



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (2)**

Meeting Date: **Tuesday 10th January, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**

Peter Freeman (Chairman)  
Ruth Bush  
Melvyn Caplan  
Paul Church

**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](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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**

- |  |                          |
|--|--------------------------|
| <b>1. 52-53 POLAND STREET, LONDON, W1F 7NB</b>               | <b>(Pages 3 - 38)</b>    |
| <b>2. 16 WIGMORE PLACE, LONDON, W1U 2LX</b>                  | <b>(Pages 39 - 46)</b>   |
| <b>3. ESSENDINE MANSIONS, ESSENDINE ROAD, LONDON, W9 2LY</b> | <b>(Pages 47 - 78)</b>   |
| <b>4. 93 - 95 GLOUCESTER PLACE, LONDON, W1U 6JQ</b>          | <b>(Pages 79 - 102)</b>  |
| <b>5. 66 CHESTER SQUARE, LONDON, SW1W 9DU</b>                | <b>(Pages 103 - 134)</b> |
| <b>6. 20 ST JAMES'S STREET, LONDON, SW1A 1ES</b>             | <b>(Pages 135 - 146)</b> |
| <b>7. 12 FREDERICK CLOSE, LONDON, W2 2HD</b>                 | <b>(Pages 147 - 162)</b> |
| <b>8. 53A HEREFORD ROAD, LONDON, W2 5BB</b>                  | <b>(Pages 163 -</b>      |

**9. 9 CHAPEL SIDE, LONDON, W2 4LG**

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**(Pages 179 -  
184)**

**Charlie Parker  
Chief Executive  
19 December 2016**

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# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS COMMITTEE – 10th January 2017  
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN NO(s) :</b> 16/05651/FULL	52-53 Poland Street London W1F 7NB	Demolition of the seventh floor, roof plant enclosure, and front facade; replacement of front facade and seventh floor accommodation with extension to existing (front) terrace, and erection of eight floor roof addition, installation of new and relocated plant (including plant to existing basement and ground floor entertainment premises). Use of part ground and first to eighth floors as a hotel with ancillary first floor cafe (Class C1)	
	<b>Recommendation</b> Grant conditional permission			
2.	<b>RN NO(s) :</b> 16/10373/FULL	16 Wigmore Place London W1U 2LX	Installation of a new service door at north elevation and new door and fanlights to west elevation.	
	<b>Recommendation</b> Grant conditional permission			
3.	<b>RN NO(s) :</b> 16/08740/FULL	Essendine Mansions Essendine Road London W9 2LY	Development of four new dwellings with rear gardens with associated access, landscape, play and recreation improvements. Reinstatement or replacement of boundary treatments.	
	<b>Recommendation</b> Refuse permission - impact on character of open land; impact on accessible open space; lack of car parking; insufficient information to adequately demonstrate the impact of the development on trees and ecology.			
4.	<b>RN NO(s) :</b> 15/07789/FULL 15/07790/LBC	93 - 95 Gloucester Place London W1U 6JQ	Use of building as nine self contained residential flats (Class C3). Internal and external alterations.	
	<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.			
5.	<b>RN NO(s) :</b> 16/04122/FULL 16/04123/LBC	66 Chester Square London SW1W 9DU	Demolition of existing mews building to rear (Ebury Mews East) and erection of replacement mews building comprising lower ground, ground and two upper floors. Erection of extension to closet wing	

**CITY OF WESTMINSTER**  
**PLANNING APPLICATIONS COMMITTEE – 10th January 2017**  
**PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

	Knightsbridge And Belgravia		containing lift shaft to rear elevation of the main building; erection of lower ground floor infill extension, internal refurbishment and alterations, installation of mechanical plant at first and fourth floors.	
<b>Recommendation</b>				
1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>6.</b>	<b>RN NO(s) :</b> 16/07262/FULL  St James's	20 St James's Street London SW1A 1ES	Use of basement and part of the ground floor as office (Class B1), alterations to the office frontage and entrance; replacement of plant and screen at roof level.	
<b>Recommendation</b>				
Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>7.</b>	<b>RN NO(s) :</b> 16/04632/FULL  Hyde Park	12 Frederick Close London W2 2HD	Erection of a mansard roof extension. Replacement of the existing front door.	
<b>Recommendation</b>				
Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>8.</b>	<b>RN NO(s) :</b> 16/06581/FULL 16/08930/LBC  Bayswater	53A Hereford Road London W2 5BB	Erection of a single storey rear extension at lower ground floor level.	
<b>Recommendation</b>				
1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>9.</b>	<b>RN NO(s) :</b> 16/10669/ADFU LL  Lancaster Gate	9 Chapel Side London W2 4LG	Details of construction management plan pursuant to Condition 3 of planning permission dated 23 August 2016 (RN: 16/05301/FULL).	
<b>Recommendation</b>				
Approve details.				

# Agenda Item 1

Item No.
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<b>1</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> West End		
<b>Subject of Report</b>	52-53 Poland Street, London, W1F 7NB,		
<b>Proposal</b>	Demolition of the seventh floor, roof plant enclosure, and front facade; replacement of front facade and seventh floor accommodation with extension to existing (front) terrace, and erection of eight floor roof addition, installation of new and relocated plant (including plant to existing basement and ground floor entertainment premises). Use of part ground and first to eighth floors as a hotel with ancillary first floor cafe (Class C1)		
<b>Agent</b>	Z Hotels Ltd		
<b>On behalf of</b>	Planning Resolution Ltd		
<b>Registered Number</b>	16/05651/FULL	<b>Date amended/ completed</b>	14 July 2016
<b>Date Application Received</b>	16 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

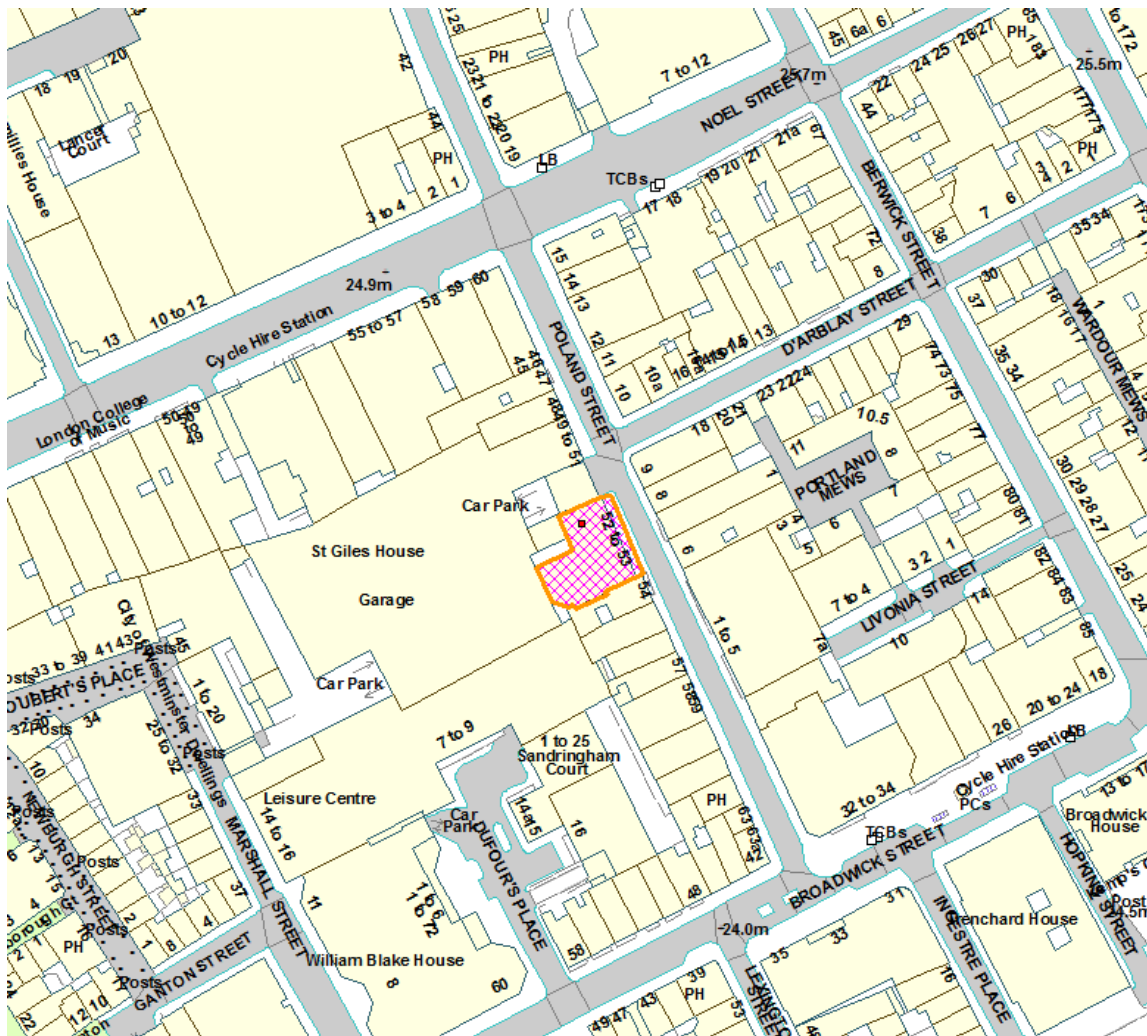
This application relates to vacant offices on the upper floors, and ground floor entrance, of a 1950s development on the west side of Poland Street, adjacent to the entrance to the public car park. The entertainment uses on basement and ground floors do not form part of the application site. Permission was granted in 2015 for alterations and extensions to the upper floors and their conversion to provide 19 flats. The current scheme proposes the use of the upper floors as a hotel with an ancillary café on part first floor level (Class C1). The scheme includes the permitted extensions at seventh floor and roof levels but omits approved extension to the southern lightwell and also the forward projection of the building line on the lower floors. The scheme has been amended to address officers' concerns about the detailed design of the front elevation. Objections have been received to the loss of the existing offices and to the impact of the proposals on residents' amenities. The key issues in this case are:

- the acceptability of the proposals in land use terms;
- the impact of proposed extensions and alterations upon the character and appearance of this

- part of the Soho conservation area; and
- the effect of the proposal on the amenities of neighbouring residential properties.

Given the site location, the introduction of a hotel is acceptable in principle in land use terms and subject to conditions, it is not considered that the proposal would have a material adverse impact on residents' amenities. The revised scheme is also considered acceptable in townscape terms. The proposal is considered to comply with relevant UDP and City Plan policies and is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### SOHO SOCIETY

Objection – loss of office floorspace will have an adverse impact on businesses in Soho, an alternative scheme which retains office floorspace would be preferred.

### CLEANSING

Revised plan showing designation of waste bins and waste route diagram required.

### HIGHWAYS

No objection subject to conditions

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### METROPOLITAN POLICE

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 216

Total No. of replies: 10

No. of objections:8 No. in support: 1 Neutral: 1

#### Land use

- Loss of space of office/creative industries space
- Hotel and café use unacceptable in principle in this location; no demand for another hotel

#### Amenity

- Noise and disturbance due to increased, 24-hour, activity on the site in a residential/office location
- Noise disturbance from use of the terraces and first floor restaurant, increased traffic generation
- Litter generation from use of roof terraces
- Noise disturbance from night time servicing
- Noise disturbance from plant operation
- Loss of light and skyline
- Overlooking from hotel rooms

#### Highways

- Highway obstruction from servicing vehicles

#### Other

- Hotel restaurant will exacerbate existing problems with vermin/pigeons
- Noise disturbance to residents and noise-sensitive businesses during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

52-53 Poland Street is an unlisted building situated on the west side of the street, between its junctions with Noel Street and Broadwick Street, within the Soho Conservation Area. The building comprises a basement karaoke bar, a ground floor restaurant and offices on first to seventh floor levels. The seventh floor accommodation is set back from the front facade and provides access to a large terrace at the front of the building.

The entire building is set behind the building line of the neighbouring property at 54 Poland Street. The basement and ground floors do not, other than the ground floor access to the upper floors, form part of the application site.

This part of Poland Street is characterised by a mixture of commercial uses on the lower floors with offices and residential uses above, including flats at 1B and 55-59 Poland Street. There are residential developments immediately to the rear of the site, including at 16 Marshall Street and 7 Dufour's Place.

There is a recent permission for the use of the neighbouring site at 49-51 Poland Street as an hotel. Previous permission for the conversion of neighbouring offices at 54 and 55-56 Poland Street to flats do not appear to have been implemented, and have now expired.

The site is located within the Core Central Activities Zone and within the Creative Industries Special Policy Area (SPA) as defined in the Unitary Development Plan (UDP). This SPA designation is not included within the City Plan.

The building is situated within the protected vista from Primrose Hill to the Palace of Westminster.

### 6.2 Relevant history

1958-1959 - Permissions were granted for a series of applications for the erection of a new building comprising storage and showroom use on the basement and ground floors, offices on the first to sixth and rear seventh floors and a residential flat at seventh floor front. Parking for the development was to be provided on either the seventh or top floor of the adjacent Poland Street car park. These upper parking levels were lost as part of the Marshall Street development approved in 2007, which involved the retention of the car park on the lower floors and the redevelopment of the upper floors as flats. The parking for 52-53 Poland Street was not re-provided within the Marshall Street scheme, although by 2007 there was no evidence of this reserved parking. There is also no evidence of a residential use within the building.

The subsequent planning history for the application site principally relates to the use of the lower floors for Class A3 purposes and the installation of associated kitchen extract ducts and air conditioning equipment. The existing entertainment uses are permitted to operate until 01.00 hours following the granting of permission for extended opening hours on 12 December 1996. There are no conditions relating to the hours of plant operation.

10 November 2015: Permission granted for use of part ground floor and the upper floors of the building for up to 19 residential units (Class C3), alterations including forward projection of front facade on first to fifth floors, extension to seventh floor front terrace and eighth floor roof addition; infill extensions to southern lightwell on third to eighth floors; creation of residential terraces on all levels; installation of new and relocated plant at ground, first and roof levels, with associated plant enclosures.

Permission was granted subject to a s106 legal agreement to secure a contribution of £715,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development); lifetime car club membership for the occupants of each new dwelling and s106 monitoring costs. This permission has not been implemented.

## 7. THE PROPOSAL

This application is for alterations and extensions to the existing building and for the use of the first to seventh and new eighth floors (including the ground floor entrance) as a hotel with an ancillary café at part first floor level. Works include:

- demolition of and replacement of existing seventh floor and roof level plant enclosure;
- erection of a replacement seventh floor, including a partial extension to the existing seventh floor terrace;
- erection of an eighth floor roof extension and the installation of roof level plant;
- the replacement of the front facade above ground level;
- the relocation of existing plant and full height kitchen extract ducts for the basement and ground floor entertainment uses, the installation of new hotel plant and the provision of acoustic screening – all to the ground floor roof within the southern lightwell;
- the installation of roof level photovoltaic panels to the main roof, enclosed by a “mansafe” system.

Some of the above works were previously approved in the 2015 permission, particularly those concerning the top part of the building. The approved residential scheme also proposed extensions within the southern lightwell on third to eighth floors and the forward projection of the front building on first to fifth floor levels, but these extensions have been omitted from the current proposals

The application has been amended to revise the design of the front elevation. These revisions have necessitated some internal replanning. Proposed terraces at seventh and eighth floor level (front) have been deleted (thereby overcoming some of the objections). Details within the submitted Operational Management Plan have also been amended or clarified.



## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of offices/mixed use policy

The application would involve the loss of 1,890 sqm (GEA) of existing office floorspace. Objections have been received on the grounds that the loss of the existing offices would, in conjunction with other losses, have an adverse impact on Soho as a “business” location, particularly for the creative industries. The same objections were received to the previous application.

UDP Policy COM 8 states that permission will not be granted for development proposals resulting in the loss of light industrial floorspace on sites within the Creative Industries Special Policy Area, where this would result in the loss of industrial activities which contribute to the character and function of the area. Although the site is located within the Creative Industries SPA, as defined in the UDP, this SPA designation was omitted from the City Plan – it was no longer considered appropriate because the majority of “creative” companies operate from general offices and also because much light industrial floorspace was not protected by conditions and could be converted to general office use without the need for planning approval.

At the time when the previous application was first considered by the Planning Sub-Committee, (11 August 2015), [the scheme was subsequently report back to the Sub-Committee to address matters of detailed design and parking], the offices were (newly) empty. However, only one of the previous tenants, an objector to the application, was a creative/film-related business, the remainder being general office uses. As the lawful use of the building is for general office purposes, there being no protected light industrial floorspace to which Policy COM 8 would apply previous objections to the loss of the light industrial use/floorspace could not be supported.

At that time, there were no UDP or City Plan policies which protected existing office uses, and the loss of the office floorspace was acceptable in land use terms. The revised City Plan (2016) has now been adopted. Although Plan policies now protect existing offices uses on sites within the Core CAZ from residential conversion, their loss remains acceptable where the proposal is for an alternative commercial use, as in this case. As the building is to be extended for commercial use, the scheme does not trigger a residential requirement under the Council’s mixed use policy (S1).

#### 8.1.2 Hotel use

The revised scheme proposes the use of the application premises as an 116 bedroom/224 bedspace hotel (total 2,055 sqm GEA) including an ancillary cafe at first floor level (40 sqm). The applicants describe the operation as a “high quality, limited service, budget hotel”, which would cater for short stay tourist and business use, with the focus on providing sleeping accommodation, rather than ancillary hotel facilities (apart from the small café).

One of the seventh floor bedrooms will not benefit from any windows. The City Council has accepted the principle of windowless hotel rooms in the applicant’s other Westminster

hotels. They make the point that this provides a slightly less expensive, but still good standard, form of hotel accommodation. The applicant, "Z Hotels", runs other premises in Orange Street, WC2, Moor Street, W1 and Lower Belgrave Street, SW1.

UDP policy TACE 2 states that within the CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for new hotels where no adverse environmental and traffic effects would be generated and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel. City Plan policy S23 also directs hotel development to specified areas, including the Core CAZ, to streets which are not predominantly residential in character.

The proposed café, at first floor level, would provide seating for 28 customers. A range of drinks and snacks would be provided, although no primary cooking is proposed. Although primarily for hotel residents, it would also be open to the general public, but being at first floor level is unlikely to be used often by non-hotel guests.

The site is in the West End Stress Area and it is considered appropriate to assess the café use in the context of policies governing the introduction of new entertainment uses. Given the size of the proposed café, UDP policy TACE 8 applies. This states that permission will generally be granted for proposals where the City Council is satisfied that the proposed development has 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 no adverse effect on the character or function of the area. In considering applications for planning permission for such uses condition will be imposed to control the operation of the use, as appropriate.

City Plan policy S24 requires proposals to demonstrate that new entertainment uses are appropriate in terms of their nature and size, scale of activity, relationship to any concentrations of entertainment uses, and cumulative impacts, and that there would be no adverse impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Although there are flats within some properties in Poland Street, the street is primarily commercial in character. Permission for residential development on neighbouring buildings at 54 and 55-56 Poland Street and as part of a scheme encompassing 49-51 Poland Street have expired and do not appear to have been implemented. The Council has recently granted permission for a commercial development at 49-51 Poland Street. However, there are flats directly at the rear of the site in Dufour's Place/Marshall Street. Objectors consider that there is no demand for another hotel in this location and that the use should be located elsewhere. However, the question of likely demand for the use is not a material planning consideration.

Objectors consider that there is no demand for a hotel use in this location and that the proposed hotel/café use is unacceptable in principle. They also consider that the proposed use would result in a loss of amenity associated with an increase in activity on the site. However, one respondent supports the scheme believing that it will enhance the character and vitality of the area and increase revenue for local businesses. Given the nature of

Poland Street, the introduction of a hotel use on the site is considered acceptable in principle in land use terms. Given the size of the proposed hotel café, and its first floor location, in an area characterised by entertainment uses, it is not considered that this low-key use would have a significant impact on the character and function of this part of Soho. The scheme is therefore considered acceptable in principle in land use terms.

The impact of the use upon residents' amenities and the local highway network is discussed in sections 8.3 and 8.4 below.

## 8.2 Townscape and Design

The building is a post-war redevelopment on the west side of Poland Street and is set back from the original building line. It is unattractive and there is no objection in principle to the recladding and extensions as proposed. It is within protected vista 4A.2 from Primrose Hill to the Palace of Westminster and is in the Soho Conservation Area. The neighbouring building at No. 54 Poland Street is Grade II listed.

The approved scheme included various extensions to the building, the replacement of the existing roof level plant room with an eighth floor extension and an extension to part of the existing terrace at seventh floor level (front). It was also proposed to bring the building line forward on the first to fifth floors, to align with the neighbouring building, creating a substantial overhang above the retained ground floor façade.

The current scheme proposes only the roof level extension and the demolition and reconstruction of the seventh floor accommodation, including an extension to the seventh floor (front) terrace. The proposed replacement façade has been redesigned to address officers' concerns about the original design approach.

It is proposed to re-clad the street façade with Flemish bond brickwork (red London Sock brick). Lintels will be formed in Portland stone. Public art is proposed in the form of Portland stone panels within the panels of the double-height first/second floor windows on the front façade. Details would be reserved by condition. The façade at ground floor level will be unaltered except at the southern end of the site where the main entrance to the upper floors is situated. This part of the façade stands forward of the rest by approximately 200mm which helps to break-down the apparent mass of the building in street level views and therefore improves the setting of the neighbouring grade II listed building at No. 54.

At roof level the extensions will have very limited impact in street level views and from the upper floors of surrounding properties the alterations will be neutral in design terms. Of greatest importance is the height, which it is confirmed will not breach the development plane of the protected vista.

The top two floors are set-back and clad in metal panels to give a more roof-like appearance. The seventh floor will be bronze colour and the top (eighth) floor will be light grey. In design and heritage asset terms the development will maintain the character and appearance of the conservation area, the setting of the neighbouring listed building, and the protected vista. This accords with UDP policies DES 1, DES 5, DES 6, DES 9, DES 10 and DES 14.

### 8.3 Residential amenity

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of amenity to neighbouring properties in respect of the levels of daylight and sunlight received, and any loss of privacy or increased sense of enclosure to neighbouring windows. City Plan Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

Additionally, UDP policy ENV 6 requires new developments to incorporate design features and operational measures to minimise and contain noise and vibration to safeguard the amenity of neighbouring noise sensitive properties. And appropriate conditions will be imposed on planning permissions to that effect. Similarly, policy ENV7 requires developers to demonstrate that developments will be designed and operated so that any noise emitted by plant and machinery and from internal activities will achieve specified noise targets at the nearest noise sensitive properties. Policy S32 sets out similar requirements.

#### 8.3.1 Impact of hotel use

Objections have been received from occupants of flats at the rear of the site on the grounds that the proposed use would have a detrimental impact on residents' amenities by introducing a significant "transitory population" to the area leading to a marked increase in activity on the site, on a 24-hour basis. Objectors are also concerned about the potential for increased noise disturbance associated with the café use and late-night servicing.

The application is supported by an Operational Management Strategy which details measures designed to ameliorate the impact of the proposed use upon local amenities. It includes:

- Details of site staffing, management and security training including a CCTV system with coverage of the hotel entrance, with a manned monitoring system at the hotel reception
- Registration of hotel guests limited to between 07.00 and 22.30 hours only, after which time the entrance door will be locked. (Guests room keys will allow access from the street)
- Signs at the entrances asking guests to keep noise to a minimum
- A 24 hour complaints hotline and a log of complaints to ensure that these are followed up.
- Guests actively encouraged to use public transport
- Deliveries managed to ensure minimum disruption. Drivers required to switch engines off.
- All deliveries to take place between 06.00 and 18.00 hours
- Applicant to use the Council's waste collection services. Any glass recycling to take place between 14.00 and 17.00 hours to minimise disruption

- The cafe is primarily intended to be a facility for hotel customers but would also so be open to non-residents between 08.00 and 21.00 hours on Monday to Saturday and from 10.00 until 18.00 on Sundays.

Given that the café is at first floor level, and in view of the availability of alternative café, restaurant and bar uses in the area, many opening late at night, it is considered unlikely that the café would be used by significant numbers of non-hotel guests. It is noted that the café is located immediately adjacent to hotel bedrooms and it would be in the applicant's interests to ensure that this area is well managed. Given the nature of the use, it is not considered that the ancillary café would have an adverse effect on the amenities of neighbouring residents or local environmental quality.

Subject to operational conditions, including those to require the hotel to be managed in accordance with the submitted OMS, to prevent the use of the café by non-hotel guests outside the specified hours, and to prevent the expansion of the café use beyond the area shown on the submitted plans, it is not considered that the hotel operation would, in the context of general levels of activity in the area, both during the day and late into the evening, adversely affect the amenities of neighbouring residents.

### **8.3.2 Daylight and Sunlight**

The applicant has submitted a daylight and sunlight report which assess the impact of the proposals upon flats at the rear of the site in Marshall Street and Dufour's Place, and on properties on the opposite side of Poland Street.

The report also assesses the impact of the scheme on 1-5 Poland Street, on the basis that there appear to be residential flats on the top floor although Council records indicate that the lawful use of this building is as Class B1 offices. However, the assessment shows that reasonable levels of light would be retained on all floors. The impact of the development upon the approved residential development at 54 Poland Street has also been assessed, which shows that that would be a minor loss of light to one rear bedroom. However, the building appears to be occupied as offices and this permission has now expired. Similarly, a previous permission for a development at 49-51 Poland Street, which included flats on the upper floors, facing the application site has now expired. More recently, permission has been granted for a commercial development on the site. The analysis indicates that none of these properties would experience any loss of sunlight.

Under Policy ENV 13, the City Council will normally resist proposals which result in a material loss of daylight or sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. The BRE guidelines state that only those windows which have a reasonable expectation of daylight or sunlight will need to be assessed and windows to residential properties which serve non-habitable rooms, e.g. bathrooms, hallways and smaller kitchens, generally those which do not include dining facilities, do not require assessment.

#### **8.3.2.1 Daylight**

Under BRE guidelines if the Vertical Sky Component (VSC), or skylight, is greater than 27%, enough light should still be reaching the window of the existing building. Where, as a result of the development, this figure is below 27% and less than 0.8 (i.e. a loss of 20%) of

its former value, then the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. The BRE guideline states that where a significant proportion of the working plane (which can receive direct skylight) lies beyond the NSL, the distribution of daylight within the room will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable.

Objections have been received from occupants of two flats at 7 Dufour's Place on the grounds that the proposal will result in a loss of daylight to their properties. Rear windows to this block serve both bedrooms and living rooms. Occupants of flats at 16 Marshall Street have also objected to a loss of light to their properties.

The submitted daylight assessment shows that of the 41 rear windows tested to 16 rooms on the first to fifth floors of 7 Dufour's Place, three would experience no reduction in VSC and the remainder would a maximum reduction 6.44%, well within the BRE guidelines. In all cases, any actual reductions are less than 1%.

The daylight distribution test shows that of the 16 rooms tested, 11 would see no reduction in NSL and the remainder would see losses of less than 1%.

St. Giles House, 16 Marshall Street, is located directly behind the application site. The approved plans indicate that there are flats on the fourth to sixth/seventh floors. The submitted daylight assessment, is based on the approved building layouts. Of the 26 windows tested, five would see no reduction in VSC, and the remainder would see losses of between 3.24 and 13.79%, with the majority being below 5%.

The NSL assessment of this property shows that most rooms would see no reduction. In other cases and, with the exception of one room, the maximum loss would be 4.5%. The most affected room, a south facing window at fifth floor level, would see a reduction of 21.5%. However, this window would still retain a reasonable VSC value of 15.76% 16.09%. The approved plans show that this window does not serve a habitable room.

As part of their assessment of the previous application, the same daylight consultants also considered the implications of the fact that the layouts of flats at 16 Marshall Street (St Giles House) do not, in some areas, comply with the approved drawings with regard to the relationship between windows and partitions. They assessed previous daylight reports in which this issue was addressed, and "true" layouts recorded, and concluded that this anomaly would have no significant impact on their daylight assessment, particularly as areas affected by the changes are bedrooms, which are afforded a lesser degree of protection than the principal living rooms.

The submitted reports show that most reductions in VSC and NSL to neighbouring habitable rooms would meet the tests set down in the BRE guidelines and that most rooms would continue to receive reasonable levels of natural light in this built up environment. In these

circumstances, it is not considered that the proposals would have a material impact on the levels of daylight received to neighbouring properties.

Given that light to neighbouring windows/rooms is not materially affected, it is not considered that there would be a significant impact on the amount of light received to external terraces.

### **8.3.2.2 Sunlight**

BRE guidelines state that access to sunlight should be checked for all neighbouring main living (habitable) rooms which have a window facing within 90 degrees of due south. Windows which face 90 degrees of due north do not need to be tested as they have no expectation of sunlight. The BRE guidance acknowledges that kitchens and bedrooms are of less importance, but states that in the case of these rooms care should be taken 'not to block too much sun'.

If the tested window receives more than one quarter of annual probable sunlight hours, including at least 5% of annual probable winter sun (during the winter months between 21 September and 21 March), then the room should still receive enough sunlight. Any reduction in sunlight below this level should be kept to a minimum. If available sunlight hours are both less than the amount given and less than 0.8 (20% loss) of their former value, either over the whole year or just during the winter months, then the loss of sunlight will be noticeable.

Objections were received to the previous application on the grounds the scheme would have a significant impact upon the amount of sunlight received to rooms at the rear of 7 Dufour's Place and to rear terraces and balconies to those properties.

Of the residential windows tested at 16 Marshall Street most windows would either experience no loss of annual or winter sun or losses would be well below 20%. The one exception is a sixth floor, south facing window at 16 Marshall Street, which would experience a 30% (now 25%) loss of winter sun. However, this window would still receive 15% winter sunlight, far exceeding target values. The approved plans show this to be a non-habitable kitchen.

At 7 Dufour's Place only one window faces within 90% of due south and that would not experience any loss of annual or winter sun.

The applicant's daylight consultant has concluded that there would be no discernible increased impact on overshadowing to amenity spaces at the rear of 7 Dufour's Place due to the relationship between those spaces and the proposed building extensions and because they are located to the south of the application site. Officers concur with this view. In these circumstances, in this built up urban location, it is not considered that the scheme could reasonably be recommended for refusal on the grounds that there would be a material loss of daylight or sunlight to neighbouring properties.

### **8.3.3 Overlooking**

Objections have been received from occupants of flats at the rear in 7 Dufour's Place and 16 Marshall Street on the grounds of overlooking from the new hotel rooms, particularly at

night when existing offices would be unoccupied, and from the use of roof terraces. The bedroom terraces have been deleted from the revised scheme and a condition is recommended to prevent access to the use of the flat roof areas other than for maintenance purposes/access to the roof level plant room.

The application drawings show that all window openings would be retained. Windows in the southern facade overlook the gap between the rear of the buildings on Poland Street and Dufour's Place and, consequently, views to the rear of the Dufour's Place buildings are more oblique. Windows on the two lower floors to the south elevation would be fitted with obscured glass as these overlook the plant area. Windows in the northern and eastern facades overlook the entrance to Poland Street car park. Those in the east elevation look directly towards the rear of 16 Marshall Street where there are flats on the upper floors.

Due to internal layouts and the position of partitions, showers etc, within the hotel bedrooms, a significant proportion of the existing glazed areas would now be obscured. Given the relatively small size of the hotel rooms, access to the windows is also limited by the position of the bedroom furniture. All hotel windows would be fixed shut. In these circumstances, notwithstanding the altered pattern of building occupation that would result from the change of use, it is not considered that the occupation of the hotel bedrooms would result in a material loss of privacy to neighbouring residents.

#### **8.3.4 Sense of Enclosure**

Occupants of two flats at 16 Marshall Street have objected to the application on the grounds that their erection of a roof extension would result in a "loss of skyline" to their properties. Given the relationship of the proposed extensions with windows to neighbouring residential properties, it is noted that the proposed roof extension is identical in terms in terms of its height and bulk and relationship with neighbouring windows to that under the extant permission and, as previously, it is not considered that there would be a material increase in the sense of enclosure to adjoining windows.

#### **8.3.5 Noise**

##### **8.3.5.1 Plant operation**

The proposal involves the relocation of existing plant and the provision of new hotel plant on the ground floor roof within the building's southern lightwell. This roof area sits between the application building, the site boundary wall with 54 Poland Street and the blank rear of the Poland Street car park/St Giles House. The relocated plant serves the entertainment uses on the lower floors. The new and relocated plant would largely be set behind a double-height acoustic screen which would sit below the height of the boundary wall with 54 Poland Street. This is similar to the arrangement approved under the approved residential scheme. The drawings originally showed that some plant would be located outside of the acoustic screen. The application has since been amended to enlarge to the screened area to accommodate all plant within. One kitchen extract duct serve the lower floors will be re-positioned on the building's southern elevation. Additional hotel plant would also be provided as part of the new eight floor extension.

Plant for the basement and ground floor commercial uses has unrestricted hours of operation. The new hotel plant would operate on a 24-hour basis.



One objection has been received on the grounds of noise nuisance from the operation of this new and relocated plant. The application is supported by an acoustic report. This has been assessed by the Environmental Health Officer who raises no objection to the proposals subject to conditions relating to plant noise and vibration. However, as the plant scheme design is at an early stage, the applicant will need to provide a supplementary acoustic report to demonstrate that the selected equipment will operate in accordance with the standard noise condition. Subject to these conditions, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents and objections on these grounds cannot be supported.

### **8.3.5.2. Use of the terraces**

Objectors are concerned about potential noise disturbance resulting from the use of the terraces. As detailed above, these have been omitted from the revised scheme as a result of design amendments.

### **8.3.5.3 Noise disturbance during the course of construction**

Objections have been received from local residents to noise disturbance during the course of construction. Objectors appear particularly concerned about the impact of, and need for substantial demolition works. However, externally, demolition is confined to the removal of the plant room, the demolition of the seventh floor extension and the replacement of the front façade. Most of the existing building is being retained and it is likely that works of demolition would need to be undertaken with care in order to safeguard the retained building fabric.

A letter has also been submitted on behalf of the sound studios at 51-53 Great Marlborough Street requesting that any permission include adequate safeguards to ensure that the operation of this business would not be affected by the development proposals. The submitted letter refers to a policy requirement to reduce noise generated, so far as it is practical, a requirement that also applies during the construction phase. This occupier objected to the previous application on noise grounds, primarily on the basis that the extent of demolition and construction works would result in significant disturbance in respect of noise, vibration and dust generation affecting their ability to carry out their business.

National Planning Policy Guidance on Noise (6 March 2014), requires local planning authorities to take account of the acoustic environment and, in doing so, to consider whether or not a good standard of amenity can be achieved as a consequence of the development. The guidance refers to the Explanatory Note of the Noise Policy Statement for England, which states that the assessment of noise disturbance would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase) would be above or below the level at which significant adverse effects on health and quality of life occur (Significant Observed Adverse Effect Level) or the level above which adverse effects on health and quality of life can be detected (Lowest Observed Adverse Effect Level) for the given situation. It is acknowledged that it is not possible to establish a single objective noise-based measure that defines SOAEL, as this is likely to be different for different noise sources, for different receptors and at different times.

As part of their objection to the previous application, the sound studio considered that in the absence of any assessment of the construction or operational impacts in relation to LOAEL or SOAEL, it was not possible to ascertain whether the proposal complied with national planning policy. Furthermore, unless it was shown that all possible mitigation would be employed to reduce the noise impact to the LOAEL, they considered that the development was contrary to national noise policy and should be refused. In response to this objection, the (then) applicants submitted a construction noise report,

The stated vision set down in the Explanatory Note is to “promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development”, with the aim to “avoid significant adverse effects on health and quality of life”, to “mitigate and minimise adverse impacts on health and quality of life” (and to, “where possible, contribute to the improvement on health and quality of life”). The Note addresses the impact of “neighbour noise” including construction noise but is primarily weighted towards the consideration of the impact of noise upon residential amenity rather than with the impact of noise upon commercial activity.

The application site is in close proximity to flats in Dufour’s Place and Marshall Street. The Note sets out a requirement for developers to avoid significant adverse impact on health and quality of life and “to take all reasonable steps to mitigate and minimise adverse effects on health and quality of life whilst also taking into account the guiding principles of sustainable development”. However, the Note is clear that “this does not mean that such adverse effects cannot occur”. It also sets out the “need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation i.e. not focussing entirely on the noise impact without taking into account other related factors”.

Aware of previous objections, the applicants have also supplied a construction noise report. This has been assessed by officers from the Council’s Noise Team. The report refers to the potential noise impacts in relation to the relevant British Standard, which is the code of practice for noise and vibration from open sites. It confirms that, given the nature of the development there will be no piling on the site and no heavy machinery will be used.

Limits have been suggested, in relation to noise from demolition and construction activities in accordance with British Standard Guidance. As these limits would be applicable to the flats immediately adjacent to the site, it is considered likely that the received noise level at the sound studio, which is likely to be soundproofed to protect the use from external noise sources, would be significantly lower. All proposed works would need to be undertaken in accordance with the requirements of the Control of Pollution Act, ensuring that the quietest machinery is used, with silencers, and that acoustic screening is employed wherever possible. Noise and vibration monitoring will also take place continuously. These proposed mitigation measures are typical processes under section 61 of the Control of Pollution Act. The Environmental Health Officer considers that these proposed measures are sufficient to safeguard the amenities of neighbouring residential occupiers, as far as possible and that, as the sound studio is located further from the site than the neighbouring flats, these measures would also safeguard the operation of the sound studio. In these circumstances, it is considered that the issue of construction noise has been satisfactorily considered

In conclusion, for the reasons outlined above, it is not considered that the proposals would have an adverse impact upon the amenities of neighbouring residents.

