjacent Westway and that, in this context, the proposed plant would comply with the City Council's noise limits. Accordingly, and subject to conditions, the proposed development would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

8.4 **Transportation/Parking**

8.4.1 Car Parking and Servicing

The applicant proposes one additional parking space, resulting in six on-site spaces for the entire development. This would be consistent with the parking standards of TRANS 22 of the UDP.

However, the submitted Transport Assessment indicates that 20 people drive to the site. This is exceptionally high car usage for this site, especially given the available public transport links. It is also unclear why private vehicle trips to the site are so high.

The submitted Transport Assessment does not contain any assessment of future trips to the site by private vehicle, based on the increase in floor space. The current use generates a high demand for car parking and private vehicle trips and the proposed additional units are likely to increase this demand. Significant concern is raised that additional units and capacity will place more pressure on the surrounding road network, in terms of demand for parking.

Despite this, given the sites location, it is disappointing that additional car parking is being provided. This is likely to only lead to increased private vehicle use to the site, as opposed to other more sustainable travel modes.

To help minimise private vehicle use and to ensure other sustainable transport modes are provided for the site, a comprehensive Travel Plan should be developed. This process can ensure facilities are tailored specifically for the occupants needs. This will also minimise the impact of the proposed additional units on the surrounding highway network. A condition is recommended to secure such a Travel Plan.

The proposed car parking also appears to remove any servicing provision from the site. Policy S42 of the City Plan and policy TRANS20 require off-street servicing provision. Given the use is existing and current off-street provision is being reduced, a Servicing

Management Plan (SMP) is to be secured by condition to ensure the studios are serviced in a way to minimise impact upon the highway.

Subject to the recommended conditions, the proposed development would be consistent with policies S41 and S42 of the City Plan and policies TRANS 20, TRANS 21 and TRANS 22 of the UDP.

8.4.2 Cycle Parking

Policy 6.9 of the London Plan (FALP – March 2015) requires one cycle parking space per 250m² of B1 light industrial. The increase proposed would therefore require ten additional cycle parking spaces. Whilst the applicant indicates that overall 100 cycle parking spaces will be provided, they do not appear on the submitted drawings, although room is available for this on-site. A condition has been recommended to secure this cycle parking. Subject to this condition, the proposal would be consistent with policy 6.9 of the London Plan.

8.4.3 Waste

Waste stores are indicated on the submitted drawings. Given the increase in floor space and number of occupants, it is unclear if the waste provision is sufficient for the additional occupants. Furthermore, whilst it is accepted that the café is existing, given the improvements to the offer, provision should be made for additional organic waste.

A condition is recommended, to ensure that the level of waste storage indicated is sufficient for the proposed number of units and is in accordance with the requirements of the Westminster Recycling and Waste Storage Requirements and policy S41 and S44 of the City Plan and policies ENV12 and TRANS3.

8.5 **Economic Considerations**

As noted above, the proposed studio space would provide low cost office space to nurture small businesses and assist further regeneration of NWEDA. Construction of the proposed development would also provide job opportunities in the short term as well as support local businesses that support construction workers.

8.6 **Access**

The proposed units would all be accessible by lift and from level access ways. A disabled parking space has also been provided. Overall the scheme is considered to comply with Policy DES1 in the adopted UDP and Policy S28 in the City Plan in terms of accessibility.

8.7 **Other UDP/Westminster Policy Considerations**

8.7.1 Sustainability

The applicant has submitted an Energy Strategy for the proposed development that demonstrates that the proposal will achieve a carbon dioxide saving of 36% through the use of VRV Heat Pumps and Solar Thermal Water Heaters. This would be consistent with policy S28 and S40 of the City Plan. Whilst this would not achieve the 40% saving

required by policy 5.2 of the London Plan, the proposal would need to be built accordance with current building regulations which would achieve a comparable level of savings. Accordingly, the proposed development would achieve an appropriate level of carbon savings.

8.7.2 Biodiversity

The adjacent Grand Union Canal is a Site of Nature Conservation Importance (SNCI) and it is understood that bats use it for feeding and as a travel route. To minimise the impact of the proposal on wildlife, a condition is recommended requiring the City Council's approval of lighting associated with this development.

8.7.3 Sustainable Urban Drainage Systems (SUDS)

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The proposed development includes a small area of green roof at the eastern end of the development. However much of the roof of the proposed development is unobstructed and could accommodate a large area of green roof. Accordingly, a condition is attached requiring the applicant to provide a larger green roof where feasible. The provision of such a roof would provide further run-off attenuation, consistent with policy 5.13 of the London Plan.

8.8 **London Plan**

This application raises no strategic issues.

8.9 **National Policy/Guidance Considerations**

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

8.10 **Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The Canal and River Trust have requested a contribution toward tackling anti-social behaviour on the adjacent tow path. However, no link has been given or is apparent between the proposed development and this behaviour. Accordingly, such a contribution would not be reasonably related in scale and kind to the development and therefore would not meet regulation 122 of the CIL Regulations 2010 (as amended). As such, a contribution has not been sought.

8.11 **Environmental Impact Assessment**

Not applicable to this scale of development

8.12 Other Issues

8.12.1 Construction Impact

The Canal and River Trust and Crossrail have requested conditions requiring further approval of construction management and methodology. Conditions are recommended that limit the hours of construction and require the development to be carried out in accordance with the Construction Management Plan recently approved in relation to application ref: 13/11924/FULL so as to minimise harm to the amenity of local residents and traffic flow. Subject to these conditions, the proposed development would not result in unacceptable harm to the amenity of local residents or the free flow of traffic.

9 BACKGROUND PAPERS

1. Application form
2. Emails from Councillor David Boothroyd, dated 18 October 2015 and 28 January 2016
3. Response from Environmental Health Officer, dated 23 October 2015
4. Response from Highways Planning Manager, dated 30 October 2015
5. Response from Tree Officer, dated 16 November 2015 and 25 April 2016
6. Response from TFL, dated 23 October 2015 and 1 February 2016
7. Response from Crossrail, dated 13 October 2015
8. Response from Canal and River Trust, dated 28 October 2015 and 23 February 2016
9. Response from the North Paddington Society (undated)
10. Letter from occupier of Flat 6, Oxford Court, dated 28 January 2016
11. Letter from occupier of Flat 2, Fazeley Court, dated 10 February 2016
12. Letter from occupier of Flat 1, Fazeley Court, dated 29 October 2015
13. Letter from occupier of Flat 12, Astley House, dated 15 December 2015
14. Letter from occupier of Great Western Studios, 65 Alfred Road, dated 21 October 2015
15. Letter from occupier of 8 Oxford Court, Elmfield Way, dated 14 October 2015
16. Letter from occupier of 9 The Old Aeroworks, 17 Hatton Street, dated 15 October 2015
17. Letter from occupier of 41 Warrington Crescent, London, dated 15 October 2015
18. Letter from occupier of Flat 6 Radway House, Alfred Road, dated 22 October 2015
19. Letter from occupier of 34 Oxford Court, London, dated 14 October 2015
20. Letter from occupier of Studio 18, Great Western Studios, dated 21 October 2015
21. Letter from occupier of 11 Elm Grove, London, dated 21 October 2015
22. Letter from occupier of Studio 39, Great Western Studios, dated 21 October 2015
23. Letter from occupier of 2 Oxford Court, Elmfield Way, dated 15 October 2015
24. Letter from occupier of 5 Fazeley Court, Elmfield Way, dated 30 October 2015
25. Letter from occupier of 122 Great Western Studios, 65 Alfred Road, dated 26 October 2015
26. Letter from occupier of 6 Radway House, Alfred Road, dated 24 October 2015
27. Letter from occupier of Flat 4 Fazeley Court, Elmfield Way, dated 3 November 2015
28. Letter from occupier of 2 Fazeley Court, Elmfield Way, dated 10 February 2016
29. Letter from occupier of 19 Oxford Court, Elmfield Way, dated 10 February 2016
30. Letter from occupier of Flat 1, Fazeley Court, dated 17 February 2016
31. Letter from Adam Brown, dated 27 April 2016
32. Letter from occupier of Studio 38, Great Western Studios, dated 10 May 1 2016

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

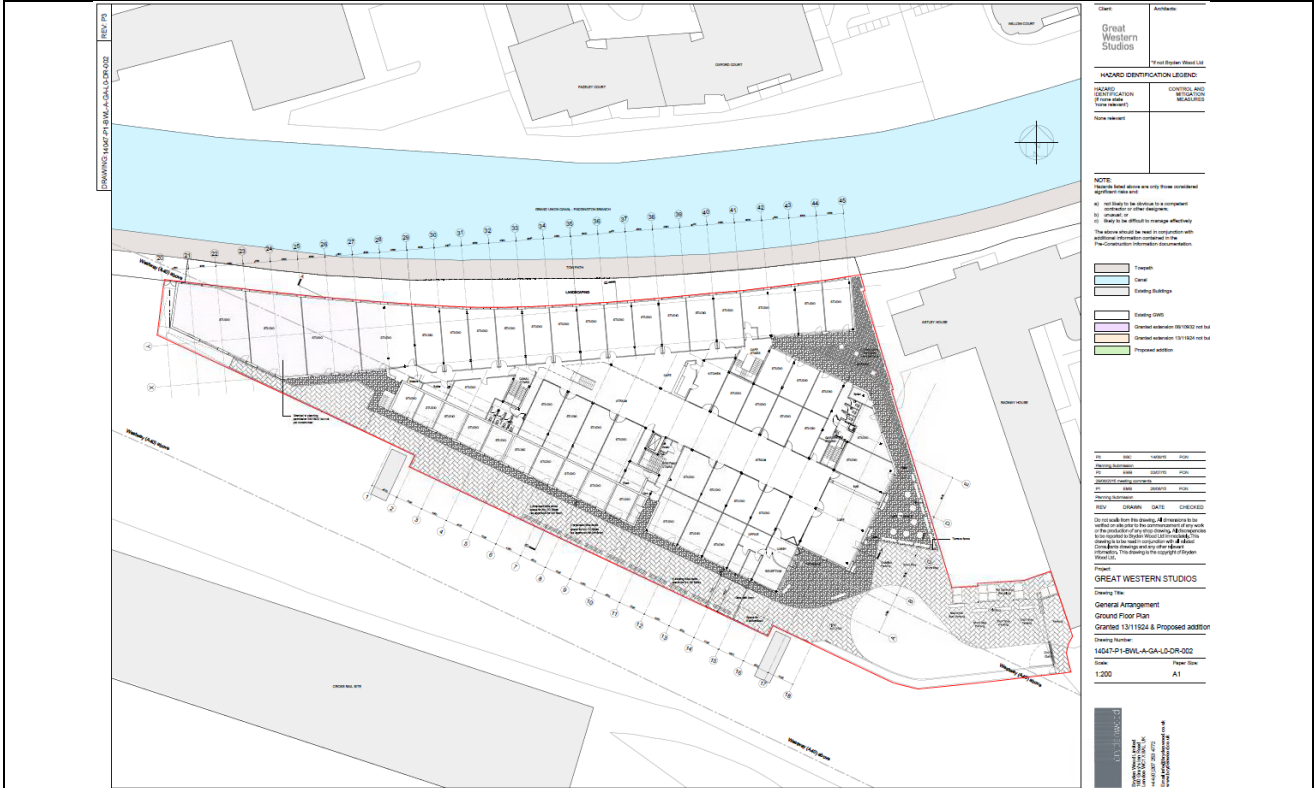
10 KEY DRAWINGS



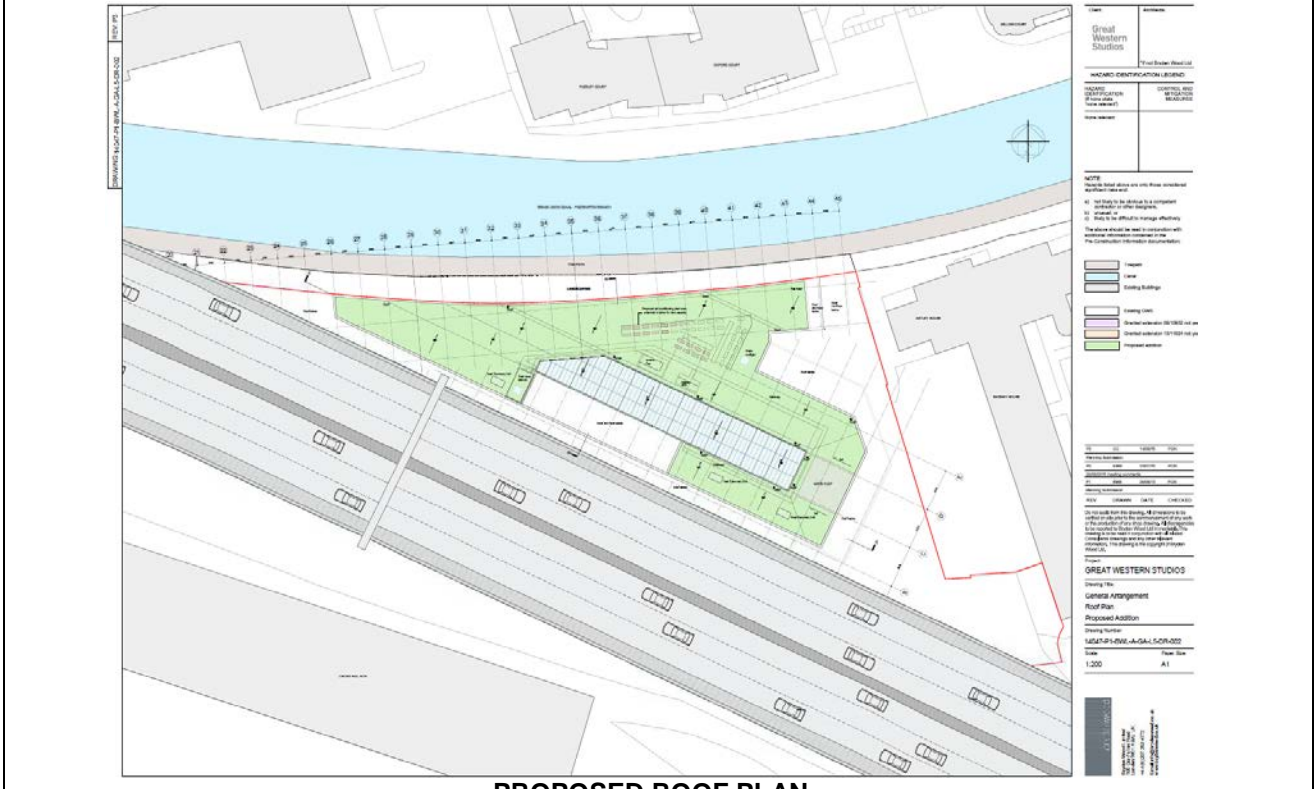
EXISTING ELEVATIONS



PROPOSED ELEVATIONS



PROPOSED GROUND FLOOR PLAN



PROPOSED ROOF PLAN

DRAFT DECISION LETTER

- Address:** 65 Alfred Road, London, W2 5EU
- Proposal:** Erection of two additional storeys and a side extension to form new third and fourth floor level to existing workshop and artist studio building; installation of plant; alterations to the eastern elevation.
- Plan Nos:** Drawing no's 14047-P1-BWL-A-GA-EL-DR-001 Rev P2, 14047-P1-BWL-A-GA-L0-DR-000 Rev P2, 14047-P1-BWL-A-GA-L0-DR-001 Rev P3, 14047-P1-BWL-A-GA-L0-DR-002 Rev P3, 14047-P1-BWL-A-GA-L1-DR-001 Rev P2, 14047-P1-BWL-A-GA-L1-DR-002 Rev P3, 14047-P1-BWL-A-GA-L2-DR-001 Rev P2, 14047-P1-BWL-A-GA-L2-DR-002 Rev P2, 14047-P1-BWL-A-GA-L3-DR-001 Rev P2, 14047-P1-BWL-A-GA-L3-DR-002 Rev P3, 14047-P1-BWL-A-GA-L4-DR-002 Rev P3, 14047-P1-BWL-A-GA-L5-DR-002 Rev P3, 14047-P1-BWL-A-GA-SE-DR-001 Rev P2, 14047-P1-BWL-A-GA-SE-DR-002 Rev P3, 14047-P1-BWL-A-GA-SE-DR-003 Rev P3, 14047-P1-BWL-A-GA-SE-DR-004 Rev P4, 14047-P1-BWL-A-GA-EL-DR-002 Rev P3, 14042-P1-BWL-A-DT-01-DR-1000 REV T2; Design and Access Statement (ref: 14047-REP-001); Transport Statement by TPA (dated August 2015); Energy Strategy Report by TUV SUD (dated August 2015); Planning Statement by DP9 (dated September 2015); Plant Noise Assessment by Anderson Acoustics (dated July 2015); Construction Management Plan – Traffic Management Plan by MBS (Rev E dated 14 December 2015); Method Statement for Works Adjacent to the Grand Union Canal (Paddington Branch) by MBS (Rev E dated 5 November 2015)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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 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)

- 3 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)

- 4 The accommodation hereby approved shall be used for studio and light industrial purposes only falling within Class B1 (b) and (c) of the Town and Country Planning Use Classes Order 1987 (as amended), with the exemption of the ancillary offices, cafe and canteen.

