



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 29th November, 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)
Christabel Flight
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. WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP | (Pages 3 - 10) |
| 2. 1 - 2 BARRETT STREET, LONDON, W1U 1DN | (Pages 11 - 40) |
| 3. 20 MOXON STREET, LONDON, W1U 4EU | (Pages 41 - 56) |
| 4. 1 - 5 RAINSFORD STREET, LONDON, W2 1PY | (Pages 57 - 80) |
| 5. 1 - 5 RAINSFORD STREET, LONDON, W2 1PY | (Pages 81 - 100) |
| 6. 31 HYDE PARK GARDENS MEWS, LONDON, W2 2NX | (Pages 101 - 118) |
| 7. 75 PAGE STREET, LONDON, SW1P 4LT | (Pages 119 - 138) |
| 8. 9 BURTON MEWS, LONDON, SW1W 9EP | (Pages 139 - 162) |

9. 11A CASTELLAIN ROAD, LONDON, W9 1EY

(Pages 163 -
184)

10. 5 DENNING CLOSE, LONDON, NW8 9PJ

(Pages 185 -
194)

Charlie Parker
Chief Executive
21 November 2016

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CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 29th November 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 16/09835/FULL	Westminster City Hall 64 Victoria Street London SW1E 6QP	Installation of a war memorial sculpture at Kings Gate Walk and associated works.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/01203/FULL	1 - 2 Barrett Street London W1U 1DN	Demolition of 1 and 2 Barrett Street and the redevelopment to provide a restaurant (Class A3) use on basement and ground floors, dual/alternative use of the first floor for either restaurant (Class A3) and/or residential (Class C3) use (to provide one residential unit); the use of the second, third and fourth floor as residential use (Class C3) for three residential units, and the creation of a roof terrace. Ancillary residential cycle parking and waste store within the basement. Installation of photovoltaic panels and plant on the roof.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/02689/FULL	20 Moxon Street London W1U 4EU	Use of part of the ground and lower ground floor levels as a mixed use (sui generis) comprising retail / restaurant premises and installation of a high level extract duct.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN NO(s) : 16/06450/FULL	1 - 5 Rainsford Street London W2 1PY	Use of 1-5 Rainsford Street as three residential dwellings (Use Class C3) and associated external alterations including erection of roof extension.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 16/05494/FULL	1 - 5 Rainsford Street London W2 1PY	Use of 1-5 Rainsford Street as three residential dwellings (Use Class C3) and associated external alterations including construction of roof terraces.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 29th November 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation Refuse permission - design grounds.			
Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : 16/06420/FULL Hyde Park	31 Hyde Park Gardens Mews London W2 2NX	Demolition of the existing two storey building and erection of a new three storey building and excavation of basement floor to create two residential dwellinghouses (Class C3).	
	Recommendation Refuse - design grounds.			
Item No	References	Site Address	Proposal	Resolution
7.	RN NO(s) : 16/06059/FULL Vincent Square	75 Page Street London SW1P 4LT	Installation of mechanical plant within an acoustic enclosure on rear first floor flat roof and full height ventilation duct on rear of building in association with restaurant use (Class A3).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
8.	RN NO(s) : 16/05457/FULL Knightsbridge And Belgravia	9 Burton Mews London SW1W 9EP	Erection of side extension at ground with mansard at first floor level and alterations to fenestration to front and rear elevations. (ADDENDUM REPORT)	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
9.	RN NO(s) : 16/07049/FULL Little Venice	11A Castellain Road London W9 1EY	Erection of rear single storey extension at lower ground floor level and alterations to front lightwell. (ADDENDUM REPORT)	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
10.	RN NO(s) : 16/09337/ADFULL Regent's Park	5 Denning Close London NW8 9PJ	Details of tree protection and a construction management plan pursuant to Condition 4 and 5 of the planning permission dated 27 October 2015 (RN: 15/01829/FULL).	
	Recommendation Approve details.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29/11/2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Westminster City Hall, 64 Victoria Street, London, SW1E 6QP,		
Proposal	Erection of a war memorial sculpture within the Kings Gate public realm, Victoria Street and associated works.		
Agent	Miss Hannah Murray		
On behalf of	Mr Land Securities		
Registered Number	16/09835/FULL	Date amended/ completed	14 October 2016
Date Application Received	14 October 2016		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The proposal relates to a small area of land adjacent to City Hall in Victoria Street. The site is not in a conservation area and does not affect the setting of any listed buildings. The site is currently a small planting area with three trees and forms part of a small area of open space between City Hall and the adjacent King's Gate development.

The proposal is to install a war memorial to commemorate the 82 members of staff of Westminster Council who lost their lives during the First World War. Each fatality is marked by a marble shard planted in a circular arrangement. They vary in height from approximately 2.2m up to a maximum of 3m above pavement level. The base of the sculpture will be circled by a bronze name collar inscribed with the names of the 82 members of staff. This will be welded to a steel plate located just below the surface and there will be a 10mm upstand to the adjacent paving. It is proposed to light the memorial with 4 circular LED ribbons set into the ground plane. The lighting will be sequenced to come on with the existing surrounding lighting for Kings Gate Walk which is on a solar switch. The artist is Lee Simmons who has carried out a number of public art commissions in Westminster.

UDP policy DES 7 welcomes the provision of public art, including sculpture and statuary. It goes on to say that such artwork should be of a high standard of design and execution and be "spatially related to the development scheme in question." The proposal is by a recognised artist of merit, is to

be fabricated in high quality materials and has been designed specifically for the location where it is proposed.

The Westminster Society object to the design, they consider it “far too complex and not at all an attractive proposition.” They suggest a simple memorial plaque would be more appropriate, as does another objector. While the appreciation of artistic quality is a largely subjective matter, the fact that this is a purpose-made piece for this specific location by a known artist means that the proposal is consistent with the terms of policy DES 7. It is considered that the memorial is an appropriate design for this location.

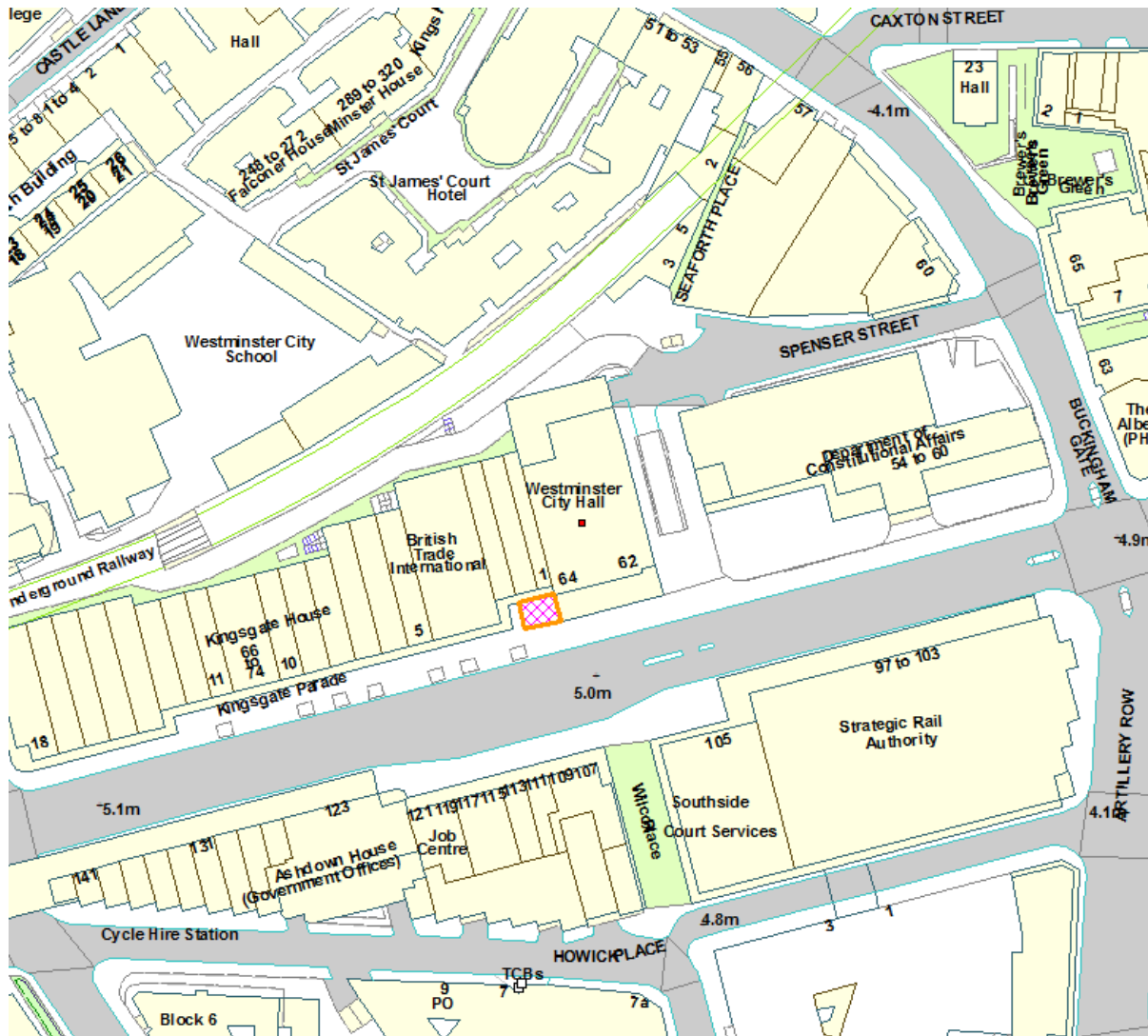
The works would require the removal of two trees to allow the installation of the memorial. While the City Council normally resists the loss of trees, these specimens are newly planted and immature. Their contribution to the streetscene is relatively limited and it could be argued that the memorial will make an equal or greater contribution. A number of residents in the adjacent Kings Gate development have objected to the loss of trees and do not consider the memorial as a suitable or appropriate replacement. The Council’s arboricultural manager does not object to the loss of these trees.

The works also propose the removal of cycle racks located alongside City Hall. However, these are well-used and their loss would be opposed. The racks do not encroach on the memorial or its setting and there is adequate space to move between the two. These racks were installed as a requirement of a planning condition on the adjacent Kings Walk development and they could only be removed by a variation of the relevant condition relating to that development. They cannot therefore be removed by this consent and these works would not form part of any permission that may be issued.

The memorial would be cleaned and maintained by the City Council. One objector has commented on the propensity of the design to collect litter and debris, but as the City Council will be responsible for cleaning and maintenance this will be undertaken when required.

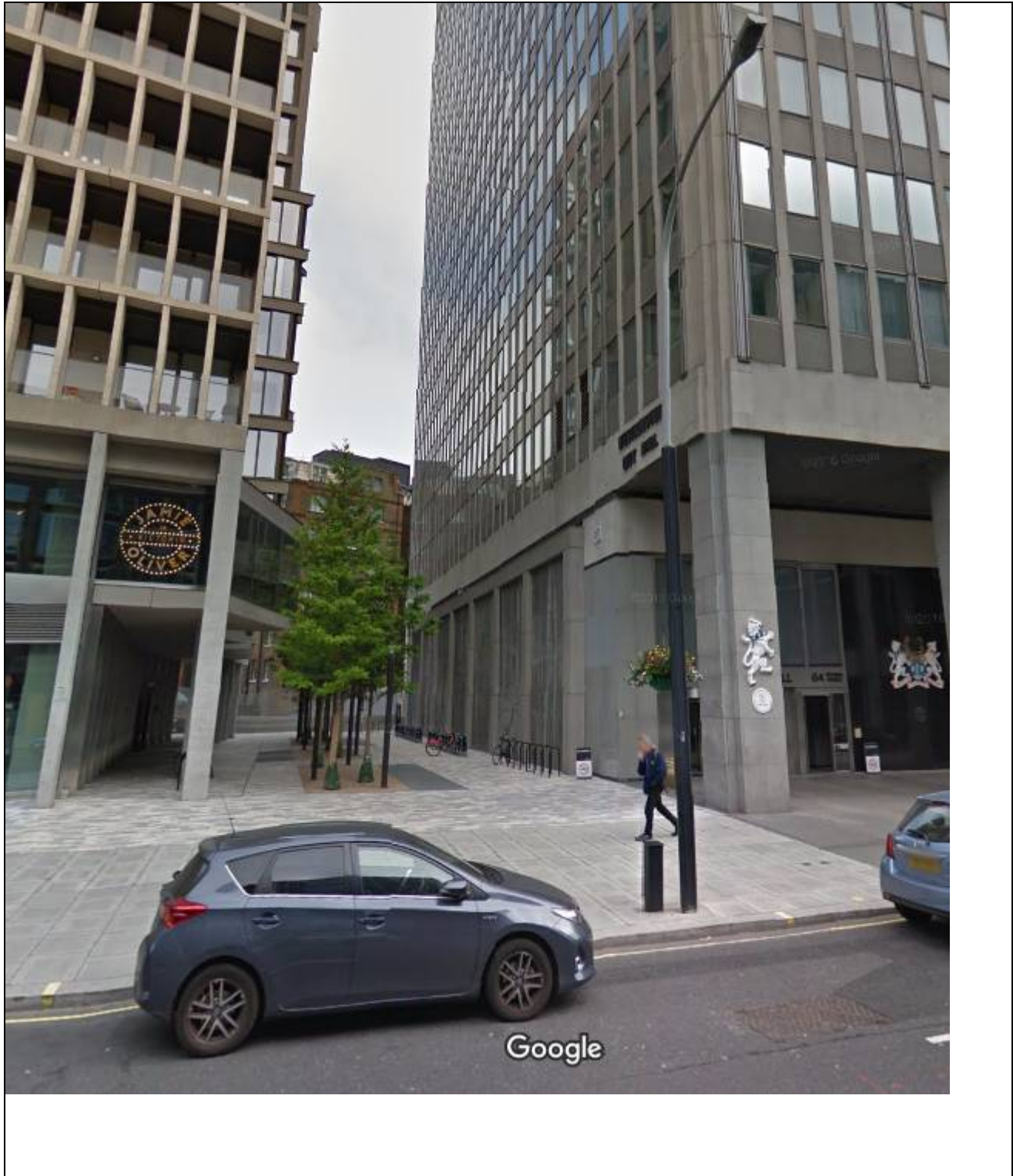
In summary, while the objections to the loss of trees and the appropriateness of the design are noted, it is considered that the proposed memorial will be a high quality addition to the streetscene and that it will enhance the quality of the townscape in this area.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS FOR ST JAMES'S

Any response to be reported verbally.

WESTMINSTER SOCIETY

Objection, consider the design too complex and not attractive, would prefer a simple plaque.

HIGHWAYS PLANNING MANAGER

No objection to the memorial but would oppose the loss of cycle racks.

ARBORICULTURAL MANAGER

Verbally confirmed no objection (written comment to follow)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 105

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections raised on the following grounds:

- Object to the loss of two street trees,
- would prefer a simple plaque within City Hall
- concerned about cleaning and maintenance

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 1 November 2016
3. Letter from occupier of Apartment 3.02, Kings Gate, dated 6 November 2016
4. Letter from occupier of 1 Kings Gate Walk, London, dated 7 November 2016

Selected relevant drawings

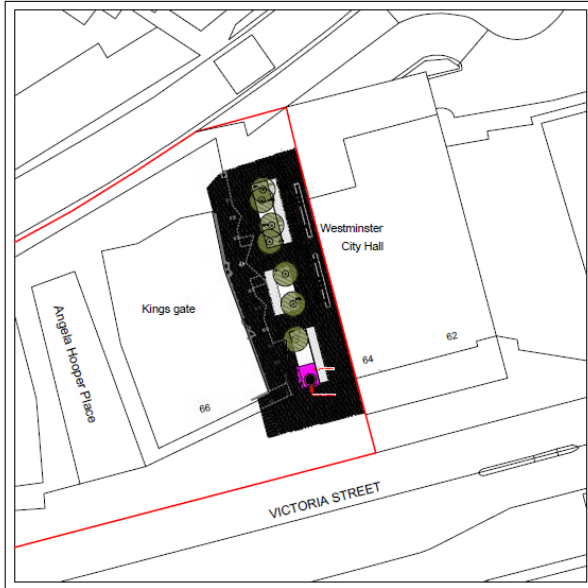
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGHAR** BY EMAIL AT jasghar@westminster.gov.uk

7. KEY DRAWINGS

PROPOSED WAR MEMORIAL
LOCATION: KINGS GATE WALK, VICTORIA, LONDON, SW1
 IN MEMORY OF THE MEMBERS OF THE STAFF OF THE WESTMINSTER CITY COUNCIL
 WHO GAVE THEIR LIVES FOR THE COUNTRY IN THE GREAT WAR.

PLANNING
 NOT FOR CONSTRUCTION



(001) PROPOSED BLOCK PLAN

1:500



(002) PROPOSED SITE PLAN

1:100

**Lee
 Simmons.** studio@leesimmons.co
www.leesimmons.co



UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETRES.	REVISION:	DATE:
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DRAFT DECISION LETTER

Address: Westminster City Hall, 64 Victoria Street, London, SW1E 6QP,

Proposal: Erection of a war memorial sculpture within the Kings Gate public realm, Victoria Street and associated works.

Reference: 16/09835/FULL

Plan Nos: WCC-PLAN_27096, WCC-PLAN_27086, (G)-101rev C, (G)-100 rev C,(G)-102 rev B, Site location plan, WCC-SECTION dated 08/11/2016 and 12292-S-DRG-VWW-00-XX-001 rev A,

Case Officer: David Clegg

Direct Tel. No. 020 7641 3014

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.

Informative(s):

- 1 No permission for the removal or relocation of cycle racks is granted by this consent.
- 2 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), 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.

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 29 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	1 - 2 Barrett Street, London, W1U 1DN		
Proposal	Demolition of 1 and 2 Barrett Street and the redevelopment to provide a restaurant (Class A3) use on basement and ground floors, dual/alternative use of the first floor for either restaurant (Class A3) and/or residential (Class C3) use (to provide one residential unit); the use of the second, third and fourth floor as residential use (Class C3) for three residential units, and the creation of a roof terrace. Ancillary residential cycle parking and waste store within the basement. Installation of photovoltaic panels and plant on the roof.		
Agent	Rolfe Judd Planning		
On behalf of	SCP Estate Ltd		
Registered Number	16/01203/FULL	Date amended/ completed	22 February 2016
Date Application Received	11 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Stratford Place		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application site comprises two adjoining unlisted buildings located on Barrett Street, overlooking the pedestrianised piazza, sited just outside the boundary of the West End Retail Special Policy Area. The area is characterised by a mix of uses, but there are numerous restaurant/café premises on the lower floors and office and residential use on the upper floors. In the City Plan St Christopher's Place is recognised as an Oasis Area of rest which performs the important role of providing café and restaurant facilities to support West End shopping streets such as Oxford Street.

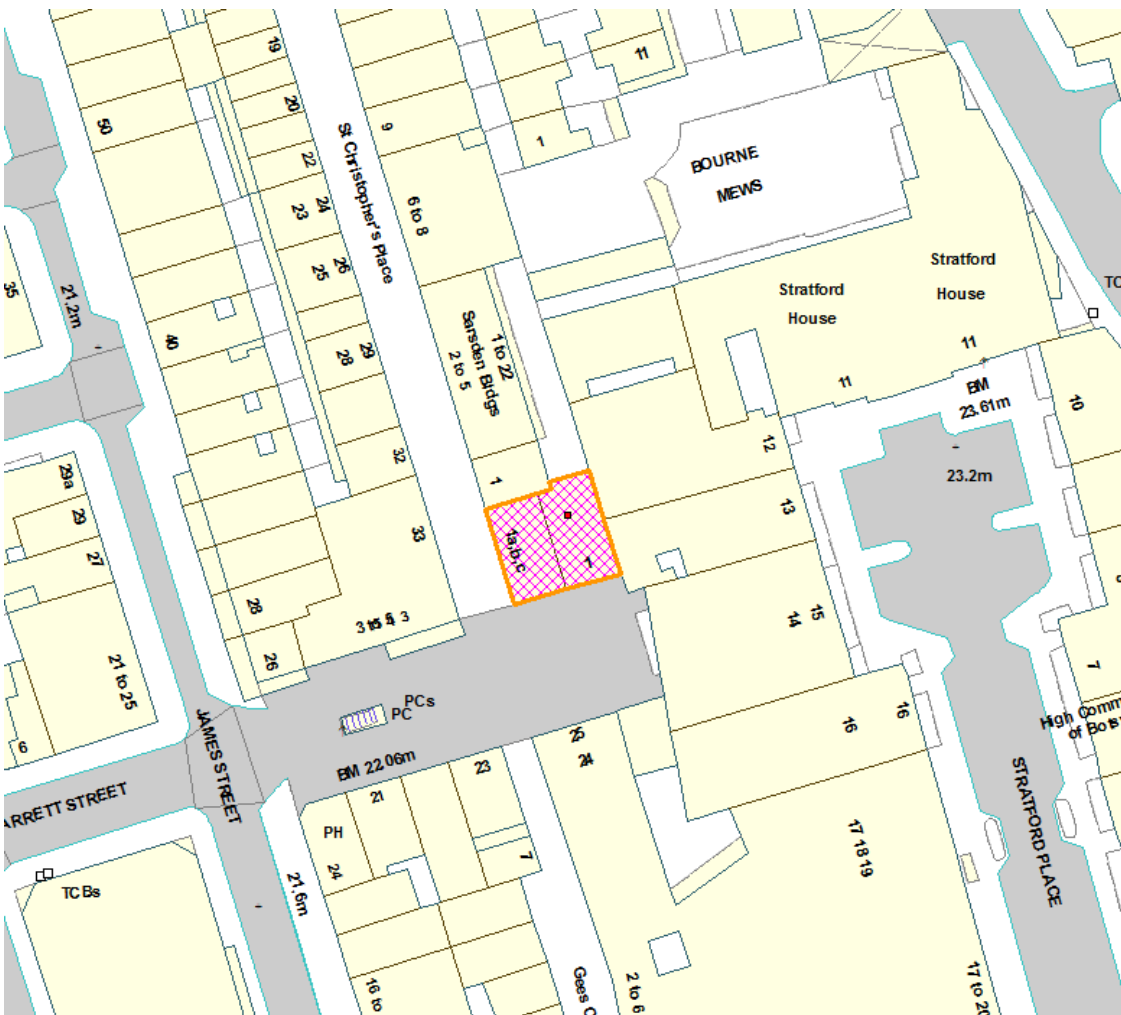
Neither of the existing buildings is particularly attractive and in the conservation audit No.1 Barrett Street has a neutral visual impact on the conservation area whilst No.2 Barratt Street has a negative impact. The uses contained within the current buildings are a restaurant, vacant electrical wholesaler, temporary "pop-up" coffee shop, two permanent residential flats and several flatlets used as temporary sleeping accommodation. The proposal is for the redevelopment of the site to provide a new building 2m taller than the existing buildings for restaurant and permanent residential purposes.

The key issues for consideration are:

- The appropriateness of the mix of uses and the contribution of the development towards the St Christopher's Place designated Oasis Area of rest
- The quality of the replacement building
- The impact on surrounding residential amenity

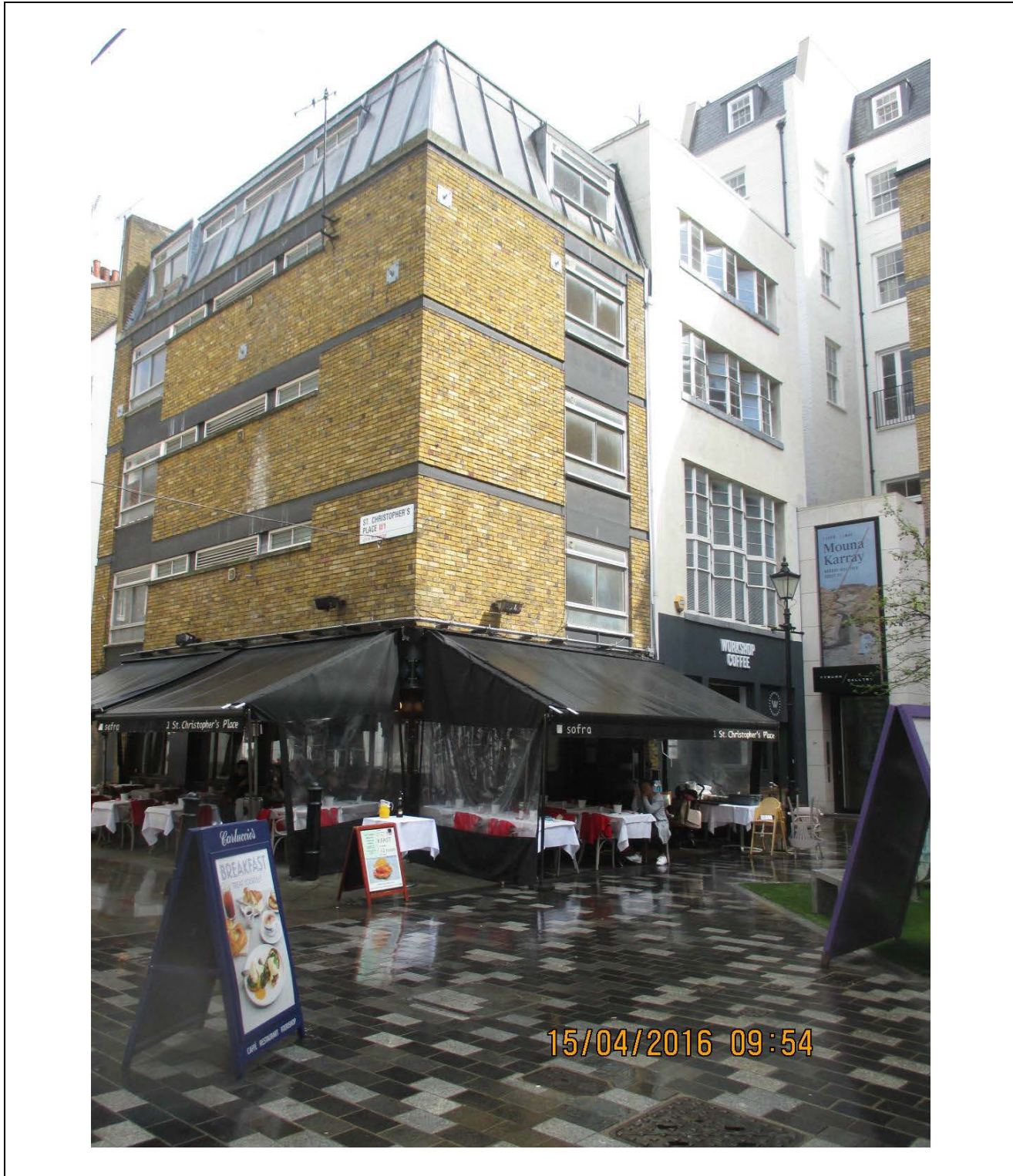
The proposals are considered acceptable in land use and design terms, and the proposals would have no materially harmful impact on the amenities of the immediate neighbours. The application is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally

HISTORIC ENGLAND (ARCHAEOLOGY)

Potential for archaeological interest beneath 2 Barrett Street. No objection subject to archaeological conditions.

HIGHWAYS PLANNING MANAGER

Object- absence of off-street parking for the flats, inadequate cycle parking provision; separate cycle and refuse storage areas required for the residential use.

CLEANSING OFFICER

No objection in principle further details and clarification.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 78; No. of replies: 0

ADVERTISED/SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises two adjoining unlisted buildings located in the north-west corner of St Christopher's Place at its junction with Barrett Street, overlooking the pedestrianised piazza. The site is located within the Stratford Place conservation area and the Core Central Activities Zone, but outside of the designated entertainment Stress Areas and just outside the boundary of the West End Retail Special Policy Area. The area is characterised by a mix of uses, with retail and numerous restaurant/café premises on the lower floors and office and residential use on the upper floors. There are residential premises to the north of the site including flats at Sarsden Buildings 2-5 St Christopher's Place (including the upper floors of the shop at 1 St Christopher's Place) and to the east, on the upper floors of 13 Stratford Place. No 12 Stratford Place is occupied by the Kabbalah Centre.

No.1 Barrett Street is a period building with a rendered façade and patterned casement windows. The Stratford Place conservation area audit describes the building as having a "neutral impact" within the conservation area. The building is currently, pending its redevelopment, occupied as temporary "pop-up" coffee shop on the basement and ground floors and temporary offices on the first floor - the previous lawful use of these three floors having been a now defunct electrical wholesaler which operated under a personal planning permission. The two upper floors, which

are in dilapidated condition, are laid out as two separate flats, each with a kitchen and bathroom.

No.2 Barratt Street (also known as 1a-1c St Christopher's Place) is a 1960s brick development, with a lead covered mansard story. The building is considered to have a "negative" impact in the conservation area audit. The building is in lawful restaurant use (Class A3) on the basement and ground floors. The restaurant facade comprises openable windows above a fixed base. The four upper floors, which are vacant, have a separate entrance on Barrett Street. At the time of a 2015 site visit, this accommodation was laid out as seven self-contained flatlets, comprising bedrooms and en-suite bathrooms with a small reception area/office at the top of the entrance stair, and which appear to be for short-term letting.

6.2 Recent Relevant History

1 Barrett Street

1 May 1959: Personal permission was granted to The Wallace Electrical Co, (Marylebone Ltd) for the use of the basement to first floors as a warehouse and offices in connection with the wholesale sale of electrical goods. (This is considered to be a sui generis use). This permission, which was implemented, required separate access to be provided to the residential accommodation located on the upper floors. In the event that the company ceased trading, a condition was imposed which restricted the subsequent occupation of the basement to first floors to a shop use. (At that time restaurants were also included in the shop definition).

The Wallace Electrical Co. is no longer trading, and its last presence at the site appears to have been in 2014. Since then the basement to ground floors have largely been in temporary uses and at present the basement and ground floors are occupied as a "pop up" coffee shop on a lease expiring December 2016, and the first floor is being used as unauthorised offices.

2 Barrett Street

In January 1967 permission was granted for the erection of a new building comprising a basement restaurant, ground floor shop and eight serviced flatlets on first to fourth floors.

21 May 1969: The City Council determined that the use of the first and second floors as serviced flatlets for businessmen did not require further planning permission.

19 July 1971: Permission refused for the use of Flat 2 (first floor) as a massage treatment room on the grounds that this would result in a loss of residential accommodation. An Enforcement Notice requiring the cessation of the unauthorised use was served in October 1972.

24 March 1994: Permission granted for the use of the ground floor retail unit as an extension to the existing basement restaurant and for the relocation of the entrance to the residential accommodation on the upper floors. This permission was implemented.

7. THE PROPOSAL

This application seeks permission for the demolition of both buildings (with the exception of the flank wall to 2 Barrett Street) and for the erection of a single building comprising a restaurant (Class A3) on part basement and part ground floors; the flexible use of the first floor as either additional restaurant accommodation linked to the lower floors, or as a 1 x 2 bed flat (Class C3); and for 3 x 2 bed flats on second to fourth floors.

Residential refuse stores and cycle would be provided within the remainder of the basement, and

an entrance to the upper floor flats would be on St Christopher's Place. The residential parts of the building would be served by a lift and separate stair core. Hatch access would be provided from the top floor flat to a roof terrace (on site of the former 2 Barrett Street). The remaining roof would house a plant enclosure and photovoltaic panels. The kitchen extract to the restaurant would rise through the building and discharge at roof level. The restaurant would have a fully openable shopfront.

The application has been amended to enclose the kitchen extract duct within a brick, chimney-like enclosure, to increase the level of residential cycle parking provision and to provide separate staff cycle parking in association with the restaurant use. Outward opening doors have also been replaced by inward opening doors.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land use floorspace figures (GEA) are as follows:

	Existing M2 (GEA)	Proposed M2 GEA	+/-
Restaurant (A3)	170	336	+166
(excluding 1 st floor, 1 Barrett Street)		191	+21
Retail (A1)	161	0	-161
(excluding 1 st floor, 1 Barrett Street)			
* 1st floor, 1 Barrett Street	67	0	-67
Residential (C3)	115	729	+614
(excluding 1 st floor, 1 Barrett Street)		584	+469
Temporary sleeping accommodation flatlets (sui generis)	287	0	-287
Total	800	920	+120

*No clear current use - can lawfully be used for wholesale showroom, shop or restaurant.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of retail floorspace

UDP SS5 states that A1 uses at ground, basement or first floor level in the CAZ will be protected. City Plan policy S21 seeks to protect existing retail uses throughout Westminster, except where it can be demonstrated that the unit is unviable through long term vacancy, despite attempts to let.

Whilst the proposals would result in the loss of 160 sqm of Class A1 floorspace, it is accepted that the existing retail use was only ever intended as a very short-lived pop-up operation designed to introduce some activity to the site pending its proposed redevelopment, and so avoid blighting the appearance of the conservation area by having a boarded up unit. It is also acknowledged that under the terms of the 1959 permission, a temporary restaurant use could also have been implemented without the need for further permission. Given that prior to its use as a temporary coffee shop the site had never been in retail use and therefore has no long-standing history in this regard, it is not considered that the loss of the coffee shop would have any material harm on local shopping character and function.

The eastern end of Barrett Street is a cul-de-sac comprising the two application buildings on the north side, a retail shop on the east side, and a garage (storage) and sandwich shop on the south side. The 6 shop units adjacent to the site on St. Christopher's Place are in Class A1 retail use. The proposal would therefore not result in a concentration of three or more consecutive non-retail uses within the frontage. In these circumstances, it is not considered that the proposal would have an adverse impact on the balance of local shopping.

Loss of first floor uses at 1 Barrett Street

Despite its current unauthorised use as temporary offices, the first floor of 1 Barrett Street has a lawful use as either shop, restaurant or for wholesale showroom purposes. Given that the only showroom that benefits from the lawful use of the first floor for this purpose is Wallace Electricals which no longer exists, the loss of that former use on the first floor could not be resisted under policy COM 12.

The application proposes the option to use this first floor as either restaurant floorspace in connection with the ground floor and basement or a residential flat. The existing first floor already has permission for restaurant use due to the condition imposed on the 1959 permission which allows a shop/restaurant on cessation of the personal permission which has now occurred. Although the loss of the lawful retail use would ordinarily be contentious, the first floor has never been in such use and therefore its loss would not have any material impact on shopping. Further, the use of the first floor for either restaurant or residential uses is supported by the relevant restaurant and residential policies and both would be beneficial uses.

Loss of temporary sleeping accommodation and replacement with permanent residential use

The lawful use of the second and third floors at 1 Barratt Street is as two self-contained flats, comprising 115 sqm of permanent residential accommodation. The lawful use of the upper floors at 2 Barrett Street is for short-term letting providing a total of 287 sqm temporary sleeping accommodation.

The application proposes the use of the second to fourth floors of the new building as 3 permanent 2 bed flats (584 sqm). The proposed increase in permanent residential floorspace on the site accords with policies H3 and S14. Policy S14 seeks to optimise the number of units on a development site and would normally resist a reduction in the number of units. However, given the nature of the existing accommodation, the replacement of seven flatlets and two flats, with three/four larger, permanent flats is considered acceptable. UDP policy H5 normally requires 33% of all new housing to provide three or more bedrooms. Although no family sized accommodation is proposed, given that none currently exists on site, and given the site location, close to numerous restaurants and bars, the absence of family sized units is considered acceptable in this

instance.

All new units would comply with minimum floorspace requirements and are considered to provide a good standard of accommodation in terms of room size and layout. The flats would be fitted with a means of mechanical ventilation should residents choose to keep their windows shut. Conditions are recommended, including those requiring the submission of further details to show that the development will provide satisfactory noise insulation for the new flats from internal and external noise sources.

Restaurant use

The proposal would create a new, larger restaurant on the site measuring either 191 or 363 sqm (if the first floor is used for this purpose) - an increase of either 21 or 166 sqm when compared to the existing restaurant use. Given the site's location and the size of the proposed restaurant, UDP policy TACE 8 applies. Permission will normally be granted for restaurant proposals where the Council is satisfied that the use would have no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, or increased parking and traffic; and would have no adverse effect on the character or function of the area. In considering applications for planning permission for such uses the Council will take into account the need for conditions, and where relevant, necessary and appropriate, will impose them to control restaurant capacity, opening hours, arrangements to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of air conditioning and ventilation plant and servicing arrangements).

There is already a restaurant on part of the site and the remainder of the lower floors is currently occupied as a temporary coffee shop. Barrett Street is characterised by entertainment uses. City Plan Policy S7 designates St Christopher's Place, including this part of Barrett Street, as an Oasis Area of rest, where restaurant and café uses are considered to be appropriate in terms of scale and location to support the retail function of the primary streets within the West End Retail Special Policy Area. It is also acknowledged that, had the applicant not decided to introduce the temporary coffee shop use on the basement and ground floors of 1 Barrett Street, the three lower floors of that building could have lawfully been used for Class A3 purposes on cessation of the lawful wholesale showroom use, in addition to the restaurant at No. 2, providing more restaurant floorspace than that maximum currently proposed. In these circumstances, it would be difficult to argue that the proposed restaurant use would have an adverse impact upon the character and function of this part of the city and the use is therefore considered acceptable in principle in land use terms. The impact of the use upon the amenity of neighbouring occupiers, local environmental quality and traffic/servicing is discussed in the amenity section below.

