



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 9th May, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**

Andrew Smith (Chairman)  
Barbara Grahame  
Louise Hyams  
Robert Rigby

**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. 96 CLIFTON HILL, LONDON, NW8 0JT</b>              | <b>(Pages 3 - 20)</b>   |
| <b>2. 29 PONSONBY PLACE, LONDON, SW1P 4PS</b>           | <b>(Pages 21 - 34)</b>  |
| <b>3. 31 PONSONBY PLACE, LONDON, SW1P 4PS</b>           | <b>(Pages 35 - 46)</b>  |
| <b>4. 12 UPPER ST MARTIN'S LANE, LONDON, WC2H 9FB</b>   | <b>(Pages 47 - 56)</b>  |
| <b>5. 1 ST JOHN'S WOOD HIGH STREET, LONDON, NW8 7NG</b> | <b>(Pages 57 - 70)</b>  |
| <b>6. ALL BLOCKS, HALLFIELD ESTATE, LONDON, W2 6EF</b>  | <b>(Pages 71 - 92)</b>  |
| <b>7. 10 HEDDON STREET, LONDON, W1B 4BX</b>             | <b>WITHDRAWN</b>        |
| <b>8. 10 HEDDON STREET, LONDON, W1B 4BX</b>             | <b>WITHDRAWN</b>        |
| <b>9. 17 ADAMS ROW, LONDON, W1K 2LA</b>                 | <b>(Pages 93 - 120)</b> |

**Charlie Parker**  
**Chief Executive**  
**28 April 2017**

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## CITY OF WESTMINSTER

### PLANNING APPLICATIONS COMMITTEE – 9th May 2017

#### SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 17/01462/FULL	96 Clifton Hill London NW8 0JT	Extension of ventilation flue on the rear elevation.	
	Abbey Road			
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/10795/FULL	29 Ponsonby Place London SW1P 4PS	Alterations at main roof level including raising the roof height and installation of rooflights in connection with converting the third floor into habitable accommodation. (Retrospective application)	
	Vincent Square			
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/10067/FULL	31 Ponsonby Place London SW1P 4PS	Alterations at main roof level including raising the roof height and installation of rooflights in connection with converting the third floor into habitable accommodation.	
	Vincent Square			
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
4.	RN NO(s) : 16/06996/FULL	12 Upper St Martin's Lane London WC2H 9FB	Variation of condition 4 of planning permission 23 April 2014 (RN14/02794) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant namely; to allow the use to continue until 18 April 2018.	
	St James's			
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 16/11597/TCH	1 St John's Wood High Street London NW8 7NG	Use of area outside of the property for the placing of 3 tables and 6 chairs on St John's Wood High Street	
	Regent's Park			
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : 16/08536/COFU	All Blocks Hallfield Estate	Variation of conditions 1, 4 and 7 of planning permission dated 20 March 2012 (RN: 11/07608/COFUL) and conditions 1, 3 and 6 of listed	

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 9th May 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	L and 16/08899/COLB C  Lancaster Gate	London W2 6EF	building consent dated 12 March 2012 (RN: 11/07609/COLBC) for replacement of existing single glazed steel windows and doors on 14 residential blocks and the estate office with aluminium framed, double glazed windows in a pattern to match the existing in the existing window openings on the 10 storey blocks and parts of the living room elevations on the six storey blocks and the estate office. Installation of new painted timber street doors and double glazed fanlights in a pattern to match the existing, in the existing door openings and installation of new steel framed double glazed windows, in a pattern to match the existing, in the existing window openings on parts of the living room elevations of the six storey blocks and the estate office. NAMELY, to amend the window detailing and to allow the fanlights to open outwards	
<b>Recommendation</b>				
1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.				
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 letter.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
7.	<b>RN NO(s) :</b> 17/01310/TCH  West End	10 Heddon Street London W1B 4BX	Use of an area of the public highway measuring 3m x 4.77m for placing of 6 tables and 12 chairs in connection with the restaurant use on the ground floor at 10 Heddon Street.	Withdrawn
<b>Recommendation</b>				
Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
8.	<b>RN NO(s) :</b> 17/02476/FULL  West End	10 Heddon Street London W1B 4BX	Installation of a new shopfront comprising openable windows above a fixed stallriser.	Withdrawn
<b>Recommendation</b>				
Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
9.	<b>RN NO(s) :</b> 16/12217/FULL  West End	17 Adams Row London W1K 2LA	Demolition behind retained front facade and redevelopment to provide a building comprising new basement, ground and two upper floors, including rear extensions at ground and first floors, and 1st floor rear terrace, for use as a single family dwelling with two integral garages. (ADDENDUM REPORT)	
<b>Recommendation</b>				
Grant conditional permission				

# Agenda Item 1

Item No.

1

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 9 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	96 Clifton Hill, London, NW8 0JT		
<b>Proposal</b>	Extension of ventilation flue on the rear elevation.		
<b>Agent</b>	Mr Ben Kelly		
<b>On behalf of</b>	Mr Ben Robson		
<b>Registered Number</b>	17/01462/FULL	<b>Date amended/ completed</b>	21 February 2017
<b>Date Application Received</b>	21 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is a detached three storey building with basement, which is currently vacant and undergoing building works. Its lawful use is as a public house and is a designated Asset of Community Value (ACV). Although the property is not listed it is an unlisted building of merit and is located within the St Johns Wood Conservation Area. Planning permission is sought for the installation of an extension to an existing rear flue to provide ventilation to a new pub kitchen at basement level.

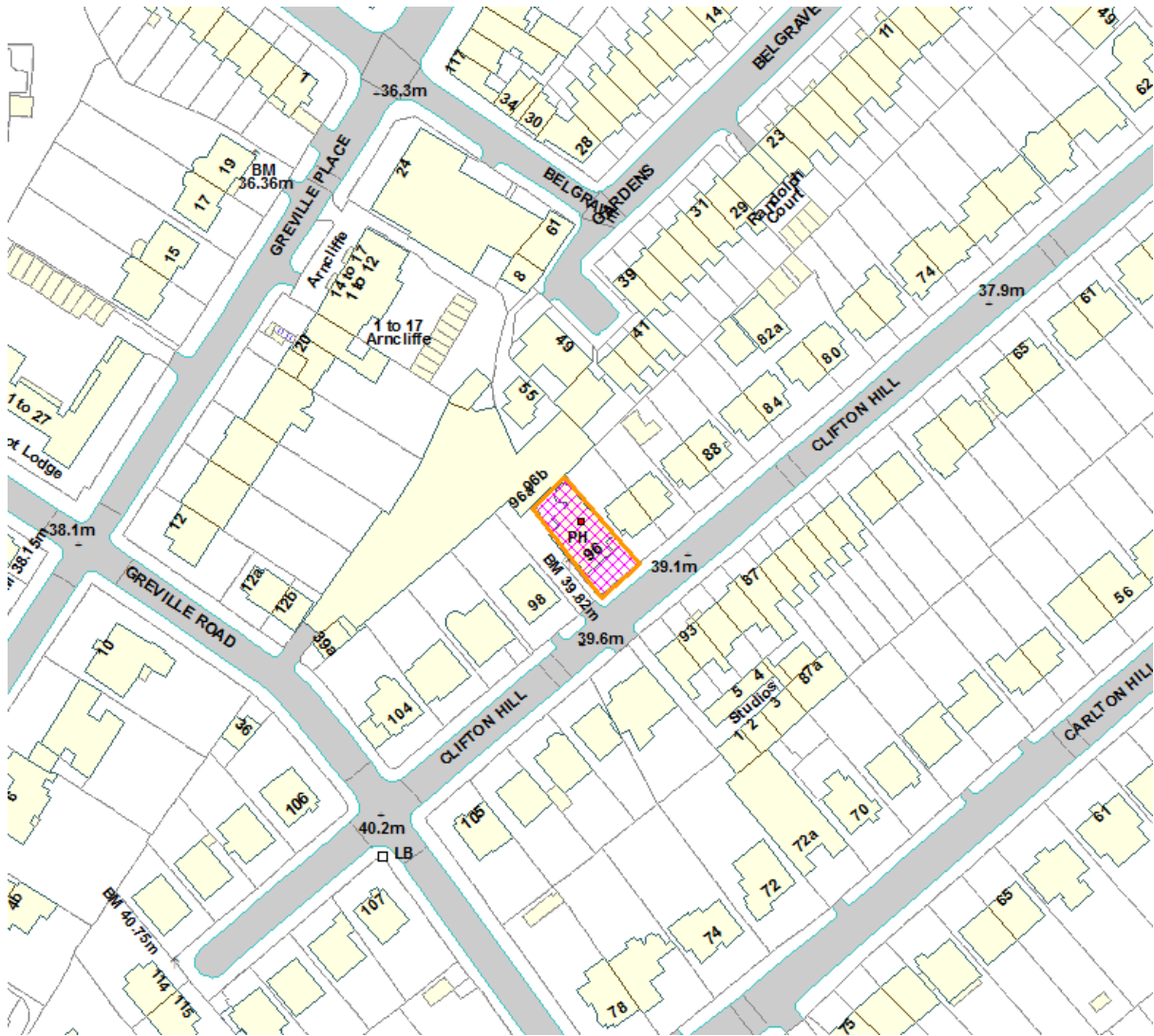
Significant objection has been raised by surrounding residents who raise concerns in relation to the information submitted with the application, and the likely negative impact of the proposed works on the quiet enjoyment and character of the area.

The key issues are:

- The impact of the proposals on the amenity of surrounding residents.
- The impact of the works on the building and surrounding conservation area.

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

**3. LOCATION PLAN**



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4. PHOTOGRAPHS

Front elevation



Rear elevation (showing existing flue)



## 5. CONSULTATIONS

### ST JOHNS WOOD SOCIETY:

Support the re-opening of the public house. Request that the case officer balances the needs of the community against any reasonable objections from the immediate neighbours.

### ENVIRONMENTAL HEALTH:

Raise no objection subject to conditions in relation to mitigation measures and to ensure that the equipment meets Westminster's standard Noise and Vibration requirements.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 23 objections (from 16 households) raising some or all of the following points:

#### Amenity:

- Incorrect and misleading information within submitted noise report, which could result in noise disturbance from new equipment.
- Lack of information regarding proposed equipment.
- Note that maximum noise should not exceed 10db below the minimum external background noise level, or 5db below minimum external background noise level only where it can be shown that noise emitted from the equipment will not contain tones or be intermittent sufficient to attract attention. It is considered that the equipment does contain tones and therefore the more stringent reduction should be enforced.
- Comment that the property at first floor level should have been tested.
- Contrary to Westminster Policies.
- Fumes will affect adjacent occupiers.

#### Other:

- Sections of the application form not completed.
- Note that works previously applied for have not been included within this application. Concerns that they will be undertaken without permission.
- Concern and confusion over the St Johns Wood Society comments.
- Concerns about access for emergency vehicles.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a detached building comprising of basement, ground and two upper levels situated on the north side of Clifton Hill last in use as a public house. Although the property is not listed it is designated as an unlisted building of merit which positively contributes to the St Johns Wood Conservation Area. The building was designated as a ACV on 11 February 2015. To the rear of the building is an existing kitchen ventilation flue, which exits the building at first floor level and extends up to the roof.

## 6.2 Recent Relevant History

16/11299/FULL - Alterations including: The installation of condenser units and fan at rear ground floor level; extension to existing flue on the rear elevation; installation of light fitting to side entrance; alterations to the boundary walls of the front patio garden to change access points.

Application Withdrawn 23 January 2017

16/03034/FULL - Alterations including erection of side portico extension with the installation of an associated access ramp, increasing the width of wall and column to front boundary, and extension of ventilation duct to rear elevation.

Application Withdrawn 2 August 2016

16/09197/FULL - Change of use of first and second floor existing ancillary residential accommodation associated with The Clifton Public House, to 2x2bedroom residential dwellings (Use Class C3) and associated alterations to front garden to accommodate bike and bin store and installation of skylight to roof.

Application currently being considered

14/12717/FULL - Use as a single family dwelling and internal and external alterations including lowering of existing basement, demolition of the rear conservatory and toilet block, formation of rear amenity space with glass balustrade and steps, provision of car parking space to front garden with associated alterations to boundary walls and paving.

Application Refused 18 August 2015

08/09330/FULL - Replacement of existing kitchen extract and ductwork to rear elevation.

Application Permitted 22 July 2009

05/03555/FULL - Installation of new entrance door and side screen to front facade.

Application Permitted 11 July 2005

02/02664/FULL - Replacement of paving to front beer garden and installation of extract fans to rear windows.

Application Permitted 24 June 2002

02/00127/FULL - Installation of a rear fire escape staircase.

Application Permitted 21 March 2002

## 7. THE PROPOSAL

Planning permission is sought for the installation of an extension to the existing rear flue to run down to ground floor level, where it will enter the building and run internally down to basement level where it will provide mechanical ventilation for a new pub kitchen.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

No change to existing use as a public house.

### 8.2 Townscape and Design

The significance of the application site as an unlisted building of merit located within the St John's Wood Conservation Area derives from its appearance, form, scale and long established use as a public house. It is the buildings use which has determined its scale and form and therefore it could be argued the current form of the building, particularly the core fronting the highway, remains as originally intended and therefore the building can be considered as a completed composition. Furthermore the scale and form of the building and its contrast to the residential buildings in the street, is considered to contribute to the character and appearance of the area.

On the rear elevation it is proposed to extend the existing high level ducting down to the top of the ground floor level. Given the existence of high level ducting, an extension lower down on the building is not considered to be so harmful as to detract from the character and appearance of the building and the wider conservation area. A condition is recommended that it is painted black to match the existing. Subject to this condition the proposals are considered to be acceptable in design and conservation terms and would preserve the character and appearance of the St Johns Wood Conservation Area.

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

### 8.3 Residential Amenity

Considerable objection has been received in relation to this application and the potential impact of the proposed new equipment on the amenity of adjacent occupiers. Concerns have also been raised in relation to the acoustic report submitted by the applicants.

The application is supported by a plant noise assessment report by RBA Acoustics dated 15 February 2017 and supplementary data requested by the Environmental Health Officer (EHO) received by email on 3 April 2017. The report refers to a noise survey which established a lowest background noise level of 36 dB  $L_{A90 (15 \text{ min})}$  and also mentions a survey carried out previously by Clement Acoustics which also measured a lowest level of 36 dB  $L_{A90 (15 \text{ min})}$ . Following representations from a number of residents in Clifton Hill the background noise level has been revised downwards. The residents employed KP Acoustics to carry out a noise survey and measured a lowest background noise level of 33 dB  $L_{A90 (5 \text{ min})}$ . The EHO has commented that the 5 minute interval used by KP Acoustics doesn't conform to the 15 minute interval as per Westminster planning policy and that a 5 minute interval level has a tendency to be a lower measurement than the 15 minute level. Despite this, the applicant has agreed to adopt the lowest 24 hour background noise level of 33 dB  $L_{A90 (5 \text{ min})}$  to set the design level. As the ambient noise levels are below WHO guidelines the plant is required to operate at least 5 dB below the lowest background noise level. Hence the design level criterion is 28 dB  $L_{Aeq}$  at the nearest noise sensitive receptor.

As noted by the objectors, if the proposed plant exhibits a tonal element then an additional 5 dB reduction should be applied to the design level. The octave frequency band data supplied by the manufacturer (Flakt Woods) in table 7751/T3 of RBA's report shows that the kitchen extract fan is very unlikely to produce any tonality. The EHO has noted that typically modern items of mechanical plant do not exhibit a tonal element and therefore this additional 5dB reduction is not required.

The applicants report notes that the nearest noise sensitive receptors are located above the pub in 96 Clifton Hill itself, which were last used as ancillary staff accommodation. The upper window is one metre away from the kitchen extract outlet and a lower window is one metre from the proposed duct. Objections have been received in relation to the location of the nearest noise sensitive window actually being at first floor level. However, planning permission has not been granted for the use of the first floor as self-contained residential accommodation (which is subject to a separate application). The EHO is happy with the assessment undertaken, which will ensure that any future occupants of the upper floors has been considered.

The EHO has no objections to the proposal subject to standard City Council noise conditions and a condition to ensure that the mitigation measures as outlined within the report are provided and that the hours of operation are limited to between the hours of 07:00 to 23:30. Subject to these conditions, the proposal would be consistent with policies S29 and S32 of the City Plan and policies ENV6, ENV7 and ENV 13 of the UDP and refusal of permission on this ground could not be sustained.

#### **8.4 Transportation/Parking**

Not applicable as no change to existing arrangements.

#### **8.5 Economic Considerations**

Any economic benefits of the scheme are welcomed. No economic considerations are applicable for a development of this size.

#### **8.6 Access**

Concerns have been raised by a neighbour in relation to access for emergency vehicles. As the application is solely for new ventilation equipment and as no change is proposed to existing access arrangements, such considerations are not relevant to this application.

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

None.

#### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

It is not considered this application would trigger the requirement for a CIL payment.

### **8.11 Environmental Impact Assessment (EIA)**

This application is of insufficient scale to require the submission of an EIA.

### **8.12 Other Issues**

Objections have been received on the grounds of missing information from the application form, namely section 22 which relates to 'Industrial or Commercial Processes and Machinery'. The applicant has subsequently provided an updated page of the application form with this information completed. It is not considered that the failure to complete this section of the application form has negatively affected the consideration of the application.

Comments have also been received that works which were included in a previously withdrawn application, namely external alterations to the side and front of the pub, have not been included in this application. This application is assessed on its merits for the works which have been applied for. Should any works be undertaken without prior permission, they will be subject to any necessary enforcement action.