Reason:

To ensure that this building provides studio and light industrial space for the creative industries and to assist in the regeneration of the area, in accordance with policies S12 and S18 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 5 The development shall be carried out in accordance with the document titled "Method Statement for Works Adjacent to the Grand Union Canal (Paddington Branch)" by MBS (Rev E dated 5 November 2015).

Reason:

To ensure that the development can be carried out in a safe manner and without harm to the adjacent canal.

- 6 You must apply to us for approval of the following parts of the development before the units hereby approved are occupied:

- The location of one Electric Vehicle Charging Point.

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.

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (FALP - March 2015).

- 7 You must apply to us for approval of detailed drawings of the following parts of the development:

- Elevations and sections of all signage (scale 1:50); and
- Elevations and sections of all roof top plant enclosures (scale 1:50)

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.

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)

- 8 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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 The 'Great Western Studios' sign on the southern elevation, facing the A40, shall not be illuminated.

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)

- 10 Before the new units are occupied, full details of the proposed cycle parking racks shall be submitted to and approved in writing by the City Council as a local planning authority. The cycle parking racks must be installed prior to occupation of the new units hereby approved. 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 Policy 6.9 of The London Plan (FALP – 2015).

- 11 Prior to occupation of the new units, you must apply to us for approval of an updated Travel Plan. The Travel Plan must include details of:
- (a) A comprehensive survey of all users of these premises;
 - (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
 - (c) Targets set in the Plan to reduce car journeys to these premises;
 - (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if

targets identified in the Plan are not being met over a period of 5 years from the date the new units are occupied.

At the end of the first and third years of the life of the Travel Plan, 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)

- 12 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 13 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.

- 13 (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.

- 14 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

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.

- 15 The units hereby approved shall not be occupied until a Servicing Management Plan (SMP) has been submitted to and approved in writing by the City Council. You must then carry out the development in accordance with the approved SMP.

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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of detailed drawings showing the following alteration to the scheme.
- The maximum possible area of Green Roof that can be provided on the roof of the extension. If total coverage with Green Roof is not possible, justification for this must be provided.

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

Reason:

To minimise run-off from the site, in accordance with policy 5.13 of The London Plan (FALP – 2015).

- 17 Before occupation of the units hereby approved, full details of any proposed lighting and CCTV shall be submitted to and approved in writing by the City Council as a local planning authority in consultation with the Canal and River Trust. The development shall be carried out in accordance with the approved lighting and CCTV details.

Reason:

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

- 18 The development shall be carried out in accordance with the document titled "Construction Management Plan – Traffic Management Plan" by MBS (Rev E dated 14 December 2015).

Reason:

As required by Transport for London given the proximity of the site to the A40 Westway.

- 19 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the new units hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the premises. (C14EC)

Reason:

You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the premises. (C14EC)

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 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal and River Trust" to ensure that any necessary consents are obtained. Further information is available on their website:, <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>
- 3 The applicant/developer is advised that any encroachment or access onto the canal towpath requires written consent from the Canal and River Trust, and you should contract the Canal and River Trust's Estates Surveyor, Jonathan Young (jonathan.young@canalrivertrust.org.uk) regarding this.
- 4 The applicant/developer is advised that any encroachment or access onto the canal towpath requires written consent from the Canal and River Trust, and you should contract the Canal and River Trust's Estates Surveyor, Jonathan Young (jonathan.young@canalrivertrust.org.uk) regarding this.
- 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.

- 6 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as

practicable setting out the estimated CIL charge.

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>

You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	11 Gerald Road, London, SW1W 9EH		
Proposal	Excavation of lower ground floor and basement under the front garden. Replacement of front basement lightwell stair.		
Agent	Mr Rodrigo Moreno Masey		
On behalf of	Miss Alison Davies		
Registered Number	15/07603/FULL	Date amended/ completed	17 August 2015
Date Application Received	17 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

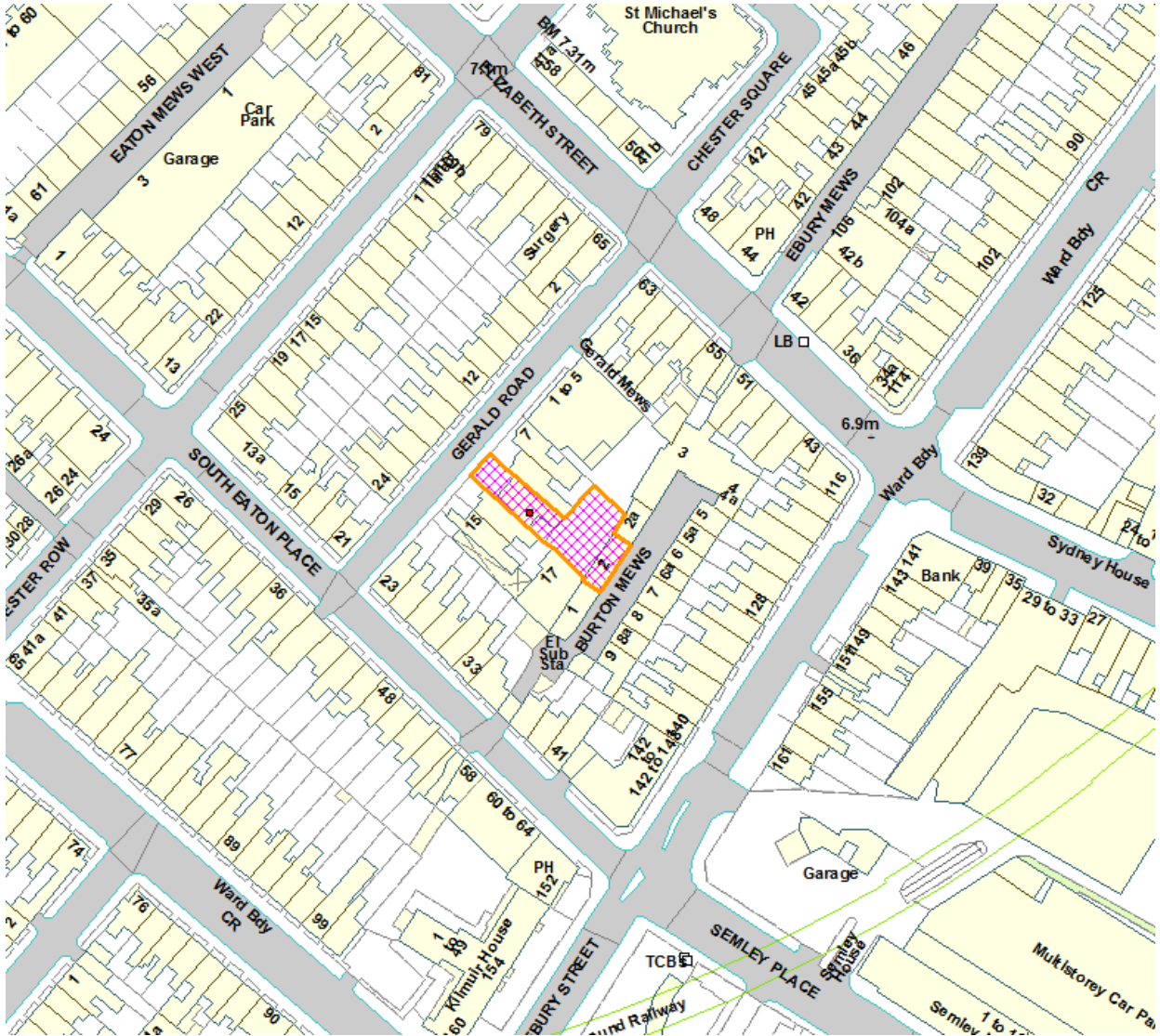
An application has been submitted seeking planning permission for excavation of a lower ground floor and basement under the front garden and replacement of front basement lightwell stair.

The key issues for consideration are:

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photograph of front garden and hedge at 11 Gerald Road

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

Structural Method Statement is considered to be satisfactory.

ARBORICULTURAL MANAGER

Build up over proposed basement will allow for suitable landscaping. Landscaping should be reserved by condition. Clarification should be sought on whether hedge will be removed or retained in the revised Construction Management Plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

Total No. of replies: 6

No. of objections: 6

Six letters received from or on behalf of neighbouring residents raising the following issues:

Design

*Development is out of keeping with the character of Gerald Road.

*Property is in conservation area and a major feature of the setting of the house is the large and well-established hedge on the Gerald Road frontage. Inconsistencies in documentation on whether this is to be retained. Council should exercise its powers to protect trees in the conservation area.

* Property is contrary to the City Council's Basement SPD which states that front excavation is not always desirable – the historic form of the front vault would be lost and a single large, deep excavated box would result.

Highways

*Narrow one way road, unsuitable for this kind of traffic.

*Impact of construction on traffic flow in the mews over a protracted period.

*Construction would cause congestion and would disrupt parking.

Basement Construction

*Should be restricted to a single level storey.

*Double basement dig is not appropriate on a road of this size and width.

*Noise, dust and vibration and disturbance arising from the construction.

Other

*Certificate B not served.

*Previous residents agreed on a survey by Grosvenor Estate that no more permissions would be given for sub-basement excavations.

*Loss of capital value.

*Vault could not be constructed as shown owing to the presence of a historic lower ground floor vault extension at No. 9.

*Inadequate soil depth to allow planting which is a breach of the SPD.

*Weight should be given to the emerging basement policy, applicant is seeking credit for where the application does comply, so negatives should also be considered.

SITE/PRESS NOTICE:

Yes

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 11 Gerald Road is an unlisted, mid-terrace single family dwelling consisting of lower ground, ground and first to third floor levels. The property is located within the Belgravia Conservation Area and outside of the Central Activities Zone in a predominantly residential area.

6.2 Recent Relevant History

Committee resolved to grant planning permission for the excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road in April 2016.

There are three other applications currently pending determination at the site. These are:

15/09279/FULL

Excavation to increase size of existing basement under 11 Gerald Road and rear mews, alterations to the landscaping of the rear garden, installation of new stairs from lightwell and installation of grills to lightwells and garden area for plant ventilation.

15/10141/FULL

Excavation to create enlarged basement extension with swimming pool and associated plant beneath main house, part front and rear gardens, and rear Mews building (Site includes 2 Burton Mews).

16/02032/FULL

Erection of rear extension at ground floor level to replace existing. Formation of new roof terrace and alterations to existing roof terrace, at first floor level. Installation of replacement windows and doors to the front and rear elevations of the mews building and to the main building. Installation of rooflights to the mews building and rooflights and roof lantern to the main building.

7. THE PROPOSAL

The application seeks planning permission for excavation of a lower ground floor and basement under the front garden and replacement of front basement lightwell stair.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal seeks to extend the existing residential accommodation which is acceptable in principle in land use terms and in accordance with H3 of the UDP and S14 of Westminster's City Plan.

8.2 Townscape and Design

An objection has been raised that the development is out of keeping with the character of Gerald Road. Given the subterranean nature of the proposed basement extension, the basement itself will have a minimal impact on the appearance of the existing building.

Given the highly enclosed nature of the front lightwell the replacement of the stair and installation of a window to the vault elevation to match the existing window is considered acceptable.

Objections have been raised on the grounds of the proposed potential loss of the front hedge given the conservation area setting. The hedge, although being an attractive feature, is not considered to be typical of houses in this area and as such its removal would not be resisted on design and conservation grounds.

An objection has been received stating that the property is contrary to the City Council's Basement SPD which states that front excavation is not always desirable and that the historic form of the front vault would be lost and a single large, deep excavated box would result.

As the building is not listed and the existing and proposed vault is fully within the site boundary, rather than under the pavement, it is not considered justifiable to refuse planning permission for the proposals on these grounds.

The development is therefore considered acceptable in design and conservation terms and will result in a neutral impact on the Belgravia Conservation Area.

8.3 Residential Amenity

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

It is considered that the creation of a new basement storey under the front garden will not materially impact upon the amenity of neighbouring properties in terms of loss of privacy, daylight or sense of enclosure.

As such, the proposals are considered acceptable in amenity terms, in accordance with Policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

As the enlarged property will continue to be used as a single family dwelling, the proposals are considered acceptable in Highways terms.

The impact associated with the excavation and construction is considered in Section 8.12 of this report.

8.5 Economic Considerations

Not applicable.

8.6 Access

The access arrangements are unchanged by these proposals.

8.7 Other UDP/Westminster Policy Considerations

Landscaping

An objection was received on the grounds that there is inadequate soil depth to allow planting, which would breach the City Council's SPD on Basement Development adopted in October 2014. The proposals have subsequently been revised to provide 1.2m soil depth, which on balance the arboricultural officer considers will allow for suitable landscaping to be provided in the front garden.

Details of landscaping are recommended to be required by condition. An informative has been added stating that the Construction Management Plan and landscaping details should clarify whether the front garden hedge is intended to be removed or retained as this is a prominent feature of the street scene and if its removal is necessary to facilitate construction it should be replanted or replaced with similar planting.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Basement

The application was submitted prior to 1 November 2015, from which date the City Council has sought to apply elements of its emerging Basement Revision to the City Plan, prior to its full adoption.

Were the application assessed against this policy, the proposals would be unacceptable as they propose excavation of more than one storey and do not meet the exceptional circumstances criteria which may make further excavation acceptable. Objections have been received on these grounds.

However, given the date of submission of the application officers consider that it would be unreasonable to refuse planning permission on these grounds.

Objections have been raised in relation to the basement proposal on the grounds that Construction Management Statement makes assumptions about the existing structures present at the neighbouring properties and regarding the structural hazards and potential damage to neighbouring properties which could arise as a result of the proposal. Also, they suggest that there are missing water and utilities drawings, structural calculations and drawings and that the high water table and unknown location of Kingston Aquifer could lead to damp spreading to neighbouring properties.

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

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

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter.

Construction impact

Neighbouring residents have raised concerns in relation to the management of construction traffic, access arrangements during construction and the general disturbance and potential damage caused by the construction process and construction traffic. Planning applications cannot reasonably be refused on grounds of construction impact. However, it is possible to mitigate the effects of construction through a Construction

Management Plan (CMP) and through controlling the hours when noisy works are permitted.

An initial CMP has been submitted with the application. This details the measures proposed to minimise the impact of the construction works on surrounding neighbours. It is recommended that a full CMP is secured by condition.

A condition is recommended to limit the hours when noisy works are permitted to Monday to Friday 08.00 to 18.00 and Saturdays 08.00 to 13.00. Notwithstanding this, it is recommended that no basement excavation is carried out at all on Saturdays

An Informative has been added to encourage the applicant to join the nationally recognised Considerate Constructors Scheme.

Other

Objection has been raised on the grounds that Certificate B was not served. The applicant has subsequently submitted Certificate B.

Also, objection has been received on the grounds that weight should be given to the emerging basement policy as the applicant is seeking credit for where the application does comply with this, so negatives should also be considered. As previously addressed, it is not the City Council's position to apply the emerging policy in this instance as the application was submitted before 1 November 2015.

An objection has been received stating that the vault could not be constructed as shown owing to the presence of a historic lower ground floor vault extension at No. 9. However, the application must be assessed on the basis of the drawings submitted and it should be expected that those responsible for undertaking the existing survey have the requisite level of professional competence to produce accurate drawings in this regard.

Potential loss of capital value has also been raised as an objection however this is not a planning matter.

A comment was made that the previous residents agreed on a survey by Grosvenor Estate that no more permissions would be given for sub-basement excavations. This is a private matter and permission could not reasonably be withheld on this basis.

9. BACKGROUND PAPERS

1. Application form
2. Response from Tree Section - Development Planning, dated 6 May 2016.
3. Response from Building Control dated 2 October 2015.
4. Letter from occupier of 13 Gerald Road, London, dated 25 September 2015
5. Letter from occupier of 20 Gerald Road, London, dated 30 September 2015
6. Letter from occupier of 10 Gerald Road, Belgravia, dated 2 October 2015
7. Letter from occupier of 16 Gerald Road, London, dated 2 October 2015
8. Letter from occupier of 2A Gerald Road, London, dated 8 October 2015
9. Letter on behalf of occupier of 9 Gerald Road, dated 15 December 2015

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SEBASTIAN KNOX ON 020 7641 4208 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

DRAFT DECISION LETTER

Address: 11 Gerald Road, London, SW1W 9EH,

Proposal: Excavation of lower ground floor and basement under the front garden. Replacement of front basement lightwell stair.

Reference: 15/07603/FULL

Plan Nos: 1000 Rev P1; 1001 Rev P1; 1002 Rev P1; 1010 Rev P1; 1013 Rev P1; 1100 Rev P2; 1101 Rev P2; 1102 Rev P2; 1110 Rev P2; 1120 Rev P2; Planning, Heritage and Design and Access Statement; Construction Management Statement (Revised February 2016), prepared by ADL Planning Limited; (for information only) Engineering Design & Construction Method Statement Rev P2 dated July 2015, prepared by Elliott Wood Partnership LLP; Basement Impact Assessment dated August 2015, prepared by Site Analytical Services Ltd.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:, * between 08.00 and 18.00 Monday to Friday;, * between 08.00 and 13.00 on Saturday; and, * not at all on Sundays, bank holidays and public holidays., , You must carry out basement excavation work only:, * between 08.00 and 18.00 Monday to Friday; and, * not at all on Saturdays, Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11BA)

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice

of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 **Pre Commencement Condition.** Notwithstanding the submitted Construction Management Plan, no development shall be carried out until a revised construction management plan for the proposed development has been submitted to and approved by the City Council as local planning authority. The plan must include a construction programme, a code of construction practice, a 24 hour emergency contact number, the hours of building works and measures taken to ensure satisfactory access and movement within the building for existing occupiers during construction. You must also include a site set up plan to show how you will accommodate all site storage and activities in line with the details which are required under the terms of the tree protection conditions attached to this permission. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

- 5 You must apply to us for approval of detailed drawings 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 6 months 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 2 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

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 For the avoidance of doubt the Construction Management Plan referred to under Condition 4 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 3 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.
- 4 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)
- 5 You should ensure that the details you submit to satisfy the construction management and landscaping conditions are prepared in conjunction with each other and make clear whether the front garden hedge is intended to be removed or retained.
- 6 The Council considers that the amount of daylight into and the view that is likely from the basement would not be enough for the use of this space as the main or only living area. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the house as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the house will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the house in a different way, the property is likely to be considered for action under the Housing Act

2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.