9.2 Townscape and Design

The existing buildings are not considered to make a positive contribution to the character and appearance of the Stratford Place Conservation Area. The conservation area audit states that No.1 makes a neutral contribution and No.2 a negative contribution. The two buildings are to be demolished and replaced with one new building. Their demolition is acceptable in principle, subject to the quality of the replacement building, and its contribution to the conservation area.

The proposed building is five storeys high, similar to the buildings immediately to the west, on the opposite side of St Christopher's Place. The façade is clad in brick, with dark grey brick on the eastern bays and dark grey glazed brick on the remainder. The corner has decorative dark glazed

brick at ground floor and first floor. This is all considered acceptable, subject to approval of samples. The fenestration is varied, with both vertically and horizontally proportioned window openings. On the corner there are metal panels within the openings at upper floor levels, and decorative laser cut panels on the eastern section. This gives the building rich and varied facades, albeit using in the same dark palette.

The application drawings indicate proposals to install a fully opening shopfront. As the existing shopfront comprises fully openable windows above a fixed base, this is acceptable in principle amenity terms. However, fully opening shopfronts are not considered acceptable in this location and amending condition is required to seek a more traditional, fixed arrangement.

It is concluded that this is a high quality building which will contribute positively to the character and appearance of the Stratford Place Conservation Area and would not adversely affect the setting of neighbouring listed buildings. 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 4 and DES 9.

Historic England (Archaeology) has advised that there is potential for archaeological interest beneath 2 Barrett Street and have requested that an archaeological condition be imposed requiring the submission of a written scheme of investigation outlining the methodology of site investigation and recording prior to any demolition or development works.

9.3 Residential Amenity

Impact of the restaurant use

The existing restaurant use is not subject to planning controls. The proposed restaurant capacity is largely dependent on the requirements of any future restaurant operator and the restaurant style. This is a speculative proposal and the applicants have undertaken a preliminary assessment and consider that the smaller restaurant (not including the first floor) could accommodate 110 customers and the larger restaurant (first floor included) could accommodate 150 customers. Additional seating is also proposed to be provided outside (maximum 28 covers), but this would require separate planning permission.

The applicants do not wish the customer capacity to be restricted by condition on the basis that this would limit the site's marketing potential and have instead requested that a condition be imposed requiring details of the restaurant capacity at a later stage. However, if this is not acceptable, they have requested that a condition set the customer capacity at 150 (excluding external seating).

The existing restaurant, though not restricted by planning condition, operates between 08.00 to 00.30 the following day on Monday to Saturday and from 10.00 to midnight on Sunday. These are the same as the proposed opening hours for the new restaurant and are considered acceptable in this location. Additional operating conditions are also proposed to control the hours of plant operation, to prevent takeaway sales and a delivery service, and requiring the submission of a detailed Operational Management Plan setting out measures to mitigate the impact of the use. Given that residential accommodation is proposed directly above the restaurant, it is also considered appropriate to impose a condition requiring any opening elements within the revised shopfront design to be closed after 23.00 hours.

Subject to these conditions, given the site's location and the fact that the site has a history of

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existing and potential uncontrolled restaurant floorspace, it is considered that the proposals would have no materially adverse impact upon the amenities of neighbouring occupiers. No objections have been received.

Plant operation

The application is supported by an acoustic report which assesses the impact of the proposed plant on the nearest noise sensitive receptors. This report has been assessed by the Environmental Health Officer who has raised no objection to the proposals subject to standard conditions relating to noise and vibration, a supplementary noise report to demonstrate that the plant selected will comply with these conditions and further details of the kitchen extract system,

Subject to these conditions, and a condition to restrict the hours of restaurant plant operation, this aspect of the scheme is considered acceptable in terms of the impact of plant operation upon the amenities of existing residents and future occupiers of the development.

Daylight/sunlight

The proposal involves an increase in the overall height of both buildings by approximately 2m. At present, the rear of 1 Barrett Street is set back from the northern site boundary (and the neighbouring courtyard at the rear of 1 St Christopher's Place) above ground level. This set back would be infilled to provide the new residential stair core, with obscured glazed windows on the site boundary.

The application is supported by a daylight/sunlight report, which assesses the impact of the proposals upon the closest residential properties, including flats in Sarsden Buildings in St Christopher's Place (to the north) where there are rear bedroom windows to flats on the upper floors above 1 St Christopher's Place and at 13 Stratford Place, immediately to the east, where there is a single dwelling.

The report assesses the impact on 13 Stratford Place based on the approved layouts for that building and in accordance with the BRE guidelines. (It is noted that the floor levels within the report are incorrectly labelled and that the report does not assess the accommodation at fifth floor level). The VSC analysis shows that any reductions in VSC and to the No-Sky Line (NSL) analysis would be well below 20%. The sunlight test shows that any loss of annual sunlight would be below 20% There would be no losses of winter sunlight. Given these reported values, it is not considered that the proposals would have a material impact on levels of daylight and sunlight received to the study/living room at fifth floor level which is dual aspect, being served by large windows leading on to a terrace at the front of the building.

The east facing dining room at first floor level is served by glazed doors which lead out onto a small terrace. This window would not experience any loss of annual or winter sun. Given its location and relationship with the application premises, it is not considered that this terrace would experience any significant increase in overshadowing as a result of the proposals.

The report also assesses the impact of the development on flats at 1 and 2-5 St Christopher's Place (Sarsden Buildings). The first to third floor bedroom windows immediately adjacent to the site boundary would see reductions in VSC of between 26.9 and 32.64%. However, these are disproportionately high because these existing values are so low (between 2.19 and 6.77%). No other windows are adversely affected and none of the windows would be adversely affected by the

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NSL assessment. As the affected windows are bedrooms, which are afforded a lesser degree of protection than other habitable rooms, it is not considered that the impact on these rooms could justify a recommendation for refusal. None of the rear windows to Sarsden Buildings face within 90 degrees of due south and consequently, do not have to be analysed for sunlight loss.

Sense of enclosure

Plans of the existing residential development at 13 Stratford Place indicate that the principal living areas and master bedrooms are located at the front of the building. Windows to rear habitable rooms serve a first floor dining room, a second floor bedroom and a gym (2 windows), a third floor bedroom, and a dual aspect living room/study on the fourth floor. At present, these rear windows look out onto the sheer flank elevation of 1 Barrett Street which is topped by a roof parapet inset with a railing. The scheme would retain this wall, increasing its overall height by 2.25m (excluding the height of the existing parapet railings) through the addition of a mansard roof. Although the proposed additional height would result in some increased sense of enclosure to these rear windows, given the use of the affected rooms, it is not considered that the impact would be so significant as to justify a recommendation for refusal.

Overlooking

There is an existing terrace to the roof of 2 Barrett Street. Under the proposed scheme, this terrace would be relocated to the roof of 1 Barrett Street, with an 1100mm balustrade set behind the parapet. The roof of no. 2 would house photovoltaic panels and a plant enclosure to the same height as the terrace balustrade. The relocation of the terrace away from the rear of the neighbouring residential properties is welcomed. The new terrace would be set away from the building parapet behind planters. In these circumstances, and given the relationship of the terrace to properties on the eastern and southern side of Barrett Street (east end) and on the west side of St Christopher's Place, which are in commercial use, the provision of the terrace would not result in a material loss of privacy.

It is not considered that the installation of a full height, narrow window strip to the residential stair would result in material overlooking of the rear of neighbouring properties to the north on the St Christopher's Place. It would not normally be considered acceptable for windows to derive their light from a neighbouring site, as it could prejudice the development potential of that site. However, given that this stair could be wholly artificially lit if natural light is removed as a result of a neighbouring development, this aspect of the scheme would not be considered objectionable.

9.4 Transportation/Parking

Parking and cycle parking

Demand for car parking is generated by the permanent residential uses at the site. There would be a potential maximum increase of 2 residential units and therefore a requirement for 2 off-street parking spaces. The scheme includes no off-site parking provision. UDP Policy TRANS 23, recognises that at 80% occupancy, which is considered to represent a serious deficiency in parking availability, the impact of parking demand associated with additional units is likely to have a significantly adverse impact on parking conditions in the local area.

The most recent night time parking survey shows that occupancy levels within a 200m radius of the site, including single yellow lines, is 26%. During the daytime, this figure increases to 81%.

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The Highways Planning Manager has objected to the scheme on parking grounds. However, it is accepted that the site is close to all transport and given that the scheme would provide only a maximum of 2 additional flats, it is not considered that it could be reasonably resisted on parking grounds. However, in order to ameliorate the potential impact of the development, a condition is recommended requiring the submission of details of arrangements to ameliorate the impact of the development on on-street parking demand. In practice, this would be the provision of Lifetime Car Club membership (25 years), in association with the flats. Although this would not remove the objections of the Highways Planning Manager this is acknowledged as being the best means of reducing the potential demand for additional on-street parking. The applicants have confirmed that they would accept this condition.

The application has been revised to provide 2 staff cycle spaces in association with the restaurant use and 8 residential cycle spaces, in a separate cycle storage area. This level of provision accords with standards in the Further Alterations to the London Plan and is considered acceptable

Servicing

The site does not benefit from direct access to the carriageway and, as at present, goods would be delivered to the site on trolleys. The Highways Planning Manager has raised no objection to this arrangement but has requested that any permission be subject to a condition to prevent the restaurant operating a delivery service as this can reduce the availability of parking for other uses (as well as resulting in increased noise disturbance and vehicle emissions)

Refuse

The Project Manager (Waste) has raised no objection to the scheme in principle but has requested further plans showing arrangements for the storage of general waste, food waste and recyclable materials for the restaurant (with waste been appropriately designated as general waste, organic waste and recycling) and a separate waste store for the flats (marked to show waste and recycling). The waste storage capacity will need to be specified for each use and details will be required to confirm how the residential waste bins will be transferred to ground level on collection days. These details would be reserved by condition.

9.5 Economic Considerations

The economic benefits of regenerating this site are recognised.

9.6 Access

The new development would be fully accessible.

9.7 Other UDP/Westminster Policy Considerations

Sustainability and biodiversity

The submitted energy statement demonstrates that the new building fabric will provide increased thermal efficiency and energy efficient lighting, water and heating system will be used throughout the development. Renewable technologies will include the installation of air source heat pumps and the installation of photovoltaic panels over the greater part of the roof. These measures will be secured by condition.

The report confirms that the development would achieve a reduction in carbon dioxide emission of

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34.4% (3 flat scheme) or 37.73% (4 flats) compared with the target in part L of the Building Regulations 2013, with 18.7 and 18.8% reductions though the use of renewables. Given the scale of the development, the level of savings achieved is considered acceptable.

A significant part of the roof (which does not provide a terrace) will be covered in photovoltaic panels. However, an area of green roof will be provided, enclosing the roof terrace which will increase the site's contribution to the biodiversity of the area when compared with the existing situation. This area of green/planted roof will be secured by condition.

9.8 London Plan

This application raises no significant strategic issues.

9.9 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.

9.10 Planning Obligations

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

9.11 Environmental Impact Assessment

The application does not require the submission of an Environmental Impact Assessment.

9.12 Other Issues

Construction Management

The proposal is not a major development and the application does not involve the construction of an additional basement. It was also submitted prior to the adoption of the revised City Plan and the adoption of new arrangements concerning the Code of Construction Practice.

The site is located in a pedestrianised area at the east end of Barrett Street which is characterised by restaurant/café/public house uses, many with external seating, and which leads into narrow pedestrian streets of small shops. Given this location, notwithstanding the nature of the development, the management of the construction process is vital. In these circumstances, it is considered appropriate to impose a condition requiring the submission of a CMP, which should include details of delivery routes and the method of transferring building materials to the site and arrangements for safeguarding customers of neighbouring uses etc.

The applicants have declined to sign up to the new arrangements under the COCP on the basis that these are not triggered by the proposals. However, they are willing to submit and comply with a Construction Management Plan which would include details on demolition and construction and would set out the measures to ensure the scheme is constructed with limited impact on the surrounding uses. The applicants have emphasised that their offices are based next to the site and they would have a daily involvement in the construction process; the area is wholly managed by the applicant and they therefore have control over this and surrounding buildings; they have a

contractual requirement within tenants' leases to ensure that there is no disruption which would harm the commercial properties. The applicant would be subject to rent abatement should the development impact on neighbouring sites, meaning that there is further incentive to control the construction. The applicant has a commercial responsibility to ensure the development has limited inconvenience on the surrounding properties and to ensure that St Christopher's Place continues to operate successfully while building works are on site. In these circumstances, and subject to a condition requiring the submission of a CMP, and hours of works conditions, it is not considered that the proposed construction works would have an adverse impact on neighbouring amenity.

10. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning Manager dated 9 May 2016
3. Response from Cleansing dated 16 March 2016
4. Response from Environmental Health dated 18 March 2016
5. Response from Historic England dated 9 March 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 THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

11. KEY DRAWINGS

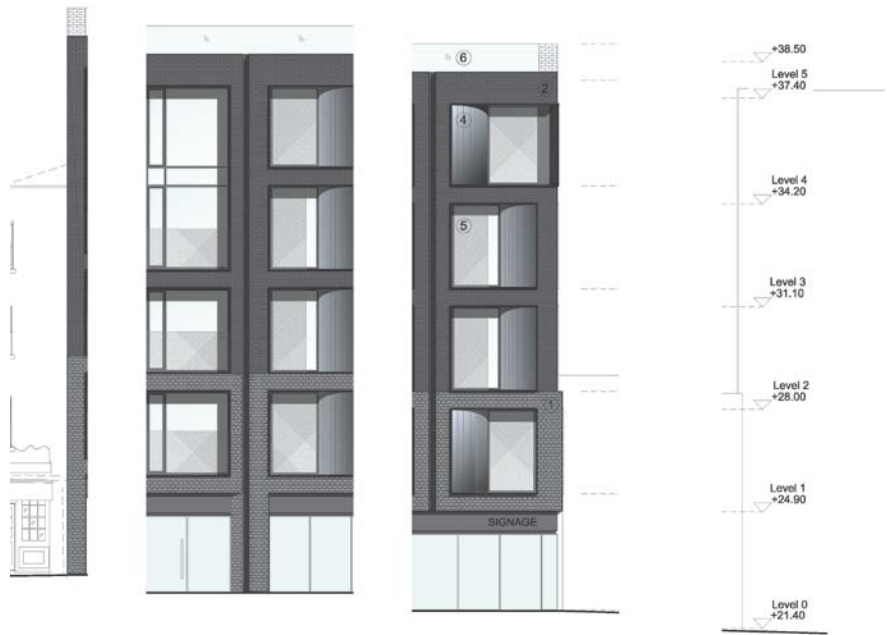




Proposed 1st Floor Plan (Option 2)



Barrett Street elevation



St Christophers Place elevation

DRAFT DECISION LETTER

Address: 1 - 2 Barrett Street, London, W1U 1DN,

Proposal: Demolition of 1 and 2 Barrett Street and the redevelopment to provide a restaurant (Class A3) use on basement and ground floors, dual/alternative use of the first floor for either restaurant (Class A3) and/or residential (Class C3) use (to provide one residential unit); the use of the second, third and fourth floor as residential use (Class C3) for three residential units, and the creation of a roof terrace. Ancillary residential cycle parking and waste store within the basement. Installation of photovoltaic panels and plant on the roof.

Reference: 16/01203/FULL

Plan Nos: 050/ 200 Rev B, 201 Rev A, 202 (restaurant use), 202 (residential use), 203, 204, 205, 206 Rev A, 320, 321, 322, 323, 420, 421 Rev A

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 (scales 1:20 and 1:5) of the following parts of the development - Typical façade details - at all levels. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

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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 Stratford Place Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of 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 Stratford Place Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 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 (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 You must apply to us for approval of detailed drawings showing the following alteration to the scheme - The shopfronts shall not be fully opening. They should have fixed sections, with solid stallrisers. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Stratford Place Conservation Area as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation

Areas) Act 1990. (R29AC)

- 8 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or,
 - (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.
- You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Stratford Place Conservation Area as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 9 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works. , You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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.

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

Reason:

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

- 13 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 14 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 11 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria 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. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 17 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 18 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 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 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 restaurant and flats. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

20 **Pre Commencement Condition.**

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.,
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.,
- (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (July 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 21 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.

- 22 You must not use any part of the development until we have approved appropriate arrangements to secure the following: - measures to mitigate the impact of the development on on-street parking demand in the area.

In the case of each of the above benefits, 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. (C19BA)

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 (July 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 23 You must apply to us for approval of a management plan ,
- i) to show how you will prevent customers who are leaving the restaurant from causing nuisance for people in the area, including people who live in nearby buildings and future residential occupiers of the development and ,
 - ii) including details of arrangement for the servicing of the restaurant, including servicing hours, to show how you will prevent restaurant servicing from causing nuisance for

people in the area, including people who live in nearby buildings and future residential occupiers of the development.

You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (July 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 24 You must not allow more than 150 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (July 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 25 Customers shall not be permitted within the restaurant premises before 08.00 or after midnight on Monday to Saturday (not including bank holidays and public holidays) and between midnight and after 00.30 the following Tuesday to Sunday mornings and before 10.00 or after 24.00 (midnight) on Sundays bank holidays and public holidays. (C12DD)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (July 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 26 Any opening elements within the revised shopfront design submitted in accordance with condition 6 of this permission, shall be closed between 23.00 hours and 08:00 the following morning on Sunday to Friday and between 23:00 hours on Saturdays and 10:00 the following Sunday mornings.

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (July 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 27 With the exception of any refrigeration plant, the restaurant plant shall not operate 07.00 or after midnight on Monday to Saturday (not including bank holidays and public holidays) and between midnight and after 01.30 the following Tuesday to Sunday mornings and before 09.00 or after (midnight) on Sundays bank holidays and public holidays and between midnight and 01.00 the following morning.

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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 (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 28 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (July 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 29 You must not operate a delivery service from the restaurant hereby approved

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (July 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 30 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 31 No waste shall be stored on the highway

Reason:

To protect the environment as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 32 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.
i) photovoltaic panels
You must not remove any of these features. (C44AA)

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Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 33 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application - green/living roof. You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

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 (July 2016), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under condition 22, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Lifetime car club membership in association with each flat, as set out in the letter dated 19 August 2016 from Rolfe Judd Planning. 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. (I77AA)
- 3 For the avoidance of doubt the Construction Management Plan required under condition 10 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

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- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 10 The term 'clearly mark' in condition 19 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 11 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.
- 12 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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- 13 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM_s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 14 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 15 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 16 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 17 You are advised that the car club operator (condition 22) must be a Carplus operator

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 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	20 Moxon Street, London, W1U 4EU,		
Proposal	Use of part of the ground and lower ground floor levels as a mixed use (sui generis) comprising retail / restaurant premises and installation of a high level extract duct.		
Agent	Iceni Projects Ltd		
On behalf of	Mr Laurent Faure		
Registered Number	16/02689/FULL	Date amended/ completed	30 September 2016
Date Application Received	24 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY

Ashland House is an unlisted building of merit in the Harley Street Conservation Area situated outside of the Core CAZ. The lower ground and part ground floors have historically been used as office accommodation (Use Class B1) however since 2012 these floors have been in mixed retail, restaurant and bar uses. On-going enforcement action is being taken in relation to the unauthorised change of use and this application has been submitted in order to regularise the situation. Permission is also sought for the installation of a high level extract duct on the side elevation of the building to terminate at main roof level.

The key issues for consideration in this case are the acceptability of the use in this area and the impact upon residential amenity.

The change of use of the office accommodation to an alternative use serving visiting members of the public is considered acceptable. It is also considered, with suitable conditions in place, residential amenity would be protected and the proposal is in accordance with the relevant policies of the adopted UDP and City Plan and is accordingly recommended for conditional planning approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

CLEANSING

No objection subject to conditions.

HIGHWAYS

No objection subject to conditions.

PLANNING ENFORCEMENT

Enforcement Notice has been served in relation to the unauthorised use of the premises.

ENVIRONMENTAL HEALTH

No objections subject to conditions.

ADJOINING OWNERS AND OCCUPIERS

No Consulted: 32

No Replied: 1

Objection on the following grounds:

The building and surrounding area are unsuitable for a business of this kind.

SITE AND PRESS NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Ashland House is an unlisted building of merit in the Harley Street Conservation Area. The application relates to the part ground and basement floors which have historically been used as office accommodation (Use Class B1) however since 2012 these floors have been in mixed retail, restaurant and bar uses. The remainder of the building is occupied as residential flats.

6.2 Recent Relevant History

Planning permission was granted on the 24th April 2008 for the 'reconfiguration of existing residential (Class C3) and office (Class B1) floorspace at part ground floor of Ashland House, enclosure of rear basement courtyard with a glass roof and external alterations (site includes No. 20 Moxon Street)'. This provided for the previous lawful configuration of the uses at the property.

Planning permission was granted on the 12th June 2012 for the 'use of part lower ground and ground floors of the property as retail accommodation (Class A1) and alterations to the windows at ground floor level on the Moxon Street elevation.' The City Council

considers that the above permission was not implemented as the unit which opened at the premises was not a retail unit but instead a sui generis mix of retail, restaurant and wine bar uses. On-going enforcement action is being taken in relation to the unauthorised change of use and the Enforcement Notice is currently the subject of an appeal. The Enforcement Officer considers, after extensive investigation, that the retail use was never implemented.

Planning permission was also granted on the 21/06/2016 for the 'retention of three external air conditioning units at lower ground floor level in rear courtyard.'

7. THE PROPOSAL

Permission is sought for the change of use of the premises at part ground and basement levels to a sui generis use comprising retail, restaurant and bar functions and the installation of an associated high level extract duct on the side elevation of the property to terminate at main roof level.

Currently, the premises are laid out with retail wine sales at ground and part lower ground floor levels. The remainder of the lower ground floor provides a delicatessen section, which also provides wine tasting, a small area of tables and chairs with a kitchen which provides a café function with associated office and storage areas towards the rear of the unit. The GEA of the entire premises is 354sqm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

i. Loss of office use

The loss of the office accommodation is considered acceptable outside of the Core CAZ.

ii. Introduction of Entertainment/Retail Use

The property is situated just outside of the Marylebone High Street District Centre as defined in the UDP. Policy SS10 of the UDP considers the provision of new retail floorspace outside of the CAZ and aims the encouragement of new retail accommodation where appropriate. Part C of the policy states; 'proposals for retail developments outside District or Local centres will not be permitted if they would cause demonstrable harm to the vitality or viability of existing centres.' Policy S21 of the City Plan states that 'new retail floorspace will be directed to the designated Shopping Centres.' In this instance, the proposed unit is located close to the secondary frontage of a designated District Centre, and given the small size of the proposal, with the majority of the floorspace being at basement level, it is not considered that the proposal would have a detrimental impact upon the vitality of the nearby shopping centre.

The increase in the restaurant/bar element of the proposed use needs to be considered under UDP Policy TACE 9 and City Plan Policy S24. TACE9 states that new entertainment uses are only permissible where they would have no adverse impact on residential amenity or local environmental quality in terms of noise, smells, highways

implications, increased late night activity and no adverse effect on the character and function of its area. Policy S24 is similarly worded.

Impact on amenity

The cafe element in the lower ground floor of the premises is shown on the drawings as having a seating capacity of 20 covers, the opening hours of the entire premises are 12:00 till 22:30 on weekdays, 10:00 till 22:30 on Saturdays and 10:00 till 18:00 on Sundays.

The nearest residential units are located at first floor level and above within the building itself (Ashland House) and the building immediately opposite is in residential use and so residential occupiers are in very close proximity. Taking into account the small number of people who could be seated in the cafe element of the premises and the early closing times it is not considered the proposal would have a detrimental impact upon residents in terms of noise disturbance from patrons.

A high level extract duct is proposed on the side elevation of the property to terminate at main roof level which will disperse cooking smells from the premises and this is considered acceptable. Currently the unit operates with a low level extraction system discharging into the courtyard at the side of the property at lower ground floor level. A condition is proposed requiring all primary cooking to cease until the high level extract duct shown on the drawings is installed.

The current license for the premises restricts the hours of servicing to between 07:00 and 22:00 Monday to Saturday and between 08:00 and 22:00 on Sundays and public holidays. These hours are considered suitable to protect residential amenity and a similarly worded condition is proposed restricting servicing to these hours.

Subject to the imposition of the conditions referred to above it is not considered the proposed use would adversely impact on residential amenity and the proposal is therefore considered to comply with Policy S24 of the City Plan and Policy TACE9 of the UDP.

Impact on character and function of the area

The area is mixed use in character comprising commercial offices and entertainment uses and a significant number of residential properties. There are some licensed premises in the vicinity although it is not considered that the area is saturated with such uses. The nearest licensed premises are restaurants at 8-10 Moxon Street (09:00 till 22:30), 4-6 Moxon Street (08:00 till 23:30) and 93B Marylebone High Street (08:00 till 00:00).

An objection has been received stating that the building and area is unsuitable for uses of this kind however it is not considered the proposed use would be harmful to the character and function of this part of the East Marylebone Conservation Area, especially considering the impending redevelopment of the Moxon Street car-park site opposite and the current lawful office use.

8.2 Townscape and Design

The only external alteration associated with this proposal is the installation of an external extract duct to the rear of the building, located in a recessed corner. The rear elevations to this group of buildings are largely free of visual clutter and there is no precedent for plant or ducts affixed to these elevations. However, the proposed location for this duct is in a

recessed corner, where its visual impact would be reduced. In order to mitigate its visual impact further, it is recommended that the duct is screened in GRP cladding to emulate the appearance of the original brickwork. Subject to this screening, the proposals will preserve the character and appearance of this part of the conservation area and are compliant with the requirements of DES 5 and DES 9 of the City Council's Unitary Development Plan.

8.3 Residential Amenity

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

An acoustic report has been submitted in relation to the installation of the high level extract duct at the rear of the property and the potential noise and vibration impacts of its operation. The nearest affected residential windows are at first floor level within the property itself. It has been demonstrated that noise from the duct and associated equipment will be compliant with the City Council requirements at these windows and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant and the installation of the specified associated acoustic mitigation measures.

The acoustic report demonstrates that the ducting is compliant with the City Council noise criteria over a 24 hour period and as some of this is used for ventilation it is not considered appropriate to condition the hours of use of the plant.

8.4 Transportation/Parking

An amended drawing has been submitted showing the provision of two cycle parking spaces in the basement of the property which is compliant with the requirements of the London Plan. A condition is proposed to ensure this is provided and retained.

It is not considered the proposal would result in any significant increase in the number of people visiting the site by car when compared to the current office function and the site is also located within a Controlled Parking Zone. The Highways Planning Manager has requested a condition be applied to any approval requiring the submission of a Servicing Management Plan to outline how servicing will occur on a day to day basis for the unit, almost as an instruction manual or good practice guide for the occupants. This should also identify storage locations, staffing arrangements, scheduling of deliveries, and likely delivery vehicle size. To ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction or a danger to highway users.

8.5 Economic Considerations

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

8.6 Access

Level access is provided to the ground floor of the unit with a lift in operation between the ground and lower ground floor levels to provide full access to the property.

8.7 Other UDP/Westminster Policy Considerations

A condition is imposed requiring the submission of amended floorplans to show adequate storage for waste and recycling materials.

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 9.1 and 9.3 above.

9. BACKGROUND PAPERS

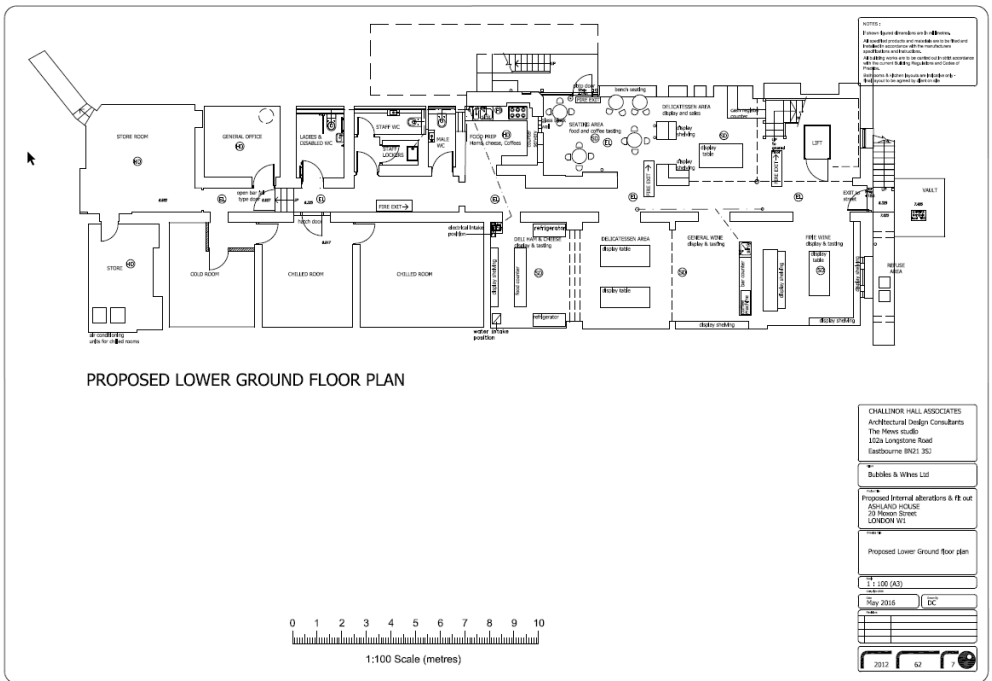
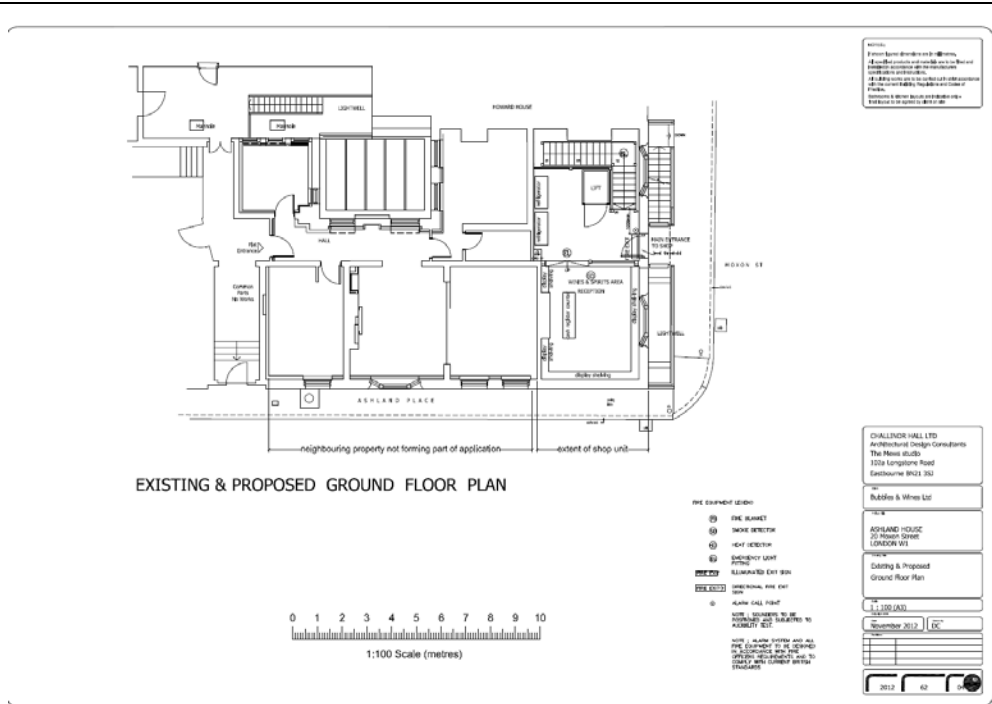
1. Application form.
2. Response from Highways Planning Manager dated 12 September 2016.
3. Response from Cleansing Manager dated 14 September 2016.
4. Response from Environmental Health dated 27 October 2016.
5. Letter from occupier of 12 Ashland House, Ashland Place, dated 4 October 2016.

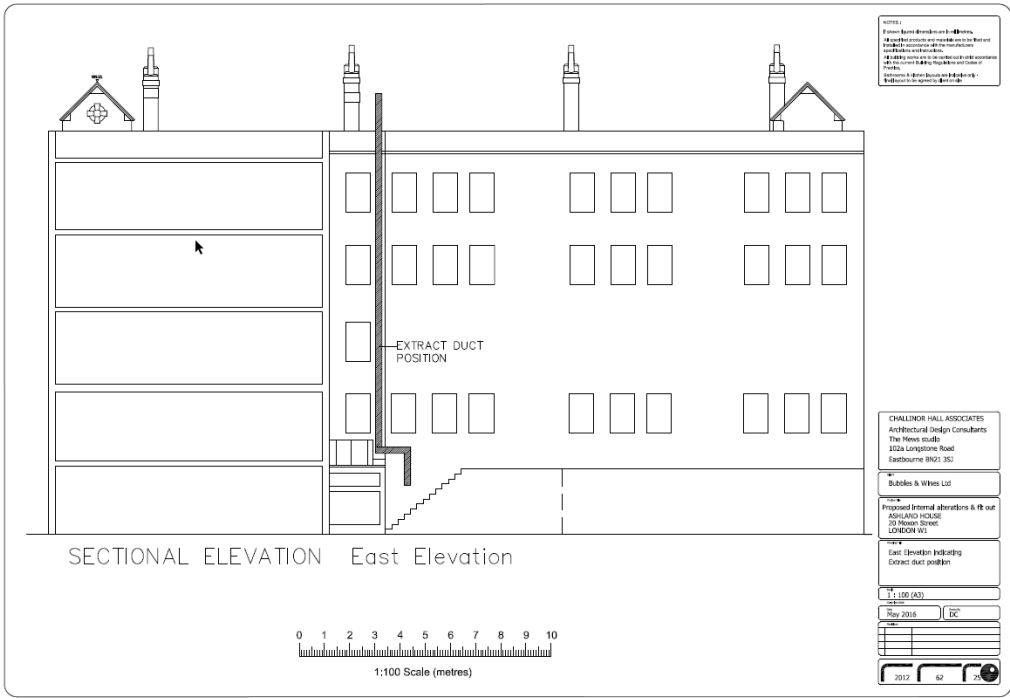
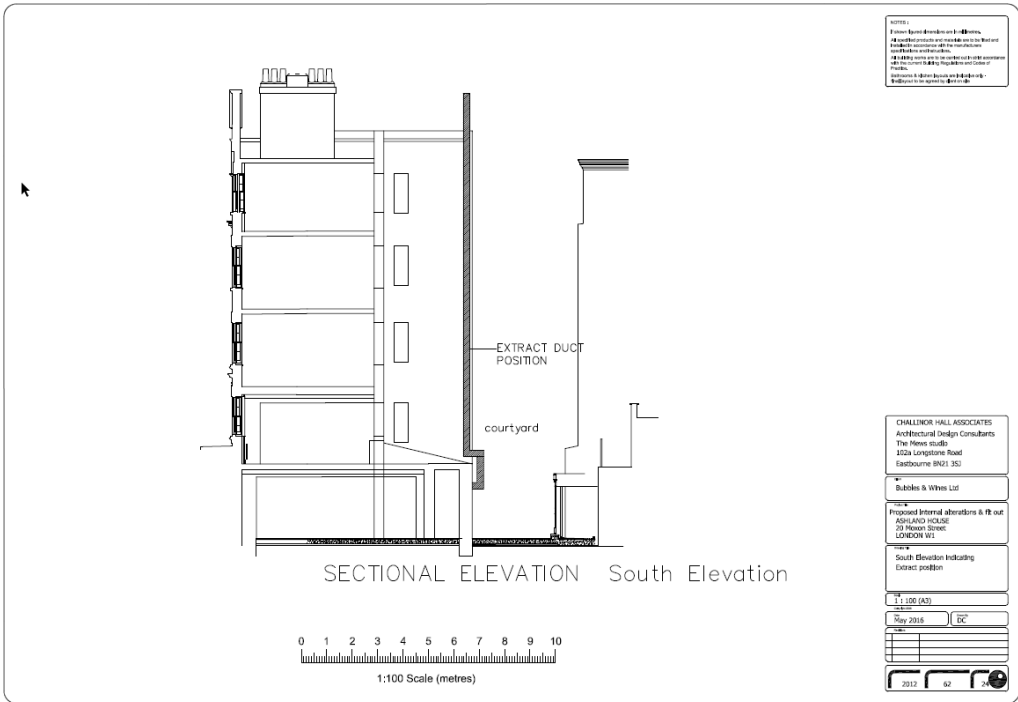
Selected relevant drawings

(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 THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 20 Moxon Street, London, W1U 4EU,

Proposal: Use of part of the ground and lower ground floor levels as a mixed use retail / restaurant premises (sui generis) and installation of a high level extract duct.