## **9. BACKGROUND PAPERS**

1. Application form
2. Letter from the St Johns Wood Society dated 23 March 2017
3. Memorandum from Environmental Health dated 25 April 2017
4. Noise Impact Assessment by KP Acoustics dated 6 October 2016.
5. Letters from occupiers of 3 Clifton Hill Studio, dated 8, 9 & 10 March 2017
6. Letter from occupier of 82 Clifton Hill, dated 9 March 2017
7. Letters from occupier of 94 Clifton Hill, dated 9 & 24 March 2017
8. Letter from occupier of 90C Clifton Hill, dated 9 March 2017
9. Two letters from occupiers of 80 Clifton Hill, London NW8, dated 9 & 18 March 2017
10. Letters from occupier of 71A Clifton Hill, dated 9 March 2017
11. Letter from occupier of 92 Clifton Hill, London NW8 0JT, dated 10 March 2017
12. Letter from occupier of 89 Clifton Hill, dated 10 March 2017
13. Three letters from occupiers of 97 Clifton Hill, dated 13 March 2017
14. Letter from occupier of 100 Clifton Hill, dated 14 March 2017
15. Two letters from occupier of 98 Clifton Hill, dated 16 March 2017
16. Two letters from occupiers of 93 Clifton Hill, dated 16 March 2017
17. Letter from occupier of 87 Clifton Hill, dated 16 March 2017
18. Letter from occupier of 2 Clifton Hill Studios, 95A Clifton Hill, dated 19 March 2017
19. Letter from occupier of 78 Clifton Hill, received 23 March 2017
20. Online representation from occupier of 98c Clifton Hill, dated 16 March 2017

(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: NATHAN BARRETT BY EMAIL AT <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a>
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10. KEY DRAWINGS

Existing rear elevation



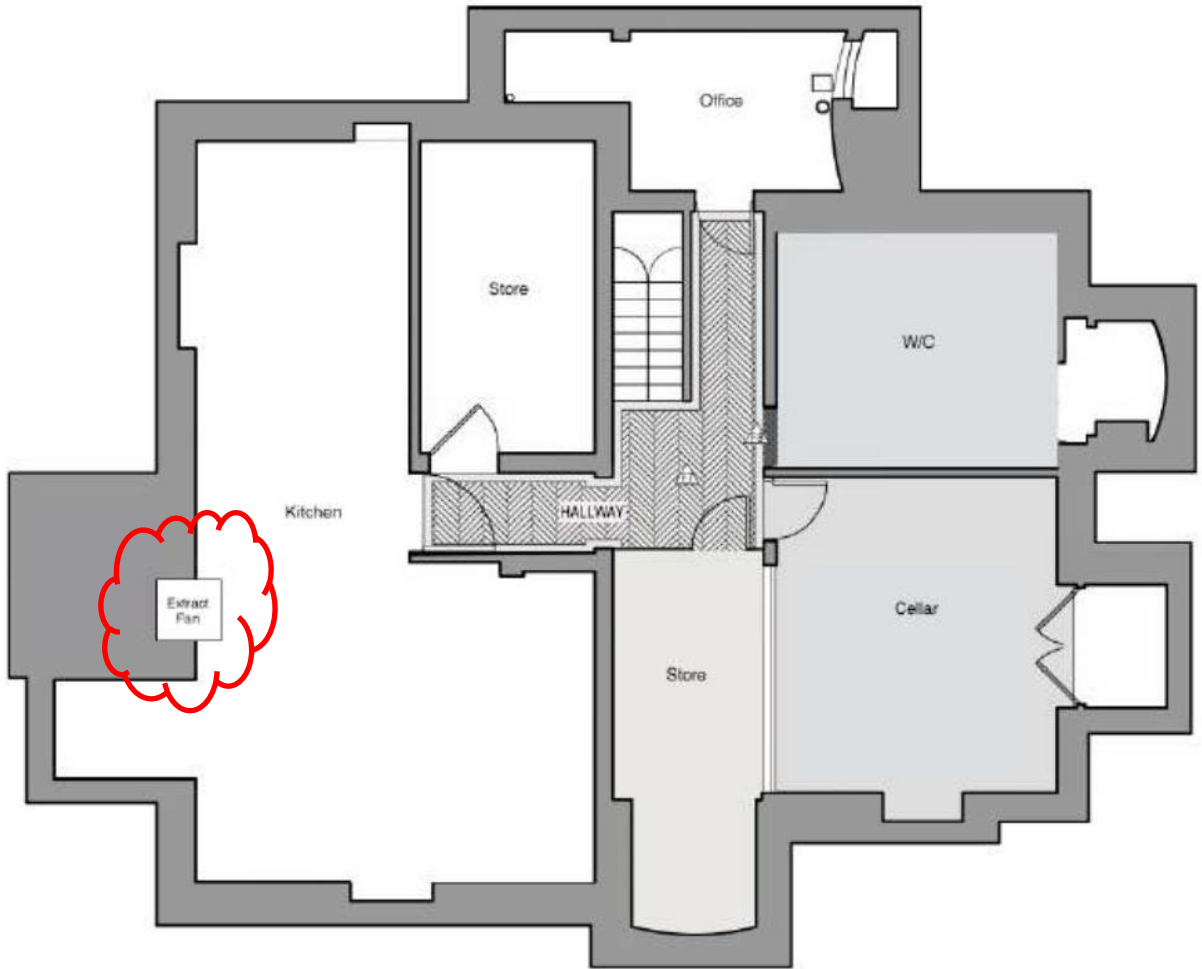
NORTH-WEST ELEVATION  
2 (07/25-4.02.3)

Proposed rear elevation



NORTH-WEST ELEVATION  
2 (07.05.14.A.O.B.)

Proposed basement plan (new extract equipment bubbled below)



**DRAFT DECISION LETTER**

**Address:** 96 Clifton Hill, London, NW8 0JT,

**Proposal:** Extension of ventilation flue on the rear elevation.

**Plan Nos:** Plant Noise Assessment Revision 1 by RBA Acoustics; Letter dated 20 February from Renew Planning; 148.50.500; 148.00.202; 148.10.201; 145.00.203; 145.10.203; 148.00.101 F; 148.10.101 F.

**Case Officer:** Rupert Handley **Direct Tel. No.** 020 7641 2497

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

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

**Reason:**

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

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

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

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

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

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (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 John's Wood 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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 6 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 7 The plant equipment must not operate until the mitigation measures specified in Part 5.6 of the Plant Noise Assessment Revision 1 by RBA Acoustics have been installed and shall be retained for as long as the equipment remains in use.

Reason:

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood 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 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.

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Item No.
<b>2</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 9 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	<b>29 Ponsonby Place SW1P 4PS</b>		
<b>Proposal</b>	Alterations at main roof level including raising the roof height and installation of rooflights in connection with converting the third floor into habitable accommodation. (Retrospective application)		
<b>Agent</b>	Mrs. Catherine Hoyte		
<b>On behalf of</b>	Mr. & Ms. P. Shuttleworth & P. Harvey		
<b>Registered Number</b>	16/10795/FULL	<b>Date amended/ completed</b>	14 February 2017
<b>Date Application Received</b>	11 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Millbank		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

29 Ponsonby Place is an unlisted building of merit located in the Millbank Conservation Area.

Planning permission is sought for retention of a replacement roof raised by approx. 430mm from the original roof height, including a change in the angles of the roof slopes.

The main issue for consideration is the impact of the proposal in design and conservation terms, particularly the change in the roof height, including raising the height of the rear building wall and minor changes in the angles of the roof slopes.

Two comments have been received from neighbouring owners/occupiers in support of the application.

The Millbank Conservation Area Audit identifies this property as part of a terrace (No's 1-43) where roof extensions are unlikely to be acceptable. The roof alterations are visible in public views of the rear of the building from John Islip Street and Cureton Street but they are not visible in street level views of the front of the building along Ponsonby Place. This type of extension is considered to be the least visually intrusive way of achieving additional family accommodation and the application is accordingly considered acceptable in design and conservation terms subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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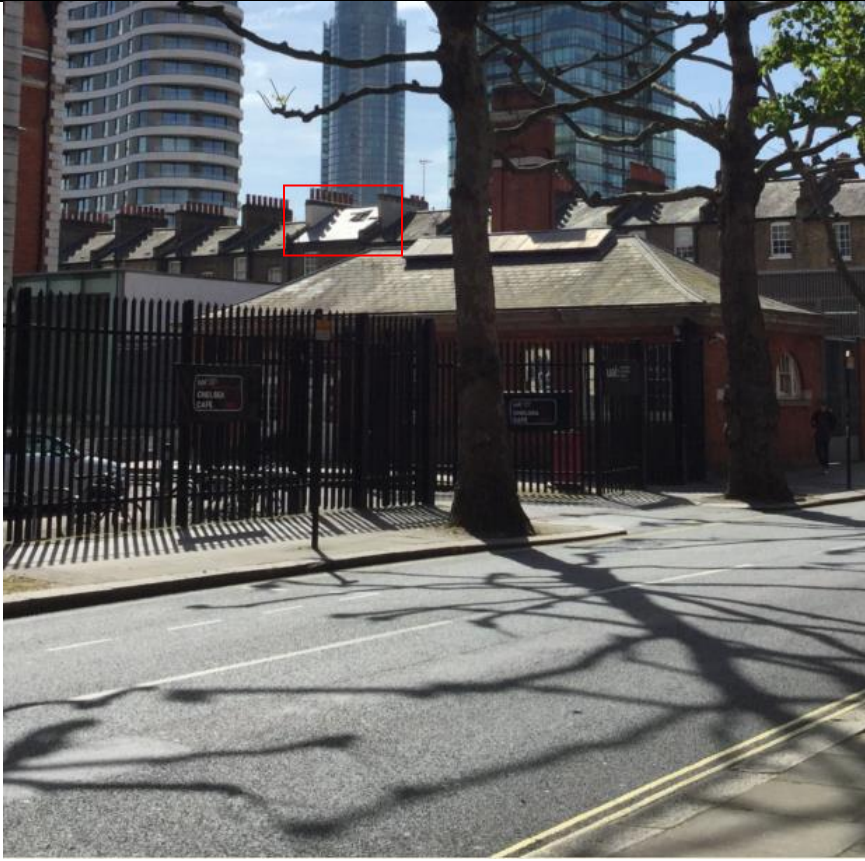
4 PHOTOGRAPHS



Front elevation no. 29 (in the context of the terrace)



Front elevation no. 29



**View of rear roof slope**

## 5 CONSULTATIONS

WESTMINSTER SOCIETY: No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total no. of replies: 2

No. of objections: 0

No. in support: 2

Two comments have been received in support of the application; one, from the adjoining neighbour who has submitted an application for similar works, refers to previous roof alterations in the local area and concludes that these do not result in harm to visual amenity; the other suggests that retention of the roof at the raised level would enhance visual amenity and not result in harm to the conservation area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6 BACKGROUND INFORMATION

### 6.1 The Application Site

29 Ponsonby Place is an unlisted building of merit located in the Millbank Conservation Area. The building comprises lower ground, ground and two upper floors beneath a pitched roof and is in use as a single family dwelling.

### 6.2 Recent Relevant History

Planning permission was granted on 17 June 2014 for a two storey infill extension at lower ground and ground floor levels, excavation to increase the head height at lower ground floor level by 500mm, conversion of the front vaults into habitable accommodation, construction of an extension to the front lightwell to provide a porch for the lobby underneath the entrance bridge and installation of two rooflights in the rear roof slope (RN: 14/03367/FULL). This work has been completed; however, alterations have also been completed at roof level even though no alterations to the roof profile/ridge height were approved as part of the 2014 application. There is an open enforcement investigation into the works (RN: 16/62769/H).

An enforcement file was also opened to investigate unauthorised roof alterations carried out at no. 39. However, as the alterations had been there for a substantial period of time it was not considered expedient to take further action.

## 7 THE PROPOSAL

The 2014 application did not refer to the raising of the roof; although rooflights were proposed (and approved) in the rear roof slope. The condition on site is that all of the original roof structure and finishes have been discarded and a new roof built. As built, the angles of the front and rear slopes of the new roof have changed minimally (by a degree or so), but the new roof has been raised from its pre-existing height. The wall plate for the front section of the roof has been seated a bit higher on the inside face of the parapet wall and the height of the rear building wall has been raised by approx. 375 mm, changing the

appearance from the rear. In addition, the rooflights as installed do not match the size or position of those approved.

Revised drawings have been submitted to require installation of a roof ridge detail using terra cotta tiles consistent with that on adjoining properties along the terrace and a condition is recommended to ensure the detail is installed per the revised drawings.

The new roof slates, which have been inspected on site, are hand cut natural slates. A condition is recommended to ensure that the roof slates are natural Welsh slates matching the submitted sample.

## **8 DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal increases the habitable residential floor space within the dwelling house which is supported under policies S14 of the City Plan and H3 of the UDP.

### **8.2 Townscape and Design**

Policy S25 of the City Plan recognises the importance of Westminster's heritage, including preserving the character and appearance of its conservation areas. Policy S28 recognises the importance of good design. UDP policy DES 6 discusses that there are some buildings where roof extensions are not appropriate, including terraces or groups of buildings that have original unbroken or unaltered rooflines. DES 9 seeks to protect the character and appearance (visual amenity) of conservation areas.

The property is referred to in the Millbank Conservation Area Audit as an unlisted building of merit. The Audit refers to the terrace of which this property is a part (nos. 1-43) as having a consistent roofline, where roof extensions are unlikely to be acceptable. The consistency of the roofline and the lack of alterations to it (with the exceptions of this property and no. 39) is one of the key characteristics of this conservation area.

Although the roof alterations are visible in public views from John Islip Street and Cureton Street and in limited private views from locations on the Chelsea College of Art campus, they are not visible in street level views along Ponsonby Place. The proposals are justifiable only because they are not visible in street level views from the front.

This lack of visibility in the primary view, in combination with confirmation from the applicant's engineer that the separation between the properties complies with Building Regulations - so that no further applications proposing raising the party wall upstands and/or the chimney stacks will be required – leads officers to conclude that, on balance, the proposed works are acceptable in design and conservation area terms.

### **8.3 Residential Amenity**

The works raise no amenity issues.

### **8.4 Economic Considerations**

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

### **8.5 London Plan**

This application raises no strategic issues.

### **8.6 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.

### **8.7 Planning Obligations**

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

A CIL payment is not required by this development.

## **9 BACKGROUND PAPERS**

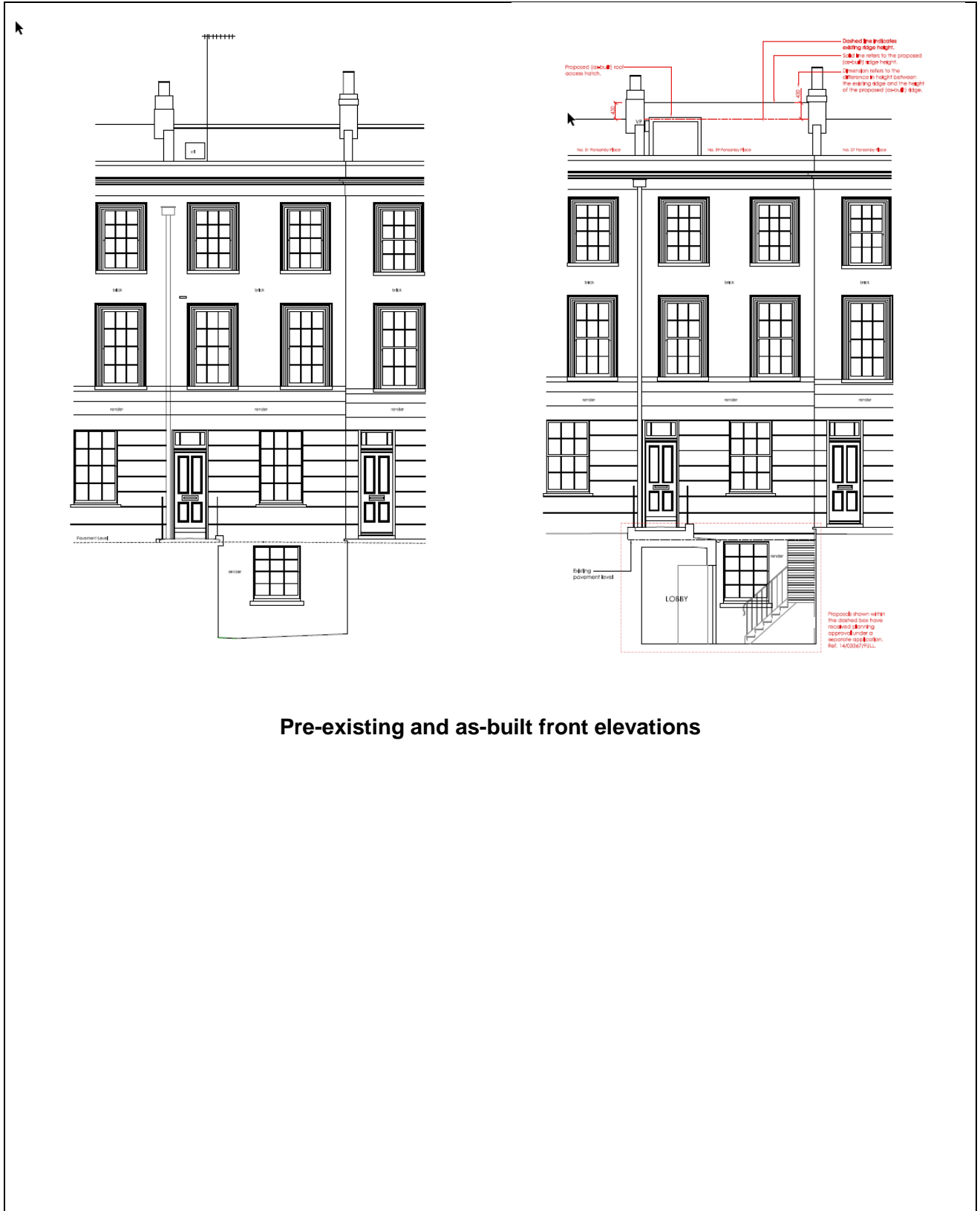
1. Application form.
2. Response from Westminster Society dated 29 November 2016.
3. Letter from occupier of 31 Ponsonby Place dated 25 November 2016.
4. Letter from occupier of 14 Ponsonby Place dated 4 February 2017.