- 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 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 9 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk, , Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. , , Thames Water requests you to incorporate within your proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. , , Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 10 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be

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employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	67 Dean Street, London, W1D 4QH		
Proposal	Use of the second and third floors as an extension to the existing private members club (sui generis) at basement, ground and first floor levels and internal alterations.		
Agent	Savills		
On behalf of	Blacks Limited		
Registered Number	15/09628/FULL 15/09629/LBC	Date amended/ completed	16 October 2015
Date Application Received	15 October 2015		
Historic Building Grade	II*		
Conservation Area	Soho		

1. RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none"> 1. Refuse permission – loss of residential accommodation 2. Refuse listed building consent – unacceptable works and insufficient information |
|---|

2. SUMMARY

67 Dean Street is Grade II* listed and located within the Soho conservation area. The building is in mixed use; a private members club (Sui Generis) known as 'Blacks Club' (established 1992) lawfully occupy the basement, ground and first floors and the second and third floors are lawfully residential use (Class C3). The second and third floors have been used as an extension to the members club since 2015 (though it is understood that use of the second floor has ceased).

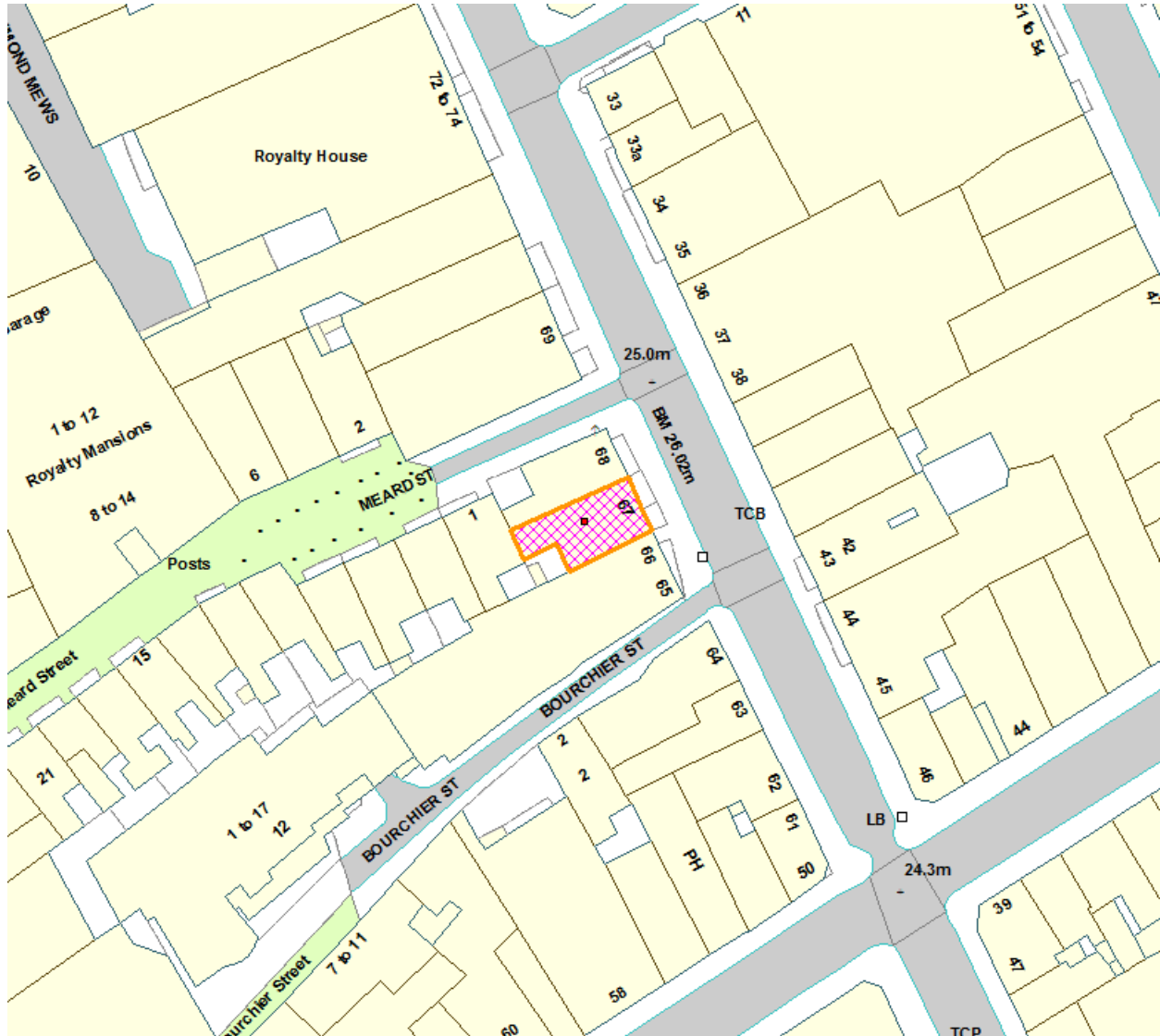
Planning permission is sought to regularise the use of the second and third floors as an extension with the existing private members club. Listed building consent is sought for internal alterations at these levels. The key issues for consideration are:

- * The loss of lawful residential use at second and third floors.
- * The impact of the extension to the private members club upon the amenities of neighbouring residents.
- * The impact of the internal works upon the character and appearance of the building.

The application is considered unacceptable in land use and conservation terms and is contrary to the

policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan), for the reasons set out in the main report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear elevation showing second and third floor windows (View from top floor flat at 1 Meard Street)



Current staff room within front room at third floor level



Front room at second floor level



5. CONSULTATIONS

HISTORIC ENGLAND:

Have issued authorisation for the Council to determine the application.

SOHO SOCIETY:

Objection-the premises has a longstanding residential use. The loss of residential use is objected to. A sui generis use is unsuitable at this location because of adjacent residents and would cause loss of residential amenity through noise nuisance.

PLANNING ENFORCEMENT TEAM:

This building is the subject of two ongoing enforcement cases (15/59106/L and 15/59107/L) relating to the unauthorised and material change of use of the second and third floors from 2 x residential flats (Class C3) to use as part of the private members club occupying the basement, ground floor and first floors of the building. Enforcement notices have been served on 23rd March 2016 and are effective from 26th May 2016. The applicants have appealed the enforcement notice and negotiations are being undertaken with the Inspector to consider the appeal once the planning and listed building application has been determined.

In addition to the change of use, there are separate ongoing investigations with respect to the unauthorised internal works to the property (16/60873/H).

ENVIRONMENTAL SERVICES

No objections in principle however make the following comments:

Pre-application advice has been sought with Environmental Health in respect of the Licensing Act and they are waiting on further information from the applicants in order to make further comments.

The use of the additional floors for members club use in itself is not particularly controversial. There could be a risk of noise breakout if Regulated Entertainment was permitted in areas where windows could be left open or where the ability of the building to contain sound was not very good. An increase in capacity can lead to an increased risk of noise and disturbance, especially when patrons leave late at night, but in this case the premises is small and capacity is limited by the fact that there is only a single staircase serving all upper floors. It is unlikely that significant changes to occupancy can be accommodated.

CROSS LONDON RAIL LINKS LTD:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64, Total No. of replies: 247

No. of comment: 1

No objections to the creation of a club room, however it is important that the unique quality of this building is respected and preserved. It is a precious survival of old Soho.

No. of objections: 12, on some or all of the following grounds:

Use

- the Club managed to operate successfully under the previous owner with tenants above and did so for the last 20 years.
- the council's policy is to support the retention of housing and should be the priority over commercial use. The basement entrance is a good solution to enter and exit the club as it stands.
- clarification required on whether the second floor would be members lounge or restricted to VIP guests. There is a conflict in planning documents and what members appear to be have been told.
- the expansion seems unnecessary as there are already many (private) clubs, bars and restaurants in Soho. It would be appreciated that residents were protected against the growing number of commercial ventures that impact on everyday life.

Amenity

- an increase in the use of the courtyard (as a smoking area) and increase in noise levels from people congregating.
- increased level of overlooking, to the kitchen windows directly opposite the rear elevation of the application building (1 Meard Street).
- previous conditions were imposed to protect neighbouring residents.

Internal Works

- most properties along Meard Street are panelled and these are in residential use.

Other

- the report accompanying the application contains many inaccuracies and inconsistencies-the evidence of noise, smells and unsuitability for residential use is inaccurate.

No. in support: 234- of these 40 have not provided comments, but the remaining 194 comments can be summarised as follows;

- the existing club is too small to accommodate current members, and does not have suitable entertaining space. Members would benefit greatly from the additional space which is essentially wasted. More activities will be able to be put on which will be of benefit to the local community.
- It is a suitable place to do business and supports the Arts and Music sectors and is important for the cultural activity of Soho.
- The Club makes a positive contribution and compliments the existing clubs, bars and restaurants of Soho and this should be supported in order to retain its commercial viability and continued investment.
- The Club never has recorded music playing and its members are well behaved and civilised and therefore any additional noise caused by the expansion would be minimal
- Part of the Club's charm is the fabric and interior of the building,
- Only supported if the old ladies that lived upstairs have died
- The change will affect no-one and will benefit many

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

67 Dean Street is Grade II* listed, located within the Soho conservation area and within the Core CAZ, West End Special Retail Policy Area and West End Stress Area.

The building contains four stories plus basement in mixed use; a private members club (Sui Generis) known as 'The Blacks Club' lawfully occupy the basement, ground and first floors and the second and third floors are lawfully residential use (Class C3).

The second and third floors have been used as an extension to the members club since 2015. It has been confirmed that the second floor provides a bar area, members room and bathroom with no food served at this level, though it appears that the use of the second floor has ceased. The third floor provides back of house areas, namely a staff breakout room and office.

6.2 Recent Relevant History

Installation of full height extract duct to the rear elevation.

Application Permitted 1 May 2015

Internal alterations in connection with extension of club premises on basement, ground & 1st floor of no.67 into basement level of no.68

Application Permitted 31 December 1996

Alterations including the introduction of a low level carton filter extract system, and the continued use of the basement, ground and first floors as a private members club.

Application Permitted 25 August 1994

This permission was permitted subject to conditions relating to the rear courtyard being only used for maintenance purposes and the windows facing onto the rear courtyard being permanently fixed shut. One of the objectors has commented that Club is in breach of these conditions-this has been reported to the Council's Planning Enforcement Team and they are currently under investigation (16/60873/H).

7. THE PROPOSAL

Planning permission is sought to regularise the use of the second and third floors as an extension to the existing private members club. Listed building consent is sought for internal alterations at these levels.

The existing private members club is arranged with a lounge area and kitchen facilities at basement level and dining areas at ground and first floors. The application details that the second floor would be reconfigured as a 'lounge' with bar area (middle room), members room (front room) and bathroom (bathroom). There would be no standing bar areas and no food served on this level. The third floor will be retained as back of house office functions with no member access.

The total size of the property is 308.2sqm GIA; however the club only lawfully occupies 196.2sqm GIA of this (basement, ground and first floors). The license currently only allows a maximum of 30 persons per floor (90 in total) and the proposals would provide an additional 30 capacity at second floor level (total capacity of 120). The current hours specified by the licensing, which are not proposed to be altered, are Monday to Saturday 10:00-01:30 and Sunday 12:00 to 01:00. However it is noted that the Club is currently advertised as not being open on Sundays.

It is understood that the second and third floors were occupied by long standing tenants; the occupiers of the second floor between 1920 and 2000 and the third floor between 1926 and 2005. Blacks Club was established at the site in 1992, and has recently changed ownership.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of residential use

Paragraph 2.40 of the Westminster's Spatial Strategy states that as a general principle, housing is acceptable on all sites within Westminster and is the priority land use for delivery. Policy S14 of Westminster's City Plan: Strategic Policies states that residential use is the priority across Westminster except where specifically stated. All residential uses, floorspace and land will be protected.

The applicant has provided circumstances which they consider exceptional and should be taken into consideration when determining the suitability of the second and third floors as residential dwellings.

The applicant states that as the building has a traditional arrangement it means there is no independent or private access to the upper floors; there is only one entry point from Dean Street, and one stairwell providing access between levels. They state that this is considered to be undesirable and an unreasonable configuration for residential occupants.

A letter from the managing agents 'Atlas Property Letting and Services Ltd' outlines that due to the access arrangements there has been little demand and those that did rent the flats were always complaining about noise from the club. Furthermore, they consider that there are operational and security concerns, with residential occupiers and member guests able to gain access to all areas.

Therefore, in conclusion, the applicant states that it has been difficult to maintain residential tenants on the upper floors due to the relationship with the private members club downstairs. The Club historically had used the basement entrance, with the residential users using the main entrance door up until 2014 when works were undertaken and the bar, along with the entrance was moved to the ground floor

It is not considered that the circumstances put forward by the applicant outweigh the harm to the loss of residential use within part of the building. Given that the Council's policies target housing as a priority, the lawful residential use is given significant weight. Whilst

there may be some argument that the current arrangement is unsatisfactory to the Club, there is no planning justification why the arrangement, that had been the established situation for the preceding 24 years since the Club was formed at the site in 1992, would now be impractical.

Therefore the justification provided by the applicant does not outweigh the harm to the loss of residential use within the building, for which is a priority across Westminster. Existing residential uses are protected and therefore it is considered that the change of use is contrary to Policy S14 the City Plan and Policy H3 of the UDP.

Extension of Private Members Club (Sui Generis)

Whilst the proposal is considered to constitute a sui generis, given the nature of the operation it is considered appropriate to assess the application in relation to the Council's entertainment policies.

City Plan policy S24 and UDP policies TACE 8-10 deal with entertainment uses. City Plan Policy S24 requires proposals to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses. The TACE policies are on a sliding scale of permissibility from TACE 8 ('generally permissible') to TACE 10 ('permissible only in exceptional circumstances'), dependent upon the location, size and type of the entertainment use.

The policies aim to control the location, size and activities of the entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The second and third floor would increase the Club by 112sqm (GIA). The applicants consider that the third floor, as this is not accessed by Members, should not be included within the floorspace figures; however the Council considers that this is a legitimate part of the proposed use and has been included, in respect to assessing the proposal against the TACE policies. The private members club would provide a total of 308.2sqm (GIA) of floorspace and are generally considered to fall within 'other entertainment uses'. Policy TACE 10 is therefore applicable.

Dean Street is located within Soho, an area known for its cluster of entertainment uses, as well as residential properties. Residential properties are positioned on either side of the application site; 65-66 contains a fourth floor flat and the upper floors of No. 68 are in residential use. The ground and basement floors have extant dual/alternative permission for use as either offices (B1) or residential (C3). To the rear, the property abuts 1 Meard Street, which is split into 3 flats.

It is noted the increase to the private members club is a relatively modest 112sqm GIA, comprising of a lounge area and back of house facilities. The existing lower ground floors that form a restaurant and bar areas are not publically accessible in the manner of traditional A3 and A4 uses and are restricted to members and guests only. The use would allow an additional 30 persons into the premises.

The existing club has some restrictions in place in terms of noise mitigation (restrictions on use of rear courtyard and windows being opened). However restrictions on opening hours and capacity have been set by licensing.

There have been a number of objections relating to noise from the increased use of the property. There have been a number of complaints received by the Council's Environmental Health Noise Team in respect to noise in 2007, 2010 and 2012. It is not clear what aspects of the Club use has resulted in these complaints. Objections specific to this application relate to the use of the rear courtyard, which the applicant has confirmed has now ceased. The use of the courtyard has been raised with the Council's Planning Enforcement Team who will continue to monitor any breach and take action where necessary.

On the basis that there are already conditions limiting the use of the courtyard and windows being opened and further conditions could be imposed to control opening hours and capacity, the proposed use of the upper floors is not considered to result in a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the site. Therefore whilst sympathetic to the concerns of objectors, it is not considered that there are sufficient planning grounds for refusing the increase in the size of the club and these objections are not considered to be sustainable.

The agent has outlined that no food shall be served on the second floor, with the existing lower floors only providing dining room areas. There is existing kitchen ventilation/extraction equipment serving the property. It is noted that permission was granted on 1 May 2015 for a full height extract duct to the rear elevation, however this has not been implemented. Given that the increase to the existing club will not result in an increase in areas where food may be served, the existing arrangements to prevent smells are considered adequate in this instance.

The club currently uses the main ground floor entrance off Dean Street for Club members and will continue to use the existing basement access for servicing, in the same manner as currently exists. The basement will continue to be used for the storage of waste and recyclable material. Given the small increase in the number of people that can be accommodated by the proposal (30 guests), it is considered that the current servicing and disposal of waste and recyclable material will be contained within the existing operational practices of the existing club.