Reference: 16/02689/FULL

Plan Nos: Acoustic Report dated 25/08/2016, Drawings: (2012 62) 3 RevA, 4 RevA, 7 RevA, 24, 25.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety).

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest,

shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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.

- 4 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.

- 5 Within two months of the date of this decision 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 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.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 You must cease all primary cooking at the premises until the high level extract duct as shown on the approved drawings has been installed and is operational. Once installed the duct must thereafter be permanently retained in situ and maintained for as long as the approved sui generis use continues.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 7 All servicing must take place between 07:00 and 22:00 Monday to Saturday and between 08:00 and 22:00 on Sundays and public holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 8 You must screen the ductwork with a cladding so that it matches the colour and appearance of the traditional brickwork. You must then keep it in that condition. (C26HA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 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.

- 10 Within two months of the date of this decision you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the sui generis use to include process, storage locations, scheduling of deliveries and staffing. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority. Should the Servicing Management Plan not be approved you must cease the sui generis use hereby approved immediately.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 11 The premises hereby approved must not open to customers, and you must not allow customers on the premises, outside the hours:, 12:00 till 22:30 on weekdays and 10:00 till 22:30 on Saturdays and 10:00 till 18:00 on Sundays

Reason:

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

- 12 You must not provide more than 20 covers in the cafe element of the use at any one time.

Reason:

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

- 13 You must install the acoustic mitigation measures as detailed in the approved acoustic report at the same time as the plant is installed and maintain it in this form for as long as the plant remains in place.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R39BB)

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 (July 2016), 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 Conditions 3 and 4 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)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 5 Under condition 6 until you install the high level extract duct, you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor equipment.

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 29 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	1 - 5 Rainsford Street, London, W2 1PY		
Proposal	Use of 1-5 Rainsford Street as three residential dwellings (Use Class C3) and associated external alterations, including erection of roof extension.		
Agent	Barton Willmore LLP		
On behalf of	Imperial College London		
Registered Number	16/06450/FULL	Date amended/ completed	8 September 2016
Date Application Received	7 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application seeks permission to convert three existing mews buildings in Rainsford Street in to three residential dwellings and make external alterations to the buildings, including the addition of a mansard roof extension to create a new second floor. The buildings were most recently used to provide ancillary storage and changing facilities for the now demolished adjacent sports hall, which was redeveloped following the granting of planning permission in January 2013 to provide a new building of between two and four storeys to provide additional student accommodation and ancillary facilities. The buildings are now surplus to the requirements of Imperial College following the demolition and redevelopment of the sports hall site.

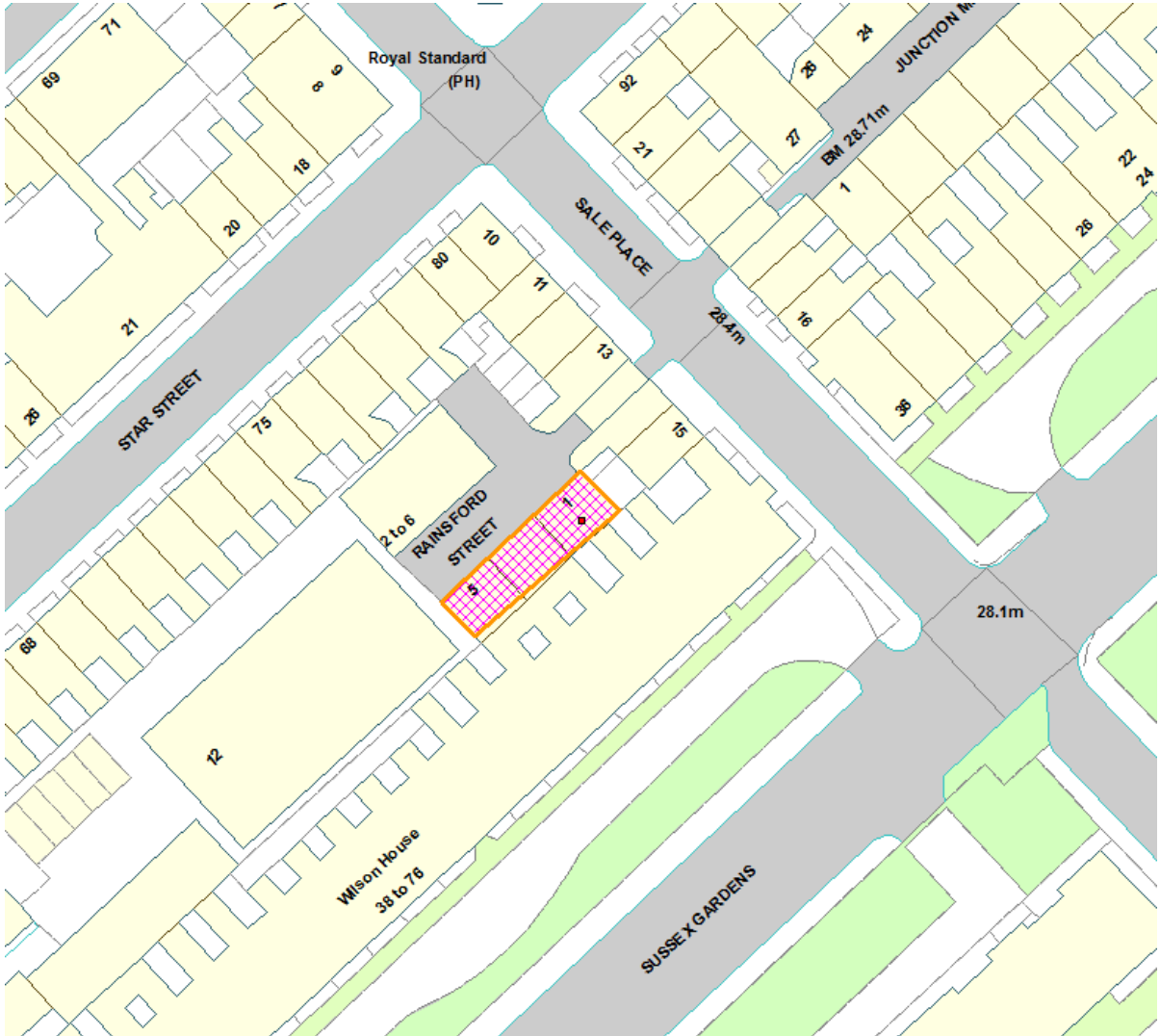
The key issues in this case are:

- The loss of current social and community use floorspace.
- The impact of proposed development on the Bayswater Conservation Area and setting of the adjacent Grade II listed buildings.
- The impact upon amenity of adjoining residential occupiers (including the halls of residents in

Sussex Gardens).

Given that the university sports hall to which these mews buildings formally acted as ancillary accommodation for has been redeveloped, it is considered that their conversion to residential accommodation is acceptable in land use terms. Amendments during the course of the application have addressed officer's initial concerns in design and amenity terms. The proposal therefore accords with the relevant policies in the City Plan and UDP and as such, it is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View looking up Rainsford Street toward Sale Place (site on right).



Application site to the left, recently completed student halls development at end of street.



View of roofs of application site with Wilson House student halls of residents behind.

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

CLEANSING MANAGER

Objection – dedicated cycle parking and refuse area not of sufficient area to accommodate both functions.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection – increased parking demand in area of on street parking deficiency. Securing lifetime membership to car club can mitigate impact but does not overcome objection.

ADJOINING/OWNER OCCUPIERS

No consulted: 49; No of replies: 1 email raising objection on the following grounds:

- Increased parking congestion in Rainsford Street as a result of conversion to residential use.
- Disruption to office occupier in Rainsford Street from residential use and during construction.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises three unlisted mews buildings, which face north-west within Rainsford Street, a small mews located behind Grade II listed buildings on Sussex Gardens and Sale Place, within the Bayswater Conservation Area. The buildings are currently vacant, having most recently used to provide ancillary storage and changing facilities for the now demolished adjacent sports hall at the western end of Rainsford Street, which was redeveloped following the granting of planning permission in January 2013 to provide new student accommodation.

6.2 Recent Relevant History

07.07.1953 - Planning permission granted for the conversion of 42-76 Sussex Gardens for use as a hostel for students of the St Mary's Hospital Medical School.

12.05.1954 - Planning permission granted for the erection of a single storey building at the rear of No's.54-62 (even) Sussex Gardens to be used for recreational purposes for students from St Mary's Hospital Hostel for students (37186/A).

12.06.1957 - Planning permission granted for the erection of a building comprising two squash courts.

17.02.1960 - Planning permission granted for the conversion of Nos.38 and 40 Sussex Gardens for use as a hostel for students of the St Mary's Hospital Medical School (22145).

05.03.1982 - Planning permission granted for the erection of a student recreation centre and the use of Rainsford Street as a private road.

05.03.1982 - Planning permission granted for alterations in connection with the creation of a ground and first floor link with a proposed student recreation centre in Rainsford Street.

17.01.2013 - Planning permission granted for extensions, alterations and refurbishment of Wilson House for continued use as student accommodation and the redevelopment of the sports complex buildings to the rear of the site to provide a new building of between two and four storeys to provide additional student accommodation and ancillary facilities.

A planning application (RN: 16/05494/FULL) has been submitted concurrently with this application for 'Use of 1-5 Rainsford Street as three residential dwellinghouses (Class C3) and associated external alterations, including construction of roof terraces'. This application is also on this committee agenda and is recommended for refusal on design grounds.

7. THE PROPOSAL

The application seeks permission for use of the three mews buildings at Nos.1-5 Rainsford Street as three dwellinghouses (Class C3) and associated external alterations, including the erection of a roof extension.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Social and Community Use

The properties were most recently in use by building contractors during the construction of the adjacent student accommodation associated with Wilson House, granted planning permission 17 January 2013 which ended in August 2014. Prior to this, the buildings were used as ancillary storage and changing facilities by Imperial College in conjunction with the sports hall until it was demolished and redeveloped in accordance with the January 2013 planning permission.

Given their long standing ancillary use in conjunction with the university, it is appropriate to consider the conversion of these properties in the context of Policies SOC1 and SOC3 in the adopted UDP and Policy S34 in the City Plan, which seek to protect and encourage social and community uses. These policies allow for the conversion of social and community floorspace where the existing provision is being reconfigured, upgraded or relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. In these circumstances the policy requires the applicant to demonstrate that the overall level of social and community provision is

improved and there is no demand for an alternative social and community use of the application premises.

The letter from Imperial College London dated 4 November 2016 sets out a justification for the loss of the existing social and community use and states that the storage and other ancillary uses the buildings have provided historically in association with the adjacent sports hall is now redundant, and incorporated where required into the adjacent recently completed student hall redevelopment.

The university advise that they considered the use of buildings for continued education and wider social and community use; however, these options were discounted for a number of reasons set out in their letter. These include, (i) the building internal layouts which limit the scope for a functional open plan area; (ii) the small building footprint; (iii) the lack of level access, and; (iv) conservation area constraints limiting the scope for alterations such as installation of mechanical plant.

The university advises that it had sought to expand existing community engagement spaces at the St Mary's Hospital Site on the application site, but concluded that the premises were not suitable for the reasons summarised in the preceding paragraph. Instead the university advises that has provided engagement space elsewhere on its estate, including as part of the Alexander Fleming Laboratory Museum and the HELIX Centre.

In conclusion, it is evident that the proposal is not part of a published strategy and, in the absence of marketing evidence, the feasibility of use of the application site by an alternative social and community use provider has not been explored in the manner expected by the relevant social and community use policies. However, whilst not part of a published strategy, following the loss of the sports hall in conjunction with which these buildings were formally used, it is acknowledged that the buildings are surplus to Imperial College's requirements. Furthermore, given their discreet mews location and restricted floor areas, it is apparent that the buildings are limited in terms of the quantum, standard and flexibility of social and community floorspace they can provide. In this context, whilst it is highly regrettable that the applicant has not sought to definitively demonstrate a lack of interest from other social and community uses in using the premises, in this case the prospect of identifying an appropriate alternative social and community user for these premises is considered to be sufficiently low, so as to justify their loss without provision of marketing evidence.

8.1.2 Proposed Residential Use

In terms of the proposed use, the provision of residential accommodation adheres with Policies H3 of the UDP and S14 of the City Plan, which seek to encourage the provision of more residential floorspace. It would also accord with Policy S34 in the City Plan, which specifies that in this location, where social and community uses are lost, the appropriate alternative use is residential accommodation.

The proposal would provide three family-sized dwellings with three or more bedrooms and this would accord with Policy H5 in the UDP. Whilst the scheme does not provide a mix of unit sizes in accordance with Policy S15 in the City Plan, given the site comprises three

mews buildings, their conversion back to use as three dwellinghouses of modest size is not objectionable in land use terms.

In terms of the quality of accommodation that would be provided, all three dwellinghouses would provide sufficient internal floor area so as to be in accordance with the Government's Nationally Described Minimum Standards.

8.2 Townscape and Design

The buildings currently comprise two storeys with mono pitched roofs set behind high front brick parapet walls. The mews buildings have been altered in the past, in particular at ground floor level, with the introduction of modern doors and windows and with No.5 Rainsford Street having lost its garage style opening. However, the mews buildings have largely retained their original mews composition and scale and can be considered as a group with the mews buildings directly opposite, which are of the same scale and form, although not of the same age. Despite the alterations to the buildings themselves, and the historic and modern alterations to their setting, the historic relationship between the mews properties and the taller grand terraced houses in Sussex Gardens beyond is still observed given the inherent hierarchical contrast in scale. This is considered to contribute to the character and appearance of the Bayswater Conservation Area and to the setting of the adjoining listed buildings.

Alterations to the front and rear façade of the buildings consist of the installation of timber sash windows within existing openings and new timber framed bi-folding doors within the existing garage doors. Following revisions the garage doors have been amended so that they incorporate less glazing and maintain a greater semblance of the original mews property appearance. As proposed the scale and materiality of the façade treatments are considered to be appropriate and will preserve the interpretation of the buildings within their setting.

The principle of adding a mansard roof extension is considered to be acceptable in this case in design terms given that the mews buildings have an unusual and relatively unattractive high front parapet and as the roofs behind this parapet do not appear to be original and are not roof forms of historical interest. Furthermore, the current scheme proposes the provision of roof extension to all three mews buildings so that they would retain a coherent group appearance. A condition is recommended to ensure the roof extension is built in its entirety. Subject to this condition the principle of a roof extension on these buildings would accord with Policies DES1, DES6 and DES9 in the UDP and S25 and S28 in the City Plan.

The proposed roof extension takes the form of a flat topped mansard with two dormers on the front and rear elevations. The mansards would be separated by insertion of party wall upstands between each mews house and the height of the existing chimneys are to be increased. During the course of the application, the following alterations to the mansard roof extension were incorporated to address initial concerns raised by officers: (i) a hipped roof at either end of the terrace has been incorporated; (ii) the windows in the dormers have been amended to comprise timber sash windows; (iii) the chimney stacks have been extended to be higher than ridge line, and; (iv) the flat roof of the mansard roof extension is now to be clad in lead.

As a result of these amendments, the form and materials would now be sympathetic to the conservation area and the setting of the listed buildings to the rear and side of the site, and it is considered that the detailed design of the roof extension is acceptable and would accord with the guidance provided in the Supplementary Planning Guidance 'Mews- A Guide to Alterations'.

8.3 Residential Amenity

The adjoining properties comprise residential windows Nos.13 - 15 Sale Place to the east of the site and the university Halls of Residents within Wilson House to the rear, which contain a large number of windows across three floors facing the site.

8.3.1 Daylight and Sunlight

Given the increased scale of the mansard extension and tight nature of the site, the application is accompanied by a daylight and sunlight assessment, prepared in relation to the impact on adjoining properties. The results show that only three windows serving habitable rooms to the rear within Wilson House would fall marginally short of the good practice benchmarks within the Building Research Establishment (BRE) guidelines, whilst the rest would be compliant in terms of daylight loss. There would be no material losses to windows serving habitable rooms in other neighbouring residential properties.

Given the losses of daylight would only be marginally above the level at which they may become noticeable to occupier of the rooms served by the affected windows and as the rooms are understood to be bedrooms in halls of residents accommodation, where occupiers are likely to be more transient, it is not considered that permission could reasonably be withheld on grounds of loss of daylight

In terms of sunlight, all windows which face within 90 degrees of due south have been tested for sunlight loss. The daylight and sunlight assessment confirms that the proposal would not result in a material loss of sunlight to any neighbouring windows. As such, the proposal are acceptable in sunlighting terms.

8.3.2 Privacy and Sense of Enclosure

In terms of overlooking, the applicant proposes that all first floor windows to the rear will be fitted with obscure glazing to the bottom window pane whilst at ground floor each property is fitted with a high level obscure glazed fixed window. The flank first floor window facing Sale Place is also obscure glazed in its entirety. These measures are to be secured by condition.

The applicant has not specified any obscure glazing to the dormer windows; however, it is considered that these would also provide the opportunity for overlooking to occur and as such, a condition is recommended requiring the rear windows to be obscured to their bottom half and for the bottom half of the sash windows to be fixed shut.

In terms of enclosure, following revisions to convert the mansard gable end to a hipped roof, the mansard now slopes away from the adjacent residential windows in the rear elevation of No. 15 Sale Place and as a result the end elevation would be significantly less intrusive than initially proposed. The mansard is now considered to be of a scale and mass

that will not result in an unacceptable increased sense of enclosure to surrounding properties.

To prevent future extensions and alterations to fenestration that could result in material losses of amenity for neighbours, a condition is recommended to restrict the permitted development rights of the three dwellinghouses. This condition would also serve to prevent harm occurring to the character and appearance of the conservation area as a result of amendments to the buildings under permitted development rights.

Subject to the recommended conditions, the proposed development is acceptable in amenity terms and would accord with Policy ENV13 in the UDP and S29 in the City Plan.

8.4 Transportation/Parking

In terms of existing off street parking, whilst the building retains garage doors, the space within the buildings behind the doors is used as internal floorspace at present and the garages have long since been lost. As such, there is no off street parking provided in conjunction with the existing social and community use of the site.

Highways Planning Manager has objected to the proposed development on grounds that it would increase on street parking demand for residents parking bays. He notes that on-street parking bay occupancy has reached a level of 56% overnight and 85% during daytime hours. The Highways Planning Manager has suggested that the impact on on-street parking could be mitigated in part by provision of lifetime (25 year) car club membership. Whilst car club membership is not sought on developments of this limited scale, it is noted that the applicants have suggested such mitigation in their Transport Statement and as such a condition is recommended to secure car club membership for each dwellinghouse. Subject to this mitigation, it is not considered that permission could reasonably be withheld on parking grounds given the limited number of new dwellings proposed.

Policy 6.9 in the London Plan sets out the requirements for secure cycle parking provision. Cycle parking is shown on the submitted drawings, but is insufficient in size to meet the requirements of the London Plan policy and therefore revised cycle storage details are to be secured by condition.

The Cleansing Manager has objected to the application on grounds that the refuse and recycling spaces provided are not of sufficient area to accommodate both cycle parking and residual and recyclable waste storage. A condition requiring amended details has therefore been recommended.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Other UDP/Westminster Policy Considerations

Policy 5.3 of the London Plan and Policy S28 of the City Plan seek to maximise sustainable construction and design that reduces energy use and emissions and reduces waste. The applicant's planning statement sets out that the proposed development will

incorporate features to minimise carbon footprint and maximise sustainability including; use of low energy appliances, cycle storage, replacement of existing windows with efficient double glazed units improving thermal and acoustic performance, improvements to building fabric to increase u-values. These features are beneficial.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

A pre-commencement condition is recommended to secure lifetime car club membership for each of the three dwellinghouses (see Section 6.4).

8.10 Other Issues

The occupier of the commercial premises at No.2-6 Rainsford Street has commented that the conversion would be likely result in parking congestion on Rainsford Street. However, Rainsford Street is a private road and not one within which the City Council as Local Highway Authority (LHA) has any control over in terms of how the road space within the street is used. It is noted that at present it is marked with single yellow lines, but as a private road, these would not be controlled by the City Council as LHA.

Concerns regarding the impact of construction works on the neighbouring office occupier are not grounds on which permission could reasonably be withheld and a condition is recommended to control the hours of building works.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from Imperial College dated 4 November 2016.
3. Memo from the Cleansing Manager dated 27 July 2016.
4. Memo from Highways Planning Manager dated 10 August 2016.
5. Letter from the occupier of Nos.2-6 Rainsford Street dated 2 August 2016.

Selected relevant drawings

Existing and proposed 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 THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

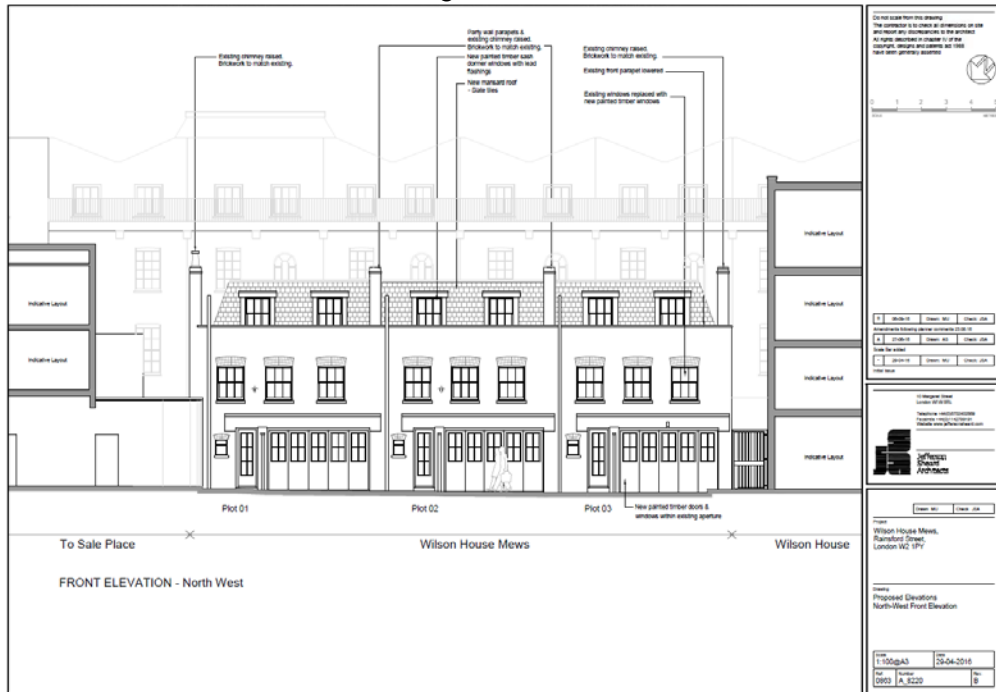
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10. KEY DRAWINGS



FRONT ELEVATION - North West

Existing front elevation.

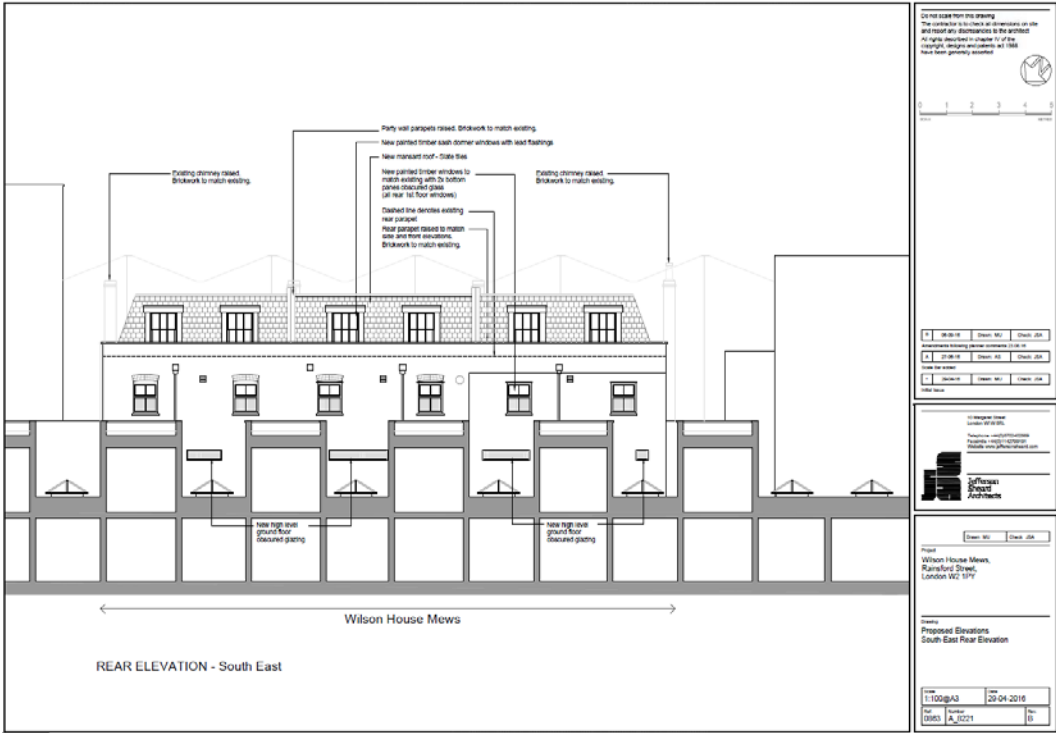


Proposed rear elevation.



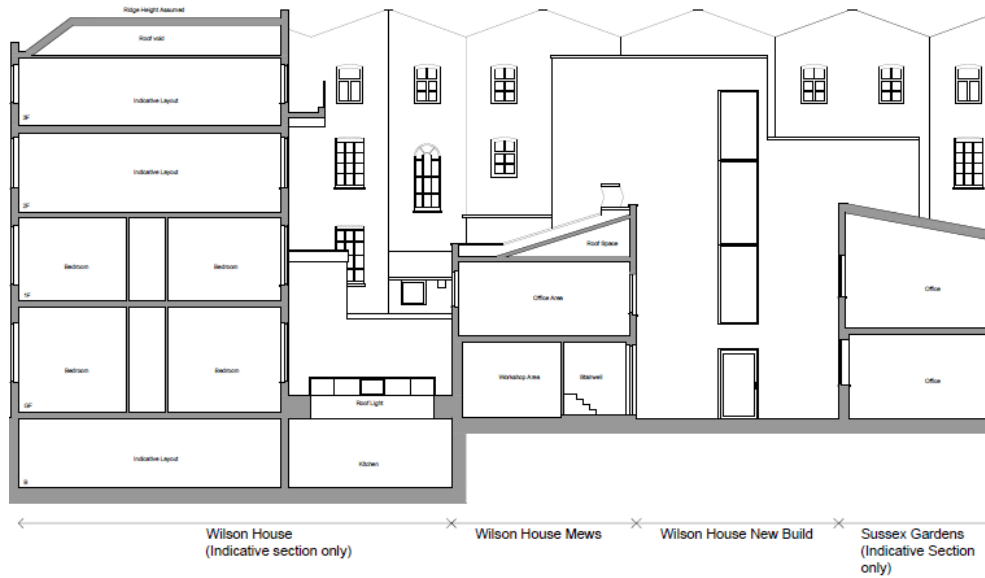
REAR ELEVATION - South East

Existing rear elevation.



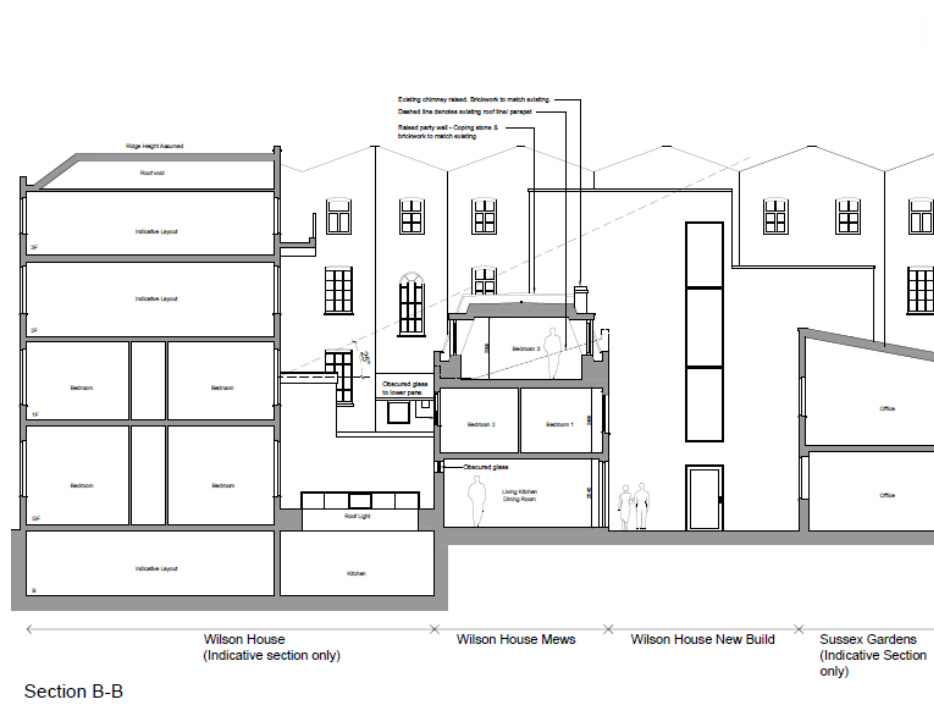
REAR ELEVATION - South East

Proposed rear elevation.



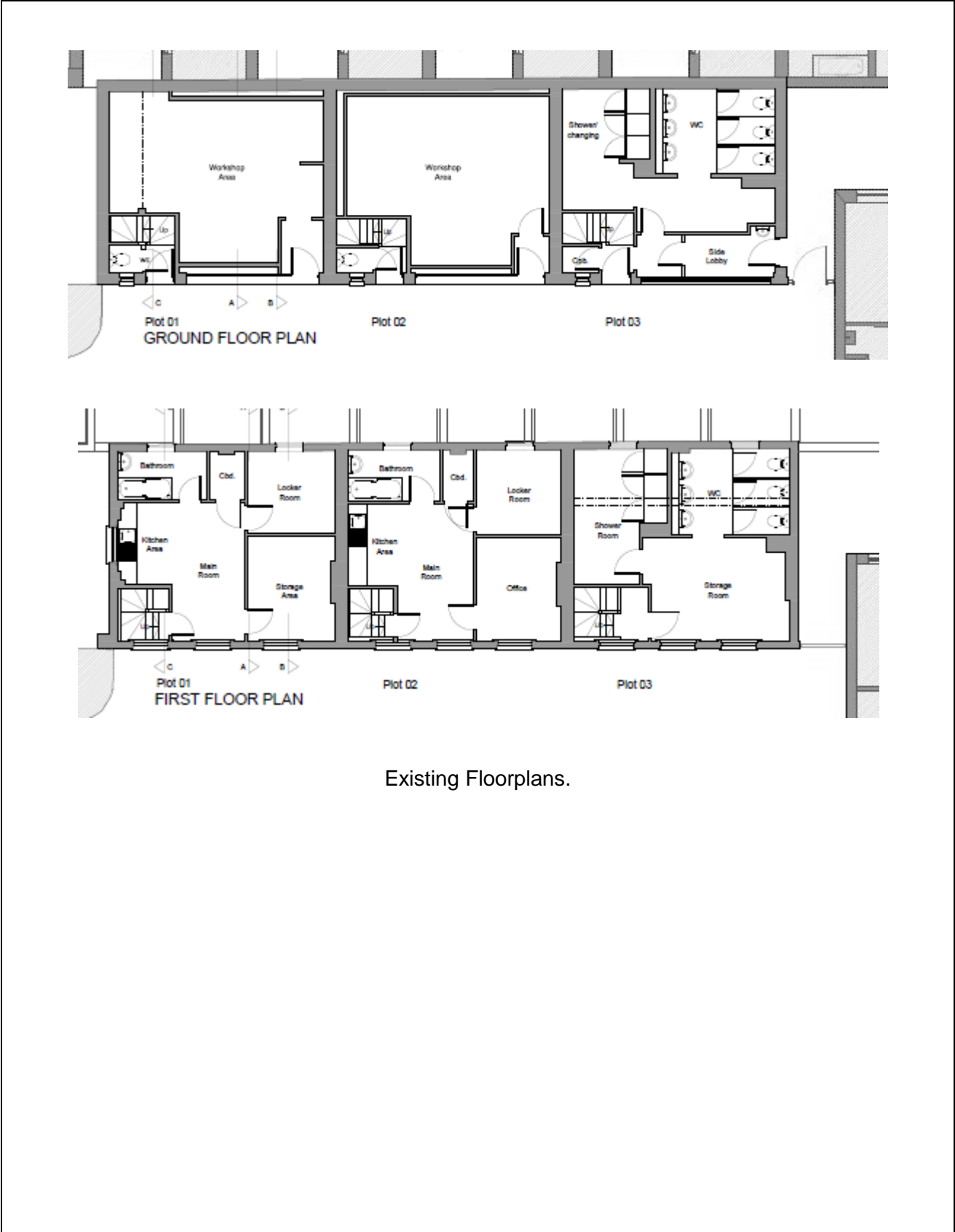
Section B-B

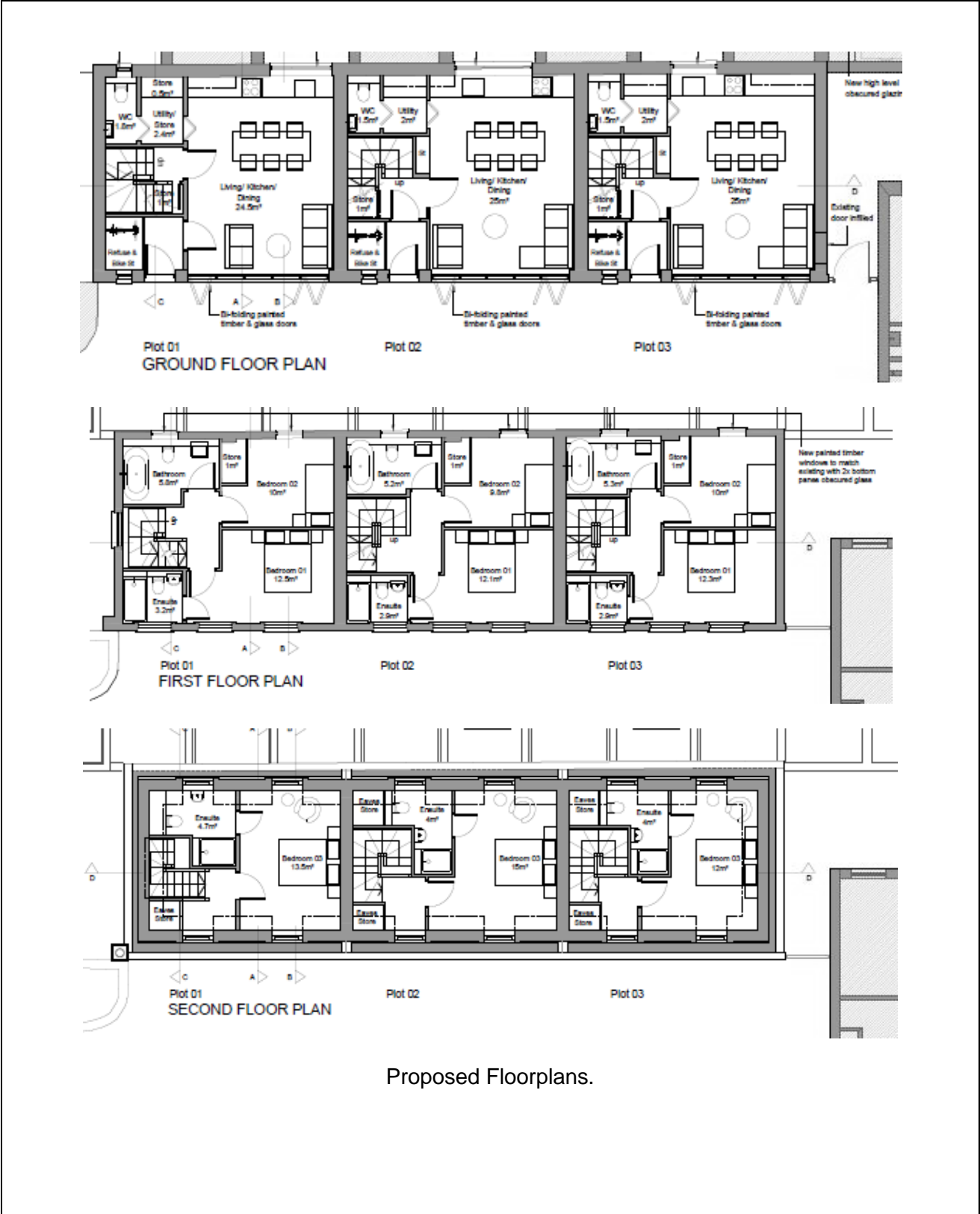
Existing Section.



Section B-B

Proposed Section.





Proposed Floorplans.