## **8.4 Transportation/Parking**

### **8.4.1.Parking**

No car parking is associated with the hotel. However, the site is located immediately adjacent to the Poland Street car park.

Policy TACE 2 requires adequate coach parking facilities to be provided where significant amounts of new visitor accommodation are proposed. No such facilities are provided in this case. The Highways Planning Manager has expressed concern that, should the nature of the operation change at any time, the hotel could attract a different type of guests which could lead to an increase in coach activity associated with the hotel and lead to highway obstruction. However, the applicants have advised that their customer base comprises short-stay tourist bookings and business bookings and its operational/marketing approach excludes coach parties. In addition, the Operational Management Plan (18 October 2016) confirms that no coach party bookings will be accepted. . In these circumstances and given that the road network around the site would preclude the use of large coaches, the absence of dedicated coach pick up/drop off facilities is considered acceptable

Twelve cycle parking spaces are provided on the second and third floors, which are accessible via the lifts. Whilst this location is not ideal, it is considered acceptable given site constraints, and would be secured by condition.

### **8.4.2. Servicing**

The site will continue to be serviced from single yellow lines on Poland Street. Relevant UDP and City Plan policies require new developments to incorporate off-street servicing but this is not possible due to site constraints. Based upon the potential level of servicing activity that could be generated by the servicing of the existing office suites, the estimated servicing demands of the proposed hotel ( as set out in the Transport Statement), and officers' knowledge of the requirements of similar hotel uses, the Highways Planning Manager considers that the proposed use is unlikely to have a significant impact upon the operation of the highway network. In these circumstances, objection relating to highway obstruction cannot be supported.

## **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcome.

## **8.6 Access**

The hotel accommodation would be accessed via stair and a lift. Ten per cent of all rooms are designed to be accessible to clients with disabilities with 5% of rooms being fully wheelchair accessible.

## 8.7 Other UDP/Westminster Policy Considerations

### 8.7.1 Refuse /Recycling

One objection has been received on the grounds that the proposals will exacerbate existing problems in the area with vermin and pigeons. Given the nature of the proposed café operation, the use is unlikely to generate significant food waste. As the waste store is located at the rear of the ground floor entrance lobby, it is in the applicant's own interests to ensure that this area is kept clean and properly managed, They have confirmed that it would be vermin-proofed. Subject to appropriate refuse storage arrangements it is not considered that the proposal has the potential to exacerbate these reported problems.

The applicants anticipate that all waste collection will be by private contractor. Although the submitted drawings indicate a ground level refuse store, the scheme does not include further details. A revised plan is required with bins designations (general waste, food waste and recyclable materials) in accordance with Council protocol. In addition, it is unclear how the waste will be accessed and transferred to the street on waste collection day. These details will be reserved by condition.

### 8.7.2 Biodiversity and Sustainability

City Plan policy S28 requires new development to include exemplary standards of sustainable and inclusive urban design and to reduce energy use and emissions that contribute to climate change to ensure the reduction, reuse and recycling of resources. Policy S40 requires all major developments to maximise on-site renewable energy generation to achieve at least 20% of carbon dioxide emissions, except where the council considers that this is not appropriate or practical due to the local historic environment or other site constraints.

London Plan policy 5.2 requires new developments to achieve a reduction on carbon dioxide emissions by 40% over Part L of the Building Regulation's 2010. The Mayor's SPG on Sustainable Design and Construction (2013) adopts an equivalent flat rate savings target of 35% beyond part L of the Building Regulations 2013.

The application is supported by an Energy and Sustainability Statement. This statement sets out passive design measures (high specification glazing, fabric improvements/thermal insulation) and the use of energy efficient building services (mechanical ventilation with heat recovery, energy efficient heating, cooling, lighting and water systems), a CHP system to improve the building's performance and to reduce CO2 emissions. In addition, photovoltaic panels will be installed on the main roof.

It is estimated that these measures would achieve a reduction in CO2 emissions of 34.9% over 2013 Building Regulations with savings of 3.15% achieved through the use of renewable (solar) energy. The BREEAM pre-assessments suggests that the development will comfortably achieve a "very Good" score but that. Given the fact that the existing building is being retained and re-used, as with the previous scheme, it is accepted that an "excellent" score would not be achievable.

The overall level of carbon reduction is acceptable given the re-use of the existing building and the constraints.

### 8.7.3.2 Biodiversity

As the application involves the conversion of an existing building, and as the main roof will be covered with photovoltaic panels, it is accepted that there would be limited opportunity to improve the site's contribution to the biodiversity of the area.

### 8.8 London Plan

This application does not raise any strategic issues.

### 8.9 National Policy/Guidance Considerations

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

### 8.10 Planning Obligations

The proposal does not trigger any planning obligations.

The applicant estimates that the Westminster CIL payment is : £22,200.

### 8.11. Environmental Impact Assessment

Environmental Impact issues have been covered elsewhere in the report

## 9. BACKGROUND PAPERS

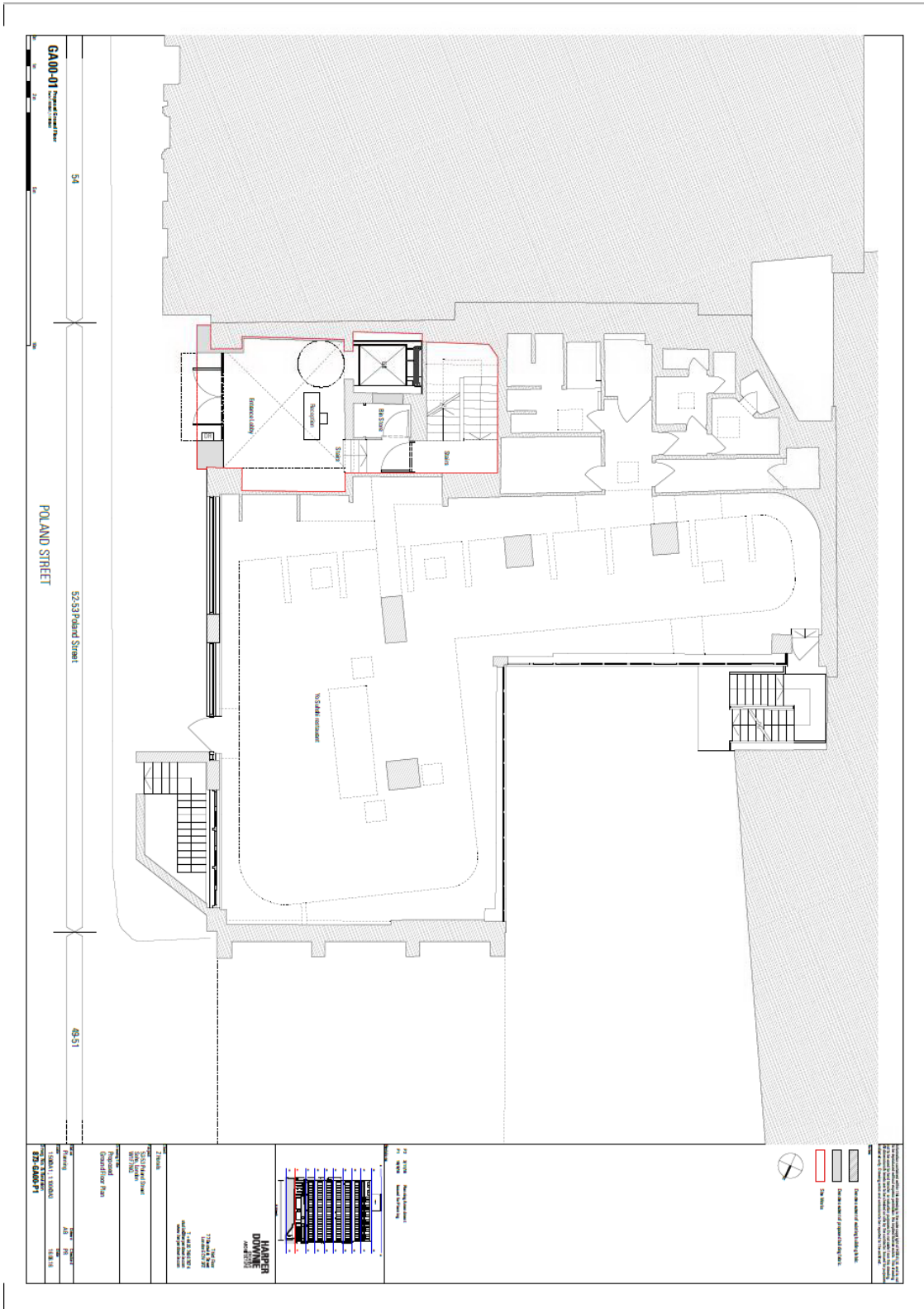
1. Application form
2. Response from Soho Society, dated 3 August 2016
3. Memorandum from the Metropolitan Police dated 12 August 2016
4. Memorandum from Highways Planning dated 3 August 2016
5. Response from the Project Manager (Waste) dated 12 August 2016
6. Memorandum from Environmental Health dated 10 August 2016
7. Letter from occupier of Flat 3, 7 Dufours Place, dated 14 August 2016
8. Letter from occupier of Flat 5, 7 Dufours Place, dated 15 November 2016
9. Letter from occupier of Flat 1, 7 Dufour's Place, dated 30 August 2016
10. Letter from occupier of Flat 9, 7 Dufour's Place, dated 5 August 2016
11. Letter from occupier of Flat 9, 7 Dufour's Place, dated 12 August 2016
12. Letter from the occupier 16 Marshall Street dated 17 November 2016
13. Letter from the occupier Flat 13, 16 Marshall street dated 22 November 2016
14. Letter from the occupier Apartment 14, 16 Marshall Street dated 18 November 2016
15. Letter on behalf of the occupier 51-53 Great Marlborough Street dated 23 November 2016

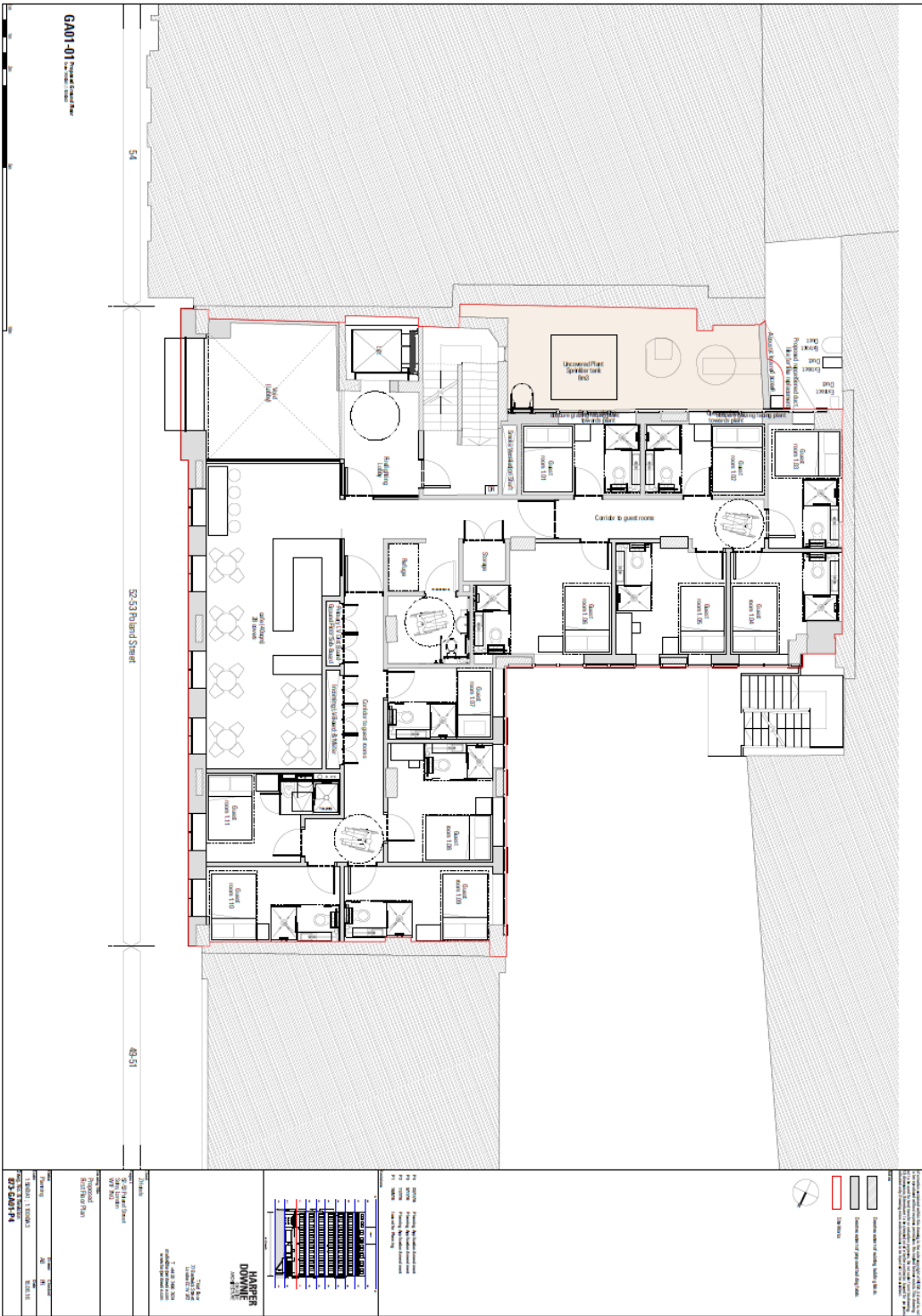
### Selected relevant drawings

(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: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk).

**10. KEY DRAWINGS**





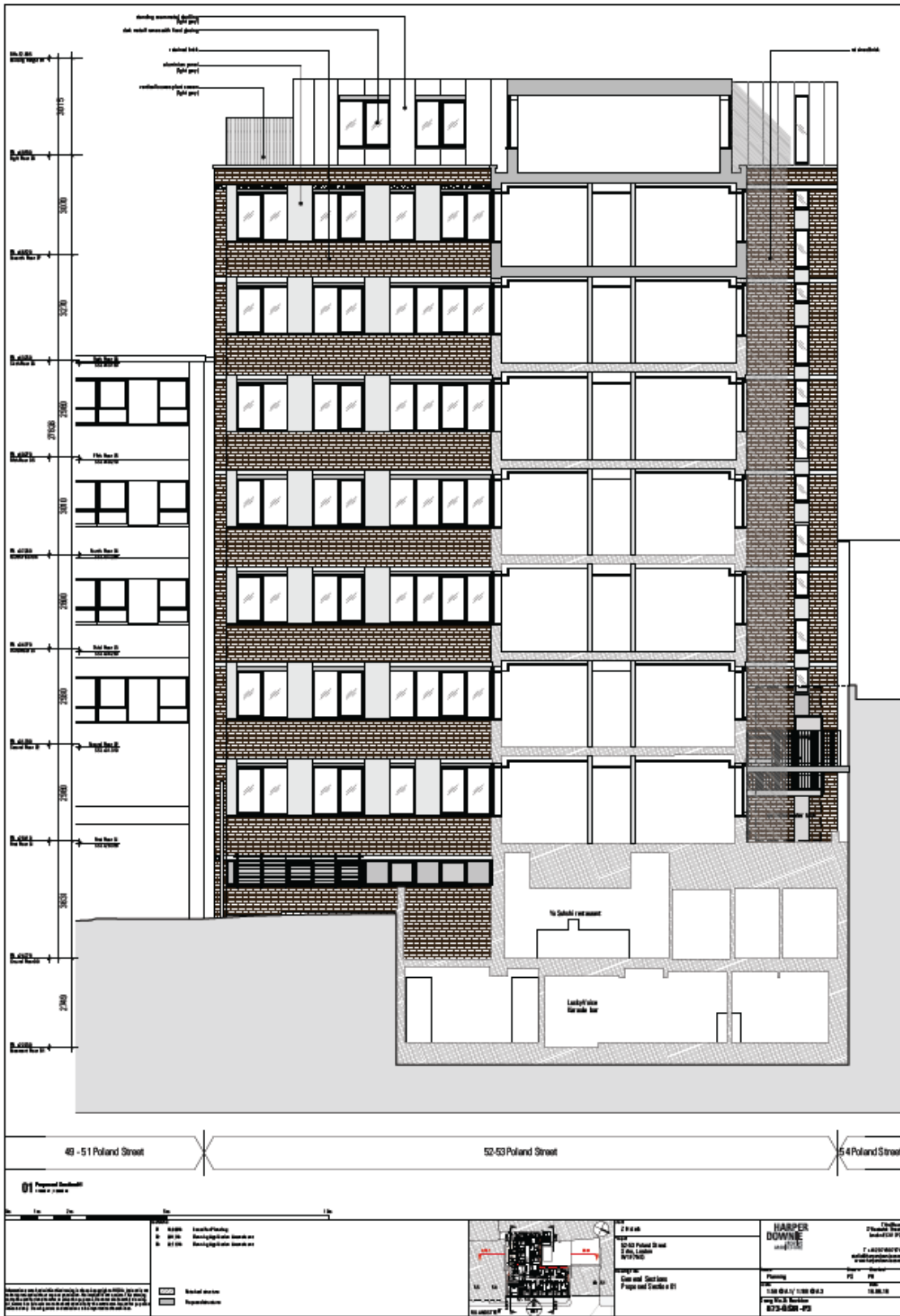


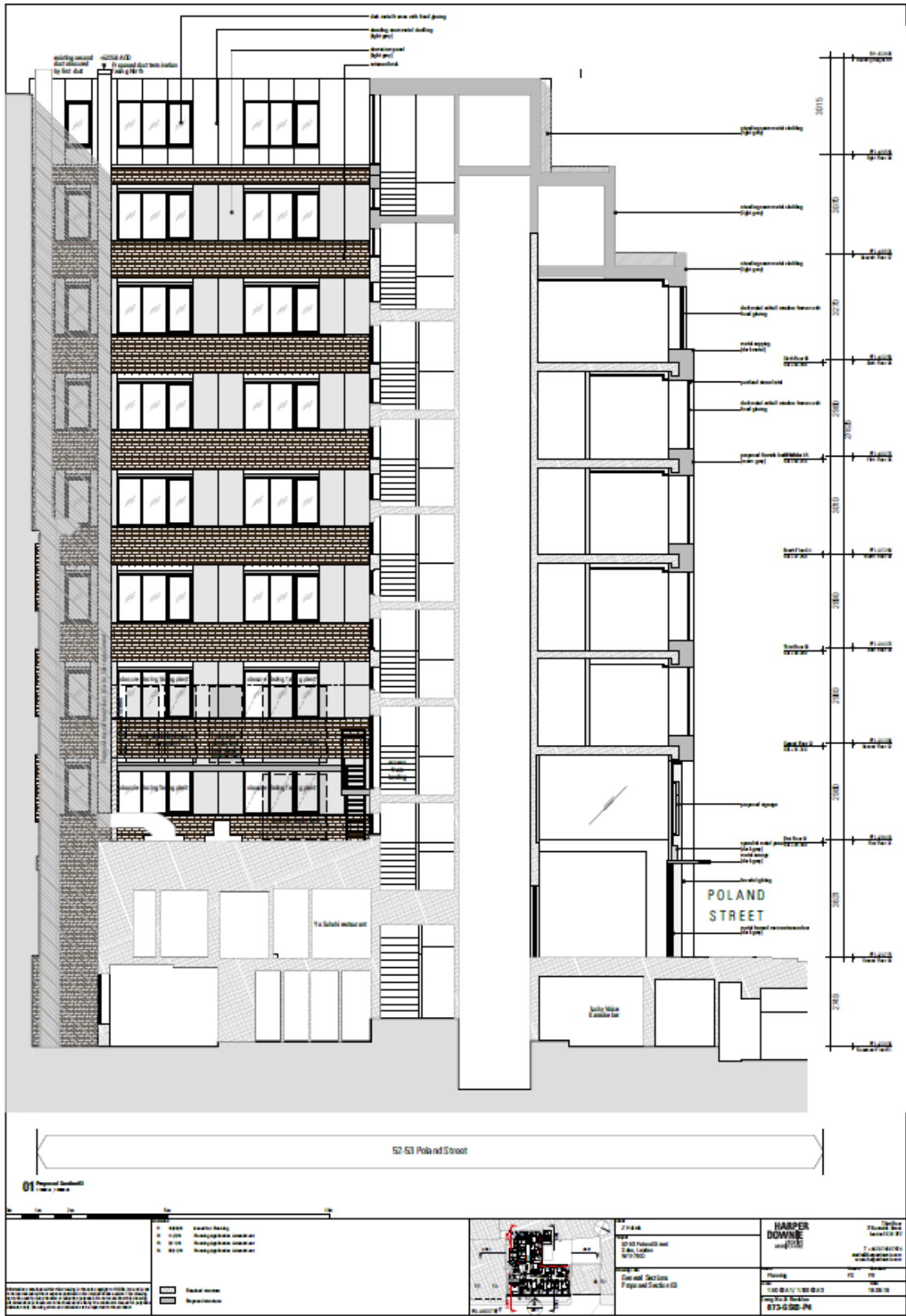














**DRAFT DECISION LETTER**

**Address:** 52-53 Poland Street, London, W1F 7NB,

**Proposal:** Demolition of the seventh floor, roof plant enclosure, and front facade; replacement of front facade and seventh floor accommodation with extension to existing (front) terrace, and erection of eight floor roof addition, installation of new and relocated plant (including plant to existing basement and ground floor entertainment premises). Use of part ground and first to eighth floors as a hotel with ancillary first floor cafe (Class C1)

**Reference:** 16/05651/FULL

**Plan Nos:** 873-DE-/GAB1-P1, GA00-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P2, GA07-P2, GARF-P2 (demolition drawings), , 873-/GAB1-P1, GA00-P4, GA01-P6, GA02-P6, GA03-P5, GA04-P5, GA05-P5, GA06-P5, GA07-P5, GA08-P5, GARF-P5;, 873-/GE01-P5, GE02-P4, GE03-P4, , 871-EN01-P2, EN02- P1, EN03-P2, EN05-P2, EN07\_P2, EN08\_P1, 873-/GS01-P5, GS02-P4, GS03-P6, , ,

**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 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

## Reason:

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

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the flat roofs at seventh and eighth floor levels.

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 a scheme of public art as shown on drawing 873-GE01-P5., , You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details., , You must maintain the approved public art and keep it on this site. You must not move or remove it.

## Reason:

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

- 8 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)



## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans. (C34AA)

## Reason:

To meet the requirements of Regional Policy Guidance Note 3a. This is as set out in S26 of Westminster's City Plan (November 2016) and DES 14 of our Unitary Development Plan that we adopted in January 2007. (R34AC)

- 10 You must apply to us for approval of detailed drawings at scale 1:10, with full size details, of all new windows and external doors. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings (C26DB)

## Reason:

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

- 11 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the hotel. You must not use the waste store for any other purpose. (C14CD)

## Reason:

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

- 12 (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 (November 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.

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

**Reason:**

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

- 14 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 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

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

- 15 (1) Noise emitted from any emergency plant and generators shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of any emergency plant and generators may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

## Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 16 You must not use the flat roofs of the building for sitting out or for any other purpose. You can however use the roofs for maintenance purposes, to access plant rooms at eighth floor level and 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 (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 17 All hotel windows shall be fixed shut

## Reason:

In accordance with the submitted application and 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)

- 18 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.

- 19 No goods or waste shall be left on the highway

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. (R14CC)

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

- 21 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 Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 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)

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

## Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 23 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., , , You must not remove any of these features. (C44AA)

## 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 (November 2016). (R44AC)

- 24 You must install the relocated plant and extract ducts serving the basement and ground floor premises, as shown on the approved drawings, prior to the commencement of the hotel use hereby approved.

## Reason:

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

- 25 The first floor cafe shall be restricted to the area shown on the drawings hereby approved and no additional drinking/dining areas shall be provided within the hotel.

## Reason:

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

- 26 The first floor cafe shall only be open to non-resident hotel guests between 08.00 and 21.00 hours on Monday to Saturday and between 10.00 and 18.00 hours on Sundays

## Reason:

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

- 27 You must carry out the measures included in your management plan received on 26 October 2016 at all times that the hotel is in use. (C05KA)

## Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

## Reason:

In accordance with the submitted application, as no primary cooking is proposed as part of the cafe use and as the application does not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 29 All servicing, including the collection of waste and recyclable material by any private waste contractor, must take place between 06.00 and 18.00 hours only. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

## Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

### 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 (November 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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 8 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: . (I04AA)
- 9 Conditions 12 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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.

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Item No.
<b>2</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	16 Wigmore Place, London, W1U 2LX		
<b>Proposal</b>	Installation of a new service door at north elevation and new door and fanlights to west elevation.		
<b>Agent</b>	Robin Walker		
<b>On behalf of</b>	Jonathan Glanz		
<b>Registered Number</b>	16/10373/FULL	<b>Date amended/ completed</b>	31 October 2016
<b>Date Application Received</b>	31 October 2016		
<b>Historic Building Grade</b>	Grade II (curtilage)		
<b>Conservation Area</b>	Harley Street		

**1. RECOMMENDATION**

Grant conditional permission

**2. SUMMARY**

This is an application from Cllr Jonathan Glanz, Ward Councillor for the West End Ward.

16 Wigmore Place is a two storey mews building at the north end of Wigmore Place. The building is situated on the west side of the street with the end of the street wrapping around the north elevation of the building to form a narrow alley. The west elevation of the building faces onto a garden courtyard to the rear of 13 Wimpole Street, with which it is connected at basement level. The upper floor is used as a flat, with a garage and storage space on the ground floor.

16 Wigmore Place is considered to be within the curtilage of the grade II listed 13 Wimpole Street. It is in the same ownership, is connected at basement and ground floor levels and the two buildings appear to be contemporary with one another. It is in the Harley Street Conservation Area and the Audit identifies it as being a 'neutral' building, that is, one which neither contributes to nor detracts from the character or appearance.

After due consideration, it is considered that listed building consent is required for these works, as well as planning permission, and an informative advises the applicant of this.

The building consists of two parts. On Wigmore Place is a building with hipped roof and undistinguished brick facades. The proposed insertion of a new service door to the north elevation is uncontentious in design terms. The facade here is hidden from all views except those from immediately opposite. This part of the building is not of particular interest and the proposed doors are suitable in terms of materials and design.

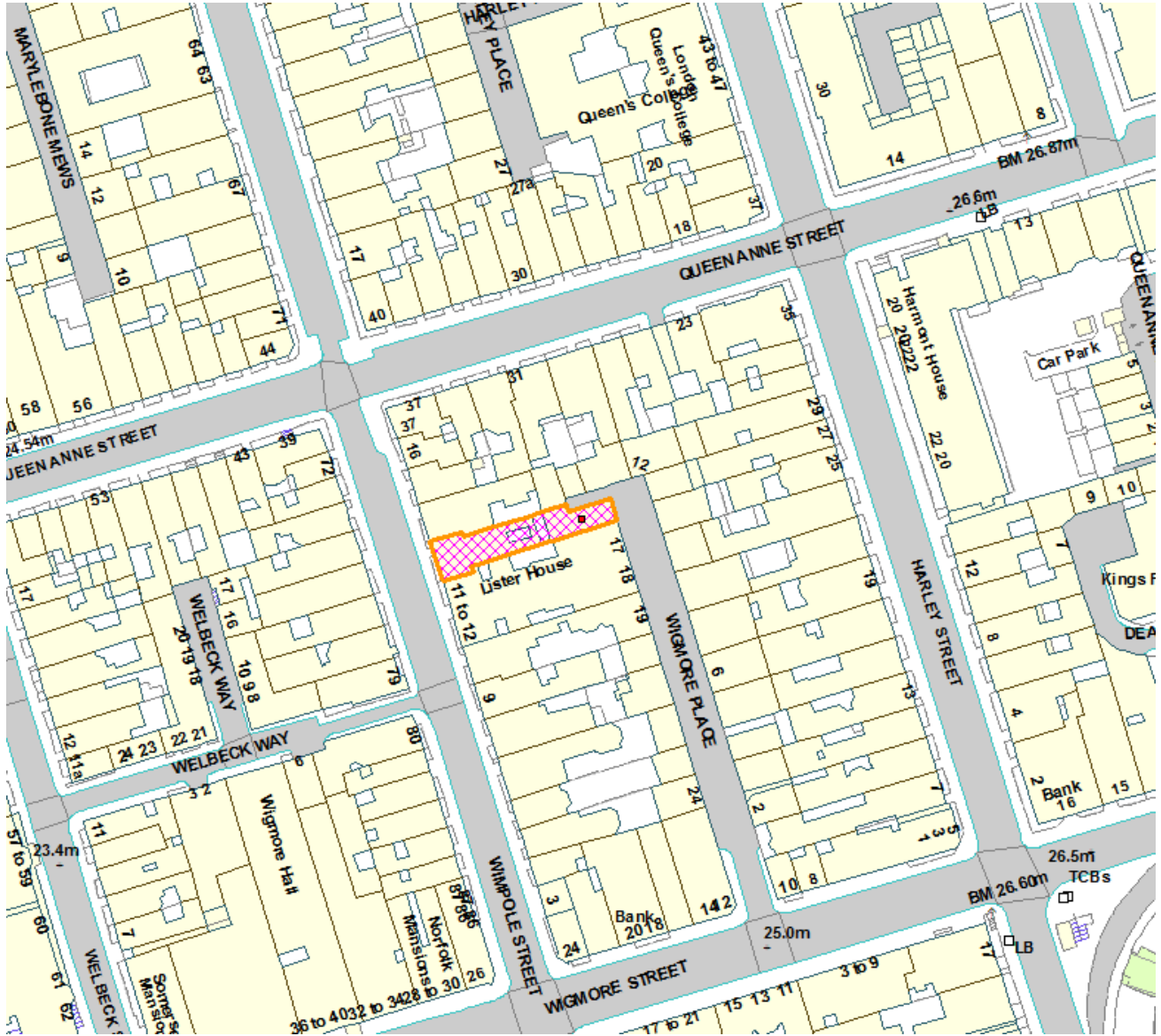
The other part faces the rear of Wimpole Street and is an older building (probably eighteenth century) with a pitched roof and traditional mews arrangement of door and window openings. This part of the building makes a greater contribution to the character and appearance of the conservation area. The proposed door and new over door lights are acceptable in design terms. Blind windows to this façade are unlikely to have originally contained windows or door openings, but are nonetheless considered to be suitable locations for new openings.

The proposal is acceptable in Highways terms, providing that the reconfigured garage space maintains a depth of at least 4.9m. The proposal maintains two parking spaces, a ratio of one per residential unit on the site.

The installation of a new service door at north elevation and new door to west elevation are considered acceptable on amenity grounds as they will not lead to a material worsening in overlooking or loss of privacy to any neighbouring residential properties.



3. LOCATION PLAN



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4. PHOTOGRAPHS



West elevation, facing Wigmore Place



North elevation, facing Wigmore Place

**5. CONSULTATIONS**

Marylebone Association  
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64

Responses received: 0

Any response will be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND PAPERS**

1. Application form
2. Response from Marylebone Association, dated 11 November 2016

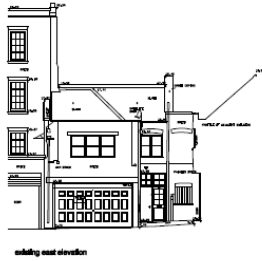
**Selected relevant drawings**

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

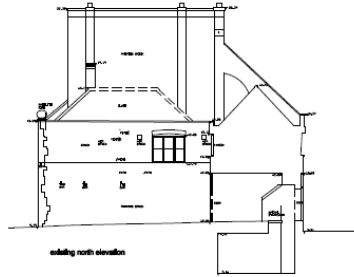
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk).

## 7. KEY DRAWINGS

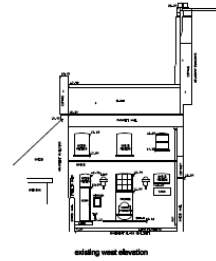
### Existing plan and elevations



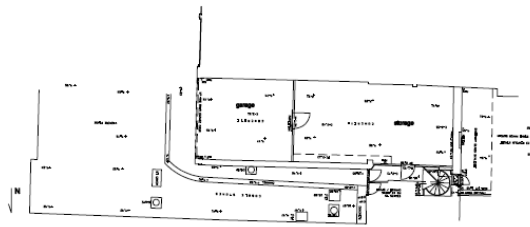
existing east elevation



existing north elevation



existing west elevation

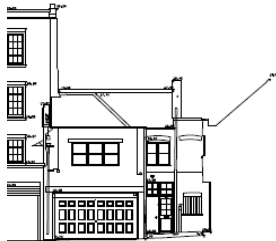


existing ground floor plan

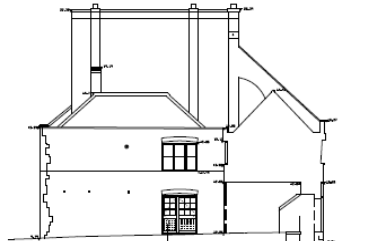


location plan - scale 1:1250

### Proposed plan and elevations

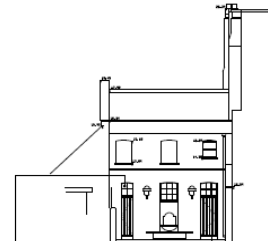


proposed east elevation



proposed north elevation

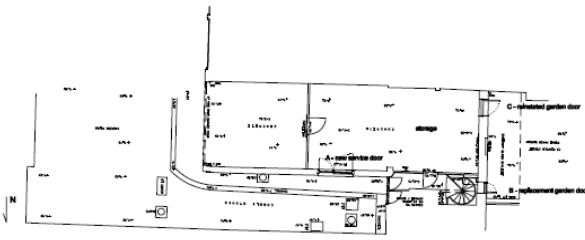
A - new service door  
 polished bronze glazed door with T&G panelling



proposed west elevation

B - replacement garden door  
 polished bronze 4 panel height to parietal detail, clear glass  
 set above polished bronze T&G panelling replacement door

C - replacement garden door  
 polished bronze 4 panel height to parietal detail, clear glass  
 set above polished bronze T&G panelling door



existing ground floor plan

**DRAFT DECISION LETTER****Address:** 16 Wigmore Place, London, W1U 2LX**Proposal:** Installation of a new service door at north elevation and new door and fanlights to west elevation.**Reference:** 16/10373/FULL**Plan Nos:** PP-002; PP-003**Case Officer:** Toby Cuthbertson**Direct Tel. No.** 020 7641 8705**Recommended Condition(s) and Reason(s)**

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

**Reason:**

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

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 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 16 Wigmore Place is within the curtilage of the grade II listed 13 Wimpole Street, and the proposed works are considered to have an impact on the special architectural and historic interest of that building. A listed building consent application will be required for the works.

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

# Agenda Item 3

Item No.
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3
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>Essendine Mansions, Essendine Road, London, W9 2LY,</b>		
<b>Proposal</b>	Development of four new dwellings to the rear of Essendine Mansions, with rear gardens with associated access, landscape, play and recreation improvements. Reinstatement or replacement of boundary treatments.		
<b>Agent</b>	Mr Michael Doyle		
<b>On behalf of</b>	Mrs Markovic		
<b>Registered Number</b>	16/08740/FULL	<b>Date amended/ completed</b>	23 September 2016
<b>Date Application Received</b>	10 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Refuse permission – impact on character of open land; impact on accessible open space; lack of car parking; insufficient information to adequately demonstrate the impact of the development on trees and ecology.

## 2. SUMMARY

The application site is an elongated rectangular plot of open land to the rear of Essendine Mansions. Essendine Mansions comprise a series of 10 blocks of flats on the west side of the street which were built in the late nineteenth century. To the west of the open land and bordering onto it are the garden plots of properties which face onto Kilburn Park Road. To the south of the open land is Essendine School. The northern boundary of the open land is bounded by 110 Morshead Road. The site lies within the Maida Vale Conservation Area. Access to the site is either gained from within the rear yards of the Essendine Mansions or through a gated access between the mansion buildings (No's 50-60 and 62-66) on Essendine Road.

This site was added to the register of Assets of Community Value on 1 December 2016.

Planning permission is sought for construction of four new dwellings (two houses and two flats) with rear gardens with associated access, landscape, play and recreation improvements. It should be noted that it was originally proposed to create four houses, however during the course of the

application, the plot occupied by Houses A & B are now proposed to be one building divided into a flat at ground and at flat at first floor level (Flats A & B).

Objections have been received primarily on the grounds of the loss of the garden open space, impact on conservation area, amenity and parking.