The normal policy presumption would be to resist such a large speculative entertainment use, however given the increase in size and capacity is limited, this proposal is considered to constitute exceptional circumstances to allow the increase in private members club and is considered acceptable in this regards.

8.2 Townscape and Design

The building is a town house dating from the early eighteenth century which is an unusually fine survival of largely original internal and external original features. The application relates to the second and third floor, where a significant level of historic survival is still in evidence particularly at second floor where much of the original panelling survives. The panelling at second floor and other key features of special interest have

been affected by recent unauthorised and unsympathetic work, which has been subject to a series of enforcement actions. The application attempts to address this. The proposed change of use is neutral in listed building terms.

The application is poorly described however in essence it proposes to reinstate a missing fire place, repair and reinstate damaged panelling and missing historic elements such as dados, skirting's and architraves, remove redundant services and install new lights and fire/smoke alarms. Given the poor standard of information provided within the application, it cannot be ascertained at this stage the impact of these works upon the special interest of the listed building.

The proposals also seek to install a bathroom/wc within the rear closet wing at second floor level which is considered harmful due to the impact on the historic panelling. The proposal seeks an institutional two cubical WC arrangement, whereas the original plan form would have been of a domestic arrangement.

Given the poor standard of information and harmful nature of the proposed works within the rear closet wing, it is recommended that the application be refused in listed building terms.

8.3 Residential Amenity

Privacy

An objector has raised concerns that the use of the upper floors would result in loss of privacy. The objector resides in the upper floor flat of 1 Meard Street, which has a kitchen window that overlooks the rear elevation and courtyard of the application property. Prior to the unauthorised use of the upper floors, the windows were in residential use.

It is not considered that third floor windows being used for back of house function and specifically as an office, would not have a detrimental impact upon privacy levels and the issues arising relate to the provision of additional club space at second floor level. Whilst concerns are noted, there is an existing level of mutual overlooking between properties. It is not considered that an additional 30 (maximum) persons on the second floor would result in a significant level of overlooking over and above the existing situation.

8.4 Transportation/Parking

This application raises no transportation issues; there are currently no cycle facilities on site and none are able to be provided given the listed nature of the building and lack of available vaults. The site however has a high level of public transport accessibility and the proposal will have no significant impact on on-street car parking in the area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Access to the site will remain unchanged; members will use the main entrance off Dean Street, with basement access for servicing.

8.7 Other UDP/Westminster Policy Considerations

This application does not raise any other UDP considerations that have not already been addressed in the report above.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

There are no environmental impact issues associated with this proposed development.

9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 13 November 2015
3. Response from Cross London Rail Links Ltd, dated 26 October 2015
4. Response from Planning Enforcement Team - Development Planning, dated 2 December 2015
5. Response from EH Consultation, dated 16 December 2015
6. Letter from occupier of 20 Laurier Road, Dartmouth Park, dated 7 November 2015
7. Letter from occupier of Flat 1, 77 Burghley Road, dated 3 November 2015
8. Letter from occupier of 206 Main Road, Great Leighs, dated 3 November 2015
9. Letter from occupier of Ile de Sieck, Le Dossen, St Pol de Leon, dated 3 November 2015
10. Letter from occupier of 41 Stockwell Road, London, dated 2 November 2015
11. Letter from occupier of 18 Anning Street, London, dated 2 November 2015
12. Letter from occupier of 183b Coldharbour Lane, London, dated 5 November 2015
13. Letter from occupier of 1 St Anne's Close, London, dated 9 November 2015
14. Letter from occupier of Campions, 206 Main Road, Great Leighs, dated 4 November 2015
15. Letter from occupier of 14 Mayfield Avenue, London, dated 2 November 2015
16. Letter from occupier of Flat A 367 Chiswick High Road, Chiswick, dated 2 November 2015
17. Letter from occupier of 26 Bousfield Rd, London, dated 2 November 2015
18. Letter from occupier of 31 Keith Grove, London, dated 2 November 2015
19. Letter from occupier of Thavies Inn House, London, dated 2 November 2015

20. Letter from occupier of 59 Barnwell Road, London, dated 2 November 2015
21. Letter from occupier of 8 Cranford Court, Chester, dated 2 November 2015
22. Letter from occupier of 16 Grantley Court, London Road, dated 2 November 2015
23. Letter from occupier of 349 Queenstown Road, London, dated 6 November 2015
24. Letter from occupier of Flat 26, 75 Gloucester St, dated 2 November 2015
25. Letter from occupier of Meads House, Edgebridge, dated 2 November 2015
26. Letter from occupier of 6-8 Sackville Street, London, dated 2 November 2015
27. Letter from occupier of 81 Verulam Road, St Albans, dated 2 November 2015
28. Letter from occupier of 17 winston rd, london, dated 2 November 2015
29. Letter from occupier of Heathfield, Browns Lane, dated 2 November 2015
30. Letter from occupier of 37C Mildmay Grove North, London, dated 3 November 2015
31. Letter from occupier of 24A Ainsworth Road, London, dated 5 November 2015
32. Letter from occupier of 23, Chester crescent, dated 2 November 2015
33. Letter from occupier of 3 Beaulieu Gardens, London, dated 2 November 2015
34. Letter from occupier of 38 Academy Apartments, Institute Place, dated 2 November 2015
35. Letter from occupier of 1, Avenue Road Extension, dated 2 November 2015
36. Letter from occupier of 4 Bedford Row, London, dated 3 November 2015
37. Letter from occupier of 7 Spring Apartments, 40 Nightingale Lane, dated 2 November 2015
38. Letter from occupier of Old Truman Brewery, London, dated 2 November 2015
39. Letter from occupier of 22 Clitheroe Rd, London, dated 2 November 2015
40. Letter from occupier of SGO Ltd, PO Box 2015, dated 11 November 2015
41. Letter from occupier of 2 CHANCEL COURT, 57 DEAN ST, dated 3 November 2015
42. Letter from occupier of Garden Flat 114 South Hill , Park, London, dated 2 November 2015
43. Letter from occupier of 93 Helix Road, London, dated 2 November 2015
44. Letter from occupier of Flat 27, Bank Chambers, 25 Jermyn Street, dated 2 November 2015
45. Letter from occupier of 30 Park hall Road, London, dated 3 November 2015
46. Letter from occupier of 25 Orchard Street, Cambridge, dated 2 November 2015
47. Letter from occupier of Flat b. 74 Brondesbury Villas, London, dated 2 November 2015
48. Letter from occupier of 9 Trinity Close, London, dated 2 November 2015
49. Letter from occupier of 110 Springwood Crescent, Edgware, dated 2 November 2015
50. Letter from occupier of 272 chiswick high road, chiswick, dated 6 November 2015
51. Letter from occupier of Flat 2, 25 St Stephens Ave, dated 2 November 2015
52. Letter from occupier of 22c Fairhazel Gardens, London, dated 2 November 2015
53. Letter from occupier of 107a Shirland road, London, dated 2 November 2015
54. Letter from occupier of 102b Mortimer Road, London, dated 2 November 2015
55. Letter from occupier of 101-103 Oakley Street, Chelsea, dated 5 November 2015
56. Letter from occupier of Arch Cottage, Burford Street, dated 24 November 2015
57. Letter from occupier of , , dated 27 November 2015
58. Letter from occupier of Styford High Barns, Stocksfield, dated 20 November 2015
59. Letter from occupier of 6 Church Lane, London, dated 20 November 2015
60. Letter from occupier of 180 Albion Road, Stoke Newington, dated 20 November 2015
61. Letter from occupier of Headley Cottage, Liphook Road, dated 21 November 2015
62. Letter from occupier of 3 Town House Court, Madley, dated 22 November 2015
63. Letter from occupier of 1 clover mews, london, dated 22 November 2015
64. Letter from occupier of 6 Marryat Square, Wyfold Road, dated 23 November 2015
65. Letter from occupier of 21 Lime Grove, London, dated 23 November 2015
66. Letter from occupier of 102b mortimer road, flat b, dated 23 November 2015

67. Letter from occupier of 68 Thurleigh Road, London, dated 23 November 2015
68. Letter from occupier of 43 White Post Lane, Unit H, dated 23 November 2015
69. Letter from occupier of 13-14 Dean Street, London, dated 24 November 2015
70. Letter from occupier of 38 Park Hill, London, dated 24 November 2015
71. Letter from occupier of Flat 24 Grenier Apartments, London, dated 21 November 2015
72. Letter from occupier of flat 11 thomas burt house, 41 canrobert street, dated 24 November 2015
73. Letter from occupier of Malt House, Llandyssil, dated 20 November 2015
74. Letter from occupier of Vatch Cottage, The Vatch, dated 23 November 2015
75. Letter from occupier of 31-35 Pitfield Street, First Floor, Giant Leap, dated 23 November 2015
76. Letter from occupier of 19 Albany Mansions, Albert Bridge Road, dated 25 November 2015
77. Letter from occupier of 92 Burton Road, London, dated 22 November 2015
78. Letter from occupier of Bethpage, Rougemont, dated 20 November 2015
79. Letter from occupier of 7 Lonsdale Mews, Richmond, dated 22 November 2015
80. Letter from occupier of 20 Torbay Road, London, dated 21 November 2015
81. Letter from occupier of 18 Ashmore House, 69 Russell Road, dated 21 November 2015
82. Letter from occupier of Flat 17 Williamson Court, 163a Peckham Rye, dated 24 November 2015
83. Letter from occupier of 617, 7th street, dated 20 November 2015
84. Letter from occupier of flat 1/C china wharf, 29 mill street, dated 20 November 2015
85. Letter from occupier of 68 Eccleston Square, London, dated 20 November 2015
86. Letter from occupier of Basement flat, 9 Florence Street, dated 20 November 2015
87. Letter from occupier of 1 Wyke road, Bruton, dated 20 November 2015
88. Letter from occupier of 4 Cairns house, Holloway Rd., dated 23 November 2015
89. Letter from occupier of 1 lower bury lane, Epping, dated 21 November 2015
90. Letter from occupier of 11 Barons Gate, East Barnet, dated 21 November 2015
91. Letter from occupier of Greenslade, Petersfield, dated 21 November 2015
92. Letter from occupier of 139-143 Bermondsey Street, London, dated 23 November 2015
93. Letter from occupier of 7 Crownleigh Court, Crownstone Road, dated 23 November 2015
94. Letter from occupier of 69 Mapledene Road, Hackney, dated 23 November 2015
95. Letter from occupier of Flat 23 Soho Lofts, 10 Richmond Mews, dated 20 November 2015
96. Letter from occupier of Flat 3, 56 Maple Street, dated 24 November 2015
97. Letter from occupier of 6/4 Leopold Place, Edinburgh, dated 21 November 2015
98. Letter from occupier of 505 12th st 3A, brooklyn, dated 20 November 2015
99. Letter from occupier of 181 Chudleigh Road,, Brockley, dated 21 November 2015
100. Letter from occupier of Flat 16, 5 Siddons Lane, dated 23 November 2015
101. Letter from occupier of Flat 5, 35 Belsize Park, dated 20 November 2015
102. Letter from occupier of Trerose, Point Green, dated 20 November 2015
103. Letter from occupier of Second Floor Flat, 102 Great Portland Street, dated 20 November 2015
104. Letter from occupier of 66 Cavendish Road, Flat 7, dated 20 November 2015
105. Letter from occupier of 5 Brigden st, Brighton, dated 20 November 2015
106. Letter from occupier of 161 fentiman road, London, dated 20 November 2015
107. Letter from occupier of 1st Floor 10 Fetter Lane, London, dated 20 November 2015
108. Letter from occupier of 44 Delancey Street, London, dated 21 November 2015
109. Letter from occupier of 63 Evering Road, London, dated 21 November 2015
110. Letter from occupier of 5 Thornfield Road, London, dated 23 November 2015
111. Letter from occupier of 19 SWAN YARD, LONDON, dated 21 November 2015

112. Letter from occupier of 88 Nelson Road, London, dated 23 November 2015
113. Letter from occupier of 11 Meard Street, London, dated 19 November 2015
114. Letter from occupier of Greenhedges Hall, Mark Cross, dated 21 November 2015
115. Letter from occupier of 245a Langley Road, Langley, dated 24 November 2015
116. Letter from occupier of arretton cottage, richmond, dated 21 November 2015
117. Letter from occupier of 38 HOMER STREET, MARYLEBONE, dated 23 November 2015
118. Letter from occupier of 49 Baring Street, London, dated 24 November 2015
119. Letter from occupier of 30 Roma Rd, London, dated 24 November 2015
120. Letter from occupier of 25 Albion Drive, London, dated 22 November 2015
121. Letter from occupier of Apt 22 The Natilus Building, 3 Myddelton Passage, dated 22 November 2015
122. Letter from occupier of 9 Abdale Rd, Lindon, dated 20 November 2015
123. Letter from occupier of 56, Lambton Rd, dated 25 November 2015
124. Letter from occupier of 47 Romola Rd, London, dated 20 November 2015
125. Letter from occupier of 8804 Lookout Mountain Avenue, Los Angeles, dated 23 November 2015
126. Letter from occupier of 12 whitehall park road, London, dated 20 November 2015
127. Letter from occupier of Flat 8, 7 Elm Park Gardens, dated 20 November 2015
128. Letter from occupier of Flat 8, 7 Elm Park Gardens, dated 20 November 2015
129. Letter from occupier of 13 Shirley Road, London, dated 20 November 2015
130. Letter from occupier of Flat A, 1 Meard Street, dated 18 November 2015
131. Letter from occupier of One Meard Street, London, dated 18 November 2015
132. Letter from occupier of 12B Greville Place, London, dated 23 November 2015
133. Letter from occupier of 36 ellington street, london, dated 27 November 2015
134. Letter from occupier of 4 Bothwell Street, London, dated 23 November 2015
135. Letter from occupier of Wunstorfer Strasse 99, Hanover / Germany, dated 21 November 2015
136. Letter from occupier of 32 White Lion Road, Amersham, dated 26 November 2015
137. Letter from occupier of Flat 2, 23 Westbury road, Woodside Park, dated 28 November 2015
138. Letter from occupier of 85 St George's Square, London, dated 20 November 2015
139. Letter from occupier of 27 Cheyne Row, London, dated 21 November 2015
140. Letter from occupier of dove cottage, lower assendon, dated 24 November 2015
141. Letter from occupier of 39 nightingale road, London, dated 30 November 2015
142. Letter from occupier of 2 The Stadbury, Whittets Ait, dated 21 November 2015
143. Letter from occupier of 127 Queens Road, London, dated 22 November 2015
144. Letter from occupier of 13 Meard Street, London, dated 24 November 2015
145. Letter from occupier of Maconochie Photography, 4 Meard Wstreet, dated 24 November 2015
146. Letter from occupier of 68 Dean Street, London, dated 24 November 2015
147. Letter from occupier of 18 Meard Street, 1B Meard Street, dated 24 November 2015
148. Letter from occupier of Flat 1, 22 Romilly Street, dated 24 November 2015
149. Letter from occupier of Flat 1, 1 Bolingbroke Grove, dated 26 November 2015
150. Letter from occupier of 30, Bromley, dated 30 November 2015
151. Letter from occupier of 19 Denman St, London, dated 30 November 2015
152. Letter from occupier of 139 Highlever Road, London, dated 23 November 2015
153. Letter from occupier of Room S96 Second Floor, New Wing, Somerset House, dated 23 November 2015

154. Letter from occupier of 64 Childebert Road, London, dated 9 December 2015
155. Letter from occupier of 3 Alcedonia, Penarth, dated 5 December 2015
156. Letter from occupier of 24 Trehurst Street, London, dated 4 December 2015
157. Letter from occupier of 12b gwydyr mansions, Hove, dated 6 December 2015
158. Letter from occupier of Studio 6, Warden Court, 5 Villa Road, dated 15 December 2015
159. Letter from occupier of 11 Palmer Drive, Andover, dated 15 December 2015
160. Letter from occupier of 70-71 Wells Street, London, dated 15 December 2015
161. Letter from occupier of 48 Harley Street, London, dated 16 December 2015
162. Letter from occupier of 92 Lots Road, London, dated 15 December 2015
163. Letter from occupier of 11 Barons Gate, East Barnet, dated 23 December 2015
164. Letter from occupier of Flat 7, Spring Apartments, 40 Nightingale Lane, dated 23 December 2015
165. Letter from occupier of 101 Hudson Apartments, Chadwell Lane, dated 22 December 2015
166. Letter from occupier of 51 Dover Road, London, dated 30 December 2015
167. Letter from occupier of 8 Brunswick Terrace, Cambridge, dated 22 December 2015
168. Letter from occupier of Flat 7, Everest Court, South Norwood Hill, dated 29 December 2015
169. Letter from occupier of 3 Castellain Road, Little Venice, dated 30 December 2015
170. Letter from occupier of Nepa UK Ltd., 7. Carlisle Street, Soho,, dated 22 December 2015
171. Letter from occupier of 42a Golborne Rd, London, dated 22 December 2015
172. Letter from occupier of 87 Franklin street, New York city, dated 22 December 2015
173. Letter from occupier of 13 cambridge road north, london, dated 22 December 2015
174. Letter from occupier of 10 balfour house, 1 forfar Road, dated 22 December 2015
175. Letter from occupier of 10 Lonsdale Road, Chiswick, dated 24 December 2015
176. Letter from occupier of 87 , Norman Road, dated 29 December 2015
177. Letter from occupier of 7 Onslow Gardens, London, dated 23 December 2015
178. Letter from occupier of 64 Hydethorpe Road, London, dated 23 December 2015
179. Letter from occupier of 25 Argyll St, London, dated 22 December 2015
180. Letter from occupier of 24 Spencer Road, London, dated 22 December 2015
181. Letter from occupier of 1133 Broadway, Ste 903, dated 22 December 2015
182. Letter from occupier of 17 The South Glade, Bexley, dated 23 December 2015
183. Letter from occupier of 8c Carlton Hill, London, dated 22 December 2015
184. Letter from occupier of 41 coniger rd, London, dated 22 December 2015
185. Letter from occupier of 9 Leslie Hill, Ballymoney, dated 22 December 2015
186. Letter from occupier of 83a Wellesley road, London, dated 22 December 2015
187. Letter from occupier of 67 Kelvin Ave, London, dated 22 December 2015
188. Letter from occupier of 15a Bartholomew Road, London, dated 22 December 2015
189. Letter from occupier of 50a, Albert St, dated 23 December 2015
190. Letter from occupier of 87 herongate rd, london, dated 22 December 2015
191. Letter from occupier of 84 Londinium Tower, 87 Mansell Street, dated 22 December 2015
192. Letter from occupier of 608a Fulham Road, London, dated 25 December 2015
193. Letter from occupier of 72 Elderfield Rd, London, dated 22 December 2015
194. Letter from occupier of Arnhem, 25 cranes drive, dated 22 December 2015
195. Letter from occupier of 54 Chandis Avenue, London, dated 22 December 2015
196. Letter from occupier of West end farm, Weston turville, dated 22 December 2015