DRAFT DECISION LETTER

Address: 1 - 5 Rainsford Street, London, W2 1PY,

Proposal: Use of 1-5 Rainsford Street as three residential dwellinghouses (Class C3) and associated external alterations including erection of roof extension.

Reference: 16/06450/FULL

Plan Nos: A_0001_A, A_0002_B, A_0100_A, A_0102_A, A_0200_A, A_0201_A, A_0300_A, A_0301_A, A_0302_A, A_8020_B, A_8120_B, A_8121_B, A_8122_B, A_8123_B, A_8220_B, A_8221_B, A_8222_B, A_8223_B, A_8320_B, A_8321_B, A_8322_B, A_8323, Design and Access Statement prepared by Jefferson Sheard Architects dated June 2016, Planning Statement prepared by Barton Wilmore dated July 2016, Transport Statement prepared by Caneparo Associates dated June 2016, Daylight and Sunlight Report prepared by Right of Light Consulting dated 5 July 2016, Heritage Statement dated July 2016 prepared by Heritage Collective, Cover letter from Barton Wilmore dated July 2016, Email from Barton Wilmore dated 2 September 2016, Email from Barton Wilmore dated 20 October 2016, Letter from Imperial College dated 5 October 2015.

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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 piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) 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 (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Windows to the rear elevation at second floor level fixed shut to their lower half and the lower half of the windows obscure glazed., , You must not start on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the drawings we approve prior to occupation of the dwellinghouses and thereafter you must permanently retain the second floor windows in accordance with the approved drawings. (C26UB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 5 Notwithstanding the details shown on the approved ground floor plans, you must apply to us for approval of revised details of how waste and recycling is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste and recycling store in accordance with the details we approve, and clearly mark it and make it available at all times to the occupiers of the new dwellings.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 You must not use any part of the development until we have approved appropriate arrangements to secure the following., , Lifetime car club membership for each dwellinghouse., , In the case of each of the above benefits, 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. (C19BA)

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 (July 2016) and in TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 7 You must not create any external window or door openings or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (or any order that may replace it).

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, and to protect the privacy and environment of people in neighbouring properties, as set out in S25, S28 and S29 of Westminster's City Plan (July 2016) and DES 1, DES 5, DES 6, DES 9, paras 10.108 to 10.128, and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Amended cycle storage for each dwellinghouse that provides sufficient weatherproof secure cycle storage so as to accord with Policy 6.9 in the London Plan (FALP 2015 - as amended). 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 and provide the cycle storage prior to occupation of the dwellinghouses. Thereafter the cycle storage we approve must be permanently retained.

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.

- 9 You must construct the second floor mansard roof extension hereby approved in its entirety as one continuous phase of construction work.

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 (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 The windows in the rear (south east) elevation at ground floor level and the side (north east) elevation at first floor level shall be fixed shut and fully obscure glazed. The windows at first and second floor levels to the rear elevation shall be obscured glazed and fixed shut to their lower halves. You must apply to us for approval of a sample of the glass (at least 300mm square) to be fitted in these windows/ parts of these windows and the partially obscure glazed windows at second floor level (see Condition 4). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that

we adopted in January 2007. (R21BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under Condition 6, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure lifetime (25 year) car club membership. 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.
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 6 When carrying out building work you must do all you can to reduce noise emission and take

suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 7 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 8 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 9 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 10 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.

- 11 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.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	1 - 5 Rainsford Street, London, W2 1PY		
Proposal	Use of 1-5 Rainsford Street as three residential dwelling houses (Class C3) and associated external alterations, including construction of roof terraces at main roof level.		
Agent	Barton Willmore LLP		
On behalf of	Imperial College London		
Registered Number	16/05494/FULL	Date amended/ completed	8 September 2016
Date Application Received	7 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission – on design grounds.

2. SUMMARY

The application seeks permission to convert three existing mews buildings in Rainsford Street in to three residential dwellings and make external alterations to the buildings, including the provision of roof terraces to each new dwellings at main roof level. The buildings were most recently used to provide ancillary storage and changing facilities for the now demolished adjacent sports hall, which was redeveloped following the granting of planning permission in January 2013 to provide a new building of between two and four storeys to provide additional student accommodation and ancillary facilities. The buildings are now surplus to the requirements of Imperial College following the demolition and redevelopment of the sports hall site.

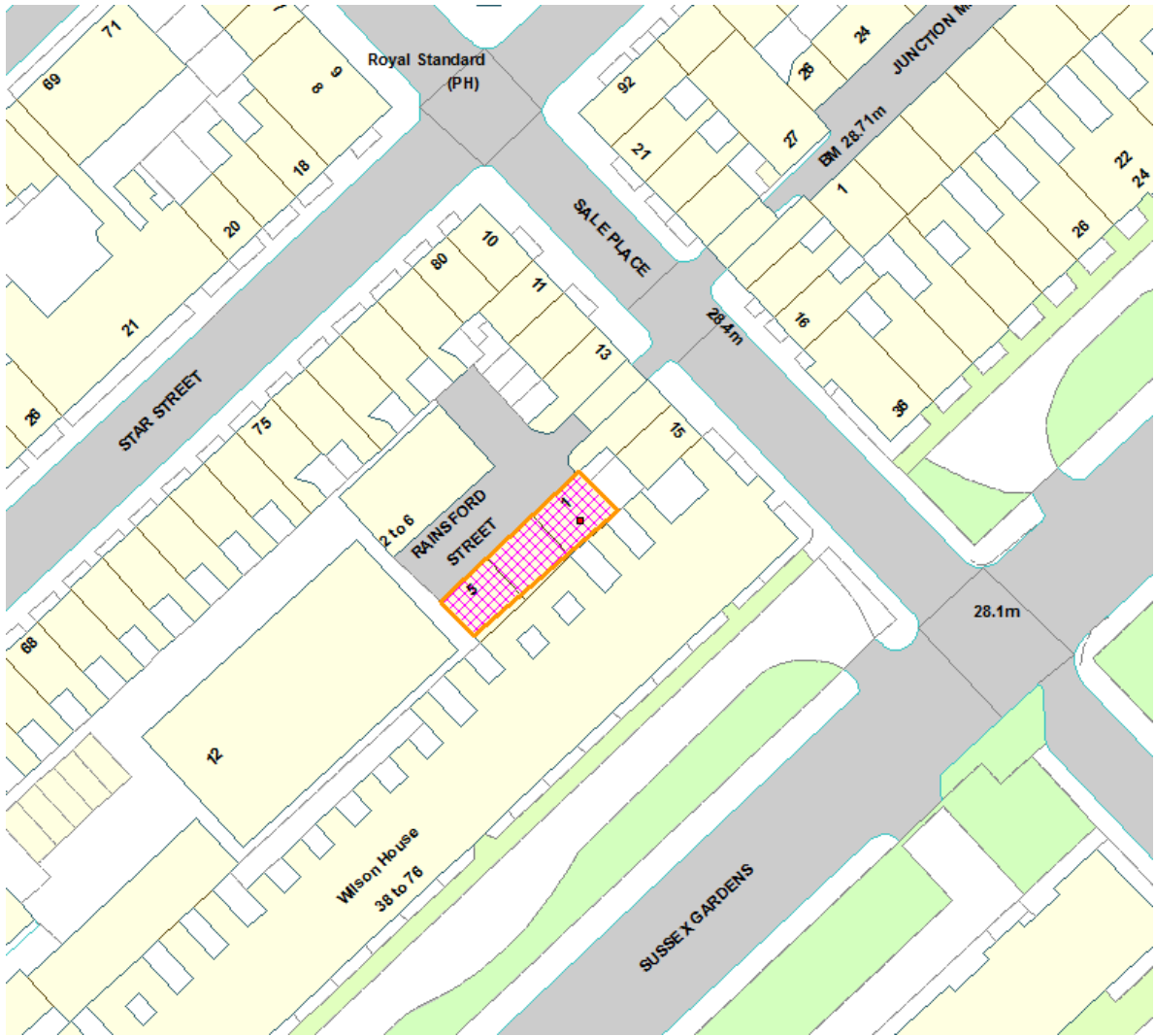
The key issues in this case are:

- The loss of current social and community use floorspace.
- The impact of proposed development on the Bayswater Conservation Area and setting of the adjacent Grade II listed buildings.

- The impact upon amenity of adjoining residential occupiers (including the halls of residents in Sussex Gardens).

Given that the university sports hall to which these mews buildings formally acted as ancillary accommodation for has been redeveloped, it is considered that their conversion to residential accommodation is acceptable in land use terms. However, the proposed roof terraces are unacceptable in design terms due to the visual intrusion of the glazed privacy screens, which would have a harmful impact on the appearance of the buildings and the character and appearance of the Bayswater Conservation Area as a result of their size, location, detailed design and materials. As such, this application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View looking up Rainsford Street toward Sale Place (site on right).



Application site to the left, recently completed student halls development at end of street.



View of roofs of application site with Wilson House student halls of residents behind.

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

CLEANSING MANAGER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objections, subject to conditions.

HIGHWAYS PLANNING MANAGER

Objection – increased parking demand in area of on street parking deficiency. Securing lifetime membership to car club can mitigate impact but does not overcome objection.

ADJOINING/OWNER OCCUPIERS

No consulted: 49; No of replies: 2 emails/ letters raising objection on all or some of the following grounds:

- Increased parking congestion in Rainsford Street as a result of conversion to residential use.
- Loss of amenity and privacy to occupiers of student halls of residents in Wilson House to the rear as a result of roof level terraces.
- Increased instances of noise complaints from residents of houses backing onto the Wilson House.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises three unlisted mews buildings, which face north-west within Rainsford Street, a small mews located behind Grade II listed buildings on Sussex Gardens and Sale Place, within the Bayswater Conservation Area. The buildings are currently vacant, having most recently used to provide ancillary storage and changing facilities for the now demolished adjacent sports hall at the western end of Rainsford Street, which was redeveloped following the granting of planning permission in January 2013 to provide new student accommodation.

6.2 Recent Relevant History

07.07.1953 Planning permission granted for the conversion of 42-76 Sussex Gardens for use as a hostel for students of the St Mary's Hospital Medical School.

12.05.1954 Planning permission granted for the erection of a single storey building at the rear of No's.54-62 (even) Sussex Gardens to be used for recreational purposes for students from St Mary's Hospital Hostel for students (37186/A).

12.06.1957 - Planning permission granted for the erection of a building comprising two squash courts.

17.02.1960- Planning permission granted for the conversion of Nos.38 and 40 Sussex Gardens for use as a hostel for students of the St Mary's Hospital Medical School (22145).

05.03.1982 Planning permission granted for the erection of a student recreation centre and the use of Rainsford Street as a private road.

05.03.1982 Planning permission granted for alterations in connection with the creation of a ground and first floor link with a proposed student recreation centre in Rainsford Street.,

17.01.2013 Planning permission granted for Extensions, alterations and refurbishment of Wilson House for continued use as student accommodation and the redevelopment of the sports complex buildings to the rear of the site to provide a new building of between two and four storeys to provide additional student accommodation and ancillary facilities.

A planning application (RN: 16/06450/FULL) has been submitted concurrently with this application for 'Use of 1-5 Rainsford Street as three residential dwellinghouses (Class C3) and associated external alterations, including erection of roof extension'. This application is also on this committee agenda and is recommended for conditional approval.

7. THE PROPOSAL

The application seeks permission for use of the three mews buildings at Nos.1-5 Rainsford Street as three residential dwellinghouses (Class C3) and associated external alterations, including the provision of a roof terraces at main roof level to each of the new dwellinghouses. The roof terraces would be screened in street views by the existing high front parapet, but the rear and side elevations would require the introduction of high glazed privacy screens.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Social and Community Use

The properties were most recently in use by building contractors during the construction of the adjacent student accommodation associated with Wilson House, granted planning permission 17 January 2013 which ended in August 2014. Prior to this, the buildings were used as ancillary storage and changing facilities by Imperial College in conjunction with the sports hall until it was demolished and redeveloped in accordance with the January 2013 planning permission.

Given their long standing ancillary use in conjunction with the university, it is appropriate to consider the conversion of these properties in the context of Policies SOC1 and SOC3 in the adopted UDP and Policy S34 in the City Plan, which seek to protect and encourage social and community uses. These policies allow for the conversion of social and community floorspace where the existing provision is being reconfigured, upgraded or

relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. In these circumstances the policy requires the applicant to demonstrate that the overall level of social and community provision is improved and there is no demand for an alternative social and community use of the application premises.

The letter from Imperial College London dated 4 November 2016 sets out a justification for the loss of the existing social and community use and states that the storage and other ancillary uses the buildings have provided historically in association with the adjacent sports hall is now redundant, and incorporated where required into the adjacent recently completed student hall redevelopment.

The university advise that they considered the use of buildings for continued education and wider social and community use; however, these options were discounted for a number of reasons set out in their letter. These include, (i) the building internal layouts which limit the scope for a functional open plan area; (ii) the small building footprint; (iii) the lack of level access, and; (iv) conservation area constraints limiting the scope for alterations such as installation of mechanical plant.

The university advises that it had sought to expand existing community engagement spaces at the St Mary's Hospital Site on the application site, but concluded that the premises were not suitable for the reasons summarised in the preceding paragraph. Instead the university advises that has provided engagement space elsewhere on its estate, including as part of the Alexander Fleming Laboratory Museum and the HELIX Centre.

In conclusion, it is evident that the proposal is not part of a published strategy and, in the absence of marketing evidence, the feasibility of use of the application site by an alternative social and community use provider has not been explored in the manner expected by the relevant social and community use policies. However, whilst not part of a published strategy, following the loss of the sports hall in conjunction with which these buildings were formally used, it is acknowledged that the buildings are surplus to Imperial College's requirements. Furthermore, given their discreet mews location and restricted floor areas, it is apparent that the buildings are limited in terms of the quantum, standard and flexibility of social and community floorspace they can provide. In this context, whilst it is highly regrettable that the applicant has not sought to definitively demonstrate a lack of interest from other social and community uses in using the premises, in this case the prospect of identifying an appropriate alternative social and community user for these premises is considered to be sufficiently low, so as to justify their loss without provision of marketing evidence.

8.1.2 Proposed Residential Use

In terms of the proposed use, the provision of residential accommodation adheres with Policies H3 of the UDP and S14 of the City Plan, which seek to encourage the provision of more residential floorspace. It would also accord with Policy S34 in the City Plan, which specifies that in this location, where social and community uses are lost, the appropriate alternative use is residential accommodation.

The proposal would provide three family-sized dwellings with three or more bedrooms and this would accord with Policy H5 in the UDP. Whilst the scheme does not provide a mix of unit sizes in accordance with Policy S15 in the City Plan, given the site comprises three mews buildings, their conversion back to use as three dwellinghouses of modest size is not objectionable in land use terms.

In terms of the quality of accommodation that would be provided, all three dwellinghouses would provide sufficient internal floor area so as to be in accordance with the Government's Nationally Described Minimum Standards.

8.2 Townscape and Design

The buildings currently comprise two storeys with mono pitched roofs set behind high front brick parapet walls. The mews buildings have been altered in the past, in particular at ground floor level, with the introduction of modern doors and windows and with No.5 Rainsford Street having lost its garage style opening. However, the mews buildings have largely retained their original mews composition and scale and can be considered as a group with the mews buildings directly opposite, which are of the same scale and form, although not of the same age. Despite the alterations to the buildings themselves, and the historic and modern alterations to their setting, the historic relationship between the mews properties and the taller grand terraced houses in Sussex Gardens beyond is still observed given the inherent hierarchal contrast in scale. This is considered to contribute to the character and appearance of the Bayswater Conservation Area and to the setting of the adjoining listed buildings.

Alterations to the front and rear façade of the buildings consist of the installation of timber sash windows within existing openings and new timber framed bi-folding doors within the existing garage doors. Following revisions the garage doors have been amended so that they incorporate less glazing and maintain a greater semblance of the original mews property appearance. As proposed the scale and materiality of the façade treatments are considered to be appropriate and will preserve the interpretation of the buildings within their setting.

The roof level alterations proposed by this application consist of the creation of roof terraces on each mews building. The roof terraces would be positioned toward the front of the buildings, with the existing parapet providing screening to the front, whilst the rear and side boundaries of the terraces would be enclosed by a 1.8 metre high obscure glass balustrade. Access to the roof would be created by a low level rooflight above an internal staircase.

UDP policy DES 6 seeks to ensure the highest standards in alterations at roof level. It specifically notes that permission will not be granted where installations or enclosures would adversely affect the architectural character of a building or group of buildings, where the buildings form makes a contribution to the local skyline or where the alteration would be visually intrusive or unsightly in public or private views.

Roof level terraces are not common on mews buildings, nor are they prevalent on buildings in the immediate setting. In this context, the principle of forming roof terraces in this location on the buildings is considered to be highly contentious in design terms. As smaller scale buildings, the roof form is highly apparent in private views from the

surrounding buildings; the alteration will be highly visible and would detract from the proportion of the mews buildings. Additionally the associated alterations required, which includes the erection of a 1.8 metre high glazed balustrade, are also uncharacteristic features and therefore are considered to adversely affect the appearance of the building and the character and appearance of the Bayswater Conservation Area.

The scale of the balustrade is not considered to be in keeping with the scale and proportions of the existing building, nor is its material and detailed design consistent with the prevailing appearance of the host building or its wider setting. These alterations would be highly visible in private views within the conservation area and therefore the roof terraces are unacceptable in design terms and contrary to Policies DES1, DES6 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

The adjoining properties comprise residential windows Nos.13 - 15 Sale Place to the east of the site and the university Halls of Residents within Wilson House to the rear, which contain a large number of windows across three floors facing the site.

The proposed roof level terraces and their enclosures would be set back from the rear roof edges and would be sufficiently low on the side boundaries of the site so as not to cause a material loss of daylight or sunlight.

The formation of roof terraces at main roof level has the potential to cause overlooking in the direction of Sale Place and Wilson House to the rear, which is a concern that has been raised by an objector. However, the erection of 1.8m privacy screen surrounding the terraces would block direct views towards all neighbouring windows. Any views from the terraces in the direction of upper floor windows within Wilson House would be at an oblique angle so would have limited impact. As such, these objections are not considered to be sustainable grounds to withhold permission.

In terms of overlooking, the applicant proposes that all first floor windows to the rear will be fitted with obscure glazing to the bottom window pane whilst at ground floor each property is fitted with a high level obscure glazed fixed window. The flank first floor window facing Sale Place is also obscure glazed in its entirety. These measures would have been secured by condition had the application been recommended favourably.

In terms of enclosure, the high level privacy screen would not cause a materially increased sense of enclosure given that there would be a separation of 8m between the screening and the rear facades of Wilson House. This distance is sufficient to prevent an unacceptable increase in enclosure. To the side, on the boundary with No.15 Sale Place, following advice from officers, the proposed roof terrace and screen on the roof of No.1 Rainsford Street has been pulled away from this boundary. As a result, the proposed development is considered to be acceptable in sense of enclosure terms.

Subject to the conditions that would have been recommended had the application been recommended favourably (including a condition to restrict permitted development rights for additional fenestration and extensions), the proposed development is acceptable in amenity terms and would accord with Policy ENV13 in the UDP and S29 in the City Plan.

8.4 Transportation/Parking

In terms of existing off street parking, whilst the building retains garage doors, the space within the buildings behind the doors is used as internal floorspace at present and the garages have long since been lost. As such, there is no off street parking provided in conjunction with the existing social and community use of the site.

Highways Planning Manager has objected to the proposed development on grounds that it would increase on street parking demand for residents parking bays. He notes that on-street parking bay occupancy has reached a level of 56% overnight and 85% during daytime hours. The Highways Planning Manager has suggested that the impact on on-street parking could be mitigated in part by provision of lifetime (25 year) car club membership. Whilst car club membership is not sought on developments of this limited scale, it is noted that the applicants have suggested such mitigation in their Transport Statement and as such, had the application been recommended favourably, a condition would have been recommended to secure car club membership for each dwellinghouse. Subject to this mitigation, it is not considered that permission could reasonably be withheld on parking grounds given the limited number of new dwellings proposed.

Policy 6.9 in the London Plan sets out the requirements for secure cycle parking provision. Cycle parking is shown on the submitted drawings, but is insufficient in size to meet the requirements of the London Plan policy and therefore, had the application been recommended favourably, revised cycle storage details would have been secured by condition.

The Cleansing Manager has objected to the 'sister application', which is also on this committee agenda, on grounds that the refuse and recycling spaces provided are not of sufficient area to accommodate both cycle parking and residual and recyclable waste storage. Again, had the application been recommended favourably, a condition requiring amended details would have been recommended.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Other UDP/Westminster Policy Considerations

Policy 5.3 of the London Plan and Policy S28 of the City Plan seek to maximise sustainable construction and design that reduces energy use and emissions and reduces waste. The Planning Statement sets out that the proposed developments will incorporate features to minimise carbon footprint and maximise sustainability including; use of low energy appliances, cycle storage, replacement of existing windows with efficient double glazed units improving thermal and acoustic performance, improvements to building fabric to increase u-values. These features are beneficial.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

A Grampian condition is recommended for both applications, requiring the applicant to secure membership to a locally operated car club.

8.10 Other Issues

The occupier of the commercial premises at No.2-6 Rainsford Street has commented that the conversion would be likely result in parking congestion on Rainsford Street. However, Rainsford Street is a private road and not one within which the City Council as Local Highway Authority (LHA) has any control over in terms of how the road space within the street is used. It is noted that at present it is marked with single yellow lines, but as a private road, these would not be controlled by the City Council as LHA.

Concerns regarding the impact of construction works on the neighbouring office occupier are not grounds on which permission could reasonably be withheld and a condition is recommended to control the hours of building works.

The manager of the student halls of residents in Sussex Gardens (Wilson House) has expressed concern that the provision of external amenity space for the proposed dwellinghouses would lead to increased complaints of noise disturbance from the occupiers of the new dwellinghouses in relation to noise from the halls of residence. Whilst this concern is understood, it is not considered that this is a ground on which permission could reasonably be withheld.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from Imperial College dated 4 November 2016.
3. Memo from Environmental Health dated 21 July 2016.
4. Memo from Highways Planning Manager dated 10 August 2016.
5. Letter from the occupier of 2-6 Rainsford Street dated 14 July 2016.
6. Letter from the manager of Wilson House dated 20 July 2016.

Selected relevant drawings

Existing and proposed drawings.

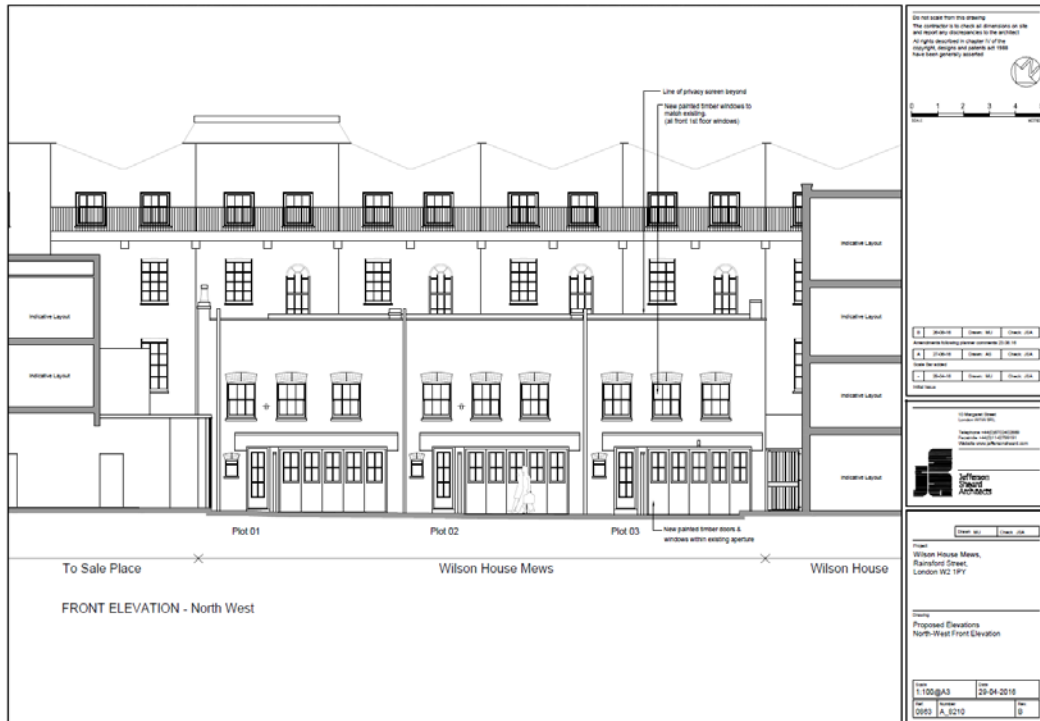
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

10. KEY DRAWINGS



Existing front elevation.



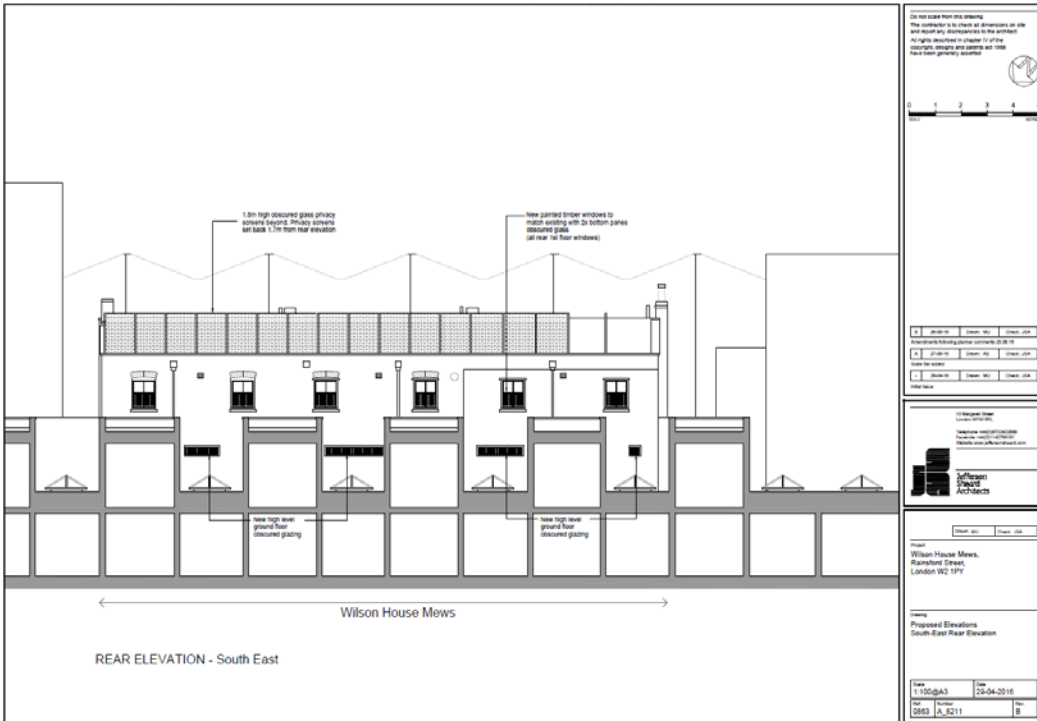
Proposed front elevation.

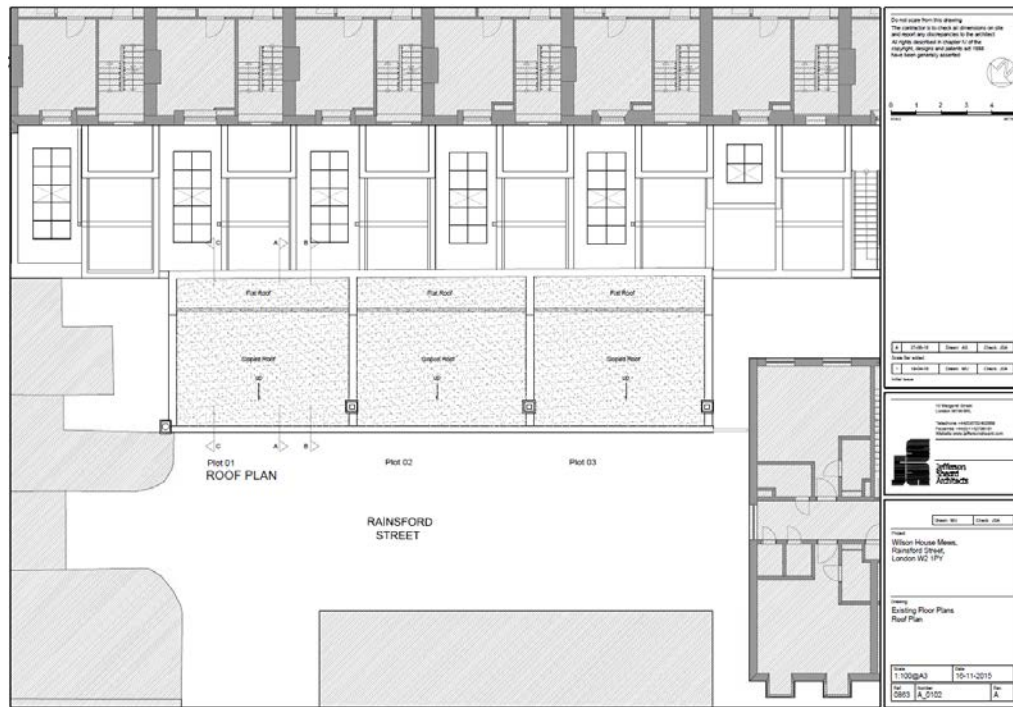


Wilson House Mews

REAR ELEVATION - South East

Existing rear elevation.

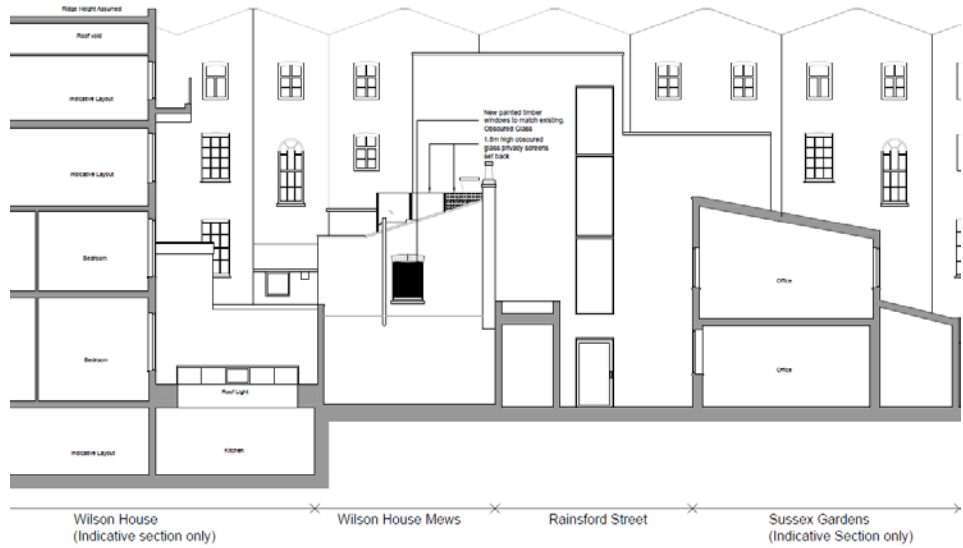




Existing roof plan.

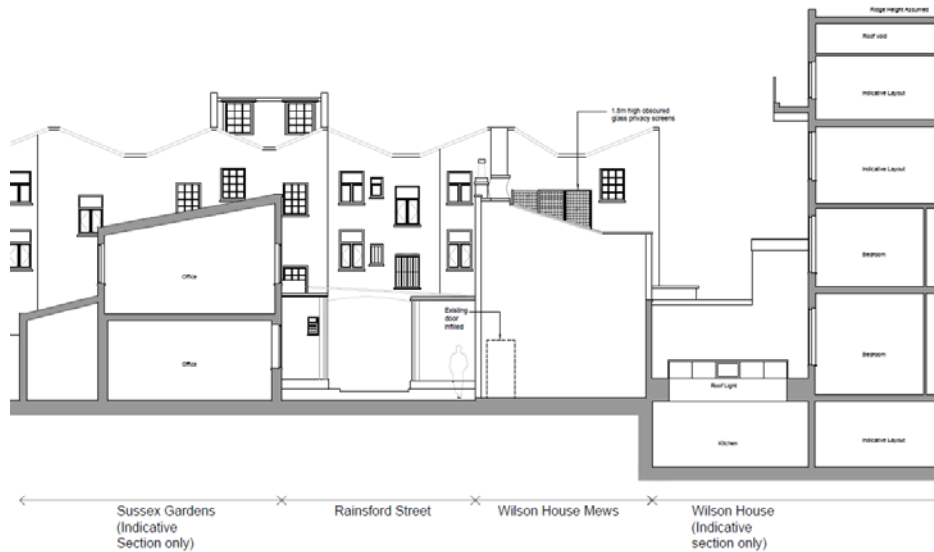


Proposed roof plan.



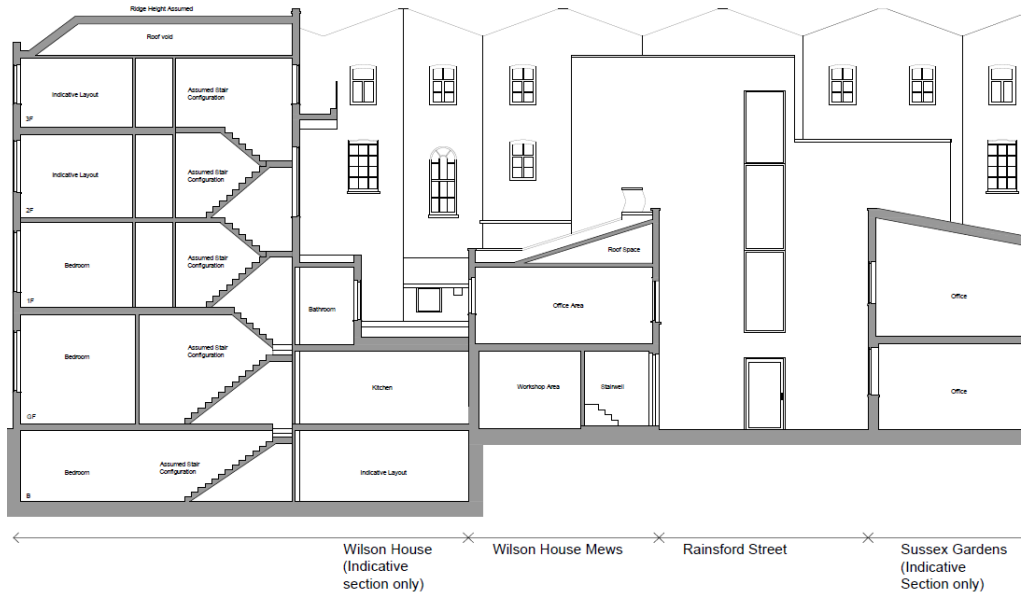
SIDE ELEVATION - North East

Proposed north east side elevation.



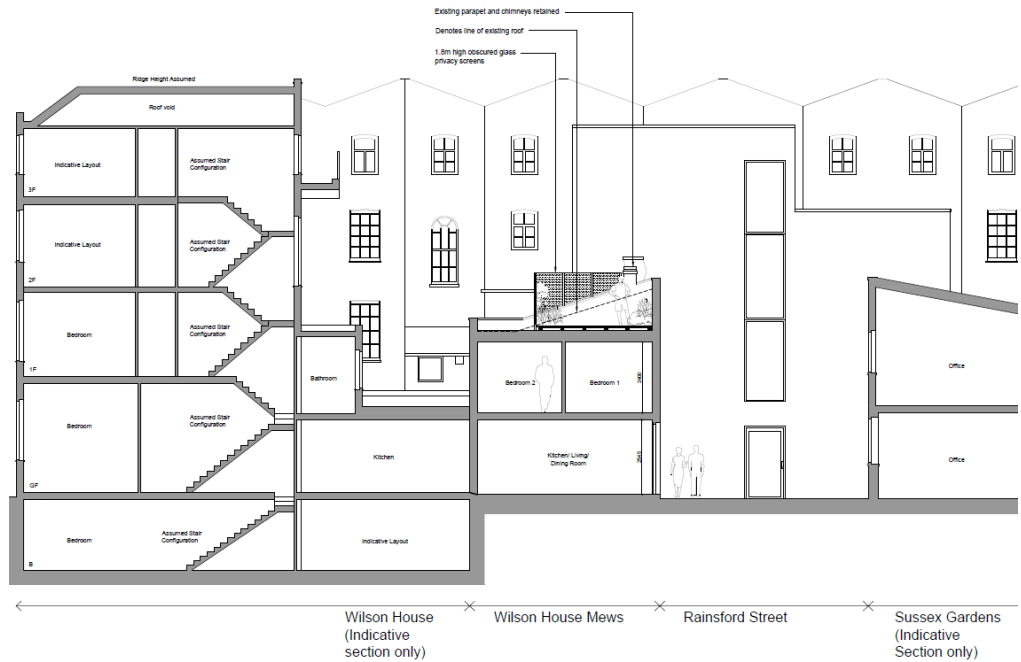
SIDE ELEVATION - South West

Proposed south west elevation.