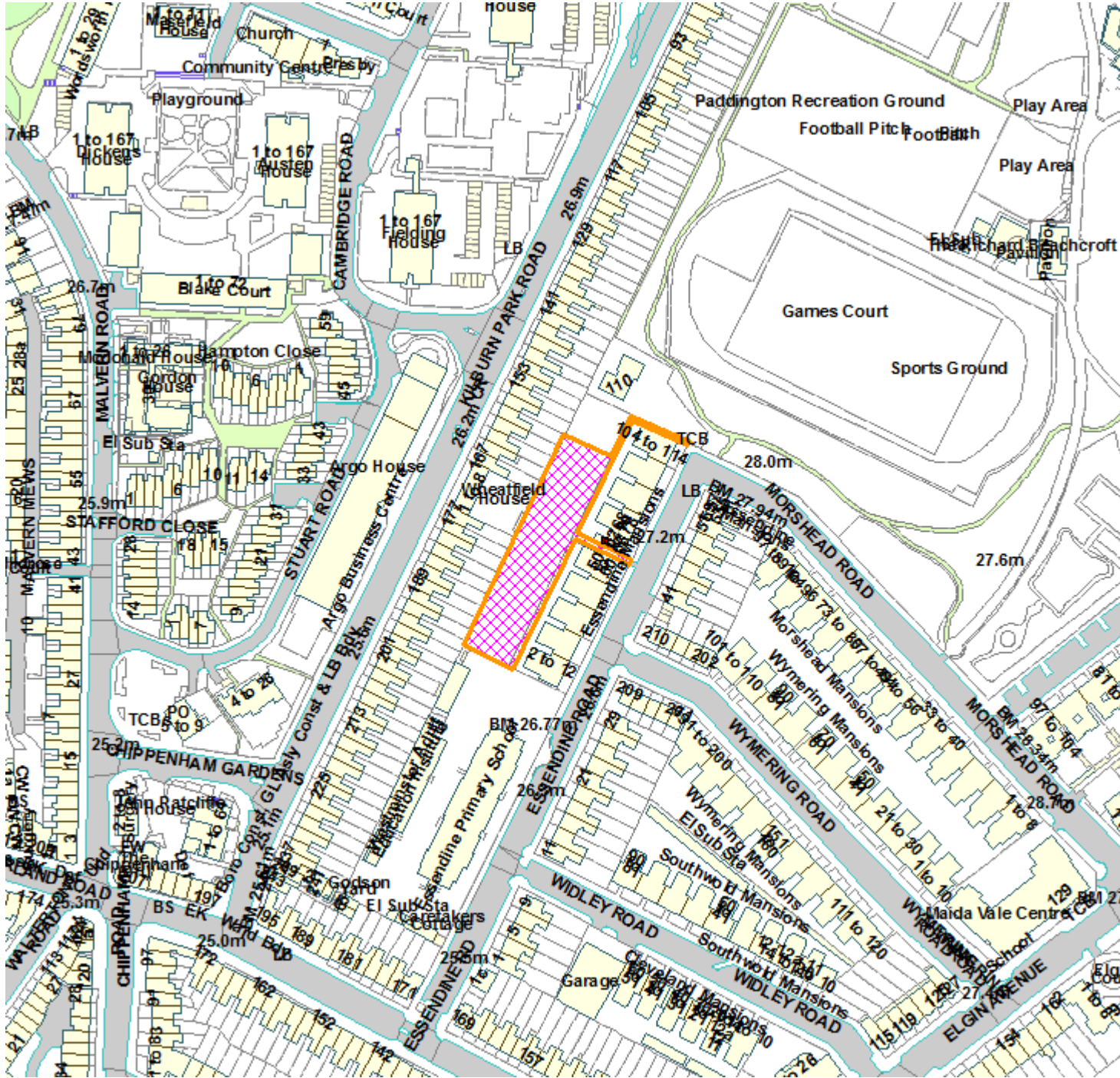
The key issues in the determination of this application are:

- The loss of open amenity space;
- The impact of the proposals upon the Maida Vale Conservation Area;
- The impact of the proposals upon the amenity of residents, notably in Essendine Mansions;
- The impact of the proposals upon the highway network;
- The impact of the proposals upon trees and the ecology of the site.

As set out in the report, the application is considered to be contrary to City Council UDP (2007) and City Plan (2016) policies on the grounds of impact on character of open land; impact on accessible open space; lack of car parking; insufficient information to adequately demonstrate the impact of the development on trees and ecology and is therefore recommended for refusal.



### 3. LOCATION PLAN



4. PHOTOGRAPHS



Satellite image of application site & Entrance to Site from Essendine Road



## 5. CONSULTATIONS

### COUNCILLOR PRENDERGAST:

Verbal objection on the grounds of the loss of open space, loss of amenity, impact upon amenity of nearby residents and impact upon car parking.

### COUNCILLOR BEGUM:

Objection raised on the loss of open space and amenity, that is cherished by the local community.

### LONDON BOROUGH OF BRENT:

No objection.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Objection raised on the grounds that the residential units will harm the amenity of the area and fragment the open space, harming the conservation area; the proposals would harm the setting of the existing flats of Essendine Mansions. Whilst the provision of sedum roofs are welcomed, they would not be suitable in this landscape

### NATURAL ENGLAND:

No comment.

### HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Objection raised on the grounds of no parking provided and that the cycle storage isn't weatherproof and secure.

### CLEANING MANAGER:

Objection raised on the grounds of lack of detailing.

### ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

Objection raised on the loss of trees, impact upon landscaping, impact upon trees and landscaping during the course of construction; given the lack of arboricultural assessment.

### PARKS & GARDENS:

No response received.

### ENVIRONMENTAL HEALTH OFFICER:

No objection in principle, concerns raised with regards to fire safety.

### BUILDING CONTROL - DEVELOPMENT PLANNING

No objection in principle, concerns raised with regards to fire safety and open plan layout.

### DESIGNING OUT CRIME:

No response.

THAMES WATER UTILITIES LTD:  
No objection.

ADJOINING OWNERS/OCCUPIERS:  
No. Consulted: 472  
Total No. of replies: 46  
No. of objections: 46

Forty six objections, including a number from the Essendine Road Association (which include 2 publications entitled 'Wild Garden' and 'Pigs in Blankets'), received on some or all of the following grounds:

Land use:

- Loss of open/green space that is a community facility and a future Asset of Community Value (application pending decision at the time the objection was written) ;
- Even if the dwellings were allowed, the remainder of the open space couldn't 'actually' be used;
- The proposed dwellings are not in keeping with the character of the area;
- Garden spaces should be retained for families;
- Too little infrastructure to support additional housing;
- It is unclear as to the offer put forward regarding the outdoor classroom and recreation facilities and what the commitment to this provision would be;
- What are the public benefits to the scheme?

Design:

- The proposed dwellings are not in keeping with the character of the area;
- Proposals do not comply with policy DES12 of the UDP
- Poor design of the dwellings;

Amenity:

- Overlooking from the proposed dwellings;
- Loss of light from the proposed new boundary treatment to the Essendine Mansions (noted also that no exact dimensions are given)
- Additional noise from the proposed dwellings;
- Light spillage from the proposed dwellings;
- Loss of privacy from the residents of the dwellings walking between the existing mansion blocks.

Access/Highways:

- Impact of four new dwellings upon the existing parking in the area;
- The access from Essendine Road to the site is not sufficient in relation to construction.

Trees/Landscaping:

- The tree plans are misleading and not detailed enough, in that they don't give an accurate picture of the site;
- Concern raised regards different 'levels' across the site and in relation to the existing Essendine Mansions and the impact this could have on soil/ subsistence;



- Loss of trees is unacceptable;
- It is likely that the development will have an affect on the retained trees in terms of damage;
- Future residents of the dwellings are likely to want to fell more of the trees and greenery.

Ecology:

- Significant impact upon the ecology of the site and loss of wildlife;
- The proposals do not comply with S37 of the City Plan;
- The preliminary ecology report is insufficient given the nature of the development.

Other:

- No consultation with local residents;
- Increase in crime and burglary from additional dwellings;
- Impact of new development proposed by 'greedy developers' upon existing neighbours;
- Too much development in the area;
- A precedent would be set if development in the 'garden space' was allowed.
- View from Essendine Mansions to the rear will be lost;
- The site is not suitable for fire and ambulance access;
- Addition of refuse facilities 'outside' will result in vermin;
- Increase in subsidence to Essendine Mansions;
- Impact of proposed development construction upon adjacent school;
- Noise and disruption during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an elongated rectangular plot of open land to the rear of Essendine Mansions. Essendine Mansions comprise a series of 10 blocks of flats on the west side of the street which were built in the late nineteenth century. To the west of the open land and bordering onto it are the garden plots of properties which face onto Kilburn Park Road. To the south of the open land is Essendine Primary School, which along with its ancillary buildings is a grade II listed London Board School, which dates from 1899-1904. The northern boundary of the open land is bounded by 110 Morshead Road, which is a post-war residential building. All of the application site as well as Essendine Mansions, 110 Morshead Road and Essendine School lie within the Maida Vale Conservation Area. The property boundary between the open space and the garden plots of the properties on Kilburn Park Road forms the conservation area boundary.

Access to the site is either gained from within the rear yards/ gardens of the Essendine Mansions, where the boundary treatment between these yards and the open space over the years has been left in a state of disrepair, or from Essendine Road using the gated access between 50-60 and 62-66 Essendine Mansions. The applicant argues that a small number of people have a key to the gate in order to allow the refuse storage which

is stored behind the gate to be brought to the street or for emergency service access. This gate was apparently installed fifteen years ago by the management company and only resident was originally given the key (this is confirmed in a statement submitted as part of the application). Local Councillors and residents however claim that they installed the gate and many people have access to the site and have key.

## 6.2 Recent Relevant History

There is no application history relevant to the consideration of the proposed development.

This site was added to the register of Assets of Community Value on 1 December 2016 (ref: WCC/ACV/Essendine) following an application made by the Essendine Residents Association. As a result of the granting of the ACV the land has become known as 'The Wild Garden'. A copy of the confirmation letter to the Essendine Residents Association has been included in the background papers.

## 7. THE PROPOSAL

Planning permission is sought for construction of four new dwellings (two houses and two flats) with rear gardens with associated access, landscape, play and recreation improvements. The application originally proposed four houses, however during the course of the application, the plot occupied by two houses are now proposed to be one building divided into a flat at ground and a flat at first floor level. The proposals did not alter the footprint of the development and therefore no further consultation was carried out.

According to the applicant, the proposed development would occupy 9.8% of the 'open space' (or 7.2% of the land if only taking the footprint of the buildings into consideration), retaining some 2442m<sup>2</sup> (or 90.2%) of the 'open space'. The two buildings, comprising two dwellings each are two stories in height and are located fairly centrally within the site. The proposals also include the reinstatement and/or replacement of boundary treatments to the Essendine Mansions.

The plans show indicative locations for a woodland walk and an outdoor learning classroom associated with Essendine Primary School.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of 'the wild garden'

Paragraph 69 of the National Planning Policy Framework ("NPPF") advises that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Paragraph 70 of the NPPF also advises that planning decisions should "guard against the **unnecessary loss of valued facilities and services**, particularly where this would reduce the community's ability to meet its day-to-day needs" (emphasis added).

Paragraph 74 states that existing open space, sports and recreational building and land, should not be built on, unless an assessment is undertaken which has clearly shown the open space, buildings or land, to be surplus to requirements; or the loss resulting from the proposed development would be replaced by an equivalent or better provision.

Paragraph 76 and 77 states that local communities through local and neighbourhood plans, should be able to identify for special protection, greens/green space of particular importance to them. By designating land as local green space, local communities will be able to rule out new development other than in very special circumstances. Local green space designation will not be appropriate for most green area or open space, but should be used where the green space is in reasonable close proximity to the community it serves; where the green space is demonstrable special to a local community and where the green area concerned is local in character and not an extensive tract of land.

Policy ENV15 of the UDP offers protection for both public and private open space, indicating that development will not be granted permission on private open space “of amenity, recreational or nature conservation value, unless the development is essential and ancillary to maintaining and enhancing that land as valuable open space.”

The applicant has sought to justify the loss of this open space given that only 9.2% of the overall land is proposed to be built over with 90.8% of the land remaining. The City Council contends that **any** development would be contrary to the aim of the NPPF and policy ENV15 and in light of the recent designation of the open space as an ACV it is clear that the open space is used and much loved by local residents. Although the open space has not been designated a ‘Local Green Space’, as there is no neighbourhood plan in place for this part of Maida Vale in which this designation could be made, it appears that the open space would fall within the ‘criteria’ used in designation of Local Green Space and is valued as such, by the local community

The applicant argues that the provision of four properties, comprising 3 x 2bed and 1 x 3bed units provides valuable housing which is a key aim of the City Council’s policies.

The applicant has also sought to justify the proposals by offering up as part of the application a semi-public woodland walk to the west of the site and an open space to the south of the site that the adjacent school to the south of the site could use as an open air classroom. The applicant also confirms that direct rear access for residents of Essendine Mansions is embedded into the design proposals. The applicant has offered to transfer the freehold ownership of the remaining open land to a responsible and capable body upon completion of the development. The preferred model to the applicant would have been a development trust, possibly with a charity status, which may be a direct transfer or a transfer to the Local Authority in order to grant a long lease to the trust, if established.

The provision of additional housing is welcome, however this benefit is not considered to outweigh the in principle harm caused as a result of the loss of open space. Whilst works to create a woodland walk maybe aspirational to the local residents, this has not been explored by the applicant further. The applicant has advised the case officer that the neighbouring school has only recently been approached regarding the provision of an outdoor classroom, however it is unclear as to the outcomes of these discussions. Given the principle of the development is considered unacceptable, the offers listed above have not been explored further. It is worth noting that the provision of a woodland

walk and an outdoor classroom would raise other concerns, not assessed as part of this application in regards to design and amenity.

Given the above, the considerations suggested by the applicant do not outweigh the clear conflict with NPPF and development plan policy and the application is recommended for refusal on the grounds of loss of the asset of community value.

### **8.1.2 Residential use**

Had the application been considered acceptable in principle, the provision of additional housing in the form of three x2 bed units and one x3bed unit would have been considered acceptable and compliant with H3 of the UDP and S14 of the City Plan.

Policy H5 of the UDP requires that 33% of new developments are family sized. Only one unit (25%) is proposed to be family sized, however given that all the units are well proportioned and have meaningful designated garden space, it is not considered that this minor shortfall could be a sustainable reason for refusal. The standard of accommodation in terms of the size of the units and that each unit has multiple, large windows, despite being primarily single aspect, are considered acceptable. The proposals would have complied with policy H5 of the UDP in this regard.

## **8.2 Townscape and Design**

As described above, the application site is an elongated rectangular plot of open land to the rear of Essendine Mansions. Essendine Mansions comprise a series of 10 blocks of flats on the west side of the street which were built in the late nineteenth century. To the west of the open land and bordering onto it are the garden plots of properties which face onto Kilburn Park Road. These properties are three storey terraced houses (now flats) and are slightly earlier in date than Essendine Mansions. Within this group of Victorian terraced houses is Wheatfield House, which is a taller post-war infill development, which replaced some of the earlier Victorian housing. To the south of the open land is Essendine School, which along with its ancillary buildings is a grade II listed London Board School, which dates from 1899-1904. The brick boundary wall to the school which forms a contiguous boundary with the open land forms part of the listed curtilage. The northern boundary of the open land is bounded by 110 Morshead Road, which is a post-war residential building.

All of the application site as well as Essendine Mansions, 110 Morshead Road and Essendine School lie within the Maida Vale Conservation Area. The property boundary between the open space and the garden plots of the properties on Kilburn Park Road forms the conservation area boundary.

The only other designated heritage asset to note is a grade II listed K2 telephone kiosk outside 104-114 Essendine Mansions, which lies adjacent to an all edged former access point into the open land.

The Maida Vale Conservation Area was first designated in 1968 and has been extended on a number of occasions since then. The area of the application site was one of the later extensions, included as part of the conservation area in 1996. The conservation area is predominantly a product of the Victorian age, with the earliest main phase of development commencing in the southern half of the conservation area from the 1830s



following the construction of the Regent's Canal. The principal land use has always been residential and the earliest phase of development saw the construction of stucco villas and terraces. This earlier phase had largely been completed by the 1860/70s with most of the land to the south of Sutherland Avenue being developed. The latter part of the nineteenth century saw the development of the northern half of the conservation area and saw changes in style and house type, with a greater use of red brick-faced buildings and the introduction of mansion blocks. In addition to the housing that was built the area is characterised by its tree-lined roads and the large areas of private communal gardens that were created. The earlier phases of development saw smaller areas of communal private garden laid out, such as those to the rear of Bristol Gardens or to the rear of 1-13 Clifton Gardens. But such gardens became more generous spaces with the laying out of Randolph Crescent and Warrington Crescent, where large areas of communal garden were created to the rear of the properties. It is interesting to note that the 1890 Ordnance Survey Map which shows that Essendine Road has been laid out (although no buildings constructed) shows this general area as comprising a large extent of 'Allotment Gardens'. Some of these 'Allotment Gardens' were maintained in the development of the area and it is evident in the 1910 Ordnance Survey map, that land to the rear of Lauderdale Mansions was still being used as 'Allotment Gardens'.

It is not clear whether the land to the rear of Essendine Mansions was retained as allotment gardens and on the 1910 map which is the first map which shows Essendine Mansions, the land to the rear is shown as a blank rectangular plot, with no buildings in it or any suggestion of landscaping. The access point to this land is shown as a narrow passageway between nos. 50-60 and 62-66 Essendine Mansions.

By the 1930 Ordnance Survey Map the land is shown as subdivided into three rectangular plots with a small T-shaped building at the northern end. This would seem likely to be tennis courts and a pavilion, referred to as 'The Morshead Club (Tennis & Recreation)' on the 1950s Ordnance Survey Map. The presence of tennis courts to the rear of properties in the area is also a common feature, with a large area of tennis courts and bowling greens also located to the rear of properties in Delaware Road and Castellain Road, between Lanark Road and Randolph Avenue; and as part of the Paddington Recreation Ground. By the 1970s Ordnance Survey map, the tennis courts and the pavilion on the application site are no longer shown.

Although a conservation area audit (appraisal) has not been carried out for the Maida Vale Conservation Area, the information leaflet for the area includes the following description:

"...The tree lined streets, vistas and private amenity spaces combine to give the entire area a leafy character and enhance the character of the buildings and the layout of the roads..."

Essendine Mansions date from the 1890s and comprise a series of double-fronted four storey blocks. The front facades to each block are symmetrical, with central doorway and central pargetted gablet and are faced in red-bricks. Each block has a broad T-shaped plan, with a rear projecting wing. The rear facades are again faced in red brick but are plainer with paired sash windows. The one exception to the standardised layout is the block which houses 62-66 Essendine Mansions, which has the appearance of a truncated block. This block lies alongside the passageway to the open land to the rear. It is considered that Essendine Mansions make a positive contribution to the conservation area and can be regarded as an undesignated heritage assets.

The open land is a heavily overgrown plot which includes a number of large trees. The land and the trees can be glimpsed from street level views in Essendine Road and are overlooked by a large number of properties both from within the conservation area (Essendine Mansions) and from beyond its boundary (the properties which back onto the site in Kilburn Park Road). The site was obviously used as a sports facility during the mid-twentieth century and may well have served as allotment gardens prior to that, but in recent years the land has reverted to having an almost woodland character, with minimal evidence of planned maintenance and certainly no planned design. Remnants of the tennis court fencing and boundaries can still be traced and there is evidence of some informal use of the space.

Given the history of the land and its layout, it is considered that as an area of open land, albeit somewhat under maintained, it does contribute positively towards the character and appearance of the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

In terms of the NPPF the key historic environment considerations are addressed in Chapter 12. Paragraph 130 in this Chapter is worth noting, which states that “where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.” Paragraph 134 is also relevant to this proposal and relates to circumstances where less than substantial harm occurs to a designated heritage asset.

The current proposal seeks to erect two buildings, one comprising two houses and the other two flats within the open land. The buildings will be modestly scaled two storey buildings. They will have a contemporary appearance and be constructed in brick (handmade stocks) to the ground floor, with the upper storey clad in larch timber cladding. Large, predominantly frameless doors and windows will be primarily positioned at the ends of the houses, with the longer side walls left largely blank to try and address overlooking/privacy issues. Sedum roofs are proposed for all the buildings. Each property will have its own small private garden, but there will be a landscaped area between the two buildings leading from the entrance passageway which will form a new landscaped setting for the buildings. Further landscaping within the open space in the form of a ‘Woodland Walk’, informal seating areas, a pond, herb gardens and mini allotments are also indicated, although who uses these parts of the space is somewhat ambiguous within the application. The construction of the houses and the landscaping will result in the loss of some trees.

The design and scale of the proposed dwellings has clearly sought to mitigate their visual impact, by positioning them quite centrally within the space, and designing them so that they are far smaller than the neighbouring buildings and of a design which seeks to have a recessive quality and blend with the woodland setting. Nevertheless the introduction of the houses and flats together with the associated landscaping will undoubtedly change the character of the space.

In addition to s.72 of the P(LBCA)Act 1990, the City Council's UDP policy DES 9 also relates to conservation areas and this policy seeks to ensure that permission will only be granted for development, involving a material change of use, which would serve either to preserve or enhance the character and appearance of the conservation area. Other development plan policies to note include DES 1 which amongst other things requires new development to respect, and, where necessary maintain, "the character, urban grain, scale and hierarchy of existing building and the spaces between them...[and] the form, character and ecological value of parks, gardens and planned open spaces." UDP Policy DES 12 is also of relevance and indicates that development on or under open spaces will not be permitted where the open space "form[s] an important element in the townscape, part of a planned estate or street layout; are characteristic features of conservation areas; provide the setting of a listed building; are of significant ecological value.". As discussed above, UDP Policy ENV 15 offers similar protection for both public and private open space, indicating that development will not be granted permission on private open space "of amenity, recreational or nature conservation value, unless the development is essential and ancillary to maintaining and enhancing that land as valuable open space." Policy S35 within the City Plan is a key policy which seeks to protect open space and states in the reasoned justification that "the overall and localised shortage of open space and the difficulty of finding appropriate new sites make it essential to resist the loss of even the smallest open spaces."

The proposal will result in a loss of open space, though it is acknowledged and as the applicant points out, the actual footprint of the houses would still leave a substantial area of open space (calculated by the applicants as 90.2% of the existing open space). However, as observed by the Paddington Waterways and Maida Vale Society, the proposal will fragment the open space. Furthermore, the proposal will also change the character of the open space, introducing housing and associated landscaping, with all the attendant activities that residential homes bring. While the Maida Vale Conservation Area does have a residential character, it is also these large areas of private amenity space, often to the rear of properties, which distinguish it. This particular open land was clearly better looked after in the past and served an active amenity function. That it has become a place where there is limited maintenance, does not mean that it has lost its amenity value, nor does it diminish its historic layout and how this contributes to the history of development within the Maida Vale Conservation Area. While it is not suggested that the applicants/owners have deliberately allowed the land to become unkempt and overgrown, it is nevertheless the case, as indicated in paragraph 130 of the NPPF that the deteriorated condition of an asset should not be taken into account. The land as an open space could clearly be enhanced by improved maintenance. It is considered that the land can be regarded as a heritage asset.

The introduction of the proposed new housing and associated landscaping is considered to have a harmful impact upon the Maida Vale Conservation Area, changing the character of one of its distinguishing private amenity spaces. The degree of harm, in the language of the NPPF, is considered to be in the category of 'less than substantial'. Nevertheless, given the statutory duty, any harm to designated heritage assets carries considerable importance and weight, and it is against such harm that the merits of the redevelopment scheme, including its public benefits, must be balanced. The NPPF requires that in cases where 'less than substantial harm' arise that this harm should be weighed against the public benefits of the proposal.

In this case there are potential public benefits, such as delivering more housing, which can potentially be said to deliver economic and social benefits. However, given the duty imposed by statute; the fact that these private amenity spaces are a particular feature of the Maida Vale Conservation Area; and given the importance placed in the development plan upon protecting open space, it is considered that in this case the public benefits of the scheme would not outweigh the harm caused and as such the proposal should be rejected.

The proposals are therefore recommended for refusal on the impact of the development upon the character of the Maida Vale Conservation Area.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP states that new development should enhance the residential environment of surrounding properties and should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing to neighbouring properties.

As described above a number of the objections received have raised amenity concerns, notably on the grounds of overlooking from the proposed dwellings; loss of light from the proposed new boundary treatment to the Essendine Mansions (noted also that no exact dimensions are given), additional noise from the proposed dwellings and loss of privacy from the residents of the dwellings walking between the existing mansion blocks.

#### **8.3.1 Sense of Enclosure**

Given the location of the two, two storey buildings at 6m in height set some 11m from the rear elevations of Essendine Mansions and 31m from Kilburn Park Road it is considered that the proposals would not result in any detrimental sense of enclosure to neighbouring properties.

Objections have been received from some of the residents in Essendine Mansions on the grounds that the proposed repair/ replacement boundary treatment to the rear of the Essendine Mansions yards/ gardens could result in a sense of enclosure to the lower ground/ ground floor flats. It should be noted that the application is at a slightly higher ground level than the yards/ gardens of Essendine Mansions. Objectors have pointed out there is little detail as to the height and design of the proposed boundary treatment and whether or not the ground levels have been taken into consideration and what level the boundary treatment would be installed at. The applicant has submitted a 'typical edge detail' which proposed replacement boundary treatment at ground floor level of the application site and at a height of 1.1m. There are however no elevations or design detail. Given the existing treatment is approximately 1m high, comprising fencing and hedging (although it should be noted that in some places no boundary exists) and that this does not appear to be intrusive, the principle of the replacement boundary treatment is acceptable.. Had the application been considered acceptable, further details of this would have been requested so not to have been harmful to adjacent residents.

#### **8.3.2 Privacy**

The dwellings have been designed so that the majority of the windows are north and south facing and therefore do not give rise to the residential properties in Kilburn Park

Road or Essendine Mansions being overlooked. A small terrace is proposed to the top floor flat in the building to the south of the site and to the first floor on one of the dwellings in the northern building, however these are considered to be a substantial distance away from the gardens and rear elevation windows of Kilburn Park Road so do not give rise to any overlooking concerns. Whilst the windows in the houses in the northern part of the site have windows that face 110 Morshead Mansions, the distance between these properties is substantial and would partly be obscured by the remaining trees and landscaping within the site. The proposals are not considered to give rise to any significant overlooking to neighbouring properties.

Objections have been received from residents in the Essendine Mansions properties adjacent the access route on the grounds that the future residents of the proposed dwellings would be walking past, in close proximity, kitchen and bedroom windows and therefore this would result in loss of privacy. Users of the open space can already walk directly past these windows. The additional increase in activity is not considered to give rise to any further overlooking, over what can currently be experienced and it therefore it is not considered that the application could be refused on this basis.

### **8.3.3 Sunlight and Daylight**

No sunlight and daylight report has been submitted with the application. Given the siting of the new dwellings within the open space; the proposed two storey design of the building at 6m in height; the distance to the rear gardens and rear windows of neighbouring properties and the remaining trees and landscaping, it is not considered that the proposed development would result in any loss of sunlight and daylight to neighbouring properties.

Objectors have pointed out there is little detail as to the height and design of the proposed boundary treatment and whether or not the ground levels have been taken into consideration and what level the boundary treatment would be installed at. The applicant has submitted a 'typical edge detail' which proposed replacement boundary treatment at ground floor level of the application site and at a height of 1.1m. There are however no elevations or design detail. Given the existing treatment is approximately 1m high, comprising fencing and hedging (although it should be noted that in some places no boundary exists) and that this does not appear to be intrusive, the principle of the replacement boundary treatment is acceptable in terms of sunlight and daylight implications. Had the application been considered acceptable, further details of this would have been requested so not to have been harmful to adjacent residents.

### **8.3.4 Noise from the Proposed Residential Units**

Four new dwellings are proposed and this could give rise to a maximum of 13 occupants (based on bedroom numbers). Whilst it is acknowledged that four new dwellings in this open space would result in a change to the adjacent neighbours, given the existing residential nature of the area and existing garden spaces, it is not considered that the number of units would give rise to significant noise so as to warrant refusal. It must also be remembered that the open space is used by existing residents of Essendine Mansions and other local residents and as can be seen from the objections received, has been used for numerous parties and therefore in the context, it is not considered that the proposed dwellings could be justifiably refused. Objections have been received on the grounds that the new residents would cause noise that would be directly heard by the residents within the mansions either side of the access route when arriving and departing

their homes. Again, given that the site is already used by existing residents and people do walk past the windows which overlook the access route, it not considered that the noise created would be so harmful to refuse the scheme.

## **8.4 Transportation/Parking**

### **8.4.1 Car Parking**

Objections have been received on the grounds of car parking in the area and the potential impact four new residential units will have upon the parking network.

Policy TRANS23 relates to off-Street Parking for Residential Development and details an 80% on-street car park occupancy threshold, above which the provision of additional vehicles to the on-street parking environment, will result in an unacceptable level of deficiency.

Policy TRANS23 includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 68.3% (consisting of 336 Residents' and 62 Shared Use Bays, 226 and 46 of which were occupied respectively).

The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels.

Overnight the pressure on Residents' and Shared Use Bays increases still further, to 89.4%. Residents can also park free of charge on metered parking bays or single yellow line in the area overnight, but in this area the inclusion of these other bays makes little difference with the overall figure actually increasing slightly to 90%.

Whilst the applicant proposes car club membership to each residential unit for a period of no less than 25 years, this is not considered to sufficiently mitigate against the demand upon on street carparking and therefore it is recommended that the application be refused on lack of parking. It is also proposed to fund additional car club membership spaces; however as this outside the control of the City Council, this offer would have to be in conjunction with a car club provider which has not been submitted as part of this application. A contribution towards electric charging points has been offered, but once again this is not considered to mitigate against the demand of on street car parking. As the parking levels are already above the 80% threshold level set out in Policy TRANS23, the proposals are considered unacceptable.

### **8.4.2 Cycle Parking**

Cycle parking provision has been made for the four units (8 spaces) and 8 spaces have been provided for the 'open space'. The standards for the residential units is in accordance with FALP standards (despite the Highways Planning Managers comments). It is unclear as to the reasoning of the spaces proposed for the open space.

However, the cycle parking is shown as being outside and whilst this is acceptable for the open space provision, for residential properties this should be secure and weather

tight. Further details of this would have requested by condition had the application been recommended for approval.

## **8.5 Economic Considerations**

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

## **8.6 Access**

The site is level from Essendine Road and proposed to be made more accessible through landscaping/ surfacing works. The proposed houses and the ground floor flat are all accessible.

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

### **8.7.1 Trees:**

Objections have been received on the grounds of the loss of trees in order to make way for the residential development.

UDP Policy ENV 16(a) 'Trees and Shrubs' protects trees and ensures new planting is appropriate, respecting historic street character, views and setting of buildings. All trees in conservation areas and all those trees subject to Tree Preservation Orders will be safeguarded unless dangerous. Planning permission will be refused for development likely to result in the loss of or damage to a tree which makes a significant contribution to the ecology, character or appearance of the area. ENV 16(b) states that planning permission will be refused for development likely to result in the loss of or damage to a tree which makes a significant contribution to the ecology, character or appearance of the area. Policy ENV16(e) goes onto states that the City Council will protect trees that form part of green corridors; particularly those located at the rear of private gardens.

The applicant has submitted a tree survey in the form of an 'existing and proposed' plan and a landscaping plan.

The row of Lime trees to the rear of the site (western boundary) which are all subject to a TPO are to retained and are a sufficient distance away from the development to be affected. The existing and proposed tree plan submitted with the application shows seven trees within the middle of the site are proposed to be felled, with replacement trees to be replanted within the remainder of the open space. According to the applicant, the buildings have been sited in order to minimize the loss of trees and ensure that only lower order trees are removed. The applicant states that the trees to be removed are classed as Category C trees, although no arboricultural assessment has been submitted with the application advising what species these trees are and the thought process behind the proposals.

The landscape plan which shows allotments, natural play and the woodland walk for example shows some implausible elements including allotment areas beneath some lime trees within the site. There is not enough light beneath the trees for an allotment and so the pressure to prune to the detriment to tree health and visual amenity will be too great. There is also a hard landscape treatment between the houses and around trees, for which there is no detail to judge the impact on tree roots and root space. Any surfacing

within RPAs would need to be created without excavations so while the proposed surface looks permeable, it is set below the surface which will damage important surface roots of the retained trees in the centre of the site over too large an area.

The applicant was asked to provide an arboricultural assessment during the course of the application which has not been forthcoming. On the basis, there is insufficient information with regards to the loss of seven trees and the impact of the development on the remaining trees to make a recommendation on this aspect on the proposal and it is recommended that the application also be refused on these grounds.

### **Construction Impact upon Trees**

The applicant recognises that low impact construction methods are necessary including “tree safeguarding” measures and it states that the foundations will be a piled raft on mini-piles but as discussed above no assessment or design has been provided to know whether this is feasible. Low impact foundation would require raised ground floor levels (to avoid excavations and retain roots) and this is not proposed as part of the application.

Had the application been considered acceptable, a condition securing tree protection measures and further details would have been required.

### **8.7.2 Ecology & Biodiversity**

Objections have been received on the grounds of the potential impact of the development upon flora, fauna, birds and animals within the open space.

City Plan policy S37 ‘Biodiversity and Green Infrastructure’ states that biodiversity and green infrastructure will be protected and enhanced throughout Westminster and opportunities to extend and create new wildlife habitat as part of development will be maximised. Proposals within Areas of Wildlife Deficiency should include features to enhance biodiversity, particularly for priority species and habitat. Where developments would impact on species or habitat, the potential harm should firstly be avoided, secondly be mitigated, or finally appropriate compensation will be sought. Where harm cannot be prevented, sufficiently mitigated against or adequately compensated for, permission will be refused.

UDP Policy ENV17(a) ‘Nature Conservation and Biodiversity’ seeks to protect habitats of protected species and sites of nature conservation, and encourages measures to conserve and enhance areas of wildlife value. ENV17(d) ‘nature conservation and biodiversity’ requires that developers demonstrate that their proposals either preserve or enhance protected habitats and species. The City Council encourages landowners to plant and manage green spaces in ways that conserve and enhance wildlife value, and in particular plant native species of local provenance; retain green spaces that provide wildlife corridors, such as planted rear gardens; and provide features for wildlife and to promote local biodiversity. Policy ENV17(b) further states it will seek to protect and enhance areas of designated nature conservation value and green corridors. Development likely to have an adverse effect on a Local Nature Reserve, or a Site of Importance for Nature Conservation, or a green corridor will not be approved unless it can be demonstrated that there are reasons for the proposal that outweigh the need to safeguard the nature conservation value of the site. If such development is approved, mitigation will be required.



The site immediately adjoins, but is not included within an area of wildlife deficiency and a Local Site of Nature Conservation Importance (SNCI) covering Paddington Recreation Ground.

A preliminary ecological assessment has been submitted with the application. A desktop study carried out by the ecology consultant does provide records of statutory and non-statutory designated sites (7km for International, 5km for National designations and 2km for local designations) and records of selected protected or notable species within 2km of the site. The assessment notes that whilst the site is suitable for birds, stag beetles, bats and hedgehogs none were witnessed on site at the time of assessment. The appraisal concludes when evaluating the impacts of the proposal:

- The habitats on the site are considered to be of neighbourhood value due largely to the wider urban environment rather than the quality of habitat itself.
- The species value of the site is considered to be of negligible value due to the habitat on site supporting common and widespread species.

It is not sufficient enough that a preliminary assessment was submitted as part of this application. Given the nature of the site and its position adjacent to the Paddington Recreation Ground where there are 14 species of bird noted and 3 species of bat recorded, a full ecological study should have been submitted with the application fully addressing the impact of the development. It is therefore recommended that the application also be refused on the basis that insufficient information has been received to determine the ecological impacts of the development.

### **8.7.3 Refuse**

The design and access statement refers to waste storage areas being provided within the entrance way to the site and the master plan drawing seems to indicate that this will be to in the form of wheelie bins to the rear of 62-66 Essendine Mansions. Whilst this may be acceptable in principle it is expected that these bins would be stored in an enclosure and be able to accommodate refuse and recycling. It is disappointing to see that no refuse storage facilities are shown within the units themselves, or within the gardens of the units i.e. within the building fabric. In any event, further details of refuse and recycling would have been requested by condition.

Objections have been received on the grounds that the refuse storage area will result in vermin. Outside refuse storage areas are not uncommon and therefore it would be considered unreasonable to refuse the application on the basis of potential vermin.

### **8.7.4 Fire Safety**

Objections have been received on the grounds that in the event of a fire, the proposed residential units could not be reached by the Fire Brigade. The applicant has submitted with the application, confirmation from the Fire Brigade that the properties would be reached and the fire hydrant within Essendine Road would be sufficient.

### **8.7.5 Crime and Safety**

Whilst the Crime and Design Officer has not responded to this application consultation (given the nature and size of the development), it is not considered that the development of four dwellings will have a significant impact upon the existing residents of the area, notably those adjacent the existing access way. In terms of additional people accessing the site, it must be remembered that numerous residents have a key and access to the

open space, and whilst it could be argued that all the existing residents know each other, it is not considered that the residents and associated visitors of the four proposed dwellings are likely to result in crime and safety issues.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

As discussed in 8.1.1 of this report, the applicant has offered to provide a woodland walk, an outdoor classroom associated with Essendine Road School and to transfer the remaining open land into a trust of some sort. Given the unacceptable nature of the development these offers were not discussed or further progressed.

## **8.11 Environmental Impact Assessment**

See paragraph 8.7.2 regarding ecological.

## **8.12 Other Issues**

### **8.12.1 Consultation**

Objections have been received on the grounds that no neighbour consultation by the applicant took place. Whilst it is considered that neighbour consultation is extremely beneficial and desirable to officers, it is not a statutory requirement.