197. Letter from occupier of 11, Teneraire street, dated 22 December 2015
198. Letter from occupier of 1 Beeley Street, Aylesbury, dated 4 January 2016
199. Letter from occupier of 33 Batoum Gardens, London, dated 27 December 2015
200. Letter from occupier of Tradewinds, Chapel Lane, Enstone, dated 5 January 2016
201. Letter from occupier of 20 Gatti's Wharf, 5 New Wharf Road, dated 22 December 2015
202. Letter from occupier of Top Flat, 7 Meard Street, dated 5 January 2016
203. Letter from occupier of 38, clapham manor street, dated 23 December 2015
204. Letter from occupier of 8C London Wharf, Wharf Place, dated 22 December 2015
205. Letter from occupier of 17 Apollo Studios, London, dated 22 December 2015
206. Letter from occupier of 71 bramfield road, London, dated 9 February 2016
207. Letter from occupier of 67 Parliament Hill, London, dated 31 December 2015
208. Letter from occupier of Flat 5,51 St.Aubyns, Brighton, dated 23 December 2015
209. Letter from occupier of 5 SHEPHERD STREET, SHEPHERD MARKET, MAYFAIR, dated 23 December 2015
210. Letter from occupier of 16 Wrexham Road, London, dated 23 December 2015
211. Letter from occupier of 24 granite apartments, 39 windmill lane, dated 25 December 2015
212. Letter from occupier of 28 Heath hurst road, London, dated 27 December 2015
213. Letter from occupier of Tullaghmore, Waldron, dated 22 December 2015
214. Letter from occupier of 20 Essex street, London, dated 22 December 2015
215. Letter from occupier of 52 Portland place, London, dated 22 December 2015
216. Letter from occupier of 40 St John's Way, London, dated 22 December 2015
217. Letter from occupier of Flat 11, The Old Kiln, dated 22 December 2015
218. Letter from occupier of 19 Verran Road, London, dated 22 December 2015
219. Letter from occupier of 17 Salcott road, London, dated 22 December 2015
220. Letter from occupier of Maynes Farm, Wittersham, dated 22 December 2015
221. Letter from occupier of Cranmere North, Drift Road, dated 22 December 2015
222. Letter from occupier of DB Chungkai, Port Medway, Station Road, dated 22 December 2015
223. Letter from occupier of 37 PERRERS Road, London, dated 23 December 2015
224. Letter from occupier of Flat 1 Montdore House, 26 Highgate Hill, dated 23 December 2015
225. Letter from occupier of 56 - 57 Eastcastle Street, London, dated 23 December 2015
226. Letter from occupier of 29 Townshend Road, Richmond, dated 18 January 2016
227. Letter from occupier of 2e the chandlery, 50 Westminster bridge road, dated 7 January 2016
228. Letter from occupier of 2 Southay, Bratton, dated 9 February 2016
229. Letter from occupier of 299 Stafford Road, Caterham, dated 6 January 2016
230. Letter from occupier of 156 Southgate Road, London, dated 18 January 2016
231. Letter from occupier of 7 Heber Mansions, Queens Club Gardens, dated 18 January 2016
232. Letter from occupier of 66 Cavendish Road, Flat 7, London, dated 18 January 2016
233. Letter from occupier of 6a bourlet close, london, dated 9 February 2016
234. Letter from occupier of William Blake House, London, dated 9 February 2016
235. Letter from occupier of 19 Eugene Cotter House, Beckway Street, dated 18 January 2016
236. Letter from occupier of 67 Finlay Street, london, dated 19 January 2016

237. Letter from occupier of 40b, Buckingham Place, dated 18 January 2016
238. Letter from occupier of 40 Military Road, London, dated 10 February 2016
239. Letter from occupier of Shwe Phyu Plaza, Mandalay, dated 19 January 2016
240. Letter from occupier of Shwe Phyu Plaza, Mandalay, dated 19 January 2016
241. Letter from occupier of 3 Blythwood Road, London, dated 19 January 2016
242. Letter from occupier of 44 Disraeli Road, London, dated 18 January 2016
243. Letter from occupier of 135 Lee Park, Blackheath, dated 18 January 2016
244. Letter from occupier of 37 Clapham Common Northside, London, dated 18 January 2016
245. Letter from occupier of 58 Ellerdale Street, London, dated 13 February 2016
246. Letter from occupier of 98 Hayes Lane, Beckenham, dated 18 January 2016
247. Letter from occupier of 19 Purley Avenue, London, dated 9 February 2016
248. Letter from occupier of 58 Ellerdale Street, London, dated 13 February 2016
249. Letter from occupier of 76 Kings Road, Richmond, dated 19 January 2016
250. Letter from occupier of 33 South Street, Middle Barton, dated 18 January 2016
251. Letter from occupier of 19 Silver Crescent, Chiswick, dated 18 January 2016
252. Letter from occupier of 19c Swains Lane, 19c Swains Lane, dated 19 January 2016
253. Letter from occupier of 63 Moor Lane, Strensall, dated 19 January 2016
254. Letter from occupier of 2 Francis Bentley Mews, Clapham Old Town, dated 18 January 2016

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LINDSAY JENKINS ON 020 7641 5707 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

Drawing 1. Proposed second floor plan



Drawing 2. Proposed third floor plan



DRAFT DECISION LETTER

Address: 67 Dean Street, London, W1D 4QH,

Proposal: Use of the second and third floors as extension to existing private members club (sui generis) at basement, ground and first floor levels and internal alterations.

Reference: 15/09628/FULL

Plan Nos: 282-012 P2, 282-013 P2, 282-014 P2, 282-015 P2, 282-016 P2, 282-211, 282-311.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s):

Reason:

1. Your development would lead to a loss of housing which would not meet S14 of Westminster's City Plan: Strategic Policies adopted November 2013. We do not consider that the circumstances of your case justify an exception to our policy. (X04AB)

Informative(s):

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

DRAFT DECISION LETTER

Address: 67 Dean Street, London, W1D 4QH,

Proposal: Internal alterations at second and third floor levels.

Plan Nos: 282-012 P2, 282-013 P2, 282-014 P2, 282-015 P2, 282-016 P2, 282-211, 282 PL 075, PL 301, PL 302, PL 303, PL 304, PL 305, PL 306, PL 307, PL 308.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

Reason:

- 1 Your drawings do not include enough details of the proposed internal works for us to assess how your plans would affect the building.

We believe that the work could harm the special interest of the building. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 10 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X22BB)

Reason:

- 2 Because of materials, detailed design, impact on plan form and fabric the bathroom works to the rear closet wing would harm the special interest, character and appearance of this grade II STAR listed building. This would be against the advice 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 the advice set out in paragraph 2.4 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	108-112 Rochester Row, London, SW1P 1JU		
Proposal	Variation of Conditions 3 and 10 of planning permission dated 03 December 2013 (RN:13/10069/FULL) for use of the basement and ground floors as conference centre and meeting rooms (Class D1), namely to extend opening hours to 08.00 to 22.00 Monday to Saturday and to limit occupancy to 90 delegates between the hours of 21.00 and 22.00.		
Agent	Mr Andrew Goddard		
On behalf of	Mr Andrew Goddard		
Registered Number	15/10617/FULL	Date amended/ completed	1 March 2016
Date Application Received	16 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

108 - 112 Rochester Row is an unlisted building that lies outside of the nearby Pimlico and Vincent Square Conservation Areas. The application site relates to the basement and ground floor of the building, which are currently in use as a conference centre (Class D1) following the change of use from offices (Class B1) and bank (Class A2) approved by planning permission in 2012.

The facility is primarily used by the Healthcare Financial Management Association as a central base for meetings and conferencing but is also let out to other organisations for the same use. In 2013, permission was granted to vary the capacity of the conference centre from the initially approved 120 delegates to 180 delegates.

The current application seeks to extend the operation of the conference centre by one hour from 08.00 and 21.00 Monday to Saturday and not at all on Sundays and Bank Holidays, to 08.00 and 22.00 Monday to Saturday and not at all on Sundays and Bank Holidays. The application also seeks to limit the occupancy to 90 delegates during that extended hour between 21.00 and 22.00. Originally it was sought to extend the hours until 23.00 with no restriction on occupancy past 21.00, however, the application was revised upon officer advice.

Policy ENV 13 of the Unitary Development Plan (UDP) and S29 of the Westminster City Plan (City Plan) seek to ensure that residential amenity is protected from development, while ENV 6 of the UDP and S32 of the City Plan seek to ensure that development is not permitted that might result in noise disturbance.

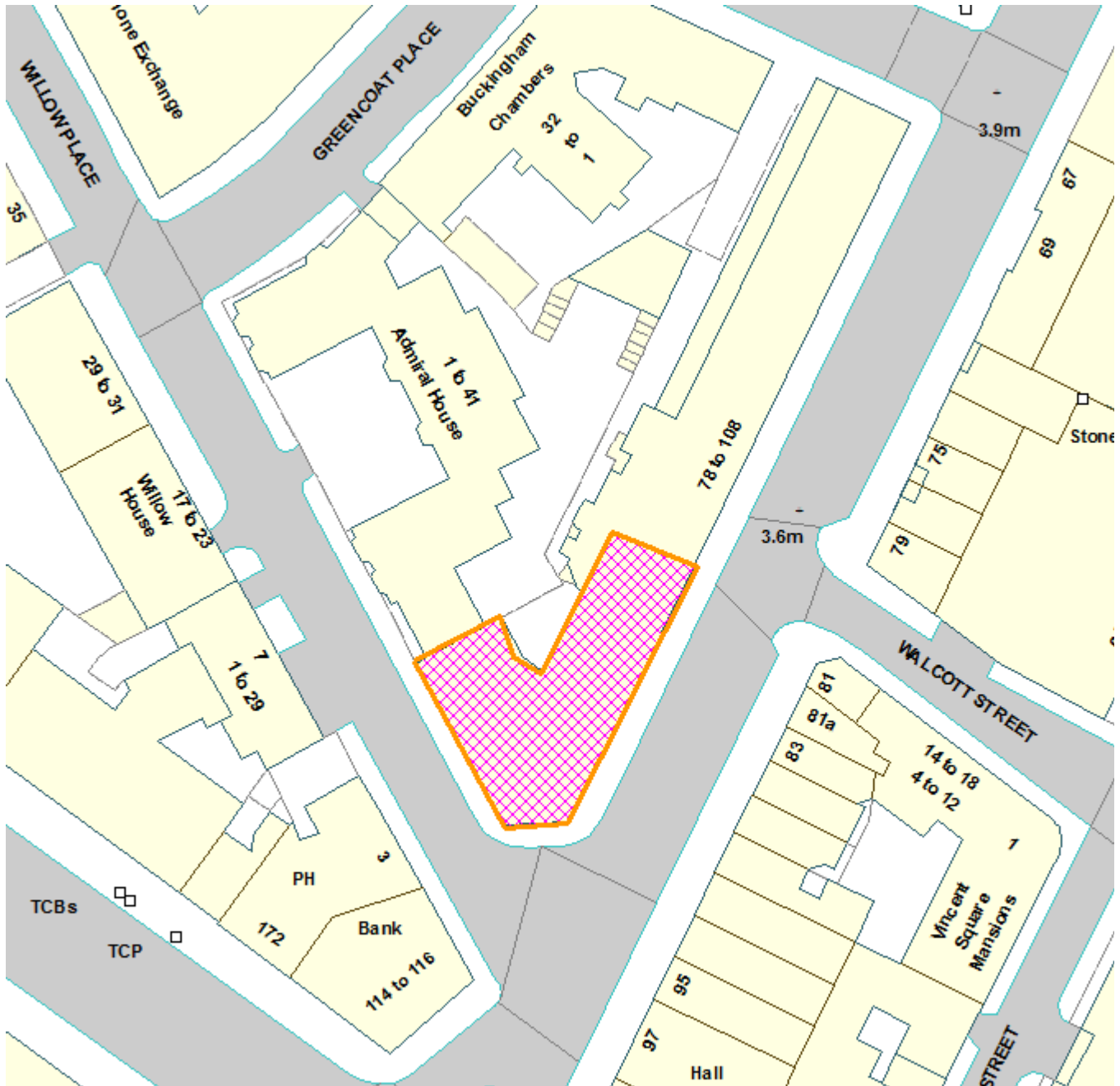
This area of Rochester Row is busy throughout much of the day with high numbers of pedestrian and vehicle movements owing largely to the local mix of land uses; with commercial, retail and residential activities all in close proximity to the application site. There are residential flats above the conference centre within the same building, opposite the conference centre on Rochester Row, and on Willow Place at Admiral House. In the evening, the area is characterised by being considerably quieter than during the daytime.

It was felt that the application as initially proposed, with operation until 23.00 would have an unacceptable impact on the amenity of nearby residential properties, allowing up to 180 delegates to spill onto a relatively quiet area in the late evening. Two objections have been received from neighbours in the residential flats above, which raised concerns regarding the noise created by people leaving the conference centre at 23.00. A comment was also received from the Westminster Society suggesting last admission to the conference facility be imposed at 21.00. In considering potential effects on amenity and consultation responses, the following revision was accepted by the applicant as an appropriate alternative that allows the facility to continue operation while mitigating the potential impacts of operating into the late evening:

- Hours of operation be varied from 08.00 - 21.00 to 08.00 to 22.00; and
- between the hours of 21.00 and 22.00 only 90 delegates will be permitted within the facility.

It is considered that the above is an acceptable arrangement enabling the ongoing use of the conference centre while reducing the risk of noise disturbance resulting from the facility. While the conference centre is located in close proximity to residential uses, the entrance is located on the corner a crossroad close to Vauxhall Bridge Road and an extension of hours to 22.00 with reduced capacity is appropriate in that context. The proposal is unlikely to result in a significant impact on residential amenity in the area and it is therefore recommended the application is approved, subject to the conditions imposed on the previous applications.

3. LOCATION PLAN



4. PHOTOGRAPHS

Conference centre entrance from Rochester Row at ground floor – residential apartments above.



Conference centre entrance (centre) looking towards Vauxhall Bridge Road

5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection, but suggest that last entry be imposed at 21.00.