Section A-A

Existing Section AA.



Section A-A

Proposed Section AA.

DRAFT DECISION LETTER

Address: 1 - 5 Rainsford Street, London, W2 1PY,

Proposal: Use of 1-5 Rainsford Street as three residential dwellinghouses (Class C3) and associated external alterations, including construction of roof terraces at main roof level.

Reference: 16/05494/FULL

Plan Nos: A_0001_A, A_0002_B, A_0100_A, A_0102_A, A_0200_A, A_0201_A, A_0300_A, A_0301_A, A_0302_A, A_8010_B, A_8110_B, A_8111_B, A_8112_B, A_8210_B, A_8211_B, A_8212_B, A_8213_B, A_8310_B, A_8311_B, A_8312_B, A_8313, Design and Access Statement prepared by Jefferson Sheard Architects dated June 2016, Planning Statement prepared by Barton Wilmore dated June 2016, Transport Statement prepared by Caneparo Associates dated June 2016, Cover letter from Barton Wilmore dated June 2016, Email from Barton Wilmore dated 2 September 2016, Email from Barton Wilmore dated 20 October 2016, Letter from Imperial College dated 5 October 2015.

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s)**Reason:**

- 1 Because of their size, prominent roof level location, detailed design and materials, the proposed privacy screens around the roof level terraces would harm the appearance of the buildings and the character and appearance of the Bayswater Conservation Area. This would not meet policies S25 and S28 of Westminster's City Plan (July 2016) and Policies DES 1, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning

documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable. , , Required amendments:, , (i) Delete roof level terraces and omit roof level privacy screens., (ii) Amend cycle and refuse and recycling storage in accordance with Policy 6.9 of the London Plan and the City Council's planning guide to waste and recycling storage.

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 29 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	31 Hyde Park Gardens Mews, London, W2 2NX,		
Proposal	Demolition of the existing two storey building and erection of a new three storey building and excavation of basement to create two residential dwellings.		
Agent	Mr R W Stevens		
On behalf of	Camal Architects		
Registered Number	16/06420/FULL	Date amended/ completed	25 July 2016
Date Application Received	7 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission – on design and sub-standard residential accommodation grounds.

2. SUMMARY

The application site comprises an unlisted two storey mews property at the corner of Hyde Park Gardens Mews and Sussex Place, which is located within the Bayswater Conservation Area.

Permission is sought for the demolition of the existing two storey building and erection of a new three storey building and excavation of basement floor to create two residential dwellinghouses (Class C3).

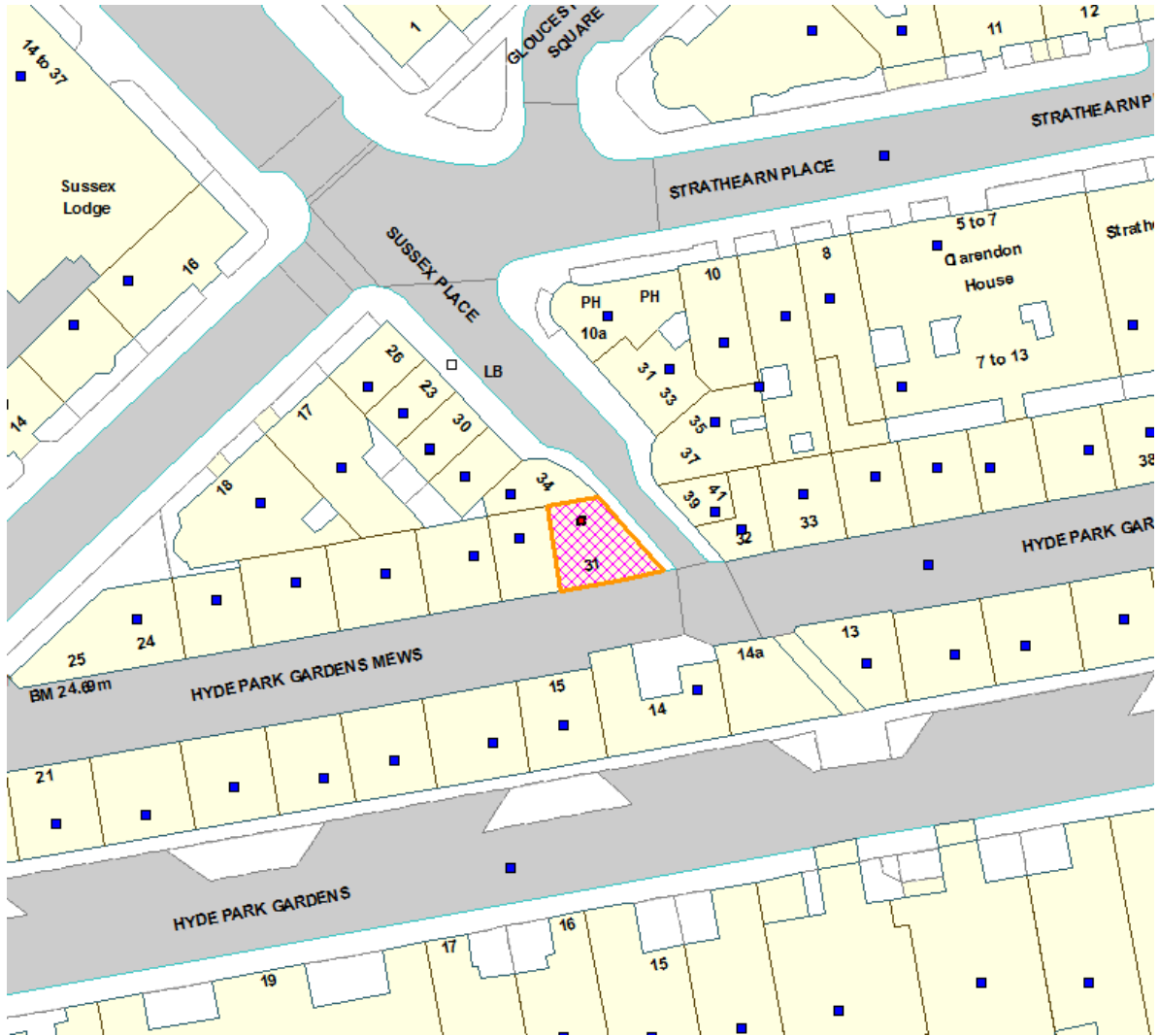
Objection has been received to the proposed development from 8 neighbouring residents on a range of land use, design, amenity and highways grounds.

The key issues in this case are:

- The acceptability of providing two dwellinghouses on the site in land use terms.
- The standard of residential accommodation that would be provided.
- The impact of the proposed development on the character and appearance of the Bayswater Conservation Area.
- The impact of the proposed development on the amenity of neighbouring occupiers

The proposed development is considered to be unacceptable in design terms and would be contrary to Policies DES1, DES4, DES7 and DES9 in the Unitary Development Plan (UDP) and Policies S25 and S28 in Westminster's City Plan (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of both street elevations of application site from Hyde Park Gardens Mews.

5. CONSULTATIONS

WARD COUNCILLORS (HYDE PARK)
Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION
Any response to be reported verbally.

BUILDING CONTROL
Any response to be reported verbally.

CLEANSING MANAGER
No objection.

HIGHWAYS PLANNING MANAGER
Acceptable on transportation grounds.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 15.
Total No. of replies: 9 (two from one objector).
No. of objections: 9.
No. in support: 0.

Nine emails/ letters received from eight objectors raising objection on all or some of the following grounds:

Land use:

- Increased density unacceptable.

Design/ Conservation:

- Division of site into two properties out of character in the mews.
- Proposed design is not in keeping with the mews.
- New builds would not be in keeping with the character of the mews.

Amenity:

- Already suffer from disruption from other developments on the street.
- Additional storey will reduce light to neighbouring properties.

Highways/ Parking:

- Omission of garage in proposed development would cause increased pressure for on-street parking and illegal parking.
- Hoardings may block access to neighbouring garages.
- Demolition and construction will have a significant impact on neighbouring properties, including a temporary reduction in on-street parking and dust and noise disruptions.

Other Matters:

- Property has been used for short term lets for many years which causes a disturbance to neighbouring residents. Any planning permission which is granted should include a condition preventing this.
- Would restrict pedestrian access to and from Paddington Station and other access routes.
- Did not receive consultation letter.
- Property featured in a 1941 film and is therefore of important historical value.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a two storey mews house at the corner of Hyde Park Gardens Mews and Sussex Place, within the Bayswater Conservation Area. The building is not listed and its lawful use is as a single dwellinghouse (Class C3).

6.2 Recent Relevant History

7 October 2014 – Planning permission granted for the excavation of a new basement extension, erection of a second floor mansard roof extension and associated external alterations (RN: 14/01827/FULL). This permission is still extant but has not been implemented.

7. THE PROPOSAL

Planning permission is sought for the demolition of the existing two storey building and the erection of a three storey replacement building comprising two sheer storeys and a mansard roof storey at second floor level. Below ground level it is proposed to excavate to form a single basement floor in addition to the above ground accommodation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms, the proposal would provide an extra unit of accommodation, which accords with H3 in the UDP and S13 and S14 in the City Plan. Policy H5 in the UDP supports the provision of larger residential units with 3 or more bedrooms and. As one of the two units proposed would provide four bedrooms, it is considered that the proposal would be compliant Policy H5 in terms of the mix of units proposed.

In terms of the size (floorspace) of the proposed residential units, 'bedroom 1' of the smaller dwellinghouse on the east side of the development would fall marginally below the minimum size for bedrooms as set out in the Nationally Described Space Standards, as it has a floor area of 5.2m² which is below the floor area specified in the space standards for single bedrooms of 7.5m². However, as the overall size of the two bedroom dwellinghouse would be 86m², which is above the minimum requirement for a two bedroom house in the Nationally Described Space Standards, and as 'bedroom 1' could

be combined with the en-suite adjacent to it to provide a second bedroom that would be compliant with the Nationally Described Space Standards, it is not considered that permission could reasonably be withheld on this ground.

However, whilst the overall size of the two proposed dwellinghouses is acceptable, the standard of residential accommodation they would provide for future occupiers is not acceptable. This is because the layouts proposed would provide the kitchens and dining rooms at basement level where they would receive very little natural light from the very narrow lightwells to the two street facades of the building. These habitable rooms are likely to be heavily used by future occupiers and their location at basement level in what will be a poorly lit part of the proposed development is inappropriate and would be contrary to Policy ENV13 in the UDP, Policy S29 in the City Plan, Policy 3.5 in the London Plan (2015 – as amended) and the guidance in the Mayor's 'Housing' SPD (2016).

Objections have been received regarding the increased density of the units. However, given the overall size of the accommodation proposed is compliant with the Nationally Described Space standards and as the external envelope of the proposed building above ground level is no larger than previously approved, it is not considered that this is a ground on which permission could be withheld.

8.2 Townscape and Design

8.2.1 Demolition of Existing Building

The existing building is a two storey mews property with painted brickwork facing, projecting parapet feature and a slate clad double roof structure separated by a central valley gutter between. The elevations are characterised by a series of windows principally horizontal in their orientation onto the south elevation and a mix of window openings to the side elevation. All the openings have a relatively heavy degree of subdivision of the glazing, and many have 'plantation' style shutters. The front entrance door has a classically inspired surround, and the garage is modern.

From on site assessment the existing building is considered to make a neutral contribution to the Bayswater Conservation Area. It appears the existing building may have been rebuilt at some unknown point in the past, as the window openings are over scaled in comparison to the likely appearance of the original construction, with soldier courses above and no clear sign of any previous window arches now blocked in. It is therefore not a mews building dating from the original laying out of the area and as a result, whilst not harmful, its contribution to the character and appearance of the conservation area is relatively limited. In this context, subject to a suitable replacement building, the demolition of the existing building is acceptable in principle in design terms and would accord with Policy DES9 in the UDP and S25 in the City Plan. However, as set out in the following section of this report, the building proposed in this application is considered to be particularly poor, and is wholly inappropriate for this setting in terms of its design and footprint.

8.2.2 Proposed Development

The proposed development would retain a front elevation to Hyde Park Gardens Mews, which would be the same height as existing, with the side elevation lowered to match the

height of the front elevation. The lowered height of the side elevation would give the proposed building more uniformity with the prevailing parapet height in the mews, and this in itself is considered acceptable. The loss of the existing pitched roof structures is regrettable; however, given the previous approval (RN: 14/01827/FULL) of a mansard extension, the incorporation of a mansard roof form at second floor level as part of the proposed building is considered acceptable.

The mansard roof storey is proposed to be clad in lead, which is not considered to be an appropriate facing material in this prominent location given that slate is the almost universal cladding material used on mansard extensions in the vicinity. In addition, on the Hyde Park Gardens Mews elevation, the mansard stops short of the western party wall which would create a wholly inappropriate gap to the skyline of the terrace.

The basic impression of the proposed building would be as a distinct pair of small townhouses. This approach contrasts markedly with the character of the street where the very distinct and different mews style of building design predominates. The building proposed is considered to be out of character with its surroundings and would be detrimental to the prevailing appearance of the mews.

The detailed design proposed comprises a series of vertically proportioned bays, which step in and out across both street elevations, with an inset curved corner to the junction of Sussex Place and Hyde Park Gardens Mews. The bays and curved corner are not found to buildings in the mews, and are wholly inappropriate design detailing within this traditional mews setting where detailed design should conform to the guidance provided in the Supplementary Planning Guidance document 'Mews – A Guide to Alterations' (1992). The street is characterised by a consistency of building line and buildings do not have the 'rhythm' of the elevations proposed in this case.

The paired entrance doors proposed are also not found elsewhere in the mews and, paired with the large projecting canopy structure above, they are an excessively grand statement where surrounding mews buildings are wholeheartedly restrained in their design approach.

The proposed ground floor windows would be recessed behind the main elevation lines and these wide recessed openings, with window arches above are not considered appropriate detailing. Their inclusion appears to a contrived device to accommodate very shallow lightwells to basement level between the front elevation of the proposed building and the public highway. The provision of visible lightwells to the street elevations is unacceptable in principle in design terms and would undermine the restrained proportions and scale of mews houses, which are typically limited to two or three above ground floors. A further concern is that the cover over the lightwells is not specified in the application. Returning to the ground level façade, the windows also appear from the annotations on the submitted drawings to be further elaborated by having a differing colour to the brickwork facing to the building and this too is of concern in design terms.

The bay features proposed would give a vertical emphasis, which would be in contrast to the horizontal emphasis of other mews buildings on the street, which have garages and an implied or overtly defined termination to the ground floor in the form of an exposed beam. The lack of a garage to ground floor level further divorces the building from its mews context. At first floor level the surrounding mews buildings almost uniformly have a

consistent run of window openings. Whilst the proposed scheme would have some sash windows as one feature to help integrate the building into its setting, the overall impression would be of inappropriately designed building, which would not integrate well within Hyde Park Gardens Mews.

The proposed footprint of the replacement building also differs from that of the existing building at the corner of Hyde Park Gardens Mews and Sussex Place, where the proposed building would be stepped back from the corner of the site. Currently the building projects to a sharp junction between those elevations reflecting the narrowing angled profile of the footprint to this part of the site.

The proposed inset curved corner at the junction of Hyde Park Gardens Mews and Sussex Place would enlarge and exaggerate the entrance to the main section of the mews by providing a 'feature' which is entirely inappropriate for a mews setting that is characterised by a restraint in the general design approach. The mews is specifically intended as a contrast to the much more elaborately designed terrace properties to the surrounding principal streets and the existing narrower entrance to the mews more appropriately provides this distinction.

The area in front of the building is principally a cobbled street scape, and the choice of finish for the newly revealed area of street where the building and the bay features would be set back, would be of particular importance. Further clarity on the paving material proposed in these areas would have been required had the application been considered acceptable.

A number of objections have been received relating to concerns about the design of the proposed building, including to the entrance area, the lack of a garage, and the blind window feature to first floor level, and the concerns expressed by local residents are considered supportable in these regards for the reasons set out earlier in this section of the report.

Overall, the proposed development is considered to be an unattractive and inappropriate new building, and one which is considered to fall significantly short of providing a suitable replacement for the existing building. As such, the application is contrary to policies DES 1, DES 4, DES 7 and DES 9 in the UDP, and policies S25 and S28 in the City Plan, and is considered unacceptable in design/townscape terms.

8.3 Residential Amenity

A daylight and sunlight report has not been submitted as part of the current application; however, one was submitted with the previously approved application (RN: 14/01827/FULL), which in that case confirmed that a mansard roof extension of greater height and bulk than now proposed would not result in an unacceptable loss of daylight or sunlight to neighbouring properties. Therefore, in the context of the previously approved mansard roof extension, it is not considered that the current scheme would result in a material loss of daylight or sunlight.

The currently proposed mansard would be of a similar height to that previously approved, but would be set back slightly further from the street, as the footprint of the proposed building is smaller at the corner of Hyde Park Gardens Mews and Sussex Place. To the

rear the site is bounded by the high blank flank walls of the neighbouring properties in Hyde Park Mews and Sussex Street. As such, the proposed replacement building would not cause a material increased sense of enclosure to neighbouring windows in Hyde Park Gardens Mews and Sussex Place.

The mansard roof on the Sussex Place elevation also has three windows, one more than was previously approved although the windows are a smaller size. While the current application includes one more window and the windows on the Sussex Place elevation are more revealed, it is considered the proposed impact would not result in a sense of overlooking due to the size of the windows and the distance to neighbouring properties.

All windows and doors are limited to the street elevations of the proposed building, as they are in the existing building. At ground and first floors the proposed building would have an increased number of windows in both elevations. However, whilst the extent of glazing would be increased relative to the existing situation, given the separation of the site from adjacent properties on the opposite side of Hyde Park Garden Mews and Sussex Place, it is not considered that the additional windows would result in a significant increase in overlooking. The mansard roof storey at second floor level would also introduce new windows. However, dormer windows at this level were previously approved as part of the roof extension approved in 2014 and in this context the new dormer windows proposed in the current scheme are acceptable and would not result in a significant increase in overlooking to windows on the opposite side of the mews/ street.

In summary, the proposed development would accord with Policy ENV13 in the UDP and Policy S29 of the City Plan.

8.4 Transportation/ Parking

No garage or car parking facilities are proposed with the development. There is currently a garage that serves the existing dwellinghouse. However, this is only 3 metres in depth, which is of insufficient size to accommodate a car. Policy TRANS23 states "*The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.*" However, as the existing parking space is of an insufficient size to accommodate a car, the loss of this "space" within the existing garage is not contrary to Policy TRANS23.

The Highways Planning Manager advises that on-street parking availability in the vicinity of the application site has yet to exceed the level of serious deficiency set out in Policy TRANS23 in the UDP (80% occupancy of available parking). On street parking in the vicinity is currently at 75% overnight and 62% during daytime hours. In this context, the provision of one additional dwellinghouse without off-street parking would not be contrary to Policy TRANS23 as the additional parking demand can be accommodated on-street without breaching the level of serious deficiency.

The London Plan requires the provision of two off-street cycle parking spaces per two bedroom and larger residential dwellings. Cycle parking is not included within the application. Had the application been recommended favourably, cycle parking would have been secured by condition.

The drawings submitted did not include provision for storage of waste and recyclable materials. Had the application been recommended favourably, as suggested by the Cleansing Manager, waste and recycling storage would have been secured by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The new dwellinghouses would have level access from the mews. Given they would be private dwellings, and not public buildings, this level of accessibility is considered to be acceptable and in accordance with Policy DES1 in the UDP and S28 in the City Plan.

8.7 Other UDP/Westminster Policy Considerations

The proposal, to excavate a single storey basement under the footprint of the new building, which is slightly smaller than the footprint of the existing building and would not extend under the public highway or any undeveloped garden land, is considered to accord with Parts B and C of policy CM28.1 in the City Plan

The applicant has provided structural methodology and subject to confirmation from Building Control that this is appropriate for the ground conditions below this site, the structural details submitted are acceptable and in compliance with Part A of Policy CM28.1. Had the application been recommended favourably, a condition would have been recommended requiring the applicant to comply with the Code of Construction Practice and this would specifically address the requirement of Part A(2)(b) of Policy CM28.1. Objections have been received regarding an impact on neighbouring residents, including a temporary reduction in on-street parking, dust and noise disruptions, and pre-existing disruption from other developments on the street. Planning permission cannot reasonably be withheld on grounds related to noise and general disturbance from construction works. However, as set out in the preceding paragraph, had the application been recommended favourably, a condition would have been recommended to ensure the development, which includes the excavation of a basement, is carried out in accordance with the recently adopted Code of Construction Practice and to ensure the site is monitored by the Environmental Sciences Team during the period of construction at the applicant's expense. This approach, coupled with a condition to control the hours of works, would minimise the disturbance caused to neighbouring residents and the local highway network.

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

Based on the applicant's CIL liability form, the estimated Mayoral CIL payment would be £7,196.41 and the Westminster CIL would be £47,200. However, these are approximate figures based on the applicant's figures and do not account for any potential exceptions that the developer may be eligible for, which would only be determined after the determination of the current planning application.

8.11 Environmental Impact Assessment

Not applicable for development of this scale.

8.12 Other Issues

Objectors have noted that the property has been used for short term letting for many years, which causes a disturbance to neighbouring residents. This is not the lawful use of the existing building and this use is currently being investigated by the Planning Enforcement Team. The proposed development does not seek permission for use of the new dwellinghouses as short term letting accommodation and as such, this is not a ground on which permission can be withheld.

Three neighbouring occupiers raised concerns that they did not receive a consultation letter; however, The City Council's records demonstrate that consultation letters were sent to all neighbouring properties, including those who did not receive the consultation letters. It is for this reason that the City Council also displays a site notice outside the application site and a notice in the local paper to ensure that neighbours can become aware of development via a number of different sources. In this case, it is clear that the neighbouring occupiers in question became aware of the application via these other means and therefore their ability to comment on the application has not been prejudiced.

An objection raised concerns that the development would temporarily restrict pedestrian access to and from Paddington Station and access routes to other areas. Access restrictions to the public highway are a highways issue which cannot be considered as part of the current planning application.

Concerns were also expressed about hoardings blocking access to neighbouring garages. This is an issue which would be considered by the Council's highways department.

9. BACKGROUND PAPERS

1. Application form.
2. Memo from the Highways Planning Manager dated 9 August 2016.
3. Memo from the Cleansing Manager dated 17 August 2016.
4. Email from occupier of 14 Hyde Park Gardens Mews dated 7 August 2016
5. Email from occupier of 15 Hyde Park Gardens Mews dated 7 August 2016
6. Emails from occupier of North Cottage, 14A Hyde Park Gardens dated 11 August 2016 and 3 October 2016.
7. Email from occupier of 28 Hyde Park Gardens Mews dated 16 August 2016.
8. Email from occupier of 16 Hyde Park Gardens Mews dated 17 August 2016.
9. Email from occupier of 30 Hyde Park Gardens Mews dated 19 August 2016.

10. Email from occupier of 46 Hyde Park Gardens Mews dated 7 September 2016.
11. Letter from occupier of 13 Hyde Park Gardens Mews dated 27 September 2016.

Selected relevant drawings

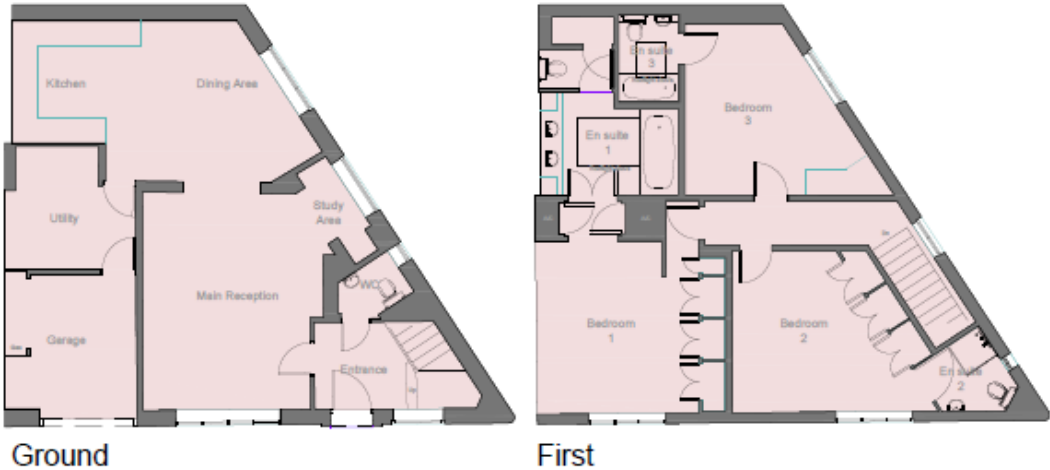
Existing and proposed plans and elevations.

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

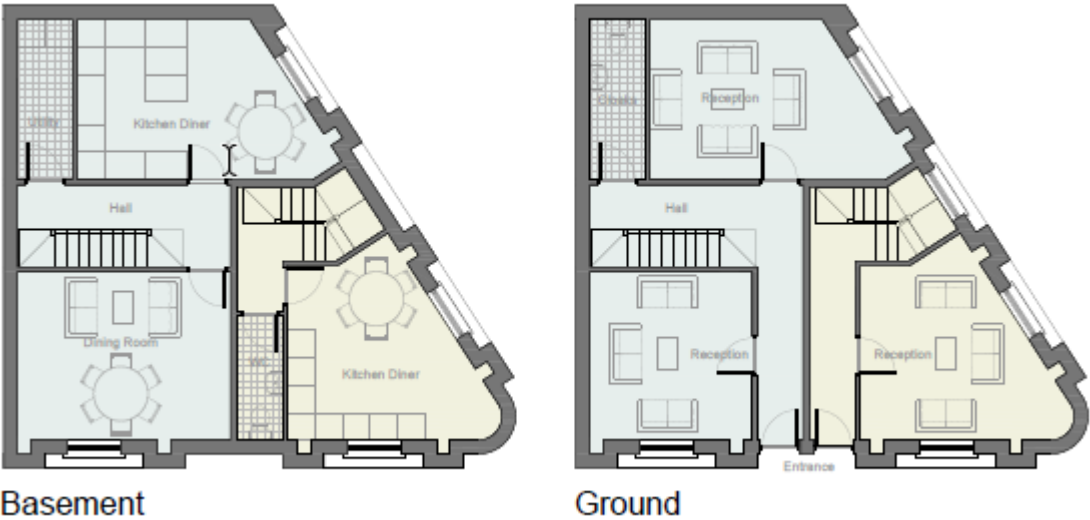
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

10. KEY DRAWINGS

Existing floor plans:

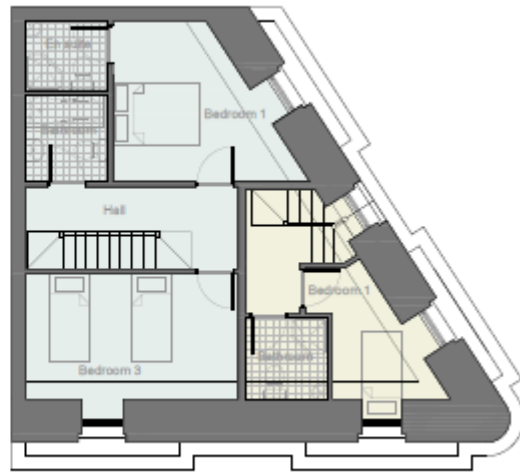


Proposed floor plans:





First



Second



PROPOSED Southerly Elevation to Hyde Park Gardens Mews

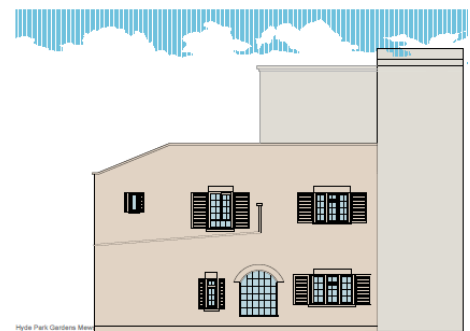


Easterly Elevation to Sussex Place

- Proposed Materials Schedule
1. New Code 8 lead rolled roof
 2. Code 8 lead clad dormers with painted hardwood sash windows
 3. Becon stone with corbelled brick below
 4. Local buff stone facing brickwork
 5. Local red stock feature bricks
 6. Becon stone sills
 7. Painted hardwood sash windows
 8. Local red stock stone to recessed ground floor walls



EXISTING Southerly Elevation to Hyde Park Gardens Mews



Easterly Elevation to Sussex Place

DRAFT DECISION LETTER

Address: 31 Hyde Park Gardens Mews, London, W2 2NX,

Proposal: Demolition of the existing two storey building and erection of a new three storey building and excavation of basement floor to create two residential dwellinghouses (Class C3).

Reference: 16/06420/FULL

Plan Nos: PA001, PA002, PA003, PA004, PA005, PA006, PA007 and Design and Access Statement dated June 2016.

Case Officer: Heather Lai

Direct Tel. No. 020 7641 6519

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of its design, form and materials, the proposed replacement building would fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4, DES 7, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

- Reason:
- 2 The proposed dwellinghouses would provide a sub-standard level of residential accommodation for future occupiers by virtue of their internal layout, which provides kitchens and dining rooms at basement level, where these habitable rooms would receive little natural light. This is contrary to Policy ENV13 in the Unitary Development Plan that we adopted in January 2007, Policy S29 in Westminster's City Plan that we adopted in July 2016, Policy 3.5 in the London Plan (FALP - 2015) (as amended) and the guidance set out in the Mayor's 'Housing' SPD (2016).

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Amended detailed design and form that is more in keeping with the character and appearance of the mews.
- Amended internal layout of residential accommodation and relocation of lightwells away from the street facades of the site.

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 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	75 Page Street, London, SW1P 4LT,		
Proposal	Installation of mechanical plant within an acoustic enclosure on rear first floor flat roof and full height ventilation duct on rear of building in association with restaurant use (Class A3).		
Agent	Mr Anthony Frendo		
On behalf of	Swiss Cottage Properties Ltd.		
Registered Number	16/06059/FULL	Date amended/ completed	5 July 2016
Date Application Received	28 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

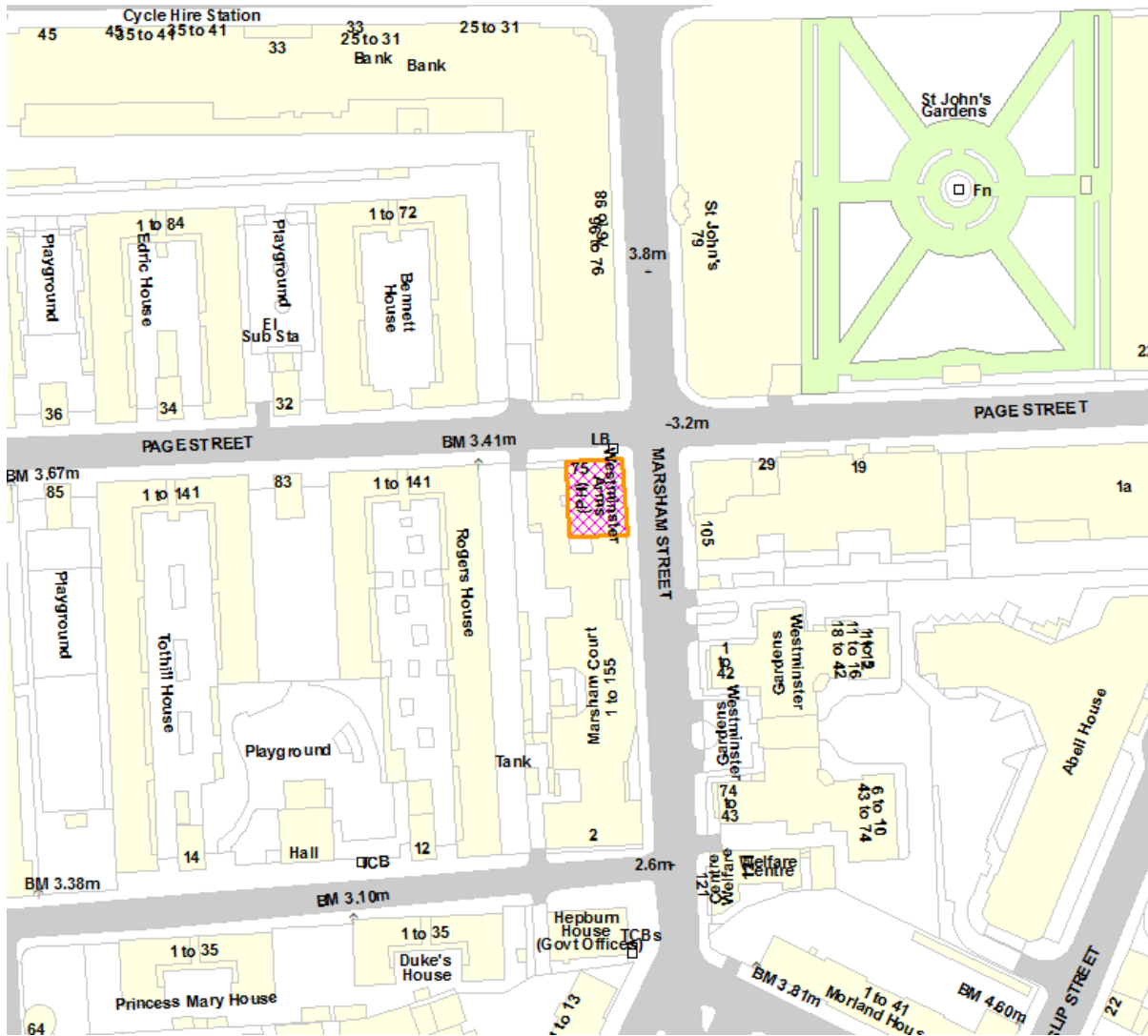
75 Page Street is a recently constructed building comprising basement, ground and eight upper floors with restaurant use at basement and ground floor level (not currently occupied) and 14 residential flats on the upper floors. Permission is sought for the installation of mechanical plant and a full height extract duct in connection with the restaurant use.

The key issues are:

- *The impact on the character and appearance of the building and area; and
- * The Impact on neighbouring resident's amenity.

The proposed development is considered to be acceptable in design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 168; Total No. of replies: 20; No. of objections: 19; No. of neutral: 1

Objections received from neighbouring residents in Marsham Court on some or all of the following grounds:

Design

- The building is poorly constructed and an eyesore.
- Mechanical plant and vent would introduce additional massing and be unsightly.
- The lightwell is an inappropriate location for plant.

Amenity:

- The plant and acoustic enclosure would reduce daylight to adjacent flats.
- Noise and vibration from proposed plant.
- Cooking smells coming from the ventilation duct.
- Heat and dirt from plant and machinery.

Other

- The A3 use will generate traffic and noise from customers and servicing.
- An A1 use would be more appropriate.
- Question the need for another restaurant use in this area.
- Concern that the upper floors of the building is being used as a hotel rather than private flats.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

75 Page Street is a newly constructed building located on the corner of Page Street and Marsham Street. It is not located within a conservation area. The building comprises basement, ground and 8 upper floors with a restaurant use at part basement and ground floor level which has not yet been occupied and 14 residential flats on the upper floors.

6.2 Recent Relevant History

Planning permission was refused on 15 October 2007, but subsequently granted on appeal on 16 April 2008 for the redevelopment of the site to create a building comprising basement, ground and eight upper floors containing a restaurant and 14 flats. An extension of time for the commencement of this development was granted in June 2011.

On 17 March 2016 permission was refused for change of use the basement and ground floors from restaurant (Class A3) to ancillary residential use comprising lounge area, meeting rooms, formal dining room and a resident's only gym; on the grounds that insufficient information was provided to demonstrate that the approved Class A3 floorspace at basement and ground floor level had been marketed for Class A3 purposes and would lead to a loss of Class A3 floorspace which would not meet S21 of the City Plan.

On 13 October 2016 planning permission was granted for shopfront alterations, including the installation of 2 sliding doors and a retractable awning.

7. THE PROPOSAL

Permission is sought for the installation of mechanical plant within an acoustic enclosure on the rear first floor flat roof which forms a shared lightwell with Marsham Court, and a full height ventilation duct terminating at main roof level for use in connection with the consented restaurant unit. The acoustic enclosure measures approximately 1.8m x 7m x 1m in height and the duct is approximately 0.9m x 0.42m x 24m high, including its enclosure, which will be rendered to match the building.

The original permission for the building included a full height extract duct routed internally through the building. The applicant has confirmed that the internal route for the duct has been occupied by services and that there is insufficient space for the duct, thus an alternative solution is now required for mechanical ventilation and extraction equipment in order for the restaurant use to be able to operate.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A number of objections have been received in relation to the use of the basement and ground floors as a restaurant (class A3). A public house was previously located on the site and permission was granted for a restaurant use as part of the redevelopment proposals granted in April 2008. The lawful use of the premises is therefore restaurant use (class A3).