### **8.12.2 Overdevelopment**

The matter of 'too much development' again is not a reason for refusal. Each application is to be assessed on its own merits and against local and national policy.

### **8.12.3 Views**

Objections have been received on the grounds that the view of the open space will be lost from the rear residential windows of Essendine Mansions. Whilst the issue of visual amenity is an important one, and addressed above, 'views' cannot be protected and this is not a reason for refusal.

### **8.12.4 Construction impact**

Objections have been received on the grounds of noise and disruption to residents in Essendine Mansions/ Kilburn Park Road and to Essendine School. A draft construction management plan has been submitted (included within the Design and Access Statement) and whilst this sets out the basic method for construction and provides officers with some reassurance that the development will be carried out with as minimal disruption as practicably possible, it doesn't fully outline what equipment to construction the development would be required and how this mechanical equipment would access the site. The applicant is fully aware that developments of this nature require the

applicant to enter into a Code of Construction Practice agreement. Had the application been considered acceptable this would have been subject to a condition, along with the City Council standard hours of working condition and a reason for refusal on the grounds of noise and disruption could not be sustained.

#### **8.12.5 Subsidence**

A number of objections have referred to the fact that Essendine Mansions have been subject to subsidence in the past and that the proposed development would result in further subsidence. Whilst this has not been addressed in the application submission, this would be a matter for building regulations.

#### **8.12.6 Setting a Precedent**

Whilst a significant concern to many, the matter of a development setting a precedent is not a material planning consideration and each application has to be assessed on its own merits.

#### **8.12.7 Profit from Development**

The City Council cannot refuse to assess an application on behalf of a developer or refuse an application because a developer may receive a profit on the proposals. Each application has to be assessed on its merits.

## **9. BACKGROUND PAPERS**

1. Application form
2. ACV letter
3. Email from Councillor Begum dated 21 October 2016
4. Response from London Borough of Brent dated 5 December 2016
5. Letter from Paddington Waterways and Maida Vale Society dated 14 October 2016
6. Response from Thames Water dated 27 September 2016
7. Response from Building Control - Development Planning, dated 27 September 2016
8. Response from Natural England dated 28 September 2016
9. Response from Cleansing Manager dated 3 October 2016.
10. Response from Environmental Health Consultation, dated 14 October 2016
11. Response from Arboricultural Officer dated 17 November 2016.
12. Response from Highways Planning Manager dated 29 November 2016.
13. Letter from occupier of 159 Delaware Mansions, Delaware Road dated 7 October 2016
14. Letter from occupier of 9 Elgin Mansions dated 8 October 2016
15. Letter from occupier of 80 Ashworth Mansions, Grantully Road dated 8 October 2016
16. Letter from occupier of 35e Sutherland Avenue dated 8 October 2016
17. Letter from occupier of 43 Essendine Road dated 8 October 2016
18. Letter from occupier of 80 Ashworth Mansions, Grantully Road dated 8 October 2016
19. Letter from occupier of 52 Essendine Mansions, Essendine Road dated 8 October 2016
20. Letter from occupier of 52 Essendine Mansions, Essendine Road dated 8 October 2016
21. Letter from occupier of unnumbered property in Essendine Mansions dated 11 October 2016
22. Letter from occupier of 99 Heath Street dated 11 October 2016
23. Letter from occupier of 21 Essendine Road dated 11 October 2016
24. Letter from occupier of 14 Essendine Mansions, Essendine Road dated 12 October 2016
25. Letter from occupier of 56 Essendine Mansions, Essendine Road dated 14 October 2016

26. Letter from occupier of 104 Essendine Mansions, Essendine Road dated 13 October 2016
27. Letter from occupier of 28 Essendine Mansions, Essendine Road dated 14 October 2016.
28. Letter from occupier of 38 Essendine Mansions, Essendine Road dated 15 October 2016
29. Letter and photos from occupier of 60 Essendine Mansions, Essendine Road dated 15 October 2016
30. Letter from occupier of 78 Essendine Mansions, Essendine Road dated 15 October 2016
31. Letter from occupier of 2 Elsie Lane Court, Westbourne Park date 15 October 2016
32. Letters from occupiers of 2 Essendine Mansions, Essendine Road dated 15 and 17 October 2016
33. Letter from occupier of 1, 19 Essendine Road dated 15 October 2016
34. Letter from occupier of 44 Essendine Mansions, Essendine Road dated 16 October 2016
35. Letter from occupier of 2, 23 Essendine Road dated 16 October 2016
36. Letter from occupier of 14/24 Essendine Mansions, Essendine Road dated 16 and 17 October 2016
37. Letter from occupier of 86 Essendine Road dated 16 October 2016
38. Letters from occupiers of 8 Essendine Mansions, Essendine Road dated 17 October 2016
39. Letters from occupiers 42 Essendine Mansions, Essendine Road dated 17 and 18 October 2016
40. Letter from occupier of 104 Essendine Road (on behalf of the Residents Association) dated 17 October 2016
41. Letter from occupier of 14 Essendine Road dated 17 October 2016
42. Letter from occupier of 22 Essendine Mansions, Essendine Road dated 17 October 2016
43. Letter on behalf of Essendine Residents Association dated 17 October 2016
44. Letter from occupier of 24 Essendine Mansions, Essendine Road 17 and 31 October 2016
45. Letter from occupier of 25 Essendine Road dated 18 October 2016
46. Letter from occupier of unnumbered Essendine Road dated 19 October 2014
47. Letter from occupier of 93 Wymering Mansions dated 23 October 2016
48. Letters from occupiers of 4 Essendine Mansions, Essendine Road dated 25 October 2016
49. Letter from anonymous occupier of Essendine Mansions, Essendine Road dated 25 October 2016
50. Letter from occupier of 48 Essendine Mansions dated 30 October 2016
51. Letter from occupier of 44 Wymering Mansions, Maida Vale dated 2 November 2016
52. Letter from occupier of 110a Morshead Road dated 7 November 2016
53. Letter from occupier of 92 Essendine Mansions, Essendine Road dated 15 November 2016
54. Letter from occupier of 92 Essendine Mansions, Essendine Road dated 19 November 2016.

### **Selected relevant drawings**

#### **Existing and Proposed Plans, sections and elevations. Visuals.**

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

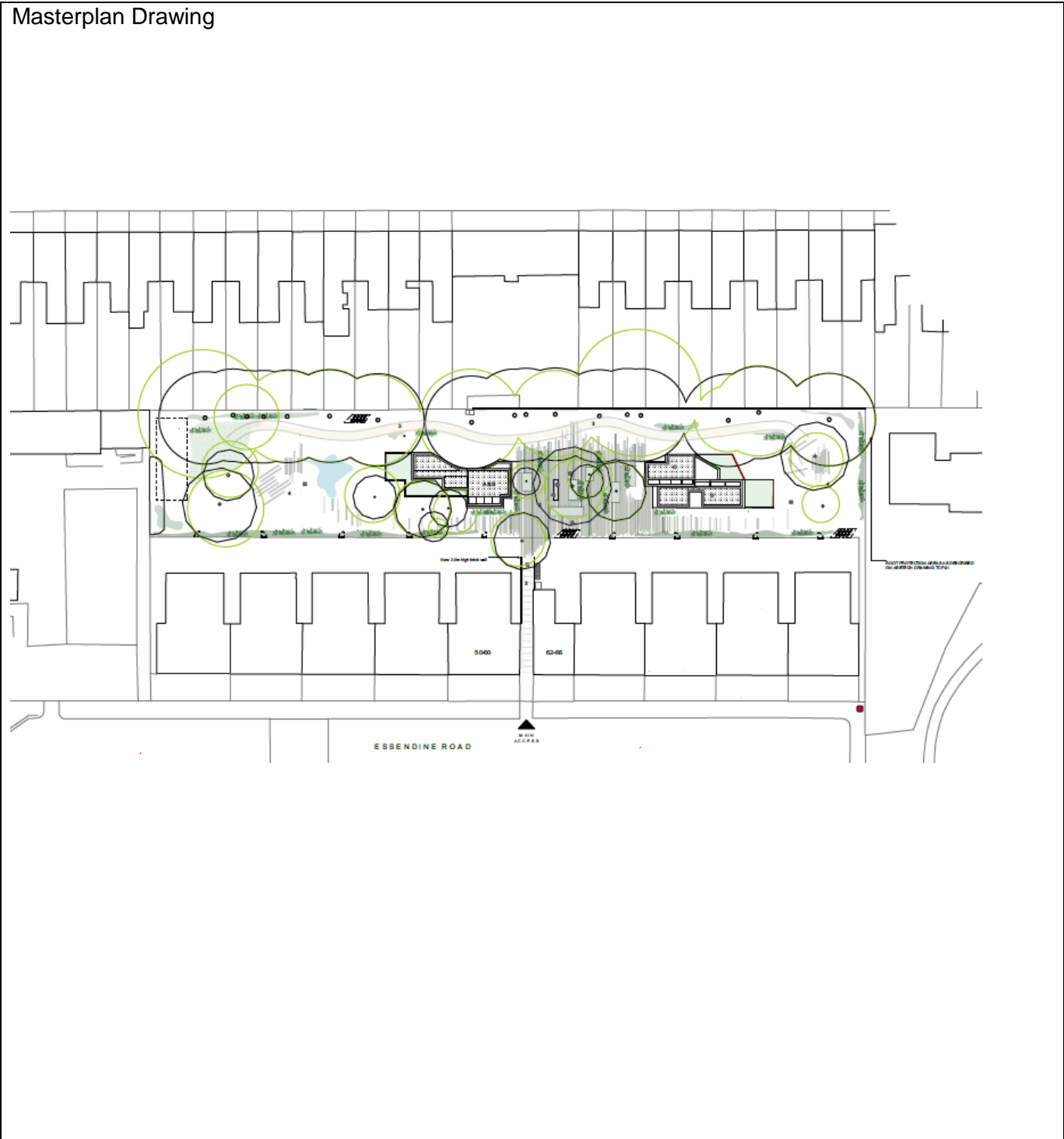
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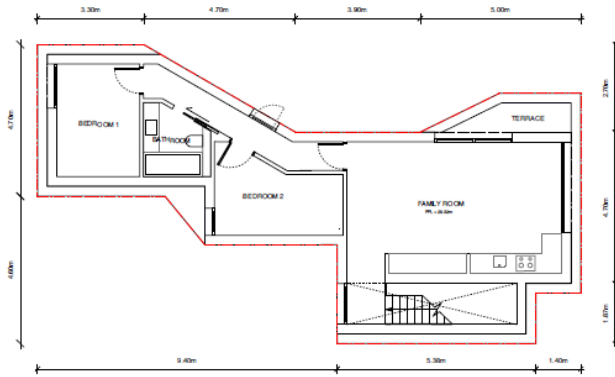
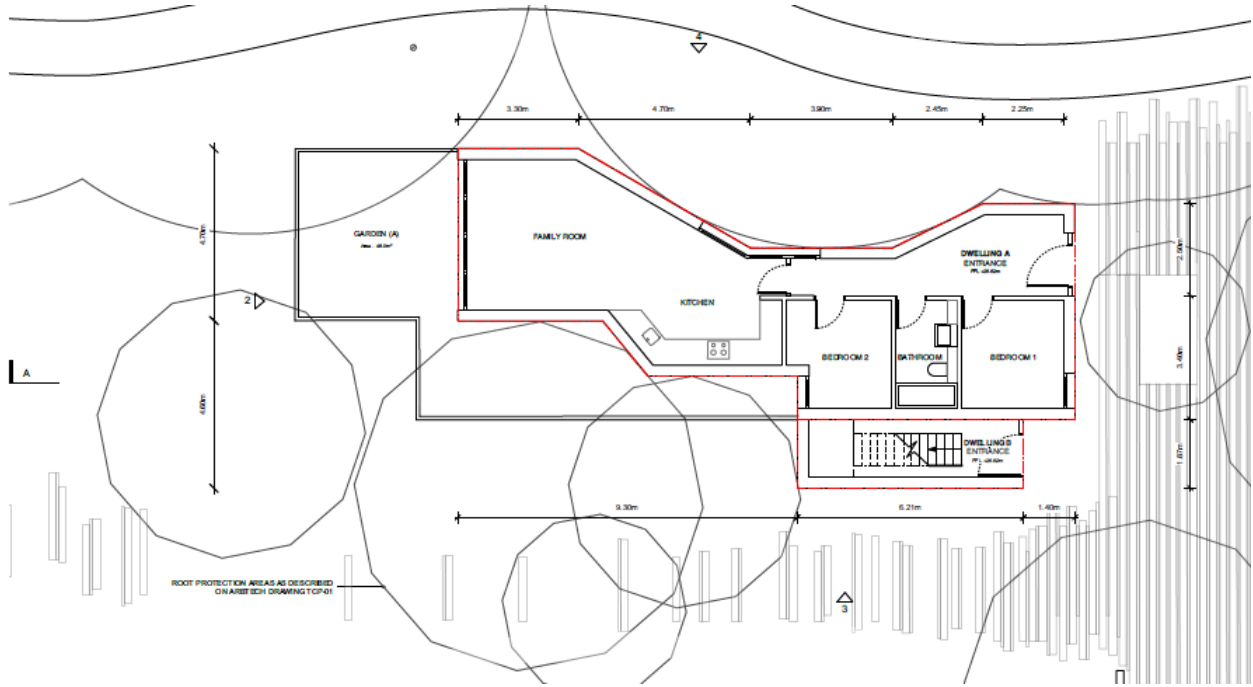
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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10. KEY DRAWINGS

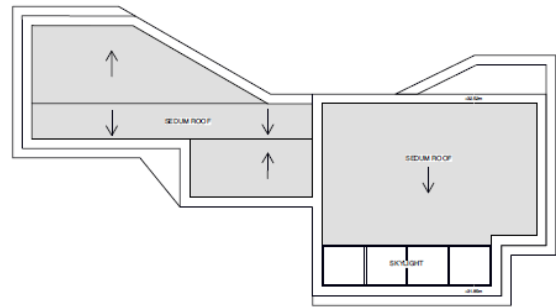
Masterplan Drawing



Proposed Floorplans – Flats A&B

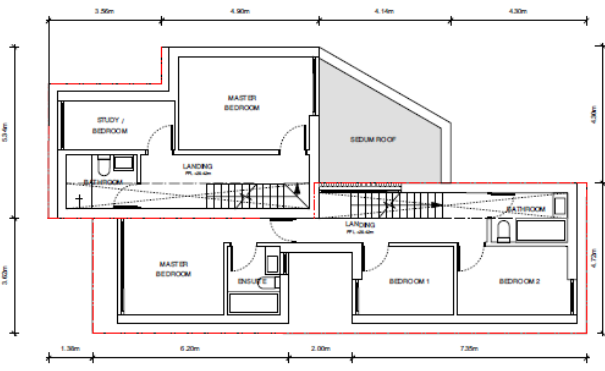
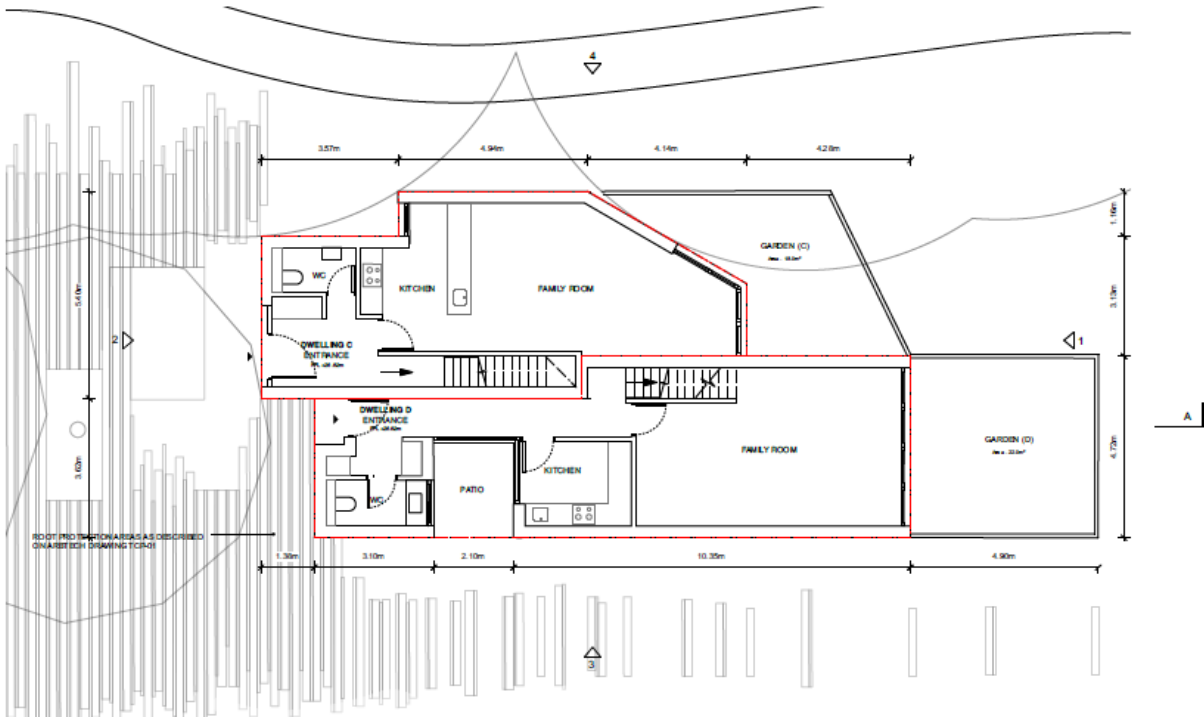


FIRST FLOOR AS PROPOSED / HOUSES A&B

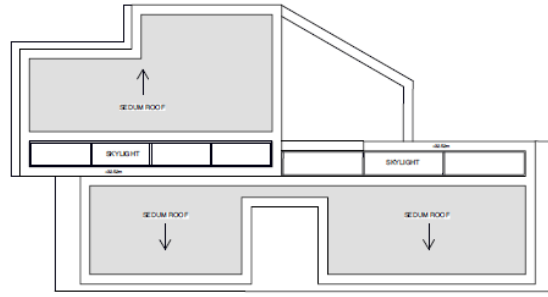


ROOF PLAN AS PROPOSED / HOUSES A&B

Proposed Floorplans – Houses C & D



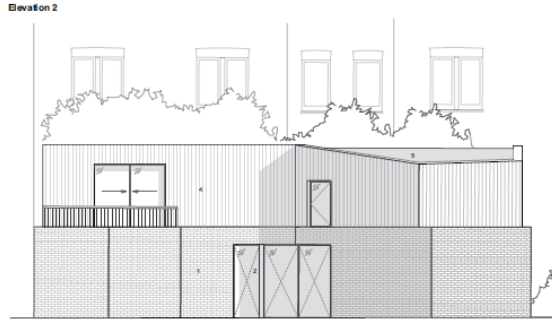
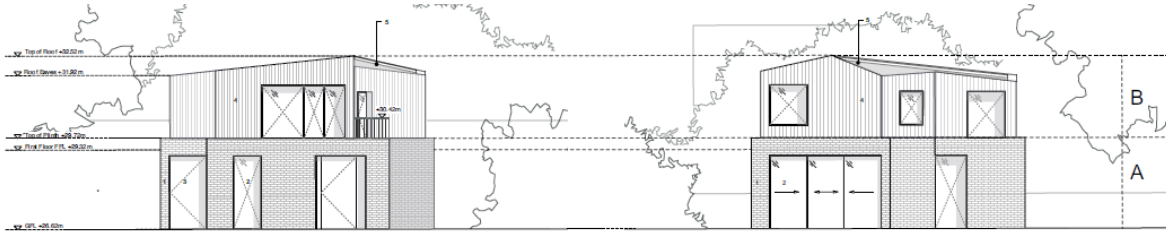
FIRST FLOOR AS PROPOSED / HOUSES C&D



ROOF PLAN AS PROPOSED / HOUSES C&D

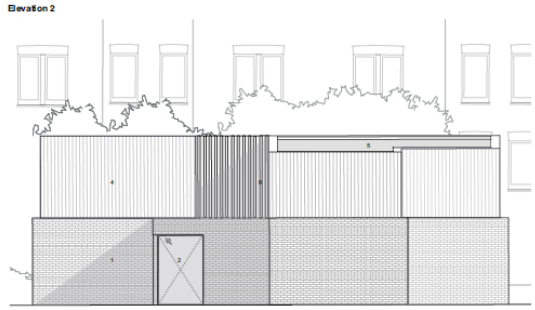
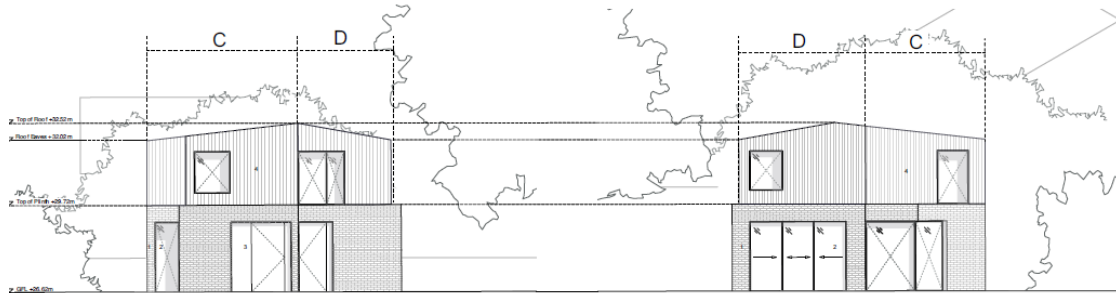


Proposed Elevations



Elevation 3

Elevation 4



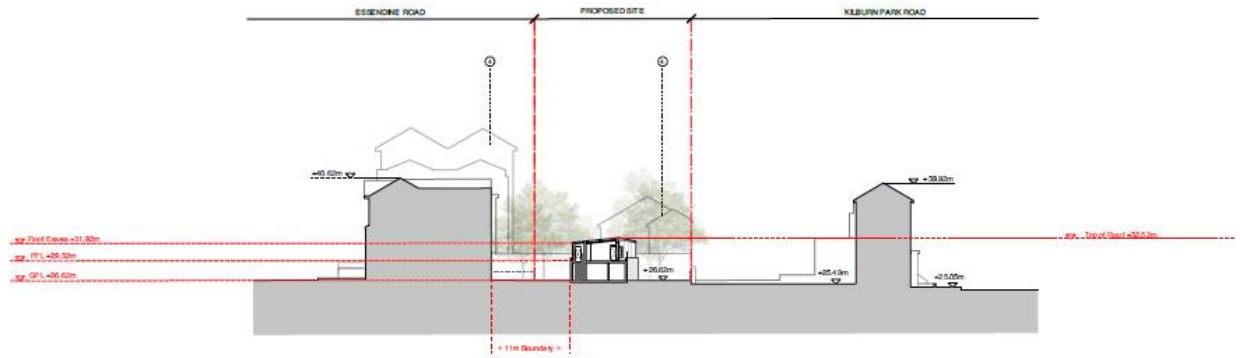
Elevation 3

Elevation 4

Proposed Sections



Section AA  
Scale 1:500 @A3



Section BB  
Scale 1:500 @A3

Aerial View Visual



**DRAFT DECISION LETTER**

**Address:** Essendine Mansions, Essendine Road, London, W9 2LY,

**Proposal:** Development of four new dwellings with rear gardens with associated access, landscape, play and recreation improvements. Reinstatement or replacement of boundary treatments.

**Reference:** 16/08740/FULL

**Plan Nos:** 139-EX: 001;002; 010; 011 139-L: 101 A; 102 A; 103; 104; 105 A; 106;107; 108; 109; 110; 139-GA: 200 B; 203 A; 204 A; 300 B; 301 B; 304 A; 305 A; 139-D: 400; 401; 139-SK: 500; 501; 502; Planning Statement dated August 2016; Design Statement dated August 2016; Access Statement dated August 2016; Open Space Assessment dated August 2016; Preliminary Ecological Appraisal dated September 2016; Community Safety Statement dated October 2016 Additional Supporting letter dated 1 November 2016.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

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

- Reason:
- 1 The proposed development would result in the unnecessary loss of a valued community open space, to the detriment of the local community and contrary to the National Planning Policy Framework, policy S25, S28 and S35 of Westminster's City Plan (November 2016) and DES 1, DES 9, DES 12 and ENV 15 of our Unitary Development Plan that we adopted in January 2007.
- Reason:
- 2 Because of their location the proposed new houses and associated landscaping would harm the character and appearance of this open land and fail to maintain or improve (preserve or enhance) the character and appearance of the Maida Vale Conservation Area. This would not meet S25, S28 and S35 of Westminster's City Plan (November 2016) and DES 1, DES 9, DES 12 and ENV 15 of our Unitary Development Plan that we adopted in January 2007.
- Reason:
- 3 Your development would add to an already high demand for on-street car parking in the area and this would affect people already living in the area. This would not meet our parking policy as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (X07AB)
- Reason:
- 4 Insufficient information has been submitted to demonstrate that the development would not cause harm to the environment and ecology including harm to the adjacent site of importance for nature conservation. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 5 Insufficient information has been submitted to demonstrate that the development would not cause harm to the environment, through the felling of seven trees and the impact that the development may have upon remaining trees and landscaping. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16 of our Unitary Development Plan that we adopted in January 2007.

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.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	93 - 95 Gloucester Place, London, W1U 6JQ,		
<b>Proposal</b>	Use of building as nine self contained residential flats (Class C3). Internal and external alterations.		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	Gloxinia Holdings Ltd		
<b>Registered Number</b>	15/07789/FULL 15/07790/LBC	<b>Date amended/ completed</b>	20 August 2015
<b>Date Application Received</b>	20 August 2015		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

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

## 2. SUMMARY

93 and 95 Gloucester Place are a pair of Grade II listed houses located within the Portman Estate Conservation Area. The buildings comprise of a basement, ground and three upper storeys. The buildings are currently occupied and in office (Class B1) use.

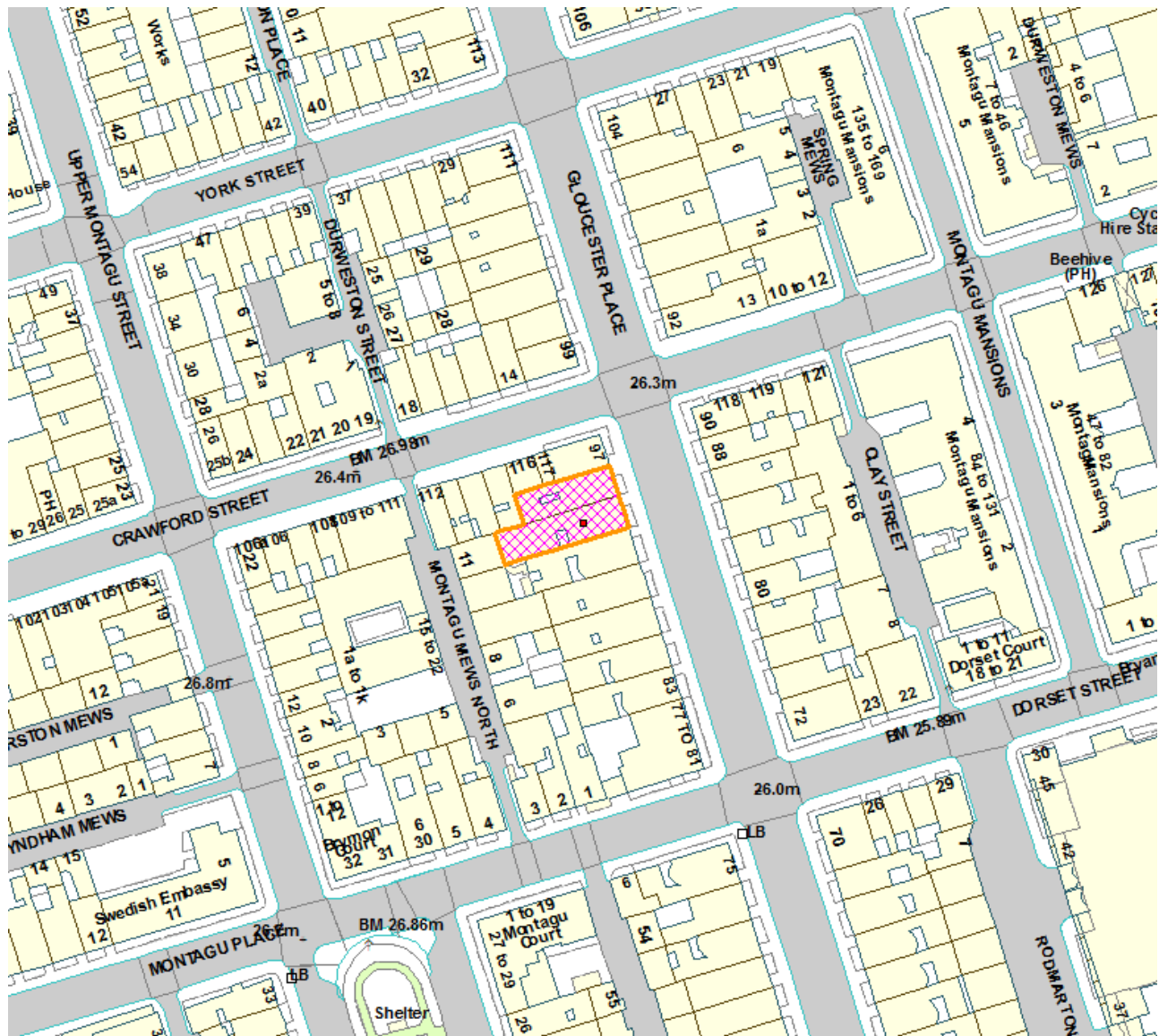
Planning permission and listed building consent are sought for the use of the building as nine self contained residential flats (Class C3) and associated internal and external alterations in connection with the proposed residential use. The key issues for consideration are:

- The loss of lawful office use within the building;
- The impact residential use could have on the residential amenity of neighbouring occupiers.

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

The application is acceptable in land use, design, amenity and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

## 3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Front elevation of both 93 and 95 Gloucester Place



Photograph 2. View from existing meeting room in No. 95 to the rear office at ground floor level



Photograph 3. Rear elevation of 93 Gloucester Place



## 5. CONSULTATIONS

MARYLEBONE ASSOCIATION: No response received to date

ENVIRONMENTAL HEALTH: No objection

HIGHWAYS PANNING MANAGER: Objection-lack of car parking

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 95;

Total No. of replies: 2 two objections have been received from the same resident at 11a Montagu Mews North and raise the following concerns:

- Loss of privacy and light;
- Noise nuisance from residential use-currently the building is not occupied at weekends or in the evening;
- An industrial air condenser unit has been installed on external terrace area-unclear as to whether this has planning permission and concerns that it is likely to cause health and noise issues;
- Noise nuisance from the unauthorised mechanical plant referred to above.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises 93 and 95 Gloucester Place, grade II listed buildings located within the Portman Estate Conservation Area. Each building occupies a basement, ground and three upper levels. The buildings are currently in office (B1) use, and are interlinked and operating as one. The site is located outside the Core Central Activities Zone.

At the rear of the site is a courtyard, onto which faces the rear of 11 Montagu Mews North. The courtyard is used by and in the same ownership as the application site, though the occupiers of the mews property have been granted access by the applicant.

### 6.2 Recent Relevant History

There is no relevant planning history to this site, however it is noted that a previous scheme involving significant demolition and extension for the use as 13 self contained flats was withdrawn.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of the building as nine self contained residential flats (Class C3) and associated internal and external alterations in connection with the proposed residential use.

The nine residential units will comprise of 4 x 1 bed flats, 3 x 2 bed flats and 2 x 3 bed flats and arranged within the building as thus:

Basement- 2 x 1 bedroom flats  
Ground floor- 1 x 1 bedroom flat  
First floor- 1 x 2 bedroom flat  
Second- 1 x 1 and 1 x 2 bedroom flat  
Third- 1 x 3 bedroom flat

In addition, two maisonettes will be provided - 1 x 2-bedroom split over basement and ground floor and 1 x 3 split over ground and first floor levels.

Each of the three flats at basement floor level will have access to a terrace/courtyard area.

The existing entrance to No. 95 will form a private entrance to one of the maisonettes split over ground and first floor, with the existing entrance to No. 93 forming the main entrance to the remaining flats.

External works include replacement of non-original windows at first floor level on the front elevation with single glazed sash windows, the refurbishment of the slate to the roof, brickwork to chimneys, cast iron rainwater goods and metalwork to balconies and stucco profiles.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of office use**

The Council, on 9<sup>th</sup> November 2016, formally adopted the latest version of Westminster's City Plan, which includes changes to Policy S20 (Offices and other B1 floorspace). The changes to Policy S20 include restricting office to residential conversions in the Core CAZ, Opportunity Areas and Named Streets. Loss of offices however, will be acceptable where they are to other commercial uses or outside these areas set out above. The site is located outside the Core Central Activities Zone and therefore is not subject to the office to residential restriction set out in Policy S20. Furthermore, the application was submitted in August 2015, before the deadline of 1<sup>st</sup> September 2015 when the change in policy came into force.

#### **Residential use**

Policy S14 Westminster's City Plan: Strategic Policies states that residential use is a priority across Westminster, except where specifically stated and that the number of residential units on site will be optimised. Policy S15 of the City Plan also seeks to ensure that residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs and creating mixed communities.

The nine residential units will comprise of 4 x 1 bed flats, 3 x 2 bed flats and 2 x 3 bed flats. The proposed units are considered to be acceptable in terms of their size and layout. The

layout and size is detailed in the table below, which demonstrates that each unit exceeds the requirements set out in the GLA Housing Standards:

**Table 1. Location and size of residential units**

Location/ Unit No.	Size (GIA)	GLA minimum space standards
Basement-		
B.1 (1 bed)	67sqm	50sqm
B.3 (1 bed)	71sqm	50sqm
Basement & Ground Floor		
B2 (2 bed)	131sqm	79sqm
Ground Floor		
G.1 (1 bed)	60sqm	50sqm
Ground and First Floor		
G.2 (3 bed)	149sqm	102sqm
First Floor		
1.1 (2 bed)	109sqm	70sqm
Second Floor		
2.1 (1 bed)	74sqm	50sqm
2.2 (2 bed)	110sqm	70sqm
Third Floor		
3.1 (3 bed)	195sqm	95sqm
<b>Total- 9</b> <b>(4 x 1 bed, 3 x 2 bed, 2 x 3 bed)</b>		

This development seeks to provide a mix of one, two and three bedroom flats. However the current provision of family sized units in this development is 22.2%, which does not meet the requirement of 33% as set out in Policy H5 of the UDP. This requirement however, will be applied with some flexibility. It is considered that in order to provide an additional family sized unit, this would have involved additional internal subdivision that would be likely to be considered harmful to these historic buildings.

The amendments during the course of the application have involved the addition of an additional unit, which further optimises the use of the site in accordance with policy S14. This proposal is considered to have the least harmful impact on the Grade II listed building. Given the number of units proposed, and the comments above regarding the listed fabric of the building, it is considered that in this instance it would be difficult to refuse permission on the grounds of not achieving the full requirement of family sized units.

### **Affordable housing**

Policy H4 of the UDP requires the provision of affordable housing within residential developments which proposed an increase of 10 residential units or more. Policy S16 of the City Plan reiterates this and states that where housing developments result in 10 new units or increases of 1000m<sup>2</sup> of residential floorspace, the provision of self-contained affordable housing will be required on site. Where the City Council considers this is not practical or viable the affordable housing can be provided off-site in the vicinity or a payment in lieu to the City Council's affordable housing fund may be accepted.

The current scheme provides an increase of approximately 1,431 sqm (GEA) of residential floorspace. No affordable housing is proposed (either on or off-site). On the basis of this site being located outside of the Core Central Activities Zone, the amount of affordable housing required is 160 m<sup>2</sup> (equivalent to two units). However, the applicant contends that on-site provision would be inappropriate and impractical given that a new residential core would need to be introduced which is likely to have a harmful impact upon this listed building and a registered social landlord is unlikely to take on two units.

The agent has advised that the applicant (Gloxinia Holdings Ltd) do not currently have any properties within central Westminster which can be brought forward for residential use in order to provide the equivalent residential provision.

Where it is neither practical nor viable to provide the required 160 sq.m (GEA) residential floorspace on site, off-site in the vicinity, or off-site not in the vicinity, a financial contribution towards the City Council's Affordable Housing Fund may be accepted as an alternative. The payment generated by the current scheme is £646,258 (based on the uplift in office floorspace of 1,431m<sup>2</sup> (GEA)).

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

The Council's independent viability consultant has provided an assessment, citing that due to documented increase in office values in Marylebone coupled with the potential decrease in residential values, the property no longer has the capacity to provide any payment/contribution towards affordable housing.

The Council's viability consultant has therefore concluded that this outcome is primarily through the passage of time since the property was originally purchased. There has been many changes to the property market which have led to an anticipated decrease in residential values, whilst having a positive impact on office premises. Accordingly there are no grounds for requiring an affordable housing contribution in this case.

## **8.2 Townscape and Design**

The buildings that are the subject of this application were built between 1800-1820 as part of the Portman Estate development and represent part of one of the most extensive and intact sequences of Georgian terraced houses in London.