HIGHWAYS PLANNING:

No objections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of replies: 2

No. of objections: 2

Two letters of objection received from residential flats at 102 Rochester Row raising concerns regarding noise from attendees leaving conference centre at 23.00 and impacting on residential amenity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

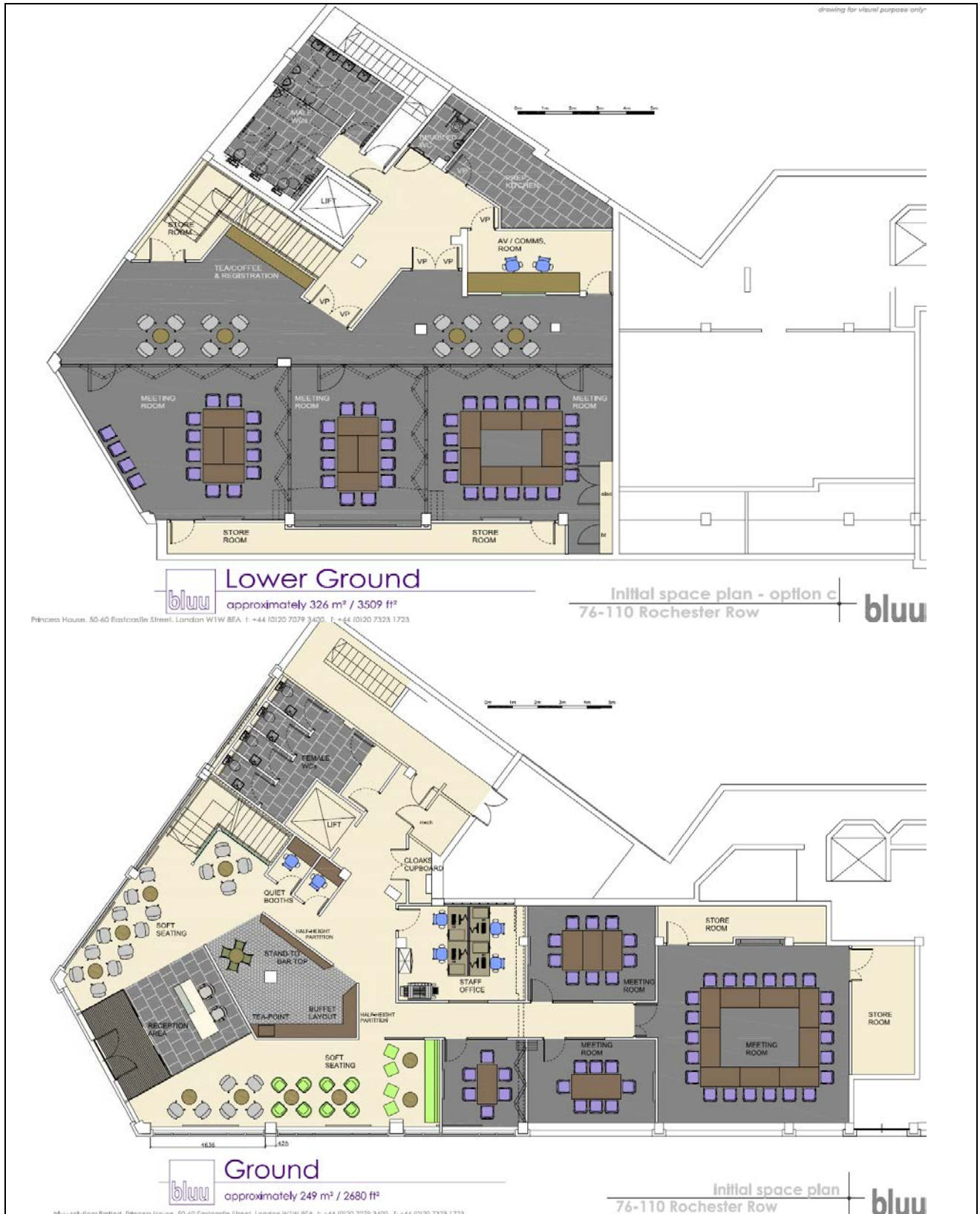
1. Application form
2. Response from Westminster Society dated 29 March 2016
3. Response from Highways Planning - Development Planning, dated 15 April 2016
4. Letter from occupier of Flat 17, 102 Rochester Row, dated 4 April 2016
5. Letter from occupier of Flat 13, 102 Rochester Row, dated 22 April 2016

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JOE WHITWORTH ON 020 7641 1968 OR BY EMAIL AT jwhitworth@westminster.gov.uk

7. KEY DRAWINGS



DRAFT DECISION LETTER

- Address:** 108 - 112 Rochester Row, London, SW1P 1JU,
- Proposal:** Variation of Conditions 3 and 10 of planning permission dated 03 December 2013 (RN:13/10069/FULL) for use of the basement and ground floors as conference centre and meeting rooms (Class D1), namely to extend opening hours to 08.00 to 22.00 Monday to Saturday and to limit occupancy to 90 delegates between the hours of 21.00 and 22.00.
- Reference:** 15/10617/FULL
- Plan Nos:** Location plan, L624(SK)020, Ground floor initial space plan, Lower Ground initial space plan - option c, External courtyard plan, Planning and Access Considerations Statement, Acoustic Enclosure details, Plant Noise Assessment 12/0320/R2, Undated Management Plan, Email from agent dated 20.03.13, Covering letter dated 09.10.13, Email from applicant dated 15 April 2015.

Case Officer: Joe Whitworth

Direct Tel. No. 020 7641 1968

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 not open the conference centre to customers, and you must not allow customers on the premises, outside of the following times: between 08.00 and 22.00 Monday to Saturday and not at all on Sundays and Bank Holidays.

Reason:

To protect the privacy and 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 13 of our Unitary Development Plan that we adopted in January 2007.

- 4 The external courtyard as indicated on the External Courtyard Plan shall not be used by customers of the conference facility at any time.

Reason:

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

- 5 (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.

- 6 The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 21.00 hours daily between Monday and Saturday and not at all on Sundays or Bank Holidays.

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.

- 7 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.

- 8 The two air condensing units shall not be operated without the acoustic enclosure detailed in the submitted Plant Noise Assessment report and accompanying Acoustic Enclosure details being installed in full accordance with those details and retained for as long as the plant is in situ.

Reason:

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

- 9 You must only use the part of the property we have approved for a Conference Facility for that

purpose. You must not use it for any other purposes, 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). (C05BB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 10 The conference facility shall not exceed a capacity of 180 delegates between the hours of 08.00 and 21.00 and a capacity of 90 delegates between the hours of 21.00 and 22.00.

Reason:

To make sure that the use will not cause nuisance for people in the area 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.

- 11 The conference facility shall only be operated in full accordance with the Management Plan approved by the City Council as Local Planning Authority on 27th March 2013 under reference 13/01002/ADFULL or in accordance with other details as submitted to and approved by the City Council.

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, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 12 Servicing shall only take place during the hours of 0800 to 2100 Monday to Saturday and not at all on Sundays and Bank Holidays.

Reason:

To make sure that the use will not cause nuisance for people in the area as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 3 If any licensable activities are proposed on site such as the Supply of Alcohol and Late night refreshment, then an application for a Premises Licence will have to be submitted to the Licensing Service under the Licensing Act 2003. Further advice can be given by the Council's Licensing Service on 020 7641 8549.
- 5 The applicant should contact the Council's Environmental Health Business Unit concerning the registration of any food business and to ensure that approved standards of construction are met.
- 6 Dedicated and sufficient wash hand basins are required in the Kitchen and any food preparation areas.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	31-36 Foley Street, London, W1W 6DP		
Proposal	Retention of the building for office use (Class B1), extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.		
Agent	GL Hearn		
On behalf of	Kier Foley Street Property		
Registered Number	15/10479/FULL	Date amended/ completed	11 November 2015
Date Application Received	11 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises an unlisted five storey office building located on the southern side of Foley Street close to its junction with Great Titchfield Street. The site is located within the East Marylebone Conservation Area but outside the Core Central Activities Zone.

The proposal is to retain the building in office use (Use Class B1) with an extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.

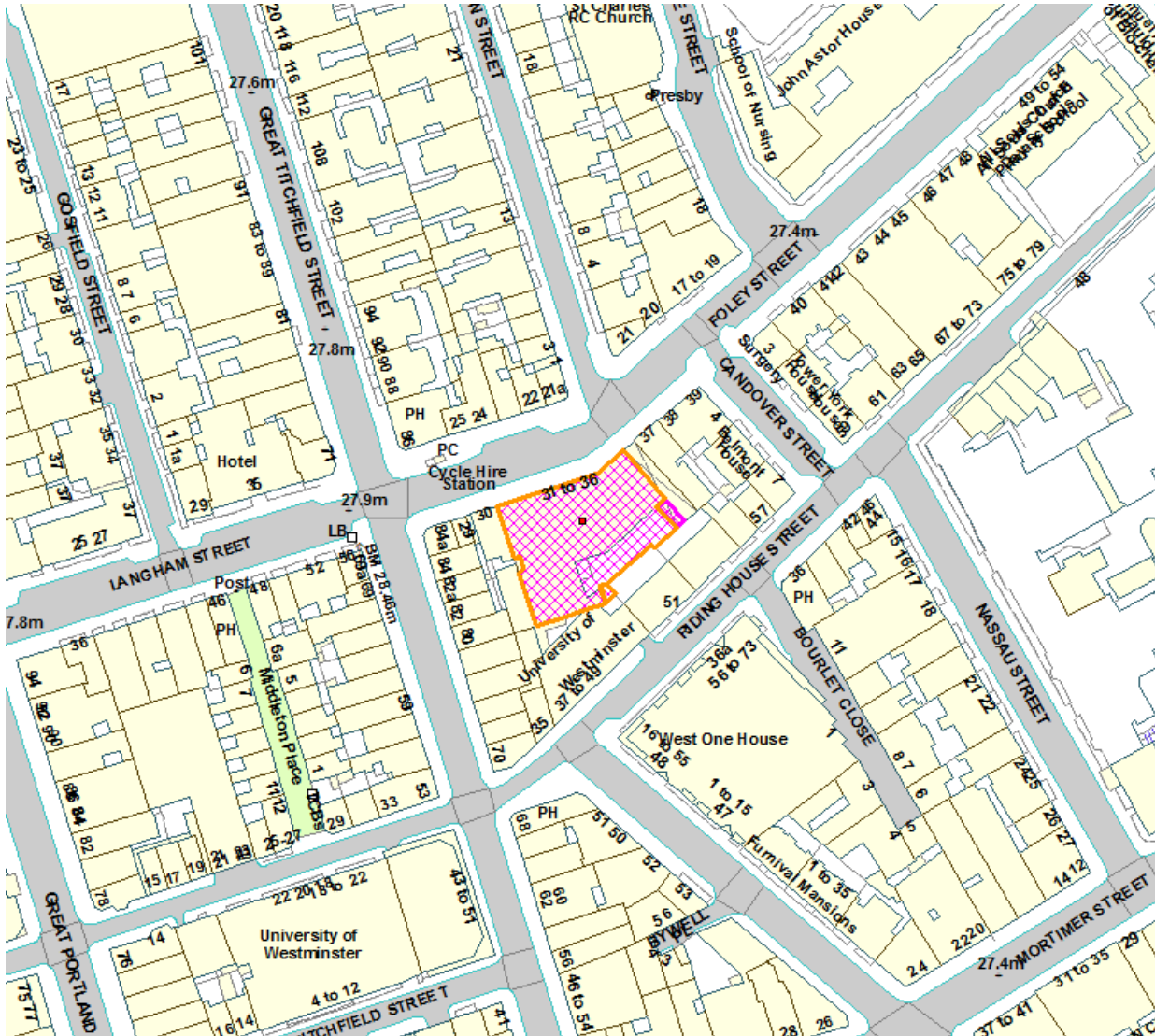
The key issue for consideration whether the increase in office floorspace is acceptable outside the Core Central Activities Zone.

The scheme's viability has been assessed with regard to seeking a payment in lieu to the City Council's affordable housing fund. However, the Council's consultant has confirmed that it is not sufficiently viable to provide a payment.

The application is acceptable in land use, design, amenity and highways terms and is in accordance

with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of application site facing Foley Street.



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

Any response to be reported verbally

ENVIRONMENTAL HEALTH:

No objection subject to standard conditions

HIGHWAYS PLANNING MANAGER:

No objection subject to there not being a servicing area

CLEANSING:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted office building dating from the early twentieth century, located on the southern side of Foley Street close to its junction with Great Titchfield Street. The site is located within the East Marylebone Conservation Area but outside the Core Central Activities Zone. The building comprises basement, ground and four upper floors plus a rooftop plant room and additional external roof level plant. There is parking facilities for nine cars at the rear and at basement level.

6.2 Recent Relevant History

March 2014- permission granted for: Use of the building for residential purposes (Class C3) providing a maximum of 34 flats. Associated internal and external alterations including demolition of existing rear lift core and first floor extension; erection of a roof extension and two storey rear extension at basement and ground floor level, creation of terraces at ground floor, first floor, second floor and fifth floor levels and installation of outdoor condensing units within an enclosure at roof level. (Not Implemented)

7. THE PROPOSAL

The proposal is to retain the building in office use (Use Class B1) with an extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.

Amended plans have been received with minor alterations to the façade design, glazed balustrades replaced with metal and further details of the waste store.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves extensions to the rear and roof of the property, which results in the provision of 600sqm of additional floorspace.

The site is located outside of the Core Central Activities Zone (CAZ), as defined in the UDP. In accordance with planning policy residential development is favoured above consolidation and extension of the office use. However, it is noted that whilst planning permission has been granted for the extension and conversion of the building to residential flats, this has not been implemented and is therefore a material consideration.

Policy S8 of the City Plan specifies that the named streets outside the Core CAZ (Edgware Road, Baker Street, Marylebone, Portland Place, Park Crescent and Great Portland Street) are appropriate locations for residential use and a range of commercial uses. Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the CAZ.

Whilst the site is located outside the Core CAZ and is not located on one of the named streets, consideration has been given to the existing use of the building as offices and its location, marginally outside the Core CAZ boundary. The retention of the building in office use would not impact detrimentally upon the local distinctiveness of the area, nor would it result in the loss of the residential character and function of this part of Marylebone and Fitzrovia. The current office building does not currently provide any services to support the local residential community, and given the small uplift (600sqm) in office floorspace, its location and current use, it would be unreasonable to require this. An exception from the policy requirements of policy S8 in this regards is recommended.

Adopted UDP Policy COM2 relates to offices and mixed use development within Central Westminster. The policy seeks to encourage mixed use developments and states that where the increase in B1 office floorspace exceeds 200m², this increase should be matched with the equivalent provision of new residential floorspace on the site. Where it is accepted that the residential provision cannot be provided on-site then the applicant should look to provide the residential requirement on another site in the vicinity. Where it is acknowledged that neither on-site nor off-site provision is appropriate or practical, then other uses which contribute to the character of the CAZ should be provided as part of the same development. Where it is accepted that none of the aforementioned options is appropriate or practical, a financial contribution to the City Council's affordable housing fund in lieu of on-site provision may be considered.

However, at the time of consideration of the application proposed changes to the 'mixed use' policy have been submitted to the Secretary of State for independent examination. The main modifications, if adopted in its current form, in principle allow increases to commercial buildings located outside of the Core Central Activities Zone of up to 30% without making any residential provision.

The Inspector provided an interim view following the examination on 29 March 2016; the Inspector currently considers that the proposed policy changes strikes a reasonable balance between different land uses and priorities and is therefore potentially sound. Although this policy has not been adopted for development control purposes and may be subject to change as it proceeds through the necessary stages towards adoption, it nonetheless shows the current direction of travel of the Council's strategic thinking and is therefore relevant in that respect.

However, in the absence of a replacement mixed use policy and the inability to give more than a little material weight to the proposed amendments to the current 'mixed use' policy, the current application must be assessed against the adopted City Plan Policy S1.

The scheme would generate a requirement to provide 600sqm (GEA) of new residential floorspace on the site. However, the applicant contends that on-site provision would be inappropriate and impractical given that a new residential core would need to be introduced which would take up valuable floorspace.

The applicant (Kier Foley Street Property) have advised that they do not currently have any properties within central Westminster which can be brought forward for residential use in order to provide the equivalent residential provision. They have provided some information to support this contention.

Where it is neither practical nor viable to provide the required 600 sq.m (GEA) residential floorspace on site, off-site in the vicinity, or off-site not in the vicinity, a financial contribution towards the City Council's Affordable Housing Fund may be accepted as an alternative. The payment generated by the current scheme is £987,280 (based on the uplift in office floorspace of 600 sq.m (GEA)).

However, the applicant claims that on site provision of affordable housing would render the scheme unviable and that there is no potential to contribute to the City Council's affordable housing fund.

The Council's independent viability consultant has provided an assessment, citing that at a 'technical appraisal' the approved residential and commercial appraisals produced broadly the same outturn and therefore the office scheme could not be considered viable so as to derive a payment in lieu.

The Council's viability consultant has therefore concluded that given the parity of values, any additional payments over and above normal planning payments cannot be justified in this instance. These circumstances arise on account of the planning permission granted for a residential scheme at this property, creating a substantial existing value attached to the property which acts as an offset to the proposed office scheme.

8.2 Townscape and Design

The proposed development is a revision of an earlier proposal and envisages, amongst other things, a slightly taller roof extension with an additional area of terrace on top, a larger plant/lift overrun and more subtle fenestration to the street façade. The revised design is acceptable in design and heritage asset terms. The development will maintain

the character and appearance of the street and surrounding conservation area, and will maintain the setting of nearby listed buildings and accords with the Council's policies.

8.3 Residential Amenity

Sunlight and Daylight

A daylight and sunlight assessment has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to new and existing developments. Paragraph 2.2.2 of the BRE guidelines states that they "may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

The submitted report considers the impacts of the proposals on nearby sensitive properties including residential properties at 20, 21a, 22, 23, 24-25, 29, 30, 38-39 Foley Street, 70, 72, 78, 80, 82-84a, 86, 88-90 Great Titchfield Street, 37-49, 51, 53, 57 Riding House Street, 4, 7 Candover Street and Belmont House

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The first floor window within 37-49 Riding House Street, which is a University of Westminster building, does not currently achieve benchmark of 27% for daylight. The report highlights that the windows to first floor currently has an existing VSC value of 1% and the scheme would reduce this to 0.5%. It is noted that all other windows in this property achieve above the 20% threshold. However, considering the VSC reductions are small in real terms to this window, it is not considered that the proposals would result in a material loss of light to 37-49 Riding House Street to warrant refusal.

The report demonstrates that all the remaining windows in surrounding properties achieve compliance with the BRE guidelines in respect of VSC and daylight assessment.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing (those being 21a, 22, 23, 24-25, 29, 30, 38-39 Foley Street, 82a and 86 Great Titchfield Street, 4 and 7 Candover Street and Belmont House).