(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: AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)



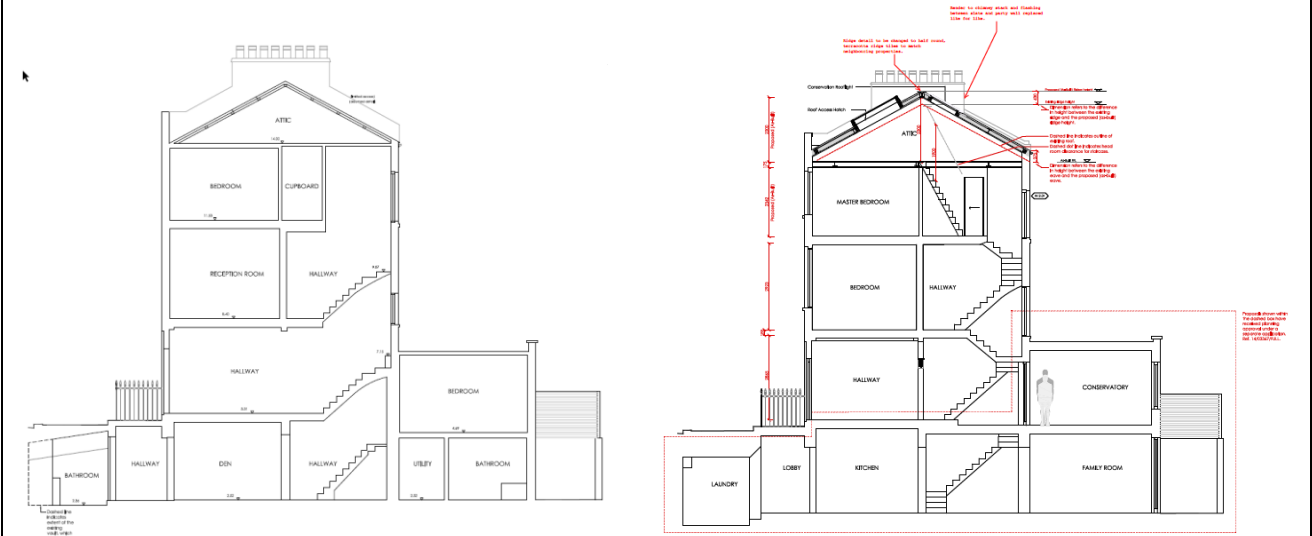
10 KEY DRAWINGS



Pre-existing and as-built front elevations



**Pre-existing and as-built rear elevations**



**Pre-existing and as-built sections A-A**



**DRAFT DECISION LETTER**

**Address:** 29 Ponsonby Place, London, SW1P 4PS

**Proposal:** Retrospective application to retain the replaced and raised roof as built (raised by 430mm).

**Reference:** 16/10795/FULL

**Plan Nos:** 185-P01 A; 185-P02 A; 185-P05 C; 185-P06 B; 185-P07 B; 185-P08 D; 185-P121 B; 185-P122 B; 185-P123 C

**Case Officer:** Allison Borden

**Direct Tel. No.** 020 7641 5668

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

character and appearance of this part of the Millbank 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 Within three months of the date of this decision you must change the ridge detail to half round, terra cotta ridge tiles to match the material and detailed design of the neighbouring properties. You must then maintain it in that materials and colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Millbank 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 The roof shall be finished in natural Welsh slate (from the Cwt-y-Bugail quarry).

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 Millbank 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 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.

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Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 9 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	<b>31 Ponsonby Place, London, SW1P 4PS</b>		
<b>Proposal</b>	Alterations at main roof level including raising the roof height and installation of rooflights in connection with converting the third floor into habitable accommodation.		
<b>Agent</b>	Mr Christopher Smith		
<b>On behalf of</b>	Ms Pamela Spence		
<b>Registered Number</b>	16/10067/FULL	<b>Date amended/ completed</b>	20 October 2016
<b>Date Application Received</b>	20 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Millbank		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

31 Ponsonby Place is an unlisted building of merit located in the Millbank Conservation Area.

Planning permission is sought for alterations to the existing roof line and installation of new roof lights in connection with converting the third floor into habitable accommodation. This includes a change to the angles of both the front and rear roof slopes and includes a build up inside the parapet to the rear to allow raising the wall plate.

One comment has been received from a neighbouring owner/occupier in support of the application.

The main issue for consideration is the impact of the proposal in design and conservation terms, particularly the change in the roof height and roof profile on the character and appearance of the terrace and the local area.

The Millbank Conservation Area Audit identifies this property as part of a terrace (No's 1-43) where roof extensions are unlikely to be acceptable. Although the alterations would be visible at the rear in public views from John Islip Street and Cureton Street, they would not be visible in street level views of the front of the building along Ponsonby Place. This type of extension is considered to be the least visually intrusive way of achieving additional family accommodation and the application is accordingly

considered acceptable in design and conservation terms subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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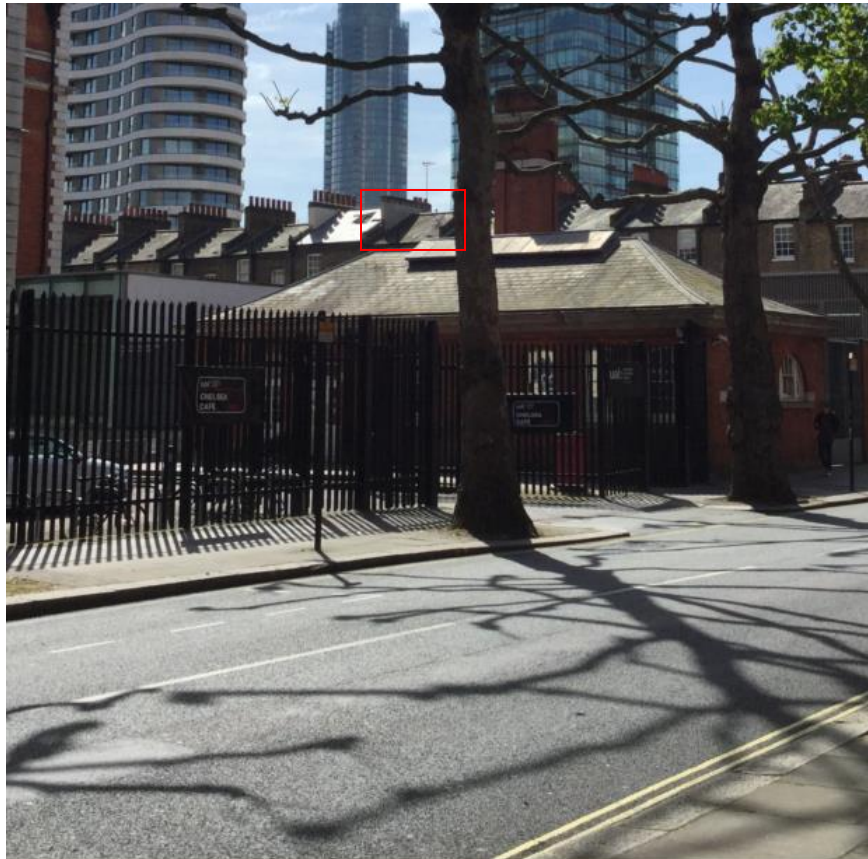
4. PHOTOGRAPHS



Front elevation no. 31 (in the context of the terrace)



Front elevation no. 31



**View of rear roof slope from John Islip Street**

## 5. CONSULTATIONS

WESTMINSTER SOCIETY: No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 1

No. of objections: 0

No. in support: 1

The neighbour supporting the application requests that the proposed rooflights have a non-reflective coating or similar that prevents the deflection of direct sunlight into the first and second floor windows of properties across the street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site, 31 Ponsonby Place, is an unlisted building of merit located in the Millbank Conservation Area. The building comprises lower ground, ground and two upper floors beneath a pitched roof and is in use as a single family dwelling.

### 6.2 Recent Relevant History

Permission was granted on 24 December 2013 for construction of a two storey infill extension to the rear (RN: 13/09659/FULL).

Works have recently been completed at the adjoining property, 29 Ponsonby Place, including a two storey infill extension at the rear and installation of two rooflights in the rear roof slope. Alterations to raise the roof of no. 29 have also been carried out and are the subject of enforcement investigation and a retrospective planning application (16/10795/FULL).

A enforcement file was opened to investigate roof alterations carried out at no. 39. However, although the works were unlawful, as they have been there for a substantial period of time it was not felt expedient to take further action.

## 7. THE PROPOSAL

Planning permission is sought for alterations to the existing roof line and installation of new roof lights in connection with converting the third floor into habitable accommodation. This includes increasing the ridge height by approx. 543mm a change to the angles of both the front and rear roof slopes. The build-up of approx. 560mm at the rear of the roof to accommodate this will be inside the parapet allowing the eave height and top of the parapet to remain the same as existing.

The proposals originally included large fully openable rooflights at the front and rear slopes. On officer's advice, the rooflights have been reduced in size and changed to conservation style rooflights.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal increases the habitable residential floorspace within the dwelling house which is supported under policies S14 of the City Plan and H3 of the UDP.

### **8.2 Townscape and Design**

Policy S25 of the City Plan recognises the importance of Westminster's heritage, including preserving the character and appearance of its conservation areas. Policy S28 recognises the importance of good design. UDP policy DES 6 discusses that there are some buildings where roof extensions are not appropriate, including terraces or groups of buildings that have original unbroken or unaltered rooflines. DES 9 seeks to protect the character and appearance (visual amenity) of conservation areas.

The property is referred to in the Millbank Conservation Area Audit as an unlisted building of merit. The Audit identifies the terrace of which this property is a part (nos. 1-43) as having a consistent roofline, where roof extensions are unlikely to be acceptable. The consistency of the roofline and the lack of alterations to it (with the exception of nos. 29 and 39) is one of the key characteristics of this conservation area.

Although the changes to the roof would be visible in public views from John Islip Street and Cureton Street and in limited private views from locations on the Chelsea College of Art campus, the proposals are justifiable only because they would not be visible in street level views from the front.

Although officers initially had concerns with relation to the detailed design of the proposed rooflights, the architect has confirmed that they would be conservation rooflights and a condition is recommended to ensure this.

This lack of visibility in the primary view, in combination with confirmation from the applicant's engineer that the separation between the properties complies with Building Regulations - so that no further applications proposing raising the party wall upstands and/or the chimney stacks will be required – leads officers to conclude that, on balance, the proposed works would be acceptable in design and conservation area terms.

### **8.3 Residential Amenity**

A neighbour on the opposite side of the street who is supportive of the application has asked that the roof lights be finished with a non-reflective coating to prevent reflection of sunlight into first and second floor windows of properties opposite. Given the angle of pitch of the roof slope and the height of the existing parapet wall, the new rooflights are unlikely to be visible from the windows of properties opposite.

### **8.4 Economic Considerations**

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

#### **8.5 London Plan**

This application raises no strategic issues.

#### **8.6 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.

#### **8.7 Planning Obligations**

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

### **9. BACKGROUND PAPERS**

1. Application form.
2. Response from Westminster Society dated 1 November 2016.
3. Letter from occupier of 18 Ponsonby Place dated 1 November 2016.

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

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

**10. KEY DRAWINGS**



**Existing and Proposed Sections and Elevations**



**Existing and Proposed Loft Plans and Roof Plans**



**DRAFT DECISION LETTER**

**Address:** 31 Ponsonby Place, London, SW1P 4PS

**Proposal:** Alterations to the existing roof line and installation of new roof lights in connection with converting the third floor into habitable accommodation.

**Reference:** 16/10067/FULL

**Plan Nos:** 0173-00-0100; 0173-00-0101; 0173-03-0200 REV 05; 0173-03-0201 REV 06

**Case Officer:** Allison Borden

**Direct Tel. No.** 020 7641 5668

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

character and appearance of this part of the Millbank 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 roof must be finished in natural slate.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Millbank 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 The roof lights shall be conservation roof lights.

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 Millbank 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 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.

# Agenda Item 4

Item No.

4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b>	<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>	<b>12 Upper St Martin's Lane, London, WC2H 9FB</b>		
<b>Proposal</b>	Variation of condition 4 of planning permission 23 April 2014 (RN14/02794) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant namely; to allow the use to continue until 18 April 2018.		
<b>Agent</b>	Harrison Clark Rickerbys Ltd		
<b>On behalf of</b>	Dishoom Ltd		
<b>Registered Number</b>	16/06996/FULL	<b>Date amended/ completed</b>	3 April 2017
<b>Date Application Received</b>	22 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>			

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

12 Upper St. Martin's Lane is a ground floor restaurant unit (Unit 34) within the Longmartin St Martin's Courtyard/Slingsby Place development. Unit 34 is occupied by Dishoom and is located on the Upper St Martins Lane frontage.

The current S73 application seeks permission for a variation of Condition 4 of planning permission dated 23 April 2014 (RN14/02794/TCH) for the use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant to allow the tables and chairs to be placed on the public highway until 30 April 2018.

Objections and comments have been received from the Covent Garden Community Association, the Ching Court (residents) Association and a local resident on highways and amenity grounds.

The key issues in this case are:

- \* The impact on pedestrian safety
- \* The impact on neighbouring residential amenity

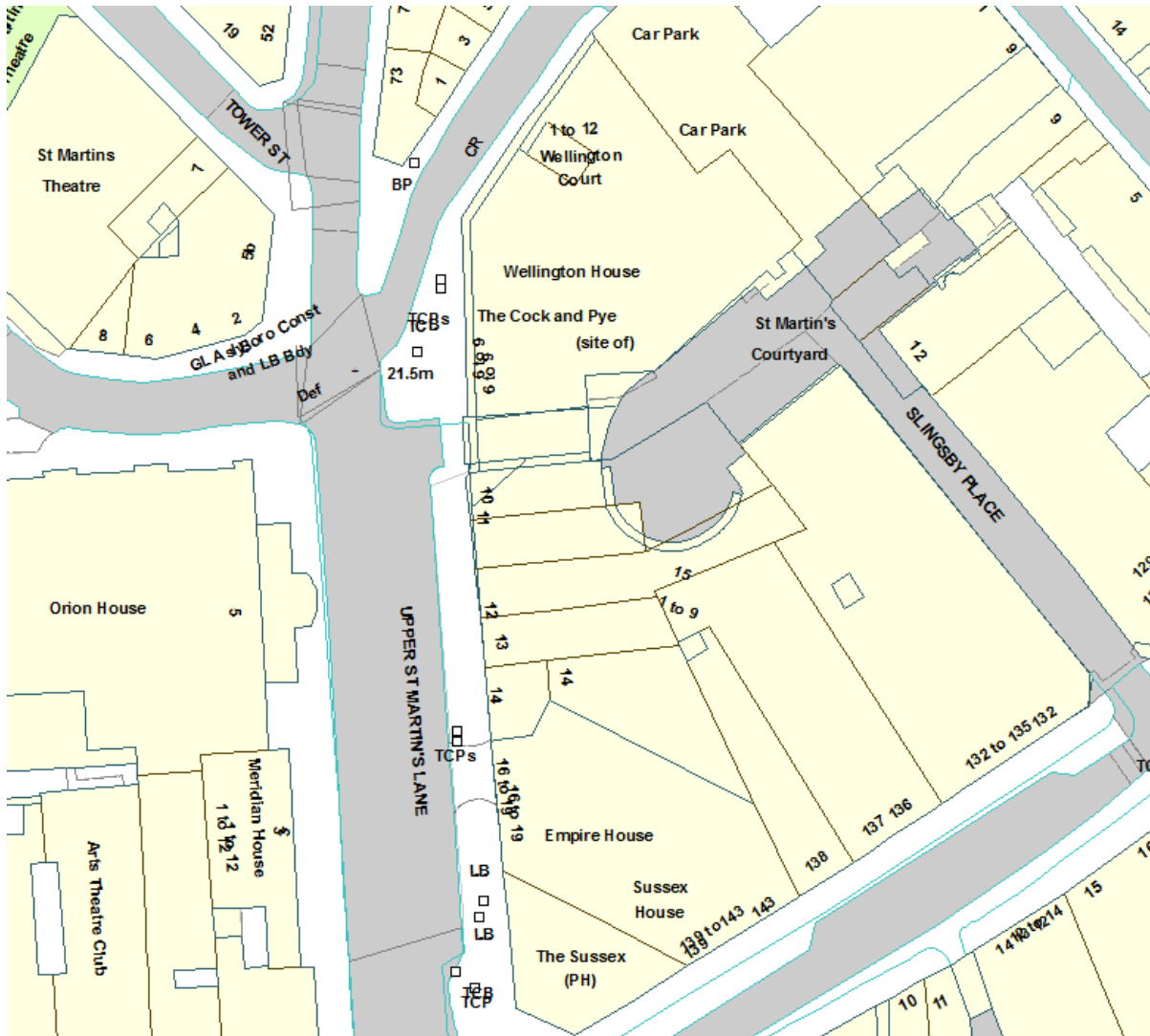
Dishoom (Unit 34) and the adjoining restaurant unit (Unit 33) occupied by Jamie's Italian have had a series of planning permissions for tables and chairs on the public highway on Upper St Martin's Lane since 2009 and 2010 respectively. Planning permission has recently been renewed for the tables and chairs outside Jamie's Italian for a further year until 30 April 2018.

Dishoom are seeking permission for the same number of tables and chairs in the same size area as previously approved in April 2014 but instead of the canvas barriers previously approved, the tables and chairs would be surrounded by rope barriers (these are already in place on site). The pavement along Upper St Martin's Lane has recently been widened and the street trees replanted. These are now all accurately shown on the submitted plans. The tables and chairs would leave 3m of clear footway for safe pedestrian movement which exceeds the Westminster Way recommended 2m clearway.

It is proposed that the tables and chairs would be on the public highway from 08.00 to 23.00 daily as previously approved. Jamie's Italian in the adjoining restaurant unit have recently (March 2017) been granted permission for tables and chairs on Upper St Martin's Lane from 09.00 to 23.00 for a further one year period. The Sussex PH at 20 Upper St Martin's Lane also has permission for tables and chairs on the highway until 23.00. The request from Ching Court residents (that Dishoom should only be allowed to have tables and chairs outside until 10pm Monday to Saturday and 9pm on Sunday) is noted but it is considered unreasonable to reduce the permitted hours in this way given the existing very recent permission granted for the tables and chairs at Jamie's Italian immediately next door.

For the reasons set out in the report, the proposals are considered acceptable and in accordance with the relevant Unitary Development Plan (UDP) (January 2007) and Westminster's City Plan (November 2016) policies. The application is accordingly recommended for approval on a further temporary one year basis so that the impact of the tables and chairs can be re-assessed in a year's time.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



12 Upper St Martin's Lane

## 5. CONSULTATIONS

### COVENT GARDEN COMMUNITY ASSOCIATION:

Object to the number of tables and chairs proposed. This should be reduced to 8 tables and 16 chairs.