8.2 Townscape and Design

The building was recently completed and sits just outside the boundary of the Page Street Conservation Area. The proposed plant is located to the rear of the building and will not be visible from the public realm.

A number of objections have been received from residents within Marsham Court on design grounds. The proposed plant will be visible from a number of windows in Marsham Court and from the upper levels of the host building. Whilst it is regrettable that the plant is proposed in the lightwell, a condition is recommended to ensure that the enclosure and ductwork is finished in a colour to match the adjoining facing materials and it is not considered that a refusal on design grounds could be sustained.

8.3 Residential Amenity

Objections have been received from a number of residents within Marsham Court on the grounds that the proposal will result in a loss of light to residential windows and cause noise, smell and vibration nuisance. The north block of Marsham Court has a number of flats with windows which overlook the lightwell, which serve bathrooms, toilets, kitchens and internal and communal hallways. There are also residential windows immediately above serving the development site itself, however, no objections have been received from these flats.

Whilst it is regrettable that the proposed plant and ventilation duct are located within the rear lightwell, given their size and location, it is considered that the proposals would not result in any significant loss of light or cause a sense of enclosure to neighbouring windows. The applicant has explored the possibility of locating the plant and acoustic enclosure at main roof level but considers the proposed position to be the most energy efficient and practical in terms of maintenance and servicing access.

The applicant has submitted an acoustic report in support of the application. The Councils Environmental Health Noise Team are satisfied that the plant is likely to comply with the Councils standard noise condition, however, a condition is recommended requiring a post-commissioning noise survey.

Objectors have also expressed concerns that, whilst the ventilation duct discharges at roof level of the application site, this is below the roof of Marsham Court and close to a number of residential windows. The previously approved extract duct as part of the original redevelopment proposals discharged in a similar location. A condition is recommended to secure details of odour control mitigation measures for the ventilation system prior to operation.

Accordingly, it is not considered that the objections on amenity grounds can be sustained.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

The proposals do not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

None

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

Not applicable.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

8.12 Other Issues

A number of objectors have raised concerns that the upper floors of the building are being used as a hotel. This matter is currently being investigated by the Council's Planning Enforcement Team.

9. BACKGROUND PAPERS

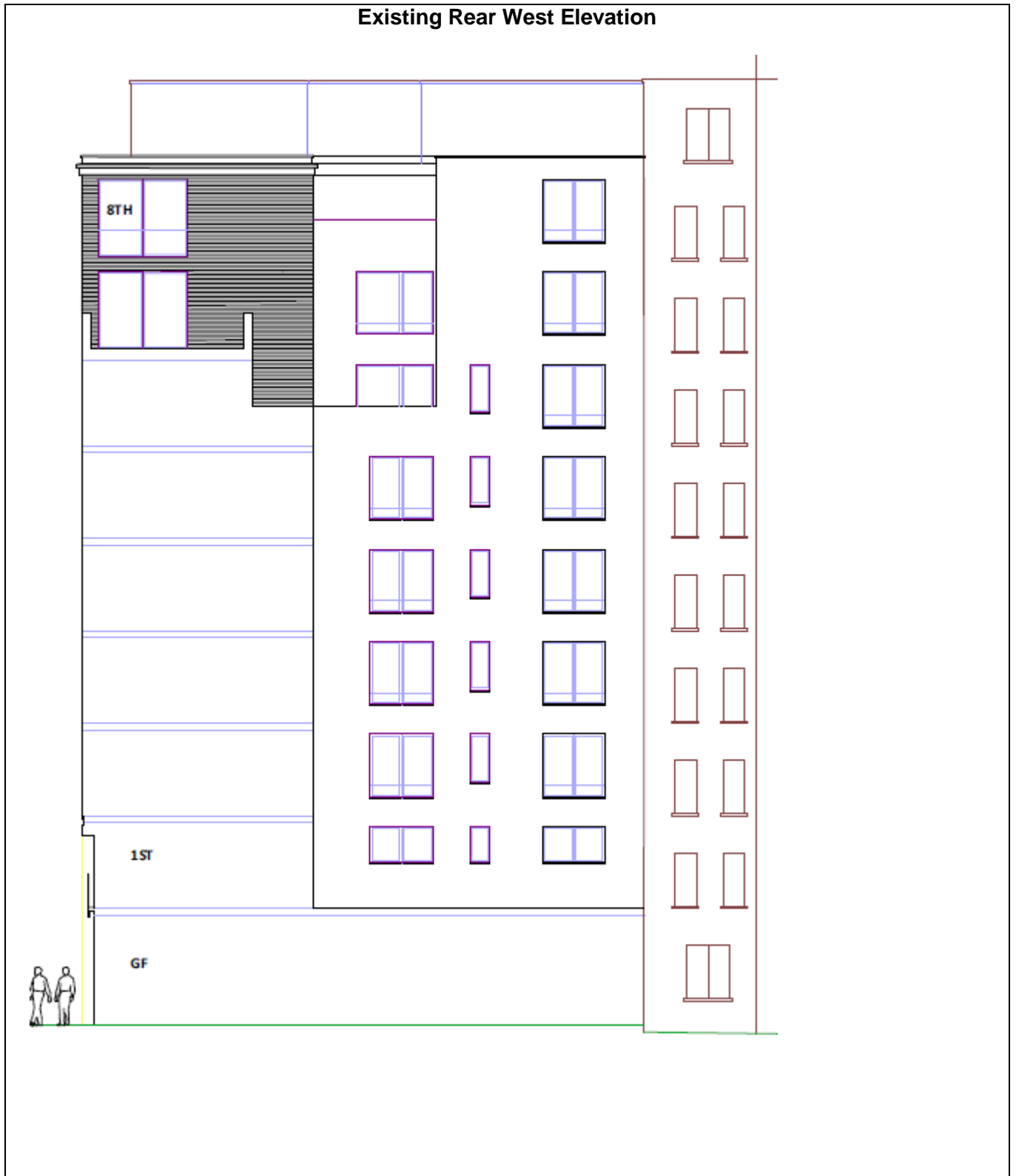
1. Application forms.
2. Response from Westminster Society, dated 19 July 2016
3. Response from Environmental Health, dated 6 October 2016
4. Letter from occupier of 136 Marsham Court, Marsham Street dated 22 July 2016
5. Letter from occupier of 145 Marsham Court, Marsham Street dated 1 August 2016
6. Letter from occupier of 120 Marsham Court, Marsham Street dated 4 August 2016
7. Letter from occupier of 131 Marsham Court, Marsham Street dated 4 August 2016
8. Letter from occupier of 120 Marsham Court, Marsham Street dated 4 August 2016
9. Letter from occupier of 150 Marsham Court, Marsham Street dated 4 August 2016
10. Letter from occupier of 4 Marsham Court, Marsham Street dated 6 August 2016
11. Letter from occupier of Flat 110 Marsham Court, Marsham Street dated 6 August 2016
12. Letter from occupier of 121 Marsham Court, Marsham Street dated 7 August 2016
13. Letter from occupier of 134 Marsham Court, London dated 8 August 2016
14. Letter from occupier of 32 Marsham Court, Marsham Street dated 9 August 2016
15. Letter from occupier of 117 Marsham Court, Marsham Street dated 9 August 2016
16. Letter from occupier of Flat 150, Marsham Court dated 9 August 2016
17. Letter from occupier of 153 Marsham Court, Marsham Street dated 10 August 2016
18. Letter from occupier of 141 Marsham Court, London dated 11 August 2016

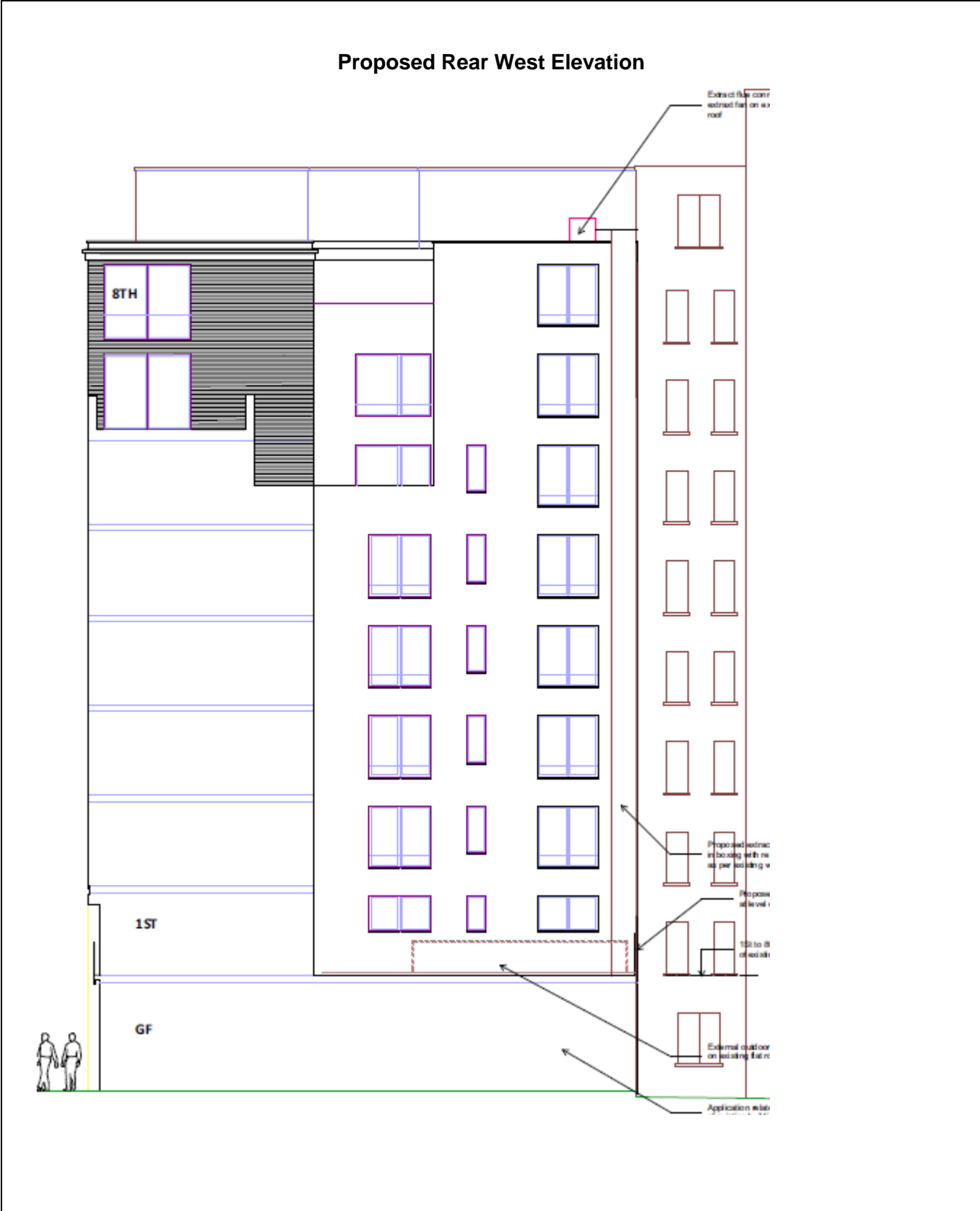
19. Letter from occupier of Flat 68 Marsham Court, Marsham Street dated 11 August 2016
20. Letter from occupier of 155 Marsham Court dated 11 August 2016
21. Letter from occupier of 44 Marsham Court, Marsham St dated 11 August 2016
22. Letter from occupier of Flat 1 Marsham Court dated 12 August 2016
23. Letter from occupier of Flat 116 Marsham Court dated 15 August 2016

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

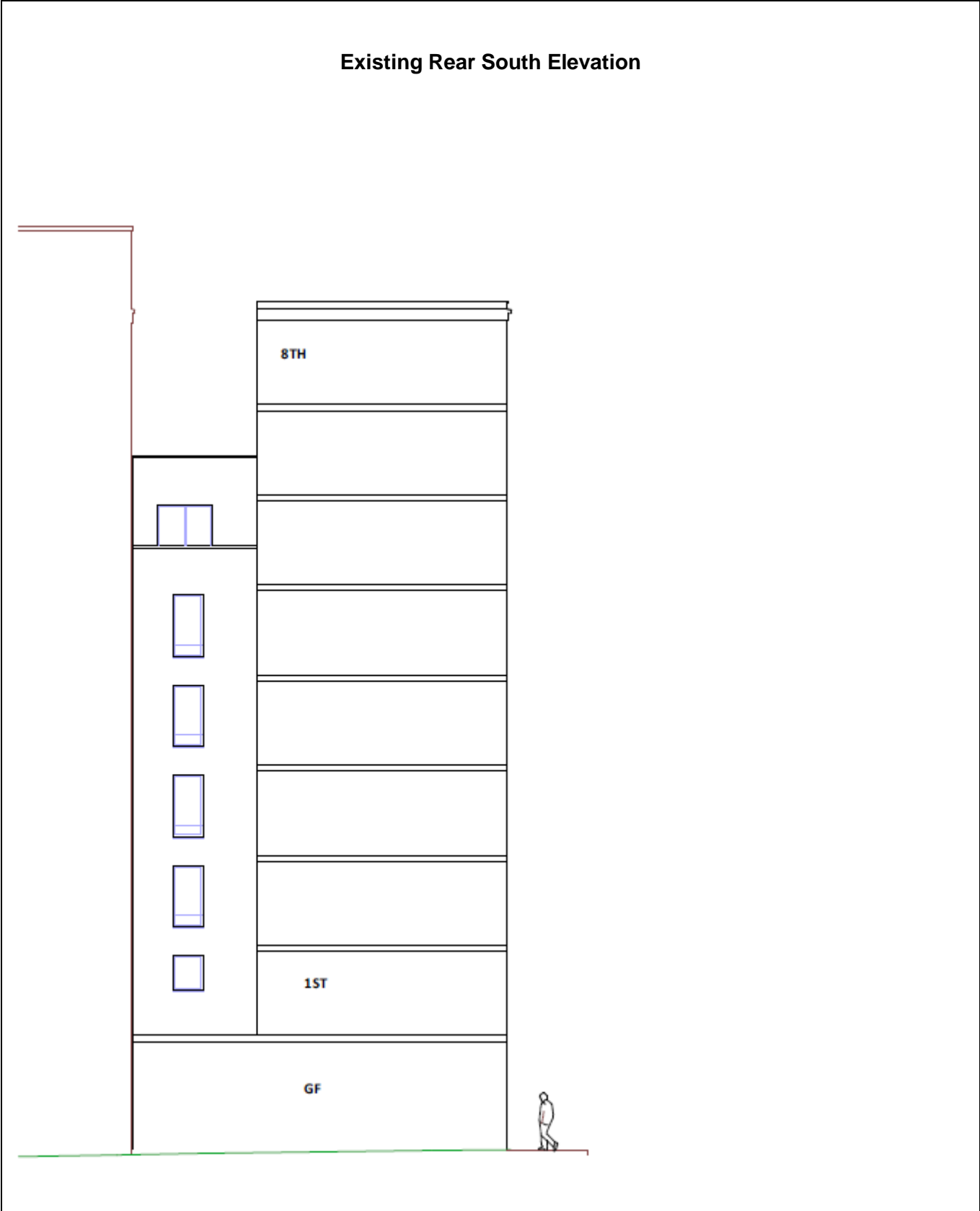
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT JASGHAR@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

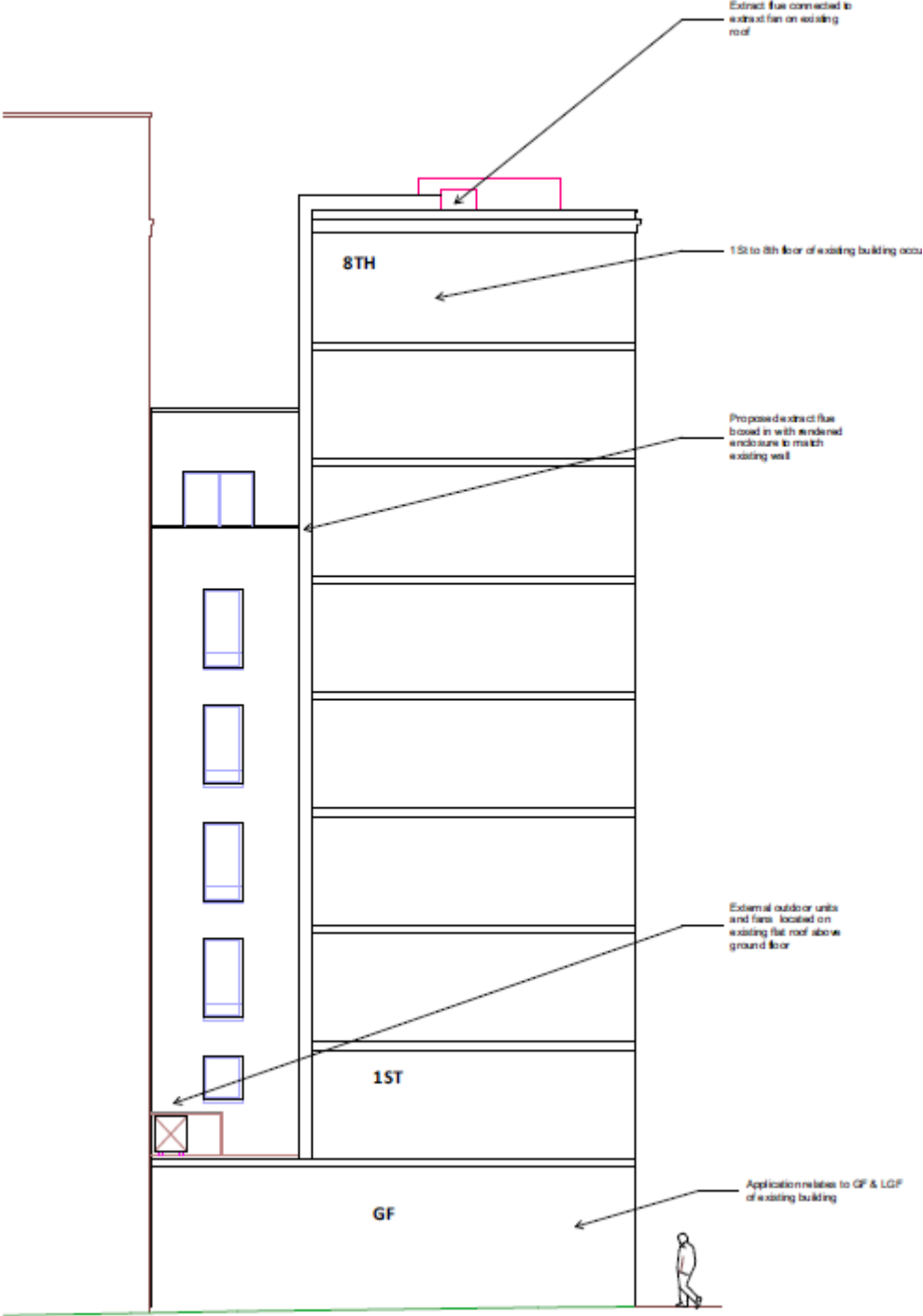




Existing Rear South Elevation

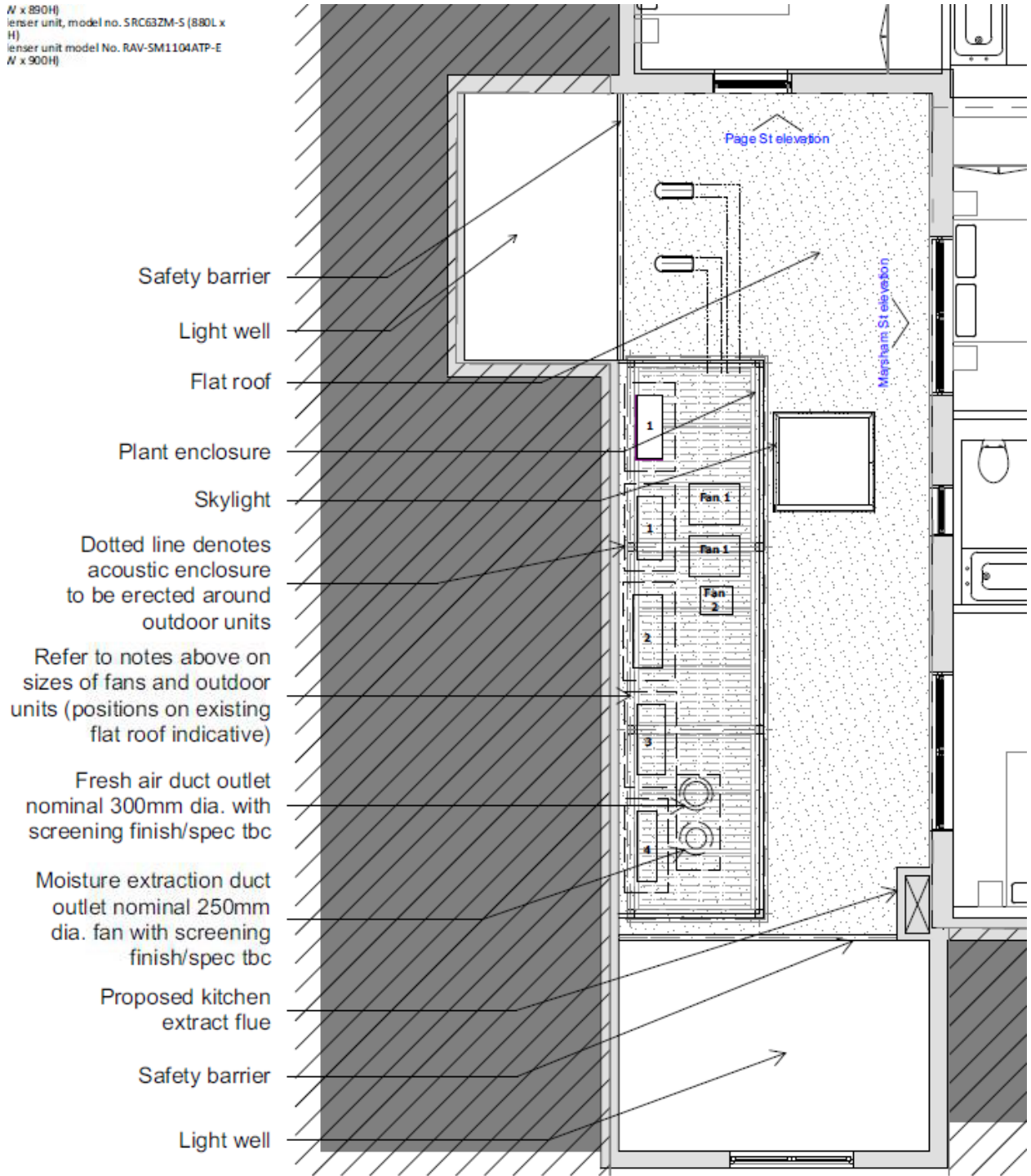


Proposed Rear South Elevation



Proposed First Floor Roof Plan

W x 890H)
 lenser unit, model no. SRC63ZM-5 (880L x
 H)
 lenser unit model No. RAV-SM1104ATP-E
 W x 900H)



Safety barrier

Light well

Flat roof

Plant enclosure

Skylight

Dotted line denotes
 acoustic enclosure
 to be erected around
 outdoor units

Refer to notes above on
 sizes of fans and outdoor
 units (positions on existing
 flat roof indicative)

Fresh air duct outlet
 nominal 300mm dia. with
 screening finish/spec tbc

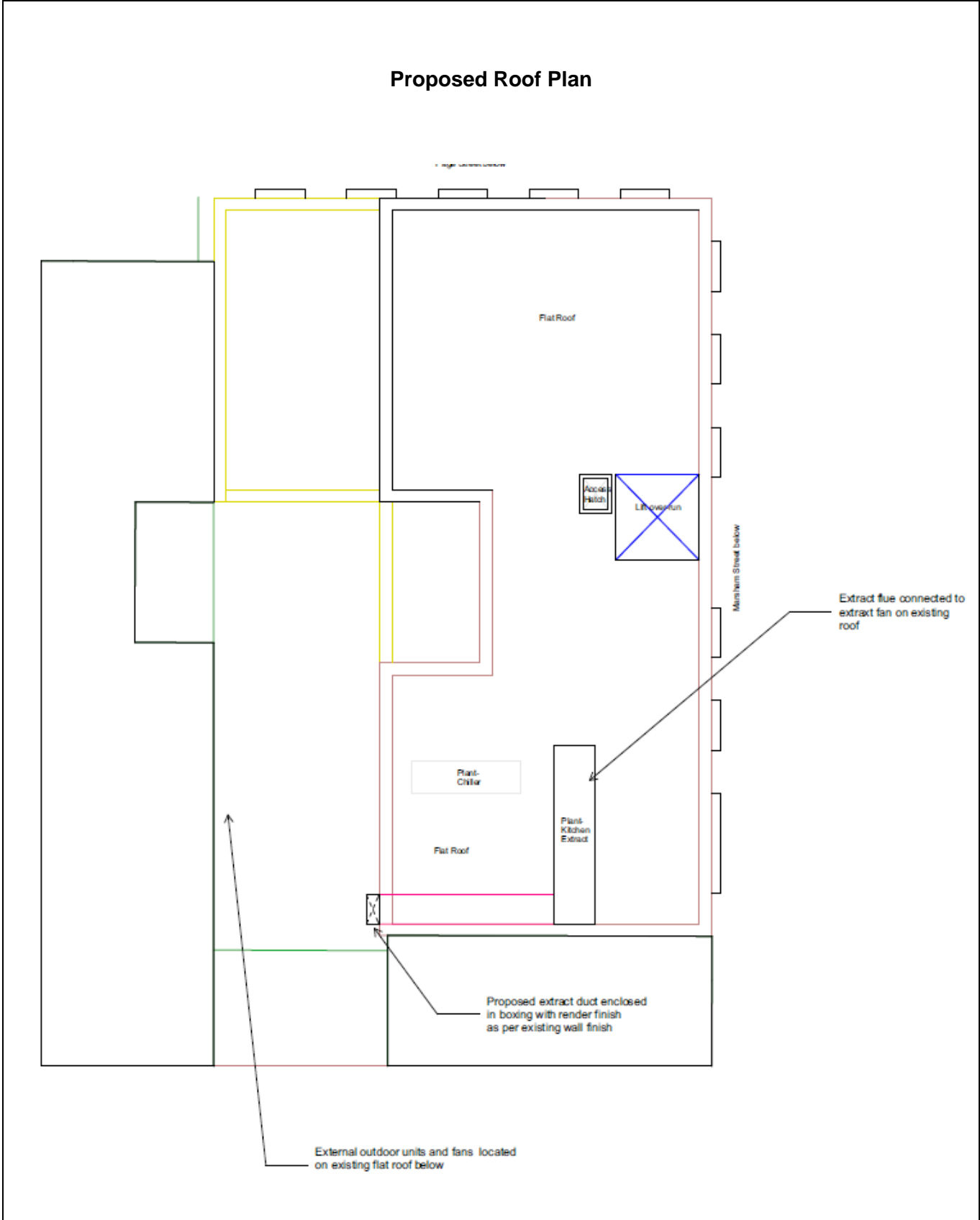
Moisture extraction duct
 outlet nominal 250mm
 dia. fan with screening
 finish/spec tbc

Proposed kitchen
 extract flue

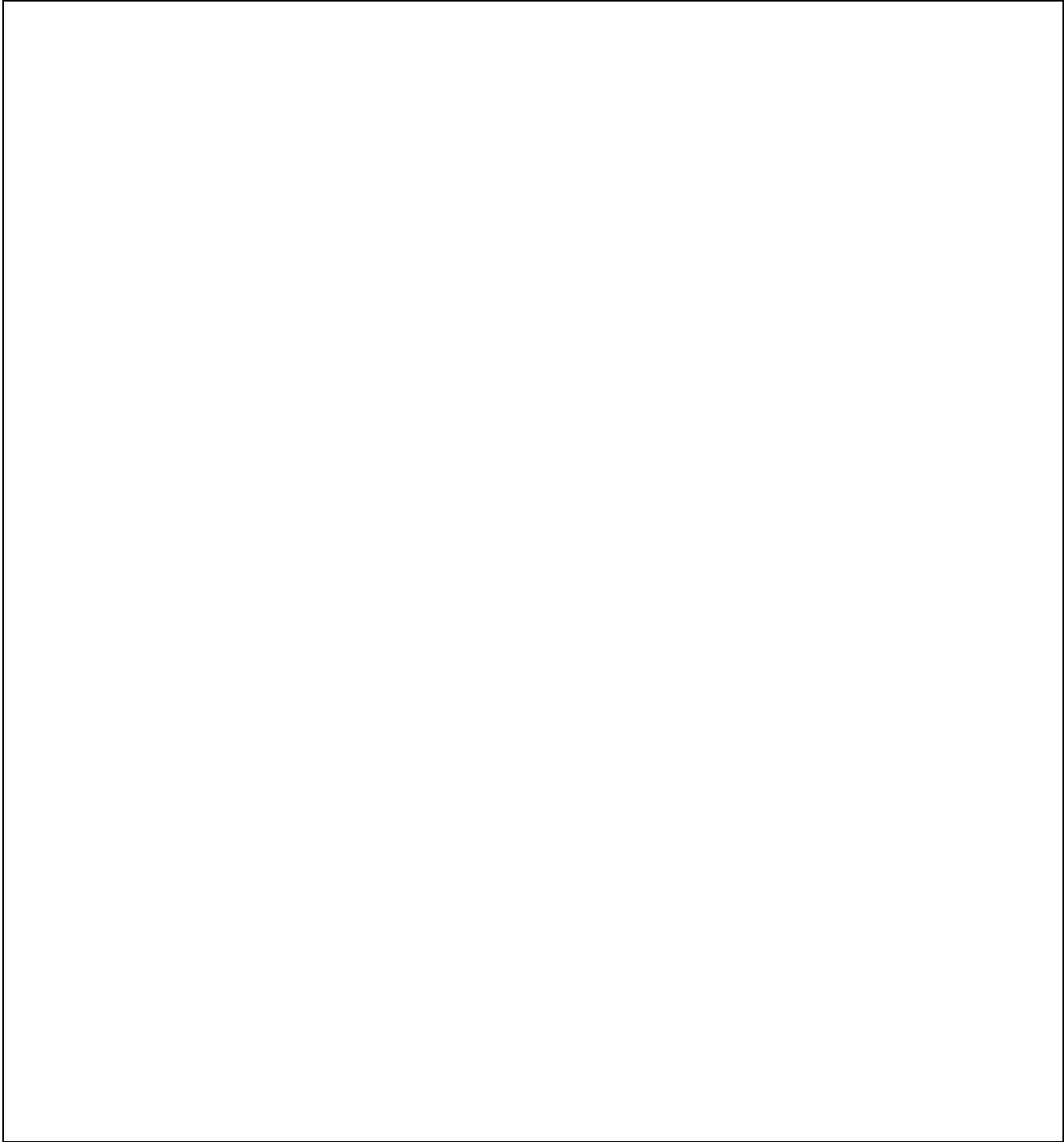
Safety barrier

Light well

Proposed Roof Plan



Item No.
7



DRAFT DECISION LETTER

Address: 75 Page Street, London, SW1P 4LT,

Proposal: Installation of mechanical plant in enclosure on first floor flat roof and full height ventilation duct on rear of building in association with restaurant (Class A3).

Plan Nos: L01; PL 104 Rev.B; PL 111 Rev.A; PL 112 Rev.C; PL 113 Rev.C; Acoustic Report AS8531.151124.PCR1.3 dated 3 October 2016;

For information purposes:

Design and Access Statement dated May 2016; Letter from Kalkwarf Architects dated 18 October 2016; Letter from Kalkwarf Architects dated 20 October 2016.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must finish the ductwork in a colour to match the material next to it. You must then keep it that colour. (C26FA)

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 (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 5 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.

- 6 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 4 and 5 of this permission.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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.

- 7 You must put up the plant enclosure 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of and how it will look and odour control mitigation measures. You must not begin operating the ventilation system until we have approved what you have sent us and you have carried out the work according to the approved details, you must then maintain it in accordance with the approved details for as long as the system remains in place.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are 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.
- 3 Conditions 4, 5, 6 and 7 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)

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	9 Burton Mews, London, SW1W 9EP		
Proposal	Erection of side extension at ground with mansard at first floor level and alterations to fenestration to front and rear elevations.		
Agent	Mr Andrew Marshall		
On behalf of	Mr Kumar and Gautam Patel		
Registered Number	16/05457/FULL	Date amended/ completed	10 June 2016
Date Application Received	10 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

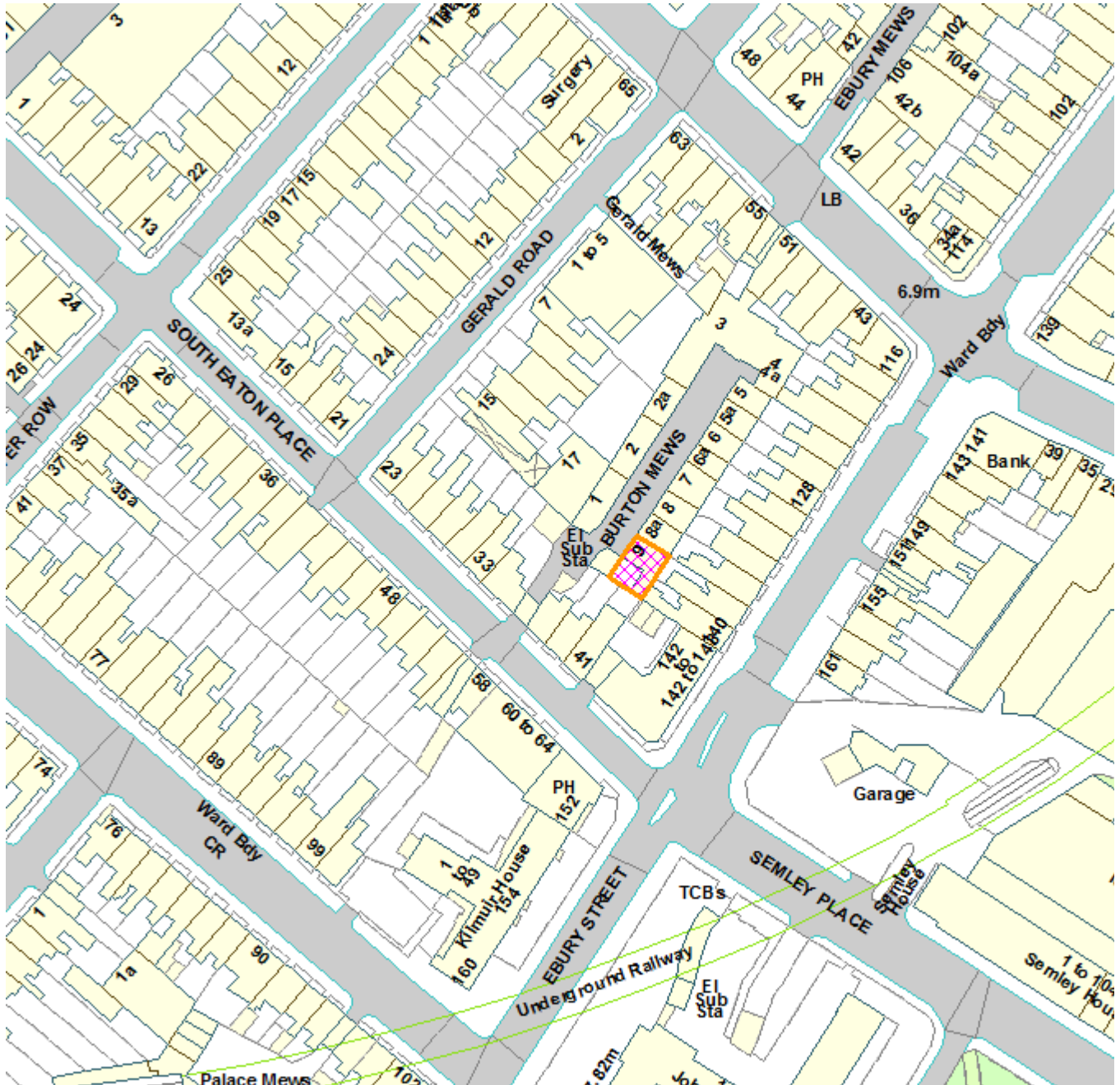
Grant conditional permission.

2. SUMMARY

This application was reported to the Planning Applications Committee on the 25 October 2016 where members deferred the application for a site visit in order to assess the impact of the proposals on adjoining residential properties. The site visit took place on 21 November 2016.