The report demonstrates full compliance with the BRE guidelines, for those windows relevant for testing, in terms of sunlight.

Privacy

The development would not introduce windows in any elevation of the building that does not already contain windows. However, the proposals would introduce a number of terraces where none currently exist (5th floor and roof). This is not any greater than that considered acceptable under the previously approved residential scheme. However, consent was granted subject to a condition for glazed privacy screens. Glazing, in design terms was unacceptable and has been negotiated out of this scheme. Therefore it is considered that a condition requiring a soft landscaping planting scheme for the terraces to be submitted, in order to maintain the amenities of surrounding residential occupiers, in terms of overlooking.

The terrace at roof level could accommodate 60 people. Given that it is located to the northern part of the central roof closer to Foley Street than Riding House Street and would be used during normal office hours, it is not considered that the development would affect surrounding residential amenity or local environmental quality in this regards. However, it is proposed to restrict the hours of use by condition, to between 8am to 6pm, Mondays to Fridays only.

8.4 Transportation/Parking

The existing building has a vehicular access from Foley Street and an area to the south of the building that provide off-street car parking. The previous scheme allowed its loss and was replaced with gardens in order to improve the environment. On this basis, and given that there is no information to the contrary that it is a servicing area, no objections are raised to the loss of this area.

The site is within a Controlled Parking Zone with a good level of public transport accessibility. It is considered that the proposal is highly unlikely to have a significant impact on on-street car parking in the area.

However, the proposed development will remove the existing service facilities accessed from Riding House Street that serves the current occupiers of the application site. The Highways Planning Officer has requested a condition to secure a servicing management plan for the site and upon each occasion the commercial occupier changes.

24 cycle parking spaces are indicated to be provided, however for the total floor area 47 spaces should be provided. Given that none exists at present for the office use, and increasing the provision could impact upon valuable floorspace, this provision is acceptable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the building will be unchanged, with pedestrian access taken from Foley Street.

8.7 Other UDP/Westminster Policy Considerations

Plant: The applicant has submitted an acoustic report to accompany proposals for the new plant within basement vaults and at roof level. The report considers the projected noise levels from the new plant in relation to the nearest noise sensitive properties. It has been assessed by the Environmental Health officer who raises no objection to the new plant, subject to conditions.

Refuse /Recycling: A dedicated refuse store is indicated to be provided and will ensure that waste will be kept off the public highway.

Environmental Measures: The proposals would involve the installation of an air source heat pump system, rooftop photovoltaics panels and a green roof to improve the environmental impacts of the building. Given that this is not a new build scheme and opportunities for the introduction of sustainability measures are limited, this is considered satisfactory.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Environmental Impact issues have been covered in sections 8.7 above.

8.12 Other Issues

9. BACKGROUND PAPERS

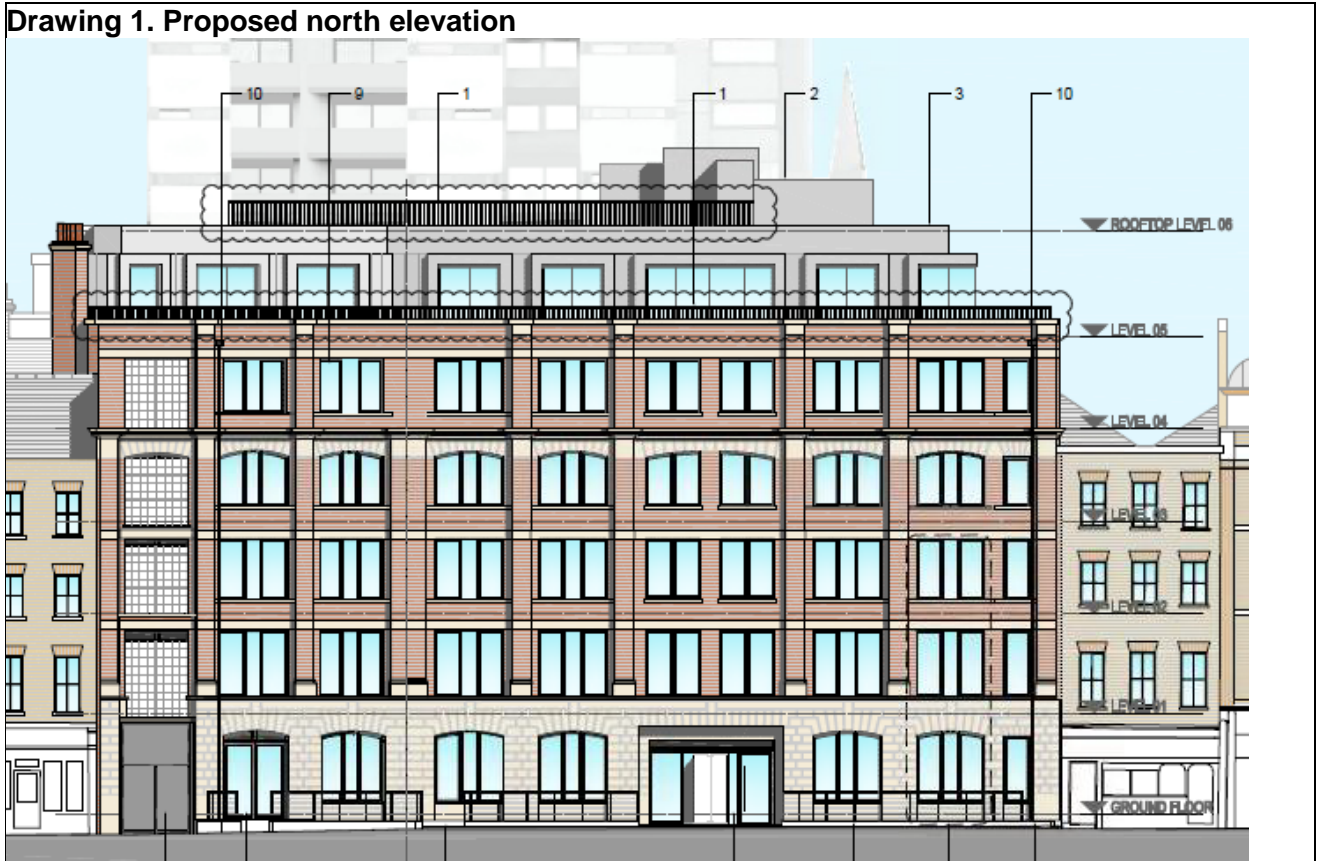
1. Application form
2. Response from Highways Planning - Development Planning, dated 21 January 2016
3. Response from Cleansing - Development Planning, dated 6 April 2016
4. Response from Plant And Equipment, dated 14 January 2016

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

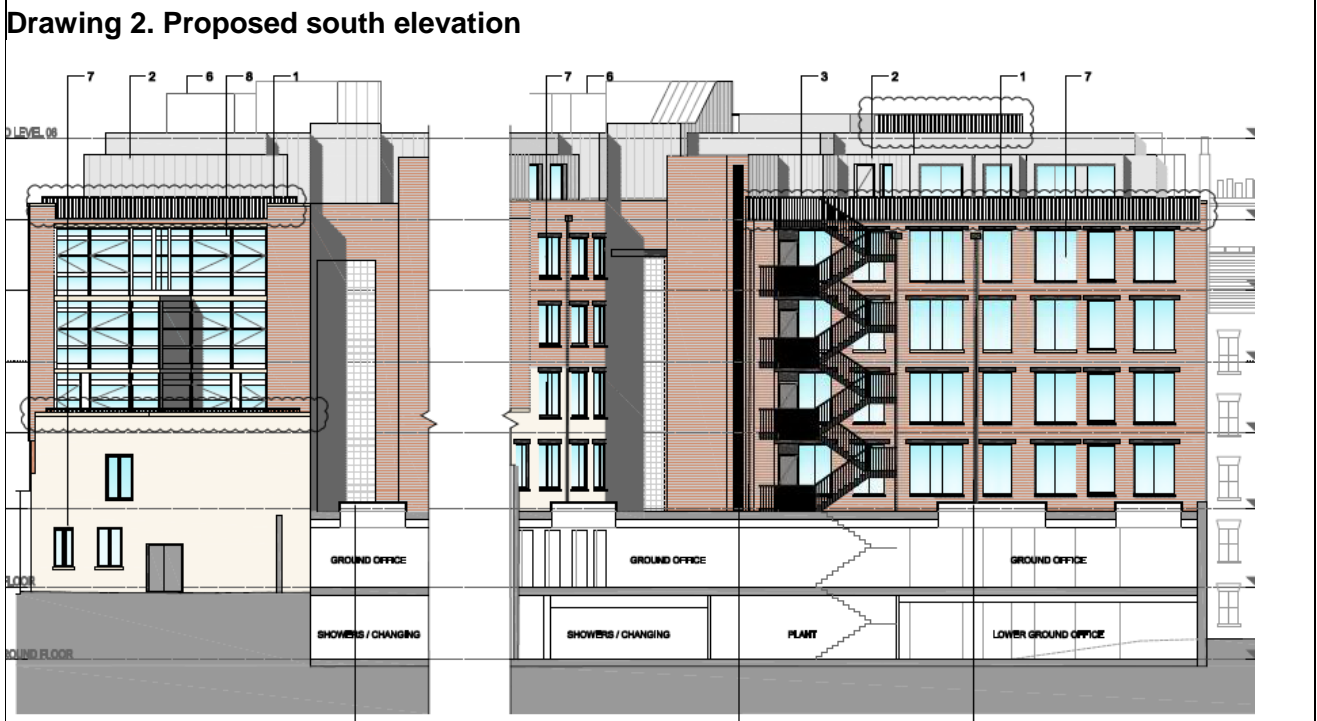
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LINDSAY JENKINS ON 020 7641 5707 OR BY EMAIL AT ljenkins@westminster.gov.uk

10. KEY DRAWINGS

Drawing 1. Proposed north elevation



Drawing 2. Proposed south elevation



DRAFT DECISION LETTER

Address: 31 - 36 Foley Street, London, W1W 6DP,

Proposal: Retention of the building for office use (Use Class B1), extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.

Reference: 15/10479/FULL

Plan Nos: D2100 P2, D2101 P2, D2101 P2, D2103 P2, D2104 P2, D2105 P2, D2106 P2, D2099 P2, D2201 P5, D2203 P3, D2200 P4, D300 P3, D2301 P1.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and

DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number A10972SK0023P2. You must clearly mark them and make them available at all times to everyone using the Office building. (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)

- 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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise

sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

- 9 You must apply to us for approval of detailed drawings of the following parts of the development - i) all new windows, ii) external doors, iii) railings. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 13 Prior to the use of the fifth floor and roof terraces hereby permitted, you must apply to us for approval of detailed drawings of the following parts of the development - screening to the fifth floor

terraces and the roof terrace.

The screening must be at least 1.8m high. You must not allow the fifth floor and roof terraces to be used until we have approved what you have sent us and the screening has been installed.

You must thereafter maintain the screening at a minimum height of 1.8m.

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)

- 14 You must not occupy the building use allowed by this permission until a Service Management Plan has been submitted to and approved by the City Council. You must not occupy the building until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the building is in use.

The service management plan should identify the hours of servicing, delivery process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and should clearly outline how servicing will occur on a day to day basis.

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)

- 15 You can only use the terraces at fifth floor and roof level between the hours of 08:00 and 18:00 Monday to Friday.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

Informative(s):

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

- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 4 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 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.

- 6 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)

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	Application 1 - 145 Oxford Street, London W1D 2JD Application 2 - 57 Berwick Street, London W1F 8SR		
Proposal	Application 1 - Erection of mansard roof extension to create new fourth floor; erection of rear extensions at first to third floor levels; erection of plant enclosure, cycle parking enclosure and new terrace at second floor level; use of part ground, part first, second, third and new fourth floor as office floorspace (Class B1); use of first floor as retail floorspace (Class A1); and installation of replacement windows, new shopfront and associated works. Application 2 - Alterations to the chimney serving 57 Berwick Street.		
Agent	Montagu Evans LLP		
On behalf of	Thor 145 Oxford Street SARL		
Registered Numbers	Application 1 - 16/00933/FULL Application 2 - 16/00935/LBC	Date amended/ completed	3 February 2016
Date Application Received	3 February 2016		
Historic Building Grade	145 Oxford Street – Unlisted 57 Berwick Street – Grade II		
Conservation Area	Soho		

1. RECOMMENDATION

<p>Application 1</p> <p>1. Grant conditional planning permission subject to a legal agreement to secure the following:</p> <p>(i) A payment of £732,000 towards the City Council's Affordable Housing Fund (index linked and payable prior to the commencement of development).</p> <p>(ii) Payment of the monitoring the Section 106 Agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p>
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b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Application 2

1. Grant conditional listed building consent.
2. Agree the reasons for grant listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The site comprises an unlisted building located at the corner of Oxford Street and Berwick Street. The site is located within the Soho Conservation Area and is adjacent to Grade II listed buildings to the south and west (57 Berwick Street and 147 Oxford Street, respectively). The entirety of the site is vacant but its lawful use as a retail unit (Class A1) over basement and ground floor levels and a language school (Class D1) at first, second and third floor levels. The site is located within the Core CAZ, the West End Special Retail Policy Area and the Primary Frontage of the West End International Shopping Centre.

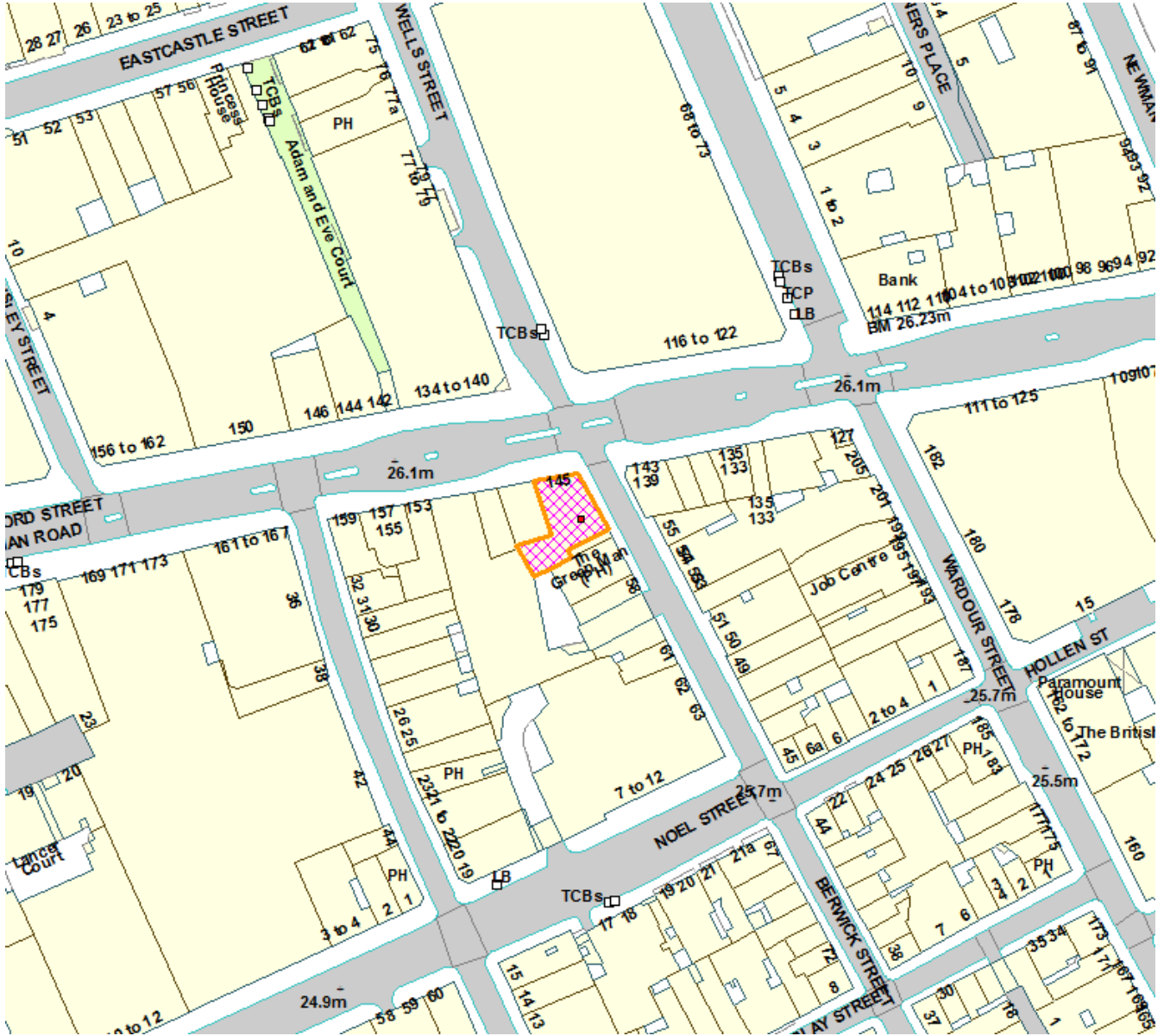
Permission is sought to erect a mansard roof extension to create a new fourth floor for office (Class B1) use, extensions at rear first to third floor levels and to erect a cycle store, plant area and terrace (for use by the office occupiers) at rear second floor level. Further, it is proposed to convert the first floor into retail (Class A1) floorspace to expand the existing shop over basement and ground floor level and to convert the second and third floors (together with the new fourth floor) to office (Class B1) accommodation. This new office will be accessed by an enlarged entrance core from Berwick Street. Listed building consent is sought to make minor alterations to 57 Berwick Street and 147 Oxford Street in order to facilitate the proposed mansard roof extension.