N.B. With reference to the CGCAs other comments about ornamental bicycles and canvas barriers; a revised plan shows the ornamental bicycles removed and ropes slung between poles around the tables and chairs instead of canvas barriers.

### HIGHWAYS PLANNING-

The area proposed for tables and chairs is 2.7m deep leaving a clear pavement width of 3m for pedestrian movement. This satisfies the City Council's minimum requirement of 2m. However the service corridor within the area for tables and chairs (0.5m) is below the 0.9m which could cause an overspill onto the adjacent pedestrian footway.

### CLEANSING-

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections have been received from the Ching Court Association (on behalf of residents of 19-25 Mercer Street, and 1-19 Shelton Street, and 45-75 Monmouth Street, and 2-5 Ching Court in Seven Dials) and an individual resident of 21 Mercer Street on the following grounds:

#### Highways

- The number of tables and chairs should be reduced to leave a greater amount of footway clear for pedestrians

#### Amenity

- The tables and chairs should be taken in no later than 10pm on Monday to Saturdays and no later than 9pm on Sundays to reduce noise nuisance to residents

#### Other

- The restaurant operates a customer queuing system (outside of the premises) which causes obstruction of the footway and noise nuisance to residents
- The plan originally submitted does not show the tree, tree pit and parking sign pole

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

**12 Upper St Martin's Lane (Dishoom)**

09/01153/TCH

Use of an area of the public highway measuring 3.164m (narrowing to 1.914m to the northern end) x 11m for the placing of 11 tables and 30 chairs in connection with the bar proposed at 12 (formerly 10-14) Upper Saint Martin's Lane.

Application Permitted 4 September 2009

11/08022/TCH

Use of an area of the public highway measuring 3.164m (narrowing to 1.914m to the northern end) x 11m for the placing of 11 tables, 30 chairs, four heaters and nine barriers in connection the restaurant at 12 Upper St Martin's Lane (Unit 34).

Application Permitted 5 August 2013

14/02794/TCH

Use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom).

Application Permitted 23 April 2015 (Temporary one year permission – expired 30 April 2016)

Tables and chairs allowed on the public highway from 08.00 to 23.00 daily.

14/08589/FULL

Installation of two wall mounted heaters at ground floor level on Upper St Martin's Lane frontage

Application Permitted 26 November 2014

**11 Upper St Martin's Lane (Jamie's Italian)**

17/01114/TCH

Use of two areas of the highway measuring 1500mm x 7500mm for the placing of four tables, 16 chairs and seven barriers on the Upper St Martin's Lane frontage and 1500mm x 1055mm x 3500mm for the placing of 16 tables, 30 chairs, 4 benches, one waiter station, 14 planters and 3 umbrellas on the St Martin's Courtyard (rear frontage) in connection with Jamie's Italian Restaurant.

Application Permitted 22 March 2017 (Temporary one year permission until 30 April 2018)

Tables and chairs allowed on the public highway from 09.00 to 23.00 daily.

**7. BACKGROUND PAPERS**

1. Application form
2. Response from Covent Garden Community Association, dated 18 September 2016
3. Letter from occupier of 21 Mercer Street, London, dated 19 September 2016
4. Letter from occupier of Ching Court Association, 21 Mercer Street, dated 19 September 2016
5. Highways Planning memoranda dated 26 September 2016 and 26 April 2017
6. Cleansing memorandum dated 26 April 2017

(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:  
AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)





**DRAFT DECISION LETTER**

**Address:** 12 Upper St Martin's Lane, London, WC2H 9FB,

**Proposal:** Variation of condition 4 of planning permission 23 April 2014 (RN14/02794) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom). Namely the use of the pavement may continue until 30 April 2018

**Reference:** 16/06996/FULL

**Plan Nos:** Site Plan; 03(04)D.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 020 7641 1091

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

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing 03(04)D. (C25AA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 08.00 and 23.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 This use of the pavement may continue until 30 April 2018. You must then remove the tables and chairs. (C25DA)

**Reason:**

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 You can only put out on the pavement the tables and chairs shown on drawing 03(04)D. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

**Reason:**

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 6 The tables and chairs must only be used by customers of Unit 34, 12 Upper St. Martin's Lane. (C25CA)

**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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

**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 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

- 3 You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times.  
(I47AB)

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 5

Item No.
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5
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 9 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	1 St John's Wood High Street, London, NW8 7NG		
<b>Proposal</b>	Use of area outside of the property for the placing of 3 tables and 6 chairs on St John's Wood High Street		
<b>Agent</b>	Mr Pravin Muthiah		
<b>On behalf of</b>	Miss Yasmine Larizadeh		
<b>Registered Number</b>	16/11597/TCH	<b>Date amended/ completed</b>	24 March 2017
<b>Date Application Received</b>	7 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional approval.
-----------------------------

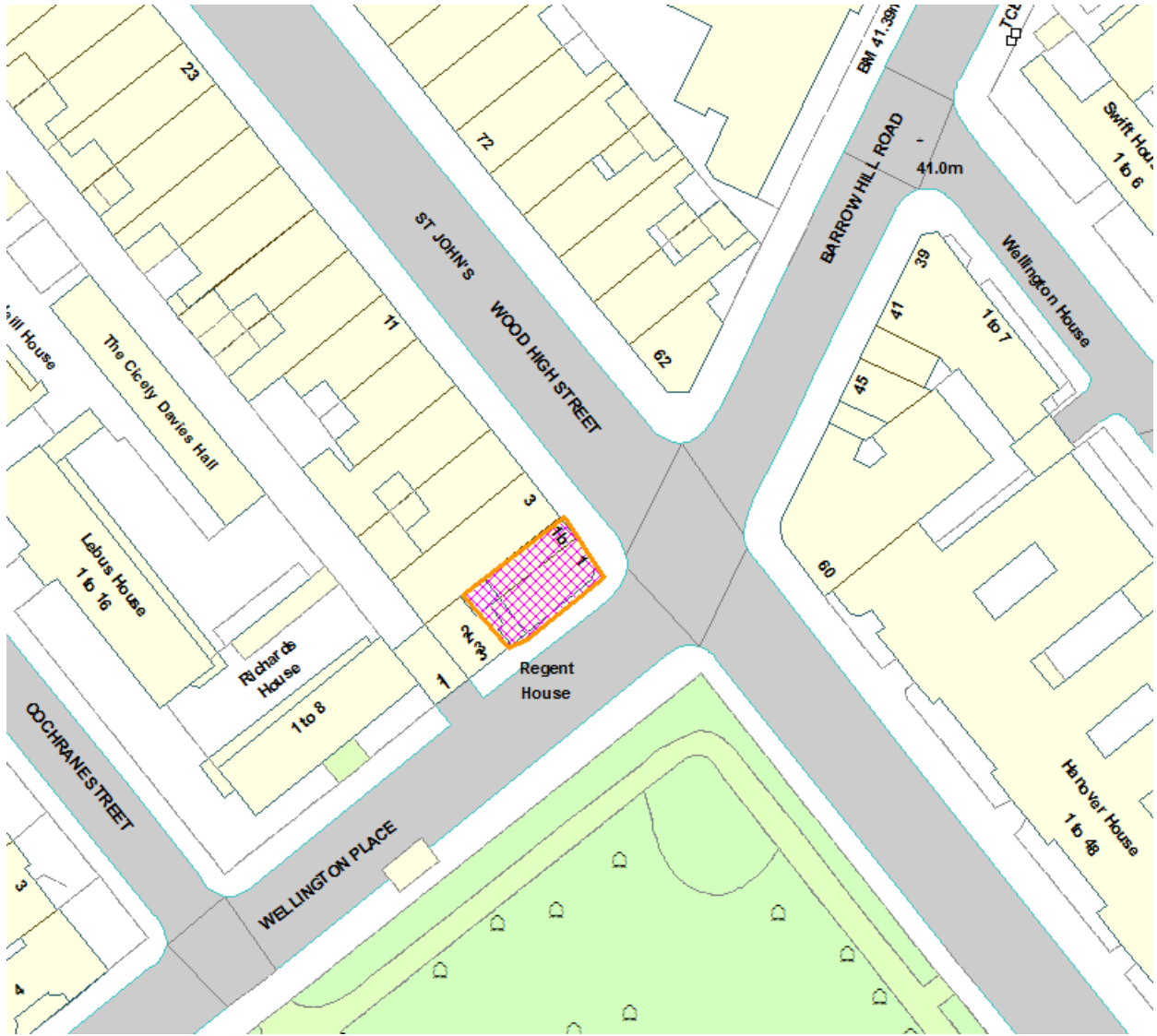
## 2. SUMMARY

This application proposes use of the area outside the St John's Wood Frontage of this property for the placing of 3 tables and 6 chairs. The main issues relate to;

- Impact on neighbouring amenity.
- Impact upon pedestrian movement and cleansing operations.

Objections from the residential neighbours on upper floors of building were received on grounds of increased noise disturbance, particularly on the Wellington Place side of the site where 6 tables and 12 chairs were proposed initially. These have been removed from the scheme and no further objections were received following re-consultation on the revised scheme. Following this revision, the proposal accords with relevant policies within the UDP and City Plan and the application is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



**Application site, as viewed from St John's Wood High Street**

## 5. CONSULTATIONS

### First Consultation Period – Expired 14 February 2017

#### ST JOHN'S WOOD SOCIETY

No objection subject to compliance with the council's outside seating policy.

#### METROPOLITAN POLICE

No objection.

#### HIGHWAYS PLANNING MANAGER:

Object. By virtue of lack of pavement width on St John's Wood and Wellington Place frontage proposals do not adhere with the aims of the UDP Policy TRANS 3 (Pedestrians) and its SPG (Westminster Way).

#### HIGHWAYS PLANNING (WASTE)

The equipment used by the City Council's street cleansing contractor requires a minimum clearance of 1.8m to operate efficiently. Proposals do not adhere with these requirements

#### ADJOINING OWNERS / OCCUPIERS

No. consulted: 10

3 Responses (Objections: 3; Representations: 0; Supporting: 0).

- Noise from outside seating
- Infringement on privacy and security for residential occupiers above premises
- Impact on parking
- Obstruction to pedestrian movement and parents with pushchairs

#### SITE & PRESS NOTICE

Yes.

### Second Consultation Period – Expired 7 April 2017

#### AMENITY SOCIETY (St John's Wood Society)

No objections

#### HIGHWAYS PLANNING

No objection

#### ADJOINING OWNERS / OCCUPIERS

No. consulted: 10

No responses received.

#### SITE & PRESS NOTICE

Yes.



## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is a ground floor retail premises within an unlisted four storey building with residential properties on the upper levels. The lawful use of the premise is retail. It is located at the south east end of the St John's Wood District Shopping Area and falls within the St John's Wood Conservation Area.

### **6.2 Recent Relevant History**

#### 17/01881/FULL

Installation of new shopfronts and installation of awnings to new and existing shopfronts. Granted - 19 April 2017.

## **7. THE PROPOSAL**

Use of area outside of the property for the placing of 3 tables and 6 chairs on St John's Wood High Street. The scheme originally proposed an additional 6 tables and 12 chairs on the Wellington Place frontage. These were removed from the proposals and no further objections were received following a re consultation with neighbours on the revised scheme.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The principle of placing tables and chairs outside of this retail use with a cafe type orientation (Use Class A1), which forms part of the designated St John's Wood District Shopping Centre is acceptable; providing this does not impede pedestrian movement and cleansing operations and does not detrimentally affect the amenity of neighbouring residents.

### **8.2 Highways**

The revised scheme proposes 3 tables and 6 chairs within the private forecourt of the property on the St John's Wood frontage only. The City Council's Highways Officers advise that the proposed arrangement would retain a pavement width of no less than 2m so as not to interfere with pedestrian movement and highways cleansing operations in accordance with Westminster's Planning Guidance 'Guidelines for the placing of Tables and Chairs on the Highway'. A pinch point between the area for tables and chairs and a sign post on the pavement is created, however the tables and chairs only occupy a small part of the forecourt curtilage shown on the plan, whilst the street post is opposite the entrance on St John's Wood High Street and not any tables and chairs, so would not likely be a cause of obstruction.

In light of the above the proposals are considered to be in accordance with the aims of the Westminster City Plan policy S41, Policy TRANS 3 (Pedestrians) of the adopted UDP and Westminster Way (Design principals and practice).

### **8.3 Residential Amenity**

A number of objections were received to the original scheme, from occupiers of the residential units situated above the premises; on grounds of noise and disturbance arising from the use of the forecourt for tables and chairs. Concerns were mainly in relation to tables and chairs on the Wellington Place frontage given this area does not fall within the main shopping frontage. These tables and chairs have since been removed from the scheme and following further consultation with neighbours no further objections have been received.

With regards to the revised scheme for tables and chairs on the St John's Wood frontage only, it would not be uncharacteristic of the High Street. A review of other recent tables and chairs applications on the street indicates that permissions were issued at No.79 which relates to Starbucks, and No. 60 that relates to Carluccios across the road from the development site. Permissions at these sites have been issued on more than one occasion for a temporary period of one year to allow the City Council's Environmental Health Department to review the operation. These premises have similar characteristics to the application site given the location within the District Shopping Centre, commercial retail uses on the ground floor with residential located on the upper floors.

As such, the provision of tables and chairs as proposed is considered acceptable pursuant to policies S29 and S32 of Westminster's City Plan and ENV 6 and TACE 11 of our Unitary Development Plan, subject to conditions; to allow a review of the tables and chairs in a year's time, and to restrict the hours which the tables and chairs may be placed outside the premises between 07:30 - 21:30 Monday to Sunday (as proposed in the application forms).

### **8.4 Townscape**

The types of tables and chairs proposed are detailed within the Design and Access Statement. These are considered acceptable pursuant to TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

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

#### Street Cleansing

The City Councils Highways Planning Officer (Waste) advise that a clear path of 2m is required for street cleansing operations. As discussed above, there is a pinch point opposite the sign post. However, given this is in front of the entrance on St John's Wood High Street where no tables and chairs are positioned, and the actual distance between the closest chairs to the lamp post is greater than 2.5m, the proposals are not considered to unduly impact cleansing operations.

## 8.7 London Plan

This application raises no strategic issues.

## 8.8 National Policy/Guidance Considerations

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

## 8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application, nor is the application liable to Pay CIL

## 8.10 Other Issues

The planning application forms list the existing use of the unit as A3 (cafe/restaurant). The unit is currently vacant but was previously used as a frozen yoghurt shop and prior to that a deli. Both uses fall within the A1 Use Class. The proposed plans in this application show that a large number of tables and chairs would be provided, indicative of a cafe or restaurant use (Use Class A3). The agent maintains that the proposed operator 'The Good Life Eatery' is a use falling within the parameters of A1 retail use class. Given this written assurance has been provided, and this application relates to tables and chairs only, it is considered sufficient in this instance to advise through informative that planning permission would be required for the permanent change of use from a use falling within Class A1 to a use falling in Class A3.

Objections to the original scheme for tables and chairs were received on grounds of security from increased visitor numbers. The Metropolitan Police responded to the original consultation and did not raise any objections on these grounds. No further comments were received following consultation on the revised scheme with tables and chairs on St John's Wood frontage only. As such the proposals are considered acceptable on these grounds.

With regards to concerns regarding increased pressure on parking, both Wellington Place and St John's Wood High street are within a controlled parking zone and provide safeguards for residents parking. Therefore objections on these grounds are not sustainable.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society (x2), dated 13 February 2017 and 3 April 2017.
3. Memo from Highways Planning (x2), dated 6 February 2017, 21 April 2017.
4. Memo from Highways Planning (Waste), dated 31 January 2017.
5. Memo from Metropolitan Police, dated 3 February 2017.
6. Letter from occupier of Flat 3A Regent House, London, dated 9 February 2017.
7. Letter from occupier of Flat1 Regent House, Wellington Place, London, dated 10 February 2017.

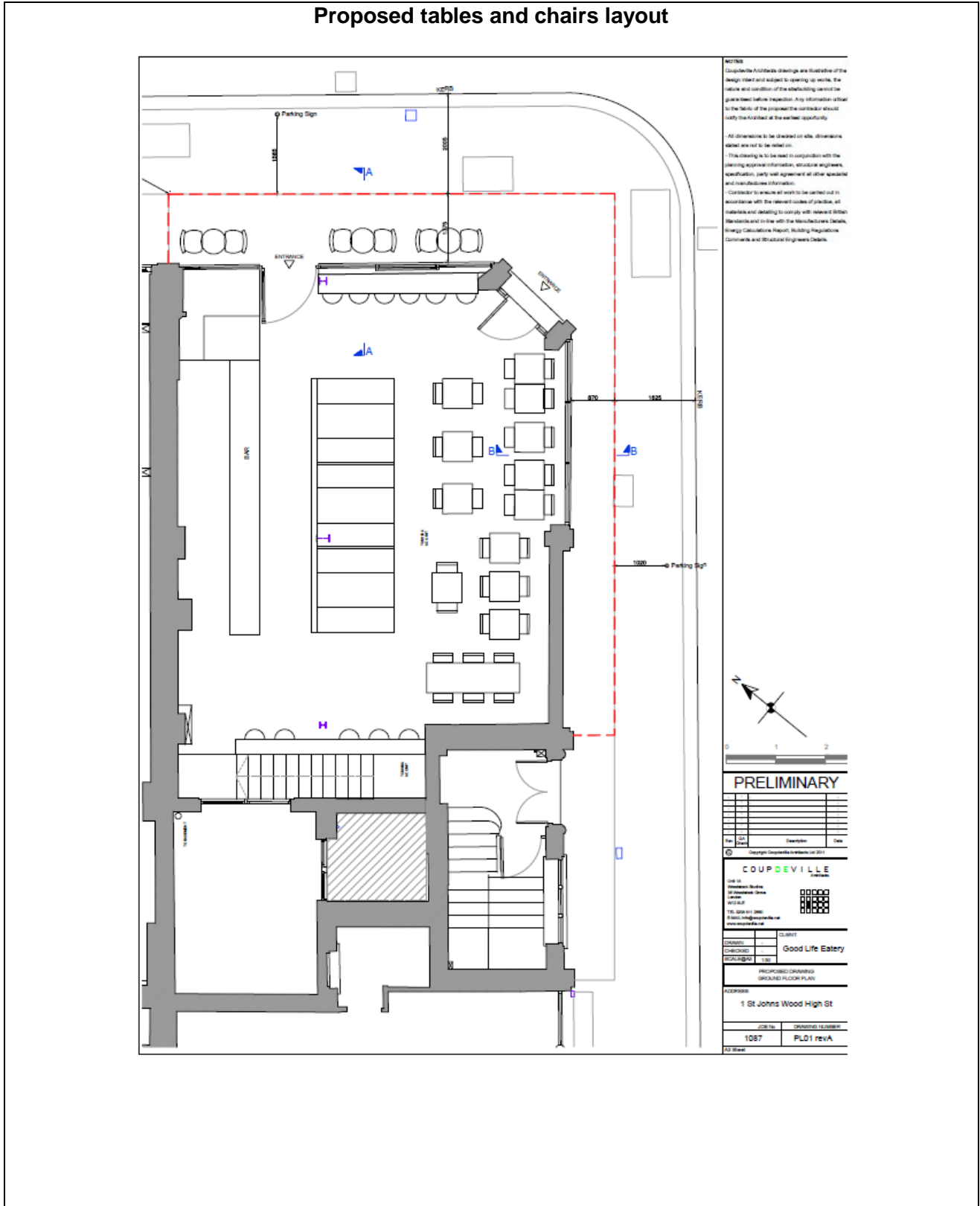
8. Letter from occupier of Flat 2B, Regent house, Wellington Place, London, dated 10 February 2017.