The applicant has agreed to a condition requiring the provision of a soft landscaping scheme to replace the fig tree being lost. No additional representations have been received since the proposals were last reported to committee.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. BACKGROUND PAPERS

1. Application form
2. Response from Belgravia Society dated 28 July 2016
3. Letter from occupier of 39 South Eaton Place, Belgravia, dated 1 July 2016
4. Letter from occupier of 140 Ebury Street, London, dated 13 July 2016
5. Letter from occupier of Flat 2, 138 Ebury Street, dated 1 August 2016
6. Letter from occupier of 8a Burton Mews, London, dated 2 August 2016

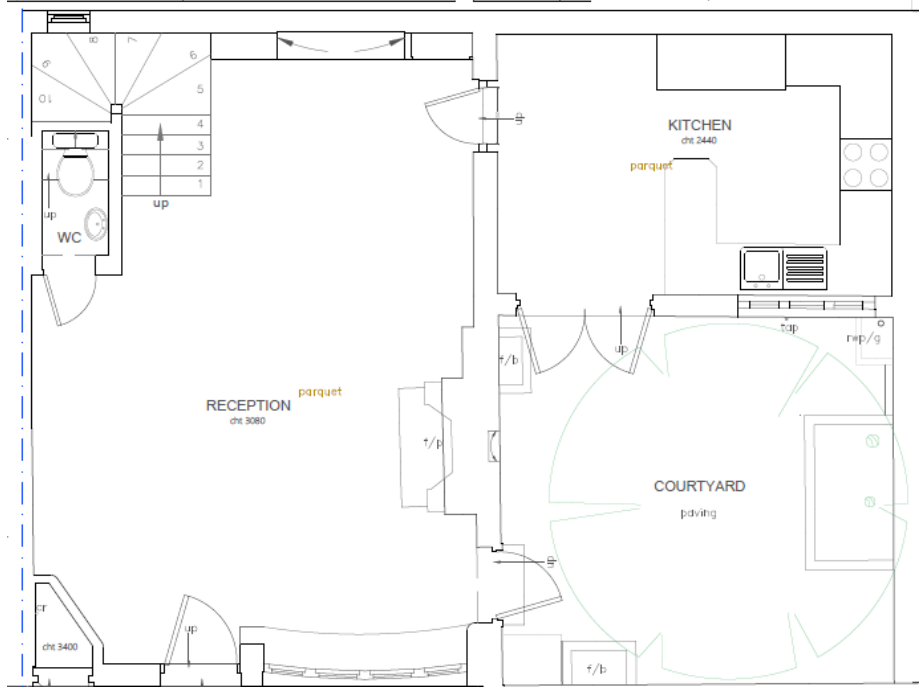
Selected relevant drawings

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

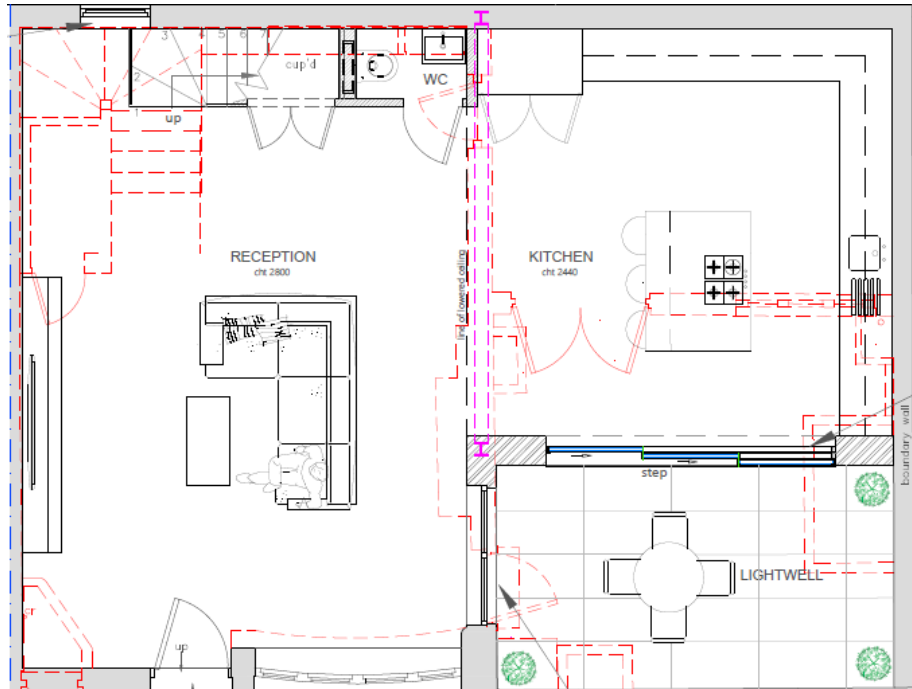
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT JASGHAR@WESTMINSTER.GOV.UK

6. KEY DRAWINGS

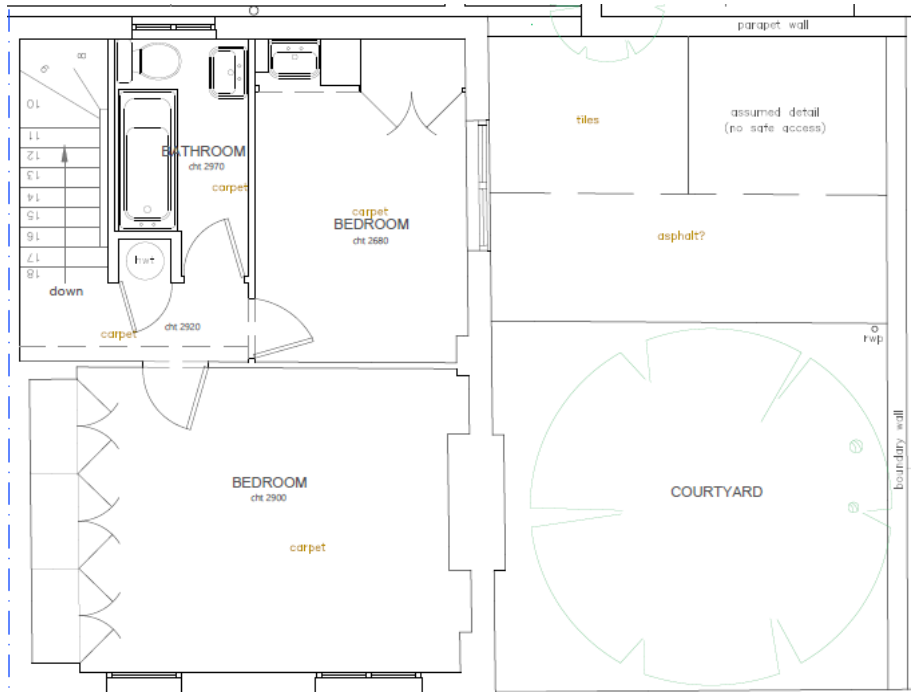
Existing Ground Floor Plan



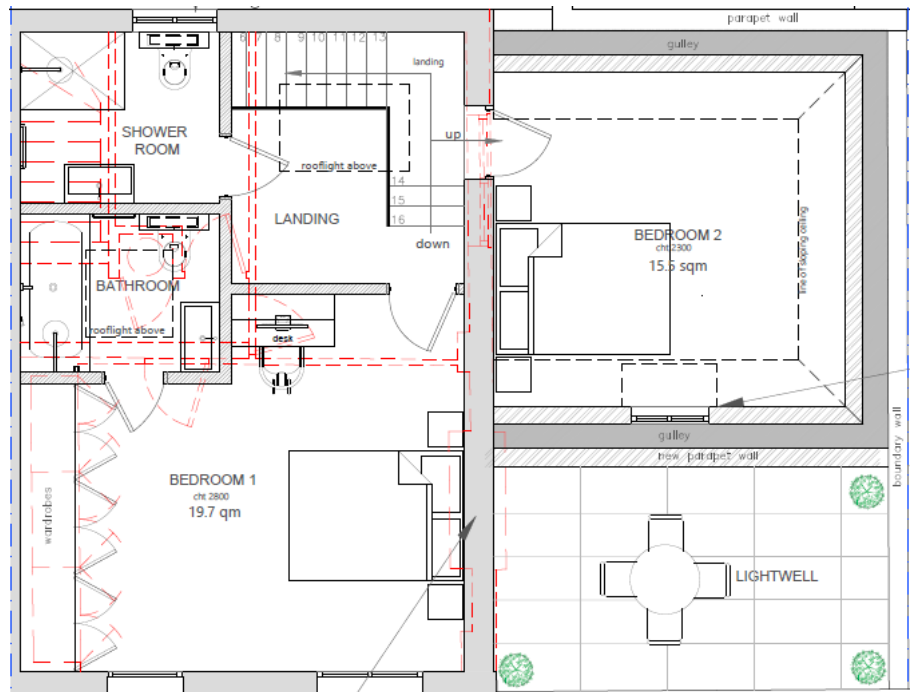
Proposed Ground Floor Plan



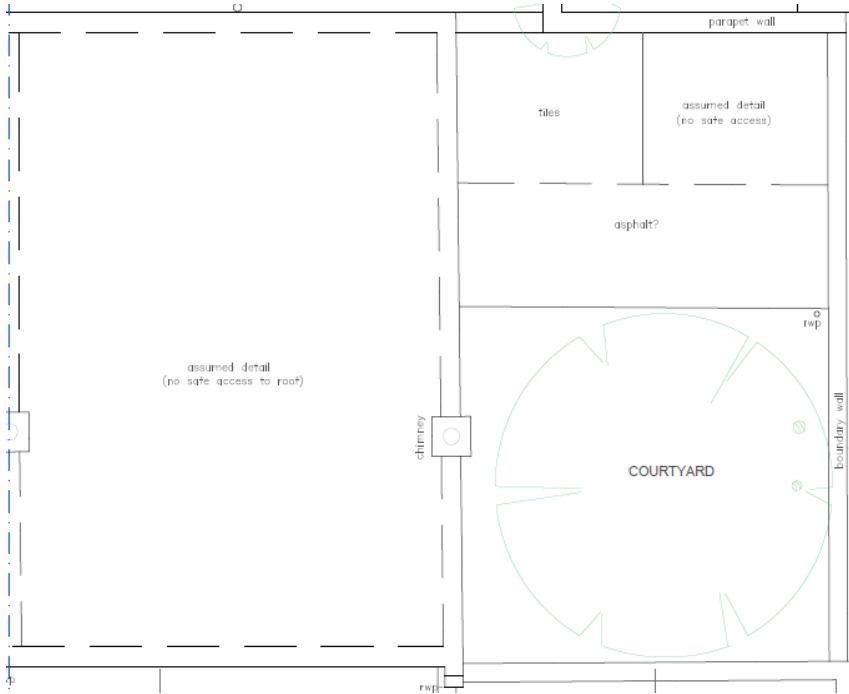
Existing First Floor Plan



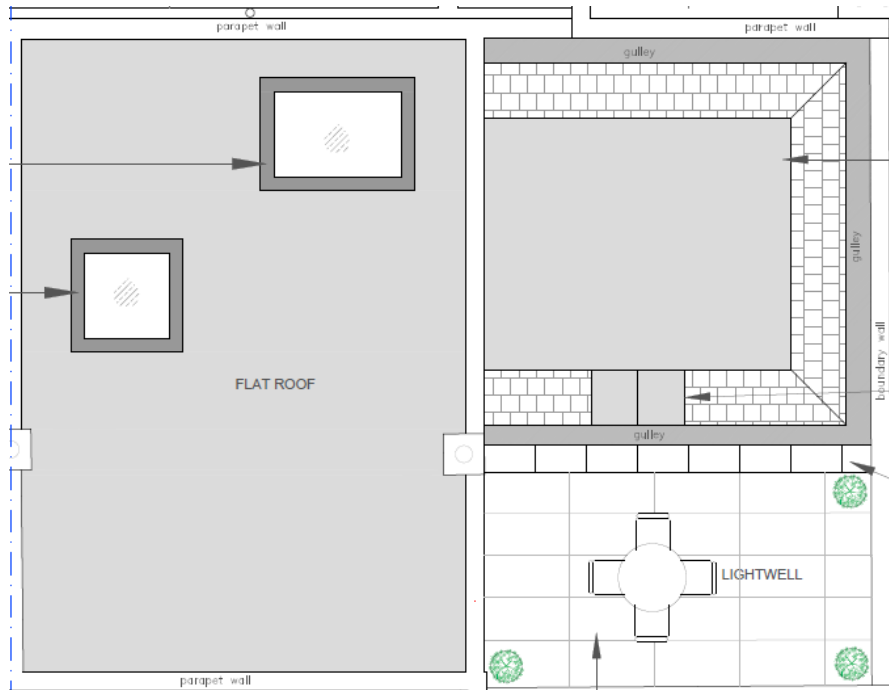
Proposed First Floor Plan



Existing Roof Plan



Proposed Roof Plan



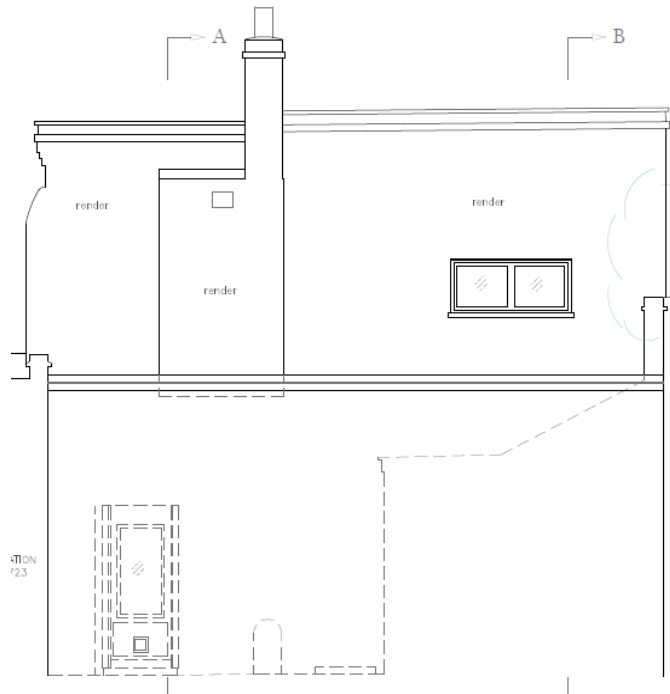
Existing Front Elevation



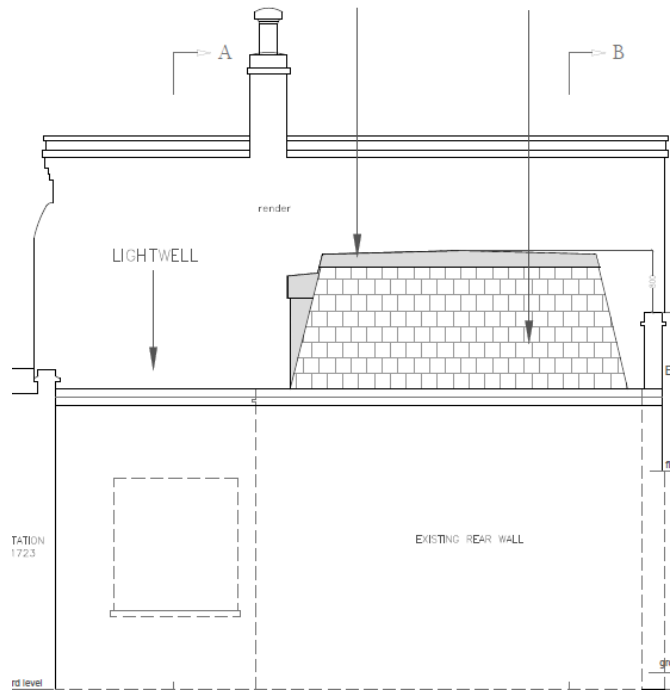
Proposed Front Elevation



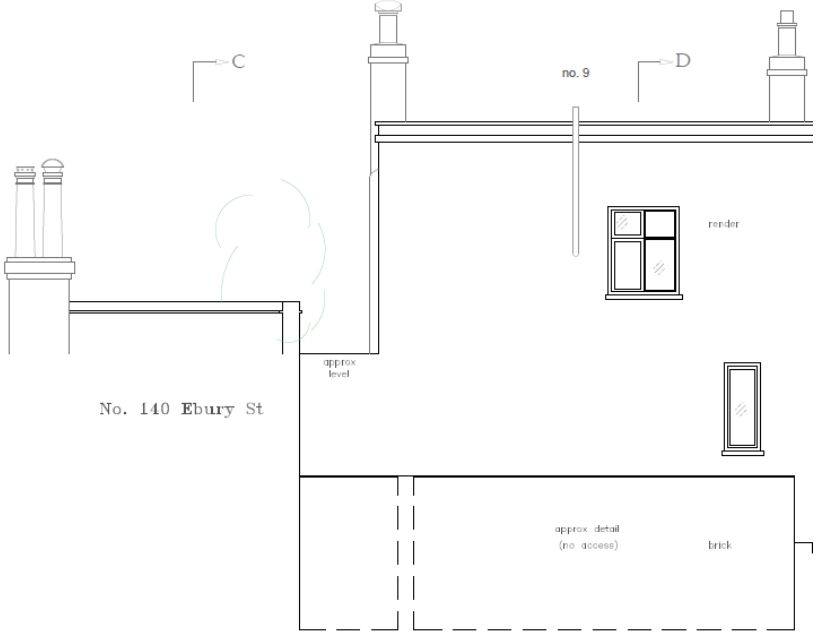
Existing Flank Elevation



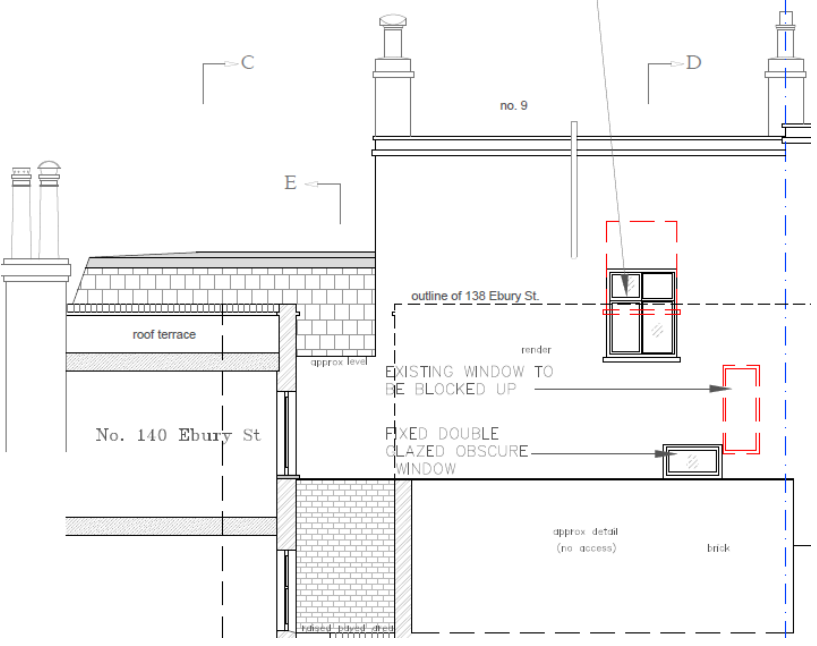
Proposed Flank Elevation

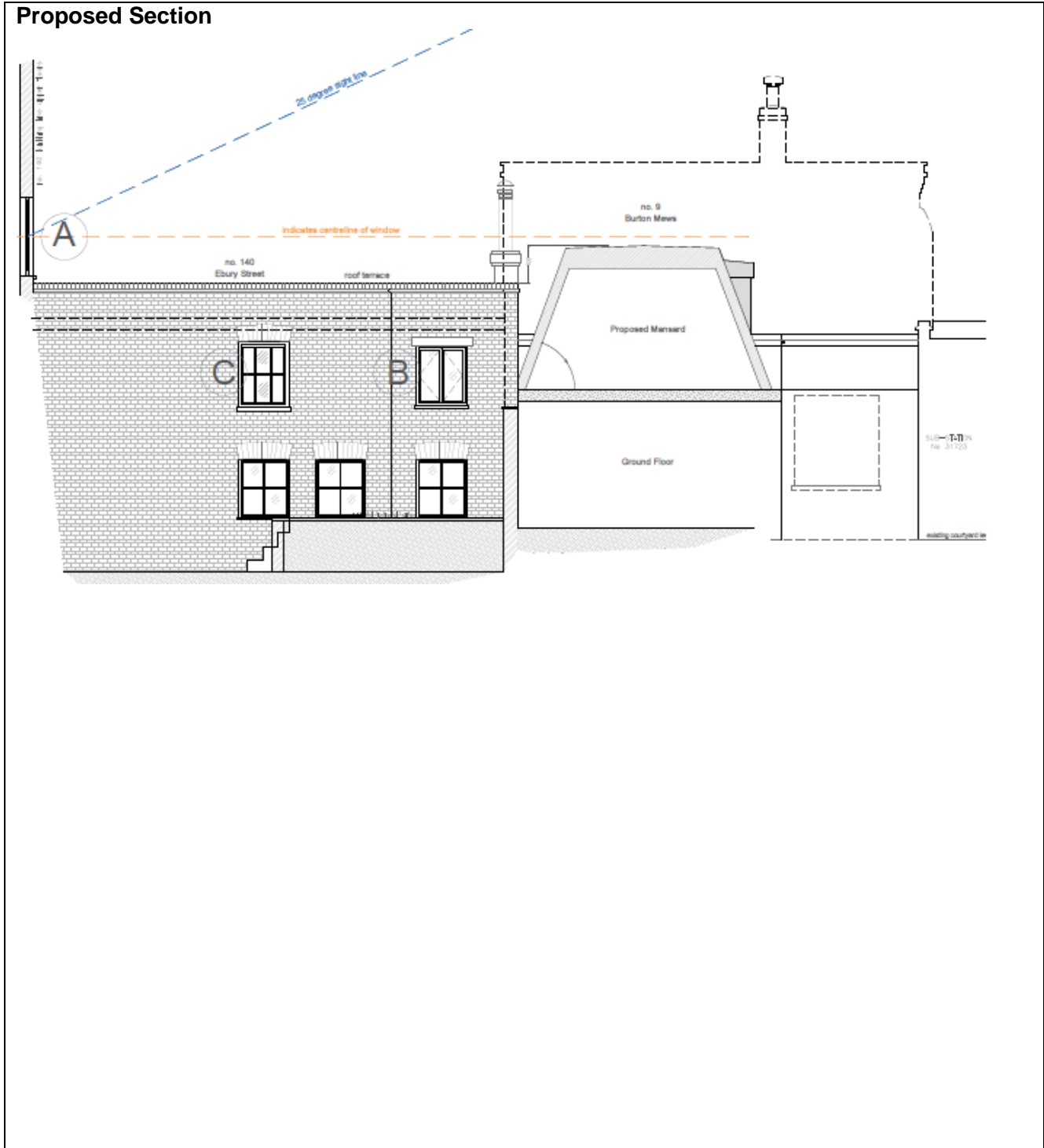


Existing Rear Elevation



Proposed Rear Elevation





DRAFT DECISION LETTER

Address: 9 Burton Mews, London, SW1W 9EP

Proposal: Erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations

Reference: 16/05457/FULL

Plan Nos: 15684/101 Rev.C; 15684/102 Rev.C; 15684/103 Rev.C; 15684/104 Rev.A;
15684/105 Rev.A

For information purposes:

Daylight and Sunlight Study dated 15 September 2016; Planning, Design and Access Statement, Ref. DS/15684-1 dated June 2016.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) 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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 glass that you put in the windows on the rear elevation of the main mews property must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant parts of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 You must clad the mansard roof in Welsh natural slate.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

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

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

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.



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (4)** Committee held on **Tuesday 25th October, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Tony Devenish (Chairman), Christabel Flight, Jonathan Glanz and Barbara Grahame

Other Members Present: Councillor Melvyn Caplan.

Also Present: Amanda Coulson (Presiding Officer), Oliver Gibson (presenting officer, North Team), Matthew Mason (presenting officer, South Team) and Josephine Palmer (presenting officer, Central Team), Susanna Miller (Design Officer) and Andrew Palmer (Committee & Governance Services)

Apologies for Absence: None.

1 MEMBERSHIP

- 1.1 It was noted that Councillors Christabel Flight and Barbara Grahame had replaced Councillors Angela Harvey and Jason Williams.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Peter Freeman explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Freeman declared that in his capacity as Deputy Cabinet Member for the Built Environment he sometimes received requests from developers to

"Additional Condition

You must apply to us for approval of a demolition statement that shows which parts of the building are to be retained and how they are to be retained during construction work. For the avoidance of doubt this includes the garage that forms part of 12a Eaton Square. You must not start any work until we have approved what you have sent us. Thereafter you must carry out the work in accordance with the approved method statement."

RESOLVED:

That conditional permission be granted, subject to:

1. The additional condition as tabled and set out above; and
2. An additional informative regarding the means of escape from the basement.

3 11A CASTELLAIN ROAD, LONDON, W9 1EY

Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.

Additional representations were received from S P Planning (18.10.16).

Councillor Melvyn Caplan addressed the Committee in his capacity as a Ward Member.

RESOLVED:

That consideration of the application be deferred to enable Committee Members to visit the site.

4 9 BURTON MEWS, LONDON, SW1W 9EP

Erection of side extension at first floor level with mansard roof, demolition of flank wall, alterations to fenestration on front and rear elevations.

The presenting officer tabled the following amendment to the draft decision letter:

"Additional Condition

You must clad the mansard roof in Welsh natural slate."

RESOLVED:

1. That consideration of the application be deferred to enable Committee Members to visit the site.
2. That the applicant be asked to consider a new tree to replace the fig being lost.

Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 25 October 2016	Classification For General Release	
Report of Director of Planning	Ward(s) involved Knightsbridge And Belgravia		
Subject of Report	9 Burton Mews, London, SW1W 9EP		
Proposal	Erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations.		
Agent	Mr Andrew Marshall		
On behalf of	Mr Kumar and Gautam Patel		
Registered Number	16/05457/FULL	Date amended/ completed	10 June 2016
Date Application Received	10 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

9 Burton Mews is an unlisted building within the Belgravia Conservation Area. The building is located at the southern end of Burton Mews, backing onto Ebury Street to the east and South Eaton Place to the south. It is a single family dwellinghouse comprising two storeys with a single-storey side extension.

Permission is sought for the erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations.

The key issues are:

- *Impact upon the appearance of the building
- *Impact upon the character and appearance of the Belgravia Conservation Area
- *Impact on neighbouring amenity

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The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, it is recommended that conditional planning permission is granted.

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4

5. CONSULTATIONS

BELGRAVIA NEIGHBOURHOOD FORUM
No comment.

BELGRAVIA RESIDENTS ASSOCIATION
No comment.

BELGRAVIA SOCIETY
Loss of residential amenity to the neighbours and particularly 138 Ebury Street and adjoining properties on Ebury Street. Loss of courtyard and the building over it will cause overshadowing, household noise and loss of privacy.

Seems most likely that the provision of flat roofs to both front and rear part of the mews house will ultimately result in a further application to use that space as an external terrace.

Overdevelopment of the site involving loss of the external courtyard open space.

There will be an adverse visual impact on the neighbours at the rear and a sense of increase in bulking and loss of light, given the dark nature of the materials for roof covering.

It appears that some of the drawings suggest using a party wall for support. Our understanding is that the neighbours have not given consent for this and it would be a trespass.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25; Total No. of replies: 4; No. of objections: 3; No. in support: 0
No. neutral: 1

Objections received from neighbouring residential occupiers on some or all of the following grounds;

Design:

- The proposed dormers are not in keeping with any of the other windows in the mews.
- Replacement of any of the casement windows must be by windows of the same size, aspect and character to be in keeping with the casements in adjacent houses.

Amenity:

- Proposed roof extension would block light and sunlight into rear ground floor rooms, basement rooms, courtyard and rear terrace at 140 Ebury Street.
- Proposed roof extension would cause a sense of enclosure to users of roof terrace at 140 Ebury Street.
- Request that the entirety of the bathroom window on the rear elevation be obscure glazing to protect privacy.

~~Page 57~~

Other

- Potential loss of parking and restriction of access to the private mews during construction
- Objection to building on party walls
- The proposals will create difficulties when maintaining the party walls.
- There is a mature tree in the mews courtyard, which is not shown in the drawings and will be removed.
- Concerns about the discovery of asbestos.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

9 Burton Mews is an unlisted building within the Belgravia Conservation Area. The building is located at the southern end of Burton Mews, backing onto Ebury Street to east and South Eaton Place to the south. It is a single family dwellinghouse comprising two storeys with single-storey side extension.

6.2 Recent Relevant History

None Relevant.

7. THE PROPOSAL

Erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations. The scheme has been revised to ensure the mansard roof complies with our SPG on Roof Extensions.

8. DETAILED CONSIDERATIONS**8.1 Land Use**

The extension would enlarge the existing dwellinghouse, creating an additional bedroom within the side extension. In land use terms the creation of a larger single family dwelling house is considered to be acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

8.2 Townscape and Design

The property forms part of a wider terrace of comparable mews properties which collectively positively contribute to the character and appearance of the Belgravia Conservation Area.

Proposals also include the reconstruction of the single-storey side extension, which is of limited architectural or aesthetic quality, and a mansard. The additional storey will remain subservient to the main mews property, will be scarcely visible from street views and given its traditional design, would not appear at odds with its surroundings. In design terms the roof extension is not opposed.

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4

In relation to the ground floor extension to the side wing, the additional volume will be barely discernible and the reserved contemporary elevation treatment appropriate for what is clearly a later extension.

Fenestration changes to the rear of the mews are of a minor nature and will not diminish the appearance of the building. The replacement of the existing windows with double glazed units is Permitted development.

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.

Sunlight and Daylight

Objections have been received from the adjoining residential occupiers at 140 Ebury Street and the Belgravia Society on the grounds that the proposals would result in a loss of daylight and sunlight to the adjoining properties (particularly 138 Ebury Street). Accordingly, the applicant has carried out an assessment on surrounding properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice" by P J Littlefair 2011.

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight. All the windows tested, at 1 Burton Mews, 37 to 41 South Eaton Place and 138 and 140 Ebury Street, are fully compliant with BRE guidance.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. All windows which face within 90 degrees of due south have been tested (138 and 140 Ebury Street) and found to be fully compliant with BRE guidance.

Sense of Enclosure

The adjoining residential occupiers at 140 Ebury Street have also objected on the grounds that the increase in height of the side extension would cause a sense of enclosure when viewed from their roof terrace at first floor level. However, as the proposed mansard extension would only project 0.7m above the parapet of the roof terrace, it is considered that this would not cause an unacceptable loss of amenity and it would not be sustainable to withhold planning permission for this reason.

Privacy

The adjoining residential occupiers at Flat 2 138 Ebury Street have requested that, in the interest of their privacy, the entirety of the rear bathroom window at first floor level of the main house be obscure glazed. The applicant has amended the proposals accordingly and this will be secured by condition. The dormer windows, on the proposed mansard, would be at an oblique angle to 139 South Eaton Place and are not considered to cause overlooking or a material loss of privacy to any of the adjacent properties

8.4 Transportation/Parking

The dwelling has no off street car parking spaces. It is not considered that the creation of a larger house would not have a material impact on traffic generation or on-street parking pressure in this area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not propose any alteration to the existing means of access to this private residential dwelling.

8.7 Other UDP/Westminster Policy Considerations**Trees**

The proposals involve the loss of a fig tree, which is regrettable as there will not be any space to replace it with the curtilage of the property. But the tree is a vigorous specimen, of below average form, and dominates what is already a small courtyard garden. It would not be reasonable to refuse planning permission on the basis of the loss of this specimen.

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

An Environmental Impact Assessment is not required for a scheme of this size.

8.12 Other Issues

Construction impact

Objections have been made in relation to the potential loss of parking and access to the private mews during construction. It is a requirement of the Town and Country Planning Act 1990 (as amended) and the NPPF that applications are determined in accordance with the development plan. Disturbance during construction is an unwelcome and well understood consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works. The City Council cannot refuse permission to develop on the grounds that building work will be disruptive. The extent of works are not significant enough to warrant a condition requiring a construction management plan, however the contractors are encouraged to become a member of the Considerate Constructors Scheme.

Party Walls

A number of objections were received relating to the party walls, however party wall matters are subject to separate legislation are not a material planning consideration.

Flat Roof

The Belgravia Society has objected to the possible use of the flat roof of the mews being used as an external terrace. A condition has been added to prevent the roof being used for sitting out or for any other purpose.

9. BACKGROUND PAPERS

1. Application form
2. Response from Belgravia Society dated 28 July 2016
3. Letter from occupier of Flat 2, 138 Ebury Street, dated 1 August 2016
4. Letter from occupier of 140 Ebury Street, London, dated 13 July 2016
5. Letter from occupier of 39 South Eaton Place, Belgravia, dated 1 July 2016
6. Letter from occupier of 8a Burton Mews, London, dated 2 August 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 THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK

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Agenda Item 9

Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 November 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	11A Castellain Road, London, W9 1EY,		
Proposal	Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.		
Agent	deDraft		
On behalf of	Mr Melvyn Orton		
Registered Number	16/07049/FULL	Date amended/ completed	25 July 2016
Date Application Received	25 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application was reported to the Planning Applications Committee on 25 October 2016 at which the Committee resolved to defer the application to allow the Committee Members to visit the site prior to determination of the application. The Committee's principal concern was the impact of the proposed development on the amenity of occupiers of the ground and basement level masionette at No.13 Castellain Road.

The Committee visited the application site and the neighbouring masionette at No.13 on 21 November 2016.

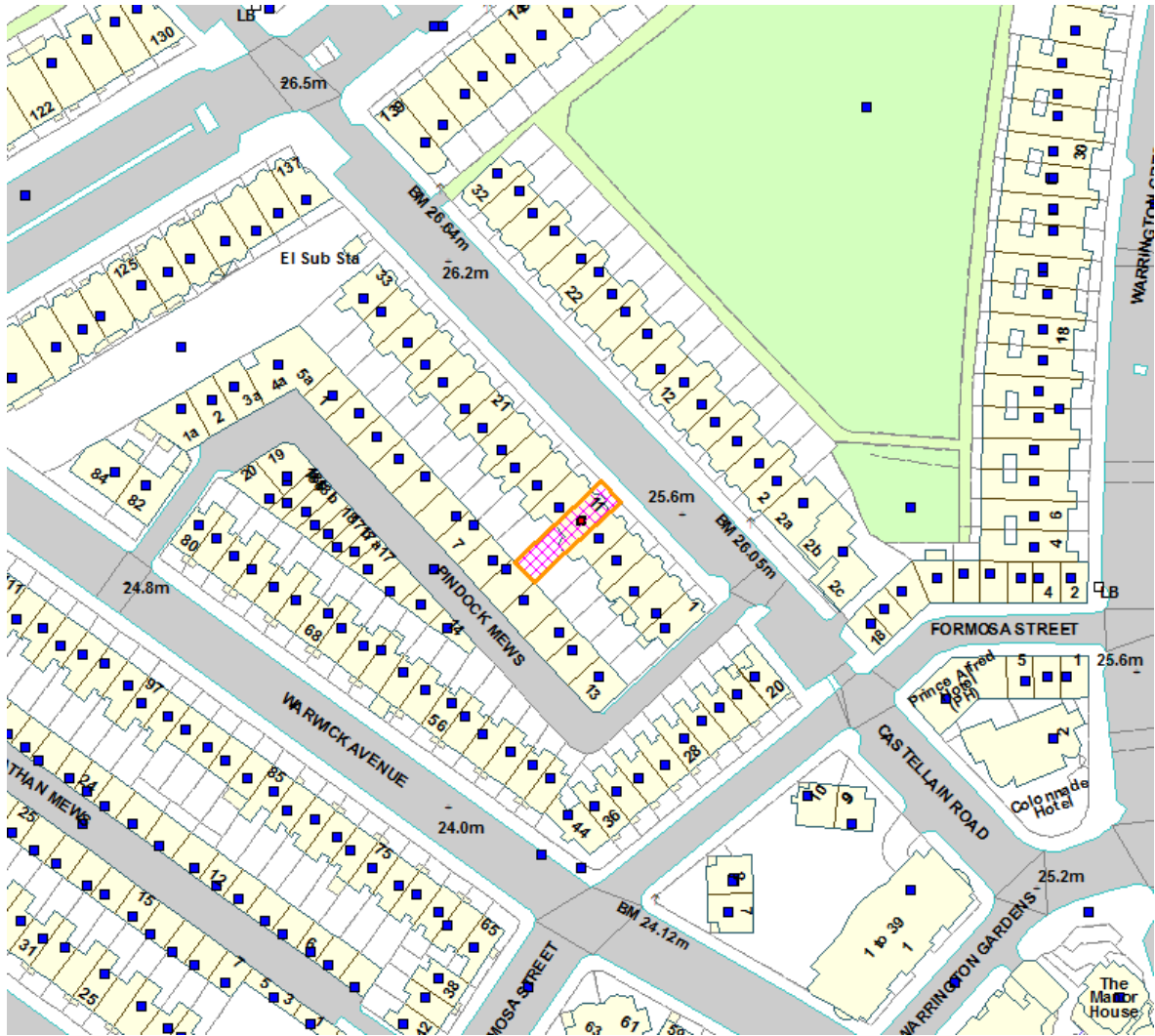
In addition, the applicant has revised the application to address a number of the detailed design concerns previously expressed by officers in the committee report dated 25 October 2016 (see appended to this addendum report). The projecting canopy/ parapet has been omitted and the extension is now to be constructed in brickwork to match the rear elevation of the existing building.