The key issues for consideration are:

- Whether the alterations and extensions to the building would preserve or enhance the character and appearance of the Soho Conservation Area and preserve the setting of the adjacent listed buildings.
- Whether a policy-compliant payment towards the City Council's Affordable Housing Fund is acceptable in lieu of on-site residential provision.
- Whether the loss of the language school at first, second and third floor levels is acceptable in land use terms.

For the reasons set out in the main report the proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Soho Conservation Area and not harm the setting of the adjacent listed buildings. For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY:

No objection.

ENVIRONMENTAL HEALTH:

No objection.

CLEANSING:

No objection subject to the imposition of a condition securing the submission of a revised plan for the City Council's approval indicating proposals for the storage of waste and the separate storage of recyclable material.

HIGHWAYS PLANNING:

Requests that a condition be imposed securing cycle parking associated with the expanded retail units.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted building located within the Soho Conservation Area. Immediately to the south of the site is the Green Man public house (57 Berwick Street) and immediately to the west is 147 Oxford Street. Both are Grade II listed.

The entirety of the site is vacant but its lawful use is as a retail unit (Class A1) over basement and ground floor levels and a language school (Class D1) at first, second and third floor levels. Retrospective permission was granted for this language school in June 2001.

The site is located within the Core CAZ, the West End Special Retail Policy Area and the Primary Frontage of the West End International Shopping Centre.

6.2 Recent Relevant History

Use of part of first floor and continued use of remainder of first floor, and entire second and third floors as a non-residential education and training centre (Class D1). Permitted – 28 June 2001.

7. THE PROPOSAL

Permission is sought to erect a mansard roof extension to create a new fourth floor for office (Class B1) use, erect a rear extension at first floor level within an existing sunken area, extend into an existing rear lightwell at first to third floor level and erect a cycle store, plant area and terrace (for use by office occupiers) at rear second floor level. Further, it is proposed to convert the first floor into retail (Class A1) floorspace to expand the existing shop over basement and ground floor levels and to convert the second and third floors (together with the new fourth floor) into office (Class B1) accommodation accessed by an enlarged entrance core from Berwick Street.

In association with the mansard roof extension is the proposed raising of the height of the existing chimney stack serving 57 Berwick Street, for which a separate application for listed building consent has been submitted (Ref: 16/00935/LBC). Notice of this application has been served upon the owners of this building.

Finally, replacement windows, shopfront and office entrance are also proposed.

The application has been amended during the course of its consideration to:

- Revise the proposed office entrance on Berwick Street so that it is flush with the building line (albeit with sliding doors that do not open out over the public highway;
- Brick arches are now included over the new rear window openings; and
- The reference to the indicative signage location has been removed from the proposed elevations.

It was not considered that such minor amendment necessitated a second round of public notification.

The floorspace changes are summarised as followed:

Land Use	Existing Area GEA Sq M	Proposed Area GEA Sq M	Uplift
D1	415	0	-415
B1	158	548	+390
A1	450	634	+184
Total	1023	1182	+189

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in retail floorspace

The proposed increase in retail floorspace is welcome. This will enhance the unique status and offer of the West End Special Retail Policy Area and enhance the contribution that this site makes to the character and function of the West End International Shopping Frontage, in accordance with City Plan Policies S6, S7, S21 and UDP Policies SS3 and SS4.

Loss of language school

The benefits of the scheme to the retail provision of Oxford Street, however, must be balanced against the loss of a social and community floorspace use (a language school), that is protected by City Plan Policy S34 and UDP Policy SOC 1. The upper floors of this site have been vacant since 2004 and have been unoccupied since. This follows a trend of losing language schools, possibly as a result of the Government's restrictions on international students obtaining visas to study in the UK. Given that the upper floors have been vacant for 12 years and that it was previously used as a language school, which is a private commercial facility of little value to the local community, it is considered to be acceptable to convert the second and third floors to an office. Further, the proposed increase in retail floorspace through the loss of the language school at first floor level will assist in attracting better quality retail units in the eastern end of Oxford Street that are looking for larger retail units. For these reasons, a departure from the usual policy protection afforded to social and community uses is considered to be appropriate in this instance.

Increase in office floorspace

The proposed increase in office floorspace is acceptable in principle given the site's location within the Core CAZ, in accordance with City Plan Policy S20 and UDP Policy COM 1.

Mixed use policy

Policy 2.11(A)(a) of the London Plan requires that where there are increases in office floorspace in the CAZ they should provide for a mix of uses including residential. Additional detail on this approach to mixed use development within the CAZ is set out in City Plan Policy S1, which requires an equivalent amount of housing floorspace to be provided where there are increases in commercial floorspace of over 200 sq.m where this is deemed to be appropriate and practicable. UDP Policy CENT 3 provides additional policy on the application of this strategic approach to increases in non-office commercial floorspace and makes it clear that it is the City Council's preference for housing from mixed use development to be provided on-site in the first instance, with off-site provision or payment in lieu acceptable only when it can be demonstrated that on-site provision is not appropriate or practical. Finally, a payment in lieu towards the City Council's Affordable Housing Fund

The proposed changes to the current 'mixed use' policy were subject to an examination in public on 9 March 2016. Following this examination, the proposed changes are currently subject to further public consultation until 5 June 2016. The Inspector will then determine whether this replacement policy is sound.

Given that this policy is subject to public consultation and has not yet been deemed sound, it can currently be afforded little material weight in the determination of applications and the current 'mixed use' policies should be used in the assessment of this application (i.e. adopted City Plan Policy S1 and UDP Policy CENT 3).

The proposal sees an increase in office floorspace of 390 sq.m (GEA). City Plan Policy S1 states that this should be matched by residential floorspace, if this is appropriate and

practical. On site residential floorspace is neither appropriate nor practical as it would require the creation of a separate access core which would reduce the retail floorspace at ground, first and second floor level. This would undermine the contribution of this floorspace to the character and function of the West End Special Retail Policy Area and character and function of the West End International Shopping Frontage. Furthermore, the small footprint of the site makes adding a separate access more impractical.

The applicant does not own any other buildings to provide residential provision off site and therefore a policy-compliant payment towards the City Council's Affordable Housing Fund of £732,000 is deemed to be acceptable in this instance. This payment is proposed to be secured by a legal agreement.

8.2 Townscape and Design

The existing building is one of the last and more significant Georgian buildings on Oxford Street. There is a very strong presumption to retain it. Its interior is much altered and it is not considered listable, but it does retain very interesting and extensive vaults at basement level. These are retained in this scheme.

The main aspect of the proposal is the mansard roof extension. The design of this has been negotiated prior to the submission of the application and is now acceptable. There is a build-up of the party wall to the south, but this is well set back towards the rear and not readily visible from street level. Raising the chimney stack for the adjoining listed building at 57 Berwick Street is considered to be acceptable in listed building terms.

At the rear the building is in poor condition, and much altered. The new rear façade is acceptable. The alterations to the fenestration on the street facades are acceptable.

It is concluded that the extended and altered building will contribute positively to the character and appearance of the Soho Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity

The nearest residential properties to the application site are immediately to the south at 58 Berwick Street, opposite the site at 55 Berwick Street and further to the south at the rear of 151 Oxford Street.

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

Daylight and Sunlight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The applicant has submitted a Daylight and Sunlight Report that assessing the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential properties.

The window on the upper floors above the adjacent public house (57 Berwick Street) that could be affected by the proposed erection of a cycle store is fitted with obscure glass and therefore is assumed to serve a non-habitable room (the occupier has not objected so it has not been possible to check). Furthermore, a daylight / sunlight report finds that the impact upon the window within the rear elevation of this building is negligible, with maximum VSC losses of 4.04% (i.e. well within the 20% threshold set out in the BRE Guide (2011)). As such, the proposal will not harm the amenity of the occupiers of this flat in terms of loss of daylight.

The daylight / sunlight report also finds that the impact upon the remaining residential properties within the vicinity of the site is also very small, with maximum VSC losses of 6.09%, losses in annual probable sunlight hours of 6.5% and no sunlight losses during the winter months. All of these losses are well within the allowable losses set out within the BRE Guide (2011) and therefore the amenity of the affected neighbouring residences will not be materially harmed by the proposed development.

Privacy

The proposed terrace will also not cause harm by overlooking to the neighbouring flat within 57 Berwick Street as it will be visually screened from the affected windows by the proposed cycle store. The upper floors of the adjacent building on Oxford Street (No. 147) are in lawful use as a language school (although currently vacant); a use not protected by the adopted amenity policies.

8.4 Transportation/Parking

The proposed cycle storage for the office is welcome and in accordance with adopted standards. The Highways Planning Manager has requested a condition securing off-street cycle parking for the enlarged retail unit. The applicant states that this will be

accommodated at basement level but this is not shown on the proposed drawings. A condition is therefore recommended securing this provision for staff.

8.5 Economic Considerations

The economic benefits of additional commercial floorspace on the site are welcome.

8.6 Access

All external entrances will be step-free and fully accessible.
The office floors are to be served by a new 8-person lift, which will be suitable for wheelchair use with room for standing passengers.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at rear second floor level. Subject to the imposition of suitable conditions, Environmental Health has no objection from an environmental nuisance perspective, agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7 during the hours of operation (between 07.00 hours and 23.00 hours daily). This is with the exception of the plant associated with the communications room that is sufficiently quiet to be able to operate 24 hours a day.

Refuse /Recycling

A condition is recommended to be imposed requiring the applicant to apply to the City Council for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

As set out above, permission is recommended for approval subject to the applicant and the City Council entering a legal agreement under Section 106 of the Act that secures payment towards the City Council's Affordable Housing Fund of £732,000 and adherence by the City Council to using these funds in accordance with the Memorandum of Understanding on the Affordable Housing Fund.

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 8 March 2016.
3. Response from Highways Planning, dated 23 February 2016.
4. Response from Environmental Health, dated 23 February 2016.
5. Response from the Cleansing Manager, dated 26 February 2016.

Selected relevant drawings

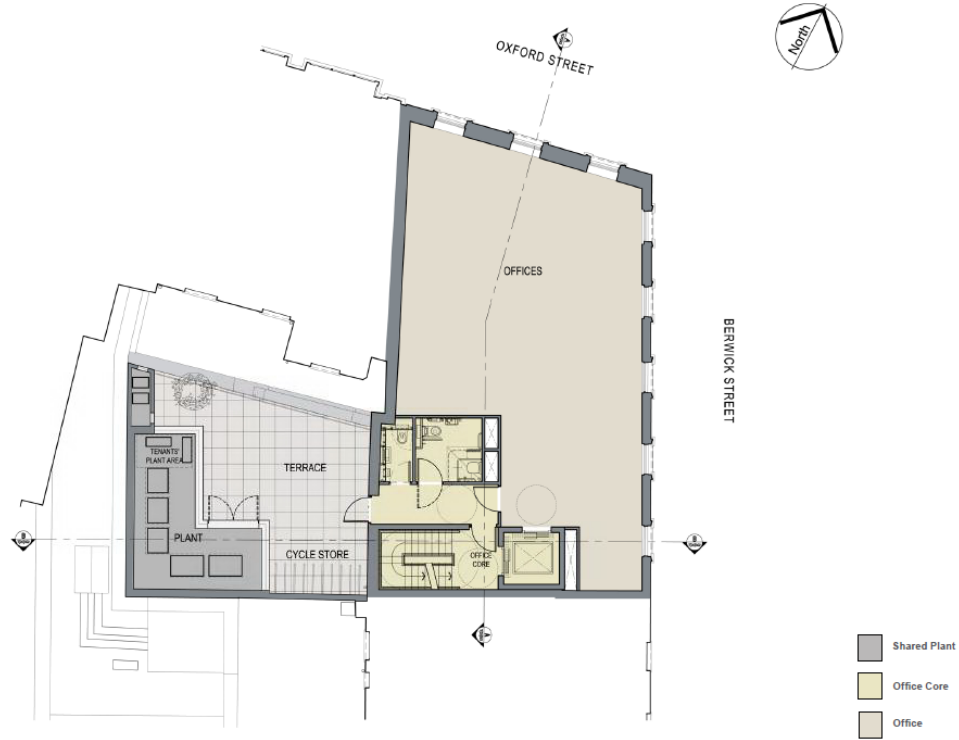
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON ON 020 7641 2523 OR BY EMAIL AT mhollington2@westminster.gov.uk

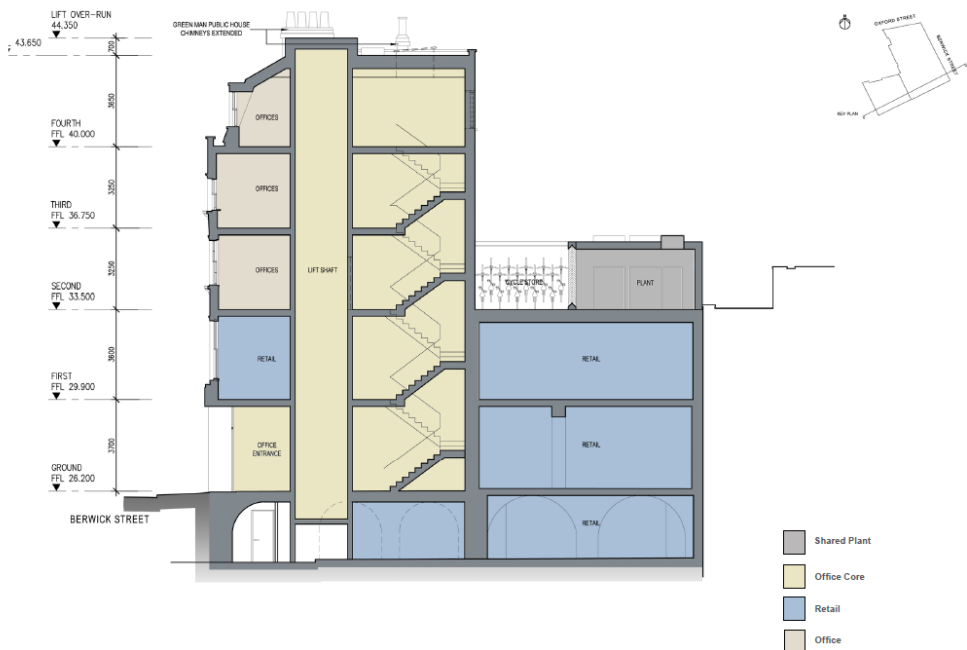
10. KEY DRAWINGS

Montage of proposed scheme





Second Floor Plan



Section B - B

DRAFT DECISION LETTER

Address: 145 Oxford Street, London, W1D 2JD,

Proposal: Erection of mansard roof extension to create new fourth floor; erection of rear extensions at first to third floor levels; erection of plant enclosure, cycle parking enclosure and new terrace at second floor level; use of part ground, part first, second, third and new fourth floor as office floorspace (Class B1); use of first floor as retail floorspace (Class A1); and installation of replacement windows, new shopfront and associated works.

Reference: 16/00933/FULL

Plan Nos: T20 P-1 Rev. T1, P00 Rev. T2, P01 Rev. T1, P02 Rev. T1, P03 Rev. T1, P04 Rev. T1, P05 Rev. T1, E01 Rev. T2, E02 Rev. T2, E03 Rev. T2, E04 Rev. T1, E05 Rev. T2, E06 Rev. T1, S01 Rev. T1 and S02 Rev. T1.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 The mansard roof slopes shall be clad in natural slate and the dormers shall be clad in lead. The window openings on the rear facade shall have traditional brick arches over.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:

- All new windows and dormers.

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 drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The new brickwork shall be built in Flemish bond using a traditional yellow London stock brick.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 7 The vents in the rear facade shall be formed in black finished metal, fixed flush with the adjacent brickwork and retained in that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 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)

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 13 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily. This is with the exception of the plant associated with the communications room that can operate 24 hours a day.

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.

- 14 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise nuisance and 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, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 15 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.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 16 You must apply to us for approval of details of secure cycle storage for the retail unit at basement, ground and first floor level. You must not occupy the first floor until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 17 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the retail unit and office floorspace. (C14EC)

Reason:

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

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 For the purpose of Condition 16, provision for at least three cycle parking spaces should be provided within the application site.

- 3 Conditions 11 and 13 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)
- 4 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- A payment of £732,000 towards the City Council's Affordable Housing Fund (index linked and payable prior to the commencement of development).
 - Payment of the monitoring the Section 106 Agreement.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

Address: 57 Berwick Street, London, W1F 8SR

Proposal: Alterations to the chimney serving the public house

Plan Nos: T20 P-1 Rev. T1, P00 Rev. T2, P01 Rev. T1, P02 Rev. T1, P03 Rev. T1, P04 Rev. T1, P05 Rev. T1, E01 Rev. T2, E02 Rev. T2, E03 Rev. T2, E04 Rev. T1, E05 Rev. T2, E06 Rev. T1, S01 Rev. T1 and S02 Rev. T1.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new brickwork shall be built in Flemish bond using a traditional yellow London stock brick.

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

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

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