(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: NATHAN BARRETT BY EMAIL AT [nbarrett@wesminster.gov.uk](mailto:nbarrett@wesminster.gov.uk)

**10. KEY DRAWINGS**

**Proposed tables and chairs layout**



**NOTES**  
 Coupedville Architects drawings are illustrative of the design intent and subject to opening up works. The nature and condition of the existing cannot be guaranteed without inspection. Any information critical to the fabric of the proposed the contractor should verify the fabric at the earliest opportunity.

All dimensions to be checked on site. Dimensions stated are not to be relied on.  
 This drawing is to be used in conjunction with the planning approval information, structural engineers, specifications, party wall agreement or other approvals and manufacturer's information.  
 Contractor to ensure all work to be carried out in accordance with the relevant codes of practice, all materials and detailing to comply with relevant British Standards and in line with the Manufacturers Details, Energy Conservation Report, Building Regulations Compliance and Structural Engineers Details.

**PRELIMINARY**

Rev	Date	Description	Drawn

Copyright Coupedville Architects Ltd 2017  
**COUPDEVILLE**  
 Architects  
 1st Floor  
 1 St Johns Wood High Street  
 London N4 3JF  
 Tel: 0208 447 0400  
 Email: info@coupedville.co.uk  
 www.coupedville.co.uk

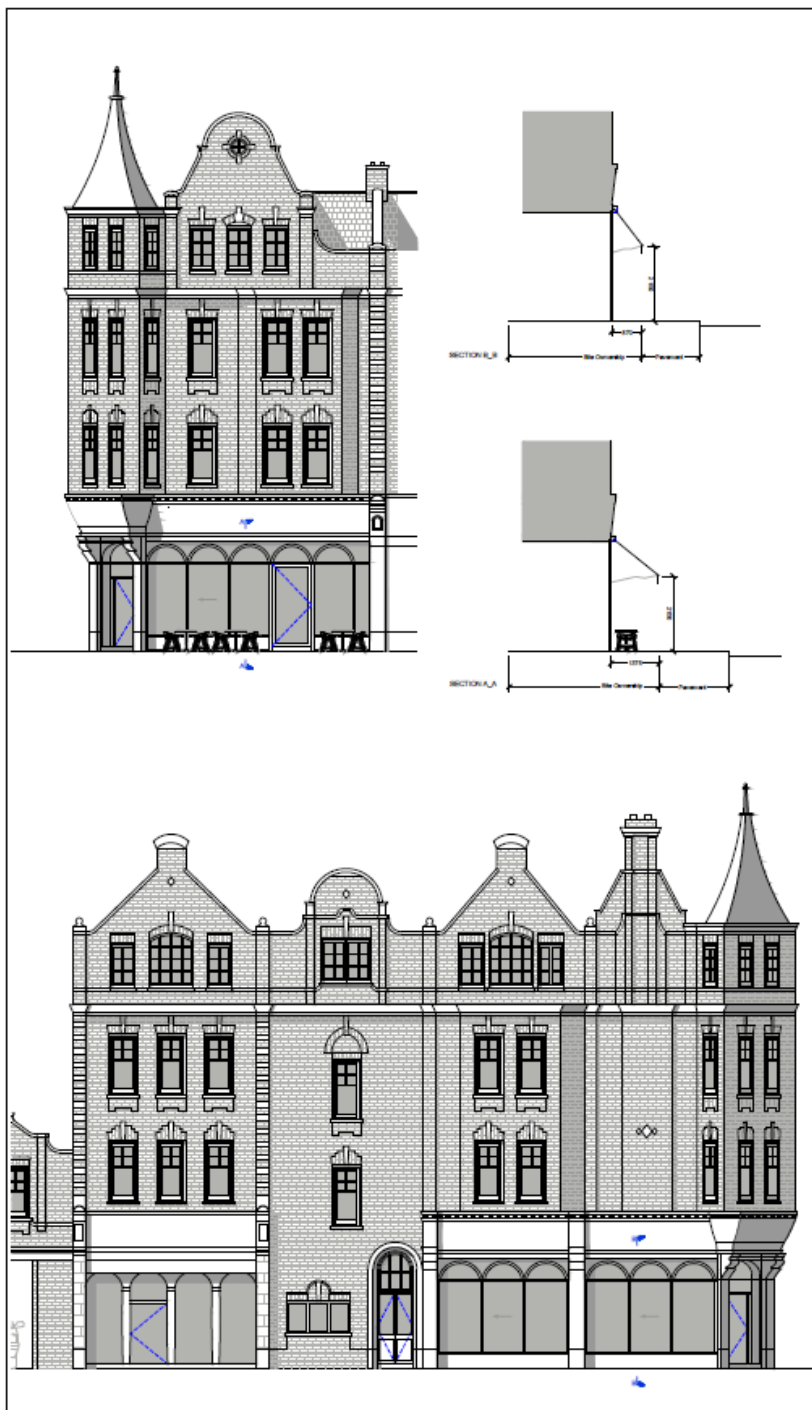
DESIGNED BY	CLIENT
CHECKED BY	Good Life Eatery
DATE	1/20

PROPOSED CHAIRS  
 SPECIFIED FLOOR PLAN

ADDRESS	
1 St Johns Wood High St	
JOB No	PROPOSED CHAIRS
1087	PLD1 rev A

1/2 Sheet

Proposed tables and chairs elevation



**NOTES**  
 Coupedville Architects drawings are illustrative of the design intent and subject to opening up works, the nature and condition of the existing structure is to be determined before inspection. Any information (other than the Notes) of the proposed contractor should notify the Architect at the earliest opportunity.  
 All dimensions to be checked on site, dimensions stated are not to be relied on.  
 This drawing is to be read in conjunction with the planning approval information, structural engineers, specifications, party wall agreement and other specialist and manufacturer information.  
 Contractor to ensure all work to be carried out in accordance with the relevant codes of practice, all standards and detailing to comply with relevant British Standards and in line with the Manufacturers Details, Energy Calculations Report, Building Regulations Compliance and Structural Engineers Details.

**PRELIMINARY**

Rev.	Date	Description	By

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**COUPDEVILLE**  
 Architects

Unit 10  
 Woodhouse Studio  
 40 Woodhouse Grove  
 Leeds  
 LS14 4JF  
 TEL: 0113 241 2460  
 E: info@coupedville.co.uk  
 www.coupedville.co.uk

DESIGNED BY	CL:BBK1
CHECKED BY	Good Life Eatery
SCALE: ARCHIT	1:100

PROPOSED DRAWINGS  
 ELEVATIONS AND SECTION

ADDRESS:  
 1 St Johns Wood High St

JOB No.	DRAWING NUMBER
1087	PL02 rev.A

PL02 elev

**DRAFT DECISION LETTER**

**Address:** 1 St John's Wood High Street, London, NW8 7NG,

**Proposal:** Use of area outside of the property for the placing of 3 tables and 6 chairs on St John's Wood High Street

**Reference:** 16/11597/TCH

**Plan Nos:** S01, PL01 rev A, PL02 rev A, Design and Access Statement

**Case Officer:** Samuel Gerstein **Direct Tel. No.** 020 7641 4273

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

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

**Reason:**

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

- 2 You can only put the tables and chairs on the pavement between 07:30 and 21.00. (C25BA)

**Reason:**

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 3 The tables and chairs must only be used by customers of the ground floor premises of No 1 St Johns Wood High Street London NW8 7NG (C25CA)

**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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 4 This use of the pavement may continue until 9 May 2018. You must then remove the tables and chairs. (C25DA)

**Reason:**

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and

TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 You can only put out on the pavement the tables and chairs shown on drawing PL01 revA.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 You cannot put tables and chairs in the area unless you have a street trading licence.  
  
If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.  
  
Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 You are advised that this permission relates to the use of the area outside of the property on St John's Wood High Street for the placing of 3 tables and 6 chairs only.
- 5 You are advised that the conversion of the premises to use falling under Use Class A3 would require a separate planning permission.



Item No.
<b>5</b>

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

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# Agenda Item 6

Item No.
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6
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 9 May 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>All Blocks, Hallfield Estate, London, W2 6EF</b>		
<b>Proposal</b>	Variation of conditions 1, 4 and 7 of planning permission dated 20 March 2012 (RN: 11/07608/COFUL) and conditions 1, 3 and 6 of listed building consent dated 12 March 2012 (RN: 11/07609/COLBC) for replacement of existing single glazed steel windows and doors on 14 residential blocks and the estate office with aluminium framed, double glazed windows in a pattern to match the existing in the existing window openings on the 10 storey blocks and parts of the living room elevations on the six storey blocks and the estate office. Installation of new painted timber street doors and double glazed fanlights in a pattern to match the existing, in the existing door openings and installation of new steel framed double glazed windows, in a pattern to match the existing, in the existing window openings on parts of the living room elevations of the six storey blocks and the estate office. NAMELY, to amend the window detailing and to allow the fanlights to open outwards		
<b>Agent</b>	Mr John Pratley		
<b>On behalf of</b>	Katharine Chambers		
<b>Registered Number</b>	16/08536/COFUL and 16/08899/COLBC	<b>Date amended/ completed</b>	14 November 2016
<b>Date Application Received</b>	26 May 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Hallfield Estate		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The Hallfield Estate is a mid 20<sup>th</sup> century housing estate located within the Hallfield Estate Conservation Area. The Estate comprises 13 residential blocks which are all Grade 2 listed, and

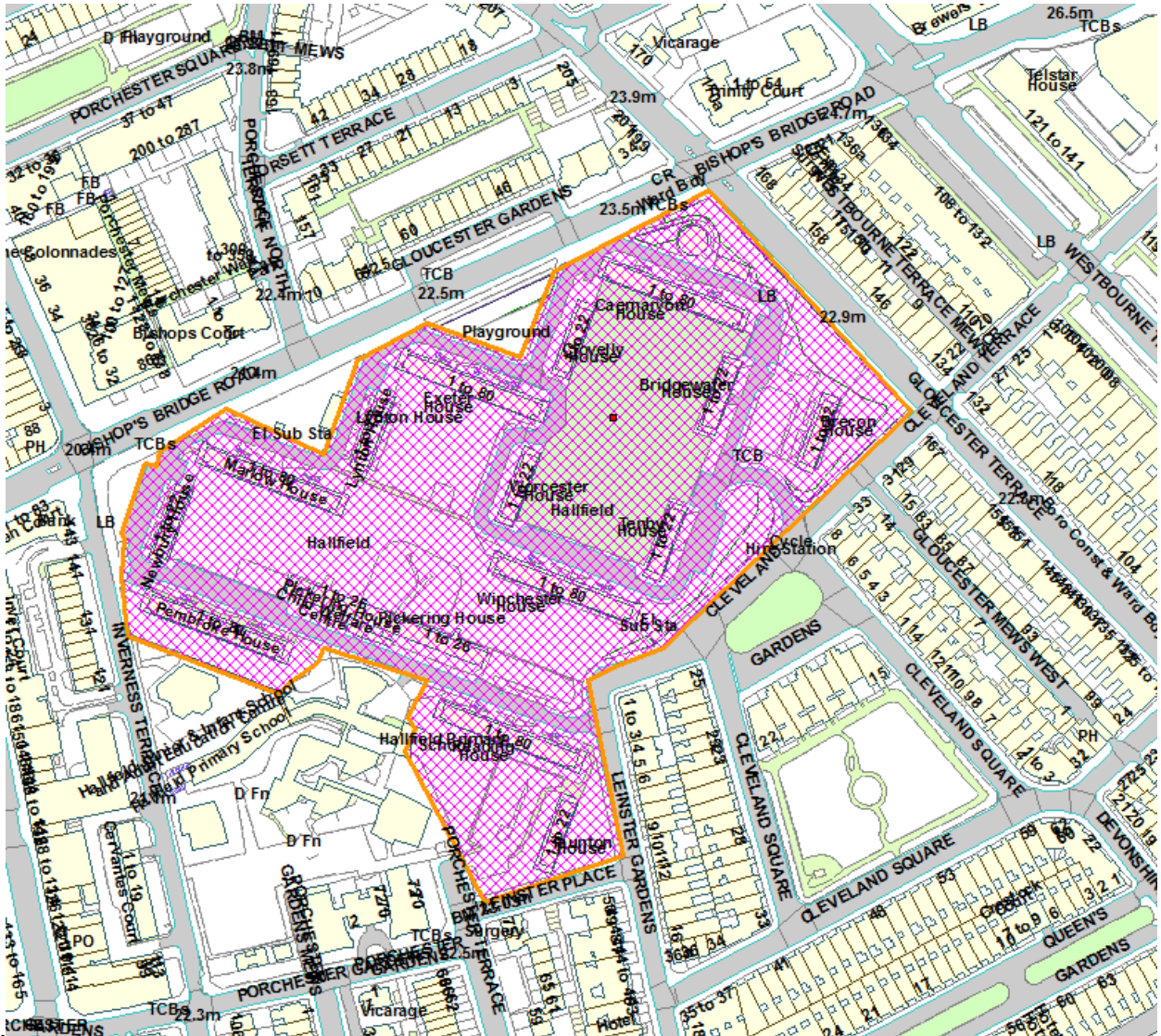
other ancillary blocks. Approvals were granted on 20th March 2012 for new double glazed windows to the 14 residential buildings and to the estate office, and for the installation of new painted timber entrance doors and fanlights above. These current applications seek amendments to that approval of 20<sup>th</sup> March 2012 to allow for the fanlights to the windows on the balcony walkways to open outwards, and for amendments to the detailed design of the windows.

The key issues in this case are:

- The impact of the proposed works on the character, appearance and special interest of the listed buildings and the Hallfield Estate Conservation Area.

It is considered that the proposals accord with the relevant policies in both the Core Strategy and the Unitary Development Plan. It is therefore recommended that conditional permission and listed building consent are granted subject to the conditions set out in the draft decision letters.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND

State that they do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 1489; Total No. of Replies: 3.

3 letters/ emails received raising objections on all or some of the following grounds:

#### Design

- \* Concern raised that Westminster City Council and City West Homes have failed to maintain the original windows and that had they been maintained there would be no reason to replace them.
- \* Concern raised that there is insufficient information given in the application submission to allow for a full understanding of the changes proposed in this application, including a lack of dimensions of the new windows, a reference to a mechanical vent on the drawings which is not included in the application (with concern raised about the inclusion of a vent to the window) and about the size and location of the fanlight and trickle vent details,

#### Other Issues

- \* Statement made that Westminster City Council and City West Homes should bear the full cost of replacing the windows.
- \* Statement made that the replacement of the windows is in breach of a lease.
- \* Statement made that the objector has photographs of disrepair at Bridgewater House which will be kept for evidence at a later tribunal.
- \* Statement made that windows were installed at 4 Brecon House approximately 2 years ago and also at Caernarvon House and Exeter House without planning permission.
- \* Concern expressed that the existing lighting to the common areas is in good condition and does not need replaced.
- \* State that the concerns raised will be passed on to Ward Councillors, the MP, the national and local press and that the issues will be raised in Parliament.
- \* State that the concerns set out in the objection letter should be addressed, and that the Chief Executive of City West Homes and the Chief Executive of Westminster City Council will be informed.
- \* Comment that they have been informed that the mechanical extractor fans are not to be fitted in the leasehold flats, and a concern raised that the installation of double glazing without mechanical extractor fans could cause condensation in the flats.

ADVERTISEMENT/ SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

These applications relate to the residential blocks and the estate office on the Hallfield Estate in Bayswater, which were constructed around 1949-1955. The estate was designed by the architectural practice Tecton, and then executed by two of its members, Lindsay Drake and Sir Denys Lasdun, after the firm split up. Lasdun in particular is one of the most respected mid 20<sup>th</sup> century architects and the estate as designed and executed is of particular architectural merit.

The residential buildings are Grade 2 listed and all the buildings on the estate are included within the Hallfield Estate Conservation Area.

### 6.2 Recent Relevant History

#### 11/07608/COFUL and 11/07609/COLBC

Replacement of existing single glazed steel windows and doors on 14 residential blocks and the estate office with aluminium framed, double glazed windows in a pattern to match the existing in the existing window openings on the 10 storey blocks and parts of the living room elevations on the six storey blocks and the estate office. Installation of new painted timber street doors and double glazed fanlights in a pattern to match the existing, in the existing door openings and installation of new steel framed double glazed windows, in a pattern to match the existing, in the existing window openings on parts of the living room elevations of the six storey blocks and the estate office.