However, it is still proposed to have a double brick on end/ soldier course parapet detail to the parapet of the rear extension and this is an inappropriate detail, which is at odds with the prevailing appearance

the rear of this terrace. Therefore an amending condition is still proposed to seek removal of this brick on end/ soldier course detail and its replacement with horizontally laid brickwork with a stone or reconstituted stone coping to the parapet. Subject to this amending condition, the revised scheme would accord with Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 in the City Plan and would be acceptable in design and conservation terms.

Finally, since the previous committee meeting observations have been received from the Arboricultural Manager and he recommends that a condition is imposed to ensure the trees within the rear garden are protected during the course of construction. Accordingly this condition has been added to the draft decision letter amended to this decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and existing rear elevation of application site at lower ground floor level (bottom).



View over boundary wall towards rear French doors and window of No.13 Castellain Road at lower ground floor level.

5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 25 OCTOBER 2016

Email on behalf of the applicant enclosing a Daylight and Sunlight Report prepared by SP Planning dated 17 October 2016.

FURTHER CONSULATION CARRIED OUT FOLLOWING THE PLANNING APPLICATIONS COMMITTEE ON 25 OCTOBER 2016

ARBORICULTURAL MANAGER

Recommends condition to protect trees in rear garden during construction.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 1 (to occupier of the Ground and Basement Maisonette at No.13).

Total No. of Responses: 0 (any response to be reported verbally).

6. BACKGROUND PAPERS

1. Application form.

REPRESENTATIONS REPORTED TO THE PLANNING APPLICATIONS COMMITTEE ON 25 OCTOBER 2016

2. Email from Councillor Caplan dated 20 September 2016.
3. Letter from the Paddington Waterways and Maida Vale Society dated 9 September 2016.
4. Emails from an occupier of the Basement Flat, 13 Castellain Road dated 24 August 2016 and 16 September 2016.
5. Email from an occupier of 13 Castellain Road dated 16 September 2016.
6. Emails (x2) from the occupier of Flat 1,11 Castellain Road dated 17 September 2016.

ADDITIONAL REPRESENTATIONS REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 25 OCTOBER 2016

7. Email from deDraft Architects dated 17 October 2016 and attached Daylight and Sunlight Report by SP Planning.
8. Email received from the Arboricultural Manager dated 16 November 2016.

Selected relevant drawings

Existing and proposed plans and elevations.

(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 THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

7. KEY DRAWINGS

Notes
 1. All work shall be in accordance with the provisions of the Building Regulations, the Building Act 2004 and the Building Control Regulations 2007.
 2. The drawings are for information only and do not constitute a contract.
 3. All dimensions shall be in millimetres unless otherwise stated.
 4. All dimensions shall be to the face of the work unless otherwise stated.

Architectural Information
 Studio 5, The Workshop,
 214 Fitzroy Street,
 London E1 1DN
 020 7554 7774
 info@studio5.com
 @studio5architect

DE DRAFT

Planning Issue
 Project 305
 11A Cavendish Road
 Makhyn and Eva Odeh

Drawing No. S000
Existing Plans
 Scale: 1:100 at A3 = 1:50 at A1

Drawn 22.07.16
 Man Yee Li

Revisions
 A 16.08.16 No.12 new site plan

Notes
 1. All work shall be in accordance with the provisions of the Building Regulations, the Building Act 2004 and the Building Control Regulations 2007.
 2. The drawings are for information only and do not constitute a contract.
 3. All dimensions shall be in millimetres unless otherwise stated.
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Architectural Information
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 @studio5architect

DE DRAFT

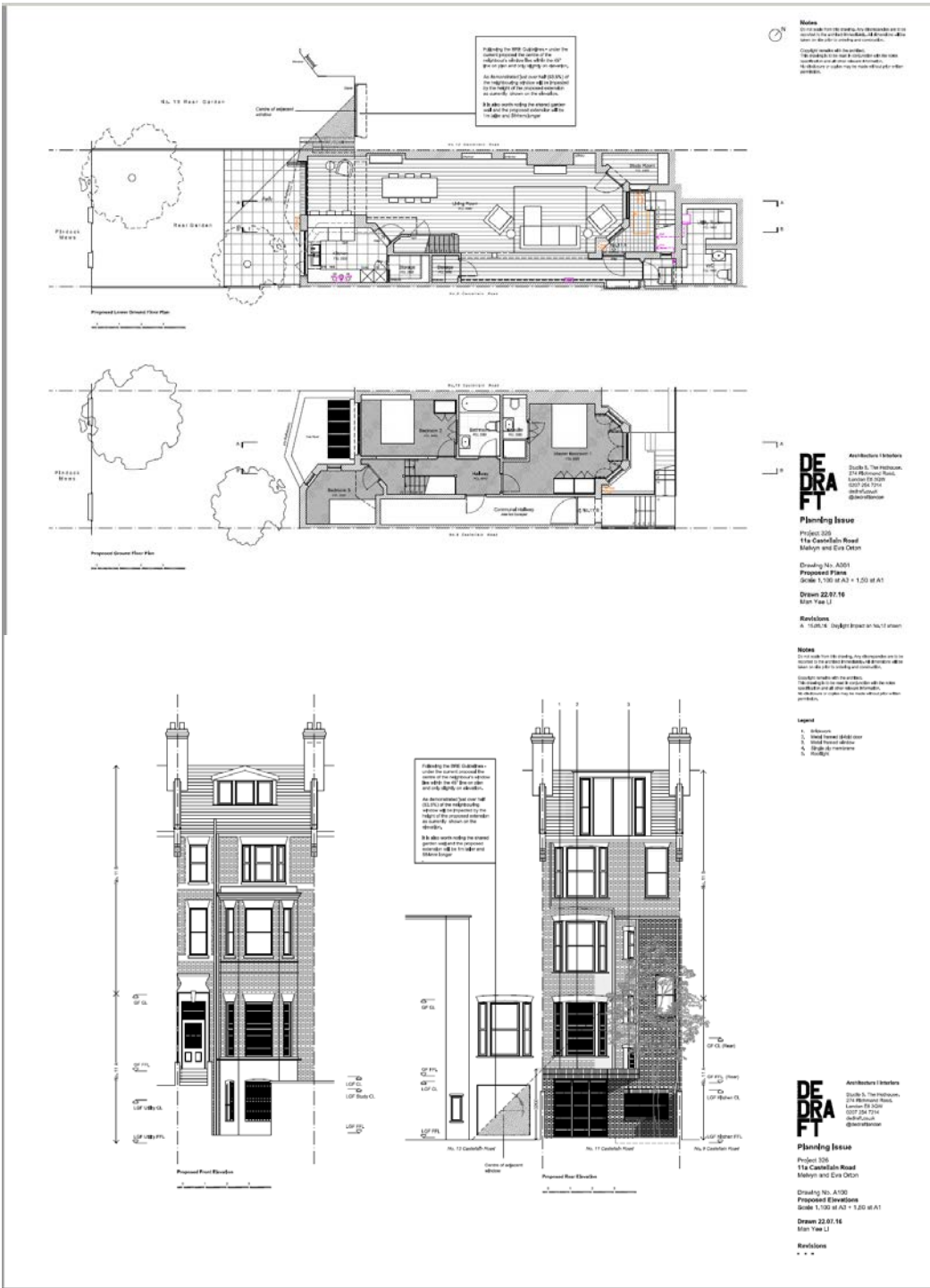
Planning Issue
 Project 305
 11A Cavendish Road
 Makhyn and Eva Odeh

Drawing No. S100
Existing Elevations
 Scale: 1:100 at A3 = 1:50 at A1

Drawn 22.07.16
 Man Yee Li

Revisions
 A 16.08.16 No.12 new elevation sheet

Existing floorplans (top) and existing elevations (bottom).



Proposed floorplans (top) and proposed elevations (bottom).

Planning Applications Committee Minutes – 25 October 2016

3 11A CASTELLAIN ROAD, LONDON, W9

Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.

Additional representations were received from S P Planning (18.10.16).

Councillor Melvyn Caplan addressed the Committee in his capacity as a Ward Member.

RESOLVED:

That consideration of the application be deferred to enable Committee Members to visit the site.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 25 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	11A Castellain Road, London, W9 1EY,		
Proposal	Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.		
Agent	deDraft		
On behalf of	Mr Melvyn Orton		
Registered Number	16/07049/FULL	Date amended/ completed	25 July 2016
Date Application Received	25 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

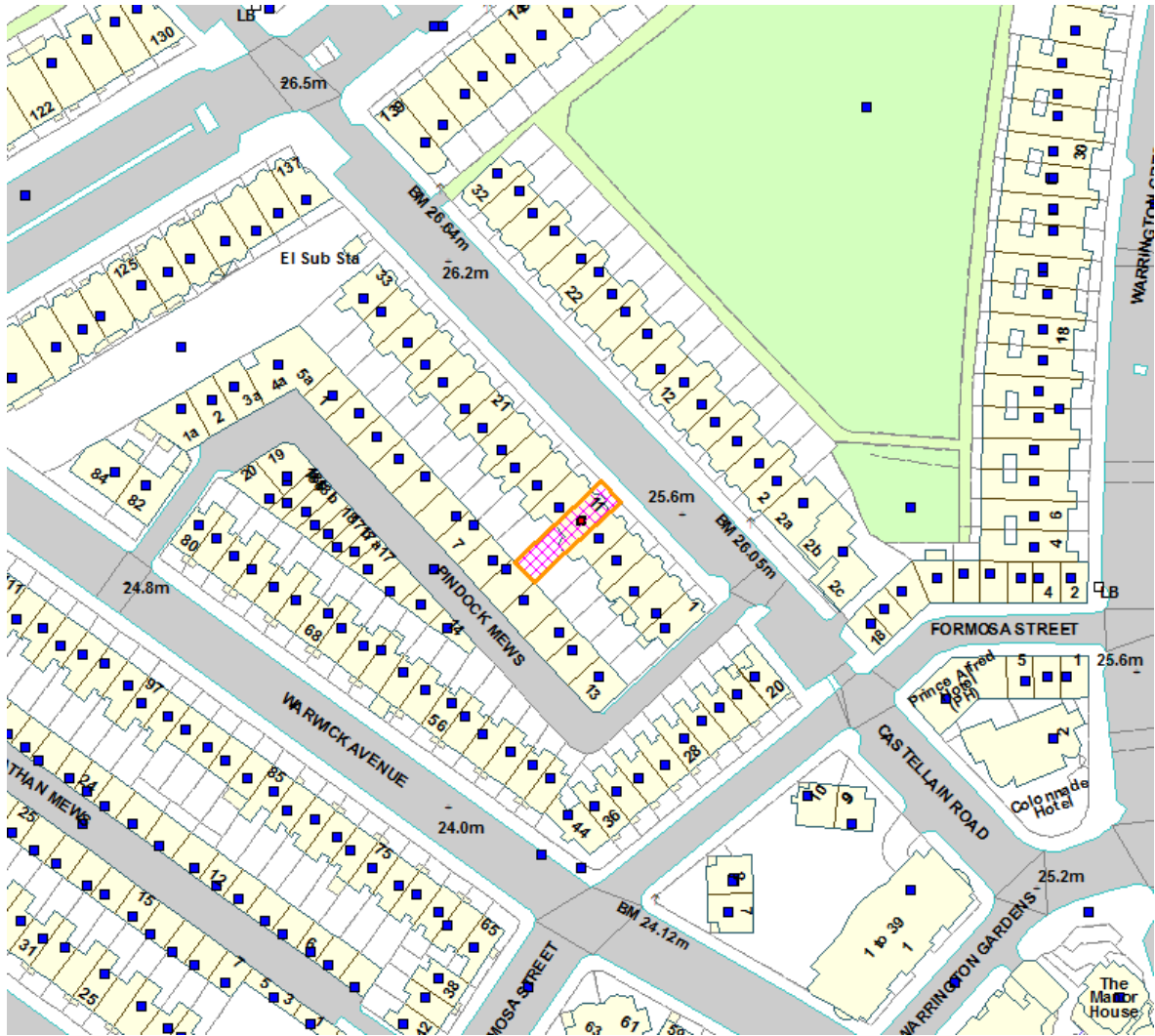
The application relates to a maisonette at ground and lower ground floor level within this unlisted building located within the Maida Vale Conservation Area. Planning permission is sought for the erection of rear single storey extension at lower ground floor level and alterations to the front lightwell.

The key issues are:

- The impact of the proposed extension and alterations on the appearance of the building and the character and appearance of the Maida Vale Conservation Area.
- The impact of the proposed extension on the amenity of neighbouring residents.

For the reasons set out in the report, it is not considered that permission could reasonably be refused on amenity grounds and that the proposed development is acceptable in all other regards and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in July 2016 (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



Front elevation (top) and existing rear elevation of application site at lower ground floor level (bottom).



View over boundary wall towards rear French doors and window of No.13 Castellain Road at lower ground floor level.

5. CONSULTATIONS

COUNCILLOR CAPLAN

Asks that the application is reported to committee.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection. Materials should be sympathetic to the host building. Ask that neighbours' views are taken into consideration.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 23; Total No. of Responses: 5 emails received from 3 respondents raising objection on all or some of the following grounds:

Amenity

- Loss of daylight to windows serving neighbouring properties.
- There is potential for the bedrooms within the basement flat at no. 13 Castellain Road to be moved downstairs, which would mean that the rooms would lack natural light.
- Loss of sunlight.
- Loss of privacy.
- The proposal will also impact the amount of daylight received at the application site.

Other Matters

- The applicant's are impacting neighbouring properties without having moved in.
- Lack of consultation from the applicant could have resulted in the respondent having no recourse to object.
- Query as to whether the applicant intends to move in or re-sell the property.
- Civil action will be taken against both the applicant and those responsible for the loss of light to the basement flat at No.13 Castellain Road.
- Question if neighbours would be compensated.
- The proposal will impact the value of the basement property at no.13 Castellain Road.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a ground and lower ground floor flat in an unlisted mid-terraced Victorian building. The building is located on the southwest side of Castellain Road and is located within the Maida Vale Conservation Area.

6.2 Recent Relevant History

6.2.1 Application Site

19 August 2010 – Certificate of Lawful Proposed Use or Development issued for use of lower and upper ground floors as one maisonette (10/05671/CLOPUD).

6.2.2 No.9 Castellain Road

17 July 2014 – Permission granted for the erection of single storey rear extensions at basement level in connection with use as two maisonettes and alterations to increase size of rear window (14/04866/FULL).

7. THE PROPOSAL

This application seeks permission for the erection of a single storey rear extension at lower ground floor level and for alterations within the front lightwell; namely, to replace the tiling on the stairs and floor, install new lighting and replace the timber doors.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is assessed against Policy H 3 in the UDP and Policy S14 in the City Plan, which seek to encourage the provision of more residential floorspace, including the creation of new residential units. The development would result in the increase of residential floorspace and is therefore acceptable in principle in land use terms.

8.2 Townscape and Design

Policy DES 5 in the UDP seeks to ensure the highest level of design in alterations and extensions. The policy specifically states that permission will generally be granted for development that is confined to the rear of the building, does not visually dominate the building, is of a scale and detailed design that reflects the host building and the use of materials is consistent with those present on the building and in the wider setting.

As proposed the rear extension will not project beyond the building line of the closet wing, with the new bi-fold doors set back from the rear elevation. As submitted the proposed extension proposes a projecting angled canopy/ parapet and is proposed to be finished in contrasting brickwork to the host building. These detailed design elements of the proposed extension would not accord with Policy DES5 and would harm the appearance of the building and the character and appearance of the conservation area. However, the applicant has agreed to the imposition of conditions requiring the omission of the angled canopy/ parapet in favour of a parapet that is flush with the elevation (as approved and now built at No.9 Castellain Road) and to require the extension and associated alterations to the rear elevation at lower ground floor level to be constructed in stock brickwork of a colour and texture to match the rest of the rear elevation of the building.

Subject to the aforementioned conditions, given its scale, form and detailed design the extension is not considered to compete with the host building and its setting. As the extension does not project beyond the depth of the buildings existing bay, the rhythm of rear bay projections within this terrace will be maintained and the existing chamfered corner to the original closet wing is still evident above. The replacement of the window at lower ground floor level is not contentious as the existing appears to be a later addition and the replacement is in keeping with the design approach of the extension. The new

larger opening to accommodate bi-folding doors is considered to be acceptable in this relatively discrete location on the building.

The works in the front lightwell principally seek to upgrade the existing materiality and detailing; this is not contentious in design terms and will preserve or enhance the character and appearance of the Maida Vale Conservation Area. However, a condition is recommended to secure further details of the proposed slip resistant tiling.

In summary, the proposed extension and alterations are considered to be acceptable in design terms and subject to the recommended conditions they would be in accordance with UDP policies DES 1, DES 5 and DES 9 and policies S25 and S28 in the City Plan.

8.3 Residential Amenity

Objection has been received on grounds that the proposed rear extension would result in a material loss of daylight and sunlight to the rear French doors and side light windows serving the lower ground floor living room and kitchen of the maisonette at lower ground and ground floor levels in No.13 Castellain Road. To assess the impact on the amenity of the occupiers of this neighbouring flat a site visit to the objectors' property was carried out during the course of this application on 14 September 2016 by the case officer.

The proposed extension would increase the height of the application property at the boundary with No.13 by approximately 1 metre and the proposed extension would project approximately 2.5 metres from the existing rear elevation. It was apparent from the site visit to the objector's property at No.13 that the proposed extension would be visible in views from the windows and doors to the rear of his property at lower ground floor level, particularly in more oblique views from within the room that the windows and doors serve.

The City Council's amenity policies (ENV13 in the UDP and S29 in the City Plan), advise that the impact of development should be assessed having regard to the guidance provided in the Building Research Establishment's (BREs) guidance document 'Site Layout for Daylight and Sunlight' (2011). The BRE advise that for domestic extensions that would be perpendicular to a neighbouring window the impact on diffuse daylight reaching the neighbouring window can be assessed by a method known as the '45 degree approach'. This method of assessment involves drawing a 45 degree line from the parapet of the extension on the proposed elevation and from the rear wall of the extension on the proposed floorplan. The BRE guidelines advise that if the centre of the window (or a point 1.6 metres above ground level in the case of patio doors) of the next door property lies on the extension side of the 45 degree line, then the proposed extension may well cause a significant reduction in the skylight received by the window.

In this case, the affected window opening at No.13 comprises a patio doors with side and top light windows. As such, the point 1.6 metres above ground level on this window would fall outside of the 45 degree line in elevation, but would fall within the 45 degree line when measured on the floorplan. Therefore it is likely that the proposed extension would cause a minor material loss of daylight to the neighbouring patio doors and side and top light windows at No.13. However, given the size of the affected window and door opening and as the affected flat is a maisonette with other habitable rooms served by unaffected windows, it is not considered that the loss of daylight that would be caused would be so significant so as to warrant withholding permission.

With regard to sunlight, the proposed extension would sit alongside the existing closet wing of No.11, to the south east of both the new extension and the neighbouring patio doors and windows at No.13. As a result, whilst there would be some increased loss of sunlight falling on the patio doors and windows at lower ground floor level to No.13 in the early afternoon, the majority of the additional bulk of the proposed extension would be located behind the existing larger closet wing and as a result would not have any additional impact in terms of sunlight loss. In this context, it is not considered that the degree of sunlight loss that would be caused would be sufficient to reasonably withhold planning permission.

In terms of increased sense of enclosure, as previously noted, the extension would be appreciable in views from the rear windows and doors of No.13. However, whilst this change in outlook would not amount to a significant increase in enclosure as the windows and doors would still afford a largely unaltered outlook to the south west.

No windows are proposed in the flank elevation of the proposed extension and as such, there would be no increase in overlooking to neighbouring properties or their gardens.

A condition is recommended to prevent the future use of the roof of the extension as a terrace to prevent overlooking to neighbouring windows and gardens.

The alterations to the front lightwell are not considered to raises any amenity issues.

In summary, for the reasons set out in this section of the report the impact of the proposed development in amenity terms would not be so significant as to warrant withholding permission and it is considered that the application would accord with policy ENV 13 in the UDP and policy S29 in the City Plan.

8.4 Transportation/Parking

The proposals will not result in an increase in the number of residential units therefore there are no highways issues to consider.

8.5 Economic Considerations

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

8.6 Access

The application does not adversely affect the existing means of access to this private residential property.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

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

The application is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

Objections have been raised on grounds that the applicant has yet to occupy the application site, that neighbours were not consulted by the applicant prior to submission of the application, that the applicant may be a property developer who will not occupy the property and that the neighbours should be compensated for the impact of the proposed extension.

The identity of the applicant, the length of time they have occupied the application site (if at all) and their future intentions for the application property are not valid grounds on which to withhold planning permission. The application must be assessed on its planning merits having regard to all relevant development plan policies and other material considerations. This is the assessment that has been carried out elsewhere in this report.

Whilst it is good practice to consult with and forewarn neighbours of future development proposals, there is not a legal requirement under planning legislation to serve notice on the occupiers of neighbouring properties who do not have an interest in the ownership of the application site. As such, permission could not be withheld on the basis that the applicant did not consult with neighbouring residents prior to submission of the planning application.

One objector also cites that legal recourse and compensation will be sought if planning permission is granted for the proposed extension. However, there is no compensation payable under planning legislation for loss of light that may occur as a result of development; rather, recourse of this nature is a civil matter for resolution between the respective land owners under the separate right to light legislation. The assessment in planning terms is made having regard to adopted planning policies in the development plan, as set out in Section 8.3.1 of this report.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Caplan dated 20 September 2016.
3. Letter from the Paddington Waterways and Maida Vale Society dated 9 September

- 2016.
4. Emails from an occupier of the Basement Flat, 13 Castellain Road dated 24 August 2016 and 16 September 2016.
 5. Email from an occupier of 13 Castellain Road dated 16 September 2016.
 6. Emails (x2) from the occupier of Flat 1,11 Castellain Road dated 17 September 2016.

Selected relevant drawings

Existing and proposed plans and elevations.

(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 THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

DRAFT DECISION LETTER

Address: 11A Castellain Road, London, W9 1EY,

Proposal: Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.

Reference: 16/07049/FULL

Plan Nos: Site location plan, S002 Rev.A, S100 Rev.A, S200, S201, A001 Rev.B, A100 Rev.A, A200 Rev.A, A201 Rev.A, A250 Rev.A (for information only) and A900.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

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 piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the following parts of the development - slip resistant tiling within the front lightwell. 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 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. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 The rear lower ground floor extension and associated alterations to the closet wing hereby approved shall be constructed in unpainted stock brickwork to match the colour, texture and bond of the existing stock brickwork to the rear elevation of the building.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: Omission of the double brick on end/ soldier course parapet detail and replacement with horizontally laid brickwork and a stone or reconstituted stone coping to the side and rear elevations of the rear lower ground floor extension. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing A001 Rev.B. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	5 Denning Close, London, NW8 9PJ		
Proposal	Details of Arboricultural Tree Protection Plan Report and Construction Management Plan, pursuant to Condition 4 and 5 of the planning permission dated 27 October 2015 (RN: 15/01829/FULL).		
Agent	The Basement Design Studio		
On behalf of	Mrs Sally Kattan		
Registered Number	16/09337/ADFULL	Date amended/ completed	28 September 2016
Date Application Received	28 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Approve details

2. SUMMARY

This application seeks approval of tree protection measures and a Construction management plan pursuant to Conditions 4 and 5 of the planning permission dated 27 October 2015 (RN: 15/01829/FULL), which granted permission for the excavation of a basement extension below the dwellinghouse at No.5 Denning Close.

In granting permission in October 2015 the Planning Applications Committee (No.4) resolved that the construction management plan required by Condition 5 should include the position of the skip and an additional informative was imposed that set out the need for the applicant to explore the siting of the skip off the road in Denning Close and demonstrate that the location of the skip would maintain access to neighbouring properties, including for emergency services vehicles.

The tree protection measures and construction management plan that have been submitted address the requirements of the two conditions and it is therefore recommended that the details submitted are approved.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation with previously approved construction hoardings.

5. CONSULTATIONS

ARBORICULTURAL MANAGER

No objection. The details of the tree protection detail including fencing and ground protection on the submitted plan are acceptable and are consistent with the Construction Management Plan.

ENVIRONMENTAL HEALTH

Note that planning application to which this approval of details application relates was approved before new Code of Construction Practice regime came into force under the new basement development policy (Policy S28.1 in the City Plan).

HIGHWAYS PLANNING MANAGER

Acceptable in transportation terms.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13.

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 a two storey unlisted building located within the St John's Wood Conservation Area. Denning Close is a private road and does not form part of the public highway. The property is in use as a single dwellinghouse.

6.2 Recent Relevant History

27 October 2015 – Planning permission was granted by the Planning Applications Committee (No.4) for the creation of a new basement storey with two front lightwells, one rear lightwell and one rear glazed rooflight (15/01829/FULL). This proposal involved excavation of a larger basement than was approved on 25 September 2013. This approval of details application relates to this application.

29 January 2014 – Approval given for details of method statement explaining measures to protect the trees on and close to the site and an arboricultural method statement pursuant to Condition 4 of planning permission dated 25 September 2013 (RN: 13/07524).

25 September 2013 – Planning permission granted for the creation of a new basement storey with two front lightwells and one rear glazed roof (13/07524/FULL). This permission is currently being implemented on site in accordance with a construction management plan approved as part of the planning application in September 2013 and the tree protection measures approved in January 2014 (see above).

7. THE PROPOSAL

The application seeks approval of details of tree protection measures during construction works and a construction management plan pursuant to Conditions 4 and 5 of the planning permission dated 27 October 2015 (RN: 15/01829/FULL)

Condition 4 states:

“Notwithstanding the documents submitted you must apply to us for approval of the ways in which you will protect the trees on and close to the site. You must not start any demolition, site clearance or building work and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details”.

Condition 5 states:

“Notwithstanding the Construction Management Plan submitted no development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

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

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

The above condition was amended by the Committee to include the requirement at (vii) to provide details of the position of the skip and an additional informative was added outlining the need to explore the siting of the skip off the road and the need to demonstrate maintenance of access for emergency services. The informative reads as follows:

“In relation to Condition 5 you will need to consider and evidence the following:

- a) the possibility of locating the skip off of the road and within the application site;*
- b) alternative skip locations considered;*
- c) ability for emergency vehicles to pass when the skip is in situ;*
- d) the use of smaller construction vehicles.”*

8. DETAILED CONSIDERATION

8.1 Tree Protection Measures (Condition 4)

The Arboricultural Manager has assessed the submitted details of the tree protection, which include protective fencing and ground protection and considers that these are acceptable and would provide appropriate protection for trees adjacent to the development site. As such the details submitted pursuant to Condition 4 accord with Policies ENV16 and ENV17 in the UDP and are recommended for approval.

8.2 Construction Management Plan (Condition 5)

A construction management plan and addendum have been submitted in pursuit of Condition 5 and this successfully addresses the first six criteria of the condition.

In respect of the seventh criteria imposed by the Committee (to consider options for the location of the skip so that it would not impede access, including for emergency vehicles), the applicant has stated that alternative skip locations off the road have been considered. However, the area at the front of the property within the site is too small to accommodate a skip and would restrict excavation of the front lightwell and site access. The carport area houses the welfare facilities for the construction phase and the proposed basement is to be constructed under this area. In addition the car port would need to be demolished to allow skip access.

Locating the skip on an alternative road outside Denning Close has also been considered by the applicant, but has been dismissed as this would involve more disruption within the close itself because of the need to transfer spoil from the site to the skip along Denning Close.

The applicant has confirmed that emergency vehicle access will not be hindered by the skip as that more than the required width of road remains. A road width of 3.3 metres would be retained past the site hoarding with the maximum width of emergency vehicles typically being 2.5 to 2.6 metres (excluding wing mirrors). The applicant states that the skip location proposed, which is already in operation on site as it was approved as part of the 2013 planning permission, has resulted in any complaints from neighbours regarding access and it is noted that the current application has not attracted any objections.

In relation to the request to consider the use of smaller construction vehicles, the applicant has confirmed that a smaller grab lorry than would typically be used is to be used on this site to minimise the impact on neighbours and to avoid causing parking issues for residents in Denning Close. They also state that they have agreed to notify the owner of No. 4 Denning Close (which is immediately adjacent to No.5) 10 minutes before any deliveries are due to arrive on site.

No objections have been received to the application in response to consultation with the occupiers of Denning Close and it is considered that the proposed construction management arrangements are acceptable and would suitably protect the amenity of

neighbouring residents and the operation of the highway during the period of construction works.

9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Environmental Health dated 6 October 2016.
3. Memorandum from the Highways Planning Manager dated 17 October 2016.
4. Memorandum from Arboricultural Officer dated 4 November 2016.

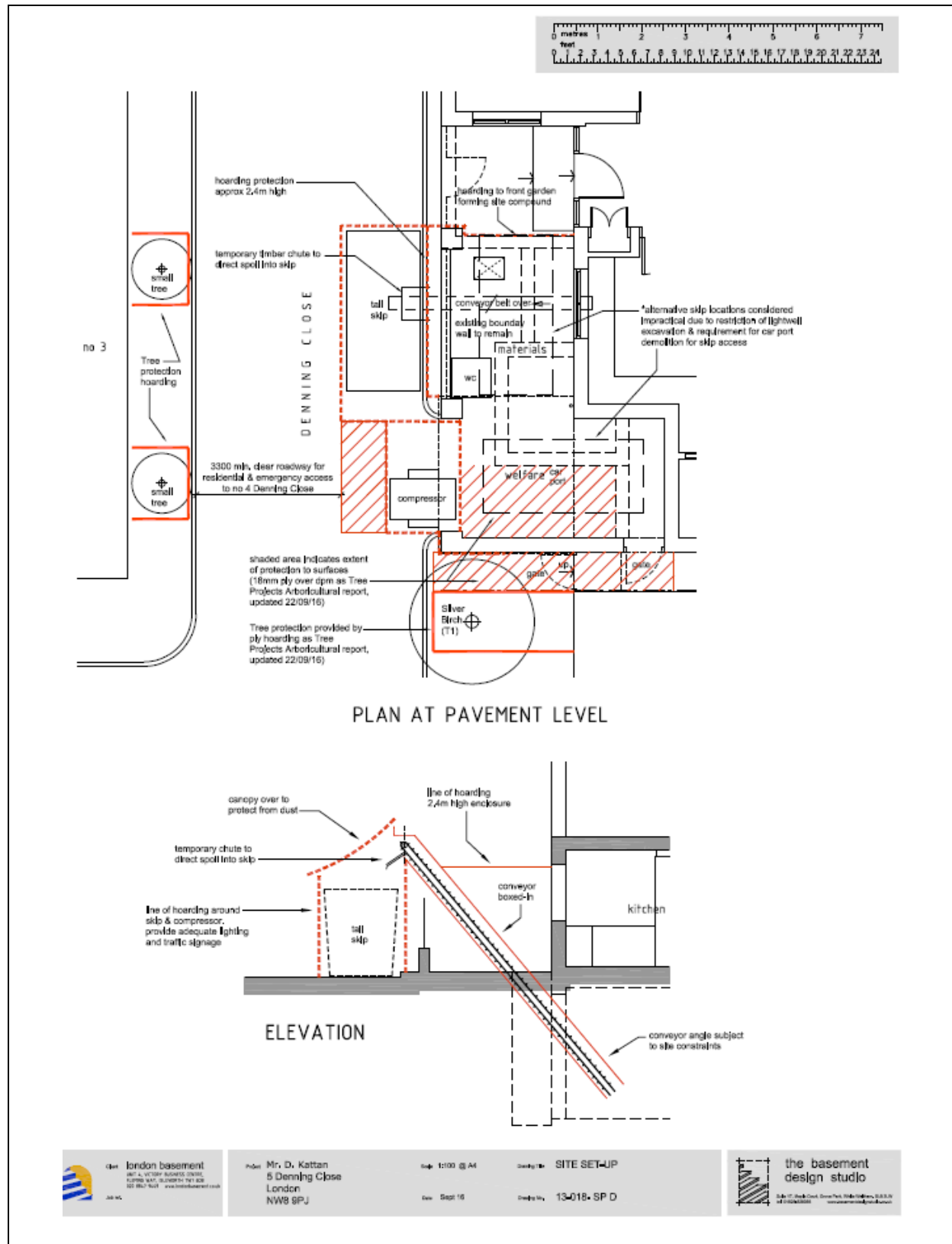
Selected relevant drawings

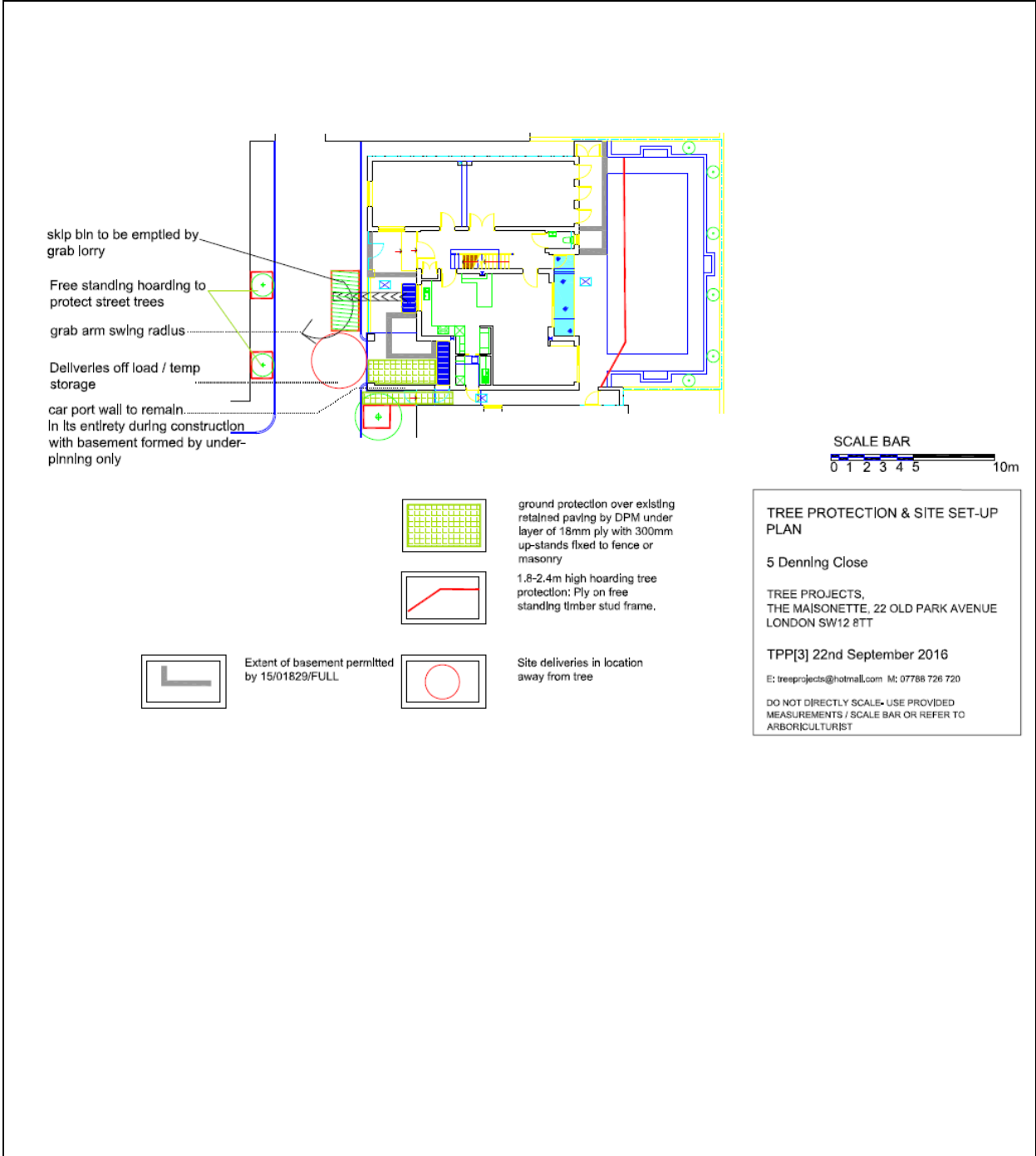
Construction site set up plan and tree protection plan.

(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 THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT: ogibson@westminster.gov.uk.

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 5 Denning Close, London, NW8 9PJ,

Proposal: Details of tree protection and a construction management plan pursuant to Condition 4 and 5 of the planning permission dated 27 October 2015 (RN: 15/01829/FULL).

Plan Nos: Construction Management Plan (Rev.E) dated September 2016, Construction Management Plan Addendum dated November 2016, Tree Protection Statement dated 22 September 2016 and Tree Protection Plan (TPP[3] 22 September 2016).

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Unconditional or if an Advert Application only the standard advert conditions

Informative(s):

- 1 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up advertisements on the proposed hoarding.
- 3 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.
- 4 This permission fully meets conditions 4 and 5 of the planning permission dated 17 October 2015. (I11AA)