The proposals entail the internal refurbishment of the lower ground to third floor inclusive for residential flats. Much of the proposed alteration is sympathetic to the special interest of the listed buildings, however there are elements of the scheme that are less welcome, such as the use of a bathroom pod designed as furniture in the principle rooms. Other parts of the proposal that are unacceptable such as the loss of floor boards or the installation of double glazing are dealt with by amending condition.

On balance and subject to appropriate conditions, the proposals are considered to be acceptable in design terms.

## 8.3 Residential Amenity

### Amenity of Proposed Units

Policy S29 of the City Plan requires that 'all new housing, and where possible refurbishment of existing housing, will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood'. The proposed residential units are all double aspect, ensuring that they have adequate outlook.

The three flats occupying the basement each have access to an external terrace (one being a family sized unit). The courtyard area situated between Unit B.2 and B.3 will be shared and screened with a 2m high screen translucent screen and this is considered to be adequate in order to maintain privacy.

The screen will not have any acoustic properties however it is considered that given the size (7 m<sup>2</sup> and 13 m<sup>2</sup>) of the terrace areas, they would be unable to accommodate large numbers of people within them. It is noted that there is an existing rear terrace to No. 93. Whilst the external areas may generate some level of noise and disturbance, this is not considered to be of a scale that would be so detrimental to the amenity of either occupiers of the basement floor flats, nor to the living conditions of the occupiers on the ground floor. The relationship of the terrace is no different to having adjacent terraces on the same elevation of a building.

### Daylight and Sunlight

A daylight and sunlight report has been submitted in order to assess whether the proposed residential flats would achieve adequate daylight and sunlight. The screen separating the basement terrace to flats B.2 and B.3 has been taken into account in the assessment.

#### Daylight

The Average Daylight Factor (ADF) is an accurate assessment of daylighting conditions within a room. The BRE report advises that where supplementary electric lighting is available, the recommended daylight factor levels for dwellings are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The submitted report demonstrates that all rooms, other than three (identified as the kitchen in flat B.1 on basement floor and bedroom and kitchen in flat B.2 maisonette over basement and ground floor) would experience adequate light.

In respect to the unit B1, the kitchen, living room and dining room is located at the rear, where it can benefit from an external terrace. This room has an ADF of 1.12, below the requirement of 2.0. It is noted that if this room was relocated to the front, where the bedroom was located, both rooms would achieve ADF compliance. Consideration is given to the size of the rooms, with the larger room to the rear and its listed status, with internal alterations being difficult to achieve.

Unit identified as B.2 fails on one bedroom within the basement and the kitchen located at ground floor level. The existing building envelope is considered to have an impact on the light levels.

However both flats have access to external areas. An alternative solution could be to join the flats to form one flat; however this would result in the loss of one unit and would not optimise the site as required by the Council's housing policies. The agent will be advised by informative that some rooms may result in poor daylight.

Therefore, given the potential for additional heritage impacts on this listed building by altering the layout and that it is not unusual for light to habitable rooms to be significantly low in this urban location, on balance the scheme is considered acceptable and refusal on this basis could not be substantiated.

### Sunlight

The majority of windows for the new flats are within 90 degrees north and therefore are not required to be tested. The windows that have been tested comply with BRE guidance.

There are no extensions or change in the massing of the buildings and therefore there is no change to the daylight and sunlight of neighbouring properties. The resident at the rear of the site has objected to loss of light but this appears to be based on a misunderstanding that the current has extensions (and is probably a reference to the withdrawn application).

### Privacy

The development would not introduce windows in any elevation of the building that does not already contain windows. An objector has stated that the proposed residential use would reduce the privacy of neighbouring occupiers. The buildings have a mutual level of overlooking, and there are no conditions imposed restricting the hours the offices can be used. The new external amenity areas at basement level are all internal courtyards and would not increase any levels of overlooking. The situation for the terrace at the rear that is between the rear of the site and 11 Montagu Mews North (the objector's property) will remain as existing. The replacement of the offices with residential uses within this building is unlikely to result in the material loss of privacy to neighbouring properties and would not justify refusal of the application.

## 8.4 Transportation/Parking

No off street car parking is proposed for the new flats. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond identified 'stress levels'.

2011 census figures indicate 32% of households in the Bryanston and Dorset Square ward have one or more cars. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%. Within a 200m radius of the site, parking occupancy during the day is 86%; overnight parking occupancy reduces to 86%. Overnight residents can park on single yellow lines which further reduces the parking stress level to 44%.



The Highways Planning Manager has objected to the application due to the lack of on-street parking availability in the daytime. However, given the close proximity of this site to excellent public transport facilities including Marylebone and Baker Street underground stations, it is considered that permission should not be withheld for parking reasons.

The applicant has also agreed to provide lifetime membership of a car club for each of the residential units and this is dealt with by condition. Given these measures, the objection to increased parking demand and traffic, it is not considered that the application could be refused for parking reasons.

Cycle parking spaces are proposed. Four spaces are indicated in the communal hallway at basement level and four within one of the vaults in front of No. 95. FALP (Further Alterations to the London Plan) requires 1 cycle parking space per studio and one bedroom dwellings and two spaces per all other dwellings. Therefore the development should provide a minimum of 14 cycle parking spaces.

Given the nature of the development, it provides very little communal space where cycle storage could be provided and what is proposed is considered to be acceptable and shall be secured by condition.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The existing entrance to No. 95 will form a private entrance to one of the maisonettes split over ground and first floor, with the existing entrance to No. 93 forming the main entrance to the remaining flats. The listed nature of the building makes it difficult to provide level access.

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

#### Noise

A Noise Report has been submitted which demonstrates that the internal living conditions of residents in the development, subject to the implementation of the recommendations providing within the noise report, will meet the daytime and night time noise criteria set out in UDP policy ENV 6.

#### Refuse /Recycling

The plans indicate a central bin store within two of the front vaults, which shall be secured by condition.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

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

### **8.12 Other Issues**

Plant

An objector comments that an air conditioning unit has been placed at the property. The agent has confirmed that this does not form part of the planning application and will submit a separate planning application for its retention in connection with the office use (if the office use is retained). This can therefore carry little weight in the determination of the application.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Environmental Health, dated 21 September 2015
3. Response from Highways Planning, dated 30 September 2015
4. Letter from occupier of 11a Montagu Mews North dated 9 October and 4 May 2016

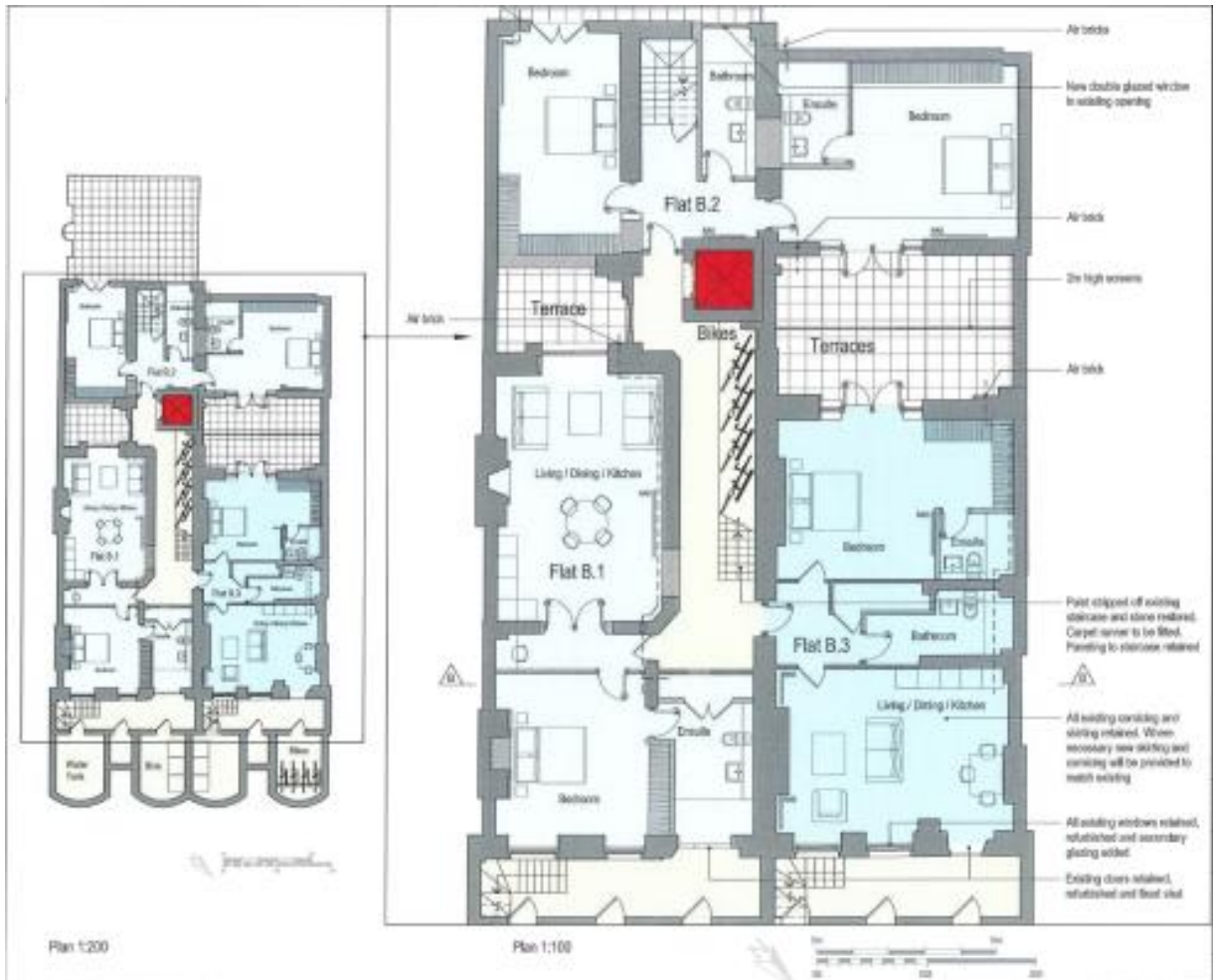
### **Selected relevant drawings**

(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: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

10. KEY DRAWINGS

Drawing 1. Proposed basement plan





Drawing 4. Proposed front elevation



Drawing 5. Proposed rear elevation



**DRAFT DECISION LETTER**

**Address:** 93 - 95 Gloucester Place, London, W1U 6JQ,

**Proposal:** Use of building as eight self contained residential flats (Class C3). Internal and external alterations.

**Reference:** 15/07789/FULL

**Plan Nos:** 1336-1100 B, 1336-1101 C, 1336-1102 C, 1336-1103 B, 1336-1104 B, 1336-1200 A, 1336-1201 B, 1336-1202, 1336-1300 A, 1336-1301 A, 1336-1302 A, 1336-1303 A.

**Case Officer:** Lindsay Jenkins **Direct Tel. No.** 020 7641 5707

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 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 (November 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)
- 4 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.

- 5 Before the occupation of the units B.2 and B.3 as shown on the approved plans, you must install a 2m high translucent screen to the terrace at basement level.

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 6 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following: , a) Confirmation of approval of the particular car club which is to be a Carplus accredited club; , b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of: 1. the existence of the car club , 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee; , 3. details of how to become a member of the car club; and, 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years] , b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents. , c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development. , d) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club. , e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club. , (f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on-street car parking for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must provide each cycle parking space shown on the approved drawings (1336-1100 B) 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.

- 8 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 residential units. (C14EC)

Reason:

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

- 9 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - , , i. new windows, , ii. new doors, , iii. new external light well finishes, , iv. privacy screens, , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these approved drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 10 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - , , i. new external service terminations eg kitchen and bathroom ventilation/extracts, , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these approved drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 11 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme- , , i. no double glazing-all external doors and windows to be single glazed. , , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)



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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**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 (November 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 The Council considers that the amount of daylight into and the view that is likely from the unit B1 would not be enough for the use of these rooms as main living areas. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the flat as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the flat will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the flat in a different way - for example, with those rooms referred to above (as having limited daylight and views) being used as living rooms or as living/bedrooms e.g. for staff accommodation, the flat is likely to be considered for action under the Housing Act 2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.
- 3 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](http://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](mailto: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.**

**DRAFT DECISION LETTER**

**Address:** 93 - 95 Gloucester Place, London, W1U 6JQ,

**Proposal:** Internal and external alterations in connection with use of the building as none self-contained residential flats (Class C3).

**Reference:** 15/07790/LBC

**Plan Nos:** 1336-1100 B, 1336-1101 C, 1336-1102 C, 1336-1103 B, 1336-1104 B, 1336-1200 A, 1336-1201 B, 1336-1202, 1336-1300 A, 1336-1301 A, 1336-1302 A, 1336-1303 A.

**Case Officer:** Lindsay Jenkins

**Direct Tel. No.** 020 7641 5707

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development –
- i. new joinery,
  - ii. new windows,
  - iii. new doors,
  - iv. secondary glazing,
  - v. low level bathroom/kitchen units in principle rooms including details of servicing and drainage,
  - vi. new floor build up

- vii. bathroom servicing and drainage in ground and first floors.

You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of a detailed method statement for the;

- i. cleaning of the facade,
- ii. repair of damaged decorative plasterwork,
- iii. cleaning of the stone stair,
- iv. iv. cleaning and repair of the fireplaces,
- v. lifting and re-fixing of original floor boards,
- vi. refurbishment work to the vaults.

You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development

– new bathroom layout at third floor showing the retention of the existing fireplace.

You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning

Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme-
- i. all existing floor boards and skirting's to be retained in situ,
  - ii. no loss of fireplace at lower ground floor (LG03).

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 9 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 10 All replacement slate to be replaced with natural welsh slate.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informatives:**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:,
- \* any extra work which is necessary after further assessments of the building's condition,;
  - \* stripping out or structural investigations; and,
  - \* any work needed to meet the building regulations or other forms of statutory control.,

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

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# Agenda Item 5

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	66 Chester Square, London, SW1W 9DU,		
<b>Proposal</b>	Demolition of existing mews building to rear (Ebury Mews East) and erection of replacement mews building comprising lower ground, ground and two upper floors. Erection of extension to closet wing containing lift shaft to rear elevation of the main building; erection of lower ground floor infill extension, internal refurbishment and alterations, and installation of mechanical plant at first and fourth floors.		
<b>Agent</b>	Montagu Evans		
<b>On behalf of</b>	Mr & Mrs Andrew & Virginia Goodsell		
<b>Registered Number</b>	16/04122/FULL and 16/04123/LBC	<b>Date amended/ completed</b>	12 May 2016
<b>Date Application Received</b>	4 May 2016		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol> |
|---|

## 2. SUMMARY

<p>66 Chester Square is a grade II listed terrace property located within the Belgravia Conservation Area. To the rear the property is linked to the mews building fronting Ebury Mews East.</p>
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<p>This application seeks to demolish the existing mews building to the rear (Ebury Mews East) and to erect a replacement mews building comprising of lower ground, ground and two upper floors, to erect a rear extension to the closet wing of the main building containing a lift shaft, to erect a lower ground floor infill extension, carry out internal refurbishment and alterations, and install mechanical plant at first and fourth floors.</p>
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<p>The provision of additional residential floorspace would accord with policy H3 of the Council's Unitary Development Plan (UDP) and policy S14 of Westminster's City Plan: Strategic Policies (City Plan).</p>
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The key issues for consideration are:

- \* The impact on the character and appearance of the Grade II listed building and the Belgravia Conservation Area; and
- \* The impact on residential amenity of neighbouring occupiers.

The existing mews building is of poor design and adds little to the overall character of the conservation area. The building is however considered as a listed building, due to its association with the main house. Its demolition and rebuilding is therefore considered to cause less than substantial harm, where the harm is outweighed by the improved appearance of the revised design. The proposed mews façade includes traditional brick details and a fenestration more akin to the character of the mews. The inclusion of a mansard, also helps to create a continuous roof profile that is considered of benefit to the appearance of the mews and the conservation area.

The extension to the closet wing containing the lift shaft has been amended on officer advice and reduced in height by one storey. The closet wing extension rises to second floor level and is considered acceptable in the context of the rear of the terrace.

The lower ground floor infill extension is considered acceptable due to the enclosed nature of the site and the limited impact the works would have on the overall character of the building.

To the front, a new porch is proposed which replicates in detailing, scale, form and materials the existing porches within the terrace. Similar porches have been approved elsewhere, notably at no's 69 and 71.

The proposed mechanical plant locations at first and second floor levels are considered acceptable. At first floor level, the plant is enclosed by the back of the main house and the mews. At fourth floor level the existing parapet helps to shield views thereby reducing its impact. Subject to conditions, Environmental Health officers have no objection and it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

The internal alterations and other external alterations are considered acceptable in design terms subject to recommended conditions. The proposals comply with the NPPF, policies DES1, DES5, DES6, DES9, and DES10 of the UDP, and S25 and S28 of the City Plan, in that the works preserve the special interest of the listed building and the character and appearance of this part of the Belgravia Conservation Area.

In amenity terms, policies S29 of the City Plan, and ENV 7 and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, and noise.

An objection has been received from the adjoining residential occupier at 67 Chester Square on the grounds that the proposals would adversely affect their residential amenity in terms of loss of light and increase in sense of enclosure, particularly to their rear first floor reception room window. 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".

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.

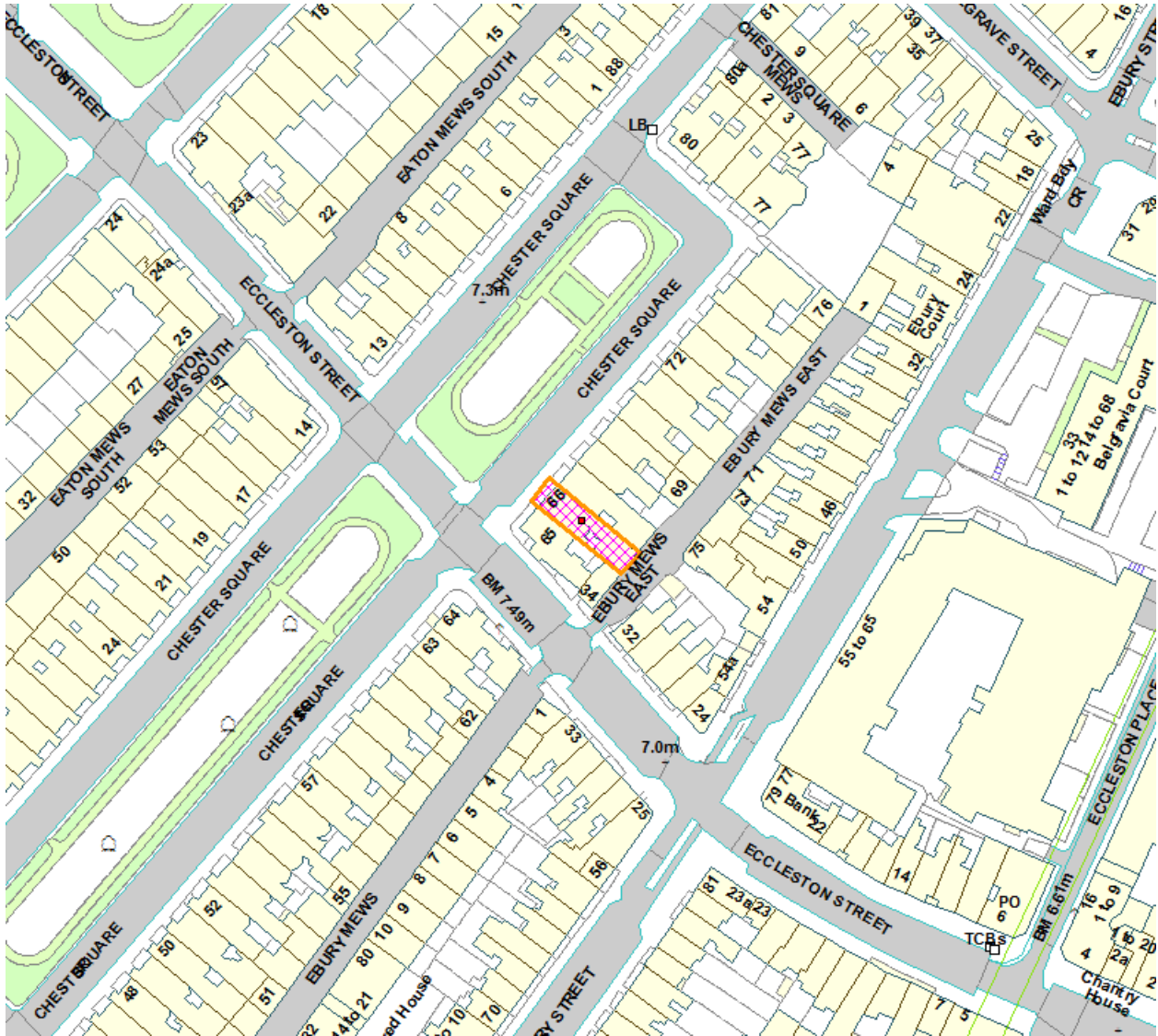
Of the 17 windows tested at no 67 Chester Square, one transgression is noted which is to the rear first floor reception room window. This window has an existing VSC of 18.6% which would be reduced to 14.3% following development. This is a reduction less than 0.8 times its former value, or a percentage loss of 23.1%. The affected window serves the first floor reception room, which is dual aspect with windows fronting Chester Square. Given that the first floor reception room is dual aspect, the transgression is not considered to cause a significant loss of amenity to sustain refusal of planning permission.

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 at 67 Chester Square will continue to meet and exceed the BRE's target criteria. Therefore, the proposed development is fully compliant with the BRE guidelines for sunlight.

The rear extensions would be noticeable from some rear windows as well as the rear first floor terrace of 67 Chester Square, however given their height and depth, they are not considered to lead to a significant increase in sense of enclosure to justify refusal of planning permission. The proposals are also not considered to have an adverse impact on the other neighbour at 65 Chester Square, who has recently received planning permission for similar extensions to the rear of their property.

The proposals are considered to comply with the Council's policies in relation to design, conservation, and amenity as set out in the City Plan and the UDP. 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



66 Chester Square



Rear (Ebury Mews East elevation)





**Rear (main building elevation)**

## 5. CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION:

Any response to be reported verbally.

### BUILDING CONTROL

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

### ENVIRONMENTAL HEALTH:

No objection subject to conditions.

### HISTORIC ENGLAND:

Do not consider it necessary for this application to be notified to Historic England.

### THE GEORGIAN GROUP:

Any response to be reported verbally.

### TWENTIETH CENTURY SOCIETY:

Any response to be reported verbally.

### THE VICTORIAN SOCIETY:

Any response to be reported verbally.

### COUNCIL FOR BRITISH ARCHAEOLOGY:

Any response to be reported verbally.

### ANCIENT MONUMENTS SOCIETY:

Any response to be reported verbally.

### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4;

Total No. of replies: 2 (2 replies from 1 neighbour)

Objection from the occupiers of the neighbouring property at 67 Chester Square on grounds the proposals will adversely affect their amenity in terms of loss of light and overbearing impact.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. Recent Relevant History

### 66 & 67 Chester Square

#### 12/02936/FULL & 12/02937/LBC

Use of Nos. 66 and 67 Chester Square as two separate dwelling houses and the reinstatement of internal walls to block up five internal doorways and infilling of the external boundary wall between the rear roof terraces of the two properties. Internal alterations.

Application Permitted                      23 May 2012

### 65 Chester Square

#### 15/11131/FULL & 15/11132/LBC

Creation of a new basement level below the lower ground floor, erection of lower ground floor infill extension, rear extensions at first and second floor level, creation of roof terrace at second floor level, modifications to the mansard roof, mechanical plant at lower ground and roof levels, internal works and maintenance to the external facades.

Application Permitted                      26 April 2016

## 7. BACKGROUND PAPERS

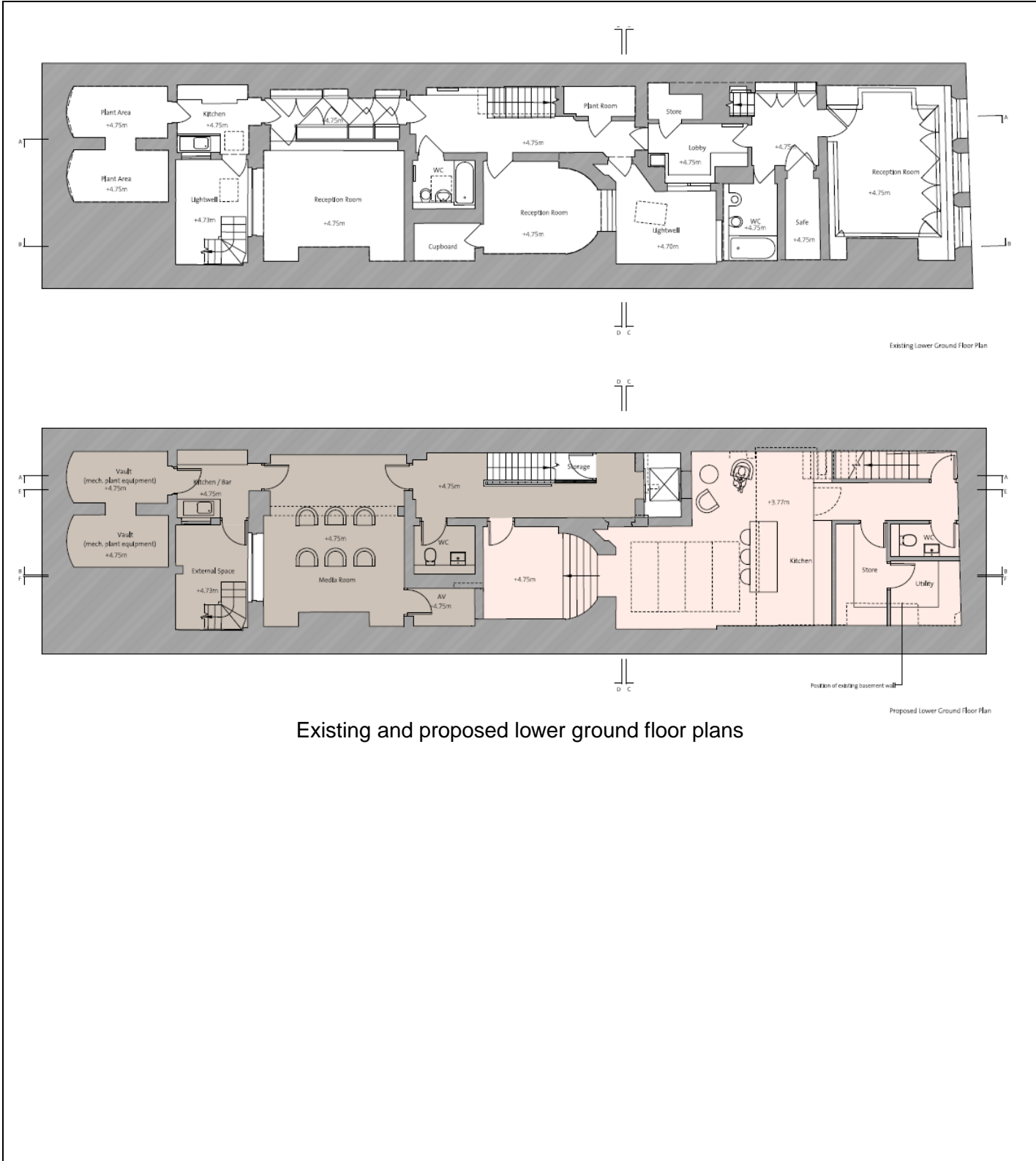
1. Application form.
2. Response from Historic England dated 1 June 2016.
3. Response from Building Control dated 31 May 2016.
4. Response from Environmental Health dated 13 June 2016.
5. Letters on behalf of the occupiers of 67 Chester Square dated 23 June 2016 and 7 October 2016.

### Selected relevant drawings

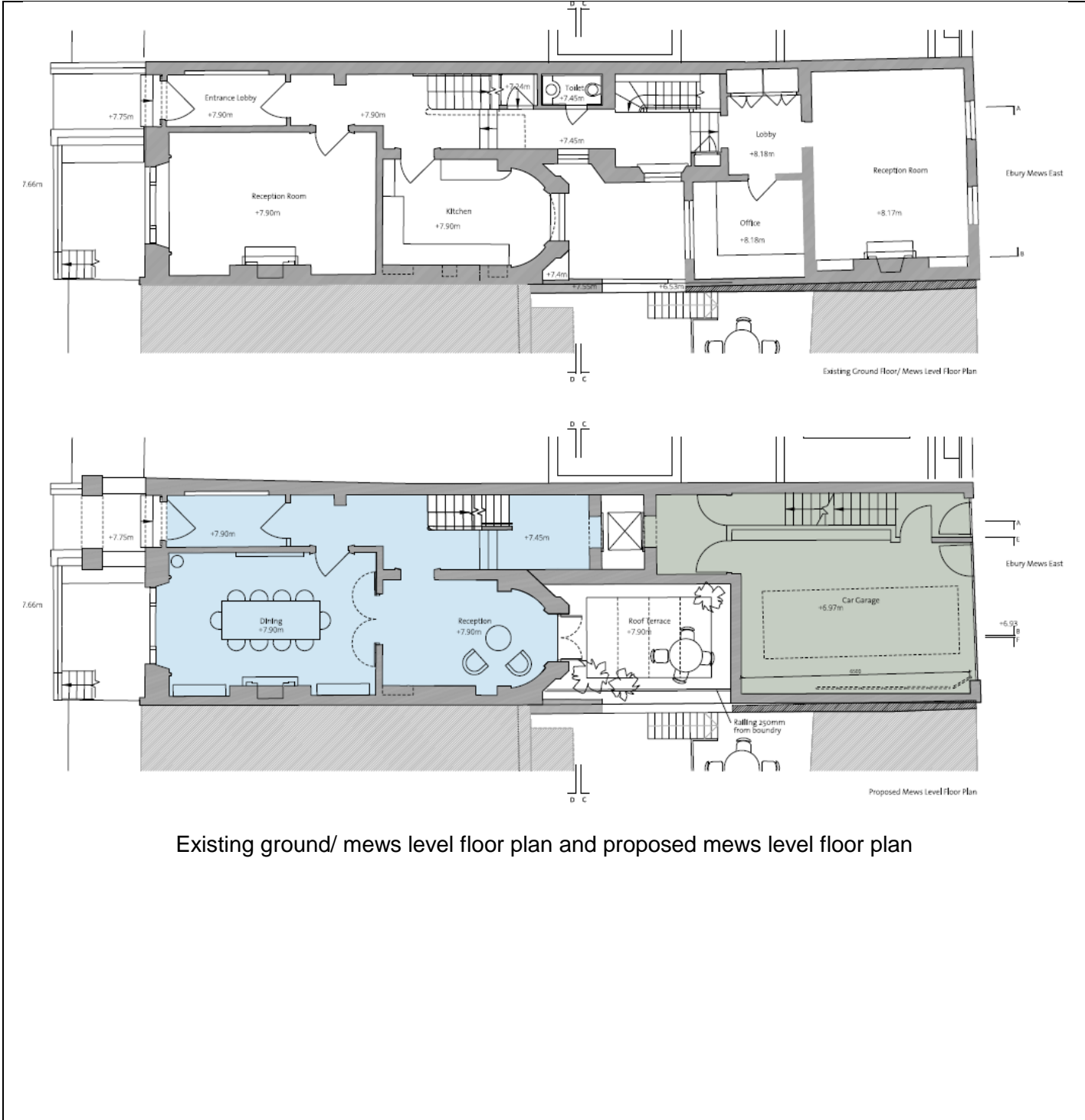
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK

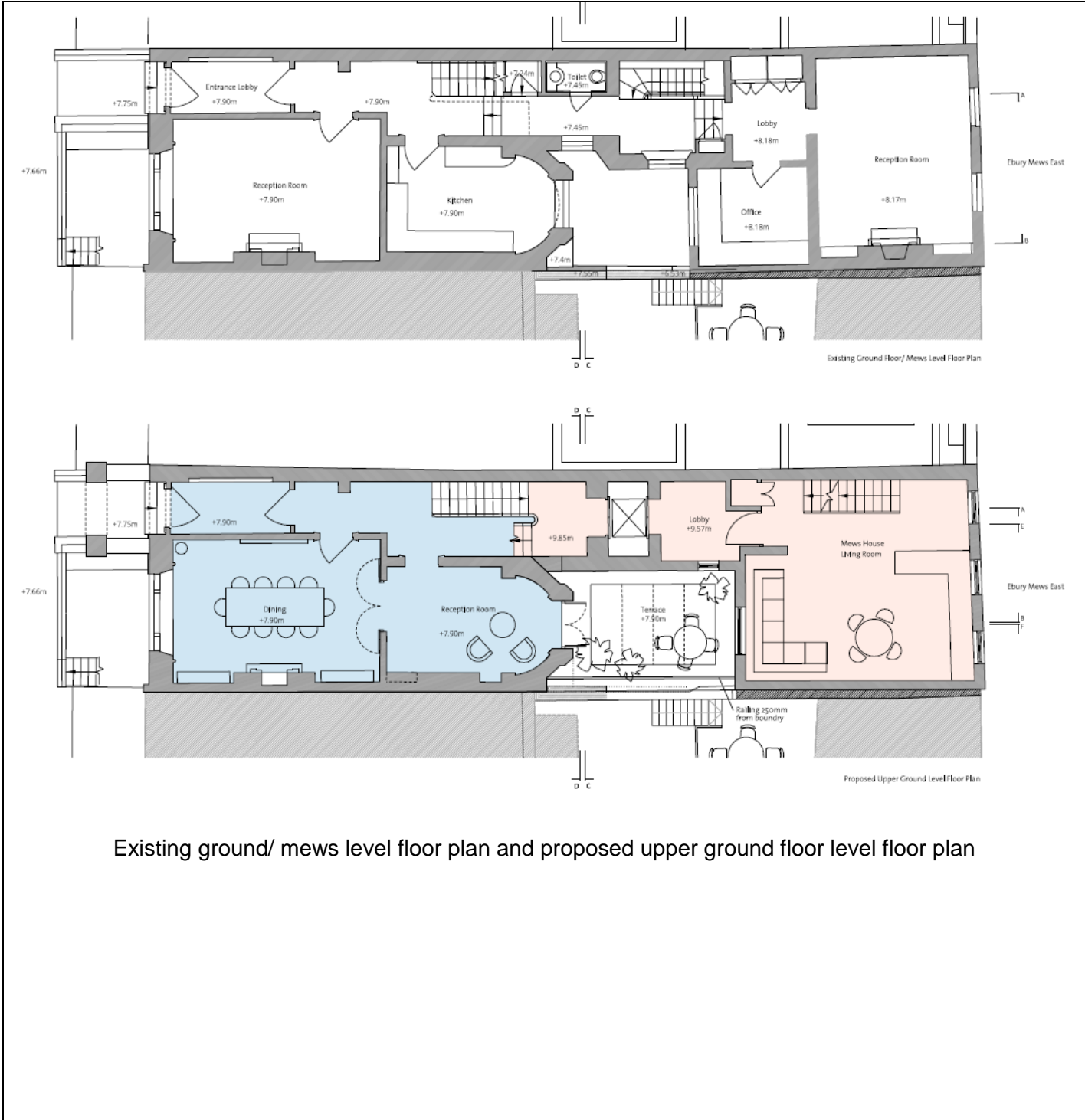
**8. KEY DRAWINGS**



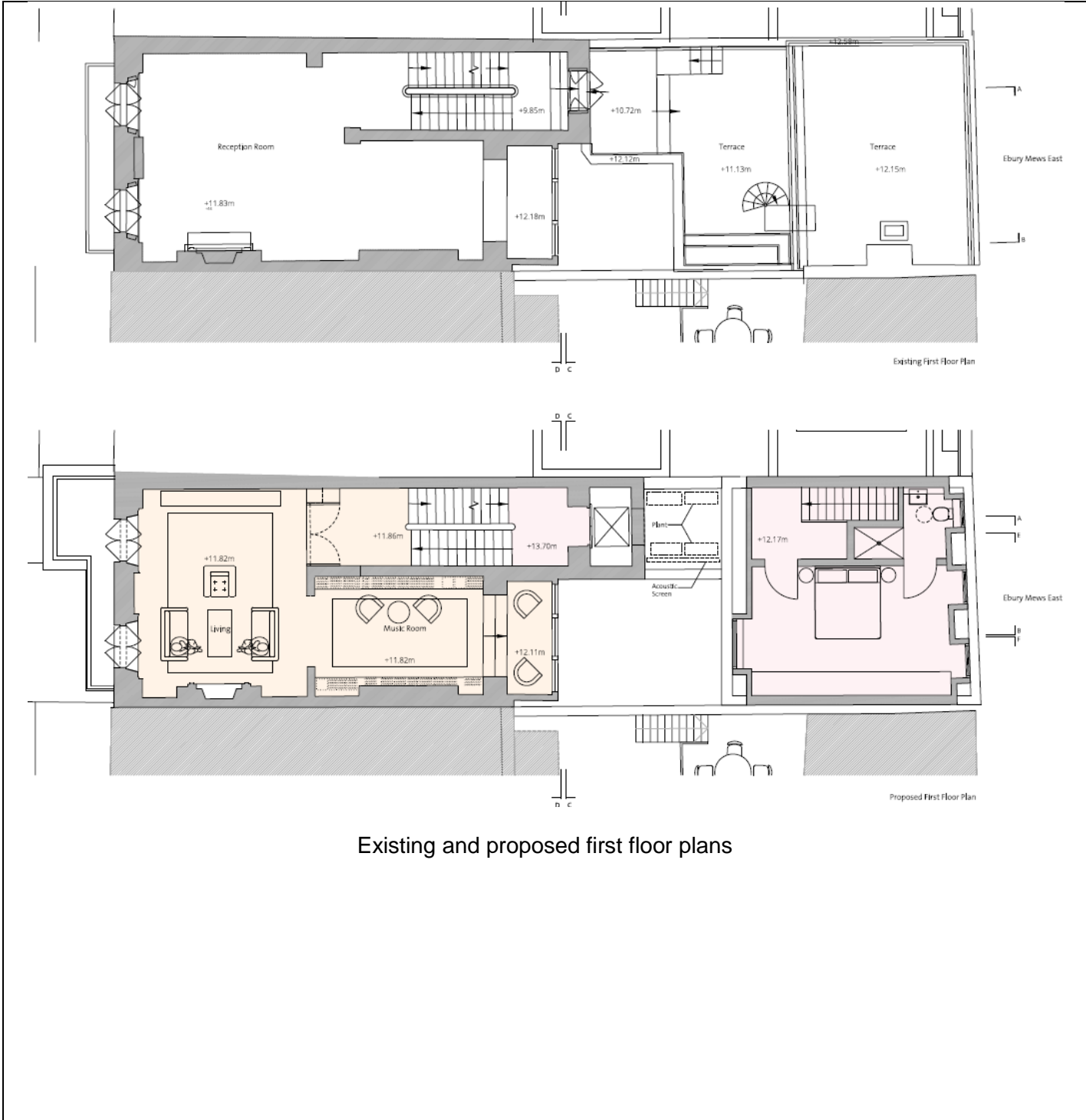




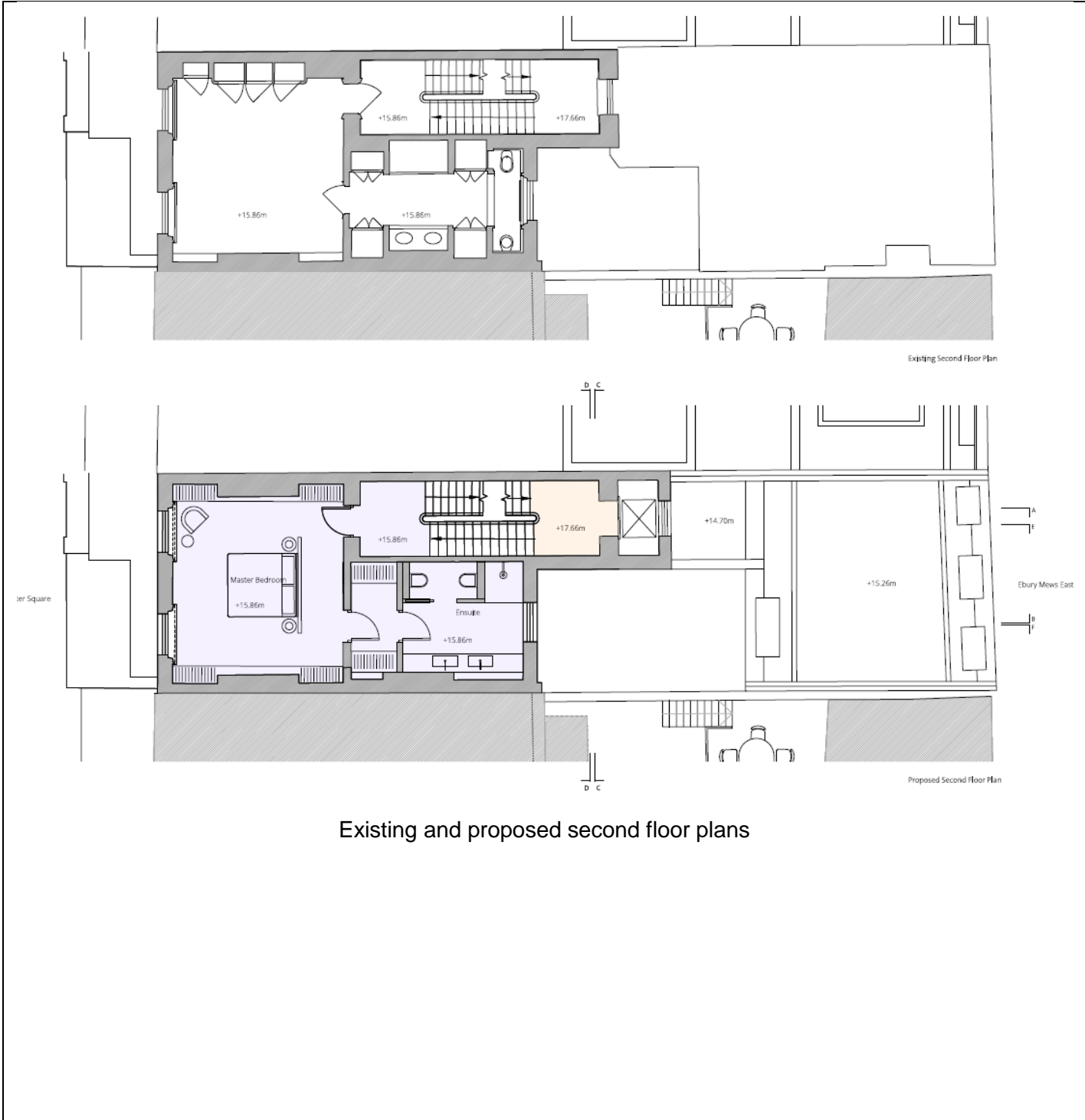
Existing ground/ mews level floor plan and proposed mews level floor plan