Granted – 20 March 2012

## 7. THE PROPOSAL

These seek to amend applications previously approved for new windows and new residential entrance doors on 20<sup>th</sup> March 2012 (ref: 11/07608/COFUL and 11/07609/COLBC). Some work has commenced on this scheme, namely with the installation of windows to the garden facing elevations of Pembroke House, Reading House and Tenby House.

Following further design development/consideration of the windows to be installed across the estate, the applicant proposes windows with detailing to the framing which differs from that previously approved. The approved applications included conditions (3 of ref: 11/07609/COLBC and 4 of ref: 11/07608/COFUL) required all windows to be installed in one continuous programme without interruption. The applicant proposes amending these conditions to allow the revised windows to be installed.

The approved applications included conditions (7 of ref: 11/07608/COFUL and 6 of 11/07609/COFUL) preventing any windows from opening out over the balcony walkways. The applicant proposes varying these conditions to allow for the higher level fanlight windows to open outwards, with all other windows to the balcony walkway remaining as inward opening.



## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The scheme does not raise any land use considerations.

### **8.2 Townscape and Design**

The principal design issue that these current applications raise is detailing of the windows, particularly with regards to the thickness of the framing to the windows. A modification to the materials proposed for certain garden facing windows is also proposed, as is the creation of outward opening fanlights.

The applicants have submitted a series of section drawings comparing the previously approved windows with those now proposed, and though the profile of the windows does differ from the previously approved windows, the overall thickness remains similar to the previous approval. The detailing of the windows proposed is generally considered acceptable in itself, and is sufficiently similar to those previously approved for the change not be notably appreciable.

The one change of significance to the detailing of the windows however relates to the head of the new windows proposed for the balcony walkway side of the building. Since the previously approved applications, the applicants have further considered the design of the windows and how they will be incorporated into the window openings, and now advise that these balcony walkway windows may, in certain selected locations, require a thicker frame. These are shown to the application drawings as 'head extension' sections of the window framing, and would add between 29mm and 56mm increased thickness to the head of the windows. They advise that this results from a now recognised need to accommodate the existing internal reveal conditions that could exist in a flat, for example when the windows are being fitted to a flat that has a tiled kitchen window reveal. In such circumstances the additional insert extension to the top of the window framing would avoid the need to remove these internal finishes. The applicants advise that that these extensions are intended to be avoided unless proven to be required, although they note that in the absence of a full internal survey of each individual flat it is not possible at this stage to specify their intended locations. This increase in the thickness of the frame would be regrettable, as officers had sought in consultation with the applicants to secure a slender frame for these window openings. It is also regrettable that there is no clear information on which windows may be affected. Notwithstanding this, although the increase will result in a thicker and less elegant frame, it is recognised that the alternative would be for internal works to existing established finishes inside the flats affected. It is also recognised that the dark framing proposed will to an extent help minimise the visual impact of the framing, and that although the change will be apparent from the walkways themselves (or by the ground floor flats on this side of each building) from a greater distance the significant recession of the windows behind the projecting balcony fronts will minimise any impression in longer views. Although clearly regrettable, the rationale for the increase in thickness is understood, and it is not considered as a reason for refusal of the applications. An informative is attached advising that these should not be incorporated unless fully required.

The application also seeks to change the materials proposed for certain windows to the rear (garden facing) elevations. The previous approvals allowed for the windows and doors directly facing onto the balconies of the six storey blocks to be framed in steel. The current applications now propose these in aluminium which is the material proposed (and previously approved) for the rest of the new windows proposed. This change of material in itself is considered uncontentious, and the detailing of the windows and opening doors is considered acceptable.

It is noted that an objector raised a concern that there was insufficient information given in the application submission to allow for a full consideration of the proposals, including a lack of dimensions of the new windows. The final set of drawings however incorporate several drawings giving a range of comparisons between the section profiles of the approved windows and the windows now approved. The objector has been consulted on these revised drawings though no further comments have been received. In light of the detailed drawings submitted, it is not considered that this objection is sustainable.

The fanlights on the windows which face onto the balcony walkways already open outwards, and there are no design/listed building issues associated with the proposed change to allow the fanlight windows now proposed to do so.

Overall therefore, the proposals are considered acceptable in design and listed building terms, and in accordance with policies DES 1, DES 5, DES 9 and DES 10 of the UDP and policies S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

These application proposals raise no additional residential amenity issues.

### **8.4 Transportation/Parking**

Not applicable.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

The proposals do not affect the access arrangements to these proposals.

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

Not applicable.

### **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 and CIL are not relevant in the determination of this application.

#### **8.11 Environmental Impact Assessment**

Not applicable to development of this scale.

#### **8.12 Other Issues**

A condition was imposed upon the previous approvals of 20<sup>th</sup> March 2012 which required all of the windows on the balcony walkway sides of each building to open inwards only. In those applications some of the principal windows were intended to open outwards, albeit on restrictors. The condition was imposed partly in response to concerns expressed by a number of objectors to the previously approved applications that windows opening over the balcony walkways could give rise to an obstruction or hazard to pedestrians using the walkways. In these current applications however only the fanlight windows are intended to open outwards, with all other windows to the balcony walkway side of the building remaining as inward opening or fixed. The fanlight windows are at high level in the walkway, and the applicants advise that the bottom edge of the fanlights will be approximately 2.17m above the level of the deck. As such, given that they would not obstruct pedestrian movement, the proposed variation of the previously approved applications to allow for the opening of these fanlight windows is considered uncontentious.

Comments were made from an objector stating that the window replacement is required as a result of Westminster City Council and CityWest Homes not having maintained the original windows. Though noting the comments, the approvals of 20<sup>th</sup> March 2012 allowed for the replacement of all the windows to the residential blocks across the estate and the estate office, and scheme has been commenced. Given the implemented approval for the replacement of all the windows, it is not considered that the objection is sustainable.

Comments from objectors have also been made regarding the cost of the replacement windows, and that replacing the windows would be in breach of the lease. These however are not issues against which it is considered the applications could be judged unacceptable, and this current application merely seeks an amendment to the design of the windows and the opening mechanism of the fanlight windows. The question of who is responsible for the cost of the proposed works is a private matter to be resolved between the leaseholders in the buildings affected and CityWest Homes.

A further statement has been made by an objector stating that the replacement of the windows is in breach of the lease, however this would also be a private matter to be resolved between the leaseholders in the buildings affected and CityWest Homes.

The comments received stating that the objector has photographs of disrepair at Bridgewater House are noted but are not considered directly relevant to a consideration of

these current application proposals relating to amendments to a previous approval of windows and entrance doors.

A further statement is made by an objector that windows have been installed at Flat 4 in Brecon House and also at Caernarvon House and Exeter House without planning permission. It is understood that a pilot window has previously been installed at Flat 4 in Brecon House with the intention of allowing residents to fully appreciate the design of windows, though it is not known whether other pilot windows have also been installed to Caernarvon House and Exeter House. Though noting the statement made, it is not considered to influence a decision on the acceptability of the current application proposals.

A statement has also been made by an objector expressing a view that the existing lighting to the common areas is in good condition and does not need to be replaced. These current applications do not relate to proposals to replace the lighting and the comments therefore are not considered sustainable in relation to these current applications.

A further statement has been made commenting that the objector will pass their concerns on to Ward Councillors, their MP, the national and local press and that the issues will be discussed in Parliament, with a further comment received stating that the Chief Executive of CityWest Homes and the Chief Executive of Westminster City Council will be informed. Though noting these comments, they do not directly address the issues related to the current application proposals which relate specifically to the change in window design and the proposed allowance for the fanlight windows to open outwards over the balcony walkways, and as such though noting the comments they are not considered to directly affect a consideration of these current application proposals.

## 9. BACKGROUND PAPERS

1. Application form.
2. Letter from Historic England, dated 27 September 2016.
3. Letter from occupier of 40 Exeter House, Hallfield estate, dated 14 October 2016.
4. Letter from occupier of 60 Winchester House, Hallfield Estate, dated 14 October 2016.
5. Letter from occupier of 3 Bridgewater House, Hallfield Estate, dated 10 October 2016.

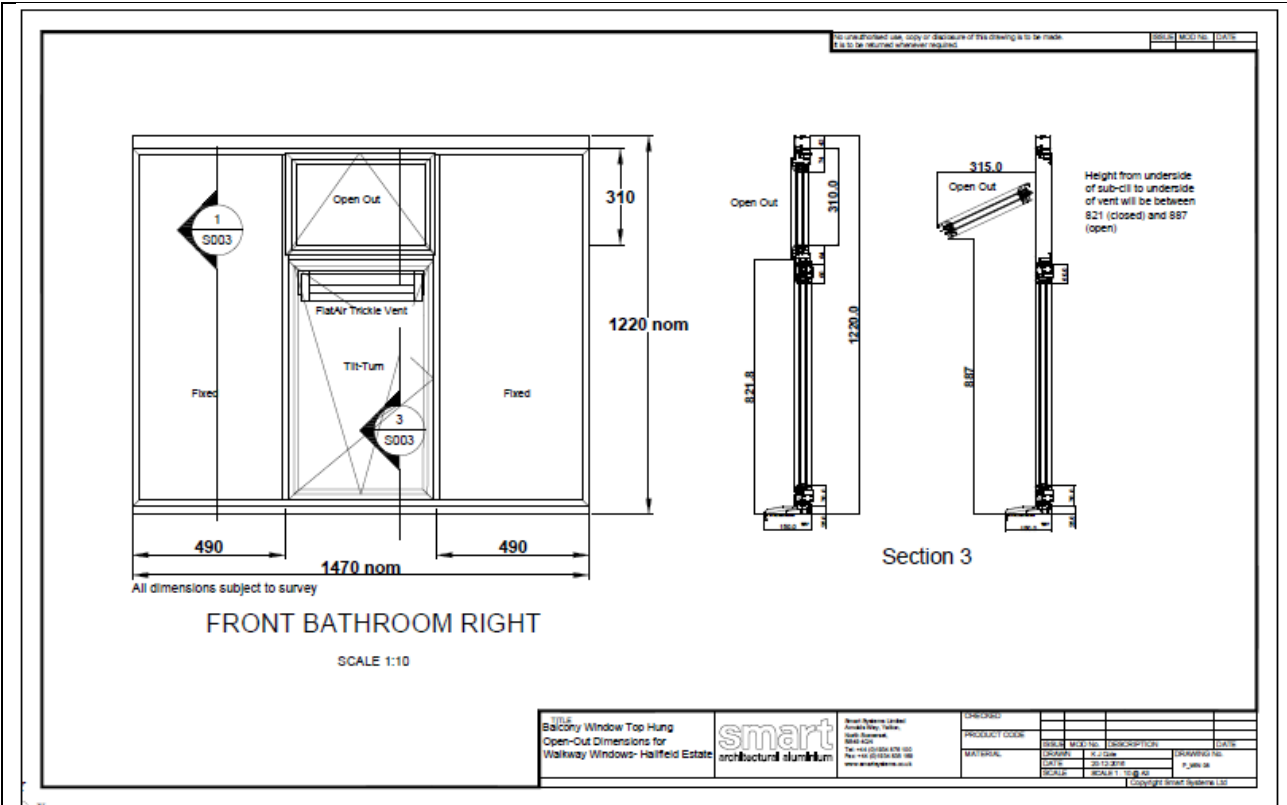
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

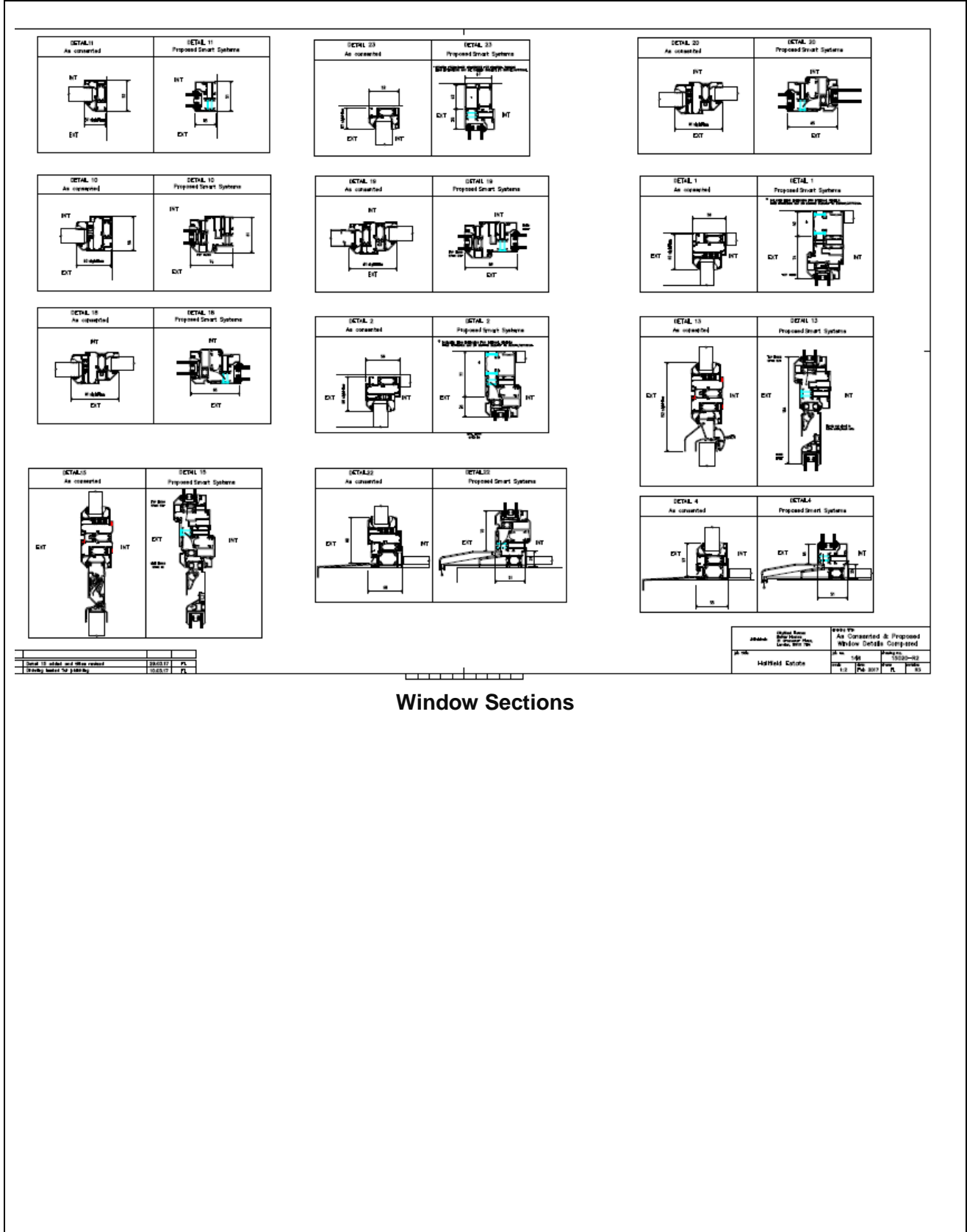
**10. KEY DRAWINGS**



**Pilot of proposed window (Note: Colour will be uniformly dark grey as shown, and will not incorporate white)**

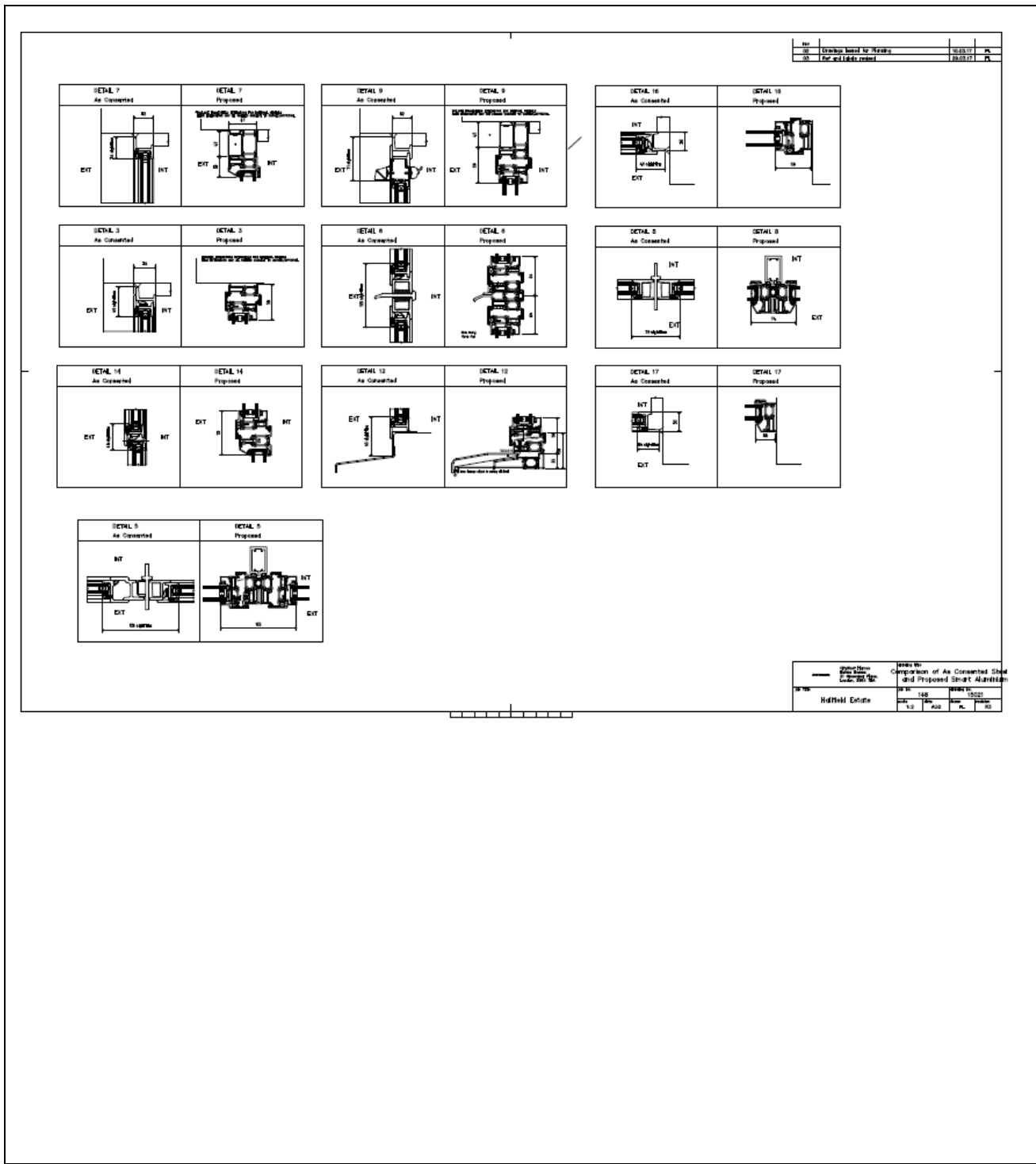


**Proposed window showing outward opening fanlight**




Model Name Title Location Date	05/25/17 As Constructed & Proposed Window Details Compared 10/20/16-17 1:0 PG. 007 FL 05
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Window Sections





**DRAFT DECISION LETTER**

**Address:** All Blocks, Hallfield Estate, London, W2 6EF

**Proposal:** Variation of Conditions 1, 4 and 7 of planning permission dated 20 March 2012 (RN: 11/07608/COFUL) for replacement of existing single glazed steel windows and doors on 14 residential blocks and the estate office with aluminium framed, double glazed windows in a pattern to match the existing in the existing window openings on the 10 storey blocks and parts of the living room elevations on the six storey blocks and the estate office. Installation of new painted timber street doors and double glazed fanlights in a pattern to match the existing, in the existing door openings and installation of new steel framed double glazed windows, in a pattern to match the existing, in the existing window openings on parts of the living room elevations of the six storey blocks and the estate office. NAMELY, to amend the window detailing and to allow the fanlights to open outwards.