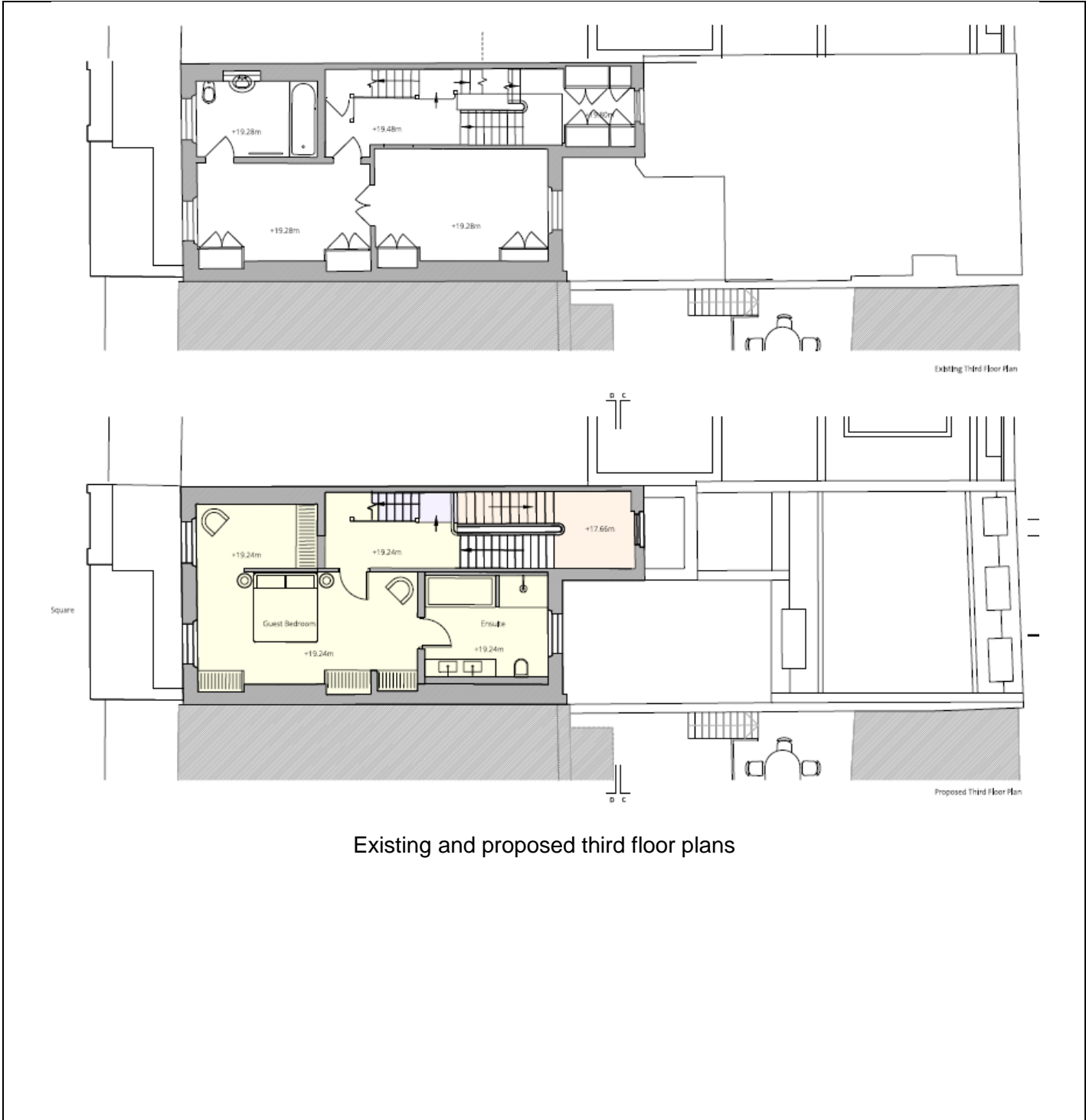


Existing ground/ mews level floor plan and proposed upper ground floor level floor plan

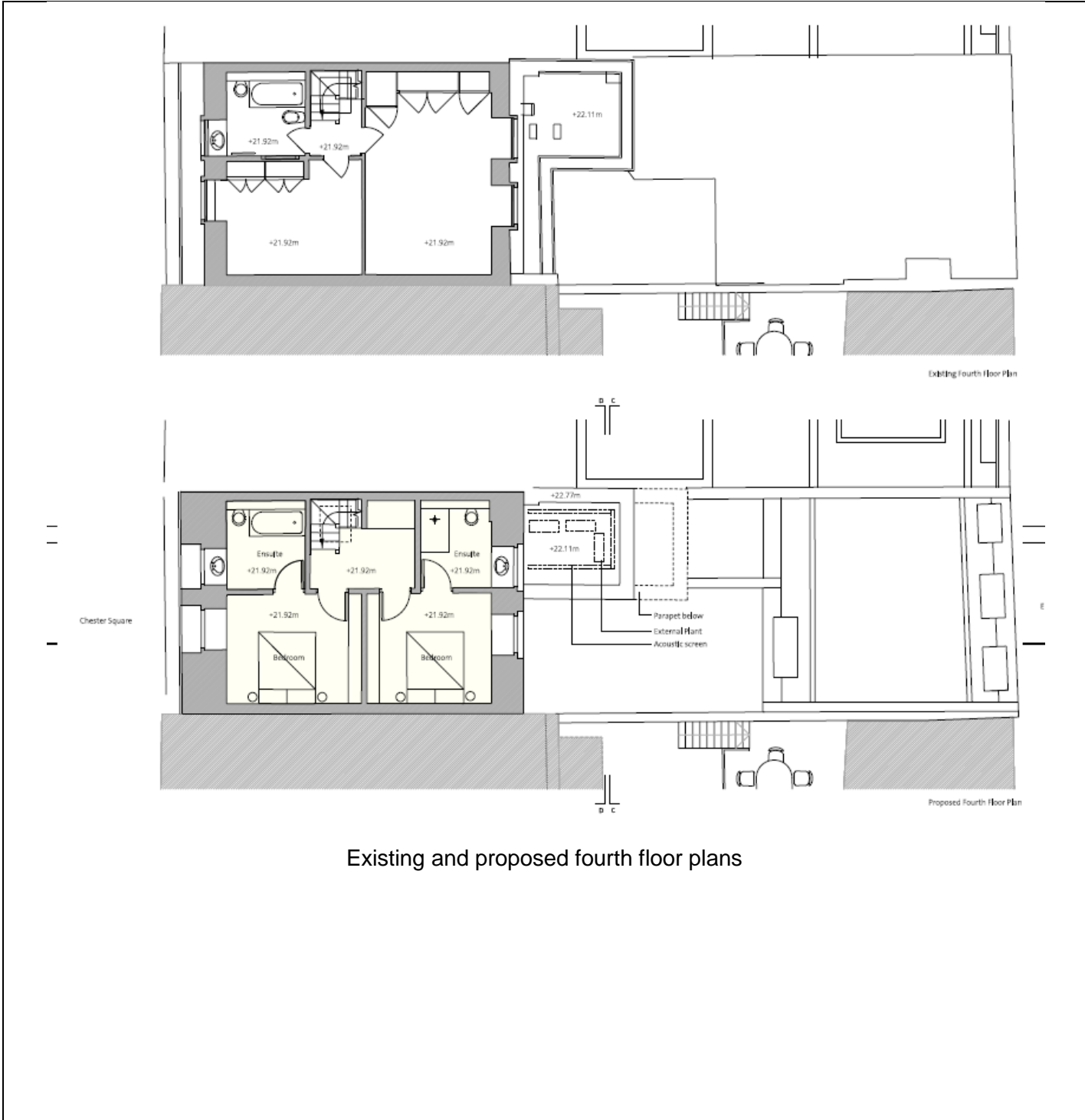


Existing and proposed first floor plans

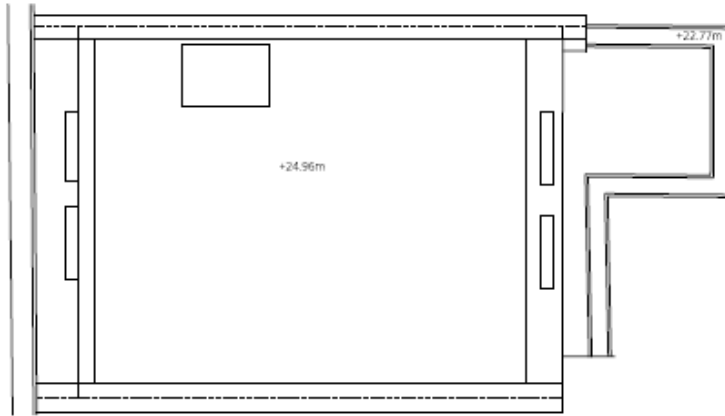




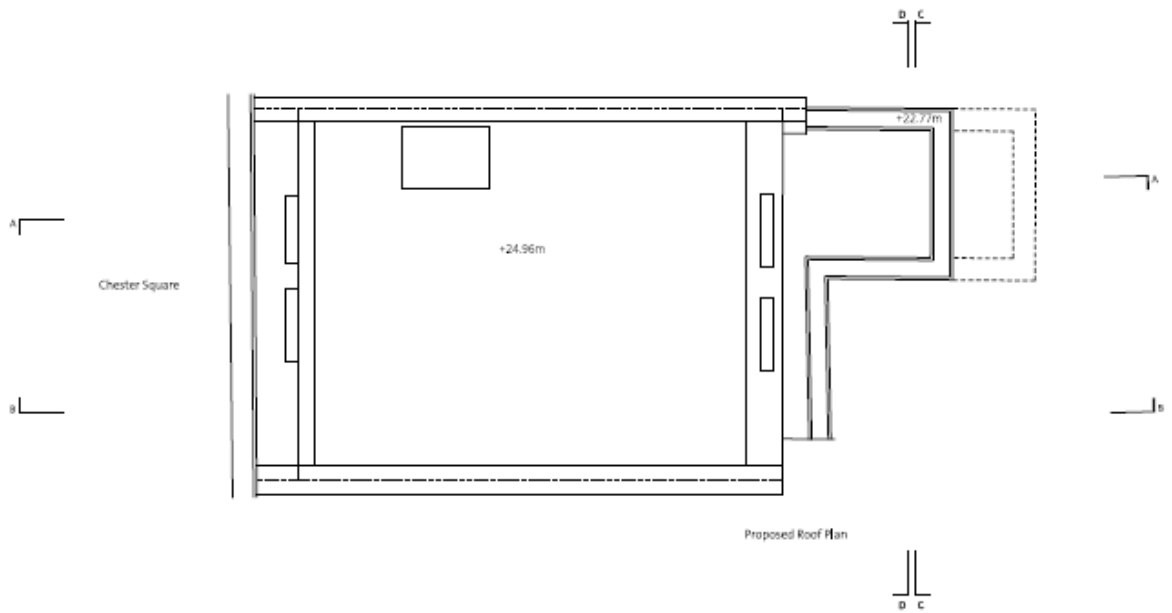
Existing and proposed third floor plans



Existing and proposed fourth floor plans



Existing Roof Plan



Proposed Roof Plan

Existing and proposed roof plans

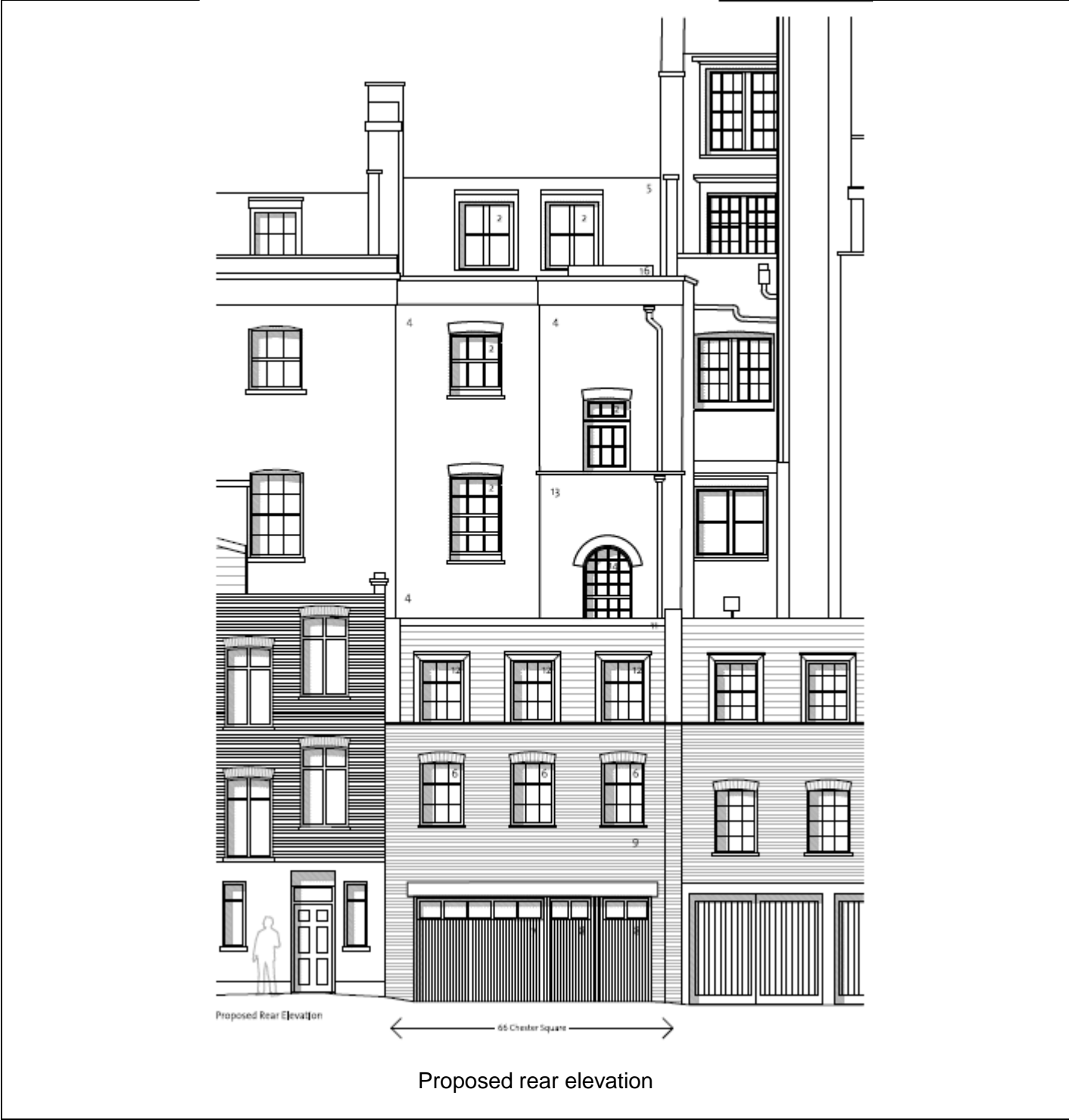


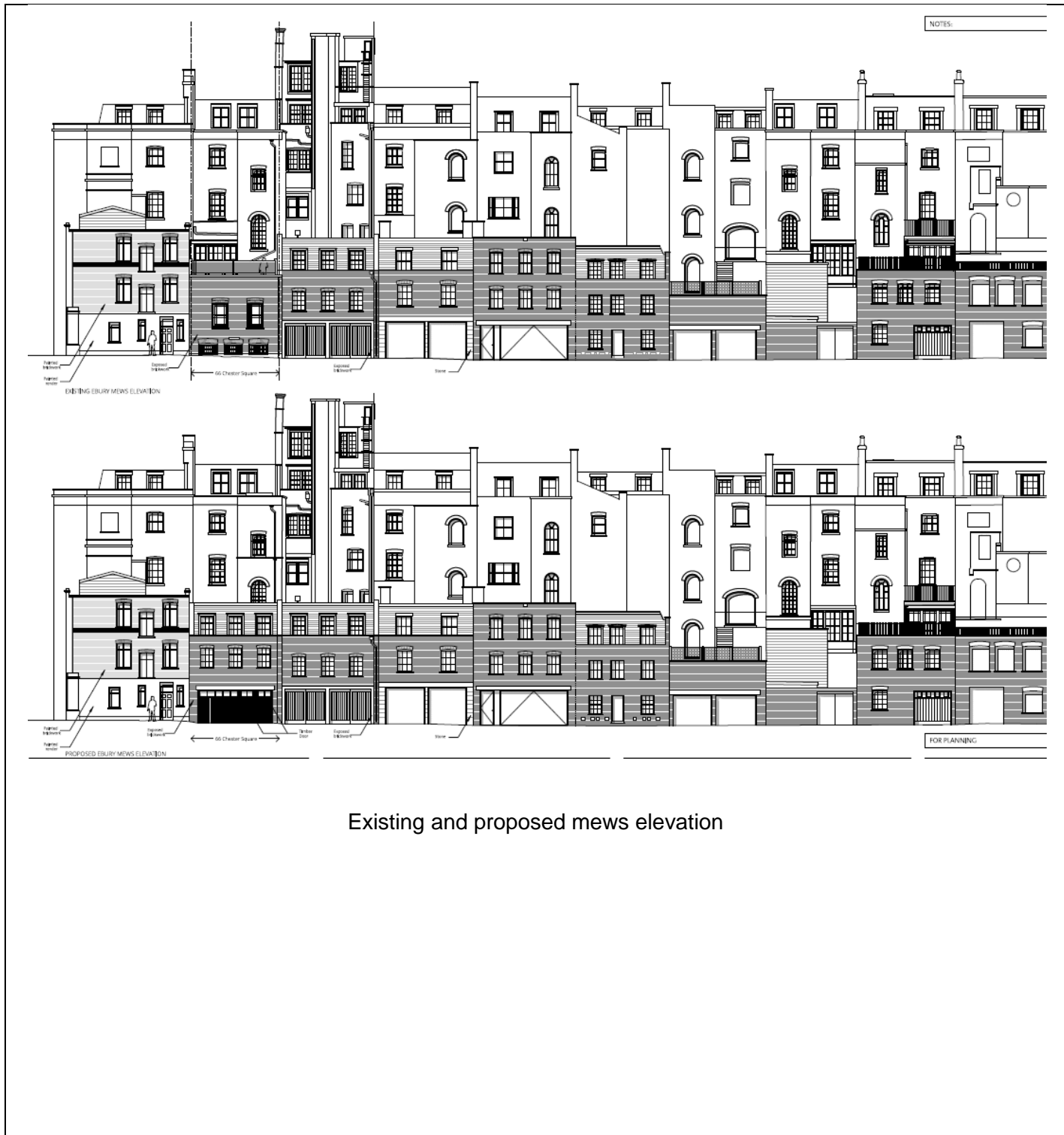
Existing front elevation



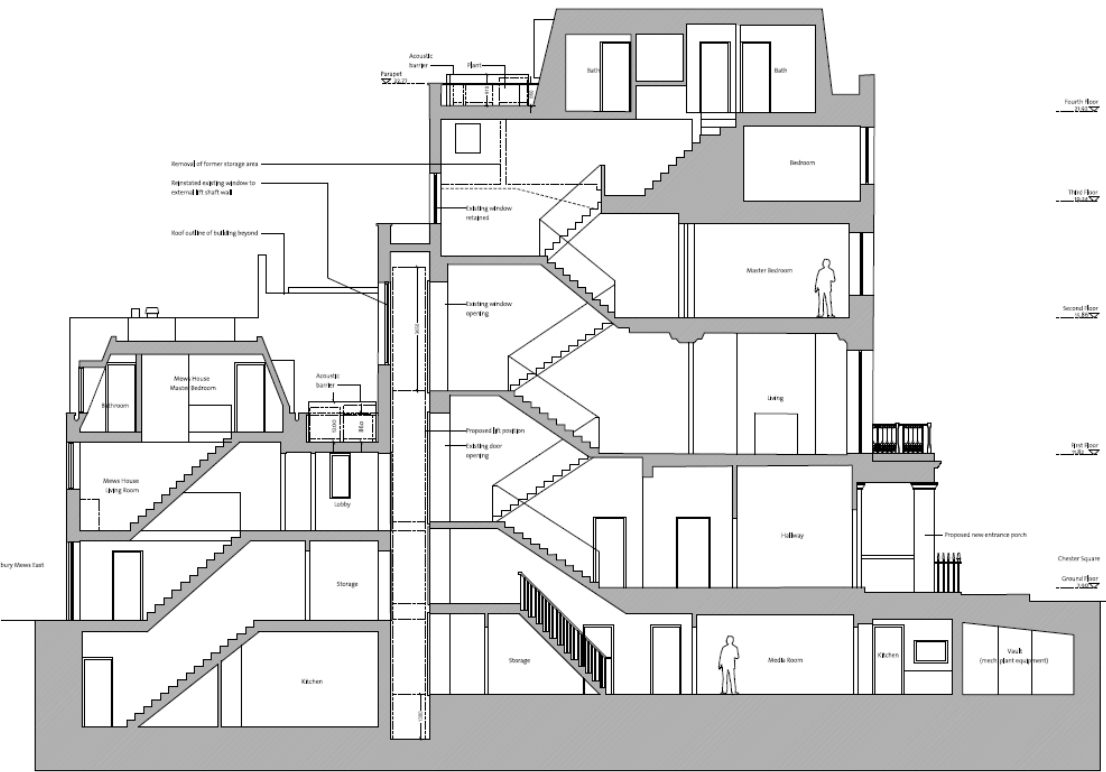
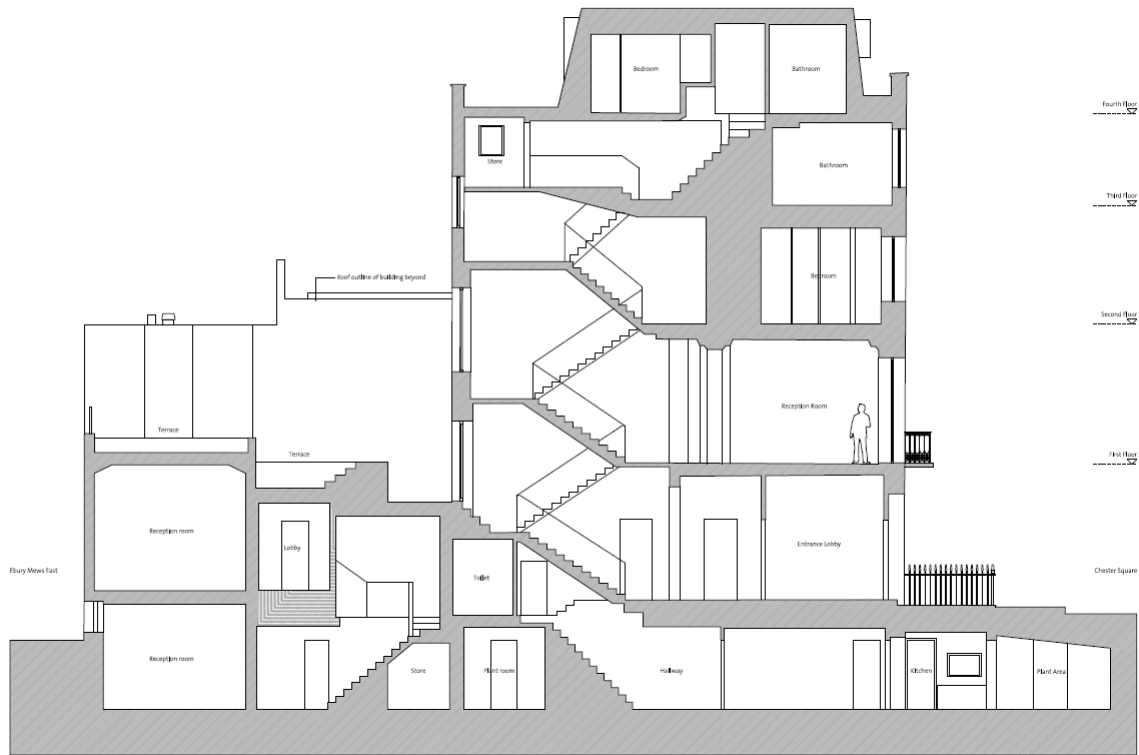






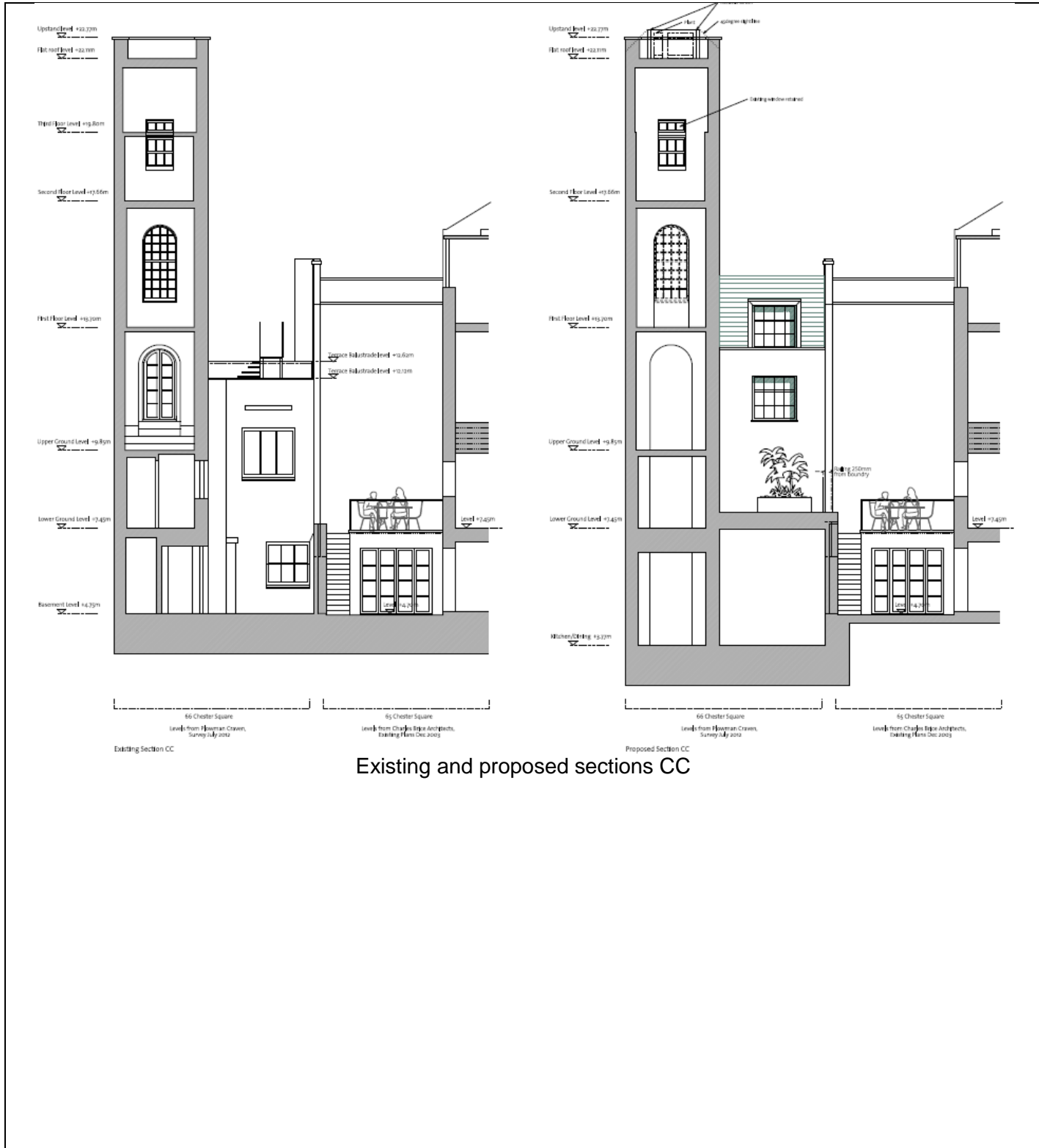


Existing and proposed mews elevation



Existing and proposed sections AA



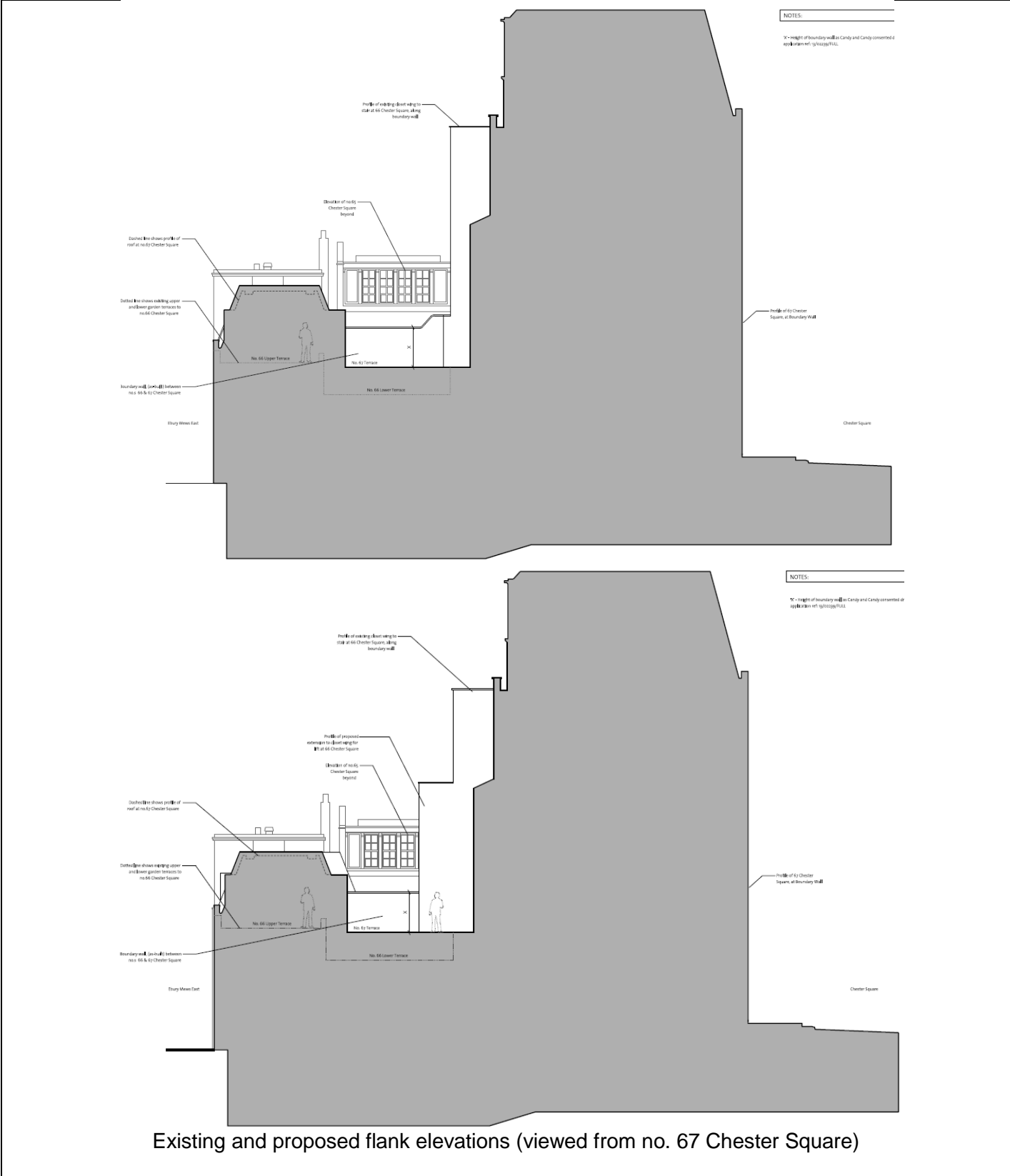


Existing and proposed sections CC



Existing and proposed sections DD





**DRAFT DECISION LETTER**

**Address:** 66 Chester Square, London, SW1W 9DU,

**Proposal:** Demolition of existing mews building to rear (Ebury Mews East) and erection of replacement mews building comprising lower ground, ground and two upper floors. Erection of extension to closet wing containing lift shaft to rear elevation of the main building; erection of lower ground floor infill extension, internal refurbishment and alterations, and installation of mechanical plant.

**Reference:** 16/04122/FULL

**Plan Nos:** 1250/A/10, 50/A/01 Rev D, 50/A/02 Rev E, 50/A/03 Rev E, 50/A/04 Rev D, 50/A/05 Rev H, 50/A/06 Rev H, 50/A/07 Rev K, 50/A/08 Rev D, 50/O/10 Rev C, 50/O/11 Rev C, 50/O/13 Rev B, 50/O/14 Rev B, 50/O/15 Rev C, 50/O/16 Rev C, 50/O/17 Rev A, 50/O/41 Rev B, 50/O/42 Rev A, 50/O/43 Rev A, 50/A/41, 50/A/42 Rev A, 50/A/43 Rev P, 50/A/44 Rev J, 50/A/45 Rev K, 50/A/46 Rev G, 50/A/49 Rev A, 50/A/50 Rev B, 50/A/61 Rev E, 100/A/63 Rev J, 100/A/64 Rev H

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

**DRAFT DECISION LETTER**

**Address:** 66 Chester Square, London, SW1W 9DU,

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**Reference:** 16/04123/LBC

**Plan Nos:** 1250/A/10, 50/A/01 Rev D, 50/A/02 Rev E, 50/A/03 Rev E, 50/A/04 Rev D, 50/A/05 Rev H, 50/A/06 Rev H, 50/A/07 Rev K, 50/A/08 Rev D, 50/O/10 Rev C, 50/O/11 Rev C, 50/O/13 Rev B, 50/O/14 Rev B, 50/O/15 Rev C, 50/O/16 Rev C, 50/O/17 Rev A, 50/O/41 Rev B, 50/O/42 Rev A, 50/O/43 Rev A, 50/A/41, 50/A/42 Rev A, 50/A/43 Rev P, 50/A/44 Rev J, 50/A/45 Rev K, 50/A/46 Rev G, 50/A/49 Rev A, 50/A/50 Rev B, 50/A/61 Rev E, 100/A/63 Rev J, 100/A/64 Rev H

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

# Agenda Item 6

Item No.

6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	20 St James's Street, London, SW1A 1ES,		
<b>Proposal</b>	Use of basement and part of the ground floor as office (Class B1), alterations to glazing at ground floor and replacement of mechanical plant and screen at roof level.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Ryder Street Unit Trust		
<b>Registered Number</b>	16/07262/FULL	<b>Date amended/ completed</b>	29 July 2016
<b>Date Application Received</b>	29 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

1. Grant conditional planning permission.

## 2. SUMMARY

20 St James's Street is an unlisted building of merit located in the St James's Conservation Area. The property is located within the Core Central Activities Zone (Core CAZ) and the Special Policy Area of St James's.

The existing building comprises part bar (Class A4) and part office (Class B1) at basement level with the remainder of the building from ground to 8th floor in use as offices (Class B1) with the exception of the ground floor bar entrance on Ryder Street and a separate retail unit on St James's Street. The basement bar has been vacant in excess of 5 years.

Permission is sought for use of the basement and part of the ground floor from bar (Class A4) to office (Class B1) use. The ground floor space will be reconfigured to provide an improved office reception area. Permission is also sought for the replacement of plant and screening at roof level and alterations to the glazing at ground floor level.

Permission was granted in February 2016 to reduce the size of the basement bar and its entrance at ground floor level. The extant scheme also included changes to the office frontage at ground floor level

and roof level plant that also form part of this application.

The current scheme proposes to remove the bar entirely from the basement floor. This will result in the loss of approximately 265sqm of Class A4 floorspace. Policy S21 within Westminster's City Plan (November 2016) states that existing non-A1 retail uses will be protected from changes to uses that do not serve visiting members of public, particularly in units occupying shop type premises, with active shopfronts within designated shopping centres.

Although the loss of non-A1 retail uses to Class B1 office will not normally be permitted at ground floor or basement levels in the CAZ it is considered that the loss of the A4 use can be justified in this instance. The bar use has been long-term vacant and is located solely at basement level with only a small entrance at ground level. The bar use does not have an active frontage that contributes to the vitality and vibrancy of the area. Given this, and the fact that the 2016 permission approved a substantial reduction in the size of the bar, the proposal is considered acceptable in land use terms.

The site is within the St James's Special Policy Area. Policy S2 of the City Plan aims to protect and promote specialist uses and functions. The specialist uses and functions of the St James's area are identified as private members' clubs, art galleries and niche retail. Class A4 bar uses are not designated as a specialist use and therefore are not protected under Policy S2.

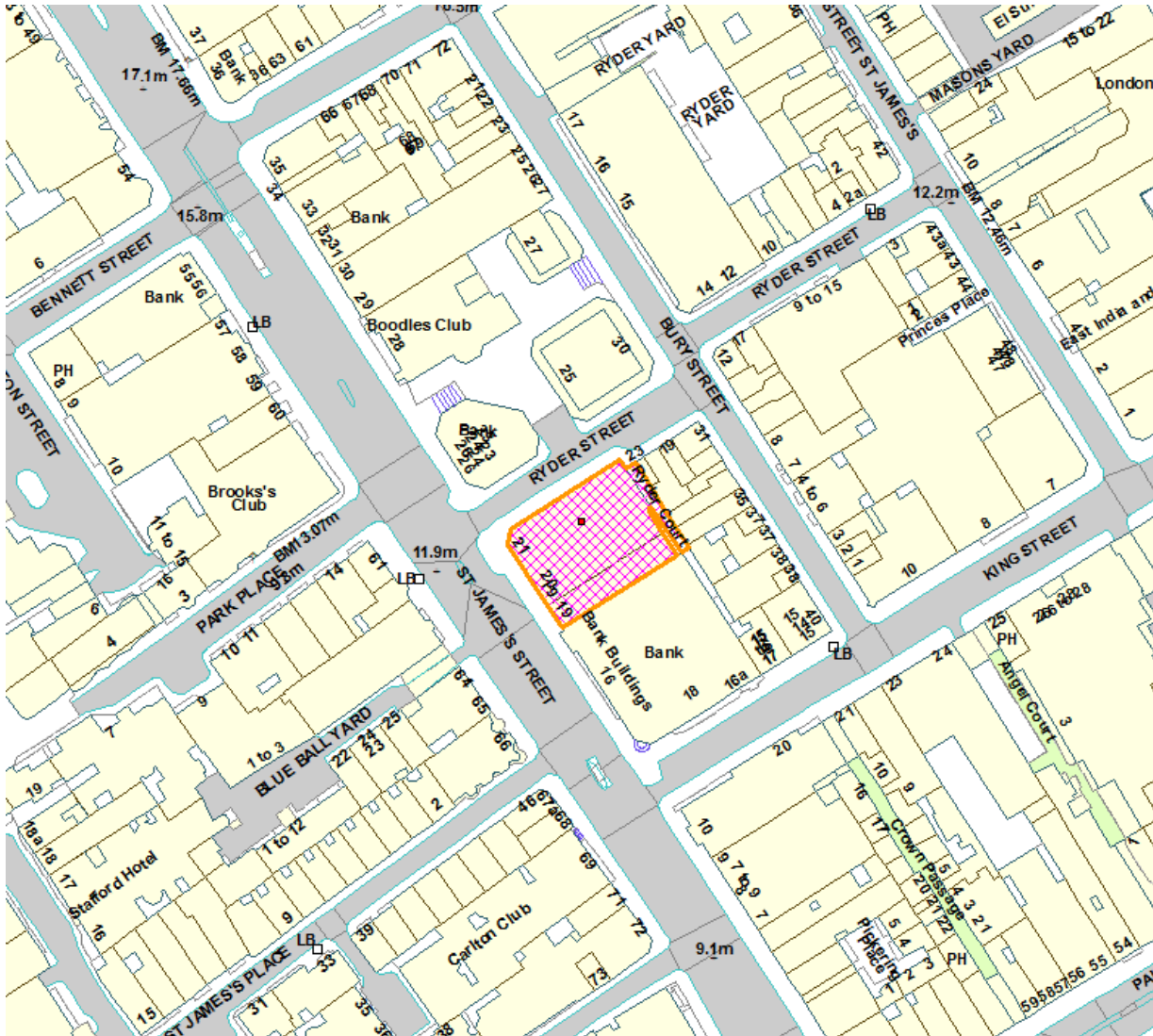
The proposed change of use will result in a net increase in B1 floorspace of 265sqm. As the net additional floorspace is less than 400sqm no equivalent residential floorspace will be required under Policy S1 (Mixed Use in the Central Activities Zone).

In design terms the external alterations to the office frontage at ground floor level and the alterations to the roof plant are substantially similar to the 2016 extant permission. Whilst all the street elevations are identical to the consented scheme there are some amendments to the plant at roof level but this will not have an impact from street level views. The proposals are therefore considered acceptable in design and conservation area terms.

The applicant has submitted a noise survey as part of the application in relation to the roof top plant. The noise report indicates that the units are unlikely to be audible at the nearest residential premises over the proposed operational period. Environmental Health has no objections to the proposal subject to imposition of our standard noise conditions. It is recommended that these conditions are attached in order to protect residential amenity.

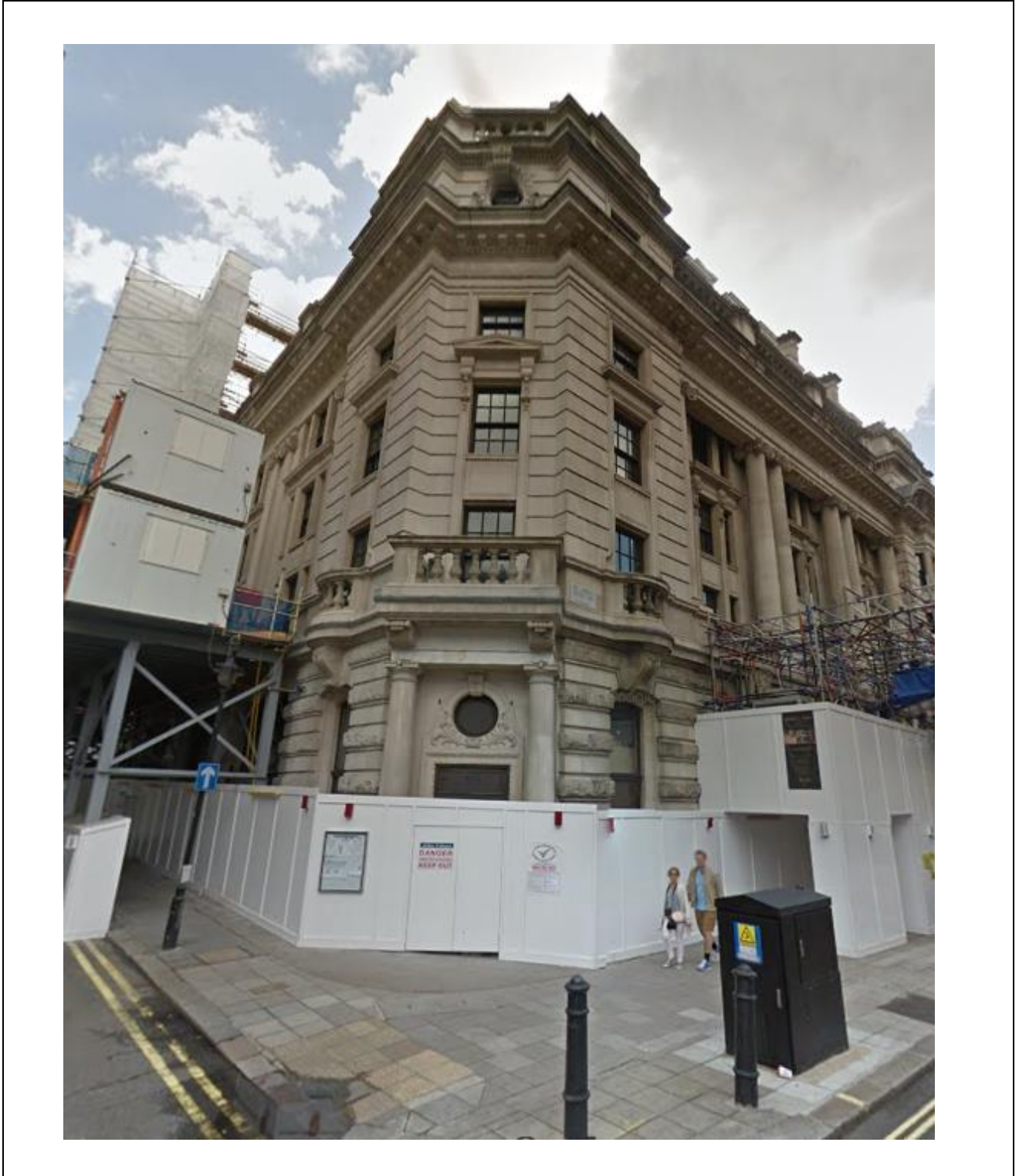


### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

No comment.

### HIGHWAYS PLANNING:

No objection. Condition requiring that the gate to Ryder Court can only open outwards in the event of an emergency.

### CLEANSING MANAGER:

No objection.

### ENVIRONMENTAL HEALTH:

No objection subject to standard conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 20

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. RELEVANT PLANNING HISTORY

Use of basement and ground floors as part drinking establishment (Class A4) and part office (Class B1); external alterations to the office frontage and entrance; and replacement of roof level plant with associated alterations to roof.

Application permitted 26.02.2016

## 7. BACKGROUND PAPERS

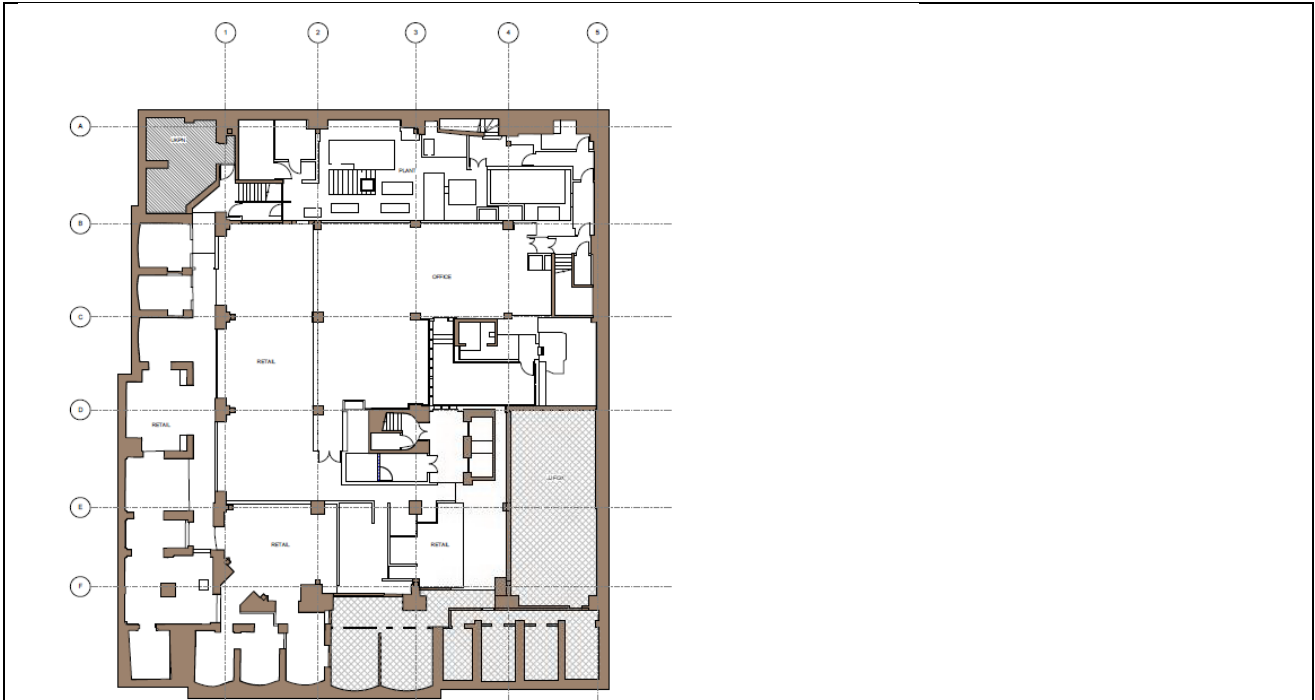
1. Application form
2. Response from Westminster Society dated 9 August 2016
3. Response from Environmental Health dated 9 August 2016
4. Response from Highways Planning dated 30 September 2016
5. Response from Cleansing dated 19 August 2016

### Selected relevant drawings

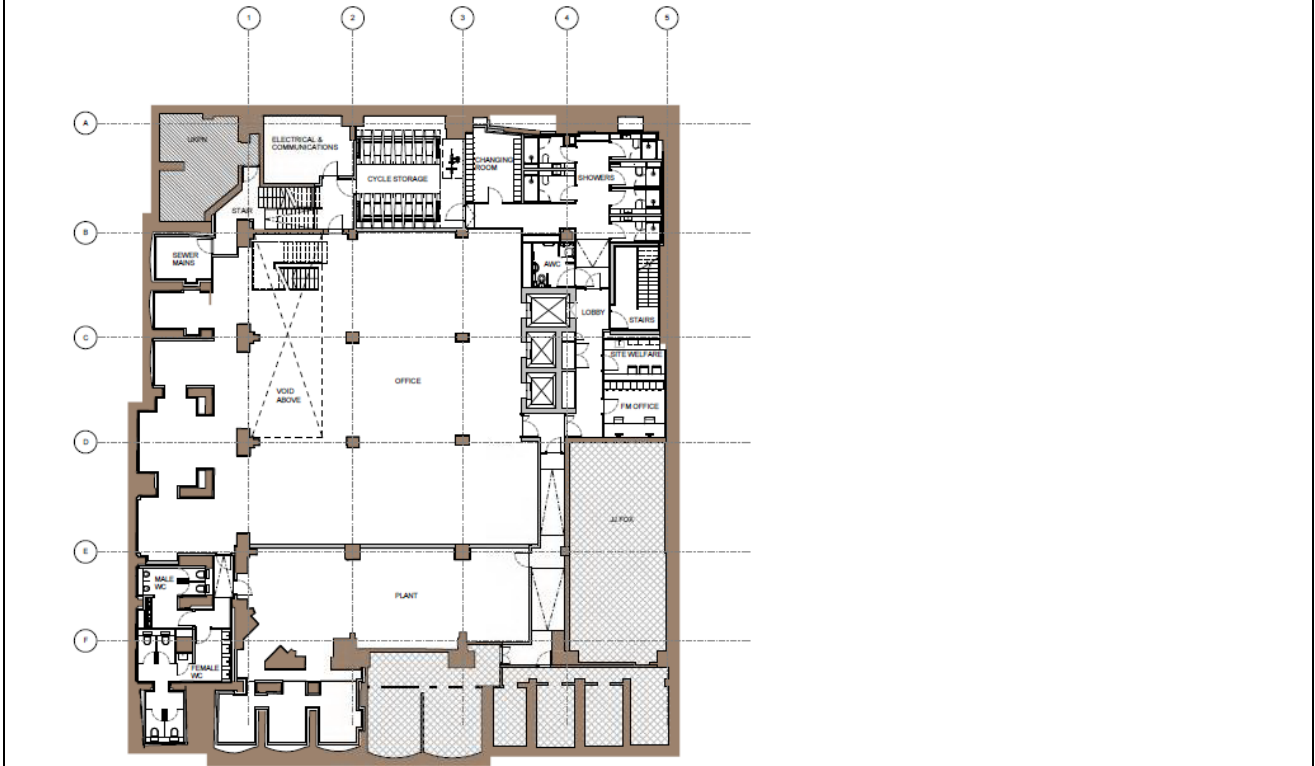
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **MATTHEW MASON** BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk).

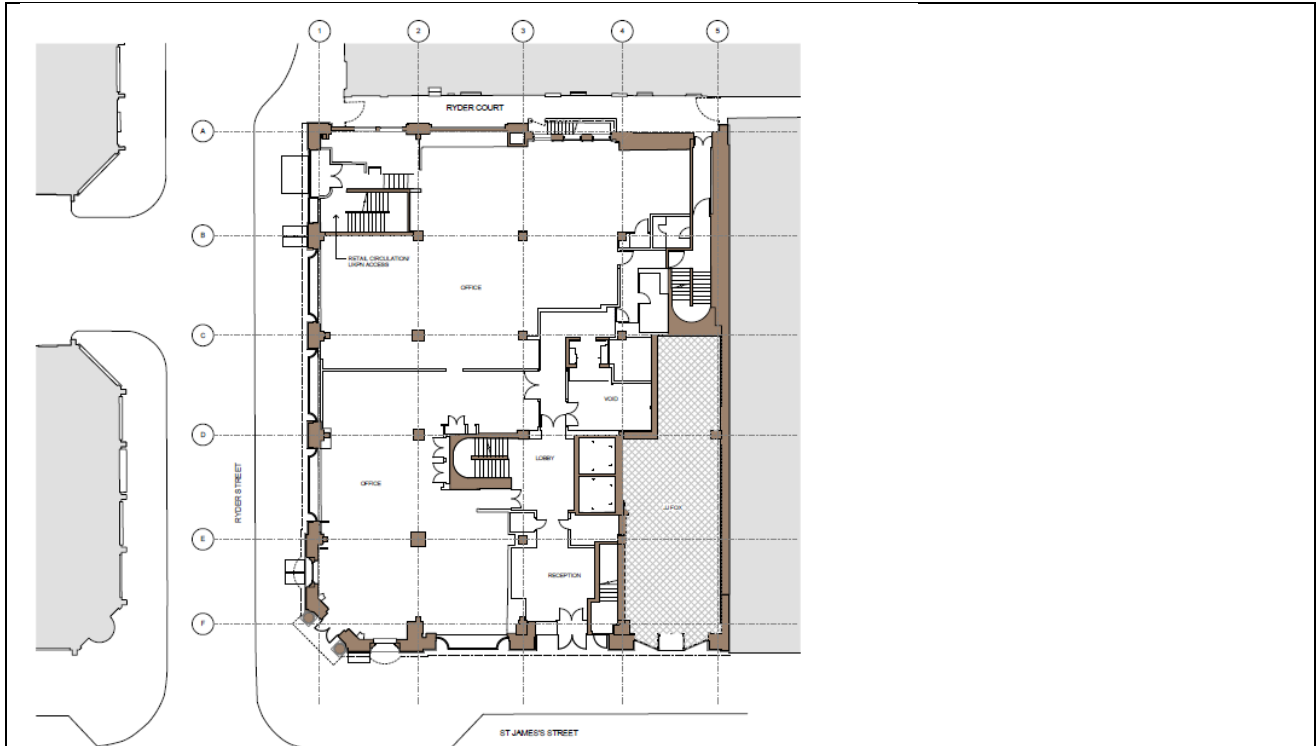
**8. KEY DRAWINGS**



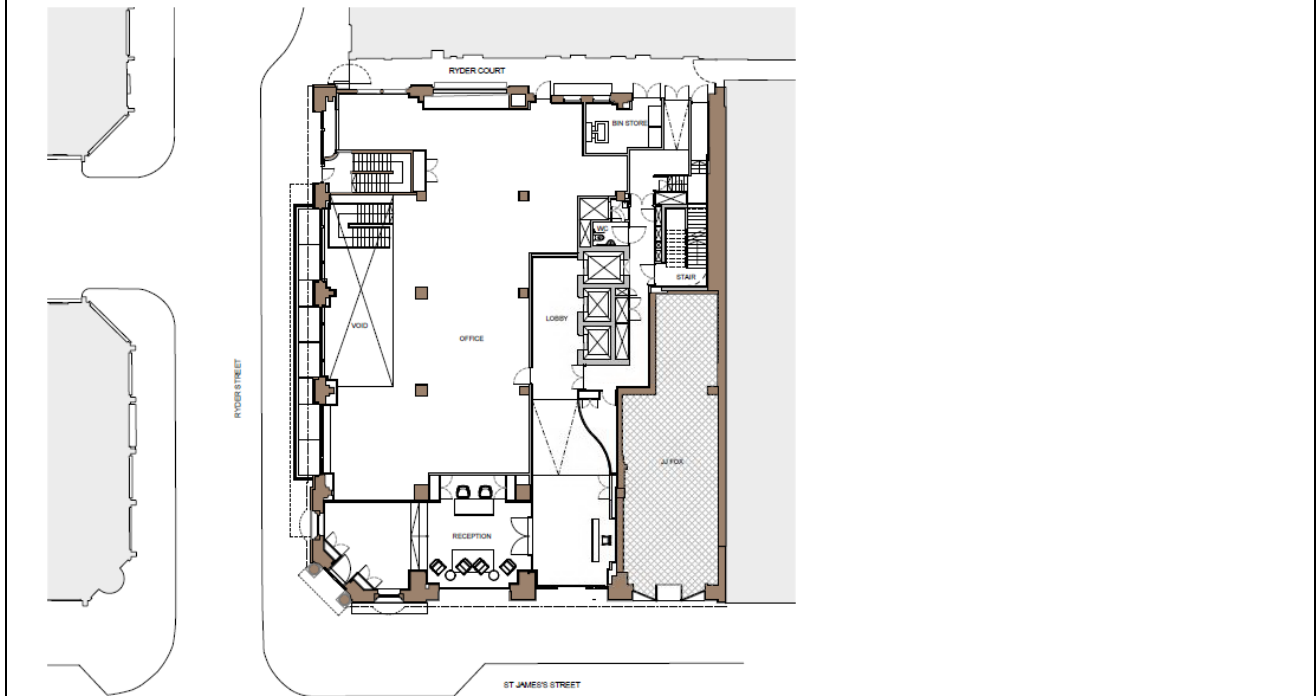
**Existing Lower Ground Floor Plan**



**Proposed Lower Ground Floor Plan**



**Existing Ground Floor Plan**



**Proposed Ground Floor Plan**

**DRAFT DECISION LETTER**

- Address:** 20 St James's Street, London, SW1A 1ES,
- Proposal:** Use of basement and part of the ground floor as office (Class B1), alterations to the office frontage and entrance; replacement of plant and screen at roof level.
- Plan Nos:** 2049\_X\_LP(XX)04\_PL Rev P01; 2049\_X\_SP(XX)04\_PL Rev P01; 2049\_X\_GA(00)04\_EX Rev P01; 2049\_X\_GA(01)04\_EX Rev P01; 2049\_X\_GA(02)04\_EX Rev P01; 2049\_X\_GA(03)04\_EX Rev P01; 2049\_X\_GA(04)04\_EX Rev P01; 2049\_X\_GA(05)04\_EX Rev P01; 2049\_X\_GA(06)04\_EX Rev P01; 2049\_X\_GA(07)04\_EX Rev P01; 2049\_X\_GA(08)04\_EX Rev P01; 2049\_X\_GA(LG)04\_EX Rev P01; 2049\_X\_GA(RF)04\_EX Rev P01; 2049\_X\_GE(NO)04\_EX Rev P01; 2049\_X\_GE(SO)04\_EX Rev P01; 2049\_X\_GE(WE)04\_EX Rev P01; 2049\_X\_GS(BB)04\_EX Rev P01; 2049\_X\_GS(CC)04\_EX Rev P01; 2049\_X\_GA(00)04\_PL Rev P01; 2049\_X\_GA(00)04\_PL Rev P02; 2049\_X\_GA(00)04\_PL Rev P03; 2049\_X\_GA(01)04\_PL Rev P01; 2049\_X\_GA(02)04\_PL Rev P01; 2049\_X\_GA(03)04\_PL Rev P01; 2049\_X\_GA(04)04\_PL Rev P01; 2049\_X\_GA(05)04\_PL Rev P01; 2049\_X\_GA(06)04\_PL Rev P01; 2049\_X\_GA(07)04\_PL Rev P01; 2049\_X\_GA(08)04\_PL Rev P01; 2049\_X\_GA(09)04\_PL Rev P01; 2049\_X\_GA(LG)04\_PL Rev P01; 2049\_X\_GA(RF)04\_PL Rev P01; 2049\_X\_GE(NO)04\_PL Rev P02; 2049\_X\_GE(SO)04\_PL Rev P02; 2049\_X\_GE(WE)04\_PL Rev P02; 2049\_X\_GS(BB)04\_PL Rev P02; 2049\_X\_GS(CC)04\_PL Rev P02; Ventilation & Extraction Strategy dated 20 September 2015, prepared by Watkins Payne; Planning Compliance Report dated 18 September 2015, prepared by Clarke Saunders.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

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

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

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



## Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 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 St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 provide the waste store shown on drawing 2049\_X\_GA(00)04\_PL Rev P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

## Reason:

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

- 5 You must apply to us for approval of detailed elevations and section of the following parts of the development:
- i) shopfronts at a scale of 1:10;
  - ii) windows at a scale of 1:5;
  - iii) doors at a scale of 1:5.

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 St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 6 You must hang all doors or gates so that they do not open over or across the road or pavement, unless in respect of the entrance gate to Ryder Court which can open outwards for refuse

collection and in the case of an emergency only.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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



**Reason:**

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

- 9 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

**Reason:**

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

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

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

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

Phone: 020 7641 2000

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

- 4 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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 Conditions 7 and 8 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)

Item No.
<b>7</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>12 Frederick Close, London, W2 2HD,</b>		
<b>Proposal</b>	Erection of a mansard roof extension. Replacement of the existing front door.		
<b>Agent</b>	Miss Pereen d'Avoine		
<b>On behalf of</b>	Miss A Mackenzie		
<b>Registered Number</b>	16/04632/FULL	<b>Date amended/ completed</b>	10 June 2016
<b>Date Application Received</b>	18 May 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

The application relates to an unlisted mews building which is currently in residential use and located within the Bayswater Conservation Area. Planning permission is sought for the erection of a mansard roof extension and the replacement of the existing front door.

The key issues are:

- The impact of the proposed extension upon the character and appearance of the Bayswater Conservation Area;
- The impact of the proposed extension on the amenity of neighbouring residents.

For the reasons set out in the report, the proposals are considered acceptable in conservation, design and amenity terms 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 November 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 of application site (top) and view of roof level (bottom)



View at roof level of application site towards rear patio of No.40 Connaught Square (top) and view through patio doors towards stairwell at mezzanine level at No. 40 Connaught Square (bottom).

## 5. CONSULTATIONS

### HYDE PARK ESTATE ASSOCIATION

Objection on the following grounds: Design and visual amenity.

“The Georgian heritage of the Hyde Park Estate and the original architectural style and scale of homes and buildings in the estate should be protected and enhanced. The proposals will change the nature of these heritage buildings. If granted planning permission, the property would be out of proportion with its neighbouring homes and change the street scape for overlooking home owners, whose visual amenity would be damaged by the height of the proposed building”.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:  
No. of Consultations: 12; Total No. of Responses: 3 responses received (two objections and one support) on the following ground(s):

Comment of Support:

- The proposals will overcome the appearance of the flat roof of the mews building.

Objections on all or some of the following grounds:

Design:

- The proposed roof extension will alter the existing roofline.
- Excessive height and bulk of proposed extension.
- The proposal has a detrimental impact on the character of the application building.

Amenity:

- Loss of privacy to neighbouring properties at no's 2, 3, and 4 Frederick Close.
- Overlooking to bedroom at no 3 Frederick Close.
- Sense of enclosure to occupants at no. 40 Connaught Square.
- The proposal will reduce the amount of light received in the close.
- Loss of light to no. 41 Connaught Square.

Other

- Disruption caused by construction works.
- Consultation letters may not have been received by absentee landlords.
- Converted garages allow for additional living space.
- Query regarding site visits from both the planning officer and the Planning Committee.
- Loss of view from 40 Connaught Square.
- Damage to plants and loss of wildlife to the patio at no. 40 Connaught Square/ Loss of greenery.
- The proposal would result in a precedent for the remaining flat roofs.



**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

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

The application site appears likely to be the original two storey 19th century mews building, though its appearance has been changed since its original form with the original garage replaced by modern windows and doors, a pair of large windows/opening doors being installed to first floor level with balconettes to the front elevation, and the original pitched roof being removed and replaced with a flat roof. The property is unlisted and is located within the Bayswater Conservation Area.

**6.2 Recent Relevant History**15/00731/FULL

Erection of mansard roof extension to single family dwelling with 2no. front dormers.

Application Withdrawn 30 June 2015

The proposals were considered acceptable in conservation and design terms but unacceptable in amenity terms in terms of the relationship of the extension with 40 Connaught Square. The applicant was advised to withdraw the application.

13/11587/FULL

Erection of a mansard roof extension to single family dwelling.

Application Refused 20 May 2014

The proposals were considered acceptable in conservation and design terms but unacceptable in amenity terms in terms of the relationship of the extension with 40 Connaught Square. The application was refused on the grounds of creation of sense of enclosure.

88/00932/full

Mansard roof extension & conversion of part of integral garage to living accommodation

Permitted 6 June 1988

The mansard roof element was never implemented.

**7. THE PROPOSAL**

This application seeks permission for the erection of a mansard roof extension to provide an additional bedroom to the single dwelling and for the replacement of the existing front door, with a painted, solid timber, panelled door.

**8. DETAILED CONSIDERATIONS****8.1 Land Use**

The proposal would result in an additional bedroom thereby increasing the size of the existing accommodation to a three bedroom property. One objection has been received on the grounds that the proposals would increase the size of the residential unit which is



adequate as it is. The proposals which will result in additional living accommodation for this property are supported by policy H3 of the UDP and policy S14 of the City Plan.

## 8.2 Townscape and Design

The application site has been significantly altered since its original form however, the application site still retains some semblance of its original appearance, and the appropriate form of roof extension is considered a traditionally detailed mansard roof. Though the Bayswater Conservation Area Audit identifies this building as one where an extension to roof level may not be considered appropriate, it is clear that most of the buildings in the mews have already been extended up to at least second floor level already, including the entire south side of the mews, and including the very large five storey building to the west end of the north side of the mews. Though the application site is one of three 19th century buildings together which do not have extensions to roof level, they do not in themselves have a unified roofline but step up the sloping line of the mews to the east, diminishing the impression of them as a coherent group. Overall therefore, the principle of a mansard style extension is considered acceptable in design and townscape terms and compliant with DES6 of the UDP and S25 and S28 of the City Plan. This is consistent with recent decisions for a mansard roof extension at this property.

The Hyde Park Estate Association have objected on the grounds that the original architectural style and scale of homes and buildings in the estate should be protected and enhanced. They state that the proposals will change the nature of these heritage buildings. If granted planning permission, the property would be out of proportion with its neighbouring homes and change the street scape for overlooking home owners, whose visual amenity would be damaged by the height of the proposed building.

The mansard roof generally follows the advice on the height and profile of such extensions as set out in the City Council's Supplementary Planning Guidance (SPG) document 'Roofs'; however it diverges in one important respect. The zinc cladding proposed to clad the mansard will give a very metallic and modern appearance to the extension which is not in line with the SPG advice which requires slates as a basic principle, and the use of black zinc as stated in the application form will give a particularly stark and inappropriate visual effect. It is not in line with the standard approach to roof extensions to such traditional buildings throughout the City where slate is the standard facing material, is not in line with the consistent use of slate to the other mansards visible in this Frederick Close street scene, and it is considered unacceptable for this building. In addition, aluminium windows are proposed which will also give an overly modern appearance to what should be seen as a traditionally detailed extension to this mews building and they would also clash with the timber windows to the main elevation below. These windows are also in black metal, and would again appear overly stark against this traditionally designed building in a conservation area. Though the basic size and form of the extension are considered acceptable, the materials proposed are considered unacceptable and as such amending conditions are proposed for these elements to be revised.

The new front door to street level is considered uncontentious.

The proposals are considered acceptable in conservation and design terms and seen to preserve and enhance the character and appearance of the Bayswater Conservation Area and comply with the Council's design policies.

### 8.3 Residential Amenity

Policy ENV13 of the UDP states that new development should enhance the residential environment of surrounding properties and should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing to neighbouring properties.

Objections have been received from the occupier of the property directly to the rear of the site on Connaught Square and from within Frederick Close on the grounds of loss of light, increased sense of enclosure and loss of privacy.

No. 40 Connaught Square which is directly to the rear of the application site is a single dwelling house and has an existing conservatory/ glass house and patio. This is accessed directly of the first floor landing/staircase. Records suggest that this conservatory and patio have been in existence since the 1970's. Also to the rear of the application site, at an oblique angle is 41 Connaught Square which is a property in use as a doctors surgery on all floors. The neighbouring properties on the opposite side of Frederick Close (No's 2, 3 and 4) are typical mews properties.

It appears that the application site has come into different ownership and as part of the revised application, further supporting information has been received addressing amenity issues including a sunlight and daylight assessment (assessing the implications of the development upon 40 Connaught Square) which add more detail concerning these considerations and officers previous concerns leading to the refusal of May 2014.