**Reference:** 16/08536/COFUL

**Plan Nos:** 148\_20001\_01 Site Location Plan, 148\_20002\_01 Estate Block Plan, P-WIN-12-B, P-WIN-08, P-WIN-10, P-WIN-13A, 15020-R2-R3, 15021-R3, 07B, Brochure for Alitherm 47 Heritage Smart Window, Emails from Fiona Lamb dated 10 March 2017 and 29 March 2017 as amended by above drawings, Email from Katharine Chambers dated 21 October 2016 as amended by above drawings, 1 site photo of window in-situ, Heritage Statement from Avanti Architects dated June 2016 Rev B as amended by above drawings

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

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

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

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

Noisy work must not take place outside these hours 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 Hallfield Estate 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 works for the replacement of windows to any building (with the exception of Newbury House and the estate office, and with the exception of those already installed as shown on drawing PWIN-10) if commenced, shall be completed in their entirety across that and the other buildings included under this approval and in accordance with the schedule shown on drawing P-WIN-10 (with the exception of Newbury House and the estate office) as one continuous programme of works without interruption, and according to the drawings and details hereby approved including the grey external colour approved. If works for the replacement of windows to Newbury House or the estate office are commenced, they shall be completed in their entirety to the building in question as one continuous programme of works without interruption and according to the drawings and details hereby approved.

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 Hallfield Estate 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 apply to us for approval of a sample of frosted or obscured glass, or a sample of a film to be used to the inside of clear glass, to be used in the lower window panels of the windows to the garden facing elevations (to opposite side from balcony walkways) of Reading House, Pembroke House, Winchester house, Marlow House, Exeter House and Caernarvon House, and to bathroom windows facing the balcony walkways, and a

schedule of the locations where this will be installed. You must then carry out the work according to the sample and schedule approved.

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 Hallfield Estate 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 Prior to the installation of any of the new doors and door frames approved under this application you must submit samples of the colours to be used for painting the exterior of the entrance doors and door frames, and a management plan illustrating how the colour on the new doors and door frames throughout Hallfield Estate will be implemented and maintained. 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 colour samples and management plan.

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 Hallfield Estate 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 16/08536/COFUL DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 With the exception of the fanlight windows as shown on drawings 07B and P-WIN-08, the new windows to the balcony walkways and to ground floor level below the balcony walkways shall open inwards only

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 Hallfield Estate 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)

- 8 You must apply to us for approval of detailed drawings and manufacturers specifications for any cover strip to be applied to the windows to their elevation adjacent to the locking mechanism. 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 and specifications. (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 Hallfield Estate 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 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 You are advised that with regards to Condition 5, the strong preference of the City Council is for a relatively limited range of colours to be chosen of approximately 4 in number, and that these should be sombre colours to ensure that the appearance of the doors does not clash with the balcony fronts and that one of these colours should be the maroon colour identified as the original in the application submission
- 3 You are strongly advised to discuss the issues regarding the proposals for obscure glazing and the proposals for the paint colours for doors with residents prior to the submission of details to discharge the conditions relevant to these issues.

**DRAFT DECISION LETTER**

**Address:** All Blocks, Hallfield Estate, London, W2 6EF

**Proposal:** Variation of Conditions 1, 3 and 6 of listed building consent dated 12 March 2012 (RN: 11/07609/COLBC) for replacement of existing single glazed steel windows and doors on 14 residential blocks and the estate office with aluminium framed, double glazed windows, in a pattern to match the existing in the existing window openings on the 10 storey blocks and parts of the living room elevations on the six storey blocks and the estate office. Installation of new painted timber street doors and double glazed fanlights, in a pattern to match the existing, in the existing door openings and installation of new steel framed double glazed windows, in a pattern to match the existing, in the existing window openings on parts of the living room elevations of the six storey blocks and the estate office. NAMELY, to amend the window detailing and to allow the fanlights to open outwards

**Reference:** 16/08899/COLBC

**Plan Nos:** 148\_20001\_01 Site Location Plan, 148\_20002\_01 Estate Block Plan, P-WIN-12-B, P-WIN-08, P-WIN-10, P-WIN-13A, 15020-R2-R3, 15021-R3, 07B, Brochure for Alitherm 47 Heritage Smart Window, Emails from Fiona Lamb dated 10 March 2017 and 29 March 2017 as amended by above drawings, Email from Katharine Chambers dated 21 October 2016 as amended by above drawings, 1 site photo of window in-situ, Heritage Statement from Avanti Architects dated June 2016 Rev B as amended by above drawings

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our

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

- 3 The works for the replacement of windows to any building (with the exception of Newbury House and the estate office, and with the exception of those already installed as shown on drawing PWIN-10) if commenced, shall be completed in their entirety across that and the other buildings included under this approval and in accordance with the schedule shown on drawing P-WIN-10 (with the exception of Newbury House and the estate office) as one continuous programme of works without interruption, and according to the drawings and details hereby approved including the grey external colour approved. If works for the replacement of windows to Newbury House or the estate office are commenced, they shall be completed in their entirety to the building in question as one continuous programme of works without interruption and according to the drawings and details hereby approved.

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of a sample of frosted or obscured glass, or a sample of a film to be used to the inside of clear glass, to be used in the lower window panels of the windows to the garden facing elevations (to opposite side from balcony walkways) of Reading House, Pembroke House, Winchester house, Marlow House, Exeter House and Caernarvon House, and to bathroom windows facing the balcony walkways, and a schedule of the locations where this will be installed. You must then carry out the work according to the sample and schedule approved.

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 Prior to the installation of any of the new doors approved under this application you must submit samples of the colours to be used for painting the exterior of the doors, and a management plan illustrating how the colour on the new doors throughout the Hallfield Estate will be implemented and maintained. 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 colour samples and management plan.

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 With the exception of the fanlight windows as shown on drawings 07B and P-WIN-08, the new windows to the balcony walkways and to ground floor level below the balcony walkways shall open inwards only

**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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must apply to us for approval of detailed drawings and manufacturers specifications for any cover strip to be applied to the windows to their elevation adjacent to the locking mechanism. 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 and specifications.

**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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC) 16/08899/COLBC

**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 special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You are advised that with regards to condition 6, the strong preference of the City Council is for a relatively limited range of colours to be chosen of approximately 4 in number, and that these should be sombre colours to ensure that the appearance of the doors does not clash with the balcony fronts and that one of these colours should be the maroon colour identified as the original in the application submission.
- 3 You are strongly advised to discuss the issues regarding the proposals for obscure glazing and the proposals for the paint colours for doors with residents prior to the submission of details to discharge the conditions relevant to these issues.

Item No.
<b>6</b>

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 9

Item No.

9

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 9 May 2017	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	17 Adam's Row, London, W1K 2LA		
<b>Proposal</b>	Demolition behind retained front facade and redevelopment to provide a building comprising new basement, ground and two upper floors, including rear extensions at ground and first floors, and 1st floor rear terrace, for use as a single family dwelling with two integral garages.		
<b>Agent</b>	De Matos Ryan		
<b>On behalf of</b>	Alexanders Ltd.		
<b>Registered Number</b>	16/12217/FULL	<b>Date amended/ completed</b>	11 January 2017
<b>Date Application Received</b>	22 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

This application was reported to the Planning Applications Committee on 28 March 2017 when the Committee resolved to grant conditional permission. However, prior to issuing the decision notice, Officers became aware of an additional objection, received by the City Council on 23 February 2017, which was unfortunately not referred to in the Committee report.

This objection is made on behalf of the occupiers of 15 Adam's Row on the grounds that the scheme does not accord with the City Council's basement policy, that the demolition of the building behind the retained front façade is contrary to the Council's design policies and that there would be unacceptable disturbance and inconvenience to neighbouring properties during the course of construction.

All of these issues were explored in the previous report. Consequently, the application is, again, recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

8 Nov 2016, 15:32:49



## 5. CONSULTATIONS

No additional consultations

No. Consulted: 48

Total No. of replies: 4

No. of objections: 3 original objections including 2 letters from one neighbour and 1 additional objection (which is the subject of this report)

No. in support: 0

Additional comments received

- Development not in accordance with the City Council's basement policy;
- Neighbours not consulted prior to the submission of application;
- Demolition of the building contrary to the Council's design policies;
- Noise and inconvenience during building works;
- Applicant should be required to comply with Code of Construction Practice;
- Hours of building works should be limited to less than standard hours;
- Use of independent garages as integral parking within proposed house affects character of conservation area.

## 6. Detailed considerations

### 6.1 Basement Policy

Any basement developments need to be assessed against City Plan Policy CM28.1. As outlined in the original report, the site is located within the Core CAZ and the new basement will not extend beyond the footprint of the existing building.

The objector considers that the applicant has submitted an inadequate Construction Methodology Statement, and that full construction details should be agreed prior to the granting of any planning permission. They are also concerned that the applicant has failed to submit a proforma Appendix A of the Code of Construction Practice (CoCP) which requires them to sign up to the new CoCP.

As detailed in the original committee report, the Construction Methodology Statement (CMS) will not be approved as part of this application and conditions will not be imposed requiring the works to be carried out in accordance with it. However, the CMS includes sufficient information for the Building Control Officer to confirm that the proposed construction methodology is acceptable and this is as far as this matter can reasonably be taken as part of the consideration of the planning application. The applicant has provided a signed document confirming that they would adhere to the CoCP, and this is controlled by condition.

It is regrettable that the applicant did not consult the objector prior to the submission of the planning application, as encouraged to by the City Council's

basement development policy CM28. However, permission could not be withheld on these grounds. Full neighbour consultation was undertaken by the City Council

## **6.2 Design and Townscape**

The proposals involve the demolition of 17 Adam's Row, retaining the existing front façade. The front roof slope is to be rebuilt in facsimile, reusing the cupola. The chimney stacks to the party walls are to be retained, with the exception of a single, centrally located, chimney which would be demolished and not replaced. By retaining the front façade, the development will retain the key elements of the building.

The rear elevation is to be rebuilt to include small extensions at ground and first floor levels. The rear roof slope will have a revised window arrangement. The existing large and small dormers would be replaced with a single, central, dormer with rooflights on either side. New bi-folding doors will allow access onto a replacement first floor terrace.

The objector is concerned that the proposals are contrary to adopted design policies. However it is considered that the proposal will not cause harm either to the character of the mews or to the setting of neighbouring listed building to the rear of the site. The scheme is considered acceptable in this context, particularly taking into account the large scale of the buildings to the rear and the enclosed nature of the site. The development is of an appropriately high quality which outweighs the less than substantial harm caused by the redevelopment of the unlisted building behind the retained front facade.

## **6.3 Use of garages**

The objector also refers to UDP policy DES9(E), which specifically relates to the impact of changes of use within conservation areas. It is not considered that the use of independent garages, as garages which are integral to the proposed dwellinghouse, would adversely affect the character of the conservation area.

## **6.4 Impact of construction works**

The previous report considers the impact of the proposed construction works, including noise disturbance, hours of building works, and potential damage to party walls.

The additional objection refers to potential disturbance caused by the development, including from noise, vibration and construction traffic. The objector also consider that the hours of building work should be restricted beyond standard hours (0800 to 1800 on Monday to Fridays and from 0800 to 1300 on Saturday). However, it is not considered that any further restrictions could be justified.

The new Code of Construction Practice arrangements provide the Council with greater monitoring powers for the construction period, with the aim of reducing

construction-related impacts on the locality. The applicant will comply with these arrangements, which should ensure that construction impact is minimised as far as possible. This could involve the negotiation of additional quiet working times.

## **7. BACKGROUND PAPERS**

1. Report to the Planning Applications Committee 28 March 2017 and committee minute
2. Letter on behalf of the occupier of 15 Adam's Row, dated 21 February 2017

(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: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 17 Adams Row, London, W1K 2LA,

**Proposal:** Demolition behind retained front facade and redevelopment to provide a building comprising new basement, ground and two upper floors, including rear extensions at ground and first floors, and 1st floor rear terrace, for use as a single family dwelling with two integral garages.

**Reference:** 16/12217/FULL

**Plan Nos:** 590\_A\_DRW\_10\_010 REV PL5, 590\_A\_DRW\_10\_011 REV PL2,  
590\_A\_DRW\_10\_110 REV PL4, 590\_A\_DRW\_10\_111 REV PL3,  
590\_A\_DRW\_10\_210 REV PL4

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

**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: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: 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 (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 Mayfair 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 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

**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 Mayfair 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 The roof tiles must be stored and reused on the rebuilt roof.

**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 Mayfair 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 The existing cupola must be carefully dismantled, securely stored, and then replaced on the new roof structure.

**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 Mayfair 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 The existing garage doors must be securely stored during building work and reinstated in their current positions.

**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 Mayfair 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)



- 8 You must apply to us for approval of drawings at 1:5 and 1:20 of the following parts of the development - all new windows and doors. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these 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 Mayfair 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 The chimneys surmounting each of the party walls must be retained on site and carefully protected during the course of construction.

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 Mayfair 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)

- 10 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise,

at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 13 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.

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

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 You must provide the waste store shown on drawing 590\_A\_DRW\_10\_010 REV PL5 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. 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)

- 16 You must apply to us for approval of detailed drawings showing the following removal of plant and vents from the scheme. Notwithstanding as detailed on plan numbers; 590\_A\_DRW\_10\_011 REV PL2, 590\_A\_DRW\_10\_110 REV PL4, 590\_A\_DRW\_10\_111 REV PL3, 590\_A\_DRW\_10\_210 REV PL4 you must not commence works on this part of the property until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

**Reason:**

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

**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 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following., \* Window cleaning - where possible, install windows that can be cleaned safely from within the building., \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained., \* Lighting - ensure luminaires can be safely accessed for replacement., \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm)., , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 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 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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> 28 March 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>	17 Adams Row, London, W1K 2LA,		
<b>Proposal</b>	Demolition behind retained front facade and redevelopment to provide a building comprising new basement, ground and two upper floors, including rear extensions at ground and first floors, and 1st floor rear terrace, for use as a single family dwelling with two integral garages.		
<b>Agent</b>	De Matos Ryan		
<b>On behalf of</b>	Alexanders Ltd.		
<b>Registered Number</b>	16/12217/FULL	<b>Date amended/ completed</b>	11 January 2017
<b>Date Application Received</b>	22 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The application premises comprises two garages at part ground part and part lower ground floor levels with residential flats at both 1<sup>st</sup> and 2<sup>nd</sup> floors. Adams Row is situated to the south of Grosvenor Square within the Mayfair Conservation Area.

Permission is sought for redevelopment behind a retained front façade to provide a new building comprising basement, ground and two upper floors for use as a 5 x bedroom single dwellinghouse.

The key issues for consideration are:

- The impact on residential amenity.
- The impact on the townscape and the character and appearance of the Mayfair Conservation Area.

The new building will not result in a material increase in bulk and mass and would not adversely impact on the amenity of neighbouring residents. The scheme is also considered to be acceptable in design terms and would preserve the character and appearance of the Mayfair Conservation Area. The application accords with adopted policies in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan), accordingly the application is recommended for approval.