In terms of sense of enclosure, whilst the mansard roof will be in close proximity to the conservatory structure of 40 Connaught Square, this room which is accessed from the landing staircase is not considered to be a principal habitable room but a later addition enclosing formerly outdoor space and cannot therefore be afforded the same level of protection as say an original living room in that property. Given that 40 Connaught Square is a single dwelling house, the impact upon this conservatory room is, whilst regrettable, not considered to warrant refusal of this application. The mansard roof extension would result in a sense of enclosure to the remaining patio area of 40 Connaught Square, however this is not considered to be so harmful that permission could be withheld. In terms of the impact of the roof extension upon the doctors surgery at 41 Connaught Square, whilst it will be noticeable from the rear windows of the surgery, the impact is considered acceptable.

The applicants daylight and sunlight assessment confirms that the extension would meet the requirements as set out within the BRE guidelines in terms of loss of daylight and sunlight to the most affected windows in 40 Connaught Square, those of the conservatory at first floor level.

The windows of 41 Connaught Square have not been included in the daylight and sunlight assessment, given that this property is a doctors surgery and that properties of this nature are not protected to the same degree as residential accommodation.

There are no windows proposed within the rear of the mansard roof and therefore there are no concerns with regards to overlooking to the properties in Connaught Square.

The resident in 40 Connaught Square has objected on the ground that the extension would result in loss of view to Hyde Park. The loss of views is not a material planning consideration and can not be assessed as part of this application.

A neighbour objection was raised on the grounds that the proposal will have a detrimental impact on privacy and overlooking to nos. 2, 3 and 4 Frederick Close. The mansard roof which has two dormer windows in the front elevation, represents a typical 'mews' relationship and in officers opinion will not result in unacceptable levels of overlooking.

The proposed mansard roof is considered acceptable in amenity terms and will comply with policies ENV13 of the UDP and S29 of 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**

This application raises no environmental impact issues.

### 8.12 Other Issues

Objections have additionally been raised on the grounds that the proposed works would result in construction noise and pollution. It is not considered that works of this nature would result in significant noise and disruption to neighbours. The standard hours of working condition is attached to the draft decision notice.

One of the objections received argues that the proposed extension would set a precedent for neighbouring properties to propose similar schemes. This objection is not considered to be sustainable given that each application must be determined on its own merits.

Further objections raised the points that the consultation letters may not have been received by all leaseholders as the majority of the properties within the mews are rented out privately. The City Council has carried out its statutory requirements with regards to consultation in the form of letter to 'the owner/occupiers' of neighbouring properties, and a site and press advert.

## 9. BACKGROUND PAPERS

1. Application form
2. Letter from Hyde Park Estate Association (Corner Lodge, 107 Sussex Gardens), dated 11 July 2016
3. Letter from occupier of 11 Frederick Close, London, dated 31 May 2016
4. Letter from occupier of 40 Connaught Square, London, dated 1 June 2016
5. Letter from occupier of 3 Frederick Close, London, dated 15 June 2016

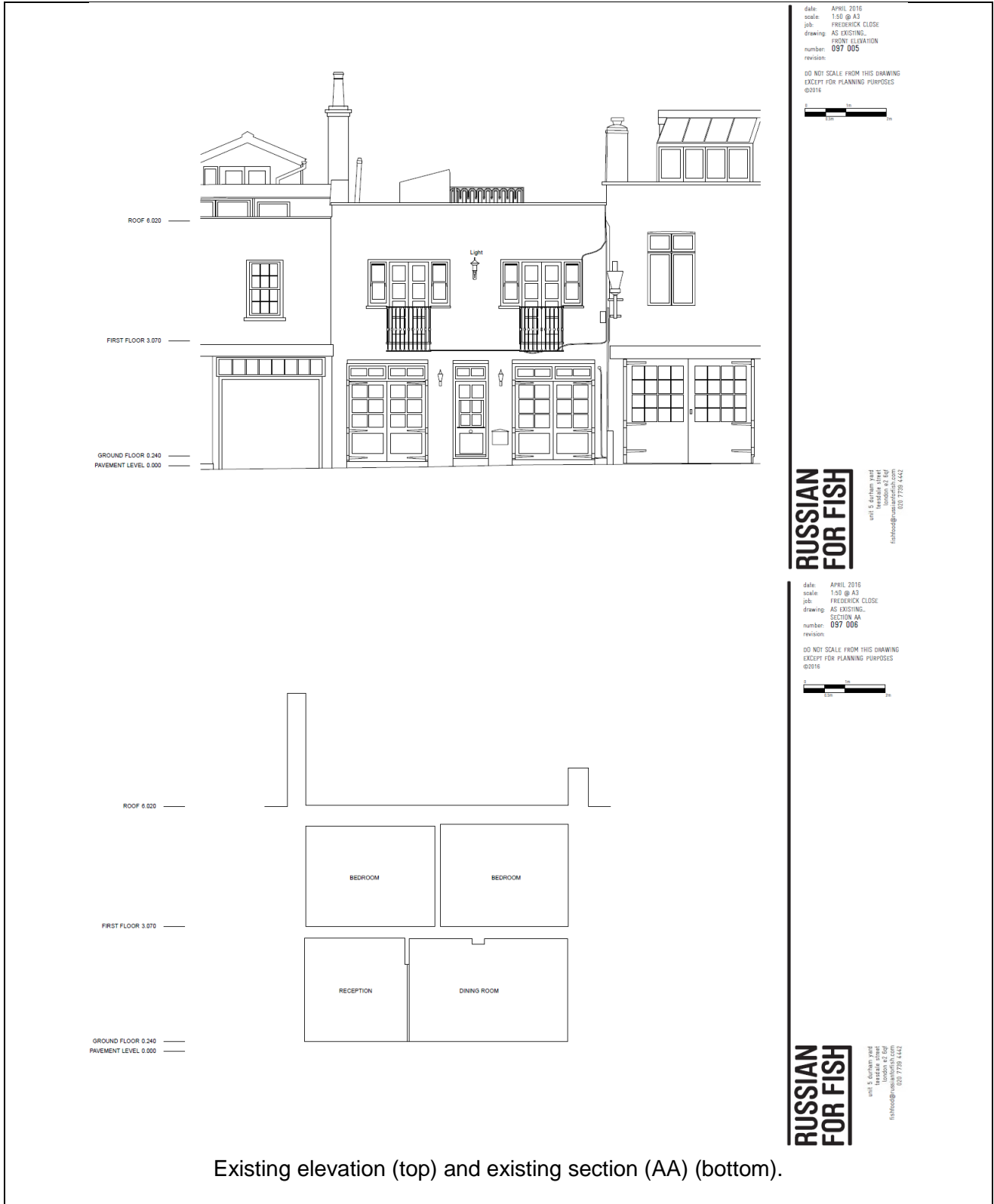
### Selected relevant drawings

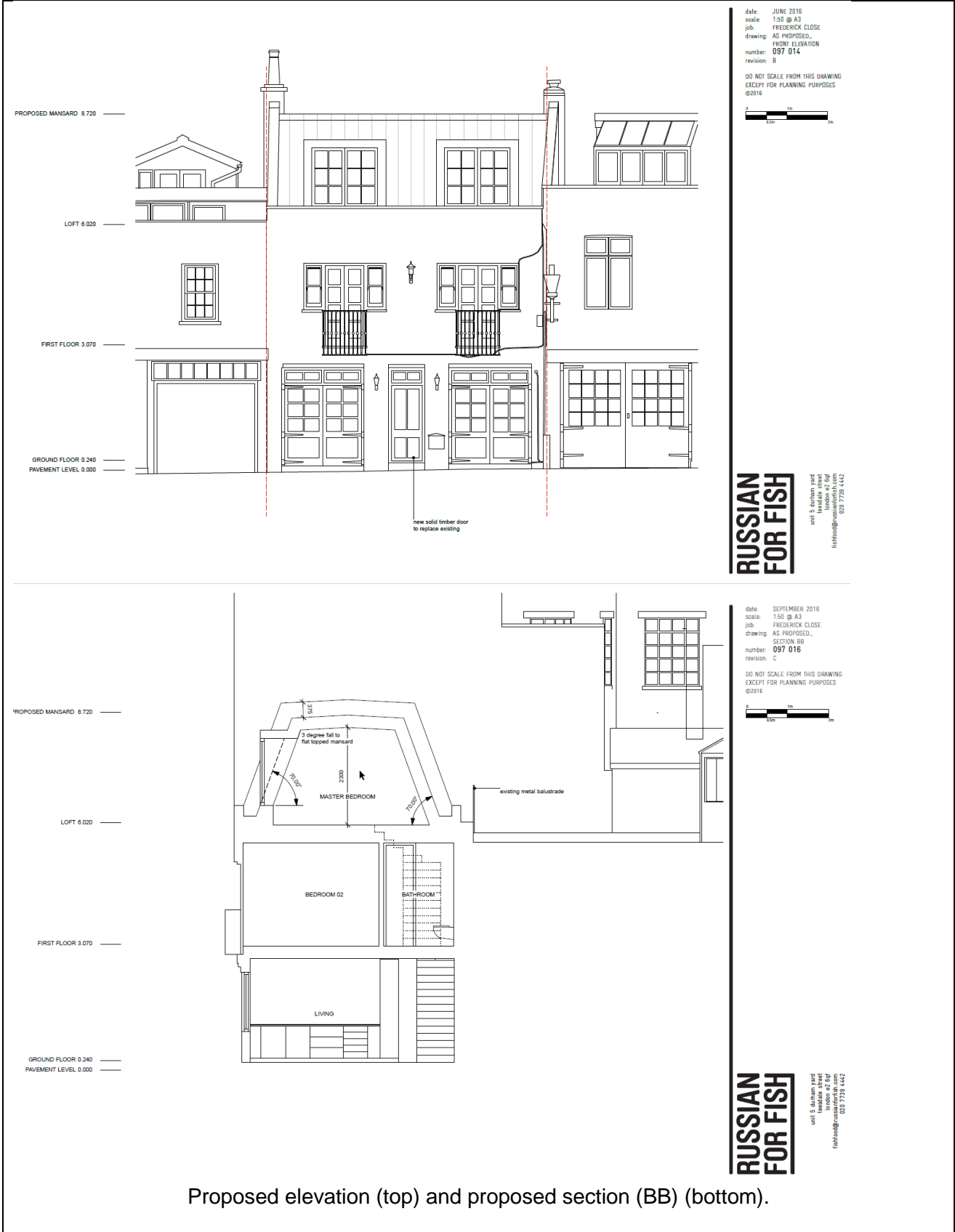
Existing and proposed sections and elevations.

(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: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)

**10. KEY DRAWINGS**





Proposed elevation (top) and proposed section (BB) (bottom).

**DRAFT DECISION LETTER****Address:** 12 Frederick Close, London, W2 2HD,**Proposal:** Erection of a mansard roof extension. Replacement of the existing front door.**Reference:** 16/04632/FULL**Plan Nos:** Site location plan, Design and access statement, Daylight and sunlight report, 097 005, 097 006, 097 010 Rev A, 097 011 Rev A, 097 012 Rev B, 097 013, 097 015, 097 009, 097 014 Rev B, 097 020 Rev A, 097 016 Rev C, 097 002 Rev B, 097 003 Rev B, 097 004 Rev B, 097 007 Rev B, 097 008 Rev B, 097 008.1 Rev B, 097 008.2 Rev B, 097 017 Rev B, 097 019 Rev B.**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 , onot 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 Notwithstanding the content of the submitted Design and Access Statement, the mansard roof extension hereby approved shall be constructed in natural slate cladding to the principal front and rear roof pitches and timber framing to the windows.

Reason:

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

#### **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.

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.
<b>7</b>

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Item No.
<b>8</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>53A Hereford Road, London, W2 5BB,</b>		
<b>Proposal</b>	Erection of a single storey rear extension at lower ground floor level.		
<b>Agent</b>	Frank Sansom		
<b>On behalf of</b>	Frank Sansom		
<b>Registered Number</b>	16/06581/FULL 16/08930/LBC	<b>Date amended/ completed</b>	20 October 2016
<b>Date Application Received</b>	16 September 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Westbourne		

**1. RECOMMENDATION**

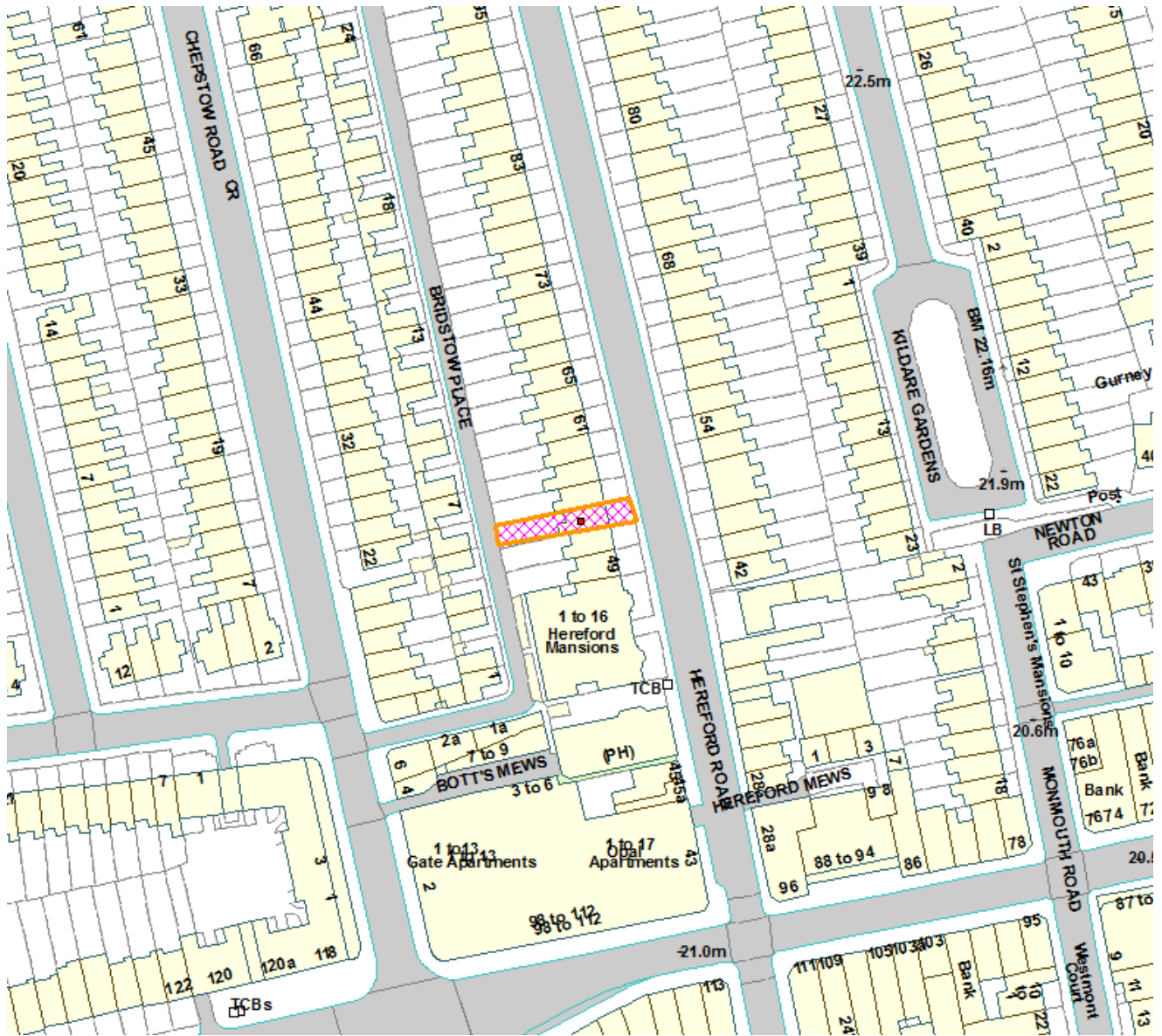
<ol style="list-style-type: none"> <li>1. Grant conditional planning permission and listed building consent.</li> <li>2. Agree the reasons for granting conditional listed building consent as set out in the draft decision notice.</li> </ol>
---

**2. SUMMARY**

<p>The application site is a lower ground and ground floor flat within a five storey mid terrace residential building, which has been divided into flats. It is Grade II listed and located within the Westbourne Conservation Area.</p> <p>Permission is sought for a single storey glazed infill at lower ground floor level and associated reconfiguration of the steps leading to the rear garden. It should be noted that the applicants' drawings originally showed a proposed garden room in the rear garden. This does not form part of the application and amended plans have been received to reflect this. Objections have been received to the proposed development from 10 neighbouring residents on a range of land use, design and amenity grounds, although it appears that many of these have been received primarily in relation to the garden room proposals.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> <li>• The impact of the proposed development on the character and appearance of the listed building and the Westbourne Conservation Area.</li> <li>• The impact of the proposed development on the amenity of neighbouring occupiers.</li> </ul> <p>The proposals are considered to be acceptable in land use, amenity, conservation, design and listed building terms and comply with the policies set out in the Unitary Development Plan (UDP) and</p>
---

Westminster's City Plan: Strategic Policies (the City Plan).

**3. LOCATION PLAN**



4. PHOTOGRAPHS

Rear Elevation  
& rear entrance  
Doors to lower  
Ground floor.



## 5. CONSULTATIONS

### BAYSWATER WARD COUNCILLORS

No response received.

### NOTTING HILL EAST NEIGHBOURHOOD FORUM

Stated that the application form was invalid as the correct certificate had not been signed, should not have been up to the amenity society to pick this up. No objection to glazed infill but appears to employ a large amount of decking and tiling. Does not show whether Astroturf is to be used instead of grass, would prefer grass.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39

Total No. of replies: 10

No. of objections: 10

Objections have been received on the following grounds:

#### DESIGN:

- Building has already been extended to the rear.
- Would result in the loss of original features and proportions.
- Incremental changes impact on the quality of the Conservation Area.
- Green spaces should be protected in the Conservation Area.

#### AMENITY:

- Would reduce privacy.
- Would block light to neighbouring properties.
- Will increase the sense of enclosure to neighbouring occupiers.

#### OTHER:

- Green spaces should be protected in the Conservation Area.
- Loss of views.
- The proposals would set a precedent to others.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a five storey residential building, currently is use as flats. The application pertains to Flat A which is located on the lower ground and ground floors. The building is Grade II listed and is located in the Westbourne Conservation Area.

### 6.2 Recent Relevant History

No recent applications have been granted, although there are several previously withdrawn applications relating to the property. This includes 15/08241/FULL and 15/09657/LBC for the erection of single storey garden room, installation of trellis to rear garden walls and door in rear boundary to Bridstow Place and 15/10731/FULL and 15/11465/LBC for the erection of rear infill extension. The applications were withdrawn as these applications hadn't assessed the arboricultural impacts of the development.

## **7. THE PROPOSAL**

Planning permission and listed building consent are sought for the erection of an infill extension at lower ground floor level. The proposed extension is to be a lightweight contemporary structure, single storey in height and set between the existing closet wing projection of the application site and the neighbouring property.

As advised, the plans were amended during the course of the application to omit a rear garden room and the reinsertion of a door to the rear wall of the property which the applicant confirms were not intended to form part of this current application. The neighbours were advised of this amendment in writing.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal will increase the size of the existing dwelling and is considered to be acceptable in land use terms. It accords with H3 of the Unitary Development Plan (UDP) and S14 of the City Plan. While several objectors stated that the rear of the building has already been extended, as the proposed infill will sit between two existing closet wings, will not result in over development of the site and accords with land use policies this is not considered a reason for withholding planning permission.

### **8.2 Townscape and Design**

There are gaps between each of the closet wings to this section of Hereford Road, and the closet wing to the application site appears to have been previously altered and extended. The site of the proposed infill is a narrow space between two closet wings that appears to have been altered and partly infilled at some point in the past, as evidenced by the decking rising up from the rear garden onto this area, and also by the design of the window which appears clearly to have been truncated from its much more likely original vertical sash window form.

The proposed glazed infill is set into the gap as a single storey extension above the existing garden level, and it sits appreciably below the level of the original sash window which remains to the floor above. Seen buttressed between two brick closet wing extensions and given that the rear elevation of the proposed extension is set slightly back from the line of the closet wing it will have a subservient visual impact upon the character and appearance of the building and the opening in the side wall of the rear closet wing will not involve the loss of significant historic fabric. Whilst the building has been extended previously, each application is to be assessed on its merits and is not a sustainable reason for refusal in this instance.

The extension is a simply detailed glazed structure with minimal black coloured framing which will sit comfortably with the black colour to the framing of the sash windows, and there are a number of glazed infills of varying designs to surrounding buildings. As such, the extension is considered acceptable in design and listed building terms. The new window to the rear of the closet wing is modern in appearance, though given that it replaces a large pair of modern doors of relatively poor design quality this new window is considered acceptable.

One objection argues that incremental changes impact on the quality of the Conservation Area. It is considered that the changes proposed would contribute to the character and appearance of this part of the Westbourne Conservation Area and are therefore acceptable in design and listed building terms and this is not sustained as a reason for refusing the applications.

The alterations to the steps are uncontentious in listed building and design terms.

The proposed extension and reconfigured steps is considered to comply with DES5, DES9 and DES10 and S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP states that new development should enhance the residential environment of surrounding properties and should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing to neighbouring properties.

Several neighbours have objected to the proposal on amenity grounds stating the proposal would result in a loss of privacy, a loss of light, cause a sense of enclosure to neighbouring properties and block views from neighbouring properties. As already addressed, it appears that the majority of the objections relate to the garden room proposal that does not form part of this application.

The proposed infill extension is single storey and set wholly between the existing closet wing projections of the application site and the neighbouring property, No. 55. It is therefore considered that the proposals will have no impact upon the neighbours in terms of loss of light, overshadowing or sense of enclosure. Whilst the rear elevation is fully glazed, the main outlook from this extension will be into the garden of the application site, given the extension is at lower ground floor and the existing boundary wall rises above ground floor level.

The proposal is considered to accord with ENV 13 of the UDP and S29 of the City Plan and the objections stated above are not considered to be valid reasons for refusing the planning application.

### **8.4 Transportation/Parking**

There are no transportation/parking considerations with this scheme.

### **8.5 Economic Considerations**



No economic considerations are applicable for a development of this size

## **8.6 Access**

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

### **Trees**

Several objectors raised concerns about the potential of the proposal to damage trees, and in particular a mature plane tree in the garden of neighbouring no. 51. However it is considered that these objections are based on the misunderstanding that the current proposal includes the erection of a garden room to the rear of the host building, and the creation of a door in the rear wall of the property. The City Council's arboricultural officer has reviewed the plans and considers that while the erection of a rear infill extension will have an impact on the tree's root protection area, this is not likely to be significant enough to warrant refusal of the application. Conditions have been recommended to protect the trees on site.

An objection stated that the green spaces within the Conservation Area should be protected; however the proposed infill is to be located in an area that has already been heavily modified and would not result in a loss of green space. Therefore this is not upheld as a valid objection.

## **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**

Not applicable for development of this scale.

## **8.12 Other Issues**

Objections were received that stated the proposal would set a precedent. Each planning application is considered on its own merits, and given that there are a number of infill extensions to the rear of this terrace it considered that the proposal would not set a precedent.

A further objection has been received on the grounds of loss of views. Loss of views is not considered a material planning consideration.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Westbourne Neighbourhood Association, dated 25 October 2016
3. Memorandum from Arboricultural officer dated 29 November 2016
4. Letters from occupiers of 49 Hereford Road, London, dated 14 November 2016
5. Letter from occupier of 56 Hereford Rd, London, dated 14 November 2016
6. Letter from occupier of 10A Chepstow Rd, London, dated 14 November 2016
7. Letter from occupier of 83 Hereford Road, London, dated 15 November 2016
8. Letter from occupier of 10 Hereford mansions, Hereford Road, dated 15 November 2016
9. Letter from occupier of 51 B Hereford Road, London, dated 20 November 2016
10. Letter from occupier of 60 Hereford Road, Greater London, dated 23 November 2016
11. Letter from occupier of 73 Hereford Road, London, dated 24 November 2016
12. Letter from occupier of 1 Hereford Mansions, Hereford Road, dated 25 November 2016

### **Selected relevant drawings**

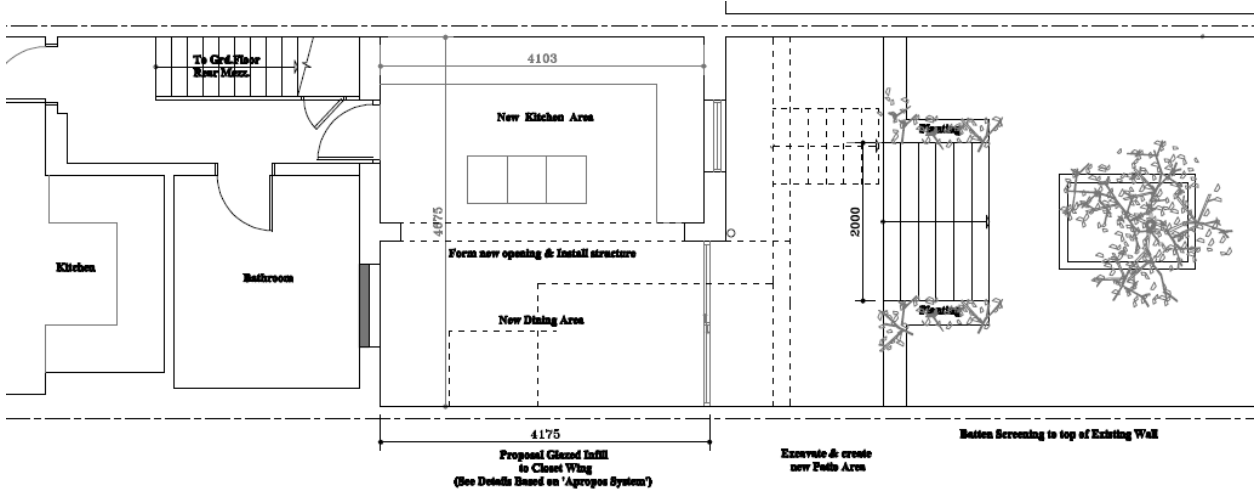
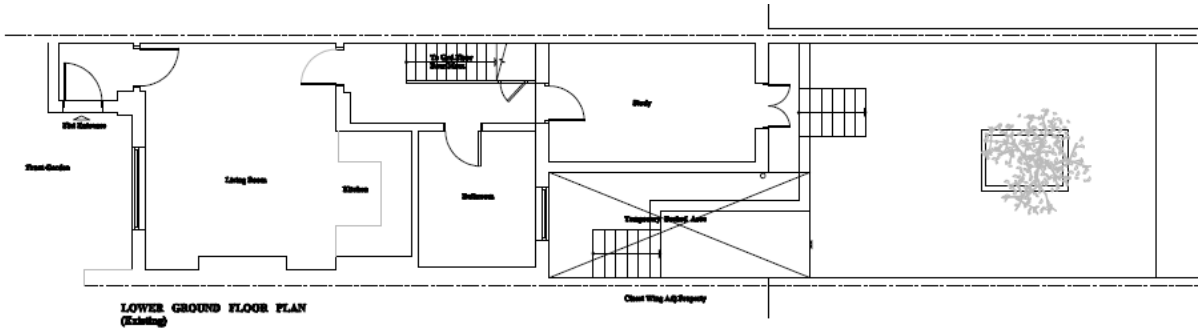
Existing and Proposed Elevations, Sections and Plans.

(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: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk).

**10. KEY DRAWINGS**

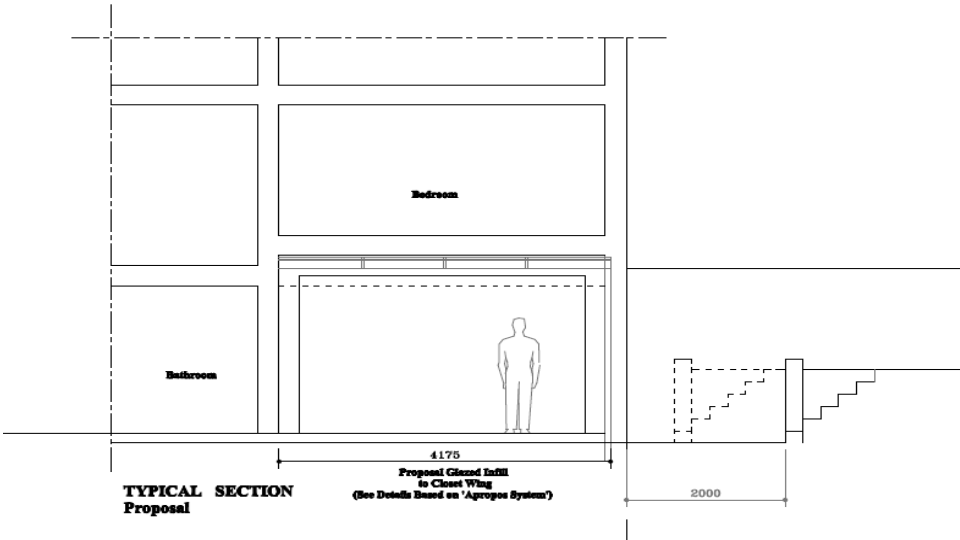
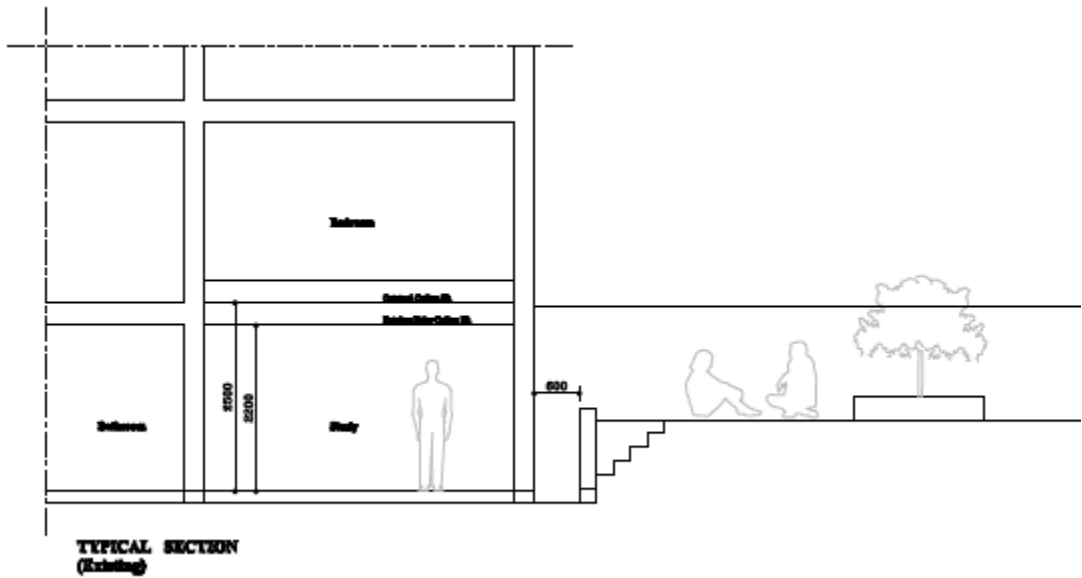
Existing and Proposed lower ground floor plan



Existing and Proposed Rear Elevation



Existing and Proposed sections.



**DRAFT DECISION LETTER**

**Address:** 53A Hereford Road, London, W2 5BB,

**Proposal:** Erection of a single storey rear extension at ground floor level.

**Reference:** 16/06581/FULL

**Plan Nos:** 15/HR/200, 15/HR/201 Rev.A, 15/HR/201, 15/HR/210, Design and Access Statement., For information only: Arboricultural Report, Arboricultural Impact Assessment and Method Statement dated 23rd February 2016, TPP-01 Rev. A

**Case Officer:** Heather Lai

**Direct Tel. No.** 020 7641 6519

**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 (November 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 new window to the existing brick rear extension shall be formed in glazing and black painted timber framing.

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

## Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

**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 (November 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 Condition 5 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;

- \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - \* how any temporary surfaces will be laid and removed;
  - \* the surfacing of any temporary access for construction traffic;
  - \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - \* the place for any bonfires (if necessary);
  - \* any planned raising or lowering of existing ground levels; and
  - \* how any roots cut during the work will be treated.
- 3 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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



**DRAFT DECISION LETTER**

**Address:** 53A Hereford Road, London, W2 5BB,

**Proposal:** Erection of a single storey rear extension at lower ground floor level.

**Reference:** 16/08930/LBC

**Plan Nos:** 15/HR/200, 15/HR/201 Rev.A, 15/HR/201, 15/HR/210, Design and Access Statement., For information only: Arboricultural Report, Arboricultural Impact Assessment and Method Statement dated 23rd February 2016, TPP-01 Rev. A

**Case Officer:** Heather Lai

**Direct Tel. No.** 020 7641 6519

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

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

**Reason:**

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

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 The new window to the existing brick rear extension shall be formed in glazing and black painted timber framing.

**Reason:**

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

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:

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

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.

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>9 Chapel Side, London, W2 4LG</b>		
<b>Proposal</b>	Details of a construction management plan pursuant to Condition 3 of planning permission dated 23 August 2016 (RN: 16/05301/FULL).		
<b>Agent</b>	Ms Joanna Espin-Silvester		
<b>On behalf of</b>	Mr Luke Quinn		
<b>Registered Number</b>	16/10669/ADFULL	<b>Date amended/ completed</b>	8 November 2016
<b>Date Application Received</b>	8 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

**1. RECOMMENDATION**

Approve details.

**2. SUMMARY**

The application seeks approval of a Construction Management Plan (CMP) pursuant to Condition 3 of planning permission for excavation of a basement floor beneath the existing dwelling house with internal lightwells as well as alterations at roof level and to the front elevation fenestration, which was granted permission by the Planning Applications Committee on 23rd August 2016.

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

"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 hoarding's (including decorative displays and facilities for public viewing, where appropriate);
- (v) Wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) A scheme for recycling/disposing of waste resulting from demolition and construction works. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details."

The submitted CMP provides two 24 hour emergency contact numbers in compliance with (i) above. The construction programme is projected to be 30 weeks, of which the excavation and construction of the basement will take 10 weeks. These timescale's are considered to be reasonable given the scope of the proposed works and the need to comply with the restrictions on hours of works imposed by Condition 2 of the August 2016 permission.

There is to be no on site parking for site operatives or visitors both of whom will be expected to use public transport or metered parking. Delivery vehicles will be attended to at all times so they can be moved if causing an obstruction. This is considered to satisfactorily address (ii).

Materials are bought into site by hand and stored inside the building. The applicant owns a garage within Chapel Side and this will be used for skips to accommodate site waste and for site storage. The garage at 21 sqm and at a height of approximately 2.1 metres is of a sufficient size to accommodate a skip, despite the neighbours concern. In response to the limited garage space the skip may be used as a storage vessel and then loaded and unloaded by hand. A further skip is proposed on Moscow Road. The application building's facade is being retained therefore security hoarding's are not required. This is in accordance with (iii) and (iv).

Before vehicles or plant travels away from the application site, wheel washing will be undertaken, excavated material will be moved by a small dumper to the skip on Moscow Road. It is not envisaged that the site itself will generate a great deal of dust until the roof is removed and damping down measures will be employed when necessary. These measures are considered to be sufficient to address part (v) of the condition.

The skip in the applicant's garage will be used to receive waste and this will be disposed of in accordance with a Waste Management Plan and in line with Duty of Care Regulations. Given the limited space available this approach is considered to be appropriate and in accordance with part (vi) of the condition.

The Highways Planning Manager is happy that the CMP addresses the requirements of the condition satisfactorily in highways and transport terms. Whilst Chapel Side is an unadopted road, should the applicant require the skip on Moscow Road, all necessary highways licenses are still required and will be dealt with by Highways Licensing.

In conclusion the proposed CMP is considered to be acceptable and addresses the requirements of Condition 3 of the planning permission dated 23rd August 2016. It is therefore recommended that the approval of details application is approved.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Chapel Side Looking North

Front Elevation



Applicants Garage

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR LANCASTER GATE

No response.

### HIGHWAYS PLANNING

No objection provided the applicant works with Highways Licensing to obtain the required highways licenses.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

Total No. of replies: 1

One neutral response querying whether the size of the applicant's garage is sufficient to accommodate a skip.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### 5.1 Recent Relevant History

#### 16/05301/FULL

Excavation of a basement beneath the footprint of the original dwelling incorporating an internal lightwell; alterations to windows and doors in the front elevation; replacement of roof, including increased roof pitch, new tiles, rooflights and vents.

Application Permitted                      2 September 2016

## 6. BACKGROUND PAPERS

1. Application form.
2. Copy of Construction Management Plan Rev B dated 8th November 2016
3. Memorandum from the Highways Planning Manager dated 1st December 2016.
4. Letter from occupier of 28 Chapel Side dated 6 December 2016

### Selected relevant drawings

None relevant. A copy of the CMP is attached.

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT KDAVIES1@WESTMINSTER.GOV.UK</p>
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**DRAFT DECISION LETTER**

**Address:** 9 Chapel Side, London, W2 4LG

**Proposal:** Details of construction management plan pursuant to Condition 3 of planning permission dated 23 August 2016 (RN: 16/05301/FULL).

**Reference:** 16/10669/ADFULL

**Plan Nos:** Construction Management Plan Rev B Dated 08.11.16.

**Case Officer:** Anna Mayers

**Direct Tel. No.** 020 7641 5966

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

- 1 This permission fully meets condition 3 of the planning permission dated 23 August 2016. (I11AA)
- 2 You are reminded of the need to comply with the Construction Management Plan throughout the construction period. In particular, you have undertaken to display a 24 hour emergency contact number on the site at all times.

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.