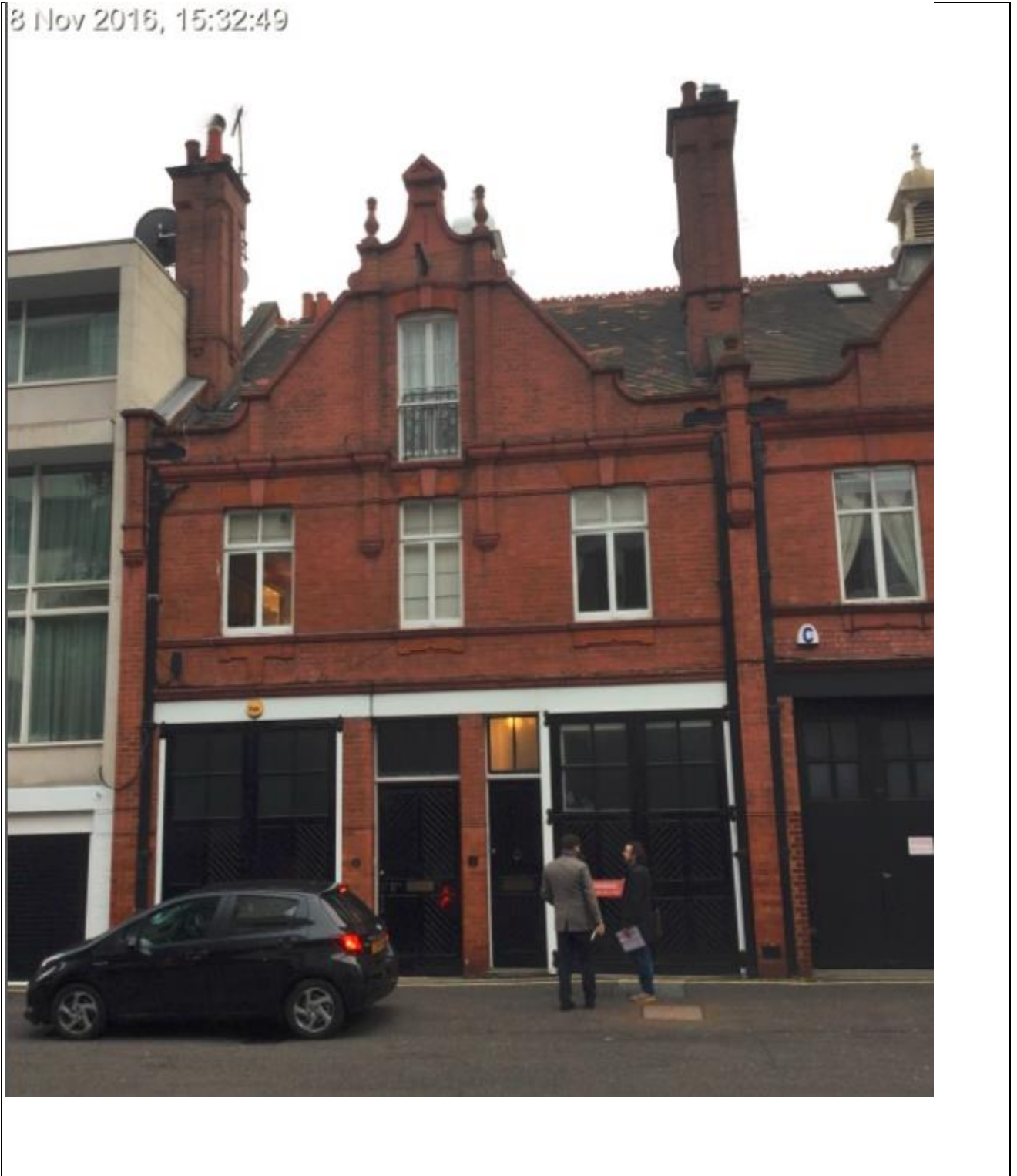
## 3. LOCATION PLAN



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4. PHOTOGRAPHS

8 Nov 2016, 15:32:49





27 Sep 2016, 14:15:30



27 Sep 2016, 14:15:32



## 5. CONSULTATIONS

### COUNCILLOR ROBERTS:

Objection to potential noise disturbance from construction, comment that the premise overlooks bedrooms to flats at 18 Mount Street. The Mews properties are part of the charm of the conservation area and are not significantly altered at both front and rear, which should be continued.

### RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally

### BUILDING CONTROL:

No objection, comment that the structural method statement is acceptable.

### ENVIRONMENTAL HEALTH:

No objection, subject to conditions

### HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48

Total No. of replies: 4

No. of objections: 4

No. in support: 0

4 letters of objection raising some or all of the following issues:

- Noise and disturbance nuisance during construction works.
- Potential structural damage

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No 17 Adams Row comprises part lower ground, ground and two upper floors. The ground and lower ground floor are garages currently used as storage space, with a 1x2 bedroom flat on each of the 1<sup>st</sup> and 2<sup>nd</sup> floors. The building is not listed but is located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ).

The surrounding area is mixed use in character comprising commercial offices, residential, retail, and restaurant uses.

## 6.2 Recent Relevant History

None relevant

## 7. THE PROPOSAL

Permission is sought to redevelop the existing mews building behind a retained front façade. The rebuilt property which will include a new basement, would comprise basement, ground and two upper floors for use a single 5 x bedroom house with integral garages.

The scheme would result in an increase of 49.3 m<sup>2</sup> (new basement). There is no increase in height, the proposal includes small extensions at rear ground and first floor levels. No change is proposed to the front fenestration in the retained front façade. At the rear two asymmetrical dormers will be replaced by a single central dormer window and rooflights.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The lawful use of the 1<sup>st</sup> and 2<sup>nd</sup> floors is residential, comprising flats 2 x flats. The scheme would result in the provision of a single 5 x bedroom house.

Policy S14 of the adopted City Plan 2016 seeks to optimise residential as such residential is protected both in terms of both units and floorspace. An exception to the policy is where flats are behind combined to create a family sized unit, which is the case in this instance. The proposal is therefore in accordance with policy. The additional residential floorspace is welcomed. The proposed house accords with The Mayor of London's housing standards and would provide a good standard of accommodation.

### 8.2 Townscape and Design

#### Background

17 Adams Row is an unlisted building in the Mayfair conservation area. It forms part of a terrace with 12-20 Adams Row, and was built as stabling to service the new shops in Mount Street in 1896. It is considered to make a positive contribution to the character and appearance of the conservation area. The Adams Row buildings would have been among the last purpose built stables to be constructed in Westminster, before stables were replaced in new developments by garaging for motor cars.

The Adams Row buildings, with the exception of the adjacent no.16, which was rebuilt in 1960, have stable doors at ground floor level with gabled red brick

facades above. Each roof features a louvred cupola, presumably to provide fresh air to the ground floor stabling.

The fronts of the buildings form a highly consistent terrace, notwithstanding the insertion of no.16. At the rear the buildings are less consistent. The rear roof slopes have had a variety of windows and rooflights added. Nos. 12 to 15 all have a large rear dormers taking up the majority of the rear roofslope. Nos. 17 to 19 have matching large and small rear dormers, though no 19 is much altered. No 20 is not consistent. The lower floors are mostly concealed behind the party wall with Mount Street buildings.

The significance of the buildings exists mostly in their front elevations, including roof covering and cupola. These make a considerable contribution to the character of the Mayfair conservation area, and the protection of the front elevation is key. While the rear elevation does also have some degree of significance, particularly in the arrangement of large and small dormers, this is limited because:  
visibility is limited;  
the rear of the terrace has limited consistency;  
the rear elevations are modest in design, with little decorative detail.

#### Principle of Demolition

Councillor Roberts has commented that the Adams Row mews houses are part of the charm of the Mayfair conservation area and have not been altered much at the rear as well as the front and that this should continue.

The proposals involve the demolition of 17 Adams Row, retaining the existing front façade. The front roof slope is to be rebuilt in facsimile, reusing the cupola. The chimney stacks to the party walls are to be retained, with only a single centrally located chimney to be demolished and not rebuilt. By retaining the front façade the scheme will retain the key elements of the building which is considered to be acceptable in design terms.

The rear elevation is to be rebuilt including small extensions at ground and first floor levels. The rear roof slope will have a revised arrangement of windows. The existing large and small dormers are to be replaced with a single central dormer with rooflights either side. New bi-folding doors will allow access onto an existing 1<sup>st</sup> floor terrace.

Impact on the new building on the conservation area.

The key issue at the rear is the loss of the large and small dormer in the rear roof slope. The other changes to the rear elevation are considered to have less impact on the appearance of the building because of the height of the rear party wall, which rises almost to eaves level.

The current arrangement of dormers does have some charm, its asymmetry is a deliberate device, repeated at no 18 next door. It is not however considered that

there is sufficient consistency of rear dormer arrangements along Adams Row for this to form a reason to resist the loss of the dormers. The proposed arrangement of windows and rooflights is considered to be sufficiently traditional for this, relatively sensitive, context.

A markedly modern central dormer was originally proposed, along with a frameless glass opening to the rear terrace. Both these elements have been redesigned in more traditional materials and design to better reflect the style and period of the host building. These elements are now considered to be acceptable.

The proposal will not cause harm to the character of the mews and setting of neighbouring listed building to the rear. The scheme is considered acceptable in this context, particularly taking into account the large scale of the buildings to the rear and the enclosed nature of the site and is of an appropriately high quality to outweigh the less than substantial harm caused by the redevelopment of the unlisted building.

### **8.3 Residential Amenity ( Daylight/ sunlight/ sense of enclosure/ privacy)**

With the exception of the new basement which will not extend beyond the footprint of the existing building and the small rear ground and first floor extensions, which are contained below the height of a rear boundary wall, the proposed rebuilt mews house is within the envelope of the existing building. A daylight and sunlight report has been submitted in support of the application which assesses the impact of the development on No's 20-22 Mount Row located directly to the rear. The main roof of the proposed building will follow the height and pitch of the existing building and the rear extensions are set below the boundary wall separating the buildings. As such, the scheme would have no material impact on daylight, sunlight or sense of enclosure to No 20-22 Mount Street or any of the surrounding nearby properties.

Councillor Roberts comments that the existing mews building overlooks bedrooms of residential properties on Mount Street. Although as stated the scheme would result in the re-arrangement windows at the rear of the building this would not result in any increased overlooking. The present arrangement of a large and single dormer window will be amended to a single central dormer window and rooflights. The new central dormer window will serve a staircase. New bi folding doors allowing access onto an existing terrace are below the existing rear boundary wall. The proposed changes to the rear fenestration detailing would not result in a loss of privacy. The development will not result in a loss of amenity to residents and accords with policies ENV 13 of the UDP and S29 of Westminster's City Plan.

### **8.4 Transportation/Parking**

The existing garages provide 3 off street car parking spaces. The scheme will retain the garages which will be integral with the mews house and would result in

the provision of two car parking spaces and two cycle parking spaces. The Highways Planning has confirmed that this is acceptable. It is recommended that the car parking and cycle parking spaces are secured by condition.

### **8.5 Economic Considerations**

The economic benefits associated with the development are welcomed.

### **8.6 Access**

The access arrangements to the mews dwelling will remain unchanged.

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

#### **Plant**

The application includes plant which will be positioned internally within the roof of the property. An acoustic report has been submitted in support of the application which has been assessed by Environmental Health team who raise no objection. This aspect of the application is considered acceptable subject to the imposition of the normal noise conditions.

### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

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

The proposal is not CIL-liable.

### **8.11 Environmental Impact Assessment**

The scheme is of insufficient scale to require an Environmental Impact Assessment.

### **8.12 Other Issues**

#### **Basement**

Basement developments need to be assessed against City Plan Policy CM28.1. The new basement will not extend beyond the footprint of the existing building to

this residential building situated with the Core CAZ. The proposed basement complies with the criteria as set out in the policy and is considered to be acceptable in principle.

### **Structural issues**

With regards to structural impact, objections have been received from adjoining occupiers in relation to potential structural damage as a result of the building works particularly from the construction of the basement. The application includes the submission of a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Building Control officers have reviewed the submitted details and raised no concerns. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

The site is not a surface water flood risk hotspot.

### **Construction impact**

Objections have been received from adjoining occupiers that the development would result in nuisance from construction works, including problems associated with vehicles accessing the site, noise disturbance, hours of building works, and potential damage to party walls. Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma setting out an obligation on behalf of the applicant to undertake the works in accordance with the Councils Code of Construction Practice. This is a provision of the adopted basement policy revision to provide the Council with greater monitoring powers for the construction period and details of construction practices; with the aim of reducing construction related impacts on the locality. The applicant has agreed that they will adhere to the City council's Code of Construction Practice. It is recommended that this is secured by condition. This should successfully ensure that construction should not result in a



loss of amenity to residents. On this basis permission could not reasonably be withheld due to the potential impact of construction works.

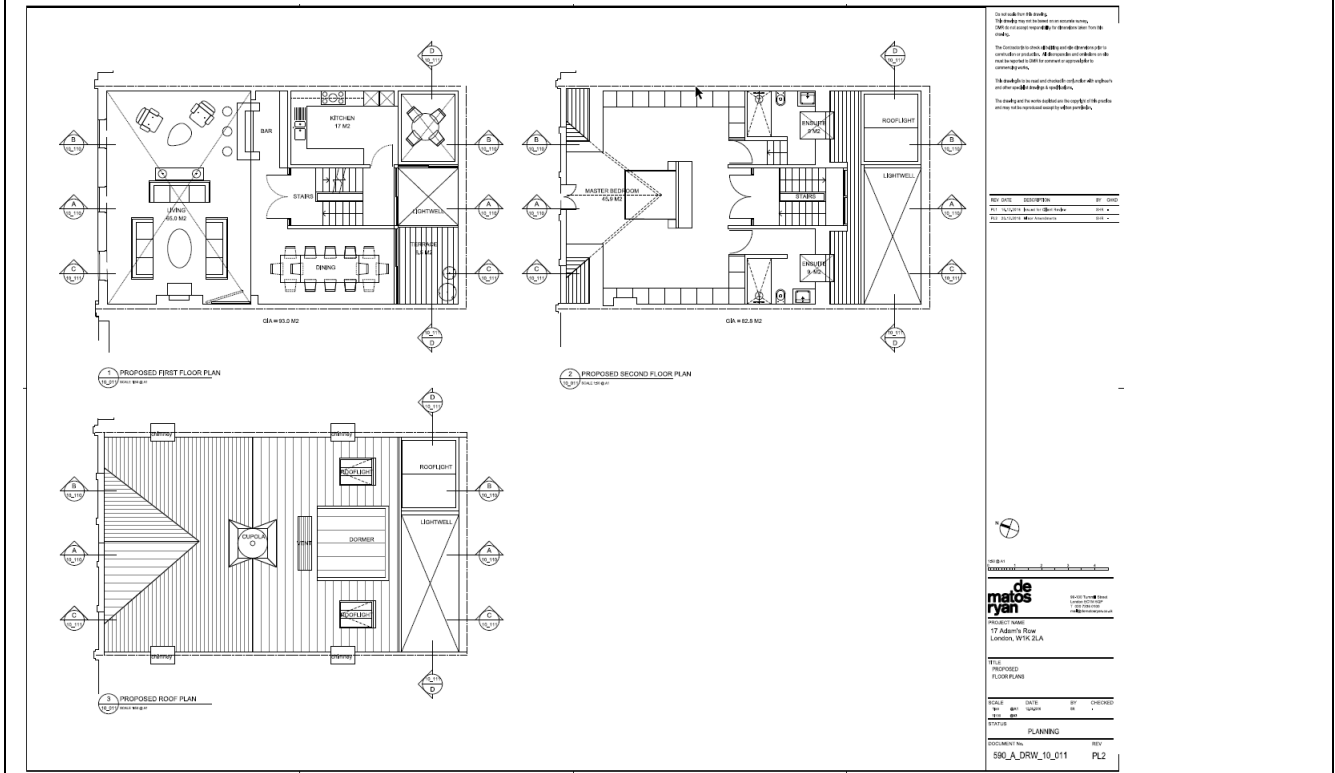
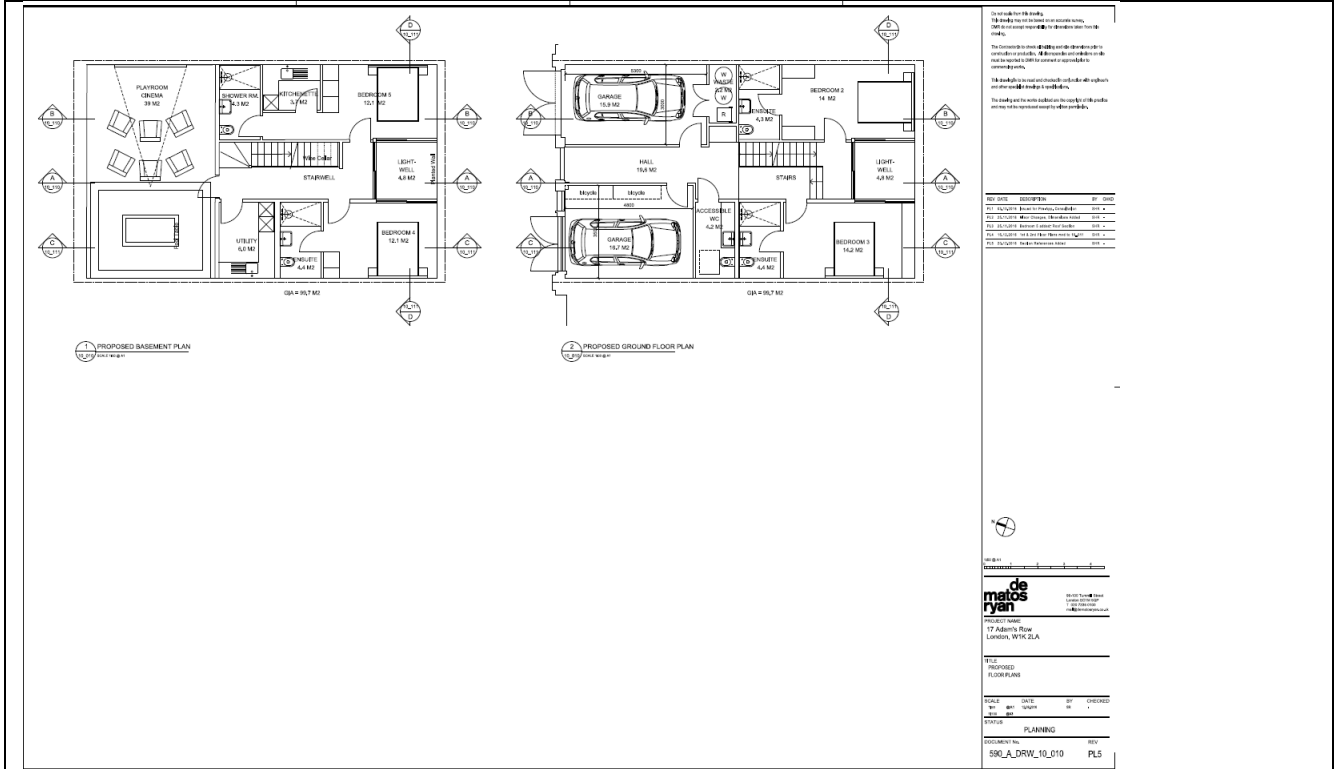
## 9. BACKGROUND PAPERS

3. Application form
4. E-mail from Councillor Roberts, dated 28 January 2017
5. Letter from occupier of 16 Adams Row, London, dated 9 February 2017
6. Letter from occupier of 18 Adams Row, London, dated 6 February 2017
7. Letter from occupier of 18 Adams Row, London, dated 9 February 2017
8. Email from District Surveyor dated 20 March 2017.

(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: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)





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